

## BEFORE THE NATIONAL GREEN TRIBUNAL

## WESTERN ZONE BENCH, PUNE

## ORIGINAL APPLICATION NO. 85 OF 2024

Kedar Dattatray Gurav

...Applicant

Versus

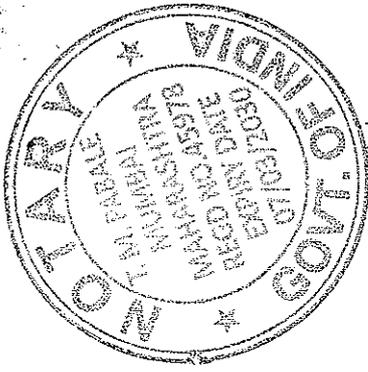
M/s. Ichalkaranji Agro Foods &amp; Ors.

...Respondents

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Advocate for Applicant



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**AFFIDAVIT IN REJOINDER ON BEHALF OF THE RESPONDENT**

**NO. 1 :-**

I, Mr. Parvej Latif Gaiban, Partner and the authorized person of the Respondent No. 1, Age: 27 years, I having address mentioned in the cause-title do hereby state on solemn affirmation as under:

1. I, the Respondent No. 1 hereby file the present Affidavit in Rejoinder to oppose the grant of any relief in the present matter. I have thoroughly pursued the copy of Affidavit in Reply on behalf of the Respondent No. 4 on 02.01.2025 along with the all its Exhibits. I seek leave to file any Additional Reply, if necessary, should be the needed arise.
2. At the outset, I deny all the contention and statements made in the above referred Affidavit in Reply filed on behalf of the Respondent No. 4. On the same are to be considered as a denial on my part and should not be construed as an admission.

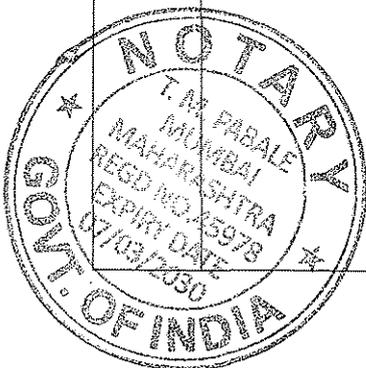
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3. I say that the period of 324 days as alleged by the Respondent No. 4 is not correct. We have made continuous efforts to comply with the consent condition and direction issued by the Respondent No. 4 therein.

Furthermore, compliance was achieved well before 29.02.2024, and several improvement and corrective measure were implemented as evidence by inspection report and correspondence with the Respondent No.

4. I say that we have never breached and/or committed any wrong alleged by the Applicant and guidelines issued by the Respondent No. 4. Following is the chart to Demonstrate the compliance of Directions issued ;-

Sr. No	Dates	Events
1.	12.05.2023	<p>Notice issued under section 33 A of Water (Prevention &amp; Control of Pollution) Act, 1974, 31 A of Air (Prevention &amp; Control of Pollution) Act, 1981 &amp; Hazardous Waste (M, H &amp; T) Rules, 2008.</p> <ul style="list-style-type: none"> <li>- During visit O &amp; M was found very poor</li> <li>- You have provided 4 to 5 numbers of bypass arrangements for discharging an into nearby odha.</li> <li>- During the visit the symptoms of the discharge of the effluent were observed at the backside of the Skin cleaning, and washing activity unit.</li> </ul>



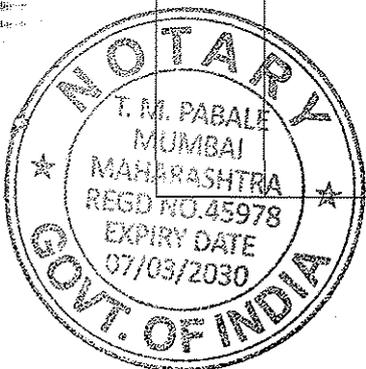
- You have not provided ETP to the effluent generated from the Skin cleaning, and washing activity unit and also not sending the same to the sister concerned unit M/s. Gayama Enterprises.
- You were not disposing of the wastes material as per the consent condition imposed to your unit.
- You have failed to comply the Slaughter House Rules 2011.

