

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO.15/2024(WZ)

(I.A. NO. 33/2024 WZ)

RSPL LIMITED

...PETITIONER

VERSUS

STATE OF GUJARAT AND ORS.

...RESPONDENT(S)

AFFIDAVIT IN REPLY FOR AND ON BEHALF OF
RESPONDENT NO.: 2 (GUJARAT POLLUTION CONTROL
BOARD)

I, Smt. Anjana Jagdishbhai Patel, Environmental Engineer & Unit Head – Jamnagar, of the Respondent i.e. Gujarat Pollution Control Board, having office at Gandhinagar, do hereby solemnly affirm on oath and state on under:-

1. It is submitted that, M/s. RSPL Limited was granted Consent to Establish and Consolidated Consent & Authorization under Section 25 of Water Act 1974 and Section 21 of Air Act 1981 by this Respondent on 12.08.2014 and 16.02.2019 respectively.

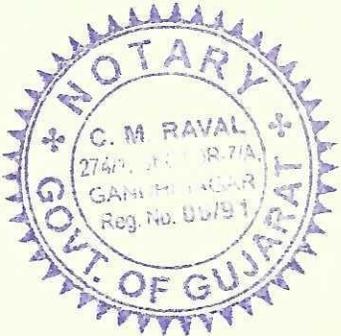


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2. It is submitted that, Respondent No.1 (Shri Balubha Pabubha Ker) preferred a Special Civil Application No. 6970 of 2023 before the Hon'ble High Court on 20.03.2023 claiming inaction on part of this respondent and also seeking various other reliefs restraining Appellant (M/s. RSPL Limited) from causing further pollution.

3. It is submitted that, a Closure direction was issued by this respondent to the Appellant (M/s. RSPL Limited) on 12.01.2024 under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 because of the non-compliances of the following directions:-

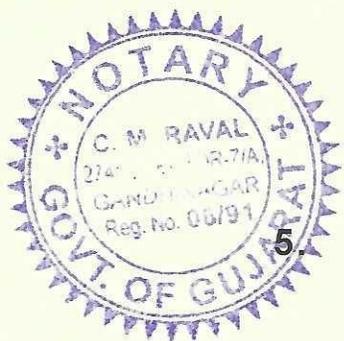
- a) Failed to remove salt containing topsoil layer from the survey no.540 & 606 under the supervision of District Agricultural Department or its authorized expert institute/ officer or Schedule-I auditor.
- b) Failed to construct water retaining wall at the common boundary of industry and survey no.540 & 606 to prevent water seepages/ leakages/overflow from the industry even during unforeseen situation under the supervision of authorized expert institute/ officer in Civil Engineering field.



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- c) Failed to provide surface gradient towards survey no.540 & 606 which is to be changed at appropriate location or a trench at the boundary of the premises within premises to be provided in order to divert surface runoff required precautionary measures for future release of water/ wastewater from the industry leading to survey no.540 & 606 etc.
- d) Failed to submit work completion certificate from related expert authorized institute separately for each work or consolidated from GPCB recognized schedule - 1 Environment Auditor”.

4. It is further submitted that, the Appellant (M/s. RSPL Limited) preferred Civil Application No.1 of 2024 on 25.01.2024 seeking relief that Hon'ble High Court of Gujarat may direct Respondent No.1 (Shi Balubha Pabubha Ker) to give his consent and to procure consent of his land's co-owners so that the soil remediation work can be complied with.



5. It is submitted that, later on Appellant (M/s. RSPL Limited) had preferred an Appeal before the National Green Tribunal against the order of closure issued by this Respondent directing the Appellant (M/s. RSPL Limited) to close down the operations of their industrial plant. The Tribunal was pleased to grant

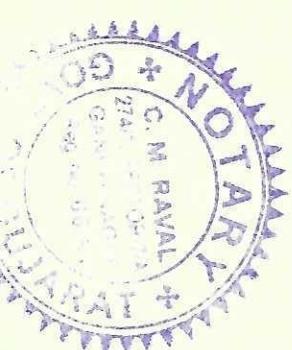
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identify the land from which the soil can be extracted for the purposes of soil remediation. Samples were taken and thereafter the land has been identified for soil extraction.

