

- 2 -

mention here before initiating the enquiry the respondent no. 5 was closed his business.

3. That during the job work activities the respondent no. 5 neither used any type of plastic items nor used waste materials in the job work. It is pertinent to mention here that the respondent no. 5 only used the wooden in Boiler. The respondent no. 5 only runs his job-work in two-three times in a week.
4. That the respondent no. 5 has not knowledge about NOC/Certificate in respect of the said job work from any authority/Department, so the respondent no. 5 could not apply for taking NOC/Pollution Certificate in the concerned department. In this respect the respondent no. 5 had already gave his Affidavit to you during spot inspection.
5. That the Joint Committee already closed factory of the respondent no. 5 and disconnected the electricity supply. The respondent no. 5 undertakes that without getting any permission from concerned Authority he will not run any jobwork activities in the said premises.

6. That as per provisions of The Environment (Protection Act), 1986 the law established in Schedule (I) Rule 3 Standards for emission or discharge of environmental pollutants –

34.	Small boiler	Emission
	<i>Capacity of boiler</i>	Particulate matter
	Less than 2 ton/hr.	
	-2 to 15 ton/hr.	
	- More than 15 ton/hr.	

7. That the unknown person lodged the written complaint against the respondent no. 5 on the basis false and frivolous facts and grounds as evident from the report of the Joint Commission. The unknown filed the false complaint against the respondent no. 5 only dragged him in the above noted futile litigation. The respondent no. 5 neither used Medical waste, paper, plastic, polythene, rubber, raxine, tyre, chemical cloth and other toxic chemicals for it boiler.
8. That the respondent no. 5 has already give the reply to the letter dated 12.12.2022 and 27.12.2022 to the Regional officer, Pollution Control Board, INS-II, Sector – 16, Vasundhara, Ghaziabad, U.P. on dated 06.03.2023 through email.

It is, therefore, most respectfully prayed that this Hon'ble Tribunal dismissed the complaint of the known person against the respondent no. 5 with heavy costs.

It is prayed accordingly.



RESPONDENT NO. 5

THROUGH



PRAMOD KUMAR AGGARWAL & DEVVRAT PRADHAN
ADVOCATES
CH. NO. 369, WESTERN WING, TIS HAZARI COURT,
DELHI - 110054

DELHI

DATED : 10.03.2023

may kindly be read as part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.

[Handwritten Signature]

DEPONENT

VERIFICATION : 10 MAR 2023

Verified at Delhi on this day of March, 2023 that the contents of my above affidavit are true and correct to my knowledge and nothing has been concealed therefrom.

[Handwritten Signature]

[Handwritten Signature]

DEPONENT

Identify the deponent who has signed in my presence

ENTIRE CONTENTS OF THE AFFIDAVIT
Shri/Smt. *Jahuddin*
S/o W/o D/o *S/O Md. *[Signature]**
R/o *[Signature]*
Identified by *[Signature]*
has solemnly affirmed before me at
Delhi on 10 MAR 2023
that the Contents of the Affidavit which have
been read and explained to him are true and
correct to his knowledge.

The Seal of Court Commissioned
S.L. No. 506/2021
MANJU GUPTA
App. By. Delhi High Court
Period-17/4/2021
to 16/4/2023
Tis Hazari Court, Delhi-27

[Handwritten Signature]
10 MAR 2023

Dated 09/01/2023

To,

The Regional Officer,
Pollution Control Board,
INS-II, Sector -16, Vasundhara,
Ghaziabad U.P

Sub.: Reply by Moon Process to letter dated 12.12.2022 vide reference No. H-85448/C-1/Air/G-1199/Bandi Order/2022 issued by Chief Environment Officer, Circle - I and dated 27.12.2022 in reference no. 2804/NGT-157/OA-555/2022/2023 issued by Regional Officer, UP CB, Ghaziabad, U.P.

Sir,

In reference of letters dated 12.12.2022 and 27.12.2023, the applicant submits his reply/submission to your letters for stay arbitrary recovery amount of Rs. 10,12,500/- as under:-

1. That the applicant was running a factory for job work of Fabric Starch on the basis. The applicant closed his business before conducting the spot proceeding by you.



2. That during the job work activities the applicant neither used any type of plastic items nor used waste materials in the job work. It is pertinent to mention here that the applicant only used the wooden in Boiler. The applicant only run his jobwork in two-three times in a week.
3. That the applicant has not knowledge about NOC/Certificate in respect of the said job work from any authority/Department, so the applicant could not apply for taking NOC/Pollution Certificate in the concerned department. In this respect the applicant had already gave his Affidavit to you during spot inspection.
4. That you are already closed factory of the applicant and disconnected the electricity supply. The applicant undertakes that without getting any permission from you, the applicant will not run any jobwork.

Saha

5. That you imposed the heavy penalty upon the applicant even the applicant did not do any activity/job work. The applicant is not liable to pay huge levied amount to you.
6. That in this respect a case is pending before the NGT principal Bench, New Delhi vide O.A. No. 555/2022 tiled as Vijay Pal Vs. State of U.P. & Ors. which is fixed on 13.03.2023. The applicant is respondent no. 5 in the above noted petition.
7. That the applicant is belonging from strata family and the applicant doing the said work on job work basis and he has no other sources of income except this job work.

In view of the above submissions, it is requested that the recovery of Rs. 10,12,500/- which has been imposed upon the applicant may kindly be waived off/stayed till final adjudication of complaint of the complainant which is pending before Hon'ble National

Sabir

Green Tribunal Principal Bench, New Delhi vide
OA no. 555/2022 and is fixed on 13.03.2023.



APPLICANT

M/S. MOON PROCESS
SALAUDDIN S/O MOHD. FARUKH
C/O M/S. MOON PROCESSOR,
VILLAGE PRATAPUR, NEAR INDANE
GAS AGENCY, PILAKHAWA, HAPUR

Copy to :

1. The District Magistrate, Hapur, Uttar Pradesh
2. The Chief Environment Officer, Circle - I,
UP Pollution Control Board, Lucknow
3. Head Quarter, TC-12V, Bhivuti Khand, Gomti
Nagar, Lucknow - 226010



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