

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT DELHI

APPEAL NO.14 OF 2025

IN THE MATTER:

M/S SUMIT KNIT FAB, 3-B, INDUSTRIAL AREA-A EXTENSION, GHORE WALI ROAD, LUDHIANA PUNJAB-141010, THROUGH ITS PROPRIETOR RISHI JETHI.APPELLANT

VERSUS

PUNJAB POLLUTION CONTROL BOARD & ORS.RESPONDENTS

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PLACE: GURUGRAM

DATE: 20/AUGUST/2025



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REJOINDER ON BEHALF OF THE APPELLANT TO THE SHORT REPLY FILED BY THE RESPONDENT PUNJAB POLLUTION CONTROL BOARD.**MOST RESPECTFULLY SHOWETH:**

1. The Appellant has filed the present appeal against the impugned order dated 05.12.2024 (communicated to the Appellant vide impugned letter dated 10.12.2024, received by the Appellant vide email dated 11.12.2024) passed by the Respondent Board without due application of mind and in complete violation of the principles of natural justice, vide which the Respondent Board has arbitrarily imposed Environment Compensation to the tune of Rs. 91,55,000/- (Rupees Ninety-One lakh Fifty-Five Thousand). That the present Appeal is pending adjudication and is now listed for hearing before this Hon'ble Tribunal on 22.08.2025.
2. That at the outset, the Appellant herein denies each and every statement and contentions set forth in the reply to the extent the same are contrary to and/or inconsistent with the true and complete facts of the case and/or the submissions made on behalf of the Appellant in the Appeal as well as in the present Rejoinder. That the Appellant further

humbly submits that the averments and contentions, as stated in the reply filed by the Respondent Punjab Pollution Control Board, may not be taken to be deemed to have been admitted by the Appellant, save and except what are expressly and specifically admitted and the rest may be read as travesty of facts.

3. That before adverting to the contents of the reply filed by the Respondent Punjab Pollution Control Board, there are certain facts which the Appellant would like to place before this Hon'ble Tribunal, as under:

PRELIMINARY SUBMISSIONS:

1. **IT IS NOT THE CASE OF THE RESPONDENT BOARD THAT A SHOW CAUSE NOTICE WAS ISSUED OR AN OPPORTUNITY OF HEARING WAS GRANTED TO THE APPELLANT HEREIN BEFORE IMPOSING THE ENVIRONMENTAL COMPENSATION.**
 - a. That in the entire reply filed by the Respondent Punjab Pollution Control Board, it is not the case of the Respondent Board that a show cause notice was issued or an opportunity of hearing was granted to the Appellant herein before imposing the Environmental Compensation. Therefore, the same proves the fact that the impugned order was passed by the Respondent Board in complete violation of the principles of natural justice.
 - b. That the Respondent Board has in its reply presented facts in a twisted manner and the same amounts to misrepresentation. The Respondent Board has stated that *vide order dated 01.04.2025 this Hon'ble Tribunal disposed off the earlier Appeal bearing no. 37 of 2024 filed by the Appellant herein against order dated 24.07.2024 but it has been recorded in the order dated 01.04.2025 by the Hon'ble National Green Tribunal that this order will not preclude the Respondent Punjab State Pollution Control Board from*

passing a fresh order after giving due opportunity of hearing to the appellant and in accordance with Law including compliance of Principles of Natural Justice. It is relevant to mention here that the imposition of Environmental Compensation with effect from the year 2005 to the year 2019 is a separate matter and is being dealt separately in accordance with the mandate of the Order/Judgment dated 01.04.2025 of this Hon'ble Tribunal. It is imperative to mention herein that the order dated 05.12.2024 which is under challenge in the present appeal, was passed by the Respondent Board during the pendency of the earlier Appeal bearing No. 37 of 2024 and hence cannot, by any stretch of reasoning, be construed as a fresh order in compliance with the directions contained in the order dated 01.04.2025. It is of utmost importance to mention herein that the fact regarding issuance of impugned order dated 05.12.2024 was also mentioned by the Appellant herein in the Rejoinder filed by it to the Reply of the Respondent Board in earlier Appeal 37 of 2024.

- c. The impugned order has been passed by the Respondent Board in complete violation of the principles of natural justice as neither any show cause notice was issued by the Respondent Board prior to the issuance of the impugned order nor any opportunity of hearing was provided to the Appellant herein. That even the impugned order dated 05.12.2024 has no mention about any show cause notice issued or any opportunity of hearing having been provided to the Appellant herein. **That not issuing a show cause notice and not providing an opportunity of hearing to the Appellant herein before passing the impugned order amounts to serious procedural lapse on part of the Respondent Board and the same is fatal to the impugned order.**
- d. That the reliance placed by the Respondent Board, in its reply, on certain Committee Reports, earlier show cause notices, revocation of consent orders, and closure directions is wholly misplaced and irrelevant in the present context. All such documents pertain exclusively to the earlier Environmental Compensation order dated 24.07.2024—which

was under challenge in Appeal No. 37 of 2024 and has already been set aside by this Hon'ble Tribunal vide order dated 01.04.2025 for having been passed in violation of the principles of natural justice. It is significant to note that those proceedings related only to the imposition of Environmental Compensation for the period 2003–2019. No show cause notice whatsoever has been issued for imposition of Environmental Compensation for the period **2019–2024**, which is the subject matter of the present appeal. The Respondent Board, in a bid to cover up its lapses, is erroneously relying on the earlier proceedings and notices, which have no bearing on the present matter. In reality, the impugned order dated 05.12.2024 has been passed in a manner identical to the earlier order dated 24.07.2024—i.e., in complete disregard of the mandatory requirement to observe the principles of natural justice.

