

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

O.A. No. 373 OF 2022

IN THE MATTER OF:

SUMIT SAINI

...APPLICANT

VERSUS

HARYANA STATE POLLUTION
CONTROL BOARD & ORS.

...RESPONDENTS

INDEX

S'L. NO.	PARTICULARS	PAGES
1.	Reply by Answering Respondent No. 5 Project Proponent: M/s SPS Bio-Chem Pvt. Ltd. to the Applicant's Reply dated 16.08.2024 along with Affidavit.	1 – 7
2.	<u>Annexure R-1</u> Order dated 21.08.2024 passed by this Hon'ble Court in OA No.373 of 2022.	8
3.	<u>Annexure R-2</u> Letter dated 15.10.2022 by answering Respondent to Deputy Commissioner, Yamunanagar, Haryana.	9
4.	Proof of Service	10

Filed by:



(ANUBHA AGRAWAL)

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Filed on: 06.09.2024

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

ORIGINAL APPLICATION NO.373 OF 2022

IN THE MATTER OF:

SUMIT SAINI

...APPLICANT

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....RESPONDENT

**REPLY BY ANSWERING RESPONDENT NO.5 TO
APPLICANT'S REPLY DATED 16.08.2024**

MOST RESPECTFULLY SHOWETH:

1. That the above stated matter was listed for hearing before the Hon'ble Tribunal on 21.08.2024, wherein answering respondent no.5 brought to the notice of the Hon'ble Tribunal that applicant in his reply, dated 16.08.2024, has filed certain photographs, some of which do not pertain to answering respondent and the averments made in the reply are not attested, verified and affirmed on oath since no affidavit has been filed thereto. The Hon'ble Tribunal was pleased to grant answering respondent an opportunity to file reply. A copy of order, dated 21.08.2024, in OA No.373 of 2022, is attached as **Annexure R-1**.
2. That answering respondent no.5 has not violated and has not acted in contravention of any of the directions issued by the Pollution Department from time to time. The allegations of applicant in this regard are completely unfounded.
3. That it is also wrong and vehemently denied that the answering respondent has made any false statement. Such irresponsible statements being made by the applicant, without any basis are unsustainable and merely being made to prejudice the Hon'ble Tribunal. It is relevant to mention that the plant of answering respondent is situated within the industrial area, wherein apart from petitioner, many other industries like Brick Kiln, Fabrication workshops, Concrete Batching plant, Plywood

factory, Tool Manufacturing Factory, Plywood Adhesive Factory are operating since last 10 years. Industries areas are established by the State Government considering the totality of facts and circumstances and if the applicant had any objection to establishment of the industrial area, applicant should have pursued its legal remedies against the State Government. Once answering respondent set up the plant, applicant is threatening, harassing and continuously trying to intimidate the answering respondent. Applicant cannot dictate as to what raw material should be used and should not be used for the compressed bio gas plant since the plant is based on a particular technology and aims to resolve the issue of disposal of press mud in the area, where sugarcane industry is widely spread. Answering respondent is making its best efforts to utilize the waste for generation of bio gas fuel as well as organic manure, which can be utilized for improving the crop yield. The contention of applicant regarding the expenses and money for setting up the plant and the profit that would be derived from the same is completely baseless. In fact, such a submission clearly establishes and reveals the motives of applicant.

4. That further contention of applicant regarding not taking prior approval and sanction of gram panchayat is also ill founded. It is relevant to mention that the FAQs (Frequently Asked Questions) being relied upon by applicant to contend violation on behalf of answering respondent is also erroneous since the same are merely FAQs. Assuming, but clearly not admitting, even if the said FAQs are considered to be applicable, answering respondent had taken due permissions in this regard.
5. That the Local Panchayat of village Damla, District Yamunanagar, Haryana and nearby areas had been dissolved in January 2021 and was not in existence when answering respondent sought to establish the plant in the year 2022. This is apparent from the notification dated 07.10.2022, by the State Election Commission, Haryana, wherein 07.10.2022 was declared to be the day for election for Gram Panchayat. Once, Gram Panchayat was not in existence and that too nearly one

year prior thereto, the question of taking prior approval of Local Panchayat does not arise.

