

**283**

**Next Date:  
18/08/2023**

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

**ORIGINAL APPLICATION NO. 88/2023**

BETWEEN

**Asif Ruabali Khan** ..... **Applicant**

VERSUS

**Central Pollution** ..... **Respondent**  
**Control Board**

**AFFIDAVIT BY RESPONDENT NO. 8  
AARTI DRUGS LIMITED**

**WITH PURPOSE TO OPPOSE THE  
ADMISSION OF THE ORIGINAL  
APPLICATION AS IT IS**

**AND**

**WITH REPLY TO THE VARIOUS GROUNDS  
RAISED ON MERIT**

Date : **15/08/2023**

Place : **Pune**

Filed by :



**Raghunath B. Mahabal**

**रघुनाथ भालचंद्र महाबळ**

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## CONTACT DETAILS OF PARTIES

### BETWEEN

#### ..... APPLICANTS

**1. Asif Ruabali Khan**

Aged: 32 Years Occupation: Advocate,  
Residing at: Plot No. 42101,  
Plastic Zone, GIDC Sarigam,  
Taluka - Umbergaon, District - Valsad,  
Gujarat - 396155.  
Email : adv.asifkhan89@gmail.com  
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### VERSUS

#### ..... RESPONDENTS

**1. The Regional Director**

Central Pollution Control Board  
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Gujarat - 390023  
Email : westzonecpcb@yahoo.com  
Phone : 0265-239-2603

**2. Member Secretary**

Gujarat Pollution Control Board  
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Gandhinagar, Gujarat - 382010  
Email : ms-gpcb@gujarat.gov.in  
Phone : 7923232152

**3. The Vigilance Officer**

Gujarat Pollution Control Board,  
Paryavaran Bhavan, Sector 10/A,  
Opp. Bij Nigam, Gandhinagar,  
Gujarat - 382010  
Email : ms-gpcb@gujarat.gov.in  
Phone : 7923232152

**4. The Regional Officer**

Gujarat Pollution Control Board,  
Plot No. 2114/2, GIDC Sarigam,  
Tal - Umbergaon, Dist - Valsad,  
Gujarat - 396155  
E-mail : ro-gpcb-sari@gujarat.gov.in  
Phone : 02602786033

**5. The Chief Vigilance Officer**

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Room No. 202, A-Block, Paryavaran Bhawan,  
Dr. APJ Abdul Kalam Road,  
New Delhi- 110011  
E-mail : sd.hq-enforce@gov.in  
Phone : 011-23339105

**6. The Chairperson**

**Securities and Exchange Board of India  
(SEBI),**

SEBI Bhavan BKC, Plot No. C-4-A, G Block,  
Bandra Kurla Complex, Sandra (East),  
Mumbai - 400 051, Maharashtra  
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Phone : 022-26449999

- 7. The Chief Vigilance Officer**  
Securities and Exchange Board of India  
(SEBI)  
SEBI Bhavan BKC, Plot No. C-4-A, G Block,  
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Mumbai – 400051, Maharashtra  
Email : yatriv@sebi.gov.in  
Phone : 022-26449996

- 8. Aarti Drugs Limited**  
CIN - L37060MH 1984PLC055433  
Mr. Sachin Tambe - Plant Head,  
Plot no. 211, 213, Road No. 2,  
GIDC Sarigam, Taluka - Umbergaon,  
District - Valsad, Gujarat - 396155  
E-mail : adlguj@aartidrugs.com  
Phone : 9890007237

- 9. Mr. Prakash Moreshwar Patil,**  
Chairman & Managing Director Since 1984  
Kalptaru Point, 3<sup>rd</sup> Floor, Near Sion Circle,  
Mahendra Industries Estate, Ground Floor,  
Road No – 29, Plot No. 109-D, Sion (East)  
Mumbai - 400022  
Email : corporatehr@aartidrugs.com  
Phone : 022-24019025

- 10. Mr. Harshit Manila! Savla**  
Director since 1987, Mahendra Industrial  
Estate, Ground Floor, Road No. 29, Plot no.  
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Maharashtra - 400022  
E-mail : corporatehr@aartidrugs.com  
Phone : 022-24019025

**11. Mr. Rashesh Chandrakant Gogri**

(DIN-00066291)

Director since 1987, Mahendra Industrial Estate, Ground Floor, Road No. 29, Plot no. 109-D, Sion (East), Mumbai, Maharashtra - 400022

E-mail : corporatehr@aartidrugs.com

Phone : 022-24019025

**12. Mr. Uday Moreshwar Patil**

(DIN-01186406)

Director 2005, Mahendra Industrial Estate, Estate, Ground Floor, Road No. 29, Plot no. 109-D, Sion (East), Mumbai, Maharashtra - 400022

E-mail : corporatehr@aartidrugs.com

Phone : 9890027237

**13. Mr. Krishnacharya Govingacharya, Akamanchi**

(DIN-02354032), Director Since 2010

Mahendra Industrial Estate, Ground Floor, Road No. 29, Plot no. 109-D, Sion (East), Mumbai, Maharashtra - 400022

Email : corporatehr@aartidrugs.com

Phone : 022-24019025

**14. Mr. Adhish Prakash Patil**

(PAN-AADPP5388D)

Chief Financial Officer (CFO)

Mahendra Industrial Estate, Ground Floor, Road No. 29, Plot no. 109-D, Sion (East), Mumbai, Maharashtra - 400022

Email : rushikesh.deole@aartidrugs.com

Phone : 022-24019025

**ABBREVIATIONS**

| <b>Short</b>    | <b>Full-form</b>   |
|-----------------|--|
| <b>CC&amp;A</b> | Consolidated Consents and Authorization                            |
| <b>CFC</b>      | Chief Financial Officer  |
| <b>CPCB</b>     | Central Pollution Control Board                                    |
| <b>DCR</b>      | Development Control Rules for Pune Municipal Corporation Pune 1982 |
| <b>EC</b>       | Environmental Clearance  |
| <b>GIDC</b>     | Gujrat Industrial Development Corporation                          |
| <b>GPCB</b>     | Gujarat Pollution Control Board                                    |
| <b>NGT</b>      | National Green Tribunal  |
| <b>OA</b>       | Original Application   |
| <b>PMLA</b>     | Prevention of Money Laundering Act                                 |
| <b>RO</b>       | Regional Officer   |
| <b>SPCB</b>     | State Pollution Control Board                                      |
| <b>ZLD</b>      | Zero Liquid Discharge  |
| <b>NGTA</b>     | 'National Green Tribunal Act 2010'                                 |
| <b>EPA</b>      | 'Environmental (Protection) Act 1986'                              |
| <b>WA</b>       | 'Water (Prevention and Control of Pollution) Act 1974'             |
| <b>AA</b>       | 'Air (Prevention and Control of Pollution) Act 1981'               |

**DIARY OF EVENTS**

| <b>Sr.</b> | <b>Date</b> | <b>Activity / Particulars</b>  |
|------------|-------------|--|
| 1.         | 10-07-2020  | GPCB Letter of Water and Air Pollution under the hazardous and waste management.           |
| 2.         | 15-03-2021  | GPCB CCA-Amendment (A-111563)  |
| 3.         | 18-06-2021  | GPCB Letter  |
| 4.         | 19-06-2021  | Aarti Drugs Ltd. Reply letter of GPCB Official Visit Dt.18-06-2021                         |
| 5.         | 28-09-2021  | GPCB Letter of Opportunity to the observation at the time of the visit                     |
| 6.         | 07-10-2021  | Aarti Drugs Ltd. Letter of Opportunity observation during visit of the plant on 13-09-2021 |
| 7.         | 26-10-2021  | GPCB Show Cause Notice   |
| 8.         | 07-11-2021  | Aarti Drugs Ltd. GPCB Letter of Reply of Show Cause Notice                                 |
| 9.         | 20-02-2022  | GPCB Visit Report (Police Complaint for tanker)  |
| 10.        | 24-02-2022  | GPCB Visit Report (Verification HW Generation)   |

