Item No. 2 (Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

Original Application No. 118/2022(WZ)

Mr. Sandeep S. Shete

.....Applicant

Versus

M/s Gayatri Cold Storage & Ors.

....Respondent(s)

Date of hearing: 03.01.2023

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

Applicant	:	Mr. Omkar Wangikar, Advocate
Respondent(s)	:	Ms. Manasi Joshi, Advocate for R-3/MPCB

ORDER

1. From the side of Applicant, learned Counsel Mr. Omkar Wangikar has appeared.

2. This application has been moved with the prayer to direct the Respondent No. 3/MPCB to close the entire industry of Respondent No. 1-M/s. Gayatri Cold Storage/Project Proponent (PP) and also to appoint an Expert Committee to quantify the environmental losses caused by the Respondent No. 1.

3. It is submitted by the Applicant that the Respondent No. 1 is running a cold storage unit, which is also engaged in milk packaging activities in the name and style of "Gayatri Cold Storage". The Respondent No. 4/Kolhapur Zilla Sahakari Dudh Utpadak Sangh Ltd. is the main supplier of milk for packaging purpose to the Respondent No. 1. Respondent No. 1 is running the said cold storage illegally without permission from the Maharashtra Pollution Control Board (MPCB) and is

also discharging untreated toxic effluent outside its premises. The Respondent No. 1 had received Consent to Operate from Respondent No. 3/MPCB on 20.11.2019 for a period up to 30.04.2021, but it violated the various consent conditions laid there-in because of which Show Cause Notice was issued by the Respondent No. 3 but no reply was ever submitted by the Respondent No. 1. Thereafter, the Respondent No. 3 had issued the final refusal of consent under Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 read with Hazardous & Other Waste (M & TM) Rules, 2016 on 18.09.2021 for various non-compliances. Copy of which has been annexed as Annexure-'B' at page no. 25 of the paper book. Despite several oral complaints having been made, no action has been taken by the Respondent No. 3/Maharashtra Pollution Control Board (MPCB) against the Respondent No. 1-M/s. Gayatri Cold Storage. Hence, the present application.

4. We find substantial question relating to environment having been made out in the present application, therefore, we deem it proper to admit this application.

5. Registry is directed to issue Notice to the Respondents, returnable within 04(four) weeks.

6. Since Ms. Manasi Joshi, learned Counsel has appeared and accepts notice on behalf of Respondent No.3/MPCB, hence, notice is waived for Respondent No. 3. She apprised that action has already been taken against the Respondent No. 1 and she may be allowed time to file the reply affidavit.

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

8. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

9. Applicant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

Put up this matter on 02.02.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 03, 2023
Original Application No. 118/2022(WZ)
P.Kr