

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNALAT (WZ), PUNE

ORIGINAL APPLICATION No. 39 /2019

In the Matter of:

APPLICANT:

Devidas Khatri

/Versus//

RESPONDENTS:

Union of India & Others

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Date: 6 /12 /2021

Place:

Filed By :

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Devidas Khatri

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(WZ), PUNE

ORIGINAL APPLICATION No. 39 /2019

In the Matter of:

APPLICANT: Devidas Khatri
 /Versus/
 RESPONDENTS: Union of India & Others

REJOINDER TO THE REPLY AFFIDAVIT FILED
BY RESPONDENT NO. 1

MAY IT PLEASE THIS HON'BLE TRIBUNAL,

The humble applicant most respectfully beg to submit the rejoinder to reply Affidavit submitted by respondent No. 1 as under :-

PARA WISE REJOINDER

1. That content of reply of para No. 1 and 2 needs no rejoinder .
2. That content of para No. 3 of the reply affidavit is not admitted as stated. Respondent did not gave parawise reply with malafide intention and inadvertently he has admitted the facts of O.A. Without filing detailed reply, he could not be permitted to gave any affidavit to counter the allegations.
3. That content of para no. 4 of reply affidavit is admitted as stated. In this para respondent no.1 has admitted the version of appellant.

Devidas Khatri

4. That content of para no. 4 to 7 of reply affidavit is admitted as stated. Hence needs no rejoinder.
5. That contents of para no.8 is not admitted as stated. The project proponent has obtained EC concealing the material fact that he is generating about 50000 MTPA Grey as burnt sand as waste during the process and same is being dumped outside the factory premises in the river Indrayani which is the catchment area of Andhra Dam downstream. If further project proponent has taken taken EC for expansion of production capacity, then same is also under violation. And project proponent could not be allowed to operate the unit in violation conditions.
6. That content of para no.9 of the reply affidavit is admitted to the extent that project proponent has not complied with the various conditions of Environment clearance. So he could not be allowed to carry out operations.
7. That as per inspection report dated 13.12.2018, when it is admitted by the respondent no.1 that project proponent has been violating the conditions of EC, then how the project proponent is allowed to run its unit till date. No any action has been taken so far.
8. That respondent no.2 MCPCB in its notice dated 31.7.2019 given to Project proponent stating that various violations has been committed, but this fact has been concealed so far. The aforesaid notice dated 31.7.2019 is based on the inspection

Darshan Khali

made by MPCB on 26.7.2019. But due to mala fide intention, respondents no. 1 to 3 have permitted the respondent no.4 project proponent to carry out operations at its unit . Copy of notice dated 31.7.2019 issued by MPCB regional office Pune as obtained from the website of MPCB is enclosed herewith and marked as Annexure-E.

It is therefore humbly prayed that the rejoinder to the reply affidavit may kindly be taken on the record and the OA filled by the applicant may kindly be allowed.

Humble Applicant

Through Counsel

Rohit K.
(Rohit Kumar Tuteja/Anoop Agarwal)
ADVOCATES

Dewan Khali

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL (MP)

ORIGINAL APPLICATION No. 39/2019

AFFIDAVIT

In the Matter of
Devi das Khatri

..... APPLICANT

//Versus//

Union of India & others

.....RESPONDENTS

Affidavit in support of Rejoinder to Reply Affidavit of Respondent no.1

I, Devidas Khatri S/o Shri Nand Kishore Khatri, aged about 38 Years, R/o 239, Laxmi nagar, Behind Mangori walon ki Bagichi, Brahampuri Jaipur 302002, do hereby take oath and state as under:-

1. That I am Applicant and well conversant with the facts of the case and thus competent to depose this affidavit.
2. That the accompanying rejoinder has been drafted and prepared by my counsel under my instructions and the same are based on the records and has been read over by me and I have understood the same.
3. That the all the contents of rejoinder are true and correct.

Jaipur

6-12-21

Devidas Khatri
DEPONENT

VERIFICATION

I, the above named deponent, do hereby solemnly affirm that the contents of Para No.1 to 3 of the above affidavit are true to my personal knowledge. Nothing has been concealed in it. No part of it is false. So help me God.

