

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

EXECUTION APPLICATION NO.10/2022(WZ)

I.A. NO.170/2022(WZ)

IN

ORIGINAL APPLICATION NO.69/2021(WZ)

Mahendra Govind Hasabnis

.... Applicant

Versus

Cikautxo India Pvt. Ltd. & Ors.

.... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 9 & 10.**

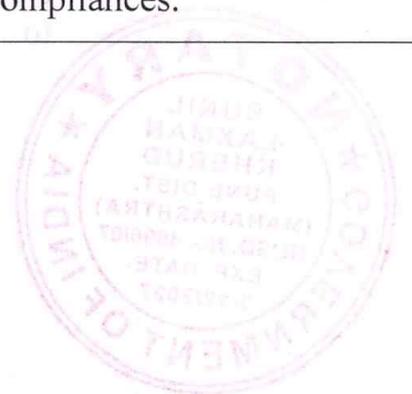
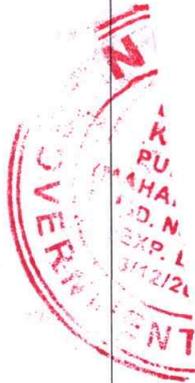
I, Navanath Awatade, aged about 55 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-II, having office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

- (1) I am filing this Affidavit in Reply in compliance of the orders dated 27/11/2025 and 09/02/2026 passed by this Hon'ble National Green Tribunal.
- (2) I say and submit that on the basis of personal hearing extended to the Respondent Nos.1 to 6 on 12/01/2026 and after



verification of the index of the documents submitted by them,
the Respondent-MPCB submits its explanation as under:

Sr. No.	Date	Particulars	Explanation
1.	28/09/2015	<p>Exhibit "A" Consent to Operate dated 28/09/2015 given to Cikautxo India Pvt.Ltd., (Cikautxo provided by Maharashtra Pollution Control Board [MPCB]). The said consent was provided upto 31st July, 2021.</p>	<p>This consent was granted by the Board on 28/09/2015 for the production of Rubber & Nylon, which was valid up to 31/07/2021</p>
2.	14/01/2019	<p>Exhibit "B" Complaint filed by one Mr. Mahendra Govind Hasbnis (Applicant to the abovementioned Execution Application No.10/2022) against Cikautxo alleging</p>	<p>As per the non-compliances observed during the visit on 01.04.2019, the Board has issued Show Cause Notice dated 09.05.2019 to M/s.Cikautxo India Pvt. Ltd. for following non compliances.</p>



		emission of Carbon Particles.	1. Adequate air pollution system not provided for boiler resulting in particulate matter emission. 2. Carbon particles / soot particles were observed in the premises of complainant.
3.	09/05/2019	Exhibit "C" Site visit conducted by MPCB on 1 st April 2019 and Show Cause Notice issued by MPCB (Frist Show Cause Notice)	In response to the Show Cause Notice dated 09/05/2019, the industry has submitted reply to the Show Cause Notice vide reply dtd. 15.05.2019
4.	15/05/2019	Exhibit "D" Reply by Cikautxo to the Frist Show Cause Notice	M/s.Cikautxo vide reply dated 15/05/2019 submitted as under : 1. Our neighbour Mr. Hasabnis is frequently submitting complaints to government authorities with malafide intention. He used to visit our industry illegally & demands for money and threats that if we will not pay him money he will



			<p>lodge complaint various government departments.</p> <p>2. We have steam boilers (2 nos one is in standby) for vulcanization process and the fuel used is best quality furnace oil. for air pollution control we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 meters' height to the boiler we are sincerely operating the air pollution control system continuously & also regularly caring out self – monitoring the stack emission.</p> <p>3.The location of our industry as well as property of Mr. Hasbnis is adjacent to Mumbai –Pune old highway &there is heavy traffic movement of vehicles daily on this road vehicle emission can also be</p>
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another source of dust emission and other industries in the same area are contributing also.

4.PP constructed compound wall & over this wall green cloth was provided a barrier to prevent any nuisance to Mr. Hasabnis he has stated demolishing the compound wall &damaging the green cloth he is dumping

5.PP have planned to do intensive tree plantation towards the compound wall adjacent to Mr. Hasabnis in the upcoming monsoon too. We are putting our sincere efforts for operating the pollution control system & not causing any nuisance in the surrounding area.

