

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI (T.N.)**

[Appeal No. 01 of 2021 (SZ)]

IN THE MATTER OF:

Piramal Pharma Limited

..... Appellant

Versus

Telangana State Pollution Control Board

..... Respondent

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Place: *New Delhi*
Date: *20/3/2021*

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI (T.N.)**

[Appeal No. 01 of 2021 (SZ)]

IN THE MATTER OF:

Piramal Pharma Limited

..... Appellant

Versus

Telangana State Pollution Control Board

..... Respondent

REJOINDER FILED BY THE APPELLANT

MOST RESPECTFULLY SHEWETH:

- 1 That at the outset, the Appellant denies each & all the statements, averments and allegations contained in the Reply filed by the Respondent which are contrary to or inconsistent with what has been stated herein below and the said contents are deemed to be specifically denied and set traversed in seriatim.
- 2 That the Reply filed by the Respondent is misconceived, frivolous and devoid of any merit. That the Reply filed by the Respondent is also bad in law as well as in facts, hence not maintainable and thus, the same is liable to be dismissed outrightly.
- 3 Save & except what are matters of records and what has been specifically admitted hereinafter, each and every allegation, statement, averment and contention made in the Reply filed by the Respondent are hereby denied.

PARA-WISE REPLY:

- 1 With reference to the contents of Para (1) of the Reply filed by the Respondent, contents thereof are denied.

2 to 5 With reference to the contents of Para (2) to (5) of the Reply filed by the Respondent, contents thereof are matters of record.

6 With reference to the contents of Para (6) of the Reply filed by the Respondent, contents thereof, save & except what are matters of record, are denied. It is submitted that a perusal of the Memorandum of Appeal filed by the Appellant shows that the Appellant in its present Appeal has challenged only direction to impose the Environmental Compensation by the Respondent vide its impugned Order dated 09.12.2020 and the reasoning /findings given by the Respondent while arriving at the said Environmental Compensation. It is further submitted that it is practically not possible for the Appellant to challenge just the imposition of the Environmental Compensation levied by the Respondent without challenging the reasoning /findings given by the Respondent while arriving at the said Environmental Compensation. It is further submitted that this Hon'ble Tribunal has, vide its Order dated 21.07.2020 passed in Appeal No.09 of 2020 (SZ), without going into the merits of the case set aside the direction to impose the Environmental Compensation issued by the Respondent vide its Order dated 29.01.2020 on the technical ground that no show cause notice has been served on the Appellant by the Respondent while imposing the said Environmental Compensation and therefore, this Hon'ble Tribunal was of the view that there was violation of the principle of natural justice by the Respondent. It is further submitted that similarly this Hon'ble Tribunal has, vide its Order dated 13.10.2020 passed in Appeal No.27 of 2020 (SZ), again without going into the merits of the case set aside the direction to impose the Environmental Compensation issued by the Respondent

vide its Order dated 19.09.2020 on the technical ground that no speaking order was passed by the Respondent by giving reasons as to why the Respondent is not considering the objections raised by the Appellant for exempting the Appellant for payment of the said Environmental Compensation. It is further submitted that since both the previous Appeals i.e. Appeal No.09 of 2020 (SZ) and Appeal No.27 of 2020 (SZ) filed by the Appellant has been decided by this Hon'ble Tribunal merely on technical grounds and without going into the merits of the case, therefore, in both the aforesaid previous Appeals filed by the Appellant there was no occasion before this Hon'ble Tribunal for the judicial scrutiny of the direction to impose of the said Environmental Compensation passed by the Respondent, reasoning /findings given by the Respondent while arriving at the said Environmental Compensation and the objections raised by the Appellant against imposition of the said Environmental Compensation. It is further submitted that in both the aforesaid previous Appeals i.e. Appeal No.09 of 2020 (SZ) and Appeal No.27 of 2020 (SZ) as well as in this present Appeal being Appeal No.01 of 2021 (SZ) filed by the Appellant, the stand of the Appellant is that the Appellant is challenging only the "direction" to impose the Environmental Compensation issued by the Respondent and the Appellant is not challenging the other "directions" issued by the Respondent vide the respective impugned Orders. It is further submitted that the aforesaid stand taken by the Appellant to challenge only the "direction" to impose the Environmental Compensation cannot by any stretch of imagination mean /interpreted that the Appellant has admitted /accepted the allegations /observations /findings of the respective Orders impugned in the aforesaid previous Appeals as well as in this present Appeal. It is further submitted that,

