

Item No.1

(Pune Bench)

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

(By Video Conferencing)

Appeal No. 58/2022(WZ)

Wanksons Chemical Industries Pvt. Ltd.

.....Appellant

Versus

GPCB & Ors.

....Respondent(s)

Date of hearing: 11.01.2023

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

Appellant : Mr. Aagney Sail, Advocate

Respondent(s) : Mr. Maulik Nanavati, Advocate for R-1/GPCB

ORDER

1. From the side of Appellant, learned Counsel Mr. Aagney Sail has appeared. One report has been filed from his side dated 11.01.2023, which is taken on record. It is further apprised that a copy of the said report has already been provided to the Respondent's Counsel.

2. From the side of Respondent No. 1/GPCB, learned Counsel Mr. Maulik Nanavati has appeared. He prays that two weeks' time may be allowed to file the reply affidavit. Accordingly, the same is allowed with a direction that a copy of the same shall be served upon the Respondent's Counsel in advance.

3. As per the affidavit of service submitted by the learned Counsel for the Appellant, Respondent No. 2/Shekhawati Transport Co. has also been served but despite that, no one has appeared from its side, therefore, proceedings will go ahead against it *ex-parte*.

4. The learned Counsel for the Appellant is insisting that an interim relief should be granted because whatever violations are said to have been committed, are only procedural one. He has further pointed out that as mentioned earlier, the Revocation Order dated 15.12.20221 has also been passed by the Respondent No. 1, which was taken on record on earlier date i.e. 23.12.2022, where-in the said order has been passed subject to the following 4 conditions:-

- “
- (i). *Unit shall comply conditions of CCA.*
 - (ii). *Unit shall curtail their production with 50% capacity during trial run.*
 - (iii). *Unit shall send their hazardous waste to industry having Rule-9 permission and CCA to receive such wastes.*
 - (iv). *Unit shall submit remaining 50% EDC with 12% interest per annum within 6 months as per circular of GPCB dated 23.08.2021. Unit shall submit schedule (date & amount with 12% simple interest) for remaining EDC within 30 days.”*

5. According to the Appellant, all these conditions have already been fulfilled by it, except the condition no. 4, according to which, remaining 50% EDC with 12% interest per annum was directed to be deposited within 06 months as per the Circular of GPCB dated 23.08.2021. It is further mentioned in that condition that unit (Appellant) shall submit schedule for remaining EDC within 30 days.

6. The learned Counsel for the Appellant prays that instead of the said amount being deposited in cash, he may be permitted to deposit Bank Guarantee of the said amount.

7. The learned Counsel for the Respondent No. 1 has given assurance that if any such request is made before them by the Appellant, they will consider it in accordance with law. Therefore, we direct the Appellant to approach the Respondent No. 1/GPCB at the earliest and if any such

representation is made, the same would be considered by them and the decision shall be taken within three days.

Put up this matter for further consideration on 23.01.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 11, 2023
Appeal No. 58/2022(WZ)
P.Kr