

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.69 OF 2022 (WZ)

Sunil Pharate, Sangli District Head of
Swatantra Bharat Paksh

Applicant

Versus

State of Maharashtra & Ors.

Respondents

Date of hearing : 06.05.2024

**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-1 and R-2
Mr. Vilas Jadhav, Advocate for R-4 and R-5
Ms. Supriya Dangare, Advocate for R-7
Mr. Dattatray Devale, Advocate for R-8 and R-16
Mr. Saurabh Kulkarni, Advocate for R-9 to R-15
Mr. M.M. Godbole, Advocate holding for Mr.Aditya S. Desai,
Advocate for R-18

ORDER

1. In compliance with our previous order dated 15.02.2024, EDC compensation in respect of respondent Nos.7, 18 and 19 as well as response to the objections raised by respondent Nos.8 and 16 against the calculation of number of days, compliance affidavit dated 03.05.2024 has been filed by respondent Nos.4 and 5 – MPCB, which is taken on record.
2. From the side of respondent Nos.1 and 2, learned counsel Mr. Aniruddha Kulkarni has appeared.
3. From the side of respondent NO.7 – Sangli-Miraj-Kupwad Municipal Corporation, learned counsel Ms. Supriya Dangare has appeared and states that she may be granted two weeks' time to file the

objections against the compliance affidavit as an amount of Rs.33,60,00,000 has been calculated as EDC.

4. From the side of respondent No.18 – Islampur Municipal Council, learned counsel Mr. M.M. Godbole, holding brief of learned counsel Mr. Aditya S. Desai has appeared and states that he has not been served with a copy of the compliance affidavit by respondent Nos.4 and 5 – MPCB. Therefore, we direct learned counsel for MPCB to serve him copy of the compliance affidavit today only and objections thereto, if any may be filed by respondent No.18 within four weeks.

5. From the side of respondent No.17 – Ashta Municipal Council, Mr. Sharadchandra Patil, Water Supply Engineer has appeared who has apprised that respondent No.17 has not received copy of the compliance affidavit of respondent Nos.4 and 5-MPCB. Therefore, we direct learned counsel for MPCB to serve copy of the compliance affidavit upon respondent No.17 today only and objections thereto, if any may be filed by respondent No.17 within four weeks.

6. From the side of respondent No.8 – Yashwantrao Mohite Sahakari Sakhar Karkhana Ltd and respondent No.16 – Yashwantrao Mohite Sahakari Sakhar Karkhana Ltd. (Distillery Unit), learned counsel Mr. Dattatraya Devale has appeared and says that he wants to file objection/rejoinder against the compliance affidavit filed by respondent Nos.4 and 5-MPCB, for which four weeks' time is allowed, as requested by him.

7. From the side of respondent Nos.9 to 15, learned counsel Mr. Saurabh Kulkarni has appeared and states that he has made compliance in respect of the directions given in paragraph No.5 of our previous order dated 15.02.2024, wherein we had directed him to make correction in the reply-affidavit, which was stated to be filed from the side of respondent Nos.10 and 11 while it is filed from the side of respondent Nos.13 and 15. In response thereto, corrected page has been sent by the learned counsel

along with e-mail dated 04.05.2024, wherein it is mentioned as reply on behalf of respondent No.13 and 15. The same be now replaced by the Registry at appropriate place in the reply-affidavit on behalf of respondent NOs.13 and 15.

8. Learned counsel Mr. Saurabh Kulkarni, representing respondent Nos.9 to 15, has prayed for grant of more time to file objections against the compliance affidavit filed by MPCB dated 03.05.2024, for which four weeks' time is allowed.

9. From the side of the applicant, Execution Application has been filed with the prayers that respondent Nos.4 and 5 – MPCB be directed to follow the order of this Tribunal dated 15.02.2024 passed in O.A. No.69/2022 i.e. the present O.A. When we enquired from the learned counsel as to why separate Execution Application has been filed and is prayed to be registered because the same is found to be defective as well, he apprised us that as per directions given by this Tribunal in paragraph No.2 of its previous order dated 15.02.2024 that respondent Nos.4 and 5 shall ensure that no untreated waste water is allowed to be discharged into River Krishna. He says that the said direction has not been complied with and the waste water is still being allowed to be discharged in River Krishna.

10. We find that there is no need to file separate Execution Application for compliance of the directions given by us in paragraph No.2 of our order, referred to above, because that is only an interim order. Therefore, we treat this Execution Application to be an application for compliance of the said order. Copy of this application shall be served upon respondent Nos.4 and 5 – MPCB today only, who may file reply against the same within four weeks. We also direct learned counsel for respondent Nos.4 and 5 – MPCB to submit details as to what steps have been taken by them to ensure that no untreated waste water is allowed to be discharged in River Krishna.

11. Put up this matter for next consideration/final hearing on 06.09.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 06, 2024
O.A. NO.69/2022(WZ)
npj