

**1492**

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN BENCH, NEW  
DELHI

PUNE ZONAL BENCH

ORIGINAL APPLICATION NO.7 OF 2020

Aryavart Foundation Through its President ...Applicant

Versus

M/s. Naroda Enviro Project Limited (CETP) & Ors. ...Respondents

AFFIDAVIT OF REPLY/OBJECTIONS ON BEHALF OF RESPONDENT  
NO.1 – M/s. NARODA ENVIRO PROJECTS LTD. TO THE REPORT OF  
JOINT COMMITTEE DATED 12.03.2024

**PAPER BOOK**

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE RESPONDENT. ANUSHREE KAPADIA

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1495

Serial No.....1712..... Dt.....07/06/2024

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PUNE ZONAL BENCH

ORIGINAL APPLICATION NO.7 OF 2020

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M/s.Naroda Enviro Project Limited (CETP) & Ors. ...Respondents

**AFFIDAVIT OF REPLY/OBJECTIONS ON BEHALF OF RESPONDENT NO.1 – M/s.  
NARODA ENVIRO PROJECTS LTD. TO THE REPORT OF JOINT COMMITTEE DATED  
12.03.2024**

**MOST RESPECTFULLY SHEWETH THAT:**

I, Shailesh Indradaman Patwari, Aged 70 having my office at 512-515, Phase 1 GIDC, Naroda, Ahmedabad – 382330, do hereby solemnly affirm and declare as under:

1. That I am Member & Authorized Signatory of the respondent no.1 in the present case and I am authorized to file the present objections on behalf of the respondent no.1. I am conversant with the facts and circumstances of the case based on the record available with my office and I am competent to affirm this affidavit.
2. Respondent no.1 has filed its reply dated 27.08.2020 in the aforementioned Original Application, reply/objections to the report of Committee dated August

*Swir Patwari*



2020, Objections of M/s. Naroda Enviro Projects Ltd. ('NEPL') to undated report of GPCB and CPCB regarding assessment of compensation and Additional affidavits on behalf of NEPL dated 01.07.2023 and 22.11.2021. The respondent reiterates what is stated in its pleadings and is refraining from reproducing statements, assertions and contentions raised therein for the sake of brevity.

3. The Hon'ble National Green Tribunal, after hearing counsels for both parties was pleased to pass order dated 06.09.2023, whereby the Joint Committee was directed to go through the objections raised by the learned counsel for Respondent No.1-NEPL in affidavit dated 08.10.2020 and a fresh report be submitted. *Inter alia* the Committee was also directed to assess the period of violation and to consider the actual contribution of treated effluent from the Respondent no. 1 into the River Sabarmati. NEPL had preferred an appeal against the said order dated 06.09.2023 which came to be disposed of by way of an order dated 13.12.2023. True copy of the said order dated 13.12.2023 passed by Hon'ble Supreme Court in Civil Appeal no. 7881 of 2023 is annexed hereto and marked as **ANNEXURE R – 1**. Thereafter, since the Joint Committee Report was not placed on record, the Hon'ble Tribunal allowed four weeks' time to place the Report on record vide order dated 04.01.2024.
4. NEPL received an email from GPCB dated 07.02.2024, requesting NEPL to remain present on 09.02.2024 at 10:30 AM with the view of giving an opportunity of hearing, a copy whereof is annexed hereto and marked **ANNEXURE R - 2**. The representatives of Respondent No.1 remained present on the given date and time and also submitted a Summary of Objections on behalf of Respondent No.1 before the Committee. True copy of the Summary of Objections, dated 09.02.2024, submitted by NEPL before the Committee at the time of hearing along with the Index of documents submitted is annexed hereto and marked **ANNEXURE R - 3**. With a request to treat the same as part of the present affidavit of objections, the documents produced with the Summary of Objections

*[Handwritten Signature]*





are not reproduced herein to avoid burdening record of Tribunal and to save paper. The representatives of NEPL inter alia submitted that:

- (i) The contribution of NEPL towards discharge of treated effluent into the River Sabarmati is only 0.26%
- (ii) It was also contended that the sampling and testing method was improper due to which results were inaccurate. It was also pointed out that samples were tested on a later date, GPCB failed to preserve samples and no counter samples were provided to NEPL for independent verification. Further inspite of several written request from Respondent no.1, GPCB has not followed Guideline Protocol of Sampling as laid down by law. Neither counter sample were given to NEPL nor samples were stabilized by adding chemicals at the time of sampling. This is complete violation and the results bound to be erratic.
- (iii) The data collected from OCEMS testing was not taken into consideration by GPCB even when CPCB relied upon the same and that OCEMS device were installed on the direction of GPCB and CPCB and to be procured from Vendors approved by them only. Therefore, the results relied upon by GPCB are clearly not as per procedure established under law and are arbitrary.
- (iv) It was pointed out that 98% of the units discharging their effluents to NEPL are Small and Medium sized units.
- (v) The treated effluents from NEPL are carried through a pipeline and are mixed with the mega pipeline which further carries the discharge to the river. It was submitted that there is no direct discharge into the river and that treated effluents from NEPL mix with the discharge from other units

*Sushil P. Patel*



and CETPs through closed mega pipeline and outlet is outside city limits at Pirana merging with AMC sewage, downstream.

The parameters set by GPCB for TSD, FDS, COD and BOD are not appropriate and not in accordance with judgement passed by Hon'ble High Court of Gujarat in SCA No 770 of 1995 litigation. While laying down parameters, observations in Bahujan Committee report has not been considered for various Products and flow of discharge as well, wherein GPCB was also a Party.

- (vii) The test results of individual member units of NEPL are compliant with the prescribed output norms given by NEPL as per the technology adopted by the technology provider BPC Inc. Israel.
- (viii) During the visit from officials of GPCB, all the TSDF sites were closed under the direction of GPCB to the TSDF sites not to accept any hazardous waste from any Industry and hence solid waste was piled up which is covered and stored on the RCC flooring. This clearly shows that NEPL is treating the effluent and storing waste in accordance with law. Unfortunately, one of the members of the Committee is Member of Committee who was Environment Engineer of GPCB and was in full knowledge of such direction. Despite such knowledge, this fact is not acknowledged.
- (ix) Without prejudice to the fact that that respondent no. 1 has remained compliant, it was submitted that if comparison is being made with Vatva CETP, then Respondent no. 1 is a much smaller CETP and cannot be burdened with a higher compensation than what was imposed on Vatva CETP. Vatva CETP discharges 30 MLD of treated effluents whereas NEPL discharges only 3 MLD and 1/10th the size of Vatva, compensation, if any, should be proportionate and commensurate. It was also pointed out that

*an Patil*



Vatva CETP falls within severely polluted CEPI area whereas the CEPI score of NEPL is quite less and is not declared to be in a critically or severely polluted area.

- (x) NEPL has been taking steps to stop accepting discharge from units as and when any unit/s have been found non-compliant. Therefore, NEPL has remained compliant with the conditions applicable under law and under the CCA.
- (xi) The flow from NEPL has been within consent limit and has never exceeded the limit.
- (xii) Since there were numerous residential units within GIDC Estate - Naroda around NEPL, Ahmedabad Municipal Corporation requested NEPL to accept/divert and treat the untreated sewage discharged in open in absence of their sewage collection system. Thereafter, NEPL has been taking in untreated sewage from 900 residential units around.

During the meeting, it was also informed by representatives of NEPL that NEPL used to maintain log sheet of the members discharging their effluents in NEPL, which were asked to be provided to GPCB. Immediately on very same day after the hearing, scanned copies of log-sheet for three days of March, May and June 2020 were provided to GPCB on mail, which is annexed with the Report at Annexure-VII.

5. The Original Application was listed for hearing on 12.03.2024 before this Hon'ble Tribunal, on which day before the hearing a scanned copy of Minutes of meeting dated 09.02.2024 and Final Report of Joint Committee came to be provided to Respondent No.1 on 12.03.2024. In view thereof, the Hon'ble Tribunal has permitted Respondent No.1 to file its objections to the Report.

*Sun Patani*



It may be noted that on the same day, i.e. on 12.03.2024, a document purporting to be "Final minutes" of the meeting held on 09.02.2024 are shared on email with the Counsel for Respondent no. 1. This document is never circulated as minutes of meeting with the Respondent no. 1 before 12.03.2024 and is denied and disputed as being the final minutes of the meeting, and is never accepted by the respondent no. 1. Such document does not record all the contentions of the respondent no. 1 raised during the hearing, and does not correctly represent the course of events and progress of the meeting. Such document appears to be a self-serving internal document and is never signed or accepted by respondent no. 1, though the attendance sheet is attached to it to give a wrong and false impression of acceptance by respondent no. 1. The attendance sheet is a different document and the final minutes are never circulated to respondent no. 1 for acceptance. The contents of such maliciously submitted minutes are required to be discarded completely and even otherwise the said minutes do not form a part of the subject Report of Joint Committee.

6. Upon perusal of the report prepared by Committee, it appears that none of the issues raised and objections submitted by the Respondent No.1 has been taken into consideration and there is complete non-application of mind to the objections of the Respondent no. 1 on vague, flimsy and non-scientific grounds. In fact, the points raised by the representatives of NEPL before the Committee during the meeting dated 09.02.2024 and in the Summary of Objections submitted at the time of meeting have not been dealt with in the Report resulting into violation of principles of natural justice. Rather, an attempt is being made by the Committee to supplement and supplant reasons which did not exist in the earlier Report, which is contrary to settled principles of law and ought to not to be permitted.
7. So far, there are three reports before the Hon'ble Tribunal.

*Sunil Patil*



1. First Report, is dated as August 2020, prepared by the Joint Committee appointed by the Hon'ble Tribunal by way of orders dated 05.02.2020 r/w order dated 29.06.2020. ("**First Report**")
- 7.2. Thereafter, pursuant to orders of the Hon'ble Tribunal dated 11.09.2020 and 21.09.2020, Respondent no. 2 and 3 have prepared a report to determine the environmental compensation. ("**Second Report**") This is not a report of the Joint Committee appointed by the Hon'ble Tribunal
- 7.3. Third Report is dated 12.03.2024, which has been submitted by Tribunal-appointed Joint Committee to the Hon'ble Tribunal stated to be pursuant to its order dated 06.09.2023. ("**Third Report**")

**PRELIMINARY OBJECTIONS:**

8. **The Second Report, which is null and void, is reaffirmed without application of mind by the Joint Committee (when the second report is not even prepared by the Joint Committee)**

I say that vide order dated 26.11.2020 passed by the Hon'ble Supreme Court in Civil Appeal No. 3594-3595 of 2020, the Hon'ble Supreme Court was pleased to set aside orders dated 11.09.2020 and 21.09.2020 in the present proceedings, to permit NEPL to file objections to the report of Pollution Control Board and that such objections be taken up and heard by the Hon'ble National Green Tribunal before passing any direction/s as to computation of compensation. True copy of the order dated 26.11.2020 passed by the Hon'ble Supreme Court of India in Civil Appeal no. 3594-3595 of 2020 is annexed hereto and marked as **ANNEXURE R - 4**. In light of the said order, the Respondent no. 2 and 3 herein could not have acted upon orders dated 11.09.2020 and 21.09.2020, yet on 24.12.2020, Respondent no. 2 and 3 have proceeded to compute environmental compensation in compliance of orders dated 11.09.2020 and 21.09.2020. By way

*Susan Patil*

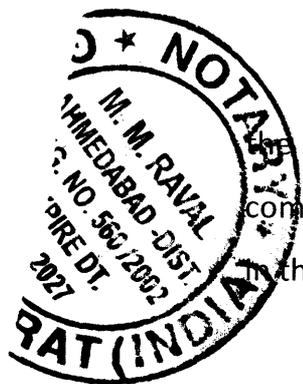


of the subject report / Third Report of Joint Committee (dated 12.03.2024), such report of 24.12.2020, which is effectively null and void, has been re-affirmed, without any application of mind and without providing for any calculation for the proposed environmental compensation to be paid by Respondent no. 1. The Joint Committee is independent of Respondent no. 2 and 3 herein, and is a separate & distinct body for the purposes of complying with the directions contained in order dated 06.09.2023. The Joint Committee does not have any common identity with Respondent no. 2 and 3 and cannot affirm a null and void report (second report) without application of mind and without narrating the calculation adopted by it. Reference to the second report is bad in law and vitiates the third report completely.

9. **The Joint Committee in the subject third report has failed to deal with the objections of the Respondent no. 1 which are not just narrated in the Objections dated 08.10.2020, but also in other pleadings of Respondent no.1, which were placed before the Joint Committee during the hearing on 09.02.2020 (Hybrid mode). Despite all objections having been raised before the Joint Committee during such hearing, and despite having drawn the attention of the Committee to relevant documents on record, the Third Report failed to take into account the records shown and submitted to the Committee. In fact, the Committee has grossly failed to deal with the issues raised and discussed in the hearing on 09.02.2020.**
10. **The Third Report is vitiated by non-application of mind, arbitrary observations, and for want of any specific and clear findings. The third report carries on the defects of the first report, which has been found to be very generic and therefore, not reliable.**

Most of the findings in the Third Report are based on assumptions and presumptions and use of terms like "may be" and "by and large" all throughout

*Swan Parth*



The report is wholly at odds with the role and function of a scientific fact-finding committee. It is pertinent to note the observations made by the Hon'ble Tribunal in this respect in order dated 03.07.2023, in the present proceedings:

*"...7. It is noteworthy that there are stated to be more than 172 industrial units located in the said region but the Joint Committee has taken samples only from three above-mentioned industries randomly in order to come to the conclusion as stated above, which are appearing to be too generic. It would have been appropriate to take samples from large number of units in order to understand the clear position.*

*..."*

11. **The Joint Committee has attempted to revise and improvise on the First Report, by introducing new allegations and facts, which were never a part of the First Report, and such improvisation is arbitrary, unfair and bad in law.**

Such new facts and assertions deserve to be discarded as the same is ex facie beyond the purview of the mandate to the Committee contained in order dated 06.09.2023, in addition to being underhand. The Committee has introduced new photographs allegedly of the online monitoring system of Respondent no. 1 as on 08 August 2020, when no such data or material is mentioned in its First Report. Only when the Committee has been confronted with the online monitoring data of OCEMS device which is installed as per direction of the Respondents no. 2 and 3, that an attempt has been made (after almost 4 years) to create doubt over such data without providing any scientific and real material in support of the ambiguous reasoning given by it to discard the online monitoring data. Such reasoning is dealt with hereinafter in detail in paragraph wise response hereunder.

