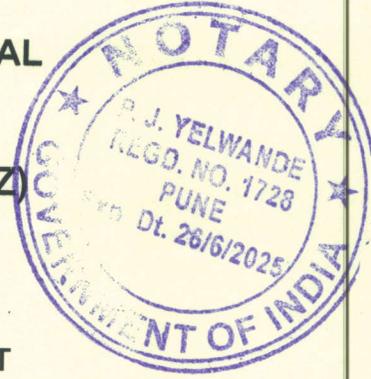


**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 55/2021 (WZ)



IN THE MATTER OF: -

TOUSIF BAGNIKAR

APPLICANT

VERSUS

NIX POLYMERS & ORS.

RESPONDENT(S)

Reply Affidavit on behalf of Respondent No. 3, Central Pollution Control Board (CPCB).

I, Shri Bharat Kumar Sharma, S/o Shri. D.P Vishwakarma aged 48 years, working as Scientist 'E' and Regional Director in the Regional Directorate, Pune, Central Pollution Control Board, do hereby solemnly affirm and declare as under:

That, I in capacity of Scientist 'E' of the Central Pollution Control Board (CPCB), am fully conversant with the facts of the case and hence, competent to swear this reply affidavit on behalf of the Respondent No. 3 (CPCB).

Para-wise Reply

1. That the averments made in the para 1 is about the address and profile of the Applicant and hence need no comments from the answering Respondent No. 3.
2. That the averments in the para 2 is about the name, address and the type of manufacturing activity being carried-out by the Respondent No. 1 and hence need no comments from the answering Respondent No. 3.
3. That the averments in the para 3 is about the Applicant mentioning the responsibilities of the Ministry of Environment and Climate Change, State of Maharashtra in planning, promoting, coordinating, and overseeing the implementation of environmental and forestry programs in the State of Maharashtra. Also, the main activities undertaken by the Ministry in the State of Maharashtra and hence need no comments from the answering Respondent No. 3.
4. That the averments in the para 4 is about the Applicant mentioning the constitution of Central Pollution Control Board (Respondent No. 3) and

powers & functions of Respondent No. 3 under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 which are matter of records and hence need no comments from the answering Respondent No. 3.

5. That the averments in the para 5 is about the Applicant mentioning the address and responsibility of Ld. Collector of Sangli District for maintaining and protecting the wholesome environment and hence need no comments from the answering Respondent No. 3.
6. That the averments in the para 6 is about the Applicant mentioning the constitution and functions of Maharashtra Pollution Control Board (Respondent No. 5 and 6) in planning a comprehensive program for the prevention, control or abatement of pollution and secure executions thereof, and collect and disseminating information relating to pollution and the prevention, control or abatement. The same are matter of records and hence need no comments from the answering Respondent No. 3.
7. That the averments in the para 7 is about the Applicant mentioning the executive powers vested with the Municipal Commissioner (Respondent No. 7) under the provisions of Maharashtra Municipal Corporation Act for maintaining the health standards and protecting the wholesome environment in the area where the citizens are residing in its jurisdiction and hence need no comments from the answering Respondent No. 3.
8. That the averment in para 8 is about the illegal dumping of the untreated toxic effluent from a polyester resin plant into the MIDC drain by the Respondent No. 1. Also about subsequent correspondence between the Applicant and Respondent No. 6 regarding the irregularities caused by the Respondent No. 1, application filed under the Right to Information (RTI) Act, 2005 by the Applicant for obtaining documents and information related to the Respondent No. 1 and hence need no comments from the answering Respondent No. 3.
9. That the averment in para 9 is about the appeal made by the Applicant before the Respondent No. 5 due to non-submission of desired information which was earlier sought vide application under RTI Act and hence need no comments from the answering Respondent No. 3.
10. That the averment in para 10 is about reply submitted by the Respondent No.6 to the application under the RTI Act which was filed by the



Applicant, wherein the Applicant mentioned about irregularities in Consent To Establish issued to the respondent No. 1, manufacturing of different product sub-letting permission letter issued by Maharashtra Industrial Development Corporation for a period of five years to M/s Rajdhani Spinning Mills Pvt. Ltd., to operate within the premises of Respondent No. 1 for manufacturing of Polymer Resin in addition to the consented product of Fiber Glass Reinforced Plastic by the Respondent No.1 and hence need no comments from the answering Respondent No. 3.

11. That the averment in para 11 is about the complaint filed by the Applicant regarding the illegal manufacturing of polyester resin by the Respondent No. 1 and subsequent discharge of untreated industrial toxic effluent into MIDC drain which ultimately flows into River Krishna and hence need no comments from this Respondent No. 3.
12. That the averment in para 12 is about the documentary evidence submitted by the Applicant to the Respondent No. 6 regarding the selling and manufacturing polyester resin without permission from government authorities and hence need no comments from the answering Respondent No. 3.
13. That the averment in para 13 is about the action taken by the Respondent No. 6 against the Respondent No.1 with regard to the complaint of the Applicant and hence need no comments from this Respondent No. 3.
14. That the averment in para 14 is about another complaint communicated by the Applicant to the Respondents regarding the illegal manufacturing of polyester resin by the Respondent No. 1 and subsequent discharge of untreated industrial toxic effluent into MIDC drain which ultimately flows into River Krishna. It is humbly submitted that violations, if any, of provisions of the Water (Prevention and Control of Pollution) Act, 1974, are to be dealt in accordance and in exercise of powers vested under the said Act.
15. That averments in para is about the Grounds (A to I) for which the present application filed by the Applicant, which were already mentioned /commented in above paras of this affidavit by this answering respondent No. 3.



16. That the paras 15 to 17 are about the declaration made by the Applicant and hence need no comment from the answering Respondent No. 3.

17. That averments in Para 18 is about application filed by the Applicant and hence need no comment from the answering Respondent No. 3.

18. That para 19 is about the interim prayer (I) and prayer (I to VIII) by the Applicant and hence need no comment from the answering Respondent No. 3.

PRAYER

It is humbly submitted that violations, if any, of provisions of the Water (Prevention and Control of Pollution) Act, 1974, are to be dealt in accordance and in exercise of powers vested under the said Act. Appropriate action against the defaulter unit may be taken by SPCB under the provision of section 33A of Water Ac, 1974 and 31A of Air Act, 1981.

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No.3 i.e. CPCB shall abide by any order or directions passed by this Hon'ble Tribunal, as appropriate.

[Signature]
DEPONENT

VERIFICATION

Verified at Pune on this th 04th day of October, 2021 that the contents of the above affidavit are correct to the best of my knowledge and belief and nothing has been concealed therein.

[Signature]
DEPONENT-Respondent no. 3

**COUNSEL FOR
RESPONDENT No. 3**



BEFORE ME
[Signature]
**P. J. YELWANDE
NOTARY GOVT. OF INDIA
PUNE.**

**Noted and Registered
at Serial Number 2038
Date**

04.10.2021

4 OCT 2021



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