

30.8.12

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.17 OF 2011

Nicholas H. Almeida

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.3 IN COMPLIANCE
OF ORDERS DTD.5.7.2012 PASSED BY THIS HON'BLE COURT**

I, Yeshwant B. Sontakke, aged 47 Years, occupation-service, the Regional Officer (HQ) and Incharge Joint Director (Water Pollution Control) of the Maharashtra Pollution Control Board, having my Office at Kalpataru Point, 3rd Floor, Sion-Matunga Scheme Road No.8, Opp.Cine Max Cinema, Sion (East), Mumbai -400 022, looking after Water Pollution Prevention and Control of Pollution, more particularly the Common Effluent Treatment Plants in the State of Maharashtra, do hereby on state solemn affirmation as under.

I have carefully gone through the order passed by this Hon'ble Court dtd. 5.7.2012. I say and submit that in pursuance of the order passed by this Hon'ble Court dtd.5.07.2012, the following actions are initiated by the Respondent-Board :-

1) **Communication of the Order dtd.5.07.2012 to all concerned :**

(i) I say and submit that the Respondent – Board has



the defaulting units, which was communicated to the concerned Regional Officers of the Respondent-Board vide letter dtd. 27.4.2012 and already brought to the notice of this Hon'ble Court in the Affidavit filed by the Respondent-Board on 30.04.2012, in compliance of the Order passed by this Hon'ble High Court dtd. 30.3.2012. While implementing such criteria the difficulties expressed by the SSI, MSI & LSI units have been taken into consideration by the Respondent-Board and accordingly, the whole criteria for initiating actions against the defaulting Members of CETPs has been reviewed with reference to the various orders passed by this Hon'ble High Court from time to time in the above matter.



I further say and submit that, in various orders passed by this Hon'ble High Court in this matter, the Respondent Board has been directed to concentrate more on highly polluting large and medium scale units, which are disturbing / affecting the functioning of CETPs, resulting into serious pollution in the surrounding area. Therefore, the main thrust was on the pollution potential caused due to discharge of sub-standard effluent to CETP, thereby affecting the performance of the CETP. Therefore, after due deliberation the criteria decided for initiating action against the defaulting Members of CETPs has been reviewed by the Respondent Board and it was decided that first of all the Regional Officer/s should identify top ten / highly polluting industries / Members of CETP/s, who are

into serious pollution in the surrounding areas and also disturbed the functioning of CETP for quite a longer time, in spite of giving sufficient time and opportunities to them. It was, therefore, decided that such units should be kept under constant vigilance and watch and the earlier criteria circulated for initiating various actions, was revised as under :-

- (a) If the BOD & COD parameters are exceeding on very higher side and abnormal, in such cases, if the performance of CETP is affected due to disposal of the exceeding parameters beyond the designed capacity of CETP and also resulted into serious pollution of the environment in the surrounding area, such as, fish kill, affecting drinking water source for the nearby area, affecting aquatic life etc., then on the basis of highly exceeding parameters of BOD, COD and other parameters responsible for such incidence, voluntary closure by giving safe period can be issued.



- (b) Where, in spite of earlier various actions, the Members of the CETPs having considerable quantity and quality of effluent causing serious pollution, in such cases also, first of all issuing proposed directions, then obtaining bank guarantee for proper operation & maintenance / upgradation and thirdly, in spite of sufficient time given, not complied with the final directions, then to issue voluntary closure directions with safe closure in appropriate cases of serious

recorded in writing, disconnection orders can be issued.

- (c) In other normal cases, if out of number of samples, one of the sample report is highly exceeding beyond the designed capacity of CETP outlet, first of all proposed directions, then, obtaining bank guarantee with final directions giving reasonable time for compliance and thirdly, on the basis of continuous exceedance, disturbing functioning of CETPs, causing serious pollution in the surrounding area, voluntary closure can be issued. However, in normal cases, if no serious problem of pollution and some time is given, which requires to be extended for completing the remaining work, the bank guarantee can be encashed as per Legal Matrix and double the bank guarantee to be obtained at 2nd time and at the time of 3rd extension, the second bank guarantee to be forfeited and double the bank guarantee of forfeited second bank guarantee to be obtained, by giving last time for compliance and then, if not complied, final closure directions can be issued with disconnection of electricity / water supply in normal cases, where, there is no necessity to grant safe closure period on account of continuous activity, which may result into environmental hazard, if all of sudden closed.



A copy of the said Circular dtd.24.7.2012 is enclosed and marked as an Exhibit – A.

Respondent-Board has communicated the order passed by this Hon'ble Court to the Chief Executive Officer of the MIDC, pointing out that a number of issues pertaining to MIDC about CETP/s has to be discussed with the CETP Authorities like pipeline maintenance and replacement/rectification thereof, under capacity of CETPs, cleaning of sumps and further upgradation of CETPs etc., which needs to be taken into consideration at each MIDC level.

I say and submit that the order passed by this Hon'ble Court dtd.5.07.2012 was also brought to the notice of the MIDC, pointing out that the MIDC shall not permit setting up of any new industry or expansion or modernization thereof, resulting into increase in the pollution load within 750 mtrs. of river in A-2 Class of the rivers w.e.f. 01.09.2012. Member Secretary of the Respondent- Board also informed that he would like to discuss various issues pertaining to MIDC and CETPs with the Chief Executive Officer in person as per his convenience.



A copy of the said communication is enclosed herewith and marked as an Exhibit -'B'

- (iii) **Communication to Maharashtra State Power Generation Co. Ltd., Bandra(E), Mumbai – 400 051 :-**

I say and submit that, it is a common problem observed by treatment plant operators that, due to the

affected and the biological reactors are getting converted in septic conduction and required biological flora for efficient treatment is totally affected. In order to overcome this problem, continuous electric supply to STPs and CETPs is the solution and hence, the Respondent-Board in its 152nd meeting held on 2.2.2011 decided to send a proposal for taking policy decision on the lines of continuous electricity supply to the water supply schemes to make available continuous electricity supply to the STPs and CETPs. Accordingly, the Respondent Board has sent a proposal vide letter dtd. 23.3.2011 to the Secretary, Env't. Dept., G.o.M. to pursue with Energy Department to make policy on providing line for uninterrupted electric supply to STPs and CETPs, similar to the existing Govt. policy on continuous electric supply to water supply schemes.



I further say and submit that, considering the public interest at large and effect on the health of the citizens situated on the downstream of the river bank, the Respondent Board has communicated to the Managing Director, Maharashtra State Power Generation Co. Ltd., Plot No. G-9 , Prakash Gad, Bandra (E), Mumbai – 400 051 vide letter dtd. 21.8.2012 to make a policy for uninterrupted electric supply to the STPs and CETPs. A copy of the said letter is enclosed and marked as an Exhibit – C.

the highly polluting industries within four weeks from 5.7.2012 and the MPCB shall take appropriate action against such units in accordance with law within four weeks thereafter. While taking such action, the MPCB shall also inform the concerned associations running CETP about such action being taken. However as on date, only Lote Parshuram Environment Protection Co-op. Society Ltd., Ratnagiri and Badlapur CETP Association, Badlapur Dist- Thane has communicated the names of highly polluting industries in their jurisdiction with recommendations to initiate further necessary action.

I say and submit that the Members of Parvati Industrial Estate, Yadrav, Tal: Shirol, Dist: Kolhapur, complaining that in spite of depositing of Rs.25,00,000/- on behalf of 5 Members of the said Textile Estate and payment of total Rs.86,00,000/- to the Ichalkaranji CETP Association, they have not been given permission to start the work of laying down pipeline to join CETP at Ichalkaranji. I say and submit that the Respondent-Board has already given directions to CETP Ichalkaranji that they should allow to join their pre-treated effluent to the CETP by letter dtd.26.08.2011 and thereafter also. It, therefore, becomes necessary to direct Textile Processing CETP at Ichalkaranji to allow them to join CETP and to lay down the pipeline, connecting CETP at Ichalkaranji. I crave leave to refer to and rely upon the said communication as and when necessary.



