

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

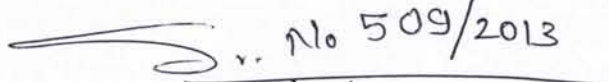
**AFFIDAVIT ON BEHALF OF RESPONDENT NO.3 IN
COMPLIANCE OF ORDERS DTD.3/1/2013 & 10/1/2013
PASSEED BY THIS HON'BLE COURT**

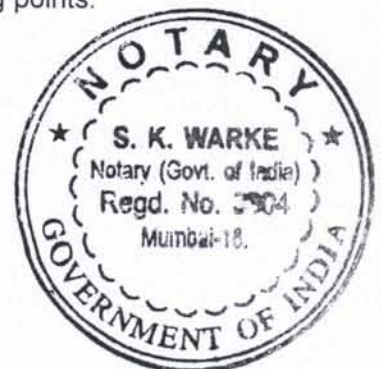
I, Yeshwant B. Sontakke, aged 47 Years, occupation-service, the Joint Director (Water Pollution Control) of the Maharashtra Pollution Control Board, having my Office at Kalpataru Point, 3rd Floor, Sion-Matunga Scheme Road No.8, Opp.Cine Max Cinema, Sion (East), Mumbai -400 022, looking after Water Pollution 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 Orders dtd.03/01/2013 and 10/01/2013 passed by this Hon'ble High Court. I am filing this Affidavit in compliance of the said orders, as under :

1. **Compliance of the Order passed by this Hon'ble Court dtd.3/1/2013:**

I say and submit that this Hon'ble Court further directed the Respondent-Board to comply with the following points:

 No 509/2013
19/1/2013



- (i) Member Secretary of the Respondent-Board has been directed to file an Affidavit indicating the performance of units (M/s.Sudarshan Chemicals Industries Ltd. and M/s.Astec Life Sciences Ltd., Mahad, Dist: Raigad) after forfeiture of the bank guarantees by the Respondent-Board. I say and submit that the Member Secretary, MPCB has already filed a detailed Affidavit dtd.17/1/2013 alongwith the proactive steps taken by the Respondent-Board.
- (ii) This Hon'ble Court further directed the Respondent-Board to indicate the names of the units, which have not been shown with improvement in their performance after issuance directions by the Respondent-Board. This shall be brought to the notice of the Co-Op. Society running Lote CETP within one week's time, so as to take response to the same. It has been also observed that though there is improvement in performance of Lote CETP after 22/11/2012, still it is not meeting the permissible limits and it shall continue to take steps to improve the performance.

The proposal for expansion & upgradation of Lote CETP was submitted to the Central Pollution Control Board(CPCB). The CPCB by its letter dtd.31/12/2012, observed that during the joint inspection carried out by the MPCB and CPCB, it has been indicated that the CETP can achieve the desired norms, if the inlet effluent quality is maintained as per the designed norms and hence, the CETP does not require any upgradation. It was, therefore, communicated by the CPCB to the MoEF, Gol that CETP at Lote may not be considered for repeated funding and MPCB must insist upon the Member Units to maintain their



effluent quality within the designed effluent quality at the inlet of CETP and proper operation of CETP to achieve the prescribed standards.

As far as communication of the names of the defaulters with bank guarantees to the CETP Society, the Sub-Regional Officer of the Respondent Board at Chiplun has already communicated by his letter dtd.09/01/2013 the details of actions initiated by the Respondent-Board and the compliance status of the industries after improvement alongwith latest JVS results. He has observed that there are no defaulter/s, whose bank guarantees are forfeited. A copy of the said communication dtd.09/01/2013 is enclosed herewith and marked as an **Exhibit-'I'**.

2. **Compliance of the order passed by this Hon'ble Court dtd.10/01/2013 :-**

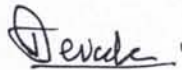
I say and submit that this Hon'ble Court by the said order instructed the Respondent-Board at Sr.No.8, it should consider that the large scale & medium scale industrial units if achieving the inlet designed parameters of CETP and the CETP gives necessary treatment before the outlet, the Respondent-Board should consider their request.

I say and submit that after going through the provisions contained in Sub-Rule 3(A)(i) of Rule 3 of the Environment (Protection) Rules, 1986, the industries, operations or processes, other than those industries for which, the standards have been specified in Schedule-I, shall not exceed the relevant parameters and standards specified in Schedule-VI, provided the State Board may specify more stringent standards for the relevant parameters with respect to specific industry or location/s after recording

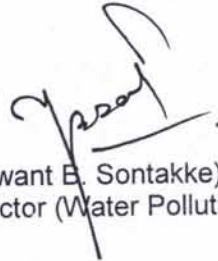


reasons thereof. However, the State Board has no authority to relax such standards. I say and submit that even otherwise also when, the CETP itself is not achieving the outlet parameters prescribed in the Consent Order/laid down under the Environment (Protection) Rules, 1986, it is not possible for the Respondent-Board to consider to grant permission to the large & medium scale industries to achieve the inlet parameters of CETP.

