

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE -PUNE**

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Jog Centre, 3<sup>rd</sup> Floor,  
Wakdevadi,  
Old Pune Mumbai Road,  
Pune- 411003

MPCB/ROP/ 210616-PTS-0187

Date : 16/06/2021

To,  
Hon'ble Registrar,  
National Green Tribunal (PB),  
New Delhi.

**Sub. :-** Submission of Report in compliance of Order passed by Hon'ble NGT in Original Application No. 79/2020 (WZ) Lt. Col. Shomi Sugathan vs. M/s Swami Tyres & Ors.

**Ref. :-** Order passed by Hon'ble NGT on 10/11/2020.

Sir,

In compliance of the Order passed by Hon'ble Tribunal on 10/11/2020, the Maharashtra Pollution Control Board is submitting the report.

FOR and on behalf of Maharashtra  
Pollution Control Board

(Pratap Jagtap)

Sub - Regional Officer, Maharashtra  
Pollution Control Board- Pune-1.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
(By Video Conferencing)  
Original Application No. 79 / 2020 (WZ)**

Lt. Col. Shomi Sugathan --- Applicant

Vs.

M/s Swami Tyres & Ors. --- Respondents

**Action Taken Report on behalf of Maharashtra Pollution Control Board i.e. Respondent no. 2 & 4, in compliance of the Order passed by the Hon'ble NGT dated 10/11/2020**

The Hon'ble National Green Tribunal (WZ) vide Order dated 10/11/2020 directed Maharashtra Pollution Control Board to file Action Taken Report as per Law in respect of Respondent No. 1 i.e. M/s Swami Tyres Works, Pune. In compliance of the Order dated 10/11/2020, the Action Taken Report on behalf of MPCB i.e. Respondent No. 2 & 4 is as under :-

- 1) It is submitted that in the year 2019, the office of the Maharashtra Pollution Control Board has received a complaint against Respondent No.1 i.e. M/s Swami Tyres Works, Gat no. 157, Ganesh Nagar, Fursungi, Pune-412308 for causing air pollution. During the inspection by the officials of the Board, it was found that Respondent No. 1 was operating without obtaining Consent to Operate from the MPC Board. Therefore, the MPC Board has issued Proposed Directions to Respondent No.1 vide letter No. ROP/MPCB/PD/1908260006 dated 26/08/2019. A copy of the Proposed Directions dated 26/08/2019 is enclosed herewith and marked as an **Annexure – 1.**
- 2) It is further submitted that Maharashtra Pollution Control Board issued Closure Direction vide letter No. MPCB/ROP/191209-FTS-0149 dated 09/12/2019 to Respondent No. 1 i.e. M/s Swami Tyres Works on the basis of following non-compliances:

- i) Respondent No. 1 is operating without obtaining valid consent to operate from M.P.C. Board.
- ii) Respondent No. 1 has not provided any air pollution control system to the source of emissions and also carried out manufacturing activities without any air pollution control system and created nuisance to the surrounding area.
- iii) In spite of issuance of proposed directions, Respondent No.1 had not taken any precautionary measures and also failed to attend the personal hearing.
- iv) Respondent No. 1 failed to submit the satisfactory reply to the Proposed Directions issued by the Board vide letter dated 26/08/2019.

A copy of the Closure Directions dated 09/12/2019 is enclosed herewith and marked as an **Annexure – 2**.

3) It is submitted that in compliance of Order dated 10/11/2020 passed by the Hon'ble NGT, the Officials of the Board at Pune visited Respondent No.1 M/s Swami Tyres Works, Gat no. 157, Ganesh Nagar, Fursungi, Tal. Haveli, Pune-412308 on 27<sup>th</sup> January, 2021. During visit the following observations were made –

- i) The Respondent industry was not found in operation at the time of visit.
- ii) The Respondent industry is engaged in tyre retreading activity. For this purpose, 4 nos. of boulder have been installed. Out of 4, only 1 is in operation. Out of 4 machines, 2 are of old technology and not in operation.
- iii) The Respondent industry is having 2 nos. of baby boilers wood fired. Out of which one is not in operation. For the working boiler, Respondent industry has provided stack of approximately 45 feet in height.
- iv) Three phase power supply of the Respondent unit is disconnected by MSEDCL Authority. Single phase power supply is not

disconnected. Industry owner and others are staying on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor.