17.05.2023

2.

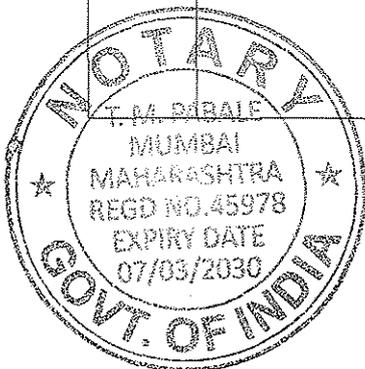
Reply to the Notice dated 12.05.2023

- We regularly operate pollution control systems and maintain good housekeeping. We segregate all the slaughterhouse waste properly and dispose scientifically. But some political vegetarian people opposed slaughterhouses and frequently submit complaints and tried to blackmail us.
- We have not any bypass arrangements and never discharge our effluent to the odha because our treated effluent is a good organic content fertilizer. And this is what we used in our own Ken farm. You observe 4 to 5 holes in the



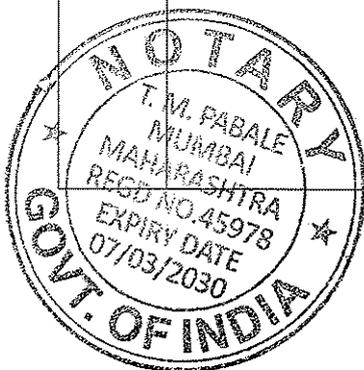
boundary walls and you assumed that this was the bypass arrangements. But these 4 to 5 holes drain the rainwater. Earlier here it rained heavily and at that time rainwater comes to our workshop, and office and flooded all the premises so these holes were made.

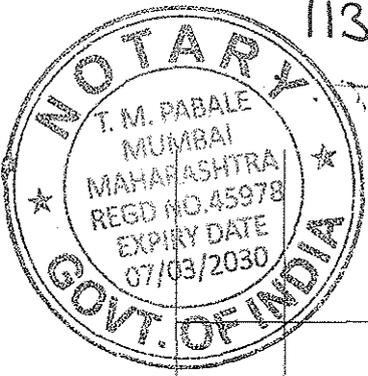
- For skin-cleaning activities, very, negligible water is required. After cleaning we collect the effluent and storage tank and transfer to ETP hardly 500 ltrs./day qty. Generated. And this is treated in our existing ETP and treated water utilized on our own farm.
- M/s. Gayama Enterprises. Activities we closed already because all the material was sent to our sister concerned unit M/s Maharashtra FOOD PROCESSING UNIT, PHALTAN for they have a rendering plant so all the material was sent only for skin collection, cleaning, and applying the Sult for maintaining the life and sent to the vendors. Very negligible wastewater generated



approx. 500 liters. And this treat in our existing full fledged ETP.

- We run the slaughterhouse as per the consent conditions. All the buffalo parts are valuable. There is nothing waste material in it and all the parts are recyclable for example blood, dung, skin, horns, tallow, etc. and these are all properly segregated and sold to the recycler. and we get good value of the same.
- We already maintain slaughterhouse rules 2011. And maintain good housekeeping. Our unit location is near odha if you observed this odha comes from industrial textile units and so many textile effluents come in this odha and goes to Common ETP for treatment. If our wastewater drain in Nala helps to reduce the pollution load in odha water. Also, near our unit 2 to 3 cemeteries and all the city hotels' chicken wastages and chicken shops' wastage are collected in drums and these are thrown into the odha near our unit. We complained so many





times to The Nagar Parishad but no action was taken.

Notice issued under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M, H & T) Rules, 2008.

3.

