

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 276 OF 2022

RAKESH PATEL

.... APPLICANT

Versus

STATE OF GUJARAT

...RESPONDENT

**AFFIDAVIT IN REPLY ON BEHALF OF M/S BODAL CHEMICALS LTD.
(UNIT VII) (RESPONDENT NO. 4)**

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE RESPONDENT NO. 4: SHIVSHANKAR

SWAMINATHAN, KARAN MATHUR & IVO DCOSTA

Filed on 18.10.2022



New Delhi: R-42, LGF, Greater Kailash I, 110048

Pune: 15& 22, P.J. Chambers, Off Mumbai -

Pune Road, Pimpri, Pune-411018

Mobile No.-7875874915, 9421194219

Email: shankar@chambers.net.in,

ivo.dcosta@chambers.net.in

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**SHIVSHANKAR SWAMINATHAN, KARAN
MATHUR & IVO DCOSTA**

New Delhi: R-42, LGF, Greater Kailash I, 110048 Pune:
15& 22, P.J. Chambers, Off Mumbai - Pune Road, Pimpri,
Pune-411018

Mobile No.-7875874915, 9421194219

Email: shankar@chambers.net.in,
ivo.dcosta@chambers.net.in



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**AFFIDAVIT IN REPLY ON BEHALF OF M/S BODAL CHEMICALS LTD.
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I, Shailesh Meghani, Head Environment of M/s. Bodal Chemicals Ltd (Unit VII), having address at Block no. 804, Village Dudhwada, Taluka Padra, District Vadodara, do hereby solemnly affirm and state on oath as under.

1. I say that I am the working as Head Environment in M/s. Bodal Chemicals Ltd, hence I am well aware of the facts if the instant case.
2. I say that I am filing the instant reply in terms of this Hon'ble Tribunals order dated 21.07.2022 issuing notice to the Respondent No. 4 herein (the "**Answering Respondent**") and calling upon the Answering Respondent to file its reply to a joint inspection report prepared in terms of this Hon'ble Tribunals' order dated 28.04.2022. I state that I am filing the present affidavit in deference to the said notice issued by the Hon'ble Tribunal.
3. I state that this Hon'ble Tribunal, by its order dated 28.04.2022 registered the captioned Original Application being OA No. 276 of 2022 based on a complaint received from the Applicant hereinabove raising grievance and alleging

Shailesh Meghani

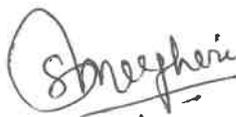
discharge of highly polluted and dangerous chemicals in Padra canal through pipeline without requisite treatment. This Hon'ble Tribunal also constituted a Joint Committee comprising of CPCB, CGWA, State PCB and Collector, Vadodara to submit a factual and action taken report.

4. At the very outset, the Answering Respondent denies all and singular the contents of the complaint filed by the Applicant hereinabove, as well as the Joint Inspection Report prepared, and no part thereof shall be deemed to be admitted from the lack of specific traverse.

PRELIMINARY OBJECTIONS

MAINTAINABILITY OF OA BEFORE PRINCIPAL BENCH

5. At the further outset, it is submitted that the captioned complaint is not maintainable before this bench of the Hon'ble Tribunal, namely, the Principal bench inasmuch as the Applicant's grievance pertains to an effluent channel pipeline situated at Vadodara in the State of Gujarat, and only the Western Zone Bench of this Hon'ble Tribunal is empowered to consider and decide the same.
6. Pertinently, the jurisdiction of the 5 Benches of this Hon'ble Tribunal (termed as "*ordinary places of sitting*" in the Act and Rules) have been specified by the Central Government, by notifications dated 05.05.2011, and 07.08.2011, in terms of Sec. 4(3) of the NGT Act, and provide that the territorial jurisdiction, with respect to matters arising from the State of Gujarat, has been vested in the Western Zone Bench. Furthermore, Rule 11 of the NGT (PRACTICES AND PROCEDURE) RULES, 2011 specifically provides that an appeal amongst others must be filed



before the Bench of the Tribunal where the “*cause of action, wholly or partly has arisen*”.

A copy of the notification bearing S.O. 1003(E) dated 05.05.2011 issued by the Ministry of Environment & Forest is herewith annexed and marked as **ANNEXURE R4/1.**

A copy of the notification dated 17.08.2011 bearing S.O. No. 1908(E) issued by the Ministry of Environment & Forest is herewith annexed and marked as **ANNEXURE R4/2.**

7. Thus, in the instant case, since the cause action arises wholly in the State of Gujarat, only the Western Zonal Bench of this Hon’ble Tribunal has jurisdiction to hear, consider and decide on the captioned OA.
8. It is pertinent to note that the mandatory nature of the notification specification territorial jurisdiction has been recognised by the Hon’ble High Court of Bombay at Goa, and it has in three instances, held the exercise of jurisdiction by any bench, other than the zonal bench having territorial jurisdiction to be bad.
9. First, the Hon’ble High Court of Bombay at Goa has in the judgment dated 11.10.2017 in PIL WP 22/2017 reported as ***Goa Foundation v. Ministry of Environment***, 2017 SCC OnLine Bom 8815 quashed and set-aside a notification dated 10.08.2017, to the extent that it sought to transfer territorial jurisdiction with respect to matters arising from the State of Goa from the NGT Western Zone Bench to this Hon’ble Bench. The relevant portion of the said order reads as follows:





“44. We quash and strike down the notification of 10th August 2017 in so far as it transfers the jurisdiction of the Western Zonal Bench from Pune to New Delhi in regard to the State of Goa. ...

*...
46. By our order of 21st August 2017, we directed that no files should be transferred from the Western Region Bench to New Delhi. In view of our judgment, the Western Region Bench will, therefore, now be entitled to proceed with the hearings of cases filed before it.” [Emphasis supplied]*

10. Secondly, the Hon’ble Bombay High Court has in *Court on its own motion v. National Highway Authority of India*, 2015 SCC OnLine Bom 6353, while specifically dealing with the territorial jurisdiction of the NGT, Principal Bench at New Delhi and that of the NGT, Western Zone Bench at Pune, held (¶55 to 56) that with the operationalization of the NGT Western Zone Bench at Pune, it is only this Bench (i.e., the Western Zone Bench) which would have jurisdiction with respect to matters where the cause of action arises in Maharashtra. It is submitted that this logic, by extension, also applies to matters where the cause of action arises in the State of Gujarat.
11. Most recently, a Full Bench of the Hon’ble High Court of Bombay at Goa has by a judgment dated 21.09.2022 in PIL WP No. 04/2022 held that the jurisdiction of zonal benches could not be interfered with, and has consequently set-aside notifications permitting the constitution of special benches to consider matters from zones which do not fall within the ambit of the jurisdiction of this Hon’ble bench.
- A copy of the judgment dated 21.09.2022 passed by the High Court of Bombay at Goa in Writ Petition No. 4 of 2022 is annexed and marked as **Annexure R4/3**.

Shreyani

12. Consequently, it is reiterated that in view of the above statutory notifications, and the judgments of the Hon'ble High Court, this Hon'ble Bench i.e., the Principal Bench, would have no jurisdiction to entertain any grievance in respect of which the jurisdiction is exclusively vested in the Western Zonal Bench.

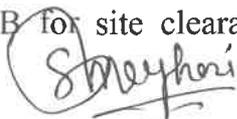
13. It is therefore most respectfully submitted that the proceedings instituted pursuant to the order dated 28.04.2022 be therefore recalled and the letter in reference be sent to the Western Zonal Bench, Pune of the National Green Tribunal for due consideration in accordance with law.

MERITS

14. At the outset, I state that the Answering Respondent has established that it has been operating its industry in accordance with the permissions accorded by the Government of India and the Gujarat Pollution Control Board ("GPCB"). Before seeking to respond to the assertions made in the report, I seek to bring to the notice of this Hon'ble Tribunal the relevant facts relating to the establishment and operation of the Industrial Unit No.7 at Village Dudhwada, Taluka Padra, District Vadodara by the Answering Respondent:-

(i) I state that the Answering Respondent was desirous of establishing an industrial unit for manufacture of Dyes intermediates, Synthetic Organic Dyes, Acetanilide and β -Naphthol at Village Dudhwada, Taluka Padra, District Vadodara.

(ii) I state that the Answering Respondent applied *vide* application dated 08.08.2003 to the GPCB for site clearance certificate for setting up





objection certificate which included, amongst other the requirement for installation of 6 flow meters in respect of the ETP Plant.

A copy of the Consent and Authorization (CCA) dated 19.12.2007 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/5**.

- (v) I state that the CCA was amended by the GPCB by its order dated 29.02.2008.

A copy of the Amendment to Consent and Authorization (CCA) dated 29.02.2008 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/6**.

- (vi) I state that since the Answering Respondent was diversifying into the manufacture of dyes, and since dyes is enlisted in the schedule to the ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION 1994, applied for an environmental clearance for expansion of its pre-existing Unit so as to add a Synthetic Organic Dye Unit to the same.

- (vii) I state that after examining the proposal and considering all the relevant documents and after due verification thereof, the Ministry of Environment & Forest accorded an EC dated 12.06.2008 under the ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION, 2006. for the said project. The Answering Respondent was permitted to discharge treated effluent up to 700 m³/d (700 KL per day) in the Effluent Channel Project (ECP) of M/s. ECPL.

A copy of the Environment Clearance dated 12.06.2008 issued by the Ministry of Environment & Forest (I.A. Division) to Respondent No. 4 is annexed herewith and marked as **Annexure R4/7**.

- (viii) I state that the Answering Respondent submitted an application dated 22.01.2008 to the GPCB seeking consent to establish (CTE). The GPCB after due verification, granted the CTE for manufacture of additional new products i.e., dyes, at Survey No. 804, 805, 807 to 822, 824 to 839 and 849 of Village Dudhwada, Taluka Padra, District Vadodara, by order dated 29.12.2008. The Answering Respondent was permitted manufacture of 4 new products subject to the quantity of total effluent being discharged into the ECP not exceeding 622 m³/day which includes concentrated effluent streams of 148 m³/day and dilute streams of 474 m³/day.

A copy of the Consent to Establish dated 29.12.2008 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/8**.

- (ix) In terms of the aforesaid EC and CTE, the Answering Respondent expanded its pre-existing unit so as to include a synthetic organic dye unit.
- (x) I state that in terms of the above, the Answering Respondent applied for amendment of the CCA. In furtherance of the said application, the Board amended the CCA by an order dated 21.10.2009.

A copy of the amendment to the Consolidated Consent and Authorization dated 21.10.2009 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/9**.





(xi) I state that the Answering Respondent applied for a CCA *vide* application dated 12.7.2012. I state that the GPCB after due consideration granted the Consent and Authorization.

A copy of the Consent and Authorization (CCA) order dated 03.01.2013 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/10.**

(xii) I state the Answering Respondent applied for an amendment in the CTE by application dated 16.6.2012. I state that the GPCB issued the amended CTE on 09.01.2013.

A copy of the amended Consent to Establish dated 09.01.2013 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/11.**

(xiii) I state that the Answering Respondent submitted a CTE amendment application dated 25.11.2014 for:-

- (i) installation of multiple effect evaporator for Zero Discharge System (ZLD),
- (ii) installation of thermic fluid heaters no. 2 & 3 for fusion process and distillation process in manufacturing of beta Naphthol; and
- (iii) IBR steam Boiler (6TPH) for multiple Effect Evaporator.

I state that the GPCB by its order dated 8.5.2015 issued the Consent to Establish (CTE) amendment no. 68993.

A copy of the Consent to Establish dated 08.05.2015 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/12.**

(xiv) I state that by an application dated 06.04.2012, the Answering Respondent applied for an EC for expansion of dyes and dyes intermediates manufacturing unit (2200 MTPM to 6000 MTPM) and Co-generation Power plant (5 MW). I state that the MoEFCC after duly examining the application accorded an EC for the said project under the provisions of EIA notification dated 14.9.2006. Amongst the various conditions, one of the conditions was in respect of installation of the flow meters and continuous reporting to the GPCB.

A copy of the Environment Clearance dated 25.04.2016 issued by the Ministry of Environment, Forest & Climate Change (IA Division) to the Respondent No. 4 is annexed herewith and marked as **Annexure R4/13.**

(xv) I state that in furtherance of the above application, the Answering Respondent submitted a consolidated application dated 26.7.2017 seeking a CCA from the GPCB. I state that the GPCB by its order dated 27.12.2017 granted a CCA in favour of the Answering Respondent.

A copy of the Consent and Authorization dated 27.12.2017 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/14.**





(xvi) I state that the Applicant applied for correction in the figure of total industrial effluent appearing in the CCA issued by the GPCB by submitting its letter dated 21.2.2018. I state that the GPCB by its order dated 14.6.2018 corrected the CCA order dated 26.7.2017.

A copy of the Consent and Authorization dated 14.06.2018 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/15**.

(xvii) I state that the Answering Respondent applied for amendment of the CCA *vide* application dated 4.6.2018. I state that the GPCB by order dated 24.1.2019 further amended the CCA order.

A copy of the amended Consent and Authorization order dated 24.01.2019 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/16**.

(xviii) I state that there was a merger of M/s. Appollo Dyechem Pvt. Ltd., with the Answering Respondent company, and consequently, the Answering Respondent applied for an amendment to the CTE so as to give effect to the aforesaid merger.

(xix) I state that the GPCB by order dated 26.3.2021 granted a CTE for addition / inclusion of the merged unit.

A copy of the amendment to the Consent to Establish dated 26.03.2021 issued by the GPCB to Respondent No. 4 is annexed herewith and marked as **Annexure R4/17**.



(xx) I state that the Answering Respondent is operating its industrial unit in accordance with the above accorded ECs; CTEs and CCAs issued by the concerned department, and as amended from time to time.

15. I state that in terms of the above permissions, the entire activity of the Answering Respondent, more particularly in relation to the operation of the ZLD and the discharge of treated effluent into the ECP, is overseen by an online monitoring reporting system operated through the GPCB Server.

16. I state that the Answering Respondent has always been found to be substantially compliant with all prescribed parameters, and whenever there have been instances of any aberration, the Answering Respondent has always taken remedial steps in accordance with the instructions issued by the Board and reported its compliance to the satisfaction of the Board.

17. I state that the Answering Respondent has put in place the Environment Management Systems (EMS) as required by ECs, CTEs and CCAs as amended from time to time, and there has not been any instance of non-compliance on part of the Answering Respondent, with respect to the same.

A copy of the List of Environment Management Systems (EMS) installed at Unit VII of the Respondent No. 4 is annexed herewith and marked as **Annexure R4/18.**



COMMENTS ON FINDINGS OF THE JOINT COMMITTEE

18. Without prejudice to the above and in deference to the notice issued by this Hon'ble Tribunal, the Answering Respondent's responses to the observations of the joint committee.

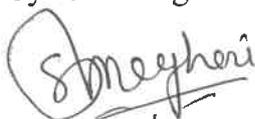
19. I say that the Joint Committee has submitted its report by an email dated 19.07.2022 before the Hon'ble Tribunal. Paragraph 5 the report contains the observations and conclusions about the industries named in the complaint.

20. In so far as the Answering Respondent is concerned, the observations are made in paragraph (D). The said observations and conclusions as appearing in the report are reproduced hereunder along with the Answering Respondent's response thereto:

PRELIMINARY OBJECTIONS TO THE REPORT

21. At the outset, it is submitted that the observations made by the Committee are not on the basis of any independent report of the Committee. Rather, the Committee has premised its observations solely on the basis of an earlier report of the GPCB of 24/25.03.2022. While referring to the said report of March 2022, the Committee has not taken into consideration the response submitted by the Answering Respondent to the GPCB. In terms of the order passed by the Hon'ble Tribunal, the Joint Committee was required to:

- i. Undertake site visit;
- ii. Look into the grievance of the applicant;
- iii. Take requisite action by following due process of law;



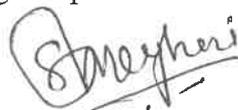
iv. Furnish factual and action taken report.

