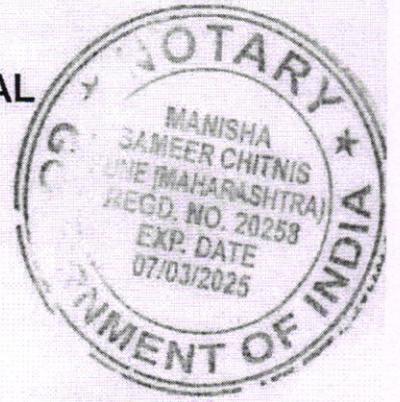


**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

**APPEAL NO. 01/2022 (WZ)
(IA NO. 07/2022)**



IN THE MATTER OF: -

M/S NIX POLYMERS & ORS.

APPELLANT(S)

VERSUS

**MAHARASHTRA POLLUTION
CONTROL BOARD & ORS.**

RESPONDENT(S)

Reply Affidavit on behalf of Respondent No. 4, Central Pollution Control Board (CPCB).

I, Bharat Kumar Sharma S/o Shri D.P Vishwakarma aged 48 years, and having office at Regional Directorate (Pune), Central Pollution Control Board, Hirabi Dhankude Hall, Survey No. 110, Baner Road, Pune – 411045, do hereby solemnly affirm and state as under;

That I am presently working as Scientist 'F' & Regional Director, Regional Directorate, Central Pollution Control Board (CPCB), Pune. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present Reply Affidavit as under:

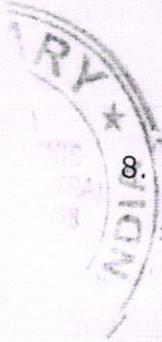
1. That the averments made in Para 1 is about the address and business profile of the Appellant and hence need no comments from this Answering Respondent No. 4.
2. That the averments made in Para 2 is about the consent to establish granted by the Respondent No. 1 i.e. Regional Office-Kolhapur, Maharashtra Pollution Control Board (MPCB) to the Appellant's unit and details on process of manufacturing of activity being carried at the Appellant's unit. The same are matter of records and hence needs no comments from this Answering Respondent No. 4.

3. That the averments made in Para 3 is about the sub-division of M/s Rajdhani Spinning Mill Pvt. Ltd., plot no. L-57, MIDC, Kupwad, Dist. Sangli into four different units and necessary permission thereof; obtained by the Appellant from the Maharashtra Industrial Development Corporation (hereinafter referred as 'MIDC'), its status of validity of permission and hence needs no comments from this Answering Respondent.
4. That the averments made in Para 4 is about the reasons mentioned by the Appellant in the present appeal for the delay in making application for obtaining renewal of subletting permission from the MIDC and consent to establish from the Respondent No. 1 i.e. Regional Office - Kolhapur, MPCB and hence needs no comments from this Answering Respondent.
5. That the averments made in Para 5 is about the complaint filed by the Applicant i.e. Tousif Bagnikar against the Appellant's unit. Further, the Appellant mentioned about non-compliance observed by the Respondent no. 2 i.e. Sub-Regional Office-Sangli, MPCB based on inspection carried-out at Appellant's unit on 09.07.2021 and subsequent notice issued by the Respondent no. 2 i.e. Sub-Regional Office-Sangli, MPCB to the Appellant. The same are matter of records and hence needs no comments from this Answering Respondent.
6. That the averments made in Para 6 is about the complaint filed by the Applicant i.e. Tousif Bahnikar in Original Application no. 55 of 2021(WZ) before the Hon'ble NGT and order passed by the Hon'ble Tribunal vide dated 03.08.2021, thereby issuing notices to Respondents and constitution of expert committee. The same being the matter of court records and hence needs no comments from this Answering Respondent.

Further, it is humbly submitted that the Hon'ble Tribunal vide order dated 03.08.2021 issued notices to all the Respondents. Upon receipt of notice from the Assistant Registrar, Hon'ble Tribunal, this Answering Respondent no. 4 has filed its Reply Affidavit before NGT, WZ on 05.10.2021. Copy of the said reply affidavit filed before Tribunal is annexed herewith and is marked as **Annexure-A**.

