

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

ORIGINAL APPLICATION NO. 22 OF 2023

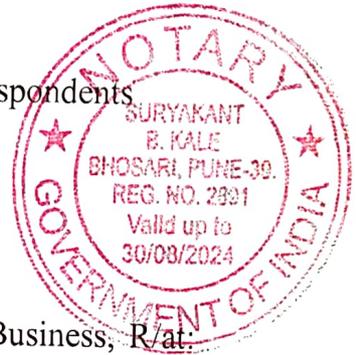
Amol Abhimanyu Shinde and Ors.

...Applicants

V/s

Maharashtra Pollution Control Board and Ors.

...Respondents



AFFIDAVIT IN REPLY

✓ I, Akansha Rishikesh Chikhale, Age: 29 years, Occupation: Business, R/at: Satyapuram Co-Op. Hsg. Soc., Hadapsar, Pune 412308, the proprietor of Rheansh Foods i.e. Respondent No. 9, state on solemn affirmation as under:

1. I state that the contents of the present Application are false, frivolous, baseless, and are not admitted by this Respondent.
2. I state that the pleadings of the Applicants are as vague as possible. I state that the pleadings made by the Applicants are contradictory, inconsistent, and self-destructive. In the circumstances, the Applicants are not entitled to any relief. Hence, the application is liable to be dismissed with costs.
3. I state that, the complaints made by the Applicants are neither true nor correct. ✓



4. The contentions and defences in the present Affidavit in reply are stated and taken without prejudice to each other.
5. I state that the contents of paragraph No. 3 of the Application are neither true nor correct, and the same are denied. I deny that the Applicants are the residents of the area as alleged. I deny that there is any area under environmental and/ or ecological degradation due the industrial operation and/ or activity 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 are in violation of any provision of law let alone grossly.
6. I state that the contents of paragraph No. 4 of the Application are neither true nor correct, and the same are denied. I deny that any of the acts of the Respondent No. 9 - PP are in alleged violation of any provision of law let alone to its brim. I deny that any of the alleged acts of the Respondent No. 9 - PP are in alleged violation of any provision of law much less with the aid of the officer of any government authority that too appointed for the protection of



environment and/ or interest of public at large. I deny that there is no violation whatsoever caused by the Respondent Nos. 9 -PP, therefore, no question of dealing with stern hands that too a clear or unambiguous message to the entire community of unapologetic, maneuvered, mighty and resourceful "PP" and/or the issue of one such alleged violation let alone gross by the alleged polluters and/or allegedly turning deaf ears despite bringing it to the notice of authorities responsible for upholding the law is the reason/basis of this application does not arise. I deny that there is any reason and/or basis for the present application.

7. I state that the contents of paragraph No. 5 of the Application are neither true nor correct, and the same are denied. I deny that, there is any violation much less environmental violation by the Respondent No. 9-PP. Therefore, no question of bringing the same to the notice of this Hon'ble Tribunal by way of this application for further investigation and/or strongest action against the Respondent No. 9 does not arise. I also state that, there is no illegality which is to be prevented. I deny that, the government machinery in any of offices is trying its level best to help and/or to facilitate the PP. I deny that, the government machinery in any of offices is trying its level best to



- ✓help and/or to facilitate the PP to violate any law let alone left, right and centre in any manner whatsoever. I deny that there exists any alleged reason for the government machineries to help and/or facilitate the PP.
8. I state that the contents of paragraph No. 6 of the Application are neither true nor correct, and the same are denied. I deny that, there is any reason for the Applicants to be aggrieved and/or dissatisfied on any count. I deny that, there is any non-action or undue involvement of environment protection authorities that too for protecting the project proponents.
9. I state that the contents of paragraph No. 7a of the Application are neither true nor correct, and the same are denied. I deny that, the Respondent No. 9 is carrying any illegal industrial operation. I deny that, there is any question much less substantial relating to implementation of the environment protection and/or improvement enactment.
10. I state that the contents of paragraph No. 7c of the Application are neither true nor correct, and the same are denied. I deny that, the PP has ever done any illegal activity. I deny that, the operation and/or activity of PP's industry are illegal. I deny that, there is any damage,



caused to the environment and/or ecology. Since there is no damage caused to the environment and/or ecology the PP are not responsible for any damages or no damage can be imposed on PP. I deny that, the PP is the profit-making entities at the cost of mother nature.

