

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

OA NO. 205 OF 2023

IN THE MATTER OF:

SATGURU AGRO INDUSTRIES

... APPLICANT

VERSUS

M/S SALVI CHEMICALS LTD. & ORS.

... RESPONDENTS

**REPLY/OBJECTIONS FILED ON BEHALF OF RESPONDENT
NO. 1 IN RESPECT OF THE TEST REPORTS DATED
13.06.2023.**

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR RESPONDENT NO. 1: MANDEEP KALRA

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

S. NO.	PARTICULARS	PAGE NO.
1.	REPLY/OBJECTIONS FILED ON BEHALF OF RESPONDENT NO. 1 IN RESPECT OF THE TEST REPORTS DATED 13.06.2023, WITH VERIFYING AFFIDAVIT.	3 – 11



MANDEEP KALRA
ADVOCATE FOR THE RESPONDENT NO. 1

PLACE: NEW DELHI
DATE: 09.11.2024

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

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**REPLY/OBJECTIONS FILED ON BEHALF OF RESPONDENT
NO. 1 IN RESPECT OF THE TEST REPORTS DATED
13.06.2023.**

MOST RESPECTFULLY SHOWETH:

1. That the instant Reply/Objections is filed on behalf of Respondent No. 1, in respect of the test reports dated 13.06.2023 filed on behalf of the Applicant. At the outset, the Respondent No. 1 seeks liberty to rely upon the facts and circumstances stated vide the Reply dated 28.05.2024, filed by the Respondent No. 1, and the contents thereof are not repeated herein for the sake of brevity.

TIMELY COMPLIANCE(S) DONE BY THE RESPONDENT NO.**1: -**

2. That however, it is reiterated that the Maharashtra Pollution Control Board ("MPCB") granted several Consent(s) to Operate to the Respondent No. 1 vide letters dated 12.07.2023, 25.11.2022, 31.03.2021, 17.09.2020, and 08.05.2020. It may be noted that the above-mentioned Consent(s) to Operate are granted under Section 26 of the Water (Prevention and Control of Pollution) Act, 1974 & Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016. It is also pertinent to note that the above-mentioned Consent(s) to Operate were granted with respect to certain quantities of specific products/ wastes only and the latest Consent to Operate is valid up to 31.07.2025; and the said consent to operate is subject to the terms and conditions specified vide Schedules I, II, III & IV annexed therewith (in

view of the fact that the Respondent No. 1 is a compliant entity). Furthermore, the detailed list of dates and events furnished vide the above-referenced Reply dated 28.05.2024, filed by the Respondent No. 1, effectively demonstrates that the repetitive allegations raised in OA No. 205 of 2023, with respect to inaction on behalf of the Respondent Nos. 2 & 3 and continued non-compliance on behalf of the Respondent No. 1, are wholly false and frivolous, as not only has the Respondent No. 3 promptly issued the warning notices dated 19.01.2023 & 25.05.2023, but the Respondent No. 1 has complied with the same expeditiously. Furthermore, the Respondent No. 1, in compliance with the terms and conditions specified vide the above-mentioned Consent(s) to Operate granted to the Respondent No. 1 by MPCB, has regularly dispatched effluents/ sludge for treatment to Tarapur Environment Protection Society, from 17.06.2022 to 29.02.2024, and detailed reports of the same have been duly furnished to MPCB. It is also pertinent to note that the

Respondent No. 1 is a registered member of CHW-TSDF at MIDC-Taloja for safe and secure disposal of hazardous viz. valid up to 31.03.2025.

EVIDENCE SHOWING FAULT IN THE APPLICANT'S SITE

PLAN: -



3. That the high COD/ BOD/ pH levels as stated vide the above-mentioned the test reports dated 13.06.2023, as regards the premises of the Applicant, are attributable solely to the fault in the Applicant's site plan. It is clear from the recent photographs affixed herein above that due to the Applicant's premises being located in a **DEPRESSION/ LOW LEVEL OF**

LAND, there is excessive water logging and leakage.

Furthermore, the Applicant is a Major Accident Hazard Unit dealing with hazardous chemicals, as admitted vide the Application.

COMPLIANT STATUS CONFIRMED BY MPCB: -

4. That the Maharashtra Pollution Control Board (i.e. Respondent Nos. 2 & 3) vide the Reply dated 05.04.2024, has furnished the LATEST VISIT REPORT DATED 18.03.2024 @ ANNEXURE-IV, pursuant to proceedings of the present case.

It is clearly stated on behalf of the Maharashtra Pollution Control Board that the dispute concerns alleged damage caused to the premises of the Applicant on account of seepage of colored waste water and effluents from the premises of the Respondent No. 1, however no such leakage/seepage/damage was observed during the

visit. It is further recorded that the Respondent No. 1, being compliant/ precautions, has undertaken requisite "civil works".

