

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
Misc. Application No.02/2025 (WZ)

In

Original Application No. 188/2024 (WZ) [Earlier O.A. No. 839/2024 (PB)]

IN THE MATTER OF:

VISHNU A. MORI

: Applicant

VERSUS

STATE OF GUJARAT & ORS.

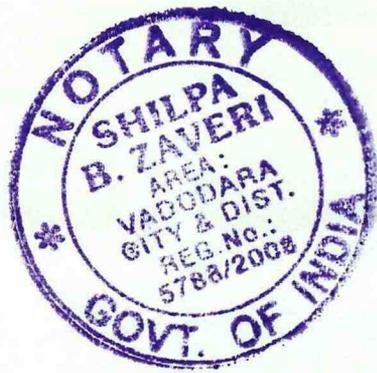
: Respondent (S)

REPLY ON BEHALF OF THE RESPONDENT No. 03: CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That, Hon'ble NGT (PB) vide order dated 27.03.2025 has sought reply of respondents (CPCB is Respondent No. 03) in MA No. 02/2025 connected with OA No. 188/2024. Thereby, the submission is made in following paragraphs.
2. That, CPCB has been constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act 1981 (hereinafter referred to as "Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "E(P) Act, 1986") and the rules made therein. State Pollution Control Board/Pollution Control Committee in every State/Union Territory constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and section 6 of the Air (Prevention and Control of Pollution) Act, 1981 in the respective State/Union Territory and are responsible for implementation of the provisions of both the Acts.

PRELIMINARY SUBMISSIONS

3. The matter is related to an industrial unit namely M/s Shri Dutt India Pvt. Limited, Village Varsamedi, Tal. Anjar, District Kutch, Gujarat (hereinafter referred as the unit). The applicant has alleged that the unit is violating the environmental laws and discharging wastewater on land behind the premises of the unit which ultimately meets the nearby natural stream and converge in to the lake located at Modwadar Village causing pollution in it.
4. Hon'ble NGT (PB) vide order dated 02.09.2024 had constituted a Joint Committee in the aforesaid matter comprising of District Magistrate/Collector Kutch, Gujarat Pollution Control Board (GPCB) and Central Pollution Control Board (CPCB) for investigation of the matter and for submission of compliance report with Registrar, Western Zone Bench of Hon'ble NGT (WZ).



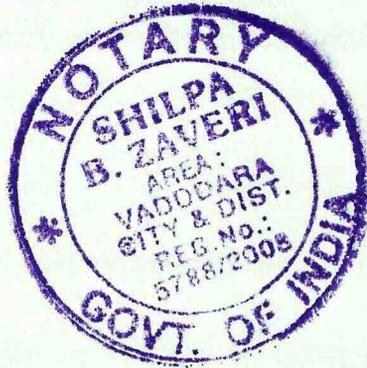


In compliance of order dated 02.09.2024, report of the Joint Committee has been filed by CPCB (being nodal agency) before Western Zone Bench of Hon'ble NGT on 07.01.2025. Copy of the joint Committee report was served on the unit i.e M/s Shri Dutt India Pvt. Ltd and a response has been filed dated 21.03.2025 by M/s Shri Dutt India Pvt. Ltd. in Hon'ble NGT (WZ).

6. Hon'ble NGT (WZ), vide order dated 27.03.2025 in the instant matter had sought response from all the four Respondents (CPCB is Respondent No. 3 as per list of respondent in the order) stating that *"In view of the averments made in the original application, and observations made in the report of the Joint Committee and response filed by M/s Dutt India Pvt. Ltd., we consider it necessary to seek response of (1) State of Gujarat through District Magistrate, Kutch, (2), Central Pollution Control Board and (3) Gujarat Pollution Control Board through Member Secretary who are impleaded as Respondents No. 1 to 3 besides M/s Dutt India Pvt. Ltd. who stand impleaded as Respondent No.4"*.

