

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



Original Application No.- 186 / 2024

Mr. Manilal Dayabhai Patel

... Applicant

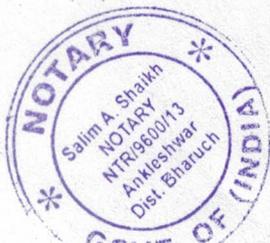
Versus

Shree Charbhujia Agro Fertilizers Co & Anr ... Respondents

Affidavit in Reply on Behalf of the Respondent No.1

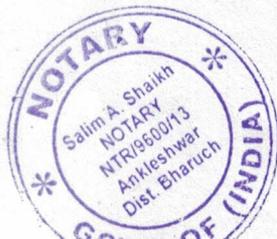
I, Smt. Tarulata Mayur Jain, aged about 63 Years, The partner in the Respondent Partnership Firm residing at: 507/31, Avakar Society, Near GIDC Police Station, GIDC Estate, Bharuch, Gujrat, Pin: 393002, do hereby solemnly Affirm and state as under.

1. I Say that I am the partner in the above partnership firm and thus I am competent to swear this Affidavit in reply.





2. At the outset, the Answering Respondent wholly and singularly denies all the contents of the present Original Application in it's entirety, nothing herein may be deemed to be admitted for lack of a specific traverse.
3. The Answering Respondent submits that no where in the entire Original Application, has the Applicant specified the contents of the alleged "hazardous chemical waste" which is situated in the premises of the Answering Respondent and further has failed to specify how the alleged damage to his crops came to be done. Thus the Original Application by the Applicant deserves to be dismissed for vagueness.
4. Furthermore the Answering Respondent submits that since the prolonged ill health and death of it's managing partner Mr. Mayur Vrajlal Jain the said unit situated at Survey No. 313/ 314 , Sub Plot No. 3 at Post Motali Taluka Ankleshwar has been lying closed since 11 / 07 / 2024 and is not carrying out any operations since then.



5. The Answering Respondent says that it received the Consolidated Consent and Authorization from the Gujarat Pollution Control Board on 30/ 09/ 2022 and the same is valid for a period of 10 years i.e. till 28/08/2032. a Copy of the Consolidated Consent and Authorization is hereto annexed and marked as Annexure R-1.

6. By the said consent, the Answering Respondent has been permitted to manufacture organic manure, soil conditioner, and other bio fertilizers, thus it can be seen that none of the above products, by-products or residue have any involvement which may lead to generation of hazardous waste as is alleged by the Applicant.

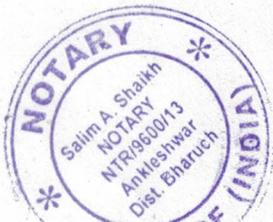
7. The Original Applicant has alleged that the Answering Respondent has dumped chemical waste in the premises of the Applicant, but the Applicant has failed to name or specify such chemical wastes, or how the said alleged chemical waste has any connection with the agro products which are manufactured



by the Answering Respondent. Since the Answering Respondent is a manufacturer of agro fertilizers, any alleged waste emanating from their lands in stark contrast to the submission of the Applicant should benefit the Applicant instead of causing damage to his crops. Thus the allegation of the Applicant is entirely fallacious.

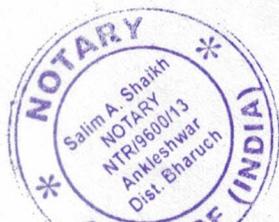
8. The Answering Respondent denies that he is storing any hazardous substances as alleged. It is vehemently denied that such alleged hazardous substances have caused any damage to the Applicant's land. It is submitted that nowhere in the entire contents of the Original Application has the Applicant mentioned the name of a single hazardous substance found in the premises of the Answering Respondent, the Original Application deserves to be dismissed on this count alone as it is vague.

