

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA —

Appeal NO. 23/2023/EZ

IN THE MATTER OF: -

M/s Globus Spirits Limited

...APPELLANT

VERSUS

Bihar State Pollution Control Board &Ors.

...RESPONDENTS

REPLY OF THE APPELLANT TO COUNTER AFFIDAVIT

BY THE BSPCB:-

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Filed By:

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BA/1889/2013

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Bihar

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA

Appeal NO. /2023/EZ

IN THE MATTER OF: -

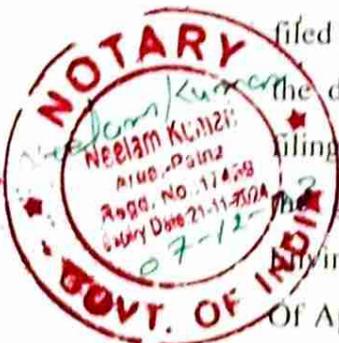
M/s Globus Spirits Limited ...APPELLANT
VERSUS
Bihar State Pollution Control Board & Ors. ...RESPONDENTS

REPLY OF THE APPELLANT TO COUNTER AFFIDAVIT
BY THE BSPCB:-

I Prashant Kumar Singh, son of Jagdish Narayan Singh, Male, aged about 60 years, resident of Hajipur (Globus Spirits Pvt Ltd.), Dhanhdua, do hereby solemnly affirm and declare as under :-

1. That I am Authorized Signatory of the Appellant herein and have been authorized by a board resolution to affirm the present affidavit for and on behalf of the Appellant herein. I as well acquainted and conversant with the facts and circumstances of the instant case and as such I am competent to swear this affidavit. Copy of the board resolution is annexed hereto.
2. That The Appellant has preferred the instant appeal with a prayer to cancel and/or quash and/or set aside the impugned Order dated 16th August, 2023 (Annexure A-14 to the memo of appeal) bearing Ref. No. 1623 communicated vide e-mail dated 28th August, 2023 (Annexure- A-14/1 to the memo of appeal) based on the Proposed Direction dated 18th April, 2023 (Annexure- A-12 to the memo of appeal) issued by the Chairman, Bihar State Pollution Control Board being Respondent no. 2.
3. That at the outset it is submitted that the Counter Affidavit filed by the Respondents is merely a formality to comply with the direction of the Hon'ble Tribunal dated 06.10.2023 of filing the Counter Affidavit as the same has failed to address the grounds upon which the Direction for payment of Environment Compensation (Annexure- A-12 to the Memo Of Appeal) has been assailed vide the instant appeal. From a bare perusal of the Counter Affidavit under reply it is amply clear that the grounds upon which the Direction has been

Sr. No. 4165
Date 07-12-2023



challenged has been accepted by the Respondents as the same remains un-assailed. For the purpose of convenience the same, among others, are being reproduced herewith for the ready reference of the Hon'ble Tribunal:-

- (i) The counter affidavit is silent with respect to the alleged illegality on account of the non-adherence of mandatory provisions pertaining to sampling of effluents at the time of first inspection dated 15th February, 2022 (Annexure A-4 to the Memo of Appeal) such as section 21 (3) of the Water (Prevention and Control of Pollution) Act, 1974 and Rule 17 of the Water (Prevention and Control of Pollution) Rules, 1986.
- (ii) The Counter Affidavit has failed to address the fact that the second inspection (Annexure A-10 to the Memo of Appeal) was done without any sampling.
- (iii) The Counter Affidavit has failed to counter fact that the Direction for payment of Environmental Compensation (Annexure A-12 to the Memo of Appeal) was imposed without providing the details of the assessment as such.
- (iv) There was no specific reply as to the fact that after an inordinate delay of almost a year (ten months) the respondents gave opportunity of hearing vide letter dated 14.02.2023 (Annexure A-7 to the Memo of Appeal) to the appellants in response to the objection of the appellants dated 6th June, 2023 (Annexure A-6/2 to the Memo of Appeal) to the proposed direction.

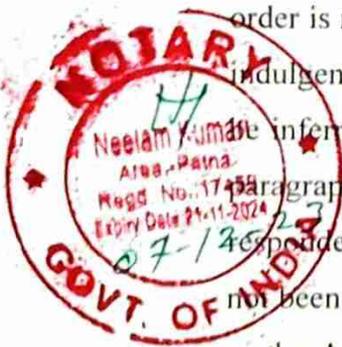
The assessment of Environmental Compensation was based on two inspection reports, wherein the second inspection report dated 23rd March, 2023 (Annexure A-10 to the Memo of Appeal) had reported progress and that there was no liquid discharge.

4. That the para-wise reply to the counter affidavit is being filed herewith by the Appellant and the same are set out and traversed ad seriatim. Any specific denial with regard to statements and/ or allegations contained in the said Counter



Affidavit shall not be construed as by admission.

