

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
AT NEW DELHI**

EXECUTION APPLICATION NO. 05/2018 (THC)

IN

ORIGINAL APPLICATION NO. 40 OF 2014

In the matter of:

Mr. Charudatt Pandurang Koli

And others.

... Applicants

Versus

M/s Sea Lord Containers

& others

... Respondents

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Sangram Singh R. Bhonsle

ADVOCATE

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Date: 18.03.2020

Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,
AT PUNE**

EXECUTION APPLICATION NO. 05/2018 (THC)

IN

ORIGINAL APPLICATION NO. 40 OF 2014

In the matter of:

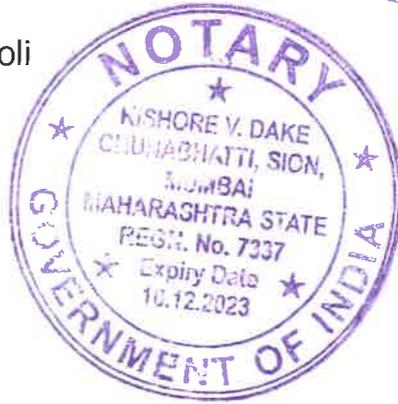
Mr. Charudatt Pandurang Koli

And others.

Versus

M/s Sea Lord Containers

& others



... Applicants

... Respondents

AFFIDAVIT

I, Mr. Dayaram Harishchandra Mahulkar, Age: 55 Years, Occ: Business, R/o: Chereshwar CHS Ltd, Near BMC School, Flat No. 504, 5th Floor, Mahul Village, Chembur, Mumbai-400 074, do hereby submit on solemn affirmation that:

1. That I am the Applicant No. 2 in the aforesaid Execution Application bearing No. 05/2018 (THC) which is pending before this Hon'ble Tribunal.
2. That this Hon'ble Tribunal vide its order dated 15.07.2019 was pleased to grant a liberty to the Applicants in Execution Application No. 05/2018 (THC) to furnish their viewpoint to the office of the Central Pollution Control Board with regard to the assessment of the value of damage to the environment and public health and the proportion in which the amount is to be recovered from the identified contributors to the pollution in the areas Mahul, Ambapada and Chembur.
3. I hereby submit that the I, along with all the Applicants, on 04.10.2019, had submitted a copy of the Representation to the Central Pollution Control Board through my Advocate as to our viewpoint with regard to the assessment of the value of damage to the environment and public health and the proportion in which the amount is to be recovered from

(Signature)

the identified contributors to the pollution in the areas Mahul, Ambapada and Chembur.

4. Furthermore, vide the said order dated 15.07.2019, the Office of the Central Pollution Control Board was also directed to evolve source standards for chemical storage terminals in accordance with the direction in PARA 57(g) of the judgement of this Tribunal dated 18.12.2015, if not already done, in consultation with MPCB.
5. However, on 06.11.2019 the Central Pollution Control Board sought an extension of two months compliance of the order dated 15.07.2019 on the ground that the NEERI has to conduct requisite study.
6. I hereby submit that the Applicants have, on 13.03.2020, submitted a copy of the Representation to the Central Pollution Control Board through my Advocate as to the status of the non-compliances of the directions in Para 57 of the Judgment dated 18.12.2015 also pointing out the studies already conducted by the NEERI and various other agencies. The copy of the Representation to the Central Pollution Control Board as to the status of the compliance of the directions in Para 57 of the Judgment dated 18.12.2015 in terms of the orders dated 15.07.2019 and 06.11.2019 is marked herewith as **Annexure R-1**.
7. I am filing this Affidavit limited to the extent to show the compliance by the Applicants of the order dated 15.07.2019 passed by this Hon'ble Tribunal.
8. All the contents stated herein above are true and correct and to the best of my knowledge.

Place: Mumbai

Date:

BEFORE ME

[Signature]
17.3.2020

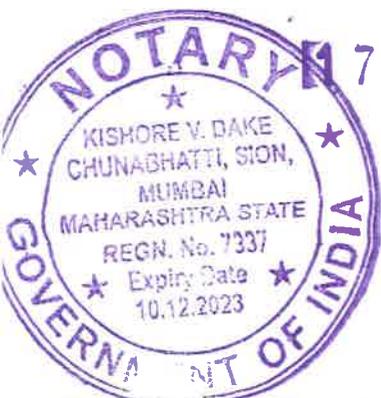
K. V. DAKE B.Com. LL.B.,
NOTARY GOVT. OF INDIA
Advocate High Court, Mumbai
Janta Market, Shop No. 35,
Near Chembur Ry. Station, Chembur,
Mumbai-400 071.

Notary Register No. 36	Entry No. 588	Date 17/3/2020

[Signature]

Deponent

(Dayaram H. Mahulkar)



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ANNEXURE R-1.

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Sr. No.	Particulars	Page No.
1.	Representation on behalf the Applicants in the matter of Charudatt Koli and others Versus M/s Sea Lord Containers Ltd. and others pending before the Hon'ble National Green Tribunal, (PB), New Delhi in Execution Application No. 05/2018 (THC) in terms of the order dated 15.07.2019 along with order dated 06.11.2019	1-11

Date:12.03.2020

Place: Delhi

Aditee

Sangramsingh R Bhonsle, Aditee V.
Dongrawat, Siddharth Mehta and
Samridhi Jain
Advocate for Applicant
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Date: 12.03.2020

To,
The Member Secretary
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar,
Arjun Galli, Vishwas Nagar,
Shahadara, Delhi- 110032

Ref: Order dated 15.07.2019 along with order dated 06.11.2019 passed by the Hon'ble National Green Tribunal, (PB), New Delhi in Execution Application No. 05/2018 (THC)

Sub: In the matter of:
Charudatt Pandurang Koli & Ors. **Versus** M/s Sea Lord Containers Ltd. & Ors.

