

Government of Maharashtra

150520/10160

Tel. No. : 22852696

No. Appeal – 2015 /C.R.30/ T.C.4
Office of the -
Environment Department, 15th floor,
New Administrative Building,
Mantralaya, Mumbai- 400 032
Date: 20/04/2015

To,

1) The Member Secretary,
MPCB, Kalptaru Point,
2nd floor, Sion – Matunga Rd.,
Sion, Mumbai – 400022.

2) M/s Shrigonda SSK Ltd.
PO. Shrigonda Factory,
Tal. Shrigonda, Dist. Ahmednagar.

Sub.: Appeal filed by M/s Shrigonda SSK Ltd V/s MPCB, under the provisions of the Water (P&CP) Act, 1974, & Air (P&CP) Act, 1981, before the Appellate Authority.

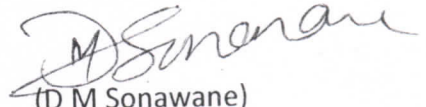
Ref.: Appeal heard on 08/04/2015 before the Appellate Authority.

Sir,

The above proponent filed an appeal before the Appellate Authority constituted under the provisions of the Water (P&CP) Act, 1974, & Air (P&CP) Act, 1981.

Please find herewith a copy of the order dated 15/04/2015 passed by the Appellate Authority, in the above matter for your kind information.

Yours faithfully,



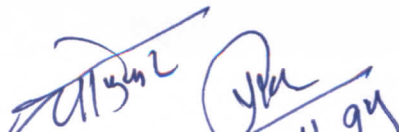
(D M Sonawane)

Scientist –II,
Environment Dept.

D.A.: As Above

Copy Submitted to:

Principal Secretary, Environment Department, Room No.217 (Annex), Mantralaya,
Mumbai - 32.



office note already put up

**Before the Appellate Authority constituted under the provisions of Water
(Prevention & Control of Pollution) Act, 1974 & Air (Prevention &
Control of Pollution) Act, 1981**

M/s Shrigonda SSK Ltd.,
PO. Shrigonda Factory, Tal. Shrigonda,
Dist. Ahmednagar. } Appellant

V/s

1) **Maharashtra Pollution Control Board** } Respondent
Kalptaru Point, 2/3/4 floor,
Opposite Cineplanet,
Near Sion Circle, Sion (East)
Mumbai – 22.

Date: 15/04/2015

ORDER

The appeal filed by the Appellant under section 28 of the Water (P&CP) Act, 1974 & under section 31 of the Air (P&CP) Act, 1981, while aggrieved by the refusal of 'Consent' dated 20/12/2014 issued by the Respondent Board, U/s 27 & U/s 21 of the above said enactments. The appeal was heard on 08/04/2015, before the Appellate Authority.

During the course of hearing on 08/04/2015 on behalf of Appellant Shri A. B. Jangale, Managing Director, Shri P. R. Kale, Technical Expert & Shri B. N. Gore, Manager (Distillery) were present. Shri S. K. Purkar, Law Officer & Shri Ajit Suryawanshi, Field Officer were present on behalf of Respondent Board.

The matter was argued on behalf of the Appellant that, they have over sized ETP in anticipation of holding the effluent in case of emergency or failure of any equipment & at any cost, it is not under capacity & also will not be used as extra aeration tank which will be used in case of emergency only. Regarding Air pollution Control system at boiler No. 1 & 4, they have already placed order for efficient boiler, which can be also used for cogeneration & after installation of the new equipment; the old one will be phased out. This process of modernization shall be done before next crushing season & is also difficult to replace the old boiler during the crushing season, accordingly communicated to the Board along with documentary proof.

They have applied for renewal of 'C to O' on 24/04/2014, however, delay caused by the Board for taking decision before starting of crushing season, which lead to keep the factory in operation.

During the course of hearing, they have submitted that, the Electricity supply was disconnected to the Industry along with residential complex of the employees of the said Industry, therefore, urged before the Authority to give suitable direction to the MPCB for reconnection of Electricity supply to the Residential Complex of the employees. The Appellant prayed before the Authority to set aside the refusal order dated 20/12/2014 issued by the Respondent Board & also pass an order & / or ad- interim relief as prayed herein above.

