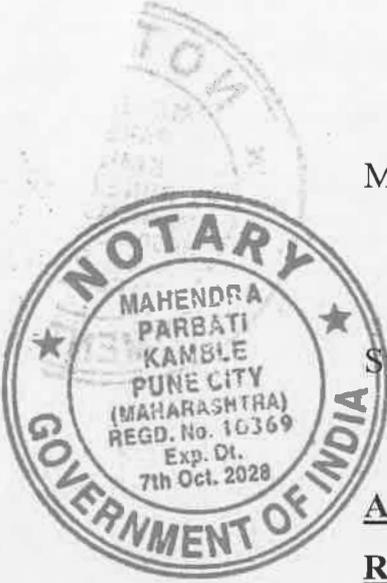


**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.110 OF 2023 (WZ)**

MSH Sheikh, President BWRCApplicant

Versus

State of Gujarat & Ors.Respondents

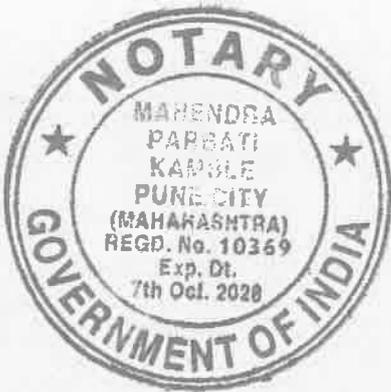


**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 6- M/S SHREE MAHAVIR
ENTERPRISE**

- (1) I Nirajkumar Vijaykumar Chhajed Age: Adult, manager of M/s Shree Mahavir Enterprise, I am in the business of trading 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, “

- 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 As already noted, the SPCB had withdrawn the closure notice inspite of such serious incident of two deaths and grievous injury of another person and also damage to the environment, without even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 please 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.

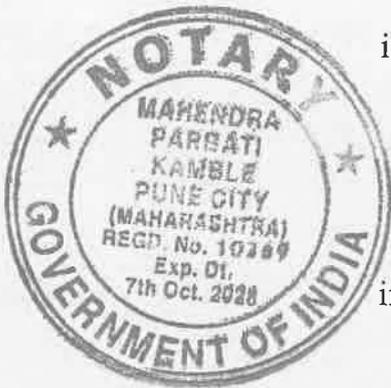
(7) I say and submit that as per the Joint Committee Report

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.

ii. 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.

(9) I say and submit that on 07/02/2019 at around 10:30 AM, I have placed the order with Respondent No. 3-Praharit

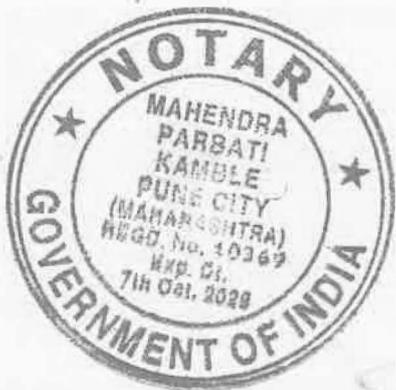


Pigments LLP for "Pure Hydro Chloric Acid 30%" (herein after referred as "HCL"). Hereto marked and annexed as "**Annexure R6-I**" is the copy of Tax Invoice dated 08/02/2026.

(10) I say and submit that on same day i.e. 07/02/2019 at around 10:45 AM, I sold/traded HCL to Respondent No. 5-M/s Sai Rachna Chemical. Hereto marked and annexed as "**Annexure R6-II**" is the Tax Invoice dated 08/02/2019.

(11) I say and submit that subsequently after 16 days of incident i.e. on 25/02/2019 an FIR No. 28/2019 was registered against me U/s 304, 284, 120(b), 114 of IPC and 15 of Environment Protection Act in Kadodara GIDC Police Station.

(12) 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).

(13) 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.

(14) Accordingly in aforesaid Session case No. 29/2021 before Hon'ble District Court, Bardoli Hon'ble Court pleased to discharge Respondent No. 6 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. 6 for the offence under section 15 of Environment Protection Act.

(15) 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.

- (16) I say and submit that I have not played any active role with any person in filling the tanker from the Company or discharge of the filled tanker. I have only traded HCL to Respondent No. 5-M/s Sai Rachna Chemical.

Place:
Date 16 /03/2026


Respondent No. 6
Shree Mahavir Enterprise



VERIFICATION

I, Nirajkumar Vijaykumar Chhajed, Age: Adult, authorized signatory for Shree Mahavir 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