- e. That this Hon'ble Tribunal in the matter titled as *Anjum vs. Uttar Pradesh Pollution Control Board (Appeal-28/2023)* has held that: *“Some may be for execution of functioning of the concerned proponent, and some may have adverse effect upon his right to carry on process/operation including fastening liability, financial or otherwise. The directions which would have adverse effect upon proponent in the matter of running of its process or project or industry or operation or otherwise confer any liability upon it, such directions, in our view, cannot be issued without complying with the principle of natural justice.”* In another order dated 21.07.2020 passed by the Hon'ble Tribunal in *Appeal No. 9/2020(SZ), Piramal Enterprises Limited vs. Telangana Pollution Control Board*, it is was stated that: *“Since, compensation being a monitory liability, before fixing the same, an opportunity ought to have been given by the Pollution Control Board to the appellant unit which is the basic principle of following the principles of natural justice of being heard before final orders are being passed.”* That in the present case of the Appellant Industry, the impugned order dated 05.12.2024 passed by the Board imposing Environment

Compensation and requiring the Appellant to pay the same by applying principle of 'Polluter Pays' is a quasi-judicial order as it imposes huge financial liability upon it and without issuing notice and giving any effective opportunity of hearing and complying with the principles of natural justice, such liability cannot be fastened upon the Appellant.

2. **ENVIRONMENT COMPENSATION HAS ARBITRARILY BEEN IMPOSED FROM 26.04.2019.**

- a. The Appellant began the washing and dyeing process in 2019 after receiving the necessary "Consent to Operate" under environmental regulations. **The first consent was granted on 13.05.2019, allowing the discharge of treated effluent into the sewer after treatment.** The Appellant paid the required charges for this discharge. **In 2020, the Appellant industry worked towards achieving Zero Liquid Discharge (ZLD).** That based on the efforts of the Appellant industry, the Respondent Board granted renewed Consent to Operate dated 03.03.2020 under the Water (Prevention & Control of Pollution) Act, 1974 which was valid till 12.05.2020 and the same had a specific condition that the industry shall install & commission the ZLD as per undertaking given by it. That the Consent to Operate under the Air Act was also renewed by the Respondent Board.
- b. That despite rigorous efforts ZLD could not be fully commissioned due to the then prevailing Covid-19 pandemic due to which the **Consent to Operate was again renewed by the Board on 24.07.2020 (valid till 23.01.2021) with recycling of treated effluent upto 50% of water after UF-RO and remaining 35 KLD to be discharged into sewer.**
- c. That thereafter despite delays due to the COVID-19 pandemic, eventually achieved ZLD by August 2021. Consequently, no trade effluent has been discharged into the

municipal sewer since then. The Municipal Corporation was informed, and the sewage connection for trade effluent was disconnected in 2022. As of that year, 80% of the treated effluent is reused in the process, and 20% is evaporated, with no discharge inside or outside the industry premises.

- d. **That the Respondent Board after conducting its due diligence and only after being satisfied that the industry has obtained ZLD, granted renewed Consent to Operate dated 25.08.2021 to the Appellant industry and the same was valid till 20.06.2025.**

That therefore, imposition of Environment Compensation from 26.04.2019 is totally arbitrary and illegal and hence the same is liable to be set aside by this Hon'ble Tribunal.

3. **IMPUGNED ORDER HAS ALSO BEEN PASSED RELYING UPON A STALE INSPECTION REPORT DATED 03.01.2019.**

- a. That the impugned order has also been passed relying upon a stale inspection report dated 03.01.2019. It is imperative to mention herein that in early 2019, when the Appellant was in the process of establishing and stabilizing its dyeing and washing operations, an inspection was conducted by the officers of the Board on 03.01.2019. That the report of the inspection carried out by the Board on 03.01.2019 was not provided to the Appellant. That the impugned order imposing EC has been passed by the Respondent board relying upon the inspection conducted by its officials on 03.01.2019 and therefore it is submitted that since the report of the inspection carried out by the Board on 03.01.2019 was not provided to the Appellant herein, the Appellant herein continued to be in dark with respect to the case made out against him and the same amounts to violation of principles of natural justice on behalf of the Respondent Board.

- b. That further, during the inspection carried out by the Board on 03.01.2019, samples were collected by the Respondent Board but the same were not divided into two parts even at the asking of the Appellant herein and therefore the same were collected in violation of Section 21 of the Water (Prevention and Control of Pollution) Act, 1974.
- c. **Further, since 2019, multiple inspections have been conducted, and all samples passed, leading to the renewal of the Consent to Operate by the Board. The industry successfully achieved Zero Liquid Discharge (ZLD) in 2021 and has operated under ZLD conditions since then. The Respondent Board has also intentionally failed to mention that samples were collected on 20.09.2023 and as per the analysis report dated 03.10.2023 all the parameters were found to be within the prescribed limits. Given that the Environment Compensation has been imposed based on an inspection from five years ago and without taking into consideration the later sample analysis reports, it is submitted that the same is unwarranted for and is liable to be set aside by this Hon'ble Tribunal.**