| <b>Sr.</b> | <b>Date</b> | <b>Activity / Particulars</b>   |
|------------|-------------|---|
| 11.        | 22-03-2022  | Aarti Drugs Limited GPCB Application for Amendment in CC & A.                       |
| 12.        | 30-03-2022  | GPCB Letter of Closure Direction  |
| 13.        | 05-04-2022  | Aarti Drugs Limited The Deputy Engineer (O & M) Letter of Request for Safe Closure. |
| 14.        | 06-04-2022  | GPCB The Member Secretary Letter of Disconnection of Water Supply Connection.       |
| 15.        | 07-04-2022  | GPCB Letter of Power Disconnection  |
| 16.        | 07-04-2022  | GPCB Visit to ensure closure direction  |
| 17.        | 12-04-2022  | Aarti Drugs Ltd. GPCB Application for Revocation                                    |
| 18.        | 13-04-2022  | GPCB Visit against closure notice   |
| 19.        | 30-04-2022  | GPCB Letter of Revocation of Closure Direction                                      |
| 20.        | 30-04-2022  | Aarti Drugs Lid. GIDC Letter of Request for Re-connection of Water Supply.          |

| Sr. | Date       | Activity / Particulars   |
|-----|------------|--|
| 21. | 02-05-2022 | Aarti Drugs Ltd. DGVCL Letter of Request for Re-connection of Electricity supply.        |
| 22. | 07-05-2022 | Reply to Notice of Police Station (Police Station Letter 04-05-2022)                     |
| 23. | 11-05-2022 | Aarti Drugs Limited GPCB Letter of submission of adequacy report for CC & A.             |
| 24. | 16-05-2022 | Police Station Report  |
| 25. | 26-05-2022 | Aarti Drugs Ltd. The Police Sub Inspector Letter of Disposal of Hazardous waste Material |
| 26. | 24-06-2022 | Aarti Drugs Limited GPCB Application for CCA for COE(CCA-Amendment).                     |
| 27. | 30-06-2022 | Aarti Drugs Limited GPCB Letter of Application for Permanent Revocation.                 |
| 28. | 30-06-2022 | GPCB Visit (Rain water sample, monsoon action plan, form-3)                              |
| 29. | 03-07-2022 | GPCB Reply Letter  |

| <b>Sr.</b> | <b>Date</b> | <b>Activity / Particulars</b>  |
|------------|-------------|--|
| 30.        | 06-08-2022  | Aarti Drugs Ltd. GPCB Letter of Submission of compliance to show cause notice          |
| 31.        | 12-08-2022  | GPCB Visit media complaint of HW dump.   |
| 32.        | 14-09-2022  | GPCB Aarti Drugs Limited Provisional Consent Order (CCA)                               |
| 33.        | 22-09-2022  | GPCB Revocation of Closure Direction   |
| 34.        | 10-10-2022  | GPCB Aarti Drugs Ltd. Letter of Consolidated Consent and Authorization (CC & A)        |
| 35.        | 06-12-2022  | GPCB Letter of visit   |
| 36.        | 20-12-2022  | CGWB Notice for NOC for ground water   |
| 37.        | 02-01-2023  | GPCB Visit reply letter  |
| 38.        | 10-01-2023  | GPCB Aarti Drugs Ltd. Notice to connect OCEMS  |
| 39.        | 12-01-2023  | Aarti Drugs Ltd. GPCB Letter of show cause notice.                                     |
| 40.        | 18-01-2023  | Aarti Drugs Ltd. The Regional Director Letter of Reply/Compliance of Show Cause Notice |

| <b>Sr.</b> | <b>Date</b> | <b>Activity / Particulars</b>   |
|------------|-------------|---|
| 41.        | 10-03-2023  | Aarti Drugs Limited GPCB Application for permanent Revocation               |
| 42.        | 23-03-2023  | GPCB Visit Letter   |
| 43.        | 07-04-2023  | Aarti Drugs Ltd. GPCB Letter of visit instruction & show cause notice (SCN) |
| 44.        | 10-04-2023  | GPCB Reply Visit Letter   |
| 45.        | 25-04-2023  | GPCB Letter of Notice of Direction  |
| 46.        | 04-05-2023  | Aarti Drugs Ltd. GPCB Letter of Compliance of GPCB Notice of Direction      |
| 47.        | 12-05-2023  | Aarti Drugs Ltd. GPCB Letter of Submission of Form 4 & Form V               |
| 48.        | 17-05-2023  | GPCB Sarigam Industrial Association Letter of Pre-Monsoon Planning          |
| 49.        | 19-06-2023  | GPCB Visit Letter   |
| 50.        | 20-06-2023  | Aarti Drugs Ltd. GPCB Reply Letter of Pre-Monsoon Planning                  |

**SYNOPSIS**

**1.** This full-fledged Affidavit is filed by Respondent No. 08 M/s Aarti Drugs Limited (PP), (hereafter referred to as the ADL), **with the preliminary objections admission and to the maintainability of the original application as it is**, unless OA is modified and circumscribed by omitting the allegations and averments barred by the statutory provisions of the 'National Green Tribunal Act 2010' and the Acts that are contained in the Schedule-I of the NGTA.

**2.** ADL submits that many of the averments, allegations and prayers made are not sustainable under the 'National Green Tribunal Act 2010', jurisdiction of the Hon'ble National Green Tribunal and the provisions as contained u/s. 14 and 15.

**3. ADL submits that Applicant has suppressed the fact in the Affidavit/Objections**, that he has already filed the complaint dated 01/05/2023 to **Securities and Exchange Board of India** (SEBI) and **Enforcement Directorate** with subject "*Complaint to invoke provisions u/s 3 of The Prevention of Money Laundering Act, 2002 ("PMLA") for Scheduled Environmental Offences committed by M/ s. Aarti Drugs Limited*".

**4.** ADL submits that the applicant has sought

the criminal action under the PMLA and which is not sustainable in the OA. This is the tribunal for resolution of dispute in the matters involving '**substantial question related to environment**' and grant of '**relief, compensation and restitution**' as pre the 'Civil Procedure Code' though not bound by the procedure. This is not the criminal court OR has any jurisdiction provided in the Act in criminal matters as much as not even referring the matter to the criminal forums. The procedure for initiating the legal action/s under such and these acts is stipulated in those respective Act and Hon'ble Tribunal is not the forum for entertaining, addressing OR adjudicating on such matters.

**5.** ADL therefore has strong initial objection to the maintainability of such wild allegations outside the jurisdiction of this Hon'ble Tribunal. As such this OA needs to be trimmed and curtailed and limited to cause of action that is strictly under the Acts mentioned in the Schedule-I of the 'National Green Tribunal Act 2010'. Further, plural causes are not maintainable in one single OA as prohibited by Rule 14 framed under the NGTA. As such, at the outset the applicant will have to decide on any one single cause only to be adjudicated in this OA, which ought to be also 'substantial question related to environment'. All other causes will have to be eliminated and dropped at this stage only.

**6.** Whenever there was any compliant in the past, ADL has replied to GPCB and without prejudice to rights, ADL have complied with directions issued by GPCB, which is the statutory authority. As such nothing remains pending in respect of anything that has arisen as a fresh cause of action within last six months.

**7. Applicant by his objections filed dated 12/08/2023, to GPCB's Report has sought additional information.** ADL submits that the OA has to be founded based on the cause of action and not based on the fishing of information to be done through Hon'ble Tribunal as the assisting agency for that. It should be clearly noted that Applicant is NOT the statutory authority for examining all these details. It is GPCB which is the statutory authority for all such investigations.

**8.** The information will have to be sought by and submitted to GPCB and not to the Applicant to ensure that statutory compliances are done. Else this will be like encouraging the establishment of parallel authorities under the guise of NGO for harassment, extortion and damage the industrial growth in India.

\* \* \*

## **MOST RESPECTFULLY SUBMITTED:**

**1.** I, Nilesh Patil, aged about 54 years, working as Manager (Administration), with **Respondent No. 8 - M/s Aarti Drugs Ltd (hereafter referred to as ADL)** am submitting this affidavit in reply to object the admission of the original application as it is.

**2.** I have also dealt with all other allegations on merit, subject to first considering my preliminary objections on law points and only after trimming and curtailing the OA to the one single cause raising 'substantial question related to environment' and that can be entertained u/s. 14 or 15 of the 'National Green Tribunal Act 2010'.

**3.** I submit that I have sufficient knowledge of the facts of the case and gathered necessary information from available records. I am submitting my affidavit on solemn affirmation and oath with suppressing any relevant facts.

