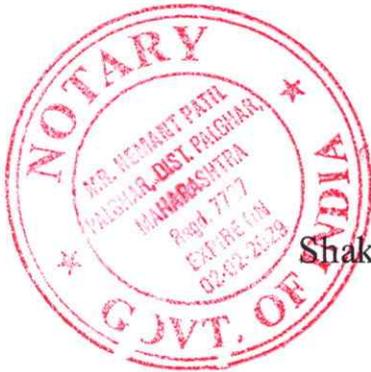


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE

Interlocutory Application No.204/2025 (WZ)

In

Appeal No.148/2025 (WZ)



Shakti Plastics
v/s

... Applicant

MPCB & Ors.

... Respondents

Affidavit on behalf of Respondent No.1 Maharashtra Pollution Control Board (MPCB)

I, Virendra R. Singh, Aged Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Tarapur-II, having my office address at MIDC Office Building, Boisar Station, Post Taps, Tarapur, Dist Thane, do hereby state on solemn affirmation, as under:-

- I say that the present I.A. has been filed for seeking directions to the Respondents to restore the power supply to the premises of the Applicants at Survey No. 158 & 159, Village Nandgaon Manor, District Palghar, and not to cause any obstruction to the Applicant in commencing their business.
- I say that the present Appeal has been filed to set aside the orders dated 18/06/2024 & 21/09/2024. I say that the present Appeal is



yet to be admitted. I say that the Applicant in present I.A cannot seek any direction from this Hon'ble Tribunal, let alone seeking direction against the present Respondent not to cause any obstruction to the Applicants for commencing their business. I deny that the order dated 18/06/2024, which is a closure directions issued under Water Act 1974 and Air Act 1981 has expired on 18/06/2025 as alleged by the Applicant in the present IA, as it does not have any validity. The said closure order is annexed at page No. 279 to 282 of the present Appeal. I say that through this IA, the Applicant cannot choose to challenge the order dated 21/09/2024 only and not to challenge the order dated 18/06/2024. I say that the Hon'ble Tribunal while dismissing the OA No.209/2024 filed by the same Applicant, specifically held at paragraph No.7 that this OA has been filed much beyond the 90 days period from passing of the first impugned order of closure i.e. 18/06/2024 and the second impugned order of imposing EDC i.e. 29/09/2024 is a consequence of the first order. Hence, from the first date of the impugned order, the present OA is time barred in view of the provisions of the NGT Act 2010. Therefore the Applicant cannot seek liberty to choose which order to be challenged through the present Appeal.

3. I say that there is no question of restoring the power supply to the premises of the Applicant unless the Applicant obtains the restart directions from the present Respondent and till deposition



of Environment Compensation amount of Res.136,99,42,000/- plus Penalty of Rs.1,00,000/- total amount of Rs.137,00,42,000/.

- 4. I say that to issue the restart order, the Hon'ble NGT has to adjudicate the present Appeal, which the Hon'ble Tribunal has already held to be beyond the limitation as mentioned in paragraph No. 2. Therefore the balance of convenience lies in favour of Answering Respondent, specially when the Applicant has brought nothing on record to point out any compliances made, and this Hon'ble Tribunal ought not to grant any indulgence to the Applicant.
- 5. In the light of the above facts and Law, this Hon'ble Tribunal may kindly dismiss the I.A.

Solemnly affirmed on this ...17... day of July, 2025 at ..Boisar..

For and on behalf of Maharashtra Pollution Control Board,

h VK

(Virendra Singh)

Sub-Regional Officer, Tarapur-II.
SUB-REGIONAL OFFICER
M. P. C. BOARD, TARAPUR - II

B

I KNOW THE DEPONENT WHO SIGNED BEFORE ME Witness as to Signature only Document(s) not prepare Reviewed of Advice upon Solemnly Affirmed and Executed before me at Boisar on-17/7/2025

Hemant

MR. HEMANT P. PATIL
B. A. LL. B.

ADVOCATE & NOTARY
(GOVT. OF INDIA)

Off. Ostwal Empire, Boisar, Sundaram Apt, Bldg. No. L/4, Gala No. 4, Boisar, Tal. Paighar, Dist. Palghar, Maharashtra-401501.
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AT Serial No. 6377	2024
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE**

Interlocutory Application No.210/2025 (WZ)

In

Appeal No.148/2025 (WZ)

Shakti Plastics
v/s

... Applicant

MPCB & Ors.

