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BEFORE THE NATIONAL GREEN TRIBUNAL, NEW
DELHI

ORIGINAL APPLICATION NO. 753/ 2022

IN THE MATTER OF:

MANVIR TEVTIYA & ORS ...PETITIONERS

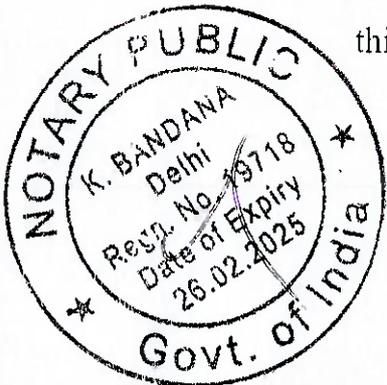
VERSUS

STATE OF UTTAR PRADESH ... RESPONDENTS

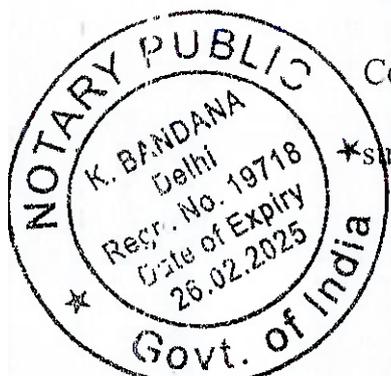
COUNTER AFFIDAVIT FILED ON BEHALF OF THE M/S
VRS FOODS LTD.

I, Anil Sharma, S/o, Shri Rajkumar Sharma, aged 43,
working for gain as Legal Manager, M/S VRS Foods Ltd,
presently at New Delhi, do hereby solemnly affirm and state
as under:-

1. That I am the as Legal Manager, M/S VRS Foods Ltd, in the
aforesaid counter affidavit. I am conversant with the facts
and circumstances of the case and I am competent to swear
this affidavit.



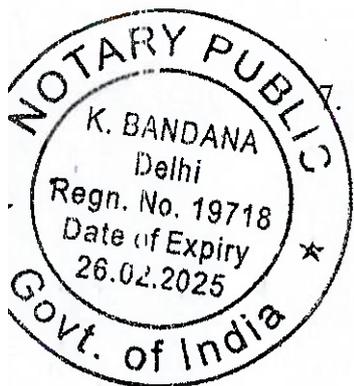
2. That I have read the contents of this petition and I say that the contents therein to the extent they are inconsistent with the submissions hereinafter made in this affidavit are incorrect and are denied. Unless any averment or contention is specifically admitted or traversed, the same may be treated as denied.
3. That I have gone through the contents of the application and the reports of the committee, which are under reply. Having understood the contents thereof, I state that the instant Petition does not raise any question of law, and the same is not maintainable.
4. That the present Original Application has been filed by the Petitioner on the basis of the letter petition dated 4.6.2022 received from several complainants led by Shri Manvir Tevtiya, Mohalla Ramnagar, Rural Nathugarhi, Gulawati, District Bulandshahr, Uttar Pradesh.
5. That this Hon'ble vide its order dated 03.01.2023, constituted a joint Committee comprising State PCB and District Magistrate, Bulandshahr, and directed the joint Committee to visit the site, collect relevant information and submit a factual and action taken.



6. That it is respectfully submitted herein as per the report dated 02.03.2023, it was revealed that there was no serious violation but this Hon'ble Court vide its order dated 15.03.2023 found the report to be incomplete and passed the following observation:

"3. According to report dated 02.03.2023, there is no serious violation but we find the report to be incomplete. As per standards laid down at Serial No. 56 in the schedule to the EP Rules, Nitrate has to be below 10 mg/l which has not been verified. The TSS has been found to be 76 mg/l against limit of 50 mg/l (according to the test report) but the report has assumed the standard to be 100 mg/l. Further, we do not find reference of CTO granted to both the units and consented limits and mode of disposal of treated effluents. Instead of permitting discharge into drain, the first option would be to go for ZLD with complete recirculation system and other option to use for horticulture failing which stringent standards need to apply and not relaxed standards."

That this Hon'ble Court vide its order dated 15.03.2023, directed to constitute another Committee which will be



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headed by Scientist 'E' to be nominated by CPCB, R.O, State PCB and District Magistrate, Bulandshahr, and the said Committee to make an independent inspection in the light of above observations and also source of ground water.

