

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 136 OF 2020

Veterans Forum for Transparency in Public Life

.... Applicant

Versus

State of Himachal Pradesh and others

.... Respondents

COUNTER AFFIDAVIT IN REPLY ON BEHALF OF ACME LIFE SCIENCE

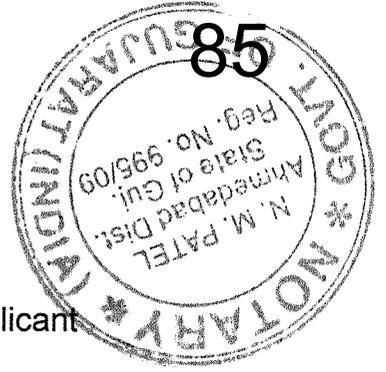
I, Dashrathbhai.Kalidas.Patel, Partner of ACME Life Science and having address at: - 4, Utsav Bungalows, Thaltej, Ahmedabad do hereby solemnly affirm and state on oath in reply to the aforesaid Petition, as under:

1. I state that I am a Partner in ACME Life Science and I have read the copy of the application and have perused all the relevant records pertaining to the same and being conversant with the facts and circumstances of the case. I am competent as well as authorized to swear and file the present affidavit-in-reply on behalf of the firm – ACME Life Science. **(For Short “the FIRM”)**.

2. Before proceeding further, I may respectfully state that ordinarily before examining a litigation in public interest, this Hon’ble Tribunal would like to be satisfied:

(i) that the impugned action is violative of any of the rights enshrined in Part III of the Constitution of India or any other legal right, and the relief is sought for its enforcement;

(ii) that such person are not meddlesome interlopers and have not approached with malafide intention of vindicating their personal interest, or vengeance or grievance;



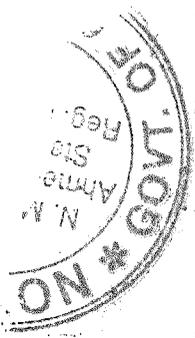
(iii) that the process of writ jurisdiction is not being abused by writ petitioner for unrelated objective, since every default on the part of State or Public Authority will not, per se, be justiciable in such litigation.

(iv) that the person approaching the court has come with clean hands, clean heart and clean objective. Therefore, before taking any action in the present litigation, the Hon'ble Court would like to be satisfied that the forum is not being misused by any unscrupulous litigant or a person with malafide objective for either, vindication of their personal grievances or resorting to blackmail for considerations extraneous to public interest.

The captioned petition deserves to be summarily dismissed, since none of the aforesaid tests stands satisfied in the present case.

3. At outset, before proceeding further on merits of the present case that initially this Hon'ble Tribunal has issued notice to ACME Formulations Private Ltd Ropar Road, Nalagarh, Distt. Solan (H.P.) - 174 101 in relation to present proceedings being Original Application Np. 136 of 2020 and emailed the notice / intimation to its factory premises situated at Ropar Road, Nalagarh, Distt. Solan (H.P.) - 174 101 from official email ID of this Tribunal i.e. efilling-ngt@nic.in to info@acmeformulation.com. Admittedly, the answering respondent have no knowledge about the present proceedings and never point of time till date, the answering respondent have not received any notice and/or intimation from the National Green Tribunal, Principal Bench, New Delhi about the present proceedings either through electronically or through postal services. However, being law abiding firm, when it was brought to the notice of the answering respondent by the ACME Formulations Private Limited answering respondent is here before this Tribunal only with a view to assist this Tribunal

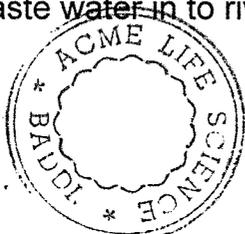


have been carried out the premises of answering respondent. Annexed hereto and marked as **Annexure-R/1 (Colly)** are the copies of letter dated 13.07.2016 and certificate dated 21.07.2016 issued by Himachal Pradesh Electricity Board disconnecting electricity at the premises of answering respondent.

