

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT PUNE (WZB)

Appeal No. 19 of 2021

BETWEEN

Lasa Supergenerics Limited

Through Assistant Manager (HR and Admin)

District Ratnagiri MaharashtraAPPELLANT

VERSUS

1. Maharashtra Pollution Control Board

Through the Regional Officer Kohlapur

Maharashtra and OthersRESPONDENTS



Filed By:

Mr. S. Bhartari

Bhartari Law Chambers

Advocates & Legal Consultants

Bhartari House

C-77 Neeti Bagh

New Delhi-110049

Date-2-6-2021

Pune Maharashtra

INDEX

SL. NO.	PARTICULARS	PAGE
1.	Written Submissions on behalf of the Appellant	1-9
2.	Email dated 2-6-2021 to the Respondents	10-11



Filed By:

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BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
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BETWEEN

Lasa Supergenerics Limited

Through Assistant Manager

(HR and Admin) Plot No. C-4, MIDC

Lote Parshuram Industrial Area

Taluk Khed, District Ratnagiri

Maharashtra

info@lasalabs.com

9730152638

....APPLICANT

VERSUS

1. Maharashtra Pollution Control Board

Through the Regional Officer

Udyog Bhavan, Near Collector Office

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rokolhapur@mpcb.gov.in

9892667704

2

2. Maharashtra Pollution Control Board

Through the Member Secretary

Kalpataru Point, 1st Floor

Opposite PVR Theatre

Sion (E), Mumbai- 400022

Maharashtra

ms@mpcb.gov.in

022-24023516

3. Maharashtra Pollution Control Board

Through the Sub-Regional Officer

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8208468139

4. Maharashtra Pollution Control Board

Through the Joint Director (WPC)

Mumbai, Maharashtra

jdwater@mpcb.gov.in

7045113344

3

5. Maharashtra State Electricity

Development Corporation Limited

through the Assistant Engineer,

Divisional Office, Khed, Taluk Khed,

District Ratnagiri Maharashtra

eekhed01@gmail.com

8379930963

6. Maharashtra Industrial Development

Corporation Through the Executive

Engineer Lote Parshuram MIDC

Taluk Khed, District Ratnagiri

Maharashtra

dechiplunutility@midcindia.com

7977125711

....RESPONDENTS

4

WRITTEN SUBMISSIONS ON BEHALF OF THE APPELLANT**Respectfully Submitted:**

1a. The appellant has filed the accompanying appeal against restart order dated 9-3-2021 passed by the respondent No. 1 against their industry unit.

b. The appellant industry unit in issue is situated at Plot No. C-4, MIDC Lote Parshuram Industrial Area, Taluk Khed, District Ratnagiri, Maharashtra. The appellant is engaged in the manufacturing of active pharmaceutical ingredients' ('API') (Para 4c at page 11 of Memo of Appeal).

c. The appellant has been carrying on their manufacturing process as per the permission and provisions' of the consent to operate ('CTO') (Annexure A-3 Colly at page 44 of Memo of Appeal) granted by the respondent No. 1 and renewed from time to time, including the provisions' contained in the consent to establish ('CTE') (Annexure A-8 at page 81 of Memo of Appeal) granted by the respondent at the time of expansion and additions' in the appellants' product mix.

5

d. The respondent No. 1 however passed a closure order dated 29-1-2021 for closure of the appellants' industry unit ('Closure Order') (Annexure A-9 at page 92 of Memo of Appeal) and subsequently, an impugned restart order dated 9-3-2021 for restarting the manufacturing process of their unit ('Restart Order') (Annexure A-1 at page 39 of Memo of Appeal). The restart order inter alia, contained conditions' ('Conditions') for setting up of a zero liquid discharge plant ('ZLD') ('Issue 1') and also for furnishing of bank guarantee ('Guarantee') ('Issue 2') by the appellant. The present appeal is directed against the two conditions' imposed by the respondent.

ISSUE 1

2A. Lack of Clarity in applicable rules relating to the process of manufacturing. Every industry unit is set up within a given set up of applicable rules and regulations' and its' attendant financial budget. As such, the rules and regulations' need to be clear and certain and also, non-conflicting. Any adverse change, or interpretation of the rules would interfere with the smooth running of a unit, due to its attendant financial constraints'.

6

i. There are conflicting and contradictory provisions' in the CTO dated 25-1-2018 relating to the appellant industry unit with regard to discharge of treated trade effluent. The CTO permits 7.75 CMD (metric cube per day) of trade effluent discharge per day. The CTO permits the appellant unit to recycle the treated trade effluent to the maximum extent and to send the remaining to common effluent treatment plant ('CETP') for further treatment (Para 4, Clause 1 of Annexure A-3 Colly of the CTO at page 45 of Memo of Appeal). However, another provision of the CTO requires the appellant unit to recycle the entire treated trade effluent into the manufacturing process and not to discharge it outside the factory premises (Para 1, Clauses' B and C of Schedule 1 of Annexure A-3 Colly at page 47 of the Memo of Appeal). In yet another provision, it is stipulated that if the MIDC pipeline is broken/overflowing chamber, in such cases, the appellant shall not discharge their treated effluent into MIDC drain, it shall be sent to CETP by tanker (Para 2 of Schedule IV of Annexure A-3 Colly at page 49 of Memo of Appeal).

