

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

IN THE MATTER OF:

M/S ANSHUL SNACKS AND BEVERAGES PVT. LTD

-----APPELLANT.

Versus

BIHAR STATE POLLUTION CONTROL BOARD

-----Respondents.

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S. No. 9118 Date 11/12/23

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Appeal No. 20 of 2022/EZ

IN THE MATTER OF:

M/S ANSHUL SNACKS AND BEVERAGES PVT. LTD

-----APPELLANT.

Versus

BIHAR STATE POLLUTION CONTROL BOARD

-----Respondents.

S. Chandrasekar
 who is identified by Advocate...
 solemnly affirmed and declared contents of
 this affidavit apart from this nothing else at
 stamp/Court fees etc. 1/3 & Sub rule 4 of
 8 rule of N.Act 1986 before me
 11.12.23

A. K. LAL
 Notary

**COUNTER AFFIDAVIT ON BEHALF OF
 RESPONDENT NO. 1 - BIHAR STATE POLLUTION
 CONTROL BOARD:**

I, S. Chandrasekar, Male, aged about 46 years, Son of Mr. S. Subramani, residing at B-202, Amarkunj Apartment, Vivekanand Marg -Patna-800013, do hereby solemnly affirm and state as follows:

1. That I am presently posted as Member Secretary in Bihar State Pollution Control Board. I am



authorized to file the present counter affidavit on behalf of Respondent no. 1. I am aware of the facts of the present case on the basis of the official records maintained at Bihar State Pollution Control Board, Patna that I believe to be true. As such, I am competent to depose the present counter affidavit.

2. That the appellant preferred an appeal before the Hon'ble Tribunal against imposition of 'Environmental Compensation' of Rs. 39,25,000/- on the appellant for operating its industrial unit without obtaining statutory Consent from the respondent State Board and the said appeal came to be disposed of vide Judgment and final order dated 25.07.2022.

3. That against the Judgment and final order dated 25.07.2022 the appellant preferred an appeal before the Hon'ble Supreme Court of India under Section 22 of the National Green Tribunal Act,



2010, and the Hon'ble Supreme Court of India was pleased to dispose of the matter vide order dated 04.09.2023 by which the matter have been remanded to this Hon'ble Tribunal for re-consideration of the appeal filed by the by the appellant herein on merits.

4. That for proper adjudication of the instant case it is necessary to state in short the facts of the present case:-

- i. That the petitioner with a view to establish a 'Ready to Eat Food Unit' obtained 'Consent-to-Establish' from the State Board on 07.02.2019 as contained in State Board's Ref. No. 200;

A copy of the Consent-to-Establish dated 07.02.2019 having ref. No. 200 is annexed and marked as Annexure-1.



- ii. The unit applied for obtaining 'Consent-to-Operate' (for short CTO) from the State Board but the same was refused on 07.04.2020, as the petitioner failed to submit 'NOC' from the Central Ground Water Authority. It may be pointed out that refusal of Consent is an appealable order under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, and appeal lies before the appellate authority.

A copy of the refusal order of 'Consent-to-Operate' is annexed and marked as Annexure-2.

- iii. That sometime later, without challenging the refusal of the CTO, the petitioner started operation of the unit without obtaining CTO from the State Board;



- iv. On 26.12.2021 the boiler of the petitioner unit blasted which led to casualties and reportedly 7 person died;
- v. The Hon'ble National Green Tribunal, Principal Bench, New Delhi, on 03.01.2022 took suo-moto cognizance which came to be registered as O.A. No. 02 of 2022 and issued notice to the State Board and other authorities of the State of Bihar;
- vi. The State Board on 07.01.2022 in exercise of the powers vested under Section 33A of the Water Act and Section 31A of the Air Act issued a 'Proposed Direction for Imposition of Environmental Compensation' to the petitioner for operating the unit without CTO whereby and whereunder the appellant were given an opportunity to file their objection on imposition of Environmental Compensation within 15 days time.

