

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

Original Application No. 1 of 2025

MR. ANKUSH RANGANATH KALE

...APPLICANT

VERSUS

UNION OF INDIA- -MOEFCC
& OTHERS

....RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.7

I, Pramod Sudhakar Sonone, Age : 45 Years, Occ: Government Service, as Superintendent State Excise, Ahilyanagar do hereby state that I have been duly authorized to file reply on behalf the Commissioner of State Excise, Maharashtra and I have gone through the contents of the Petition, its annexures and the office record and proceed to file reply to the same as under:

- 1) At the outset, the Answering Respondent submits that the above Petition is abuse of process of Court. The above Petition is devoid of merits and no prayers as prayed therein be granted.
- 2) At the further outset it is submitted that there is no relief sought against the Answering Respondent in the present Original Application and it appears that the Answering Respondent has been added as a formal party. However, the Answering Respondent is placing on record all facts & documents as maintained by it in respect of



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Respondent No.9 Karkhana so as to provide assistance to this Hon'ble Forum to decide the present proceeding.

Certain facts that shall provide perspective for proper adjudication of the above proceeding are as follows:

- 3) The Answering Respondent is Commissioner of State Excise, Maharashtra, appointed under section 3 of Maharashtra Prohibition Act, 1949 ("Act"), by State Government.
- 4) The Answering Respondent submits that, Respondent No. 9 i.e. Loknete Marutrao Ghule Patil Dnyaneshwar Sahakari Sakhar Karkhana Ltd ("**Karkhana**") runs sugar unit, Distillery unit, Co-gen Unit, bio fertilizer unit etc.
- 5) The Answering Respondent submits that in pursuance to the provisions of the Act, relevant rules were framed namely The Maharashtra Distillation of Spirit & Manufacture of Potable Liquor Rules, 1966 ("**Rules**") to regulate and control the Distillery Unit/Plant throughout the State of Maharashtra. In accordance with the Act & Rules, the Answering Respondents grants permissions/Licenses in the form of "FORM-I" and DS-I to the Units/Plants after makings necessary compliance in the form of documentation and other inquiries and after receipt of sanction from the State Government. Hereto

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annexed and marked as Annexure-R1 is copy of Form-I & DS-I.

- 6) The Answering Respondent submits that, as mentioned herein above, to establish and operate distillery unit the *Karkhana* made an application for grant of necessary permission/license to it. It is submitted that the *Karkhana* was holding valid FORM-I license since 1985 and DS-I since 1986, same were renewed from time to time, after making necessary compliance and payment of prescribed yearly license fees to the State Government. The office of Answering Respondent has renewed licenses after obtaining all necessary documents including necessary permission obtained from Pollution Control Board i.e. Consent to Establish, Environmental Clearance and Consent to Operate. The Answering Respondent craves leave of this Hon'ble Court to refer and rely upon the documents of renewal from 2010-11 to 2023-24, as and when required.

- 7) The Answering Respondent submits that the *Karkhana* has made expansion in its Distillery Plant in the year 2024. At that time also the office of Answering Respondent granted permission after receipt of necessary documents from it.

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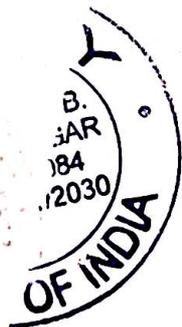
- 8) From perusal of the license granted to Respondent No.9 Karkhana, the Answering Respondent submits that there is no violation found of any conditions of the License by the *Karkhana*. The production of Rectified Spirit, Absolute Alcohol/Anhydrous Alcohol or Ethanol is in consonance with the renewed Form- I and DS-I, from time to time.
- 9) There is not found any excess production of rectified spirit including anhydrous alcohol and it is within permissible limits granted under the said license by Answering Respondent. Kindly note that Anhydrous alcohol & absolute alcohol is the same product.
- 10) The production of special denatured spirit by Respondent No.9 Karkhana is also in consonance with the DS-I License granted in its favour.
- 11) The Answering Respondent is not a necessary party to the above proceeding and only for harassment / pressurizing tactic, it appears that the Answering Respondent has been arrayed in the above proceeding.

