

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 100 OF 2023(WZ)**

IN THE MATTER OF :

KISHOR CHOTU.

.....APPLICANT

VERSUS

EUROCOUSTIC PRODUCTS LTD. & ANR.RESPONDENT

INDEX

SL.NO.	PARTICULARS	PAGES
1.	AFFIDAVIT ON BEHALF OF RESPONDENT NO 2 - POLLUTION CONTROL COMMITTEE, U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND DAMAN AND DIU.	1-12
2.	<u>ANNEXURE A-1.</u> A copy of the Order dated 06.07.2022 passed by Principal Bench NGT in O.A. No.465/2022.	13-14
3.	<u>ANNEXURE A-2.</u> A copy of letter dated 18.08.2022.	15-18
4.	<u>ANNEXURE A-3.</u> A copy of Order dated 20.09.2022 passed by the Hon'ble Principal Bench NGT in M. A. No 70/2022 in OA No 465/2022.	19-21
5.	<u>ANNEXURE A-4.</u> A copy of Report dated 14.12.2022.	22-40
6.	<u>ANNEXURE A-5.</u> A copy of Email dated 03.05.2023.	41
7.	<u>ANNEXURE A-6.</u> A copy of Order dated 08.05.2023.	42-44
8.	<u>ANNEXURE A-7.</u> A copy of the Report of the Executive Magistrate dated 24.06.2023.	45-48
9.	<u>ANNEXURE A-8.</u> A copy of FIR dated 01.07.2023.	49-50

1551

10.	<u>ANNEXURE A-9.</u> A copy of Order dated 14.08.2024 passed by this Tribunal.	51-55
11.	<u>ANNEXURE A-10.</u> A copy of Letter dated 23.10.2024.	56-57

FILED BY :

NEW DELHI

DATED:20.02.2026

(SUNITA SHARMA)
ADVOCATE FOR RESPONDENT NO.2

Serial No. 2876
 Daman Dt. 06/03/2026 Page 1
 Particular : Attestation

BEFORE THE NATIONAL GREEN TRIBUNAL
 WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 100 OF 2023(WZ)

IN THE MATTER OF :

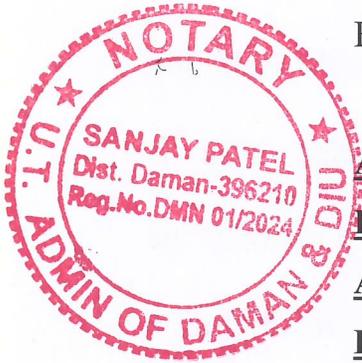
KISHOR CHOTU

.....APPLICANT

VERSUS

EUROCOUSTIC PRODUCTS LTD. & ANR.....RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO 2 -
POLLUTION CONTROL COMMITTEE, U.T.
ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU.



I, Shri B. Mohandaas, IFS, Aged about 45 Years presently posted as Member Secretary, Pollution Control Committee, U.T. Administration of Dadra and Nagar Haveli and Daman and Diu, having my office at 1st Floor, Udyog Bhavan, Bhenslore, Nani Daman, Daman-396210, do hereby solemnly affirm on oath and state as under :

1. In my official capacity as stated above I am conversant with the facts and circumstances of the case as such I am competent to swear this Affidavit. The present Affidavit is being filed in Compliance with Order dated 14.08.2024

passed by this Hon'ble Tribunal wherein this Hon'ble Tribunal directed District Collector Daman to clarify as to in what circumstances the Second Report has been submitted and as to whether they are discarding the First Report.

2. It is stated that Applicant had filed a Complaint before Daman and Diu & Dadra and Nagar Haveli Pollution Control Committee stating that the respondent No.1 is operating the Unit without consent and is violating the norms. Therefore on 01.06.2022 Daman and Diu Pollution Control Committee had carried out inspection of the Unit and violations were found.

3. The above-mentioned O.A. was filed by applicant before PB NGT after inspection had been carried out by deponent and presently OA is pending adjudication before this Hon'ble Tribunal. O.A. No.465 of 2022 was filed by applicant before the NGT Principal Bench, New Delhi on the ground that Respondent No.1 – Company herein is operating at village Kachigam, Daman without pollution consents since July 2020 and is carrying out highly polluting activities as under

:-

- i. Bio-Diesel (Not Permitted in U.T. of Daman)
 - ii. Rebar Coating (FBEC)
 - iii. Structural (Shot-Blasting) (Red Category*)
 - iv. Powder Coating.
4. It is stated that Hon'ble Principal Bench NGT vide Order dated 06.07.2022 was pleased to Constitute Joint Committee comprising of Daman Pollution Control Committee (Daman PCC) and Collector Daman and directed the Committee to verify the factual position, look into the grievances of applicant and take remedial action in accordance with law by following due process within one month from the date of receipt of copy of the Order. A copy of the Order dated 06.07.2022 passed by Principal Bench NGT in O.A. No.465/2022 is annexed as ANNEXURE A-1.
5. In Compliance with Order dated 06.07.2022 passed by Hon'ble Principal Bench NGT Member Secretary PCC DNH & DD addressed a Letter dated 18.08.2022 to the Hon'ble Tribunal and informed that inspection was carried out on 01.06.2022 pursuant to the Complaint received and violations and it was found that Unit was violating the



provisions of Act. Therefore vide Order dated 04.08.2022 Unit was directed to be closed. Thereafter Power connection of the Unit was disconnected on 05.08.2022. It is further submitted that vide said letter deponent had sought clarification from the Hon'ble Principal Bench as to whether PCC D & NH & Daman & Diu should carry out a re-inspection and resubmit a report in compliance with Order dated 06.07.2022. A copy of letter dated 18.08.2022 is annexed as ANNEXURE A-2.

6. That on 30.08.2022 Ld. Registrar of the Hon'ble Tribunal considered issuance of further directions by the Hon'ble Tribunal and vide Order of this date directed that the matter be listed before the Hon'ble Tribunal. Resultantly MA No.70 of 2022 was registered.

7. On 07.09.2022 applicant filed Objections stating that despite closure Order Project Proponent is running the plant with three DG sets in the night shift and is purchasing Diesel worth Rs.1.5 Lakh to Rs.2 Lakh per day from M/s Sai Petrol Pump Kachigam, Daman for operating the DG sets.



8. Vide Order dated 20.09.2022 in M.A. No.70 of 2022 Principal Bench of Hon'ble Tribunal in view of the Objections raised by Applicant directed Joint Committee to re-visit the Unit in question with due intimation to the Applicant and Project Proponent and verify the factual position and take appropriate remedial action by following due process of law and it was further directed that Factual and Action Taken Report may be submitted within two months by email.

A copy of Order dated 20.09.2022 passed by the Hon'ble Principal Bench NGT in M. A. No 70/2022 in OA No 465/2022 is annexed as ANNEXURE A-3.

9. It is stated that in Compliance with Order dated 20.09.2022 Joint Committee on 29.11.2022 decided to conduct the Inspection on 08.12.2022. Therefore Joint Committee intimated both the parties about the date fixed for inspection, conducted inspection on the date fixed i.e. 08.12.2022 and submitted Inspection Report dated 14.12.2022 via Email dated 16.12.2022 before the Hon'ble Principal Bench, NGT. Applicant filed Objections to Report



on 06.01.2023. A copy of Report dated 14.12.2022ⁿ is annexed as ANNEXURE A-4.

10. That on 10.01.2023 Notice was issued to Project Proponent M/s. Eurosooustic Products Ltd. by Hon'ble Principal Bench, NGT and respondent No.1 filed Objections to Report on 07.05.2023 before Principal Bench NGT.

11. It is stated that on 03.05.2023 Member Secretary PCC addressed Letter to the Hon'ble Tribunal and requested that they may be permitted to withdraw Joint Committee Report dated 14.12.2022. However in Order dated 16.10.2023 this Hon'ble Tribunal was pleased to record that email dated 03.05.2023 was not received by the Registry of the Tribunal. For convenience of this Hon'ble Tribunal copy of email dated 03.05.2023 sent by deponent. is annexed as ANNEXURE A-5.

12. Vide Order dated 08.05.2023 Hon'ble Principal Bench NGT was pleased to transfer the matter to the Western Zone Bench at Pune and directed Registry to transfer the record of the

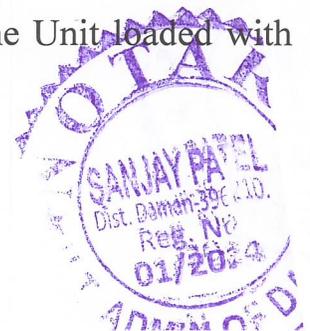


case to Western Zone Bench of the Tribunal. A copy of Order dated 08.05.2023 is annexed as ANNEXURE A-6.

13. It is stated that confidential information was received from sources that Unit is operating Fusion Bonded Epoxy Coated Reinforcing Bars (FBEC) plant and the information was found to be correct. Therefore on 19.05.2023 a surprise visit was conducted by Collector-Cum-Member Secretary, Pollution Control Committee and it was found that Unit was operating in violation of provisions of the Act.
14. That on 20.05.2023 Confidential Order was issued to Executive Magistrate to seal the plant and on 21.05.2023 Mamlatdar sealed the plant alongwith two trailer trucks and panchnama was recorded.

Thereafter Show Cause Notice was issued to the Unit on 23.05.2023 Unit filed Reply to Show Cause Notice and denied each and every allegation.

15. On 22.06.2023 another complaint was received from applicant that windshields of the trucks which were sealed were broken and were driven outside the Unit loaded with



FBEC coated rebars on 15.06.2023 Pursuant to the complaint Executive Magistrate was directed to verify the complaint. Consequently Executive Magistrate visited the Unit on 24.06.2023 and found that trailer trucks which were sealed were missing from location. Mamlatdar submitted the report. A copy of the Report of the Mamlatdar dated 24.06.2023 is annexed as ANNEXURE A-7.

16. Letter was issued to Executive Magistrate on 29.06.2023 to take Penal action and lodge FIR against respondent No.1. Thus on 29.06.2023 FIR U/s 379,201 and 206 was lodged on 01.07.2023 against respondent No 1 A copy of FIR dated 01.07.2023 is annexed as ANNEXURE A-8.
17. That on 18.08.2023 another Complaint was received from Applicant Kishor Chotu that structuring division of Respondent No.1 is carrying out heavy fabrication and Shot blasting within the premises without consent.
18. It is further stated that Member Secretary of State PCC submitted Joint Committee Report vide Letter dated 13.10.2023. This Hon'ble Tribunal vide Order dated



16.10.2023 impleaded state PCC as Respondent No.2 and was pleased to issue notice to the State PCC to file reply Affidavit if so required within a period of Four Weeks.

19. That on 09.09.2024 another inspection was carried out by Dy. Collector (Head Quarter) Daman and Excise Inspector Daman on the basis of confidential information received from Applicant. Consequently on 09.02.2024 Order was issued to Executive Magistrate to seal the Metal Frame Work Unit based on Inspection Report dated 09.09.2024. Panchnama of the incident was recorded and presently the Unit is sealed and no manufacturing activity is being carried out.

20. That O.A. was listed before Hon'ble Tribunal on 30.01.2024 when in para-2 of the Order this Hon'ble Tribunal observed that Respondent No.1 has filed response to the Report which is annexed at page 609-614.

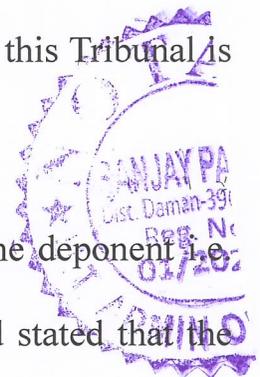
21. On 09.02.2024 Order was issued to Executive Magistrate to seal the metal frame work Unit of respondent.

