

SR NO. B-1433/2024

*Prasad*

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE

PRIYAKANT D. BAROT  
NOTARY  
GOVT. OF INDIA

23 AUG 2024

APPEAL NO.30 OF 2023 (WZ)

IN THE MATTER OF:

AHMEDABAD DISTRICT COOPERATIVE MILK PRODUCERS'  
UNION LTD. (UTTAM DAIRY) ... APPELLANT

VERSUS

GUJARAT POLLUTION CONTROL BOARD ... Respondent

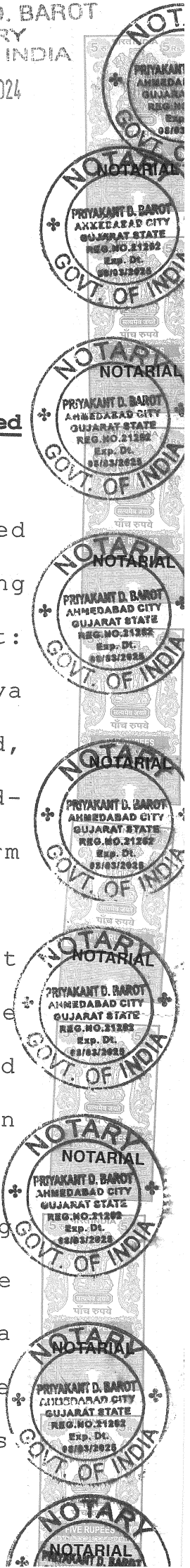
Objection on Affidavit of Appellant against order dated  
9.8.2024 passed by GPCB

I, Maulik Joshi son of Mahendrabhai Joshi, aged about 49 years, occupation: in-charge managing director of the appellant, having office at: Opp. Ramdev Pir Temple, Near N.M.Padaliya Pharmacy College, Sarkhej-Bavla Highway Road, Navapura, Taluka- Sanand, District-Ahmedabad-382210, State-Gujarat do hereby solemnly affirm and state as under:

1.I submit the objection against the recent order dated 9.8.2024 passed by the respondent in pursuance of the order dated 16.5.2024 passed by this Hon`ble Tribunal in the present appeal.

2.I state that during the course of hearing dated 16.5.2024 before the Honourable Tribunal, the respondent board made a statement that, they would reconsider the matter, the appellant have got objections because of following circumstances.

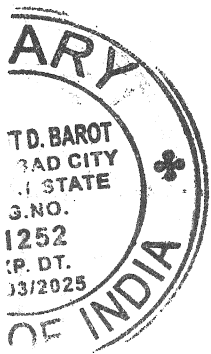
*Mk*  
I/c MANAGING DIRECTOR



(I) On 16.5.2024, the respondent board was agreed for remand of the matter with a view to fill up the lacuna in the order at Annexure-A-1 to the appeal memo but same was also not accepted by the Hon'ble Tribunal.

(II) On 16.1.2024 at 9.58 a.m., the respondent board had provided soft copy of reply to the appellant and that too after filing reply with the registry of the Hon'ble Tribunal by misleading the fact that impugned order at Annexure-A-1 to the appeal memo is an interim order and Hon'ble Tribunal found it as Final Order.

(III) On 16.5.2024, Hon'ble Tribunal did not disposed of the present appeal of the appellant and kept the present appeal is pending and appellant was directed to submit representation within period of 4 weeks and said representation was required to file under the hope as respondent would act fairly. Appellant did it but same is also rejected vide order dated 9.8.2024. Copy of the representation dated 7.6.2024 is



  
The MANAGING DIRECTOR

appended hereto and marked as **Annexure-A-10** to the present affidavit.

3. I submit that due to order passed by this Honourable Tribunal and after making our representation at Annexure-A-10 to the present affidavit, this time respondent board had issued the notice to the appellant. Copy of the notice dated 4.7.2024 to remain personally present on 10.7.2024 is appended hereto and marked as **Annexure-A-11** to this affidavit.

4. I submit that appellant had also approached respondent board on the given date at Annexure-A-11 to this affidavit and submitted another representation dated 10.7.2024. Copy of the representation dated 10.7.2024 is appended hereto and marked as **Annexure-A-12** to this affidavit. As respondent board was already predetermined in the hearing, so again for satisfaction of the appellant, respondent board was kind enough to grant an adjournment and I made detailed representation on 16.7.2024 and copy of this representation dated 16.7.2024 is appended hereto and marked as **Annexure-A-**



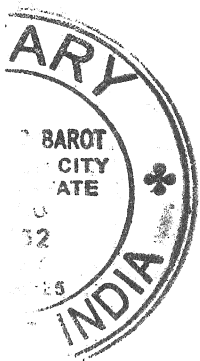
*[Signature]*  
MANAGING DIRECTOR

13 to this affidavit. After considering oral explanation on behalf of the appellant and written submission at Annexure-A-12 and Annexure-A-13 to this affidavit, without appreciating factual aspects as raised, passed the order dated 9.8.2024. Copy of the order dated 9.8.2024 is sent to the appellant in the evening of 10.8.2024. Copy of the order dated 9.8.2024 is appended hereto and marked as Annexure-A-14 to this affidavit.

