

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

**AT PUNE**

**ORIGINAL APPLICATION NO. 58 OF 2022(WZ)**

ARYAVART FOUNDATION

.. APPLICANT

V/s

RIACETT CO-OP.HSG SOC.LTD.  
AND OTHERS

.. RESPONDENTS

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PUNE

DATE 12/02/2024



ADVOCATE FOR RESPONDENT No.1

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**WESTERN ZONE BENCH PUNE**

**AT PUNE**

**ORIGINAL APPLICATION NO. 58 OF 2022(WZ)**

ARYAVART FOUNDATION .. APPLICANT

V/s

RIA CETP CO-OP. SOC.LTD.  
AND OTHERS .. RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO.1 TO THE REPORT  
DATED 4<sup>th</sup> JULY, 2023**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

1. At the outset, it is submitted that, the contents of the Report filed by the Respondent No.2 are not admitted by the Respondent No.1 and that the contents therein of are false and incorrect. The Respondent No.1 submits that the statements and averments made in the said Reply dated 4<sup>th</sup> July, 2023 and the I.A. No.188 of 2022 filed by the Respondent No.1 before this Hon'ble Tribunal are adopted and reiterated as part and parcel of the said Reply to avoid repetition. The Respondent No.1 maintains its stand regarding the locus of the Applicant and that the role of the Respondent No.2 being the Committee member is required to be decided by this Hon'ble Tribunal before dealing with the entire case on merits. The Respondent No.5 further submits that the Applicant has made

serious allegations against Respondent No.2 for failing to discharge its statutory duties towards CETP operations. The Respondent No.5 would submit that in spite of such serious allegations, the Respondent No.2 has been included as a member and overall coordinator of the joint committee which is not in the compliance of legal maxim that you cannot be the judge of your own case (*Nemo iudex in causa sua*). The Respondent No.1 therefore submits that the constitution of such expert committee is against the principles of law and natural justice. The Respondent No.1 further submits that though Respondent No.1 does not have any questions on qualifications or competence of the concerned officer, the fact that Regional Officer of the area where CETP is located and responsible for enforcement of regulations, is representing Respondent No.2, itself brings conflict in functioning of the committee. The constitution of the committee and the report thereof cannot be therefore considered as unbiased and cannot be relied in totality and hence the same is required to be discarded.

2. The Respondent No.2 has filed the present Report, holding the Respondent No.1, saying that, the Respondent No.1 has committed the violation for the period from 01.04.2017 to 31.01.2020 and thereby the Respondent No.2 came to the conclusion that, the Respondent No.1 is liable to pay the Environmental Damage Compensation (EDC) amounting to Rs.5,39,40,000/-. The said assessment have been made without any basis and adhering to the principles of natural justice. The basic flaw in the report is that the Respondent No.2 has held that if a sample which is found to be exceeding on a particular day, then the entire period is considered

to be of violation. This is not permissible/ justifiable. The relevant data is available to the Respondent Nos.2 & 3 through its server and the same ought to have been studied prior to the submission of the report. The said study is found to be missing from the report. Moreover, it is further submitted that the report has been drawn by the committee without providing an opportunity of hearing or submission of documents. The act on the part of the committee is unilateral in nature.

3. It is submitted that, the Respondent No.1 has time and again stated that the sampling point has been considered to the point of discharge from the effluent of the CETP as well as the effluent generated and discharged by Respondent No.5 Sudarshan Chemicals. The samples are being collected from both the entities by the Respondent No.2 for deriving the final outlet results. The said practice adopted by the Respondent No.2 to collect the samples has been time and again opposed by the Respondent No.1 and the Respondent No.2 has not paid any heed to the same. In terms of the said high COD results, the Respondent No.1 is producing the relevant record of Respondent No.5 M/s Sudarshan Chemicals before this Hon'ble Tribunal, copy of which is annexed herewith and marked as **ANNEXURE - R-1**. The sampling taken by the Respondent No.2 is the confluence point of the discharge by the Respondent No.1 and Respondent No.5. Copy of the diagram showing the same is annexed hereto and marked as **ANNEXURE - R-2**. The samples taken by the Respondent No.2 are not in accordance to the provisions of the Water (Prevention and Control) of Pollution Act, 1974 and hence cannot be admissible for

evidence. The Respondent No.1 has also parallelly examined the samples and the same are found to be within the consented parameters.

