

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

APPEAL NO. 217 OF 2025 (WZ)

IN THE MATTER OF:

SURTI MOHAMMAD IRFAN

... APPELLANT

VERSUS

STATE OF GUJARAT & ORS.

... RESPONDENT

**WRITTEN SUBMISSION ON BEHALF OF APPELLATE AUTHORITY –  
RESPONDENT NO. 1**

1. The present appeal has been filed under Section 18(1) read with Section 16(a) of the National Green Tribunal Act, 2010 challenging the order dated 6.06.2025 passed by the Appellate Authority under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the "Water Act").
2. The Appellate Authority is a quasi-judicial authority conferred with limited adjudicatory powers under Section 28 of the Water Act. The Appellate Authority has no interest in the *lis* brought before it by any party and ordinarily does not file any reply defending any order passed by it in the proceeding. Nevertheless, in view of the issues raised during the course of hearing on 3.09.2025, the present submissions are being filed on behalf of the Appellate Authority. Utmost care and caution is exercised to ensure that the submissions remain restricted to assisting the Hon'ble Tribunal on pure questions of law which have been raised during oral arguments by all parties in the context of the facts of the case.

Dipak Tamh

3. M/s N. H. H. Textile Processors (hereinafter referred to as the "project proponent" or "subject unit"), engaged in the business of process of cloth, applied for Consent to Establish and Consent to Operate under provisions of the Water Act, Air (Prevention and Control of Pollution) 1981 (hereinafter referred to as the "Air Act") and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. A Consolidated Consent and Authorisation was granted by the State Pollution Control Board on 4.01.2019. An amendment was sought by the project proponent and the same was also granted on 19.10.2022.
4. The validity of the Consolidated Consent and Authorisation expired on 25.11.2023. An application was made for renewal of the permission on 22.02.2024, but the same was rejected on 21.05.2024. The project proponent re-applied for renewal of the Consent to Operate with the State Pollution Control Board on 27.05.2024. The Board granted a Consolidated Consent and Authorisation on 20.11.2024.
5. Strictly speaking, the subject unit did not hold a valid permission to operate the unit post 25.11.2023 till the permission was granted on 20.11.2024. Yet, the subject unit continued with the processing activity in the interregnum period.
6. The present appellant filed an application under Section 14 of the National Green Tribunal Act, 2010 before this Hon'ble Court complaining about the subject unit operating without a valid Consent to Operate and independently causing pollution. The said application was registered as Original Application No. 138 of 2024. A copy of the memo of Original Application No. 38 of 2024 is annexed herewith and marked as **Annexure R-1**. This Hon'ble Tribunal passed an order on the application issuing notice on 23.07.2024. A copy of the order dated 23.07.2024 passed in Original Application No. 138 of 2024 is annexed herewith and marked as **Annexure R-2**. During the pendency of the application, the Consolidated Consent

Dipak Ranby

and Authorisation dated 20.11.2024 granted by the State Pollution Control Board was placed on record of the proceedings before this Hon'ble Tribunal. The appellant did not challenge the Consolidated Consent and Authorisation dated 20.11.2024 by seeking an amendment in the pending application. Instead, the appellant laid a challenge to the Consolidated Consent and Authorisation dated 20.011.2024 by filing an appeal before the Appellate Authority under Section 28 of the Water Act. The said appeal was filed on 19.12.2024. A copy of memo of appeal is annexed herewith and marked as **Annexure R-3**. Post filing of the appeal, the appellant placed on record the filing receipt as one of the documents under Interlocutory Application No. 183 of 2025 filing in Original Application No. 138 of 2024. This Hon'ble Tribunal after taking note of the issuance of the Consolidated Consent and Authorisation dated 24.11.2024 disposed of the Original Application No. 138 of 2024 by an order dated 5.08.2025, a copy of which is annexed herewith and marked as **Annexure R-4**.

7. At the time when the appeal was filed before the Appellate Authority as also on the date on which the Appellate Authority heard the parties on the appeal, Original Application No. 38 of 2024 was pending before this Hon'ble Tribunal. Needless to state that this Hon'ble Tribunal is hierarchically superior to the Appellate Authority as an appeal against the order passed by the Appellate Authority lies before this Hon'ble Tribunal under Section 33-B of the Water Act. It is an established principle of law that no litigant can be allowed or permitted to pursue parallel proceedings simultaneously for the same or similar or even overlapping cause of action. This principle is aimed at avoiding multiplicity of proceedings, abuse of the process of law and the possibility of rendering of conflicting decisions by the different forums. The Appellate Authority, as mentioned in the impugned order, therefore did not entertain the appeal on the ground of judicial comity and propriety by recording that Original Application No. 138 of 2024 filed by the same party is pending before the Hon'ble Tribunal.

Sipali Tambe

8. The appeal was filed challenging the Consolidated Consent and Authorisation dated 20.11.2024 granted in favour of the subject unit; however, the subject unit was not made a party to the appeal proceeding. It is one of the most basic principles of law that an order passed in favour of any person cannot be challenged in any proceeding without making such person a party to the said proceeding. The passing of an order in favour of a person vests in him a legal right and such legal right cannot be defeated without including him as a party in the proceeding challenging the order or without hearing him in such proceeding. It is therefore absolutely necessary for any party seeking to challenge an order passed in favour of a different person to join such person in the challenge proceeding. Such obligation of joining the person likely to be affected by any order, particularly adverse order, is cast solely and exclusively upon the party bringing the challenge to the Appellate Authority. The appellant, for reasons best known to him, chose not to join the project proponent as a party to the appeal proceeding. No application was made post filing of the appeal seeking leave to amend the memo of parties and join the project proponent as a respondent in the array of parties. The appeal suffered from a manifest and obvious vice of non-joinder of necessary party and rendered itself liable to dismissal.
9. The Appellate Authority is a creature of the statute and enjoys only such powers as are expressly conferred upon it by the enacting statute. Under the Water Act, the Appellate Authority has been granted limited jurisdiction of examining the legality and correctness of orders made by the State Pollution Control Board under Sections 25, 26 and 27 of the Water Act. The Appellate Authority does not possess any inherent or plenary powers and cannot exercise jurisdiction over subject matter beyond the description of its appellate power contained in Section 28 of the Water Act, much less over matters under different statute.

Dipali Tamh

10. Consolidated Consent and Authorisation dated 20.11.2024 granted to the project proponent is a composite permission granted under different Acts. The compound and fused permission was challenged the Appellate Authority only to the extent it violated the provisions of the Water Act. It is not open or permissible for the Appellate Authority to split the consolidated consent, bifurcate the consent pertaining to the provisions of the Water Act and quash the same on legally permissible grounds.
11. The Hon'ble Supreme Court in the case of ***T.N. Pollution Control Board v. Sterlite Industries (I) Ltd.***, reported as (2019) 19 SCC 479 had an occasion to consider the maintainability of an appeal before the National Green Tribunal challenging composite order made by the Tamil Nadu Pollution Control Board under Section 33-A of the Water Act and Section 31-A of the Air Act directing that the unit of the project proponent in the said case to not resume production without obtaining prior approval/renewal or consent from the State Pollution Control Board. The Hon'ble Supreme Court held thus:

"32. From the above authorities, it is clear that an appeal is a creature of statute and an Appellate Tribunal has to act strictly within the domain prescribed by statute. It is obvious that an appeal would lie from an order or decision of the appellate authority under Section 28 of the Water Act to the NGT only under Section 33-B(a) of the Water Act read with Section 16(a) of the NGT Act. Similarly, an appeal would lie from an order or decision of the appellate authority under Section 31 of the Air Act to the NGT only under Section 31-B of the Air Act read with Section 16(f) of the NGT Act. Obviously, since no order or decision had been made by the appellate authority under either the Water Act or the Air Act, any direct appeal against an original order to the NGT would be incompetent. NGT's jurisdiction being strictly circumscribed by Section 33-B of the Water Act, read with Section 31-B of the Air Act, read with Sections 16(a) and (f) of the NGT Act, would make it clear that it is only orders or decisions of the appellate authority that are appealable, and not original orders. On the facts of the present case, it is clear that an appeal was pending before the appellate authority when the NGT set aside the original order dated 9-4-2018. This being the case, the NGT's order being clearly outside its statutory powers conferred by the

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Water Act, the Air Act, and the NGT Act, would be an order passed without jurisdiction."

In view of the clear enunciation of law, it would not be within the jurisdictional competence of the Appellate Authority to split the impugned Consolidated Consent and Authorisation dated 20.11.2024, examine the propriety of such permission in the context of provisions of or violations under the Water Act, and declare the composite authorisation or only a part thereof to be bad in law in so far as it relates to the Water Act.

12. A legal submission was made on behalf of the appellant during hearing held on 3.09.2025 that Appellate Authority under the Water Act and the Air Act have been constituted under a common notification issued by the State Government and therefore the Appellate Authority under the Water Act is the same as under the Air Act. This submission shall be suitably answered by the learned Advocate appearing for the Appellate Authority at the time of hearing. However, suffice to say that the said submission is thoroughly misconceived as suffering from improper understanding of law. Only the constitution of the Appellate Authority under respective enactments is jointly notified; however, the Appellate Authority under each enactment remains distinct and enjoys only such jurisdictional power as is conferred upon such Appellate Authority under the respective parent statute. It would be apposite to refer to the observations made by the Hon'ble High Court of Gujarat in the case of *Evergreen Apartment Co-operative Housing Society Ltd. v. Special Secretary (Appeals), Revenue Deptt., Gujarat State*, reported as 1990 SCC OnLine Guj 99:

12. There is much substance in the second submission of Mr. Hawa also. Ordinarily when a transfer of property takes place by a registered account an entry is effected in the revenue record and it is certified by the mamlatdar after making necessary inquiries. If there is any dispute regarding mutation, the dispute has to be entered in the register of the disputed cases and then such disputes are to be disposed of by the Mamlatdar. Under sub-rule (5) of Rule 108 of the Rules, the aggrieved party can prefer an appeal within 60 days from the date of the service of the order.

