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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

**IA No.... of 2024
(Condonation of Delay)
In OA No.21/2024**

Lavino-Kapur Cottons Pvt Ltd.

...Applicant

Vs

MPCB & others.

.... Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,
MAHARASHTRA POLLUTION CONTROL BOARD :-**

I, Kiran Hasabnis, Aged-Adult, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Thane, having office at Plot o.P-30, 5th Floor, Office Complex Building, Wagle Industrial Estate, Mulund Checknaka, Thane(West)-400 604, do hereby solemnly affirm and state as under :-

1. I say that I am the Regional Officer of Respondent No.1-MPCB and am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the above matter and am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the above-captioned Application. Nothing in the





2. above-captioned Application may be deemed to have been admitted for mere want of specific denial.
3. At the outset, I say that this original application is mainly filed against the letter cum notices issued by Respondent No.3 on which the present Respondent does not wish to comment. I say that this OA is related to the alleged closure of SCADA valve by the other respondents along with alleged disconnection of the water supply of the Applicant along with alleged non payment of excessive desludging charges to which this Respondent is not concerned. The challenges which are detailed in the body of the main application are related to Respondent No 2 & 3 and not to the present Respondent.



- I say that the present Respondent is only concerned with prayer (f) whereby the Applicant is seeking to quash the Direction issued by the present Respondent under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 dated 17/02/2022 which is annexed at Exhibit E to the OA at page No. 56.
5. I say that the present Application has been filed with multiple prayers which are not related to each other and seeking quashing of the Direction dated 17/02/2022 which was issued pursuant to the judgement dated 24/01/2022 passed by the Hon'ble NGT, Principal Bench , New Delhi in O.A No.64/2016 filed by one

6. Akhil Bhartiya Mangela Samaj against MPCB & Others before the Hon'ble NGT for seeking direction to close the polluting industries discharging effluents to the Arabian Sea etc. I say that the answering Respondent has directed the Appellant to deposit Environment Compensation of Rs. 196.794 lakh within 3 months from the date of judgement.
7. I say that the present OA is completely time barred as far as the direction dated 17/02/2022 is concerned. As provided in Section 16 of NGT Act, an Appeal may be preferred within a period of 30 days from the date on which the order/decision/ direction is passed and a further period of maximum 60 may be allowed if the Hon'ble Tribunal is satisfied that the Appellant was prevented by sufficient cause from filing the Appeal within the said limitation of 30 days. However, in any case an Original Application challenging the direction is not maintainable u/s 14 of the NGT Act.
8. I say that the present I.A for Dealy Condonation is purely an afterthought to avoid making payment towards Environmental Compensation.
9. I say that the present Application has been filed on 17/3/2023, which is beyond the period mentioned under section 16 of the



10. NGT Act, 2010. Moreover, it is an Application filed u/s 14 and not an Appeal and therefore deserves to be rejected.

11. In light of the above it is most humbly prayed that the present I.A for Delay Condonation be decided appropriately by the Hon'ble Tribunal.

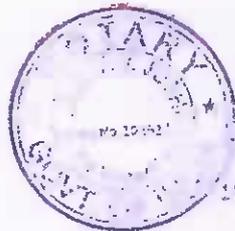
Solemnly affirmed on this 29th of April, 2024 at *Thane*

For and on behalf of
Maharashtra Pollution Control
Board,

(Kiran Hasabnis)
Regional Officer-Thane



BEFORE ME
NOTARY



Sujata V. Joshi
SUJATA V. JOSHI
ADVOCATE & NOTARY
201/102, V. Bhal Pldg., Station Road,
Kala Ghoda, Thane-400 605.

NOTED & REGISTERED
Sr. No. *64002024*

29 APR 2024