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assuming but not admitting, even though the Appellant had not disputed the findings of the Respondent in its previous Orders, those Orders were not disputed at that point of time in light of the nature of the directions as specified in those respective Orders i.e. the directions issued by the Respondent in those previous Orders were mere directions for compliances in regular course of operation and the Respondent had not alleged that the Appellant had violated any principle covered under the "Polluter Pay Principle" in those previous Orders. It is further submitted that the Appellant is disputing the levying of the Environmental Compensation on the basis of those Orders as the directions issued by the Respondent in those previous orders has already been complied by the Appellant and also the penalty imposed by the Respondent in those previous orders has already been recovered by the Respondent from the Appellant. It is further submitted that in view of the fact that various studies /inspections /sample analysis conducted by various committees including the Joint Committee appointed by the Hon'ble Principal Bench have time & again confirmed that the Appellant is a compliant unit and no damage has been caused to the Environment, occasional delays arising out of operational disturbances for which the penalty has already been recovered by the Respondent from the Appellant cannot be later classified as violations which attract "Polluter Pay Principle". It is further submitted that in view of the facts as stated above, this present Appeal being Appeal No.01 of 2021 (SZ) is well within the scope of the order of remand passed by this Hon'ble Tribunal in the aforesaid previous Appeals i.e. Appeal No.09 of 2020 (SZ) and Appeal No.27 of 2020 (SZ) filed by the Appellant and the objection raised by the Respondent in the Para under reply with

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respect to the maintainability of this present Appeal is misconceived, frivolous and devoid of any merit.

- 7 With reference to the contents of Para (7) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that the Hon'ble Principal Bench as well as this Hon'ble Tribunal has on several occasions clarified that the observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal are merely recommendations and the "final order" has to be passed by the concerned Pollution Control Board on the basis of the observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal after complying with the procedure laid down in accordance with law. It is further submitted that it is a well settled position in law that the observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal, being mere recommendations, are not challengeable in an Appeal filed by the aggrieved party and it is only the "final order" which is passed by the concerned Pollution Control Board on the basis of such observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal is challengeable in an Appeal filed by the aggrieved party. It is further submitted that, therefore, the ground taken by the Respondent in Para under reply that *"since the appellant has not filed any appeal challenging the findings of the authorities constituted by the Hon'ble Principal Bench till date, the findings therein have become final and it is not open to the appellant to challenge the same in the present appeal"* is devoid of any merit and totally against the aforesaid well settled position in law. It is further submitted that a perusal of the Memorandum of Appeal filed by the Appellant shows that the Appellant in its present

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Appeal is challenging only the imposition of the Environmental Compensation by the Respondent vide its impugned Order dated 09.12.2020 and the reasoning /findings given by the Respondent while arriving at the said Environmental Compensation.

- 8 With reference to the contents of Para (8) of the Reply filed by the Respondent, contents thereof, save & except what are matters of record, are denied. It is submitted that the case of the Appellant does not fall under any category of the cases to be considered for levying the Environmental Compensation as per the Guidelines prescribing a methodology for assessing, imposing and utilising Environmental Compensation from Polluting units issued by the Central Pollution Control Board.

Clause No.	Cases Considered for levying Environmental Compensation	Factual Situation/ Submission by the Appellant	Applicability on Appellant
1.3.a	Discharges in violation of consent conditions, mainly prescribed standards /consent limits	The Joint Committee appointed by the Hon'ble Principal Bench has found the Appellant to be a compliant unit and the same is detailed in the Joint Committee Report dated 30.10.2019	Not Applicable
1.3.b	Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, Non-adherence to the action plans submitted etc	The Appellant has complied with all the Directions issued by the Respondent time & again and has updated the Respondent with respect to the same. The Respondent has verified the compliances made by the Appellant time & again of the directions issued by the Respondent and has reported with	Not Applicable

