

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, AT PUNE

**ORIGINAL APPLICATION NO. 108 OF 2019**

IN THE MATTER OF:

GANGARAMBHAI NARSINHBHAI KARNAVAT ... APPELLANT

VERSUS

STAGOT POTATOES PRODUCT LLP & ORS. ... RESPONDENTS

AFFIDAVIT OF BEHALF OF RESPONDENT No. 3

GUJARAT POLLUTION CONTROL BOARD

I, Mehul Patel, adult, having my office at Paryavaran Bhavan, Section 10-A, Gandhinagar, Gujarat do hereby solemnly affirm and state on oath as under:

1. I am presently serving as Deputy Environment Engineer of the Gujarat Pollution Control Board – respondent no. 3 in the present application. I have read copy of the application filed by the appellant, pleadings of parties and the orders passed by this Hon'ble Tribunal on the appeal. I am conversant with the facts of the case having perused the record pertaining to the case available in my office. I am authorised to make the present affidavit on behalf of the State Pollution Control Board and am otherwise competent to swear the present affidavit.



2. I say that the applicant has filed the present application seeking directions for closure of a potato factory run by respondent no. 1 and 2 in the name of Stagot Potatoes Product LLP on account of there being strong smell caused due to operations of the factory in the nearby area as also discharge of wastewater in the surrounding fields. The applicant has filed the present application praying for the following principal relief:

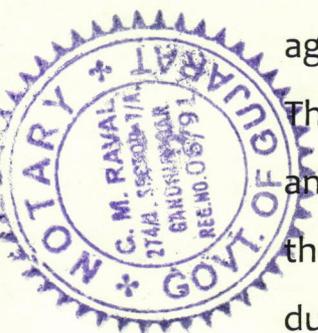
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*“(a) Admit and allow the instant application of the Applicant and direct the respondents to permanently close down the unit in the area where it is presently situated, the same being situated in between the agricultural and residential areas as the foul smell and the disposal of the dirty hazardous water is an integral part of the process of production of starch and powder from potatoes;”*

3. I say that this Hon’ble Court on 26.06.2020 passed the following order:

- “1. By filing the present application, the applicant has raised the issue of a potato factory which is situated very near to the Village Sundha and is in process of production of potato powder and the waste coming out of the factory produces a very strong foul smell, spreading in the whole area where the factory is operational.*
- 2. It is alleged that there is no arrangement of disposal of waste and dirty water. A substantial question of environment has been raised.*
- 3. We direct the Regional Officer, State Pollution Control Board to visit the place and submit a factual and action taken report within four weeks...” (emphasis added)*

In compliance with the direction contained in the said order, the Board submitted an action taken report before this Hon’ble Tribunal. It was reported that officials of the Board visited the unit on 04.07.2020. On the said date of visit, the factory was not found to be in operation. It was informed that the unit operates only during potato season. The production records maintained by the unit showed and suggested that the unit was last functional on 07.04.2020. Independently, it was noticed that the unit had provided for a deodorant spray system on the anaerobic digesters to reduce the odour. The unit had also entered into agreements with third parties for disposal of fibre waste and ETP waste. The on-site effluent treatment plant was found to not be in operation and foul smell was found emanating from the plant area. Even though the unit was not working, the deficiencies noted during the visit were duly pointed out to the unit.



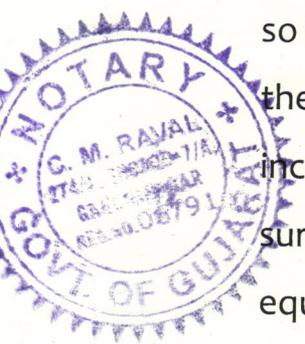
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agreement entered into with Green Earth Biogas Private Limited for disposal of solid waste.

