

**NOTARY
DHANBAD**

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF:

Original Application No. 24/2025/EZ

YOGESH KUMAR

...Applicant

-Versus-

M/S GUPTA FOOD PRODUCTS & ORS.

...Respondents

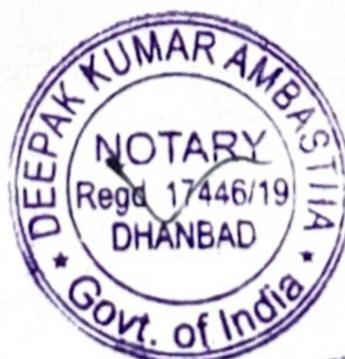
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TS
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T. K. SARKAR (Adv.)
E. No. 2202 / 2000



**NOTARY
DHANBAD**

Authorised
u/s 297 (i) (c) of the Cr. P.C. 1973
(Act No 11 of 1974) & u/s (8) (i)
of the Notaries Act 1952
(Act No 53 of 1952)



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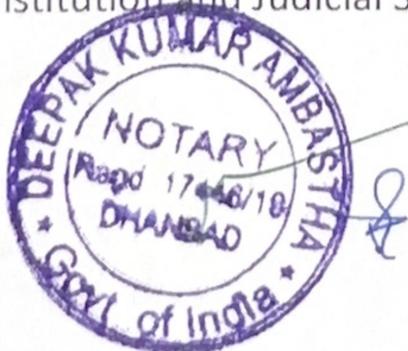
M/S GUPTA FOOD PRODUCTS & ORS.

...Respondents

COUNTER AFFIDAVIT FILED BY OF DISTRICT MAGISTRATE, DHANBAD, JHARKHAND, (i.e. RESPONDENT NO. 4 HEREIN).

I, Piyush Sinha, son of Pradeep Kumar Sinha, aged about 32 years, by Religion - Hinduism, by Occupation - Service under Government of Jharkhand in the office of District Magistrate, Dhanbad, Jharkhand, having its office at District Magistrate Office, Sadar Hospital, Court More, Dhanbad, Jharkhand, do hereby solemnly affirm and state as follows:

1. That, I am the Additional District Magistrate, Law & Order, Dhanbad, Jharkhand, and that I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant Affidavit. I am duly authorized by the Respondent No. 4 herein (i.e. District Magistrate, Dhanbad) to file the instant Counter Affidavit of his behalf.
2. That, I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.



D.B.A. NO.- 97925

12 APR 2025

SI No. 100 Date.....

**NOTARY
DHANBAD**

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3. That in pursuance and in compliance to the order dated 14.02.2025 of the Hon'ble Tribunal in the instant Original Application this Counter Affidavit is being filed by District Magistrate, Dhanbad, Jharkhand, Respondent No. 4 herein.
4. That this affidavit is being filed for bringing necessary facts and statements on record for just and proper adjudication of this case.
5. That in compliance to the said order dated 14.02.2025 passed by the Hon'ble Tribunal, the inspecting committee comprising of the following members visited and inspected the site on 26.03.2025:
- i. Shri Piyush Sinha, Additional District Magistrate, Law & Order, Dhanbad, Jharkhand,
 - ii. Shri Vivek Kujur, Regional Officer, Dhanbad, JSPCB.
6. That the said inspection committee members carried out the inspection of the site and on basis of the said site inspection, the committee came up to the following conclusion:
- "
1. *M/s Gupta Food Products is required to obtain CTE & CTO from the Jharkhand State Pollution Control Board.*
 2. *It needs to provide Effluent Treatment Plant as a proper facility for disposal of process effluents.*
 3. *Electric chulha/ cleaner fuels such as soft coke along with Fume ventilation system must be used by M/s Gupta Food Products.*



[Handwritten Signature]

**NOTARY
DHANBAD**

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4. Complainant and M/s Gupta Food Products needs to settle down their civil dispute and may approach concerned Authority regarding the issue.

