

BEFORE THE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

IN

ORIGINAL APPLICATION NO. 57 OF 2019

IN THE MATTER OF

Mr. Tousif Bagnikar

...Petitioner

Versus

M/s Auto India Bajaj and Ors.

...Respondents

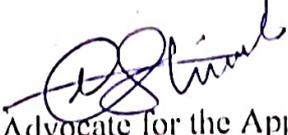
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Pune

Date: 21/08/2021


Advocate for the Applicant.

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WESTERN ZONE BENCH, PUNE
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REPLY ON BEHALF OF RESPONDENT NO. 1, TO
THE ORIGINAL APPLICATION FILED BY THE
APPLICANT AS FOLLOWS:

1. PRELIMINARY SUBMISSION:

- a) The applicant has filed this complaint with ulterior motive and in order to black mail the present respondent. **The applicant has suppressed material facts** and tried to show that he is a publicly spirited citizen and supports development of environment which is totally wrong and false. **The applicant has filed this application due to his personal grudge against present respondent. The motive of the applicant is to pressurize the present applicant in order to escape from his legal liability as per judgment**



given by Hon'ble Civil Judge Junior Division at Sangli in RCS 944/2012 dated 18/04/2018.

- b) It is pertinent to note that local residents have never complained about present respondent to the MPCB. Applicant Tousif Bagnikar was the employee of the present respondent. Applicant Tousif Bagnikar has suddenly left the job of present respondent even though he has executed guarantee bond agreement. Because of which the present respondent has filed Civil Suit against Tousif Bagnikar before the Hon'ble Civil Judge Junior Division at Sangli bearing No. RCS 944/2012. The Hon'ble Court has decreed the suit filed by the present respondent and passed Judgment against applicant Tousif Bagnikar on 18/04/2018. The Hon'ble court ordered applicant to pay Rs. 50,000/- along with an interest at the rate of 6 % per annum to the present respondent. **(Copy of the Judgment passed by Hon'ble Civil Judge Junior Division at Sangli in RCS 944/2012 on 18/04/2018 is annexed and marked herewith as "Annexure A")**.
- c) The applicant was employee of the present respondent but he has never complained against the present respondent during his employment and even after leaving the employment. However The applicant has given complaint against the present respondent on 1/10/2018. **It is pertinent to note that the applicant has filed complaint against the present respondent to the MPCB and other authorities only after the Judgment passed by Hon'ble Civil Judge Junior Division at Sangli in RCS 944/2012 on**



18/04/2018. The applicant tried to pressurize the present respondent by filling various complaints with various authorities in order to compromise the matter. The applicant has not succeeded in his intentions as the respondent was doing his business by following all the legal norms. The present respondent has obtained all the necessary permissions to run the unit. The present respondent have also got number of awards at state and national level for their excellent work. However the present respondent has not applied for consent from MPCB as the entire Automobile and servicing sector of not only Sangli but also from Maharashtra is unaware about obtaining consent from MPCB. The MPCB can also provide details about number of Automobile and servicing units and consent taken by those units.

d) The present respondent is fairly admitting that they were unaware about consent to be taken from MPCB and the present respondent has also conveyed this fact to MPCB since the beginning of complaint filed by applicant. The present respondent has also asked for guidance from MPCB since they have received the complaints of applicant. The applicant has taken undue advantage about the ignorance of present applicant and filed fake complaints against present respondent.

e) It is pertinent to note that there are more than 9 big Automobile Showrooms, n number of vehicle servicing and washing centers situated within close vicinity of present respondent. As the Sangli Madhavnagar road (the place where



present respondent unit is situated) is prime location for Automobile sector, near about all the automobile brands i.e. Royal Enfield, Piaggio, TVS, Yamaha, Suzuki, Honda, Mahindra, Maruti, Nexa, Renault, Sonalika, Atul Motors etc. are having their sales and servicing centers in the area. The Showroom and servicing centers of Royal Enfield, Piaggio, TVS, Yamaha, Suzuki and Honda are adjacent to the present respondent and situated on same road. As the Automobile brands are situated in the said area, number of private vehicle servicing and washing centers are also situated in the area. It is material to note that why the applicant and MPCB has not taken any action on any of these units and targeted only present respondent? (Copy of the google map showing the various Automobile sales and servicing showrooms near present respondent is annexed and marked herewith as "Annexure B").

- f) It is material to note that the applicant has not filed any complaint against any of the above mentioned units. The applicant has filed the complaint only against present respondent and the applicant is insisting the Hon'ble Tribunal and MPCB to close down the respondent unit. The applicant is using National Green Tribunal and entire government machinery as a tool and to take his personal revenge, which is nothing but the attempt of blackmailing.

- g) After getting the notice from MPCB the present respondent immediately took necessary actions, applied for permissions and



also installed ETP. The respondent neither intended to harm the environment nor disrespected the orders of Court and MPCB.

2. **PRELIMINARY OBJECTIONS:**

That the present application is hopelessly barred by limitation and deserves to be dismissed forthwith. The applicant has filed this application under Section 14 and 15 r.w. 17, 18 and 20 of the National Green Tribunal Act, 2010. The present respondent wants to invite the Tribunal to the **Annexure A** of the Original application filed by the applicant. The applicant has alleged against the present respondent that the unit is running for more than 10 years. Even in the para 2 of the Original application the applicant mentioned that the respondent is running the business since last 15 years. It is also alleged by the applicant in the **para A of the Grounds** of Original application that, the respondent is continuously doing environment pollution till now. The applicant himself was in the employment of present respondent during 2011. Since the issue of limitation in the present case, even if considered on a demurer, would only lead to one conclusion, that is the application is being hopelessly barred by time. Therefore it is necessary to hear and decide the said issue of limitation as a preliminary issue before proceeding with hearing the matter on merits

3. **PARAWISE REPLY TO THE APPLICATION**



- A. The application, its contents, facts and grounds are wrong, incorrect and misleading in nature. The allegations made against the present respondent is only with personal grudge and hence the present respondent denies all the allegations of the applicant.
- B. The contents of Para no. 1 of the Brief facts are totally wrong and false hence it is denied by the present respondent. It is the submission of the present respondent that, using the enactments, Government machinery and this Tribunal to satisfy personal issues and for blackmailing cannot be considered as publicly spirit and supporting development of Environment. The Hon'ble Tribunal should take strict action against such person so that no one could dare to use Judiciary as a tool. The applicant has never done anything to protect the environment. The applicant be ordered to provide strict proof to show his concern towards environment. If the applicant is having concern for environment he could have asked this Tribunal to give direction to the present respondent to obtain consent or directions to MPCB to take a special drive of consent for automobile sector. However the applicant has asked for directions to close down the units of respondent. The respondent has done all the required compliances however the applicant is putting pressure on authorities so that respondent shall not get permission to run the unit. Applicant is making efforts to close down the respondent unit permanently for his personal reasons. However if the unit is closed permanently, then the



respondent and hundreds people and their of families dependent upon them will face unemployment.

- C. The contents of para no 2 of the Brief facts with respect to business of the present respondent is admitted. The present respondent is having business in the name of Auto India Sangli and they are into business of sale and services of two wheeler vehicles of Bajaj Auto Ltd. The present respondent wants to submit that the respondent has concern about the environment. The respondent is providing job to many people through its business. The respondent is doing their business honestly and with clean image. The respondent unit is one of the best and reputed unit in Automobile sector of Western Maharashtra. The respondent has taken initiative to save nature and have done number of activities for environment protection. The respondent has received number for awards for their excellent work.
- D. The contents of para no. 3, 4 and 5 of brief facts are formal in nature and matter of record.
- E. The present respondent is unaware about the contents of para no. 6 and 7 of the brief facts, therefore it is denied for want of knowledge. The applicant has not given single letter/complaint to the respondent till today.
- F. The contents of Para No. 9 of the brief facts are formal in nature. The respondent has clearly and honestly admitted that the respondent is unaware about the CPCB guidelines and legal



provisions. The officers of MPCB neither visited nor given any directions to the present respondent prior to the complaints of applicant. The respondent is law abiding and has complied all the objections raised by the MPCB.

G. The contents of para no. 10 of the brief facts are wrong, false and misleading, hence it is not admitted by the respondent. The respondent is running a business of sales, spare parts, servicing and washing of two wheelers vehicles. The alleged pollution is related with the washing of vehicles. The customers usually takes services of repairing from the respondent. Very few customers sends their two wheelers for washing. The respondent uses shampoo to wash the vehicle. Therefore the allegation of pollution of hazardous chemicals is totally wrong and false. Initially the respondent was using the waste water for gardening after natural filtration. The waste water from the area of present respondent's unit and nearby vicinity is collected into the Sherinala by the SMKC. The SMKC is lifting the said untreated water into the waste treatment plants situated at Dhulgaon village. The said untreated water is being processed at Dhulgaon and recycled water is used for farming. Because of which not a single drop of water goes into the Krishna river. The present respondent is paying drainage tax to the SMKC and the SMKC is collecting the untreated water and processing it. Because of which question of pollution of river does not arise. However as the officers of MPCB raised the issue, the present respondent has installed ETP. (The



copy of ETP installation report is annexed and marked herewith as "Annexure C").

H. The contents of para no. 11, 12, 13, 14, 15 and 16 are false and misdirecting in nature, hence it is denied by the respondent.