10. In so far as the grievance of applicant regarding discharge of untreated waste water in the surrounding agricultural fields is concerned, I submit that the officials of the Board during the routine inspections in recent past have not found any discharge of untreated waste water by the unit. The unit has been releasing wastewater, but the same is after treatment in the effluent treatment plant. The treated wastewater is released in surrounding fields, and for this purpose the unit has obtained written consent of the owners of these fields. Occasionally, because of overflowing of the narrow ditches in the field, the wastewater spills into the field of other persons. However, no complaint has been received from any person owning an agricultural field in the surrounding area about unauthorised discharge of wastewater into their fields. I state that the Board assures to continue monitoring the quality of such wastewater released from the unit into the fields.
11. The only other grievance is about generation of foul odour from the unit. The unit is engaged in the business of manufacturing of potato products. Rotten potato as well as starch carry a distinct strong smell. Odour is a "perception of smell". In scientific terms, it means "a sensation resulting from the reception of stimulus by the olfactory sensory system". Whether pleasant or unpleasant, odour is induced by inhaling air-borne volatile organics or inorganics. Now the smell generated from the process of manufacturing potato products is not toxic or hazardous. It is undoubtedly strong and causes the effect of nuisance. However, it is not so intense as to cause headache or nausea, or otherwise adversely affect the environment. It is true that quality of life gets affected, in as much as inconvenience is caused to the people working or residing in the surrounding as well as downwind areas. The unit has installed basic equipment in the nature of foggers to reduce the intensity of odour. However, the unit has been instructed to use plant based odour elimination formulations and vaporize and spray them continuously



Out



around the unit. The unit has further been instructed to increase both the number and the capacity of foggers within the unit to constantly conduct spraying of odour eliminators in the air.

12. I say that necessary action is being taken by the Board to ensure that the unit functions as per the conditions of CCA and remains compliant of all environmental laws. I say that the unit is being periodically inspected and it is being ensured that the unit remains legally compliant at all times. I further say that instructions have been given to the unit to take necessary steps to reduce the intensity of odour, and thereby reduce the chances of causation of nuisance in the surrounding areas.
13. I submit that the Gujarat Pollution Control Board shall abide by any and all reasonable directions or orders that may be issued in this behalf by the Hon'ble Tribunal.
14. I, therefore, humbly pray that the present application be disposed of by issuing suitable directions.

*[Signature]*

DEPONENT

VERIFICATION

Verified at Gandhinagar on this 11<sup>th</sup> day of July, 2023 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

*[Signature]*

DEPONENT

Solemnly Affirmed  
Before Me

*[Signature]*  
(C. M. RAVAL)  
NOTARY

Govt. of Gujarat  
11 JUL 2023

Entered in Notary Register at  
Serial No. 373 Vol. No. II  
*[Signature]*  
C. M. RAVAL, Advocate & Notary  
GANDHINAGAR.

11 JUL 2023





# 431 GUJARAT POLLUTION CONTROL BOARD

Annexure R1

PARYAVARAN BHAVAN, SECTOR 10-A,  
GANDHINAGAR - 382010,  
(T) 079-23232152

R.P.A.D.

**NOTICE OF DIRECTION UNDER SECTION 31-A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT-1981 (HEREINAFTER REFERRED TO AS THE "AIR ACT") AS AMENDED FROM TIME TO TIME.**

WHEREAS you are having an industrial plant M/s. Stagot Potatoes Product. At S.No-675/1, At -Sundha:385518, Tal -Palanpur, Dist - Banaskantha.

AND WHEREAS the Gujarat Pollution Control Board has granted you Consolidated Consent and Authorization (CC & A) under the provisions of the Environmental Acts/Rules by its Consent Order No. AWH- 56319, Dated. 22/12/2022 which is valid up to 30/06/2023 for the conditions mentioned therein.

AND WHEREAS during the inspection of your industrial plant dated: 22/02/2023 under Section - 24 of the Air Act by the authorized officers of the Board it has been noticed that;

- 1) You have not intimated the Board before starting the production plant.
- 2) You have provided only Cyclone Separator and Dust Collector as Air Pollution Control Measures and additional measures are not provided as per CCA.

NOW THEREFORE Board proposes to issue directions under Section 31-A of the Air Act-1981 as under: -

- 1 Why not to issue direction under section 31(A) of Air (Prevention and control of pollution) Act - 1981 to prohibit you from manufacturing activity?
- 2 Why not to direct to concern authority for disconnection of Power Supply & Water Supply of your industrial plant?
- 3 Why not to close the operation of your industrial plant on the above mentioned site till complying consent conditions?

