

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

O.A. NO. 248/2023

IN THE MATTER OF:

Varun Gulati

... Applicant

Versus

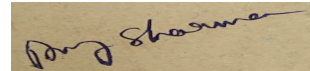
State of UP & Ors.

... Respondents

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At: New Delhi
Dated: 6.2.2024



Anuj Kumar Sharma
ADVOCATE
8076629401

It is most respectfully submitted, that it was incumbent upon the applicant to prove his case by adducing sufficient evidence, and not make wild and baseless allegations against the answering respondent, who has been forced to run pillar to post seeking legal advice, resulting in legal costs and loss of productivity.

It is most respectfully submitted that even the photographs annexed with the OA, nowhere bear any description or state that the same pertain to the answering respondent's establishment, however the applicant has tried to pass off the said photographs as if the same pertain to the establishment of the answering respondent.

Moreover, even in the representations dated 18.8.2022 and 14.3.2023, made by the applicant to the official respondents, nowhere the answering respondent has been named. It is thus clear, that even the certificate by the applicant in Para 5.18 of the OA, stating that he has exhausted other alternative remedies, is misleading.

Moreover, even in the body of the OA, the applicant has not once mentioned the answering respondent, despite that, he has been arrayed as a respondent in the memo of parties.

It is further submitted that without once naming the answering respondent in the body of the OA, the OA is full of baseless words & phrases like "*illegal & unauthorized dying factories*", and "*These dying factories are operating illegally without obtaining any Air & Water consent from*

R.3 i.e UP PCB and without obtaining the ground water extraction NOC/ Permission/ Consent from UP Ground Water Department". Hence, the applicant has created an impression, as if it's the answering respondent who is running his establishment, without any authorization from the official respondents.

It is submitted that all that the applicant had to do was to file a simple RTI application with the UP PCB or the Ground water department, and he could have received this information, from the relevant authorities, without having to invoke the hallowed jurisdiction of this Hon'ble Tribunal. Rather, the applicant has chosen the long route, by invoking the jurisdiction of this Hon'ble Tribunal, with incomplete facts, thereby wasting precious Judicial time and resources.

It is therefore stated that the present OA is full of general and omnibus allegations, and the same deserves to be dismissed with exemplary cost as per S.23(2) of the NGT Act, 2010, so that the plenary jurisdiction of this Hon'ble Tribunal is not lightly invoked by irresponsible litigants, in future.

2. That in this regard, the Hon'ble Supreme Court of India has held in *Dr. Buddhi Kota Subbarao v/s Mr. K. Parasaran*, 1996(5) SCC 530, as under:
"No litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in

the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions. After giving our careful consideration to the submissions made at the bar as well as those contained in the memorandum of the application, we are of the opinion that this application is misconceived, untenable and has no merits whatsoever. It is accordingly dismissed".

Further, the Hon'ble Supreme Court of India, has held in Noorduiddin V/s K.L Anand 1995 SCC(1) 242, as under:
"Equally the judicial process should never become an instrument of oppression or abuse or a means in the process of the court to subvert justice".

Furthur the Hon'ble Supreme Court of India has held in Sabia Khan & Ors. v/s State of UP & Ors. (1999)1 SCC 271, as under:

"4. After hearing Mr. Sharma, learned Counsel for the petitioners, it is obvious that the petition is misconceived and based on a total misconception. It is an obvious attempt to question the correctness of the orders of this Court through a writ petition under Article 32, which is not permissible. The objection with regard to the office report is also not tenable. Filing of such a petition is an abuse of the process of the Court and waste of the time of the Court. We do not find any merit in this petition which is dismissed with costs, assessed at Rs. 10,000/-".

That in *Satyabrata Sanjeev Kumar Mohanta v/s MoEF&CC (OA/53/ 2023/EZ)*, the Hon'ble NGT has held as under:

"26. We are, therefore, satisfied that not only is the Original Application not maintainable but the same is an abuse of process of Court in view of the order passed by the Hon'ble High Court of Orissa at Cuttack and the Hon'ble Supreme Court.

27. In view of above, the Original Application No.53/2023/EZ is accordingly dismissed with a cost of Rs. 10,000/- (Rupees Ten Thousand only) against the Applicant, Satyabrata Sanjeeb Kumar. The amount of cost shall be deposited by the Applicant with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, within one week from the date of this order. In case the Applicant fails to deposit the amount of cost with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, the same shall be recovered from him by the Collector & District Magistrate, Keonjhar, in accordance with law and the same shall be deposited with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata.

28. Let a copy of this order be also forwarded to the Collector & District Magistrate, Keonjhar, for due compliance".

That in *Virani Construction Co. v/s The State Level Environmental Impact Assessment Committee, Appeal No.72/ 2013*, the Hon'ble NGT has observed as under:

"16. Taking a stock of the foregoing discussion, we are of the opinion that the Appeal is not maintainable and is incompetent. We are of further opinion that the appellant filed the present Appeal with malafide intention to put pressure on SEAC and SEIAA, in order to escape from credible action contemplated against him. In this view of the matter, the Appeal is liable to be dismissed with exemplary costs. We accordingly dismiss the Appeal with costs of Rs.1,00,000/-(Rs.One Lac)".

That in Waseem Ahmad v/s State of UP, OA/62/2023, the Hon'ble NGT has held as under:

"5. In view of above, the application was based on misleading and false facts which has resulted in abuse of process of law. Accordingly, the application is dismissed with cost quantified at Rs. 25,000/-".

That the Hon'ble High Court of Delhi has held in Trans India Logistics v/s UOI, 2014 SCC Online Del 1135, has held as under:

"9. The aforesaid conduct of the petitioner amounts to deliberate concealment of material facts from the Court, which itself is considered a sufficient ground for the Court to dismiss the present petition. The petitioner cannot expect equity to flow in his favour when he elects to approach the Court with unclean hands and states half truths and makes selective disclosures.

10. In view of the aforesaid facts and circumstances, while refraining from imposing substantial costs on the

petitioner for intentionally failing to reveal all the necessary and material facts to the Court and deliberately failing to place on record the relevant documents, the present petition is dismissed with costs of Rs. 10,000/- to be deposited with the Delhi High Court Mediation and Conciliation Centre within two weeks from today and proof of deposit, placed on record within the same time".

3. It is reiterated that answering respondent is carrying out its business as per law. It is also submitted that as per Section 20 of the National Green Tribunal Act, 2010, one of the principles that the Hon'ble Tribunal is required to apply while deciding any issue before it is that of "sustainable development". It is submitted there are laws and norms which every industry in India, is liable to follow while carrying out its business, so as to mitigate the harmful effects to the maximum possible degree, which in the present case, the answering respondent is fully abiding by. It is submitted that the dyeing industry in India is competing against industries in other parts of the world like that in Bangladesh, where the labour laws and environment norms are non-existent.

It is submitted that the answering respondent is not only complying with all the environmental laws, but also labour laws, and in the present globalized hyper competitive market, and any disruption, costs dearly to the answering respondent.

4. That the answering respondent is running his establishment with all requisite consent and permissions from the relevant authorities. In this regard it is submitted

that the answering respondent No. 9 i.e, Rishabh Enterprises is holding consent to operate issued by the UP PCB for dyeing and washing of jeans. It is also submitted that the answering respondent has been issued no objection certificate for the use of ground water by the ground water department, Ministry of Jal Shakti, Government of Uttar Pradesh. Furthermore, the answering respondent has been authorised by the UP PCB for the generation, collection, utilisation, storage and disposal or any other use of hazardous or other waste or both.

PARAWISE REPLY TO THE ORIGINAL APPLICATION FILED BY THE APPLICANT

1-4 That the contents of the said para are false therefore hence, denied except those that are matter of record. The applicant claims to be engaged in activities relating to environment protection and restoration for last many years, however, he has not given any details regarding the same and no evidence has been annexed supporting the said assertion. It is submitted that the present petition filed by the applicant is an abuse of the process of law as has been explained in detail in preliminary submissions, and the same must be read as part of reply to the said para. It is also specifically denied that the applicant is a resident of Ghaziabad, UP and as such the present petition at best can be termed as a public interest litigation which can only be entertained by the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India.

REPLY TO FACTS OF THE CASE

- 5.1 – That the contents of the said para are false therefore hence,
5.4 denied except those that are matter of record. That the answering respondent is running his establishment with all requisite consent and permissions from the relevant authorities. In this regard it is submitted that the answering respondent No. 9 i.e, Rishabh Enterprises is holding consent to operate issued by the UP PCB for dyeing and washing of jeans. it is also submitted that the answering respondent has been issued no objection certificate for the use of ground water by the ground water department, Ministry of Jal Shakti, Government of Uttar Pradesh. Furthermore, the answering respondent has been authorised by the UP PCB for the generation, collection, utilisation, storage and disposal or any other use of hazardous or other waste or both. The unit of the answering respondent is under renovation/ non operational.
- 5.5. That the contents of the said para are false and, therefore
– denied except those that are matter of record. The unit of
5.10 the answering respondent is under renovation/ non operational.

That as regards the CETP, the relevant authorities are best equipped to answer the same.

The unit of the answering respondent is under renovation/ non operational. It is specifically submitted that the photographs of the dyeing units annexed as ANNEXURE A-1 with the OA, do not pertain to the answering respondent. Hence, it is submitted that the applicant has deliberately tried to mislead this Hon'ble Court by showing photographs of un-

treated effluent being discharged and passing it off as that of the answering respondent's establishment.

It is specifically denied that any untreated toxic effluent is being released in the open and it is submitted that all precautions as per law are being observed by the answering respondent.

It is further submitted that the running of diesel generator is part of the consent granted by the UP PCB to the respondent, and on this count also the applicant has made completely false allegations. However, the unit of the answering respondent is under renovation/ non operational.

It is however submitted that the answering respondent is complying with the restrictions imposed from time to time under GRAP in Delhi NCR by the Commission for Air quality management in NCR and adjoining areas.

- 5.11. That the contents of the said para are false and therefore – denied except those that are matter of record. It is reiterated
- 5.14 that the answering respondent is running his establishment fully in compliance with the environmental norms and in line with authorisation received by it from various governmental organisations. It is submitted that all industrial operations are being carried out as per norms and the applicant is making bald allegations without any supporting evidence. That the applicant has not provided any evidence whatsoever to prove that the areas of Roop nagar, Arya nagar, Tronica City of Loni area Ghaziabad are having any higher rates of cancer than in other parts of Delhi NCR. Moreover, the applicant has not annexed any evidence to prove of the said areas having earmarked as "Cancer Colonies".

It is submitted that no untreated effluents are being released by the answering respondent and all the activities are being carried out as per law.

That electricity connections have been installed as per rules and the answering respondent is making regular payments of his regular electricity bills. This is another instance of wild allegations being made by the applicant without an iota of evidence supporting the same.

- 5.15 That the contents of the said para are false and, therefore denied except those that are matter of record. That the judgement of the Hon'ble Supreme Court in CA/6776 of 2009 was rendered in the peculiar facts of the said case and has no bearing whatsoever in the present case. It is reiterated that the answering respondent is carrying out all the activities as per the law and is being regularly monitored by the various governmental agencies from time to time ensuring compliance, in letter and spirit.
- 5.16. That the contents of the said para are false and, therefore – denied except those that are matter of record. It is submitted
- 5.17. that the correspondence made by the petitioner with the authorities is for the relevant authorities to answer. It is reiterated that even prior to the filing of the present OA, the relevant authorities have carried out inspection at the answering respondent's establishment, and have found it to be in compliance with the norms. The unit of the answering respondent is under renovation/ non operational.
- 5.18. That the contents of the said para are false and, therefore – denied except those that are matter of record. It is submitted
- 5.19 that the present OA is not bonafide and is an abuse of the

process of the law and has been filed hastily without ascertaining the facts. It is submitted that prior to the coming of the applicant before this Hon'ble Tribunal, it was incumbent upon the applicant to carry out due diligence and to find out if in fact the answering respondent lacked authorisation from various governmental authorities. By launching the present malicious prosecution against the answering respondent, not only the present OA is liable to be dismissed, but in fact exemplary cost is liable to be imposed on the applicant for putting the dyeing industry in India at a comparative disadvantage than its counterparts in Bangladesh, and also putting the jobs of several workers at risk.

- 6.1. That the contents of the said para are false and, therefore
– 6.8 denied except those that are matter of record. It is submitted that the applicant is sermonising on the ill effects of the dyeing industry and hence does not require any reply in this regard from the answering respondent. It is reiterated that answering respondent is carrying out its business as per law. It is also submitted that as per Section 20 of the National Green Tribunal Act, 2010, one of the principles that the Hon'ble Tribunal is required to apply while deciding any issue before it is that of "sustainable development". It is submitted that there are laws and norms which every industry in India, is liable to follow while carrying out its business, so as to mitigate the harmful effects to the maximum possible degree, which in the present case, the answering respondent is fully abiding by.

REPLY TO GROUNDS

- 7.1 – That the contents of the said para are false and, therefore
7.5 denied except those that are matter of record. It is reiterated that the answering respondent is carrying on its activities as per the applicable laws. That with regard CETP, the relevant authorities are best suited to reply to the same.
- 8 That the contents of the said para are false and, therefore denied except those that are matter of record. That the present OA has been file beyond the period of limitation and as such cannot be entertained by this Hon'ble Tribunal.

SUBMISSIONS WITH REGARD TO REPORT OF THE UP PCB FILED BEFORE THIS HON'BLE TRIBUNAL

1. That the said report has been filed after inspection by their team on 21.12.2023. As per para 2, it is clear that the answering respondent is having his own individual affluent treatment plant. The unit of the answering respondent is under renovation/ non operational.
2. It is also clear that in the inspection carried out by the UP PCB on 07.10.2023, the visiting team did not find any violation of the law in the premises of the answering respondent.
3. That even in the inspection dated 21.12.2023, carried out by the UP PCB no non compliance was observed by the visiting team. Hence, on two occasions nothing adverse have been detected against the answering respondent. The unit of the answering respondent is under renovation/ non operational.
4. That the details of the authorisation have been given at page 24 of the said report, and it is clear that the answering respondent is in full compliance of all governmental norms.

The unit of the answering respondent is under renovation/ non operational.

SUBMISSIONS WITH REGARD TO REPORT OF THE JOINT COMMITTEE FILED BEFORE THIS HON'BLE TRIBUNAL.


1. That the joint committee undertook its inspection on 13.06.2023 and 14.06.2023, as per the report.
2. That even the joint committee has stated in its report that the answering respondent has acquired CTO from the UP PCB. The unit of the answering respondent is under renovation/ non operational.

PRAYER

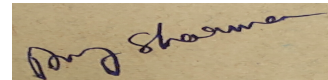
On the basis of the above submissions, it is humbly prayed that the present OA be dismissed, with exemplary cost in favour of the answering respondent.

Through

Date: 6.2.2024 _____
Place: New Delhi



DEPONENT



Anuj Kumar Sharma
ADVOCATE

VERIFICATION

I, the deponent herein, do hereby verify that the contents of the above reply are true and correct to my knowledge based on records. Nothing is false therein. Verified at New Delhi on

6.2.2024 _____.



DEPONENT

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 248/2023

IN THE MATTER OF:

Varun Gulati ... Applicant

Versus

State of UP & Ors. ... Respondents

AFFIDAVIT

I, RAJ KUMAR, Aged about 53 years, S/o Sh. LATE Jagdish Lal MEHTA, proprietor of respondent No. 09 Garments, R/o RISHABH ENTERPRISES: A-69 do hereby solemnly affirm and state as under:- Road Nigar IHD AREA Loc 1 672 B Presently at New Delhi

1. I am the answering respondent herein in the above noted matter and am well conversant with the facts and circumstances of the present case and also competent to swear the present affidavit.
2. That the contents of the accompanying reply has been drafted by my counsel as per my instructions and to say that the contents thereof are true and correct.
3. That the annexures are true copy of their respective originals.

[Signature]
DEPONENT

VERIFICATION

I, the deponent herein, do hereby verify that the contents of the above reply are true and correct to my knowledge based on records. Nothing is false therein. Verified at New Delhi on 5 FEB 2024.

[Signature]
DEPONENT

Amey Sharma
D3731/2012
I identified the deponent who has signed in my presence



I solemnly swear before me read over & explained to the deponent Admitted to be correct
[Signature]
Oath Commissioner, New Delhi

5 FEB 2024



ANNEXURE R-1

Uttar Pradesh Pollution Control Board
Building, No TC-12V Vibhuti Khund, Gomti Nagar, Lucknow-226010
Phone: 0522-2720628, 2720831, Fax: 0522-2720761, Email: info@uppcb.in, Website: www.uppcb.com

175989/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2023

Date: 21/02/2023

To,
M/s

RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)
A-60, Roop Nagar Industrial Area, Loni, Distt
Ghaziabad, GHAZIABAD, 201102

Application Id.
19569937

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) 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

CCA is hereby granted to RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works) located at A-60, Roop Nagar Industrial Area, Loni, Distt Ghaziabad, GHAZIABAD, 201102, subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works) granted for the period from 22/01/2023 to 31/12/2025 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Dyeing and Washing of Jeans	300	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-
(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	0.3 KLD	Septic Tank	
Industrial	8 KLD	ETP	

(ii) Trade Effluent Treatment and Disposal :- The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality. In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.
(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be

stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	250 Kg/Hour Baby Boiler	Briquette/P NG	1	Particulate Matter	12 meter from ground level
2	25 KVA DG Set	HSD	1	Sulphur Dioxide	As per norms

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	1	Particulate Matter	As per applicable norms
2	1	Sulphur Dioxide	As per applicable norms

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

(iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and

Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011/81-7-2021-09 (Wri0)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

- 1- The industry shall maintain strict supervision on fluctuations in operating parameters with respect to each treatment unit of the Effluent treatment plant.
- 2- The industry will ensure the continuous and uninterrupted data supply from the OCBEMS to the SPCB

and CPCB server.

- 3- The industry should ensure the operation of the ETP in such a manner that it confirm the standards lay down under the notification issued by MOEF&CC vide GSR 978 (E) dated 10/10/2016.
- 4- The treated effluent shall be allowed to be discharged in the ambient environment only after exhausting options for reuse in industrial process/irrigation in order to minimize freshwater usage.
- 5- Flow meter to be installed in all water abstraction points and usage of fresh water to be minimized.
- 6- The industry will have to ensure permission from the CGWA/UPGWD for ground water extraction and it will be the responsibility of the industry to comply with the various conditions of the permission taken.
- 7- The industry shall submit the point wise compliance report of the CTO issued by the Board for year 2024 and audited balance sheet for the current year and the details of fees deposited during last three years within a month otherwise this CTO may be revoked.
- 8- If the CPCB or UPPCB issues the Closure order against the industry this consent order stands automatically suspended for that period.
- 9- The industry shall submit Environmental Statement in prescribed form V as per rule no.14 of E.P Rules 1986.
- 10- This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/process /fuel/ Plant machinery failing which consent would be deemed void.
- 11- The industry shall abide by orders/directions issued by Hon'ble Supreme Court Hon'ble High Court, Hon'ble National Green Tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safeguard of environment from time to time.
- 12- The industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended, and comply with the provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Amendment Rules, 2016 and all other applicable rules notified under E.P. Act 1986.
- 13- Unit shall comply with all the direction passed by Hon'ble NGT on dated 13.11.2018 in OA No. 317/2015 and OA No. 231/2014.
- 14- MSW waste should be suitable segregated. A separate and isolated MSW collection center should be provided.
- 15- The quantity of recycled effluent after final treatment to be send to the Board monthly.
- 16- Industry shall send the records of energy meter reading installed on ETP and Flow meter reading regularly on quarterly basis.
- 17- Unit shall comply Plastic Waste Management Rule, 2016 as amended and Solid Waste Rule, 2016 as amended.
- 18- The unit shall recycle as much water as possible within the plant before discharging it for treatment into the ETP.
- 19- Unit shall comply with various Waste Management Rules as notified by MoEF & CC i.e. Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Trans boundary) Rules, 2016, as amended.
- 20- The industry shall ensure the time bound compliance of stringent norms as published by the UPPCB vide office memorandum No. H 48273/C-1/NGT-83/2020, dated 27.02.2020 (available at URL uppcb.com/pdf/uppcb_28022020.pdf) in compliance of The Hon'ble NGT order dt. 14.11.2019 in O.A. No. 1038/2018.
- 21- The unit shall submit test report of ETP outlet and Boiler emission from approved lab after operation of unit.
- 22- Unit shall install PTZ camera and connected to UPPCB control room within 01 month.
- 23- Any source of emission other than that mentioned in the Air consent seeking application will not be permitted by the Board.
- 24- The industry shall only use PNG as fuel once PNG pipeline is available in that industrial area.

