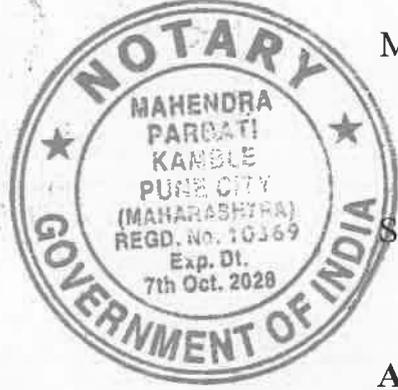


**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.110 OF 2023 (WZ)**

MSH Sheikh, President BWRCApplicant

Versus

State of Gujarat & Ors.Respondents



**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 4- M/S AYUSHI ENTERPRISE**

- (1) I Amitbhai Ratital Patel Age: Adult, Proprietor of Ayushi Enterprises, I am in the business of trading of chemicals (sale and Purchase). I do not manufacture nor produce any type of chemical.
- (2) I say and submit that Original Application No. 362 of 2019 was taken by the Hon'ble Principal Bench on the complaint, which alleged that, "*illegal disposal of waste into the Creek of Surat at Ankleshwar and Vapi. Two persons died while disposing of hazardous waste on 09/02/2019 on account of inhalation of toxic.....*".

On 26/09/2019 matter was disposed with following direction, “

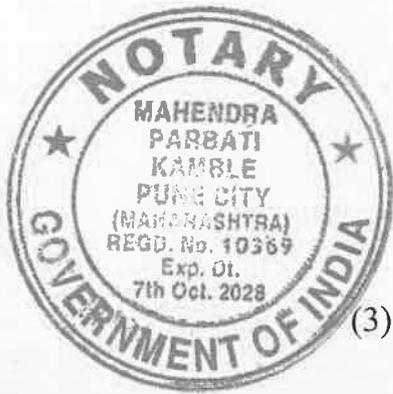
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- i. *The SPCB may assess and recover compensation on 'Polluter Pays' principle in accordance with law from the generator of the waste as well as the transporter. Pending such assessment, the SPCB may recover a sum of Rs. 50 lakhs as interim compensation jointly and severally from the generator as well as the transporter without prejudice to the remedies of the heirs of the deceased and the injured.*
- ii. *The Chief Secretary, State of Gujarat may look into the conduct of the SPCB in failing to perform its statutory duty in taking stringent action. As already noted, the SPCB had withdrawn the closure notice inspite of such serious incident of two deaths and grievous injury of another person and also damage to the environment, without even recovering any compensation for such damage, showing the Board in extremely poor light.*

iii. *To ensure effective environment governance, review of the manning/revamping of the GPCB may be undertaken within one month and initiating disciplinary or other action for the acts of omission and commission of key functionaries of the GPCB may be considered. Compliance report before this Tribunal be filed within one month by e-mail at judicialngt@gov.in.*

iv. *The interim compensation, recovered in pursuance of above, may be deposited with the CPCB for being spent for restoration of the environment."*

(3) I say and submit that against the order dated 26/09/2019 passed by Hon'ble Tribunal (PB) in Original Application No. 362 of 2019, Respondent No. 3-Praharit Pigments LLP preferred Civil Appeal No.8249 of 2019 before the Hon'ble Supreme Court.

(4) I say and submit that on 24/03/2023 The Hon'ble Supreme Court was pleased to remand back the matter to this Hon'ble Tribunal which is registered as Original Application No.110 of 2023 (WZ).



(5) I say and submit that on 09/10/2023 this Hon'ble Tribunal "*...again direct the said Committee to give hearing to the newly impleaded respondent No.3 and thereafter, submit its report before us, within a period of six weeks. Hearing, which shall be given to the respondent No.3, shall include all the aspects.*".

(6) Accordingly, Joint Committee Report dated January, 2024 was filed before this Hon'ble Tribunal.

(7) I say and submit that as per the Joint Committee Report

- i. The Applicant has moved IA 280 of 2024 of for issuing direction for impleading Respondent No. 4 to 6 as party respondents in present case.

Therefore, this Hon'ble Tribunal vide its order dated 22/10/2024 directed to issue notice to Respondent No. 4 to 6.

