

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH

AT NEW DELHI

OA No. 69 OF 2020

In the matter of:

SUSHIL BHATT

..Applicant

VERSUS

MOON BEVERAGES LIMITED & OTHERS

...Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT No. 8

PAPER BOOK

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ADVOCATE FOR THE RESPONDENT No. 8 –ARDHENDUMAULI

KUMAR PRASAD

Place: New Delhi

Date: .08.2020



Sworn and Verified before me

BK
B. K. Khanna
Adv. & Notary
23, J. P. Road, Lko.
26/08/2020

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In the matter of:

SUSHIL BHATT

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MOON BEVERAGES LIMITED & OTHERS

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AFFIDAVIT / REPLY ON BEHALF OF CENTRAL GROUND WATER
AUTHORITY(R/8) IN TERMS OF HON'BLE TRIBUNAL ORDER
DATED 01.07.2020.

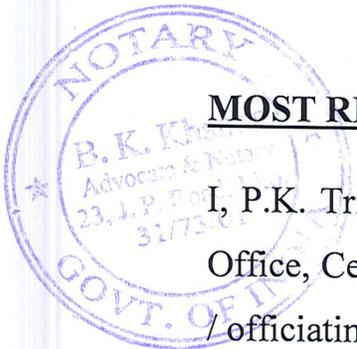
MOST RESPECTFULLY SHOWETH:

I, P.K. Tripathi aged about 51 years, employed / appointed as the Head of
Office, Central Ground Water Board, Northern Region, Lucknow functioning
/ officiating at Lucknow, do hereby solemnly affirm and declare as under:-

1. That I am well conversant with the facts of the case, and duly authorized and competent to swear this affidavit on behalf of CGWA in the above matter.
2. That I have read and understood the OA and directions of the Hon'ble Tribunal and filing this Affidavit as reply thereto.
3. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.

BRIEF SUBMISSIONS

4. That the Hon'ble National Green Tribunal, New Delhi vide order dated 01.07.2020 issued the following directions to the Joint Committee:



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Adv. & Notary
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26/08/2020

“Grievance in this application is that the M/s Moon Beverages Ltd. and M/s Varun Beverages Ltd. are operating at Greater Noida in violation of environmental norms by discharging effluents in the nearby drain against the provisions of the Water (Prevention and Control of Pollution) Act, 1974. They are also extracting ground water illegally.

2. Before further going into the matter, we consider it necessary to require a factual and action taken report in the matter from a joint Committee comprising the Central Pollution Control Board (CPCB), U.P State PCB (UP PCB), Central Ground Water Authority (CGWA) and the District Magistrate, Greater NOIDA within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

5. That the applicant in his application has sought directions from this Hon’ble Tribunal to direct the immediate closure of respondent units; to impose polluter pay principle on respondent units and to pass such other and further order as deemed fit and proper.

PARAWISE REPLY

6. That the averments under para 1 are matter of record and needs no comments.
7. That the applicant under para 2 and 3 raised the issues related to violation of environmental norms by discharging effluents in the nearby drain against the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and illegal ground water extraction in Ghaziabad and Gautam Budh Nagar.

That the respondent No.1, M/s Moon Beverages Ltd., 2B/1, ECOTECH-III, Udyog Kendra, Greater NOIDA; Respondent No. 2, M/s Moon Beverages Ltd., A-32, Site-IV, Sahibabad Industrial Area, Sahibabad, Ghaziabad; and Respondent No. 3, M/s Varun Beverages Ltd., Plot No. 2E, Udyog Kendra, ECOTECH-III, Greater NOIDA were granted NOCs by CGWA for ground

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26/08/2020



water extraction in the past as per the guidelines in force and as per the details given below:

S.No	Name of the Industry	Details of NOC
1.	M/s Moon Beverages Ltd.,2B/1, ECOTECH-III, Udyog Kendra, Greater NOIDA, Dadri Block in G.B.Nagar.	NOC No. CGWA/IND/proj/2015-94-R dated 28.09.2015 valid for 3 years for drawing 1691 m ³ /day from existing 3 tube-wells with condition to recharge 2,04,042 m ³ /year. The renewal NOC was valid for three years and expired on 28.09.2018. The Dadri Block is semi-critical category. Hence the NOC was not renewed in the light of orders dated 3.1.2019 of Hon'ble NGT.
2.	M/s Moon Beverages Ltd., A-32, Site-IV, Sahibabad Industrial Area, Sahibabad, Ghaziabad	NOC.CGWA/NOC/IND/ORIG/2016/2307-2212 dated 03.10.2016 valid for 2 years for drawing 1380 m ³ /day from existing 2 tube-wells with condition to recharge 9,56,000 m ³ /year. The NOC was valid for 2 years and expired on 02.10.2018 The Sahibabad is in Rajapur Block is Over Exploited category. Hence the NOC was not renewed in the light of orders dated 3.1.2019 of Hon'ble NGT.



Sworn and verified before me

B. Khanna
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3.	M/s Varun Beverages Ltd., Plot No. 2E, Udyog Kendra, ECOTECH-III, Greater NOIDA	NOC No. CGWA/NOC/ORIG/2018/3042 dated 31.01.2018 valid for 2 years for drawing 1163 m ³ /day from existing 2 tube-wells with condition to recharge 2,04,042 m ³ /year. The NOC was valid for 2 years and expired on 02.01.2020. The Bisrakh Block is Over Exploited Category . Hence the NOC was not renewed in the light of orders dated 3.1.2019 of Hon'ble NGT.
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8. That the averments under para 4 are pertinent to UPPCB. Hence no comments are being offered.
9. That the averments under para 5 are related to discharge of effluents in violation of provisions of section 24 of Water (Prevention and control of Pollution) Act, 1974. The averments are pertinent to UPPCB and CPCB.
10. That the averments under para 6 of the OA are related to grant of consent, its expiry on 31.12.2019 and unauthorized operations of the respondent units after expiry of consent to operate. The averments are pertinent to UPPCB. Hence no comments are being offered.
11. That the averments under para 7 are related to violation of conditions of consent to operate and still the UPPCB allegedly allowing/permitting the industry to continue its operations. That the Hon'ble NGT has prohibited ground water extraction for industrial use in OCS areas. Hence the orders of this Hon'ble Tribunal are applicable to UPPCB for ensuring compliance of directions of Hon'ble NGT.
12. That the averments under para 8 and 9 are related to violations under section 28 and 28(1) of the Uttar Pradesh Ground Water (Management and Regulation) Act, 2019 (UP Act No. 13 of 2019) notified on 07.08.2019 by the State Government. The averments are pertinent to the State Ground Water

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Department/ State Ground Water Management and Regulatory Authority.
Hence no comments are being offered.

13. That the averments under para 10 are pertinent to news article dated 15.09.2019 on EC guidelines of CPCB and levy of EC. The averments are matter of record. The joint committee will file the factual and action taken report as per the directions of this Hon'ble Tribunal under its order dated 1.7.2020.

14. That the applicant under para 11 to 13 is seeking conduct of inspection to check water quality in the interest and welfare of public. The Hon'ble Tribunal has already passed the orders/ direction in this connection.

15. That in reply to averments under para A to E of 'GROUNDS', it is respectfully submitted that the applicant is seeking action against alleged ground water contamination caused by the respondent units and for ground water extraction without a valid NOC from CGWA. In this connection the respectful submission is that an officer from the Central Ground Water Board, Lucknow has already been nominated as member of the Joint Committee constituted by this Hon'ble Tribunal. The Joint committee will get the analysis done for the ground water samples in accordance with law and will seal the wells with such other and further action as considered necessary and expedient.

In view of above submissions, it is respectfully submitted that the applications may kindly be disposed/dismissed with appropriate orders as deemed fit and proper in the interest of justice and on the basis of replies/reports from other respondents. The answering respondent may kindly be exempted from appearance.


DEPONENT

Sworn and Verified before me
B. K. Khanna
Adv. & Notary
23, J. P. Road, Lko.
26/08/2020

Sworn and Verified before me

VERIFICATION:

Verified at New Delhi, on this the 20th day of August, 2020 that the contents of the above Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.


DEPONENT

Place :New Delhi

Dated : .08.2020

Through:

(ARDHENDUMAULI KUMAR PRASAD)

Advocate



Sworn and Verified before me


B. K. Khanna
Adv. & Notary
23, J.P. Road, Lko.
26/08/2020

Sworn and Verified before me