BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPEAL NO. 98 OF 2026 (WZ)

IN THE MATTER OF:-

M/s. Rajlaxmi Industries ...Appellant

Versus

Gujarat Pollution Control Board & Ors. ...Respondents

INDEX

S. No.	PARTICULARS	PAGE NO.
1.	Affidavit in Rejoinder on behalf of the Appellant to the Affidavit in Reply of Respondent Nos. 1 to 3 affirmed on 18.09.2026, along with Verification	2 - 23
2.	Proof of Service	24 onwards

Through

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Place: Ankleshwar
Dated: 04 .11 . 2026

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(WESTERN ZONE BENCH, PUNE)

APPEAL NO. 98 OF 2026 (WZ)
(Under Section 16 of the National Green Tribunal Act, 2010)

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M/s. Rajlaxmi Industries ...Appellant

-VERSUS-

Gujarat Pollution Control Board & Ors. ...Respondents

MAHESH M. SARVAIYA NOTARY GOVT. OF GUJARAT - 4 NOV 2026 Serial No. 16095 Regd. No.NTR 464 / 02 Dist. Bharuch

AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPELLANT TO THE AFFIDAVIT IN REPLY OF RESPONDENT NOS. 1 TO 3 AFFIRMED ON 18.09.2026

I, **Satish Raghunath Patil**, aged about 54 years, adult, Indian inhabitant, Partner and Authorised Signatory of M/s. Rajlaxmi Industries, residing at A/4/07, Garden City. Ankleshwar, Bharuch, Gujarat; the Appellant having its unit at Plot No. 2602, GIDC Estate, Panoli – 394116, Taluka Ankleshwar, District Bharuch, Gujarat (PCB ID No. 36469), do hereby solemnly affirm and state on oath as under:

1. I am a Partner and the Authorised Signatory of the Appellant firm and am duly authorised and competent to affirm and file the present Affidavit in Rejoinder for and on behalf of the Appellant. I am well conversant with the facts and circumstances of the present matter, both from my own personal knowledge and from the records maintained by the Appellant firm.

2. I have read and understood the Affidavit in Reply affirmed on 18.09.2026 on behalf of Respondent Nos. 1 to 3 — Gujarat Pollution Control Board (hereinafter "the Board") along with Annexures R-1 to R-9 thereto (hereinafter "the Reply"). Save and except what is expressly and specifically admitted hereinafter, the Appellant denies each and every averment, allegation, statement and contention contained in the Reply as if the same were set out herein seriatim and specifically traversed. No averment therein shall be deemed to have been admitted merely for want of specific traverse. The Appellant reiterates, reaffirms and confirms each and every averment, statement and ground contained

NOTARY GOVT. OF GUJARAT (INDIA)

in the Memorandum of Amended Appeal and the documents annexed thereto, which may kindly be read as part and parcel hereof and are not repeated herein for the sake of brevity.

3. The Appellant respectfully submits that the present appeal turns upon a single, short and verifiable question, namely: **did the Board, at any stage, establish by any technical or scientific comparison that the acidic liquid found in Tanker No. RJ-09-GB-4248 on 30.10.2025 originated from the Appellant's unit?** The answer, on the Board's own record, is that it did not. The Board never drew a sample of the liquid in the tanker or of the place of discharge, and never compared any such sample with the three samples it drew from inside the Appellant's Effluent Treatment Plant on 03.11.2025. The only link between the tanker and the Appellant is a statement attributed to the person operating the tanker, recorded in the press note of LCB, Bharuch dated 30.10.2025 and in FIR No. 743 of 2025 of Nabipur Police Station. On that untested statement alone, and without any technical determination of its own, the Board has fastened upon the Appellant an Environmental Damage Compensation of ₹25,00,000/-.

I. PRELIMINARY SUBMISSIONS BY WAY OF REJOINDER

A. No technical or scientific link between the tanker and the Appellant's unit was ever established

4. The Board itself pleads, at para 20 of the Reply, that Tanker No. RJ-09-GB-4248 "was intercepted while acidic chemical wastewater was being unlawfully discharged into the environment". The tanker, its contents and the place of discharge were therefore identified and available from the very first day. The Board was also aware of the particulars of the tanker, for its own closure direction dated 02.03.2026 (Annexure R-3 to the Reply) is copied to the RTO, Chittorgarh with a request to cancel the registration of that very tanker.

5. Notwithstanding the above, **the Board did not draw any sample of the liquid in the tanker, did not draw any sample of the soil or water at the place of discharge, and did not undertake any analysis of the kind it undertook on the Appellant's samples.** No such sample, test report or analysis is mentioned in the inspection report dated

03.11.2025 (Annexure R-8), the closure direction dated 02.03.2026 (Annexure R-3), the impugned EDC order dated 02.03.2026 (Annexure 2 to the Appeal), or anywhere in the Reply.

