

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH PUNE**  
**AT PUNE .**

**ORIGINAL APPLICATION NO. 65 OF 2023**

**RAKESH PATEL**

**.. APPLICANT**

**V/S**

**STATE OF GUJARAT AND OTHERS**

**... RESPONDENTS**

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PUNE

DATE : 16 /01/2024



ADVOCATE FOR THE RESPONDENT NO.5

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**WESTERN ZONE BENCH PUNE**

**AT PUNE .**

**ORIGINAL APPLICAITON NO. 65 OF 2023**

**RAKESH PATEL**

**.. APPLICANT**

**V/S**

**STATE OF GUJARAT AND OTHERS**

**... RESPONDENTS**

**REPLY ON BEHALF OF RESPONDENT NO. -5**

**M/S CHEMSTAR ORGANICS (INDIA) LTD**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

01. At the outset, it is submitted that, the statements, averments, submissions made on behalf of the Applicant, are denied by this Respondent, as the same are not admitted. Nothing in this reply expressly admitted herein ought to be taken as admitted by the Respondent No.5 or be deemed to have been admitted by the Respondent No.5 for want of specific traverse. The Respondent No.5 states that for the purpose of brevity, the Respondent No.5 has not denied each and every allegation, statement and contention of the Applicant which is ex-facia contrary to the contention of Respondent No.5 and its stand in the present case except to the

extent that such allegation, statement or contention necessitate, cogent, warrant or reply.

02. The Respondent No.5 submits that the present Application has been filed by the Applicant with a view to harass the present Respondent and thus, is not maintainable before this Hon'ble Tribunal.
03. The Respondent No.5 is a registered Company and incorporated under the provisions of Indian Companies Act, 1956 and is having its registered office at: PNB House, 4<sup>th</sup> Floor, Pherozeshah Mehta Road, Mumbai – 400 001.
04. The Respondent No.5 has been functioning at its Umraya factory site since 2001. The present Application has been initiated by the Applicant on the allegation that, there has been certain discharge in the Padra Canal by the said Company. This Hon'ble Tribunal has directed the GPCB to constitute the Committee and direct the said Committee to visit the said site and prepare its Report for the adjudication before this Hon'ble Tribunal.
05. The Respondent No.5 filed Appeal, impugning the order dated 19<sup>th</sup> September 2022, issued by the Respondent No.2 under the provisions of Section 5 of the Environment Protection Act, 1986 directing the Respondent No.5 to pay Environmental Compensation of Rs.50,00,000/-. Copy of the order dated 19<sup>th</sup> September 2022

issued by the Respondent No.2 is annexed hereto and marked as

**ANNEXURE– R-1.**

06. The Respondent No.5 herein is a Company incorporated under the provisions of the Companies Act, 1956 on 25 May 1985. The Respondent No.5 is an MSME manufacturer of organic intermediates and specialty chemicals having its factory at Umraya ( Taluka Padra , Vadodara) . It was originally established as an SSI unit in 1973 as Bakul Chemicals Pvt Ltd and the Respondent No.5 currently employs about 130 employees. The Respondent No.5 is having consent to operate dated 9<sup>th</sup> March 2022, which is valid and subsisting till 30<sup>th</sup> September 2025. Respondent No.5 Company is involved in the manufacture of chemicals and by-products thereof and has been in operation for about 37 years. It was originally established as an SSI unit in 1973 as Bakul Chemicals Pvt Ltd. Copy of the Consent to Operate is annexed hereto and marked as **ANNEXURE – R-2.**

07. The Respondent No.5 was earlier granted CC&A dt. 25.06.2003 for manufacture of 80 MT per month of Meta Phenoxy Benzaldehyde. One of the by-products listed in the consent orders granted to the Respondent No.5 was Waste Aluminium Chloride Solution (hereinafter “WACS”).

08. The Respondent No.5, during the operation of the consent order, was forced to shut down its operation in June 2004, owing to Gujarat Industrial Investment Corporation Ltd (hereinafter “**GIIC**”) taking possession of the factory of the Respondent No.5 under Section 29 of The State Financial Corporations Act, 1951. The Respondent No.5 was registered with BIFR in the year 2007 and then continued to be registered with the Board for Industrial and Financial Reconstruction (hereinafter “**BIFR**”) till Sick Industrial Companies Act (hereinafter “**SICA**”) was repealed in December 2017. The Respondent No.5 was a BIFR unit for over 10 years, i.e., from 2007 to 2017.
09. The Government of Gujarat issued a Government Order dated 11.09.2017 bearing No. MIS/10/2015/702426/P for Rehabilitation of Sick Enterprise with grant of relief and concession to sick viable industrial enterprise, which fulfil the criteria for registration as sick industries (“2017 GR”). The Respondent No.5 Company was granted Registration as a ‘Viable Sick Industrial Unit’ by the Industries Commissionerate, Govt of Gujarat (IC) vide letter dated 03.01.2018. With regard to availing the Benefits under the 2017 GR, the Respondent No.5 was required to given an Undertaking (as per para 9 and 13 of sanction letter dt. 15.02.2018) that the Respondent

No.5 will restart operation within one year and shall continue to be in production for the next five years, i.e., till 2024. That vide letter of the IC dt. 03.01.2018, the IC directed that the Respondent No.5 is entitled to Reliefs and Concessions granted under the 2017 GR.

10. The Respondent No.5 submits that the Respondent No.5 was forcibly closed from 2004-2018 due to GIIC having taken possession of its factories u/s 29 of SFC Act, 1951. From April 2007 onwards it was registered with the Board for Industrial and Financial Reconstruction (hereinafter "**BIFR**"). The Respondent No.5 was declared by the Government of Gujarat as a "Viable Sick Enterprise" vide letter from Industries Commissionerate dated 3<sup>rd</sup> January 2018, under the aegis of the Government Resolution dated 11<sup>th</sup> September 2017 bearing No. MIS/10/2015/702426/P wherein Reliefs and Concessions were granted to such industrial enterprises for their economic rehabilitation and revival. Copy of the Sanction Letter dated 15<sup>th</sup> February 2018 issued by the Industries Commissionerate, Government of Gujarat is annexed hereto and marked as **ANNEXURE – R-3**.
11. The Respondent No.5 submits that upon receipt of the aforementioned order, the Respondent No.5 carried out extensive repair and renovation of Umraya factory (including ETP) and

restarted commercial operations w.e.f. September 2019. The Respondent No.5 also applied to Respondent No. 2 for renewal of its previous consent dt. 25.06.2003. The Respondent No.2 directed the Respondent No.5:

- i. To pay consent fee for each year of the intervening period from 2004 to 2019, along with advance consent fees for the next five years, i.e., till 2024.
  - ii. To enter into 5 year MoU with a RESPONDENT No 2 approved party for disposal of the by-produce, i.e., WACS.
  - iii. The Respondent No.5 paid a sum of Rs. 13.37 lacs on 16.07.2020 as renewal fees for the CCA renewal up-to 2024 along-with a signed MoU dt. 10.09.2019 for disposal of WACS.
12. Despite the fact that the requisite fees were paid by the Respondent No.5, the Renewal Application of the Respondent No.5 for renewal was kept pending by the Respondent No.2 for more than two years, despite compliance with all the directions of Respondent No.2 by the Respondent No.5.
13. It would be relevant to note that the Respondent No.5 entered into MoU's with two parties (approved by the Respondent No.2) for disposal of the WACS. However, despite repeated requests,

Respondent No.2 did not give the Respondent No.5 even a temporary permission for disposal of WACS to the designated parties, as required under the rules of the Respondent No.2.

14. This arbitrary action of the Respondent No.2 put the Respondent No.5 in a very precarious situation, since, the Respondent No.5 was required to continue operating in terms of its Undertaking to the Government of Gujarat, while on the other hand, it was not being granted permission for disposal of WACS by the Respondent No.2.
15. The Respondent No.5 submits that on account of the aforementioned situation, the Respondent No.5 was constrained to send the WACS to parties, i.e., other than with whom MoU's were entered into, for disposal. This is so since the parties to the MoU required the Respondent No.5 to have valid current CC&A from the Respondent No.2, even while the application of the Respondent No.5 was kept pending by the Respondent No.2 for over two years.
16. The Respondent No.5, which was continuing production as per its undertaking given to the Industries Commissioner Govt. of Gujarat, had to dispose the by-product which were a result of the manufacturing process. The Respondent No.5, on its own accord, made every endeavour to see that the WACS went to legitimate use. At the juncture, it may be noted that WACS is used for the

manufacture of Poly Aluminium Chloride (PAC) and Aluminium Hydroxide, which in turn is used by paper, textile and other industries.

17. The Respondent No.5 submits that, on 14.09.2021, a tanker, carrying WACS from the Respondent No.5 Company was intercepted by the local LCB for investigation. The LCB then approached the Respondent No.2 and Respondent No.2, in complete disregard to the fact that it had kept the application of the Respondent No.5 in abeyance for over two years, reported to the LCB that the Respondent No.5 did not have any permission to dispose the WACS.
18. The Respondent No.5 submits that on the basis of the above, an FIR dt. 14.09.2021, bearing No. 1119703421181 u/s 465, 467, 468, 471, 284, 336 and 114 of the India Penal Code and Sections 7, 8, 15 and 16 of the Environment Protection Act, 1986 was registered. The FIR was filed against the driver of the intercepted truck and concerned employees of the Respondent No.5 Company.
19. The Respondent No.5 submits that the Respondent No.5 vide letter dated 4<sup>th</sup> October 2021 sent to the Member Secretary, Respondent No.2 sought interim permission for disposal of by-products with reference to the pending application for CC&A with the Respondent

No.2. Copy of the letter dated 4<sup>th</sup> October 2021 sent by the Respondent No.5 is annexed hereto and marked as **ANNEXURE – R-4.**

20. The Respondent No.5 submits that the Respondent No.2, acting in an entirely arbitrary manner, proceeded to reject the pending CC&A application of the Respondent No.5 and issued a Closure Order dt. 23<sup>rd</sup> November 2021 to the Respondent No.5. It was therein that a Rs. 50,00,000/- environmental compensation was also imposed upon the Respondent No.5 by Respondent No.2, while completely disregarding the fact that it was them who had kept the application for disposal of WACS pending and the Respondent No.5 was thus penalized for no fault of theirs. It may also be relevant to note that there exists no rational or basis behind imposition of the Rs. 50 Lac fine upon the Respondent No.5 and the Closure Order, on the basis of which the said fine has been imposed, is entirely silent w.r.t how the said amount has been arrived at by the Respondent No.2. Copy of order dated 23<sup>rd</sup> November 2021 is annexed hereto and marked as **ANNEXURE – R-5.**

21. The Respondent No.5 submits that in view of the facts narrated above and the plant to be kept operational, the Respondent No.5 paid a sum of Rs. 25,00,000/- towards environmental compensation in

March 2022. The Respondent No.5 also sought for a period of 6 months to pay the balance sum of Rs. 25,00,000 to the Respondent No.2. The Respondent No.5 submits that pursuant to the said payment, the CC&A of the Respondent No.5, which was earlier kept pending for over two years, was renewed on 9<sup>th</sup> March 2022 and the Respondent No.5 Company was able to then re-start operation. The closure order against the Respondent No.5 Company was also revoked on 10<sup>th</sup> March 2022. Copy of the closure order revocation by Respondent No.2 is annexed hereto and marked as **ANNEXURE – R - 6.**

22. The Respondent No.5 submits that the Respondent No.5 addressed a detailed representation dated 11<sup>th</sup> August 2022 to the Respondent No.2, wherein, the Respondent No.5 narrated the factual situation and also the hardships faced by it. The Respondent No.5 also requested the Respondent No.2 to reverse its closure order and to also reverse the imposition of the environmental compensation upon the Respondent No.5 Company. Copy of the representation dated 11<sup>th</sup> August 2022 is annexed hereto and marked as **ANNEXURE – R-7.**
23. The Respondent No.5 submits that, without affording an opportunity of hearing or perusing the documents, the Respondent No.2, albeit

illegally and erroneously, proceeded to issue a Notice of Intention dt.19<sup>th</sup> September 2022 to the Respondent No.5 threatening closure of the Respondent No.5 Company, due to non-payment of the balance sum of Rs. 25 Lacs plus interest charged thereon.

24. The Respondent No.5 submits that the Respondent No.5 addressed another letter dt.6<sup>th</sup> October 2022 to the Respondent No.2 wherein, time was sought to pay the balance sum of Rs. 25,00,000 by the Respondent No.5. The Respondent No.5 addressed another communication dt. 15<sup>th</sup> October 2022 to the Respondent No.2 to reconsider the levy of a Rs. 50 Lac environmental compensation upon the Respondent No.5, while also seeking time to pay the balance sum of Rs. 25 Lacs. The Respondent No.5 also addressed another letter to the Senior Environmental Engineer, Respondent No.2 on 17<sup>th</sup> October 2022 Another letter dated 31<sup>st</sup> October 2022 was sent by the Respondent No.5 to the Respondent No.2 seeking application of environmental compensation w.r.t small scale industrial units. Relevantly, these communications were not even reverted to by the Respondent No.2. Copies of the communications dt. 06.10.2022, 15.10.2022, 17.10.2022 and 31.10.2022 issued by the Respondent No.5 to the Respondent No.2 are annexed hereto and marked as **ANNEXURE – R-8** colly.

25. The Respondent No.5 submits that the Respondent No.5 sent communication dt.4<sup>th</sup> November 2022 to the Member Secretary, of the Respondent No.2 seeking an urgent meeting and reliefs w.r.t the imposition of the Rs. 50 Lacs environmental compensation upon it by the Respondent No.2. A copy of the letter of the Respondent No.5 dt. 04.11.2022 sent to the Respondent No 2 is being annexed hereto and marked as **ANNEXURE – R-9**.
26. The Respondent No.5 thereafter, filed Appeal No.63 of 2022 before this Hon'ble Tribunal, wherein the Respondent No.5 undertook to deposit the amount of compensation on or before Feb. 2023.
- A. (a). However, on Dec 06, 2022, an ex-parte order of admission came to be passed by NCLT , Mumbai in an application filed by a financials creditor. Vide the Said order dated 06/12/2022, an Insolvency Resolution Professional (IRP) was appointed to manage the affairs of the company. The Board of Directors was suspended and Moratorium was granted against any legal proceedings against the company.
- (b). Respondent No 5 informed Respondent no 2 regarding Admission into IBC and also sought further time for making balance payment of Rs 25 lacs.

(c) An ex-Director immediately approached NCLAT, principal Bench, New Delhi with an application to set aside the NCLT Order dated Dec 06, 2022.

(d) On Sept 01, 2023 NCLAT , New Delhi passed an order setting aside NCLT order dated Dec 06, 2022 and remanded the matter back to NCLT for fresh hearing. Copies of the orders passed by the NCLT & NCLAT are annexed hereto and marked as **ANNEXURE – R-10**.

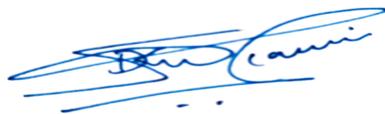
B. On account of the Order of NCLT dated Dec 06, 2022, the company faced extreme difficulties in continuing operations, obtaining raw materials and receiving payment from major customers for supplies already made. As a result, operations came to a standstill.