5. I submit my objections against the order dated 9.8.2024 rendered by the respondent board at Annexure-A-14 to this affidavit as hereunder.

A. Hearing provided by the respondent board is an empty formality and original order at Annexure-A-1 to the appeal memo is again confirmed by order at Annexure-A-14 to this affidavit.

B. The order dated 9.8.2024 at Annexure-A-14 to this affidavit is confirming the order original impugned order at Annexure-A-1 to the appeal memo by making a show of providing hearing to the appellant. In that event, order at Annexure-A-1 to the appeal memo is still in force and order at Annexure-A-



*[Signature]*  
MANAGING DIRECTOR  
DISTRICT CO-OP

14 to this affidavit is with predetermination and therefore not accepted.

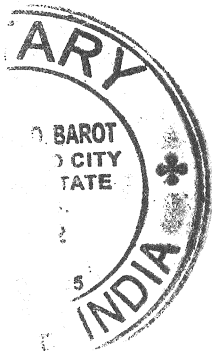
C. Entire order at Annexure-A-14 to this affidavit reflects complete submission of both the sides but without assigning any reason for not accepting submission of appellant and therefore order at Annexure-A-14 to this affidavit is not only arbitrary order but also non-speaking order.

D. Condition No.2.5 reflected in the Consolidated Consent and Authorisation (CC & A) at Annexure-A-2 to the appeal memo which reads as hereunder (Reference Page No.31 of present compilation).

"2.5 The Final Treated effluent confirming to the above standards shall be utilized on **land for** gardening and/or plantation purpose."

As per the above condition, there is no restriction under which the treated water cannot be taken out of factory premises and a concerned person of the factory of the appellant had given it to the tractor owner for utilizing the same for his own

Sl/c  
  
 MANAGING DIRECTOR  
 AMBARIAS DISTRICT CO. OP.



farm. In that event, there is no breach of condition no.2.5 at Annexure-A-2 to the appeal memo.

E.The respondent board has not appreciated while passing order at Annexure-A-14 to the present affidavit that three samples of water which were drawn by the respondent board have failed. There are no restrictions with regard to taking out treated water out of the dairy premises for supplying the same for farming or horticulture purposes and can be utilized on land for gardening and/or plantation purpose.

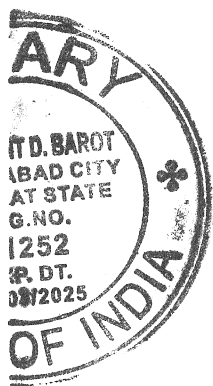
F.The respondent board has not appreciated while passing order at Annexure-A-14 to the present affidavit that for maintaining the standard as per condition of respondent board have been penalized. what is under challenge is the assessment of the damage while no damage can be caused by any of the samples collected by the respondent board in view of the condition no.2.5 of the Consolidated Consent and Authorization (CC & A) at Annexure-A-2 to the appeal memo.



*[Signature]*  
 MANAGING DIRECTOR  
 AHMEDABAD DISTRICT CO. OP

G.The respondent board has not appreciated while passing order at Annexure-A-14 to the present affidavit that condition no.2.5of the Consolidated Consent and Authorisation (CC & A) at Annexure-A-2 to the appeal memo clearly reveals that the effluent has to be utilized on the land for farming and/or plantation. Standard prepared for the same is reflected in IS/3307 and taking this standard it can be safely said that if the sample is as per the said standard it does not cause any damage

What is state above is true and correct. Solemnly Affirmed at Ahmedabad on the \_\_\_\_\_ day of August, 2024.



Deponent

Identified By

Advocate

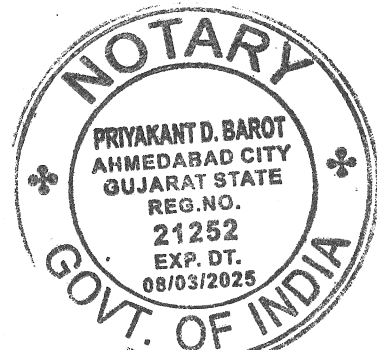




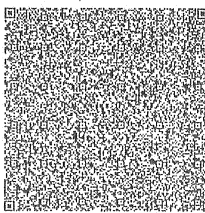







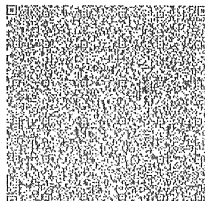
*[Signature]*  
MANAGING DIRECTOR  
AHMEDABAD DISTRICT CO-OP  
MILK PRODUCERS UNION LTD.