The MPCB has instructed to its Regional Offices to identify such type of units and to initiate appropriate actions against highly polluting units responsible for the functioning of the CETPs in their

(i) Regional Office, MPCB, Kalyan has reported that top 10 highly polluting industries have been identified and are being monitored through committee appointed by his office in MIDC Badlapur; Chikholi-Morivali MIDC, Ambernath. The sampling is also being carried out and after receipt of the results, further necessary actions will be initiated on the basis of reports on analysis. It is further informed that Badlapur CETP Association has reported 13 defaulting units to whom show cause notices are already issued on 24/08/2012 and the personal hearing is fixed on 03/09/2012. A statement showing the points of compliance received from RO-Kalyan is enclosed herewith and marked as an Exhibit-'D'

(ii) Regional Officer, MPCB, Kolhapur reported that a committee has been constituted on 10/08/2012. It has visited to monitor the performance of CETP and to identify the defaulting large & medium scale industries on 17/08/2012 and 23/08/2012. During the visits, the samples are collected and sent for further analysis to the Regional Laboratory of the Respondent-Board at Chiplun. The Sub-Regional Officer-Chiplun reported that Lote CETP outlet COD is less than 500 mg/per ltr. The Regional Officer has also submitted a statement showing the names of the large scale industries and medium scale industries with generation & disposal of effluent quantity to CETPs under his jurisdiction alongwith actions initiated by the Board against the defaulting units. The statements showing LSI,



- (iii) The Regional Officer, MPCB, Navi Mumbai communicated that his office has conducted composite sampling at Taloja CETP and TTC CETP from the reports on analysis in respect of CETP outlet. It has been reported that both the CETPs are achieving the consented standards and therefore, his office has not constituted a committee for monitoring. It is specifically reported that no defaulting industry is found and therefore, no further legal action has been initiated. The statements showing the monitoring of Taloja CETP and TTC CETP in respect of composite sampling are enclosed herewith and marked as an Exhibit-'F'.

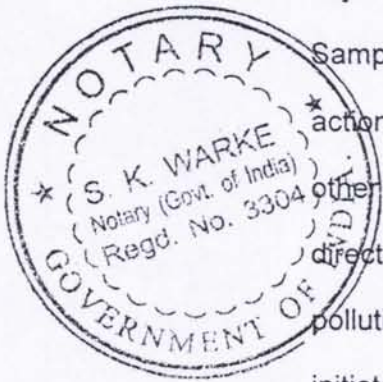
- 3) **Constitution of Committee for each of the 5 MIDC Estates for monitoring the functioning of CETP and industrial units within the MIDC Estates :-** I say and submit that in order to identify highly polluting industries, the Respondent-Board has decided to carry on its own surprise visits and taking samples of effluent being discharged by the industries/Members of CETPs. All the Regional Officers from the 5 MIDC Estates have been directed to constitute the Committee/s consisting of Regional Officer/Sub-Regional Officer, Retired Senior Officers of the Respondent-Board, Advisor/the Representative of the MIDC, Member of the CETP Executive Council / Association and to cause joint visit inspection and sampling of the highly polluting industries with surprise visits. The criteria for initiating various actions was also communicated. Initially on the basis of not having serious problems of pollution, but on the basis of exceedance of



double the amount of the 2nd time amount of bank guarantee, which also can be forfeited at the 3rd non-compliances, as per 'Polluter Pays Principle'. If further non-compliance continues on the basis of results of samples, final directions including voluntary closure, stoppage of polluting activities etc. recommended.

I say and submit that as per the information received from the Regional Offices of the Respondent Board at Pune/Kalyan/Thane/Kolhapur more particularly, at the MIDC Estates of 5 Respondents. Copies of the Constitution of Committees are enclosed herewith and marked as an Exhibit-'G', 'H', 'I' & 'J' respectively.

I say and submit that the Committees at Regional Offices of the Respondent Board at Kolhapur & Kalyan have started joint visits, inspections and samplings. However, the reports and results alongwith Action Taken Reports are yet to be received. I say and submit that after receipt of the results of Joint Vigilance Samples, the respective Regional Officer will initiate appropriate action, as per criteria laid down by the Respondent-Board. In other Regions also, the concerned Regional Officers have been directed to start visit, inspection and sampling of top 10 highly polluting industries in the five respondents MIDC areas and to initiate appropriate actions as per the criteria laid down by the Respondent Board.



- 4) **Installation of separate electric meter for ETP by the Members of CETP :-** I say and submit that in order to ensure the compliance of directions pertaining to have a separate electric

- 5) **Affidavit filed by the Petitioner dtd.29.06.2012 :-** I say and submit that the petitioner has filed Affidavit on 29.06.2012 and made certain contentions therein, which can be replied as under :

- (a) **Contentions about Lenzing Modi Fibre India Pvt.Ltd., Patalganga** – The Petitioner has contended that M/s.Lenzing Modi Fibres India Pvt.Ltd. has started leveling of the land without approval of whatsoever nature granted by the Ministry of Environment and Forests, Govt. of India and therefore, the Affidavit dtd.27.03.2012 is stated to be misleading to the knowledge of the Respondent No.3.

It is incorrect to say that the Respondent No.3 has made incorrect & misleading Affidavit. The Affidavit has been made on the basis of the verification report called from the Sub-Regional Officer, MPCB, Raigad-I dtd.26.03.2012, which was also enclosed to the Affidavit filed by the Respondent No.3. It is surprising that after lapse of sufficient time and after passing of number of orders thereafter, now, the Petitioner is raising unnecessary objections to the aforesaid facts, stated in the Affidavit of the MPCB.



- (b) **Functioning of CETP at Patalganga :-** It is also stated that the CETP of Patalganga is not functioning properly, as per Affidavit filed by MIDC dtd.30.04.2012 and there is nothing like marginally exceeding prescribed standards. It is also contended that there is no day to day checking.

I say and submit that the Respondent No.3 since

analysis, which was filed by way of 2-3 Affidavits and now, the Petitioner is saying that there is nothing like marginally exceeding prescribed standards. The marginally exceeding prescribed standards are well defined in the affidavit itself and the category has not been decided on the basis of single analytical result, but on the basis of continuous monitoring done in compliance of various orders passed by this Hon'ble Court.

- (c) **Setting up of M/s.Lenzing Modi Fibres India Pvt.Ltd. , Nearby Patalganga River :-** It is contended that the said site of M/s.Lenzing Modi Fibres India Pvt.Ltd. is 0.7 kilometer from Patalganga river, 2.00 kilometer from Apta Lake and 5.00 kilometer from Jambivali Dam.

I say and submit that the Respondent-Board has granted Consent to Establish on the basis of NOC granted in the year 1985, on 1.10.2005 and therefore, the contentions raised by the Petitioner in respect of the distance from the river are not correct. The other aspects in respect of CRZ Clearance, bird sanctuary etc. will be taken care of at the time of grant of necessary Environment Clearance by the State Government/ Ministry of Environment & Forests, Govt. of India.



Identified by,

Devale

(D. T. Devale)
Advocate for Respondent No.3

Deponent,

[Signature]
29.08.12

(Yeshwant B. Sontakke)
Regional Officer(HQ) and
I/c Joint Director (Water Pollution Control)

VERIFICATION


I, Yeshwant B. Sontakke, aged 47 Years, occupation-service, the Regional Officer (HQ) and Incharge Joint Director(Water Pollution Control) of the Maharashtra Pollution Control Board, having my Office at Kalpataru Point, 3rd Floor, Sion-Matunga Scheme Road No.8, Opp.Cine Max Cinema, Sion (East), Mumbai -400 022, do hereby solemnly declare that whatever stated in the aforesaid reply from paragraph 1 to 5 are true and correct to the best of my knowledge and belief. I say that the contents of the above reply from paragraph 1 to 5 are drafted as per the official record. The same are read over to me and I have understood the same.