6. The three samples which the Board did draw were drawn on 03.11.2025 — four days after the incident — from three tanks situated **inside the Appellant's own Effluent Treatment Plant**, namely the HDPE wastewater storage tank, the underground wastewater collection-cum-storage tank and the primary-treated wastewater holding-cum-disposal tank (Test Report Nos. 63088, 63089 and 63090; Annexure R-9). Those reports record the characteristics of wastewater stored within a chemical manufacturing unit, which the Appellant is permitted to generate, store and send for treatment and disposal under its consent. They say nothing about the liquid in the tanker.

7. It is elementary that if the Board wished to connect the Appellant's unit with the liquid discharged from the tanker, the obvious and necessary step was to analyse the tanker liquid for the same parameters as were analysed in Test Report Nos. 63088 to 63090, and then to see whether there was any similarity between the two. **That single step would have either established the link or dispelled it. The Board never took it.** Without a sample of the tanker liquid there is nothing against which the Appellant's samples could be compared, and in the absence of any comparison those samples cannot connect the Appellant with the incident at all.

8. The Board's answer, at para 22 of the Reply, is that comparative chemical fingerprinting or a source-correlation study is not an "indispensable legal precondition" prescribed by any statute or guideline. The Appellant does not contend that any particular test is prescribed by statute. The Appellant's case is simpler: **a finding that the Appellant's unit was the source of the discharge is a finding of fact, and a finding of fact must rest on some material capable of supporting it.** When the only material is a statement attributed to the person caught operating the tanker, and the Board has done nothing whatsoever to test that statement technically, there is no independent regulatory determination of source at all — whatever label the Board may now attach to its inspection of 03.11.2025.

B. Every source of the Board's action traces back to the police press note and FIR

The Board's own documents show that its entire action proceeded from, and never travelled beyond, the police press note:

(a) The inspection report dated 03.11.2025 (Annexure R-8) records that **"This unit is inspected with reference to press note of LCB, Bharuch dated 30/10/2025"**, and further records that the unit "is inspected with specific references above mentioned hence other details under this section could not be verified". Under the head 'Documents Collected', the only police material recorded is the "Police press note".

(b) The closure direction dated 02.03.2026 (Annexure R-3) recites only two grounds: first, that the unit was inspected "with reference to press note of LCB, Bharuch dated: 30/10/2025"; and secondly, the bare conclusion that the "Industries is engaged in illegal disposal of hazardous wastewater causing damage to environment". No material other than the press note is referred to in support of that conclusion.

(c) The impugned EDC order dated 02.03.2026 (Annexure 2 to the Appeal) records that the unit was inspected "with reference to complaints" and imposes compensation "after considering the non-compliances recorded in the closure directions" — that is to say, upon the very two grounds set out in sub-para (b) above.

10. At paras 20 and 28 of the Reply, the Board refers to "the material and information received from the police authorities" and states that "the relevant police communication and contemporaneous record received by the Board" are annexed as Annexure R-5. **No such police communication is annexed.** The document actually annexed as Annexure R-5 is the Board's Office Order dated 23.08.2021 regarding payment of EDC in instalments, which is also the document separately described as Annexure R-5 at para 17 of the Reply. The "cumulative contemporaneous record" relied upon by the Board therefore consists, on its own showing, of the press note and nothing more.

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11. It is further submitted that the wastewater found in the Appellant's ETP tanks at the time of the inspection of 03.11.2025 was effluent from the Appellant's earlier production, stored within the unit for onward treatment and disposal through Bharuch Enviro Infrastructure Ltd. (BEIL). This is borne out by the Board's own Test Report No. 63090 (Annexure R-9), which records the "Mode of Disposal" of the wastewater as **"Into BEIL for further treatment & disposal"** and the "Ultimate Receiving Body" as **"BEIL"**. The presence of stored effluent in the tanks of a chemical unit is not evidence that such effluent was discharged anywhere, much less that it was discharged from Tanker No. RJ-09-GB-4248.

C. The question of the Appellant's involvement rests with the police investigation, which remains incomplete

12. The Appellant has not contended, and does not contend, that the Board's regulatory power is dependent upon a conviction or upon proof beyond reasonable doubt; nor that the pendency of the criminal investigation by itself bars regulatory action (paras 6 and 17 of the Memorandum of Amended Appeal). The Appellant's submission is a different one. **Since the Board has not undertaken any technical determination of its own, its finding that the Appellant was the source of the discharge is borrowed entirely from the police investigation.** That investigation is the only process in which the involvement of the Appellant is being enquired into.

13. FIR No. 743 of 2025 was registered at Nabipur Police Station on 30.10.2025. More than a year has passed. To the best of the Appellant's knowledge, **no charge-sheet has been filed against the Appellant till date.** Remarkably, the Board itself, at para 21 of the Reply, declines to admit the Appellant's averment as to the non-filing of the charge-sheet "for want of complete and updated information concerning the criminal investigation". The Board thus admits that it does not know the present status of the very investigation upon which its action is founded.

14. It is accordingly submitted that, until the police investigation reaches its conclusion, or until the Board itself establishes the alleged link on independent and technically reliable material, the attribution of the

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14. It is accordingly submitted that, until the police investigation reaches its conclusion, or until the Board itself establishes the alleged link on independent and technically reliable material, the attribution of the

discharge to the Appellant remains unproven, and the imposition of a final and crystallised Environmental Damage Compensation — recoverable with interest — is premature and unsustainable in law.