27. It is further submitted that, no manufacturing activities, trading, sell of products is being undertaken at the factory premises and hence, there is no question of dispatch from the Respondent No.5 Unit.
28. The Respondent No.5 submits that, the said Committee submitted the Report in respect of the Respondent no.5, which has been placed before this Hon'ble Tribunal on 29.10.2022 has firstly observed that, the Effluent Management System of Respondent no.5 was found unsatisfactory. However, in the said Report, there has been no

substantial evidence produced by the said Committee to point out that on what ground, the EMS of respondent No.5 was found to be unsatisfactory.

29. Be that as it may, the Respondent No.5 has already enumerated the facts herein above, state that, the Respondent No.5 has already been penalized by the GPCB and continues to be harassed for non-payment of balance EDC, with a threat of withdrawal of Consent/CC&A.
30. In view of the facts stated herein above, the Respondent No.5 may kindly be discharged from the present Proceeding and that no action of whatsoever nature be taken against the Respondent No.5.

Date: 16/01/2024  
Place : Pune



ADVOCATE FOR RESPONDENT NO.5

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH, PUNE**

**AT PUNE**

**ORIGINAL APPLICATION NO. 65 OF 2023 (WZ)**

**RAKESH PATEL**

**.. APPLICANT**

**V/s**

**M/s LOXIM INDUSTRIES  
AND OTHERS**

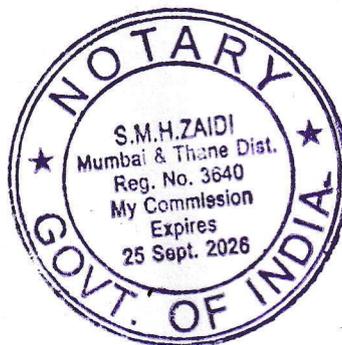
**.. RESPONDENTS**

**AFFIDAVIT IN SUPPORT OF REPLY**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

I, Ashutosh Majmudar, adult, Managing Director of the Respondent No.5, having office at PNB House, 4<sup>th</sup> Floor, Pherozeshah Mehta Road, Mumbai – 400 001, do hereby state on solemn affirmation as under: -

1. I say that I am the Managing Director of the Respondent No.5, and am authorized to file the present Affidavit. I say that I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that the Respondent herein has filed the reply to the Original Application. I say that the contents of the said reply and the present affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.



★



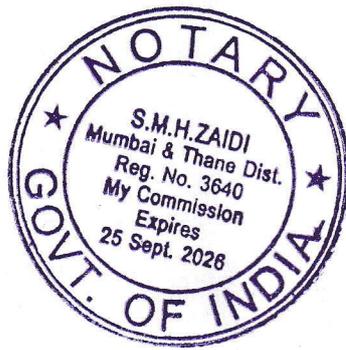
WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at Mumbai on 16<sup>th</sup> day of January, 2024.

CHEMSTAR ORGANICS INDIA LTD.

*[Handwritten Signature]*

DIRECTOR

Deponent



BEFORE ME

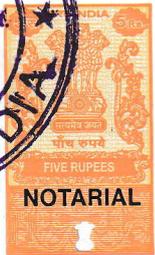
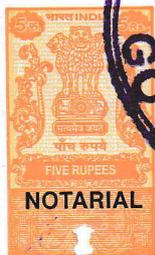
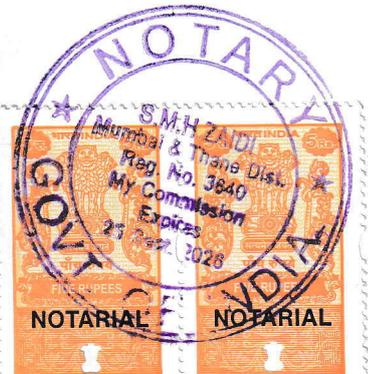
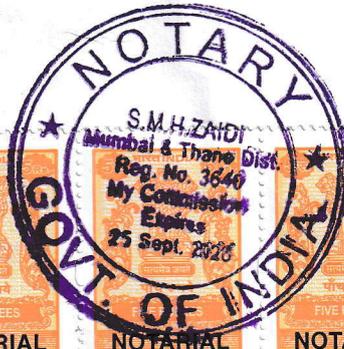
*[Handwritten Signature]*

S. M. H. ZAIDI  
NOTARY

Government of India  
Mumbai & Thane Dist.

16 JAN 2024

NOTED & REGISTERED  
Sr. No. 83 Page No. 07  
Book No. / 10 Date 16 JAN 2024





# GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,  
GANDHINAGAR - 382010,  
(T) 079-23232152

BY R.P.A.D.

## NOTICE OF INTENSION

WHEREAS you M/s. **Chemstar Organics (I) Ltd.** is having an industrial plant at- Plot No.474, 475, 578, 579, 580, 581, Near Effluent Canal Crossing, Vill: Umraya, Ta: Padra, Dist: Vadodara-391440.

AND WHEREAS Gujarat Pollution Control Board has granted Consolidated Consent and Authorization (CC&A) under Water Act-1974, Air Act-1981 and Hazardous And other Waste Rules-2016 for the operation of industry vide order No.**AWII-117446** dated **09/03/2022** which is valid up to **30/09/2025** for operation of the industrial plant.

AND WHEREAS, Direction of Closure under section-5 of the Environment (Protection) Act, 1986 issued for violation of HOWM Rules-2016 with 15 days effect on 25/11/2021.

AND WHEREAS, Revocation of Direction of Closure under section-5 of the Environment (Protection) Act, 1986 issued on 10/03/2022.

AND WHEREAS, you have asked to pay Rs. 50,00,000 (Fifty Lac Rupees only) as an Interim Environment Compensation, but you have paid interim Environment Compensation of Rs.25,00,000/- (Twenty-Five Lac Rupees only) to the Board and submitted undertaking dated 10/02/2022 for paying rest/remaining amount within six months with interest.

AND WHEREAS during the inspection of your industrial plant on **25/08/2022** by the officers of the Board, it was noticed following adverse remarks:

- Unit has not paid remaining of EDC after trial revocation and unit has submitted undertaking dated 10/02/2022 regarding they will pay remaining amount within six months.
- One time permission is given to unit for disposal of wastewater-2200 KL into EICI-CETP & at present @ 360 KL treated wastewater found stored in final treated wastewater holding tank of ETP and till date unit has not disposed any wastewater to EICI-CETP.
- Unit has no any permission for pipeline attached with VECL & looking to the situation, it seems that, there is mismanagement regarding effluent disposal.
- Unit has requested regarding to allow 90 days time to complete the steps for pipeline attached with VECL including OCEMS and till date unit has not completed the same.

YOU ARE HEREBY directed to reply & deposit remaining amount of EDC with applicable interest within 7 days of this notice, if you are not submitted any reply and remaining amount of EDC with applicable interest or submitted reply is not convincing/acceptable, **Closure Direction** will be initiated against your industrial plant.

For and on behalf of  
Gujarat Pollution Control Board

  
(D.P. Shah)  
Senior Environmental Engineer

NO: GPCB/NOC-VRD-1863(2)/ID:69697/

Issued to:

**M/s. Chemstar Organics (I) Ltd.**

**Plot No.474, 475, 578, 579, 580, 581,**

**Near Effluent Canal Crossing,**

**Vill: Umraya, Ta: Padra,**

**Dist: Vadodara-391440.**

Copy To:-

1. Regional officer, Regional office, G.P.C.Board, Vadodara.....For Monitoring & verification of the compliance
2. Unit-12



Attward No: 683696, 19/09/2022

Annexure I

By RPAD

No. IC/IM/VSIE/41520/TR. No. 21  
 Industries Commissionerate,  
 Block No.1&2, 3<sup>rd</sup> Floor,  
 Udyog Bhavan, Sector-11,  
 Gandhinagar.  
 Date: 15/02/2018

RECEIVED  
 21 FEB 2018

To,  
 Managing Director,  
 M/s. Chemstar Organics (India) Ltd.  
 PNB House, 4<sup>th</sup> floor,  
 Pherozeshah Mehta Road,  
 Mumbai- 400 001.

By: ---

Sub: Grant of relief and concessions to the viable Sick Industrial Enterprises under Government Resolution dated 11/09/2017

Ref: 1) I&M dept. Government Resolution no. MIS/10/2015/702426/P dated 11/09/2017

2) Minutes of the Committee meeting dated 01/02/2018 under the Chairmanship of Principal Secretary, Industries and Mines department.

Proposal for Relief & Concessions to M/s. Chemstar Organics (India) Ltd. was placed before First Committee meeting under Chairmanship of Principal Secretary, Industries and Mines held on 1<sup>st</sup> February 2018.

The Committee approved proposal to settle the Government dues with remission of entire amount of interest, penal interest and penalty on payment of Principal & other dues as on 31/03/2016 as per Option -I i.e. within 6 months' time period as per provisions made in GR dtd.11/09/2017.

The details of dues and remission are as under:

				(Rs in lacs)
Sr. no.	Government departments	Outstanding as on 31/03/16	Settlement amount (Principal & other exps)	Remission
1	GIIC	1232.07	717.51	514.56
2	MGVCL	66.45	19.84	46.61
3	Commercial Tax	153.59	24.52	129.07
	Total	1452.11	761.87	690.24

1. The company shall make the payment as per the terms and conditions of GR.
2. The company shall have to make down payment of Rs.76.187 lacs, @10% of amount of the total payable amount of Rs. 761.87 lacs payable within 30 days from the date of this letter.
3. The remaining 90% outstanding payable amount is to be paid in 5 nos. equal monthly installments commencing from the month subsequent to the month in which down payment is made.
4. The unit shall have to make the payment of dues to ESCROW account at GIDC. The Cheques /Demand Draft shall be drawn in favour of GIDC ESCROW account M/s. Chemstar Organics (India) Ltd.

(PTO)

5. In case of any increase in outstanding dues as on 31/03/2016, other than the dues mentioned above, the company shall be liable to pay the same.
6. The company shall be liable to make the payment of legal /other expenses if any incurred after 31st March 2016 by GIIC / MGVCCL / Commercial Tax department.
7. The company shall clear the dues of GPCB and GIDC before issuance of NDC by Industries Commissioner office.
8. The unit shall have to enter into an agreement as per copy enclosed herewith.
- ✓9. Company shall give stamped undertaking to restart the production within 12 months from the date of sanction letter, failing which relief & concession granted will be cancelled and in such circumstances, the company will be required to make entire payment of dues including Principal, interest, penal interest, penalty and other dues without any relief and concessions.
10. The company shall submit detailed implementation schedule with financial plan to restart the unit.
11. The company will submit monthly progress report regarding restarting of the unit.
12. Being a closed unit, working of unit shall be kept under observation for one year after restarting the production, during which the unit shall have to pay all the current dues regularly. If unit fails to pay the current dues, the relief and concessions sanctioned under this scheme shall be liable to be cancelled. The progress will be monitored as per GR and NDC will be issued thereafter.
- ✓13. The company shall be in working for next five years, during which the company shall have to submit quarterly progress report and any other information required by the Government related to performance and progress of the company to the office of Industries Commissioner.
14. Any deviation or violation of terms and conditions at any point of time will lead to automatically cancellation of sanctioned relief and concessions under GR dtd.11/09/2017.
15. The above reliefs and concessions are granted subject to the terms and conditions mentioned in the GR of Industries & Mines Department, Government of Gujarat dtd.11/09/2017.
16. GIIC will not give permission for sale of Nandesari unit, unless and until receipt of entire amount of CTS in GIIC account.
17. No other relief except above is granted to the company.

  
 Addl. Industries Commissioner (SP)

Encl: As above

## Copy to:

1. Commissioner of State Tax,  
Rajya Kar Bhavan, Ashram Road, Ahmedabad.
2. Vice Chairman & Managing Director,  
Gujarat Industrial Development Corporation, 2<sup>nd</sup> Floor, Block No.4,  
Udyog Bhavan, Gandhinagar.
3. Industries Commissioner  
Block no. 1&2, 2<sup>nd</sup> floor, Udyog Bhavan, Gandhinagar
4. Managing Director  
Gujarat Industrial Investment Corporation Limited  
6<sup>th</sup> floor, Block no.11&12, Udyog Bhavan, Gandhinagar
5. Managing Director,  
Madhya Gujarat Vij Company Limited,  
Sardar Patel Vidyut Bhavan, Race Course, Vadodara-390 007
6. Joint Secretary (I),  
Industries and Mines Department,  
3<sup>rd</sup> floor, block no.5, Sardar Bhavan, New Sachivalaya, Gandhinagar.



**ENVIRO INFRASTRUCTURE COMPANY LTD.**

CIN NO. : U45200GJ1996PLC030690

No. EICL/GEN/22/01

Date: 15.02.2022

To,  
Mr. Ashutosh Majmudar  
Chairman & MD  
M/s. Chemstar Organics (India) Limited  
Dabhasa Ekalbara Umraya Road,  
Nr. Effluent Channel Crossing,  
Padra, Dist: Vadodara

Sub: One-time permission for disposal of your Treated effluent in our EICL CETP  
Ref: 1. Your letter no. COU/183 dated 15.02.2022

Dear Sir,

This has reference to your above referred letters requesting one-time permission for disposal of your treated effluent in our EICL CETP.

In this reference, we are ready to grant you One-time permission for disposal of your treated effluent @ 2200 KL in our EICL CETP subject to Permission from GPCB in writing. Please acknowledge receipt of this letter.

Thanking You,

Regards,  
For, Enviro Infrastructure Co. Ltd.

A.R. Joshi  
Director

1339  
**CHEMSTAR ORGANICS (INDIA) LIMITED**

Near Effluent Canal Crossing, Umraya, Taluka : Padra, Dist. : Baroda. Pin - 39 1 440  
M. : 70436 00210

Our Ref : COU/ 183

February 15, 2022

Enviro Infrastructure Company Ltd  
Plot No.612-B, ECP Canal Road  
Vii. Umaraya, Tal. Padra, Dist. Vadodara-391440.

Kind Attention Shri. A. R. Joshi, Director.

Ref : One Time Permission for Discharge of Our Treated Effluent

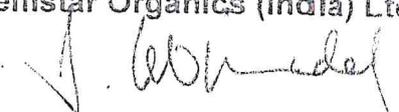
Dear Sir,

We acknowledge with thanks your letter No.EICL/GEN/21/16 dated 21/12/2021. In this regard, we have received On-line query from GPCB asking us to indicate the Quantity of waste water which EICL is willing to accept by way of one-time disposal from our Umaraya plant.

Since we have asked GPCB for one time permission for disposal of 2200 kl treated effluent into EICL over a 90 day period, we request you to kindly confirm your acceptance *(for the sam*

Thanking you in advance,

Yours faithfully,  
For Chemstar Organics (India) Ltd.

  
(Ashutosh R Majmudar)  
Managing Director

Copy : Shri Atul Patel

Chairman, EICL.