22. It is stated that on 14.08.2024 in para-3 of the Order this Hon'ble Tribunal observed as under:-

“3. It is essential for us to note here as to how the second report (filed by the Member Secretary, PCC, DNH & DD), said to be a Joint Committee Report, has come on record though the inspecting team states that it comprised only Shri Saurabh Mishra, Member Secretary, PCC, DNH & DD. In such situation, we would like to have clarification from the District Collector, Daman as to in what circumstances, the second report has been submitted and as to whether they are discarding the first report and what is the ground therefore and the reason for submitting the second report on record.”

A copy of Order dated 14.08.2024 passed by this Tribunal is annexed as ANNEXURE A-9.

22. It is humbly submitted that on 23.10.2024 the deponent i.e. PCC addressed a Letter to the Ld. NGT and stated that the than Collector Shri Saurabh Mishra had taken charge on



10.03.2023 and he was holding additional charge of Member Secretary PCC. It was stated that Several Complaints were received from different sources against the Company. Therefore the Joint Committee carried out a surprise visit of the Industry to verify the factual position and it was found that the Company was violating the provisions of the Various Relevant Acts. Since the matter was still under consideration before the Hon'ble Tribunal it was felt necessary to bring to the notice of this Hon'ble Tribunal ground reality of the said Company which was violating the Environment law and was causing environmental pollution. Earlier inspection was carried out by giving advance intimation to respondent as per direction of the Ld Principal Bench. Therefore the Second Report was filed on 13.10.2023 by withdrawing the First Report dated 14.12.2022. A copy of Letter dated 23.10.2024 is annexed as **ANNEXURE A-10**.

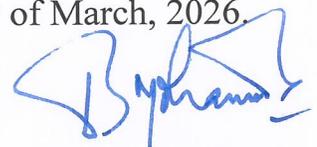
24. On the facts and in the circumstances it is therefore most respectfully prayed that this Hon'ble Tribunal may pass appropriate orders.

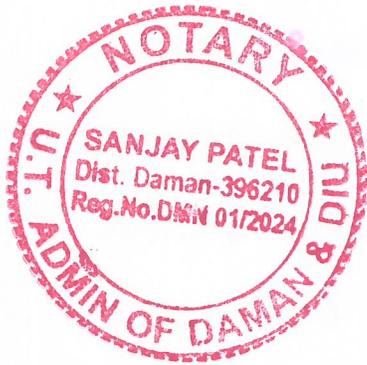

DEPONENT
सदस्य सचिव
Member Secretary
प्रदूषण नियंत्रण समिति
Pollution Control Committee
Dadra & Nagar Haveli and Daman & Diu
दादरा एवं नगर हवेली तथा दमण एवं दीव

VERIFICATION:

Verified that the contents of above affidavit paragraph 1-25 are true and correct to the best of my knowledge as drawn from the records of the case, no part of it is wrong and nothing material has been concealed therefrom.

Verified at Daman-396210 on this 3rd day of March, 2026.


DEPONENT



Solemnly affirmed before me by
Shri...Ba. Mahandas.....
of.....Daman.....who is identified
by Shri.....
.....whom I personally know.

सदस्य सचिव
Member Secretary
प्रदूषण नियंत्रण समिति
Pollution Control Committee
Dadra & Nagar Haveli and Daman & Diu
दादरा एवं नगर हवेली तथा दमण एवं दीव


SANJAY PATEL
Advocate & Notary
Reg. No DMN 01/2024
Shop No. 4. Jay Apartment,
Opp. Suryavanshi Store,
Mashal Chowk, Nani Daman-396 210



ANNEXURE A - 1

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

Original Application No.465/2022

(By Video Conferencing)

Kishor Chotu

Applicant

Versus

Eurocoustic Products Ltd. & Anr.

Respondents

Date of hearing: 06.07.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None has appeared for the applicant.

ORDER

1. Mr. Kishor Chotu resident of Bhathaiya, Moti Daman has filed the present application complaining that Eurocoustic Products Ltd., is operating at village Kachigam, Daman without pollution consents since July 2020 and is carrying out highly polluted activities as under:

- i. Bio-Diesel (Not Permitted in U.T. of Daman)*
- ii. Rebar Coating (FBEC)*
- iii. Structural (Shot-Blasting) (Red Category*)*
- iv. Powder Coating.*

Complaints were made to the concerned authorities and also at PMO Portal but no action has been taken.

accordingly constitute Joint Committee of Daman Pollution Control Committee (Daman PCC) and Collector, Daman and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. The Daman PCC will be the Nodal agency for coordination and compliance.

3. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions.

The application is disposed of accordingly.

A copy of this order along with a copy of the application be forwarded to the Daman Pollution Control Committee (Daman PCC) and Collector, Daman by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 6, 2022

01/07/2022

ANNEXURE A - 2

No. PCC/DDD/NGT/OA465/2022-23/338
Office of the Member Secretary,
Pollution Control Committee,
DNH & DD,
Daman

Date: - 18/08/2022

To,

The Consultant (Judicial)
(N.G.T.) (P.B.) GS

Sub.: Order passed in Original Application No. 465/2022

Ref.: Email dated 13/07/2022 (11:01 Hrs)

Sir,

In connection to the Order passed by the Hon'ble NGT in the matter as stated in the subject, it is to inform that the matter was already under consideration by the Pollution Control Committee, DNH & DD and based upon the inspections carried out recently a **Closure Direction** vide No. PCC/DDD/O-1091/93-94/316 dated 04 / 08 / 2022 (copy attached) was issued to the unit followed by Power Disconnection to the unit on 05 / 08 / 2022 as intimated by the **Electricity Department** (copy attached) to the office of the undersigned.

Further, it is pertinent to mention that Collector, Daman has been given the additional Charge of Member Secretary, Pollution Control Committee, DNH & DD on 21/07/2022.

It is therefore submitted that, as the unit has already been **CLOSED**, directions are further sought from the Hon'ble NGT whether or not to carry out a re-inspection and re-submit a report in the connection as directed in the Order referred herein.



Member Secretary
Pollution Control Committee,
DNH & DD
Daman

Encl(s):

- Copy of Closure Direction No. PCC/DDD/O-1091/93-94/316 dated 04 / 08 / 2022
- Copy of reply received from Electricity Department dated 10/08/2022

No.PCC/DDD/O-1091/WA/AA/93-94/316
Office of the Member Secretary,
Pollution Control Committee,
DNH & DD,
Daman.

Dated: 04/08/2022

DIRECTION UNDER SECTION 33(A) OF WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND 31(A) OF AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

WHEREAS M/s Eurocoustic Products Ltd., Sr. No. 355, Kachigam, Daman was issued E-Consent (Renewal) (Consent to Renewal) under GREEN Category for manufacturing of "Acoustic Panels – 12000 MT/Yr (no other items)" under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 vide No. PCC/DDD/O-1091/KG/AA/93-94/2455 dated 07/09/2016, which is valid up to 31/03/2021;

AND WHEREAS the unit had submitted application for CCA – Renewal (Consent to Renewal) on 30/03/2021 vide application No. 861127 through the OCMMS;

AND WHEREAS complaints have been received on different occasions regarding functioning of the unit without valid consent;

AND WHEREAS the unit was inspected by the PCC officials to verify the relevant environmental compliances;

AND WHEREAS it was found that the unit was into production of various products without obtaining prior Consent from the Pollution Control Committee, DNH & DD and causing pollution in various forms as enumerated below thereby knowingly and deliberately violating the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974:

- a) Tremendous dust (be it vehicular or process dust) all throughout the campus
- b) Spillage of unknown chemicals in one of the shed
- c) Drums of Mix Solvents found in the same shed giving apprehension of some reaction based mechanism being carried out in the unit without any Consent from the Pollution Control Committee
- d) Empty as well as filled Drums of Used Cooking Oil were also observed
- e) Strains of a milky discharge from the Phosphating area was observed near an open drain to which the pipe carrying such discharge was kept nearby
- f) Non-functional & Dry Effluent Treatment Plant. The last reading of the ETP Energy Meter was 285.7 KWh
- g) A PVC pipe having its flow path from the ETP directly to open land without treatment

c/319

- h) Corrosion Control Powder Coating spread across the coating section
- i) Corrosion Control Powder Sludge dumped near the Cooling Towers
- j) Dust of Metal Surface Treatment not being collected properly into gunny bags through the Air Pollution Control Equipment
- k) Other Hazardous Waste Lying haphazardly at many locations across the unit
- l) Leakage of Transformer Oil from both the Transformers

NOW THEREFORE, it is to conclude that as the unit has grossly violated the provisions of the Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and the Hazardous and Other Wastes (Management and Transboundary) Rules, 2016 framed under the Environment (Protection) Act, 1986, in exercise of the powers conferred under Section 33-A of Water (Prevention and Control of Pollution) Act, 1974 and Section 31-A of Air (Prevention and Control of Pollution) Act, 1981, it is hereby ordered for the CLOSURE OF THE UNIT with immediate effect for gross violation of the above Acts and to prevent further environmental damages.

The Vice President (Operation), DNHDDPDCL, Fortune Paradise Building, College Road, Nani Daman to disconnect the power supply and submit compliance report regarding disconnection of power supply of the said unit to the PCC, DNH & DD within 48 hours.

Signature
318

Member Secretary
Pollution Control Committee,
DNH & DD,
Daman.

cl

To,
M/s Eurocoustic Products Ltd.
Sr. No. 355, Near Kachigam Char Rasta
Nani Daman, Daman.

Copy to: - The Vice President (Operation), DNHDDPDCL, Fortune Paradise Building, College Road, Nani Daman for necessary action and intimate to this office within 48 hours.

Signature
EUROCOUSTIC PRODUCTS LTD
KACHIGAM,
DAMAN - 396 210.
Received on 5/8/22

DNHDDPDCL	
LOCATION	
DATE	4/8/22
RECEIVED	
<i>Signature</i>	



PCC Daman & Diu DDDNH <pccddnh@gmail.com>

Regarding disconnection of power supply of M/s Eurocoustic Products Ltd, Kachigam, Daman

M.R.Ingle <elec-dmn-dd@ddd.gov.in>
To: pccddnh@gmail.com
Cc: paritoshtumdi <paritoshtumdi@torrentpower.com>

10 August 2022 at 15:5

Sir,
This is to inform that the power supply of M/s Eurocoustic Products Ltd, Kachigam, Daman has been disconnected on 05/08/2022.

From: paritoshtumdi@TORRENTPOWER.COM
To: "M.R.Ingle" <elec-dmn-dd@ddd.gov.in>, "Yogesh Tripathi" <ed-jemr1-dd@nic.in>
Cc: hiteshjariwala@TORRENTPOWER.COM, MUKULJOSHI@torrentpower.com, mahrukhbhesania@torrentpower.com, dhavaipanchai@torrentpower.com
Sent: Friday, August 5, 2022 10:57:09 AM
Subject: FW: Application from PCC received for disconnection

Pls find 66 KV EHV consumer pollution control board notice for Disconnection.

To,

M/s Eurocoustic Products Ltd.
Sr. No. 335, Near Kachigam Char Rasta
Nani Daman, Daman.

Paritosh .N.Tumdi

Assistant General Manager | Distribution | DD

M: +919824370050

DNH DD PDCL – A Subsidiary of Torrent Power Limited

Fortune Paradise | Nani Daman | Daman – 396210.

From: Mahrukh Bhesania / Customer Services / Daman <mahrukhbhesania@torrentpower.com>
Sent: 05 August 2022 10:32
To: Paritosh Tumdi / Distribution / Daman <paritoshtumdi@TORRENTPOWER.COM>; Mukul Joshi / Customer Services / DNH <MUKULJOSHI@torrentpower.com>

ANNEXURE A - 3

(Court No. 2)

Item No.07

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
M.A. No.70/2022 IN
Original Application No. 465/2022

Kishore Chotu

...Applicant

Versus

Eurocoustic Products Ltd. Ors.