D. The Board's own conduct after the incident is irreconcilable with its present case

15. The Appellant's reply dated 07.11.2025 to the instructions issued at the inspection of 03.11.2025 is on record as Annexure 6 to the Appeal; it deals with each of those instructions and encloses, inter alia, the vehicle movement register of the unit. After the said inspection:

(a) the Appellant's consent being due to expire on 28.12.2025, the Appellant applied for renewal of its Consolidated Consent and Authorisation; the Board accepted the application bearing Inward No. 422361 and received the renewal fee of ₹90,000/- on 31.01.2026 (Annexure 8 to the Appeal);

(b) the Board's officers inspected the unit for the purpose of renewal on 03.02.2026 (Annexure 9 to the Appeal). The four observations recorded on that occasion related to the use of briquettes as boiler fuel, the two-stage scrubber, the aeration system and production data. **Not one of them related to the incident of 30.10.2025, to the inspection of 03.11.2025 or to the Appellant's reply dated 07.11.2025;**

(c) the Appellant replied to the said observations on 09.02.2026, which reply bears the receipt stamp of the Board's Regional Office, Ankleshwar (Annexure 10 to the Appeal); and

(d) upon the very application dated 31.01.2026 bearing Inward No. 422361, the Board granted to the Appellant Consolidated Consent and Authorisation No. AWH-156839, dated 12.05.2026 and valid up to 28.12.2030 (Annexure R-2 to the Reply).

16. At no point between 03.11.2025 and 02.03.2026 did the Board issue any notice or query to the Appellant in relation to the incident, the inspection of 03.11.2025 or the instructions issued thereat. The closure direction and the impugned EDC order of 02.03.2026 were issued four months after the inspection, without any fresh material, and the Board

thereafter granted the Appellant a full consent valid for more than four years. It is respectfully submitted that this conduct is consistent only with the Board having had no further grievance on the matters covered by the inspection of 03.11.2025 and the Appellant's reply dated 07.11.2025, and is irreconcilable with the case now put forward in the Reply. The averment at para 15 of the Reply that the new consent was granted "without prejudice to the action taken" finds no place in the consent itself; Annexure R-2 contains no such reservation and no condition relating to the EDC.

E. The Reply abandons the basis stated in the impugned order and substitutes a new one

17. The impugned EDC order dated 02.03.2026 (Annexure 2 to the Appeal) is a document of barely two pages. The Reply now seeks to support it on a basis that finds no mention in it. The two are set out below side by side:

Subject	What the impugned EDC order dated 02.03.2026 says	What the Reply now says
Method of computation	"the Board has formulated Guidelines to levy EDC, prescribing the methodology and formula for calculation of the EDC amount"	Para 29: the Appellant has "incorrectly proceeded on the assumption" that the amount was required to be calculated by applying a formula or variables.
Guideline applied	"based on the aforesaid guidelines" — no title, date, clause or paragraph identified.	Paras 30 and 34: Compendium of GPCB Environmental Compensation Guidelines issued by Office Order dated 12.02.2026, clause 1(e) read with clause 3.1.
Character of the levy	The Hon'ble Tribunal has directed the levy of EDC "following CPCB's Environmental Compensation regime/guidelines as an interim measure".	Para 37: it is denied that the amount was "merely provisional"; it is "independently leviable and enforceable".
Category of violation	None stated. Refers only to "the non-compliances recorded in the closure directions".	Paras 30 and 40: "an intentional discharge of acidic and hazardous wastewater through a tanker into the environment, falling under clause 1(e)".
Scale of industry	Not mentioned.	Para 30: the Appellant "is classified as a small-scale industry".
Damage to environment	No finding of any damage.	Para 33: discharge is "by its inherent nature, capable of causing injury".

18. At para 31 of the Reply the Board concedes that the basis of the amount becomes "clear and ascertainable" only "upon a cumulative reading of the EDC order, the closure direction and the applicable Compendium" — i.e. not from the order itself. **It is settled law that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of an affidavit or otherwise** (Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405). The new basis pleaded in the Reply cannot, therefore, cure the absence of reasons in the impugned order, which remains a non-speaking order as pleaded in paras 10 and 20(A) of the Memorandum of Amended Appeal.

F. Clause 1(e) is not attracted under either the Technical Manual or the Compendium

19. The Board contends (paras 30 and 34 of the Reply) that the Appellant has relied upon Section 18 of the GPCB Technical Manual (Annexure 13 to the Appeal) without giving effect to the Compendium dated 12.02.2026 (Annexure R-1). The distinction is of no consequence to the present question. **Clause 1(e) of the Compendium is identical in terms to Section 18.1(e) of the Technical Manual**, and under both, the case must first fall within the description of "Intentional discharges to the environment — land, water and air resulting into acute injury or damage to the environment". Two conditions must therefore be satisfied before the provision is attracted at all: (i) an intentional discharge **by the industry concerned**; and (ii) a discharge **resulting into** acute injury or damage to the environment.

