

**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: 29.08.2023

**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 Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on

behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.

3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.

4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.

5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.

6. 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 apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.

7. From the side of respondent Nos.9 to 15/Project Proponents, learned Counsel Mr. Saurabh Kulkarni has appeared, who submits that he has filed reply affidavits on behalf of respondent Nos.10, 11, 13 & 15 and he does not want to file reply affidavits from the side of respondent Nos.9, 12 & 14 because no relief is sought against them.

8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr