

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

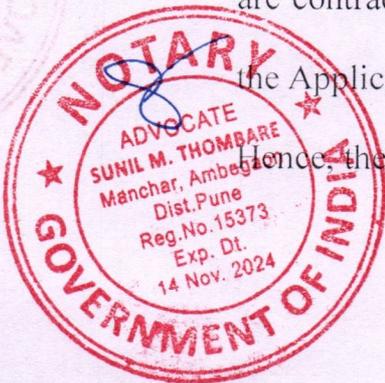
I, Sanjay Jijaba Thorat, Age: 58 years, Occupation: Business, R/at: S. No. 122/2, 123/2A at Pimpalgaon Road, at post Manchar, Taluka: Ambegaon, Dist: Pune 410503, the authorized person for Akash Dairy Farm i.e. Respondent No. 8, state on solemn affirmation as under:

1. I state that the contents of the Application dated 05/01/2024 filed by the Original Applicant for the impleadment of Mr. Ravindra Andhale and amendment to prayer clause (hereinafter referred to as 'said Application') are false, frivolous, baseless, and are not admitted by this Respondent.

2. I state that the contentions taken by the Applicants in the said 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 costs.



3. I state that, the contents made by the 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 contents of paragraph No.2 of the said Application are neither true nor correct, and the same are denied. I deny that there is any area under environmental and/ or ecological degradation due to the industrial operation and/ or operation of this Respondent. I deny that the industrial operation and/ or activity of this Respondent for milk collection, milk chilling, processing, treatment, packaging various milk food production in the name and style "Akash Diary & Rheansh Foods" is illegal as alleged or otherwise. I deny that the industrial operation and/ or activity of this Respondent and Respondent No. 9 are without obtaining prior consent and/ or continuing operations despite the refusal of alleged consents by MPCB as alleged. I deny that the industrial operation and/ or activity of this Respondent are in violation of any provision of law let alone grossly.
6. I state that the contents of paragraph No.3 of the said Application are neither true nor correct, and the same are denied. I deny that there is any delay to prolong the proceedings or create a nuisance as alleged or



otherwise. I deny that there is any failure on the part of MPCB as alleged. I deny that there is any failure on the part of R-2-CGWA as alleged. I deny that there is any abuse in the process of law by PP as alleged or otherwise. I deny that the Applicant is aggrieved or dissatisfied for any alleged reason. I deny that PP is in collusion with the MPCB officials. I deny that anything as alleged is being done to counterblast the proceedings. I deny that Mr. Ravindra Andhale can be impleaded. I deny that there is anything to take judicial note of. I deny that there is any alleged misconduct. I deny that any judicial note of alleged misconduct can be taken. I deny that anything as alleged can be termed as misconduct.

7. I state that the contents of paragraph No.4 of the said Application are neither true nor correct, and the same are denied. I deny that the grant of CTO is in contravention of any law. I deny that the grant of CTO is with any ulterior motive as alleged or otherwise. I deny that there is any malafide intention in granting CTO as alleged or otherwise. I deny that the grant of the CTO is to give a counterblast to the OA proceedings and/ or for helping or facilitating the PP as alleged or otherwise.

8. I deny that the grant of CTO for the project/ industry is in contravention of any provision of law or law laid down by the Hon'ble Supreme Court or Hon'ble NGT. I deny that the grant of CTO is in any



way an abuse of the process of law as alleged or otherwise. I deny that the grant of CTO is a directly challenge to the alleged competence of judicial authority and/ or its proceedings as alleged or otherwise.

9. I deny that there has to be any action on MPCB or PP. I deny that there is anything to take any judicial note of as alleged or otherwise. I deny that the final verdict will be erroneous for any alleged reason. I deny that the production of erroneous outcomes is at all the motive of the PP or MPCB.

10. I deny that MPCB was required to stop or close the operations of the PP. I deny that MPCB or PP has indulged in any act which is in contravention of the law. I deny that MPCB does not respect the discipline of judicial proceedings. I deny that MPCB is adopting any corrupt practices.

11. I deny that granting CTO for operation adversely impacts the legal rights or right to a decent life of the resident as alleged or otherwise. I deny that the business of MPCB is illegal. I deny that the applicants have made out a prima facie case. I deny that there will be unbridled or uncontrolled situations if a stay is not granted.

12. I state that, the Consent to Establish and Consent to Operate have been duly issued to the Respondent Nos. 8 and 9. Therefore, the application under reply deserves to be dismissed with costs.

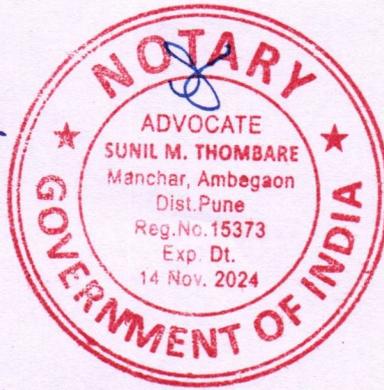


13. In the circumstances, the Application dated 05/01/2024 for impleadment of Respondent and amendment to prayer clause deserves to be dismissed with exemplary costs.

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 ___.

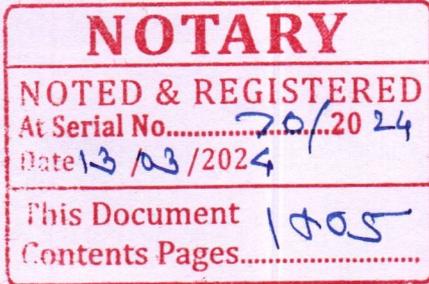
Solemnly affirmed before me
At Manchar by Shri. S. J. Thorat
Who is identified by
Shri. Adv. S. Gokhale
to whom I personally know.
Date. 13/03/2024



S. J. Thorat
Affiant

I know the Affiant

S. Gokhale
Adv. for Respondent No. 48



BEFORE ME

S. M. Thombare 13/3/2024

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

13 MAR 2024