		respect to the same in its various communications.	
1.3.c	Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission/ Effluent Monitoring system	The Appellant have been regular in submission of the required data. Neither the Respondent nor the said joint Committee has observed any data manipulation by tampering the Online Continuous Emission/ Effluent Monitoring system	Not Applicable
1.3.d	Accidental discharges lasting for short durations resulting into damage to the environment	The said Joint Committee has observed in its in the Joint Committee Report dated 30.10.2019 that all Environmental parameters of the unit of the Appellant are within the norms and no damage to environment has been reported in any of their findings. The test reports of the samples so collected support that there has been no pollution and no damage caused to the environment by the Appellant.	Not Applicable
1.3.e	Intentional discharges to the environment – land, water & air resulting into acute injury or damages to the environment	The said Joint Committee found in its Joint Committee Report dated 30.10.2019 that all Environmental parameters of the Appellant are within the norms and no damage to environment, land, water and air or resultant injury or damage to environment has been reported by the said Joint Committee in any of their findings in Joint	Not Applicable

		Committee Report dated 30.10.2019. The said Joint Committee Report dated 30.10.2019 observed that the pollution control systems of the Appellant are in place for Environmental management. Moreover, the Respondent as well as CPCB has several times visited the unit of the Appellant and found no intentional discharges.	
1.3.f	Injection of treated / partially treated / untreated effluent to ground water	The Appellant do not have any bore or injection wells at its unit.	Not Applicable

It is further submitted that since no damage has been caused to the environment by the Appellant, therefore, the case of the Appellant does not fall in any of the aforesaid cases for levying Environmental Compensation. It is further submitted that, however, both the said Joint Committee and the Respondent has treated the occasional delays in compliance due to compelling factors like technology selection, identification of vendors, ordering, mobilization of workforce, actual work, capital mobilization, routine shutdown, maintenance of equipment, operational disturbances etc as major violations and illegal & arbitrary penalized the Appellant on "*Polluter Pay Principle*" and levied the "*Maximum Environmental Compensation*" on the Appellant.

- 11 With reference to the contents of Para (11) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that said "*report of the Joint Committee in O.A. No. 688 of 2019*" as mentioned

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by the Respondent in the Para under reply contains various Tests/Analysis reports of various samples collected by the said Joint Committee during the inspection on 16.09.2019 and also during the period of observation /monitoring from 27.09.2019 to 30.09.2019 of the industrial unit of the Appellant. It is further submitted that the perusal of the aforesaid Tests/Analysis reports shows that all the parameters of the samples collected by the said Joint Committee from in and/or around the industrial unit of the Appellant, as aforesaid, are within the permissible limits. It is further submitted that at Page No.25 of the said "*report of the Joint Committee in O.A. No. 688 of 2019*" contains a table which shows that the industrial unit of the Appellant has been complying under various Acts & Rules. It is further submitted that, moreover, the said "*report of the Joint Committee in O.A. No. 688 of 2019*" at various occasions contains observations which shows that the Appellant is a compliant unit and all the parameters of the industrial unit of the Appellant are within the permissible limits. It is further submitted that as a matter of fact the allegation against the Appellant in the aforesaid O.A. No. 688 of 2018 was that the Appellant was discharging its untreated effluents which was adversely affecting the water quality & availability of ground water and drinking water to the inhabitants of the surrounding area. It is further submitted that it is in the light of the said allegation that the Hon'ble Principal Bench has constituted the said Joint Committee. It is further submitted that the Hon'ble Principal Bench while constituting the said Joint Committee, vide its said Order dated 08.08.2019, has issued the following directions:

"21 Having regard to the material on record, we are satisfied that a fresh inspection needs to be carried out by a joint committee comprising CPCB, IIT Chennai, NEERI Nagpur and State PCB. The

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CPCB will be nodal agency for compliance and coordination. The Committee may ascertain the present status of pollution caused in terms of air, land and water and access the compensation for the last five years which should be deterrent and adequate to recover the cost of restoration. The Committee may also suggest measures for remediation of the contaminated sites in terms of ground water and soil and whether the units can be allowed to operate, having regard to the adequacy of the pollution control devices and compliance of environmental norms. The report may be furnished to this Tribunal on or before 31.10.2019 by e-mail at judicial-ngt@gov.in. The applicant will be at liberty to participate during the inspection. The State PCB may provide all the requisite data and copies of the inspections conducted and facilitate new inspection. The applicant may furnish his e-mail ID to CPCB for being informed about the date of inspection."

