

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****ORIGINAL APPLICATION NO. 173 OF 2024(WZ)**

Govandi New Sangam Welfare Society

APPLICANT

V/s

State of Maharashtra & Ors

RESPONDENTS**INDEX**

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PUNE

DATE: 31/05/2025



ADVOCATE FOR RESPONDENT No.5

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****ORIGINAL APPLICATION NO. 173 OF 2024(WZ)**Govandi New Sangam Welfare Society **APPLICANT**State of Maharashtra & Ors **RESPONDENTS**

V/s

MAY IT PLEASE THE HON'BLE TRIBUNAL**ADDITIONAL AFFIDAVIT**

I, Saurabh Gautam, Age Adult, Occu.: Business, having office at Corporate office, near Deonar Dumping Ground, next to Bulldozer Garage, Ghatkopar, Mankhurd, Link Road, Govandi, Mumbai-400 043, do hereby state on oath as under:-

1. I say that, I am the whole time Director of the Respondent No.5 in the present case. I am aware of the facts and circumstances of the present case and hence, I am able to depose the same on oath.
2. I say that during the course of hearing on 21st January 2025 the Respondent No.2 herein filed their reply on affidavit before this Hon'ble Tribunal. I further say that the Respondent No.2 has quantified the amount of Environmental Damage Compensation (EDC) to the tune of Rs.14,22,500/-. In the said Reply it is stated



that the Respondent No.2 had issued a letter dated 16th January 2025 directing the Respondent No.5 to deposit the aforesaid EDC.

3. I say that the Respondent No.5 has perused the reply filed by the Respondent No.2 and the Respondent No.5 has deposited the amount of Rs.14,22,500/- under protest on 3rd February 2025. Copy of the letter and payment details as made to the Respondents No.2 is annexed herewith and marked as **ANNEXURE – R-1** colly.

I say that, whatever stated herein above is true and correct to the best of my knowledge, information, belief and legal advice which I believe to be true.

Solemnly affirmed at Mumbai on this 31st day of May 2025



BEFORE ME

[Signature]

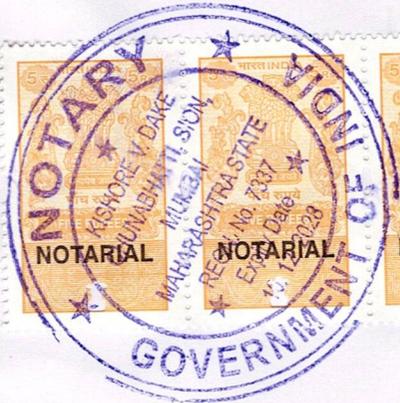
K. V. DAKE B.Com. LL.B.,
NOTARY GOVT. OF INDIA
Advocate High Court, Mumbai
Janta Market, Shop No. 35,
Near Chembur Rly. Station, Chembur,
Mumbai-400 071.

Notary Register No. 61	Entry No 856	Date 31/5/2025
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[Signature]

DEPONENT

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 <p>भारत सरकार Government of India</p>	 <p>भारतीय विशिष्ट ओळख प्राधिकरण Unique Identification Authority of India</p>
<p>[Redacted content]</p>	
<p>माझ आधार, माझी ओळख</p>	

This is only for the purpose of additional affidavit.



ANNEXURE-R-1

Ref No. SMS/BMW/MUM/2025/17

To,
**The Regional Officer,
Maharashtra Pollution Control Board (MPCB),
Sion Mumbai 400022.**

590
Ajayaram
3/02/25
Maharashtra Pollution Control Board
Regional Office, Mumbai
Kalpataru Point, 2nd Floor,
Near Sion Circle, In Front of Movie Max Theatre,
Shiv (East), Mumbai - 400 022.

Date: 03/02/2025



Subject: Reply to letter dated 16/01/2025 regarding levy of Environmental Compensation.