12. To say the least, the reports of the Joint Committee, including the Third Report, raise profound concern regarding the non-scientific, non-empirical and legally untenable approach adopted by the committee in its fact-finding process. The present proceedings call for evidence-based decision-making, and it is imperative

*Sun Patel*



to underscore the importance of scientific rigor and integrity in the pursuit of justice. While the respondent no. 1 acknowledges the complexity of the issues at hand and the challenges inherent in fact-finding processes, it is crucial that the committee relies on methodologies grounded in sound scientific principles. By adhering to rigorous scientific methods, the committee can ensure the accuracy, reliability, and impartiality of its findings, thereby upholding the integrity of the judicial system.

However, it is unfortunate that the committee's approach thus far has been lacking in scientific rigor and in complete disregard of the law. This not only undermines the credibility of the committee's findings but also jeopardizes the pursuit of justice and fairness. Without a commitment to scientific principles, the proceedings are put to a risk of bias, misinformation, and injustice pervading the fact-finding process.

13. A para wise reply to the submission of the Committee as stated in the Table Serial Number wise is as under:

13.1. With respect to what is stated in Serial No.1 of the Table, it is reiterated that the earlier Report inaccurately suggests that 119 member industries of CETP of NEPL are sending effluents through the drainage line, which has been further attempted to explain by the Report dated 12.03.2024 by referring to the meaning of the word 'drainage'. Both the Reports fail to consider that NEPL CETP is based on segregation at source of three different types of effluents which are treated separately. Therefore, it is wrong to state that 119 members send their effluent through drainage line. It is pertinent to note that Annexure IX to the Report very clearly acknowledges that segregation of effluent is done at member industry. In any event, when the submission of the Committee under this point do not

*Suman Patil*



relate to any non-compliance, the same are inconsequential and irrelevant.

With respect to what is stated in Serial No.2 of the Table it is submitted that the CETP, Naroda collects effluent mainly from three types of industries namely food industries, textile industries and chemical industries. The food effluent was earlier treated using digester, which generated methane gas which was converted to energy and used in boiler of CETP thereby mitigating usage on fossil fuels. Under the current upgradation the said stream is used to break recalcitrant COD. The Report refers to "Technical EIA Guidance Manual for Common Effluent Treatment Plant" prepared jointly by Ministry of Environment, Forests and Climate Change and IL & FS Ecosmart, Hyderabad published in the year 2010. Section 3.2.5.1 of the Manual is relevant here, which has not been produced with the Third Report. Copy of relevant portions of the Technical EIA Guidance Manual for Common Effluent Treatment Plant prepared jointly by Ministry of Environment, Forests and Climate Change and IL & FS Ecosmart, Hyderabad is annexed hereto and marked **Annexure-A3**. The Joint Committee has overlooked the fact that the discharging units are small and medium sized units and most of the members do not have a secondary treatment plant due to design of the Industrial Estate (which is designated Chemical Estate of GIDC, which is designed in 1962 well prior to the environmental regulation/s act of 1974). The committee ought to have considered the objection to the 2020 Report raised by the Respondent in the right context and based on facts of the present case.

Further, the Committee also refers to the figure-2 shown in Section 2.3 of 2020 Report, which explains the treatment scheme of CETP, wherein it is shown that Chemical stream is treated separately from that of Sewage, Textile and Food stream. It is not clear what prejudice is caused by the

*S. R. J.*



**1506**

scheme of the CETP and how it affects the final outfall from the CETP, when the treated effluent is compliant. It is also not clear how and on what basis the Committee is denying the existence of stage of anaerobic digester in the scheme of the CETP, when the same is specifically admitted in the scheme stated in Figure 2 of the First Report. Production of methane gas was a part of the old scheme at CETP before upgradation and it is not clear why the Third Report mentions absence of the methane gas production, when that is admittedly not present on 08 August 2020. The question of interpretation of "segregation at source" is not based on any prescribed norm in the CC & A and has no bearing on the present proceedings and hence, it does not lead to any ground for imposition of environmental compensation.

With respect to what is stated in Serial No.3 of the Table, it is denied that CETP has not submitted any documentary evidences for staggered timing for discharge of effluent in sumps for each member units as well as for periodic sampling of waste water from sumps and analysis results ensuring the inlet quality and quantity of effluent from member industries. It is also incorrect to say that CETP is not complying with the inlet standards and that there is no proper control over quality of effluent reaching the CETP. None of the member industries have been found by the Committee to violate their outlet norms, and therefore, it is not clear how the inlet norms are said to be not complied with by the CETP. There is staggered timing for discharge of effluent in sumps for each member unit connected with CETP. Each member unit is given a slot depending upon the quantity of effluent generated by the member unit. Each member unit has a dedicated pipeline of 2-inch diameter which conveys effluent from the member unit to the collection sump. CETP does not accept any discharge from its members during the night time. Each member unit is

*Sunil Patel*



required to install pump of 1440 rpm and of 5 hp. The combination of diameter of pipeline, capacity of pump at the industry, which releases collected effluent to the collection sump coupled with the time which is allotted to each member industry for which their designated valve is opened allowing effluent to enter the sump is enough to measure their hydraulic load. The samples from effluent which arrive in the sump are periodically taken and tested at the laboratory of the CETP. The said procedure was also supported by data for three days of months of March, May and June 2020 produced by Respondent No.1 -NEPL immediately after the opportunity of hearing on 09.02.2024, which is produced at Annexure VII of the Report. Therefore, it is incorrect to state that the CETP has not submitted any documentary evidences for staggered timing for discharge of effluent or for periodic sampling of wastewater of waste water from sumps. The visiting Committee Members had visited the said sumps and verified that on each outlet quantity of discharge and name of unit and time of discharge were available on and were printed on outlet. The unit which are not discharging the seals were kept so that nobody can discharge other than the time permitted further the member of Committee Environmental Engineer knew this methodology adopted still he remained silent again to prejudice Honorable NGT. Just because there is a possible alternative method of recording the data at the sumps, does not mean that there is any violation of norms prescribed for the CETP.

The Committee's mandate as per order/s of the Hon'ble Tribunal is – *"The Committee shall inspect the CETP in question as well as the member Industries and verify on the factual allegations contained in the OA and submit a report."* The Committee has misled itself in giving ambiguous observations that the quality and quantity of the effluent coming in CETP from member industries is "by and large" uncontrolled, when

*Suresh Patil*

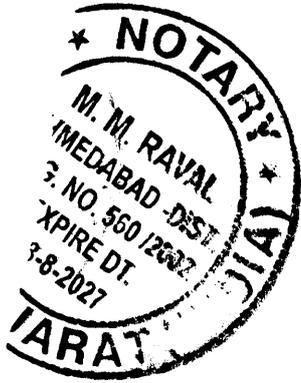


- a. There is no violation noticed on part of the member industries during its inspection (except for 3 industries, which are dealt with in detail hereunder)
- b. There is no data or real evidence to justify the vague assertion. The entire premise for such findings is based on assumptions and presumptions
- c. There is no prescribed parameter for quantity of effluent received by CETP at the inlet. The only parameter is 3MLD outfall of treated effluent, which is not found to have been violated.

It is thus absolutely incorrect, evasive and misleading to say that wastewater reaching CETP is *by and large* uncontrolled in terms of quality and quantity.

The third report states that *"To estimate the hydraulic load based on pipeline diameter, pump capacity and time allotted to each member units along with manually operated valves is not scientifically reliable mechanism for measurement hydraulic load."* Such a statement is baseless and false and there is no other method to estimate hydraulic load. Even the SCADA system uses the same data such as pipeline diameter, pump capacity, time during which the flow is permitted, to arrive at the hydraulic load/ flow. The only thing different in SCADA, is that it replaces manual intervention, with sensors, improving efficiency, and not accuracy. It is wrong to state that monitoring of effluent quality and quantity by Respondent no. 1 involves approximations and assumptions due to lack of specific information like flow rate, pump efficiency, head loss, pump performance curve, etc, which are not a prescribed standard and are now

*Swati Patel*

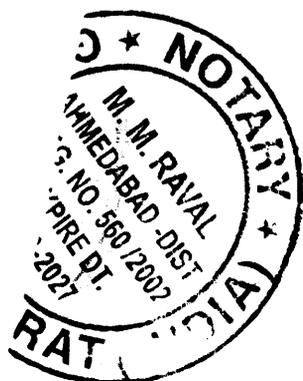


stated for the first time by way of improvisation in order to justify the First Report, which does not hold water.

It is reiterated that an established mechanism of testing inlet quality as well as measuring hydraulic load is in place and is working efficiently and in any case, SCADA does not even form a part of the CCA issued to NEPL. Presently, the SCADA is also installed since 2020, however, that does not undermine the recording of data and implementation of control measures already in place in the past. The assertion in the third report that the data provided on 09.02.2024 is only for one parameter and therefore, it should be assumed that there is no monitoring of any other parameter for inlet norms, is not only beyond the query posed to the respondent no. 1 (which was for providing data for staggered timing and quantity / hydraulic load data of member industries) but also contrary to the data at Annexure VIII to the First Report. Any reliance on the CC & A dated 24.11.2017 for determining the inlet monitoring system of NEPL is misplaced in view of what is already stated in the earlier pleadings and what is stated hereunder and more particularly in para 13.11. The Committee, in view of the aforementioned objections, ought not have opined that the adopted practice may not be said as adequate control over the incoming effluent quality and quantity and ought not to have brushed aside this objection. In any event, when the ultimate outfall from CETP is compliant, such a vague and ambiguous ground is not a legally tenable basis for imposition of environmental compensation. In any event, once again the use of "may not be" reflects on ambivalence and uncertainty in the report, which cannot be used as a basis of levying any environmental compensation.

- 13.3. With respect to what is stated in Serial No.4 of the Table, it is submitted that NEPL does not receive higher effluent quantity than permitted in consent. As stated earlier, GIDC, Naroda has about 900 residential units

*S. P. Patel*



around NEPL within GIDC, Naroda CETP which were constructed along with the industrial units for housing of workers and employees as it was 22 kms away from Ahmedabad city in 1964. The increase is because of nearly 1 MLD of untreated sewage intake under instruction of the Ahmedabad Municipal Corporation from such residential units, which has been intimated to GPCB from the inception and there are documents already on record to establish the same (For instance, *Annexure R9 (Colly) to Reply of Respondent no. 1 in the OA*). It is false to state that no intimation is given to GPCB or CPCB regarding the directive of Ahmedabad Municipal Corporation to treat sewage.

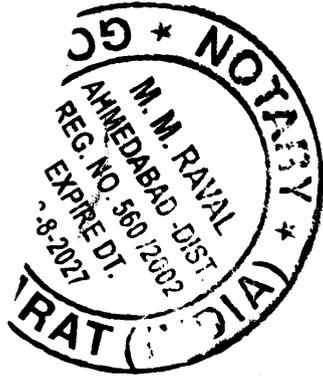
Even by High-powered committee appointed by Government of Gujarat, NEPL was instructed to divert untreated sewage to CETP so that it will not go kharikat irrigation canal in this meeting the then Member Secretary was also a party. True copy of the letter dated 22.11.2017 is annexed hereto and marked as **ANNEXURE R – 5**.

The findings in the First Report and now the Third Report regarding treatment of sewage of surrounding residential units by Respondent no. 1 are without appreciating that :-

- a. While it is undeniable that proper sewage treatment is essential for environmental sustainability and public health, it's crucial to recognize that industrial establishments often go above and beyond their mandated responsibilities by treating sewage in addition to their primary focus on industrial effluent treatment.

Sewage treatment, in many cases, is not directly tied to the industrial processes of these establishments. Instead, it is a service extended to the community and environment by these entities. By

*Sunder Patil*



treating sewage, industries contribute to the reduction of pollution and promote a healthier ecosystem for all stakeholders involved, including the surrounding communities.

- b. Furthermore, it's important to acknowledge the financial and infrastructural investments required for setting up and maintaining sewage treatment facilities. These investments represent a proactive commitment to environmental stewardship and sustainability, demonstrating the responsible citizenship of industrial entities.
- c. Penalizing Respondent no. 1 for such service of treatment of sewage, does not align with the spirit of environmental conservation and also discourages a collaborative approach between regulatory bodies and industrial stakeholders in addressing environmental challenges

In the present case, since the sewage discharged by surrounding residential units was getting accumulated in the form of a pond and eventually getting discharged in the Kharicut irrigation canal, AMC vide letter dated 12.09.2016 assigned NEPL the task of treating the said sewage. The said letter has already been produced on record. NEPL CETP continues to collect and treat sewage of 0.5 MLD of the 900 residences situated within the Estate itself, along with its Industrial effluent. It is worth noting that Ahmedabad Municipal Corporation collects charges for sewage treatment from residents within its jurisdiction. The Respondent no. 1 is carrying out the sewage treatment for 900 residences without any charges, without any reimbursement from the Ahmedabad Municipal Corporation and entirely at its own expense. It is shocking that Respondent no. 2 and 3, having their representative/s in the Joint

*Sunil P. D.*



Committee are taking negative / adversarial stand against the Respondent no. 1 for such sewage treatment.