It is further submitted that therefore as per the aforesaid direction passed by the Hon'ble Principal Bench, vide its aforesaid Order dated 08.08.2019, the mandate of the said Joint Committee is to ascertain the present status of pollution caused by the Appellant in terms of air, land and water **and if there is any damage to the environment than to access the Environmental Compensation for the last five years which should be deterrent and adequate to recover the cost of restoration.** It is further submitted that, however, as aforesaid, the findings /observations of the said Joint Committee contained in the said "report of the Joint Committee in O.A. No. 688 of 2019" with respect to the industrial unit of the Appellant clearly shows that the Appellant is a compliant unit and all the parameters of the industrial unit of the Appellant are within the permissible limits and therefore **no damage is caused to the environment which may**

require restoration /remediation. It is further submitted that in view of the fact that no damage is caused to the environment by the unit of the Appellant, the act of treating the occasional delays in compliance due to compelling factors like technology selection, identification of vendors, ordering, mobilization of workforce, actual work, capital mobilization, routine shutdown, maintenance of equipment, operational disturbances etc, for which the Respondent has already penalized the Appellant, both by the said Joint Committee and thereafter by the Respondent as major violations and again penalizing the Appellant for the same on "*Polluter Pay Principle*" and that too levying of "*Maximum Environmental Compensation*" is totally unwarranted, illegal & arbitrary and against the mandate of the said joint committee as set down by the Hon'ble Principal Bench, vide its aforesaid Order dated 08.08.2019.

- 12 With reference to the contents of Para (12) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that the alleged contaminated rain water was observed in **4 out of 5 lined Rain Water Collection Pits** during the inspection of the industrial unit of the Appellant conducted by the officials of the Respondent on 06.11.2018 and 14.12.2018. It is further submitted that the samples of the said alleged contaminated rain water was taken by the officials of the Respondent during the said inspections and the Analysis Report of the same has been contained respectively in the Order bearing No. MDK-07/TSPCB/UH-II/2016 – 2637 dated 29.11.2018 [annexed as *Annexure: A-32* along-with the present Appeal filed by the Appellant] and Order bearing No. MDK-07/TSPCB/UH-II/2016 – 2858 dated 28.12.2018 [annexed as *Annexure: A-34* along-with the present Appeal filed by the Appellant] both issued by the Respondent. It is

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further submitted that perusal of the said Analysis Report as mentioned in the aforesaid Order dated 29.11.2018 as well as in the aforesaid Order dated 28.12.2018 issued by the Respondent shows that no chemical compound was traced in the said samples of the said alleged contaminated rain water. It is further submitted that as far as the increased TDS and COD of the said alleged contaminated water is concerned, it is submitted that the rain water run-off generally flushes air and natural soil contaminants (on account of geological profile) such as grit, deciduous leaf litter, bird excreta etc. and such air and natural soil contaminants flushed down by the rain water run-off increases the TDS and COD of the same. It is further submitted that moreover, since the aforesaid alleged contaminated rain water was observed in **lined Rain Water Collection Pits**, therefore, it is not possible for the said alleged contaminated rain water to infiltrate below and contaminate the ground water.

