

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO. 12 OF 2025 (WZ)



IN THE MATTER OF:

MR. TEJAS CHANDRAKANT YADAV ...APPLICANT

AND

M/S. K K NAG PRIVATE LTD. & ORS. ...RESPONDENTS

**AFFIDAVIT IN REJOINDER TO THE REPLY ON BEHALF
OF THE RESPONDENT NO. 3.**

I, Tejas Chandrakant Yadav, aged 36 years, r/at Nimgaon Mhalungi, Tal.: - Shirur, Dist.- Pune, 412209, do hereby state on solemn affirmation as under:

1. At the outset, I state that the Reply on behalf of the Respondent No. 3 Maharashtra Pollution Control Board (hereinafter referred to as "MPCB") demonstrates the sheer lack of seriousness regarding environmental degradation on part of the Respondents including the Government authorities.
2. I state that the timeline of the matter clearly shows that the numerous violations and non-compliances by the Respondent no. 1 (hereinafter referred to as "the company") had come to the notice of the MPCB before 13.06.2024 when they had issued the Show Cause Notice to the company, which is annexed as Annexure C to the Original Application

(hereinafter referred to as "OA"). I state that it is important to note that this Show Cause Notice mentioned multiple grave deficiencies and violations of the CTO including lack of operation and maintenance of an ETP, absence of an EPS recycling machinery, non-installation of a Boiler, lack of details of the existence of a Pollution Control System, non-submission of Form IV & V or any details of any solid waste or hazardous waste generated and records of its disposal. It is pertinent to note that owing to these very non-compliances, the MPCB refused to grant a CTO to the company. The refusal of CTO dated 28.06.2024 is annexed to the OA as Annexure D. Thereafter, MPCB received a complaint on 18.08.2024 from the present Applicant, after which they conducted a visit to the company on 19.08.2024 to check its compliances. Then MPCB filed a report of the said visit finally on 01.10.2024, which was almost 4 months after the date of issuance of the Show Cause Notice. The visit report dated 01.10.2024 is annexed as Annexure G to the OA.

Various observations made by MPCB as per the show cause notice and the visit reports are as under:

Sr. No	Show Cause Notice (13.06.2024) & Refusal to grant CTO (28.06.2024)	Visit Report 01.10.2024	Visit Report 09.12.2024	Visit Report 06.05.2025
1.	-	Industry is in operation and engaged in manufacture of EPS thermocol for industrial purpose	Industry in operation, engaged in manufacture of EPS thermocol	Industry in operation, engaged in manufacture of EPS thermocol
2.	No operation and	Industry has provided ETP plant for	Primary, secondary and tertiary	ETP in operation, sample



Sr. No	Show Cause Notice (13.06.2024) & Refusal to grant CTO (28.06.2024)	Visit Report 01.10.2024	Visit Report 09.12.2024	Visit Report 06.05.2025
	maintenance of ETP	boiler blowdown but ETP is not in operation	ETP having capacity 15 CMD. ETP not found in operation. A bypass arrangement from ETP inlet to MIDC drainage line	collected from ETP outlet for analysis. Industry has removed bypass arrangement. No treated or untreated effluent is being let out
3.	-	For domestic effluent, industry has provided biodigester	Provided a septic tank and overflow is connected to an MIDC sewer line	-
4.	EPS recycling machinery not installed	No EPS Recycling machinery, waste thermocol is being sent to Rohan industries.	No EPS Recycling machinery, waste thermocol is being sent to Rohan industries. Instructed to submit the record of last 6 months.	No EPS Recycling machinery, waste thermocol is being sent to Rohan industries.
5.	Copy of approved EPR from Competent Authority not submitted	Obtained EPR on 23.11.2022	Obtained EPR on 23.11.2022	Obtained EPR on 23.11.2022
6.	-	Record of disposal of plastic waste not available, instructed to submit the same	-	-
7.	Boiler installation	Boiler of capacity of 6	Boiler of capacity of 6	Boiler of capacity of 6