... Respondents

**Affidavit on behalf of Respondent No.1 Maharashtra Pollution
Control Board (MPCB)**

I, Virendra R. Singh, Aged Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Tarapur-II, having my office address at MIDC Office Building, Boisar Station, Post Taps, Tarapur, Dist Thane, do hereby state on solemn affirmation, as under:-

1. I say that the present I.A. has been filed for seeking amendment to the main Appeal by suspending the challenge made by the Order / Direction dated 18/06/2024 and only continuing with the challenge of order dated 21/09/2024.
2. I say that the present Appeal has been filed to set aside the orders dated 18/06/2024 & 21/09/2024. I say that the present Appeal is yet to be admitted. I say that the Applicant in present



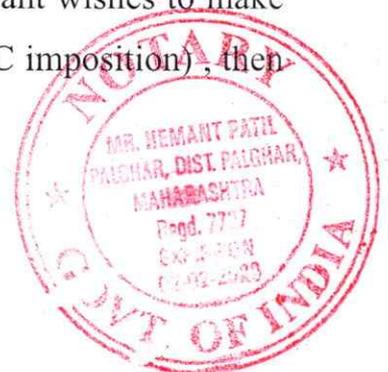
I.A cannot seek any amendment from this Hon'ble Tribunal restricting its challenge to only one order. I deny that the order dated 18/06/2024, which is a closure directions issued under Water Act 1974 and Air Act 1981 has expired on 18/06/2025 as alleged by the Applicant in the present IA, as it does not have any validity. The said closure order is annexed at page No. 279 to 282 of the present Appeal. I say that through this IA, the Applicant cannot choose to challenge the order dated 21/09/2024 only and not to challenge the order dated 18/06/2024. I say that the Hon'ble Tribunal while dismissing the OA No.209/2024 filed by the same Applicant, specifically held at paragraph No.7 that this OA has been filed much beyond the 90 days period from passing of the first impugned order of closure i.e. 18/06/2024 and the second impugned order of imposing EDC i.e. 29/09/2024 is a consequence of the first order. Hence, from the first date of the impugned order, the present OA is time barred in view of the provisions of the NGT Act 2010. Therefore the Applicant cannot seek liberty to choose which order to be challenged through the present Appeal.

3. I say that the Hon'ble NGT in its Order dated 27/1/2025 in I.A. No.282/2024 in Original Application No.209/2024 at Para-7 states that *"We are convinced with the argument made by Respondent No.1-MPCB and find from perusal of the record that it is quite apparent that this Appeal has been filed much beyond of 90 days period from passing of the 1st impugned*



order of closure and 2nd impugned order of EDC is a consequence of that order, hence, from the 1st date of impugned order, the present Appeal is time barred in view of the provision of the National Green Tribunal Act, 2010, which provides time period of 30 days to file the Appeal from the date of the passed of the impugned order / its communication and 60 days period beyond that, which is at the discretion of the Tribunal.” Hereto annexed and marked as an **Annexure-A** is the Order dated 27/01/2025 passed by this Hon’ble Tribunal.

4. I say that the Applicant has to try its luck by filing separate Appeal challenging the order of EDC dated 21/09/2024, taking into consideration that the limitation is running against it.
5. I say that the present appeal is admittedly filed on 15/4/2025 challenging the order dated 21/09/2024 to which the Applicant has failed to show any specific cause for delayed filing of the present Appeal.
6. I specifically deny that the Order / Direction dated 18/06/2024 has become redundant as it has no validity. I put the Applicant to the strict proof thereof.
7. I say that the averments in regard to the challenge to Order dated 18/06/2024 cannot be deleted as alleged through filing of the present I.A. I further say that the Applicant wishes to make a challenge to a Order dated 21/9/2024 (EDC imposition), then



a fresh Appeal has to be filed before this Hon'ble Tribunal, specifically showing how it is within the limitation as per Section -16 of the NGT Act, 2010.

8. In light of the above facts and Law, this Hon'ble Tribunal may kindly dismiss the I.A.

Solemnly affirmed on this ...17... day of July, 2025 at Boisar.

For and on behalf of Maharashtra Pollution Control Board,

VA

(Virendra Singh)

Sub-Regional Officer, Tarapur-II.