Dipal Tamh

The State Government has power to call for and examine the record of any enquiry or the proceedings of any subordinate revenue officer and to review the same under sub-rule (6) of the rules. It is to be noted in the present case that no appeal had been presented within 60 days from the date of Mamlatdar's order certifying the initial entry, the Assistant Collector, Surat took the said entry in suo motu revision, even though he had no such power under the provisions of Rule 108. It, therefore, appears that the Additional Chief Secretary, Revenue Department remanded the proceeding to the Collector for treating the same as an appeal. This was done after a period of 4 years after certification of the entry. It was only the State Government which had the power to call for a record of inquiry or proceeding under sub-rule (6) of Rule 108. Even the State Government was empowered to satisfy itself "as to the regularity of such proceedings and as to the legality or propriety of any decision or order passed in such proceedings". So the entire inquiry and revisional power has to proceed under the Bombay Land Revenue Rules and not under any enactments like the Bombay Tenancy and Agricultural Lands Act, Urban Land (Ceiling and Regulation) Act or Bombay Prevention of Fragmentation and Consolidation of Holdings Act. It is quite possible that an officer of the Revenue Department may be occupying different capacities under different enactments. That, however, would not empower him to exercise any powers under one enactment while proceeding under another enactment. So far as the proceedings under Rule 108 of the Rules, popularly known as RTS proceedings, are concerned, it is well settled that the entries made in the revenue records have primarily a fiscal value and they do not create any title. Such mutations have to follow either the documents of title or the orders passed by competent authorities under special enactments. Independently the Revenue Authorities, as mentioned in Rule 108 of the Rules, cannot pass orders of cancelling the entries on an assumption that the transaction recorded in the entry are against the provisions of a particular enactment. Whether the transaction is valid or not has to be examined by the competent authority under the particular enactment by following the procedure prescribed therein and by giving an opportunity of hearing to the concerned parties likely to be affected by any order that may be passed. Thus on this second ground also the orders of the Collector and the Additional Chief Secretary appear to be beyond their jurisdiction. The Additional Chief Secretary has held that the sale by auction was not consistent with the provisions of Section 27 of the Urban Land (Ceiling and Regulation) Act. Section 27 relates to prohibition of transfer of any urban land with a building thereon. Apart from the legal position that Section 27 has been struck down as ultra vires, it is quite obvious that no such question of transferring urban land

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with a building thereon has ever arisen in the present case. Thus, the order of the Revisional authority has proceeded on a misconception of relevant legal provisions also."

(emphasis added)

13. The Appellate Authority does not deal with the larger issue as to whether the appeal before it can be preferred only by a person who has been communicated a copy of the order made by the State Pollution Control Board under Sections 25, 26 or 27 of the Water Act or any other person in light of the observations made by the Constitutional Court and the Coordinate Bench of the Hon'ble Tribunal except to state that both these judgments do not consider the words "communicated to him" as appearing in the section as also the effect of extinguishment of legal right to lay a challenge under the statute and impermissibility of revival of such right even by way of filing of writ petition under Article 226 of the Constitution of India, 1950 before a Constitutional Court. It is submitted that Section 14 of the National Green Tribunal Act, 2010 permits entertainment of an application involving "a substantial question relating to environment" and arising out of implementation of the enactments specified in Schedule 1 if the same is preferred within a period of 06 months "from the date on which the cause of action for such dispute first arose", which period of limitation is extendable by another 60 days. Any person aggrieved by grant of Consolidated Consent and Authorisation to a project proponent can challenge the same within a period of 6 months from the date of grant of permission or within the extendable period of 60 days. Now if the term "any person" appearing in Section 28 is read expansively, as has been done in the judgments cited by the appellant, and the words "communicated to him" are interpreted to mean acquisition of knowledge by such person, it would bring about an incongruous situation and in fact lead to defeating the period of limitation prescribed in Section 14 of the National Green Tribunal Act, 2010. Orders passed by the State Pollution Control Board under Section 25, 26 and 27 of the Water Act are not put in public domain. They are only communicated to the concerned party. A third party can

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claim acquisition of knowledge of any order passed by the State Pollution Control Board under Section 25, 26 and 27 of the Water Act as per his sweet-will and approach the Appellate Authority well beyond expiration of a period of 240 days (180 days + 60 days), maintain the appeal and then challenge the order of the Appellate Authority within the statutorily prescribed timeline under Section 33-B of the National Green Tribunal Act, 2010. Such interpretation, if accepted, would give an impetus to unscrupulous litigants to circumvent the period of limitation prescribed under Section 14 of the National Green Tribunal Act, 2010 and revive a cause of action which otherwise stood extinguished by approaching the Appellate Authority at any point of time uninhibited by period of limitation. *Quando aliquid prohibetur ex directo, prohibetur et per obliquum*, which means things that cannot be done directly should not be done indirectly either, is a recognised principle of law. In a series of judgments, it has been held by the Hon'ble Supreme Court and the High Courts that "what may not be done directly cannot be allowed to be done indirectly, that would be an evasion of the statute." The provisions of a statute cannot and shall not be evaded by shift or contrivance. In the case of **Jagir Singh vs. Ranbir Singh**, reported as (1979) 1 SCC 560, the Hon'ble Supreme Court has observed thus:

"5. In order to cross the hurdle imposed by Section 397(3) it was suggested that the revision application before the High Court could be treated as an application directed against the order of the Sessions Judge instead of as one directed against the order of the Magistrate. We do not think that it is permissible to do so. What may not be done directly cannot be allowed to be done indirectly; that would be an evasion of the statute. It is a "well-known principle of law that the provisions of an Act of Parliament shall not be evaded by shift or contrivance" (per Abbot, C.J. in *Fox v. Bishop of Chester* [(1824) 2 B&C 635] ). "To carry out effectually the object of a Statute, it must be construed as to defeat all attempts to do, or avoid doing, in an indirect or circuitous manner that which it has prohibited or enjoined." (*Maxwell*, 11th Edn., p. 109). When the Sessions Judge refused to interfere with the order of the Magistrate, the High Court's jurisdiction was invoked to avoid the order of the Magistrate

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and not that of the Sessions Judge. The bar of Section 397(3) was, therefore, effectively attracted and the bar could not be circumvented by the subterfuge of treating the revision application as directed against the Session Judge's order."

In light of the aforesaid legal principles and the judicial decisions, it would not be appropriate to give a wider meaning to the term "any person" as appearing in Section 28 of the Water Act so as to include a party who is otherwise stranger to the proceedings before the State Pollution Control Board and permit such third party to challenge any order or decision of the Pollution Control Board on the ground of it being violative of any environmental laws without prescription of period of limitation.

14. The above submissions made on behalf of the Appellate Authority are not aimed or intended to save the order passed by the Appellate Authority impugned in the present appeal, but only with a view to assist the Hon'ble Tribunal on pure questions of law and legal issues which have arisen in the peculiar facts of the present case.

10.09.2025  
Gandhinagar

*Dipali Tamh*  
Member  
Appellate Authority

## BEFORE THE NATIONAL GREEN TRIBUNAL

## WESTERN BENCH AT PUNE

## MEMORANDUM OF APPLICATION

(Under Section 18(1) read with section 14 and 15 of National Green  
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 138 OF 2024

IN THE MATTER OF

Mr. Surti Mohammed Irfan

.....APPLICANT

VERSUS

M/s N.H.H Textile Processors & Ors

.....RESPONDENTS

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**PLACE: AHMEDBAD**

*Mohammedirfan*

**DEPONENT**

**DATE:**

**(SURTI MOHMMEDIRFAN)**

**APPLICANT IN PERSON**

## BEFORE THE NATIONAL GREEN TRIBUNAL

1

## WESTERN BENCH AT PUNE

## MEMORANDUM OF APPLICATION

*(Under Section 18(1) read with section 14 and 15 of National Green Tribunal Act, 2010)*

ORIGINAL APPLICATION NO. 138 OF 2024

SYNOPSIS

The present application concerns the reckless discharge of untreated trade effluents containing hazardous chemicals into open pipelines connected to the Sabarmati River by the industrial unit M/s N.H.H Textile Processors located in Suez Farm, Behrampura, Ahmedabad. Furthermore, this present application also focuses on the discharge of particulate matter in the air from the powerhouse of their unit.

The Applicant is a social environmental activist and a textile machine manufacturer in the Suez Farm region of Ahmedabad. Applicant has obtained the latest inspection reports from Gujarat Pollution Control Board, which reveals the noncompliance and illegal operation of the unit M/s N.H.H Textile Processors in accordance with Consolidated Consent of Authorization which is a clear prima facie leading to the pollution of river Sabarmati. CCA of M/s N.H.H Textile Processors pertains to ZLD conditions but while inspection, this unit is not complying with the conditions stated in CCA under Water Act, 1974.

The sample report of the air pollutant reveals exceeded amount of Particulate matters which pollutes the air and raises the concern of public health and safety. The Applicant alleges that M/s N.H.H Textile Processors is in violation of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, and other relevant environmental laws and regulations. The Applicant further alleges that the, GPCB, has failed to take appropriate action against M/s N.H.H Textile Processors for its non-compliance, thereby neglecting its statutory duties.

