

Item No.01

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 69/2022(WZ)

Sunil Pharate, Sangli District Head of
Swatantra Bharat Paksh

.....Applicant(s)

Versus

State of Maharashtra & Ors

....Respondent(s)

Date of hearing: 24.08.2022

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

Applicant(s) : Mr Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha Kulkarni, Advocate for R-1

ORDER

1. The issue in this application has been raised relating to pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in district Sangli regarding which a complaint was also made by the Applicant to the Respondent/Authority but no action was taken. He has also referred to the news about death of fishes and damage to bio-diversity on account of the said untreated effluent being discharged into the said river.

2. He also states that Respondent No.5/MPCB has carried out various inspections near Krishna River and collected river water for laboratory testing and the preliminary investigation revealed that the effluent released by the sugar mills and other industries located upstream, resulted in causing death of the fishes. The industries stock the molasses to be released in the monsoon season when the water gets muddy and the molasses become un-noticeable.

3. He has also referred to a direction dated 22.07.2022 issued by the Regional Officer, MPCB Pune to Respondent No.8/ Project Proponent, who runs distillery unit of a sugar industry and several non-compliances were noticed, pursuant to which, show notice has been issued under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 and 31A of the Air, (Prevention and Control of Pollution) Act, 1981 and Hazardous and other Waste (M& TM) Rules, 2016.

4. In this backdrop the prayer is made that that Respondent Authorities Nos. 1 to 7 be directed to carryout proper investigation in order to ascertain the root cause of death of fishes as well as to ascertain the environmental losses and also to find out as to which are the industries located in the said area polluting the said river.

5. We find that substantial question of environment is made out in the present matter.

6. From the side of Respondent No.1 Mr. Aniruddha Kulkarni, Learned Counsel has appeared. Therefore, notice to Respondent No.1 is waived.

7. Issue notices to other Respondents. Returnable within four weeks.

8. Applicant is directed to provide copy of the application and relevant documents to the respondents within a week.

9. Respondents are directed to submit their reply within four weeks from today with advance copy to the Learned Counsel for the Applicant.

10. Applicant is also directed to take necessary steps for service to the respondents by both ways and also on available email.

11. We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-

- (i) One Representative from the Central Pollution Control Board (CPCB);

- (ii) One Representative from the Department of Fisheries, State of Maharashtra;
- (iii) One Representative of the Maharashtra State Pollution Control Board (MSPCB);
- (iv) District Magistrate, District Sangli.

12. The Committee is directed to visit the site and submit a factual and action taken report within four weeks. The Maharashtra State Pollution Control Board (MSPCB) will be the nodal agency for coordination and logistic support.

13. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

14. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within a week.

Put up with the report on 12.10.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 24, 2022
Original Application No. 69/2022 (WZ)
JG