- 25- The industry should ensure the operation of the air pollution control system (APCS) in such a manner that the air emission confirms with the standards prescribed under the E.P. Act 1986 as amended.
- 26- The industry will ensure the continuous and uninterrupted data supply from the OCEEMS to the SPCB and CPCB server.
- 27- The industry shall submit monitoring reports of all stacks and ambient air quality from a certified / approved laboratory under E.P. Act 1986.
- 28- The industry shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
- 29- The use of Pet-coke and Furnace oil as a fuel is restricted in compliance of the Hon'ble Supreme court order.
- 30- The Industry will use minimum 20% Bio Briquette as fuel in the Boiler depending upon its availability.
- 31- Unit shall establish Miyawaki forest as per the GO no. 1011/81-7-2021-09(rit)/2016 dated 13.10.2021 of Deptt. of Environment, forest and climate change and BG of Rs. 50,000/- be deposited within a months time along with the proposal for proposed plantation.
- 32- Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 53 and 62 and other direction issued time to time regarding use of cleaner fuel.
- 33- Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 55 regarding DG sets.
- 34- Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.H-16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guide_160218.pdf.
- 35- Unit shall operate and maintain/upgrade the air pollution control device in such manner that emission should be as per norms prescribed by CAQM.
- 36- For operation of DG sets during GRAP period unit shall comply with CAQM direction no. 55 and 68.
- 37- Unit shall submit latest stack monitoring report from NABL approved laboratory within one month.
- 38- In any circumstances production capacity will not be enhanced without prior permission (CTE) from State Pollution Control Board.
- 39- All conditions imposed in earlier issued consent will remain the same.

VIVEK
ROY

CEO
C-1.

VIVEK
ROY

CEO
C-1.

Copy to:

Regional Officer, U.P. Pollution Control Board, Ghaziabad.



Form 8 (C)

[See Rule 8(1)]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW / EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK USER OF GROUND WATER

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC042413

VALID FROM 31/10/2022 TO 30/10/2027

{UIS10(1) of the Uttar Pradesh Ground Water Management and Regulation Act, 2019}

Registration No.: 202209001502

Name of the Owner RAJ KUMAR

Designation Proprietor

Company Address A-60, Roop Nagar Industrial Area, Loni, Distt-Ghaz

Address of the Applicant A- 60, Roop Nagar Industrial Area, Loni

Date of Submission 29/09/2022

Location Particulars

District Ghaziabad

Plot No./Khasra No. A-60, Roop Nagar Industrial Area

Card No./Holding No.

Company Name RISHABH
कंपनी का नाम ENTERPRISES

Authorization Letter Download
प्राधिकार पत्र

Application No. GZBD0922NIN01

Specimen Signature

Block LONI

Municipality/Corporation Yes

Roop Nagar
Industrial Area

Particular of the Existing Well and Pumping Device

Date of Construction/Sinking 10/03/2015
of the Well

Type of Well Tube Well/Boring

Purpose of well Industrial

Strainer Position (For Tube Well)

Type of Pump Used Submersible

Operational Device Electric Motor

Date of Energization (In Case of Electric Pump)

Maximum Allowable Rate of 8.00
Withdrawal (m³/hr.):

Maximum Allowable Annual 10240
Extraction of Ground Water:

Depth of the Well (In 60.00
meter)

Assembly Size(For Tube
Well)

H.P. of the Pump 3.00

Rate of Withdrawal 8.00
(m³/hr.)

14/03/2015

Maximum Allowable 4.00
Running Hours Per Day:

Recharge Required 20480.00

not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.

Holder of this NOC is hereby directed to assure annual recharge of 20480.00 cubic meter, as specified under the application form within the given time period.

GENERAL CONDITIONS:

Holder of this NOC is hereby directed to fill from 1(A) for registering his/her well within 90 days as mentioned in application form shall only started after registration of his/her NOC.

In case of any change of ownership of the proposed well, fresh authorization has to be obtained.

All Users abstracting ground water in excess of 100 m3/d shall be required to submit impact assessment report prepared by an accredited consultant from CGWA and National Accreditation Board for Education and Training (NABET). The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc. within three months of completion of the same to Ground Water Department Uttar Pradesh. The list of accredited Individuals/ Institutions is available on the official web-portal of CGWA.

For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well shall not exceed to the recorded rate from water meters

The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands

In case of any change of ownership of the existing well, fresh registration has to be obtained.

No change of location, design, rate of withdrawal and pumping device in respect of the existing well of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration

In case, any of the particulars I information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage, this registration is liable for cancellation.

The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.

Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis

Guidelines for Installation of Piezometers and their Monitoring

Piezometer is a borewell /tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

S.No	Quantum of Ground water withdrawal (cum/day)	No.of piezometers required	Monitoring Mechanism	
			Manual	DWLR with Telemetry
1	< 10	0	0	0
2	11 - 50	1	1	0
3	50- 500	1	0	1
4	> 500	2	0	2

- The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone taped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care of.

Any other condition(s) that may be imposed by the concerned Authority.
In case, any of the particulars I information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.

SPECIFIC CONDITIONS:

- 792 23
- (A) For Industrial User: No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
- i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
 - ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
 - iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC)/ PHD Chamber of Commerce & Industries / Laghu Udyog Bharati certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
 - iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³ /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/productive well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
 - v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
 - vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
 - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.

(B) Infrastructural User: The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:

- i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
- ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³ /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date: 26/04/2023

Place: Ghaziabad

This certificate is electronically generated and does not require digital signature

RISHABH ENTERPRISES

(OLD NAME: SHASHI WASHING WORKS)
A-69, ROOP NAGAR INDUSTRIAL AREA, LOHRI GHAZIABAD

सोम
शेखर शशिवाणी
उप. प्र. प्रमुख निदेशक
संयुक्तता

09/10/2020

विषय - उद्योग को बरखा दे कर से कर देने के संबंध में।

महोदय,
दृष्टा उपरोक्त विषय का संबंध उद्योग को बरखा देने का प्रश्न है। उद्योग के संबंध में आपको सांगत करना है कि, उद्योग के Building एवं मशीनरी इत्यादि का Maintenance समझे का कार्य किया जा रहा है। विभिन्न कारण उद्योग में डाइजल मशीनरी का कार्य प्रवृत्त कर रहे तथा इन मशीन में अचानक हीन कर का प्रश्न उत्पन्न होगा।

अतः उक्त मशीनरी में उद्योग का खर्चा उचित रूप से कर होगा।

संयुक्तता
शेखर शशिवाणी
उप. प्र. प्रमुख निदेशक
Rishabh Enterprises
(अधिकृत हस्ताक्षर)

2020/10/6 10:47

RISHABH ENTERPRISES

(OLD WARE HOUSE BUILDING WORKS)
402, DEEP NAGAR INDUSTRIAL AREA, LEON GUJARAT

શ્રી
શ્રીમતી
શ્રીમતી
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શ્રીમતી

૨૦૨૦/૦૧/૧૦

વિષય - કચેરાયે જાણવું છે કે કોને કે સંબંધી

મનોરમ,

આમ કચેરાયે વિષય આ સંબંધી કચેરાયે જાણવું છે કે
કે તે સંબંધી કચેરાયે જાણવું છે કે તે સંબંધી
કે તે સંબંધી કચેરાયે જાણવું છે કે તે સંબંધી
કે તે સંબંધી કચેરાયે જાણવું છે કે તે સંબંધી
કે તે સંબંધી કચેરાયે જાણવું છે કે તે સંબંધી
કે તે સંબંધી કચેરાયે જાણવું છે કે તે સંબંધી

સંબંધી

સંબંધી

સંબંધી
સંબંધી

2020/01/10 10:49

For Rishabh Enterprises

To,

UP. Pollution Control Board, Ghaziabad
Prop.

विषय

बैंगल पद क्षेत्र का कारना

निवेदन यह है कि बैंगल पद क्षेत्र (M/S RISHABH ENTERPRISES
(OLD NAME) : MIS SHASHI WASHING WORKS)

A-60, ROOP NAGAR INDUSTRIAL AREA (CONC. DIST. GHAZIABAD

- 201102, GHAZIABAD) का कि पिछले काफी समय से बंद पड़ी है
मेरी नवीनतम कारना कारना क्षेत्र के कारना मुझे कारना कारना का
कारना कारना पता/पता कि पिछले 12 से 14 महीने से कारना कारना
अब मेरी कारना कारना पूरी कर चुकी है अब मैं कारना कारना
करने से पहले आपको सूचित कर दूंगा।

आशा करता हूँ आप इसकी सद्व्यवस्था करेंगे।

अ-पवाद

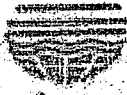
पता → रवि कुमार मेहता
→ MIS RISHABH ENTERPRISES
A/60 Roop Nagar Industrial Area
Distt Ghazibad 201102.

For Rishabh Enterprises

Prop.

Prop.

RAJ KUMAR



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संक्रमण संख्या / सी-1 / जल / जी-410 / 2020

दिनांक / Date
21/01/2020

श्री 0 शशि वाशिग वक्स,
प्लॉट नं० ए 60, रूप नगर,
औद्योगिक क्षेत्र, गाजियाबाद।

यह कि श्री 0 शशि वाशिग वक्स, प्लॉट नं० ए 60, रूप नगर, औद्योगिक क्षेत्र, गाजियाबाद जिस आग उद्योग कहा जाएगा। जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-47 के अन्तर्गत एक कम्पनी है जो कि डाइग एव वाशिग आफ मारनेट्स के उत्पादन हेतु उपरोक्त वर्णित स्थल पर स्थित है।

यह कि उद्योग का निरीक्षण दिनांक 25.09.2020 को केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा गठित प्रदूषण निवारण टीम द्वारा किया गया। समिति के निरीक्षण के दौरान उद्योग permanently closed पाया गया। उद्योग को राज्य बोर्ड से जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 के प्राविधानों के अन्तर्गत सहमति प्राप्त नहीं की गयी है। उपरोक्त परिस्थिति में सक्षम अधिकारियों की अनुमति से उद्योग के विरुद्ध जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा-83ए के अधीन राज्य बोर्ड को प्रदत्त शक्तियों के अन्तर्गत उद्योग के विरुद्ध निम्नानुसार निर्देश जारी किए जाते हैं:-

"इकाई को बन्द रखा राय तथा इकाई का संचालन राज्य बोर्ड से सहमति प्राप्त करने के उपरान्त ही किया जाये।"

उपरोक्त निर्देशों का अनुपालन सुनिश्चित कर अनुपालन आस्था तत्काल बोर्ड मुख्यालय का पता तथा अन्यथा की स्थिति में उद्योग के विरुद्ध जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 के प्राविधानों के अन्तर्गत उपरोक्त कार्यवाही कर पूर्ण उत्तरदायित्व स्वयं उद्योग एवं संचालन की जायेगी।
व्यक्तियों का होगा।

भवदीय,

(विवेक राय)

मुख्य पर्यावरण अधिकारी (वृत्त-1)

प्रतिलिपि-

1. जिलाधिकारी गाजियाबाद।
2. अधिसूचक अभियन्ता, ए0प्र0 पावर कंफ़रिशन लि0, गाजियाबाद को इस आशय से प्रेषित कि उद्योग की विद्युत आपूर्ति तत्काल विच्छेदित करने का कष्ट करें।
3. क्षेत्रीय अधिकारी, ए0 प्रदूषण नियंत्रण बोर्ड गाजियाबाद को इस निर्देश के प्रथम प्रेषित कि अधिसूचक अभियन्ता से समन्वय कर उद्योग का विद्युत विच्छेदन सुनिश्चित कराते हुए उद्योग के संचालन निरोध कर सुनिश्चित करें कि उद्योग विना राज्य बोर्ड की सहमति के संचालित न किया जाय।

मुख्य पर्यावरण अधिकारी (वृत्त-1)

टीसी-12 की विभागीय कार्यालय, गंगोत्री नगर
लखनऊ - 226010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720878
ई-मेल : info@uppcb.com

T.C.-12N, Vibhuti Khurd, Gomti Nagar,
Lucknow : 226010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720878
email : info@uppcb.com



UTTAR PRADESH POLLUTION CONTROL BOARD

TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831 Fax:0522-2720764 Email: info@uppcb.com Website: www.uppcb.com

Ref. No : 13335/UPPCB/Ghaziabad(LAB)/HWM/GHAZIABAD/2020

Dated :23/12/2020

To,

M/s RISHABH ENTERPRISES

A-60, Roop Nagar Industrial Area, Loni, Ghaziabad, GHAZIABAD, 201102

Tehsil :Bhojpur

District :GHAZIABAD

Sub :- Authorisation issued under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016

1. Number of authorization and date of issue 13335 and 23/12/2020 .
2. Reference of application (No. and date) 9993736 and 04/11/2020 .
3. Mr RAJ KUMAR MEHTA of M/s RISHABH ENTERPRISES is hereby granted an authorization based on the enclosed signed inspection report for generation, collection, utilization, storage and disposal or any other use of hazardous or other wastes or both on the premises situated at A-60, Roop Nagar Industrial Area, Loni, Ghaziabad, .

Details of Authorisation

S No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorised mode of disposal or recycling or utilization or co-processing, etc.	Quantity(ton/annum)
1	ETP Sludge (Schedule-I, Cat.35.3)	TSDf	3.0 Ton/year

1. The authorization shall be valid for a period of 22/12/2025 from the date of issue of this letter .
2. The authorization is subject to the following general and specific conditions (please specify any conditions that need to be imposed over and above general conditions, if any) .

A General Conditions of Authorization -

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under .
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Board .
3. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorization .
4. Any unauthorized change in personnel, equipment or working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorisation .
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time .

6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and penalty .
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility .
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation .
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained .
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation .
11. The importer or exporter shall bear the cost of Import or export and mitigation of damages if any
12. An application for the renewal of an authorisation shall be made as laid down under these Rules .
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Changes or Central Pollution Control Board from time to time .
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year .
15. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

B Specific Conditions of Authorization

1. The authorization shall be valid for a period of Five Year from the date of issue, if not suspended or cancelled earlier.
2. The wastes must be safely collected in leak proof containers and shall be duly marked in a manner suitable for handling, storage and transport and the packaging shall be easily visible and be able to withstand physical conditions and climatic factors.
3. All hazardous waste containers and bags shall be provided with a general label. The storage area should be at an isolated spot in the premises and must be fenced, covered and duly marked.
4. The authorized person or agency shall ensure that no adverse impact on the air, soil and water including groundwater takes place due to activities for which authorization has been requested. Comprehensive safety measures must be followed in handling of wastes and the staff must be properly trained.
5. It is brought to your notice that as per the order dated 14.11.2003 passed by the Honorable Supreme Court in W.P. (c) No. 657 of 1995, no industry covered under Hazardous and other Wastes (Management and Tran boundary Movement) Rules, 2016 shall be allowed to operate without valid authorization. It is also provided in the same orders that industries which are not complying with the conditions of authorization shall not be allowed to operate. Hence in case you fail to apply for authorization, before its expiry or fail to comply with conditions of the earlier authorization issued to you, closure order shall be issued against your industry without any further notice.
6. The applicant must file returns on prescribed Form 4 along with a compliance report of this letter and should also maintain records on Form 3 and present it to Board s inspecting officials.
7. In case of occurrence of an accident, complete details on form must be sent to U.P. Pollution Control Board at the earliest along with details of mitigative and remedial measures taken.
8. The authorized person or agency shall not receive, collect, or store any hazardous waste from any unauthorized occupier or generator of hazardous wastes. In case any hazardous wastes is sold to any

other reprocessing unit it must be ensured that such unit is fully complying with environmental requirements and has a valid authorization of the Board.

9. In no case any hazardous wastes shall be disposed off on land, in any drain or stream. All spillages of hazardous chemicals, used containers, of hazardous chemicals such as flammable corrosive, explosive and toxic nature must be safely collected and stored. Non-compatible wastes must be suitably and safely handled.

10. It is within the powers and functions of the U.P. Pollution Control Board to modify or revoke the terms and conditions of the authorization issued under the Rule 7 of Hazardous and Other Wastes (Management and Tran boundary Movement) Rules, 2016.

11. You are directed to display on-line data and display board outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emission and solid hazardous waste generated within the factory premises. Necessary compliance should be sent within 15 days of receipt of this letter.

12. It is the mandatory duty of the authorized person or agency to comply with the guidelines for transportation of hazardous waste in accordance with rule 18 of Hazardous and Other Waste (Management and Tran boundary Movement) Rules, 2016.

13. It should be ensured that hazardous wastes shall be properly collected and packed in HDPE bags and then temporarily stored in a lined RCC tank and pit with suitable shed.

14. An ETP sludge test report of a laboratory approved under E.P. Act shall be submitted along with compliance of this letter of this office.

15. Used oil shall be sold only to recyclers registered with U.P. Pollution Control Board. The record shall be maintained.

16. The occupier, transporter and operator of a facility shall be liable for damages caused to the environment resulting due to improper handling and disposal of hazardous waste listed in schedule 1,2, and 3 and shall be liable to pay a fine as levied by the State Pollution Control Board under the rules.

17. Details of raw material (which is Hazardous waste) and product along with quantity shall be sent within a month.

18. You shall become the member of any common TSDF for S.L.F. (Ms U.P. Waste Management Project Kumbhi Kanpur Dehat or Ms Bharat Oil and Waste Management Ltd., Kumbhi, Akbarpur, Kanpur Dehat. permitted by U.P.P.C.B)., and start sending the stored hazardous wastes for final disposal to the TSDF and report back to U.P.P.C.B. with the required manifesto (document of proof) within one or three month of this letter.

19. The unit shall ensure that H.W. is regularly sent to Authorized common TSDF and shall not store for more than 90 days in accordance with under rule 8 of HOWM Rules, 2016.

20. Emission from the Common or Captive incinerator stack shall meet the prescribed standards under Environmental Protection Act. 1986.

21. Copies of Hazardous Waste Manifest in Form 10 shall be sent regularly to UPPCB for each category of waste sent to TSDF or Incinerator.

22. This authorization is valid till the industry is having valid consent as per the provisions of Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act, 1974.

23. Industry shall comply the provisions of EP Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 as amended, Air (Prevention and Control of Pollution) Act, 1981 as amended and E waste (Management and Handling) Rules, 2016.

