

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE, PUNE

APPEAL NO 39 OF 2022 (WZ)

Taloja Manufactures Association

.....Appellant

Versus

Union of India & Ors.

....Respondent(s)

AND

Appeal No. 40/2022(WZ)

Taloja Manufactures Association

.....Appellant

Versus

Union of India and Others

.... Respondents

Additional Affidavit on behalf of Respondent No.3 -MPCB :-

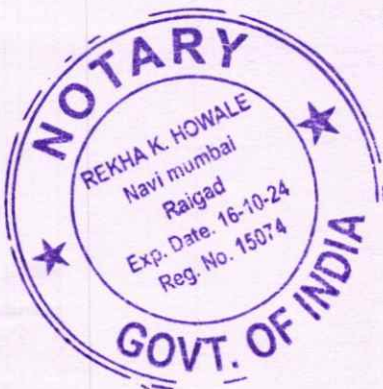
I, Jayavant S. Hajare, Age 55 years, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Raigad having my office at Raigad Bhavan, 6th Floor, Sec-11.CBD Belapur, Navi Mumbai 400614, do hereby state on solemn affirmation as under –

1. I am filing this Additional Affidavit on behalf of the Respondent No.3-Maharashtra Pollution Control Board (MPCB) in compliance of the order dated 15.05.2023 passed by the Hon'ble Tribunal.





2. I say and submit that, in compliance to the Hon'ble Tribunal Order dtd. 15.05.2023 the Maharashtra Pollution Control Board has communicated to the Indian Institute of Public Health, Gandhinagar on 21.07.2023 to nominate the expert member to assist the Joint Committee in assessing the e health hazard to the residents of the proposed project, due to the CHWTSDF. A copy of said communication letter dated 21.07.2023 is enclosed and marked as an **Annexure I**.
3. I say and submit that in response to the MPCB letter dtd. 21.07.2023 the Indian Institute of Public Health, Gandhinagar has communicated the nomination to the Board on 27.07.2023 and nominated Dr. Shyam Pingale as a expert member to assist the joint committee. A copy of said communication dated 27.07.2023 is enclosed and marked as an **Annexure II**.
4. I say and submit that, the Joint committee along with Dr. Shyam Pingale from IIPH, Gandhinagar convened a virtual meeting on 09.08.2023 to deliberate and way forward for compliance of the Hon'ble NGT order dtd. 15.05.2023. A copy of said communication dated 27.07.2023 is enclosed and marked as an **Annexure III**.
5. I say and submit that the Joint committee along with Dr. Shyam Pingale visited the alleged area under reference on 17.08.2023 A copy of said communication dated 09.08.2023



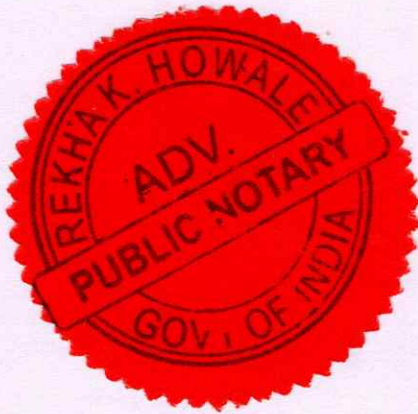
regarding the proposed site visit is enclosed and marked as an **Annexure IV.**

6. I say and submit that the expert member Dr. Shyam Pingale, IIPH, Gandhinagar has requested two weeks' time period to submit the proposal to MPCB to carryout the health hazard study to the residents of the proposed projects under reference due to the CHWTSDF. In this regard, upon receipt of proposal from IIPH, Gandhinagar; the scope of the study along with the timeline and expenditure shall be submitted to the Hon'ble NGT for further consideration.

Solemnly affirmed on this 18th day of August, 2023 at Navi-Mumbai.

For and on behalf of Maharashtra
Pollution Control Board,


(Jayavant S. Hajare)
Regional Officer- Raigad



BEFORE ME

Phule
18/8/23

REKHA KISHOR HOWALE
Advocate & Notary Public,
Shop No. 13, Prabhat Center,
Sector-1, CBD Belapur,
Mob. 8369017363
Reg. No. 15074

18 AUG 2023

Serial No. 7091/23
Page No. 90



MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE - RAIGAD

Tel. No. 2757 6034
Fax No. 2756 2132
Email: roraid@mpcb.gov.in
Visit us at: mpcb.gov.in



Raigad Bhavan, 6th Floor,
Sec-11, C.B.D. Belapur, Navi
Mumbai 400 614.

"Your Service is our Duty"

No:-MPCB/ROR/TB/ 230721-FTS-0158

Date : -21.07.2023

To,
Indian Institute of Public Health, Gandhinagar,
Opp. Air Force Head Quarter,
Near Lekawada Bus Stop, Gandhinagar,
Chiloda Road, Lekawada, CRPF P.O.,
Gandhinagar, 382 042.

Sub : Request to nominate official to assist Joint Committee constituted by Hon'ble NGT in OA No 39 & 40 of 2022 to assess health hazards for the residents of the proposed project in compliance to the Hon'ble NGT order dated 15/05/2023 in the matter in Appeal no. 39 & 40 of 2022, Taloja Manufacturers Association Vs Union of India & Ors.

