

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

ORIGINAL APPLICATION No. 112 OF 2025 (WZ)

Sameer Khale

.... Applicant

Versus

M/s Abhay Stone Metal & Ors.

.... Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE
MAHARASHTRA POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 2**

I, Navanath S. Awatade, aged adult, occupation – Service, the Sub Regional Officer of the Maharashtra Pollution Control Board at Pune-II Region, having office address at 2rd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

- (1) I am filing this Additional Affidavit in compliance of the Order dated 09/12/2025 passed by this Hon'ble NGT, directing Respondent No.2-MPCB to submit its explanation as to why closure directions was issued against Respondent No.1-Abhay Stone Crusher.
- (2) I say and submit that, the Respondent-MPCB has issued Closure Directions to the Respondent No.1-M/s.Abhay Stone Crusher on 21/11/2025, as the stone crusher activities are not

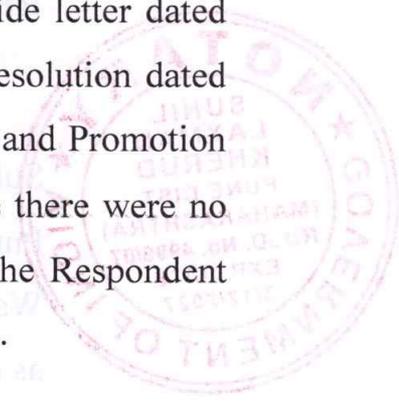


allowed in Agriculture and No Development Zone as specified in the Notification dated 11/12/2018 issued by the Urban Development Department, Govt. of Maharashtra and the Respondent No.1-M/s.Abhay Stone Crusher has not upgraded/provided Air Pollution Control System as per the Board's Circular dated 10/01/2024 regarding Environmental Guidelines for the Stone Crusher Units issued by the Central Pollution Control Board in the month of July, 2023 etc.

(3) I say and submit that the Respondent-MPCB has issued a letter dated 17/11/2025 to the Pune Metro Regional Development Authority (PMRDA) requesting to provide a list of industries, who are permitted to operate/prohibited in No-Development Zones in PMRDA area. However, PMRDA vide letter dated 20/11/2025 has submitted the Government Resolution dated 11/12/2018 and Unified Development Control and Promotion Regulation for Maharashtra State, 2020. Since there were no specific observations made by the PMRDA, the Respondent Board had proceeded with the closure directions.

(4) I say and submit that being aggrieved by the closure directions dated 21/11/2025 issued by the Respondent Board, the Respondent No.1-M/s.Abhay Stone Crusher has filed Writ Petition bearing No.1748/2025 before the Hon'ble High Court Bombay, which is now listed on 5/3/2026.

(5) I say and submit that in order to verify the compliance made by the Respondent No.1-M/s.Abhay Stone Crusher, the officials



of the Respondent Board at Pune visited the said stone crusher on 09/02/2026 and observed that-

- I. The Stone Crusher was not in operation due to the disconnection of electricity and water supply
- II. The stone crusher has provided water sprinkling at Raw material unloading area and within premises as well as around the compound wall.
- III. Provided water sprinkling at Chute primary jaw crusher, screening area, internal premises & fine material conveyor belt.
- IV. The stone crusher has got natural wind breaking wall at one side, in the form of an adjacent hill. Provided a wind breaking walls/metal sheet fencing at other sides.
- V. The stone crusher has planted tree plantation in stone crusher premises along the boundary wall.
- VI. High-efficiency water sprayers and Water Cannon Foggers have been installed at the raw material unloading area.
- VII. The VSI unit is now fully enclosed with metal sheets to prevent fugitive emissions. Windbreak walls/barriers of requisite height have been erected around the periphery.
- VIII. Regular cleaning was carried out within the premises to prevent dust accumulation.
- IX. The Barriers have been erected around the periphery of the unit to contain dust within the premises.
- X. Windbreak walls/barriers of requisite height have been erected around the periphery.



XI. The industry has installed Continuous Dust Monitoring instrument. A copy of the visit report dated 09/02/2026 is enclosed herewith and marked as an **Annexure- 'I'**.

