

SUPPLEMENT
ACTION TAKEN REPORT
THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
In the Matter of Original Application No. 132/2019
Jaydipsinh M. Chauhan & Anr. Versus State of Gujarat

Reference:-

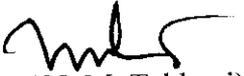
1. Hon'ble National Green Tribunal Order dated 08/08/2019. In this context of application against pollution caused by Bhagirath Ashpalt located at Village: Thakorna Mosampura, Tehsil:- Dehgam, District. Gandhinagar, State: Gujarat, the Gujarat Pollution Control Board (GPCB) was directed as:

“ Let a properly verified report be now filed by the Member Secretary, GSPCB within one month by email at judicial-ngt@gov.in. the report may mention the action taken on “Polluter Pays” Principle for the past non-compliance”.
2. Reference to (1), Member Secretary, GPCB filed Action Taken Report on 07.09.2019 vide email at judicial-ngt@gov.in. (Annexure-1)

Supplement Action Taken Report:-

1. As mentioned at point no. 5 of action taken report submitted on 07.09.2019, industry M/s. Bhagirath Ashpalt located at Village: Thakorna Mosampura, Tehsil:- Dehgam, District. Gandhinagar, State: Gujarat was directed to submit Interim Environmental Compensation of Rs. 3,56,250/- (Rupees three lac fifty six thousand two hundred fifty only) vide letter 07.09.2019. Also GPCB directed industry to submit a Bank guarantee of Rs. 1 (one) lac undertaking efficiently operation of APCM in future.
2. In these regards,
 - i. M/s. Bhagirath Ashpalt has deposited Rs. 3,56,250/- (Rupees three lac fifty six thousand two hundred fifty only) to GPCB on 21.09.2019 (Annexure-2). Acknowledgment from account office, GPCB regarding credited amount is placed at Annexure-3.
 - ii. M/s. Bhagirath Ashpalt has submitted a Bank guarantee of Rs. One lac of Oriental Bank of Commerce dtd. 25.09.2019 valid up to 20.09.2020 to GPCB for due compliances of consent conditions/ directions for proving adequate and satisfactory pollution control system as required under the Water Act'74, Air Act'81 and E (P) Act'86. (Annexure-4).

After proper verification of facts this Supplement Action Taken Report is submitted by undersigned.


(N. M. Tabhani)
Member Secretary

Annex + ue - 1



Legal Officer <legal.gpcb@gmail.com>

Action Taken Report in the matter of OA 132 of 2019 Jaydeepsinh Chauhan

2 messages

Legal Officer <legal.gpcb@gmail.com>

Sat, Sep 7, 2019 at 6:23 PM

To: judicial-ngt@gov.in

Cc: ngt.filing@gmail.com, filing.ngt@gmail.com

Bcc: membersecretary.gpcb@gmail.com

The Registrar
HON'BLE NATIONAL GREEN TRIBUNAL
New Delhi

Respected Sir,

Kindly refer the Action Taken report reference to order dated 8th August 2019 issued in the matter of Jaydipsinh M. Chauhan Versus State of Gujarat, Original Application No 132 of 2019 by Hon'ble National Green Tribunal, Principal Bench, New Delhi.

We are submitting herewith Action Taken Report with Annexures.

Action Taken Report

Annexure I : Action taken report submitted on 06.07.2019
Annexure II : Inspection report on 03.09.2019
Annexure III : Letter to Bhagirath from RO, Gandhinagar
Annexure IV : Reply from M/s. Bhagirath Associate dated 31.01.2019
Annexure V : Reply from M/s. Bhagirath Associate dated 25.02.2019
Annexure VI : Inspection report of 11.04.2019
Annexure VII : Letter to submit EDC and BG

N. M. Tabhani
Member Secretary

8 attachments

- ATR 07092019.pdf
803K
- Annex III letter to bhagirath from RO.pdf
166K
- Annex II IR 03092019.pdf
251K
- Annex IV reply 25022019.pdf
515K
- Annex VII EDC letter.pdf
40K
- Annex VI IR 11042019.pdf
460K
- Annex V reply 31012019.pdf
1325K
- Annex I 06072019.pdf
2449K



Ref. : RTGS/2019/367
Application for National Electronic Fund Transfer
Real-Time Gross Settlement Systems (NEFT/RTGS)

To,
The Branch Manager
Oriental Bank of Commerce
Sector - 11
Gandhinagar

Date : 21-Sep-19
PAN No. : AAEFB7853Q

Dear Sir,
Please remid through NEFT / RTGS as sum of Rs. 356250/- (Rupees Three Lakh FiftySix Thousand Two Hundred Fifty Only) as per details given below