22. The report does not disclose whether there was at all any contact or interaction with the said applicant by the Committee in ascertaining the grievances purportedly raised by them by way of a letter, so as to comply with the direction of this Hon'ble Tribunal to "*look into the grievances of the applicant*".

23. The report refers to samples having been collected from the industries from upstream and downstream of their discharge into the VECL channel. It is material to point out that no adverse findings were noticed in the report obtained by the Committee at the time of inspection. However, instead of exonerating the Answering Respondent, on the basis of the findings of the report, the Committee has proceeded to (erroneously) make observations by referring to an earlier report dated 24th and 25th March 2022 of the GPCB. It is respectfully submitted that the Committee appears to have been persuaded to adopt this course given the paraphrasing of the allegations in the letter petition by this Hon'ble Tribunal in its order, notwithstanding the inspection and reports revealing otherwise.

24. The report appears to contain observations which are not discernible or relatable to any enquiry undertaken by the Committee or any material forming part of the record of the Committee, and are very likely inadvertent clerical / typographical errors.

25. Pertinently, the report does not record any definite finding regarding any breach committed by the Answering Respondent. It only proceeds to make conclusions



which on the face of it are in the nature of conjectures and not findings and hence cannot be the basis of any adjudication.

RESPONSE TO FINDINGS

26. OBSERVATION 1:

"1. The unit is having four manufacturing plants, namely H-Acid Plant, Vinyl Sulfone Plant, B-Naphthol Plant and Dyes Plant. Out of four, former three plants are ZLD and Dyes Plant generates two wastewater streams, one high concentration and other low concentration. High concentration stream is treated under ZLD system and ETP is provided for treatment of low concentration stream. GPCB inspection report of 24-25 March 2022 pointed out that ensuring ZLD condition in the above mentioned ETP is practically not possible as flow measurement devices are not provided on the strategic locations including effluent generation point to measure the quantity of effluent generated in individual manufacturing plant."

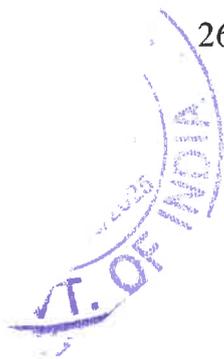
Reply to the observations:

26.1 The observation is to the effect that *"ensuring ZLD condition in the above mentioned ETP is practically not possible as flow measurement devices are not provided on the strategic locations"* is clearly in the nature of a conjecture and at best speculative. There is no factual affirmation by the Committee on this aspect. It is not based on any independent finding of the Committee, but merely refers to the observation made in the previous report of March 2022 of the GPCB.

26.2 It is material to point out that the requirement to install flow measurement devices is complied with by the Answering Respondent in accordance with the approved plans submitted for accord of EC.

26.3 In addition to the installation of flow meters, as provided thereunder, additional flow meters have been installed by the Answering Respondent in





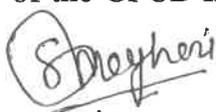
26.5 Furthermore, as per the EC dated 25.04.2016 of the Answering Respondent, was required to provide and install automatic/online monitoring system (24 * 7 monitoring devices) for flow measurement and relevant pollutants in the treatment system which has been duly installed by the Answering Respondent. Pertinently, before doing so, the Answering Respondent sought permission from the Vadodara Enviro Channel Ltd (VECL) by a letter dated 05.07.2016 for installation of Real Time Online Monitoring system (RTOM), which was installed after obtaining requisite orders from the GPCB. I state that the Answering Respondent has paid a sum of Rs.25,20,000/- and Rs.30,00,000/- to VECL for installation of RTOM. The said system is in operation and would enable full time monitoring.

A copy of the letter dated 05.06.2014 from Respondent No. 4 to Vadadora Enviro Chemical Limited is annexed herewith and marked as **Annexure R4/23**.

A copy of the letter dated 05.07.2016 from Respondent No. 4 to Vadadora Enviro Chemical Limited is annexed herewith and marked as **Annexure R4/24**.

A copy of the letter dated 28.11.2016 from Respondent No. 4 to Vadadora Enviro Chemical Limited is annexed herewith and marked as **Annexure R4/25**.

26.6 I state that the flow measurement devices are installed and operated as per the EC, and the directions of the GPCB from time to time. There is no non-



compliance of directions by the Answering Respondent. The assertions made in the report overlooks the fact position as stated hereinabove.

A copy of the Table of Flow measurement devices installed at the Answering Company as per the directions from GPCB is annexed herewith and marked as **Annexure R4/26**.

26.7 I state that in compliance with the report of March 2022, the Answering Respondent has also installed additional flow meters and reported compliance to the GPCB, on 12.4.2022 i.e., prior to the visit made by the Committee. The Committee was therefore not justified in seeking to rely upon the observations made in the report which were actioned and the alleged breach did not exist on the date of the inspection. The said observations cannot therefore be relied upon for attributing any breach of environmental norms.

27. Observation No. 2

"2. As the unit is observed operated partially and not on full production capacity, the present pollution load imparted by the unit seems to be less. However as observed earlier that unit having inadequate EMS/non-operating EMS efficiently and thus violating the norms."

Reply to observation No. 2

27.1 This allegation is vague inasmuch as it suggests that either the EMS is inadequate or inefficient. Nonetheless, it is denied that the unit is having either an inadequate EMS or a non-operating EMS, and it is submitted that there is no basis for such an assertion. The said assertion is not supported by any material on record.



27.2 I state that the systems installed at the unit of Answering Respondent are both efficient and also have enough capacity to treat the effluent. I state that the statutory audit is conducted by the GPCB Appointed Environment Auditor every quarter and a certificate is issued every year by the Environment Auditor. I state that the EMS at the Answering Respondent's plant is verified and found to be adequate and efficient in every audit undertaken since the last five years.

A copy of the adequacy certificates from 2018 to 2022 issued by M/s Dharmsinh Desai University, Department of Civil Engineering is annexed herewith and marked as **Annexure R4/27**.

27.3 I state that an examination of the equipment installed to handle the effluent generated by the Plant was carried out by a Chartered Engineer, who confirmed its efficiency by a certificate dated 23.08.2022. The efficiency of equipment as reported in the report of the Chartered Engineer is reproduced hereunder for ready reference:-

	Equipment for handling effluent	Installed Capacity	Efficiency as per Charter Engineer Certificate	Working Capacity	Effluent as per CTO (Full Load)	Reuse
1.	H-MEE	185 KLD	78%	145 KLD	230 KLD	
2.	VS-MEE	209 KLD	79%	165 KLD		
	TOTAL	394		310		
		KLD		KLD		

Smayheri



3.	MEMBRANE BASED ZLD	320 m3	94%	300.8 KLD	-----	370 KLD
4.	ETP PLANT					
5.	DOMESTIC	500 m3	-----	500 m3	427 KLD + 25 KLD (Domestic)	

A copy of the Chartered Engineer Certificates dated 23.08.2022 issued by Atul Industries is annexed herewith and marked as **Annexure R4/28 Colly**.

27.4 It is stated that a study was carried out by Indian Institute of Technology (IIT), Mumbai, with respect to the EMS installed by the Answering Respondent. The IIT report concludes that the EMS system installed by the Answering Respondent is adequate, efficient and the discharge is within the permissible and prescribed parameters.

A copy of the report dated 23.08.2020 submitted by the Indian Institute of Technology, Mumbai is annexed herewith and marked as **Annexure R4/29**.

28. Observation no. 3

“3. The unit was inspected by GPCB on 24-25 March 2022 and based on their on-site observation; the report highlights the possibility of unauthorized discharge of untreated/ partially treated effluent from the unit.”

Reply to observation no. 3

28.1 It is denied that the Answering Respondent's unit is involved in any unauthorised discharge or untreated/ partially treated effluent from the unit.



The report itself is in the nature of an assumption which is evident from the use of the phrase "*there is a possibility*".

28.2 It is submitted that the assumption is ill founded. There is no material on the basis of which such an assumption could have been arrived at. In fact, while referring to the March 2022 report of the GPCB, the Committee overlooks the response submitted by the Answering Respondent. Even the report referred to does not contain any finding as is recorded by the Committee in its report.

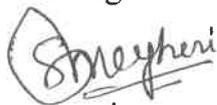
28.3 I state that the Answering Respondent is not involved in any unauthorised discharge or untreated/ partially treated effluent from the unit. I state that there is no material to suggest that the Answering Respondent is found to have been discharged any untreated effluent or effluent in excess of what has been permitted.

29. Observation no. 4

"4. GPCB has issued direction to the unit under Section 33-A of the Water Act, 1974, notice under Section 31-A of the Air Act on 08.04.2022 and rejected the CCA amendment of the unit on 12.04.2022 for non-compliances observed during inspection on 24-25 March 2022."

Reply to observation no. 4

29.1 I state that non-compliance observed during inspection of March 2022 have been complied with by the Answering Respondent completely, which has been intimated to the GPCB by letters dated 12.04.2022, 21.04.2022, 04.05.2022 and 29.08.2022 along with the relevant documents.



A copy of the letter dated 12.04.2022 from the Respondent No. 4 to the GPCB has been annexed as **Annexure R4/22**.

A copy of the letter dated 21.04.2022 from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/30**.

A copy of the letter dated 04.05.2022 from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/31**.

A copy of the letter dated 29.08.2022 from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/32**.

29.2 I state that the alleged rejection of the CCA amendment has no bearing on the status of the Answering Respondent's unit inasmuch as the said amendment only relates to the factum of merger of M/s Apollo Dye-Chem Private Limited into M/s. Bodal Chemicals Ltd. Pertinently, the said M/s. Appollo Dye-Chem Private Limited is solely for the purpose of operation and maintenance of MEE and ETP for the effluent generating from M/s Bodal Chemicals Ltd. The observation made is therefore incorrect and unrelated to the said decision.

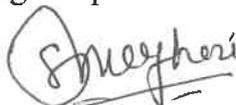
A copy of the "Purpose of Application" from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/33**.

30. Observation no. 5

"5. Unit is not having flow measurement at source of effluent generation and strategic stages of EMS and therefore no data at various stages are maintained."

Reply to observation no. 5

30.1 I state that the Answering Respondent has replied to the said allegation in



Paragraphs 1.1 to 1.4 in the present Affidavit in Reply. The said facts are adopted and are not repeated to avoid prolixity.

31. Observation no. 6

*“6. (a) Gap of 1214.65 KL/Month observed in effluent generation recorded. This indicates that about 44 % of effluent generation is not recorded.
(b) Gap of 72.63 KL/Month observed in effluent generation recorded from VS manufacturing. This indicates that about 2.8 % of effluent generation is not recorded.”*

Reply to observation no. 6

31.1 I state that the Answering Respondent denies that there is non-recording of effluent generation. It is denied that there is gap in effluent generation.

31.2 I state that the Answering Respondent has submitted the product-wise water balance and H-acid and VS Mass Balance to GPCB vide letter dated 06.05.2022. It is stated that water balance for H-acid and VS manufacturing was submitted to GPCB vide letter dated 04.05.2022.

A copy of the letter dated 06.05.2022 from Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R-4-34**.

A copy of the letter dated 04.05.2022 from Respondent No. 4 to the GPCB is annexed hereinabove as **Annexure R4/31**.

31.3 I state that there is no unrecorded effluent generation and the effluent generation is within the prescribed limit which is evident from the mass balance and water balance provided to GPCB.



32. Observation no. 7

"7. Unit has discharged more effluent than the consented quantity in month of Oct-2021-139891 KL, Nov-2021-14487 KL and Dec-2021-15517 KL. (CCA quantity- 452 KL/Day i.e. 13560 KL/Month"

Reply to observation no. 7

32.1 It is denied that the unit has discharged more effluent than the consented quantity. I state that there are two sister concerns i.e. M/s Bodal Chemicals Ltd. Unit VII and M/s Bodal Chemicals Ltd. Unit VII (Sulphur Division).

32.2 I state that as per CCA given to M/s Bodal Chemicals Ltd. Unit VII, the quantity of the effluent should not exceed 474 KL/Day. I state that as per CCA issued to /s Bodal Chemicals Ltd. Unit VII (Sulphur Division), the effluent should not exceed 475 KL/Day. Thus, both units can cumulatively generate 949 KL/day (27120 KL/Month)

32.3 I say that in the CCA provided to M/s Bodal Chemicals Ltd. Unit VII (Sulphur Division), it is stated that the effluent is to be transferred by pumping to the final treated effluent sump of the ETP at existing Dyes & Dyes Intermediate manufacturing sister concern unit namely Bodal Chemicals Ltd. Unit-VII. The relevant clause of Consent and Authorization is reproduced as under:-

"4.4 The effluent shall be transferred by pumping to the final treated effluent sump of the ETP at existing Dyes & Dyes Intermediate manufacturing sister concern unit namely Bodal Chemicals Ltd. (Unit-7) situated at S. No. 804, 805, 807 to 822, 824 to 839 & 849, Vill: Dudhwada, Tal: Padra, Dist: Vadodara through over head pipeline and from there the effluent conforming to the above standards shall be discharged into

S. Meghani

the ECP channel and shall be ultimately conveyed upto the estuary of river Mahi.”

A copy of the Consent and Authorization dated 06.02.2021 issued by the GPCB to M/s Bodal Chemicals Ltd. Unit VII (Sulphur Division) is annexed herewith and marked as **Annexure R4/35**.

32.4 I say that the CCA of M/s Bodal Chemicals Ltd. Unit VII (Sulphur Division) permits the effluent to be discharged through a common sump between both the units (i.e. Bodal Chemicals Ltd. Unit VII @ 452 KL/Day and Bodal Chemicals Ltd. Unit VII (Sulphur Division) @ 475 KL/Day) to ECP channel confirming disposal standards. It is stated that the company has VECL membership which permits 949 KL/Day (Total of both units). It is submitted that the Answering Company has applied for correction in existing CCA to GPCB and the same is pending.

A copy of the Vadadora Enviro Chemical Limited Certificate dated 01.04.2022 is annexed herewith and marked as **Annexure R4/36**.

A copy of the application dated 21.04.2022 for correction of the CCA from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/37**.

32.5 I state that the unit has not discharged more effluent than the consented quantity. The unit is discharging effluent as per the quantity mentioned in CCAs.



33. Observation no. 8

“8. Unit has not provided OCMS facility before and after their discharge point into VECL as per directions of the Board.”

Reply to observation no. 8

33.1 I state that the OCMS facility is already in place after the discharge point. It was communicated to GPCB vide letter dated 22.04.2022. In the same letter, it was stated that the Answering Respondent had communicated to VECL for installation of OCMS before discharge point and the order was placed to OCMS vendor namely Aaxis- Nano and order was placed.

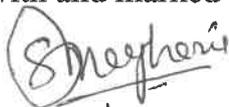
A copy of the letter dated 22.04.2022 from Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/38**.

33.2 It is stated that initially VECL did not allow puncture concrete line and the same was informed to GPCB vide letters dated 25.03.2022 and 22.11.2021 annexing the email to VECL. It is stated that recently VECL has allowed installation of OCMS before discharge point and the same is installed. The same was communicated to GPCB vide letter dated 22.08.2022 along with the photographs.

A copy of the letter dated 25.03.2022 from Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/39**.

A copy of the letter dated 22.11.2021 from Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/40**.

A copy of the reply dated 22.08.2022 from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/41**.



33.3 I state that the OCMS facility before and after the discharge point into VECL is provided as per the directions of GPCB.

34. Observation no. 9

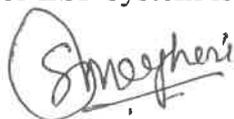
“9. Unit has not provided proper APCM with Steam Boiler & TFH as per current solid fuel guideline.”

Reply to observation no. 9

34.1 I state that the Answering Respondent had installed a APCM system, as per Clause 5.3 of the Amendment to the CCA, dated 24.01.2019. I say that the guidelines pertaining the installation of the APCM with Steam Boiler & TFH had come into force *vide* Office Order dated 07.06.2014. I state that the Answering Respondent was issued the CCA on 27.12.2017, however it did not require the installation of an additional APCM with Steam Boiler & TFH. I state that the GPCB has issued an amended CCA, on 24.01.2019 which also does not direct the Answering Respondent to install an additional APCM with Steam Boiler & TFH.

