

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHIORIGINAL APPLICATION NO. 420 OF 2022IN THE MATTER OF:

SURENDRA KUMAR

.... APPLICANT

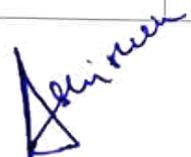
VERSUS

STATE OF U.P. & ORS.

....RESPONDENTS

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NEW DELHI.
DATED: 21.10.2023
(ABHISHEK YADAV)

Advocate

A-61, Sector 62, NOIDA,

Mob.: 9312342505

Email ID : kdev.abhishek@gmail.com

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ORIGINAL APPLICATION NO. 420 OF 2022

IN THE MATTER OF:

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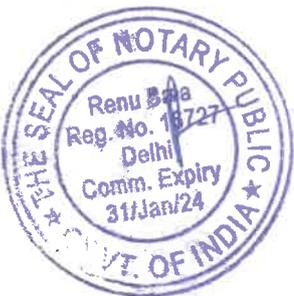
.... APPLICANT

....RESPONDENTS

ADDITIONAL AFFIDAVIT BEHALF OF RESPONDENT, GURU
SWEETS

I, Nishi Kant Tiwari, S/o. late Shri Chhotey Lal Tiwari, aged about 55 years, R/o. Mohalla Ther, Sambhal, Uttar Pradesh at present at New Delhi do hereby solemnly affirm and declare as under:

1. That I have been impleaded as one of the Respondents in the aforesaid case, hence being well conversant with the facts and records of the present case, am competent to swear this affidavit.
2. That an affidavit in reply has already been filed by the Deponent, however, his additional is being filed to place certain additional facts before this Hon'ble Court which are necessary for adjudication of the issue involved in the present case.



3. That M/s. Guru Sweets is a partnership firm consisting of Shri Rajni Kant Tiwari, Vijay Kant Tiwari, Nishi Kant Tiwari and Anuj Kant Tiwari who are doing a small sweet manufacturing business in the plot in question which consist of 250 Square Meters and on a small portion of it construction has been made.
4. That the said premises has been registered with Labour Department, Government of U.P. w.e.f. 01.04.2016 and total seven employees are working. The replying Respondent also doing business of selling milk from the said premises in which three employees are involved. Rest of the four employees are involved in manufacturing of sweets. True copy of the certificate issued by the Labour Department, Government of U.P. is being enclosed herewith and marked as Annexure-1.
5. That per day production of the sweets by the replying Respondent is about 60-70 KG. Besides this, on an average 100 KG per day milk is being sold.
6. That the manufacturing of sweet (Halwai) is not an industrial activity. As per the criteria laid down by Central Pollution Control Board vide directions dated 07.03.2016 issued under Section 18(1)(b) of the Water Act, 1974 and Air Act, 1981, the Halwai shop has not been categorized in any of the categories. Thus necessarily it falls under white category and does not require any consent either to establish or to operate or to install Effluent Treatment Plant.



7. That as stated in the earlier affidavit there is no complaint against the replying Respondent by any of the persons like Bank of Baroda, State Bank of India, Axis Bank which are operating in the vicinity of the replying Respondent. The letters given by such banks are being enclosed herewith and marked as Annexure-2. (COLLY)
8. That the replying Respondent has already stated and annexed the death certificate of Shri Surendra Kumar who has died long bank on 16.04.2004 and thus the very complaint in his name appears to be false or may be submitted by someone to prejudice the deposit so that business activity is halted at the premises of deponent.
9. That the replying Respondent is also holding a licence under Food Safety and Standards Act, 2006. True copy of the same is being enclosed herewith and marked as Annexure-3.
10. That replying Respondent has also a GST registration certificate issued by Government of India. True copy of the said Registration Certificate is being enclosed herewith and marked as Annexure-4.
11. That in view of aforesaid facts and circumstances it is most humbly submitted that the complaint made against the replying Respondent be closed and set aside the Environmental Compensation imposed by the U.P. Pollution Control Board vide order dated 17.01.2023.



In view of aforesaid facts and circumstances, the present Original Application be dismissed and the Environmental Compensation imposed by U.P. Pollution Control Board vide order dated 17.01.2023 be set aside.

निशिकांतिकादी
DEPONENT

VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of above affidavit are true to my knowledge. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 21TH DAY OF SEPTEMBER, 2023 AT NEW DELHI.

