

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE**

ORIGINAL APPLICATION NO. 30 OF 2023

IN THE MATTER OF:

Aryavart Foundation

...Applicant

VERSUS

M/s Coromandel International Ltd. & Ors.

...Respondents

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Through:



Dr. Surender Singh Hooda
Advocate for the Applicant
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PLACE: New Delhi/Pune

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
REPLY ON BEHALF OF THE RESPONDENT NO. 1**

MOST RESPECTFULLY SHOWETH:

I, Ashutosh Rameshbhai Mishra, S/o Dr. Rameshbhai Mishra, aged about 40 years, R/o Flat No. 103, 1st Floor, Green Valley Residence, Dindooli, Choryashi Taluk, Surat, presently at New Delhi, do hereby solemnly affirm and declare as under.

1. That I am the President of the Applicant Foundation in the captioned matter, I have read and understood the Affidavit filed by Respondent No. 1 and the rejoinder to the same is as under.

PRELIMINARY SUBMISSIONS:

2. At the outset, the Applicant reiterates and reaffirms the contents of the OA and that all the submissions made by Respondent are deemed to be denied unless specifically admitted.
3. It is pertinent to mention herein that the Respondent No. 1 admits the Applicant's contention that presently they do not possess a valid CC&A and their renewal Application stands



rejected by the GPCB. That apart, Respondent No. 1 also does not dispute or deny the various Notice of Directions issued to it by the GPCB as mentioned in the OA.

REJOINDER TO PRELIMINARY OBJECTIONS AND FACTS OF THE CASES

4. That the Respondent raises a preliminary objection viz. the Applicant failing to make out a substantial question relating to environment in accordance with Section 2(m) of the NGT Act. Without adverting to the merits, the Respondent's own admissions to the effect that they are operating without a valid CC&A, and it stands rejected and all the Notice of Directions received by them are enough to make out a substantial question relating to environment, further the GPCB has observed illegal discharge by the Respondent No. 1. That further, this Hon'ble Tribunal has only admitted this OA after being satisfied that a substantial question impacting the environment has been made out and the same is also recorded in order dated 28.03.2023 passed by this Tribunal in the captioned matter. That the Respondent also raises an objection as to the bona-fides of the Applicant herein. In this regard it is submitted that the Applicant has undertaken numerous social causes apart from litigation before the Hon'ble NGT wherein the errant industries have been directed to pay environmental compensation. That further, apart from a bald statement, the Respondent does not substantiate as to why and for what reason they are questioning the bonafides of the Applicant.



5. That the reliance placed on Ajay Bhosale vs Union of India & Ors. OA No. 63 of 2019 is completely misplaced since the issue in that matter was regarding delay and the Hon'ble Tribunal held that filing RTI Application by itself is not a cause of action. Herein, the Applicant is only relying on information received vide RTI Applications and the cause of action is writ large i.e., the operation of Respondent No. 1 without a valid CC&A and rejection of their renewal Application and the illegal discharge done by them.
6. That the contention of the Respondent that the allegations with reference to the CC&A renewal Application and other issues are baseless and ill-informed are belied by the Respondent's own admission at Paragraph 9 that their Application for renewal has been rejected. That further, their Application has not been rejected once, but twice as is evident from **Ann. R-8 (pg.259)** and **Ann. R-9 (pg. 260)** to the Respondent's Reply.
7. Furthermore, the Respondent's relies on Section 25(7) of the Water Act to contend that after expiry of 120 days there is deemed grant of consent.

Section 25(7) of the Water Act is reproduced hereinbelow.

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board



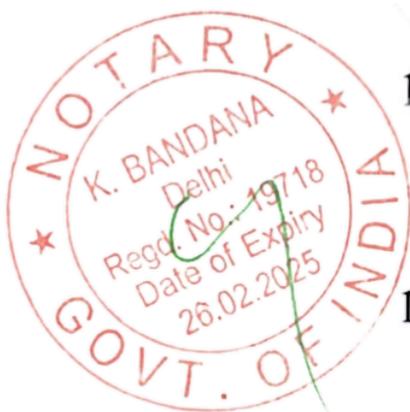
8. That as per **Ann. R-8** and **Ann. R-9**, the Application for consent has already been refused and therefore the reliance

is fundamentally flawed and cannot come to the aid of the Respondent.

9. That further, the consent is a consolidated consent issued also under Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2008 earlier) and neither of the said statues have provisions of deemed grant of consent.

