

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

Appeals filed by Appellants Namely

- 1) M/s Ashok Dyeing, Ulhasnagar
- 2) M/s R. S. Dyeing, Ulhasnagar
- 3) M/s Sunshine Jeans Dyeing
- 4) M/s Om Sairam Dyeing
- 5) M/s Birju Wash, Ulhasnagar
- 6) M/s Hitesh Wash, Ulhasnagar
- 7) M/s Ajay Wash, Ulhasnagar
- 8) M/s Om Sai Wash, Ulhasnagar
- 9) M/s Sonu Wash, Ulhasnagar
- 10) M/s V.P. Power Laundry, Ulhasnagar
- 11) M/s Radhe Krishna Power Laundry
- 12) M/s Prince Wash, Ulhasnagar
- 13) M/s Jay Matadi Jeans, Dyeing
- 14) M/s Sai Dyeing, Ulhasnagar
- 15) M/s Jai Mahakali Dyeing, Ulhasnagar
- 16) M/s Agnivesh Laundry, Ulhasnagar
- 17) M/s Sadguru Wash, Ulhasnagar
- 18) M/s A. K. Power Laundry, Ulhasnagar
- 19) M/s S. K. Dyeing, Ulhasnagar
- 20) M/s Jay Babu Loknath Power Laundry
- 21) M/s Om sai Sahara Power Laundry
- 22) M/s Vaishnavi Dyeing, Ulhasnagar
- 23) M/s Deepak Wash, Ulhasnagar
- 24) M/s Kamlesh Wash, Ulhasnagar
- 25) M/s Hariom Wash, Ulhasnagar
- 26) M/s Hind Dyeing, Ulhasnagar
- 27) M/s Sachin Wash, Ulhasnagar
- 28) M/s Sudama Singh Wash, Ulhasnagar
- 29) M/s Sandeep Power Laundry, Ulhasnagar
- 30) M/s Deepak Power Laundry, Ulhasnagar
- 31) M/s Salini Power Laundry, Ulhasnagar
- 32) M/s Shri Shakti Dyeing, Ulhasnagar
- 33) M/s Sagar Power Laundry, Ulhasnagar
- 34) M/s Yash Power Laundry, Ulhasnagar
- 35) M/s Sunrise Wash, Ulhasnagar
- 36) M/s Navin Dyeing, Ulhasnagar
- 37) M/s Shri Sadguru Wash, Ulhasnagar

- 38) M/s SKD Bablu Wash, Ulhasnagar
39) M/s Sai Deep Wash, Ulhasnagar
40) M/s Pimpleshwar Mahadev Laundry,
Ulhasnagar
41) M/s Om Mahadev Wash, Ulhasnagar
42) M/s Om Sai Sahara Power Laundry,
Ulhasnagar
43) M/s D. K. Laundry
44) M/s S. Munna Dyeing
45) M/s Omkar Enterprises
46) M/s R. J. Laundry
47) M/s Jai Ganesh Wash
48) M/s Shailesh Wash
49) M/s K.M.K. Dyeing
50) M/s K. G. N. Dyeing
51) M/s Lala Wash
52) M/s R.K. Wash
53) M/s R. V. Dyeing
54) M/s Saurabh Power Laundry
55) M/s Krishna Wash
56) M/s Shivaoham Dyeing
57) M/s M. K. Dyeing
58) M/s S. S. Dyeing
59) M/s Dhanlakshmi Dyeing
60) M/s Soham Dyeing
61) M/s Mahadev Dyeing
62) M/s Shivam Dyeing
63) M/s Madhav Enterprise
64) M/s Grace Wash
65) M/s Brijmohan Wash
66) M/s Sagar Dyeing
67) M/s Rohit Power Laundry
68) M/s Deepa Wash
69) M/s Om Sai Ram Dyeing
70) M/s J.M.D. Dyeing
71) M/s Deva Dyeing

V/s

----- Appellants

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

----- Respondent

Date: 15/04/2015

ORDER

The appeals filed by the above Appellants 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 10/07/2014 issued by the Respondent Board. The appeals were heard on 08/04/2015, before the Appellate Authority compositely, as the issues involved in the said appeals are identical in nature.

During the course of hearing on 08/04/2015 on behalf of Appellants i.e. Jeans Wash Associations Members (filed 71 Appeals), Advocate Dr. Sadhana Mahashabde was present before the Appellate Authority. Shri S. K. Purkar, Law Officer, Shri Nitin Shinde, SRO, Kalyan II & Shri Gopal Kadam, JSA, PSO Division (HQ) were present on behalf of Respondent Board.

The Advocate for appellants submit that, the Jeans Manufacturing activities in Ulhasnagar are in operation since 15 to 20 years & contended that, the relevant papers & licenses obtained from the Authorities relating to their business to be submitted in due course of time but as on the day they have not obtained the same from the appropriate authority.

It is further contended that, the Jeans Manufacturing Industry is a long standing occupation in Ulhasnagar & Jeans Washing Industry is indispensable process in Jeans Manufacturing & as such there are around 1100 retail & wholesale shops wherein Jeans Pants are saleable & the product is also exported to foreign countries.

It is informed that, the Jeans Rolls required for Manufacturing Jeans pants came from Gujarat, Ahmadabad & Ichalkaranji & submitted the whole process of Manufacturing Jeans pants from Jeans Rolls till package of Pants. In the process, washing detergents, Bleaching Liquid soap, Tinopal, Soda ash & Softener Materials are used for Jeans washing. It is argued that, the said materials are not hazardous for human health & are always used in domestic surroundings & therefore, washing of Jeans is equivalent to domestic washing.