*Aslam. Yusuf*

## BEFORE THE NATIONAL GREEN TRIBUNAL

2

## WESTERN BENCH AT PUNE

## MEMORANDUM OF APPLICATION

(Under Section 18(1) read with section 14 and 15 of National Green  
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 138 OF 2024

DATE OF EVENTS

Date	Particulars
19/03/2022	Previous Closure order passed to N.H.H Textile Processors by G.P.C.B for willful violations of compliances.
14/10/2022	Issue of Consolidated Consent of Authorization-Amendment to M/s N.H.H Textile Processors
25/11/2023	Expiration of CCA-Amendment of M/s N.H.H Textile Processors
08/01/2024	Applicant came to know about illegal discharge by M/s N.H.H Textile Processors
30/01/2024	Cause of Action:- Inspection carried out by G.P.C.B at the premises of M/s N.H.H Textile Processors
22/02/2024	Application for renewal of CCA by N.H.H Textile Processors
21/05/2024	Application rejected by G.P.C.B for CCA Renewal on behalf of N.H.H Textile Processors
30/05/2024	Application given to G.P.C.B by applicant for continuation of operations by N.H.H Textile Processors.

*Adnan J. Subh*

## BEFORE THE NATIONAL GREEN TRIBUNAL

3

## WESTERN BENCH AT PUNE

## MEMORANDUM OF APPLICATION

(Under Section 18(1) read with section 14 and 15 of National Green  
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 138 OF 2024

MEMO OF PARTIESIN THE MATTER OF

Mr. Surti Mohammed Irfan,

Gender: Male , Age:53 Years,

S/o: Yakub Bhai Surti

Address: 4051 Behind Old Anjuman School, Gollimda, Astodia  
Road, Ahmedabad-380001.

Ph: 9825317747

Email: [surti\\_irfan2577@gmail.com](mailto:surti_irfan2577@gmail.com)

.....APPLICANT

## VERSUS

1. M/s N.H.H Textile Processors

Through Proprietor: Yasin F Hokabaj.

Address: New Dhor Bazar, Opposite Shell Petrol Pump,  
Behrampura, Suez farm Pirana Road, Ahmedabad:380022

Ph: 9821026455

Email: [yasinhokabaj@gmail.com](mailto:yasinhokabaj@gmail.com)

2. Gujarat Pollution Control Board

Through Chairman GPCB, Shri R.B Barad.

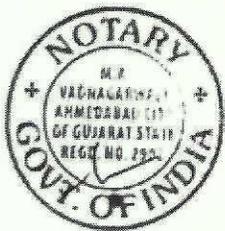
Address: Paryavaran Bhavan, Sector-10A, Gandhinagar,  
Gujarat-382010

Ph: 079-23222425

Email: [chairman-gpcb@gujarat.gov.in](mailto:chairman-gpcb@gujarat.gov.in)

3. Ahmedabad Municipal Corporation

Through Municipal Commissioner



*Yasin F. Hokabaj*

Address: Central Zone Office, Sardar Patel Bhavan,  
Municipal Corporation, Danapith - Khamasa,  
Ahmedabad, Gujarat: - 380001  
Ph: 079-25391811  
Email: [mc@ahmedabadcity.gov.in](mailto:mc@ahmedabadcity.gov.in)

4. Central Pollution Control Board

Through Regional Director, Shri. Prasoon Gargava  
Address: Parivesh Bhawan, Aatmajyoti Ashram Rd, Opposite  
VMC Ward Office No. 10, Subhanpura, Vadodara, Gujarat  
390023  
Ph: 0265 239 2603  
Email: [prasoon.cpcb@nic.in](mailto:prasoon.cpcb@nic.in)

5. Ministry of Environment Forest and Climate Change,  
Government of Gujarat

Through Principal Secretary, Shri. Sanjeev Kumar  
Address: Block 14, 8<sup>th</sup> floor, Sachivalaya, Gandhinagar - 382  
010.Gujarat.  
Ph: 079-23251051/23251053  
Email: [secfed@gujarat.gov.in](mailto:secfed@gujarat.gov.in) .....RESPONDENTS

**LIMITATION CLAUSE**

Under section 14 and section 15 of national green tribunal act 2010,  
an application filed within six months dated 30.01.2024 on which  
cause of action arises imposing threat to environmental violations

TO,

**THE HON'BLE JUDGE AND HON'BLE EXPERT MEMBER  
OF NATIONAL GREEN TRIBUNAL, WESTERN ZONE AT  
PUNE.**

**MOST RESPECTFULLY SHOWETH THAT: -**

1. The applicant being environmental social activist and a textile machine manufacturer, upholds the work at Suez farm, Behrampura Ahmedabad raises a grievance on behalf of a textile industry named M/s N.H.H Textile Processors located at the address mentioned in the memo.



*Islam. J. Sub*

2. M/s N.H.H Textile Processors is a cloth processing unit located in the Behrampura region of Ahmedabad where this industry is involved in operations such as printing, dyeing, bleaching, washing etc. This unit utilizes a large amount of water blended with hazardous chemicals such as Sulphuric Acid, Caustic, Hydrogen peroxide and various other hazardous chemicals for their cloth processing. This unit is equipped with more than 30 Machineries comprising Jigger Machines, Printing machines, Print Washers etc. to enable the production activities of the unit.
3. This unit comprises of a powerplant equipped with a) 02 TPH Steam Boiler and b) Thermic Fluid Heater having capacity of 1000 U.
4. The applicant raises the concern regards to the discharge of chemical blended water into the open pipelines of the Ahmedabad Municipal Corporation further leading to the river Sabarmati which in turns pollutes the river Sabarmati, damages the ecosystem and ground water and also imposes a severe threat to the lifecycle of aquatic flora and fauna.
5. The applicant raises concern with regard to the pollutants emitted by the boiler of M/s N.H.H Textile Processors in the air causing serious harm to the respiratory and neurological systems of living organisms.
6. Considering the above grievances, the applicant obtained an information by placing an RTI from Gujarat Pollution Control Board for the Inspection carried out by the statutory authority and the Consolidated consent of Authorization (CCA) on behalf of M/s N.H.H Textile Processors, therefore Inspection Report provided by G.P.C.B is annexed as **Annexure A-2** and the copy of CCA is annexed as **Annexure A-3**.



*Aslam. J. Sark*

7. The inspection was carried out by G.P.C.B officials as on 30/01/2024 (Refer Annexure A-2) and the unit was found in operation. Referring to the validity of CCA of M/s N.H.H Textile Processors, it was valid from 14/10/2022 to 15/11/2023 (Refer Annexure A-3), therefore during the site inspection by G.P.C.B officials' unit was found in operation without a valid CCA.
8. Referring to the inspection report, it is claimed that this unit is operational on ZLD i.e. Zero Liquid Discharge plant. It is mentioned in the inspection report that unit has provided P+S+T ETP (Effluent Treatment plant) units and proposed UF (Ultra Filtration) and two stage RO (Reverse Osmosis), MEE (Multiple effect evaporator) + ATFD (Agitated thin film dryer) having capacity 5 KL/day.
9. The findings of the inspection report reveal that during inspection ETP units were observed in operation hence two samples were collected from ETP, one from the collection tank and the final holding tank. Referring to the flow diagram annexed in **Annexure A-7**, zero discharge can only be obtained when the trade effluent is passed in Ultrafiltration, stages of Reverse Osmosis, Multi Effect Evaporator and Agitated thin film dryer. Sample collection for the units complying with ZLD plant should be made stage wise where samples also need to be collected from RO permeate tank, RO condensate tank to analyze the functioning of ZLD unit.
10. A reference Inspection report of another industry named **A.R Enterprises** claiming to be operational on ZLD basis located in the vicinity of M/s N.H.H Textile processor is placed on record herewith as **Annexure A-11**. The observations reveal that 4 samples were collected stage wise from this unit during inspection stage.
11. Therefore, while inspection samples were taken only from the ETP's and therefore when a trade effluent is not passed in



*Aslam. M. Sub*

stages of Reverse Osmosis, M.E.E and A.T.F.D indicates a clear prima facie that the discharge is made somewhere else i.e. into the sewerage.

12. Other findings of the inspection report of M/s N.H.H Textile Processor indicated that one flue gas emissions sample is collected from common stack. The emission analysis sample report for flue gas is thereto annexed as **Annexure A-4** which suggests that the measured value of particulate matters is **162 mg/Nm<sup>3</sup>** which exceeds the permissible limits i.e. **150 mg/Nm<sup>3</sup>**; this can be referenced with the values permitted by G.P.C.B in the CCA. (Refer Annexure A-3).

13. The exceeding PM content in the flue gases inhibits a clear prima facie that the air pollution controlling equipment's are not working up to the mark and needs to be overhauled.



14. It is submitted that according to the studies, including systematic review and meta-analysis published in various journals, showed that there exists a correlation between exposure to particulate matter (PM) in the air and mental health issues. That fine particulate matter (PM<sub>2.5</sub>) and coarse particulate matter (PM<sub>10</sub>) have been associated with an increased risk of depression, anxiety, and other mood disorders. However, the limited literature and methodological challenges, including heterogeneous outcome definition, exposure assessment, and residual confounding, suggest the need for further studies to investigate potentially causal associations between air pollution and poor mental health.

15. That in the current systematic review and meta-analysis examined 22 relevant studies, ultimately including 9 in their primary analyses. In a meta-analysis focusing on long-term exposure to PM<sub>2.5</sub> and depression (5 studies), a significant association was found, with a pooled odds ratio of 1.102 per 10-pg/m<sup>3</sup> increase in PM<sub>2.5</sub>. Two studies on long-term PM<sub>2.5</sub> exposure and anxiety also showed significant positive

*Jaleem. M. Surti*

associations. The results emphasize the potential impact of air pollution on mental health, urging consideration in public health strategies.

