

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH,**

**PUNE AT PUNE**

ORIGINAL APPLICATION No.37 OF 2013

VANASHAKTI  
NO.10

RESPONDENT

V/s

UNION OF INDIA & OTHERS

RESPONDENTS

**REPLY OF RESPONDENT No.10**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

1. At the outset, the Original Application as filed by the Respondent No.10s is devoid of any material and is liable to be dismissed with cost. The Respondent No.10 submit that, the statements and averments made in the said Application are not admitted by this Respondent and hence denied, except so far they are expressly admitted herein under. The Respondent No.10 reserve their right/liberty to file a detailed reply as and when required by this Hon'ble Tribunal. The Respondent No.10 herein has made allegations against the Respondent Authorities as well as this Respondent, but has failed to substantiate the destruction and or the harm the project has caused/will cause to the environment.



2. It is submitted that the Hon'ble Tribunal vide its judgment dated 2<sup>nd</sup> July 2015 passed a direction No.58(3) has imposed cost of Rs.30 crores on Dombivli CETP (16.5 MLD). It is submitted that the Dombivli CETP is having capacity of 1.5 MLD and thus having the minutest quantity of Effluent to be treated. The Respondent No.10 had filed O.A No.148 of 2017 and stated that the calculation of the Tribunal was incorrect and hence vide the said application had given the calculation of the contribution of the Respondent No.10 vide the said application. The said facts are narrated hereunder.

3. It is further submitted that this Hon'ble tribunal vide order dated 24/05/2017 in Appeal No. 38 of 2016 impose a penalty of Rs.10 lakhs on the Respondent No.10 DCETP for environmental damage caucused, which has been paid by the DCETP to MPCB. DCETP craves leave to produce the receipt of the payment of Rs.10 lakhs at the time of argument. It is further submitted that the action plan dated 29/11/2016 was submitted by DCEP to this Hon'ble Tribunal which costs up to 5.85 crores for implementation. Member industries will be contributing around 1.5 crores towards the action

plan dated 29/11/2016. The Respondent No.10 further submit that the work order dated 15/06/2017 is been issued to M/S Tesla innovation private limited (A SINE IIT Bombay incubated company) against the action plan dated 29/11/2016. Member industries of DCETP contributed its first payment of 1.5 crores on 15/06/2017 Respondent No.10 craves leave produce the said work order and relevant documents at the time of arguments. The Respondent No.10 further submits that the member industries of DCETP invested RS. 10.39 crores on their individual plants to upgrade their ETP to improve the quality of inlet effluent of DCETP. Respondent No.10 craves leave to produce the relevant documents at the time of argument.

4. It is humbly submitted that the efforts carried out for up gradation by DCETP and member industries are evident from the latest CETP report available on 31/07/2017 on MPCB official website. The inlet parameters for COD and BOD are 1248 mg/l & 400 mg /l respectively. The outlet parameters for COD and BOD are 132mg/l and 40 mg/l respectively which are well within the prescribed standards (respectively which are within the prescribed standards (the prescribed outlet standard for BOD and COD is 100 mg/l and 250 mg/l respectively). It is humbly submitted that considering the above mentioned facts and circumstances it is evident that many subsequent events and additional developments occurred due to



- which it becomes vital to modify the impugned order with respect to the restitution and restoration amount.
5. It is submitted that para 38 of the impugned NGT order dated 02/07/2015 provides that details of average COD in mg/l for the year 2013, 2014 and 2015 (January to May) as 475,457 and 672 respectively whereas the reports available on MPCB official website shows average reading of COD for DBESA and DCETP in mg/l for the year 2013, 2014 and 2015 (January to May) for as 315.19,395.72 and 459.29 respectively

**Calculations of average reading of COD for DCETP and DBESA on basis of reading available on the MPCB official website**

Year	Average COD for DCETP (mg/l)	Average COD for DBESA (mg/l)	Average COD DCETP DBESA (mg/l)
2013	307.71	323.2	315.19
2014	375.2	416.24	395.72
2015 (Jan-May)	362.1	554.47	458.29

6. The Respondent No.10 further humbly submits that restitution and restoration amount should be computed by carrying out the mathematical correction i.e. by replacing the figures used in para 38 with the corrected figures used in the above table. It is humbly submitted that due to the above difference of COD parameters taken for calculation of restitution amount, the final amount to be