9. Further the Answering Respondent submits that there has been no study conducted by the Applicant to show soil or water pollution caused at the said site and the contentions raised the Original Application are mere bald statements. It is submitted



that soil pollution and pollution of ground water are entirely different and cannot be casually pleaded by the Applicant without adducing any evidence thereof.

10. The Answering Respondent submits that they did not discharge any water in the lands of the Applicant as alleged. Further the submissions as to crop damage are unsubstantiated. It is submitted that the Applicant has failed to prove which were the alleged chemicals or substances which allegedly caused damage to the Applicant's farm. Furthermore the Applicant has failed to show what damage was caused, there are mere bald allegations which are untenable in law and can offer no relief to the Applicant and thus the present Original Application deserves to be dismissed for vagueness and for making unsupported claims.



11.Thus the present Original Application may be dismissed with costs.



PLACE: ANKLESHWAR

શ્રી તારુલાતા મયુર જાઈ

DATE: 22/11/2025.

Smt. Tarulata Mayur Jain
Respondent No. 1

S. Shaikh

Adv. For Respondent No.1

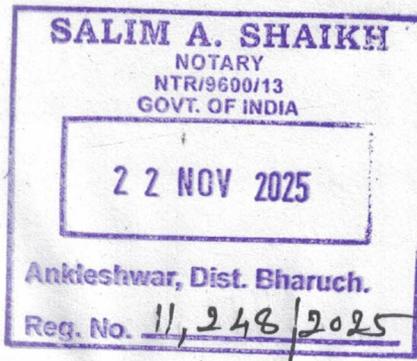
I, the above-named deponent, do hereby verify that the contents of this reply affidavit are true and correct to my knowledge and belief, no part of it is false, and nothing material has been concealed therefrom.

PLACE: ANKLESHWAR

શ્રી તારુલાતા મયુર જાઈ

DATE: 22/11/2025.

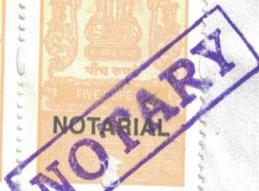
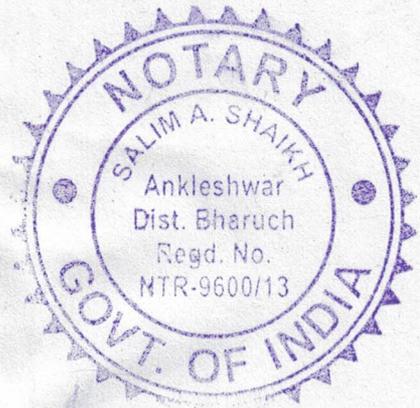
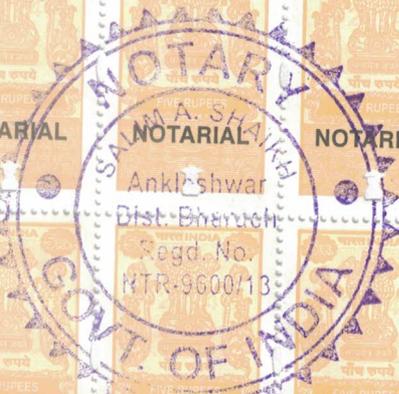
Smt. Tarulata Mayur Jain
Respondent No. 1



SOLEMNLY AFFIRMED
BEFORE ME BY

S. Shaikh

SALIM A. SHAIKH
NOTARY
NTR/9600/13
ANKLESHWAR, DI. BHARUCH.





REGIONAL OFFICE - ANKLESHWAR

GUJARAT POLLUTION CONTROL BOARD

Plot No.5009/4,G.I.D.C.,Estate,Ankleshwar.393 002 Dist.Bharuch.

Tel.No.(02646) 222 933. Email id : ro-gpcb-ankl@gujarat.gov.in,**By RPAD**

In exercise of the power conferred under section-25 of The Water (Prevention & Control of Pollution) Act- 1974, under section-21 of The Air (Prevention & Control of Pollution) Act- 1981 and Authorization under 6(2) of the Hazardous & Other Waste (Management and Transboundary Movement) Rule-2016, framed under the Environment (Protection) Act- 1986.