SOLEMNLY AFFIRMED  
BEFORE ME

*[Signature]*  
PRIYAKANT D. BAROT  
NOTARY  
GOVT. OF INDIA

23 AUG 2024



  <p>ભારત સરકાર Government of India</p> <p>ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ Unique Identification Authority of India</p> <p>નામાંકન ક્રમ સંખ્યા/ Enrolment No.: 1308/00210/0527</p> <p>To જોશી મૌલિક Joshi Maulik S/O: Mahendrabhai 23 Dharmajivan flat khokhra post office khokhra Ahmedabad City Ahmedabad Gujarat - 380008 7698813963</p> <p>Validity unknown</p>  <p>તમારો આધાર નંબર / Your Aadhaar No. : <b>6822 6970 3071</b> VID : 9171 3981 7914 0947</p> <p>મારો આધાર, મારી ઓળખ</p>	  <p>માહિતી / INFORMATION</p> <ul style="list-style-type: none"> <li>આધાર એ ઓળખાણનું પ્રમાણ છે. નાગરીકતાનું નહિ.</li> <li>આધાર અનન્ય અને સુરક્ષિત છે.</li> <li>ઓળખ યકાસવા માટે સુરક્ષિત QR કોડ/ ઓફલાઇન XML/ ઓનલાઇન પ્રમાણીકરણનો ઉપયોગ કરવો</li> <li>આધારના તમામ સ્વરૂપો જેમ કે આધાર કાર્ડ, PVC કાર્ડ્સ, eAadhaar અને mAadhaar સમાન રીતે માન્ય છે. 12-અંકના આધાર નંબરની જગ્યાએ વર્ચ્યુઅલ આધાર ઓળખ (VID)નો પણ ઉપયોગ કરી શકાય છે.</li> <li>સર્વપક્ષીય પીછામાં ઓફલાઇન એકવાર આધાર અપડેટ કરો.</li> <li>આધાર તમામ વિવિધ સરકારી અને બિન-સરકારી વાલો/સેવાઓને પ્રાપ્તિ માટેની મેળવવામાં મદદ કરે છે.</li> <li>આધારના આધાર નંબર અને ઇમેલ આઈડી અપડેટ રાખો.</li> <li>આધાર સેવાઓ મેળવવા માટે સ્માર્ટફોન પર mAadhaar એપ ડાઉનલોડ કરો.</li> <li>સુરક્ષા સુનિશ્ચિત કરવા માટે લોક/અનલોક બાયોમેટ્રિક્સ/આધાર સુનિશ્ચિત ઉપયોગ કરો.</li> <li>આધાર મેળવવા માંગતા સંગઠનોએ યોગ્ય સંમતિ મેળવવી જરૂરી છે.</li> <li>આધાર is a proof of identity, not of citizenship.</li> <li>આધાર is unique and secure.</li> <li>Verify identity using secure QR code/offline XML/online Authentication.</li> <li>All forms of Aadhaar like Aadhaar letter, PVC Cards, eAadhaar and mAadhaar are equally valid. Virtual Aadhaar Identity (VID) can also be used in place of 12 digit Aadhaar number.</li> <li>Update Aadhaar at least once in 10 years.</li> <li>Aadhaar helps you avail various Government and Non-Government benefits/services.</li> <li>Keep your mobile number and email id updated in Aadhaar.</li> <li>Download mAadhaar app on smart phones to avail Aadhaar Services.</li> <li>Use the feature of lock/unlock Aadhaar/biometrics to ensure security.</li> <li>Entities seeking Aadhaar are obligated to seek due consent.</li> </ul>
  <p>ભારત સરકાર Government of India</p>  <p>જોશી મૌલિક Joshi Maulik જન્મ તારીખ/DOB: 03/03/1974 પુરુષ/ MALE</p> <p>Issue Date: 2017/2023</p> <p><b>6822 6970 3071</b> VID : 9171 3981 7914 0947</p> <p>મારો આધાર, મારી ઓળખ</p>	  <p>ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ Unique Identification Authority of India</p> <p>સરનામું : S/O: મહેન્દ્રભાઈ, 23, ધર્મજીવન ફ્લેટ, ખોખરા પોસ્ટ ઓફિસ, ખોખરા, અમદાવાદ શહેર, અમદાવાદ, ગુજરાત - 380008</p> <p>Address: S/O: Mahendrabhai, 23, Dharmajivan flat, khokhra post office, khokhra, Ahmedabad City, Ahmedabad, Gujarat - 380008</p>  <p><b>6822 6970 3071</b> VID : 9171 3981 7914 0947</p> <p>1947   help@uidai.gov.in   www.uidai.gov.in</p>

*Mh*



### Ahmedabad District Co-op. Milk Producers' Union Ltd.

ISO 9001-2015 & ISO 22000-2005 Certified

Reg. Office : Uttam Dan Factory Campus, Nr. Sanathal Overbridge, Sarkhej-Bavla Highway Road, Sarkhej, Fatehwadi,  
Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

અમદાવાદ જિલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ.