A copy of the Proposed
Direction for



Imposition of
Environmental
Compensation dated
07.01.2022 having
Ref. No. 41 is annexed
and marked as
Annexure-3.

vii. The appellant failed to reply to the aforesaid notice as such on 26.02.2022 the petitioner was put on notice through 'Newspaper Publication' in daily newspaper;

A copy of the
Newspaper Publication
dated 26.02.2022 is
annexed and marked
as Annexure-4.

viii. The appellant responded through its letter dated 11.03.2022, wherein they requested time to comply with the directions of the State Board and made a request for accommodation for 3.5 months in order to



arrange funds for making the payment. In other words, the petitioner agreed to make the payment.

A copy of the reply of the appellant dated 11.03.2022 is annexed and marked as Annexure-5.

- ix. The State Board, since the appellant did not join the issue, vide its letter bearing Ref. No. 733, dated 15.03.2022, partially agreeing to the request of the appellant granted 30 days time for making the payment of 'Environmental Compensation';

A copy of the letter dated 15.03.2022 having Ref. No. 733 is annexed and marked as Annexure-6.

- x. The appellant responded on 12.04.2022 wherein he again categorically agreed to



make payment and inter-alia stated '***That I on behalf of My client states that my client stands committed to comply with all the directions/orders passed by the BSPCB Office. That I on behalf of my client urge before yourself to grant another 30 days time to comply with the directions of your good self. Based on the above, I on behalf of my client request you to kindly grant 30 days time to comply with directions of this office.*** Further, the appellant filed IA application in O.A. No. 02 of 2022, *inter-alia*, praying for direction to the State Board to reconsider the imposition of 'Environmental Compensation';

A copy of the letter dated 12.04.2022 of the appellant is annexed and marked as Annexure-7.



- xi. The said IA came to be disposed of along with O.A. no. 02 of 2022 vide order dated 22.04.2022, in which the Hon'ble Tribunal observed that the appellant has violated Water Act and Air Act and compensation assessed by the PCB on that account cannot be avoided. Though available, no statutory appeal has been filed by the appellant.
- xii. The appellant after passing of the order dated 22.04.2022 as aforesaid got enlightened and filed a statutory appeal on 20.05.2022 before this Hon'ble Tribunal, against the 'Proposed Direction for Imposition of Environmental Compensation' dated 07.01.2022;
- xiii. That this Hon'ble Tribunal, after carefully examining the matter has noticed that the petitioner in their letter dated 11.03.2022 agreed to make the payment and also that the appeal was barred by limitation,



dismissed the appeal of the appellant. It is worth mentioning that a copy of the said appeal was also not served upon the State Board;

xiv. The appellant being aggrieved by the dismissal of its appeal filed an Civil Appeal before the Hon'ble Supreme Court of India and the said appeal was disposed of vide order dated 04.09.2023 by which the matter was remanded back to the Hon'ble Tribunal for re-consideration of the appeal on merits.

5. That in view of aforesaid facts it is humbly submitted that the appellant has no right to challenge the Imposition of Environmental Compensation as the petitioner has agreed to make the payment and has not joined issue in respect to making the payment. Also, when the State Board has vide its letter dated 15.03.2022 directed the appellant to make payment within one month time, the appellant has not raised any



issue as to computation and levy of Environmental Compensation and has agreed to make payment and as such the matter has already attained finality and the appellant has no right to question the Imposition of Environmental Compensation. In other words, the appellant has given its consent for making payment of Environmental Compensation.

6. That it is settled principle of law that orders passed on consent of the parties are not appealable and since the appellant has appeared before the respondents and has then agreed to make payment he cannot be allowed to question the levy of Environmental Compensation at a later stage.

7. That in view of the above stated facts the instant appeal is fit to be dismissed as appellant has agreed to make payment and as such the matter has already attained finality.



8. That I have read the contents of the counter affidavit and have understood the same and nothing material has been concealed there from and the annexure is true copy of its original.

[Handwritten Signature]
DEPONENT
(S. CHANDRASEKAR)

VERIFICATION

Verified at Patna on 1st day of December 2023, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.

