

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO 53 OF 2024**

Ashif Ahmed Shaikh

...Applicant

Vs

Ms Royal Cashew Factory and Others

...Respondents

**SUBMISSION OF REPORT
IN COMPLIANCE OF HON'BLE TRIBUNAL ORDER DATED 26.02.2024**

1. In compliance of this Hon'ble Tribunal Order dated 26.2.2024, the officials of the Board at Ratnagiri has reported as follows :-

- A) The Board has granted consent to operate u/s 26 of the Water (Prevention and Control of Pollution) Act, 1974 & u/s21 of the Air (Prevention and Control of Pollution) Act, 1981 and Authorization under Rule 6 and Rule 18(7) of the Hazardous and Other Wastes (Management & Transboundary Movement) rules, 2016 for manufacture of cashew nuts 30 MT/A subject to certain terms and conditions vide letter dated 4.10.2023 which is valid up to 31.10.2025. A copy of said consent dated 4.10.2023 is enclosed and marked as an **Annexure "1"**.
- B) It is submitted that in order to investigate complaint, the Officials have visited M/s Royal Cashews, Sr No 142, H No 7, A/p Varawade, Tal-Kankavali, Dist-Sindhudurg on 18.3.2024 and reported as follows :-
- i) During the visit the representative of the said Industry has informed that Industry is not in operation due to non-availability of raw material.
 - ii) The Industry is having 2 nos wood fired baby boilers and for the same Industry has provided separate 11 mtrs height of stack without air pollution control system.
 - iii) The Industry has not provided stack monitoring facility as per CPCB Guidelines.
 - iv) As per existing consent to operate Industry has submitted Bank Guarantee of Rs.25000/- towards operation and maintenance of pollution control devices and compliance of consent conditions. Bank Guarantee is valid up to 31.3.2026.



NUMBER OF CORRECTIONS
ON THIS PAGE. Nil

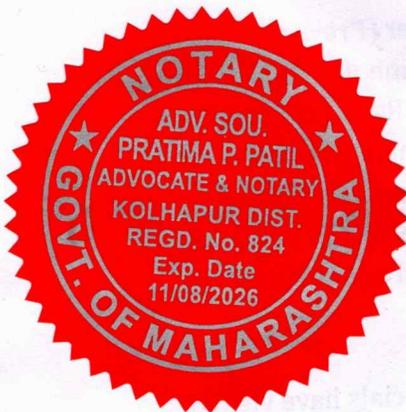
- v) The Industry is having total 4 nos of cookers and 2 nos of steam dryers. However, during visit the same was not found in operation and maintenance cleaning work was in process.

A copy of visit report dated 18.3.2024 is enclosed and marked as an **Annexure II.**

- 2. It is submitted that in view of above non- compliance reported by SRO, Ratnagiri dated 18.3.2024, the Board has issued show cause notice on the ground of non-compliance of consent conditions vide letter dated 19.3.2024. A copy of said show cause notice dated 19.3.2024 is enclosed and marked as an **Annexure III.**

J.S.

(J. S. Salunkhe)
Regional Officer-Kolhapur



I do solemnly affirm that Shri Jagannath S Salunkhe
is my name & I have signed the affidavit
& put L.H.T.I. & that the contents of my
affidavit are true

Deponent

Pratiima P.
Notary



Pratiima P.
Sou. PRATIMA P. PATIL
Advocate & Notary
C.S.No.2335, Narayan Complex,
Near Shaniwar Post Office, Kolhapur.
Mob. 9422047545/7385157876

Notary Regi. Sr. No. 391

22/3/2024

NUMBER OF CORRECTIONS
ON THIS PAGE: Nil Ppp

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 0231-2652952
0231-2660448
Fax: 0231-2652952
Website: <http://mpcb.gov.in>
Email: rokolhapur@mpcb.gov.in



Maharashtra Pollution
Control Board, Udyog
Bhavan Building, Near
Collectorate Office,
Kolhapur - 416 002

ORANGE/S.S.I (O77)
No:- Format1.0/RO/UAN
No.0000182871/CO/2310000259

Date: 04/10/2023

To,
M/s. Royal Cashews
S. No.142, H.No-7, At/Post-Varawade, Tal-Kanakavali,
Dist-Sindhudurg.