20. Neither condition is satisfied. As to the first, the Board has not established, by any technical or independent material, that the discharge was made by or from the Appellant's unit, for the reasons set out in Parts A to C hereinabove. As to the second, the Board has not inspected or sampled the place of discharge, and has made no finding of any injury or damage. The Reply itself states, at para 33, only that such a discharge is "by its inherent nature, capable of causing injury to soil, water and living organisms". **A discharge that is "capable of causing" injury is not a discharge "resulting into" acute injury or damage.**

The Board's own pleading thus concedes that the second condition of clause 1(e) has not been found to exist.

21. Without prejudice to the foregoing, and only to meet the Board's contention at paras 34 to 38 of the Reply that the amount under clause 3.1 is final and "independently leviable and enforceable", the Appellant submits as under:

(a) Section 18.3(a) of the Technical Manual, which was in force on 30.10.2025, describes the very same amount as **"Interim Environmental Compensation"**, to be "levied as suggested by Hon'ble NGT in its order No. 95 of 2018 dated 11.01.2019". Clause 3.1 of the Compendium reproduces that provision word for word, save that the word "Interim" has been omitted. The Compendium was issued on 12.02.2026, after the alleged incident of 30.10.2025 and after the inspection of 03.11.2025. The Board's entire argument at para 37 that the amount is final rests on that change of label, which cannot operate retrospectively to alter the character of a liability arising, if at all, from an incident that preceded it.

(b) Clause 3 of the Compendium, like Section 18.3 of the Technical Manual, provides that in cases falling under clauses 1(d) to 1(f) "assessment of Environmental Compensation shall be calculated as under **in two parts**". Clauses 3.1 and 3.2 are thus two parts of one assessment, the second of which is to be based on "detailed investigations from expert institutions/organizations".

(c) The source of the figures, namely the order of this Hon'ble Tribunal dated 11.01.2019 in O.A. No. 95 of 2018 (Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.), directed the said amounts by way of interim compensation, pending assessment of the actual compensation.

(d) The impugned EDC order itself records that the levy is made "as an interim measure"; the Board's own Stay-Over Direction dated 26.05.2026 (Annexure R-4) describes the amount of ₹12,50,000/- paid by the Appellant as **"Interim Environment Damage Compensation"**; and the Board's own payment

acknowledgment (Annexure R-7) records the remark "IEC Fees".

(e) In Detox India, O.A. No. 04 of 2025 (WZ), order dated 19.02.2026, this Hon'ble Tribunal directed an assessment by NEERI, the Board having itself submitted that the final EDC was required to be assessed by NEERI/IIT. The Reply (para 38) does not deny that such a submission was made by the Board.

22. The Appellant clarifies that the aforesaid submissions are made only to demonstrate that the amount of ₹25,00,000/- is not, on the Board's own instruments, a final measure of any environmental damage. **They are not, and shall not be read as, an acceptance by the Appellant of any liability, interim or otherwise.** Since clause 1(e) is not attracted at all, no compensation — interim or final — could have been levied upon the Appellant under clause 3.

23. The Board's plea of proportionality (paras 39 and 40 of the Reply) also does not survive scrutiny. A slab fixed according to whether an industry is small, medium or large measures the size of the industry, not the nature, extent or consequence of the violation alleged. It cannot supply the rational connection between the violation and the quantum which the principle of proportionality requires (Lafarge Umiam Mining Pvt. Ltd. v. Union of India, (2011) 7 SCC 338). Further, the Board admits at para 32 of the Reply that Environmental Compensation is "remedial and restitutionary in character"; yet it has not identified anything that is to be remedied or restored.

G. The laboratory reports neither fix the amount nor connect the Appellant with the incident

24. At paras 42(a), 42(c) and 42(f) of the Reply, the Board states in terms that the compensation "was not calculated on the basis of the reported COD value", that "no inter-parameter ratio formed the basis of calculating the Environmental Compensation", and that it "was not calculated on the basis of the margin by which any individual parameter exceeded a consent limit". On the Board's own showing, therefore, Test Report Nos. 63088 to 63090 played no part in fixing the amount. And since there is no sample of the tanker liquid with which they could be

compared, they cannot establish that the Appellant was the source of the discharge either.

25. As regards the Board's contention (para 41 of the Reply) that the Appellant has not placed on record an expert's report, it is submitted that the deficiencies pointed out in para 15 of the Memorandum of Amended Appeal appear on the face of the Board's own reports — the method stated against each parameter, the chloride values recorded, the pH recorded, the times of collection recorded and the absence of any statement of measurement uncertainty. It is the Board which relies upon those reports, and it is for the Board to establish their reliability. The Board, at the end of para 42 of the Reply, "reserves its right" to place on record laboratory clarifications, standard operating procedures and the supporting analytical record, but has chosen not to do so. The Appellant reiterates para 15 of the Memorandum of Amended Appeal.