**4.** I state and submit that I have dealt with all averments for the sake of clarity and dealing with the subject in one go. However, it is strictly subject to following:

a) Preliminary objections to the admission of the OA as it is without deleting the allegations and

averments of the criminal nature, that are outside the jurisdiction of any of the environmental acts as contained in Schedule-I, are deleted and OA is accordingly amended

b) Entertaining one single cause of action multiple causes are prohibited by Rule 14

**5.** ADL submits that they have traversed through the entire OA and the allegations / averments made in it. ADL submits that they have responded to the points raised in the OA as enclosed in the chronological order in detail.

**6.** ADL denies all other allegations that have not been replied as they are misrepresented, misconceived, false and baseless. ADL submits that nothing shall be construed to have been accepted simply because it was not denied.

**7.** ADL submits that the entire reply has been submitted without admitting any of the statements made, even related to facts as those are clothed with unsupported findings and adjectives by the applicant.

**8.** ADL submits that applicants have sent various complaints even in the past. For each and every complaint filed by applicants, the note has been taken by the competent statutory authority, who is required to take cognizance of such

complaints, investigate, take samples, analyse, do checking of documents, verification and then take the appropriate action in accordance with law.

**9.** ADL submits that GPCB is the statutory authority established under the 'Water (Prevention and Control of Pollution) Act 1974' and 'Air (Prevention and Control of Pollution) Act 1981'. They have been entrusted with other responsibilities under various other environment related Rule framed under 'Environment (Protection) Act 1986'.

**10.** ADL submits that in each and every compliant that was generated by and through anyone, this statutory authority was required to do the investigations, which they did.

**11.** ADL submits that further when investigations were required to be done by and through other statutory authorities OR agencies such as Police, Factory Inspector etc., the same also was done and coordinated by the GPCB.

**12.** ADL submits that submits that statutory jurisdiction for all such authorities is specified and exclusive as per the provisions of the Acts. These authorities through their officials, staff and set-up have the necessary infrastructure, knowledge, expertise and experience to handle such situation and deal with this.

**13.** ADL submits that even if any other authority is appointed to investigate in this, they need to operate and act through GPCB only, relying on their domain expertise. There is nothing now to investigate in the allegations made by the applicants, now at this stage, after passage of time of several months.

**14.** ADL submits that Hon'ble National Green Tribunal has the jurisdiction under s.14 and the 15 of the 'National Green Tribunal Act 2010' only in the matters raising 'substantial question related to environment' as defined in s. 2(m). Further such cause of action has to be raised within the stipulated period as provided under section 14(3) which is;

*No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose.*

**15. ADL submits that that there is no dispute against the action taken by GPCB.** There is no dispute against the investigation, analysis, quantification, study, assessment done and fine imposed by GPCB. As such there is no lawful reason to set aside the GPCB and handover such issues to any other authority not provided in the statute. There is no such provision of appointing any other

'statutory authority' circumventing or bypassing the lawful authority provided under the respective environmental Acts.

**16.** ADL submits that various allegations of criminal nature OR related to applicability of the other criminal Acts OR Acts not covered in Schedule-I OR that do not have any 'substantial question related to environment' arising out of it, can't be even entertained and adjudicated by the Hon'ble Tribunal.

**17.** ADL submits that there are forums and legal recourse specified under those acts, which applicant intends to invoke. Hon'ble Tribunal being a civil court, can't do any recommendation OR pass an order to such competent authorities to take cognizance under those respective Acts. Such order even if it is passed will be obiter dictum and ultra vires. Moreover, there is no such power vested with Hon'ble Tribunal to pass such orders on non-environment related issues.

**18.** ADL submits that even if there is any such order passed by any civil court or even the benches of Hon'ble Tribunal, the fact remains that there is no such power vested with the Hon'ble Tribunal. Applicant shall be also fair in mentioning whether such orders referred have been stayed by Hon'ble Supreme Court. As such there is no settled case law

on this. Even after that passing of such order without jurisdiction, directing other lawful authorities to take cognizance of the alleged violations of the non-environment related acts, not covered by Schedule-I, will be repetition of error.

**19.** ADL submits that no other agency, body or authority is required for investigations for the kind of allegations made by applicant. That too particularly when the statutory authority is functional, have not erred or failed to do its duty.

**20.** The applicant's demand is not in any environmental interest. It is only with a view to create kayos, nuisance and harassment to ADL. However, the fall out of that will be bypassing the statutory authority and demoralizing the statutory authority which has been doing its duty diligently, each time it received the complaint.

**21.** ADL submits that all the allegations made in the past have been attended to by the statutory authorities, investigated by the appropriate relevant agencies. CPCB OR Factory Inspector OR Police OR District Collector are not the supervisory authorities on each other. If any of them need the advice, help or expertise, then they can on their own seek such help. The prayer of appointing a Joint Committee when all facts are already on record and the matter is being considered by 'statutory authority'

diligently, is unwarranted, unsustainable in the eyes of law and is not going to serve any purpose of environment.

**22.** ADL submits that each and every direction of the statutory authority has been complied with, without prejudice to the rights of the ADL. **The applicant has not challenged any of the preventive and corrective actions taken by ADL, and directions issued by GPCB.**

**23.** As such now nothing remains in the matters that needs to be adjudicated by this Hon'ble Tribunal.

**24.** ADL submits that all the issues that were raised from time to time and the response by the industry and action taken by GPCB, is summarised in the table given below, which is part of the this pleadings.

**25.** ADL submits that in light of the fact that GPCB has done and is doing the necessary investigation and taking appropriate action, there is no need to appoint any other agency OR Committee circumventing the statutory authority. This shall create a wrong precedence, when GPCB is already doing their job effectively.

**26.** ADL submits that the applicant's OA is therefore premature, when the investigation is going on and the action is not yet complete. The OA can't be maintained as it is, with multiple causes and incidences of the past, which are time barred by limitation.

**27.** ADL submits that therefore the OA should not be admitted as it is. Let it be withdrawn and modified by dropping the untenable prayers and averments which are admittedly in the jurisdiction of SEBI and ED; and Applicant has already filed the independent complaint. Only one single cause of action is chosen and retained in one OA. Else, the OA should be dismissed considering the above objections, raised, stated and pressed by the ADL.



A handwritten signature in blue ink, appearing to read "Nilesh Patil".

Place : **Pune/Palghate**  
Date : **15/08/2023**

**Nilesh Patil**  
**Respondent No. 8**

**POINTWISE REPLY**  
**- WHICH IS PART OF THIS AFFIDAVIT -**  
**CONTINUED FROM/ON NEXT PAGE**

**REPLY TO POINTS RAISED**  
**IN OF OA OF 2023**

| <b>Date</b> | <b>Particulars</b>  | <b>Reply from / to GPCB official</b>   | <b>Submission of Aarti Drugs Ltd.</b>  |
|-------------|---|--|--|
| 10/07/2021  | The Gujarat Pollution Control Board had Consolidated Consents and Authorizations (CC&A) vide its order bearing no. AWH-10867 date of issue 10/07/2020 for manufacturing of 1200 MT/Month of Metformin Hydrochloride (API) valid upto 19/07/2025, Category RED, LARGE Scale unit, subject to certain conditions as specified in the CC&A. Further the unit is supposed to be a ZERO LIQUID DISCHARGE UNIT (ZLD).   | We have received Consolidated Consents and Authorizations (CC&A) vide order no. AWH-10867 date of issue 10/07/2020 for manufacturing of 1200 MT/Month of Metformin Hydrochloride (API) valid upto 19/07/2025.                                  | We are complying with CCA conditions laid down by GPCB.  |
| 09/09/2021  | The Gujarat Pollution Control Board (GPCB) carried out inspection through its inspection ID 619647 conducted on 09/09/2021 at 17:10 Hours bearing outward no. 29825- 13/09/2021. The respondent no. 8 Polluting unit on 09/09/2021 another attempt to had initiated yet cause environmental pollution at isolated spots which are ideally not subjected to industrial environmental pollution and thereby cause substantial environmental damage willfully and maliciously. | Complaint investigation report prepared by GPCB officials dated 09.09.2021.<br><br>Then spent carbon was disposed to authorized party (RSPL) through manifest : Manifest No. 1427609 (16.10.2021), 1436256 (26.10.2021), 1439985 (29.10.2021). | Regarding the specific incident, as per document investigation & as mentioned in the allegation it is clear that industry is sending hazardous waste to RSPL (Common hazardous waste treatment & disposal facility) which is the authorized hazardous disposal facility by GPCB. (Handmade challan collected from driver made on name of RSPL. |

