

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, PUNE**  
 (ORIGINAL APPLICATION 55/2021)

**IN THE MATTER OF:**

**Mr. Tousif Bagnikar**

**...Applicant**

**VERSUS**

**M/s. Nix Polymers and Others**

**...Respondent**

**REPLY/OBJECTION TO COMMITTEE REPORT DATED 23.08.2021**

**PURSUANT TO ORDER DATED 03.08.2021, FILED ON BEHALF OF**

**THE RESPONDENT NO. 1 I.E. NIX POLYMERS**

**MOST RESPECTFULLY SHOWETH:**

1. That the Respondent No.1 is an industrial small unit belonging to M/s Nix Polymers, which is a proprietary firm having its unit at: Plot No. L-57, Near New Diamond Cold Storage, MIDC Kupwad. Tal-Miraj, Dist-Sangli and are engaged in the business of manufacturing & sale of Fiber Glass Reinforced Plastic Products (without washing activity) and related products. That the Respondent No.1 is operating with due compliances with all rules & regulations. That the Respondent No. 1 is filing this present Reply /Objection through Sh. Mahesh Sawant, sole proprietor of said Nix Polymers i.e Respondent No. 1.
2. That in the present Original Application in pursuance to the Order dated 03.08.2021 of Hon'ble NGT, the four committee were formed and

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accordingly the Respondent No.1 received notice for causing inspection to the industry by letter bearing No. MPCB/RO/KOP/210820 FT-0196, dated 20.08.2021, further based on the notice inspection was carried by the committee on dated 23.08.2021 and said committee report prepared on dated 23.08.2021.

3. WITHOUT PREJUDICE to all the factual, technical and legal issues and originally raised in the Reply/submission filed on behalf of the Respondent No. 1 to the Original Application. Now the Respondent No. 1 is filling the present Reply/Objection to Committee Report dated 23.08.2021 pursuant to order dated 03.08.2021.
4. That it is important to note that, the Respondent No. 1 does not generate trade effluents from the process. The water is used for the cooling process and said water is regularly used for the same process, hence no fresh water is required for the cooling process, hence there is no question of water pollution arising from the unit of Respondent No. 1.
5. At the outset, the Respondent No. 1 states that, the said Committee had observed few non-compliances as follows:
  - a. *It is found that Plot No. L-57, MIDC, Kupwad belongs to M/s. Rajdhani Spinning Mill Pvt. Ltd.. This plot is subdivided into four different units. Single electric power supply and water supply is available to all the four units and is in the name of M/s Rajdhani Spinning Mill Pvt. Ltd.*

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*b. Sub-letting permission to M/s. Nix Polymers is valid up to 15/02/2020. MIDC has proposed legal action against M/s Rajdhani Spinning Mill Pvt. Ltd.*

*c. Industry has provided stack of height 11 meters to wood fired boiler, whereas the height of the stack should be 20 meters.*

*d. Empty chemical drums, falling under Hazardous waste category are stored in unscientific way within premises.*

Further, the above non-compliances were admitted by the Respondent No. 1, and the Respondent No. 1 is working on to comply it as early as possible.

Point wise committee observation and Reply/objection from the Respondent No. 1 as follows:

6. At Sr. No. 1 and 2 – Committee observation –

*1. Industry has obtained consent to Establish for manufacturing of FRP products. Permission for Resins is not obtained. Industry is operating illegally.*

*2. Industry has obtained subletting from MIDC till 2020 only.*

**Reply/objection :**

Industry is not running illegally. That the Respondent No. 1 had received Consent to Established from Maharashtra Pollution Control Board having consent number: MPCB/RO/KOP/SROS/KP-17285-15/477/12/10880 on dated 14.08.2015 for the period of 5 years. The Respondent No. 1 is producing the Fiber Glass Reinforced Plastic

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Products (without washing) including Resins. The Fiber Reinforced Plastic Resin is formed by reaction between a Difunctional acid or Anhydride (e.g. Maleic, Fumaric, Isophthalic, Terephthalic) and a difunctional glycol (e.g. Monethylene glycol, diethylene glycols Propylene glycols, Neopentyl glycol) and reaction mixture is blended/dissolved with monomer constitute fiber reinforced plastic resin system. The general purpose marble resin is rigid, medium reactivity, Orth phthalic resin designed for special, moulding work and hand lay up operation. It wets fiberglass easily. The Products from this material offer exceptional surface gloss. The resin is formulated to resist water. Further, the Respondent No. 1 states that, That the Respondent No. 1 states that, due to covid pandemic the unit of Respondent No. 1 was entirely closed and also due to several medical issues of parent the Respondent No. 1 failed to filed application for Renewal of Subletting from MIDC and Consent to Operate from Maharashtra Pollution Control Board. There is no malafide intention of Respondent No.1 for non-application of Renewal of Subletting from MIDC and Consent to Operate from Maharashtra Pollution Control Board. That the Respondent No. 1 further states that, manufacturing of Fiber Glass Reinforced Plastic Products including manufacturing of resin, and for the compliance purpose the Respondent No. 1 has initiated process to for the application of consent to operate for the manufacturing of Fiber Glass Reinforced Plastic Products and Resins separately from the Maharashtra Pollution Control Board. Further, the Respondent No. 1 is also taking proper help from the technical experts