Hence, verified and signed at Mumbai on this 29th day of August, 2012.

Deponent,

Solemnly affirmed at Mumbai }

On this 29th day of August, 2012 }


 (Yeshwant B. Sontakke)
 Regional Officer(HQ) and
 I/c Joint Director (Water Pollution Control)



BEFORE ME

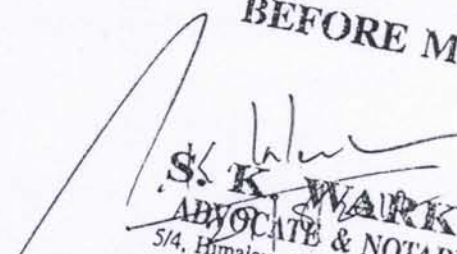

S. K. WARKE
 ADVOCATE & NOTARY
 5/4, Himalaya, Opp. Red
 Next

Exhibit - A

MAHARASHTRA POLLUTION CONTROL BOARD

☎ : 24010437/4701/24020781
24037124/5273/24044489

Fax : 24024068/24044531

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No.BO/P&L Divn./B- 4602

Kalpataru Point, 2nd, 3rd & 4th Flr,
Sion Matunga Scheme Rd.No.8
Opp. Cine Planet cinema,
Near Sion Circle, Sion (E),
Mumbai - 400 022.

Date: 24/7/2012

circular

To

The Regional Officer,
Maharashtra Pollution Control Board,
Mumbai/Nav Mumbai/Thane/Raigad/Kalyan/Nashik/Pune
Aurangabad/Amravati/Nagpur/Chandrapur/Kolhapur.

Sub : Constitution of Committee in compliance of the Order
Passed by the Hon'ble High Court of Judicature at
Mumbai in the Writ Petition No.17/2011 filed by
Nicholas Almedia v/s State of Maharashtra and Ors.

Ref : Order dtd.5/7/2012 passed by Hon'ble High Court of
Judicature at Mumbai.



You are well aware that Hon'ble High Court of Judicature at Mumbai through PIL bearing No.17/2011 filed by Nicholas Almedia v/s State of Maharashtra and Ors., oversee the compliance of the CETPs in the State of Maharashtra. Hon'ble High Court has already made the highly polluting non-complied CETPs as the Respondents in the above matter. Hon'ble High Court, Mumbai passed a detailed order dtd.5/7/2012 issuing a number of directions to all concerned. A copy of the said order is already communicated to you by e.mail. by the Policy and Law Division.

Hon'ble High Court directed the CETP Associations to inform the MPCB about the highly polluting industries and the MPCB has been instructed to take appropriate action against such units in accordance with the law. Earlier one circular has been issued laying down the criteria for initiating stringent actions against the defaulting Members of CETP. It has been observed that various SSI Units not having substantial quantity of effluent, on the basis of the exceedance of BOD & COD parameters double the inlet parameters of CETP had been directed to close down voluntarily. However, the SSI units had raised the issue that as far as there BOD & COD are not exceeding the designed outlet capacity of CETP, on the basis of meager quantity of their effluent

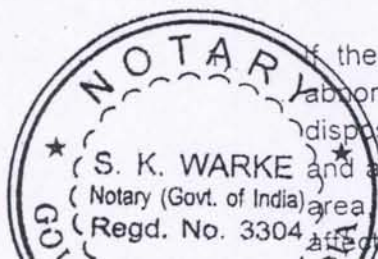
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100% for the parameters of BOD & COD as well as other parameters. They had requested during the course of personal hearings that in case of exceedance of one result of JVS, stringent action of voluntary closure, creates a lots of problems including the employment of labour, the time bound orders placed with the company for the final product, the batchwise process discontinuation and in case of continuous process, having the repercussions of the environment & safety hazard, not giving safe closure period. They had requested that they do not oppose the actions initiated for defaults, but the degree of the violation may be taken into consideration, which may not affect the performance of the CETP and therefore, some other actions not disturbing the production activity may kindly be considered by the Board.

The criteria as was reported to the Hon'ble High Court and the difficulties expressed by the SSI, MSI & LSI Units considered by discussions with the HoDs present in the personal hearings. It was decided that the whole criteria for initiating actions against the defaulting Members of CETPs can be reviewed suitably with reference to the various orders passed by the Hon'ble High Court of Judicature at Mumbai from time to time in the PIL bearing No.17/2011. It was observed that Hon'ble High Court directed in various orders in the above petition that the MPCB should concentrate more on highly polluting large & medium scale units, which are disturbing / affecting the functioning of CETPs, resulting into serious pollution in the surrounding area. Therefore, the main thrust was on the pollution potential due to discharge of sub-standard effluent to CETP, thereby affecting the performance of the CETP.

After due deliberation, it was decided that first of all the Regional Officer/s should identify top ten / highly polluting industries / Members of CETP/s, who are really responsible for the disturbance of / affecting the functioning of CETP/s due to highly polluting effluent with high BOD and high COD and in some other cases with highly polluting other parameters frequently, which has resulted into serious pollution in the surrounding areas and also disturbed the functioning of CETP for quite a longer time, in spite of giving sufficient time & opportunity. Such units should be kept under vigilance and watch and the earlier criteria circulated for initiating action may be amended as under :-

if the BOD & COD parameters are exceeding on very higher side and abnormal, in such cases, if the performance of CETP is affected due to disposal of the exceeding parameters beyond the designed capacity of CETP and also resulted into serious pollution of the environment in the surrounding area such as, fish kill, affecting drinking water source for the nearby area, affecting aquatic life etc., then on the basis of highly exceeding parameters of



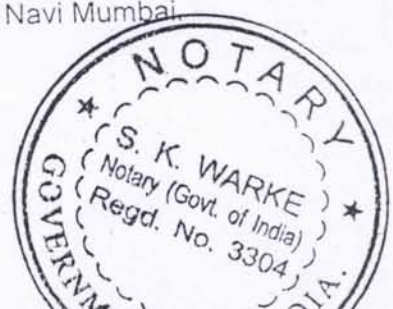
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spite of sufficient time given, not complied with the final directions, then to issue voluntary closure directions with safe closure, in appropriate cases of serious nature, where safety & environment aspects not involved, without giving safe closure, for reasons recorded in writing, disconnection orders can be issued.

- 3) In other normal cases, if out of number of samples, one of the sample report is highly exceeding beyond the designed capacity of CETP outlet, first of all proposed directions, then, obtaining bank guarantee with final directions giving reasonable time for compliance and thirdly, on the basis of continuous exceedance, disturbing functioning of CETPs, causing serious pollution in the surrounding area, voluntary closure can be issued. However, in normal cases, if no serious problem of pollution and some time is given, which requires to be extended for completing the remaining work, the bank guarantee can be encashed as per Legal Matrix and double the bank guarantee to be obtained at 2nd time and at the time of 3rd extension, the second bank guarantee to be forfeited and double the bank guarantee of forfeited second bank guarantee to be obtained, by giving last time for compliance and then, if not complied, final closure directions can be issued with disconnection of electricity / water supply in normal cases, where, there is no necessity to grant safe closure period on account of continuous activity, which may result into environmental hazard, if all of sudden closed.

The above procedure is to be followed scrupulously in case of top ten highly polluting industries / serious polluting industries identified during monitoring, having substantial discharge of effluent to CETP and also affecting the performance of CETP. In case of SSI unit, the bank guarantee forfeiture model should be followed as far as practicable, unless SSI unit results into disturbance of functioning of CETP. The ROs should constitute committees consisting of following members.

