

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE, PUNE  
EXECUTION APPLICATION  
NO. 10/ 2022**

**IN  
ORIGINAL APPLICATION NO. 69/2021**

Mahendra Govind Hasbnis ...Applicant

Versus

Cikautxo India Pvt. Ltd. & Ors. ...Respondents

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For M/s. **Dhruve Liladhar & Co.**



**Partner**  
**Advocates for the Respondent Nos. 1 to 6**

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

EXECUTION APPLICATION NO. 10/ 2022

IN

ORIGINAL APPLICATION NO. 69/2021

MR. MAHENDRA GOVIND HASBNIS )  
Age about -59 years, Occup- Agriculturist and )  
Business Residing at Survey No. 408/7, Limbfata, )  
Mumbai- Pune Road, Talegaon Dabhade, Taluka )  
Maval, District Pune- 410506 )

... Applicant

Versus

1. **CIKAUTOXO INDIA PVT. LTD.** )  
A Public Limited Company incorporated Under )  
the provisions of the Indian Companies Act, 1956 )  
Having its registered address at: Survey No. 662, )  
Pune- Mumbai Road, Talegaon- Dabhade, Pune- )  
410506 )  
Email- [cikautxo@cikautxo.com](mailto:cikautxo@cikautxo.com) )
2. **ALEJANDRO ARANZABAL GOMTEZ** )  
Email- [mmendibe@cikautxo.com](mailto:mmendibe@cikautxo.com) )
3. **JOSE ALBERTO AGIRREGOMEZKORTA** )  
**ARANTZETA** )  
Email- [mmendibe@cikautxo.com](mailto:mmendibe@cikautxo.com) )



4. **INIGO EDUARDO LASCURAIN** )  
**PAGEEGUI** )  
 Email- [mmendibe@cikautxo.com](mailto:mmendibe@cikautxo.com) )
5. **MIGUEL ANGEL MENDIVE** )  
**AURRECOECHEA** )  
 Email- [mmendibe@cikautxo.com](mailto:mmendibe@cikautxo.com) )
6. **ANTARA NANDI** )  
 Email- [mmendibe@cikautxo.com](mailto:mmendibe@cikautxo.com) )  
 No. 2 to 6 are the Directors of Cikautxo India Pvt )  
 Ltd. Having their Office at Survey No. 662, Pune- )  
 Mumbai Road, Talegaon- Dabhade, Pune- 410506 )  
 Email- [cikautxo@cikautxo.com](mailto:cikautxo@cikautxo.com) )
7. **THE SECRETARY** )  
 Ministry of Environment, Forest and Climate )  
 Change, Having office at Indira Paryavaran )  
 Bhavan, Jorbagh Road, New Delhi 110003 )  
 Email- [manju.pandey@nic.in](mailto:manju.pandey@nic.in) )
8. **PRINCIPAL SECRETARY** )  
 Environment Department, )  
 Government of Maharashtra, Mumbai 400032 )  
 Email- [mah.env@nic.in](mailto:mah.env@nic.in) )
9. **THE MEMBER SECRETARY,** )  
 Maharashtra Pollution Control Board, Having its )  
 office at- Kalpataru Point, 3<sup>rd</sup> Floor, Opp. )  
 Cineplanet, Sion East, Mumbai- 40022 )  
 Email- [ms@mpcb.gov.in](mailto:ms@mpcb.gov.in) )
10. **REGIONAL OFFICER PUNE II,** )



Jog Centre, 3<sup>rd</sup> Floor, Wakdewadi, Old- Pune )  
 Mumbai Highway, Pune- 411003 ) ... Respondents  
 Email- [ropune@mpcb.gov.in](mailto:ropune@mpcb.gov.in)

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.**

**1 to 6**

I Tilak Agarwal, Age 38 years, Occupation Service, Respondent No. 1 and 6, O/at having my office at Survey No. 662, Pune Mumbai Road, Talegaon, Dabhade, Pune - 410 506, do hereby state on solemn affirmation as under: -

1. I state that Authorized Representative of Respondent No. 1 company. I am aware of the facts involved in the present case on the basis of the records maintained by Respondent No. 1 in its ordinary course of business. I am, therefore, competent to depose to the statements in the present Affidavit. I have perused a copy of the present Application and I am filing the present Affidavit in reply thereto on behalf of Respondent No. 1 to 6. I have been duly authorised to file the present Affidavit by Respondent No. 1 to 6.
2. At the very outset, I deny each and every statement, averment, allegation and/or contention in the present Application in toto.



Nothing contained in the present Application shall be deemed to be admitted by any of the answering Respondents for want of specific traverse.

3. At the further outset, I say that the present Application as well as the execution proceedings have been filed by the Applicant are only with a malafide intention to obstruct the business of Respondent No. 1.
4. I state that the Respondent No. 1 is a company duly incorporated under the provisions of The Companies Act 1956. It is a Company within the meaning of an existing company under Section 2 of The Companies Act, 2013, having its registered office at S.No. 662, Mumbai Pune Road, At Post: Talegaon Dabhade, Tal. Maval, Dist Pune 410506. Respondent No. 1 is inter-alia engaged in the business of manufacturing of rubber hose and assemblies for automotive applications. The company is fully owned subsidiary of Cikautxo India Pvt. Limited Pune. The plant was set up on 31/01/2011 after the consent was received from various public authorities including the Maharashtra Pollution Control Board. I state that the said plant was initially owned by Indus



Australia Corporation. It subsequently was transferred to Cikautxo Taurus Flexibles Private Limited and thereafter demerged into the Respondent No.1.

5. I further submits that it had received the consent to operate vide consent order dated 29.9.2011 bearing reference ROP/E-25/CC/UB/PUNE/484/11 and accordingly the manufacturing activities commenced with effect from 01.07.2011.
6. I say that Respondent Nos. 1 to 6 have tendered various documents and supporting material before the MPCB vide Reply dated 12<sup>th</sup> December 2022 and Reply dated 29<sup>th</sup> November 2023. This material was crucial for arriving at a proper and fair assessment and, therefore, ought to have been considered by Respondent Nos. 9 and 10 prior to computing the Environmen Damage Compensation.
7. I say that I am shocked and surprised to note that Respondent Nos. 9 and 10 have miserably failed to consider any of the documents tendered. Such inaction is also in breach of the Order dated 17th October 2022, which expressly directed the MPCB to consider our documents and material before



arriving at any assessment. Amongst others, MPCB has not considered the following-

- (i) Letter dated 15<sup>th</sup> May 2019 addressed by Respondent No. 1 to MPCB in response to the Show Cause Notice dated 9<sup>th</sup> May 2019. Along with this letter, Respondent No. 1 had, inter alia, enclosed Source Emission Report conducted in March 2019 and May 2019 to determine the quality of emissions from the stack attached to the boilers. The said Reports showed that all emissions were within the MPCB limited. Hereto annexed and marked as **Exhibit "A"** is a copy of the said letter dated 15<sup>th</sup> May 2019.
- (ii) Letters dated 26<sup>th</sup> February 2020 and 25<sup>th</sup> September 2020 addressed by Respondent No.1 to MPCB in response to the Interim directions dated 19<sup>th</sup> December 2019. By the said letters, Respondent No. I - (a) stated that it was sincerely operating the air pollution control system continuously as well as carrying out self-monitoring of the stack emission; (b) set out, in detail, the measures being taken by



Respondent No. 1 in the operation of air pollution control systems; (c) stated that it was compliant with all MPCB norms and conditions of the Consent to Operate; and (d) stated that around 300 employees were working in the factory of Respondent No. 1 and none of them have faced any effect of the purported carbon poisoning as were being alleged by the Applicant. Hereto annexed and marked as **Exhibit “B”** and **“C”** are copies of those letters dated 26<sup>th</sup> February 2020 and 25<sup>th</sup> September 2020 addressed by Respondent No. 1 to MPCB respectively.

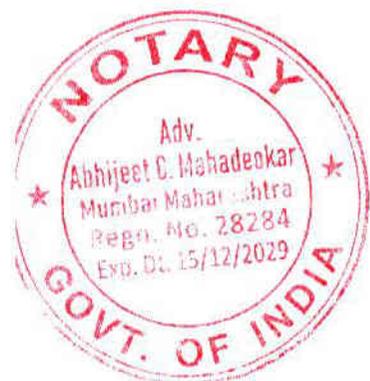
- (iii) Letter dated 10<sup>th</sup> November 2020 addressed by Respondent No. 1 to MPCB. The said letter, apart from setting out, in detail, the measures being taken by Respondent No. 1 towards operating the air pollution control systems, Respondent No.1 also enclosed Stack Monitoring Report dated 6<sup>th</sup> November 2020 whereby it was found that the emissions were within limits as set out in the Consent to Operate issued by MPCB. Hereto



annexed and marked as **Exhibit “D”** is a copy of the said letter dated 10th November 2020 addressed by Respondent No. 1 to MPCB.

- (iv) Letter dated 16<sup>th</sup> February 2021 addressed by the Respondent No. 1 to MPCB. By the said letter, Respondent No. 1 set out that it was sincerely operating the air pollution control systems continuously as well as carrying out self monitoring of the stack emission. In the said letter, Respondent No.1 has also set out, in detail, the measures being taken by Respondent No. 1 in that regard. Hereto annexed and marked as **Exhibit “E”** is a copy the said letter dated 16<sup>th</sup> February 2021 addressed by Respondent No. 1 to MPCB.

8. I state that the methodology for assessment of environmental compensation adopted by the MPCB is per se, erroneous and is based upon the formula set out by the MPCB in connection with a matter OA No. 593/2017 in *Paryavaran Suraksha Samiti Vs Union of India* dated 28/8/2019. I state that per se the methodology adopted by the MPCB is erroneous. The



formula adapted by MPCB is restricted to NCR Delhi. The indices and factors are region specific and not in connection with the matter under consideration. I further state that the MPCB ought to have taken a thorough assessment to the extent of the actual pollution that has caused. The MPCB also ought to have taken into consideration the location of the plant which is situated adjacent to the Highway. I state that the number of days calculated by the Applicant from date of consent order i.e. 28.09.2015 till 22.03.2023 is erroneous. Hence the compensation of Rs. 6,40,54,688/- (Rupees Six Crores Forty Lakhs Fifty-Four Thousand Six Hundred and Eighty Eight only) is false, erroneous and without any proper justification.

9. MPCB has failed to consider the following material facts before arriving at the impugned assessment –

- (i) In 2018, Respondent No. 1 installed a full proof dust collector cum wet scrubber system with 30-meter stack height, dry scrubber system instead of wet scrubber and that it undertook stack monitoring at regular intervals. Respondent No.1 installed a state of the art Chimney system, stack material M.S., stack height 30 meters



from base, stack diameter 2 meters. Stack Monitoring Reports and the Source Emission Analysis Reports between the years 2019 and 2021 are annexed hereto and marked as **Exhibit “F”**. The Source Emission Analysis Reports indicate the carbon particulate matter, which is well below the limit prescribed by MPCB.

- (ii) The exhaust system which was already in place achieved zero discharge of carbon particle emission.
- (iii) Respondent No. 1 undertook SS dry type scrubber filter cleaning every 15 days and boiler internal tube cleaning every month.
- (iv) Burner fuel and air ratio frequency are set by third party using analyzer.
- (v) Respondent No.1 enhanced its system and modified the dust collector with dust removal arrangement with two sonic horns and rotary actuator.
- (vi) The boiler burner flame was changed from furnace oil to LPG Gas thereby ruling out any carbon particle emission



10. I state that the respondent was never given an opportunity to remain present in the proceedings of the 17<sup>th</sup> January 2022 Order directing MPCB to assess the Environmental Damage Compensation. The order dated 17<sup>th</sup> January 2022 has been passed ex-parte without giving us an opportunity for the respondent to appear and present itself before this Hon'ble Tribunal. I further state that the execution proceedings are premature and not maintainable.
11. I state that the order dated 17<sup>th</sup> January 2022, which directs this impugned assessment, has been passed ex-parte without giving do you opportunity for the respondent to appear and present itself before this Hon'ble Tribunal.
12. The Impugned Order is passed without jurisdiction and is, accordingly, a nullity and is liable to be quashed and set aside;
13. That the Hon'ble National Green Tribunal has been established under the provisions of the National Green Tribunal Act, 2010 ("the said Act"). The provisions of the said Act are binding on the Hon'ble Tribunal, in relation to all aspects of its functioning and discharge /exercise of powers granted under the said Act.

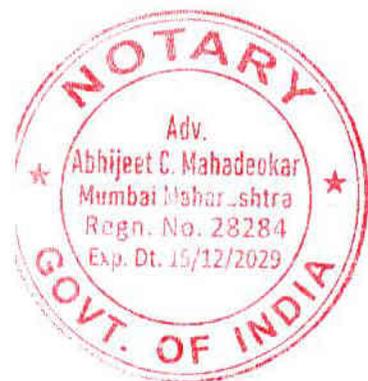


14. Section 4(3) of the said Act provides that the Central Government may, by Notification, specify the ordinary place or places of the sitting of the Tribunal and the territorial jurisdiction falling under each such place of sitting. Section 4(4) of the said Act provides that the Central Government, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedures of the Tribunal, inter alia, including in respect of circuit procedure for hearing at a place other than ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3) of Section 4 of the said Act.
15. There are no rules enacted/formulated by the Central Government as envisaged under Section 4(4) of the said Act for hearing of a matter under the said Act at a place other than the place of its sitting falling within the jurisdiction referred to in sub-section (3) of Section 4 of the said Act.
16. That Respondent No. 3 in exercise of its powers under Section 4(3) of the said Act has notified the ordinary places of sitting of the National Green Tribunal and the extant of the territorial jurisdiction of each such Bench (place of sitting). In respect of matters arising within the territorial limits of the State of

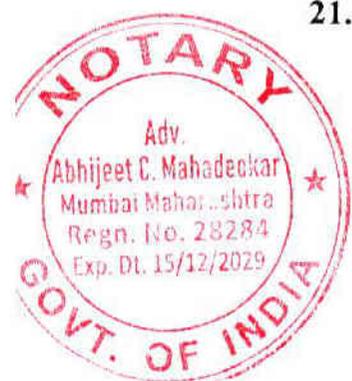


Maharashtra, the Bench of the Hon'ble Tribunal having its place of sitting at Pune (known as the Western Zone Bench) has been designated as the Bench having jurisdiction to adjudicate appeals/ applications under the said Act. The Petitioners crave leave to refer to and rely upon the said Notification dated 17th August 2011 issued by Respondent No. 3, when produced.

17. That in absence of any rules regulating the procedure for hearing of appeal/application at a place other than the ordinary place of sitting, as per Section 4(3) read with the said Notification dated 17<sup>th</sup> August 2011, no Bench of the Hon'ble Tribunal other than the Bench having jurisdiction is authorised or empowered to hear any appeal/application under the said Act.
18. That it appears that the Chairperson of the Hon'ble Tribunal had issued notices constituting a Special Bench seated at New Delhi, comprising of Members from various benches /places of sitting of the Hon'ble Tribunal. It is submitted that such notices were without authority of law and contrary to the said Act and the said Notification dated 17th August 2011.



19. That the Full Bench of this Hon'ble Court in its decision in the **Goa Foundation vs. the National Green Tribunal & Ors. reported in 2022 SCC OnLine Bom 2762** has set aside the said notices and held that the constitution of the Special Bench is illegal. In the said decision, the Full Bench of this Hon'ble Court has held that the Members of only the Western Bench of the Tribunal can adjudicate matters arising from Maharashtra; a copy of the **Goa Foundation vs. the National Green Tribunal & Ors.** is hereto marked and annexed as **Exhibit "G"**.
20. That the Western Zone Bench of the Hon'ble Tribunal was the only Bench which was authorized to adjudicate the said Original Application and which had taken cognizance of the same as evidenced from **Sushil Kumar Mehta v. Gobind Ram Bohra (Dead) through his LRS reported in 1990 SCC 193**. A copy of **Sushil Kumar Mehta v. Gobind Ram Bohra (Dead) through his LRS. (1990 SCC 193)** is hereto marked and annexed as **Exhibit "H"**.
21. That the Impugned Order, having been passed by the Special Bench is thus without jurisdiction and a nullity in the eyes of law.



22. I state that the while the Order dated 17<sup>th</sup> January 2022 is without jurisdiction, Respondents No. 1-6 have not breached Orders either this Order or Order dated 1<sup>st</sup> October 2021. In compliance with the order dated 17.01.2022, the company had deposited an amount of Rs.5,00,000/- (Rupees Five Lakhs Only) vide cheque dated 21.02.2022 bearing no 003925 drawn on HDFC Bank Limited in favour of MPCB, Mumbai reserving all rights and contentions that vest in the Company. The Respondents have complied with the Order dated 01.10.2021 by depositing the amount of Rs. 5,00,000/- as compensation. Rest of the contents of this para are denied by me.
23. I state that this impugned assessment is wrongly found. It is absolutely false that Respondents No. 1 to 6 have caused damage to the property of the Applicant and to the surrounding environment due to the pollution activities of the Respondents and its Directors.
24. Respondent No. 1 Industry operates two boilers—one in active use and the other as standby—both LPG-fired and equipped with a scrubber system connected to a common 30-meter stack. Since June 2021, the boilers have exclusively



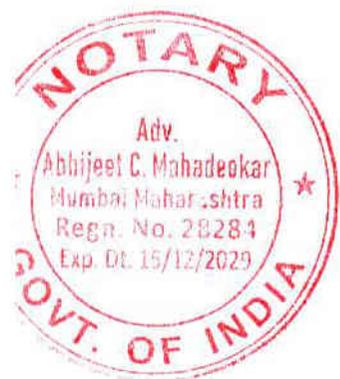
operated on LPG, and Furnace Oil has been completely discontinued. The Industry also maintains two DG sets of 500 KVA each with acoustic enclosures and appropriate APC systems. It is relevant to note that the Company has never violated any consent conditions issued by MPCB, nor has there been any actual carbon emission from the chimney. The premises also maintain substantial green cover, including periodic tree plantation initiatives and an abundance of fruit-bearing trees.

25. Accordingly, the purported assessment of environmental compensation of Rs. 1,44,60,937.5/- is wholly erroneous, unsupported by any formal order, and in any event, the Respondent is not liable to pay the said amount.
26. I state that Respondent No. 1 has complied with all the conditions relating to treatment of domestic effluents. I state that it is pertinent to note that the Respondents No. 9 and 10 in their visit report had specifically mentioned that the Company has provided ETP of 5 CMD consisting of collection tank/ reaction tank, sludge drying bed, sand and carbon filter and that the treated effluent is used for gardening purpose. The industry has upgraded the existing ETP and the

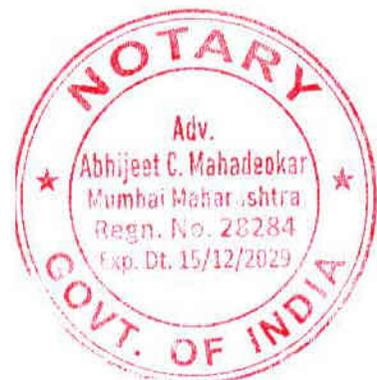


same was found in operation. For domestic effluent, the Respondent No. 1 Industry has provided septic tank and soak pit.

27. I state that Respondent No. 1 has been in compliance of all the environmental norms. The Respondent No. 9 and 10 have recognized this in their visit report wherein they have stated that Respondent No. 1 Industry has provided 2 numbers of boilers, out of 2, one boiler is used and another is kept as standby. These boilers are LPG fired boilers and provided with scrubber system with one common stack of 30 Mtrs height and that the said boiler is running on LPG since June 2021 on regular basis and industry has stopped using Furnace Oil as fuel to the boilers. I state that the visit report is sufficient to prove that the Respondent No. 1 is complying with the Consent to operate dated 20.09.2021.
28. I further state that the Respondent No. 1 has complied with the contents of Consent to operate dated 20.09.2021 and has stopped using furnace oil as fuel and has shifted to LPG since June 2021. I state that the same is evident from the Visit report issued by the Respondent No. 9 and 10 dated 24.11.2021. I state that the Respondent No. 1 had assured the Respondent



No. 9 and 10 that it is shifting to LPG from furnace oil and that it is conducting trials. I state that the same is evident from the visit report issued by Respondent No. 9 and 10 dated 15.02.2021, 09.04.2021 and 25.05.2021. I state that the Respondent No. 1 by a reply dated 23.06.2021 had informed that the Respondent No. 1 has been changing boiler fuel from furnace oil to LPG gas and trials are conducted successfully on December 2020 and the reports are within MPCB limit. I state that LPG storage shed work and pipeline work and legal work is completed and boiler fire on LPG in the Month of May 2021. I state that the Respondent No. 1 by a reply dated 24.11.2021, had informed that Respondent No. 1 Industry has provided 2 nos of boilers, out of 2, one boiler is used and another is kept as standby. These boilers are LPG fired boilers and provided with scrubber system with one common stack of 30 Mtrs height and that the said boiler is running on LPG since June 2021 on regular basis and industry has stopped using Furnace Oil as fuel to the boilers. I stat that the boilers as on today post installation of the LPG fired Boilers are kept on standby and for emergency. The respondent No.1 has not used the furnace oil as fuel post installation of the Gas Fired



Boilers. The doctrine of preponderance of probability does not come into picture.

29. I state that MPCB has also failed to consider that Respondent No. 1 by a reply dated 13.03.2018 had stated that the Respondent no. 1 have installed and commissioned full proof dust collector cum wet scrubber system attached to the furnace oil fired from boiler stack and that such system started working since 1.5 years and has ensured complete arrest of emission of carbon particles oozing out of the boiler stack. I state that for domestic effluents, the Respondent no. 1 had provided 3 septic tanks for collecting domestic effluents inside the factory and the same domestic effluent is treated in the Company's existing ETP/STP as and when necessary and that sometimes septic tank sewage is disposed outside through tanker by local contractor. I state that disposal of HW is done through MEPL Ranjangaon and spent oil is recycled through authorized recyclers.

30. I state that MPCB has miserably failed to consider the stance of the Respondent No. 1 as put forth in its reply dated 15.05.2019, 26.02.2020, that the industry as well the property of the Applicant is adjacent to Mumbai- Pune old highway



and hence heavy traffic movement of vehicles and vehicular emission can be a reason for dust emission. I further states that about 350-400 employees are working in the Respondent No. 1 industry and none of the employees have faced any effect of carbon poisoning from last 20 years. I state that the Respondent undertakes yearly medical checkup of all its employees. I state that the medical reports of the employees show that they are not harmed by the carbon poisoning. The Respondent has stated in the reply that the Applicant is quoting wrong facts about poisoning to his cow due to carbon poisoning from the Respondent No. 1 Industry and that the Respondents are not using any chemicals in the process and hence the question of poisoning does not arise. In fact, if there is any poisoning as claimed by the Applicant, the employees will suffer first before the cows of the Applicant.

31. I state that that the Respondent no. 10 and other officials never checked whether the Respondent no. 1 Company has adequate pollution control measures installed before giving consent in year 2015. I state that the Respondent No. 10 has from time to time visited the Respondent No. 1 and has issued visit reports. I state that the Respondent no. 1 has replied from time to time



to the said visit reports and has also complied with the necessary orders issued by Respondent No. 10. I also state that the Respondent no. 1 has from time to time issued Bank guarantees. I state that the consent to operate received from the Respondent No. 10 is after due compliance of all the required formalities and in compliance of all the necessary norms as prescribed by Respondent No. 10.

32. I state that the Respondent No. 1 has also taken steps to take care of waste water generated from production is discharged into open gutter outside premises I state that the treated water is recycled inside the factory premises for gardening. I state that the excess treated water is given to CETP, Talegaon as per agreement made and authorised by MPCB. I state that the Respondent No. 1 had already installed 100 feet height Chimney to maintain all parameters to avoid emission of carbon particles in air and also propose to install wet scrubbers. I state that the Company has provided dust collection systems for air pollution followed by dry scrubber to the boiler and also provided stack of 30 meters height to the boilers. The Company has constructed compound wall and over the wall green cloth is provided as a barrier to prevent



nuisance to the Applicant however the Applicant is demolishing the compound wall and damaging green cloth. The Applicant is dumping cow dung in the premises of the company I state that the Respondent No. 1 is doing air, water and stack monitoring as per procedure and that sufficient trees are planted and greenery is maintained inside the premises. I state that the said acts do not amount to causing pollution and that the Respondent No. 1 is undertaking the acts of plantation of trees and maintaining greenery as a part of environment protection. I state that industry is located in the "Pollution Prevention Area" under the water Act, 1974, under the Air Act, 1981 and Hazardous Waste (Management and handling) Rules, 1989.

33. I state that Respondent No. 1 has taken various steps to comply with the environmental norms including that the Industry has provided 2 nos of boilers, out of 2, one boiler is used and another is kept as standby. These boilers are LPG fired boilers and provided with scrubber system with one common stack of 30 Mtrs height and that the said boiler is running on LPG since June 2021 on regular basis and industry has stopped using Furnace Oil as fuel to the boilers.



34. I state that the Environment Damage Compensation as provided by Respondent No. 9 and 10 are as such bad in law, malafide and improper. I crave leave to rely on the narrations set out hereinabove. I state that the Respondents No. 1 to 6 are not liable for an amount of Rs. 1,44,60,937.5/- (Rupees One Crores Forty Four Lakhs Sixty Thousand Nin Hundred and Thirty Seven only) as assessed. I therefore state that the present Application deserves to be rejected.

Dated this 26<sup>th</sup> day of November 2025.

For M/s. Dhruve Liladhar & Co.

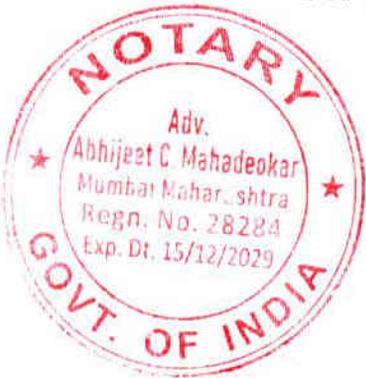
For Cikautxo India Pvt Ltd

*R. S. Aulicwale*

*Tilak Agarwal*

(Partner)  
Advocates for Respondent Nos.  
1 to 6

Tilak Agarwal  
(Authorised Representative of  
Respondent Nos. 1 to 6



VERIFICATION

I, **TILAK AGARWAL**, duly authorised representative of Respondent No. 1 and also authorised to affirm this Affidavit on behalf of Respondent Nos. 2 to 6 in the above Execution Application, having my office at survey no. 662, Pune Mumbai Road, Talegaon, Dabhade, Pune - 410 506, do hereby solemnly state that what is stated in the aforesaid paragraphs is true to my own knowledge and belief and I believe the same to be true.

Solemnly declared at )  
on this 26 day of November, 2025. )

**26 NOV 2025**

For **Cikautxo India Pvt Ltd**

*Tilak Agarwal*

**Tilak Agarwal**  
(Authorised Representative of  
Respondent Nos. 1 to 6

Identified by me:

For **M/s. Dhruve Liladhar & Co.**

*R. S. Sawade*

**Partner**  
**Advocates for Respondent Nos.1 to 6**

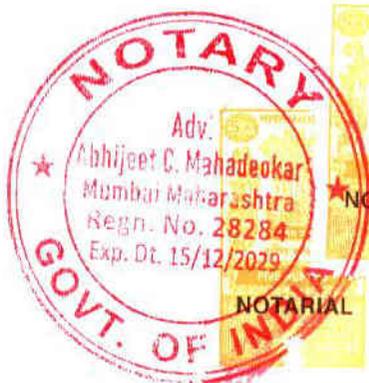
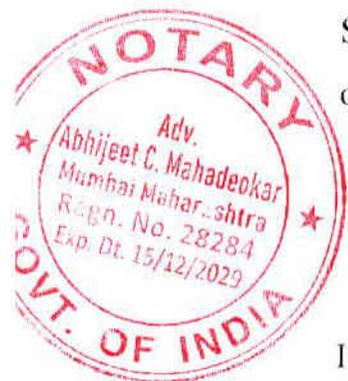
Before me,  
**BEFORE ME**

*[Signature]*  
**26 NOV 2025**

**ABHIJEET C. MAHADEOKAR**  
ADVOCATE & NOTARY GOVT. OF INDIA  
Vizad Business Centre, 2nd Floor,  
Birla Mansion, 134, Nagindas Master Road,  
Next to Commerce House,  
Fort, Kalaghoda, Mumbai - 400 001.

**NOTED & REGISTERED**  
Page No.: 12 Book-I  
Sr. No.: 55 Date: **26 NOV 2025**

Original Seen & Verified				
Aadhar	PAN	DL	Passport	Voter Id.
		✓	BBGPA7300D	



Date: 15.05.2019

To,  
The Regional Officer Maharashtra  
Pollution Control Board,  
Third Floor, Jog Centre, Mumbai Pune Road,  
Wakdevadi, Shivajinagar, Pune — 411003

Subject: Reply to show cause notice

Reference: Your SCN date 09/05/2019 letter number ROP190509-FTS-0116 received by email on 09/05/2019

Dear Sir,

We have received above referred SCN by email on 09/05/2019, accordingly we are submitting our reply as below-

1. Our neighbour Mr. Hasabnis is frequently submitting complaints to various Government Authorities with malafide intention. He used to visit our industry illegally & demands for money and threats that if we will not pay him money, he will lodge complaint to various government departments. It is therefore requested to verify the truth before taking any action against us.