6. However, still answering respondent diligently applied to the Deputy Commissioner, Yamunanagar, Haryana, vide letter dated 15.10.2022, seeking permission for starting and operating the plant. A copy of letter dated 15.10.2022, by answering respondent to Deputy Commissioner, Yamunanagar, Haryana, is attached as **Annexure R-2**. Since the matter was already placed for consideration of the District Collector, the issue of permission from non-existent Gram Panchayat is fully untenable.
7. It is wrong and vehemently denied that prior to inspection by HSPCB, answering respondent had shifted the raw material to another place. Further, the allegation of collusion is without any basis or detail or reference and cannot be given any credence. The photographs at page 1141 show Fermented Organic Manure (FOM), which has to be sun dried, before it can be gathered and packed. FOM cannot be sprayed with any chemical as it would then become harmful when used as a fertilizer in the fields and over crops. Moreover, this fact is itself being acknowledged and accepted by applicant that spray of chemicals is not a solution as such chemicals themselves cause pollution.
8. That answering respondent uses press mud as the raw material. The said press mud is generated from the sugar mills after sugarcane juice has been extracted. The season of sugar industry is from November to April when the said press mud is generated. Answering respondent has diligently shown the photographs of what is existing on ground as on date of filing the reply.
9. That the photograph at page 1144 does not pertain to answering respondent and hence, is denied in its entirety regarding the location of land as well as material.
10. That the reliance of applicant on photograph at page 1145 of its reply to show that answering respondent had also mentioned usage of paddy straw is not tenable since initially answering respondent was also made

to understand that paddy straw could be used as a raw material. Hence, the answering respondent put up the board bonafidely. However, with passage of time, there were difficulties in the running of the plant and when answering respondent sought expert opinion regarding the issues being faced, the expert/ consultant, vide letter dated 30.04.2024, specifically stated that the plant is not designed for use of paddy straw as a raw material. Hence, the old photograph cannot be relied upon.

11. That applicant has leveled completely false and baseless allegations, which are completely unsubstantiated and untenable. The photographs at page 1147 of the reply do not pertain to the land of answering respondent and hence, both the said photographs are denied in their entirety. The photographs at page 1148 and on page 1149 are concerned, it clearly shows FOM, which has been kept for sun drying. The photograph seems to have been taken during rainy season when presence of water is natural, though the date on the photograph is not admitted.
12. That similarly both the photographs on page 1150 of reply are not pertaining to applicant's land and hence, are denied in its entirety. Applicant has not given any details or location of the land and hence, the said photographs cannot be attributed to answering respondent. Applicant, without any details or affidavit, is callously filing photographs merely to prejudice the Hon'ble Tribunal.
13. That photographs at page 1151 shows FOM before and after the drying process is over. On the left hand side, it can be seen that FOM has been kept for sun drying and in the middle of the said photograph, it is apparent that the FOM is being collected since it has already been sun dried.
14. That photographs at page 1152 of reply do not pertain to answering respondent and hence are denied.
15. That the photograph at page 1154 clearly shows that the project, in question, is situated within the industrial area, which is surrounded by

multiple industrial units. It is also apparent that the location of the plant is completely beyond the habitation and is in the midst of open area/ fields.

That in view of the above and submissions herein before, it is most respectfully prayed that the present application may kindly be dismissed with costs. Answering respondent undertakes to abide by all the terms and conditions as may be prescribed by the authorities and shall always remain committed to work in the interest of and for the protection of environment.

Filed by:



(ANUBHA AGRAWAL)

Counsel for the Respondent No. 5

E-53, F.F., Greater Kailash -II,

New Delhi-110048

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Filed on: 06.09.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.373 OF 2022**

IN THE MATTER OF:

SUMIT SAINI

...APPLICANT

VERSUS

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....RESPONDENTS

AFFIDAVIT

I, Rohit Singla, S/o Shri Sat Paul Singla, Director of M/s SPS Bio-Chem Private Limited, Registered Office at: SCO 85-86, Sector 12, Panchkula, Haryana - 134112, do hereby solemnly affirm on oath and state as under:-

1. That I am the Director of Respondent No.5 Project Proponent M/s SPS Bio-Chem Private Limited and as such competent to swear and affirm this affidavit.

That I have read over and understood the contents of accompanying Reply to Applicant's Reply dated 16.08.2024 and state that the facts stated therein are true and correct to my knowledge and belief.

