

Item No.1

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

ORIGINAL APPLICATION NO.222 OF 2023 (WZ)

Mrs. Mangal w/o Vishnu Bodkhe & Ors.

.... Applicants

Versus

M/s Matrix Life Science Pvt. Ltd. & Ors.

....Respondents

Date of hearing: 05.01.2024

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

Applicants : Mr. Asim Sarode, Advocate

ORDER

1. By our order dated 04.01.2024, we had permitted the learned counsel for the applicants to incorporate amendment, but instead of incorporating the same, learned counsel has filed amended Original Application incorporating therein all the amendments, which has been treated to be Original Application now.

2. This application has been filed with prayer that respondent No.2 – MPCB be directed to pass order closing down the industry of respondent No.1 – M/s Matrix Life Science Pvt. Ltd. It is alleged that the applicants are traditional agriculturists involved in farming. Respondent No.1 is a Chemical Industry located at a distance of 500 mtrs from the agricultural field of the applicants, which is named as M/s Matrix Life Sciences Pvt. Ltd. and is functioning for last ten years. The water quality of the wells of the applicants have got damaged as the water is getting smelly and its colour has changed. The Industry is dumping waste of their chemical industry in the land itself without proper treatment, which is resulting in

lowering down the quality of water, which has rendered it not useful for agricultural purposes. Respondent No.2 – MPCB had issued warning notice for non-compliance of consent condition by respondent No.1 on 02.02.2021 stating therein that respondent No.1 had not provided ATFD for waste treatment and disposal and the RO reject is used on Ash spraying. Pursuant to the said warning notice, respondent No.2 – MPCB conducted visit of the Industry in question on 27.01.2022 and submitted the Visit Report, observing therein that the Industry has achieved ZLD condition and is re-using the effluent for cooling tower. The said Visit Report is annexed as Annexure-C at pages 36 and 37 of the paper-book.

3. The learned counsel for the applicants has alleged that the said Visit Report has been submitted by respondent No.2 – MPCB being hand-in-gloves with respondent No.1 – Project Proponent, as the same has been prepared without visiting the site in question. It is also alleged that important directions were issued by the MPCB, which are contained in paragraph 16 of the amended Original Application at (a) to (v), which indicate that there were so many compliances required to be made by respondent No.1, but without them having been complied with, the said false report has been submitted giving clean chit to respondent No.1. Compensation of the sum of Rs.30 lakhs is prayed to be awarded to applicant Nos.1 to 5 due to incurring loss of the crop yield.

4. Though an amount of Rs.30 lakhs has been claimed by way of compensation, no details as to how the applicants have arrived on the said amount, have been placed on record. We direct the learned counsel for the applicants to provide the details as to how the applicants have arrived on the said amount of compensation, by the next date.

5. Considering the averments made in the application, we find that prima facie case is made out impacting the environment adversely. Therefore, we deem it appropriate to admit this Original Application and

direct the Registry to issue notice to the respondents, returnable within four weeks.

6. The applicants are directed to provide copies of the Original Application and annexures thereto to the respondents, within a week.

7. The applicants are also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

8. Put up this matter for next consideration on 11.03.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 5, 2024

ORIGINAL APPLICATION NO.222/2023 (WZ)

npj