REPLY:

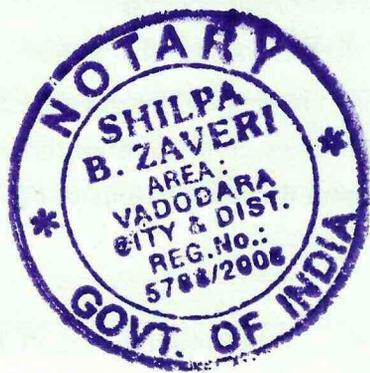
7. That, the report of the Joint Committee was filed before Hon'ble NGT (WZ) by CPCB on 07.01.2025.
8. That, it is humbly submitted that based on findings, the report of Joint Committee mainly underlined following facts:
- i. The unit was found to be in gross violation of norms prescribed for treated wastewater.
 - ii. The unit had failed to measure the quantity and maintain the records related to wastewater generation and treated waste water management.
 - iii. Based on the physico-chemical analysis results of soil samples collected by the Joint Committee, the Committee has not ruled out impact of application of treated/partially treated / untreated waste water in the past on land under question.
9. The joint Committee report reveals that the total open land area of the unit is 1,34,515m². Total wastewater generation by the unit as per CC&A (Consolidated Consent and Authorization) is 150 KLD and sewage generation is 10 KLD, totaling to 160 KLD. Out of the total of 160 KLD, 10 KLD domestic wastewater is permitted to be disposed through septic tank/ soak pit. As per CC&A, the unit was permitted for discharge of treated effluent for gardening/ plantation, confirming to the prescribed CC&A standard, whereas the google earth imagery of the area given in the Joint Committee report shows that this is an open land with very sparse vegetation. In such a condition, discharge of wastewater having high COD, BOD and TDS [COD=25624 mg/l; BOD= 12680 mg/l, TDS=20756 mg/l found during joint Committee visit] on land is not suitable for irrigation/land application and may pose threat to the environment.
10. That, it is humbly submitted that the Joint Committee suggested for required remedial measures to be taken up by the unit to streamline the wastewater management at para 6.0 of the Joint Committee report.
11. That, in light of the observations of the Joint Committee, Central Pollution Control Board vide letter dated 26.12.2024 requested GPCB for submitting the action taken

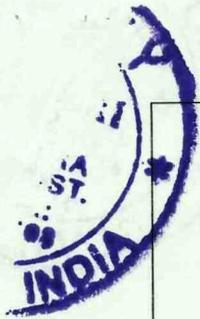


report on the recommendation of the Joint Committee. The copy of the letter dated 26.12.2024 is annexed as **Annexure-1**.

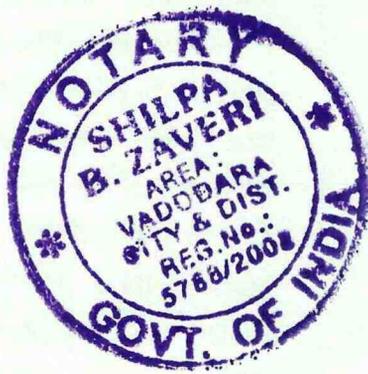
12. That, as per the reply submitted by GPCB, the waste water treatment related issues, namely upgradation of effluent treatment plant (ETP) for Zero Liquid Discharge (ZLD), segregation of high TDS/high COD waste water streams, installations of flow measuring devices at strategic locations of waste water generation & treatment system and maintaining the records of the same in logbooks etc. have been addressed by the unit. Issue of provision of adequate land area to cater the requirement of treated wastewater discharge on land for gardening/plantation purpose as prescribed in CC&A has been addressed, as the unit has now adopted ZLD and stopped the discharge of treated waste water on land. With reference to issue of installation of piezo well, it is humbly submitted that the unit has converted to ZLD unit and stopped discharging the treated wastewater on land. However, GPCB will carry out a study of groundwater and soil quality for assessing the impact of discharge of treated / partially treated waste water on land in past and accordingly shall take suitable actions.
13. That, point-wise reply of CPCB on key submission of the unit in Para 8 and 12 of the affidavit filed to Hon'ble NGT about the observations of the Joint Committee are given in the table below;