2. We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is best quality furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission (Copy of stack monitoring report of March & May 2019 is attached herewith). It is very much clear from the reports that the quality of emission is qualifying the prescribed norms and you will agree the same with us.

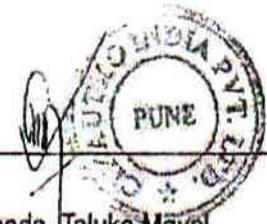
3. We have constructed compound wall & over this wall green cloth was provided, a barrier to prevent any nuisance to Mr. Hasabnis. However he has started demolishing the compound wall & damaging the green cloth. He is dumping the cow dung in our premises frequently & threatens our company employees too. We have lodged complaint against Mr. Hasabnis in Talegaon police station due to his nuisance activity (Copy of complaint filed to police station is attached herein).

4. The location of our industry as well as property of Mr. Hasabnis is adjacent to Mumbai- Pune old highway & there is heavy traffic movement of vehicles daily on this road. Vehicle emission can also be another source of dust emissions and other industries in the same area are contributing also. It is requested to verify this point.

Received on Dt. 16/5/19  
R. O. M. P. B. Pune  
Clark

**Cikautxo India Private Limited**

Survey Number 662, Old Pune - Mumbai Highway, Talegaon Dabhada, Taluka Maval,  
District Pune-410 506, Maharashtra, India. Phone: 0091-2114-660100;  
Fax: 0091-2114-660115



5. In our industry about 350-400 employees are working & none of the employees have faced any effect of carbon poisoning from last 20 years of commissioning of industry. Mr. Hasabnis has quoted wrong facts about poisoning to his cow due to carbon emissions from our industry. We are not at all using any chemicals in our process, hence there is no question of poisoning. In fact, if there is any poisoning, employees will suffer first before the cows of Mr. Hasabnis. It is therefore humbly requested to consider this fact before deciding any conclusion.

6. We have planned to do intensive tree plantation towards the compound wall adjacent to Mr. Hasabnis in the upcoming monsoon too. We are putting our sincere efforts for operating the pollution control system & not causing any nuisance in the surrounding area.

In view of above, it is request to verify the facts quoted by us & not to initiate any further legal action against us.

Kindly acknowledge the receipt of the same.

Thanking You,

Yours Faithfully,

For Cikautxo India Private Limited



Vinod Mate  
Head - HR & Administration



Ivan Uberia  
Chief Executive Officer

Encl:

- Latest Boiler Testing Report (March & May 2019)
- Copy of complaint filed to police station against Mr. Hasabnis
- Photos of cow dung
- Latest Report for Boiler Chimney scrubber filter cleaning

Copy for information & necessary action to:

Sub Regional Officer (S.R.O.), Maharashtra Pollution Control Board (MPCB), Pune.

TEST CERTIFICATE

Report No: GESEC/2019-20/05/769	Date of Report	15/05/2019
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan/Dahhade, Tal- Maval, Dist- Pune.	Date of Sampling	13/05/2019
	Start Date of Analysis	13/05/2019
	End Date of Analysis	15/05/2019
	Sample Location	10R Boiler Chimney (Myling)
Sample Details	Stack	
Time of Sampling	13.00	
Sample Collected By	Shikok Consultancy Services	

Source Emission Analysis Report

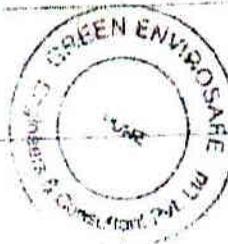
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1	Material of Stack	M.S.		
2	Stack Height	30	Mtr	
3	Type of Stack	Trapezoid		
4	Sampling Duration	30	Min.	
5	Flue Gas Temperature	378	°K	
6	Differential Pressure	4.0	mmWG	
7	Velocity	7.3	M/s	
8	Dimensions of Stack	1.25	Mtr	
9	Stack Area	1.2265	M <sup>2</sup>	
10	Gas Volume	25704.99	NM <sup>3</sup> /Hr	
11	Particulate Matter	56.4	mg/NM <sup>3</sup>	≤ 150
12	Sulphur Dioxide (SO <sub>2</sub> )	10.2	mg/NM <sup>3</sup>	N.S
13	Sulphur Dioxide (SO <sub>2</sub> )	6.2	Kg/day	≤ 186
14	Oxide of Nitrogen (NO <sub>x</sub> )	12.3	mg/NM <sup>3</sup>	50
15	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16	Acid Mist	BDL	mg/NM <sup>3</sup>	50

Remark(s):

- All above results are well within MPCB Limit.
- N.S - Not Specified
- BDL - Below Detectable Limit.

ANALYZED BY:

*Shikok*



AUTHORIZED SIGNATORY:

*Shikok*

Terms and conditions:

- The report is refer only to the sample tested and not applicable to the full.
- The result shown in this report may differ based on various factors including composition, humidity, pressure, direction, etc.
- The test report cannot be re-issued initially as an error and cannot be used for governmental or public purposes without the written consent of Geec.
- Samples will be returned to you within (7) days after a receipt of analysis. Longer retention periods are at a charge, on request of the customer.
- We strictly maintain the confidentiality of all test results of samples collected by us, except by customer and not reveal to third party unless required by the relevant legal requirement.
- MoEF approved Lab by Govt. of India from date: 08/02/2017 to 08/02/2027.



**GREEN ENVIROSAFE**  
Engineers & Consultant Pvt. Ltd.

Survey No-1405/07, Mayur, Baskherky, Shop No-10, 1st Floor, Sanaswadi, Tal-Shirur, Pune-412208  
Mob: 9545204620 | Email: gese@123@gmail.com | www.greenenvirosafe.com  
CIN No: U74900PNX01317C149689

Recognized by Ministry of Environment, Forest & Climate Change (MoEF) Govt. of India and ISO/IEC 17025:2005 (NABL), ISO 9001:2015 and OHSAS 18001:2007 Certified Company

TEST CERTIFICATE				
Report No: GESEC/2018-19/03/6936		Date of Report	28/03/2019	
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.		Date of Sampling	21/03/2019	
		Start Date of Analysis	22/03/2019	
		End Date of Analysis	28/03/2019	
		Sample Location	IBR Boiler Chimney (Nylon)	
		Sample Details	Stack	
		Time of Sampling	12:30	
Sample Collected By		Shlok Consultancy Services		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	365	$^{\circ}$ K	
6.	Differential Pressure	4.4	mmWG	
7.	Velocity	7.61	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	$M^2$	
10.	Gas Volume	27435.5	$NM^3/Hr$	
11.	Particulate Matter	52.52	$mg/NM^3$	$\leq 150$
12.	Sulphur Dioxide ( $SO_2$ )	9.3	$mg/NM^3$	N.S
13.	Sulphur Dioxide ( $SO_2$ )	6.12	Kg/day	$\leq 186$
14.	Oxide of Nitrogen ( $NO_x$ )	14.2	$mg/NM^3$	50
15.	Ammonia ( $NH_3$ )	BDL	$ug/M^3$	N.S
16.	Acid Mist	BDL	$mg/NM^3$	50
Remark(s):				
<ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL - Below Detectable Limit.</li> </ul>				
ANALYZED BY-				AUTHORIZED SIGNATORY-

#### Terms and conditions

- The report is refer only to the sample tested and not apply to the bulk.
- The result shown in this report may differ based on various factors including temperature, humidity, pressure, retention time etc.
- The test result cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, GSECC.
- Samples will be retained for a period of seven (7) days after completion of analysis. Longer retention periods can be arranged, on request of the customer.
- We strictly maintain the confidentiality of all test result of sample(s) collected by us, supplied by customer and not need to third party unless required by the industry or legal requirement.

Ref: CIPL/HR/Legal/12/2018  
Date: 18/12/2018

To,  
The Police Inspector,  
Talegaon Dabhade Police Station,  
Tal - Maval, Dist - Pune  
410506, Maharashtra.

Attend: Mr. Jadhav / Mr. Narayan Pawar

**Complaint against Mr. Mahendra Govind Hasabnis**

**Subject:** Damaging to the company property and trying to steal company assets and things that are belonging to company.

Dear Sir,

This is with reference to our last complaint submitted to police station dtd August 03, 2018 that our neighbor Mr Mahendra Govind Hasabnis has broken the company wall compound and throwing the cow shit in our company premises to damage our property, such acts will be done with the purpose or intention of stealing something from company premises.

We will also like to inform you that this is not the first time he has done this act, on the basis on mutual understanding and human courtesy we were informing him for not to do such things but now we have realized that the person is not in condition to understand and we have fear that such acts is only be done with the purpose of stealing or rob something from our premises.

As we are manufacturer of rubber hoses and nylon pipes, there are various raw materials and other costly things kept in our premises which can be easily stolen by Mr. Mahendra Govind Hasabnis the way he has broken the company safety wall compound.

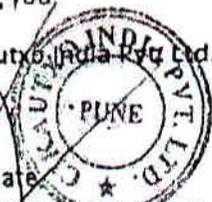
We would like to bring your notice that he has not only broken the wall compound but every day he is throwing cow shit in our premises with the intension to damage our property due to which we are unable to make the material movement in our premises.

Therefore, we request you to please register our complaint and help us make the further process as per law.

Thanking you,

For Cikautxo India Pvt Ltd.

Vinod Mate  
Head - HR & Administration



*Handwritten signature*  
Date - 7/11/19  
74-25

नाटिस

(कि.पो.का.क.म. २४९ अन्तर्ग)

प्रति

श्री. तसवतिस

म. लि. म. पा. दा, तळेगाव बा. भा. खे.

त्या अर्धी आपणा तसेच विक्रात्सो इंडिया कंपनी लि. व फाटा यांचेमध्ये आपणात वादविवाद आहेत. तसेच ज्या अर्धी आपणावरुद्ध कंपनीने तक्रारी अर्ज पोलीस ठाणेस दिलेला असून त्यानुसार आपण कंपनीचा आवासात शरण टाकलेले निदर्शनास येत आहे. तसेच आपले सवरचे वर्तनामुळे कंपनीतील कामगारांचे स्वास्थ्यास बाधा निर्माण होण्याची शक्यता नाकारता येत नाही. तसेच आपण कंपनीतील कामगारांना शिवीमाले केल्याचे निदर्शनास येत आहे.

त्या अर्धी आपणास या नाटिसद्वारे समज देण्यात येते की, सार्वजनिक स्वास्थ्याचे दृष्टीने आपण त्वरीत कंपनीचे आवासात टाकलेले शरण त्वरीत काढून घ्यावे. तसेच आपले वर्तनामुळे कोणताही कायदाच सव्यस्थचा प्रश्न निर्माण होणार नाही याची दक्षता घ्यावी.



*[Handwritten Signature]*  
 पोलीस अधीक्षक  
 मुंबई

Date: 26.2.2020

To,  
The Sub Regional Officer Maharashtra  
Pollution Control Board,  
Third Floor, Jog Centre, Mumbai Pune Road,  
Wakdevadi, Shivajinagar, Pune — 411003

Subject: Reply to Interim direction

Reference: Your letter date 19.12.19 letter number MPCB /ROP/ID/1912190001

Dear Sir,

We have received above referred Interim direction on 20.12.19, accordingly we are submitting our reply as below-

1. As per your direction we're submitted bank guarantee (HDFC Bank) on 23th January 2020, the aforesaid Rs 25000/- is valid up to Dec 31, 2026.

2. We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission. Also we are take following action on that.

- A. S.S. Dry type scrubber filter's cleaning schedule revised from monthly to every 15 days. We are cleaning filter's and sending the carbon black to MEPL from December, 2019. Also scrubber twitter system will be further analyzed for improving performance. 31.3.20
- B. Burner fuel and air ratio frequency are set by third party using analyzer. The schedule has been revised from yearly to Every six-month frequency from Dec, 2019.
- C. Boiler internal tube's cleaning carryout every month instead of six months from January 2020.
- D. Outside premises and stack area, cleaning daily basis instead of weekly from December, 2019

7. The location of our industry as well as property of Mr. Hasabnis is adjacent to Mumbai- Pune old highway & there is heavy traffic movement of vehicles daily on this road. Vehicle emission can also be another source of dust emissions.

8. In our industry about 300 employees are working & none of the employees have faced any effect of carbon poisoning from last 20 years of commissioning of industry. Mr. Hasabnis has quoted wrong facts about poisoning to his cow due to carbon emissions from our industry. We are not at all using any chemicals in our process, hence there is no question of poisoning. In fact, if there is any poisoning, employees will suffer first before the cows of Mr. Hasabnis. It is therefore humbly requested to consider this fact before deciding any conclusion.

9. We are already doing intensive tree plantation towards the compound wall adjacent to Mr. Hasabnis and increase more tree plantation in the upcoming monsoon too. We are putting our sincere efforts for operating the pollution control system & not causing any nuisance in the surrounding area.

Received on Dt. 28/02/2020  
98  
Clerk  
R. O. M. P. C. B. Pune

### Cikautxo India Private Limited

Survey Number 662, Old Pune - Mumbai Highway, Talegaon Dabhade, Taluka Maval,  
District Pune-410 506, Maharashtra, India. Phone: 0091-2114-660100;  
Fax: 0091-2114-660115 website: [www.cikautxo.in](http://www.cikautxo.in) CIN: U25199PN2011PTC138415



We hereby request you to kindly take a note of the above mentioned points and absolve us from any further legal actions since we are taking enough measures to complete compliance procedures as suggested during your visit to our premises on the aforesaid date.

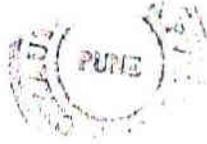
Kindly acknowledge the receipt of the same.

Thanking You,

Yours Faithfully,

For Cikautxo India Private Limited

Sandip Patil  
Head - HR & ADMIN



Encl: Nil

Copy for information & necessary action to:

S.R.O., Pune I & II, Maharashtra Pollution Control Board, Pune

# MANIFEST FOR HAZARDOUS AND OTHER WASTE

# 586

# 35

1. Sender's Name & Mailing Address (including Phone No. and E-mail):	<b>CIKAUTXO INDIA PVT. LTD.</b> S.No.662, Mumbai-Pune Road Talegaon Dabhade, Pune-410306		
2. Sender's authentication No.:			
3. Manifest Document No.	64750	<b>MAHARASHTRA ENVIRO POWER LTD.</b> P-56, MIDC, Ranjangaon-412220 Tal-Shirur, Dist-Pune. Tel. (02138) 670351	
4. Transporter's Name & Address (including Phone No. & E-mail)			
5. Type of Vehicle	(Truck / Tanker / Special Vehicle)		
6. Transporter's Registration No.			
7. Vehicle Registration No.	MH-12-JF-1115		
8. Receiver's Name & Mailing Address (including Phone No. and E-mail):	<b>MAHARASHTRA ENVIRO POWER LTD.</b> PLOT NO. P-56, MIDC RANJANGAON, TAL-SHIRUR, DIST-PUNE - 412220. Landline No. +91-02138-670352, Fax No:+91-02138-670350		
9. Receiver's authorization No.:	BO/RO(HQ)/HWMD/EIC No.PN-27617-15/CR/CC-9363		
10. Waste Description		Category No.	m <sup>3</sup> or MT
	1)		m <sup>3</sup> or MT
	2) Carbon Black Powder	400	m <sup>3</sup> or MT
	3)		m <sup>3</sup> or MT
	4)		m <sup>3</sup> or MT
11. Total Quantity:	Carbon Black 400' <span style="float: right;">m<sup>3</sup> or MT</span>		
No. of Containers:	_____ Nos. & type		
12. Physical form:	(solid/semi-solid/sludge/oily/tarry/slurry/liquid)		
13. Special Handling Instructions and Additional Information	used Handgloves & mask.		
14. Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorized, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.		
Name & Stamp :	Signature	Month	Day
		1	07
		2	01
		9	9
15. Transporter Acknowledgement of Receipt of Wastes	Month	Day	Year
Name & Stamp :	Signature	Month	Day
		1	07
		2	01
		9	9
16. Receiver's Certification for Receipt of Hazardous and other Waste	Maharashtra Enviro Power Ltd. Stamp : Signature Month                      Day                      Year <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>		



**COPY TO :**

- |  |  |
|--|--|
| I. WHITE : GENERATOR to MPCB<br>II. YELLOW : GENERATOR'S COPY<br>III. PINK : To TSDF OPERATOR duly signed by GENERATOR | IV. ORANGE : TRANSPORTER'S COPY<br>V. LIGHT GREEN : TSDF OPERATOR to MPCB<br>VI. BLUE : TSDF to GENERATOR after TREATMENT & DISPOSAL |
|--|--|

# MANIFEST FOR HAZARDOUS AND OTHER WASTE

587

1. Sender's Name & Mailing Address (including Phone No. and E-mail):	CIKAUTOXO INDIA PVT. LTD. S.No. 662, Mumbai-Pune Road, Talegaon Dabhade, Pune-410 506.		
2. Sender's authentication No.:			
3. Manifest Document No.	54761		
4. Transporter's Name & Address (including Phone No. & E-mail)	MAHARASHTRA ENVIRO POWER LTD. P-56, MIDC, Ranjangaon-412220 Tal-Shirur, Dist-Pune. Tel. (02138) 670351		
5. Type of Vehicle	(Truck / Tanker / Special Vehicle)		
6. Transporter's Registration No.			
7. Vehicle Registration No.	MH 12 JF-1115		
8. Receiver's Name & Mailing Address (including Phone No. and E-mail):	MAHARASHTRA ENVIRO POWER LTD. PLOT NO. P-56, MIDC RANJANGAON, TAL-SHIRUR, DIST-PUNE - 412220. Landline No. +91-02138-670352, Fax No:+91-02138-670350		
9. Receiver's authorization No.:	BO/RO(HQ)/HWMD/EIC No.PN-27617-15/CR/CC-9363		
10. Waste Description	Category No.		
	1) ETP Sludge Carbon	1700	m <sup>3</sup> or MT
	2)		m <sup>3</sup> or MT
	3)		m <sup>3</sup> or MT
	4)		m <sup>3</sup> or MT
11. Total Quantity:	1700 kg _____ m <sup>3</sup> or MT		
No. of Containers:	Bags _____ Nos. & type		
12. Physical form:	(solid/semi-solid/sludge/oily/tarry/slurry/liquid)		
13. Special Handling Instructions and Additional Information	used Handglove & Nose mask		
14. Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorized, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.		
Name & Stamp	Signature	Month	Day Year
			10 09 2019
15. Transporter Acknowledgement of Receipt of Wastes			
Name & Stamp	Signature	Month	Day Year
			10 09 2019
16. Receiver's Certification for Receipt of Hazardous and other Waste			
	Maharashtra Enviro Power Ltd. Stamp : Signature	Month	Day Year

**COPY TO :**

I. WHITE : GENERATOR to MPCB  
 II. YELLOW : GENERATOR'S COPY  
 III. ORANGE : TRANSPORTER'S COPY  
 IV. LIGHT GREEN : TSDF OPERATOR to MPCB

# MANIFEST FOR HAZARDOUS AND OTHER WASTE

**588**  
**CITOXO INDIA PVT. LTD.**  
 S.No. 682, Mumbai-Pune Road,  
 Talegaon Dabhade, Pune-410 508.

**37**

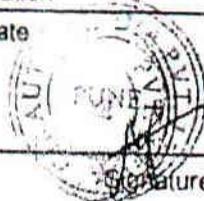
1. Sender's Name & Mailing Address (including Phone No. and E-mail):	CITOXO INDIA PVT. LTD. S.No. 682, Mumbai-Pune Road, Talegaon Dabhade, Pune-410 508.		
2. Sender's authentication No.:			
3. Manifest Document No.	54639	MAHARASHTRA ENVIRO POWER LTD. P-56, MIDC, Ranjangaon-412220	
4. Transporter's Name & Address (including Phone No. & E-mail)	Tal-Shirur, Dist-Pune. Tel. (02138) 670351		
5. Type of Vehicle	(Truck / Tanker / Special Vehicle)		
6. Transporter's Registration No.	BO/RO (HQ) HW/Transport/2016/B-828		
7. Vehicle Registration No.	MH12JF-1114		
8. Receiver's Name & Mailing Address (including Phone No. and E-mail):	MAHARASHTRA ENVIRO POWER LTD. PLOT NO. P-56, MIDC RANJANGAON, TAL-SHIRUR, DIST-PUNE - 412220. Landline No. +91-02138-670352, Fax No. +91-02138-670350		
9. Receiver's authorization No.:	BO/RO(HQ)/HWMD/EIC No.PN-27617-15/CR/CC-9363		
10. Waste Description	Category No.		
	1) ETP Sludge	300kg	m <sup>3</sup> or MT
	2) carbon powder	300kg	m <sup>3</sup> or MT
	3) oil soaked cotton waste	20kg	m <sup>3</sup> or MT
	4) oil can MT	25 Nos	m <sup>3</sup> or MT
11. Total Quantity:	220kg & 25 Nos. m <sup>3</sup> or MT		
No. of Containers:	Nos. & type		
12. Physical form:	(solid/semi-solid/sludge/oily/tarry/slurry/liquid)		
13. Special Handling Instructions and Additional Information	used Handglove & Nose mask		
14. Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorized, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.		
Name & Stamp : Signature	Month	Day	Year
	0   0   1	2   0   1	9
15. Transporter Acknowledgement of Receipt of Wastes			
Name & Stamp : Signature	Month	Day	Year
	0   0   1	2   0   1	9
16. Receiver's Certification for Receipt of Hazardous and other Waste			
	Maharashtra Enviro Power Ltd. Stamp : Signature		
	Month	Day	Year
			2   0   1

**COPY TO :**

- |   |   |
|---|---|
| I. WHITE : GENERATOR to MPCB                          | IV. ORANGE : TRANSPORTER'S COPY                         |
| II. YELLOW : GENERATOR'S COPY                         | V. LIGHT GREEN : TSDF OPERATOR to MPCB                  |
| III. PINK : To TSDF OPERATOR duly signed by GENERATOR | VI. BLUE : TSDF to GENERATOR after TREATMENT & DISPOSAL |

# MANIFEST FOR HAZARDOUS AND OTHER WASTE

589

1. Sender's Name & Mailing Address (including Phone No. and E-mail):	CIRAUTXO INDIA PVT. LTD. S.No.662, Mumbai-Pune Road Talgaon Dabhade, Pune-410506											
2. Sender's authentication No.:												
3. Manifest Document No.	53351											
4. Transporter's Name & Address (including Phone No. & E-mail)	PUNTE LTD. P-56, MIDC, Ranjangaon - 412220 Tal-Shirur, Dist-Pune Tel: 02138-670352											
5. Type of Vehicle	(Truck / Transporter's Vehicle)											
6. Transporter's Registration No.												
7. Vehicle Registration No.	MH12 LT-6995											
8. Receiver's Name & Mailing Address (including Phone No. and E-mail):	MAHARASHTRA ENVIRO POWER LTD. PLOT NO. P-56, MIDC RANJANGAON, TAL-SHIRUR, DIST-PUNE - 412220. Landline No. +91-02138-670352, Fax No:+91-02138-670350											
9. Receiver's authorization No.:	BO/RO(HQ)/HWMD/EIC No PN-27617-15/CR/CC-9363											
10. Waste Description		Category No.										
	1) ETP Sludge	300kg	m <sup>3</sup> or MT									
	2) Carbon powder	300kg	m <sup>3</sup> or MT									
	3) oil soaked cotton waste	50kg	m <sup>3</sup> or MT									
	4)		m <sup>3</sup> or MT									
11. Total Quantity:	650kg											
No. of Containers:												
12. Physical form:	(solid/semi-solid/sludge/oily/tarry/slurry/liquid)											
13. Special Handling Instructions and Additional Information	use hand gloves & mask only											
14. Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorized, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.											
Name & Stamp : Signature	 <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span>Month</span> <span>Day</span> <span>Year</span> </div> <table border="1" style="width:100%; text-align:center; border-collapse: collapse;"> <tr> <td style="width:12.5%;">0</td> <td style="width:12.5%;">7</td> <td style="width:12.5%;"></td> <td style="width:12.5%;">1</td> <td style="width:12.5%;">8</td> <td style="width:12.5%;">2</td> <td style="width:12.5%;">0</td> <td style="width:12.5%;">1</td> <td style="width:12.5%;">9</td> </tr> </table>			0	7		1	8	2	0	1	9
0	7		1	8	2	0	1	9				
15. Transporter Acknowledgment of Receipt of Waste	 <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span>Month</span> <span>Day</span> <span>Year</span> </div> <table border="1" style="width:100%; text-align:center; border-collapse: collapse;"> <tr> <td style="width:12.5%;">0</td> <td style="width:12.5%;">7</td> <td style="width:12.5%;"></td> <td style="width:12.5%;">1</td> <td style="width:12.5%;">8</td> <td style="width:12.5%;">2</td> <td style="width:12.5%;">0</td> <td style="width:12.5%;">1</td> <td style="width:12.5%;">9</td> </tr> </table>			0	7		1	8	2	0	1	9
0	7		1	8	2	0	1	9				
16. Receiver's Certification for Receipt of Hazardous and other Waste	Maharashtra Enviro Power Ltd. Stamp : Signature <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span>Month</span> <span>Day</span> <span>Year</span> </div> <table border="1" style="width:100%; text-align:center; border-collapse: collapse;"> <tr> <td style="width:12.5%;"></td> </tr> </table>											

**COPY TO :**

- I. WHITE : GENERATOR to MPCB
- II. YELLOW : GENERATOR'S COPY
- III. PINK : To TSDF OPERATOR duly signed by GENERATOR
- IV. ORANGE : TRANSPORTER'S COPY
- V. LIGHT GREEN : TSDF OPERATOR to MPCB
- VI. BLUE : TSDF to GENERATOR for TREATMENT & DISPOSAL

# MANIFEST FOR HAZARDOUS AND OTHER WASTE

# 590

**KAUTKO INDIA PVT. LTD.**  
S.No.862, Mumbai-Pune Road  
Talgaon Dabhade, Pune-410506

# 39

1. Sender's Name & Mailing Address (Including Phone No. and E-mail):			
2. Sender's authentication No.:			
3. Manifest Document No.	66638		
4. Transporter's Name & Address (Including Phone No. & E-mail):	KAUTKO INDIA PVT. LTD. P-56, MIDC, Ranjangaon-412220 Tal-Shirur, Dist-Pune. Tel: (02138) 870351		
5. Type of Vehicle	(Truck / Tanker / Special Vehicle)		
6. Transporter's Registration No.			
7. Vehicle Registration No.	MH12JF1116.		
8. Receiver's Name & Mailing Address (including Phone No. and E-mail):	<b>MAHARASHTRA ENVIRO POWER LTD.</b> PLOT NO. P-56, MIDC RANJANGAON, TAL-SHIRUR, DIST-PUNE - 412220. Landline No. +91-02138-870352, Fax No:+91-02138-870350		
9. Receiver's authorization No.:	BO/RO(HQ)/HWMD/EIC No.PN-27617-15/CR/CC-9363		
10. Waste Description	Category No.		
	1) Carbon Black - 300kg	300kg	m <sup>3</sup> or MT
	2) FTP Sludge - 300kg	300kg	m <sup>3</sup> or MT
	3) oil soaked - 80kg	80kg	m <sup>3</sup> or MT
	4) Barrel - 2 Nos.	2 NOS	m <sup>3</sup> or MT
11. Total Quantity:	680 kg & 2 Nos <span style="float: right;">m<sup>3</sup> or MT</span>		
No. of Containers:	2 Nos <span style="float: right;">Nos. &amp; type</span>		
12. Physical form:	(solid/semi-solid/sludge/oily/tarry/slurry/liquid)		
13. Special Handling Instructions and Additional Information			
14. Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorized, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.		
Name & Stamp :	Signature	Month	Day
		05	27
		20	19
15. Transporter Acknowledgement of Receipt of Wastes	Signature	Month	Day
		05	27
		20	19
16. Receiver's Certification for Receipt of Hazardous and other Waste	Maharashtra Enviro Power Ltd. Stamp : Signature		
	Month	Day	Year

**COPY TO :**

- |   |   |
|---|---|
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| II. YELLOW : GENERATOR'S COPY                         | V. LIGHT GREEN : TSDF OPERATOR to MPCB                  |
| III. PINK : To TSDF OPERATOR duly signed by GENERATOR | VI. BLUE : TSDF to GENERATOR after TREATMENT & DISPOSAL |

<b>1. Sender's Name &amp; Mailing Address</b> (Including Phone No. and E-mail):	<b>591</b>	<b>CIKAUTOXO INDIA PVT. LTD.</b> S.No.662, Mumbai-Pune Road Talegaon Dabhede, Pune-410506	<b>40</b>								
<b>2. Sender's authentication No.:</b>											
<b>3. Manifest Document No.</b>	<b>52806</b>										
<b>4. Transporter's Name &amp; Address</b> (Including Phone No. & E-mail)		... .. ... .. ... .. ... .. ... ..									
<b>5. Type of Vehicle</b>		(Truck / Tanker / Special Vehicle)									
<b>6. Transporter's Registration No.</b>											
<b>7. Vehicle Registration No.</b>	<b>MH-12 HD-4136</b>										
<b>8. Receiver's Name &amp; Mailing Address</b> (Including Phone No. and E-mail):	<b>MAHARASHTRA ENVIRO POWER LTD.</b> PLOT NO. P-56, MIDC RANJANGAON, TAL-SHIRUR, DIST-PUNE - 412220. Landline No. +91-02138-670352, Fax No:+91-02138-670350										
<b>9. Receiver's authorization No.:</b>	BO/RO(HQ)/HWMD/EIC No.PN-27617-15/CR/CC-9363										
<b>10. Waste Description</b>		<b>Category No.</b>									
	1) Carbon Black	0.5	m <sup>3</sup> or MT								
	2) ETP Sludge	0.5	m <sup>3</sup> or MT								
	3) oil Soaked Item	0.580	m <sup>3</sup> or MT								
	4)		m <sup>3</sup> or MT								
<b>11. Total Quantity:</b>	<b>0.13 m<sup>3</sup></b>		m <sup>3</sup> or MT								
<b>No. of Containers:</b>	—		Nos. & type								
<b>12. Physical form:</b>	(solid/semi-solid/sludge/oily/tarry/slurry/liquid)										
<b>13. Special Handling Instructions and Additional Information</b>											
<b>14. Sender's Certificate</b>	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorized, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.										
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0	4		1	2	0		9				
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|--|---|

TEST CERTIFICATE				
Report No: GESEC/2019-20/09/		Date of Report	27/09/2019	
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.		Date of Sampling	21/09/2019	
		Start Date of Analysis	22/09/2019	
		End Date of Analysis	27/09/2019	
		Sample Location	Non IBR Boiler Chimney(Nylon)	
		Sample Details	Stack	
		Time of Sampling	13:35	
Sample Collected By		Green Envirosafe Engineers & Consultant Pvt. Ltd, Pune		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	15	Mtr.	
3.	Type of Stack	Round	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	412	°K	
6.	Differential Pressure	3.9	mmWG	
7.	Velocity	7.61	M/s	
8.	Dimensions of Stack	0.45	Mtr.	
9.	Stack Area	0.1589	M <sup>2</sup>	
10.	Gas Volume	3150.80	NM <sup>3</sup> /Hr	
11.	Particulate Matter	45.1	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	19.6	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	1.48	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	15.2	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	BDL	mg/NM <sup>3</sup>	50
<b>Remark(s):</b> <ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL – Below Detectable Limit.</li> </ul>				
ANALYZED BY-			AUTHORIZED SIGNATORY-	

**Terms and conditions**

1. The report is refer only to the sample tested and not applies to the bulk.
2. The results shown in this test report may differ based on various factors including temperature, humidity, pressure, retention time etc.
3. The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, GESEC.
4. Samples will be retained for a period of seven (7) days after completion of analysis. Longer retention periods can be arranged, on request of the customer.
5. We strictly maintain the confidentiality of all test result of sample(s) collected by us/ supplied by customer and not reveal to third party unless required by the statutory or legal requirement.
6. MoEF approved Lab by Govt. of India. From date. 09/02/2017 to 08/02/2022.

