

BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT PRINCIPAL BENCH NEW DELHI
(ORIGINAL APPLICATION NO. 725 OF 2023)

IN THE MATTER OF:

BALIRAM SINGH

APPLICANT

VERSUS

**WALLOP BREWING PRIVATE RESPONDENTS
LIMITED & ORS.**

INDEX

S. No.	Particulars	Page No.
1.	Statement of Objection with affidavit in terms of Inspection Report Dated 26-02-2024.	1-6

APPLICANT

THROUGH

**ASHISH CHAUBEY/ AVINISH KR.
SAURABH
ADVOCATES
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NEW DELHI- 110024
MOB- 7838296401/ 9973617748
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**NEW DELHI
DATE: 02-05-2024**



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 725/2023**

IN THE MATTER OF:

Baliram Singh

Applicant

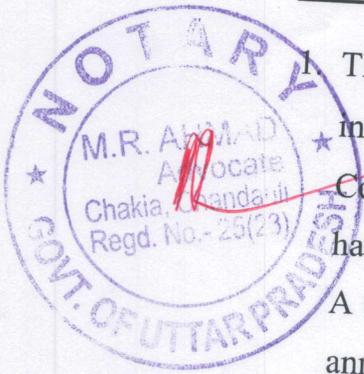
Versus

Wallop Brewing Private Limited & Ors.

Respondents

TO THE HON'BLE
CHAIRPERSON AND HIS
COMPANION JUDGES/
MEMBERS OF THE
HON'BLE TRIBUNAL

**STATEMENT OF OBJECTION INTERMS OF INSPECTION
REPORT OF JOINT COMMITTEE DATED 26-02-2024.**



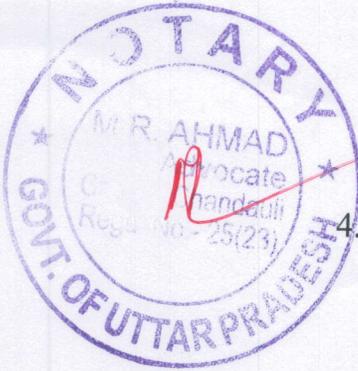
That Wallop Brewing Private Limited company was incorporated on 11-11-2021, classified as Non-Government Company vide CIN No. U15400UP2021PTC155293 with having four directors/key management.

A true copy of incorporation certificate dated 11-11-2021 is annexed with the O.A as Annexure A5 at page no. 26.

2. That M/s Wallop Brewing Company was incorporated in the year of 2020 and unit has changed its name at annexure 2 of the committee report. Annexure 2 of the Committee report of nothing but the deed of partnership between 2 people wherein nothing is disclosed about any application to the Registrar of Company for change its name, neither committee has produced earlier granted Certificate of Incorporation to M/s Wallop Brewing Company.
3. That UPPCB vide its letter dated 12-02-2024, pursuant to the joint report dated 09-10-2023 submitted by District Magistrate, Sonebhadra, has pointed out flaws in rain water harvesting and registration of the same. Apart from these flaws report has stated clearly that M/s Wallop Brewing Company has produced NOC obtained from Chandrababha Sancturay, Ramnagar, Varansai.

A copy of letter dated 12-02-2024 issued by UPPCB is annexed with the Joint Inspection Report as **ANNEXURE 4 at page no. 92.**

4. That Forest officer of Kashi Vanya Jeev Prabhag, Ramnagar, Varanasi vide letter no. 1964/31 dated 27-10-2023 replied to to M/s Wallop Brewing Private Limited in reference to their letter dated 16-06-2022. Forest office in its letter clearly stated that Industry (Beer Factory) is 162 meters away from forest boundary area. It is submitted that the industry ought to have outside 1 km from boundary of forest area, Ramnagar, Varanasi.



A copy of letter dated 27-10-2023 is annexed with the Joint Inspection Report as **ANNEXURE 9 at page no. 131.**

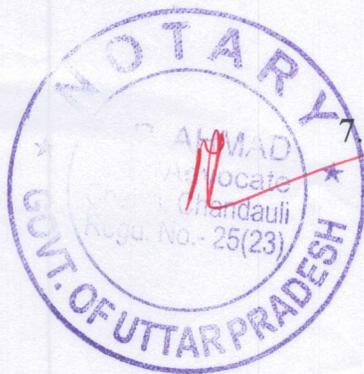
5. That specific plea has been taken by the applicant that the respondent-industry is situated on the southwest boundary of the Chandrapraha Sanctuary hardly 300 meters away from Chandraprabha Sanctuary boundary. Left bank of Post River was demarcated as boundary of Chandraprabha Sanctuary.