4. The Respondent No.2 vide its letter dated 6<sup>th</sup> March 2017 under the provisions of Section 33-A of the Water (Prevention and Control) of Pollution Act, 1974 directed the Respondent No.4 to take over the operation and management of the CETP. It is pertinent to mention herein that the Respondent No.4 hasn't challenged the said order before any Court of law. The Respondent No.4 has taken over the responsibility to operate and manage the CETP. The said act clearly indicates that the Respondent No.4 has accepted the responsibility to operate and manage the CETP and also the outcome derived from the activity of the CETP.
5. The Respondent No.1 submits that in lieu of the order of the Respondent No.2, the Parties i.e. the Respondent No.1 and Respondent No.4 have entered into the tri-partite Agreement, wherein the Respondent No.1 has handed over the operation and management of the CETP to the RespondentNo.4. The Respondent No.1 submits that prior to handing over the CETP, the Respondent No.1 presented to the Respondent No.4, that the CETP is near compliant and that minor changes in the operation will bring it within the consented parameters. During the discussions it was agreed that, the pilot project will be installed by the Respondent No.4 and upon satisfaction of the members of the said pilot project, it will be further permitted to the Respondent No.4 to continue its operation. However, till date, the Respondent No.4 has failed to install the pilot plant, rather not even communicated by

Respondent No.4 and that it has not achieved the desired results, and hence, the present application came to be filed before this Hon'ble Tribunal. The said aspect is reflected in the minutes of meeting dated 26<sup>th</sup> November 2019, which is annexed to the reply at Annexure -R-3.

6. The Respondent No.1 further submits that at the time of handing over of the CETP, the Contractor engaged by the Respondent No.4, was informed that if the COD of the influent crosses 3000 ppm, the same would be reported to the Respondent Nos.1 & 4. The Respondent No.1 was only required to pay the treatment charges to the Respondent No.4 and the rest of the responsibility will that be of the contractor engaged by the Respondent No.4.
7. It is further submitted that, the relevant data of the individual Companies and that of the Respondent No.1 are connected to OCEMS and that the same is available on-line for the statutory Authorities i.e. Respondent No.2 to verify it in accordance with law.
8. It will also amounts to double jeopardy if the Respondent No.1 is penalized and there will be situation of collecting of Environmental Damage Compensation from the individual industries as well. The Respondent No.1 further states that, the Respondent No.2 in the its entire Report dated 4<sup>th</sup> July 2023 has failed to substantiate or point out the damage, which has been caused to the environment. It is submitted that, Sec.14 of the NGT Act, 2010 gives the power to the Hon'ble Tribunal to adjudicate the dispute between the parties and that provisions of Sec.15 provides for relief, restitution and

compensation. It is further submitted that, the provisions of Sec.15 comes into effect only when it has been adjudicated under the provisions of Sec.14 of the NGT Act, 2010. Unless this Hon'ble Tribunal comes to the conclusion that, the Respondent No.1 has violated the consented parameters and upon its adjudication, it is concluded that, if the Member Industries of the Respondent No.1 has exceeded the consented parameters, then only the power to grant the relief, power to grant restitution and power to grant compensation lies with the Hon'ble Tribunal.

9. It is thus, submitted that, the entire report is silent on the role of Respondent No.5 M/s Sudarshan Chemicals and also the damage to the environment, if any and the basis of calculating the amount of Rs.5,39,40,000/-. It is thus, submitted that, said report should not be taken on record and deserves to be rejected in toto.