- (i) Regional Officer/Sub-Regional Officer.
- (ii) Shri P.P. Nandusekar
Advisor : MIDC for non-complied CETPs at Navi Mumbai.
- (iii) Shri V.N. Munde,
A retired Regional Officer,
Maharashtra Pollution Control Board,
For Pune Region.
- (iv) Shri P.M. Gokhale,
Ex-Sub-Regional Officer,
Maharashtra Pollution Control Board,
For Nashik Area.



- 4) The Regional Officers will take serious note of the information submitted by the Associations of CETPs in their jurisdiction about highly polluting industries received from it, as also on its own carrying out surprise visits and taking samples of effluents being discharged by the industries. However, the ROs should prepare an inventory of the highly polluting industries, affecting the performance of CETP/s in their jurisdiction, which are really disturbing the whole functioning of CETP/s and initiate stringent action/s against such units in compliance of the orders passed by the Hon'ble High Court from time to time in the PIL bearing No.17/2011. In other cases, as stated above in respect of violations, the actions shall be initiated as per the legal matrix, i.e. firstly issuance of proposed directions, then, after extending personal hearing to issue final directions to comply with various short comings, such as taking inplant measures to bring parameters within limits in a stipulated short period in the final directions, upgradation of pollution control devices within stipulated time, stoppage of discharge of effluent in contravention of consent conditions immediately with the bank guarantees as proposed in the legal matrix. Then if final directions are not complied in a stipulated time, then, to forfeit the bank guarantee and top up with double the amount of earlier bank guarantee and to grant remaining period for compliance of directions. If not complied, the 2nd directions within stipulated time, then again forfeiture and to top up the bank guarantee with double the amount of second time bank guarantee and to grant last opportunity and then, thereafter if violation continue, to go for voluntary closure/refusal/revocation of consent etc., provided no serious incidence of pollution occurs in the meantime.
- 5) The ROs should inform the concerned Associations about the action/s being taken against highly polluting industries, which shall also be done within 4 weeks time from the date of action taken by them, as per the order passed by the Hon'ble High Court dtd.5/07/2012.
- 6) The ROs should also issue appropriate directions to CETPs in their jurisdiction about the highly polluting top ten industries identified by them on the basis of monitoring, the actions being taken by the MPCB against the defaulting units, requiring further compliance from the individual members, on the basis of the reporting by the Associations as well as on the basis of MPCB's own surprise visits and sampling. ROs should also direct the CETP not to allow the disposal of effluent into CETP in case the CETP is not functioning for whatsoever reasons and to stop the manufacturing activities till CETP is made operational. ROs shall also direct the CETP Members to have its own effluent treatment plant with separate electric meter. ROs should communicate the CETP the constitution of Committee for industrial units within the MIDC Estates.

: 5 :

Copy submitted to: Hon'ble Chairman, MPCB, Mumbai – for favour of information.

Copy to: PSO/SLO(P&L Divn.)/AST/JD(AIR)/I/C JD(WATER)/JD(PAMS)/ RO(HQ),
MPCB, Mumbai – for information and necessary action.



Exhibit - B

MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 2402 0781 / 2401 0437

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Kalpataru Point,
2nd, 3rd & 4th floor,
Opp. Cineplanet,
Near Sion Circle, Sion (E),
Mumbai - 400 022.

Date: 24/7/2012

To

The Chief Executive Officer,
Maharashtra Industrial Development Corporation,
Udyog Sarathi, Mahakali Caves Road,
Andheri (East), Mumbai-400 093.

Sub : Compliance of orders passed by the Hon'ble High Court of
Judicature at Mumbai in the Public Interest Litigation No.17/2011
from time to time, more particularly order dtd.5/07/2012 and the
Revised Guidelines issued by the Ministry of Environment &
Forests, Govt. of India / Central Pollution Control Board in respect
Of CETP operations.

Ref : 1) Orders dtd.30/3/2012, 10/5/2012 and 5/7/2012
2) Revised Guidelines issued by the Ministry of Environment
Forests, Govt. of India / Central Pollution Control Board in
respect of CETP operations

Respected Sir,

I would like to bring to your kind notice the various orders passed by the Hon'ble High Court of Judicature at Mumbai in the PIL bearing No.17/2011 filed by Nicholas Almedia v/s State of Maharashtra and Ors. from time to time., wherein, the Hon'ble High Court, Mumbai is supervising/oversee the compliance of the order passed by it in respect of proper operation of CETPs and the ETPs of the Members of CETPs. Hon'ble High Court taking into consideration the poor performance of highly polluting CETPs, has already directed the petitioner to make 5 CETPs as party Respondents to the PIL as under :

1. Tarapur Environment Protection Society CETP.
Plot No. AM-29(ot), MIDC Tarapur Boisar, Dist : Thane.

: 2 :

4. Lote Parshuram Environment Protection Co-Op.Society,
P-10, MIDC, Lote, Khed, Ratnagiri.
5. Greenfield CETP Plant Pvt.Ltd.,
P-17, MIDC Chincholi, Dist: Solapur.

While discussing various issues in respect of CETPs, a number of problems have been cropped up including some of points pertaining to the MIDC and CETP, which will be discussed in due course with the concerned MIDCs. However, I would like to inform you that there are some genuine problems in respect of pipeline maintenance and replacement / rectification thereof, under capacity of CETPs, cleaning of sumps and further upgradation of CETPs etc., which needs to be taken into consideration at each MIDC level.

Hon'ble High Court has specifically directed that wherever the existing facilities and infrastructure, such as CETP or pipelines are not maintained properly to achieve the stipulated discharge standards by 31/08/2012, the MIDC shall not permit setting up of new industries or expansion or modernization thereof, resulting into increase in the pollution load within 750 meters of a river in 'A-II' Class of the river/s from 1/9/2012. A copy of the said order is enclosed for ready reference.

Incidentally, I would like to inform you that the information has been called from all the Regional Officers and HoDs of MPCB about various issues pertaining to the CETPs including issues raised in the PIL about pipeline, sump and adequacy of CETPs etc., which will be compiled together and will be communicated in due course of time to all concerned. We may also discuss the issues pertaining to MIDC as per your convenience in person.

Thanking you,

Yours,



(Milind Mhaikar)
Member Secretary

Copy submitted to: Hon'ble Chairman, MPCB, Mumbai – for favour of information.

Copy to: PSO/SLO(P&L Divn.)/AST/JD(AIR)/I/C JD(WATER)/JD(PAMS)/ RO(HQ),
MPCB, Mumbai – for information and necessary action.

Exhibit-C

No. MPCB/JD(WPC)/M-38

Date : 21/08/2012.

To,

Managing Director,
Maharashtra State Power Generation Co. Ltd.,
Plot No. G-9, Prakash Gad,
Bandra (E), Mumbai : 400 051.

Sub.: Proposal for continuous electricity supply to STPs & CETPs for efficient treatment of effluents.

Ref.: Decision of the 152nd Board Meeting held on 02/02/2011.

Sir,

Maharashtra Pollution Control Board grants consent to sewage treatment plants (STPs) from Local Bodies and Common Effluent Treatment Plants (CETPs) of industries, subject to the terms and conditions of achieving quality of treated effluent to the standards of the receiving water body. The most of the sewage treatment plants and CETP facilities are designed on the principals of Biological treatment requiring continues oxygen for the growth of suitable bacteriological culture in order to degrade the organic matter present in the effluent and make the effluent of quality of the receiving water body.