Reference: Braithwaite I. Zhang S. Kirkbride JB. Osborn DPJ. Hayes JF. "Air Pollution (Particulate Matter) Exposure and Associations with Depression, Anxiety, Bipolar, Psychosis and Suicide Risk: A Systematic Review and Meta-Analysis." Environ Health Perspect. 2019

16. Referring to the compliance observed in the inspection and the instructions in the previous visits, this industry has not fulfilled the compliances and the directions given by the Pollution control board. It was instructed by G.P.C.B to this unit as on 27/09/2022 that the unit should resolve the technical anomalies in the flow meter placed in R.O system of ZLD, as the fault is restored inform GPCB and upload photographs , but till date this unit has not complied with the instructions further violating the condition under water act 1974, stated as 3.4, 3.5, 3.6 and 3.7 of CCA (Refer Annexure A-3)

17. Unit has approached the G.P.C.B for the renewal of its CCA, by filing a renewal application to GPCB dated 22/02/2024 with reference to Inspection ID: 773505 which came to be rejected on 25/05/2024. The Status of CCA approval is annexed thereto as **Annexure A-9**.



18. Even after the rejection of CCA by the Pollution control board, this unit continues its operations till date willfully violating the conditions of the various laws and acts pertaining to the Environment. Copy of Application given to GPCB is annexed thereto as **Annexure A-8**

#### RELIEF SOUGHT

- Direct the Gujarat Pollution Control Board (GPCB) to immediately pass a closure order against M/s N.H.H Textile Processors for their continued non-compliance with

*Islem. J. Sub*

environmental norms and illegal operation without a valid Consolidated Consent of Authorization (CCA)

- Direct the GPCB to ensure that, while passing the closure order, the electricity supply to M/s N.H.H Textile Processors is disconnected to prevent the unit from operating during midnight hours or using captive power plants.
- Direct the GPCB not to grant any amendment to the CCA or renewal of the CCA to M/s N.H.H Textile Processors until the next date of hearing before this Hon'ble Tribunal.
- Under Section 15 of the National Green Tribunal Act, 2010, direct the GPCB to impose heavy compensations on M/s N.H.H Textile Processors for the environmental damage caused by their unauthorized and illegal activities, and for their continued non-compliance with environmental norms and regulations.
- Pass any other order or direction that this Hon'ble Tribunal deems fit and proper in the interest of justice, equity, and good conscience

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

*Irfan. Y. Surti*

PLACE: AHMEDBAD

DEPONENT

APPLICANT IN PERSON

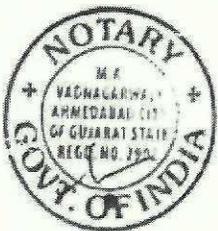
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#### VERIFICATION

I, Surti MohammedIrfan s/o Yakubbbhai Surti residing at 4051, Behind Old Anjuman School, Gollimda, Astodia Road, Ahmedabad, Gujarat-380001, do hereby solemnly affirm and declare that the above application is drafted by me and the contents of the application are true and correct as per official record and best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

11 JUN 2024

Verified at Ahmedabad, on \_\_\_\_\_ day of \_\_\_\_\_ 2024.



VERIFIED BY ME

*M. A. Vadnagarwala*  
M. A. VADNAGARWALA  
Advocate

*Irfan. Y. Surti*

DEPONENT

APPLICANT IN PERSON

## BEFORE THE NATIONAL GREEN TRIBUNAL

## WESTERN BENCH AT PUNE

## MEMORANDUM OF APPLICATION

(Under Section 18(1) read with section 14 and 15 of National Green  
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 138 OF 2024

IN THE MATTER OF

Mr. Surti Mohammed Irfan .....APPLICANT

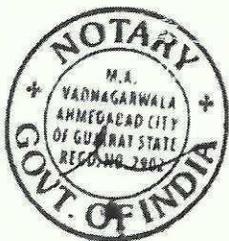
## VERSUS

M/s N.H.H Textile Processors & Ors .....RESPONDENTS

AFFIDAVIT

I, Surti Mohammed Irfan S/o Yakub Bhai R/o 4051 Behind Old Anjuman School, Gollimda, Astodia Road, Ahmedabad-380001 do hereby state on solemn affirmation as under:

1. That I am the petitioner in the above-mentioned Original Application and I am fully conversant with the facts and circumstances of the case. As such, I am competent to swear this affidavit.
2. That the contents of accompanying application and all the Annexure pages have been duly understood and written by me and the contents thereof are true and correct to my knowledge.
3. That the annexures which are being annexed to the accompanying application are true copies/translations of their respective originals
4. That the facts stated in the above paragraph of my affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.



SR. No. 214/2024  
2005

M.A. VADNAGARWALA  
NOTARY  
GOVT. OF INDIA

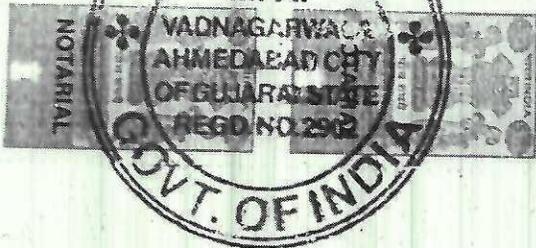
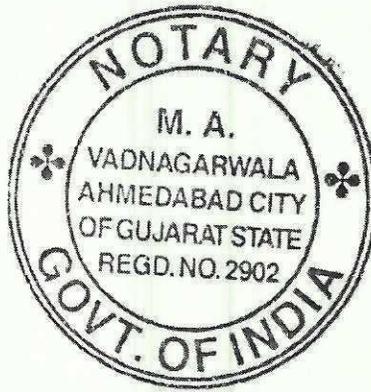
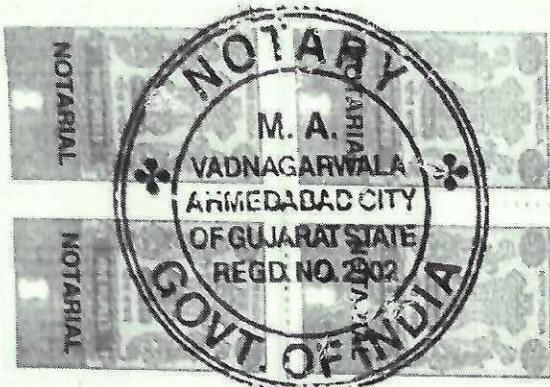
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*Surti M. Irfan*

DEPONENT

(SURTI IRFAN Y)

10/A



SOLENNY AFFIRMED  
BEFORE ME

*M. A. Vadnagarwala*

M. A. VADNAGARWALA  
NOTARY  
Govt. of India

11 JUN 2024

Item No.3

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.138/2024(WZ)**

Mr. Surti Mohmmmed Irfan

.....Applicant

*Versus*

M/s N.H.H Textile Processors &amp; Ors.

....Respondents

Date of hearing: 23.07.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant in-person

**ORDER**

1. The contention of the applicant is that respondent No.1- M/s. N.H.H Textile Processors, a cloth processing unit located in the Behrampura region of Ahmedabad, is operating without valid Consent to Operate. The Unit has violated condition pertaining to Zero Liquid Discharge (ZLD) stipulated in CC&A (Combined Consent & Authorization) dated 19.12.2022, which was valid only till 20.11.2023. The Industry is involved in operations such as printing, dyeing, bleaching, washing etc. This unit utilizes a large amount of water blended with hazardous chemicals, such as Sulphuric Acid, Caustic, Hydrogen peroxide and various other hazardous chemicals for cloth processing. The discharge of chemical blended water into the open pipelines of the Ahmedabad Municipal Corporation leading to the river Sabarmati pollutes the river, damages the eco-system and ground water and also imposes a severe threat to the lifecycle of the aquatic flora and fauna.

2. Considering the averments made in the present application, we *prima facie* find that substantial question relating to environment has been raised and therefore, we admit this Original Application.
3. Issue Notice to the respondents, returnable within four weeks.
4. Applicant/Registry is directed to take necessary steps for service of notice to the respondents by both ways and also on available email.
5. Applicant is directed to supply the copy of the application and relevant documents to the respondent within a week and after compliance of service of notice, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondents.
6. Respondents are directed to submit their reply/counter affidavits through e-filing portal of NGT, preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, within four weeks.
7. We direct the respondent No.2- GPCB to visit the impugned unit and submit factual and action taken report within 4(four) weeks.
8. Place this matter for further consideration on 04.10.2024

**Sheo Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

July 23, 2024  
Original Application No.138/2024(WZ)  
P.Kr & NPJ

THE APPELLATE AUTHORITY CONSTITUTED UNDER SECTION 28  
OF THE WATER (PREVENTION AND CONTROL OF POLLUTION),

1974

SURTI MOHAMMED IRFAN

Versus

GUJARAT POLLUTION CONTROL BOARD

## INDEX TO DOCUMENTS

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2.	<u>ANNEXURE A-1</u> Copy of the Consent Order No. AWH-138352 dated 16.11.2024	18-24
3	<u>ANNEXURE A-2</u> Copy of CCA Amendment Letter No. GPCB/ABD/AMC/CCA-795(2)ID:12676	25-30
4	<u>ANNEXURE A-3</u> Copy of GPCB Inspection Report No. 65950-14/02/2024, inspection dated 30.01.2024	31-36
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6	<u>ANNEXURE A-5</u> Copy of the GPCB Inspection Report No. 66639-18/05/2024 inspection dated 16.05.2024	43-45
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8	<u>ANNEXURE A-7</u> Copy of the GPCB Inspection Report No. 67151-12/08/2024, inspection dated 19.07.2024	47-53
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**RECEIVED**  
Forests & Environment Dept.  
Sachivalaya, Gandhinagar.

