

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN
ZONE), SITTING AT CHENNAI**

Appeal No. 43 /2023

IN THE MATTER OF

M/s Southern Bakeries Pvt
Ltd.,

...APPELLANT

VERSUS

The Karnataka State Pollution
Control Board and Ors

...RESPONDENT

MEMO

The undersigned counsel for the Appellant seeks the leave of this Hon'ble Tribunal to place on record the proof of service of the Bank Guarantee along with the acknowledgment by the Respondent.

The document was submitted to the Respondent on 17/01/2024 as per the Order of this Hon'ble Court.

Wherefore, it is humbly prayed that this memo may be taken on record in the interest of Justice and Equity.

Date: 29/01/2024

Place: Bangalore



Advocate for Appellant

SOUTHERN BAKERIES PRIVATE LIMITED

Plot No. 117, Road No. 4, K.I.A.D.B, Jigani Industrial Area, 2nd Phase, Bengaluru - 560105.
Tel : 080-27826664 / 27826665, Email : sbpl@switzindia.net CIN - U15433KA2002PTC030041

Date: 16/01/2024

To,
The Environmental Officer,
RO- Anekal,
2nd Floor "NISARGA BHAVAN"
7th 'D' Cross, Thimmaiah Road,
Senegoravanhalli, Shivanagar,
Bengaluru- 560 010



Sub: Reply to Notice dated 23/11/2023 bearing number No. PCB.RO-Anekal/ECNotice/2023-24/1302, received by us on 12/01/2024;

Ref:

1. Demand notice bearing No. PCB/RO-ANEKAL/2023-24/508 dated 12/07/2023;
2. Letter dated 30/08/2023 issued by Southern Bakeries Private Limited;
3. Order dated 21/12/2023 passed by the Hon'ble National Green Tribunal

For and on behalf of M/s. Southern Bakeries Private Limited, we wish to notify you as under:

1. We, M/s. Southern Bakeries Private Limited ("SBPL") are in receipt of the Notice dated 23/11/2023 bearing number No. PCB.RO-Anekal/ECNotice/2023-24/1302 (served on us physically on 12/01/2024). As you are aware, you had issued a Demand Notice at Ref (1) calling upon SBPL to deposit a sum of Rs. 30,09,375/- as Environmental Compensation Charges.
2. We wish to notify you that SBPL has filed an Appeal before the National Green Tribunal (South Zone) ("NGT") and the same has been numbered as Appeal 43/2023 (SZ) inter alia seeking the Hon'ble Court to *inter alia* quash the impugned demand notice dated 12/07/2023. The said matter was listed on 21/12/2023 before the Hon'ble NGT and on the said date,

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Karnataka State Pollution Control Board ("KSPCB") was duly represented by a Counsel.

3. We wish to notify you that *vide* Order dated 21/12/2023, the Hon'ble NGT was pleased to grant an interim order of stay of the Demand Notice at Ref (1). The Operative portion of the order is extracted hereinbelow for ready reference

"There will be an order of interim stay on condition that the appellant furnishes the Bank Guarantee of 50% of the amount levied on them in favour of the Karnataka SPCB within a period of 4 (Four) weeks, failing which, the stay granted will be automatically vacated without further reference to this Tribunal"

A copy of the Order dated 21/12/2023 is enclosed herewith. We are awaiting the certified copy of the Order and the same will also be furnished to you immediately upon receipt.

4. Please note that even though KSPCB is a party and is duly represented in the Appeal filed before the Hon'ble NGT, we are shocked to receive the notice under reply. It is also shocking that a letter purportedly dated 23/11/2023 is couriered to us vide Indian Post and received by us on 12/01/2024, despite the order passed by the Hon'ble NGT. We are constrained to place it on record that the action of issuing the notice under reply is contrary to the order passed by the Hon'ble NGT and tantamount to contemning the order of the Hon'ble NGT.
5. Be that as it may, in view of the Order dated 21/12/2023 and in compliance of the directions of the Hon'ble NGT, we are obtained a Bank Guarantee dated 10/01/2024 bearing No. 00050100004008 in favour of KSPCB for a sum of Rs. 15,05,000/- (*Rupees Fifteen Lakhs Five Thousand only*) drawn on Axis Bank, Kolkata and the original of the same

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is enclosed herewith. We request you to therefore kindly acknowledge the receipt of the same.

6. Since SBPL has complied with the directions of the Hon'ble NGT in terms of the Order dated 21/12/2023, please note that the Demand Notice stands stayed by the Hon'ble NGT. Please also note that having participated in the proceedings before the Hon'ble NGT, the issuance of the reply under notice would tantamount to wilful and deliberate contempt of Orders passed by the NGT at Ref (3) and we therefore call upon you to withdraw the Notice under reply dated 23/11/2023 (*served on SBPL on 12/01/2024*) and refrain from taking any action/s pursuant to the referenced demand notice failing which we will be constrained to approach the Hon'ble NGT in this regard.
7. We hope that you will consider this letter and do the needful at the earliest.

For Southern Bakeries Private Limited



Mr. Atanu Majhi
Authorised Signatory

Enclosure:

- a. Copy of the Order dated 21/12/2023 passed by the Hon'ble National Green Tribunal;
- b. Original of the Bank Guarantee dated 10/01/2024 bearing No. 00050100004008 in favour of KSPCB for a sum of Rs. 15,05,000/- (*Rupees Fifteen Lakhs Five Thousand only*) drawn on Axis Bank, Kolkata.