H. The payment of ₹12,50,000/- was compelled and made under protest

26. The Board denies (paras 23 and 24 of the Reply) that the payment of ₹12,50,000/- on 01.05.2026 was compelled. Clause 13.4 of the very Compendium relied upon by the Board (Annexure R-1) provides that a "Revocation order shall be issued only on receipt of EC amount as per prevailing Board policy", and the Board's Office Order dated 23.08.2021 (Annexure R-5) requires deposit of a minimum of fifty per cent. With its unit closed, its electricity and water supply disconnected and no interim stay in force, the Appellant had no option but to make that payment in order to obtain reconnection. A payment which is the price of being permitted to function is, by its very nature, a compelled payment. The Office Order dated 23.08.2021 itself records that it was issued in view of the difficulties faced by MSME units in paying EDC during the Covid-19 pandemic; it is a facility for payment in instalments and not a source of any liability.

27. The payment was made under protest and without prejudice to the present appeal, which was then pending. The Board's own documents describe the amount as "Interim Environment Damage Compensation" (Annexure R-4) and "IEC Fees" (Annexure R-7). The prayer for refund

is consequential upon the setting aside of the impugned order and is in no manner premature.

I. Matters outside the scope of the present appeal

28. The present appeal, as amended and as confined by the order of this Hon'ble Tribunal, is directed solely against the impugned EDC order arising out of the alleged incident of 30.10.2025. The remaining conditions of the Stay-Over Direction dated 26.05.2026, and the compliance thereof, referred to at paras 4, 5, 17 and 25 of the Reply, do not form the subject matter of the present appeal and are not dealt with herein. No admission of any averment in that behalf may be inferred from the absence of a specific response, and the Appellant reserves all its rights and contentions in that regard.

J. Documents not produced by the Board

29. Although the Board, at para 7 of the Reply, "craves leave to produce and rely upon the complete inspection, consent, sampling, laboratory, police, compliance, approval and remediation records", it has not produced the documents which go to the root of the present appeal. The Appellant puts the Board to the strictest proof of its averments and calls upon it to produce, on affidavit:

(i) the communication(s) and report(s) received by the Board from the police authorities in connection with the incident of 30.10.2025 and FIR No. 743 of 2025 of Nabipur Police Station, referred to at paras 20 and 28 of the Reply and stated to be annexed as Annexure R-5, but not annexed;

(ii) a statement of the present status of the investigation in FIR No. 743 of 2025, including whether any charge-sheet has been filed and, if so, against whom;

(iii) a statement of the action, if any, taken by the Board after the registration of the said FIR, including any communication addressed by the Board to the police authorities;

(iv) any sample of the liquid in Tanker No. RJ-09-GB-4248, or of the soil or water at the place of discharge, collected by or on behalf of the Board; the analysis reports thereof; and any comparative

analysis between such samples and the samples covered by Test Report Nos. 63088, 63089 and 63090 — or, if none exists, a statement on affidavit to that effect; and

(v) the laboratory bench records, worksheets, standard operating procedures, sample preservation and chain-of-custody records in respect of Test Report Nos. 63088, 63089 and 63090, referred to at para 42 of the Reply.

30. Until the aforesaid documents are produced, the averments resting upon them are mere assertions and are denied as such.

K. The chronology

31. For the convenience of this Hon'ble Tribunal, the material chronology, drawn from the Board's own Reply and annexures and from the annexures to the Memorandum of Amended Appeal, is tabulated below:

Date	Event	Source
19.03.2021	CCA No. AWH-111946 granted to the Appellant, valid up to 28.12.2025.	Annexure 3 to Appeal; Reply, para 15
30.10.2025	Tanker No. RJ-09-GB-4248 intercepted near the Bharuch–Vadodara Highway; FIR No. 743 of 2025 registered at Nabipur Police Station naming the Appellant on the statement of the person operating the tanker; LCB, Bharuch issues press note.	Annexures 4 and 14 to Appeal; Reply, para 19
03.11.2025	Board inspects the unit "with reference to press note of LCB, Bharuch". Three samples drawn, all from inside the Appellant's ETP. No sample of the tanker liquid or of the place of discharge.	Annexure 5 to Appeal; Annexure R-8
07.11.2025	Appellant replies to the inspection instructions, enclosing inter alia the vehicle movement register.	Annexure 6 to Appeal
13.11.2025	Test Report Nos. 63088, 63089 and 63090 issued. Report No. 63090 records mode of disposal "Into BEIL for further treatment & disposal".	Annexure 7 to Appeal; Annexure R-9
28.12.2025	CCA No. AWH-111946 expires.	Annexure 3 to Appeal
31.01.2026	Board accepts the Appellant's renewal application (Inward No. 422361); renewal fee of ₹90,000/- received.	Annexure 8 to Appeal; Annexure R-2
03.02.2026	Board inspects the unit for renewal. Four observations recorded; none relates to the incident of 30.10.2025.	Annexure 9 to Appeal
09.02.2026	Appellant's reply to renewal observations, received by the Regional Office, Ankleshwar.	Annexure 10 to Appeal