By Cheque

Details of Applicant (Remitter)

Account Number : 09334011000751
Cheque No. : 014887 Cheque Date : 21-Sep-19
Remitter's Name : Bhagrath Associates
Address : F-3, Siddhraj Zavod, Sargasan, Gandhinagar
Moblie No : 9909006921

Details of Beneficiary

Beneficiary's Name : Gujarat Pollution Control Board
Account Number : 10325062238
Reconfirm Account Number : 10325062238
Bank Name : State Bank of India
IFSC Code (11 - Digt) : SBIN0001355
Brach Address : Gandhinagar Zonal Branch
Sender to Recalver Information (if any) : Current Account
Beneficiary Contact No. : 9825020389

Terms and Conditions

- This transfer is valid for a single transaction
- The fund transfer will be governed by the Terms and Conditions given on our website www.obcindia.co.in
- Due care is taken while filling up the beneficiary account number & IFSC code
- Transfer of an amount up to Rs 49,999 in cash permissible using this facility.
- Photo ID proof to be given by non customer for cash payment.
- Please do not disclose your account details/Internet Banking, User ID and Password/ATM debit card/Credit Card/Mobile Banking/Personal Information to any person.
- Do not fall prey to false promises; beware of dubious scheme.

Declaration

- I/We authorized OBC Bank to recover charges as may be applicable by debiting my account as mention above.
- I/We understand that as per the RBI Circular dated October 14,2010, transfer of funds through electronic mode will be executed only on the basis of the account number of the beneficiary provided while initiating the transfer. Name will NOT be considered as a criteria for providing credit.
- I understand that this facility is available only at selected locations on banks covered under Electronic funds Tranfer facility offered by RBI.

Customer Signature(s)

UTR NO : ORBCHO192640
40009

UTR No.:

ओरियन्टल बैंक ऑफ़ कॉमर्स ORIENTAL BANK OF COMMERCE गान्धीनगर शाखा / GAN. BH. NAGAR BR.
21 SEP 2019
अन्तरण/TRANSFER
₹./Rs. क्लर्क/Cashier

Re: Regrading confirmation of EDC of M/s. Bhagirath Associate, Gandhinagar 201/1

Rajendrakumar D Patil(GoG-GPCB Dept.)

Tue 10/1/2019 11:39 AM

To: Vijaykumar-2 M Prajapati(GoG-GPCB Dept.) <nuh-gpcb-gana@gujarat.gov.in>; CMA Shashin A Raval(GoG-GPCB Dept.) <uh-gpcb-acco@gujarat.gov.in>; nuh-gpcb-acco@gujarat.go <nuh-gpcb-acco@gujarat.go>;
Cc: Dipali-2 A Tank(GoG-GPCB Dept.) <uh-gpcb-gana@gujarat.gov.in>;

Sir,
Credited S. B. I. Account No. 62238 Dt. 21-09-2019 Rs. 3,56,250/-
TRANSFERTGS UTR NO:ORBCRS2019092100040009-BHAGIRATH ASSOCIATES

Thanks

Yours Faithfully

R D Patil

S

From: Vijaykumar-2 M Prajapati(GoG-GPCB Dept.)
Sent: Monday, September 30, 2019 5:41:14 PM
To: CMA Shashin A Raval(GoG-GPCB Dept.); Rajendrakumar D Patil(GoG-GPCB Dept.); nuh-gpcb-acco@gujarat.go
Cc: Dipali-2 A Tank(GoG-GPCB Dept.)
Subject: Regrading confirmation of EDC of M/s. Bhagirath Associate, Gandhinagar

To,
Account Officer,
Gujarat Pollution Control Board.

This office has directed M/s. Bhagirath Associate located at Survey No. 27, Village: Thakor Na Mosampura, Tal.:Dehgam, Dist.:Gandhinagar to deposit Rs. 3,56,250/- (Rupes Three lac fifty six thousands two hundred fifty only) as an interim Environmental Damage Compensation vide order dated 07/09/2019. (Annexture-1).

Industry has submitted the same and submitted details as Annexture-2.
Kindly confirm the receipt of the of Rs. 3,56,250/- (Rupes Three lac fifty six thousands two hundred fifty only) in the account of Gujarat Pollution Control Board.