(Authorized Signatory)

VIVEK
ROY
Digitally signed
by VIVEK ROY
Date:
2020.12.25
14:21:18 +05'30'

UTTAR PRADESH POLLUTION CONTROL BOARD

Copy to: To the Regional Officer, U.P.Pollution Control Board, Regional Officer, UPPCB,
Ghaziabad. for information and necessary action .

VIVEK Digitally signed
by VIVEK ROY
ROY Date:
2020.12.25
14:21:41 +05:30

CEO/EE, I/C Circle _____



Form 8 (C)

[See Rule 8(1)]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW / EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK USER OF GROUND WATER

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC042413

VALID FROM 31/10/2022 TO 30/10/2027

{UIS10(1) of the Uttar Pradesh Ground Water Management and Regulation Act, 2019}

Registration No.: 202209001502

Name of the Owner	RAJ KUMAR	Company Name	RISHABH ENTERPRISES
Designation	Proprietor	कंपनी का नाम	ENTERPRISES
Company Address पत्नी का पता	A-60, Roop Nagar Industrial Area, Loni, Distt-Ghaz	Authorization Letter प्राधिकार पत्र	Download
Address of the Applicant	A- 60, Roop Nagar Industrial Area, Loni	Application No.	GZBD0922NIN05
Date of Submission	29/09/2022	Specimen Signature	
Location Particulars			
District	Ghaziabad	Block	LONI
Plot No./Khasra No.	A-60, Roop Nagar Industrial Area	Municipality/Corporation	Yes
Card No./Holding No.			Roop Nagar Industrial Area
Particular of the Existing Well and Pumping Device			
Date of Construction/Sinking of the Well	10/03/2015	Depth of the Well (In meter)	60.00
Type of Well	Tube Well/Boring	Assembly Size(For Tube Well)	
Purpose of well	Industrial	H.P. of the Pump	3.00
Drainer Position (For Tube Well)		Rate of Withdrawal (m ³ /hr.)	8.00
Type of Pump Used	Submersible	14/03/2015	
Operational Device	Electric Motor	Maximum Allowable Running Hours Per Day:	4.00
Date of Energization (In Case of Electric Pump)		Recharge Required	20480.00
Maximum Allowable Rate of Withdrawal (m ³ /hr.):	8.00		
Maximum Allowable Annual Extraction of Ground Water:	10240		

not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.

- Holder of this NOC is hereby directed to assure annual recharge of 20480.00 cubic meter, as specified under the application form within the given time period.

GENERAL CONDITIONS:

Holder of this NOC is hereby directed to fill from 1(A) for registering his/her well within 90 days as mentioned in application form shall only started after registration of his/her NOC.

In case of any change of ownership of the proposed well, fresh authorization has to be obtained.

All Users abstracting ground water in excess of 100 m³/d shall be required to submit impact assessment report prepared by an accredited consultant from CGWA and National Accreditation Board for Education and Training (NABET). The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc. within three months of completion of the same to Ground Water Department Uttar Pradesh. The list of accredited Individuals/ Institutions is available on the official web-portal of CGWA

For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ I standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well shall not exceed to the recorded rate from water meters

The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands

In case of any change of ownership of the existing well, fresh registration has to be obtained.

No change of location, design, rate of withdrawal and pumping device in respect of the existing well of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration

In case, any of the particulars / information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage, this registration is liable for cancellation.

The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.

Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis

Guidelines for Installation of Piezometers and their Monitoring

Piezometer is a borewell / tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

S.No	Quantum of Ground water withdrawal (cum/day)	No.of piezometers required	Monitoring Mechanism	
			Manual	DWLR with Telemetry
1	< 10	0	0	0
2	11 - 50	1	1	0
3	50- 500	1	0	1
4	> 500	2	0	2

- The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone taped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care of.

Any other condition(s) that may be imposed by the concerned Authority.

In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification any subsequent stage, this permit is liable for cancellation

SPECIFIC CONDITIONS:

(A) For Industrial User: No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:

- i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
- ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
- iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC)/ PHD Chamber of Commerce & Industries / Laghu Udyog Bharati certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
- iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³ /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
- v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
- vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
- vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution

(B) Infrastructural User: The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:

- i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department; UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
- ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³ /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

date: 26/04/2023

place: Ghaziabad

This certificate is electronically generated and does not require digital signature



Uttar Pradesh Pollution Control Board
 Building, No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010
 Phone: 0522-2720828, 2720831; Fax: 0522-2730764; Email: info@uppcb.in; Website: www.uppcb.com

175989/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2023

Date: 21/02/2023

To,

M/s

RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)

A-60, Roop Nagar Industrial Area, Loni, Distt.
 Ghaziabad, GHAZIABAD, 201102

Application Id-
 19569937

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) 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

CCA is hereby granted to RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works) located at A-60, Roop Nagar Industrial Area, Loni, Distt. Ghaziabad, GHAZIABAD, 201102, subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works) granted for the period from 22/01/2023 to 31/12/2025 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Dyeing and Washing of Jeans	300	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	0.3 KLD	Septic Tank	
Industrial	8 KLD	ETP	

(ii) Trade Effluent Treatment and Disposal :- The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be



Uttar Pradesh Pollution Control Board

Building, No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

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Date: 21/02/2023

To,

M/s

RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)

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U.P. POLLUTION CONTROL BOARD, LUCKNOW

Consent issued to M/s. RISHABH ENTERPRISES (Old name : Ms Shashi Washing
 vide
 Consent Order No. 6709482/ Water

Dated: 20/02/2020

CONDITIONS OF CONSENT

- This consent is valid only for the approved production capacity of Dyeing and washing of jeans 300 pieces per day.
- The quantity of maximum daily effluent discharge should not be more than the following :

Effluent Discharge Details			
S.No	Kind of Effluent	Maximum daily discharge, KL/day	Treatment facility and discharge point
1	Domestic	0.3 KLD	Septic Tank
2	Industrial	8 KLD	ETP

- Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain.
- (a) The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

Domestic Effluent		
S.No	Parameter	Standard
1	Total Suspended Solids	As per E.P Rules 1986
2	BOD	As per E.P Rules 1986
3	COD	As per E.P Rules 1986
4	Oil & Grease	As per E.P Rules 1986
5	Quantity of Discharge	0.3 KLD

- (b) The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms .

Industrial Effluent		
S.No	Parameter	Standard
1	Total Suspended Solids	As per E.P Rules 1986
2	BOD	As per E.P Rules 1986
3	COD	As per E.P Rules 1986
4	Oil & Grease	As per E.P Rules 1986
5	Quantity of Discharge	8 KLD

- Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act, 1986 or otherwise mandatory .
- The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
- The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act 1986

treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained.

Specific Conditions:

- 1- The industry shall maintain strict supervision on fluctuations in operating parameters with respect to each treatment unit of the Effluent treatment plant.
- 2- The industry will ensure the continuous and uninterrupted data supply from the OCEEMS to the SPCB and CPCB server.
- 3- The industry should ensure the operation of the ETP in such a manner that it confirm the standards lay down under the notification issued by MOEF&CC vide GSR 978 (E) dated 10/10/2016.
- 4- The treated effluent shall be allowed to be discharged in the ambient environment only after exhausting options for reuse in industrial process/irrigation in order to minimise freshwater usage.
- 5- Flow meter to be installed in all water abstraction points and usage of fresh water to be minimized.
- 6- The industry will have to ensure permission from the CGWA for ground water extraction and it will be the responsibility of the industry to comply with the various conditions of the permission-taken.
- 7- The industry shall submit the point wise compliance report of the CTO issued by the Board for year 2019 and audited balance sheet for the current year and the details of fees deposited during last three years within a month otherwise this CTO may be revoked.
- 8- If the CPCB or UPPCB issues the Closure order against the industry this consent order stands automatically suspended for that period.
- 9- The industry shall submit Environmental Statement in prescribed form V as per rule no.14 of E.P Rules 1986.
- 10- This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/process /fuel/ Plant machinery failing which consent would be deemed void.
- 11- The industry shall abide by orders/directions issued by Hon'ble Supreme Court Hon'ble High Court, Hon'ble National Green Tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safeguard of environment from time to time.
- 12- The industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1987 as amended. Water (Prevention and Control of Pollution) Act 1974 as amended, and comply with the provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Amendment Rules, 2016 and all other applicable rules notified under E.P. Act 1986.
- 13- Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.H-16-05/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guidle_160218.pdf.

Issued with the permission of competent authority.

Ashok
Kumar
Tiwari

For and on behalf of U.P. Pollution Control Board.

C.E.O
C-1



U.P. Pollution Control Board

CONSENT ORDER

Ref No. - 76184/UPPCB/Ghaziabad(UPPCBRO)/CTO/air/GHAZIABAD/2019

Dated : 20/02/2020

To ,

Shri RAJ KUMAR MEHTA
M/s RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)
A-60, Roop Nagar Industrial Area, Loni, Distt_ Ghaziabad, GHAZIABAD, 201102
GHAZIABAD

Sub : Consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 (as amended) to M/s. RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)

Reference Application No. 6709098

Dated : 20/02/2020

1. With reference to the application for consent for emission of air pollutants from the plant of M/s RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works). under Air Act 1981. It is being authorised for said emissions, as per the standards, in environment, by the Board as per enclosed conditions .
 2. This consent is valid for the period from 01/01/2020 to 31/12/2024 .
 3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 21 (6) of the Air (Prevention and Control of Pollution) Act, 1981 as amended.
- This consent is being issued with the permission of competent authority .

Ashok Kumar Tiwari

For and on behalf of U.P. Pollution Control Board

C.E.O

C-1

Enclosed : As above
(condition of consent):

Copy to: Regional Office, U.P. Pollution Control Board, Ghaziabad

Ashok Kumar Tiwari

C.E.O

C-1

Dated: 20.02.2016

CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Dyeing & Washing of garments (Jeans) -300 Pcs/Day.
2. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
- 3(a) The maximum rate of emission of flue gas should not be more than the emission norms for the stacks.
- 3(b) Air Pollution Source Details.

Air Pollution Source Details					
S.No	Air Pollution Source	Type of Fuel	Stack No.	Parameters	Height
1	Boiler 0.25 TPH	Coal	1	Particulate Matter	12 mt. stack from G.L with dust collection system settling chamber
2	D.G Set 25 KVA	HSD	2	Sulphur Dioxide	minimum 1 mt. above nearest roof

- 3(c) The emissions by various stacks into the environment should be as per the norms of the Board.

Emission Quality Details Detail			
S.No	Stack No	Parameter	Standard
1	1	Particulate Matter	As per E.P Rules 1986
2	2	Sulphur Dioxide	As per E.P Rules 1986

4. Quantity of other pollutants should also be as per the norms prescribed by the Board/MOEF & CC or otherwise mandatory.
5. The equipment for air pollution control system and monitoring, as proposed by the industry and approved by the Board should be installed in their premises itself.
6. The modification or installation in the existing pollution control equipments should be done only by prior approval of Board.
7. The operation of air pollution control system and maintenance be done in such a way that the quantity of pollutants should be in accordance with the standards prescribed by the Board/MoEF & CC/or otherwise mandatory.
8. Unit should do provisions for fugitive emissions chimney/stack as per the norms of the Board/MOEF & CC/or otherwise mandatory.
9. The unit should submit the stack emissions monitoring report within one month from issuance of consent order along with the point wise compliance report of the consent order. Further quarterly monitoring report should be submitted.

Specific Conditions:

1. The industry should be operated in such a manner that it does not adversely affect the environment and the solid waste generated such as ash etc. be disposed in eco friendly manner.
2. Any source of emission other than that mentioned in the Air consent seeking application will not be permitted by the Board.
3. The industry shall only use PNG as fuel once PNG pipeline is available in that industrial area.
4. The industry should ensure the operation of the air pollution control system (APCS) in such a manner that the air emission conforms with the standards prescribed under the E.P Act 1986 as amended.
5. The industry will ensure the continuous and uninterrupted data supply from the OCEEMS to the SPCB and CPCB server.
6. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
7. The industry shall abide by orders / directions issued by Hon'ble Supreme court Hon'ble High Court, Hon'ble National Green tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safe guard of environment from time to time.
8. The industry shall submit monitoring reports of all stacks and ambient air quality from a certified / approved laboratory under E.P. Act 1986.
9. The industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
10. The industry shall submit the point wise compliance report of the CTO issued by the Board for the year 2019 and audited balance sheet for the current year and the details of fees deposited during last three years within a month otherwise this CTO may be revoked.
11. The industry shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
12. The use of Pet coke and Furnace oil as a fuel is restricted in compliance of the Hon'ble Supreme court order.
13. The Industry will use minimum 20% Bio Briquette as fuel in the Boiler depending upon its availability.
14. The industry shall submit Environmental Statement in prescribed format as per rule no.14 as per E.P Rules 1986.
15. Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no. F16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guidle_160218.pdf

Ashok
Kumar
Tiwari

Issued with the permission of competent authority .

For and on behalf of U.P. Pollution Control Board .

C.E.O

C-1

U.P. Pollution Control Board

CONSENT ORDER

Ref No. -
76186/UPPCB/Ghaziabad(UPPCBRO)/CTO/wate
r/GHAZIABAD/2019

Dated: 20/02/2020

To .

Shri RAJ KUMAR MEHTA
M/s RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)
A-60, Roop Nagar Industrial Area, Loni, Dist_ Ghaziabad, GHAZIABAD, 201102
GHAZIABAD

Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974 (as amended) for discharge of effluent to M/s. RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works)

Reference Application No : 6709482

Dated : 20/02/2020

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act, 1974 as amended (here in after referred as the act) M/s. RISHABH ENTERPRISES (Old name : Ms Shashi Washing Works) is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tank/soak pit subject to general and special conditions mentioned in the annexure in reference to their foresaid application .
2. This consent is valid for the period from 01/01/2020 to 31/12/2024 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Prevention and Control of Pollution) Act. 1974 as amended .

This consent is being issued with the permission of competent authority .

Ashok
Kumar
Tiwari

For and on behalf of U.P. Pollution Control Board

C.E.O
C-1

Enclosed : As above
(condition of consent):

Ashok
Kumar
Tiwari

Copy to: Regional Office, U.P. Pollution Control Board, Ghaziabad

C.E.O
C-1

stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

iv) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	250 Kg/Hour Baby Boiler	Briquette/P NG	1	Particulate Matter	12 meter from ground level
2	25 KVA DG Set	HSD	1	Sulphur Dioxide	As per norms

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	1	Particulate Matter	As per applicable norms
2	1	Sulphur Dioxide	As per applicable norms

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

(iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and

Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O.1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upeep.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points. Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

- 1- The industry shall maintain strict supervision on fluctuations in operating parameters with respect to each treatment unit of the Effluent treatment plant.
- 2- The industry will ensure the continuous and uninterrupted data supply from the OCEEMS to the SPCB

and CPCB server.

- 3- The industry should ensure the operation of the ETP in such a manner that it conform the standards lay down under the notification issued by MOEF&CC vide GSR 978 (E) dated 10/10/2016.
- 4- The treated effluent shall be allowed to be discharged in the ambient environment only after exhausting options for reuse in industrial process/irrigation in order to minimize freshwater usage.
- 5- Flow meter to be installed in all water abstraction points and usage of fresh water to be minimized.
- 6- The industry will have to ensure permission from the CGWA/UPGWD for ground water extraction and it will be the responsibility of the industry to comply with the various conditions of the permission taken.
- 7- The industry shall submit the point wise compliance report of the CTO issued by the Board for year 2024 and audited balance sheet for the current year and the details of fees deposited during last three years within a month otherwise this CTO may be revoked.
- 8- If the CPCB or UPPCB issues the Closure order against the industry this consent order stands automatically suspended for that period.
- 9- The industry shall submit Environmental Statement in prescribed form V as per rule no. 14 of E.P Rules 1986.
- 10- This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/process /fuel/ Plant machinery failing which consent would be deemed void.
- 11- The industry shall abide by orders/directions issued by Hon'ble Supreme Court Hon'ble High Court, Hon'ble National Green Tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safeguard of environment from time to time.
- 12- The industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended, and comply with the provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Amendment Rules, 2016 and all other applicable rules notified under E.P. Act 1986.
- 13- Unit shall comply with all the direction passed by Hon'ble NGT on dated 13.11.2018 in OA No. 317/2015 and OA No. 231/2014.
- 14- MSW waste should be suitable segregated. A separate and isolated MSW collection center should be provided.
- 15- The quantity of recycled effluent after final treatment to be send to the Board monthly.
- 16- Industry shall send the records of energy meter reading installed on ETP and Flow meter reading regularly on quarterly basis.
- 17- Unit shall comply Plastic Waste Management Rule, 2016 as amended and Solid Waste Rule, 2016 as amended.
- 18- The unit shall recycle as much water as possible within the plant before discharging it for treatment into the ETP.
- 19- Unit shall comply with various Waste Management Rules as notified by MoEF & CC i.e. Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Trans boundary) Rules, 2016, as amended.
- 20- The industry shall ensure the time bound compliance of stringent norms as published by the UPPCB vide office memorandum No. H 48273/C-1/NGT-83/2020, dated 27.02.2020 (available at URL uppcb.com/pdf/uppcb_28022020.pdf) in compliance of The Hon'ble NGT order dt. 14.11.2019 in O.A. No. 1038/2018.
- 21- The unit shall submit test report of ETP outlet and Boiler emission from approved lab after operation of unit.
- 22- Unit shall install PTZ camera and connected to UPPCB control room within 01 month.
- 23- Any source of emission other than that mentioned in the Air consent seeking application will not be permitted by the Board.
- 24- The industry shall only use PNG as fuel once PNG pipeline is available in that industrial area.

- 25- The industry should ensure the operation of the air pollution control system (APCS) in such a manner that the air emission conforms with the standards prescribed under the E.P Act 1986 as amended.
- 26- The industry will ensure the continuous and uninterrupted data supply from the OCEEMS to the SPCB and CPCB server.
- 27- The industry shall submit monitoring reports of all stacks and ambient air quality from a certified / approved laboratory under E.P. Act 1986.
- 28- The industry shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
- 29- The use of Pet coke and Furnace oil as a fuel is restricted in compliance of the Hon'ble Supreme court order.
- 30- The Industry will use minimum 20% Bio Briquette as fuel in the Boiler depending upon its availability.
- 31- Unit shall establish Miyawaki forest as per the GO no. 1011/81-7-2021-09(rit)/2016 dated 13.10.2021 of Deptt. of Environment, forest and climate change and BG of Rs. 50,000/- be deposited within a months time along with the proposal for proposed plantation.
- 32- Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 53 and 62 and other direction issued time to time regarding use of cleaner fuel.
- 33- Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 55 regarding DG sets.
- 34- Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.II-16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt_Guide_160218.pdf.
- 35- Unit shall operate and maintain/upgrade the air pollution control device in such manner that emission should be as per norms prescribed by CAQM.
- 36- For operation of DG sets during GRAP period unit shall comply with CAQM direction no. 55 and 68.
- 37- Unit shall submit latest stack monitoring report from NABL approved laboratory within one month.
- 38- In any circumstances production capacity will not be enhanced without prior permission (CTE) from State Pollution Control Board.
- 39- All conditions imposed in earlier issued consent will remain the same.

VIVEK Digitally signed
by VIVEK ROY
Date: 2021.02.21
12:58:49 +05:30
ROY

CEO
C-1.

Copy to:

Regional Officer, U.P. Pollution Control Board, Ghaziabad.

VIVEK Digitally signed
by VIVEK ROY
Date: 2021.02.21
12:58:49 +05:30
ROY

CEO
C-1.



