

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 612 OF 2024

IN THE MATTER OF:

Lakshmi & Ors

... Applicant(s)

Versus

State of Uttar Pradesh & Ors.

... Respondent(s)

Next Date of Hearing:- 07.11.2024

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Filed by:-

Rahul Ke.

RAHUL KUMAR

(Counsel for Respondent No. 5)

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New Delhi -110024

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PLACE:- NEW DELHI

FILED ON: 09.10.2024

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

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IN THE MATTER OF:

Lakshmi & Ors

... Applicant(s)

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State of Uttar Pradesh & Ors.

... Respondent(s)

**REPLY ON BEHALF OF RESPONDENT NO. 5 TO THE OA
FILED BY THE APPLICANTS**

1. That the instant reply has been filed by the Respondent No.5, M/s Durga Enterprises, Village Masoori, Fitkari Road, Merrut, Uttar Pradesh through it's Partner Deepak Kumar Jain.
2. That the averments made in the Original Application filed by the Petitioners are expressly denied unless specifically admitted by the petitioner here in.
3. That the Respondent No. 5 here in is operating a small recycling unit by following all the mandatory requirements under different statutes and regulations and after obtaining Consent to Operate from the State Pollution Control Board among other licenses and approvals from other Govt Authorities and bodies.

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4. That the unfortunate incident which took place in the Unit of Respondent No. 5 on 27/02/24 was an accident which occurred due to opening of the reactor by works before it should have been opened.
5. That on site emergency plan was in place and all the workers were trained to operate the reactor.
6. That an FIR has been registered in the matter on 12/07/24, nearly 4 and half months post the unfortunate accident and the investigation is still underway.
7. That the reports from ESIC and the Inspection team Constituted by the DM, Meerut are also awaited.

Para wise Reply to the Original Application

8. That para no.1 is denied to the extent that it is incorrect averments have been made that Applicants are aggrieved and bereaved because of the running of the Unit of Respondent No.5. Bereavement is caused because of the sad and unfortunate death of family members of the applicants which was caused by an accident. That it is further denied that there was any violation of the Environmental norms. It is also denied that there was any explosion in the Boiler as the Unit of the Respondent No. 5 does not have any boiler. Corrigendum issued by the State Pollution Control Board vide No.490/C/Durga

Ent/MRT/2023 dated 10/08/2023 is marked as an annexure and attached as **ANNEXURE R-1**.

9. That in para no.2 it is denied that the Unit of Respondent No. 5 is a chemical factory. The Unit of respondent No 5 is a recycling unit duly approved by the Pollution Control Board.
10. That para no.3 & 4 are matters of facts and records and no reply is needed
11. That the contents of para no.5 are subject matter of an FIR and also the reports of ESI and the team constituted by the District Magistrate on the same issue are awaited. It is however denied that there was any explosion in a boiler as there was no boiler in the unit of Respondent and it is a reactor-based unit and the accident took place because of opening of the door of reactor by workers.
12. That the contents of para no. 6 are denied in full. The Petitioners have made the allegations without any basis and trivialized the unfortunate accident in which lives were lost and people were injured. It is again reiterated that the Unit of Respondent No. 5 has no boiler and it is a reactor based unit.
13. That the contents of Para no.7 are matters of facts and record. Unit has necessary approvals including the Consent to Operate (Renewal) from the state pollution control board.

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14. That the contents of para no. 8 are denied. The Unit was not operating in the violations of the norms of MOEFCC and CPCB.
15. That the Contents of para no.9 are denied to the extent of imaginary averments made in the para. First of all there is no boiler at the unit. Secondly, if the door of reactor is opened before time, the unfortunate accident which is an exception would have ruled and such accidents would have occurred regularly. That the contents of Para 9 are denied being generalized, imaginary and factually incorrect.
16. That Contents of para no.10, 11 and 12 are denied. Timing of Opening of door of Reactor was based upon the temperature and pressure and both the meters were duly installed with the reactor. Safety kit including masks, helmets, gloves and shoes were provided to all the workers as no work is possible in the unit without safety kit. Applicants have made allegations without any basis and without gathering the facts.
17. That the inspection report mentioned in para no.13 and 14 of factories department is devoid of facts and sensors were duly installed as part of PLC and on site emergency plan is well and truly in place. However the same report says that it was first violation where by some paper work and fee were pending, and offer for compounding of those violations was also made by the factories department. That it is pertinent to mention that on 18/03/2024, the license of the Unit was