ANNEXURE-R-4

1340

# CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House, 4th Floor, P. M. Road, Fort, Mumbai 400 001  
Tel.: (91-22) 2266 5983 / 2266 0823 E-mail : chemstar@chemstar.co.in

Our Ref: COL/ 168

October 04, 2021

**The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10A  
Gandhinagar-382010**

**Kind Attention: Shri A.V.Shah**

**Subject : Interim Permission for Disposal of Aluminium Chloride Solution  
One Time Permission for Discharge of Treated Effluent into EICL.**

**Reference : Co's Application for Renewal of CC&A  
(Inward No. 191161 dated 12/02/2021).**

Dear Sir,

We refer to our meeting with your goodself last week. While our Application for Renewal of CC&A is under processing, in order to continue production operations, the Co. urgently needs the following permissions from GPCB:

- 1. Permission to sell/dispose Aluminium Chloride Solution (By-product) to following parties, with whom the Co. has entered into 5 year MOU's.**

**Gayatri Industries, Sanand, Dist. Ahmedabad.  
Synergy Multichem Pvt. Ltd, Dudhwada, Padra,  
Dist. Vadodara**

- 2. One-time Permission to discharge primary treated effluent upto 1100 KL into EICL, Umraya (Co. is holding valid Registration with EICL for discharge upto 20 KL/day).**



Note: Permission for discharge into EICL was given by GPCB earlier (See attached Letter dtd 24/03/2021). The same is required once again to enable the Co. to dispose of accumulated treated effluent, while awaiting the installation and commissioning of instrumentation for full monitoring of final discharge into VECL (**Co is a Participating Member of VECL with Permission to discharge treated effluent upto 150 KL/day**).

We request you to kindly do the needful urgently and oblige.

Thanking you in advance,

Yours faithfully,  
For Chemstar Organics (India) Ltd.

  
(Ashutosh R. Majmudar)  
Managing Director

**Copies:**

1. Shri Sanjeev Kumar , I.A.S.  
Chairman, GPCB
2. Shri K. Ranjeeth Kumar ,I.A.S  
Commissioner MSME





# GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

By. R.P.A.D.

**CLOSURE DIRECTION UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT- 1986 FOR THE VIOLATIONS OF THE HAZARDOUS & OTHER WASTE (MANAGEMENT & TRANSBOUNDARY MOVEMENT) RULES -2016 AS AMENDED FROM TIME TO TIME**

WHEREAS you M/s. Chemstar Organics (i) Ltd. are carrying out industrial activity at- plot no. 474, 475, 578, 579, 580, 581, near effluent canal crossing, Village-Umraya, Ta. Padra, Dist-Vadodara-390019.

AND WHEREAS Gujarat Pollution Control Board has granted Consolidated Consent and Authorization (CC&A) under Water Act-1974, Air Act-1981 and Hazardous and other Waste Rules-2016 valid up to 01/11/2003 with certain conditions.

AND WHEREAS You have applied for CCA-Renewal application on 29/06/2021 and your application is rejected.

AND WHEREAS, during the inspection of your industry on 15/07/2021, 03/09/2021 & 17/09/2021 under Section – 10 of The Environment (Protection) Act – 1986, it was observed that:

1. LCB-Vadodara has caught one tanker (GJ-11-Z-9961) and looking to the invoice (No. COIL/21-22/52) this tanker was fill up from M/s. Chemstar Organics India Pvt. Ltd. and waste AlCl<sub>3</sub> solution (Quantity-31.450 MT) and going to M/s. Jay Ambe Chemical, Chhapra Bhatha road, Variyav, Tadvadi, Surat.
2. Further investigate by LCB Vadodara and informed that, no any unit as M/s. Jay Ambe Chemical was located at Surat.
3. Unit has not valid CCA but unit is operating plant in full capacity.
4. During inspection record check at security cabin and looking to the material inward & outward register, material going into same tanker and same invoice number- COIL/21-22/52.
5. Looking to the material outward register, unit has sent waste aluminium chloride to M/s. Mony Fertilizers, Plot no. 122,123,124 AKVN Industrial Area, Meghnagar, Jambua, M.P and at M/s. Jay Ambe Chemical, Chhapra Bhatha road, Variyav, Tadvadi, Surat.
6. During inspection unit has not furnished manifest detail of waste aluminium chloride and also not submitted CCA and Rule-9 permission, MOU detail of waste aluminium chloride receiver.
7. Unit is also sending spent KBr solution to M/s. Krishna Chemical Industries and also not furnished manifest detail, CCA and Rule-9 permission and MOU detail for the same.

Outward No: 607115

8. Unit is engaged in disposal of waste aluminium chloride & spent KBr solution by breach of Hazardous Waste Rules-2016.
9. During inspection on dated 15/07/2021 one sample was collected from final outlet of ETP and analysis report of Phenolic Compound-24.43 mg/l (limit-1 mg/l) which is higher than norms.
10. During inspection on dated 03/09/2021, one wastewater sample was also collected from final treated wastewater holding tank of ETP and analysis report of Phenolic Compound-14.88 mg/l (limit-1 mg/l) which is higher than norms.

**ORDER**

Under the circumstances, I. A. V. Shah, Member Secretary of Gujarat Pollution Control Board, in exercise of the power conferred under file no. Legal-G-28, under Section (5) of the Environment (Protection) Act -1986 issue directions as under, with immediate effect from the date of issue of this order:

1. To prohibit you from manufacturing at your industrial unit with 15 days effect and to stop running batch in safe manner and then the batch shall not remain in operation in that way closed down the activity.
2. That you shall stop with 15 days effect the operation of your industrial plant if operated on DG Set or Captive Power Plant.
3. That the concerned authorities shall stop supply of Electricity (except single phase) and other services to the plant with 15 days effect till further order issue.
4. To credit Rs. 50 lakh as an interim Environmental Compensation in following account of the board.

A	Name of Payee	GUJARAT POLLUTION CONTROL BOARD
B	Bank Account Number	10325062238
C	Type of Account	CURRENT
D	Bank	STATE BANK OF INDIA
E	Branch	GANDHINAGAR ZONAL BRANCH
F	Branch Address	SECTOR-10/B, IN FRONT OF NEW SACHIVALAYA, GANDHINAGAR - 382010
G	IFSC Code	SBIN0001355

5. Unit is liable to submit valid Bank Guarantee of Rs. 1,50,000/-.

IF the above directions are not complied, you are liable for prosecution under Section 15 of the Environment (Protection) Act -1986 which provides punishment with imprisonment for a term which may extend to five years and with fine which may extend to Rs. One lac or both.

**For and on behalf of  
Gujarat Pollution Control Board**



(A.V. Shah)

**Member Secretary**

Note: Those units having continuous process that can take out their batch safely or close down process safely so that accident or pollutions may not occur, if require maximum upto 48 hours this process can be done and thus doing so comply the immediate closure order. The officer from Vig. Company or officer who went to seal the industry shall also requested to implement this instruction

1344



GPCB

# GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

NO: GPCB/CCA-VRD-1863/ID-69697/

dated:

Issued to:

M/s. Chemstar Organics (i) Ltd.

Plot no. 474, 475, 578, 579, 580, 581,

near effluent canal crossing,

Village-Umraya,

Ta. Padra, Dist-Vadodara-390019.

Copy To,

1. The Deputy Engineer,  
Madhya Gujarat Vij Company Ltd.,  
Race Course, Vadodara.

2. The Dy. Engineer (O&M)  
Madhya Gujarat Vij Company Ltd.  
Sub-divisional Office, Padra,  
Ta: Padra, Dist: Vadodara.

I am directed to request you to disconnect supply of electricity (except single phase) with 15 days effect from the date of issue of this order to the industrial plant of M/s. Chemstar Organics (i) Ltd. are carrying out industrial activity at- plot no. 474, 475, 578, 579, 580, 581, near effluent canal crossing, Village-Umraya, Ta. Padra, Dist-Vadodara-390019 & intimate to us accordingly.

For and on behalf of  
Gujarat Pollution Control Board

(A.V. Shah)

Member Secretary



itward No: 607116, 25/11/2021



GPCB

# GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar-382 010

Phone : (079) 23226295

Fax : (079) 23232156

Website : www.gpcb.gov.in

BY RPAD

**REVOCATION OF CLOSURE DIRECTION ISSUED UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT- 1986 FOR THE VIOLATIONS OF THE HAZARDOUS & OTHER WASTE (MANAGEMENT & TRANSBOUNDARY MOVEMENT) RULES -2016 AS AMENDED FROM TIME TO TIME.**

WHEREAS you **M/s. Chemstar Organics (I) Ltd.**, are carrying out industrial activity at- Plot No.474, 475, 578, 579, 580, 581, Near Effluent Canal Crossing. Vill: Umraya. Ta: Padra, Dist: Vadodara-391440.

AND WHEREAS, the Board has granted you Consolidated Consent & Authorization (CCA) under the provisions of Water Act-1974, Air Act-1981 and Hazardous and Other Waste Rule-2016 valid up to 31/12/2026 with certain conditions.

AND WHEREAS closure order was issued under Section-5 of Environment (Protection) act- 1986 for the violations of the Hazardous & Other Waste (Management & Transboundary Movement) Rules -2016 vide letter No. GPCB/CCA-VRD-1863/ID-69697/607116 dated 25/11/2021 with 15 days effect.

AND WHEREAS, in compliance to closure order you have submitted revocation application with undertaking on stamp paper of Rs.300/- stating that you will comply the environmental laws and submitted required documents. And submitted bank guarantee of Rs.1,50,000/- (One Lac Fifty Thousands Rupees only) valid up to 23/01/2024.

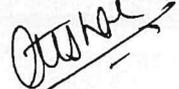
AND WHEREAS, you have asked to pay **Rs. 50,00,000 (Fifty Lac Rupees only)** as an Interim Environment Compensation, but **unit has paid interim Environment Compensation of Rs.25,00,000/- (Twenty-Five Lac Rupees only)** to the board and submitted undertaking dated 10/02/2022 for paying **rest/remaining amount within six months with interest.**

AND WHEREAS, your industrial plant was visited on **05/02/2022** by the authorized officers of the Board, it was observed that:

- During inspection unit was found not in operation and electric power supply was disconnected by MGVCL on 05/01/2022.

Under the circumstances, I A. V. Shah, Member Secretary of Gujarat Pollution Control Board, in exercise of the power conferred under file no. Legal-G-28. is directed to issue **three-month** revocation for the closure order issued on 25/11/2021 with condition to comply your undertaking and all the conditions given in your Consolidated Consents & Authorization.

For and on behalf of  
Gujarat Pollution Control Board,

  
(A.V. Shah)

Member Secretary

NO: GPCB/CCA-VRD-1863(2)/ID-69697/

Issued to: -

✓ M/s. Chemstar Organics (I) Ltd.,  
Plot No.474, 475, 578, 579, 580, 581,  
Near Effluent Canal Crossing,  
Vill: Umraya, Ta: Padra,  
Dist: Vadodara-391440.

Copy to: -

1. The Deputy Engineer,  
Madhya Gujarat Vij Company Ltd.,  
Dist: Vadodara
2. The Deputy Engineer (O & M)  
Madhya Gujarat Vij Company Ltd.,  
Sub Division office, Padra  
Ta: Padra, Dist: Vadodara

With a request to Re-connect the supply of electricity for period of **three month** of M/s. Chemstar Organics (I) Ltd., are carrying out industrial activity at- Plot No.474, 475, 578, 579, 580, 581, Near Effluent Canal Crossing, Vill: Umraya, Ta: Padra, Dist: Vadodara-391440 & intimate to us accordingly.

For and on behalf of  
Gujarat Pollution Control Board,

(A.V. Shah)  
Member Secretary

Copy To:

1. The Regional Officer, GPCB, Vadodara.....For monitoring & verification of the compliance.
2. Unit -12



Outward No: 625150, 10/03/2022

1347 ANNEXURE - R-7

# CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House Fourth Floor Pheroza Shah Mehta Road Mumbai - 400 001.

Phones (91-22) 2266 5983 / 2266 2791 Fax (91-22) 2266 0823

E-mail : amajmudar@yahoo.co.in

Our Ref: COL/237

August 11, 2022

**The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10A  
Gandhinagar-382010**

**Subject : Request to Reconsider and Reverse EDC Order for  
Rs.50 Lacs Dated 25/11/2021.**

Dear Sir,

Our Company was a BIFR unit which was forced to remain closed for over 14 years from 2004 to 2018. It is with the help of Govt. of Gujarat's Scheme for Revival of 'Viable Sick Industrial Unit' as per GR dated 11/09/2017, that the company is in process of reviving its operations. Under these circumstances, we are in no position to bear the huge fine (EDC) of Rs. 50 Lacs, particularly since the original Order was -in our view- unjustified and against the principle of natural justice as illustrated below:

**A. BACKGROUND:**

1. Chemstar Organics (I) Ltd is a medium scale manufacturer of Organic Intermediates and Speciality Chemicals. It was originally established as an SSI unit in 1973 as Bakul Chemicals Pvt Ltd. located at Nandesari GIDC Estate, Dist. Vadodara.
2. The Co. started its new grass-roots factory at Umraya (Tal. Padra, Vadodara) in 2001 and was granted CC & A dated 25/06/2003 for manufacture of 80 MT/month Meta Phenoxy Benzaldehyde. One of the by-products listed in the above Consent Order was Waste Aluminium Chloride Solution (WACS).

3. While the said Consent Order was valid and operational, Umraya factory was forced to close down in June 2004 owing GIIC taking possession u/s 29 of SFC Act, 1951. The Company was thereafter registered with BIFR and continued to be under BIFR/AAIFR till SICA was repealed in 2017.

**B. CURRENT STATUS:**

1. Ultimately the Co. was granted Registration as 'Viable Sick Industrial Unit' by the Industries Commissionerate, Govt. of Gujarat (IC) vide letter dated 23/01/2018 and offered Reliefs and Concessions as per GR dated 11/09/2017.
2. While availing these benefits, the Co. was required to give an Undertaking (As per Para 9 and 13 of Sanction Letter dated 15/02/2018) that the Co. will restart operations within one year and shall continue to be in production for the next five years i.e. till 2024. (See Annexure I)
3. The Co carried out extensive repairs and completely renovated the Umraya factory (including ETP) and restarted commercial production in Sept 2019.

Simultaneously the Co. applied to GPCB for Renewal of its pervious Consent dated 25/06/2003. GPCB in turn asked the Co. to do the following:

- (i) To pay Consent fees for each year of the intervening period (From 2004 to 2019), along with Advance Consent fees for the next 5 years, i.e. up to 2024.
- (ii) To enter into 5 year MOU with GPCB approved party for disposal of Co's By-product viz. **Waste Aluminium Chloride Solution (WACS)**.



**Accordingly the Co paid (On 16/07/2020) Renewal Fees amounting to Rs.13.37 Lacs (For CCA Renewal upto 2024). The Co. also submitted signed MOU dated 10/09/2019 for disposal of WACS.**

4. Notwithstanding the above, Co's Renewal Application for CC&A was kept pending by GPCB for more than two years, despite the Co. having faithfully complied with various directions given by GPCB from time-to-time. The Co. had also entered into MOU's with two parties (Approved by GPCB) for disposal of WACS. **Despite repeated requests, GPCB did not give even Temporary Permission to the Co. for disposal of WACS to the designated parties as required under GPCB Rules.**
5. This put the Co. in the most untenable and vulnerable situation, since on the one hand it was required to continue production as per Undertaking given to the Govt. of Gujarat, while on the other hand it was denied permission to dispose off its By-product(WACS). Attached please see Chemstar letter dated 04/10/2021 addressed to the Member Secretary, GPCB in this regard. **(See Annexure II)**
6. Under these circumstances, the Company was forced to send its by-product WACS to parties other than the ones with whom it had entered into MOU, since MOU parties required the Company to have valid (i.e. renewed) CC&A from GPCB, while the Company's application was kept "pending" for more than two years.
7. We reiterate that since the Company was continuing production as per Undertaking given to the IC, it had to dispose off its by-product which resulted from the manufacturing process. Company made every effort to see that the by-product went to legitimate end-users of WACS (WACS is used for manufacture of



Poly Aluminium Chloride (PAC) and Aluminium Hydroxide, which in turn are used by Paper, Textile and other Industries).