Date	Event	Source
12.02.2026	Compendium of GPCB Environmental Compensation Guidelines issued; the word "Interim" omitted from the provision corresponding to Section 18.3(a) of the Technical Manual.	Annexure R-1; Annexure 13 to Appeal
02.03.2026	Closure direction under Section 33-A of the Water Act and impugned EDC order of ₹25,00,000/- issued.	Annexures 1 and 2 to Appeal; Annexure R-3
25.03.2026	Present appeal instituted.	Record of the Tribunal
30.04.2026	Order of this Hon'ble Tribunal granting liberty to amend.	Record of the Tribunal
01.05.2026	Appellant pays ₹12,50,000/- (50% of EDC) under protest; acknowledgment records "IEC Fees".	Annexure 11 to Appeal; Annexure R-7
12.05.2026	Board grants CCA No. AWH-156839 on the application dated 31.01.2026, valid up to 28.12.2030.	Annexure R-2
26.05.2026	Stay-Over Direction; the amount paid described as "Interim Environment Damage Compensation".	Annexure 12 to Appeal; Annexure R-4
24.06.2026	I.A. No. 278 of 2026 allowed; Memorandum of Amended Appeal filed thereafter.	Record of the Tribunal
18.09.2026	Reply affirmed on behalf of Respondent Nos. 1 to 3.	Reply
24.09.2026	Respondent Nos. 4 and 5 deleted; time granted for rejoinder; matter listed on 23.11.2026.	Record of the Tribunal
Till date	To the best of the Appellant's knowledge, no charge-sheet filed against the Appellant in FIR No. 743 of 2025.	Reply, para 21

II. PARA-WISE REJOINDER TO THE REPLY

32. Without prejudice to and in continuation of the preliminary submissions set out hereinabove, which shall be read as part and parcel hereof and are not repeated for the sake of brevity, the Appellant submits its para-wise rejoinder as under.

33. With reference to paras 1, 8, 10 and 11 of the Reply, it is denied that the appeal is misconceived on facts or in law, or that the Appellant has failed to make out a case for interference. The impugned order rests on no technical determination of the source of the discharge and on no finding of damage, for the reasons set out in Parts A to F hereinabove. The reservation by the Board of a right to raise further objections is denied; the Board cannot be permitted to improve its case piecemeal.

34. With reference to paras 2, 3 and 7 of the Reply, it is denied that the appeal proceeds on an incomplete or selective presentation of the record. The Appellant has itself placed on record the closure direction, the inspection report, the laboratory reports and the Stay-Over Direction (Annexures 1, 5, 7 and 12 to the Appeal). The challenge to the closure direction is not pressed for the reasons stated in para 5 of the Memorandum of Amended Appeal, and the Appellant does not thereby admit any of the recitals therein. It is the Board which has not produced the material on which it claims to rely, as set out in Parts B and J hereinabove. The validity of the impugned order is, in any event, to be judged by the reasons stated in it (Part E hereinabove).

35. With reference to paras 4, 5 and 9 of the Reply, the Appellant has never contended that the Stay-Over Direction exonerated it; on the contrary, the Appellant has expressly reserved all its rights and contentions (para 5 of the Memorandum of Amended Appeal). The Stay-Over Direction is in terms a direction "to revoke the closure direction" and the Appellant's description of it is accurate. The conditions thereof are outside the scope of this appeal (Part I hereinabove). The prayer for refund is consequential upon the setting aside of the impugned order and is not premature (Part H hereinabove).

36. With reference to para 6 of the Reply, it is denied that the appeal raises disputed questions of fact incapable of determination. The Appellant's case rests on the Board's own documents: its inspection report, its closure direction, its EDC order, its laboratory reports and its own Reply. What those documents do not contain — any sample of the tanker liquid, any comparison, any finding of damage — is a matter apparent on the face of the record.

37. Para 12 of the Reply is a general denial and calls for no specific response. The Appellant reiterates para 2 hereinabove.

38. With reference to paras 13 and 47 of the Reply, the proceedings before this Hon'ble Tribunal are a matter of record. The Appellant reiterates para 18 of the Memorandum of Amended Appeal: the appeal was instituted on 25.03.2026, within limitation, and the amendment, which

narrows rather than enlarges the scope of the appeal, relates back to the date of institution.

39. With reference to para 14 of the Reply, the admission that the appeal is confined to the impugned EDC order is noted. It is denied that the impugned order is legal or that it was passed upon consideration of any material other than the press note, for the reasons set out in Parts A, B and E hereinabove. It is pointed out that the impugned EDC order, stated in para 14 of the Reply to be annexed as Annexure R-1, is not annexed; Annexure R-1 is the Compendium dated 12.02.2026. The impugned order is on record as Annexure 2 to the Appeal.

40. With reference to para 15 of the Reply, the description of the Appellant's unit and of CCA No. AWH-111946 is admitted. The grant of CCA No. AWH-156839, valid up to 28.12.2030, is admitted and specifically relied upon (Part D hereinabove). It is denied that the said consent was granted "without prejudice to the action taken"; no such reservation appears in Annexure R-2. It is denied that the Appellant was not in compliance with its CCA conditions.

