



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

Original Application No.197/2024(WZ)

[Earlier Original Application No.1161/2024 (PB)]

News Item titled "Mumbai BMC's inaction on illegal bhattis in Chandivli frustrates residents, who now demand strict action" appearing in the Free Press Journal dated 26/08/2024

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**Additional Affidavit on behalf of the Respondent No.1-Maharashtra
Pollution Control Board(MPCB)**

I, Kishor Kerlikar, Aged -Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-II, having Office address at Kalpataru Point, 2nd Floor, Sion-Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under :

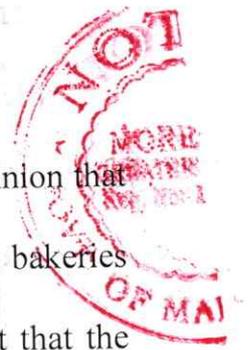
1. I am filing this Additional Affidavit in compliance of the Order dated 18/2/2025 passed by this Hon'ble NGT. I say that the issue involved in the present case pertains to air pollution being caused by the Bhattis (furnaces) alongwith Khairani Road in Sakinaka Mumbai.

Kishor Kerlikar

2. I say and submit that the Hon'ble NGT has expressed the opinion that MPCB can independently take action against such units / bakeries which are spreading pollutants in the city. I say and submit that the Respondent No.1-MPCB has sought the information vide e-mail dated 3/4/2025 from the Respondent No.2-BMC requesting to provide list of Units/Bakeries having Bhattis located in Chandivli, Mumbai, to whom BMC has granted permission, however, the Respondent No.2-BMC has not provided the list of Units/Bakeries having Bhattis located in Chandivli, Mumbai. Therefore, the Respondent No.1-MPCB vide e-mail dated 22/4/2025 again requested Respondent No.2-BMC to provide the list of Units/Bakeries having Bhattis located in Chandivli, Mumbai for further necessary action. A copy of the e-mail dated 3/4/2025 and 22/4/2025 is attached herewith as an **Annexure-I**.

3. I say and submit that the Hon'ble High Court of Judicature at Bombay has taken Suo-Moto Cognizance of the News Article published in the Local Newspaper regarding deteriorating air quality in the City of Mumbai and also its surrounding area, which is registered as Suo-Moto Public Interest Litigation No.3/2023, wherein, the Hon'ble High Court vide Order dated 9/1/2025 directed that the bakery units needs to be directed to stop using wood and coal and by converting these units to use CNG, Gas or Green Fuel etc. Further the Hon'ble High Court directed that all new licenses be granted for opening Bakeries,

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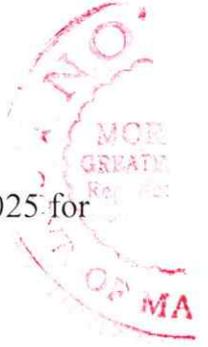




Restaurants, Bhattis etc. by incorporating the conditions that such units shall use only CNG Gas or Green Fuel etc. In this regard, the MPCB has issued Public Notice on 8/2/2025. A copy of the Public Notice dated 8/2/2025 is attached herewith as an **Annexure-II**.

4. I say and submit that the MPCB has also issued directions u/s 31A of the Air (Prevention and Control of Pollution) Act, 1981 to the Municipal Commissioners of the Municipal Corporations and Chief Officers of Municipal Councils in Mumbai Metropolitan Region (MMR) Area vide letters dated 7/2/2025 respectively and directed to ensure that wood and coal used as fuel in the Bakeries, Restaurants, Bhattis etc. shall be converted with CNG Gas or Green Fuels etc. within six months i.e. on or before 9/7/2025 and all new licenses shall be granted for opening Bakeries, Restaurants, Bhattis etc. by incorporating a condition that such units shall use only Green fuels, CNG, Gas etc. and not use wood and coal. Copies of the directions dated 7/2/2025 issued to the Municipal Corporations and Municipal Councils in MMR Area are annexed herewith as an **Annexure-III** collectively.
5. I say and submit that in the Suo Moto PIL No.3/2023, the issue regarding deteriorating air quality due to use of bhattis in Chandivli area was brought to the notice of the Hon'ble High Court of Judicature at Bombay by Amicus-Curiae on 21/4/2025. The matter is pending before

A handwritten signature in blue ink, appearing to be 'V. B.', written over a horizontal line.



the Hon'ble High Court Bombay, which is now listed on 29/4/2025 for hearing.