3. The annexures annexed to the application are true copies of their respective originals.



SPSBIO-CHEM PRIVATE LIMITED

Rohit Singla
Director

DEPONENT

VERIFICATION:

I, the deponent above named deponent hereby verify that the contents of paras 1 and 3 of my above affidavit are true and correct to my knowledge & belief, no part of it is false and nothing material has been concealed therefrom.

Verified at _____ on the _____th day of September, 2024

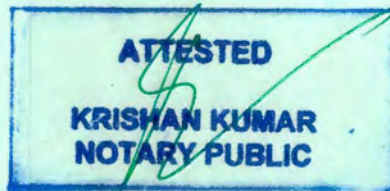
04 SEP 2024

SPSBIO-CHEM PRIVATE LIMITED

Rohit Singh

Director

DEPONENT



ANNEXURE R-1

Item No. 13

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 373/2022
(IA NO 165/2022)

Sumit Saini

Applicant

Versus

Haryana State Pollution Control Board

Respondent

Date of hearing: 21.08.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in Person (through VC)

Respondents: Ms. Anubha Agrawal, Advocate for Respondent no. 5 (through VC)
Mr. Rahul Khurana, Advocate for HSPCB**ORDER**

1. The counsel for the Project Proponent has stated that she has received applicant's reply which is not on affidavit, only yesterday and finds some photographs therein which do not pertain to the Project Proponent.

2. She seeks 10 days' time to file response in respect of the facts brought on record for the first time by applicant by means of reply dated 19.08.2024. We allow her time as prayed.

3. List on 11.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 21, 2024
AB



ANNEXURE R-2

Ref. No. SPSBIO-CHEM/DIR/2022-23/44

October 15, 2022

To,
The Deputy Commissioner,
Yamunanagar, Haryana

Subject: Request for Approval of Compressed Bio Gas (CBG) Plant at Village Damla from Gram Panchayat/Block Development Office

Respected Sir,

We, SPSBIO-CHEM Private Limited are doing construction/installation of compressed Biogas Plant in village Damla near Yamunanagar under SATAT (Sustainable Alternative Affordable Transportation) Scheme of Ministry of Petroleum and Natural Gas (MoPNG).

In the said plant, we will be processing 200 TPD press mud (Organic Waste) from sugar mill and will be converting into 6.5 Tons of CBG and 100 TPD value added Organic Fertilizer. Apart from this we will be also producing liquid organic manure occasionally. The gas generated will be used as automotive fuel and can ply 900 cars cumulatively 1,80,000 kms in a day saving 82,000 Tons of CO₂ per year. We are sure that the plant will have big environmental impact on air quality of Yamunanagar improving health and quality of life of fellow citizens.

Sir, under Haryana Bio Mass Policy 2018 of Hareda, we have already received benefit of exemption of Stamp duty for registry of land, that is being used for this industrial unit. Your office extended us full support for this exemption. Further, We need permission from Block Development and Panchayat Office for starting and operating the plant.

On view of the above, we would like to request you to kindly give instructions to the concerned authority to give us permission for our plant

Thanking you in advance for your co-operation.

Yours sincerely,

SPSBIO-CHEM PRIVATE LIMITED

Rohit Singla

Director

Rohit Singla
Director
SPSBIO-CHEM PRIVATE LIMITED
SCO 85-86, Sector-12,
Panchkula, Haryana

G. P. Singh
17/10/2022



- Enclosed:
- 1) Letter from Hareda (For Setting Up Compressed Bio Gas Plant)
 - 2) LOI from Hindustan Petroleum Company Limited
 - 3) Agreement with Saraswati Sugar Mill for lifting Press Mud.
 - 4) Haryana Bio Mass Policy 2018
 - 5) Petroleum & Explosives Safety Organisation(PESO) Approval





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Office AnubhaChambers <anubhachambersoffice@gmail.com>

O.A. No. 373 of 2022 Sumit Saini v. Haryana State Pollution Control Board & Ors.

Anubha Agrawal <anubha.advocate@gmail.com>
To: sainisumit96@gmail.com, rkhurana2507@gmail.com
Bcc: anubhachambersoffice@gmail.com

Fri, Sep 6, 2024 at 6:46 PM

Dear Sir,

Please find attached herewith the Reply filed on behalf of Respondent No. 5 in the above subject matter.

Regards,
Anubha Agrawal,
Advocate for Respondent No. 5

--

Anubha Agrawal
C.A., M.B.A., LL.M. (Taxation) USA
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