

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTH ZONE

ORIGINAL APPLICATION NUMBER 114 of 2025 (SZ)

IN THE MATTER OF

J. Jagan Kumar

..... Applicant

Versus

**The Deputy Commissioner
Bengaluru Urban District & Others**

... Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF R2 - KARNATAKA
STATE POLLUTION CONTROL BOARD**

PAPERBOOK

[PLEASE SEE INSIDE FOR INDEX]



DEVRAJ ASHOK

COUNSEL FOR KARNATAKA STATE POLLUTION CONTROL BOARD

INDEX

Sl. No.	Particulars	Page Nos.
1.	ADDITIONAL AFFIDAVIT ON BEHALF OF R2, KARNATAKA STATE POLLUTION CONTROL BOARD	1 - 4
2.	ANNEXURE R - 1 KSPCB Report of Unit Inspections undertaken on 01/07/2026	5 - 11

PLACE: BENGALURU

DATE: 08.07.2026



THROUGH COUNSEL

DEVRAJ ASHOK

-1-

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ORIGINAL APPLICATION NUMBER 114 of 2025 (SZ)

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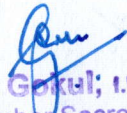
... Respondents

**AFFIDAVIT ON BEHALF OF R2 - THE KARNATAKA
STATE POLLUTION CONTROL BOARD**

I, Shri. Gokul R, aged about 53 years, son of Shri. B. Raju, presently working as the Member Secretary, Karnataka State Pollution Control Board (the “KSPCB”), do hereby solemnly affirm and state that I am duly authorized and competent to depose the present affidavit on behalf of the KSPCB. I am familiar with the facts and circumstances about the present matter, based on the official documents/records of the Karnataka State Pollution Control Board and also in my official capacity and depose as set forth below:

I, ~~R. Gokul~~, respectfully submitted that the Regional Officer, Mahadevapura, KSPCB, inspected the premises of M/s. Freshalicious Super Bazar Pvt. Ltd., i.e.,



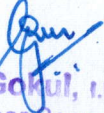

R. Gokul; I.F.S.
Member Secretary
Karnataka State Pollution Control Board
Mahadevapura, Church Street
Bengaluru - 560 001.

Respondent No. 9 herein (hereinafter also referred to as the “Unit”), on 01/07/2026, to ascertain compliance with CFO conditions and applicable laws. A copy of the KSPCB Report of the Unit’s inspection undertaken on 01/07/2026, together with the documents referenced therein, is annexed herewith as **ANNEXURE R1**. The contents of the same may be read as part and parcel of this affidavit, and the same are not reproduced herein to avoid repetition.

2. It is respectfully submitted that Respondent No. 9 has now complied with all conditions of the CFO and applicable laws and is currently continuing its operations accordingly. It may be relevant to submit that, in respect of the Unit’s violation of the CFO condition by transporting treated water outside the Unit’s premises, a personal hearing was afforded to the Unit on 29/05/2026, and an addendum has been carried out by KSPCB to the Unit’s CFO. Thereby, the Unit has been permitted to transport outside and provide excess treated water of a maximum amount of 26 KLD, for irrigation purposes, as undertaken by them, to a third party, i.e., beyond 12 KLD that will be utilized within the Unit’s premises. It is also noted that the Unit has taken corrective measures to remedy other violations that had been recorded in the earlier KSPCB inspection reports/notices. Therefore, the Unit has been permitted by KSPCB to continue with its operations in accordance with the law.

3. It is also respectfully submitted that the KSPCB has been taking necessary steps within the requisite time to ensure that the Unit has complied with applicable




R. Gokul, I.F.S.
Member Secretary
Karnataka State Pollution Control Board
Pansara Bhavana, Church Street
Bengaluru - 560 001.

law. In this regard, it is submitted that the course of action adopted by KSPCB in connection with the Unit's non-compliance with law, has taken reasonable time, and has involved providing adequate opportunity to the Unit to file replies and to take corrective measures, verifying its compliance/analysis reports, factoring in the interim periods when the Unit complied, regular monitoring of its activities through marshals etc., in the present proceedings, issuance of Notice of Proposed Directions and eventually ensuring that the Unit operates while complying with all legal requirements. In this regard, KSPCB seeks to rely on the detailed submissions with specific timelines stated in the KSPCB affidavit dated 26/03/2026, for the kind consideration of this Hon'ble Tribunal and the same are not reproduced herein to avoid repetition.