Customer Name : Cikautxo India Pvt. Ltd.  
Address : Talegaon Pune.

**G D ENGINEERING**

System Supplied : Scrubbing  
Contact Person : Mr Selva

### ROUTINE SERVICE REPORT

System Supplied : Cyclone with Scrubber arrangements

Specific parameters : Dust Control Filtration Arrangements

#### SERVICE DETAILS

System was cleaned wrt filters dust deposits on filter beds 2 nos.

Cyclone hammering dust removal ,

Rotary Valve servicing wrt dust.

#### REMARKS / FEEDBACK

Remarks:

As per guidelines all cleaned

Name : Mahesh

Email: projects.limmicrosystems@gmail.com

Signature:

Date: 21.04.2019

Place: Pune



**BHARAT PETROLEUM CORPN. LTD.**  
 (A Govt. of India Undertaking)  
**QUALITY ASSURANCE LABORATORY**  
 SEWREE, MUMBAI - 400015

**TEST REPORT**  
**FURNACE OIL (MV2)**

Test Report No.	SEW/BF/PY1712/00512	Date	Dec 19, 2017
Issued to	CHM SEWREE	Date of Sampling (by client)	Dec 19, 2017
Source of Sample	Sewree Installation	Sample Received On	Dec 19, 2017
Tank No.	11	Sample Analysed on	Dec 19, 2017
Name of Territory	Mumbai Retail Territory	Supply Location	Sewree Installation
Batch No.	FO180/PLT/BPC/SEW/1/40	Dispatching Tank No. & Batch no.	7034602
Type of Sample	batch Formation (Fuels)	Stock represented (Litres)	3904000

S. No.	Characteristics	TEST METHOD	Requirements as Per		Test Result
			IS:1448	IS:1593:1982	
1.	Colour, visual	VISUAL			Dark/Black
2.	Water Content, % vol, Max	P: 40		Max 4	0.05
3.	Sediment by extraction, % by wt, Max	P: 30		0.25	0.015
4.	Kinematic viscosity, cSt, at 50 °C	P: 25		above 125 and upto 180	163.39
5.	Density, 15 °C, g/ml	P: 16			
5.1	Observed at laboratory			To be Reported	0.8900
6.	Flash Point, °C (PMCC), Min	P: 21		65	88.0
7.	Gross Calorific Value	P: 7		To be Reported	10481
8.	Total Sulphur, % by mass, Max	ASTM D: 4294			2.020

**REMARKS**

1. THE SAMPLE MEETS THE REQUIREMENT OF FURNACE OIL (MV2) w.r.t TESTS CARRIED OUT AS PER IS 1593:1982

2. This is a Test Report only.

3. The sample is analysed by the client & result relates to the sample tested.

4. This certificate shall not be reproduced wholly or in part without prior written consent of the laboratory.

5. This certificate shall not be used in any advertising media or as evidence in the court of law without written consent of laboratory.

6. Not in NABL Scope.

7. Performance Test the requirements are as per internal limit.

8. Latest version of test methods are used as per latest specification.

Checked and Approved by

nandu.kiley

Printed by: santosh.n.manchandra mane

Printed on: Dec 27 2017 8:20AM

Copy No.: 1

Note: This document has been generated electronically and is valid without signature.

Form No. QRA09

**QUALITY CONTROL LABORATORY**

SEWREE-II TERMINAL  
BPT-ROAD, OPP. SEWREE RLY STATION, SEWREE  
MUMBAI 400015

**TEST REPORT**

Product : HP FUEL (FURNACE OIL)

Customer / Supplier / : SEWREE II TML  
Branch Plant  
Source of Sample : TK203  
Tank No : TK203  
Qty of Sample/ : 1\*3 LTR. TOP, MIDDLE, BOTTOM  
Density/Type of Sample  
Tag / Evnt / Actvty : Tank Sample  
Receipt/Despatch Mode : RECEIPT FROM HPFR IN TK 203  
Sample Drawn by : JKG/RBB

Test Report No : BFT/4247  
Date of Sample Drawn : 02/04/19  
Date of Sample Receipt : 03/04/19  
Date of Sample Testing : 03/04/19  
Date of Report : 03/04/19  
Date of Printing : 03/04/19  
JDE Sample Number : 832936  
Batch No :

Specifications

Test Line Number	Characteristics	Units	Test Method	Specifications		Result Value
				Min	Max	
1	APPEARANCE		VISUAL	DARK	DARK	DARK
2	RELATIVE DENSITY 15/15°C -TOP		IS 1448 P: 16	-	-	956.3000
3	RELATIVE DENSITY 15/15°C -MIDDLE		IS 1448 P: 16	-	-	956.3000
4	RELATIVE DENSITY 15/15°C -BOTTOM		IS 1448 P: 16	-	-	956.3000
5	RELATIVE DENSITY 15/15 °C		IS 1448 P: 16	-	-	956.3000
6	FLASH POINT - PMCC	°C	IS 1448 P: 21	66	-	74
7	KINEMATIC VISCOSITY @ 50° C	cSt	IS 1448 P: 25	125.0	180.0	170.6
8	WATER CONTENT	% Vol	IS 1448 P: 40	-	1.00	.30
9	SULPHUR TOTAL	% Mass	ASTM D 4204	-	4.00	2.24
10	POUR POINT	°C	IS 1448 P: 10	-	27	12
11	SEDIMENT	% Mass	IS 1448 P: 30	-	25	.04

Remarks:

001. Sample meets IS:1593:1982 (Reaffirmed 2004) specification in all above test parameters.

- Notes :
- 1) The sample is drawn by client and results relate to sample tested
  - 2) The test report shall not be reproduced except in full without prior written approval of the Lab Incharge
  - 3) This test report shall not be used in any advertising media or as evidence in the Court of Law without prior written consent of Laboratory
  - 4) Test results reported are valid at the time of testing
  - 5) This is a system generated test report and hence does not require signature

Tested By : 30068150

BAMANE NANDKISHOR D

Reviewed and Approved By : 30068150

BAMANE NANDKISHOR D

Date: 25.9.20

To,  
The Sub Regional Officer Maharashtra  
Pollution Control Board,  
Third Floor, Jog Centre, Mumbai Pune Road,  
Wakdevadi, Shivajinagar, Pune — 411003

Received on Dt. 25/09/2020  
Clerk  
R. G. M. P. C. B. Pune

Reference: Letter dated 18.09.20 submitted to MPCB

Subject: Compliance report as per visit remarks on September 16, 2020

Dear Sir,

This is with reference to the above mentioned subject, we would like to inform you that the status of the same as under:

1. We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission. Also we are take following action on that.
  - A. S.S. Dry type scrubber filter's cleaning schedule revised from monthly to every 15 days. - Done from 5<sup>th</sup> may 20
  - B. We are cleaning filter's and sending the carbon black to MEPL every two months Done.
  - C. We will modify Dust Collector with Dust Removal Arrangement with two numbers Sonic Horns and one number rotary actuator. 27<sup>th</sup> Nov 20
  - D. We change boiler burner flame tube on 20<sup>th</sup> Sep 20 done
  - E. Burner fuel and air ratio frequency are set by third party using analyzer. The schedule has been revised from yearly to Every six-month frequency done from March 20. & 21Sep-20
  - F. Boiler internal tube's cleaning carryout every month instead of six months from January 2020.
  - G. Outside premises and stack area, cleaning daily basis instead of weekly from December,2019
2. The location of our industry as well as property of Mr. Hasabnis is adjacent to Mumbai- Pune old highway & there is heavy traffic movement of vehicles daily on this road. Vehicle emission can also be another source of dust emissions.
3. We are already doing intensive tree plantation towards the compound wall adjacent to Mr. Hasabnis and increase more tree plantation in this year. We are putting our sincere efforts for operating the pollution control system & not causing any nuisance in the surrounding area.

### Cikautxo India Private Limited

Survey Number 662, Old Pune - Mumbai Highway, Talegaon Dabhade, Taluka Maval,  
District Pune-410 506, Maharashtra, India. Phone: 0091-2114-660100;  
Fax: 0091-2114-660115 website: www.cikautxo.in CIN: U25199PN2011PTC138415

We hereby request you to kindly take a note of the above mentioned points and absolve us from any further legal actions since we are taking enough measures to complete compliance procedures as suggested during your visit to our premises on the aforesaid date.

Kindly acknowledge the receipt of the same.

Thanking You.

Yours Faithfully,

For Cikautxo India Private Limited

Mikel Mendibe   
Chief Executive Officer & Authorized Signatory

Encl: Nil

Copy for information & necessary action to

S.R.O., Pune I & II, Maharashtra Pollution Control Board, Pune



# SUPERHEAT ENGINEERING

S. No.48, H. No. 5/101, Charwadwasti, Wadgaon Budruk, Pune-411047  
E-mail : superheatengg2014@gmail.com Mob. : 9371191902, 7208740946

## SERVICE REPORT

Customer Cikereetso India (P) Ltd. Telegaon.	Report Date : 20/09/20	Report No : H/S / 371/2020
	No. of Days : 02	Engineer Name : Hemant Sawant
	In Time : 9:30	
	Out Time : 6:00	Type to Call : E&C/AMC /BR Down / Other

Contact Person : Mrs Anand / Mrs Vinay	Burner Make & Model : RCM 70
--	------------------------------

Contact No. : — E Mail : —	Fuel : HSD/LDO/FO/LPG/NG
----------------------------	--------------------------

OEM Loos Boiler Application : Tank/PCO/Boller/Other Boiler	Nozzle : 1 st : 2nd :
--	-----------------------

Observations & Findings : Burner servicing & flue gas analysing  
Also required to blast tube change.

Intel Pressure at Burner :	Seq. Controller :	Servomotor Model :
----------------------------	-------------------	--------------------

Action Taken : Visited the site, water level of boiler is very 40% so adjust the level transmitter & set the boiler water level is done.  
After fan wheel is fully checked. clean by air & scraping.  
Boiler blast tube is right bit bent so we remove the bend side is hammer. Done the

Comments : Boiler flue gas analysing	Service Call Status : Completed/Pending / Awaited For
--------------------------------------	---

Service Call Charges	
Service Call Charges	As per.
Expenses	
Total	

For SUPERHEAT ENGINEERING	Customer Signature 	Service Call Charges must be paid of completion or as per WO. Mode of Payment may be cashier cheque on us Service Invoice will be sent to you separately. For more information or clarification consult service manager you can mail your query at superheatengg2014@gmail.com NAME : SUPERHEAT ENGINEERING Bank : UNION BANK OF INDIA, (Poud Road) IFSC : UBI0549866 A/c : 48801010036481
	Name, Designation & Cell No.	

\* 21/09/2020

Oil pressure is set  $29 \text{ kg/cm}^2$ .

Load	fuel	Air	ACX	O <sub>2</sub>	CO <sub>2</sub>	CO	Air temp	°C
30	45.0	20.0	80.0	8.3	8.5	70	194	8
50	52.0	27.0	74.5	7.0	10.6	80	206	8
60	56.0	31.0	67.5	7.8	10.2	86	222	8
70	61.0	35.5	63.6	7.2	10.4	80	230	8
80	65.0	36.5	60.0	7.0	10.6	80	238	8
00	67.0	37.0	59.0	5.5	11.9	80	240	8

Done the fuel gas analysis.

For.

Scepernat Eng.

*[Signature]*

Date: 18.9.20

To,  
The Sub Regional Officer Maharashtra  
Pollution Control Board,  
Third Floor, Jog Centre, Mumbai Pune Road,  
Wakdewadi, Shivajinagar, Pune — 411003

Kind Attention: Mr. J. Sangewar

Subject: Compliance report as per visit remarks on September 16, 2020

Dear Sir,

This is with reference to the above mentioned subject, we would like to inform you that the status of the same as under:

1. We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission. Also we are take following action on that.
  - A. S.S. Dry type scrubber filter's cleaning schedule revised from monthly to every 15 days. – Done from 5<sup>th</sup> may 20
  - B. We are cleaning filter's and sending the carbon black to MEPL every two months Done.
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  - F. Boiler internal tube's cleaning carryout every month instead of six months from January 2020.
  - G. Outside premises and stack area, cleaning daily basis instead of weekly from December,2019
2. The location of our industry as well as property of Mr. Hasabnis is adjacent to Mumbai- Pune old highway & there is heavy traffic movement of vehicles daily on this road. Vehicle emission can also be another source of dust emissions.
3. We are already doing intensive tree plantation towards the compound wall adjacent to Mr. Hasabnis and increase more tree plantation in this year. We are putting our sincere efforts for operating the pollution control system & not causing any

**Cikautxo India Private Limited**  
Suryey Number 662, Old Pune – Mumbai Highway, Talegaon Dabhade,  
Taluka Maval, District Pune - 410 506, Maharashtra, India  
Phone: 0091-2114-660100; Fax: 0091-2114-660115  
Website: [www.cikautxo.in](http://www.cikautxo.in) CIN: U25199PN2011PTC138415

Received on Dt. 18/09/2020



R. S. Pune

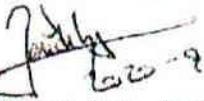
We hereby request you to kindly take a note of the above mentioned points and absolve us from any further legal actions since we are taking enough measures to complete compliance procedures as suggested during your visit to our premises on the aforesaid date.

Kindly acknowledge the receipt of the same.

Thanking You,

Yours Faithfully,

For Cikautxo India Private Limited

  
Mikel Mendibe  
Chief Executive Officer & Authorized Signatory

Encl: Nil

Copy for information & necessary action to:

S.R.O., Pune I & II, Maharashtra Pollution Control Board, Pune

cikautxo

INVESTMENT PROPOSAL

Date: 14/05/2020

Investment No.:

Plant:

76-India

Item in Izaro:

Analytical purpose:

EXGE

CECO:

Cost center:

APPLICANT RESP.:

Vinay Mishra

Description (For Izaro 45 characters max):

Scrubber system upgradation

Rationale:

Boiler chimney scrubber system upgradation to control carbon limits within MPCB standards

Included in Management Plan:

Level of Investment:

Date of order:

End date:

15/10/2020

Start date:

14/05/2020

ECONOMIC DATA

CONCEPT				Qty	SUPPLIER	Value	Currency Eur
Description		Units	Price		Name	Budget in Rs	
1	Sonic horn arrangements for filter cleaning, 200 NB rotary airock valve, with environmental testing	Nos	165000	1	G.D. Engineering	165000	1988
Total						165000	1988

OBSERVATIONS:

Date:

14/05/2020

Prep by

*(Signature)*  
(Vinay)  
14.05.2020

Purchase

*(Signature)*  
(Rakesh Sonawne)

Plant Manager

*(Signature)*  
( Sachin Patil)

CEO

*(Signature)*  
(Mickel Mendibe)

Managing Director

**SUPERHEAT ENGINEERING**

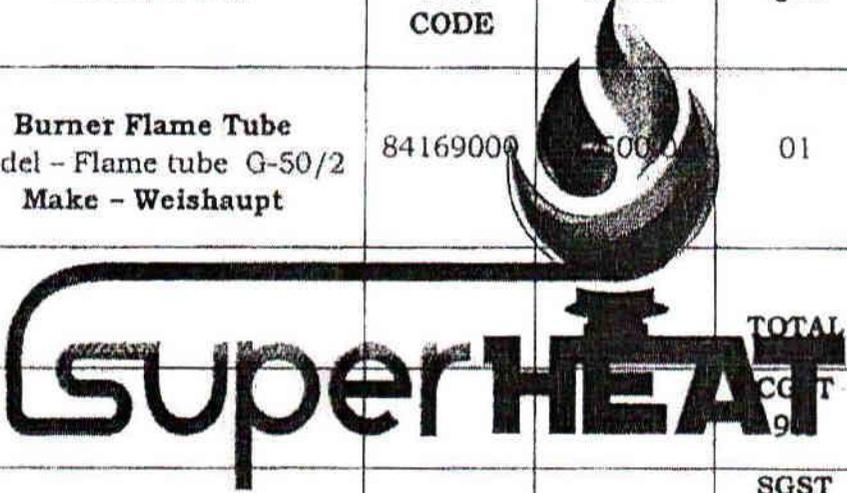
S. NO 48 H. NO 5/101 WADGAON BUDRUK

PUNE-411041

Email: - superheatengg2014@gmail.com

9371191902/7208740946

**PERFOMA - INVOICE**

<b>M/S - CIKAUTOXO INDIA LTD</b> S,no 662, Pune -Mumbai Road Talegaon Dabhade 410 506, Pune			Date - 20/08/2020		
Mr - Vinay Kumar Mishra sir			Performa Invoice Nu - HS /557		
Mobile nu - + 91 2114660100					
Sr. No	DESCRIPTON	HSN CODE	RATE	QTY	AMOUNT
01.	<b>Burner Flame Tube</b> Model - Flame tube G-50/2 Make - Weishaupt	84169000	70500.00	01	70,500.00
				<b>TOTAL</b>	70.500.00
				<b>CGST 9%</b>	6345.00
				<b>SGST 9%</b>	6345.00
				<b>TOTAL</b>	<b>83190.00</b>
* GST NO : 27ACRFS0840D1Z3 * PAN NO - ACRFS0840D * NAME-SUPERHEAT ENGINEERING * BANK- UNION BANK OF INDIA * IFSC-UBIN0549886 * A/C- 498801010036468		Receiver's Signature		Mr.Gunshyam Lohkare Superheat Engineering.	

# 604 SUPERHEAT ENGINEERING

S. No.48, H. No. 5/101, Charwadwasti, Wadgaon Budruk, Pune-411041.  
E-mail : superheatengg2014@gmail.com Mob. : 9371191902, 7208740946

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## SERVICE REPORT

Customer M/s. eikacetro India CB Ltd.	Report Date : 19/03/2020	Report No : HPS/1612020
	No. of Days : 01	Engineer Name : Hemant Sawant
	In Time : 11:00	
	Out Time : 3:00	Type to Call : E&C/AMC /BR Down / Other

Contact Person : Mr. Kiran Mishra Sir.	Burner Make & Model : ROSS 5012
--	---------------------------------

Contact No. : - E Mail : -	Fuel : HSD/LDO/FO/LPG/NG fo
----------------------------	-----------------------------

OEM Bosch Group Application : Tank/PCO/Boiler/Other. Steam	Nozzle : 1 st : - 2nd : -
--	---------------------------

Observations & Findings : flue gas analysing. Better working condition. End flame is not centering. \*

Intel Pressure at Burner : 19 kg	Seq. Controller : OFM 900	Servomotor Model : SOM-45 008-
----------------------------------	---------------------------	--------------------------------

Action Taken : flue gas analysing Report. Done the analysing.

Load	fuel	AIR	AUX	O2	CO2	CO	st-temp	eff
30	45.0	20.2	2.5	8.0	9.4	100	209	91%
50	51.0	25.0	3.5	5.8	11.2	99	217	90%
60	55.0	29.0	4.2	5.3	11.9	98	229	91%
70	60.0	36.2	6.0	4.8	12.4	83	239	90%
80	63.0	39.5	7.0	3.8	13.1	88	243	90%
90	65.0	43.0	7.0	3.2	13.5	108	252	91%
100	67.0	48.0	8.0	3.0	13.8	148	260	90%

SEE Comments : Service Call Status : Completed/Pending / Awaited For  
PIS required nec combustion kane. so we set the flame centralized.

Customer Comments :	<b>Service Call Charges</b>	
	Service Call Charges	As per PO
	Expenses	
	Total	

For SUPERHEAT ENGINEERING	Customer Signature 	Service Call Charges must be paid of completion or as per WO. Mode of Payment may be cashier cheque on us Service Invoice will be sent to you separately. For more information or clarification consult service manager you can mail your query at superheatengg2014@gmail.com
	Name, Designation & Cell No.	NAME : SUPERHEAT ENGINEERING Bank : UNION BANK OF INDIA, (Poud Road) IFSC : UBIN0549686 A/c. : 498801010036451



**GREEN ENVIROSAFE**  
Engineers & Consultant Pvt. Ltd.

Survey No: GESEC/20/06, Mayor Residency, Shop No: 16, 2nd Floor, Gokulnagar, 1st Stage, Pune-411001  
Mob: +91 9545084620 | E-mail: gesec12@gmail.com | www.greenenvirosafe.com  
CIN No: U74900PN2013PTC149666

Recognised by Ministry of Environment, Forest & Climate Change (MoEF) Govt. of India and ISO/IEC 17025:2005 (NABL), ISO 9001:2015 and OHSAS 18001:2007 Certified Company

TEST CERTIFICATE				
Report No: GESEC/2020-21/05/20		Date of Report	05/06/2020	
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.		Date of Sampling	30/05/2020	
		Start Date of Analysis	31/05/2020	
		End Date of Analysis	05/06/2020	
		Sample Location	IBR Boiler Chimney (Nylon)	
		Sample Details	Stack	
Sample Collected By		Time of Sampling	12:05	
		Shlok Consultancy Services		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	418	°K	
6.	Differential Pressure	1.7	mmWG	
7.	Velocity	5.06	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	15935.64	NM <sup>3</sup> /Hr	
11.	Particulate Matter	89.7	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	134.8	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	51.5	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	35.2	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	1.9	mg/NM <sup>3</sup>	50
Remark(s):				
<ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL - Below Detectable Limit.</li> </ul>				
ANALYZED BY-				AUTHORIZED SIGNATORY-

**Terms and conditions**

- The report is refer only to the sample tested and not applies to the bulk.
- The results shown in this test report may differ based on various factors including temperature, humidity, pressure, retention time etc.
- The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, GESEC.
- Samples will be retained for a period of seven (7) days after completion of analysis. Longer retention periods can be arranged, on request of the customer.
- We strictly maintain the confidentiality of all test result of sample(s) collected by us/ supplied by customer and not reveal to third party unless required by the statutory or legal requirements.

HMS - Parts List: Default, Cause, Action

76 INDIA

Date: 17/03/2020 14:23

Operat	Name	Grp	Part	Facility	Breakdown	Breakdown Cause	Action	Hours	Stops	Expected D	Input Date	Stat.
10905	PANAB KISH	COB	18916	740227	BOILER FOIL STORAGE TANK LEVEL 170MM & BOILER GU	BOILER FOIL STORAGE TANK LEVEL 170MM &	BOILER FOIL STORAGE TANK LEVEL 170MM & BOILER GU	0.33	0.00		02/08/2020	Finish
		COB	18915	740227	BOILER INSPECTION	BOILER INSPECTION	BOILER FEED WATER TANK LEVEL MAINTAN & BOILER F 0E	1.15	0.00		02/08/2020	Finish
		COB	18923	740227	BOILER FIRING STOPED & STEAM PRESSURE REMOVE	BOILER FIRING STOPED & STEAM PRESSURE M	BOILER FIRING STOPED & STEAM PRESSURE REMOVE	0.50	0.00		02/08/2020	Finish
		COB	18922	740245	DM WATER TANK LEVEL LOW	DM WATER TANK LEVEL LOW	DM WATER PUMP START TANK LEVEL MAINTAN	0.50	0.00		02/08/2020	Finish
		COB	18920	740278	WEST WATER CHEMICAL TREATMENT	WEST WATER CHEMICAL TREATMENT	WEST WATER CHEMICAL TREATMENT & USE TO WASHEN CARB	1.00	0.00		02/08/2020	Finish
		COB	18917	740253	WYLOW CHILLER & COOLING TOWER TANK SOFT WATER LEVA	WYLOW CHILLER & COOLING TOWER TANK SOFT	WYLOW CHILLER & COOLING TOWER TANK SOFT WATER PUMP	0.63	0.00		02/08/2020	Finish
		COB	18914	General No	BOILER & RUBBER LINE SOFT WATER TANK LEVEL LOW	BOILER & RUBBER LINE SOFT WATER TANK LEV	BOILER & RUBBER LINE SOFT WATER PUMP START TANK LE	1.25	0.00		02/08/2020	Finish
		COB	18921	General No	WASH ROOM WATER TANK LEVEL LOW	WASH ROOM WATER TANK LEVEL LOW	WASH ROOM WATER PUMP START TANK LEVEL MAINTAN	0.33	0.00		02/08/2020	Finish
10020	SINGH SANJ	COB	18924	740227	BOILER OIL STAINER CLEANING WORK DONE	BOILER OIL STAINER CLEANING WORK DONE	BOILER OIL STAINER CLEANING WORK DONE	4.00	0.00		02/08/2020	Finish
		COB	18925	740227	BOILER BURNER ASSEMBLLEY CLEANING WORKAND FIRING ON	BOILER BURNER ASSEMBLLEY CLEANING WORKAND	BOILER BURNER ASSEMBLLEY CLEANING WORKAND FIRING ON	2.50	0.00		02/08/2020	Finish
		COB	20924	740227	boiler tube cleaning , scrubber cleaning and carb	boiler tube cleaning , scrubber cleaning	boiler tube cleaning , scrubber cleaning and carb	0.00	0.00		02/08/2020	Finish
		COB	18924	General No	BOILER BURNER OILPIPCAND STORAGE TANKMOTOR GLANDS W	BOILER BURNER OILPIPCAND STORAGE TANKMOTO	BOILER BURNER OILPIPCAND STORAGE TANKMOTOR GLANDS W	0.50	0.00		02/08/2020	Finish
		COB	18927	General No	POWER FAILURE DG CHANGE OVER	POWER FAILURE DG CHANGE OVER	POWER FAILURE DG CHANGE OVER	0.33	0.00		02/08/2020	Finish
10715	BROSALE DA	COB	18928	1035	HILL NO 2 WATER LEAKAGE PROBLEM	HILL NO 2 WATER LEAKAGE PROBLEM	HILL NO 2 WATER LEAKAGE PROBLEM SO POTRY GLAND PL	3.00	0.00		02/08/2020	Finish
		COB	18929	48020	LINE 1 HYD PUMP PROBLEM	LINE 1 HYD PUMP PROBLEM	LINE 1 HYD PUMP PROBLEM SO PUMP REPLECEI WORK DONE	1.00	0.00		02/08/2020	Finish
		COB	18931	48102	V5 AND V6 TROLLEY GREASING WORK	V5 AND V6 TROLLEY GREASING WORK	V5 AND V6 TROLLEY GREASING WORK DONE	1.00	0.00		02/08/2020	Finish
		COB	18930	740238	BOILER FO OIL MOTOR LEAKAGE	BOILER FO OIL MOTOR LEAKAGE	BOILER FO OIL MOTOR LEAKAGE SO GLAND REPLECEI NO	1.00	0.00		02/08/2020	Finish