And whereas Board has received consolidated consent application **Inward ID No: 263009** received on **dated 29/08/2022** for the consolidated consent and Authorization (CC & A) of this Board under the provision / rules of the aforesaid Acts, Consolidated Consent & Authorization are hereby granted as under:

CONSENT AND AUTHORISATION:

(Under the provision /rules of the aforesaid environmental acts)

To
 ✓ **SHREE CHARBHUJA AGRO FERTILIZER CO. (ID: 86700),**
SURVEY NO: 313/314, SUB PLOT NO: 3,
B/H. APEX HOTEL, VILL: MOTALI
ANKLESHWAR-393001,
DIST: BHARUCH.

1. Consent Order No: **AWH-57896**, Date of issue: **30/09/2022**.
2. The consent under Water Act-1974, The Air-1981 & Authorization under Environmental (Protection) Act,1986 shall be valid up to **28/08/2032** to operate industrial plant to manufacture following products:

Sr. No.	PRODUCT	Quantity (MT/Month)
1.	Soil Conditioner (Granules & Micro Nutrients)	3000
2.	NPK Fertilizers (Powder/ Granules)	
3.	Organic Manure/PROM (Powder/ Granules)	
4.	Bio Fertilizers Carrier Based Potassium Mobilizing (Powder/ Granules)	
	Carrier Based Consortia (Granules)	
5.	Potash Derived From Molasses (Powder/ Granules)	

➤ SPECIFIC CONDITION

- a. Unit shall maintain ZLD (Zero Liquid Discharge).
- b. Unit shall use fresh raw material only.
- c. Unit shall not carry out any activity / production which attracts EIA Notification dated 14/09/2006 and amended thereafter without obtaining Environment Clearance for the same.
- d. Unit shall strictly follow the Solid Fuel guideline framed by Board and shall install APCM as per guideline.
- e. Unit shall strictly follow the Fly Ash Notification for disposal of generated ash.

- f. Unit shall follow coal handling guideline framed by Board and provide close ash handling facility.
- g. Unit shall sell out their hazardous waste to authorized end-users who is having authorization with valid CCA and rule 9 permission to receive this waste. Unit shall make MoU with such authorized end-users and submit MoU at time of application of CCA.
- h. Unit shall comply with additional condition for CPA/SPA areas as per GPCB office order dated: 11/11/2019.

[A] Additional conditions under Air Act

- (a) Unit shall adhere to stringent air pollutants standards i.e. 80% of existing flue gas and process emission standards in the CPA.

Flue Gas Emission Standards		
Parameter	Existing	Revised Norms (80% of Existing)
PM	150 Mg/Nm ³	120 Mg/Nm ³
SO ₂	100 PPM	80 PPM
NO _x	50 PPM	40 PPM

- (b) Following air pollution control measures shall be provided for the flue gas emission sources like Boiler, Thermic Fluid Heaters etc. (As Applicable) (For solid fuel utilities)

Stipulated APCM in Red/Orange category industrial units of CPA	
Steam generation capacity (in TPH)	Type of APCM
Less than 1	Multi cyclone
1 to <3	Multi cyclone + Water Scrubber
3 to <6	Bag filter + Water Scrubber
≥ 6	ESP + Water Scrubber