19 DEC 2024

No.: 218740

Sign.:

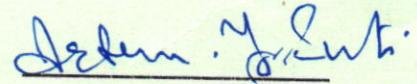
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23/12

	Copy of GPCB Closure Order No. GPCB/ABD/AMC/ID-12676/CCA-795(2) dated 05.09.2024	
<b>11</b>	<b><u>ANNEXURE A-10</u></b> Copy of the GPCB Inspection Report No. 67396-28/09/2024, inspection date 26.06.2024	<b>58-69</b>
<b>12</b>	<b><u>ANNEXURE A-11</u></b> Copy of the GPCB Show Cause Notice No. GPCB/ABD/AMC/CCA-796(2)/ID:112676 dated 28.10.2024	<b>70-71</b>
<b>13</b>	<b><u>ANNEXURE A-12</u></b> Copy of the Reply by respondent dated vide 29.10.2024 to GPCB Show Cause Notice dated 28.10.2024	<b>72-84</b>
<b>14</b>	<b><u>ANNEXURE A-13</u></b> A true-translated copy of article published in Gujarat Samachar dated 11.10.2024	<b>85</b>
<b>15</b>	<b><u>ANNEXURE A-14</u></b> Copy of GPCB Test Report No. 106539 dated 10.06.2024	<b>86-89</b>
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DATE:

PLACE: AHMEDABAD, GUJARAT



SIGNATURE OF APPELLANT

THE APPELLATE AUTHORITY CONSTITUTED UNDER SECTION 28  
OF THE WATER (PREVENTION AND CONTROL OF POLLUTION),

1974

MEMORANDUM OF APPEAL

Surti Mohammed Irfan

Versus

Gujarat Pollution Control Board

1. The appeal of Shri Surti Mohmmmed Irfan resident of 4051 Behind Anjuman School, Gollimda, Astodia Road, Ahmedabad District Ahmedabad against the Order AWH-138352 Dated 16/11/2024 passed by the State Pollution Control Board under Section 28(1) of the Water (Prevention and Control of Pollution) Act, 1974 sheweth as follows:

1. **Name of Plant/ Industry:** M/S N.H.H Textile Processors
2. **Address:** Opposite New Dhor Bazar, Behrampura, Danilimda, Ahmedabad
3. **Taluka:** Ahmedabad City
4. **District:** Ahmedabad

GUJARAT POLLUTION CONTROL BOARD	
GANDHINAGAR	
GEN CASH & CHQ / D. D. / P. O. / M.O.	
Received Rs.	5000/-
Receipt No.	5044
& Date	19-12-24
Signature	D.P. Purohit



*Surti*

2024/12/19  
NO APPL / 20 2010 / 648 / E FED  
બંધ ઓબ્સર્વેશન યોજા  
અર્થે નિ: સમીક્ષા  
25/12/2024  
25/12/24  
R.M. Irfan

**BRIEF FACTS OF THE CASE**

1. The present Appeal is being filed under Section 28(1) of the Water (Prevention and Control of Pollution) Act, 1971 by the Appellant challenging the legality and correctness of Consent Order No. AWH-138352 dated 16.11.2024 (hereinafter referred to as the 'impugned order') issued to M/s N.H.H. Textile Processors (hereinafter referred to as the 'Project Proponent') by the Gujarat Pollution Control Board ('GPCB') granting the Project Proponent Consolidated Consent and Authorization ('CCA') under the provisions of Section 25 of the Water (Prevention and Control of Pollution) Act, 1971, Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, and Rule 6(b) of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, for the operation of a Textile Processing Unit located at Behrampura, Ahmedabad (hereinafter referred to as the 'impugned unit'). A copy of the Consent Order No. AWH-138352 dated 16.11.2024 is annexed and marked herewith as **ANNEXURE A-1**.
2. It is submitted that the impugned unit is equipped with more than 30 Machineries comprising Jigger Machines, Printing machines, Print Washers etc., and comprises of a 02 TPH Steam Boiler and a Thermic Fluid Heater having capacity of 1000 U.
3. It is submitted that vide CCA Amendment Letter No. GPCB/ABD/AMC/CCA-795(2)ID:12676, the GPCB has granted CCA Amendment to the Project Proponent valid from 14.10.2022 to 25.11.2023 for operation of the impugned unit in its existing configuration.
4. That as per Condition 3.3 of the CCA Amendment Letter, the industrial water consumption of the impugned unit is 70 Kilo Liters Per Day ('KLD'), and industrial effluent generation is 50 KLD. Furthermore, out of the 70 KLD water consumption, 22 KLD is to be obtained through groundwater extraction, whereas 48 KLD is to be recycled from the industrial effluent generated by the impugned unit itself. Furthermore, Condition No. 3.5 of the CCA Amendment Letter mandates that the impugned unit is to treat the industrial effluent

*John. y. sh. 7.*



generated at the impugned unit within the premises of the unit itself, so as to achieve Zero Liquid Discharge ('ZLD'). A copy of CCA Amendment Letter No. GPCB/ABD/AMC/CCA-795(2)ID:12676 is annexed and marked herewith as

**ANNEXURE A-2.**

5. On 28.09.2023, the Project Proponent had applied for a renewal of the CCA Amendment Letter. However, no renewal of CCA was granted by the GPCB to the Project Proponent, and accordingly, the validity of the CCA Amendment Letter lapsed as on 25.11.2023.
6. Thereafter on 30.01.2024, the GPCB undertook an inspection of the impugned unit, and *inter alia* observed that the impugned unit has provided a Multi Effect Evaporator ('MEE') and Agitated Thin Film Dryer ('ATFD') having total capacity of 5 KLD. A copy of GPCB Inspection Report No. 65950-14/02/2024 is annexed and marked herewith as **ANNEXURE A-3.**
7. Herein, it is pertinent to note that as per the Application for Amendment in CCA dated 8.07.2022 submitted by the Project Proponent, the impugned unit was proposed to operate an MEE having a capacity of 10 KLD and an ATFD having a capacity of 4 KLD, thereby meaning that the cumulative MEE + ATFD capacity would equal 14 KLD. A copy of the Application for Amendment in CCA dated 8.07.2022 submitted by M/s NHH Textile Processors to the GPCB is annexed and marked herewith as **ANNEXURE A-4.**
8. Accordingly, it is submitted that the GPCB has clearly observed that Project Proponent had failed to install and operate the MEE and ATFD at the mandated capacity. The Appellant submits that such failure amounts to a deficit of treatment of 9 KLD of industrial effluent. It is further submitted that the Project Proponent is likely to have a deficit of treatment of 9 KLD of waste-water for the entirety of the duration of operation from 14.11.2022 to 25.11.2023, as well as in subsequent operation, as the capacity to treat 10 KLD in MEE and 4 KLD in ATFD does not exist at the impugned unit.

*John. J. S. S.*



9. Furthermore, another inspection of the impugned unit was carried out by the GPCB as on 16.05.2024. During the said inspection, the GPCB has observed multiple violations which are reproduced as follows:

- i. *Unit was in operation without valid CCA;*
- ii. *Waste water generation is higher than the consented levels, viz., Waste water generation was at 60KLD, whereas the consented level of waste water generated is 50KLD as per the CCA Letter;*
- iii. *MEE and ATFD were not found in operation;*
- iv. *Central Groundwater Authority (CGWA) No-Objection Certificate (NOC) to extract ground water was not obtained;*
- v. *Reverse Osmosis (RO) Permeate reading and logbook record were not matching.*

A copy of the GPCB Inspection Report No. 66639-18/05/2024 is annexed and marked herewith as **ANNEXURE A-5.**

10. Thereafter, as on 21.05.2024, the GPCB issued a Rejection Order to the Project Proponent wherein the GPCB has rejected the CCA Renewal Application dated 22.02.2024 submitted by the Project Proponent for operation of the impugned unit. That the GPCB has stated the following grounds for rejection of the CCA Renewal Application:

- i. *Any expansion and in-house ZLD system for existing units are not acceptable considering current scenario of Ahmedabad city area.*
- ii. *As per AR shows of Air sample's AR shows results of parameter – PM 433 MG/NM3 which higher than consented norms.*
- iii. *Unit has not pay due lab bill till date.*

A copy of the GPCB Rejection Order No. GPCB/ABD/CCA/ABD-AMC-88/811973 dated 21.05.2024 is annexed and marked herewith as **ANNEXURE A-6.**

11. Therefore, it is submitted that the GPCB had categorically rejected the CCA Renewal Application submitted by the Project Proponent vide the said Rejection Order dated 21.05.2024.

*Atm. J. Sark.*



12. That the said Rejection Order has clearly stated that the operation of the impugned unit without prior consent is a punishable offence under the relevant statutes. Furthermore, the GPCB has directed the Project Proponent to 're-apply for obtaining valid CCA'.

13. However, it is submitted that despite the above-mentioned directions issued vide the said Rejection Order, the Project Proponent continued to illegally operate the impugned unit, as is evident per the GPCB Inspection carried out on 19.07.2024, wherein the GPCB has observed *inter alia* the following violations:

- i. *Unit was found in operation without valid CCA;*
- ii. *CCA of unit is expired on 25.11.2023, and thereafter unit had applied for CCA Renewal which was rejected;*
- iii. *MEE and ATFD was not found in operation;*
- iv. *No ETP logbook at site and no bore well log-book shown of current month;*
- v. *Quantity of ETP Sludge found on premises not justifiable against the production taken;*
- vi. *Discrepancies in RO Reject Reading in logbook;*
- vii. *Flow meter provided at UF Inlet is faulty.*

A copy of the GPCB Inspection Report No. 67151-12/08/2024 is annexed and marked herewith as **ANNEXURE A-7.**

14. That it is pertinent to note that due to the above-mentioned observed violations of environmental regulations, the Appellant had himself instituted legal proceedings against the Project Proponent before the Hon'ble National Green Tribunal in Original Application No. 138 of 2024(WZ), seeking directions against the Project Proponent for violations of environmental regulations. That vide order dated 23.07.2024, the Hon'ble NGT was pleased to admit the matter, which is presently *sub-judice* before the Hon'ble NGT. A copy of admission order dated 23.07.2024 in OA 138 of 2024(WZ) is annexed and marked herewith as **ANNEXURE A-8.**

*John. John*



15. It is submitted that due to observed violations during inspection dated 19.07.2024, the GPCB issued Closure Notice dated 5.09.2024 to the Project Proponent, and accordingly directed closure of industrial activity within 15 days of receipt of the said Notice. That the following were the specific reasons provided by the GPCB for Closure of the impugned industrial unit:

**"AND WHEREAS**, during inspection of your industrial unit on 19/07/2024 under section-23 of Water Act by the authorized officers of the Board to verify the compliance of environmental norms/consent conditions it has been noticed that

**1) During inspection dyeing, printing and finishing activity is going on.**

**2) Unit has not renewed permission of CGWA**

**3) Flow meter provided at UF inlet is faulty**

**4) At site there is not ETP logbook and no borewell logbook shown of current month.**

**5) During inspection the stock of ETP sludge observed is around 8MT. Lastly ETP sludge disposed as per XGN manifest record is on 31/12/2021, thus considering this fact this unit has been asked to submit the clarification for no disposal of ETP sludge after 31/12/2021 and quantity of sludge stored i.e. 8MT, which is not justifiable.**

**6) Unit has not stored MEE salt and ETP sludge in different dedicated bags and area.**

**AND WHEREAS**, during the above inspection written instructions were issued to you for taking corrective measures for non-compliances observed.