MMS - Parts List: Default, Cause, Action

76 INDIA

Date: 17/09/2020 13:56

Operat	Name	Qty	Part	Facility	Breakdown	Breakdown Cause	Action	Hours	Stop	Expected D	Input Date	Situ.
10005	PANAR KISH	COA	17329	760217	NYLON AIR COMP & CHILLER COOLING TOWER STOPPED	NYLON AIR COMP & CHILLER COOLING TOWER S	NYLON AIR COMP & CHILLER COOLING TOWER STOPPED	0.50	0.00		12/07/2020	Finish
		COA	20921	760227	boiler tube cleaning , scrubber cleaning and carbo	boiler tube cleaning , scrubber cleaning		8.00	0.00		12/07/2020	Finish
		COA	17322	760227	BOILER F OIL STORAGE TANK LEVEL 170WTR BOILER GAGS	BOILER F OIL STORAGE TANK LEVEL 170WTR B	BOILER F OIL STORAGE TANK LEVEL 170WTR BOILER GAGS	0.33	0.00		12/07/2020	Finish
		COA	17325	760227	BOILER INSPECTION	BOILER INSPECTION	BOILER FEED WATER TANK LEVEL MAINTAIN ADD FEED WATER	1.33	0.00		12/07/2020	Finish
		COA	17330	760227	BOILER SHUTDOWN	BOILER SHUTDOWN	BOILER FIRING STOPPED, STEAM PRESSURE REDUCE FEED	0.75	0.00		12/07/2020	Finish
		COA	17323	760244	BOILER SOFTNER TH 2.5PPM	BOILER SOFTNER TH 2.5PPM	BOILER SOFTNER REGENERATION COMPLETE TH 0.5PPM & 50MG	0.75	0.00		12/07/2020	Finish
		COA	17324	760244	NYLON SOFTNER TH 3.0PPM	NYLON SOFTNER TH 3.0PPM	NYLON SOFTNER REGENERATION COMPLETE TH 0.5PPM & 5MG	0.67	0.00		12/07/2020	Finish
		COA	17331	760276	WEST WATER TREATMENT & USE GARDEN	WEST WATER TREATMENT & USE GARDEN	WEST WATER 1 BACTH TREATMENT & USE GARDEN CARB FIT	1.83	0.00		12/07/2020	Finish
		COA	17327	760291	NYLON CHILLER & COOLING TOWER TANK LEVEL LOW	NYLON CHILLER & COOLING TOWER TANK LEVEL	NYLON CHILLER & COOLING TOWER SOFTWATER PUMP START	1.00	0.00		12/07/2020	Finish
		COA	17328	General No	BOILER & RUBBER LINE SOFT WATER TANK LEVEL LOW	BOILER & RUBBER LINE SOFT WATER TANK LEV	BOILER & RUBBER LINE SOFT WATER PUMP START TANK LE	1.50	0.00		12/07/2020	Finish
		COA	17328	General No	WASH ROOM WATER TANK LEVEL LOW	WASH ROOM WATER TANK LEVEL LOW	WASH ROOM WATER PUMP START TANK LEVEL MAINTAIN	0.67	0.00		12/07/2020	Finish
10078	SINGH SANJ	COA	16807	760227	Boiler soft water level maintain	Boiler soft water: level maintain	Boiler soft water level maintain work done	1.50	0.00		12/07/2020	Finish
		COA	16807	760227	boiler area observation work done	boiler area observation work done	boiler area observation work done	3.00	0.00		12/07/2020	Finish
		COA	16802	760238	boiler foil storage tank level 175mt	boiler foil storage tank level 175mt	boiler foil storage tank level 175mt	0.25	0.00		12/07/2020	Finish
		COA	16804	760293	Nylon chiller soft water level maintain	Nylon chiller soft water level maintain	Nylon chiller soft water level maintain work done	1.50	0.00		12/07/2020	Finish
		COA	16805	General No	Wash room raw water tank filling	Wash room raw water tank filling	Wash room raw water tank filling	0.33	0.00		12/07/2020	Finish
		COA	16806	General No	Yolno boiling checked and preheated	Yolno boiling checked and preheated	Yolno boiling checked and preheated	0.50	0.00		12/07/2020	Finish
10164	SMETE RITE	COA	16844	68020	layer temperature problem	Temp. cooling valve setting problem	Setting done of	0.00	0.25		12/07/2020	Finish
10219	BHOSALE DA	COA	16854	68020	RUBBER LINE 1 AND 2 STENAS CLEANED WORK	RUBBER LINE 1 AND 2 STENAS CLEANED WORK	RUBBER LINE 1 AND 2 STENAS CLEANED WORK DONE	2.00	0.00		12/07/2020	Finish
		COA	16852	68102	V5 GREASING WORK	V5 GREASING WORK	V5 GREASING WORK DONE	1.50	0.00		12/07/2020	Finish
		COA	16850	68103	V6 LOADING TROLLY BEARING REPLACED WORK DONE	V6 LOADING TROLLY BEARING REPLACED WORK D	V6 LOADING TROLLY BEARING REPLACED WORK DONE DONE	1.83	0.00		12/07/2020	Finish
		COA	16853	68103	V6 GREASING WORK	V6 GREASING WORK	V6 GREASING WORK DONE	1.50	0.00		12/07/2020	Finish
		COA	16851	68424	VACUUM PUMP OIL LEAKAGE PROBLEM	VACUUM PUMP OIL LEAKAGE PROBLEM	VACUUM PUMP OIL LEAKAGE PROBLEM RESEAL REFLECTED	1.00	0.00		12/07/2020	Finish

M&amp;G - Parts List: Default, Cause, Action

76 INDIA

Date: 17/09/2020 13:54

Operat	Name	Grp	Part	Facility	Breakdown	Breakdown Causes	Action	Hours	Steps	Expected D	Input Date	Situ.
10005	PAWAR KISH	COR	16289	68102	PRESSUR PROBLEM	5 ton boiler annual passing work, 2 ton	5 ton boiler annual passing work, 2 ton boiler sta	1.00	0.00		22/06/2020	Finish
		COR	16290	68103	Pressur problem	5 ton boiler annual passing work, 2 ton	5 ton boiler annual passing work, 2 ton boiler sta	1.00	0.00		22/06/2020	Finish
		COR	16752	160227	BOILER INSPECTION	BOILER INSPECTION	BOILER FEED TANK WATER LEVEL MAINTAN FOIL PUMP A1	1.17	0.00		22/06/2020	Finish
		COR	16718	160244	NYLON SOFTNER TR2.OPPH	NYLON SOFTNER TR 2.OPPH	NYLON SOFTNER REGENERATION COMPLET TR 0.5PPH & 5MG S	0.58	0.00		22/06/2020	Finish
		COR	16725	160278	WEST WATER TREATMENT & USE TO GARDEN	WEST WATER TREATMENT & USE TO GARDEN	WEST WATER TREATMENT & USE TO GARDEN	3.17	0.00		22/06/2020	Finish
		COR	16731	General No	BOILER & RUBBER LINE SOFT WATER TANK LEVEL LOW	BOILER & RUBBER LINE SOFT WATER TANK LEV	BOILER & RUBBER LINE SOFT WATER TANK PUMP START TA	1.58	0.00		22/06/2020	Finish
		COR	16738	General No	NYLON CHILLER & COOLING TOWER TANK LEVEL LOW	NYLON CHILLER & COOLING TOWER TANK LEVEL	NYLON CHILLER & COOLING TOWER TANKPUMP START TANK	1.00	0.00		22/06/2020	Finish
		COR	16745	General No	WASH ROOM WATER TANK LEVEL LOW	WASH ROOM WATER TANK LEVEL LOW	WASH ROOM WATER PUMP START TANK LEVEL MAINTAN	0.50	0.00		22/06/2020	Finish
		COR	16707	General No	BOILER F OIL DAY TANK LEVEL 550&BOILER GAUGE GLAS	BOILER F OIL DAY TANK LEVEL 550&BOILER	BOILER F OIL DAY TANK LEVEL 550&BOILER GAUGE GLAS	0.25	0.00		22/06/2020	Finish
10082	RAME HITEN	COR	16292	1048	chiller problem	compressor not start	checked found that chiller water line checkup so c	0.17	0.25		22/06/2020	Finish
		COR	16302	68028	p m done	p m done	p m done	2.00	0.00		22/06/2020	Finish
		COR	16303	68028	p m done	p m done	p m done	2.00	0.00		22/06/2020	Finish
		COR	16304	68028	p m done	p m done	p m done	1.00	0.00		22/06/2020	Finish
		COR	16293	68103	PRESSURE NOT TRANSFER	v5 plc hang	checked v5 plc hang so checked and corrected also	0.50	0.50		22/06/2020	Finish
		COR	16295	68206	BEADLINE M/C NOT WORKING	LVDT sensor setting disturbed	Setting done or	0.00	1.00		22/06/2020	Finish
10169	SHETE RITE	COR	16301	68020	p m done	p m done	p m done	4.00	0.00		22/06/2020	Finish
		COR	16294	68418	PRINTING ISSUE	FUTAY SWICH REPAIRING NOW	FUTAY SWICH REPAIRING & sensor sitting	0.11	0.25		22/06/2020	Finish
		COR	16296	68446	PRINTING PADEL IS NOT WORKING SINCE 15 RINTS	feet s/v faulty	feet s/v repairing done	0.00	0.50		22/06/2020	Finish
10239	BHOSALE DA	COR	16291	1000	drop door problem	drop door problem	drop door problem so valve cleaned work done	0.50	0.00		22/06/2020	Finish
		COR	16299	1000	LUBRITION PROBLEM	LUBRITION PROBLEM	LUBRITION PROBLEM SO PUMP CLEANED WORK DONE	1.00	0.00		22/06/2020	Finish
		COR	16298	68103	STEEM RETURN SLO PROBLEM	STEEM RETURN SLO PROBLEM	STEEM RETURN SLO PROBLEM SO AIR VALVE LOW PRESSER	0.50	0.00		22/06/2020	Finish
		COR	16300	General No	DISEL LOADING AND UNLOADING AND TOPUP WORK	DISEL LOADING AND UNLOADING AND TOPUP WORK	DISEL LOADING AND UNLOADING AND TOPUP WORK DONE	4.00	0.00		22/06/2020	Finish
10247	VINAY KIRNA	COR	20922	160227	boiler tube cleaning , scrubber cleaning and carbo boiler tube cleaning , scrubber cleaning			12.00	0.00		22/06/2020	Finish

MMS - Parts List: Default, Cause, Action

76 DMLA

Date: 17/09/2020 13:55

Operat	Name	Grp	Part	Facility	Breakdown	Breakdown Causes	Action	Hours	Stops	Expected D	Input Date	Site
10028	SINGH SANJ	CDR	29920	"6022"	boiler tube cleaning , scrubber cleaning and carbo	boiler tube cleaning , scrubber cleaning boiler tube cleaning , scrubber cleaning and carbo	boiler tube cleaning , scrubber cleaning and carbo	8.00	0.00		03/05/2020	Finish

MIS - Parts List: Default, Cause, Action

Date: 17/09/2020 13:54

76 DNDIA

Operat	Name	Grp	Part	Facility	Breakdown	Breakdown Causes	Action	Hours	Stops	Expected D	Input Date	Stu
10005	PAKAR KISH		20926	60227	boiler tube cleaning , scrubber cleaning and carbo	boiler tube cleaning , scrubber cleaning boiler tube cleaning , scrubber cleaning and carbo		8.00	0.00		02/02/2020	Finish
10082	KAME NITEN	CDR	13672	68020	P M DONE	P M DONE	P M DONE	210.00	0.00		02/02/2020	Finish
		CDR	13673	68020	P M DONE	P M DONE	P M DONE ALSO ALL HEATH CHECKED , WATER PUMP CLARE	130.00	0.00		02/02/2020	Finish
		CDR	13674	68020	P M DONE	PM DONE	P M DONE ALSO ALL HEATER CURRENTY CHECKED , WATER PU	130.00	0.00		02/02/2020	Finish
		CDR	13664	68040	CUTTER M/C PROBLEM	CUTTING NOT PROPER	RELIVER PERSON 7PM HAND OVER RUBBER CUTTING M/C PEP	0.00	0.07		02/02/2020	Finish
		CDR	13671	68412	P M DONE	P M DONE	P M DONE	110.00	0.00		02/02/2020	Finish
		CDR	13659	68412	neting m/c stop	WRING AND SSR PROBLEM	RELIVER PERSON 7PM HAND OVER SINKING M/C NOT WORK	0.00	0.17		02/02/2020	Finish
10219	BRUSALE SA	CDR	13685	68100	Interwin hydraulic power pack oil level low	Hydraulic oil top up done	Hydraulic oil top up done	1.83	0.00		02/02/2020	Finish
		CDR	13675	68000	68000 OFF LINE DIS CLEANING WORK	68000 OFF LINE DIS CLEANING WORK	68000 OFF LINE DIS CLEANING WORK DONE	4.00	0.00		02/02/2020	Finish
		CDR	13676	68020	RUBBER LINE 1 VAKUM PUMP AND STNER CLEANED WORK	RUBBER LINE 1 VAKUM PUMP AND STNER CLEAN	RUBBER LINE 1 VAKUM PUMP AND STNER CLEANED WORK DO	1.50	0.00		02/02/2020	Finish
		CDR	13677	68040	RUBBER LINE 2 VAKUM PUMP AND STNER CLEANED WORK	RUBBER LINE 2 VAKUM PUMP AND STNER CLEAN	RUBBER LINE 2 VAKUM PUMP AND STNER CLEANED WORK DO	1.50	0.00		02/02/2020	Finish
		CDR	13686	68102	Autoclave trolly wheel greasing done	Autoclave trolly wheel greasing done	Autoclave trolly wheel greasing done	2.00	0.00		02/02/2020	Finish

MMS - Parts List: Default, Cause, Action

74 INDIA

Date: 17/09/2020 13:51

Operat	Plant	Grp	Part	Facility	Breakdown	Breakdown Causes	Action	Hours	Stops	Expected D	Input Date	Situ.
10078	SINGH	SPMJ	COR	20925	748227	boiler tube cleaning , scrubber cleaning and carbo boiler tube cleaning , scrubber cleaning	boiler tube cleaning , scrubber cleaning and carbo	8.00	0.00		12/01/2020	Finish



## EXHIBIT-D

Date: 10.11.20

To,

The Sub Regional Officer Maharashtra  
Pollution Control Board,  
Third Floor, Jog Centre, Mumbai Pune Road,  
Wakdevadi, Shivajinagar, Pune — 411003

Reference: Letter dated 25.09.20 submitted to MPCB

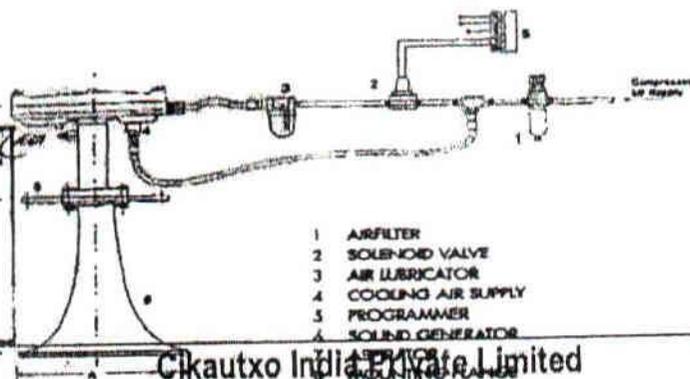
Subject: Compliance report as per visit remarks on September 16, 2020

Dear Sir,

This is with reference to the above mentioned subject, we would like to inform you that the status of the same as under:

1. We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission. Also we are take following action on that.
  - A. S.S. Dry type scrubber filter's cleaning schedule revised from monthly to every 15 days. — Done from 5<sup>th</sup> may 20
  - B. We are cleaning filter's and sending the carbon black to MEPL every two months Done.
  - C. We will modify Dust Collector with Dust Removal Arrangement with two numbers Sonic Horns and one number rotary actuator. 27<sup>th</sup> Oct 20 —done

Acoustic cleaning is a maintenance method used to remove the buildup of material on surfaces. Acoustic cleaning apparatus, usually built into the material-handling equipment, works by generating powerful sound waves which shake particulates loose from surfaces, reducing the need for manual cleaning. And acoustic cleaner will create a series of very rapid and powerful sound induced pressure fluctuations which are then transmitted into the solid particles of ash, dust, granules or powder. This causes them to move at differing speeds and de-bond from adjoining particles and the surface that they are adhering to. Once they have been separated then the material will fall off due to gravity or it will be carried away by the process gas or air stream. operation the Sonic generators are operated on compressed air and controlled by means of a solenoid valve and a microprocessor based control system. The normal isolation cycle is 10-12 seconds after regular interval, depending on site situation.



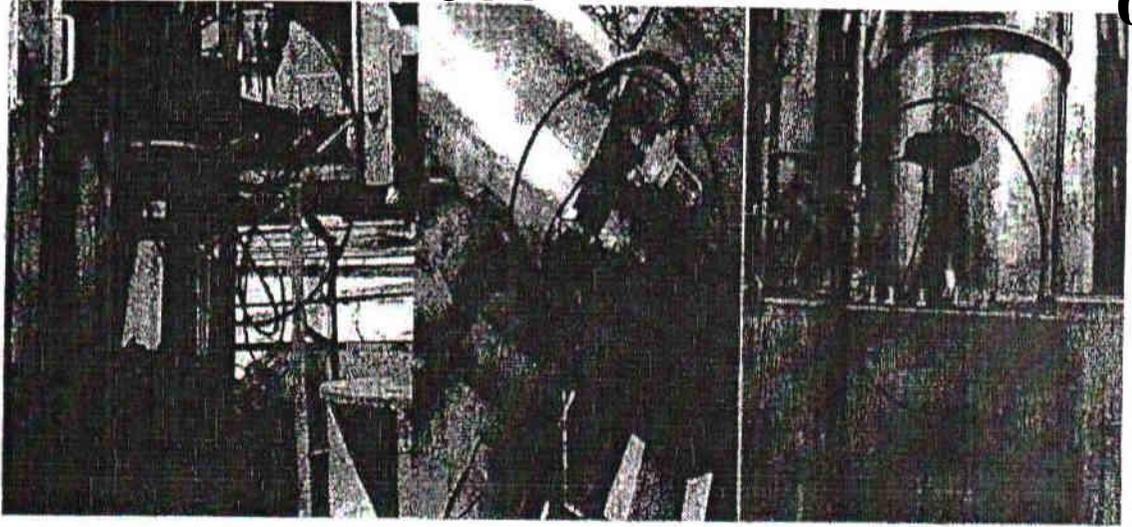
Received on Dt. 10/11/20

  
 Clerk

R. D. M. P. C. B. Pune

Cikautxo India Private Limited

Survey Number 662, Old Pune - Mumbai Highway, Talegaon Dabhade, Taluka Maval,  
District Pune-410 506, Maharashtra, India. Phone: 0091-2114-660100;  
Fax: 0091-2114-660115 website: [www.cikautxo.in](http://www.cikautxo.in) CIN; U25199PN2011PTC138415



- D. We change boiler burner flame tube on 20<sup>th</sup> Sep 20 done
- E. Burner fuel and air ratio frequency are set by third party using analyzer. The schedule has been revised from yearly to Every six-month frequency done from March 20. & 21Sep-20 Done
- F. Boiler internal tube's cleaning carryout every month instead of six months from January 2020. Done
- G. Outside premises and stack area, cleaning daily basis instead of weekly from December,2019 Done

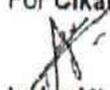
We hereby request you to kindly take a note of the above mentioned points and absolve us from any further legal actions since we are taking enough measures to complete compliance procedures as suggested during your visit to our premises on the aforesaid date.

Kindly acknowledge the receipt of the same.

Thanking You,

Yours Faithfully,

For Cikautxo India Private Limited

  
Janhavi Yadav  
System Responsible

Encl: Nil

Copy for information & necessary action to:

S.R.O., Pune I & II, Maharashtra Pollution Control Board, Pune



Lab Approved by MoEF, New Delhi. (09-02-2017 to 08-02-2022)  
 Lab NABL Accredited - Testing - Chemical Field & Proficiency Testing Provider  
 "Shree", K 3/4, S. No. 10, Erandawane Housing Society, Opposite Deenanath Mangeshkar Hospital, Pune 411 004.  
 • Tel.: 020 - 25460202, 25460203, 25460203, 25460033. • Email : kmn@hespl.co.in / md@hespl.co.in • www.hespl.co.in

## TEST CERTIFICATE

Page 1 of 2  
 HS/LAB/NABL/F/7.8.2.1

CLIENT'S NAME & ADDRESS	REPORT NO.	HS/LAB/AA/3569
<b>M/S G. D. Engineering</b>  5/2, Chandralok Nagari Dahanukar Colony Kothrud Pune 411038  Cikautxo India Pvt. Ltd. Sr.No.:862, Pune-Mumbai Road, Talegaon Dabhade, Pune, Maharashtra-410506	REPORT DATE	06/11/2020
	LAB REFERENCE NO.	HS/LAB/AA/230
	SAMPLING DATE	03/11/2020
	SAMPLE RECEIPT DATE	03/11/2020
	START DATE OF ANALYSIS	04/11/2020
	END DATE OF ANALYSIS	05/11/2020
	SAMPLING REF. / SOP NO.	HS/NABL/Air/15

DETAILS OF SAMPLE	SAMPLING DONE BY	SAMPLE CONTAINER & QUANTITY	NATURE	LOCATION
Stack Emission	Horizon Services	Plastic Bottles and Bags	--	Scrubber

## RESULTS

Sr. NO.	DESCRIPTION	UNIT	RESULT	LIMITS	TEST METHOD REFERENCE
01	DATE OF SAMPLING	DD/MM/YY	03/11/2020		
02	TEST LOCATION		Scrubber		
03	TIME OF SAMPLING		12:20		
04	MATERIAL OF STACK		MS		
05	STACK HEIGHT (FROM G.L.)	Mtr	--		
06	TYPE OF STACK		Round		
07	FLUE GAS TEMPERATURE	Deg K	360		
08	DIFFERENTIAL PRESSURE	mm WG	2.8		
09	VELOCITY	M/Sec	6.35		
10	DIAMETER OF STACK	M	1.25		
11	STACK AREA	M <sup>2</sup>	1.2266		
12	GAS VOLUME	NM <sup>3</sup> /Hr	23209.52		
13	SUSPENDED PARTICULATE MATTER	mg/NM <sup>3</sup>	35.28	As per Consent	IS 11255 (Part 1):1985

Equipment Used: -1) Stack Monitoring Kit, Sr.No.14-B-85 (Ecotech model)  
 Date of Calibration: -24/02/2020 Next Calibration due: -23/02/2021

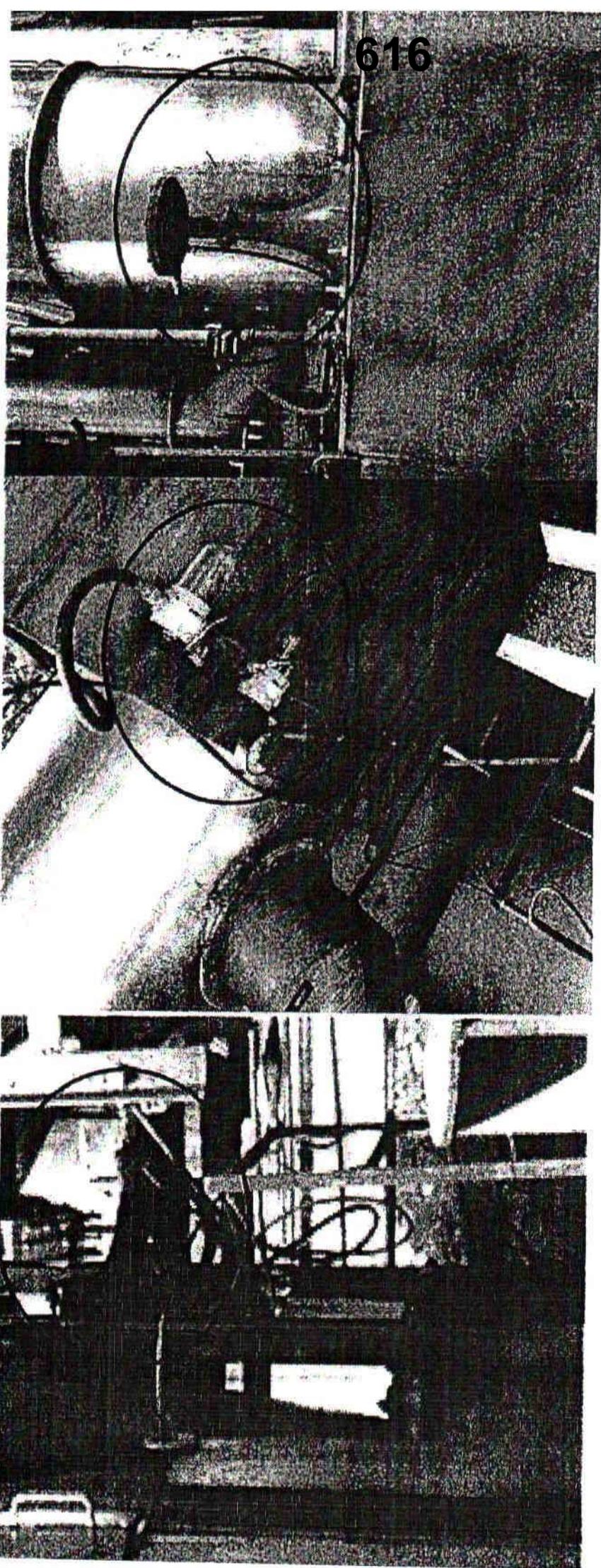
For HORIZON SERVICES

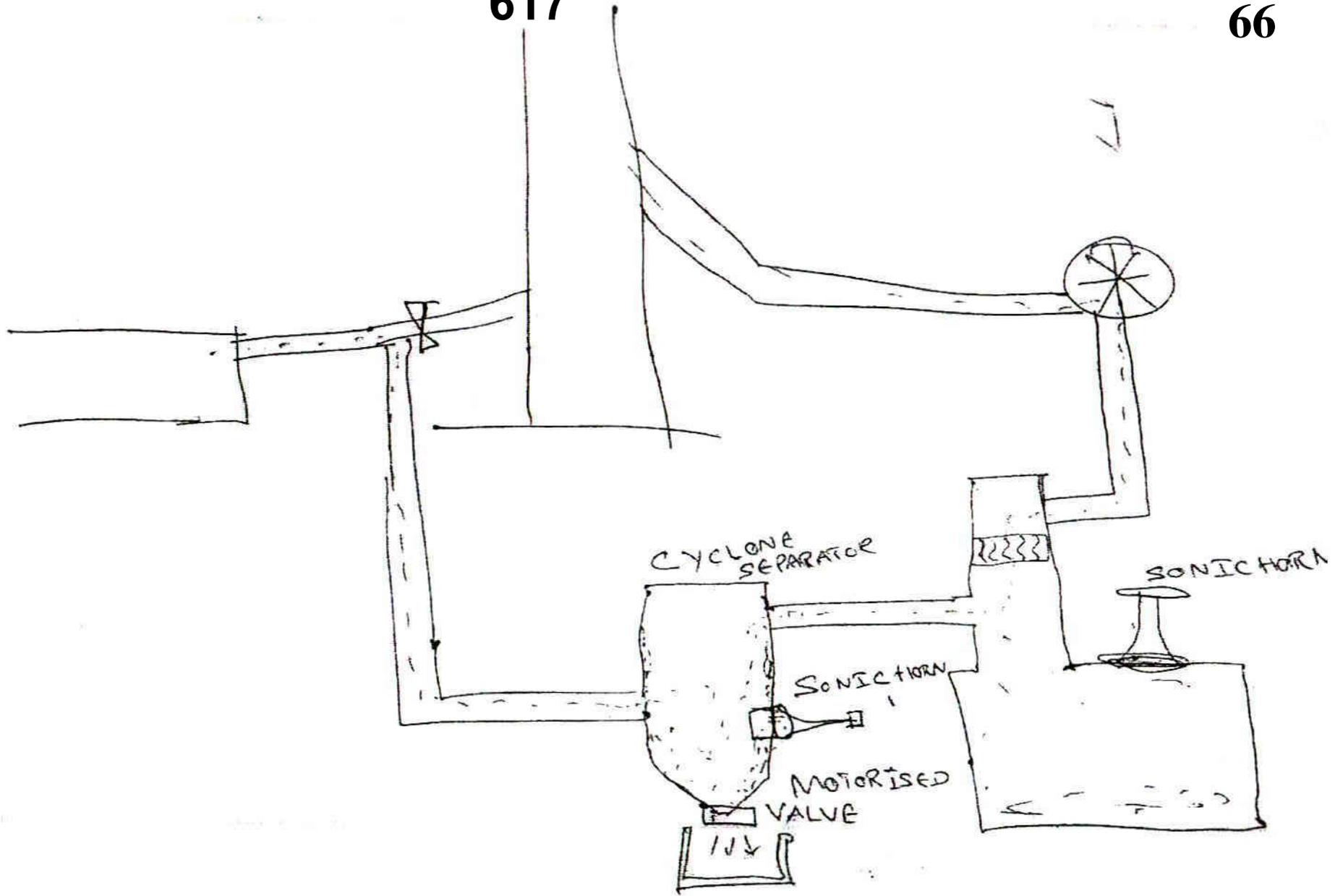
MANISHA NARGOLKAR  
 (Lab Incharge)

\*\*\*\*End of Test Report\*\*\*\*

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Date: 16.2.21

To,  
The Sub Regional Officer Maharashtra  
Pollution Control Board,  
Third Floor, Jog Centre, Mumbai Pune Road,  
Wakdevadi, Shivajinagar, Pune — 411003

Reference: Letter dated submitted to MPCB 10.11.20

Subject: Compliance report as per visit remarks on 15<sup>th</sup> Feb 21

Dear Sir,

This is with reference to the above mentioned subject, we would like to inform you that the status of the same as under:

We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission. Also we are take following action on that.