REJOINDER TO PARAWISE REPLY

10. That the contents of Para 10 do not warrant any Rejoinder.
11. That the contents of Para 11 to 13 of the Reply admit the Applicant's claim that the Respondent is currently operating without a valid CC&A. Further, the Respondent is making a patently false averment that the rejection is not due to Non-Compliance when **Ann. R-8** and **Ann. R-9** (the Rejection orders issued by GPCB) both specifically mention that the unit is not in compliance and the same is one of the reasons for Rejection of the CC&A. Even presently, the third Application of the Respondent has been pending for more than a year now.
12. That the contents of Para 14 and 15 cannot be replied to for want of knowledge.
13. That the contents of Paras 16 and 17 make it clear that the Respondent's 3rd Application is still pending consideration. Further, the Respondent's reliance on Section 25(7) of the

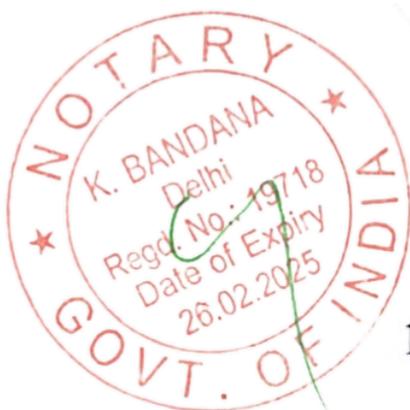


Water Act to contend that after expiry of 120 days there is deemed grant of consent is fundamentally flawed and cannot come to the aid of the Respondent since their Application has already been rejected twice. Further, the consent is a consolidated consent issued under the Air Act and Hazardous Waste Rules as well, and neither of the said statutes have provisions of deemed grant of consent. Therefore, at least under those provisions, the Respondent is deemed to be operating without valid consent under the Air (Prevention & Control of Pollution) Act, 1981 and the Hazardous Waste Rules.

14. That the contents of Para 18 to 37 of the Reply strengthen the Applicant's case that the Respondent No. 1 was found non-complaint many times by the GPCB. Further, the Respondent does not deny or dispute the Notices and further states the compliance done by them in that regard.

15. That the contents of Para 38 to 40 are denied and disputed. That the Respondent's averment that the allegation regarding illegal discharge is not relevant is completely malafide, the GPCB report clearly mentions that illegal discharge was observed during its visit and the Respondent does not deny the same. That further, complying with the inspections reports does not mean that there has been no environmental damage, it only means that some non-compliance was observed and reported.

16. That the contents of Para 41 to 43 are denied. The Respondent as on date has been operating without a valid CC&A for almost 2 years. The fact that the application for



renewal of CC&A has been rejected twice is sufficient proof to state that the Respondent has scant regard for the environment.

17. The contents of Para 44 to 48 are denied. The Application has been filed based on the reports and Notices of the GPCB which give rise to the questions raised. Further, the Respondent admits that he does not have a valid CC&A presently which justifies all the questions and Grounds raised. The contents of the OA and the Rejoinder are reiterated.
18. The contents of Para 49 are denied. The Applicant has not suppressed any material fact, further, the Respondent is put to strict proof to the averments made in the paragraph.
19. That the averment made in the OA, the Reply and the Rejoinder are sufficient to show that the Respondent has been operating without a valid CC&A for almost 2 years now and despite being rejected twice. That even the GPCB is at fault in allowing the Respondent to operate when they have rejected the CC&A twice. Therefore, it is most respectfully prayed that the OA be allowed, and the reliefs as prayed for be granted.





DEPONENT

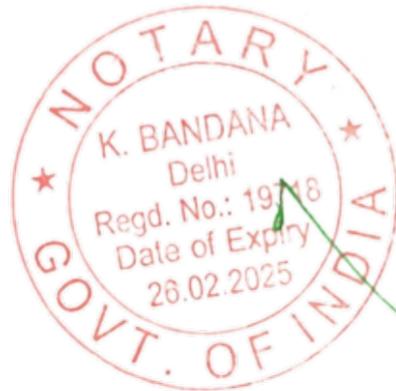
VERIFICATION

Verified at New Delhi on this ___ day of August 2023 that the contents of the Affidavit are true and correct to the best of my knowledge and belief and no part of this Affidavit is false and nothing material has been concealed therefrom.



DEPONENT

23 AUG 2023



ATTESTED
NOTARY PUBLIC DELHI
GOVT. OF INDIA
Mob.: 9654768498

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTARY
SUPREME COURT RULES, 2013
ORDER IX-7

1211



Surender Singh Hooda <sshoda65@gmail.com>

**Service of Rejoinder // Aryavart Foundation vs
Coromandel International Ltd.**

Surender Singh Hooda <sshoda65@gmail.com>Sat, Aug 26, 2023 at 10:33
PMTo: Saurabh Kulkarni <sdkadvocate@gmail.com>, Maulik Nanavati
<maulik@nanavatico.com>, rahul.garg@mgklegal.com, aniruddha1488@gmail.com

Respected Sir,

Kindly find attached the Rejoinder on behalf of the Applicant in the captioned
matter.

Warm Regards,

Dr. S.S.Hooda

Ph.D in Law

Advocate On Record

Supreme Court Of India

B-40,L.G.F, NDSE-II, 49

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**Aryavart Coromandel Rejoinder.pdf**

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