

**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. Powerdeal Energy System (I) Pvt.  
Ltd.,**  
S. No. 6/2/1, 4, 5, 6  
Mumbai – Agra Road.  
At & Post- Vilholi  
Tal & District- Nashik

} Appellant

V/s

**Maharashtra Pollution Control Board**  
through the Member Secretary,  
Kalptaru Point, 2/3/4 floor,  
Opposite Cineplanet.  
Near Sion Circle, Sion (East)  
Mumbai

} Respondent No. 1

**Maharashtra Pollution Control Board**  
through the Regional Officer Nashik,  
Udyog Bhavan, 1<sup>st</sup> floor, Trimbak Road,  
MIDC Compound, Near ITI Satpur,  
Nashik 422 007

} Respondent No. 2

**Date :**

**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, was heard on 30<sup>th</sup> October, 2013. before the Appellate Authority.

On the date of hearing, Shri. Krishan Dutt Tiwari, president and Shri. C.M. Deshpande, AGM were present on behalf of appellant. Shri. S.K. Purkar, Law Officer, Mrs. Netra Chapekar Asst. Law Officer and Shri. R.S. Kamat, Field Officer represented Respondents.

It is the submission of the appellant that, the application filed for renewal of consent by the appellant to the Respondent Board was refused by the Respondent Board vide letter dated 31.8.2012, as the appellant industry failed to provide necessary facilities to recycle the entire industrial effluent back into the process; not provided spent acid regeneration plant for recovery of metal and acid; ETP provided to phosphating plant is not in operation; air pollution control arrangement provided to acid bath is inadequate and is not in operation; scrubbing system is not provided to powder coating plant and in workers colony soak pit is over flooded etc.


It is the submission of the appellant that, the quantum of spent acid generation will be about 45 tonne per month to the full scale of production. However, the appellant is not in a position to achieve full scale of production and therefore generation of spent acid will further reduce. The appellant argued that, the provision of Acid Regeneration Plant (ARP) is not techno - economically feasible considering the quantum of spent acid generation instead of this, spent acid can be sent for treatment to CETP or it can be sold to one agency namely Balaji Chemicals at Indore (M.P.) as a raw material for manufacturing Ferrous and Ferric Chloride in their plant. The appellant has submitted this representation to the Respondent Board, which was shown to Appellate Authority during the hearing.

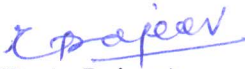
The representative of the Respondents Board contended that the appellant industry failed to achieve the terms and conditions of consent even after extending sufficient time to the appellant and therefore refused the consent application on the grounds as enumerated in the refusal of consent order dated 31.8.2012.

Taking into consideration the above submissions of the appellant, it is hereby directed to the Respondent Board to examine techno – economic feasibility of providing Acid Regeneration Plant with regard to quantum of spent acid generation of the appellant industry. If the ARP is not found techno – economically feasible, then the Respondent Board shall examine the treatment of spent acid at CETP or sale of spent acid to the above agency as a raw material by the appellant after examining the merit of the case.

Accordingly, the Respondent Board is hereby directed to take the review of the application / representation, if any, made by the appellant against refusal of consent by following due procedure of law.

(Shri R. B. Bambale)  
**Member**  
**Appellate Authority**  
(Not Present)

  
(Shri A. S. Gadge)  
**Member**  
**Appellate Authority**

  
(R. A. Rajeev)  
**Chairman**  
**Appellate Authority**