Sub: Granted Consent to Operate under Orange Category

Ref: Application UAN No.0000182871

Your application No.MPCB-CONSENT-0000182871 Dated 29.09.2023

For: Grant of Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 and Rule 18(7) of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I, II, III & IV annexed to this order:

- The consent to operate is granted for a period up to 31/10/2025**
- The capital investment of the project is Rs.0.5818 Crs. (As per C.A Certificate submitted by industry)**
- Consent is valid for the manufacture of:**

Sr No	Product	Maximum Quantity	UOM
Products			
1	Cashew Nuts	30	MT/A

- Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to	Disposal Path
1.	Trade effluent	0	As per Schedule-I	Not Applicable
2.	Domestic effluent	1.6	As per Schedule-I	On land for gardening

- Conditions under Air (P& CP) Act, 1981 for air emissions:**

Sr No.	Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
1	1	Baby Boiler	1	As per Schedule -II

- Non-Hazardous Wastes:**

Sr No	Type of Waste	Quantity	UoM	Treatment	Disposal
1	Boiler Ash	400	Kg/Annum	NA	Sale to Brick manufacturer
2	Cashew Shell	90	Ton/Y	NA	By Sale

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for Collection, Segregation, Storage, Transportation, Treatment and Disposal of hazardous waste:**

Sr No	Category No./ Type	Quantity	UoM	Treatment	Disposal
NA					

8. The Board reserves the right to review, amend, suspend, revoke this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/ permission from any other Government authorities.
10. The applicant shall make an application for renewal of consent 60 days prior to date of expiry of the consent. (Operate/Renewal)



J. S. Salunkhe

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Signed by: J. S. Salunkhe
Regional Officer
For and on behalf of,
Maharashtra Pollution Control Board
rokolhapur@mpcb.gov.in
2023-10-04 18:38:45 IST

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	6000.00	TXN2309004662	30/09/2023	Online Payment
2	26667.00	TXN2310000562	04/10/2023	Online Payment

Copy to:

- Sub-Regional Officer, MPCB, Ratnagiri
- They are directed to ensure the compliance of the consent conditions.
- Chief Accounts Officer, MPCB, Sion, Mumbai

SCHEDULE-I**Terms & conditions for compliance of Water Pollution Control:**

1. A) Generation - As per your application the treated effluent generation is Nil.
B) Treatment - NA
C) Disposal - NA
2. A) As per your application, you have provided Septic Tank followed by Soak pit for the treatment of 1.6 CMD of sewage.
B) The Applicant shall operate the sewage treatment system to treat the sewage so as to achieve the following standards.

<i>Sr.No</i>	<i>Parameters</i>	<i>Standards (mg/l)</i>	
1	Suspended Solids	Not to exceed	50
2	BOD 3 days 27°C	Not to exceed	30
3	COD	Not to exceed	100

- C) The treated sewage shall be recycled for secondary purposes to the maximum extent and remaining shall be discharged on land for gardening within premise after confirming above standards. In no case, sewage shall find its way for gardening / outside factory premises.
3. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification there of & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto.
4. The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
5. The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act:

<i>Sr. No.</i>	<i>Purpose for water consumed</i>	<i>Water consumption quantity (CMD)</i>
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.20
2.	Domestic purpose	2.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00
5.	Gardening	0

6. The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance/ CREP guidelines.

SCHEDULE-II**Terms & conditions for compliance of Air Pollution Control:**

1. As per your application, you have provided the Air pollution control (APC) system and erected following stack (s) to observe the following fuel pattern:

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
1	Baby Boiler	Cyclone	11.00	Fire Wood 37.5 --NA--	-	NA	-

2. The Applicant shall provide Specific Air Pollution control equipments as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance / CREP guidelines.
3. The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement/alteration well before its life come to an end or erection of new pollution control equipment.
4. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).