UTTAR PRADESH POLLUTION CONTROL BOARD

TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone: 0522-2720828, 2720831 Fax: 0522-2720764 Email: info@uppcb.com Website: www.uppcb.com

Ref. No. : 13335/UPPCB/Ghaziabad(LAB)/HWM/GHAZIABAD/2020

Dated : 23/12/2020

To,

M/s RISHABH ENTERPRISES

A-60, Roop Nagar Industrial Area, Loni, Ghaziabad, GHAZIABAD, 201102

Tehsil : Bhojpur

District : GHAZIABAD

Sub :- Authorisation issued under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016

1. Number of authorization and date of issue 13335 and 23/12/2020 .
2. Reference of application (No. and date) 9993736 and 04/11/2020 .
3. Mr RAJ KUMAR MEHTA of M/s RISHABH ENTERPRISES is hereby granted an authorization based on the enclosed signed inspection report for generation, collection, utilization, storage and disposal or any other use of hazardous or other wastes or both on the premises situated at A-60, Roop Nagar Industrial Area, Loni, Ghaziabad, .

Details of Authorisation

S No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorised mode of disposal or recycling or utilization or co-processing, etc.	Quantity(ton/annum)
1	ETP Sludge (Schedule-I, Cat.35.3)	TSDP	3.0 Ton/year

1. The authorization shall be valid for a period of 22/12/2025 from the date of issue of this letter
2. The authorization is subject to the following general and specific conditions (please specify any conditions that need to be imposed over and above general conditions, if any)

A General Conditions of Authorization -

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under .
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Board .
3. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorization .
4. Any unauthorized change in personnel, equipment or working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorisation .
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at

17. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on implementing liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and penalty.
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of Import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Changes or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.
15. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

B Specific Conditions of Authorization

1. The authorization shall be valid for a period of Five Year from the date of issue, if not suspended or cancelled earlier.
2. The wastes must be safely collected in leak proof containers and shall be duly marked in a manner suitable for handling, storage and transport and the packaging shall be easily visible and be able to withstand physical conditions and climatic factors.
3. All hazardous waste containers and bags shall be provided with a general label. The storage area should be at an isolated spot in the premises and must be fenced, covered and duly marked.
4. The authorized person or agency shall ensure that no adverse impact on the air, soil and water including groundwater takes place due to activities for which authorization has been requested. Comprehensive safety measures must be followed in handling of wastes and the staff must be properly trained.
5. It is brought to your notice that as per the order dated 14.11.2003 passed by the Honorable Supreme Court in W.P. (c) No. 657 of 1995, no industry covered under Hazardous and other Wastes (Management and Tran boundary Movement) Rules, 2016 shall be allowed to operate without valid authorization. It is also provided in the same orders that industries which are not complying with the conditions of authorization shall not be allowed to operate. Hence in case you fail to apply for authorization, before its expiry or fail to comply with conditions of the earlier authorization issued to you, closure order shall be issued against your industry without any further notice.
6. The applicant must file returns on prescribed Form 4 along with a compliance report of this letter and should also maintain records on Form 3 and present it to Board s inspecting officials.
7. In case of occurrence of an accident, complete details on form must be sent to U.P. Pollution Control Board along with details of mitigative and remedial measures taken.

- processing unit it must be ensured that such unit is fully complying with environmental requirements and has a valid authorization of the Board.
- In no case any hazardous wastes shall be disposed off on land, in any drain or stream. All spillages of hazardous chemicals, used containers, of hazardous chemicals such as flammable, corrosive, explosive and toxic nature must be safely collected and stored. Non-compatible wastes must be suitably and safely handled.
10. It is within the powers and functions of the U.P. Pollution Control Board to modify or revoke the terms and conditions of the authorization issued under the Rule 7 of Hazardous and Other Wastes (Management and Tran boundary Movement) Rules, 2016.
 11. You are directed to display on-line data and display board outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emission and solid hazardous waste generated within the factory premises. Necessary compliance should be sent within 15 days of receipt of this letter.
 12. It is the mandatory duty of the authorized person or agency to comply with the guidelines for transportation of hazardous waste in accordance with rule 18 of Hazardous and Other Waste (Management and Tran boundary Movement) Rules, 2016.
 13. It should be ensured that hazardous wastes shall be properly collected and packed in HDPE bags and then temporarily stored in a lined RCC tank and pit with suitable shed.
 14. An ETP sludge test report of a laboratory approved under E.P. Act shall be submitted along with compliance of this letter of this office.
 15. Used oil shall be sold only to recyclers registered with U.P. Pollution Control Board. The record shall be maintained.
 16. The occupier, transporter and operator of a facility shall be liable for damages caused to the environment resulting due to improper handling and disposal of hazardous waste listed in schedule I, 2, and 3 and shall be liable to pay a fine as levied by the State Pollution Control Board under the rules.
 17. Details of raw material (which is Hazardous waste) and product along with quantity shall be sent within a month.
 18. You shall become the member of any common TSDF for S.L.F. (Ms U.P. Waste Management Project Kumbhi Kanpur Dehat or Ms Bharat Oil and Waste Management Ltd., Kumbhi, Akbarpur, Kanpur Dehat. permitted by U.P.P.C.B.), and start sending the stored hazardous wastes for final disposal to the TSDF and report back to U.P.P.C.B. with the required manifesto (document of proof) within one or three month of this letter.
 19. The unit shall ensure that H.W. is regularly sent to Authorized common TSDF and shall not store for more than 90 days in accordance with under rule 8 of HOWM Rules, 2016.
 20. Emission from the Common or Captive incinerator stack shall meet the prescribed standards under Environmental Protection Act. 1986.
 21. Copies of Hazardous Waste Manifest in Form 10 shall be sent regularly to UPPCB for each category of waste sent to TSDF or Incinerator.
 22. This authorization is valid till the industry is having valid consent as per the provisions of Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act, 1974.
 23. Industry shall comply the provisions of EP Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 as amended, Air (Prevention and Control of Pollution) Act, 1981 as amended and E waste (Management and Handling) Rules, 2016.

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UTTAR PRADESH POLLUTION CONTROL BOARD

Copy to: To the Regional Officer, U.P. Pollution Control Board, Regional Office, UPPCB, Ghaziabad, for information and necessary action.

VIVEK
ROY

CBO/EE, I/C Circle

**(1996) 5 Supreme Court Cases 530 : 1996 Supreme Court Cases
(Cri) 1038**

(BEFORE DR A.S. ANAND AND K.T. THOMAS, JJ.)

Dr. BUDDHI KOTA SUBBARAO . . Applicant;

Versus

K. PARASARAN AND OTHERS . . Respondents.

Criminal Miscellaneous Petition No. 3830 of 1996 in Criminal

Appeals Nos. 275-277 of 1993⁺, decided on August 13, 1996

A. Penal Code, 1860 — Ss. 191, 192 and 193 — Criminal Procedure Code, 1973 — Ss. 340 and 195 — Giving of consent and authorisation as required by law for prosecution of an alleged offender — Allegation that the Attorney General of India and Chief Vigilance Officer gave consent and authorisation for prosecution of the applicant without due care and attention and without proper application of mind — Held, such allegations, even assuming to be true, do not amount to giving of false evidence or fabricating false evidence — Official Secrets Act, 1923, Ss. 3 and 6 — Atomic Energy Act, 1962, Ss. 18, 19 and 26(2)

The applicant was arrested in connection with offences under Sections 3 and 6 of the Official Secrets Act, 1923 and Sections 18 and 19 of the Atomic Energy Act, 1962. After obtaining consent of the Attorney General of India (Respondent 1) under Section 26(2) of the Atomic Energy Act and authorisation from the Chief Vigilance Officer of the Department of Atomic Energy (Respondent 2) for proceeding against the applicant and prosecuting him for various offences alleged against him, he was committed to the Court of Session to face the trial. The applicant was discharged for want of sanction under Section 197 CrPC. The applicant filed an application under Section 340 CrPC against the Attorney General of India and Chief Vigilance Officer on ground that the consent given by Attorney General of India and the 'authorisation' given by the then Chief Vigilance Officer were "false statements" as there was, according to him, no material before either of the two respondents, on the basis of which they could have given their 'consent' and 'authorisation' for his prosecution. It was alleged that Respondent 1 without "due care and attention" and without "sufficient and proper application of his mind", made 'false' statement to the effect that the record concerning technical material placed before him had 'satisfied' him that the provisions of Section 18 of the Atomic Energy Act, 1962 were attracted against the applicant and since the document dated 9-8-1988 (order conveying consent) containing the said "false statement" made by Respondent 1 was produced before the Court as evidence of the fulfilment of the mandatory requirements laid down under sub-section (2) of Section 26 of the Atomic Energy Act, 1962, it amounted to giving of "false evidence", attracting

proceedings under Section 340 CrPC against Respondent 1. It was further alleged that since the 'authorisation' issued by Respondent 2 to prosecute him was 'illegal' and made "without due care and attention" and "without any authority" Respondent 2 had committed 'perjury'. The applicant then stated that "the document containing the illegal 'authorisation' issued by Respondent 2 was produced as evidence of the fulfilment of the mandatory requirement prescribed under clause (b) of sub-section (1) of Section 26 of the Atomic Energy Act. The applicant also alleged that his 'prosecution' was "illegal and

 Page: 531

unjustified" and that Respondents 1 and 2 also committed an offence of criminal conspiracy under Section 120-A of the Penal Code, 1860.

Held :

The applicant labouring under grave misconception both of law and facts and filed this petition unmindful of the scope of the provisions of Section 340 CrPC as well as of Sections 191, 192 and 193 IPC. By no stretch of imagination, on the basis of the allegations made in this application, can it be said that either Respondent 1 or Respondent 2 had "fabricated false evidence" or had given "false evidence", while giving 'consent' and 'authorisation' as required by law for the prosecution of the applicant in discharge of their official duties. A bare look at Sections 191, 192 and 193 IPC would show that the said provisions have no application to the case. Neither Respondent 1 nor Respondent 2 can be said to have given 'false' evidence while giving the 'consent' and 'authorisation' unless the expressions 'false' and 'fabricated' are used as an 'abuse' rather than in the legal sense as defined in Sections 191/192 IPC. How can the applicant allege that the recording of 'satisfaction' by the Attorney General was a "false statement" defies logic and sense. The accusation is reckless and bereft of any factual foundation. It deserves notice that neither the trial court nor even the High Court in its various orders made for or against the applicant or the Supreme Court while dealing with the orders arising in the case against the applicant, has returned any finding, even prima facie, that the 'consent' or the 'authorisation' given by Respondents 1 and 2 amounted to the giving of "false evidence" or "fabricating of false evidence". According to the applicant, the 'consent' was given by the then Attorney General of India "without due care and attention" and even if this submission is, for the sake of argument, accepted (though there is no basis for accepting the same), it cannot lead to an inference that the document conveying consent was a "false document" or that giving of 'consent' amounted to giving of "false evidence" or "fabricating false evidence" at any stage of judicial proceeding. There is no "prima facie" material on the record from which any inference may be drawn that either Respondent 1 or Respondent 2 gave "false evidence" or produced 'false' or 'fabricated' evidence in the court.

(Para 11)

State of Maharashtra v. Dr Budhikota Subbarao, (1993) 3 SCC 71 : 1993 SCC (Cri) 597; *State of Maharashtra v. Dr Budhikota Subbarao*, (1993) 3 SCC 339 : 1993 SCC (Cri) 901; *State of Maharashtra v. Dr Budhikota Subbarao*, (1993) 2 SCC 567 : 1993 SCC (Cri) 650, referred to

B. Practice and Procedure — Frivolous petition — Filing of frivolous and misconceived petitions deprecated — Judicial process, misuse of

No litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions.

(Para 11)

H-M/T/16553/CR

Advocates who appeared in this case:

S.M. Jadhav, Advocate, for the Applicant/Opp. Party.

In person, for the Respondent.

A.M. Khanwilkar, Advocate, for Respondent 2.

Chronological list of cases cited

on page(s)

- | | |
|--|--------|
| 1. (1993) 3 SCC 339 : 1993 SCC (Cri) 901, <i>State of Maharashtra v. Dr Budhikota Subbarao</i> | 533b-c |
| 2. (1993) 3 SCC 71 : 1993 SCC (Cri) 597, <i>State of Maharashtra v. Dr Budhikota Subbarao</i> | 533a |
| 3. (1993) 2 SCC 567 : 1993 SCC (Cri) 650, <i>State of Maharashtra v. Dr Budhikota Subbarao</i> | 533e-f |

The Order of the Court was delivered by

DR ANAND, J.— We have heard the applicant who has appeared in person at length.

2. The applicant took voluntary retirement from the Indian Navy while holding the rank of a Captain on 27-10-1987. While on his way to USA on 30-5-1988, he was detained at the Sahar International Airport, Bombay. His suitcase was taken away from him and he was taken to

the Sahar Police Station and locked up. He was alleged to be carrying atomic and defence secrets with him. His successive applications for release on bail were rejected by the Metropolitan Magistrate, the Sessions Court and by the Bombay High Court. An order granting him bail on "medical grounds" was cancelled by this Court. After obtaining *consent* of the then Attorney General of India, Mr K. Parasaran (Respondent 1 herein) under Section 26(2) of the Atomic Energy Act, 1962 and *authorisation* from the Chief Vigilance Officer of the Department of Atomic Energy, Mr S.K. Bhandarkar (Respondent 2 herein) for proceeding against the applicant and prosecuting him for the various offences alleged against him, he was committed by the learned committing Magistrate to stand his trial in the Court of Session. Charges for offences including the offences under Sections 3 and 6, Official Secrets Act, 1923 and Sections 18 and 19 of the Atomic Energy Act, 1962 were framed against him. Against the order for framing of charges, the applicant unsuccessfully approached the Bombay High Court through Revision Application No. 96 of 1989. The applicant thereafter filed a criminal writ petition in the High Court once again *inter alia* calling in question the order for framing of charges and during the pendency of the writ petition, he filed a criminal miscellaneous petition in the High Court also alleging that the charges against him were vitiated by 'fraud' on the basis of the allegations made in the application, committed by the State and the public prosecutor. While matters rested thus, on 26-4-1991 the learned Sessions Judge trying the case, found that the prosecution had not obtained any sanction to prosecute the applicant and concluded that in the absence of sanction under Section 197 CrPC the trial was vitiated and accordingly discharged the applicant. The High Court while considering the criminal revision petition filed by the State against the order of discharge declined to interfere but found that since the case had travelled beyond the stage of Sections 227/228 CrPC an order of acquittal and not one of discharge was warranted and converting the order of discharge into an order of acquittal, dismissed the petition filed by the State on 12-10-1991. Though, technically the criminal writ petition filed by the applicant had thus been rendered infructuous, a learned Single Judge, after dismissal of the revision petition filed by the State, heard the writ petition and the miscellaneous petition and made an order passing strictures against the State and public prosecutor virtually accepting various pleas raised by the applicant alleging commission of 'fraud' by the special prosecutor and the State. The State of Maharashtra aggrieved by that order of the High Court, filed SLP (Crl.) No. 4178 of 1991

(Criminal Appeal No. 275 of 1993) in this Court. On 16-3-1993[±], a Bench of this Court allowed the appeal and set aside the order dated 28-10-1991 passed in the criminal miscellaneous petition and the criminal writ petition and directed that in view of the order of discharge made in favour of the applicant by the trial court, criminal writ petition would stand dismissed as infructuous. The 'remarks' made by the learned Single Judge of the High Court against the State and the public prosecutor were also directed to be expunged. This Court expressed its disapproval of the manner in which the High Court had proceeded with the case.

3. The order of discharge made by the learned Sessions Judge and confirmed by the High Court was also challenged by the State through SLP (Crl.) No. 986 of 1992 (Criminal Appeal No. 276 of 1993)^{±±}. A Division Bench of this Court dismissed the appeal against the order of discharge of the applicant, being Criminal Appeal No. 276 of 1993[±]. This Court, however, opined that the order of discharge made by the trial court was sound and that the High Court fell in error in converting it into an order of acquittal. The order of acquittal was consequently converted into an order of discharge. The applicant was awarded costs of Rs 25,000 taking into consideration the mental suffering and financial loss suffered by him. While dismissing the appeal it was observed that: (SCC p. 351, para 10)

"Since the appeal fails for non-compliance with Section 197 and the order discharging the accused has to be upheld we do not propose to examine the finding if authorisation under O.S. Act and A.E. Act to prosecute the accused was valid or not."

It transpires from the record that a review petition filed by the applicant inter alia to invite a finding on the validity of *consent* and *authorisation* to prosecute him and against the other 'findings' as recorded by this Court has also been since dismissed by this Court.

4. In Criminal Appeal No. 277 of 1993, arising out of SLP (Crl.) No. 987 of 1992^{±±±}, this Court set aside the order of the High Court dated 14-10-1991 made in Criminal Miscellaneous Application No. 2260 of 1991. The short question which was considered by this Court in that appeal was whether the High Court was justified in allowing the application filed by the respondent for declaring that the charges framed by the Additional Sessions Judge against him by the order dated 24-7-1990/27-7-1990 were "null and void" and obtained by 'fraud' practised by the State and the public prosecutor. While elaborately dealing with the submissions made at the Bar, this Court

observed: (SCC p. 569, para 2)

“Merits or otherwise of the application, alleging fraud against the State, apart, what has left us completely surprised is not so much the entertaining of the application filed by the accused, for declaration that the charges framed against him were nullity having been procured by

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fraud, as the procedure adopted by the learned Single Judge of granting the prayer merely for failure of the State to file any reply by way of counter-affidavit than by recording any finding that the State was guilty of procuring the order framing the charges by fraud. One of the objections raised by the State was that since the High Court by its order passed on 25-3-1991/26-3-1991 in Criminal Writ Petition No. 966 of 1990 had specifically held that the question of framing charge had become final, therefore, it could not be reopened, cannot be said to be without substance as the Division Bench had clearly held that it was not open to go behind the order passed by the learned Single Judge on 3-4-1990/4-4-1990 directing that the charges be framed against the accused not only under Section 3 but under Section 5 as well. Nor can any exception be taken to the finding of the Bench that the said order could not be said to have been passed without jurisdiction inasmuch as the learned Single Judge had jurisdiction to decide the revision application preferred under the provisions of the Code. Even the question of fraud raised by the accused was negated by the Division Bench and it was held that it was not capable of being gone into as it did not form part of the substratum of the case of the prosecution and was not germane to the question of deciding as to whether he was entitled to be discharged or not.”

The Court then opined that the allegation that the framing of charge was procured by ‘fraud’ was made without necessary foundation for the charge of fraud having been laid in the petition. The Bench also noticed that in paragraphs 4 to 8 (of his application) the applicant had culled out sentences from one or the other order rendered for or against him by different courts and on that basis had claimed that State either knowingly did not place correct facts to substantiate the observations made therein or deliberately concealed the truth and made fraudulent submissions thereby inducing the trial court to frame the charges. The Bench quoted in extenso paragraphs 4, 5 and 7 of the application in that behalf and observed: (SCC p. 572, para 6)

“We must confess our inability to appreciate the worth of such

averments to establish fraud. Legal submissions cannot be equated to misrepresentation. *In our opinion the pleadings fell short of legal requirements to establish fraud. Various sentences extracted from different judgments between the accused and the State in various proceedings could not give rise to an inference either in law or fact that the State was guilty of fraud. Suffice it to say that it was complete misapprehension under which the accused was labouring and it was indeed unfortunate that the High Court not only entertained such application but adopted a course which amounted to reviewing and setting aside orders of his predecessor without sufficient material and accept the claim that all earlier judgments were liable to be ignored under Section 44 of the Evidence Act as the proceedings were vitiated by fraud. We are constrained to say that the learned Judge not only*

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committed an error of procedure but misapplied the law.”