- 13.4. With respect to contents of Serial No.5 of the Table, there is an admission on part of the Joint Committee that the Committee has not reviewed the conditions stipulated in CC & A despite objection raised to that effect before it. The Committee has only dealt with compliance status of the CETP and not the adequacy of compliance conditions/standards stipulated in CCA. GPCB and CPCB being the statutory regulatory bodies who are a part of the Committee are specifically called upon to respond to the objections of Respondent no. 1 and the hesitation to respond to the very fundamental objection to inlet norms in the present case is evident of non-application of mind. Further, it would not be out of place to mention that the Committee has also failed to consider all other replies, affidavits and objections filed by NEPL except for reply/objections dated 08.10.2020, acting in contravention of order of the Hon'ble Apex Court dated 26.11.2020 which expressly permits NEPL to file objections to the Report of Joint Committee.
- 13.5. With respect to what is stated in Serial No.6 of the Table, NEPL had clarified the error in Report prepared by Joint Committee in recording the bifurcation of waste water. NEPL CETP receives around 0.5 MLD from food industries including Havmore Ice cream Pvt. Ltd., 1.00 MLD from Prem Industries, 1.5 MLD from Chemical Industries and 1.00 MLD domestic waste water from surrounding areas of GIDC. However, the Committee has failed to take the same into consideration and correct or alter its recommendations.

The Committee is failing in its duty to the Hon'ble Tribunal by throwing in ambiguous statements such as "*As a matter of fact, even after getting*

*Suresh Patel*



dilution of 1.0 MLD sewage and effluent from food industries (most likely lean effluent in terms of pollution load in comparison to chemical industries), the GPCB records of monitoring has constantly shown non-compliance for one or another parameter at the outlet of CETP." There is no matter of fact in the said statement and use of ambivalent term "most likely" defeats the entire exercise for which the Committee was constituted.

The untreated sewage parameters are – COD: 900/1000 mg/l, BOD: 1200/1400 mg/l, TSS: 600 mg/l, Oil & Grease: 80/100 mg/l, ammonical nitrogen: 100+ mg/l, which are way beyond the prescribed parameters. Therefore, it is scientifically inaccurate and erroneous to suggest that such untreated sewage can be used for dilution of industrial effluent.

Figure 2 in First Report itself shows that untreated sewage and effluent from food industries are not used to dilute the effluent from chemical industries, and are treated separately, before the scheme of the plant requires the effluents to merge and be put to further treatment, before final outfall. Such observations being made off the cuff are irresponsible and a dereliction of duty to present true and correct facts before the Hon'ble Tribunal.

It is denied that even after getting 1.0 MLD untreated sewage and effluent from food industries, the GPCB records of monitoring has constantly shown non-compliance for one or another parameter at the outlet of CETP.

- 13.6. With respect to what is stated in Serial No.7 of the Table, it is denied that the length of mega pipeline has no relevance. It is submitted that the 2020 Report wrongly mentions the length of the Mega Pipeline as 23 kms. The

*Swarn Patel*



Committee has failed to consider that the hydraulic load of NEPL CETP in the Mega pipeline is roughly 10-12% which cannot be considered significant. The quality of discharge from Mega Pipeline to Sabarmati River cannot be attributed to NEPL alone and in any event the data pertaining to the same is showing an improving trend. It is denied that CETP is consistently not meeting with the prescribed norms at its outlet leading to mega pipeline. In fact, NEPLs contribution to the discharge into River Sabarmati is barely 0.26% as compared to 88.25% by AMC. Considering the miniscule contribution by the answering respondent to the river, EC, if any, is required to be proportionate and commensurate to the contribution also on the basis of doctrine of proportionality in line with CETP, Vatva which is also discharging their effluent through the Mega Pipeline jointly. This has not been considered by the Committee, although brought to the attention of the Committee in the order dated 06.09.2023, apart from the repeated submissions by Respondent no. 1. The Committee has failed to consider and deal with the objection as to the proportion of treated effluent discharged by respondent no.1 in River Sabarmati.

- 13.7. With respect to what is stated in Serial No.8 of the Table, it is submitted that the Committee has failed to consider letter dated 11.06.2020 addressed by GPCB to Eco Care Infrastructure Pvt. Ltd. and copy of the letter dated 02.10.2020 addressed by Eco Care informing the answering respondent that their TSDf site was closed from 26.05.2020 and that it will be expected to re-open on 20.10.2020. In fact, the Committee has recorded that from November 2019 to July 2020 NEPL has disposed of 7492 MT sludge to Eco Care and 3542 MT to Detox India. The period during which the committee visited was the period of monsoon. It was on account of monsoon as well as prevailing COVID situation, which restricted

*S. S. Patil*



transportation that the sludge was collected in a separate earmarked area. The committee has also recorded that the leachate was in a temporary storage area and that from such temporary storage area it was transferred to CETP inlet. The image purported to be of 2019 also appears to be of monsoon season. It was on account of such peculiar circumstances that the sludge was stored only and only due to GPCB direction to all the TSDF's not to accept any waste from any industries/CETP for dumping at their facility. The removal of sludge resumed from 27.09.2020. Since then, approximately 11,000 mt of sludge was disposed of to Detox India. In any case, the sludge was well protected from rain through tarpaulin cover and RCC flooring. It is further observed by the Committee itself that seepage, if any, is well managed by treating at CETP and the apprehension of percolation in ground is baseless. The 2020 Report in relation to sludge management and hazardous waste management at the CETP of NEPL is without any reference to the existing operational framework and cannot be used to hold NEPL liable for any violation. Further, the detailed soil analysis report showing zero violation on part of NEPL and chart showing timely removal of sludge from the site of CETP of NEPL also establish that the findings in the 2020 Report are in correct. The said analysis report forms part of the additional affidavit on behalf of NEPL dated 22.11.2021. Therefore, in view of the same, the possibility of percolation of leachate in the soil through space between paver block is ruled out more particularly since the paver blocks are also coated with plastic to prevent any percolation. The apprehension of the committee is baseless. The committee ought not to have observed that immediate storage of CETP sludge/ hazardous waste and leachate management of sludge facility of CETP was not proper as per guidelines and ought to have considered the objection of NEPL. It is not even clearly stated what provisions of law in relation to hazardous waste management

*S. M. Patil*



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*S. V. Patil*



as a whole. In any case, it is impracticable and unreasonable to expect the CETP to improve on its performance till the improvement and modernization work of retrofitting is complete. It is relevant to refer to the clause in CC & A, which reads as under:

*"SPECIFIC CONDITIONS FOR CETP*

...

*"The CETP shall submit a time-bound action plan to achieve the prescribed norms & for the upgradation of its treatment units to meet norms at its outlet as per CEPI action plan.*

..."

It is therefore, even the intent of the C C & A to provide for upgradation activities and that the parameters would naturally apply only after the upgradation activities are completed. The period of such upgradation activities is therefore required to be excluded, and the laws are not intended to handicap initiatives for upgradation activities to achieve optimum methods of treating effluents.

- 13.9. With respect contents of Serial No.10 of the Table, the assertions therein are denied as being incorrect, speculative and an attempt at improvisation, being beyond the scope of mandate of the Committee under Order dated 06.09.2023. It is not clear how the Committee has arrived at a finding that the biodegradability ratio (*not even referred in the first report*) at the CETP is *"difficult to achieve"* with the design of the CETP, when no fault is found with the existing design of the CETP.

The third report fails to deal with the fact that the sampling procedure adopted by GPCB is not in accordance with law and that the previous data of GPCB is accordingly not a reliable benchmark for assessment of compensation in the present case. The excuse in the Third Report, that no demand was made for sharing of samples, is not tenable and the obligation to share samples and to preserve samples before testing is

*Srinivas Patil*



paramount. In fact, demand has been made time and again for sharing of samples and it has been pointed out to GPCB even before the present proceedings had commenced, that it has not been following proper procedure for testing samples from the CETP (*Annexure R9 (Colly.) to Reply of Respondent no. 1 to the OA*).

The section deals with various issues and is divided into following sub-sections:

Erroneous collection of samples and testing:

It is submitted that the Committee has failed to consider the objections with respect to samples collected and tested. The objections qua sampling and testing methods and preparing of charts can be summarized as follows:

- (i) Collection of sample from intermediate stages of treatment. For instance, Sample 5 appears to have been taken from Inlet of ACT 1 and not from Outlet of ACT 1. Sample from ASE is usually taken only of MLSS which shows biomass strength of the aerator. Such samples would be of no significance and cannot be relied upon for drawing any adverse inference against NEPL;
- (ii) Apparent errors in mentioning TDS and color in the chart of parameters as none of them figure in the statutory parameters mentioned in Entry 55 of Schedule 1 of Rules. However, it is pertinent to note that Respondent no. 1 is the only CETP in Gujarat which is meeting with the color parameter.
- (iii) Parameters of FDS has been derived by using incorrect and extraneous formula and does not provide any real or proper finding

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against NEPL; GPCB is fully aware that Hon'ble High Court of Gujarat in SCA 770 of 1995 exempted NEPL and other CETP's who are members of Mega Pipeline and TDS shall be met with delusion of AMC discharge mixing at outlet of Mega pipeline.

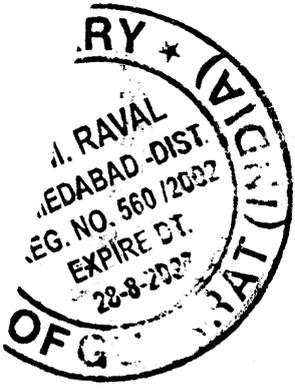
This verdict of Hon'ble High Court of still in exitance.

- (iv) The samples were drawn on 08.08.2020 when the online monitoring system installed by GPCB & CPCB does not show any violation of parameters on the said date;

Further, the Joint Committee report makes a weak attempt to cast doubt over the data generated by Online Continuous Effluent Monitoring System (OCEMS) which is connected to GPCB & CPCB server and fails to explain why such data should not be relied upon. The data / photographs which are produced in the third report at para 10 of the Table, for the first time and the methodology of testing the correctness of data of OCEMS is revealed for the first time after more than 4 years, is not reliable, apart from being an improvisation/ improvement beyond the mandate of order dated 06.09.2023. It is pertinent to note that the Committee has for the first time revealed that –

*"To examine response in freshwater, sensors were taken out from treated effluent sump, washed and after rinsing, placed in fresh water which shown freshwater COD as 33 and BOD as 01 (one) (Photograph-2). After getting results for fresh water, the sensors again kept in the sump and after about 05 minutes, the online data was recorded and observed significant variation from previous recorded data in treated effluent sump (Photograph-3). Entire exercise of assessing online system was completed by the committee in about 40 minutes during visit. In light of these observations, the Committee concluded that the sensors are responsive but the measured data may not be accurate."*

*Sunil Patel*



It is relevant to note that no such finding is given in the First Report and such an exercise is deliberately not revealed in the first report. At this stage after 4 years, the exercise which was undertaken for 40 minutes at the CETP of Respondent no. 1 on 08.08.2020 is revealed for the first time with convoluted conclusions. The reason why such a finding is not given in the first report is that there was no discrepancy which can be said to have been found in such an exercise during the alleged 40 minutes. The OCEMS is found to be working perfectly well. The trend of data in the OCEMS for the period of said 40 minutes testing clearly shows that the change in parameters was temporary and the readings returned to the same trend immediately clearly indicating that the OCEMS was working perfectly well.

The Committee has removed the sensor of OEMS and washed with clean water and again placed it in place so their results are bound to show COD reduction and after few minutes the results remained same before it was washed and there is nothing wrong with the system or its handling. A shocking deliberately attempt is made by Committee to prejudice the Honorable NGT.

*(Extracted from OCEMS data produced with Objections to the First Report,*

69329	2020-08-08 13:00:00:000 16.25	367.27	26.7	34.51	N/A
69330	2020-08-08 13:15:00:000 17.03	381.72	27.22	34.5	N/A
69331	2020-08-08 13:30:00:000 17.03	369.17	27.26	34.47	N/A
69332	2020-08-08 13:45:00:000 17.17	369.91	27.22	34.46	N/A
69333	2020-08-08 14:00:00:000 3.82	139.02	16.01	34.5	N/A
69334	2020-08-08 14:15:00:000 11.72	181.25	20.5	34.53	N/A
69335	2020-08-08 14:30:00:000 16.89	352.92	27.0	34.5	N/A
69336	2020-08-08 14:45:00: 16.24	348.69	26.41	34.43	N/A

*Annexure R9)*

*Sanjay Patil*



The data recording parameters of BOD, COD, TSS, temperature and pH for the period from 14.05.2017 to 02.10.2020 ought to have been considered by the Joint Committee and GPCB. Considering the stark difference between the results of sampling at final outlet of CETP as per reports of GPCB, it is the veracity of the report of GPCB which is highly doubtful and not that of the OCEMS. Till date no steps have been taken nor any notice is issued by GPCB or CPCB raising any concern regarding the accuracy of OCEMS device / data. It is denied that by merely looking at the visual appearance of treated effluents and behavior of sensors, it was considered that data of online system is erroneous and may not be suitable for consideration. Clearly, the OCEMS data and devices were found to be in order and that is why it was not revealed in the first report. Otherwise, any fact-finding exercise carried out at the CETP on 08.08.2020 was mandatorily required to be revealed in the first report itself.

