

**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 & 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 09th 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 04th 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/NM³ 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/NM³, 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:-

“

| Date | Description | Page No. |
|-------------|--|-----------------|
| 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 |

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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
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