5. M/s Gupta Food Products has to provide proper demarcation of its land and Puucca Boundary wall from all sides.

A photocopy of the said Inspection Report dated 26.03.2025 is annexed herewith and marked as Annexure - A.

7. That, this Counter Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordships, may kindly be pleased to accept the instant Counter Affidavit.

8. That the answering respondent seeks leave to file any further affidavits, if required, as per direction of the Hon'ble Tribunal.

9. I state that the statements contained in paragraphs Nos. 1 to 4 are true to my knowledge, the statements contained in paragraph Nos. 5 to 6 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.



**NOTARY
DHANBAD**

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VERIFICATION

I, Piyush Sinha, son of Pradeep Kumar Sinha, aged about 32 years, by Religion - Hinduism, by Occupation - Service under Government of Jharkhand in the office of District Magistrate, Dhanbad, Jharkhand, having its office at District Magistrate Office, Sadar Hospital, Court More, Dhanbad, Jharkhand has filed this instant Counter Affidavit on this the 12th day of April, 2025.

Date: 12/4/25
Place: Dhanbad

Sinha
12/4/25

Deponent

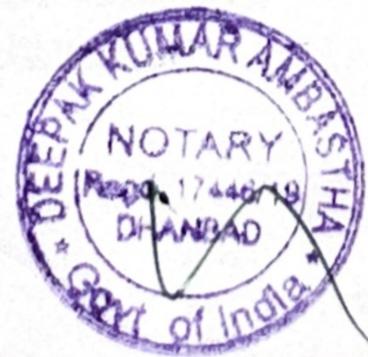
Identified by me:

T.K. Sarkar
Advocate
12.04.2025

T. K. SARKAR (Adv.)
E. No.2202 / 2000

[Signature]
12/04/25

**NOTARY
DHANBAD**



Authorised
u/s 8 (1) (e) of Notaries Act
1952 (Act No 52 of 1952)

4A

Welfare Ticket
Not Available



Sl No 160 Date 12 APR 2025

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**NOTARY
DHANBAD**



ENRL. NO.



97925



DHANBAD BAR ASSOCIATION

Inspection report in the light of Hon'ble National Green Tribunal (NGT), Eastern Zone (EZ) Bench, Kolkata in its order dated 14/02/2025 passed in O. A. No. 24/2025/EZ in the matter of Yogesh Kumar Versus M/s Gupta Food Products and Ors. - Regarding

I. Background

- a. This matter has been filed by Petitioner Sri Yogesh Kumar regarding M/S Gupta Food Products, operating food processing plant and in the process of its operations generating toxic effluent as a by-product of the industrial processes which is contaminating the water with organic pollutants, chemicals and pathogens.
- b. It has been alleged that petitioner had made a complaint in the year 2022 against the Respondent No.1 before the Sub Divisional Officer, Dhanbad and has also been provided with the Inspection Report in response to his RTI application listing various non-compliance by the Respondent No.1.
- c. It has been also alleged that till date no action has been taken by the Respondents even though the said unit is operating without obtaining necessary Government Registration, NOC from Local Body, Consent to Establish and Consent to Operate from the Pollution Control Board.
- d. The matter has been taken Hon'ble National Green Tribunal in the Original Application No. 24/2025/EZ.
- e. In view of the above Hon'ble NGT constituted a committee of the following members:
 - i) Senior Scientist, Jharkhand State Pollution Control Board
 - ii) District Magistrate/Collector, District-Dhanbad, or his representative not below the rank of Additional District Magistrate;
- f. As per the NGT order "The District Magistrate/Collector, District-Dhanbad shall be the Nodal Body for all logistic purposes and shall file the Fact-Finding Report on affidavit."

Hon'ble NGT has instructed that "The Committee shall visit the site and submit its Fact-Finding Report with regard to the allegations made and the documents on record of the Original Application."

In view of the above, Sri Vivek Kujur, Regional Officer, JSPCB Regional Office, Dhanbad (Contact No. - 9570289982; Email: -dhanbadjspcb@gmail.com) is nominated as the Member of the Committee to represent JSPCB for further course of action in the matter vide JSPCB HQ Memo No. 748 Ranchi, Dated: 12.03.2025.