- v) Industry representative informed that total plot area is 2000 Sq. Feet. On that building structure of G + 3 is constructed.
  - vi) Boilers are installed at margin space adjacent to compound wall.
  - vii) Industry representative reported that they are using D. G. Set to carry out production whenever there is load or work order.
- 4) It is submitted that M.P.C. Board has written a letter bearing no. MPCB/RO-PUNE/210316-FTS-0110 dated 16/03/2021 to the Collector, Pune District, Pune to issue conditional order for removal of nuisance U/s 133 of the Criminal Procedure Code to Respondent - M/s Swami Tyres Works, Gat no. 157, Ganesh Nagar, Fursungi, Tal. Haveli, Pune - 412308 by sealing the unit in order to avoid further serious situation. A copy of the letter dated 16/03/2021 is enclosed herewith and marked as an **Annexure – 3**.
- 5) It is humbly submitted that the Maharashtra Pollution Control Board has time and again taken necessary actions against the Respondent No.1-M/s. Swami Tyres Works to control the pollution.

For and on behalf of  
Maharashtra Pollution Control Board



(Shri. Pratap Jagtap)  
Sub-Regional Officer,  
MPCB, Pune-1.

Place : Pune  
Date : 15/06/2021

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE - PUNE**

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Jog Centre, 3<sup>rd</sup> Floor,  
Wakdewadi,  
Old-Pune Mumbai Road,  
Pune- 411003

ROP/MPCB/PD/ 1908260006

Date: 26/08/2019

To  
M/s. Swami Tyre Works,  
Gat No. 157, Fursungi, Tal. Haveli,  
Dist. Pune.

**Sub:** Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Waste (M & TM) Rules, 2016.

**Ref :** 1) Complaint to this office regarding air pollution.  
2) Board official visited to your unit on 26/06/2019.  
3) Board warning notice vide 190702-FTS-0132, Dtd. 02/7/2019.

**WHEREAS**, your industry is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 followed by further amendments made therein from time to time.

**AND WHEREAS**, it is obligatory on your part to obtain Consent of the Board for your activity & it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively for prevention and control of pollution.

**AND WHEREAS**, Hon'ble National Green Tribunal, New Delhi has passed the Order in the application No 37/2012 filed by Wassan Singh V/s State of Punjab regarding sealing the unit's operating without obtaining consent from SPCBs/PCC.

**AND WHEEREAS**, Board office has received the complaint Shomi Sugathan, Hadaposar, Fursungi, Pune regarding toxic gases & pollutants causing air pollution and serious health hazards and breathing problem. In this regard's the Board official has visited your premises on 26/6/2019 reported that, you are fail to comply with various environment laws & following non-compliance are observed during the visit.

1. You are operating your unit without valid consent from the Board.
2. You have not provided any air pollution control system to the source of emissions & also carried out your manufacturing activities without any air pollution control system.

**AND WHEREAS**, Board offices has issued warning notice to you for above non-compliances.

**AND WHEREAS**, from the record of this office and observations made during the visit, I came to the conclusion that you are not complying with the consent condition and the provision of Water (Prevention & Control of Pollution) Act, 1974 thereby causing grave injury to the environment.

..2..

**NOW THEREFORE**, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981, I, Dilip Khedkar, Regional Officer of the Board, at Pune hereby issue directions as under-

1. Whys your unit shall not be directed to close down the manufacturing activity forthwith?
2. Why the competent authorities shall not be directed to disconnect Water / electricity supply of your unit?

You are directed to remain present for **personal hearing on 29 January, 2019 at 12.30 am in the office of Regional Officer, M. P. C. Board, Jog centre, 3<sup>rd</sup> floor, wakadewadi, Pune-03** along with action plan towards the compliance of above related points, else this office will rather be compelled to initiate further action as deemed fit in your case as per the provisions of various Environmental enactments, which may please be noted.