4. The above issues and the directions of this Hon'ble Tribunal, by order dated 15/04/2026, have been brought to the notice of the Chairman, KSPCB, who is scrutinizing the pending matters regularly and has reviewed in detail the issues involved with the present matter and with the action taken by the KSPCB until now.

5. KSPCB would be obliged to provide any additional information that may be required for the kind consideration of this Hon'ble Tribunal.




DEPONENT

R. Gokul, I.F.S.
Member Secretary
Karnataka State Pollution Control Board
Parisara Bhavana, Church Street
Bengaluru - 560 001.

- 4 -

VERIFICATION

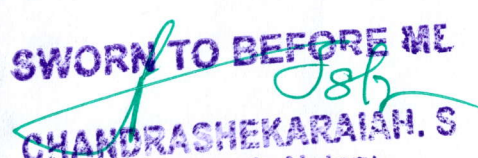
Verified on this 8th day of July 2026, at Bengaluru, that the contents of the above affidavit are true and correct to the best of my knowledge, information and belief and nothing material is concealed therefrom.


DEPONENT

R. Gokul, I.S.
Member Secretary
Karnataka State Pollution Control Board
Parisara Bhavana, Church Street
Bengaluru - 560 001.



SWORN TO BEFORE ME


CHANDRASHEKARIAH. S
Advocate & Notary
No. 9/7, Kempegowda Nilaya
3rd Cross, Minthurayaswamy Extension
Sunkadakatte, Bengaluru - 560091

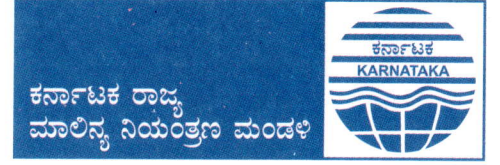
Book No. 1857 Page 71 Date 8/7/2020

Regional Office : Bengaluru - Mahadevapura
Karnataka State Pollution Control Board
"NISARGA BHAVAN", 3rd Floor, Thimmaiah Road,
7th 'D' Main, Shivanagar, Bengaluru - 560079.
Phone : 080-23224002
E-mail : bngmdpura@kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ
ಬೆಂಗಳೂರು - ಮಹದೇವಪುರ
"ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ಶಿವನಗರ, ಬೆಂಗಳೂರು - 560 079.
ದೂರ: 080-23224002
ಇ-ಮೇಲ್: bngmdpura@kspcb.gov.in

ANNEXURE - R1

- 5 -



No. KSPCB/RO-MDP/Freshalicious Super Bazaar-IR/2026-27/ 481

towards a cleaner Karnataka

Date:

03 JUL 2026

To

The Member Secretary
KSPCB, Bengaluru-01

Kind Attention: Law Officer (Legal Section)

Sir,

Sub: Submission of Inspection report of M/s Freshalicious Super Bazaar Private Limited w.r.t Hon'ble National Green Tribunal, Southern Zone, Chennai - Original Application No.114 of 2025 filed by Sri. J. Jagan Kumar - reg.

Ref: 1. Hon'ble NGT order's dated: 15/04/2026.
2. Inspection of the industry by the Undersigned on 01/07/2026.

With reference to the above subject & reference, pertaining to the above said Hon'ble NGT OA No.114 of 2025 w.r.t M/s. Freshalicious Super Bazaar Pvt. Ltd., No.247, Khatha No.42, Chikkagubbi Village, Bidarahalli Hobli, Bangalore - 560 077 which was inspected on 01/07/2026. Please find herewith submitting the inspection report for further needful and to file it before Hon'ble NGT, since the case hearing is on 09/07/2026.

This is for your kind information and further needful.

Encl: As above

Yours faithfully

K. S. Shree
Environmental Officer
RO-Mahadevapura

- 6 -

Forwarding of Inspection Report

Kind Attention to: SEO-Non-EIA Section, Parisara Bhavan, KSPCB, Bengaluru

NO. KSPCB/RO-MDP/INS-Freshalicious Super Bazaar/2026-27/

DATE:

Inspection report of Sri K S Sudharkar, Environmental Officer, Mahadevapura region, KSPCB.