*I Identify the Deponent signature L.T.I
who has signed in my presence*
A Singh

[Handwritten Signature]
DEPONENT
(S. CHANDRASEKAR)





BIHAR STATE POLLUTION CONTROL BOARD
PARIVESH BHAWAN, PLOT NO. NS-B/2, PALIPUTRA INDUSTRIAL AREA,
PATLIPUTRA, Patna – 800 010

Ref. No.- M/T-3-2019/07

Patna, dated-

'CONSENT-TO-ESTABLISH' (NOC)

UNDER SECTIONS 25/26 OF THE WATER (PREVENATION AND CONTROL OF POLLUTION) ACT, 1974 AND 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

REFERENCE:

- (i) Name and address of the Proponent: Sri Vikash Modi, Director, M/s Anshul Snacks and Beverages Pvt. Ltd, Kali Kothi Lane No-2, Durga Asthan Road, Muzaffarpur, Dist- Muzaffarpur; and
- (ii) Online application No. ER323N011070/2140341 dated 26.12.2018 of the-proponent to establish a noodle/confectionery unit to manufacture noodles at Plot No-NS-06, Bela Industrial Area, Phase-II, P.O.-Bela, Dist-Muzaffarpur for capacity:-1.5 MT/day.Process of the unit shall be accompanied by electrically operated manufacturing machine and no use of any fuel shall be used for heating etc purposes.

AFTER CONSIDERING:

- (i) The facts stated in their application;
- (ii) Bihar State Pollution Control Board's Notification No. 26 dated 08.11.2003;
- (iii) Provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981; and
- (iv) Land allotment letter of BIADA, Bela vide memo no-1483 dated 07.12.2018.

NOC IN FAVOUR OF THE PROPONENT AT THE SAID SITE IS HEREBY ACCORDED SUBJECT TO THE FOLLOWING CONDITIONS:

- (i) The proponent shall obtain 'Consent-to-Operate' under sections 25 & 26 of The Water Act, 1974 and Section 21 of The Air Act, 1981 prior to commissioning of the unit from Bihar State Pollution Control Board;
- (ii) That, the effluent (Domestic or Trade) and emission, if any, shall conform to the standard prescribed under the Rules;
- (iii) That, they shall use LPG as heating fuel in place of husk/coal if any required;
- (iv) That, the waste water arising from cleaning and spillages contain suspended solids, fats, oil and grease and they shall make adequate facilities to mitigate by adopting treatment by coagulation and sedimentation and clear water shall be re-used further inside campus in gardening/or disposal via septic tank;
- (v) That, the D.G. Set should be provided with an integral acoustic enclosure and the maximum permissible sound pressure level for new D.G. set shall be 75 dB(A) at 1 meter from the enclosure surface and exhaust should be as per CPCB guideline. They shall meet the noise level due to the unit with D.G. set out-side the premises, within the Ambient Air quality standards;

- (vi) That, solid wastes generated at any stage from production process (spoiled raw material, spillage etc) to packaging wastes (cartoon boxes, plastic wastes/wrapping/bottles etc) shall be segregated and collected in separate vat/bins and dispose through local authority on daily basis or make an receptacle of an appropriate size, rodent-proof and be able to cater for up to 7 days and then disposed-off to the satisfaction of the local authority;
- (vii) That, they shall ensure unit operations are carried out with minimal noise disturbance to the surrounding environment, good housekeeping is maintained in the premises, good cleaning and work practices are maintained such as there is no cross contamination of food items and necessary provisions are provided to reduce odors from making products;
- (viii) That, tree plantation in vacant space of the campus shall be done to develop as green belt and to control ecology of area surrounding the unit; and
- (ix) That, this CTE (NOC) is granted on basis of undertaking/documet up-loaded by the applicant and it is subject to the condition that in the event of any information/documents submitted by the proponent are found false or misleading at any stage, the NOC granted, shall be revoked at proponent's risk and cost and legal action shall be initiated.

NOTE:

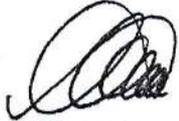
1. Bihar State Pollution Control Board reserves the option to revise or add other conditions, if necessary, for protection of Environment in general and for Pollution Control in particular;
2. The present NOC should not be construed as an assurance for the grant of 'Consent-to-Operate' the proposed project but shall be subject to compliance of all the conditions indicated above;
3. The NOC, granted, shall be valid for a period of six months from the date of issue; and
4. Issued under the instructions of the Competent Authority.