4. **TRUE FACTS OF THE CASE ARE AS UNDER:**

a) After receiving the complaint from applicant, the officer MPCB Sangli visited the respondent no. 1 premises on 15/05/2019. At that time respondent fairly admitted that, they are not having knowledge about consent from MPCB and necessity to install treatment plant. The officers of MPCB are concerned with the environmental protection and therefore they directed respondent to install STP and to obtain consent after said installation. The officer also mentioned his remark that STP is not installed. The present respondent is not engaged into servicing and washing of four wheelers. However it is wrongly mentioned in the report that servicing and washing of four wheelers is carried out in present respondent unit. (The copy of Visit report along with its translation Dated 15/05/2019 is annexed and marked herewith as "Annexure D"). Thereafter the respondent received notice of respondent no. 2 dated 16/05/2019 wherein it was mentioned that ETP is not provided. (The copy of Notice dated 16/05/2019 is annexed and marked herewith as "Annexure E")

b) The respondent got confused about whether to install ETP or STP. Therefore present respondent contacted respondent No. 2 and



asked for clarification about whether to install ETP or STP. The present respondent also given clarification that they are not engaged into business of servicing and washing of four wheelers. However the officers of MPCB Sangli transferred from Sangli to other office. At the end of July and beginning of August 2019, there were big flood at Sangli and Kolhapur District. (The unit of respondent was not in operation during the said period). After getting out of the flood, the officers were busy in assembly elections and Panchnama of flood affected people. There was huge impact on economy of Sangli after flood. The respondent has also taken initiative to help the flood affected people. The respondent got hardly two months to concentrate on their business after all these situations. However the business of respondent was closed down since March 2020 due to Covid 19 pandemic. The respondent never intended to escape from their liability to protect environment. However the respondent came to know about proceeding filed against them by the applicant on 10/08/2020 when respondent No. 2 and others visited the present respondent.

- c) The respondent No. 2 issued Notice to present respondent on 17/08/2020 and directed to close down the activities. The present respondent filed their reply to said notice on 20/08/2020 and obeyed the orders of Hon'ble Court. The contents of reply dated 20/08/2020 itself shows that the respondent was ready to correct their non-compliances. The respondent has stopped their washing activities and also informed that the unit is fulfilling all the



compliances. (Copy of the reply dt 20/08/2020 is annexed and marked herewith as "Annexure F").

- d) Accordingly, the present respondent installed ETP as well applied for consent to the MPCB. However, at every stage, the applicant was illegally putting his pressure on officers of respondent no. 2, 3 and 4. The applicant is taking efforts, so that officers should be under pressure and the respondent should not get any consent. The present respondent has applied for consent on 25/11/2020. However, the MPCB has not given consent to the present respondent. (The receipt of the said application dated 25/11/2020 is annexed and marked herewith as "Annexure G").
- e) Therefore, the applicant filed an application to restart the unit on 18/03/2021 along with all the documents. But the MPCB is not permitting the present respondent for restart as they are under pressure of applicant. Even though the present respondent has complied all the conditions, the MPCB has yet not given consent to the respondent unit. (The copy of said application for restart Dated 18/03/2021 is annexed and marked herewith as "Annexure H")
- f) The Joint Director (Air Pollution) issued show cause notice, for refusal of consent to establish, to the present respondent. The present respondent has replied to the said show cause notice. However the senior officers of MPCB are under pressure of applicant and are not ready to give consent to the present



respondent. (The copy of said reply dated 10/05/2021 is annexed and marked herewith as "Annexure I").

g) It is material to note that the unit of the present respondent is not situated in the pollution prevention area. The present respondent has obtained NOC from SMK Corporation. The present respondent has also installed ETP. The present respondent has also applied for consent to the MPCB on its web portal. The waste water from the area of present respondent's unit and nearby vicinity is collected into the Sherinala by the SMKC. The SMKC is lifting the said untreated water into the waste treatment plants situated at Dhulgaon village. The said untreated water is being processed at Dhulgaon and recycled water is used for farming. Because of which not a single drop of water goes into the Krishna river. The water consumption of present respondent is very low. The water consumption is below 1 cmd. The burnt/used oil collected from the present respondent's unit is collected by VIPRO industries who is the authorized unit and having license of CPCB and MPCB. **However the MPCB and applicant is not allowing the present respondent to get the consent.**

h) The applicant is trying to close down the entire unit and he is not having any concern towards the environment. The applicant is using the National Green Tribunal as a tool to satisfy his personal grudge. The present respondent stopped his washing activities by obeying the orders of Hon'ble Tribunal and MPCB and also complied all the conditions. Therefore, the applicant has filed

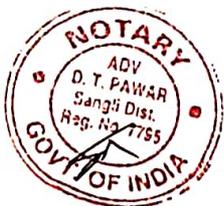


another Miscellaneous application no. 53/2021 only in order to confuse this Tribunal and prayed to close down entire unit of respondent. The respondent is not a single person. The respondent is a unit and hundreds of people are getting their livelihood from present respondent. The respondent never refused to obey the orders of Hon'ble Tribunal. **But it is a fact that the Senior officers of MPCB and applicant is having collusion and they are harassing the present respondent to satisfy their personal motive.**

i) **The MPCB has shown selectiveness while taking action on present respondent.** The respondent has not got any opportunity to answer charges levelled against them. Even the present respondent has to struggle, to get a chance of fair hearing in the present proceeding. The MPCB has not taken any action on any other automobile units at Sangli. Therefore, allegations of applicant that respondent no. 2 is not taking any action against present respondent is baseless.

5. The grounds mentioned in the original application are wrong, false, misdirecting and baseless. Hence, they are denied by this respondent.

6. The committee formed by this Hon'ble Tribunal to calculate Environmental Compensation, have also not given any opportunity to the present respondent before arriving to the conclusion and submitting its report to the Hon'ble Tribunal. The calculations about compensation levied are totally wrong,



false and at higher side. Further to that the MPCB has charged penalty of RS. 20,000/- to one Automobile sales and servicing Unit at Sangli for the same charges. However on the contrary to same, The Committee have charged penalty of Rs. 40,31,250/- against the present respondent which is against the principles of equal treatment before law. **It is material to note that while concluding about compensation to present respondent the committee of Pollution Control board has calculated days of lock down (when the entire country was stopped) and days when respondent unit was closed during flood and holidays. The committee also ignored a fact that the present respondent was waiting for the explanation from MPCB, about whether to install STP or ETP? The report about environmental compensation of committee is arbitrary, ex party, far away from factual position, against the principles of natural justice and constitutional rights. The report is lack in equal treatment before law and prepared with wrong calculations and factors. The present respondent is not agreed with the report and denies the same.**

7. It is material to note that if the applicant and MPCB are taking action for discharging vehicle washing water into municipal drainage, then the question arises as to why other automobile units are not made party to this proceeding? The Selectiveness in taking action, not providing fair opportunity of hearing, not giving consent and not permitting to restart the unit without



valid reasons is nothing but arbitrariness. The respondent unit is one of the important parts of economy of Sangli. The present respondent is not doing any illegal business. There are some irregularities which is fairly accepted and cured by the present respondent. The applicant is not affected person. The object of the National Green Tribunal Act itself speaks about improvement of human Environment. The present respondent improved itself to avoid anything which is harmful to the environment. The present respondent has suffered huge losses due to COVID 19 and is trying to restart the business by taking lots of efforts.

8. It is a submission of the present respondent that, the Hon'ble Tribunal should take strict action on those who are using this Tribunal and Government machinery to fulfill their personal demands. The present respondent is having hope that the Hon'ble Tribunal will do the Justice.

9. **REPLY TO PARA ON LIMITATION:**

The contents of para on limitation is vague, baseless and cannot be countenanced by this Hon'ble Tribunal. As submitted herein before, the present application is hopelessly barred by limitation and deserves to be dismissed forthwith. The Answering respondent craves for deciding issue of limitation as a preliminary issue, in response to para on limitation.



10. In light of the above submissions and the material on record, the present respondent submits that the application is not maintainable and devoid of merit and such is liable to be dismissed with cost. As the applicant has used the Tribunal and Government machinery as a tool for his personal satisfaction, the compensatory cost should be levied upon him.
11. Therefore, for these and other reasons it is submitted on behalf of the present respondent that,
- a. The original application and all the connected miscellaneous applications be dismissed with cost.
 - b. As the applicant has misused this authority the compensatory cost of Rs. 10,00,000/- be levied against the applicant.
 - c. Permission be given to add, alter or amend the reply and to file additional documents as and when required.
 - d. Any other just order be passed in favor of present respondent.

Hence the Reply.

Pune

Dated: 21/08/2021

Filed by,

Advocate Amit K. Shinde

(Mr. Ramesh Mirje)
Managing Partner
Auto India Sangli.

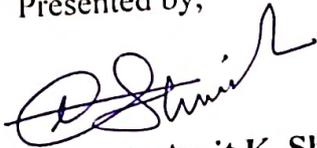


VERIFICATION

I, **Mr. Rakesh Ramesh Mirje**, Age: **53** Yrs, Occupation: Business, R/o : Madhavnagar road Sangli, managing partner of Auto India Sangli, herein do hereby solemnly affirm that the contents of the above-said reply are true and correct to the best of my knowledge, information and belief and I have not suppressed any material fact. In witness whereof, I have signed here at Sangli, on this 21th day of August 2021.

(Mr. Rakesh Mirje) .
Applicant

Presented by,



Advocate Amit K. Shinde



BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

IN

ORIGINAL APPLICATION NO. 57 Of 2019

IN THE MATTER OF

Mr. Tousif Bagnikar

...Petitioner

Versus

M/s Auto India Bajaj and Ors.

...Respondents

AFFIDAVIT

I, Mr. Rakesh Ramesh Mirje, Age:53 Yrs, Occupation: Business,
R/o : Madhavnagar road Sangli, managing partner of Auto India Sangli,
herein do hereby solemnly affirm that,

1. I am the managing partner of respondent no. 1, Auto India Sangli.
2. The statements made in para No. 1 to 11 of the reply are true and correct to my personal knowledge, information and belief.
3. I have not suppressed any material fact. In witness whereof I have signed here at Sangli, on 21st day of August 2021.