SCHEDULE-III
Details of Bank Guarantees:

Sr. No	Consent (C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	C To O	25000/-	Within 15 Days	Towards O & M of Pollution Control System & Compliance of Consent Conditions	31.03.2026	31.03.2026

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
NA						

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				



SCHEDULE-IV
General Conditions:

1. The Energy source for lighting purpose shall preferably be LED based
2. The PP shall harvest rainwater from roof tops of the buildings and storm water drains to recharge the ground water and utilize the same for different industrial applications within the plant
3. Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
 - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
4. The applicant shall maintain good housekeeping.
5. The non-hazardous solid waste arising in the factory premises, sweepings, etc. be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal of solid waste.
6. The applicant shall not change or alter the quantity, quality, the rate of discharge, temperature or the mode of the effluent/emissions or hazardous wastes or control equipments provided for without previous written permission of the Board. The industry will not carry out any activity, for which this consent has not been granted/without prior consent of the Board.
7. The Board reserves the right to review, amend, suspend, revoke this consent and the same shall be binding upon you.
8. The industry shall submit quarterly statement in respect of industries obligation towards consent and pollution control compliance's duly supported with documentary evidences (format can downloaded from MPCB official site).
9. The industry shall submit official e-mail address and any change will be duly informed to the MPCB.
10. The industry shall achieve the National Ambient Air Quality standards prescribed vide Government of India, Notification No. B-29016/20/90/PCI-L dated. 18.11.2009 as amended.
11. This consent should not be construed as exemption from obtaining necessary NOC/ permission from any other Government authorities.
12. The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.

13. You shall operate OCEMS installed for source emission round 'O' clock and transmit data online to CPCB and MPCB server. You shall also monitor effluent quality, stack emissions and ambient air quality monthly/quarterly. You shall conduct Dioxin Furan monitoring by third party NABL Accredited agency once in year and submit report to Sub Regional Officer.
14. You shall ensure collection, and segregation of BMW regularly to treat and dispose Off within 48 hrs from generation.
15. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipments, the production process connected to it shall be stopped.
16. The applicant shall provide an alternate electric power source sufficient to operate all pollution control facilities installed to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms and conditions of this consent.
17. The industry shall recycle/reprocess/reuse/recover Hazardous Waste as per the provision contain in the Hazardous and Other Wastes (M & TM) Rules 2016, which can be recycled /processed /reused /recovered and only waste which has to be incinerated shall go to incineration and waste which can be used for land filling and cannot be recycled/reprocessed etc. should go for that purpose, in order to reduce load on incineration and landfill site/environment.
18. An inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
19. You shall not Rent, Lend, Sell, Transfer or Close Down the facility or otherwise transport the Bio Medical waste for any other purpose without obtaining prior written permission of the MPC Board.
20. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes/sewers downstream of the terminal manholes. No effluent shall find its way other than in designed and provided collection system.
21. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
22. The industry should not cause any nuisance in surrounding area.
23. The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB (A) during day time and 70 dB (A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.
24. You shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the facility premises.
25. The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
26. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto
27. The applicant shall install a separate meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

28. The applicant shall bring minimum 33% of the available open land under green coverage/ plantation. The applicant shall submit a yearly statement by 30th September every year on available open plot area, number of trees surviving as on 31st March of the year and number of trees planted by September end.
29. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions.
30. The firm shall submit to this office, the 30th day of September every year, the Environment Statement Report for the financial year ending 31st March in the prescribed FORM-V as per the provisions of Rule 14 of the Environment (Protection) (second Amendment) Rules, 1992.
31. You should monitor effluent quality, stack emissions and ambient air quality monthly/quarterly. You shall conduct Dioxin Furan monitoring by third party NABL Accredited agency once in every year and submit report to Sub Regional Officer.
32. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
33. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
34. You shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
35. You shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act, 1986 and industry specific standard under EP Rules 1986 which are available on MPCB website (www.mpcb.gov.in).
36. You shall create the Environmental Cell by appointing an Environmental Engineer and Chemist for looking after day-to-day activities related to compliance of CCA.
37. You should comply with the Hazardous and Other Wastes (M & TM) Rules, 2016 , Bio Medical Waste Management Rules,2016 and submit the Annual Returns as per Rule 6(5) & 20(2) of Hazardous and Other Wastes (M & TM) Rules, 2016 for the preceding year in Form-IV by 30th June of every year
38. You should comply with the Hazardous and Other Wastes (M & TM) Rules, 2016 , Bio Medical Waste Management Rules,2016 and submit the Annual Returns as per Rule 6(5) & 20(2) of Hazardous and Other Wastes (M & TM) Rules, 2016 for the preceding year in Form-IV by 30th June of every year

This certificate is digitally & electronically signed.

MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, RATNAGIRI

Telifax : (02352) 220813
 e-mail : sroratnagiri@mpcb.gov.in



Sub Regional Office Ratnagiri,
 Central Administration Building No.2,
 2nd Floor, Collector Officer Compound,
 Ratnagiri - 415 612.

VISIT REPORT

- 1) Name and Address of Industry :- M/s. Royal Cashews,
 S. No. 142, H. No. 7, A/P- Varawade,
 Tal- Kankavali, Dist. Sindhudurg.
- 2) Date of Visit :- 18.03.2024
- 3) Industry Representative :- Aqib Kudalkar, Prop. 9699848444
- 4) MPCB Official :- S. J. Bhoi, F.O.
- 5) Consent Status :- Consent to Operate valid upto 31.10.2025.
- 6) Observations :-

- Visited to industry against checking the compliance of consent conditions as per Hon'ble NGT order in respect of O.A. No. 53/2024. During visit following observations made as -

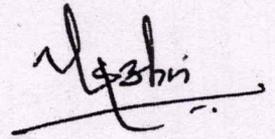
1. During visit industry was not found in operation, due to non availability of raw material as reported by representative.
2. The industry having 2 No's wood fired baby boilers. The industry has provided separate 11 mtr height of stack without air pollution control systems.

(P.T.O.)

3. Also industry has not provided stack monitoring facility as per CPCB guidelines.
4. The industry has not incorporated 2nd baby boiler in existing consent to operate.
5. As per existing CO industry has submitted B.G. of R. 25,000/- towards O & M of PCS & compliance of consent conditions. B.G. valid upto 31.03.2026.
6. The industry having total 4 Nos cookers & 2 Nos steam dryer, during visit same was not found in operation, maintenance cleaning work observed during visit.



(Aqib Kudalkar)



(S.J. Bhoi)

F.O.

MPICB, Ratnagiri
Sub Regional Office,
M. P. C. Board,
Central Administrative Building-2,
2nd Floor, Collector Office.
Ratnagiri - 415 612

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**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.**

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:
http://mpcb.mah.nic.in

No. MPCB/RO/KOP/2403190019
To,

Date: 13/03/2024

**M/s Royal Cashews,
S.No. 142 , H.No. 7 , At/Post :- Varawade ,
Tal :- Kankavali , Dist :- Sindhudurg .**

Sub: **Show Cause Notice** for noncompliance of consent conditions.
Ref: 1. Consent granted by the Board and same is valid up to 31/10/2025 ..
2. NGT Order in respect of O.A.No. 53/2024.
3. Visit of Board officials on 18/10/2024
4. Proposal submitted by SRO Ratnagiri.

WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

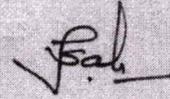
AND WHEREAS, Board Officials visited your unit on 18/03/2024 for checking the compliance of consent conditions as per Hon'ble NGT order in respect of O.A. No. 53/2024 as per ref No. (2) and during visit following noncompliance were observed: -

- 1). During visit industry was not found in operation, due to non-availability of raw material as per reported by representative.
- 2). You are having 2 Nos. of wood fired baby boilers, and for the same you have provided Separate 11 mtr.height of stack without air pollution control system.
- 3) You have not provided stack monitoring facility as per CPCB guidelines.
- 4). You have not incorporated 2nd No.of baby boiler in existing consent to operate granted by the M.P.C.Board .dtd.,04/10/2023.
5. You are having total 4 Nos. cookers and 2 nos. steam dryer, however, during visit same was not found in operation, maintenance and cleaning work were observed during visit.

AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

J. -

Your reply/ objection should reach this office within seven days' time after receipt of this letter. Failure to this, it will be assumed that you have nothing to say and further legal action will be initiated under the provision of Environmental Laws, which may please be noted.



(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy to:

Sub-Regional Officer, M.P.C.Board, Ratnagiri.

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly.

