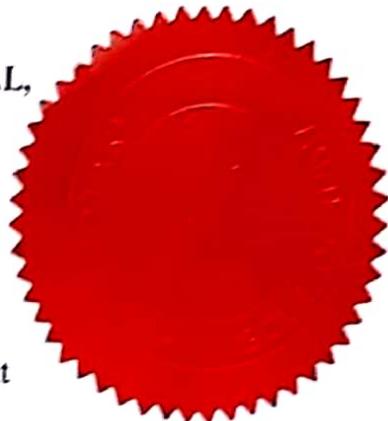


BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI

O.A. No. 64 of 2016 (WZ)

Akhil Bhartiya Mangela Samaj Parishad ..... Applicant



V/S.

Maharashtra Pollution Control Board & Ors ..... Respondents

ADDITIONAL AFFIDAVIT

ADDITIONAL STATEMENT OF OBJECTION FILED BY  
TARAPUR ENVIRONMENT PROTECTION SOCIETY  
(TEPS) IN REPLY TO EXPERT COMMITTEE'S  
RESPONSE DT. 12.08.2021

Mr. Gajanan Sahebrao Jadhav, Age- 53 years, Occ- Service, in  
capacity as Plant Manager and as the authorised signatory of the  
Tarapur Environment Protection Society (TEPS) i.e. Respondent  
No.3 herein, having office at Plot No.AM-29, MIDC-Tarapur, Dist-  
Palghar, Respondent No. 3 in the present case, do hereby solemnly  
affirm and state as under: -

I SAY THAT

1. The Committee filed its Response dated 12.08.2021, which was uploaded on the Tribunal's website on 13.08.2021. Committee has filed their response allegedly incorporating





- revised environmental damage and recovery cost distribution on the identified units by way of an Annexure I.
2. WITHOUT PREJUDICE to legal and technical objections raised in its Statement of Objection dated 29.12.2020 and subsequent Rejoinder Affidavit dated 29.06.2021 objecting the improper imposition of a hefty penalty of Rs. 72,31,47,000/-, TEPS is filing the present affidavit to file its objections to the Response dated 12.08.2021 of the Committee vide which, Committee has without stating any reason whatsoever, enhanced the said penalty by Rs. 19,48,42,400/- thereby now demanding an exorbitant amount of Rs. 91,79,89,400/-. The Committee has committed a gross error in law and on facts of the case by acting unilaterally, arbitrarily and in gross violation of principles of natural justice.
  3. At the outset, TEPS states that Para 4 & 5 of the Committee's Response categorically states that, Committee was responding to errors in date of inspection, date of compliances, names / identification of the units, closures not attributing to the water pollution, scale/ category of units, etc. Admittedly there has been no change whatsoever in any data or observations earlier made by the Committee pertaining to TEPS, yet an additional monetary burden of about 19.5 Crores has been placed on a non-polluting unit which is running a common effluent treatment plant for the Tarapur industrial area.
  4. Admittedly TEPS has never been issued any Closure Notice till date. TEPS is involved in treatment of effluents and is not generating any effluent whatsoever. It is thus incumbent upon the Committee to first examine and redress the larger

issues brought in by TEPS, without which no penalty can be fixed against it. Suffice it to say, TEPS never expected that its case would be further worsened by the Committee under the pretext of review of MPCB data.

5. I say that Committee has not applied its own mind and once again has blindly followed inputs / suggestion of MPCB, which has no authority to decide and impose the penalties in the ongoing litigation.
6. TEPS therefore requests intervention of this Hon'ble Tribunal to pass necessary directions to the Committee in rectifying and resolving this unprecedented situation that has arisen in the present proceedings, solely due to unilateral, arbitrary approach adopted by the Committee against TEPS.
7. I say that alleged review of data undertaken by the Committee and the corresponding revised apportioned environmental damage and restoration cost imposed on TEPS is unjustified, unwarranted and such acts of the Committee are beyond its authorization and mandate provided by this Hon'ble Tribunal while constituting the Committee. TEPS therefore vehemently objects to the alleged calculations made by the committee based on revised distribution factor as incorporated in Annexure I of their Response dated 12.08.2021.
8. I say that for the reasons stated above, TEPS denies contents of Para 8 to 10 of the Response and vehemently objects to the suggestion made by the Committee in Para 11 of their Response dated 12.08.2021.
9. I further say that unless this Hon'ble Court intervenes in the matter, and decides larger issues viz. legal and technical objections raised M.A. No. 1 of 2021 filed by TEPS, any

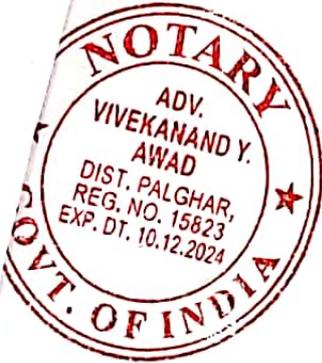


further unilateral action and recommendations of the Committee are neither legal nor tenable in the eyes of law and hence not binding on TEPS.

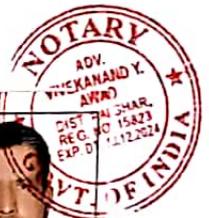
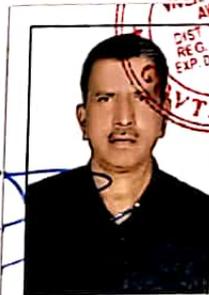


WHATEVER STATED BY ME IN PARA 1 TO 9 HEREINABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND AS PER THE RECORDS AVAILABLE WITH THE RESPONDENT NO. 3 AND IN WITNESS WHEREOF I HAVE SIGNED HEREUNDER ON THIS FIRST DAY OF SEPTEMBER 2021 AT TARAPUR, DIST-PALGHAR

1 SEP 2021



AFFIANT



AFFIDAVIT

Solemnly affirmed before me

by Gajanan S. Jadhav

Age 53 Yrs OCC Service

R/o TEPS, Tarapur

Who is Identified before me by

Shri. Adv. Vivekanand Y. Awad

To whom I know Personally.

Adv. V. Y. Awad  
NOTARY  
GOVT. OF INDIA



NOTED & REGISTERED
AT Serial No. <u>740</u>
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