Discrepancies in reports of GPCB and its testing methodology:

In fact, the test reports of GPCB have been time and again objected to by NEPL on the grounds of the same being erroneous since incorrect methodology had been adopted. In spite of repeated request counter samples were not given to NEPL and samples were not preserved/stabilized, the results of such samples is not binding as it is also violating the Guideline of Sampling Procedure laid by Law. A summary pointing out the erroneous methodology inter alia is as follows:

- (i) The test samples are not stabilized after collection;
- (ii) Tests are conducted after a long time of collection without preserving the samples properly, which gives highly erratic results;

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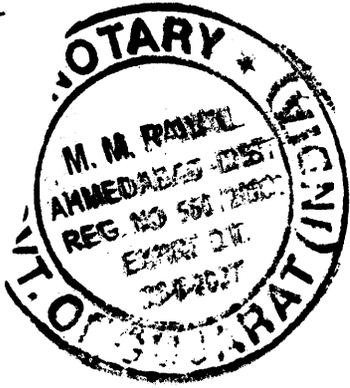
- (iii) No sample is shared with NEPL as prescribed even though sought from time to time for counter verification;
- (iv) The test reports of GPCB on which reliance is placed do not match with the reports of the online monitoring system installed by GPCB & CPCB at the outlet of NEPL;
- (v) There is no preservation of samples after testing the same;
- (vi) Objections regarding the reports raised by NEPL with GPCB have not been considered.

The testing and sampling methodology is contrary to and contravenes Rules the Guidelines/Rules laid down for sampling protocols. The same has already been dealt with in detail in Para 14 of Reply/Objections of NEPL to the August 2020 Report and therefore not repeated for the sake of brevity.

Unreliability of Inlet norms:

With respect to inlet norms, it is submitted that inlet norms are not applicable and no violation can be assumed with respect to the inlet norms. It is pertinent to note that there were no inlet parameter for CETP till 27.11.2017. Inlet Quality Standards were prescribed for a CETP for the first time vide Notification dated 1<sup>st</sup> January, 2016 whereby the State Boards were directed to prescribe the Inlet Quality Standards. Inlet norms came to be prescribed for the first time by amendment of Consent dated 24.11.2017. However, in view of Rule 3, standards of emission or discharge of environmental pollutants as specified shall be complied with by an industry within a period of one year of being so specified, therefore, inlet parameters of 2015, 2016, 2017 and 2018 cannot be looked at or

*Sunil Patel*



highlighted as variations. For the years 2019 and 2020, retrofitting work has been under progress resulting unto intermittent variations of prescribed norms, therefore, data for said years cannot be considered as accurate. Further, when 95% members are meeting their outlet parameters, it is absurd to contend that inlet parameters of CETP are not met with. Therefore, it is denied that inlet norms are prescribed on the basis of design capacity of the CETP to achieve the outlet norms, in the present case. Admittedly, the design capacity of the proposed upgradation was clearly intimated to GPCB stating that the proposed upgradation would reduce 4000-5000 mg/l COD to 250 mg/l.

Notification is issued by MoEF that inlet standards CETP can declare for its member on the basis of Technology adopted by CETP and it means that role of GPCB is not to give inlet norms to CETP members and they are only concern with outlet compliance.

Thus, the joint committee ought to have considered the objections on the report and the request for considering online monitoring data during the considered period for deciding compliance status of CETP.

13.10. With respect to what is stated in Serial No.11 of the Table, it is submitted that the norms unilaterally introduced by GPCB in the amended consent dated 24.11.2017 are in complete disregard of the decision in Special Civil Application No.770 of 1995 of the Hon'ble High Court of Gujarat, without any reference to the local conditions, nature of individual member industries, applicable outlet norms to the member industries and existing capacity of CETP for processing influents as conveyed in the application for the consent. Such unilateral amendment by GPCB is not tenable and is not even realistic. As stated earlier, even the methodology adopted by GPCB for testing and sampling has been objected to by NEPL and in view of the

*S. M. Patil*



same the analysis and test reports of GPCB are not reliable. Therefore, onsite monitoring results of sample taken by the Joint Committee and the historical data of CETP monitoring by GPCB from year 2015 to 2020 ought not to have been considered by the Committee. In fact, no such historical data is provided to Respondent no. 1 till date and it is not clear on what basis such historical data is assumed. As a result, it cannot be concluded that there is non-compliance by the CETP. The Committee ought to have taken the objections raised by CETP into consideration. The period of non-compliance has been assumed to be from 2015 to 2020 without any reference to the upgradation activities, CCA terms and conditions and without reference to the fact that historical data of GPCB is based on incorrect and illegal sampling methods.

13.11. With respect to what is stated in Serial No.12 of the Table, it is denied that there is any violation of inlet norms by NEPL or that the sampling by GPCB and the Joint Committee is done in a legal manner.

The following observations in the third report are completely baseless, arbitrary and absurd:

*"The CETP has established that the Annexure-VII and Annexure-VIII (which are monitoring results shared by GPCB with the Committee) of the report has shown compliance of discharge standard by the member units. It is humbly submitted that equalized inlet quality of CETP depends on total pollutant loading and its share in total hydraulic inlet load of CETP which may vary on day to day basis. Since there was no reliable method adopted by the CETP for recording volumetric flow of individual unit (who discharges in CETP drainage/ underground pipeline) to CETP, the committee relied on inlet wastewater quantity and waste water quality in the holding tank of CETP to conclude the compliance status of CETP for inlet norms. The committee also considered sampling dates given in Annexure-VII and Annexure-VIII and gathered that GPCB has taken samples on different dates whereas CETP Holding tank represents cumulative loading of pretreated effluent quality of consecutive 01 to 03 previous days at any moment of time."*

*Srinivas Patil*



It is not clear on what basis it is claimed that NEPL did not have record regarding the volumetric flow of individual unit, when the said data has been provided to the Committee. Moreover, it is not clear why the Committee is raising concerns over quantum of effluent received, when that is not a prescribed parameter. The reports referred to by Committee, alleged to be that of the wastewater holding tank are misleading and cannot be used to ascertain the compliance with inlet norms as the effluent lying in the wastewater holding tank for more than 1 day will not bear the same parameters as that on the date of transmission of the effluent to the CETP. The excuses made in the third report to justify the generic and ambiguous findings in the first report, are shocking and not befitting a scientific fact-finding committee appointed by the Hon'ble Tribunal.

The Joint Committee has failed to address the issues raised by NEPL with respect to collection of samples by GPCB and the Committee in violation of prescribed procedure for taking samples. Such violation of mandatory procedure in drawing samples, which provides for cross-testing of the sample collected independently is a violation of principles of natural justice. The Committee has in fact admitted to the same and has deflected the same by stating that the person present at the time of collection ought to have made a request, without any regulatory or legislative backing prescribing requirement for any demand from respondent no. 1. Reference is made to Section 21(5) of the Water (Prevention And Control of Pollution) Act, 1974 is completely misplaced and is not relevant since the same addresses testing of samples by State Board and State Laboratory or Central Board and Central Laboratory as the case may be. The objection with respect to providing sample collected to NEPL has been ignored and brushed aside by the Joint Committee without any application

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of mind. In fact, from the procedure narrated by the Committee with respect to the procedure followed it is apparent that none of the samples collected were provided to NEPL. It is denied that NEPL has objected wherever non-compliance is observed and has accepted GPCB results wherever compliance is observed. The discrepancy is in GPCB data and it is that discrepancy which is rendering the data and consequent findings unreliable. What is notable is that despite the objections from NEPL, GPCB has continued to follow the same defective procedure to hold NEPL non-compliant in an illegal manner.

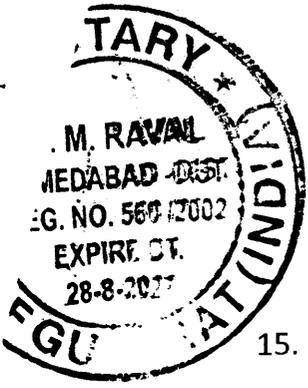
13.12. With respect to what is stated in Serial No.13 of the Table the contents of the objections to the first report in this behalf are reiterated, and there is non application of mind to the objections by the Committee as the third report, merely reiterates what is stated in the first report without answering the objections of respondent no. 1.

14. The Committee has also failed to consider that:

- (i) No violation of any consent as alleged is established from the record of the present case, either in the subject Original Application or in the Joint Committee Report of 2020. No period of violation or consequent compensation is capable of determination in such circumstances as are narrated in detail by the respondent no. 1 and no liability arises on part of NEPL.
- (ii) The subject Original Application is frivolous, misconceived and does not indicate or establish any violation on part of NEPL.
- (iii) GPCB and CPCB have at all times been aware of the activities of NEPL and have monitored the working of the CETP of NEPL at GIDC, Naroda all

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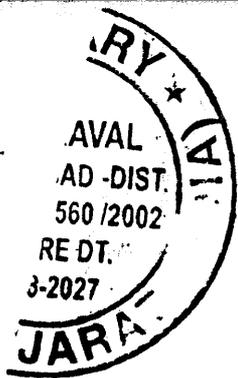




throughout for the period for which allegations are made in the subject original application.

15. With respect to para 1 at page 11, I deny what is stated therein. It is submitted that the Joint Committee has taken contradictory stands while preparing the Report. While the Committee has on one hand refused to consider, deal with and respond to the affidavits, replies and objections filed by NEPL after 2020 and has only dealt with the Reply/Objections of NEPL dated 8<sup>th</sup> October 2020, while on the other hand Committee has read into and relied upon Reports by NEERI which are not forming part of the record. The Hon'ble High Court is in seisin of the matter in W. P. (PIL)\_ No. 98 of 2021 which was listed last on 21.06.2024 and such proceedings are not aimed at the respondent no. 1 but at many issues such as illegal outfalls into the River Sabarmati and the Mega Pipeline, and it is a comprehensive *suo motu* proceeding dealing with pollution of the River involving co-operation of all stakeholders, including all CETPs, Ahmedabad Municipal Corporation, Industries, etc. The report relied upon at Annexure IX has no bearing on the present proceedings, except to the extent that recommendations of NEERI are implemented uniformly by all CETPs on the Mega Pipeline based on suggested model of CETP at Nandesari. In any case, if a reference is being made to the said litigation, then the Joint Committee ought to have also revealed that there are numerous incidents of illegal dumping of waste and effluents into the river due to failure on part of the Ahmedabad Municipal Corporation to regulate the same and that there are numerous illegal drains discharging into the river and the Mega Pipeline where in the Ahmedabad Municipal Corporation has failed to take steps to close the same. Further, presently a high-powered committee appointed by Forest and Environment Department of government of Gujarat is also investigating into the issue of illegal discharge by miscreants. Details of the same have been produced on

S. V. Patani



record by way of Additional Affidavit on behalf of NEPL dated 01.07.2023 and is not repeated herein for the sake of brevity.

16. With reference to para 2 to 4 at page 12 of third report, I deny what is stated therein.

16.1. The period of violation which is considered from January 2015 to August 2020 on the basis that five-year violation period was fixed for computation of environmental compensation referring orders of Honorable NGT in similar matters, is arbitrary, discriminatory, unfair and not based on actual facts of the present case.

16.2. The Joint Committee has failed to comply with the direction of the Hon'ble Tribunal to assess the actual period of violation and has instead attempted to justify and confirm the period of violation as per the second report, which is *non est*.

16.3. Reference to other cases for determination of a factor (period of violation) which factor ought to be based on facts of the case and not on inferences, is bad in law. The cases which are referred to are pertaining to CETP at Vapi and Vatva, and the said CETPs and their defaults and nature of their member industries are not comparable for computation of environmental compensation in the present case.

16.4. It is also incorrect and unfair to assume that CETP of respondent no. 1 was non-compliant for a period of 8 months (Jan 2020 to Aug 2020) even though there is no violation found as per procedure under law, to have occurred during such period of 8 months.

16.5. The report of the Joint Committee and the method of sampling is even otherwise bad in law and not a fair benchmark for assessing any

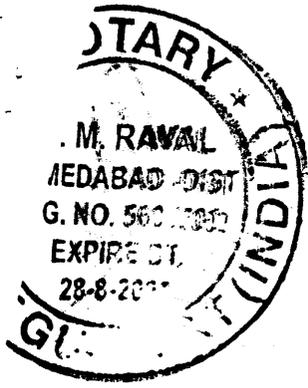
*Sun Patil*



environmental compensation against respondent no. 1. The historical data is also not reliable as has already been explained in the pleadings of Respondent no. 1 and in the present objections. It is not clear if the statement of test reports annexed to Second Report is based on which reports as these do not form a part of the record of the present case and are not supplied to Joint Committee.

- 16.6. The present OA is filed making allegations against Respondent no. 1 of violations from 08.02.2018 to 22.03.2019 based on completely false assertions, which are dealt with in detail in the Reply of Respondent no. 1 to the OA. It is not clear how the Joint Committee has expanded the scope of the OA to assume and presume 5 years of violation, without any basis and without dealing with the objections and reply of the Respondent no. 1 in this regard.
- 16.7. Without reference to fact of whether any unit is defaulting unit or not, exorbitant compensation is being assessed merely on the speculative and arbitrary assertion that majority of member industries are red category units and the CETP is also a large-scale red category unit, the maximum factor for compensation ought to be applied, i.e. Rs. 500/-. This assessment has no nexus to the actual default in the present case and is evidently arbitrary, unfair and bad in law.
17. The conclusions arrived at on pg 12 of the Third Report are entirely misconceived and incorrect.
- 17.1. With reference to conclusion no. (i), it is submitted that there has been no agreement to any of the points in Table – 1 on part of Respondent no. 1. The Table-1 is a part of the Third Report, received by Respondent no. 1 only when it was served on 12.03.2024, and it is practically impossible to

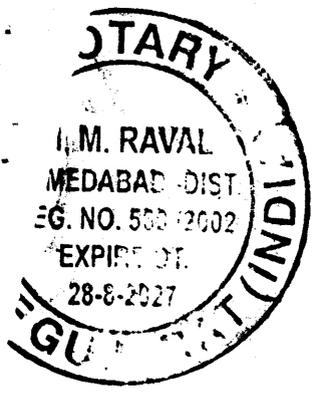
*Swin P.A.*



have agreed to anything before the Report was even provided to the Respondent no. 1. *Inter alia*, point no. 10 in the Table-1 of Third Report is completely new information, not placed on record in the First Report, never shared with Respondent no. 1. It is not clear, what is being assumed to have been agreed to in the said conclusion. Respondent no. 1 specifically, categorically and expressly denies all the assertions made in the First Report, Second Report and the Third Report.