**AND WHEREAS** you have submitted reply/compliance with respect to above written instructions which is not acceptable by the Board."

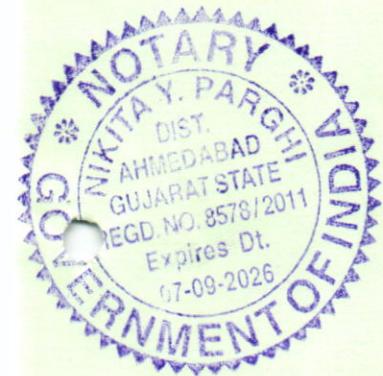
A copy of GPCB Closure Order No. GPCB/ABD/AMC/ID-12676/CCA-795(2) dated 5.09.2024 is annexed and marked herewith as **ANNEXURE A-9.**

16. Thereafter, another inspection of the impugned industrial unit was carried out by the GPCB as on 26.09.2024 wherein the GPCB has yet again observed several violations in operation of the impugned industrial unit. A copy of the GPCB Inspection Report No. 67396-28/09/2024 is annexed and marked herewith as **ANNEXURE A-10.**

17. Accordingly, the GPCB has issued Show Cause Notice to the Project Proponent wherein the GPCB has detailed *inter alia* the following non-compliances observed during inspection dated 26.09.2024:

**"1. You have provided primary-secondary-tertiary ETP unit, UF, RO-1, RO-2, MEE and ATFD, out of which MEE and ATFD were not found in operation, during the inspection.**

*Atul. J. Joshi*



2. As per available record at site, flow meter reading was 2265 m<sup>3</sup> on 25/09/2024 and the reading was noted as 2508.4 m<sup>3</sup> during the inspection on 26/09/2024; **difference of these readings (243.4 m<sup>3</sup>/day) indicate that water consumption is higher than that shown in consent application.** Further, you have admitted vide your letter dated 02/10/2024 that the flow meter on the bore well line was faulty.

3. Readings of the flow meter provided on the pumping line from the Collection Tank was noted 3580.3 m<sup>3</sup> on 25/09/2024 and it was noted as 4260 m<sup>3</sup> during the inspection on 26/09/2024; difference of these readings (679.7 m<sup>3</sup>/day) **indicate that effluent quantity is higher than the consented quantity.** Further, you have admitted vide your letter dated 2/10/2024 that the flow meter on the Collection Tank line as faulty."

(emphasis supplied)

18. Accordingly, the GPCB directed the Project Proponent to take *inter alia* the following corrective actions:

"1) Submit logbook of MEE operation of last six months along with month wise summary of effluent generation, RO reject evaporation and salt generation from MEE, etc."

A copy of the GPCB Show Cause Notice No. GPCB/ABD/AMC/CCA-796(2)/ID:112676 dated 28.10.2024 is annexed and marked herewith as

**ANNEXURE A-11.**

19. Herein, it is pertinent to note that the said Show Cause Notice dated 28.10.2024 clearly observes that groundwater consumption is 243.4 m<sup>3</sup>/day or 243000 Liters per day higher than the mandated levels of groundwater extraction.

20. It is submitted that the Project Proponent must necessarily have to over-extract groundwater so as to meet his total water requirement of 70 KLD, as there will necessarily be a shortfall in the 48 KLD to be received from recycled water.

21. Furthermore, it is submitted that in response the GPCB Show Cause Notice dated 28.10.2024, the Project Proponent has submitted the Reply dated 29.10.2024 wherein the Project Proponent has submitted the following:

"We are informing you that we will assure your good office that we will comply all condition as per mention in CCA order which the board grants and we will update monthly return on regular basis. **We have attached herewith logbook for MEE operation for last six month along with summary of effluent generation, RO Reject evaporation and salt generation from the MEE.**"

(emphasis supplied)

A copy of the Reply dated 29.10.2024 to GPCB Show Cause Notice dated

*John. J. J.*





- C. The Project Proponent is over-extracting groundwater and is likely to continue such over-extraction
- D. The Project Proponent is not generating ETP sludge which indicates non-operation of ZLD
- E. Project Proponent operated the impugned industrial unit for 355 days without a valid CCA
- F. Observed Air pollution being caused by the impugned unit
- G. No valid justification by the Project Proponent for violations observed

**A. The Impugned Unit Cannot Ensure ZLD in Present Capacity**

1. The Appellant submits that for the purposes of clarity on the operation of ZLD, the following step-by-step procedure for operation of ZLD system within the impugned unit which generates 50 KLD industrial waste-water/effluent:

- A. 50 KLD of Industrial effluent is first sent to ETP (Effluent Treatment Plant) which consist of 3 process, coagulation, biological process and clarification. During this stage the BOD (Biological Oxygen Demand) and COD (Chemical Oxygen Demand) are lowered from the water and further clarified by sending it to the screening chambers.
- B. Thereafter, 50 KLD waste-water from the ETP is sent to UF (Ultrasonic filter) where there is excessive filtration of particles having size less than 0.2um.
- C. Followed by UF the waste-water is passed with multistage RO, (Reverse Osmosis), with RO Stage 1 treating 50 KLD (30 KLD Permeate recycled), RO Stage 2 treating 20 KLD (10 KLD permeate recycled).
- D. Followed by RO, the rejected water is sent to MEE (Multiple effect evaporator) where the rejected water is evaporated and the sludge containing moisture is settled down and then sent to ATFD (Agitated thin film dryer) where the sludge is dried and separated for the final disposal. That the impugned unit was mandated to treat 10 KLD waste-water by sending it to MEE (6 KLD Condensate recycled) and 4 KLD is sent to ATFD (2 KLD Condensate recycled), which only thereafter

*John. J. Surti*



resulted in generation of Solid Waste.

1. Due to the aforementioned, the Appellant submits that the impugned unit does not have the installed capacity of MEE and ATFD to ensure that Zero Liquid Discharge is achieved whatsoever, as the GPCB itself has observed MEE and ATFD Capacity as being 5 KLD, whereas such was to be 14 KLD.
2. That the repeated observation by the GPCB of non-operation of MEE and ATFD during Inspections on 16.05.2024, 19.07.2024, and 26.09.2024, are further evidence of the fact that the impugned unit does not have the required installed capacity of MEE and ATFD to achieve ZLD from within the premises of the impugned unit.
3. Therefore, it is evident that due to an installed capacity of 5 KLD for MEE and ATFD, a deficit of 9 KLD of industrial waste-water which cannot be treated within the premises of the impugned unit is likely generated each day, and such waste-water is therefore likely being illegally discharged by the Project Proponent onto land or in water sources.
4. Owing to the fact that the impugned unit falls under the Red Category of Industries, the Appellant submits that the waste-water generated at the impugned unit is likely to contain significant toxic and noxious elements likely causing serious pollution of land and/or water.
5. That as per observations made in the GPCB Test Report dated 10.06.2024, the RO Reject Water contains values of Chloride, Sulphate, COD, BOD and TDS higher than the permissible levels, as was the case in GPCB Test Report dated 25.10.2024. A copy of GPCB Test Report No. 106539 dated 10.06.2024 is annexed and marked herewith as **ANNEXURE A-14**.
6. As previously submitted, the RO Reject Water is supposed to be sent to the MEE and ATFD for further treatment. However, such have repeatedly been observed to not be in operation, indicating that toxic RO Reject Water is being discharged illegally by the Project Proponent.
7. Accordingly, the Appellant submits that the impugned Consent Order therefore is liable to be quashed solely on this ground, as the impugned unit cannot be



*John. J. sub*

permitted to violate the mandated operation of ZLD for the waste-water generated and cause pollution of land and/or water sources.

**B. The Project Proponent has a violated multiple Consent Conditions**

1. The Appellant submits that multiple conditions imposed by the previous CCA dated 14.11.2022 and the impugned Consent Order issued on 16.11.2024 have been violated by the Project Proponent. That such conditions have been reproduced as follows:
  - i. Specific Condition 3 – Industry shall provide stand alone ZLD within premises for industrial effluent
  - ii. Specific Condition 4 – Industry shall renew CGWA permission for withdrawal of ground water time to time and submit a copy to this office
  - iii. Specific Condition 5 – Industry shall not withdraw ground water without prior permission from CGWA as per Hon'ble NGT Order
  - iv. Condition 3.5 – The quantity of industrial effluent from manufacturing process & other ancillary industrial operations shall not exceed 50 KLD
  - v. Condition 3.8 – Industry shall provide fixed pipeline with flow meter for reuse of RO permeate, MEE condensate & as well as inlet to MEE and maintain its record at site on day to day basis.
  - vi. Condition 3.9 – Industry shall maintain log book for daily operation of ETP including quantity of water consumption, effluent generation and feed to RO plants, MEE, steam consumption for MEE and make it available at site for inspection.
2. Accordingly, the Appellant submits that violations of the above-mentioned conditions have been evidenced by the GPCB vide its Inspection Reports, Show Cause Notice, and Closure Order, as well as have been elaborated in the present Appeal.
3. That the above-mentioned violations of Consent Conditions amount to serious disregard for mandated norms and environmental regulations by the Project

*John. John*

Proponent, and such non-compliance cannot be permitted by the GPCB by renewing the Consent granted for operation of the impugned unit.