...Respondents

Date of hearing: 20.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in person.

Application under Provisions of the National Green Tribunal Act, 2010.

ORDER

1. Mr. Kishor Chotu resident of Bhathaiya, Moti Daman has filed the present application complaining that Eurocoustic Products Ltd., is operating at village Kachigam, Daman without pollution consents since July 2020 and is carrying out highly polluted activities as under:

- i. Bio-Diesel (Not Permitted in U.T. of Daman)
- ii. Rebar Coating (FBEC)
- iii. Structural (Shot-Blasting) (Red Category*)
- iv. Powder Coating.

Complaints were made to the concerned authorities and also at PMO Portal but no action has been taken.

M. A. No. 70/2022 Kishore Chotu Vs. Eurocoustic Products Ltd. & Anr.
-2-

action in accordance with law by following due process within one month from the date of receipt of a copy of this order. The Joint Committee was directed to send factual and action taken report to the Ld. Registrar General of this Tribunal who was given liberty to put up the matter before the Bench for further directions, if necessary. The application was disposed of accordingly with these directions.

3. In compliance thereof the Member Secretary of Pollution Control Committee, DNH & DD, Daman has sent letter dated 18.08.2022 informing that based upon the inspection carried out by it closure direction was issued to the unit vide number PCC/DDO/O-1091/93-94/316 dated 04.08.2022 followed by the power disconnection to the unit on 05.08.2022 as intimated by the Electricity Department. In the letter, clarification has been sought from this Tribunal as to whether Pollution Control Committee, DNH & DD, Daman should carry out a re-inspection and resubmit a report in the connection as directed in the order by this Tribunal.

4. On receipt of the above said letter, Ld. Registrar General of this Tribunal considered issuance of further directions by this Bench to be necessary and accordingly directed vide order dated 30.08.2022 that the matter be listed before this Bench. The Registry has in compliance thereof listed present M.A No. 70/2022 before this Bench.

5. The applicant has filed objections dated 07.09.2022 and submitted that despite closure order the Project Proponent is running the plant with three DG sets in the night shift and is purchasing diesel worth Rs. 1.5 lakh to Rs. 2 lakh per day from Sai petrol pump, Kachigam,

M. A. No. 70/2022 Kishore Chotu Vs. Eurocoustic Products Ltd. & Anr.

-3-

Proponent and verify the factual position and take appropriate remedial action by following due process of law. The Joint Committee shall in particular verify the averments regarding purchase of diesel by the unit from the petrol pump in question by obtaining the relevant record from the Project Proponent as well as the petrol pump in question. The Daman, PCC will be the Nodal agency for coordination and compliance.

7. Factual and Action Taken Report may be submitted within two months by E-mail judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List for further consideration on 10.01.2022.

9. In view of the facts and circumstance of the case, we also consider personal appearance of the Member Secretary, Pollution Control Committee, DNH & DD, Daman and Deputy Commissioner, Daman on the next date of hearing through VC to be essential for producing the relevant documents and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

10. A copy of this order be forwarded to the Pollution Control Committee, DNH & DD, Daman and Deputy Commissioner, Daman by email for ensuring requisite compliance

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

ANNEXURE A - 4

C/221

No. PCC/DDD/NGT/OA465/2022-23/646
Office of the Member Secretary,
Pollution Control Committee,
DNH & DD,
Daman

Date: 14 / 12 / 2022

To,

The Consultant (Judicial)
(N.G.T.) (P.B.) GS

Sub.: Order passed in Original Application No. 465 / 2022

Ref.: Order vide M.A.No. 70 / 2022 IN against O.A.No. 465 / 2022 (Email dated 14/10/2022)

Sir,

In connection to the Order passed by the Hon'ble NGT in the matter as stated in the subject, it is to inform that an inspection of M/s Eurocoustic Products Ltd. was carried out by the Joint Committee (formed in this regard) along with other staffs of the Pollution Control Committee, DNH & DD on 08.12.2022 in compliance of directions as mentioned at point no. 6 of the said Order.

Details of the inspection along with other relevant records is attached herewith for your kind perusal and further needful, please.

Somale Meshkerjee
For, Member Secretary
Pollution Control Committee,
DNH & DD
Daman

Encl(s):

1. Inspection Report dated 08.12.2022
2. Annexure - I (Copy of Letter of Intimation to the unit)
3. Annexure - II to V (Copies of communications sent & received from the unit as well as the petrol pump for purchase & sale during the Closure period)
4. Annexure - VI (Attendance of Representatives of the unit)

**UT ADMINISTRATION OF DADRA AND NAGAR HAVELI & DAMAN AND DIU
POLLUTION CONTROL COMMITTEE, DNH & DD, DAMAN**

1st Floor Udyog Bhawan, Vapi-Kunta Road, Bhenslore, Nani Daman

1.	Name of the Unit Inspected	M/s Eurocoustic Products Ltd.
2.	Date	08.12.2022
3.	Time	15:15 Hrs
4.	Address of the Unit	Sr. No. 355, Near Kachigam Char Rasta, Nani Daman, Daman – 396210
5.	Reference	1. Hon'ble NGT's Original Application No. 465 / 2022 dated 06.07.2022 2. Hon'ble NGT's Order vide M.A. No. 70 / 2022 dated 20.09.2022
6.	Inspecting Team	(a) Dr. Tapasya Raghav, Collector Daman cum Member Secretary Pollution Control Committee, DNH & DD, Daman (Joint Committee) (b) Sh. Sounak Mukherjee, Jr. Project Engineer (c) Smt. Jyoti Katara, Jr. Project Engineer
7.	Purpose of Visit	To verify the factual position of the unit's operation (as per direction received from Hon'ble NGT vide Order No. M.A. 70 / 2022 IN against O.A. No. 465 / 2022).

INSPECTION REPORT

Course of Action:

1. The unit was jointly visited by the team comprising of the personnel as mentioned above to verify the factual position of the unit's operation
2. The inspection started with first visiting of the Acoustic Panel / Furniture Division thereafter moving towards Structural Steel Division and then proceeding onto Fusion Bonded Epoxy Coating Division.
3. The following were the observations particularly with respect to the activities which were mentioned in the Hon'ble NGT's Orders dated 06.07.2022 & 20.09.2022, respectively:

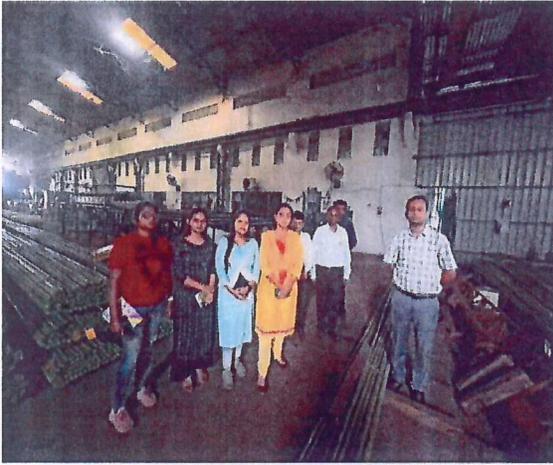
Order No.	Activities	Observations
Original Application No. 465 / 2022 dated 06.07.2022	Biodiesel (Not Permitted in the UT of Daman)	No plant / machinery was observed
	Rebar Coating (FBEC)	Plant was observed but was not running
	Structural (Shot-blasting) Red Category	Plant was observed but was not running
	Powder Coating	No such plant observed
M.A. No. 70 / 2022 dated 20.09.2022	Diesel Generator Sets	No Diesel Generator Sets were observed in the plant's premises. It is also to mention herein that No consents were ever granted by this office in the past for any air emission utility.

OTHER AVERMENTS & OBSERVATIONS

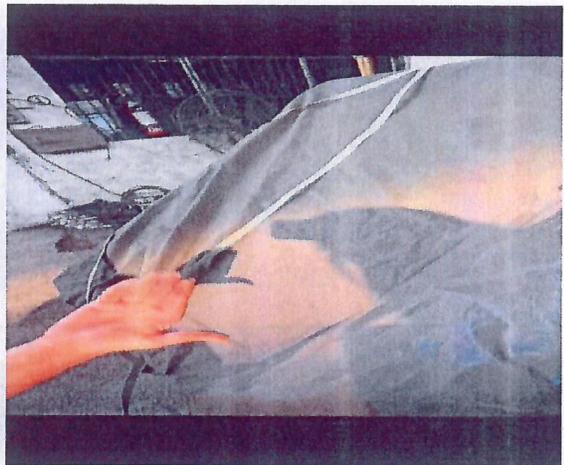
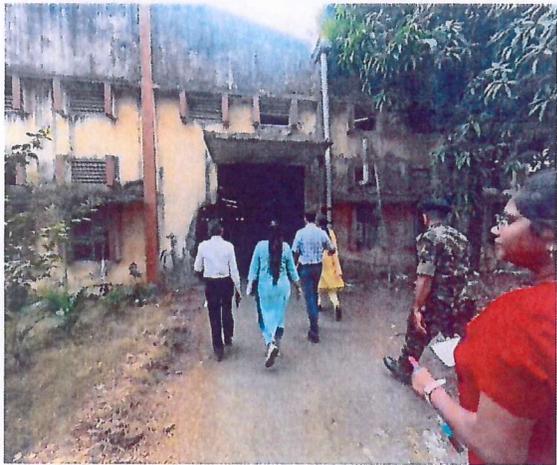
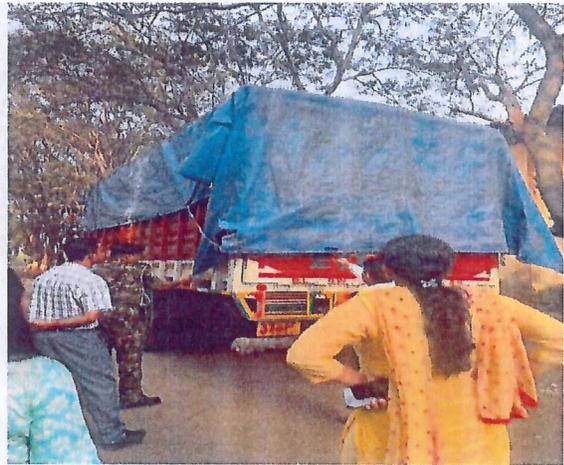
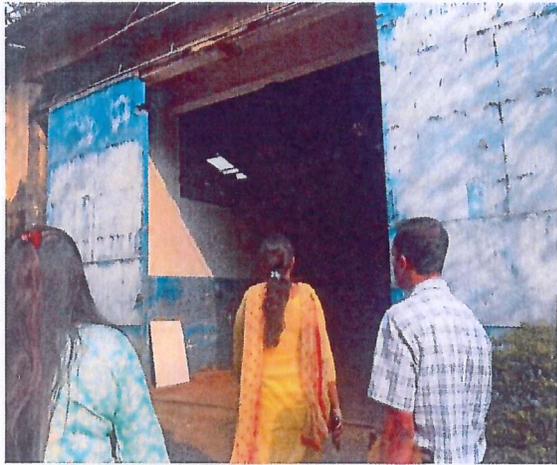
1. Upon receipt of the Letter of Intimation vide No. PCC/DDD/NGT/OA465/2022-23/629 dated 08.12.2022 (**Annexure-I**), the unit seemed to have temporarily stopped its operations as it was apparent from presence of staffs in the unit's premises including shutting down of Power for most of its plants. Upon interrogation, it was claimed that the unit had undergone a routine Shut Down for Scheduled Maintenance however no such records were furnished even after repeated verbal requests by the inspecting team.
2. The Fabricated Structural Steel Division was also shut down however loose elements of Steel Structures were observed lying.
3. The unit claimed to have stopped operation of the Epoxy Coating Division however shift-wise production records (Photographs attached along with) were retrieved while inspecting the Epoxy Division Shed thereby indicating that Epoxy Coating of Rebars were still being carried out in the period during which the unit was Closed following issuance of Closure Direction (i.e. between 05.08.2022 & 07.10.2022).
4. The unit representatives repeatedly kept impressing upon the inspecting team of not being involved in any production process and that it was only importing all the "ready for despatch" Epoxy Coated Rebars from its lessee unit (M/s PSL Corrosion Control Services Ltd.) which is located about 2.7 Kms from M/s Eurocoustic Products Ltd. This is a contradiction of the shift-wise production details fetched from the office records of Epoxy Division Shed (Photographs attached).
5. Upon interrogation by the Joint Committee & the visiting team, contradictory verbal statements were received from the staffs with few admitting to fact that the plant was operational between the period when it was issued Closure Direction until when it was accorded Re-connection of Power Supply following submission of Affidavit while few opposed the same.
6. It is also to note herein that, as per direction No. 6 of the Hon'ble NGT's Order, details of Diesel purchased by the unit & that sold by M/s Sai Petrol Pump, Kachigam during the period between 04.08.2022 and 07.10.2022 was also fetched only from the project proponent however no details in this regard were received from M/s Sai Transport (the Petrol Pump). The project proponent submitted that Diesel of about 1,75,205 Ltrs was purchased during the period from the said petrol pump (**Annexures II to V**).
7. Moreover, neither any Diesel Generator sets were found in the entire premises during such inspection nor was any consent granted for any Diesel Generator Sets in the past by the O/o the undersigned.
8. As evident from the photographs attached below, wash-water spillage was observed flowing out of the Epoxy Coating Shed thereby indicating that the unit had just washed the Epoxy Shed following receipt of Letter of Intimation.
9. The unit was certainly not treating its cooling tower blowdown water through any Effluent Treatment System. Samplings of the water circulating in the cooling tower connected to the Epoxy Coating Shed was collected and sent to MOEF & CC recognized laboratory to quantify certain parameters of concern. Results are awaited.
10. Certain documents, registers, etc. containing details of production carried out in the Epoxy Coating Division during the period of Closure of the unit (i.e. from 05.08.2022 to 07.10.2022) were found which were taken into the custody of this office for examination with proper written consent from the unit's representatives.
11. The details of representatives from the unit present during the inspection are annexed at (**Annexure II**).