ADM Law & Order has been Nominated as DC's representative and Nodal Officer.

g. Accordingly, a committee was constituted with the following members: -

1. Shri Piyush Sinha, Additional District Magistrate, Law & Order, Dhanbad
2. Shri Vivek Kujur, Regional Officer, Dhanbad, Jharkhand State Pollution Control Board

V. Kujur

[Signature]



II. Description of the on-site inspection of M/s Gupta Food Products:-

The complain is primarily about M/S Gupta Food Products, operating food processing plant and in the process of its operations generating toxic effluent as a by-product of the industrial processes which is contaminating the water with organic pollutants, chemicals and pathogens.

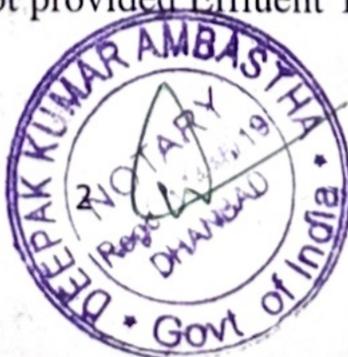
The Committee members inspected/visited the site of M/S Gupta Food Products, at-Chaita Road, Jitpur, Po- Gomoh, Dist- Dhanbad on 26.03.2025. During the inspection Mr. Rupesh Kumar Gupta was present from the Unit's side and Mr. Mantu Pandit (brother of the applicant) was present from the complainer side.

Unit was found fully in operation and currently it is engaged in production of Namkeen (Sev, Gathiya, Mixture, Nimki etc. - Raw material required are Besan, Oil, Flour etc.

III. During the inspection following observations were found: -

1. M/s Gupta food products has established this facility for manufacturing of Sev, Namkeen etc items at the concerned site and at the time of visit, factory was found operational.
2. Process effluent is mainly generated through washing of raw materials, Utensils and other kitchen waste. Earlier this Effluent was discharged on nearby low-lying land through pipes as no drainage channel was provided as informed by the complainer and as evident from the photographs shown by the complainant.
3. According to the complainant, the M/s Gupta Food Products used to discharge waste water in nearby low-lying area which is adjacent to the plot of the complainant.
4. At the time of visit, it was observed that M/s Gupta Food Products has provided pipeline and channels which channelize waste water discharge into soak pit. No discharge of process effluent was found in the open low-lying area.
5. Soak pit has been constructed using latticed Brickwork for disposal of Process effluent in pit. Rupesh Kumar Gupta of M/s Gupta Food Products informed that the Soak pit is able to absorb effluent generated in plant on day-to-day basis.
6. Effluent Sample was collected during the inspection and sent for analysis. Test report shows abnormal pH value- 4.89, COD value- 2292 and other parameters are not within limits. (Copy enclosed)
7. M/s Gupta Food Products has not provided Effluent Treatment Plant for treatment of Process effluent.

V. Kujar



[Handwritten signature]

8. M/s Gupta Food Products has obtained FSSAI license. It is evident from earlier reports of food safety Officer report latest response Dated: 12.11.2024 that the drainage facility and disposal of Sewage needs to be improved.
9. During the inspection no any obnoxious gaseous emission from the plant was found. M/s Gupta Food Products informed that they have electric chulha for making namkeen but presently they are using Coal for heating traditional chulhas.
10. M/s Gupta Food Products has not provided proper Boundary wall around the Plant building.
11. M/s Gupta Food Products has applied CTE under orange category which is under consideration by the Jharkhand State Pollution Control Board.
12. Earlier Unit was directed not to operate the Plant without obtaining CTE & CTO vide JSPCB Regional Officer letter Ref. No.315 Dated 20.03.2025.
13. Both sides informed that there has been land related dispute and land demarcation was carried out by local revenue officials.
14. No any other local resident approached the committee members to complain against M/s Gupta Food Products during the inspection.
15. Complainant informed about civil dispute is under adjudication at civil Court between both parties. However, no document was submitted or provided to understand the nature of dispute.

