

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.65/2023(WZ)
Earlier Original Application No.276/2022(PB) L.P.**

Rakesh Patel

.....Applicant

Versus

State of Gujarat & Ors.

....Respondents

Date of hearing: 27.09.2024

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

Applicant	:	None appeared
Respondents	:	Mr. Saurabh Kulkarni, Advocate along-with Mr. Ashutosh Kumar, Advocate for R-2, R-5 & R-6 Mr. Ivo D'Costa, Advocate along-with Mr. Mitul Shelat, Mr. Shivshankar Swaminathan, Mr. Ninad Laud, Advocates for R-4/PP Mr. Maulik Nanavati, Advocate for R-7/GPCB

ORDER

1. We are passing this order in continuation to the earlier order dated 30-08-2024, whereby we had directed the respondent No.7- GPCB to submit reply as to what is the latest status with respect to respondent No.5- M/s Chemstar Organics (I) Ltd. and respondent No.6- M/s TML Industries Ltd. As regards rest of the industries, action report has already been filed, which was considered by us in that order.
2. Now, the Supplementary affidavit dated 26.08.2024 has been filed from the side of respondent No.7- GPCB with respect to respondent No.5, stating therein that during inspection carried out on 15.07.2021, 03.09.2021 and 17.09.2021, respondent No.5- M/s Chemstar Organics (I) Ltd. was found violating the environmental norms. Accordingly, a direction for closure of the said unit was issued by the Board on 25.11.2021 under Section 5 of the Environment (Protection) Act, 1986.

Interim Environmental Damage Compensation was also calculated to the tune of Rs.50 lakhs against the said unit. A Bank Guarantee to the tune of Rs.1,50,000/- was also directed to be submitted with the Board.

3. It is further submitted in this affidavit by the respondent No.7 that out of the total amount of Rs.50 lakhs, the said industry deposited only an amount of Rs.25 lakhs with the Board and against the remaining amount of Rs.25 lakhs, this Tribunal has been approached by the said industry by preferring an Appeal No.53 of 2022 praying therein for setting aside the remaining amount of interim environment damage compensation to be levied by the Board. As on date, this industry remains closed.

4. With respect to the respondent No.6- M/s TML Industries Ltd., it is submitted that an inspection was conducted by the Board on 08.08.2023 and during inspection, certain non-compliances were noticed. Later on, on verification, it was found that the said unit had taken corrective measures and is now complying with all environmental norms. Therefore, the said unit is allowed to continue.

5. In view of above, we are of the view that nothing remains to be decided in this matter at our end and dispose of this application accordingly.

6. Today, when we are dictating this order, a letter dated 19.09.2024 has been received by one Mr. Mahesh Patel in the present Original Application, which is found to be very vague, hence we do not find it appropriate to pass any order on the said letter.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 27, 2024
Original Application No.65/2023(WZ)
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P.Kr