It may therefore be concluded that, it may be possible from observation no. 6 that DG Sets were hired and the industry was carrying out its activities during the Closure period (i.e. between 05.08.2022 to 07.10.2022).

PHOTOGRAPHS OF INSPECTION

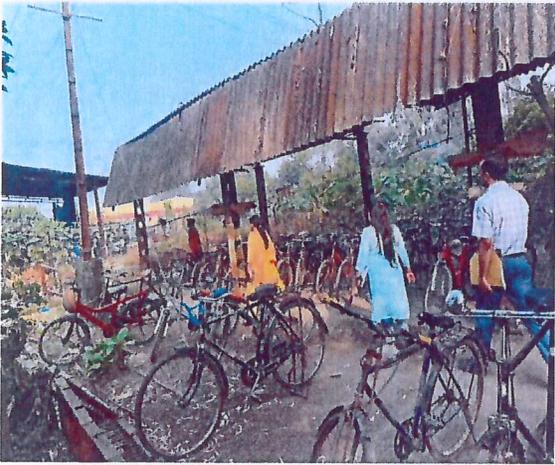


Inspecting Team



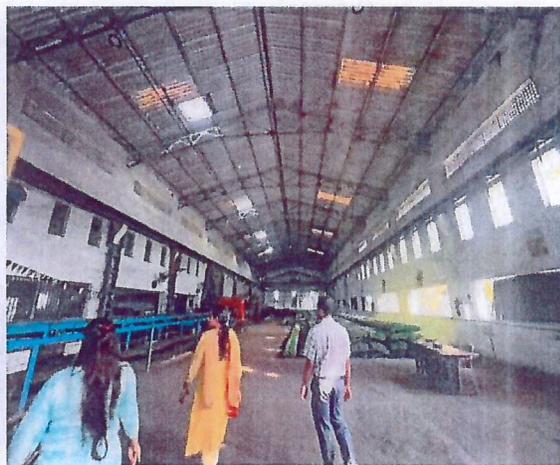
205

Sourabh Mukherjee



907

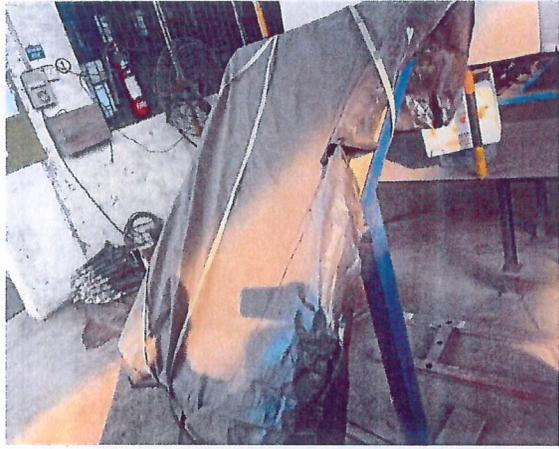
Souvali Mukherjee



Ray

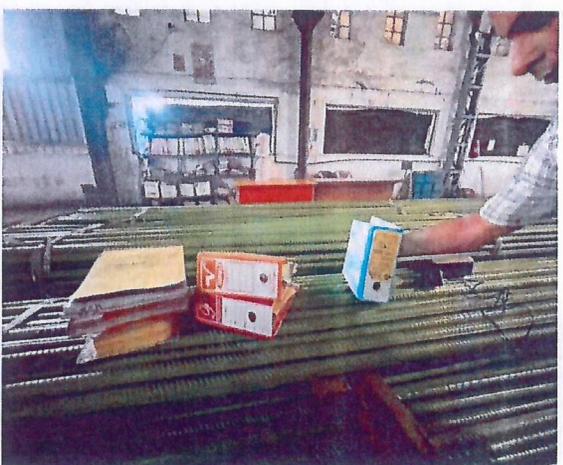
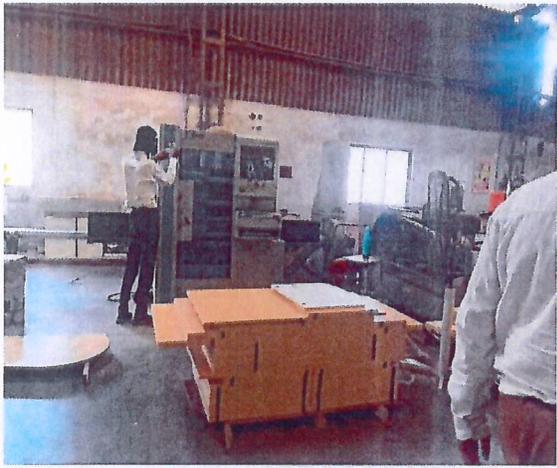
Souvik Mukherjee

