

BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN ZONE) BENCH AT PUNE

Appeal No. 337 of 2025 (WZ)

BETWEEN

M/s.Prabhu's Violetta, Phase-I

...Appellant

v/s

Goa State Pollution Control Board & Anr

...Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF THE

APPELLANT



I, Mr. Amit C. Prabhu, aged 44 years, s/o Chandrakant Prabhu, married, Partner of M/s. Prabhu Realtors, business, 98, 2nd Floor, Block – a, Prabhu's Emerald, Alto Dabolim, Mormugao Taluka, Goa, Indian National, authorised representative of the Appellant herein, do hereby state and submit as under:

1. I say that I am filing this affidavit as per directions of this Hon'ble Tribunal vide order dated 18.08.2025, uploaded on 20.08.2025.

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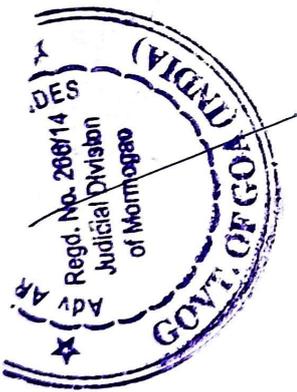
2. I reiterate the contentions raised by us in the memo of appeal and am not repeating them here for the sake of brevity. The impugned order, having been passed in complete violation of principles of natural justice ought to be quashed and set aside.
3. I say that vide order dated 18.08.2025, the Appellant was called upon to respond to the five points mentioned in the impugned order, namely,
- i. Operating appellant's unit without valid Consent to Operate of the Board as required under the Water Act 1974;
 - ii. for discharging Overflow from final treated water tank of the STP (85 KLD capacity) into the storm water drains outside the unit premises;
 - iii. for not operating and maintaining STPs (2 Nos.) located within the unit premises scientifically;
 - iv. for not providing sufficient garden area for the utilization of treated water from the STPs; and
 - v. for not complying to previous consent conditions.

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4. At the outset, it is reiterated that the said five points, which apparently formed the basis of imposition of penalty of Rs. 12, 50, 000/- on the Appellant, were never put to the Appellant in the form of a show cause notice, calling upon the Appellant to respond to the said allegations, and, directly, without issuance of a show cause notice, without calling for any explanation, the impugned order was issued, imposing the said penalty.
5. With respect to the Point no. (i), I say that the Appellant had applied for renewal of Consent to Operate, well within time, to the Respondent No. 1, vide application bearing No. 2021942, on 12.12.2023. It is the Respondent No. 1 who never called upon the Appellant further, and neither processed their application for renewal and directly, for the first time, conveyed the rejection of the application for renewal, in the impugned order dated 25.03.2025. I say that the Respondent ought to have processed the application dated 12.12.2023 of the Appellant within time. It is pertinent to note that the Respondent, for the first time, after a span of 15 months,



For PRABHU REALTORS

Prabhu

directly conveyed rejection of application of renewal of the Appellant, without any hearing in the matter.

6. With respect to the Point no. (ii), the contents thereof are denied vehemently. The Appellant categorically denies discharging overflow from final treated water tank of the STP (85 KLD capacity) into the storm water drains outside the unit premises. I say that there is no overflow discharge in the storm water drains on account of the Appellant. I say that Appellant ought to have been granted an opportunity to rebut the conclusion arrived at by the Respondent No. 1.
7. With respect to the Point no. (iii), the Appellant submits that the said two STPs are operated and maintained scientifically and are further willing to comply in consultation with the Respondent No. 1.
8. With respect to the Point no. (iv), it is denied that there is insufficient garden area for the utilization of treated water from the STPs. The Appellant states that there is sufficient garden area to the extent of 30, 000 square feet of landscape garden in the housing complex of the

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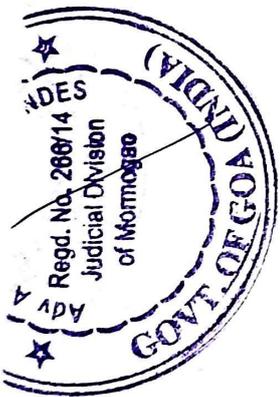


Appellant. In addition to the landscape garden, there are garden pads in the complex.