(emphasis supplied)

5. The appeal filed by the State [Criminal Appeal No. 277 of 1993 arising out of SLP (Crl.) No. 987 of 1992]⁺⁺⁺ was allowed on 16-3-1993 and the order made by the High Court on 14-10-1991 in Criminal Miscellaneous Application No. 2260 of 1991 was set aside and the application of the applicant for declaring the order dated 24-2-1990/27-2-1990 framing the “charges against him as vitiated by fraud” was dismissed.

6. We have referred to the history of the case only to show how the applicant has, thanks to the permissiveness of the judicial system, filed one petition after another to question the validity of the charges framed against him even after an order of discharge came to be made in his favour. The present petition under Section 340 CrPC against the then Attorney General of India and the Chief Vigilance Officer of the Department of Atomic Energy also appears to be an attempt to carry on with the ‘litigation’, undaunted by the orders made by this Court in Criminal Appeals Nos. 275-277 of 1993 on 16-3-1993⁺⁺⁺.

7. The main grounds on which this petition under Section 340 CrPC is founded are that according to the applicant, the ‘consent’ given by the then Attorney General of India (Respondent 1) and the ‘authorisation’ given by the then Chief Vigilance Officer (Respondent 2) were “false statements” as there was, according to him, no material before either of the two respondents, on the basis of which they could have given their ‘consent’ and ‘authorisation’ for his prosecution. The

applicant has alleged that Respondent 1 without "due care and attention" and without "sufficient and proper application of his mind", made 'false' statement to the effect that the record concerning technical material placed before him had 'satisfied' him that the provisions of Section 18 of the Atomic Energy Act, 1962 were attracted against the applicant and since the document dated 9-8-1988 (order conveying consent) containing the said "false statement" made by Respondent 1 was produced before the Court as evidence of the fulfilment of the mandatory requirements laid down under sub-section (2) of Section 26 of the Atomic Energy Act, 1962, it amounted to giving of "false evidence", attracting proceedings under Section 340 CrPC against Respondent 1. It is also alleged that by giving his 'consent' Respondent 1 had "created falsity" for the Department of Atomic Energy to give its "illegal authorisation" on behalf of the Central Government and that these actions of Respondent 1 also amounted to fabricating "false evidence" and producing "false documents" before the court. So far as the 'authorisation' given by the Chief Vigilance Officer is concerned, the applicant alleges that the Chief Vigilance Officer (Respondent 2) "without due care and attention", and "without any authority", had signed and issued letter No. JS(B)/CVO/16/88 dated 16-8-1988 giving 'authorisation' on behalf of the Central Government to prosecute the applicant "in camera" for the alleged contravention of Sections 18 and 19 of the Atomic Energy Act and since the 'authorisation' issued by Respondent 2 to prosecute him was 'illegal' and made "without due care and attention" and "without any authority" Respondent 2 had committed

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'perjury'. The applicant then states that "the document containing the illegal 'authorisation' issued by Respondent 2 was produced as evidence of the fulfilment of the mandatory requirement prescribed under clause (b) of sub-section (1) of Section 26 of the Atomic Energy Act. It had caused a 'circumstance' for the Magistrate to entertain the *erroneous* opinion that the bar for taking cognizance placed by clause (b) of sub-section (1) of Section 26 had been overcome thereby making him take cognizance and issue process against the applicant, which action had "deprived the life and liberty" of the applicant.

8. The applicant also alleges that his 'prosecution' was "illegal and unjustified" and that Respondents 1 and 2 also committed an offence of criminal conspiracy under Section 120-A of the Penal Code, 1860.

9. The applicant has made the following prayers in his application:

(1) That this Hon'ble Court may be pleased to:

(i) record a finding that it is expedient in the interests of justice that an enquiry should be made into the offences punishable under Sections 193, 195 and 196 and also Section 120 -B of the Penal Code, 1860 and the abetment thereof which appear to have been committed by Respondents 1 and 2 abovenamed;

(ii) make a complaint thereof in writing; and

(iii) send it to a Magistrate of the first class having jurisdiction.

(2) That this Hon'ble Court may be pleased to direct the Magistrate who is to act upon the complaint of this Court, that if during the enquiry it is found that there are others whose actions or omissions would amount to any of the offences mentioned in Section 195(1)(b) of the Criminal Procedure Code or any other offences, to proceed against them also according to law.

(3) That this Hon'ble Court may be pleased to direct the Registrar of the Supreme Court to take necessary action and ensure that the sanction under Section 197 of the Criminal Procedure Code from the Central Government is forwarded to the Magistrate concerned to prosecute Respondents 1 and 2, as per the complaint made by this Court under Section 340 of the Criminal Procedure Code.

10. Leaving out unnecessary and repetitive submissions, what can be culled out from the averments made by the applicant in the memorandum of the present application, is that Respondent 1 and Respondent 2 had given their 'consent' and 'authorisation' for his prosecution on behalf of the Central Government "without due care and attention" and "without proper application of mind" and had thereby given "false evidence", and "fabricated false evidence" for use in judicial proceedings, which evidence became the basis of his prosecution.

11. The applicant, it appears to us is labouring under grave misconception both of law and facts and has filed this petition unmindful of the scope of the provisions of Section 340 CrPC as well as of Sections 191, 192 and 193 IPC. By no stretch of imagination, on the basis of the

allegations made in this application, can it be said that either Respondent 1 or Respondent 2 had "fabricated false evidence" or had given "false evidence", while giving 'consent' and 'authorisation' as required by law for the prosecution of the applicant in discharge of their

official duties. A bare look at Sections 191, 192 and 193 IPC would show that the said provisions have no application to the case. Neither Respondent 1 nor Respondent 2 can be said to have given 'false' evidence while giving the 'consent' and 'authorisation' unless the expressions 'false' and 'fabricated' are used as an 'abuse' rather than in the legal sense as defined in Sections 191/192 IPC. How can the applicant allege that the recording of 'satisfaction' by the Attorney General was a "false statement" defies logic and sense. The accusation is reckless and bereft of any factual foundation. It deserves notice that neither the trial court nor even the High Court in its various orders made for or against the applicant or this Court while dealing with the orders arising in the case against the applicant, has returned any finding, even prima facie, that the 'consent' or the 'authorisation' given by Respondents 1 and 2 amounted to the giving of "false evidence" or "fabricating of false evidence". According to the applicant, the 'consent' was given by the then Attorney General of India "without due care and attention" and even if this submission is, for the sake of argument, accepted (though there is no basis for accepting the same), we are of the opinion that it cannot lead to an inference that the document conveying consent was a "false document" or that giving of 'consent' amounted to giving of "false evidence" or "fabricating false evidence" at any stage of judicial proceeding. There is no "prima facie" material on the record from which any inference may be drawn that either Respondent 1 or Respondent 2 gave "false evidence" or produced 'false' or 'fabricated' evidence in the court. Considering the submissions of the applicant, stripped to their bare essentials, the factual matrix on which allegations have been made against Respondents 1 and 2 do not attract the provisions of Section 191, 192 or 193 IPC. The filing of the present application appears to us to be an effort to get 'reopened' the case even after this Court decided Criminal Appeals Nos. 275-277 of 1993 on 16-3-1993 and dismissed the review petition also more than three years ago. Finality must attach to some stage of judicial proceedings. The course adopted by the applicant is impermissible and his application is based on misconception of law and facts. No litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in the manner *as he wishes*. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions. After giving our careful consideration to the submissions made at the Bar as well as those contained in the memorandum of the application, we are of the opinion that this application is misconceived, untenable and has no merits whatsoever. It is accordingly dismissed.

† From the Judgment and Order dated 14-10-1991 and 12-10-1991 of the Bombay High Court

in CrI. W.P. No. 180 of 1991 and C.R.A. No. 123 of 1991

* *State of Maharashtra v. Dr Budhikota Subbarao*, (1993) 3 SCC 71 : 1993 SCC (Cri) 597

** *State of Maharashtra v. Dr Budhikota Subbarao*, (1993) 3 SCC 339 : 1993 SCC (Cri) 901

*** *State of Maharashtra v. Dr Budhikota Subbarao*, (1993) 2 SCC 567 : 1993 SCC (Cri) 650

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(1995) 1 Supreme Court Cases 242

(BEFORE K. RAMASWAMY AND N.G. VENKATACHALA, JJ.)

NOORDUDDIN . . Appellant;

Versus

Dr. K.L. ANAND . . Respondent.

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Civil Appeal No. 7466 of 1994⁺, decided on October 6, 1994

Civil Procedure Code, 1908 — Ss. 11 and 151 and Or. 21, Rr. 97(1), 98, 100, 101, 103 (as amended in 1976) & 104 — Res judicata — Application under Or. 21, Rr. 97, 98 and S. 151 — Whether on facts barred by earlier writ petition and suit — M, B, N, R and W being descendants of same ancestors — M and B migrating to Pakistan, their properties declared as evacuee properties and ultimately sold to K — R and W unsuccessfully challenging the declaration and the sale in a writ petition, in which N, although impleaded as a respondent, neither any relief sought against him nor any adverse finding recorded against him — Meanwhile K's suit against R and W for possession of the properties purchased, finally decreed by the appellate court, but resisting execution and delivery of possession, the appellant, son of N, filing an application under Rr. 97 and 98 read with S. 151 asserting that he was in possession of a particular portion of the land as owner of his share in the ancestral property and that the same neither vested in the Custodian nor was sold to K — In the circumstances of the case, the said application, held, not barred by the earlier writ petition of R and W or by K's suit — Proper course for the court in such a case stated — Displaced Persons (Compensation and Rehabilitation) Act, 1954, S. 20 — Administration of Evacuee Property Act, 1950, Ss. 7 and 8

Held :

Admittedly, neither the appellant nor his father was a party to the suit or appeal. Therefore, the decree per force does not bind him. In the writ proceedings, though N was impleaded as one of the respondents, no relief was claimed against him nor a finding adverse to him has been recorded. Under these circumstances, when the appellant has been claiming right, title and interest in a specific portion of land from which he was sought to be dispossessed in execution of the decree by K (respondent herein) in respect of the land sold to K, the executing court necessarily

has to go into the question whether the former land is part of the latter and if so, whether the respondent while executing the decree trespassed upon his property and sought to dispossess him. The appellant's possession, pending adjudication, needs to be protected by interim orders. The court is enjoined to adjudicate the appellant's claim and record a finding, allowing or rejecting the same.

(Para 10)

Appeal allowed

H-M/13751/C

Advocates who appeared in this case:

B.D. Sharma, Advocate, for the Appellant;

Rajiv Sawhney, Senior Advocate (Sanjeev Anand, R.P. Wadhvani and Ms Kajol Chandra, Advocates, with him) for the Respondent.

ORDER

1. Leave granted.

2. The appellant's father Nanu, Rehmatullah and Wazu are brothers. Munshi and Banda were their cousins. Munshi and Banda had migrated to Pakistan and their properties were declared as evacuee properties. By proceedings dated 12-3-1956, the competent authority had passed an order separating the respective shares held by the evacuees, Munshi and Banda as well as the father of the appellant, Rehmatullah and Wazu and allotted specific items to Nanu. At an auction held on 14-4-1967 of the evacuee

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properties, the respondent Dr K.L. Anand had become the highest bidder and sale certificates issued on 26-9-1968, are as follows:

"CERTIFICATE OF SALE
(FREEHOLD PROPERTIES)

Rule 90(15)

This is to certify that Shri K.L. Anand, s/o Shri Parshotam Dass Anand having given the highest bid of Rs 4250 (Rupees Four thousand two hundred and fifty only) at sale by public auction held in pursuance of the powers conferred upon me under Section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) on 14-4-1967 of the property described in the Schedule and his bid having been accepted and the value thereof having been paid by him in cash/by adjustment of compensation due on his and his associate(s) claim(s) has been declared the purchaser of the said property in shares as mentioned below with effect from 14-6-1968.

Given under my hand and seal of my office this day of September

26, 1968.

Schedule

Shares

Property Khasra Sakni No. 13

Full

Village Kalu Sarai, New Delhi.

bounded as under:

East : Mosque Gali

West : House of Shri Rehmatullah

North : Khasra Sakni No. 14

South : Gali

Sd/-

Signature

Designation : Managing Officer/Asstt.

Custodian, New Delhi.

Shri K.L. Anand, s/o Shri Parshotam Dass Anand

Shop No. 176, Vinay Nagar,

New Delhi.

Copies to:

1. Sub-Registrar, Kashmere Gate, Delhi.
2. Assistant Accounts Officer,
3. Central Board of Revenues, New Delhi.
4. Municipal Corporation of Delhi.

Signature

Designation.

*

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CERTIFICATE OF SALE
(FREEHOLD PROPERTIES)

Rule 90(15)

This is to certify that Shri K.L. Anand, s/o Shri Parshotam Dass having given the highest bid of Rs 6050 (Rupees Six thousand and fifty only) at sale by public auction held in pursuance of the powers conferred upon me under Section 20 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) on 14-4-

1967 of the property described in the Schedule and his bid having been accepted and the value thereof having been paid by him in cash/by adjustment of compensation due on his and his associate(s) claim(s) has been declared the purchaser of the said property in shares as mentioned below with effect from 14-6-1968.

Given under my hand and seal of my office this day of September 26, 1968.

Schedule

Shares

Property Khasra Sakni No. 14

Full

Village Kalu Sarai, New Delhi.

bounded as under:

East : Mosque and Gali

West : House of Shri Wazu

North : Agricultural land

South : Khasra Sakni No. 13

Sd/- M.L. Vij

Signature

26-9-1968

Designation : Managing Officer/Asstt. Custodian,
Office of the Regional
Settlement Commissioner,
New Delhi.

To

Shri K.L. Anand

Shop No. 176, Vinay Nagar,
New Delhi.

*

*

*

No. RSCD(MO)/Auc/PN/Khasra No. 13/Kalu Sarai/
D/5178

Govt. of India,

Ministry of Labour, Employment and Rehabilitation,

Office of Regional Settlement Commissioner (MW),

Jamnagar House, New Delhi.

Corrigendum

25-10-1969

Subject : Regarding Khasra Sakni No. 13,

Village Kalu Sarai, New Delhi.

In the certificate of sale executed on 26-9-1968 in favour of Shri K.L. Anand, s/o Shri Parshotam Dass in respect of Khasra Sakni No. 13, Village Kalu Sarai, New Delhi, the boundaries may be read as under:

East : House of Shri Rehmatullah

West : Mosque and Gali

North : Khasra Sakni No. 14

South : Gali

Given under my hand and seal of my office this day 24-10-1969.

Sd/- M.L. Vij

Managing Officer/Asstt. Custodian

To,

Shri K.L. Anand, son of Shri Parshotam Dass

Shop No. 176, Vinay Nagar,

New Delhi.

Copy to : Sub-Registrar, Asaf Ali Road, New Delhi.

(Managing Officer)

*

*

*

No. RSCD/MO(AUC)/PN/Kh. No. 14/Kalu Sarai/

D/5180

Govt. of India,

Ministry of Labour, Employment and Rehabilitation,

Office of Regional Settlement Commissioner (MW),

Jamnagar House, New Delhi.

Corrigendum

25-10-1969

Subject : Regarding Khasra Sakni No. 14,

Village Kalu Sarai, New Delhi.

In the certificate of sale executed on 26-9-1968 in favour of Shri K.L. Anand son of Shri Parshotam Das in respect of Khasra Sakni No. 14, Village Kalu Sarai, New Delhi, the boundaries may be read as under:

East : House of Shri Wazu

West : Mosque and Gali

North : Agricultural land

South : Khasra Sakni No. 13

Given under my hand and seal of my office this day of October
24, 1969.

Sd/- M.L. Vij
Managing Officer

To,

Shri K.L. Anand,
Shop No. 176, Vinay Nagar,
New Delhi.

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Copy to : Sub-Registrar, Asaf Ali Road, New Delhi.

(Managing Officer)"

3. Thus, the properties bearing Khasra Sakni Nos. 13 and 14 were confirmed in favour of the respondent. Rehmatullah and Wazu challenged the said sales in WP No. 960 of 1969 in Delhi High Court contending that the properties sold pursuant to the declaration of those properties being evacuee on 6-2-1956 were not, in fact, correct; they had interest in the sold properties and that, therefore, the sale made in favour of the respondent was illegal. The writ petition came to be dismissed by the learned Single Judge which was affirmed by the Division Bench in LPA No. 95 of 1978 by order dated 14-9-1982. That order had become final. Therein, though Nanu was impleaded as 5th respondent, no relief of any sort was claimed against him nor any finding adverse to him in that behalf was recorded. In the meanwhile, the respondent had filed Suit No. 270 of 1970 in the District Court, Delhi, against Rehmatullah and Wazu for possession of the properties bearing Khasra Sakni Nos. 13 and 14 as indicated hereinbefore. Though the suit was dismissed, on appeal in RFA No. 305 of 1986, the Division Bench of the Delhi High Court decreed the suit for possession and the decree had become final.


4. Therefore, now in execution, the respondent sought to take possession of the properties in Khasra Sakni Nos. 13 and 14. Resisting the execution and delivery of possession, the appellant made an application under Order 21, Rules 97 and 98 read with Section 151 of CPC contending that his father and members of his family had not migrated to Pakistan though the Custodian had declared certain ancestral properties to be evacuee properties of Munshi and Banda

which were later sold to the respondent under Khasra Sakni Nos. 13 and 14; Dr Anand has obtained collusive decree against others; the land was not demarcated; the land bears Khasra No. 179 and in accordance with the Chijra Akshi, it is in his possession as an owner by virtue of his share in the ancestral property separated by the competent authority which never vested in the Custodian nor was it sold to the respondent.

5. The executing court dismissed the application on the ground that the dispute was adjudicated by the High Court in RFA No. 305 of 1986 and that, therefore, the claim is no longer tenable. On revision, in the impugned order dated 11-7-1994, the learned Single Judge dismissed the revision holding that the controversy was concluded in WP No. 960 of 1969 wherein the appellant's father was arrayed as respondent and that, therefore, he cannot make the objections. Hence this appeal.

6. The question, therefore, is whether the executing court and the High Court had properly appreciated the scheme under Order 21, Rule 97 and declined to entertain and adjudicate the claim of the appellant?

7. Order 21, Rules 97, 98, 100, 101, 103 and 104 provide thus:

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97. Resistance or obstruction to possession of immovable property.— (1) Where the holder of a decree for the possession of immovable property or the purchaser of any such property sold in execution of a decree is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the court complaining of such resistance or obstruction.

(2) Where any application is made under sub-rule (1), the court shall proceed to adjudicate upon the application in accordance with the provisions herein contained.

98. Orders after adjudication.— (1) Upon the determination of the questions referred to in Rule 101, the court shall, in accordance with such determination and subject to the provisions of sub-rule (2);—

- (a) make an order allowing the application and directing that the applicant be put into the possession of the property or dismissing the application; or
- (b) pass such other order as, in the circumstances of the case, it may deem fit.

(2) Where, upon such determination, the court is satisfied that the resistance or obstruction was occasioned without any just cause

by the judgment-debtor or by some other person at his instigation or on his behalf, or by any transferee, where such transfer was made during the pendency of the suit or execution proceeding, it shall direct that the applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the court may also, at the instance of the applicant, order the judgment-debtor or any person acting at his instigation or on his behalf, to be detained in the civil prison for a term which may extend to thirty days.