- 17.2. With reference to conclusion no. (ii), the Committee *by and large disagrees* with the objections of Respondent no. 1, which is generic and non-conclusive, carrying on the defect of the First Report as already recorded by the Hon'ble Tribunal.
- 17.3. With reference to the conclusion no. (iii), it is not admitted that there has been any deliberation on the period of violation when no data is submitted to the joint committee regarding period of violation or default on part of respondent no.1. No such material is available on record of the present proceedings. It is not clear, what has been deliberated upon, when the committee has wrongly confirmed the second report and has relied upon period of violation in other cases, instead of carrying out a proper fact-finding exercise to determine the actual period of violation.
- 17.4. With reference to the conclusion no. (iv), it is reiterated that the Committee has wrongly discarded the online monitoring data without disclosing any reasons for the same in the First Report. The excuse made now, is arbitrary, unfair and false on the face of the record.
- 17.5. With reference to conclusion no. (v), it is submitted that the method of assuming factors based on other CETPs is incorrect, arbitrary, without application of mind and bad in law. Committee has taken shortcuts in

*Srinivas*



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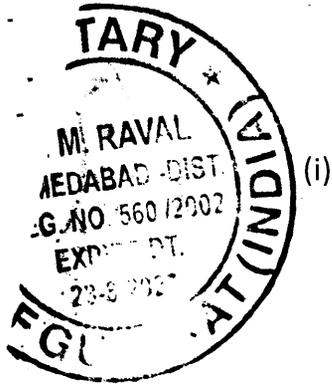
their investigation process, leading to the dissemination of baseless findings. As a stakeholder invested in the integrity and accuracy of such inquiries, we find it alarming that the committee has failed to uphold the principles of thoroughness and impartiality. The ramifications of their actions extend beyond mere negligence; they undermine trust in the investigative process and jeopardize the credibility of the outcomes. All the reports in the present case deserve to be discarded and the present OA deserves to be wholly dismissed.

17.6. Even more alarming is a statement contrary to the statement made in order dated 06.09.2023 that Respondent no. 1 is found to be compliant. It is incorrect to state that respondent no. 1 is in the process of implementing the recommendations of NEERI, when the same are already implemented and that too, admittedly.

18. It is pertinent to note the material facts in relation to the cases of other CETPs which the committee has erred in comparing with the present case and in assessing higher environmental compensation than such other cases which are being compared to respondent no. 1. Chart showing comparison of the different cases referred to by the Joint Committee and the present case, is annexed hereto and marked as **ANNEXURE R – 6**. On the face of it, the assessment made in the present case is illegal, and the third report could not have confirmed the second report, which was itself bad in law. It was incumbent upon the Joint Committee to consider the objections, pleadings, record of the present case which has been placed before it, and determine actual default, period of default, if any, and to present the true and correct facts before the Hon'ble Tribunal.

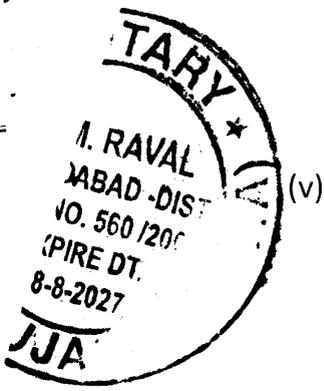
19. It is submitted that the Joint Committee has failed to consider the objections to assessment of environmental compensation and the formula in undated report of GPCB and CPCB, which can be summarized as follows:

*Srin P. J.*



- (i) The second report prepared by GPCB and CPCB for assessment of environmental compensation cannot be relied upon in view of the order of Hon'ble Supreme dated 26.11.2020 in Civil Appeal Nos.3594-3595 of 2020 (M/s Naroda Enviro Projects Ltd. (CETP) Vs. Aryavart Foundation & Ors.)
- (ii) The assessment in the second report of GPCB and CPCB finds no nexus with any findings or conclusions arrived at in the Joint Committee Report dated August 2020. Even otherwise, First Report of August 2020 cannot form basis for assessment of environmental compensation as the same is non-specific, inconclusive, speculative and generic, apart from being based upon incorrect data / reports.
- (iii) The environmental assessment is based on wrong assumption that NEPL is solely responsible for the pollution of Sabarmati River, when it has been sufficiently demonstrated and even otherwise sufficiently in knowledge of GPCB and CPCB that NEPL's discharge into the Sabarmati River is miniscule (around 0.26%).
- (iv) The data relied upon in the second report at Annexure 3 is not based on any test report provided to NEPL or to the Joint Committee, not referred to in the OA or in any of the reports of Joint Committee. The test reports of GPCB, as discussed earlier herein, are not reliable and not prepared as per procedures prescribed under law. Such data cannot form a basis for assessment of period of violation or environmental compensation. Moreover, the data for last monitoring date of 08.08.2020 referred in the said report is also not correct or accurate and it does not even match with the data of online monitoring system of GPCB & CPCB as already explained earlier. The data at Annexure 3 to the report remains unreliable and unsubstantiated.

*S. V. Patil*



- (v) No assessment can be made for a period not contemplated of in the OA, not examined by the Joint Committee and without considering the issue of limitation.
- (vi) Mitigating factors ought to form a part of any assessment of environmental compensation. Assessment of higher compensation for environmentally proactive industries with state-of-the-art technology which is regularly being upgraded, as compared to lackadaisical non-compliant industries, will discourage environmental stewardship by industries. The assessment in the present case, overlooks –
- i. The large-scale investment in setting up the CETP and its upgradation, without any subsidy from the government which is otherwise to the tune of Rs. 30 crores.
  - ii. Provision of treatment of sewage of 900 residences without any cost/ charge, which otherwise is to be done by the Ahmedabad Municipal Corporation, which charges for the provision of sewage treatment
  - iii. Large-scale socially and environmentally conscious activities and initiatives of NEPL and recognition of the same by government and organizations internationally
  - iv. Admittedly, the CETP of Respondent no. 1 is compliant with all applicable norms as also recorded in order dated 06.09.2023
20. I say that the committee has erred in mechanically relying on the formula for assessment of EC as mentioned in the order dated 19.02.2019 passed in Original Application NO. 593 of 2017 by Hon'ble the National Green Tribunal, Principal Bench, New Delhi. The formula laid down in the aforesaid order cannot be

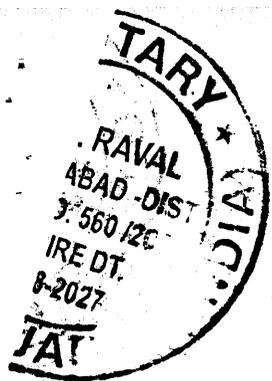
*Srin Patil*



applied to every case mechanically. The said formula can at the most be used as a guideline. Compensation to be assessed has to relate to the volume of effluent and the quality of effluent discharged by any industry. If assessed as per the above mentioned formula, an industry discharging effluent with COD of 500 and an industry discharging effluent with COD of 1000 would be treated alike. Similarly, an industry with discharge load of 3 MLD and an industry with discharge load of 30 MLD would be treated alike. The answering respondent is called upon to pay EC for allegedly polluting river Sabarmati. It is admitted that the contribution of the answering respondent to river Sabarmati is a mere 0.26% of the total effluent discharged by various CETP entities. A pie chart which shows water flow distribution at final discharge point in river Sabarmati is produced on record *at page 482*. The said fact is also recorded by this Hon'ble Tribunal in its order dated 06.09.2023 while directing the Joint Committee to consider objections raised by the answering respondent and to assess EC. The Joint Committee has erred in completely ignoring the said fact with respect to pollution load that can be assumed to be attributed to answering respondent.

21. Assuming without admitting for the sake of argument, and without prejudice to other contentions raised here in, including that of the answering respondent not being liable to pay any compensation and the formula being faulty, respondent no.1 submits that the assessment is even contrary to the said formula. The assessment is completely disproportionate, has no basis in facts. The Joint Committee has erred in accepting the assessment as per formula in the second report without applying its mind to the fact that the maximum factor which is being used in the formula for each item, is without any basis, disproportionate and based on a unreasoned & unfair comparison with other cases without applying its mind to the facts of the present case and without applying its mind to the fact that the respondent no. 1, even if assumed to be defaulting, has lesser number of industries, lesser quantity of

*S. V. Patil*



effluent outfall, no defaulting member, and a good prima facie case on merits on issues of fact and law as compared to the cases where a parallel is sought to be drawn by the committee.

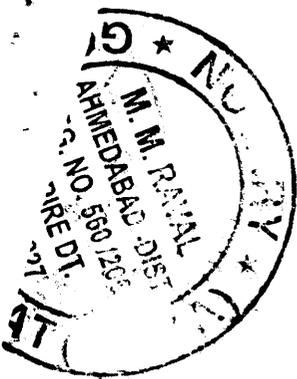
(i) Pollution Index (PI)

The committee has accepted the maximum PI as per Second Report, without considering the actual default. The assessment of PI based on majority members of CETP being in red category and the respondent no. 1 CETP therefore being red category, is arbitrary, unreasonable and bad in law and has no nexus with actual default.

(ii) Number of days the violation has taken place (N)

The assessment of number of days in the Second Report is baseless and arbitrary and the objections thereto are narrated in detail hereinabove and more particularly in paragraph 16 hereinabove. The data relied upon in the second report at Annexure 3 is not based on any test report provided to NEPL or to the Joint Committee, not referred to in the OA or in any of the reports of Joint Committee. In order to arrive at computation of number of days, the Committee is required to show violation for each day for which environmental damage compensation is being assessed and such period cannot be assumed or presumed on an ad hoc basis by way of inferences and presumptions. There is no such assessment for each day whatsoever to arrive at an unreasonable period from 2015 to Aug 2020 in a casual manner. Further, as stated in para 13.8, it is reiterated that as per the terms of the CC & A, the period of upgradation is required to be excluded.

*S. S. Patil*



It may be noted that the relevant CC & A and its terms for period prior to 26.11.2016 are not on record and it is not clear on what basis violation is being alleged when there is no pleading or material on record prior to such date and no material has been examined by the parties or the Hon'ble Tribunal in this regard. Ex facie such period which is not even under consideration before the Hon'ble Tribunal ought to be discarded.

(iii) Factor for EC (in Rs.) (R)

The committee has erred in applying rupee factor of Rs.500 as a factor R. The formula suggests considering Rs 250 in cases of violation. It is pertinent to note that in case of Vatva GIDC, which is situated in the same city as the answering respondent and discharging in the same closed pipeline along with other industries and CETPs, Factor R was Rs. 250. The committee has also recorded that in case of CETP situated at Vatva GIDC factor R is different. There is no justification to apply the highest value of factor R. The committee has not given any justification for suggesting factor R to be Rs.500.

(iv) Factor for scale of industrial unit (S)

The committee has erred in applying 1.5 as factor S, for scale of operation of industrial unit. The formula requires that in case of a small or micro unit, the multiplicand would be 0.5, for medium, it would be 1 and for large units it would be 1.5. The Committee has erred in treating CETP as a large unit and has erred in applying 1.5 as a factor S. The committee has overlooked the fact that majority of its members were small and medium industries. A list of

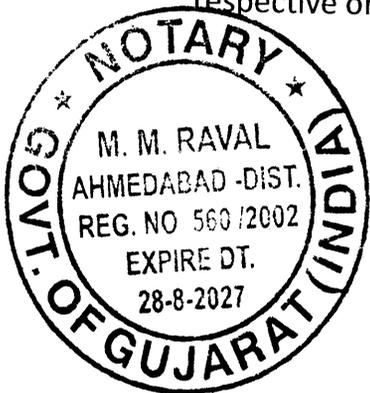
*S. S. Patil*





for improvement of particular area, hence the subsidy amount not availed off will get diverted to payment of a prohibitive compensation instead of being invested in betterment of the CETP facilities towards environmental protection and prevention of pollution. The environmental damage compensation is not aimed at obstructing the functioning of the CETP by imposing unreasonable financial constraints on the same.

What is stated hereinabove is true and correct and nothing material is concealed therefrom. I state that all the annexures to the present affidavit are true copies of their respective originals.



**NARODA ENVIRO PROJECTS LTD.**

*Srin Patani*  
DEPONENT

**AUTHORISED SIGNATORY**

**VERIFICATION**

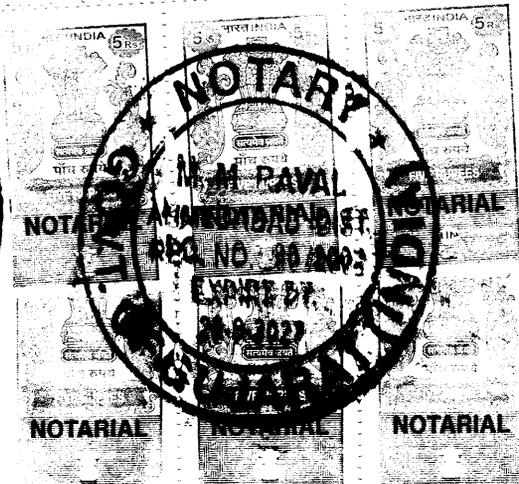
Verified at Ahmedabad on this 27<sup>th</sup> day of June 2024. I say that the contents of this affidavit are true and correct to the best of my knowledge and I believe the same to be true and that nothing material has been concealed there from.

*Identified by me Manjula Advocate clear code-426*

**NARODA ENVIRO PROJECTS LTD.**

*Srin Patani*  
DEPONENT

**AUTHORISED SIGNATORY**



**Solemnly Affirmed**

**Mr./Mrs. S.J. Patwari**

**Identified by Adv. Manjula**

**Personally Known to me**

*M.V. Chaudhary*

*M. Manjula*

**MANJULA M. RAVAL**

**NOTARY**

*27/06/2024*

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7881 OF 2023

M/S NARODA ENVIRO PROJECTS LTD. (CETP)

Appellant(s)

VERSUS

ARYAVART FOUNDATION &amp; ORS.