Also, vide said order dated 03.08.2021, the Hon'ble Tribunal had constituted a four member committee comprising of District Magistrate - Sangli,

Commissioner-Sangli, Regional Officer - MPCB and Maharashtra Industrial Development Corporation and directed to submit the report on alleged discharge of untreated effluent by M/s NIX Polymers into MIDC drain. In the said Joint Committee, this Answering Respondent is not a Committee member and hence no comments from this Answering Respondent.

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7. That the averments in Para 7 is about the details on process of manufacturing of activity being carried at the Appellant's unit and hence needs no comments from this Answering Respondent.
 8. That the averments made in Para 8 is about testing of wastewater sample, carried-out through M/s Shreeji Aqua Treatment Pvt. Ltd., and copy of analysis result of wastewater sample submitted by the Appellant. The same are matter of records and hence needs no comments from this Answering Respondent.
 9. That the averments made in Para 9 is about ambient air quality monitoring, carried-out through M/s Shreeji Aqua Treatment Pvt. Ltd., and copy of analysis results of ambient air quality submitted by the Appellant. The same are matter of records and hence needs no comments from this Answering Respondent.
 10. That the averments made in Para 10 is about testing of noise level for DG set insertion loss noise monitoring, carried-out through M/s Shreeji Aqua Treatment Pvt. Ltd., and copy of noise insertion loss monitoring submitted by the Appellant. The same being a matter of records and hence needs no comments from this Answering Respondent.
 11. That the averments made in Para 11 is about environmental statement report, carried-out through M/s Kalpataru Consultant & Monitoring by Shreeji Aqua Treatment Pvt. Ltd., and copy of environmental statement report submitted by the Appellant. The same are matter of records and hence needs no comments from this Answering Respondent.

12. That the averments made in Para 12 is about follow-up made by the Appellant for submission of application for obtaining the sub-letting permission from the MIDC and submission of letter to the Respondent no. 2 i.e. Sub-Regional Office-Sangli, MPCB. The same are matter of records and hence needs no comments from this Answering Respondent.
13. That the averments made in Para 13 is about closure directions dated 27.09.2021 issued by the Respondent No. 1 i.e. Regional Office-Kolhapur, MPCB to the Appellant's unit and submission of letter by the Appellant to the Respondent no. 2 i.e. Sub-Regional Office-Sangli, MPCB regarding the closure of manufacturing process. The said directions are issued by MPCB Kolhapur to the Appellant, the same can be suitably answered by them and hence needs no comments from this Answering Respondent.
14. That the averments made in Para 14 is about closure directions issued by the Respondent No. 1 i.e. Regional Office - Kolhapur, MPCB to the Appellant's unit, is against the principle of natural justice and hence needs no comments from this Answering Respondent. It is humbly submitted that violations, if any, of provisions of the Water Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of Pollution) Act, 1981 are to be dealt in accordance and in exercise of powers vested under the said Acts. Appropriate action against the defaulter unit may be taken by concerned State Pollution Control Board (hereinafter referred as 'SPCB') under the provision of section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and 31A of the Air (Prevention and Control of Pollution) Act, 1981. SPCB is the responsible authority for granting/rejecting of Consent to Establish (CTE) and Consent to Operate (CTO) for any industrial establishment in the respective State on applications made in this regard to them and to ensure that such establishments comply with the prescribed environmental norms as stipulated under the Environment (Protection) Rules, 1986.
15. That the averments made in Para 15 is about the status of application for obtaining consent to establish from the Respondent No. 1 i.e. Regional Office-Kolhapur, MPCB and renewal of sub-letting permission from the MIDC. The same are matter of records and hence needs no comments from this Answering Respondent.
16. That the averments made in Para 16 is about the report submitted by the committee comprising of District Magistrate-Sangli, Commissioner-Sangli,

Regional Officer-MPCB and Maharashtra Industrial Development Corporation in compliance with the Hon'ble NGT Order dated 03.08.2021 in O.A No. 55 of 2021 in the matter of Tousif Bagnikar v/s Nix Polymers & Ors. The same being the matter of court records and hence needs no comments from this Answering Respondent.

