

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL(WZ)
BENCH AT PUNE**

ORIGINAL APPLICATION NO. 144 OF 2025

Superb Hygienic Disposal India Pvt Ltd Applicants

V/s

MPCB & Ors. Respondents

**Affidavit in Reply on behalf of Respondent No. 1- Maharashtra Pollution
Control Board (MPCB) is as under**

I, Hema Deshpande, Age – Adult, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Nagpur i.e. Respondent No. 1 hereinabove, having my office at Udyog Bhavan, 5th Floor, Near Sales Tax Office, Civil Lines, Nagpur-440 001, do hereby state on solemn affirmation as under....

1. I say that, the captioned OA has been filed by the Applicant alleging that the present Respondent has failed to comply the statutory obligation as mandated by Biomedical Waste Rules 2016 (BMW Rules). As far as BMW Rules 2016 are concerned and specifically point No.2(b) of the Revised Guidelines for Common Biomedical

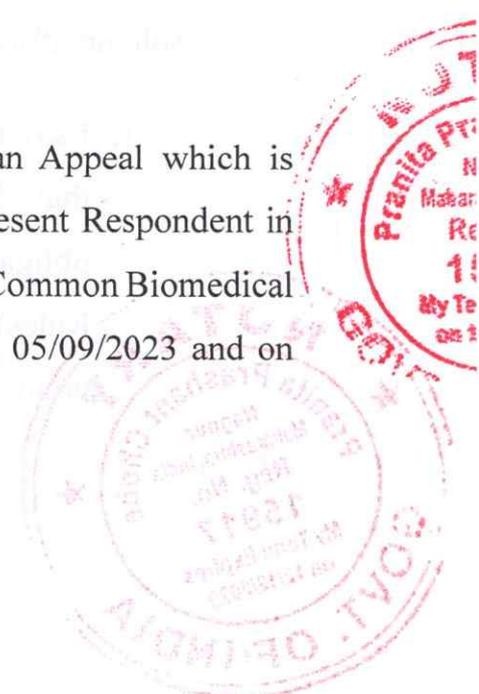


Waste Treatment and Disposal Facilities of 2016 by CPCB. I say that the Answering Respondent arrayed as Respondent No.1. This Hon'ble Tribunal was pleased to issue a notice to Respondent No.1. I say that, the said guidelines are attached to the OA at page no. 106.

2. I say that I have perused the captioned OA as well as the records available with Respondent No.1 and I am even otherwise conversant and well versed with the facts of the present case. From personal knowledge, I further say that I am competent and authorised to depose on behalf of Respondent No. 1. I say that I reserve the right to file a reply on merits at a later stage if so required.
3. At the outset I deny each and every averment made in the captioned OA which is inconsistent and contrary to what is stated in the instant affidavit in reply. Nothing shall be considered to be admitted on behalf of Respondent No. 1 for want of specific traverse.
4. At the further outset I say that I am challenging the maintainability of the captioned OA on the following ground-

Preliminary issue-

The Applicant has filed the present OA instead of an Appeal which is challenging the Consent to Establish granted by the present Respondent in favour of Respondent Nos. 7 & 8 for developing of new Common Biomedical Waste Treatment and Disposal Facility (CBWTFDF) on 05/09/2023 and on 10/12/2023.



5. I say that the Applicant cannot challenge the Consent issued in the year 2023 in the present OA which has been filed u/s 14 of the NGT Act 2010. I say that to avoid the rigours of limitation mentioned in Section 16 of the NGT Act, the Applicant has conveniently chose to file the OA to raise the allegation of not complying with the statutory obligation as mandated by Biomedical Waste Rules 2016 (BMW Rules). I say that if the Applicant wants to allege that the present Respondent hasn't complied with the above guideline 2 (b) of CBMWTDF , then he has to come in a separate proceeding before this Hon'ble Tribunal. I say that the principal prayers of the captioned OA pertain to challenging the Consents dated 05/09/2023 & 10/12/2023 which is not maintainable in the present OA. Rest are ancillary prayers and admittedly based on the Applicant's belief, as mentioned in paragraph 9 of the OA which is reproduced here for the convenience of the Bench –

“The manner in which the CToE has been issued, confirms the belief of the Applicant that 1st Respondent, though aware of the position of statutory requirement chose to act contrary for reasons best known to it.”

6. The present Respondent submits that the Original Applicant has presented a case replete with bald allegations, surmises and conjectures and has failed to make out a cogent and compelling case for grant of reliefs by this Hon'ble Tribunal. In the premises, therefore,



the Present Respondent submits that the OA be dismissed by this Hon'ble Tribunal with the imposition of costs.

Solemnly affirmed on 12th day of March, 2026 at Nagpur



For and on behalf of Maharashtra Pollution Control Board,

[Handwritten Signature]

(Hema Deshpande)
Regional Officer-Nagpur

**Regional Officer
MPC Board, Nagpur**



born before me on this 12th day of March 2026 at Nagpur by Shri/Smt./Ku. Hema Deshpande R/o M.P. who has been identified by Shri/Smt. self Advocate, Nagpur.

[Handwritten Signature]
**NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA**