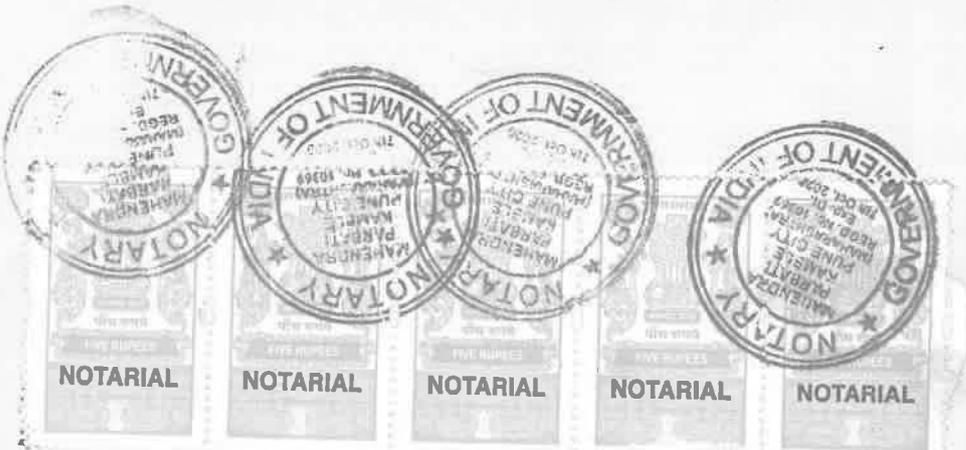
This 16th day of March, 2026

Respondents No. 6

Adv. for Respondents No. 6



NOTED AND REGISTERED
AT SR. NO. 643/2026
DATE 16.3.2026



BEFORE ME

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

16 MAR 2026

Annexure R6-I

PRAHARIT PIGMENTS LLP Plot No: 38/11, Industrial Estate Jhagadia-393110 Dist: Bharuch Gujarat GSTIN/UIN: 24AAPFP7958P1Z4 State Name : Gujarat, Code : 24 Contact : 02646-227777, 09328386186 E-Mail : contact.praharit@gmail.com		Invoice No.		Dated		
		135		8-Feb-2019		
		Delivery Note		Mode/Terms of Payment		
		135		30 Days		
		Supplier's Ref.		Other Reference(s)		
		135				
		Buyer's Order No.		Dated		
Consignee Shree Mahavir Enterprise 1st Floor ,Shop No:- F 38 Goladan Plaza, Nr Tata Moters N.H. Motali, Ankleshwar GSTIN/UIN : 24BXDPC4751P1ZB State Name : Gujarat, Code : 24		Despatch Document No.		Delivery Note Date		
		135		8-Feb-2019		
		Despatched through		Destination		
		BY TANKER		ANKLESHWAR		
		Bill of Lading/LR-RR No.		Motor Vehicle No.		
		GJ02Z7927				
Buyer (if other than consignee)		Terms of Delivery				
Shree Mahavir Enterprise 1st Floor ,Shop No:- F 38 Goladan Plaza, Nr Tata Moters N.H. Motali, Ankleshwar GSTIN/UIN : 24BXDPC4751P1ZB State Name : Gujarat, Code : 24						
SI No.	Description of Goods	HSN/SAC	Quantity	Rate	per	Amount
1	Pure Hydro Choric Acid 30%	28061000	21,000.000 kgs	0.01	kgs	210.00
	CGST Receivable/payable					18.90
	SGST Receivable/payable					18.90
	Round Off Exp					0.20
Total			21,000.000 kgs			₹ 248.00
Amount Chargeable (in words)						E. & O.E
INR Two Hundred Forty Eight Only						
Taxable Value		Central Tax		State Tax		Total
		Rate	Amount	Rate	Amount	Tax Amount
210.00		9%	18.90	9%	18.90	37.80
Total:			18.90		18.90	37.80
Tax Amount (in words) : INR Thirty Seven and Eighty paise Only						
Company's PAN : AAPFP7958P		Company's Bank Details				
Declaration		Bank Name : Axis Bank A/c No. 917020064337459				
We declare that this invoice shows the actual price of the goods described and that all particulars are true and correct.		A/c No. : 917020064337459				
		Branch & IFS Code : Ankleshwar & UTIB0000458				
		for PRAHARIT PIGMENTS LLP				
		 Authorised Signatory				

This is a Computer Generated Invoice



SHREE MAHAVEER ENTERPRISE

1st Floor, Shop No. F-18, Golden Plaza, Near Tata Motors,
N. H. No.8, MOTALI, ANKLESHWAR, Bharuch, Gujarat, 393002
Mob No. 8320125227

Mail us: shreemahaveer.enterprise96@gmail.com

GSTIN No. :24BXDPC4751P1ZB State Name : GUJARAT State Code : 24 PAN No. : BXDPC4751P

Tax Invoice

Duplicate for Transportor

Bill To Sai Rachana Chemicals A-22, Sanskardham Co. Op. Housing Society GIDC, Ankleshwar. PAN No. APJPA9292A GSTIN No.24APJPA9292A1Z5 State Name Gujarat State Code 24	Shiped To Sai Rachana Chemicals A-22, Sanskardham Co. Op. Housing Society GIDC, Ankleshwar. PAN No. APJPA9292A GSTIN No.24APJPA9292A1Z5 State Name Gujarat State Code 24	Invoice No. 8 Invoice Date 08-02-2019 Order No. - Order Date 07-02-2019 L.R. No. - Payment Term 30 Days Due Date 08-02-2019 Transporter Parties Own Vehical No. GJ02Z7927 Place of Supply Ankleshwar EWB No. -
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Sr. No.	Description of Goods	HSN Code	Total Qty. (KGS)	Rate Rs	Amount RS
1	Hydrochloric Acid	2806100	21000	0.01	210

Bank Details Bank Name : Kotak Mahindra Branch Name : Ankleshwar Account No : 1914401259 RTGS/NEFT/IFSC : KKBK00Q3008	Taxable value	210
	CGST 9%	18.9
	SGST 9%	18.9
	Total Amount	247.8

For, Shree Mahaveer Enterprises

[Signature]
Authorised Signatory

Received
Sai Rachana Chemicals
[Signature]
08/02/2019
Authorised Signatory