

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

APPLICATION NO1/2013(WZ)

Mr. Pradeep More & Anr Vs. State of Mah. Ors

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL
MEMBER**

HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

**Present: Applicant/ Appellant : Asim Sarode Adv
Adv : Bhalchandra Supekar**

: Vikas Shinde Adv

Respondent No.4 : Ms. Supriya Dangare Adv

**Respondent No.5 : Dr. Sadhana Mahashabde
Adv S.B.Khurjekar Adv**

Date and Remarks	Orders of the Tribunal
Item No.7 October 09, 2013 Order No.6	<p>We have heard Learned Counsel for the parties.</p> <p>Perusal of the relevant documents indicate that there is discrepancy between findings of MPCB and the copies of the reports submitted by the Respondent No.5 (Sugar Factory). It is the contention of the Respondent No.5 that the effluents are now being discharged in the land acquired for the purpose by giving adequate treatment through Effluent Treatment Plant (ETP), as stipulated by the MPCB. It is further submitted that treated water is being now utilized, after the due treatment for agricultural use. The Respondent No.5, states that the treatment plant as required by the MPCB is already established and made functional. It is the case of Respondent No.5, that compliances required under letter dated 7th September, 2013, issued by the MPCB, are being already done and if so required, a part thereof, will be found to be, yet is got to be done, immediately will be complied with.</p>

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The Respondent No.5 is ready to give undertaking about due compliances as sought by the MPCB. The only request made on behalf of the Respondent No.5, is that compliances shall be duly verified within a specific time frame in as much as the crushing season is in offing. The Respondent No.5, is also ready and willing to get the sample testing done through an independent agency called 'NEERI' Nagpur, branch at Mumbai. The Respondent No.5, is also ready to bear expenditure required for the verification of standards of the samples collected by 'NEERI', from the place of treatment plant and outlets annexed to such treatment plant. The Counsel for Respondent No.5, submits that there are seven(7) outlets. The samples may be collected from seven (7) outlets in order to verify quality of underground water and the water which is claimed to be treated.

The Learned Counsel for Applicants has no objection to examine the compliances by the MPCB, and report about such compliances as well as getting sampling and analysis done by the 'NEERI'.

Having regard to rival submissions and also, having regard to the letter correspondence between the MPCB and Respondent No.5, we direct that compliances allegedly made by the Respondent No.5, shall be duly monitored and verified by the MPCB, within a period of two(2) weeks, after the communication by the Respondent No.5 of such compliances and date shall be fixed for such kind of site visit and verification of the compliances by issuing due notice to the Respondent No.5. The MPCB, shall thereafter, file a Status Report as regards compliances or discrepancies found, if any, and the nature of measures adopted by the Respondent No.5, to alleviate environmental damage or pollution.

The 'NEERI' be requested to carry out the study of efficacy of the ETP and the arrangements made by the Respondent No.5, for treatment of effluents, study of disposal of practices adopted by

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the Respondent No.5, as well as study of groundwater quality by collecting the samples from all outlets, as well as, from the groundwater in the vicinity for conduction of such study. The Respondent No.5, shall bear necessary expenses required for conducting such study by the 'NEERI'.

The Respondent No.5, shall give an undertaking that required expenditure will be incurred for the purpose of study report as stated above. The Respondent No.5, also shall give undertaking that the operation of Sugar Factory, would not become functional, without consent of the MPCB.

The MPCB, shall carry out the work of verification and site visit for the purpose of examining due compliances, within a period of one (1) week, after communication is received from the Respondent No.5, about such compliances. Status report may be immediately filed within one (1) week thereafter. The process of granting consent to operate on the basis of such verification of compliances, is, however, not stayed and may go on, if the compliances are found to have been satisfactorily made by the Respondent No.5. However, till such site visit, the consent shall be withheld and the report of the 'NEERI' also shall be submitted within a period of four (4) weeks, in order to examine water quality and the functioning of ETP. In other words, these two(2) processes are independent to each other and will be considered cumulatively, if so required, on the next scheduled date.

The compliances shall be done from the date of filing of the affidavit by the Respondent No.5. in other words, from the date of filing of such affidavit, the Respondent No.5, may communicate about compliances within two (2) weeks and thereafter within one(1) week of verification, shall be made by the MPCB, and thereafter, if the MPCB, is duly satisfied with the compliances, process of granting consent, shall be expedited and be treated, as not stalled by the Tribunal. The MPCB, to provide the copy of this order to 'NEERI', Mumbai for necessary compliance and shall also

render all necessary assistance to 'NEERI' to conduct the study.
Stand over to 22nd October, 2013, for other purposes with regard to steps taken by the Municipal Council, Pandharpur and other issues. The undertaking, shall be filed by the Respondent No.5, in this Tribunal and the copy thereof be given to the MPCB.

Stand over to 22nd October, 2013.

....., **JM**
(V. R. Kingaonkar)

....., **EM**
(Dr.Ajay A. Deshpande)