A Copy of the Amended CCA dated 24.01.2019 is annexed hereinabove as **Annexure R4/16.**

34.2 I state that the Answering Respondent was only directed by the notice dated 08.04.2022 to install an additional APCM with Steam Boiler & TFH. The Answering Respondent has accordingly upgraded all APCM as directed. I state that the order for ESP system is placed and the time bound action plan



for installation was provided to GPCB vide letters dated 21.04.2022, 22.04.2022 and 04.05.2022.

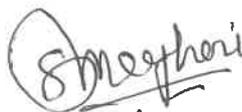
A copy of the letter dated 21.04.2022 is annexed hereinabove as **Annexure R4/30.**

A copy of the letter dated 22.04.2022 is annexed hereinabove as **Annexure R4/38.**

A copy of the letter dated 04.05.2022 is annexed hereinabove **Annexure R4/22.**

35. I state that the Answering Respondent is running its units in compliance with the conditions imposed in the EC, as well as those imposed by the GPCB through the CCAs issued from time to time. I state that the Answering Respondent has complied with all the directions issued by GPCB, from time to time, with immediate effect. There is not a single non-compliance by the Answering Respondent.

36. I state that the Answering Respondent received Show Cause notice dated 19.09.2022 from GPCB. The notice stated that as per the collected sample from the auto sampler, the sampler results of two sequential Auto samplers No. 1 (Downstream of your unit) & 2 (Upstream of your unit & Downstream of Kiri Ind Unit-V) reviewed from 27.08.2022 to 06.09.2022 indicates huge pollution load contributed by industry of Answering Respondent. The table stating the contribution of COD in mg/l by Answering Respondent was provided. It was stated that RTOM on VECL does not have a flow measuring system. This is the



only concentration-based difference worked out, however flow data if made available, its total contributed COD load in this case could be worked out which might be higher than this. It was stated that the notice is issued to show cause, take immediate necessary action and report to the Board within 3 days failing which the Answering Respondent will be liable for further legal action as per provisions of law.

A copy of the show cause notice dated 19.09.2022 issued by the GPCB is annexed herewith and marked as **Annexure R4/42**.

37. I say that firstly, the show cause notice is bad in law inasmuch as the samples collected, which form the basis of the same, have been collected in breach of the procedure prescribed under the Air and the Water Act.

38. I state that the Answering Respondent replied to the said show cause by its reply dated 21.09.2022. The Answering Respondent requested the GPCB to provide the sampling methodology adapted by it, as well as counter samples. The following points were placed for consideration: -

- a. Out of 11 sample results, 5 samples are showing COD results of downstream more than upstream, while 6 samples are showing COD results of downstream noticeably less than the upstream.
- b. The average of eleven samples results of upstream is 270 ppm and downstream is 277 ppm, which shows only 7 ppm difference. The suggested increase hardly 2.5 % increase. As per the standard analysis methods for water and waste water (APHA), 6.5 % deviation in COD



results in absence of chlorides and 10.8 % in presence of chloride is not considered to be deviation and is permissible. While in our case only 2.5 % deviation is observed which is within limit of standard deviation.

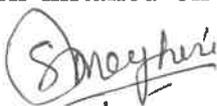
- c. Moreover, the Answering Respondent has compared the analysis data of same duration of RTOM (Real Time Online Monitoring) system installed at our discharge by VECL wherein results are available at every 10 minutes. On an average, result of RTOM for said dates are well within prescribed norms. Also, VECL has done random sampling for same dates and their results are also within limits. The tabular data was provided.

A copy of the Reply dated 21.09.2022 from the Respondent No. 4 to the GPCB is annexed herewith and marked as **Annexure R4/43**.

39. On 14.10.2022 the GPCB after making reference to the aforementioned showcase and the Answering Respondent's subsequent actions thereafter has granted the Answering Respondent a Consolidated Consent and Authorisation under the Water Act, Air Act. And Hazardous and other Waste Rules 2016.

A copy of the CCA dated 14.10.2022 issued by the GPCB to the Respondent No. 4 is annexed herewith and marked as **Annexure R4/44**.

40. It is further submitted that the GPCB has issued a **Revocation of Closure Order** dated 14.10.2022 in relation to the Unit of the Answering Respondent. The revocation of closure order confirms based on a GPCB visit on 30.09.2022 that the Answering Respondent has installed 25 new flow meters for effluent management, OCMS has been installed on final discharge of unit to VECL



channel near its discharge point, the unit has an OCMS facility on VECL channel before and after the premises of the Unit among other observations of compliance of the answering Respondent.

41. The revocation of closure order also states that the wastewater samples collected from the treated wastewater outlet to VECL channel outside the premises shows the results to be within the norms.

A copy of the Revocation of Closure Order dated 14.10.2022 is annexed herewith and marked as **Annexure R4/45**.

42. The aforesaid revocation demonstrates full compliance with all requirements under the Air Act, Water Acts and the HWM Rules by the Answering Respondent.

43. In view of the above, it is humbly submitted that the allegation made against the Answering Respondent are without any basis and consequently, the Answering Respondent may be discharged from the instant proceedings.

I declare that what is stated hereinabove is true and correct to the best of my knowledge, information and belief.

I solemnly affirmed at AHMEDABAD on this 18th day of October, 2022

For **BODAL CHEMICALS LTD.**

Smagpheri

Director / Authorized Signatory

Deponent

18 OCT 2022

SR NO. 612 /2022
SOLEMNLY AFFIRMED
BEFORE ME

J.B. Patel

JAYKARKUMAR B. PATEL
NOTARY
GOVT. OF INDIA

GOVT. OF INDIA
NOTARIAL
AHMEDABAD
REG. NO. 20034
05/03/2024

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REGD.NO.D:L-33004/99



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्रधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 814]

नई दिल्ली, बुधस्वतिवार, मई 5, 2011/वैशाख 15, 1933

No. 814]

NEW DELHI, THURSDAY, MAY 5, 2011/VAISAKHA 15, 1933

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 5 मई, 2011

क्र.अ. 1003(अ).—केन्द्रीय सरकार, राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली को राष्ट्रीय हरित अधिकरण की बैठक के सामान्य स्थान के रूप में विनिर्दिष्ट करती है जो संपूर्ण भारत में अधिकारिता का प्रयोग करेगा।

[फा. सं. 17/4/2010-पीएल]

राजीव गाँवा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 5th May, 2011

S.O. 1003(E).—In exercise of the powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19 of 2010), the Central Government hereby specifies Delhi as the ordinary place of sitting of the National Green Tribunal which shall exercise jurisdiction in the whole of India.

[F.No. 17/4/2010-PL]

RAJIV GAUBA, Jt. Secy.

2

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

MINISTRY OF ENVIRONMENT AND FORESTS**NOTIFICATION**

New Delhi, the 17th August, 2011

S.O. 1908(E).—In exercise of powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction in the area indicated against each :—

Serial number	Zone	Place of Sitting	Territorial Jurisdiction
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh.
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagar Haveli.
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh.
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, seven sister States of North-Eastern region, Sikkim, Andaman and Nicobar Islands :

Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No. S.O.1003(E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

[F. No. 17(4)/2010-PL]

RAJNEESH DUBE, Jt. Secy.



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ANNEXURE R4-3

REPORTABLE

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
GOA SEAT, AT PORVORIM
PIL WRIT PETITION NO. 4 OF 2022

1. **THE GOA FOUNDATION,**
Through its Secretary,
Dy. Claude Alvares, Age 73 years,
Having Regd. Office at Room No. 7,
Above Mapusa Clinic, Mapusa,
Goa 403 507,
PAN No. AAAAG0249C
Email id: goafoundation@gmail.com

... PETITIONER

~ VERSUS ~

1. **THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,**
Through the Registrar General,
Faridkot House, Copernicus Marg,
New Delhi 110001.
2. **THE NATIONAL GREEN TRIBUNAL, WESTERN BENCH,**
Through its Registrar, New
Administrative Building, 1st Floor,
B-wing, Opposite Council Hall,
Pune - 411001.
3. **THE UNION OF INDIA,**
Through the Secretary, Ministry of
Environment, Forests & Climate
Change, Indira Paryavaran Bhavan,
Jor Bag Road, New Delhi - 110003.

4. THE STATE OF GOA
Through its Chief Secretary,
Secretariat, Porvorim, Goa 403521

... RESPONDENTS

APPEARANCES

FOR THE PETITIONER: Ms Norma Alvares, *with Mr Om*
GOA FOUNDATION *Costa.*

FOR RESPONDENTS NOS. 1 & 2: Mr Abhijeet Joshi, *with Ms Varsha*
NATIONAL GREEN TRIBUNAL *Sawant & Mr Namit V Loya.*
("NGT") AND NATIONAL GREEN
TRIBUNAL WESTERN BENCH

FOR RESPONDENT NO. 3: Mr Anil Singh, Addl. Solicitor
UNION OF INDIA *General, with Mr Aditya*
Thakkar & Ms Savita Ganoo,
i/b DP Singh.

FOR RESPONDENT NO. 4: Mr Deep Shirodkar, Addl.
THE STATE OF GOA *Government Pleader, with*
Ms Neha Shirodkar.

CORAM : DIPANKAR DATTA, CJ.,
G.S. PATEL &
M.S. SONAK, JJ.
(Hearing at Principal Seat
at Bombay through VC and
physical hearing)

RESERVED ON : 14th September 2022

PRONOUNCED ON : 21st September 2022

JUDGMENT (Per GS Patel J):-

1. Rule. By consent, Rule is made returnable forthwith.

2. The matter was first listed before a Division Bench (Chief Justice and MS Sonak J) at the seat of the Bombay High Court at Porvorim, Goa on 5th August 2022. After outlining the issue, the Bench was of the view that the matter could be more advantageously be heard by a Full Bench of three Judges. Hence the present Full Bench, which took up the matter at the principal seat since all three of us were presently in Mumbai.

3. This Public Interest Writ Petition is filed by the Goa Foundation, an environment NGO based in Goa, and represented by Ms Alvares. Over several decades, the Goa Foundation has approached this court and the Supreme Court in the public interest, litigating questions regarding environmental protection in various forms. The members of the Petitioner are all Indian citizens. We are satisfied with the bona fides of the Petitioner, and, indeed, these are not questioned in the Writ Petition.

4. The Petition assails administrative notices dated 6th September 2021 (page 130), 4th January 2022 (page 132), 11th April 2022 (page 133A) and 27th April 2022 (page 133B) and 26th August 2022 (page 227 of the Petitioners' Affidavit dated 8th September 2022).¹ The last of this was noticed after Affidavits came in. We grant leave to amend to include a challenge to the 26th August 2022 notice, without need of reverification. The amendment is to be effected in two weeks from the date this judgment is pronounced. We allow the

1 There is some duplication in the Affidavits in Reply on behalf of the 1st and 2nd Respondents and the further Affidavit filed by the Goa Foundation. Our references in this judgment are to the Affidavits and their page numbers, both.

additional challenge because the fifth notice is of a class with the other four notices.

5. Briefly stated, Ms Alvares's case is that these five notices taken together have resulted in cases from Goa that were being heard by the Western Zonal Bench of the National Green Tribunal ("NGT") at Pune being abruptly taken up, for no good reason and without clarity as to which case would be taken and when, by a so-called "Special Bench" sitting in New Delhi, and comprising members of the Northern Bench joined on VC by members of the Western Zonal Bench. There is no power, she submits, for the Chairperson of the NGT to issue such directions or orders. There is no superior or governing seat or bench. Nothing in the National Green Tribunal (Practice and Procedure) Rules 2011 ("**the Procedure Rules**") or in the National Green Tribunal Act, 2010 ("**the NGT Act**") permits this. Every one of these notices is explicitly said on its face to be a 'notice', not an order. Each is said to have been issued by a "Competent Authority", without identifying that authority; and neither the NGT Act nor the Procedure Rules speak of any such 'Competent Authority'.

6. That these are administrative directions or notices is accepted in the Affidavit in Reply filed on behalf of the NGT (the 1st and 2nd Respondents collectively), which describes them as "office orders/notices". In other words, all five notices are issued without underlying any petition, application, or judicial proceeding.

7. We note this at the forefront because Mr Joshi, learned Advocate for the NGT raises a preliminary objection as to maintainability. He relies a decision of the Supreme Court in *Union of India v Alapan Bandyopadhyay*.² Mr Joshi's submission is that since the impugned notices emanated from the Northern Zonal Bench, claimed to be "the Principal Bench" of the NGT, therefore, this Court does not have the territorial jurisdiction to entertain the Petition. His submission is that *Bandyopadhyay*'s ratio is that it is only the High Court which has territorial jurisdiction over the notice-issuing bench that can entertain a petition such as this one. In the present case that would be the Delhi High Court. He emphasizes paragraphs 40 to 44 of *Bandyopadhyay*:

"40. The law thus declared by the Constitution Bench cannot be revisited by a Bench of lesser quorum or for that matter by the High Courts by looking into the bundle of facts to ascertain whether they would confer territorial jurisdiction to the High Court within the ambit of Article 226 (2) of the Constitution. We are of the considered view that taking another view would undoubtedly result in indefiniteness and multiplicity in the matter of jurisdiction in situations when a decision passed under Section 25 of the Act is to be called in question especially in cases involving multiple parties residing within the jurisdiction of different High Courts albeit aggrieved by one common order passed by the Chairman at the Principal Bench at New Delhi.

41. The undisputed and indisputable position in this case is that the WPCT No.78/2021 was filed to challenge the order dated 22.10.2021 in P.T.No.215/2021 of the Central Administrative Tribunal, Principal Bench at New Delhi, (by the Chairman of the Tribunal in exercise of the power under

2 (2022) 3 SCC 133

Section 25 of the Act sitting at the Principal Bench) transferring O.A.No.1619/2021 to its files. On applying the said factual position to the legal exposition in L. Chandra Kumar's case (supra) it is crystal clear that the Principal Bench of the Central Administrative Tribunal at New Delhi, which passed the order transferring O.A.No.1619/2021 vide order in P.T.No.215/2021 falls within the territorial jurisdiction of High Court of Delhi at New Delhi.

42. Needless to say that the power of judicial review of an order transferring an Original Application pending before a Bench of the Tribunal to another Bench under Section 25 of the Act can be judicially reviewed only by a Division Bench of the High Court within whose territorial jurisdiction the Bench passing the same, falls. In fact, the decision in *Bhavesh Motiani's* case (supra), relied on by the respondent is also in line with the said position as in that case also, as against the order of transfer passed under Section 25 of the Act by the Principal Bench of the Central Administrative Tribunal at New Delhi Writ Petition was filed by the aggrieved party only before the High Court of Delhi. This is evident from the very opening sentence of the said judgment, which reads thus:

“The present petition has been filed being aggrieved by order dated 30.11.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the ‘Tribunal’), by the O.A.No.421/2018 pending before the Ahmedabad Bench has been transferred to the Principal Bench of the Tribunal.”

43. In the instant case, the High Court at Calcutta has usurped jurisdiction to entertain the Writ Petition, viz., WPCT No.78/2021, challenging the order passed by the Central Administrative Tribunal, New Delhi, in P.T.No.215/2021, even after taking note of the fact that the

Principal Bench of the Tribunal does not lie within its territorial jurisdiction.

44. In the circumstances, based on our conclusion the impugned judgment and final order in WPCT No.78/2021 passed by the High Court at Calcutta is to be held as one passed without jurisdiction and hence, it is ab initio void. Accordingly, it is set aside. The writ petition being WPCT No.78/2021 filed before the High Court at Calcutta is accordingly dismissed, however, with liberty to the petitioner therein/the respondent herein to assail the same before the jurisdictional High Court, if so advised.”

