

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

Original Application No.36/2023(WZ)

Mr. Hiren Mayurbhai Rathod

.....Applicant

Versus

State of Gujarat & Ors.

....Respondents

Date of hearing: 17.03.2025

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

Applicant	:	None present.
Respondents	:	Ms. Manvi Damle, Advocate h/f Mr. Maulik Nanavati, Advocate for R-2/GPCB Mr. Shubham Rathod and Mr. Rahul Garg, Advocates for R-3/MoEF&CC Mr. Aniruddha Kulkarni, Advocate for R-4/CPCB Mr. Mehul S. Shah, Senior Advocate, i/b. and with Mr. Mehul M. Mehta, Advocate for R-5/Project Proponent

ORDER

1. We are passing this order in continuation to the earlier orders dated 06.04.2023, 06.07.2023, 12.09.2023, 30.11.2023 and 26.11.2024.
2. None has appeared from the side of applicant despite repeated calls. By our previous order dated 26.11.2024, it was recorded that the rejoinder affidavit, which is alleged to have been filed by the applicant to the reply affidavits of Respondent No.2- GPCB and Respondent No.5- GEO Cleaner LLP/ Project Proponent way back in February, 2024, was not found on record. Hence, the Registry was directed to place the same on record, but the same has not been brought on record. Therefore, it is

clear that no such rejoinder affidavit was filed by the applicant, as reported by the Registry vide its report dated 07.03.2025.

3. Respondent No.2- GPCB has conducted its inspection of the unit of Respondent No.5 on 03.07.2023 and thereafter on 18.11.2023. In the inspection conducted on 03.07.2023, which is contained in page nos.276 to 282 of the paper book, no violation was found to have been committed by Respondent No.5 and the same was considered by us in our previous order dated 26.11.2024 and while considering the same, we had directed Respondent No.2- GPCB to file an affidavit to the effect that there is no violation committed by Respondent No.5.

4. Pursuant to the above-mentioned order, an affidavit dated 13.03.2025 has been filed by Respondent No.2- GPCB, wherein it is submitted that since the inception of the Respondent No.5's industrial unit, few instances were not complied with, particularly, with respect to the provisions of Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016 and the Board had already taken action for such non-compliances and imposed environment damage compensation on the said unit. Details of those non-compliances are recorded in the said affidavit. After considering the non-compliances, Closure Direction dated 12.10.2021 was issued to Respondent No.5 and environment damage compensation was also imposed on it to the tune of Rs.7,00,000/-, which has been levied for the period of 25.08.2021 to 19.10.2021 (56 days) i.e. the date of inspection of the unit by the Board up to the date of disconnection of power supply to the unit.

5. It is further mentioned in this affidavit by Respondent No.2 – GPCB that the amount of environment damage compensation has been deposited by Respondent No.5 on 03.11.2021. Thereafter, Respondent No.5 made an application for revocation of the Closure Direction dated

12/10/2021 to the Board. The Board after duly considering the said application permitted revocation of Closure Direction dated 12.10.2021, a copy of which is annexed as Annexure- 'RR-3'. It is further mentioned that Board was ensuring the compliance on the part of Respondent No.5 from time to time and extended the revocation order.

6. It is further mentioned in this affidavit by Respondent No.2 – GPCB that the unit of Respondent No.5 was found working in accordance with the terms of Consolidated Consent and Authorization, which is valid till September 2025, and in conformity with the provisions of environmental laws. Based on inspection carried out on 27.06.2024 by Respondent No.2, the unit of Respondent No.5 has been issued further six months' extension of Revocation Order dated 08.11.2024.

7. In view of above, it appears from the affidavit of Respondent No.2- GPCB that from time to time, the extension of Revocation Order is being issued and regular monitoring of the violations, if any, on the part of Respondent No.5 is being done and Respondent No.5 was also subjected to amount of Rs.7 lakhs for the above-mentioned period. In the light of this affidavit, we find that sufficient action has already been taken against Respondent No.5 by Respondent No.2. In view of this, we do not find any further order to be passed in this case and dispose of this Original Application accordingly. In case the applicant has any grievance left, he may approach us as per the law.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 17, 2025
Original Application No.36/2023(WZ)
P.Kr