

BEFORE HON'BL11E NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

Original Application No.32 of 2023(WZ)

Raju Alias Devavappa Anna Shetty & Ors.

Applicant.

VERSUS

Non-consideration

M/s Shri Dutta India P. Ltd & Ors.

Respondents.

Written Submissions on behalf of the R.N.1 about non-consideration of Technical Note submitted regarding compliances & no violations done by it during the hearing extended on the EDC to review it

1)N.1 has already filed the Affidavit in Reply to the Main Application on 10th August 2023 (Pages-31 to 74) pointing out that it has provided full-fledged ETP & 100% utilizing its treated effluent on land for irrigation purposes. Hence, no question of discharge of effluent outside its premises arose. There is no complaint against the R.N.1.

Respondent No.1 has been granted Consent to Operate by Respondent No.2 with the specific condition of 100% utilization of treated effluent after achieving standards for utilization of its treated effluent on land for irrigation purposes. Respondent No.1 has taken care that at no point in time, either its treated or untreated effluent enter any water course and the treated effluent with characteristics suitable to irrigation after achieving standards prescribed in the consent to operate are applied or disposed of to the crop irrigation scheme of farmers is followed up strictly.

The Respondent- No. 1 has provided full-fledged treatment of Primary, Secondary, and Tertiary Treatment and after due treatment disposed of 750 CMD Effluent on land for irrigation under a special scheme named "Rusulwadi Sambarwadi" wherein, the treated effluent from Karkhana is 100% utilized for crop-irrigation scheme of farmers with a total acreage of about 120 Acres of agricultural land. This scheme and practice have continued for the past 34 years without any untoward effect on the sugar cane crop of farmers. This is substantiated by the crop record of the farmers for the irrigated area for the last 3 years.

We would like to rely upon the Results of Online Monitoring attached herewith and marked as an Annexure-'C'. The results of the Joint Vigilance Samples collected by the Respondent-MPCB for the season 2022-23 are enclosed herewith and marked as an Annexure-'D'. This clearly shows that Respondent No.1 was operating and maintaining its Pollution Control Arrangements efficiently and no untoward effect was observed.

2) R.N.1 has further filed a detailed Counter-Affidavit dated 13th May 2024 to the MPCB- Compliance Report dated 09th May 2024 pointing out that it has never discharged any effluent (treated & untreated) into either stream or river because of facts that it is utilized on land for irrigation purposes by the concerned farmers in the disposal area. (Running Page-01 to 112)

The Joint Committee also pointed out the Contributory -industry the R.N.3 & 4 and not R.N.1., the R.N.1 in no way responsible for any discharge of effluent, then no adverse inference about discharge by R.N.1 should have been drawn. JVS & Online Monitoring Results are not abnormal (Annexure-2) Pages-6 to 10) (Running Page-17 to 23 of Counter

Affidavit dated 13-05-24, Page-25 clearly shows Leakage of Spent wash line leakage which is of RN 3 & not of R.N.1. Lagoons are at Page-48 with Mechanized Screen, STP-49 Page & Anaerobic Bio Media Filter, Oil Skimmer & Sugar CPU-Reactor at Page-51, which itself clearly show no haphazard discharge.

3) R.N.1 has filed its Objections dated 17-02-2024 to the imposition of EDC without following the principles of natural justice and without taking into consideration the actual culprit responsible for the discharge of substandard effluent. (Running Pages-01 to 13)

4) This Hon'ble Tribunal directed the MPCB vide Order dated 19-02-2024 to extend the opportunity of hearing to the R.N.1 & re-calculate the amount of EDC appropriately & submit a report. Hon'ble Tribunal specifically pointed out that we do not find a no of days between which period violation has been there. MPCB was directed to file a specific affidavit on this behalf. (Para-6 of the Order dated 19-02-2024.

The MPCB extended personal hearing did not take into consideration any documents submitted with a note and just discussed the Formula laid down by the CPCB without even calculating the no of days of violation, whose effluent found to be discharged, and whether Spentwash is generated from the R.N.1 or not?

It is pertinent to note that except referring to the observations of the Joint Committee as it has made the facts & factual observations of the Respondent-Industry, concerning Pollution Control Systems, Treatment & Disposal of the effluent, no specific violations are pointed out in the MPCB-Affidavit dated 09th May 2024. The incidence of discharge of R.N.3 & 4 occurred on the last working day of Respondent Industries, how did EDC calculate Rs 42.30,000/- without showing days of operation & exceeding results for the said EDC? It must be specifically shown as per the CPCB Formula as observed by this Hon'ble Tribunal. These are specific objections of the R.N.1.

Dated this 05th September 2024.

Dtdevale
(Dattatraya Devale)
Advocate for R.N.1