Sir,

The aforesaid matter is pending before the Hon'ble National Green Tribunal, (PB), New Delhi whereby the Hon'ble Tribunal is considering the remedial steps to be taken for the control of air pollution in the outskirts of Mumbai, in and around villages of Mahul and Ambapada in compliance of the directions passed by the Hon'ble Tribunal vide its Judgment dated 18.12.2015 in the O. A. No. 40 of 2014.

The Applicants are filing the present Representation with your esteemed office as, on 15.07.2019 the Hon'ble Tribunal while adjudicating the aforesaid matter directed your esteemed office to assess the value of the damage to the environment and public health and the proportion in which the amount is required to be recovered from the identified sources of pollution while taking into consideration the earlier reports and data base along with the observations in the orders of the Hon'ble Supreme Court. The Hon'ble Tribunal also directed your esteemed office to evolve the source standards for chemical storage terminals in consultation with the MPCB in accordance with the direction in Para 57 (g) of the Judgment dated 18.12.2015 passed by the Hon'ble Tribunal in the O. A. No. 40 of 2014. Therefore, in terms of the order dated 15.07.2019 your esteemed office has been appointed as an expert agency by the Hon'ble Tribunal to see that the directions vide the Judgment dated 18.12.2015 are complied with. Vide the present Representation, the Applicants are bringing to your notice a status as to the compliance of the directions in Para 57 of the Judgment dated 18.12.2015 which are as follows:

- a. MPCB shall prepare a comprehensive action plan for control of air pollution in Mahul, Ambapada and Chembur areas, with a focus on control of VOCs within 2 months, and submit it to CPCB for its concurrence/approval which shall be confirmed in next 2 months. Such action plan shall be implemented by Judgment in Application No.40/2013 (WZ) 55 CPCB and MPCB within next 12 months through the MPCB.
- b. MPCB shall immediately issue necessary directions for implementation of the recommendations of its expert committee as per report of August 2014, and ensure that these directions are complied with in 12 months.
- c. The health impact assessment studies as proposed by KEM shall be conducted for the minimum period of 3 years. KEM shall give necessary proposal including the associated air quality monitoring which can be conducted through reputed institute like NEERI, Mumbai to MPCB within 2 months and such studies shall be coordinated by MPCB. The cost of such studies shall be equally borne by Respondent-1, 9,10,11 and 14.
- d. MPCB shall carry out the VOC assessment studies in line with CEPI studies as per CPCB protocol for the areas of Mahul, Ambapada and Chembur on yearly basis for next 3 years to assess the trends of such problem.
- e. Respondent-6, Commissioner, MCGM shall provide necessary medical facilities and treatment for the residents of Mahul, Ambapada and Chembur, in view of the adverse health effects observed. Respondent-1,9,10, 11 and 14 shall provide all necessary assistance and financial support for such measure to Respondent-6.
- f. SEIAA and MPCB shall assess the environmental compliance of activities of Respondent-1 as far performance of air pollution control measures, by monitoring of VOCs and also, change in capacity of chemical handling which is changed from 75000 KL/month to 75000 KL, within a period of 3 (three) months. In case of non-compliance of this direction, the Respondent-1 shall operate the plant maximum at the Judgment in Application No.40/2013 (WZ) 56 present chemical handing rate (maximum of last six months on monthly basis), till such assessment by SEIAA and MPCB is done, on the basis of precautionary principle. MPCB to serve the copy of this order to Member Secretary SEIAA for further necessary action.
- g. The observed air quality in Chembur area and associated health impacts necessitates considerations of VOC in ambient air quality and also, source emissions standards for chemical storage terminals. MPCB shall evolve such standards under the powers available under section 17 of Air Act, in consultations with CPCB, within next 4 months.

- h. Respondent-3 is hereby directed to form a committee of experts to suggest the location criteria for industries and activities involved in hazardous chemicals handling and more specifically the environmentally safe distance from residential areas, which shall be formulated in next 4 months, as per provisions of the Air act and Environmental (Protection) Act, 1986.
- i. Respondent Nos.1, 9 and 10 shall pay amount of Rs.5,00,000/- (Rs. five lakhs) to each Applicant as litigation costs.