A true copy of the boundary description is annexed as **Annexure A1 at page no. 19 of the OA.**

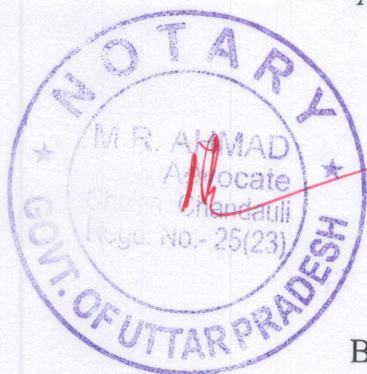
6. That report in its para II at page no. 53 stated that the respondent industry is situated on the west side of Chandraprabha Sanctuary, whereas it is specific plea of the application that is it situated within the Eco-Sensitive Zone of Chandraprabha Sanctuary from South West side of the boundary.

7. That para VIII of the report at page no. 55 is wrong. Respondent – Industry is within Eco-Sensitive Zone of Chandraprabha Sanctuary, the applicant had annexed GPS photos of the respondent-industry and the boundary-pillar of Chandraprabha Sanctuary which clearly shows that the respondent industry is within the Eco-Sensitive Zone of the Sanctuary.

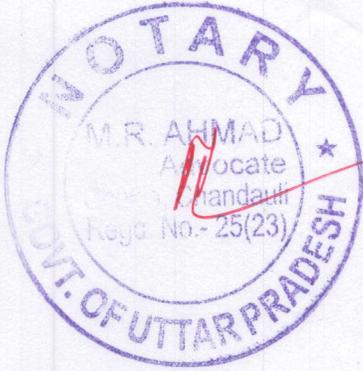
A true copy of GPS photos which is annexed as **ANNEXURE A5 from page no. 27 to 31 of the OA.**



8. That is not known to us whether the due process/method given under Section 4 & Section 16 of the Companies Act, 2013 was followed or not by the respondent in changing its name.
9. That para III at page 48 of the report says respondent had requested UPPCB for change of its name. It is humbly submitted that UPPCB is not the appropriate authority to consider the request for change of name. It is only Registrar of Company who is competent to consider such request.
10. That is crystal clear now that Consent to Establish dated 19-08-2021 was granted to M/s Wallop Brewing Company and M/s Wallop Brewing Private Limited has used the same Consent to Establish for its business. It is absolutely wrong and not permissible to use Consent to Establish granted to one company is being used by a completely different company.
11. It is therefore, prayed that;
 - A. Issue an appropriate order/ direction to the respondents for the compliance of Consolidated Consent to Operate and Authorization 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 to Wallop Brewing Private Limited;
 - B. Issue an appropriate order/ direction for temporary closure of operation of Wallop Brewing Private Limited till it obtains formal and fair No Objection From DFO, Chandra



- Prabha Sanctuary, Ramnagar, Varanasi with regard to Eco-sensitive Zone;
- C. Issue an appropriate order/ direction for permanent closure of operation of Wallop Brewing Private Limited in case, when NOC can not be issued be to respondent - Wallop Brewing Private Limited from DFO, Chandra Prabha Sanctuary, Ramnagar, Varanasi with regard to Eco-sensitive Zone;
- D. Appoint a committee for assessment of factual condition and damage to the ecology caused by the respondent - Wallop Brewing Private Limited;
- E. Issue appropriate order and directions to the respondents to ensure restoration of the ecology damaged;
- F. Issue any other and further order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.



NEW DELHI
DATE: - -2023

APPLICANT
THROUGH

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AVINISH KR. SAURABH
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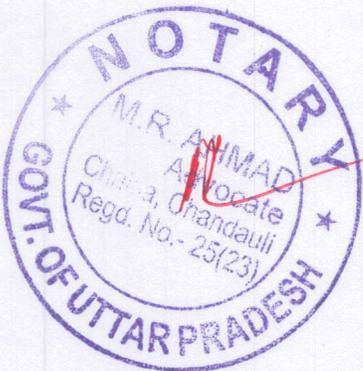
बलराम सिंह देव
 BALIRAM SINGH
 DEPONENT
 30-4-24

VERIFICATION

I, the above named deponent, do hereby verify that the contents of para no. 1 to 11 of my above affidavit are true to my knowledge and belief. No material has been concealed therefrom.

Chakia District. Chandauli - P.N. 232103
 Verified at 30 on this 04 of April 2024.

बलराम सिंह देव
 BALIRAM SINGH
 DEPONENT
 30-4-24



SWORN & VERIFIED
 BEFORE ME

L. J. Singh Adv

M.R. AHMAD ADV.
 NOTARY GOVT. OF U.P.
 CHAKIA - CHANDAULI

30-4-24