

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT PUNE (WZ)

Appeal No. 39 of 2019

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BETWEEN

Vikas Sahakari Sakhar Karkhana Ltd.

through their Incharge Managing Director

Vaishali Nagar, Nivli, Taluk and District

Latur, Maharashtra

vikassugar.cc@gmail.com

....Appellant

AND

The Member Secretary

Central Pollution Control Board

and Others

...Respondent(s)

mscb.cpcb@nic.in

Filed By:

Mr. S. Bhartari

Bhartari Law Chambers

Date-30-9-2020

Advocates & Legal Consultants

Bhartari House C-77 Neeti Bagh

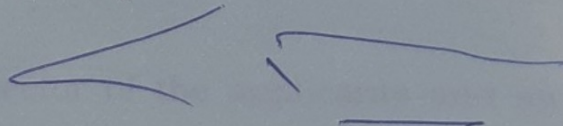
Pune, Maharashtra

New Delhi-110049

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Filed By:



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Bhartari Law Chambers
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Pune Maharashtra

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BEFORE THE NATIONAL GREEN TRIBUNAL
PUNE BENCH (WZ)

Appeal No. 39 of 2019

IN THE MATTER OF

Vikas Sahakari Sakhar Karkhana Ltd.

Maharashtra

....Appellant

AND

Central Pollution Control Board

& Ors.

....Respondents

AFFIDAVIT

I, J. S. Mohite s/o shri S. J. Mohite, aged about 49 years,

resident of Vaishalinagar, Nivli, Taluq and District Latur,

Maharashtra - 413511, do hereby solemnly affirm and state as

under:

BEFORE ME

1. I am Managing Director of the applicants and aware of the facts and circumstances of the case and therefore competent to swear the present affidavit.

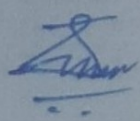
P. B. Sitapure
Adv. P. B. Sitapure
Adv. & Notary Govt Of India
Latur, Dist. Latur

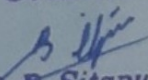
2

2. The appellant has completed the process of compliance with regard to the directions' given by closure order dated 15-4-2019 and the related documents have been placed on record through I.A. No. 79 of 2020 which has inter-alia, been allowed and disposed of by this Hon'ble Tribunal by Order dated 15-9-2020. The appellant craves to refer to and rely upon the order at the time of hearing

3. The present appeal has been filed by the appellant against closure order dated 15-4-2019 passed by respondent No. 1. As stated in I.A. No. 79 of 2020 the appellant has complied with the directions' of respondent No. 1.

4. The respondent No. 2 has raised two additional points in their report dated 24-9-2020 filed in the appeal. The present reply affidavit is filed to place on record the relevant facts

 regarding the additional points of respondent No. 2, namely:

BEFORE ME

Adv. P. B. Sitapure
Adv. & Notary Govt Of India
Latur, Dist. Latur

a. Issue regarding Condensate Polishing Unit ('CPU') – This is required for storing treated effluent. The appellant has already taken required steps regarding CPU, inasmuch as, the

construction required for the tanks' is already in process and it is also recorded by respondent No. 2 in their report dated 24-9-2020. 3

b. Permission from Central Ground Water Authority ('CGWA') regarding borewell – The steps regarding this issue are also in process and the requisite application was submitted by the appellants' consultant much earlier. However, the area in issue, being District Latur, Maharashtra lies within the 'critical area' category of the government and as such, the application submitted could not be processed and is still pending with CGWA. The issue is being processed with CGWA for permission within the four corners' of the current policy and the appellant understand that the process is likely to be completed soon.

BEFORE ME

Adv. P. B. Sitapure
v. & Notary Govt Of India

Latur, Dist. Latur c. As stated above the subject matter of the present appeal is the directions' passed by respondent No. 1. Till date, there are no adverse orders' against the appellant regarding the two issues from respondent No. 2.

d. As such, the two issues mentioned by respondent No. 2 are not related to the issues involved in the appeal. The present

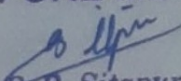
reply is being filed to clarify the facts regarding the two issues vis-à-vis the issues raised by respondent No. 1.