- (c) Unit shall provide at least two stage scrubbing system of appropriate media for the control of the process gas emission
- (d) Unit shall install and commission Continuous Emission Monitoring System –CEMS (as per CPCB guidelines for relevant parameters) which shall be connected with GPCB/CPCB server (In case of large and medium red category industrial)
- (e) All common facility shall install CEMS (as Per CPCB guidelines for relevant parameters) which shall be connected with GPCB/CPCB server to the stacks provided with common multiple effect evaporate, (CMEE) common spray dryer, Common incinerator etc.
- (f) The unit shall adhere to sector specific guidelines/SOP published by GPCB/CPCB from time to time for effective fugitive emission control (like guideline for: stone crushing unit, Coal handling units, spent solvent handling and management, Spent acid management Decontamination of drums, containers etc).
- (g) Unit shall take adequate measures to control odour nuisance from the industrial activities which may include measures like- use of masking agent with atomizer system (Water curtain), closed/ automatic material handling system, containment of the odour vulnerable areas etc.
- (h) Unit shall not use Pet-Coke furnace oil LSHS as a fuel.
- (i) Unit shall adopt spectral Best Available Technology BAT (like use of induction furnace, Electric Arc Furnace instead of cupola furnace in foundry industry, caustic Recovery system in cotton Textiles units etc.)
- (j) Unit shall provide green belt of 40% of the plot area using concept of the social forestry and development of green belt outside project premises in adjacent areas.
- (k) Unit shall provide wall to wall carpeting in vehicle movement areas within premises to avoid dusting

[B] Additional conditions under Water Act



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- (a) Unit shall only use treated effluent for preparation of lime and other slurry in ETP. No fresh water shall be utilized ETP.
- (b) In the case if the industry is not a member of CETP and domestic waste water generation is more than 10 KLPD, industry shall install STP of adequate capacity and treated sewage shall be reused/recycled to the maximum extent
- (c) In case of Large and Medium Red Category industry the unit shall install system for Continues monitoring of effluent quality/quantity as per CPCB guidelines for relevant parameters (like pH, flow, Temperature TOC/COD, NH3-N etc.) and shall be connected to GPCB server in case if the industry is a member of CETP, unit shall install flow meter.
- (d) If the water consumption of the unit is more than 50 KLPD, Unit shall submit detailed water harvesting plan (off site)
- (e) The unit shall explore Techno Economic feasibility of Zero Liquid Discharge (ZLD) and if feasible, ZLD should be adopted.

[C] Additional conditions under Hazardous Waste Management Rules.

- (a) Unit shall strictly carry out handling storage and disposal of fly ash, slag, red-mud, de-inking sludge etc. (High Volume - Low Effect Wastes) as per prevailing guidelines and its disposal at designated location approved by the board.
- (b) Industry shall dispose its hazardous wastes through co-processing, pre-processing to the extent possible prior its disposal to incineration/landfill as per provision of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- (c) Industry shall strictly comply with all the measures specified in guideline for spent solvent management spent acid management and other guidelines /direction published from time to time by GPCB and /or CPCB etc.
- (d) Unit shall carry out transportation of hazardous wastes through GPS mounted vehicles only.

[D] Other General Conditions

- (a) Unit shall submit report of compliance of the conditions of EC every year to the board prepared by third party.
- (b) Unit shall enhance CER Fund allocation to at least 1.5 times the slabs given in the OM dated 01.05.2018 for SPA and 2 times for CAP in case of Environment Clearance.

3. CONDITIONS UNDER THE WATER ACT-1974

- 3.1 There shall be no generation & discharge of the industrial effluent from the manufacturing process and other ancillary industrial operations, hence the unit shall **strictly adhere to zero discharge.**
- 3.2 The quantity of total water consumption shall not exceed **8 KL/day** as per below break up for consent application under Water Act-1974.

Domestic-	1 KLD
Industrial-	5 KLD
Gardening-	2 KLD
- 3.3 The quantity of total waste water generation shall not exceed **2 KL/day** as per below break up for consent application under Water Act-1974.

Domestic -	0.8 KL/day
Industrial-	Nil
- 3.4 Mode of disposal of waste water:
 - a) There shall be no industrial waste water generation, hence unit shall maintain ZLD.
 - b) Sewage shall be disposed off through septic tank/soak pit system.
- 3.5 The GIDC drainage given by the GIDC for discharge of industrial effluent shall be disconnected & the outlet shall be sealed.

