BEFORE HONOURABLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

SUO-MOTO MATTER
APPLICATION NO. 274/2020

BETWEEN:

Suo-Moto Matter News in Indian Express 23.11.2020

VERSUS
Maharashtra Pollution Control Board and Others

ACTION TAKEN REPORT SUBMITTED
BY RESPONDENT NO. 5

Loknate Baburao Patil Agro Ind. Ltd.

<table>
<thead>
<tr>
<th>Sr.</th>
<th>Particulars</th>
<th>Ax.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Additional Information in view of NGT hearings on 17.12.2020</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>PESO Certification</td>
<td>A1</td>
<td>9</td>
</tr>
</tbody>
</table>

Place: Mumbai
Date: 17.12.2020

Filed by: Advocate Raghunath Mahabal

B-202 Chandravijay, Phale Road, Opp. Bansuri Hotel, Mulund East, Mumbai - 400081, Maharashtra, India.
Google Map: https://goo.gl/maps/9amvYAzm9yV1wh27
7400116222 mahabal60@gmail.com

Raghunath Mahabal चुनाव महाबल
BE (Mech), ME (Indl.Management) VITI Mumbai
Chartered Engineer, FIE, LLM ADVOCATE
MOST RESPECTFULLY SUBMITTED:

1. I, Omprakash Jogade, working as Chief Executive Officer, am filing this reply on behalf of Loknete Baburao Patil Agro Ind. Ltd., Respondent No.5 (Industry) in this suo-moto matter Application No. 274/2020. I have sufficient knowledge of the facts and the authority to file this reply.

TWO INDEPENDENT UNITS

2. There are TWO independent units under the same title. They have different separate ‘Consent to Operate’. The ‘Environmental Clearance’ is required for Distillery unit only.

<table>
<thead>
<tr>
<th>Industry UNITS</th>
<th>‘Consent to Operate’</th>
<th>‘Environmental Clearance’</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Sugar Factory &amp; cogeneration</td>
<td>Valid up to 31/7/2022</td>
<td>NOT APPLICABLE</td>
</tr>
<tr>
<td>B. Distillery Unit</td>
<td>31/8/2021</td>
<td>Issued on 19.05.2008</td>
</tr>
<tr>
<td>PESO required</td>
<td>Applicable for Ethanol storage up to 1810 KL</td>
<td>Applicable &amp; obtained 31/12/2024</td>
</tr>
</tbody>
</table>

ACCIDENT LOCATION

3. These two industrial units, are adjacent to each other. Sugar Factory manufacturing sugar and power cogeneration plant. Distillery is manufacturing Rectified Spirit or Extra neutral Alcohol or Ethanol or Fusel Oil. Accident did not happen in any of the manufacturing units (Sugar OR Distillery).

4. Both have independent Effluent Treatment Plant (ETP)
operating independently. Distillery Unit uses the Molasses as raw material, which is waste from the Sugar unit. In Distillery Unit, after entire manufacturing process is complete, Rectified Spirit or Extra neutral Alcohol or Ethanol or Fusel Oil is produced. Thereafter, Effluent (spent-wash) is generated, which is waste.

5. This Effluent (spent-wash), is sent to Distillery Unit Effluent Treatment Plant (ETP). This Treatment process consists of Bio-Digestor where high BOD/COD is reduced in anaerobic process to treat the Effluent (spent-wash). Methane Gas gets generated in this bio-digester as a by-product; which is used as fuel in Boiler for generating steam.

6. **Accident happened in the ETP of Distillery Unit.** (i.e. breaking of welding-joint of the bottom shell of the tank). **It did not happen in the manufacturing process of Distillery or Ethanol.** There was no accident or effect of it in the manufacturing plant of Sugar Factory OR Distillery Unit.

**PESO LICENCE**

7. **PESO Certification is required for Ethanol storage** (Petroleum and Explosive Safety Organisation of India registration). **Distillery Manufacturing Unit requires and has that, for storage of 1810 kL of Class A products.**

8. **PESO Licence is NOT required for Methane**
Gas production and storage, from the Effluent (spent-wash) OR storage of it.

9. Effluent (spent-wash) is not classified as Hazardous Waste or Hazardous Chemical. It does not come under any of these regulations.

COMPENSATION PAID TO DECEASED

10. Unfortunately, two workmen/employees died within the ETP area near & due to bio-digestor wreckage, due to physical injury; and NOT due to Methane Gas leakage, or suffocation from that or explosion or fire. Heirs of both are already compensated as per the Factories Act 1948 and Workmen Compensation Act 1923.