41. With reference to para 16 of the Reply, the Appellant reiterates para 5 of the Memorandum of Amended Appeal. The recitals in the closure direction are not admitted. The second recital therein, that the "Industries is engaged in illegal disposal of hazardous wastewater causing damage to environment", is a bare conclusion supported by no material other than the press note (Part B hereinabove).

42. With reference to paras 17 and 25 of the Reply, the issuance of the Stay-Over Direction dated 26.05.2026 and its terms are a matter of record. The Appellant reiterates paras 7 and 8 of the Memorandum of Amended Appeal and Part I hereinabove. It is specifically pointed out that the said Stay-Over Direction itself describes the amount of ₹12,50,000/- as "Interim Environment Damage Compensation".

43. With reference to para 18 of the Reply, the undertaking dated 01.04.2026 (Annexure R-6) was furnished in the prescribed form to obtain revocation of the closure direction. It relates to the conveyance of hazardous waste in future and contains no admission of any past discharge. On the contrary, the undertaking itself records the

Appellant's stand that there was no evidential proof found from the Appellant's unit of any illegal discharge of acidic wastewater and that no such discharge or disposal had been carried out by the Appellant's unit at any location.

44. With reference to paras 19 to 22 of the Reply, the issuance of the press note and the registration of FIR No. 743 of 2025 are admitted. The rest is denied. The Appellant reiterates Parts A, B and C hereinabove. It is specifically denied that the inspection of 03.11.2025 constituted an independent regulatory determination of the source of the discharge: the inspection was, in the Board's own words, carried out "with reference to press note of LCB, Bharuch", and no sample of the tanker liquid or of the place of discharge was drawn either then or at any time thereafter. It is further pointed out that the "relevant police communication and contemporaneous record" said to be annexed as Annexure R-5 is not annexed, and that the Board, at para 21, itself professes want of information as to the status of the criminal investigation.

45. With reference to paras 23 and 24 of the Reply, the payment of ₹12,50,000/- on 01.05.2026 is admitted. It is denied that the payment was voluntary or that its description as having been made under protest is of no consequence. The Appellant reiterates Part H hereinabove.

46. With reference to para 26 of the Reply, the admission that the legality and propriety of the impugned EDC order constitute the surviving subject matter of the appeal is noted. The rest is denied.

47. With reference to paras 27 and 28 of the Reply, the inspection of 03.11.2025, the collection of the three samples from within the Appellant's ETP and the issuance of Test Report Nos. 63088 to 63090 on 13.11.2025 are admitted. It is denied that the action of the Board was founded upon any "entire contemporaneous record" beyond the press note. The "other contemporaneous material linking the incident with the Appellant's unit" referred to in para 28 is neither identified nor produced. The Appellant reiterates Parts A, B, G and J hereinabove.

48. With reference to paras 29 to 31 of the Reply, it is denied that the impugned order discloses any methodology. The impugned order itself

states that the Board's guidelines prescribe a "methodology and formula for calculation of the EDC amount" and yet discloses neither. The basis now pleaded — clause 1(e) read with clause 3.1 of the Compendium dated 12.02.2026 — finds no mention in the impugned order and cannot be supplied by affidavit. The Appellant reiterates Parts E and F hereinabove. The decisions cited at para 10 of the Memorandum of Amended Appeal squarely apply.

49. With reference to paras 32 and 33 of the Reply, the admission that Environmental Compensation is remedial and restitutionary in character is noted and relied upon. It is denied that the Board was entitled to proceed from allegation to compensation without establishing the source of the discharge and the damage caused. The Board's statement that the discharge was "capable of causing injury" is itself a concession that no injury or damage has been found. The Appellant reiterates para 11 of the Memorandum of Amended Appeal and Part F hereinabove.

50. With reference to paras 34 to 38 of the Reply, the Appellant reiterates paras 12 and 13 of the Memorandum of Amended Appeal and Part F hereinabove. It is denied that the provisions of the Technical Manual are of no relevance; they were the provisions in force on the date of the alleged incident, and clauses 1(e) and 3 of the Compendium reproduce them, save for the omission of the word "Interim". It is denied that the amount under clause 3.1 is final or that clause 1(e) is attracted to the Appellant at all. The Board does not deny the submission recorded in Detox India that the final EDC is to be assessed by NEERI/IIT.

51. With reference to paras 36 and 45 of the Reply, the Appellant has never contended that the Board must prove its case to the criminal standard. The Appellant's contention is that the Board must have some material, other than an untested statement, connecting the Appellant's unit with the discharge. The "interception of the tanker during discharge" proves the discharge; it does not prove the source. The Appellant reiterates Parts A to C hereinabove.

52. With reference to paras 39 and 40 of the Reply, it is denied that a slab based on the scale of industry satisfies the requirement of

proportionality. The Appellant reiterates para 14 of the Memorandum of Amended Appeal and Part F hereinabove.