Respondent(s)

**O R D E R**

It is the contention of the appellant - M/s. Naroda Enviro Projects Ltd. (CETP) that the appellant is compliant and not liable.

At this stage, we are not inclined to interfere with the impugned judgment, as it is open to the appellant - M/s. Naroda Enviro Projects Ltd. (CETP) to raise all pleas and contentions before the National Green Tribunal<sup>1</sup>, Western Zone Bench, Pune in the pending Original Application no. 07 of 2020 (WZ).

We are confident the NGT will examine all pleas and contentions before passing the final order.

It will be open to the appellant - M/s. Naroda Enviro Projects Ltd. (CETP) to challenge the order dated 06.09.2023, if required, after the NGT passes the final order.

The appeal is dismissed in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(S.V.N. BHATTI)

NEW DELHI;  
DECEMBER 13, 2023.

<sup>1</sup> For short, "NGT"

M/S NARODA ENVIRO PROJECTS LTD. (CETP)

Appellant(s)

VERSUS

ARYAVART FOUNDATION & ORS.

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.....J.  
(SANJIV KHANNA)

.....J.  
(S.V.N. BHATTI)

NEW DELHI;  
DECEMBER 13, 2023.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO. 7881 OF 2023

M/S NARODA ENVIRO PROJECTS LTD. (CETP)

Appellant(s)

VERSUS

ARYAVART FOUNDATION &amp; ORS.

Respondent(s)

(IA No.248764/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.248768/2023-STAY APPLICATION)

Date : 13-12-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s)

Mr. Shyam Diwan, Sr. Adv.  
Mr. Balbir Singh, Sr. Adv. (N/P)  
Ms. Megha Jani, Adv.  
Ms. Anushree Prashit Kapadia, AOR  
Mr. Shyam Gopal, Adv.  
Mr. Rongon Choudhury, Adv.  
Ms. Ruchi Krishna Chauhan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)  
AR-cum-PS(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

(signed order is placed on the file)

  
**TRUE COPY**

Re: Urgent - Opportunity of being heard in Hon'ble NGT matter ORIGINAL  
APPLICATION NO.07 OF 2020 (WZ)

Naroda Enviro Projects Ltd <narodaenviro@gmail.com>

Mon 12/02/2024 12:21

To: Chandravadan A Shah <ro-gpcb-ahme@gujarat.gov.in>;

Cc: arvindjha.cpcb@gov.in <arvindjha.cpcb@gov.in>; prasoon.cpcb@nic.in <prasoon.cpcb@nic.in>; chinmayg@iitgn.ac.in <chinmayg@iitgn.ac.in>; Rajan B. Trivedi (GoG-GPCB Dept.) <vo-gpcb-ganr@gujarat.gov.in>; D.M.Thaker <ms-gpcb@gujarat.gov.in>; Rajesh Kumar Parmar (GoG-GPCB Dept.) <uh-gpcb-ahme@gujarat.gov.in>; spatwari.18@gmail.com <spatwari.18@gmail.com>; nep110@hotmail.com <nep110@hotmail.com>;

📎 1 attachments (254 KB)

Forwarding Letter and Summary of Objections - NEPL 09.02.2024.pdf;

\*\*\*\*\* This mail is from external domain, i.e. not from gujarat.gov.in domain. Kindly open attachment and link with cauti

BINDER ANNEXURE\_compressed (1).pdf

Dear All,

Please find attached the soft copy of the Summary of objection & Annexure, that we submitted to the head office GPCB in Gandhinagar on dated: 09/02/2024.

Thanks & Regards,  
Naroda Enviro Projects Ltd

Shailesh Patwari,  
Mo. 9375148584  
Authorised Member

1543

09.02.2024

To,

Gujarat Pollution Control Board,  
Paryavaran Bhavan,  
Sector 10-A, Gandhinagar,  
Gujarat – 382 010.

**Subject: Opportunity of being heard in terms of orders passed by  
Hon'ble National Green Tribunal ('NGT') in Original  
Application No.07 of 2020 (WZ).**

Sir,

We hereby enclose the Summary of Objections of Naroda Enviro Projects  
Ltd. along with the annexures referred to therein.

Regards,

*Shailish Patwari*

Mr. Shailish Patwari  
Authorised member,  
Naroda Enviro Projects Ltds.

Encl.: As above. (Ann. 1 to 5)  
(Pages 1 to 1057)

*AR Paradia*  
**TRUE COPY**

*PK*  
09/02/24  
Gujarat Pollution Control Board  
Head Office  
No. 10-A.

1544

**ANNEXURE R - 3**

**HEARING ON – 09.02.2024**

**BEFORE THE JOINT COMMITTEE CONSTITUTED UNDER ORDER/S OF HON'BLE  
NATIONAL GREEN TRIBUNAL, WEST ZONE IN - O.A. NO. 7 OF 2020 (WZ)**

**IN THE MATTER OF –**

ARYAVART FOUNDATION THROUGH ITS PRESIDENT

VS.

M/S. NARODA ENVIRO PROJECTS LIMITED AND ORS

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2	OBJECTIONS OF NEPL TO JOINT COMMITTEE REPORT DATED AUGUST 2020	<b>327 – 592</b>
3	OBJECTIONS OF NEPL TO UNDATED REPORT OF GPCB AND CPCB REGARDING ASSESSMENT OF COMPENSATION	<b>593 - 603</b>
4	ADDITIONAL AFFIDAVITS ON BEHALF OF NEPL DATED 01.07.2023 AND 22.11.2021	<b>604 - 1055</b>
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Date: 09.02.2024

SUBMITTED ON BEHALF OF  
NARODA ENVIRO PROJECTS LTD.

**HEARING ON – 09.02.2024**

**BEFORE THE JOINT COMMITTEE CONSTITUTED UNDER ORDER/S OF HON'BLE  
NATIONAL GREEN TRIBUNAL, WEST ZONE IN - O.A. NO. 7 OF 2020 (WZ)**

**IN THE MATTER OF –**

ARYAVART FOUNDATION THROUGH ITS PRESIDENT

...APPLICANT

VS.

M/S. NARODA ENVIRO PROJECTS LIMITED AND ORS

...RESPONDENT/S

**SUMMARY OF OBJECTIONS OF NEPL, RESPONDENT NO. 1**

**1. Background of the present proceedings**

- a. The subject OA has been filed by the Applicant under S. 18 (1) r/w Ss. 14, 15 and 17 of the NGT Act 2010 alleging that the Respondent no. 1 ("**NEPL**") has not complied with the environmental norms in the process of treatment and release of treated industrial effluents into Sabarmati River.
- b. The grievance is that NEPL and its member industries are in breach of the conditions specified in the Consolidated Consent, Authorization Order dated 07.11.2016 and Amended Consent to Establish dated 24.11.2017 (*pg. 63-74*). The allegations of violation pertain to period – 08.02.2018 to 18.11.2019 for which certain test reports have been relied upon by the Applicant (*pg. 75-149*). While relying on these test reports the Applicant has failed to even specify on what count NEPL is found non – compliant.
- c. The Applicant seeks redressal on the basis that the NEPL and its member industries are polluting the Sabarmati River.
- d. After the subject OA was filed, the Hon'ble National Green Tribunal ("**Hon'ble Tribunal**") was pleased to constitute a Joint Committee with a direction to "*inspect the CETP in question as well as the member industries and verify on the factual allegations contained in the OA.*" (order dated 05.02.2020)

**2. Order of 06.09.2023**

- a. The Hon'ble National Green Tribunal was pleased to direct the Joint Committee to consider the objections of NEPL and to thereafter determine the period of past/prior violations and assess compensation thereon.
- b. NEPL had preferred appeal against the said order, before the Hon'ble Supreme Court of India, which stands disposed off by way of the order dated 13.12.2023. (copy enclosed)

**3. Primary contention of NEPL –**

- a. No violation of any consent as alleged is established from the record of the present case, either in the subject OA or in the Joint Committee Report of August 2020.

No period of violation or consequent compensation is capable of determination in such circumstances, and no liability arises on part of NEPL.

- b. The subject OA is frivolous and filed with the sole intention of harassment. It is based on misconceived and misleading statements and the documents relied upon by the Applicant do not indicate or establish any violation on part of NEPL.
- c. GPCB and CPCB have at all times been aware of the activities of NEPL and have monitored the working of the CETP of NEPL at GIDC, Naroda all through out for the period for which allegations are made in the subject OA, and no violation is made out.

#### **4. Direction for constitution of Joint Committee and scope of its function/s is limited – inspection of NEPL and its members and verification of factual allegations contained in the OA (order dated 05.02.2020)**

- a. The inspection by Joint Committee has remained generic, speculative and inconclusive apart from the fact that there is no consideration of applicable provisions of law
  - i. The report of the Committee dated August 2020 is based on certain incorrect premises, does not consider the issues in their entirety and overlooks statutory provisions. Assessment of environmental compensation based on assumptions and speculations as contained in the report is not envisaged under the law.
  - ii. Incorrect assumptions with respect to effluent collection arrangement:  
It would not be accurate to suggest that 119 member industries of CETP of NEPL are sending effluents through drainage line. CETP at Naroda is based on segregation at source of three different types of effluents which are treated separately. Details at **para 5, 6**, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)
  - iii. In fact, the Treatment Scheme in CETP mentioned at para 2.3, 2.3.1 and 2.3.2 of Report of August 2020 establish that a proper and effective system of treatment was already in existence when the Joint Committee inspected the premises of NEPL.
  - iv. Para 2.3.3 of the Report of August 2020 wrongly mentions the length of the Mega Pipeline as 23 kms instead of 33 kms. The hydraulic load of NEPL's CETP in the Mega pipeline is roughly 10-12% which cannot be considered significant. The quality of discharge from Mega Pipeline to Sabarmati River cannot be attributed to NEPL alone and in any event the data pertaining to the same is showing an improving trend and reliance on averages is misconceived. Moreover, NEPL's contribution to the discharge into River Sabarmati is barely 0.26% as compared to 88.25% by AMC. (**para 2.3.3** of the August 2020 report; **Pg. 480-481**, Reply of NEPL to OA; **Para 9**, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith); Additional affidavit on behalf of NEPL dated 01.07.2023 (enclosed herewith))

- v. The Report of August 2020 in relation to sludge management and hazardous waste management at the CETP of NEPL is without reference to the existing operational framework and cannot be used to hold NEPL liable for any violation (The subject OA is even otherwise not alleging any violation on this aspect). Pls see **para 2.3.4 of the August 2020 Report and the response of NEPL at para 10, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)**

Detailed soil analysis report showing zero violation on part of NEPL and chart showing timely removal of sludge from the site of CETP of NEPL also establish that the findings in the Report of August 2020 are incorrect. **(Additional affidavit on behalf of NEPL, dated 22.11.2021 (enclosed herewith))**

- vi. Para 2.5 of the Report of August 2020 contains number of errors in collection of samples and consideration of parameters. There are apparent errors in mentioning TDS and color in the chart of parameters as none of them figure in the statutory parameters mentioned in Entry 55 of Schedule 1 of Rules. So far as the TDS is concerned, it is not even a part of the consent issued to NEPL. The location of collection of samples is also incorrect as the same is at intermediate stages. Such samples would be of no significance and cannot be relied upon for drawing any adverse inference against NEPL. Parameter of FDS has been derived by using incorrect and extraneous formula and does not provide any real or proper finding against NEPL. The samples were drawn on 08.08.2020, when the online monitoring system installed by CPCB does not show any violation of parameters on the said date. Details at **para 12, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)**
  - vii. Para 3 of the August 2020 Report deals with inspection of member units. The committee randomly selected 3 units and the results of none of these 3 units shows any violation of parameters. Detailed explanation and objections at **para 15, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)**
  - viii. In light of the above and further detailed explanation and objection at **para 17, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)**, it can be seen that the conclusions in **para 4** of the August 2020 report are incorrect and have no basis in fact or law.
  - ix. The Recommendations in the Report of August 2020 are also dealt with in detail at **para 18, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)**
- b. There is no verification at all of the factual allegations contained in the OA, although the Joint Committee was specifically directed to do so. The Joint Committee Report fails to consider that norms prescribed in amended consent of 24.11.2017 are bad in law and cannot be applied to the case of NEPL and the data relied upon is not reliable or believable

- i. There are many outfalls in the Sabarmati including Industrial, Domestic and unspecified/ unidentified / illegal sources. The quality of water in the river is cumulative effect of all sorts of treated and untreated waste water. It cannot be solely attributed to NEPL. The sewage and industrial effluent discharge in the river is received inter alia from the following (in the order of upstream to downstream):
- (i) Ahmedabad Municipal Corporation ("AMC") – Old Pirana, Sewage Treatment Plant ("STP") (60 + 160 MLD);
  - (ii) Industrial and Domestic Mix discharge (30 + 30 MLD) – Ahmedabad Hand Screen Printing Association and other industries (Danilimda);
  - (iii) Excess Un-treated Sewage from AMC, Pirana Terminal Sewage Pumping Station ("PTSPS");
  - (iv) 35 MLD STP, AMC, Vasna;
  - (v) 40 MLD Mega Pipeline carrying treated industrial effluent discharge from different CETPs operated by –
    - a. Naroda Enviro Projects Limited ("NEPL")
    - b. The Green Environment Services Co-op. Soc. Ltd. ("GESCSL")
    - c. Reliance Industries Limited
    - d. Odhav Enviro Projects Limited ("OEPL")
    - e. Odhav Green Enviro Projects Association ("OGEPA")
    - f. Gujarat Vehpari Mahamandal, Odhav ("GVM")
  - (vi) 250 MLD STP of AMC, Vasna
  - (vii) 126 MLD STP of AMC, Vasna
  - (viii) 180 MLD STP, AMC, Pirana
- (See chart / map showing the location of final discharge outlet into the Mega Pipeline **pg. 513, Reply of NEPL to OA**).
- ii. There are numerous recorded incidents of illegal dumping of waste and effluents into the river due to failure on part of AMC to take steps to regulate the same. There are numerous illegal drains discharging into the river & the Mega Pipeline and AMC has failed to take steps to close the same (**pg.482-494, Reply of NEPL to OA**). Khari River is a tributary of River Sabarmati and its waters along with the effluents therein merge with River Sabarmati. Kharicut Canal also merges into River Sabarmati. Similarly, there are numerous incidents of surreptitious and illegal discharge and dumping into river Sabarmati. Presently, a High-Powered Committee appointed by Forest and Environment Department of Government of Gujarat is also investigating into the illegal discharges being made. Moreover, Hon'ble High Court of Gujarat is also seized of suo moto proceedings in this regard where a large number of illegal connections have been discovered by (Please see **Additional affidavit on behalf of NEPL, dated 01.07.2023, (enclosed herewith)**).

