

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.31/2023(WZ)

Prasad M. Mulye

.....Applicant

Versus

M/s Bharat Serums and Vaccines Ltd. Ors.

....Respondent(s)

Date of hearing: 09.10.2023

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

Applicant : Mr. Asim Sarode, Advocate
Respondent(s) : Shri Subramanian, Senior Advocate along-with
Mr. Bhash H Mankad, Advocate for R-1/PP
Ms. Manasi Joshi, Advocate for R-2/MPCB
Mr. Prashant Chawan, Advocate for R-3/MIDC
Mr. Aditya Bapat, Advocate for R-4/TIC
Mr. Aniruddha Kulkarni, Advocate for R-6/CPCB
Mr. Pushkal Mishra, Advocate for R-7/MoEF&CC

ORDER

1. From the side of the applicant, learned counsel Mr. Asim Sarode has appeared, who has filed rejoinder affidavit to the replies filed by the respondents, though he has not made it clear as to which particular respondents' reply he is referring to in this rejoinder affidavit, though a copy of which is said to have been served upon the learned Counsel for other respondents. But the learned Senior Counsel Shri Subramanian representing respondent No.1 submits that he has not received a copy of the same, therefore, we direct the learned counsel for applicant to serve a copy of the same upon the learned counsel for respondent No.1 through e-mail today itself. If any reply against the rejoinder affidavit of the

applicant is required to be filed by the learned counsel for other respondents, the same may be filed within two weeks and a copy of the same shall also be served upon the other parties.

2. During hearing, it transpired that there are two units of the respondent No.1/Project Proponent by common name with one unit working at Ambernath (East), Thane, which is dealing in manufacturing of pharmaceutical products, which was alleged to have been categorized wrongly in Orange Category by the applicant as according to him, it is falling in Red Category and was responsible for causing pollution in Chickloli Dam because of its close proximity to that Dam. The other unit is located at Airoli, which according to the respondent No.1, is dealing R & D facility only and is not involved in any manufacturing activity, hence it did not require any EC nor any consent, which is being objected to by the learned counsel for applicant. The distance between these two units is said to be 33 kms. and it is quite evident that the unit at Airoli cannot be held to be liable for any kind of pollution in Chikloli Dam.

3. According to the respondent No.2/MPCB, learned counsel Ms. Manasi Joshi has appeared, who has filed reply affidavit dated 25.07.2023, where-in, in para no.4, it is made clear that the CPCB has issued Guidelines dated 07.03.2016 for categorization of industries into Green, Orange and Red Category depending upon the pollution load, as per which at Final Serial no.74 and Original Sr. No.50, Pharmaceutical Formulation and for R & D Purpose, the respondent No.1- industry would fall in Orange Category. By this, it appears that the State PCB appears to say that the unit of the respondent No.1 at Airoli, which is involved in R & D work, should fall in Orange Category, hence would be requiring consent.

Put up this matter for final hearing on 29.01.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 09, 2023
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P.Kr