5. That with respect to the contents of paragraph 1 it is stated that the same needs no reply.
6. That with respect to the contents of paragraph 2 it is stated that the same needs no reply as the same is matter of record.
7. That with respect to the contents of paragraph 3 it is stated that the same is wrong and denied and the Appeal is well within the prescribed period of limitation of 30 days as after the Direction dated 18th April, 2023 a request for review of the same was made by the Appellant vide letter dated 11th May, 2023 (Annexure A-13 to the Memo of Appeal) explaining and denying any violation of the consent conditions by the Appellants. The Board did not consider the same and vide Direction dated 16th August, 2023 (Annexure A-14 to the Memo of Appeal) directed the Appellants to make the payment for Environmental Compensation. It is pertinent to mention that the Direction dated 16th August, 2023 unequivocally states, "*...as a matter of last indulgence, 15 days time is granted to you for depositing the Environmental Compensation...*". The said direction was communicated to the Appellants vide e-mail dated 28th August, 2023 (Annexure A-14/1 to the Memo of Appeal). Therefore, it is amply clear that the respondents themselves extended the period of payment and thereby the period of limitation by granting further period which per se made the cause of action continuous. Moreover, it is pertinent to state that the said order is not a reminder, rather a direction to deposit by giving indulgence of additional period of 15 days and the same can be inferred from the bare perusal of the Subject and the first paragraph of the said order. Still further, the contention of the respondents that the said order dated 16th August, 2023 has not been issued in exercise of any power under the Water Act or the Air Act and as such is not appealable is preposterous and based on unsound understanding of law as *firstly*, the Respondent being an statutory body cannot direct anyone to pay any amount without any authority of law and *secondly*, the said order clearly states the various provisions upon which

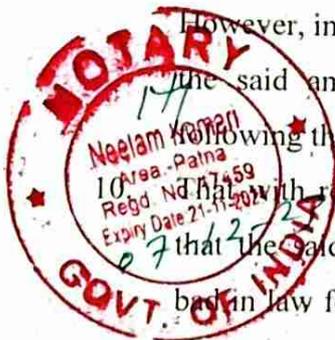


it is based. Thus, the contention of the Respondents that the order dated 16th August, 2023 is not appealable is unacceptable and wrong and denied. Again, as has been elucidated in the Memo of Appeal, the order dated 16th August, 2023 which was based on the Direction dated 18th April, 2023, was communicated vide e-mail dated 28th August, 2023. Therefore, there was continuous cause of action and hence the instant Appeal is well within the period of limitation and thus any contention to the contrary by the Respondents is unacceptable and wrong and denied.

8. That with respect to the contents of paragraph 4 it is stated that the facts of the case has been reiterated therein without countering the same on merits. It appears that the Respondents have no grounds to counter the case of the Appellant and hence just to make their brief voluminous the facts have been reiterated.
9. That with respect to the contents of paragraph 5 it is stated that the Board has not followed the methodology for calculation of Environmental Compensation as provided in 'General Framework For Imposing Environmental Damage Compensation as notified by the Central Pollution Control Board ('CPCB'). The same provides for analysis of the preliminary data and detailed data to be done before imposing Environment Compensation. Further, the details of assessment of the calculation is to be provided as well.

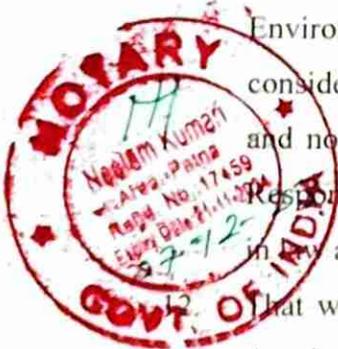
However, in the instant case the Board has arbitrarily imposed the said amount of Environmental Compensation without following the procedure laid down by CPCB.

With respect to the contents of paragraph 6 it is stated that the said imposition of Environmental Compensation is not in law for the reasons stated in the Memo of Appeal and reiterated above as such. Moreover, it is denied that there was any violation of the consent conditions rather the Appellant Unit maintained the condition of Zero Liquid Discharge and the fact has been accepted by the Respondents in the second inspection report dated 23rd March, 2023 (Annexure- A-10 to the Memo of Appeal) wherein it has been



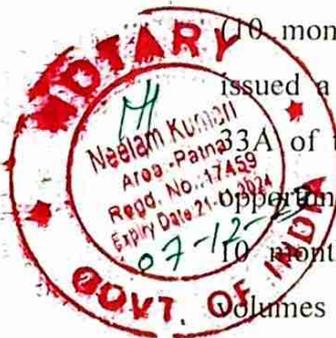
stated that there was no discharge from the Appellant Unit. As regards the water found in the first inspection dated 25th February, 2022 (Annexure A-4 to the Memo of Appeal) it has been explained in detail with evidence (Annexure A-6 to the Memo of Appeal) that the said water was not on account of any discharge by the Appellant Unit rather the same was logged and stagnant due to the floods during the period of August, 2021 to December, 2021. Further, with respect to the fly-ash it has been stated therein that sprinklers were installed as well. Thus, it is submitted that there was no violation of conditions of consent by the Appellant Unit and the condition of maintaining Zero Liquid Discharged was well adhered to.

