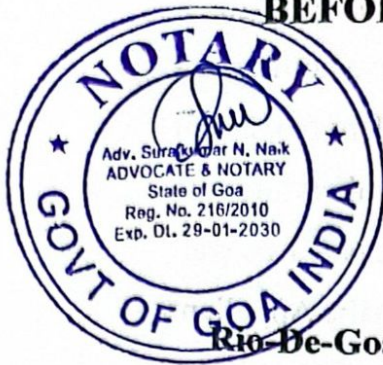




BEFORE NATIONAL GREEN TRIBUNAL

ZONAL BENCH PUNE

APPEAL NO. 594 OF 2025(WZ)

Rio-De-Goa Co-op. Housing Society Ltd.

...Appellant

v/s

The Goa State Pollution Control Board & Ors

...Respondents

AFFIDAVIT IN REJOINDER BY APPELLANT

I, Dr. Suhani Satej Gaunco Dessai, W/o Satej Gaunco Dessai,
residing at G-4, B- Block, Antrix Manor, opp. NSD, Dabolim, A.P.
Dabolim, Goa, 403801 Major in age, solemnly affirm as under: -

1. That I am Secretary of Rio De Goa Cooperative Housing Society Ltd., hereinafter referred to as 'the Society', and therefore competent to make this affidavit in rejoinder on behalf of the Society to the Affidavit-in-Reply, hereinafter referred to as 'the reply', made by Mr. Sanjeev Joglekar holding charge of the Member Secretary of Goa State Pollution Control Board filed on 19.02.2026. I say that apart from the contents of the reply admitted by me hereinafter there is no admission by me of any averments or contents of the Reply and the same are denied.
2. Before I proceed to comment para-wise on the reply, I wish to summarize certain salient facts of the case. According to the

Respondent No. 1, the issue began with an email dated 17.02.2023. Thereafter, Respondent No. 1 issued various show cause notices and communications to Respondent No. 2. In turn Respondent No. 2 sent reply and communications to Respondent No. 1. All this while, the Appellant was kept out of picture by both Respondent No. 1 as well as Respondent No. 2 in as much as they did not speak to the Appellant at all. Eventually, Respondent No. 1 made an order on Respondent No. 2 on 16.04.2025 and for the first time marked a copy of this order to the Appellant for information. It is therefore the submission of the Appellant that no adverse inference lies against the Appellant for whatever transpired from 17.02.2023 till order dated 16.04.2025 which order has been made on Respondent No. 2 and therefore it is only Respondent No. 2 who maybe required to make any compliances or other things, if any by Respondent No. 1.

- 2.1. Without prejudice, Respondent No.1 received on 17.02.2023, an email complaining that foul odour was emanating from STP affecting the residents of Tower 12 and 12A of Rio-De-Goa. STP was being operated by Respondent No.2 until 12.04.2023 on which date the operation of STP was taken over by the Appellant. Respondent No.1 promptly took up the matter with Respondent No.2 by Show-cause Notice dated 29.03.2023. Respondent No.1 pursued this matter with Respondent No.2 until 27.09.2023 and there has been no correspondence for more than one year and renewal of consent to operate which was applied for by Respondent No. 2 was duly granted, signifying thereby that the issue of foul odour was closed. However, Respondent No.1 resurrected the issue in the order dated 16.04.2025 directing that STP should be relocated from the present site to another site approved by Respondent No. 1.



2.2. Without prejudice, in the survey reports being relied on by Respondent No.1 there is no finding that foul odour emanating from STP is affecting the residents of Tower 12 and 12A so much so that STP must be relocated from its present site to some other location.

2.3. Without prejudice, there are 64 residents in Tower 12 and 12A. In addition, the office of the society which is frequented by large number of people. But other than the residents mentioned in the email dated 17.02.2023 there is no complaint from others.