9. I say that in addition to utilizing the treated water within the complex, the Appellant also supplies the treated water to the Village Panchayat of Chicalim, through the company known as Inovativa Waste Aid and Management Pvt Ltd (a company collaborating with the Village Panchayat of Chicalim). The cost of supply of the treated water by way of tankers is borne by the Appellant.

(Annexed hereto and marked as Annexure – A1 (colly) is a copy of the letter dated 15.07.2024 addressed to the Village Panchayat of Chicalim for supply of treated water along with tax invoices raised by the tanker company)

10. With respect to the Point no. (v), the Appellant states that the contents thereof are vague and incorrect. There is no specific mention as to non-compliance of a specific



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condition. The Appellant states that there is sufficient compliance of the previous consent conditions.

11.I say that the record demonstrates that there was no show cause notice issued to the Appellant in the matter of imposition of penalty and no hearing was afforded to the Appellant, the imposition of penalty therefore is unilateral and in complete violation of principles of natural justice. I say that the inspection report, on the basis of which the impugned penalty was arrived at, was also never shared with the Respondent No. 1 prior to the issuance of the impugned order. I say that the Appellant also did not have the opportunity to dispute/contest the environmental damage cost methodology imposed on it.

12.Notwithstanding the aforesaid, and with respect to the conditions in the Consent to Operate, I state and submit the following:

13.I say that we have been granted Consent to Operate and Authorization under No. 12/2021-PCB/1082548/R0008410; dt- 14/08/2023 for our project

“Prabhu’s Violetta- Phase-I), located in Survey No. 13/4-

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C-7, Behind Vishal Mega Mart, Alto-Dabolim,
Mormugao, Goa.

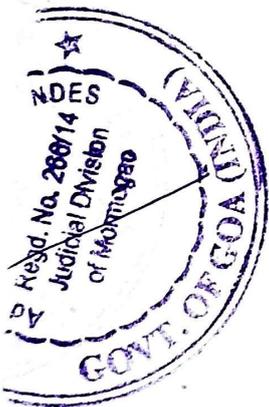
14.I say that the general conditions in the Consent to Operate are as follows:

- a. (i) *At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface:*

I say that this condition is complied with.

- b. (ii) *Installation of Dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling conditioning, etc, shall be done:*

I say that dual plumbing system is not done. The recycled water is not supplied for flushing, car washing or thermal cooling conditioning. The recycled water is completely used for landscape irrigation / Garden area of



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approx. 25000 sq.ft. within the complex. I say that this does not amount violation of the condition.

- c. (iii) *Separation of grey and Black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system to be done:*

I say that this is not complied as our plumbing work was already fully complete at the time of grant of consent to operate. I say that however, the treated water from STP is entirely utilized for the landscape irrigation / Garden area of approx. 30, 000 sq.ft. within the complex.

- d. (iv) *The project proponent will provide landscape bed of 600mm width 600 mm deep along the periphery of the plot to carry out plantation of trees. The treated water the sewerage treatment plant will be pumped through high flow drips on these beds to prevent outflow of treated sewage water outside the premises.*



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I say that this has been complied with. Apart from the Landscape Garden area of approx. 30, 000 sqft within the complex, we have provided the landscape beds along the periphery of the plot.

e. (v) The complex shall not change or alter the quantity , quality of discharge, temperature or the mode of the effluent/ emission or hazardous wastes or control equipment's provided for without previous permission of the Board:

I say that we have complied with this condition.

f. (vi) The complex shall provide facility for collection of samples of effluent, air emissions and hazardous wastes to the Board staff.