Hence the affidavit

21 AUG 2021

I Know Affiant.

[Signature]
Mr. R. K. Shinde



Noted & Registered
at Serial Numbers

2027
2021

Affiant

BEFORE ME

[Signature]
ADV. D. T. PAWAR
ADVOCATE & NOTARY
GOVT. OF INDIA, REG. NO. 7795
Shri Sai, 1143, Kanase Galli,
Sangli, Dist. Sangli, Maharashtra



BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

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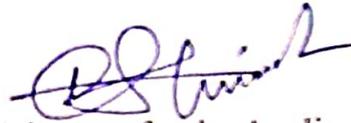
COMPILATION – II

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Pune

Date: 21/08/2021


Advocate for the Applicant.

I am/ We are not member of Advocate welfare fund hence a welfare fund stamp of Rs. 2 is not affixed.

OA No. 57 /2020/19

BEFORE THE HON'BLE GREEN TRIBUNAL, WESTERN ZONE AT PUNE

Tausif Bagnibar

APPLICANT

Versus

M/s. Auto India Bajaj & others

RESPONDENTS

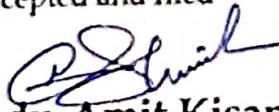
I/we Auto India Bajaj

R/o Sangli the above named Respondent do hereby appoint and authorized

- 1. **Amit Kisanrao Shinde** , Advocate, Enroll. No. Mah/2058/2009
- 2. **Aruna Amit Shinde** Advocate, Enroll. No. Mah/2571 /2017
- 3..... Advocate, Enroll. No. Mah/ /
- 4..... Advocate, Enroll. No. Mah/ /

to appear, plead and to act, for me/us in the above matter and to withdraw and receive moneys herein in and out to court, to pass effective receipt, to issue execution, settle or to compound the matter, to apply for an adjournment, to authorize any advocate to appear and to do all things incidental to the aforesaid purpose. In witness where of I/we have signed below this 4th day September in the year Two thousand and Twenty

Date:- 4/9 /2020
Accepted and filed


Adv. Amit Kisanrao Shinde

FOR AUTO INDIA

PARNER


Adv. Aruna Amit Shinde

Mobile: 9372391550
Office: Deval Complex, Vishrambag, Sangli. 416415.
E mail id: amitshinde22@gmail.com



(Judgment)

1

R.C.S. NO.944/2012

Received on : 07-09-2012.

Registered on : 17-09-2012.

Decided on : 18-04-2018.

Duration : Ys. Ms. Ds.
05 07 11

CNR - MHSN02-002066-2012

IN THE COURT OF THE 5TH JT. CIVIL JUDGE JR. DN., SANGLI.

AT : SANGLI.

(Before Smt. S. D. Javalgekar)

REGULAR CIVIL SUIT NO.944/2012.

Exh. _____

M/s. Auto India,

Through it's partner,

Shri. Rakesh Ramesh Mirje,

Age – Major, Occu. Business,

R/o. Auto India,

Madhavnagar Road, Sangli.

... Plaintiff.

Versus

Shri. Tousif Likayat Bagnikar,

Age : 28 Yrs, Occu : Service,

R/o. 'Shaan' Bangalow, Plot No.41&42,

Balajinagar, Kupwad Road, Sangli.

... Defendant.

Shri. Bipin P. Pathak, Advocate for the Plaintiff.

Shri. A. A. Koparde, Advocate for the defendant.

J U D G M E N T
(Delivered on : 24-04-2018)

Suit for recovery of an amount of Rs.50,000/-

02. **The pleadings of the plaintiff in nutshell :-**

The plaintiff M/s. Auto India is a partnership company. It is mainly engaged in the business of automobile dealership, which deals in vehicle sales, it's related spare parts sales and maintenance of the vehicle i.e. sales, services and spare transaction. For this purpose, they have well established offices in Sangli, Ichalkaranji and Kolhapur. The plaintiff is continuously providing high standard services to the customers and thereby earned popularity in the society at large. To maintain this high quality and standard, they have to explore all possible potential of their staff and for the said purpose, they have adopted a practice of recruiting man power for its said trade by inviting applications from aspiring and willing candidates, thereafter initiating the recruitment process and by explaining them the expectations of the company and their job responsibilities.

03. After completion of interview process, the willing candidates are selected by the company and are given job allotment letter and thereafter imparted necessary training. This activity is undertaken after entering a mutual bond between plaintiff and employee. In this present matter also the defendant has entered into such bond with the plaintiff. The plaintiff has taken efforts by allocating its high quality equipment and imparting its specialized training to the defendant for which, the plaintiff has incurred huge amount.

(Judgment)

3

R.C.S. NO.944/2012

04. The defendant is an Auto India employee, who had applied and recruited by plaintiff for the same post knowing his qualification and need of clerk. The defendant has entered into an agreement with the plaintiff and has duly executed bond in favour of the plaintiff. The Defendant was bound to fulfill his duties as per the terms and conditions of the said agreement. This entire act was also counter guaranteed by well known person in the society, who had also undertaken the fulfillment of service conditions believing Defendants academic records and social behavior. The Plaintiff has incurred and expended a huge amount on defendant for training and experience in the said field.

05. The defendant had executed an agreement on 07-03-2011 and guarantee bond on 19-01-2011 and entered into services. After joining the services, the defendant was imparted training by the plaintiff. After getting vast experience and quality training, the defendant has suddenly and abruptly left the services of plaintiff without any prior intimation and also without just or proper cause and by violating the terms and conditions of the bond voluntarily executed by him. Due to this unwarranted act of the defendant the plaintiff sustained huge financial loss and much more inconvenience.

06. Thereafter, the plaintiff issued a disciplinary notice dated 17-11-2011 which was duly received by the defendant. In spite of receipt of the said notice the defendant failed to reply that notice. Further the plaintiff had sent registered notice to the defendant on 17-11-2011 through its Adv. Shri. M.H. Gramopadhye, Miraj demanding the amount of monetary losses, suffered by the plaintiff. The said notice was also duly served on the defendant, but the defendant did not pay heed to the said notice. Being aggrieved by the deliberate act of the defendant the plaintiff

approached this Court by instituting the present suit. The plaintiff has prayed for recovery of the amount of Rs.50,000/- as compensation alongwith the amount mentioned in the schedule and the interest thereon and costs.

07. The defendant appeared and filed his written statement at Exh.15. The defendant has totally denied the contentions of the plaintiff. He contended that, he had applied for the job with plaintiff company after reading the advertisement in December 2010 in Daily Newspaper Pudhari. The plaintiff company had demanded three blank stamp paper dated 19-01-2011 from the defendant. The defendant joined the service of plaintiff company on 17-01-2011. The plaintiff company failed to pay the monthly salary of defendant from January to March 2011. The defendant then repeatedly requested for payment of his salary but the plaintiff ignored his requests. One of the stamp paper bears signature of the guarantor and the other stamp paper bears signature of the defendant.

08. The defendant was suffering from the disease of Harnia and therefore was unable to attend his services. Due to this fact the defendant sent his resignation letter to the plaintiff company on 10-11-2011 along with his medical certificate. In spite of due service of the resignation letter the plaintiff company issued disciplinary notice to the defendant on 17-11-2011 to which the defendant replied on 30-11-2011. The said reply notice was also received the plaintiff company.

09. The defendant specifically contended that the plaintiff company has not suffered any financial losses for arranging any training camps for the defendant. The defendant was appointed as junior accountant but he was allotted the work of back office. Hence, there was

no question of misplacement of any documents etc. Also the contentions of the plaintiff about the damage to the computer is vague and baseless as the plaintiff has not mentioned it in its disciplinary notice dated 17-11-2011. The defendant has served the plaintiff company from 17-01-2011 till 10-11-2011. But the plaintiff company failed to make his monthly payment and thereby Rs.2,375/- are standing due on the plaintiff. The plaintiff has misused the blank stamp papers. The agreement dated 07-03-2011 is voidable and hence cannot be relied upon. To avoid the payment of the defendant the plaintiff has misused the stamp papers and thereby instituted false suit against him. Hence, the defendant prayed to dismiss the suit along with compensatory cost of Rs.25,000/-.

10. In view of rival contentions of the parties, issues were framed at Exh.18, I am reproducing those issues and recording my findings thereon with reasons as follows :-

Sr.No.	ISSUES	FINDINGS
1.	Whether plaintiff proves that defendant had executed guarantee bond dated 19-01-2011 and agreement dated 07-03-2011 and joined the service of plaintiff partnership firm ?	Yes
2.	Whether plaintiff proves that defendant has suddenly left the job of the plaintiff and committed breach of agreement ?	Yes
3.	Whether defendant proves that agreement dated 07-03-2011 is illegal and void ?	No
4.	Whether plaintiff proves that defendant is liable to pay amount of Rs.50,000/- ?	Yes

5.	Whether defendant proves that suit is bad for non joinder of necessary parties ?	No
6.	Whether defendant proves that suit is false and frivolous and hence defendant is entitled for cost of Rs.25,000/- ?	No
7.	What order and decree ?	As per final order.

REASONS

11. Plaintiff has examined his H.O.D. Administration, Shri. Sachin Chougonda Patil (PW1) at Exh.20. He has also examined PW2 Dnyandeo Tanaji Pawar, Advocate-Notary at Exh.35. Vide pursis Exh.37 plaintiff has closed his oral evidence. Plaintiff has placed his reliance on copy of application of defendant (Exh.39), offer of appointment for the post of Assistant (Exh.32), Guarantee Bond (Exh.40), copy of disciplinary notice (Exh.21), Postal receipt (Exh.22), Postal acknowledgement (Exh.41), copy of reply notice issued to defendant through Adv. M.M. Mali dated 30-11-2011 (Exh.23), copy of notice issued to defendant through Adv. M.H. Gramopadhye dated 17-11-2011 (Exh.42), Postal receipt (Exh.43), Acknowledge receipt (Exh.44), copy of reply notice issued to defendant through Adv. M.M. Mali dated 30-11-2011 (Exh.24), letter of authority (Exh.46) and Register of firms (Exh.47).