| Date | Particulars  | Reply from / to GPCB official | Submission of Aarti Drugs Ltd.  |
|------|--|-------------------------------|---|
|      | <p>As per the inspection report, a truck bearing no. MH04EL3892 was left abandoned at parking of Hotel Raghunanadan situated at NH48, Village Umbergaon, Karambeli, Taluka District Valsad filled with Hazardous wastes. The officials of the GPCB arrived at site and on further inquiring with the driver a handmade challan was found of respondent no. 8 company.</p> <p>The GPCB officials verified XGN records, however no records was found of any manifest prepared by M/s. Aarti Drugs Limited. Further the Truck was detained, and samples were collected from the truck and sent for finger printing analysis. Further samples were also collected from the premises of the unit and the report shows that the samples collected from both the places are identical match. Further the conduct of the respondent no. Polluting unit shows that unit has intentionally sent truck filled with spent carbon for illegal / unauthorised disposal without manifest.</p> |                               | <p>As CHWTSDF/(RSPL) are the authorized for HW disposal and are recognized for disposing hazardous waste in environmentally sound manner then industry has clear intention to not harm/pollute the environment. (i. e. HW disposal method is correct). Only the transportation method of industry sending hazardous waste is not authorized.</p> <p>Our previous record also shows that we have regularly disposed HW to RSPL which is ultimately disposed in environmentally sound manner and not anywhere else that can affect/harm the environment.</p> <p>As HW had disposed by environmental sound manner and its disposal method had not made any adverse impact on the environment.</p> <p>From the above facts it can be seen that industry had not attempted</p> |

| Date | Particulars | Reply from / to<br>GPCB official | Submission of<br>Aarti Drugs Ltd.  |
|------|-------------|----------------------------------|--|
|      |             |                                  | <p>willfully to make the environmental damage/pollution.</p> <p>Furthermore, previous record from the time of incident shows that, industry has submitted monthly Patrak, Form-4 &amp; Form-5 regularly to GPCB which shows that industry is strictly following the regulation made HW Rules.</p> <p>Industry comes to the opinion that, from all above data it seems that industry had made some non-compliances (which has no any severe impact on environment) in previous period but now industry is strictly following the rules (HW &amp; M, 2016) and regulations of Hazardous Waste management.</p> <p>Therefore industry urge court to do not take any stringent action like permanent closure or penalty on violation of various laws.</p> |

| Date       | Particulars  | Reply from / to GPCB official   | Submission of Aarti Drugs Ltd.  |
|------------|--|---|---|
| 13/09/2021 | <p>The Gujarat Pollution Control Board (GPCB) carried out detailed inspection through its inspection ID 619865 conducted on 13/09/2021 at 14:05 Hours bearing outward no. 29851-18/09/2021 at the polluting unit.</p> <p>The polluting unit had till then not submitted copy of its online manifest generated for disposal of hazardous wastes. On calculating the waste generation from the Material balance of Metformin HCL, it is stated by the officials of the GPCB that 1140.91 Metric Tonnes of Spent Carbon has been disposed off without manifest.</p> | <p>GPCB officials have visited our premises on dated 13.09.2021 regarding detailed inspection of spent carbon disposal.</p> <p>GPCB officials has asked for clarification on dated 28.09.2021 regarding the gap of approximately 1140.91 Metric tonnes between theoretical spent carbon generation and actual generation.</p> <p>We have submitted a reply on dated 07.10.2021. (CCA Application was made on data prepared at the time of EIA report for Environment clearance (EC).</p> <p><b><u>Carbon is not reactant in process, it is used for purification and color removal, whenever required to meet with customer requirements.</u></b></p> <p>The actual generation of spent carbon is less than consented value. As per EC, activated carbon consumption is</p> | <p>CCA Application was made on data prepared at the time of Environment Impact Assessment (EIA) report for Environment clearance (EC). Please note that quantities considered for EIA report are based on worst case scenario.</p> <p>Carbon is not reactant in process, it is used for purification and color removal &amp; it is used only whenever required to meet with customer requirements.</p> <p>During scaleup of manufacturing process on commercial scale, majority of the product was sold in domestic market. In domestic market there is no any stringent requirement about color and shine of product. So our activated carbon consumption had less during this time.</p> <p>As mentioned above actual generation of spent carbon is less</p> |

| Date       | Particulars   | Reply from / to GPCB official  | Submission of Aarti Drugs Ltd.  |
|------------|---|--|---|
|            |   | <p>0.146 kg per kg of Metformin HCl. The above data is based on R&amp;D and pilot trials.</p> <p>During erection and scale up of product, consumption of activated carbon was 0.0120 kg per product. Based on the consumption, the actual generation of spent carbon was restricted to 106.9 MT against 1282.46 MT.)</p>                                 | because of less consumption.  |
| 19/02/2022 | <p>M/s. Aarti Drugs Limited on 19/02/2022 had initiated yet another attempt to cause environmental pollution and substantial damage willfully and maliciously.</p> <p>A chemical contained <b>liquid</b> carrying tanker no. GJ15AV2810 was caught by the Police Department being sent for disposal without any document.</p> <p>The tanker owner and driver have shown the location in M/s. Aarti Drugs Limited (Plot No. 211, 213 road no. 2, GIDC Sarigam) from where he had filled his tanker. He had filled / load this tanker from Material Residue Storage Tanks i.e. next to ETP.</p> | <p>Complaint investigation report prepared by GPCB officials dated 20.02.2022.</p> <p>As per the direction received from H'ble Umargaon Court vide letter no. 389/2022 dated 04.05.2022, we have disposed our hazardous waste to authorized party named as M/s. Eco Waste Management through manifest No. 1717488 &amp; 1717802 on dated 07.05.2022.</p> | <p>After investigation, H'ble Umargaon Court vide letter no. 389/2022 dated 04.05.2022, has passes a judgment to Bhilad Police station to release the vehicle for further treatment and disposal.</p> <p>As per the legal requirement industry has disposed hazardous waste from tanker no. GJ15AV2810 to authorized party named as M/s. Eco Waste Management through manifest No. 1717488 &amp; 1717802 on dated 07.05.2022.</p> |

| Date        | Particulars  | Reply from / to GPCB official  | Submission of Aarti Drugs Ltd.   |
|-------------|--|--|--|
|             | <p>Further the samples collected from the tanker in police custody and samples from the unit matches in all aspects.</p> <p>This clearly indicates that the unit illegally dispose their generated Hazardous Wastes at unknown locations. Further, the Production Executive has also accepted that the unit has filled the waste into the tanker for its illegal disposal.</p>   |  | <p>Industry also has paid penalty of Rs.1 crore to GPCB regarding environment compensation's.</p> <p>Now, industry claims that, according to the record submitted to GPCB, Like monthly Patrak, Form-4 &amp; Form-5 it seems that industry is disposing all of the HW with compliance to HW&amp;M, 2016 rule.</p>  |
| 24/02 /2022 | <p>The Gujarat Pollution Control Board carried out a detailed inspection at the polluting unit. Wherein it is mentioned that the tanker owner and driver informed that they were unknown about the disposal location and it is a regular practice of the unit that tanker comes into the unit and filled with said material by workers and then the tanker goes outside the unit. Moreover, no records of inward, outward, gate pass etc are available at the unit. Furthermore, it is specifically mentioned that the material balance and production details submitted during inspection and record of</p> | <p>We have applied for amendment in CC&amp;A on dated 22.03.2022 for increase in quantity of process residue from 366.825 MT/Year to 1421.617 MT/Year and decrease in quantity of spent carbon from 2102.4 MT/Year to 1011.064 MT/Year.</p> <p>Earlier CCA Application was made on data prepared at the time of EIA report for Environment clearance (EC). Carbon is not reactant in process, it is used for purification and color removal,</p> | <p>CCA Application was made on data prepared at the time of Environment Impact Assessment (EIA) report for Environment clearance (EC). Please note that quantities considered for EIA report are based on worst scenario.</p> <p>Carbon is not reactant in process, it is used for purification and color removal &amp; it is used only whenever required to meet with customer requirements.</p> <p>During scaleup of manufacturing</p> |

