

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

I.A. NO. 140/2022

IN

O. A. No. 81/ 2022 (WZ)

Shri Shantinath Devappa Hukkeri ---

Applicant

Vs.

Dunung Industries Pvt. Ltd. and Anr. ---

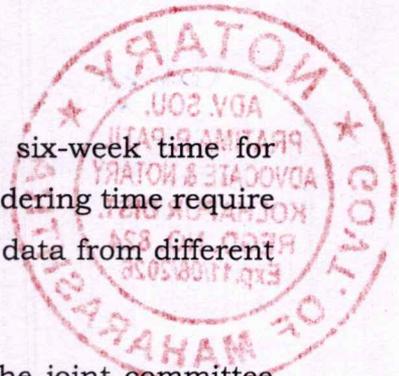
Respondents

**SUBMISSION OF STATUS REPORT IN COMPLIANCE WITH ORDER DATED
30.09.2022 IN I.A. NO. 140/2022 IN O.A.NO.81/2022**

I, Jaganath S. Salunkhe, Age 53 years, Occupation- Service, the Regional Officer, of Maharashtra Pollution Control Board at Kolhapur i.e. Respondent No. 2, having my office address at Udyog Bhawan, Near Collector Office, M.P.C. Board, Kolhapur -416002 do hereby state on solemn affirmation as under-

1. It is submitted that in compliance with the Hon'ble NGT order dated 30.09.2022 marked as **(Annexure "A")**, MPCB has issued office order and constituted joint committee comprising of representative of Regional Directorate, Central Pollution Control Board, Pune (CPCB), Pune, Maharashtra Pollution Control Board (MPCB), Kolhapur and District Agriculture Office, Kolhapur. A copy of the said office order dated 17.11.2022 is enclosed and marked as **Annexure "B"**. The said committee was directed to visit the site and submit a report in the light of the averments made in the application.
2. It is submitted that the Joint Committee carried out visit to agricultural farm of Applicant- Shri. Shantinath Devappa Hukkeri and nearby farms along with Applicant and Industry- M/s. Dunung Industries Pvt. Ltd., Gat No. 388. A/p-Kasab Vadgaon, Tal. Hatkanagale, Dist-Kolhapur on 30.11.2022 and 01.12.2022. The monitoring of ambient air, source emissions from different stacks and sampling of ETP were carried out during the visit. Soil samples were also collected from the Applicant's agricultural farm and nearby farms. The samples are submitted for the analysis and information/data from Industry and District Agriculture Office/Tehsil Office is requested.





- 3. It is submitted that the Joint Committee, shall require six-week time for submission of its report before this Hon'ble Tribunal considering time require for analysis of various samples, collection of information/data from different departments and preparation of report.
- 4. It is therefore prayed to grant six-week time to submit the joint committee report before Hon'ble Tribunal.

Solemnly affirmed on this 1st day of December, 2022 at Kolhapur.

I know the affiant.

For and on behalf of Joint Committee

Jah

(Jaganath S. Salunkhe)

Regional Officer, MPCB Kolhapur

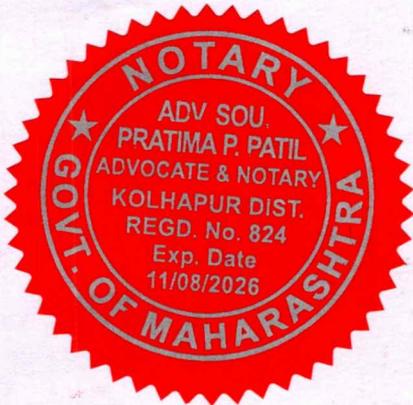
ADVOCATE

I know the deponent

Sawant

Sachin Balasaheb Sawant

SOLEMNLY affirmed before me
 by *Jaganath S Salunkhe*
 Who is identified before me
 by *Sachin B Sawant*
 Whom I personally know
 This *1st* day of *Dec 2022*



Patil

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

Notary Regi. Sr. No. 1796
01/12/2022

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Item No. 7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

I.A. No. 140/2022(WZ)

In

Original Application No. 81/2022(WZ)

Shri Shatinath Devappa Hukkeri

.....Applicant(s)

Versus

Dunung Industries Pvt. Ltd. & Anr.

....Respondent(s)

Date of hearing: 30.09.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant(s) : Ms. Reshma P. Bhurke, Advocate

ORDER

1. In compliance with the previous order dated 21.09.2022 directing the Applicant to move an application on proper format, the Applicant has moved I.A. No. 157/2022 (WZ) by which on Form No. II, the prayer has been made for award of compensation and fees also appears to have been paid.

O.A. No. 81/2022 (WZ)

2. The prayer is made by the Applicant for closure of the industrial unit of Respondent No. 1 and pass an order of compensation to the tune of Rs. 25,00,000 /- (Rupees Twenty Lakhs Only) with an interest @18% and also an order for restitution of the environmental damage be passed.