4.4. I may state and put on record that the FIRM has by way of cancellation deed dated 23.11.2016 already cancelled the Lease of the factory premises and surrendered the lease of the factory premises to the original owner. It is further stated that the firm has already by way of its letter dated 17.11.2016 surrendered and deposited the original Central Excise Registration Certificate to the Excise Authorities. It is required to be noted that the FIRM has by way of their letters dated 31.12.2020 re-intimated to Himachal State Pollution Control Board that the FIRM has not renewed their consent to operate the factory premises pursuant to its closure. Earlier also vide letter dated 15.09.2016 the Company had intimated the Himachal Pradesh Pollution Control Board about the closure of their unit permanently, which was acknowledge by the Himachal Pradesh Pollution Control Board on 15.09.2016 itself. Annexed hereto and marked as **Annexure-R/2 (Colly)** are the copies of Cancellation Deed, Letter dated 17.11.2016 and Letters dated 31.12.2020.

4.5. I may state and put on record that No adverse case is yet registered either by Himachal Pradesh Pollution Control Board or Central Pollution Control Board against the production / manufacturing activities of the FIRM from 2005 to 2016, much less neither the Himachal Pradesh Pollution Control Board or Central Pollution Control Board has never charged for polluting the environment and/or surrounding area with hazardous effluents/ discharging untreated waste water in to river – "Sirsa".

* hwan



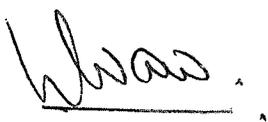


4.6 I may state and put on record that the factory premises of the FIRM was located in Katha Baddi whereas the Applicant had collected the samples from other Area in Himachal Pradesh, the location was not made none to anyone or disclosed in the memo of application. It is further required to be noted that as per the say of the applicant, the applicant had collected the samples from 10.11.2019 to 17.11.2019 whereas the factory premises of the FIRM had already stopped its manufacturing activities since the year 2016 and therefore by no stretch of imagination the applicant could have collected the samples from the factory premises of the FIRM.

4.7 I may put on record and state that factory premises of the company was located and situated Near Baddi Industrial Area, Village Katha, Baddi, District Solan (H.P.) on rented premises and the rent agreement was dully terminated vide cancellation of lease for plot of Land and Building with effect of 31.07.2016 and the lease was got cancelled since 31.07.2016, thereafter, the said premises was re rented by Shrimati Sona Kohli wife of Raj V. Kohli to one Ultra Drugs Private Limited, who has set up their plant at the same premises at Katha around since 2017 onwards where earlier plant of answering respondent's was situated, commissioned and functioning. Therefore, admittedly it is a case of misidentify of manufacturing unit entity by the applicant.

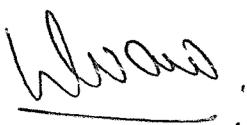
4.8 I may state and put on record that that the Joint Committee constituted pursuant to this Hon'ble Tribunal's order had visited the premises of ACME Life Tech LLP for the purpose of collecting the samples of Effluents discharged from factory premises of ACME Life Tech LLP. It is required to be noted that ACME Life Tech LLP is not a party in the captioned application. Annexed hereto and marked as **Annexure-R/3 (Colly)**. are the copies of Inspection Notice dated 13.10.2020 and Confirmation Letter.

x




4.9 I may state and put on record that initially this Hon'ble Tribunal has issued notice to ACME Formulations Private Ltd Ropar Road, Nalagarh, Distt. Solan (H.P.) - 174 101 in relation to present proceedings being Original Application Np. 136 of 2020 and emailed the notice / intimation to its factory premises situated at Ropar Road, Nalagarh, Distt. Solan (H.P.) - 174 101 from official email ID of this Tribunal i.e. efilling-ngt@nic.in to info@acmeformulation.com. Admittedly, the answering respondent have no knowledge about the present proceedings and never point of time till date, the answering respondent have not received any notice and/or intimation from the National Green Tribunal, Principal Bench, New Delhi about the present proceedings either through electronically or through postal services. It is required to be noted that management of ACME Formulations Private Limited is different from the answering respondent. However, when the management of ACME Formulations Private Limited has informed the answering respondent and when it was brought to the notice of the answering respondent, answering respondent is here before this Tribunal only with a view to assist this Tribunal.