Sd/-
(Alok Kumar)
Member Secretary

Patna, dated:- 07.2.19

Memo No.:- 200

Copy forwarded to Sri Vikash Modi, Director, M/s Anshul Snacks and Beverages Pvt. Ltd, Kali Kothi Lane No-2, Durga Asthan Road, Muzaffarpur, Dist- Muzaffarpur for favour of information and necessary action.

 7/2/19
(Alok Kumar)
Member Secretary

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बिहार राज्य प्रदूषण नियंत्रण पर्षद्

परिवेश भवन, प्लॉट न०-एन.एस-बी/2, औद्योगिक क्षेत्र,
पाटलीपुत्रा, पटना-800010

पत्रांक: 2107
प्रेषक,

पटना, दिनांक: 07/04/20

अनिल कुमार,
पर्यावरण अभियंता।

सेवा में,

Sri Vikash Modi,
M/s Anshul Snacks and Beverages Private Limited,
At-Plot No. - N.S-06, Industrial Area, Bela,
Dist-Muzaffarpur.

विषय:- वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21(4)/जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 25 एवं 26 के तहत संचालनार्थ सहमति हेतु ऑन-लाईन आवेदन को अस्वीकृत करने के संबंध में।

प्रसंग:- ऑन-लाईन CTO आवेदन संख्या 2142363, दिनांक: 24.08.2019.
महाषय,

उपर्युक्त विषय के प्रसंग में सूचित करना है कि आपका उपरोक्त CTO आवेदन, जो पर्षद् में 24.08.2019 को प्राप्त हुआ है; के आलोक में बिहार राज्य प्रदूषण नियंत्रण पर्षद् द्वारा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21 एवं जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 25 एवं 26 में उपबंधित प्रावधानों के तहत आपको निम्नलिखित अनुपलब्ध अभिलेखों/विसंगतियों/त्रुटियों के आधार पर CTO आवेदन को अस्वीकृत करने के पूर्व पर्षद् के पत्रांक 1992, दिनांक 19.03.2020 द्वारा अपना पक्ष रखने हेतु कारण पृच्छा की गयी एवं कारण पृच्छा की प्रति ऑन-लाईन भेजी गयी यथा:-

1. ऑन-लाईन सहमति प्रबंधन के माध्यम से दिनांक 21.09.2019 को Clarification raise करते हुए अन्य प्रतिवेदन के अलावा भू-गर्भीय जल के निकास हेतु CGWA से प्राप्त किया गया सहमति की प्रति माँग की गयी। दिनांक 23.09.2019 को आपके द्वारा कहा गया कि CGWA से स्वीकृति हेतु आवेदन ऑन-लाईन जमा किया गया है तथा इसे प्राप्त करने में एक माह का समय लगेगा।
2. दिनांक 17.12.2019 को पुनः ऑन-लाईन Clarification raise करते हुए सूचना दी गयी कि CGWA से स्वीकृति प्राप्त करना अनिवार्य है तथा तीन सप्ताह के अन्दर इसे जमा करे।
3. उपरोक्त स्वीकृति पत्र अब तक अप्राप्त है तथा आपके द्वारा दिनांक 11.02.2020 को ऑन-लाईन सहमति प्रबंधन के माध्यम से Clarification के जवाब में कहा गया कि CGWA से भू-गर्भीय जल के निकास हेतु स्वीकृति की आवश्यकता नहीं है।

ज्ञात हो कि अंचल मुशहरी, जिला-मुजफ्फरपुर भू-गर्भीय जल के संदर्भ में Over-exploited area के श्रेणी में है; इसलिए CGWA से स्वीकृति प्राप्त करना आवश्यक है तथा इसके बिना इकाई के संचालन हेतु जल/वायु सहमति निर्गत करना संभव नहीं है।

उपरोक्त परिस्थिति में प्रासंगिक CTO आवेदन को अस्वीकृत करने के अलावा अन्य कोई विकल्प नहीं है।

अतः एतद् द्वारा उपरोक्त CTO आवेदन को वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 तथा जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 के प्रावधानों के तहत अस्वीकृत किया जाता है। यह भी निदेश दिया जाता है कि इकाई के प्रासंगिक संचालन का कार्य पर्षद् से वांछित सहमति प्राप्त किये बगैर नहीं करेंगे। अनिधिकृत रूप से उपरोक्त कार्य किये जाने की स्थिति में पर्षद् द्वारा सुसंगत प्रावधानों के तहत कानूनी कारवाई की जायेगी।