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renewed under the factories act, once clarification were submitted to the satisfaction of the department. A copy of License dated 18/03/2024 under factories Act is marked as an annexure and attached as **ANNEXURE R-2.**

18. Para 15- 17, No reply is needed.

19. Para No. 18 is matter of facts and records. The SOP was followed and PLC was duly adopted and installed. A copy of tax invoice whereby PLC was purchased is marked as an annexure and attached as **ANNEXURE R-3.**

20. That the contents of para no.19 are denied to the extent of allegations of violation as no violation was committed by the unit and the unfortunate incident was a result of an accident

21. Para No.20-29. Matters of facts and records. No reply is needed.

22. That the instant OA has been filed when the accident is already a subject matter of an FIR and also before the reports of the committee constituted by the DM and the report of ESI.

23. That no safety violations were in place and there was no boiler in the unit.

24. That there was no explosion in the reactor and the accident was caused because the door of reactor was opened accidentally by a worker.

25. That there was no violation of any environmental laws/legislations/rules/sop's etc.

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Prayer:-

In view of the above noted facts and circumstances, it is respectfully and most humbly prayed before the Hon'ble Tribunal to

- a. Dismiss as there is no violation of environmental legislations by Respondent No. 5, and
- b. Pass any other order or direction as this hon'ble Tribunal may deem it fit and proper in the circumstances of the case.

Filed by:-

Rahul Ke.

RAHUL KUMAR
(Counsel for Respondent No. 5)
A-25, 2nd Floor, Defence Colony
New Delhi -110024
Ph. 09899298507
E-mail: rahulks2000@gmail.com

PLACE:- NEW DELHI
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BEFORE THE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 612 OF 2024

IN THE MATTER OF:

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...Applicant(s)

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...Respondent(s)

AFFIDAVIT

I, Deepak Jain, S/o Sh. Pramod Kumar Jain aged about 38 Years, R/o 11/97, Baoli Road, Baraut, District Bagpat, Uttar Pradesh and presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am a partner of the Respondent No. 5 in the instant matter, and I am well conversant with the facts and circumstances of the case and also competent to swear the present affidavit.
2. That the contents of the reply to the Original Application have been drafted by my counsel as per my instructions and the contents of the same have been duly read over and understood by me in vernacular and after fully understanding the contents of the same, I hereby state that the facts stated therein are all true and correct to my knowledge. The contents of the accompanying objection/written statement may very kindly be read as part and parcel of this affidavit also as the contents of the same have not been repeated herein for the sake of brevity.

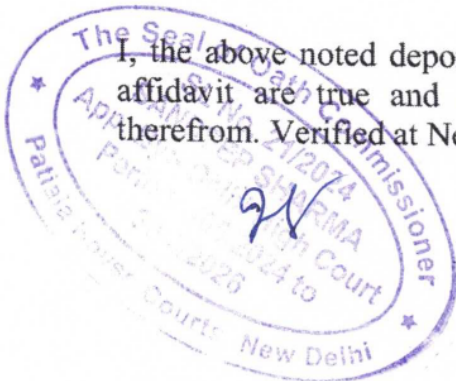
Rahul K.
I, the Deponent who has signed this affidavit, it is in my presence.

Deepak Jain
DEPONENT

F 8 OCT 2024

VERIFICATION

I, the above noted deponent do hereby verify that contents of my aforesaid affidavit are true and correct and nothing material has been concealed therefrom. Verified at New Delhi on this _____ day _____ of 2024.