4. **IMPUGNED ORDER HAS BEEN PASSED BASED ON THE INSPECTION CARRIED OUT ON 02.02.2024**

- a. The impugned order has been passed based on the inspection carried out on 02.02.2024. That on 02.02.2024, the Appellant Industry was visited by the Committee constituted by the Respondent Board for inspection on a complaint received to the Board submitted by SL. Verma through Sh. Sant Balbir Singh Sicheval MP. That during the inspection samples were collected by the officials of the said committee from Outlet of the ETP leading to UF Feed, from final RO1 and RO2 permeate leading to storage tank, from Outlet of overhead tank where Fresh Water + RO permeate is taken and Final RO reject leading to evaporator. However, the samples so collected by the Committee were not

divided into two parts even at the asking of the Appellant Industry, which is a clear violation of Section 21 of the Water Act.

- b. It is imperative to mention herein that the committee thoroughly investigated the sewer connections (domestic) of the Appellant Industry, however, no sewer samples whatsoever were taken by the Committee. Further, it is also relevant to point out that no bye-pass of trade effluent was found by the Committee. Nothing (no photographs, videos) have been brought on record by the Respondent Board to show that there is a bye-pass in the unit of the Appellant and that the Appellant is discharging untreated or treated effluent into the sewer.
- c. It is imperative to mention herein that the report of the inspection carried out by the Committee on 02.02.2024 was never served upon the Appellant herein, thus keeping the Appellant herein in dark about the allegations being leveled against the industry. That by not serving the report of the Committee on the Appellant herein, the Respondent Board has violated the mandatory principle of natural justice. That it was only through show cause notice dated 19.04.2024 (issued by the Respondent Board for revocation of consent under the Water Act, revocation of Authorization issued under the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and for imposition of EC for the period 2003-2019), that the Appellant came to know about the observations made by the Committee that visited the Appellant Industry on 02.02.2024. That it was on the receipt of the show cause notice dated 19.04.2024 that the Appellant herein approached the Respondent Board and paid charges for obtaining the analysis report of the samples collected by the Committee on 02.02.2024 and the inspection report of the committee. It is imperative to mention herein that the Respondent Board only provided the analysis report of the samples collected by the Committee and failed to provide the inspection report. That as per the analysis report

dated 16.02.2024 of samples collected on 02.02.2024, all the parameters except TDS were found to be within the prescribed limits.

- d. That a perusal of the observations of the Committee as mentioned in the impugned order would make it clear that **the observations of the committee with respect to discharge of effluent into sewer, unmetered source of water include the words “possibility, might, may either” which clearly indicate that the committee itself was not 100% sure about whether or not effluent is being discharged into the sewer and the observations so made are all figments of their wild imagination.**
- e. **That, therefore, the report of the committee is not conclusive and in no manner establishes that the Appellant industry is discharging effluent into the sewer. That the report being inconclusive ought not to have been relied upon and made the basis of imposition of Environmental Compensation on an industry which is fully compliant and was successfully operating as ZLD.**

REJOINDER ON MERITS:

That the Appellant reiterates and relies upon the contents and averments made hereinabove as well as in the Appeal and the same are not being repeated hereunder for the sake of brevity. Further, the contents of each of the paragraph of the reply herein below are deemed to be denied by the Appellant, except those specifically admitted.

1. That the contents of the corresponding paragraph are a matter of record and hence need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
2. That in response to the contents of the corresponding paragraph it is submitted that the similarity between the two orders passed by the Respondent Board is apparent on the

face of record. The earlier order dated 24.07.2024 was passed by the Respondent Board relying upon inspection reports dated 03.01.2019 and 02.02.2024 and the same was passed without providing an opportunity of hearing to the Appellant before finalizing the quantum of compensation. The said order was under challenge in Appeal 37 of 2024 and the same has been set aside by this Hon'ble Tribunal vide order dated 01.04.2025. That the impugned order in the present case i.e. order dated 05.12.2024 has also been passed by the Respondent Board relying upon the inspection reports dated 03.01.2019 and 02.02.2024. The same has also been passed in complete violation of principles of natural justice as neither any show cause notice was issued nor any opportunity of hearing was accorded to the Appellant prior to the passing of the impugned order. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

3. That the contents of the corresponding paragraph are a matter of record and hence need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
4. That the contents of the corresponding paragraph are a matter of record and hence need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
5. That the contents of the corresponding paragraph are a matter of record and hence need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
6. That the contents of the corresponding paragraph need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
7. That the contents of the corresponding paragraph are wrong and hence denied except those which are specifically admitted herein. It is denied that though the ETP was in