PRAYER

Therefore, in view of the above-mentioned facts and circumstances, it is most respectfully submitted that this Hon'ble Tribunal may be pleased to:

- a) Pass an order for dismissal of the present Original Application, as there is an absence of any direct/recent/relevant evidence to corroborate the allegations raised against the Respondent No. 1; or
- b) Pass an order of inspection as to the premises of the Applicant, as it is clear from the recent photographs affixed herein above that due to the Applicant's premises being located in a depression/ low level of land, there is excessive water logging and leakage; and

c) Pass any other order/ directions as this Hon'ble Tribunal deems fit in view of the above-mentioned facts and circumstances, in the interest of justice.

THROUGH:



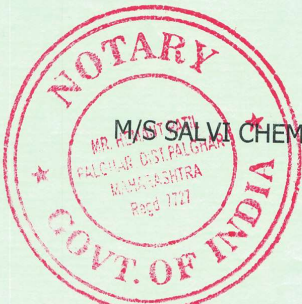
MANDEEP KALRA
ADVOCATE FOR THE RESPONDENT NO. 1

PLACE: NEW DELHI
DATE: 09.11.2024

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VERSUS

RESPONDENTS

AFFIDAVIT

I, Sheshmani, S/o Shri Satyanarayan Giri, i.e. the authorised representative of the Respondent No. 1 in the above application do hereby solemnly, affirm and state as under:

1. That I am the authorised representative of the Respondent No. 1 in the above application and as such fully conversant with the facts and circumstances of the present case and also competent to swear to this Affidavit.
2. That I have read and understood the contents of the accompanying Reply, and have understood the contents thereof. The facts stated therein are true and correct to the best of my knowledge and belief.
3. I state that no part of this Affidavit is false and nothing material has been concealed therefrom.

For Salvi Chemical Industries Ltd.

DEPONENT

Authorised Signatory

VERIFICATION

Verified on this the 28th day of May, 2024. I the above-named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

~~Sub party Aff is false~~
 and Executed before
 me at Bolar on- 28/5/2024
 Jeshmani

MR. HEMANT P. PATIL
 B. A. LL. B.
 ADVOCATE & NOTARY
 (GOVT. OF INDIA)

DEPONENT

For Salvi Chemical Industries Ltd.

Authorised Signatory

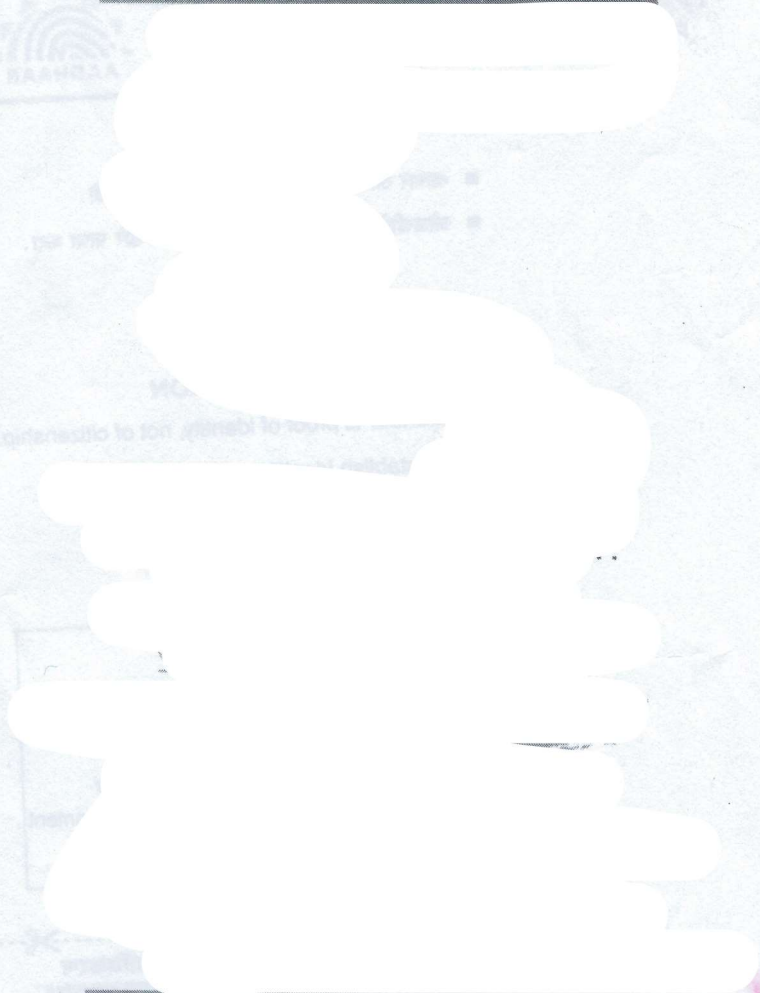
I KNOW THE DEPONENT
 WHO SIGNED BEFORE ME
 Witness as to Signature only
 Document(s) not prepared
 Reviewed of Advice upon

NOTED & REGISTERED
 AT Serial No. 4766 2024
 Register No. 03 Dated 28/5/24
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आधार - सामान्य माणसाचा अधिकार