Your faithfully
(Dipali Tank)
Unit Head

SF-34

COVERING LETTER FOR BANK GUARANTEE

ORIGINAL TO BE
ANNEXED TO THE
BANK GUARANTEE

ओरियन्टल बैंक ऑफ़ कॉमर्स
प्रधान कार्यालय: प्लॉट सं. 5, इंस्टीट्यूशनल एरिया, सेक्टर-32, गुडगांव-122001
ORIENTAL BANK OF COMMERCE
H.O. : Plot No. 5, Institutional Area, Sector-32, Gurgaon - 122001

ORIENTAL BANK OF COMMERCE
MSME Cluster, AHMEDABAD
Branch G-2, 1st Floor, "SAMEDH"
(COMPLETE ADDRESS)
Near Assam Petrol Pump,
C. G. Road, Ahmedabad - 380 006.

Name & Address of the Regional Office
under whose jurisdiction this branch
is functioning

ORIENTAL BANK OF COMMERCE
CHANDRAYA BUILDING, 4TH FLOOR,
NEAR DINESH HALL, OFF. ASHRAM ROAD,
AHMEDABAD-380 009.

co.ahm@obc.co.in

No. OBC
18 **335055**

Date 25/09/19

This Covering letter is issued to be annexed to the letter of

Guarantee No. 09330006119 Dated 25/09/19

for amount of Rs. 100000/- (Rupees One lac only)

valid till 20/09/2020 issued by this office under

the joint signatures of :-

(1) Mr./Ms. Raj Kumar
(Designation) Sr. Manager
P.A. No. R-862

(2) Mr./Ms. Rajan Meary
(Designation) Chief Manager
P.A. No. R-587

Confirmation of this guarantee if the same is desired, should be obtained from the
Regional Office named above.

Beneficiary's Name & Address
<u>Gyamt Pollution</u>
<u>control Board</u>
<u>Gandhinagar</u>
<u>382010</u>

Signature Rajan Meary

Name Rajan Meary

Designation Chief Manager

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100

₹. 100

ONE HUNDRED RUPEES

भारत INDIA

INDIAN NON JUDICIAL

गुजरात गुजरात GUJARAT

BT 689498

नं. 9. 8. 2019 ... 31. 8. 2019

तारीख ... 25 JUN 2019

वेनार 09330006119

ठेकापुं 25/09/18

गांधीनगर सभ 200. 4. 2019

स्टेम्प वे-52

अंशुभा वरदास विठो

छा. नं. 13/83

सर्वी

BANK GUARANTEE

Bank Guarantee No.	09330006119
Bank Guarantor Amount	100000/-
Issue Date :	25/09/18
Expiry Date :	20/09/20
Claim period upto	20/09/20

To,
Gujarat Pollution Control Board,
Gandhinagar - 382 010.

1. In Consideration of the Unit Head, Gujarat Pollution Control Board, Gandhinagar having agreed to grant Ms. Bhagirath Associates (thereinafter referred to as the company/unit). time for the due compliance of consent conditions/directions for providing adequate and satisfactory pollution control system as required under the provisions under section-25 of Water (Prevention and Control of Pollution) Act-1974, under section-21 of Air (Prevention and Control of Pollution) Act-1981 and Authorization under rule 5(4) of the Hazardous Waste(Management & Handling & Trance boundary movement) Rules-2008 framed under the Environmental (Protection) Act-1986 on production of a Bank Guarantee for Rs. 1,00,000/- (Rupees One Lakh only) we Oriental Bank of Commerce (hereinafter referred to as the Bank.) at the request of said M/s. Bhagirath Associates do hereby undertake to pay to the Board an amount not exceeding-Rs. 1,00,000/- (Rupees One Lakh only) against any non compliance of consent conditions/directions or damages etc. caused to the Environment by reason of any breach of provisions of said Acts, Notices, letter, instructions etc by the said company/unit/local body.

For Oriental Bank of Commerce
[Signature]
R-812

Assistant General Manager
SME Cluster Head, Ahmedabad

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100

₹. 100

ONE HUNDRED RUPEES

भारत INDIA

INDIA NON JUDICIAL

गुजरात गुजरात GUJARAT

BT 689499

नं. १३४५ ...