existence but untreated effluent was being discharged into sewer and the ETP was found not in operational condition. It is denied that the data sheet for collection of sample during visit on 03.01.2019 as signed by the proprietor of the Appellant Industry in token of its correctness. At the outset it is submitted that the report of the samples collected by the Respondent Board (Annexure-B of the reply by Respondent Board at page 514 of the court file) was not provided to the Appellant herein and the Appellant herein was only made to sign a blank/empty data sheet and the annexed data sheet is a document that has been filled by the Respondent Board at a belated stage. It is not the case of the Appellant that the sample analysis report attached by it as Annexure-B (page 514 of the court file) was provided to the Appellant herein. That in early 2019, when the Appellant was in the process of establishing and stabilizing its dyeing and washing operations, an inspection was conducted by the officers of the Board on 03.01.2019. That at the time when the inspection was carried out by the Respondent Board the Appellant had not started its process and was just in the process of stabilizing the ETP and testing. That during the inspection carried out by the Board on 03.01.2019, samples were collected by the Respondent Board but the same were not divided into two parts even at the asking of the Appellant herein and therefore the same were collected in violation of Section 21 of the Water (Prevention and Control of Pollution) Act, 1974. That since the samples collected were not divided into two parts, the same are not admissible as evidence under law. It is imperative to mention herein that the process of washing and dyeing was started by the Appellant only after obtaining Consent to Operate from the Punjab Pollution Control Board. That the Appellant herein applied for the grant of Consent to Operate and along with the same submitted a letter dated 19.01.2019 to the Respondent Board stating that the industry is applying for the grant of Consent to Operate under the Water Act and the Air Act and therefore air and water emission samples may kindly be

collected. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

8. That in response to the contents of the corresponding paragraph it is reiterated that the process of washing and dyeing was started by the Appellant only after obtaining Consent to Operate from the Punjab Pollution Control Board. That the Appellant herein applied for the grant of Consent to Operate and along with the same submitted a letter dated 19.01.2019 to the Respondent Board stating that the industry is applying for the grant of Consent to Operate under the Water Act and the Air Act and therefore air and water emission samples may kindly be collected. That without taking into consideration the fact that the Appellant has already applied for the grant of Consent to Operate and vide letter dated 19.01.2019 has requested for collection of samples, the Respondent Board issued directions dated 25.01.2019 (28.01.2019) for closure of industry under Section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974. It is imperative to mention herein that the said directions dated 25.01.2019 (28.01.2019) were issued by the Respondent Board without giving any prior show cause notice to the Appellant herein or providing an opportunity to the Appellant to file its objections or an opportunity of hearing. That along with the aforementioned directions, directions dated 25.01.2019 were also issued by the Respondent Board for disconnection of electricity supply. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
9. That in response to the contents of the corresponding paragraph it is submitted that after the issuance of the aforementioned directions, the Appellant herein made several visits to the office of the Respondent Board and made his submissions before the Board and requested the Board for withdrawal of the directions dated 25.01.2019. That the Appellant also submitted a reply dated 22.04.2019 requesting for the withdrawal of the

directions dated 25.01.2019 (28.01.2019). The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

10. That in response to the contents of the corresponding paragraph it is submitted that the Respondent Board acceded to the request of the Appellant herein and the directions dated 25.01.2019 were withdrawn by the Respondent Board. That vide directions dated 13.05.2019, the Respondent Board ordered for restoration of electricity available to the industry. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity. The very first Consent to Operate under the Air (Prevention & Control of Pollution) Act, 1981 and under the Water (Prevention & Control of Pollution) Act, 1974 was granted to the Appellant industry on 13.05.2019 and was valid upto 12.11.2019. That as per the Consent to Operate the Appellant industry had the permission to discharge the treated effluent into the sewer after treatment in Effluent Treatment Plant. That accordingly the effluent was discharged into the Sewer only after treatment in the Effluent Treatment Plant. That the Appellant duly paid charges towards discharge of treated effluent in sewer to the Municipal Corporation. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
11. That in response to the contents of the corresponding paragraph it is submitted that Appellant has always been conscious of its duty and responsibility towards the environment at large and therefore had started working towards achieving Zero Liquid Discharge (ZLD) in the year 2020 itself. That based on the efforts of the Appellant industry, the Respondent Board granted renewed Consent to Operate dated 03.03.2020 under the Water (Prevention & Control of Pollution) Act, 1974 which was valid till 12.05.2020 and the same had a specific condition that the industry shall install & commission the ZLD as per undertaking given by it. That the Consent to Operate under

the Air Act was also renewed by the Respondent Board. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

12. That in response to the contents of the corresponding paragraph it is submitted that the order dated 05.12.2024 which is under challenge in the present appeal, was passed by the Respondent Board during the pendency of the earlier Appeal bearing No. 37 of 2024 and hence cannot, by any stretch of reasoning, be construed as a fresh order in compliance with the directions contained in the order dated 01.04.2025. It is of utmost importance to mention herein that the fact regarding issuance of impugned order dated 05.12.2024 was also mentioned by the Appellant herein in the Rejoinder filed by it to the Reply of the Respondent Board in earlier Appeal 37 of 2024. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
13. That in response to the contents of the corresponding paragraph it is submitted that Sh. S.L. Verma (proprietor of M/s Megaline dyeing and finishing house) is a business competitor of the Appellant, with both parties specializing in indigo washing. In 2019, when the Appellant established his dyeing and washing machinery, Sh. S.L. Verma approached the Appellant, requesting an increase in the rate for dyeing operations to equalize customer traffic. The Appellant refused to do the same, and since then, Sh. S.L. Verma has pursued a campaign against the Appellant by filing various frivolous complaints against his unit. Furthermore, Sh. S.L. Verma enjoys the support of Sh. Sant Balbir Singh Sicheval, M.P., who is allegedly complicit in efforts to completely undermine the Appellant's business. It is essential to mention that following the issuance of orders by the Respondent Board, the Appellant had multiple meetings with officers of the Respondent Board and other relevant authorities. During these meetings, the Appellant was repeatedly advised to approach Sh. Sant Balbir Singh Sicheval, M.P. to settle the matter permanently. The Appellant's refusal to engage in such conduct has resulted in ongoing harassment due to the misuse of power by the Respondent