- 13 With reference to the contents of Para (13) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that a perusal of various Tests/Analysis reports of various samples collected by the said Joint Committee during the inspection on 16.09.2019 and also during the period of observation /monitoring from 27.09.2019 to 30.09.2019 and also a perusal of various observations made by the said Joint Committee with respect to the present compliance status of the Appellant contained in the Joint Committee Report dated 30.10.2019, clearly shows that the said Joint Committee was not able to find any present violation of any environmental law /parameter(s) so as to justify the imposition of "*Maximum Environmental Compensation*" on the Appellant. It is further submitted that, therefore, the said Joint Committee has looked into various past

directions /orders issued by the Respondent time & again since March, 2015 and treated the occasional delays in compliance, due to reasons as aforesaid, of the said past directions /orders issued by the Respondent as major violations, on the basis of which the said Joint Committee has recommended to impose "*Maximum Environmental Compensation*" on the Appellant. It is further submitted that in view of the aforesaid fact it is totally open for the Appellant to refer /rely on the contents /analysis reports contained in the said past directions /orders issued by the Respondent so as to counter the said recommendation of the Joint Committee to impose "*Maximum Environmental Compensation*" on the Appellant which is also on the basis of the said past directions /orders issued by the Respondent. It is further submitted that moreover, as aforesaid, the Hon'ble Principal Bench as well as this Hon'ble Tribunal has on several occasions clarified that the observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal are merely recommendations and the final order has to be passed by the concerned Pollution Control Board on the basis of the observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal after complying with the procedure laid down in accordance with law. It is further submitted that, therefore, the observation /findings of the authorities /committees constituted by the Hon'ble National Green Tribunal, being mere recommendations, cannot attain finality and it is totally open for the Appellant to refer /rely on the contents /analysis reports contained in the said past directions /orders issued by the Respondent so as to counter the said recommendation of the Joint Committee to impose "*Maximum Environmental Compensation*" on the Appellant.

14 With reference to the contents of Para (14) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that the alleged non-compliances observed by the Respondent in its impugned Order dated 09.12.2020 are the routine maintenance issues that occurs time to time normally during the operation of an industry and such maintenance issues have been duly rectified by the Appellant as and when such issues occur and moreover, the directions issued by the Respondent vide its various aforesaid Orders has been duly complied with by the Appellant. It is further submitted that in view of the compliances made by the Appellant from time to time of the directions issued by the Respondent vide its various Orders and also in view of the fact that no damage has been caused to the environment (as revealed by the various Sample Analysis Reports mentioned in various Orders of the Respondent as well as mentioned in the said Joint Committee Report dated 30.10.2019), the act of treating the occasional delays in compliance due to compelling factors like technology selection, identification of vendors, ordering, mobilization of workforce, actual work, capital mobilization, routine shutdown, maintenance of equipment, operational disturbances etc by the Respondent as major violations and penalizing the Appellant on "*Polluter Pay Principle*" and that too levying of "*Maximum Environmental Compensation*" is totally unwarranted, illegal & arbitrary. It is further submitted that there is no observation /finding both in the said Joint Committee Report dated 30.10.2019 as well as impugned Order dated 09.12.2020 with respect to the "***Improper Lining***" of the rain harvesting pits as alleged by the Respondent in Para under reply. It is further submitted that as far as the allegation with respect to the "*Telephonic Complaints of the Villagers*" contained in the Para under reply is concerned, it is submitted that merely

making /receiving of any telephonic complaint by any villager cannot make the Appellant as violator and therefore, cannot justify the imposition of "Maximum Environmental Compensation" on "Polluter Pay Principle" on the Appellant. It is further submitted that various Tests/Analysis reports of various samples collected by the said Joint Committee during the inspection on 16.09.2019 and also during the period of observation /monitoring from 27.09.2019 to 30.09.2019 of the industrial unit of the Appellant shows that all the parameters of the samples collected by the said Joint Committee from in and/or around the industrial unit of the Appellant, as aforesaid, are within the permissible limits.

15 With reference to the contents of Para (15) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that the Respondent has forfeited the Bank Guarantee submitted by the Appellant amounting Rs.99,00,000/- (Rupees Ninety Nine Lakhs only) for the same alleged past non-compliances /past violations for which the Respondent has again, vide its the impugned Order dated 09.12.2020, imposed the Environmental Compensation. It is further submitted that the Respondent in Paragraph No.32 of the impugned Order dated 09.12.2020 has provided the "chronology of events observed with respect to violations for Assessment of EC calculations" in tabular form. It is further submitted that the break-off of the forfeiture of the aforesaid amount of Rs.99,00,000/- (Rupees Ninety Nine Lakhs only) is as under:

- (i) The Respondent has forfeited the Bank Guarantee submitted by the Appellant amounting Rs.46,00,000/- (Rupees Forty Six Lakhs only) for the alleged non-violations / non-compliances mentioned at Sl. No.2 of the said Table;

- (ii) The Respondent has forfeited the Bank Guarantee submitted by the Appellant amounting Rs.23,00,000/- (Rupees Twenty Three Lakhs only) for the alleged non-violations / non-compliances mentioned at Sl. No.3 of the said Table;
- (iii) The Respondent has forfeited the Bank Guarantee submitted by the Appellant amounting Rs.30,00,000/- (Rupees Thirty Lakhs only) for the alleged non-violations / non-compliances mentioned at Sl. No.5 of the said Table.

16 With reference to the contents of Para (16) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that a perusal of the various directions /orders issued by the Respondent time & again shows that the Appellant has been regularly complying with the directions /orders issued by the Respondent time & again. It is further submitted that, however, the Respondent in its impugned Order dated 09.12.2020 has treated as that all the said alleged non-compliances / occasional delays in compliance has been committed by the Appellant for the whole period since 25.03.2015 to 08.01.2019 (meaning each day for 1386 days, which is incorrect and without any evidence) and on the basis of such assumption, the Respondent, vide the impugned Order dated 09.12.2020, has, illegally & arbitrarily, levied the "Maximum Environmental Compensation" @ Rs.60,000/- per day for the time period from "25.03.2015 to 08.01.2019" i.e. for "1386 days". It is further submitted that even the said Joint Committee Report dated 30.10.2019 filed by the said Joint Committee before the Hon'ble Principal Bench contains various Analysis /Test Reports and /or observations /findings which shows that the Appellant is a compliant unit and all the parameters of the samples collected by the said Joint Committee from in and/or around the industrial unit of the

Appellant, as aforesaid, are within the permissible limits. It is further submitted that, therefore, in view of the fact that no damage is caused to the environment by the unit of the Appellant, the act of treating the occasional delays in compliance as major violations and penalizing the Appellant on "*Polluter Pay Principle*" and that too levying of "*Maximum Environmental Compensation*" is totally unwarranted, illegal & arbitrary.

- 17 With reference to the contents of Para (17) of the Reply filed by the Respondent, contents thereof are denied. It is submitted that a perusal of the various directions /orders issued by the Respondent time & again shows that the Appellant has been regularly complying with the directions /orders issued by the Respondent time & again. It is further submitted that, however, the Respondent in its impugned Order dated 09.12.2020 has treated as that all the said alleged non-compliances / occasional delays in compliance has been committed by the Appellant for the whole period since 25.03.2015 to 08.01.2019 (meaning each day for 1386 days, which is incorrect and without any evidence) and on the basis of such assumption, the Respondent, vide the impugned Order dated 09.12.2020, has, illegally & arbitrarily, levied the "*Maximum Environmental Compensation*" @ Rs.60,000/- per day for the time period from "25.03.2015 to 08.01.2019" i.e. for "1386 days". It is further submitted that a perusal of the Closure Order bearing No.MDK-07/TSPCB/UH-II/2016-2637 dated 29.11.2018 issued by the Respondent shows the said Closure Order dated 29.11.2018 contains Analysis Reports of various samples of the ground water collected from the bore-wells /hand-pumps situated at various locations around the industrial unit of the Appellant. It is further submitted that a perusal of the said Analysis Reports

contained in the said Closure Order dated 29.11.2018 once again shows that no chemical compound was detected in any of the said samples of the ground water collected from the bore-wells /hand-pumps situated at various locations around the industrial unit of the Appellant. It is further submitted that this again shows that no damage is caused to the environment by the unit of the Appellant which may require restoration /remediation. It is further submitted that, therefore, treating the occasional delays in compliance as major violations and penalizing the Appellant on "Polluter Pay Principle" and that too levying of "Maximum Environmental Compensation" is totally unwarranted, illegal & arbitrary.

REPLY TO THE PRAYER CLAUSE:

With reference to the contents of the Reply filed by the Respondent, contents thereof are denied. It is submitted that the contents of the Prayer Clause of the Reply filed by the Respondent are false, frivolous, devoid of any merit and hence, are liable to be dismissed out-rightly.