2.4. I hereby categorically state and submit that there is no such odour from STP to the residents of Tower 12 and 12A. I further categorically state and submit that there is no discharge of STP water outside Rio De Goa premises. I further categorically state and submit that the appellant is operating STP with full care and within expected parameters.



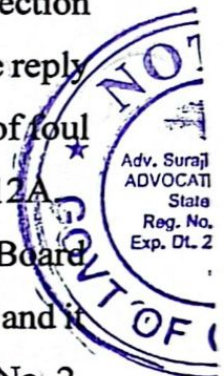
3. With reference to Para 1, 2 & 3 of the reply, I offer no comment.

4. With reference to Para 4 of the reply, I say that the Respondent No.1 has been treating the Respondent No.4 Mr. Madhukar Jetley as the Complainant and endorsing the copy of all its notices and orders to him but he is not mentioned anywhere in the online complaint (Exhibit-C of the reply). The e-mail is sent on 17.02.2023 (Friday at 7.37 pm) allegedly by three owners of Tower 12A who have not signed the e-mail. The persons first and second named in the email are NRI and it is highly probable that they or some of them were not residing in Tower 12A on the date the Respondent Board has received the e-mail. The Respondent Board should therefore explain what its connection with Respondent No. 4 is? I say that on 17.02.2023 the appellant was not in charge of the affairs of the Society. The affairs of the Rio-De-Goa complex on that date were in charge of the Respondent No. 2 Tata Housing Development Company Ltd. and

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they alone can confirm whether or not any foul smell from STP was affecting the residents of Tower 12A and Tower 12. I say that the Society took possession of STP from Respondent No. 2 on 12.04.2023. I say that there are 64 apartments in Tower 12 and 12A and the office of the Society also is located in Tower 12. There has not been complaint from other residents of Tower 12A and Tower 12 of any foul smell from STP affecting them. I say that the appellant has never been confronted by Respondent No.1 as regards Exhibit-C of the reply.

5. With reference to Para 5 of the reply it states, "Board officials have conducted site inspection on 20.02.2023 (Monday) to verify the facts of the Complaint" I say that it may be noted that the E-mail was received on Friday after office hours and on Monday the inspection was conducted. The copy of Inspection Report is annexed to the reply as Exhibit-D. The Inspection Report does not give any finding of foul smell emanating from STP affecting residents of Tower 12 & 12A.
6. With reference to Para 6 of the reply, I say that the Respondent Board issued Show Cause Notice on 29.03.2023 to Respondent No. 2 and it has been a matter between Respondent No. 1 and Respondent No. 2. The copy of the Show Cause Notice has neither been marked nor delivered to the Appellant Society. I further say that on 29.03.2023 the STP was in the possession and control of Respondent No. 2 only.
7. With reference to Para 7 of the reply, I say that this e-mail by Respondent No. 4 has been addressed to various officers of Respondent No. 1. I further say that the appellant has never been confronted with this e-mail.
8. With reference to Para 8 of the reply, I say that the statement that on 19.04.2023 the appellant filed a reply to the Show Cause Notice is incorrect. I further say that from Exhibit-G of the reply, it would be



seen that it is a letter from Respondent No. 2 to Respondent No. 1 seeking extension of time to file reply to Show Cause Notice dated 29.03.2023 (Exh E of the reply). I say that from this letter it would be seen that Respondent No. 2 has undertaken to file reply to Show Cause Notice dated 29.03.2023.

9. With reference to Para 9 of the reply, I say that the appellant has never been supplied with the copy of Inspection Reports in relation to the inspection conducted on 24.04.2023 nor confronted with the same. But this report does not give any finding of foul smell emanating from STP affecting residents of Tower 12 & 12A.

10. With reference to Para 10 of the reply, I say that the Respondent No. 1 allegedly scheduled personal hearing to Respondent No. 2. No such hearing was granted to the appellant, even the information about hearing to Respondent No. 2 was not given to the appellant and therefore no adverse inference may be drawn against the appellant if Respondent No. 2 was absent or did not otherwise properly comply.