STATUS AS TO THE COMPLIANCE OF THE DIRECTIONS OF THE JUDGMENT DATED

18.12.2015:

Direction (a):

MPCB shall prepare a comprehensive action plan for control of air pollution in Mahul, Ambapada and Chembur areas, with a focus on control of VOCs within 2 months, and submit it to CPCB for its concurrence/approval which shall be confirmed in next 2 months. Such action plan shall be implemented by CPCB and MPCB within next 12 months through the MPCB:

1. Vide the said direction the MPCB was directed to prepare a Comprehensive Action Plan (CAP) for control of air pollution with a focus on control of VOCs in the areas of Mahul, Ambapada and Chembur which was to be implemented by your office through MPCB in a time bound manner.
2. Accordingly, a committee comprising of members of August 2014 report was finalized to prepare the CAP in terms of the direction 'a' of the Judgment dated 18.12.2015 and it was decided vide the minutes of the meeting dated 26.05.2016 by the Committee that the August 2014 report shall be the basis for preparing the CAP. **(Ref Page 681 of E. A. No. 05 of 2018 (THC))**
3. Subsequently, after certain modifications as directed by your esteemed office, a final concise CAP was prepared by the MPCB and submitted the same to your office on 20.07.2016. **(Ref Page 693 of E. A. No. 05 of 2018 (THC))** The said CAP was then approved by your office vide an email dated 12.08.2016. **(Ref Page 694 of E. A. No. 05 of 2018 (THC))**. Accordingly, after a period of 6 months i.e. after a lapse of 4 months, a June, 2016 Comprehensive Action Plan was filed before the Hon'ble Tribunal vide an affidavit on behalf of the MPCB dated 16.08.2016. **(Ref Page 875 of E. A. No. 05 of 2018 (THC))**
4. Vide the said CAP a lot of anomalies were observed by the expert committee during the site visit and it was noted that the refineries as well as the storage units in the

area of Mahul and Ambapada are non-compliant with standards laid down despite the fact that the time frame for implementing the said standards was over. The expert committee was therefore of the opinion that there was a need for having a concerted study of the aspects as observed and concrete action plan had to be worked out for implementation by the industries in order to ensure that overall VOC emission in the areas of Mahul and Ambapada are reduced. (**Ref Page 978 of E. A. No. 05 of 2018 (THC)**)

5. Accordingly, a Comprehensive Action Plan for VOC Control in Mahul and Chembur area was prepared for VOC emission reduction vide which certain action points to be covered with regard to the Inventory of VOC Emission and Associated Ambient Air Quality Assessments and action plans to be covered with regard to the same. The aforesaid action points are stated hereinafter for your kind perusal:

- *Identify different sources of VOC emissions in the area along with types of VOC emissions in the area along with types of VOCs which might be released from each of these.*
- *Ascertain the secondary photochemical transformations likely to take place.*
- *Prepare a program for ambient air quality assessment of VOCs and hydrocarbons for Mahul-Trombay-Chembur area.*
- *Undertake monitoring of Ambient Air Quality for a period of three years by following a protocol as developed during CEPI studies by MPCB for Navi Mumbai and other regions.*
- *Ascertain likely health impacts which might occur due to release of said VOCs.*
- *Advise KEM laboratory regarding health impact studies to be taken up.*
- *Analyze the various VOC parameters in ambient air.*

The time frame for the completion of the said work was determined to be 3 years from the submission of the work plan and monitoring program and NEERI was appointed as an agency to carry out the said action points. (**Ref Page 979 of E. A. No. 05 of 2018 (THC)**)

6. In terms of the aforesaid action points as emphasized by the Expert Committee vide the June, 2016 action plan, NEERI filed a final report of December, 2018 with the Hon'ble Tribunal on 01.02.2019 after carrying out a STUDY TO ASSESS THE AIR QUALITY AND HEALTH IMPACTS AT MAHUL, CHEMBUR (**Ref Page 2158 of E. A. No. 05 of 2018 (THC)**). The study carried out by the NEERI vide its final report of December, 2018 aimed at understanding all sources of emissions in the study region and also examining the additional sources of VOCs, which were more

revalent due to oil refineries and industries engaged in handling of material emitting VOCs of different kind depending upon the operational efficiency and control measures. Accordingly, the study was conducted by NEERI assessing ambient concentrations of the air pollutants; preparing inventory for different air pollutants (their emission rates and pollution loads); apportioning the source emission characteristics of various sources; assessing the impact of sources on ambient air quality; drawing a roadmap of short & long term measures and assessing the impact of air quality on health in and around Mahul area, Chembur. The said study was then concluded by NEERI finding that

'Mahul region is experiencing the impact of emissions and it is being felt more due to the fact that many residential buildings have come up in this region. Looking at health data, which largely suggests acute exposure of VOCs, indicates that short term emissions from nearby sources are prevalent.'

Owing to the data of survey, emission inventory and health surveys, NEERI in its final report gave various recommendations including certain recommendations to your office for compliance. (**Ref Page 2253-2256 of E. A. No. 05 of 2018 (THC)**)

7. Furthermore, another report dated 01.01.2019 was filed by a Joint Committee formed by the Hon'ble Tribunal vide its order dated 17.07.2018 in the E. A. No. 05 of 2018 (THC) whereby the Joint Committee conducted a study and determined source wise emission of VOCs by various industries in the areas of Mahul and Ambapada. The cause for the preparation and the filing of the Joint Committee Report dated 01.01.2019 arises out of the order of the Hon'ble Tribunal on 17.05.2018, in the E. A. No. 05 of 2018 (THC), whereby the Hon'ble Tribunal had called for the presence of the Chairman of the MPCB as a result of substantial discrepancies in the analysis report of the MPCB and that of NEERI carried out on the same day on the content of Benzene. The Hon'ble Tribunal by its order dated 17.07.2018, observed that although the actions are being taken by the MPCB, MCGM, the State Government and others not much had progressed. The Hon'ble Tribunal also noted that desired results as to the identification the sources of VOCs and mitigation of the health condition of the residents of Mahul and Ambapada were not achieved. The Hon'ble Tribunal therefore was of the opinion that the comprehensive directions of the Judgment dated 18.12.2015 were not complied more particularly directions (a) and (b). Thus, the Hon'ble National Green Tribunal vide its order dated 17.07.2018 constituted a Committee consisting of members of the Central Pollution Control Board, NEERI-Nagpur and the MPCB to carry out

monitoring, sampling, analysis and report preparation vis-à-vis the air pollution in the area in order to capture a true and correct picture of the peak levels of the pollution.