Reference:

1. NGT Order dated 12/11/2024.
2. Your letter no. MPCB/250113-FTS-0260 dated 13/01/2025.
3. Personal Hearing dated 16/01/2025.
4. Minutes of Meeting shared vide letter no. MPCB/SROM-III/54 dated 16/01/2025.
5. Your letter No. MPCB/250116-FTS-0219 dated 16/01/2025 regarding levy of EDC.

Dear Sir,

We refer to your Letter No. MPCB/250116-FTS-0219 dated 16/01/2025 regarding levy of Environmental Compensation and to the Personal hearing conducted on 16/01/2025 at 12.00 p.m. at the Regional Office, MPCB, Mumbai.

We have carefully reviewed the data provided by your office during the meeting. However, we do not agree with the Environmental Compensation calculations, and our objections have been duly recorded in the minutes of the meeting shared by your office vide email and letter no. MPCB/SROM-III/54 dated 16/01/2025.

Thereafter, an affidavit concerning EDC calculations was filed by MPCB before the Hon'ble National Green Tribunal, Western Zone, Pune, a copy of which was served upon us on 20/01/2025. The affidavit includes letter no. MPCB/250116-FTS-0219 dated 16/01/2025 as Annexure-2 (Pg 584-585), directing us to make the EDC payment of Rs. 14,22,500/- within 14 days from the receipt of these directions. We have not received this letter through any other means.

We state that our Common Bio-Medical Waste Treatment Facility (CBWTF) is fully compliant with the Bio-Medical Waste Management Rules, 2016, as well as the Central Pollution Control Board (CPCB) Guidelines. We emphasize that there has been no destruction or damage caused to the environment due to the activities carried out by our CBWTF.

Since the matter before Hon'ble NGT is fixed for 05/06/2025 and the time period for payment of EC was expiring, we have remitted the Environmental Compensation amount of Rs. 14,22,500/- to the MPCB's designated account on 31/01/2025 in accordance with the directive in letter No. MPCB/250116-FTS-0219 dated 16/01/2025. However, we wish to categorically state that this payment has been made strictly **under protest and without prejudice** to our rights and the ongoing legal proceedings before the Hon'ble National Green Tribunal (NGT).

We wish to clarify that this payment should not be construed as an admission of liability. It does not waive our right to contest the imposition, quantum, or validity of the said compensation in appropriate legal forums.



Ghatkopar - Mankhurd Link Road, Near Deonar Dumping Ground, Opp. Sathe Nagar,
Govandi (W). Mumbai - 400043. Tel: 8879003572 Toll Free No. : 18002666575
Customer Care Email ID : infosmsenvoclean@smsl.co.in / www.smsmumbaibmw.co.in
Reg. Office & Corporate Office : 20, IT Park, Parsodi, Ranapratap nagar,
Nagpur - 440022. (India) Maharashtra
CIN No. U52100MH2005PTC156774

SMS ENVOCLEAN
PRIVATE LIMITED

For your reference, please find enclosed a copy of the payment receipt for your records. We request you to acknowledge receipt of this letter and the attached document.

Thanking You,

Yours sincerely,
For, **SMS Envoclean Private Limited,**


Authorised Signatory

Enclosure:

1. Payment Receipt dated 31/01/2025.

Date: 03/02/2025

SMS

VIEW TRANSACTION DETAILS

Transaction Details

Reference ID: 5190758866

Bulk Payment Reference Number: 0

Transaction Type: NEFT Payment

From Account: 0077002102299250

Transaction Date:(dd-MM-yyyy): 31-01-2025

To Account: MPCB

Beneficiary Account No: 36908092441

Beneficiary Bank Name: STATE BANK OF INDIA

Beneficiary Branch Name: MATUNGA -MUMBAI

IFSC Code: SBIN0005350

Transaction Amount: INR 14,22,500.00

Remark:

Next Authorizer: No More Approval Required

Transaction Status: Success

External Reference Number: PUNBW25031309563



Customer Care: 1800-120-1234... Head Office: 140022 (India) Maharashtra...

SMS BYVOCLEAN PRIVATE LIMITED