11. That with respect to the contents of paragraph 7 it is stated that the same is wrong and denied and liable to be rejected as it reiterated that the order dated 16th August, 2023 (Annexure-A-14 to the Memo Of Appeal) communicated vide e-mail dated 28th August, 2023 (Annexure- A-14/1 to the Memo Of Appeal) based on the Proposed Direction dated 18th April, 2023 (Annexure- A-12 to the Memo Of Appeal) is an appealable order as the same has been passed in light of the powers conferred u/s 33A of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31A the Air (Prevention Control of Pollution) Act, 1981 and moreover, by way of last indulgence an additional period of 15 days has been granted by the Respondents to make payment of the Environmental Compensation so imposed. Thus, it has to be considered in continuation of the order dated 18th April, 2023 and not merely a reminder. Therefore, the contention of the Respondent that the said order was merely a reminder is bad in law and hence unacceptable.



12. That with respect to the contents of paragraph 8 it is stated that the same needs no comments.
13. That with respect to the contents of paragraph 9 it is stated that as contended above the same is wrong and denied and liable to be rejected.
14. That with respect to the contents of paragraph 10 it is stated that the same needs no comment at this stage.

15. That with respect to the contents of paragraph 11 it is stated that the same needs no comments.
16. That with respect to the contents of paragraph 12 it is stated that the Respondents have failed to counter the contents of paragraph 8 and 9 of the Memo of Appeal and merely made a superfluous statement that the objection of the Appellant dated 6th June, 2022 (Annexure A-6/2 to the Memo of Appeal) to the Proposed Direction dated 4th May, 2022 (Annexure- A-5) was being considered. It is reiterated that due to heavy rains and flood in the area on account complete breach of embankment nearby, water had entered the premises of the unit and as such there was no production during that period and the unit was closed and non-operational and the same was communicated to the authorities as such. However, the respondents failed to consider the same then and have chosen to ignore the same in their Counter Affidavit as well which is suggestive of the fact that the respondents by not denying the plight of the Appellant Unit has accepted the same.
17. That again, moreover, the Respondents, in the garb of purporting to counter paragraph 8 and 9 together, have attempted to ignore countering on the point that the after objection dated 6th June, 2022 (Annexure A-6/2 to the Memo of Appeal) of the Appellant Unit, the Respondent Unit after remaining satisfied with said objection for almost one year (10 months) woke up from its deep slumber, once again issued a Proposed Direction dated 14th February, 2023 u/s of the Water Act and u/s 31A of the Air Act giving opportunity of hearing to the Appellant Unit on the reply filed 10 months ago. This conduct of the Respondents speaks volumes of their conduct. It is further submitted that in the said hearing the Appellant Unit, showing its bonafide, requested for another inspection.
18. That with respect to the contents of paragraph 13 it is stated that the Respondents again, rather than countering the contentious facts in the instant case, are making superfluous statements having no bearing to the instant case. It is



submitted at the cost of repetition that from the perusal of the report dated 23rd March, 2023 it appears that it primarily speaks of the earlier inspection and at present having not found any discharge came to the conclusion that the improvement of the unit is slow and nothing could be shown with respect to any effluent discharge and as such no sample was collected and no analysis report was put forth by the Board for consideration of imposition of any compensation, rather a vague remark regarding the progress being slow, was made therein. Moreover, as regards the fact that fly ash was kept in the open the same is being denied as it was construction material kept for construction of road inside the Appellant Unit's premises. Thus, the statement made herein has selectively presented the facts before the Hon'ble Tribunal and has also attempted to suppress other important facts meant for adjudication of the instant case and hence the same is liable to be rejected.

19. That with respect to the contents of paragraph 14 it is stated that the Respondents have again failed to specifically counter the averments made in the Memo of Appeal therefore since there is no denial the same is liable to be accepted that the Appellant Unit made no discharge. As regards the contents of paragraph it is stated that the same is wrong and denied. A bare perusal of the Direction dated 18th April, 2023 would make it amply clear that the same was based on both the inspection reports dated 25th February, 2022 and 23rd March, 2023 as specific reference has been made therein. Therefore, wrong statement has been in the Counter. It is again submitted that the Counter Affidavit appears to be a mere formality to fulfil the compliance and nothing else as none of the averments made in the Memo of Appeal has been specifically countered by the Respondents.

20. That again with respect to the contents of paragraph 14 it is stated that the Respondents by jointly countering more than one paragraph of the Memo of Appeal are merely skipping to challenge the averments made by the Appellants thereby accepting the same. The Respondents in their paragraph 14



countered para 11 and 12 of the Appeal jointly, however, did not counter the averment of the Appellant with respect to the assessment of calculation of the Environment Compensation and that the averment that the inspection report dated 25th February, 2022 had no sanctity in law. The silence of the Respondents regarding the lack of legal sanctity to the inspection is nothing but acceptance on their part.

21. That with respect to the contents of paragraph 15 of the Counter Affidavit, it is very pertinent to state the Respondents have, by ignoring the counter the fact that the provisions of Section 21 of the Water (Prevention and Control of Pollution) Act, 1974 and Rule 17 read with Schedule I Form 1 of the Water (Prevention and Control of Pollution) Rules, 1986 promulgated by the State of Bihar were not followed as such at the time of sampling, accepted the contention of the Appellant. Rather than countering this crucial and specific ground they are beating around bush. Additionally, the representation of the Appellants dated 11th May, 2023 was accepted by the Respondents, however, the same was not considered. Moreover, the natural disaster such as flood has not been considered by the Respondents at any stage. This is sufficient to prove that the Respondents have erred in passing the impugned order and are defending the un-defendable. Raising the issue in response to para 13 and 14 of the Memo of Appeal is nothing but a face saving attempt Thus, the contents of paragraph 15 are liable to be rejected.

