

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 12 OF 2025 (WZ)

IN THE MATTER OF:

MR. TEJAS CHANDRAKANT YADAV ...APPLICANT

AND

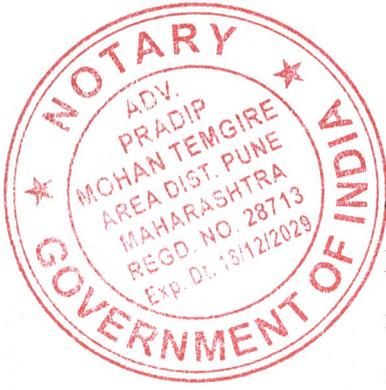
M/S. K K NAG PRIVATE LTD. & ORS. ...RESPONDENTS

**AFFIDAVIT IN REJOINDER TO THE REPLY ON BEHALF
OF THE RESPONDENT NO. 1.:**

I, Tejas Chandrakant Yadav, aged 36 years, residing at Nimgaon Mhalungi, Taluka- Shirur, District- Pune, 412209, do hereby state on solemn affirmation as under:

1. I have perused the Affidavit in Reply filed by Respondent No. 1 (M/s K.K. Nag Pvt. Ltd.) and I am well-acquainted with the facts and circumstances of the present case. At the outset, I state that the Reply filed by Respondent No. 1 is a collection of misleading statements and half-truths aimed at evading legal liability for prolonged environmental violations. I categorically deny all the averments, contentions, and allegations made by the Respondent No. 1 in their reply unless they are specifically admitted herein.
2. The Respondent No. 1 has attempted to project an image of compliance that is entirely inconsistent with the official records of the Maharashtra Pollution Control Board (MPCB). It is a matter of record that the Respondent No. 1's application for





Consent to Operate (CTO) was categorically refused by the MPCB on 28.06.2024 due to significant and persistent non-compliances with environmental norms. Despite this formal refusal, the company continued its manufacturing operations with total disregard for the law. The fresh Amalgamated Consent to Operate was only granted on 17.10.2024. Therefore, the Respondent No. 1 operated its industrial unit without any valid legal authorization from 28.06.2024 to 17.10.2024. This period of unauthorized operation constitutes a flagrant violation of Section 25 of the Water Act and Section 21 of the Air Act, for which the current penalization is grossly inadequate.

3. Furthermore, the Respondent No. 1 has misrepresented its status regarding mandatory pollution control machinery. One of the primary grounds for the refusal of their consent in June 2024 was the absence of the Expanded Polystyrene (EPS) recycling machinery, which is a critical requirement for their specific industrial process. The MPCB's visit report dated 01.10.2024 to 03.10.2024 explicitly and unequivocally states that the EPS recycling machinery was not provided on-site. The record shows that the installation of this machinery only came to light in the report dated 06.05.2025. This implies that for a period of over seven months following the October inspection, the Respondent continued to operate without the necessary infrastructure to mitigate environmental impact. Consequently, the period from 01.10.2024 to 06.05.2025 must be factored into the calculation of Environmental Damage Compensation (EDC) to reflect the true extent of the damage caused.



4. I reiterate and reemphasize the critical grounds already established in my Rejoinder to the MPCB's Reply, which further highlight the Respondent's systemic failures. It has been consistently observed that the Effluent Treatment Plant (ETP) was either non-functional or maintained with bypass arrangements to discharge untreated effluents directly into the MIDC drainage lines. This deliberate bypassing of treatment protocols is a criminal neglect of environmental safeguards. Additionally, the unscientific storage of boiler ash in open spaces, which was only purportedly addressed much later by the construction of a shed, has contributed significantly to soil and air degradation. The presence of black smoke emissions, as evidenced by GPS-enabled photographs dated 05.08.2025, confirms that the Air Pollution Control Systems (APCS) are either inadequate or not being operated as per the standard operating procedures.

5. The gravity of these violations is further compounded by the fact that even as recently as May 2025, laboratory results showed Total Dissolved Solids (TDS) levels at 2518 mg/lit, which is substantially higher than the permitted limit of 2100 mg/lit. This proves that the pollution is ongoing and not a "past event" as suggested by the Respondent. The Respondent No. 1's reliance on the payment of ₹17,06,250 as EDC on 09.07.2025 is an admission of guilt but does not absolve them of the full scope of their liability. This penalty was calculated for a limited tenure of only two months, whereas the evidence demonstrates a





continuous period of violation extending from June 2024 through May 2025. A failure to penalize the Respondent for the entire duration of their illegal operation would undermine the "Polluter Pays" principle and fail to serve as a deterrent for future environmental law violations.

6. In view of the facts stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the Reply of Respondent No. 1 in its entirety. I pray for a direction to the MPCB to recalculate the Environmental Compensation by including the periods of unauthorized operation (28.06.2024 to 17.10.2024) and the duration during which mandatory EPS machinery was missing (01.10.2024 to 06.05.2025). Justice can only be served if the Respondent is held accountable for the full extent of the environmental degradation they have caused.

Whatever stated above is true and correct to the best of my knowledge, belief and information. Hence this Affidavit.

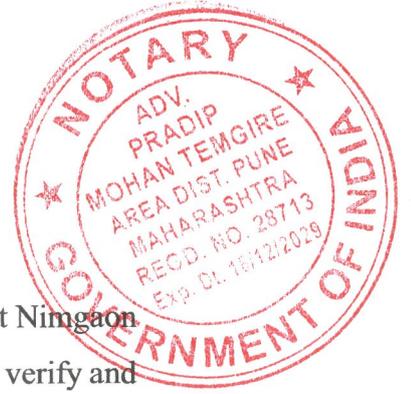
Solemnly affirmed on this 11 day of March, 2026 at Pune.

I know the Affiant

ADVOCATE

AFFIANT





VERIFICATION

I, Mr. Tejas Chandrakant Yadav, aged 36 years, residing at Nimgaon Mhalungi, Taluka Shirur, District Pune 412209, do hereby verify and state on solemn affirmation that the contents of paragraphs ___ to ___ of the above Rejoinder are true and correct to my personal knowledge and based on the records of the case, and I have not suppressed any material fact therefrom.

Verified at Pune on this 11 day of March, 2026.

DEPONENT

(Tejas Chandrakant Yadav)

NOTED AND REGISTERED

SERIAL NUMBER: 86

DATE: 11/03/2026

**ADV. PRADIP MOHAN TEMGIRE
NOTARY, GOVT. OF INDIA
AT. POST- BURUNJWADI,
TAL. SHIRUR, DIST. PUNE,
(MAHARASHTRA)**

AFFIDAVIT

Solemnly Affirmed before me by
by Shri / Smt. Tejas Chandrakant Yadav
R/o Nimgaon Mhalungi
Tq. Shirur Dist. Pune
Who identified by Alexander S. Godard
Whom he/she is Personally Known.

**ADV. PRADIP MOHAN TEMGIRE
Notary, Govt. of India
Pune Dist. Maharashtra**