Para No.	Response filed by the unit (Respondent No. 4)	Submission of CPCB (Respondent No. 3)
8.1	The Joint Committee noted that while there were temporary malfunctions in the Effluent Treatment Plant (ETP), immediate corrective actions were undertaken. It is pertinent to mention that the levels of pollutants found, including TSS, TDS, COD, BOD, Chloride and sodium were momentary deviations and do not establish a pattern of environmental violation.	<p>Para 6.0 of the Joint Committee report mentioned about gross violation of norms prescribed for treated waste water based on the samples collected during the visit. It is further mentioned that during visit, samples of waste water from MEE concentrate, MEE feed, MEE condensate, inlet to ETP and treated effluent from ETP were collected. It is observed from the analysis results that, ETP is not adequate for the treatment of waste water as the concentration of analyzed parameters namely TSS, TDS, COD, BOD, Color, Chloride, % sodium and SAR grossly exceeds the discharge norms (as prescribed in CC&A). The unit has not provided flow measuring devices at the inlet and outlet of the ETP to assess the exact quantity of waste water generated, treated in the ETP and discharge on land as per conditions laid down in CC&A.</p> <p>It is humbly submitted that GPCB has observed violations in wastewater management of the unit during their past inspections in the year 2024. The details of key observations by GPCB are given below:</p>





		<ul style="list-style-type: none"> • The analysis result of sample collected by GPCB from outlet of ETP on 03.05.2024 shows gross violation of prescribed CC&A norms for the parameters TSS (416 mg/l against 100 mg/l), TDS (41244 mg/l against 2100 mg/l), COD (2120 mg/l against 100 mg/l), BOD (810 mg/l against 30 mg/l), Chloride (18620 mg/l against 600 mg/l). • On dated 17.07.2024, wastewater discharge was observed in the earthen storm-water drain outside the premises and wastewater logging near raw sugar unloading area. The lab analysis results of samples collected from the storm water drain and wastewater logging in the premises of the unit shows TSS-118 mg/l & 144 mg/l, TDS – 6762 mg/l & 9774 mg/l, COD – 1017 mg/l & 1062 mg/l, BOD – 342 mg/ & 356 mg/l, Chloride – 2900 mg/l & 3550 mg/l respectively. Subsequently, GPCB issued Closure Direction dated 21.07.2024 to the unit. • On dated 13.09.2024, GPCB team observed black colored wastewater having sugar molasses smell accumulated in earthen (Kachha) pit within factory premises. Wastewater from this pit is being flown outside factory premises and flowing in nearby natural drain after mixing with upstream rainy water flow. Analysis of samples of wastewater collected from this earthen pit, waste water flowing between residential house and unit's boundary wall and nallah near Versamedi Modvadar road revealed high concentration of TSS (142 mg/l, 128 mg/l, 136 mg/l); TDS (3248 mg/l, 3694 mg/l, 3654 mg/l); COD (1387 mg/l, 1403 mg/l, 1437 mg/l) and BOD (410 mg/l, 450 mg/l, 430 mg/l) respectively.
8.2	The Joint Committee's observation that the unit lacked proper flow measuring devices was immediately addressed. Advanced monitoring systems	With regard to contamination of well and natural drain, it is already submitted in para 13 (8.1) above that though no discharge was observed by the Joint Committee during the visit on 08.10.2024. However, GPCB has





have now been installed to enhance wastewater generation, treatment, and disposal tracking. The Committee also examined a natural drain and a well located in Survey No. 148, along with the lake in Modwadar Village, to assess contamination. The well water had high salt content, making it unfit for irrigation. Importantly, no direct discharge of wastewater to the drain or well was found during the inspection. The well is located at Survey No.148 behind the unit near the natural drain, with a depth of about 20.0 meters. Plant leaves and other humus material were observed in the well. At present, the water of the well is not utilized for irrigation purposes as no crop is observed on the land of Survey No. 148. Therefore, the Respondent Industry is not at all responsible for any unfit quality of the said well. The Committee Report now here impose the said responsibility on the Respondent Industry.

reported unauthorized discharge of wastewater in earthen drain outside premises of the unit in the year 2024.

