

Item No. 5

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 73/2022(WZ)

Babasaheb Mahadev Patil

.....Applicant

Versus

M/s Shikshan Maharshi Dnyandeo Mohekar
Agro Industries Ltd & Ors.

....Respondent(s)

Date of hearing: 05.01.2023

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

Applicant(s) : Mr. Harpreet Singh along-with Mr. Sudhirchandra Patil
and Ms. Pallavi Sarada, Advocates

Respondent(s) : Mr. Divyansh Gore, Advocate for R-1/PP
Ms. Manasi Joshi, Advocate for R-2/MPCB
Mr. A.J. Pathak, Advocate for R-3/CGWB

ORDER

1. From the side of Applicant, learned Counsel Mr. Harpreet Singh along-with Mr. Sudhirchandra Patil and Ms. Pallavi Sarada have appeared.

2. From the side of Respondent No. 1/PP, learned Counsel Mr. Divyansh Gore has appeared; from the side of Respondent No. 2/MPCB, learned Counsel Ms. Manasi Joshi has appeared; and from the side of Respondent No. 3/CGWB, learned Counsel Mr. A. J. Pathak has appeared.

3. This application has been moved with the prayer that an environmental compensation be imposed upon the Respondent No. 1-M/s. Shikshan Maharshi Dnyandeo Mohekar Agro Industries Ltd./Project Proponent(PP) towards restoration and restitution of the degraded

environment and ecology. Further, it is prayed that the Consent to Operate dated 28.11.2019 be revoked because of the indulgence in violations of the terms and conditions by the Project Proponent (PP).

4. In the body of the application, it is submitted that the Respondent No. 1 is running jaggery unit located at Osmanabad District, which is supposed to follow the Guidelines issued by the Central Pollution Control Board (CPCB) vide Notification dated 13.06.2018, which are as follows:-

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1. *The Kolhus shall not be allowed to set up at locations within 0.5 km distance from approved habitation, schools, hospitals and the sensitive zones.*
 2. *Only dried bagasse, wood and the agricultural residues/ wastes shall be used as fuel. In no case rubber, used tyres, plastic etc. Shall be fired in furnace.*
 3. *Improved/energy efficient furnace shall be used by Kolhus. The furnace shall be made of masonry bricks or refractory bricks. Use of mud or soil in place of bricks should be avoided. The furnace shall be constructed in such a way that it ensures multi-pan (more than one pan in series) heating as shown in Figure(s) below for utilisation of heat contained by flue gases. The pan 3 is used for evaporation of the juice to achieve the desired concentration for making Jaggery/Gur. The hot flue gases further transfer heat to preheat the Pan2 and Pan 1.*

The number of pans may range from 2 to 5 depending upon the design of furnace. As the flue gas transfer the heat to the Pan, its temperature reduces. The remaining heat in the flue gas is further utilised to preheat the juice in the subsequent Pans. The Kolhus with production capacity of S2 MT/day have choice to adopt either single pan or multi-pan arrangement.
 4. *A flap shall be installed on fuel feed hole of furnace to control excess air. There shall be provision of fire grate for efficient burning of fuel in the furnace. The ash generated would be collected from bottom of the furnace. A provision of baffles in flue gas path leading to stack (Chimney) should be made to contain the particulate matter.*
 5. *The height of stack shall be prescribed by the State Pollution Control Board depending upon the local conditions, but it shall not be less than 10 m. The Kolhus without stack shall not be permitted.*
 6. *The limit of particulate matter (PM) in flue gas shall be prescribed by the State Pollution Control Board*

depending upon the local conditions, but it shall not be more than 500 mg/Nm³.

- 7. The solid wastes generated from the Kolhus shall be reused or properly disposed. The bagasse shall be used as fuel in the furnace. Scum Collected from pan and ash shall be utilised as soil conditioner in agricultural land.*
- 8. The washings of pans shall be disposed through soak pit.*
- 9. The Kolhus shall ensure cleanliness and hygienic conditions in the premises.”*

5. The learned Counsel for the Applicant has specifically stated that the Guideline No. 6 stated above has been violated, which is established from the test report. He has pointed out at page no. 28 of the Original Application, which contains the analysis report dated February, 2022, showing the standards of emission of air pollutants to be 685 mg/Nm³ against the limit prescribed by MPCB of 150 mg/Nm³. Also, our attention is drawn to the Analysis Report- Water (JVS) dated 03.03.2022, annexed at page no. 63 of the paper book, which shows that Chemical Oxygen Demand (COD) to be 268.0 mg/l against the limit prescribed by MPCB of 250 mg/l. Having drawn attention to this, it is argued that because of the Respondent No. 1 not following the Guidelines prescribed above, the environmental pollution is happening. Hence the above prayers.