In fact, the CETP has been developed with a view to give further treatment to SSI units, which are not in a position to provide secondary or further treatment after primary treatment and as far as large & medium scale industries are concerned, they are allowed to join only for hydraulic load and not for the purpose of giving further treatment in the CETP. On the contrary, all the CETPs have been designed and approval/s have been granted only for the inlet standards, which are prescribed under the EPA Rules for SSI and not for further treatment of large & medium scale industries, which is not only large enough in quantity but also as far as quality is concerned, its concentration from the pollution point of view is higher than the total generation of effluent from the SSI units. In case they are allowed in view of the large volume with slight fluctuation / deviation from norms or shock-load will have massive impact on CETP functioning. Therefore, the Respondent-Board is unable to consider the request of large & medium scale industries to allow them to achieve the inlet designed parameters of CETP.



(D.T. Devale)
Sr. Law Officer for Respondent Board



(Yeshwant B. Sontakke)
Joint Director (Water Pollution Control)



VERIFICATION

I, Yeshwant B. Sontakke, aged about 47 Years, occupation-service, the 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 paragraphs 1 & 2 are true and correct to the best of my knowledge and belief. I say that the contents of the above reply from paragraph 1 & 2 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 th 19 th day of January, 2013.

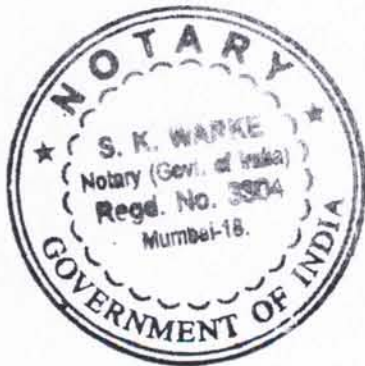
Deponent,

Solemnly affirmed at Mumbai }
 On this th 19 day of January, 2013 }
 }
 }
 }
 }

(Yeshwant B. Sontakke)
 Joint Director (Water Pollution Control)



BEFORE ME
 S. K. Warke
 19/1/2013
 S. K. WARKE
 ADVOCATE & NOTARY
 5/4, Himalaya, Opp. Podar Hospital
 Next to Sadanaad Restaurant,
 Worli, Mumbai - 400 018.



MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, CHIPLUN

Telefax. (02355) 261570



2nd floor Parkar Complex,
224, Behind Nagar parishad,
Tal. Chiplun,
Dist: - Ratnagiri -415605.

Exhibit -I

No. SROCH/TB/67/13

Date:10.01.2013

To,
Regional Officer,
M.P.C.Board,
Kolhapur

Sub : Status Report of industries after improvement.
Ref :Order passed by Hon'ble Highcourt dt.03.01.2013.

Sir,

Board has issued interim direction against defaulting units after that upgradation of ETP by most of the units completed. Some units are under stablization of system. After these actions improvement in performance is observed in all these units.

Follwing information is submitted to the CETP association on 09.01.2013

1. Actions initiated by the Board.
2. Industries compliance status with latest JVS results (Nov-2012 to Dec.2012).
3. The JVS results of these industries after improvement in the performance. (Nov-2012 to Dec.2012).

Yours faithfully,

(S H Padwal)
Sub-Regional Officer,
M.P.C. Board, Chiplun

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**MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, CHIPLUN**

Telefax. (02355) 261570



2nd floor Parkar Complex,
224, Behind Nagar parishad,
Tal. Chiplun,
Dist: - Ratnagiri -415605.

No. SROCH/TB/ 63/13

Date: 9/1/2013

To,
The Chairman,
CETP MIDC Lote,
P-30, MIDC Lote,
Tal-Khed, Dist-Ratnagiri.

Sub : Information regarding compliance status with latest JVS results
of industries to whom interim direction issued.

Ref : Order passed by Hon'ble Highcourt Dt.03.01.2013.

Sir,

With reference to above subject, the information regarding compliance status of
industries whom interim direction issued.

1. Action initiated by the Board.
2. Industries compliance status after improvement alongwith latest JVS results.

The above information is shared as per direction given by Hon'ble Highcourt dt.03.01.2013.
This is for information & necessary action.

Yours faithfully,

(Signature)

(S H Padwal)
Sub-Regional Officer,
M.P.C. Board, Chiplun

OIL

Copy submitted for information & necessary action please :
Regional Officer, MPCB, Kolhapur.

