

Government of Maharashtra

140826 A/16

Tel. No. : 22852696

R.P.A.D.

No. - Appeal - 2014 /C.R. 22/ T.C.4
Office of the -
Environment Department, 15th floor,
New Administrative Building,
Mantralaya, Mumbai- 400 032
Date: 21/08/2014

To,

✓ 1) Member Secy.,
Maharashtra Pollution Control Board,
Kalpataru Point, 3rd Floor, Sion Circle,
Mumbai - 400 002.

2) M/s Western Coalfield Ltd.,
At and Post Kanhan, Tal.
Perseoni, Dist. Nagpur.

Sub.: Appeal filed by M/s Western Coalfield Ltd. at and Post
Kanhan, Tal. Perseoni, Dist. Nagpur under the provisions of
the Water Act, 1974 & the Air Act, 1981.

Ref.: Hearing dated 07/08/2014 before the Appellate Authority
constituted under the above provisions.

Sir,

The Appeal filed by the Appellant was heard before the Appellate
Authority on 07/08/2014.

After hearing from both side, the Appellate Authority passed an order
dated 19/08/2014. You are therefore requested to comply with the order passed by
the Appellate Authority which is enclosed herewith for your kind perusal.

D.A.: As above

Yours faithfully



(D. M. Sonawane)
Scientist - II,

Copy submitted to:

Addl. Chief Secretary, Environment Dept. & Hon'ble Chairman, Appellate
Authority, Mantralaya, Mumbai

APC
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copy to
Chairman for information

JOCAPC
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Good order of the
A Authority. Take
entry of disposal in
& place on website,
Give me one copy &
circulate concern 12-05-20
170D & subject Incharge Debate

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 Western Coalfield Ltd.,
At & Post Kanhan, Tal. Perseoni,
Dist. Nagpur.

V/s

Maharashtra Pollution Control Board
Kalptaru Point, 2/3/4 floor,
Opposite Cineplanet,
Near Sion Circle, Sion (East)
Mumbai - 400 022.

}
Appellant

}
Respondent

Date:- 19-08-2014

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 terms & conditions of consent order No. BO/JD (APC)/EIC No. NG-8046-12/R/CC/4043 dated 09/05/2013 which is valid up to 31/05/2015. The Said consent is issued by the Respondent - Board in favour of Appellant Industry by way of forfeiting B/G of Rs. 5 Lac. bearing No. 089700001613 dated 22/07/2013. The appeal was heard on 07/08/2014, before the Appellate Authority.

On the date of hearing Shri Parimal Mavawala, Senior Manager, (Mine) (Envi.), Shri. Devendra Prasad, Dy. Gen. Manager (M) / SAM were present on behalf of Appellant & Shri V. M. Motghare, Jt. Director (APC), along with Shri S K Purkar, Law officer, represented Respondent Board.

It is the submission of the Appellant that, the Appellant Industry has submitted B/G of Rs. 5 Lac in favor of Respondent Board as per the terms & conditions of consent issued to them on

09/05/2013 stipulating therein one of the condition that, the Appellant Industry had to install STP within 6 months (i.e. up to 30/09/2013). It is further submissions of the Appellant that, for installation of STP they have consulted NEERI Nagpur & as per their suggestions it will require 2 – 2 ½ years for construction of STP & the said work of installation of STP is already assigned to NEERI. The Respondent Board has not taken into consideration the above facts towards time required for installation of STP & thereby without giving personal hearing to the project proponent, the B/G submitted was forfeited which is against the Principles of natural justice.

The representative of Respondent Board submitted that, while granting renewal of consent dated 09/05/2013, the Board has invoked four B/Gs of different amounts from the Appellant Industry & out of them one of the B/G sought was of Rs. 5 Lac for installation of STP within 6 months (i.e. up to 30/09/2013). The Appellant Industry failed to erect STP within stipulated period of 6 months which ends to violation of terms & conditions of consent & therefore, the B/G of Rs. 5 Lac was forfeited as per the decision of the consent committee meeting held on 27/11/2013 while renewing the consent order to the Appellant Industry. It was further decided by the said committee to top up with B/G of Rs. 10 Lac towards installation of STP within 6 months (i.e. up to 31/05/2014). Accordingly, it was directed vide letter dated 06/12/2013 to the Appellant Industry for submission of B/G of Rs. 10 Lac for installation of STP within 6 months (i.e. up to 31/05/2014) with a further directions to RO Nagpur, to forfeit B/G of Rs. 5 Lac & to obtain the top up B/G of Rs. 10 Lac from the Appellant Industry.

It was further submission of the Respondent Board that, the Board while issuing consent in the year 2007 in favor of Appellant Industry, a specific condition was stipulated for providing STP within stipulated period, which the Appellant have failed to


provide the same till date & hence, they didn't have any locus standi to claim that, the Respondent Board forfeited the B/G of Rs. 5 Lac without giving them personal hearing before forfeiting of B/G. Now also while renewing the consent the consent committee of the Respondent Board for installation of STP the time was granted up to 31/05/2014 for Appellant Industry, but the Appellant have failed to provide the said arrangement till date.

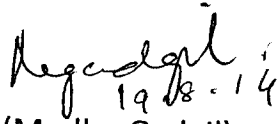
The Appellate Authority heard the submissions made by both the parties and also reply filed there under. It will not be appropriate to entertain the contention of the Appellant Industry to give any directions to the Respondent-Board not to forfeit B/G of Rs. 5 Lac & if at all forfeited same may not be refunded to the Appellant-Industry, as the Appellant Industry failed to provide the STP till from the time granted 'consent to operate' by the Respondent Board to the Appellant Industry (in the year 2007).

We further direct to, the Appellant Industry to provide STP at the earliest so as to abate the pollution of river Kanhan, which is being caused due to discharge of sewage effluent without treatment to the Kanhan river, in a time bound manner prescribed by Respondent Board.

With the above directions the appeal filed by the Appellant is hereby dismissed.

Not present
(R. B. Bambale)
Member
Appellate Authority


(A. S. Gadge)
Member
Appellate Authority


(Medha Gadgil)
Chairperson
Appellate Authority