For and on behalf of  
Maharashtra Pollution Control Board



(Dilip Khedkar)  
Regional Officer

Copy Submitted for information to  
1. Joint Director(WPC), M.P.C. Board, Mumbai.

Copy to-  
The Sub-Regional Officer, M.P.C.Board,Pune-I/II/PC.

- You are directed to keep the follow up and report the compliance from time to time.

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE - PUNE**

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Jog Centre, 3<sup>rd</sup> Floor,  
Wakdewadi,  
Old-Pune Mumbai Road,  
Pune- 411003

MPCB/ROPI /1912090002  
-FTS-01/19

Date: 09/12/19

To,  
M/s. Swami Tyre Works,  
Gat No 157, Fursungi, Tal. Haveli,  
Dist. Pune.

**Sub:** Direction of Closure u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and amendments thereafter.

**Ref:** 1) Consent to establish granted by the Board.  
2) Compliant received regarding air pollution.  
3) Board's Proposed Directions issued vide letter dtd ROP/MPCB/PD/1908260006, Dtd. 26/8/2019  
4) Report received from Sub Regional Officer Pune-I vide no. MPCB-LEGAL\_ACTIONS- 260819013 on 22/11/2019

**WHEREAS**, you are operating your industry in 'Pollution Prevention Area' under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of) Act, 1981 & Hazardous & Other Waste (Management & TM) Rules, 2016.

**AND WHEREAS**, the Board had granted the consent to establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (MH & TM) Rules, 2016 and amendments thereof.

**AND WHEREAS**, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in the consent.

**AND WHEREAS**, it is obligatory on your part to obtain valid consent to operate before commencement of the commercial production activity.

**AND WHEREAS**, Board official visited to your industry on 26/06/2019 reported that,

1. You are operating your unit without valid consent from the Board.
2. You have not provided any air pollution control system to the source of emissions and also carried out your manufacturing activities without any air pollution control system and created nuisance to the surrounding area.
3. You have not taken any precautionary measures after issuance of proposed directions and after frequent complaints. Also not attended the personal hearing.

*[Handwritten Signature]*

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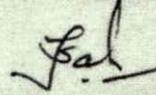
**AND WHEREAS**, Board has issued Proposed Directions vide ref (4) for above non-compliance.

**AND WHEREAS**, it is noted that, after communication and given sufficient time period, you have failed to submit your satisfactory compliance report and to provide full-fledged air pollution control system to your unit.

**AND WHEREAS**, after going through the record of your case, reports and information of the Board officials and making necessary enquiries, I came to the conclusion that you are failed to comply with the provision of Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 thereby causing grave injury to the Environment in the least bothered way.

**NOW, THEREFORE**, in exercise of powers conferred upon me by the Board u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981, I the undersigned, **J. S. Salunkhe, Regional Officer at Pune** hereby direct you to stop the manufacturing activity forthwith from receipt of this directions. Please note that, the competent authorities are directed to disconnect water and electricity supply of your industry, which may please be noted.

For and on behalf of  
Maharashtra Pollution Control Board



(J. S. Salunkhe)  
Regional Officer, Pune

Copy submitted for favor of information to:-  
The Member Secretary, MPCB, Mumbai

Copy forwarded to:-  
Joint Director (WPC), MPCB, Mumbai.

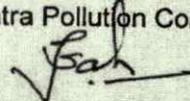
Copy forwarded with compliments for necessary action to:

1. Dy. Engineer, MSEDCL Div, Near, Maharashtra Vidhyut Department Quarters, Fursungi, Pune :- He is directed to disconnect the electric supply of above unit, after receipt of this direction and communicate accordingly.
2. Executive Engineer, (Water Supply), Pune Municipal Corporation, Pune :- He is directed to disconnect the water supply of above unit, after receipt of this direction and communicate accordingly.

Copy to Sub Regional Officer- Pune-I

He is directed to serve the directions and report the compliance accordingly.