In order to verify the compliance of the Show Cause Notice and Reply submitted by M/s.Cikautxo,



			<p>the Officials of MPCB at Pune visited to the industry on 23/09/2019 & on the basis of observed during the visit, the MPCB has issued Proposed Directions dtd. 26.11.2019 on the following non compliances.</p> <p>1. You have not provided adequate APCs for boiler resulting in particulate matter emission. 2. Carbon Particular / soot particles were observed in the premises of complainant and directed to carry out necessary measures and submit compliance. However you have not submitted your reply satisfactory till date along with remedial measures scientifically.</p>
5.	10/11/2019	Exhibit "E"	Stack monitoring dtd. 10/11/2019 was carried out



		Stack Monitoring Results issued by MPCB	by industry itself (not carried out by MPCB). Stack monitoring carried out by MPCB on 25/09/2019 and analysis results shows SPM- 856 mg/Nm ³ i.e. exceeding the consented limits.
6.	26/11/2019	Exhibit "F" Show Cause Notice issued by MPCB ("Second Show Cause Notice")	This is not a show cause notice. It is a Proposed Directions- 1. PP not provided adequate APCs for boiler resulting in particular matter emission. 2. carbon particles/soot particles were observed in the premises of complainant and directed to carry out measures and submit compliance. However, PP has not submitted reply satisfactory till date along with remedial measures scientifically.



7.	19/12/2019	<p>Exhibit "G"</p> <p>Interim Directions passed by the MPCB</p>	<p>MPCB has issued Interim directions dated 19/12/2019 as under :-</p> <p>1. PP shall upgrade existing APC system so as to achieve consented standards within 02 months</p> <p>2. The existing bank Guarantee of Rs. 25000/- from which Rs. 12500/- shall being forfeited.</p> <p>3. PP shall submit fresh/new Bank Guarantee of Rs. 25000/- towards this compliance of consent condition.</p> <p>The Board had again scheduled personal hearing on 23/02/2021 to industry and accordingly issued Interim Direction dtd. 09/04/2021</p>
8.	26/02/2020	<p>Exhibit "H"</p> <p>Cikautxo's reply to the Interim direction passed</p>	<p>M/s Cikautxo has submitted reply to the Interim direction dtd.19/12/2019 as follows.</p>



		<p>on the 19/12/2019 by MPCB.</p>	<ol style="list-style-type: none"> 1. PP submitted Bank Guarantee Rs. 25000 dated 23/01/2020 2. Steam boilers (2 nos 1 is stand by) for vulcanization process and the fuel used in furnace oil for air pollution control also pp provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 meters' height to the boiler 3. The location of our industry as well as property of Mr. Hasbnis is adjacent to Mumbai – Pune old highway &there is heavy traffic movement of vehicles daily on this road vehicle emission can also be another source of dust emission.
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			4. PP already doing intensive tree plantation towards the compound wall adjacent to Mr. Hasabnis and increase more tree plantation in the upcoming monsoon too.
9.	18/09/2020	Exhibit "I" Compliance Report in accordance with site visit by MPCB on 16/09/2020	The compliance report dated 18/09/2020 submitted by the industry is as under: 1. We have steam boilers (2 nos, one is in standby) for vulcanization process and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the

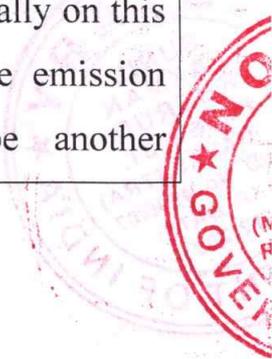


			<p>air pollution control system continuously & also regularly carrying out self-monitoring the stack emission.</p> <p>2. The location of our industry as well as property of Mr. Hasabnis is adjacent to Mumbai- Pune old highway & there is heavy traffic movement of vehicles dally on this road. Vehicle emission can also be another source of dust emissions.</p>
10.	25/09/2020	<p>Exhibit "J"</p> <p>Site visit by MPCB on 16/09/2020 and reply by Cikautxo to the Site Visit conducted by MPCB on 16/09/2020</p>	<p>The reply dated 25/9/2020 submitted by industry in compliance of the visit dated 16/09/2020 is as under;-</p> <p>1. We have steam boilers (2 nos, one is in standby) for vulcanization process</p>



and the fuel used is furnace oil. For air pollution control, we have provided dust collection system followed by dry scrubber to the boiler and also provided stack of 30 Meters height to the boiler. We are sincerely operating the air pollution control system continuously & also regularly carrying out self-monitoring the stack emission.

