

**BEFORE THE HON'BLE GREEN TRIBUNAL, NEW DELHI  
BENCH AT PUNE (WZ)**

**APPLICATION NO. 47 OF 2020**

(Under Section 14 and 15 R/w Section 18(1)  
of the National Green Tribunal Act 2010)

**IN THE MATTER OF**

**Mr. Gurudev Gunaji Sawant**

----- Applicant

V/s

**BioDye India Pvt. Ltd.**

**through Director**

**Dr. Bosco Henriques & others 10**

----- Respondents



**Written Argument on behalf of the Applicant on the point of admission**

That the applicant is a permanent resident of village Madkhol, Taluka Sawantwadi, District Sindhudurg, Maharashtra. Respondent No.1 is running factory of manufacturing colours and dying of fabric since the year 2000 in the land situated at the village Madkhol, Taluka Sawantwadi, District Sindhudurg, Maharashtra bearing Survey No. 247 Hissa No. 39 in the name of Natural Dye Resources Ltd. without necessary pollution control system and precautionary methods. By the said act the company is causing air, water and noise pollution in the village and the act is objectionable one. The applicant filed various complaints against the company but no action taken by anyone. And the company is doing its activities as usual and the inhabitants and live stock in the village is suffering from the air, water and noise pollution causing

### BRIEF FACTS

1. The applicant is a permanent resident of village Madkhol, Taluka Sawantwadi, District Sindhudurg, Maharashtra. The village Madkhol is situated at the foot of a hill and highland i.e. mountainous land. The village Madkhol is blessed by pure and hygienic air and water and initially there were no any kind of pollution in the village.
2. The land bearing Survey No. 247 Hissa No. 39 situated in village Madkhol. The said land is agricultural land and is owned and possessed by one Shri.Shrikant Gopal Parab who is also a resident of village Madkhol. The Respondent No. 1 Company is running a factory of fabric dyeing as well as manufacturing colours in the said land since the year 2000. The said agricultural land comprises in Wadi Gavthan boundry which is situated in crowded area. The said agricultural land is surrounding with residential houses. One stream is also passing nearby which is passed through a main river in the village.
3. The Respondent No. 1 Company is running a dye processing unit in the said agricultural land since the year 2000 till date. The Respondent No.1 Company has not taken any permission to start such a unit. Also, it has not taken any No Objection Certificate of Pollution Control Board. There is a fabric dyeing process in the factory and for that purpose various machineries and furnaces are ignited and the sewage effluents are released or passed in the stream nearby without making any process. The same malodourous polluted water is flowing through a main river and in consequences there is foul smelling atmosphere in the vicinity. The Respondent No. 1 is running a factory of cotton making and fabric dyeing since the year 2000 in the land situated in village Madkhol, Taluka- Sawantwadi, District- Sindhudurg bearing Survey No. 247 Hissa No. 39 without taking No Objection Certificate and any other permission of Maharashtra Pollution Control Board. The company has been raised a shed of four sheets and named it as Natural Dye Resources Ltd. In that shade various machineries and furnaces are ignited. In consequence the atmosphere becomes smoky and it causes air pollution in the area. Due to which the inhabitants in the vicinity are suffering from air

Objection Certificate of Maharashtra Pollution Control Board. The Respondent No. 1 has set up various machineries in the shed. The said machineries cause terrible voice which cause noise pollution. In consequence the inhabitants in the vicinity are suffering from noise pollution. The Respondent No. 1 without taking No Objection Certificate of Maharashtra Pollution Control Board is making production of cotton by using water. At the time of production and dyeing the cotton, the water used in process becomes contaminated and malodorous. The said water is delivered in stream passing nearby. The said stream passes through the river in the village, in consequence the water in the river becomes polluted. Hence unbearable bad smelling spreads in the vicinity. Due to which the inhabitants In the vicinity as well as the animals are suffering..

4. The Respondent No. 1 has not taken No Objection Certificate from Grampanchavat village Madkhol, to run the factory in the land situated in village Madkhol, bearing Survey No.247 Hissa No.39. Moreover, the shed of the factory is itself illegal one. Therefore, the people in the village have strong objection to the project which is causing water, air and noise pollution. The factory is running since eighteen years without having No Objection Certificate of Maharashtra Pollution Control Board and causing water, air and noise pollution. In consequences the inhabitants and live shock in the vicinity are suffering from ill-health.

5. The Respondent No. 1 is running the factory in the land situated in village Madkhol, Taluka- Sawantwadi, District Sindhudurg bearing Survey No. 247 Hissa No. 39 which is agricultural land. But the company has not changed it into a non-agricultural land. On the complaint, the land owner of the above mentioned land is penalised by the Government by a penalty of Rs. 2,12,210/- (Rupees Two Lakh Twelve Thousand Two Hundred and Ten only). The Respondent No. 10 land owner Shri. Shrikant Gopal Parab failed to pay the penalty to the Government. So the Government has encumbered the said penalty in 7/12 extract of the abovementioned land as arrears of land revenue.

6. The village Madkhol, Taluka- Sawntwadi, District- Sindhudurg is comprised in Green Zone and Eco Sensitive Zone and it was obligatory to the authority to take action against the company. Even though the officers of

Office, Maharashtra Pollution Control Board by joining the hands and by conspiring together with the Respondent No. 1 deliberately made a report of compliance by the Respondent No. 1 having knowledge that the inhabitants and livestock of the village Madkhol, Taluka- Sawantwadi, District- Sindhudurg are Suffering from ill-health due to water, air and ,noise pollution and without closing down the factory permanently forced on the people in the village such a polluted project. The applicant himself is a owner of House No.894 which is approximately 100 feet away from the area of the factory initially the applicant was living there with his family. But due to the unbearable and bad smelling he left the house and now he is living in his ancestral house which is approximately 300 meter away from the factory.

7. The Applicant filed complaints on various occasions, but unsucceeded to get any solution and the activities are still persisting. None of the above concerned authorities have taken any interest to find out a permanent solution. The applicant has submitted list of various documents (Annexure 'A' to Annexure 'K') on which he is placing reliance.

The act of Respondent No.1 company has created an apprehension of gross violation of environmental laws. The village Madkhol, Taluka Sawantwadi, District Sindhudurg comes under Eco Sensitive Zone and the activities by the Respondent No.1 company are certainly detrimental to the environment of the village. The atmosphere of the village is at stake. Hence it becomes necessary to take action against these activities. Otherwise it will cause a great irreparable loss to the inhabitants of the village.

Therefore, it is most respectfully prayed to the Hon'ble Tribunal that notice may kindly be issued against the Respondent Nos. 1 to 10.

Place : Pune

Date : 04/05/2021

  
(Gurudev Gunaji Sawant)  
Applicant