AS TO ISSUE NO.1, 2 AND 4 :-

12. To prove the case, the plaintiff has filed affidavit of Shri. Sachin Chougonda Patil (PW1) on behalf of the plaintiff at Exh.20. He

has reiterated similar to the contentions in the plaint. To avoid repetition same are not mentioned here.

13. During his cross-examination he admitted that, the present suit was not instituted by him. He further admitted that defendant is not the borrower (कर्जदार) of the plaintiff company. He also stated that he has not brought the original partnership deed of the plaintiff company along with him. He admitted that the defendant has joined the plaintiff company on 19-01-2011 and executed three bounds of Rs.100/- each on the same day in favour of plaintiff company. He further admitted that the contents on the said bond paper are drafted on the computer of the plaintiff company which is prepared by the partners of the plaintiff company. He further admitted that the said contents of the service bond are generally drafted without incorporating the personal details of the candidate like name, address etc. and the required details are filled in later on.

14. He specifically admitted that there is no document to show the amount of money and expenditure made on the defendant for providing facilities, education and training to him. He also admitted that there were no hurdle for mentioning the said details on the bond paper executed by the defendant in favour of the plaintiff company. Further he admitted that the plaintiff company has not brought any documents on record to show how much damage is caused to the plaintiff by the defendant and the amount of loss sustained due to the damage. He also admitted that Exh.21 does not bear the contents as to the amount spent on the defendant for his training and other facilities. The amount of loss is also not mentioned in the notice sent by the Advocate for the plaintiff to the defendant. The witness specifically admitted that the schedule as to the loss caused to the plaintiff is mentioned for the first time in the plaint.

15. He also admitted that the service bond executed by the defendant is not registered but only a notarized document. He also admitted that the contentions of the plaintiff as to the damage caused to the various parts of the computers, files and other apparatus is not brought on record by filing the respective bills of the plaintiff company. He also admitted that the plaintiff company has not filed any complaint at the police station in respect of the loss of insurance policies and other accessories. There is nothing on record to show that the losses mentioned in the plaint are caused by the defendant himself. He specifically stated that the receipt at Exh.25 of the defendant is received by the plaintiff company, but he was not sure as to whether the said letter was resignation letter of the defendant or not. Except these admissions nothing came on record to support the case of the defendant.

16. PW2 Dnyandeo Tanaji Pawar, Advocate-Notary stated in his examination in chief that the defendant executed the service bond Exh.32 in favour of the plaintiff company in his presence on 07-03-2011 at serial No.981 which was notarized by him. He further stated that he had followed the due procedure of notarizing the document as per law. He also stated that during the procedure of notarizing the document, he had asked the defendant the purpose of the said document to which defendant replied that he required the document i.e. the service bond to submit the same with plaintiff company as requirement for joining the services of the plaintiff company.

17. During his cross-examination he admitted that, he has no knowledge as to under which section of the Notary Act he has notarized the service agreement executed by the defendant at Exh.32. He further admitted that before notarizing the service agreement he has not gone

through the identity card of the defendant and has failed to mentioned this fact in Exh.32 and Exh.34. He further admitted that he had over written on the entry at Sr.No.981 which is in respect of the notarized document of the defendant (Exh.32). Except these admissions there is nothing on record to strengthen the case of the defendant.

18. Heard the learned Advocate Shri. Bipin P. Pathak for the plaintiff. In the course of his arguments, he has supported the case of the plaintiff. No arguments were advanced on behalf of the defendant despite several opportunities. Hence, the suit proceeded for judgment without his arguments.

19. On perusal of record it shows that the defendant has executed agreement (Exh.32) in favour of the plaintiff company on 07-03-2011. On perusal of the Agreement of service it appears that the agreement is duly signed by the defendant. The defendant was offered post at the back office of the plaintiff company. Said agreement is duly proved in evidence. Though the witness PW1 was not present at the time of execution of the agreement it is not sufficient to raise doubt as to the execution of the agreement. The defendant has brought nothing on record to show that the agreement is forged or that the plaintiff has misused the said blank stamp paper. Also the bond Exh.40 of Mr. Nilesh Suresh Bhadekar who has guaranteed the conduct and working of the plaintiff is on record. Said bond is also duly proved in evidence.

20. The said agreement Exh.32 was notarized by PW2 Dnyandeo Pawar. PW2 has deposed that he had followed all the legal procedure while notarizing the said agreement and it is at serial No.981. The defendant has not challenged the execution of the agreement and the

bond by any way. Hence, it can be inferred that the plaintiff has proved the execution of the agreement Exh.32 and the bond Exh.40. The said bond is a legal document and enforceable at law. Hence, there is no question of raising doubt on the execution of the said bond.

21. On perusal of record it shows that there is no document to come to conclusion that the defendant had attended training programs conducted by the plaintiff for his development. There are no details on record as to the location of the training, the tenure of training and ingredients of training program. Also PW1 has specifically admitted that there are no documents with the plaintiff to show the same. In absence of any documentary evidence to that effect the mere contentions of the PW1 are not sufficient to prove the same.

22. As far as the authority of PW1 is concerned, it appears that the defendant has objected to the same. But on perusing the letter of authority Exh.46 it appears that the plaintiff company has specifically granted authority to PW1 Sachin Chougonda Patil to institute suit, appear and depose on behalf of plaintiff company. The letter bears signature of the acting partner and it is duly proved in evidence. Hence no question mark can be raised as to the authority of Mr. Sachin in respect of filing of the present suit.

23. The plaintiff raised the point that the defendant has not examined himself nor adduced any evidence in respect of his case.

24. The learned counsel for plaintiff has placed his reliance on 'VIDHYADHAR V/S. MANIKRAO AND ANOTHER [AIR 1999 SUPREME COURT 1441 (1)]. In which the Hon'ble Apex Court has held that,-

'Where a party to the suit does not appear into the witness box and states his own case on oath and does not offer himself to be cross- examined by the other side, a presumption would arise that the case set up by him is not correct.'

In the case in hand, the defendant failed to examine himself on oath and also to face cross-examination. Further there were no arguments advanced from his side. He, thus, failed to prove his case as per his pleadings in the written statement. Hence, as per above cited case a presumption is raised whether his case is correct or based on false contentions. The default on the part of defendant as to his non examination and negligence in arguing the matter does not absolve the plaintiff from proving his own case. Burden always lies on the plaintiff to prove his case.

25. As to service of disciplinary notice and the service of legal demand notice the defendant has objected the same. On going through the records it appears the disciplinary notice Exh.21 was served on the defendant vide acknowledgement receipt dated 17-11-2011 at Exh.21. Also the legal demand notice of Adv. Shri. Gramopadhye Exh.42 dated 17-11-2011 reveals that the notice was sent to the defendant which was served on him vide receipt Exh.43. Therefore it can be safely concluded that the plaintiff had fulfilled all the legal formalities before instituting the present suit.

26. On giving a re-look to the service agreement and the plaint it appears that the plaintiff has grievances against the defendant mainly on the ground that the defendant has suddenly left his job without any intimation or notice due to which the plaintiff company suffered heavy

losses. This clause is included at Sr.No.11 of the service agreement. Prima-facie it appears that the defendant has committed breach of the said clause No.11 of the service bond by discontinuing his job abruptly. The defendant has failed to prove his contentions as to fulfilling the pre-conditions of discontinuance from his job. Hence it can be said that, the plaintiff has successfully proved that the defendant has discontinued his job with the plaintiff company abruptly without giving any notice or intimation to the plaintiff company and there by committed breach of the conditions of the service bond. This fact is remained un rebutted. Due to the said default, the plaintiff appears to have sought enforcement of his legal rights by taking recourse of law. Hence, plaintiff becomes entitled to the amount of Rs.50,000/- according to the said clause.

27. As far as the interest on the amount of Rs.50,000/- is concerned, the plaintiff has brought nothing on record to show that it is entitled to interest at the rate of 18%. The service agreement Exh. 32 does not reveal any interest rate. The interest and its rate was never agreed upon by the plaintiff and the defendant. Also the plaintiff failed to prove that the company is entitled to specific rate of interest. But considering the age of the present suit i.e. above 5 years and considering the monetary loss caused to the plaintiff, it will be appropriate to grant interest to the plaintiff for the said amount at the rate of 6% per annum from the date of suit till actual realization of the amount.

28. As per above discussion, I am of the view that, the plaintiff has proved that the company is entitled to recover amount of Rs.50,000/- as compensation from the defendant. Hence, I answer point No.1, 2 and 4 in the positive.

AS TO ISSUE NO.3, 5 AND 6 :-

29. The defendant failed to enter the witness box for facing the cross examination and to adduce his evidence. He has brought nothing on record to support his contentions. His bare words are not sufficient to prove that the agreement dated 07-03-2011 is illegal and void. The execution of the agreement is proved by the plaintiff. Also it is his mere contention in his written statement that suit is bad for non joinder of necessary parties but the defendant has failed to prove as to which party was necessary and not joined. Since he has not proved that the plaintiff has instituted false and frivolous suit against him, he is not entitled for compensatory cost of Rs.25,000/-. I therefore answer to issue No. 3, 5 and 6 in negative.