1	Name & Address of the unit inspected	M/s. Freshalicious Super Bazaar Pvt. Ltd., No. 247, Khatha No. 42, Chikkagubbi Village, Bidarahalli Hobli, Bangalore – 560 077.
2	GPS Co-ordinates	12°59'16.9"N, 77°42'53.3"E
3	Date of inspection	01/07/2026
4	Person contacted	Sri. Ranjith – Factory Manager
5	Consent Status	M/s. Freshalicious Super Bazaar Pvt. Ltd., had obtained combined consent order under Water and Air Acts for the following activity: - such as a) Cleaned Fish Cuts of capacity 162.75 Tons b) Cleaned chicken cuts of capacity 97.583 Tons &c c) Cleaned Goats cuts of capacity 32.5 Tons for the period up to 30.09.2032 under Orange category.
6	Reference	1. Hon'ble National Green Tribunal (SZ) Chennai Original Application NO. 114 of 2025 filed between Mr. Jagan Kumar J and The Deputy Commissioner, Bengaluru Urban District and Others. The next of hearing is scheduled on 09/07/2026. 2. Board Office Proceeding of the Personal Hearing held on 29/05/2026, vide no. dated: . 3. The RSEO, Bng-East Office Addendum issued to the existing Consent for Operation in respect of M/s Freshalicious Super Bazaar Pvt. Ltd., vide no. 119, dated: 29/06/2026. 4. Inspection of the unit by the Undersigned on 01/07/2026.

Preamble:

M/s Freshalicious Super Bazaar Pvt. Ltd., had obtained combined consent from the Karnataka State Pollution Control Board to carry out the activity such as cleaned Fish Cuts of capacity 162.75 Tons/Month, cleaned chicken cuts of capacity 97.583 Tons/Month & cleaned Goats cuts of capacity 32.5 Tons/Month and 500 KVA DG set for the period up to **30.09.2032** vide no. AW-338496, dated: 07/07/2023 under **Orange Category**.

As per the consent order, the total water consumption of water is **42 KLD** (Domestic – 22 KLD, Manufacturing process – 20 KLD) and waste water discharge is **38 KLD** (Domestic – 20 KLD, Manufacturing process – 18 KLD), whereas the waste water generated in the form of domestic and in the form of the washing of meat processing activity ***shall be treated in Combined ETP and treated effluents shall be used for on land for gardening and flushing purposes within the premises.***

Further, as per the earlier complaint letter filed by Sri. Jagan Kumar J regarding water, air and noise pollution from the said unit, this office had inspected and issued a notice to the unit authorities and in respect of this office notice, the unit authorities have submitted the replies to this office notices. This was communicated to the Board Office already in this office report vide no. 1774, dated: 17/03/2026.

Further, with respect to the RSEO, Bng-East Office letter addressed to the Board Office vide no. 40, dated: 04/05/2026 and w.r.t the RSEO, Bng-East Office recommendation in the inspection report vide no. 1069, dated: 23/03/2026 i.e., ***“the industry is established in an extent of approximately 3 acres land and there is no adequate space available within the premises for reuse of treated effluent for gardening/irrigation. The industry is indulging in off-site disposal of treated effluent without prior approval of the Board which is in violation of the consent condition. The present practise of unauthorized off-site disposal cannot be permitted. The industry shall immediately stop transportation of treated effluent and identify a technically viable and Board-approved alternate arrangement for its utilization/disposal. Until compliance is ensured the industry cannot be permitted to continue operation. Hence, recommended to issue the closure orders to the industry”***.

Further, the Board Office had called for **Personal Hearing** before the Chairman of the Board on 29/05/2026 to the Occupier of the industry and complainant vide letter no. 753, dated: 27/05/2026.

In the meantime, M/s Freshalicious Super Bazaar Pvt. Ltd., letter dated: 01/06/2026 & 11/06/2026 along with copies of following and requested for an Amendment to the existing Consent for Operation order:

- a) MOU executed on 30/05/2026 by and between Smt. Jayamma, Smt. Lakshamma, Mr. Anand Kumar & Others and M/s Freshalicious Super Bazaar Pvt. Ltd., for the utilization of the treated water generated/disposed from the STP and ETP facilities for the irrigation purposes. And as per the schedule property, the land bearing Sy. No. 08, Bidarahalli Hobli, Beeleshivale Village, Bangalore East, Bangalore – 560 077 measuring about 1 Acre 20 Guntas presently under the jurisdiction of the BBMP.
- b) Service Agreement executed on 27/11/2025 by and between M/s Freshalicious Super Bazaar Pvt. Ltd., and M/s Sai Enviro Tech for the disposal of Sewage water transporting to CSTP of quantity 12 KL.
- c) Also submitted the Project report and other documents

In respect of the above said unit authorities request letter, this office had forwarded the letter to the RSEO, Bng-East Office vide no. 400, dated: 19/06/2026 for issue of the Addendum to the existing CFO to discharge part of treated effluents. Copy of the letter is herewith enclosed for kind reference.