8. On Sept 14, 2021, one tanker carrying WACS from the Co. was intercepted by the local LCB for investigation. LCB approached GPCB and GPCB reported that **“the Company did not have any permission to dispose of WACS.”** Thereafter FIR was filed against the truck driver and the concerned employee of Co. The matter is sub-judice.
9. Based on this incident, GPCB rejected the Company’s pending CC&A Renewal Application and issued a Closure Order dated 23/11/2021. Consequently the Company was forced to file a fresh Application for Renewal of CC & A as well as Application for Revocation of said Closure Order. **It was also asked by the GPCB to pay fine of Rs. 50 Lacs by way of Environmental Damage Compensation (EDC).**

### **C. OUR SUBMISSIONS:**

1. In spite of being fully aware of the Co’s status with the Govt. of Gujarat and requirement of being in continuous production for 5 years; in spite of having already collected in 2019 fees for renewal of CC&A full five year period, in spite of continuous follow up by the Directors (even during the Covid period) and giving all information as requested, GPCB for reasons best known to it, either kept Company’s Renewal Applications pending, or rejected them citing minor objections. (even these were promptly made good by the Co)!
2. In desperation, Company has made several representations to higher authorities. GPCB was repeatedly requested by the Company to give temporary permission to send WACS to GPCB approved parties with whom Chemstar had already

f

entered into MOU, but such permission was denied most unreasonably. Thus, GPCB was responsible for creating the situation in which Company was forced to send WACS without following procedure as laid down by GPCB.

3. Company has already suffered immense harm and loss due to the enforced closure for five months on account of GPCB Closure Order dated 23/11/2021. Its 130 strong workforce were left without work with the Company having to pay their wages without having any income or revenue.
4. Sir, the Company is in dire financial position and had to borrow monies at high interest to even pay Rs.25 Lacs upfront towards EDC fine. It is struggling to find funds even to revive operations. As such it is in no position to bear the additional burden.

Under these circumstances, we request you to kindly consider our request sympathetically and reverse the EDC Order wrongly imposed on the Company.

Thanking you,

Yours faithfully,

**For Chemstar Organics (India) Ltd.**



**(Ashutosh R. Majmudar)**

**Managing Director**

**Copies:**

1. **Shri Arunkumar Solanki I.A.S.**  
**Additional Chief Secretary**  
**Forests & Environment Dept.**
2. **Dr. Rajiv Kumar Gupta, I.A.S.**  
**Additional Chief Secretary (I&M)**
3. **Shri M.Thennarasan, I.A.S.**  
**Vice Chairman & MD, GIDC**
4. **Dr. Rahul Gupta, I.A.S.**  
**Industries Commissioner**
5. **Shri R.B. Barad, I.A.S.**  
**Chairman, GPCB**
6. **Shri K. Ranjeeth Kumar, I.A.S.**  
**Commissioner, MSME**



11/08/2022

1353 ANNEXURE - R-8.

# CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House Fourth Floor Pheroza Shah Mehta Road Mumbai - 400 001.  
Phones (91-22) 2266 5983 / 2266 2791 Fax (91-22) 2266 0823  
E-mail : amajmudar@yahoo.co.in

Our Ref: COL/21

October 05, 2020

PCB ID 69697

Mr. A. V. Shah  
Member Secretary  
Gujarat Pollution Control. Board  
Paryavaran Bhavan, CHH Road,  
Sector 10 A, Gandhinagar  
Gujarat- 382010

**Subject: Application for Renewal of CCA Dated 16/07/2020**

Dear Sir,

We wish to bring to your urgent attention the following with regard to our above Application.

**1. RESTORATION OF VECL MEMBERSHIP FOR DISCHARGE OF 0.15 MLD TREATED EFFLUENT.**

The Company is a Participating Member of the ECP (Now VECL) as evidenced by Minutes of the Meeting of the Board of ECP dated 25/08/2000. Our request for Restoration of Membership vide our letter COL/459 dated 26/02/2000 is currently pending with the Chairman of VECL. Industries & Mines Dept, Govt. of Gujarat has recommended our case vide their letter dated 18/09/2020 (See ANNEXTURE I). We have been assured by VECL authorities that the matter is being put up before the Board of VECL for approval.

**2. REGISTRATION WITH EICL (UMRAYA)**

The Company has also obtained Registration for discharge upto 0.02 MLD (Primary) Treated Effluent with the local CETP (Viz. Enviro Infrastructure Co. Ltd.) to cover Company's immediate requirement for trial production.

(Contd..P2)

Vide our letter COU/60 dated 18/03/2020 the Company had requested GPCB to issue NOC for the same, which request is still pending. (See Annexure II)

**We urgently request you to kindly grant us NOC for discharge of primary Treated Effluent into EICL (Umraya)**

**3. COMPANY'S STATUS AS VIABLE SICK INDUSTRIAL UNIT UNDER GR DTD 11/09/2017.**

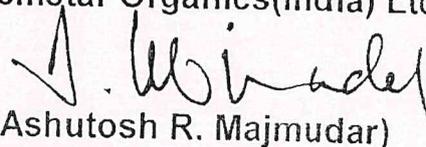
The Company has been granted Reliefs and Concessions vide OTS Sanction Letter dated 15/02/2018 (See Annexure III) as per which the Company had to restart production within one year and to continue to be in production for the next five years, with regular monitoring by the Industries Commissionerate (Kindly refer to Item nos 9 to 13 of the said letter dated 15/02/2018) As required by the Terms and Conditions therein, the Company has carried out extensive renovation and refurbishment of all its plant & machinery, including the ETP and EMS and has already started Trial Production.

In view of the above circumstances, we request you to kindly give NOC urgently for discharge of primary treated effluent into EICL (Umraya) and to renew the CCA at the earliest and oblige. We also request you not to take any coercive action in the meantime.

Thanking you in advance,

Yours faithfully

For Chemstar Organics(India) Ltd.



(Ashutosh R. Majmudar)  
Chairman & Managing Director

## Copies to:

- ✓ 1. Shri M.K.Das, I.A.S.  
Principal Secretary, I & M
2. Shri. Sanjeev Kumar, I.A.S.  
Chairman, GPCB
3. Shri M. Thennarasan, I.A.S.  
VC & MD, GIDC and Chairman, VECL
4. Dr. Rahul Gupta, I.A.S.  
Industries Commissioner

1356

Annexure I

Urgent

No.MIS/102017/323/DS-I/COL/Part-2/P  
Government of Gujarat,  
Industries and Mines Department,  
5, Sardar Bhavan, 3<sup>rd</sup> floor,  
Sachivalaya, Gandhinagar  
Date:18-09-2020

To  
-The Industries Commissioner,  
Office of Industries Commissioner,  
Udyog Bhavan, Gandhinagar.

**Subject:** Restoration of VECL Membership (for discharge of 0.15 MLD Treated Effluent) for revival of M/s. Chemstar Organics (India) Limited (Sick Unit)

Sir,

With reference to the subject mentioned above, I am directed to enclose herewith the copy of the letter No Ref:COL/459 dated 26-02-2020 received from M/s. Chemstar Organics (India) Ltd for examining and taking necessary action directly under intimation to this department.

Encl: As Above

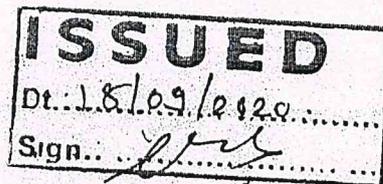
o/c.  
@DPJH

Yours faithfully,  
*Krunal Gadhavi*  
(Krunal Gadhavi)  
Section Officer 18/9/20

Industries and Mines Department

Copy to:

- Member Secretary, Gujarat Pollution Control Board, Paryavaran Bhavan, CHH Road, Sector 10A, opp. Gujarat Rajya Beej Nigam Limited, Gandhinagar, Gujarat 382010
- The Chairman & Managing Director, Gujarat Industrial Development Corporation, Udyog Bhavan, Gandhinagar-382011
- The Chairman, Vadodara Enviro Channel Ltd (VECL), Udyog Bhavan, Block No.4, 2<sup>nd</sup> Floor, Gandhinagar-382011
- The Chairman & MD of Chemstar Organics Ltd., 108, GIDC Estate, Nandesari, Vadodara.



Annexure

# 1357 CHEMSTAR ORGANICS (INDIA) LIMITED

Near Effluent Canal Crossing, Umraya, Taluka : Padra, Dist.: Baroda. Pin. - 391 440  
M. : 70436 00210

Our Ref: COU/60

March 18, 2020

PCB ID: 69697

The Regional Officer,  
Gujarat Pollution Control Board  
GERI Compound,  
Race Course Road  
Vadodara.

Subject: NOC for Discharge Water Effluent into EICL (20 kl / day).  
Ref: Online Application No. 171286, Date 08/01/2020

Dear Sir,

Kindly note that we have fulfilled all the requirements and uploaded the information on GPCB XGN site for renewal of our C.C & A. We now request you to allow us discharge treated effluent upto 20KL/day into the EICL, Umraya for which we are holding valid membership.

We wish to point out that we are arranging to pay the ~~as~~ required charges for renewal of our previous consent No.30541 dated 25/07/2003. In order for us to run our plant smoothly and for GPCB to come for inspection, it is essential that we <sup>be</sup> in a position to discharge the effluent (up to 20 kl / day) effective immediately.

We humbly request you to kindly consider the above request and issue the NOC immediately and oblige.

Thanking you,

Yours faithfully,

For CHEMSTAR ORGANICS (INDIA) LTD.

  
(Ashutosh R. Majmudar)

Chairman & Managing Director

Copies: (1) The Member Secretary, GPCB, Gandhinagar  
(2) Chairman, EICL, Umraya.

Copy by email

By RPAD

No. IC/IM/VSIE/41520/TR. No. 2  
 Industries Commissionerate,  
 Block No.1&2, 3<sup>rd</sup> Floor,  
 Udyog Bhavan, Sector-11,  
 Gandhinagar.  
 Date: 15/02/2018

To,  
 Managing Director,  
 M/s. Chemstar Organics (India) Ltd.  
 PNB House, 4<sup>th</sup> floor,  
 Pheroza Shah Mehta Road,  
 Mumbai- 400 001.

RECEIVED  
 21 FEB 2018

By: .....

Sub: Grant of relief and concessions to the viable Sick Industrial Enterprises under Government Resolution dated 11/09/2017

Ref: 1) i&M dept. Government Resolution no. MIS/10/2015/702426/P dated 11/09/2017  
 2) Minutes of the Committee meeting dated 01/02/2018 under the Chairmanship of Principal Secretary, Industries and Mines department.

Proposal for Relief & Concessions to M/s. Chemstar Organics (India) Ltd. was placed before First Committee meeting under Chairmanship of Principal Secretary, Industries and Mines held on 1<sup>st</sup> February 2018.

The Committee approved proposal to settle the Government dues with remission of entire amount of interest, penal interest and penalty on payment of Principal & other dues as on 31/03/2016 as per Option -I i.e. within 6 months' time period as per provisions made in GR dttd.11/09/2017.

The details of dues and remission are as under:

				(Rs in lacs)
Sr. no.	Government departments	Outstanding as on 31/03/16	Settlement amount (Principal & other exps)	Remission
1	GHC	1232.07	717.51	514.56
2	MGVCL	66.45	19.84	46.61
3	Commercial Tax	153.59	24.52	129.07
	Total	1452.11	761.87	690.24

1. The company shall make the payment as per the terms and conditions of GR.
2. The company shall have to make down payment of Rs.76.187 lacs, @10% of amount of the total payable amount of Rs. 761.87 lacs payable within 30 days from the date of this letter.
3. The remaining 90% outstanding payable amount is to be paid in 5 nos. equal monthly installments commencing from the month subsequent to the month in which down payment is made.
4. The unit shall have to make the payment of dues to ESCROW account at GIDC. The Cheques /Demand Draft shall be drawn in favour of GIDC ESCROW account M/s. Chemstar Organics (India) Ltd.

(PTO)

5. In case of any increase in outstanding dues as on 31/03/2016, other than the dues mentioned above, the company shall be liable to pay the same.
6. The company shall be liable to make the payment of legal /other expenses if any incurred after 31st March 2016 by GIIC / MGVCCL / Commercial Tax department.
7. The company shall clear the dues of GPCB and GIDC before issuance of NDC by Industries Commissioner office.
8. The unit shall have to enter into an agreement as per copy enclosed herewith.
9. Company shall give stamped undertaking to restart the production within 12 months from the date of sanction letter, failing which relief & concession granted will be cancelled and in such circumstances, the company will be required to make entire payment of dues including Principal, interest, penal interest, penalty and other dues without any relief and concessions.
10. The company shall submit detailed implementation schedule with financial plan to restart the unit.
11. The company will submit monthly progress report regarding restarting of the unit.
12. Being a closed unit, working of unit shall be kept under observation for one year after restarting the production, during which the unit shall have to pay all the current dues regularly. If unit fails to pay the current dues, the relief and concessions sanctioned under this scheme shall be liable to be cancelled. The progress will be monitored as per GR and NDC will be issued thereafter.
13. The company shall be in working for next five years, during which the company shall have to submit quarterly progress report and any other information required by the Government related to performance and progress of the company to the office of Industries Commissioner.
14. Any deviation or violation of terms and conditions at any point of time will lead to automatically cancellation of sanctioned relief and concessions under GR dtd.11/09/2017.
15. The above reliefs and concessions are granted subject to the terms and conditions mentioned in the GR of Industries & Mines Department, Government of Gujarat dtd.11/09/2017.
16. GIC will not give permission for sale of Nandesari unit, unless and until receipt of entire amount of GTS in GIC account.
17. No other relief except above is granted to the company.

Encl: As above

  
14/2/18  
Addl. Industries Commissioner (SP)

## Copy to:

1. Commissioner of State Tax,  
Rajya Kar Bhavan, Ashram Road, Ahmedabad.
2. Vice Chairman & Managing Director,  
Gujarat Industrial Development Corporation, 2<sup>nd</sup> Floor, Block No.4,  
Udyog Bhavan, Gandhinagar.
3. Industries Commissioner  
Block no. 1&2, 2<sup>nd</sup> floor, Udyog Bhavan, Gandhinagar
4. Managing Director  
Gujarat Industrial Investment Corporation Limited  
6<sup>th</sup> floor, Block no.11&12, Udyog Bhavan, Gandhinagar
5. Managing Director,  
Madhya Gujarat Vij Company Limited,  
Sardar Patel Vidyut Bhavan, Race Course, Vadodara-390 007
6. Joint Secretary (I),  
Industries and Mines Department,  
3<sup>rd</sup> floor, block no.5, Sardar Bhavan, New Sachivalaya, Gandhinagar.

1361  
**CHEMSTAR ORGANICS (INDIA) LIMITED**

Near Effluent Canal Crossing, Umraya, Taluka : Padra, Dist. : Baroda. Pin - 391 440  
M. : 70436 00210

Our Ref: COL/244

October 15, 2022

The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10 A  
Gandhinagar- 382010.