100. *Order to be passed upon application complaining of dispossession.*— Upon the determination of the questions referred to in Rule 101, the court shall, in accordance with such determination,

- (a) make an order allowing the application and directing that the applicant be put into the possession of the property or dismissing the application; or
- (b) pass such other order as, in the circumstances of the case, it may deem fit.

101. *Question to be determined.*— All questions (including questions relating to right, title or interest in the property) arising between the parties to a proceeding on an application under Rule 97 or Rule 99 or their representatives, and relevant to the adjudication of the application, shall be determined by the court dealing with the application and not by a separate suit and for this purpose, the court shall, notwithstanding anything to the contrary contained in any other law for the time being in force, be deemed to have jurisdiction to decide such questions.

103. *Orders to be treated as decrees.*— Where any application has been adjudicated upon under Rule 98 or Rule 100, the order made thereon shall have the same force and be subject to the same conditions as to an appeal or otherwise as is if it were a decree.

104. *Order under Rule 101 or Rule 103 to be subject to the result of pending suit.*— Every order made under Rule 101 or Rule 103 shall be subject to the result of any suit that may be pending on the date of commencement of the proceeding in which such order is made, if in such suit the party against whom the order under Rule 101 or Rule 103 is made has sought to establish a right which he claims to the present possession of the property.”

8. Thus, the scheme of the Code clearly adumbrates that when an application has been made under Order 21, Rule 97, the court is enjoined to adjudicate upon the right, title and interest claimed in the property arising between the parties to a proceeding or between the decree-holder and the person claiming independent right, title or interest in the immovable property and an order in that behalf be made. The determination shall be conclusive between the parties as if it was a decree subject to right of appeal and not a matter to be agitated by a separate suit. In other words, no other proceedings were allowed to be taken. It has to be remembered that preceding Civil Procedure Code Amendment Act, 1976, right of suit under Order 21, Rule 103 of 1908 Code was available which has been now taken away. By necessary implication, the legislature relegated the parties to an adjudication of right, title or interest in the immovable property under execution and finality has been accorded to it. Thus, the scheme of the Code appears to be to put an end to the protraction of the execution and to shorten the litigation between the parties or persons claiming right, title and interest in the immovable property in execution.

9. Adjudication before execution is an efficacious remedy to prevent fraud, oppression, abuse of the process of the court or miscarriage of justice. The object of law is to mete out justice. Right to the right, title or interest of a party in the immovable property is a substantive right. But the right to an adjudication of the dispute in that behalf is a procedural right to which no one has a vested right. The faith of the people in the efficacy of law is the saviour and succour for the sustenance of the rule of law. Any weakening like (*sic*) in the judicial process would rip apart the edifice of justice and create a feeling of disillusionment in the minds of the people of the very law and courts. The rules of procedure have been devised as a channel or a means to render substantive or at best substantial justice which is the highest interest of man and almanac (*sic*) for the mankind. It is a foundation for orderly human relations. Equally the judicial process should never become an instrument of oppression or abuse or a means in the process of the court to subvert justice. The court has, therefore, to

wisely evolve its process to aid expeditious adjudication and would preserve the possession of the property in the interregnum based on factual situation. Adjudication under Order 21, Rules 98, 100 and 101 and its successive rules is sine qua non to a finality of the adjudication of the right, title or interest in the immovable property under execution.

10. The question is whether the executing court was right in dismissing the application on the ground that the dispute was adjudicated in RFA No. 305 of 1986 or as held by the High Court that the dispute was decided in the writ proceedings referred to earlier. The execution court is enjoined to adjudicate the claim or the objection or the claim to resistance. As seen, Rule 97 enables such a person to make an application which must be independent of the judgment-debtor or a person having derivative right from the judgment-debtor. The applicant in his own right must be in possession of the property. Admittedly, neither the appellant nor his father was a party to the suit or appeal. Therefore, the decree per force does not bind him. In the writ proceedings, though Nanu was impleaded as 5th respondent, no relief was claimed against him nor a finding adverse to him has been recorded. Thereby, there is no adverse finding recorded either in the suit or in the writ proceedings against the appellant or his father. Under these circumstances, when the appellant has been claiming right, title and interest in Khasra No. 179 from which he is now sought to be dispossessed in execution of the decree by the respondent in respect of Khasra Sakni Nos. 13 and 14, the executing court necessarily has to go into the question whether the property in Khasra No. 179 is part of Khasra Sakni Nos. 13 and 14 and if so, whether the respondent while executing the decree trespassed upon his property and sought to dispossess him. The appellant's possession, pending adjudication, needs to be protected by interim orders. Unfortunately, the courts below had not adverted to these crucial aspects of the matter. When the appellant claimed independent right, title and interest and resisted the execution, the decree-holder or the appellant should make an application under Rule 97(1) and the court, in that event, is enjoined to adjudicate the claim and record a finding, allowing or rejecting the claim. It should be remembered that Parliament intended to shorten the litigation and to give effect to it, a simplified procedure was devised for adjudication. On the basis of the fact situation and the nature of the controversy, the claim has to be adjudicated expeditiously in a period not exceeding six months and preferably on day to day basis by putting an end to the tendentious conduct of prolonging the proceedings by suitable orders.

11. The orders of the courts below are accordingly set aside. The matter is remitted to the executing court to go into the question raised by the appellant. In the nature of the dispute, a Commissioner may be appointed by the court by issuing a warrant to demarcate the respective properties in Khasra Sakni Nos. 13 and 14 and Khasra No. 179 as claimed

by the appellant, to find whether Khasra No. 179 is part of the Khasra Sakni Nos. 13 and 14 or independent of the latter. From the averments in the SLP as well as in the petition filed before the executing court, the appellant had not made any claim in respect of the Khasra Sakni Nos. 13 and 14. Therefore, the question of going into the boundaries and the extent of the land covered by sale certificates which have become final cannot arise. As stated earlier, the only limited question is whether Khasra No. 179 is part of Khasra Sakni Nos. 13 and 14 and if not, whether in executing the decree the respondent is entitled to take possession of Khasra Survey No. 179.

12. In this view, it may be open to the respondent to make an application to the executing court to appoint a Commissioner for demarcating the respective properties and for submitting a report and plan in that behalf according to rules. The executing court is directed to dispose of this application within a period of six months from the date of the receipt of this order.

13. The appeal is accordingly allowed, but in the circumstances without costs.

— — —

† From the Judgment and Order dated 11-7-1994 of the Delhi High Court in C.R.P. No. 574 of 1994

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(1999) 1 Supreme Court Cases 271

(BEFORE DR A.S. ANAND, B.N. KIRPAL AND V.N. KHARE, JJ.)

(Record of Proceedings)

SABIA KHAN AND OTHERS . . Appellants;

Versus

STATE OF U.P. AND OTHERS . . Respondents.

Writ Petition (C) No. D 2117 of 1998, decided on July 30, 1998

Constitution of India — Art. 32 — Abuse of process of the Court — Writ petition questioning orders of Supreme Court passed on 12-12-1996 and 4-3-1997 in *T.N. Godavarman Thirumulkpad* case relating to conservation and protection of forests and forest produce — Those orders alleged to be of ad hoc nature, violative of Art. 19(1)(g) and falling neither within the purview of S. 2 of Forest (Conservation) Act, 1980 nor within any other law nor within the Directive Principles of State Policy — Held, petition misconceived — Filing of such petition was an abuse of the process of the Court and waste of time of the Court — Cost assessed at Rs 10,000 imposed

T.N. Godavarman Thirumulkpad v. Union of India, (1997) 2 SCC 267; *T.N. Godavarman Thirumulkpad v. Union of India*, (1997) 3 SCC 312, referred to

WP dismissed with costs assessed at Rs 10,000

R-M/20466/S

Advocates who appeared in this case:

B.D. Sharma, Advocate, for the Petitioner.

ORDER

1. Refusal to grant a new licence for sawmills by the Regional Director, Social Forestry, Forest Range, Rampur, to the petitioners vide communication dated 18-1-1998, based on the injunction issued by this Court on 12-12-1996[±] and 4-3-1997[±] in *T.N. Godavarman Thirumulkpad v. Union of India* has been put in issue in this writ petition. Mr Sharma, learned counsel for the petitioners, submits that the authority was not "required" to go by the orders of this Court, which according to him were not judicial verdicts but "ad hoc orders". We are at a loss to appreciate the submission. Learned counsel apparently overlooks the mandate of Article 144 of the Constitution read with Article 141.

2. While projecting a grievance against the order dated 4-3-1997[±] passed by this Court, the petitioners in para 13 of the grounds say thus:

"... the order in question dated 4-3-1997[±] passed by the Hon'ble Supreme Court did not come within the purview of the said Section 2

of

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the Forest (Conservation) Act, 1980 nor did any other law authorise the Hon'ble Supreme Court to pass the said order nor could the Hon'ble Supreme Court pass the said order on the general ground that the said order protected forest and environment which fell within the Directive Principles of State Policy finding place in Part IV of the Constitution of India which only allowed the competent legislature to enact laws for enforcing the said Directive Principles and which did not by themselves have the force of law under which the Hon'ble Court could pass the order in question dated 4-3-1997[±]."

Again the petitioners aver in para 26 thus:

"BECAUSE an ad hoc order like the order in question passed by the Hon'ble Supreme Court on 4-3-1997[±] infringing the fundamental right of the petitioners under Article 19(1)(g) of the Constitution of India could not be passed by the Hon'ble Supreme Court even in PUBLIC INTEREST LITIGATION, because the only manner permitted by the Constitution for interfering with the fundamental right of a citizen under Article 19(1)(g) was by passing some law under Article 19(6) of the Constitution and any interference with such right in any other way, including by an order under public interest litigation would amount to an amendment of Article 19(6) of the Constitution for making which amendment a special procedure under Article 368 of the Constitution had been provided and the Hon'ble Supreme Court, it is respectfully submitted, could not bring about such amendment by merely passing some order in a PUBLIC INTEREST LITIGATION."

3. The relief claimed by the petitioner, in this petition, is as follows:

"(i) to issue a writ of mandamus or writ, direction or order in the nature thereof or any other writ, direction or order directing the respondents not to interfere with the fundamental right of the petitioners to continue to run and operate their sawmills as licensed operators thereof as has continuously been shown in the respondents' own records for the last several years and to grant/renew their licences for the year 1998 without, in any manner, being influenced by the orders passed by the Hon'ble Supreme Court dated 12-12-1996[±] and 4-3-1997[±] in Writ Petition (Civil) No. 202 of 1995, *T.N. Godavarman v. Union of India*.

(ii) to grant such further or other order as the Hon'ble Court may deem fit to pass in the special circumstances of this case.

(iii) to award costs of this petition to the petitioners."

4. After hearing Mr Sharma, learned counsel for the petitioners, it is obvious that the petition is misconceived and based on a total misconception. It is an obvious attempt to question the correctness of the orders of this Court through a writ petition under Article 32, which is not permissible. The objection with regard to the office report is also not tenable. Filing of such a petition is an abuse of the process of the Court and waste of time of the Court. We do not find any merit in this petition which is dismissed with costs assessed at Rs 10,000.

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5. The costs shall be deposited in the account of the Supreme Court Legal Services Committee within four weeks.

Court Masters

† (1997) 2 SCC 267

† (1997) 3 SCC 312

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Satyabrata Sanjeeb Kumar Mohanta vs Moef on 18 July, 2023

Item No.03

Court No.1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.53/2023/EZ
(I.A. No.28/2023/EZ)

Satyabrata Sanjeev Kumar Mohanta

Applicant(s)

Versus

MoEF&CC & Ors.

Respondent(s)

Date of hearing: 18.07.2023

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Applicant(s) : Mr. Md. Akram, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Anamika Pandey, Adv. for R-1 (in Virtual Mode),
Mr. Ashok Kumar Parija, Advocate General a/w
Mr. Tarun Patnaik, ASC for R-2 to 6,
Mr. Dipanjan Ghosh, Advocate for R-7,
Mr. Sanjay Upadhyay, Advocate a/w
Mr. Dhananjaya Mishra, Mr. Biswaranjan Sahoo, and
Ms. Mansi Bachani, Advocates for R-8,

ORDER

1. Mr. Md. Akram, learned Counsel holding brief of Ms. Soumya Mishra, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Affidavit dated 15.07.2023 has been filed by Respondent No.8, Private Respondent; the same is taken on record.
3. Counter-affidavit dated 15.07.2023 has been filed by the Divisional Forest Officer, Keonjhar; the same is taken on record.
4. Mr. Dipanjan Ghosh, learned Counsel files Vakalatnama on behalf of the Respondent No.7, Odisha Power Transmission Corporation Limited (OPTCL); the same is taken on record.

5. We have heard the learned Counsel for the parties and perused the documents on record.
6. Final order of the said case will be uploaded in the website by separate sheets of paper.

..... B. Amit Sthalekar, JM Dr. Arun Kumar Verma,
EM July 18, 2023, Original Application No.53/2023/EZ (I.A. No.28/2023/EZ) MN Item No.03
Court No.1 BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE) ORIGINAL APPLICATION
NO.53/2023/EZ (I.A. NO.28/2023/EZ) IN THE MATTER OF:

Satyabrata Sanjeev Kumar Mohanta, Aged about 35 years, S/o -
Dambarudhara Mohanta, At- Karadia, P.O. /P.S.- Karanjia, Dist. -Mayurbhanj,
Applicant(s) Versus

1. Ministry of Environment, Forest & Climate Change (MoEF&CC), Represented through its Secretary, At- 2nd Floor, Agni Block, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110003
2. Forest, Environment and Climate Change Department, Represented through its Secretary, Government of Odisha, Kharavel Bhavan, Bhubaneswar, Odisha
3. Divisional Forest Officer (D.F.O.), Keonjhar, At- Kamapala Street, Keonjhar Town, Keonjhar, Odisha - 758001
4. Collector & District Magistrate, At- Office of the Collector cum District Magistrate, Collectorate, Keonjhar, P.O./Dist. - Keonjhar, Odisha
5. Divisional Forest Officer (D.F.O.), Bonai, At/P.O. - Bonaigarh, Dist. - Sundergarh, Odisha - 770038
6. Collector & District Magistrate, Sundergarh, At- District Collectorate, Sundergarh, Office of the Collector-cum-District Magistrate, Collectorate Sundergarh, At/P.O. - Sundergarh, Dist. - Sundergarh, Odisha - 770001
7. Odisha Power Transmission Corporation Limited (OPTCL), Represented through Managing Director, At - Janpath Road, Gridco Colony, Industrial Area, Satya Nagar, Bhubaneswar, Odisha - 751022
8. M/s. Rungta Mines Ltd.

Represented through its Managing Director, At- Rungta House, Chaibasa, Dist. - West Singhbhum, Jharkhand - 833201 And At - Rungta Mines Ltd.

Main Road, Barbil HO, Barbil, Dist. - Keonjhar, Odisha - 758035 And At- 8A Express Tower, 42A, Shakespeare Sarani, Kolkata - 700017 West Bengal Respondent(s) Date of hearing: 18.07.2023
CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER For Applicant(s) : Mr. Md. Akram, Advocate (in Virtual Mode) For Respondent(s) : Ms. Anamika Pandey, Adv. for R-1 (in Virtual Mode), Mr. Ashok Kumar Parija, Advocate General a/w Mr. Tarun Patnaik, ASC for R-2 to 6, Mr. Dipanjan Ghosh, Advocate for R-7, Mr. Sanjay Upadhyay, Advocate a/w Mr. Dhananjaya Mishra, Mr. Biswaranjan Sahoo, and Ms. Mansi Bachani, Advocates for R-8, ORDER

1. The Applicant in the present Original Application is, inter-alia, seeking a direction to the Respondent No.8, M/s Rungta Mines Ltd., to comply with the conditions stipulated in Stage-I and Stage- II of the Forest Clearance granted to it and also to pay Environmental Compensation for causing damage to forest land to the Project of 132 KV Transmission Line.

2. The allegation of the Applicant is that the Respondent No.8, M/s Rungta Mines Ltd. was granted Stage-I Approval letter from the Ministry of Environment, Forests and Climate Change, Eastern Regional Office, Bhubaneswar, on 25.06.2020 for diversion of 35.507 hectares of forest land (31.806 hectares of forest land under Keonjhar Division and 3.701 hectares of forest land under Bonai Division) for construction of 132 KV Transmission Line from 132/33KV OPTCL Grid Station, Barbil, Keonjhar to Kamanda Steel Plant of M/s Rungta Mines Ltd. at Village-Kamanda in Sundergarh, Odisha. It is stated that the route alignment for construction of 132 KV Transmission Line from 132/33 KV OPTCL Grid Station, Barbil, Keonjhar to Kamanda Steel Plant of M/s Rungta Mines Ltd. at Village-Kamanda in Sundergarh, Odisha, has been diverted without prior sanction of the Central Government.

3. It is alleged that the User Agency has also changed the layout plan of the proposal without prior approval of the MoEF&CC at Latitude:

22°5'18"N Longitude 85°22'38"E on 28.06.2021 and thus obstructing the elephant movement in violation of the conditions stipulated in Stage-I and Stage-II Forest Clearance. It is also stated that the Elephant Corridor, namely, Karmpada, is situated 7.5 KM from the proposed forest area but the site falls under Elephant Habitat Zone - 2.

4. It is further alleged that as per Condition No. viii of Stage-I Clearance dated 25.06.2020, the base of electric transmission towers in the forest area must be fenced with barbed wire, in addition to installation of spike on the legs of the towers in order to avoid elephant and other wildlife getting electrocuted but the Project Proponent has not installed spikes and barbed wire on the electric towers in the forest area.

5. It is also alleged that the Project Proponent, Respondent No.8, has resorted to felling of trees, although they were only permitted felling to a minimum number in the diverted forest land and that too after depositing the cost of felling of the trees with the Forest Department.

6. It is also alleged that Condition No. xviii of the Stage-I Clearance also provides that the layout plan of the proposed forest land shall not be changed by the Project Proponent without the approval of the Central Government but the Respondent No.8 in gross defiance of the said conditions has diverted the sanctioned latitude plan without prior sanction of the Central Government for which the State Forest Department, Keonjhar Division, has also lodged an FIR being FIR No. 10 BL of 21/22 on 28.06.2021. The said FIR records that the incident occurred at Sunderabasti, Barbil near Jagada Sahi near Ward No.15 and one Bijay Kumar Pandey and Avimanyu Das have been arrayed as accused persons who happened to be the contractor of the Respondent No.8 and five felled Sal logs were also seized from their possession and also two quintals of fire wood, which have been kept in the custody of Forest Guard, Mr. Malaya Kumar Jena.

7. It is further alleged that though the Forest Department has not handed over its forest land to the Project Proponent, Respondent No.8, to execute its project work but unauthorisedly 133 KV electricity has been supplied by the OPTCL Grid Station, Barbil, Keonjhar to Kamanda Steel Plant of M/s Rungta Mines Ltd., Respondent No.8, at Village-Kamanda in Sundergarh, Odisha, on 01.12.2022.

8. The allegation further is that though Condition No.ii of the Stage-I Clearance provides that Compensatory Afforestation shall be raised over 37.281 hectares of non-forest land identified in Plot Nos. 232 (P), 233(P) and 234(P), Khata No. 67 (AAA), Kisam-Parbat of Village- Lungajhar under Banspal Tahasil of Keonjhar District, (32.261 hectare) and Plot No. 1263(P), Khata No. 77, Kissam-Patita of Village-Badabanga under Lephiapara Tahasil of Sundergarh District (5.02 hectares), but so far the User Agency, Respondent No.8, has only deposited the money for Compensatory Afforestation but the State Forest Department has failed to supply plant saplings to the User Agency.