3. The submission made by the Learned Counsel for the Applicant is that the Applicant is a poor farmer while Respondent No. 1 is running the industry since 2016 which is situated on Gat No. 388 which is adjoining

to the land bearing Gat No. 391/2, belonging to the Applicant. Huge pollution is emitting out the said industry. The Respondent industry has engaged in the manufacturing of a C.I. and S.G. Casting which is directly having ill effect on the growth of the agricultural produce of the Applicant. The said industry is being run without paying any heed to the consent conditions nor has it taken any precaution regarding air pollution. They have not established any treatment plant for the treatment of effluent and the same is being discharged in the land of the petitioner. Due to heavy deposit of dust, fumes and other iron particles, the Petitioner had to cut down 35 trees of NMK golden custard apple, curry leave plants and many other plants. A complaint was made to the Maharashtra Pollution Control Board (MPCB) whose officials made a visit of the said industry and ETP was not found in operation. The unit was found disposing untreated effluent and was disposing hazardous waste i.e. 1460 kg to CHWTSDF on 28.04.2021. The industry has not provided hazardous waste and non-hazardous waste storage facility, therefore, Board had imposed Bank Guarantee of Rs. 5.0 lakhs towards compliance of consent conditions. Thereafter, the Board had not taken any further steps in this regard, hence the present application has been moved.

4. Substantial question of affecting the environment is made out in the present application.
5. Issue Notice to the Respondents, returnable within 04(four) weeks.
6. Applicant is directed to provide copy of the application and relevant documents to the respondents within a week.
7. Respondents are directed to submit their reply before 02.12.2022.
8. Applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

9. We deem it just and proper to constitute a Committee comprising of:-

- (i). One Representative from the Central Pollution Control Board (CPCB);
- (ii). One Representative of the Maharashtra Pollution Control Board (MPCB) and
- (iii). One Member from the District Agricultural Officer.

10. The Committee is directed to visit the site and submit a report in the light of the averments made in the application within a period of two months.

11. The Maharashtra Pollution Control Board (MPCB) shall be the nodal agency for coordination and logistic support.

12. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

13. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days from today.

Put up this matter on 02.12.2022

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 30, 2022
I.A. 140/2022(WZ) In
Original Application No. 81/2022(WZ)
P.Kr

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701		Kalpataru Point, 2 nd - 4 th Floor
Fax: 24023516/24024068/24044531		Opp. Cine Planet Cinema,
Website: www.mpcb.gov.in		Near Sion Circle, Sion (E)
Mumbai- 400 022.		
Your Service is our duty		

Out. No. - 22117-FIS-0244

Office Order

Dt. - 17/11/2022.

Sub :- IA No 140 of 2022 filed in OA No 81 of 2022 filed by Shri Shatinath Devappa Hukkeri Vs Dunung Industries Pvt Ltd and Others before Hon'ble NGT,WZ,Pune

Ref :- Hon'ble NGT Order dated 30.9.2022.

Shatinath Devappa Hukkeri has filed IA No 140 of 2022 in OA No 81 of 2022 seeking direction for closure of Industrial Unit of Respondent No 1 i.e Dunung Industries Pvt Ltd and pass an order of compensation to the tune of Rs. 25 lakhs with an interest @18% and order for restitution of the environment damage be passed.

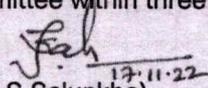
It has been contended by the applicant that the Applicant is poor farmer while Respondent No 1 is running the industry since 2016 which is situated at Gut No 388 which is adjoining to the land bearing Gat No 391/2 belonging to the applicant. It is also contended that air pollution and due to heavy deposit of dust, fumes and other iron particles, the petitioner had to cut down 35 trees of NMK golden custard apple, curry leave plants and many other plants.

In order to ascertain factual position, the Hon'ble NGT has constituted a committee comprising of following members:

- | | |
|--|---------------------|
| a) Regional Director, CPCB, Pune | ... Member |
| b) District Agricultural officer(Representative/Nominee) | ... Member |
| c) RO-Kolhapur, MPCB | ... Member Convener |

The following are Terms of the reference of the said committee :-

- The Committee shall visit the site and submit a report in the light of averments made in the application within a period of two months.
- MPCB shall be the nodal agency for co-ordination and logistic support.
- The report shall be filed by the committee by email at ngt-pune@gov.in.
- The applicant has been directed to supply the required documents and copy of the application to the members of the committee within three days from 30.9.2022.


(J S Salunkhe)

Regional Officer-Kolhapur

Copy f.w cs to :-

- Regional Director, CPCB, Pune- for information.
- Regional Officer, MPCB, Kolhapur- for information. He is requested to co-ordinate with the members of the committee and provide necessary logistic support.
- District Agricultural officer(representative), Govt of Maharashtra.- for information.
- Sub Regional Officer, MPCB, Kolhapur- For Co ordination with all related members & comply accordingly.