Ref:AMU/MD/GPCB/AplNo.30-2023(WZ)order/2024-25/318

Date : 07 /06/2024

To  
The Senior Environmental Engineer,  
Gujarat Pollution Control Board,  
Paryavaran Bhavan, 1—A,  
Gandhinagar-382010.

**Subject: Appeal No.30/2023 (WZ) Order dated 16/05/2024  
passed by the Hon'ble National Green Tribunal, WZ,  
Bench Pune.**

Respected Sir/ Madam,

I, the undersigned In-charge Managing Director, in pursuance of the captioned Order, submit my representation, as under :-

At the outset, I submit that we are making this representation keeping our all rights open. We are filing present representation with a pious hope that we would be in a position to put an end to the entire controversy. Our representation is as under:-

1. At the outset, I submit that it is most important to be considered that, the treated water had been given to the owner of the tractor for his agriculture field. It is most shocking that the same is considered to be a breach of the conditions on which the permission had been granted to our Unit. Clause 2.5 of the conditions reads as under:-

*"2.5 The final treated effluent confirming to the above standard shall be utilised on land for gardening and/or plantation purpose."*

..2.



## Ahmedabad District Co-op. Milk Producers' Union Ltd.

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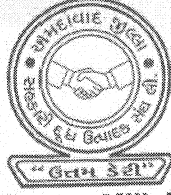
Reg. Office : Uttam Dan Factory Campus, Nr. Sanathal Overbridge, Sarkhej-Bavla Highway Road, Sarkhej, Fatehwadi,  
Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

અમદાવાદ જિલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ. ..2..

As per the above condition, there is no restriction under which the treated water cannot be taken out of the factory premises and a concerned person of the factory had given it to the tractor owner for utilising the same for his own farm. In that event, there is no breach of condition No.2.5 as alleged in the order. It is a settled principle that by reading a particular condition, the condition cannot be revised and/or supplemented.

2. It is pertinent to be considered that on 28/08/2023, the tractor had been intercepted by the police as there was no registration number with the tractor owner. The tractor was found by the officers of GPCB near the natural dirty water stream. None of our officers were present. One sample had been taken from the natural dirty water stream. The same was found to be the below standard. In any event, the same was open stream and our unit cannot be blamed for the dirty water, which was found from the stream, as at the same time another sample had been taken from the treated water in the tractor. The same was also analysed and the report is given which is with your file and it appears that nothing objectionable had been found from the treated water sample taken from the tractor and the same is fit with the standard of irrigation purpose.
3. Your good-self is quite aware regarding standard of IS/3307 but for your ready reference and convenience of your good-self, the same is enclosed herewith. In that event, when our Unit has not discharged any untreated water, there cannot be any damages to the environment. In that event, we cannot be held liable for environmental damages. GPCB has not found any substance in the treated water which can cause damages to the environment.

..3.



## Ahmedabad District Co-op. Milk Producers' Union Ltd.

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Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

અમદાવાદ જીલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ.

..3..

4. Your good-self is quite aware that, for assessing the environmental damages the guidelines have been prescribed, which is under the title of Preliminary Framework for Imposing Environmental Damage Compensation. Surprisingly without considering any of the guidelines the Gujarat Pollution Control Board has imposed environmental damages cost of Rs.25 Lakhs. Kindly withdraw the same.
5. We are confident that your good-self will withdraw the order of imposing environmental damages cost. If any further query is required, please given us an opportunity of personal hearing.

Thanking you in anticipation,

Yours truly,

I/c Managing Director

Encl : Copy of order dated 16-5-2024.

Item No.6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**  
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Appeal No.30/2023 (WZ)**

Ahmedabad District Co-Op. Milk Producers Union Ltd.  
(Uttam Dairy)

.....Appellant

Versus

Gujarat Pollution Control Board

....Respondent

Date of hearing: 16.05.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Shri Bharat Patel, Senior Advocate along-with  
Mr. Vaibhav Jathar and Mr. Chirag Patel, Advocate  
Respondent : Mr. Maulik Nanavati, Advocate for R-GPCB

**ORDER**

1. From the side of appellant, learned Senior Counsel Shri Bharat Patel along-with learned counsel Mr. Vaibhav Jathar have appeared and argued that it is a very strange case, in which the Respondent- GPCB has imposed an amount of EDC to the tune of Rs.25 lakhs to be levied from the appellant despite the fact that the water, which was being found to have been collected from a tanker from the premises of appellant, sample taken therefrom was found to be within permissible limits, while the sample, which was collected from the drain, was found to be contaminated. The said learned Senior Counsel has argued that how could it be possible that when the water, which was found in the tanker, was found to be not polluted then the amount of EDC would be levied from the appellant.

2. In this regard, the test reports of samples are also shown to us by the learned Senior Counsel for appellant. The test reports, which are

annexed at page nos.55 to 56 of the paper book, relating to the sample taken from natural drain and the test reports, which are annexed at page nos.57-58 of the paper book, relating to the sample taken from a tanker. But in those reports, no conclusion or analysis have been recorded as to whether they were found to be polluted or pollution free.