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for getting proper advice related to the compliance of the joint inspection report dated 23.08.2021, issued by the expert committee, appointed as per the order dated 03.08.2021 by the Hon'ble Tribunal in the present Application. Further, the Respondent No. 1 applied for the application of consent to established with Maharashtra Pollution Control Board on dated 06.10.2021 having UAN No. MPCB-CONSENT-0000123159, said application is still under process.

7. At Sr. No. 3 – Committee observation –

*During visit contaminated puddle of wastewater was observed near drain pipe within factory premises. Discharge from these nallas will ultimately meet Krishna River.*

**Reply/objection :**

The Respondent No. 1 strongly object that contaminated puddle of wastewater was observed near drain pipe within factory premises. It is wrongly observed that the contaminated puddle of wastewater, actually it is puddle of rain water, and that time also Respondent No. 1 informed that due to heavy rain in Sangli, Maharashtra said puddle was formed. Also, the committee has failed to attached photographs of the unit of Respondent No. 1.

8. At Sr. No. 4 – Committee observation –

*The industry does not generate trade effluent from the process. However, leakages and spill off contribute to discharge of chemicals*

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*into Environment. A common septic tank for four units within the premises of M/s. Rajdhani Spinning Mill Pvt. Ltd. is provided.*

**Reply/objection :**

That the committed rightly observed that the Respondent No. 1 does not generate trade effluents from the process, hence there is no question of water pollution from the unit of Respondent No. 1.

9. That it is important to note that, the Respondent No. 1 does not generate trade effluents from the process. The water is used for the cooling process and said water is regularly used for the same process, hence no fresh water is required for the cooling process, hence there is no question of water pollution arising from the unit of Respondent No. 1.

10. That it is admitted that Plot No. L-57, MIDC, Kupwad, District Sangli belongs to M/s. Rajdhani Spinning Mill Pvt. Ltd. This plot is subdivided into four different units. Further, sub-letting permission to the Respondent No. 1 is valid up to 15.02.2020, but the Respondent No. 1 has initiated further process for getting sub-letting permission from MIDC. It is important to note that, there is common pipe line for all the four units, all the waste water from the four units collectively discharged into the nallah. Further, the Respondent No. 1 does not generate trade effluents from the process. The Respondent No. 1 does not generate any sort of water pollution.

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11. The unit of Respondent No. 1 is not doing any type of pollution; hence, the Original Application is liable to be rejected. And permission be given to add, alter, or amend the reply and to file additional documents as and when required. Hence, this Reply.

Place: Pune

Date: 01.12.2021

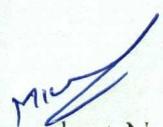
  
Respondent No.1

**VERIFICATION**

Verified in this 1<sup>st</sup> day of December 2021 that the contents of above-mentioned affidavit are true and correct and nothing material has been concealed therefrom.

Date: 01.12.2021

Place: Pune

  
Respondent No.1

Td

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**AFFIDAVIT**

I, Mr. Mahesh Sawant, proprietor of M/s Nix Polymers, having its unit at: Plot No. L-57, Near New Diamond Cold Storage, MIDC Kupwad, Tal-Miraj, Dist-Sangli Maharashtra-416416, do hereby make an oath to swear as under –

1. That in capacity of as proprietor of Respondent No. 1 in abovementioned matter I am fully conversant with the facts and circumstances on the case, as such I am competent to swear this affidavit.
2. That the accompanying reply has been drafted by the Advocate under my instruction and the contents of the same true and correct to my knowledge and no part of it false.

*Tejard*

ADVOCATE FOR THE RESPONDENT NO.1

*M/S*

DEPONENT

**BEFORE ME**  
*Mr. Tejard*  
**Mr. Jitendra Babasaheb Ingale**  
 NOTARY GOVERNMENT OF INDIA  
 PUNE



**01 DEC 2021**

**Noted And Registered**  
**At Serial Number**

*745/2021*