8. In compliance of the aforesaid order dated 17.07.2018 in Execution Application No. 44/2016, the Joint Committee on 01.01.2019 submitted its report on monitoring of odour and Volatile Organic Compounds in Mahul, Ambapada and Chembur with the Hon'ble Tribunal. A total of 21 VOCs were detected in the areas of Mahul, Ambapada and Chembur. The presence of Benzene, Styrene, Toluene, Xylene, Di-ethyl Benzene, Tri-methyl Benzene, and Di-Chloro Benzene emerged as dominant VOCs in significant concentrations. The report dated 01.01.2019 also undertook source attribution whereby Benzene, Styrene, Toluene and Xylene was handled by Refineries and Logistic companies in the area of Mahul and Ambapada. Thus, the report of 01.01.2019 found that the presence of pre-dominant VOCs as a potential source was established. The report of 01.01.2019 therefore attributed the emission of VOCs in significant concentration to the Industrial operations of the Respondent Nos. 1, 2, 9 and 10 (Respondent Parties in the E. A. No. 05 of 2018 (THC)), which also were held to be major industrial sources of air pollution in the judgment dated 18.12.2015. It is pertinent to note that VOC monitoring was undertaken by a NABL accredited laboratory viz. M/s SGS India Pvt. Ltd. and the monitoring of VOCs was undertaken following the EPA-17 methodology for sampling ambient air. Thus, the monitoring of VOCs in the report of 01.01.2019 was undertaken in compliance of the directions of the Hon'ble Tribunal dated 17.17.2018. The said report dated 01.01.2019 established the presence of predominant VOCs with potential sources to a great extent. Accordingly, the Joint Committee recommended various measures for implementation to control emission of VOCs. (**Ref Page 1411 of E. A. No. 05 of 2018 (THC)**)
9. It is pertinent to note that on the perusal of the Final Report of NEERI dated 01.02.2019 it can be asserted that the suggestions of the MPCB vide its Comprehensive Action Plan of June, 2016 (**Ref Page 979 of E. A. No. 05 of 2018 (THC)**) were considered by NEERI and accordingly the study as filed by the NEERI was conducted giving certain recommendations in terms of the direction 'a' of the Judgment dated 18.12.2015. Also, the Joint Committee as formed by the Hon'ble Tribunal vide its order dated 17.07.2018 has dealt with the issues of pollution in the areas of Mahul and Ambapada. The Joint Committee report dated 01.01.2019 thereby focused on the source wise emission of VOCs by the industrial

establishments in the area of Mahul and Ambapada in adherence with the direction 'a' of the Judgment dated 18.12.2015.

10. However, in compliance of the aforesaid order dated 15.07.2019, your esteemed office filed a status report dated 30.10.2019 before the Hon'ble Tribunal seeking an extension of six months in filing the report as contemplated in the order dated 15.07.2019 on the ground that the damage assessment and amount to be recovered can only be calculated after finalization of VOCs quantity by the expert agency which was appointed to be NEERI, Nagpur. Your office also suggested vide the said status report dated 30.10.2019 that source estimation of TVOCs needs to be carried out primarily at industry and other prominent sources if noticed which would require field inspection, assessment of leakage from tanks, pump seals, compressor seals, flanges and valves. The Hon'ble Tribunal on 06.11.2019 considered the status report dated 30.10.2019 filed by your office and observed that:

'...since there is a serious deterioration of air quality in the area, impacting the health of the citizens, leisurely approach is unwarranted. The study, as already directed by this Tribunal, has to be conducted expeditiously. Already four years have gone by and no further time can be lost. The CPCB must carry out the study in-house with the association of such expert/Institutions as may be necessary. The study may now be completed positively within two months. The study should include all the issues mentioned in the order dated 15.07.2019.'

11. The Hon'ble Tribunal vide its order dated 15.07.2019 had made it abundantly clear that your office must refer to the earlier reports & data base, more so the reports dated 01.01.2019 & 01.02.2019 and consider the observations in the orders of the Hon'ble Supreme Court. The Applicants vide the present Representation wish to bring to your notice the status as to the compliance of the direction 'a' of the Judgment dated 18.12.2015.

Direction (b):

MPCB shall immediately issue necessary directions for implementation of the recommendations of its expert committee as per report of August 2014, and ensure that these directions are complied with in 12 months.

12. In order to find a solution to the frequent complaints from the residents of village Mahul regarding smell nuisance and air pollution, the MPCB, on 20.05.2014, had

constituted a Committee vide its office order. In pursuance thereof the Committee submitted a final report of August, 2014 including the observations and findings with the Hon'ble Tribunal in the E. A. No. 05 of 2018 (THC). (**Ref Page 364-484 of E. A. No. 05 of 2018 (THC)**). Considering the holistic study carried out by the Committee with regard to the pollution in the area of Mahul and Ambapada, certain recommendations were summarized mainly with regard to the industrial operations of the Respondent No. 1. Vide the said recommendations it was suggested by the Committee of August, 2014 that all the storage tanks in the premises of the Respondent No. 1 Company having capacity of more than 500 KL and holding substance having vapor pressure more than 10 KPa shall be equipped with Internal Floating Roofs. It was also suggested that a suitable amendment be made to the Consent to operate of the Respondent No. 1 to include the recommendations of the August, 2014 report. (**Ref Page 479-484 of E. A. No. 05 of 2018 (THC)**). Subsequently, the Hon'ble Tribunal vide its Judgment dated 18.12.2015 passed the direction 'b' as aforesaid, directing the MPCB to ensure the compliance of the recommendations of the August, 2014 report.