AS TO ISSUE NO.7 :-

30. In view of the above discussion, I answer to point No.7 by passing the following order.

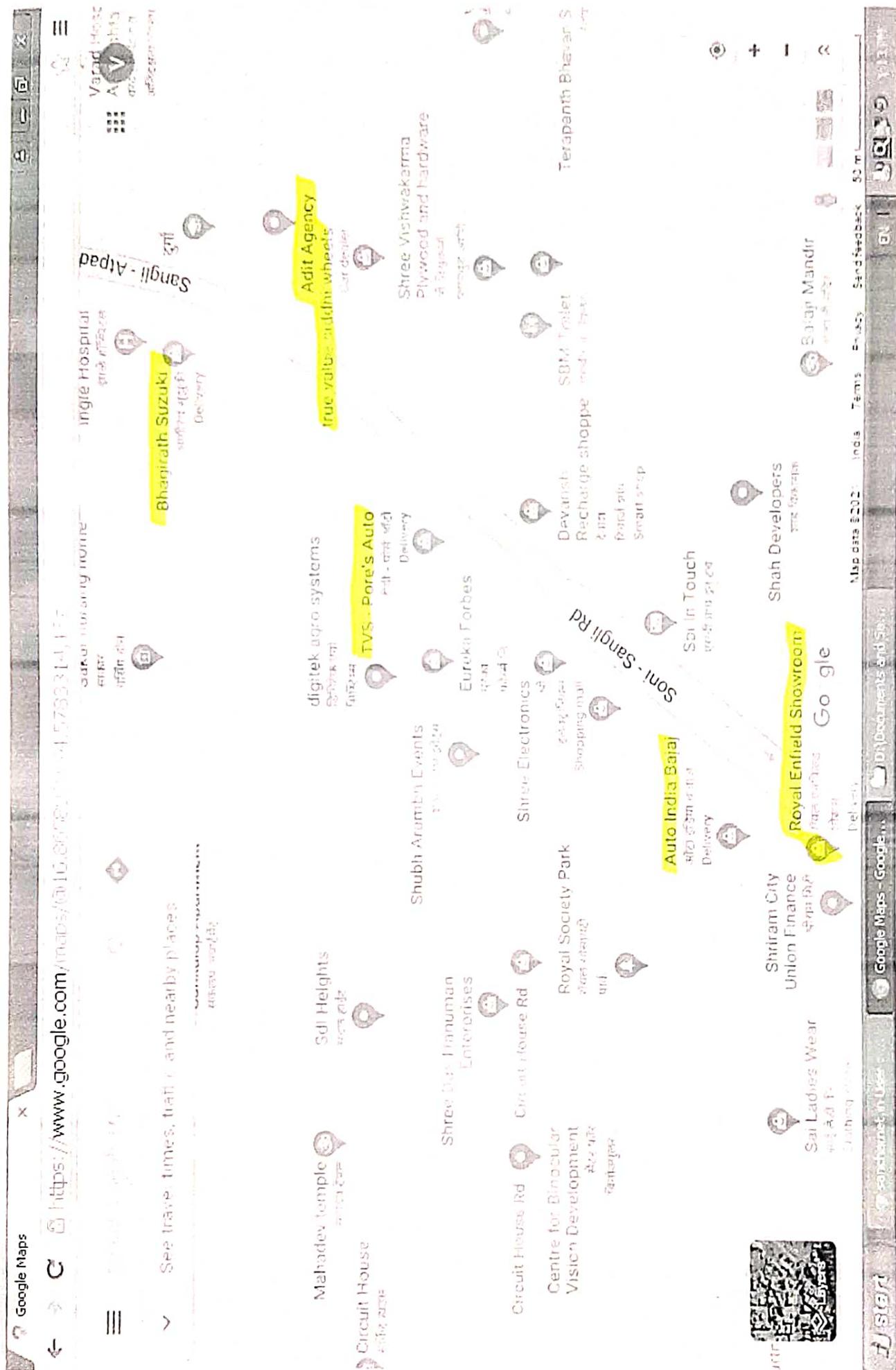
ORDER

1. The suit is hereby decreed with costs.
2. The defendant is hereby directed to repay the amount of Rs.50,000/- to the plaintiff, within 4 months (four months) from the date of this order, along with interest at the rate of 6% per annum from the date of filing of the present suit i.e. 07-09-2012 till complete realization of the decretal amount.
3. Decree be drawn up accordingly.

(Dictated & pronounced in open Court)

Sangli.
Date : 24-04-2018.

(Smt. S. D. Javalgekar)
5th Jt. Civil Judge Jr. Dn., Sangli.





ANAND ENTERPRISES

Factory Address: A-12, Prakash Warehouse & Cold Storage,
Compound, MIDC, Ahmednagar 411 111
sales@entand.com, sales@entand.net, entand@entand.com
Phone: 91 21 2777954 Mobile: 91 2223066, 982 314250

INSTALLATION REPORT

Date - 30/01/2021

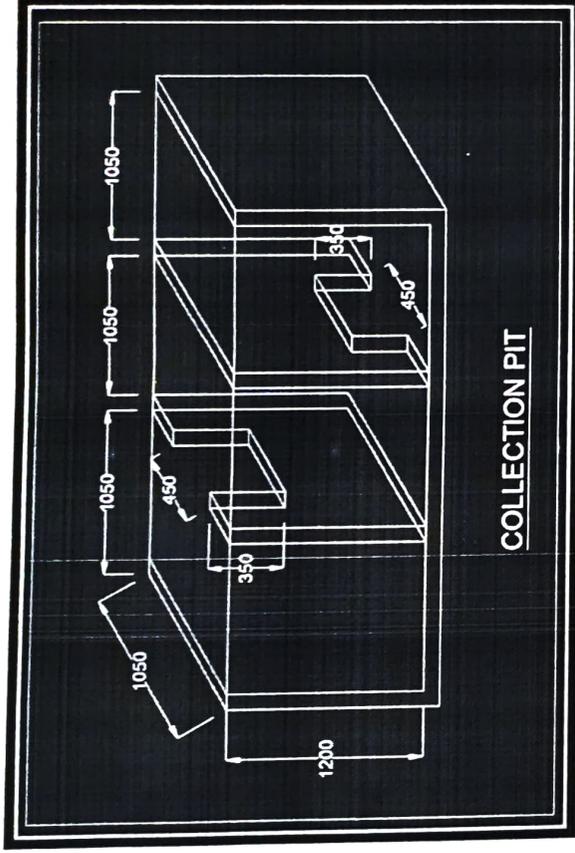
To,
Auto India.
Auto India Bajaj,
Sangli - Madhavnagar Road,
Vyankatesh Nagar,
Sangli.
Pin Code :- 416 416.
Ph - (0233) 2620499/ 2620299
Mr. Rakesh Mirje :- 9823056399

Dear Sir,
We have supplied & installed ETP at your workshop.
We have checked water quality of output water.
We found the water quality is OK
PH value for output water is 7.

Thanks with warm regards.



Subodh Khiṣṭi
Anand Enterprises
Ahmednagar



Other Tank –

After sedimentation process – 1200 x 2000 x 1200 MM DEPTH INNER SIZE
 Fresh water tank – 1200 x 2000 x 1200 MM DEPTH INNER SIZE

Chemicals to be used –

1. Activated carbon – IV900 – 100 Kgs
2. Mix sand white color – 75 kgs
3. Polyelectrolyte powder – 200 gms for 100 ltrs water

8. WATER STORAGE TANK –

Recycle water is stored in water storage tank.

WORKING PROCEDURE :

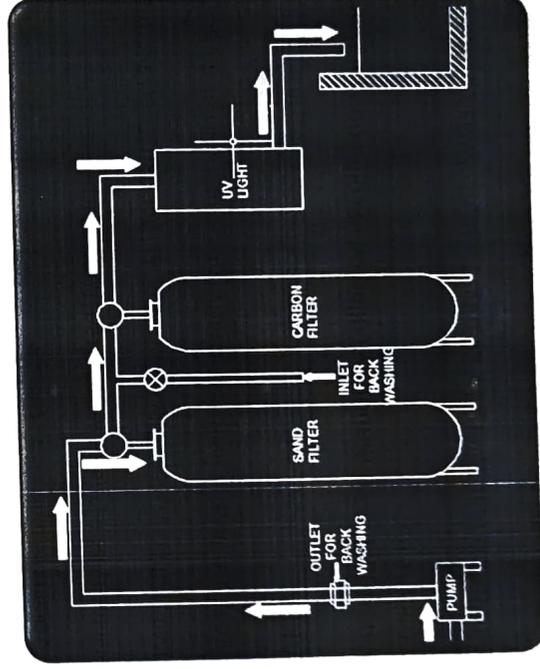
First, used water is stored in collection pit. With the help of mud pump, water enters in sedimentation tank. Rotate the stirrer for 1-1.5 min. and stirring water continuously. With the help of dosing pump, polyelectrolyte solution mixes in sedimentation tank. After completion of process, bottom drain valve open to remove dirty water until recycle water comes (color indicates difference) and it collected in sludge removal tank . Recycle water collected in other M.S. tank after opening second upper valve. With the help of pump, water enters in sand filter, carbon filter. After completing all process, recycle water is stored in storage tank.