Deepak Jain
DEPONENT

Solemnly sworn before me read over & explained to the deponent Admitted to be correct

Oath Commissioner, New Delhi

F 8 OCT 2024

ANNEXURE-R/1

क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
पाकेट -टी,सी-3/2, पल्लवपुरम फेस-2,
मोदीपुरम, मेरठ-250110 (उ०प्र०)

Phone:- 0121-2577676
Email id :- romeerut@uppcb.in

संदर्भ सं: 490/C/Durga Ent./MRT/2023

दिनांक : 10-8-23.

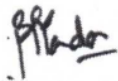
To,

M/s Durga Enterprises,
Khasra No 757/1, 762/2, Village Masoori Fitkari Road,
MEERUT, UTTAR PRADESH-250001

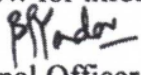
CORRIGENDUM

Vide Ref No. 189328/UPPCB/Meerut(UPPCBRO)/CTO/both/MEERUT/2023 Date: 04/08/2023 Consolidated Consent to Operate under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry in context to application ID No. 22109497. In condition no. 3(i) Air pollution source is mentioned as Boiler of 10 & 01 TPH, which is amended to Air pollution source as Reactor 2Nos. (10MT/Bach each). Out of these One reactor will remain stand by at a time.

All other conditions will remain the same.


(Bhuvan Prakash Yadav)
Regional Officer

C.C. - Chief Environment Officer (C-3), U.P. Pollution Control Board, Lucknow for information.


Regional Officer

" True Copy "



Labour Department, Uttar Pradesh

LICENCE UNDER
SECTION 6 OF
THE FACTORIES ACT, 1948
FORM No. 3
[RULE 7, (1)]
(Registration and Licence to Work a Factory)

Registration No:- **UPFA7000231**

Old Registration
No:-

Date Of Issue **18/03/2024**

Licence is hereby granted to **DEEPAK JAIN** valid only for the premises described below for use as factory employing not more than **50** persons on any one day during the year and using motive power not exceeding **100 H.P.** subject to the provisions of the Factory Act, 1948, and the rules made thereunder.

This licence shall remain in force till **31/12/2024** unless further renewed.

Description of the Licenced Premises

The licenced Premises shown on plan no. **SPR00004831** dated. **03/05/2018** are situated in **M/S DURGA ENTERPRISES, KH.-757/1 & 762/2, MEERUT-MAWANA ROAD, VILL MASOORI (FITKARI ROAD) MEERUT**, District :- **Meerut** and consist of the buildings shown on approved site plan.

Validity

Valid From	Valid Till	Fee
01/01/2023	31/12/2024	3000.00

Issued on the behalf of the Director of Factories, Uttar Pradesh

Note:

1. This is a computer generated licence, hence, no signature is required.

" True Copy "

TIN No.: 08821650702

VAT INVOICE

Mob.: 9314605095
9799973007



Shree Balaji Engineering Works



G-677, Road No. 9 F-2, Vishwakarma Industrial Area, JAIPUR-302 013

EXPERT IN : OIL REFINERY PLANT WIRE DRAWING MACHINES, CERAMIC MACHINERIES, BALIMILLS, GRINDING PLANT OIL, STEAM, AIR WATER, GAS PIPE LINES, M.S. STORAGE TANKS, PLASTIC PLANT ETC.

M/s. Durga Enterprises,
FH Kari Road, Manavadi,
Village Masoori, JAIPUR
250002
Party's TIN: 09476532128

VAT Invoice No. 20

Date 19/02/17

Challan No.

Date

GR/RR No.

Date

Documents Through

RJ-01-CB-6548

S.No.	PARTICULARS	QNTY.	RATE	AMOUNT	
				Rs.	P.
1)	Reactor For Pyrolysis plant capacity 10 MT / Batch	01	19,00,000	19,00,000	= 00
2)	Air blower & small	01	15,000	15,000	= 00
3)	Air Blowers Big size	1 Nos	30,000	30,000	= 00
4)	Vee See flow with glass and packing	2 Nos	3,000	6,000	= 00
5)	pressure gauges and temp gauges	4 Nos	1600	6400	
6)	packing for glass against Formic acid	4 Nos	05	20	
TOTAL				19,96,568	= 00
Rs. (in Words) <u>Interna lye Ninety six thousand five hundred sixty eight only</u>				Add. VAT/CST @ 2%	39,148.00
					19,96,568.00
				G. TOTAL	19,96,568.00

Terms & Conditions :-

- Interest will be charged @ 24% p.a. after 7 days from Bill date.
- Goods once sold will not be taken back.
- All disputes subject to JAIPUR JURISDICTION only
- E. & O. E.