Authorities and the aforementioned political leader, Sh. Sant Balbir Singh Sichewal, M.P. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity. That on 02.02.2024, the Appellant Industry was visited by the Committee constituted by the Respondent Board for inspection on a complaint received to the Board submitted by SL. Verma through Sh. Sant Balbir Singh Sichewal MP. That during the inspection samples were collected by the officials of the said committee from Outlet of the ETP leading to UF Feed, from final RO1 and RO2 permeate leading to storage tank, from Outlet of overhead tank where Fresh Water + RO permeate is taken and Final RO reject leading to evaporator. However, the samples so collected by the Committee were not divided into two parts even at the asking of the Appellant Industry, which is a clear violation of Section 21 of the Water Act. It is imperative to mention herein that the committee thoroughly investigated the sewer connections (domestic) of the Appellant Industry, however, no sewer samples whatsoever were taken by the Committee. That only on account of malafide intentions of the Respondent Board, they raided/inspected the Appellant Industry on 02.02.2024 for 6 hours, trying their best to find anything against the Appellant Industry or to find a bypass. However, the Respondent Board did not find any bypass or any violation on part of the Appellant Industry. That to the utter shock of the Appellant herein, a show cause notice dated 19.04.2024 was issued by the Respondent Board for revocation of consent under the Water Act, revocation of Authorization issued under the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and for imposition of EC. That a perusal of the show cause notice would show that the same was issued based on the inspection carried out by the Board on 03.01.2019 and on the inspection carried out by the Committee of the Board on 02.02.2024 upon a complaint filed by the business rival of the Appellant SL Verma through Sh. Sant Balbir Singh Sichewal MP. That it was through the show cause notice dated 19.04.2024, that the Appellant came to know

about the observations made by the Committee that visited the Appellant Industry on 02.02.2024. It is imperative to mention herein that the report of the inspection carried out by the Committee on 02.02.2024 was never served upon the Appellant herein, thus keeping the Appellant herein in dark about the allegations being levelled against the industry. That by not serving the report of the Committee on the Appellant herein, the Respondent Board has violated the mandatory principle of natural justice. That it was on the receipt of the show cause notice dated 19.04.2024 that the Appellant herein approached the Respondent Board and paid charges for obtaining the analysis report of the samples collected by the Committee on 02.02.2024 and the inspection report of the committee. It is imperative to mention herein that the Respondent Board only provided the analysis report of the samples collected by the Committee and failed to provide the inspection report. That as per the analysis report dated 16.02.2024 of samples collected on 02.02.2024, all the parameters were found to be within the prescribed limits. The point-wise reply to the observations of the committee in the inspection report is as under:

- i. **There is no account of 2026 KL. Whereas the effluent may either be directly disposed off after the ETP plant to MC sewer without evaporation to save cost of energy Involved in evaporation:** The total effluent received from Oct 2020 (date installation of RO unit) till April 2024 is 28254 KL. The liquid sludge collected from tube settlers etc. is about to 2-2.5% whereas the reject from UF membranes is supplied to feed tank to MEE. It is added that only the back wash from the UF membranes is supplied to the collection tank. The difference noted by the committee is only due to the liquid sludge of tube settlers and reject of the UF membrane. This fact might have been got omitted by the committee while making the observations. It is added that we will install

EMF meter at UF reject as and when the Industry is allowed to operate so that such observations may not arise in future.

- ii. **There is possibility of unmetered water source from where the water is taken for processing activities but is not accounted in records:** This para is merely on presumption basis. It is submitted that our unit is only engaged for Washing & dyeing purpose. There is no other water source for obtaining water. It is added that our unit is independent unit and having no connectivity with any surrounding premises industries etc. The extra effluent calculated by the inspection committee has already been well explained at sub point (i) above.
- iii. **RO is not functioning properly and efficiently and there are chances that the Industry might be discharging its treated effluent without reusing in the process:** This para is also on presumption basis. The RO unit -1 is having 9 membranes placed in three rows of 80 x 40 type. Each membrane is having capacity to treat about 1000 Ltr. of effluent per hour. The required capacity of RO-1 is to treat 75 KLD or 6250 Ltr. Per hour in 12 hours. The existing capacity of membranes is 9000 Itr per hour i.e. 1.5 times than the required capacity. Hence there is no chance of improper efficiency. The required capacity of RO-2 is to treat 18.75 KLD(25% of influent) or 1562.5 Ltr. Per hour in 12 hours. The RO unit-2 is having 9 membranes placed in three rows of 40 x 40 type. Each membrane is having capacity to treat about 600 Ltr. of effluent per hour. The existing capacity of membranes is 5400 Itr per hour i.e. more than 3 times than the required capacity. Hence there is no chance of improper efficiency.
- iv. **It is neither feasible not advisable to use treated effluent with such a high TDS of around 1300 ppm for boiler feed or for dyeing/washing process as**

it will affect the boiler Infrastructure as well as affect the quality of product being manufactured by the industry: Our industry is engaged mainly in washing of denim indigo garments which are thicker than the normal fabric. These require the water having TDS upto 2000 mg/ Ltr. In case the TDS is less, we add extra salt to bring the TDS upto 2000 mg/ Ltr. Therefore, the water having TDS 1300 mg/ Ltr. or more is good for our fabric. Regarding the feed quality water to the boiler it is submitted that we do not use ETP treated water for boiler. We use only ground water for the boiler.