4.10 From the records, it appears that the Organization has completely failed to establish and prove from the averments contended and raised in the memo of the Original Application No. 136 of 2020 by producing and placing the evidences suggesting /showing that the FIRM is continuously discharging its untreated water, chemical waste and untreated highly toxic and medicine waste. However, except bare allegations against the FIRM no concrete material has been produced or placed on record with concrete proof of evidence on records of the Original Application No. 136 of 2020 is placed by the Organization and in absence thereof, nothing is required to be done and Hon'ble Tribunal may not entertain the present Original Application No. 136 of 2020 qua the FIRM.

x






4. In the backdrop of the aforesaid factual aspects, on verification of file it appears that the Private Respondents have not approached the Authority with clean hands or with clean intention.

5. I may place it on record and state that the there is no single case of violation /continuous violation, violating environment law and/or violation under the Water (prevention & Control of Pollution) Act, 1974 was filed and/or registered against company by the Himachal Pradesh Pollution Control Board or Central Pollution Control Board from 2005 till 2016, under intimation to Himachal Pradesh Pollution Control Board that unit has closed downed its activities since 2016, Much less for violation under the laws stated herein above, no statutory notices have been issued to the Company by the Himachal Pradesh Pollution Control Board or Central Pollution Control Board for illegal discharge of untreated water and dumping untreated toxic ridden Industrial Effluent, nothing is on records of the present proceedings.

6. I respectfully say that various grounds raised in the captioned application against the FIRM are devoid of any substance and hence, deserve to be completely discarded. I do not admit that there was any inaction on the part of the FIRM, as alleged.

7. In view of the aforesaid facts and circumstances the present proceedings does not warrant any interference by this Hon'ble National Green Tribunal and therefore, for the abovementioned reasons alone, the present application deserves to be rejected and closed.

What is stated hereinabove is true to the best of my knowledge, and information derived from record and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this ___ day of January, 2021.

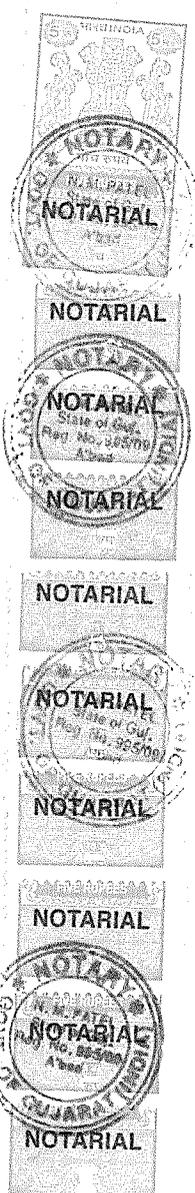
SR. NO. 027 2021
SOLEMNLY AFFIRMED
BEFORE ME
N. M. Patel
N. M. PATEL NOTARY
DATE. 04/01/2020



ACME LIFE SCIENCE

[Signature]
DEPONENT

ADVOCATE / CLARK



AIS

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Acme Lifescience

203, Parshwa Tower, Opp. Rajpath Club, Sarkhej-Gandhinagar Highway, Ahmedabad-380 015
Phone No. : (079) 26870392, 26870836 Fax No.: 26870225

To

The SDO
(Electrical Sub division)
Baddi HP.

Dt. 13/07/2016

Subject: Permanent closure of the unit, request for disconnection of the power.