With reference to Para 11 of the reply, I say that The Respondent No. 1 did not supply the appellant with the copy of complaint and any further material in relation thereto.

12. With reference to Para 12 of the reply, I say that the Respondent No. 1 allegedly scheduled personal hearing to Respondent No. 2. No such hearing was granted to the appellant, and the appellant was not informed about this hearing and therefore no adverse inference may be drawn against the appellant if Respondent No. 2 was absent or did not properly comply.

13. With reference to Para 13 of the reply, I say that it may kindly be noted that after 27.09.2023 Respondent No. 1 did not pursue or take action in relation to the allegation that foul odor from STP was affecting the residents of Tower 12 and 12A and instead Renewal of



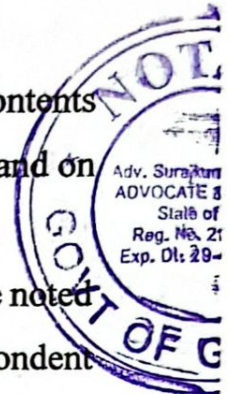
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Consent to operate has been granted. In other words, the action initiated on 29.03.2023 at the behest of Respondent No. 4 was closed. I further say that various conditions in Consent to operate have been put without any indication to, discussion with or knowledge of the Appellant.

14. With reference to Para 14 of the reply, I say that Respondent No. 2 sent the e-mail (Exh M of the reply) to Respondent No. 1 without any information to the appellant, without any correspondence, discussion with the appellant as respects the contents of the e-mail (Exh M of the reply) and there is nothing in the e-mail to make the appellant a party thereto. The Respondent No. 1 also never forwarded this e-mail to the appellant so much so that the appellant has perused the same for the first time now from the copy of the Respondent's reply served upon the appellant.

15. With reference to Para 15 of the reply, I say that the contents thereof are vague. It is not stated who received the phone call and on what number official or personal.

16. With reference to Para 16 of the reply, I say that it may be noted that on 03.01.2025 a phone call was allegedly made by Respondent No. 4 and on the same day the officials of Respondent No. 1 conducted inspection of STP at Rio De Goa. Earlier also an email (Exh. C of the reply) was received on Friday 17.02.2023 after office hours at 7.37 pm and on Monday 20.02.2023 the survey was done. I further say that the inspection conducted by Respondent No. 1 on 03.01.2025 is behind the back of the appellant. The Inspection Report (Exh.N of the reply) mentions that the inspection has been conducted following Office Order No.1/94/24-PCB/Tech/23746 but the copy of that order was never given to the appellant and has not been enclosed to the reply by Respondent No. 1. The inspection team of Respondent



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No. 1 did not contact any office bearer or official of the appellant and proceeded straightaway to the site of STP. I say that at that time removal of sludge and cleaning of STP was going on. The Manager of the Society, on being informed by the Security of the appellant Society that the personnel of Respondent No. 1 had reached STP site, went to STP site on his own as an onlooker. The inspection team did not show him what samples and from where were taken by them despite the protest from STP cleaning people that it was not good time to take samples. I further say that the correctness and authenticity of Inspection Report conducted arbitrarily without giving the appellant reasonable opportunity is doubtful and cannot be used against the appellant. This report does not give any finding of foul smell emanating from STP affecting residents of Tower 12 & 12A.



17. With reference to Para 17 of the reply, I say that the Respondent Board made directions under order no. 1/25-PCB/Tech/1276483/Tech/1080 dated 16.04.2025 under the Water Act on Respondent No. 2 and it has been a matter between Respondent No. 1 and Respondent No. 2. The copy of the Show Cause Notice dated 12.11.2024 has neither been marked nor delivered to the Appellant Society. I say that neither Respondent no. 2 nor Respondent no. 1 brought the contents of the Reply dated 19.11.2024 from Respondent No. 1 to Respondent No. 2 to the knowledge of Appellant and there has been no communication or correspondence about it with the appellant from Respondent No. 1 and Respondent No. 2. I further say that no adverse inference or finding against the appellant can be lawfully made and the appellant must be kept from harm's way. The order dated 16.04.2025 (Exh.O of the reply) has been made on Respondent No. 2 and it is

Respondent No. 2 who has to deal with that order. No part of the order dated 16.04.2025 can be used against or at the detriment of the appellant. Without prejudice, the issue of the complaint and the direction to relocate STP having been closed more than 1 year ago seems to have been resurrected without occasion.