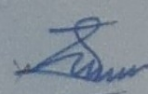
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5. The appellant industry unit has complied with the issues raised by respondent No. 1. Therefore, respondent No. 1 is now required to revoke/withdraw their closure order dated 15-4-2019 so that the appellant is able to start their crushing activity for the year 2020-2021 from 15-10-2020 onwards.

6. In case, there is any deficiency in the compliance steps, then requisite action can be initiated against the appellant industry unit under the provisions' of law.

BEFORE ME


Adv. P. B. Sitapure
Adv. & Notary Govt Of India
Latur, Dist. Latur

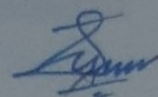

DEPONENT

VERIFICATION

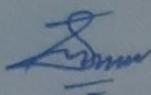
I the above named deponent do hereby verify that the contents of para 1 – 6 of my affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed there from.

5

Verified at Latur, Maharashtra on this 30th day of September,
2020.



DEPONENT



Identified by 30 SEP 2020

11.5.19

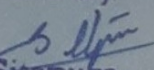
11.5. Jadhav Ashu

AFFIDAVIT

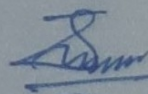
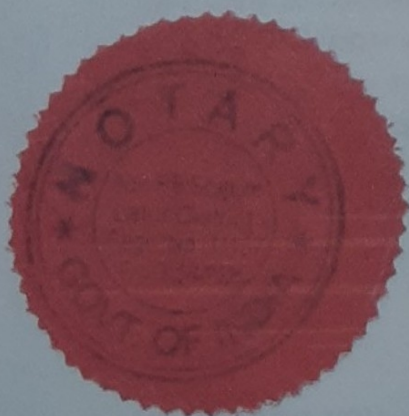
Solemnly affirmen before me
by Jinaji Shamrao Mohite
Age 49 Year Occ. Service
R/o Nivali Tq. Latur

Who is identified before me by
Shri 11.5. Jadhav Ashu

To whom I Know Personally.


P.B. Sitapure
Notary
Govt. of India

Reg. Sr. No. 1300/2020

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EMAIL DATED 30-9-2020 TO THE RESPONDENTS

**Reply Affidavit dated 30-9-2020 by Appellant in Appeal
39 of 2019 Vikas Sahakari Sakhar Karkhana Versus CPCB
Delhi and Others**



Wed, Sep 30, 2020
at 9:03 PM

newdelhi bhartari

<newdelhi.bhartari@gmail.com>

To: "mscb.cpcb" <mscb.cpcb@nic.in>, ms@mpcbgov.in,
"brnaidu.cpcb" <brnaidu.cpcb@nic.in>, "collector.latur"
<collector.latur@maharashtra.gov.in>, hasan-mef <hasan-
mef@nic.in>, "To: mscb.cpcb@nic.in, ms@mpcbgov.in,
brnaidu.cpcb@nic.in, collector.latur@maharashtra.gov.in,
hasan-mef@nic.in," <selatur@mahadiscom.in>, "To:
mscb.cpcb@nic.in, ms@mpcbgov.in, brnaidu.cpcb@nic.in,
collector.latur@maharashtra.gov.in, hasan-mef@nic.in,
<selatur@mahadiscom.in>" <vilasajadhav@gmail.com>

Dear Sir(s),

We are attaching herewith a copy of the reply affidavit dated 30-9-2020 on behalf of the appellant to the report dated 24-9-2020 filed by respondent No. 2 MPCB in the above mentioned appeal for your kind record.

Thanking you,

S. Bhartari
Counsel for the Appellant
Bhartari Law Chambers

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Bhartari House
C-77 Neeti Bagh
New Delhi-110049 INDIA

Ph.: 07982565849, 9810943753, 8447761628

 **Reply Affidavit.pdf**
8084K [View as HTML](#) [Scan and download](#)

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