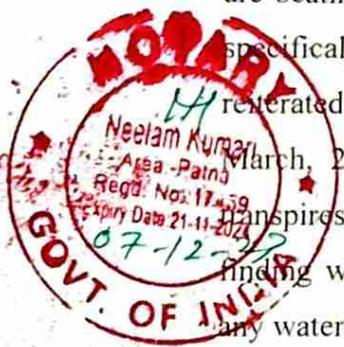
22. That with respect to the contents of paragraph 16 of the Counter Affidavit it is submitted that the said final order/Direction was passed in violation of various provisions of law and without considering the representations of the Appellant and hence the same is rejected.



That with respect to the contents of paragraph 17 of the Counter Affidavit, the respondents by not countering the fact that sampling of the alleged liquid discharge was in contravention of various provisions of law, have virtually accepted the fact that the Respondents acted in contravention of section 21(2) and 21 (3) of the Water (Prevention and

Control of Pollution) Act, 1974 and Rule 17 of the Water (Prevention and Control of Pollution) Rules, 1986 promulgated by the State of Bihar. Thus, the inspection reports and the Direction to pay Environmental Compensation is bad in law and hence liable to be rejected. It is pertinent to state that rather a very vague and unrelated averment has been made which has no bearing with respect to the averment made in the Memo of Appeal and hence the contents of paragraph 17 is liable to be rejected.

24. That with respect to the contents of paragraph 18 of the Counter Affidavit it is stated that the same is wrong and denied and hence liable to be rejected. It is submitted that that the direction to pay Environmental Compensation amount of Rs. 22,50,000/- vide order dated 16th August, 2023 (Annexure-A-14) communicated vide e-mail dated 28th August, 2023 (Annexure-A-14/1) based on Direction u/s 33A of the Water Act and u/s 31A of the Air Act dated 18th April, 2023 (Annexure-A-12) has been done in the most cryptic manner as the details of the assessment of the Environmental Compensation has not been provided to the Appellant Unit. Merely an extravagant and unreasonable amount has been mentioned therein without giving any reason or details as to how the Board reached such assessment or calculation and the manner by which it was made. Thus, the direction per se is cryptic and bad in law and hence liable to be set aside.
25. That with respect to the contents of paragraph 19 of the Counter Affidavit, it is again submitted that the Respondents are beating about the bush and not countering the averments specifically thus, silence is admission on their part. It is reiterated that the perusal of the inspection report dated 23rd March, 2023 (Annexure-A-10 to the Memo of Appeal) it transpires that there was sufficient progress, and there was no finding with regard to any effluent discharge, no sample of any water was collected since no discharge was found and the only remark was that the progress was slow. It is pertinent to state here that the inspection report primarily speaks of the earlier inspection report wherein the findings are not in



accordance with law. Thus, the contents of para 19 are liable to be rejected.

26. That with respect to the contents of paragraph 20 of the Counter Affidavit, it is submitted the same needs no reply as it has been repeated throughout the Counter Affidavit and rejected as well herein and hence needs no reply.
27. That with respect to the contents of paragraph 21 of the Counter Affidavit, it is again stated that, in light of the averments above, the present appeal is well within limitation and the same has been dealt with in the preceding paragraphs hence, the contents of paragraph 21 are liable to be rejected.
28. That with respect to the contents of paragraph 21 of the Counter Affidavit, it is stated that the same needs no comments.
29. That it is further submitted that the genesis of the whole matter was a complaint by one Mukesh Kumar who made a false complaint to the Board against the Appellant Unit upon which the Board inspected the premises of the Appellant Unit. The said complainant is nothing but an imposter seeking to disturb the Appellant for ulterior motives as the same is evident from the fact that the complainant even filed a complaint against the Appellant Unit before the Public Grievance Redressal Cell, Bihar wherein vide order dated 15th September, 2023 the Secretary, Environment, Forest and Climate Change Department, Government of Bihar directed the Sub-Divisional Officer, Mahua was directed to inspect the site and submit a report and the Appellant Unit was directed to reply to the said complaint. The SDO in its report dated 29th September, 2023 had stated that upon his visit to the site he did not find any discharge from the Appellant's Unit. The said report further states that local villagers informed him that no damage has been caused to the crops around the Unit. Moreover, local villagers informed the SDO that the complainant Mukesh Singh resides more than 15 kms from the said site. The said SDO's report was signed by the local villagers along with their mobile numbers. The Appellant Unit, in compliance of the order dated 15th September, 2023



by the Secretary filed its representation dated 3rd October, 2023. Based upon the SDO's report dated 29th September, 2023, the Secretary vide its order dated 17th October, 2023 held that no discharge was reported from the Unit, moreover there was no damage to crops in the fields nearby.

True copies of the order dated 15th September, 2023, report dated 29th September, 2023 and order dated 17th October, 2023 are attached herewith and marked as Annexure A- 16 series.

