

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, AT PUNE

APPEAL No. 30 of 2023

IN THE MATTER OF:

AHMEDABAD DISTRICT COOPERATIVE MILK
PRODUCERS' UNION LIMITED (UTTAM DAIRY) ... APPELLANT

VERSUS

GUJARAT POLLUTION CONTROL BOARD ... RESPONDENT

AFFIDAVIT OF RESPONDENT - GUJARAT POLLUTION
CONTROL BOARD

I, B D Prasad, adult, having my office at Gujarat Pollution Control Board, Paryavaran Bhavan, Gandhinagar in State of Gujarat hereby solemnly affirm and state on oath as under:

1. I am presently serving as Environmental Engineer with the Gujarat Pollution Control Board - respondent in the present appeal. I have read copy of the appeal filed by the appellant and the order passed by this Hon'ble Tribunal on the appeal. I am conversant with the facts of the case having perused the record pertaining to the case available in my office. I am authorised to swear the present affidavit on behalf of Gujarat Pollution Control Board and am otherwise competent to make the present affidavit.



[Handwritten signature]

been caused to the environment because of the violations noticed during inspection carried out on 28.08.2023. However, once it is *prima facie* established that a particular unit has not strictly adhered to the conditions of authorisation and/or violated environmental norms, such unit stands liable, both in fact and in law, to paying compensation. In the present case, as the extent of damage was unascertainable, the State Pollution Control Board has provisionally assessed damage based on directions contained in the order passed by this Hon'ble Tribunal in *Aryavart Foundation v. M/s Vapi Green Enviro Limited & Others* (Original Application No. 95 of 2018).

14. I submit that the contention of appellant that compensation has been finally assessed and determined by the Board in an arbitrary manner without giving an opportunity of hearing to the appellant and therefore in violation of principles of natural justice and fair play is without merit and deserves to be rejected by the Hon'ble Tribunal. The said contention is fallacious and stems from an incorrect understanding of true and correct facts. I state and declare that opportunity shall be accorded to the appellant to produce material about the total quantity of effluent generated from its processing / manufacturing activity and the data of the effluent processed in the treatment plant, as also granted hearing, if so desired, to make oral submissions. The Board shall finally determine the compensation after considering the material and submissions in accordance with law.
15. I submit that for these and other reasons that may be argued at the time of hearing, the present appeal is devoid of any merits and deserves to be dismissed by the Hon'ble Tribunal. It is therefore humbly prayed that the Hon'ble Tribunal may be pleased to dismiss the appeal filed by the appellant with costs.



Bhram

16. I submit that the Board remains committed to performing its statutory duties and assures that all necessary actions will be taken by the Board against the erring industrial unit. I submit that the Board shall abide by any and all reasonable directions or orders that may be issued in this behalf by the Hon'ble Tribunal.

[Handwritten Signature]

DEPONENT

VERIFICATION

Verified at on this ____ day of January, 2023 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

[Handwritten Signature]

DEPONENT

Entered in Notary Register at
Serial No. 22 Vol. No. II
[Signature]
C. M. RAVAL, Advocate & Notary
GANDHINAGAR.

15 JAN 2024

Solemnly Affirmed
Before Me

[Signature]

(C. M. RAVAL)
NOTARY

Govt of Gujarat

15 JAN 2024