It is a common problem observed by treatment plant operators that, due to the weekly staggering of electricity supply for the duration of 10 to 12 hours, no electric supply is available to the STPs and CETPs. Due to non availability of electricity supply, the oxygen supply system in biological unit is totally affected and the biological reactors are getting converted in septic conduction and required biological flora for efficient treatment is totally affected. In normal practice, to develop specific biological flora acclimatization period of minimum 3 weeks is required. But due to repeated weekly


: 2 :

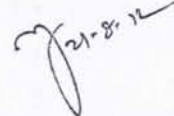
In order to overcome this problem, continuous electric supply to STPs and CETPs is the solution and hence, the Board in its 152nd meeting held on 02/02/2011 decided to send proposal for taking policy decision on the lines of continuous electricity supply to the water supply schemes to make available continuous electricity supply to the STPs & CETPs. (copy of minutes is enclosed). Accordingly, Board vide letter dated 23/03/2011 requested the Secretary, Environment, GoM to pursue with Energy Department to make policy on providing line for uninterrupted electric supply to STPs and CETPs, similar to the existing Govt. policy on continuous electric supply to water supply schemes.

Considering the public interest at large and effect on the health of the citizens situated on the downstream of the river bank, you are, requested to make a policy for uninterrupted electric supply to the STPs and CETPs. If possible the additional tariff charges on the dedicated electric supply may be waived.


I shall be grateful for your early reply in this regard.

Yours Sincerely,


(Milind Mhaikar)
Member Secretary


21-8-12

Copy to -

 The Secretary, Energy Department, Govt. of Maharashtra, Mantralaya, Mumbai-400032, for information.

Copy to -

The Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai-400 032, for information.



MINUTES OF 152ND BOARD MEETING, HELD ON 02/02/2011.

Item No. : Continuous electricity supply to the STP and CETP

The Board considered the agenda item and noted that for small and medium scale industries in cluster have already provided Common Effluent Treatment Plants with Disposal facilities in major industrial Estates. However, most of them outside Mumbai and Pune cities are not having continuous electricity supply, thereby, their operation & maintenance is being affected. They have to provide necessary alternate D. G. Sets and to ensure timely switch over of the supply of power to their facilities, which is otherwise also expensive & giving rise to problems of noise pollution etc. after some period. It is also necessary that a number of STPs should have been provided with continuous electricity supply, so as to ensure that the domestic effluent collected from the cities is being treated uninterrupted. Therefore, it was decided to submit a proposal to the Energy Deptt. Govt. of Maharashtra alongwith the quantitative and qualitative data of STP and CETP for taking suitable policy decision in the matter.

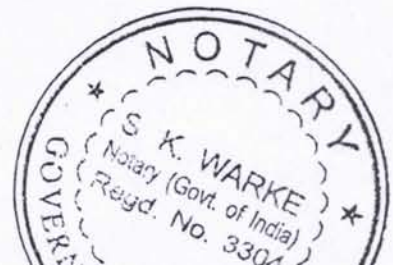


Exhibit - D

MAHARASHTRA POLLUTION CONTROL BOARD

Region : Kalyan

Compliances of points mentioned in the circular dt.
24.7.2012 issued by the MPCB, Head Office as per the order dtd.
5.7.2012 passed by the Hon'ble High Court, Mumbai Bench in PIL
No. 17/2011 filed by Nicholas Almedia

	Points	Compliance
1.	If the BOD & COD parameters are exceeding on higher side & abnormal in such cases....	Before issuing the circular dt. 24.7.2012 this office issued Voluntary Closures to 7 nos. of industries. (2 nos of industries from MIDC Badlapur and 5 nos. of industries from Chikloli Morivali MIDC, Ambarnath.) And as per the circular dt. 24.7.2012. This office has identified top ten highly polluting industries and for the monitoring of these industries committee has been formed. Accordingly sampling is being carried out.
2.	Where in-spite of earlier various actions, the members of CETPs...	Before issuing the circular this office issued proposed direction to two industries out of this one industry from Badlapur MIDC and one industry from Chikloli-Morivali. Also Final direction issued to the unit located at Chikloli Morivali MIDC. And as per the circular dt. 24.7.2012. this office has identified top ten highly polluting industries and for the monitoring of these industries committee has been formed. Accordingly sampling is being carried out.



	no. of samples one of the sample report is highly exceeding.....	<p>directions were issued before issuing circular dt. 24.7.2012 are under observation.</p> <p>As per the circular dt. 24.7.2012, this office has identified top ten highly polluting industries and for the monitoring of these industries committee has been formed. Accordingly sampling is being carried out. Results are awaited.</p>
4.	The Regional Officer will take serious note of the information submitted by the Association of CETP	Badlapur CETP association has informed the list of 13 defaulters, accordingly this office has issued show cause notices to the industries on 24.8.2012 and personal hearing will be conducted on 3.9.2012.
5.	The ROs should inform the concern associations about the actions being taken....	Highly Polluting industries are identified and committee formed as per circular dt. 24.7.2012 is observing the compliance.
6.	The ROs should issue appropriate directions to CETPs in their jurisdiction about the highly polluting....	Direction issued on 26.7.2012 to both the CETPs namely Badlapur CETP Association & Chikloli Morivali ETP.

Exhibit - E

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448 Fax No. (0231)
2652952.



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.

No. MPCB/RO/KOP/ 120828FT0152 /12.

Date: - 28.08.12.

To,
Joint Director(WPC),
M. P. C. BOARD
3rd Floor, "KALPATARU POINT",
Sion, Mumbai.

Sub : Compliance of the order passed by Hon'ble High Court of
Judicature at Bombay in the PIL bearing W.P. No. 17/2011
filed by Nicholas Almedia v/s State of Maharashtra & Ors.

Ref : 1) Circular No. 4602, dt. 24.07.2012. received from HQ.
2) Mail received from you dated. 27.8.2012.

Sir,

With reference to above cited subject in jurisdiction of Regional Office Kolhapur CETP namely Lofe Parshuram Env.Co.Soci.P-30, MIDC Lote, Tal-Khed, Dist-Ratnagiri. As per the Board circular dt.27.07.2012 committee constituted by undersigned on 10.08.2012. This committee has visited to monitor the performance of CETP and to identify the defaulting large and medium scale industries on 17.08.2012 & 23..08.2012 during the visit samples are collected & submitted for analysis to the Regional lab Chiplun. Also as per the circular the sampling of CETP are carried out twice in week

SRO Chiplun reported that the CETP Lote outlet average COD is less than 500 mg/l. repor enclosed

Details of compliance and action taken report of industries in CETP Lote is enclosed
This is submitted for information and further needful please.

Yours faithfully,

-sd-

(S. S. Dake)

ent showing the names of large scale industries (LSI) and medium scale industries
n generation & discharge of effluent to CETPs and actions initiated by the Board against the defaulting

