

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No. 23/2023(WZ)
I.A. No. 69/2023(WZ)

Anusaya Ashroba Kachare & Ors.

.....Applicant(s)

Versus

The State of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 20.07.2023

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

Applicant : Mr. Kaustubh Gidh, Advocate

Respondent(s) : Mr. Vilas Jadhav, Advocate for R-5/MPCB
Mr. Aniket A. Kanade, Advocate for R-7/PP

ORDER

1. This application has been filed with the following prayers:-

- "a. Direct the Ministry of Environment, Forest and Climate Change to revoke the Environment Clearance granted to the Respondent Industry for its Integrated Project dated October 16, 2008.*
- b. Direct the Maharashtra Pollution Control Board to revoke the;*
 - i. Consent to Operate of 60 KLPD Distillery Unit (Molasses Base)*
 - ii. Consent to Operate the 6000 TCD Sugar & 30 MW Co-generation*
- c. Direct the Maharashtra Pollution Control Board to take steps for the restitution of the Mannat Irrigation Lake to its original sanctity, i.e prior to the discharge of effluents by the Respondent Industry.*
- d. Direct the Respondent Industry to compensate the Applicants for the loss of their livelihood due to the discharge of effluents into the Mannat Irrigation Lake since 2014.*
- e. Pending hearing and final disposal this Hon'ble Tribunal be pleased to direct the Respondent Industry to cease operations at its facility forthwith.*
- f. For costs;*
- g. For any other Order or direction as this Hon'ble Tribunal may deem fit."*

2. The learned Counsel for the applicants submits that he has not pressed the relief (a), by which he has prayed that EC dated 16.10.2008 granted to the respondent Industry/respondent No.7 be revoked.

3. The other prayers contain revocation of the Consent to Operate of 60 KLPD Distillery Unit (Molasses Base) and Consent to Operate of 6000 TCD Sugar & 30 MW Co-generation. When we enquired from the learned Counsel for the applicants as to why the dates of these Consents to Operate have not been mentioned, he drew our attention to page no. 105 of the paper book, where-in he apprised us that the said Consent to Operate is annexed. But we find the Consent to Operate dated 13.10.2016 issued by the MPCB, appears to be time barred. Thereafter, the learned Counsel for the applicants stated that there are other Consents to Operate also.

4. We find the pleadings very vague and therefore, we give opportunity to the learned Counsel for the applicants to withdraw this application and file fresh one with correct facts under appropriate provision.

5. Later on, the learned Counsel for the applicants gave consent that he may be allowed to withdraw this application with liberty to file fresh, provided that the same would be found to be within limitation period. We allow the same.

6. Original Application No. 23/2023(WZ) is dismissed as withdrawn with liberty as prayed for.

7. Pending applications, if any, also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 20, 2023
Original Application No. 23/2023(WZ)
I.A. No. 69/2023(WZ)
P.Kr