- A. We are changing boiler fuel from Furnace oil to LPG Gas in this project - 1. Trail conducted successfully on Dec 20 report is also within MPCB Limit 2. LPG Storage shed work & Pipe line work & legal work In process approximately 1-month required for complete all work. For reference following document attached for your information.
  - Dec-20 Test Report
  - LPG GAS Shed Drg.
- B. Burner fuel and air ratio frequency are set by third party using analyzer. The schedule has been revised from yearly to Every six-month frequency done from March 20. & 21Sep-20 Done
- C. Boiler Internal tube's cleaning carryout every 3 month instead of six months from January 2021. Done

We hereby request you to kindly take a note of the above mentioned points and absolve us from any further legal actions since we are taking enough measures to complete compliance procedures as suggested during your visit to our premises on the aforesaid date.

Kindly acknowledge the receipt of the same.

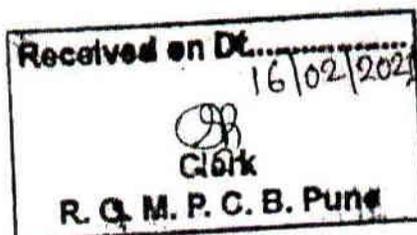
Thanking You,

Yours Faithfully,

For Cikautxo India Private Limited

Mikel Mendibe

Chief Executive Officer & Authorized Signatory



Encl: Nil

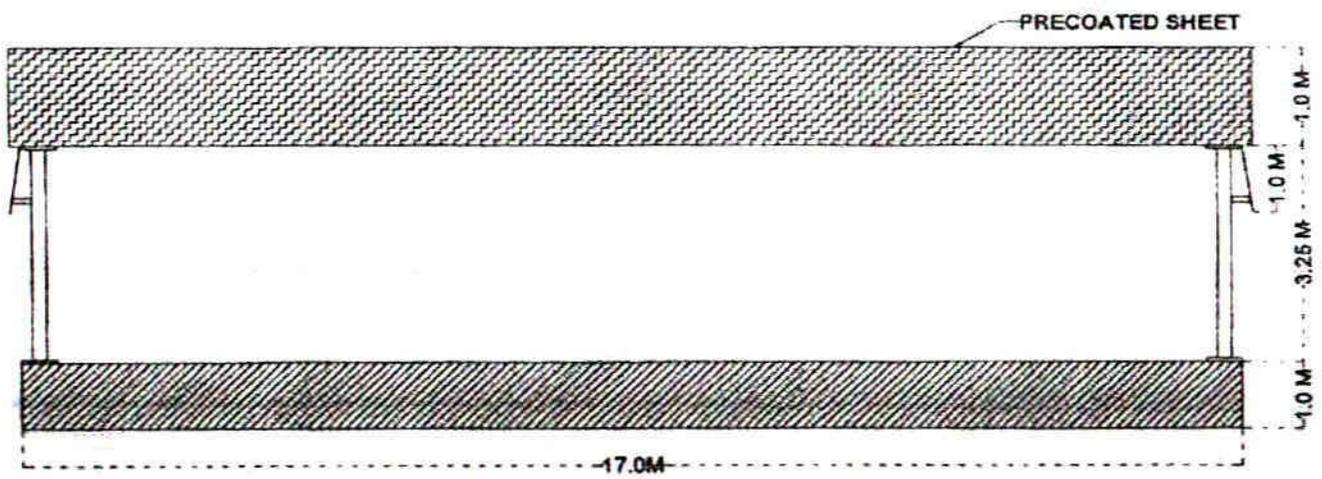
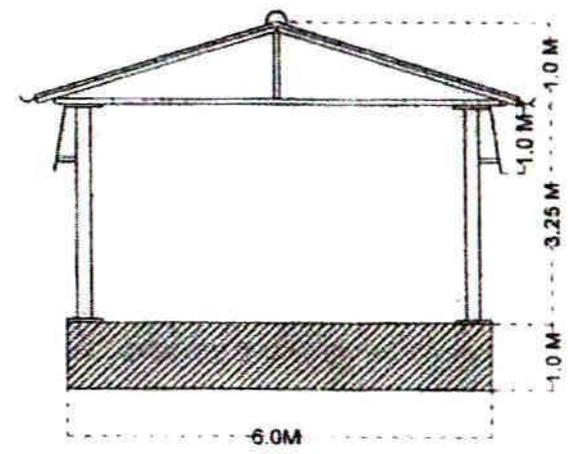
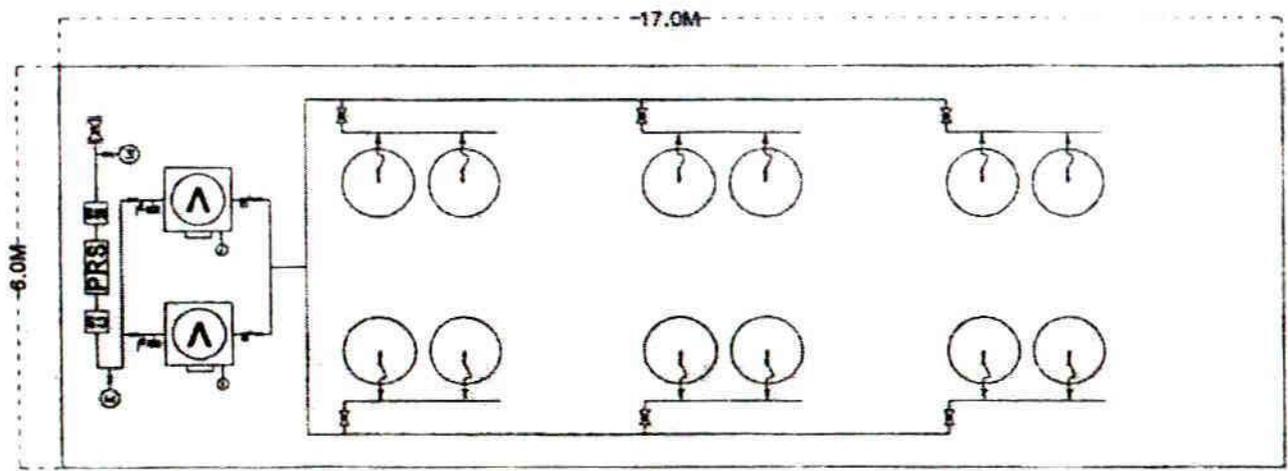
Copy for information & necessary action to be taken by  
S.R.O., Pune & Maharashtra Pollution Control Board, Pune  
Cikautxo India Private Limited  
Survey Number 602, Old Pune Mumbai Highway, Talegaon Dabhade, Taluka Maval,  
District Pune-410 506, Maharashtra, India. Phone: 0091-2114-660100;  
Fax: 0091-2114-660115 website: [www.cikautxo.in](http://www.cikautxo.in) CIN: U25199PN2011PTC138415

GESEC

TEST CERTIFICATE				
Report No: GESEC/2020-21/12/		Date of Report	11/12/2020	
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, TalegoanDabhade, Tal- Maval, Dist- Pune.		Date of Sampling	05/12/2020	
		Start Date of Analysis	06/12/2020	
		End Date of Analysis	11/12/2020	
		Sample Location	IBR Boiler Chimney (Nylon) - LPG gas	
		Sample Details	Stack	
Sample Collected By		Time of Sampling	11:00	
		Shlok Consultancy Services		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	443	°K	
6.	Differential Pressure	2.8	mmWG	
7.	Velocity	6.37	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	19866.0	NM <sup>3</sup> /Hr	
11.	Particulate Matter	92.0	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	110.0	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	52.44	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	31.0	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	1.2	mg/NM <sup>3</sup>	50
Remark(s):				
<ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL – Below Detectable Limit:</li> </ul>				
ANALYZED BY-			AUTHORIZED SIGNATORY-	

## Terms and conditions

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- Samples will be retained for a period of seven (7) days after completion of analysis. Longer retention periods can be arranged, on request of the customer.
- We strictly maintain the confidentiality of all test result of sample(s) collected by us/ supplied by customer and not reveal to third party unless required by the statutory or legal requirement.
- MoEF approved Lab by Govt. of India. From date. 09/02/2017 to 08/02/2022.



NOTES -  
ALL DIMENSIONS IN METER

REV.	DESCRIPTION	DESIGN	CHK.	APP'D.	DATE
<b>REVISIONS</b>					
CLIENT:- <b>CIKAUTKO INDIA PVT. LTD.,</b>					
<b>TALEGAON</b>					
DESIGN	DATE	SCALE	ENGINEER:-		
CHECKED	RESPONSIBLE	ISSUED	<b>KELVIN ENERGY SOLUTIONS,</b>		
APPROVED	APPROVAL	REVISION	MORLA, NARAYANPUR		
SCALE: 1:100			Title: GA DRAWING & SHED LAYOUT FOR 6-4		
REVISION NO.	NO.	DATE	425KG LPG SYSTEM (FOR SALE BY CIKAUTKO INDIA PVT. LTD.)		
REVISION DATE	NO.	DATE	SHEET (OF 1)		
			REV. NO.		



# 621 SUPERHEAT ENGINEERING 70

S. No.48, H. No. 5/101, Charwadwasti, Wadgaon Budruk, Pune-411044  
E-mail : superheatengg2014@gmail.com Mob. : 9371191902, 7208740946

## SERVICE REPORT

Customer Cikeetso Indica (p) Ltd. Telegaon.	Report Date : 20/09/20	Report No: H/S / 371 2020
	No. of Days : 02	Engineer Name :
	In Time : 9:30	Hernand Saneant.
	Out Time : 6:00	Type to Call : E&C/AMC /BR Down / Other
Contact Person : Mrs Anand / Mrs Vinay		Burner Make & Model : RCMS-70
Contact No. : — E Mail : —	Fuel : HSD/LDO/FO/LPG/NG	
OEM Loos Boiler	Application : Tank/PCO/Boiler/Other Boiler	Nozzle : 1 st :                      2nd :
Observations & Findings : Burner servicing & flue gas analysing. Also required to blast tube change.		

Intel Pressure at Burner :                      Seq. Controller :                      Servomotor Model :

Action Taken : visited the site, water level of boiler is very 40% . so we adjust the level transmitter & set the boiler water level is done.  
 After fan wheel is fully checked & clean by air & scraping.  
 Boiler blast tube is right bit bent so we remove the bend side is hammer. Done the

Comments :                      Service Call Status : Completed/Pending / Awaited For  
 Boiler flue gas analysing.

### Service Call Charges

Service Call Charges	As per.
Expenses	
Total	

Service Call Charges must be paid of completion or as per WO.  
 Mode of Payment may be cashier cheque on us  
 Service Invoice will be sent to you separately  
 For more information or clarification consult service manager  
 you can mail your query at superheatengg2014@gmail.com

NAME : SUPERHEAT ENGINEERING  
 Bank : UNION BANK OF INDIA, (Poud Road)  
 IFSC : UBIN0549006 A/c : 496801010036461



Customer Signature

Handwritten signature of the customer.

For SUPERHEAT ENGINEERING

Name, Designation & Cell No.

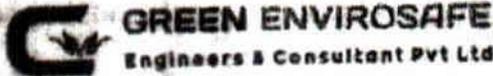
\* 21/09/2020

Oil pressure is set 29 kg/cm<sup>2</sup>.

Load	fuel	Air	ACX	O <sub>2</sub>	CO <sub>2</sub>	CO	A-temp	E
30	45.0	20.0	80.0	8.3	8.5	70	194	8
50	52.0	27.0	74.5	7.0	10.6	80	206	9
60	56.0	31.0	67.5	7.6	10.2	86	222	8
70	61.0	35.5	63.6	7.2	10.4	80	230	8
80	65.0	36.5	60.0	7.0	10.6	80	238	8
00	67.0	37.0	59.0	5.5	11.9	80	240	8

Done the fuel gas analysis.

Fer.  
Scepernat Eng.  
HBT



Recognized by Ministry of Environment, Forest & Climate Change (MoEF) Govt. of India and ISO 45001 : 2018, ISO 9001:2015 Certified Company

TEST CERTIFICATE					
Report No: GESEC/2021-22/09/S227		Date of Report		06/10/2021	
Client Name and Address: M/s. Ckautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.		Date of Sampling		30/09/2021	
		Start Date of Analysis		01/10/2021	
		End Date of Analysis		06/10/2021	
		Sample Location		IBR Boiler Chimney (Nylon)	
		Sample Details		Stack	
		Time of Sampling		12:10	
Sample Collected By		Shlok Consultancy Services			
Source Emission Analysis Report					
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent	
1.	Material of Stack	M.S	--		
2.	Stack Height	30	Mtr.		
3.	Type of Stack	Trapezoid	--		
4.	Sampling Duration	30	Min.		
5.	Flue Gas Temperature	387	°K		
6.	Differential Pressure	4.5	mmWG		
7.	Velocity	7.92	M/s		
8.	Dimensions of Stack	1.25	Mtr.		
9.	Stack Area	1.2265	M <sup>2</sup>		
10.	Gas Volume	26945.37	NM <sup>3</sup> /Hr		
11.	Particulate Matter	55.10	mg/NM <sup>3</sup>	≤ 150	
12.	Sulphur Dioxide (SO <sub>2</sub> )	10.3	mg/NM <sup>3</sup>	N.S	
13.	Sulphur Dioxide (SO <sub>2</sub> )	0.66	Kg/day	≤ 186	
14.	Oxide of Nitrogen (NO <sub>x</sub> )	21.6	mg/NM <sup>3</sup>	50	
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S	
16.	Oxygen	20.3	%	--	
16.	Acid Mist	1.9	mg/NM <sup>3</sup>	50	
<b>Remark(s):</b> ➤ All above results are well within MPCB Limit. ➤ N.S.: - Not Specified ➤ BDL – Below Detectable Limit.					
ANALYZED BY-				AUTHORIZED SIGNATORY-	

**Terms and conditions**

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5. We strictly maintain the confidentiality of all test result of sample(s) collected by us/ supplied by customer and not reveal to third party unless required by the statutory or legal requirement.
6. MoEF approved Lab by Govt. of India. From date, 02/02/2017 to 06/02/2022.



624

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Recognised by Ministry of Environment, Forest & Climate Change (MoEF) Govt. of India and ISO/IEC 17025:2006 (NABL), ISO 9001:2015 and DHSAS 18001:2007 Certified Company

**TEST CERTIFICATE**

<b>Report No: GESEC/2021/22/07/2280</b>	<b>Date of Report</b>	07/07/2021
<b>Client Name and Address:</b> M/s. Cikaubxo India Pvt. Ltd. S. No. 662, TalegoanDabhade, Tal- Maval, Dist- Pune.	<b>Date of Sampling</b>	01/07/2021
	<b>Start Date of Analysis</b>	02/07/2021
	<b>End Date of Analysis</b>	07/07/2021
	<b>Sample Location</b>	IBR Boiler Chimney (Nylon)
	<b>Sample Details</b>	Stack
	<b>Time of Sampling</b>	10:48
<b>Sample Collected By</b>	Shlok Consultancy Services	

**Source Emission Analysis Report**

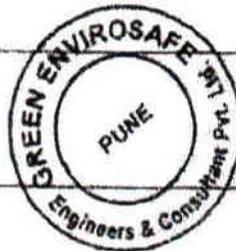
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	-	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	-	
4.	Sampling Duration	35	Min.	
5.	Flue Gas Temperature	450	°K	
6.	Differential Pressure	3.2	mmWG	
7.	Velocity	7.20	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	21071.8	NM <sup>3</sup> /Hr	
11.	Particulate Matter	59.3	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	36.5	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	4.13	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	18.4	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Oxygen	10.2	%	-
17.	Acid Mist	2.1	mg/NM <sup>3</sup>	50

**Remark(s):**

- All above results are well within MPCB Limit.
- N.S.: - Not Specified
- BDL - Below Detectable Limit.

**ANALYZED BY-**

*Shlok*



**AUTHORIZED SIGNATORY-**

*Pranali*

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- We strictly maintain the confidentiality of all test result of sample(s) collected by us/ supplied by customer and not reveal to third party unless required by the statutory or legal requirement.
- MoEF approved Lab by Govt. of India. From date, 09/02/2017 to 08/02/2022.



TEST CERTIFICATE		
Report No: GESEC/2021-22/05/1192	Date of Report	05/06/2021
Client Name and Address: M/s. Cikaubro India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.	Date of Sampling	31/05/2021
	Start Date of Analysis	01/06/2021
	End Date of Analysis	05/06/2021
	Sample Location	Boiler Stack
	Sample Details	Stack
	Time of Sampling	13:00
Sample Collected By	Shlok Consultancy Services	

### Source Emission Analysis Report

Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	35	Min.	
5.	Flue Gas Temperature	452	°K	
6.	Differential Pressure	2.13	mmWG	
7.	Velocity	5.89	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	17153.54	NM <sup>3</sup> /Hr	
11.	Particulate Matter	74.6	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	28.9	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	11.89	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	34.6	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Oxygen	19.5	%	--
17.	Acid Mist	4.5	mg/NM <sup>3</sup>	50

Remark(s): All above results are well within MPCB Limit.

> N.S.: - Not Specified

> BDL - Below Detectable Limit.

ANALYZED BY-

*Abhishek*



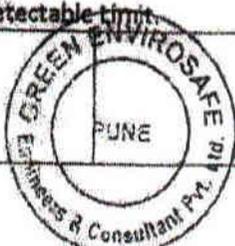
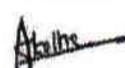
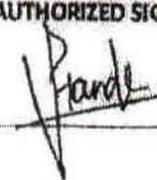
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*Frank*

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TEST CERTIFICATE				
Report No: GESEC/2021-22/04/0478		Date of Report		06/05/2021
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, TalegoanDabhade, Tal- Maval, Dist- Pune.		Date of Sampling		29/04/2021
		Start Date of Analysis		30/04/2021
		End Date of Analysis		06/05/2021
		Sample Location		IBR Boiler Chimney (Nylon)
		Sample Details		Stack
		Time of Sampling		10:48
Sample Collected By		Shlok Consultancy Services		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	-	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	-	
4.	Sampling Duration	35	Min.	
5.	Flue Gas Temperature	413	°K	
6.	Differential Pressure	2.6	mmWG	
7.	Velocity	6.22	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	19826.45	NM <sup>3</sup> /Hr	
11.	Particulate Matter	100.3	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	102.6	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	48.82	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	30.6	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Oxygen	14.7	%	-
17.	Acid Mist	4.3	mg/NM <sup>3</sup>	50
<b>Remark(s):</b> <ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL - Below Detectable Limit.</li> </ul>				
ANALYZED BY-				AUTHORIZED SIGNATORY-
				

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**TEST CERTIFICATE**

Report No: GESEC/2020-21/03/7958	Date of Report	30/03/2021
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.	Date of Sampling	22/03/2021
	Start Date of Analysis	24/03/2021
	End Date of Analysis	30/03/2021
	Sample Location	IBR Boiler Chimney (Nylon)
	Sample Details	Stack
	Time of Sampling	12:30
Sample Collected By	Shlok Consultancy Services	

**Source Emission Analysis Report**

Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	360	°K	
6.	Differential Pressure	4.5	mmWG	
7.	Velocity	6.83	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	24854.41	NM <sup>3</sup> /Hr	
11.	Particulate Matter	53.60	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	9.2	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	0.54	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	19.6	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	BDL	mg/NM <sup>3</sup>	50

**Remark(s):**

- All above results are well within MPCB Limit.
- N.S.: - Not Specified
- BDL - Below Detectable Limit.

ANALYZED BY-

*Shlok*



AUTHORIZED SIGNATORY-

*Shande*

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GESEC

TEST CERTIFICATE				
Report No: GESEC/2020-21/12/		Date of Report	11/12/2020	
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, TalegoanDabhade, Tal- Maval, Dist- Pune.		Date of Sampling	05/12/2020	
		Start Date of Analysis	06/12/2020	
		End Date of Analysis	11/12/2020	
		Sample Location	IBR Boiler Chimney (Nylon) - LPG gas	
		Sample Details	Stack	
Sample Collected By		Time of Sampling	11:00	
		Shlok Consultancy Services		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	443	°K	
6.	Differential Pressure	2.8	mmWG	
7.	Velocity	6.37	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	19866.0	NM <sup>3</sup> /Hr	
11.	Particulate Matter	92.0	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	110.0	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	52.44	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	31.0	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	1.2	mg/NM <sup>3</sup>	50
Remark(s):				
<ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL – Below Detectable Limit.</li> </ul>				
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TEST CERTIFICATE		
Report No: GESEC/2020-21/09/2494	Date of Report	26/09/2020
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.	Date of Sampling	16/09/2020
	Start Date of Analysis	17/09/2020
	End Date of Analysis	26/09/2020
	Sample Location	IBR Boiler Chimney (Nylon)
	Sample Details	Stack
	Time of Sampling	14:00
Sample Collected By	Shlok Consultancy Services	

**Source Emission Analysis Report**

Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	418	°K	
6.	Differential Pressure	2.1	mmWG	
7.	Velocity	5.58	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	17839.98	NM <sup>3</sup> /Hr	
11.	Particulate Matter	96.5	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	122.9	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	52.62	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	34.13	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	1.4	mg/NM <sup>3</sup>	50

**Remark(s):**

- All above results are well within MPCB Limit.
- N.S.: - Not Specified
- BDL – Below Detectable Limit.

ANALYZED BY-

*Shlok*



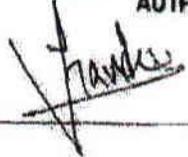
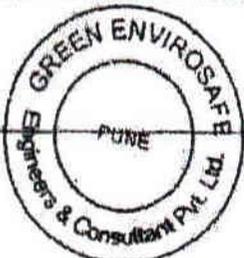
AUTHORIZED SIGNATORY-

*Flavel*

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TEST CERTIFICATE				
Report No: GESEC/2019-20/11/7522		Date of Report		29/11/2019
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal. Maval, Dist- Pune.		Date of Sampling		28/11/2019
		Start Date of Analysis		28/11/2019
		End Date of Analysis		29/11/2019
		Sample Location		IBR Boiler Chimney (Nylon)
		Sample Details		Stack
		Time of Sampling		11:05
Sample Collected By		Shlok Consultancy Services		
Source Emission Analysis Report				
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	358	°K	
6.	Differential Pressure	4.5	mmWG	
7.	Velocity	7.62	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	28015.48	NM <sup>3</sup> /Hr	
11.	Particulate Matter	68.5	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	28.6	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	19.22	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	17.5	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	BDL	mg/NM <sup>3</sup>	50
Remark(s):				
<ul style="list-style-type: none"> <li>➤ All above results are well within MPCB Limit.</li> <li>➤ N.S.: - Not Specified</li> <li>➤ BDL - Below Detectable Limit.</li> </ul>				
ANALYZED BY-		AUTHORIZED SIGNATORY-		
				
				

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TEST CERTIFICATE		
Report No: GESEC/2019-20/09/6008	Date of Report	27/09/2019
Client Name and Address; M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maval, Dist- Pune.	Date of Sampling	21/09/2019
	Start Date of Analysis	22/09/2019
	End Date of Analysis	27/09/2019
	Sample Location	IBR Boiler Chimney (Nylon)
	Sample Details	Stack
	Time of Sampling	12:55
Sample Collected By	Green EnviroSafe Engineers & Consultant Pvt. Ltd, Pune	

**Source Emission Analysis Report**

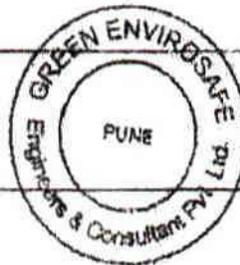
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	426	°K	
6.	Differential Pressure	2.1	mmWG	
7.	Velocity	5.67	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	17544.38	NM <sup>3</sup> /Hr	
11.	Particulate Matter	48.5	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	6.56	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	2.76	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	18.9	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	BDL	mg/NM <sup>3</sup>	50

**Remark(s):**

- All above results are well within MPCB Limit.
- N.S.: - Not Specified
- BDL - Below Detectable Limit.

ANALYZED BY-

*M. Chitambar*



AUTHORIZED SIGNATORY-

*Franky*

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**TEST CERTIFICATE**

Report No: GESEC/2019-20/05/769	Date of Report	15/05/2019
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, TalegoanDabhadc, Tal- Maval, Dist- Pune.	Date of Sampling	13/05/2019
	Start Date of Analysis	13/05/2019
	End Date of Analysis	15/05/2019
	Sample Location	IBR Boiler Chimney (Nylon)
	Sample Details	Stack
	Time of Sampling	13:00
Sample Collected By	Shlok Consultancy Services	

**Source Emission Analysis Report**

Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	378	<sup>o</sup> K	
6.	Differential Pressure	4.0	mmWG	
7.	Velocity	7.3	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	25704.99	NM <sup>3</sup> /Hr	
11.	Particulate Matter	56.4	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	10.2	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	6.2	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	12.3	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	BDL	mg/NM <sup>3</sup>	50

**Remark(s):**

- All above results are well within MPCB Limit.
- N.S.: - Not Specified
- BDL – Below Detectable Limit.

ANALYZED BY-

*Shlok*



AUTHORIZED SIGNATORY-

*Harsh*

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**TEST CERTIFICATE**

Report No: GESEC/2018-19/03/6936	Date of Report	28/03/2019
Client Name and Address: M/s. Cikautxo India Pvt. Ltd. S. No. 662, Talegoan Dabhade, Tal- Maival, Dist- Pune.	Date of Sampling	21/03/2019
	Start Date of Analysis	22/03/2019
	End Date of Analysis	28/03/2019
	Sample Location	IBR Boiler Chimney (Nylon)
	Sample Details	Stack
	Time of Sampling	12:30
Sample Collected By	Shlok Consultancy Services	

**Source Emission Analysis Report**

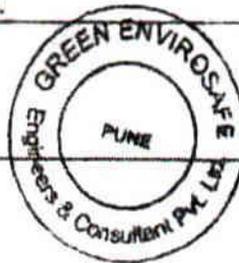
Sr. No.	Parameter	Result	Unit(s)	Limits As Per MPCB Consent
1.	Material of Stack	M.S	--	
2.	Stack Height	30	Mtr.	
3.	Type of Stack	Trapezoid	--	
4.	Sampling Duration	30	Min.	
5.	Flue Gas Temperature	365	°K	
6.	Differential Pressure	4.4	mmWG	
7.	Velocity	7.61	M/s	
8.	Dimensions of Stack	1.25	Mtr.	
9.	Stack Area	1.2265	M <sup>2</sup>	
10.	Gas Volume	27435.5	NM <sup>3</sup> /Hr	
11.	Particulate Matter	52.62	mg/NM <sup>3</sup>	≤ 150
12.	Sulphur Dioxide (SO <sub>2</sub> )	9.3	mg/NM <sup>3</sup>	N.S
13.	Sulphur Dioxide (SO <sub>2</sub> )	6.12	Kg/day	≤ 186
14.	Oxide of Nitrogen (NO <sub>x</sub> )	14.2	mg/NM <sup>3</sup>	50
15.	Ammonia (NH <sub>3</sub> )	BDL	µg/M <sup>3</sup>	N.S
16.	Acid Mist	BDL	mg/NM <sup>3</sup>	50

**Remark(s):**

- All above results are well within MPCB Limit.
- N.S.: - Not Specified
- BDL - Below Detectable Limit.

ANALYZED BY:

*mebtif*



AUTHORIZED SIGNATORY:

*[Signature]*  
Honde

**Terms and conditions**

1. The report is refer only to the sample tested and not applies to the bulk.
2. The results shown in this test report may differ based on various factors including temperature, humidity, pressure, retention time etc.
3. The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, GESEC.
4. Samples will be retained for a period of seven (7) days after completion of analysis. Longer retention periods can be arranged, on request of the customer.
5. We strictly maintain the confidentiality of all test result of sample(s) collected by us/ supplied by customer and not reveal to third party unless required by the statutory or legal requirement.



Shephali

634  
(9)  
EXHIBIT '.....'