निशिकांतिकादी
DEPONENT



21 SEP 2023

ATTESTED
Renu Bala
RENU BALA REG No. 16727
NOTARY DELHI
GOVERNMENT OF INDIA



ANNEXURE-1

Labour Department, Uttar Pradesh
Registration Certificate of Shop or Commercial Establishment

1. Name of the Shop or Commercial Establishment. : GURU SWEETS (WORKSHOP)
2. Full Postal Address And Location. : Mohalla Ther
3. Name of the Owner. :
4. Owner Father/Husband Name. :
5. Nature of Business. : SWEETS COOKING
6. Number of Employees. : 7
7. Registration Number. : UPSA73000020

Partner/Director's Details

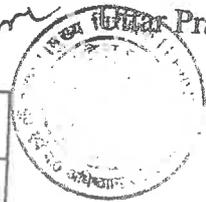
Sr. No	Name	Father Name	Address	Post
1	Rajnikant	Chhotelal	Mohalla Ther Sambhal	First Partner
2	Vijaykant	Chhotelal	Mohalla Ther Sambhal	Second Partner
3	Nishikant	Chhotelal	Mohalla Ther Sambhal	Third Partner
4	Anuj Kant	Chhotelal	Mohalla Ther Sambhal	Fourth Partner

It is hereby certified that the shop/commercial establishment, the particulars of which have been given above, has been registered under the U.P. Dookan Aur Vanijya Adhishthan Adhinyam, 1962 on this day 01/04/2016.

Signature of the Chief Inspector of Shops
and Commercial Establishment,
Uttar Pradesh

Renewal

Date of renewals	From	To	signature of the Chief Inspector of Shops and Commercial Establishment, U.P. With seal
1	01/04/2016	31/03/2021	



* This is a computer generated copy. Original copy will be dispatched by post.

True Copy

ANNEXURE-2 (copy)

लेवा में
 श्री मान
 अध्यक्ष NGT.
 दिल्ली ।

महोदय
 बैंक मैनेजर श्री अशोक कुमार द्वारा जो गुरु लक्ष्मण खाती
 के द्वारा किराना पदार्थ व समस्त वैलेज (बूझा-करकर व प्रदूषित जून
 को जातिमों में बढाई की शिकायत की गयी थी, अब गैर पान
 को जातिमों में बढाना बन्द कर दिया गया है। मुझे गुरु
 लक्ष्मण खाती के कौटु शिकायत नहीं है।

 कृते बैंक ऑफ बड़ौदा
 For Bank of Baroda

मुख्य प्रबन्धक/Chief Manager
 सम्मल शाखा/Sammal Branch

अशोक कुमार

(मुख्य प्रबन्धक)

बैंक ऑफ बड़ौदा आर
 लाल रोड, लखनौ.

लेवा में,
 श्री माता
 अद्वैत N.G.T.,
 दिल्ली।

महोदय,
 बैंक मैनेजर लीड बैंक ऑफ़ इण्डिया, लखनऊ द्वारा जो गुरु स्वीडल
 स्वामी के द्वारा विक्रय पदार्थ व लाल बैलेंज (कूड़ा-करकट व
 गुरुधत जल) को जातिमें में बहाते की शिकायत की गई थी,
 अब गौड़ पति को जातिमें में बहाते बन्द कर दिया गया है।
 मुझे गुरु स्वीडल स्वामी से कोही शिकायत नहीं है।



(बैंक मैनेजर)
 लीड बैंक ऑफ़ इण्डिया
 आर्द समाज रोड, लखनऊ।

श्री
उप जिलाधिकारी
सम्भल।

महोदय,

बैंक मैनेजर श्री दिपेश कुमार वार्णाय द्वारा जो गुरु स्वीट्स स्वामी के द्वारा विवेका पदार्थ व समस्त वेस्टेज (कूड़ा-करकट व प्रदूषित जल) को नालियों में बहाने की शिकायत की गयी थी, अब गंदे पानी को नालियों में बहाना बन्द कर दिया गया है। मुझे गुरु स्वीट्स स्वामी से कोई शिकायत नहीं है।



दिपेश कुमार वार्णाय
(मैनेजर)

एक्सिस बैंक सम्भल
आर्य सामाज रोड, सम्भल
फोन-8937900081

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Department of Food Safety and Drug Administration
Government of Uttar Pradesh



Uttar Pradesh

License

Under

Food Safety and Standards act 2006

(See Regulation 2.1.4(6))