MAINTENANCE :

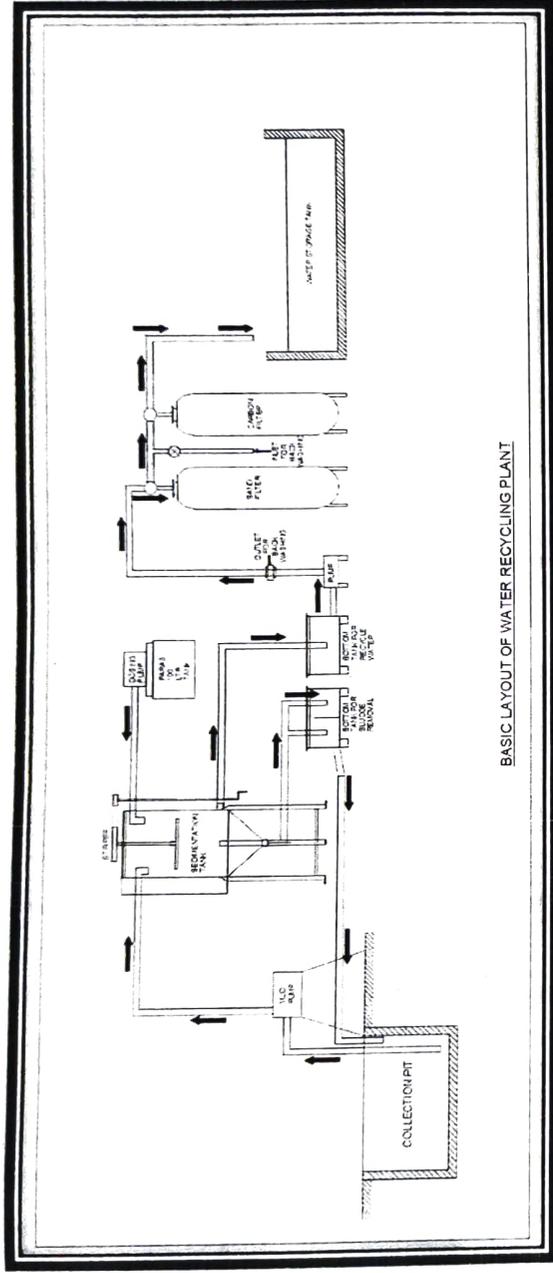
1. MUD PUMP : if sludge collects near inlet, it blocks pipe and mud pump cannot suck water. To start motor again, clean the tank.
if there is electricity issue, motor will not start, Check electrical supply.
2. DOSING PUMP : if there is electricity issue, motor will not start, Check electrical supply.
3. PUMP FOR BOTTOM TANK :if there is electricity issue, motor will not start, Check electrical supply.

CARE TO BE TAKEN :

1. In this plant, sludge is continuously collected in collection pit. User have to clean tank as per it's daily use.
2. Backwash to be done in every 15-20 days :- In backwash process, we have to give reverse supply sand filters as shown in figure.

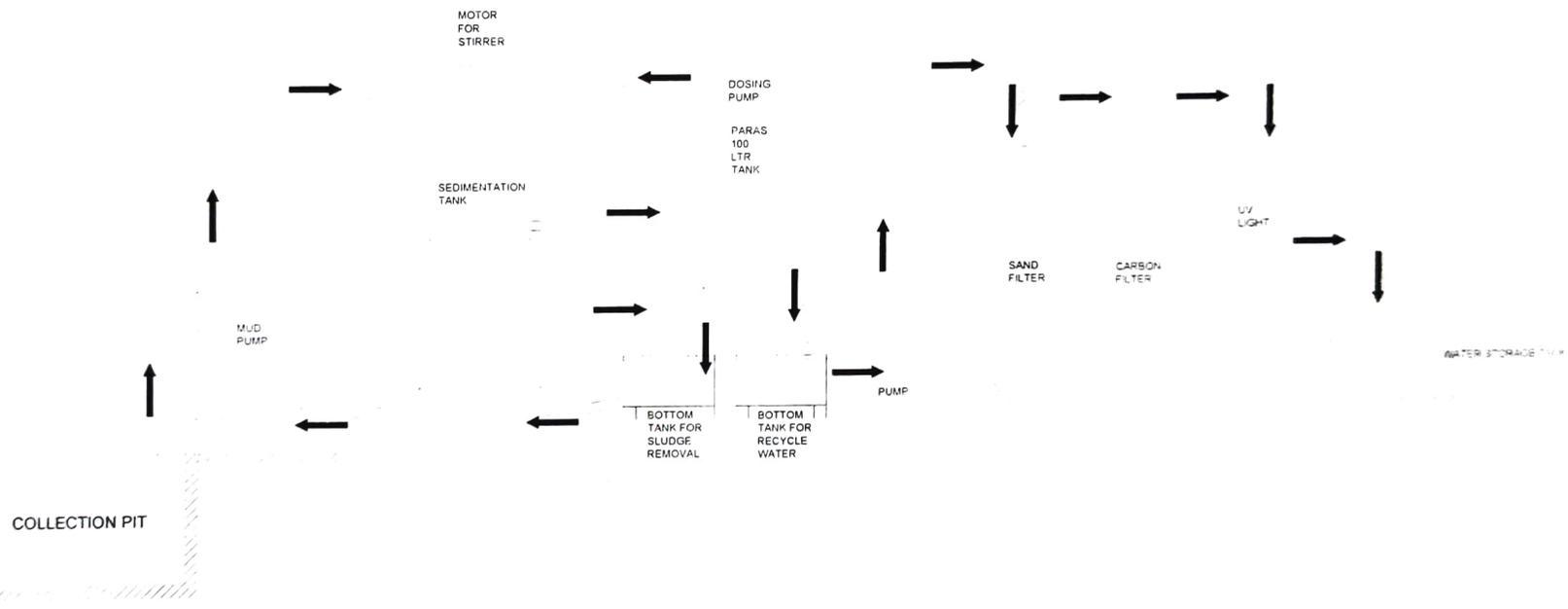


WATER RECYCLING PLANT



PARTS:

1. COLLECTION PIT –
All used water is collected in collection pit.
2. SEDIMENTATION TANK –
Sedimentation tank is the tank where dirty water is coming with the help of mud pump. Stirrer mounted on that. Polyelectrolyte solution and water mix for some minutes.
3. BOTTOM TANK FOR SLUDGE REMOVAL –
After sedimentation tank, drain water enters in bottom tank and it returns to collection pit.
4. BOTTOM TANK FOR RECYCLE WATER –
Other recycle water is collected in this tank.
5. PARAS 100 LTR TANK WITH DOSING PUMP –
In this tank, polyelectrolyte solution is stored. With the help of dosing pump we add this solution in sedimentation tank.
 - Proportion – 200 gms in 100 Ltrs Water
6. SAND FILTER –
Sand filter contains sand (100 KGS) with valve.
 - Proportion- 100 kgs in vertical tank.
7. CARBON FILTER –
Carbon filter contains Activated carbon powder (100 Kgs) with valve.
Proportion – 100 Kgs in vertical tank.



BASIC LAYOUT OF WATER RECYCLING PLANT

पाहणी / अहवाल

ती लौसिक लागनीकर आंच्या लहारी प्रमाणे
मे. अहो इडिया माध्यम नगर रोड आंगली या
सर्विसिंग सेक्टर-ची पाहणी करीत असताना
उदात्तित बाकी आढळून आतमाल.

आज दि. १५/५/१९ रोजी मे. अहो इडिया या
सर्विसिंग सेक्टर-ची पाहणी करीत असताना
अदर उद्योगा मध्ये देण - चाकी गाड्याची
दुरुस्ती व वॉशिंग केतया जाले.

उद्योग मालकाने दिवसालुन १५-२० होतु
-चाकी गाड्या वॉशिंग केतया जालाल असे
सांगोलेले.

पाहणी दरम्यान उद्योगाने STP बसविलेला
नाही असे आढळून आले.

गाड्या वॉशिंग केलेले पाणी हे विनाप्रथेमा
इनेशला सोडलेले दिसुन आले.

अदर उद्योगाने म. प्र. नि. मंडळाचे
समक्षीपन घेतलेले दिसुन आले नाही.

पाहणी दरम्यान गाड्याचे वॉशिंग व दुरुस्ती
करण सुरु होत.

पाहणी दरम्यान एक घेला जनरेटर दिसुन
आला.

(अ. अ. मिरजे)

(मु. जी. माने)
स. अ.

Inspection Report

During visit of M/s Auto India, Madhavnagar Road, Sangli as per the complaint filed Mr. Tousif Bagnikar, following g things are observed,

During visit of M/s Auto India on 15/05/2019 it is found that servicing and washing of two and four wheelers is being carried out in the industry.

The owner of the industry told that washing of 15-20 two wheelers is carried out daily.

During visit it is observed that STP is not installed by the industry.

It is found that, After washing the water is discharged into drainage without process.

It is found that the industry has not obtained consent from MPCB.

During visit washing and servicing of vehicles were carried on.

During visit it is found that there is one small generator.

Sd/-

(R.R.Mirje)

Sd/-

(U J Mane)

Field Officer

MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, SANGLI.

Tel. No. (0233) 2672032,
2675932
Fax No. (0233) 2672032
E-mail: srosangli@mpcb.gov.in



Udyog Bhavan,
Behind Tata Petrol Pump,
Vishrambag, Sangli - 416 415.

No. MPCB/SRS/TB/ 666 /19.

Date - 16 /05 /2019

To,
M/S.- Auto india showroom
Near Durga mata, Temple, Madhav Nagar road Sangli.
Tal- Miraj Dist- Sangli.



Sub:- Warning Notice-Non-compliance of consent conditions.
Ref:- Complaint received from Shri Tousif Bagnikar on dtd. 08. 01 .19
Visit of board officer to industry on 15/05/2019.

Maharashtra pollution Control Board is implementing water (Prevention & control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 in state of Maharashtra. And is mandatory on every units/industry to obtain consent from MPC Board under above mentioned Acts and to provide adequate pollution control system to achieve Board standards.

Board officer has visited to your industry on 15/05/2019 following Non-compliances are observed-

1. You are operating your unit without obtaining consent from the Board.
2. You have not provided effluent treatment plant.
3. You have discharge Untreated effluent to drainage without treatment.