**REPORTABLE**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
GOA SEAT, AT PORVORIM  
PIL WRIT PETITION NO. 4 OF 2022**

**1. THE GOA FOUNDATION,**  
Through its Secretary,  
Dy. Claude Alvares, Age 73 years,  
Having Regd. Office at Room No. 7,  
Above Mapusa Clinic, Mapusa,  
Goa 403 507,  
PAN No. AAAAG0249C  
Email id: goafoundation@gmail.com

**... PETITIONER**

**~ VERSUS ~**

- 1. THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,**  
Through the Registrar General,  
Faridkot House, Copernicus Marg,  
New Delhi 110001.
- 2. THE NATIONAL GREEN TRIBUNAL, WESTERN BENCH,**  
Through its Registrar, New  
Administrative Building, 1st Floor,  
B-wing, Opposite Council Hall,  
Pune - 411001.
- 3. THE UNION OF INDIA,**  
Through the Secretary, Ministry of  
Environment, Forests & Climate  
Change, Indira Paryavaran Bhavan,  
Jor Bag Road, New Delhi - 110003.

SHEPHALI  
SANJAY  
MORMARE

Digitally signed  
by SHEPHALI  
SANJAY  
MORMARE  
Date: 2022.09.21  
17:43:18 +0530

4. **THE STATE OF GOA**  
Through its Chief Secretary,  
Secretariat, Porvorim, Goa 403521

... **RESPONDENTS**

**APPEARANCES**

**FOR THE PETITIONER:** Ms Norma Alvares, with Mr Om  
GOA FOUNDATION Dcosta.

**FOR RESPONDENTS NOS. 1 & 2:** Mr Abhijeet Joshi, with Ms Varsha  
NATIONAL GREEN TRIBUNAL Sawant & Mr Namit V Loya.  
("NGT") AND NATIONAL GREEN  
TRIBUNAL WESTERN BENCH

**FOR RESPONDENT NO. 3:** Mr Anil Singh, Addl. Solicitor  
UNION OF INDIA General, with Mr Aditya  
Thakkar & Ms Savita Ganoo,  
i/b DP Singh.

**FOR RESPONDENT NO. 4:** Mr Deep Shirodkar, Addl.  
THE STATE OF GOA Government Pleader, with  
Ms Neha Shirodkar.

**CORAM :** DIPANKAR DATTA, CJ.,  
G.S. PATEL &  
M.S. SONAK, JJ.  
(Hearing at Principal Seat  
at Bombay through VC and  
physical hearing)

**RESERVED ON :** 14th September 2022

**PRONOUNCED ON :** 21st September 2022

**JUDGMENT (Per GS Patel J):-**

1. Rule. By consent, Rule is made returnable forthwith.

2. The matter was first listed before a Division Bench (Chief Justice and MS Sonak J) at the seat of the Bombay High Court at Porvorim, Goa on 5th August 2022. After outlining the issue, the Bench was of the view that the matter could be more advantageously be heard by a Full Bench of three Judges. Hence the present Full Bench, which took up the matter at the principal seat since all three of us were presently in Mumbai.

3. This Public Interest Writ Petition is filed by the Goa Foundation, an environment NGO based in Goa, and represented by Ms Alvares. Over several decades, the Goa Foundation has approached this court and the Supreme Court in the public interest, litigating questions regarding environmental protection in various forms. The members of the Petitioner are all Indian citizens. We are satisfied with the bona fides of the Petitioner, and, indeed, these are not questioned in the Writ Petition.

4. The Petition assails administrative notices dated 6th September 2021 (page 130), 4th January 2022 (page 132), 11th April 2022 (page 133A) and 27th April 2022 (page 133B) and 26th August 2022 (page 227 of the Petitioners' Affidavit dated 8th September 2022).<sup>1</sup> The last of this was noticed after Affidavits came in. We grant leave to amend to include a challenge to the 26th August 2022 notice, without need of reverification. The amendment is to be effected in two weeks from the date this judgment is pronounced. We allow the

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<sup>1</sup> There is some duplication in the Affidavits in Reply on behalf of the 1st and 2nd Respondents and the further Affidavit filed by the Goa Foundation. Our references in this judgment are to the Affidavits and their page numbers, both.

additional challenge because the fifth notice is of a class with the other four notices.

5. Briefly stated, Ms Alvares's case is that these five notices taken together have resulted in cases from Goa that were being heard by the Western Zonal Bench of the National Green Tribunal ("NGT") at Pune being abruptly taken up, for no good reason and without clarity as to which case would be taken and when, by a so-called "Special Bench" sitting in New Delhi, and comprising members of the Northern Bench joined on VC by members of the Western Zonal Bench. There is no power, she submits, for the Chairperson of the NGT to issue such directions or orders. There is no superior or governing seat or bench. Nothing in the National Green Tribunal (Practice and Procedure) Rules 2011 ("**the Procedure Rules**") or in the National Green Tribunal Act, 2010 ("**the NGT Act**") permits this. Every one of these notices is explicitly said on its face to be a 'notice', not an order. Each is said to have been issued by a "Competent Authority", without identifying that authority; and neither the NGT Act nor the Procedure Rules speak of any such 'Competent Authority'.

6. That these are administrative directions or notices is accepted in the Affidavit in Reply filed on behalf of the NGT (the 1st and 2nd Respondents collectively), which describes them as "office orders/notices". In other words, all five notices are issued without underlying any petition, application, or judicial proceeding.

7. We note this at the forefront because Mr Joshi, learned Advocate for the NGT raises a preliminary objection as to maintainability. He relies a decision of the Supreme Court in *Union of India v Alapan Bandyopadhyay*.<sup>2</sup> Mr Joshi's submission is that since the impugned notices emanated from the Northern Zonal Bench, claimed to be "the Principal Bench" of the NGT, therefore, this Court does not have the territorial jurisdiction to entertain the Petition. His submission is that *Bandyopadhyay*'s ratio is that it is only the High Court which has territorial jurisdiction over the notice-issuing bench that can entertain a petition such as this one. In the present case that would be the Delhi High Court. He emphasizes paragraphs 40 to 44 of *Bandyopadhyay*:

"40. The law thus declared by the Constitution Bench cannot be revisited by a Bench of lesser quorum or for that matter by the High Courts by looking into the bundle of facts to ascertain whether they would confer territorial jurisdiction to the High Court within the ambit of Article 226 (2) of the Constitution. We are of the considered view that taking another view would undoubtedly result in indefiniteness and multiplicity in the matter of jurisdiction in situations when a decision passed under Section 25 of the Act is to be called in question especially in cases involving multiple parties residing within the jurisdiction of different High Courts albeit aggrieved by one common order passed by the Chairman at the Principal Bench at New Delhi.

41. The undisputed and indisputable position in this case is that the WPCT No.78/2021 was filed to challenge the order dated 22.10.2021 in P.T.No.215/2021 of the Central Administrative Tribunal, Principal Bench at New Delhi, (by the Chairman of the Tribunal in exercise of the power under

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2 (2022) 3 SCC 133

Section 25 of the Act sitting at the Principal Bench) transferring O.A.No.1619/2021 to its files. On applying the said factual position to the legal exposition in L. Chandra Kumar's case (supra) it is crystal clear that the Principal Bench of the Central Administrative Tribunal at New Delhi, which passed the order transferring O.A.No.1619/2021 vide order in P.T.No.215/2021 falls within the territorial jurisdiction of High Court of Delhi at New Delhi.

42. Needless to say that the power of judicial review of an order transferring an Original Application pending before a Bench of the Tribunal to another Bench under Section 25 of the Act can be judicially reviewed only by a Division Bench of the High Court within whose territorial jurisdiction the Bench passing the same, falls. In fact, the decision in *Bhavesh Motiani*'s case (supra), relied on by the respondent is also in line with the said position as in that case also, as against the order of transfer passed under Section 25 of the Act by the Principal Bench of the Central Administrative Tribunal at New Delhi Writ Petition was filed by the aggrieved party only before the High Court of Delhi. This is evident from the very opening sentence of the said judgment, which reads thus:

“The present petition has been filed being aggrieved by order dated 30.11.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the ‘Tribunal’), by the O.A.No.421/2018 pending before the Ahmedabad Bench has been transferred to the Principal Bench of the Tribunal.”

43. In the instant case, the High Court at Calcutta has usurped jurisdiction to entertain the Writ Petition, viz., WPCT No.78/2021, challenging the order passed by the Central Administrative Tribunal, New Delhi, in P.T.No.215/2021, even after taking note of the fact that the

Principal Bench of the Tribunal does not lie within its territorial jurisdiction.

44. In the circumstances, based on our conclusion the impugned judgment and final order in WPCT No.78/2021 passed by the High Court at Calcutta is to be held as one passed without jurisdiction and hence, it is ab initio void. Accordingly, it is set aside. The writ petition being WPCT No.78/2021 filed before the High Court at Calcutta is accordingly dismissed, however, with liberty to the petitioner therein/the respondent herein to assail the same before the jurisdictional High Court, if so advised.”

8. We do not believe that the objection to maintainability is well taken. The facts in *Bandyopadhyay* were peculiar. The question arose in respect of tribunals created under Articles 323-A and 323-B of the Constitution of India, quite unlike a statutory tribunal such as a NGT constituted its own statute, the NGT Act. But that is not all. What was in question before the Supreme Court was a *judicial* pronouncement, and where — before which High Court exercising writ jurisdiction — such an order could be challenged. Bandyopadhyay, a former Chief Secretary of West Bengal, (since superannuated), filed an Original Application challenging certain disciplinary proceedings initiated against him. He filed this OA before the Kolkata Bench of the Central Administrative Tribunal (“CAT”). While that OA was pending before the Kolkata bench of the CAT, the Union of India moved a transfer petition under Section 25 of the Administrative Tribunals Act, 1985 seeking a transfer of the OA from the Kolkata Bench to what is undoubtedly the Principal Bench of the CAT at New Delhi. The transfer Petition was allowed, and the OA was then taken up and heard by the Principal Bench in

New Delhi, which disposed of the OA by an order of 22nd October 2021.<sup>3</sup> What Bandyopadhyay next did was to challenge that final order passed on his OA by the New Delhi bench in a Writ Petition before the *Calcutta* High Court. On 29th October 201, the Calcutta High Court allowed the Writ Petition and set aside the New Delhi CAT Bench's order of 22nd October 2021.<sup>4</sup> The Union of India challenged the Calcutta High Court's order of 29th October 2021 before the Supreme Court — and this resulted in the decision that Mr Joshi cites.

9. The situation therefore was this: Bandyopadhyay initiated his OA before the Kolkata Bench of CAT. The Union of India sought its transfer to the Principal Bench at New Delhi. That was allowed. Having received an adverse order from the Principal Bench in New Delhi, Bandyopadhyay then challenged that final order (by the New Delhi Bench of the CAT) before the Calcutta High Court. This was the factual conspectus before the Supreme Court, and it is at a considerable remove from undisputed facts of the present case where there neither a transfer petition, application, or judicial proceeding of any kind, nor a judicial order, but only administrative (or “office”) directions or notices. None of the notices impugned in this Petition have any of the essential ingredients of a judicial order — the institution of a proceeding, notice to the opponent, hearing of both sides and then an order on merits.

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3 *Public Grievances & Pensions v Alapan Bandyopadhyay*, 2021 SCC OnLine CAT 3242.

4 *Alapan Bandyopadhyay v Union of India*, 2021 SCC OnLine Cal 2793.

10. In *Bandyopadhyay*, the Supreme Court relied on its earlier decision in *L Chandra Kumar v Union of India*,<sup>5</sup> particularly paragraph 99, for the proposition that decisions of tribunals are subject to scrutiny before the Division Bench of the High Court within whose jurisdiction the tribunal concerned falls. Far from being in Mr Joshi's favour, this is actually against him; for *L Chandra Kumar* speaks clearly of a *decision*. It is in this context that *Bandyopadhyay* must be understood. It is well settled that a decision is only an authority for what it actually decides.<sup>6</sup>

11. We do not think it is permissible to accept an argument such as the one canvassed by Mr Joshi. Indeed, we do not believe that such was or could have been the intention of the Supreme Court in *Bandyopadhyay*, for the simple reason that if extended as Mr Joshi would have us do, the result would be an evisceration of the entirety of Article 226(2) of the Constitution of India even in matters of *judicial review of administrative action*, which this Petition undoubtedly is. We quote Article 226(1) and (2):

**“226. Power of High Courts to issue certain writs.—**

(1) Notwithstanding anything in article 32, every High Court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority including in appropriate case, any

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5 (1997) 3 SCC 261.

6 *Goodyear India Ltd v State of Haryana*, (1990) 2 SCC 71; *State of Orissa v Mohd Illiyas*, (2006) 1 SCC 275; *Sarva Shramik Sanghatana (KV) v State of Maharashtra*, (2008) 1 SCC 494; *Bhuwalka Steel Industries v Bombay Iron & Steel Labour Board & Anr*, (2010) 2 SCC 273; *Jitendra Kumar Singh v State of UP*, (2010) 3 SCC 119. The principle was enunciated over a century ago by the House of Lords in *Quinn v Leatham*, 1901 AC 495 (HL).

Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for nay other purpose.

**(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”**

*(Emphasis added)*

12. Even within the *Bandyopadhyay* case itself, there is an internal or intrinsic clue to support our view. In paragraph 20, the Court said, in the context of Article 226(2), that the law on that aspect was settled by the Supreme Court decisions in *Kusum Ingots & Alloys Ltd v Union of India & Anr*,<sup>7</sup> *Naval Kishore Sharma v Union of India & Ors*,<sup>8</sup> and *Navinchandra N Majithia v State of Maharashtra*.<sup>9</sup> Each of these authorities related to judicial review of executive action.

13. In *Majithia*, a writ petition was filed in this court to quash a criminal complaint filed in Shillong. The Supreme Court held that this court erred in dismissing the writ petition on the ground that it had no jurisdiction. In paragraph 27, the Supreme Court in *Majithia* held:

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7 (2004) 6 SCC 254.

8 (2014) 9 SCC 329.

9 (2000) 7 SCC 640.

27. Tested in the light of the principles laid down in the cases noted above the judgment of the High Court under challenge is unsustainable. **The High Court failed to consider all the relevant facts necessary to arrive at a proper decision on the question of maintainability of the writ petition, on the ground of lack of territorial jurisdiction. The Court based its decision on the sole consideration that the complainant had filed the complaint at Shillong in the State of Meghalaya and the petitioner had prayed for quashing the said complaint. The High Court did not also consider the alternative prayer made in the writ petition that a writ of mandamus be issued to the State of Meghalaya to transfer the investigation to Mumbai Police. The High Court also did not take note of the averments in the writ petition that filing of the complaint at Shillong was a mala fide move on the part of the complainant to harass and pressurise the petitioners to reverse the transaction for transfer of shares. The relief sought in the writ petition may be one of the relevant criteria for consideration of the question but cannot be the sole consideration in the matter.** On the averments made in the writ petition gist of which has been noted earlier it cannot be said that no part of the cause of action for filing the writ petition arose within the territorial jurisdiction of the Bombay High Court.

*(Emphasis added)*

14. In paragraph 9 of *Nawal Kishore Sharma*, the Supreme Court said:

9. The interpretation given by this Court in the aforesaid decisions resulted in undue hardship and inconvenience to the citizens to invoke writ jurisdiction. As a result, clause (1-A) was inserted in Article 226 by the Constitution (Fifteenth) Amendment Act, 1963 and subsequently

renumbered as clause (2) by the Constitution (Forty-second) Amendment Act, 1976. The amended clause (2) now reads as under:

“226. Power of High Courts to issue certain writs.—(1) Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3)-(4)\*\*\*\*”

**On a plain reading of the amended provisions in clause (2), it is clear that now the High Court can issue a writ when the person or the authority against whom the writ is issued is located outside its territorial jurisdiction, if the cause of action wholly or partially arises within the court’s territorial jurisdiction. Cause of action for the purpose of Article 226(2) of the Constitution, for all**

intent and purpose must be assigned the same meaning as envisaged under Section 20(c) of the Code of Civil Procedure. The expression cause of action has not been defined either in the Code of Civil Procedure or the Constitution. Cause of action is bundle of facts which is necessary for the plaintiff to prove in the suit before he can succeed. The term “cause of action” as appearing in clause (2) came up for consideration time and again before this Court.

*(Emphasis added)*

15. Later, in paragraph 12, the Supreme Court in *Nawal Kishore Sharma* relied on *Kusum Ingots* to say:

12. In *Kusum Ingots & Alloys Ltd. v. Union of India* [(2004) 6 SCC 254] , this Court elaborately discussed clause (2) of Article 226 of the Constitution, particularly the meaning of the word “cause of action” with reference to Section 20(c) and Section 141 of the Code of Civil Procedure and observed: (SCC p. 259, paras 9-10)

“9. **Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is**

**the material facts. The expression material facts is also known as integral facts.**

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, *indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.*”

*(Emphasis added)*

The Supreme Court in *Nawal Kishore Sharma* also said:

Their Lordships further observed as under: (*Kusum Ingots & Alloys Ltd.* case [(2004) 6 SCC 254] , SCC p. 264, paras 29-30)

“29. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in *Khajoor Singh [Lt. Col. Khajoor Singh v. Union of India, AIR 1961 SC 532]* has, thus, no application.

16. This clearly shows that what was before the Court in *Bandyopadhyay* was an entirely distinct set of circumstances. The case at hand is closer to *Majithia, Nawal Kishore Sharma, and Kusum Ingots*. For the cause of action in the present Petition is clearly within the jurisdictional remit of this Court: wherever the impugned notices may have been issued, the situs of the origin of those notices is immaterial and by no means jurisdictionally determinative. The effect of the impugned notices is directly on the Western Zonal Bench and those litigating before that Bench.

17. When a Writ Court is tasked with judicial review of administrative action, the contours of Article 226(2) cannot possibly be fettered by a blind invocation of jurisdictional territoriality. Many tribunals are administratively centred in Delhi. Some tribunals do have a principal seat there. Others choose to use Delhi only as a matter of administrative convenience. An administrative exigency can never operate to denude a constitutional Court of its power to issue a high prerogative remedy. The administrative situs of a tribunal, adopted because of such an administrative need or exigency, will not operate to confer exclusive jurisdiction only on the Delhi High court nor rob other High Courts of their wide jurisdiction under Article 226, particularly Article 226(2). We do not believe that any Court has ever suggested that all Writ Petitions directed against the Union Government must only be filed in New Delhi before the Delhi High Court. Yet that would be the logical — albeit untenable — consequence of accepting Mr Joshi’s submission.

18. For this reason, we find Mr Joshi’s next submission to be incongruous, for he also says that it is not his case that merely because the NGT has a seat in Delhi therefore the Delhi High Court would have exclusive jurisdiction. If this be so, i.e., if this is not his case, then there is simply no basis for the submission based on *Bandyopadhyay*.

19. The last submission Mr Joshi makes at the threshold is based on Section 22 of the NGT Act. It reads:

“22. **Appeal to Supreme Court.** — Any person aggrieved by any **award, decision or order** of the Tribunal, may file an appeal to the Supreme Court, within ninety days from the

date of communication of the **award, decision or order** of Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908);

Provided that the Supreme Court may, entertain any appeal after the expiry of ninety days, if its is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.”

*(Emphasis added)*

20. *Ex facie*, Section 22 is inapplicable because it speaks of an award, decision or order being appealable. That cannot extend to a Petition seeking judicial review of administrative action; nor can Section 22 ever be said to oust the *writ* jurisdiction of a High Court.

21. Consequently, we hold that the Petition is maintainable.

22. The context in which the NGT and its benches were constituted is this. The NGT Act replaced the National Environment Tribunal Act 1995. The Statement of Objects and Reasons (“**SOR**”) of the NGT Act inter alia notes that India was a party to the decisions taken at the Stockholm Conference in June 1972. Later, India participated in the United Nation’s Conference on Environment and Development at Rio de Janeiro in June 1992, which led to the Rio Declaration. One of the resolutions was to demand that member states provide “effective access” to judicial and administrative proceedings, including redress and remedy, and develop national laws regarding liability and compensation for victims of pollution and other environmental damage. The SOR of the NGT Act also

recognises that the right to a wholesome and pollution-free environment has been pronounced by our Supreme Court to be part of Article 21, the fundamental right to life.<sup>10</sup> Then the SOR goes on to say that the National Environmental Tribunal had a limited mandate. It was not established. There came a National Environment Appellate Authority Act 1997, but it had a narrow jurisdictional remit. Acknowledging that there were many environmental cases pending in higher courts and that these required a multi-disciplinary approach, the Supreme Court requested the Law Commission to consider the need to constitute special environmental courts.

23. Thus, there was a perceived need to establish a specialised tribunal to handle multi-disciplinary issues involved in environmental cases; and hence, the enactment of the NGT Act and the constitution of the NGT. The Chairperson is to be a Judge of the Supreme Court or to be a Chief of the High Court. He is a Judicial Member. A High Court Judge is also eligible to be appointed as a Judicial Member (though not as Chairperson). There are provisions for appointing Expert Members. The NGT has jurisdiction over all civil cases where substantial questions relating to the environment are involved and where such cases arise from the implementation of the enactments specified in Schedule I. The National Environment Act 1995 and the National Environment Appellate Authority Act 1997 stood repealed by the NGT Act.

24. On 5th May 2011, the Government of India issued a Notification under Section 4, specifying Delhi as the 'ordinary place

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10 See: *Subhash Kumar v State of Bihar*, (1991) 1 SCC 74.

of sitting’ of the NGT. It was to exercise jurisdiction over the whole of India. Just a few months later, on 17th August 2011 came another Notification under Section 4(3) of the Act specifying the “ordinary places of sitting” of the NGT. Five zones were specified, and Delhi was said — parenthetically — to be the principal place. For completeness, the 17th August 2011 Notification is quoted below:

THE GAZETTE OF INDIA : EXTRAORDINARY  
**MINISTRY OF ENVIRONMENT AND FORESTS**  
**NOTIFICATION**

New Delhi, the 17th August 2011

**S.O. 1908(E).**—In exercise of powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction in the area indicated against each :—

Serial number	Zone	Place of Sitting	Territorial Jurisdiction
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh.
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagra Haveli
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh.
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union

			Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, seven sister States of North-Eastern region, Sikkim, Andaman and Nicobar Islands:

Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No. S.O. 1003(E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

[F.NO. 17(4)/2010-PL]

RAJNEESH DUBE, Jt. Secy.

25. With this background, we turn to an overview of the impugned notices. The first notice is of 6th September 2021. This is how it reads:

National Green Tribunal  
Principal Bench  
Faridkot House, Copernicus Marg  
New Delhi- 110001

NGT/PB/JUDL./05/2020/339 Dated: 06th September, 2021

NOTICE

It is hereby notified for information of all concerned that the Competent Authority had been pleased to issue direction for constituting Special Bench in all the four Zonal Benches. It has been directed that Special Bench shall take-up such appropriate matters in consultation with the concerned Bench, which need to be taken-up by the Additional Bench till constitution of Additional Bench and/or till further orders. If necessary, sittings can continue as per requirement for such period as may be found necessary. It has been further directed that in case the hearing of any such matter(s) is/ are not concluded on the date

fixed then the matter(s) can be postponed to the next working day or to any other such date as may be directed by the Special Bench. In case Monday happens to be holiday, then the matters of that particular bench will be listed before Special Bench on the next working day. However the matters of Principal Bench and the matters of the respective Bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed.

It has directed that the sittings of Special Bench shall be as per the following schedule:

<b>NAME OF THE BENCH</b>	<b>DAYS ON WHICH THE MATTERS ARE TO BE LISTED</b>
Southern Zonal Bench, Chennai	Every working Monday (unless dispensed with on any particular scheduled Monday) in the first week of the month or any other day as decided by the Competent Authority.
Western Zonal Bench, Pune	Every working Monday (unless dispensed with on any particular scheduled Monday) in the second week of the month or any other day as decided by the Competent Authority.
Eastern Zonal Bench, Kolkata	Every working Monday (unless dispensed with on any particular scheduled Monday) in the third week of the month or any other day as decided by the Competent Authority.
Central Zonal Bench, Bhopal	Every working Monday (unless dispensed with on any particular scheduled Monday) in the fourth week of the month or any other day as decided by the Competent Authority.

This issues with the approval of the Competent Authority.

(Vidya Prakash)  
Registrar General

Copy to:

1. PPS to Hon'ble Chairperson, NGT
2. PS to all Hon'ble Judicial Members and Hon'ble Expert Member
3. PA to Registrar General, NGT (PB)
4. The Secretary, Ministry of Environment, Forest and Climate Change
5. Ld. Registrars (all Zonal Benches)
6. Ld. Deputy Registrar (PB)
7. NGT Website
8. NIC team
9. Guard file

26. This tells us that there is to be a 'Special Bench' constituted for all four Zonal Benches except the Northern Bench. This 'Special Bench' is to take up 'appropriate matters'. The notice is confusing because it says that the Special Bench will take up those matters which need to be taken up "by the Additional Bench till constitution of the Additional Bench" or till further orders. What this Additional Bench is, or was meant to be, is unexplained. Then there are administrative directions scheduling the hearings. For instance, Southern Zonal Bench matters would be taken up by the Special Bench on every working Monday in the first week of the month unless otherwise ordered. On the second Monday of every month would be the cases of Western Zonal Bench, and the third Monday would be when the Special Bench would take up the matters of Eastern Zonal Bench. Central Zonal Bench matters were to be taken up by the Special Bench on the fourth Monday of each month. Only the Northern Zonal Bench was excluded.

27. Then came another notice of 4th January 2022, at page 132, also issued by this 'Competent Authority'. This notice is also incomprehensible, but seems to suggest that those matters that were being heard by the Special Bench in Delhi, now described as the

‘NGT (PB) New Delhi’, would be taken first, and that the Western Zonal Bench would take up its own work thereafter. The Notice of 4th January 2022 says this:

National Green Tribunal/  
Western Zone Bench/  
New Administrative Building, B-Wing/  
1st floor, Opposite Council Hall/  
Camp, Pune - 411 001/  
\*\*\*\*\*

NOTICE

Dated: 04th Jan, 2022.

It is hereby notified for information of all concerned that the Competent Authority has been pleased to issue direction regarding functioning of the National Green Tribunal (WZB), Pune, through video conferencing w.e.f. 05/01/2022 as under:-

It has been directed that other than admission matter(s) of the NGT (WZB), Pune to be taken up by the National Green Tribunal (PB), New Delhi on every working Wednesday and Thursday of the month, till further order(s), after hearing of the matter(s), listed before the concerned bench is concluded, unless otherwise directed in the cause list.

Similarly, it has been directed that all admission matter(s) of the NGT (WZB) Pune to be taken up by the National Green Tribunal (CZ), Bhopal on every working Tuesday and Friday of the month, till further order(s), after hearing of the matter(s) listed before the concerned bench is concluded, unless otherwise directed in the cause list.

Registrar  
NGT(WZB) Pune.

28. The notice of 11th April 2022 at page 133-A for the first time injected some reason, for it said that given the pendency of old matters instituted before 31st December 2017 pending before the respective Zonal Benches, further directions were being issued. The relevant portion of this notice, which we also find unclear, says this:

NATIONAL GREEN Tribunal  
PRINCIPAL BENCH

Faridkot House  
Copernicus Marg,

New Delhi-110001

No.: No.NGT(PB)/Judicial/05/20/112

Dated 11 04 2022

NOTICE

Keeping in view the pendency of old matters instituted on or before 31.12.2017 pending in the respective Zonal Benches, it is hereby notified for information of all concerned that the Competent Authority has been pleased to issue direction for constituting Special Bench for hearing of such old matters pending in the Zonal Benches. It has been directed that Special Bench shall take-up such appropriate matters in consultation with the concerned Bench. If necessary, sittings can continue as per requirement for such period as may be found necessary. It has been further directed that in case the hearing of any such matter(s) is/are not concluded on the date fixed then the matter(s) can be postponed to the next working day or to any other such date as may be directed by the Special Bench. However the matters of Principal bench and the matters of the respective Zonal bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed.

It has been directed that till further orders, the sittings of Special Bench shall be as per the following schedule:

<b>NAME OF THE BENCH</b>	<b>DAYS ON WHICH THE OLD MATTERS ARE TO BE LISTED</b>
Western Zonal Bench, Pune	Every working Tuesday or any other day as decided by the Competent Authority.
Southern Zonal Bench, Chennai	Every working Wednesday or any other day as decided by the Competent Authority.
Eastern Zonal Bench, Kolkata	Every working Thursday or any other day as decided by the Competent Authority

This issues with the approval of the Competent Authority

(Vidya Prakash)  
Registrar General

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General
4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal Benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

29. Just a few days later, on 27th April 2022, came the fourth notice. This again spoke of a need to clear the backlog of pending cases instituted prior to 31st December 2017 in the Zonal Benches. It was said to be a partial modification of the notices of 6th September 2021 and 11th April 2022. It said this:

**"NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

**Faridkot House  
Copernicus Marg,  
New Delhi-110001**

**No. : NGT(PB)/Judicial/05/2020/728**

Dated 27.04.2022

**NOTICE**

It is hereby notified for information of all concerned that with a view to clear the backlog of the old pending cases instituted upto 31.12.2017 in the respective Zonal Benches, in partial modification of the directions issued vide Notices dated 06.09.2021 and 11.04.2022, the Competent Authority has been pleased to issue direction for constituting Special Bench for hearing such matters through Hybrid Option till further orders, as per schedule given below:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Eastern Zonal Bench, Kolkata	Every working Monday or any other day as decided by the Competent Authority.
Western Zonal Bench, Pune	Every working Tuesday & Wednesday or any other day as decided by the Competent Authority
Southern Zonal Bench, Chennai	Every working Thursday & Friday or any other day as decided by the Competent Authority

The matters of the Principal Bench and the matters of the respective Bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed. However, the practice of listing the matters of the concerned Zonal Benches before Special Bench on every working Monday once in a month in terms of Notice dated 06/09.2021, shall be discontinued.

