

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

I.A. NO. 425 OF 2020

IN

ORIGINAL APPLICATION NO. 162 OF 2019

IN THE MATTER OF:

ANWAR HUSSAIN ANSARI,
VICE PRESIDENT, JHAMUMO

...APPLICANT

VERSUS

STATE OF JHARKHAND

...RESPONDENT

AND IN THE MATTER OF:

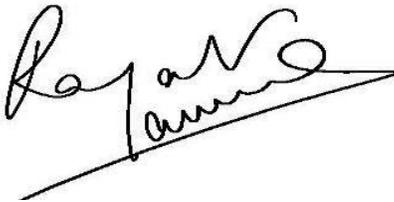
GRASIM INDUSTRIES LIMITED

...INTERVENOR/APPLICANT

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Affidavit of Compliance on behalf of the Intervenor/Applicant.	218-221
2.	ANNEXURE-A1: A true copy of letter dated 10.12.2020 sent by the Applicant.	222-224
3.	ANNEXURE-A2: A true copy of demand draft dated 24.12.2020 issued by the Applicant.	225
4.	ANNEXURE-A3: A true copy of letter dated 24.12.2020 issued by the Applicant.	226-227
5.	Proof of Service	228-229

THROUGH:



RAJAT JARIWAL/ ANUPINDER JASSAL/ KAUSTUBH PRAKASH

D/1402/2005

D/705/2012

D/2944/2016

KHAITAN & CO LLP

Advocates for the Applicant
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PLACE:NEW DELHI

DATE: 09.01.2021



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
 PRINCIPAL BENCH, NEW DELHI
 I.A. NO. 425 OF 2020
 IN
 ORIGINAL APPLICATION NO. 162 OF 2019

IN THE MATTER OF:

ANWAR HUSSAIN ANSARI,
 VICE PRESIDENT, JHAMUMO ...APPLICANT

VERSUS

STATE OF JHARKHAND ...RESPONDENT

AND IN THE MATTER OF:

GRASIM INDUSTRIES LIMITED ...APPLICANT

AFFIDAVIT OF COMPLIANCE ON BEHALF
 OF THE INTERVENOR/APPLICANT

I, Akash Mishra, S/o Late Ram Mohan Mishra, aged about 49 years, working for gain at Grasim Industries Limited, Chemical Division, Rehla, PO & PS - Rehla, District Palamau- 822124, Jharkhand, presently at Sonbhadra, Uttar Pradesh, do hereby solemnly affirm and state as under:

1. That the Intervenor/ Applicant – Grasim Industries Limited had filed Interlocutory Application no. 425 of 2020 in Original Application no. 162 of 2019 seeking impleadment/ intervention in the present proceeding ("Intervention Application").
2. That the Intervenor/Applicant also filed Interlocutory Application no. 426 of 2020 in Original Application no. 162 of 2019 seeking necessary directions from this Hon'ble Tribunal.

(Handwritten signature)



3. That in view of prayers made in the Interlocutory Applications, the Applicant issued letter dated 10.12.2020, requesting the Jharkhand State Pollution Control Board ("JSPCB") not to take any coercive steps, including but not limited to recovery of the alleged Environmental Compensation, against the Applicant, till such time that the Interlocutory applications filed by the Applicant herein are heard by this Hon'ble Tribunal. A true copy of letter dated 10.12.2020 is annexed herewith and marked as Annexure A-1.
4. That despite filing of the Intervention Application and issuance of letter dated 10.12.2020, the JSPCB issued another letter dated 15.12.2020 directing the Applicant to deposit a sum of Rupees Forty Lakhs Twenty Thousand Only (INR 40,20,000) within 15 days of receipt of the said letter dated 15.12.2020, failing which, the JSPCB threatened to revoke the Consent to Operate and issue closure directions against the Applicant, besides considering it as purported contempt of the directions of this Hon'ble Tribunal.
5. That since the time period to comply with the arbitrary and unjust directions of the JSPCB was expiring on 30.12.2020 and the Interlocutory Applications could not come up for hearing, and fearing that the JSPCB would take coercive action as stated in their said letter dated 15-12-2020, the Applicant was compelled/constrained to deposit the alleged Environmental Compensation through Demand Draft no. 048365 dated 24.12.2020, which it did under protest, on without prejudice basis while reserving all its rights and legal remedies. A true copy of demand draft dated 24.12.2020 is annexed herewith and marked as Annexure A-2.