8. We do not believe that the objection to maintainability is well taken. The facts in *Bandyopadhyay* were peculiar. The question arose in respect of tribunals created under Articles 323-A and 323-B of the Constitution of India, quite unlike a statutory tribunal such as a NGT constituted its own statute, the NGT Act. But that is not all. What was in question before the Supreme Court was a *judicial* pronouncement, and where — before which High Court exercising writ jurisdiction — such an order could be challenged. Bandyopadhyay, a former Chief Secretary of West Bengal, (since superannuated), filed an Original Application challenging certain disciplinary proceedings initiated against him. He filed this OA before the Kolkata Bench of the Central Administrative Tribunal (“CAT”). While that OA was pending before the Kolkata bench of the CAT, the Union of India moved a transfer petition under Section 25 of the Administrative Tribunals Act, 1985 seeking a transfer of the OA from the Kolkata Bench to what is undoubtedly the Principal Bench of the CAT at New Delhi. The transfer Petition was allowed, and the OA was then taken up and heard by the Principal Bench in

New Delhi, which disposed of the OA by an order of 22nd October 2021.³ What Bandyopadhyay next did was to challenge that final order passed on his OA by the New Delhi bench in a Writ Petition before the *Calcutta* High Court. On 29th October 201, the Calcutta High Court allowed the Writ Petition and set aside the New Delhi CAT Bench’s order of 22nd October 2021.⁴ The Union of India challenged the Calcutta High Court’s order of 29th October 2021 before the Supreme Court — and this resulted in the decision that Mr Joshi cites.

9. The situation therefore was this: Bandyopadhyay initiated his OA before the Kolkata Bench of CAT. The Union of India sought its transfer to the Principal Bench at New Delhi. That was allowed. Having received an adverse order from the Principal Bench in New Delhi, Bandyopadhyay then challenged that final order (by the New Delhi Bench of the CAT) before the Calcutta High Court. This was the factual conspectus before the Supreme Court, and it is at a considerable remove from undisputed facts of the present case where there neither a transfer petition, application, or judicial proceeding of any kind, nor a judicial order, but only administrative (or “office”) directions or notices. None of the notices impugned in this Petition have any of the essential ingredients of a judicial order — the institution of a proceeding, notice to the opponent, hearing of both sides and then an order on merits.

3 *Public Grievances & Pensions v Alapan Bandyopadhyay*, 2021 SCC OnLine CAT 3242.

4 *Alapan Bandyopadhyay v Union of India*, 2021 SCC OnLine Cal 2793.

10. In *Bandyopadhyay*, the Supreme Court relied on its earlier decision in *L Chandra Kumar v Union of India*,⁵ particularly paragraph 99, for the proposition that decisions of tribunals are subject to scrutiny before the Division Bench of the High Court within whose jurisdiction the tribunal concerned falls. Far from being in Mr Joshi's favour, this is actually against him; for *L Chandra Kumar* speaks clearly of a *decision*. It is in this context that *Bandyopadhyay* must be understood. It is well settled that a decision is only an authority for what it actually decides.⁶

11. We do not think it is permissible to accept an argument such as the one canvassed by Mr Joshi. Indeed, we do not believe that such was or could have been the intention of the Supreme Court in *Bandyopadhyay*, for the simple reason that if extended as Mr Joshi would have us do, the result would be an evisceration of the entirety of Article 226(2) of the Constitution of India even in matters of *judicial review of administrative action*, which this Petition undoubtedly is. We quote Article 226(1) and (2):

“226. Power of High Courts to issue certain writs.—

(1) Notwithstanding anything in article 32, every High Court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority including in appropriate case, any

5 (1997) 3 SCC 261.

6 *Goodyear India Ltd v State of Haryana*, (1990) 2 SCC 71; *State of Orissa v Mohd Illiyas*, (2006) 1 SCC 275; *Sarva Shramik Sanghatana (KV) v State of Maharashtra*, (2008) 1 SCC 494; *Bhuwalka Steel Industries v Bombay Iron & Steel Labour Board & Anr*, (2010) 2 SCC 273; *Jitendra Kumar Singh v State of UP*, (2010) 3 SCC 119. The principle was enunciated over a century ago by the House of Lords in *Quinn v Leathem*, 1901 AC 495 (HL).

Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for nay other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

(Emphasis added)

12. Even within the *Bandyopadhyay* case itself, there is an internal or intrinsic clue to support our view. In paragraph 20, the Court said, in the context of Article 226(2), that the law on that aspect was settled by the Supreme Court decisions in *Kusum Ingots & Alloys Ltd v Union of India & Anr*,⁷ *Nawal Kishore Sharma v Union of India & Ors*,⁸ and *Navinchandra N Majithia v State of Maharashtra*.⁹ Each of these authorities related to judicial review of executive action.

13. In *Majithia*, a writ petition was filed in this court to quash a criminal complaint filed in Shillong. The Supreme Court held that this court erred in dismissing the writ petition on the ground that it had no jurisdiction. In paragraph 27, the Supreme Court in *Majithia* held:

7 (2004) 6 SCC 254.

8 (2014) 9 SCC 329.

9 (2000) 7 SCC 640.

27. Tested in the light of the principles laid down in the cases noted above the judgment of the High Court under challenge is unsustainable. **The High Court failed to consider all the relevant facts necessary to arrive at a proper decision on the question of maintainability of the writ petition, on the ground of lack of territorial jurisdiction. The Court based its decision on the sole consideration that the complainant had filed the complaint at Shillong in the State of Meghalaya and the petitioner had prayed for quashing the said complaint. The High Court did not also consider the alternative prayer made in the writ petition that a writ of mandamus be issued to the State of Meghalaya to transfer the investigation to Mumbai Police. The High Court also did not take note of the averments in the writ petition that filing of the complaint at Shillong was a mala fide move on the part of the complainant to harass and pressurise the petitioners to reverse the transaction for transfer of shares. The relief sought in the writ petition may be one of the relevant criteria for consideration of the question but cannot be the sole consideration in the matter.** On the averments made in the writ petition gist of which has been noted earlier it cannot be said that no part of the cause of action for filing the writ petition arose within the territorial jurisdiction of the Bombay High Court.

(Emphasis added)

14. In paragraph 9 of *Nawal Kishore Sharma*, the Supreme Court said:

9. The interpretation given by this Court in the aforesaid decisions resulted in undue hardship and inconvenience to the citizens to invoke writ jurisdiction. As a result, clause (1-A) was inserted in Article 226 by the Constitution (Fifteenth) Amendment Act, 1963 and subsequently

renumbered as clause (2) by the Constitution (Forty-second) Amendment Act, 1976. The amended clause (2) now reads as under:

“226. Power of High Courts to issue certain writs.—(1) Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3)-(4)***”

On a plain reading of the amended provisions in clause (2), it is clear that now the High Court can issue a writ when the person or the authority against whom the writ is issued is located outside its territorial jurisdiction, if the cause of action wholly or partially arises within the court's territorial jurisdiction. Cause of action for the purpose of Article 226(2) of the Constitution, for all

intent and purpose must be assigned the same meaning as envisaged under Section 20(c) of the Code of Civil Procedure. The expression cause of action has not been defined either in the Code of Civil Procedure or the Constitution. Cause of action is bundle of facts which is necessary for the plaintiff to prove in the suit before he can succeed. The term “cause of action” as appearing in clause (2) came up for consideration time and again before this Court.

(Emphasis added)

15. Later, in paragraph 12, the Supreme Court in *Nawal Kishore Sharma* relied on *Kusum Ingots* to say:

12. In *Kusum Ingots & Alloys Ltd. v. Union of India* [(2004) 6 SCC 254] , this Court elaborately discussed clause (2) of Article 226 of the Constitution, particularly the meaning of the word “cause of action” with reference to Section 20(c) and Section 141 of the Code of Civil Procedure and observed: (SCC p. 259, paras 9-10)

“9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is

the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, *indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.*”

(Emphasis added)

The Supreme Court in *Nawal Kishore Sharma* also said:

Their Lordships further observed as under: (*Kusum Ingots & Alloys Ltd.* case [(2004) 6 SCC 254] , SCC p. 264, paras 29-30)

“29. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in *Khajoor Singh [Lt. Col. Khajoor Singh v. Union of India, AIR 1961 SC 532]* has, thus, no application.

16. This clearly shows that what was before the Court in *Bandyopadhyay* was an entirely distinct set of circumstances. The case at hand is closer to *Majithia, Nawal Kishore Sharma, and Kusum Ingots*. For the cause of action in the present Petition is clearly within the jurisdictional remit of this Court: wherever the impugned notices may have been issued, the situs of the origin of those notices is immaterial and by no means jurisdictionally determinative. The effect of the impugned notices is directly on the Western Zonal Bench and those litigating before that Bench.

17. When a Writ Court is tasked with judicial review of administrative action, the contours of Article 226(2) cannot possibly be fettered by a blind invocation of jurisdictional territoriality. Many tribunals are administratively centred in Delhi. Some tribunals do have a principal seat there. Others choose to use Delhi only as a matter on administrative convenience. An administrative exigency can never operate to denude a constitutional Court of its power to issue a high prerogative remedy. The administrative situs of a tribunal, adopted because of such an administrative need or exigency, will not operate to confer exclusive jurisdiction only on the Delhi High court nor rob other High Courts of their wide jurisdiction under Article 226, particularly Article 226(2). We do not believe that any Court has ever suggested that all Writ Petitions directed against the Union Government must only be filed in New Delhi before the Delhi High Court. Yet that would be the logical — albeit untenable — consequence of accepting Mr Joshi’s submission.

18. For this reason, we find Mr Joshi’s next submission to be incongruous, for he also says that it is not his case that merely because the NGT has a seat in Delhi therefore the Delhi High Court would have exclusive jurisdiction. If this be so, i.e., if this is not his case, then there is simply no basis for the submission based on *Bandyopadhyay*.

19. The last submission Mr Joshi makes at the threshold is based on Section 22 of the NGT Act. It reads:

“22. Appeal to Supreme Court. — Any person aggrieved by any **award, decision or order** of the Tribunal, may file an appeal to the Supreme Court, within ninety days from the

date of communication of the **award, decision or order** of Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908);

Provided that the Supreme Court may, entertain any appeal after the expiry of ninety days, if its is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.”

(Emphasis added)

20. *Ex facie*, Section 22 is inapplicable because it speaks of an award, decision or order being appealable. That cannot extend to a Petition seeking judicial review of administrative action; nor can Section 22 ever be said to oust the *writ* jurisdiction of a High Court.

21. Consequently, we hold that the Petition is maintainable.

22. The context in which the NGT and its benches were constituted is this. The NGT Act replaced the National Environment Tribunal Act 1995. The Statement of Objects and Reasons (“**SOR**”) of the NGT Act inter alia notes that India was a party to the decisions taken at the Stockholm Conference in June 1972. Later, India participated in the United Nation’s Conference on Environment and Development at Rio de Janeiro in June 1992, which led to the Rio Declaration. One of the resolutions was to demand that member states provide “effective access” to judicial and administrative proceedings, including redress and remedy, and develop national laws regarding liability and compensation for victims of pollution and other environmental damage. The SOR of the NGT Act also

recognises that the right to a wholesome and pollution-free environment has been pronounced by our Supreme Court to be part of Article 21, the fundamental right to life.¹⁰ Then the SOR goes on to say that the National Environmental Tribunal had a limited mandate. It was not established. There came a National Environment Appellate Authority Act 1997, but it had a narrow jurisdictional remit. Acknowledging that there were many environmental cases pending in higher courts and that these required a multi-disciplinary approach, the Supreme Court requested the Law Commission to consider the need to constitute special environmental courts.

23. Thus, there was a perceived need to establish a specialised tribunal to handle multi-disciplinary issues involved in environmental cases; and hence, the enactment of the NGT Act and the constitution of the NGT. The Chairperson is to be a Judge of the Supreme Court or to be a Chief of the High Court. He is a Judicial Member. A High Court Judge is also eligible to be appointed as a Judicial Member (though not as Chairperson). There are provisions for appointing Expert Members. The NGT has jurisdiction over all civil cases where substantial questions relating to the environment are involved and where such cases arise from the implementation of the enactments specified in Schedule I. The National Environment Act 1995 and the National Environment Appellate Authority Act 1997 stood repealed by the NGT Act.

24. On 5th May 2011, the Government of India issued a Notification under Section 4, specifying Delhi as the 'ordinary place

10 See: *Subhash Kumar v State of Bihar*, (1991) 1 SCC 74.

of sitting’ of the NGT. It was to exercise jurisdiction over the whole of India. Just a few months later, on 17th August 2011 came another Notification under Section 4(3) of the Act specifying the “ordinary places of sitting” of the NGT. Five zones were specified, and Delhi was said — parenthetically — to be the principal place. For completeness, the 17th August 2011 Notification is quoted below:

THE GAZETTE OF INDIA : EXTRAORDINARY
MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 17th August 2011

S.O. 1908(E).—In exercise of powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction in the area indicated against each :—

Serial number	Zone	Place of Sitting	Territorial Jurisdiction
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh.
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagar Haveli
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh.
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union

			Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, seven sister States of North-Eastern region, Sikkim, Andaman and Nicobar Islands:

Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No. S.O. 1003(E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

[F.NO. 17(4)/2010-PL]

RAJNEESH DUBE, Jt. Secy.

25. With this background, we turn to an overview of the impugned notices. The first notice is of 6th September 2021. This is how it reads:

National Green Tribunal
Principal Bench
Faridkot House, Copernicus Marg
New Delhi- 110001

NGT/PB/JUDL./05/2020/339 Dated: 06th September, 2021

NOTICE

It is hereby notified for information of all concerned that the Competent Authority had been pleased to issue direction for constituting Special Bench in all the four Zonal Benches. It has been directed that Special Bench shall take-up such appropriate matters in consultation with the concerned Bench, which need to be taken-up by the Additional Bench till constitution of Additional Bench and/or till further orders. If necessary, sittings can continue as per requirement for such period as may be found necessary. It has been further directed that in case the hearing of any such matter(s) is/ are not concluded on the date

fixed then the matter(s) can be postponed to the next working day or to any other such date as may be directed by the Special Bench. In case Monday happens to be holiday, then the matters of that particular bench will be listed before Special Bench on the next working day. However the matters of Principal Bench and the matters of the respective Bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed.

It has directed that the sittings of Special Bench shall be as per the following schedule:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Southern Zonal Bench, Chennai	Every working Monday (unless dispensed with on any particular scheduled Monday) in the first week of the month or any other day as decided by the Competent Authority.
Western Zonal Bench, Pune	Every working Monday (unless dispensed with on any particular scheduled Monday) in the second week of the month or any other day as decided by the Competent Authority.
Eastern Zonal Bench, Kolkata	Every working Monday (unless dispensed with on any particular scheduled Monday) in the third week of the month or any other day as decided by the Competent Authority.
Central Zonal Bench, Bhopal	Every working Monday (unless dispensed with on any particular scheduled Monday) in the fourth week of the month or any other day as decided by the Competent Authority.

This issues with the approval of the Competent Authority.

(Vidya Prakash)
Registrar General

Copy to:

1. PPS to Hon'ble Chairperson, NGT
2. PS to all Hon'ble Judicial Members and Hon'ble Expert Member
3. PA to Registrar General, NGT (PB)
4. The Secretary, Ministry of Environment, Forest and Climate Change
5. Ld. Registrars (all Zonal Benches)
6. Ld. Deputy Registrar (PB)
7. NGT Website
8. NIC team
9. Guard file

26. This tells us that there is to be a 'Special Bench' constituted for all four Zonal Benches except the Northern Bench. This 'Special Bench' is to take up 'appropriate matters'. The notice is confusing because it says that the Special Bench will take up those matters which need to be taken up "by the Additional Bench till constitution of the Additional Bench" or till further orders. What this Additional Bench is, or was meant to be, is unexplained. Then there are administrative directions scheduling the hearings. For instance, Southern Zonal Bench matters would be taken up by the Special Bench on every working Monday in the first week of the month unless otherwise ordered. On the second Monday of every month would be the cases of Western Zonal Bench, and the third Monday would be when the Special Bench would take up the matters of Eastern Zonal Bench. Central Zonal Bench matters were to be taken up by the Special Bench on the fourth Monday of each month. Only the Northern Zonal Bench was excluded.

