

# Prasad Anant Gurav vs The Sub-Divisional Officer on 31 May, 2023

Item No.3

(Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.64 OF 2018 (WZ)

Prasad Anant Gurav

.... Applicant

Versus

The Sub-Divisional Officer & Ors.

.... Respondents

Date of Hearing : 31.05.2023

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicant : ----

Respondents : Mr. Mukesh Verma, Advocate for R-2  
Mr. Shreyas Hingmire, Advocate i/b Vislegis  
Law Practice for R-10

## ORDER

1. None has appeared from the side of the applicant despite repeated calls. On the previous occasion also, none had appeared from his side.

2. This application has been filed seeking direction to be issued against the setting up of a proposed EERW Pipe unit at village Koste Budhruk, Taluka Mangaon, District Raigad, which is being set up by respondent No.14 i.e. JTL Infra Limited (current number of the said respondent is 16). The said industry is involved in manufacture of ERW black steel pipes, hallow section and LTZ section as well as fencing tubes required in oil and gas, solar structure, road barriers gates, parking barrier, fencing, steel gates and windows, road side railings, etc. The said industry is set up close to the edge of Kal river, which is resulting in tremendous damage to the ecology because of discharge of pollutants in the river. Hence, it was prayed by the applicant that Consent to Establish dated 24.07.2018 issued by respondent No.2 - Maharashtra Pollution Control Board (MPCB) be declared arbitrary and illegal and should be quashed.

3. In compliance with our previous order, the respondent No.2 - MPCB has submitted a report dated 22.05.2023, indicating current status of the pollution, which is as follows:

"In order to verify the present status, the Official of the Board at Raigad visited to the site of Respondent No.16 - M/s JTL Infra Ltd. at Survey No.86/1/A/1, 92/20, Kaste Budruk, Tal. Mangaon, Dist. Raigad on 12/5/2023 and observed as under:

(i) During the visit, the industry is operational.

(ii) Industry has obtained Consent to Establish on 24/7/2018 for manufacture of ERW Pipe and Solar Section under 'Green Category' (without any metal surface treatment).

(iii) Thereafter, industry had obtained First Consent to Operate on 26/2/2019 for same activity as per Consent to Establish.

(iv) Thereafter, industry has obtained Consent to Establish, for Expansion from Board under 'Red Category' for manufacturing of ERW & GI Steel Pipe with Pickling activity on 19.07.2019 which is valid upto Commissioning of the unit or 5 years whichever is earlier.

(v) Thereafter, industry has obtained Consent to Operate for expansion under 'Red Category' on 17.08.2020 which was valid upto 31.07.2021 and recently, they have obtained combine Consent to Operate for ERW and GI Steel Pipe with pickling activity and Solar section under 'Red Category' dated 03.03.2023, which is valid upto 31/07/2023.

(vi) Industrial effluent generation from the manufacturing activity is 3.0 CMD and domestic effluent generation is 10.0 CMD. For the treatment of the same, industry has installed Effluent Treatment Plant, which comprises of Primary Treatment and Tertiary Treatment. The treated effluent is reused into process to achieve the ZLD.

During the visit, there is no direct or indirect discharge was observed outside the factory premises.

(vii) Industry has installed two scrubbers to the pickling section and zinc furnace to control the emission followed by two separate stacks having height 15.0 mtrs. and 14.0 mtrs. respectively. Also, industry has changed the fuel instead of F.O. to LSHS in compliance with the Board Circular. Industry has also installed one D.G. set of capacity 625 KVA with acoustic enclosure and stack height of 14.0 meters.

(viii) Industry has obtained membership of CHWTSDF for disposal of hazardous waste.

(ix) The non-hazardous waste generated from the activity is sent to the authorized party.

(x) The distance of River Kal from the industry is approx..

200 meters.

(xi) Industry has started the installation work of STP."

4. Perusal of the above report would indicate that there was no pollution found at the site in question and the industry - respondent No.16 is also reported to have all the valid Consent to Establish and Consent to Operate. Since none has appeared from the side of the applicant to show any kind of pollution at the spot, we have no option but to accept the report submitted by respondent No.2 - MPCB and hold that the reliefs prayed in this application are infructuous.

5. From the side of respondent No. 2 - MPCB, learned counsel Mr. Mukesh Verma has appeared.

6. From the side of respondent No. 10 - Mahanagar Gas Limited, learned counsel Mr. Shreyas Hingmire has appeared and states that he has not been provided copy of the Original Application and hence, he could not file the reply-affidavit. But we find that no prayer has been made by the applicant against respondent No.10 in this application. Therefore, we do not find it appropriate to direct the learned counsel for respondent No.10 to file the reply-affidavit.

7. With the above observations and finding, we dispose of this Original Application as infructuous.

Dinesh Kumar Singh, JM Dr. Vijay Kulkarni, EM May 31, 2023 O.A. NO.64/2023 (WZ) npj