**Subject : GPCB Notice dated 19/09/2022 in respect of EDC Levy of Rs. 50 Lacs.**

**Reference: Our Letters COL/237 dtd. 22/08/2022 and  
COL/243 dtd. 06/10/2022**

Dear Sir,

This is further to our visit to your office on Oct 01 and subsequent letter COL/243 dated Oct 06, 2022 whereby we have pleaded to be allowed more time to make the (balance)payment of Rs. 25 lacs, as we are a sick MSME unit being revived with the support of Govt. of Gujarat under GR dtd. 11/09/2017.

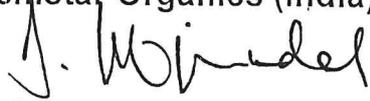
Furthermore, it has just been brought to our attention by our Auditors that as per the revised guidelines, our Company would fall under the Small Scale (SSI) Category, since value of Plant & Machinery is less than Rs. 10 crores and Turnover is below 50 Cr. We are arranging to separately send Chartered Engineer's Certificate in this regard for your kind consideration.

We humbly request you to kindly take the above into consideration for the purpose of determining the appropriate levy of EDC and allow additional time if required. Please kindly note that Rs. 25 lacs is already paid by the Company.

We trust that you will find the above in order and request you not to take any harsh action in the meantime.

Thanking you,

Yours Faithfully,  
For Chemstar Organics (India) Ltd.

  
(Ashutosh R. Majmudar)  
Managing Director

Copy:  
Regional Officer GPCB,  
Race Course Circle, Vadodara.

# 1362 CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House, 4th Floor, P. M. Road, Fort, Mumbai 400 001  
Tel.: (91-22) 2266 5983 / 2266 0823 E-mail : chemstar@chemstar.co.in

Our Ref: COL/246

October 17, 2022

Shri Arunkumar Solanki, I.A.S  
Add'l Chief Secretary (Forest & Env)  
Block No. 14, 8<sup>th</sup> Floor  
Sachivalaya  
Gandhinagar- 382010  
Gujarat

**Subject : Request for Urgent Reconsideration in respect  
of Environmental Damage Compensation (EDC)  
of Rs.50 Lacs Levied by GPCB**

**Reference : Our Letter COL/237 dtd 11/08/2022**

Dear Sir,

We are an MSME unit which is being revived under Govt. of Gujarat "Scheme for Viable Sick Industrial Units" (As per GR dated 11/09/2017).

We wish to draw your kind attention to our letter dated 11/08/2022 addressed to the Member Secretary- GPCB, copy of which was marked to your goodself. The letter details the background and circumstances leading to the imposition of the said EDC Levy (Which in our opinion is neither fair nor financially viable for our Co.), while giving reasons why the decision to impose penalty of Rs.50 lacs needed to be reviewed and reconsidered. We have not received any response to our letter till date.

(Contd.-Pg 2)

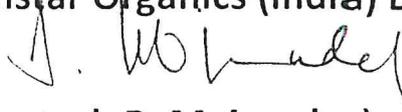


We are also enclosing copies of our recent letters addressed to the Member Secretary - GPCB, viz. COL/243 dated 06/10/2022 and COL/244 dated 15/10/2022 in this regard (See Annexures I, II and III)

We shall be grateful if you would kindly grant us an opportunity to personally explain our case.

Thanking you,

Yours faithfully,  
For Chemstar Organics (India) Ltd.

  
(Ashutosh R. Majmudar)  
Managing Director

Copies:

1. Shri Raj Kumar , I.A.S.  
Additional Chief Secretary (I&M)
- ✓ 2. Shri R.B. Barad, I.A.S.  
Chairman, GPCB

1364  
**CHEMSTAR ORGANICS (INDIA) LIMITED**

PNB House Fourth Floor Pherozezshah Mehta Road Mumbai - 400 001.  
Phones (91-22) 2266 5983 / 2266 2791 Fax (91-22) 2266 0823  
E-mail : amajmudar@yahoo.co.in

Annexure I

Our Ref: COL/237

August 11, 2022

**The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10A  
Gandhinagar-382010**

**Subject : Request to Reconsider and Reverse EDC Order for  
Rs.50 Lacs Dated 25/11/2021.**

Dear Sir,

Our Company was a BIFR unit which was forced to remain closed for over 14 years from 2004 to 2018. It is with the help of Govt. of Gujarat's Scheme for Revival of 'Viable Sick Industrial Unit' as per GR dated 11/09/2017, that the company is in process of reviving its operations. Under these circumstances, we are in no position to bear the huge fine (EDC) of Rs. 50 Lacs, particularly since the original Order was -in our view- unjustified and against the principle of natural justice as illustrated below:

**A. BACKGROUND:**

1. Chemstar Organics (I) Ltd is a medium scale manufacturer of Organic Intermediates and Speciality Chemicals. It was originally established as an SSI unit in 1973 as Bakul Chemicals Pvt Ltd. located at Nandesari GIDC Estate, Dist. Vadodara.
2. The Co. started its new grass-roots factory at Umraya (Tal. Padra, Vadodara) in 2001 and was granted CC & A dated 25/06/2003 for manufacture of 80 MT/month Meta Phenoxy Benzaldehyde. One of the by-products listed in the above Consent Order was Waste Aluminium Chloride Solution (WACS).

3. While the said Consent Order was valid and operational, Umraya factory was forced to close down in June 2004 owing to GIIC taking possession u/s 29 of SFC Act, 1951. The Company was thereafter registered with BIFR and continued to be under BIFR/AAIFR till SICA was repealed in 2017.

**B. CURRENT STATUS:**

1. Ultimately the Co. was granted Registration as 'Viable Sick Industrial Unit' by the Industries Commissionerate, Govt. of Gujarat (IC) vide letter dated 23/01/2018 and offered Reliefs and Concessions as per GR dated 11/09/2017.
2. While availing these benefits, the Co. was required to give an Undertaking (As per Para 9 and 13 of Sanction Letter dated 15/02/2018) that the Co. will restart operations within one year and shall continue to be in production for the next five years i.e. till 2024. (See Annexure I)
3. The Co carried out extensive repairs and completely renovated the Umraya factory (including ETP) and restarted commercial production in Sept 2019.

Simultaneously the Co. applied to GPCB for Renewal of its previous Consent dated 25/06/2003. GPCB in turn asked the Co. to do the following:

- (i) To pay Consent fees for each year of the intervening period (From 2004 to 2019), along with Advance Consent fees for the next 5 years, i.e. up to 2024.
- (ii) To enter into 5 year MOU with GPCB approved party for disposal of Co's By-product viz. **Waste Aluminium Chloride Solution (WACS)**.



Accordingly the Co paid (On 16/07/2020) Renewal Fees amounting to Rs.13.37 Lacs (For CCA Renewal upto 2024). The Co. also submitted signed MOU dated 10/09/2019 for disposal of WACS.

4. Notwithstanding the above, Co's Renewal Application for CC&A was kept pending by GPCB for more than two years, despite the Co. having faithfully complied with various directions given by GPCB from time-to-time. The Co. had also entered into MOU's with two parties (Approved by GPCB) for disposal of WACS. Despite repeated requests, GPCB did not give even Temporary Permission to the Co. for disposal of WACS to the designated parties as required under GPCB Rules.
5. This put the Co. in the most untenable and vulnerable situation, since on the one hand it was required to continue production as per Undertaking given to the Govt. of Gujarat, while on the other hand it was denied permission to dispose off its By-product(WACS). Attached please see Chemstar letter dated 04/10/2021 addressed to the Member Secretary, GPCB in this regard. (See Annexure II)
6. Under these circumstances, the Company was forced to send its by-product WACS to parties other than the ones with whom it had entered into MOU, since MOU parties required the Company to have valid (i.e. renewed) CC&A from GPCB, while the Company's application was kept "pending" for more than two years.
7. We reiterate that since the Company was continuing production as per Undertaking given to the IC, it had to dispose off its by-product which resulted from the manufacturing process. Company made every effort to see that the by-product went to legitimate end-users of WACS (WACS is used for manufacture of



Poly Aluminium Chloride (PAC) and Aluminium Hydroxide, which in turn are used by Paper, Textile and other Industries).

8. On Sept 14, 2021, one tanker carrying WACS from the Co. was intercepted by the local LCB for investigation. LCB approached GPCB and GPCB reported that **“the Company did not have any permission to dispose of WACS.”** Thereafter FIR was filed against the truck driver and the concerned employee of Co. The matter is sub-judice.
9. Based on this incident, GPCB rejected the Company's pending CC&A Renewal Application and issued a Closure Order dated 23/11/2021. Consequently the Company was forced to file a fresh Application for Renewal of CC & A as well as Application for Revocation of said Closure Order. **It was also asked by the GPCB to pay fine of Rs. 50 Lacs by way of Environmental Damage Compensation (EDC).**

#### C. OUR SUBMISSIONS:

1. In spite of being fully aware of the Co's status with the Govt. of Gujarat and requirement of being in continuous production for 5 years; in spite of having already collected in 2019 fees for renewal of CC&A full five year period, in spite of continuous follow up by the Directors (even during the Covid period) and giving all information as requested, GPCB for reasons best known to it, either kept Company's Renewal Applications pending, or rejected them citing minor objections. (even these were promptly made good by the Co)!
2. In desperation, Company has made several representations to higher authorities. GPCB was repeatedly requested by the Company to give temporary permission to send WACS to GPCB approved parties with whom Chemstar had already

f

entered into MOU, but such permission was denied most unreasonably. Thus, GPCB was responsible for creating the situation in which Company was forced to send WACS without following procedure as laid down by GPCB.

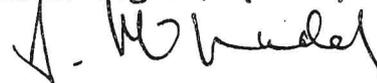
3. Company has already suffered immense harm and loss due to the enforced closure for five months on account of GPCB Closure Order dated 23/11/2021. Its 130 strong workforce were left without work with the Company having to pay their wages without having any income or revenue.
4. Sir, the Company is in dire financial position and had to borrow monies at high interest to even pay Rs.25 Lacs upfront towards EDC fine. It is struggling to find funds even to revive operations. As such it is in no position to bear the additional burden.

Under these circumstances, we request you to kindly consider our request sympathetically and reverse the EDC Order wrongly imposed on the Company.

Thanking you,

Yours faithfully,

**For Chemstar Organics (India) Ltd.**



**(Ashutosh R. Majmudar)**

**Managing Director**

COL/237 (cont.)

Page 6 of 6

## Copies:

1. Shri Arunkumar Solanki I.A.S.  
Additional Chief Secretary  
Forests & Environment Dept.
2. Dr. Rajiv Kumar Gupta, I.A.S.  
Additional Chief Secretary (I&M)
3. Shri M.Thennarasan, I.A.S.  
Vice Chairman & MD, GIDC
4. Dr. Rahul Gupta, I.A.S.  
Industries Commissioner
5. Shri R.B. Barad, I.A.S.  
Chairman, GPCB
6. Shri K. Ranjeeth Kumar, I.A.S.  
Commissioner, MSME

11/08/2022

By RPAD

No. IC/IM/VSIE/41520/TR. No. 21  
 Industries Commissionerate,  
 Block No.1&2, 3<sup>rd</sup> Floor,  
 Udyog Bhavan, Sector-11,  
 Gandhinagar.  
 Date: 15/02/2018

RECEIVED  
 21 FEB 2018

To,  
 Managing Director,  
 M/s. Chemstar Organics (India) Ltd.  
 PNB House, 4<sup>th</sup> floor,  
 Pherozechah Mehta Road,  
 Mumbai- 400 001.

By: ---

Sub: Grant of relief and concessions to the viable Sick Industrial Enterprises under Government Resolution dated 11/09/2017

Ref: 1) I&M dept. Government Resolution no. MIS/10/2015/702426/P dated 11/09/2017

2) Minutes of the Committee meeting dated 01/02/2018 under the Chairmanship of Principal Secretary, Industries and Mines department.

Proposal for Relief & Concessions to M/s. Chemstar Organics (India) Ltd. was placed before First Committee meeting under Chairmanship of Principal Secretary, Industries and Mines held on 1<sup>st</sup> February 2018.

The Committee approved proposal to settle the Government dues with remission of entire amount of interest, penal interest and penalty on payment of Principal & other dues as on 31/03/2016 as per Option -I i.e. within 6 months' time period as per provisions made in GR dtd.11/09/2017.

The details of dues and remission are as under:

				(Rs in lacs)	
Sr. no.	Government departments	Outstanding as on 31/03/16	Settlement amount (Principal & other exps)	Remission	
1	GIIC	1232.07	717.51	514.56	
2	MGVCL	66.45	19.84	46.61	
3	Commercial Tax	153.59	24.52	129.07	
	Total	1452.11	761.87	690.24	

1. The company shall make the payment as per the terms and conditions of GR.
2. The company shall have to make down payment of Rs.76.187 lacs, @10% of amount of the total payable amount of Rs. 761.87 lacs payable within 30 days from the date of this letter.
3. The remaining 90% outstanding payable amount is to be paid in 5 nos. equal monthly installments commencing from the month subsequent to the month in which down payment is made.
4. The unit shall have to make the payment of dues to ESCROW account at GIDC. The Cheques /Demand Draft shall be drawn in favour of GIDC ESCROW account M/s. Chemstar Organics (India) Ltd.

(PTO)

5. In case of any increase in outstanding dues as on 31/03/2016, other than the dues mentioned above, the company shall be liable to pay the same.
6. The company shall be liable to make the payment of legal /other expenses if any incurred after 31st March 2016 by GIIC / MGVCCL / Commercial Tax department.
7. The company shall clear the dues of GPCB and GIDC before issuance of NDC by Industries Commissioner office.
8. The unit shall have to enter into an agreement as per copy enclosed herewith.
9. Company shall give stamped undertaking to restart the production within 12 months from the date of sanction letter, failing which relief & concession granted will be cancelled and in such circumstances, the company will be required to make entire payment of dues including Principal, interest, penal interest, penalty and other dues without any relief and concessions.
10. The company shall submit detailed implementation schedule with financial plan to restart the unit.
11. The company will submit monthly progress report regarding restarting of the unit.
12. Being a closed unit, working of unit shall be kept under observation for one year after restarting the production, during which the unit shall have to pay all the current dues regularly. If unit fails to pay the current dues, the relief and concessions sanctioned under this scheme shall be liable to be cancelled. The progress will be monitored as per GR and NDC will be issued thereafter.
13. The company shall be in working for next five years, during which the company shall have to submit quarterly progress report and any other information required by the Government related to performance and progress of the company to the office of Industries Commissioner.
14. Any deviation or violation of terms and conditions at any point of time will lead to automatically cancellation of sanctioned relief and concessions under GR dtd.11/09/2017.
15. The above reliefs and concessions are granted subject to the terms and conditions mentioned in the GR of Industries & Mines Department, Government of Gujarat dtd.11/09/2017.
16. GIIC will not give permission for sale of Nandesari unit, unless and until receipt of entire amount of OTS in GIIC account.
17. No other relief except above is granted to the company.