AXIS BANK LIMITED

Sr. No. 1556737



AXIS BANK LIMITED
KOLKATA (WB)
KOLKATA (WB)
7, SHAKESPEARE SARANI
KOLKATA
KOLKATA-700071

Ref. No :00050100004008
Date:10-01-2024

To,

KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BHAVANA NO-49
CHURCH STREET BANGLORE 560001

Dear Sirs,

BG No. : 00050100004008
Date of Issue : 10-01-2024
Amount of BG : Rs. 15.05,000.00 (RUPEES FIFTEEN LAKHS FIVE THOUSAND ONLY)
Expiry Date : 07-01-2028
Claim Expiry Date : 07-01-2029
Name and Address of the Applicant : MS. SOUTHERN BAKERIES PRIVATE LIMITED
: PLOT 117, ROAD 4 KIADB JIGANI INDUSTRIAL AREA
: PHASE-II, ANEKAL,
BENGALURU

We forward herewith the above Inland Bank Guarantee in original issued by us in your favour.

1. The above Guarantee is issued subject to the condition that the Bank's liability is restricted to the amount mentioned above and in the said Guarantee. Our Guarantee shall remain in force till the expiry date. Unless a demand or claim under the guarantee is made on the Bank in writing and delivered to the bank on or before the Expiry date/Claim Expiry Date, the Bank shall be discharged from all liability under the said guarantee thereafter.

Please Note:

2. The beneficiary in their own interest should verify the genuineness of this guarantee from following office of the Bank in writing.

AXIS BANK LIMITED
BG Confirmation Desk,Transaction Banking Operations
5th floor, Gigaplex, Building No 1,Plot No I.T.5,
MIDC,Airoli Knowledge Park, Airoli,
Navi Mumbai 400708 (Tel/Fax: 022-71315803)

3. BG confirmation can also be sought by sending email to ibg.confirmation@axisbank.com.

FOR AXIS BANK LIMITED
For AXIS BANK LTD.

AUTHORISED SIGNATORY
NAME: GARGI HALDER
SS No. Senior Manager
Kolkata Main Branch
SS. No.-22491:

Encl: Bank Guarantee Number 00050100004008



FOR AXIS BANK LIMITED
For AXIS BANK LTD.

AUTHORISED SIGNATORY JAYANTA MANDAL
NAME: Senior Manager
SS No. Kolkata Main Branch
SS. No.-10079



AK 505118

পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

BANK GUARANTEE NO: 00050100004008 DATED 10TH JANUARY 2024
PERFORMANCE SECURITY BANK GUARANTEE

TO,
MEMBER SECRETARY KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BHAVANA NO-49
CHURCH STREET BANGLORE
560001
(NAME OF RESPONDENT)

For AXIS BANK LTD.

GARGY HALDER
Senior Manager
Kolkata Main Branch



For AXIS BANK LTD.

JAY...
[Signature]

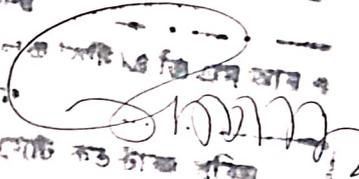
Ss. No.-10079

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Axis Bank CBOD
 1, S.P. Sansam,
 Mon-31

26 DEC 2023

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BANK GUARANTEE NO: 00050100004008 DATED 10TH JANUARY 2024

BG No: 00050100004008

BG Amount: Rs.15,05,000/- (Rupees Fifteen Lakh Five Thousand Only)

BG Expiry Date:07-01-2028

BG Claim Expiry Date:07-01-2029

WHEREAS Southern Bakeries Private Limited, PLOT NO. 117, NO.4, KIADB JIGNI INDUSTRIAL AREA, II PHASE, BENGALURU, Karnataka, India, 560105 (Name of Applicant) hereinafter called the "**Applicant**" has to comply with the National Green Tribunal, Southern Zone, Chennai Bench Order dated 21.12.2023 in pursuance of Appeal No. 43 of 2023 and I.A. No. 130 of 2023 to provide a Bank Guarantee in lieu of the interim stay (Description of Order) hereinafter called "**the Order**".

AND WHEREAS it has been stipulated in the said Order that the Applicant shall furnish Karnataka State Pollution Control Board with a Bank Guarantee by a recognized bank for the sum specified therein the said Order as a condition towards the interim stay and to comply as per the Order.

AND WHEREAS we **Axis Bank Limited**, A Company Incorporated Under The Companies Act, 1956 And Carrying On Banking Business Under The Banking Regulation Act, 1949 And Having Its Registered Office At 'Trishul', 3rd Floor, Opposite Samartheshwar Temple, Law Garden, Ellis Bridge, Ahmedabad 380 006, Gujarat And Its Corporate Office At Bombay Dyeing Mills Compound, Pandurang Budhakar Marg, Worli, Mumbai- 400025 And One Of Its Branch Office At **Axis Bank Limited 7, SHAKESPEARE SARANI KOLKATA 700071** have agreed to give the Applicant a Bank Guarantee.

THEREFORE WE hereby affirm that we are Guarantors and responsible to you on behalf of the Applicant, up to a total of **Rs.15,05,000/- (Rupees Fifteen Lakh Five Thousand Only)** (Amount of the Guarantee In Words and Figures and we undertake to pay you upon your first written demand declaring the Applicant to be in default or as per the directions of the National Green Tribunal, Southern Zone, Chennai Bench without cavil or argument, any sum or sums within the limit of **Rs.15,05,000/- (Rupees Fifteen Lakh Five Thousand Only)** ("**Amount of Guarantee**") as aforesaid, without your needing to prove or to show grounds or reasons for your demand or the sum specified therein.

This Bank guarantee is valid until the 07-01-2028.

DATE: 10TH JANUARY 2024

PLACE: KOLKATA

For AXIS BANK LTD.

GARGY HALDER
Senior Manager
Kolkata Main Branch
SS. No.-22491



For AXIS BANK LTD.


JAYANTA MANDAL
Senior Manager
Kolkata Main Branch
SS. No.-10079