

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

ORIG. APPLICATION NO.37/2017(WZ)

CORAM:

**Hon'ble Mr. Justice U.D. Salvi,
(Judicial Member)
Hon'ble Dr. Nagin Nanda,
(Expert Member)**

B E T W E E N:

Mr. Badrinath Vishwanath Shinde,

Aged 69 yrs. Occn : Farmer,

R/o. Suregaon (Gangapur),

Taluka- Newasa, District : Ahmednagar

.....Applicant

A N D

1. Charoen Pokohand (India) Pvt.Ltd.,

Branch office at Faith Centre,

Office No.201, 2nd Floor, Plot No.82

Survey No.232, Sakorenagar.

Air Port Road, Viman Nagar,

Through : Mr. Therdpong Panichraksapong,

Aged 50 Yrs. Occ : Service,

R/o. As above

2. Maharashtra Pollution Control Board,

Kalpataru Point, 3rd and 4th floor,

Opp. Cine Planet, Sion Circle,

Mumbai-400 022

3. State of Maharashtra,

Through : Its Environment Department
Office at 15th floor,
New Administrative Building,
Madm Cama Road, Mantralaya,
Mumbai 400 032

... **Respondents.**

Counsel for Applicants

Mr. Asim Sarode, Adv.

Counsel for Respondent No.1 :

Mr. Amol Sawant, Adv.a/w.

Mr. R.H. Gandhi, Adv.

Counsel for Respondent No.2 :

Ms. Manasi Joshi, Adv.

Date: 9th November, 2017

J U D G M E N T

1. Heard. Perused record.
2. The Applicant a resident farmer of Suregaon (Gangapur) Taluk Nevasa, District Ahmednagar is seeking closure of the poultry farm of Respondent No.1-Charoen Pokohand (India) Ltd. situate at village Suregaon for violation of directions of MPCB and guidelines dated 4th October 2016, and directions to restore the environment where the Respondent No.1-Poultry farm is situate and pay the cost of Rs.5,00,000/-.
3. The Appellant contends that there are continuing violations of the directions given by the MPCB vide letter

dated 4th October 2016 by the Respondent No.1- Charoen Pokohand India Ltd. and the Respondent No.1 has not taken into consideration the safety aspects, thereby opening floodgate of diseases, air contamination with feathers and such other biological vectors emanating from the activity at the Poultry Farm.

4. The case of the Applicant is countered by the Respondent No.1 with the replies dated 18th June 2017 and 30th August 2017. The Respondent No.2 MPCB has also joined the issues with the reply dated 6th May 2017.

5. As regards the compliance of the directions dated 4th October 2016 issued by the Respondent-MPCB, it is specifically revealed that the Poultry farm was inspected on 17th May 2016, when following observations were made :

- i) During visit, poultry farm is found in operation;*
- ii) Poultry Farm is having consent to operate of the Board which is valid upto 31-12-2018 in 'Green' category.*
- iii) Poultry Farm has not completed 100 % work of wall compound erection/ increase in height.*
- iv) Poultry Farm has planted few trees near their Administration Office which are 3 to 4 ft. height. During visit, representative of the Poultry Farm informed that after completing the work of wall compound, tree plantation will be done.*
- v) In order to reduce smell nuisance, the poultry farm has built a room with overhead (top) open & three side wall compound of height approx.. 15-20 ft. height.*
- vi) Poultry Farm is a member of M/s. Bio-Clean System (I) Pvt. Ltd. Ahmednagar (CBMWTSDF facility) etc.*

6. Respondent No.1 Poultry Farm has also placed before us the report of further Inspection conducted on 5th July 2017 with the affidavit dated 30th August 2017, which reads as under :

“Visited the industry for checking compliance of Interim Directions issued by the Board office vide letter No.MPCB/PSO/Nashik/ID/B-3886 Dt. 4/10/2016. During visit industry found in operation & observed following points. As per the interim Direction following observation are :

- 1) The industry has provided fencing wall of about 7.0 ft. & also provided metal wire fencing above the cement wall. The fragrance creepers also provided but are only of 2-3 ft. ht. & yet to be grown up.*
- 2) The industry has planted trees like Neem, Saptparni, Gulmohar etc. along the periphery of the industry. All the plants are about 8-10 ft. ht.*
- 3) The industry have provided exhaust system followed by water sprinkling arranged & wall compound to reduce smell nuisance.*
- 4) The industry is disposing of dead birds to the common facility of BMW at Ahmednagar regularly.*
- 5) The industry is submitting the B.G. of Rs.2.0 lakh and Rs.2.0 lakh within a day or two days period.*

7. Compliance of the directions is thus reflected in the report dated 5th July 2017. However, learned counsel appearing on behalf of the Applicant contends that the measures taken by way of the compliance of the directions issued by the Respondent-Board are insufficient as there have been instances of health-hazards amongst the villagers. He submits that there needs to be the examination of the present issue by the Respondent-Board

in the light of the CPCB guidelines on Poultry Farm dated 20th October 2015, namely recommendations at para 2.1 and Sub-para No.7 and 9 of para No.2.2 of the guidelines in order to tackle the issue of potential health hazards.

8. The relevant guidelines indicated by the learned counsel appearing on behalf of the Applicant are as under :

2.1) Minimization of odor/ gaseous pollution problem.

- *Ensure proper ventilation and free flow of air over manure collection points to keep it dry.*
- *Protect manure from unwanted pests/insects.*
- *Protect manure from run off water and cover it to avoid dust and odors in storage pits.*
- *Design, construct, operate and maintain waste storage facilities to contain all manure, litter and washings.*
- *Collect carcasses promptly on regular basis and dispose them appropriately without damaging the environment.*

2.2) - - - - -

7) *Dust collector system should be installed in the feed mill.*

9) *Avoid pest infestation of stored feed ingredients by frequent Inspection and following prompt interventions.*

9. He further submits that there is nothing to indicate that the dead birds or biological waste were/are being disposed of in a manner indicated by the Respondent-Board.

10. Considering the precautionary principles and principle of sustainable development, we do not think it

necessary to close down the Poultry Farm; however, it is necessary to take certain preventive measures in the light of the CPCB guidelines. We, therefore, pass the following directions :

1) The Respondent No.2 MPCB shall examine how the guidelines indicated as aforesaid can be put into practice in relation to the Respondent No.1 Charoen Pokohand (India) Ltd. Poultry Farm and issue such directions to the Respondent No.1 Poultry Farm as necessary therefor, and the Respondent No.1 shall abide by the said directions so issued.

2) We further direct the Respondent No.1-Charoen Pokohand (I) Ltd. to keep account of disposal of the birds/biological solid waste at the common facility engaged by them and accounts so maintained shall be submitted to the Respondent No.2-MPCB every month for their scrutiny.

O.A. No.37/2017 stands disposed of with no order as to costs.

....., **JM**
(Justice U.D. Salvi)

....., **EM**
(Dr. Nagin Nanda)

Date : 9th November, 2017

ajp