6. That the Applicant submitted the demand draft along with covering letter dated 24.12.2020 and explicitly stated therein that the deposit of alleged Environmental Compensation under protest should not in any way be construed as acceptance and/or acknowledgment of the contentions of the JSPCB and allegations of violation of any environmental norms/encroachment. That the Applicant further stated that the deposit made ought not to be appropriated and be kept in a separate interest-bearing fixed deposit account till the disposal of the present Interlocutory Application. A true copy of letter dated 24.12.2020 is annexed herewith and marked as Annexure A-3.
7. That the above-mentioned facts and supporting documents, demonstrating the compliance on part of the Applicant, are submitted for the kind consideration of this Hon'ble Tribunal.
8. That the Applicant humbly prays before this Hon'ble Tribunal that the amount of Rupees Forty Lakhs Twenty Thousand Only (INR 40,20,000) deposited by the Applicant by way of Demand Draft dated 24.12.2020, towards alleged Environmental Compensation, may kindly be kept in an interest bearing fixed deposit account till final disposal of the Interlocutory Application no. 425 and 426 of 2020 in Original Application no. 162 of 2019 filed by the Applicant herein.

DEPONENT



(4)

VERIFICATION

I, the deponent above named, do hereby verify that the contents of my above affidavit are true and correct to be best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Dudhi on this 08th day of January 2021.

DEPONENT

Sworn before me on this 08th day of January
by Sri Akash Mishra to the benefit of Late P. M. Mishra
M/s. G. S. Ltd. Chemical Division Sonbhadra U.P.
who has been identified by Sri A. K. Singh
who is personally known to me, Whose signature is
is/are here to appended, Serial No. 78
Time 01 PM Place Dudhi, Sonbhadra U.P.





WITHOUT PREJUDICE

Ref No. GIL_CD-Rehla/JSPCB/2020-21/531

Date: 10.12.2020

Mr. Rajeev Lochan Bakshi,
Member Secretary
Jharkhand State Pollution Control Board ("JSPCB")
Township Administration Building,
HEC Complex, Dhurwa
Ranchi – 834004

- Ref :**
1. Interlocutory Applications filed by Grasim Industries Limited seeking Intervention/Impleadment and necessary directions in Original Application No. 162 of 2019 – Anwar Hussain Ansari Vice President Jhamumo vs State of Jharkhand pending before Hon'ble National Green Tribunal, Principal Bench, New Delhi
 2. Letter by Grasim Industries Limited, Chemical Division bearing no. GIL_CD_Rehla/JSPCB/2020-21/513 dated 30.11.2020;
 3. Letter/Demand by JSPCB bearing no. B-1874 dated 27.11.2020, received by Grasim Industries Ltd., Chemical Division, Rehla on 27.11.2020 through Email;

Sub : Interlocutory Application (Filing No. 0701132015472020) seeking impleadment / intervention and Interlocutory Application (Filing No. 0701132015482020) seeking necessary directions filed by Grasim Industries Limited in the O.A. No. 162 of 2019 – Anwar Hussain Ansari Vice President Jhamumo vs State of Jharkhand.

Respected Sir,

1. We Grasim Industries limited, Chemical Division, Rehla ("We/Grasim") are writing this letter in furtherance of our letter dated 30.11.2020 bearing reference no. GIL_CD_Rehla/JSPCB/2020-21/513 ("Letter dated 30.11.2020"). The Letter dated 30.11.2020 was issued in response to your letter dated 27.11.2020 giving, *inter-alia*, a final opportunity/ to submit the Environmental Compensation amounting to Rs. 40,20,000 ("Environmental Compensation") within 15 days of the receipt of the said letter dated 27.11.2020.
2. The Letter dated 30.11.2020 requested that in light of the correct factual position stated in our correspondence/representations to your good office, suitable steps for withdrawal of the letters/orders dated 27.11.2020, 09.07.2020 and 05.02.2020 may be taken. The said Letter

Page 1 of 2

Grasim Industries Limited
Chemical Division, Rehla
Garhwa Road, Rehla 822 124
Dist. Palamau, Jharkhand, India

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Website www.grasim.com
CIN L17124MP1947PLC000410
Email grasim.rehla@adityabirla.com

dated 30.11.2020 also requested your good office to file a suitable pleading before the Hon'ble NGT placing the entire material (as mentioned in the Letter dated 30.11.2020) before the Hon'ble NGT and seek appropriate directions/ modification of the order dated 23.09.2020 passed by the Hon'ble NGT in *Original Application No. 162 of 2019 – Anwar Hussain Ansari Vice President Jhamumo vs State of Jharkhand ("OA 162 of 2019")* within 3 days of the receipt of the said Letter. The said Letter was received by your good office on 01.12.2020 (acknowledgement enclosed herewith).