For and on behalf of  
Maharashtra Pollution Control Board



(J. S. Salunkhe)  
Regional Officer, Pune

Annexure - 3

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE - PUNE**

Phone No. 020-25811694  
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Jog Centre, 3<sup>rd</sup> Floor,  
Wakdevadi,  
Old-Pune Mumbai Road,  
Pune- 411003

By R.P.A.D/Fax/Hand Delivery

No.MPCB/RO-PUNE/ 210816 - PTS - 0110

Date: 16/03/2021

To,  
The Collector,  
Pune District Collector Office,  
Pune.

**Sub:** To issue conditional order for removal of nuisance u/s 133 of Criminal Procedure Code against M/s. M/s. Swami Tyre Works, Gat No. 157, Fursungi, Tal. Haveli, Dist. Pune.

- Ref:**
1. Complaints received from the nearby Residents.
  2. Proposed Directions issued by the Board vide letter dtd ROP/MPCB/PD/1908260006, Dtd. 26/8/2019.
  3. Closure Directions issued by the MPC Board to M/s. Swami Tyre Works, Gat No. 157, Fursungi, Tal. Haveli, Dist. Pune vide no. MPCB/ROP/191209-FTS-0149 letter dtd.09/12/2019.
  4. Application no. O.A. 79/2020 filed before Hon'ble NGT.
  5. Proposal submitted by Sub Regional officer Pune-I vide Legal no. MPCB-LEGAL\_ACTIONS-260819013, Dtd. 09/02/2021.

**WHEREAS**, you are operating your industry in 'Pollution Prevention Area' under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of) Act, 1981 & Hazardous & Other Waste (Management & TM) Rules, 2016.

**AND WHEREAS**, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in Water (Prevention & Control of Pollution) Act & 1974 & Air (Prevention & Control of) Act, 1981 r/w Environment (Protection) Act, 1986.

**AND WHEREAS**, the Board has received complaints from the nearby Residents regarding air pollution caused by the above M/s. Swami Tyre Works, in the nearby vicinity.

**AND WHEREAS**, after verifying the complaints, the Maharashtra Pollution Control Board has issued Directions of Closure under Section 33 A of the Water (Prevention & Control of Pollution) Act, 1974 & Section 31 A of the Air (Prevention & Control of Pollution) Act, 1981 including directions of disconnection of water / electricity supply to M/s. Swami Tyre Works, Gat No. 157, Fursungi, Tal. Haveli, Dist. Pune vide no. MPCB/ROP/191209-FTS-0149 letter Dtd. 09/12/2019, for unit is operating without obtaining consent to operate from the Board, not provided any air pollution control system at the sources of emissions, Industry carrying out manufacturing activities without any air pollution control system and creating air nuisance to the surrounding residential / area, not taken any precautionary measures after issuance of proposed directions and also not attended the personal hearing.

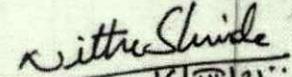
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**AND WHEREAS**, despite issuance of the closure directions by the Board to M/s. Swami Tyre Works, Gat No. 157, Fursungi, Tal. Haveli, Dist. Pune., and after disconnection of Power Supply by MSEDCL, Pune the said unit is still operating their tyre retreading activity with electric supply from diesel generated set.

In view of the above non compliances, you are requested to issue conditional order for removal of nuisance u/s 133 of Criminal Procedure Code to M/s. Swami Tyre Works, Gat No. 157, Fursungi, Tal. Haveli, Dist. Pune, by sealing the unit in order to avoid further serious situation and to report the compliance to Hon'ble National Green Tribunal (WZ) Pune.

For and on behalf of  
Maharashtra Pollution Control Board

  
16/11/21  
(Nitin Shinde)  
I/c. Regional Officer-Pune

Copy submitted to:

- Hon'ble Member Secretary, MPCB, Mumbai – for favour of information.

Copy submitted to:

- Joint Director (WPC)/Law Officer(P& L Divn.), MPCB, Mumbai -for information.

Copy to:

- Sub-Regional Officer, MPCB, Pune-I – for information and necessary follow up.