11. Employment was offered to hears of both. One of them has already accepted it and other one may confirm the acceptance in a week.

COMPENSATION PAID TO INJURED

12. There is no partial or full disability to any of the workmen. As such nothing was required to be paid on these grounds.

MEDICAL EXPENSES

13. Entire medical expenses, bills for ambulance, hospitalization and medication were fully paid by the Industry. All of them have been already discharged. They are on fully paid medical leave for 15 days.
SAFETY MEASURES – FOR FUTURE

14. Accident happened when Methane Gas generation was not even started. That stage would have come 15 days later. The capacity of the tank was 9600 m$^3$ whereas the Effluent (spent-wash) in it was about 6500 m$^3$. So it was not even full to its capacity. Top manhole covers also were open. There was no gas pressure inside. Even when there is Methane Gas generation, the pressure is +0.03 kg/cm$^2$. As such this is not high pressure enough to rupture the tank.

15. The bio-gas digestor was standing over a decade. It was painted from outside with silver-paint to reflect heat. It is coated from inside with epoxy-paint to withstand the corrosion. It was inspected periodically once in two years. Last year it was not even operated or sued, as plant was closed. The manufacturer of the tank was experienced company and has 300+ installations in India.

16. All these good operating practices shall be continued even in future. Failure of the tank shall be studied in depth with a view to avoid it.

FUTURE PRECAUTION – NEW BIO-DIGESTOR

17. The new bio-digestor shall be provided with the 2 m wide concrete paving all around and the drains leading to storage pit, so as to arrest the accidental leakage then and there.

18. New bio-digestor has been already ordered for total of Rs.3 Crore (workmanship, bought out items and basic
material cost, all put together). The welding and epoxy-coating of the tank will be done with extra care.

**POLLUTION CAUSED & REMEDIED**

19. The mishap happened in the ETP area, and not the industry OR manufacturing plant area. Effluent did not enter the adjacent areas, but spread mainly within the factory premises in areas shown on Map i.e. bagasse yard, compost yard, cane yard and garden.

20. There was no air pollution of any of the criteria pollutant. There was no surface or ground water pollution, as Effluent (spent-wash) was recollected immediately.

21. Out of total spillage of about 6500m$^3$, 77% or about 5000 m$^3$ of Effluent (spent-wash) was recollected in liquid form as it is.

22. Soil contaminated and soaked in it has been retrieved to the tune of 5000 Mt. It has been already transported to Concrete paved Compost Yard of 7.5 Acre, where it would be treated in wind-rows. The soil shall be tested and used within the garden area of about 6 Acres within the factory premises.

**DAMAGE TO ENVIRONMENT & REMEDIATION**

23. There was no damage to flora or faun, animals or birds.

**SUBMISSIONS ON AFFIDAVIT BY MPCB**

24. **Industry has seen the Visit Report of MPCB dated 22.11.2020, directions of MPCB dated**
01.12.2020 and the Affidavit filed before this Hon’ble Tribunal on 16.12.2020. MPCB officials have visited the site thrice to see what had happened, and to see the action taken by the industry. Their officials also had visited to inspect the liquid effluent retrieved by the Industry from the adjacent dry-nallah.

25. The Affidavit by MPCB need not be contradicted. There findings and directions shall be implemented. MPCB has already given directions u/s.33A dated 01.12.2020 and the same has been already complied with.

26. The Distillery Unit has been voluntarily closed-down from 21.12.2020. MPCB shall be shown the alternative ETP arrangement being done to treat the Effluent (spent-wash) from the Distillery Unit. It would be now be directly treated in the Compost Yard with larger area and sustainable loading, using additional press-mud and fly-ash. The Action Taken Report has been submitted to MPCB. Industry shall invite the MPCB Officials for showing the progress and installation of new bio-digestor.

27. Only as per the approval of the MPCB and conditions that shall be applied, approved and incorporated in the existing ‘Consent to Operate’, the further Effluent (spent-wash) treatment shall be done. It shall be measurable, verifiable and shall be documented by us, in terms of quantity, volume and photographs.

**SUBMISSIONS ON AFFIDAVIT BY DISH**

28. The Affidavit of DISH also is not contradicted on the
environmental or pollution grounds. Industry shall submit their jurisdiction under Factories Act 1948 and shall follow their directions.

29. **There are no adverse findings as regards to damage to environment, pollution caused OR relief, compensation and remediation to be done.**

30. **Industry states that whatever corrective action was to be done to remediate the pollution and its effects on environment (mainly soaking the soil with Effluent (spent-wash), has been done. That would be continued and completed within a month.**

31. This is statement is submitted, by the specific approval of the Industry. As such the industry is bound by that. **This shall be taken on record as the submission and undertaking in this matter.**

**PRAYER**

32. In light of the above facts and circumstances, the Applicant prays that, this suo-moto Original Application may be disposed-of, by taking these submissions on record.

