

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 125/2018
(Earlier O. A. No. 163/2017 (WZ)
(I.A. No.209/2019, M.A. No.99/2019 & M.A. No.103/2019)

(With report dated 25.10.2019)

Arvind Pundalik Mhatre

Applicant(s)

Versus

Ministry of Environment and Forest &
Climate Change & Ors.

Respondent(s)

Date of hearing: 04.11.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant (s): Mr. Chetan Nagare and Mr. Lalit Mohan, Advocates

For Respondent(s): Mr. Anil Singh, ASG and Mr. Shyamali Godra, Advocate
for R-6&7
Mr. Prakash Kr. Singh Tomar, Advocate for CPCB

ORDER

1. The matter pertains to remedial action against pollution caused by the discharge of industrial effluents in Taloja industrial area on the outskirts of Mumbai.
2. The matter has been dealt with by this Tribunal on several dates and orders have been passed having regard to the fact situation depicted in the inspection reports filed before this Tribunal from time to time. The record clearly shows that untreated industrial effluents were being discharged in a water body causing damage to the eco system and health of the inhabitants. Faced with such situation, this Tribunal directed

the CETP operator to deposit interim compensation in the sum of Rs. 5 crores with the District Magistrate vide order dated 11.04.2018. Since the pollution continued, further compensation of Rs. 5 Crores was required to be paid by the CETP operator vide order dated 17.08.2018.

3. In view of the repeated failure on the part of the regulatory authorities and the CETP operators, a Monitoring Committee headed by a former Judge of the Bombay High Court was appointed to propose a time bound action plan. The report of Justice V.M. Kanade was considered vide order dated 09.04.2019. The action plan proposed steps for upgradation of the CETP. The Cooperative Society operating the CETP passed a resolution for takeover of the CETP by Maharashtra Industrial Development Corporation (MIDC). MIDC started working around 01.11.2018 but the pollution was not stopped. Accordingly, vide order dated 09.04.2019, this Tribunal directed that industries which were the source of pollution be shut down till remedial action is taken. We noted that MIDC as well as MPCB were unable to provide any other option. The MPCB was directed to suspend consent to operate of the industries not meeting the norms and permit them only after the remedial steps are taken. CETP operator was required to deposit balance of amount of Rs. 6.1 Crores towards compensation for the damage to the environment. The amount was to be deposited with the District Magistrate for restoration of the environment.

4. The matter was last considered on 03.09.2019 and since violation of norms was continuing, certain directions were issued which included payment of compensation and also ensuring compliance of mandate of law on the subject of discharge of effluents.
5. Accordingly, the Maharashtra State PCB verified the status and has furnished its report on 25.10.2019 concluding as follows:-

The operational phase of CETP i.e. Phase — II is not meeting the MPCB prescribed standards for discharge. Critical parameter like BOD, COD and Ammonical Nitrogen are exceeding the prescribed standard by significant margin.

