

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE AT PUNE
INTERIM APPLICATION NO. 705 OF 2025
(FOR AMENDMENT)

IN
APPEAL NO. 431 OF 2025

M/s. SS Services

...Applicant

Versus

Central Pollution Control Board & Ors.

...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO. 4

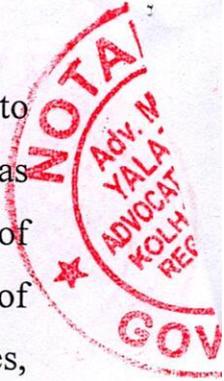
I, Mr Niranjan C Shah, aged 68 years, working as director with Arogyam Waste Management Private Ltd having its registered office at 1169, Sykes Extension, Kolhapur, Maharashtra-416008 the respondent no. 4 in the present appeal do hereby on solemn affirmation states as under:

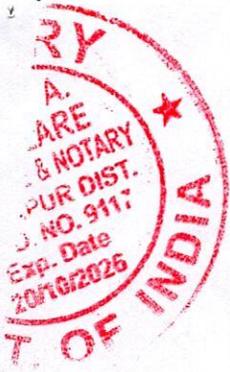
1. I say that I am well conversant with the facts of the present case. I am authorized and competent to file this Affidavit in Reply to the present interim application seeking amendment. I further say that I have perused a copy of the interim application filed by the present applicant along with the annexures thereto.
2. I say that I crave leave of this Hon'ble Tribunal to file additional affidavits if so required. I specifically deny each and every contention in the present application unless and until specifically admitted by me.
3. Any omission on my part in dealing with and / or denying any allegation, contention and averment specifically and singly, should not be deemed to have been admitted by me and the same be treated as denied. I, also, crave leave to file a detailed affidavit, if so required.

4. I say that the applicant has an efficacious alternate remedy to challenge the Consent to Operate dated 26 August 2025, which has been issued under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and the Bio-Medical Waste Management Rules, 2016. The applicant cannot circumvent the statutory appellate mechanism provided under Section 28 of the Water (P&CP) Act and Section 31 of the Air (P&CP) Act.
5. I say that the application for amendment is not maintainable, as the very foundation of the present appeal is the challenge to the Consent to Establish dated 30 June 2023. The criteria and considerations governing the grant of Consent to Establish and Consent to Operate are distinct and independent and cannot be clubbed.
6. I say that the subsequent grant of the Consent to Operate dated 26 August 2025 has rendered the present appeal infructuous, and no amendment can cure or revive a proceeding that has already lost its substratum.
7. I say that such a belated amendment, which materially affects the vested rights of the parties, cannot be permitted. In the present case, Consent to Operate, has already been acted upon by the respondent no. 4 and the facility has been established already.

The paragraph wise reply to the present application is as follows:

8. I say that the paragraph no. 1 to 3 are matters of record.
9. I say that the objection raised in paragraph 4—that the Consent to Operate dated 26 August 2025 has been issued during the pendency of the present appeal—is devoid of substance. It is pertinent to note that the Hon'ble High Court, during the pendency of Writ Petition No. 5283 of 2024, did not grant any interim relief in favour of the applicant. Similarly, no interim protection has been granted by this





Hon'ble Tribunal in the present proceedings. There exists no statutory embargo under any environmental legislation restraining the issuance of Consent to Operate *pendente lite* in the absence of interim restraint.

10.I say that the contents of paragraph 5 consist merely of unsubstantiated allegations. The applicant has not produced a single document or material to demonstrate any alleged harm to the environment or public health. I deny the contents of the objection letter dated 12 August 2025 (Email dated 16 August 2025)

11.In reply to paragraph no. 6 to 8, I say that the Consent to Operate dated 26 August 2025 is granted under Section 25 of the Water (P&CP) Act, 1974, Section 21 of the Air (P&CP) Act, 1981 and Bio-Waste Management Rules, 2016 respectively under Environment (Protection) Act, 1986 in favor of respondent no. 4.

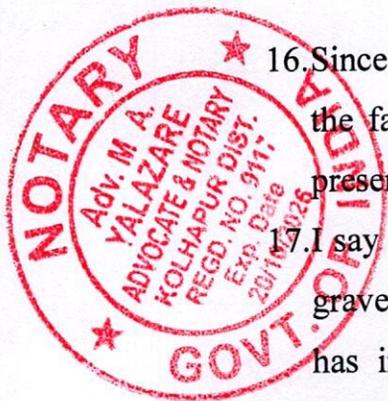
12.I say that an alternate remedy of *Appeal* exists under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 of the Air (Prevention and Control of Pollution) Act, 1974. Accordingly, the applicant cannot bypass the statutory appellate forum and seek to challenge the Consent to Operate dated 26 August 2025 within the present appeal.

13.In reply to paragraph no. 10 to 12, I say that the issuance of Consent to Operate dated 26 August 2025 has created vested, substantive rights in the respondent no. 4.

14.I say that the grant of Consent to Operate dated 26 August 2025 has rendered the present appeal infructuous.

15.In fact, acting in pursuance of the said Consent to Operate, the facilities are fully set up.

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16. Since the Consent to Operate has already been acted upon and since the facilities installed by the respondent are already operational the present amendment application is infructuous.

17. I say that allowing the present application at this stage would result in grave prejudice and severe financial detriment to the respondent, who has invested substantial resources in reliance upon valid statutory approvals.

18. Therefore, I humbly pray that the present application be dismissed with exemplary costs.

Solemnly affirmed at [✓] Kolhapur, this ^{ms. m. y.} 27th day of November, 2025.

Yuvraj P. Narvankar

Advocate for the Respondent No. 4


Respondent No. 4

VERIFICATION

I, Mirayam C. Shah, aged 68 years, residing at 61/Mantra, Shreeji Bldg. Sect. Anjanagar, Kolhapur being the authorized representative of the Respondent no. 4 herein above, verifies that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom. I further verify that the content of the affidavit is true and nothing material has been concealed and I believe the same to be true.

Solemnly declared at [✓] Kolhapur, Mumbai,
This th 27 day of November, 2025]


DEPONENT

Identified by me

SOLEMNLY affirmed before me
by Mirayam C. Shah
866319770752
Who is identified before me
by Aadhar Card
Whom I personally know
This 27th day of Nov 2025

ms. m. y.
M. A. YALAZARE
Advocate & Notary
1182, 'E', P.W.D. HSG.,
Takala, KOLHAPUR.
Mo. 9284624612

Notary Regi. Sr. No. 1031/2025

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