  
14/2/18  
Addl. Industries Commissioner (SP)

Encl: As above

Copy to:

1. Commissioner of State Tax,  
Rajya Kar Bhavan, Ashram Road, Ahmedabad.
2. Vice Chairman & Managing Director,  
Gujarat Industrial Development Corporation, 2<sup>nd</sup> Floor, Block No.4,  
Udyog Bhavan, Gandhinagar.
3. Industries Commissioner  
Block no. 1&2, 2<sup>nd</sup> floor, Udyog Bhavan, Gandhinagar
4. Managing Director  
Gujarat Industrial Investment Corporation Limited  
6<sup>th</sup> floor, Block no.11&12, Udyog Bhavan, Gandhinagar
5. Managing Director,  
Madhya Gujarat Vij Company Limited,  
Sardar Patel Vidyut Bhavan, Race Course, Vadodara-390 007
6. Joint Secretary (I),  
Industries and Mines Department,  
3<sup>rd</sup> floor, block no.5, Sardar Bhavan, New Sachivalaya, Gandhinagar.

1373

# CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House, 4th Floor, P. M. Road, Fort, Mumbai 400 001  
Tel.: (91-22) 2266 5983 / 2266 0823 E-mail : chemstar@chemstar.co.in

Our Ref: COL/ 168

October 04, 2021

Annexure II

The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10A  
Gandhinagar-382010

Kind Attention: Shri A.V.Shah

Subject : Interim Permission for Disposal of Aluminium Chloride Solution  
One Time Permission for Discharge of Treated Effluent into EICL.

Reference : Co's Application for Renewal of CC&A  
(Inward No. 191161 dated 12/02/2021).

Dear Sir,

We refer to our meeting with your goodself last week. While our Application for Renewal of CC&A is under processing, in order to continue production operations, the Co. urgently needs the following permissions from GPCB:

1. Permission to sell/dispose Aluminium Chloride Solution (By-product) to following parties, with whom the Co. has entered into 5 year MOU's.

Gayatri Industries, Sanand, Dist. Ahmedabad.  
Synergy Multichem Pvt. Ltd, Dudhwada, Padra,  
Dist. Vadodara

2. One-time Permission to discharge primary treated effluent upto 1100 KL into EICL, Umraya (Co. is holding valid Registration with EICL for discharge upto 20 KL/day).

★

COL/168 (cont.)

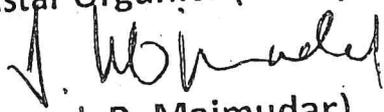
Note: Permission for discharge into EICL was given by GPCB earlier (See attached Letter dtd 24/03/2021). The same is required once again to enable the Co. to dispose of accumulated treated effluent, while awaiting the installation and commissioning of instrumentation for full monitoring of final discharge into VECL (Co is a Participating Member of VECL with Permission to discharge treated effluent upto 150 KL/day).

We request you to kindly do the needful urgently and oblige.

Thanking you in advance,

Yours faithfully,

For Chemstar Organics (India) Ltd.

  
(Ashutosh R. Majmudar)  
Managing Director

Copies:

1. Shri Sanjeev Kumar , I.A.S.  
Chairman, GPCB
2. Shri K. Ranjeeth Kumar ,I.A.S  
Commissioner MSME

1375

# CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House, 4th Floor, P. M. Road, Fort, Mumbai 400 001  
Tel.: (91-22) 2266 5983 / 2266 0823 E-mail : chemstar@chemstar.co.in

Annexure II

Our Ref: COL/243

October 06, 2022

**The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10A  
Gandhinagar-382010**

**Subject : EDC levy of Rs.50 Lacs**

**Ref : Our Letter COL/237 dtd 22/08/2022**

Dear Sir,

We are grateful for the courtesy extended to us during our visit last week to your office.

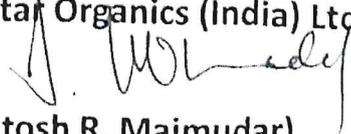
As explained by us personally we are an MSME unit being revived under the Govt. of Gujarat Scheme for Viable Sick Industrial Units as per GR dated 11/09/2017. We have remained closed for almost 5 months and are working very hard to stabilize our operations as of now. Our 130 strong workforce has supported us through the ordeal. We are facing financial difficulties and are not in a position to immediately pay Rs.25 Lacs + Interest as demanded by GPCB. We seek your support for our revival efforts and request additional time to make the said payment.

We trust you will consider our case sympathetically and oblige.

Thanking you,

Yours faithfully,

For Chemstar Organics (India) Ltd.

  
(Ashutosh R. Majmudar)

Managing Director

1376  
**CHEMSTAR ORGANICS (INDIA) LIMITED**

Near Effluent Canal Crossing, Umraya, Taluka : Padra, Dist. : Baroda. Pin - 391 440  
M. : 70436 00210

Annexure III

Our Ref: COL/244

October 15, 2022

The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10 A  
Gandhinagar- 382010.

**Subject : GPCB Notice dated 19/09/2022 in respect of EDC Levy of Rs. 50 Lacs.**

**Reference: Our Letters COL/237 dtd. 22/08/2022 and COL/243 dtd. 06/10/2022**

Dear Sir,

This is further to our visit to your office on Oct 01 and subsequent letter COL/243 dated Oct 06, 2022 whereby we have pleaded to be allowed more time to make the (balance)payment of Rs. 25 lacs, as we are a sick MSME unit being revived with the support of Govt. of Gujarat under GR dtd. 11/09/2017.

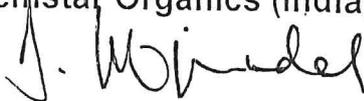
Furthermore, it has just been brought to our attention by our Auditors that as per the revised guidelines, our Company would fall under the Small Scale (SSI) Category, since value of Plant & Machinery is less than Rs. 10 crores and Turnover is below 50 Cr. We are arranging to separately send Chartered Engineer's Certificate in this regard for your kind consideration.

We humbly request you to kindly take the above into consideration for the purpose of determining the appropriate levy of EDC and allow additional time if required. Please kindly note that Rs. 25 lacs is already paid by the Company.

We trust that you will find the above in order and request you not to take any harsh action in the meantime.

Thanking you,

Yours Faithfully,  
For Chemstar Organics (India) Ltd.

  
(Ashutosh R. Majmudar)  
Managing Director

Copy:  
Regional Officer GPCB,  
Race Course Circle, Vadodara.

# CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House, 4th Floor, P. M. Road, Fort, Mumbai 400 001  
Tel.: (91-22) 2266 5983 / 2266 0823 E-mail : chemstar@chemstar.co.in

Our Ref: COL/249

October 31, 2022

**The Member Secretary**  
**Gujarat Pollution Control Board**  
**Paryavaran Bhavan**  
**Sector 10A**  
**Gandhinagar-382010**  
**Kind Attention: Shri D.M. Thaker**

**PCB ID: 69697**

**Subject : Request for Reconsideration /Reduction**  
**of EDC levy (50 Lacs).**

**Reference : 1. Our Letter Dated 15/10/2022**  
**2. GPCB Notice Dated 19/09/2022**

Dear Sir,

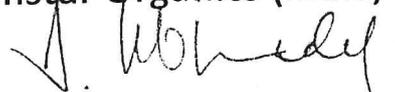
With further reference to our letter COL/244 dated 15/10/2022, we are pleased to enclose Certificate dated 21/10/2022 from D.M. Vaidya & Associates, Chartered Engineers and Approved Valuers, certifying the value of Plant & Machinery at our Umraya factory. It is pertinent to note that the Company divested its original Nandesari factory in F.Y. 2019-20 and used the proceeds to make full OTS payment to the Govt. of Gujarat under the Scheme for Revival of Viable Sick Units (As per GR dated 11/09/2017).

In view of the above, we request GPCB to kindly apply EDC Levy as applicable to 'Small Scale Industrial Units' in the instant case. We shall be grateful if GPCB would consider the Co's request sympathetically and oblige.

Thanking you,

Yours faithfully,

**For Chemstar Organics (India) Ltd.**

  
**(Ashutosh R. Majmudar)**

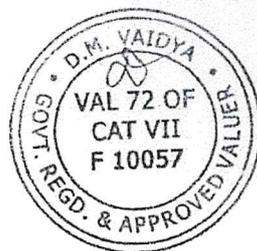
**Managing Director**

F.N.COIL

**Inspection and valuation report of Plant & Machinery of M/s. Chemstar Organics (India) Ltd. Add.: Near Umraya Village, Ta: Padra, Dist: Vadodara, 392310**

This is to certify that at the instance of M/s. Chemstar Organics (India) Ltd. Add. : Near Umraya Village, Ta: Padra, Dist: Vadodara, 392310, I undersigned Chartered Engineer and Government Registered and Approved Valuer had attended the inspection and Valuation of Plant & Machinery situated at above address. I now issue valuation report in prescribed form as hereunder:

- 1) Name and Address of the Registered Valuer with Registration Number. : Mr. D. M. Vaidya  
Office: SF: 2 & 21,  
Shree Siddheshwar Hub,  
B/s. Pancham Elite, Khodiyarnagar  
Road, New VIP Road, Vadodara,  
PIN Code: 390019, Gujarat, India.  
Registration No.:- 72 CAT VII
- (2) Name, Address & Location of Applicant's unit : Chemstar Organics (India) Ltd.  
Add.: Near Umraya Village,  
Ta: Padra, Dist: Vadodara,  
Pin: 392310.
- (3) Date of which inspection was carried out : 21<sup>th</sup> Oct. 2022
- (4) Date of which value is assessed : Prevailing to Present Market Rate
- (5) Purpose of Inspection and Valuation the : To know fair present market value of  
Plant & machinery
- (6) Details of Plant & Machinery : As Per Annexure Attached.
- (7) Assessed Value : Rs. 3,57,75,000/-  
(RUPEES THREE CRORES FIFTY SEVEN LACS SEVENTY FIVE THOUSANDS ONLY)
- (8) Realizable value : Rs. 3,21,97,000/-  
(RUPEES THREE CRORES TWENTY ONE LACS NINETY SEVEN THOUSANDS ONLY)
- (9) Distress value : Rs. 3,05,87,000/-  
(RUPEES THREE CRORES FIVE LACS EIGHTY SEVEN THOUSANDS ONLY)



(10) Declaration:-

- (a) I have personally inspected and examined the Plant & Machinery along with Mr. Mayurbhai Majmudar & Mr. Raju Mahalle on 21<sup>st</sup> Oct. 2022 and have collected the relevant data / information which is available and necessary for assessing fair market value of the same.
- (b) Information contained in this report is true and correct to the best of my knowledge.
- (c) I have no direct or indirect interest in the assets evaluated.
- (d) This valuation Report and its contents are based upon prevailing market rates of the new similar Plant & Machinery and the value shown against each of the items is Present Day Worth as per the condition of individual items of Plant & Machinery and is arrived at after applying the factors of appreciation and depreciation wherever applicable in accordance with standard valuation practice.
- (E) The unit is temporarily closed due to electrical wiring faults, which are under repair and hence we could not see any equipment in operation so it may be necessary to carry out overhauling / repairing before starting the plant.



**D. M. VAIDYA**  
(Govt. Registered and Approved Valuer)



# 1380 CHEMSTAR ORGANICS (INDIA) LIMITED

PNB House, 4th Floor, P. M. Road, Fort, Mumbai 400 001  
Tel.: (91-22) 2266 5983 / 2266 0823 E-mail : chemstar@chemstar.co.in

**ANNEXURE-R-9**

Our Ref: COL/250

November 04, 2022

**The Member Secretary  
Gujarat Pollution Control Board  
Paryavaran Bhavan  
Sector 10A  
Gandhinagar-382010**

**PCB ID: 69697**

**Kind Attention: Shri D.M. Thaker**

**Subject: Request for Urgent Personal Meeting/ Reliefs in terms  
of EDC Levy INR 50 Lacs**

Dear Sir,

We humbly request you to grant an urgent personal meeting tomorrow (Sat, 05<sup>th</sup> Nov) to discuss balance payment of INR 25 lac fine levied by GPCB. In this regard, we draw your kind attention to the below facts:

**A. BACKGROUND**

1. Company has been declared a Viable Sick Industrial unit and granted Reliefs and Concessions by Govt. of Gujarat, as per GR dated 11.09.2017.
2. As per above GR, Company's promoters were required to give Undertaking to start commercial production and continue operations for 5 years. Copy of Sanction letter dated 15.02.2018 was marked to the Member Secretary, GPCB.
3. After extensive renovation, the Company started trial commercial production in **Sept 2019**, and simultaneously applied to GPCB for Renewal of Consent/CCA. Company was (verbally) assured that the Renewal Application would be processed within a few weeks.
4. Company paid GPCB fees for its Period of Closure (2004-2019) along with the Application for Renewal of Consent/CCA, and also paid further fees for 5-years (2020-2024), as directed by GPCB's.



5. Company also entered into an MOU with a GPCB-approved party for disposal of Waste Aluminium Chloride Solution ("WACS"), which is a by-product of MPBD, our manufactured product, which are both listed in the original GPCB Consent/CCA.
6. In the period 2019-2021, multiple visits were made by GPCB officials to our factory, production data was routinely shared, and several amendments were made to the Renewal Application, as advised by GPCB.
7. Despite the company meeting all requirements, final renewal of GPCB Consent/CCA was only obtained on **Mar 9, 2022** (*i.e. 2.5 years after initial application*).
8. Thus, the Company was put into a most untenable situation:
  - i. Undertaking given to Govt. of Gujarat to continue production.
  - ii. However, Form 9 procedure for dispatch of WACS by-product was not enabled by GPCB, despite company having MOU with GPCB - approved party.
9. Thus, in the interim period, the Company, in good-faith, continued production, employing 130 persons, while awaiting the Renewal of Consent/CCA, and filing regular reports with GPCB.
10. In Sept 2021, a tanker carrying WACS was intercepted by the local police /LCB, and GPCB was informed.
11. Despite our Renewal application being in-process, GPCB ruled that this was a violation, and accordingly levied EDC fine of INR 50 lacs, and issued Closure Notice to the Company.

## **B. CURRENT SITUATION**

1. Company paid 1st instalment of EDC fine of INR 25 lacs in Mar 2022, under protest, by borrowing the monies, as it is still a loss-making Unit.



2. After payment of EDC, GPCB issued a Revocation Order and finally, the Renewal of Consent was granted on 09.03.2022.
3. However, the enforced closure period of 5 months, has put the Company into a severe financial crunch, with the Company being unable to pay the salary, power and fuel bills on time.
4. The Company is currently in advanced discussions to raise additional working capital to allow for return to smooth operations.
5. We have also submitted a letter from a Chartered Engineer, certifying that the market value of Company's Plant & Machinery would meet the requirements for classification as an SSI (*EDC fine would be INR 25 lacs, in this case*).
6. We represent that, in light of the circumstances, we are facing difficulty in making immediate payment of the balance INR 25 lac fine.

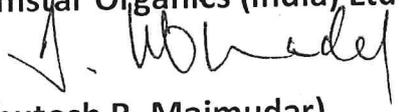
Based on the above, we humbly request a review of our case, and/or allow more time to make phased payment of the balance INR 25 lacs EDC Levy. Despite being senior citizens, the promoters have, in difficult circumstances, made earnest and sincere efforts towards revival of the Company, as per their Undertaking given to Govt. of Gujarat, while meeting all the requirements of GPCB.

We seek your kind assistance and support to help facilitate the above, and look forward to meeting with you to represent our case in person.

Many thanks & best regards,

Yours faithfully,

**For Chemstar Organics (India) Ltd.**

  
**(Ashutosh R. Majmudar)**  
**Managing Director**

COL/250 (cont.)