30. That it is submitted that in light of the above the impugned Order 16th August, 2023 (Annexure-A-14) communicated vide e-mail dated 28th August, 2023 (Annexure-A-14/1) based on Direction u/s 33A of the Water Act and u/s 31A of the Air Act dated 18th April, 2022 (Annexure- A-12) bearing Ref No. 1623 issued by the Chairman, Bihar State Pollution Control Board is liable to quashed and that the Board may be to restrained from taking any coercive measures against the Appellants and initiate recovery proceedings and/ or certificate proceedings and/or any complaint case arising out of the impugned order dated 16th August, 2023(Annexure-A-14).

Prashant Kumar Singh
07/12/23
APPELLANT

THROUGH

Ramesh Singh
7/12/2023
(.....)

ADVOCATE



VERIFICATION

I the above named deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief nothing has been concealed therefrom.

Verified at Patna on this day of December, 2023

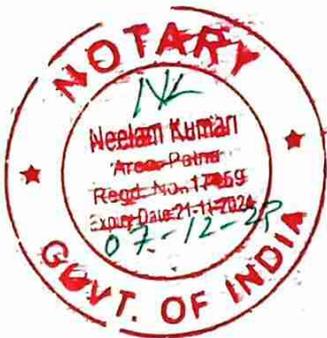
Prashant Kumar Singh
DEPONENT

Ramkishan Singh
07/12/2023
FILED BY

ADVOCATE OF THE Appellant

PLACE: Patna

DATE: 07.12.2023



AFFIDAVIT

I, Prashant Kumar Singh, son of Jagdish Narayan Singh, Male, aged about 60 years, resident of Hajipur (Globus Spirits Pvt Ltd.), Dhanhdua, do hereby solemnly affirm and say as follows:

1. I am the authorized signatory of the Appellant herein and have been authorised by a board resolution to affirm the present affidavit for and on behalf of the Appellant herein. I am well acquainted and conversant with the facts and circumstances of the instant case and as such I am competent to swear this affidavit. Copy of the board resolution is annexed hereto.
2. The statements contained in paragraphs 3. To 28. of the foregoing petition are true to my knowledge and those contained in paragraphs 29...thereof are based on information derived from records and believed to be true and those contained in paragraphsthereof are my humble submissions before this Hon'ble Court.

Prepared in my Office and identified by me

Ramesh Singh Adv
7/12/2023
Advocate

Prashant Kumar Singh
07-12-2023
Deponent



Sl No. 4165
Date 07-12-2023

Sri/smt. *Prashant Kumar Singh*
Who is identify by Sri. *R Singh Adv.*
Advocate solemnly affirmed and declare before me
Neelam Kumari
07-12-23
Neelam Kumari
Notary Public Advocate
Patna

Identify the deponent who has Signed/TI in my Presence
Ramesh Singh Adv
ADVOCATE (BA/1885) 2013
07/12/2023

सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
सह-द्वितीय अपीलीय प्राधिकार
अनन्य संख्या-999950324012302787/2A

दिनांक- 15.09.2023

आदेश

अपीलार्थी श्री मुकेश सिंह, पता-वहस्ति रोडपुर, पखड-जदाहा, अनुमंडल-महुआ, जिला-वैशाली उपस्थित। लोक प्राधिकार-सह-क्षेत्रीय पदाधिकारी, विहार राज्य प्रदूषण नियंत्रण पथेद, पटना उपस्थित। उभय पक्षों को विस्तृत रूप से सुना एवं अभिलेख में रक्षित कागजात का अवलोकन किया। विषयगत मामला ग्राम-धधुआ, थाना-जदाहा, जिला-वैशाली स्थित ग्लोबस स्पीट्स लिमिटेड का प्रदूषण प्रमाण पत्र निरस्त करने से सम्बंधित है। इस सम्बन्ध में लोक प्राधिकार का पत्रांक 2245 दिनांक 14.09.2023 प्राप्त है जिसमें अंकित है कि इकाई मेंसर्स ग्लोबस स्पीट्स लिमिटेड द्वारा ₹0 22,50,000/=(रुपये बाईस लाख पचास हजार मात्र) का पर्यावरणीय क्षतिपूर्ति जमा नहीं किया गया है। इकाई के विरुद्ध कार्रवाई हेतु सचिका सक्षम पदाधिकारी के अनुमोदनार्थ अग्रसारित की गयी है। आज सुनवाई के क्रम में अपीलार्थी द्वारा बताया गया कि ग्लोबस स्पीट्स लिमिटेड द्वारा अंदर का पानी बाहर खेतों में छोड़ा जा रहा है जिससे खेती करने में समस्या उत्पन्न होती है। ऐसे में अनुमंडल पदाधिकारी, महुआ को निर्देशित किया जाता है कि अपील आवेदन में वर्णित ग्लोबस स्पीट्स लिमिटेड द्वारा इकाई परिसर में या इकाई के बाहर हो रहे अनुपचारित बहिःसाव एवं इससे उत्पन्न गंध की समस्या के सम्बन्ध में मामले की जांच करते हुए अद्यतन प्रतिवेदन सहित स्वयं/प्राधिकृत प्रतिनिधि के माध्यम से सुनवाई हेतु निर्धारित तिथि 03.10.2023 को 04:00 बजे उपस्थिति सुनिश्चित करेंगे। साथ ही ग्लोबस स्पीट्स लिमिटेड के प्रतिनिधि भी सुनवाई की अगली तिथि को अपनी उपस्थिति सुनिश्चित करेंगे। सुनवाई की सूचना सम्बंधित पक्षों को विधिवत उपलब्ध कराई जाय।