Ref. Account no 11227LK236000015, Meter no. 229320, Conn. Load: 800.00 KW

Dear Sir

We were running a small scale unit having a load of 800KW. Our Account number with the department was 11227LK236000015. Since we have closed our unit you are requested to kindly disconnect the power and raise the final bill. It is worth mentioning here that we have already paid all the due bills and nothing is due to the department as of now.

It is further requested to settle the final bill out of security amount and refund the remaining amount of security.

Early action will be highly appreciable in this regard.

Kindly acknowledge the receipt of the above and do the needful.

Thanking You,

FOR ACME LIFE SCIENCE

For Acme Lifescience *Son Shamam*
Authorized Signatory

Auth. Signatory

Dispatcher
Receive Letter
Date 13/7/16

ESB
Baddi

Eucl :- Copy of The Attach Last Paid Bill

Factory:

Near Baddi Industrial Area, Village Katha, Baddi, Distt. Solan (H.P.) 0173 205 Ph. :(01795) 246454



HIMACHAL PRADESH STATE ELECTRICITY BOARD 93

AE - BADDI, BADDI-11227

PERMANENT DISCONNECTION ORDER

RDCO No. : PDCO/2410205/16-17

Date : 21-Jul-2016

Application No. : 1122711455

To,

Junior Engineer / A.E.E ()

Please disconnect the below consumer permanently from Board's circuit and report below

Assistant Executive Engineer,
Electrical Sub-Division,
HPSEB Ltd Baddi (H.P.)
Ph. No. 01795-245700

Name : Acme Life Sciences

Consumer Details

Father's Name:

Address : BADDI

San. Category : LS

Phone No. :

Application Reason : Own Request

Account No. : LK23/6000015

KNo. : 1122715013

San. Load : 800 KVAH

Mobile No. :

Outstanding Amount : 453427

CA-22-465-24
M-24-5-70

Report

- (1) Service (Overhead / underground) Disconnected
- (2) Fuses drawn and meter(s) returned to stores

Item	Meter Details
Meter No.	229320
Meter Status	15/5A
Phase / Make	H.R.L. 24/4/11
Reading - KWH / KVAH	00964459 kWh
MDF / MF	MD-14-4/11
Body Seal Position / No	MD-14-4/11
Terminal Seal Position / No	
Entered in Movement Card	

Done By / Date & Time

Reason for disconnection

21/7/16

RAJA KAMT (JB)

Date 21/7/16

(Consumer Signature)

CHARGE

No charge will be made against a consumer on account of disconnection, but in view of item 5 of the schedule of General Charges, the reason for disconnection should be stated below, under either of the following heads:

- (a) Breach by the consumer of three conditions of Supply or of his agreement (if any) with the Board of such provisions of the Act as may be relevant
- (b) Vacation of premises when the period of vacation is less than 30 days;
- (c) Other than (a) or (b)

If the reason should fall under either (a) or (b), a reference to the above Disconnection order be made in the remark column of the above Consumer's Ledger.

भारतीय गैर न्यायिक



INDIA NON JUDICIAL

हिमाचल प्रदेश HIMACHAL PRADESH

B 372247

CANCELLATION OF LEASE FOR PLOT OF LAND & BUILDING

This cancellation of lease for plot of land & building, is made on ~~xxx~~ this 23rd day of Nov. 2016 at Nalagarh, Teh. Nalagarh, Distt. Solan H.P. between Smt. Sona Kohli W/O sh. Raj V Kogli, R/O Santoshi Od Power House Road, Solan, Distt. Solan H.P. through CPA shri Rajiv Kohli son of shri H.L. Kohli, (hereinafter be referred to as the 1st party) AND (M/S ACME LIFE SCIENCE registered office at 05 UTSAV ROW House Opp. Sal Hospital Thalej Ahmedbadad, Through its authorized Signator) Mr. Jitendra K. Patel (hereinafter be referred to as the 2nd party)