Sr. No	Show Cause Notice (13.06.2024) & Refusal to grant CTO (28.06.2024)	Visit Report 01.10.2024	Visit Report 09.12.2024	Visit Report 06.05.2025
	work incomplete	ton with dust collector with stack of ht 30 mtr provided	ton with dust collector with stack of ht 30 mtr provided	ton with dust collector with stack of ht 30 mtr provided
8.	-	New boiler of capacity of 10 ton with dust collector and bag filter with stack of ht 33 mtr provided	Boiler of capacity of 10 ton with dust collector and bag filter with stack of ht 33 mtr provided	Boiler of capacity of 10 ton with dust collector and bag filter with stack of ht 33 mtr provided – boiler in operation
9.	-	Industry has stored boiler ash openly in premises without a cover shed	Boiler ash is stored in premises unscientifically, has been provided covered shed for storage	Boiler ash is stored in premises unscientifically, has been provided covered shed for storage
10.	Details of existing Pollution Control System not submitted being adequate after operation of existing and expansion activity	-	-	-
11.	-	-	No emissions observed	-
12.	Form IV & V not submitted	-	Submitted form IV & V	-
13.	SW/HW/Non-HW generation and disposal details not submitted	-	Submitted HW manifest online	-



Sr. No	Show Cause Notice (13.06.2024) & Refusal to grant CTO (28.06.2024)	Visit Report 01.10.2024	Visit Report 09.12.2024	Visit Report 06.05.2025
14.	-	-	-	TDS of the water from ETP (Outlet) is 418 mg/l more than the permitted amount

3. I state that the visit report dated 01.10.2024 records that the industry was manufacturing (EPS) thermocol for industrial purpose. Although an ETP was present, it was not in operation. Moreover, there was no record of disposal of plastic waste, the ash from the boiler was being stored unscientifically, openly in the premises without a cover shed. I say that despite the abovementioned obvious violations and non-compliances on part of the company, on 17.10.2024 the MPCB granted it Amalgamation in the existing CTO, valid up to 31.03.2028. This grant of Amalgamation is annexed to the OA as Annexure F. It is to be noted that the MPCB provided the said amalgamation while having full knowledge that the company did not have an operational ETP. I further state that, the scheme of the National Green Tribunal Act, 2010 does not permit ex post facto clearance of any violation. As such, an inference can be drawn from the conduct of MPCB of total non-application of mind while granting the said Amalgamation and C.T.O, furthermore, on the basis of the said conduct, the Affidavit-in-Reply of MPCB filed before this Hon'ble Tribunal cannot be relied upon.
4. I state that, the MPCB initiated action against Respondent No. 1 company by conducting another visit on 09.12.2024



upon a complaint filed by the present applicant on 29.10.2024 which was after a lapse of almost 4 months from the first visit and a delay of 2 months from the date of filing of the complaint. The complaint is annexed to the OA as Annexure I and I (Colly) and the visit report is annexed to the OA as Annexure J. The said visit report reveals that the company is manufacturing EPS thermocol and has installed primary, secondary and tertiary ETP having the capacity of 15 CMD. However, the ETP was still not in operation. Moreover, there was a bypass arrangement from the ETP inlet directly into the MIDC drainage line. Additionally, for the treatment of domestic effluent, a septic tank was installed, the overflow of which was directly connected to the MIDC sewer line. I state that although MPCB had full knowledge that Respondent no. 1 company was in utter violation of the guidelines laid down by the Hon'ble Supreme Court, yet MPCB allowed the operation of the said plant and on the contrary, granted amalgamation in the existing CTO. As such, this creates a cloud of doubt on the operation of MPCB and as such the Affidavit-in-Reply filed by MPCB cannot be relied on and the same mandates a separate enquiry for true and just results. Needless to say, abovementioned are utterly obvious violations having long term adverse effects on the environment. It is pertinent to note that, harmful untreated effluents were being let out in the environment for more than 6 months from the date of issuance of the Show Cause Notice.

5. I state that thereafter, the present Applicant submitted another complaint to the MPCB and filed the present OA in December 2024. The said complaint dated 19.12.2024 is annexed to the OA as Annexure L and L (Colly). The MPCB then issued



directions to the company on 23.01.2025. The said directions are annexed to the present Reply by MPCB as Annexure-III to which the company responded by the reply annexed as Annexure-IV to the Affidavit in Reply filed by the MPCB. The MPCB conducted another visit to verify the compliances by the company. I state that even though the report of this latest visit reveals that now the ETP is in operation and no effluent is being let out in the environment, it needs to be noted that this visit was conducted on 06.05.2025; which is almost 11 months since the issuance of the Show Cause Notice to the company by MPCB. The company has already been causing pollution with consistent non-compliances and violations and has already caused irreparable loss to the environment. On perusal of records available it is extremely crucial to note that the conduct of Respondent No.1 of not continuously keeping the ETP operational would mandate a strict separate enquiry.