8. That the report submitted after the joint inspection dated 25.07.2023 states that the Overall Compliance Status: Complying.
9. That this Hon'ble Court vide its order dated 11:09.2023 issued to the answering respondent and passed the following order:

"6. Having regard to the above short-comings, we deem it proper to issue notice to Paras Milk Plant (now known as M/s. VRS Foods Ltd.) unit no. 3 & 4 Gulaothi, District Bulandshahr, UP.

7. The Registry will take appropriate steps for service of notice of the said unit. The unit is expected to file its response to the above observations on or before the next date of hearing."



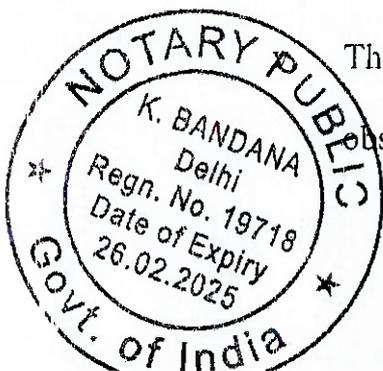
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10. That it is respectfully submitted herein the para wise reply to the specific observations and recommendations of the Joint Committee report dated 25.07.2023 is as follows:

Specific observations:

- i. The unit and its effluent treatment plant (ETP) are operational and the answering respondent is makes sure the all the guidelines are being followed.
- ii. That the observation made in the para 2 to 3 of the specific observation are being followed by the answering respondent therefore it requires no reply.
- iii. That the observation made at para 4 is partly correct, it is respectfully submitted herein that the answering respondent has already installed the flow meter at the outlet of ETP, totalizer & Flow meter has already been installed inlet of ETP & outlet of ETP
- iv. That the observation made in the para 5 of the specific observation are being followed by the answering respondent therefore it requires no reply.

That the observation made in the para 6 of the specific observation, it is submitted that the answering



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respondent is process to set up the tertiary treatment facility in near future.

- vi. That the observation made in the para 7-11 of the specific observation are being followed by the answering respondent therefore it requires no reply are being followed by the answering respondent therefore it requires no reply.
- vii. That the observation made in the para 12 to 13 of the specific observation are being followed by the answering respondent as per the norms given by the CPCB and UPPCB and therefore it requires no reply.
- viii. That the observation made in the para 14 to 16 of the specific observation are being followed by the answering respondent therefore it requires no reply.

Specific Recommendations/Suggestions:

- ix. That the observation made in the para 1 of the Specific Recommendations/Suggestions are being followed by the answering respondent therefore it requires no reply
- x. That the observation made in the para 2 of the Specific Recommendations/Suggestions are denied, as the

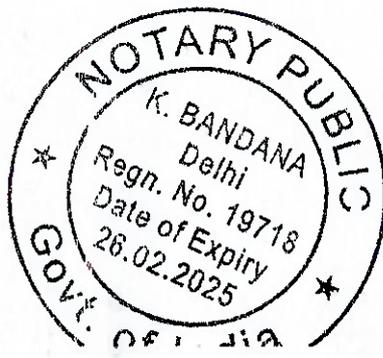


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answering respondent had already installed the electromagnetic flow meter long with the totalizer at their unit. A picture of the electromagnetic flow meter long with the totalizer at their unit is Annexed herewith and marked as Annexure No. R-1 (lg-10-11)

- xi. That the observation made in the para 3 of the Specific Recommendations/Suggestions are being followed as sludge disposing process has been adopted as the norms given by the CPCB and UPPCB through their authorized agency named BHARAT OIL & WASTE MANAGEMENT LTD (BOWML), and the authorisation is valid till 30.03.2026.
- xii. That the observation made in the para 4 of the Specific Recommendations/Suggestions are being followed strictly by the answering respondent and the drain chamber has already being cleaned and it is cleaned on a regular basis and proper entries are made in the log book.
- xiii. That the observation made in the para 5 of the Specific Recommendations/Suggestions, it most respectfully submitted herein that the storm water drain inside the

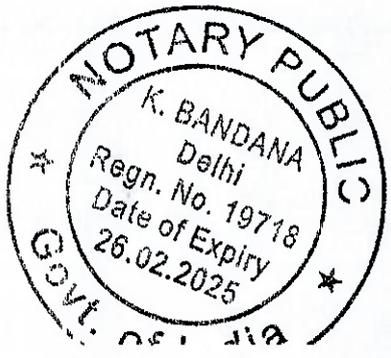


unit premises is separate to the outlet of ETP inlet and for roof storm water maintained through rain water harvesting which has already been instituted in both the units and working properly.