27. Then came another notice of 4th January 2022, at page 132, also issued by this 'Competent Authority'. This notice is also incomprehensible, but seems to suggest that those matters that were being heard by the Special Bench in Delhi, now described as the

‘NGT (PB) New Delhi’, would be taken first, and that the Western Zonal Bench would take up its own work thereafter. The Notice of 4th January 2022 says this:

National Green Tribunal/
Western Zone Bench/
New Administrative Building, B-Wing/
1st floor, Opposite Council Hall/
Camp, Pune – 411 001/

NOTICE

Dated: 04th Jan, 2022.

It is hereby notified for information of all concerned that the Competent Authority has been pleased to issue direction regarding functioning of the National Green Tribunal (WZB), Pune, through video conferencing w.e.f. 05/01/2022 as under:-

It has been directed that other than admission matter(s) of the NGT (WZB), Pune to be taken up by the National Green Tribunal (PB), New Delhi on every working Wednesday and Thursday of the month, till further order(s), after hearing of the matter(s), listed before the concerned bench is concluded, unless otherwise directed in the cause list.

Similarly, it has been directed that all admission matter(s) of the NGT (WZB) Pune to be taken up by the National Green Tribunal (CZ), Bhopal on every working Tuesday and Friday of the month, till further order(s), after hearing of the matter(s) listed before the concerned bench is concluded, unless otherwise directed in the cause list.

Registrar
NGT(WZB) Pune.

28. The notice of 11th April 2022 at page 133-A for the first time injected some reason, for it said that given the pendency of old matters instituted before 31st December 2017 pending before the respective Zonal Benches, further directions were being issued. The relevant portion of this notice, which we also find unclear, says this:

NATIONAL GREEN Tribunal
PRINCIPAL BENCH

Faridkot House
Copernicus Marg,

New Delhi-110001

No.: No.NGT(PB)/Judicial/05/20/112

Dated 11 04 2022

NOTICE

Keeping in view the pendency of old matters instituted on or before 31.12.2017 pending in the respective Zonal Benches, it is hereby notified for information of all concerned that the Competent Authority has been pleased to issue direction for constituting Special Bench for hearing of such old matters pending in the Zonal Benches. It has been directed that Special Bench shall take-up such appropriate matters in consultation with the concerned Bench. If necessary, sittings can continue as per requirement for such period as may be found necessary. It has been further directed that in case the hearing of any such matter(s) is/are not concluded on the date fixed then the matter(s) can be postponed to the next working day or to any other such date as may be directed by the Special Bench. However the matters of Principal bench and the matters of the respective Zonal bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed.

It has been directed that till further orders, the sittings of Special Bench shall be as per the following schedule:

NAME OF THE BENCH	DAYS ON WHICH THE OLD MATTERS ARE TO BE LISTED
Western Zonal Bench, Pune	Every working Tuesday or any other day as decided by the Competent Authority.
Southern Zonal Bench, Chennai	Every working Wednesday or any other day as decided by the Competent Authority.
Eastern Zonal Bench, Kolkata	Every working Thursday or any other day as decided by the Competent Authority

This issues with the approval of the Competent Authority

(Vidya Prakash)
Registrar General

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General
4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal Benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

29. Just a few days later, on 27th April 2022, came the fourth notice. This again spoke of a need to clear the backlog of pending cases instituted prior to 31st December 2017 in the Zonal Benches. It was said to be a partial modification of the notices of 6th September 2021 and 11th April 2022. It said this:

**"NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

**Faridkot House
Copernicus Marg,
New Delhi-110001**

No. : NGT(PB)/Judicial/05/2020/728

Dated 27.04.2022

NOTICE

It is hereby notified for information of all concerned that with a view to clear the backlog of the old pending cases instituted upto 31.12.2017 in the respective Zonal Benches, in partial modification of the directions issued vide Notices dated 06.09.2021 and 11.04.2022, the Competent Authority has been pleased to issue direction for constituting Special Bench for hearing such matters through Hybrid Option till further orders, as per schedule given below:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Eastern Zonal Bench, Kolkata	Every working Monday or any other day as decided by the Competent Authority.
Western Zonal Bench, Pune	Every working Tuesday & Wednesday or any other day as decided by the Competent Authority
Southern Zonal Bench, Chennai	Every working Thursday & Friday or any other day as decided by the Competent Authority

The matters of the Principal Bench and the matters of the respective Bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed. However, the practice of listing the matters of the concerned Zonal Benches before Special Bench on every working Monday once in a month in terms of Notice dated 06/09.2021, shall be discontinued.

The Cause List will indicate that in Part-I of the list, the matters to be listed before Special Bench and in Part-II List, the matters before the Zonal Bench after the hearing of the matters of Special bench. The matters before Special bench will be heard at 10.30 AM onwards. The hearing of the matters of Part-II shall commence after the conclusion of the hearing of the matters of Part-I (tentatively 12.00 noon onwards). **No request for adjournment will be entertained. However, in special circumstances, adjournment may be granted for a period not beyond one week before listing.**

The Special bench will start functioning w.e.f. 02.05.2022 as per the above proposed schedule.

This issues with the approval of the Competent Authority.

(Ravi Dahiya)
Deputy Registrar

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General

4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

30. Finally, there is the last notice dated 26th August 2022 (at page 227 of Goa Foundation's Additional Affidavit dated 8th September 2022). This repeated the need to clear the backlog of old cases instituted up to 31st December 2017 and said it was a partial modification of the previous notices of 6th September 2021, 11th April 2022 and 7th April 2022. It constituted a Special Bench for hearing matters of the Western Zonal Bench through a hybrid option. The notice of 26th August 2022 reads:

**NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

**Faridkot House
Copernicus Marg,
New Delhi-110001**

No. : NGT(PB)/Judicial/05/2020/274
Dated 26.08.2022

NOTICE

It is hereby notified for information of all concerned that with a view to clear the backlog of the old pending cases instituted upto 31.12.2017 in respect of Western Zonal Bench, Pune, in partial modification of the directions issued vide Notices dated 06.09.2021, 11.04.2022 & 27.04.2022, the Competent Authority has been pleased to issue direction for constituting Special bench for hearing such matters of Western Zonal Bench, Pune through Hybrid Option on every working Monday, Tuesday & Wednesday w.e.f. 29.08.2022 till further orders.

It is also notified that such pending matters of the concerned Zonal Benches, which were earlier heard by Principal Bench through Video Conferencing and/or such other matters which are, in the opinion of the Hon'ble Members of the Principal Bench and/or of the concerned Zonal Bench

depending upon the issues involved in the matters or their date of institution etc. or any other matter in which an application is filed by the concerned party for conducting hearing before Special Bench, then such matters may be listed before the Special Bench headed by Hon'ble Chairperson as per the schedule given below:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Eastern Zonal Bench, Kolkata	Working Wednesday in the first week of the Month or any other day as decided by the Competent Authority
Southern Zonal Bench, Chennai	Working Wednesday in the second week of the Month or any other day as decided by the Competent Authority.
Central Zonal Bench, Bhopal	Working Wednesday in the third week of the Month or any other day as decided by the Competent Authority
Western Zonal Bench, Pune	Working Wednesday in the fourth week of the Month or any other day as decided by the Competent Authority

However, the matters of Western Zonal Bench, Pune shall not be listed before the Special Bench on such first, second and third Wednesday of the month on which such matters of the categories as mentioned above, shall be listed for hearing before the Special Bench.

The matters of the Principal Bench and the matters of the respective Zonal Bench will however continue to be heard on the said days after the hearing of matters of the respective Zonal Bench before the Special Bench is concluded, unless otherwise directed.

This issues with the approval of the Competent Authority.

(Vidya Prakash)
Registrar General

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General
4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

31. There are many things missing and much left to be desired in each of these notices and in all of them taken together. For one thing, there is a complete lack of clarity. There is no roster for the Special Bench. It is unclear to anyone, even to us, which matters are to be taken by the Special Bench or why, and which will continue before the Western Zonal Bench. Ms Alvares confirms that, in practice, this is indeed so and nobody knows on a day-to-day basis which Bench will take what matter or for what reason. We are told that the practice is for the so-called Special Bench in Delhi comprising two Judicial Members and one Expert Member to sit with the Judicial Member and the Expert Member of the Western Zonal Bench, to take up these 'Special Bench' matters. A cause list is indeed notified, but without any indication of which matter will enter that cause list or why.

32. Ms Alvares accepts that there were problems in the functioning of the Western Zonal Bench for some time until August 2021. Between August and December 2021, the Bench did function, though on VC. The Judicial Member resigned on 15th December 2021. The Chairman permitted the solitary Expert Member to continue.

33. In 2018, the NGT Bar Association challenged a similar constitution of a single-member Bench. On 31st January 2018, the Supreme Court ordered the Chairperson not to constitute a Single Member Bench and said that there would be a Division Bench consisting of one Judicial and one Expert Member.¹¹

34. We pause here to consider some of the statutory provisions in regard to the composition of any bench of the NGT. Section 4(4) of the NGT Act says:

“4. Composition of Tribunal-

(4) The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedures of the Tribunal including—

(a) the rules as to the persons who shall be entitled to appear before the Tribunal;

(b) the rules as to the procedure for hearing applications and appeals and other matters including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3), pertaining to the application and appeals;

(c) the minimum number of Members who shall hear the applications and the appeals in respect of any class or classes of applications and appeals;

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

11 Page 105 of the Petition.

(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.”

(Emphasis added)

35. The proviso emphasised above prima facie indicates that Judicial Members cannot out-number Expert Members.

36. We also notice Rule 3 of the Procedural Rules which speaks of distribution of business among different ordinary place or place of sittings of the Tribunal. Rule 3 reads thus:

“3. Distribution of business amongst the different ordinary place or places of sittings of Tribunal.—

(1) The Chairperson may constitute a bench of two or more Members consisting of at least one Judicial Member and one Expert Member:

Provided that in exceptional circumstances the chairperson may constitute a single Member bench.

(2) The Chairperson shall have the power to decide the distribution of the business of the Tribunal amongst the Members of the Tribunal sitting at different places by order and specify the matters which may be dealt with by each such sitting in accordance with the provisions of clause (d) of sub-section (4) of section 4 of the Act.

(3) If any question arises as to whether any matter falls within the purview of the business allocated to a place of sitting, the decision of the Chairperson shall be final.

Explanation.—The expression “matter” includes application for interim relief.”

(Emphasis added)

37. The proviso was inserted by an amendment of 1st December 2017. The 31st January 2018 Supreme Court order on the NGT Bar Association Petition did not notice any exceptional circumstances justifying a Single Member Bench.

38. We must read these provisions along with Section 21 of the NGT Act and its first proviso.

21. **Decision to be taken by majority.**—The decision of the Tribunal by majority of Members shall be binding:

Provided that if there is a difference of opinion among the Members hearing an application or appeal, and the opinion is equally divided, the Chairperson shall hear (if he has not heard earlier such application or appeal) such application or appeal and decide:

Provided further that where the Chairperson himself has heard such application or appeal along with other Members of the Tribunal, and if there is a difference of opinion among the Members in such cases and the opinion is equally decided, he shall refer the matter to other Members of the Tribunal who shall hear such application or appeal and decide.

(Emphasis added)

39. Finally, we note Rule 5 of the Procedure Rules:

“5. Minimum number of Members who shall hear application or appeal.—

(1) The Tribunal shall hear an application or appeal, as the case may be, consisting of at least by a Judicial and an Expert Member.

(2) Where the Chairperson considers it necessary that a particular case or cases be heard and decided by the Tribunal consisting of more than two Members he may by order in writing direct that such case or case, be heard by such Members of the Tribunal as may be specified in that order.”

40. Ms Alvares draws our attention to a Division Bench order dated 3rd August 2021 in *Meenava Thanthai KR Selvaraj Kumar v National Green Tribunal*¹² by the Madras High Court. That Court took the view, one that we affirm, that the Act and the Rules do not permit a Bench of an odd number of members. Ms Alvares’s submission is that if the number of expert Members on any Bench must be equal to the number of Judicial Members, then, by necessary arithmetic, the bench strength must be an equal number. That is the proviso to Section 4(4)(c). This is also why the first proviso to Section 21 speaks of an opinion ‘being equally divided’, a situation that can only arise if there are an even number of Members. The provision for a single Member sitting in the procedure rules only operates in exceptional circumstances. Ms Alvares submits that this entire framework has been thrown to the winds by the impugned notices. Even assuming that the Bench strength could be more than two, it is unclear how, under the Act and Rules, it can ever be an *odd* number.

12 Writ Petition No. 15112 of 2021.

But if two Members sit and are available in the Western Zone, then the statute does not contemplate the cases on their docket being heard by a larger Bench of an odd number of members sitting at a different location; and especially where the number of Expert Members is not equal to the number of Judicial Members. That the Chairperson is a Judicial Member is accepted. Thus, for the so-called Special Bench, there would be three Judicial Members and two Expert Members of this Special Bench. The statute does not permit this.

41. Until 4th January 2022, there was therefore, following the Supreme Court order of 31st January 2018, no available bench for the Western Zone. Admission matters were diverted to the Central Zone and to the Northern Zone in Delhi. Even then, there was no clarity, as paragraph 13 of the Petition says, as to which matters would be placed before the Northern Bench. Not all non-admission matters were posted before that Bench. We find to our surprise that in the Petition there is a tabulation of cause lists prepared for the non-functional and non-existent Western Bench at that time. It shows that matters were in fact listed before a non-existent bench and internally adjourned. Then some matters went off to the Northern Bench and some to the Central Bench. In the first week of April 2022, a Judicial Member was appointed for the Western Zone Bench. It is after this that there came the third impugned notice of 11th April 2022 (at page 133A) and the further notices that then followed. The result was the sudden composition of a five-member bench in the Northern Zone, with two members of the Northern Zone, the Chairperson, and the two members of the Western Zone. We believe Ms Alvares is correct that nothing in the NGT Act or the Procedure Rules permits this.

42. Ms Alvares's next objection is to the ad-hoc assumption, unwarranted and unsupported by the Act or the Procedure Rules, of jurisdiction by the Northern Zone Bench of matters that pertain to the Western Zone. There is no source of power, she says, to take away matters within the territorial jurisdiction of one Bench. If a particular Bench is non-functional (as indeed often happens with many tribunals) then surely the Writ Courts are available.

43. The answer on affidavit from the NGT is, first, to claim that the matter is one of 'convenience'; or, more accurately, of *inconvenience*. Whose convenience or inconvenience, we are not told. It is certainly not convenient — and it is certainly most inconvenient — for litigants and advocates from Goa not to know which matter is to be heard where by what Bench and for what reason, and to find that matters in a defined jurisdiction have suddenly been removed or withdrawn to some other bench with a differently defined jurisdiction.

44. The second submission by Mr Joshi is that the arrangement was purely temporary while there was a vacancy and insufficiency of Bench strength in the Western Zone. None of the notices say this and they have continued after there is an adequacy of Bench strength at the Western Zonal Bench in Pune. Then we were told that in keeping with the notices and their plain wording the Special Bench was only taking pre-2017 matters. This argument is negated by NGT's own Affidavit in paragraph 22 from pages 190 to 193 where table after table per bench shows that the so-called Special Bench has been taking post-2017 matters as well.

45. This does not even begin to answer the questions of jurisdiction and of the statutory requirement for equalized bench strength.

46. Mr Joshi lays some emphasis on Rule 3 and Section 4 to suggest that it is the Chairperson who decides the distribution of business of the Tribunal amongst Members of the Tribunal sitting at different places. The argument is misconceived. If there are multiple Benches in one zone, then it is for the Chairperson to distribute work between such local benches (just as the Chief Justice or Presiding Judge of any Court distributes work between the multiple benches in the court over which he presides). The Rule does not mean that the Chairperson can randomly cherry-pick matters from any Bench and withdraw them to himself or to a Bench over which he presides. This is particularly so if the Benches are co-equal as at least one High Court has noted.¹³ The submission is by no means and no stretch of the imagination, at least not without doing considerable violence to the language, a legitimate exercise of the power to ‘decide the distribution of business of the Tribunal’. That is not even the stated purpose of the notices.