अनुज्ञप्ति संख्या / License Number: 12720074000010

1. अनुज्ञप्तिधारी के पंजीकृत कार्यालय का नाम और पता /
Name & Registered Office Address of Licensee M/S GURU SWEETS
NEAR ARYA SAMAJ MOHALLA THER SAMBHAL, Sambhal
(Uttar Pradesh) - 244302
2. प्राधिकृत परिसरो का पता /
Address of Authorized Premises NEAR ARYA SAMAJ MOHALLA THER SAMBHAL, Nagar
Palika Sambhal, Zone-02, Sambhal(Uttar Pradesh)
-244302
3. कारोबार का प्रकार / Kind of Business Manufacturer
4. डेयरी व्यापार विवरण के लिए स्थान के पते और दूध की क्षमता (एम सी
सी)/ धोक के साथ दुग्ध शीतलक केन्द्र (बी एम सी) / दूध प्रसंस्करण /
यूनिट दूध पैकेजिंग यूनिट द्वारा स्वामित्व / आर सी के अनुज्ञप्ति धारक
For dairy business details of location with address and
capacity of Milk Chilling Centers (MCC)/Bulk Milk
Cooling Centers (BMCs)/Milk Processing Units/Milk
Packaging Unit owned by the holder of licensee/RC No
5. अनुज्ञप्ति का वर्ग / Category of License State
6. यह अनुज्ञप्ति खाद्य संरक्षा और मानक अधिनियम, 2006 के अधीन अनुदत्त की गई और वह अधिनियम के उपबंधों के अध्यादीन है जिनका
अनुज्ञप्तिधारी द्वारा अवश्य पालन किया जाना चाहिए / This license is granted under and is subject to the provisions of FSS
Act, 2006 all of which must be complied with by the licensee.

स्थान / Place : Sambhal
दिनांक / Date : 23/01/2020

प्रामोहित अधिकारी
Stamp and signature of Designated Officer
जनपद - सम्भल

खा. सं. और मा. अधि., 2006 के अधीन राज्य अनुज्ञापन अधिकारी
State Licensing Authority under FSSA, 2006

विधिवान्यता और नवीनीकरण / Validation And Renewal

License Issue / Renewal Date	Period of validity	License Fee Paid	Items of Food products authorized to Manufacture/ Re-pack/ Re-label	Installed / Handling Capacity	Signature Of Designated Officer
23/01/2020	22/01/2025	Rs.15000	Please refer to annexure for details.	Please refer to annexure for details	

*The Application for renewal of license shall be submitted 30 days prior to the expiry date mentioned above after which Rs.

100 per day will be charged up to the date of expiry.

Disclaimer-This License is only to commence or carry on food businesses and not for any other purpose.

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True Copy

Government of India
Form GST REG-06
[See Rule 10(1)]

Registration Certificate

Registration Number :09AABFG6576E1ZA

1	Legal Name	GURU SWEETS			
2	Trade Name, if any	M/S GURU SWEETS.			
3	Constitution of Business	Partnership			
4	Address of Principal Place of Business	MOHALLA THER, MOH THER, SAMBHAL, Sambhal, Uttar Pradesh, 244302			
5	Date of Liability	01/07/2017			
6	Date of Validity	From	01/07/2017	To	Not Applicable
7	Type of Registration	Regular			
8	Particulars of Approving Authority	Uttar Pradesh Goods and Services Tax Act, 2017			
Signature					
Name		Abhishek Kumar Sethi			
Designation		Assistant Commissioner			
Jurisdictional Office		Sambhal Section-I			
Date of issue of Certificate		19/02/2021			
Note: The registration certificate is required to be prominently displayed at all places of Business Offices in the State					

This is a system generated digitally signed Registration Certificate issued based on the approval of application granted on 19/02/2021 by the jurisdictional authority.

शुभेन्द्र खीरस

अनुपम कौशिक



Details of Additional Place of Business(s)

GSTIN: 09AABFG6576E1ZA
 Legal Name: GURU SWEETS
 Trade Name, if any: M/S GURU SWEETS

Total Number of Additional Places of Business(s) in the state: 2

Sr. No.	Address
1	MOHALLA THER, MOHALLA THER, SAMBHAL, Sambhal, Uttar Pradesh, 244301
2	SARRAJA BAZAR, MOHALLA THER, SAMBHAL, Sambhal, Uttar Pradesh, 244302

श्री गुरुजी
 श्री गुरुजी



GSTIN: 09AABFG6576Z 1ZA
 Legal Name: GURU SWEETS
 Trade Name, if any: MS GURU SWEETS

Details of Managing / Authorized Partners

1		Name	NISHI KANT
		Designation Status	PARTNER
		Resident of State	Uttar Pradesh
2		Name	ANUJ KANT
		Designation Status	PARTNER
		Resident of State	Uttar Pradesh
3		Name	VIJAY KANT TIVARI
		Designation Status	PARTNER
		Resident of State	Uttar Pradesh
4		Name	RAJNI KANT
		Designation Status	PARTNER
		Resident of State	Uttar Pradesh

True Copy

अनुज कान्त
 गुरु स्वीट्स

Ashish
 True Copy