

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE, AT PUNE

ORIGINAL APPLICATION No. 92/2021(WZ)

SHREEJI MAHILA CHARITABLE TRUST ... APPLICANT

VERSUS

STATE OF GUJARAT & OTHERS ... RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 6

**(M/S. NANDESARI ENVIRONMENT CONTROL
LTD)**

MAY IT PLEASE THE HON'BLE TRIBUNAL

Most respectfully submit:

- 1) At the outset, the Respondent No.6 in the present proceedings denies everything that is contrary what is stated therein and/or inconsistent therewith as if the same is set out in extenso and traversed. The Respondent No.6 submits that, nothing not expressly admitted herein ought to be taken as admitted by the Respondent No.6 or be deemed to have been admitted by the Respondent No.6 for want of specific traverse. The Respondent No.6 states that for the purpose of gravity, the Respondent No.6 has not denied each and every allegation, statement and contention of the Applicant which is ex-facia contrary to the contention of Respondent No.6 and its stand in

the present case except to the extent that such allegation, statement or contention necessitate, cogent, warrant or reply.

- 2) It is pertinent to mention that our organization name is Nandesari Environment Control Ltd. and not Nandesari Enviro Company Ltd., which was wrongly mentioned in the Original Application.
- 3) The Common Hazardous Waste Disposal Facility of Nandesari Environment Control Ltd., is located in Notified Area of Gujarat Industrial Development Corporation (GIDC). The Industrial Estate of Nandesari was designated as Notified Area on 06/05/1975.
- 4) It is pertinent to note that in 1997, as per the directives of Honourable High Court Gujarat, Nandesari Industries Association (NIA), floated Nandesari Environment Control Ltd. (NECL) for development of Common Hazardous Waste Disposal Facility. In July 1998, NECL took possession of land from Gujarat Industrial Development Corporation (GIDC) for development of Common Solid Waste Disposal Facility, within the GIDC industrial Estate. National Productivity Council (NPC), Gandhinagar, a reputed expert organisation of Government of India, carried out the Environment Impact Assessment Study for selection of the site at Nandesari Industrial Estate as sponsored by the Gujarat Pollution Control Board (GPCB) Gandhinagar. The 1st landfill of NECL was commissioned in 1999.
- 5) This facility is to cater to the hazardous waste generated from industries in and around Nandesari Industrial Estate, as per the

Consent and Authorization issued by Gujarat Pollution Control Board to the industries.

- 6) The Answering Respondent No.6 whilst exercising due diligence, has endeavoured to comply with provisions of all relevant Acts & Rules. Before permitting the facility GPCB carried out the Environment Impact Assessment Study through NPC. Hence, it is wrong to say that no public safety and public health is taken care of while selecting the site and hence it is required to be closed immediately.
- 7) The TSDF facility of NECL is located within GIDC Area, surrounded by industries only except small hutments which are about 135 mts from the edge of site boundary at one corner.
- 8) The Google Earth Image provided by the applicant shows only industrial sheds and not any societies or houses or residences as alleged in the point (xv) in the petition.
- 9) It is therefore, submitted that, nothing survives in the present OA and the allegations made by the Applicant were without any merits and the present Applicant needs to be dismissed of.

Pune

Date: 04/09/2023



Advocate for Respondent No.6

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AFFIDAVIT IN SUPPORT OF REPLY

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, KAMLESH JAYANTILAL PALAN, aged 63 years, Managing Director of the Respondent No.6, having office at Survey No.519/P, GIDC Estate, Nandesari – 391 340, District Vadodara, do hereby state on solemn affirmation as under: -

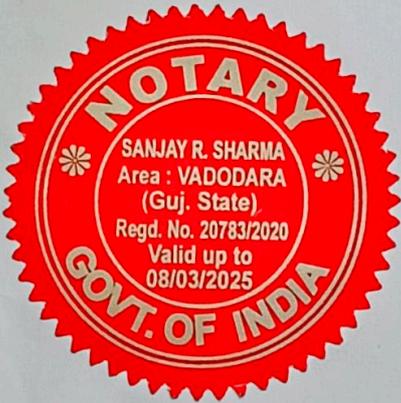
1. I say that I am the Managing^s Director of the Respondent No.6 and am authorized to file the present Affidavit. I say that I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that the Respondent No.6 herein has filed the present reply 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.

Regd. No. 2740
Date: 01/09/2023

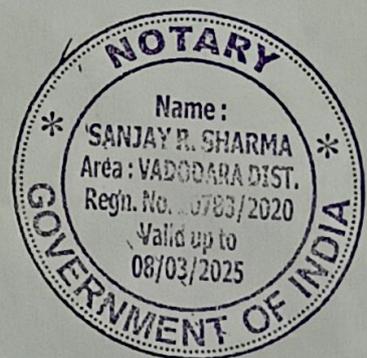
WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at Vadodra on 01 day of September, 2023.

Nandesari Environment Control Ltd.
Deponent

Chairman/Mgr/Director/Director (Finance)



Solemnly Affirmed / Declared
Sworn Before me by Kumlesh Patel
Sanjay R. Sharma
01/09/2023
SANJAY R. SHARMA
NOTARY, (Govt. of India)





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ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ
Unique Identification Authority of India

મારો આધાર, મારી ઓળખ



ભારત સરકાર
Government of India



Government of India



AADHAAR

નિર્દેશ

- આધાર ઓળખાણનું પ્રમાણ છે. નાગરીકતાનું નહીં
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- આ ઇલેક્ટ્રોનિક પ્રક્રિયા દ્વારા બનાવેલા દસ્તાવેજ છે.

INFORMATION

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- તમારા મોબાઇલ નંબર અને ઈમેઇલ આઇડીને આધારમાં અપડેટ કરો.
- તમારા સ્માર્ટ ફોનમાં આધાર રાખો - એમઆધાર એપ્લિકેશનનો ઉપયોગ કરો.

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K. S. Patel

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

ORIGINAL APPLICATION NO. 92/2021

SHREEJI MAHILA CHARITABLE TRUST ... APPLICANT

V/s

STATE OF GUJARAT AND OTHERS ... RESPONDENTS

VAKALATNAMA

KNOW ALL to whom these present shall come that we **RESPONDENT No.6 (NANDESARI ENVIRO COMPANY LIMITED)**, 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 Bank of Maharashtra, Pune – 411 030.
Ph(O) 24459027
(Email) sdkadvocate@gmail.com

Hereinafter called the Advocates to be **Respondent No.6' (NANDESARI ENVIRO COMPANY LIMITED)** Advocates in the above noted case & authorize them;

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

To sign file, verify and present pleadings, appeals, cross-objections or petitions for execution, 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.

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

To take execution proceedings.

To appoint and instruct any other Legal practitioner or person authorizing him to exercise the power and authority hereby conferred upon the Advocate whatever they may think fit to do so & sign the power of attorney on.

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 is called

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whatever ordered by the Court shall be of the Advocate he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above court for a period of three years only. I/we hereby agree that once the fee is paid I/We will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF we do hereunto set our hand to their presents the contents of which have been understood by us on this 01 day of August 2023



ADVOCATES

Bandesari Environment Control Ltd.

K. S. Patel

Chairman/Managing Director

Signature

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

