

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL APPLICATION NO.100 OF 2023 (WZ)
[(Earlier Application No.465 of 2022 (LP))]**

Kishor Chotu

.... **Applicant**

Versus

Eurocousic Products Ltd. & Anr.

....**Respondents**

Date of Hearing : 14.08.2024

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

Applicant : Applicant-in-person through VC

Respondents : Mr. Abhishek Puri, Advocate for R-1

ORDER

1. The applicant has appeared in person through VC and states that the reply/response filed by respondent No.1 – Eurocoustic Products Ltd dated 30.01.2024 against the report of the District Magistrate communicated through Member Secretary, Pollution Control Committee, Dadra & Nagar Haveli and Daman and Diu (DNH & DD), Daman through their letter dated 13.10.2023 in respect of the inspection of the premises of respondent No.1- Project Proponent made on 19.05.2022. In that report, in conclusion, it is recorded that respondent No.1 has not only violated the provisions laid down under the Water Act and Air Act, but also includes intentional defiance of the affidavit conditions submitted by the unit to the office of Pollution Control Committee regarding re-connection/restoration of power supply. Apart from this, respondent No.1 has crossed all the limits of Law and Order with its recent breaking open of the windshield of the sealed “Trailer trucks” which was done by Mamlatdar, Daman under the orders of the Member Secretary, PCC, DNH & DD. It is further mentioned in the conclusion that these and many other such attempts to carry out the activities in the EPL

Campus, Kachigam has portrayed and proved time again the criminal intentions of the business owners.

2. This report has been assailed by the respondent No.1-Project Proponent on the ground that this has been unilaterally submitted to this Tribunal as there was no order passed directing the District Collector or the Member Secretary, PCC, DNH & DD to submit any such report. The previous Joint Committee report, which was submitted by the Joint Committee pursuant to this Tribunal's order dated 06.07.2022, is found to have been filed at pages 44 to 52 of the paper-book, in which no serious violation is found to be there on the part of respondent No.1-Project Proponent. However, at point no.9 of that report, it is recorded that respondent NO.1 was not treating its cooling tower blow down water through any Effluent Treatment System, sample of which was taken and sent to MoEF&CC recognized laboratory and the result thereof was not communicated. Against that report, the applicant has filed objections, which are at pages 62 to 63 of the paper-book, wherein it is stated that the report is incorrect.

3. It is essential for us to note here as to how the second report (filed by the Member Secretary, PCC, DNH & DD), said to be a Joint Committee report, has come on record though the inspecting team states that it comprised only Shri Saurabh Mishta, Member Secretary, PCC, DNH & DD. In such situation, we would like to have clarification from the District Collector, Daman as to in what circumstances, the second report has been submitted and as to whether they are discarding the first report and what is the ground therefor and the reason for submitting the second report on record.

4. The applicant submits that he has not been served the copy of the objections/response filed by respondent No.1 dated 30.01.2024, which has been disputed by the learned counsel for respondent No.1 by saying that the same has been communicated to the applicant through e-mail. Since the applicant states that he has not received the same, we direct respondent

no.1 to serve a copy of the same through e-mail. The applicant shall share his e-mail address with the learned counsel for respondent No.1 today only. The learned counsel for respondent No.1 states that his objection/response is uploaded on the website of respondent No.1, from where it can be downloaded by the applicant. Still we would like respondent No.1 to serve a copy of the said objections/response to the applicant through e-mail.

5. The applicant shall submit rejoinder to the objections/response of respondent No.1 within two weeks.

6. Put up this matter for next consideration on 05.11.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 14, 2024
O.A. No.100 OF 2024(WZ)
NPJ