- v. **The possibility of discharge of effluent through flexible pipe from ETP or RO plant can't be ruled out:** This para is also merely on presumption basis. It is added that we don't use any flexible pipe for any purpose in our unit. We undertake that we have never used/will use any flexible pipe for any type of unauthorized discharge of treated/untreated water to any on-ground/underground or any type of water body.
- vi. **The Industry is not treating whole of the effluent through RO plant and about 2026 KL of effluent was found unaccounted. Hence, the quantities of RO reject will be much more as compared to 658 KL as recorded by the industry:** The total effluent received from Oct. 2020 (date installation of RO unit) till April 2024 is 28254 KL. The liquid sludge collected from tube settlers etc. is about to 2-2.5% whereas the reject from UF membranes is supplied to feed tank to MEE. It is added that only the back wash from the UF membranes is supplied to the collection tank. The difference noted by the committee is only due to the liquid sludge of tube settlers and reject of the UF membrane. This fact might have been got omitted by the committee while making the observations. It is added that we will install EMF meter at UF reject as and

when the industry is allowed to operate so that such observations may not arise in future.

- vii. **The hazardous waste of cat. 33.1 were found scattered here & there and no record was maintained:** It is submitted that we receive the chemicals in bags and plastic drums. The empty bags are stored in HW room and are sent to Nimbua Green Fields Dera Bassi. The liquid chemicals are received in drums. The price is paid for chemicals only. The empty drums are on returnable basis. We return all the empty drums to the supplier. Therefore, there is no record of the empty drums.
- viii. **The industry has not provided proper display board outside the hazardous waste storage room as only a computerized paper is pasted there:** The display board has already been provided.
- ix. **The Industry has failed to submit any record of bills or documents to justify the regular and periodic maintenance of RO plant. Further, no bill regarding change of membrane or RO plant was produced:** It is submitted that our R.O. plant was purchased on 24.08.2020. The life of R.O. membranes is 3-5 years when operated 22-24 hours daily. Our plant works for about 12 hours daily. Thus, the life span of the membranes still exists and presently there is no requirement of replacement of the membranes. Regarding periodic maintenance, it is submitted that we daily backwash the membranes and perform descaling periodically. So there is no outside maintenance requirement for the R.O. plant. It is added that we are also attaching herewith the balance RO life evaluated by M/S Mahavir Enviro Consultants, Ludhiana for your ready reference. Therefore, the efficiency and treatment capacity of the system is quite sufficient.

- x. **The industry has not complied with the condition of consent for providing automatic dosing arrangement for optimum chemical/coagulants in its ETP instead of manual system:** Automatic dosing in dyeing/washing, effluent treatment is not practically possible.
- xi. **It has been apprehended that domestic effluent of the industry might be discharged into sewer through toilets:** That no proof whatsoever in form of photographs, videos has been placed on record by the Respondent board to substantiate their claim.

That it is imperative to mention herein that the Appellant had duly submitted its reply to the observations of the committee as mentioned in the show cause notice dated 19.04.2024, vide its reply dated 08.05.2024. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

14. That in response to the contents of the corresponding paragraph it is submitted that a show cause notice dated 19.04.2024 was issued by the Respondent Board for revocation of consent under the Water Act, revocation of Authorization issued under the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and for imposition of EC. That the hearing before the Chairman of the Respondent Board was attended by the proprietor of the Appellant Industry. It is submitted that a reply was submitted by the Appellant to the Chairman of the Respondent Board during the personal hearing on 25.04.2024. That the minutes of personal hearing held on 25.04.2024 (communicated to the Appellant herein vide letter dated 29.04.2024) record the submissions of the Appellant herein and the same are reproduced herein below for the ready reference of this Hon'ble Tribunal:

“Sh. Rishi Jethi, Proprietor of the industry attended the hearing and submitted a written reply, which was taken on record. He submitted that he is sole proprietor of the industry and started the Industry in the year of 2019 for washing and dyeing. Before starting the above said unit got all Permissions/NOC from the Punjab Pollution Control Board as well as all the necessary concerned departments. He installed Zero Liquid Discharge Plant. Zero liquid discharge plant working regularly as per norms.

The unaccounted water is used in backwash of UF filter & UF reject water. There is no unmetered water source as only one tube well is installed inside the premises of industry which is metered & record is maintained. Both RO Plants are running and were running at the time of official visit. The visiting team inspected plant for 4-5 hours. The industry is using total RO product water into process. The industry is involved in washing/dyeing of garments, in which up to 2000 TDS water can be used for process. They are not using RO product water in boiler. There is no such flexible pipe inside Industry premises. The industry is treating whole water from ETP in UF & RO Plants. The unaccounted water as per PPCB team, come back into equalization tank from UF Reject & Back wash. The Record of hazardous waste cat. 33.1 Is maintained & sludge is dried in sludge drying trays. Now, the Industry has provided the proper display board outside the hazardous waste storage room. The industry has not conducted any major maintenance/ membrane replacement. They are providing RO chemical purchase data for regular running of plants. Automatic dosing in dyeing/washing, effluent treatment is not practically possible. The ETP is running satisfactorily as per testing report of various sample collected by PPCB regular intervals.”