- iii. NEPL is only one of the CETPs to discharge treated effluents into the AMC Mega Pipeline. The said Mega Pipeline has been laid down by AMC in the year 2001 with contributions from NEPL and others discharging into the said Mega Pipeline. However, before the final discharge point from GIDC Estate, Naroda into the Mega Pipeline, the treated effluent of NEPL merges with that of Reliance Industries Limited. The said Mega Pipeline thereafter meets the River Sabarmati and carries discharge / effluents of aforementioned 6 CETPs.
- iv. Serious allegations have been levelled against member industries of the NEPL without specifying the details of any such industry or arraying them as parties to the present proceedings. There is no way to verify the allegations in this respect nor is it possible to adjudicate on any such allegations for want of particulars and specific details.
- v. Test reports relied upon in OA and in Joint Committee Report are not reliable as the same are prepared in violation of prescribed procedure:
  - The test reports from **Annexures A-82 to A-86 to the OA** cannot be attributed to NEPL and the reliance thereon is misconceived and misleading. The point of collection of samples in the reports produced at *Annexure A-82 to A-86* are from outlets of other STPs/ entities which are not party to the present proceedings and which have no nexus with NEPL. In fact, some of these STPs/ entities are not even connected to the Mega Pipeline and are not made party to the present proceedings.
  - The point of collection of samples at the outlet of Mega Pipeline into the River is not attributable to NEPL as the effluent at such point is combined and received from 6 different STPs and many other illegal discharge points made into the Mega Pipeline and effluents/ sewage from upstream river also merge at this point.
  - As per the test reports relied upon by the Applicant (**Annex. A-4 to A-78 to the OA**), it is alleged that NEPL has violated the consent granted on 07.11.2016. The reliance on show cause notice issued by GPCB at Pg. 150 to the OA is in respect of BOD, COD, Suspended Solids and NH<sub>3</sub>N for both inlet and outlet of CETP. It is further alleged that NEPL is accepting effluents from its members although such effluents do not meet with the inlet parameters of the CETP.
  - The test reports of GPCB have been time and again objected to by NEPL for the following reasons:
    1. the test samples are not stabilized after collection
    2. tests are conducted after a long time of collection without preserving the samples properly, which gives highly erratic results
    3. no sample is shared with NEPL as prescribed, even though sought from time to time, for counter verification This results in incorrect test reports which cannot be presumed to be accurate

and cannot be relied upon by the applicant in the present proceedings.

NEPL has raised objections with GPCB from time to time about the reports being erroneous since incorrect methodology had been adopted (**Pg. 470-479, Annexure R-9, Reply of NEPL to OA**).

- These test reports of GPCB on which reliance is place do not match with the reports of the online monitoring system installed by CPCB at the outlet of CETP of NEPL.
  - The method of collection of samples, the method of preservation of samples and the type of tests conducted are also not correct as whenever sampling is done by any Authority, it is necessary to preserve the sample, which in spite of several requests of NEPL from time to time, has not been adhered to.
  - *Detailed explanation and objection is at **para 14, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith) and **Para 8, Additional affidavit on behalf of NEPL dated 22.11.2021*****
- vi. Inlet norms not applicable and no violation can be assumed with respect to the inlet norms: (Details at **para 7, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)**)
- The entire premise of instituting the present proceedings is misconceived in so far as the allegation of non-compliance with inlet parameters is concerned. The findings at **para 2.5.1.1 of the Report of August 2020** are extraneous and bad in law
  - Different outlet norms are applicable to different member units and they are bound by the directions of Hon'ble High Court of Gujarat in SCA No. 770/1995 to which GPCB was a party.
  - The norms unilaterally introduced by GPCB in the amended consent dated 24.11.2017, are in complete disregard of the decision in SCA No. 770/1995 of Hon'ble High Court of Gujarat, without any reference to the local conditions, nature of individual member industries, applicable outlet norms to the member industries and existing capacity of CETP for processing influents as conveyed in the application for the consent. Such unilateral amendment by GPCB is not tenable and is not even realistic. No reliance can be placed on the test reports of samples drawn at the inlet of the CETP or on the inlet norms introduced without following procedure under law.
  - The different reports placed on record with subject OA (**Pgs 76, 79, 112, 115, 121, 124, 127, 129, 130, 131, 132, 135, 136, 137, 140, 141, 143, 145, 147, 149 of OA, I. e. 20 reports**) indicate that the samples collected at different stages from within the CETP (before treatment) itself are being relied upon to claim violation, which is *ex facie* dishonest and an attempt to confound

the issues before the Hon'ble National Green Tribunal. Such samples from within CETP where the process of treatment is not complete, cannot form a basis of forming any opinion adverse to NEPL.

- GPCB modified the consent dated 07.11.2016, with effect from 24.11.2017 (**pg. 72-74, OA**) unilaterally and without any opportunity of hearing to NEPL and without any reference to the designed capacity and designed and prescribed inlet norms and related data which are also communicated to GPCB by way of letter dated 26.04.2017 (**pg. 258, Reply of NEPL to OA**) addressed by NEPL to GPCB.

Modification of consent inter alia overlooks the fact that most of the members of the CETP do not have a secondary treatment plant, and it overreaches entry 55 of Schedule I of Environment (Protection) Rules, 1986.

- Till 24.11.2017, there was no prescription of inlet standards for the CETP of NEPL. The same was introduced for the first time in the letter dated 24.11.2017.

Without prejudice to the fact that the test reports are defective and cannot be relied upon, and the fact that prescription of inlet norms is itself bad in law, reference is made to Rule 3(3) of the Environment Protection Rules, 1986, which provides that "*The standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified*", thereby providing an industry one year time to comply with the consent conditions (in the present case till 24.11.2018).

- Detailed explanation / objection is given at **para 13**, Objections of NEPL to Joint Committee Report of August 2020 (enclosed herewith)
- Without prejudice to the above, it is stated that para 3.4. of the report of August 2020 refers to analysis of results of 2 years of CETP member industries which data itself shows that by and large norms are met by all the industries

## **5. Objections to assessment of environmental compensation and the formula in undated report of GPCB and CPCB**

- a. The report prepared by GPCB and CPCB for assessment of environmental compensation cannot be relied upon in view of the order of Hon'ble Supreme dated 26.11.2020 in Civil Appeal Nos.3594-3595 of 2020 (M/s Naroda Enviro Projects Ltd. (CETP) Vs. Aryavart Foundation & Ors.)
- b. The assessment in the said report of GPCB and CPCB finds no nexus with any findings or conclusions arrived at in the Joint Committee Report dated August

2020. Even otherwise, Report of August 2020 cannot form basis for assessment of environmental compensation as the same is non-specific, inconclusive, speculative and generic, apart from being based upon incorrect data / reports.

- c. The environmental assessment is based on wrong assumption that NEPL is solely responsible for the pollution of Sabarmati River, when it has been sufficiently demonstrated and even otherwise sufficiently in knowledge of GPCB and CPCB that NEPL's discharge into the Sabarmati River is miniscule (around 0.26%).
- d. The data relied upon in the said report at Annexure 3 is not based on any test report provided to NEPL in the OA or in any of the reports of Joint Committee or GPCB or CPCB. The test reports of GPCB, as discussed earlier herein, are not reliable and not prepared as per procedures prescribed under law. Such data cannot form a basis for assessment of period of violation or environmental compensation. Moreover, the data for last monitoring date of 08.08.2020 referred in the said report is also not correct or accurate and it does not even match with the data of online monitoring system of CPCB as already explained earlier. The data at Annexure 3 to the report remains unreliable and unsubstantiated.
- e. An ad-hoc determination of pollution index of 80, 50 or 30 as has been applied is arbitrary, without any basis and bad in law.
- f. CETP of NEPL caters to small and medium industries which are its member industries and whose effluents are treated by NEPL. NEPL has been wrongly assessed as a large-scale operational unit.
- g. No assessment can be made for a period not contemplated of in the OA, not examined by the Joint Committee and without considering the issue of limitation.
- h. The assessment is arbitrary as it does not account for factors such as the large scale socially and environmentally conscious activities of NEPL and the fact that NEPL has invested huge amounts of money in setting up the unit and in constant upgradation and maintaining a state-of-the-art facility.
- i. NEPL reserves right to raise objections at the relevant time for any fresh report or assessment, if any. NEPL also reserves further right to object to the formula being used for assessment as the same is arbitrary and there is nothing on record to show any rational basis for classification made and for applying various factors.

In light of above, since there is nothing on record to establish that NEPL or its member industries have violated any of the parameters, no environmental compensation is liable to be levied on it.

The detailed objections are already raised in the reply and objections of NEPL which are filed before the Hon'ble National Green Tribunal, West Zone, copies whereof are enclosed for your record and reference. All the pleadings of NEPL are required to be considered before any report is prepared by the Joint Committee.

**ENCLOSED:**

1. REPLY FILED BY NEPL IN OA NO. 7 OF 2020 (WZ)
2. OBJECTIONS OF NEPL TO JOINT COMMITTEE REPORT DATED AUGUST 2020

# 1553

3. OBJECTIONS OF NEPL TO UNDATED REPORT OF GPCB AND CPCB REGARDING ASSESSMENT OF COMPENSATION
4. ADDITIONAL AFFIDAVITS ON BEHALF OF NEPL DATED 01.07.2023 AND 22.11.2021
5. ORDER DATED 13.12.2023 PASSED BY THE SUPREME COURT OF INDIA IN CIVIL APPEAL NO. 7881 /2023

*Arpana*  
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**1554 ANNEXURE R - 4**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. 3594-3595 OF 2020

M/S NARODA ENVIRO PROJECTS LTD. (CETP)

Appellant(s)

VERSUS

ARYAVART FOUNDATION & ORS.

Respondent(s)

O R D E R

Having heard Mr. Mukul Rohatgi, learned senior counsel for the appellant and Mr. Raj Panjwani, learned senior counsel for the respondent, we are of the view that the orders dated 11.09.2020 and 21.09.2020 need to be set aside inasmuch as I.A. No. 88/2020 that was filed was only for an early hearing. Also, we find that a two-day notice of the report by the Pollution Control Board which was given to the appellant obviously does not meet the requirements of natural justice. Therefore, merely to state, at the fag end of the order dated 21.09.2020, that the appellant may file objections to the report is not of much avail after interim findings against the appellant have been rendered in the case. Having set aside these orders, the appellant may now file objections to the report of the Pollution Control Board, which may then be taken up and heard by the NGT.

The appeals are disposed of accordingly.

Pending applications also stand disposed of.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(K. M. JOSEPH)

..... J.  
(ANIRUDDHA BOSE)

New Delhi;  
November 26, 2020.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3594-3595/2020

M/S NARODA ENVIRO PROJECTS LTD. (CETP)

Appellant(s)

VERSUS

ARYAVART FOUNDATION &amp; ORS.

Respondent(s)

(IA No.112488/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112490/2020-STAY APPLICATION and IA No.112492/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-11-2020 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE ANIRUDDHA BOSEFor Appellant(s) Mr. Mukul Rohatgi, Sr. Adv  
Mr. Nikhi Nayyar, Sr. Adv  
Megha Jani, Adv  
Ms. Anushree Prashit Kapadia, AOR  
Ms. Sugandha Batra, Adv  
Mr. Ashutosh Ghade, AdvFor Respondent(s) Mr. Raj Panjwani, Sr. Adv.  
Dr. Surender Singh Hooda, AORUPON hearing the counsel the Court made the following  
O R D E R

The appeals are disposed of in terms of the signed order.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)

  
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1556



o/c

22.11.2017

To  
Shri U K Upadhaya  
EE  
GPCB, Gandhinagar.

Inspection Note dtd. 21.11.2017

Sir,

Ref. to visit of Shri G B Vasavda, Scientific Officer and Shri T C Patel on 21.11.17 at 10 p.m. at our CETP.

Regarding the Inlet quantity at CETP, this is to state that, due to constant overflow of Mega Pipe-line, as decided at the High Powered Committee Meeting in presence of Member Secretary, GPCB and Municipal Commissioner, in honour of direction to us, the sewage of Naroda Industrial Estate has been diverted to our CETP. This is well within the knowledge of Member Secretary, GPCB.

Regarding Upgradation / Expansion Plan of CETP, the same has been submitted to GPCB from time to time and, as a part of the same, an application for TOR has already been made to GPCB for 14 MLD and hearing has also been made.

We have also registered 14 MLD effluent with AMCA and paying the maintenance and administration charges accordingly to them.

For Flow Meter repair, we have already intimated GPCB vide our e-mail dtd. 13.11.2017 of having been sent to Toshbro Controls P Ltd., Indore- its supplier.

The Gear Box is under maintenance and hence, the scrapper is not working and, is under repair at the time of this Visit.

The Online ToC Meter is regularly calibrated by its supplier.