- It is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.
- M/s. Ichalkaranji Municipal Corporation officers visited your unit on 24.08.2023 for investigation of the complaint and observed non compliances., as per verification carried by M/s. Ichalkaranji Municipal Corporation officers it is observed that industry partly discharging generated effluent form M/s. Ichalkaranji Agro

31.08.2023

Foods & sister unit i.e M/s. Gyama industry into odha through pipeline provided backside of premises. However, you have failed to comply the Slaughter House Rules 2011 amended thereof.

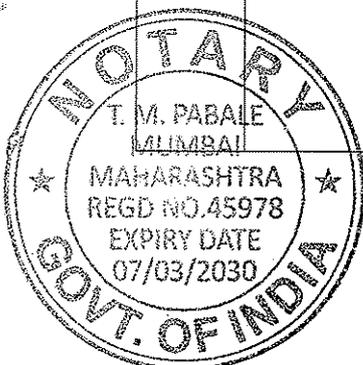
- After examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & willfully causing grave injury to the environment thereby violating various Environment enactments.

24.11.2023

4.

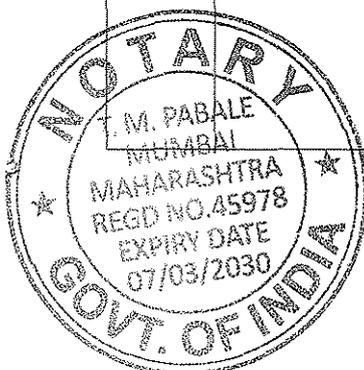
Reply to the Notice dated 31.08.2023

- M/s. Ichalkaranji Municipal Corporation officers visited and what did he report we were unaware of it as he visited the plant without our representative and there was no signature from our personnel. If his visit report is signed by our representative and submitted to you then we acknowledge it. Otherwise, this report is not acceptable. For your information, our unit



maintained all the environmental rules 2011. Also, we inform you that M/s. Gayama Enterprises. Activities we closed already because all the material was sent to our sister concerned unit M/s Maharashtra FOOD PROCESSING UNIT, FALTON for they have a rendering plant so all the material was sent only for skin collection, cleaning, and applying the sult for maintaining the life and sent to the vendors. Very negligibile wastewater generated approx..500 liters. And this treat in our existing full-fledged ETP and treated water utilized on our own farm.

- We do have not any bypass arrangements and never discharge our effluent to the odha because our treated effluent is a good organic content fertilizer. And this is what we used in our own Ken farm. You observed 4 to 5 holes in the boundary walls and you assumed that this was the bypass arrangements. But these 4 to 5 holes drain the rainwater. Earlier here it rained heavily



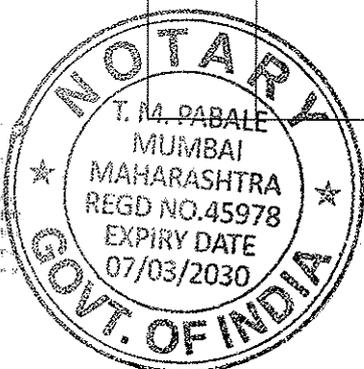
and at that time rainwater came to our workshop, and office and flooded all the premises so these holes were made. For your ready reference enclosed is a photo of the same.

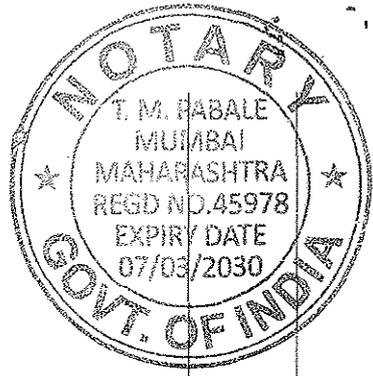
- We already maintain slaughterhouse rules 2011. And maintain good housekeeping. Our unit location is near Odha if you observe this odha comes from industrial textile units and so many textile effluents come in this odha and go to Common ETP for treatment. If our wastewater drain in Nala helps to reduce the pollution load in odha water. also, near our unit 2 to 3 cemeteries and all the city hotels' chicken waste and chicken shops' wastage are collected in drums and these are thrown into the odha near our unit. We complained so many times to The Nagar Parishad but no action was taken.