I say that we have complied with this condition.

g. (vii) An application in prescribed form along with the prescribed fees for renewal of Consent shall be submitted at least 60 days before the expiry of validity of the Consent. An application for renewal



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of Consent submitted after expiry of the validity shall accompany with penalty of 50% of the Consent fees in addition to the prescribed consent fees.

I say that we have complied with this condition and had submitted our online application for renewal of CTO before the board on 12/12/2023.

15.I say that the *specific conditions* in the Consent to Operate are as follows:

a. (i) The residential complex shall install Organic Waste Converter as the CTE condition no. 3(v) within three months from the date of issue of this Consent and submit compliance report to the board office.

I say that we have complied with this condition and have installed the Organic Waste Converter in the complex.

b. (ii) The unit shall streamline the working of Sewage Treatment Plants and submit compliance



For PRAVU REALTORS

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report to the board office within one month from date of issue of the consent.

I say that we have streamlined the working of Sewage Treatment Plants but were unable to submit the compliance report to the board within the timeline of first one month from date of issue of the consent.

c. (iii) The Unit shall install flow meter to record the water consumption and submit compliance report within three months from the date of issue of Consent.

I say that we have complied with this condition and have installed the Flow meter to both the STP's in the complex.

d. (iv) The unit shall comply with the condition stipulated in Consent to Establish, condition no. 7(a) mentioning that the unit shall adopt/ install and provide "on-site" disposal facility being bulk-waste generation (i.e. Total waste generation exceeding 100kg/day).



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I say that this condition is complied with. I say that the dry garbage is being currently disposed through garbage contractor appointed by local panchayat. I say that the wet garbage is processed within complex in the OWC unit and processed product is used as manure for landscape garden within complex.

- e. (v) *Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc., and other for supply of recycled water for flushing , landscape irrigation, car washing , thermal cooling conditioning, etc., shall be done as per CTE condition no. 6 (2)*

I say that Dual plumbing system is not done. The recycled water is not supplied for flushing, car washing or thermal cooling conditioning. The recycled water is completely used for landscape irrigation / Garden area of approx. 30, 000 sq. ft. within the complex.

- f. (vi) *Separation of grey and black water should be done by the use of dual plumbing system. In case*

For PRADHU REALTORS

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of single stack system separate recirculation lines for flushing by giving dual plumbing system to be done as per CTE condition no. 6(3).

I say that this is not complied as our plumbing work was already fully complete at the time of grant of consent to operate. I say that however, the treated water from STP is entirely utilized for the landscape irrigation / Garden area of approx. 30, 000 sq.ft. within the complex. I say that we wish to explain the same to the Respondent No. 1 and therefore required a personal hearing in the matter.

g. (vii) The unit shall provide sufficient height along with the sampling provision for het stack connected to the DG set within three months from the date of issue of consent and submit t compliance report to the board office.

I say that we have complied with this condition.

h. (viii) The complex shall submit bank guarantee of Rs. 5 Lakhs with validity of one year within a period of 15 days from the date of issue of this

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consent for compliance to consent conditions 7(i) , (ii), (iii), (iv) (v) (vi) & (vii) above and submit compliance report to the board office within three months from date of issue of the consent.

I say that we are ready and willing to submit the Bank guarantee of Rs. 5 Lakhs.

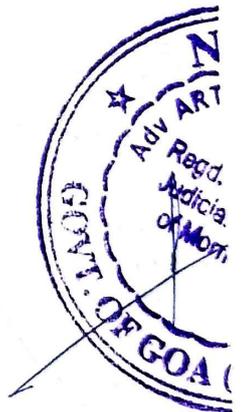
i. (ix) The unit shall ensure that the sewage treatment plant is operated and maintained by the builder for a minimum period of 05 years and ensure efficient working of the same.

I say that we have complied with this condition.

j. (x) Tertiary treatment for microbial treatment has to be provided a the final outlet of the STP.