3. During these arguments, it is stated by the learned counsel for Respondent- GPCB that GPCB is inclined to give an opportunity of hearing to the appellant and whatever is being argued before this Tribunal, if the same arguments are placed before them, they will consider the same and take fresh decision in this matter, therefore, this Tribunal may keep this matter pending. Even thereafter if any grievance remains to the appellant, appellant may approach this Tribunal.

4. We are not deciding the matter on merits at this stage, although an affidavit from the GPCB has come on record, which we are not taking into consideration at this stage.

5. Since the offer, which has been given by the GPCB to the appellant, is being accepted, we direct the appellant to approach before the GPCB within a period of four weeks and the GPCB shall give an opportunity of hearing to the appellant and decide upon this issue within four weeks thereafter and submit an outcome of the hearing in this matter before this Tribunal.

Put up this matter for further consideration on 12.08.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 16, 2024  
Appeal No.30/2023 (WZ)  
P.Kr



**Ahmedabad District Co-op. Milk Producers' Union Ltd.**

ISO 9001-2015 & ISO 22000-2005 Certified

Reg. Office : Uttam Dan Factory Campus, Nr. Sanathal Overbridge, Sarkhej-Bavla Highway Road, Sarkhej, Fatehwadi,  
Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

**અમદાવાદ જિલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ.**

Ref:AMU/MD/GPCB/AplNo.30-2023(WZ)order/2024-25/322 Date:08/06/2024

To

The Senior Environmental Engineer,  
Gujarat Pollution Control Board,  
Paryavaran Bhavan, 1—A,  
Gandhinagar-382010.

**Subject: General Standards for Discharge of Environmental Pollutants.**

Respected Sir/ Madam,

This is in reference of our earlier letter Ref:AMU/MD/GPCB/ Apl No. 30-2023 (WZ)order/2024-25/318 dated 7<sup>th</sup> June 2024. We are sending herewith copy of General Standards for Discharge of Environmental Pollutants, Part A: Effluents as per schedule VI of the Environmental (Protection) Rules 1986 and National River Conservation Directorate Guidelines for Faecal Coliforms, (Values in mg/l unless stated).

This is for your kind information please.

Thanking you in anticipation,

Yours truly,

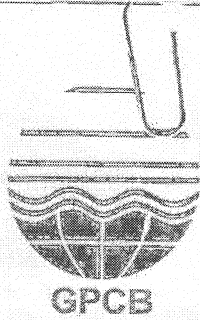
**I/c Managing Director**

**Encl : Copy of General Standards for Discharge of environmental Pollutants.**

Table General standards for Discharge of Environmental Pollutants, Part A: Effluents as per Schedule VI of the Environmental (Protection) Rules 1986 and National River Conservation Directorate Guidelines for Faecal Coliforms, (Values in mg/l unless stated)

No	Characteristics	Standards			
		Inland Surface Water	Public Sewers, (A)	Land for Irrigation	Marine Coastal Areas
1	Colour and odour	(B)		(B)	(B)
2	SS	100	600	200	(C), (D)
3	Particle size of SS	(E)	-	-	(F), (G)
	pH value	5.5 to 9.0			
5	Temperature	(H)	-	-	(H)
6	Oil and grease	10	20	10	10
7	Total residual chlorine	1.0	-	-	1.0
8	Ammoniacal nitrogen (as N)	50	50	-	50
9	Total Kjeldahl Nitrogen, (TKN) (as N)	100	-	-	100
10	Free ammonia (as NH <sub>3</sub> )	5.0	-	-	5.0
11	Biochemical Oxygen Demand	30	350	100	100
12	Chemical Oxygen Demand	250	-	-	250
13	Arsenic (as As)	0.2			
14	Mercury (as Hg)	0.01	0.01	-	0.01
15	Lead (as Pb)	0.1	1.0	-	2.0
16	Cadmium (as Cd)	2.0	1.0	-	2.0
17	Hexavalent Chromium (as Cr 6+)	0.1	2.0	-	1.0
18	Total Chromium (as Cr)	2.0	2.0	-	2.0
19	Copper (as Cu)	3.0	3.0	-	3.0
	Zinc (as Zn)	5.0	15.0	-	15.0
21	Selenium (as Se)	0.05	0.05	-	0.05
22	Nickel (as Ni)	3.0	3.0	-	5.0
23	Cyanide (as CN)	0.2	2.0	0.2	0.2
24	Fluoride (as F)	2.0	15.0	-	15.0
25	Dissolved phosphates (as P)	5.0	-	-	-
26	Sulphide (as S)	2.0	-	-	5.0

(CPHEEO, 2012)



## GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,

GANDHINAGAR - 382010,

(T) 079-23232152

GPCB File

R.P.A.D

NO: GPCB/CCA-ABD-GEN-1049/ID-10126/ 815334

Date: 04/07/2024

To,  
M/s. Ahmedabad Dist. Co. Op. Milk Producers  
Chilling Center,  
Dhandhuka-362012,  
Tal: Dhandhuka, Dist: Ahmedabad

SUB: Intimation Notice for opportunity of personal hearing.REF: 1) Hon' ble NGT Order dated-16/05/2024 in Appeal No-30/2023 (WZ).

2) Your letter Dated. 07/06/2024 received in board on dt-11/06/2024.

Sir,

By way of this Intimation, you are hereby given opportunity of personal hearing in compliance of the direction issued by the Hon' ble NGT vide Order dated-16/05/2024 in Appeal No-30/2023 (WZ), before the undersigned.

Hearing Date:-10/07/2024Time:- At 03:00 pmVenue:-

Gujarat pollution control Board,

Paryavaran Bhavan, Sec-10/A,

Gandhinagar.

It is requested to remain present for personal hearing invariably with all relevant documents considering time limit prescribed by Hon' ble NGT.

For and on behalf  
Gujarat Pollution Control Board

(N. A. Sha

Unit Head

Date:03/07/2024.

Place: Gandhinagar.



**Ahmedabad District Co-op. Milk Producers' Union Ltd.**

ISO 9001-2015 & ISO 22000-2005 Certified

Reg. Office : Uttam Dan Factory Campus, Nr. Sanathal Overbridge, Sarkhej-Bavla Highway Road, Sarkhej, Fatehwadi,  
Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

અમદાવાદ જીલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ.

Date : 10/07/2024

To  
The Senior Environmental Engineer,  
Gujarat Pollution Control Board,  
Paryavaran Bhavan, 1—A,  
Gandhinagar-382010.

**Subject: Appeal No.30/2023 (WZ) Order dated 16/05/2024 passed by the Hon'ble National Green Tribunal, WZ, Bench Pune and In pursuance of the Notice Dated 4.7.2024 as personal hearing fixed on 10.7.2024 .**

Respected Sir/ Madam,

I, the undersigned In-charge Managing Director, in pursuance of the captioned Order and aforesaid notice received, submit my representation as additional reply through our authorised Learned Advocate, as hereunder :-

1. I stick to the averments and contentions raised and represented by me through representation dated 7.6.2024. I submit my additional reply as hereunder.
2. As per our Discussion, if the Wastewater discharge norms are discussed in the hearing, then all you have to say is that the



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consent letter given by GPCB states that the discharge norms for treated effluents are (COD 100 Mg/liter & BOD 30 Mg/ liter), but which Since the treated water in the tractor is to be used for plantation - agriculture, the norms of IS-3307 shall apply to it.

3. The quality of water is according to the norms of the analysis report. So, what is the environmental damage in this?
4. Means, if you have a report of damage, tell how much damage is done and how much is the cost for this damage?

Thanking you .

Yours truly,

(In Charge Managing Director)

Advocate Ashish A. Mehta



**Ahmedabad District Co-op. Milk Producers' Union Ltd.**

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Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

અમદાવાદ જીલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ.

Date : 16/07/2024

To,  
The Senior Environmental Engineer,  
Gujarat Pollution Control Board,  
Paryavaran Bahvan, I-A,  
Gandhinagar-382010

**Subject : Appeal No. 30/2023 (WZ) Order dated 16/05/2024 passed  
by the Hon'ble National Green Tribunal, WZ Bench, Pune,  
Further Clarification in pursuance to the personal hearing**

Respected Sir/Madam,

I, the undersigned In-charge Managing Director, in pursuance to the personal hearing dated: 10/07/2024, hereby further fortify our contention as under :-

1. I say that three samples of water which were drawn by the GPCB have failed. I say that there are no restrictions with regard to taking out treated water out of the dairy premises for supplying the same for farming or horticulture purposes and can be utilised on land for gardening and/or plantation purpose.
2. I state that for maintaining the standard as per condition of GPCB our dairy have been penalised. What is under the challenge is the assessment of the damage while no damage can be caused by any of the samples collected by GPCB. Condition No. 2.5 in the concerned letter issued by GPCB dated 13/11/2000 reads as under :-

*"2.5 The final treated effluent confirming to the above standards shall be utilised on land for gardening and/or plantation purpose"*



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Tal. : Dascroi, Dist. : Ahmedabad - 382 210.

અમદાવાદ જિલ્લા સહકારી દૂધ ઉત્પાદક સંઘ લિ.

3. The above condition clearly reveals that the effluent has to be utilised on the land for farming and/or plantation. Standard prepared for the same is reflected in IS/3307. And taking this standard it can be safely said that if the sample is as per the said standard it does not cause any damage.
4. That even as per the test report column 9, which indicates parameter of Chemical Oxygen Demand, the value of which shall 250 as per IS/3007 the result is 166 which is very less. While in column 12 which are for parameters of sulphide, the value of which shall be 5.0 as per IS/3007 while the test result is 3.0 and with regard to parameter of B. O. D. (3 days 27 degrees Centigrade) as per IS/3007 shall be 180 whereas the result is only 58. Hence effluent is meeting with the parameter and cannot cause any damage, so eventhough there can be breach but no damage. Hence no assessment for damages can be made as it does not cause any damage.
5. Condition No. 2.5 is quoted above which nowhere restricts effluent water from taking out of factory premises and in hard reality it was given only for agriculture purpose.
6. Thus as per the results of the test reports also, the water is found to be non-polluted and counts are much lower than the general standard for discharge of Environmental pollutants, Part A: Effluents as per schedule VI of IS/3007.
7. Therefore, on the abovementioned aspects, the order of imposing environmental damages imposed may kindly be withdrawn.

Thanking you in anticipation,

Yours Truly,

(Maulik M Joshi)

**ANNEXURE - A - 14**

**Sub:** Personal Hearing of M/s. Ahmedabad Dist. Co. Op. Milk Producers, Chilling Center, Dhandhuka-362012, Tal: Dhandhuka, Dist: Ahmedabad

**Ref:** Order dated **16/05/2024** passed by the Hon'ble National Green Tribunal in the **Appeal No. 30/2023 (WZ)** filed by M/s. Ahmedabad Dist. Co. Op. Milk Producers.

**Read:**

- [I] Hon'ble National Green Tribunal Order dated **16/05/2024** in **Appeal No. 30/2023 (WZ)**.
- [II] This office letter & email dated **04/07/2024** and **08/07/2024** inviting personal hearing to the appellant.

**Background:**

- 1) Unit has obtained CCA having validity upto **30/09/2025**.
- 2) Board has issued Closure direction under section **33-A of The Water Act-1974** on dated-**16/09/2023** with 15 days effect along with interim EDC of **Rs. 25 Lakhs** to the M/s Ahmedabad dist.Co. op. milk producer (GPCB ID-10126) based on illegal disposal of waste water in to natural drain by tanker & other non-compliance observed during visit dated- **28/08/2023**.
- 3) M/s Ahmedabad dist. Co. op. milk products has applied online revocation application on dated-**21/09/2023** & after complying conditions mentioned in closure direction including payment of interim EDC of **Rs. 25 lakh** on dated-**18/09/2023**, board has issued revocation under section 33-A The Water Act-1974 for 3 months on dated-**05/10/2023**.
- 4) M/s Ahmedabad Dist. Co. op. milk producer (GPCB ID-10126) has challenged the order in The Hon'ble National Green Tribunal, (WZ).
- 5) The Hon'ble National Green Tribunal has directed the Gujarat Pollution Control Board vide **para 5** of the order dated **16/05/2024** as below:
  5. *"Since the offer, which has been given by the GPCB to the appellant, is being accepted, we direct the appellant to approach before GPCB within a period of four weeks & the GPCB shall give an opportunity of hearing to the appellant & decide upon this issue within four weeks thereafter and submit an outcome of the hearing in this matter before this Tribunal"*

In line of above facts and in order to comply the Hon'ble National Green Tribunal order dated 16/05/2024, a personal hearing was scheduled on 10<sup>th</sup> July, 2024, at 5 pm at GPCB, Gandhinagar

During hearing, Mr. Maulik M. Joshi- In-charge Managing Director, Mr. Ashish A. Mehta - Advocate Uttam dairy were remained present on behalf of M/s. Ahmedabad Dist. Co. Op. Milk Producers. Shri D.M. Thakar, Member Secretary, GPCB, Mr. Irfan Kagzi, In-charge Unit Head – Ahmedabad(Rural), Mr. R. R. Panchal – Legal executive, Legal Branch along with concerned officers of the Board were present.

Project Proponent represented their case mentioning that they have already submitted representations vide letters dated 07/06/2024 & 10/07/2024.

Referring the submission of the Project Proponent; facts of the representation are as below:

- a) As per the **Condition no- 2.5** of consent served to unit "*The final treated effluent confirming to the above standard shall be utilized on land for gardening and/or plantation purpose.*" & as per condition, there is no restriction under which the treated water cannot be taken out of the factory premises and a concerned person of the factory had given it to the tractor owner for utilizing the same for his own farm. In that event, there is no breach of **condition No.2.5** as alleged in the order.
- b) It is pertinent to be considered that on 28/08/2023, the tractor had been intercepted by the police as there was no registration number with the tractor owner. The tractor was found by the officers of GPCB near the natural dirty water stream. None of our officers were present. One sample had been taken from the natural dirty water stream. The same was found to be the below standard. In any event, the same was open stream and our unit cannot be blamed for the dirty water, which was found from the stream, as at the same time another sample had been taken from the treated water in the tractor. The same was also analyzed and the report is given which appears that nothing objectionable had been found from the treated water sample taken from the tractor.
- c) In that event, when our unit has not discharged any untreated water, there cannot be any damages to the environment. In that event, we cannot be held liable for environmental damages. GPCB

has not found any substance in the treated water which can cause damages to the environment. & without considering any guidelines, the Gujarat Pollution Control Board has imposed environmental damages cost of **Rs.25 Lakhs** also appellant asks to withdraw the same.

At the outset, Member secretary, GPCB apprised representative of appellant for **Condition no-2.5** of consent order mentioning treated water use for gardening/plantation is given to unit on proposed location only & by default it's considered as within premises.

Project Proponent was apprised of the facts of information received from Dhandhuka police station for the tanker seized by the police during disposal of waste water in to natural drain which was sponsored by the appellant's unit.

To investigate further, Regional Office Ahmedabad (Rural) carried out site visit on **28/08/2023**. During site visit, they collected three waste water samples namely 1) from seized tanker 2) from natural Drain and 3) from outlet of ETP of unit & all the waste water samples were found to have parameters above the norms.

Member Secretary, GPCB warned Project Proponent that a discharge of untreated waste water through tanker outside premises in natural drain is a gross violation for which closure direction was issued by the Board under **section 33-A of The Water Act-1974** on dated-**16/09/2023**

Accordingly, an assessment of environmental Damage compensation based on directions was made by the board keeping order of **Hon'ble National Green Tribunal in view in the matter Aryavart Foundation vs. M/s Vapi Green Enviro Ltd & Others (Original Application No. 95 of 2018)**.

Further, Project Proponent was also made aware of several offences committed in past and this is not the offence committed first time by the unit (**Annexure I**).

After deliberation, representative of appellant requested to give further time of **7 days** to represent their averments which was agreed upon.

Subsequently, appellant submitted a representations on **16/07/2024** and detail is as under (**Annexure II**):

1. Three samples of water which were drawn by the GPCB have failed. There are no restrictions with regard to taking out treated water out of the dairy premises

for supplying the same for farming or horticulture purposes and can be utilized on land for gardening and/or plantation purpose.

2. For maintaining the standard as per condition of GPCB dairy have been penalised. What is under the challenge is the assessment of the damage while no damage can be caused by any of the samples collected by GPCB. Condition No. 2.5 in the concerned letter issued by GPCB reads as under :-  
 "2.5 The final treated effluent conforming to the above standards shall be utilized on land for gardening and/or plantation purpose"
3. The above condition clearly reveals that the effluent has to be utilized on the land for farming and/or plantation. Standard prepared for the same is reflected in IS/3307. And taking this standard it can be safely said that if the sample is as per the said standard it does not cause any damage.
4. That even as per the test report column 9, which indicates parameter of Chemical Oxygen Demand, the value of which shall 250 as per IS/3007 the result is 166 which is very less. While in column 12 which are for parameters of sulphide, the value of which shall be 5.0 as per IS/3007 while the test result is 3.0 and with regard to parameter of B. O. D. (3 days 27 degrees Centigrade) as per IS/3007 shall be 180 whereas the result is only 58. Hence effluent is meeting with the parameter and cannot cause any damage, so even though there can be breach but no damage. Hence no assessment for damages can be made as it does not cause any damage.
5. Condition No. 2.5 is quoted above which nowhere restricts effluent water from taking out of factory premises and in hard reality it was given only for agriculture purpose.
6. Thus as per the results of the test reports also, the water is found to be non-polluted and counts are much lower than the general standard for discharge of Environmental pollutants, Part A: Effluents as per schedule VI of IS/3007.
7. Therefore, on the abovementioned aspects, the order of imposing environmental damages imposed may kindly be withdrawn.

Considering above, it is pertinent to note that in the present case, Tanker of appellant was seized by the Dhandhuka police during disposal of **untreated waste water** in to natural drain having **COD-228 mg/l, Suspended solids-136 mg/l, colour-132 pt. Co.Sc., BOD-82 mg/l**, Near Advalanaka, Dhandhuka **which was not complying with the prescribed norms as per the Consent of the Board.**

### ORDER

**EDC imposed by the Board is appropriate in-line of prevailing guidelines of GPCB which is based on order of Hon'ble National Green**

Tribunal orders and the decision taken by the Board is without any prejudice and is based on merit.

Please note that if you are aggrieved by the aforesaid order, remedy is available under section 33 b of Water Act 1974.

For and On behalf of  
Gujarat Pollution Control Board

*D. M. Thaker*

(D. M. Thaker)  
Member Secretary

Place: Gandhinagar

No. GPCB/CCA-ABD-GEN-1049/ID-10126/ 8/8984 | Date:

9 AUG 2024

To,  
M/s. Ahmedabad Dist. Co. Op. Milk Producers,  
Chilling Center, Dhandhuka-362012,  
Tal: Dhandhuka, Dist: Ahmedabad

Copy To:

1) The Law Officer, Legal Branch, GPCB