c/209



Key

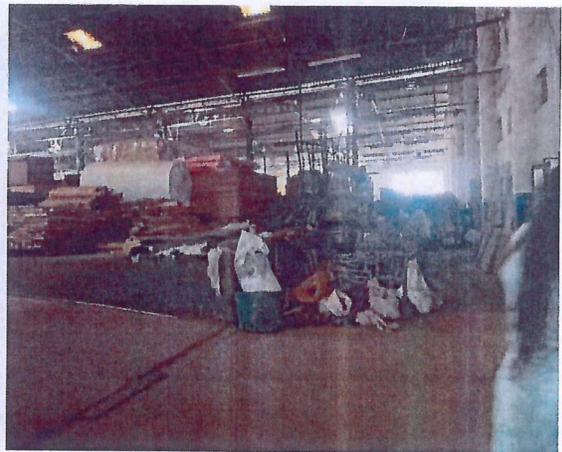
Souvik Mukherjee



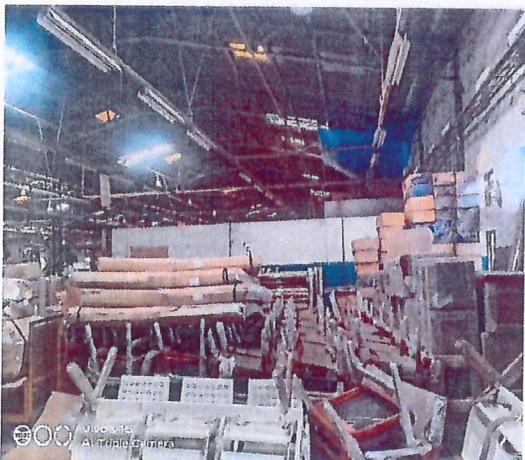
Lay

Somali Mukherjee

0/205



207



MATERIALS CONSUMPTION REPORT			
PLANT & WAREHOUSE OPERATIONS - 2024			
DATE	QUANTITY	UNIT	REMARKS
2024-01-01	100	kg	Initial stock
2024-01-02	50	kg	Used for repair
2024-01-03	20	kg	Waste
2024-01-04	10	kg	Leftover
2024-01-05	10	kg	Returned
2024-01-06	10	kg	Used for repair
2024-01-07	10	kg	Waste
2024-01-08	10	kg	Leftover
2024-01-09	10	kg	Returned
2024-01-10	10	kg	Used for repair
2024-01-11	10	kg	Waste
2024-01-12	10	kg	Leftover
2024-01-13	10	kg	Returned
2024-01-14	10	kg	Used for repair
2024-01-15	10	kg	Waste
2024-01-16	10	kg	Leftover
2024-01-17	10	kg	Returned
2024-01-18	10	kg	Used for repair
2024-01-19	10	kg	Waste
2024-01-20	10	kg	Leftover
2024-01-21	10	kg	Returned
2024-01-22	10	kg	Used for repair
2024-01-23	10	kg	Waste
2024-01-24	10	kg	Leftover
2024-01-25	10	kg	Returned
2024-01-26	10	kg	Used for repair
2024-01-27	10	kg	Waste
2024-01-28	10	kg	Leftover
2024-01-29	10	kg	Returned
2024-01-30	10	kg	Used for repair
2024-01-31	10	kg	Waste
2024-02-01	10	kg	Leftover
2024-02-02	10	kg	Returned
2024-02-03	10	kg	Used for repair
2024-02-04	10	kg	Waste
2024-02-05	10	kg	Leftover
2024-02-06	10	kg	Returned
2024-02-07	10	kg	Used for repair
2024-02-08	10	kg	Waste
2024-02-09	10	kg	Leftover
2024-02-10	10	kg	Returned
2024-02-11	10	kg	Used for repair
2024-02-12	10	kg	Waste
2024-02-13	10	kg	Leftover
2024-02-14	10	kg	Returned
2024-02-15	10	kg	Used for repair
2024-02-16	10	kg	Waste
2024-02-17	10	kg	Leftover
2024-02-18	10	kg	Returned
2024-02-19	10	kg	Used for repair
2024-02-20	10	kg	Waste
2024-02-21	10	kg	Leftover
2024-02-22	10	kg	Returned
2024-02-23	10	kg	Used for repair
2024-02-24	10	kg	Waste
2024-02-25	10	kg	Leftover
2024-02-26	10	kg	Returned
2024-02-27	10	kg	Used for repair
2024-02-28	10	kg	Waste
2024-02-29	10	kg	Leftover
2024-03-01	10	kg	Returned
2024-03-02	10	kg	Used for repair
2024-03-03	10	kg	Waste
2024-03-04	10	kg	Leftover
2024-03-05	10	kg	Returned
2024-03-06	10	kg	Used for repair
2024-03-07	10	kg	Waste
2024-03-08	10	kg	Leftover
2024-03-09	10	kg	Returned
2024-03-10	10	kg	Used for repair
2024-03-11	10	kg	Waste
2024-03-12	10	kg	Leftover
2024-03-13	10	kg	Returned
2024-03-14	10	kg	Used for repair
2024-03-15	10	kg	Waste
2024-03-16	10	kg	Leftover
2024-03-17	10	kg	Returned
2024-03-18	10	kg	Used for repair
2024-03-19	10	kg	Waste
2024-03-20	10	kg	Leftover
2024-03-21	10	kg	Returned
2024-03-22	10	kg	Used for repair
2024-03-23	10	kg	Waste
2024-03-24	10	kg	Leftover
2024-03-25	10	kg	Returned
2024-03-26	10	kg	Used for repair
2024-03-27	10	kg	Waste
2024-03-28	10	kg	Leftover
2024-03-29	10	kg	Returned
2024-03-30	10	kg	Used for repair
2024-03-31	10	kg	Waste
2024-04-01	10	kg	Leftover
2024-04-02	10	kg	Returned
2024-04-03	10	kg	Used for repair
2024-04-04	10	kg	Waste
2024-04-05	10	kg	Leftover
2024-04-06	10	kg	Returned
2024-04-07	10	kg	Used for repair
2024-04-08	10	kg	Waste
2024-04-09	10	kg	Leftover
2024-04-10	10	kg	Returned
2024-04-11	10	kg	Used for repair
2024-04-12	10	kg	Waste
2024-04-13	10	kg	Leftover
2024-04-14	10	kg	Returned
2024-04-15	10	kg	Used for repair
2024-04-16	10	kg	Waste
2024-04-17	10	kg	Leftover
2024-04-18	10	kg	Returned
2024-04-19	10	kg	Used for repair
2024-04-20	10	kg	Waste
2024-04-21	10	kg	Leftover
2024-04-22	10	kg	Returned
2024-04-23	10	kg	Used for repair
2024-04-24	10	kg	Waste
2024-04-25	10	kg	Leftover
2024-04-26	10	kg	Returned
2024-04-27	10	kg	Used for repair
2024-04-28	10	kg	Waste
2024-04-29	10	kg	Leftover
2024-04-30	10	kg	Returned
2024-05-01	10	kg	Used for repair
2024-05-02	10	kg	Waste
2024-05-03	10	kg	Leftover
2024-05-04	10	kg	Returned
2024-05-05	10	kg	Used for repair
2024-05-06	10	kg	Waste
2024-05-07	10	kg	Leftover
2024-05-08	10	kg	Returned
2024-05-09	10	kg	Used for repair
2024-05-10	10	kg	Waste
2024-05-11	10	kg	Leftover
2024-05-12	10	kg	Returned
2024-05-13	10	kg	Used for repair
2024-05-14	10	kg	Waste
2024-05-15	10	kg	Leftover
2024-05-16	10	kg	Returned
2024-05-17	10	kg	Used for repair
2024-05-18	10	kg	Waste
2024-05-19	10	kg	Leftover
2024-05-20	10	kg	Returned
2024-05-21	10	kg	Used for repair
2024-05-22	10	kg	Waste
2024-05-23	10	kg	Leftover
2024-05-24	10	kg	Returned
2024-05-25	10	kg	Used for repair
2024-05-26	10	kg	Waste
2024-05-27	10	kg	Leftover
2024-05-28	10	kg	Returned
2024-05-29	10	kg	Used for repair
2024-05-30	10	kg	Waste
2024-05-31	10	kg	Leftover
2024-06-01	10	kg	Returned
2024-06-02	10	kg	Used for repair
2024-06-03	10	kg	Waste
2024-06-04	10	kg	Leftover
2024-06-05	10	kg	Returned
2024-06-06	10	kg	Used for repair
2024-06-07	10	kg	Waste
2024-06-08	10	kg	Leftover
2024-06-09	10	kg	Returned
2024-06-10	10	kg	Used for repair
2024-06-11	10	kg	Waste
2024-06-12	10	kg	Leftover
2024-06-13	10	kg	Returned
2024-06-14	10	kg	Used for repair
2024-06-15	10	kg	Waste
2024-06-16	10	kg	Leftover
2024-06-17	10	kg	Returned
2024-06-18	10	kg	Used for repair
2024-06-19	10	kg	Waste
2024-06-20	10	kg	Leftover
2024-06-21	10	kg	Returned
2024-06-22	10	kg	Used for repair
2024-06-23	10	kg	Waste
2024-06-24	10	kg	Leftover
2024-06-25	10	kg	Returned
2024-06-26	10	kg	Used for repair
2024-06-27	10	kg	Waste
2024-06-28	10	kg	Leftover
2024-06-29	10	kg	Returned
2024-06-30	10	kg	Used for repair
2024-07-01	10	kg	Waste
2024-07-02	10	kg	Leftover
2024-07-03	10	kg	Returned
2024-07-04	10	kg	Used for repair
2024-07-05	10	kg	Waste
2024-07-06	10	kg	Leftover
2024-07-07	10	kg	Returned
2024-07-08	10	kg	Used for repair
2024-07-09	10	kg	Waste
2024-07-10	10	kg	Leftover
2024-07-11	10	kg	Returned
2024-07-12	10	kg	Used for repair
2024-07-13	10	kg	Waste
2024-07-14	10	kg	Leftover
2024-07-15	10	kg	Returned
2024-07-16	10	kg	Used for repair
2024-07-17	10	kg	Waste
2024-07-18	10	kg	Leftover
2024-07-19	10	kg	Returned
2024-07-20	10	kg	Used for repair
2024-07-21	10	kg	Waste
2024-07-22	10	kg	Leftover
2024-07-23	10	kg	Returned
2024-07-24	10	kg	Used for repair
2024-07-25	10	kg	Waste
2024-07-26	10	kg	Leftover
2024-07-27	10	kg	Returned
2024-07-28	10	kg	Used for repair
2024-07-29	10	kg	Waste
2024-07-30	10	kg	Leftover
2024-07-31	10	kg	Returned
2024-08-01	10	kg	Used for repair
2024-08-02	10	kg	Waste
2024-08-03	10	kg	Leftover
2024-08-04	10	kg	Returned
2024-08-05	10	kg	Used for repair
2024-08-06	10	kg	Waste
2024-08-07	10	kg	Leftover
2024-08-08	10	kg	Returned
2024-08-09	10	kg	Used for repair
2024-08-10	10	kg	Waste
2024-08-11	10	kg	Leftover
2024-08-12	10	kg	Returned
2024-08-13	10	kg	Used for repair
2024-08-14	10	kg	Waste
2024-08-15	10	kg	Leftover
2024-08-16	10	kg	Returned
2024-08-17	10	kg	Used for repair
2024-08-18	10	kg	Waste
2024-08-19	10	kg	Leftover
2024-08-20	10	kg	Returned
2024-08-21	10	kg	Used for repair
2024-08-22	10	kg	Waste
2024-08-23	10	kg	Leftover
2024-08-24	10	kg	Returned
2024-08-25	10	kg	Used for repair
2024-08-26	10	kg	Waste
2024-08-27	10	kg	Leftover
2024-08-28	10	kg	Returned
2024-08-29	10	kg	Used for repair
2024-08-30	10	kg	Waste
2024-08-31	10	kg	Leftover
2024-09-01	10	kg	Returned
2024-09-02	10	kg	Used for repair
2024-09-03	10	kg	Waste
2024-09-04	10	kg	Leftover
2024-09-05	10	kg	Returned
2024-09-06	10	kg	Used for repair
2024-09-07	10	kg	Waste
2024-09-08	10	kg	Leftover
2024-09-09	10	kg	Returned
2024-09-10	10	kg	Used for repair
2024-09-11	10	kg	Waste
2024-09-1			

SHREYAS PRODUCTION REPORT

Sl. No.	CLIENT NAME	CHALLAN NO.	SIZE	QTY	MT	INDUSTRIAL WELDING STATION
1	R.R. INTER	179	12	344	2,260	0.87
2	FORCE CONSTR	2033	20	328	21,590	0.03
3	"	"	16	54	1,800	0.25
4	"	"	20	344	2,260	0.27
5	"	"	32	157	5,060	0.38
6	ALLUMBALLA	1005842-A	32	397	30,380	2.14
7	J KUMAR	20192675	20	1090	32,344	3.48
8	FORCE CONSTR	2033	10	374	2,740	1.20

Total Production: 142,514 MT
Plant started at: 20:30 PM
Plant stopped at: 16:00 AM
Bare Bar Heat: 422,846 MT
Dipatch: 145,850 MT

2.10.2020 Plant stopped due to epoxy booth chimney @ 2.00

EUROACOUSTIC PRODUCTS LIMITED

SHREYAS PRODUCTION REPORT

Sl. No.	CLIENT NAME	CHALLAN NO.	SIZE	QTY	MT	INDUSTRIAL WELDING STATION
1	MUMBAI	20192675	16	1165	20,762	3.35
2	"	"	20	130	1,795	0.00
3	"	"	16	1165	17,174	0.00
4	"	"	16	1165	8,655	0.32

Total Production: 45,786 MT

2.10.2020 Plant stopped due to epoxy booth chimney @ 2.00

SHREYAS PRODUCTION REPORT

Sl. No.	CLIENT NAME	CHALLAN NO.	SIZE	QTY	MT	INDUSTRIAL WELDING STATION
1	J KUMAR	20192675	20	1090	32,344	3.48
2	FORCE CONSTR	2033	10	374	2,740	1.20

Total Production: 142,514 MT
Plant started at: 20:30 PM
Plant stopped at: 16:00 AM
Bare Bar Heat: 422,846 MT
Dipatch: 145,850 MT

EUROACOUSTIC PRODUCTS LIMITED - DAMAN

SHREYAS PRODUCTION REPORT

Sl. No.	CLIENT NAME	CHALLAN NO.	SIZE	QTY	MT	INDUSTRIAL WELDING STATION
1	J KUMAR	20192675	20	1090	32,344	3.48
2	FORCE CONSTR	2033	10	374	2,740	1.20

Total Production: 142,514 MT
Plant started at: 20:30 PM
Plant stopped at: 16:00 AM
Bare Bar Heat: 422,846 MT
Dipatch: 145,850 MT

COATED BAR

Client M/s. FORCE CONSTR

Challan No. 2033 Dtd. _____

Size 10 mm Heat No. _____

Qty. 2040 MT OK / NOT OK

Sign. [Signature] Date _____

COATED BAR

Client M/s. NCC LTD

Challan No. 20192675 Dtd. _____

Size 20 mm Heat No. _____

Qty. 32083 MT OK / NOT OK

Sign. [Signature] Date _____

INSPECTION TEAM

Name	Designation	Signature
Dr. Tapasya Raghav, IAS	Collector, Daman cum Member Secretary, PCC DNH & DD	<u>[Signature]</u>
Sh. Sounak Mukherjee	Jr. Project Engineer PCC DNH & DD	<u>Sounak Mukherjee</u>

Annexure - I
C/175
C/201

No. PCC/DDD/NGT/OA465/2022-23/629
Office of the Member Secretary,
Pollution Control Committee,
DNH & DD,
Daman

Date: - 08/12/2022

To,

M/s Eurocoustic Products Ltd.
Sr. No. 355, Near Kachigam Char Rasta,
Kachigam, Nani Daman.

Sub.: Regarding Visit of M/s Eurocoustic Products Ltd. in compliance of Hon'ble NGT's Order No. M.A. No. 70 / 2022 IN against O.A. No. 465 / 2022.

In connection to the Order passed by the Hon'ble NGT in the matter as referred above it is to inform that a Joint Committee comprising of Member Secretary, Pollution Control Committee DNH & DD and Collector, Daman shall be visiting M/s Eurocoustic Products Ltd. Located at Sr. No. 355, Near Kachigam Char Rasta, Nani Daman today (i.e. 08.12.2022) at 15:00 Hrs.

This is for your kind information, please.