8.3 Soil samples from Survey Nos. 148 and 150 showed signs of past wastewater discharge. However, no active discharge was observed at the time of inspection and it is critical to note that multiple industries operate in the vicinity. The findings do not conclusively, attribute any contamination solely to the respondent no. 5. Consequently, GPCB took regulatory action against the unit is not tenable in view of no specific linkage established about the pollution caused due

- The Joint Committee observed concentration of Electrical Conductivity, Total Organic Carbon and Organic Matter are more than reference Soil sample in all three sample locations (Soil).
- GPCB has observed discharge of effluent exceeding the prescribed norms of CC&A.
- The joint Committee during the visit on 08.10.2024 found that the final treated effluent was not complying with the prescribed discharge standard as per CC&A and is not suitable for irrigation/land application and may pose threat to the environment.

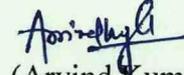


	to past discharges of various industries.	<p>Considering the above facts, the Joint Committee concluded (in para 6.0 of the report) that “impact of application of treated / partially treated / untreated wastewater in past cannot be ruled out though there was no direct discharge on land under question”.</p> <p>The Joint Committee has recommended on the basis of soil test report that GPCB will carry out a study of Groundwater and Soil quality for assessing the impact of discharge of treated / partially treated discharge of wastewater.</p>
8.4	<p>No evidence of wastewater discharge from the unit was found on the land of Survey No. 148. Additionally, analysis of upstream and downstream drain samples showed no significant differences in characteristics, indicating the absence of industrial discharge in the drain. During the visit, no wastewater discharge from the unit into the drain was observed.</p>	<p>Since no wastewater discharge was observed outside the premises and no flow was detected in the drain during the Joint Committee’s inspection, therefore, no significant difference in water quality between upstream & downstream location of the drain is anticipated.</p>
8.5	<p>Soil monitoring revealed higher electrical conductivity (568, 1053 and 914 FS/cm), Total organic carbon (8.1,9.2 and 12.7 gm/kg), and organic matter (14.0, 15.8 and 21.9 gm/kg) in samples from Survey Nos. 148 and 150 compared to the reference sample (144 FS/cm, 1.8 gm/kg and 3.0 gm/kg). While this suggests possible past wastewater discharge, it remains an observation with no conclusive evidence, especially given the presence of three industries in the vicinity.</p>	<p>It is humbly submitted that:</p> <ul style="list-style-type: none"> • GPCB has recorded non-compliance of treated wastewater discharge norms in the year 2024 as detailed in para 13 (8.1) of this affidavit. • The Joint Committee has recorded non-compliance of treated wastewater discharge norms from outlet of ETP during their visit. • Unauthorized discharge of wastewater outside the premises of the unit was observed by GPCB in the year 2024. • Soil sample analysis results of land in question has large variation in comparison to the reference soil samples from the area. • The nature of contamination in soil sample collected from land in question has signature of the partially treated/ untreated waste water discharge by the unit (higher chloride concentration in treated waste



		<p>water and higher electrical conductivity of soil; higher BOD and COD values of treated wastewater and higher organic matter in soil).</p> <p>Thus, the report of the Joint Committee is conclusive in arriving at the findings especially the land contamination.</p>
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15. That, the answering respondent craves reply of the Hon'ble Tribunal to file additional reply, in future, if required.
16. That, in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



(Arvind Kumar Jha)

Scientist 'E' & RD (Vadodara)
Central Pollution Control Board

डॉ. अरविंद कुमार झा / Dr. Arvind Kumar Jha

क्षेत्रीय निदेशालय / Regional Director

केन्द्रीय प्रदूषण नियंत्रण बोर्ड / CENTRAL POLLUTION CONTROL BOARD

(पर्यावरण, वन, जलवायु परिवर्तन मंत्रालय, भारत सरकार)

(Ministry of Environment, Forest & Climate Change, Govt. of India)

क्षेत्रीय निदेशालय, वडोदरा - 390023, गुजरात.