In view of above it appears that, you are having negligent approach towards implementation of water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008. Hence you are instructed to submit your say if any within 7 days as why your case will not recommended for legal action under water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

(L. S. Bhad)
Sub-Regional Officer, Sangli

Copy submitted for information please.
Regional Officer, M. P .C. Board, Kolhapur.

2019
Date 22 MAY 2019

Miraj
File

3588048223
Name - 9960741565
Koli-wadav
8485095515

3
Sent by mail
to Vokhapur MPCB, govt. n.
01/20/20

Annexure - F

45 240

To,
Mr. Ravindra Andhale,
Regional Officer,
MPCB, Kohapur.

Subject : Compliance of your order

**Reference : Order no. MPCB/RO/KOP/CD/2008170003 Dated 17/08/2020
received on mail.**

Respected Sir,

We have received your above mentioned order on mail. With reference to said order we are hereby informing you that we have due respect about your orders and about the orders passed by Hon'ble NGT. We are not having any sort of motive or intention to breach the environmental rules. We are law abiding citizen and firm and we have always followed the rules and regulations. Even though we have done any misconduct by ignorance of fact or regulation we are ready to correct it. Only with this intention and to respect the orders passed against our unit we have suspended activities in the servicing unit immediately after receipt of your mail.

We are having a Authorized Dealership of Bajaj Auto (Two Wheelers) for Sangli District. The dealership includes sale of vehicles, spare parts and servicing and the unit is running since last approx 40 years. In the servicing unit we service and repair the vehicles wherein no single liter discharge of water or any chemicals takes place. The burnt oil is the only output of servicing center, which is collected by Vipro Industries, who is on a contract basis. So there is no any discharge from service unit, hence the question of violation of pollution control norms never arises in this unit.

We use the water only for the washing of vehicles in the washing area, which is apart from the service unit. However after washing the vehicle we use the recycled water for gardening in our premises. Because of which we never discharge our water into municipal Sewage. As we are not discharging single liter of water into municipal sewage and the business activity of sale and servicing of vehicle has not having any connection with the Pollution, we have not applied for the Permission of MPCB. The Municipal Corporation Act is also very clear about the businesses which require NOC of health department and our business is not included into the list. Therefore we have not applied for the NOC of Health department of the Corporation. We have obtained each and every permission to run the business activity of sales and servicing of the Vehicle.

The officers of MPCB visited our premises in last year to check the activities of the unit as per the complaint given by unknown person. We have shown them the entire premises and given the above mentioned information. They were also satisfied about our activity and no any remarks/suggestions were given to us during the said visit. We were never informed in past nor in their visit about the necessity of obtaining consent from MPCB.

The MPCB have never issued show cause notice to our unit nor visited to our unit in the past years as per the act. We were never intimated or corresponded, to show that we are polluting the environment. We have not received any summons or order from the Hon'ble NGT. Neither NGT nor MPCB has given any opportunity to submit our say, but have taken ex party action against the unit which is arbitrary and against the principals of natural Justice. The MPCB has initiated the action only after the orders of NGT as it is evident from the documents.

P.2.0

We are not running any factory or production Unit. We are only selling the vehicles and performing activities of servicing since last approx 40 years. No unit from Sangli District have obtained consent from MPCB to run the activity of a Vehicle dealership. The MPCB has not taken any efforts about awareness about necessity of obtaining consent required for a automobile dealership.

We have suffered huge losses due to COVID 19 and are trying to restart the business by taking lots of efforts. Even entire country is facing these economical crises and in this situation you are suddenly sending us orders for the closure of workshop and servicing activities, without providing opportunity of hearing. Which itself against the principles of natural justice. We are abiding each and every law and regulations about automobile industry and its functioning. We have obtained every consent for that. We are not discharging any effluent. The officers of MPCB have never visited in past years to our premises or any automobile dealer to my knowledge in regular interval.

As we are not indulging in any illegal activities, this sudden order received to close down the workshop and servicing unit which is a authorized servicing unit for the entire Sangli District, the closure of it will cause inconvenience and hardship to many citizens and our valuable customers at large as we are having huge consumer base since last approx 40 years, so because of this arbitrariness we along with our consumers will suffer a huge losses along with the losses of Covid pandemic.

Even though your orders are ex party, illegal and against the principals of natural justice, which we have not received physically, we have obliged the orders and suspended our operations in the servicing unit. In interim we have also applied for the Consent to the MPCB having application no. Maitri203S2ACD1 and also, to obtain NOC from the Corporation. We will install the STP unit if required even though we are not violating norms, nor discharging water into municipal sewage.

Kindly take Note of It.

Yours truly
For AUTO INDIA


RAKESH MIRJE
MANAGING PARTNER



Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

Thank you. Your payment has been successfully received with following details.

Transaction Receipt

Transaction Status:	Success
Transaction Reference no:	VUBI9493838314
Transaction no:	TXN2011001972
Transaction On:	25-11-2020 12:46:01
Payment For:	MPCB-CONSENT-0000102839
Email:	autoindiasangli@gmail.com
Mobile no:	9823056399
Amount:	3000.00 INR.

Welcome Mr. AUTO INDIA, AUTO INDIA

Log Out

Dashboard > Accounts

My A/Past dues > ASBA > Approvals

Transactions > General Debit/ Credit > Deposits > Uploads > Trade Payments > Bills > Security Settings > Manage > Transactions > Limits

Transactions: View Transactions > View Completed Transactions > My Completed Transactions

My Completed Transactions

Search

Reference ID	Date	Transaction Type	Status
502091866	25/11/2020	Shopping Mall Payment	Success
502062658	24/11/2020	Shopping Mall Payment	Success
502010327	23/11/2020	Shopping Mall Payment	Success
502001812	23/11/2020	State Tax Payment	Success
501888927	20/11/2020	Shopping Mall Payment	Success

Viewing 1 to 5 of 8

Download Details As PDF

View Transaction Details

General transaction details

Sender's Account number: 470701010280079 **Initiator Account: AUTO INDIA**

Beneficiary Account number: 378902230116000 **Beneficiary Nickname: BILDES PAYMENT SERVICES**

Amount: **INR 3,023.60**

Transaction Date: 25/11/2020 (dd/MM/yyyy)

Remarks:

Reference ID: 502091866

UTR Number: 20201125124917 **Transaction Type: Shopping Mall Payment**

Transaction Status: **Success**

Amount & Frequency Details

Validity Indicator: Next Valid Date

Total Amount: INR 3,023.60 **Total Charge Amount: INR 0.00**

Transaction Currency: INR **Tentative Credit Date: 25/11/2020**

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Summary*

Modify/Delete

To,
Mr. Ravindra Andhale,
Regional Officer,
MPCB, Kohapur.

Subject : **Permission to restart the Unit.**

Reference : 1. Order no. MPCB/RO/KOP/CD/2008170003 Dated 17/08/2020.

2. Reply filed by the Auto India Dated 20/08/2020.

3. Judgment passed by the Hon'ble CJJD Sangli against Tousif Bagnikar in RCS no. 944/2012.

4. NOC issued by Health Department SMK. C.

5. Installation report of ETP at Workshop

6. Application for consent filed with the MPCB

7. Authority letter of VIPRO industries for collection of unburnt oil.

Respected Sir,

With respect above referred order No. 1 we have stopped the activities of the washing of vehicles in our Unit. We have also done the entire compliance which is needed to restart the servicing unit. We are applying hereby to restart our servicing unit on following among other grounds,

1. With respect to reference no. 1 of your order dated 17/08/2020 (referred at Sr. No. 1) i.e. the complaints are received to your office from local residence, the applicant submits their say as follows,

With regards to the said allegation we want to draw your attention towards important fact that local residents have never complained about our unit to the MPCB. It is one Tousif Bagnikar who has complained about the Unit. Tousif Bagnikar was the employee of the Auto India Sangli. Tousif Bagnikar has suddenly left the job from auto India even though he has executed guarantee bond agreement. Because of which The Auto India filed Civil Suit against Tousif Bagnikar before the Hon'ble Civil Judge Junior Division at Sangli bearing No. RCS 944/2012. The Hon'ble Court has decreed the suit filed by the Auto India and passed Judgment against Tousif Bagnikar on 18/04/2018 and order to pay Rs. 50,000/-

along with an Interest at the rate of 6 % per annum. As the Court has passed orders against Tousif Bagnikar, he has filed frivolous complaint against the Auto India with MPCB. This fact

[Handwritten Signature]
REGIONAL OFFICER
MPCB
KOHAPUR
C. BOARD
S. C. BEHAVAN
MPCB NEAR COLLECTOR OFFICE
KOHAPUR-416003

shows that the complainant has not come with clean hands and he has misdirected the officers of MPCB. Tosif Bagnikar has used the government machinery to take revenge, which is nothing but the attempt of blackmailing. Copy of the said Judgment is annexed herewith at Sr. No. 3.

2. With respect to reference no. 2 of your order dated 17/08/2020 (referred at Sr. No. 1) i.e. the warning notice issued on 16/05/2019, the applicant submits their say as follows,

The field officer of MPCB has prepared their visit report on 15/05/2019 and mentioned in the visit report that the STP is not installed in the Servicing unit. On 16/05/2019 the Sub regional officer sent warning Notice to us. However in the said Notice it was mentioned that Effluent treatment plant is not provided by the servicing unit. Because of which we got confused about whether we need to install STP or ETP. Therefore we requested the Sub regional Office to provide us the information about whether we should install STP or ETP?. We were waiting for the reply of Sub regional office. But because of the transfer of officers and Covid outbreak, we have not received any clarification.

We have also given explanation to sub regional office that, we use the water only for washing of vehicles. We use Shampoo for washing the vehicles. We never discharge the water from servicing centre into the municipal drainage.