Name of the Industry	Category of industries (LSI/MSI)	Generation & discharge of effluent M3/day into CETP.	Action initiated by the Board against defaulting unit.	Present status
M/s.Charada Chemicals Ltd., D-1/2, MIDC Lote, Tal: Khed, Dist: Ratnagiri.	LSI	934 M3/day	Closure directions were issued on 28/3/2012, however, on account of further corrective measures and personal hearing extended to it, restart directions issued on 4/4/2012 subject to the certain terms & conditions, directing the unit to operate & maintain pollution control devices to achieve inlet parameters being disposed off into the CEPT. To connect online pH Monitoring System and Flow Meter reading to the their Website to the information of the public at large by 30/5/2012 and to connect online Boiler Stack Monitoring System to the website for the information of the public, which the same is made operational. To install AAQM Station and online Air Monitoring system by 30/5/2012.	Online pH meter & Flow meter installed. Online SO2 analyzer installed for AAQM. Online stack monitoring installed. JVS results are within limit.
M/s.Dow-Agro Science Pvt.Ltd., A-1, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	LSI	760 M3/day	Regional Officer-Kolhapur had already issued show cause notice vide letter dtd.25/1/2012 on account of having exceedance less than 25% in respect of results of samples collected by him. The unit is under observation.	Proposed directions has been issued on 03.07.2012 for exceeding sulphate & chloride parameters. Personal hearing extended on 29.08.2012.
M/s.USV Ltd	LSI	316 M3/day	JVS results are within prescribed norms.	Complied
M/s.A.B. Mauri India Pvt.Ltd., B-7/2A, MIDC Lote, Tal: Khed, Dist: Ratnagiri.	LSI	350 M3/day	The Board has issued directions on 27/6/2012, directing them to dispose of the RO rejects to M/s.ROCHEM in a scientific manner till commissioning of evaporator and dryer on commission multiple effect evaporator plant on order issued for multiple	RO reject stored in premises, platform for composting as per CREP norm work completed. Work order issued for multiple

					has been forfeited.
M/s.Riverside Industries Ltd.M Plot No.B-6, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	MSI	172 M3/day	Regional Officer-Kohapur has issued show cause notice vide letter dtd.13/04/2012 on account of having exceedance less than 25% in respect of results of samples collected by him. The unit is under observation.		Proposed directions have been issued on 03.07.2012 for exceeding JVS norms. Personal hearing extended on 29.08.2012.
M/s.S.I. Group India Ltd M/s.S.L. Group India Ltd	LSI	163 M3/day	Interim directions issued on dt.02.12.2011.As per interim directions upgradation work of ETP, Segregation of concentrated stream shall be completed before 31.03.2012. Industry has upgraded ETP & segregated stream. JVS result last three month within prescribed norms.	Under observation	
M/s.Excel Industries Ltd., Plot No.B-6, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	LSI	148 M3/day	Regional Officer-Kohapur has issued show cause notice vide letter dtd.13/4/2012 on account of having exceedance less than 25% in respect of results of samples collected by him. The unit is under observation.	JVS results within prescribed norms.	
M/s.Shreyas Intermediates Ltd.	LSI	145 M3/day	Interim directions issued on 27/6/2012 for stabilization of ETP to be completed before 31/7/2012 and bank guarantee of Rs.50,000/- has been forfeited.	Upgradation work completed. Online pH meter order placed. After upgrade samples are collected on dt.08.08.2012 & 17.08.2012.	
M/s.Chromatic Colour Chem	SSI	130 M3/day	Closure directions issued on dt.15.01.2011. As Conditional restart issued on 29.01.2011. As conditional directions industry has upgraded ETP in stipulated period. JVS result last three months meet the notified standard,	Under observation	
M/s.Shree Pushkar Petro Products Ltd., B-102, 103, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	LSI	68 M3/day	Now, the unit has provided secondary effluent treatment plant including pressure sand filter and activated carbon filter. Hence, conditional directions issued on 27/6/2012 for stabilization of ETP to be completed before 31/7/2012, to provide online pH meter at the outlet of ETP on or before 31/12/2012 and the bank guarantee of Rs.2 Lakh effect evaporator.	Upgradation work completed. Online pH meter order placed. After upgrade samples are collected on dt.08.08.2012 & 17.08.2012.	

					31/07/2012 and bank guarantee of Rs.1.50 Lakhs has been forfeited.
M/s.Ratnagiri Chemicals Pvt.Ltd., Plot No.C-39, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	MSI	5.0 m3/day	Interim directions are issued by the Regional Officer, MPCB, Kolhapur dtd.16/6/2012, directing them to complete upgradation of ETP within one month period and not to discharge substandard effluent to CETP.	Upgradation work completed. Presently unit is not in operation.	
M/s.Panjab Chemicals & Crop. Product Ltd., Plot No.D-2, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	MSI	2.20 M3/day	Interim directions are issued by the Regional Officer, MPCB, Kolhapur dtd.16/6/2012, directing them to achieve zero discharge by the end of 30 th June, 2012.	Upgradation work is completed. After upgradation sample is collected on 23.08.2012.	
M/s.Dongreen Chemicals, B-23, MIDC Lote, Tal: Khed, Dist: Ratnagiri.	MSI	5.00 M3/day	Directions are issued by the Regional Officer, MPCB, Kolhapur vide letter dtd.28/03/2012, directing the unit to upgrade ETP, so as to ensure complying with inlet parameters of CETP within 3 months i.e. upto 15/6/2012 by submitting concrete proposal, to submit Bank Guarantee of Rs.50,000/- ensuring compliance of directions	BG of 50000/- is submitted. Unit is not in operation from April-2012.	

Statement showing the names of small scale industries (SSI) with generation & discharge of effluent to CETPs
 & actions initiated by the Board against the defaulting units.

Name of the Industry	Generation & discharge of effluent M3/day into CETP.	Action initiated by the Board against defaulting unit.	Present status
M/s.Swasilik Industries, A-5/1, MIDC Lote, Tal: Khed, Dist: Ratnagiri	5.50 M3/day	Interim directions are issued on 28/3/2012 by the Regional Officer, MPCB, Kolhapur, directing the unit to upgrade the ETP within 3 months time i.e. upto 15/6/2012, to segregate concentrated stream in separate collection tank by 31/05/2012 and to treat concentrated stream in upgraded ETP by 15/6/2012, with Bank Guarantee of Rs.50,000/- ensuring the compliance of the directions.	Upgradation work completed. BG submitted. After upgradation sample collected on 23.08.2012.
M/s.Harishree Aromatics and Chemicals, B-22, MIDC Lote, Tal: Khed, Dist: Ratnagiri.	4.0 M3/day	Interim directions are issued on 28/3/2012 by the Regional Officer, MPCB, Kolhapur, directing the unit to upgrade the ETP within 3 months time i.e. upto 15/6/2012, not to use the waste aqueous solution from pesticide industry as a raw material and provide sufficient capacity of scrubber by 31/5/2012 with Bank Guarantee of Rs.50,000/- ensuring the compliance of the directions.	Upgradation work completed. After upgradation sample collected on 08.08.2012.
M/s.Yojana Industries, Plot No.D-44/4, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	11.50 M3/day	Regional Officer-Kolhapur has issued show cause notice vide letter dtd.13/04/2012 on account of having exceedance less than 25% in respect of results of samples collected by him. The unit is under observation.	JVS samples collected on 26.05.2012. COD meets inlet parameter to CETP.
M/s.Deepak Colour Chem, Plot No.D-17/12, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	9.80 M3/day	Regional Officer-Kolhapur has issued show cause notice vide letter dtd.13/04/2012 on account of having exceedance less than 25% in respect of results of samples collected by him. The unit is under observation.	JVS collected on 09.06.2012 result awaited.
M/s.Samarth Engineers, Plot No.E-15, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	0.50 M3/day	Regional Officer-Kolhapur has issued show cause notice vide letter dtd.13/4/2012 on account of having exceedance less than 25% in respect of results of samples collected by him. The unit is under observation.	Industry started recycle of effluent.
M/s.Bahar Agrochem, E-24, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	15.0 M3/day	Regional Officer, MPCB,Kolhapur has issued interim directions vide letter dtd.16/6/2012, directing the unit to install online TOC Analyser within 3 months, to segregate strong & weak stream before end of June, 2012 etc.	After upgradation sample is collected on 13.08.2012.