विश्वासभाजन

31
07-04-20

(अनिल कुमार)
पर्यावरण अभियंता

A-3

Annexure-3

16

To Anjani Si
17375
27/11/22

REGISTERED



BIHAR STATE POLLUTION CONTROL BOARD

Parivesh Bhawan

N.S-B/2, Industrial Area, Patliputra, Patna- 800 010

EPABX&0612-2261250/2262265, Fax&0612-2261050

E-mail&bspcb@yahoo.com, Websitehttp://bspcb.bih.nic.in

Ref. No.:- 41

Patna, dated:- 07-01-2022

From

Ashok Kumar Ghosh,
Chairman.

To

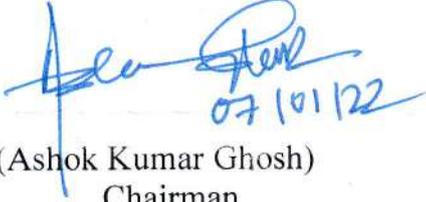
Sri Vikas Modi,
M/S Anshul Snacks & Beverages Pvt. Ltd.,
Plot No. NS/06, Phase-II,
Industrial Area, Bela,
District- Muzzafarpur. 842005

Proposed Direction for imposition of Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 & Section 31A of the Air (Prevention and Control of Pollution) Act, 1981.

- 1) **WHEREAS**, the State Govt. has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Prevention and Control of Pollution) Act, 1981.
- 2) **WHEREAS**, you were required to obtain previous 'Consent- to- Establish' ((hereinafter referred to as CTE) and 'Consent- to- Operate' (hereinafter referred to as CTO) from the State Board under section 21 of the Air (Prevention and control of Pollution) Act, 1981 (hereinafter referred to as 'Air act') before establishing and operating your plant.
- 3) **WHEREAS**, a conditional CTE was given to you vide Board Memo No. 200, dated 07.02.2019.
- 4) **WHEREAS**, you applied for CTO vide application no. 2142363, dated 24.08.2019, which finally got rejected on 07.04.2020 for want of CGWA certificate.

- 5) **WHEREAS**, the State Board has come to know that you have since operated your unit without obtaining a valid CTO from the State Board.
- 6) **WHEREAS**, the Hon'ble NGT, New Delhi, in O.A. No. 353 of 2016 has held that the authorities may impose 'Environmental Compensation' on defaulting units.
- 7) **WHEREAS**, Central Pollution Control Board has developed criteria and formula for levying 'Environmental Compensation'.
- 8) **WHEREAS**, the committee of the State Board constituted for the assessment of Environmental Compensation has assessed the Environmental Compensation to the tune of Rs. 39,25,000/- on M/S Anshul Snacks & Beverages Pvt. Ltd., for causing pollution by operating the unit from 07.04.2020 to 26.12.2021 without valid consent from the Board .

I, therefore, in exercise of powers under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, and Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, propose to impose Environmental Compensation of Rs. 39,25,000/-, you are hereby given an opportunity to file objection to the State Board action of levying 'Environmental Compensation' of Rs. 39,25,000/- within 15 days from the receipt of this notice, failing which the Environmental Compensation will be levied without giving any further opportunity.


07/01/22
(Ashok Kumar Ghosh)
Chairman

A

THE TIMES OF INDIA, PATNA
SATURDAY, FEBRUARY 26, 2022

आवश्यक-सूचना

श्री विकास मोदी, प्रोपराईटर/स्वामी, सर्वश्री अंशुल स्नेक्स एण्ड विभरेजेज प्रा० लि०, प्लॉट नं०-NS/06, फेज-II, औद्योगिक क्षेत्र बेला, मुजफ्फरपुर को एतद द्वारा सूचित किया जाता है कि जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 25/26 एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21(4) के अंतर्गत बिहार राज्य प्रदूषण नियंत्रण पर्षद से संचालनार्थ सहमति प्राप्त किये बिना इकाई का अवैध रूप से संचालन करने के विरुद्ध राज्य पर्षद के पत्रांक-41, दिनांक 07.01.2022 द्वारा इकाई को बंद करने के प्रस्ताव से संबंधित निदेश (Proposed Direction for Closure) निर्गत करते हुए रू० 39,25,000/- (उनचास लाख पच्चीस हजार रुपये) मात्र की पर्यावरणीय क्षतिपूर्ति राशि के भुगतान करने का निदेश देते हुए अपना पक्ष पर्षद के समक्ष प्रस्तुत करने का अवसर दिया गया। इस संबंध में डाक द्वारा पत्र भी प्रेषित किया गया था, परन्तु उक्त पत्र मुख्य दरवाजा बंद रहने के कारण डाक विभाग द्वारा पत्र को वापस कर दिया गया है।

