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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. NO.620/2022

Kaushal Kishore Vishwakarma

Applicant

Versus

State of Punjab & Ors

Respondents

**Affidavit of Sh. Vijay Kant Goyal, Executive Director,  
National Fertilizers Limited, Bathinda -- Respondent  
No.4 in view of order dated 30.05.2023.**

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Sir,

I, Sh. Vijay Kant Goyal, Aged about 59 years of National Fertilizers Limited, Bathinda -- Respondent No.4 do hereby solemnly affirm and state as under:

1. That I am the working as Executive Director for National Fertilizers Limited at Bathinda and aware with the facts and circumstances of the whole case.
2. That National Fertilizers Limited had approximately 39,600 MT of Carbon Slurry and for its safe disposal/ sale, NFL is trying its best since year 2019. Chronology of efforts is as under:
  - a. In Year 2019, M/s MSTC, on behalf of NFL, vide NIT dated 11/11/2019, invited the bids from parties having valid authorization from CPCB/SPCB for sale of carbon slurry. E-auction was conducted on 30.12.2019. However, received rates of H-1 bidder were exceptionally low i.e. Rs. 312/- Per MT against the reserve price of Rs.1,700/- per MT.
  - b. In view of above mentioned exceptionally low rates and being Government of India Undertaking, M/s

*Identify the Respondent...*  
*Signature of Sir*  
*12/10/23*



MSTC was asked to conduct re-auction. During re-auction conducted on 20/02/2020, M/s MSTC received rates of Rs. 4,612/- per MT from M/s Shivam Chemical, Panipat. Said bid was approved online on 15.07.2020. However, subsequently Haryana State Pollution Control Board cancelled the authorization granted to M/s Shivam Chemical, Panipat. In view of said cancellation and having no other option, bid of M/s Shivam Chemical, Panipat was cancelled on 03.08.2020.

- c. In view of above cancellation and NFL in its genuine and sincere efforts for safe disposal of Carbon Slurry again asked the M/s MSTC to re-conduct the auction. During auction conducted on 12/01/2021 and at negotiated rates, M/s MSTC had received rates of Rs. 1,838/- per MT from M/s Shubham Sales Corporation, Rohtak (Respondent no.5).
- d. Accordingly, M/s MSTC issued delivery Order dated 26/04/2022 to M/s Shubham Sales Corporation, Rohtak.

3. That thereafter NFL issued sale order dated 21.06.2022. Important terms and conditions of sale order dated 21/06/2022 are as under:

**a. Payment Terms:** The cost of material along with all applicable GST etc. shall be paid by party in 3 (three) installments of 35%, 35% and 30% within 20, 45 and 70 days respectively from the date of issue of Sale intimation by M/s MSTC through RTGS/ NEFT. M/s MSTC issued the sale intimation on 20/04/2021.

b. **Lifting Period:** The number of days for completing the lifting of material will be as under:-



Sr. No.	LOT	Lifting period
1	1 <sup>st</sup>	120 days from date of issue of this sale order (i.e. 18/10/2022)
2	2 <sup>nd</sup>	200 days from date of issue of this sale order (i.e. 06/01/2023)
3	3 <sup>rd</sup>	300 days from date of issue of this sale order (i.e. 16/04/2023)

4. That M/s Shubham Sales Corporation - respondent no. 5 deposited Rs. 36,39,240/- as Security Deposit on 15/04/2021 & 16/04/2021. However, failed to deposit Rs. 3,03,60,724/- towards 1<sup>st</sup> installment by 09/05/2021 as per terms and condition of NIT and acceptance letter dated 20/04/2021 issued by M/s MSTC. After various persuasion and follow ups, M/s Shubham Sales Corporation - respondent no. 5 deposited Rs. 2,57,29,427/- towards partial 1<sup>st</sup> installment on 11/03/2022. After deposit of partial deposition of 1<sup>st</sup> installment, 1<sup>st</sup> Delivery order for lifting of proportionate lesser quantity i.e. 10,953.03 MT of carbon slurry was issued on 21.06.2022. As M/s Shubham Sales Corporation had not deposited the 1<sup>st</sup> installment within required NFL i.e. by 09.05.2021, NFL again amended the allowable lifting quantity from 10,953.03 MT to 7188.394 MT after adjusting the penalties etc. Said Quantity was to be lifted by 16/12/2022. However, till date M/s Shubham Sales Corporation has lifted only 1342.89 MT out of above 7188.394 MT of 1<sup>st</sup> Lot of carbon slurry. M/s Shubham Sales Corporation has neither lifted the Carbon slurry as per agreed terms and conditions/schedule nor deposited the agreed amount in time.

5. That NFL is making its all efforts for disposal / sale of carbon slurry and have again taken up with M/s Shubham Sales Corporation to provide some lifting plan acceptable to NFL. So that the said carbon slurry can be disposed off in a time bound manner.

6. That at present approximately 38,257.11 MT of carbon slurry is lying and further no carbon slurry is being generated by NFL since year 2013 due to shifting of fuel being used for manufacturing of Urea.

7. That earlier also NFL had given contracts to various contractors for disposal of carbon slurry:

a. In year 2017, NFL had given contract to M/s Carbo Chem Industries, Bathinda for sale of 13,500 MT of carbon slurry from Pond No. 4. However, out of 13500 MT ordered quantity party has lifted all available quantity from Pond No. 4 i.e. (only 9305.940 MT).



#### VERIFICATION

I, Vijay Kant Goyal, the deponent above-named, do hereby verify that the contents of this affidavit are true and correct to my knowledge. Nothing material has been concealed therefrom.

Verified at Bathinda on 31<sup>st</sup> day of July 2023.

  
 DEPONENT  
 VIJAY KANT GOYAL  
 Executive Director  
 नेशनल फर्टिलाइजर्स लिमिटेड  
 National Fertilizers Limited  
 बठिंडा/BATHINDA

DEPONENT

  
 VIJAY KANT GOYAL  
 Executive Director  
 नेशनल फर्टिलाइजर्स लिमिटेड  
 National Fertilizers Limited  
 बठिंडा/BATHINDA

Entered in my Notarial Register  
 at Sr No. 156 Register No. 26  
 Dated 31.07.2023

ATTESTED

  
 JASVEER SINGH  
 Advocate & Notary  
 appointed by Govt. of India  
 Dist. Courts Bathinda

13.1 JUL 2023