सचिव

पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
बिहार, पटना।

द्वितीय अपीलीय आवेदन का विवरण

अनन्य संख्या- 999950328032303060/2A

आवेदन की तिथि- 22/08/2023

अपीलकर्ता का विवरण

अपीलकर्ता का नाम

मधुसुदन कुमार सिंह

अपीलकर्ता का पता

ग्राम—दुलारी निकेतन,
पटेलनगर पुनपुन बाजार
गाँव/शहर:- ग्राम—दुलारी
निकेतन, पटेलनगर पुनपुन
बाजार डाक घर:- पुनपुन
प्रखंड:- पुनपुन अनुमंडल:-
मसौदी जिला:- पटना

अपीलकर्ता मोबाइल / फोन
संख्या

9199019795

अपीलकर्ता का ईमेल

लोक शिकायत निवारण पदाधिकारी, प्रथम अपीलीय प्राधिकार या
द्वितीय अपीलीय प्राधिकार या अभिहित लोक शिकायत निवारण
पदाधिकारी के रूप में माने गये पदाधिकारी या कर्मचारी का नाम
और पता, पणस्थिति, जिनके विनिक्षेप अथवा जिनने इन्कार या
विलंब किया है, के विरुद्ध अपील या पुनरीक्षण दायर किया जाना है-

इस विनिक्षेप की विशेषताओं जिसके विरुद्ध अपील या पुनरीक्षण दायर
किया जा रहा है-

अपील या पुनरीक्षण का आधार-

मांगी गई राहत-

कोई अन्य सुसंगत सूचना, जो अपील या पुनरीक्षण के निष्पादन के
लिए आवश्यक समझा जा रहा हो-

संगत किये गए दस्तावेज

(क) उस विनिक्षेप की स्व-अभिप्रमाणित प्रति, जिसके विरुद्ध अपील
या पुनरीक्षण दायर किया जा रहा है-

(ख) अपील या पुनरीक्षण आवेदन में उल्लिखित दस्तावेजों की
प्रतिष्ठा-

प्रमंडलीय आयुक्त, पटना प्रमंडल, पटना सह प्रथम अपीलीय
प्राधिकार

आदेश कि प्रति संलग्न है।

प्रमंडलीय आयुक्त, पटना प्रमंडल, पटना सह प्रथम अपीलीय
प्राधिकार, लोक शिकायत निवारण पदाधिकारी, पटना के
पारित आदेश निर्गत सं०-999950328032303060/1A
दिनांक- 27/07/2023 के विरुद्ध द्वितीय अपील दायर की
जा रही है।

ग्राम पंचायत सफ़रेचा में टडवाँ गुमटी से पुनपुन सुरक्षा बॉध
तक सड़क का निर्माण कराया गया तथा सड़क के किनारे
ताड़ का पेड़ होने जाने के कारण रास्ता अवरूद्ध है तथा
ताड़ के पेड़ से फेदा गिरने से दुर्घटना की संभावना है जिसे
जनहित में पेड़ को हटाने के संदर्भ में

View Attachment

अंचल कार्यालय, जन्दाहा

पत्रांक :- 15/23

दिनांक :- 25-09-2023

प्रेषक,

अंचल अधिवारी,
जन्दाहा।

सेवा में,

अनुसंधान पदाधिकारी,
महुआ।

विषय :-

सूचित, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, दिहाड़, पश्चा-गढ़-द्वितीय अधीनस्थ प्राधिकार के अन्वय सं- 99995032401730778772A दिनांक 15.09.2023 तहत अधीनस्थ श्री सुदेश सिंह, काम बहरी सैदपुर के द्वारा दिये गये परिचय एवं जीव प्रतिवेदन।

प्रसंग :-

भारतीय आदेश प्रा.प्रा. 1989 दिनांक 25.09.2023

सहायक,

उपरोक्त विषयक प्रारम्भिक चरण के द्वारा विभागाध्यक्ष महोदयों को भवतीय के तहत में गत रचना हेतु प्राधिकृत किया गया है।