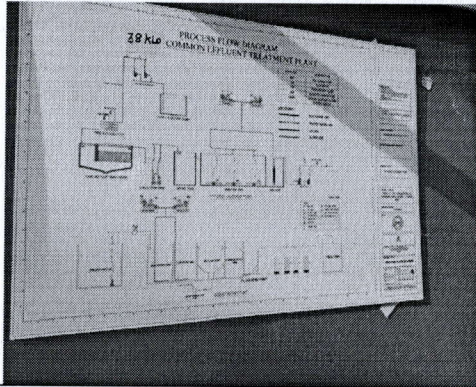
Accordingly, the RSEO, Bng-East Office had issued an Addendum to the existing Consent for Operation in respect of M/s Freshalicious Super Bazaar Pvt. Ltd., vide no. 119, dated: 29/06/2026. The Addendum issued for the following:-

- 1) The excess treated water of maximum of 26 KLD after the utilization in house of 12 KLD, is permitted to be utilized for irrigation as per the MOU between the industry and the owners of the land bearing Sy. No. 08 (measuring 1 Acre and 20 Guntas) of Bidarahalli Hobli, Beeleshivale Village, Bangalore East, Bengaluru – 560 077 belonging to Smt. Jayamma, Smt Lakshamma, Sri. Anand Kumar and Others. The treated effluents shall be transported through the dedicated tankers

and the same tanker shall not be used for the transportation of fresh water to avoid contamination.

- 2) The sewage is permitted to be transported after primary treatment to Common Sewage Treatment Plant of M/s Sai Enviro Tech for further treatment and disposal of maximum of 12 KLD. The copy of the same is enclosed for kind reference.

Further, the unit was inspected on 01/07/2026 to verify the compliance status and during inspection it was observed that, the unit and the combined Effluent Treatment Plant were under Operation. Further, observations were made with respect to the previous observations made over on 02/03/2026. The details are as below:-

Sl. No.	Non-compliances mentioned in the NPD dated 05/08/2025	Compliance made by the industry & observations on 02/03/2026	Observations made on 01/07/2026
01	The unit has not displayed the process flow diagram detailing the treatment units and their respective capacities. On enquiry, the operator presents during the inspection stated that the CETP is of 30 KLD capacity.	Now, displayed the process flow diagram with capacity within the effluent treatment plant area as "38 KLD of Common Effluent Treatment Plant". Photograph enclosed for kind reference. 	The unit authorities have provided process flow chart with capacity of "38 KLD of Common Effluent Treatment Plant".
02	A "DANGER" sign Board has not been displayed near CETP area as per the direction of Hon'ble Supreme Court.	Not complied. Not displayed "DANGER" sign Board near the CETP area.	Complied They have provided "DANGER" sign Board to the CETP.
03	A foul Odor was observed in and around the CETP area, indicating that the CETP is not being operated properly or is non-functional.	Not complied. Foul smell was sensed in and around the CETP area.	Complied. As there is no foul smell was sensed in and around the CETP area.
04	As per the documents available at the entrance gate, it was noted that approximately 5 to 6 tankers of water are being procured daily from private sources. Simultaneously, an equivalent quantity of	Not complied. Verified the register maintained for the water procurement on daily basis and as per the records, they have procured about 10 loads through tankers i.e. from 01/02/2026 to 02/03/2026 & as per information furnished each tanker as capacity of 4 KL. Accordingly, they have purchased 40 KL of water per day.	Complied. ➤The unit authorities are being submitted the manifest copies in Form 10 for the disposal of treated effluent to the authorized CETP M/s Sai Enviro Tech regularly. ➤Further, the unit authorities have submitted the request letter dated: 01/06/2026 & 11/06/2026 along with the MOU made with Smt Jayamma,