6. From the side of **Respondent No. 1/PP**, reply affidavit has been filed, where-in it is stated that the Respondent No. 1 is a seasonal agro-based industry which works only for 6-8 months depending on the availability of raw materials. The said industry has been established after obtaining all the requisite statutory permissions. The Answering Respondent had obtained Consent to Establish vide letter dated 29.05.2018 and Consent to Operate dated 28.11.2019 has been granted for a period up to 30.10.2029. It has also provided the treatment and disposal arrangement consisting of primary, secondary & tertiary

treatment and air pollution control arrangements consisting of Dust Collector & Wet Scrubber respectively. The Answering Respondent has been monitoring its activity through Akankasha Analytical & Research Lab, which is a Government Approved Laboratory and nothing in the results was found abnormal. Without pointing out any specific violation, the Applicant has referred to CPCB Guidelines. The Answering Respondent does not discharge any effluent outside its disposal area of 7-8 Acres of land. In fact the effluent after due treatment are being utilized for agricultural purpose. The green belt has also been developed.

7. It is further submitted from the side of Respondent No. 1 that all the notices issued to it by the MPCB have been replied by them and compliances have been made from time to time. Closure directions were received by them from the MPCB, which too were replied appropriately. ETP was under maintenance and steps were immediately taken to improve its performance. The Answering Respondent had started to use bore-well after receipt of notice, only for the purpose of domestic drinking use. It had made an application to CGWA for grant of NOC/permission for its use and after having stated above facts, it is prayed that the application should be dismissed, considering the fact that the start order has already been passed by the MPCB on 03.11.2022.

8. From the side of **Respondent No. 2/MPCB**, the stand taken is that it has assessed the environmental compensation with respect to the withdrawal of water from 28.11.2019 (from the date of Consent to Operate) to 29.07.2022 as per CPCB Guidelines. The Respondent No. 1/PP had not obtained NOC from CGWA till 29.07.2022 and operated unit without adequate air pollution control system and thus violated the norms. The Project Proponent (PP) had failed to comply with the consent conditions and nor did it provide adequate air pollution control measures

such as water scrubber and thereby it caused damage to the environment. The Answering Respondent has assessed the damages caused to the environment with regard to dust collector being inadequate as well as TPM of the Project Proponent (PP) being found 685 mg/nm³ against the consent limit of 150 mg/nm³, which was on the higher side. A compensation of Rs. 12 lakh has been assessed for not putting in place adequate Air Pollution System and Rs. 62,340/- has been assessed as environmental compensation for the use of underground water without NOC from CGWA. Therefore, the total amount of Rs. 12,62,340/- has been assessed as an environmental compensation to be levied from the Respondent No. 1/PP.

9. From the side of **Respondent No. 3/CGWB**, learned Counsel Mr. A.J. Pathak has appeared and says that he has nothing to say in this matter as whatever has been stated by the MPCB, he goes by that.

10. The learned Counsel for the Respondent No. 1/PP has no objection to the said amount being levied from them. We find that the main prayer which is made by the learned Counsel for the Applicant, is with respect to the environmental compensation to be realized from the Respondent No. 1 for causing pollution to the environment due to them not following the Guidelines issued by the CPCB for running their unit and for that, the compensation of Rs. 12,62,340/- has been assessed by the MPCB to be levied from Respondent No. 1, which has not been opposed by the learned Counsel for the Respondent No. 1. Therefore, we direct the Respondent No. 1/PP to deposit that amount within a period of one month from today with the MPCB, which shall be used for improvement of environment in the Village Moha, in consultation with the Village Panchayat within a period of 06(six) months and a report in that regard shall be submitted to the Registry of this Tribunal.

11. With the above direction, Original Application No. 73/2022(WZ) stands disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 05, 2023
Original Application No. 73/2022(WZ)
P.Kr