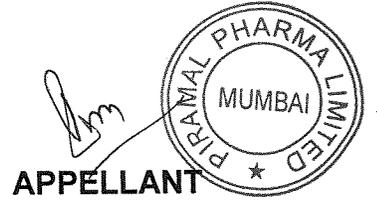
PRAYER:

In the facts and circumstances as stated above, it is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- (i) Allow the present Appeal being Appeal No.01 of 2021 (SZ) titled as "*Piramal Pharma Limited vs. Telangana State Pollution Control Board*" filed by the Appellant;
- (ii) Set-aside the direction to pay an Environmental Compensation of Rs.8,31,60,000/- (Rupees Eight Crore Thirty One Lakh and Sixty thousand only) as mentioned in Paragraph-35 of the impugned Order dated 09.12.2020 issued by the Respondent;

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(iii) Pass such other/further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts & circumstances of the case.



APPELLANT

THROUGH

ANUBHAV ANAND ARON, ABHINAV ANAND
(Advocates for the Appellant)

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Place: *New Delhi*
Date: *20/3/2021*

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI (T.N.)**

[Appeal No. 01 of 2021 (SZ)]

IN THE MATTER OF:

Piramal Pharma Limited

..... Appellant

Versus

Telangana State Pollution Control Board

..... Respondent

AFFIDAVIT

I, Pritee Misra aged about 39 years D/o Sh. Tarkeshwar Shivnath Misra R/o 5/202, Govardhan Enclave, Near Deputy RTO Kalyan, Mumbai, Maharashtra – 421 301 working as Senior Legal Counsel with *Piramal Pharma Limited* (the Appellant herein) do hereby solemnly state and affirm as under:

1. That I am working as Senior Legal Counsel with *Piramal Pharma Limited* (the Appellant herein) and as such I am well conversant with the facts and circumstances of the present case and competent to swear the present Affidavit.
2. That the accompanying Rejoinder has been drafted by my Counsel under my instruction and the content of the same have not been repeated herein for the sake of brevity and the same may kindly be read as part & parcel of the present Affidavit.
3. That I have read and understood the content of the accompanying Rejoinder and the present Affidavit and the same are true and correct to my knowledge and nothing material has been concealed there from.

P. Misra
I identify the Deponent who has signed in my presence

P. Misra
DEPONENT


VERIFICATION

20 MAR 2021

Verified at New Delhi on this day of that the contents of Para No.1 to 3 of the above affidavit are true and correct to my knowledge, and nothing material has been concealed there from.

P. Misra
DEPONENT



The Seal of Oath Commissioner
Sl. No. 121/2021
RABINDRA NANDA
Delhi High Court
Period- 01-01-2021
to 31-12-2022
Delhi High Court, New Delhi

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. *Pritee Misra*
S/o, W/o, D/o. *Tarkeshwar Shivnath Misra*
R/o. *5/202, Govardhan Enclave, Kalyan*
identified by *P. Misra*
has solemnly sworn at New Delhi
on *20 MAR 2021* that the contents of the affidavit which
have been read & explained to him are
true and correct to his knowledge.
P. Misra
(Oath Commissioner Delhi)

20 MAR 2021

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3/20/2021

Gmail - Rejoinder - Piramal Pharma Ltd [Appeal No.01 of 2021 (SZ)]

 Gmail

Abhinav Anand <abhinav.legal@gmail.com>

Rejoinder - Piramal Pharma Ltd [Appeal No.01 of 2021 (SZ)]

1 message

Abhinav Anand <abhinav.legal@gmail.com>
To: Sai Krishnan <lawsbi@gmail.com>

Sat, Mar 20, 2021 at 1:00 PM

Kind Attn: Mr. Sai Krishnan (Advocate)

Sir,

Kindly find attached herein the Rejoinder filed on behalf of the Piramal Pharma Ltd. (Appellant) before the Hon'ble NGT (SZ) in Appeal No. 01 of 2021.

Regards,

Abhinav Anand
(Advocate)
Mob: 9582416270

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