(Signature)
लोटे एन्वयन्स एन्ड प्रोटेक्शन
को-ऑप. सोसायटी लि.
पी- ३०, एम.आय.डी.सी.लोटे
ता. खेड, दि. रत्नागिरी पीन-४१५ ७००

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a) Compliance status of industries after improvement

Sr	Name of the Industry	Category of Industries (LSI/MSI)	Generation of effluent (M3/day into CETP)	Action initiated by the Board.	Present status	Result After Improvement
1.	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, By Regional Officer, Kolhapur. However, on account of further corrective measures and personal hearing extended to it, restart directions issued by Hon'ble Member secretary 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. Process modification recovery of reactant reduction of aqueous effluent work is completed. JVS results are within prescribed norms.	November-2012 pH - 6.79 BOD - 58 COD - 176 December-2012 pH - 7.38 BOD - 92.5 COD - 240





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2.	M/s.Dow-Agro Science Pvt.Ltd., A-1, MIDC Lote Parshuram, Tal: Khed, Dist: Ratnagiri.	LSI	760	M3/day	Interim direction issued on dt.01.09.2012. By Regional Officer, Kolhapur. Instructed for online TOC meter, BG of 1.0 lakh submitted, Online Bioassay test work under progress. Improvement in existing ETP work completed.	November-2012 pH - 8.24 BOD - 64 COD - 176 December-2012 pH - 7.42 BOD - 97.5 COD - 240
3.	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 by Hon'ble Member Secretary and 24/12/2012 Regional Officer, Kolhapur, directing them to dispose of the effect evaporator received at site construction work is under progress. Industry reduced their production by 35 % upto evaporator installation work will be completed.	November-2012 pH - 6.77 BOD - 41 COD - 128 December-2012 pH - 7.46 BOD - 83.2 COD - 208
4.	M/s.Riverside Industries Ltd M Plot No.B-6, MIDC Lote Parshuram, and Tal: Khed, Dist: Ratnagiri.	MSI	172	M3/day	Interim direction issued on dt.31.08.2012. By Regional Officer, Kolhapur. Industry shall install ACF & PSF within 15 days. BG of 50000/- shall be submitted.	November-2012 pH - 7.83 BOD - 68 COD - 216



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5.	M/s.S.I. Group India Ltd	LSI	163 M3/day	<p>Interim direction issued on dt.02.12.2011. By Regional Officer, Kolhapur. As per interim direction 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.</p>	<p>Upgradation work of ETP completed. JVS result within norms.</p>	<p>November-2012 pH - 7.69 BOD - 78 COD - 224 December-2012 pH - 7.78 BOD - 47.5 COD - 152</p>
6.	M/s.Excel Industries Ltd., Plot No.B-6, MIDC Lote Parshuram, and Tal: Khed, Dist: Ratnagiri.	LSI	148 M3/day	<p>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.</p>	<p>JVS results are within prescribed norms.</p>	<p>November-2012 pH - 7.39 BOD - 78 COD - 168 December-2012 pH - 7.62 BOD - 97.5 COD - 248</p>

10.	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 did.16/6/2012, directing them to provide PSF and ACF and recycle effluent.	Upgradation work is completed. After upgradation JVS results are within prescribed norms.	November-2012 COD - 120 BOD - 37 PH - 6.35
11.	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 wide letter did.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.	Unit closed from April - 2012
12	M/s. Almco Pesticide Plot No. B 1/1, MIDC Lote, Tal- Khed, Dist- Ratnagiri.	MSI	30 M3/day	Interim Directions issued on 24.12.2012 by Regional Officer, Kolhapur and directed to industry to complete Bioreactor upgradation work. Industry has started upgradation of ETP within Befor Feb-2013.	Industry has started upgradation work. Bioreactor upgradation and ETP completed and under stabilization.	November-2012 PH - 6.6 BOD - 68 COD - 192

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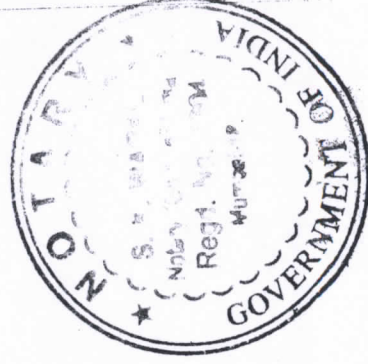
A Statement showing the names of small scale industries (SSI) with generation & discharge of effluent to CETPs and actions initiated by the Board against the defaulting units.

Sr. No.	Name of the Industry	Generation & discharge of effluent M3/day into CETP.	Action initiated by the Board against defaulting unit.	Present status	Result
1.	M/s.Swastik Industries, 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. As per interim direction issued by Hon'ble Member Secretary on 27.06.2012 & given one month extension for compliance of direction.	Upgradation work completed. BG submitted. After up gradation JVS results are within prescribed norms.	November-2012 PH - 6.47 BOD - 82 COD - 248
2	M/s.Harshree 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 JVS results are within prescribed norms.	Presently Unit not in operation.



3.	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 segregate strong & weak stream before end of June, 2012 etc and to upgrde the ETP.	Upgradation work completed. JVS results within limit.	December-2012 PH- 7.47 BOD- 87.5 COD- 224
4	M/s. Ganesh Chemicals P. No. B-80,81, MIDC Lote Parshuram, Tal- Khed, Dist- Ratnagiri.	3.2 M3/day	Interim Directions issued on 24.12.12 by Regional Officer, Kolhapur and directed to Industry to complete upgradation of ETP Befor Feb-2013.	Industry has started upgradation work.	Unit not in operation presently.

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RESPONDENT NO.3 IN COMPLIANCE
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PASSEED BY THIS HON'BLE COURT**

Dated thisday of January, 2013

Advocate for Respondent-Board