18. With reference to Para 18 of the reply, I say that it is for the first time that Society has been made aware of Mr. Shivam Naik and his Complaint from Exhibit-P of the reply. No one including Mr. Shivam Naik ever approached the Society alleging the well contamination due to release of wastewater from the STP installed in Rio De Goa premises.

19. With reference to Para 19 of the reply, I say that Respondent No. 1 has omitted to state what action was taken by them on the letter dated 07.05.2025 from Respondent No. 2

20. With reference to Para 20 of the reply, I say that the inspection conducted by Respondent No. 1 on 13.05.2025 is behind the back of the appellant. The Inspection Report (Exh. R of the reply) mentions that the inspection has been conducted following Office Order No.1/94/25-PCB/Tech/2708 but the copy of that order was never given to the appellant. The inspection team of Respondent No. 1 did not contact any office bearer or official of the appellant and proceeded straightaway to the site of STP. Manager of the Society, on being informed by the Security of the appellant Society that the personnel of Respondent No. 1 had reached STP site, went to STP site on his own as an onlooker. The inspection team did not show him what samples and from where they were taken by them. I further say that the correctness and authenticity of Inspection Report conducted arbitrarily without giving the appellant reasonable opportunity to participate is doubtful and cannot be used against the appellant.

Without prejudice, I say that the report (Exh.R of the reply) states, "No Flow of discharge of wastewater was seen at the time of inspection." The reply further states "The treated water is utilized for Gardening and Flushing." It is noteworthy that this report does not give any finding of foul smell emanating from STP affecting residents of Tower 12 & 12A.

21. With reference to Para 21 of the reply, I say that Respondent No. 1 has merely stated that a letter dated 26.05.2025 from Respondent No. 2 was received by him. The Respondent No. 1 has omitted to state as to what action, if any, has been taken by him on this letter. The Respondent No. 1 has annexed as Exhibit-S to the reply the copy of the letter dated 26.05.2025 from Tata Housing Development Company Ltd., Sancoale without annexures, if any. I say that Respondent No. 1 has never informed the appellant Society with this letter from Respondent No. 2. Hence, no adverse inference or action detrimental to the appellant can be taken on the basis of this letter (Exh.S of the reply).



22. With reference to Para 22 of the reply, I say that the letter dated 04.07.2025 has not been shared with the appellant by either party and it is seen for the first time from Exhibit-T of the reply.

23. With reference to Para 23 of the reply, I say that it is the statement of the Respondent No. 1 that they conducted a joint survey on 23.07.2025. From the report of the joint survey dated 23.07.2025 (Exh.U of the reply) it is seen that the source of contamination of the water in the well is not attributed to any discharge from the STP installed in Rio De Goa despite the hypothesis in the earlier Inspection Report dated 13.05.2025 (Exh.R of the reply). I say that the samples, if any, were taken and tested behind the back of the appellant and are not credible. This report does not give any finding

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of foul smell emanating from STP affecting residents of Tower 12 & 12A.