53. With reference to paras 41 to 44 of the Reply, the Appellant reiterates paras 15 and 16 of the Memorandum of Amended Appeal and Part G hereinabove. The admissions at paras 42(a), 42(c) and 42(f) of the Reply that the compensation was not calculated on the basis of any reported value, ratio or exceedance are specifically noted and relied upon. The averment at para 43 that the reports "record the characteristics of wastewater handled and stored at the Appellant's unit" is admitted to that extent, and the Appellant says that that is all they record. The decisions in A.P. Pollution Control Board v. Prof. M.V. Nayudu emphasise the importance of scientific expertise in environmental decision-making; it is precisely such scientific determination which is absent in the present case.

54. With reference to para 46 of the Reply, the Appellant reiterates Part C hereinabove and para 17 of the Memorandum of Amended Appeal.

55. With reference to para 48 of the Reply, it is denied that the Appellant is not entitled to the reliefs prayed for. For the reasons set out in the Memorandum of Amended Appeal and hereinabove, the impugned EDC order deserves to be set aside, the amount of ₹12,50,000/- deposited under protest deserves to be refunded, and recovery of the balance amount and interest deserves to be stayed pending the final disposal of the appeal.

56. The Appellant craves leave of this Hon'ble Tribunal to add to, alter, amend, modify or delete any of the averments contained herein and to place on record such further documents and material as may be necessary, with the leave of this Hon'ble Tribunal, at or before the time of hearing.

III. PRAYER

57. In the premises aforesaid, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

(a) **pending the hearing and final disposal of the appeal**, stay the recovery of the unpaid balance of the EDC amounting to

₹12,50,000/- together with the 12% interest demanded thereon, and restrain the Respondent Board from taking any coercive recovery action against the Appellant in respect of the impugned EDC order dated 02.03.2026 (Annexure 2), the period of six months stipulated in condition 1 of the Stay-Over Direction dated 26.05.2026 being due to expire on or about 26.11.2026;

(b) set aside the impugned EDC order dated 02.03.2026 (Annexure 2) imposing ₹25,00,000/- upon the Appellant, the same being non-speaking, arbitrary, contrary to the assessment requirement of the Polluter Pays Principle, and founded on an untested police allegation rather than any reasoned finding of the Respondent Board, on admissible material, of discharge and environmental damage;

(c) in the alternative to prayer (b), and without admitting any liability, direct the Respondent Board to re-determine the Environmental Damage Compensation, if any, by a fresh, reasoned and speaking order, only after the Respondent Board first establishes, on legally admissible and scientifically reliable material, the source attribution and responsibility of the Appellant, and thereafter assesses the actual environmental damage in accordance with its own two-part methodology, including the detailed expert investigation contemplated by Section 18.3(b) of the GPCB Technical Manual; and thereafter quantifies the EDC proportionate to such assessed damage, after due notice and opportunity of hearing to the Appellant;

(d) consequent upon setting aside of the impugned EDC order, direct the Respondent Board to refund the ₹12,50,000/- paid by the Appellant under protest; and if any compensation is finally determined, to set that amount off against it and refund whatever remains; and

(e) pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE APPELLANT SHALL AS IN DUTY BOUND EVER PRAY.

Place: Ankleshwar

Date: 04.11.2026

DEPONENT

VERIFICATION

I, the deponent above-named, do hereby solemnly verify and state that the contents of paragraphs 1, 2, 11, 13, 15, 16 and 27 of the present Affidavit in Rejoinder are true and correct to my own personal knowledge, and that the contents of the remaining paragraphs are based upon the records maintained by the Appellant, upon the documents on the record of this Hon'ble Tribunal, and upon legal advice received, which I believe to be true and correct; that no part thereof is false and that nothing material has been concealed therefrom.

Solemnly affirmed at Ankleshwar on this 4th day of November, 2026.

DEPONENT

SOLEMNLY AFFIRMED BEFORE ME

MAHESH M. SARVAN
NOTARY
(Govt. of Gujarat) INDIA
Reg. No. NTR-464/02

I seen Aadhar Card

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Service of Affidavit in Rejoinder on behalf of the Appellant to the Affidavit in Reply of Respondent Nos. 1 to 3

1 message

Kathhaa <hirparaisky@gmail.com> Mon, Nov 16, 2026 at 2:32 PM

To: ms-gpcb <ms-gpcb@gujarat.gov.in>, uh-gpcb-ankl <uh-gpcb-ankl@gujarat.gov.in>, ro-gpcb-ankl <ro-gpcb-ankl@gujarat.gov.in>, Neelkanth Mehta <mehtaneelkanth@gmail.com>

APPEAL NO. 98 OF 2026 (WZ)

IN THE MATTER OF:-
M/s. Rajlaxmi Industries ...Appellant
Versus
Gujarat Pollution Control Board & Ors. ...Respondents

Dear Sir/Madam,

Kindly find attached herewith the Rejoinder Affidavit filed on behalf of the Appellant – M/s Rajlakshmi Industries in the above-captioned matter, in response to the Affidavit in Reply of Respondent Nos. 1 to 3 affirmed on 18.09.2026, along with Verification.

Kindly acknowledge receipt of this email.

Yours faithfully,

Katha S. Hirpara
Advocate
M. 8758494825

Rejoinder 4.pdf
6479K