अतः इस समाचार पत्र के माध्यम से आपको अंतिम अवसर प्रदान किया जाता है। आप चाहें तो उक्त निदेश के विरुद्ध पत्र/जवाब इस सूचना के प्रकाशन से 15 दिनों के अंदर लिखित/स्वयं उपस्थित होकर अथवा अपने प्राधिकृत प्रतिनिधि के माध्यम से अपना पक्ष रख सकते हैं। अन्यथा एक पक्षीय निर्णय लेते हुए आपके विरुद्ध इस Proposed Direction for Closure को संपुष्ट (Confirm) कर दिया जायेगा, जिसके लिए आप स्वयं जिम्मेवार होंगे।

सदस्य-सचिव



बिहार राज्य प्रदूषण नियंत्रण पर्षद

परिवेश भवन, पाटलिपुत्र औद्योगिक क्षेत्र, पटना-800 010

दूरभाष नं०-0612-2261250/2262265, फैक्स-0612-2261050

ई-मेल-msbspcb-bih@gov.in, वेबसाइट-<http://bspcb.bihar.gov.in>

पटना, 26 फरवरी, 2022 दैनिक जागरण 15

आवश्यक-सूचना

श्री विकास मोदी, प्रोपराईटर/स्वामी, सर्वश्री अंशुल स्नेक्स एण्ड विभरेजेज प्रा० लि०, प्लॉट नं०-NS/06, फेज-II, औद्योगिक क्षेत्र बेला, मुजफ्फरपुर को एतद द्वारा सूचित किया जाता है कि जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 25/26 एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21(4) के अंतर्गत बिहार राज्य प्रदूषण नियंत्रण पर्षद से संचालनार्थ सहमति प्राप्त किये बिना इकाई का अवैध रूप से संचालन करने के विरुद्ध राज्य पर्षद के पत्रांक-41, दिनांक 07.01.2022 द्वारा इकाई को बंद करने के प्रस्ताव से संबंधित निदेश (Proposed Direction for Closure) निर्गत करते हुए रू० 39,25,000/- (उनचास लाख पच्चीस हजार रुपये) मात्र की पर्यावरणीय क्षतिपूर्ति राशि के भुगतान करने का निदेश देते हुए अपना पक्ष पर्षद के समक्ष प्रस्तुत करने का अवसर दिया गया। इस संबंध में डाक द्वारा पत्र भी प्रेषित किया गया था, परन्तु उक्त पत्र मुख्य दरवाजा बंद रहने के कारण डाक विभाग द्वारा पत्र को वापस कर दिया गया है।

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सदस्य-सचिव



बिहार राज्य प्रदूषण नियंत्रण पर्षद

परिवेश भवन, पाटलिपुत्र औद्योगिक क्षेत्र, पटना-800010

दूरभाष नं० 0612-2261250/2262265, फैक्स 0612-2261050

ई-मेल-msbspcb-bih@gov.in, वेबसाइट-<http://bspcb.bihar.gov.in>

Annexure-5

Sujeet Gupta

Advocate

E-1, Lower Ground Floor

Lajpat Nagar - III

New Delhi - 110024

Tel No. +91-11-41025021

Fax No. +91-11-41025020

E- mail : sujit.law@gmail.com

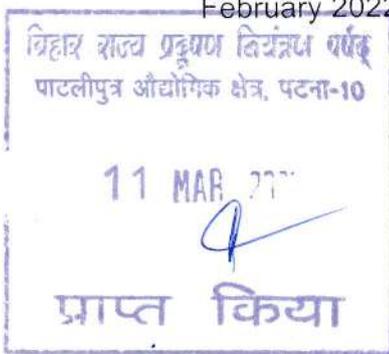
11TH March 2022

Hon'ble Member Secretary
Bihar State Pollution Control Board
Parivesh Bhawan
Patliputra Industrial Area
Patna - 800010

