

Item No.03

(Pune Bench)

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

(By Video Conferencing)

Original Application No.73/2022(WZ)

Babsaheb Mahadev Patil

.....Applicant(s)

Versus

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

....Respondent(s)

Date of hearing: 27.09.2022

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

Applicant(s) : Ms. Pallavi A.Sarad and Mr. Sudhir Chandra Patil,
Advocates

Respondent(s) : Mr. Divyansh Gore, Advocate for R-1
: Ms. Mansi Joshi, Advocate for MPCB/R-2

ORDER

1. In pursuance of our order dated 30.08.2022, the Respondent No.2/Maharashtra Pollution Control Board (MPCB) has submitted a report on affidavit stating in paragraph no.2 thereof the following violations committed on the part of the Respondent No.1/PP which are as follows:-

- a) *The unit was using ground water without obtaining NOC from Central Ground water Authority;*
- b) *The analysis result of treated effluent with respect to parameters COD was exceeding the consented limit i.e. 268mg/l against 250 mg/l. The Stack Monitoring Results with respect to parameter Total Particulate matter was 685 mg/Nm³ against 150 mg/Nm³;*
- d) *The unit has not obtained amended consent with respect to the generation of molasses.”*

2. Although in paragraph no. 6 of the report, it is mentioned that during the visit the unit was not found in operation and that maintenance work of machineries was observed.

3. The present application has been moved by the Appellant with the prayer that heavy amount of environmental compensation be imposed upon the Respondent No.1 towards the damage caused to the environment.

4. From the pleadings, it appears that the Respondent No. 1/M/s. Shikshan Maharshi Dnyandeo Mohekar Agro Industries Ltd. is an industry dealing in manufacturing of jaggery which can be gathered from the pleadings because it is being stated that the guidelines provided by the Central Pollution Control Board (CPCB) regarding Kolhus is applicable on all such industries.

5. It is alleged that the Respondent No.1 is violating all those norms which are stated in paragraph no. 6 of the application.

6. It is also stated that consent to operate was also given to Respondent No.1 on 28.11.2019, conditions of which are also violated. Even a closure direction was issued on 19.07.2022 by Respondent No.2/MPCB under Section 33A of the Water(Prevention and Control of Pollution) Act, 1974 and under Section 31 A of the Air Prevention and Control of Pollution) Act, 1981.

7. The unit of Respondent No.1 is discharging effluents exceeding the prescribed standards.

8. Heard the Learned Counsel for the Applicant and we find that substantial question affecting the environment is made out in the present matter, particularly, the report which we have received from the MPCB shows that violations were done by unit of Respondent No.1 as stated above.

9. From the side of the Respondent No. 1/M/s. Shikshan Maharshi Dnyandeo Mohekar Agro Industries Ltd., Mr. Divyansh Gore, Learned

Counsel has appeared today and filed his vakalatnama. Therefore, notice is waived.

10. From the side of the Respondent No. 2/ MPCB, Ms. Mansi Joshi, Learned Counsel is present today and therefore, notice is waived from the side of Respondent No.2. The Learned Counsel for Respondent No.2 may file its reply affidavit within a period of four weeks, if so required.

11. Therefore, Registry is directed to issue notice only to Respondent No.3/Regional Director, Central Ground Water Authority, returnable within four weeks.

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

13. All the Respondents are directed to submit their reply affidavits within a period of four weeks.

14. Applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available email.

15. The pleadings shall be exchanged by the parties among themselves before the next date positively so that no adjournment would need to be granted on that count.

16. List the matter on 18.11.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 27, 2022
Original Application No.73/2022(WZ)

JG