It is further argued that, due to manufacturing of Jeans pants, the Municipal Corporation of Ulhasnagar collects around 2.5 Cr. LBT per month & tax collected is in Lakhs of Rupees as well as MSEB earns Crores of Rupees as Electricity bill.

The Advocate for the Appellants argued further that, the Application No. 37/2013 filed by Vanshakti V/s MPCB before the NGT, WZ, Pune & as per NGT orders, MPCB initiated action against the Industry which are discharging effluents into Waldhuni River / Nala & thereby members of Jeans Wash Association received closure directions in December 2013. The Jeans Wash Association filed Misc. Application before the NGT, WZ, Pune to incorporate the said association as Respondent in the said matter. Thereafter, as per the oral directions of NGT, the Appellants submitted application for C to E & C to O to Respondent Board & to MIDC for allotment of land for their activities in Ambarnath MIDC. After submission of application by the Appellants for consent to the Respondent Board, the Board issued SCN dated 27/06/2014 for refusal of consent after scrutinizing the Applications submitted by the Appellants. In the said notice, it is contented that, the Appellants are running the units without consent from the MPCB, not submitted NOC from the local authority as well as not fulfilling the criteria laid down under the MMR policy, 1998 & also failed to comply with the Environmental norms such as not provided ETP & Air Pollution Control Devices to their units.

The Appellants thereby replied to the above said SCN to the R.O. Kalyan stating that, let them give 7 to 8 months to provide full fledged ETP so as to meet the MPCB norms & also they are in process of obtaining NOC from Ulhasnagar Municipal Corporation

accordingly wrote letters dated 01/01/2014 & 03/01/2014 to Ulhasnagar Municipal Corporation. Thereafter, the Appellants received refusal of consent order dated 10/07/2014 from Respondent Board & hence the present Appeal. Though, the Appellants requested to the concerned Authority, to enlist Jeans wash Industry as a permissible industry in Zone – II area under the Industrial location policy, GR No. ILP 1098/4789/IND-2 dated 07/11/1998 in MMR as on today activities of the Appellants not listed in the said policy.

Under the above circumstances, it is prayed before the Authority to direct MPCB to withdraw refusal order dated 10/07/2014, extend them hearing for reviewing the refusal order & further direct to MPCB to follow up with MIDC for implementing the proposal of relocation of Appellants units in nearby MIDC area.

The Respondent Board filed its composite reply dated 12/01/2015 which pertains to 71 Industries. The Appeals are mainly filed for refusal of consent letter dated 10/07/2014 issued by the Respondent Board.

The Respondent Board contended that, Vanshakti & Anr. filed an application No. 37/2014 against MPCB & ors. before NGT, Pune in respect of pollution being caused by way of discharging effluents in Ulhas River Basin by the industries. In compliance of the various orders passed by the Hon'ble Tribunal from time to time in the above matter, the Respondent Board based on the survey & sampling carried out by the field officers of the Respondent Board at Kalyan had issued SCNs, Proposed directions & closure directions to the defaulting units.

The Respondent Board relying upon the communication dated 19/06/2012 received from the Ulhasnagar Municipal Corporation about the Jeans Washing Industries, issued directions of closure under the provisions of the water Act, 1974 & the Air Act, 1981 against 225 nos. of un-consented Jeans washing units & further directions to the concerned Authority to disconnect electricity / water supply which are found in operation in Ulhasnagar camp No. 4 & 5. Out of 225 Nos. of closure directions issued 153 notices returned un-served & therefore, Respondent

Board vide letter dated 01/01/2014 had communicated the said directions to corporation, to get served the same, which are returned un-served.

In the mean time Hon'ble Tribunal in the above matter directed on 12/05/2014 to the Jean wash owners association to make an application for grant of consent to operate to Respondent Board & thereby further directed to the Respondent Board to consider the application made by the Appellants & decide the same on its own merits & inform the same to the Tribunal. The Respondent Board after receipt of the Application for grant of consent submitted by the Appellants scrutinized the said applications & it was observed that, the said units are not fulfilling the locational criteria laid down under MMR Policy, 1998 & have not submitted NOC from the concerned local authority & the committee appointed under the MMR Policy. It is further observed by the Respondent Board that, Jeans washing units have failed to provide full fledged ETP & disposal arrangements, thereby discharging untreated effluent from the washing activities into Waldhuni River & some of them also discharging untreated effluent into Khemani Nala which leads into Ulhas River / Basin & thereby causing water pollution of these recipient water bodies.

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

- | Sr. No. | Points |
|----------------|--|
| a) | As to whether, Appellants obtained C to E & C to O from the Respondent Board, under the provisions of the Water Act, 1974 & the Air Act, 1981, before Start of manufacturing activities? |
| b) | As to whether. Appellants have provided ETP & APC arrangements? |
| c) | As to whether, Appellants have obtained NOC from the concerned Authority? |
| d) | As to whether, Appellants are complying with the Environmental norms? |

e) As to whether, Appellants are fulfilling
MMR Policy of 1998?

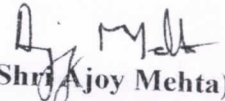
Taking into consideration the above points the Authority observed that, the Appellants are not fulfilling the above mandatory requirements & still running their units & discharging untreated effluent into sweet water zone & saline zone through Khemani nala & Waldhuni River respectively into Ulhas River / Basin & thereby grossly causing water pollution of these recipient water bodies. The Authority therefore, rejected the Appeals filed by the Appellants & uphold the refusal order dated 10/07/2014 passed by the Respondent Board & hence, the order.



(Shri R. B. Bambale)
Member
Appellate Authority



(Shri A. S. Gadge)
Member
Appellate Authority



(Shri Ajoy Mehta)
Chairman
Appellate Authority