

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.222/2023(WZ)

Mrs. Mangal W/O Vishnu Bodkhe & 4 Ors.

.....Applicant(s)

Versus

M/s. Matrix Life Science Pvt. Ltd. & 3 Ors.

....Respondent(s)

Date of hearing: 22.04.2024

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

Applicant : Mr. Asim Sarode, Advocate
Respondent(s) : Mr. Sachin Gore, Advocate along-with
Mr. R. B. Mahabal, Advocate for R-1/PP
Ms. Manasi Joshi, Advocate for R-2/MPCB
Mr. Aniruddha Kulkarni, Advocate for R-3/CPCB
DSAO, Department of Agriculture, Aurangabad,
in-person for R-5

ORDER

1. By our previous order dated 11.03.2024, the applicants were directed to fill up Form No.II as prescribed under rules and pay adequate court fees, as the personal compensation was being prayed by the applicants. In this regard, an application dated 19.03.2024 has been filed from the side of learned counsel for applicants, which is found to be defective by the Registry. We direct the learned counsel for applicants to remove the defects forthwith and get the number allotted to this I.A.
2. Even though this I.A. is found to be defective, we are considering the same on merits. A copy of this I.A. has not been served upon all other parties. Therefore, we direct the learned counsel for applicants to serve a copy of the same upon all other parties through e-mail.

3. The main emphasis has been laid in this I.A. by the learned counsel for applicants that an amount of Rs.30,00,000/- (Rupees Thirty Lakhs) is being claimed by the applicants by way of personal compensation only on rough estimate because they are not experts and therefore, prayer is made in this I.A. that an Expert Committee be constituted to assess the damage caused to their agricultural crops and that an opinion from the District Soil Conservator be also taken in order to assess the quality of soil and damage caused to the crops.

4. Our attention is drawn by the learned counsel for applicants to the fact that he has already filled up Form No.II, which is annexed at page nos.149 to 162 of the paper book and that it is orally submitted that the court fees for the same has already been paid. But when we enquired from him as to where are the details of the same, he submits that on 04.12.2024, court fees has been deposited. We direct the Registry to verify about the same and submit a report in this regard.

5. We deem it appropriate to constitute a Committee, which assess the damage caused to the agricultural crops/lands of the applicants, comprising one Member each of:

- (i) The District Collector, Aurangabad;
- (ii) The District Agricultural Officer, Aurangabad; and
- (iii) The Central Pollution Control Board (CPCB).

6. The District Agricultural Officer, Aurangabad shall be the nodal agency for coordination and logistic support.

7. The Committee is directed to visit the site and submit a factual and action taken report with regard to the violations, if any, and action taken thereon, within two month.

8. The report in the matter be submitted by SPCB 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.

9. Applicants are directed to supply the required documents in support of the present Original Application and copy of the application to the Members of the Committee within three days from today.

10. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

11. In response to our previous order, the respondent No.1 has filed reply affidavit dated 15.04.2024, the same is taken on record. Several photographs are also filed from the side of respondent No.1- Project Proponent, the same are taken on record.

12. It is submitted by the learned counsel for respondent No.1 that the applicants have deliberately impleaded the respondent No.1 in the array of parties in the present Original Application despite the respondent No.1 being a ZLD industry and there is no contamination being done from its side. It is also emphasized that the industry of respondent No.1 is located at a distance of 1500 mtrs., in view of which there is no likelihood of this industry causing any pollution to the lands/crops of the applicants. It is only due to vindictiveness and in order to harass the respondent No.1 that impleadment is made.

13. From the side of respondent No.2- MPCB, reply affidavit dated 19.04.2024 is filed, wherein our attention is drawn to para no.31 of this affidavit, annexed at page no.574 of the paper book, which is as follows:-

"31. I say and submit that as per the Respondent Board's Analysis Report of the well water of the Applicant No. 1 dated 09/5/2023 which is annexed as Annexure " H " to the O.A , it is submitted that

the parameter is compared with the Indian Standard (IS) Drinking water standard 10500/2012. The parameters such as TDS, chloride, Hardness (Calcium) Hardness Total. Sulphate, Conductivity and TFS found exceeding with the IS Drinking water standard 10500/2012. I say and submit that there are around 21 number of industries approximately in MIDC area of Paithan, Chh Sambhajinagar. Out of these 4 number of industries are achieving ZLD, 7 number of industries effluent is being sent Common Effluent Treatment Plant (CETP) Waluj, 6 number of industries using treated effluent for gardening, 2 number of industries having effluent nil and 2 number of industries are closed. Respondent No.1 being one of the industry operating in the said area, it can't be held solely responsible for the water pollution. I say that in view of pollution problems existing in the MIDC Paithan area, the Respondent Board has issued Work Order to Indian Institute of Technology, Powai, Mumbai vide letter dated 02-04-2024, for conducting Assessment of groundwater contamination and mitigation plan based on detailed assessment of contaminated ground water at Paithan MIDC area, Chhatrapati Sambhajinagar. The scope of work has been also defined and the time duration for the work order is also specified with methodology and deliverables. The Respondent Board will take reviews of the work progress on monthly basis. A copy of the said work order is enclosed herewith and marked as an Annexure "H".

14. From the above-mentioned para, it is clear that the Respondent Board has engaged the Indian Institute of Technology, Powai, Mumbai to assess the groundwater contamination and its source in the MIDC pipeline area. Annexure-H of this affidavit is a work order dated 02.04.2024 issued by the MPCB to the IIT, Powai, Mumbai, wherein cost of the project is stated to be Rs.52,50,000/- (Rupees Fifty five lakhs fifty thousands only) + GST as applicable and terms & conditions of the payment are also mentioned therein that 70% of the total cost will be paid in advance for acceptance of the work order and remaining 30% of the project cost will be paid on submission of the Final Report (Phase-I).

15. When we enquired from the learned counsel for respondent No.2-MPCB as to what works includes in the cost of this project, it is apprised by her that an assessment of the source of pollution would be done by the IIT, Powai and its remediation would also be suggested by it, for which the said amount is being charged.

16. We find some vagueness in the project cost because what we would like to have clarity about is that the IIT must conduct the identification of the industries, which are responsible for causing the contamination in MIDC Paithan area and that apportionment of the cost of study + remediation/mitigation measures by the industries should be suggested by the IIT, Powai, which may be levied/recovered from the concerned industries, so that the MPCB may carry out the remediation plan. Some timeline has to be also there, therefore, we direct that this project should be completed within a period of three months.

17. We may also make it clear that from the report, if the industries are identified, which are responsible for causing pollution, the said industries would be directed to be impleaded as respondents in the present Original Application by us at that stage.

18. We also make it clear that the IIT, Powai shall make visit of the spot in question in the month of May prior to the onset of monsoon.

Put up this matter for further consideration on 08.08.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 22, 2024
Original Application No.222/2023(WZ)
P.Kr