

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

APPLICATION NO.30 /2013 (WZ)

**Godavari Magasvargiya Matsya Vyavasai Sahakari Sansthan Vs The  
Gangakhed Sugar & Energy Ltd., & Ors.**

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant : Mr. Asim Sarode, Adv.  
: Mr. Vikas Shinde, Adv.  
Respondent No.1 : Mr. Subhash Gandhi, Adv.  
: Mr. Kisan Wagai, Adv.  
Respondent No.3, 6 & 7 : Mr. D.M. Gupte, Adv.  
: Ms. Supriya Dangre, Adv.  
: Mr. V.V.Mundhe, Field Officer**

Date and Remarks	Orders of the Tribunal
<b>Item No.1 December 4, 2013 Order No.2</b>	<p>We have heard Learned Counsel for the parties. The Counsel for Respondent Nos.1 and 2 submits that a detailed Affidavit will be filed in due course alongwith relevant documents. The Counsel for the Applicant seeks leave to amend the application in as much as the Applicant-Society is now taken over by the Administrator. The Counsel for the MPCB also seeks time to file detailed Affidavit alongwith relevant Report.</p> <p>Shri V.V. Mundhe, Field Officer of MPCB is present. On instruction, Shri D.M. Gupte, the Learned Counsel for the MPCB makes a statement that the Suger Factory of the Respondent Nos. 1 and 2 falls in the catchment area of the pond and there is no other industry of which effluent is collected to the said pond.</p> <p>The Report of the Executive Engineer of Majalgaon, District Beed (Irrigation Department) is placed on record. We do not know as to why he has filed the report under protest. Issue Bailable Warrant for Rs.20,000/- (Rs. Twenty Thousand only) against the Executive Engineer Shri P.S. Parate, Majalgaon Irrigation Division, Parli-V, District Beed to appear in person before this Tribunal on 6<sup>th</sup> January 2014. The Warrant shall be served through Dy.S.P. Parali Police Station, District Beed without fail, in accordance with provisions of Section 19(4)(a) of the National Green Tribunal Act 2010 read with Order XV 1 Rule 10(3) and Section 151 of C.P.C.</p> <p>We have also heard the Learned Counsel for contesting parties on the question of interim measures to be taken. We indicated</p>

**Item No.1  
December 4,  
2013  
Order No.2**

the Counsel for the parties who are present, that we may pass an interim order in view of the available record. The Collector, Parbhani had constituted a Committee to look into the grievance of the fishermen. The Collector has not filed reply-Affidavit. The Collector shall be called upon to file reply-Affidavit alongwith all the details including the Report of the joint visit report of the said Committee and the findings. The Collector, Parbhani may depute Additional Collector or any other responsible Officer, not below the rank of Dy. Collector, to visit and inspect the Sugar Factory immediately when it is in operation and the level of the production is above 65 to 70 per cent in order to collect samples of the effluent discharged, particularly which are discharged from the outlet of the sugar and distillery unit and likely to flow towards the pond called 'Mannat talao'. The samples shall be collected with help of Regional Officer of the MPCB and test Report shall be obtained from the authorised Laboratory and the Confidential Report thereof be separately obtained by the Collector. Thereafter, the Collector may prepare a reply Affidavit and file the same in this Tribunal by next date. A copy of this order be taken by hand and given to Office of the Collector by Dasti service through Shri V.V. Mundhe, Field Officer of MPCB for compliances. In case of non compliance of the order, coercive action is likely to be taken.

Reserved for interim order and stand over for reply-Affidavit and further steps on 6<sup>th</sup> January 2014.

**Stand over to 6<sup>th</sup> January 2014.**

....., JM  
(Justice V. R. Kingaonkar)

....., EM  
(Dr.Ajay A. Deshpande)