PUNE

DATE :12 / 09 /2023



ADVOCATE FOR RESPONDENT No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH, PUNE AT PUNE**

Original Application No. 58/2022(WZ)

Aryavart Foundation

**APPLICANT**

Versus

M/s. Ria CETP Co-Op. Society Ltd. &amp; Ors.

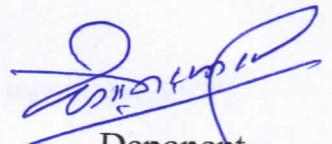
**RESPONDENTS****AFFIDAVIT IN SUPPORT OF REPLY TO THE REPORT****MAY IT PLEASE THE HON'BLE TRIBUNAL**

I, Dayanand Govind Nandgaonkar, aged about 59 years, Executive Director of the Applicant, having office at Plot No.6,9 & 11, MIDC Dhatav, Taluka Roha, District Raigad 402116, do hereby state on solemn affirmation as under: -

1. I say that I am the Executive Director of the Respondent No.1 and am authorized to file the present Affidavit. I say that I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that the Respondent No.1 herein has filed the present reply to the Original Application. I say that the contents of the said Reply to the Report and the present affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.



WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at Roha. on 12<sup>th</sup> day of February, 2024.

  
Deponent



**Noted and Registered**  
Sr.No. 547 Dt. 12/02/2024

  
**BEFORE ME**  
MAHENDRA DAMODAR PATIL  
Advocate & Notary  
Regd. No.-1137

**Daily shiftwise COD Analysis of Sudershan Chem. Ltd - 2019**

Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Avg. COD
Jan-19	148	294	202	261	130	245	267	269	220	226	196	371	204	155	194	220	196	188	251	287	334	277	181	106	212		285	198	220		287	228
Feb-19	204	165	165	163	253	179	388	359	555	261	220	231	343	210	188	269	218		269	188	228	310	196	204	272	198						249
Mar-19	163	147	269	237	139	397	269	294	310	318	436	312	420	392	351	297	228	228	189	171	140	189		140	206						189	262
Apr-19	305		163		269	338	494	351	302	228	204					192	239	277	269	228	269	277	214	204	156	212	128		204	171		248
May-19	139	171	165		248	234	226	216	204	124	232	253	255	247	215	263	256	277	330	222	255	214	264	222	198	189	189	165	189		222	220
Jun-19	198	222	181	255	247	291	214	181	197	239	231		163	258	222		277	189	179	210	261	196	188	156	179	155	156	160	196	318		211
Jul-19	198	202	212	179	147	188		173	370	255	253	220	294		313	354	239	329	264	330	297	321	277	399	198	212	294	388	593	388		282
Aug-19	804	388			339		267	328	239	255		371	375	288		305	220		214	255	294	246	261			247	253	178		355	309	
Sep-19			181			181	206		198	206		313	231	310		222	272	313	314	198	330		412	376	368	302	277	420		328		284
Oct-19	360	354	318	535	478		543	494		490	522	408		375	334	428	326	387	351	408	392	313	302	372	375	294		196		392	378	389
Nov-19	293	294		367	291	375	355	404	367		367	285	310	261	208	186		294	326	321	280	297	239		269	305	237	194	200	171		288
Dec-19		132	204	285	239	346	155	204	321		220	255		237	228	302	275	302	285	264	247		302	297	354	346	228	253		404		267
AVG	281	249	206	285	254	270	323	307	296	260	296	307	288	277	258	279	254	276	272	258	283	259	248	255	237	232	218	226	233	329	303	270