9. It is also alleged that the User Agency, Respondent No.8, was allowed to fell 1359 trees (795 Sound and 564 unsound), 1230 Poles below 30 cm girth as per the letter of the Divisional Forest Officer, Keonjhar, 16.03.2021 but the Respondent No.8 has failed to execute the work process and before Government orders could be passed, the execution of the work has already been started by the Respondent No.8. It is also stated that despite non-compliances of the conditions of the Stage-I clearance, the MoEF&CC has illegally granted Stage-II Approval to the Respondent No.8 on 31.03.2021.

10. The Applicant has sought the following reliefs in the Original Application:-

"a. Admit this original application, Issue Notice; and b. Direct the Opp. Party No.8 to immediately comply the non- complied conditions stipulated under Stage-I & II of the forest clearance granted to the user agency/project proponent i.e., M/s Rungta Mines Ltd.

c. Direct the Opp. Party No.8 to give environmental compensation for damaging the forest land due to the abovementioned project of 132 KV transmission line. d. Direct the Opp. Party No.8 to give environmental compensation for damaging the forest

land due to violation of the conditions stipulated under Stage-I & II of the forest clearance.

e. Direct the Opp. Party No.8 to restore the forest land degraded due to the aforesaid project.

f. Direct the Opp. Party No.1 to 7 to conduct a joint inspection in all respect to ensure the compliance of conditions stipulated under Stage-I & II of the forest clearance to avoid further damage to the environment.

g. To take action against the errant Opp. Party No.1 to 7 and to impose heavy penalty on the errant user agency/O.P. No.8 i.e., M/s Rungta Mines Ltd. for violation of Forest (Conservation) Act, and also for violation of para 1.21 of Chapter-1 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019."

11. The Applicant has also filed I.A. No.28/2023/EZ, inter-alia, seeking the following interim reliefs:-

"a) Stay/stoppage of the supply of Electricity from OPTCL Power grid Barbil to Kamanda Steel Plant of Rungta Mines Ltd. as the Forest Land has been handed over fraudulently during the pendency of a case for changing the lay out plan without prior sanction of Central Government."

b) Direct stay operation of Kamanda Steel Plant till environmental compensation is adequately paid by the Applicant would suffer irreparable loss and injury, which cannot be compensated otherwise.

c) And pass such any other order as this Hon'ble Court may deem fit and proper."

12. A preliminary objection has been raised by Mr. Sanjay Upadhyay, learned Counsel appearing for Respondent No.8, Project Proponent, that the present Original Application is not maintainable in view of the provisions of Section 16(e) of the National Green Tribunal Act, 2010 (hereinafter referred to as 'Act, 2010') under which only an appeal could be filed if the Applicant was aggrieved by any order or decision made by the State Government or other authority under Section 2 of the Forest (Conservation) Act, 1980.

13. Section 16(e) of the Act, 2010, reads as under:-

"16. Tribunal to have appellate jurisdiction.-

.....XXX.....XXX.....XXX.....XXX.....

(e) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government or other authority under section 2 of the

Forest (Conservation) Act, 1980;"

14. We find that although the Applicant has not challenged any order as such or decision made by the State Government under Section 2 of the Forest (Conservation) Act, 1980, but the sum and substance of the reliefs claimed is a challenge to Stage-I Clearance granted by the Ministry of Environment, Forests and Climate Change, Regional Office, Bhubaneswar, on 25.06.2020 as would be clear from para 7 of the Original Application and also Stage-II Clearance approved by the Ministry of Environment, Forests and Climate Change on 31.03.2021 as stated in para 17 of the Original Application. Paras 7 and 17 of the Original Application read as under:-

"7. That, as per condition no. viii of the Stage - 1 approval letter of MOEF & CC, Eastern Regional Office, Bhubaneswar vide F.No.5 ORC418/2020-BHU, Dated 25.06.2020, the base of electric transmission towers in the forest area must be fenced with barbed wire in addition to installation of spike on the legs of the towers in order to avoid elephant and other wildlife electrocution. But, no electric tower of the said project of Rungta Mines Ltd. has been installed with spikes and barbed wire in the said forest area and such gross irregularity and violation of the aforesaid condition no. viii of the Stage - 1 approval letter can be verified and inspected by appropriate authority."

"17. That, on 31.03.2021, the user agency fraudulently managed to get the stage-2 approval of MOEF & CC even though the industry is non-compliant of stage-1 approval of forest clearance."

15. Learned Counsel for the Applicant submitted that the Applicant was not challenging any order of the State Government under Section 2 of the Forest (Conservation) Act, 1980, and, therefore, the present Original Application is maintainable.

16. However, from the allegations made in the present Original Application, particularly in para 7 and para 17 thereof, we find that under the garb of the reliefs claimed in the Original Application without challenging the order dated 25.06.2020 granting Stage-I Clearance and the order dated 31.03.2021 granting Stage-II Clearance for the Project in question, the Applicant is, in fact, assailing the grant of Stage-I and Stage-II Clearances granted by the Ministry of Environment, Forests and Climate Change and, therefore, in our view, the present Original Application is not maintainable.

17. There is another aspect of the matter which needs to be examined by this Tribunal, particularly in view of the serious objections raised by Mr. Ashok Kumar Parija, learned Advocate General of Odisha assisted by Mr. Tarun Patnaik, learned Additional Standing Counsel appearing for State Respondents, Government of Odisha.

18. Mr. Parija has drawn attention of this Court to para 4 of the affidavit of the Divisional Forest Officer, Keonjhar, dated 15.07.2023, and submitted that the Applicant has not approached this Tribunal with clean hands. He submitted that in 2021 a PIL being W.P. (C) No.33158 of 2021 had been filed before the Hon'ble High Court of Orissa at Cuttack with the cause title "Ashirbad Pattnaik

& Ors. Vs. State of Odisha & Ors.", wherein the State Government and certain other private respondents were impleaded as parties. The allegations raised in the said PIL were similar to those raised in another petition, namely, "Ranjan Panda & Ors. Vs. State of Odisha & Ors.". Para 7 of that petition has been quoted in para 4 of the affidavit of the Divisional Forest Officer, Keonjhar, to show that what was alleged in the said Writ Petition, which is also extracted herein below:-

"4.XXX.....XXX.....XXX.....XXX.....

"7. That it is also pertinent to mention here that, as per the news reported by the Indian Express dated 03.07.2021 and Oriya Weekly Newspaper, Bartta corroborating their statements with certain live photographs stated therein, that the Rungta Mining Company has cut down numerous amount of trees of the reserve forest area for its personal gain without obtaining the prior permission from the forest department near Jagadasahi Village under Joda Block of Keonjhar district. The aforesaid firm needs power supply of 132 KB electricity line for its proposed project at Kamanda Village under Bonai tehsil of Sundergarh district by utilizing 31 Hectares of forest land and such deforestation is largely affecting the environment of the said mining areas for which the presence of trees is utmost essential. Further, the forest range officer of Barbil enquired about the said activity of the said mining firm, lodged a case against the said mining firm for blatant violation of the forest laws. The above said violation is against the provision of Sec. 2 of the Forest Conservation Act, 1980 which clearly states that for any non- forest activity within forest land, needs prior approval from the Ministry of Environment and Forest and Climate Change (MOEF & CC). But at the instant case the said erring mining firm not felt necessary to obtain the said permission before the illegal deforestation activity."

19. It is further stated that the W.P. (C) No. 33158 of 2021 was duly considered by a Division Bench of the Hon'ble High Court and the same was dismissed by the Hon'ble High Court vide judgment and order dated 02.12.2021 with a cost of Rs. 5,000/- (Rupees Five Thousand only) against each of the petitioners (10 in number) totaling Rs. 50,000/- (Rupees Fifty Thousand only). Paras 9, 10 and 11 of the judgment read as under:-

"9. With the above observations, the present writ petition stands dismissed.

10. We would have ordinarily observed something against the counsel appearing in the case. However, keeping in view the early stages of his career, we refrain from commenting upon his conduct except to advise him to be careful in future and not be a party to such a litigation initiated by unscrupulous litigants.

The Registry is also directed to stringently comply with the rules as indicated hereinabove while dealing with Public Interest Litigations so as to prevent valuable judicial time from being wasted and prevent certain unscrupulous elements from weaponizing petitions in courts of law.

11. We feel constrained to direct the petitioners (10 in number) to deposit cost of Rs. 5,000/- each (totalling Rs.50,000/-) before the Orissa High Court Bar Association Advocates Welfare positively within four weeks from today, failing which Collector, Keonjhar shall proceed to recover the same as arrears of land revenue and ensure the deposit of the recovered amount as stated hereinabove."

20. Thereafter, I.As. were filed by the petitioners therein (in the High Court) seeking expunging of certain portions of the judgment of the Hon'ble High Court dated 02.12.2021 wherein negative connotation had been made against Mr. Sambit Samal, Counsel who was appearing on behalf of the petitioners in W.P. (C) No. 33158 of 2021 and the said I.As. were also dismissed by a Division Bench of the Hon'ble High Court vide order dated 10.03.2021. Paras 13, 14, 15 & 16 of the order read as under:-

"13. The observations made in Paragraph 3 and 10 of the judgment dated 02.12.2021 in no way affects the image of the arguing counsel. It was only a note of caution sounded to the counsel so that he may not get involved with unscrupulous litigants. It was merely a reminder on the duty of the counsel to the court and to his profession. The court has, in fact, restrained itself from passing any adverse order considering the petitioner's lesser length of practice at the Bar.

14. This court makes it clear that in the absence of any disparaging remark made against the counsel for the petitioners, he should take the observations of this Court in the manner in which it was intended, i.e. as a fillip to mould his legal career in a better way in future.

15. In view of the above, this Court is not inclined to accept the prayer of the petitioners made in the I.As. to effect any change in the judgment dated 02.12.2021 passed by this Court in W.P.(C) No.33158 of 2021.

16. Accordingly, both the I.As. are dismissed."

21. Learned Advocate General also submitted that the judgment of the Hon'ble High Court was challenged by the petitioners before the Hon'ble Supreme Court in Special Leave to Appeal (C) No.8637/2022 and the said SLP was dismissed by the Hon'ble Supreme Court vide its order dated 09.09.2022 and the judgment of the Hon'ble High Court was upheld and the Hon'ble Supreme Court observed that the Special Leave Petitions are an abuse of process of Court and the said Special Leave Petitions were dismissed with cost of Rs. 25,000/- (Rupees Twenty Five Thousand only). The order of the Hon'ble Supreme Court reads as under:-

"UPON hearing the counsel the court made the following ORDER Permission to file the Special Leave Petition granted.

2. Delay in refiling the Special Leave Petition is condoned.

3. Application for permission to implead the High Court of Orissa is dismissed.

4. Having heard senior counsel appearing on behalf of the petitioners, we see no reason to entertain the Special Leave Petitions. The High Court was entirely justified in coming to the conclusion that the petition was filed after suppressing the fact that an earlier petition filed by the same advocate had been dismissed as withdrawn. The subsequent petition contains substantially the same averments. The Special Leave Petitions are an abuse of process. We accordingly dismiss the Special Leave Petitions with costs quantified at Rs.25,000, which shall be paid to the Supreme Court Bar Association within four weeks.

5. Pending application, if any, stands disposed of."

22. Learned Advocate General further submitted that the address given by the Counsel for the present Applicant Ms. Soumya Mishra, has upon verification been found to be the same as that of Mr. Sambit Samal, the Counsel who had filed the PIL being W.P. (C) No. 33158 of 2021 before the Hon'ble High Court of Orissa, as being 552/t/13, Friends Colony, B.K. Road, P.O.-Buxi Bazar, P.S.-Mangalabag, District-Cuttack, Odisha, Pin - 753001, as stated in the affidavit of the Divisional Forest Officer, Keonjhar, dated 15.07.2023.

23. This fact has not been disputed by Mr. Md. Akram, Counsel holding brief of Ms. Soumya Mishra. Even the photocopy of the registered post on record, filed with the affidavit of service, mentions the address of Ms. Soumya Mishra as 'Friends Colony.'

24. In this view of the matter, the submission of Ashok Kumar Parija, learned Advocate General as well as Mr. Sanjay Upadhyay, learned Counsel appearing for Respondent No.8, is that the present Original Application has been originated in the same chamber as that of Mr. Sambit Sambal, though under the name of different parties and in the name of a different Counsel which amounts to a fraud upon the Court and also amounts to abuse of process of Court.

25. Ms. Soumya Mishra, learned Counsel who has filed the present Original Application is not present today. Mr. Md. Akram's Vakalatnama is on record and he is present today and has been heard. As we have already noted hereinabove Mr. Akram could not dispute either the legal position as to the non-maintainability of the present Original Application or the fact of dismissal of the PIL WP (C) No.33158 of 2021 and allied cases by the Hon'ble High Court of Orissa as well as dismissal of SLP (C) No. 8637 of 2022 by the Hon'ble Supreme Court.

26. We are, therefore, satisfied that not only is the Original Application not maintainable but the same is an abuse of process of Court in view of the order passed by the Hon'ble High Court of Orissa at Cuttack and the Hon'ble Supreme Court.

27. In view of above, the Original Application No.53/2023/EZ is accordingly dismissed with a cost of Rs. 10,000/- (Rupees Ten Thousand only) against the Applicant, Satyabrata Sanjeeb Kumar. The amount of cost shall be deposited by the Applicant with the Ld. Registrar, National Green Tribunal,

Eastern Zone Bench, Kolkata, within one week from the date of this order. In case the Applicant fails to deposit the amount of cost with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, the same shall be recovered from him by the Collector & District Magistrate, Keonjhar, in accordance with law and the same shall be deposited with the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata.

28. Let a copy of this order be also forwarded to the Collector & District Magistrate, Keonjhar, for due compliance.

29. I.As. if any, stand disposed of accordingly.

..... B. Amit Sthalekar, JM Dr. Arun Kumar Verma,
EM July 18, 2023, Original Application No.53/2023/EZ (I.A. No.28/2023/EZ) AK

Virani Construction Company vs State Level Environmental Impact ... on 26 September, 2013

BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPEAL No. 72/2013

CORAM:

Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)

Hon'ble Dr. Ajay.A.Deshpande
(Expert Member)

B E T W E E N:

VIRANI CONSTRUCTION COMPANY
Ground Floor, Virani Plaza,
Next to Virani Petrol Pump,
Kausa, Thane-400612.

....Appellant

AND

1. THE STATE LEVEL ENVIROMENTAL IMPACT
ASSESSMENT COMMITTEE (SEAC),
Maharashtra
C/o, Secretary Environment,
Room No.217, Mantralaya Annex,
Mumbai-400032.
2. THE STATE LEVEL ENVIROMENTAL IMPACT
ASSESSMENT AUTHORITY (SEIAA),
Maharashtra
C/o, Secretary Environment,
Room No.217, Mantralaya Annex,
Mumbai-400032.
3. GOVT. OF MAHARASHTRA
Environment Department

(J) Appeal No.72 of 2013

1

Secretary Environment,
Room No.217, Mantralay Annex,
Mumbai-400032.

.....Respondents

Counsel for Appellants:
Mr. R.B.Mahabal Advocate.

Counsel for Respondents:
Mr.D.S.Bhalerao for Respondent No. 1,
Mr. A.M. Pimparkar for Respondent No.2.

Date 26th September, 2013

J U D G M E N T

1. This is an appeal against decision taken by the State Environmental Assessment Committee (SEAC), in its meetings dated 22nd, 23rd and 24th of May, 2013. The appellant is a developer. The appellant has been authorized to construct buildings on the plots bearing Survey Nos. 36/4, 37/1 and 37/2, situated at village Kausa (district Thane).

2. It is not necessary to give a detailed account of the facts stated by the Appellant. Briefly stated, the Appellant initially proposed to carry out residential-cum-commercial construction project; having total construction area of 19,796.74 sq. meters on the above three plots. The appellant submitted plans to the Thane Municipal Corporation (TMC) for approval. The plans were approved. The TMC issued required commencement certificate dated 9th April, 2012. Subsequently, the Appellant decided to construct more area. Comprehensively, the total construction as proposed was of 38,071 sq. meters. Since it was over and above 20,000 sq. meters, the appellant approached to the State Environmental Assessment Committee (SEAC) for grant of Environmental Clearance (EC), in accordance with the MoEF Notification dated 14th September, 2006.

3. The appellant, admittedly, constructed 5,965 sq. meters of built up area on the said plots before the grant of EC. The proposal was considered by the State Environmental Assessment Committee (SEAC) in the meetings held on 22nd, 23rd and 24th May, 2013. The SEAC held that the construction of 5968 sq. meters, built up area was done by the appellant in violation of the MoEF Notification dated 14th September, 2006, and hence, the State Environmental Impact Assessment Authority (SEIAA), after due verification may initiate credible action, in accordance with OM dated 12th December, 2012, issued by the MoEF. Thus, proposal was referred to the State Environmental Impact Assessment Authority (SEIAA). The State Environmental Assessment Committee (SEAC) observed that the proposal will be considered only after the State Environmental Impact Assessment Authority (SEIAA) will take appropriate action or will give further instructions in the matter.

4. We have heard the learned Counsel for the parties. We have perused the affidavit in reply filed on behalf of the Respondent Nos. 1, 2 and 3. The Respondents have justified their action taken by the State Environmental Assessment Committee (SEAC). The Respondents referred to various OMs. The Respondents submitted that the question involved, is in the context of interpretation of the provisions contained in EIA Notification, as well as various OMs, coupled with the Orders passed by the Hon'ble High Court of Bombay.

5. We have heard learned Counsel for the parties. We have also perused the relevant OM dated 12th December, 2012. The learned Counsel for the Appellant invited our attention to the Judgments rendered by the Hon'ble High Court of Bombay in (1) WP.No.2809 of 2012, (2) WP Lodging No.470 of 2013, (3) WP No.654 of 2013, (4) WP (L) No.852 of 2013 and (5) WP (L) No.470 of 2013.

6. Learned Counsel for the Appellant argued that the SEAC, should have considered the proposal on its merits. He contended that the part of construction carried out by the Appellant is duly authorized in view of the Municipal permission. He argued that the Appellant approached to SEAC due to subsequent development, namely, decision to expand its original project. He argued that the construction done by the Appellant is legal one, because no EC was needed at the time the project was for area below 20,000 se. meters. It is argued that the Appellant cannot be penalized for the earlier construction and, therefore, the impugned decision of SEAC is bad in law.

7. Before we proceed to consider the appeal on merits, it may be noted that the prayers in the Appeal, clearly go to show that certain directions are sought against the SEAC, particularly, for consideration of construction proposal in full on environmental aspects. Not only that but the Appellant seeks declaration that previous construction of 8083 sq. meters, does not amount to violation of provisions of the Regulations enumerated in the MoEF Notification dated 14th September, 2006.