IV. Action taken till date: -

1. Food safety officer in his report has recommended to provide Drainage and waste disposal in conformity with requirements of Factory/ Environment pollution control board and to produce Water Testing report with respect to complain.
2. Regional Officer, Jharkhand State Pollution Control Board vide Letter Ref. No. 315 Dated: 20.03.2025 has directed M/s Gupta Food Products to operate the unit only after obtaining Consent to Establish and Consent to Operate from JSPC Board.

V. Conclusion: -

1. M/s Gupta Food Products is required to obtain CTE & CTO from the Jharkhand State Pollution Control Board.
2. It needs to provide Effluent Treatment Plant as a proper facility for disposal of process effluents.

NGT OA24/2025/EZ

V. K. Prasad

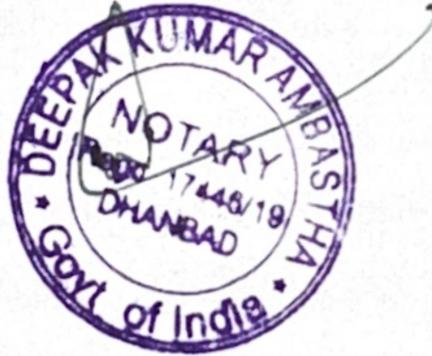


[Handwritten Signature]

3. Electric chulha/ cleaner fuels such as soft coke along with Fume ventilation system must be used by M/s Gupta Food Products.
4. Complainant and M/s Gupta Food Products needs to settle down their civil dispute and may approach concerned Authority regarding the issue.
5. M/s Gupta Food Products has to provide proper demarcation of its land and Puucca Boundary wall from all sides.

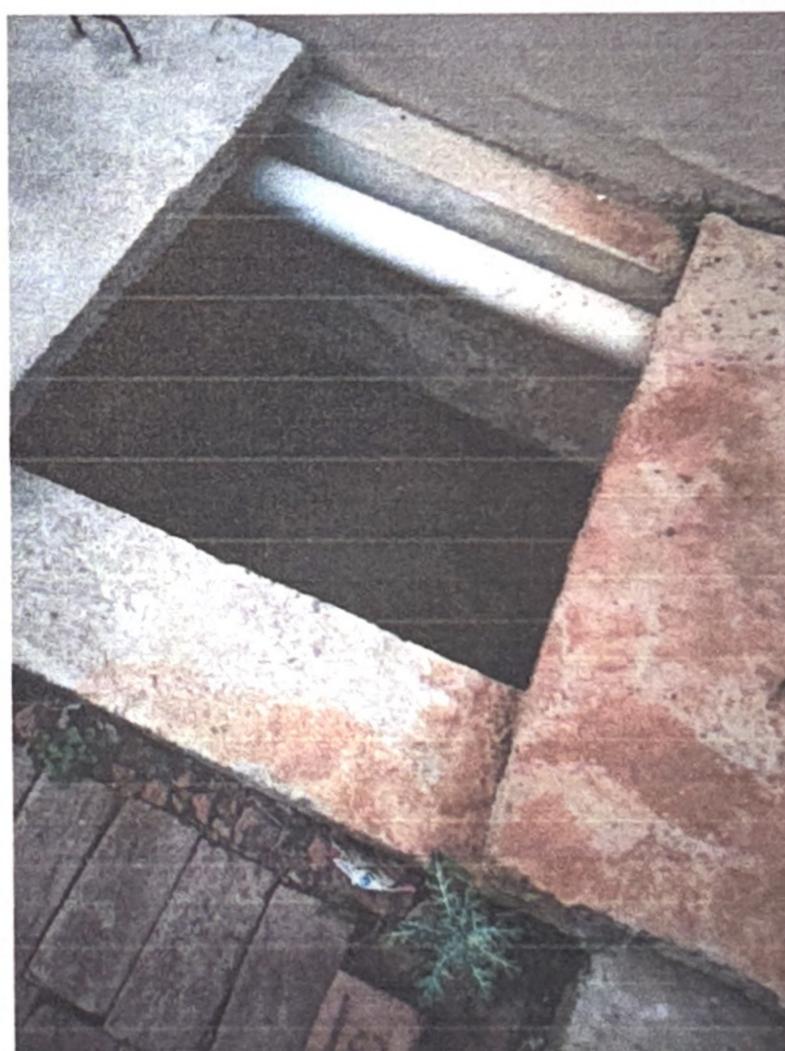
V. Kujur
12/04/2025
(Vivek Kujur)
Regional Officer, JSPCB,
R.O. Dhanbad