उक्त संबंध में अधीनस्थ सुदेश सिंह के अधीनस्थ परिवार में वर्तित विद्युतों के तहत में दिनांक 23.09.2023 को भारतीय को उपर्युक्त में प्रत्यक्ष विद्युत संचालिका एवं अद्योत्सवों के द्वारा संयुक्त रूप से स्थानीय जीव किया गया। स्थानीय जीव के क्रम में पाया गया कि जलोत्सव संचालक लिमिटेड द्वारा ड्रग्स परिसर के द्वारा अनुपस्थित बहिष्कार करार सेतो में लगी किया जाता है जो की विरही भी प्रकार का उपर्युक्त प्रकारों परेशा जाता है। स्थान पर उपरोक्त संचालक प्राधिकारियों को एवं फेंद्री से सटे जंगल भागियों के द्वारा बताया गया कि संचालक संचालक लिमिटेड संयुक्त के जंगलों में सटे पुराने दिशा में लगभग 10 बट्टा एवं पक्का दिशा में 01 पुराने गुंमि है। उक्त फेंद्री में उनके जंगल में एक छोटे हस्तिकारक जंगल में युवा पानी का प्रभाव लगी किया जाता है और ना ही विरही प्रकार का छोटे उपर्युक्त प्रकारों परेशा जाता है। उक्त के क्रम में भारतीय जंगलों के द्वारा बताया गया कि उक्त फेंद्री से सटे फेंद्री संचालक का जंगल है। अधीनस्थ-सह-संचालककर्ता सुदेश सिंह ने जो उनके जीव एवं ना ही पंथायत को विरही है और ना ही फेंद्री से सटे छोटे जंगल उपर्युक्त है। अधीनस्थ का घर फेंद्री से लगभग 15 कि०मी० की दूरी पर काम बहरी सैदपुर में उपस्थित है। जहाँकि उक्त फेंद्री काम महुआ में स्थित है। फेंद्री से सटे जंगल भागियों के द्वारा बताया गया कि उक्त फेंद्री से विरही भी प्रकार का फणलो को छोटे सुसंगत लगी है। जीव के क्रम में सभी जंगलों द्वारा उपरोक्त प्रकृत करते हुए अपना अपना तहसिल एवं जीवगत में अधीनस्थ विद्युत है। जंगल का प्रति मान्य है।

उल्लेखनीय है कि 1. जेसरी जलोत्सव संचालक लिमिटेड संयुक्त एचवॉल संचालक लिमिटेड (जेसरी विरही संचालक) है जो (ज. 71 D) (Jesri Ltd. & Discharge) स्थान है। विभागाध्यक्ष को कि अनुपस्थित बहिष्कार लगी होता है।

सादर सूचनाएं सहायक।

दिवाकरमान
अंचल अधिवारी
जन्दाहा

A-16/2

17

सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग

सह-द्वितीय अपीलीय प्राधिकार

अनन्य संख्या-999950324012302787/2A

दिनांक- 17.10.2023

आदेश

अपीलायी श्री नुकेश सिंह, पता-बहस्ति सैदपुर, प्रखंड-जंदाहा, अनुमंडल-महुआ, जिला-वैशाली उपस्थित। लोक प्राधिकार-राष्ट्र-क्षेत्रीय पदाधिकारी, बिहार राज्य प्रदूषण नियंत्रण पथक के प्रतिनिधि स्वरूप सहायक वैज्ञानिक पदाधिकारी उपस्थित। अनुमंडल पदाधिकारी, महुआ के प्रतिनिधि स्वरूप अचलाधिकारी, जंदाहा उपस्थित। ग्लोबस स्पीट्स लिमिटेड के प्रतिनिधि उपस्थित। उपस्थित सभी पक्षों को विस्तृत रूप से सुना एवं अभिलेख में रक्षित कागजात का अवलोकन किया। अपीलायी ने यह अपील वन संरक्षक-सह-अपर सचिव-सह-प्रथम अपीलीय प्राधिकार, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग द्वारा दिनांक 16.06.2023 को पारित अंतिम विनिश्चय से असंतुष्ट होकर दायर किया है। विषयगत मामला ग्राम-धधुआ, थाना-जंदाहा, जिला-वैशाली स्थित ग्लोबस स्पीट्स लिमिटेड का प्रदूषण प्रमाण पत्र निरस्त करने से सम्बन्धित है। इस सम्बन्ध में सुनवाई की विगत तिथियों को मामले की विस्तृत समीक्षा की गयी तथा अनुमंडल पदाधिकारी, महुआ को मामले से सम्बन्धित अद्यतन प्रतिवेदन उपलब्ध कराने हेतु निर्देशित किया गया। अनुमंडल पदाधिकारी, महुआ का अनुलग्नकों सहित प्रतिवेदन पत्रांक 821 दिनांक 29.09.2023 द्वारा प्राप्त हुआ जिसे अभिलेखबद्ध कर लिया गया है। उक्त प्रतिवेदन में अंकित है कि स्थलीय जाच के क्रम में प्रश्नगत इकाई द्वारा परिसर के बाहर अनुपचारित बहिःसाव खेतों में नहीं देखा गया है और ना ही किसी प्रकार का अपशिष्ट/हानिकारक केमिकल युक्त पानी का बहाव देखा गया। उपरोक्त प्रतिवेदन में उल्लेखित है कि अपीलायी श्री नुकेश सिंह न तो उस गाव से है जहां इकाई संवाहित है और न ही फैंक्री से सटे उनकी कोई जमीन/खेत है। साथ ही स्थानीय ग्रामीणों एवं जमीन मालिकों द्वारा बताया गया कि उक्त इकाई से फसलों को किसी प्रकार का कोई नुकसान नहीं है। पुनः अनुमंडल पदाधिकारी के प्रतिवेदन में अंकित है कि मेसर्स ग्लोबस स्पीट्स लिमिटेड धधुआ एयनाल नैन्युफैक्चरिंग प्लांट (येन बेस्ट डिस्टलरी प्लांट) है, जो एक ZLD (Zero Liquid Discharge) प्लांट है, जिससे स्पष्ट है कि अनुपचारित बहिःसाव होने की सम्भावना नहीं है। ऐसे में अनुमंडल पदाधिकारी, महुआ का उपरोक्त प्रतिवेदन यथेष्ट प्रतीत होता है जिससे असहमत होने का कोई कारण नहीं है। यद्यपि प्रश्नगत इकाई से अपशिष्ट/हानिकारक केमिकल युक्त पानी एवं अनुपचारित बहिःसाव परिवाद में वर्णित इकाई के आस-पास वर्तमान में नहीं देखा गया है फिर भी क्षेत्रीय पदाधिकारी, बिहार राज्य प्रदूषण नियंत्रण पथक पटना को निर्देशित किया जाता है कि समय-समय पर उक्त इकाई स्थल का निरीक्षण करना सुनिश्चित करेंगे कि वहां अनुपचारित बहिःसाव भविष्य में भी ना हो। उक्त निर्देश के आलोक में प्रस्तुत अपील आवेदन की अग्रतर कार्रवाई समाप्त की जाती है। अधोहस्ताक्षरी द्वारा पारित अंतिम विनिश्चय की प्रति सम्बन्धित पक्षों को विधिवत उपलब्ध करायी जाय।