24. With reference to Para 24 of the reply, I say that the reply wrongly avers that by the order dated 03.09.2025 (Exh.V of the reply) directions were given to the appellant. The correct fact is that neither the order was made on the appellant nor any directions were given to the appellant. The order (Exh.V of the reply) has been made on Respondent No. 2 and the directions have been given to the Principal Chief Engineer, PWD, Goa and the Chief Engineer/Executive Engineer, Electricity Department, Goa to disconnect water supply and electricity supply to the appellant's unit, Rio De Goa comprising of 639 apartments, within a period of 30 days from the date of the order viz. 03.09.2025. Only a copy of this order was marked to the appellant which was received by the appellant on 13.09.2025. From reading this order the appellant came to know for the first time on 13.09.2025 that Respondent No. 2 had not applied for the renewal after Consent to Operate dated 04.10.2024 and immediately the appellant on 15.09.2025 made an application bearing No. 2928945 to Respondent No. 1 for grant of Consent to Operate. Exhibit-W of the reply is the copy of the appellant's application to Respondent No. 1 for grant of Consent to Operate. As regards the non-compliance of the Respondent No. 1 order dated 16.04.2025 (Exh.R of the reply) that order has been made on Respondent No. 2 only and therefore, it is Respondent No. 2 who is concerned with that order.

25. With reference to Para 25 of the reply, I confirm that the appellant made the application for renewal.

26. With reference to Para 26 of the reply, I say that the same is vague and bereft of any material against the appellant. I say that



Respondent No.1 did not ever speak to the appellant until the order on Respondent No.2 dated 16.04.2025. On the contrary, after receiving the copy of order dated 16.04.2025 marked to the appellant for information, the office bearers of the Appellant Society visited the office of Respondent No. 1 and categorically submitted that there is no odour from STP to the residents of Tower 12 and 12A I hereby categorically submit to this honourable Tribunal that there is no odour from STP to the residents of Tower 12 and 12A. I further categorically submit that there is no discharge of STP water outside Rio De Goa premises. I further categorically submit that the appellant is operating STP with full care and within expected parameters. Therefore, there is no reason for Respondent No. 1 to stipulate any condition for consent to operate other than the conditions being stipulated for all residential units operating STP. The appellant seeks liberty to make further submissions in this behalf at the time of next hearing.



27. With reference to Para 27 of the reply, I say that I have in the Paragraphs hereinabove made submissions as respects Para 1 to Para 26 of the reply to the best of my knowledge, information and belief and I pray that the same may kindly be considered by this Hon'ble Tribunal.

28. To summarize, the Respondent No. 1 cannot draw any adverse inference against the appellant as he has not given any reasonable opportunity of being heard to the appellant. I hereby categorically state and submit that there is no such odour from STP to the residents of Tower 12 and 12A. I further categorically state and submit that there is no discharge of STP water outside Rio De Goa premises. I

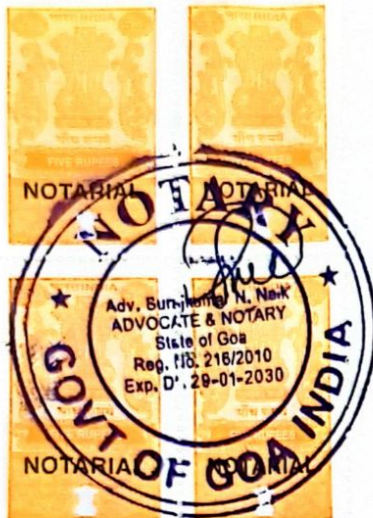
further categorically state and submit that the appellant is operating STP with full care and within expected parameters. I therefore, most humbly and earnestly pray that Respondent No. 1 be directed to withdraw the impugned order and directions dated 03.09.2025.

Solemnly affirmed at Goa }

 Dated this 05th day of March 2026}



APPELLANT



Solemnly affirmed before me by

Dr. Sugham Satej
Gaunio Desai

who is identified to me by

Aditya Desai
8374 5244 2841

whom I personally know



Adv. Suraj Kumar N. Nalk
NOTARY

STATE OF GOA

38, Ground Floor, Apara Bazar, Bldg.
VASCO-DA-GAMA, GOA - 403 502

Date : 05/03/26

Reg. No.: 4325/2026