B. Restrictive provision in CTO dated 25-1-2018 with regard to discharge of treated trade effluent and the condition regarding setting up of a ZLD in the impugned restart order dated 9-3-

7

2021 is contrary to the terms contained in the environment clearance ('EC') accorded to the appellant unit.

i. The provisions' of the EC letter dated 28-10-2020 (Annexure A-6 at page 70 of the Memo of Appeal) permit the appellant unit to finally discharge its' treated effluent to CETP (Para 2, Sub-para 6 of Annexure A-6 at page 70 of the Memo of Appeal).

ii. It further requires' the appellant to obtain permission for discharge of treated effluent to CETP from the competent authority and in case, it is not granted, then to provide for a ZLD effluent treatment plant (Para 3 Sub-para A and Clause V of Specific Conditions of Annexure A-6 being EC letter dated 28-10-2020 at page 71 of the Memo of Appeal).

iii. It is humbly submitted that permission to discharge treated trade effluent to CETP has never been refused by respondent No. 1 either at the time of renewal of CTO dated 25-1-2018, or even after the grant of EC letter dated 28-10-2020.

iv. It is further submitted that on the contrary, the respondent No. 2 permitted the appellant unit to discharge their treated

8

trade effluent to CETP at the time of grant of CTE dated 4-1-2021 with regard to their application for expansion/additional products (Para 4, Clause 1 of Annexure A-8 of the CTE at page 82 of Memo of Appeal).

C. Different stand being adopted qua the provision of ZLD by the respondent No. 1 and 2 respectively. There is apparent lack of clarity within the office of respondent No. 2 when there are conflicting provisions' inserted by them within their CTO dated 25-1-2018 (Annexure A-3 Colly at page 44 of Memo of Appeal) and further, between their CTO dated 25-1-2018 and CTE dated 4-1-2021 (Annexure A-8 at page 81 of Memo of Appeal), thereby leaving room for confusion. In addition, the respondent No. 1 adopts a different stand qua the ZLD in their closure order dated 29-1-2021 (Annexure A-9 at page 92 of Memo of Appeal), as well as impugned restart order dated 9-3-2021 (Annexure A-1 at page 39 in the Memo of Appeal), inter-alia, by requiring the setting up of a ZLD by the appellant.

D. Unequal treatment by respondent No. 1 and 2 with regard to ZLD in relation to industry units' within the appellants'

9
group of industries, particularly, CTO dated 17-1-2019 in respect of unit situated at Plot No. B-15 and B-16 and also, CTO dated 2-3-2021 with regard to unit at Plot No. C-105 (Para 3, Sub-para iv at page 12 and Para 4, Clause 1 at page 16 respectively, of Annexure 1 Colly in I.A. No. 40 of 2021).

ISSUE 2

3. The impugned restart order dated 9-3-2021 does not specify the legal provision for furnishing of a bank guarantee.

i. The impugned order inter-alia, states that the appellants' existing bank guarantee of Rs. 10 Lacs would be forfeited by respondent No. 1 and further, it requires' the appellant to submit a top up bank guarantee of Rs. 20 Lacs in favour of the respondent (Para 1 of Annexure A-1 of the impugned restart order dated 9-3-2021 at page 40 of the Memo of Appeal).



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Date: 2-6-2021

COUNSEL FOR THE APPELLANT

/0

EMAIL DATED 2-6-2021 TO RESPONDENTS (1ST)

**Written Submissions on behalf of Lasa Supergenerics Limited
Maharashtra in their Appeal 19 of 2021 against MPCB and
Others**

Wed, Jun 2, 2021 at
11:57 PM

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1. The Regional Officer
Maharashtra Pollution Control Board
Udyog Bhavan Near Collector Officer
Kohlapur, Maharashtra

2. The Member Secretary
Maharashtra Pollution Control Board
Kalpataru Point 1st Floor
Opposite PVR Theatre
Sion (E), Mumbai, Maharashtra

3. The Sub-regional Officer
Maharashtra Pollution Control Board
Chiplun, Maharashtra

4. The Joint Director (WPC)
Maharashtra Pollution Control Board
Mumbai, Maharashtra

5. The Assistant Engineer
Divisional Officer
Maharashtra State Electricity Development Corporation Limited,
Khed, Taluk Khed
District Ratnagiri, Maharashtra

6. The Executive Engineer
Maharashtra Industrial Development Corporation
Lote Parshuram MIDC
Taluk Khed District Ratnagiri Maharashtra

Sirs,

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On behalf of our clients', Lasa Supergenerics Limited, Maharashtra, we are attaching herewith a copy of Written Submissions' being filed by our Chamber before the Hon'ble National Green Tribunal, Pune in our clients' Appeal filed against Restart Order dated 9-3-2021 passed by MPCB, Regional Officer, Kolhapur, Maharashtra against our clients' Industry Unit, for your kind records.

Sincerely,

S. Bhartari
Counsel for the Appellant

Bhartari Law Chambers
Bhartari House
C-77 Neeti Bagh
New Delhi- 110049 INDIA

Ph.:07982565849, 9810971726, 8447761628

Attached: As above

📎 **WRITTEN SUBMISSION Appeal 19 of 2021.doc**
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*The Copy
Adv*