The Answering Respondent has dealt with the contents of the Application in seriatim as follows:

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- 12) With reference to contents of Para No.1 of the OA, it being a formal paragraph does not require any comment thereon. However, nothing contained therein should be deemed to be admitted for want of specific *non traverse*.
- 13) Answering Respondent is not aware and does not admit to the contents of Para No.2 of the OA and puts the Applicant to strict proof thereof.
- 14) Answering Respondent that the Respondent No.9 *Karkhana* has not found any excess production of Rectified Spirit, Extra Neutral Alcohol, Absolute Alcohol/ Ethanol, as alleged in Para No.2.1 of the OA. As stated hereinabove, the Answering Respondent states that there is no violation of the license conditions, including there is not found any excess production over and above the condition imposed in the license issued to Respondent No.9 *Karkhana*. The balance contents of the paragraph under reply are denied *in toto* and the Applicant is put to strict proof thereof.
- 15) The Answering Respondent is not aware and does not admit to the contents of Para Nos. 2.2 & 2.3 of the OA. However, nothing contained therein should be deemed to be admitted for want of specific *non-traverse*.



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- 16) With reference to the contents of Para No.2.4 of the OA, the Answering Respondent categorically states that the EC, CTE & CTO were submitted by Respondent No.9 Karkhana at the time of process of their application for expansion of its distillery unit and after due scrutiny, such expansion was allowed after following due process/ procedure & applicable Rules. Hence, the Applicant is put to strict proof to the contents of the paragraph under reply.
- 17) The contents of Para Nos. 2.5 to 2.7 of the OA to are not in respect of the field governed by the Answering Respondent. Thus, the Answering Respondent is not aware and does not admit to the contents of paragraph under reply and the Applicant is put to strict proof to the contents of the paragraph under reply.
- 18) The Answering Respondent does not agree/ admit that there any question of law, much less any substantial question of law in the factual conspectus in the above proceeding. The Answering Respondent does not agree / admit to the questions raised in Para No.3 of the OA and the Answering Respondent categorically denies the contents Para No.3.
- 19) Thus, the Answering Respondent is not aware and does not admit to the contents of Para Nos.4.1, 4.15, 4.17,

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4.21, 4.424, 4.26, 4.29, 4.30, 4.32 to 4.34, 4.37, 4.38, 4.41, 4.42, 4.45, 4.46, 4.48, 4.49, 4.51, 4.57 to 4.61, 4.63, 4.64, 4.66, 4.72, 4.73, 4.78 to 4.81, 4.83 & 4.84 of the OA and the Applicant is put to strict proof to the contents of the paragraph under reply.

20) The contents of Para No.4.2 to 4.10 and 4.43, 4.53, 4.55 & 4.82 of the OA that are part of record, do not call for further comments thereon. However, nothing contained therein should be deemed to be admitted for want of specific *non-traverse*.

21) With reference to contents of Para No.4.11, 4.13, 4.14, 4.20, 4.23, 4.25, 4.28, 4.44, 4.47, 4.52, 4.70 & 4.77 of the OA, for the reasons already placed on record hereinabove, the Answering Respondent denies Respondent No.9 *Karkhana/* PP has exceeded the permission granted by the Answering Respondent in respect of production of rectified spirit. The balance contents of paragraph under reply are denied by the Answering Respondent and it puts the Applicant to strict proof of the contents thereof.

22) The contents of Para No. 4.12, 4.18, 4.19, 4.22, 4.27, 4.31, 4.35, 4.36, 4.39, 4.40, 4.50, 4.54, 4.56, 4.62, 4.65, 4.67 to 4.69, 4.71, 4.74 & 4.76 of the OA to are not in respect of the field governed by the Answering

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Respondent. Thus, the Answering Respondent is not aware and does not admit to the contents of paragraph under reply and the Applicant is put to strict proof to the contents of the paragraph under reply.

23) The Answering Respondent categorically denies that there was any commissioning or production prior to obtaining of the permission by Respondent No.9 *Karkhana/* PP as alleged in Para No. 4.75 of the OA. The Applicant is put to strict proof of the contents of the paragraph under reply.

24) The Answering Respondent denies that there is any inaction on its part as sought to be contended in Para No.4.85 of the OA and puts the Applicant to strict proof of the contents of paragraph under reply.