[Handwritten Signature]

Member Secretary
Pollution Control Committee,
DNH & DD
Daman

*Received
am 8/12/22
at 1:15 PM*

[Handwritten Signature]

o/c

Annexure- II

No. PCC/DDD/NGT/OA465/2022-23/566
 Office of the Member Secretary,
 Pollution Control Committee,
 DNH & DD,
 Daman

Date: - 10 / 11 / 2022

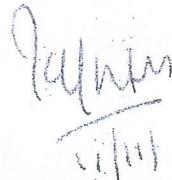
To,

M/s. Eurocoustic Products Ltd.
 Sr. No. 355, Near Kachigam Char Rasta,
 Nani Daman, Daman.

Sub.: Details of Diesel Purchased from M/s. Sai Petrol Pump, Kachigam Char Rasta during the period (04.08.2022 – 07.10.2022), both dates inclusive.

Ref.: M.A. No. 70 / 2022 IN against O.A. No. 465 / 2022

In connection to the Order passed by the Hon'ble NGT in the matter as referred above (**copy attached**), it is hereby directed that details of Diesel purchased by your unit from M/s Sai Petrol Pump, Kachigam Char Rasta during the period (04.08.2022 – 07.10.2022), both dates inclusive may please be provided to the office of the undersigned on or before 12.11.2022 so as to facilitate sharing of the information to the Hon'ble National Green Tribunal at the earliest.



Member Secretary
 Pollution Control Committee,
 DNH & DD
 Daman

Encl(s):

- Copy of M.A. No. 70 / 2022 IN against O.A. No. 465 / 2022.

EUROCOUSTIC PRODUCTS LTD.

10/11/22
 Nitish Kumar
 8252664337

Annexure - III

c/161
c/197
56565

No. PCC/DDD/NGT/OA465/2022-23/
Office of the Member Secretary,
Pollution Control Committee,
DNH & DD,
Daman

Date: - 10/11/2022

To,

M/s. Sai Transport Services
Sr. No. 493/8, 9 & 10,
Vapi Daman Main Road,
Near Dabhel Check Post,
Nani Daman.

Sub.: Details of Diesel Purchased from M/s. Sai Transport Services (Petrol Pump) during the period (04.08.2022 – 07.10.2022) both dates inclusive

Ref.: M.A. No. 70 / 2022 IN against O.A. No. 465 / 2022

Sir,

In connection to the Order passed by the Hon'ble NGT in the matter as referred above (copy attached), it is hereby directed that details of Diesel purchased by M/s. Eurocoustic Products Ltd. located near Kachigam Char Rasta during the period (04.08.2022 – 07.10.2022) both dates inclusive may please be provided to the office of the undersigned on or before 12.11.2022 so as to facilitate sharing of the information to the Hon'ble National Green Tribunal at the earliest.

Your prompt action in this regard would be highly appreciated.



Prakash B. Patel
10-11-22
9998687576

Member Secretary
Pollution Control Committee,
DNH & DD
Daman

Encl(s):

- Copy of M.A. No. 70 / 2022 IN against O.A. No. 465 / 2022.



**EUROCOUSTIC
PRODUCTS
LIMITED**

Annexure-IV e/171
e/195

HAND DELIVERY

Date:-18/11/2022

To,
The Member Secretary
Office of the Member Secretary
Pollution Control Committee,
DNH & DD, Daman

Sub: Details of Diesel Purchased from M/s Sai Shyam Petrol Pump Char Rasta during the Period (04-08-2022 to 07-10-2022). Both dates inclusive.

Respected Madam,

This has reference to your letter No. PCC/DDD/NGT/OA465/2022-23/566 dated 10/11/2022 & our request letter dated 12/11/2022 on the subject matter.

During the period 04-08-2022 to 07-10-2022 Eurocoustic Products Ltd (herein after referred to as EPL) have purchased total Diesel 175405 Ltrs which includes daily consumption as well, from M/s. Sai Shyam Petroleum Kachigam.

As per understanding between EPL and PSL Corrosion Control Services Ltd, (herein after referred to as PSLCCS) EPL has been giving job work to PSLCCS on the terms of EPL to supply raw material and electricity which are required to complete the job work. During the period 04-08-2022 to 07-10-2022 to comply with the ongoing afore stated orders EPL had to arrange to purchase diesel for PSLCCS.

Thanking You

Yours faithfully,
For Eurocoustic Products Ltd

Authorized Signatory

दूषण नियंत्रण समिति
POLLUTION CONTROL COMMITTEE
दमण डी डी एन डी डी, दमण
Daman & DD, DNH & DD, Daman
2782
39 29
Page No.
18/11/2022

Corporate Office
1 Aerocity, Unit No. 501-506, Fifth Floor,
Safed Pool, Andheri-Kurla Road,
Off Sakinaka, Mumbai - 400 059
Phone: +91 22 6903 7777



Registered Office & Works
Survey No. 355, Kachigam Char Rasta,
Vapi Kachigam Road,
Daman (U.T.) - 396 210
Phone: +91 260 2244767 / 2242989



Email:
contact@eplgroup.co.in
info@eplmodular.com
Website:
www.eplgroup.co.in
www.eplmodular.com

Source
Jas
21/11
Source
21/11/2022



**EUROCOUSTIC
PRODUCTS
LIMITED**

Annexure - V

C/169
e/193

HAND DELIVERY

12.11.2022

To,
The Member Secretary,
Pollution Control Committee,
DNH & DD,
Daman.

Subject : Details of Diesel Purchased from M/s Sai Petrol Pump, Kachigam Char Rasta
during the period (04/08/2022-07/10/2022), both dates inclusive.

Ref: Your letter PCC/DDD/NGT/OA465/2022-23/56 dated 10/11/2022.

Respected Madam,

This is with reference to your above letter, with regards to the details of diesel purchased by us from M/s Sai Petrol Pump, Kachigam, Char Rasta, during the period (04/08/2022-07/10/2022), both dates inclusive. by which we have been directed to submit the detail, on or before 12/11/2022.

In this regard, most respectfully, you are kindly requested to grant us 7 to 10 days time to collect the details /data for further submission to you.

We shall be very thankful to you for this act of kindness and your co-operation in this regard will be highly appreciated.

Thanking you.

Yours faithfully,
For Eurocoustic Products Limited,

Authorized Signatory

प्रदूषण नियंत्रण समिति
POLLUTION CONTROL COMMITTEE
दमन एवं दीव डी.पी.ए., दमन
Daman & Diu Nagar Nivah & Nagar Nivah
अवकाश/आवास
Inward/Outward No. 2617
रजि. सं. 39 पृष्ठ सं.
R. No. Page No. 12
दिनांक
Date 12/11/2022



Corporate Office
1 Aerocity, Unit No. 501-506, Fifth Floor,
Safed Pool, Andheri-Kurla Road,
Off Sakinaka, Mumbai - 400 059
Phone: +91 22 6903 7777



Registered Office & Works
Survey No. 355, Kachigam Char Rasta,
Vapi Kachigam Road,
Daman (U.T.) - 396 210
Phone: +91 260 2244767 / 2242989



Email:
contact@eplgroup.co.in
info@eplmodular.com
Website:
www.eplgroup.co.in
www.eplmodular.com

200
17/11/2022

Scanned
16/11/2022

1189
Eurocoustic Products Ltd. - 1



Testing & Calibration Laboratory

KONARK RESEARCH FOUNDATION

TESTING & CALIBRATION LABORATORY

Plot No 338/1, Behind Patel Cricket Ground, Kachigam, Daman & Diu, 396210
Regd. Office: 333, Adhyaru Industrial Estate, Sunmill Compound, Lower Parel, Mumbai (MH) 4000013
, DH, INDIA
saleskrf@konarkgroup.com

TEST REPORT

KRF/QF/5101-B2

Issued To : Office Of The Member Secretary, Pollution Control Committee
1st Floor, Udyog Bhavan, Bhenslore,
DAMAN, DD, 396210

MOEF Approved Laboratory

Certificate No. : KRF/0760/WAT/22-23

Issued Date : 12/12/2022

Sample Name : WATER SAMPLE (PCC/DDD/WW/22-23/386)

Sample Received On : 09/12/2022

Sample Quantity : 2.5 Liter

Sr No	Test Parameters	UOM	Method	Detection Limit	Requirement	Test Reported Value
Description : Clear Colourless Liquid.						
1	Color	Units	IS:3025 (PART-04)	---	---	Below-1
2	Total Suspended Solid	mg/Lit.	IS:3025 (PART-17)	---	---	2.00
3	pH.	---	IS:3025 (PART-11)	---	---	8.57
4	Chemical Oxygen Demand	mg/Lit.	APHA 5220 B	---	---	Not Detected
5	Iron	mg/Lit.	IS:3025 (PART-02)	---	---	0.430
6	Chromium	mg/Lit.	IS:3025 (PART-02)	---	---	0.003
7	Lead	mg/Lit.	IS:3025 (PART-02)	---	---	0.020

*** END OF REPORT ***

Testing & Calibration Laboratory

Tests Started on : 09/12/2022

Tests Completed on : 12/12/2022

Mr. GIRISH PATEL

Authorised Signatory-Chemical



Note : This report is Subject to the terms & conditions mentioned overleaf

* Environmental Monitoring And Analysis * Food & Drug Analysis * GLP Facility For Agro Chemicals * Ayurvedic Analysis

Eurocoustic Products Ltd.-11



Testing & Calibration Laboratory

KONARK RESEARCH FOUNDATION**TESTING & CALIBRATION LABORATORY**

Plot No 338/1, Behind Patel Cricket Ground, Kachigam, Daman & Diu, 396210
 Regd. Office: 333, Adhyaru Industrial Estate, Sunmill Compound, Lower Parel, Mumbai (MH) 400013
 ,DH,INDIA
 saleskrf@konarkgroup.com

TEST REPORT

KRF/QF/5101-B2

Issued To : Office Of The Member Secretary, Pollution Control Committee
 1st Floor, Udyog Bhavan, Bhenstore,
 DAMAN, DD, 396210

MOEF Approved Laboratory

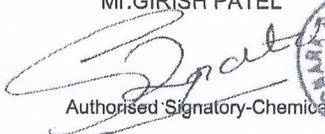
Certificate No. : KRF/0761/WAT/22-23**Issued Date** : 12/12/2022**Sample Name** : WATER SAMPLE (PCC/DDD/WW/22-23/387)**Sample Received On** : 09/12/2022**Sample Quantity** : 2.5 Liter

Sr No	Test Parameters	UOM	Method	Detection Limit	Requirement	Test Reported Value
Description : Slight Yellow Colour Turbid Liquid.						
1	Color	Units	IS:3025 (PART-04)	---	---	Below-2
2	Total Suspended Solid	mg/Lit.	IS:3025 (PART-17)	---	---	14.00
3	pH.	---	IS:3025 (PART-11)	---	---	29
4	Chemical Oxygen Demand	mg/Lit.	APHA 5220 B	---	---	22.58
5	Iron	mg/Lit.	IS:3025 (PART-02)	---	---	1.408
6	Chromium	mg/Lit.	IS:3025 (PART-02)	---	---	0.009
7	Lead	mg/Lit.	IS:3025 (PART-02)	---	---	0.029

*** END OF REPORT ***

Tests Started on : 09/12/2022**Tests Completed on** : 12/12/2022

Mr. GIRISH PATEL


 Authorised Signatory-Chemical
**Note** : This report is Subject to the terms & conditions mentioned overleaf

* Environmental Monitoring And Analysis * Food & Drug Analysis * GLP Facility For Agro Chemicals * Ayurvedic Analysis

Eurocaustic Products Ltd. - III ^{2/185}

Testing & Calibration Laboratory

KONARK RESEARCH FOUNDATION**TESTING & CALIBRATION LABORATORY**

Plot No 338/1, Behind Patel Cricket Ground, Kachigam, Daman & Diu, 396210
 Regd. Office: 333, Adhyaru Industrial Estate, Sunmill Compound, Lower Parel, Mumbai (MH) 400013
 ,DH, INDIA
 saleskrf@konarkgroup.com

