

Annexure- G

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 through
Its Chief Secretary and Ors.

...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.3.

I, Shri Suryakant S. Doke, age about 53 years, Occupation Service, the Regional Officer of the Maharashtra Pollution Control Board at Raigad, having my office at "Raigad Bhavan" 6th Floor, Sector 11, C.B.D. Belapur Navi Mumbai, do hereby state on solemn affirmation as under:

I am working as the Regional Officer of the Maharashtra Pollution Control Board of the Raigad Region. I say and submit that being the Regional Officer of the Raigad, I am overall responsible for monitoring of the industries situated in MIDC Estates at the river banks mentioned in the order passed by this Hon'ble Court dtd.1/12/2011 as well as the concerned Sub-Regional office is responsible for the monitoring of the CETPs under my jurisdiction, which includes Mahad MIDC area, I am filing this Affidavit in Reply, in compliance of the order passed by this Hon'ble Court dtd.22/12/2011 and on the basis of the visit reports & monitoring

to admit anything save except whatever stated hereunder :

1. In pursuance of the order passed by the Hon'ble High Court dated 22/12/2011, I say & submit that MIDC-Mahad is established between the period 1981 to 1982, which is located near National Highway No. 17 & about 3.0 km from the Savitri River. In the said MIDC area, there are chemical, dyeing, pharmaceuticals & pesticides industries are situated. The 103 No. of chemical industries are in operation, out of these, 72 no. of chemical industries are water polluting. Most of the industries have provided their own ETP for treating their industrial effluent.

For further treatment & disposal of their industrial effluent, MMA Co-op Society, Mahad has provided a Common Effluent Treatment Plant at Plot No. P-43, MIDC Mahad. The capacity of the said CETP is 7.5 MLD. The treated effluent is disposed into saline zone of Savitri Bankot creek at distance about 23 km. away from CETP i.e at Ovale village instead of Ambet village as recommended by National Institute of Oceanography.

2. I say & submit that, in order to verify the compliance, the officials of the Board had visited the industries situated in MIDC Mahad area & observed that industries those had not complied with the consent conditions & discharged substandard effluent to the CETP Mahad in the month of December-2010. In view of the non-compliances, the Respondent Board had issued closure directions under section 33A of the Water Act 1974 to six industries situated at MIDC-Mahad & also had issued voluntary closure directions to 12 industries for the non-compliances of the consent conditions. After

directions under section 33A of the water Act 1974 to CETP, Mahad for not providing adequate treatment facility to achieve the standards prescribed by the Board in the consent order & also for not taking effective steps to improve the efficiency of CETP. A sample copy of the closure directions dated 29/11/2010 & a copy of the proposed directions dated 6/10/2010 issued to MMA CETP are enclosed as EXHIBIT-I &II respectively.

3. I say & submit that, after issuance of closure directions, the above industries had submitted their replies & assuring to comply with the consent condition & taking necessary steps to upgrade their existing Effluent treatment plant.
4. I further say & submit that in the interest of natural justice, the Respondent-Board had given an opportunity of personal hearing to the above industries on 14/12/2010, to whom the closure directions were issued. During the course of personal hearings, the submissions made by the industries & assurances given by them for upgrading the existing Effluent Treatment Plant, so as to achieve the consented parameters, was taken on record. Based on the submission made by the industries, the Board has allowed to restart the manufacturing activities subject to following conditions vide letter dated 14/12/2010.
 - A) To operate & maintain the existing Effluent treatment plant so as to achieve the consented parameters,
 - B) To submit the detail time bound plan to upgrade the existing Effluent treatment Plant.
 - C) To carry out detail Treatability Study & based on the same, modify the Effluent treatment plant by installation of spray Dryer/

D) To submit the bank Guarantee for ensuring the compliance of the directions. A sample copy of the directions of restart/withdrawal of directions dated 14/12/2010 is enclosed as EXHIBIT-III.

5. I further say & submit that the Respondent Board has also given an opportunity of Personal hearing to MMA CETP on 6/12/2010 & issued following interim directions.

a) Not to accept the effluent of High COD streams from the industries beyond the consented limit or otherwise permitted for time being. To strictly observe the lock & key provision to ensure that , the CETP is not getting overloading resulting into non-performance of its & discharge of sub-standard effluent.

b) To collect the penal charges from the industries discharging high COD beyond the tolerance limit of CETP treatment.

c) You shall complete the up gradation & performance improvement work as per schedule in a time bound manner & shall submit the compliance of the directions by 31/5/2011.

A copy of the interim directions dated 5/3/2011 is enclosed as EXHIBIT-IV.

6. I say & submit that, the officials of the Board have visited the industries regular basis for verify the compliance of the consent conditions as well as the directions issued by the Board from time to time. I further say & submit that the officials of the Board had visited the above industries on regular basis to verify the conditions stipulated in the withdrawal/Restart directions & issued directions for compliance of the conditions stipulated in Withdrawal/Restart

conditions mentioned in the restart order. A sample Copy dated 15/4/2011 of the directions is enclosed as EXHIBIT-V.

7. I further say & submit that, at the end of December, 2011, the officials of the Board have visited the CETP-Mahad & 18 industries situated in MIDC- Mahad area, to whom the directions of withdrawal/restart under section 33A of the Water (Prevention & Control of Pollution) Act 1974 given and observed that out of 18 industries, 14 industries have complied with the conditions issued by the Board & the remaining four industries are under progress. The necessary actions against the four industries are under consideration. A copy of the comprehensive statement of the 18 industries is enclosed & marked as EXHIBIT-VI

8. I further say & submit that MMA CETP has removed 9,800MT/sludge from CETP collection & disposal sump & improving the operation & maintenance of CETP by providing new aerators of 970 HP. The treated effluent Results of CETP showed that the improvement in quality of treated effluent which disposed in Savitri Bankot creek . The value of outlet COD of June-2010 was 4400mg/l, now it is reduced upto 1000mg/l. The value of outlet COD of August-2011 is 736mg/l, which shows that all the industries have complied with the directions issued by the Board from time to time & overall improvement of MMA CETP. I further say & submit that the Officials of the Board have collected the environmental samples of Savitri Bankot Creek . It has been observed that the quality of Savitri Bankot Creek is normal. A statement showing the results of Environment samples collected from Ambet & ovale creek collected during last one year in comparison with the standards laid

9. I say & submit that the Respondent Board has issued withdrawal directions to 18 industries after giving an opportunity of personal hearing to them as well as verifying the consent conditions & by imposing stringent conditions on the above industries. The said industries have upgraded their Effluent Treatment Plants except above four units & MMA CETP has improving their performance. The Respondent-Board will monitor further compliance of the said industries & MMA -CETP on regular basis.

10. Therefore, no prayer in term of interim order may kindly be issued against the Respondent-Board.

(Nitin P. Deshpande)
Advocate for Respondent No.3

(Suryakant S. Doke)
Regional Officer, MPCB Raigad

VERIFICATION

I, Suryakant S. Doke, do hereby state on solemn affirmation that, what is stated in hereinabove in Para 1 to 9 of the Reply is based on official record, which I believe to be true and correct.

Solemnly affirmed at Mumbai.)

This 5 day of January 2012)

Identified by;

DEPONENT

Shri Nitin P. Deshpande
Advocate for Respondent No.3