- 3.6 The unit shall affix of water meters as per section 4(1) of the water (prevention and control of Pollution) Cess Act-1977 for the purpose of measuring and recording the quantity of water consumed at such places as may be required, within 15 days and shall be presumed that the quantity indicated by the meter has been consumed by the industry until the contrary is proved.
- 3.7 The Board reserves the right to review and/or revoke the consent and/or make modification in the conditions which it seems fit in accordance with provisions of Water Act-1974

4. CONDITIONS UNDER THE AIR ACT-1981

- 4.1 There following fuel shall be used in utilities:

Sr. No.	Name of fuel	Quantity
1.	LDO OR Coal	85 Lit/hr OR 3 MT/day

- 4.2 The flue gas emission through stack shall conform to the following standards.

Sr. No.	Stack Attached to	Stack Height in meter	Air Pollution Control Measure	Parameter	Permissible Limit
1.	Furnace	10	Dust collector+ water scrubber	PM SO _x NO _x	120 mg/Nm ³ 80 ppm 40 ppm

- 4.3 There shall be no process gas emission from the manufacturing process and any other ancillary industrial operation.
- 4.4 The Concentration of the following parameters in the ambient air within the premises of the unit shall not exceed the limits specified hereunder.

Sr.No.	Parameter	Permissible Limit (Microgram/M ³)	
		Annual	24 Hours Average
1.	Particulate Matter(PM ₁₀)	60	100
2.	Particulate Matter(PM _{2.5})	40	60
3.	Oxides of Sulphur(SO _x)	50	80
4.	Oxides of Nitrogen(NO _x)	40	80

- Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.
- 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

- 4.5 Unit shall operate industrial plant / air pollution control equipment very efficiently and continuously so that the gaseous emission always conforms to the standards specified as above.
- 4.6 The consent to operate the industrial plant shall lapse if at any time the parameters of the gaseous emission are not within the tolerance limits specified as above.
- 4.7 Unit shall provide portholes, ladder, platform etc. at chimney(s) for monitoring the air emissions and the same shall be open for inspection to/and for use of Board's staff. The chimney(s) vents attached to various sources of emission shall be designed by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- 4.8 The concentration of Noise in ambient air within the premises of industrial unit shall not exceed following levels:



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- i. Between 6.00 am and 10.00 pm : 75 dB (A)
 - ii. Between 10.00 pm and 6.00 am : 70 dB (A)
- 4.9 All efforts shall be made to control VOC emissions and odor problem, if any.

5. GENERAL CONDITIONS:

- 5.1 Any change in personnel, equipment or working conditions as mentioned in the consents form/order should immediately be intimated to this Board.
- 5.2 Applicant shall also comply with the general conditions given in annexure- I (Whichever applicable).

6. AUTHORIZATION FOR THE MANAGEMENT & HANDLING OF HAZARDOUS WASTE FORM-2 (See rules 6(2))

- 6.1 Number of Authorization: **AWH-57896.**
- 6.2 **Shree Charbhuj Agro Fertilizer Co.** is hereby granted an authorization to operate facility for following Hazardous wastes on the premises situated at **Survey No: 313/314, Sub Plot No: 3, B/H. Apex Hotel, Vill: Motali, Ankleshwar-393001, Dist: Bharuch.**

Sr. No	Waste	Category	Quantity/Year	Facility
1.	Used or Spent Oil	5.1	0.05 MT	Collection, Storage, Reuse or selling to registered refiners.
2.	Empty barrels/ containers/ liners contained with hazardous chemical/waste	33.1	2 MT	Collection, Storage, Transportation, Reuse or sell to authorized recycler

- 6.3 The authorization is granted to operate a facility as above.
- 6.4 The authorization shall be in force for a period up to **28/08/2032.**
- 6.5 The authorization is subject to the conditions stated below and such other conditions as may be specified in the rules from time to time under the Environment (Protection) Act-1986.