(6) I say and submit that the Respondent Board extended an opportunity of personal hearing to Respondent No.1-M/s.Abhay Stone Crusher on 23/02/2026 along with the Officials of the PMRDA. During the course of hearing, the Authority of PMRDA informed that the stone crusher activity is allowed in Agriculture and No Development Zone vide e-mail dated 23/02/2026. A copy of the e-mail 23/02/2026 Received from PMRDA is enclosed herewith and marked as an **Annexure- 'II'**.

(7) I say and submit that on the basis of compliance and as decided in the personal hearing held on 23/02/2026, the Respondent Board has issued Conditional Restart Directions to Respondent No.1-M/s. Abhay Stone Metal vide letter dated 25/02/2026 A copy of the Conditional Restart Directions dated 25/02/2026 is enclosed herewith and marked as an **Annexure- 'III'**.

(8) I say and submit that the Respondent Board is now taking corrective steps by issuing Restart Directions by following due procedure.

(9) I say and submit that the Respondent No.1-M/s.Abhay Stone Metal has complied with the non-compliance mentioned in the closure direction dtd.21/11/2025 after filing of the present Original Application.



(10) Hence this Affidavit.

Solemnly affirmed on this 25th day of February, 2026 at Pune.

I know the affiant

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No.2

ADVOCATE

Awatade
(Navnath S. Awatade)
Sub-Regional Officer,
MPCB, Pune-II

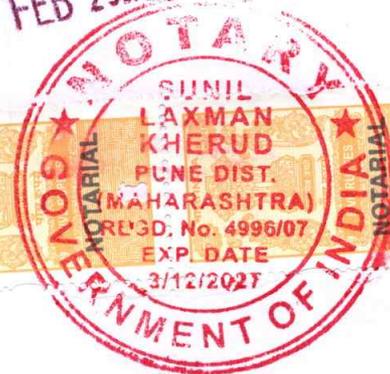
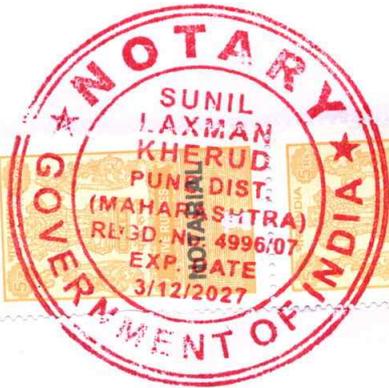


BEFORE ME

Awatade
SUNIL LAXMAN KHERUD
NOTARY GOVT. OF INDIA
Regd. No. 4996/07
Noted & Register No.

SUNIL LAXMAN KHERUD
NOTARY-GOVT. OF INDIA
B/3, MANIRATAN SOCIETY,
ARYANESHWAR, PUNE-411009

25 FEB 2026



Annexure- I

425
MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICER PUNE 2

Phone No. 25811 222
Fax No. 25811 029
Email ID – sropune2@mpcb.gov.in



Jog Center, 3rd floor
Wakadewadi Mumbai-Pune,
Road Pune – 411003

-: Visit Report :-

Dtd. 09.02.2026

Name & address of Project : M/s. Abhay Stone Metal
Gat No. 471/1, Mukaiwadi, Pirangut,
Tal - Mulshi, Dist. Pune

Mail ID : abhaystonemetal@gmail.com

Consent person : Akshay Chavan (Owner)

Contact no. : 99708 25555

Observations:

Visit is carried out in compliance of Hon'ble NGT order dtd. 18.09.2025 in the matter of O.A. no. 114 of 2025 (WZ) Sameer Khale (Applicant) Versus M/s Abhay Stone Metal & Ors. (Respondents) and compliance of Closure Directions observations are as follows:

1. The Stone Crusher not found in operation due to disconnection of Electricity and water supply.
2. Consent to Establish granted by the Board vide no. Format1.0/RO/UAN No.0000176183 /CE/ 2310000273 Date: 04/10/2023.
3. Consent to 1st Operate granted by the Board vide no. - Format1.0/RO/UAN No.0000194413/ CO/2403002547 Date: 24/03/2024, which is valid upto 31/01/2028
4. The Original Land bearing gat no. 471/1, 473 Mouje. Mukaiwadi, Tal. Mulshi, Dist. Pune is in the ownership of Shri. Jitendra Kishan Pawale.
5. The Tahsildar Mulshi has granted the permission for Stone Quarry and leveling of land vide letter Dtd. 12/12/2023 to Shri. Raju Appa Chavan- Crusher Owner
6. The Tahsildar Mulshi Pune has granted temporary NA order to the applicant Shri Raju Appa Chavan (Crusher Owner) vide letter Dtd. 11/09/2025
7. The Hon'ble Collector, Pune has granted trading of Quarry Material and Stone Aggregates vide letter Dtd. 26/09/2025.
8. BG imposed of Rs. 50000/-, submitted on 22.03.2024, valid upto 18.03.2029.

9. The stone crusher has provided water sprinkling at Raw material unloading area and within premises as well as around the compound wall.
10. Provided water sprinkling at Chute primary jaw crusher, screening area, internal premises & fine material conveyor belt.
11. The stone crusher has got natural wind breaking wall at one side, in the form of an adjacent hill. Provided a wind breaking walls/metal sheet fencing at other sides.
12. The stone crusher has planted tree plantation in stone crusher premises along the boundary wall.
13. High-efficiency water sprayers and Water Cannon Foggers have been installed at the raw material unloading area.
14. The VSI unit is now fully enclosed with metal sheets to prevent fugitive emissions. Windbreak walls/barriers of requisite height have been erected around the periphery.
15. Regular cleaning was carried out within the premises to prevent dust accumulation.
16. The Barriers have been erected around the periphery of the unit to contain dust within the premises.
17. Windbreak walls/barriers of requisite height have been erected around the periphery.
18. The industry has installed Continuous Dust Monitoring instrument.
19. The PP has mentioned that - As per UDCPR 2018 (Page 134, Point 44.0) and the current UDCPR 2025, Mining and Crushing activities are explicitly permitted in the Agricultural Zone & the stone crusher activity is not prohibited anywhere under the UDCPR 2025.

Awatade
09/02/25.
Navanath Awatade
Sub Regional Officer
M.P.C. Pune- II



Outlook

दि.२३/०२/२०२६ रोजी झालेल्या ऑनलाईन बैठकीच्या अनुषंगाने

From BP PMRDA <bppmrda@gmail.com>

Date Mon 2026-02-23 17:22

To RO Pune <ropune@mpcb.gov.in>; SRO Pune 2 <sropune2@mpcb.gov.in>; JD Water <jdwater@mpcb.gov.in>

दिनांक २३/०२/२०२६ रोजी झालेल्या ऑनलाईन बैठकीच्या अनुषंगाने कळविण्यात येते की, प्रस्तावित जागा ही महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडील(MPCB) दिनांक ०४/०३/२०२० रोजीच्या परिपत्रकामध्ये नमूद Siting Criteria च्या अनुषंगाने योग्य असेल तर शेती व ना-विकास विभागामध्ये 'स्टोन क्रशर' हा वापर 'industry' अंतर्गत काही अटी व शर्तीस अधीन राहून अनुज्ञेय करता येईल.

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

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdewadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/RESTART/ 2602250002

Date: 25/02/2026

**To,
M/s. Abhay Stone Metal,
Gat No. 471/1, Mukaiwadi,
Pirangut, Tal. Mulshi, Dist. Pune.**

Sub: Conditional Restart Directions under section 33A of the Water (P& CP) Act, 1974 and under section 31A of the Air (P & CP) Act, 1981.