(8) I say and submit that I am in the business of trading of chemicals (sale and purchase). I do not manufacture nor produce any type of chemical. Hereto marked and annexed as "**Annexure R4-I**" is the copy of registration.



(9) I say and submit that on same day i.e. 07/02/2019 after obtaining the work order from Respondent No.5 Sai Ranchana Chemical, I instructed my Driver Mr. Indrajitsinh Pradipsinh Rajput to fill HCL on 08/02/2019 at 12:00 PM from the premises of Respondent No 3 M/s Praharit Pigments LLP, situated Plot No. 38/11, Jhagadia GIDC, Taluka- Jhagadia, District-Bharuch. I had also instructed Tanker driver to wait for my further instructions after filling up HCL.

(10) I say and submit that on same day i.e. 07/02/2019, I could not receive order and same was informed to driver, moreover I had also informed driver regarding my business meeting with United Phosphorous Co. Ltd. at Vapi on 08/02/2019.

(11) I say and submit that next day i.e. on 08/02/2019 at around 12:00 PM, Tanker driver Mr. Indrajitsinh Pradipsinh Rajput drove the tanker bearing Registration No. GJ-02-Z-7927 to Respondent No. 3-Praharit Pigments LLP company situated Plot No. 38/11, Jhagadia GIDC, Taluka- Jhagadia, District-Bharuch. I

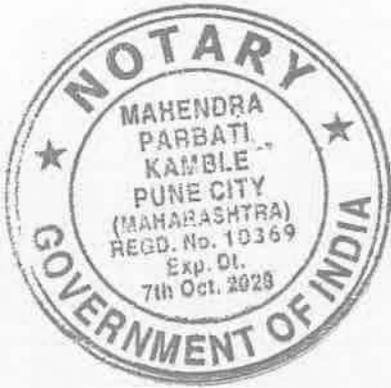


say and submit that, tanker driver Mr. Indrajitsinh Pradipsinh Rajput was accompanied by the cleaner of tanker Mr. Brijeshsinh Pradipsinh Rajput filled the goods i.e. HCL in the Tanker.

(12) I say and submit that I dint received any order for the HCL so I instructed my Driver to halt at his Room till my further instructions. Tanker was parked at Patel Nagar – 1 Society near Rajpipla Chowkdi, Ankleshwar.

(13) I say and submit that on 09/02/2019 at around 6:30 AM, cleaner of the tanker Mr. Brijeshsinh Pradipsinh Rajput informed about the incident in which 2 people died on spot and the tanker driver i.e. his brother Mr. Indrajitsinh Pradipsinh Rajput severely injured in the incident occurred at early morning of 09/02/2019, same was in turn informed to me i.e Respondent No.4 by driver Mr. Montu Pal.

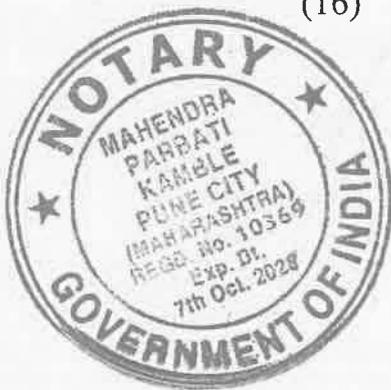
(14) I say and submit that I received a call from Police on 09/02/2019 informing me about the incident and therefore I was summoned to the Kadodara GIDC Police Station for enquiry and thereafter my statement was also



recorded. Subsequently after 16 days of incident i.e. on 25/02/2019 an FIR No. 28/2019 was registered against me for offences under section 304, 284, 120(b), 114 of IPC and 15 of Environment Protection Act.

(15) It is further submitted that based on this incident Respondent No. 2 Gujarat Pollution Control Board has issued an undated letter regarding levying of Interim Compensation of Rs 50 Lakhs without adhering to the principal of natural justice hearing, Respondent No. 4 was never given a opportunity to explain his case to Respondent No. 2 GPCB. Hereto marked and annexed as “**Annexure R4-II**” is the copy of interim compensation.