In re :- **Representation on behalf of M/s Anshul Snacks & Beverages Pvt Ltd in Compliance of your Notice Published in the News Paper Dated 26th February 2022 for Personal Appearance and to deposit Rs. 39,25,000/- towards Environmental Damages**

Under the instructions from M/s Anshul Snacks & Beverages Pvt Ltd (Modi Snacks) having their address at Plot No.N.S.6-P, Industrial Area, Bela Chapra, Muzzafarpur - 842005 (hereinafter collectively referred to as "My Client"), I would like to submit as under :-

1. That My Client has recently come across a notice published by BSPCB in newspaper wherein My Client has been informed about an order dated 07.01.2022 having been passed by BSPEB asking it to submit its response/representation to the said order within 15 days either by appearing in person or through an authorized representative.
2. That My Client could not receive the Notice issued by BSPCB Office as My Client was moving around and was busy in analyzing the loss caused by the Boiler Explosion and communicating with the family members of the victims. On the other hand Arrest Warrant was issued on 11th January 2022 against My Client and was preoccupied in coordinating with the Legal Team for Bail. That My Client i.e Mr. Vikash Modi Director got Bail on 22nd February 2022.



(Signature)

BA
Mr. Boiler
Blast case.

11/3/22

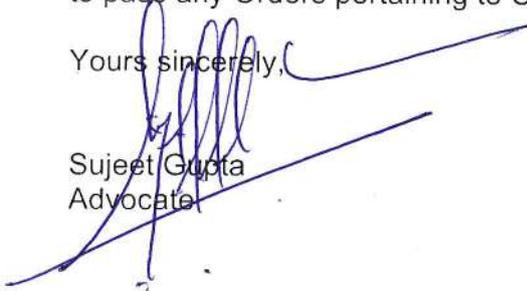
post-mp
very urgent

Sh. Anjan K. Senha, AEE
Please write
14/3/22

3. That I on behalf of My Client states that My Client stands committed to comply with all the Directions / Orders passed by the BSPCB office.
4. That I on behalf of My Client urge before yourself to grant 15 Days time to verify the Calculation of the Environment Compensation of Rs. 39,25,000/- with further Three (3) Months time to comply with the Order wherein My Client has been asked to deposit Rs. 39,25,000/- towards Environment Compensation.
5. That My Client has recently deposit Rs. 28,00,000/- in the Account of Deputy Commissioner of Labour Cum Workmens Compensation Commissioner ; Muzzafarpur vide Demand Draft No. 508443 and Dated 04/02/2022 Drawn on ICICI Bank
6. That My Client have been burden with penalty/Damages for non-compliance and Negligence by different Departments hence is in financial constraints/difficulty.
7. The business Activities has come to a standstill on account of unfortunate incident that occurred on 27th of December 2021 and there are no funds available with My Client.
8. That My Client is making efforts in arranging finds from Financial Institutions and Family /Friends and needs some time to comply with the Orders/Directions of this BSPCB Office.
9. That any Orders passed with respect to confirmation of Closure of the Manufacturing Unit shall be against the Principals of Natural Justice and Equity if reasonable opportunity is not granted to My Client.

Based on the above, I on behalf of My Client request you to kindly grant 15 Days time to verify the Calculation of the Environment Compensation of Rs. 39,25,000/- with further Three (3) Month time from the date of this Communication to comply with the Order/Directions to deposit Rs. 39,25,000/- towards Environment Damages with the BSPCB Office with further Request not to pass any Orders pertaining to Closure of the Manufacturing Unit

Yours sincerely,


Sujeet Gupta
Advocate

**BIHAR STATE POLLUTION CONTROL BOARD**

Parivesh Bhawan, Patliputra Industrial Area,
P.O.-Sadakat Ashram, Patna-800010

Ref. No.:- 733
From,

Patna, dated:- 15.3.2022

S. Chandrasekar, IFS
Member Secretary

To,

Mr. Vikash Modi,
M/s Anshul Snacks & Beverages Pvt.Ltd.,
Plot No.: NS/06, Phase-II,
Industrial Area, Bela,
Muzaffarpur-842005

Sub: Regarding compliance of Proposed Direction for imposition of Environmental Compensation u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 vide letter no.-41, dated: 07.01.2022.

