

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH

IA No. 270 of 2022

AND

IA No. 271 of 2022

IN

ORIGINAL APPLICATION No. 402 OF 2022.

IN THE MATTER OF:

ANAND SWAROOP

...APPLICANT

VERSUS

HIMALAYAN FOOD PARK LIMITED

...RESPONDENT

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Through

Place: New Delhi

Date: __.12.2022

naginder benipal

**NAGINDER BENIPAL
ADVOCATE**

D/1625/2009

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REPLY TO THE IA's ON BEHALF OF THE RESPONDENTS

1. That the Hon'ble Tribunal, vide order dated 02.11.2022 had issued notice to the respondent for filing a reply to Interim Application 270 of 2022 for impleading Uttarakhand Environment Protection and Pollution Control Board and The District Magistrate, Udham Singh Nagar and Interim Application 271 of 2022 for filling supplementary document by way of affidavit.
2. That at the outset, the respondent vehemently and specifically denies each and every allegation put forth by the petitioner in the interim applications (hereinafter referred to as IA) as it is without any basis.

3. It is respectfully submitted that the OA No 129/2020 filed before the Principal Bench of the Hon'ble National Green Tribunal which was duly heard on 17.07.2020 and a direction was issued to Uttarakhand Environment Protection and Pollution Control Board (PCB) and the District Magistrate, Udham Singh Nagar to furnish factual and action taken report.
4. That a detailed report was duly filed by the District Magistrate, Udham Singh Nagar on 16.10.2020 and by Uttarakhand Environment Protection and Pollution Control Board (PCB) on 28.10.2020 with the finding that there is no violation of rules committed by the respondents as alleged by the petitioner in the application. It is also pertinent to mention herein that the petitioner has cited no new cogent grounds for filing the present petition except stating that the petitioner finds discrepancy between the reports.
5. That the averment put forth by the petitioner in the supplementary affidavit that the inspection report filed by the State PCB and District Magistrate, Udham Singh Nagar was of a food processing industrial unit instead of the food park is vehemently denied, it is submitted that the order dated 24.11.2020 passed by the Hon'ble Tribunal states:

"1. M/s Himalaya Food Park Pvt. Ltd established in Mahukheraganj, Tehsil - Kashipur, District - Udham Singh Nagar and Obtained Consent to Establish (CTE) from State Pollution Control Board for 28-industrial plots for Food & Fruits Vegetable Processing units with total land area 50.14 Acre.

2. Currently, two units namely M/s Himalaya Food Park Pvt. Ltd and M/s Shri Shradhanand Food Processing Pvt. Ltd are in production, 10 units are in construction phase. and rest plot are empty.

3. One of the unit M/s Himalaya Food Park Pvt. Ltd engaged in the production of Food/Vegetable processing and having valid Consent to Established (CTE) and Consent to Operate (COP). Total 100 KLD Effluent Treatment Plant (ETP) is established with primary, secondary and tertiary treatment facility and treated water is proposed to be used in greenbelt area. Unit has established 5 and 8 ton capacity boiler with proper Air Pollution

Control System. Although during inspection. unit found closed due to non-availability of raw material. so that the final treated sample will be taken after production.

4. Another unit M/s Shri Shradhanand Food Processing Pvt. Ltd is under trial production. The Consent to Operate (COP) application is under consideration

5. In Food Park, remaining units have to establish their individual effluent treatment facilities as per condition of CTE of M/s Himalaya Food Park Pvt. Ltd.

6. Total 22617 Square Meter green belt area (10.01% of total area) is being developed in Food Park.

7. Joint committee neither observed any indication of discharge of effluent in nearby area of the food park nor any damage of agriculture crops.

8. It is also reported by the joint committee that the Food Park is around 30 km away from the Corbett National Park and 20 km away from Eco Sensitive Zone of the Corbett National Park and committee observed there is no possibility to impact on wildlife in Corbett National Park area by the Food Park.

In view of observation of the committee, Uttarakhand Pollution Control Board directed to concern Regional Officer to carry out following work:-

1. To carry out effluent/stack emission monitoring of operational units of the Food Park.
2. To conduct soil testing of the area after harvesting of crop.
3. To direct the Himalaya Food Park Pvt. Ltd & associated units to develop more dense green belt."

6. That, Hon'ble Principal Bench of National Green Tribunal dismissed the petition with speaking order and after due satisfaction on each and every averment made in the reference petition.

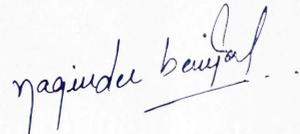
7. It is submitted that the food park is being operated as per the guidelines issued by the concerned authorities while keeping in mind the protection and conservation of environment, as submitted by the District Magistrate and UEPPCB in their compliance report in OA No. 129 of 2020.
8. That the respondent company has always been diligent and committed to comply with the Environmental Laws issued under various acts as well as directions issued by the Hon'ble Supreme Court and this Hon'ble Tribunal and has taken various steps towards protection and conservation of environment. The Food Park is yet to become financially viable and has been facing such frivolous complaints and litigations from persons unrelated to it and without any explanation of their interest let alone the knowledge of the subject matter.
9. That the petitioner has cited no actual cause or substance of grievance for filing the present petition. Further, the petitioner has made no efforts to understand the nature of activities in Food Park and their possible impact on environment. The petitioner has proffered a baseless, causeless and most ill-informed plaint before the Hon'ble National Green Tribunal, on a subject matter that has already been deliberated and decided by Hon'ble Tribunal.

10. It is therefore, most humbly prayed that this Hon'ble Tribunal may graciously be pleased to dismiss the present OA/ IA's in favor of the respondent and against the applicant with exemplary cost.

Through

Place: New Delhi

Date: __.12.2022



NAGINDER BENIPAL
ADVOCATE

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AFFIDAVIT

I, Ashwani Chhabra, S/o Late Sh. Mela Ram Chhabra, aged about 60 years R/o Manipur Road, Kashipur do hereby solemnly affirm and declare as under:

1. That I am the Managing Director in the abovementioned matter, and am fully acquainted with the facts of the instant case and fully acquainted to swear the present affidavit.

That the accompanying reply affidavit to the IA has been drafted by my counsel under my instructions and I say that the averments made therein are true on the basis of records.

3. That the contents of the abovementioned affidavit are true and correct.


DEPONENT



VERIFICATION

Verified at Kashipur, this the 13 day of 12, 2022 that the contents of this application are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

DEPONENT



Preserved and solemnly affirmed by Sri Ashwani Chhabra
Identified by Sri Self I Have.....
explained the contents of this affidavit to the
deponents he understands them fully Verified by
Sri Munir Dev Verma on the day of 13/12/2022
on 6:00 PM Kashipur M. Verma
Advocate Oath Commissioner
Kashipur (U.S. Nagar)