

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



I.A. NO. OF 2024

IN

APPEAL NO. 09 OF 2024

Lavino Kapur Cottons Pvt. Ltd.

APPLICANT

Versus

Maharashtra Pollution Control Board

& 2 Ors

RESPONDENTS

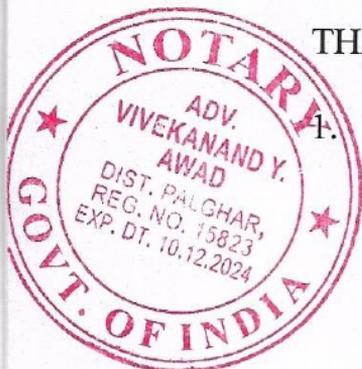
REPLY AFFIDAVIT

(FILED ON BEHALF OF RESPONDENT NO.2)

I, Mr. Gajanan Sahebrao Jadhav, Age- 54 years, Occ- Service, working as a CETP Plant Manager with Tarapur Environment Protection Society, O/At:- Plot no. AM-29, Near Shivaji Nagar, MIDC-Tarapur / Boisar, Dist- Palghar, Pincode – 401506 , do hereby solemnly affirm

THAT: -

At the outset, the present Respondent states that the appeal as filed by the Appellant is not maintainable for want of



jurisdiction since the Appellant has challenged the demand towards interim environmental compensation as raised by the Respondent No.1 pursuant to the directions of this Hon'ble Tribunal passed in O.A. No. 64 of 2016. Hence any challenge to liability arising from the order of this Hon'ble Tribunal can only be contested in the form of appeal before the Hon'ble Supreme Court. On this ground alone the entire appeal matter is required to be dismissed in *limini* and there is no need to examine the alleged grounds for condonation of delay.

2. Respondent further states that there is also a final judgment and award dated 24.01.2022 passed in the said O.A. No. 64 of 2016, wherein even higher penalty has been imposed on the Appellant herein for various instances of environmental violations that are dated 2017 onwards. The present appeal is therefore not maintainable in absence of any independent appeal preferred by the Appellant before the Hon'ble Supreme Court of India.
3. Even otherwise, a bare perusal of the prayer clause suggests that the Appellant is challenging its (a) categorization as RED category industry in its Consent to Operate, (b) requirement for membership of CETP as contained in its Consent to Operate (c) Closure Directions dated 17.05.2017 and 08.08.2018 (d) actions



and reports of the Expert Monitoring Committee that was appointed by this Hon'ble Tribunal etc. which are all dated back to the period ranging from 2005 till 2018.

4. This Respondent thus states that there is no relevance or correlation of the directions passed by the Hon'ble Supreme Court in case of cause of action expiring during COVID-19 pandemic. The Appellant has failed to explain delay of many years i.e., ranging between 7 years to 19 years when the alleged causes of action arose against respective reliefs sought under the main appeal. Furthermore, there is no explanation given by the Appellant for the delay caused between 15.03.2021, when the appeal was original lodged until year 2024 when the Appellant undertook to remove the office objections.

5. In the facts and circumstances stated above, the Respondent states that the reasons and grounds mentioned seeking condonation of delay as stated in the interim application under present reply are all false, bogus and baseless and in utter disregard to the laws and principles applicable to seek use of discretionary power of this Hon'ble Tribunal to condone the delay.



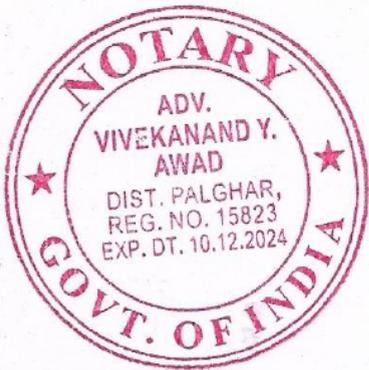
6. As earlier stated the original appeal itself is not maintainable. Moreover the present application under reply is devoid of any truth and merit. The application therefore be rejected with costs and consequently the appeal may also be dismissed.



WHATEVER STAEAND VERIFY THE CONTENTS OF PARA 1 TO 6 ABOVE AS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND IN WITNESS WHEREOF I HAVE SIGNED HEREUNDER ON THIS 2nd DAY OF MARCH 2024 AT TARAPUR-BOISAR, DIST-PALGHAR.

TEPS (Respondent No.2)

Through Authorised Signatory



SIGNED BEFORE ME

VIVEKANAND Y. AWAD
 Advocate & Notary
 Flat No. 102, Bldg.-F, Wing-C, Mahavir Kunj
 Katkar Pada, Boisar,
 Dist. Palghar, Maharashtra-401 501
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NOTED & REGISTERED	
AT Serial No.	246
Register No.	06 Dated 02/03/2024
This Document Contains	
Total	05 Pages






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To
 गजानन साहेबराव जाधव
 Gajanan Sahabrao Jadhav
 SHREE KRISHANA DARGHAN CHE. DWING 49A
 OLD MUMBAI PLUM ROAD
 NEAR FISH MARKET KHARJASON, KALWA WEST
 Thane
 Kharat Thane Thane
 Maharashtra-400606
 9819206424

Ref: 902 / 31M / 310747 / 311015 / P



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गजानन साहेबराव जाधव
 Gajanan Sahabrao Jadhav
 जन्म तारीख / DOB 11/11/1969
 पुरुष / Male



5473 0916 0060

आधार - सामान्य माणसाचा अधिकार

(Handwritten Signature)