Devidas Khatri
DEPONENT



SWORN TO
OATH
JAIPOUR CITY, JAIPOUR
6/12/21
DEPONENT

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

ROP/MPCB/PD/1907310002

Date: 31/07/2019

To

M/s Shriniwas Engineering Auto Components Pvt. Ltd.,
Plot No. A-24, Talegaon Industrial Area (Phase-IV),
Tal. Maval, Dist. Pune.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Waste (M & TM) Rules, 2016.

Ref: 1) Consent granted by the Board.
2) The undersigned visited to your industry on 26/7/2019.

WHEREAS, you are operating your industry located in 'Pollution Prevention Area' under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of) Act, 1981 & Hazardous & Other Waste (Management & TM) Rules, 2016.

AND WHEREAS, the Board had granted the consent to operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous Wastes (MH & TM) Rules, 2016 and amendments thereof. And, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in the consent.

AND WHEREAS, the undersigned officials has visited to your industry to check compliance of consent conditions on 22/7/2019 and observed following non-compliances

1. You have obtained consent to operate without installing 5 MT one furnace, 12 MT two furnace and 4 MT one furnace.
2. The furnaces 5 MT (4 Nos.) & 12 MT (2 Nos) were in operating but the fume extraction system of theses furnaces are not in operation.
3. You have not provided chimneys as per consent granted by the Board. You have connected more furnaces to chimneys than mentioned in consent.
4. Fume extraction system was not in operation during visit.
5. You have not provided fume extraction system or any APCs to one knock out machine line.
6. You have not provided any APCs to pre heating furnaces as per consent conditions. You would have provided fume extraction with dust collector system.
7. You have not provided adequate fume extraction system to sand plant & knockout machine 1 & 2.
8. Out of two molding line you have not provided any APCs to one line.
9. You have not provided adequate APCs to second dryer. The ducting was found dismantle conditions.
10. You have not provided dust extraction system with dust collector and chimney to all shot blasting activity as per consent granted by the Board.
11. There is no any APCs to pre heating section.
12. You have not provided adequate storage facility to store used sand and same was dumped in open space, out of which some sand was flowing alongwith rainwater outside the premises.
13. You have not yet provided CAAQMS in the premises.

2...

..2.:

14. As per consent granted by the Board burnt sand shall be used for land filling but it is reported that it was being sent to M/s. RD Ventures and Shree Satya Minerals Pvt. Ltd. also it is observed that you are dumping burnt sand outside factory premises in the River Indrayani are catchment near Andhra Dam downstream.
15. You have not obtained Environmental Clearance for all furnaces.
16. You are not using / recycling treated effluent in the process.
17. ETP and STP was not in operation.
18. You have not obtained NOC of forest and wildlife department as per EC granted by the Environment Dept.
19. There was fugitive emission from the shed opening instead of through the chimney.
20. You have not provided secondary fume extraction system.
21. You could not produce any record regarding process dust being sent regularly to CHWTSDF.
22. You have not develop adequate green belt along the periphery of your plant.
23. You could not produce any record related to HW and Non HW generation and its disposal.

AND WHEREAS, from the record of this office and observations made during the visit, I came to the conclusion that you are not complying with the consent condition and the provision of Water (Prevention & Control of Pollution) Act, 1974 thereby causing grave injury to the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981, I, Dilip Khedkar, Regional Officer of the Board, at Pune hereby issue directions as under-

1. Whys your unit shall not be directed to close down the manufacturing activity forthwith?
2. Why the competent authorities shall not be directed to disconnect Water / electricity supply of your unit?

Further, you are hereby directed to submit your reply, if any forthwith and you are directed to remain present for personal hearing on 08th August, 2019 at 11:30 am in the office of Regional Officer, M. P. C. Board, Jog centre, 3rd floor, Wakadewadi, Pune-03 along with all necessary documents, failing which further necessary action as deemed fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board


(Dilip Khedkar)
Regional Officer

Copy Submitted for information to

1. Joint Director(WPC), M.P.C. Board, Mumbai.

Copy to- The Sub-Regional Officer, M.P.C.Board, Pune-II :- You are directed to keep the follow up and report the compliance from time to time.