**Daily shiftwise COD Analysis of Sudershan Chem. Ltd - 2020**

Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Avg. COD	
Jan-20	255			264	395	351	354	473		742	519	428	643	675	717	233	472	445		503	428	334	428	371	321		383		383	362	437		
Feb-20	387		392	486	395	519	519	412		469	568	979	832	939	923		544	519	530		375	392		346	387	461	371	445				530	
Mar-20		457	206	387		297	339		367			395	469	480		593				914	1252		519									513	
Apr-20				212			178	452		310	530		412	420			519	404		535	552		428	321	379		400	395	321	338		395	
May-20		367		420	214	247	220	371	214		338	305	310	305	220	273		355	272	364	265	321	310		256	272	321			321		298	
Jun-20	346	461			272	373		214	263		387	437	511		331	379	302	313		255		258	292		255							332	
Jul-20			233														297			180		186	200	252	130		188		226	375	283	232	
Aug-20	371		261	387		304	231	212		262		196	294		285		256		329									307		408		293	
Sep-20	453	318	437		412		437	404	379	456	481	468		285	452	367	202	538	582		538	872	392	256	669	326		711	351	695		459	
Oct-20	384	530	472		506	294	432	624	432	360		579	464	344	784	535	395		470	515			355	280		461	544	313	313	461		452	
Nov-20		494	425	659	1252	1170	742		511	288	239	231	222	213	780		764	568															571
Dec-20	1547	742	857	577	571		506	383	408	514	535	585		758	956	873	742	519	538		989	420	546	972	930	610	711	351	989	420	546	682	
AVG	366	438	347	402	492	444	384	395	361	438	416	478	451	439	601	397	420	449	422	467	534	394	366	304	342	380	368	434	303	429	351	410	

**Daily shiftwise COD Analysis of Sudershan Chem. Ltd - 2021**

Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Avg. COD
Jan-21	346		354	288	477	1104	1044	807		532	734	594	742	659	636		408	383	408	320	383	432		248		245	240	248	240	360	380	485
Feb-21	481	248	240	232	245		387	250	420	488	448	264		376		216	240	232	232		608	232		648		540	365	287				349
Mar-21	296	800	976	848	1067	560		536	488	800	400	627	1240		1028	231	758	552	923	222		758	519	231	692	247	1518		626	610		675
Apr-21	593	675	535		560	478		527	725			923	593	752	989	1318	239		552	461	1104	535	544	445		387	395	420	231		548	605
May-21			404	461		421	445	452		379	346	412	461	420	214	231	387	387	297	310	288	348	384	404	354	313	313	239	222	297	379	354
Jun-21	214	269	231	478	231	247	239		252	634	247	214	321	230	247	239	255	320	239	237	239	247	404		239	231	321	230	247	239	340	279
Jul-21	222	231	231		247	239	247	264	231	247		239	239		249	754			255	255	239	239	247	239		239	329	453	231	313		278
AVG	359	445	424	461	471	508	472	473	423	513	435	468	599	487	561	498	381	375	415	301	477	399	420	369	428	315	497	313	234	367	451	432