47. We are told by Mr Joshi that these notices are the results of “internal decisions of the Chairperson”. That adds no value whatsoever to a discussion on law. The Special Bench has no defined time limit. It is not a pro-tem provision until the temporary manpower crises is resolved. Strangely, only the Northern Bench has only

¹³ Madras High Court, paragraph 6 of the order dated 25th June 2021 in *K Saravanan v The National Green Tribunal*, Writ Petition No 13266 of 2021, pp. 162-169 of the petition, at p. 164.

Northern Bench matters; there is no explanation or rationale provided why the Western Zonal Bench is not allowed to hear regular matters when there is a sufficiency of coram, or why some part of its cause-lists — on no known, disclosed, or discernible basis — should be taken up by a wholly improperly constituted bench sitting somewhere else.

48. Mr Joshi claims that the jurisdiction of the Western Zone Bench is not taken away by these notices. True; it is not. And it cannot be taken away. The ingenious workaround seems to be to leave the jurisdiction intact, but to take selective matters away from the jurisdictional bench. So the jurisdiction remains in Pune, but the matter goes to Delhi; and that, we are expected to accept, is perfectly all right and within the administrative power of the Chairperson. What is really happening is that by this administrative legerdemain, the so-called Special Bench, dominated by the Northern Bench, with an unlawfully odd number of members acquires seizin of matters beyond its jurisdiction. It actually does not matter whether the Special Bench has members from the Northern, Eastern or any other Bench. Matters within the Western Zonal Bench must be heard by the Western Zonal bench. It is perfectly legitimate for any Member of any Bench to sit at any other Bench; but the sitting must be of the Bench at its place of sitting to hear matters filed at that Bench.

49. There is one final telling circumstance, and it is to our mind entirely dispositive of the issue. We now set out Section 4 in its entirety.

4. Composition of Tribunal.—

- (1) The Tribunal shall consist of—
 - (a) a full time Chairperson;
 - (b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;
 - (c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.
- (2) The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.
- (3) **The Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting.**
- (4) **The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including—**
 - (a) the rules as to the persons who shall be entitled to appear before the Tribunal;
 - (b) the rules as to the procedure for hearing applications and appeals and other matters **including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)**, pertaining to the applications and appeals;
 - (c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals:

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.

(Emphasis added)

50. Section 4(3), emphasised above, makes it abundantly clear that the Chairperson has no authority whatsoever to specify the place of sitting of the Tribunal or the territorial jurisdiction under each such place of sitting. That can only be done by the Central Government, and it can only be done by notification. It is incapable of being done by administrative action. Further, Section 4(4)(d) also requires that rules be made by the Central Government, though in consultation with the Chairperson, for the *transfer of cases by the Chairperson from one place of sitting, including the ordinary place of sitting, to any other place*. Absent such rules made by the Central Government and duly notified, the Chairperson has no power or authority to simply transfer cases from one place to another, nor to change the territorial jurisdiction of any bench. Any such executive or administrative jurisdictional gerrymandering is proscribed by the statute itself.

51. “*Plus ça change, plus c’est la même chose,*” says Ms Alvares; “The more it changes, the more it stays the same.” In 2017, the NGT attempted to take away cases coming from Goa, Daman Diu, Dadra and Nagar Haveli and assign them to the bench that sits in Delhi. This Court, in its seat at Goa, took up the matter as a Suo Motu Writ Petition No. 1 of 2017 and issued directions on 21st August 2017

(page 53). One of us, GS Patel J, was a member of that Bench. Ultimately, the Division Bench rendered a final decision dated 11th October 2017 (copy at page 57 of the Petition).¹⁴ The Goa Foundation was the lead petitioner. Rule was made absolute and the administrative direction of jurisdictional transfer, at least as it pertained to Goa, was quashed. Nobody has ever challenged that decision.

52. This is critical, Ms Alvares says, for between 2017 and 2022 there has been no change in circumstances and nothing at all has happened to justify an administrative move to hear some Western Zone cases, i.e., those properly filed and lodged with the Western Zone Bench in Pune, before a bench or Special Bench with an entirely different composition in Delhi.

53. Late in the hearing, we were furnished some statistics by Mr Joshi. To our mind, these completely negate the ostensible reason given for constituting the Special Bench, i.e., to clear some alleged backlog. For we find from these notices that while the pendency at the Western Zonal Bench on 21st July 2022 was 654 cases, that of the Northern Bench as on 30th June 2022 was 821 cases. The statistics also show that there were 47 fresh filings in the Western Zone Bench in August 2022 and that the disposal in that month by the Special Bench was 78 cases, clearly meaning that the Special Bench was taking newer as well as older cases. This is also clear from the tabulations in the NGT Affidavit as well. There is, therefore, no

14 *The Goa Foundation v Ministry of Environment, Forests & Climate Change & Anr*, 2017 SCC OnLine Bom 8815 : (2018) 1 Bom CR 232.

question of any administrative exigency in having matters — unknown, unspecified and with no clarity — being selectively taken and cherry-picked for listing before any so-called Special Bench.

54. On both counts, viz., the jurisdictional aspect as well as the illegal composition of the ‘Special Bench’, the notices are vulnerable. All five notices are ultra vires the NGT Act and the Procedure Rules.

55. We also find that they are violative of Article 14 and suffer from the impermissible vice of manifest arbitrariness. One of the crucial components to the administration of justice is transparency. A second is accountability.¹⁵ The third is certainty. All three are conspicuous by their absence in the regime set up in these notices. Nobody knows which case will go to the Special Bench and which will not, or which might cycle back, when, or why. There is no reason why the Western Zone Bench should have to wait online on VC till the work of the Special Bench is over except to lend some colour of legitimacy that the Special Bench is not usurping jurisdiction because the two Western Zone Bench Members are also present online. In fact, this is a complete usurpation of jurisdiction of the Western Zonal Bench, and it fails every test of law and judicial review.

56. Rule is made absolute in terms of prayer clause (a). All five impugned notices dated 6th September 2021, 4th January 2022, 11th April 2022, 27th April 2022 and 26th August 2022 are quashed and set aside. The constitution of the Special Bench seated at New Delhi is illegal. Only the Members of the Western Zonal Bench can hear

15 *Swapnil Tripathi v Supreme Court of India*, (2018) 10 SCC 639.

matters pertaining to the Western Zonal Bench, including matters arising from Goa and Maharashtra.

57. In this Court's Judgment of 11th October 2017, a recommendation was made, although no mandamus was issued, that the authorities must consider in all seriousness a proposal to establish a circuit bench at Panaji in Goa. It is fair to say that the environmental concerns of Goa have been pivotal in shaping the face of environmental law in this country. Those struggles to preserve that land and its environment have continued; as indeed they should. We, therefore, reaffirm such recommendation, that far from moving Goa-centric matters away from Pune, every endeavour must be made to set up a circuit bench in Panaji. This is the only way that true access to justice can be achieved; and access to justice has been held to be a "part and parcel of the right to life".¹⁶ That purpose is not achieved by taking courts further and further away from litigants, lawyers and the very people who come to the NGT to seek environmental justice. It is most appropriately achieved by bringing courts of law to the litigants' doors. This, in our view, is best done by establishing a circuit bench at the nerve-centre of this environmental litigation.

58. The Petition is disposed of in these terms. There will be no order as to costs.

(M. S. SONAK, J.) (G. S. PATEL, J.) (CHIEF JUSTICE)

16 *Anita Kushwaha v Pushap Sudan*, (2016) 8 SCC 509 (5-Judge Bench);



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ANNEXURE R4-4

GUJARAT POLLUTION CONTROL BOARD

Paryavaran Bhavan

Sector - 10-A, Gandhinagar - 382 010

Phone : 3222756, 3222095, 3222096

Gram: CLEANWATER, Fax: (079) 3232156

Website : www.gpcb.gov.in

NO:PC/NOC/VRD-2316/ 11842

To,

M/s. BODAL CHEMICALS PVT LTD, (UNIT-4),
32, BASANT VIHAR, BOPAL,
AHMEDABAD-380058.

16 APR 2004

Sub : SITE CLEARANCE CERTIFICATE.

Ref : Your Application No. nil. dated 08/08/2003.

Sir,

Without prejudice to the powers of this Board under the Water (Prevention and Control of Pollution) Act-1974, the Air Act-1981 and the Environment (Protection) Act-1986 and without reducing your responsibilities under the said Acts in any way, this is to inform you that this Board has No Objection to your setting up of an industrial plant at Sr.NO:804/805/807 To 822-824 To 839 & 849, VILL. DUDHWADA, TA. PADRA, DIST. VADODARA. for the manufacture of the following items :-

ITEMSCAPACITY

AS PER LIST ATTACHED

SUBJECT TO THE FOLLOWING CONDITIONS :-

1. The quantity of the industrial effluent from the manufacturing process and other ancillary industrial operations shall not exceed 237.48 KL/Day. The Waste water generated from vinyl sulphone & H. Acid zero discharge maintained and waste water generated from dyes intermediate plant will be sent to ECP channel after due .
2. The quantity of the domestic waste water (sewage) shall not exceed 12.50KL/day.
- 2a. The concentrated and Toxic effluent stream generated shall be segregated and completely incinerated in well designed incinerator .
3. The effluent treatment plant consisting of the following units shall be installed.
 - (1) Collection cum Neutralization Treatment Tank.
 - (2) Filtrate Press.
 - (3) Filtrate storage Tank.

- (4) UASB Or UAR
 - (5) Aeration Tank.
 - (6) Secondary Clarifier.
 - (7) Treated water Holding pump.
 - (8) Pressure sand filter.
 - (9) Activated Carbon Column.
 - (10) Final Treated water storage Tank.
 - (11) Sludge Drying Beds.
4. The quality of the industrial effluent shall conform to the following standards :

PARAMETERS	CETP NORMS	INLET
PH	5 to 9	
Temperature	45° C	
Colour (pt.co.scale) in units	-	
Suspended Solids	600 mg/l	
Oil and Grease	20 mg/l	
Phenolic Compounds	5 mg/l	
Cyanides	0.2 mg/l	
Fluorides	2 mg/l	
Sulphides	2 mg/l	
Ammonical Nitrogen	50 mg/l	
Arsenic	0.2 mg/l	
Total Chromium	2 mg/l	
Hexavalent Chromium	1.0 mg/l	
Copper	2 mg/l	
Lead	0.2 mg/l	
Mercury	0.01 mg/l	
Nickel	5 mg/l	
Zinc	5 mg/l	
Cadmium	2 mg/l	
BOD (5 days at 20°C)	500 mg/l	
COD	2000 mg/l	
Chlorides	-	
Sulphates	-	
Total dissolved Solids	-	
Free Ammonia	5 mg/l	
Insecticides/Pesticides	Absent	



185 GUJARAT POLLUTION CONTROL BOARD

Paryavaran Bhavan

Sector - 10-A, Gandhinagar - 382 010

Phone : 3222756, 3222095, 3222096

Gram: CLEANWATER, Fax: (079) 3232156

Website : www.gpcb.gov.in

Sodium absorption ratio	-
Bio-assay test	-

5. The treated effluent conforming to the above standards shall be discharged into CETP, EICL, UMRAYA through designated tankers.
6. Sewage shall be disposed of through septic tank/soak pit system or it shall be treated along with the industrial effluent or it shall be treated separately to conform to the following standards and shall be utilised on land for gardening, plantation and irrigation.

BOD	Less than 20 mg/l
Suspended Solids	Less than 30 mg/l
Residual Chlorine	minimum 0.5 ppm.

7. Following shall be utilised as fuel in the boiler / furnace Heater/ Incinerator.
- (i) Oil 220 Lit/M
- (ii) Wood 600 Kg/M
8. Flue gas emission from the stack attached to the boiler / furnace/Incinerators/Heaters shall conform to the following standards:

<u>PARAMETERS</u>	<u>PERMISSIBLE LIMIT</u>
Particulate Matter	150 mg/NM ³
Oxides of Sulphur	100 ppm
Oxides of Nitrogen	50 ppm

9. Process emission through vents / stacks attached to air pollution control systems provided with various reactors, process, vessels, storage tanks etc., shall conform to the following standards :

<u>PARAMETERS</u>	<u>PERMISSIBLE LIMIT</u>
NOx	25 mg/NM ³
SO ₂	40 mg/NM ³
HCL	20 mg/NM ³
Chlorine	9 mg/NM ³

10. Adequate air pollution control system shall be installed for control of flue gas emissions and process emission
11. Stack monitoring facilities like port hole, platform/ladder etc., shall be provided with stacks/vents chimney in order to facilitate sampling of gases being emitted into the atmosphere.
12. Ambient air quality within the premises of the industry shall conform to the following standards :-

PARAMETERSPERMISSIBLE LIMIT

✓ Suspended Particulate Matter	200 Microgram/M ³
SO ₂	80 Microgram/M ³
NO _x	80 Microgram/M ³

13. All measures for the control of environmental pollution shall be provided before commencing production.
14. ✓ Hazardous waste shall be disposed of TSDf, NECL, NANDESARI, DIST: VADODARA.
15. Adequate plantation shall be carried out all along the periphery of the industrial premises in such a way that the density of plantation is atleast **1000 trees** per acre of land and a green belt of **5.0 meters** width is developed.
16. The applicant shall have to submit the returns in prescribed form regarding water consumption and shall have to make payment of water cess to the Board under the Water Cess Act- 1977.
17. In case of change of ownership/management the name and address of the new owners/partners/directors/proprietor should immediately be intimated to the Board.
18. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gaseous emission or sewage waste from the proposed industrial plant. The applicant is required to make applications to this Board for this purpose in the prescribed forms under the provisions of the Water Act.1974, the Air Act-1981 and the Environment (Protection) Act-1986.



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GUJARAT POLLUTION CONTROL BOARD

Paryavaran Bhavan

Sector - 10-A, Gandhinagar - 382 010

Phone : 3222756, 3222095, 3222096

Gram: CLEANWATER, Fax: (079) 3232156

Website : www.gpcb.gov.in

19. The applicant also comply with the General conditions as per Annexure - I attached herewith (No.1 to 38) (whichever applicable)
20. The concentration of Noise in ambient air within the premises of industrial unit shall not exceed following levels:
Between 6 A.M. and 9 P.M. : 75 dB(A)
Between 9 P.M. and 6 A.M. : 70 dB(A)

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD


(P.S. SHAH)

SR. ENVIRONMENTAL ENGINEER

Sr.No.	Name of the product	Capacity MT/M
1.	H acid	150 Mt/M
2.	Vinyl Sulphone	200 Mt/M
3.	Meta phenylene diamine (MPD) And/Or Para Phenyl diamine (PPD)	60
2	Acetanilide	150
3	Sulphotobias Acid	10
4	FC Acid And/Or 8 Naphthol 2-Amino -6 Sulphonic Acid (Gamma Acid) And/Or 4:4 Diaminobenzene Sulfanilide(DASA)	100
5	1:4 Salfo phenyl 3 Carboxy 5 parazolone (SPCP) And/Or MUA	10
6	Meta phenyl Diamine 4 sulphonic acid (MPD4SA)	10

List of By – Products

1. Hydrochloric acid (30%) ♦ @ 500MT/M
2. Sodium sulphate * 91 MT/M (on 100% dry
(VINYL SULPHONE) basis)
3. Sodium Sulphate * 30 MT/M
From crystalizer(H Acid)
4. Spent sulphuric acid * 1300-1400 MT/M
5. Sulphanilic acid ♦ 10.0 MT/M
6. Gypsum sludge ♦ 1350 MT/M
7. Acetic acid * 43.7 MT/M
8. R Salt 5-6 Mt/M

Perk

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GUJARAT POLLUTION CONTROL BOARD
Paryavaran Bhavan

Sector-10-A, Gandhinagar - 382 010. Phone : 23222756, 23222095, 23222096
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In exercise of the power conferred under section-25 of the Water (Prevention and Control of Pollution) Act-1974, under section-21 of the Air (Prevention and Control of Pollution)-1981 and Authorization under rule 3(c) & 5 (5) of the Hazardous Waste (Management and Handling) Rules'1989 & as amended up to year 2003 framed under the Environmental (protection) Act-1986.