11. That it is pertinent to mention herein that the M/S VRS FOODS LTD is a reputed company and working in the welfare and upliftment of number of farmers situated nearby districts. It is also submitted that the report submitted after the joint inspection dated 25.07.2023, which states that the Overall Compliance Status: Complying.

12. That Lakhs of farmers in different states are directly connected with company. Milk is procured directly from the farmers through village level centres, due to which the farmers are benefited directly, farmers are very happy with this campaign of the company, they are getting reasonable price for their produce sitting at their homes.

13. That on the instructions/order of the Hon'ble Court, joint inspection has been done by the CPCB & UPPCB with local administration which has been found satisfactory.



14. That it is respectfully submitted herein that the answering respondent shall abide with the finding and orders of this Hon'ble Court.

15. That in view of the facts and submission made above, further proceedings in the instant original application be disposed of.

16. That all the statements made in the foregoing counter affidavit are true to my knowledge, no new facts have been mentioned and no part of it is false and nothing material has been concealed therefrom.

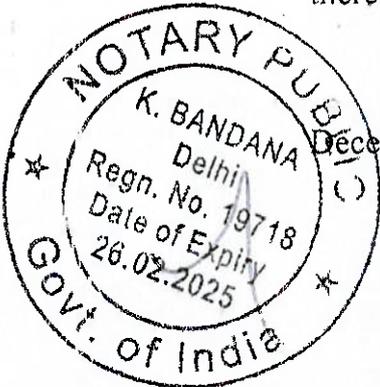
For MRS. [Name] DEPONENT

IDENTIFIED
Adv. J. [Signature]

VERIFICATION

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

Verification at New Delhi, on this the 4th day of December, 2023.



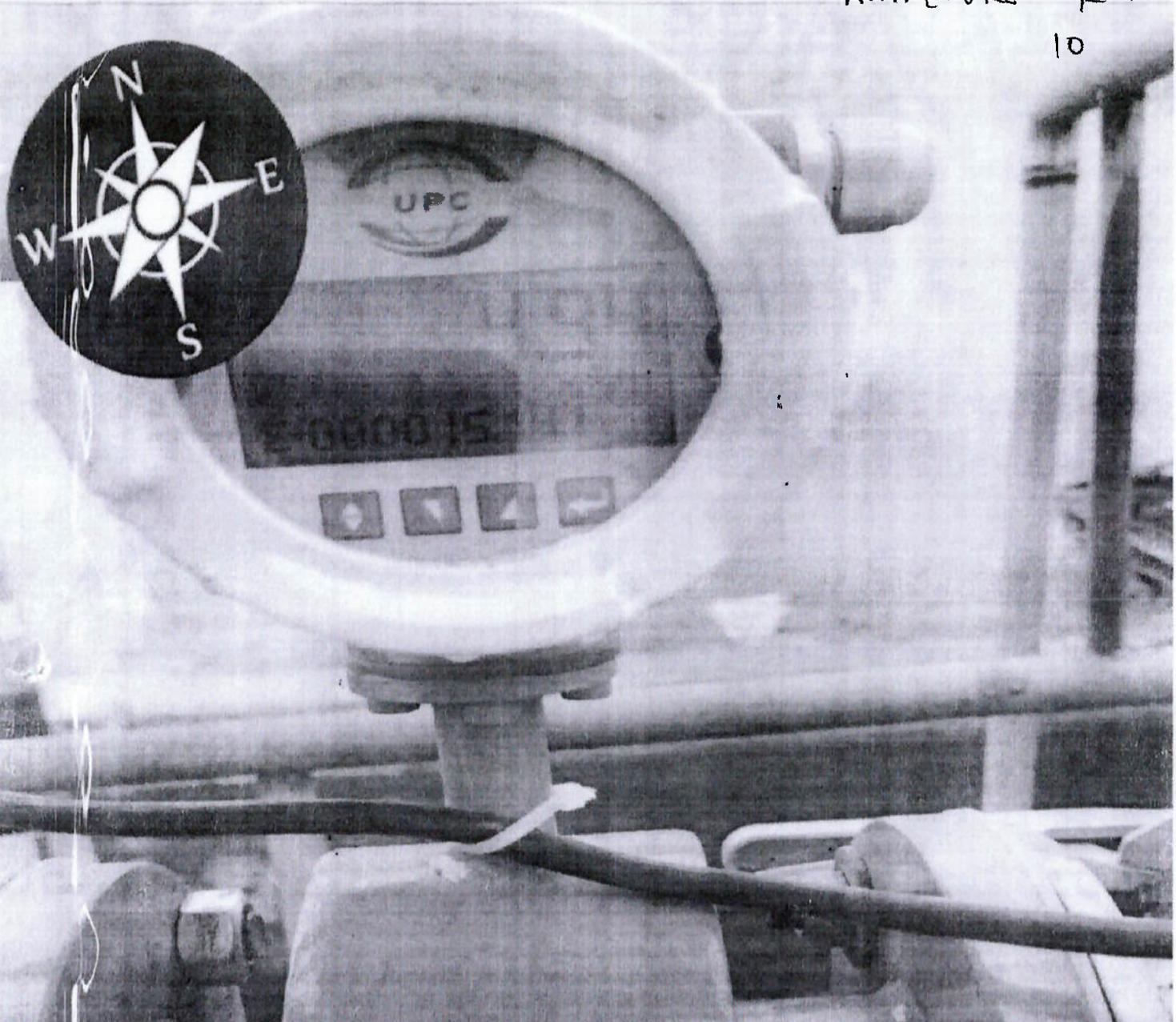
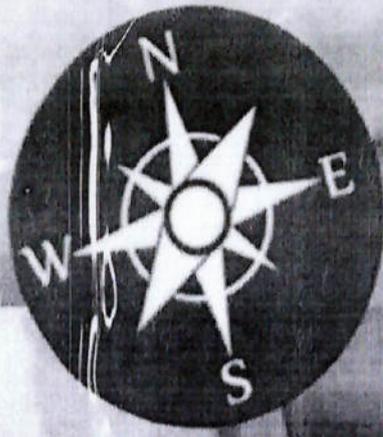
4/12/2023