| Date        | Particulars   | Reply from / to GPCB official  | Submission of Aarti Drugs Ltd.   |
|-------------|---|--|--|
|             | <p>disposal of hazardous waste by the unit from XGN it is concluded that during the period of January 2021 to January 2022 unit has manufactured 9116.462 MT of Metformin HCL and as per material balance generation of process waste / residue is 619.919 MT and carbon waste is 583.453 MT. However, as per XGN records unit has disposed only 202.37 MT of process waste / residue and 169.55 MT of Carbon Waste through manifest and disposal of remaining 417.549 MT of process waste / residue and 413.88 MT of carbon waste is of question. Hence it may be concluded that unit has disposed off 417.549 MT of process waste residue and 413.88 MT of carbon waste in unauthorised manner.</p> | <p>whenever required to meet with customer requirements. The actual generation of spent carbon is less than consented value. As per EC, activated carbon consumption is 0.146 kg per kg of Metformin HCl. The above data is based on R&amp;D and pilot trials. During erection and scale up of product, consumption of activated carbon was 0.028 kg per product. Based on the consumption, the actual generation of spent carbon was restricted to 169.55 MT against 583.453 MT. Also, process residue generation was restricted to 202.37 MT against 619.919 MT.</p> | <p>process on commercial scale, majority of the product was sold in domestic market. In domestic market there is no any stringent requirement about color and shine of product. So our activated carbon consumption had less during this time.</p> <p>As mentioned above actual generation of spent carbon is less because of less consumption.</p> <p>Additionally industry has made application to GPCB regarding increase in quantity of process residue from 366.825 MT/Year to 1421.617 MT/Year and decrease in quantity of spent carbon from 2102.4 MT/Year to 1011.064 MT/Year on dated 22.03.2022 supports to this allegation.</p> |
| 30/03 /2022 | <p>The Gujarat Pollution Control Board issued closure direction under section 5 of The Environment (Protection) Act, 1986 for the violation</p>   | <p>Closure direction issued on dated 30.03.2022.</p>   |  |

| Date | Particulars  | Reply from / to GPCB official  | Submission of Aarti Drugs Ltd.  |
|------|--|--|---|
|      | of the hazardous and other waste (management & Transboundary Movement) Rules, 2016.  |  |   |
|      | <p>The video had become viral in the vicinity of Sarigam showing that the polluting unit has dug up very huge pits with the help of professional mining and earth excavating equipment's such as excavators &amp; JCB back hoe loaders within all its plant premises situated at Plot no. 211, 213, Road no. 2, GIDC Sarigam and buried its various hazardous wastes in huge quantities.</p> | <p>Geological survey report was submitted to GPCB on dated 07.04.2023.</p> <p>Our geological survey at different locations within premises of our unit were carried out by Schedule 1 auditor and reputed institute namely Dr. Jivraj Mehta Institute of Technology, Moger Annand Gujarat.</p> <p>As per the Geological survey report, it can be stated that the soil in the premises is maintained in its natural state and contamination in the soil is not severe and the threat to human health or the environment is ruled out.</p> | <p>Pits were dig in the premises for dumping of the Hazardous Waste is totally false and baseless allegation.</p> <p>After scale-up industry intend to go for larger production volume i.e. for 1200 MT/Month of Huge Metformin HCl, and industry initiated the construction of Block 6 for storage of finished goods.</p> <p>As a temporary measure to enable smooth movement of excavator machines during excavation activity, the Hazardous Waste i.e Spent Carbon from the HW processing area was relocated to proximate location. This relocation was done only for a short period, limited to a few hours only. After completion of work activity the hazardous waste was promptly returned to the HW</p> |

| Date | Particulars | Reply from / to<br>GPCB official | Submission of<br>Aarti Drugs Ltd.  |
|------|-------------|----------------------------------|--|
|      |             |                                  | <p>processing area for further treatment and then this hazardous waste shifted to HW storage yard.</p> <p>Furthermore, please note that <b>excavator machine in the viral video is used by industry for construction of Block 6.</b></p> <p>Hazardous waste processing area means area where hazardous waste is collected, packed, labeled. Now this treatment is carried out in plant where waste carbon generated. Proper arrangement facility provided for handling of HW.</p> <p>Additionally, geological survey at different locations within premises of our unit were carried out by Schedule-I auditor and reputed institute namely Dr. Jivraj Mehta Institute of Technology, Moger Annand Gujarat. As per the Geological survey report, it can be stated that the soil in the premises is maintained in its natural state and</p> |

| Date       | Particulars | Reply from / to GPCB official | Submission of Aarti Drugs Ltd.   |
|------------|-------------|-------------------------------|--|
|            |             |                               | contamination in the soil is not severe and the threat to human health or the environment is ruled out.  |
| 27/12/2022 |             |                               | <p>As per notice received from GPCB dated 27.12.2022, industry has conducted soil sampling at different locations within the factory premises.</p> <p>Also the results are submitted to GPCB dated 07.04.2023 (Submission letter is attached for your reference.)</p> <p>Note - As the results of soil sample are not fulfilling the allegation made by applicant, ultimately it is sort of denial.</p> <p>During the GPCB officials visit dated 26.04.2019 they made observation that, machinery installation work found and asked clarification regarding CTE / CCA amendment slag.</p> <p>Industry submitter clarification to</p> |

| Date        | Particulars   | Reply from / to<br>GPCB official | Submission of<br>Aarti Drugs Ltd.  |
|-------------|---|----------------------------------|--|
|             |   |                                  | <p>GPCB that, Industry has started renovation / relocation of equipment in the Finished Goods storage yard (Earlier we have mentioned Block 6) and there is no any change in production quantity, water consumption, hazardous waste generation and air pollution quantum. (GPCB notice and reply letter attached for your reference.)</p> <p>As there is no change production quantity, water consumption, hazardous waste generation and air pollution quantum there is no any mandatory requirement for CCA amendment. We request you to please confirm once.</p> |
| 25/02 /2023 | Mr. Kapil H. Pawar informed the applicant about the information received under Right to Information Act, 2005 and requested to carry out necessary proceedings with appropriate authority to take cognizance of |                                  |  |

| Date        | Particulars  | Reply from / to GPCB official | Submission of Aarti Drugs Ltd. |
|-------------|--|-------------------------------|--------------------------------|
|             | habitual and regular environmental pollution being caused by the polluting unit.   |                               |                                |
| 07/03 /2023 | The applicant addressed detailed complaint to impose Corporate Criminal Liability under Anti-pollution laws for causing willful and deliberate environmental pollution by illegal disposal through to impose Corporate Criminal Liability under Anti-pollution laws for causing willful and hazardous waste established cartels and dumping within factory premises by a RED category LARGE scale Polluting Unit in GIDC Sarigam, dated 07/03/2023 to RO Vadodara, The Central Pollution Control Board and Member Secretary, Vigilance Officer, and Regional Officer of The Gujarat Pollution Control Board. |                               |                                |
| 21/03 /2023 | The Regional Officer vide letter dated 21.03.2023 instructed the Member Secretary, The Gujarat Pollution Control Board to investigate into the complaint of the applicant dated 07.03.2023 and issue appropriate steps.  |                               |                                |

| <b>Date</b> | <b>Particulars</b>  | <b>Reply from / to GPCB official</b> | <b>Submission of Aarti Drugs Ltd.</b> |
|-------------|---|--------------------------------------|---------------------------------------|
| 01/05 /2023 | The applicant addressed detailed complaint to invoke provisions u/s. 3 of The Prevention of Money Laundering Act, 2002 (PMLA") for Scheduled Environmental Offenses committed by M/s. Aarti Drugs Limited, Sarigam to The Chief Vigilance Office, Directorate of Enforcements. The Chairperson and The Chief Vigilance Officer, Securities and Exchange Board of India. |                                      |                                       |
|             | Further being aggrieved by in action of the government officials, the present Original Application warranting kind interference of this Hon'ble Tribunal.   |                                      |                                       |

