

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 48/2019 (WZ)

Vinod Kumar Jaiswal

Applicant

Versus

State of Maharashtra & Ors.

Respondent(s)

Date of hearing: 24.09.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Dhananjay V. Athore, advocate.

For Respondent (s): None

**ORDER**

1. The question involved in the present case is illegal running of an industrial unit by the Respondent No. 7 for manufacturing of packaged drinking water in CTS No. 12369/361, Plot No. 40, Ahinsangar, Aurangabad which is stated to be a residential area. Unauthorized drawal of groundwater through dug well and bore well has also been alleged. In order to ascertain the factual position, a Joint Committee comprising of Commissioner, Aurangabad Municipal Corporation, the Regional Officer, Maharashtra Pollution Control Board and the Regional Director, Central Ground water Board was constituted directing them to undertake inspection of the unit, verify factual aspects set out in the Original Application and to submit a report.
2. Report has accordingly been filed by the Committee through Regional Director, Ministry of Jal Shakti, Department of Water

Resources, River Development & Ganga Rejuvenation. The report reveals as follows:

- “1. The industry is found in operation.
2. As per one of the conditions of NOC given by the CGWB, flow meter has been found working, however, the same was not installed during the previous visit of officer from CGWB, Nagpur made on 4.6.2019.
3. Total 3 borewells and 1 dugwell was noticed within the industry. Out of the 3 borewells, 2 borewells were found not in use and on one of the bore well, the pipe fittings was found cut. In their application, the industry had not disclosed the existence of other 3 borewells within the industrial premises. The industry indicated only existence of 1 dugwell which is to be utilized for water abstraction to meet the industrial demand. Besides this, as per the condition of NOC, the industry cannot construct any new groundwater abstraction structure without permission of CGWA.
4. No green belt area of 10 sq.m has been noticed at the time of inspection. This therefore seems to be an aberration, however, as reported by industry, which was indicated in their online application for grant of NOC of CGWA.
5. It is mentioned in the online application form submitted by the firm that about 5 m<sup>3</sup>/day waste water generated will be recycled and reused for gainful utilization. Out of 5 m<sup>3</sup>/day, 1 m<sup>3</sup>/day will be used for green belt development and 4 m<sup>3</sup>/day for other uses. However, during onsite inspection, no recycling plant was noticed and all the waste water generated is drained out into sewerage drain.
6. The proponent has installed rainwater harvesting system in the plant premises. The harvested rainwater is put into the dugwell for artificial recharge. For construction of remaining artificial recharge structures outside the industrial premises, as required, still there is time limit to submit its completion report as, 6 months' time has been provided in the NOC from the date of issue.
7. As per the Aurangabad Municipal Corporation (AMC) records, neither the Respondent No. 7 has applied nor the AMC has issued any building permission.
8. As per the Aurangabad Municipal Corporation (AMC) records, the industry has not been given any NOC for running RO plant.
9. Beside above, the AMC has not given any permission to take over any industrial activity in the plot no. 40, Ahinsa Nagar, Aurangabad.”

3. Respondent No. 6, the Regional Director, Central Ground Water Board, Central Region of Nagpur has also filed an affidavit which confirms the above report of the Committee and has averred that

upon noting the infractions on the part of the Respondent No. 7, show cause notice has been issued particularly for concealing information in the online NoC application dated 15.01.2019 and for non-compliance of NoC conditions based upon an inspection carried out on 26.07.2019. It is stated that further action had been withheld in view of the Tribunal having issued directions constituting a joint committee for ascertaining the facts.

4. Considering the Report of the Committee and the CGWA which clearly discloses non-compliance and violation by Respondent No. 7, we direct the Regulatory Authority, namely, the Maharashtra Pollution Control Board (MPCB) and the Regional Director, Central Ground Water Board to take appropriate action against the Respondent No. 7 for the violation indicate in the Report as well as the affidavit of the Respondent No. 6 in accordance with law. We make it clear that the action shall include order of closure of the unit and imposition of Environmental Compensation by invoking the Polluter's Pay Principal. Entire exercise shall be carried out within one month and action taken report submitted before us.
5. List on 14.11.2019.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

24<sup>th</sup> September, 2019  
O.A. No. 48/2019 (WZ)  
hb & avt