(16) I say and submit that subsequent to FIR No 28/2019 dated 25/02/2019 which was registered U/s 304, 284, 120(b), 114 of Indian Penal Code and 15 of Environment Protection Act, charges under section 467 and 471 of Indian Penal Code were added to charge sheet on the grounds that there is a forged Memorandum of Understanding (MOU).



(17) I say and submit that subsequently, I have filed discharge Application before the Hon'ble District Court, Bardoli in Session Case No. 29/2019 seeking my discharge from offence under section 304, 284, 120(b), 114, 467 and 471 of IPC and under section 15 of Environment Protection Act.

(18) Accordingly in aforesaid Session case No. 29/2021 before Hon'ble District Court, Bardoli Hon'ble Court pleased to discharge Respondent No. 4 from the offence under section 467 and 471 as aforesaid Memorandum of Understanding (MOU) was prepared by the Respondent No. 3-Praharit Pigments LLP, I was never a party to that MOU nor we have any role in execution of that MOU. Hon'ble Sessions Judge was also pleased to discharge Respondent No. 4 for the offence under section 15 of Environment Protection Act.

(19) I say and submit that currently I am tried for charges under section 304, and 120(b) of IPC pending before Hon'ble Session Court, Bardoli in Session case No. 29/2021.



(20) I say and submit that I am just a petty trader, I had no knowledge about incident occurred on 09/02/2019. I came to know about the incident through my driver Mr. Montu Pal. My tanker driver Mr. Indrajitsinh Pradipsinh Rajput is also absconding till date and Police is unable to trace him till date.

(21) In view of above I have no role regarding the discharge of HCL therefore I should be discharged from liabilities imposed on me by Respondent No. Gujarat Pollution Control Board.

Place:
Date: 16/03/2026

Apparel
Respondent No. 4
M/s Ayushi Enterprise



VERIFICATION

I, Amitbhai Ratital Patel , Age: Adult, authorized signatory for M/s Ayushi Enterprise do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

This 16th day of March, 2026

Arjun

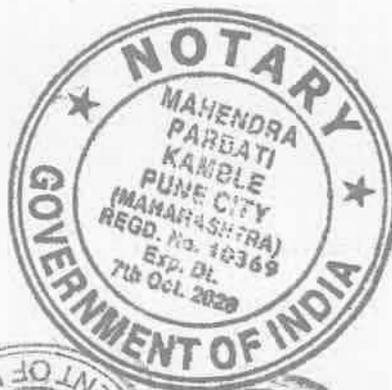
Respondents No. 4

Ratital

Adv. for Respondents No. 4

16 MAR 2026

NOTED AND REGISTERED
AT SR. NO. 644/2026
DATE 16.3.2026



BEFORE ME

[Signature]
MAHENDRA PARBATI KAMBLE
NOTARY, GOVT. OF INDIA
PUNE CITY (MAHARASHTRA)
REGD. No. 10369



502**Annexure R4-I****UDYAM REGISTRATION CERTIFICATE****UDYAM REGISTRATION NUMBER****UDYAM-GJ-06-0010645****NAME OF ENTERPRISE****AYUSHI ENTERPRISE****TYPE OF ENTERPRISE ***

SNo.	Classification Year	Enterprise Type	Classification Date
1	2025-26	Micro	01/04/2025
2	2024-25	Micro	27/04/2024
3	2023-24	Micro	09/05/2023
4	2022-23	Micro	26/06/2022

MAJOR ACTIVITY**SERVICES****SOCIAL CATEGORY OF ENTREPRENEUR****GENERAL****NAME OF UNIT(S)**

S.No.	Name of Unit(s)
1	AYUSHI ENTERPRISE

OFFICAL ADDRESS OF ENTERPRISE

Flat/Door/Block No.	PLOT NO 53	Name of Premises/ Building	SHREE RAM ESTATE
Village/Town	JITALI	Block	JITALI
Road/Street/Lane	JITALI	City	ANKLESHWAR
State	GUJARAT	District	BHARUCH , Pin 393001
Mobile	9408676043	Email:	ayushienterprise043@gmail.com

DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE**29/04/2013****DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS****29/04/2013**

503**NATIONAL INDUSTRY
CLASSIFICATION CODE(S)**

SNo.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	49 - Land transport and transport via pipelines	4923 - Freight transport by road	49231 - Motorised road freight transport	Services

DATE OF UDYAM REGISTRATION**11/10/2021**

* In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in> & Date of printing:- 26/02/2026

For any assistance, you may contact:

1. District Industries Centre: BHARUCH (GUJARAT)

2. MSME-DFO: AHMEDABAD (GUJARAT)

Visit : www.msme.gov.in ; www.dcmsme.gov.in ; www.udyamregistration.gov.in



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Annexure R4-II

BY R.P.A.D.

