

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN BENCH, AT PUNE
ORIGINAL APPLICATION NO. 104 OF 2019

IN THE MATTER OF:

NITIN DEVRAJ JARU & ANR. ... APPLICANTS

VERSUS

UNION OF INDIA & ORS. ... RESPONDENTS

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THROUGH:



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PLACE: PUNE
DATE: 06/04/2023

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

ORIGINAL APPLICATION NO. 104 OF 2019

IN THE MATTER OF:

NITIN DEVRAJ JARU & ANR.

... APPLICANTS

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

REPLY TO COUNTER AFFIDAVIT DATED MARCH 31, 2023 AND
ADDITIONAL AFFIDAVIT DATED APRIL 5, 2023 FILED BY THE
APPLICANTS

I, Manish Daulani, S/o. Ramchand Daulani aged about 29 years, working as Company Secretary and being authorized by SAL Steel Limited/Respondent No. 6 do hereby solemnly affirm and state as follows:

1. That the deponent is the Company Secretary and Authorised Signatory of the Respondent No. 6 and duly authorised to file the present rejoinder affidavit. I am well acquainted with the facts and circumstances of the case and have gone through the documents pertaining to the matter.
2. The present reply is being filed on behalf of Respondent No. 6 ("Answering Respondent") in view of the order dated March 31, 2023 passed by the Hon'ble National Green Tribunal, Western Zone Bench, Pune ("Hon'ble NGT") and is being filed for the limited purpose to respond to counter affidavit dated March 31, 2023 filed and served by the Applicants in the present proceedings on March 31, 2023 ("Counter Affidavit") and the Additional Affidavit dated April 5, 2023 filed and served by the Applicants in the present proceedings on April 5, 2023 ("Additional Affidavit").



For, SAL Steel Limited

Manish Daulani
Authorised Signatory



3. At the outset the Answering Respondent No. 6 specifically denies each and every allegation, statement, averment and assertion contained in the Counter Affidavit dated March 31, 2023 and Additional Affidavit dated April 5, 2023 filed by Applicants, as if the said allegation, statement, averment and assertion are set out seriatim and specifically traversed. Nothing contained in the Counter Affidavit dated March 31, 2023 and Additional Affidavit dated April 5, 2023 shall be deemed to be admitted on account of non-traverse or otherwise, unless specifically admitted herein below.
4. It is humbly submitted that Respondent No. 6 has filed counter affidavit to the Original Application on September 1, 2020, an Additional Affidavit dated December 13, 2022, a Counter Affidavit to IA No. 86 of 2020 on January 19, 2023 and Written Submissions on April 5, 2023 to assist the Hon'ble NGT in early disposal of the Original Application. Respondent No. 6 prays that the contents of the said counter affidavit dated September 1, 2020, the additional affidavit dated December 13, 2022, Counter Affidavit to IA No. 86 of 2020 dated January 19, 2023 and the Written Submissions dated April 5, 2023 be read as part and parcel of the present rejoinder affidavit and they are not being repeated herein for the sake of brevity.
5. It is humbly submitted that the Applicants have filed the Counter Affidavit only on March 31, 2023 and served the same to counsel for Respondent No. 6 in the morning of March 31, 2023 when the Original Application was listed for final hearing before the Hon'ble NGT as Item No. 9 on March 31, 2023. Further the Additional Affidavit dated April 5, 2023 has been filed after the arguments were concluded and orders were reserved, as such, the same cannot be taken on record.
6. It is pertinent to mention here that the verification and affidavit notarization to the Counter Affidavit dated March 31, 2023 and the Additional Affidavit dated April 5, 2023 filed by the Applicants is dated January 21, 2023 (@ pg.

For, SAL Steel Limited

Anish D.
Authorised Signatory

1238). The Counter Affidavit has been filed by the Counsel for the Applicants only on March 31, 2023 i.e. on the date of the final hearing of the Original Application (@ pg. 1219), as a delaying tactic and to waste the precious time of the Hon'ble Tribunal. It is humbly prayed that the Counter Affidavit and the Additional Affidavit should not be taken on record by this Hon'ble Tribunal and the Original Application ought to be disposed off on the basis of documents and averments placed on record prior to March 30, 2023.