Piyush Sinha
12/4/25
(Piyush Sinha)
Additional District Magistrate,
Law & Order, Dhanbad





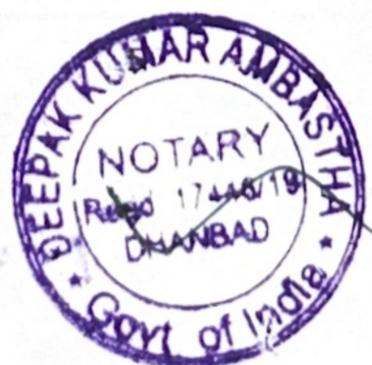
PHOTOGRAPH OF SOAK PIT



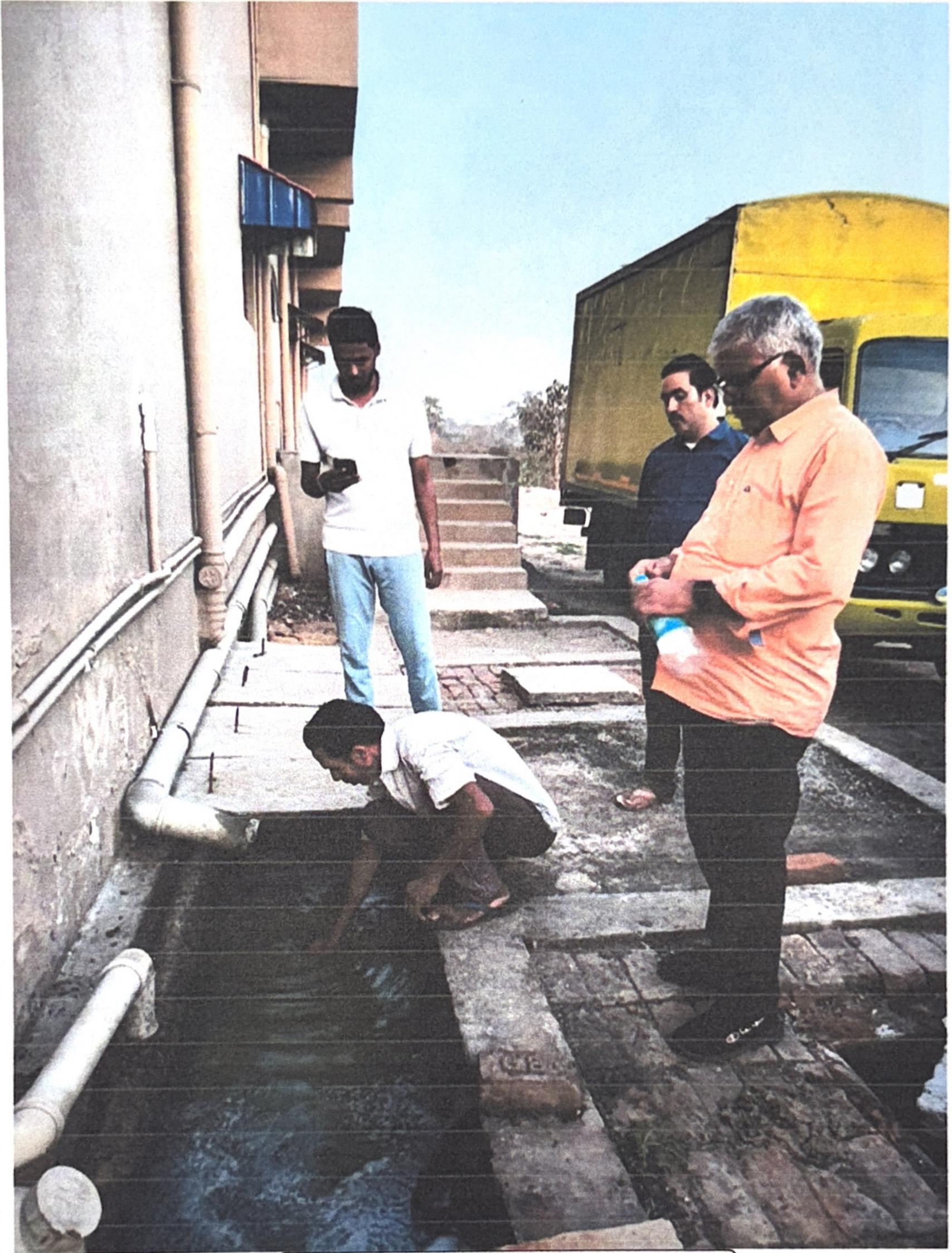
PHOTOGRAPH OF DRAINAGE LINE

NGT OA24/2025/EZ

V. Kujar



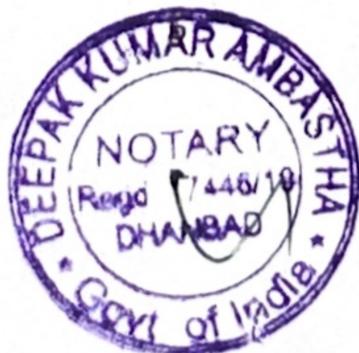
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PHOTOGRAPH OF EFFLUENT SAMPLING

NGT OA24/2025/EZ

V. Pujar



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PHOTOGRAPH OF COMPLAIN AREA

V. Vijaya





झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद
Jharkhand State Pollution Control Board
HIG-I, Housing Colony, Dhanbad-826001

Ph: 0326-2204933

Lab. Ref. No. 263 / 143

Date 11.4.25

Analysis report of Physico Chemical Examination of River/Sewage/Trade Effluent

1. Name & Address of the unit : M/s. Gupta Food Products, At- Chaita Road, Jitpur, PO- Gomo, Dist- Dhanbad.
2. Point of Collection : Final Discharge.
3. Date of Collection : 26/03/2025 at 06:20 PM
4. Collected by: Sri Rajiv Kumar, F.A.