TEST REPORT

KRF/QF/5101-B2

MOEF Approved Laboratory

Issued To : Office Of The Member Secretary, Pollution Control Committee
 1st Floor, Udyog Bhavan, Bhenslore,
 DAMAN, DD, 396210

Certificate No. : KRF/0762/WAT/22-23
Issued Date : 12/12/2022

Sample Name : WATER SAMPLE (PCC/DDD/WW/22-23/388)

Sample Received On : 09/12/2022

Sample Quantity : 2.5 Liter

Sr No	Test Parameters	UOM	Method	Detection Limit	Requirement	Test Reported Value
Description : Slight Yellow Colour Turbid Liquid.						
1	Color	Units	IS:3025 (PART-04)	---	---	Below-2
2	Total Suspended Solid	mg/Lit.	IS:3025 (PART-17)	---	---	18.00
3	pH.	---	IS:3025 (PART-11)	---	---	9.28
4	Chemical Oxygen Demand	mg/Lit.	APHA 5220 B	---	---	18.04
5	Iron	mg/Lit.	IS:3025 (PART-02)	---	---	1.297
6	Chromium	mg/Lit.	IS:3025 (PART-02)	---	---	0.009
7	Lead	mg/Lit.	IS:3025 (PART-02)	---	---	0.030

*** END OF REPORT ***

Testing & Calibration Laboratory

Tests Started on : 09/12/2022

Tests Completed on : 12/12/2022

Mr. GIRISH PATEL

(Signature)
 Authorised Signatory-Chemical



Note : This report is Subject to the terms & conditions mentioned overleaf

* Environmental Monitoring And Analysis * Food & Drug Analysis * GLP Facility For Agro Chemicals * Ayurvedic Analysis



PCC Daman & Diu DDDNH <pcdddnh@gmail.com>

Reply to Order M.A. No. 70 / 2022

PCC Daman & Diu DDDNH <pcdddnh@gmail.com>
To: "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>

3 May 2023 at 19:15

Madam / Sir,

This is to inform you that the Reply submitted vide No. PCC/DDD/NGT/OA465/2022-23/646 dated 14.12.2022 in the M.A. No. 70 / 2022 in the matter of Kishor Chotu Vs M/s Eurocoustic Products Ltd. is hereby requested to be withdrawn. The same shall be re-submitted shortly.

On Fri, 16 Dec 2022 at 13:13, PCC Daman & Diu DDDNH <pcdddnh@gmail.com> wrote:

Respected Sir / Madam,

In connection to the email sent to the O/o the undersigned in the matter as mentioned in the subject and as advised, please find attached one single document (in searchable pdf format) for your kind perusal and further needful, please.

We hope that the reply is as per what is required in the matter along with the correct case number. Looking forward to your best possible cooperation in this regard.

--

Kind Regards

O/o. the Pollution Control Committee
Dadra & Nagar Haveli and Daman & Diu
Daman

--
Thanks and Regards

O/o. the Member Secretary,
[Quoted text hidden]

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

M.A. No. 70/2022

IN

Original Application No.465/2022

Kishor Chotu

....Applicant

Versus

Eurocoustic Products Ltd. &Anr.

....Respondents

Date of hearing: 08.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondents: Mr. Abhishek Puri, Advocate for Respondent No. 1
alongwith Ms. Surbhi Gupta, advocate.**Application under provisions of the National Green Tribunal Act,
2010.****ORDER**

1. The applicant filed the present application complaining about carrying out of highly polluting activities by the Project Proponent- M/s Eurocoustic Products Ltd. with prayer for taking stern action against the same.
2. Vide order dated 06.07.2022, this tribunal constituted a Joint Committee and directed the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order and to send factual and action taken report

O.A. No. 465/2022

Kishor Chotu Vs. Eurocoustic Products
Ltd. & Anr.

2

3. On receipt of the report of the Joint Committee vide email dated 18.08.2022, the matter was listed before this bench under orders of Ld. Registrar General, NGT for further directions in the matter.
4. The applicant filed objections vide email dated 15.09.2022 alleging illegal running of the unit by the Project Proponent.
5. Vide order dated, 20.09.2022, this Tribunal directed the Joint Committee to verify the averments regarding running of the unit in question with diesel generators and to submit its report within two months and personal appearance of the Member Secretary, Pollution Control Committee, DNH & DD, Daman and Deputy Commissioner, Daman was ordered.
6. In compliance thereof report of the Joint Committee has been submitted vide email dated 16.12.2022.
7. Objections to the report of the Joint Committee have also been filed by the applicant vide email dated 06.01.2023.
8. Reply by respondent no. 1-project proponent (M/s Eurocoustic Products Ltd.) has been filed vide email dated 07.05.2023.
9. However, the Member Secretary, Pollution Control Committee, DNH & DD, Daman and Deputy Commissioner, Daman have not appeared before this Tribunal today physically or through VC despite the direction in this regard.
10. In view of order dated 18.10.2022 passed by the Hon'ble Supreme Court of India in Appeal (C) No(s) 17931/2022 titled as "*The National Green Tribunal & Anr. Vs. The Goa Foundation & Ors.*" directing that all matters pertaining to Western Zone Bench, Pune, including the matters arising of the States of Maharashtra and Goa be heard only by Pune Bench sitting at Pune, the matter is ordered to be

O.A. No. 465/2022

Kishor Chotu Vs. Eurocoustic Products
Ltd. & Anr.

3

11. Accordingly, the Registry is directed to send record of the case to the Western Zone Bench of this Tribunal at Pune after obtaining requisite orders from the Hon'ble Chairperson of this Tribunal.

Arun Kumar Tyagi, JM

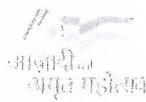
Dr. Afroz Ahmad, EM

May 08, 2023
O.A. No. 465/2022
N

ANNEXURE A - 7



U. T. Administration of Dadra and Nagar Haveli and Daman and Diu
Office of the Mamlatdar, Collectorate Campus,
Dholar, Moti Daman – 396 220.



F No. MAM/DMN/Action/EPL/2023/ 736

Dated :- 24/06/2023

Read :- (1) Order No. PCC/DDD/2023-24/01, dated 20/05/2023, issued by the Member Secretary, Pollution Control Committee, UT of DNH & DD & (2) Panchnama, dated, 21/05/2023 regarding the same.

REPORT

Pursuant to instructions of the Collector / District Magistrate, Daman on receipt of complaint, dated 22/06/2023 regarding trucks, which were sealed by the Mamlatdar and Executive Magistrate, Daman on 21/05/2023 bearing Truck Nos **MH 46 BB 1290** and **MH 46 BB 1490** both make of Ashok Leyland.

In view of above, the Mamlatdar / Executive Magistrate, Daman (referred to as undersigned) had visited the sealed site on 24/06/2023 at "Rebar" Division of **M/s Eurocoustic Products Limited**, located at EPL Campus, Survey no. 355, Near Kachigam Char Rasta, Kachigam, Nani Daman.

During the visit, it was noted that the trucks bearing registration Nos. **MH 46 BB 1290** and **MH 46 BB 1490** both make of Ashok Leyland, which were sealed on 21/05/2023 by the undersigned were **not available at the spot** at which it was sealed and were absent and was not found near vicinity indicating that the complaint, dated 22/06/2023 has facts w.r.t "trucks concerned" and it was noted that other premises, as sealed were as it is and were not manipulated.

It is submitted that the above said two trucks are missing from the spot of which photographs are attached.

प्रदूषण नियंत्रण समिति
POLLUTION CONTROL COMMITTEE
दमण द्वीप आणि नगर हवेली, दमण
Daman & Diu, Nagar Haveli
आंतरिक/कुलुंबा नं. 834
रजि. नं. 40
R. No. Page No. 135
दिनांक 26/06/23

(Premji Makvana)

Mamlatdar & Executive Magistrate,
Daman

To, The Collector / Member Secretary (PCC),
Collectorate, Dholar,
Moti Daman – 396 220.

Copy to :-

- 1) Office Copy.

26/06/23
Receiver by hand

Take necessary
penal action
with PCC
in coordination
with PCC

C/1327 (46)



C/1325



C/1323

48



ANNEXURE A - 8

N.C.R.B (एन.सी.आर.बी)
I.I.F.-1 (एकीकृत जांच फॉर्म -1)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): DAMAN DIST P.S. (थाना): Coastal P.S Moti Daman Year (वर्ष): 2023
FIR No. (प्र.सू.रि. सं.): 0015 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 01/07/2023 13:32 hrs

2. S.No. (क्र.सं.) Acts (अधिनियम) Sections (धारा(एँ))

1	IPC 1860	379
2	IPC 1860	201
3	IPC 1860	206

3. (a) Occurrence of offence (अपराध की घटना):
1. Day (दिन): Intervening Day Date From (दिनांक से): 21/05/2023 Date To (दिनांक तक): 24/06/2023
Time Period (समय अवधि): Time From (समय से): 00:00 hrs Time To (समय तक): 18:00 hrs
(b) Information received at P.S. (थाना) वहाँ सूचना प्राप्त हुई: Date (दिनांक): 01/07/2023 Time (समय): 13:23 hrs
(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 015 Date & Time (दिनांक और समय): 01/07/2023 13:23 hrs

4. Type of information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):
1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): EAST, 8 Km(s) Beat No. (बीट सं.):
(b) Address (पता): Surve 355, Eurocoustic Product Limited, Located at EPL Campus, Near Kachigam CharRasta, Nani Daman, 396210
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):
Name of P.S. (थाना का नाम): Coastal P.S Moti Daman District(State) (ज़िला (राज्य)): DAMAN DIST(DADRA AND NAGAR HAVELI AND DAMAN AND DIU)

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): Premji Malwana
(b) Father's/Husband's Name (पिता / पति का नाम):
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1975 (d) Nationality (राष्ट्रियता): INDIA
(e) UID No. (यूआईडी सं.):
(f) Passport No. (पासपोर्ट सं.): Date of issue (बारी करने की तिथि):
Place of issue (बारी करने का स्थान):
(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)
S.No. (क्र.सं.) Id Type (पहचान पत्र का प्रकार) Id Number (पहचान संख्या)

1		
---	--	--

(h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	Mamlalder Office, Moti Daman, Coastal P.S Moti Daman, DAMAN DIST, DADRA AND NAGAR HAVELI AND DAMAN AND DIU, 396220, INDIA
2	Permanent Address	Mamlalder Office, Moti Daman, Coastal P.S Moti Daman, DAMAN DIST, DADRA AND NAGAR HAVELI AND DAMAN AND DIU, 396220, INDIA

(i) Occupation (व्यवसाय):
(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.):

7. Details of known/suspected/unknown accused with full particulars (जात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):
Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):

N.C.R.B (एन.सी.आर.बी) I.I.F.-I (एकीकृत जांच फार्म -I)					
S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Permanent Address (स्थायी पता)	Present Address (वर्तमान पता)
1	Responsible Person Of Eurocoustic Products Limited			Surve 355, Eurocoustic Products Limited, Located at EPL Campus, Near Kachigam Char Rasta, Nani Daman, Coastal P.S Moti Daman, DAMAN DIST. DADRA AND NAGAR HAVELI AND DAMAN AND DIU, INDIA-396210	1. Surve 355, Eurocoustic Products Limited, Located at EPL Campus, Near Kachigam Char Rasta, Nani Daman, Coastal P.S Moti Daman, DAMAN DIST. DADRA AND NAGAR HAVELI AND DAMAN AND DIU, INDIA-396210

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित संपत्ति का विवरण):

S.No. (क्र. सं.)	Property Category (संपत्ति श्रेणी)	Property Type (संपत्ति का प्रकार)	Nature of Property (संपत्ति की प्रकृति)	Description (विवरण)	Value (In Rs/-) (मूल्य (रु में))
------------------	------------------------------------	-----------------------------------	---	---------------------	----------------------------------

10. Total value of property (In Rs/-) संपत्ति का कुल मूल्य (रु में):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.) UIDB Number (यू.डी. प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

Complainant

Date:- 29/06/2023

Sub :- Registration of FIR against concerned persons of "Rebar" Division of M/s Eurocoustic Products Limited, located at EPL Campus, Survey no. 355, Near Kachigam Char Rasta, Kachigam, Nani Daman.