29.02.2024

5.

Interim Directions under section 33 A of the Water (Prevention & Control of Pollution) Act, 1974 and rule made thereunder.





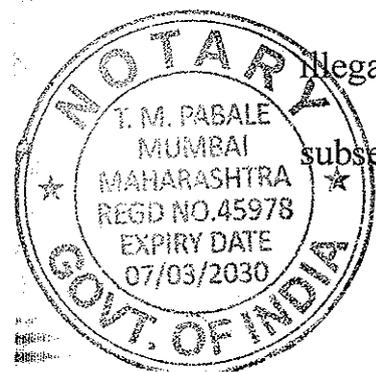
- Industry shall not discharge treated/untreated effluent outside the factory premises.
- Industry shall not dispose Non-Hazardous Waste illegally.
- Industry shall regularly operate & maintain provided Effluent Treatment Plant.
- Industry shall renew existing Bank Guarantee of Rs. 5 Lakhs within 07 days.
- Considering non-compliance Bank Guarantee of Rs 250000/- (Two Lack Fifty Thousand) is forfeited and Industry Shall submit top up Bank Guarantee of Rs 5.00 Lack in favor of regional office, Kolhapur immediately.

4. I say that it is specifically denied that there has been any willful or intentional breach of environmental norms or any non-compliance with the conditions of consent by Respondent No. 1. I say and submit that at all material times, Respondent No. 1 has acted in good faith and has made sincere efforts to adhere to the environmental regulations, consent terms, and directions issued by the Maharashtra Pollution Control Board. I say and submit that, any alleged deviation, if any, has been unintentional and promptly addressed upon receipt of directions.

5. I say that the EDC Amount of Rs. 64,80,000/- (Sixty-Four Lakhs Eighty Thousand Rupees Only) is excessive and does not reflect the actual environment impact specially considering the remedial action already undertaken. Without prejudice to the foregoing, it is submitted that the Environmental Compensation (EC) amounting to Rs. 64,80,000/- (Sixty-Four Lakhs Eighty Thousand Rupees Only), as computed and demanded by Respondent No. 4, is wholly arbitrary, excessive, and devoid of proper rationale. The said computation appears to have been undertaken in a unilateral manner, without affording Respondent No. 1 a meaningful opportunity to be heard or to submit its explanation or mitigating circumstances. The principles of natural justice have been violated, and the EC claim is liable to be set aside on this ground alone.

6. I say that we have complied with the directions of the Respondent No. 4, including the timely submission of bank guarantee and subsequent top up as directed. I say and submit that the forfeiture of Rs. 2,50,000/- (Two Lakhs Fifty Thousand Rupees Only) has already caused significant financial strain without any cause and the Respondent No. 1 is committed to ensure strict compliance with the all-environmental norms going forward.

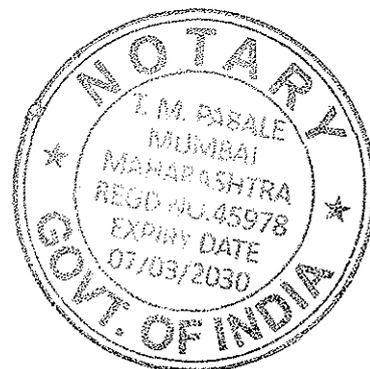
7. I say that in response to the Applicant's allegations regarding the illegal discharge of untreated wastewater into the nearby nalla and subsequently into the Panchaganga river, I categorically deny any such



activity. I wish to clarify that our facility has implemented proper measures to ensure the strict segregation of stormwater from any process or untreated wastewater. Specifically, an open drain channel has been constructed at the entrance of the storage premises for the sole purpose of directing rainwater and not untreated wastewater into the nalla. This arrangement is designed to comply fully with environmental regulations and to prevent any unauthorized discharge. I further states that the rainwater drain, which clearly demonstrate the existence and proper functioning of the stormwater management system, thereby evidencing our adherence to all applicable environmental norms. Hereto annexed and marked as Exhibit – A (Colly) are the photocopies of the rainwater drain.