I say that we have complied this condition and have provided the STP with Ultra filtration system at the final outlet of the STP.

k. (xi) Unit has to provide rain water harvesting and ground water recharge measures and the same has



For PRABHU REALTORS

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to be complied before obtaining the Consent to Operate.

I say that we have fully complied with this condition.

- l. (xii) Dedicated shed for solid waste management has to be provided and the solid waste has to be collected in segregated manner.*

I say that we have complied with this condition.

- m. (xiii) Unit has to make necessary arrangements for disposal of treated water during the monsoon season.*

I say that we have complied with this condition.

- n. (xiv) Peripheral plantation of tree at one metres distance has to be carried out with drip irrigation and a dedicated pump at the STP for this drip irrigation.*

I say that we have complied with this condition.

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o. (xv) The unit has to obtain no objection certificate from the Central Ground water Authority, or the concerned state authority for any ground water abstraction, if applicable.

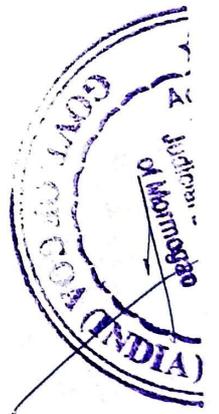
I say that we have complied with this condition and have obtained permission from Water resources department, Goa.

16.I say that there is compliance on our part with the respect to the conditions imposed in the CTO. I say that if a show cause notice were to be issued in the matter, and the Appellant was heard in the matter, before the passing the impugned order, the Respondent No. 1 would have seen reason and not pass the impugned order.

17.I say that the factum of compliance with conditions of CTO ought to have been assessed and decided by following due process by the Respondent No. 1 by following principles of natural justice and the correct scientific methodology.

For PRABHU REALTORS

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18.I say that even otherwise, there is no case for the severe directions imposed upon the Appellant herein.

19.I say that violation of principles of natural justice is writ large on the impugned order and the said ground alone, it deserves to be quashed and set aside. I say that the impugned has harsh and severe consequences and could not have been passed without hearing the Appellant. I say that the Appellant is willing to be heard by the Respondent No. 1 for reconsideration of the impugned order.

I say that the contents of paras above are true to my knowledge and/or based on records available with me.



IDENTIFIED BY
AADHAR CARD NO
8267 2249 7650

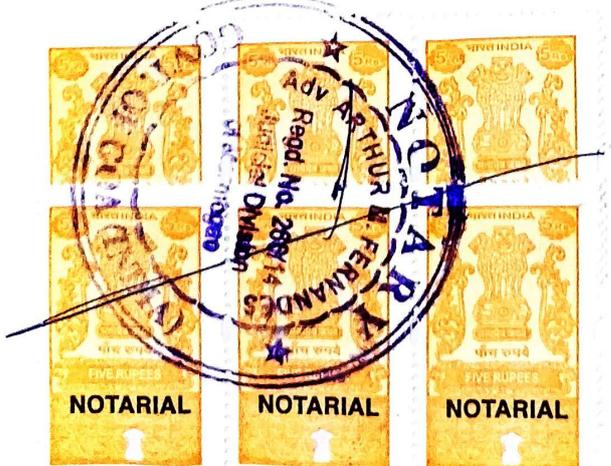
For PRABHU REALTORS

Partner

DEPONENT

Solemnly affirmed on this 26th day of August, 2025

At Vasco Goa



Solemnly affirmed before the by
Shri/Smt. Mr. Amit C. Prabhu
who is identified before me by
Shri. Smt. AADHAR CARD
who is personally known to me

ADV. ARTHUR M. FERNANDES
NOTARY Reg. No. 266/14,
Judicial Division of Mormugao
A-1, 1st Floor, Ragunath Apts.,
VASCO-DA-GAMA, 403 802 GOA.

By 431 dt: 26/8/25.