**C. The Project Proponent is illegally extracting groundwater and is likely to continue such unauthorized extraction**

1. It is submitted that the technologies of MEE and ATFD are not only responsible for treatment of the industrial effluent, but the Condensate (waste-water) derived from the MEE and ATFD also services the total water consumption of the impugned industrial unit.
2. That as per the Water Balance Diagram of the impugned industrial unit, 6 KLD of MEE Condensate and 2 KLD of ATFD Condensate form a part of the total 70 KLD water requirement of the impugned industrial unit.
3. That a non-functioning of the MEE and ATFD on a daily basis necessarily means that the same amount of water, i.e., 8 KLD, must be sourced from groundwater extraction, as no other source of water has been observed by GPCB or submitted to be utilized by Project Proponent whatsoever.
4. In fact, such excessive extraction of groundwater has been observed by the GPCB as well. That such excessive groundwater extraction is recorded in Show Cause Notice dated 28.10.2024, wherein GPCB clearly observes that groundwater consumption is 243.4 m<sup>3</sup>/day or 243000 Liters per day higher than the mandated levels of groundwater extraction.
5. It is submitted that the Project Proponent must necessarily have to illegally extract groundwater so as to meet his total water requirement of 70 KLD, as there will necessarily be a shortfall in the 48 KLD to be received from recycled water. That such unauthorized extraction will likely continue as long as the impugned unit is operational, and therefore in the interest of conservation of ground-water and protection against illegal extraction thereof, the impugned Consent Order is liable to be quashed and set aside.

**D. The Project Proponent is not generating ETP sludge which indicates non-operation of ZLD**

*Asst. M. J. S. S.*



1. The Appellant submits that the failure to achieve ZLD is further evidenced by the lack of ETP Sludge that has been observed by the GPCB at the impugned industrial unit. That as per GPCB Site Inspection conducted on 19.07.24, it has been observed that the stock of ETP Sludge amounted to 8 MT, which is equal to the total annual ETP Sludge generated at the impugned industrial unit.
2. However, as per the GPCB, the last disposal of ETP Sludge was on 31.12.21. Accordingly, as the Project Proponent has not disposed any ETP Sludge for over 2 years, the stored quantity thereof within the premises of the impugned industrial unit ought to have been greater than 8 MT.
3. Owing to *inter alia* the above-mentioned discrepancy in observed ETP Sludge quantum, the GPCB has issued Closure Notice dated 5.09.24 to Respondent No. 1 directing closure of industrial activity.
4. The Applicant submits that an observed shortfall in ETP Sludge generated at the impugned industrial unit can only mean that the Project Proponent either is failing to achieve ZLD, as the ETP Sludge is the solid by-product generated after the industrial effluent is treated in the ZLD system, or is illegally dumping the ETP Sludge generated at the impugned unit.
5. That in either case, the impugned unit cannot be permitted to be operational, and accordingly, the impugned Consent Order is liable to be quashed and set aside.

**E. Project Proponent operated the impugned unit for 355 days without a valid CCA**

1. The Appellant submits that there has been a continuous operation of the impugned unit without a valid Consolidated Consent of Authorization ('CCA'), after the expiration of the previous CCA dated 14.10.22 as on 25.11.23.
2. It is submitted that the fact that the impugned unit was operational for the entire duration from the date of expiration of CCA to the date of grant of the impugned Consent Order is evident per GPCB Inspections dated 30.01.2024, 16.05.2024, 19.07.2024, and 26.09.2024.
3. In fact, the GPCB vide Rejection Order dated 21.05.2024, had categorically

*Atm. J. S. Ti*

rejected the CCA Renewal Application submitted by the Project Proponent, and explicitly stated that operation of industrial unit without valid consent is a punishable offence. However, each GPCB Inspection Report as prepared during the period after expiry of CCA dated 14.11.2022 till issuance of impugned Consent Order has repeatedly observed the impugned industrial unit in operation.

4. Therefore, the Appellant submits that it is incontrovertible that the impugned industrial unit was being operated by the Project Proponent without a valid CCA from 26.11.2023 to 15.11.2024, i.e., for a period of 355 days. Accordingly, it is submitted that such flagrant violations of environmental regulations cannot be permitted by the GPCB and therefore, the impugned unit is liable to be penalized by quashing and setting aside of the impugned Consent Order.

**F. Observed Air pollution being caused by the impugned unit**

1. It is submitted that the emissions analysis sample report for common stack of the impugned industrial unit dated 30.01.2024, clearly evidences that measured value of Particulate Matter ('PM') is 162 mg/Nm<sup>3</sup>, which exceeds the permissible limit of 150 mg/Nm<sup>3</sup>. A copy of the Analysis Report for Common Stack dated 30.01.2024 is annexed and marked herewith as **ANNEXURE A-15.**
2. Furthermore, vide the GPCB Rejection Notice dated 21.05.2024, the GPCB has clearly evidenced that Air Sample analysis of the impugned industrial unit shows results of PM level at 433 mg/Nm<sup>3</sup>, which is nearly 3 times the prescribed level. That such high PM levels are indicative of significant air pollution likely to be caused by the impugned unit, and accordingly, the impugned Consent Order is liable to be quashed and set aside so as to prevent further air pollution.

**G. No valid justification by the Project Proponent for observed violations**

1. It is submitted that due to the observations of non-operation of MEE and ATFD made in the latest GPCB Inspection Report dated 26.09.2024, the GPCB have issued Show-Cause Notice dated 26.09.2024 to Respondent No. 1 directing the

*Asst. Secy.*

Project Proponent to within 10 days take corrective action and submit logbook of MEE operation of last six months along with month wise summary of effluent generation, RO reject evaporation and salt generation from MEE.

2. In response thereto, the Project Proponent has submitted the Reply dated 29.10.2024 to Show Cause Notice dated 26.09.2024 wherein Respondent No. 1 has submitted the following:

*"We are informing you that we will assure your good office that we will comply all condition as per mention in CCA order which the board grants and we will update monthly return on regular basis. **We have attached herewith logbook for MEE operation for last six month along with summary of effluent generation, RO Reject evaporation and salt generation from the MEE.**"*  
(emphasis supplied)

3. As previously submitted, a bare perusal of the said Reply dated 29.10.2024 reveals that the logbook for the months of May 2024 to August 2024 as submitted by Respondent No. 1 do not contain any data with regards to MEE operation whatsoever, but rather, said logbook has recorded values for certain other entries viz., Panel Power Kwh, Raw M3, Raw Water/Day M3, Difference Per Day, Ultra Filter M3, Total Permeate, Permeate/Day M3, RO Reject M3(Totalizer), Reject Per Day M3, Permit TDS, Reject TDS, and Bacteria/Ltr.
4. Therefore, it is evident that the Project Proponent has failed to provide any valid justification for the observed violation of failure to operate MEE and ATFD, and have deliberately avoided providing legitimate information regarding MEE logbooks for several months.
5. Furthermore, in response to the observations of air pollution made by GPCB vide Rejection Notice dated 21.05.2024, the Project Proponent has submitted their reply to the GPCB vide Letter dated 27.05.2024, wherein, the Project Proponent has sought to further an unscientific justification regarding non-operation of boiler for some period of one week leading to PM levels in exceeding mandated levels, i.e., 433 mg/Nm<sup>3</sup> against 150 mg/Nm<sup>3</sup> permitted.
6. The Appellant submits that such justification is not supported by any scientific rationale or research whatsoever, and accordingly, the Appellant states that

*John. J. Sub.*



such invalid justification ought to have been rejected by the GPCB while considering the proposal for renewal of CCA.

7. However, notwithstanding the failure of the Project Proponent in providing valid justifications for observed violations, the Appellant submits that there is a non-application of mind by the GPCB as the GPCB has failed to take cognizance of the multiple issues detailed hereinabove. Accordingly, the Appellant submits that the GPCB ought to quash and set aside the impugned Consent Order for the above-mentioned reasons.

The appellant is dissatisfied with the order passed by Gujarat Pollution Control Board registered as AWH-138352 as on 16.11.2024 to 25.11.2025 prays to Quash and set aside the CCA Renewal order of the above listed industry.



Sign Irfan. Y. Suti.

Occupation: Business

Address: 4051 Behind old Anjuman school, Gollimda, Astodia Road, Ahmedabad 380001

Enclosed

Specimen Copy of Order AWH-138352 along with ANNEXURES A-2 to A-15.

#### VERIFICATION

I, ISUREI MOHAMMED IRFAN the appellant named in the above memorandum of appeal his authorized agent do hereby declare that what is stated herein is true to the best of my knowledge and belief

Irfan. Y. Suti.  
Signature

Appellant

Occupation

Address

Place

Date

B/o In the name of Hon'ble Governor of Gujarat

Irfan. Y. Suti.

