

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

**APPEAL NO. 08 OF 2020 (WZ)
(I.A. NO. 127/2020)**

IN THE MATTER OF:

M/S PLATINUM AAC BLOCKS PVT. LTD.

.... APPELLANT

VERSUS

THE POLLUTION CONTROL COMMITTEE AND ORS

.... RESPONDENTS

I N D E X

S. No.	PARTICULARS	PAGE NO.
1.	COUNTER AFFIDAVIT ON BEHALF OF THE CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-110 032, RESPONDENT NO.02 IN THE ABOVE MATTER	1-13

P. Gargava

(Prasoon Gargava)

Regional Director

Central Pollution Control Board

Regional directorate (West), Vadodara

Gujarat

Date : 16.07.2020

Place : Vadodara

Through Counsel

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

**APPEAL NO. 08 OF 2020 (WZ)
(I.A. NO. 127/2020)**

Regd. No. : 30

Date : 16/07/2020

IN THE MATTER OF:

M/S PLATINUM AAC BLOCKS PVT. LTD.

.... APPELLANT

VERSUS

THE POLLUTION CONTROL COMMITTEE AND ORS RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF THE CENTRAL POLLUTION
CONTROL BOARD, RESPONDENT NO.02 IN THE ABOVE MATTER.**

I, PRASOON GARGAVA, working as Regional Director, in Central Pollution Control Board, Regional Directorate Vadodara do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts and circumstances of the present case and am duly authorized to affirm and swear this affidavit on behalf of the Central Pollution Control Board, Delhi (hereinafter referred to as CPCB).
2. This Appeal has been filed by M/s Platinum AAC Blocks Pvt. Ltd., a AAC block (fly-ash Bricks) manufacturing unit challenging the order dated 03/02/2020 passed by Respondent No. 1 i.e., Pollution Control Committee (PCC) Daman Diu and Dadra Nagar Haveli (DD&DNH), wherein it was ordered that as per existing notification dated 09/10/2015 applicable to Dadra and Nagar Haveli, fly ash export, transport and disposal facility falls under the banned category and manufacturing of Autoclaved Aerated Concrete Blocks using fly ash is not allowed to be established. In this matter CPCB has been impleaded as Respondent No. 02.



PARAWISE COMMENTS


3. That the averment contained in para 1 & 2 is about the Appellant and the product manufactured by the Appellant, respectively and needs no comments from this Respondent.

4. That the averments contained in para 3 (a) to (g) refer to Appellant's grievances regarding various Directions issued to their unit by PCC (DD&DNH) and about PCC not considering their request to review closure order and not granting the permission for manufacturing of Fly-ash Bricks/Blocks, which may be suitably replied by Respondent No. 1 (PCC- DD&DNH) and need no comments from this Respondent.

5. That the averment contained in Para 3(h) refers to direction issued by CPCB dated 11/07/2019 to the Member Secretary PCC (DD&DNH) to examine and take necessary action on the application regarding categorization of applicant – M/s Platinum AAC Blocks Pvt. Ltd. in the white category.

It is submitted by this Respondent that CPCB, RD-Vadodara issued letter (Not a direction) to the Member Secretary PCC (DD&DNH) to examine the request and take necessary action with reference to application/representation received from Appellant and to inform to the appellant about action taken under intimation to CPCB.

6. That the averment contained in para 4 refer to original Appeal (Appeal No. 77/2019) made by the Appellant and the order issued by Hon'ble NGT



directing inspection to be done by Joint Committee comprising of CPCB and PCC and to submit report.

It is submitted by this Respondent that in compliance to the Hon'ble NGT order dated 19/09/2019 w.r.t. OA No. 77 of 2019, a Joint Committee comprising CPCB and PCC visited the Appellant's unit on 15/10/2019 and submitted the report to Hon'ble NGT on 22/11/2019, which is annexed at Annexure-A-8 by the Appellant in their Appeal. The report mentioned above was submitted by CPCB alone to Hon'ble NGT, as the PCC could not respond to sign the final report within given time, even after exchange of draft version of the report.

7. That the averment contained in para 5 refer to the report of Joint Committee, submitted to the Hon'ble NGT. The appellant mentioned that the report was in favour of the appellant and the PCC has failed to harmonize the category of industries in compliance with the modified directions issued by the CPCB vide letter dated 07/03/2016.

It is submitted by this Respondent that CPCB has issued Modified Directions under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, to all State Pollution Control Boards (herein after referred to as SPCBs)/Pollution Control Committees (herein after referred to as PCCs) dated 07/03/2016, that the SPCBs and PCCs shall revise / prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria, specified in the Final Report (Final document on revised Classification of industrial sector under Red, Orange, Green & White Categories) and submit the same to CPCB within 90 days i.e. before 30.05.2016, in hard copy as well as soft copy. Further, addition of any new or Left-out industrial sector and their categorization which is not listed in the