8. I say that any compliance, if appeared, was inadvertent and not willful. I under sign that we have always co-operated with the authorities and has taken form corrective actions upon receiving any notice or direction by the Respondent No. 4.

9. I say that we have invested in upgradation of Pollution control equipment and has adopted best practice as per the Respondent No. 4 guideline. The upgradation involves regular monitoring and maintenance are being carried out, as we are opened to any further inspection as we be directed by the Hon'ble Tribunal.



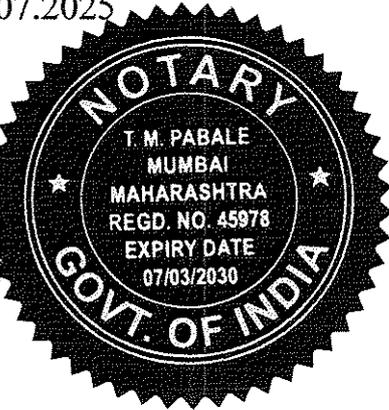
10. I say that reiterates its commitment to sustainable and environmentally responsible operations and assures the Tribunal of continued compliance.

11. The facts stated in the preceding paragraphs are true and correct to the best of my knowledge, and the legal submissions made herein are based on legal advice, which I believe to be true and accurate.

12. Whatever stated aforementioned paragraphs are true and correct to the best of my knowledge, and legal submissions therein are based on legal advice which I believe to be true and correct,

Solemnly affirmed at Mumbai )

Dated : 08.07.2025 )



*[Handwritten Signature]*

Advocate for the Respondent No.1

BEFORE ME

*[Handwritten Signature]*  
TUSHAR M. PABALE  
B.Sc., LL.B.

ADVOCATE & NOTARY (GOVT. OF INDIA)  
05, Ground Floor, Viram Chambers,  
Janmabhoomi Marg, Fort, Mumbai - 400 001.

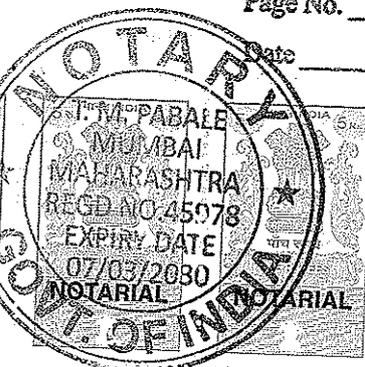
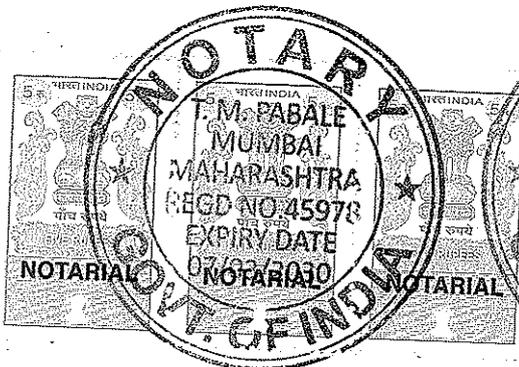
ID / Aadhar / PAN / DL : 3739 3662 8503