It is denied that the Appellant could not explain low efficiency of the RO plant and disposal of residue. With respect to RO it is submitted that RO unit -1 is having 9 membranes placed in three rows of 80 x 40 type. Each membrane is having capacity to treat about 1000 Ltr. of effluent per hour. The required capacity of RO-1 is to treat 75 KLD or 6250 Ltr. Per hour in 12 hours. The existing capacity of membranes is 9000 Itr per hour i.e. 1.5 times than the required capacity. Hence there is no chance of improper efficiency. The required capacity of RO-2 is to treat 18.75 KLD(25% of influent) or 1562.5 Ltr. Per hour in 12 hours. The RO unit-2 is having 9 membranes placed in three rows of 40 x 40 type. Each membrane is having capacity to treat about 600 Ltr. of effluent per hour. The existing capacity of membranes is 5400 Itr per hour i.e. more than 3 times than the required capacity. Hence there is no chance of improper efficiency. With respect to disposal of residue, it is submitted that a very minimal quantity of residue is generated from MEE and the same forms a part of the Hazardous waste which is sent to Nimbua by the Appellant herein. With respect to high TDS, it has already been submitted by the Appellant herein that the industry is engaged mainly in washing of denim indigo garments which are thicker than the normal fabric. These require water having TDS upto 2000 mg/ Ltr. In case the TDS is less, extra salt is required to be added so as to bring the TDS upto 2000 mg/ Ltr. Therefore, the water having higher TDS is good for the fabric being dyed by the Appellant industry. It is important to mention herein that the high value of TDS is in no manner effecting or causing degradation to the surrounding environment as the treated effluent is being re-used in the process itself and no effluent is discharged into the municipal sewer. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

15. That the contents of the corresponding paragraph are a matter of record and hence need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

16. That the contents of the corresponding paragraph are a matter of record and hence need no reply from the Appellant herein. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.
- 17-18. That the contents of the corresponding paragraph are wrong and hence denied. It is denied that the ZLD system adopted by the industry suffers from various loopholes and major violations have been reported in the functioning of the ZLD system adopted by the industry. It is denied that the appellant has operated the unit without any proper operation of ETP and ZLD system. It is denied that the activities carried out by the appellant unit were illegal in nature and had contributed towards damage to the environment. It is pertinent to mention herein that 80% of the treated effluent is reused in the process, and 20% is evaporated, with no discharge inside or outside the industry premises. **The report of the committee is not conclusive and in no manner establishes that the Appellant industry is discharging effluent into the sewer. That the report being inconclusive ought not to have been relied upon and made the basis of imposition of Environmental Compensation on an industry which is fully compliant and is successfully operating as ZLD.** That no proof whatsoever in form of photographs, videos has been placed on record by the Respondent board to substantiate their claim. The Appellant unit is strictly operating as ZLD and there is no discharge inside or outside the industry premises. It is imperative to mention herein that total cost of the industry is approximately Rs. 1,27,56, 494/- which includes a cost of approximately Rs. 50,00,000/- spent by the Appellant industry towards achieving ZLD. That the Appellant has spent huge amount of money in achieving and thereafter maintaining Zero Liquid Discharge and is now suffering victimization at the hands of the Respondent Board. Further, it is also important to mention herein that time and again directions have been issued by the Respondent Board as well as other concerned

authorities to large and medium scale dyeing units to achieve ZLD. That those directions having been issued only with respect to large and medium scale industries and do not apply to the Appellant Industry as the Appellant industry is a small-scale unit. However, the Appellant Industry being an environment conscious unit achieved ZLD and now exorbitant amount of Environment Compensation has been imposed on the Appellant Industry only out of malafide and at the behest of a competitor who is close to a functionary/member of the Respondent Board. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

19-20. That in response to the contents of the corresponding paragraph it is submitted that the principle of Polluters Pay as laid down by the Hon'ble Supreme Court is not applicable to the facts and circumstances of the present case as there is no pollution or environmental degradation whatsoever being caused by the Appellant Industry. That since August 2021 the industry has been operating on Zero Liquid Discharge and there is no discharge whatsoever outside the industry. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

21. That in response to the contents of the corresponding paragraph it is reiterated that the Appellant began the washing and dyeing process in 2019 after receiving the necessary "Consent to Operate" under environmental regulations. **The first consent was granted on 13.05.2019, allowing the discharge of treated effluent into the sewer after treatment.** The Appellant paid the required charges for this discharge. **In 2020, the Appellant industry worked towards achieving Zero Liquid Discharge (ZLD).** That based on the efforts of the Appellant industry, the Respondent Board granted renewed Consent to Operate dated 03.03.2020 under the Water (Prevention & Control of Pollution) Act, 1974 which was valid till 12.05.2020 and the same had a specific condition that the industry shall install & commission the ZLD as per undertaking given

