

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL APPLICATION NO.50 OF 2023 (WZ)
(Earlier O.A. No.180/2022)(LP)**

Shahu Shivaji Mokashi Applicant

Versus

M/s Appasaheb Nalwade Gadhinglaj Taluka
SSK Ltd. and others Respondents

Date of hearing : 22.09.2023

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

Applicant : Applicant-in-person present
Respondents : Mr. Ranjit Baburao Desai, Distillery Incharge,
Representing respondent No.1 Sugar Factory
Mr. Mukesh Verma, Advocate for R-2 - MPCB

ORDER

1. The applicant has appeared in person and says that he had made a complaint through Letter Petition against the Sugar Industry by name Shri Hiranyakeshi Sahakari Sakkkare Karkhane, Nyt, Sankeshwar, which was letting molasses into the water of Shri Hiranyakeshi river causing pollution of the river water and same was also having adverse impact on their agricultural pits and their cattle heads, etc. He admitted during the hearing that the said Sugar Factory is located in the State of Karnataka. Despite situation of the said Sugar Factory in Karnataka State, the applicant, who is residing in the State of Maharashtra, has the river which is getting polluted, water of which is being used by them also.

2. By order of the Hon'ble Chairperson of this Tribunal dated 24.07.2023, looking to the territorial jurisdiction, it was ordered that part of this matter comes within the territorial jurisdiction of Southern Zone Bench (SZB), Chennai, the same will be considered, heard and decided by SZB, Chennai. Pursuant to that order, this Bench had directed the Registry to prepare a duplicate copy/set of the entire file of this matter and transmit the same to the SZB, Chennai, compliance of which has been done by the office. Therefore, we direct the applicant to appear before the Southern Zone Bench, Chennai in order to get his grievances redressed.

3. We find that a Joint Committee report is already filed on record pursuant to the order of this Tribunal (Principal Bench) dated 18.04.2022, which contains the role of M/s Appasaheb Nalwade Gadhinglaj Taluka SSK Ltd, which is respondent No.1 in this case, who is represented today by Mr. Ranjit Baburao Desai, Distillery Incharge, who states that he may be allowed to engage a counsel. We allow his request and direct that reply-affidavit be filed in this case within four weeks.

4. We direct the Registry to serve a copy of the Joint Committee dated 23.06.2022 (date of the e-mail by which it was communicated) to respondent No.1 today only. Objections to the Joint Committee report, if any shall be filed within four weeks.

5. In pursuance of our previous order dated 25.07.2023, the Registry has impleaded all the respondents as was directed and all of them have been served through e-mail. Today, from the side of respondent No.2 – MPCB, learned counsel Mr. Mukesh Verma has appeared and states that the reply-affidavit dated 13.09.2022 has been filed, wherein it is recorded that a visit was made of the premises of respondent No.1 on 18.04.2022 and following non-compliances were noticed:

- *The physical observation during the visit shows that effluent treatment plant equipment's were not in working conditions.*
- *Industry has provided bypass arrangements from the ETP and were instructed to remove all bypass arrangements during the visit.*
- *During visit it was noticed that industry have stored the trade effluent into the unlined lagoon near the ETP and this may join to near by nalla leading to river Hiranyakeshi during the rainy season.*
- *Industry has not provided 15 days storage tank. The provided two numbers of lagoons are unlined & during the visit were filled with trade effluent mixed with rain water.*
- *Industry has not provided scientific agriculture management plan for utilization of treated trade effluent and hence the treated trade effluent joins surface drain leading to nala and Hiranyakeshi river."*

6. Pursuant to the above non-compliances, the MPCB – respondent No.2 issued directions to respondent No.1, which are contained in paragraph No.2 of the said affidavit, as follows:

- *Industry has provided three lagoons at compost yard and the industry representative was informed to abandon the existing two unlined lagoons near the compost yard.*
- *Industry has provided two numbers of unlined lagoons for the storage of effluent in the compost yard premises.*
- *During visit it was noticed that industry have stored trade waste in unlined lagoon near the compost yard and overflow of the same may join nalla leading to Hiranyakeshi river during the rainy season.*
- *The physical observations show that effluent treatment plant equipments were not in working condition.*
- *Industry has provided the bypass arrangements from the lowest slope into nearby nalla which further leads to river Hiranyakeshi.*
- *Industry has not provided scientific agriculture management plan for utilization of treated trade effluent and hence the treated trade effluent joins surface drain leading to nala and Hiranyakeshi river.*

- *During visit Sri Siddaram Bhima Dhanagari resident of Harali village informed that during the crushing season the effluent is being discharged into the drain leading to the nalla and finally it joins the Hiranyakeshi river.”*

7. It is not made clear as to whether the compliance of above directions has been made. We direct respondent No.2 – MPCB to submit a clear-cut report with regard to the violations and whether violations have resulted in any environmental damage and if it has resulted so, quantification thereof be done in accordance with the guidelines laid down in the case of ***Paryavaran Suraksha Samiti*** and it be submitted before us by way of supplementary affidavit within two weeks with direction that a copy of the same shall also be served on respondent No.1 and other respondents, who may file reply-rejoinder thereto within one week thereafter.

8. None has appeared from other respondents. Therefore, this proceeding will go ahead *exparte* against them.

9. Put up this matter for next consideration on 09.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 22, 2023
O.A. No.50/2023(WZ)
npj