### **CHRONOLOGY OF EVENTS** **IN OA 88/2023 (WZ)**

| <b>Date</b>   | <b>Particulars</b>  | <b>Reply from / to GPCB official</b>   | <b>Opinion of Aarti Drugs Ltd.</b>   |
|---------------|---|--|--|
| November 2019 | M/s. Aarti Drugs Ltd. is having industrial plant located at Plot No : 211, 213, Road No. 2, GIDC Sarigam, Tal. Umbergaon, Dist : Valsad 396 155 and obtained CCA for production of Metformin Hydrochloride vide | We have received Consolidated Consents and Authorizations (CC&A) vide order no. AWH-10867 date of issue 10/07/2020 for manufacturing of 1200 MT/Month of Metformin Hydrochloride (API) | We have received Consolidated Consents and Authorizations (CC&A) vide order no. AWH-10867 date of issue 10/07/2020 for manufacturing of 1200 MT/Month of Metformin |

| Date       | Particulars   | Reply from / to GPCB official   | Opinion of Aarti Drugs Ltd.                                  |
|------------|---|---|--|
|            | consent order no. AWH 108687, which is valid up to 19/07/2025 and amended time to time. Copy of Consent is attached as an Annexure-1.   | valid upto 19/07/2025.  | Hydrochloride (API) valid upto 19/07/2025.                   |
| 30/10/2021 | Notice of Direction issued u/s. 5 of the EPA, 1986 on 30/10/2021 for the reason "Unit has sent truck filled with spent carbon (hazardous waste) for unauthorized disposal to M/s. RSPL (i.e. Common disposal facility) without manifest which is noncompliance of CCA conditions." Copy of Notice of Direction is attached as an Annexure-2.  | We have submitted a reply against this notice on dated 11.11.2021. At the time of this issue, actually driver went for weigh bridge of total quantum of material. We do not have a weight bridge within our company premises. And our regular practice was to prepare a manifest after getting total quantum of material. |  |
| 10/01/2022 | For the aforesaid violation under the Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016 an amount of Rs. 5 lakhs was levied as a Financial Penalty after prior approval from CPCB as per the provision of Rule 23(2) of Hazardous & other wastes (Management & Transboundary Movement) Rules, 2016.<br><input type="checkbox"/> In this regards unit has paid Rs. 5 lakhs as Financial Penalty on | We have paid Rs. 5 lakhs as Financial Penalty on 10/01/2022.  | We have paid Rs. 5 lakhs as Financial Penalty on 10/01/2022. |

| Date       | Particulars  | Reply from / to GPCB official  | Opinion of Aarti Drugs Ltd.  |
|------------|--|--|--|
|            | 10/01/2022. Copy of CPCB approval and letter regarding levied Financial Penalty is attached as an Annexure-3.  |  |  |
| 30/03/2022 | <p>For the illegal disposal of Hazardous waste, GPCB has issued Closure Direction to the unit u/s. 5 of the EPA, 1986 on 30/03/2022 with immediate effect and Interim Environmental compensation of Rs. 1 Crore on unit and Rs. 2 Lakhs on transporter imposed, respectively.</p> <p>□ In this regards unit has paid total Rs. 1.02 Crore as an Interim EC on 08/04/2022. Copy of Closure of Direction is attached as an Annexure-4.</p> | <p>Closure direction issued on dated 30.03.2022.</p> <p>As per the direction received from H'ble Umargaon Court vide letter no. 389/2022 dated 04.05.2022, we have disposed our hazardous waste to authorized party named as M/s. Eco Waste Management through manifest No. 1717488 &amp; 1717802 on dated 07.05.2022.</p> | <p>Closure direction issued on dated 30.03.2022.</p> <p>As per the direction received from H'ble Umargaon Court vide letter no. 389/2022 dated 04.05.2022, we have disposed our hazardous waste to authorized party named as M/s. Eco Waste Management through manifest No. 1717488 &amp; 1717802 on dated 07.05.2022.</p> |
| 13/04/2022 | <p>Unit has applied for revocation and based compliance verified during inspection on 13/04/2022, Revocation was issued on 30/04/2022 for three months, which is further extended on 21/09/2022 for six months.</p> <p>□ At present unit has applied for further extension of revocation, which is under process. Copy of Revocation order is attached as an Annexure-5.</p>   | <p>Revocation order was issued on 30.03.2022 for three months and further extended on 21.09.2022 for six months.</p> <p>Point wise compliance of revocation order has submitted to GPCB and the same were mentioned in GPCB's investigation report dated 19.06.2023.</p>   | <p>Revocation order was issued on 30.03.2022 for three months and further extended on 21.09.2022 for six months.</p> <p>Point wise compliance of revocation order has submitted to GPCB and the same were mentioned in GPCB's investigation report dated 19.06.2023.</p>   |

| Date       | Particulars  | Reply from / to GPCB official   | Opinion of Aarti Drugs Ltd.  |
|------------|--|---|--|
| 06/12/2022 | <p>On 06/12/2022 inspection was carryout with respect to the complaint of Mr. Mohshin J. Sahikh, Bhilad received to this office on dated 13/10/2022, regarding hazardous waste disposal and dumping within factory premises. Conclusion as per the inspection report of visit dated 06/12/2022</p> <p>□ During inspection it is observed that maximum carpet area of premises is covered with RCC flooring and Office building, production plant building, warehouse, raw/finish goods building, utility, ETP, Haz waste storage area etc., so no any decision can be taken regarding deep burial of chemical waste within premises as mentioned in complaint.</p> <p>□ Unit has been instructed to carry out monitoring of geological survey at different places within premises by reputed institute i.e. NEERI, NPC, IIT, Scheduled-1 Auditors, etc. Copy of Inspection report dated 06/12/2022 is attached as an Annexure-6.</p> | <p>Geological survey report was submitted to GPCB on dated 07.04.2023.</p> <p>Our geological survey at different locations within premises of our unit were carried out by Schedule 1 auditor and reputed institute namely Dr. Jivraj Mehta Institute of Technology, Moger Annand Gujarat.</p> <p>As per the Geological survey report, it can be stated that the soil in the premises is maintained in its natural state and contamination in the soil is not severe and the treat to human health or the environment is ruled out.</p> | <p>Our geological survey at different locations within premises of our unit were carried out by Schedule 1 auditor and reputed institute namely Dr. Jivraj Mehta Institute of Technology, Moger Annand Gujarat.</p> <p>As per the Geological survey report, it can be stated that the soil in the premises is maintained in its natural state and contamination in the soil is not severe and the treat to human health or the environment is ruled out.</p> |
| March 2023 | Geological survey report prepare by Dr.  | Geological survey report was submitted  | Our geological survey at different   |

| Date       | Particulars  | Reply from / to GPCB official   | Opinion of Aarti Drugs Ltd.   |
|------------|--|---|---|
|            | <p>Jivraj Mehta Institute of technology, Environment Testing &amp; Resarched Laboratory &amp; Conclusions as;<br/> <i>“Considering the facts mentioned in this report, it can be stated that the soil in the premises is maintained in its natural state and contamination in the soil is not severe and the threat to human health or the environment is ruled out. Constructive remedial measures like the development of green belts/ areas are always welcome to step. Due care must be taken not to violate any norms as directed by authorities.”</i> Copy of Geological survey report is attached as an Annexure-7.</p> | <p>to GPCB on dated 07.04.2023. Our geological survey at different locations within premises of our unit were carried out by Schedule 1 auditor and reputed institute namely Dr. Jivraj Mehta Institute of Technology, Moger Annand Gujarat. As per the Geological survey report, it can be stated that the soil in the premises is maintained in its natural state and contamination in the soil is not severe and the threat to human health or the environment is ruled out.</p> | <p>locations within premises of our unit were carried out by Schedule 1 auditor and reputed institute namely Dr. Jivraj Mehta Institute of Technology, Moger Annand Gujarat. As per the Geological survey report, it can be stated that the soil in the premises is maintained in its natural state and contamination in the soil is not severe and the threat to human health or the environment is ruled out.</p> |
| 23/03/2023 | <p>On 23/03/2023 unit was inspected with respect to complaint of Mr. Prashant Panchal received to this office on dated 23/03/2023 regarding unit has discharged their untreated waste water in GIDC open drain illegally and create water pollution. Based on non-compliance observed during inspection; Notice of Direction issued u/s 33(A) of the Water Act, 1974 on 25/04/2023. Copy of Inspection</p>   | <p>Reply to direction was submitted on 04.05.2023. Flexible pipe was put by us only in Soak pit and not in ETP (CCTV footage-photograph of the time of visit is included herewith). On the day of visit Soak pit was choked and the sewage started to over flow around with in premises and so we called tanker to clean soak pit (photograph showing standing tanker), tanker has</p>  | <p>Reply to direction was submitted on 04.05.2023. Flexible pipe was put by us only in Soak pit and not in ETP (CCTV footage-photograph of the time of visit is included herewith). On the day of visit Soak pit was choked and the sewage started to over flow around with in premises and so we called tanker to clean soak pit</p>   |

