

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)

Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh
.....Applicant

Versus

State of Maharashtra & Ors.
....Respondent(s)

Date of hearing: 15.02.2024

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Env. Deptt. & R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya S. Desai, Advocate for R-18/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who has pointed out that the additional reply affidavit dated 28.11.2023, which has been filed from the side of respondent Nos.4 & 5-MPCB, in which the environmental compensation has been calculated with respect to respondent No.10-Padmabhushan Krantiveer- Dr. Naganathanna Nayakwadi Hutatma Kisan Ahir SSK Ltd.; respondent No.11- Padmabhushan Krantiveer- Dr. Naganathanna Nayakwadi Hutatma Kisan Ahir SSK Ltd. (Sugar Unit); respondent No.13- Rajarambapu Patil SSK Ltd. (Sugar Unit); respondent No.15- Rajarambapu Patil SSK Ltd. (Distillery Unit); respondent No.8- Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and respondent No.16- M/s. Yashwantrao

Mohite Krishna SSK Ltd. (Distillery unit). But regarding respondent No.7- Sangli Miraj Kupwad Municipal Corporation, Sangli, it is pointed out by the learned counsel for applicant that in para no.3 (g) (iv) of this reply affidavit, it is mentioned that the said industry/body is continuously discharging untreated waste water into the River Krishna from various natural nallas from Sangli Miraj and Kupwad Municipal Corporation, Sangli area since long and therefore, it is found to be difficult to calculate the environmental compensation pertaining to the said industry/body and hence, two weeks' time is prayed to calculate the same.

2. Referring to this reply, it is argued by the learned counsel for applicant that it is admitted by the respondent Nos.4 & 5- MPCB that this municipal body is still polluting the River Krishan. But no action has been taken against the respondent No.7 by the respondent Nos.4 & 5- MPCB, to which the learned counsel for respondent Nos.4 & 5- MPCB submits that a show cause notice has already been issued and they are in the process of initiating the prosecution as well. We direct that a full-fledged reply affidavit be filed from their side mentioning therein as to what action has been taken against the respondent No.7 in this regard and the respondent Nos.4 & 5- MPCB shall assure that no untreated waste water is allowed to be discharged into the River Krishna.

3. From the side of respondent No.8-Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned counsel Mr. Dattatray Devale has appeared, who has filed reply affidavit, wherein the number of days for which the violation of 388 days being stated is found to be wrong besides other objections as well. A copy of which is said to have been served upon the learned counsel for respondent Nos.4 & 5- MPCB. We direct the

learned counsel for respondent Nos.4 & 5- MPCB to file rejoinder to this reply affidavit within two weeks.

4. From the side of respondent No.10-Padmabhushan Krantiveer- Dr. Naganathanna Nayakwadi Hutatma Kisan Ahir SSK Ltd. and for respondent No.11- Padmabhushan Krantiveer- Dr. Naganathanna Nayakwadi Hutatma Kisan Ahir SSK Ltd. (Sugar Unit), learned counsel Mr. Saurabh Kulkarni has appeared, who has filed reply affidavit dated 12.02.2024 raising the objection against the EDC.

5. From the side of respondent No.13- Rajarambapu Patil SSK Ltd.(Sugar Unit), for respondent No.14- Rajarambapu Patil SSK Ltd.(Foreign & Country Liquor) and for respondent No.15- Rajarambapu Patil SSK Ltd.(Distillery Unit), learned counsel Mr. Saurabh Kulkarni has appeared, who has filed reply affidavit dated 12.02.2024, which is wrongly mentioned as reply affidavit from the side of respondent Nos.10 & 11, which needs to be corrected. The said learned counsel has assured us that the same would be corrected.

6. From the side of respondent No.18- IMC, learned counsel Mr. Aditya S. Desai has appeared, who has filed reply affidavit dated 07.02.2024. But we find that respondent Nos.4 & 5- MPCB has not made any calculation of environmental compensation with regard to respondent No.18.

7. At this stage, the learned counsel for respondent Nos.4 & 5- MPCB submits that he could not submit the calculation of environmental compensation in respect of respondent Nos.7, 18 & 19, for which there is no mention made in this affidavit. But he seeks two weeks' time to calculate the same regarding these industries/bodies. The said time period is allowed with a direction that a copy of the same shall be served upon all other parties.

8. We further direct the learned counsel for respondent Nos.4 & 5-MPCB to submit responses to the objections raised by the respondent Nos.8 & 16 and other respondents against the calculation of number of days, for which violation is held to be there as well as other objections raised therein, within a period of two week and a copy of the same shall also be served upon all other parties.

Put up this matter for further consideration on 06.05.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 15, 2024
Original Application No.69/2022(WZ)
P.Kr