11.I state that the contents of paragraph No. 8h to 8j of the Application are neither true nor correct, and the same are denied. I deny that, there is any noise pollution due to the vehicle movement and/or waste water pollution and/or plastic bags pollution as alleged. I deny that, the complaint made by the Applicant No. 1 on 21/09/2021 was allegedly ignored by the Respondent No. 4 for any alleged reason. I deny that, the complaint made by the Applicant No. 1 dated 21/09/2021 forwarded to the Respondent No. 7 on 23/09/2021 was allegedly by the Respondent No. 7 for any alleged reason. I deny that, the complaint made by the Applicant No. 1 and other alleged resident dated 05/09/2022 was allegedly ignored by the Respondent No. 4 for any alleged reason.

12.I state that the contents of paragraph No. 8k of the Application are neither true nor correct, and the same are denied. I deny that, there is any air pollution and/or water pollution caused by this Respondent. I deny, there is any discharge of chemical waste water to the natural



✓ water course much less thereby percolating into the open wells in the area or impacting the human beings or domestic animals. I deny that, Respondent No. 4 ignored the complaint dated 11/10/2022 for any alleged reason.

13.I state that the contents of paragraph No. 8l of the Application are neither true nor correct, and the same are denied. I deny that, Respondent No. 1 ignored the complaint dated 23/12/2022 for any alleged reason. I deny that, any activity of this Respondent has caused/causes any water pollution and/or noise pollution much less due to the boiler as alleged or otherwise.

14.I state that the contents of paragraph No. 8m of the Application are neither true nor correct, and the same are denied. I deny that, the Applicant No. 1 in presence of other Applicants/residents taken the decibel reading in his cell phone at 9:25pm for the noise from boiler operations and other instrument operations anywhere which shows average of 82 dB much less at the back side of the project as alleged or otherwise.

15.I state that the contents of paragraph No. 8n of the Application are neither true nor correct, and the same are denied. I deny that, that there is any illegal construction at the site much less in the side u.



margin at the unit of this Respondent let alone of the boiler and/or chimney.

16.I state that the contents of paragraph No. 8p of the Application are neither true nor correct, and the same are denied. I deny that, Respondent No. 1 ignored the reminder dated 27/01/2023 for any alleged reason. I deny that, any activity of this Respondent has caused/causes any water pollution and/or noise pollution much less due to the boiler as alleged or otherwise.

17.I state that the contents of paragraph Nos. 9A and 9B of the Application are neither true nor correct, and the same are denied. I deny that, there exists any ground for filing the present proceedings. I deny that, this Respondent is operating its industry/plant in illegal manner. I deny that, the installation of one (1) boiler with wood as fuel is illegal. I deny that, the boiler in frequent operation causes air pollution due to the smoke and/or noise pollution. I deny that, the operation of the boiler is without obtaining necessary consent and/or without installation of requisite air pollution control devices.

18.I state that the contents of paragraph Nos. 9C and 9D of the Application are neither true nor correct, and the same are denied. I deny that, the there exist two(2) DG sets of having capacity more



y than 500 KVA. I deny that, the installation of DG set has caused/is causing air and/or noise pollution. I deny that, the installation of DG sets is without obtaining necessary consent or without installation of requisite air pollution control devices. I deny that, there is any discharge of waste water to the natural water body or sewer line of the local authority much less without scientific treatment. I deny that, there is no installation of requisite water pollution control devices i.e. STP, ETP in the plant. I state that, this Respondent has already installed ETP having capacity of 50 KLD and the same is in operation. The photographs and design details are annexed as Annexure I. Therefore, also the said contention of the Applicants cannot be considered. I state that, only one DG set having capacity of 125 KVA has been installed.

19.I state that the contents of paragraph Nos. 9E and 9F of the Application are neither true nor correct, and the same are denied. I deny that, this Respondent is extracting ground water from any open well situated anywhere let alone at their farm land. I deny that, this Respondent has undertaken any illegal operation let alone in full swing, therefore, no question of causing substantial or irreparable damage to the environment or ecology arises. I deny that, there is no



action taken on the complaints of the Applicant as alleged. I deny that, there is any collusion between Respondent No. 3, 4, 8, 9, therefore, no question of they being liable any action let alone alleged environment damage and/or degradation that too equally responsible arises. I say that, this Respondent uses water supplied by the Nagar Panchayat, Manchar and also supplied by tankers.

20. I state that the contents of paragraph Nos. 9G to 9L of the Application are neither true nor correct, and the same are denied. I deny that, this Respondent has not installed rain water harvesting system and/or solar system for energy conservation as per norms. I say that, the construction at the site is still is going on. I further say that, this Respondent will install the necessary rain water harvesting system and solar system for energy conservation in due course of the construction. I deny that, there is no marginal space available at the project site. I deny that, there is illegal construction carried out at the marginal space. I deny that, there is no access road for loading, unloading of the material and transfer of milk and its food products. I deny that, this Respondent's vehicle is creating dust, noise and air pollution in the residential area as alleged. I state that, this Respondent has installed necessary fire-fighting mechanism as



✓contemplated by law. I further state, the solar system and/or water harvesting system are not mandatory. I deny that, there is milk collection of 40000 litres. Therefore, the said contentions are devoid of any merits and hence cannot be considered.