| Date        | Particulars  | Reply from / to GPCB official  | Opinion of Aarti Drugs Ltd.  |
|-------------|--|--|--|
|             | report dated 23/03/2023 is attached as an Annexure-8.  | started to collected/lifted sewage through a flexible pipe from soak pit. Sewage filled tanker was moved hence during inspection haphazardly laying flexible pipe of tanker was observed near storm water drain with one end open in GIDC storm water drain outside the premises. Complainer (journalists) came to the place and made a telephone complaint to the GPCB. There shall be no any discharge form this open pipe, there is a storm water drain within premises that comes from the back site of plant for the disposal of rainwater, stormwater has a gate which is sealed and is opened only during the rainy season. | (photograph Seeing standing tanker), tanker has started to collected/lifted sewage through a flexible pipe from soak pit. Sewage filled tanker was moved hence during inspection haphazardly laying flexible pipe of tanker was observed near storm water drain with one end open in GIDC storm water drain outside the promises. Complainer (journalists) came to the place and made a telephone complaint to the GPCB. There shall be no any discharge form this open pipe, there is a storm water drain with in premises that comes from the back site of plant for the disposal of rainwater, Strom water has a gate which is sealed and is opened only during the rainy season. |
| 18/04 /2023 | On 18/04/2023 M/s. Aarti Drugs Ltd & group of industrial units were inspected with reference to Hazardous waste Management and | Reply to direction was submitted on 28.07.2023. Upon investigation, we found that the use of a centrifuge for filtration previously  | Reply to direction was submitted on 28.07.2023. Upon investigation, we found that the use of a centrifuge for filtration   |

| Date | Particulars   | Reply from / to GPCB official   | Opinion of Aarti Drugs Ltd.   |
|------|---|---|---|
|      | <p>representation received from Mr. Asif R. Khan vide letter dated 07/03/2023. Findings of the inspection report of visit dated 18/04/2023 The Hazardous Waste generation of process waste/residue is 1394.593 MT/Year and spent carbon/spent charcoal is 857.162 MT/Year as against production 10156 MT/Year, which is within CC&amp;A limit.</p> <p>□ However, considering mass balance in case of the full production as per CC&amp;A, the hazardous waste quantity may be higher than quantity mention in Authorization. Copy of inspection report dated 18/04/2023 is attached as an Annexure-9.</p> | <p>resulted in a lower wetness factor, but unfortunately, some carbon particles were carried over with the filtrate, leading to the customer's complaint. Due to G-force, the carryover of carbon particles was observed. To resolve this issue and improve the filtration process, we have replaced the centrifuge with a membrane filter. While the membrane filter has successfully resolved the quality-related issue and minimized the presence of carbon particles in the filtrate, we acknowledge that there has been an increase in the wetness factor during the membrane filtration process. As a result, the quantity of spent carbon has also increased. But, the spent carbon generation quantity on a dry basis remains the same. This difference in spent carbon generation is due to the use of membrane filtration operation. Upon investigation, we found that some impurity/ material remaining in reactor</p> | <p>previously resulted in a lower wetness factor, but unfortunately, some carbon particles were carried over with the filtrate, leading to the customer's complaint. Due to G-force, the carryover of carbon particles was observed. To resolve this issue and improve the filtration process, we have replaced the centrifuge with a membrane filter. While the membrane filter has successfully resolved the quality-related issue and minimized the presence of carbon particles in the filtrate, we acknowledge that there has been an increase in the wetness factor during the membrane filtration process. As a result, the quantity of spent carbon has also increased. But, the spent carbon generation quantity on a dry basis remains the same. This difference in spent carbon generation is due to</p> |

| Date       | Particulars   | Reply from / to GPCB official  | Opinion of Aarti Drugs Ltd.   |
|------------|---|--|---|
|            |   | <p>after reaction which were carried over with the next batch product leading to the customer's complaint and to resolve this issue we have increased frequency of dry cleaning of reactors, and this cleaning process has resulted in an increase in the quantity of contaminated material. Consequently, this contaminated material is being sent with the process residue for disposal.</p> | <p>the use of membrane filtration operation. Upon investigation, we found that some impurity/ material remaining in reactor after reaction which were carried over with the next batch product leading to the customer's complaint and to resolve this issue we have increased frequency of dry cleaning of reactors, and this cleaning process has resulted in an increase in the quantity of contaminated material. Consequently, this contaminated material is being sent with the process residue for disposal.</p> |
| 19/06/2023 | <p>On 19/06/2023 unit was inspected with respect to regarding revocation of closure direction. Findings of the inspection report of visit dated 19/06/2023 as;</p> <p>□ The Hazardous Waste generation of process waste/residue is 1394.593 MT/Year and spent carbon/spent charcoal is 857.162 MT/Year as against</p> | <p>Reply to direction was submitted on 28.07.2023. Upon investigation, we found that the use of a centrifuge for filtration previously resulted in a lower wetness factor, but unfortunately, some carbon particles were carried over with the filtrate, leading to the customer's complaint. Due to G-force, the</p>  | <p>Reply to direction was submitted on 28.07.2023. Upon investigation, we found that the use of a centrifuge for filtration previously resulted in a lower wetness factor, but unfortunately, some carbon particles were carried over with the filtrate, leading to the</p>   |

| Date                   | Particulars  | Reply from / to GPCB official | Opinion of Aarti Drugs Ltd. |               |           |                        |          |          |      |                      |        |   |  |
|------------------------|--|-------------------------------|-----------------------------|---------------|-----------|------------------------|----------|----------|------|----------------------|--------|---|--|
|                        | <p>production 10156 MT/Year, which is within CC&amp;A limit.</p> <p><input type="checkbox"/> However, considering mass balance in case of the full production as per CC&amp;A, the hazardous waste quantity may be higher than quantity mention in Authorization.</p> <p><input type="checkbox"/> Other hazardous waste disposal details are NIL.</p> <p><input type="checkbox"/> Stock of hazardous waste is</p> <table border="1" data-bbox="316 925 695 1534"> <tr> <td data-bbox="316 925 544 1039">ETP sludge</td> <td data-bbox="544 925 695 1039">6 MT</td> </tr> <tr> <td data-bbox="316 1039 544 1153">Process waste</td> <td data-bbox="544 1039 695 1153">15.452 MT</td> </tr> <tr> <td data-bbox="316 1153 544 1305">Spent carbon/ Charcoal</td> <td data-bbox="544 1153 695 1305">7.924 MT</td> </tr> <tr> <td data-bbox="316 1305 544 1420">Used oil</td> <td data-bbox="544 1305 695 1420">0 MT</td> </tr> <tr> <td data-bbox="316 1420 544 1534">Discarded containers</td> <td data-bbox="544 1420 695 1534">3.5 MT</td> </tr> </table> <p>Copy of inspection report dated 19/06/2023 is attached as an Annexure-10.</p> | ETP sludge                    | 6 MT                        | Process waste | 15.452 MT | Spent carbon/ Charcoal | 7.924 MT | Used oil | 0 MT | Discarded containers | 3.5 MT | <p>carryover of carbon particles was observed. To resolve this issue and improve the filtration process, we have replaced the centrifuge with a membrane filter. While the membrane filter has successfully resolved the quality-related issue and minimized the presence of carbon particles in the filtrate, we acknowledge that there has been an increase in the wetness factor during the membrane filtration process. As a result, the quantity of spent carbon has also increased. But, the spent carbon generation quantity on a dry basis remains the same. This difference in spent carbon generation is due to the use of membrane filtration operation. Upon investigation, we found that some impurity/ material remaining in reactor after reaction which were carried over with the next batch product leading to the customer's complaint and to resolve this issue we have increased frequency</p> | <p>customer's complaint. Due to G-force, the carryover of carbon particles was observed. To resolve this issue and improve the filtration process, we have replaced the centrifuge with a membrane filter. While the membrane filter has successfully resolved the quality-related issue and minimized the presence of carbon particles in the filtrate, we acknowledge that there has been an increase in the wetness factor during the membrane filtration process. As a result, the quantity of spent carbon has also increased. But, the spent carbon generation quantity on a dry basis remains the same. This difference in spent carbon generation is due to the use of membrane filtration operation. Upon investigation, we found that some impurity/ material remaining in reactor after</p> |
| ETP sludge             | 6 MT   |                               |                             |               |           |                        |          |          |      |                      |        |   |  |
| Process waste          | 15.452 MT  |                               |                             |               |           |                        |          |          |      |                      |        |   |  |
| Spent carbon/ Charcoal | 7.924 MT   |                               |                             |               |           |                        |          |          |      |                      |        |   |  |
| Used oil               | 0 MT   |                               |                             |               |           |                        |          |          |      |                      |        |   |  |
| Discarded containers   | 3.5 MT   |                               |                             |               |           |                        |          |          |      |                      |        |   |  |

