

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.50/2023 (WZ)
(Earlier O.A. No.180/2022)- L.P.**

Shahu Shivaji Mokashi

.....Applicant

Versus

M/s. Appasaheb Nalawade Gadhinglaj Taluka
Sahakari Sakhar Karkhana Ltd. & Ors.

....Respondents

Date of hearing: 02.12.2024

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

Applicant : None appeared.
Respondents : Mr. Dattatray Devale, Advocate for R-1/PP
Mr. Mukesh Verma, Advocate for R-2/MPCB
Mr. Aniruddha Kulkarni, Advocate for R-6/Env. Deptt.

ORDER

1. We are highly dissatisfied with the reply affidavit submitted by the learned counsel for respondent No.2- MPCB. As far as response to our query is concerned, what we had intended to know by our previous order dated 19.09.2024 was that when the violations were found on the part of respondent No.1- M/s Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd. ("Sugar Factory", for short) between the year 2021-2022 then why the said industry was allowed to be run for the years from 2021-2022, 2022-2023 and 2023-2024. In this regard, in the reply affidavit dated 29.11.2024 of respondent No.2- MPCB, it is submitted that number of days were considered for the crushing season between the years 2021-2022, as the Joint Committee had visited the said unit on

06.06.2022. Total number of days, the said sugar unit operated between the seasons 2021-2022, are found to be 55 days; in the seasons 2022-2023- 0 days; and in the seasons 2023-2024- 72 days. Therefore, total number of days of operation by the said industry are recorded to be 127 days.

2. Our query remains unanswered because when the violations were noted between the years 2021-2022, in which 55 days of violations have been counted and thereafter, for the next season i.e. between the year 2022-2023, there was no operations, but thereafter, again operation is shown then how could it possible that the said industry was allowed to function for 72 days when there were violations. Therefore, last opportunity is provided to the respondent No.2- MPCB to answer the said query, which was made by us earlier also.

3. Learned counsel Mr. Dattatray Devale representing respondent No.1-Sugar Factory submits that a copy of the above-mentioned affidavit filed by the respondent No.2- MPCB has not been served upon them. Therefore, we direct the respondent No.2 to serve a copy of the same upon the said learned counsel through e-mail within two days along-with the new affidavit, which is to be filed from their side in advance.

4. Thereafter, learned counsel for respondent No.1 has drawn our attention to page no.237 of the paper book, which is the compliance with respect to Visit Report (Sugar Division) dated 09.08.2022, wherein following clarifications were made:-

“

1. *Our crushing ended on dated 24/02/2022 so, we dismantled the motor, pump and related pipelines sets for overhauling. Therefore, ETP plant equipment seems not in working condition.*

2. *There is no any bypass arrangement in our ETP. The pipelines seen by you and your team are removed as per your instructions on site.*
3. *We had given contract to dispose the lagoon near ETP. It will disposed with 30 days.*
4. *We have already 15 days storage tank for last 3 years as per CREP Norms and it is in operation continuously. The 2 nos. of lagoon are concrete lagoon for distillery section to settle the sludge from spent wash. And the Stored rain water is lifted to concrete pit in compost year.*
5. *We have provided necessary pipelines for agriculture irrigation. No treated effluent is utilized by surface drain leading to nala as per instructions at visit.”*

5. Thereafter, learned counsel for respondent No.1 has also drawn our attention to page no.238 of the paper book, which is Interim Directions dated 17.11.2022 passed by the MPCB under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, to the following effect:-

- “
1. *You shall scrap the two unlined lagoons near the compost yard before starting the distillery.*
 2. *You shall not store the effluent in unscientific way & avoid any type of trade effluent discharge into nearby nalla which further leads to Hiranyakeihi River.*
 3. *You shall operate all effluent treatment plant equipment's round O' clock, so that to achieve 100% utilization of effluent of distillery units.*
 4. *You shall remove/scrap all bypass arrangements from the lowest slope of the compost yard which further leads to Hiranyakeshi River.*
 5. *As per the information from the industry representative, the election of the body members will be conducted & decision regarding upgradation & compliance of the directions will be taken after the formation of body & chamber.*
 6. *You are instructed not to start any manufacturing activity till the compliance of above points as well as directed to submit the undertaking as an assurance within one week for the same.”*

6. In view of above, it is urged by the learned counsel for respondent No.1 that though compliance report submitted by the respondent No.1 on 09.08.2022, yet these Interim Directions were passed by the MPCB.

However, regarding Interim Directions, compliance report was submitted by the respondent No.1, which is annexed at page no.239 to 240 of the paper book, to the following effect:-

the requirement as per CREP Norms as below

Sr. No.	Points	Observations and Remarks	Compliance
1	You shall scrap the two unlined lagoons near the compost yard before starting the distillery.	We had scrapped the two unlined lagoons near the compost yard.	Complied
2	You shall not store the effluent in unscientific way & avoid any type of trade effluent discharge into near by nalla which further leads to Hiranyakeshi River.	We had made all statutory arrangements for not to store the effluent in unscientific way and avoid any of trade effluent discharge into any nalla which leads to Hiranyakeshi River.	Complied
3	You shall operate all effluent treatment plant equipments round 'O' clock, so that to achieve 100% utilization of effluent of distillery unit.	Our MEE plant is fully overhauled and ready for effluent treatment 100% result. We are taking all precautions to utilize 100% of effluent of distillery unit before starting of season.	Complied
4	You shall remove/scrap all bypass arrangements from the lowest slope of the compost yard which further leads to Hiranyakeshi River.	There are no any bypass arrangements from the lowest slope of the compost yard.	Complied
5	As per the information from the industry representative, the election of the body members will be conducted & decision	Our karkhana election are over and the new body is formed. Decision regarding up gradation	If any query arise we will full fill before startinn of
	regarding upgradation & compliance of directions will be taken after the formation of body & Chairman	and compliance of direction lead by your office are in progress for completion.	
6	You are instructed not to start any manufacturing activity till the compliance of above points as well as directed to submit the undertaking as an assurance within one week for the same.	We had already submitted the undertaking as per your direction. The manufacturing activity will be started after compliance and visit of your officials.	Complied

7. Thereafter, it is urged by the learned counsel for respondent No.1 that analytical reports were also prepared, which are annexed from page no.250 onwards till page no.586 of the paper book. But without consideration all these reports, MPCB has assessed the EDC amount, which is erroneous. In this regard, we direct the respondent No.2- MPCB

to submit response on an affidavit along-with reply to our query, within a period of two weeks.

Put up this matter for final hearing on 26.03.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 02, 2024
Original Application No.50/2023 (WZ)
(Earlier O.A. No.180/2022) LP
P.Kr