8. The Appellate jurisdiction of this Tribunal is circumscribed under Clauses (h) and (i) of Section 16 of Environment (Protection) Act, 1986. It will be useful to reproduce the relevant part of Section 16 along with Sub clauses (h) and (i) of the National Green Tribunal Act, 2010 for ready reference. It reads as follows:

"16. Tribunal to have appellate jurisdiction.--Any person aggrieved by,-

(a) xxx	xxx	xxx	xxx
(b) xxx	xxx	xxx	xxx
(c) xxx	xxx	xxx	xxx
(d) xxx	xxx	xxx	xxx
(e) xxx	xxx	xxx	xxx
(f) xxx	xxx	xxx	xxx
(g) xxx	xxx	xxx	xxx

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or recesses or class of industries, operations and processes shall not be

carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (20 of 1986)

(i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986 (29 of 1986);

(j) xxx

xxx

xxx

xxx

(Emphasis Supplied)

9. A plain reading of above provision clearly shows that an Appeal can be entertained, if it is against the provisions issued under Section 5 of the Environment (Protection) Act, 1986, or order granting the EC, or refusing the EC. There appears no escape from conclusion that the Appellate jurisdiction of this Tribunal, is not equivalent to the Writ jurisdiction available to the Hon'ble High Court, under Art. 226 of the Constitution. It is obvious, therefore, that this Tribunal cannot grant any declaratory relief and cannot issue any direction in the manner as prayed by the Appellant. In other words, we cannot direct SEAC to consider the proposal of the Appellant in full, excluding the area of the construction which was done prior to submission of the proposal. We cannot direct SEAC to segregate the earlier construction from remaining part of development project.

Needless to say, the Appeal is pre-mature and incompetent.

10. Perusal of the record shows that the Appellant has not given up the project for construction of more than 20,000 Sq. meters. The Appellant's proposal is for construction of 38,071 sq. meters. The MoEF Notification dated 14th September, 2006, is part and parcel of the act done in pursuance of delegated powers, under the provisions of Environment (Protection) Act, 1986. The relevant Clause in the said Notification reads as under :

"Requirement of prior Environmental Clearance (EC):-

The following Projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for and for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity;

(i) All new projects or activities listed in the Schedule to this notification.

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization.

(iii) Any change in product, mix in an existing manufacturing unit including in Schedule beyond the specified range."

(Emphasis supplied)

3. Relevant portion of the Schedule in Clause (2) of the Notification reads as under:-

Project Category with threshold limit Conditions if any or A B activity 8 Building/Construction projects/Area Development projects and Townships 8(a) Building and >20000 The built up area for the Construction sq.mtrs and purpose of this Notification projects < 1, 50,000 is defined as 'the built up or sq. mtrs. Of covered area on all the floors built up area put together including basement(s) and other service area, which are proposed in the building/construction projects ' 8(b) Township and Covering an All projects under item 8(b) Area area >50 ha shall be appraised as Development and or built Category B1 projects up area > 1,50,000 sq. mtrs+ +

11. Considering the tenor of the Judgments, referred to by the learned Counsel for the Appellant, we are of the opinion that the Hon'ble High Court of Bombay, has not quashed the OM dated 12th December, 2012, issued by the MoEF. The MoEF Notification dated 14th September, 2006, which mandates EC, required prior to commencement of construction exceeding 20,000 sq. meters, is still not quashed or withdrawn by the MoEF. What we find from the reply given by the Appellant to the Show Cause Notice given by the SEIAA, vide letter dated 10th September, 2013, is that the Appellant gave following explanation "After making available necessary finance and making of our mind to develop further beyond 20,000m, we applied for the environmental clearance for the area that is more than 20,000m. However to be fair to environment, we planned and provided for environment management plan for the entire project without omitting responsibility for even the earlier planned area under construction."

12. It is pertinent to note that the Appellant did not show as to when the construction of 5965 sq. meters was completed. In this context, the only explanation given by the appellant is that his project is standalone project, and therefore, it is not compulsory to construct all buildings simultaneously, as a part of the same project. It is stated in the reply (Para 7) thus:

"If there is no market demand or we don't have sufficient funds, we may not construct the total project."

13. On careful consideration of the Judgments of the Hon'ble High Court of Bombay, we are of the opinion that the relief was granted to other Project Proponents like M/s Saumya Buildcon Pvt. Ltd, M/s Tridhatu Ventures Ltd and M/s Nahur Vikekanand Co-op. Housing Society Ltd and another, having regard to the facts of particular cases. It is important to note that in (WP No.654 of 2013, M/s Tridhatu Ventures Ltd V/s State of Maharashtra and others, the Hon'ble High Court permitted the Project Proponent to put up construction upto 19,000 sq. meters, including construction of 4935 sq. meters, which was already put up, subject to certain conditions. The conditions enumerated in para 17 of that Judgment, may be reproduced as follows:

"17. Having heard learned counsel for parties, and in the facts and circumstances of the case and particularly in the view of the fact that the width of the road is sufficient as required by the DCR 1991 and as far as OM is concerned, the same is treated as advisory and not mandatory and in the facts of the present case where the petitioner does not propose to make any further digging in the earth or laying any further foundation structure for the purpose of putting up construction upto 19,000 sq. mtrs. of built up area including 4935 sq. mtrs already put up by the petitioner, we are inclined to direct the respondent- Municipal Corporation to permit the petitioner to put up construction upto to 19,000 sq. meter including 4935 sq. meter already put up, subject to following conditions:

(i) that the petitioner as well as the Chairman of 'Sri Swati Co-operative Housing Society' shall file undertakings stating that the petitioner and the society shall not put up any construction exceeding 20,000 sq meter including the existing construction on the site village of Borla, Govandi.

(ii) that the petitioner will be putting up construction of 19,000 sq. mtrs for the purpose of accommodation 75 or maximum 78 members of 'Sri Swati Co-operative Housing Society' whose flats have already been demolished in 2010 for the purpose of redevelopment and not for any other purpose.

(iii) that the petitioner shall not do any further digging on the ground for laying foundation and shall only continue with the construction on the existing construction by raising height of the building within the limits permissible as per the DCR 1991 and in accordance with plans which may be sanctioned by the Municipal Corporation.

(iv) that the petitioner will not claim equity on the basis of this order.

(Emphasis supplied)

14. In our opinion, the Judgments of the Hon'ble High Court of Bombay are rendered in peculiar circumstances of each case. The said Judgments do not give a go-by to the requirements as enumerated vide MoEF Notification dated 14th September, 2006, nor OM dated 12th December, 2012, issued by the MOEF, has been quashed or held ultra vires. In fact, OM dated 12th December,

2012, brings about internal instructions given by the MoEF to the State Authority. The Appellant cannot, as a matter of right, challenge the impugned decision of SEAC. The prayer Clause in the Appeal Memo reads as follows:

- A. The SEAC be directed to hear the complete proposal as submitted by the appellant for grant of Environmental Clearance on merit, notwithstanding the independent action that may be taken by the SEIAA.
- B. Prior construction to the extent of 5,965m² is legal as it does not attract the provisions of EIA notification 2006, as it is lesser than 20,000m² does not attract the provisions of EIA notification 2006, as it is lesser than 20,000 sq. meters.
- C. There is no violation by the Appellant with respect to the construction of the appellant of 5965m² on the said plot.
- D. Any other relief as may be deemed fit in the interest of justice.

15. This Tribunal cannot declare that the construction to the extent of 5,965 sq. meters is legal one. This Tribunal cannot entertain the Appeal against the decision of SEAC, which is not a final order as such. The SEAC, by the impugned decision only referred the proposal for necessary action to SEIAA, and decided to consider the proposal after the necessary action, or any other instructions of the superior Authority. The impugned decision, therefore, does not trample any legal right of the Appellant. What we find from the nature of the pleadings and prayers indicated in the Appeal Memo, is that by filing this Appeal, the Appellant desires to regularize the illegal construction, which has been already done in spite of the fact that no EC is granted for the project, though the said construction is part and parcel of the said project.

16. Taking a stock of the foregoing discussion, we are of the opinion that the Appeal is not maintainable and is incompetent. We are of further opinion that the appellant filed the present Appeal with malafide intention to put pressure on SEAC and SEIAA, in order to escape from credible action contemplated against him. In this view of the matter, the Appeal is liable to be dismissed with exemplary costs. We accordingly dismiss the Appeal with costs of Rs.1,00,000/- (Rs. One Lac). The amount of costs shall be deposited by the Appellant within one month by sending D.D drawn in favour of Fund Manager, Environmental Relief Fund, as per MoEF, Notification GSR-768(E), dated 4-10-2008, notified under the provisions of Section 7(A) of the Public Liability Insurance Act, 1991, directly sent to the said Authority under Registered Post/acknowledgement due. The appellant shall produce copy of the D.D., copy of the acknowledgment of forwarding letter and receipt of payment to the said Authority, in the office of this Tribunal, within a period of one month (four weeks). In case of default of payment of the said costs, in the manner stated above, we will be constrained to direct attachment of the constructed building of the Appellant and may issue further directions to defer the proposal of the Appellant from consideration till the said amount is paid, or for any other coercive action, as may be permissible under the Law.

....., JM (V. R. Kingaonkar), EM (Dr. Ajay.A. Deshpande)

Waseem Ahmed vs State Of U.P on 12 May, 2023**Author: Adarsh Kumar Goel****Bench: Adarsh Kumar Goel**

Item No. 04

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 62/2023

(With report dated 9.5.2023)

Waseem Ahmad

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 12.05.2023

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

ORDER

1. Grievance in this application is against violation of environmental norms by M/s Bharat Brass International in operating multiple furnaces and other manufacturing processes resulting in discharge of toxic liquids in drain to the detriment of environment at Moradabad in UP.
2. Vide order dated 3.3.2023, the Tribunal sought a factual report in the matter from a joint Committee comprising State PCB, CPCB and District Magistrate, Moradabad.
3. Accordingly, report dated 9.5.2023 has been filed after site visit concluding as follows:

"4- Conclusion-

- i. During visit it was found that unit M/s Bharat Brass International, Anand Bhawan 31, Civil Lines, Fateh singh marg, near ST. Pauls's Collage, Moradabad does not

exists.

ii. Joint committee visited the place of factory address Paper mill Chauraha, near Pipe Factory, Mehlakpur Road, Aghwanpur, Moradabad as mentioned by complainant in letter dated 01.09.2022 and unit M/s Bharat Brass International was not found in existence in nearby area. Also no factory was found owned by Mr. Anuj Mathur at the nearby area."

4. The applicant has not contested the report. We have thus to proceed on the basis thereof.

5. In view of above, the application was based on misleading and false facts which has resulted in abuse of process of law. Accordingly, the application is dismissed with cost quantified at Rs. 25,000/-.

6. The applicant may deposit the cost with the State PCB within one month, failing which the State PCB may take coercive measures for recovery of the amount. On realisation, the amount be utilized for restoration of the environment.

A copy of this order be forwarded to State PCB, CPCB and District Magistrate, Moradabad and the applicant by e-mail for compliance.

Adarsh Kumar Goel, CP Sudhir Agarwal, JM Dr. A. Senthil Vel, EM May 12, 2023 Original Application No. 62/2023 DV

2014 SCC OnLine Del 1135 : ILR (2014) 3 Del 2200

In the High Court of Delhi

WP

(BEFORE HIMA KOHLI, J.)

Trans India Logistics ... Petitioner;

Versus

Union of India & Ors. ... Respondents.

W.P.(C) No.: 1643/2014 & CM Appl.: 3425 - 3426/2014

Decided on March 13, 2014

A. Constitution of India — Article 226 — Petition seeking quashing of an order passed by Respondent 4 informing that the tenure of the lease of the period for the two lease contracts had expired and it was not possible to consider its request for extension of the contract. Held — Petitioner has remained completely silent about the letter issued by the respondents rejecting the extension of the subject contract. It is settled law that when a party approaches the High Court and seeks invocation of its jurisdiction u/a. 226, it must place on record all the relevant facts before the Court without any reservation. In exercising its discretionary jurisdiction u/a. 226 the High Court not only acts as a court of law, but also as a court of equity. Therefore, in case of deliberate concealment or suppression of material facts on the part of the petitioner or if it transpires that the facts have been so twisted and placed before the Court, so as to amount to concealment, the writ court is well entitled to entertain the petition and dismiss it without entering into the merits of the matter. Petition dismissed.

It is a settled law that when a party approaches the High Court and seeks the invocation of its jurisdiction under Article 226 of the Constitution of India, it must place on

 Page: 2201

record all the relevant facts before the Court without any reservation. In exercising its discretionary powers and extraordinary jurisdiction under Article 226 of the Constitution of India, the High Court not only acts as a court of law, but also as a court of equity. Therefore, in case there is a deliberate concealment or suppression of material facts on the part of the petitioner or it transpires that the facts have been so twisted and placed before the Court, so as to amount to concealment, the writ court is entitled to refuse to entertain the petition and dismiss it without entering into the merits of the matter [Refer : *Prestige Lights Ltd. v. State Bank of*

India, (2007) 8 SCC 449].

(Para 7)

In the case at hand, on a perusal of the petition including the list of dates and events and annexures, this Court finds that the petitioner has remained completely silent about the letter dated 6.12.2010 issued by the respondents rejecting the extension of the subject contract that was duly received by him. Moreover, the petitioner has concealed the fact that he had accepted the extension for the contract of leasing of 4 tonnes RSLR space in train no. 2626 on the conditions imposed by the respondents vide letter dated 21.01.2011 which were on the same lines as contained in the letter dated 06.12.2010.

(Para 8)

The aforesaid conduct of the petitioned amounts to deliberate concealment of material facts from the Court, which itself is considered a sufficient ground for the Court to dismiss the present petition. The petitioner cannot expect equity to flow in his favour when he elects to approach the Court with unclean hands and states half truths and makes selective disclosures.

(Para 9)

[An Ba]

Case referred to:

1. *Prestige Lights Ltd. v. State Bank of India*, (2007) 8 SCC 449.

Result: Petition dismissed.

Appearances:

For the Petitioner: Mr. Sukumar Pattjoshi, Sr. Advocate with Mr. Swetank Shantanu, Mr. Pratap Shankar and Mr. Pratap Shankar and Mr. S.K. Dubey,

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Advocates.

For the Respondents: Mr. Jagjit Singh, Advocate with Ms. Sampa Sengupta and Mr. Tarak Khanna, Advocates.

The Judgment of the Court was delivered by

HIMA KOHLI, J. (Oral):— The present petition has been filed by the petitioner praying inter alia for quashing of an order dated 18.02.2014 passed by the respondent No. 4 informing it that the tenure of the lease period for the two lease contracts granted to it in respect of FSLR II and RSLR in train No. 2626 had expired in one case, on 18.09.2010 and in the other case, on 19.01.2011 and therefore, it was not possible to consider its request for extension of the lease contract in terms of clause 18 of the agreement dated 05.03.2008 executed by the parties.

2. Mr. Pattjoshi, learned Senior Advocate appearing for the petitioner states that it was during the currency of the subject lease agreement that the petitioner had addressed a representation dated 15.03.2010 to the respondents seeking extension of the lease. However, the respondents had failed to reply to the said request made by the petitioner till as late as on 28.09.2010, when they had addressed a letter informing him that the competent authority had decided to extend the petitioner's lease but with certain conditions as mentioned in Annexure P-4. It is submitted that as the conditions imposed in the said letter were contrary to the terms and conditions of the agreement governing the parties and the directions issued in the Circular No. 12/2006, the petitioner had written a letter dated 30.09.2010 to the respondents stating inter alia that he was entitled to extension of the contract in terms of the conditions stipulated in the original agreement. It is submitted by learned counsel that thereafter, a series of representations were made by the petitioner to the respondents on the same lines seeking extension of the contract but the respondents did not give any reply till as recently as on 18.02.2014, when the impugned letter was issued declining the petitioner's request.



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3. Mr. Jagjit Singh, counsel for the respondents, who appears on advance copy, disputes the aforesaid submissions made by the other side and states on instructions that the petitioner has deliberately withheld a letter dated 06.12.2010 addressed by the respondents to him on the issue of extension of the contract, wherein he was informed that since he had not accepted the conditions that were mentioned in the earlier letter dated 28.09.2010, the competent authority had decided not to extend the contract. He hands over a copy of the letter dated 06.12.2010 issued by the respondents that is taken on record.

4. Mr. Sowmen Bhowmik, the proprietor of the petitioner is present in Court. Learned counsel for the petitioner has been asked to obtain instructions from his client as to why the aforesaid letter has not been placed on record. The briefing counsel confirms the fact that his client had duly received the aforesaid letter dated 06.12.2010 but states that he had not revealed the same to him at the time of drafting the present petition.

5. Further, counsel for the respondents states that the petitioner has failed to point out that out of the two lease agreements executed with the petitioner, the lease in respect of RSLR in train No. 2626 was duly

extended by the respondents for a period of two years as the petitioner had duly complied with the conditions imposed by the respondents on him in its letter. In support of the said submission, learned counsel hands over a copy of the letter dated 20.01.2011 addressed by the respondents to the petitioner granting him extension of lease of 04 tons RSLR space in train No. 2626 for a period of two years or till finalization of fresh tender, which was duly accepted by him. Curiously, even the aforesaid facts have not been mentioned in the writ petition. Though the petitioner had accepted similar terms and conditions imposed by the respondents in the letter dated 20.01.2011, there is not a whisper in the writ petition as to the fact that the petitioner had accepted the said extension on the conditions imposed by the respondents, except for making a passing reference to the letter dated 21.01.2011 in sub-para (V)(k) of the writ petition.

6. Lastly, learned counsel for the respondents states that upon the expiry of the lease in respect of the subject train on 22.02.2011, a fresh contract was granted to a third party that was valid till 21.02.2014, and during the currency of the said contract, steps have been initiated by the respondents to float a fresh tender for inviting bids for executing a fresh



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lease in respect of the subject train and therefore, the petitioner is not entitled to any relief in the present petition.


7. It is a settled law that when a party approaches the High Court and seeks the invocation of its jurisdiction under Article 226 of the Constitution of India, it must place on record all the relevant facts before the Court without any reservation. In exercising its discretionary powers and extraordinary jurisdiction under Article 226 of the Constitution of India, the High Court not only acts as a court of law, but also as a court of equity. Therefore, in case there is a deliberate concealment or suppression of material facts on the part of the petitioner or it transpires that the facts have been so twisted and placed before the Court, so as to amount to concealment, the writ court is entitled to refuse to entertain the petition and dismiss it without entering into the merits of the matter [Refer: *Prestige Lights Ltd. v. State Bank of India*, (2007) 8 SCC 449].

8. In the case at hand, on a perusal of the petition including the list of dates and events and annexures, this Court finds that the petitioner has remained completely silent about the letter dated 6.12.2010 issued by the respondents rejecting the extension of the subject contract that

was duly received by him. Moreover, the petitioner has concealed the fact that he had accepted the extension for the contract of leasing of 4 tonnes RSLR space in train no. 2626 on the conditions imposed by the respondents vide letter dated 21.01.2011 which were on the same lines as contained in the letter dated 06.12.2010.

9. The aforesaid conduct of the petitioner amounts to deliberate concealment of material facts from the Court, which itself is considered a sufficient ground for the Court to dismiss the present petition. The petitioner cannot expect equity to flow in his favour when he elects to approach the Court with unclean hands and states half truths and makes selective disclosures.

10. In view of the aforesaid facts and circumstances, while refraining from imposing substantial costs on the petitioner for intentionally failing to reveal all the necessary and material facts to the Court and deliberately failing to place on record the relevant documents, the present petition is dismissed with costs of Rs. 10,000/- to be deposited with the Delhi High Court Mediation and Conciliation Centre within two weeks from today and proof of deposit, placed on record within the same time. In case the

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costs are not deposited and proof of payment not placed on record, then the Registry shall place the matter before the court.

11. The petition is dismissed, alongwith the pending applications.

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