9. The aforesaid committee has estimated cost of remediation as Rs. 1,57,15,000/- which has already been paid by this Respondent to the Executive Engineer of the Road and Building Department. The said amount has also been recovered from the Petitioner herein. Thereafter the Election Commission's permission was sought to issue a tender for the purpose of awarding the work. The Road and Building Department has published Tender Notice on 21.05.2024 inviting bids for carrying out the remediation work. Bids were received and L₁ has been identified and short listed. The tender has been awarded to L₁ i.e. M/s Shiv Engineers, Jamnagar by the Road and Building Department.

Furthermore, L₁ has been asked to submit security deposit amount as part of tender allotment procedure. The work of remediation of the soil is expected to be completed within two months.

10. This Respondent had preferred Civil Appeal NO(S). 6259 of 2024 before the Hon'ble Supreme Court challenging the order of stay against the order of



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closure issued by this Respondent. The said Civil Appeal came up for hearing before the Hon'ble Supreme Court on 17.05.2024 and the Hon'ble Supreme Court was pleased to reject the Civil Appeal NO(S). 6259 of 2024 preferred by this Respondent. Annexed herewith and marked as **Annexure – R/1**, is a copy of the order passed by the Hon'ble Supreme Court in Civil Appeal NO(S). 6259 of 2024.

11. It is further submitted that the Respondent had preferred Special Leave to Appeal (C) No(s). 11219 – 11220 of 2024 before the Hon'ble Supreme Court against the order dated 27.03.2024. The Hon'ble Supreme Court on 14.05.2024 was pleased to issue notice returnable in 10 weeks. The Hon'ble Supreme Court was also pleased to grant stay of the direction of payment of Rs. 20,00,000/- by this Respondent to the Petitioner. Annexed herewith and marked as **Annexure – R/2**, is a copy of the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No(s). 11219 – 11220 of 2024.

Solemnly affirmed at Gandhinagar on this 3rd day of July 2024.



Entered in Notary Register at
Serial No. 1102 Vol. No. 1
[Signature]
C. M. RAVAL, Advocate & Notary
GANDHINAGAR.

Solemnly Affirmed
Before Me
[Signature]
(C. M. RAVAL)
NOTARY
Govt. of Gujarat

[Signature]

DEPONENT

3 JUL 2024

3 JUL 2024

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6259/2024

GUJARAT POLLUTION CONTROL BOARD

APPELLANT(S)

VERSUS

RSPL LIMITED & ANR.

RESPONDENT(S)

O R D E R

The impugned order is an *ad interim* order granting stay till the next date. We may note here that after the impugned order was passed, on 14th March, 2024, the appellant applied for adjournment and, therefore, the stay has now been extended till 9th July, 2024. Hence, no case to interfere with the impugned order is made out.

The Civil Appeal is, accordingly, dismissed.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 17, 2024.

ITEM NO.32

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 6259/2024

GUJARAT POLLUTION CONTROL BOARD

APPELLANT(S)

VERSUS

RSPL LIMITED & ANR.

RESPONDENT(S)

(IA No.115759/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.120839/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-05-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.
Ms. Yasha Goyal, Adv.

For Respondent(s) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Abhishek Mehta, Adv.
Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Appeal is dismissed in terms of the signed order.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]

ITEM NO.57

COURT NO.3

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).11219-11220/2024

(Arising out of impugned final judgment and order dated 27-03-2024 in SCA No. 6970/2023 27-03-2024 in CAD No. 1/2024 passed by the High Court of Gujarat at Ahmedabad)

GUJARAT POLLUTION CONTROL BOARD

Petitioner(s)

VERSUS

BALUBHA PABUBHA KER & ORS.

Respondent(s)

Date : 14-05-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Devang Vyas, Sr. Adv.
Mr. Dharmishta Raval, Adv.
Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prersna Mohapatra, Adv.
Ms. Yasha Goyal, Adv.

For Respondent(s) Mr. Maninder Singh, Sr. Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Girish Gojiya, Adv.
Mr. Chitranshul A. Sinha, AOR

Mr. Harin P. Raval, Sr. Adv.
Mr. Abhishek Mehta, Adv.
Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice, returnable in ten weeks.
2. Dasti service, in addition, is granted.
3. Until further orders, there shall be stay only insofar as the directions contained in paragraph 27 in the impugned order, with regard to payment of an amount of Rs.20,00,000/- by the petitioner herein, is concerned.

Signature Not Verified

Digitally signed by
Narendra Prasad
Date: 2024.05.14
17:31:43 IST
Reason:

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER