

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 622/2024

IN THE MATTER OF:

VARUN GULATI

...APPLICANT

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

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FILED THROUGH:



[SIDDHARTH BATRA], [ARCHNA YADAV] [SHIVANI CHAWLA]









[CHINMAY DUBEY] & [RHYTHM KATYAL]

Advocates for Respondent No. 42- M/s Rexolene India Manufacturing Pvt. Ltd.
8A, Sagar Apartments, 6-Tilak Marg,

3780

New Delhi-110001.

Mob.: 9888884445

Date: 24.05.2025

E-mail: siddharth.batra@satramdass.com

Place: New Delhi

Phone: 011 4704 6111

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 622/2024

IN THE MATTER OF:

VARUN GULATI

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**OBJECTIONS TO THE REPORT OF THE JOINT COMMITTEE ON
BEHALF OF RESPONDENT NO. 42, M/S REXOLENE INDIA
MANUFACTURING PVT. LTD.**

MOST RESPECTFULLY SHOWETH:

1. That the present objections are being filed on behalf of M/s Rexolene India Manufacturing Pvt. Ltd., Respondent No. 42, in compliance with the order dated 27.02.2025 passed by this Hon'ble Tribunal wherein the newly impleaded respondents were directed to file their objections to the Joint Committee Report dated 03.01.2025. As per the order dated 08.01.2025, the Answering Respondent has been impleaded as Respondent No. 42 along with other industries based on the Joint Committee Report.
2. That it is submitted that the Joint Committee Report reflects the status of the Answering Respondent as "sealed as on 06.12.2024". It is respectfully submitted that the said sealing was not on account of any alleged dilution of effluent, but rather based on air emission parameters exceeding prescribed limits, specifically in relation to the Suspended Particulate Matter (SPM) level as recorded during an inspection dated 13.11.2024 conducted under the Graded Response Action Plan (GRAP). The closure

directions were thereafter issued under Section 33A of the Water Act and Section 31A of the Air Act.

3. That prior thereto, the Answering Respondent had received a separate Show Cause Notice dated 16.09.2024 from the Haryana State Pollution Control Board under Section 33A of the Water Act, 1974 and other provisions, in which reference was made to the Sodium Absorption Ratio (SAR) of the overflow disposal from the inlet effluent collection tank. A reply to the said notice was duly submitted, clarifying the change in process and submitting test results from a NABL-accredited laboratory showing compliance. However, the subsequent sealing of the unit on 06.12.2024 pertains exclusively to air emission violations and not any findings related to water dilution, which is the subject of the present Joint Committee Report.
4. That at the outset, it is submitted that the observations recorded in the Joint Committee Report do not fully reflect the compliance status of the answering respondent, and certain findings therein are based on erroneous assumptions, miscalculations, and an outdated compliance assessment.
5. That the answering respondent has undertaken substantial investments in advanced environmental control measures to ensure strict adherence to all applicable environmental norms. The answering respondent denies any deliberate non-compliance and submits that the alleged deficiencies, if any, were either technical in nature or have already been rectified through corrective measures undertaken post-inspection.
6. **OBJECTIONS TO THE JOINT COMMITTEE REPORT**
 - 6.1. That the Answering Respondent respectfully submits the following specific discrepancies in the Joint Committee Inspection Report dated

08.08.2024, which do not accurately reflect the unit's compliance status and have already been addressed through documentary submissions and on-record explanations:

- (a) *Section B – Consent Section:* The inspection report incorrectly records the validity of the Hazardous Waste Authorization as 30.09.2024. In fact, the unit holds a valid Hazardous Waste Authorization till 30.09.2026, supported by documentary evidence submitted during the inspection. The misstatement of the date misrepresents the unit's actual compliance position.
- (b) *Section C – Production, Process and Infrastructure (Municipal Sources Section):* The report notes that HSIIDC water supply is used but records that the logbook is not maintained. However, the unit maintains proper records and holds a valid HSIIDC water invoice, which was presented during the inspection. The omission of this fact results in an incomplete compliance assessment.
- (c) *Section D – Effluent Management and Disposal (Row No. 17):* The report wrongly states that the logbook for effluent generation was not maintained. The unit maintains a dedicated logbook for effluent generation, which was available at the time of inspection. The failure to acknowledge the same renders the observation factually incorrect.
- (d) *Section D – Effluent Management and Disposal (Row No. 23):* The report alleges that overflow from the PETP collection tank was bypassed to the HSIIDC sewer line. The unit categorically denies this allegation. The PETP was fully operational, and there was no bypass of untreated effluent at any stage.

- (e) *Section D – Effluent Management and Disposal (Row No. 29):* The inspection report claims a bypass arrangement based on the presence of a direct channel. However, the unit clarifies that no bypass arrangement exists for untreated effluent. The entire system is routed through the PETP, and any inference to the contrary is based on misreading of the layout.
- (f) *Section D – Sludge Management and Disposal (Row No. 33):* The report states that sludge generation could not be estimated due to bypassing of PETP. This is incorrect. The PETP was operational and no bypassing occurred..
- (g) *Section D – Storm Water Management (Row No. 31):* The report comments on possible contamination in the rainwater harvesting pit based on visual observation. However, the pit in question is a storage pit, not a recharge structure, and no test report confirms any contamination. The observation is therefore speculative and unsupported.
- (h) *Section E – Hazardous Waste Section (Row No. 35):* The report notes absence of hazardous waste disposal records. This is incorrect. The unit maintains a proper logbook for hazardous waste disposal to TSDF, and the validity of the authorization extends till 30.09.2026. Both were made available to the inspecting team.
- (i) *Section F – Fuel/Power Consumption (Rows 36, 38 & 43):*
- **Row 36:** The boiler capacity is recorded as “Not provided”, whereas it is 15 lakh Cal, as disclosed.

- **Row 38:** The APCD includes both Wet Scrubber and Cyclone, not just one.
- **Row 43:** The unit has a valid agreement with an authorized ash recycling contractor, which was shown at the time of inspection. The report fails to mention this.

(j) *General Observations:*

- **Points 1 & 2:** Remarks on low freshwater and effluent discharge are speculative. The unit maintains proper logbooks and the values reflect actual operations.
- **Point 3:** The report states PETP outlet samples weren't taken due to bypassing, which is incorrect. The PETP was operational, and no bypassing occurred.
- **Point 4:** While one section of the report raises concern over possible contamination in the rainwater harvesting pit, elsewhere (Page 227) the report clearly acknowledges that no contamination was observed. These conflicting statements weaken the reliability of the conclusion.

6.2. That the Answering Respondent submits that an inspection was conducted on 08.08.2024, and certain observations were recorded in the Joint Committee Report. It is respectfully submitted that the Answering Respondent was subsequently issued a Show Cause Notice dated 16.09.2024 by the Haryana State Pollution Control Board (HSPCB), wherein the only allegation was that the SAR parameter of the treated effluent exceeded prescribed limits. The Answering Respondent submitted

a detailed and reasoned reply dated 02.10.2024, enclosing relevant documents and clarifications.

- 6.3. Thereafter, the Answering Respondent was issued a second Show Cause Notice dated 27.11.2024 with reference to an inspection conducted under the Graded Response Action Plan (GRAP), in which the issue pertained exclusively to alleged excess emissions from the stack attached to the Thermic Fluid Heater (TFH). The Answering Respondent submitted a detailed reply dated 16.12.2024, clarifying its compliance position. Subsequently, the unit was issued closure directions on 06.12.2024, which clearly record that the reason for closure was based on exceedance of SPM parameter, and not due to any allegation of dilution of effluent.
- 6.4. That the Answering Respondent categorically denies the allegation of dilution and submits that the effluent generated by the unit is routed to the CETP via a dedicated pipeline after appropriate treatment through the PETP. The inspection report does not establish any direct causal link between the operations of the Answering Respondent and any pollution in Drain No. 6. In fact, neither the Show Cause Notices nor the Closure Directions make any reference to Drain No. 6, and no linkage to such discharge has been substantiated through sampling or testing. The Joint Committee Report's conclusion is therefore speculative and unfounded.
- 6.5. That the Joint Committee Report alleges non-compliance based on the reduction in pollution parameters and apprehends dilution without any substantiating proof. It is submitted that these findings are speculative in nature and do not correspond to the actual compliance records of the Answering Respondent.

- 6.6. That the Answering Respondent has clarified in its response to the first Show Cause Notice that the SAR parameter exceedance was an isolated occurrence. The unit has a fully operational PETP, and no bypass of untreated effluent has ever taken place. The Respondent has consistently routed all effluent to the CETP only after proper treatment.
- 6.7. That the unit maintains logbooks for effluent generation, hazardous waste disposal, and water consumption, as has already been clarified above. The observations in the inspection report regarding inadequate recordkeeping are incorrect and fail to consider the records that were maintained and available at the unit..
- 6.8. That the Answering Respondent has obtained and holds valid Consent to Operate under the Water and Air Acts till 30.09.2026, along with a valid Hazardous Waste Authorization under the applicable rules. The boiler capacity is 15 lakh Cal, and compliant APCDs, including a Wet Scrubber and Cyclone, are installed. The unit has also executed a valid agreement with an authorized ash recycling contractor, evidencing compliance with waste management requirements.
- 6.9. That the unit is a member of the CETP and has always ensured that treated effluent is routed only through authorized channels. The findings in the Joint Committee Report appear to be based on assumptions and omissions rather than a thorough and complete review of on-ground facts and documents.
- 6.10. That any adverse findings or categorization of the Answering Respondent as non-compliant would result in grave and irreversible prejudice, particularly when the **closure of the unit was not on account of water pollution but exclusively under air emission norms**. The Answering

Respondent cannot be unfairly classified under the current proceedings when the subject of alleged non-compliance is factually and legally distinct.

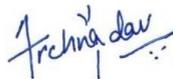
- 6.11. That in view of the foregoing, the Answering Respondent prays that the findings in the Joint Committee Report be reconsidered, and that the Respondent be assessed solely on the basis of relevant documentary evidence and actual process-level compliance, and not on technical assumptions or inconsistencies in the inspection findings.
- 6.12. That in view of the above, the answering respondent prays that the findings in the Inspection Report be reconsidered, as they are based on mere assumptions rather than conclusive evidence of dilution. The answering respondent submits that corrective measures are already in place, ensuring ongoing compliance with all applicable environmental laws. Further, given that the CETP's inefficiencies contribute significantly to the overall compliance status, the answering respondent cannot be unfairly categorized as non-complying without a thorough and individualized assessment of its operational processes
- 6.13. That in light of the foregoing submissions, the answering respondent categorically denies any allegations of non-compliance and submits that the findings of the Joint Committee Report and the subsequent classification of the answering respondent as non-complying are based on assumptions rather than conclusive evidence. The answering respondent has consistently adhered to prescribed environmental norms, holds valid statutory permissions, and has taken proactive measures to ensure compliance.

- 6.14. That in view of the discrepancies in the findings and the absence of a direct causal link between the answering respondent's operations and the alleged environmental violations, it is most respectfully prayed that the answering respondent be provided with an opportunity to cooperate with the authorities and implement any further recommendations, if necessary.
- 6.15. That the answering respondent remains committed to environmental sustainability, regulatory compliance, and responsible industrial operations and prays for a just and fair assessment of its compliance status.
7. The answering respondent further reserves its right to file additional pleadings or affidavits, if necessary, in response to any subsequent developments in the present proceedings.

FILED THROUGH:



[SIDDHARTH BATRA], [ARCHNA YADAV] [SHIVANI CHAWLA]



[CHINMAY DUBEY] & [RHYTHM KATYAL]

Advocates for Respondent No. 42- M/s Rexolene India Manufacturing Pvt. Ltd.
8A, Sagar Apartments, 6-Tilak Marg,
New Delhi-110001.
Mob.: 9888884445

Date: 24.05.2025

Place: New Delhi

E-mail: siddharth.batra@satramdass.com

Phone: 011 4704 6111

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 622 of 2024

IN THE MATTER OF:

Varun Gulati

...Applicant

Versus

State of Haryana & Ors.