AND for this act of kindness, as duty bound shall ever pray.

![Signature]

Raghunath Mahabal

Place: Mumbai
Date: 17.12.2020

ADVOCATE FOR RESPONDENT NO. 5

Loknete Baburao Patil Agro Ind. Ltd.
Annexure-A1

Government of India
Ministry of Chemicals & Fertilizers
Petroleum & Explosives Safety Organization

Mr. LOKAJETE, BAHURAD PATIL, AGRO INDUSTRIES LIMITED,
Lakhingapur, Junegr, Tel: Mob: District: Solapur - 413021,
Selkur North, Taluka: Solapur North, District: SOLAPUR,
State: Maharashtra, PIN: 413021


Grant of License expiring on 25 SEP 2020

Please refer to your letter No. OLH/51519 dated 14/08/2020 for the storage of the following crude and finished petroleum at the subject installation is forwarded herewith:

**Description of Petroleum**

<table>
<thead>
<tr>
<th>Description of Petroleum</th>
<th>Quantity in KL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petroleum Class A in bulk</td>
<td>1810.00 KL</td>
</tr>
<tr>
<td>Petroleum Class B in bulk</td>
<td>NIL</td>
</tr>
<tr>
<td>Petroleum Class C in bulk</td>
<td>NIL</td>
</tr>
<tr>
<td>Petroleum Class D in bulk</td>
<td>NIL</td>
</tr>
<tr>
<td>Petroleum Class E in bulk</td>
<td>NIL</td>
</tr>
</tbody>
</table>

**Float Capacity**: 1810.00 KL

Please follow the procedure strictly as laid down in rule 143 of the Petroleum Rules, 2002 and submit complete documents for the renewal of the licence to the Chief Controller of Explosives, West Circle, Mumbai, so as to reach his office on or before the date on which Licence expires.

This approval/permission, however, does not absolve from obtaining necessary permission/assurance from other authorities or under other statutes as applicable.

Copy forwarded to:
1. The District Magistrate, SOLAPUR (Maharashtra) with reference to his NOC No. 29/19/CG-38/R/13/2019 dated 01/11/2019

For the Chief Controller of Explosives

Mumbai

[Signature]

[Handwritten Notations]

9

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**FORM XV**

(see Article 6 of the First Schedule)

**LICENCE TO IMPORT AND STORE PETROLEUM IN AN INSTALLATION**

*Annuity S. (Licence No.): PIWC/MH/15/6358(P/A457321)*

Mrs. LOKNETE BABURAOG PATIL AGRO INDUSTRIES LIMITED, Laxminagar, Angar., Tal: Mohol, District: Solapur - 413214, Solapur North, Taluka: Solapur North, District: SOLAPUR, State: Maharashtra, PIN: 413214 valid only for the importation and storage of 1810.00 KL of Petroleum of the class and quantities as herein specified and storage thereof in the place described below and shown on the approved plan No PIWC/MH/15/6358(P/A457321) dated 07/09/2020 attached hereto subject to the provisions of the Petroleum Act, 1934 and the rule made thereunder and to the further conditions of this Licence.

The Licence shall remain in force till the 31st day of December 2024.

<table>
<thead>
<tr>
<th>Description of Petroleum</th>
<th>Quantity Licensed in KL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petroleum Class A in bulk</td>
<td>1810.00 KL</td>
</tr>
<tr>
<td>Petroleum Class A, otherwise than in bulk</td>
<td>NIL</td>
</tr>
<tr>
<td>Petroleum Class B in bulk</td>
<td>NIL</td>
</tr>
<tr>
<td>Petroleum Class C in bulk</td>
<td>NIL</td>
</tr>
<tr>
<td>Petroleum Class C, otherwise than in bulk</td>
<td>NIL</td>
</tr>
</tbody>
</table>

**Total Capacity**

1810.00 KL

For Jt. Chief Controller, Explosives
WC, Mumbai

September 7, 2020

**DESCRIPTION AND LOCATION OF THE LICENSED PREMISES**

The licensed premises, the layout, boundaries and other particulars of which are shown in the attached approved plan are situated at Survey No: 592 & 601, NA, Angar, Taluka: Mohol, District: SOLAPUR, State: Maharashtra, PIN: 413214 and consists of 5 Above Ground tank(s) for CLASS A together with connected facilities.