- Ref:**
1. Consent to Operate granted by the Board vide no. Format1.0/RO/UAN No.0000194413/ CO/2403002547 Date: 24/03/2024, which is valid upto 31/01/2028
 2. Legal matters are filed before Hon'ble NGT vide OA No. 112/2025 (WZ) Sameer Khale (Applicant) V.s Abhay Stone Metal and Ors.
 3. Closure Directions issued by the Board vide letter no. MPCB/CD/ 2511210001, Dtd. 21/11/2025.
 4. Reply submitted by the industry vide letter dtd. 09/01/2026
 5. Joint Meeting of MPCB and PMRDA through VC on Dtd. 23/02/2026
 6. Reply from the PMRDA regarding above matter vide email Dtd. 23/02/2026
 7. Restart Proposal submitted by the SRO Pune-II vide no. MPCB-LEGAL-ACTIONS-191125025 and Approved by HQ on 25/02/2026

This refers to the Closure Directions issued by the Board vide letter under ref (1) to your industry due to non-compliances / violations of Environmental Acts and causing environmental pollution.

Considering your reply/request and present status reported by the Sub Regional Officer, Pune-II, the MPCB and PMRDA conducted the joint meeting and thereafter Sub Regional Officer, MPCB, Pune-II has submitted the Restart Proposal along with the reply from the PMRDA regarding the stone crusher activities are allowed in agricultural and no development zone area with fulfillment of the sitting criteria prescribed by the MPC Board vide reference (7) above and the proposal approved by the Board's competent authority for issuance of the Conditional Restart Directions on 25/02/2026.

Now, the aforesaid closure direction referred at (3) above is withdrawn herewith and hereby allows you to restart your manufacturing activities subject to the following terms and conditions,

1. You shall operate and maintain the air pollution control system provided to your stone crushing activities as per the Board's circular no. MPCB/JD(APC)/Stone Crusher/TB-3/B-0215, Dtd. 10/01/2024 regarding Environmental Guidelines for the Stone Crusher Units and conditions prescribed in the Board's consent.
2. This conditional restart directions issued without prejudice that the order or order may be passed by the Hon'ble NGT in OA No. 112/2025 (WZ) Sameer Khale (Applicant) V.s Abhay Stone Metal and Ors.
3. You shall submit fresh Bank Guarantee of Rs. 50,000/- (Fifty Thousand Only) in favor of Regional Officer, Maharashtra Pollution Control Board, Pune (PAN No. AAAGM0150J) within 15 days in the form of E-BG as per the Board's circular dtd. 20/05/2025 towards ensure the compliance of the above directions. The Bank

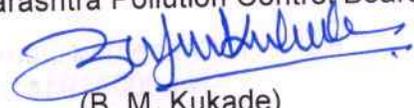
..2..

These directions are issued under the powers conferred upon me by the Board under section 33A of Water (Prevention and control of Pollution) Act, 1974 and 31A of Air (Prevention and control of Pollution) Act, 1981.

These directions shall be followed scrupulously. In case of noncompliance, the Board is constraint to take stringent legal action including forfeiting of the bank guarantee and closure of unit, which may please be noted.

This is issued with the approval of Competent Authority of the Board.

For and on behalf of
Maharashtra Pollution Control Board



(B. M. Kukade)
Regional Officer,
M. P. C. Board Pune

Copy submitted for favor of information to: -

1. The Member Secretary, MPCB, Mumbai.

Copy forwarded to:-

1. Joint Director (WPC), MPCB, Mumbai.
2. Law Officer (P & L Div), MPCB, Mumbai.

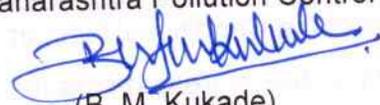
Copy to

- Sub Regional Officer, MPCB, Pune-II : For information and follow up action please.

Copy forwarded with compliments for necessary action to:-

1. Executive Engineer MSEDCL Mulshi Division, Pune :- He is directed to restore the electric supply of above unit, after receipt of these directions and communicate accordingly.
2. Grampanchayat Mukaiwadi-Pirangut Village Taluka Mulshi, Dist. Pune :- You are directed to restore the water supply of above unit, after receipt of these directions and communicate accordingly.

For and on behalf of
Maharashtra Pollution Control Board



(B. M. Kukade)
Regional Officer,
M. P. C. Board Pune