**Copies:**

1. **Shri Arunkumar Solanki I.A.S.**  
**Additional Chief Secretary**  
**Forests & Environment Dept.**
  
2. **Shri Raj Kumar, I.A.S.**  
**Additional Chief Secretary (I&M)**
  
3. **Shri R.B. Barad, I.A.S.**  
**Chairman, GPCB**



04/11/2022

IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH  
COURT III

23 DEC 2022

C.P. (IB) 1028/NCLT/MB/2022

Under Section 7 of the Insolvency and  
Bankruptcy Code, 2016 read with  
rule of the Insolvency and  
Bankruptcy (Application to  
Adjudication Authority) Rule 2016

*In the matter of*

**Omkara Assets Reconstruction  
Private Limited**

Having its registered office at:  
No. 9, M.P. Nagar First Street,  
Kongu Nagar Extension  
Tirupur - 641607

Having its Corporate Office at:  
C/515, Kanakia Zillion, Junction of  
LBS Road and CST Road, BKC  
Annexe, Near Equinox, Kurla (W),  
Mumbai - 400070

...**Financial Creditor**

**Vs**

**Chemstar Organics (India) Limited**

PNB house, Phirozsha Mehta Road,  
Fort, Mumbai - 400001

.....**Corporate Debtor**

**Reserved for order on: 15.11.2022**

**Order Pronounced on: 06.12.2022**

**Coram:**

**Hon'ble Shri H.V. Subba Rao, Member (Judicial)**

**Hon'ble Smt. Anuradha Sanjay Bhatia, Member (Technical)**

**For the Petitioner:** Mr. Nikhil Rajani, Advocate

**For the Respondent:** None Appeared

**Per:** Shri H.V. Subba Rao, Member (Judicial)



1. This Company petition is filed by *Omkara Assets Reconstruction Private Limited* (hereinafter called "Operational Creditor") seeking to initiate Corporate Insolvency Resolution Process (CIRP) against *Chemstar Organics (India) Limited* (hereinafter called "Corporate Debtor") by invoking the provisions of Section 7 of Insolvency and Bankruptcy Code, 2016 (hereinafter called "Code") read with Rule of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for resolution of a sum of Rs. 11,87,21,370 (Rupees Eleven Crores Eighty Seven Lakhs Twenty One Thousand Three Hundred and Seventy only) being an Operational Debt due and payable by the Corporate Debtor.
2. The brief facts of the case are as follows:
  - i. The Applicant a Financial Creditor filed petition U/s. 7 of Insolvency and Bankruptcy Code, 2016 to initiate Corporate Insolvency Resolution Process ('CIRP') against *Chemstar Organics (India) Limited*, the Corporate Debtor.
  - ii. The Applicant states that since October, 1997, Corporate Debtor was enjoying credit facilities from Gujarat Industrial Investment Corporation Limited ('GIIC') who under its Loan Agreement dated 06.10.1997 granted sanctioned and disbursed various credit facilities to Corporate Debtor. GIIC cancelled and recalled sanction of facility of term loan facility of 200 Lakhs out of 500 Lakhs in accordance with Supplemental to Loan Agreement.
  - iii. The Applicant states that the GIIC sanctioned, granted and disbursed additional Term Loan Facility of Rs. 200 Lakhs and 195 Lakhs. Bank of Baroda being a lead Bank to the consortium while acting as an agent of GIIC is holding all the Original Title deeds.



- iv. The Corporate Debtor has defaulted in payment of interest and repayment instalment, Assignor Bank (GIIC) initiated action to recover the dues. Pursuant to the Notification received from Industrial Commissionerate Government of Gujarat under G. R. dated 19.09.2018 and GIIC had approved One Time Settlement Proposal under its letter dated 15.02.2018.
- v. Further, the GIIC assigned all the debt due and payable by the Respondent / Corporate Debtor under the Assignment Deed dated 14.08.2018 to the present Applicant. The NOC issued by the Applicant and Bank of Baroda through its Assignee Edelweiss Asset Reconstruction Company Limited, and the Respondent proceeded to transfer share to Edelweiss Asset Reconstruction Company Limited amounting to Rs. 125 Lakhs and by letter dated 04.02.2019 proposed to make Rs 375 Lakhs to Applicant under prorata share and once again Rs 235 Lakhs in one shot within 6 (six) months from the date of receipt of sanction with a grace period of 3 (three) months at simple rate of interest @ 18% p.a.
- vi. The Applicant conveyed released its charge on secured assets situated at Nandesari and its approval receive balance amount of Rs. 255 Lakhs on or before 31.08.2019 in view of its letter dated 03.04.2019. And by its letter dated 16.04.2019 sought extension of time to make the payment of the final One Time Settlement ('OTS') instalment of Rs. 235 Lakhs up to 31.03.2020, after making the aforesaid part payment, the Respondent failed to pay the amount and the Applicant by email dated 03.10.2019, 14.10.2019, 26.11.2019, 10.12.2019, 21.12.2019 called upon respondent to clear the dues.
- vii. The Applicant by its letter dated 08.01.2020 proceeded to revoke the approval of OTS proposal conveyed vide its



letter dated 03.04.2019 and called upon to make payment within 10 (ten) days. The Respondent failed to reply the said revocation notice and hence the cause of action arises for not complying with terms of OTS and hence, the date of default occurs on 08.01.2020/19.01.2020.

viii. The Applicant by its letter dated 01.02.2022 pleased to clarify that the extension of time for payment of OTS instalment was granted till 31.03.2020 vide its letter dated 19.04.2019. The Applicant by invoking provisions of SARFAESI Act, 2002 also to issue its Notice dated 22.06.2021 issued under Section 13 (2) of SARFAESI Act calling upon Rs. 10,51,18,900/- (Rupees Ten Crores Fifty One Lakhs Eighteen Thousand and Hundred only) due and payable as on 20.06.2021. As no payment was forthcoming, despite aforesaid notice, the Applicant has proceeded to take symbolic possession and in compliance of provision of Security Interest (Enforcement) Rule, 2002.

ix. Therefore, the Applicant has filed the present application under Section 7 of the I.B. Code, 2016 to recover the total debt amount of Rs. 11,87,21,370 (Rupees Eleven Crores Eighty Seven Lakhs Twenty One Thousand Three Hundred and Seventy only).

3. The matter was listed for the first time on 28.09.2022 whereby the Applicant was directed to issue notice to the Corporate Debtor to file reply. The Applicant was also directed to issue original postal receipt, track report, email etc., as per the instructions of this Tribunal the Applicant duly submitted the same through an Affidavit of Service dated 14.10.2022.



4. Even after following all the necessary means of communication/ intimidation from the Applicant not only the Corporate Debtor failed to file reply but also failed to make representation before this Bench. Therefore, the Corporate Debtor was set ex-parte vide an order of this Bench dated 15.11.2022.
5. Heard the submissions of Mr. Nikhil Rajani counsel appearing for the Financial Creditor and perused the material available on record. Mr. Nikhil Rajani counsel appearing for the Financial Creditor invited the attention of this Tribunal to the following documents which are filed with the Company Petition to prove the existence of "debt" and "default":
- i. The Deed of Hypothecation dated 06.10.1997 by the Financial Creditor in favour of Gujarat Industrial Investment Corporation Limited annexed as 'Exhibit - C' at Page No. 20 of the Company Petition.
  - ii. The Assignment Letter dated 14.08.2018 assigned by the Gujarat Industrial Investment Corporation Limited to the Financial Creditor annexed as 'Exhibit - D' at Page No. 40 of the Company Petition.
  - iii. The letter dated 18.09.2018 addressed by the Financial Creditor to the Respondent / Corporate Debtor giving intimation of debt along with the underlying security interest by GIIC to the Applicant annexed as 'Exhibit - E' at Page No. 75 of the Company Petition.
  - iv. The Letter dated 04.02.2019 from the Respondent / Corporate Debtor giving its One Time Settlement proposal annexed as 'Exhibit - G' at Page No. 78 of the Company Petition.
  - v. The Letter dated 03.04.2019 from the Applicant conveying sanction to the One Time Settlement of the Respondent / Corporate Debtor conveyed vide its letter



dated 04.02.2019 annexed as 'Exhibit - H' at Page No. 80 of the Company Petition.

- vi. The letter dated 08.01.2020 by the Applicant addressed to the Respondent / Corporate Debtor conveying invocation of One Time Settlement proposal annexed as 'Exhibit - M' at Page No. 88 of the Company Petition.
- vii. The letter dated 17.01.2020 from the Respondent / Corporate Debtor in reply to the Applicants invocation letter dated 08.01.2020 annexed as 'Exhibit - N' at Page No. 90 of the Company Petition.
- viii. The Letter dated 27.06.2020 from the Respondent / Corporate Debtor with a request for extension of time for payment till 30.09.2020 annexed as 'Exhibit - P' at Page No. 95 of the Company Petition.
- ix. The letter dated 22.12.2020 from the Applicant addressed to the Respondent / Corporate Debtor rejecting their request for extension and calling upon to pay the amount as called for in the revocation notice dated 08.01.2020 annexed as 'Exhibit - Q' at Page No. 96 of the Company Petition.
- x. The letter dated 07.01.2021 from the Applicant addressed to the Respondent / Corporate Debtor making final demand and intimating that in the event if no payment is made, the Applicant will proceed with legal remedies annexed as 'Exhibit - R' at Page No. 97 of the Company Petition.
- xi. The letter dated 20.01.2021 from the Respondent / Corporate Debtor to the Applicant in response to the letter dated 07.01.2021 annexed as 'Exhibit - S' at Page No. 98 of the Company Petition.
- xii. The letter dated 22.06.2021 from the Applicant giving notice under Section 13 (2) of SARFAESI Act, 2002 calling upon the Respondent / Corporate Debtor



to pay sum of Rs. 10,51,18,900 /- due and payable as on 21.06.2021 with further interest till payment and or realization annexed as 'Exhibit - T' at Page No. 101 of the Company Petition.

xiii. The Notice dated 10.02.2022 issued under the provisions of Security Interest (Enforcement) Rule, 2002 intimating taking over of symbolic possession by the Applicant of its secured assets annexed as 'Exhibit - W' at Page No. 125 of the Company Petition.

6. After hearing the submissions and upon perusing the material available on record, this bench is satisfied with regard to the existence of "debt" and "default" committed by the Corporate Debtor. The Financial Creditor has also suggested the name of the proposed Interim Resolution Professional in Part-3 of the Petition along with his consent letter in Form-2. Since the Corporate Debtor remained ex-parte, the claim of the financial creditor remained unchallenged. Thus, this Company Petition satisfies all the necessary legal requirements for admission. Accordingly, the same is admitted by passing the following:

**ORDER**

- a. The above Company Petition No. (IB) 1028/NCLT/MB/2022 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against Chemstar Organics (India) Limited.
- b. This Bench hereby appoints **Shri Indrajit Mukherjee**, Insolvency Professional, Registration No: IBBI/IPA-001/IP-P-01533/2018-19/12450, having Contact No at: (+91) 7045312912 and having Registered Address at: B-405, Siddhivinayak Twins, Plot No. 9, Sector 17, Roadpali, Kalamboli, Navi Mumbai - 410218 as the interim resolution



professional to carry out the functions as mentioned under the Insolvency & Bankruptcy Code, 2016.

- c. The Operational Creditor shall deposit an amount of Rs. 5 Lakhs towards the initial CIRP costs by way of a Demand Draft drawn in favour of the Interim Resolution Professional appointed herein, immediately upon communication of this Order. The IRP shall spend the above amount only towards expenses and not towards his fee till his fee is decided by COC.
- d. That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.
- e. That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- f. That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- g. That the order of moratorium shall have effect from the date of pronouncement of this order till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of corporate debtor under section 33, as the case may be.



- h. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
- i. During the CIRP period, the management of the corporate debtor will vest in the IRP/RP. The suspended directors and employees of the corporate debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP/RP.
- j. Registry shall send a copy of this order to the Registrar of Companies, Mumbai, for updating the Master Data of the Corporate Debtor.

Accordingly, this Petition is admitted.

The Registry is hereby directed to communicate this order to both the parties and to IRP immediately.

Sd/-  
**ANURADHA SANJAY BHATIA**  
MEMBER (TECHNICAL)

Sd/-  
**H.V. SUBBA RAO**  
MEMBER (JUDICIAL)

Certified True Copy  
Copy Issued "free of cost"  
On 20/12/2022

*Sachin Kumar*  
Deputy Registrar  
National Company Law Tribunal Mumbai Bench



**NATIONAL COMPANY LAW APPELLATE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No.1492 of 2022

**IN THE MATTER OF:**

**Ami Ashutosh Majumdar**

**...Appellant**

**Versus**

**Omkara Assets Reconstruction Pvt. Ltd. & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. Abhijeet Sinha, Mr. Mahesh Agrawal, Mr. Shivam Shukla, Ms. Geetika Sharma and Mr. Shadab S. Jan, Advocates.**

**For Respondents: Mr. Adarsh Ramanujan, Mr. Lzafeer Ahmad BF, Mr. Skanda Shekhar, Advocates for R-1.**

**ORDER**

**12.12.2022:** Learned counsel for the Appellant submits that the Adjudicating Authority has proceeded ex-parte on 15.11.2022 and reserved the orders and on 06.12.2022, the Section 7 application has been admitted. It is submitted that the Appellant could not appear or file reply. It is further submitted that interim moratorium was declared under Section 95 application on 14.10.2022 and thereafter application under Section 7 ought not to have been admitted.

Issue notice. Learned counsel for Respondent No.1 appears and accepts notice. Let a copy of the Appeal Paper Book be provided to Respondent No.1. Issue notice to Respondent No.2 only. Requisites alongwith process fee be filed within three days.

*Cont'd.../*

Respondent may file Reply within two weeks. Rejoinder be filed within two weeks' thereafter.

List this Appeal on **23.01.2023**.

In the meantime, no further steps shall be taken in pursuance of the order dated 06.12.2022.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Barun Mitra]**  
**Member (Technical)**

*Archana/nn*

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Ins.) No. 1492 of 2022**

**IN THE MATTER OF:**

**Ami Ashutosh Majumdar**

**....Appellant**

**Vs.**

**Omkara Assets Reconstruction Pvt. Ltd. & Anr.**

**....Respondents**

**Present:**

**For Appellant: Mr. Krishnendu Datta, Sr. Advocate, Mr. Himanshu Satija, Ms. Prerana Wagh, Mr. Shivam Shukla, Advocates.**

**For Respondents: Mr. P. Nagesh, Sr. Advocate, Mr. Adarsh Ramanujan, Mr. Lzafeer Ahmad BF, Mr. Skanda Shekhar, Mr. Akshay Sharma, Advocates for R-1.**

**O R D E R**

**01.09.2023:** Heard Learned Counsel for the appellant as well as Learned Counsel appearing for the Respondent. This appeal has been filed against the order dated 06.12.2022 passed by Adjudicating Authority (National Company Law Tribunal, Mumbai Bench, Court-III) by which order Adjudicating Authority has proceeded on Section 7 application ex-parte to the respondent and admitted Section 7 application. In Section 7 application which was filed by the Financial Creditor an order was passed by Adjudicating Authority on 28.09.2022 which is to the following effect:

*“Counsel appearing for the Petitioner is directed to issue notice to the Respondent intimating the Respondent regarding filing of the above Company Petition against them with further direction to the Respondent to file reply within two weeks from the date of receiving notice if petition copy is served and to appear either in person or*

*through advocate before this Bench on the next date of hearing. The Petitioner shall file service affidavit along with copy of notice sent to the Respondent, original postal receipt, track report, email etc. at least two days before the next date of hearing.*

*The Registry is also directed to issue notice to the Respondent and shall submit service report along with postal receipt, track report/ acknowledgment.*

*Hard copy of the above Company Petition is not available with this bench. Petitioner, Registry and the court officer of this bench shall ensure the availability of hard copy before the next date of hearing. List this matter on 15.11.2022 for appearance of the Respondent.”*

2. In pursuance of the order dated 28.09.2022 Financial Creditor sent a letter dated 01.10.2022 to the appellant informing that 15.11.2022 is the date of appearance. In pursuance of the later part of the order registry has also sent a communication dt. 31.10.2022 which was received on 04.11.2022 along with letter dated 31.10.2022 sent by registry, copy of the order dated 28.09.2022 was also sent. The Adjudicating Authority by order dated 28.09.2022 allowed two weeks time to file Reply after receipt of the notice.