- paid by Dombivali CETP (DBESA and DCETP) increases, resulting in excess imposition of restitution and restoration amount.
7. It is humbly submitted that the restitution and restoration amount should be calculated taking average COD parameters of DBESA and DCETP individually as both are run and operated separately and their individual average COD levels are available on the official website of MPCB. It is further submitted that the capacity of DBESA to treat industrial effluent is 16 MLD and the capacity of DCETP to treat industrial effluent is 1.5 MLD
  8. It is submitted that after considering the correct average COD levels of DBESA and DCETP individually displayed and MPCB official website the actual restitution and restoration amount payable by DBESA and DCETP comes to Rs.10,64,51,000/- and 62,78,750/- respectively which has been calculated considering the formula given in para 38 of the impugned NGT order dated 02/07/2015. The said amount has been paid by the Respondent No.10 to the divisional commissioner and the same is produced on record as ANNEXURE – R-1.
  9. It is humbly submitted that in the years 2004 DBESA is was upgraded to increase the capacity of CETP to treat industrial effluent from 14MLD to 16 MLD. It is further submitted that the contribution from members was 1.25 crores out of which member of DBESA contributed 25 lakhs and 1 crore was contributed by members of DCETP, considering that effluent from chemical industries is also sent to DBESA, which was decided in the MPCB meeting. It was also humbly submitted that being the members of DCETP the industries contributed for upgradation of DBESA to





accommodate the additional load from chemical industries though the industries are not members of DBESA Thus the contribution already given by members of DCETP towards the upgradation of DBESA may be considered while fixing the restitution and restoration amount in the interest of justice.

10.It is humbly submitted that the work of segregation of Chemical and Textile Industries is undertaken by Maharashtra Industrial Development Corporation (MIDC) The work as already commenced from 06/02/2017.

11.It is humbly submitted that considering the above point's the amount payable by the Respondent No.10 DCETP is Rs. 62,78,750/- and amount payable by DBESA should be Rs.10,64,51,000/-.

12.It is humbly submitted that as per para 58(3) of the impugned order dated 02/07/2015, DBESA and DCETP have been directed to pay restitution and restoration amount of Rs.30 crores. It is further submitted that the Respondent No.10 (DCETP) and DBCSA were not necessary party and were not heard before passing the said impugned order. This ex-parte decision is against the principles of natural justice

Pune

Date 18/04/2022

**BEFORE ME**

S.S. BURATE  
Notary Govt. of Maharashtra  
Pune Regd. No 187

Advocate for Respondent No.10

Respondent No.10

**NOTED & REGISTERED AT**  
Sr.No. 420-C

18 APR 2022



## DOMBIVLI COMMON EFFLUENT TREATMENT PLANT

Plot No. R-4/2, M.I.D.C., Phase-II, Opp. W-40, Dombivli (East)-421204.  
E-mail : infodcetp@yahoo.com • Off. : 9699871596

CIN - U99999MH1994NPL082149

CETP/2833/01/20

Date: 27-01-2020

To  
Ms. Swati Deshpande, Asst. Zonal Officer,  
Office of the Divisional Commissioner,  
Konkan Division, Municipal Corporation Branch,  
1<sup>st</sup> floor, Kokan Bhavan, CBD Belapur,  
Navi Mumbai – 400614.

**Sub: National Green Revolution 37/2013.**  
**Payment of Penalty imposed on us by NGT**

Madam,

We would request you to furnish Bank details to enable us make a payment of Rs.62,78,750/- on subject matter.

We would like to make the above said payment by RTGS and would kindly request you to furnish the bank details with IFSC Code MICR etc., to enable the same.

Thanking you,

With best Regards,

For Dombivli CETP

A handwritten signature in blue ink, appearing to read 'Ravi', is written over a horizontal line. An arrow points from the signature to the word 'Chairman' below it.

Chairman



# DOMBIVLI COMMON EFFLUENT TREATMENT PLANT

2936

Plot No. R-4/2, M.I.D.C., Phase-II, Opp. W-40, Dombivli (East)-421204.

E-mail : infodcetp@yahoo.com • Off. : 9699871596

CTN - U99999MH1994NPL082149

CETP2834/01/20

Date: 29-01-2020

To  
Ms. Swati Deshpande, Asst. Zonal Officer,  
Office of the Divisional Commissioner,  
Konkan Division, Municipal Corporation Branch,  
1<sup>st</sup> floor, Kokan Bhavan, CBD Belapur,  
Navi Mumbai – 400614.

**Sub: National Green Revolution 37/2013.**  
**Payment of Penalty imposed on us by NGT of Rs.62,78,750/-**

Madam,

We are pleased to inform you that we have received the necessary Bank details to enable payment of the above said amount through RTGS and accordingly have made the said payment on 28.01.2020].

Kindly acknowledge receipt of the same.

Thanking you and with best regards

For Dombivli CETP

  
Chairman

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