| Date | Particulars | Reply from / to GPCB official   | Opinion of Aarti Drugs Ltd.   |
|------|-------------|---|---|
|      |             | <p>of dry cleaning of reactors, and this cleaning process has resulted in an increase in the quantity of contaminated material. Consequently, this contaminated material is being sent with the process residue for disposal.</p> | <p>reaction which were carried over with the next batch product leading to the customer's complaint and to resolve this issue we have increased frequency of dry cleaning of reactors, and this cleaning process has resulted in an increase in the quantity of contaminated material. Consequently, this contaminated material is being sent with the process residue for disposal</p> |

## **PRAYERS**

### **ITERIM PRAYERS**

| Sr. | Particulars   | Reply   |
|-----|---|---|
| a   | <p>Till the final disposal of this Application the production activities of Respondent No. 8 in its manufacturing unit at Plot no. 211, 213, Sarigam GIDC, Taluka Umbergaon, District Valsad, Gujarat having registered GPCB ID No. 43373 pursuant to the GPCB, Consolidated Consents and Authorizations (CC&amp;A) bearing no. AWH-10867 date of issue 0/07/2020 for manufacturing of 1200 MT/Month of Metformin Hydrochloride (API) valid up to 19/07/2025, may kindly be monitored for stringent adherence of conditions by Respondent No. 1 to 4 on</p> | <p>It is the duty of the ADL to comply with all the conditions of the 'Environmental Clearance' and 'Consent to Operate' / CCA.</p> <p>The ADL is bound by that irrespective of the directions from the Hon'ble Tribunal, as duty bound.</p> <p>The regular monitoring is done by the ADL internally.</p> |

|   |   |  |
|---|---|--|
|   | day to day basis and report may be submitted before the tribunal.   | External compliance monitoring is done by GPCB as a statutory authority.   |
| b | The Respondent No. 8 be directed to present before the tribunal, detailed records of purchase and sale as per Goods and Service Tax GST for pervious 3 years to determine the extent of Hazardous Wastes disposal and Environmental Damage. | These are to be examined by any statutory authority as the part of their duty.<br>GPCB can do that and we have no objection to any statutory authority doing it, as per the provisions of the relevant Act/s.<br>Submissions of such records before Hon'ble Tribunal can't be claimed as consequential relief. |
| c | The Respondent No. 8 be directed to submit Annual Cost Accounting Records (as per companies act) for previous 3 years to determine the extent of profits made as proceeds of crime arising out of schedule environmental crime.             | This prayer is beyond the jurisdiction of this Hon'ble Tribunal.   |
| d | The Respondent No. 1-4 be directed to carry out ground scanning to find Hazardous Wastes buried within the manufacturing unit at plot no. 211. 213. Sarigam GIDC, GPCB ID No. 43373.  | This was already done in the past and the Report of such independent agency (College) is already placed before GPCB.<br>GPCB may consider that and direct us to do any further investigations, as may be deemed fit.   |
| e | The Respondent No. 5 be directed to decide on the complaint of the applicant dated 01/05/2023 within a period of 30 days.   | This prayer is beyond the jurisdiction of this Hon'ble Tribunal.   |

**PRAYERS**

| <b>Sr.</b> | <b>Particulars</b>  | <b>Reply</b>   |
|------------|---|--|
| a          | That the Corporate Veil may be lifted and respondent no. 9-14 be criminally prosecuted for offenses under the provisions of The Environment Protection Act, The Prevention of Money Laundering Act, The Indian Penal Code.<br><br>Authorizations (CC&A) bearing no. AWH-10867 date of issue 10/07/2020 for manufacturing of | This prayer is beyond the jurisdiction of this Hon'ble Tribunal.   |
| b          | That the Impugned Consolidated Consents and 1200 MT/Month of Metformin Hydrochloride (API) valid up to 19/07/2025 may kindly be set aside and permanent closure orders be issued.   | This is not a consequential relief.<br><br>The ADL is having valid 'Environmental Clearance' and 'Consent to Operate' / CCA for the product being manufactured. The same is not challenged and has been set aside. |
| c          | That the public and investors shall be informed about the conduct of the polluting unit.  | This prayer is beyond the jurisdiction of this Hon'ble Tribunal.   |
| d          | Any other just and equitable Order in the interest of Justice may kindly be passed.   | -  |

**VERIFICATION AND AFFIDAVIT**

I, Nilesh Patil, aged about 54 years, working as Manager (Administration), with **Respondent No. 8 - M/s Aarati Drugs Ltd (hereafter referred to as ADL)** am submitting this affidavit after verification and solemn affirmation and oath. I have verified the contents of this affidavit. They are true and correct to the best of my knowledge and as per the records

available with the company. I have not suppressed any relevant material or facts. The Annexures in Gujrati have been translated to reflect the meaning and contents.

Place : Pune / Palghar  
Date : 15/08/2023



**Nilesh Patil**  
**Respondent No. 8**



TAR  
ANANT  
DISTRICT  
AND P.  
NO. 37  
Expn:  
15.08.  
10

Before Me

  
15.08.2023

JAYANT ANANT RAUT  
Notary, Dist. THANE & PALGHAR  
Maharashtra State

15 AUG 2023

**JAYANT ANANT RAUT**  
**ADVOCATE & NOTARY**  
202, Pushkraj Bhausaheb Dandekar Rd.,  
Behind Prakash Talkies, Palghar (W),  
Tal. & Dist. Palghar, Pin Code-401 404.

|              |     |      |
|--------------|-----|------|
| Notarised At |     |      |
| Sr. No.      | 539 | 2023 |

## Proof of Service



Raghunath Mahabal &lt;mahabal60@gmail.com&gt;

### NGT OA 88/2023(WZ) Asif Khan Vs CPCB

1 message

Raghunath Mahabal &lt;mahabal60@gmail.com&gt;

16 August 2023 at 16:34

To: National Green Tribunal Pune &lt;ngt-pune@gov.in&gt;

Cc: Advocate Asif Khan &lt;adv.asifkhan89@gmail.com&gt;, nair aravindakshan &lt;aravind1905@gmail.com&gt;, advrbmahabal &lt;adv.rbmahabal@gmail.com&gt;, Mahabal Pune &lt;mahabal.pune@gmail.com&gt;, westzonepcb@yahoo.com, ms-gpcb@gujarat.gov.in, ro-gpcb-sari@gujarat.gov.in

Bcc: sachin gore &lt;ssgore2005@gmail.com&gt;, Nilesh@aartidrugs.com, kakde@aartidrugs.com, techservices@aartidrugs.com

#### To: The Registrar, NGT WZ Pune

SIR: I am circulating the copy of the reply in advance. It has been marked to the Applicant and the Advocate for GPCB as well.

**The matter is kept on 18/August/2023 Friday, for admission.**

The copy shall also be uploaded through NGT website, with payment of charges.

Regards

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#### Advocate for R-8: Aarti Drugs Ltd.

R.B.Mahabal रघुनाथ भालचंद्र महाबळ +91-7400116222 [mahabal60@gmail.com](mailto:mahabal60@gmail.com)

**Advocate** - National Green Tribunal, BE (Mech.), ME (Industrial Management) VJTI Mumbai, LL.M., FIE, Chartered Engineer, Arbitrator IIE

B 202, Chandravijay Society, Opp Bansuri Hotel, Phule Road, [Mulund EAST, Mumbai-400081](#), Maharashtra, INDIA

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