For : **Shree Balaji Engineering Works**

Prop./Auth. Signatory

TIN No. 08821650702

VAT INVOICE

Mob.: 931460509
979997300



Shree Balaji Engineering Works



G-677, Road No. 9 F-2, Vishwakarma Industrial Area, JAIPUR-302 013

EXPERT IN : OIL REFINERY PLANT WIRE DRAWING MACHINES, CERAMIC MACHINERIES, BALIMILLS, GRINDING PLANT OIL, STEAM, AIR WATER, GAS PIPE LINES, M.S. STORAGE TANKS, PLASTIC PLANT ETC.

M/s. Durga Enterprises
Fftkasi Road, Mavara, Raisal
Village Masoori, MEERUT
250002
Party's TIN: 094765221280

VAT Invoice No. 32 Date 19/02/20
Challan No. Date
GR/RR No. Date
Documents Through R1-C1-CB-6548

S.No.	PARTICULARS	QNTY.	RATE	AMOUNT Rs.	P.
1)	Electrical Panel	1	65000	65000	00
2)	2 1/2" Balvalve	4	2663	10652	00
3)	Motor 7-5HP 1440 RPM	1	16500	16500	00
4)	Motor 2HP 2900 RPM	1	7900	7900	00
5)	Motor 5HP 960 RPM	1	17800	17800	00
6)	Pump 7-5HP Monoblock	1	33600	33600	00
7)	Pump 2HP Monoblock	1	15830	15830	00
8)	2.5mm sheet	2	5000	10000	00
9)	cooling tower with extra fill	1	100000	100000	00
10)	Pump 1HP Monoblock	1	4500	4500	00
11)	Gland 25mm (5kg + 5kg 600)	10 kg	1650	16500	00
12)	Ceramic Bracket	1 No	1600	1600	00
Agent Form "e"					
TOTAL				394582	00

Rs. (in Words) Three Lacs ten thousand
Six hundred seventy Four only

Add. VAT/CST @ 2%	6092	00
G. TOTAL	3,10,674	00

- Terms & Conditions :-**
- Interest will be charged @ 24% p.a. after 7 days from Bill date.
 - Goods once sold will not be taken back.
 - All disputes subject to JAIPUR JURISDICTION only.
 - E & O.E.

For: Shree Balaji Engineering Works
Prop./Auth Signatory

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TIN No. 08821650702

Mob. : 9314605095
9799973007

VAT INVOICE

SHREE BALAJI ENGINEERING WORKS

G-677, Road No,9, F-2, Vishwakarma Industrial Area, Jaipur – 302013

EXPERT IN : OIL REFINERY PLANT WIRE DRAWING MACHINES,
CERAMIC MACHINERIES, BALIMILLS, GRINDINGS PLANT OIL,
STEAM, AIR WATER, GAS PIPE LINES, M.S. STORAGE TANKS,
PLASTIC PLANT ETC.