SUB-REGIONAL OFFICER
M. P. C. BOARD, TARAPUR

I KNOW THE DEPONENT WHO SIGNED BEFORE ME
Witness as to Signature only
Document(s) not prepare
Reviewed of Advice upon

Solemnly Affirmed
and Executed before
me at Boisar on- 17/7/2025

Hemant Patil

MR. HEMANT P. PATIL
B. A. LL. B.

ADVOCATE & NOTARY
(GOVT. OF INDIA)

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TOTAL NO OF PAGES 01 TO 04



Item No.8

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**I.A. No.282/2024(WZ)
In
Original Application No.209/2024(WZ)
I.A. No.283/2024(WZ)**

The Shakti Plastic Industries

.....Applicant

Versus

MPCB & Ors.

....Respondents

Date of hearing: 27.01.2025

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Rohit Chauhan, Advocate along-with
Mr. Ravi Joshi, Advocate

Respondents : Ms. Manasi Joshi, Advocate along-with
Ms. Pooja Natu, Advocate for R-1/MPCB

ORDER

I.A. No.282/2024(WZ)

1. This I.A. has been filed seeking condonation of delay of 120 days in filing the present appeal.
2. We have heard the argument of learned counsel Mr. Rohit Chauhan, representing applicant/appellant, who submits that this Tribunal, vide order dated 24.10.2024, had already admitted the present appeal.
3. In this I.A., it is submitted that the applicant's organization operates its business in Maharashtra and in the said organization, 3 audits were conducted by respondent No.1- MPCB, out of which 2nd audit report was provided to the applicant/appellant and other 2 reports were not provided till date. After 3 audits, which were jointly conducted by



respondent No.1- MPCB and respondent No.3- CPCB, a Closure Notice dated 18.06.2024 was sent to the applicant/appellant without providing the said reports. Thereafter, applicant/appellant had visited the office of respondent No.1 to obtain a copy of the same because that was necessary to understand the grounds on which the Closure Notice was passed, which has resulted in delay in filing the present appeal. Hence, there is no deliberate delay on the part of applicant/appellant and the same is prayed to be condoned in the interest of justice.

4. It is further argued by learned counsel for the applicant/appellant that subsequent to the said Closure Notice, MPCB issued a Notice dated 21.09.2024 to the applicant/appellant, directing it to pay an environmental compensation amount to the tune of Rs.137,00,42,000/- for the excess quantity of the EPR credits generated than the actual quantity of plastic waste processed. Therefore, it is prayed in the present appeal that the order dated 18.06.2024 with respect to Closure Notice and the 2nd order dated 21.09.2024 with respect to EDC issued by respondent No.1- MPCB may be quashed and set aside.

5. We find that against the 2nd order dated 21.09.2024 with respect to imposing an EDC amount, the present appeal has been filed on 11.10.2024, which is within 30 days of the passing of the said order. But with respect to 1st order of Closure Notice dated 18.06.2024, the present appeal is time barred.

6. From the side of respondent No.1- MPCB, learned counsel Ms. Manasi Joshi has appeared before us, who submits that she has filed reply affidavit dated 21.01.2025 against the delay condonation application, wherein it is submitted that there is delay of 120 days in filing the present appeal and hence, the same is absolutely time barred. The applicant/appellant is challenging the Closure Direction passed by the MPCB on 18.06.2024 and subsequent thereto the final order of EDC,

which has been assailed in the present appeal, has been passed. Both the orders need to be read together because as a consequence of the 1st order of Closure, the 2nd order of EDC was passed and hence the limitation period would start from the date when the 1st order of Closure was passed.

7. We are convinced with the argument made by respondent No.1-MPCB and find from perusal of the record that it is quite apparent that this appeal has been filed much beyond delay of 90 days' period from passing of the 1st impugned order of Closure and the 2nd impugned order of EDC is a consequence of that order, hence from the 1st date of impugned order, the present appeal is time barred in view of the provisions of the National Green Tribunal Act, 2010, which provides time period of 30 days to file the appeal from the date of the passing of the impugned order/ its communication and 60 days' period beyond that, which is at the discretion of the Tribunal.

8. In view of above, I.A. No.282/2024(WZ) stands disposed of and consequent to that, Original Application (due to technical error on the website of NGT, this appeal has been wrongly converted into Original Application) No.209/2024(WZ) also stands dismissed being time barred.

9. I.A. No.283/2024(WZ) also stands disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 27, 2025
I.A. No.282/2024(WZ) In
Original Application No.209/2024(WZ)
I.A. No.283/2024(WZ)
P.Kr