13. In terms of the said direction 'b' of the Judgment dated 18.12.2015 the MPCB vide a letter dated 19.01.2016 bearing No. MPCB/AST/TB/B-304 issued a direction to the Respondent No. 1 to comply with certain conditions, in consonance with the recommendations of the August, 2014 report. (**Ref Page 987 of E. A. No. 05 of 2018 (THC)**). However, on the perusal of the direction 'b' of the letter dated 19.01.2016 it can be noted that the Respondent No. 1 was directed:

'...b. Storage tanks with the capacity of more than 500 m³ and total vapor Pressure (TVP) of 10 to 76 kpa should have Internal Floating Roof Tank or External Floating Roof Tank or Fixed Roof Tank with vapor control system...'

Therefore, from the bare perusal of the direction 'b' of the letter dated 19.01.2016 it is amply clear that the same was intimated in contradiction with the recommendation of the August, 2014 report whereby it was categorically directed to the Respondent No. 1 to equip its storage tanks of more than 500 KL capacity only with Internal Floating Roofs.

14. Furthermore, August, 2014 report also recommended that as per MSIHC Rules 1989/2000, the Respondent No. 1 needed to intimate the MPCB 30 days in advance prior to the import of hazardous chemicals and the clause in that regards was directed to be included in the conditions of the Consent to Operate of the Respondent No. 1. However, the said clause was astonishingly not included in the letter dated 19.01.2016 for the reasons best known to the MPCB.

15. The Respondent No. 1 on 14.03.2016 filed a reply to the direction dated 19.01.2016 with the MPCB. The reply dated 14.03.2016 being not in detail showing the compliance of the letter 19.01.2016, the MPCB had communicated dissatisfaction thereby issuing another letter dated 30.08.2016. However, the Respondent No. 1 failed to abide by the direction dated 30.08.2016 as well and therefore, the MPCB on 19.10.2016 issued another direction expecting pointwise compliance of the previous directions dated 19.01.2016 and 30.08.2016. (**Ref Page 114-116 of E. A. No. 05 of 2018 (THC)**).
16. On 04.11.2016, the MPCB constituted a Committee in order to verify the compliance of the directions issued by the Respondent Board vide its letter dated 19.10.2016 to the Respondent No. 1 which then conducted a site inspection of the premises of the Respondent No. 1 Company on 20.05.2017. (**Ref Page 151 of E. A. No. 05 of 2018 (THC)**). On the perusal of the said site inspection it can be noted that the Respondent No. 1 had miserably failed to comply with the directions of the MPCB vide its letter dated 19.10.2016 and the Committee proposed to issue necessary directions to the Respondent No. 1 towards the observed non-compliances.
17. Furthermore, the MPCB further issued fresh directions to the Respondent No. 1 on 22.05.2017 which did not even consider the recommendations of the August, 2014 report and also the directions of the MPCB vide its letter dated 19.10.2016. (**Ref Page 154-155 of E. A. No. 05 of 2018 (THC)**). The Respondent No. 1 on 30.05.2017 filed a reply to the directions issued by the MPCB vide its letter dated 22.05.2017 showing that the Respondent No. 1 has complied with all the directions of the letter dated 22.05.2017. (**Ref Page 632-635 of E. A. No. 05 of 2018 (THC)**). It is pertinent to note that the direction dated 22.05.2017 is a mere eyewash at the behest of the MPCB and therefore, even if, for the sake of the arguments, it is considered that the Respondent No. 1 has complied with the directions dated 22.05.2017, then also, the suggestions and the recommendations as per August, 2014 report remains unconsidered, amounting to blatant violation of the direction 'b' of the Judgment dated 18.12.2015.

Direction (g):

The observed air quality in Chembur area and associated health impacts necessitates considerations of VOC in ambient air quality and also, source emissions standards for chemical storage terminals. MPCB shall evolve such standards under the powers available under section 17 of Air Act, in consultations with CPCB, within next 4 months.

With regard to the direction (g) of the Judgment dated 18.12.2015, the Applicants state that on 19.01.2016, the MPCB wrote a letter to your esteemed office seeking its assistance in order to formulate the standards in terms of the direction (g) however, the said direction is not a part of the present proceedings before the Hon'ble Tribunal. Furthermore, the MPCB again on 11.08.2016, wrote another letter to your esteemed office seeking compliance status of the Direction (g). (**Ref Page 1025-1026 of E. A. No. 05 of 2018 (THC)**).