M/s Durga Enterprises Fitkari Road Mavana Road Village Masoori, Meerut – 250002 Party's Tin : 09476522128		VAT Invoice No. 20 Date : 19/02/17 Challan No. Date GR / RR No. Date Documents Through R1-C1 GB-6548		
S. No.	Particulars	Qty.	Rate	Amount Rs.
1	Reactor for Pyroly SB Plant Capacity 10 MIT / Batch	01	19,00000	19,00,000.00
2	AIR blader Small	01	15,000	15000.00
3	AIR Blader Big Size	1 Nos.	30,000	30,000.00
4	Vee See Flaw with glass and parking	2 Nos.	3000	6,000.00
5	Pressure ganges and trip ganges	4 Nos.	1600	6400
6	Packing for glass Against form "C"	4 Nos.	65	20
Rs. (In Words) Nineteen Lakh Ninety six Thousand Five Hundred Sixty Eight only.		Total		1957426.00
		Add. VAT/ CST @ 2%		39148.00
Terms & Conditions 1. Interest will be charged @ @4% p.a. after 7 days from Bill date. 2. Goods once sold will not be taken back. 3. All disputes subject to JAIPUR JURISDICTION only. 4. E. & O.E.				1996568.00
				1996568.00
		For: Shree Balaji Engineering Works Sd/- Prop. / Auth. Signatory		

"True Tyhed Copy"

TIN No. 08821650702

Mob. : 9314605095

9799973007

VAT INVOICE

SHREE BALAJI ENGINEERING WORKS

G-677, Road No.9, F-2, Vishwakarma Industrial Area, Jaipur – 302013

EXPERT IN : OIL REFINERY PLANT WIRE DRAWING MACHINES,
CERAMIC MACHINERIES, BALIMILLS, GRINDINGS PLANT OIL,
STEAM, AIR WATER, GAS PIPE LINES, M.S. STORAGE TANKS,
PLASTIC PLANT ETC.

M/s Durga Enterprises Fitkari Road Mavana Road Village Masoori, Meerut – 250002 Party's Tin : 09476522128		VAT Invoice No. 32 Date : 19/02/17 Challan No. Date GR / RR No. Date Documents Through R1-C1 GB-6548			
S. No.	Particulars	Qty.	Rate	Amount Rs.	
1	Electrical pa...	1	65000	65000.00	
2	4	2663	10652.00	
3	Motor 7-5 MP 1440	1	10500	16500.00	
4	Motor 2 MP 2400 RPM	1	7900	7900.00	
5	Motor 5 MP T60 RPM	1	17800	178800.00	
6	Pump 7.5 MP Mono black	1	53600	33600.00	
7	Pump 5 MP Mono black	1	15030	15830.00	
8	2.5 mm sheet	2	5000	10000.00	
9	Cooling tower with Expa fills	1	100000	100000.00	
10	Pump 1 HP mono black	1	4500	4500.00	
11	Glaned 25 mm (5 kg + 5 kg)	10kg	16500	16500.00	
12	Ceramic blanket	1 No.	1600	1000.00	
Against Form "c"					
Rs. (In Words) Three lac ten thousands six hundred seventy four only.		Total		314582.00	
		Add. VAT/ CST @ 2%		6092.00	
Terms & Conditions 1. Interest will be charged @ @4% p.a. after 7 days from Bill date. 2. Goods once sold will not be taken back. 3. All disputes subject to JAIPUR JURISDICTION only. 4. E. & O.E.				3,10,674.00	
				3,10,674.00	
		For: Shree Balaji Engineering Works		Sd/-	
		Prop. / Auth. Signatory			

"True Typed copy"

PROOF OF SERVICE

Rishabh Saini <rishabhsaini20032003@gmail.com>

Proof of Service in Original Application No.612/2024 in NGT titled as Lakshmi & Ors. Vs. State of U.P. & Ors.

Rishabh Saini <rishabhsaini20032003@gmail.com>

To: "rkhuranalegal@gmail.com" <rkhuranalegal@gmail.com>, hasil jain <advjain25@gmail.com>, pradeepmisra@yahoo.com, csup@nic.in, "ms@uppcb.in" <ms@uppcb.in>, dmme@nic.in, "dofup.2018@gmail.com" <dofup.2018@gmail.com>

8 October 2024 at 16:3

Sir,

Please find attached copy of reply on behalf of the respondent no.5.

Regards

Rishabh Saini, Clerk

For

Rahul Kumar, Advocate

Counsel for respondent no.5

M-9899298507

email:-rahulks2000@gmail.com

Reply on behalf of Respondent No.5.pdf

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