No	Sampling Location	Date & Time Sampling	pH	BOD (mg/lit)	COD, (mg/lit)	S.S.	T.D.S.
Consent Standard			6.5 to 9.0	100 mg/l	250 mg/l	100 mg/l	Nil
1	CETP Inlet	22/06/2012	8.14	590	1488	262	5284
2	CETP Inlet	23/06/2012	8.3	540	1392	258	5316
3	CETP Inlet	24/06/2012	8.4	185	480	162	2892
4	CETP Inlet	25/06/2012	8.28	680	1472	258	2592
5	CETP Inlet	26/06/2012	8.1	410	936	184	2696
6	CETP Inlet	27/06/2012	7.9	750	1792	192	4798
7	CETP Inlet	28/06/2012	8.01	410	1008	188	3468
8	CETP Inlet	29/06/2012	7.69	825	2000	196	5122
9	CETP Inlet	30/06/2012	7.43	425	1144	136	2644
10	CETP Inlet	01/07/2012	8.22	450	1040	140	2800
11	CETP Inlet	02/07/2012	7.79	725	1632	188	5052
12	CETP Inlet	03/07/2012	7.59	390	1024	68	2140
13	CETP Inlet	04/07/2012	7.95	320	824	132	2790
14	CETP Inlet	05/07/2012	7.93	410	952	154	3340
15	CETP Inlet	06/07/2012	7.8	490	1248	138	2796
16	CETP Inlet	07/07/2012	7.81	430	1184	140	3160
17	CETP Inlet	08/07/2012	8.36	375	1024	164	3224
18	CETP Inlet	09/07/2012	8.03	350	800	144	2680
19	CETP Inlet	13/07/2012	8.09	430	1104	148	3246
20	CETP Inlet	17/07/2012	8.12	775	1424	134	2548
21	CETP Inlet	19/07/2012	8.27	875	1840	176	5120
22	CETP Inlet	24/07/2012	8.14	480	1352	158	4710
23	CETP Inlet	07/08/2012	7.15	420	1264	118	2822
24	CETP Inlet	11/08/2012	7.18	380	1072	110	2400
25	CETP Inlet	13/08/2012	7.13	330	960	138	2832

Sr. No	Sampling Location	Date & Time Sampling	pH	BOD (mg/lit)	COD, (mg/lit)	S.S.	T.D.S.
Consent Standard			6.5 to 9.0	100 mg/l	250 mg/l	100 mg/l	Nil
1	CETP Outlet	22/06/2012	8.34	195	496	156	3214
2	CETP Outlet	23/06/2012	8.21	170	416	152	3196
3	CETP Outlet	24/06/2012	8.11	125	272	124	2246
4	CETP Outlet	25/06/2012	8.04	225	544	268	3282
5	CETP Outlet	26/06/2012	7.84	230	456	162	2618
6	CETP Outlet	27/06/2012	8.31	245	600	114	2291
7	CETP Outlet	28/06/2012	7.78	155	368	118	2310
8	CETP Outlet	29/06/2012	7.97	260	544	162	2862

13	CETP	Outlet	04/07/2012	8.1	115	280	128	2560
14	CETP	Outlet	05/07/2012	8.26	142	288	142	2830
15	CETP	Outlet	06/07/2012	7.88	185	448	78	2190
16	CETP	Outlet	07/07/2012	7.67	155	368	126	2428
17	CETP	Outlet	08/07/2012	7.96	145	344	82	2188
18	CETP	Outlet	09/07/2012	7.85	165	384	110	2326
19	CETP	Outlet	13/07/2012	7.24	185	424	82	2118
20	CETP	Outlet	17/07/2012	7.11	240	512	54	1768
21	CETP	Outlet	19/07/2012	7.63	235	584	138	3986
22	CETP	Outlet	24/07/2012	7.12	185	416	132	3248
23	CETP	Outlet	07/08/2012	6.29	175	384	42	1626
24	CETP	Outlet	11/08/2012	6.74	165	360	104	1670
25	CETP	Outlet	13/08/2012	7.63	195	416	126	2564

ACTION TAKEN BY MPCB IN LAST SIX MONTHS

Action	NO of actions
Closure Direction	01
Proposed Direction	11
Interim Direction	09
Show cause notice	24

-sd-

(S. S. Doke)
Regional Officer,
M.P.C. Board, Kolhapur.



Exhibit - F

Constitution of committee in compliance of the Order Passed by the Hon'b... Page 1 of 1

Constitution of committee in compliance of the Order Passed by the Hon'ble High Court of

ro navimumbai

Sent: Tuesday, August 28, 2012 5:02 PM
To: JD Water; Dattatray T. Devale
Cc: Dr.Amar Supate; PSODIVISION
Attachments: CETP Results.xls (30 KB)

Sir,

This has reference to the Circular dtd.24.07.2012 regarding action being taken against highly polluting industries & CETP. In this regard this office has conducted the programme of composite sampling at Taloja CETP & TTC CETP. From the reports of CETP outlet composite samples of both the CETPs it is observed that both the CETPs are achieving the consented standards.(Copy of analysis report is enclosed). Hence no monitoring committee is constituted. The previous report of action initiated was already communicated to you. There after no defaulting industry (Highly polluting) is reported . Hence no legal action is initiated.

This is submitted for your information please.

Thanks & Regards,

(Bharat Nimbarte)
RO, Navi Mumbai,
MPCB



MAHARASHTRA POLLUTION CONTROL BOARD

Region : Navi Mumbai

Taloja CETP Results of composite sampling in month of June-2012

Date of collection	pH	BOD	COD	SS	TDS	O & G
6/7/2012	7.3	12.0	36.0	76.0	1388.0	BDL
14.6.2012	7.2	18.0	48.0	52.0	-	BDL
20.6.2012	7.7	30.0	116.0	44.0	-	BDL

Taloja CETP Results of LES in month of June & July 2012

Date of collection	pH	BOD	COD	SS	TDS	O & G
6/18/2012	7.5	70	232	22	1298	BDL
7/19/2012	7.1	30.0	72.0	24.0	1353.0	BDL

TTC CETP Results of composite sampling

Date of collection	pH	BOD	COD	SS	TDS	O & G
14/03/2012	7.3	75.0	132.0	18.0	..	BDL
10/04/2012	7.8	55.0	132.0	60.0	..	BDL
15/05/2012	7.1	90.0	212.0	68.0	..	BDL
6/29/2012	7.7	18	56	36	..	BDL

Exhibit- G

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE PUNE

Phone - (020) 25811627
(020) 25811694
Fax - (020) 25811701
(020) 25811029
Email - rompcb pune@vsnl.net



3rd Floor, "Jog Center",
Wakdewadi, Pune - Mumbai Road,
Pune - 411 003.

MPCB/ROP/22.22/12

Date: 09/08/2012

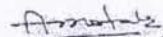
Sub: Constitution of committee in compliance of the Order passed by the Hon'ble High Court of Judicature at Mumbai in the Writ Petition No. 17/2011 filed by Nicholas Almeida V/s State of Maharashtra & Ors.

Ref: 1. Order dated 05/07/2012 passed by Hon'ble High Court of Judicature at Mumbai.
2. Board Office Circular vide dated 24/07/2012.

With reference to the Order passed by the Hon'ble High Court of Judicature at Mumbai in the Writ Petition No. 17/2011 filed by Nicholas Almeida V/s State of Maharashtra & Ors and circular issued by the Board vide ref 2 above a committee of following members is hereby constituted for MPCB, Pune region for monitoring of highly polluting CETP member industries:

1. Regional Officer, MPC Board, Pune
2. Sub-Regional Officer, MPC Board, Pune-I (For Pune-I region)
3. Sub-Regional Officer, MPC Board, Pune-II (For Pune-II region)
4. Sub-Regional Officer, MPC Board, Solapur (For Solapur region)
5. Shri V. N. Munde, A retired Regional Officer, MPC Board

This committee is constituted as per the Board Circular referred 2 above.