The Respondent Board submits that, the refusal order is a well reasoned order passed by the Board, as per the decision taken by the Consent Appraisal committee (CAC) meeting held on 09/12/2014.

It is the contention of the Respondent Board that, the officials of the Respondent Board at Ahmednagar visited the Appellant Industry from time to time & thereby, submitted their reports dated 20/09/2014, 04/10/2014 & 06/10/2014 & from the said report, it reveals that, Industry has not complied with the consent conditions & failed to upgrade ETP & APC systems. The renewal of Consent application placed before the CAC of the Board held on 07/10/2014 along with the report of SRO, Ahmednagar & thereby decided to issue SCN for refusal of Consent to the Appellant as well as forfeit the B/G of Rs. 10 Lakh each for non compliance of up-gradation of ETP & APC & accordingly issued SCN dated 28/10/2014 to the Appellant.

Shri Karim Shaikh has filed a WP No. 1074/2012 against the Appellant before the Hon'ble High Court, Aurangabad Bench for storage / discharge of untreated effluent which was passing to petitioner's agriculture land & in the said matter Hon'ble High Court vide its order dated 25/11/2014 directed to the MPCB to initiate action against the Appellant for discharging untreated effluent to the agriculture field of the Petitioner.

The Sub Regional Officer, Ahmednagar of the Respondent Board has submitted the proposal for initiating action U/s 33A of the Water Act, 1974 & U/s 31A of the Air Act, 1981 against the Appellant Industry, as the Appellant Industry has not complied with the terms & conditions of consent & thereby discharging effluent which are not meeting the standards prescribed in the

consent. During his visit to the Appellant Industry on 12/11/2014, it is noticed that, the Appellant Industry not upgraded ETP & APC system.

The CAC in its meeting held on 09/12/2014, once again considered, the proposal of the Appellant & after deliberation, it has been decided to issue refusal of consent & also closure directions as the Industry is operating without valid consent of the Board & also failed to upgrade ETP & APC system. Under such circumstance the Board has come to the conclusion to encash B/G of Rs. 10 Lakh each for not up-grading ETP & APC system & thereby finally issued refusal of Consent dated 20/12/2014.


It is further submitted by the Respondent Board that, as per the decision of the CAC meeting held on 09/12/2014 the RO Nashik issued voluntary closure directions U/s 33A of the Water Act, 1974 & U/s 31A of the Air Act, 1981 to the Appellant Industry on 23/12/2014. After issuing the voluntary closure directions to the Appellant Industry, the RO, Nashik thereafter, submitted the present status report dated 21/01/2015 stating that, the Appellant Industry has not stopped the production activity & the said proposal was placed before the CAC meeting held on 02/02/2015 & thereby decided to inform the competent Authority for disconnection of Water / Electricity supply to the Appellant Industry. Accordingly Respondent Board issued directions dated 04/02/2015 under the above said enactments to the competent Authorities. After issuance of the said directions, the SRO, Ahmednagar visited to the Appellant Industry & after visit submitted the visit report dated 10/02/2015 stating that, during his visit to the Appellant Industry, it was found that, the Appellant Industry found in operation & Water / Electricity connection was not disconnected.

In view of the above submissions made by the parties, the Authority for its determination considered the following points such as, as to whether:

- A) Appellant Industry up-graded the existing ETP & APC system for boiler No. 1 & 4, which are required to control the Water & Air pollution being caused by the Appellant Industry ?
- B) Appellant Industry operating with valid consent of the Board?

It is observed by the Appellate Authority that, Appellant Industry has not upgraded the existing ETP & APC to meet the permissible standards of the pollutant parameters. The Appellant Industry is operating its production units without valid consent & even after issuing of closer directions by the

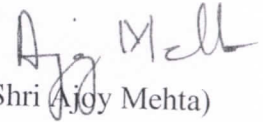
Respondent Board which is a gross violation of directive of Respondent Board by the Appellant Industry. The Appellate Authority further observed that, Appellant Industry has failed to comply the conditions of the consent. The Appellate Authority therefore, rejected the appeal filed by the appellant & the order dated 20/12/2014 passed by the Respondent Board is hereby up hold.



(Shri R. B. Bambale)
Member
Appellate Authority



(Shri A. S. Gadge)
Member
Appellate Authority



(Shri Ajay Mehta)
Chairman
Appellate Authority