18. That the averments made in Paras 17 & 18 are about the Grounds of Appeal (A to V) and limitation to file appeal respectively and hence needs no comment from this Answering Respondent.

19. That the averments made in Para 19 is about the prayer (A and B) by the Appellant and hence need no comment from this Answering Respondent.

PRAYER

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No.4 i.e. CPCB, is committed to abide by any order or directions passed by this Hon'ble Tribunal in this matter, as appropriate.

DEPONENT

भरत कुमार शर्मा/Bharat Kumar Sharma
क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे./Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Govt. of India
री हाउस नंबर-1, संजीवनी निसर्ग, बालेवाडी, पुणे-411045
New House No.-1, Sanjivani Nisarg, Balewadi, Pune-411045

VERIFICATION

Verified at Pune on this 24th day of March, 2022 that the contents of the above affidavit are correct to the best of my knowledge and belief and nothing has been concealed therein.

DEPONENT-Respondent no. 4

भरत कुमार शर्मा/Bharat Kumar Sharma
क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे./Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Govt. of India
री हाउस नंबर-1, संजीवनी निसर्ग, बालेवाडी, पुणे-411045
New House No.-1, Sanjivani Nisarg, Balewadi, Pune-411045

COUNSEL For
Respondent No. 4

Noted & Registered
At.Sr.No..297/2022

BEFORE ME

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA



Case Title	Tousif Bagnikar Vs. Nix Polymers
Miscellaneous No.	2704138011712021/5
Transaction id	2700410161032021
Bank Transaction id	0510210022168
Payment Date	2021 -10-05 00:00:00.0
Amount	100 Rs.
Status	SUCCESS

S. No.	File Name	Party Name	Location	Document Type
1	CPCB Affidavit OA No 55 of 2021 Tousif Bagnikar Vs Nix Polymers.pdf	Central Pollution Control Board	PUNE (WESTERN ZONE BENCH)	Reply

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 55/2021 (WZ)



IN THE MATTER OF: -

TOUSIF BAGNIKAR

APPLICANT

VERSUS

NIX POLYMERS & ORS.

RESPONDENT(S)

Reply Affidavit on behalf of Respondent No. 3, Central Pollution Control Board (CPCB).

I, Shri Bharat Kumar Sharma, S/o Shri. D.P Vishwakarma aged 48 years, working as Scientist 'E' and Regional Director in the Regional Directorate, Pune, Central Pollution Control Board, do hereby solemnly affirm and declare as under:

That, I in capacity of Scientist 'E' of the Central Pollution Control Board (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).

Para-wise Reply

1. That the averments made in the para 1 is about the address and profile of the Applicant and hence need no comments from the answering Respondent No. 3.
2. That the averments in the para 2 is about the name, address and the type of manufacturing activity being carried-out by the Respondent No. 1 and hence need no comments from the answering Respondent No. 3.
3. That the averments in the para 3 is about the Applicant mentioning the responsibilities of the Ministry of Environment and Climate Change, State of Maharashtra in planning, promoting, coordinating, and overseeing the implementation of environmental and forestry programs in the State of Maharashtra. Also, the main activities undertaken by the Ministry in the State of Maharashtra and

powers & functions of Respondent No. 3 under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 which are matter of records and hence need no comments from the answering Respondent No. 3.

