

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, PUNE, AT PUNE

ORIGINAL APPLICATION NO. 22 OF 2023

Amol Abhimanyu Shinde and Ors.

...Applicants

V/s

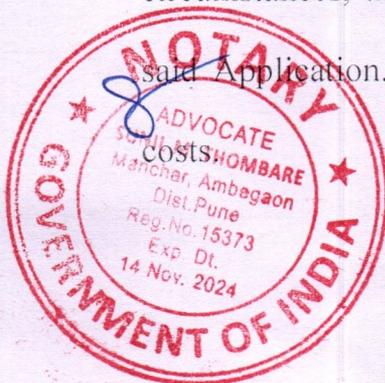
Maharashtra Pollution Control Board and Ors.

...Respondents

**AFFIDAVIT IN REPLY**

I, Sanjay Jijaba Thorat, Age: 58 years, Occupation: Business, R/at: S. No. 122/2, 123/2A at Pimpalgaon Road, at post Manchar, Taluka: Ambegaon, Dist: Pune 410503, the authorized person for Akash Dairy Farm i.e. Respondent No. 8, state on solemn affirmation as under:

1. I state that the contents of the Application dated 21/08/2023 filed by the Intervener (hereinafter referred to as 'Intervention Application') are false, frivolous, baseless, and are not admitted by this Respondent.
2. I state that the contentions taken by the Applicants in the Intervention Application are contradictory, inconsistent, and self-destructive. In the circumstances, the Applicants are not entitled to any relief sought in the said Application. Hence, the application is liable to be dismissed with



3. I state that, the contents made by the Intervener Applicant are neither true nor correct and by no stretch of the imagination the said complaints can be considered.
4. The contentions and defences in the present Affidavit in reply are stated and taken without prejudice to each other or any defense/s or submission/s made anywhere.
5. I state that the Intervener Applicant does not have any locus to file the present Intervention Application.
6. I state that the Intervener Applicant is not concerned with the PP or the Applicant or has brought on record any alleged fact that is different from the case put forward by the Original Applicants. Therefore the Intervention Application needs to be rejected in *limine*.
7. I state that the contents of paragraph Nos.2 and 3 of the Intervention Application are neither true nor correct, and the same are denied. I deny that the Intervener wants to bring any fact let alone true fact on record as alleged or otherwise. I deny that the intervener wants or is seeking protection of the Environment or Ecology or area as alleged or otherwise.
8. I deny that Intervener Applicant is a victim/sufferer from the alleged pollution allegedly caused by me as alleged or otherwise. I deny that there is any pollution caused by Respondent No. 8 or 9, therefore no question of victim or suffering from the establishment or expansion or operation



thereof arises. I deny that any pollution or loss is caused to anybody due to the establishment or expansion or operation of the dairy plant or food processing unit of Respondent Nos. 8 or 9 as alleged.

9. I state that the contents of paragraph Nos. 4 and 5 of the Intervention Application are neither true nor correct, and the same are denied. I deny that there are any material issues or facts or documents which is required to be brought on record of this Hon'ble Tribunal for any reason as alleged or otherwise. I deny that the expansion or establishment or operations of Respondent No. 8 & 9 are not environmentally sustainable in the residential area. I deny that the expansion or establishment or operations of Respondent No. 8 & 9 are having an adverse impact on anybody let alone any of the residents or environment, ecology or natural water bodies as alleged or otherwise. I deny that deny that the expansion or establishment or operations of the Respondent No. 8 & 9 are against the permissible land use demarcated into the regional plan of competent authority. I deny that the Intervener Applicant recently came to know about the present proceedings as alleged.

10. I state that the contents of paragraph Nos. 4 and 5 of the Intervention Application are neither true nor correct, and the same are denied. I deny that the Intervener Applicant would bring any allegedly true or actual fact to the knowledge of this Hon'ble Tribunal as alleged or otherwise.



11. I deny that the Respondent Nos. 8 and 9-PP's are trying to mislead this Hon'ble Tribunal by annexing copies of the complaints and orders of the civil dispute which has no bearing with the present case. I deny that there is illegal activity of the Project Proponents. I deny that any activity of the Project Proponents is adversely affecting the plot of this Intervener Applicant as well as other residents as alleged or otherwise.

12. I deny that the alleged said area of bungalow plots as well as the dairy & food processing unit is a Non-Agricultural Residence Zone as alleged. I deny that the dairy plants of Respondent Nos 8 and 9 are polluting in any manner much less a polluting industry. I deny that the dairy plant of Respondent Nos 8 and 9 is hazardous to the residents as alleged or otherwise. I deny that the establishment or operation of the dairy plant of Respondent Nos 8 and 9 is not permissible as per the law laid down by the Hon'ble Supreme Court in MC Mehta Vs. Union of India in (2004) 6 SCC 588. I deny that there is any noise pollution due to alleged vehicle movement or alleged waste water pollution or alleged plastic bag pollution or alleged discharge of the Chemical Waste Water to the Natural Water Course. I deny that there is any loss caused to the Environment let alone a constant irreparable loss to the Environment as alleged or otherwise.