सचिव

**पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
बिहार, पटना।**

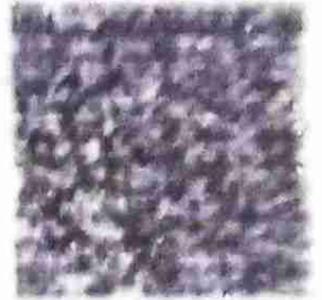
बिहार प्रशासन
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
पटना, बिहार



Prashant Kumar Singh

DOB: 05/11/1962

Male / MALE



Prashant Kumar Singh
02/12/21

2700 9231 0963

Address:

SO Jagdish Narayan Singh, House
No 74-A, B-Block, Parki, Kanpur,
Perkashpur Nagar, Kanpur Nagar,
Uttar Pradesh - 208020

2700 9231 0963



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF GLOBUS SPIRITS LIMITED HELD ON 08TH FEBRUARY 2021 AT THE REGISTERED OFFICE OF THE COMPANY AT F-0, GROUND FLOOR, THE MIRA CORPORATE SUITES, PLOT NO.1&2, ISHWAR NAGAR, MATHURA ROAD, NEW DELHI-110065.

The Board was informed that, for renewal of various factory related licenses in the Bihar Unit for the year 2021-22, it is required to authorize Sh. B.P.Singh and/or Dr. Bhaskar Roy and/or Sh. Prashant Kumar Singh for applying, liaisoning, co-ordinating with the various authorities at Bihar Excise and other Departments :-

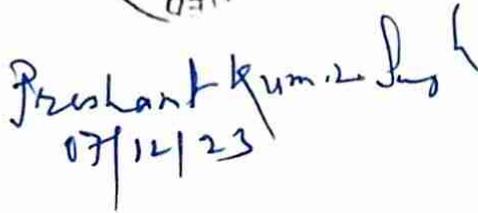
The Board considered and approved the same by passing the following resolution:

"RESOLVED THAT Dr. Bhaskar Roy, Executive Director of the company and/or Sh. B. P. Singh, Sr. General Manager- Admn. of the company and/or Sh. Prashant Kumar Singh, Sr. V.P.(Works) be and are hereby severally authorized to execute, sign, make applications including renewal applications and to represent the company before Exise Department, Factory Department, Labour Department before any Central/State Govt., Local Authorities, Custom-Excise Authorities, Central/State Pollution Control Authorities, Income-tax and VAT Authorities, Authorities established under the Factories Act, 1948 and any other Govt. Departments/Authorities related to the company's unit located at Bihar.

"RESOLVED FURTHER THAT Dr. Bhaskar Roy, Executive Director of the company and/or Sh. B. P. Singh, Sr. General Manager- Admn. of the company and/or Sh. Prashant Kumar Singh, Sr. V.P.(Works) of the company be and are also hereby severally authorized to do such acts, deeds and things for and on behalf of the Company including appointing any agent/advocate in various matters referred above, as may be required from time to time to give effect to the above resolution."

For Globus Spirits Limited


Company Secretary



07/12/23

Globus Spirits Limited

(Corporate Identity Number: U74999DL1999PLC052177)

Registered & Corporate Office:

F-0, Ground Floor, The Mira Corporate Suites, Plot No. 1 & 2, Ishwar Nagar, Mathura Road, New Delhi 110065. Tel: +91-11-66424600 Fax: 66424629
Works(1): Village: Shyampani, Tehsil: Biharia, Distt: Alwar (Raj) Tel: +91-1454-516340-41
Works(2): Haryana Organics 4 KM. Chufkaria Road, Samanpura 132101 Distt: Panipat (Har.) Telefax: +91-180-2570122
Works(3): Associated Distilleries Bihar Bypass National Highway, Bihar 125044 (Har.) Tel: +91-1662-291905
Works(4): Village: Dhandur, Tehsil: Jandaha, Hapur 244505 Distt: Varanasi (Bihar) Tel: +91-9917437425
Works(5): Plot No. B-7, Panagari Industrial Park, Panagari 713420 Distt: Bardwan (West Bengal) Tel: +91-9800297777
E-Mail: corpoffice@globusgroup.in Web: www.globusspirits.com