

Item No.4

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.182/2023(WZ)
Misc. Application No.14/2023(WZ)
(Disposed of on 01/12/2023)**

Prasad Haribhau Jadhav & Ors.

.....Applicant(s)

Versus

M/s. Godavari Bio-refineries Ltd. & Ors.

....Respondent(s)

Date of hearing: 08.01.2024

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

Applicant : Mr. D.V. Joshi, Advocate

ORDER

1. This application has been filed with the prayers that directions be issued to respondent No.2/MPCB and respondent No.3/CPCB to visit the industry of respondent No.1-M/s. Godavari Biorefineries Ltd. to prepare a report on AAQ within the industrial premises at different locations; AAQ outside the industrial premises at different locations; number of locations of discharging treated/untreated water from the industry of respondent No.1; water analysis report be prepared after taking water samples from different locations of the Godavari River; whether the respondent No.1's industry has complied with the specific conditions of the EC dated 06.08.2021; whether the directions of NGT vide order dated 19.05.2015 have been followed; a direction be issued for closure of the said industry of respondent No.1 for constant breach of environmental laws; and respondent No.1 be imposed heavy amount of EDC for causing environmental pollution.

2. The submission made by the learned counsel for applicants is that the industry of respondent No.1 is producing of 39 chemicals, out of which 6 chemicals are found to fall in Hazardous Chemicals, as per the Schedule prepared by the CPCB. It is alleged that the respondent No.1 is discharging polluted and untreated effluents and other chemicals gases in the periphery of the industry, which is polluting the surrounding areas leading to air pollution, soil degradation and contamination of the Godavari River as well as the surrounding water bodies. The obnoxious gases are emitting out due to burning of coal as a fuel in the said industry. The agricultural yield of the applicants has deteriorated because of the water contamination. The industry of respondent No.1 is situated within half a kilometer from the Godavari River.

3. It is further submitted that despite a complaint made by the applicants to the District Collector, Ahmednagar for taking immediate action against the respondent No.1, no action has been taken. Hence, legal notice dated 19.12.2022 was sent to respondent No.1. Pursuant to the said legal notice, the applicants received a visit report dated 17.01.2023 from the respondent No.2/MPCB, which is wrong pleading because the Annexure- F, which is being said to be a visit report, is not actually a visit report, rather the same is reply to a Notice dated 17.01.2023 sent by the MPCB addressed to the applicant- Shri Prasad Haribhau Jadhav, wherein it is recorded that an investigation was made on a complaint of the applicant dated 01.12.2022 and 06.12.2022 and it was observed that the industry had obtained Consent to Operate, which is valid up to 31.08.2024 for 39 products. Provided Primary, Secondary & Tertiary treatment followed by RO & MEE for trade effluent and treated effluent is recycled in the process. Industry has also provided ESP (Electrostatic Precipitator) with stack of height of 50 mtrs. to the Boiler (30 TPH capacity) as a APC

(Air Pollution Control Device), which was found in operation. No sound pollution was noticed within factory premises. Industry had also provided ESP for treatment of domestic effluent and treated effluent is used for gardening purpose within factory premises. The bio-remediation work was found to be in progress. The above reply to the notice shows that there were no violations made by the industry of respondent No.1.

4. Thereafter, our attention is also drawn by the learned counsel for applicants to the visit report dated 06.06.2023, which says that while an inspection was made in the presence of the Complainant, the water of the River Godavari was inspected and found to be yellowish in colour. Beyond that, it is not mentioned as to whether the same was found to be polluted. It appears that brownish colour is being taken to be a polluted water by the learned counsel for applicants.

5. We also enquired from the learned counsel for applicants, as to whether there were any water analysis report of the samples collected from the premises of the respondent No.1 and whether they were found to be contaminated and where is the evidence to show that the effluent coming out of the said industry, was allowed to flow into the River Godavari, which is causing pollution of the said river, no such evidence could be shown *prima facie*.

6. Thereafter, the learned counsel for applicants has drawn our attention to the order/Judgment dated 19.05.2015 of this Tribunal passed in Original Application No.68/2014(WZ), filed by some other applicants against the present respondent No.1, where-in pollution of the water well was found to have been caused and the applicants were held entitled for compensation of Rs.2 lakhs each towards each well besides the remediation and damages, which were directed in the said Judgment and

having drawn our attention to this, it is alleged that previously the respondent No.1 has also been found to be indulging in causing pollution because of which the said Order/Judgment had been passed and that still pollution is happening on account of the activities of the said industry.

7. Since there is no evidence shown on record from the side of applicants, as to whether any pollution is found to have been caused by the industry of respondent No.1 as there is no report on record to that effect, rather the show cause notice was issued to the respondent No.1 and its reply suggests that all the compliances were made and nothing abnormal was found, we deem it appropriate to call for a report from the respondent No.2/MPCB, to be submitted within four weeks, as to whether any pollution is being caused by the industry of respondent No.1, if yes, what action is being taken at their end. After receipt of this report, we will consider admission of this matter.

8. The report in the matter be submitted by MPCB through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

Put up this matter on 22.02.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 08, 2024
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(Disposed of on 01/12/2023)
P.Kr