... Respondents

AFFIDAVIT

I, MANOJ RAMCHANDRA MITTAL S/o Sh. RAMCHANDRA MITTAL, aged about 54 years R/o- 8/72/FF ROAD NO.72 PUNJABI BAGH WEST, PUNJABI BAGH, WEST DELHI, DELHI-110026 do hereby solemnly affirm and stat as under:

1. That I am the authorized signatory of Respondent No. 42, M/s REXOLENE INDIA MANUFACTURING PVT. LTD, having its office at PLOT NO. 473E, PHASE-II, HSIIDC INDUSTRIAL AREA BARHI, BARHI in the aforesaid Original Application, I am aware of the facts and circumstances of the case in my official capacity as stated above and hence, entitled to swear this affidavit.
2. That the accompanying reply has been drafted by my counsel under my instructions, and I say that the statements and submissions made in the said reply are true and correct to best of my knowledge based upon the records and my belief. I pray that the said reply to be treated as part and parcel of this Affidavit and the same is not being reproduced for the sake of brevity.



ATTESTED

3. I say that the documents / annexure produced along with the reply are true copies of its originals.



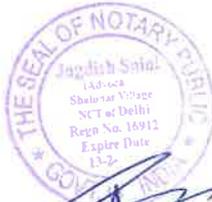
VERIFICATION:

Verified that the contents of the above affidavit are true and correct to the best of my knowledge, belief and nothing material information has been concealed therefrom. No part of it is false.

Verified at _____ on this ___ day of 24TH FEBRUARY, 2025.



ATTESTED



[Handwritten signature]

Register Entry No. : 120/2025
Dated : 25/2025

VAKALATNAMA**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 622 OF 2024****IN RE:-****VARUN GULATI****...APPLICANT**

VERSUS

STATE OF HARYANA & ORS.**...RESPONDENTS**

KNOW ALL to whom these presents shall come that I/We, undersigned the above named do hereby appoint.

**SIDDHARTH BATRA (P/1083/2004), ARCHNA YADAV (D/1837/2020), SHIVANI CHAWLA (D/2233/2019),
CHINMAY DUBEY (D/8141/2021) & RHYTHM KATYAL (D/3528/2022);**

Advocates

Satram Dass B & Co., 8A, Sagar Apartment, 6 Tilak Marg, New Delhi-110001

Mob: 9013082887, Email: vijay.kumar@satramdass.com

(hereinafter called the advocate/s) to be my/our Advocate in the above noted case and authorize him: -

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage. To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes. And I/We undertake that I/We or my /our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself. And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

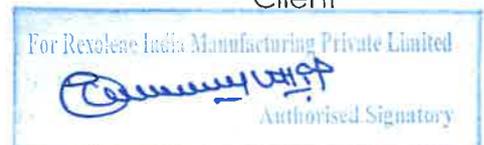
IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 17th day of May 2025

Accepted, identified and certified subjected to the terms of the fees.

SS
[SIDDHARTH BATRA] [ARCHNA YADAV]

Shi chawla
[SHIVANI CHAWLA] *Chinmay Dubey* [CHINMAY DUBEY] & *Rhythm Katyal* [RHYTHM KATYAL]
Advocates

Client



Rexolene India Manufacturing Private Limited

473-E Phase-II, HSIIDC Industrial Estate, Barhi , Sonapat, Haryana- 131001

CIN-U17291HR2011PTC069041 GST IN-06AAFRCR2150N1ZA

BOARD RESOLUTION

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF M/S REXOLENE INDIA MANUFACTURING PVT. LTD. HELD ON SATURDAY, 22, FEBRUARY 2025

RESOLVED THAT Mr. MANOJ RAMCHANDRA MITTAL is hereby authorized on behalf of M/S REXOLENE INDIA MANUFACTURING PVT. LTD. to initiate, file, defend, represent, and conduct legal cases, proceedings, or claims in any court of law, tribunal, or any other judicial or quasi-judicial authority in connection with the business or matters of the company.