25) The contents of Para No. 5.1 to 5.10, 5.14 & 5.15, 5.18 to 5.21, of the OA are not in respect of the field governed by the Answering Respondent. Thus, the Answering Respondent is not aware and does not admit to the contents of paragraphs under reply and the Applicant is put to strict proof to the contents of the paragraph under reply.

26) The Answering Respondent categorically denies that there was any installation, commissioning or production

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prior to obtaining of the permission by Respondent No.9 *Karkhana/ PP* as alleged in Para No. 5.11 of the OA. The Applicant is put to strict proof of the contents of the paragraph under reply.

27) With reference to contents of Para Nos.5.12 &5.13 of the OA, for the reasons already placed on record hereinabove, the Answering Respondent denies Respondent No.9 *Karkhana/ PP* has exceeded the permission granted by the Answering Respondent in respect of production of rectified spirit. The balance contents of paragraph under reply are denied by the Answering Respondent and it puts the Applicant to strict proof of the contents thereof.

28) Thus, the Answering Respondent is not aware and does not admit to the contents of Para Nos. 5.16, 5.17, of the OA and the Applicant is put to strict proof to the contents of the paragraph under reply.

29) The Answering Respondent denies the contents of Para Nos.6.1,6.3& 6.4 of OA *in toto* and puts the Applicant to strict proof of the contents of paragraph under reply. The Answering Respondent categorically denies that there is any lack of coordination by the Answering Respondent with other government bodies, as alleged or at all.



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- 30) The Answering Respondent categorically denies that the Applicant has established *prima facie* case as contended in Para No. 6.2 of the OA, as alleged or otherwise and the Applicant is put to strict proof of the contents of the paragraph under reply.
- 31) Contents of Para Nos.6.5 to 6.9 being formal paragraph does not require any comment thereon. However, nothing contained therein should be deemed to be admitted for want of specific *non traverse*.
- 32) The Answering Respondent denies the contents of Para Nos.6.10 to 6.13 of OA *in toto* and puts the Applicant to strict proof of the contents of paragraph under reply.
- 33) The Answering Respondent denies that the Applicant is entitled to reliefs as prayed in Para No. 7 & 8 of the OA.
- 34) The Answering Respondent states and submits that the above Application be dismissed with costs.

Hence this affidavit.

Deponent



Place : Ahilyanagar

Date : 15 /04/2025

(Pramod Sudhakar Sonone)



VERIFICATION

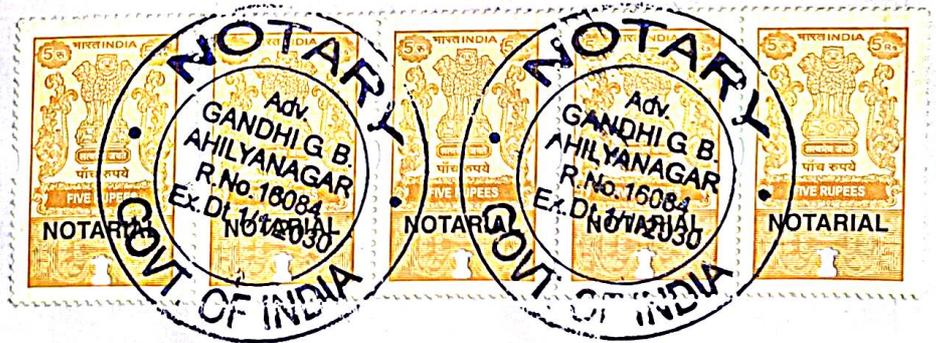
I, Pramod Sudhakar Sonone, Age : 45 Years, Occ: Government Service, as Superintendent State Excise, Ahilyanagar R/o Ahilyanagar for Respodent No 7, do hereby state on solemn affirmation that the contents of this Affidavit in reply from Para Nos 1 to 34 are true and correct to my knowledge and belief, which are explained to me in Marathi language.

Hence, verified at Ahilyanagar on this 15 day of April 2025.

Deponent

Pramod

(Pramod Sudhakar Sonone)



BEFORE ME

G. B. Gandhi
GANDHI G. B.
ADVOCATE & NOTARY PUBLIC
AHILYANAGAR, M: 9604684640

S.No./GGB/N.T. 795
Date 15/4/25 270

15 APR 2025

Adv. G. B. Gandhi

भारतीय विधिपर्यवेक्षण प्राधिकरण
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