Regional Director, Vadodara - 390023, Gujarat.

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

MA No. 02/2025 (WZ) In O.A. No.188 / 2024 (WZ)
[Earlier O.A. No. 839/2024 (PB)]

Regd. No.: 4679
Date: 18/06/2025

IN THE MATTER OF:

VISHNU A. MORI

- Applicant

VERSUS

STATE OF GUJARAT & ORS.

- Respondent (S)

AFFIDAVIT

I Arvind Kumar Jha, aged 48 years, having office at the Regional Directorate (Vadodara), Central Pollution Control Board (CPCB), Nr. VMC Ward No. 10 Office, High Tension Road, Subhanpura, Vadodara, 390023, do hereby solemnly affirm, declare on oath and state as under:

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Arvind Jha
DEPONENT

VERIFICATION

Verified at Vadodara on this 18th Day of June, 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated. Verified at Vadodara on this the 18th Day of June, 2025.

Arvind Jha
DEPONENT

डॉ. अरविंद कुमार झा / Dr. Arvind Kumar Jha
क्षेत्रीय निदेशालय / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड / CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
क्षेत्रीय निदेशालय: वाडोदरा - 390023, गुजरात.
Regional Directorate: Vadodara - 390023, Gujarat.

My Commission expires on 28-4-2028
SHILPA B. ZAVERI
NOTARY

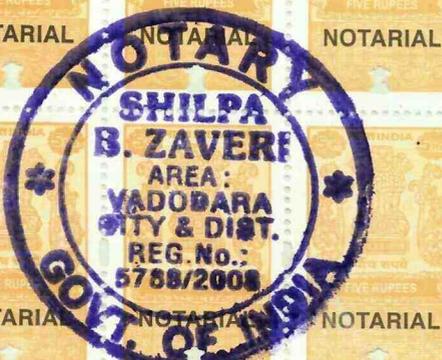
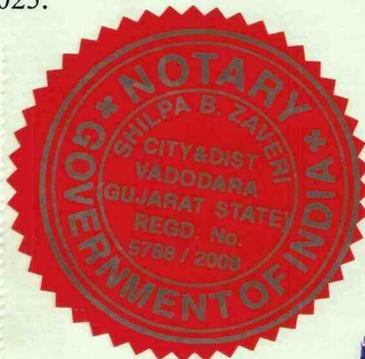
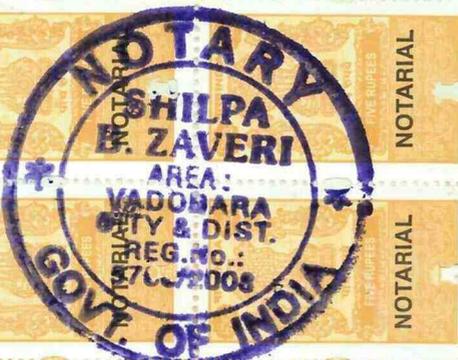
Solemnly Affirmed/Declared

Sworn Before me by Arvind Kumar Jha

S. Blessam

Shilpa B. Zaveri
NOTARY

18 JUN 2025



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Dr. Arvind Kumar Jha
Regional Director
Central Pollution Control Board
Ministry of Environment & Forests
Regional Office, Patna
Patna - 800 014





Annexure 191

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVT. OF INDIA)

MOST URGENT/Hon'ble NGT MATTER

By Email/Speed Post

CM-13011/3/2024-LAW-RD-VADODARA-RD (Vadodara)/1/12626/2024 / 574 December 26, 2024

To

✓ The Member Secretary,
Gujarat Pollution Control Board (GPCB)
Paryavaran Bhavan,
Sector 10/A, Gandhinagar, Gujarat

Subject: Action taken against M/s Shri Dutt India Pvt. Ltd., Village Varsamedi, Taluka Anjar District Kutch with reference to the noncompliance observed during the joint committee visit on 08.10.2024. reg.

Ref: (i) Hon'ble NGT order dated 02.09.2024 in OA No. 839 of 2024 ((Vishnu A. Mori Versus State of Gujarat).

(ii) Joint Committee visit in compliance of Hon'ble NGT order dated 02.09.2024.

Sir,

With reference to the subject cited above, in compliance of Hon'ble NGT order dated 02.09.2024 in a Suo-moto matter O.A. No. 839 of 2024 (Vishnu A. Mori Versus State of Gujarat), related to the unauthorised discharge of wastewater by M/s Shri Dutt India Pvt. Ltd., a joint committee comprising of District Magistrate/Collector, Kutch, Gujarat Pollution Control Board (GPCB) and Central Pollution Control Board (CPCB) visited the site on 08.10.2024.

The Joint Committee concluded that the unit was found to be in gross violation of norms prescribed for treated wastewater. Further, the unit failed to provide and maintain suitable mechanism for complete water budget by the way of provision of flow meters and maintenance of their logbooks at critical water, wastewater and treated wastewater streams. It was also found that concentration of certain parameters in the soil of area under question are more than the sample of reference location. Therefore, impact of application of treated/partially treated /untreated waste water in past cannot be ruled out. The Committee has reviewed the actions taken by GPCB against the unit such as issuance of closure direction, levy of interim environmental damage compensation, bank guarantee etc. but opined for following remedial actions to be taken by the unit:

- Submit the detailed time bound action plan to upgrade the ETP so that treated effluent can meet the discharge norms as prescribed in CC&A.
- Segregate the stream of wastewater of high COD and high TDS from general wastewater stream to give specific treatment process for different streams.
- Install flow measurement devices at strategic locations of wastewater generation like waste water streams generated from the process and at inlet of ETP and final out let of ETP to assess

the exact quantity of waste water generated, treated and disposed and maintain the record in logbook for the same.

- Maintain the record of operation of MEE in logbook and explore the mechanism for treatment of MEE concentrate generated during the operation of MEE.
- Dispose the ETP sludge stored in the ETP premises scientifically.
- Provision of adequate land area to cater the requirement of discharge of treated effluent for gardening/ plantation purpose as prescribed in CC&A.
- Install piezo wells as per water gradient in the area for assessing the ground water quality as the unit is permitted to discharge the treated effluent on land after providing required treatment as prescribed in CC&A.

The joint Committee also opined that a study for assessing the impact of discharge of treated industrial wastewater on land considering saline zone impact on the quality of ground water and soil may be carried out in time bound manner by institute of repute (IOR). Accordingly, condition of discharge of treated wastewater on land considering the land availability, impact on ground water quality and adequacy of ETP may also be relooked by GPCB in CC&A.

With respect to the above suggested remedial actions/measures, it is required to immediately submit the point wise status of further actions taken and due to be taken by GPCB. So that the same can be appraised to Hon'ble NGT with submission of report of the Joint Committee.

The matter is listed for hearing on **07.01.2025**. This may be treated as **Most Urgent**.

Enc: As above

Copy to:
The Regional Officer
Gujarat Pollution Control Board, Kutch East
Room No. 215-216-217,
Deendayal Port Authority Administrative Building,
Sector 8, Gandhidham-370205, Kutch-Gujarat.

Yours faithfully,



(Prasoon Gargava)
Regional Director



(Prasoon Gargava)