YOU ARE HEREBY directed to reply with compliance of above points within 15 days on receipt of this notice of direction, failing to which directions as proposed, above will be deemed to be passed without further reference to you.

This order is issued after approval of competent authority.

For and on behalf of  
Gujarat Pollution Control Board

*Mehul Patel*  
27/3

Mehul Patel

Unit Head-Palanpur

Date:

NO: GPCB/CCA-BK-342/ID- 49934/

To,  
M/s. Stagot Potatoes Product,  
Survey No: 675/1,  
At: Sundha-385518,  
Ta: Palanpur, Dist: Banaskantha.

Clean Gujarat Green Gujarat

Website : <https://gpcb.gujarat.gov.in>

Outward No: 17123, 27/03/2023

Copy To:

1. Gujarat Pollution Control Board  
Regional Office- Palanpur,  
Room No-20 to 24, 3<sup>rd</sup> Floor,  
Jilla seva Sadan-2, Joravar Palace,  
Palanpur-385001

Dist: Banaskantha.....For information and submission of monitoring report for compliance of the conditions.

2. Select File

Outward No:737623,27/03/2023



# 433 GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,  
GANDHINAGAR - 382010,  
(T) 079-23232152

**-R.P.A.D.**  
**NOTICE OF DIRECTION UNDER SECTION 33-A OF THE WATER**  
**(PREVENTION AND CONTROL OF POLLUTION) ACT-1974 (HEREINAFTER**  
**REFERRED TO AS THE "WATER ACT") AS AMENDED FROM TIME TO TIME.**

WHEREAS you are having an industrial plant M/s. Survey No. 675/1, Vill. Sundha-385515, Ta. Palanpur, Dist. Banaskantha.

AND WHEREAS the Gujarat Pollution Control Board has granted you consolidated consent and Authorization (CC&A) under the provisions of the Environmental Acts/Rules by its CCA Order No-56319, Dated: 22/12/2022 which is valid up to 30/06/2023 for the conditions mentioned therein.

AND WHEREAS during the inspection of your industrial plant dated: 18/04/2023 under Section - 23 of the Water Act by the authorized officers of the Board it has been noticed that;

- 1) During inspection, wastewater ponding and flexible pipeline observed in nearby farm of Shri Bharatbhai Jivabhai Gami.
- 2) During inspection, traces of wastewater observed in nearby farms of Shri Shaileshbhai Becharbhai Gami, Shri Bharatbhai Shankarbhai Antiya and Amrutbhai Jethabhai Kotdiya.
- 3) Foggar system installed at ETP was not in operation, and odour was nearby ETP area.
- 4) You have not submitted MoUs for discharging treated wastewater for irrigation purpose in to farms of above mentioned farms.

NOW THEREFORE Board proposes to issue directions under Section 33-A of the Water Act-1974 as under: -

- 1 Why not to issue direction under section 33(A) of Water (Prevention and control of pollution) Act – 1974 to prohibit you from manufacturing activity?
- 2 Why not to direct to concern authority for disconnection of Power Supply & Water Supply of your industrial plant?
- 3 Why not to close the operation of your industrial plant on the above mentioned site till complying consent conditions?

YOU ARE HEREBY directed to reply with compliance of above points within 15 days on receipt of this notice of direction, failing to which directions as proposed, above will be deemed to be passed without further reference to you.

This order is issued after approval of competent authority.

For and on behalf of  
Gujarat Pollution Control Board

*Deep*  
9/6/23  
Mehul Patel

Unit Head-Palanpur

Clean Gujarat Green Gujarat

Website : <https://gpcb.gujarat.gov.in>

Outward No: 744494, 09/06/2023

NO: GPCB/CCA-BK-342/ID-49934/

Date:

To,  
**M/s. Stagot Potatoes Product,**  
Survey No: 675/1, Vill. Sundha-385518,  
Ta. Palanpur, Dist. Banaskantha.

Copy To:

1. Gujarat Pollution Control Board  
Regional Office- Palanpur,  
Room No-20 to 24, 3<sup>rd</sup> Floor,  
Jilla seva Sadan-2, Joravar Palace,  
Palanpur-385001  
Dist: Banaskantha.....For information and submission of monitoring report for  
compliance of the conditions.
2. Select File

Outward NO: 744494, 09/06/2023