

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

ORIGINAL APPLICATION NO. 110/ 2024 (WZ)

IN THE MATTER OF:

M/s Ashapura Perfoclay Limited : Applicant

V/S

Union of India, through MoEF&CC & Ors. : Respondents

**REPLY ON BEHALF OF THE RESPONDENT No. 05:
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble National Green Tribunal (hereinafter referred to as "Hon'ble Tribunal") Western Zone (WZ), Pune, vide order dated 30.09.2024 has sought the reply of Answering Respondent No. 5 i.e. Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.

PRELIMINARY SUBMISSIONS:

3. That, the matter is registered in the Hon'ble NGT (WZ) based on the application filed by M/s Ashapura Perfoclay Limited, Kutchh, Gujarat with the prayers that a direction be issued to the respondent No.2- State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA"), Gujarat and respondent No.3- State Level Expert Appraisal Committee (hereinafter referred to as "SEAC."), Gujarat to consider the application for grant of Environmental Clearance (EC) dated 13.09.2023 as a regular application and not treat the same as violation case covered under the Notification dated 07.07.2021 .
4. That, the said matter is related to the Environmental Clearance (EC) obtained by the Applicant dated 30.07.2016 for manufacturing of Bleaching Clay and Bentonite (throughput) at its existing unit, situated at Survey No.167, Village Ler, Near Bhujodi, Taluka Bhuj, District Kachchh, Gujarat. It is stated to be valid for ten years under the O.M. issued by respondent No.1 – Ministry of Environment and Forest & Climate Change (hereinafter after referred as "MoEF&CC").
5. That, it is stated in Para 9 of the O.A. that an application was moved by the Applicant on 21.07.2021 for amendment to EC, which is attached at Annexure A-3 of the O.A., for seeking addition of Survey Nos.166 and 168 of village Ler in the proposal to the existing Survey No.167 of the said village where the project is located and the same being the adjoining lands for expansion of the area.



6. That, it is stated in Para 16 of the O.A. that the Applicant approached this Hon'ble Tribunal by an OA No. 95 of 2023 seeking directions to Respondent No. 2 to decide the application of the Applicant and the same was disposed of by order dated 25.07.2023, which is attached at Annexure A-13 of the O.A., by directing the Respondent No. 2 to decide the application within a period of 1 month.
7. That, it is stated in Para 17 of the O.A. that after the aforementioned order the application of the Applicant was considered and the respondent No.2 – SEIAA passed the following order (which is attached at Annexure A-14 of the O.A):
- “This case is discussed in various meetings of SEIAA and verify all the aspects of EIA notification, NGT order, Joint Committee report and after detailed deliberation, committee has decided to take following action as recommended by SEAC.*
- To reject the EC-Amendment application with a condition that “PP shall apply for TOR-violation in accordance with MOEF&CC OM dated 07.07.2021.*
 - To inform GPCB to take credible action against the unit for the said notification.”*
8. That, it is stated in Para 18 of the O.A. that an application dated 13.09.2023 has been moved by the applicant in compliance with above direction of SEIAA for applying for as TOR-violation case.
9. That, the issue raised in the present O.A. is regarding EC application under consideration with SEIAA Gujarat. The said issue pertains to EC which is dealt by SEIAA/ SEAC.
10. That, the answering respondent craves reply of the Hon'ble Tribunal to file additional reply, in future, if required.
11. That an Affidavit in support of this Reply is being filed herewith.
12. In light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

P. Gargava

(Prasoon Gargava)

Scientist 'F' & RD (Vadodara)

Central Pollution Control Board

प्रसून गार्गाव / PRASOON GARGAVA

क्षेत्रीय निदेशक / REGIONAL DIRECTOR

केन्द्रीय प्रदूषण नियंत्रण बोर्ड/Central Pollution Control Board

(पर्यावरण, वन एवं जल, मंत्रालय, भारत सरकार)

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

क्षेत्रीय निदेशालय (पश्चिम), वडोदरा-390023.

Regional Directorate (West), Vadodara-390023.

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 110/ 2024 (WZ)

Regd. No. : 27

Date : 06/11/2024

IN THE MATTER OF:

M/s Ashapura Perfoclay Limited : Applicant

V/s

Union of India, through MoEF&CC & Ors. : Respondents

AFFIDAVIT

I Prasoon Gargava, aged 51 years, having office at the Regional Directorate (Vadodara), Central Pollution Control Board (CPCB), Nr. VMC Ward No. 10 Office, High Tension Road, Subhanpura, Vadodara, 390023, do hereby solemnly affirm, declare on oath and state as under:

That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

P. Gargava
DEPONENT

VERIFICATION

4. Verified at Vadodara on this 6th Day of November 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Vadodara on this the 6th Day of November 2024.

P. Gargava
DEPONENT

प्रसून गार्गव / PRASOON GARGAVA
क्षेत्रीय निदेशक / REGIONAL DIRECTOR
केन्द्रीय प्रदूषण नियंत्रण बोर्ड / Central Pollution Control Board
(पर्यावरण, वन एवं जल, मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
क्षेत्रीय निदेशालय (पश्चिम), वाडोदरा-390023.
Regional Directorate (West), Vadodara-390023.

Solemnly Affirmed / Declared
Sworn Before me by...
Malini Amarsingh Rawat
MALINI AMARSINGH RAWAT 06/11/2024
NOTARY, (Govt. of India)



My Commission Expires
on 29/01/2027
MALINI AMARSINGH RAWAT
NOTARY (Govt. of India)