Seen Org. / POA / Board Resol.: IAF/09/2023  
Dt. 13/10/2023

NOTED & REGISTERED

Page No. 83/1 Sr. No. 693

Date 10 JUL 2025

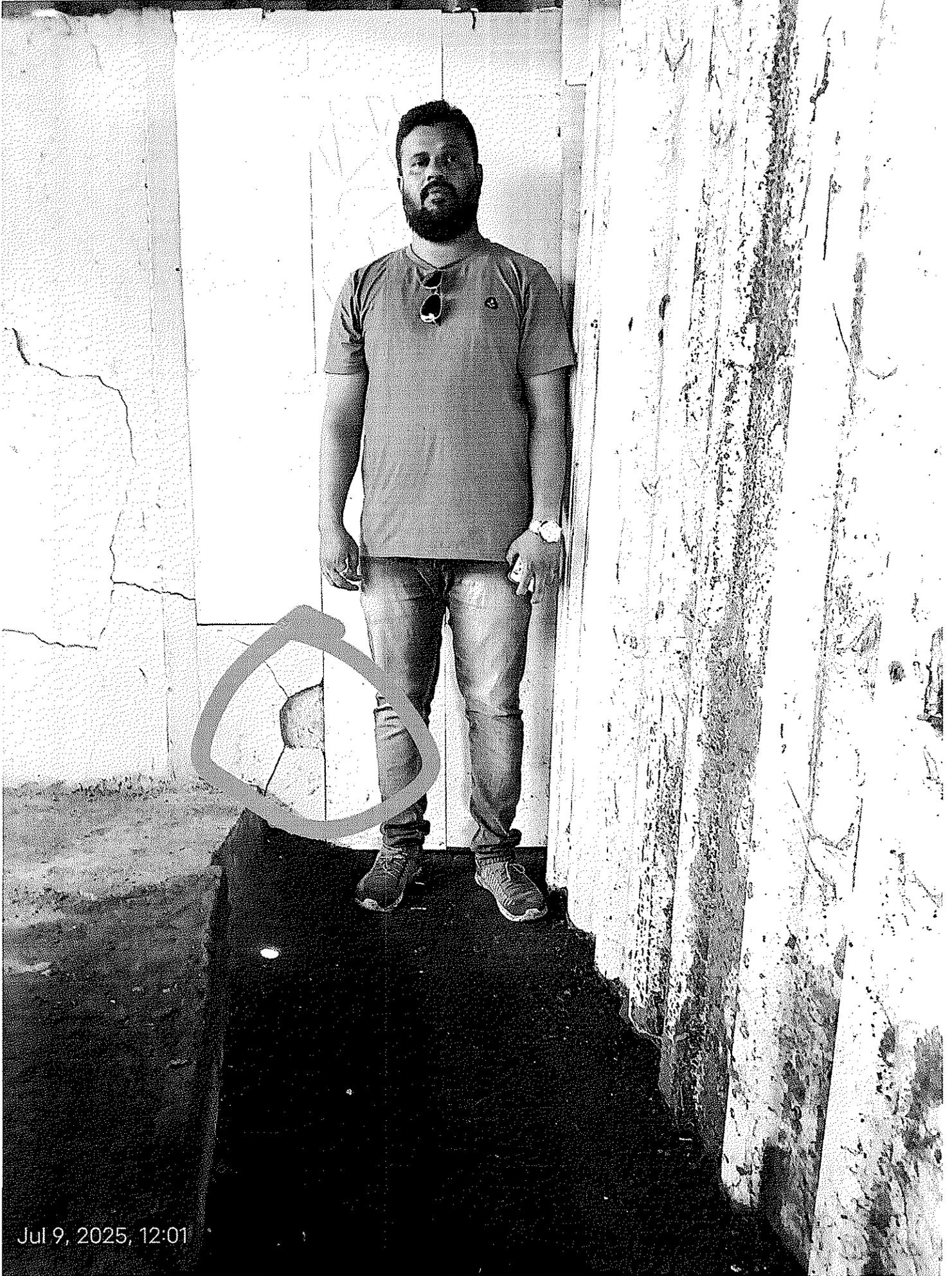


*[Handwritten Signature]*  
Advocate for Respondent No. 01

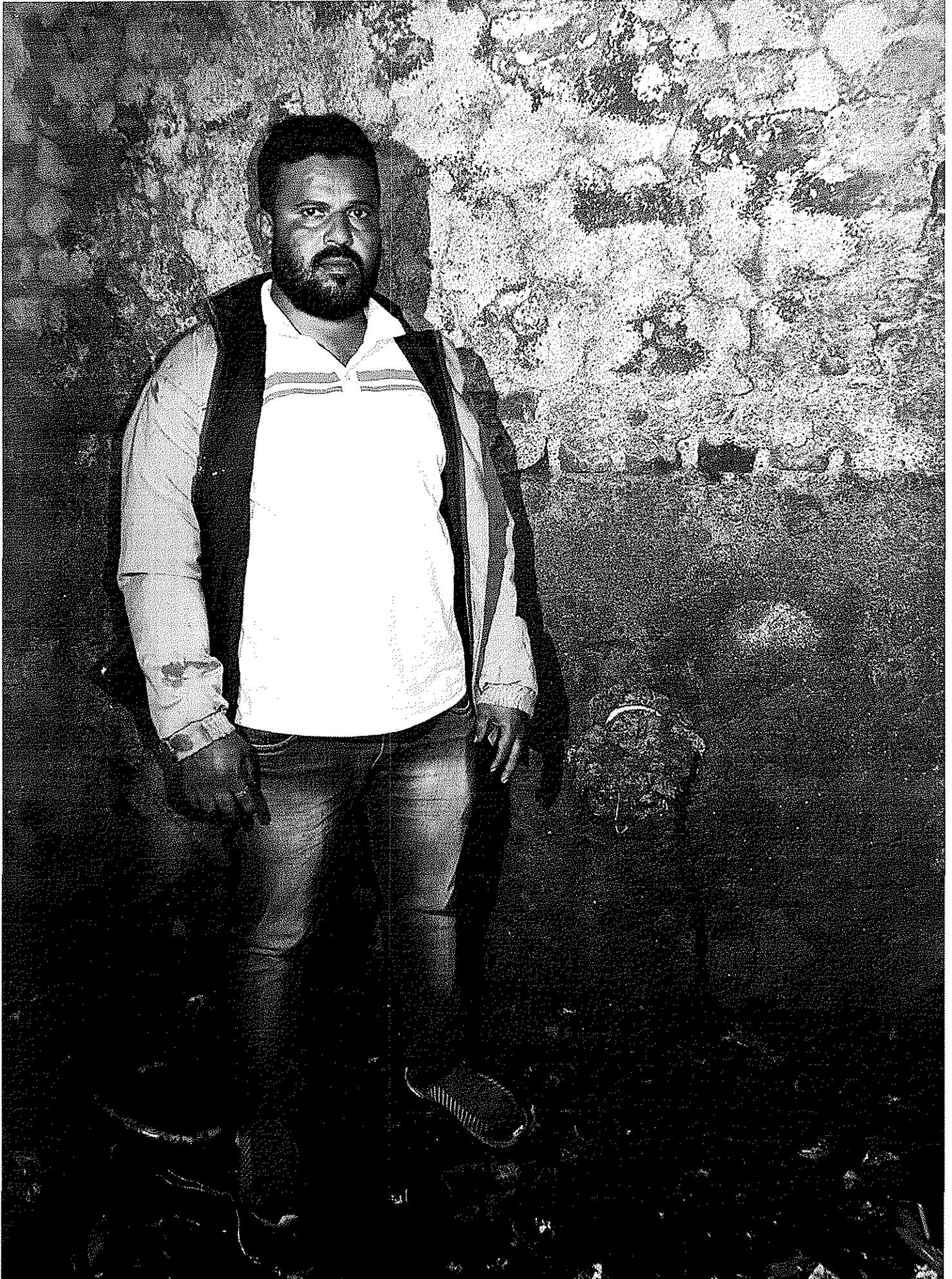
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Exh-"A"

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Jul 9, 2025, 12:01



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RAINWATER DRAIN

*Handwritten notes and signatures in the bottom right corner.*

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AFFIDAVIT IN REJOINDER ON BEHALF OF  
THE RESPONDENT NO. 1

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This is on 09<sup>th</sup> July, 2025

Adv. Suryajeet P. Chavan

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