3. Having not received any reply from your offices we have been constrained to file an Interlocutory Application (Filing No. 0701132015472020) seeking impleadment / intervention and an Interlocutory Application (Filing No. 0701132015482020) seeking necessary directions in the O.A. No. 162 of 2019 which are likely to be listed on 11.12.2020 or soon thereafter.
4. In view of the prayers made in the Interlocutory Applications in relation to the demand notice/letter dated 27.11.2020, 09.07.2020 and 05.02.2020, you are requested not to take any coercive steps, including but not limited to recovery of the Environmental Compensation, against the Applicant. You are put to notice accordingly.

This is without prejudice to our legal rights and remedies, all of which are specifically reserved.

Thank you,

Yours faithfully,

For Grasim Industries Limited
Chemical Division, Rehla



(Ashok Kumar Gupta)

Unit Head

Encl.: As above



WITHOUT PREJUDICE

Ref No. GIL_CD-Rehla/JSPCB/2020-211/513

Date: 30.11.2020

Mr. Rajeev Lochan Bakshi,
Member Secretary
Jharkhand State Pollution Control Board ("JSPCB")
Township Administration Building,
HEC Complex, Dhurwa
Ranchi - 834004

- Ref :
1. Letter by JSPCB bearing no. B-1874 dated 27.11.2020, received by Grasim Industries Ltd., Chemical Division, Rehla on 27.11.2020 through Email
 2. Reply dated 12.08.2020 by Grasim Industries Ltd., Chemical Division, Rehla with Letter dated 10.08.2020 issued by Circle Officer, Bishrampur evidencing no encroachment ever to Minutes of Meeting of JSPCB held online through WebEx on 27.07.2020
 3. Minutes of Meeting of JSPCB held online through WebEx on 27.07.2020, received by Grasim Industries Ltd., Chemical Division, Rehla on 07.08.2020
 4. Reply dated 17.07.2020 of Grasim Industries Ltd., Chemical Division, Rehla to your letter dated 09.07.2020 bearing No. B-906
 5. Letter by JSPCB bearing no. B-906 dated 09.07.2020, received by Grasim Industries Ltd., Chemical Division, Rehla on 14.07.2020
 6. Reply dated 11.02.2020 by Grasim Industries Ltd., Chemical Division, Rehla to your letter dated 05.02.2020 bearing No. B-327
 7. Letter by JSPCB bearing no. B-327 dated 05.02.2020, received by Grasim Industries Ltd., Chemical Division, Rehla on 10.02.2020

Sub : Direction under section 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and under section 31(A) of Air (Prevention & Control of Pollution) Act, 1974 - Regarding (in respect of encroachment of Challiya Nala).

Respected Sir,

We, Grasim Industries limited, Chemical Division, Rehla ("We/Grasim") are in receipt of your letter dated 27.11.2020 bearing reference No. B-1874, giving inter-alia, a final opportunity to submit the Environmental Compensation within 15 days of the receipt of the said letter dated 27.11.2020.

At the outset, we respectfully deny the contents of the said letter dated 27.11.2020 in their entirety, save and except for what is specifically admitted hereunder. We most respectfully state that the levy of Environmental Compensation on Grasim is incorrect, unjust, and contrary to the principles of natural justice. We note with a deep sense of regret that the name of Grasim has been dragged into this issue

Page 1 of 4

Grasim Industries Limited
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Regd. Office P.O. Birlagram, Nagda 456 331 (M.P.)

ANNEXURE-A2



A/C PAYEE ONLY
NOT NEGOTIABLE

MANAGER'S CHEQUE

VALID FOR 3 MONTHS ONLY

2 4 1 2 2 0 2 0

Pay *****MEMBER SECRETARY , JHARKHAND STATE POLLUTION CONTROL BOARD***** Or Order

अदा करे या उनके आदेश पर

Rupees FORTY LAKH TWENTY THOUSAND ONLY.

रुपये

₹ *40,20,000.00

FOR VALUE RECEIVED

GRASIM INDUSTRIES LIMITED - CHEMICAL DIV

RANCHI - JHARKHAND

RANCHI - 834001

REF. No. 015012036165

[Signature]
CLB/90

[Signature]
B13091

AUTHORISED SIGNATORIES

Please sign above

⑈048365⑈ 834240002⑈ 999989⑈ 12

**UNDER PROTEST AND WITHOUT PREJUDICE**

Ref No.