RESOLVED FURTHER THAT Mr. MANOJ RAMCHANDRA MITTAL is authorized to sign, verify, and submit all necessary documents, affidavits, pleadings, applications, and undertakings, and to appoint advocates, solicitors, and other professionals as may be required for such proceedings.

RESOLVED FURTHER THAT all actions taken by Mr. MANOJ RAMCHANDRA MITTAL in connection with the above matters be and are hereby ratified and confirmed by the company/firm.

RESOLVED FURTHER THAT a certified true copy of this resolution be provided to all concerned authorities as and when required for their records and reference."

For and on behalf of

FOR REXOLENE INDIA MANUFACTURING PVT. LTD.

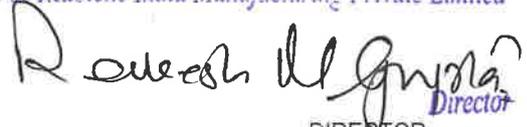
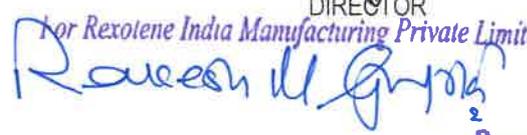
For Rexolene India Manufacturing Private Limited

 Authorised Signatory
 AUTH. SIGNATORY

FOR REXOLENE INDIA MANUFACTURING PVT. LTD.
For Rexolene India Manufacturing Private Limited


 Director
 DIRECTOR

FOR REXOLENE INDIA MANUFACTURING PVT. LTD.
For Rexolene India Manufacturing Private Limited


 Director
 DIRECTOR
For Rexolene India Manufacturing Private Limited

 Director

भारत सरकार
GOVERNMENT OF INDIA



मनोज रामचन्द्र मिश्रल
Manoj Ramchandrar
Mittal
जन्म तिथि/ DOB:
30/08/1970
पुरुष / MALE



4123

मेरा आधार, मेरी पहचान

आधार प्रमाणिका - पहचान प्राधिकरण
Aadhaar - Identity Authentication Authority
भारत सरकार GOVERNMENT OF INDIA

पता:
राम चंदर मिश्रल,
8/72/एफ, मार्ग न. 72,
पंजाबी बाग वेस्ट, पंजाबी
बाग, पश्चिम दिल्ली,
दिल्ली - 110026

Address:
S/O Ram Chander Mittal, 8/72/H,
Road No. 72, Punjabi Bagh West,
Punjabi Bagh, West Delhi,
Delhi - 110026

4123

MERA AADHAAR, MERI PEHACHAN

(Handwritten signature)

3795

15



Archna Yadav <archna.yadav@satramdass.com>

Advance service copy of short reply on behalf of Respondent Nos. 42 in O.A. No. 622/2024 titled as 'Varun Gulati v. State of Haryana & Ors.'

1 message

Archna Yadav <archna.yadav@satramdass.com>

Sat, May 24, 2025 at 12:31 PM

To: Mansi Chahal <mansichahal104@gmail.com>, Varun Gulati <jansewajanhit@gmail.com>

Cc: Chinmay Dubey <chinmay.dubey@satramdass.com>, Shivani Chawla <shivani.chawla@satramdass.com>, Vijay Kumar <vijay.kumar@satramdass.com>

Dear Sir/ Madam,

PFA.

Advance service copy of short reply on behalf of Respondent No. 42 in O.A. No. 622/2024 titled as 'Varun Gulati v. State of Haryana & Ors.'

Kindly treat the same as Proof of service.

Kind Regards

Archna Yadav
Senior Associate

Satram Dass B & Co.
8A Sagar Apartment, 6 Tilak Marg, New Delhi 110001, India
E-mail: archna.yadav@satramdass.com
Phone (o): +91 (0)11 47046111, 4746144
Webex : <https://meet155.webex.com/meet/archnayadav>

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