Solemnly affirmed on this 24th day of April, 2025 at Mumbai

For and on behalf of Maharashtra Pollution Control Board,

Kishor Kerlikar

(Kishor Kerlikar)
Sub-Regional Officer, Mumbai-II



BEFORE ME
Vasant B. More
VASANT B. MORE
Notary Gr. Mumbai
7, Vijaya Sadan, Flat No. 304,
Above Axis Bank,
Sion West, Mumbai-400022
REGISTER Sr. No 324/2025

324/2025



Annexure - I

 Outlook

List of Units/ Bakeries having Bhattis

From: SRO Mumbai 2 <sromumbai2@mpcb.gov.in>

Date: Tue 22-04-2025 18:14

To: ac.l@mcgm.gov.in <ac.l@mcgm.gov.in>

Cc: RO Mumbai <romumbai@mpcb.gov.in>; RO Mumbai <romumbai@mpcb.gov.in>; Netra Chaphekar <lo@mpcb.gov.in>

 1 attachment (427 KB)

Order OA 1972024 18-02-2025.pdf;

IMP / Urgent
Reminder-I

Sir,

Please find attached herewith Hon'ble NGT order dt. 18/02/2025 in O.A.197/2024, wherein the Hon'ble NGT directed the MPCB to take action against Units/ Bakeries, which are spreading pollutants in the city. Further it is also mentioned that, action would be initiated by MPCB, in case units/ Bakeries have not taken consent from MPCB.

In pursuance of the order dt. 18/02/2025 passed by the Hon'ble NGT , you are requested to provide the list of Units/Bakeries which are using Bhattis during their operations, for further necessary action.

Please treat this as most urgent / important and provide the list at the earliest.

Thanks & Regards,

(Kishor A. Kerlikar)
Sub-Regional Officer, Mumbai-II
Maharashtra Pollution Control Board
Mumbai.

From: SRO Mumbai 2

Sent: 03 April 2025 17:17

To: ac.l@mcgm.gov.in <ac.l@mcgm.gov.in>

Cc: RO Mumbai <romumbai@mpcb.gov.in>; RO (BMW) <robmw@mpcb.gov.in>; Netra Chaphekar <lo@mpcb.gov.in>

Subject: List of Units/ Bakeries having Bhattis

IMP / Urgent

Sir,

Please find attached herewith Hon'ble NGT order dt. 18/02/2025 in O.A.197/2024, wherein the Hon'ble NGT directed the MPCB to take action against Units/ Bakeries, which are spreading pollutants in the city. Further it is also mentioned that, action would be initiated by MPCB, in case units/ Bakeries have not taken consent from MPCB.

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Thanks & Regards,

(Kishor A. Kerlikar)
Sub-Regional Officer, Mumbai-II
Maharashtra Pollution Control Board
Mumbai.



MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 24010437/24010781/
24045689/24037124
Fax : 4024068 /4023516
Email : jdair@mpcb.gov.in
Visit At : <http://mpcb.gov.in>



Kalpataru Point, 3rd & 4th floor,
Sion- Matunga Scheme Road No. 8,
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E),
Mumbai - 400 022

“आपली सेवा आमचे कर्तव्य”

Public Notice

Subject: Compliance of the Order dated 09/01/2025 passed by Hon'ble High Court of Judicature at Bombay in Suo Moto PIL No.03 of 2023 regarding the use of CNG Gas, Green Fuel etc. in Bakery units.

The Hon'ble High Court of Judicature at Bombay vide order dated 09/01/2025 in Suo Moto PIL No. 03 of 2023 directed that the Bakery units need to be stopped using wood and coal by converting these units to use CNG, Gas or Green Fuel etc. The Hon'ble High Court further directed that all new Licenses be granted for opening Bakeries, Restaurant, Bhatties etc. by incorporating a condition that such units shall use only CNG, Gas or Green Fuels etc.

In compliance of the directions issued by the Hon'ble Bombay High Court in the above-referred matter, the Bakery Units in the Mumbai Metropolitan Region shall comply as follows:

- Bakery units are categorized as **Green and Orange** based on the production capacity as per the categorization issued by the Central Pollution Control Board (CPCB) and required Consent to Operate Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 from the Maharashtra Pollution Control Board.
- All existing bakeries currently using wood and coal as a fuel shall switch to CNG, Gas or green fuels etc. within **six (6) months** i.e. **on or before 9th July 2025**. In case of failure to comply within the stipulated time, the Board will initiate suitable legal action including closure directions in accordance with the law.
- All existing and proposed bakery units are hereby directed to take immediate steps to ensure strict compliance of these directives.

Sd/-
(Member Secretary)
Maharashtra Pollution Control Board

डॉ. अविनाश धाकणे, भाप्रसे
सदस्य सचिव

Dr. Avinash Dhakne, IAS
Member Secretary



"Your Service is our Duty"

Annexure - III collectively

महाराष्ट्र प्रदूषण नियंत्रण मंडळ
MAHARASHTRA POLLUTION CONTROL BOARD

No. MPCB / JD(APC) / B-0220

Date: 07/02/2025.