7. It is humbly submitted that by way of the Counter Affidavit and the Additional Affidavit, the Applicants are trying to place on record new averments, which were never part of the Original Application. It is submitted that the Applicants cannot be allowed to place on record new averments at this stage, when the matter has been conclusively heard, and the judgment has been reserved by this Hon'ble Tribunal.
8. It is humbly submitted that the Additional Affidavit has been filed on April 5, 2023, much after the Original Application has been conclusively heard and judgment has been reserved on March 31, 2023. The Additional Affidavit is notarised and verified on January 21, 2023 which makes it evident that pre-signed and notarised affidavits have been placed on record by the Applicants and the same cannot be taken on record. Further, the Additional Affidavit has been filed without seeking the leave and permission of this Hon'ble Tribunal to file the same. It is submitted that the Applicants are trying to reopen the matter by deliberately and belatedly filing untenable affidavits and documents before this Hon'ble Tribunal.
9. It is further submitted that the judgment dated October 14, 2015 of Indian Oil Corporation Limited & Ors. vs. Arti Devi Dangi & Anr. cited by the Applicants (@ pg. 30-33) is not applicable in the present case.

For, SAL Steel Limited
Authorised Signatory



10. The contents of the supporting Affidavit dated March 31, 2023 and April 5, 2023 (signed and notarised on January 21, 2023) filed by the Applicant makes it clear that it pre-signed and notarised. It also seems that same notarised affidavit has been used, both for Counter Affidavit dated March 31, 2023 and Additional Affidavit dated April 5, 2023 as the serial number of affidavit registration used by the notary i.e. 7161-2023 appears to be same on both the supporting affidavits. Both are dated January 21, 2023 and ink prints are identical for both the affidavits. The relevant contents are reproduced herein for ready reference:

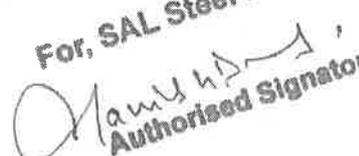
2....The contents of the accompanying objections to the Committee Report

.....

3. The annexures in the accompanying Application are true copy of their respective original.

The above contentions make it clear that the Applicant has provided pre-signed and notarised affidavit to its counsels and the affidavit filed on March 31, 2023 and April 5, 2023 ought not to be taken on record and appropriate action should be initiated against the deponent for providing pre-signed, untenable and wrongly notarised affidavits for the purpose of filing before this Hon'ble Tribunal.

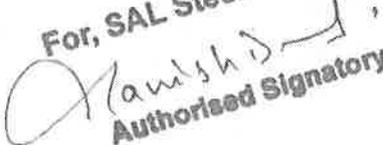
11. It is humbly submitted at the cost of repetition that Respondent No. 6 has complied with all environmental norms, obtained all necessary approvals and is running the plant in the most efficient manner. The Respondent No. 6 has complied with all the observations and suggestions made by the Joint Committee appointed by this Hon'ble Tribunal on March 30, 2022. Following are the point-wise submissions to the compliances made by Respondent No. 6 to the observations made by the Joint Committee in its report of May, 2022:

For, SAL Steel Limited

 Authorised Signatory



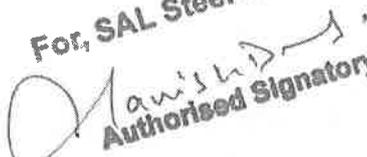
CONCLUSIONS OF THE JOINT COMMITTEE AND ITS COMPLIANCE BY RESPONDENT NO. 6

- (i) The unit has violated CRZ notification 2011 and accordingly Rs. 12.60 lakhs is payable as environmental compensation in lieu of illegal disposal of fly ash in CRZ area (For Compliance - Refer: Para 34-35 @ pg. 815 and Annexure 23 @ pg. 1031 of the Additional Affidavit of Respondent No 6). The Respondent No. 6 has paid the compensation amount of Rs. 12.60 Lakhs. Further the Respondent 6 has filed report dated 20.05.2020 of renowned govt approved organization ATIRA, which states that R-6 is efficiently managing the fly ash and disposing off generated fly ash to cement suppliers on day to day basis. (For Compliance - Refer: Para 21-22 @ pg. 809 and Annexure- 14 @ pg. 943 Conclusions @ pg. 948).
- (ii) At present, the unit does not have NOC from CGWA for withdrawal of saline ground water but their application for renewal of NOC is in-process at CGWA. It is pertinent to note that CGWA has issued NOC for ground water abstraction valid w.e.f. December 13, 2021 till December 12, 2024. No permission was required prior to the permissions sought by the Respondent No. 6, as alleged or at all. (For Compliance - Refer: Para 36-38 @ pg. 815-816 and Annexure 25 @ pg. 1136-1137 of the Additional Affidavit of Respondent No 6).
- (iii) Based on present condition, there is no alternative sources of water for plant other than GWIL and saline groundwater. GWIL water supply is designed for domestic and industrial use. However, the unit should consider seawater desalination plant as consistent source (with time targeted action plan submission and implementation) and gradually reduce their dependency on existing source namely GWIL and ground water. This will not only improve

For, SAL Steel Limited

 Authorized Signatory

availability of water for common citizen by GWIL but also positively impact groundwater (For Compliance - Refer: Para 39-41 @ pg. 816 and Annexure 26-27 @ pg. 1138-1148 of the Additional Affidavit of Respondent No 6).

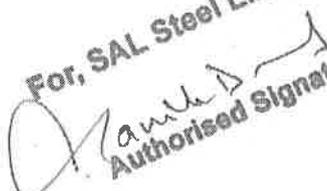
- (iv) The unit should install desulphurization system and augment ESP for captive power plant boiler as it uses lignite resulting in exceeding emissions w.r.t. standards prescribed from the power plant stack (For Compliance - Refer: Para 42-45 @ pg. 817 and Annexure 28-29 @ pg. 1149-1167 of the Additional Affidavit of Respondent No 6).
- (v) The unit should effectively take measures to control fugitive emissions with time targeted action plan in the process area, improve raw material storage area by wind breaking wall or three tier plantation and improve solid waste utilization to achieve 100% use of ash and slag. Scope exists in terms of concrete block manufacturing and use in infrastructure projects apart from cement industry (For Compliance - Refer: Para 46-48 @ pg. 817-818 and Annexure 30-31 @ pg. 1168-1176 of the Additional Affidavit of Respondent No 6).
- (vi) Dry fog system should be installed all along the conveyor belt and fogger system should be used at all fugitive emission vulnerable sources instead of water sprinkling through tankers. Improved housekeeping clubbed with fogger guns will be more sustainable and effective than heavy water consuming vehicle mounted sprinklers or fixed sprinklers (For Compliance - Refer: Para 49-50 @ pg. 818 and Annexure 32 @ pg. 1177-1181 of the Additional Affidavit of Respondent No 6).
- (vii) The transfer junctions of all conveyor belts and material transfer points should be provided with dust extraction system (For Compliance - Refer:

For, SAL Steel Limited

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Para 51-52 @ pg. 818-819 and Annexure 33 @ pg. 1182-1183 of the Additional Affidavit of Respondent No 6)

- (viii) Three tier plantation all along the plant boundary is required to contain the fugitive emissions (For Compliance - Refer: Para 53 @ pg. 819 and Annexure 34 @ pg. 1184-1186 of the Additional Affidavit of Respondent No 6))
- (ix) Construct concreted boundary wall all along the existing fly ash dump area and reduce dependency on land disposal of fly ash. (For Compliance - Refer: Para 54 @ pg. 819 of the Additional Affidavit of Respondent No 6))
- (x) Install Sewage treatment plant comprising of at least primary and secondary treatment so that treated sewage can be reused (For Compliance - Refer: Para 55 @ pg. 819 and Annexure 35 @ pg. 1187-1188 of the Additional Affidavit of Respondent No 6).)
- (xi) Rainwater harvesting may be practiced by the unit (For Compliance - Refer: Para 56-58 @ pg. 819-820 and Annexure 36 @ pg. 1189 of the Additional Affidavit of Respondent No 6).)

12. It is humbly submitted that the Respondent No. 6 has taken all the necessary measures in compliance to the conclusions passed in the Joint Committee Report. The same has been submitted by the Respondent No. 6 to the Hon'ble Tribunal by way of a progress report dated October 10, 2022 and the Additional Affidavit dated December 13, 2022. It is humbly submitted that GPCB / Respondent No. 2 has issued the latest revocation order dated December 13, 2022 for six months in view of the compliances made by Respondent No. 6 (Refer: @ pg. 1215-1216).