2. The location of our industry as well as property of Mr. Hasabnis is adjacent to Mumbai- Pune old highway & there is heavy traffic movement of vehicles dally on this road. Vehicle emission can also be another



			source of dust emissions.
11.	09/04/2021	Exhibit "K" Fresh hearing on the Proposed Direction issued by MPCB on 23/02/2021 and direction issued by MPCB to Cikautxo	The Board has issued Interim Direction dated 9/4/2021 as follow : – 1. PP shall shift the fuel boiler from furnace oil to LPG and same will be completed within 2 months' period and you shall submit the Bank guarantee of Rs. 50000/- towards compliance of the same. 2. Existing bank Guarantee of Rs. 25000 is being forfeited an industry has not complied with the proposed directions Personal hearing was conducted on 23/02/2021 (not for Proposed Directions dated 23/2/2021) and accordingly the Board



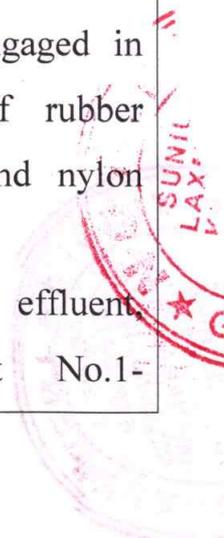
			has issued Interim Directions dtd. 09/04/2021.
12.	25/05/2021	Exhibit "L" Site report issued by MPCB in compliance with the Direction passed by MPCB	The Officials of MPCB at Pune carried out visit to the industry on 25/05/2021 for checking compliance of Interim Direction issued by the Board dtd. 09/04/2021 and observed that the PP has not complied with the Interim Direction dtd. 09/04/2021 for the following points: 1. Industry has provided furnace oil fired boiler with scrubber system and 30 mtr height of stack. 2. Industry had provided gas cylinder storage shed and gas pipeline for storage area to boiler and also took trial on gas as fuel to boiler. 3. They have not submitted BG of Rs. 50000/- as per Interim Directions.



13.	20/09/2021	<p>Exhibit "M"</p> <p>Consent to Operate revalidated by MPCB Consent provided up to 31/07/2027</p>	<p>MPCB has granted Consent to Operate dtd.20/09/2021 for the manufacturing of</p> <ol style="list-style-type: none"> 1. Rubber Hose / Tube- 3600 MT/A 2. Nylon Tube – 600 MT/A 3. Industrial effluent 10 CMD. 4. Domestic effluent 8 CMD. 5. Fuel: i. Furnace oil, ii. HSD, iii. LPG <p>The said Consent to operate is valid up to 31/07/2027 with the capital investment of Rs. 64.9652 Cr. By imposing BG of Rs. 1 Lakh.</p>
14.	1/10/2021	<p>Exhibit "N"</p> <p>Order to make the Report in the Original Application 69 of 2021.</p>	<p>As per the order dtd. 01/10/2021 passed by the Hon'ble NGT, the Respondent Board has carried out inspection of the site and submitted the factual and action taken report before the Hon'ble NGT by filing the affidavit.</p>



15.	10/2021	Exhibit "O" Test Report	This is the test reports of the industry carried out on 30/09/2021 by self-monitoring sampling.
16.	24/11/2021	Exhibit "P" Site visit by MPCB	As per the visit dtd. 24/11/2021 the industry has complied as follows - 1. Industry has provided 2 nos of LPG fired boilers. (1 is standby) followed by scrubber and common stack of 30 mtrs. heights. 2. As per industry representative they are using LPG as a fuel since June 2021. 3. They have provided oven with LPG.
17.	25/11/2021	Exhibit "Q" Report by MPCB	a. The Respondent No.1- Industry was found in operation and engaged in manufacturing of rubber hoses / tubes and nylon tubes. b. For industrial effluent the Respondent No.1-