The visiting officials have already been informed about, shifting of 1187 ton of sludge to TSDF of Cluster Enviro P Ltd. and, the rest will be evacuated gradually within a course of time.

Sincerely,

Satish Patel  
CEO

Gujarat Pollution Control Board

Sector No. 10 A,  
Gandhinagar - 382 010.

MS 22/11/17

NARODA ENVIRO PROJECTS

1557

**ANNEXURE R-6:**

**Comparative chart in relation to cases referred in the Third Report**

**(Prepared as per information available)**

<b>Particulars</b>	<b>CETP, NEPL (Resp. no. 1)</b>	<b>CETP at Vapi (In the matter of Aryavart Foundation Vs M/s Vapi Green Enviro Limited, OA No. 95/2018 (PB))</b>	<b>CETP at Vatva</b>	<b>CETP at Narol (OA No. 510/2019 (Aditya Singh Chauhan Vs. State of Gujarat))</b>
Capacity	3 MLD	55 MLD	30 MLD	100 MLD
Member Industries	181 units - all are small and medium sized units, except for 3 large scale units.	519 Industrial units comprising of small, medium and large size in diverse sectors, such as Chemicals, Pharmaceuticals, Pesticides, Dyes & Dyes Intermediate and Pulp & Paper. Vapi industrial estate is spread over 1117 hectares and is largest industrial area in Asia	More than 500 units comprising of many units producing H Acid, Vinyle Sulfone (VS), CPC Green, NMJ Acid, about 40 units likely to be large scale	Agglomerate of 120 industries engaged in dyeing and processing of textiles.
CEPI Score (2018)	57 (Naroda-Odhav) (neither in critically nor severely polluted area)	79.95 (Critically polluted area)	70.94 (critically polluted area)	70.94 (critically polluted area)

No case of comparable severity or seriousness is made out in the present case, vis-à-vis the other three cases referred to by the Joint Committee

*APK*  
**TRUE COPY**

# 1558 ANNEXURE R - 7

SR. NO	COMPANY NAME	CATEGORY OF COMPANIES
1	AEROMATIC DYE-STUFF INDUSTRIES	MICRO
2	SETRA COLORCHEM INDUSTRIES	MICRO
3	ALLWIN INDUSTRIES	SMALL
4	AMBICA INDUSTRIES	MEDIUM
5	ANURAG CHEMICALS	SMALL
6	ASIATIC COLOUR CHEM INDUSTRIES PVT LTD	MEDIUM
7	ATUL INTERMEDIATES	MICRO
8	ROYAL ANAODISE	MICRO
9	BHAGWATI INDUSTRIES	MICRO
10	DEV DYE CHEM INDUSTRIES	SMALL
11	ETA ORGANICS	MICRO
12	DYCRON COLOUR CHEM PVT LTD	SMALL
13	JAYVIR DYECHYM	SMALL
14	H L ENTERPRISE	MICRO
15	MAYUR DYE CHEM	SMALL
16	MEGHDHANUSHYA DYESTUFFS	SMALL
17	PASUPATI INDUSTRIES	SMALL
18	SHIVAM INDIA PLASTOPECK	MICRO
19	RAJIV UDYOG	SMALL
20	RISHI INDUSTRIES	MICRO
21	SHAH INDUSTRIES UNIT-I	MEDIUM
22	OM INTERCHEM	MICRO
23	SMRUTI DYEING	SMALL
24	SHAH INDUSTRIES UNIT-II	MEDIUM
25	VARAHI INTERMEDIATES	SMALL
26	YASHESH INDUSTRIES	MEDIUM
27	PARNCELL CHEMICALS PVT LTD	MICRO
28	SATYAM INDUSTRIES	MICRO
29	SIDDHARTH FOODS	SMALL
30	D.P. CONTRACTOR	MICRO
31	ASIATIC INDUSTRIES	SMALL
32	SHREEJI KRUPA ENTERPRISE	SMALL
33	SHUBHAM ENTERPRISE	SMALL
34	AKASH COLOURS	SMALL
35	ABHINAV INDUSTRIES	SMALL
36	AEROMAX SYNTHETICS INDUSTRIES	MICRO
37	ALLWIN DYES	MICRO
38	AMIT DYESTUFF INDUSTRIES-FORTUNE.IND	MICRO
39	FORTUNE IND	MICRO
40	ANAND DYES AND INTERMEDIATES	MICRO
41	ANJANI INDUSTRIES	MICRO
42	ANKIT INDUSTRIES	MICRO
43	ARUN DYESTUFF INDUSTRIES	MICRO
44	ASHADEEP INDUSTRIES	MICRO
45	ATIK INDUSTRIES	SMALL
46	ALOK INDUSTRIES	SMALL
47	EKTA ENTERPRISE	MICRO
48	MARUTI DYESTUFF	SMALL
49	ALEMBIC DYE CHEM	SMALL
50	MSN INTERMEDIATES LTD	SMALL
51	INDIAN DYESTUFF INDUSTRIES	SMALL
52	ENCORE NATURAL POLYMERS PRIVATE LIMITED	SMALL

53	KINJAL ORGANICS PRIVATE LIMITED (unit I)	MEDIUM
54	KINJAL ORGANICS PRIVATE LIMITED (unit II)	MEDIUM
55	INDUSTRIAL CHEMICAL WORKS	SMALL
56	LALIT DYE CHEM INDUSTRIES	MICRO
57	BHARAT COLOUR INDUSTRIES	SMALL
58	M.R. CHEMICALS	SMALL
59	MAHESHRAJ CHEMICALS PVT.LTD.	MEDIUM
60	MARUTI DYE CHEM INDUSTRIES	SMALL
61	MUDRA INDUSTRIES	MICRO
62	SHREENATH ORGOCHEM PVT.LTD.	SMALL
63	SHREEJI KRUPA ENTERPRISE	SMALL
64	SAMRAT NAMKEEN PRIVATE LIMITED	MEDIUM
65	PRAVAN CHEMICALS	SMALL
66	SANJAY INDUSTRIES	MICRO
67	LEGEND INDUSTRIES(UNIT-II)	SMALL
68	CHEMIE RESINS	MICRO
69	ALEX ORGANICS	SMALL
70	SHREE SWATI TEX DYES PVT.LTD.	SMALL
71	SHREE AMBICA ENTERPRISE	SMALL
72	SUREN DYE CHEM INDUSTRIES	MICRO
73	SYNTHO PHARMA CHEMICALS	SMALL
74	MANMOHAN COTTAGE INDUSTRIES	MICRO
75	MAHENDRA CHEMICALS	SMALL
76	PREM INDUSTRIES	MEDIUM
77	ASHWINI INDUSTRIES	MICRO
78	MEDIWIN PHARMACEUTICALS	SMALL
79	NEEMA CHEMICALS	SMALL
80	TUTON PHARMACEUTICALS	SMALL
81	AKASH INDUSTRIES	MICRO
82	PRAVIN DYE CHEM IND.	SMALL
83	ELIXIR PHARMA	MEDIUM
84	KESHAV TILL FACTORY	MEDIUM
85	ARUNAYA ORGANICS LIMITED	SMALL
86	CHINMAY CHEMICALS PVT LTD.	SMALL
87	KRISHNA INDUSTRIES	MICRO
88	UNITED DYESTUFF INDUSTRIES	SMALL
89	ADITY SYNTHETICS	SMALL
90	MEDICINE LYFE CARE	SMALL
91	MAKERS LABRATORIES LTD	SMALL
92	MAKERS LABRATORIES LTD	SMALL
93	VARAHI INTERNATIONAL	SMALL
94	AKASH DYES & INTERMEDIATES	SMALL
95	AKSHAY INDUSTRIES	MEDIUM
96	A-ONE INDUSTRIES	SMALL
97	AMISHI DRUGS & CHEMICALS PVT LTD	SMALL
98	OCEAN INDUSTRIES	SMALL
99	BHAGWATI INTERMEDIATES	SMALL
100	CHAMUNDA INDUSTRIES	SMALL
101	CONTINENTAL CHEMICALS	SMALL
102	Dishman Carbogen Amcis Ltd.	LARGE
103	GAURAV INDUSTRIES	MEDIUM
104	GAYATRI DYE CHEM	SMALL
105	GAYATRI DYE CHEM	SMALL

106	HALCYON LABS PVT LTD	SMALL
107	ORIO SANGHAI COLOUR PVT LTD	SMALL
108	RAMA POLYCON LIMITED	MEDIUM
109	KUMAR INDUSTRIES UNIT -I	MEDIUM
110	KUMAR INDUSTRIES UNIT -II	MEDIUM
111	MARUTI MULTICHEM PVT LTD	SMALL
112	MATRUSHAKTI INDUSTRIES	SMALL
113	MINAL INTERMEDIATES	SMALL
114	NARAYAN INDUSTRIES	MEDIUM
115	PARTH ENTERPRISE	MICRO
116	RAKESH CHEMICALS INDUSTRIES	SMALL
117	RAMDOOT ENTERPRISE	SMALL
118	SHIV CHEM INDUSTRIES	SMALL
119	SHREE UMA INDUSTRIES	SMALL
120	SWASTIK CHEMICALS	SMALL
121	TIRUPATI INDUSTRIES	SMALL
122	UMIYA INDUSTRIES	MEDIUM
123	VITAL INDUSTRIES	MICRO
124	SHREEJI ASSOCIATES	MICRO
125	J.J. FOOD INDUSTRIES	MICRO
126	LAO MORE BISCUTIS PVT.LTD.	SMALL
127	CAMEX INDUSTRIES	MEDIUM
128	AMBICA INDUSTRIES	MEDIUM
129	MASCOT INDUSTRIES	SMALL
130	SHYAM INDUSTRIES	SMALL
131	SHIVA CHEMICALS	MICRO
132	JAIN DAIRY PVT LTD	MEDIUM
133	SARTHI DYETEX	SMALL
134	RANGTEX INDUSTRIES	MICRO
135	PACIFIC INDUSTRIES	MEDIUM
136	DRESSER RAND INDIA PVT LTD	LARGE
137	SIDDHARTH FOODS	SMALL
138	SUN POLYMERS	SMALL
139	ASHMITA INDUSTRIES	MICRO
140	MICRO SURFACE ADVANCE TECHNOLOGY	MICRO
141	SURGICOT FAB TEXTILES	SMALL
142	VEER DYE CHEM	SMALL
143	VIMAL CROP CARE PVT. LTD.	SMALL
144	KRISHNA DAIRY	MICRO
145	GWALIA SWEETS PVT LTD	MEDIUM
146	LAXMI SNACKS PVT LTD	LARGE
147	HAVMOR ICECREAM PVT LTD	SMALL
148	GWALIA SWEETS PVT LTD	MEDIUM
149	RAJESH DAIRY PRODUCTS	SMALL
150	FARKI FOOD INDUSTRIES	SMALL
151	NISARG INDUSTRIES	SMALL
152	ABHINAV MULTICHEM PVT LTD	SMALL
153	MERCURI DYE CHEM IND.	MICRO
154	SHREE ORGANO CHEMICALS PVT.LTD.	SMALL
155	ICON PHARMA & SURGICAL P.LTD.	SMALL
156	ANTICO TECHNIQUES	MICRO
157	G.H. INDUSTRIES	MEDIUM
158	NEXUS PHARMA	SMALL

159	REFNOL RESING & CHEMICALS LTD.	MEDIUM
160	SHANTI CORPORATION	MICRO
161	ARCHIT ORGANO SYS LTD	MEDIUM
162	AKASH ORGANICS	MICRO
163	RELIANCE RASAYAN IND.	MICRO
164	REXISIZE RASAYAN	SMALL
165	GAYATRI DYE CHEM INDUSTRIES	MICRO
166	MEXWELL INDUSTRIES	SMALL
167	PRACHIN CHEMICALS	MICRO
168	FOURTUNE INTERNATIONAL	SMALL
169	MAHENDRABHAI RAMJIBHAI SADARIA (HUF)	MICRO
170	SWASTIK INDUSTRIES	MICRO
171	RELIANCE CORPORATION	MICRO
172	MARUTI DYES & INTERMEDIATES	SMALL
173	GAYATRI CHEMICALS INDUSTRIES	SMALL
174	BHUMI ENTERPRISE	MICRO
175	ASHOK INUSTRIES	MICRO
176	GAYATRI CHEMICALS IND.	MICRO
177	AMARJITSING & CO. (PEE GEE FABRIC)	MEDIUM
178	ARTI CHEMICALS INDUSTRIES	MEDIUM
179	VIJAY INDUSTRIES	MICRO
180	PALAK CHEMICALS INDUSTRIES	MICRO
181	BHAVANI INDUSTRIES	SMALL

**Affidavit of Reply/Objection on behalf of R-1**

1 message

Anushree Kapadia &lt;a.kapadiaoffice@gmail.com&gt;

Fri, Jun 28, 2024 at 9:17 PM

To: uh-gpcb-ahme@gujarat.gov.in, Rajesh Kumar &lt;rajeshgpcb@gmail.com&gt;, legal.gpcb@gmail.com, aniruddha1488@gmail.com, Surender Singh Hooda &lt;sshoda65@gmail.com&gt;, maulik@nanavatiko.com, judicial-ngt@gov.in

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN BENCH, NEW DELHI****PUNE ZONAL BENCH****ORIGINAL APPLICATION NO.7 OF 2020**

Aryavart Foundation Through its President ...Applicant

Versus

M/s. Naroda Enviro Project Limited (CETP) &amp; Ors. ...Respondents

**AFFIDAVIT OF REPLY/OBJECTIONS ON BEHALF OF RESPONDENT NO.1 – M/s. NARODA ENVIRO PROJECTS LTD. TO THE REPORT OF JOINT COMMITTEE DATED 12.03.2024.****Sir/Madam,****Please find attached herewith copy of Affidavit of Reply/Objection on behalf of R-1 in the captioned matter.**

--

- Office of  
Anushree Kapadia  
Advocate-on-Record  
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