19. The MPCB on 16.08.2016 filed an Affidavit before the Hon'ble Tribunal showing the status of the compliance of the directions dated 18.12.2015 whereby, the MPCB with regard to the direction (g) has stated that MoEF & CC has specified standards for storage and loading/unloading of hydrocarbons in case of Petroleum Refineries vide GSR 186 (E) dated 18.03.2008 and for Petrochemical Industries vide GSR 820 (E) dated 09.11.2012. However, in absence of any standard for isolated storage terminals, MPCB decided to apply GSR 120 (E) and GSR 826 (E) to the activities of M/s. Sea Lords. (**Ref Page 869-874 of E. A. No. 05 of 2018 (THC)**).
20. Also that, the Hon'ble Tribunal had on 15.07.2019 categorically directed that:

'18. ...CPCB in consultation with MPCB may evolve source standards for chemical storage terminals in accordance with the direction in PARA 57(g) of the judgement of this Tribunal dated 18.12.2015, if not already done.'

In terms thereof, there is a categorical direction to your esteemed office in consultation with MPCB to evolve such standards specifically for the chemical storage terminals, M/s. Sea Lords Containers and Aegis Logistics in the present case.

21. In terms of the order dated 15.07.2019, a meeting was held at your office whereby MPCB telephonically communicated its views and requested your office for guidance with regard to Para 'g'. It was also decided that the MPCB shall adopt the already developed standards for oil refinery and petrochemical units, which were notified vide GSR dated 18.03.2008 and 09.11.2012, respectively. The MPCB was also suggested to adopt the norms or make further stringent norms for Mahul area, as location specific standard. (**Ref Page 2936 of E. A. No. 05 of 2018 (THC)**).

Direction (h):

Respondent-3 is hereby directed to form a committee of experts to suggest the location criteria for industries and activities involved in hazardous chemicals handling and more specifically the environmentally safe distance from residential areas, which shall be

formulated in next 4 months, as per provisions of the Air act and Environmental (Protection) Act, 1986

22. Vide the aforesaid direction, the Respondent No. 3 i.e. the State of Maharashtra, through its Environment Department, was directed to form a Committee of experts to suggest location criteria for industries. On 11.08.2016, a reminder was sent by the MPCB to the Respondent No. 3 seeking compliance of the direction (h). **(Ref Page 1027 of E. A. No. 05 of 2018 (THC))**. The MPCB filed an affidavit dated 16.08.2016 before the Hon'ble Tribunal informing the Hon'ble Tribunal compliance of the direction 'h' is being pursued by the MPCB with the Respondent No. 3. **(Ref Page 869-874 of E. A. No. 05 of 2018 (THC))**
23. In compliance of the direction 'h' of the Judgment dated 18.12.2015, the Respondent No. 3 constituted an Expert Committee vide an office order dated 15.05.2017 undertaking to submit a report within three months to the Hon'ble Tribunal. **(Ref Page 146-147 of E. A. No. 05 of 2018 (THC))**.
24. In furtherance of the said Office Order dated 15.05.2017, the Respondent No. 3 filed an affidavit before the Hon'ble Tribunal on 15.05.2017 itself stating the contents of the Office Order dated 15.05.2017. **(Ref Page 143-144 of E. A. No. 05 of 2018 (THC))**.

The present Representation is hereby filed by the Applicants with a bonafide intention of apprising your esteemed office with the status of the developments that have happened till dated with regard to the compliance of the directions 'a' and 'b' of the Judgment dated 18.12.2015.

Kindly take a note of the same.


Applicant No. 1

(Mr. Charudatt Pandurang Koli)



Applicant No.2

(Mr. Dayaram Harishchandra Mahulkar)



Applicant No.3

(Mr. Mohan Laxman Mhatre)



Applicant No.4

(Mr. Dattaram Laxman Koli)

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
AT NEW DELHI**

EXECUTION APPLICATION NO. 05/2018 (THC)

IN

ORIGINAL APPLICATION NO. 40 OF 2014

In the matter of:

Mr. Charudatt Pandurang Koli & Ors. ...Applicants

Versus

M/s Sea Lord Containers & Ors. ...Respondents

PROOF OF SERVICE:

Sr. No.	Respondent	Date of Delivery Through DTDC
1.	Respondent No.1	18.03.2020
2.	Respondent No.2	18.03.2020
3.	Respondent No.3	18.03.2020
4.	Respondent No.4	18.03.2020
5.	Respondent No.5	18.03.2020
6.	Respondent No.6	18.03.2020
9.	Respondent No.9	18.03.2020
10.	Respondent No.10	18.03.2020

Place: New Delhi

Date: 18.03.2019



Adv. Sangram Singh R. Bhonsle

Seen Coral Containers

3085

DTDC DTDC Express Limited Regd. Office: No-3, Victoria Road Bangalore - 560047		dtcd lite	Pouch Num:	ORIGIN:	DEST:
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Date: / /		Sender's Code:		Pick-up Ref. No:	
Sender's (Consignor) Name:		Ph:		Recipient's (Consignee) Name:	
Company Name & Address:				Company Name & Address:	
City:		State:		City:	
Sender's GSTIN*:				Recipient's GSTIN*:	
3 Nature of consignment Dox <input type="checkbox"/> Non-Dox <input checked="" type="checkbox"/> Total Num Pcs:		4 Description of Content		Value of Goods	
DIM 1: L cm X B cm X H cm X Pcs Actual Wt: kg					
DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt: kg					
DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt: kg					
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> 6 Paper Work Enclosures		7 Type of consignment (Please ✓)		8 Value Added Services	
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/> 10 Charges Amount(₹)		11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code	
11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code		13 Receiver's Name	
Sender's Signature		Courier Signature		Relationship	
Date: / / Time: AM/PM				Ph. No.	
The consignment note is not a tax invoice. A tax invoice will be made available by DTDC or its channel partner as the case may be, upon request.				Company Stamp & Signatures	
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Seen coral containers LTD. Mumbai