And whereas Board has received consolidated consent application No.1019, dtd: dated 6-7-2007 and subsequent correspondence thereof for the Consolidated Consent and Authorization (CC & A) of this Board under the provisions / rules of the aforesaid 'Acts. Consent & Authorization are hereby g'anted as under:

CONSENT AND AUTHORISATION:

(under the provisions / rules of the aforesaid environmental acts)

To,
M/s. BODAL CHEMICALS LIMITED (UNIT – VII),
PLOT NO. 804, 805, 807 TO 822, 824 TO 839 & 849,
VILLAGE – DUDHWADA, TALUKA PADRA,
DISTRICT VADODARA.

1. Consent Order No.: **9906**, date of Issue: **19/12/2007**.
2. The consents shall be valid up to **05-07-2012** for use of outlet for the discharge of trade effluent & emission due to operation of industrial plant for manufacture of the following items / products / by-products:

Sr.No.	Product	Quantity
1.	H ACID	150 MT/Month
2.	VINYL SULPHONE	200 MT/Month
3.	ACETANILIDE	150 MT/Month
	By-Products	
1.	HCl (30 %)	220 TO 390 MT/Month
2.	SPENT H ₂ SO ₄	1400 TO 1500 MT/Month
3.	GLAUBER SALT (FRM VS PLANT)	90 MT/Month
4.	GLAUBER SALT (FROM H ACID PLANT)	150 MT/Month
5.	ACETIC ACID	35 MT/Month
6.	GYPSUM SLUDGE	850 MT/Month

3. CONDITIONS UNDER THE WATER ACT:

- 3.1 The quantity of trade effluent from the R.O. Plant and Utilities Plant shall not exceed 145 Kilo Lits/day.
- 3.2 The quantity of trade effluent generation from the industrial operation (processing) shall not exceed 123 Kilo Lits/day, which shall be totally incinerated in incinerator as per CPCB guidelines and hence there shall be zero discharge of trade effluent generation from the industrial operation (processing) from your industry.
- 3.3 The quantity of Sewage effluent from the factory shall not exceed 2500 lits/day.

TRADE EFFLUENT :

- 3.3.1 The concentrated and toxic effluent stream generated as per condition no. 3.2 above shall be segregated and completely incinerated in a well designed incinerator.
- 3.3.2 The effluent from the R.O. Plant and the Utilities Plant as per condition no. 3.1 shall conform to the ECPL inlet norms mentioned below.

PARAMETERS	ECP INLET NORMS
pH	6.5 to 8.5
Temperature	40° C
Colour (pt.co.scale) in units	100 units
Suspended Solids	100 mg/l
Oil and Grease	10 mg/l
Phenolic Compounds	1 mg/l
Cyanides	0.2 mg/l
Fluorides	1.5 mg/l
Sulphides	2 mg/l
Ammonical Nitrogen	50 mg/l
Arsenic	0.2 mg/l
Total Chromium	2.0 mg/l
Hexavalent Chromium	0.1 mg/l
Copper	3 mg/l
Lead	0.1 mg/l
Mercury	0.01 mg/l
Nickel	3 mg/l
Zinc	5 mg/l
BOD (3 days at 27° C)	100mg/l
COD	250 mg/l
Chlorides	600 mg/l
Sulphates	1000 mg/l
Total dissolved solids	5000 mg/l
Insecticides/Pesticides	Absent
Bio-assay test	90 % Survival of fish after 96 hours in 100 % effluent.

- 3.3.3 The final treated effluent from the R. O. Plant & the Utilities Plant conforming to the above standards shall be discharged into effluent channel project of M/s ECPL and shall ultimately be conveyed up to the estuary of river Mahi.
- 3.3.4 You shall provide separate energy meter for the Effluent Treatment Plant and Incinerators.
- 3.3.5 Different colour coding shall be done for both type of the effluent lines i.e. effluent line conveying process waste water (zero disposal) and the effluent lines conveying waste water of the R.O. Plant & Utilities Plant.



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GUJARAT POLLUTION CONTROL BOARD

Paryavaran Bhavan

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- 3.3.6 Adequate effluent sampling points shall be provided at Effluent Treatment Plant outlet as well as disposal point at effluent channel project.
- 3.3.7 You shall maintain daily log book with details of products / by products manufacture, its quantity, water consumption, waste water generation, waste water incinerated, fuel used in incinerator, incineration ash generated, power consumed etc. and keep it ready for inspection all the time in your factory.
- 3.3.8 Domestic effluent shall be disposed off through septic tank / soak pit system

4. CONDITIONS UNDER THE AIR ACT:

- 4.1 There shall be used as fuel in boiler / furnace / heater respectively:

Sr.No.	Fuel	Quantity
1.	Lignite / Coal (For IBR Boiler-1)	1.25 MT/Hour
2.	Lignite / Coal (For IBR Boiler – 2)	1.25 MT/Hour
3.	Lignite / Coal (For Thermic Fluid Heater)	0.5 MT/Hour
4.	Coal (For Incinerator – 1)	0.2 MT/Hour
5.	Furnace Oil (For Incinerator – 1)	0.15 KLs/ Hour

- 4.2 The applicant shall install & operate air pollution control system in order to achieve norms prescribed below.

- 4.2.1 The flue gas emission through stack attached to boiler / furnace / heater shall conform to the following standards:

Stack No.	Stack attached to	Stack height in Meter	Air Pollution Control Measures	Parameter	Permissible Limit
1.	IBR Boiler No. 1, IBR Boiler NO. 2, Thermic Fluid Heater	37 (Common Stack)	Multiclones Multiclones Multiclones	Particulate matter SO ₂ NO _x	150 mg/NM ³ 100 ppm 50 ppm
2.	Incinerator No 1 Incinerator No. 2	30 (Common Stack)	Ventury Scrubber, Cyclone Ventury Scrubber	Particulate matter SO ₂ NO _x	150 mg/NM ³ 100 ppm 50 ppm

- 4.2.2 The process emission through various stacks / vent of reactors, process, vessel shall conform to the following standards:

Stack No.	Stack attached to	Stack height in Meter	Air pollution control system	Parameter	Permissible Limit
1.	Chlorosulphonator and dumping vessel (VS Plant)	15	Three Stage Water Scrubber and an alkali scrubber	SO ₂ HCl	40 mg/NM ³ 20 mg/NM ³

2.	Neutralization Vessels – 3 nos. (H Acid)	15	Two stage alkali scrubber	NOx	25 mg/NM ³
3.	Isolation Vessel – 4 Nos. , Sulphonator, Spent acid storage tank (H Acid)	15	Three stage alkali scrubber	SO2 NOx	40 mg/NM ³ 25 mg/NM ³

4.2.3 The concentration of the following parameters in the ambient air within the premises of the industry shall not exceed the limits specified hereunder.

PARAMETER	PERMISSIBLE LIMIT
Suspended Particulate Matter	200 microgram per cubic meter
RSPM	100 microgram per cubic meter
Oxides Of Sulphur	80 microgram per cubic meter
Oxides Of Nitrogen	80 microgram per cubic meter
HCl	200 microgram per cubic meter

4.3 The applicant shall provide portholes, ladder, platform etc at chimney (s) for monitoring the air emissions and the same shall be open for inspection to / and for use of Board's staff. The chimney (s) vents attached to various sources of emission shall be designed by numbers such as S-1, S-2, etc. and these shall be painted / displayed to facilitate identification.

4.4 The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75db(a) during day time and 70db(A) during night time. Daytime is reckoned in between 6 a.m. and 10 p.m. and nighttime is reckoned between 10 p.m. and 6 a.m.

5. SPECIFIC CONDITIONS: -

5.1 The Waste mother liquor shall be subjected to Na₂SO₄ recovery before incineration. The recovered Na₂SO₄ either be reused in the process which would reduce soda consumption or sold to the potential users.

5.2 The weak waste water streams consisting of floor washing, filter press washing etc. shall be reused in the plant after desired treatment. In no case effluent shall be discharged.

5.3 All the solid wastes (Gypsum, iron, Effluent Treatment Plant sludge and incineration ash) shall be stores on covered pucca floor with seepage collection system, before its final disposal.

5.4 The Gypsum Sludge shall either be disposed, after proper washing, in secured landfill or sold to the user industries. In both the cases, proper manifest system shall be followed.

5.5 Use of iron sludge by Paint industries shall be explored.

5.6 The industry shall have trained personnel for operation and maintenance of pollution control systems on sustained basis.

5.7 Pucca flooring within the plant and proper collection of waste water shall be provided.

5.8 The industries shall monitor ground water quality in and around the plant premises to check its contamination through leachate due to improper handling of effluent and / or solid wastes.



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GUJARAT POLLUTION CONTROL BOARD
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- 5.9 The industry shall explore the possibilities to minimize / eliminate waste generation by adopting Cleaner Production Technologies.
- 5.10 Any change in personnel, equipment or working conditions as mentioned in the consents form/order should immediately be intimated to this Board.
- 5.11 Applicant shall also comply with the general conditions given in annexure I.

6. AUTHORIZATION FOR THE MANAGEMENT & HENDLING OF HAZARDOUS WASTES Form-2 (See rule 3 (c) & 5 (5))

6.1 Number of authorization **9906**, date of issue: **18/12/2007**.

6.1.1 **M/s. BODAL CHEMICALS LIMITED (UNIT – VII)** is hereby granted an authorization to operate facility for following hazardous wastes on the premises situated at **PLOT NO. 804, 805, 807 TO 822, 824 TO 839 & 849, VILLAGE – DUDHWADA, TALUKA PADRA, DISTRICT VADODARA.**

Sr.No.	Waste	Quantity	Category of HW	Facility
1.	Process sludge from filtration and neutralization	1350 MT/M	26.1	Collection, Storage, Transportation, Disposal at TSDf
2.	Iron sludge	315 MT/M	26.1	Collection, Storage, Transportation, Disposal at TSDf
3.	ETP sludge	250-300 MT/M	26.2	Collection, Storage, Transportation, Disposal at TSDf
4.	Incineration ash	75 MT/M	36.2	Collection, Storage, Transportation, Disposal at TSDf
5.	Spent sulphuric acid	1400-1500 MT/M	D2	Captivity consumed in H Acid Manufacturing / Sold out to authorized potential consumers
6.	HCl (30%)	390 MT/M	D2	Sold out to authorized potential consumers
7.	Used Oil	50 Lits/Year	5.1	Collection, Storage and selling to registered re-refiners
8.	Discarded containers / barrels / liners	200 Nos./ M	33.1	Collection, storage, decontamination

6.1.2 The authorization is granted to operate a facility for collection, storage, within factory premises, transportation and ultimate disposal of Hazardous wastes at TSDf developed by M/s Nandesari Enviro Control Ltd., Nandesari, Dist. Vadodara.

6.1.3 The authorization shall be in force for a period up to 05-07-2012

6.1.4 The authorization is subjected to the conditions stated below and such other conditions as may be specified in the rules from time to time under the Environment (Protection) Act-1986.

6.2 TERMS AND CONDITONS OF AUTHORIZATION:

- 6.2.1 The applicant shall comply with the provisions of the Environment (Protection) Act-1986 and the rules made there under.
- 6.2.2 The authorization shall be produced for inspection at the request of an officer authorized by the Gujarat Pollution Control Board.
- 6.2.3 The persons authorized shall not rent, lend, sell, transfer otherwise transport the hazardous wastes without obtaining prior permission of the Gujarat Pollution Control Board.
- 6.2.4 Any unauthorized change in personnel, equipment or working conditions as mentioned in the authorization order by the persons authorized shall constitute a breach of this authorization.
- 6.2.5 It is the duty of the authorized person to take prior permission of the Gujarat Pollution Control Board to close down the facility.
- 6.2.6 An application for the renewal of an authorization shall be made as laid down in rule 5 (6) (ii).
- 6.2.7 Industry shall have to display the relevant information with regard to hazardous waste as indicated in the Supreme Court's Order in W.P. No. 657 of 1995 dtd: 14th October 2003.
- 6.2.8 Industry shall have to display on-line data outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant including waste water and air emissions and solid hazardous wastes generated within the factory premises.
- 6.2.9 Industry shall have to manage waste oil, discarded container, etc as per the amendment rules-2003 and shall apply for authorization for category no. all applicable waste as per amended rules-2003 within 15 days.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD


(V.R.PATEL)
Environmental Engineer

NO: GPCB / CCA-VRD-905 / 34555

Issued To: -

19 DEC 2007

✓ M/s. BODAL CHEMICALS LIMITED (UNIT – VII),
PLOT NO. 804, 805, 807 TO 822, 824 TO 839 & 849,
VILLAGE – DUDHWADA, TALUKA PADRA,
DISTRICT VADODARA.

GUJARAT POLLUTION CONTROL BOARD
GENERAL CONDITIONS (NOC-1 TO 38)

- 01 In case of any change either in products, its capacity or manufacturing process, the applicant shall have to obtain prior permission of this Board. The applicant shall not commence the production until consent under Water (Prevention and Control of Pollution) Act-1974, Air (Prevention and Control of Pollution) Act-1981 and Authorisation under the Hazardous Waste (Management and Handling) Rules-1989 is obtained.
- 02 If the products, process falls in SCHEDULE-I or II of the Environmental Audit Scheme, as specified in the order dated 13/03/97 of Hon. High Court in MCA No.326/97 in SCA No.770/95, the applicant shall also abide by the said scheme.
- 03 The applicant shall have to register the unit under the provisions of the Factories Act-1948 and shall obtain the necessary factory license.
- 04 The Environmental Management unit/Cell shall be set up to ensure implementation and monitoring of environmental safeguards and other conditions stipulated by statutory authorities. The Environmental Cell / unit shall directly report to the Chief Executive of the organization and shall work as a focal point for internalizing environmental issues. These cells / units shall also co-ordinate the exercise of environmental audit and preparation of environmental Statements.
- 05 The applicant shall have to obtain P.L.I. Policy as per P.L.I. Act-1991 and submit the copy of the same to the G.P.C.B.
- 06 The concentration of Noise on ambient air within the factory premises shall not exceed the following limit :
- Between 6 AM to 10 PM : 75 dB (A)
Between 10 PM to 6 AM : 70 dB (A)
- 07 The unit shall, on establishing this plant.
- a). Put up at the entrance and prominent places boards prominently displaying the name of the unit, particulars of the products / process and the names of the Proprietor / Partners/Directors of the unit, the electricity consumer number and the name of the electricity consumer as on the record of the GEB.
- b). Make adequate lighting arrangements all around the Effluent Treatment Plants Pollution Control Measures and also above the boards mentioned in the above clause.
08. The Environmental Audit shall be carried out yearly and the environmental statements pertaining to previous year shall be submitted to this Board latest by 30th September every year.
- 09 The unit shall have and use only one outlet for the discharge of its effluent and no effluent shall be discharged without requisite treatment and without meeting with the GPCB norms. Such outlet shall be near the front gate/ entrance of the unit. The unit shall not keep any bypass line or system or loose or flexible pipe for discharging effluent outside or even for transporting treated or untreated effluent within the factory premises, within effluent treatment plants or in the compound of the unit.
- 10 Magnetic Flow Meters" should be installed at inlet and outlet of Effluent Treatment Plant (ETP thereafter)
11. All the chemicals and nutrients which are required to be added / dosed any where in the ETP should be so added by using " Metering Pumps" only.
12. The pipeline connecting various equipments or sumps or tanks of ETP should be minimum in number. Loose connections of hosepipes or temporary connections will not be permitted.
13. In case of incinerators the unit shall provide the flow measuring devices for mother liquor, light diesel oil, air used for combustion and temperature measuring devices within incinerators at different points scrubber, outside the incinerator should be provided. The temperatures as well as flow should be recorded, every day.
14. In case of plants involving Bio-mass Treatment. For each addition of bio-mass time and quantity, should be recorded. The uptake rate of oxygen of the bio-mass in the aeration basin and other parameters of biological system should be recorded every day.
15. The printed log books shall be maintained and get it certified for:
- a. Energy / fuel consumption / Raw material Consumption and quantity of products manufactured.
- b. Waste water / gaseous flow at inlet & outlet of ETP and Air Pollution Control Measures.
- c. Quantity of sludge generated.
- d. Laboratory analysis / reports for each of the specified parameters of liquid effluents, gaseous discharge and soil sludge samples.