तारीख २६ ... JUN 2019

बेनाम

डेकासुं

गांधीनगर सभ रज. क्षेत्रीना

अध्य वे-३२

अंशुख वस्वान्त विडोल

अ. नं. १३/९३

सर्वी

Bank Guarantee Amount	
Issue Date :	25/09/19
Expiry Date :	20/09/20
Claim period upto	20/09/20

Guarantee No.:	६९३३०००६१९
Guarantee Amount:	१०००००/-
Date :	२५/०९/१९
Expiry Date :	२०/०९/२०
Claim period upto	२०/०९/२०

2. We, Oriental Bank of Commerce do hereby undertake to pay the amount due and payable under this guarantee without any demur merely on a demand from the Board that the amount claimed is due for the reason of non fulfillment of undertaking. Non compliance of directions/notices/letters/instructions/issued by the Board/violation of provisions of any of the provisions of Law mentioned hereinabove. Any such demand made on the Bank shall be conclusive as regards the amount due and payable by the Bank under this Guarantee. However our liability under this Guarantee shall be restricted to an amount not exceeding Rs. 1,00,000/- (Rupees One Lakh only).

3. We undertake to pay to the Board any money so demanded notwithstanding any dispute or disputes raised by the said company/unit in any suit or proceedings pending before any court or Tribunal or Board against the Board relating thereto, our liability under this present being absolute and in equivocal.

Page 2 of 4
 Assistant Manager
 MSCL Cluster Head, Ahmedabad

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100

रु. 100

ONE HUNDRED RUPEES

भारत INDIA

INDIA NON JUDICIAL

गुजरात गुजरात GUJARAT

BT 689500

नं. १३६७३३०८६००

तारीख 20 JUN 2019

वेनार

ठेकाणु

गांधीनगर सभ रक्ष. क्षेत्रीना

स्टेम्प वे-३२

अंशुभ वस्वाण विडोल

वा. नं. १३/६३

गुजरात असेंबलीचे अध्यक्ष, वडील
असेंबलीचे अध्यक्ष, वडील

4. We Oriental Bank of Commerce further agree that the guarantee herein contained shall remain in full force and effect during the period that would be taken for the performance of the undertaking/notice/letter etc. and that it shall continue to be enforceable till all the dues of Government/ Board under or by virtue of said undertaking/notice/letter etc have been fully paid and it has claimed satisfied or discharged or till Government Board certified that the terms conditions of the Directions/Undertaking/Notice/letter/any provisions of relevant law have been fully and properly carried out and complied by the said company /unit and accordingly discharges this guarantee. Unless the demand or a claim under this guarantees is made on us in writing on or before 19/11/2019. We shall be discharged from all liability under this guarantee thereafter.



20/09/2020

2862

5. We Oriental Bank of Commerce under take not to revoke this guarantee during its currency except with the previous consent of the Board in writing.

6. Notwithstanding what has been stated above our liability under this guarantee is restricted to Rs. 1,00,000/- (Rupees One Lakh only) our guarantee shall remain in force until 20/09/2020.

Bank Guarantee No.:	09220006119
Bank Guarantee Amount	100000/-
Issue Date:	25/05/19
Expire Date:	20/09/20
Claim period upto	20/09/20

For Oriental Bank of Commerce
Asst. General Manager
NOME Cluster Head, Ahmedabad

211/C

7. Unless a demand or claim under this guarantee is made on in writing on or before the 20/09/2020, all your rights under the guarantee shall be forfeited and we shall be released and discharged from all liabilities under this guarantee thereafter.

*Notwithstanding anything contained herein;

- i) Our liability under this Bank Guarantee shall not exceed Rs. 1,00,000/- (Rupees One Lakh Only)
- ii) This Bank Guarantee shall be valid up to 20/09/2020 and
- iii) We are liable to pay the guaranteed amount or any part thereof under this Bank Guarantee only and only if you serve upon us a written claim or demand on or before 20/09/2020 (date of expiry of Guarantee).

Date the Ahmedabad Oriental Bank of Commerce, Gandhinagar

Dated the 21 day of September, 2019

Ahmedabad
dt. 25/09/19

for
Bank

(Name & Designation)

Date : 21/09/2019.

Bank Guarantee No.:	09330506119
Bank Guarantee Amount	100000/-
Issue Date:	25/09/19
Expiry Date:	20/09/20
Claim period upto	20/09/20

*Notwithstanding anything contained herein above, our liability under this guarantee shall be limited to an amount of Rs. 100000/- (amt. of B.G.) and shall remain valid upto 20/09/20 (date of expiration of B.G.) and we are liable to pay the guaranteed amt. or any part thereof under this bank guarantee only and only if you serve upon us a written claim duly received by an authorised official of the bank of demand on or before 20/09/20 (date including claim period) (any from the date of expiry of this bank guarantee as mentioned above)

For Oriental Bank of Commerce
[Signature]
28/2
MSME Officer, Ahmedabad