Ref:- Mr. Sujeet Gupta, Advocated letter dated: 11.03.2022.
Sir,

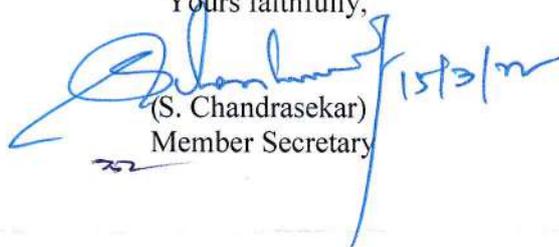
With reference to the subject noted above, it is informed that state Board gave you an opportunity vide letter no.-41, dated: 07.01.2022 to file objection to the state Board action of levying environmental compensation of Rs. 39,25,000/- within 15 days from receipt of said letter.

On 11.03.2022, advocated Sri Sujeet Gupta, on your behalf, appeared before the state Board & undertook to deposit EC, however, sought 35. Months to deposit the same.

The above requested was examined and has not been found to be reasonable as 3.5 months is more than enough time in the facts & circumstance of the case.

Therefore, you are now directed to deposit the assessed environmental compensation of Rs. 39,25,000/- within a period of 30 days, failing which further legal action may be taken.

Yours faithfully,


(S. Chandrasekar)
Member Secretary

Sujeet Gupta

Advocate

E-1, Lower Ground Floor

Lajpat Nagar - III

New Delhi - 110024

Tel No. +91-11-41025021

Fax No. +91-11-41025020

E-mail : sujit.law@gmail.com

ANNEXURE-P-112TH April 2022

Hon'ble Member Secretary
Bihar State Pollution Control Board
Parivesh Bhawan
Patliputra Industrial Area
Patna - 800010

In re :- Your Letter 733 and Dated 15/3/2022 to M/s Anshul Snacks & Beverages Pvt Ltd to deposit Rs. 39,25,000/- towards Environmental Damages

Sir.,

We are in receipt of your Letter No.733 Dated 15/3/2022 and would like to submit that the undersigned did not asked for 35 months to deposit the Environmental compensation amount. Rather the undersigned had requested to grant 3 months to deposit the said amount.

That vide your Letter Dated 15/3/2022, your good self had granted 30 Days time to deposit Rs. 39,25,000/- towards Environmental Damage.

That My Client I.e M/s Anshul Snacks & Beverages Pvt Ltd (Modi Snacks) had recently deposited Rs. 5,14,513/- in the Account of Deputy Commissioner of Labour Cum Workmens Compensation Commissioner ; Muzzafarpur vide Demand Draft No. 508497 and Dated 24/03/2022 Drawn on ICICI Bank.

The above payment is apart from Rs.28,00,000/- which was deposited in the month of February in the Account of Deputy Commissioner of Labour Cum Workmens Compensation Commissioner ; Muzzafarpur.

That I on behalf of My Client states that My Client stands committed to comply with all the Directions / Orders passed by the BSPCB office.



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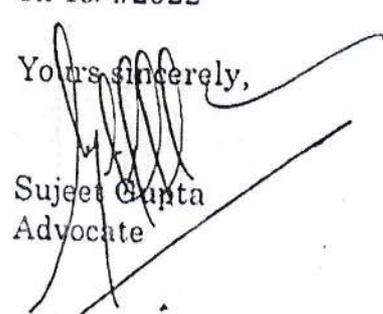
That I on behalf of My Client urge before yourself to grant another 30 Days time to comply with the directions of your good self.

My Client is striving in arranging finds from Financial Institutions and Family /Friends and needs some time to comply with the Orders/Directions of this BSPCB Office.

Based on the above, I on behalf of My Client request you to kindly grant 30 Days time to comply with the directions of this office.

We shall be appearing before Hon'ble National Green Tribunal (NGT) in this regard and shall make our submissions on the coming date of hearing fixed on 19/4/2022

Yours sincerely,


Sujeet Gupta
Advocate

V.M.P

T/c