Whereas the 1st party has entered into an agreement regarding giving one lease the P and Building situated within HS No. 211, Khas no. 77/2078/2 vill. Katha, Teh. B saban H.P. with the ~~xxxx~~ 11nd part on 24/12/2003-

AND WHEREAS both the above mentioned parties wants to cancel the lease agreement 24.12.2003, hence both the parties with the mutual consent have cancelled the aforesaid agree following terms & conditons:-

1. That the above said lease agreement was executed on 24.12.2003 and was valid upto 10 years the date of 1st day of physical possession and now with the mutual consent of both the said lease agreement for plot of land & building has been cancelled today w.e.f. ~~xxxxxx201xx~~

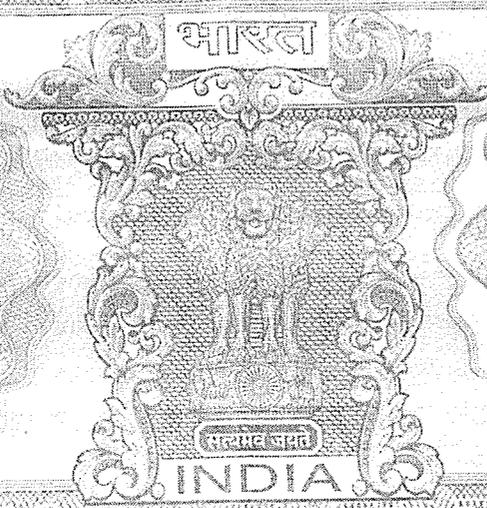
31/07/2016.

J. Patel

29.11.2016

भारतीय गैर न्यायिक

पचास
रुपये
रु. 50



FIFTY
RUPEES
Rs. 50

INDIA NON JUDICIAL

हिमाचल प्रदेश HIMACHAL PRADESH

B 372248

2. That the possession of above said plot has been given to 31/07/201 to the 1st party by the 2nd party to 1st party will not interfere in the above said plot in future and the 2nd party shall object if the 1st party gives the aforesaid plot on lease/rent in future to any one and 1st party is free to sell the above said land to anyone and in respect the 2nd party or heirs will not claim any right, title and interest in and over the said plot as well as will not compensation in the same. The previous writing of agreements regarding the above shall have no value in the eyes of law in future.

IN WITNESSES WHEREOF both the parties to the present cancellation of full and final have signed the same on the date, month year and place as written above in the presence have signed the same on the following witnesses.

- 1. Arvind Kumar
S/o. Dshwar Das
- 2. V.P.O. Thural
Teh. Palam Pur
Distt. Kangra

Sona Kohli
EXECUTANTS

Smt. Sona Kohli through her
GPA shri Rajiv Kohli
1st party

M/s Acme Life Science through
its Authorized signatory sh:
Jitendra K. Patel

ATTESTED
[Signature]
Notary Public
29-11-2016

FORM XIV & II
H. P. STATE POLLUTION CONTROL BOARD
NOTICE OF INSPECTION

[See Rule 32(2)] & H.P. Water Rules, 1977

[See Rule 10(2)] H.P. Air Rules 1983

To M/S Acme Life Tech LLP ACME LIFE TECH-LLP
Plot No.103,104,105
Plot No.103,104,105, EPIP Phase-I, Jharmajri EPIP-Phase-I, Jharmajri
Tehsil Baddi, Distt. Solan (H.P.) 173205 Baddi, Distt. Solan (H.P.) 173205
Tehsil Baddi, Distt. Solan (H.P.)

Take notice that for the purpose of enquiry under sections 25/26 of Water Act & or section 21 of Air Act the following officers Or the State Board namely:-

- i. Shri Pawan Kumar, JEE, PCB Baddi
- ii. Shri _____
- iii. Shri _____

and the persons authorized by the Board to assist them shall inspect the

- a) Water works
- b) Sewage works
- c) Waste treatment Plant
- d) Factory
- e) Disposal system
- f) Any system of your Industrial Plant.
- g) Any other parts thereof or pertaining thereto under management/control on date(s)

13.10.2020 between 12:20 PM to 01:30 PM hours when all facilities requested by them for such inspection should be made available to them on the site. Take Notice that refusal or denial to above stated demand made under the functions of the State Board shall amount to obstruction punishable under section 42 of the Water Act & under section 37(1) of the Air Act.