S17-ASHRAM MASTER FRANCHISEE SF174-DEFENCE COLONY - II NORTH CSS NO 011-3300

Aegys Logistics LTD

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Date: / /		Sender's Code:		Pick-up Ref. No:	
Sender's (Consignor) Name:		Ph:		Recipient's (Consignee) Name:	
Company Name & Address:				Company Name & Address:	
City:		State:		City:	
Sender's GSTIN*:				Recipient's GSTIN*:	
3 Nature of consignment Dox <input type="checkbox"/> Non-Dox <input checked="" type="checkbox"/> Total Num Pcs:		4 Description of Content		Value of Goods	
DIM 1: L cm X B cm X H cm X Pcs Actual Wt: kg					
DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt: kg					
DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt: kg					
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> 6 Paper Work Enclosures		7 Type of consignment (Please ✓)		8 Value Added Services	
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/> 10 Charges Amount(₹)		11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code	
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Sender's Signature		Courier Signature		Relationship	
Date: / / Time: AM/PM				Ph. No.	
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Aegys Logistics LTD. Mumbai

S17-ASHRAM MASTER FRANCHISEE SF174-DEFENCE COLONY - II NORTH CSS NO 011-3300

The State of Maharashtra

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Date: / /		Sender's Code:		Pick-up Ref. No:	
Sender's (Consignor) Name:		Ph:		Recipient's (Consignee) Name:	
Company Name & Address:				Company Name & Address:	
City:		State:		City:	
Sender's GSTIN*:				Recipient's GSTIN*:	
3 Nature of consignment Dox <input type="checkbox"/> Non-Dox <input checked="" type="checkbox"/> Total Num Pcs:		4 Description of Content		Value of Goods	
DIM 1: L cm X B cm X H cm X Pcs Actual Wt: kg					
DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt: kg					
DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt: kg					
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> 6 Paper Work Enclosures		7 Type of consignment (Please ✓)		8 Value Added Services	
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/> 10 Charges Amount(₹)		11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code	
11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code		13 Receiver's Name	
Sender's Signature		Courier Signature		Relationship	
Date: / / Time: AM/PM				Ph. No.	
The consignment note is not a tax invoice. A tax invoice will be made available by DTDC or its channel partner as the case may be, upon request.				Company Stamp & Signatures	
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The State of Maharashtra Through M/s. Environment Mumbai

S17-ASHRAM MASTER FRANCHISEE SF174-DEFENCE COLONY - II NORTH CSS NO 011-3300

TC Commissioner

3086

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Non Negotiable Consignment Note / Subject to Bengaluru Jurisdiction. Please refer to all the terms & conditions printed overleaf of this consignment note before tendering a consignment to DTDC.						
Date: / /	Sender's Code:	Pick-up Ref. No:	2			
1 Sender's (Consignor) Name: Sangram Company Name & Address: Sangram City: State: SIMH PIN Code: Sender's GSTIN*: 12/03/2020			2 Recipient's (Consignee) Name: TC Commissioner Company Name & Address: Municipal Corp. of Greater Mumbai City: State: MUMBAR PIN Code:			
3 Nature of consignment Dox <input type="checkbox"/> Non-Box <input checked="" type="checkbox"/> Total Num: Pcs: Actual Wt.: kg DIM 1: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt.: kg			4 Description of Content: Value of Goods: The Total Value of consignment for carriage / E-Way bill ₹			
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> 6 Paper Work Enclosures			7 Type of consignment (Please ✓) Commercial <input type="checkbox"/> Non-Commercial <input type="checkbox"/> 8 Value Added Services - Not Available CN Expiry Dt.:			
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/> 10 Charges Amount(₹): a) Tariff (incl. OF/SC + Taxes) b) Value Added Service Charges c) Risk Surcharge d) Total amount (a+b+c) Above charges are inclusive of GST & other taxes if applicable. Mode of Payment: Cash <input type="checkbox"/> Card <input type="checkbox"/> Wallet <input type="checkbox"/>			11 We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate. Sender's Signature: DTDC Date: / / Time: AM/PM The consignment note is not a tax invoice. A tax invoice will be made available by DTDC or its channel partner as the case may be, upon request.			
12 Booking Branch / Franchisee Code			13 Consignment Number: 245908550 SIT-ASHRAM MASTER FRANCHISEE SE-174-DEFENCE COLONY - II NORTH CSS NO 011-3300-444 Relationship: Ph. No.: DD MM YY TIME AM/PM			
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Non Negotiable Consignment Note / Subject to Bengaluru Jurisdiction. Please refer to all the terms & conditions printed overleaf of this consignment note before tendering a consignment to DTDC.						
Date: / /	Sender's Code:	Pick-up Ref. No:	2			
1 Sender's (Consignor) Name: Sangram Company Name & Address: Sangram City: State: SIMH PIN Code: Sender's GSTIN*: 12/03/2020			2 Recipient's (Consignee) Name: Panayat Petroleum Company Name & Address: Corpn. City: State: MUMBAR PIN Code:			
3 Nature of consignment Dox <input type="checkbox"/> Non-Box <input checked="" type="checkbox"/> Total Num: Pcs: Actual Wt.: kg DIM 1: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt.: kg			4 Description of Content: Value of Goods: The Total Value of consignment for carriage / E-Way bill ₹			
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> 6 Paper Work Enclosures			7 Type of consignment (Please ✓) Commercial <input type="checkbox"/> Non-Commercial <input type="checkbox"/> 8 Value Added Services - Not Available CN Expiry Dt.:			
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/> 10 Charges Amount(₹): a) Tariff (incl. OF/SC + Taxes) b) Value Added Service Charges c) Risk Surcharge d) Total amount (a+b+c) Above charges are inclusive of GST & other taxes if applicable. Mode of Payment: Cash <input type="checkbox"/> Card <input type="checkbox"/> Wallet <input type="checkbox"/>			11 We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate. Sender's Signature: DTDC Date: / / Time: AM/PM The consignment note is not a tax invoice. A tax invoice will be made available by DTDC or its channel partner as the case may be, upon request.			
12 Booking Branch / Franchisee Code			13 Consignment Number: 245908552 SIT-ASHRAM MASTER FRANCHISEE SE-174-DEFENCE COLONY - II NORTH CSS NO 011-3300-444 Relationship: Ph. No.: DD MM YY TIME AM/PM			
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Maharashtra Pollution