Date: 24.12.2020

Mr. Rajeev Lochan Bakshi,
Member Secretary
Jharkhand State Pollution Control Board ("JSPCB")
Township Administration Building,
HEC Complex, Dhurwa
Ranchi – 834004

- Ref :**
1. Interlocutory Applications filed by Grasim Industries Limited seeking intervention/impleadment and necessary directions in Original Application No. 162 of 2019 pending before Hon'ble National Green Tribunal, Principal Bench, New Delhi
 2. Letter dated 10.12.2020 bearing no. GIL_CD_Rehla/JSPCB/2020-21/531 issued by Grasim Industries Limited, Chemical Division ("Letter dated 10.12.2020");
 3. Letter/demand dated 15.12.2020 bearing ref. no. B-2015 issued by Jharkhand State Pollution Control Board;

Sub : Without Prejudice and Under Protest Deposit of Environmental Compensation amounting to Rupees Forty Lakhs Twenty Thousand Only (INR 40,20,000)

Respected Sir,

1. We, Grasim Industries limited, Chemical Division, Rehla, are writing this letter in furtherance of our Letter dated 10.12.2020 and Jharkhand State Pollution Control Board's ("JSPCB"), letter/demand dated 15.12.2020, calling upon us, illegally and unlawfully, to deposit the subject Environmental compensation within 15 days of issue of said letter/order dated 15.12.2020.
2. In our letter of 10.12.2020, we had informed your good office that we have filed Interlocutory Applications (Filing no. '0701132015472020' and '0701132015482020') before Hon'ble National Green Tribunal, Principal Bench, New Delhi ("NGT") seeking impleadment and necessary directions in O.A. 162 of 2019. We had also requested your good office that in view of the prayers made in the Interlocutory Applications, no coercive steps, including but not limited to, recovery of Environmental Compensation be taken against us. We have not received any response from your good office on the said Letter dated 10.12.2020. Your office is very well aware of the facts that the said encroachment, which has resulted in demand of environmental compensation, was

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Grasim
(PV)



not made by Grasim but by another entity, the facts of which are not presented before the NGT.

3. Despite being aware of the issue being sub-judice before the Hon'ble NGT you have issued yet another direction dated 15.12.2020 to deposit the alleged Environmental Compensation amounting to Rupees Forty Lakhs Twenty Thousand Only (INR 40,20,000) within 15 days of the receipt of said letter, failing which the JSPCB would revoke the valid Consent to Operate (CTO) granted to us and issue closure directions.
4. Since the Hon'ble NGT is proceedings for winter recess with effect from 24 December 2020 and since the 15 day period under letter dated 15.12.2020 will expire before reopening of the Hon'ble NGT, we have been advised to deposit the alleged Environmental Compensation through Demand Draft No. 048365 dated 24.12.2020, issued by HDFC Bank, RANCHI Branch, for Rupees Forty Lakhs Twenty Thousand Only (INR 40,20,000), "**Under Protest**" and without prejudice to our legal remedies and reserving all our rights to bring your high-handed and trigger-happy approach before the Hon'ble NGT and other Courts as may be advised by our lawyers. Further, this deposit should not in any way whatsoever be construed as acceptance and/or acknowledgment of your contentions and/or your allegations of our violating any of the environmental norms/ encroachment. The deposit is being made under pressure to protect the Company from any untoward action, as threatened by your good office.
5. Further, you are expected to not appropriate the deposit made by us and keep it in an interest-bearing fixed deposit account till the disposal of the matter by the judicial authorities.

All our rights are specifically reserved.

Thank you,

Yours faithfully,

For Grasim Industries Limited
Chemical Division, Rehla

for
(PS)
(Ashok Kumar Gupta)
Unit Head
Encl.: As above

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Hari Shankar Yadav

From: Kaustubh Prakash
Sent: 09 January 2021 13:00
To: ranchijspcb@gmail.com
Subject: OA No. 162 of 2019 | Anwar Hussain Ansari, Vice President, Jhamumo v. State of Jharkhand | Affidavit on behalf of Intervenor/Applicant
Attachments: AFFIDAVIT OF COMPLIANCE.pdf

Dear Sir

We are the counsels for Intervenor/Applicant – Grasim Industries Limited in the abovementioned Original Application no. 162 of 2019 (“**Original Application**”). The Intervenor/Applicant had filed Interlocutory Application no. 425 of 2020 seeking impleadment/intervention (“**Intervention Application**”) in the abovementioned Original Application.

The Intervenor/Applicant is filing the attached affidavit of compliance in the Intervention Application, the contents of which are self-explanatory.

Please treat this e-mail as an advance service of the affidavit of compliance.

For
Khaitan & Co., LLP
Advocates for the Intervenor/Applicant