			<p>Industry has provided ETP of 5 CMD consisting of collection tank / reaction tank, sludge drying bed, sand & carbon filter. Treated effluent is used for gardening purpose.</p> <p>c. Respondent No.1- Industry has upgraded the existing ETP and the same was found in operation.</p> <p>d. For domestic effluent, the Respondent NO.1-Industry has provided septic tank and soak pit.</p> <p>e. Respondent No.1- Industry is sending Hazardous Waste to MEPL and non-hazardous waste is sold to authorized vendors.</p> <p>f. Respondent No.1- Industry has provided 02 nos. of boilers. Out of 2, one boiler is used and another is kept as standby. These boilers are LPG fired</p>
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boilers & provided with scrubber system with one common stack of 30 Mtrs height

g. As per information given by representative of the Industry, the said boiler is running on LPG since June, 2021 on regular basis and industry has stopped using Furnace Oil as fuel to the boiler since then. h. Respondent No.1-Industry has provided 02 D. G. Sets - each of 500 KVA capacity with acoustic enclosure and APC system to each.

i. As per consent condition, Respondent No.1-Industry has submitted Bank Guarantee of Rs. 1 Lakh towards compliance of Consent conditions. The said Bank Guarantee is valid up to 31/10/2027.



18.	17/01/2022	Exhibit "R" Order passed in Original Application No. 69 of 2021, thereby disposing off the Original application	As per the order passed by the Hon'ble NGT, the Respondent Board has assessed the environmental damage compensation amounting Rs. 1,02,56,250/- (Rs. One Crores Two Lakhs Fifty-Six Thousand Two Hundred Fifty only) and submitted report before the Hon'ble NGT.
19.	1/10/2022	Exhibit "S" Execution Application No. 10 of 2022 filed by Mahendra Govind Hasbnis (The applicant in the Original Application as well)	As per the order dtd. 17/01/2022 the Board has communicated to the respondent industry for payment of Interim Compensation of Rs. 5 Lakh vide letter dtd. 11/02/2022 and accordingly industry has submitted the Interim Compensation.
20.	07/02/2023	Exhibit "T" MPCB filed their reply to the Execution	The Respondent Board has submitted reply affidavit in the Execution Application



		Application No. 10 of 2022	No. 10 of 2022 on 7/2/2023 before the Hon'ble NGT.
21.	14/08/2023	Exhibit "U" Joint Committee Report	As per the order passed by the Hon'ble NGT, the Joint Committee was constituted and submitted its reports before the Hon'ble NGT with the valuation of Rs. 1,35000/- for the loss of animals due to carbon particles to be paid to the applicant by the industry. An Interim compensation of Rs. 2 Lakh has been given to the applicant in compliance of NGT order dtd. 17/01/2022.
22.	29/11/2023	Exhibit "V" Cikautxo's reply to the joint Committee Report dated 14/08/2023	The Respondent Industry submitted their reply to the Joint Committee Report.

(3) I say and submit that during the course of the personal hearing held on 12/01/2026, Respondent Nos. 1 to 6 submitted the compilation of documents. After verifying these documents, the Respondent-MPCB has calculated the final Environmental



Damage Compensation (EDC) at ₹1,44,60,937.5/-. The said calculation was submitted through the earlier affidavit dated 11/04/2025, which was placed on record before the Hon'ble NGT.

(4) Hence this Additional Affidavit.

Solemnly affirmed on this 25th of February 2026 at Pune.

I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 9 & 10.

ADVOCATE

Mutade
(Navanath Awatade)
Sub-Regional Officer,
MPCB, Pune-II



BEFORE ME

SUNIL LAXMAN KHERUD
NOTARY GOVT. OF INDIA
Regd. No. 4996/07
Maha & Register No.

25 FEB 2026

SUNIL LAXMAN KHERUD
NOTARY-GOVT. OF INDIA
B/S. MANIRATAN SOCIETY,
ARYANESHWAR, PUNE-411009