To,
The Municipal Commissioner,
Mumbai / Navi-Mumbai/Thane/Kalyan-Dombivali/
Mira-Bhayander/Bhiwandi/Ulhasnagar/Panvel/Vasai-Virar
Municipal Corporation.

Sub: Directions under Section 31 (A) of the Air (Prevention and Control of
Pollution) Act, 1981.

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WHEREAS, it is one of the function of the State Pollution Control Board to plan a comprehensive program for the prevention, control or abatement of air pollution in the concerned State and to secure execution thereof under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981;

AND WHEREAS, while action is required to be taken for prevention, control and abatement of air pollution from various sources such as vehicles, road dust, Construction & Demolition activities, industries, biomass burning, etc. action is also required to be taken simultaneously for switching to cleaner fuels for application in bakeries and for tandoors of hotels / restaurants / dhabas / open eateries.

AND WHEREAS, the Hon'ble High Court of Judicature at Bombay has on its own Motion registered a Suo Moto PIL bearing No.3/2023 and taken serious cognizance regarding deteriorating Air Quality Index (AQI) in Mumbai and MMR area.

AND WHEREAS, Bakeries play an integral role in the community by providing food products and services. However, the environmental impact of using wood and coal as a fuel in these establishments cannot be ignored.

AND WHEREAS, it is equally important that fine particles which constitute higher fractions of toxics are mostly released at ground level by sources such as bakeries thus further deteriorating the air quality.

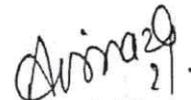
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कल्पतरु पॉइंट, शिव सर्कल, शीव (पूर्व), मुंबई - ४०० ०२२. (फो.: २४०१ ०७०६)
Kalpataru Point, Sion Circle, Sion (East), Mumbai - 400 022. (M. 2401 0706)
E-mail : ms@mpcb.gov.in • Website : www.mpcb.gov.in

NOW THEREFORE, in view of the above, the following directions are issued for necessary compliance -

1. In order to reduce Particulate Matter (PM) as well as odour and in order to improve the air quality, you shall promote use of CNG, Gas or green fuels etc., instead of coal and wood for Bakeries, Restaurants, Bhatties etc. under your jurisdiction.
2. You shall ensure that wood and coal used as fuel in the bakeries, restaurants, Bhatties etc. shall be converted with CNG, Gas or green fuels etc. within six months i.e. on or before 9th July 2025 instead of a one-year period granted earlier.
3. You shall ensure that no new licenses, approvals and permissions to open bakeries or similar businesses should be granted for the use of wood and coal as a fuel.
4. You shall ensure that all new licenses shall be granted for opening bakeries, Restaurants, Bhatties etc. by incorporating a condition that such units shall use only Green fuels, CNG, Gas etc. and not use wood and coal. After verification of such compliance, final permission shall be granted to such units.

The action taken report to be submitted to Maharashtra Pollution Control Board within a period of 07 days from the date of receipt of these directions.


(Dr. Avinash Dhakne, IAS)
Member Secretary

Copy submitted for favour of information:

- 1) Hon'ble Principal Secretary, Environment & Climate Change Dept., GoM
- 2) Hon'ble Chairman, MPC Board, Sion, Mumbai

Copy To:

Regional Officers, MPCB Mumbai / Thane / Kalyan / Navi Mumbai / Raigad - You shall serve copy of direction to concerned ULB and follow up for compliance, accordingly.

डॉ. अविनाश ढाकणे, धात्रमे
सदस्य सचिव
Dr. Avinash Dhakne, IAS
MEMBER SECRETARY



महाराष्ट्र प्रदूषण नियंत्रण मंडळ
MAHARASHTRA POLLUTION CONTROL BOARD

No. MPCB / JD(APC) / B-220

Date: 07/02/2025.

To,
Chief Officer,
Ambernath / Badlapur / Khopoli / Karjat /
Palghar / Alibag / Pen Municipal / Uran / Matheran /
Municipal Council.

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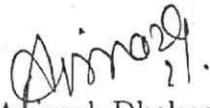
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२रा, ३रा, व ४था मजला, कल्पतरु पॉइंट, सायन मांटुगा स्किम रोड नं. ८, पीव्हीआर सिनेमा समोर, सायन सर्कल,
सायन (पूर्व), मुंबई - ४०० ०२२. टेलि. : २४०१ ०७०६
2nd, 3rd & 4th Floor, Kalpataru Point, Sion Matunga Scheme Road No. 8, Opp. PVR Cinema, Sion Circle,
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