3. On 15.11.2022 no one appeared on behalf of the Corporate Debtor, hence, the Adjudicating Authority heard the matter, proceeded ex-parte against the Corporate Debtor and reserved the order. Thereafter, the order has been delivered admitting Section 7 application on 06.12.2022.

4. Learned for the appellant challenging the order contends that in the letter which was sent by the Financial Creditor there was no mention of filing

the reply within two weeks and the letter which was received from registry on 04.11.2022 two weeks time to file the reply was given although date of appearance was 15.11.2022. It is submitted that as per the said notice time for reply has not expired on 15.11.2022, hence, Adjudicating Authority ought to have given one opportunity to file reply.

5. Mr. P. Nagesh, Learned Senior Counsel appearing for the respondent refuting the submission of learned counsel for the appellant contends that appellant/Financial Creditor were informed of the date by letter dated 01.10.2022 and they have also received notice from the registry intimating them that 15.11.2022 is the date of appearance and they did not appear. Adjudicating Authority has rightly proceeded ex-parte and heard the matter.

6. This appeal was heard by this Tribunal on 12.12.2022 on which date we have passed following order:

*“12.12.2022: Learned counsel for the Appellant submits that the Adjudicating Authority has proceeded ex-parte on 15.11.2022 and reserved the orders and on 06.12.2022, the Section 7 application has been admitted.*

*It is submitted that the Appellant could not appear or file reply.*

*It is further submitted that interim moratorium was declared under Section 95 application on 14.10.2022 and thereafter application under Section 7 ought not to have been admitted.*

*Issue notice. Learned counsel for Respondent No.1 appears and accepts notice. Let a copy of the Appeal Paper Book be provided to Respondent No.1. Issue notice to Respondent No.2 only.*

*Requisites alongwith process fee be filed within three days.*

*Respondent may file Reply within two weeks. Rejoinder be filed within two weeks' thereafter.*

*List this Appeal on 23.01.2023.*

*In the meantime, no further steps shall be taken in pursuance of the order dated 06.12.2022.”*

7. We have considered the submissions of the counsel for the parties and perused the records.

8. 15.11.2022 was the first date after issuance of notice by the Adjudicating Authority on 28.09.2022. Although the appellant was well aware that they have to appear on 15.11.2022 since notice by the registry was already been received by them but the submission of the counsel for the appellant that opportunity of two weeks was granted after service of notice as per order of the Adjudicating Authority, hence, when notice was received from the registry then they had still two weeks time to file the reply and on 15.11.2022 time had not expired. On 15.11.2022 when the appellant did not appear, the Adjudicating Authority on the same very date proceeded ex-parte and reserved the order.

9. In view of the fact that notice by registry was received and served on 04.11.2022 which fact is not disputed, Adjudicating Authority ought to have given one more opportunity to file a reply. Proceeding ex-parte and reserving order is not giving sufficient opportunity to the appellant as contemplated by Rule 37 Sub Rule 2 of the NCLT Rule, 2016. We having already by our order dated 12.12.2022 stayed further steps in pursuance of the order. Ends of justice be served in giving one opportunity to the appellant to file a reply before

the Adjudicating Authority. Let the appellant filed reply within two weeks from today and appear on the next date fixed by Adjudicating Authority. We fix 25.09.2023 for parties to appear before the Adjudicating Authority. The Rejoinder by the Financial Creditor will be filed before the date fixed. Adjudicating Authority may fix the date for hearing. Adjudicating Authority shall proceed to dispose of the matter as early as possible.

10. The order dated 06.12.2022 is set aside. The appeal is disposed of accordingly.

**[Justice Ashok Bhushan]  
Chairperson**

**[Mr. Barun Mitra]  
Member (Technical)**

*sa/nn*

Item No. 02

(Pune Bench)

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

(By Video Conferencing)

I.A. No. 191/2022(WZ)  
In  
Appeal No. 53/2022(WZ)  
I.A. No. 192/2022 (WZ)

M/s Chemstar Organic Ltd. (India)

.....Appellant

Versus

Gujarat Pollution Control Board

....Respondent

Date of hearing: 02.12.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Saurabh Kulkarni, Advocate  
Respondent : Mr. Maulik Nanavai, Advocate

**ORDER**

1. This appeal has been preferred against the Notice of Intention dated 19.09.2022, where-by the sole Respondent-Gujarat Pollution Control Board had directed the Appellant to deposit the remaining amount of Environmental Damage Compensation (EDC) within a period of 07(seven) days from the receipt of notice along-with the applicable interest, with the delay of 38 days for which he has moved an I.A. No. 191/2022 (WZ), seeking condonation of delay of 38 days.

2. In the said application, it is stated by him that the Managing Director of the Appellant is an old person of about 75 years and in tremendous financial stress. The delay happened because he had to go for legal advice as to whether he should approach the Hon'ble High Court of Gujarat or this Tribunal, which resulted in this delay.

3. From the side of sole Respondent-Gujarat Pollution Control Board, learned Counsel Mr. Maulik Nanavati has appeared and apprised that he has no objection to this application being allowed. Accordingly, we condone this delay and allow I.A. No. 191/2022 (WZ).

Accordingly, I.A. No. 191/2022 (WZ) stands disposed of.

4. We take up this appeal with consent to the parties today itself.

5. The learned counsel for the Appellant states that they are manufacturer of organic intermediaries and specialty chemicals having its factory at Umraya, which was originally established as an SSI Unit in 1973 as Bakul Chemicals Pvt. Ltd. It was having Consent to Operate dated 09<sup>th</sup> March, 2022, which is valid up to 30<sup>th</sup> September, 2025.

6. Gujarat Pollution Control Board conducted inspection of the Appellant's Industry on 15.07.2021, 03.09.2021 and 17.09.2021 under Section 10 of the Environment (Protection) Act, 1986 and following was observed:-

- “ 1. LCB- Vadodara has caught one tanker (GJ-11-Z-9961) and looking to the invoice (NO. COIL/21-22/52) this tanker was fill up from M/s Chemstar Organics India Pvt. Ltd. and waste AIC13 solution (Quantity-31.450MT) and going to M/s Jay Ambe Chemical, Chhapra Bhatha Road, Variyav, Tadvadi, Surat.*
- 2. Further investigate by LCB Vadodara and informed that, no any unit as M/s Jay Ambe Chemical was located at Surat.*
- 3. Unit has not valid CCA but unit is operating plant in full capacity.*
- 4. During inspection record check at security cabin and looking to the material inward & outward register, material going into same tanker and same invoice number- COIL/21-22/52.*
- 5. Looking to the material outward register, unit has sent waste aluminium chloride to M/s. Money Fertilizers, Plot No. 122, 123, 124 AKVN Industrial Area, Meghnagar, Jambua, M. P. and at M/s. Jay Ambe Chemical, Chhapra Bhatha road, Variyav, Tadvadi, Surat.*

6. *During inspection unit has not furnished manifest detail of waste aluminum chloride and also not submitted CCA and Rule-9 permission, MOU detail of waste aluminum chloride receiver.*
7. *Unit is also sending spent KBr solution to M/s. Krishna Chemical Industries and also not furnished manifest detail, CCA and Rule-9 permission and MOU detail for the same.*
8. *Unit is engaged in disposal of waste aluminium chloride & spent KBr solution by breach of Hazardous Waste Rules- 2016.*
9. *During inspection on dated 15/07/2021 one sample was collected from the final outlet of ETP and analysis report of Phenolic Compound-24.43mg/1(limit 1mg/1) which is higher than norms.*
10. *During inspection on dated 03/09/2021, one wastewater sample was also collected from final treated wastewater holding tank of ETP and analysis report of Phenolic Compound 14.88mg/1(limit-1 mg/1) which is higher than norms.”*

7. Thereafter, the MPCB imposed Rs. 50,00,000/- (Fifty lakh rupees only) as environmental compensation for the above said violations and it was also provided in the same order that the Appellant's industry was also liable to submit a valid Bank Guarantee of Rs. 1,50,000/-. Against Rs. 50,00,000/- (Rupees fifty lakhs), the Appellant has deposited Rs. 25,00,000/- only. Thereafter, the Appellant had submitted an undertaking before MPCB on 10.02.2022 to the effect that it shall make the payment of balance amount of Rs. 25 lakhs within a period of 06 (six) months from the receipt of renewed CCA and revocation of closure order. The MPCB had passed Revocation Order dated 10<sup>th</sup> March, 2022 but the Appellant did not keep its promise by making the payment of balance amount of Rs. 25 lakhs.

8. Thereafter, the Appellant made a request vide application dated 11.08.2022 before the GPCB to re-consider its order and reverse the Environmental Damage Compensation (EDC) Order directing the payment of Rs. 50 lakhs, which were not considered by the Respondent. After that, the Appellant made another representation on 15<sup>th</sup> October,

2022 with the same relief and thereafter other representations on 17<sup>th</sup> October, 2022, 31<sup>st</sup> October, 2022 and 04<sup>th</sup> November, 2022, but all these representations were not considered by the MPCB. Thereafter, the Appellant gave an undertaking on 07.11.2022, which is at page no. 95 of the paper book, to the GPCB that balance amount of Rs. 25 lakhs to be levied as Environmental Damage Compensation (EDC) along-with an interest, shall be paid within a period of 15 days. Even after that undertaking, the Appellant did not keep its promise because of which the impugned order has been passed.

9. The GPCB has passed the impugned order on 19<sup>th</sup> September, 2022, where-in it is recorded that the revocation of closure order was issued on 10/03/2022 and that the Appellant had been asked to pay Rs.50 lakhs by way of interim environmental compensation, but it paid only an amount Rs. 25 lakhs out of that and submitted an undertaking on 10/02/2022 for paying the remaining amount within a period of 06(six) months. During inspection of the industry of Appellant on 25/08/2022, following violations were noticed:-

- “ ➤ *Unit has not paid remaining of EDC after trial revocation and unit has submitted undertaking dated 10/02/2022 regarding they will pay remaining amount within six months.*
- *One time permission is given to unit for disposal of waste water 22000 KL into EICL-CETP & at present @ 360 KL, treated wastewater found stored in final treated wastewater holding tank of ETP and till date unit has not disposed any wastewater to EICL-CETP.*
- *Unit has no any permission for pipeline attached with VECL & looking to the situation, its seems that, there is mismanagement regarding effluent disposal.*
- *Unit has requested regarding to allow 90 days' time to complete the steps for pipeline attached with VECL including OCEMS and till date unit has not completed the same.”*

10. In view of above, it was directed that the remaining amount shall be deposited within a period of 7 (seven) days. The learned Counsel for the Appellant says that their financial condition is in very bad shape because of which it could not make the said payment and therefore, it is prayed that it may be allowed to pay the balance amount of compensation in installments by 01<sup>st</sup> of May 2023.

11. On the other hand, from the side of GPCB, learned Counsel has vehemently argued that the revocation order was obtained by the Appellant by furnishing false undertaking dated 10.02.2022 to the effect that they would be depositing payment of balance amount of Rs. 25 lakhs of interim compensation within six months, but they did not honour the same and therefore, they had no option but to pass the impugned order for realizing the balance amount. He further states that this is only an interim amount and that for determining the final amount of Environmental compensation, full hearing would be given to the Appellant where-after only the order would be passed.

12. The learned Counsel for the Appellant prays that it may be granted indulgence that it may not have to pay the amount of Rs. 25 lakhs before grant of hearing as the financial condition of the Appellant is not good. We cannot agree to the said request but for the consent of the GPCB. We grant 03 (three) months' time at the most to the Appellant to make the payment of balance amount of Rs. 25 lakhs. The learned Counsel for the GPCB has agreed that hearing in this matter would be given to the Appellant in the month of March, 2023, if it makes all the compliances including the payment of amount of Rs. 25 lakhs.

13. Looking to the financial condition of the Appellant, we expect the GPCB would not be insisting upon payment of the interest before giving it final hearing.

14. Accordingly, this appeal stands disposed of with the direction that an undertaking shall be filed by the Appellant within a period of one week stating there-in that it would make the payment of balance amount of Rs. 25 lakhs within a period of 03(three) months positively. In case, the Appellant fails to make payment within 03(three) months as per the undertaking, the GPCB would be at liberty to proceed in accordance with law.

15. I.A. No. 192/2022 (WZ) also stands disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 2, 2022  
I.A. No. 191/2022(WZ) In  
Appeal No. 53/2022(WZ)  
I.A. 192/2022 (WZ)  
S.J. & P.Kr.



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH, PUNE**

**AT PUNE**

**ORIGINAL APPLICATION NO. 65 OF 2023 (WZ)**

**RAKESH PATEL .. APPLICANT**

**V/s**

**M/s LOXIM INDUSTRIES  
AND OTHERS**

**.. RESPONDENTS**

**VAKALATNAMA**

KNOW ALL to whom these present shall come that we, the above named do hereby appoint:

**Saurabh Kulkarni,  
Advocate**

**Prashant Bhat  
Advocate**

**M/s.D.V. Kulkarni & Co., Advocates  
420, Shaniwar Peth, Near Ahilya Devi School,  
Next to Sudarshan Hall, Pune – 411 030.  
Ph(O) 24459027  
(Email) [sdkadvocate@gmail.com](mailto:sdkadvocate@gmail.com)**

Hereinafter called the Advocates to be, **M/s.Chemstar Organics Ltd (Respondent No.5'** Advocates in the above noted case & authorize them;

To, act appear and plead in the above noted case in this court or in any other court in which the same may tried or heard.

To sign file, verify and present pleadings, appeals, cross-objections or petitions fee executions review, revision, withdraw compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the execution of the said case in all its stages subject to payment for fees for each stage.

To file and take back document, to admit &/or deny the document of opposite party

To take execution proceedings.

And I the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or their substitute in the matter as my/our own acts, as if done by me/us intents and purposes.

AND I/We undertake that I/We or My/Our duly authorized agent would appear in court on all hearing & will inform the Advocate for appearance when the case in called IN WITNESS WHEREOF we do hereunto set our hand to their presents the contents of which have been understood by us on this     day of January 2024



ADVOCATES

**CHEMSTAR ORGANICS INDIA LTD**



Signature **DIRECTOR**

**I am not a member of Advocates Welfare Fund and therefore stamp of Rs.2 is not affixed herewith.**