5. That the averments in the para 5 is about the Applicant mentioning the address and responsibility of Ld. Collector of Sangli District for maintaining and protecting the wholesome environment and hence need no comments from the answering Respondent No. 3.
6. That the averments in the para 6 is about the Applicant mentioning the constitution and functions of Maharashtra Pollution Control Board (Respondent No. 5 and 6) in planning a comprehensive program for the prevention, control or abatement of pollution and secure executions thereof, and collect and disseminating information relating to pollution and the prevention, control or abatement. The same are matter of records and hence need no comments from the answering Respondent No. 3.
7. That the averments in the para 7 is about the Applicant mentioning the executive powers vested with the Municipal Commissioner (Respondent No. 7) under the provisions of Maharashtra Municipal Corporation Act for maintaining the health standards and protecting the wholesome environment in the area where the citizens are residing in its jurisdiction and hence need no comments from the answering Respondent No. 3.
8. That the averment in para 8 is about the illegal dumping of the untreated toxic effluent from a polyester resin plant into the MIDC drain by the Respondent No. 1. Also about subsequent correspondence between the Applicant and Respondent No. 6 regarding the irregularities caused by the Respondent No. 1, application filed under the Right to Information (RTI) Act, 2005 by the Applicant for obtaining documents and information related to the Respondent No. 1 and hence need no comments from the answering Respondent No. 3.
9. That the averment in para 9 is about the appeal made by the Applicant before the Respondent No. 5 due to non-submission of desired



Applicant, wherein the Applicant mentioned about irregularities in Consent To Establish issued to the respondent No. 1, manufacturing of different product sub-letting permission letter issued by Maharashtra Industrial Development Corporation for a period of five years to M/s Rajdhani Spinning Mills Pvt. Ltd., to operate within the premises of Respondent No. 1 for manufacturing of Polymer Resin in addition to the consented product of Fiber Glass Reinforced Plastic by the Respondent No.1 and hence need no comments from the answering Respondent No. 3.

11. That the averment in para 11 is about the complaint filed by the Applicant regarding the illegal manufacturing of polyester resin by the Respondent No. 1 and subsequent discharge of untreated industrial toxic effluent into MIDC drain which ultimately flows into River Krishna and hence need no comments from this Respondent No. 3.

12. That the averment in para 12 is about the documentary evidence submitted by the Applicant to the Respondent No. 6 regarding the selling and manufacturing polyester resin without permission from government authorities and hence need no comments from the answering Respondent No. 3.

13. That the averment in para 13 is about the action taken by the Respondent No. 6 against the Respondent No.1 with regard to the complaint of the Applicant and hence need no comments from this Respondent No. 3.

14. That the averment in para 14 is about another complaint communicated by the Applicant to the Respondents regarding the illegal manufacturing of polyester resin by the Respondent No. 1 and subsequent discharge of untreated industrial toxic effluent into MIDC drain which ultimately flows into River Krishna. It is humbly submitted that violations, if any, of provisions of the Water (Prevention and Control of Pollution) Act, 1974, are to be dealt in accordance and in exercise of powers vested under the said Act.

15. That averments in para is about the Grounds (A to D) for which the



16. That the paras 15 to 17 are about the declaration made by the Applicant and hence need no comment from the answering Respondent No. 3.

17. That averments in Para 18 is about application filed by the Applicant and hence need no comment from the answering Respondent No. 3.

18. That para 19 is about the interim prayer (I) and prayer (I to VIII) by the Applicant and hence need no comment from the answering Respondent No. 3.

PRAYER

It is humbly submitted that violations, if any, of provisions of the Water (Prevention and Control of Pollution) Act, 1974, are to be dealt in accordance and in exercise of powers vested under the said Act. Appropriate action against the defaulter unit may be taken by SPCB under the provision of section 33A of Water Ac, 1974 and 31A of Air Act, 1981.

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, as appropriate.

[Signature]
DEPONENT

VERIFICATION

Verified at Pune on this th 04th day of October, 2021 that the contents of the above affidavit are correct to the best of my knowledge and belief and nothing has been concealed therein.

[Signature]
DEPONENT-Respondent no. 3

**COUNSEL FOR
RESPONDENT No. 3**



BEFORE ME
[Signature]
**P. J. YELWANDE
NOTARY GOVT. OF INDIA
PUNE.**

Noted and Registered
at Serial Number 2020

