

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 44/2023(WZ)



IN THE MATTER OF: -

ARYAVART FOUNDATION

APPLICANT

VERSUS

M/S LOTE PARSHURAM

RESPONDENT(S)

ENVIRONMENT PROTECTION CO-
OPERATIVE SOCIETY LTD. & ORS.

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3.

CENTRAL POLLUTION CONTROL BOARD (CPCB)

I, Bharat Kumar Sharma, S/o Shri. D.P. Vishwakarma, aged 50 years, working as Scientist 'F' and Regional Director in the Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

That I, in the capacity of Scientist 'F' of the Central Pollution Control Board (hereinafter referred as CPCB) am fully conversant with the facts of the case and hence, competent to swear this reply affidavit on behalf of the Respondent No. 3 (CPCB).

1. That the averments made in Paras 1 to 3 are about the address of the Applicant & Respondents and details of the Applicant's organization "Aryavart Foundation", which are matter of records and need no comments from this

Answering Respondent.

2. That the averments made in Paras 4 to 6 are about submission made by the Applicant w.r.t. receipt of Consent To Establish (CTE); Consent To Operate (CTO) issued by Respondent No. 2 (Maharashtra Pollution Control Board i.e. MPCB) to Respondent No. 1 (M/s Lote Parshuram Environment Protection Cooperative Society Ltd.); various show cause notices/ inspection reports/ analysis reports prepared in respect of Respondent No. 1 and application made by the Applicant under Right to Information Act, 2005 ('RTI Act') and receipt of various documents regarding Respondent No. 1 obtained through RTI reply dated 23/08/2022 from Respondent No. 2 (MPCB). Further averments are about the details of Respondent No.1. The same are matter of records and need no comments from this Answering Respondent.
3. That the averments made under the heading "FACTS IN BRIEF" (Paras 7 to 9) are about details of CTE & CTO granted from time to time by Respondent No. 2 (MPCB) to Respondent No.1; details of CTE for expansion & Environmental Clearance granted by State Level Environment Impact Assessment authority; and details of latest CTO. The same are matter of records and need no comments from this Answering Respondent.
4. That the averments made under the heading "FACTS IN BRIEF" (Paras 10 to 19) are about the show cause notices dated 22/07/2022 & 14/10/2022 issued by Respondent No. 2 (MPCB) to Respondent No.1 for the discharge of untreated effluent into Sonpatra River through a leaked pipeline & other violations; Respondent No. 2 (MPCB) failed to take action against Respondent No.1 for the various non-compliances reported thereto; gross violation of inlet norms & outlet norms w.r.t. MPCB prescribed norms; compilation of analysis results of COD & BOD at inlet of Respondent No.1 CETP, revealing non-compliance of COD & BOD; Respondent No. 1 not taking actions against their member industries for the non-compliances for discharging effluent more than inlet norms of CETP. Further averments are about the inspection reports of Respondent No. 2 (MPCB) based on the inspections carried out at the CETP operated by Respondent No. 1, various reported non-compliances of

ammonical nitrogen with respect to the inlet norms not conforming to the prescribed inlet norms of CETP; alleged inadequate treatment of effluent by the Respondent No. 1; alleged misleading/data falsification by Respondent No.1 due to non-harmonization of scheduling inspection by Respondent No.2 (MPCB). These averments pertain to Respondent No. 2 (MPCB). It is humbly submitted that violations, if any under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.



5. That the averments made under the heading "FACTS IN BRIEF" (Paras 20 to 25) are about the various reported non-compliances of parameters viz. COD, BOD, SS, TKN & Cadmium with respect to discharge of treated effluent not conforming to the prescribed discharge standards by the Respondent No.1; alleged manipulation of sample collection process by the Respondent No. 1; Respondent No.2 (MPCB) not analysing all the parameters; application dated 22/03/2023 filed under RTI Act, 2005 by the Applicant to the Respondent No. 2 (MPCB) and the Applicant referring to the order of the Hon'ble Supreme Court in *Paryavaran Suraksha Samiti and Anr Vs. Union of India & Ors (2017)* for filing the present Application. The same are matter of records and need no comments from this Answering Respondent.
6. That the averments under the heading "GROUNDS" in Para 26 (A to L) are various grounds for filing the present original Application as submitted by the Applicant, which have already been mentioned/commented in above paras of this affidavit by this Answering Respondent and need no further comments by this Answering Respondent.
7. That the averments made under the heading "LIMITATION" (Paras 27 and 28) and under the heading "PRAYER" (Paras a to e) are about the period of limitation for filing the present Original Application and various prayers as submitted by the Applicant, and need no comments from this Answering Respondent.

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No. 3 i.e. CPCB shall abide by any order or directions passed by this Hon'ble Tribunal.

DEPONENT

VERIFICATION

Verified at Pune on this day of July, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.



DEPONENT – Respondent No. 3

COUNSEL for Respondent No. 3



ATTESTED

**MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA**

07 JUL 2023