With reference to the subject cited above, it is informed that the Mamlatdar Executive Magistrate (herein referred to as "undersigned"), Daman along with the concerned staff of the Pollution Control Committee, UT of DNH & DD i.e. Shri Sounak Mukherjee, Junior Project Engineer and Ms. Vaidehi Bhatt, Scientist B had conducted inspection on 21/05/2023 at premises of "Rebar" Division of M/s Eurocoustic Products Limited (also referred to as the Company), located at EPL Campus, Survey no. 355, Near Kachigam Char Rasta, Kachigam, Nani Daman, as such, the company was violating environmental norms. During the above inspection on 21/05/2023, two Truck Nos MH 46 BB 1290 and MH 46 BB 1490 loaded with Iron Rods coated with FEBC Coating of Rebar were inspected and it was learnt that the company was producing such Rebars without consent from the Pollution Control Committee, UT of DNH & DD as provided under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 AND Section 21 of Air (Prevention and Control of Pollution) Act, 1981. Similarly, the said trucks were sealed by the undersigned on same day.

A complaint was received from an individual addressed to the Collector, Daman, dated 22/06/2023, alleging illegal displacement of sealed trucks (to be specific Truck Nos MH 46 BB 1290 and MH 46 BB 1490 both make of Ashok Leyland) by the company. The undersigned was directed by the competent authority to check and report the status.

The undersigned had visited the site (of Rebar division of the company) on 24/06/2023 and reported findings factual vide Report No F No. MAM/DMN/Action/EPL/2023/736, dated 24/06/2023 wherein it was reported that the truck bearing Nos MH 46 BB 1290 and MH 46 BB 1490 both make of Ashok Leyland, which were sealed on 21/05/2023 were missing from the spot, therefore, violating the order No. PCC/DDD/2023-24/01, dated 20/05/2023 issued by the Member Secretary, Pollution Control Committee, UT of DNH & DD. Pursuant to above developments, the Member Secretary, PCC, UT of DNH & DD has directed the undersigned to lodge First Information Report against the company vide letter No. PCC/DDD/O-1091/KG/WA/AA/93.94/71, dated 29/06/2023.

In view of above, an FIR is required to be registered and necessary action to be initiated against all responsible persons and authorities of the company or whomsoever as clear violation of environmental rules and illegal activity of displacement of sealed trucks by company and or other responsible persons.

The copy of Panchnama, dated 21/05/2023 and Report, dated 24/06/2023 submitted by the undersigned to competent authority are enclosed herewith.

13. Action taken: Since the above information reveals commission of offence(s) as mentioned at Item No. 2.

(कौन सी कार्यवाही : वृत्ति उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख द्वारा के तहत है।)

(1) Registered the case and took up the investigation:
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Girdhar I. Mitna Rank (पद): HC (Head Constable)

No. (सं.): 285 to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जांच फार्म -I)

or (के कारण इंकार किया था)

(4) Transferred to P.S.(थाना):

District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / Informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.-(आर.ओ.ए.सी.)

14. Signature/Thumb impression of the complainant / Informant.(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Signature of Officer in charge, Police Station
(थाना प्रभारी के हस्ताक्षर)

Name (नाम): Ljadhur M. Makawana

Rank(पद): SI (Sub-Inspector)

No.(सं.):

N.C.R.B (एन.सी.आर.बी)
I.I.F.-1 (एकीकृत जांच फार्म -1)

Attachment to Item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण : (यदि ज्ञात / देखा गया))

S.No.(क्र.सं.)	Sex (लिंग)	Date/Year of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height(cms.) (ऊँचाई (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिह्न)
1	2	3	4	5	6	7
1	Male					Poxpitted: NO
Deformities/ Peculiarities (विकृतियाँ/ विशिष्टताएँ)	Teeth (दंत)	Hair (बाल)	Eyes (आँखें)	Habit(s) (जादते)	Dress Habit(s) (पहनावा)	
8	9	10	11	12	13	
Language /Dialect (भाषा/बोली)	Place Of (का स्थान)				Others (अन्य)	
	Burn Mark (जले हुए का निशान)	Leucoderma (लुकोडेर्मा(सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूँदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.
(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है।)

Item No: 6

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL APPLICATION NO.100 OF 2023 (WZ)
[[Earlier Application No.465 of 2022 (LP)]]**

Kishor Chotu

.... Applicant

Versus

Eurocousic Products Ltd. & Anr.

....Respondents

Date of Hearing : 14.08.2024

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

Applicant : Applicant-in-person through VC

Respondents : Mr. Abhishek Puri, Advocate for R-1

ORDER

1. The applicant has appeared in person through VC and states that the reply/response filed by respondent No.1 – Eurocoustic Products Ltd dated 30.01.2024 against the report of the District Magistrate communicated through Member Secretary, Pollution Control Committee, Dadra & Nagar Haveli and Daman and Diu (DNH & DD), Daman through their letter dated 13.10.2023 in respect of the inspection of the premises of respondent No.1- Project Proponent made on 19.05.2022. In that report, in conclusion, it is recorded that respondent No.1 has not only violated the provisions laid down under the Water Act and Air Act, but also includes intentional defiance of the affidavit conditions submitted by the unit to the office of Pollution Control Committee regarding re-connection/restoration of power supply. Apart from this, respondent No.1 has crossed all the limits of Law and Order with its recent breaking open of the windshield of the sealed "Trailor trucks"

Campus, Kachigam has portrayed and proved time again the criminal intentions of the business owners.

2. This report has been assailed by the respondent No.1-Project Proponent on the ground that this has been unilaterally submitted to this Tribunal as there was no order passed directing the District Collector or the Member Secretary, PCC, DNH & DD to submit any such report. The previous Joint Committee report, which was submitted by the Joint Committee pursuant to this Tribunal's order dated 06.07.2022, is found to have been filed at pages 44 to 52 of the paper-book, in which no serious violation is found to be there on the part of respondent No.1-Project Proponent. However, at point no.9 of that report, it is recorded that respondent NO.1 was not treating its cooling tower blow down water through any Effluent Treatment System, sample of which was taken and sent to MoEF&CC recognized laboratory and the result thereof was not communicated. Against that report, the applicant has filed objections, which are at pages 62 to 63 of the paper-book, wherein it is stated that the report is incorrect.

3. It is essential for us to note here as to how the second report (filed by the Member Secretary, PCC, DNH & DD), said to be a Joint Committee report, has come on record though the inspecting team states that it comprised only Shri Saurabh Mishta, Member Secretary, PCC, DNH & DD. In such situation, we would like to have clarification from the District Collector, Daman as to in what circumstances, the second report has been submitted and as to whether they are discarding the first report and what is the ground therefor and the reason for submitting the second report on record.

4. The applicant submits that he has not been served the copy of the objections/response filed by respondent No.1 dated 30.01.2024, which has

no.1 to serve a copy of the same through e-mail. The applicant shall share his e-mail address with the learned counsel for respondent No.1 today only. The learned counsel for respondent No.1 states that his objection/response is uploaded on the website of respondent No.1, from where it can be downloaded by the applicant. Still we would like respondent No.1 to serve a copy of the said objections/response to the applicant through e-mail.

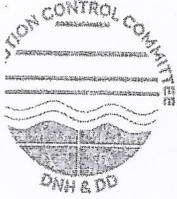
5. The applicant shall submit rejoinder to the objections/response of respondent No.1 within two weeks.

6. Put up this matter for next consideration on 05.11.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 14, 2024
O.A. No.100 OF 2024(WZ)
NPJ



प्रदूषण नियंत्रण समिति
Pollution Control Committee
संघ प्रदेश प्रशासन दादरा एवं नगर हवेली एवं दमन एवं दीव
U. T. Administration of Dadra and Nagar Haveli and Daman and Diu
प्रथम तल, उद्योग भवन, भेंसलोर, नानी दमन, दमन - ३९६२१०
1st Floor, Udyog Bhavan, Bhenslor, Nani Daman, Daman-396210
Ph.: 0260 - 2262524 / 2260975, e-mail – pcc-dnhdd@ddd.gov.in



No. PCC/DDD/NGT/OA 465/2022-23/166

Date: 23/10/2024

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

To,
The Hon'ble National Green Tribunal,
Western Zone, Pune Bench,
1st Floor, B Wing, New Administrative Building,
Opposite Council Hall, Camp,
Pune, Maharashtra – 411001.

Subject – Submission of clarification sought by the Hon'ble NGT, Western Zone Bench, Pune vide order dated, 14/08/2024.

- Ref: - 1. The order passed in Original Application No. 100 of 2023 (WZ), [Earlier Application No. 465 of 2022 (LP)]
2. Order Passed in M.A. No. 70/2022 in Original Application No. 465/2022.
3. Email sent from this office via dated, 16/12/2022 and 03/05/2023.
4. Joint Committee Report vide no. PCC/DDD/NGT/OA 465/2022-23/935, dated 13/10/2023.

Respected Sir,

Vide Order dated 14/08/2024, the Hon'ble National Green Tribunal, Western Zone Bench, Pune in the matter of Kishor Chotu versus Eurocoustic Products Ltd. & Anr. in O.A. No. 100 of 2023 (WZ) [Earlier Application No. 465 of 2022 (LP)] has sought clarification in para 3 from the undersigned which is reproduced as under:

"3. It is essential for us to note here as to how the second report (filed by the Member Secretary, PCC, DNH & DD), said to be a Joint Committee report, has come on record through the inspecting team states that it comprised only Shri Saurabh Mishra, Member Secretary, PCC, DNH & DD. In such situation, we would like to have clarification from the District Collector, Daman as to in what

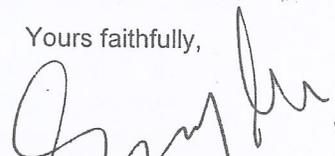
circumstances, the second report has been submitted and as to whether they are discarding the first report and what is the ground thereof and the reason for submitting the second report on record."

Accordingly, clarifications on the observation of the Hon'ble Tribunal are as follows:

- I. As per para no. 2 of the order dated 06.07.2022 of M.A. No. 70/2022 in Original Application No. 465/2022, the Hon'ble Tribunal had created a Joint Committee comprising of Daman Pollution Control Committee (Daman PCC) and Collector, Daman.
It is to be submitted that the Current Collector, Daman Saurabh Mishra has taken charge on 10/03/2023, holding the additional charge of Member Secretary, PCC, DNH & DD.
The copy of the order is annexed as Annexure -I.
- II. Based on the several complaints received from different sources alleged against the said company, visited the industry to verify the factual position on the ground of the company. During the visit, it was found that the company was operating by violating many stipulated provisions under the relevant Acts.
- III. As the said matter is still under consideration of the Hon'ble Tribunal, therefore it was felt necessary to bring/disclose/submit before the Hon'ble Tribunal more on-ground reality of the said company which has repeatedly violated the Environmental Laws and causing Environmental Pollution. Accordingly, the second report was submitted vide dated, 13/10/2023 by withdrawing the first report which was submitted on 16/12/2022 before the Hon'ble Tribunal, so as to facilitate the Hon'ble Tribunal for disposing the matter.

Thanking you.

Yours faithfully,



(Saurabh Mishra)
Collector, Daman cum
Member Secretary,
Pollution Control Committee
DNH & DD