13. I deny that there are a number of judgments passed by this Hon'ble NGT as well as the Hon'ble Supreme Court on imposing prohibition on establishing Industries in the residential zone as alleged. I deny that the



development of the area must be in consonance with the master plan/development plan of the area as alleged.

14.I deny that the expansion or establishment or operations undertaken by the Respondent No. 8 & 9 are industrial in nature or are prohibited in the residential zone as alleged. I deny that the expansion or establishment or operations undertaken by Respondent No. 8 & 9 is illegal or not in consonance with the law in force and Hon'ble Supreme Court judgments.

15.I deny that Respondent Nos. 8 and 9 have established the Dairy Plant in the middle of the residential colony as alleged. I deny that Respondent Nos. 8 and 9 have expanded the said plant in an illegal manner much less under the garb of commercial establishment from milk collection or chilling to packaging or allied food processing. I deny that products like cool drinks production are contrary to the provisions of law and permissions of land use as alleged.

16.I deny that the said dairy plant of Respondent Nos. 8 and 9 is a polluting industry in nature as alleged or otherwise. I deny that the boilers used in the said plant cause air and noise pollution. I deny that the boilers used in the said plant are affecting the health of the people living around the said unit as alleged or otherwise. I deny that anything is important to note as alleged or otherwise. I deny that the Milk collection or chilling or packaging or food processing or cool drink production is an industrial establishment and not a commercial establishment as alleged. I deny that



the pollution load or energy consumption of Respondent Nos. 8 and 9's unit is higher than the commercial establishment and residential establishment.

17. I deny that the entire heating process is by use of boilers and electrical and electronic machines as alleged. I deny that there is emission of hazardous effluent or gases as alleged or otherwise. I deny that any health issue is caused by the Respondent Nos. 8 and 9. I deny that any air pollution or water pollution or noise pollution is caused by the Respondent Nos. 8 and 9.

18. I deny that the Respondent Nos. 8 and 9 have not provided adequate arrangements for fighting the fire incidents or accidental leakage or discharge of any pollutant/gas/liquid from the vessel or mechanical equipment or process as alleged or otherwise. I deny that the units of Respondent Nos. 8 and 9 are not to be allowed in the residential zone under the garb of commercial permissions as alleged or otherwise.

19. I deny that any pollution is caused by Respondent Nos. 8 and 9. I deny that there is any alleged huge electric consumption. I deny that DG sets Operations cause any failure of MSEDCL supply. I deny that the alleged heavy machinery causes pollution or inconvenience to anybody. I deny that there is any water pollution in any form caused by Respondent Nos. 8 and 9 as alleged or otherwise. I deny that there is any security concern due to Respondent Nos. 8 and 9. I deny that there is any necessity for



Respondent Nos. 8 and 9 to give Air Pollution or Noise Pollution control devices as alleged.

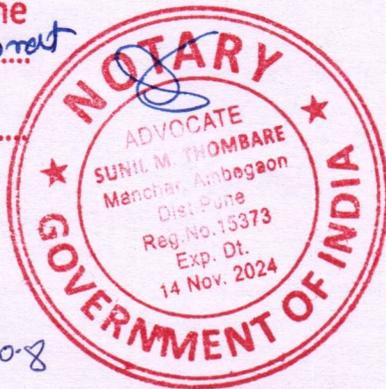
20.I state that the contents of paragraph Nos. 8 and 9 of the Intervention Application are neither true nor correct, and the same are denied. I deny that any of the rights of the Intervener Applicant are violated. I deny that Respondent Nos. 8 and 9 are doing any illegal activity. I deny that there is any violation of the right against which the Intervener Applicant is seeking protection.

21.In the circumstances, the Intervention Application deserves to be dismissed with exemplary costs.

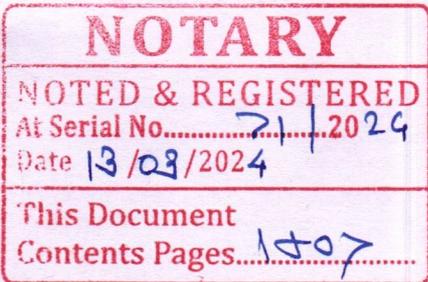
Whatever stated hereinabove is true and correct to the best of my knowledge, information, and belief, and in witness whereof I have affirmed the same on

\_\_\_ Day of March, 2024 at \_\_\_.

Solemnly affirmed before me  
At Manchar by Shri. S. J. Thorat  
Who is identified by  
Shri. Adv. S. Gokhale.  
to whom I personally know.  
Date. 13/03/2024.



S. Gokhale  
Adv. for Respondent No. 8



S. Gokhale  
Affiant

S. Gokhale

I know the Affiant

**BEFORE ME**

Sunil M. Thombare 13/03/24

SUNIL M. THOMBARE  
ADVOCATE & NOTARY (Govt of India)  
Manchar Ambegaon, (Pune)  
Reg.No.15373

13 MAR 2024