# 1501

## RIA - CETP

### Details of Daily Sampling -Sudarshan Chemicals Ltd

#### RIA -CETP Inside Storage Tank ( Inlet ( mg/l ) 2022 -2023

Month	COD										
01-Oct	248	01-Nov	245	01-Dec		01-Jan	277	01-Feb	261	01-Mar	228
02-Oct	261	02-Nov		02-Dec	269	02-Jan		02-Feb		02-Mar	252
03-Oct		03-Nov		03-Dec		03-Jan		03-Feb		03-Mar	
04-Oct	212	04-Nov	261	04-Dec	242	04-Jan	267	04-Feb	261	04-Mar	245
05-Oct		05-Nov	275	05-Dec	275	05-Jan	245	05-Feb	277	05-Mar	234
06-Oct	169	06-Nov	264	06-Dec	261	06-Jan	277	06-Feb	269	06-Mar	162
07-Oct	188	07-Nov	255	07-Dec	258	07-Jan	248	07-Feb	250	07-Mar	
08-Oct	220	08-Nov	269	08-Dec	269	08-Jan	269	08-Feb	264	08-Mar	204
09-Oct	247	09-Nov	261	09-Dec		09-Jan	261	09-Feb	261	09-Mar	286
10-Oct	239	10-Nov		10-Dec		10-Jan		10-Feb		10-Mar	237
11-Oct	245	11-Nov		11-Dec	247	11-Jan	261	11-Feb	269	11-Mar	
12-Oct	252	12-Nov		12-Dec	255	12-Jan		12-Feb	272	12-Mar	218
13-Oct	248	13-Nov	261	13-Dec		13-Jan	275	13-Feb	264	13-Mar	162
14-Oct	261	14-Nov	253	14-Dec		14-Jan		14-Feb	214	14-Mar	180
15-Oct	237	15-Nov	269	15-Dec		15-Jan	277	15-Feb	231	15-Mar	237
16-Oct	237	16-Nov	261	16-Dec	245	16-Jan	269	16-Feb	261	16-Mar	
17-Oct	253	17-Nov	269	17-Dec		17-Jan	248	17-Feb	214	17-Mar	
18-Oct	255	18-Nov		18-Dec	252	18-Jan	269	18-Feb	222	18-Mar	
19-Oct	261	19-Nov	255	19-Dec	269	19-Jan	258	19-Feb	228	19-Mar	277
20-Oct	258	20-Nov	247	20-Dec	245	20-Jan		20-Feb	212	20-Mar	285
21-Oct	261	21-Nov	255	21-Dec	269	21-Jan	245	21-Feb	196	21-Mar	245
22-Oct		22-Nov	247	22-Dec	261	22-Jan	269	22-Feb	212	22-Mar	258
23-Oct	242	23-Nov		23-Dec	264	23-Jan	245	23-Feb		23-Mar	245
24-Oct	242	24-Nov		24-Dec	277	24-Jan	258	24-Feb	220	24-Mar	
25-Oct	269	25-Nov	239	25-Dec	269	25-Jan	275	25-Feb	212	25-Mar	253
26-Oct		26-Nov		26-Dec	269	26-Jan		26-Feb	269	26-Mar	261
27-Oct	267	27-Nov	261	27-Dec	277	27-Jan	280	27-Feb	253	27-Mar	269
28-Oct	261	28-Nov	269	28-Dec	245	28-Jan		28-Feb	269	28-Mar	
29-Oct	261	29-Nov	269	29-Dec	245	29-Jan				29-Mar	228
30-Oct	256	30-Nov	277	30-Dec	261	30-Jan				30-Mar	
31-Oct	248			31-Dec		31-Jan				31-Mar	261
<b>AVG.</b>	<b>244</b>	<b>AVG.</b>	<b>260</b>	<b>AVG.</b>	<b>260</b>	<b>AVG.</b>	<b>264</b>	<b>AVG.</b>	<b>244</b>	<b>AVG.</b>	<b>238</b>

**RIA CETP**  
**Details fof Daily Sampling -Sudarshan Chemicals Ltd**  
**Discharge Point Sudarshan Chem. Ltd**

Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Avg
<b>Oct-22</b>	237	234	261	226		242	224	248	261	256	163	280	262		259	238	242	241	259	266	256	239	275	265	249		266	274	236	273		<b>249</b>
<b>Nov-22</b>	245	245	237	234	239	247	237	237	228	226	228	236	245	228	718	295	245	239	222	247	237	230	235	222	239	228	237	245	245	326		<b>257</b>
<b>Dec-22</b>	237	237	242	242	424	234	244	237	565	247	412	228	247	244	236	261	530	432	359	514	228	228	245	375	359	245	212	251	261	155	139	<b>293</b>
<b>Jan-23</b>	237	248	275	228	237	248	237	237	228	237	228	234	343	277	245	232	261	242	228	237	220	245	242	234	184		267	250	234	228	220	<b>242</b>
<b>Feb-23</b>	0	239	245	253	237	387	247	237	351	98	240	224	214	236	237	220	247	237	220	163	261	237	245	245	245	245	212					<b>230</b>
<b>Mar-23</b>	212	246	244	242	218	253	0	244	277	299	234	234	187	228	258	237	359	367	245	245	220	245	237	237	236	408	238	245	237	228	424	<b>251</b>



**FLOW DIAGRAM OF CETP**

FROM 12.09.2016 TO TILL DATE