For MRS. [Name] DEPONENT

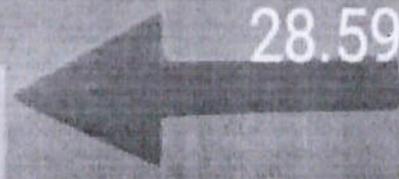
EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

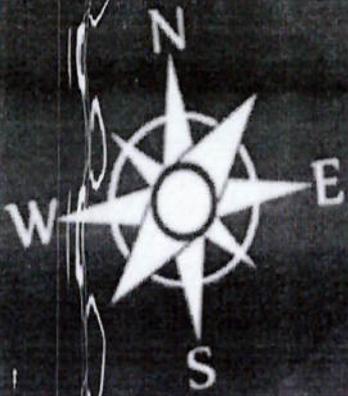
ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498

ANNEXURE 148
R-1
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2023-11-30 4:35:22 pm
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Uttar Pradesh 203408,
India
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130.792

2023-11-29 1:36:16 pm

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India

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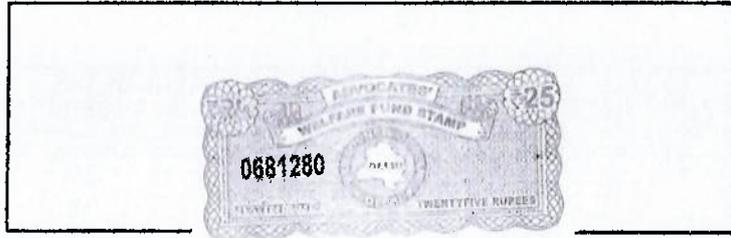
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VAKALATNAMA

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IN THE COURT OF N G T, NEW DELHI

Suit / Appeal No. O.A. No- 753 / 2022 of 2022

Manvir Tavtiya & ORS Plf. / Applt. / Petitioner / Complainant

State of Uttar Pradesh VERSUS Defdt. / Resf. / Accuses Defendant

I/We Anil Sharma Authorized Representative on behalf of M/S. VRS FOOD LTD

the above named do hereby appoint

Priyanka Singh, En. no - UP06525/06

AMOD KR. BISHNOI MOHD. JAQUB D/305B/2014 SIDDIQUI 9999081189 D/153/15/17 8377995857

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised him :-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said cause.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by the/us to intents and purposes.

And I/we undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid, I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 06 day of Decembe 2023

Accepted subject to the terms of fees.

Handwritten signatures of Advocate and Client with dates and phone numbers.

Stamp: For VRS Food Ltd, Anil Sharma Client