

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 225 OF 2023

IN THE MATTER OF:

MR.SANDIP HINDURAO THORAT

... APPLICANT

VERSUS

M/S. OM INDUSTRIES & ORS.

... RESPONDENTS

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Omkar Wangikar

Advocate for Applicant

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**REJOINER ON BEHALF OF THE APPLICANT TO THE REPLY
AFFIDAVIT FILED BY RESPONDENT NO. 3 & 4 i.e. MPCB.**

Most Respectfully Showeth :

1. That the above titled application has been filed under Section 14, 15, and 20 of the National Green Tribunal Act, 2010, pertains to the substantial issue of environment due to illegal running and operating of Respondent No. 1 i.e. M/s. Om Industries without valid Consent from Maharashtra Pollution Control Board, and due to various non-compliances which causes serious environmental pollution nearby areas, inspite of that the Respondent's/administration has remained mute to the happening, and not willing to take any appropriate action against the unit of Respondent No. 1.
2. That the instant Rejoinder is being filed by the Applicant in the afore-mentioned matter to refute the averments made by the Respondent No. 3 & 4, in its Reply dated 09.05.2024.

PRELIMINARY SUBMISSION:

3. That the Respondent No. 3 & 4 has intentionally not provided various visit reports, sample reports and notices before this Hon'ble Tribunal. Further the Respondent No. 3 & 4 suppressed various information & documents.

REJOINDER TO PARA-WISE REPLY:

4. That para "3" are false and fabricated and it is denied by the Applicant. The Applicant has filed various complaints before the Respondent No. 3 & 4 but the Respondent No. 4 issued only warning notice dated 05.10.2023, despite of several reminders the Respondent No. 3 & 4 failed to initiate further action against the Respondent No. 1.
5. That para "4" are false and fabricated and it is denied by the Applicant. The Respondent No. 3 & 4 deliberately issued wrong consent to the Respondent No. 1. Further the Respondent No. 3 & 4 failed to calculate environmental compensation for environment pollution and unit running without the consent for the period of 02.01.2017 to 08.01.2024. Further while issuing the consent the Respondent No. 3 & 4 failed to verify non-compliances in pursuance of warning notice dated 05.10.2023. Without complying the non-compliances the Respondent No. 3 & 4 granted wrong consent to operate to the Respondent No. 1. Further he said consent to operate was granted to the Respondent No. 1 on 09.01.2024 which is after the date of filing of said OA and while issuing the said consent it is mandatory to add the one of the condition that, "said consent to operate it is granted subject to out come of the OA 225 Of 2023" but

the Respondent No. 3 & 4 failed to marked such condition which clearly shows that the Respondent No. 3 & 4 issued the said consent with malafide intention.

6. That as per the said consent to operate dated 09.01.2024 issued by the Respondent No. 3 wherein it is clearly stated that consent is valid for the manufacture of motor winding and submersible tube without any surface treatment, Phosphating, Powder coating, Painting, Chemical treatment, Pickling, washing activity. But the Respondent No. 3 & 4 was already well aware that the Respondent No. 1 is operating his unit with surface treatment, powder coating, chemical treatment, hence knowingly and wilfully the Respondent No. 3 & 4 granted such wrong consent.
7. It is submitted that, the said consent to operate dated 09.01.2024 of the Respondent No. 1 is under green category and without any surface treatment, Phosphating, Powder coating, Painting, Chemical treatment, Pickling, washing activity which means the Respondent No. 1 is only granted consent to operate for assemble the motor winding and submersible tube hence the Respondent No. 1 is now also violating to terms and condition of said consent to operate dated 09.01.2024.
8. It is submitted that, for the manufacturing of submersible tube and motor winding the surface treatment is one of the essential element and without powder coating it is impossible finish both the products. Further for motor winding chemical treatment process is one of the basic element. After completing wiring of the motor, the said

product should be immerse in the chemical like ISO POXY 800 which is a “varnish” and further kept in the oven for heating for the period of 4 hours. Hence which is clearly shows that the Respondent No. 1 is violated the terms and conditions of the said consent.

9. That para “5” are false and fabricated and it is denied by the Applicant. The said visit report dated 06.05.2024 prepared by the Mrs. Jagdale, Field Officer, MPCB Satara is completely false and fabricated and denied by the Applicant. The Applicant immediately tried to contact the officers of Respondent No. 4 to show the non-compliance of the Respondent No. 1. But surprisingly said officer directly refused to meet the Applicant and without verifying proper factual aspects from the Applicant entered into the unit of Respondent No. 1. Further after finishing the visit the Applicant again try to contact the said officer but she refused to discuss anything with Applicant. Further it is pertain to note that, after finishing the visit the Respondent No. 1 and the said officer went to restaurant for lunch. In one side the said officer clearly refused to communicate with the Applicant and other side she is having lunch with polluter the Respondent No. 1 which is clearly unethical, hence the Applicant informed her that the entire visit is malafide and I will approach the NGT and Regional Officer MPCB regarding the said incident. The entire visit report is malafide and fabricated, because the said report the said officer categorically mentioned that the visit has been conducted with the unit owner i.e. Respondent No. 1 and the complainer i.e. Applicant. But factually the said officer had refused to communicate with Applicant hence the said visit report dated 06.05.2024 is completely wrong, false and fabricated. The said

officer intentionally submitted false visit report just to help the Respondent No. 1, hence the said officer conducted malafide act, and submitted false report before this Hon'ble Tribunal hence strong action should be initiated against the said officer and departmental inquiry should be initiated.

10. It is submitted that, the Respondent No. 1 failed to take adequate measures for control of noise level. The Respondent No. 1 failed to provide the soundproof facility. During the day time the ambient noise level is more than 75 dB and during night time 70 dB, the Applicant tried to collect the noise samples from the unit of Respondent No. 1, but every time the Respondent No. 1 refused to collect the noise samples. Hence the join inspection committee should be formed to verify ambient air, noise levels and compliance of the Respondent No. 1.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to rejoinder filed by the rejoinder on behalf of the Applicant, to the reply affidavit filed by Respondent No. 3 & 4, and grant the prayers in original application, and pass such further or other orders in the interest of environmental justice.

Place: Sangli

Date: 07.07.2024



Advocate for Applicant

AFFIDAVIT

I, Mr. Sandip Hindurao Thorat, aged 40 years, Occ: Agriculturist, residing at at post Kale - Bhairavnath Nagar, Tal- Karad, Dist. Satara 415 104, Maharashtra, do hereby make an oath to swear as under -

1. That the contents of para 1 to 10 are true to my personal knowledge information and belief, which I believe to be true and correct. I have not suppressed any material fact.

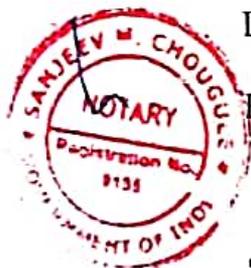
VERIFICATION

I, the above named deponent do hereby verify that the contents of Para 1 of the above affidavit are true to my knowledge.

Hence signed and verified at Sangli on this 07th July 2024

Date: 07.07.2024

Place: Sangli



Sanglikar

Signature of Advocate

Sandip Thorat

Signature of Applicant

Noted Register
Serial Number..... 2218/2024

Solemnly affirmed
BEFORE ME

[Signature]

Adv. S. M. Chougule
Notary Government of India
Miraj, Dist. Sangli Reg. No. 9135

7 JUL 2024