In charge of Regional Office.

G. G. G. G.
ACME LIFE TECH-LLP
Plot No.103,104,105
EPIP-Phase-I, Jharmajri
Baddi, Distt. Solan (H.P.) 173205

Air

97

Acme Lifescience

05, Utsav Row House, Drive-In-Road, Opp. SAL Hospital, THALTEJ, Ahmedabad-380 054
Phone No. : (079) 26859022, 2659033, 26859055

Date-31/12/2020

To

The Environmental Engineer
HP, State Pollution Control Board
Regional Office Baddi – HP 173205

Sub:-Acknowledgement and Endorsement of closure of unit, Acme Lifescience, Katha,
Baddi(HP)

Reference: Our letter dated 15/09/16.

Dear Sir,

This is to inform that we, Acme Lifescience, earlier located at village Katha, Baddi, have duly closed down the unit in the year 2016. Intimation to the said effect was already given to the department vide enclosed letter, which was duly acknowledged by you on 15/09/2016. Copy of the same is being enclosed with for your kind perusal. Pursuant to the closure we did not renew the consent to operate.

Kindly acknowledge and confirm the same.

Thanking you,

Yours Sincerely,

For Acme Lifescience,

Acme Lifescience

HR-Manager

Autorised Signatory.

Receipt

JtE/31/12/2020

Factory:

Near Baddi Industrial Area, Village Katha, Baddi, Distt. Solan (H.P.) 0173 205 Ph. :(01795) 246454

AII

98

Acme Lifescience

05, Utsav Row House, Drive-In-Road, Opp. SAL Hospital, THALTEJ, Ahmedabad-380 054
Phone No. : (079) 26859022, 2659033, 26859055

Date-31/12/2020

To

The SDO (Electrical Sub-division)

Baddi -HP 173205

Sub: Acknowledgement and Endorsement of closure of unit, Acme Lifescience,

Katha, Baddi.

Reference: Our letter dated 13/07/2016.

Dear Sir,

This is to inform that we, Acme Lifescience, earlier located at village Katha, Baddi, have duly closed down the unit in the year 2016. Intimation to the said effect was already given to the department vide enclosed letter, which was duly acknowledged by you on 13/07/2016. Copy of the same is being enclosed with for your kind perusal. Pursuant to the closure we did not renew the consent to operate.

Kindly acknowledge and confirm the same.

Thanking you,

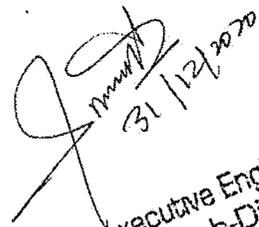
Yours Sincerely,

For Acme Lifescience,

Acme Lifescience

HR-Manager

Autorised Signatory.


31/12/2020
ASST. Executive Engineer
Electrical Sub-Division
H.P.S.E.B Ltd. BADDI

Factory:

Near Baddi Industrial Area, Village Katha, Baddi, Distt. Solan (H.P.) 0173 205 Ph. :(01795) 246454



H.P. STATE POLLUTION CONTROL BOARD

99

Form XII

Notice of intention to have sample analyzed

Under Water (Prevention & Control of Pollution) Act, 1974

M/s ACME Life Tech LLP ACME LIFE TECH-LLP
 Plot No. 103, 104, 105
 EPIP Phase-I, Jharmajri
 Baddi, Distt. Solan (H.P.) 173205
 Tehsil Baddi, Distt. Solan (HP)