	effluent is reportedly being offloaded to unauthorized vendors via tankers, which constitutes a serious violation of the unit's consent conditions. Furthermore, the unit has failed to maintain or disclose records on water consumption and wastewater generation.	And also furnished the copies of Form 10 Manifest copies for the disposal of water of 12 KL to Sai Enviro Tech, Common Sewage Treatment Plant. Wherein the manifest copies, it was noticed that, marked the tick for the receipt of "Treated water" and "Industrial Sewage". On enquiry, they did not furnish the details regarding type of water they have disposed off to the said CSTP. Manifest collected during the inspection is herewith enclosed for kind reference. In this regard, the industry has not obtained amendment to the consent order issued from the Board for the disposal of treated/untreated water to the Common Sewage Treatment Plant.	Smt Lakshamma, Sri. Anand Kumar and Others and Service agreement with M/s Sai Enviro Tech, Common Sewage Treatment Plant. And requested for an Addendum to the CFO w.r.t disposal of treated effluent as per the above said agreements. ➤Further, the RSEO, Bng East Office had issued an Addendum to the CFO vide no. 119, dated: 29/06/2026 w.r.t disposal of excess treated water of maximum 26 KLD. Copy is enclosed for kind reference.
05	Crate-washing effluent was observed to be stagnating in an open land area. This poses a significant risk of percolation and contamination of the underlying groundwater table.	Not complied. Crate-washing effluent was still stagnated in an open area which may lead to underground water pollution.	Complied There is no Crate washing effluent stagnation in an open area was observed.
06	The ultra filtration system installed as part of the CETP was found to be non-operational at the time of inspection.	Not complied. No changes in the status.	Complied Ultra filtration system installed as part of the CETP and is operational at the time of inspection.
07	The 500 KVA DG set has not been provided with a chimney of adequate height, which is in violation of the prescribed norms under the consent conditions.	Not complied. No changes in the status.	Complied They have provided chimney height of 10.8 m AGL to 500 KVA DG set with acoustic enclosure.

Following observations were made w.r.t the non-compliances observed by the RSEO, during the inspection made on 04/01/2025 and Show cause notice dated 07/01/2025:

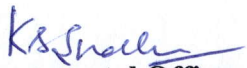
Sl. No.	Non-compliances mentioned in the Show cause notice dated 07/01/2025	Compliance made by the industry	Observations made on 01/07/2026
01	You have been disposing of the effluents without treatment using tankers illegally.	Not complied. Verified the register maintained for the water procurement on daily basis and as per the records, they have procured about 10 loads through tankers i.e. from 01/02/2026 to 02/03/2026 & as	Complied Based on request of P/A, the RSEO, Bng-East office has issued an Addendum to the CFO order w.r.t the disposal of excess treated effluent as mentioned above.

		per information furnished each tanker as capacity of 4 KL. Accordingly, they have purchased 40 KL of water per day. And also furnished the copies of Form 10 Manifest copies for the disposal of water of 12 KL to Sai Enviro Tech, Common Sewage Treatment Plant. Wherein the manifest copies, it was noticed that, marked the tick for the receipt of "Treated water" and "Industrial Sewage". On enquiry, they did not furnish the details regarding type of water they have disposed off to the said CSTP. Manifest collected during the inspection is herewith enclosed for kind reference. In this regard, the industry has not obtained amendment to the consent order issued from the Board for the disposal of treated/untreated water to the Common Sewage Treatment Plant.	
02	It was also observed that you have been slaughtering animals at your premises. Slaughtering can be done only at designated slaughterhouses, and only cutting and packing activities are permitted.	At present the slaughtering of animals is not being carried out within the industrial premises and they are procuring the raw fish directly from another unit operated in the name of "Freshalicious Super Bazaar Pvt. Ltd.," located at Kochin. The cleaning of the received items from their sister concern unit is being carrying out in this unit. They have produced the copy of documents w.r.t certificate dated: 13/01/2026 wherein stated that, <i>"supply wet fish/meat cuttings to their fish meal plant, which is a by product of fish processing consisting of Fish Skin, Intestines, bones, head and tail. This is processed and used for the manufacture of fish meal which is used as an ingredient for animal feed"</i>.	Complied. As they are receiving only meet after slaughtering and doing only cutting and packing activity.
04	The entire operations were being carried out in an unhygienic manner	Not complied. There is no improvement in carrying out the process in hygienic conditions.	Complied. They are carrying out the process activity in hygienic way in closed shed.
05	There was significant fly and odor nuisance observed near your premises.	Not complied. Foul smell was sensed along with fly nuisance.	Complied.
06	It was shocking to observe that about 50 workers were staying	Not complied. There is no improvement in the workers staying within the premises.	Complied. The workers staying in the premises in hygienic way.

	at the same location in very unhygienic and polluted conditions, which could have serious health effects on them and their children.	Still 50 workers were staying in the premises in unhygienic & polluted conditions.	
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Remarks:

As the industry is not discharging treated/untreated effluent illegally and they have submitted the requisite documents for the disposal of excess treated effluent to the Board and also had obtained an Addendum to the existing Consent for Operation order w.r.t disposal of treated effluent as said above. The industry is generally complied.


Environmental Officer
Mahadevapura-Bengaluru