by it. That the Consent to Operate under the Air Act was also renewed by the Respondent Board. That despite rigorous efforts ZLD could not be fully commissioned due to the then prevailing Covid-19 pandemic due to which the **Consent to Operate was again renewed by the Board on 24.07.2020 (valid till 23.01.2021) with recycling of treated effluent upto 50% of water after UF-RO and remaining 35 KLD to be discharged into sewer.** That thereafter despite delays due to the COVID-19 pandemic, eventually achieved ZLD by August 2021. Consequently, no trade effluent has been discharged into the municipal sewer since then. The Municipal Corporation was informed, and the sewage connection for trade effluent was disconnected in 2022. As of that year, 80% of the treated effluent is reused in the process, and 20% is evaporated, with no discharge inside or outside the industry premises. **That the Respondent Board after conducting its due diligence and only after being satisfied that the industry has obtained ZLD, granted renewed Consent to Operate dated 25.08.2021 to the Appellant industry and the same was valid till 20.06.2025.** That therefore, imposition of Environment Compensation from 26.04.2019 is totally arbitrary and illegal and hence the same is liable to be set aside by this Hon'ble Tribunal. Further, the impugned order has been passed by the Respondent Board in complete violation of the principles of natural justice i.e. without issuance of show cause notice and without providing an opportunity of hearing, and hence the same is liable to be set aside on this ground alone. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

PRAYER

In light of the facts and circumstances mentioned herein above, it is prayed that this Hon'ble Tribunal may be graciously pleased to:

- i. Take the present Rejoinder on record;

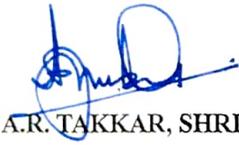
Pass any such and further orders as deemed fit and proper in the peculiar facts and circumstances in favour of the applicant in the interest of justice and fair play.

For SUMIT KNIT FAB

Rishi Jethi
Prop.

APPELLANT/APPLICANT
(RISHI JETHI PROPRIETOR)

THROUGH:



A.R. TAKKAR, SHRIYA TAKKAR, AVANTIKA THAKUR, MANAN TAKKAR,

AASTHA TYAGI, PRINCE SHARMA, UDIT SAINI & YASH DEWAN
ADVOCATES
ARTLO
P-6/2E, DLF PHASE-2,
GURGAON 122002
EMAIL ID: ARTAKKAR@ARTLO.IN
9582209633

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH DELHI AT NEW DELHI**

IN THE MATTER OF:

APPEAL NO. 37 OF 2024

M/S SUMIT KNIT FAB

...APPELLANT/APPLICANT

VERSUS

PUNJAB POLLUTION CONTROL BOARD & ORS

...RESPONDENTS

AFFIDAVIT

I, Rishi Jethi S/o, Sh. Vinod Kumar aged about 47 years, proprietor of M/s Sumit Knit Fab, R/o 3-B Industrial Area A Extn. Ludhiana, Punjab-141003, do hereby solemnly affirm and declare as under: -

1. That the above titled Rejoinder has been drafted under the authority and instructions of the deponent and after perusing its contents, the deponent has duly signed it, and the contents of paragraph Nos. 1 to 21 thereof are true and correct to the knowledge of the deponent, and the same may be read as contents of this affidavit also, which are not being reproduced for the sake of brevity. No part of it is false and nothing material has been kept concealed therefrom.
2. That the contents of paragraphs no. 1 to 21 of above tilted Rejoinder are true and correct to my knowledge, no part of that is false and nothing has been kept concealed therefrom.



3. That the Annexures attached with the Rejoinder are true copies of their respective originals.

For SUMIT KNIT FAB

Rishi Jethi
Prop.

DEPONENT
(RISHI JETHI)

*Certified that the affidavit/SPA/GPA
has been reviewed & explained to the
deponent/executor who seemed directly
to understand the same at the making thereof*

VERIFICATION

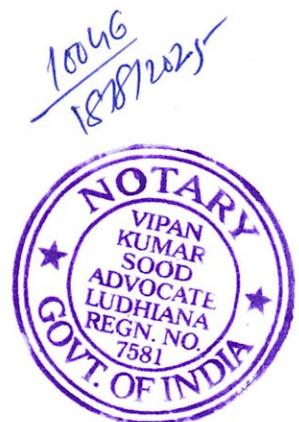
Verified that the contents of paragraphs no. 1 to _____ of my above affidavit are true and correct to best of my knowledge. No part of it is false and nothing has been concealed therein.

For SUMIT KNIT FAB

Rishi Jethi
Prop.

DEPONENT
(RISHI JETHI)

ATTESTED AS IDENTIFIED
[Signature]
NOTARY PUBLIC
LUDHIANA (PB.) India





PROOF OF SERVICE

ADVANCE SERVICE OF REJOINDER TO THE REPLY FILED BY PPCB

30

From Prince <prince@artlo.in>

Date Wed 8/20/2025 11:25 PM

To chairmanppcb@yahoo.co.in <chairmanppcb@yahoo.co.in>; chairman.ptl.ppcb@punjab.gov.in <chairman.ptl.ppcb@punjab.gov.in>; msppcb@punjab.gov.in <msppcb@punjab.gov.in>; msppcb@gmail.com <msppcb@gmail.com>; PPCBZOP2@GMAIL.COM <ppcbzop2@gmail.com>; OFFICE@MARKLEGAL.CO.IN <office@marklegal.co.in>

Cc Aastha Tyagi <aastha@artlo.in>; Unnati <Unnati@artlo.in>

 1 attachment (1 MB)

REJOINDER TO THE REPLY FILED BY PPCB IN APPEAL NO 14 OF 2025.pdf;

Dear Sir/Ma'am,

Please find attached herewith soft copy of Rejoinder to the reply filed by PPCB on Appeal No 14 of 2025 titled as Sumit Knits Fab. vs PPCB And Ors.