I hereby give notice that it is intend to have analyzed the sample of Water / Sewage Effluent / Trade effluent,
 which is being taken today on date: 13.10.2020 from - ① Drain Tab. Coating Section
② Drain 3 Wash Drain ③ ③ Grammudgata-2 Wash Area Drain
④ Drain 1 Wash Drain ⑤ Discharge to CETP Baddi
inflow to ETP

Jr. Environmental Engineer
 HP State Pollution Control Board, Baddi

Jr. Environmental Engineer
 HPSPCB, Baddi

CONFIRMATION

It is hereby conformed that the sample/s of Water / Sewage Effluent / Trade Effluent / Sewage cum Trade Effluent have been collected, marked and sealed by JEE, HPSPCB as PCB, on dt: 13.10.2020 in my presence and the management shall bear the expenditure on account of testing and transportation of samples as per rules. It is also confirmed that the counterpart sample is not required.

Name: Vitu Patel

Designation
Accountant


 Signature with Stamp

ACME LIFE TECH-LLP
 Plot No. 103, 104, 105
 EPIP-Phase-I, Jharmajri
 Baddi, Distt. Solan (H.P.) 173205

FORM XIV & II
H. P. STATE POLLUTION CONTROL BOARD
NOTICE OF INSPECTION
 [See Rule 32(2)] & H.P. Water Rules, 1977
 [See Rule 10(2)] H.P. Air Rules 1983

To M/S Acme Life Tech LLP ACME LIFE TECH-LLP
Plot No.103,104,105
EPIP-Phase-I, Jharmajri
Plot No. 103,104,105, EPIP Phase-I, Jharmajri, Distt. Solan (H.P.) 173205
Tehsil Baddi, Distt. Solan (HP)

Take notice that for the purpose of enquiry under sections 25/26 of Water Act & or section 21 of Air Act the following officers Or the State Board namely:-

- i. Shri Pawan Kumar, JEE, PCB Baddi
- ii. Shri _____
- iii. Shri _____

and the persons authorized by the Board to assist them shall inspect the

- a) Water works
- b) Sewage works
- c) Waste treatment Plant
- d) Factory
- e) Disposal system
- f) Any system of your Industrial Plant.
- g) Any other parts thereof or pertaining thereto under management/control on date(s)

13.10.2020 between 12:20 PM to 01:30 PM hours when all facilities requested by them for such inspection should be made available to them on the site. Take Notice that refusal or denial to above stated demand made under the functions of the State Board shall amount to obstruction punishable under section 42 of the Water Act & under section 37(1) of the Air Act.

In charge of Regional Office.

G. Bhatia

ACME LIFE TECH-LLP
 Plot No.103,104,105
 EPIP-Phase-I, Jharmajri
 Baddi, Distt. Solan (H.P.) 173205



ACME LIFE TECH - LLP

(EARLIER A UNIT OF M/S SHIVAM PAPER & BOARD MILLS PVT LTD.)

Factory Address : Plot No. 103, 104, 105 - EPIP Phase-I, Jharmajri, Baddi, H.P.

Date: 13/10/2020

TO WHOMSOEVER IT MAY CONCERN

This is certified that all the effluent generated in our unit i.e. Acme Life Tech -LLP, is discharged through pipeline into CETP, Baddi, after primary treatment, as per tripartite agreement signed between M/s Baddi Infrastructure, M/s UPL Environmental Engineers Ltd and M/s Acme Life Tech - LLP on dated 19/04/2016

Further, this is also to certify that there is no other effluent discharge point from our unit.

For ACME LIFE TECH-LLP
For Acme Tech, LLP

Authorized Signatory

Auth. Person.



You
16/07/20, 11:07 PM

All Media



efiling-ngt@nic.in



To: info@acmeformulation.com

Thursday, 16 July, 10:48 PM

A Case has been filed against you with
Dairy number : 0701102008582020at
NGT.



You

10:55 PM

To 'vikas sharma', +2



Urgent attention

Regards

Viral Shah