7. TERM AND CONDITIONS OF AUTHORIZATION

- 7.1 The authorized person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
- 7.2 The authorization shall be produced for inspection at the request of an officer authorized by the Gujarat Pollution Control Board.
- 7.3 The persons authorized shall not rent, lend, sell, and transfer of otherwise transport the hazardous wastes without obtaining prior permission of the Gujarat Pollution Control Board.
- 7.4 Any unauthorized change in personnel, equipment or working conditions as mentioned in the authorization order by the persons authorized shall constitute a breach of this authorization.
- 7.5 The person authorized shall implement Emergency Response Procedure (ERP) for which this authorization is being granted considering all site specific possible scenarios such as spillages,

- fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time.
- 7.6 The Person authorized shall comply with the previous outlined in the central Pollution control board guidelines on "Implementing liabilities for Environmental Damages due to Handling and Disposal of Hazardous waste and penalty."
- 7.7 It is the duty of the authorized person to take prior permission of the Gujarat Pollution Control Board to close down the facility.
- 7.8 The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
- 7.9 The Record of consumption and fate of the imported hazardous and other waste shall be Maintained.
- 7.10 The hazardous and other waste gets generated during recycling or reuse or recovery or pre-processing or utilization of imported hazardous or other waste shall be treated and disposed of as per specific conditions of authorization.
- 7.11 The importer or exporter shall bear the cost of import or export and mitigation of Damages if, any.
- 7.12 An application for the renewal of an authorization shall be made as laid down under hazardous & Other wastes (Management & Transboundary Movement) Rules-2016.
- 7.13 Any Other Conditions for compliance as per the guidelines issued by the Ministry of Environment, Forest and Climate change or Central Pollution Control Board from time to time.
- 7.14 Annual return shall be filed by June 30th for the period ensuring 31st March of the year.
- 7.15 Unit shall have to display the relevant information with regard to hazardous waste as indicated in the court's order in W.P. No.657 of 1995 dated 14th October 2003.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD


(V.D. RAKHOLIA)
REGIONAL OFFICER

NO: GPCB / RO-ANK / ID: 86700/eow: 16918 /2022

Dt.: 06/12/2022

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REGIONAL OFFICE - ANKLESHWAR

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Tel.No.(02646) 222 933. Email id : ro-gpcb-ankl@gujarat.gov.in,**GENERAL CONDITIONS****Annexure -I**

1. Arrangement for the measurement of the flow rate of the effluent shall be provided within the terminal manhole near the outlet of the effluent from the factory or premises of the applicant or from the premises of the local body. No effluent shall be admitted in the pipe. Sewer or channel downstream of the flow measurement system or the terminal manhole. No effluent shall find its way to any place other than the collection system designed and provided for the same. Measurement of flow shall be maintained by the applicant and records shall be available to the officers of the Staff whenever called for.
2. Solid waste arising from the manufacturing process and / or from the treatment of the effluent shall be disposed of by incineration or by sanitary land filling at a site approved by the Board.
3. The applicant shall have to plant at least three varieties of trees along the boundaries of the industrial premises with a density not less than 1000 trees/acre.
4. Storm water shall not be mixed with the industrial effluent.
5. Good housekeeping shall be maintained within the factory and industrial premises. All pipes, valves and drains shall be leak proof. Floor washing shall be admitted into the effluent collection system for subsequent treatment and disposal.
6. The applicant shall provide facilities for collection of sample of the effluent by the staff of the Board.
7. The applicant shall intimate the occurrence of any accident, act or event resulting in discharge of poisonous, noxious or polluting matter or the likelihood of the same into a stream or well, to the Regional Officer under the intimation to the Member Secretary in accordance with Section 31 (1) of the Water Act.
8. Clearance shall be obtained from the Chief Inspectorate of Factories in respect of safety measures.
9. Unit shall put up at the entrance a board displaying the name of unit, particulates of the product/process, the name of proprietor/partner/director of the unit and the electricity consumer number as on the record of DGVCL.

S. J. Dhanraj
I.C.