For, SAL Steel Limited

 Authorised Signatory



- 13. There is no observation by the joint committee regarding the wrong siting of the R-6 plant or any steps required to relocate the plant. As such all the allegations raised by the Applicant are without merit, untenable and deserves dismissal.
- 14. Respondent No. 6 has obtained all the necessary approvals and consents for operation of steel plant. The same are annexed (@Page 811 Para 29).
- 15. In view thereof, is humbly prayed that this Hon'ble Tribunal may dismiss the Original Application along with IA No. 5 of 2020 and IA No. 86 of 2020 filed by the Applicants and reject the reliefs as sought by the Applicants.



[Signature]
 For, SAL Steel Limited
 Authorised Signatory

DEPONENT

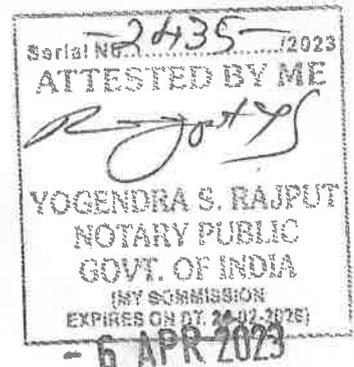
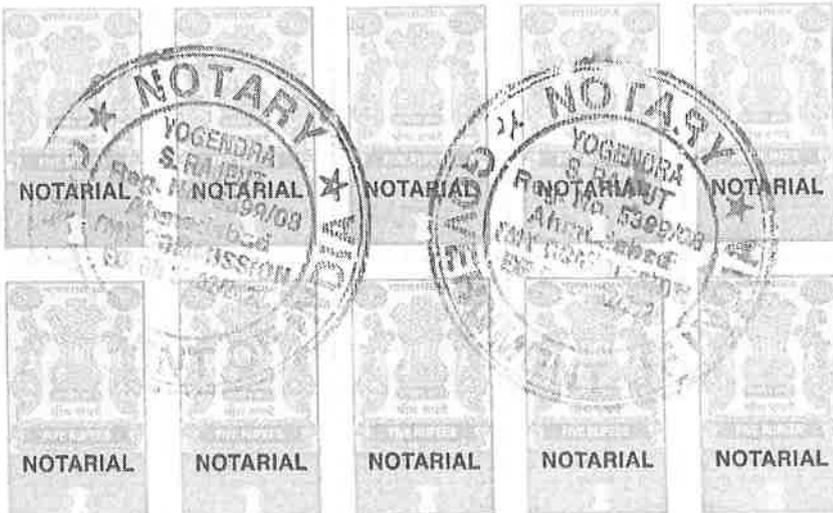
VERIFICATION

I the deponent abovenamed do hereby verify that the contents of Para 1 to 15 of my above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified on this 6th day of April, 2023 at Ahmedabad.

[Signature]
 For, SAL Steel Limited
 Authorised Signatory

DEPONENT



Anand Vishwakarma, Ritu

From: Anand Vishwakarma, Ritu
Sent: 06 April 2023 16:08
To: 'anirudhh1448@gmail.com'; 'atuljpathak@gmail.com'; 'maulik@nanavati.com'; 'mansi@eldfindia.com'
Cc: Attri, Sumit; Chand, Tara
Subject: Reply filed on behalf of Respondent No. 6 to Counter Affidavit and Additional Affidavit filed by Applicants in OA No. 104 of 2019 before NGT Pune Bench
Attachments: Reply by R6 to Counter Affidavit and Additional Affidavit filed by Applicants in OA 104 of 2019.pdf

Dear All,

Please find attached by way of advance service, the reply being filed on behalf of Respondent No. 6 i.e. SAL Steel Limited to the Counter Affidavit and Additional Affidavit filed by the Applicants in OA No. 104 of 2019 before the Hon'ble NGT, Pune Bench.

Kindly acknowledge the receipt of email.

Warm regards,
Ritu Anand Vishwakarma
Counsel for Respondent No. 6
i/b Cyril Amarchand Mangaldas