The Cause List will indicate that in Part-I of the list, the matters to be listed before Special Bench and in Part-II List, the matters before the Zonal Bench after the hearing of the matters of Special bench. The matters before Special bench will be heard at 10.30 AM onwards. The hearing of the matters of Part-II shall commence after the conclusion of the hearing of the matters of Part-I (tentatively 12.00 noon onwards). **No request for adjournment will be entertained. However, in special circumstances, adjournment may be granted for a period not beyond one week before listing.**

The Special bench will start functioning w.e.f. 02.05.2022 as per the above proposed schedule.

This issues with the approval of the Competent Authority.

(Ravi Dahiya)  
Deputy Registrar

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General

4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

30. Finally, there is the last notice dated 26th August 2022 (at page 227 of Goa Foundation's Additional Affidavit dated 8th September 2022). This repeated the need to clear the backlog of old cases instituted up to 31st December 2017 and said it was a partial modification of the previous notices of 6th September 2021, 11th April 2022 and 7th April 2022. It constituted a Special Bench for hearing matters of the Western Zonal Bench through a hybrid option. The notice of 26th August 2022 reads:

**NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

**Faridkot House  
Copernicus Marg,  
New Delhi-110001**

No. : NGT(PB)/Judicial/05/2020/274  
Dated 26.08.2022

**NOTICE**

It is hereby notified for information of all concerned that with a view to clear the backlog of the old pending cases instituted upto 31.12.2017 in respect of Western Zonal Bench, Pune, in partial modification of the directions issued vide Notices dated 06.09.2021, 11.04.2022 & 27.04.2022, the Competent Authority has been pleased to issue direction for constituting Special bench for hearing such matters of Western Zonal Bench, Pune through Hybrid Option on every working Monday, Tuesday & Wednesday w.e.f. 29.08.2022 till further orders.

It is also notified that such pending matters of the concerned Zonal Benches, which were earlier heard by Principal Bench through Video Conferencing and/or such other matters which are, in the opinion of the Hon'ble Members of the Principal Bench and/or of the concerned Zonal Bench

depending upon the issues involved in the matters or their date of institution etc. or any other matter in which an application is filed by the concerned party for conducting hearing before Special Bench, then such matters may be listed before the Special Bench headed by Hon'ble Chairperson as per the schedule given below:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Eastern Zonal Bench, Kolkata	Working Wednesday in the first week of the Month or any other day as decided by the Competent Authority
Southern Zonal Bench, Chennai	Working Wednesday in the second week of the Month or any other day as decided by the Competent Authority.
Central Zonal Bench, Bhopal	Working Wednesday in the third week of the Month or any other day as decided by the Competent Authority
Western Zonal Bench, Pune	Working Wednesday in the fourth week of the Month or any other day as decided by the Competent Authority

However, the matters of Western Zonal Bench, Pune shall not be listed before the Special Bench on such first, second and third Wednesday of the month on which such matters of the categories as mentioned above, shall be listed for hearing before the Special Bench.

The matters of the Principal Bench and the matters of the respective Zonal Bench will however continue to be heard on the said days after the hearing of matters of the respective Zonal Bench before the Special Bench is concluded, unless otherwise directed.

This issues with the approval of the Competent Authority.

(Vidya Prakash)  
Registrar General

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General
4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

31. There are many things missing and much left to be desired in each of these notices and in all of them taken together. For one thing, there is a complete lack of clarity. There is no roster for the Special Bench. It is unclear to anyone, even to us, which matters are to be taken by the Special Bench or why, and which will continue before the Western Zonal Bench. Ms Alvares confirms that, in practice, this is indeed so and nobody knows on a day-to-day basis which Bench will take what matter or for what reason. We are told that the practice is for the so-called Special Bench in Delhi comprising two Judicial Members and one Expert Member to sit with the Judicial Member and the Expert Member of the Western Zonal Bench, to take up these 'Special Bench' matters. A cause list is indeed notified, but without any indication of which matter will enter that cause list or why.

32. Ms Alvares accepts that there were problems in the functioning of the Western Zonal Bench for some time until August 2021. Between August and December 2021, the Bench did function, though on VC. The Judicial Member resigned on 15th December 2021. The Chairman permitted the solitary Expert Member to continue.

33. In 2018, the NGT Bar Association challenged a similar constitution of a single-member Bench. On 31st January 2018, the Supreme Court ordered the Chairperson not to constitute a Single Member Bench and said that there would be a Division Bench consisting of one Judicial and one Expert Member.<sup>11</sup>

34. We pause here to consider some of the statutory provisions in regard to the composition of any bench of the NGT. Section 4(4) of the NGT Act says:

**“4. Composition of Tribunal-**

(4) The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedures of the Tribunal including—

- (a) the rules as to the persons who shall be entitled to appear before the Tribunal;
- (b) the rules as to the procedure for hearing applications and appeals and other matters including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3), pertaining to the application and appeals;
- (c) the minimum number of Members who shall hear the applications and the appeals in respect of any class or classes of applications and appeals;

**Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;**

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11 Page 105 of the Petition.

(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.”

*(Emphasis added)*

35. The proviso emphasised above prima facie indicates that Judicial Members cannot out-number Expert Members.

36. We also notice Rule 3 of the Procedural Rules which speaks of distribution of business among different ordinary place or place of sittings of the Tribunal. Rule 3 reads thus:

**“3. Distribution of business amongst the different ordinary place or places of sittings of Tribunal.—**

**(1) The Chairperson may constitute a bench of two or more Members consisting of at least one Judicial Member and one Expert Member:**

**Provided that in exceptional circumstances the chairperson may constitute a single Member bench.**

(2) The Chairperson shall have the power to decide the distribution of the business of the Tribunal amongst the Members of the Tribunal sitting at different places by order and specify the matters which may be dealt with by each such sitting in accordance with the provisions of clause (d) of sub-section (4) of section 4 of the Act.

(3) If any question arises as to whether any matter falls within the purview of the business allocated to a place of sitting, the decision of the Chairperson shall be final.

*Explanation.—*The expression “matter” includes application for interim relief.”

*(Emphasis added)*

37. The proviso was inserted by an amendment of 1st December 2017. The 31st January 2018 Supreme Court order on the NGT Bar Association Petition did not notice any exceptional circumstances justifying a Single Member Bench.

38. We must read these provisions along with Section 21 of the NGT Act and its first proviso.

**21. Decision to be taken by majority.**—The decision of the Tribunal by majority of Members shall be binding:

**Provided that if there is a difference of opinion among the Members hearing an application or appeal, and the opinion is equally divided, the Chairperson shall hear (if he has not heard earlier such application or appeal) such application or appeal and decide:**

Provided further that where the Chairperson himself has heard such application or appeal along with other Members of the Tribunal, and if there is a difference of opinion among the Members in such cases and the opinion is equally decided, he shall refer the matter to other Members of the Tribunal who shall hear such application or appeal and decide.

*(Emphasis added)*

39. Finally, we note Rule 5 of the Procedure Rules:

**“5. Minimum number of Members who shall hear application or appeal. —**

(1) The Tribunal shall hear an application or appeal, as the case may be, consisting of at least by a Judicial and an Expert Member.

(2) Where the Chairperson considers it necessary that a particular case or cases be heard and decided by the Tribunal consisting of more than two Members he may by order in writing direct that such case or case, be heard by such Members of the Tribunal as may be specified in that order.”

40. Ms Alvares draws our attention to a Division Bench order dated 3rd August 2021 in *Meenava Thanthai KR Selvaraj Kumar v National Green Tribunal*<sup>12</sup> by the Madras High Court. That Court took the view, one that we affirm, that the Act and the Rules do not permit a Bench of an odd number of members. Ms Alvares’s submission is that if the number of expert Members on any Bench must be equal to the number of Judicial Members, then, by necessary arithmetic, the bench strength must be an equal number. That is the proviso to Section 4(4)(c). This is also why the first proviso to Section 21 speaks of an opinion ‘being equally divided’, a situation that can only arise if there are an even number of Members. The provision for a single Member sitting in the procedure rules only operates in exceptional circumstances. Ms Alvares submits that this entire framework has been thrown to the winds by the impugned notices. Even assuming that the Bench strength could be more than two, it is unclear how, under the Act and Rules, it can ever be an *odd* number.

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12 Writ Petition No. 15112 of 2021.

But if two Members sit and are available in the Western Zone, then the statute does not contemplate the cases on their docket being heard by a larger Bench of an odd number of members sitting at a different location; and especially where the number of Expert Members is not equal to the number of Judicial Members. That the Chairperson is a Judicial Member is accepted. Thus, for the so-called Special Bench, there would be three Judicial Members and two Expert Members of this Special Bench. The statute does not permit this.

41. Until 4th January 2022, there was therefore, following the Supreme Court order of 31st January 2018, no available bench for the Western Zone. Admission matters were diverted to the Central Zone and to the Northern Zone in Delhi. Even then, there was no clarity, as paragraph 13 of the Petition says, as to which matters would be placed before the Northern Bench. Not all non-admission matters were posted before that Bench. We find to our surprise that in the Petition there is a tabulation of cause lists prepared for the non-functional and non-existent Western Bench at that time. It shows that matters were in fact listed before a non-existent bench and internally adjourned. Then some matters went off to the Northern Bench and some to the Central Bench. In the first week of April 2022, a Judicial Member was appointed for the Western Zone Bench. It is after this that there came the third impugned notice of 11th April 2022 (at page 133A) and the further notices that then followed. The result was the sudden composition of a five-member bench in the Northern Zone, with two members of the Northern Zone, the Chairperson, and the two members of the Western Zone. We believe Ms Alvares is correct that nothing in the NGT Act or the Procedure Rules permits this.

42. Ms Alvares's next objection is to the ad-hoc assumption, unwarranted and unsupported by the Act or the Procedure Rules, of jurisdiction by the Northern Zone Bench of matters that pertain to the Western Zone. There is no source of power, she says, to take away matters within the territorial jurisdiction of one Bench. If a particular Bench is non-functional (as indeed often happens with many tribunals) then surely the Writ Courts are available.

43. The answer on affidavit from the NGT is, first, to claim that the matter is one of 'convenience'; or, more accurately, of *inconvenience*. Whose convenience or inconvenience, we are not told. It is certainly not convenient — and it is certainly most inconvenient — for litigants and advocates from Goa not to know which matter is to be heard where by what Bench and for what reason, and to find that matters in a defined jurisdiction have suddenly been removed or withdrawn to some other bench with a differently defined jurisdiction.

44. The second submission by Mr Joshi is that the arrangement was purely temporary while there was a vacancy and insufficiency of Bench strength in the Western Zone. None of the notices say this and they have continued after there is an adequacy of Bench strength at the Western Zonal Bench in Pune. Then we were told that in keeping with the notices and their plain wording the Special Bench was only taking pre-2017 matters. This argument is negated by NGT's own Affidavit in paragraph 22 from pages 190 to 193 where table after table per bench shows that the so-called Special Bench has been taking post-2017 matters as well.

45. This does not even begin to answer the questions of jurisdiction and of the statutory requirement for equalized bench strength.

46. Mr Joshi lays some emphasis on Rule 3 and Section 4 to suggest that it is the Chairperson who decides the distribution of business of the Tribunal amongst Members of the Tribunal sitting at different places. The argument is misconceived. If there are multiple Benches in one zone, then it is for the Chairperson to distribute work between such local benches (just as the Chief Justice or Presiding Judge of any Court distributes work between the multiple benches in the court over which he presides). The Rule does not mean that the Chairperson can randomly cherry-pick matters from any Bench and withdraw them to himself or to a Bench over which he presides. This is particularly so if the Benches are co-equal as at least one High Court has noted.<sup>13</sup> The submission is by no means and no stretch of the imagination, at least not without doing considerable violence to the language, a legitimate exercise of the power to ‘decide the distribution of business of the Tribunal’. That is not even the stated purpose of the notices.

47. We are told by Mr Joshi that these notices are the results of “internal decisions of the Chairperson”. That adds no value whatsoever to a discussion on law. The Special Bench has no defined time limit. It is not a pro-tem provision until the temporary manpower crises is resolved. Strangely, only the Northern Bench has only

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<sup>13</sup> Madras High Court, paragraph 6 of the order dated 25th June 2021 in *K Saravanan v The National Green Tribunal*, Writ Petition No 13266 of 2021, pp. 162-169 of the petition, at p. 164.

Northern Bench matters; there is no explanation or rationale provided why the Western Zonal Bench is not allowed to hear regular matters when there is a sufficiency of coram, or why some part of its cause-lists — on no known, disclosed, or discernible basis — should be taken up by a wholly improperly constituted bench sitting somewhere else.

48. Mr Joshi claims that the jurisdiction of the Western Zone Bench is not taken away by these notices. True; it is not. And it cannot be taken away. The ingenious workaround seems to be to leave the jurisdiction intact, but to take selective matters away from the jurisdictional bench. So the jurisdiction remains in Pune, but the matter goes to Delhi; and that, we are expected to accept, is perfectly all right and within the administrative power of the Chairperson. What is really happening is that by this administrative legerdemain, the so-called Special Bench, dominated by the Northern Bench, with an unlawfully odd number of members acquires seizin of matters beyond its jurisdiction. It actually does not matter whether the Special Bench has members from the Northern, Eastern or any other Bench. Matters within the Western Zonal Bench must be heard by the Western Zonal bench. It is perfectly legitimate for any Member of any Bench to sit at any other Bench; but the sitting must be of the Bench at its place of sitting to hear matters filed at that Bench.

49. There is one final telling circumstance, and it is to our mind entirely dispositive of the issue. We now set out Section 4 in its entirety.

4. **Composition of Tribunal.—**

- (1) The Tribunal shall consist of—
  - (a) a full time Chairperson;
  - (b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;
  - (c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.
- (2) The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.
- (3) **The Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting.**
- (4) **The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including—**
  - (a) the rules as to the persons who shall be entitled to appear before the Tribunal;
  - (b) the rules as to the procedure for hearing applications and appeals and other matters **including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)**, pertaining to the applications and appeals;
  - (c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals:

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

**(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.**

*(Emphasis added)*

50. Section 4(3), emphasised above, makes it abundantly clear that the Chairperson has no authority whatsoever to specify the place of sitting of the Tribunal or the territorial jurisdiction under each such place of sitting. That can only be done by the Central Government, and it can only be done by notification. It is incapable of being done by administrative action. Further, Section 4(4)(d) also requires that rules be made by the Central Government, though in consultation with the Chairperson, for the *transfer of cases by the Chairperson from one place of sitting, including the ordinary place of sitting, to any other place*. Absent such rules made by the Central Government and duly notified, the Chairperson has no power or authority to simply transfer cases from one place to another, nor to change the territorial jurisdiction of any bench. Any such executive or administrative jurisdictional gerrymandering is proscribed by the statute itself.

51. “*Plus ça change, plus c’est la même chose*,” says Ms Alvares; “The more it changes, the more it stays the same.” In 2017, the NGT attempted to take away cases coming from Goa, Daman Diu, Dadra and Nagar Haveli and assign them to the bench that sits in Delhi. This Court, in its seat at Goa, took up the matter as a Suo Motu Writ Petition No. 1 of 2017 and issued directions on 21st August 2017

(page 53). One of us, GS Patel J, was a member of that Bench. Ultimately, the Division Bench rendered a final decision dated 11th October 2017 (copy at page 57 of the Petition).<sup>14</sup> The Goa Foundation was the lead petitioner. Rule was made absolute and the administrative direction of jurisdictional transfer, at least as it pertained to Goa, was quashed. Nobody has ever challenged that decision.

52. This is critical, Ms Alvares says, for between 2017 and 2022 there has been no change in circumstances and nothing at all has happened to justify an administrative move to hear some Western Zone cases, i.e., those properly filed and lodged with the Western Zone Bench in Pune, before a bench or Special Bench with an entirely different composition in Delhi.

53. Late in the hearing, we were furnished some statistics by Mr Joshi. To our mind, these completely negate the ostensible reason given for constituting the Special Bench, i.e., to clear some alleged backlog. For we find from these notices that while the pendency at the Western Zonal Bench on 21st July 2022 was 654 cases, that of the Northern Bench as on 30th June 2022 was 821 cases. The statistics also show that there were 47 fresh filings in the Western Zone Bench in August 2022 and that the disposal in that month by the Special Bench was 78 cases, clearly meaning that the Special Bench was taking newer as well as older cases. This is also clear from the tabulations in the NGT Affidavit as well. There is, therefore, no

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<sup>14</sup> *The Goa Foundation v Ministry of Environment, Forests & Climate Change & Anr*, 2017 SCC OnLine Bom 8815 : (2018) 1 Bom CR 232.

question of any administrative exigency in having matters — unknown, unspecified and with no clarity — being selectively taken and cherry-picked for listing before any so-called Special Bench.

54. On both counts, viz., the jurisdictional aspect as well as the illegal composition of the ‘Special Bench’, the notices are vulnerable. All five notices are ultra vires the NGT Act and the Procedure Rules.

55. We also find that they are violative of Article 14 and suffer from the impermissible vice of manifest arbitrariness. One of the crucial components to the administration of justice is transparency. A second is accountability.<sup>15</sup> The third is certainty. All three are conspicuous by their absence in the regime set up in these notices. Nobody knows which case will go to the Special Bench and which will not, or which might cycle back, when, or why. There is no reason why the Western Zone Bench should have to wait online on VC till the work of the Special Bench is over except to lend some colour of legitimacy that the Special Bench is not usurping jurisdiction because the two Western Zone Bench Members are also present online. In fact, this is a complete usurpation of jurisdiction of the Western Zonal Bench, and it fails every test of law and judicial review.

56. Rule is made absolute in terms of prayer clause (a). All five impugned notices dated 6th September 2021, 4th January 2022, 11th April 2022, 27th April 2022 and 26th August 2022 are quashed and set aside. The constitution of the Special Bench seated at New Delhi is illegal. Only the Members of the Western Zonal Bench can hear

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15 *Swapnil Tripathi v Supreme Court of India*, (2018) 10 SCC 639.

matters pertaining to the Western Zonal Bench, including matters arising from Goa and Maharashtra.

57. In this Court's Judgment of 11th October 2017, a recommendation was made, although no mandamus was issued, that the authorities must consider in all seriousness a proposal to establish a circuit bench at Panaji in Goa. It is fair to say that the environmental concerns of Goa have been pivotal in shaping the face of environmental law in this country. Those struggles to preserve that land and its environment have continued; as indeed they should. We, therefore, reaffirm such recommendation, that far from moving Goa-centric matters away from Pune, every endeavour must be made to set up a circuit bench in Panaji. This is the only way that true access to justice can be achieved; and access to justice has been held to be a "part and parcel of the right to life".<sup>16</sup> That purpose is not achieved by taking courts further and further away from litigants, lawyers and the very people who come to the NGT to seek environmental justice. It is most appropriately achieved by bringing courts of law to the litigants' doors. This, in our view, is best done by establishing a circuit bench at the nerve-centre of this environmental litigation.

58. The Petition is disposed of in these terms. There will be no order as to costs.

**(M. S. SONAK, J.) (G. S. PATEL, J.) (CHIEF JUSTICE)**

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16 *Anita Kushwaha v Pushap Sudan*, (2016) 8 SCC 509 (5-Judge Bench);

SUSHIL KUMAR MEHTA v. GOBIND RAM BOHRA

193

(1990) 1 Supreme Court Cases 193

(BEFORE RANGANATH MISRA, P.B. SAWANT AND K. RAMASWAMY, JJ.)

SUSHIL KUMAR MEHTA

.. Appellant;

*Versus*

GOBIND RAM BOHRA (DEAD) THROUGH HIS LRS.

.. Respondent.

Civil Appeal No. 4599 of 1989<sup>†</sup>, decided on November 10, 1989

**Rent Control and Eviction — Applicability of Rent Act — Municipal lands excluded from Rent Act — But when lessee of municipal land constructs building thereon he becomes a 'landlord' and his tenant a 'tenant' for the purposes of the Rent Act — Even though a small portion in the front of the building is left as open land, the entire premises would be governed by the Rent Act — Haryana Urban (Control of Rent and Eviction) Act, 1973 (11 of 1973)**

**Rent Control and Eviction — Applicability of Rent Act — Suit for ejectment and recovery of arrears of rent — Held on facts, Section 13 of Haryana Rent Act applicable — Jurisdiction of civil court excluded — Haryana Urban (Control of Rent and Eviction) Act, 1973 (11 of 1973), Sections 13 and 2(a), (b), (c), (f) & (h) — Civil Procedure Code, 1908, Section 9**

**Rent Control and Eviction — Applicability of Rent Act — Plea of — Ejectment suit — Where civil court having no jurisdiction decree passed by it is a nullity — Tenant's plea of applicability of Rent Act can be raised even at the stage of execution of the decree — Decree will not operate as res judicata — Even if such a decree is executed during pendency of SLP Supreme Court would relieve the party from injustice by setting aside the execution orders — Tenant can make application under Section 144, CPC — Haryana Urban (Control of Rent and Eviction) Act, 1973 (11 of 1973), Section 13 — Civil Procedure Code, 1908, Sections 11, 47 and 144 — Constitution of India, Article 136**

**Civil Procedure Code, 1908 — Section 11 — Res judicata — When does not operate — Principle stated (Para 26)**

**Constitution of India — Article 136 — Even if a decree which is made without jurisdiction and is a nullity is allowed by the courts below to operate and is executed during pendency of SLP, Supreme Court would grant relief to the aggrieved party from injustice by setting aside the execution order**

**Constitution of India — Article 136 — Filing of writ petition under Article 227 against High Court's order in revision would not bar appeal under Article 136 raising the same issue**

**Waiver — Defect of jurisdiction cannot be cured by consent or waiver**

The landlord respondent took a lease of a land from the Municipal Committee and constructed a shop building covering the major portion of the land and leaving only a small portion of the land as the frontage of the shop. The shop was let out to the appellant. The appellant having committed default in payment of rent, the respondent issued a notice under Section 106 of the Transfer of Property Act determining the tenancy and filed a suit in civil court for ejectment and recovery of arrears of rent and damages against the appellant. The suit was decreed ex parte. An application under Order 9 Rule 13 CPC for

<sup>†</sup> From the Judgment and Order dated September 16, 1988 of the Punjab and Haryana High Court in Review Appl. 22-CII of 1988 in Civil Revision No. 2439/80

setting aside the *ex parte* decree having been dismissed and an appeal and a revision having failed, the decree became final. When the respondent laid the execution application for ejection the appellant raised objection under Section 47, CPC contending that the decree of the civil court was a nullity as the premises was governed by the special Act viz. Haryana Urban (Control of Rent and Eviction) Act, 1973 and the civil court was divested of jurisdiction to take cognizance and pass the decree.

Two questions came up for determination by the Supreme Court.

- (1) Whether the civil court lacked inherent jurisdiction to entertain the suit for ejection and the decree so passed was a nullity?
- (2) If so, whether the plea that the decree was a nullity could be raised in execution and further whether the decree in the suit would not operate as *res judicata*?

Allowing the tenant's appeal the Supreme Court

Held:

(1) Though there was a notification issued by the State Government exempting the lands belonging to the concerned municipality from the provisions of the Act and the respondent landlord was a lessee of the Municipal Committee, but on construction of the building covering a portion of the municipal land the respondent became a landlord and the appellant his tenant for the purposes of the Act. Since the shop stood mainly on the land of the respondent and only a small portion was located on the municipal land, it must be held that the building was governed by the provisions of the Act and the exemption accorded by the government under Section 3 was not attracted to the premises. (Para 5)

*Hari Prashad Gupta v. Jitender Kumar Kaushik*, (1982) 84 Punj LR 150; *Sadhu Singh v. District Board, Gurdaspur*, (1962) 64 Punj LR 1, approved

Accordingly, Section 13 of the Act applies to the building let out to the appellant by the landlord and the Controller was the competent authority to pass a decree of ejection against the appellant and the civil court lacked inherent jurisdiction to take cognizance of the cause and to pass a decree of ejection therein. (Para 9)

*Barraclough v. Brown*, 1897 AC 615; *Doe v. Bridges*, (1931) 1 B&A 847, approved  
*Premier Automobiles Ltd. v. K.S. Wadke*, (1976) 1 SCC 496; (1976) 1 SCR 427, relied on

(2) Even though the decree was passed and the question of jurisdiction of the court was gone into at the *ex parte* trial, the decree thereunder was a nullity and did not bind the appellant. Therefore, it would not operate as *res judicata*.

A decree passed by a court without jurisdiction over the subject matter or on other grounds which goes to the root of its exercise or jurisdiction, lacks inherent jurisdiction. It is a *coram non iudice*. A decree passed by such a court is a nullity and is *non est*. Its invalidity can be set up whenever it is sought to be enforced or is acted upon as a foundation for a right, even at the stage of execution or in collateral proceedings. The defect of jurisdiction strikes at the authority of the court to pass a decree which cannot be cured by consent or waiver of the party. If the court has jurisdiction but there is defect in its exercise which does not go to the root of its authority, such a defect like pecuniary or territorial could be waived by the party. They could be corrected by way of appropriate plea at its inception or in appellate or revisional forums, provided law permits. But where certain statutory rights in a welfare legislation are creat-

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ed, the doctrine of waiver also does not apply to a case of decree where the court inherently lacks jurisdiction. The doctrine of *res judicata* under Section 11, CPC is founded on public policy. A question of jurisdiction of a court or of a procedure or a pure question of law unrelated to the right of the parties founded purely on question of fact in the previous suit, is not *res judicata* in the subsequent suit. A question relating to jurisdiction of a court or interpretation of provisions of a statute cannot be deemed to have been finally determined by an erroneous decision of a court. Therefore, the doctrine of *res judicata* does not apply to a case of decree of nullity. (Para 26)

There was no delay in filing the leave application. The leave application was filed within the limitation from the date of original order of dismissal of the revision or on a later date dismissing the review application. It is true that the writ petition was filed against the order in revision, but it does not preclude the appellant to contest its invalidity in the appeal under Article 136. The decree was executed pending the special leave petition. The Supreme Court would relieve the party from injustice in exercise of power under Article 136 when the Court noticed grave miscarriage of justice. It is always open to the appellant to take aid of Section 144, CPC for restitution. Therefore, merely because the decree has been executed, on the facts when it is found that the decree was a nullity, the Court declined to exercise its power under Article 136 to set at nought illegal orders under a decree of nullity. (Para 28)

*Kiran Singh v. Chaman Paswan*, AIR 1954 SC 340; (1955) 1 SCR 117; *Ferozi Lal Jain v. Man Mal*, (1970) 3 SCC 181; AIR 1970 SC 794; *Bahadur Singh v. Murti Subrat Dass*, (1969) 2 SCR 432; *Kaushalya Devi v. K.L. Bansal*, (1969) 1 SCC 59; AIR 1970 SC 838; *Chandrika Misir v. Bhaiya Lal*, (1973) 2 SCC 474; *Mathura Prasad Bajoo Jaiswal v. Dossibai N.B. Jeejeebhoy*, (1970) 1 SCC 613; (1970) 3 SCR 830, *relied on*  
*Ledgard v. Bull*, (1886) 13 IA 134; (1886) 11 AC 648; *Barton v. Fincham*, (1921) 2 KB 291; 90 LJ KB 451; *Peachey Property Corpn. Ltd. v. Robinson*, (1967) 2 QB 543; (1966) 2 All ER 981; *Choudari Rama v. Qureshi Bee*, (1983) 2 Andh LT 133, *approved*  
*Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman*, (1970) 1 SCC 670, *harmonised*  
*Seth Hiralal Panni v. Kali Nath*, AIR 1962 SC 199; (1962) 2 SCR 747; *Phool Chand Sharma v. Chandra Shanker Pathak*, 1963 Supp 2 SCR 828; AIR 1964 SC 782; *Mohanlal Goenka v. Benay Krishna Mukherjee*, AIR 1953 SC 65; 1953 SCR 377, *distinguished*

R-M/9678/C

Advocates who appeared in this case:

S.P. Goel, Senior Advocate (G.B. Singh and K.K. Mohan, Advocates, with him) for the Appellant;  
S.M. Ashri, Advocate, for the Respondent.

The Judgment of the Court was delivered by

RAMASWAMY, J.—Special leave granted.

2. This appeal under Article 136 arises against the order dated September 16, 1988 of the High Court of Punjab and Haryana refusing to review the order dated August 11, 1988 made in Civil Revision No. 2439 of 1980 on its file. The facts leading to the decision are that the respondent Gobind Ram, the father of the respondents/landlord laid the Suit No. 118/77 (initially numbered as O.S. No. 276 of 1975) on the file of Senior Sub-Judge for ejection and recovery of arrears of rent and damages for use and occupation of the shop in Gurgaon, let out to the appellant/tenant. The suit was originally laid in the Court of Sub-Judge.

