

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 18/2021 (WZ)

Sanjay Bhimashankar Thobde

Applicant

Versus

The Chairman & Directors, Shree Siddheshwar
Sahakari Sakhar Karkhana Ltd. & Ors.

Respondent(s)

Date of hearing: 09.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is against height of chimney (90 meters) set up by Shree Siddheshwar Sahakari Karkhana Ltd. at Solapur in the process of operating its sugar mill. The applicant has referred to order of the Airport Authority of India (AAI), Respondent No. 5 dated 24.08.2019 requiring reduction of the height of the chimney to facilitate aircraft operations from Solapur Airport. The operative direction is reproduced below:-

“Now, therefore, in exercise of the power conferred under Rule 6 of the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 1994, the undersigned, hereby direct the owner of M/s SSSSK Ltd., Solapur to reduce the height of the said Chimney to 498.4 meters AMSL within 60 days from the date of issue of this order, so as to be in conformity with the aforesaid notification.”

The order is stated to have been affirmed by the Appellate Authority on 02.12.2019. The Project Proponent filed W.P. (ST) No. 29268 of 2019, *Shree Siddeshwar Sahakari Karkhana Ltd. v. Solapur Municipal*

Corporation and Anr. but the same was withdrawn, in terms of the order of the High Court dated 21.12.2020.

2. In the application it is also stated that the project proponent does not have requisite Environmental Clearance (EC) and is not complying with the conditions of Consent to Establish. Spent wash was being directly discharged in open area.

3. While the issue of reduction of height is covered by the order mentioned above, the allegation of discharge of spent wash in open and expanding the activities in violation of requirement of prior EC are issues which will require consideration. Further, in the event of reduction of height of the chimney, suitable measures to mitigate the impact of air pollution need to be introduced.

4. In view of the above, let a joint Committee of CPCB, State PCB and District Magistrate, Solapur furnish a factual and action taken report in the matter. Needless to say that if there are any violations of environmental norms, the State PCB may take remedial action, following due process which action may also be included in the report of the joint Committee. The State PCB will be the nodal agency for coordination and compliance. The report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 20.09.2021.

A copy of this order be forwarded to the CPCB, State PCB, District Magistrate, Solapur and the Applicant by e-mail to facilitate compliance of the above order.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 09, 2021
Original Application No. 18/2021 (WZ)
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