

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.90 OF 2023 (WZ)

Ravindra Kuber Walawade

... **Applicant**

Versus

Padmabhushan Vasnatdada Patil Government
Hospital & Ors.

... **Respondents**

Date of Hearing : 08.11.2024

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

Applicant : Mr. Omkar Wangikar, Advocate

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-2/Env't. Department
Mr. Vilas Jadhav, Advocate for R-3 and R-4 - MPCB

ORDER

1. None is present today from the side of respondent No.1 – Padmabhushan Vasantdada Patil Government Hospital, Sangli, but in compliance of our previous order dated 30.11.2023, an affidavit-in-reply dated 05.12.2023 has been filed by respondent No.1, wherein following is stated :

“With reference to Para (6), I say and submit that the hospital at present is having 390 beds and MPCB Sangli is insisting on setting up a STP/ETP plant in the hospital. In this regard, the Respondent no.1 had communicated with the Executive Engineer of Maharashtra Jeevan Pradhikaran Sangli dated 19.01.2023, 08.06.2023 and 26.06.2023 for detail survey and project report and tentative cost of the project. These letters are collectively annexed herewith and marked as Exhibit-R-1. Accordingly, the Executive Engineer of Maharashtra Jeevan Pradhikaran Sangli had communicated to respondent No.1 in his letter dated 13.07.2023 to transfer an amount of Rs.300,000/- (rupees three lakh only) for survey and preparation of detail project report. The letter is annexed herewith and marked as Exhibit-R-2. Once the project report and estimated cost is received from the Executive Engineer of Maharashtra Jeevan Pradhikaran Sangli, a proposal will be submitted

to the Government of Maharashtra, Medical Education and Drugs department to provide administrative approval to the project and to allot budget accordingly. Once the administrative approval and budgetary money is sanctioned, it will be transferred to the Executive Engineer of Maharashtra Jeevan Pradhikaran, Sangli and the work of setting up of STP/ETP plant will be started.”

“With reference to para 7, I say and submit that for cleanliness and disposal of bio-medical waste outsourcing, a tender was floated and Ms. Sons House Mumbai was the lowest bidder. Accordingly the Medical Education and Drugs department, Govt. of Maharashtra has sanctioned Ms. Sons House Mumbai for outsourcing the cleanliness and disposal of bio-medical waste in Govt. Resolution no. MED-2023/P K 111/Admin-2 dated 06.04.2023. The GR is annexed herewith and marked as Exhibit-R-3. Accordingly a work order was issued to Ms. Sona House Mumbai and an agreement was made between the Dean, GMC, Miraj and Ms. Sons House Mumbai. The work order and agreement are collectively annexed herewith and marked as Exhibit-R-4. Now adequate numbers of colour coded bags are made available. Separate storage room is made available with bio-medical waste symbol. Every department is instructed to segregate the bio-medical waste at the source. Regular training to all employees will be given by Department of Microbiology on periodic time. The online information to MPCB will be regularly provided. The PVPGH Sangli will take due care in this regard and the rules laid down by MPCB and Bio-Medical Waste Management Rules, 2016 will be meticulously followed.”

“With reference to Para (8), I say and submit that it is necessary to set up a STP/ETP plant in the hospital. In this regard the Respondent no.1 had communicated with the Executive Engineer of Maharashtra Jeevan Pradhikaran, Sangli dated 19.01.2023, 08.06.2023 and 26.06.2023 for detail survey and project report and tentative cost of the project. These letters are collectively annexed herewith and marked as Exhibit-R-1. Accordingly, the Executive Engineer of Maharashtra Jeevan Pradhikaran, Sangli had communicated to the Respondent No.1 in his letter dated 13.07.2023 to transfer an amount of Rs.3,00,000/- (rupees three lakh only) for survey and preparation of detail project report. Once the project report and estimated cost is received from the Executive Engineer, Maharashtra Jeevan Pradhikaran, Sangli, a proposal will be submitted to the Government of Maharashtra, Medical Education and Drugs department to provide administrative approval to the project and

to allot budget accordingly. Once the administrative approval and budgetary money is sanctioned, it will be transferred to the Executive Engineer of Maharashtra Jeevan Pradhikaran, Sangli and the work of setting up of STP/ETP plant will be started.”