Without prejudice to this submission We have done compliances mentioned in the said warning Notice dated 16/05/2019.

3. With respect to reference no. 3 of your order dated 17/08/2020 (referred at Sr. No. 1) i.e. the order passed by Hon'ble NGT on 02/07/2020 in Original Application No. 57/2019 (WZ), the applicant submits their say as follows,

We have not received any summons or order from the Hon'ble NGT. Neither NGT nor MPCB has given any opportunity to submit our say and taken ex party action against the unit which is arbitrary and against the principals of natural Justice. We have appeared in the said matter after we got the knowledge of the case. However due to the Covid situation the hearing of the matter is adjourned from time to time. We are having hope that the Court will set aside the ex party orders passed against the Unit.

4. With respect to reference no. 4 of your order dated 17/08/2020 (referred at Sr. No. 1) i.e. regarding letter about committee formation dated 07/08/2020, the applicant submits their say as follows,

We have not received any letter regarding any committee formation. They neither visited our unit nor asked us for our say. Due to lack of knowledge about such committee we are not able to advance our defence with regards to this point.

5. With respect to reference no. 5 of your order dated 17/08/2020 (referred at Sr. No. 1) i.e. visit of board officer along with SMK Corporation representative to our unit on 10/08/2020, the applicant submits their say as follows,

It is admitted by the applicant that the board officer along with SMK Corporation representative visited to our unit on 10/08/2020. They also pointed out the irregularities to us. Because of the ignorance of consent to be obtained, we have not applied for the consent. Not a single servicing unit from Sangli District have applied for such consent till the visit and the entire automobile servicing sector of Sangli is unaware of the fact that they need to obtain consent from MPCB as well as Corporation and they also need to install ETP. However the applicant came to know about the same only after the said visit of MPCB officer on 10/08/2020. They applicant is law abiding citizen and have taken all the consent to run the unit. However due to lack of knowledge they have not obtained environmental consents. Therefore the applicant in order to rectify their mistake obtained consent from SMK Corporation, installed ETP and also applied for consent to MPCB.

6. With respect to reference no. 6 of your order dated 17/08/2020 (referred at Sr. No. 1) i.e. approval received from competitive authority dated 15/08/2020, the applicant submits their say as follows,

Due to lack of knowledge about formation of such committee we are not able to advance our defence with regards to this point.

7. **It is material to note that the unit of the applicant is not situated in the pollution prevention area.**
8. **The applicant has obtained NOC from SMK Corporation. The copy is annexed with this reply at Sr. No 4.**
9. **The applicant has also installed ETP at their unit. The copy of installation report is annexed along with this application at Sr. No. 5.**
10. **The applicant has also applied for consent to the MPCB on its web portal. Copy of the application is annexed with this application at Sr. No. 6.**
11. **The waste water from the area of Applicant's unit and nearby vicinity is collected into the Sherinala by the SMKC. The SMKC is lifting the said untreated water into the waste**

treatment plants situated at Dhulgaon village. The said untreated water is being processed at Dhulgaon and recycled water is used for farming. Because of which not a single drop of water goes into the Krishna river.

12. The applicant unit is paying drainage tax to the SMKC because the SMKC is collecting the untreated water and processing it. Because of which question of pollution of river does not arise. However as the officers of MPCB raised the issue, the applicant has installed ETP.
13. The water consumption of applicant's unit is very low. The water consumption is below 1 cmd. Because of which question of NOC of CGWZ and water cess report will not arise as per the Public notice Dated 26th October 2020.
14. The burnt/used oil collected from the applicant's unit is collected by VIPRO industries. Authority letter for the same is annexed with this application at Sr. No. 7.
15. The applicant is not using cotton in their servicing/washing unit.
16. The applicant unit is ready to abide the conditions. Applicant will dispose the water and any type of waste in accordance with the rules and regulations and as per directions of MPCB.
17. Applicant is not running any factory or production Unit. Applicant are only selling the vehicles and performing activities of washing and repairs. The applicant has suffered huge losses due to COVID 19 and is trying to restart the business by taking lots of efforts. Applicant is abiding each and every law and regulations about automobile industry. The applicant's unit is the only authorized workshop and servicing unit for the entire Sangli District and closure of it will cause inconvenience and hardship to people at large as we are having huge consumer base. Because of this arbitrariness applicant along with their consumers are suffering huge loss.
18. Considering the compliances by the applicant and factual position, it is necessary in the interest to justice to give permission of restart to the applicant's unit.
19. Therefore it is requested to give permission of restart to the washing unit of applicant and to set aside the orders referred at Sr. No. 1 dated 17/08/2020.

Hence the application.

Sangli

Date: 26/03/2021

Applicant.



Authorised Dealer for Bajaj Auto Limited

Auto India
Sangli - Madhavnagar Road,
Sangli 416 416

Tel. : 0233 2620299, 2620399

Fax : 0233 2620699

E-mail : san_rakesh@sancharnet.in

AI/ /2021-22/27.05.2021

To

Dr. V. M. Motghare
Joint Director (Air Pollution)

Subject: Reply to your show cause notice dated 29/04/2021 having outward no. BO/JD(APC)/TB-3/102839/SCN/0036.

Respected Sir,

With reference to above mentioned subject, we are hereby filling our reply to your show cause notice dated 29/04/2021 having outward no. BO/JD(APC)/T3/102839/SCN/0036 as under,

1. That our unit has fulfilled all the non-compliances, however due to some technical mistakes the authority assumed that our unit has not complied the orders.
2. You have noted two non-compliances in the show cause notice. With respect to non compliance no. 1, i.e. non submission of details to ETP plant etc. it is respectfully submitted that,
 - a) The unit has submitted details of effluent treatment plant and along with installation report. The document is also referred at Sr. No. 5 of the application given by the unit to Mr. Ravindra Andhale, Regional officer, Kolhapur. To avoid technicalities we are also submitting the details of the effluent treatment plant and its installation report along with this reply.
 - b) It is submitted that the unit is not indulged into any manufacturing activities. We are running a business of sales of vehicle, spare parts, servicing and washing of vehicles. The alleged pollution is related with the washing of vehicles. Therefore, question of Air pollution, hazardous and non-hazardous waste manufacturing process does not arise in case of our unit. However, if the MPCB is of the opinion that we need to install any other unit along with effluent treatment plant then we request the MPCB to guide us about the same. We are totally unaware about the pollution control units which are necessary to install to run a business of Sales and services of vehicles. **It is also a request to note that amongst the units involved into the business of sales and services of vehicles in entire Sangli district, ours is the only unit who has installed ETP.**
 - c) With respect to further course of action related to closure order dt. 17/08/2020 we have done all the compliances and sent detailed report to The Regional officer, Kolhapur. The copy of the same is annexed herewith this reply. It is kind request to refer the said reply in order to clarify the doubt.
3. We have submitted in details about action taken and fulfilment of non-compliances noted in notice dt. 17/08/2020 to the authority who issued us the notice i.e., Hon'ble Regional officer, Kolhapur. We are also submitting the copy of the same along with this reply.
4. It is respectfully submitted that there is no other non-compliances on our part. We have obeyed the orders of MPCB and acted as per the directions. We have not done any activity which is negligent towards the environment.
5. we have due respect about your orders and about the orders passed by Hon'ble NGT. We are not having any sort of motive or intention to breach the environmental rules. We are law abiding citizen and we have always followed the rules and regulations. Even though we have done any misconduct by ignorance of fact or regulation we are ready to correct it.

6. **It is material to note that the unit of the applicant is not situated in the pollution prevention area.** The applicant has obtained NOC from SMK Corporation. The applicant has also installed ETP at their unit. The applicant has also applied for consent to the MPCB on its web portal. The waste water from the area of Applicant's unit and nearby vicinity is collected into the Sherinala by the SMKC. The SMKC is lifting the said untreated water into the waste treatment plants situated at Dhulgaon village. The said untreated water is being processed at Dhulgaon and recycled water is used for farming. Because of which not a single drop of water goes into the Krishna river. The applicant unit is paying drainage tax to the SMKC because the SMKC is collecting the untreated water and processing it. Because of which question of pollution of river does not arise. However as the officers of MPCB raised the issue, the applicant has installed ETP. The water consumption of applicant's unit is very low. The water consumption is below 1 cmd. Because of which question of NOC of CGWZ and water cess report will not arise as per the Public notice Dated 26th October 2020.
7. Applicant is not running any factory or production Unit. Applicant are only selling the vehicles and performing activities of washing. The applicant has suffered huge losses due to COVID 19 and is trying to restart the business by taking lots of efforts. Applicant is abiding each and every law and regulations about automobile industry.
8. Considering the compliances by the applicant and factual position, it is necessary in the interest to justice to give permission of restart to the applicant's unit.
9. Therefore considering these and other reasons it is submitted that the show cause notice may kindly be taken back and permission be given for consent to establish (UAN No. 102839).

Thanking You,

Yours truly

For AUTO INDIA

PARTNER



Cc: Regional Officer, MPCB, Kolhapur
Sub Regional Officer, MPCB, Sangli

Following documents are annexed along with this reply

- 1) Order no. MPCB/RO/KOP/CD/2008170003 Dated 17/08/2020.
- 2) Reply filed by the Auto India Dated 20/08/2020.
- 3) Application for Permission to restart the Unit Dt. 26/03/2021
- 4) Judgment passed by the Hon'ble CJJD Sangli against TousifBagnikar in RCS no. 944/2012.
- 5) NOC issued by Health Department SMKC.
- 6) Installation report and details of process of ETP at Workshop
- 7) Application for consent filed with the MPCB
- 8) Authority letter of VIPRO Industries for collection of unburnt oil.