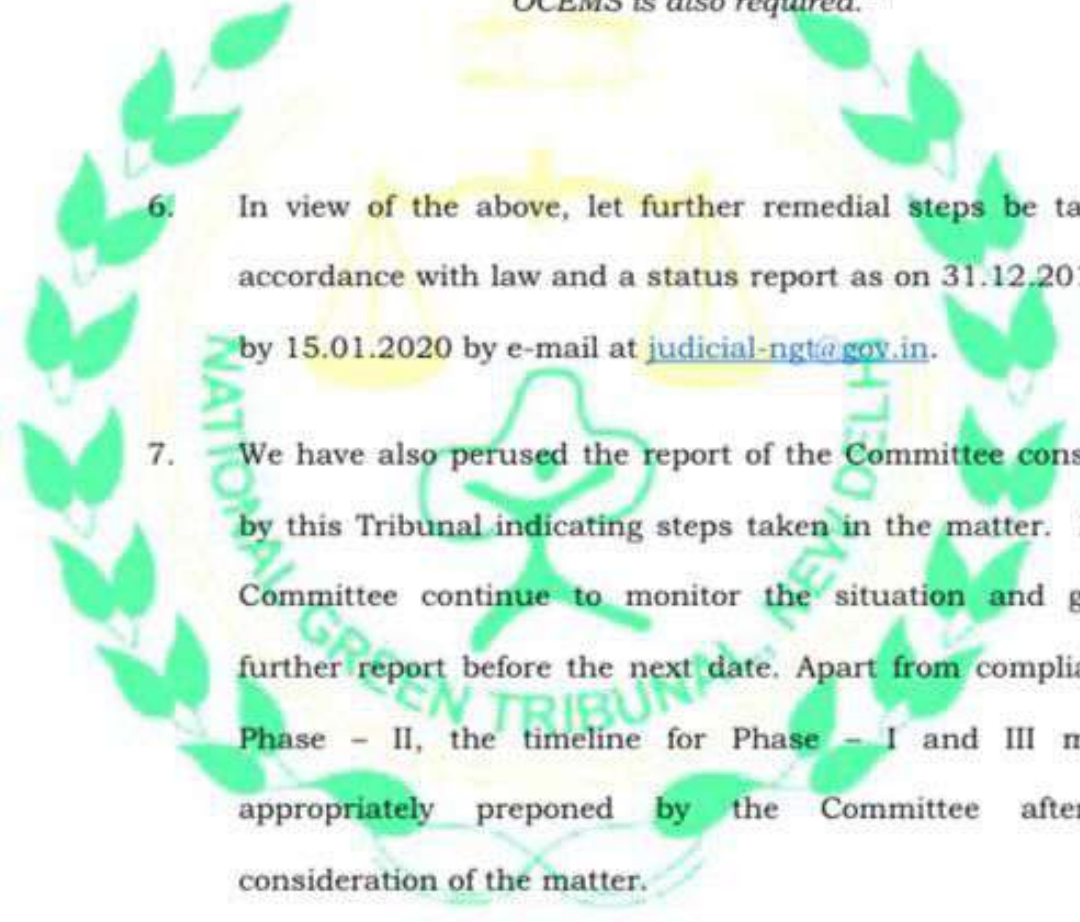
The CETP is in the process of revamping and upgradation. The civil structure of different treatment units in Phase —II are completely revamped. However, the overall progress of revamping / upgradation is in transition stage and it can be presumed that with current pace of work some more time will be required for complete stabilization of CETP.

As described in para 3.3 above, the inlet channel from bar screen to collection tank is to be revamped soon as per the action plan and therefore not much attention is paid on its present condition, which is resulting in deposition of huge quantity of sludge in this channel and thus impacting the quality of effluent in the collection tank and subsequently at final outlet.

The analysis results of grab sample shows that concentration of ammonia increases from inlet to outlet and therefore the CETP needs to put special attention in this regard. Although massive quantity of 4264.34 MT of sludge has been disposed to CHWT SDF but still the CETP needs to act proactively to dispose the old sludge stored and also the sludge generating with the present treatment process.

Immediate removal of sludge from bar screen chamber and the channel from this chamber to collection tank is required to be done so that undesirable loading on collection tank and subsequent treatment units can be avoided and better results can be achieved at the final outlet.

The analysis being carried out at CETP laboratory are not satisfactory and therefore mechanism for analytical quality control and data authentication is required to be established. Also, the values displayed by OCEMS are not comparable with monitoring results and therefore proper calibration of the OCEMS is also required."

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6. In view of the above, let further remedial steps be taken in accordance with law and a status report as on 31.12.2019 filed by 15.01.2020 by e-mail at judicial-ngt@gov.in.
 7. We have also perused the report of the Committee constituted by this Tribunal indicating steps taken in the matter. Let the Committee continue to monitor the situation and give its further report before the next date. Apart from compliance of Phase - II, the timeline for Phase - I and III may be appropriately preponed by the Committee after due consideration of the matter.

List again on 17.02.2020.

Adarsh Kumar Goel, CP