

1

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 326 OF 2018

IN THE MATTER OF:

SHAILESH SINGHAPPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENTS

**OBJECTIONS ON BEHALF OF RESPONDENT
NO. 2 I.E. M/S MADINA FROZEN FOODS PVT.
LTD. TO THE JOINT INSPECTION REPORT
DATED 31.12.2020 IN O.A. No. 326 OF 2018
TITLED AS SHAILESH SINGH VS. STATE OF
U.P & ORS.**

MOST RESPECTFULLY SHOWETH:

1. That the captioned matter is pending for adjudication before the Honourable Tribunal.

2. It is stated that Honourable NGT vide its order dated 18.08.2020 in the matter of Shailesh Singh V/s State of U.P & Ors. (O.A.No.326/2018) directed for joint inspection of slaughter houses and meat processing units by the designated Joint Committee comprising representative of CGWA, CPCB and SPCB. The relevant portion of the order is reproduced herein as below:-

“Let a further report be furnished by the Joint Committee after visit to the site and in the light of the facts which emerge during the surveillance period giving status up to 31.12.2020 before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. List for further consideration on 18.01.2021”

3. That incompliance of the NGT order dated 18.08.2020, the Committee comprising following officials of CGWA, CPCB and UPPCB visited the area during December 21-22, 2020:-

a) Dr. Jagdamba Prasad, Scientist-D, Central Ground Water Authority (CGWA), Lucknow.

b) Shri Runa Oraon, Scientist-D, Central Pollution Control Board (CPCB) RD, Lucknow.

c) Shri Ashutosh Chauhan, UPPCB, Regional Officer, Bulandshahar.

d) Sh. Ajay Kumar, AEE, UPPCB, Regional Office, Bulandshahar.

4. That on the day when the joint inspection was to be conducted, the unit of Respondent No. 2 was non-operational. Moreover, the Joint Inspecting

Committee also didn't inform the Respondent No. 2 about the inspection. If the Respondent No. 2 would be informed about the inspection by the Joint Committee, then the Respondent No. 2 would have operated their unit on their optimum capacity for the purpose of inspection.

5. That on the day when the Joint inspecting committee reach the premises of Respondent no. 2, it was informed by the Manager of Respondent No. 2 that the unit was lying closed due to some ongoing maintenance work in the unit. This fact is also mentioned in the joint inspection report dated 31.12.2020 that during inspection, the unit was not in operation.

6. That despite of the fact, knowing that the unit was lying closed, the joint inspecting committee collected the samples from the ETP which was non-operational at that time due to closure of the factory for maintenance work.
7. That at the time when the joint inspecting team was collecting the samples from ETP, the manager of Respondent No. 2 requested the team to collect the samples during the time when the unit is operating at its optimum capacity and when the ETP would be operational, but the team denied to listen to them and instead collected the samples from the non operational ETP.
8. That the joint inspection report dated 31.12.2020 states that the result of the ETP shows that the

effluent was not meeting with the stipulated norms of effluent discharge. This is due o the fact that the unit was not in operation and so the ETP was not in operation during the time when the samples were collected.

9. That the Respondent No. 2 is a fully complying and a non polluting unit which operates on the environmental rules and norms. If the samples would have been collected during the functioning of the unit or functioning of ETP, the results would be entirely different and in prescribed norms.
10. That the Respondent No. 2 is operational and is ready & willing for the joint inspection to be conducted of their unit.

PRAYER

In view of the aforesaid facts and circumstances it is prayed that this Honourable Tribunal may graciously be pleased to:-

- a. To nullify and discard the Joint Inspection Report dated 31.12.2020.
- b. To direct a fresh Joint Inspection to be conducted.
- c. To pass any further order/s that may be deemed necessary and fit on the facts and circumstances of the aforesaid case.

New Delhi

Dated: 12/01/2021

Applicant

Through
S.A. ZAIDI & ~~MANSI CHAHAL~~
ADVOCATES

8

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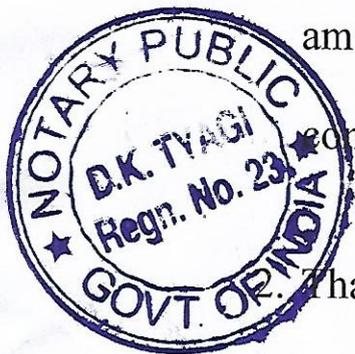
.....RESPONDENTS

AFFIDAVIT

I, Haji Yameen, Director of M/s Madina Frozen Foods Pvt. Ltd. situated at Baroli Munda Kheda Road, Block Khurja, District Bulandshahr, Uttar Pradesh:-203131, presently at Delhi do here by solemnly affirm and declare as under:-

1. That I am the Director in the above noted unit therefore I am fully conversant with the fact of the case I am competent to sign and swear this Affidavit.

That the accompanying application has been drafted by my counsel and the same has been read over and explain to me and I say and declare that the same are true and correct.



3. That the content of accompanying application be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

[Handwritten Signature]
DEPONENT

VERIFICATION

Verified at Delhi on this 12 JAN 2021 day of 2021 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.



[Handwritten Signature]
DEPONENT

ATTESTED

[Handwritten Signature]
Notary Public, Delhi
Govt. of India

12 JAN 2021