IIIrd Class, Gurgaon, which was transferred later to the Senior Sub-Judge, Gurgaon, which was decreed ex parte on October 20, 1977. The application under Order IX Rule 13 CPC to set aside the ex parte decree was dismissed on January 10, 1979 and was confirmed on appeal on August 17, 1979 and in revision by the High Court on October 15, 1979. When the landlord laid the execution application for ejection the appellant objected under Section 47 of CPC contending that the decree of the civil court is a nullity as the premises in question is governed by the Haryana Urban (Control of Rent and Eviction) Act, 11 of 1973, for short 'the Act'. The Controller under the Act is the competent forum regarding claims for ejection on fulfilment of any of the conditions enumerated under Section 13 thereof. The civil court is divested of jurisdiction to take cognisance and pass a decree for ejection of the appellant. That objection was overruled and on further revision the High Court dismissed the revision by order dated March 19, 1980. Simultaneously he also filed writ petition under Article 227 which was dismissed on September 30, 1988. This appeal is directed against that order of dismissal.

3. The contention raised by Shri S.P. Goyal, the learned senior counsel for the appellant is that by operation of Section 13 of the Act the only authority to pass a decree of ejection of the appellant tenant is the Controller under the Act and by necessary implication the jurisdiction of the civil court is ousted. The civil court lacked inherent jurisdiction to take cognisance of the cause and to pass a decree. The decree is thus a nullity. The challenge to a decree on the ground of nullity can be raised at any stage and even in execution. The courts below have committed manifest error of law in not considering the legal question in its proper perspective. The shop consists of the original building belonging to the landlord, but a small part thereof in the front side was constructed on municipal land. Tenancy of the building is governed by the special Act and, therefore, the decree of the civil court is a nullity and is inexecutable. Shri Ashra, the learned counsel for the respondents refuted this contention. Firstly he argued that the leave application is barred by limitation. Secondly, he contended that the appellant had raised the plea of want of jurisdiction at the trial. Though he remained ex parte, the trial court considered the objection under issue Nos. 4 and 5 and overruled the objection. The decree became final; thereby the decree operates as res judicata. He also further contends that the Act does not apply to the building in question. Under Section 3, municipal land is exempted from the provisions of the Act and thereby the only forum to lay the action is the civil court. The civil court having jurisdiction has validly granted the decree. The decree having been allowed to become final, it is not open to the appellant to ask the executing court to go behind the decree.

4. The question that emerges is whether the civil court lacked inherent jurisdiction to entertain the suit for ejection of the appellant-

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tenant and the decree so passed is a nullity. The Act was enacted with the object of controlling the increase of rent of buildings and rented lands situated within the limits of urban areas and “the eviction of the tenants therefrom”. Section 2(a) defines ‘building’ which means any building or a part of a building let for any purpose whether being actually used for that purpose or not, including any land...appurtenant to such building...but does not include a room in a hotel, hostel or boarding house”. Section 2(b) defines ‘Controller’ as any person who is appointed by the State Government to perform the functions of a Controller under the Act. Landlord has been defined under Section 2(c) and Section 2(f) defines rented lands to mean any land let separately for the purpose of being used principally for business or trade. ‘Tenant’ has been defined under Section 2(h). Section 3 authorises the State Government by notification to exempt any particular building or rented land or any class of building or rented lands from the application of any or all the provisions of the Act. Section 13 contains the provisions for eviction of tenants, sub-section (1) thereof reads:

“13. *Eviction of tenants.*—(1) A tenant in possession of a building or a rented land shall not be evicted therefrom except in accordance with the provisions of this section.”

5. The other provisions are not necessary. The sole ground raised by the landlord for eviction was that the appellant had committed default in the payment of rent and thereby had become liable for ejection. Accordingly, he issued a notice under Section 106 of the Transfer of Property Act determining the tenancy and laid this suit. Section 13 gives the right to the landlord to seek eviction of the tenant for default in the payment of rent. The Act provides the protection of continued tenancy and remedy of ejection for breach of covenants in the lease and other statutory grounds as provided. It provides that the remedy and the forum and the decree of ejection passed by the Controller or the appellate authority or the revisional authority or confirmation thereof either in appeal or revision is final under the Act. Thereby the exclusive jurisdiction to take cognizance of the cause of action for ejection of the tenant from a building or rented land situated in urban areas is governed by the provisions of the Act and is exclusively to be dealt with under Section 13 of the Act. By necessary implication the jurisdiction of the civil court under Section 9 of CPC is excluded. It is undoubtedly true that open land is a part of the frontage of the shop and belonged to the municipality which the landlord had taken on lease from the municipality. As regards the municipality land, the landlord was a lessee of the Municipal Committee. But on construction of the building covering a portion of the municipal land the landlord became landlord and the appellant his tenant for the purposes of the Act. This view was held by the Full Bench of the Punjab and Haryana High Court in *Hari Prashad Gupta v. Jitender*

*Kumar Kaushik*<sup>1</sup>. We agree with the view. Thereby though there is a notification issued by the State Government exempting the lands belonging to Gurgaon Municipality from the provisions of the Act, the building of the respondent does not get exempted from the provisions of the Act. It is the finding of the forums below that the shop in question stands mainly on the land of the landlord and a small portion is located on municipal land. Therefore, we are of the view that the building was governed by the provisions of the Act and the exemption accorded by the government under Section 3 was not attracted to the premises. In *Sadhu Singh v. District Board, Gurdaspur*<sup>2</sup> the question was whether to the reconstructed building governed by the provisions of East Punjab Urban Rent Restriction Act the exemption under Section 3 applied. It was held to be so by the Division Bench. But the present facts are different.

6. In *Barraclough v. Brown*<sup>3</sup> the House of Lords held that when a special statute gave a right and also provided a forum for adjudication of rights, remedy has to be sought only under the provisions of that Act and the common law court has no jurisdiction.

7. In *Doe d. Rochester (BP.) v. Bridges*<sup>4</sup> the famous and oft quoted words of Lord Tenterdan, occur:

“Where an Act creates an obligation and enforces the performance in a specified manner, we take it to be a general rule that performance cannot be enforced in any other manner.”

8. This statement of law was approved not only by the House of Lords in several cases, but also by this Court in *Premier Automobiles Ltd. v. K.S. Wadke*<sup>5</sup> where this Court was called upon to consider whether the civil court can decide a dispute squarely coming within the provisions of the Industrial Disputes Act. While considering that question, this Court laid down four propositions and third of them is relevant for consideration here. It is as follows: (SCC pp. 513-14; para 23)

“(3) If the industrial dispute relates to the enforcement of a right or an obligation created under the Act, then the only remedy available to the suitor is to get an adjudication under the Act.”

9. Thus on construction of relevant provisions of the Act and in the light of the position in law it must be held that the provisions of Section 13 of the Act apply to the building leased out to the appellant by the landlord and the Controller was the competent authority to pass a decree of ejection against the appellant and the civil court lacked inherent jurisdiction to take cognizance of the cause and to pass a decree of ejection therein. The next question is whether the impugned decree is a nul-

1 (1982) 84 Punj LR 150; AIR 1982 P&H 165; (1982) 1 Rent LR 337

2 (1962) 64 Punj LR 1; AIR 1962 Punj 204

3 1897 AC 615; 66 LJ QB 672; 13 TLR 527

4 (1831) 1 B&Ad 847, 859; 109 ER 1001

5 (1976) 1 SCC 496; 1976 SCC (L&S) 70; (1976) 1 SCR 427

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lity and whether the plea can be raised in execution and further whether the decree in the suit does not operate as *res judicata*.

10. In *Kiran Singh v. Chaman Paswan*<sup>6</sup> the facts were that the appellant had undervalued the suit at Rs 2950 and laid it in the Court of the Subordinate Judge, Monghyr for recovery of possession of the suit lands and mesne profits. The suit was dismissed and on appeal it was confirmed. In the second appeal in the High Court the Registry raised the objection as to valuation under Section 11. The value of the appeal was fixed at Rs 9980. A contention then was raised by the plaintiff in the High Court that on account of the valuation fixed by the High Court the appeal against the decree of the court of the Subordinate Judge did not lie to the District Court, but to the High Court and on that account the decree of the District Court was a nullity. Alternatively, it was contended that it caused prejudice to the appellant. In considering that contention at page 121, a four judge bench of this Court speaking through Venkatarama Ayyar, J. held that: (SCR p. 121)

"It is a fundamental principle well established that a decree passed by a court without jurisdiction is a nullity, and that its invalidity could be set up whenever and wherever it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings. A defect of jurisdiction, whether it is pecuniary or territorial, or whether it is in respect of the subject matter of the action, strikes at the very authority of the court to pass any decree, and such a defect cannot be cured even by consent of parties. If the question now under consideration fell to be determined only on the application of general principles governing the matter, there can be no doubt that the District Court of Monghyr was *coram non iudice* and that its judgment and decree would be nullities."

11. On merits it was held that since the appellant himself had invoked the jurisdiction of the civil court with undervaluation, the objection as to jurisdiction was not available by operation of Section 99 of the Code and as to the territorial jurisdiction he was precluded by operation of Section 21 of CPC, and on such premise it was held that the decree of the District Court could not be treated to be a nullity and person who invoked the jurisdiction cannot plead prejudice to himself by his own act.

12. This Court has held that it is a well established principle that a decree passed by a court without jurisdiction is a nullity and the plea can be set up whenever and wherever the decree is sought to be enforced or relied upon, and even at the stage of execution or in collateral proceedings.

13. In the case of *Ferozi Lal Jain v. Man Mal*<sup>7</sup> the facts were that the appellant was the owner of a shop. One of the covenants under the lease

<sup>6</sup> (1955) 1 SCR 117; AIR 1954 SC 340

<sup>7</sup> (1970) 3 SCC 181; AIR 1970 SC 794

was that the lessee respondent should not sub-let the shop. On the ground that the respondent had sub-let the shop, a suit was laid for eviction under Section 13 of the Delhi and Ajmer Rent Control Act, 1952. The matter was compromised and a compromise decree was passed. Twice time was given for delivery of the vacant possession by the respondent. On his failure to deliver vacant possession the appellant filed execution to recover possession. The tenant raised the objection that unless any one of the grounds prescribed under Section 13 of the Rent Control Act was satisfied, the decree even on compromise was a nullity, and therefore, he could not be evicted. This Court held that the order made did not show that it was satisfied that the sub-letting complained of had taken place, nor was there any other material on record to show that it was so satisfied. It is clear from the record that the court had proceeded solely on the basis of the compromise arrived at between the parties. That being so there was hardly any doubt that the court was not competent to pass the impugned decree. Hence the decree under execution must be held to be a nullity. On that basis it was held that the objection could be raised even at the execution stage. Ultimately, the decree was held to be void.

14. In *Bahadur Singh v. Muni Subrat Dass*<sup>8</sup> the decree under execution was made on the basis of an award and it was held that the decree was passed in contravention of Section 13(1) of the Rent Control Act. Thereby the decree was held to be void and hence no execution could be levied on the basis of the void decree. A similar view was also taken by this Court in *Kaushalya Devi v. K.L. Bansal*<sup>9</sup>. This was also a case under the Delhi and Ajmer Rent Control Act and was on the basis of a compromise. It was held that the decree passed on the basis of the award was in contravention of Section 13(1) of the Act as the court had passed the decree without satisfying itself that any good ground of eviction existed. Therefore, the decree for delivery of possession was held to be a nullity and could not be executed. This is also a decision by a bench of three judges speaking through Sikri, J. as he then was.

15. In *Chandrika Mishr v. Bhaiya Lal*<sup>10</sup> Palekar, J. speaking for a bench of two judges held that the decree passed by the civil court in relation to matters governed by U.P. Zamindari Abolition and Land Reforms Rules, 1952 for possession was a nullity and in the appeal it was for the first time permitted to be raised in this Court and the decree was declared to be a nullity.

16. In *Ledgard v. Bull*<sup>11</sup> the Privy Council laid down that where the original court in a suit was inherently lacking jurisdiction, and was incompetent to try the same, on its transfer by consent of parties, to a

8 (1969) 2 SCR 432

9 (1969) 1 SCC 59; AIR 1970 SC 838

10 (1973) 2 SCC 474

11 (1886) 13 IA 134; (1886) 11 App Cas 648

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court with jurisdiction such consent did not operate as a waiver of the plea of want of jurisdiction.

17. In *Barton v. Fincham*<sup>12</sup> it was held that:

“Parties cannot by agreement give the courts jurisdiction, which the legislature has enacted they are not to have.

...the court cannot give effect to an agreement whether by way of compromise or otherwise, inconsistent with the provisions of the Act.”

18. In *Peachey Property Corporation Ltd. v. Robinson*<sup>13</sup> Winn, Lord J. took the same view.

19. In *Choudari Rama v. Qureshi Bee*<sup>14</sup>, one of us Ramaswamy, J. was called upon to consider the question on a set of similar facts. Therein the petitioner who died subsequently was protected under A.P. (Telangana Area) Tenancy and Agricultural Holdings) Act, 1950. The protected tenant was given possession in exercise of statutory power under Section 38-A of that Act. That was done during the pendency of the suit for partition between the co-sharers. The tenant was impleaded co-nominee defendant to the suit. A preliminary decree for partition and for possession was passed. A final decree followed. The decree became final and execution was levied for possession. Objection was taken that since the tenant was a protected tenant under the Act, the decree was a nullity and could not be executed against the legal representatives. After considering the scope of relevant provisions of the Act, it was held that the civil court cannot go into the legality or correctness of the Ex. B-I issued by the Tehsildar. The revenue authorities constituted under that Act were competent to go into the validity thereof. Civil court inherently lacked jurisdiction and the decree of ejection of the protected tenant from the lands covered by the protected tenancy was a nullity because of the provisions of Chapter IV of the Act. The plea can be set up even at the stage of execution, as was rightly done in that case. Otherwise it would have the effect of nullifying the operation of the statutory provisions in Chapter IV of the Act and deprive the protected tenant of his vested interest in the land created in his favour under the tenancy certificate (Ex. B-I). It was also held in paragraph 64 that “Its validity can be assailed in the execution proceedings.” We approve the view of the High Court.

20. In *Mathura Prasad Bajoo Jaiswal v. Dossibai N.B. Jeejeebhoy*<sup>15</sup> the bench consisting of Shah, C.J., Hegde and Grover, JJ. was called upon to consider whether a decree passed without jurisdiction operates *res judicata*. The facts therein were that the respondent leased out the

<sup>12</sup> (1921) 2 KB 291, 299; 90 LJ KB 451

<sup>13</sup> (1966) 2 All ER 981, 983; (1967) 2 QB 543 (CA)

<sup>14</sup> (1983) 2 Andh LT 133 (AP)

<sup>15</sup> (1970) 1 SCC 613; (1970) 3 SCR 830

land for construction of a building to the appellant, which was duly constructed. The tenant applied for fixation of the standard rent. The civil court rejected the prayer holding that the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 does not apply to the open land let out for construction. But later the High Court reversed that view in another decision and held that the Act applied to the open land leased out. Relying upon that judgment, an application was again filed for fixation of the standard rent of the premises. Objection was raised that the earlier rejection operated as *res judicata*. In that context, in negating the contention, this Court held that the doctrine of *res judicata* belongs to the domain of procedure. It cannot be exalted to the status of a legislative direction between the parties so as to determine the question relating to the interpretation of enactment affecting the jurisdiction of a court finally between them, even though no question of fact or mixed question of law and fact relating to the right in dispute between the parties has been determined thereby. A decision of a competent court on a matter in issue may be *res judicata* in other proceedings between the same parties. The matter in issue may be an issue of fact. The fact decided by a competent court is final determination between the parties and cannot be reopened between them in another proceeding. The previous decision on a matter in issue alone is *res judicata*. The reasons for the decision are not *res judicata*. A matter in issue between the parties is the right claimed by one party and denied by the other. The claim of right from its very nature depends upon proof of facts and application of the relevant law thereto. A pure question of law unrelated to facts which give rise to a right, cannot be deemed to be a matter in issue. When it is said that a previous decision is *res judicata*, it is meant that the right claimed has been adjudicated upon and cannot again be placed in contest between the same parties. A previous decision of a competent court on facts which are the foundation of the right and the relevant law applicable to the determination of the transactions which is the source of the right is *res judicata*. A previous decision on a matter in issue is a composite decision; the decision of law cannot be dissociated from the decision on facts on which the right is founded. A decision on an issue of law will be *res judicata* in a subsequent proceeding if it be the same as in the previous proceeding, but not when the cause of action is different, nor when the law has since the earlier decision been altered by a competent authority, nor when the decision relates to the jurisdiction of the court to try the earlier suit nor when the earlier decision declares valid a transaction which is prohibited by law: (SCC pp. 618-19, paras 9 and 10)

"A question of jurisdiction of the court, or of procedure, or a pure question of law unrelated to the right of the parties to a previous suit, is not *res judicata* in the subsequent suit. Rankin, C.J., observed in *Tarini Charan Bhattacharjee case*<sup>16</sup>:

<sup>16</sup> *Tarini Charan Bhattacharjee v. Kedar Nath Haldar*, ILR 56 Cal 723: AIR 1928 Cal 777

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“The object of the doctrine of res judicata is not to fasten upon parties special principles of law as applicable to them inter se, but to ascertain their rights and the facts upon which these rights directly and substantially depend; and to prevent this ascertainment from becoming nugatory or precluding the parties from reopening or recontesting that which has been finally decided.”

*A question relating to the jurisdiction of a court cannot be deemed to have been finally determined by an erroneous decision of the court. If by an erroneous interpretation of the statute the court holds that it has no jurisdiction, the question would not, in our judgment, operate as res judicata. Similarly by an erroneous decision if the court assumes jurisdiction which it does not possess under the statute, the question cannot operate as res judicata between the same parties, whether the cause of action in the subsequent litigation is the same or otherwise.* (emphasis supplied)

21. In that case it was held that since it relates to the jurisdiction of the court as per law declared by the legislature, it does not operate as res judicata.

22. In *Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman*<sup>17</sup> a bench of three judges of this Court consisting of Shah, J., as he then was, Hegde and Grover, JJ., was considering the question of nullity of a decree. The facts therein were that the appellant, owner of the plot of land, leased out the same to the respondent at an annual rental of Rs 411. The suit was dismissed and on appeal it was reversed and suit was decreed. On revision it was confirmed by the High Court. Special leave petition filed in this Court was also dismissed. In the execution the contention was raised that the Small Causes Court had no jurisdiction to entertain the suit. It was contended that the decree was a nullity on the ground that Bombay Rents, Hotel and Lodging House Rates (Control) Act 57 of 1947 applied to the facts in that case. In that context Shah, J., as he then was, speaking for the court held that challenge to a decree which is a nullity can be raised at any time, but the court executing the decree cannot go behind the decree between the parties or on their representation it cannot entertain any objection that the decree was incorrect in law or on facts, unless it is set aside by an appropriate proceeding in appeal or revision. A decree even if it be erroneous is still binding between the parties. In that context it was held that the question whether the Court of Small Causes had jurisdiction to entertain the suit depended upon the interpretation of the terms of the agreement of lease, and the use to which the land was put at the date of the grant of the lease. These questions cannot be permitted to be raised in an execution proceeding so as to displace the jurisdiction of the court which passed the decree. It was further held that for the purpose of determin-

<sup>17</sup> (1970) 1 SCC 670

ing whether the court which passed the decree had jurisdiction to try the suit, it is necessary to determine facts relevant to the issue on which the question depends, and the objection does not appear on the face of the record, the executing court cannot enter upon an enquiry into those facts. It is seen that on the facts in that case it is for the first time the executing court is to adjudicate upon the terms of the lease whether the Court of Small Causes had jurisdiction to entertain that suit. It is not a case of interpretation of the statutory provisions of inherent lack of jurisdiction. It is already seen that in fact for the first time this Court in *Chandrika Misir case*<sup>10</sup> had to go into the statutory provisions though no case in that regard had been set up in the courts below and held that the civil court lacked inherent jurisdiction to pass the decree. Therefore, the ratio in this case is not in conflict with the view taken by this Court.

23. It is no doubt true that in *Seth Hiralal Patni v. Kali Nath*<sup>18</sup> the facts were that the suit was instituted on the original side of the Bombay High Court against the appellant for recovery of certain arrears out of transactions taking place at Agra. The dispute was referred to arbitration. The arbitrator gave his award in favour of the respondent which was upheld on appeal by the High Court. In execution proceedings an objection was raised by the appellant that the Bombay High Court has no jurisdiction to entertain the suit to make the award a decree of the court as no part of the cause of action had arisen within its territorial jurisdiction. Therefore, the decree was without jurisdiction. It was held that since the parties had agreed to refer the matter to arbitration through court, which had jurisdiction, he would be deemed to have waived the objection as to the territorial jurisdiction of the court. Therefore, it is not a nullity and the appellant was held to be estopped from challenging the jurisdiction of the Bombay High Court. The ratio therein does not apply to the facts of this case.

24. The case of *Phool Chand Sharma v. Chandra Shanker Pathak*<sup>19</sup> also does not help the respondent. It was a case where the suit was decreed and possession was taken thereunder. On appeal by the respondent it was dismissed. On second appeal before the Board of Revenue the matter was compromised, whereunder Ramprasad was recognised as a tenant of the land in dispute and the order of eviction was thus nullified. When he made an application under Section 144 CPC for restitution it was resisted by the tenants subsequently inducted on the ground that the respondent was inducted as tenant by the decree-holder, and the decree does not bind them. This was upheld by the trial court and on appeal. A writ petition was also dismissed on merits. The decree became final. The order of the High Court under Article 227 became final. Then against the order of the Board of Revenue an appeal under Article 136

<sup>18</sup> (1962) 2 SCR 747; AIR 1962 SC 199

<sup>19</sup> (1963) Supp 2 SCR 828; AIR 1964 SC 782

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was filed in this Court. A preliminary objection was raised that the decision of the High Court under Article 227 operated as *res judicata*. In that context it was held by this Court that the appeal was barred by *res judicata* as the decision of the High Court was on merits and would bind the parties unless it was modified or reversed in appeal or by other appropriate proceedings. The facts are clearly distinguishable.

25. The case of *Mohanlal Goenka v. Benoy Krishna Mukherjee*<sup>20</sup> is also of little assistance to the respondent. The decree passed by the Calcutta High Court on its original side was transferred for execution to the Court of Subordinate Judge of Asansol with proper certified copy of the decree and order of transmission. The execution application was dismissed for default and a certificate was sent under Section 41 CPC stating that the execution case was dismissed for default without transmitting the decree or the covering letter sent by the High Court. The decree holder again applied for execution. It was accordingly executed. Then an application to set aside the sale was made under Order XXI Rule 90 CPC on the ground that the decree is a nullity and the court had no jurisdiction to execute the decree. While negating the contention it was held that since the decree sent was not transmitted it would be regarded as a fresh application for execution and, therefore, the executing court had jurisdiction and the decree was not a nullity. That case also is not one of inherent lack of jurisdiction.

26. Thus it is settled law that normally a decree passed by a court of competent jurisdiction, after adjudication on merits of the rights of the parties, operates as *res judicata* in a subsequent suit or proceedings and binds the parties or the persons claiming right, title or interest from the parties. Its validity should be assailed only in an appeal or revision as the case may be. In subsequent proceedings its validity cannot be questioned. A decree passed by a court without jurisdiction over the subject matter or on other grounds which goes to the root of its exercise or jurisdiction, lacks inherent jurisdiction. It is a *coram non iudice*. A decree passed by such a court is a nullity and is non est. Its invalidity can be set up whenever it is sought to be enforced or is acted upon as a foundation for a right, even at the stage of execution or in collateral proceedings. The defect of jurisdiction strikes at the authority of the court to pass a decree which cannot be cured by consent or waiver of the party. If the court has jurisdiction but there is defect in its exercise which does not go to the root of its authority, such a defect like pecuniary or territorial could be waived by the party. They could be corrected by way of appropriate plea at its inception or in appellate or revisional forums, provided law permits. The doctrine of *res judicata* under Section 11 CPC is founded on public policy. An issue of fact or law or mixed question of fact and law, which are in issue in an earlier suit or might and ought to be raised between the

<sup>20</sup> 1953 SCR 377: AIR 1953 SC 65

same parties or persons claiming under them and was adjudicated or allowed uncontested becomes final and binds the parties or persons claiming under them. Thus the decision of a competent court over the matter in issue may operate as res judicata in subsequent suit or proceedings or in other proceedings between the same parties and those claiming under them. But the question relating to the interpretation of a statute touching the jurisdiction of a court unrelated to questions of fact or law or mixed questions does not operate as res judicata even between the parties or persons claiming under them. The reason is obvious; a pure question of law unrelated to facts which are the basis or foundation of a right, cannot be deemed to be a matter in issue. The principle of res judicata is a facet of procedure but not of substantive law. The decision on an issue of law founded on fact in issue would operate as res judicata. But when the law has since the earlier decision been altered by a competent authority or when the earlier decision declares a transaction to be valid despite prohibition by law it does not operate as res judicata. Thus a question of jurisdiction of a court or of a procedure or a pure question of law unrelated to the right of the parties founded purely on question of fact in the previous suit, is not res judicata in the subsequent suit. A question relating to jurisdiction of a court or interpretation of provisions of a statute cannot be deemed to have been finally determined by an erroneous decision of a court. Therefore, the doctrine of res judicata does not apply to a case of decree of nullity. If the court inherently lacks jurisdiction consent cannot confer jurisdiction. Where certain statutory rights in a welfare legislation are created, the doctrine of waiver also does not apply to a case of decree where the court inherently lacks jurisdiction.

27. In the light of this position in law the question for determination is whether the impugned decree of the civil court can be assailed by the appellant in execution. It is already held that it is the Controller under the Act that has exclusive jurisdiction to order ejection of a tenant from a building in the urban area leased out by the landlord. Thereby the civil court inherently lacks jurisdiction to entertain the suit and pass a decree of ejection. Therefore, though the decree was passed and the jurisdiction of the court was gone into in issue Nos. 4 and 5 at the ex parte trial, the decree thereunder is a nullity, and does not bind the appellant. Therefore, it does not operate as a res judicata. The courts below have committed grave error of law in holding that the decree in the suit operated as res judicata and the appellant cannot raise the same point once again at the execution.

28. It is seen from the dates mentioned that there is no delay in filing the leave application. The leave application was filed within the limitation from the date of original order of dismissal of the revision or on a later date dismissing the review application. It is true that the writ petition was filed against the order in revision, but it does not preclude the

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appellant to contest its invalidity in the appeal under Article 136. The decree was executed pending the special leave petition. This Court would relieve the party from injustice in exercise of power under Article 136 of the Constitution when this Court noticed grave miscarriage of justice. It is always open to the appellant to take aid of Section 144 CPC for restitution. Therefore, merely because the decree has been executed, on the facts when we find that decree is a nullity, we cannot decline to exercise our power under Article 136 to set at nought illegal orders under a decree of nullity. The appeal is accordingly allowed. But in the circumstances parties are directed to bear their own costs.

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(BEFORE M.N. VENKATACHALIAH AND M.M. PUNCHHI, JJ.)

SMT. BISMILLAH

.. Appellant;

*Versus*

JANESHWAR PRASAD AND OTHERS

.. Respondents.

Civil Appeal No. 4884 of 1989<sup>†</sup>, decided on December 5, 1989

**Tenancy and Land Laws — U.P. Zamindari Abolition and Land Reforms Act, 1951 — Section 331 — Bar to jurisdiction of civil court — Suit for cancellation of sale-deeds respecting agricultural land and for possession, held, not barred — Provision seeking ouster of civil court's jurisdiction to be strictly construed — Question of jurisdiction depends upon allegation in plaint and not merit or result of suit — Common law defence of non est factum — Modern application of — Distinction between fraudulent misrepresentation as to character and contents of document not of general application — Contract Act, 1872, Section 19 — Civil Procedure Code, 1908, Section 9**

The appellant a pardanashin lady, appointed the respondents as her agents to manage the estate under an instrument of agency. The said document drafted in Hindi, a language not known to the appellant, was later discovered by her to have contained an unauthorised clause empowering sale of the properties. It was alleged that the said agents had entered into fraudulent and collusive sales respecting the properties in favour of their close relatives. The appellant sought the cancellation of the sale deeds, delivery of possession and rendition of accounts on income and profits. The respondents pleaded that the jurisdiction of the civil court to take cognizance of such a suit was barred under Section 1 of the U.P. Z.A. & L.R. Act. The trial court held against the respondents but the High Court in revision, reversed that finding. The High Court construed the appellant's pleadings to amount to a plea of nullity of the sales and held that the prayer for cancellation of the sale deeds was 'simply illusory' and that such a relief was neither necessary nor appropriate in the context of a plea of nullity. The High Court further held that the relief of possession, though appearing to be a consequential relief, was really the main relief and would fall within the statutory jurisdiction. Allowing the appeal, the Supreme Court

<sup>†</sup> Arising out of Special Leave Petition (Civil) No. 1053 of 1985