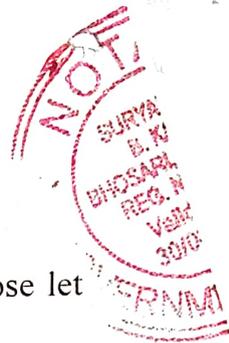
21.I state that the contents of paragraph Nos. 9M to 9P of the Application are neither true nor correct, and the same are denied. I deny that, this Respondent is directly discharging any waste water let alone more than 50000 litres per day to the natural water body as well as sewer line without any specific treatment. I deny that, this Respondent has caused any damage to the environment and/or ecology let alone more than Rs. 5 crore for any of the activities of this Respondent. I deny the there is any violation let alone blatant. Therefore, no question of the failure or neglect of SDO and MPCB to take action against this Respondent arises. I deny that, the complaints made to the SDO and MPCB are well in advance and/or following due process of law.

22.I state that the contents of paragraph Nos. 9Q to 9T of the Application are neither true nor correct, and the same are denied. I deny that, there is no enmity or bitterness between the Applicant and the Respondent at personal level. I deny that, this Respondent has ✓



committed has violation of any Water (P&CP) Act, 1974, Air (P&CP) Act, 1981, Hazardous (M & HT) Rules much less intentionally. I deny that, this Respondent is liable to pay the environmental compensation under any law or principle let alone principle of sustainable development and/or precautionary principles and/or polluters pay principle and/or environmental compensation for restitution and/or restoration of area allegedly damaged by this Respondent. I deny that, the Applicants have made out any case that too prima facie. I deny that, there will be unbridle and/or uncontrollable situation if stay is not granted. I deny that, PP is carrying any illegal activity. I deny that, the Applicant/s have any right to crave leave of this NGT to amend/add/delete the pleadings much less as and when required.

23. I state that the contents of paragraph Nos. 9U and 9X of the Application are neither true nor correct, and the same are denied. I deny that, the Applicants are the residents of the area as alleged. I deny that, the Applicants are suffering from the pollution and day to day alleged illegal operations of this Respondent. I deny that, the original Applicants have any locus to file the present proceedings. I deny that, there is any cause of action for the present Application. I v



✓deny that the cause action for the present Application ever arose let alone on 13/10/2020. I deny that, the alleged cause of action again arose in the month of September 2022. I deny that, the present Application is within limitation.

24.I state that the contents of paragraph No. 10 of the Application are neither true nor correct, and the same are denied. I deny that, the application for interim relief can be considered.

25.I state that, milk and milk products are treated as essential commodities under the Essential Commodities Act, 1955. I state that, this Respondent is in the business of manufacturing and selling flavoured milk since 2020. I further say that, this Respondent uses processed milk from Respondent No. 8 in its business.

26.I say that, approximately 50000 bottles of flavoured milk are manufactured every day. I further say that, 1 tempo is used for mobilize the said flavoured milk to various cities like Mumbai, Pune and Belgaum amongst others. Around 40 women are full time employed with this Respondent. I say that, this Respondent has created large employment in the area.

27.I state that, this Respondent has procured food and drug license, Udyam aadhar and the permission to use the boiler. The documents ✓



and certificate to use the boiler is hereto annexed as Annexure II. I state that, there exist various government resolutions whereby burning of certain class of woods as fuel is permitted. I state that, this Respondent procures and uses the aforesaid permissible class of wood only as fuel for boiler. I state that, this Respondent has identified and provided separate covered area for storing the boiler ash and the same is being maintained regularly. The ash is further used for agricultural fertilizer and same is provided to the farmers in the vicinity. The water used after processing the milk is used for agricultural purposes by this Respondent as well neighbouring farmers. I further say that, till date no farmer has complained about the said water was/is polluted. Therefore, the contention of the Applicants cannot be considered.

28. I say that, this Respondent has applied for consent but since not being aware about the online procedure the said application could not be processed. I further say that, due to covid-19 pandemic situation prevalent in the entire country the same was not processed. However, this Respondent has applied for consent to operate and the said application is in process. The copy of the said application is hereto annexed as Annexure III.

✓ 29. In the circumstances, the present 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 15 Day of May, 2023 at Pune.



At the
Affiant

R. S. Kulkarni
I know the Affiant
R. S. Kulkarni