(A. D. Mohekar)
Regional Officer, Pune

Copy submitted for favour information to

1. Member Secretary, MPC Board, Mumbai
2. Sr. Law Officer, MPC Board, Mumbai
3. Joint Director (PAMS), MPC Board, Mumbai
4. Joint Director (Water), MPC Board, Mumbai

Exhibit - H

MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE - KALYAN

Tel: 95-251-2310167/212 Fax:
2310192

Website: <http://mpcb.gov.in>

E-mail: srobhiwandi@mpcb.gov.in



Siddhivinayak Sankul

3rd & 4th Floor, Near Oak
Baug, Kalyan (West)

Dist. Thane

Date: 27 / 7 / 2012

No. MPCB/ROK/120727PT0094

To,

The Executive Engineer,
MIDC Civil Division Ambarnath
Near ITI college, Ambarnath (W)

The Chairman,
CETP Badlapur Association,
Plot No. OS-4, MIDC Badlapur,

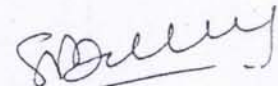
The Chairman,
Chikloli- Morivali ETP
MIDC Chikloli- Morivali, Ambarnath.

Sub:- Appointment as a member of committee in compliance of the order passed by the Hon'ble High Court of Judicature at Mumbai in the writ Petition No. 17/2011 filed by Nicholas Almeda Vs State of Maharashtra & others.

Ref:- Circular issued by MPC Board in accordance with the direction of High Court on 24.7.2012.

As you are aware that writ petition filed by Nicholas Almeda No. 17/2011 in the High court for non functioning of CETPs in the state of Maharashtra. Hon'ble High court in its judgment has given order on 5.7.2012 to constitute a committee to monitor CETPs performance. In our jurisdiction Badlapur CETP and Chikloli Morivali ETP are found defaulting. Accordingly as per direction of Hon'ble High court, MPC Board has issued circular for the constitution of committee & you are one of the member of this committee. The committee members include Executive Engineer MIDC, Member of CETP, Regional Officer/Sub Regional Officer of respective area & Ex- Sub Regional Officer /Regional Officer/Head of Dept available from their own area.

Shri. A.D. Gorhe, Ex- Sub Regional Officer, MPC Board is decided as a one of the member of this committee. The details of visits/scope will be intimated you in advance


(S.R. Deshmukh)
Regional Officer
Kalyan

MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE - KALYAN

Tel: 95-251-2310167/212 Fax:
2310192

Website: <http://mpcb.gov.in>

E-mail: srobhiwandi@mpcb.gov.in



Siddhivinayak Sankul

3rd & 4th Floor, Near Oak
Baug, Kalyan (West)

Dist. Thane

No. MPCB/ROK/120722FT0188

Date: 27/7/2012

To,
Shri. A. D. Gorhe
B wing Bageshree, Gandhi Chowk,
Badlapur (E)

1208036-342

Sub:- Appointment as a member of committee in compliance of the order passed by the Hon'ble High Court of Juricature at Mumbai in the writ Petition No. 17/2011 filed by Nicholas Almeda Vs State of Maharashtra & others.

Ref:- Circular issued by MPC Board in accordance with the direction of High Court on 24.7.2012.

Nicholas Almeda has filed writ Petition no. 17/2011 regarding non functioning of CETPs in the state of Maharashtra, accordingly Hon'ble High court in his judgment ordered on 5.7.2012 to constitute committee to monitor the performance of CETPs. Accordingly, in the region Kalyan two CETPs namely Badlapur CETP Association and Chikloli Morivali ETP are found defaulting.

As per the directives of Hon'ble high court, Board has issued circular for the constitution of Committee, the committee will include local Executive Engineer MIDC, Member of CETP, Regional/Sub Regional Officer of respective region and Ex- Sub Regional Officer/Regional Officer/Head of Department available from their own area.

In view of above your name has been decided to be one of the member of this committee. The committee will be monitored the performance of above mentioned CETPs. The meetings/scope of work will be communicated in advance.

(S.R. Deshmukh)

Exhibit - I

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.

MPCB/RO/KOP/ 3128 /

Dt.-10.08.2012.

To,

The Executive Engineer,
MIDC, Lote Parshuram,
Tal- Khed, Dist- Ratnagiri.

The Chairman,
CETP, Lote Parshuram, MIDC Lote,
Tal- Khed, Dist- Ratnagiri.

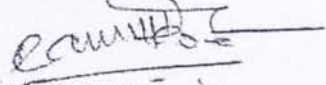
The Sub Regional Officer,
M.P.C.Board, Chiplun.

Sub:- Appointment as a member of committee in compliance of the order passed by the Hon'ble High Court of Judicature at Mumbai in the writ Petition No. 17/2011 filed by Nicholas Almeda Vs State of Maharashtra & others.

Ref:- Circular issued by MPC Board in accordance with the direction of High Court on 24.7.2012.

As you are aware that writ petition filed by Nicholas Almeda No. 17/2011 in the High court for non functioning of CETPs in the state of Maharashtra. Hon'ble High court in its judgment has given order on 5.7.2012 to constitute a committee to monitor CETPs performance & defaulting units. Accordingly as per direction of Hon'ble High court, MPC Board has issued circular for the constitution of committee & you are one of the member of this committee. The committee members include Executive Engineer MIDC, Member of CETP, Regional Officer/Sub Regional Officer of respective area & Ex-Sub Regional Officer /Regional Officer/Head of Dept available from their own area.

The details of visits/scope will be intimated you in advance


(S. S. Doke)

Regional Officer, Kolhapur

Copy submitted for information to,
Sr. Law Officer/JD(WPC), MPC Board, Sion Mumbai.

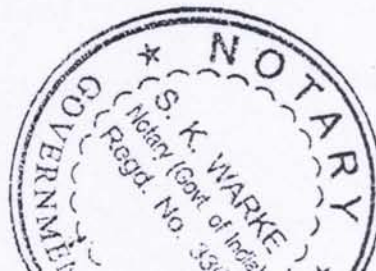


Exhibit - J

MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272

Fax : 25805398

Visit us at:

Website : <http://mpcb.gov.in/>

E-mail Id: rothane@mpcb.gov.in



Regional Office, Thane
5th Floor, Office Complex Bldg.,
Near Mulund Check Naka,
Wagale Estate,
Thane-400 604.

No. MPCB/ROT/ 1534

Date: 8/08/2012.

To,

- 1) Shri D.M. Chaukhande (Ex. Regional Officer)
- 2) Executive Engineer, MIDC, Tarapur, Tal. Palghar, Dist. Thane.
- 3) Chairman, TEPS, Tarapur.
- 4) Sub Regional Officer, Tarapur-I.

Sub:- Constitution of committee.

Ref:- 1) Hon'ble High Court's order dated 5/7/12 in the Writ petition No. 17/2011 filed by Nicholas Almedia V/s. State of Maharashtra and others.
2) Board orders dated 24/7/2012 bearing No. BO/P&L Division/ B-4602.

Sir,

In accordance with the Hon'ble High Court order's, Board has directed to the undersigned vide reference No.2. to constitute committee to monitor the performance of CETP Tarapur and highly polluting industries in MIDC Tarapur, having substantial discharge of effluent to the CETP and affecting its performance.

We are pleased to inform you that you have been selected as one of the committee member's. The meeting of the committee is scheduled on 13/8/2012 at this office at 4.30 p.m. Kindly make it convenient to attend the meeting to discuss further course of action.

Thanking you,

Yours faithfully,

(N.H. Shivangi)
I/c. Regional Officer, Thane.

IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL
JURISDICTION
PUBLIC INTEREST LITIGATION
NO.17/2011

Nicolas H. Almeida ...Petitioner

v/s

State of Maharashtra
and Ors. ...Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT
NO.3 IN COMPLIANCE OF ORDER DTD.5/7/2012
PASSED BY THIS HON'BLE COURT

Dated this day of August, 2012



Nitin Deshpande
(Advocate for Respondent No.3)