“With reference to Para(9), I say and submit that action is been taken as mentioned in para (7) and (8). Furthermore, 1) Dry and wet waste is collected, segregated at source and transported by the outsourcing agency on regular basis; 2) The bio-medical like including dressings, IV sets, gloves, syringes, blood bags, protective gowns, operated parts, infected material etc are separately collected, transported and incinerated by the outsourcing agency; 3) The linen like clothing, bed sheets, surgical gowns are treated with disinfectant and then washed in the laundry; and 4) the washrooms in wards, ICU and casualty and corridors and postmortem room are dry and wet cleaned with disinfectant solution on routine basis. From the above facts, it is clear that the above dangerous infected waste (particularly mentioned at 2 and 3) is not at all drained in the municipal corporation drainage line.”

“12. With reference to para, I say and submit that the process of setting up of STP plant is in process. The disposal of bio-medical waste is outsourced. The process of obtaining permission from MPCB is in process. The PVPGH Sangli will take due care in this regard and the rules laid down by MPCB and Bio-Medical Waste Management Rules, 2016 will be meticulously followed. Further, I say and submit that PVPGH is a teaching hospital and provide healthcare services to Sangli and nearby district including people from Noth part of Karnataka. All health services are provided on round the clock basis. People who are below poverty line (BPL) and senior citizens are treated free of cost and other people are treated in minimal rate. This is a Government hospital and teaching institute. It is assured to the honourable Tribunal that due care in this regard will be taken.”

2. Therefore, it is apparent from the averments made in the above affidavit that respondent No.1 has not set up STP till now and only the process of taking steps is going on for the same. Even timeline for the same has not been prescribed nor any further time is prayed to be allowed to them to set up the same, nor anyone is present from their side. It appears that

authorities/officials of respondent No.1 are having disrespect to this Tribunal and they are not sincere to contest this matter.

5. In view of above, vide our previous order dated 30.11.2023, we had directed respondent Nos.3 and 4 – MPCB to calculate the amount of Environmental Damage Compensation (EDC) for the period of violation to be levied from respondent No.1, which has been done by the MPCB as per their compliance affidavit dated 23.02.2024, wherein a sum of Rs.4,32,00,000/- has been assessed to be paid by respondent No.1. This amount of EDC has been calculated for the period from 01.04.2012 to 28.01.2024 and thereafter, few months have elapsed. Therefore, the amount of additional EDC is required to be calculated on the same principle by the MPCB, which shall be calculated and submitted before us before the next date.

5. From the side of respondent Nos.3 and 4 – MPCB, learned counsel Mr. Vilas Jadhav has appeared and states that they have filed reply-affidavit on 16.11.2023, wherein it is submitted that on a complaint made by the applicant regarding serious water pollution due to discharge of untreated effluent by respondent No.1, cognizance of which was taken by the answering respondent No.3 and site visit was made on 12.10.2022 and observed the non-compliances of Bio-Medical Waste Rules, 2016 and the conditions of the Water (Prevention and Control of Pollution) Act, 1974 (“Water Act”, for short) and the Air (Prevention and Control of Pollution) Act, 1981 (“Air Act”, for short) and Hazardous Waste (Management and Transboundary Movement) Rules, 2008, were found to have been violated, based on which a warning notice was issued to respondent No.1 on 14.10.2022 and thereafter a show-cause notice was issued on 21.10.2022, but nothing could come out of it. It is further stated in the reply-affidavit that respondent No.1 did not take any effective steps towards compliance of the warning notice and show-cause notice, except treatment and disposal of the bio-medical waste generated from the premises of respondent No.1, as

respondent No.1 is a member of Common Bio-Medical Waste Treatment and Disposal Facility (CBMWTSDf) i.e. M/s Surya Central Treatment Facility for bio-medical waste, plot No.D-60, MIDC Miraj, Tal. Miraj, District Sangli. Thereafter, the answering respondent issued proposed direction under Section 33A of the Water Act and under Section 31A of the Air Act, vide their letter dated 07.09.2023, directing respondent No.1 to take short/long term measures/time bound action plan immediately, but even then, no compliance has been done by respondent No.1. Today also, none has appeared from the side of respondent No.1, nor time has been sought for making compliance.

6. In the interest of justice, we grant one opportunity to respondent No.1 to file objections, if any against the aforesaid affidavit of MPCB and stating as to why on the same principle, for remaining default period, the amount of EDC should not be levied from them. If we do not receive any proper response or justification for not realizing the EDC, as calculated by the MPCB, we will have no option but to direct the recovery of EDC amount from respondent No.1 on the next date.

8. We would also like to know from respondent Nos.3 and 4 – MPCB as to why they have not issued closure direction in the present case when there was continuous non-compliance observed on the part of respondent No.1. We want an affidavit in this regard to be submitted by the MPCB within two weeks.

9. Put up this matter for next consideration on 03.12.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 08, 2024
ORIGINAL APPLICATION NO.90/2023(WZ)
npj