6. I state that the blatant delay and reluctance in taking firm action on part of the MPCB is detrimental to the principles of accountability in environmental laws. The Supreme Court has time and again reiterated the importance of operational ETPs in industries and the necessity of prompt action on the part of the pollution control boards. In *Paryavaran Suraksha Samiti and Anr. v. Union of India and Ors. (WP (C) No. 375 of 2012)*, the Supreme Court directed all concerned state pollution control boards to issue notice to all industrial units by way of a common advertisement requiring them to ensure that they have functional primary effluent treatment plants (PETPs) and mandated the concerned state pollution control boards to carry out inspections at industrial units as to whether they have



functional PETPs. The court held that the industrial units that do not have functional PETPs will not be allowed to function on the expiry of three months' notice period. The Respondent No.3 instead of following the stipulated guidelines laid down by the Hon'ble Supreme Court initiated a ex post facto action after notice being received by this Hon'ble Court.

7. I further state that as is evident from the latest visit report dated 06.05.2025, the boiler ash is still being store in the premises in an unscientific manner. Boiler ash needs to be treated and disposed periodically so as to minimize the harm to the air and water quality. Moreover, as submitted in the present Reply filed by the MPCB, the TDS is 418 mg/lit above the permitted level which adds to the list of violations on part of the company.
8. Further, I state that even as of today, black smoke emissions from the company are visible which indicates that the operations at the company and the treatment of waste and effluents is still causing air pollution. The photos dated 05.08.2025 of the emissions are being marked and annexed as **Annexure A-1.**

9. **THEREFORE, IT IS PRAYED THAT,**

- A. The Hon'ble Tribunal may grant the prayers in the Original Application.
- B. The Hon'ble Tribunal may grant any other prayers in the interest of environmental justice.

Whatever stated above is true and correct to the best of my knowledge, belief and information. Hence this Affidavit.

Solemnly affirmed on this ____ day of August, 2025 at Pune.



I know the Affiant

ADVOCATE

AFFIANT



BEFORE ME

SURESH VITTHAL RAO BHUJBA.
ADVOCATE & NOTARY
GOVT OF INDIA
At. Post-Talegaon Dhamdhare
Tal. Shirur, Dist. Pune-412209
Mob • 9822615361

Noted & Registered
at Serial Number

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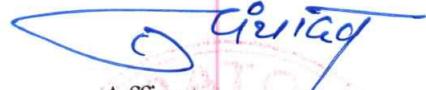


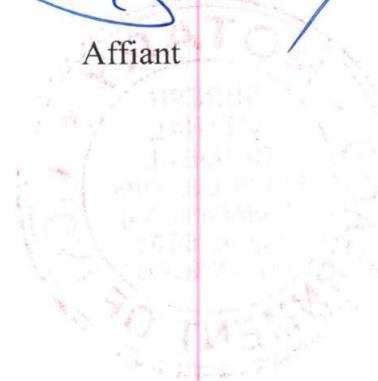
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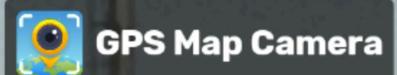
I, Mr. Tejas Chandrakant Yadav, aged: 36 years, residing at:
Nimgaon Mhalungi, Tal: Shirur, Dist: Pune – 412209, state on
solemn affirmation that whatever stated hereinabove is true and
correct to my knowledge and I have not suppressed any material
fact from this Hon'ble Tribunal.

Place: Pune

Date: 05.08.2025


Affiant





Ranjangaon, Maharashtra, India

123, Industrial Area Rd, Ranjangaon, Maharashtra 412220, India

Lat 18.792833° Long 74.293462°

05/08/2025 03:23 PM GMT +05:30



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Industrial Area Road

Ranjangaon
Pune Division
Maharashtra



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Pune Division
Maharashtra