19 DEC 2024

**THE APPELLATE AUTHORITY CONSTITUTED UNDER SECTION 28  
OF THE WATER (PREVENTION AND CONTROL OF POLLUTION),  
1974**

**AFFIDAVIT**

**IN APPEAL NO \_\_\_\_\_ OF 2024**

**IN THE MATTER OF**

**SURTI MOHAMMED IRFAN**

**.....APPELLANT**

**VERSUS**

**GUJARAT POLLUTION CONTROL BOARD**

**.....RESPONDENT**

I, Surti Mohmmmed Irfan S/o Yakub Bhai R/o 4051 Behind Old Anjuman School, Gollimda, Astodia Road, Ahmedabad-380001 do hereby state on solemn affirmation as under:

1. That I am an appellant in the above-mentioned Interlocutory Application and I am fully conversant with the facts and circumstances of the case. As such, I am competent to swear this affidavit.
2. That the contents of accompanying appeal and all the annexure pages have been duly understood and written by me and the contents thereof are true and correct to my knowledge.
3. That the annexures which are being annexed to the accompanying application are true copies/translations of their respective originals.

That the proposed facts stated in the above paragraph/ table of my affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

**SOLEMNLY AFFIRMED  
BEFORE ME**

*N. Y. Barchhi*

**NIKITA V. BARCHHI  
NOTARY  
GOVT. OF INDIA**

19 DEC 2024

*Surti. Y. Irfan*

**DEPONENT**

*Identified by me  
with bangaru  
Rohit*

*Surti. Y. Irfan*



Item No.7

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.138 OF 2024 (WZ)  
I.A. NO.183/2025 (WZ)**

Surti Mohammed Irfan

.....Applicant

***Versus***

M/s N.H.H. Textile Processors &amp; Ors.

....Respondents

**Date of hearing: 05.08.2025**

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Maitreya Ghorpade, Advocate  
Respondents : Mr. Saurabh Kulkarni, Advocate along-with  
Mr. Adwait Gokhale, Advocate for R-1/PP  
Mr. Devang Vyas, Senior Advocate along-with  
Mr. Jash Thakkar, Advocate for R-2/GPCB  
Mr. Aniruddha S. Kulkarni, Advocate along-with  
Mr. Savyasachi Bhardwaj, Advocate for R-4/CPCB  
Mr. Pushkal Mishra, Advocate for R-5/MoEF&CC

**ORDER**

1. We are passing this order in continuation to the earlier orders dated 23.07.2024, 22.11.2024, 29.11.2024 and 19.06.2025.
2. Learned counsel for the applicant has filed rejoinder affidavit dated 04.08.2025 to the reply affidavit of Respondent No.2- Gujarat Pollution Control Board (GPCB), which is taken on record.
3. Heard the argument of learned counsel for the applicant as well as that of learned counsel for the other Respondents.

4. In the present Original Application, prayer is made for a direction to be issued to Respondent No.2- GPCB to immediately pass a closure order against Respondent No.1- M/s. N.H.H Textile Processors for its continued non-compliance with environmental norms and illegal operation without a valid Consolidated Consent and Authorization (CC&A).

5. As regards to the CC&A, it is submitted by learned counsel for Respondent No.1 that the same has been obtained by Respondent No.1 on 20.11.2024, for which an application was moved on 01.06.2024. He has drawn our attention to its reply affidavit dated 20.11.2024, wherein it is submitted that the Hon'ble High Court of Gujarat *suo moto* initiated a public interest litigation, bearing Writ Petition (PIL) No.98 of 2021, *inter alia*, in respect of discharge of treated effluents by various industrial entities in the drainage line of Ahmedabad Municipal Corporation (AMC). Pursuant to the direction given by the Hon'ble High Court in the said Writ Petition, the drainage connection of various industrial entities of Ahmedabad, including Respondent No.1 were disconnected. The date of disconnection of drainage of Respondent No.1 is 07.12.2021 and thereafter, Respondent No.1 upgraded its water treatment and discharge process to incorporate the concept of 'Zero Liquid Discharge' (ZLD) and adopted the 'Dry Processing' method in addition to the existing 'Wet Processing' method in its cloth printing and dyeing activities.

6. It is further submitted by learned counsel for Respondent No.1 that in order to incorporate ZLD and Dry Processing in its industrial process, Respondent No.1 was required to seek and obtain necessary permissions from the Respondent No.2 -GPCB. Accordingly, Respondent No.1 made an application to the GPCB on 09<sup>th</sup> May, 2022 for amendment of Consent to Establish. Pursuant to the same, the GPCB amended the CTE granted to Respondent No.1 on 20.07.2022. In the meantime, on 08.07.2022,

Respondent No.1 also applied to Respondent No.2 for amendment in the Consolidated Consent and Authorization, that was renewed earlier on 04<sup>th</sup> January, 2019 and was valid upto 25.11.2023. Such amendment was necessary in order to enable Respondent No.1 to undertake operations through its upgraded facilities. Pursuant to the said application, Respondent No.2- GPCB amended the CC&A on 14.10.2022 without changing the period of validity.

7. It is further submitted by learned counsel for Respondent No.1 that the CC&A granted to Respondent No.1 was valid upto 25.11.2023. Thereafter, Respondent No.1 made an application to GPCB for the renewal of CC&A on 28.09.2023. Further, it is mentioned that while considering the request of Respondent No.1 for renewal of the CC&A, Respondent No.2- GPCB has sought a “No Drainage Certificate” issued by the AMC in respect of the said premises of Respondent No.1 to ensure compliance of the directions of the Hon'ble High Court of Gujarat in Writ Petition (PIL) No.98 of 2021. But due to non-filing of the said Certificate, Respondent No.2 rejected Respondent No.1's application for renewal of CC&A on 21.05.2024. Thereafter, Respondent No.1 immediately re-applied to GPCB for renewal of CC&A on 27.05.2024 (after gap of just 6 days), which was finally allowed on 20.11.2024.

8. Having drawn our attention to the above, it is submitted by learned counsel for Respondent No.1 that there was hardly 6 days' delay in re-applying of the said application because earlier application of CC&A was rejected only for procedural reasons, as Respondent No.1 could not obtain “No Drainage Certificate” from the BMC.

9. At this juncture, learned counsel for the applicant has opposed the ground for rejection of the said application and has drawn our attention to

the Rejection Order dated 21.05.2024, which was issued by the Gujarat Pollution Control Board (GPCB), which is annexed at page no.116 of the paper book, in which following reasons have been mentioned for rejection of the said application:

*“1. Any expansion and in-house ZLD system for existing units are not acceptable considering current scenario of the Ahmedabad city area.*

*2. As per AR shows of Air sample's AR shows results of parameter- PM-433 MG/NM<sup>3</sup> which higher than consented norms.*

*3. Unit has not paid due lab bill till date.”*

10. Having drawn our attention to the above conditions, it is submitted by learned counsel for the applicant that reason no.2 clearly mentions higher level of Particulate Matter (PM) in stack emissions, which is recorded to be 433 Mg/NM<sup>3</sup>, which is higher than consented norms. Therefore, it cannot be said that no pollution is being caused by the industry in question. It is also pointed out by him that it does not contain that the same was rejected for want of 'No Drainage Certificate' not having been produced by Respondent No.1 to Respondent No.2- GPCB. Therefore, it is urged by learned counsel for the applicant that the period from 28.09.2023 (when the application for renewal of CC&A was moved by Respondent No.1-PP to Respondent No.2- GPCB) till 20.11.2024 (i.e. the date of grant of CC&A to Respondent No.1) should be treated to be the period of violation when the industry was operated without CC&A, which comes to around 355 days as per the calculation made by the applicant and produced a chart in this regard in I.A. No.183/2025 (WZ), wherein at page no.402 of the paper book, description of days of violations are noted in tabular form, as follows:-

“

<b>Date</b>	<b>Description</b>	<b>Page No.</b>
14.10.2022	CCA Amendment Letter is issued to Respondent No. 1 by GPCB valid until 25.11.23	Pg. 23
28.09.2023	Application for Renewal of CCA dated 14.10.22 is made by Respondent No. 1 to GPCB	Pg.103
25.11.2023	The validity of CCA dated 14.10.22 lapses.	Pg. 23
21.05.2024	Application for Renewal of CCA made by Respondent No. 1 is rejected by GPCB	Pg. 116
27.05.2024	Re-Application for Renewal of CCA is made by Respondent No. 1 to GPCB	Pg. 117
5.09.2024	Closure Order issued by GPCB to Respondent No. 1 u/s 33 of the Water Act, 1974	Pg. 384
28.10.2024	Show Cause Notice issued by GPCB to Respondent No. 1 for observed violations	Pg. 235
16.11.2024	Renewal of CCA is granted to Respondent No. 1 by GPCB with validity until 25.11.2025	Pg. 195

”

11. We do not get any assistance from Respondent No.2- GPCB, as learned senior counsel for Respondent No.2 is present before us, but in their affidavit dated 21.11.2024, many details are mentioned, but not the relevant one, which we wanted from them to mention as to whether Respondent No.1 had operated its facility without valid CC&A or not. If yes, for how many days.

12. Learned senior counsel for Respondent No.2- GPCB has prayed that some time may be allowed to submit the same in a small paragraph, in order to avoid unnecessary details. But instead of now granting them time, we are of the view that we dispose of the present Original Application with the following directions to Respondent No.2- GPCB:-

- (i). Since there is a dispute with respect to the number of days of violations, as for how many days, Respondent No.1 operated its facility without a valid CC&A, this period shall be computed by the GPCB after giving hearing to the

applicant as well as Respondent No.1 within a period of one month from the date of uploading of this order;

- (ii). If the violations on the part of Respondent No.1, which are being pointed out by learned counsel for the applicant to us, are found to be there after hearing is concluded, appropriate order may be passed by the GPCB regarding that also.
- (iii). In regard to the above, a report shall be submitted by Respondent No.2 to the Registry of this Tribunal within a period of six weeks thereafter.
- (iv). Even then, any grievance remains to the applicant, he may approach us as per the law.

13. In view of order passed in the present Original Application, pending I.A. also stands disposed of accordingly.

**Dinesh Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

August 05, 2025  
ORIGINAL APPLICATION NO.138 OF 2024 (WZ)  
I.A. NO.183/2025 (WZ) IN  
P.Kr