5. Sample Source : I/E
6. Samples analyzed by : M/s. HURL (Hindustan Urvarak and Rasayan Ltd., Sindri, Dhanbad)

| S.No. | Parameters | Prescribed Limits | Value Obtained |
|-------|----------------------|-------------------|----------------|
| 1 | Temp A/W °C | >/ 40°C | 22/20 |
| 2 | pH | 6.5 to 9.0 | 4.89 |
| 3 | Do | >/ 4.0 | 4.3 |
| 4 | COD (PPM) | 100 | 2292 |
| 5 | T.S.S. mg/l | 30 | 484 |
| 6 | T.D.S. (PPM) | 1500 | 1357 |
| 7 | Total Hardness (PPM) | - | 700 |
| 8 | Calcium (PPM) | - | 349 |
| 9 | Chloride (PPM) | - | 11.7 |
| 10 | Turbidity (NTU) | 10 | 292 |
| 11 | Iron (Fe) PPM | 10 | 3.3 |
| 12 | Sulphate (PPM) | - | 192 |
| 13 | Sodium (PPM) | - | 105 |
| 14 | Mg. Hardness (PPM) | - | 351 |

Note : Prescribed limits as per Revisions to Articles 2 promulgated by EPA Order Huan-Shu-Shui-Tzu No. 1030005842 on January 22, 2014.

Remarks :- The values of pH, COD, TSS and Turbidity were found beyond the prescribed Limit.

11.4.25
A.S.O.
Dhanbad.

11/04/25
Regional Officer
Dhanbad.

NGT OA24/2025/EZ