DIRECTION UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT- 1986 FOR THE VIOLATIONS OF THE HAZARDOUS & OTHER WASTE (MANAGEMENT & TRANSBOUNDARY MOVEMENT) RULES -2016 AS AMENDED FROM TIME TO TIME

WHEREAS you M/s. PRAHARIT PIGMENTS LLP. are having an industrial plant at Plot No: 38/11, GIDC JHAGADIA, DIST.BHARUCH.

AND WHEREAS Gujarat Pollution Control Board has granted Consolidated Consent and Authorization (CC&A), AWH -97707 dated: 20/12/2018 valid up to 04/12/2023 and its amendment dated: 20/08/2019.

AND WHEREAS, board had issued closure direction under EPA-1986 vide order dated: 16/02/2019 & 20/08/2019 for the reasons stated there in.

AND WHEREAS, board had issued direction under EPA-1986 vide order dated: 28/09/2019 to deposit a sum of Rs. 50 lakhs as interim compensation jointly and severally by the generator M/s. PRAHARIT PIGMENTS LLP. as well as the transporter Amitbhai Ratilal Patel, Owner of Vehicle no: GJ 02-Z-7927 & Owner of Ayushi enterprise in view of Honorable National Green Tribunal Order dated:26/09/2019 in O.A.No.362/2019.

AND WHEREAS, Honorable NGT in its order dated:19/02/2019 and 28/08/2019 in O.A.No.593/2017, (W.P.) (Civil) No.375/2012also directed GPCB to assess EDC.

AND WHEREAS, Honorable NGT in the O.A.No.593/2017, (W.P.) (Civil) No.375/2012 dated:19/02/2019 and 28/08/2019 respectively delineated calculation of Environment Compensation (EC).

AND WHEREAS, referring to above said formula, total Environment Compensation is worked out to be Rs. 1,04,25,000/- .(Rs. One crore four lacs twenty five thousand only)

(P.T.O.)

ORDER

UNDER THE CIRCUMSTANCES, I N. M. Tabhani, Member Secretary of Gujarat Pollution Control Board in exercise of the power conferred on file no. Legal-G-28 under section (5) of the Environment (Protection) Act -1986 issue the Directions as under:

1. To deposit sum of total Rs. 1,04,25,000/- as compensation jointly and severally by the generator M/s. PRAHARIT PIGMENTS LLP. as well as the transporter Amitbhai Ratilal Patel. Owner of Vehicle no: GJ 02-Z-7927 & Owner of Ayushi enterprise.
2. This order shall be complied with in 7 days, if above direction is not complied,, you are liable for prosecution in court under Section 15 of the Environment (Protection) Act -1986.
3. Amount deposited if any in reference to the office order No.GPCB/ANK/CCA-1927(1)/ID:57674/522953, dated: 28/09/2019 shall be deducted from aforesaid compensation.

This order is issued after obtaining permission from competent authority.

**For and on behalf of
Gujarat Pollution Control Board**



**(N. M. TABHANI)
MEMBER SECRETARY**

NO: GPCB/ANK/CCA-1927(1)/ID-57674/

Dated: /10/2019

Issued to:

✓ **1. M/s. PRAHARIT PIGMENTS LLP.**

PLOT NO: 38/11,
GIDC JHAGADIA,
DIST: BHARUCH, GUJARAT.

2. Amitbhai Ratilal Patel.

Owner of Vehicle no: GJ 02-Z-7927
Owner of Ayushi enterprise
B-10, Rameshwar Co-Op society,
Near Diamond colony,
GIDC Ankleshwar, Dist- Bharuch.