Conditions for Disposal facility (Disposal at Common TSDF):

1. The hazardous waste shall be disposed of at notified and authorised secured disposal facility.
2. If the authorisation of the operator of the disposal facility is withdrawn or cancelled by the Board, authorisation issued to you for transportation of hazardous Waste for disposal shall be automatically treated as cancelled without further reference to you.
3. The generator/occupier or operator of facility or transporter shall prepare a manifest as per the rules and shall forward copy to each other and also to Regional Office of Gujarat Pollution Control Board in such a way that one can assure that Hazardous waste is properly transported and disposed.

Conditions for actual reuser

1. Recyclers and re-refiners registered with the Government of India in the Ministry of Environment and Forests or the Central Pollution Control Board shall maintain a record of wastes purchased, processed and sold and shall file an annual return in Form-12 to the Board latest by 31st January of every year.
2. Re-refiners and recyclers shall use only environmentally sound technologies while recycling and re-refining non-ferrous metal wastes or used oil or waste oil. In case of used oil, re-refiners using acid clay process or modified acid clay process shall switch over within six months from the date of commencement of the Hazardous Wastes (Management and Handling) Amendment Rules, 2003 to other environmentally sound technologies as under:-
 - (a) Vacuum distillation with clay treatment;
 - (b) Vacuum distillation with hydro treating;
 - (c) Thin film evaporation process; or
 - (d) Any other technology approved by the Ministry of Environment and Forests
3. The re-refiners and recyclers registered with the Ministry of Environment and Forests or the Central Pollution Control Board in accordance with the procedure laid down in rule 19 shall file a compliance report of having adopted one of the technologies mentioned in sub-rule (1) within six months from the date of commencement of the Hazardous Wastes (Management and Handling) Amendment Rules, 2003 to the board.

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198 **ANNEXURE R4-6**
GUJARAT POLLUTION CONTROL BOARD
Paryavaran Bhavan

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No: -GPCB/CCA-VRD-905/ 6392

29 FEB 2008

Amendment to CONSENTS AND AUTHORISATION Order No:- 9906
(Under the provisions/rules of the aforesaid environmental acts)
Dtae: - 19-12-2007

To,
M/S BODAL CHEMICALS LIMITED (UNIT – VII),
PLOT NO. 804, 805, 807 TO 822, 824 TO 839 & 849,
VILLAGE – DUDHWADA, TALUKA PADRA,
DISTRICT VADODARA

In exercise of the power conferred under section-25 of the Water (Prevention and Control of Pollution) Act-1974, under section-21 of the Air (Prevention and Control of Pollution) Act-1981 and Authorization under rule 3(c) & 5(5) of the Hazardous Waste (Management and Handling) Rules'1989, amendment rules-2000, amended rules-2003 framed under the E (P) Act-1986.

And whereas Board has granted consolidated consent Authorization (CC&A) vide **order No. 9906** vide **letter No- GPCB / CCA-VRD-905 / 34555, Dated 19/12 /2007** under the provisions. Rules of the aforesaid Acts.

And whereas Board has received your application **letter No NIL, dated 6/12/2007** for the amendment of consolidated consent and Authorization*CC&A) of this Board under the provisions/rules of the aforesaid Acts. Consents & Authorization are hereby amended as under subjected to amendment for the following conditions only.

(1) The condition no: 4.1 & 4.2.1 for Incinerator no. 1 and Incinerator No. 2 are amended as under:

4.1 The following shall be used as fuel in boiler / furnace / heater respectively.

Sr. No.	Fuel	Quantity
1.	Furnace Oil (Incinerator No. 1)	0.25 KL / Hour
2.	Furnace Oil (Incinerator No. 2)	0.10 KL / Hour

4.2.1. The flue gas emission through stack attached to boiler / furnace shall conform to the following standards:

Stack No.	Stack Attached To	Stack Height in Meter	Air Pollution Control Measures	Parameter	Permissible Limit
2.	Incinerator No 1 Incinerator No 2	30 (Common Stack)	Quenching followed by Venturi Scrubber followed by Spray Tower	Particulate matter SO ₂ NO _x	150 mg/NM ³ 100 ppm 50 ppm

(2) The condition : No.6.1.1 & 6.1.2 mentioned under the head AUTHORISATION FOR THE MANAGEMENT & HANDLING OF HAZARDOUS WASTES is amended as under:

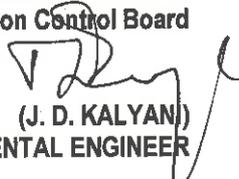
6.1.1 M/s. BODAL CHEMICALS LIMITED (UNIT – VII) is hereby granted an authorization to operate facility for following hazardous wastes in the premises situated at ___ in place of wastes mentioned at Sr. No. 1, 2 & 3, condition no. 6.1.1 of said C. C. & A. order:

Sr	Waste	Qualities	Schedule	Facilities
1	Process sludge from filtration and neutralization	1350 MT / Month	26.1	Collection, Storage, Transportation, disposal by sell for recycling to M/s Gujarat Ambuja Cement, at Kodinar, Dist. Junagadh; M/s UltraTech Cement Ltd, Vill. Kovaya, Dist. Amreli & M/s Saurashtra Cement Ltd, at Ranavav, Dist. Porbandar
2	Iron Sludge	315 MT / Month	26.1	Collection, Storage, Transportation, disposal by sell for recycling to M/s Gujarat Sidhee Cement Ltd, at Sidhee Gram, Dist. Junagadh; M/s UltraTech Cement Ltd, Vill. Kovaya, Dist. Amreli & M/s Saurashtra Cement Ltd, at Ranavav, Dist. Porbandar
3	ETP Sludge	300 MT/Month	26.2	Collection, Storage, Transportation, disposal by sell for recycling to M/s Gujarat Ambuja Cement, at Kodinar, Dist. Junagadh; M/s UltraTech Cement Ltd, Vill. Kovaya, Dist. Amreli & M/s Saurashtra Cement Ltd, at Ranavav, Dist. Porbandar

(3) The name of TSDF mentioned at condition no. 6.1.2 of the said authorisation order is amended as GESCSL, Vatva, Ahmedabad in place of M/s Nandesari Enviro Control Ltd., Nandesari, Dist. Vadodara.

The order conditions of the CC&A orders No- 9906, dated: 19-12-2007 shall remain uncharged.

For and on behalf of
Gujarat Pollution Control Board


(J. D. KALYAN)
I/C ENVIRONMENTAL ENGINEER

Issued to:-
M/S BODAL CHEMICALS LIMITED (UNIT – VII),
PLOT NO. 804, 805, 807 TO 822, 824 TO 839 & 849,
VILLAGE – DUDHWADA, TALUKA PADRA,
DISTRICT VADODARA



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भारत सरकार
पर्यावरण एवं वन मंत्रालय
Government of India
Ministry of Environment & Forests
(IA Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi – 110 003
E-mail: plahujarai@yahoo.com
Telefax: 011: 2436 3973

No. J-11011/613/2007- IA II (I)

Dated: June 12, 2008

To,

M/s Bodal Chemicals Ltd. (Unit-VII)
Plot No. 123-124, GIDC Vatva
Ahmedabad – 382445
Gujarat

Sub : Expansion of Synthetic Organic Dye unit located at village Dudhwada District Vadodara Gujarat by M/s Bodal Chemicals Limited (Unit VII) – environmental clearance reg.

Sir,

This has reference to your letter no. nil dated 11th March, 2008 along with application in Form – 1, pre-feasibility report and EIA/EMP report seeking environmental clearance for the above project under the Environment impact Assessment Notification, 2006.

2. The Ministry of Environment and Forests has examined the proposal. It is noted that proposal is for expansion of synthetic organic Dyes Manufacturing unit at Village Dudhwada, Padra Taluka of Vadodara District in Gujarat. The land area available is 14.2 ha out of which 1.5 ha shall be developed as Green Belt. Expansion will be carried within the existing plant premises for which 9.4 ha of area has been earmarked. The Unit proposes to expand the capacity to 1000 MTM for crude synthetic dyes with an addition of 500 MTM of Beta Naphthol. No National Park/Wildlife Sanctuary/eco-sensitive area/archaeological site are located within 10km radius of the plant. The cost of the expansion project is Rs. 25.00 Crores, of which Rs. 2.2 Crores will be for environmental protection measures.

3. It is noted that total water requirement after expansion will be 1400 m³/day which will be sourced from Bore well within the plant premises. The waste water generation will increase from 270 m³/d to 700 m³/d after the expansion which will be treated in ETP up to tertiary treatment through activated charcoal and shall be disposed of into channel project leading to sea. Presently 143 m³/d concentrated stream of effluent is incinerated and dilute stream is treated in ETP up to GPCB discharged norms. Mother liquor generated from H-Acid and Vinyl sulphone will be incinerated. For dilute stream of washing wastewater, primary treatment will be provided. Concentrated stream will be segregated from other dilute stream for beta naphthol which will have different collection tanks. The power requirement for the project is 3000 KVA which will be sourced from Madhay Gujarat Vij Co. Ltd. (GEB). Multi-cyclone will be provided for control of SPM emissions from the coal fired boiler and IBR stream boilers. Two-stage Cyclone separator followed by water scrubber shall be provided for Spray dryer and Synthetic Organic Dyes Units. SO₂ will be generated from Beta naphthol unit which will be circulated to other process vessels for reuse. Ventury scrubber followed by three stage counter current Alkali scrubber shall be provided for process vents from Sulphonators, Nitrators and Isolators. Ventury scrubber followed by two stage Caustic Soda scrubber would be provided for process vents from neutralizers. Packed Column followed by two ventury scrubber followed by Alkali Scrubber shall be provided for process vents from

Sulphonators. ETP sludge generation shall increase from 90 MTM to 210 MTM which will be disposed off to TSDF of Nandesari or sold to Cement Manufacturing Unit. Presently the unit is generating 1350 MTM of process sludge, 315 MTM of Iron Sludge, 75 MTM of Incinerator ash, 1500 MTM of Spent Sulphuric Acid, 390 MTM of HCl which is being sent to TSDF of Nandesari or sold. There will be no generation of incineration ash, process sludge, spent Sulphuric Acid and Hydrochloric Acid due to expansion. 2 MTM of Distillation residue due to expansion shall be sent to CHWI Facility at Nandesari for incineration. Waste/ used oil shall be sold to Registered Recyclers and Discarded Containers/ Empty bags /Barrels etc. shall be decontaminated or reused for storage of waste for disposal into TSDF Site.

5. The project activity is listed at S.N. 5(f) under Category 'A'. The proposal was considered and appraised at centre in 81st meeting of the Expert Appraisal Committee (Industry) held during 12-14th May, 2008. Public hearing of the project was held on 4th March, 2008.

6. Based on the information submitted by the Project Authorities, the Ministry of Environment and Forests hereby accords the environmental clearance to the above project under the provisions of EIA Notification dated 14th September, 2006 subject to compliance of the following specific and general conditions:

A SPECIFIC CONDITIONS:

- i. The effluent generation shall not exceed 700 m³/d. The process effluent after primary, secondary and tertiary treatment and meeting the prescribed standards shall be disposed of ECP channel leading to sea. The domestic waste water shall be disposed of through septic tank/soak pit. There shall be segregation of concentrated stream from dilute stream i.e stream from the utility and washing section. The concentrated stream shall be incinerated and dilute stream shall be treated in ETP upto GPCB discharge norms.
- ii. Process emissions in the form of HCl and SO₂ from the process vents shall be scrubbed with ventury scrubber followed by three state counter current alkali scrubber. Monitoring for VOC and HC shall be carried in the work zone and data submitted to the State Pollution Control Board/RO of the Ministry.
- iii. Particulate emissions from the IBR steam boiler and hot air generator shall be controlled by multicyclone dust collector and emissions shall be conform to the prescribed standards. Two stage cyclone separator followed by wet scrubber shall be installed to control the process gas emissions from the spray dryer. To control the emissions from the boiler and DG set shall be controlled by stack height as per the CPCB standards.
- iv. Fugitive emissions in the work zone environment, product, raw materials storage area etc. shall be regularly monitored. The emissions shall conform to the limits imposed by GPCB.
- v. During transfer of materials, spillages shall be avoided and garland drains be constructed to avoid mixing of accidental spillages with domestic waste and storm drains.
- vi. The project authorities shall develop greenbelt in 33% of project area as per the guidelines of CPCB to mitigate the effect of fugitive emissions.

- vii. Adequate financial provision shall be made in the budget of the project for implementation of the above suggested environmental safeguards. Fund so earmarked shall not be diverted for any other purpose.
- viii. Occupational health surveillance of the workers shall be done on a regular basis and records maintained as per the Factories Act.
- ix. The company shall make the arrangement for protection of possible fire hazards during manufacturing process in material handling.
- x. The company shall undertake waste minimization and water conservation measures.
- xi. Rainwater harvesting measures shall be undertaken to control the fresh water consumption and recharge the ground water.

B. GENERAL CONDITIONS

- i. The project authorities shall strictly adhere to the stipulations of the SPCB/state government or any statutory body.
- ii. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment and Forests. In case of deviations or alterations in the project proposal from those submitted to this Ministry for clearance, a fresh reference shall be made to the Ministry to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- iii. The project authorities shall strictly comply with the rules and regulations under Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 as amended. Authorization from the SPCB shall be obtained for collection, treatment, storage, and disposal of hazardous wastes.
- iv. Ambient air quality monitoring stations shall be set up in the downwind direction as well as where maximum ground level concentration are anticipated in consultation with the State Pollution Control Board.
- v. For control of process emissions, stacks of appropriate height as per the Central Pollution Control Board guidelines shall be provided. The scrubbed water shall be sent to ETP for further treatment.
- vi. The company shall undertake following Waste Minimization measures :-
 - Metering of quantities of active ingredients to minimize waste.
 - Reuse of by-products from the process as raw materials or as raw material substitutes in other processes.
 - Maximizing recoveries
 - Use of automated material transfer system to minimize spillage.
 - Use of "Closed Feed" system into batch reactors.
- vii) The project authorities must strictly comply with the rules and regulations with regard to handling and disposal of hazardous wastes in accordance with the Hazardous Wastes (Management and Handling) Rules, 2003. Authorization from the SPCB shall be obtained for collections/treatment/ storage/disposal of hazardous wastes.

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- viii. The overall noise levels in and around the plant area shall be kept well within the standards (85 dBA) by providing noise control measures including acoustic hoods, silencers, enclosures etc. on all sources of noise generation. The ambient noise levels shall conform to the standards prescribed under Environment (Protection) Act, 1986 Rules, 1989 viz. 75 dBA (day time) and 70 dBA (night time).
- ix. A separate Environmental Management Cell equipped with full fledged laboratory facilities shall be set up to carry out the environmental management and monitoring functions.
- x. The implementation of the project vis-à-vis environmental action plans shall be monitored by Ministry's Regional Office / SPCB / CPCB. A six monthly compliance status report shall be submitted to monitoring agencies.
- xi. The project proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the SPCB and may also be seen at Website of the Ministry at <http://envfor.nic.in>. This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the Ministry's Regional Office.
- xii. The project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.
7. The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
8. The Ministry reserves the right to stipulate additional conditions, if found necessary. The company in a time bound manner shall implement these conditions.
9. Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Authority Act, 1997.
10. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous Wastes (Management and Handling) Rules, 2003 and the Public Liability Insurance Act, 1991 alongwith their amendments and rules.


(Dr. P L Ahujara)
Director

Copy to:

1. The Secretary, Forests & Environment Department, Government of Gujarat, Sachivalaya, 8th Floor, Gandhi Nagar-382 010, Gujarat.
2. The Chief Conservator of Forests (Western Zone), Ministry of Environment & Forests, Regional Office, E-5, Arera Colony, Link Road -3, Bhopal -462 016, M.P.
3. The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110 032.
4. The Chairman, Gujarat State Pollution Control Board, Paryavaran Bhawan, Sector 10 A, Gandhi Nagar-382 043, Gujarat.
5. Monitoring Cell, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
6. Guard File
7. Monitoring File
8. Record File.

(Dr.P.L. Ahujarai)
Director

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