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Date: / /	Sender's Code:	Pick-up Ref. No:	2			
1 Sender's (Consignor) Name: Sangram Company Name & Address: Sangram City: State: SIMH PIN Code: Sender's GSTIN*: 12/03/2020			2 Recipient's (Consignee) Name: Maharashtra Pollution Company Name & Address: Control Board Mumbai sub regional Office at Dabbar City: State: MUMBAR PIN Code:			
3 Nature of consignment Dox <input type="checkbox"/> Non-Box <input checked="" type="checkbox"/> Total Num: Pcs: Actual Wt.: kg DIM 1: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt.: kg DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt.: kg			4 Description of Content: Value of Goods: The Total Value of consignment for carriage / E-Way bill ₹			
5 Risk Coverage: Owner <input type="checkbox"/> Carrier <input type="checkbox"/> 6 Paper Work Enclosures			7 Type of consignment (Please ✓) Commercial <input type="checkbox"/> Non-Commercial <input type="checkbox"/> 8 Value Added Services - Not Available CN Expiry Dt.:			
9 Mode: Surface <input type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/> 10 Charges Amount(₹): a) Tariff (incl. OF/SC + Taxes) b) Value Added Service Charges c) Risk Surcharge d) Total amount (a+b+c) Above charges are inclusive of GST & other taxes if applicable. Mode of Payment: Cash <input type="checkbox"/> Card <input type="checkbox"/> Wallet <input type="checkbox"/>			11 We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate. Sender's Signature: DTDC Date: / / Time: AM/PM The consignment note is not a tax invoice. A tax invoice will be made available by DTDC or its channel partner as the case may be, upon request.			
12 Booking Branch / Franchisee Code			13 Consignment Number: 245908551 SIT-ASHRAM MASTER FRANCHISEE SE-174-DEFENCE COLONY - II NORTH CSS NO 011-3300-444 Relationship: Ph. No.: DD MM YY TIME AM/PM			
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Hindustan Petroleum

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Date: / /		Sender's Code:		Pick-up Ref. No:	
1 Sender's (Consignor) Name: Ph:			2 Recipient's (Consignee) Name: Ph:		
Company Name & Address:			Company Name & Address:		
City: State: PIN Code:		City: State: PIN Code:		City: State: PIN Code:	
3 Sender's GSTIN*:			4 Recipient's GSTIN*:		
5 Nature of consignment Dox <input type="checkbox"/> Non-Dox <input type="checkbox"/>		6 Paper Work Enclosures		7 Description of Content	
DIM 1: L cm X B cm X H cm X Pcs Actual Wt: kg		DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt: kg		DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt: kg	
8 Risk Coverage: Owner <input checked="" type="checkbox"/> Carrier <input type="checkbox"/>		9 Mode: Surface <input checked="" type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/>		10 Charges Amount(₹)	
11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code		13 Consignment Number:	
Sender's Signature		Courier Signature		245908556	
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Date: / /		Sender's Code:		Pick-up Ref. No:	
1 Sender's (Consignor) Name: Ph:			2 Recipient's (Consignee) Name: Ph:		
Company Name & Address:			Company Name & Address:		
City: State: PIN Code:		City: State: PIN Code:		City: State: PIN Code:	
3 Sender's GSTIN*:			4 Recipient's GSTIN*:		
5 Nature of consignment Dox <input type="checkbox"/> Non-Dox <input type="checkbox"/>		6 Paper Work Enclosures		7 Description of Content	
DIM 1: L cm X B cm X H cm X Pcs Actual Wt: kg		DIM 2: L cm X B cm X H cm X Pcs Volumetric Wt: kg		DIM 3: L cm X B cm X H cm X Pcs Chargeable Wt: kg	
8 Risk Coverage: Owner <input checked="" type="checkbox"/> Carrier <input type="checkbox"/>		9 Mode: Surface <input checked="" type="checkbox"/> Air cargo <input type="checkbox"/> Express <input type="checkbox"/>		10 Charges Amount(₹)	
11 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting. The declared value of goods is true and accurate.		12 Booking Branch / Franchisee Code		13 Consignment Number:	
Sender's Signature		Courier Signature		245908557	
Date: Time: AM/PM		Relationship:		Ph. No. Company Name & Address:	
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