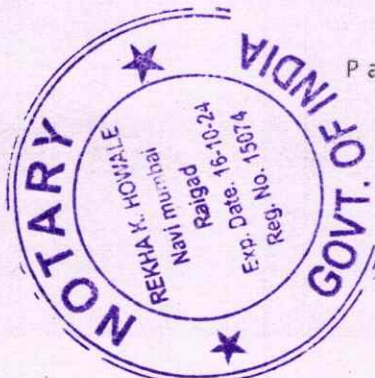
Ref : Hon'ble NGT order dated 17/03/2023 and 15/05/2023

Sir,

Taloja Manufacturer's Association has filed an Appeal No 39 of 2022 & 40 of 2022 & challenged impugned Environment Clearance dated 25.7.2022 granted to M/s Arihant Superstructures Limited for building and construction project of residential nature on no development buffer zone of TSDF which is in violation of CPCB criteria for Hazardous Wastes Landfill 2001 on land situated at Village-Ghat, Taluka-Panvel, Dist- Raigad. The project is located at adjacent to the operational common hazardous waste treatment storage disposal facility (CHWTSDF), Taloja.

The Hon'ble NGT vide its order dated 17/03/2023 constituted a joint committee comprising of Central Pollution Control Board; SEIAA, Maharashtra; Maharashtra Pollution Control Board (MPCB) and Panvel Municipal Corporation and directed to visit the spot and submit a report as to whether there will be health hazard to the residents of the proposed project due to the CHWTSDF in question.

The Hon'ble Tribunal has passed an order dated 15/05/2023 directed to take assistance of Indian Institute of Public Health in conducting such kind of study. Also, as per the para 2 of the Hon'ble NGT order dated 15/05/2023; the cost incurred for

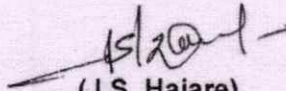


executing such health hazard study shall be borne by the MPCB, from the amount which is collected through Environmental damage compensation.

May I request you to kindly communicate the nominee official (name, designating & contact details) from your institute to execute health hazard study on the residents of the proposed construction project due to the CHWTSDf in question. After receipt of details of nominee, it is proposed to convene a physical meeting at MPCB, Regional Office-Raigad at Navi Mumbai to deliberate and way forward for preparation of action plan to carry-out the health hazard study followed by reconnaissance survey of the area in question.

You are requested to treat this most urgent to ensure compliance of Hon'ble NGT Order dated 17.03.2023 & 15.05.2023.

For and on behalf of
Maharashtra Pollution Control Board,

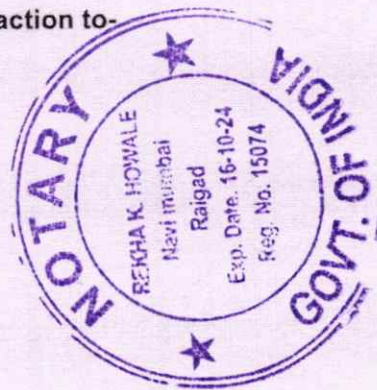

(J.S. Hajare)
Regional Officer, Raigad

Copy submitted for favor of information to:-

1. PA to Hon'ble Member Secretary, MPC Board, Mumbai
2. The Joint Director (APC), MPC Board, Mumbai
3. The Law Officer, MPC Board, Mumbai.

Copy for information necessary follow up action to-

1. Sub Regional Officer, Raigad-1



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Re: Nomination of Officials from IIPHG

Dr. Deepak B Saxena <director@iiphg.org>

Thu 7/27/2023 1:48 PM

To: RO Raigad <roraigad@mpcb.gov.in>

Cc: Deepak Saxena <ddeepak72@iiphg.org>; Shyam Pingle <shyampingle@iiphg.org>

Dear Mr. J.S. Hajare,

Greetings from IIPHG!!

Apology for previous email. Please consider this email.

This refers to the request for nomination of officials from IIPHG (Ref: letter dated 21st July, 2023). I would like to nominate Prof. Shyam Pingle from IIPHG. May we request you to cover his travel and time for his engagement during the meeting.

Warm Regards,
Dr. Deepak B Saxena
Director - IIPHG

On Thu, Jul 27, 2023 at 1:44 PM Dr. Deepak B Saxena <director@iiphg.org> wrote:

Dear Ms. J.S. Hajare,

Greetings from IIPHG!!

This refers to the request for nomination of officials from IIPHG (Ref: letter dated 21st July, 2023). I would like to nominate Prof. Shyam Pingle from IIPHG. May we request you to cover his travel and time for his engagement during the meeting.

Warm Regards,

Dr. Deepak B Saxena
Director - IIPHG



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Re: Online meeting is organized on 09.08.2023 at 11.30 am w.r.t. Hon'ble NGT matter 39 and 40

Shyam Pingle <shyampingle@iiphg.org>

Wed 8/2/2023 2:40 PM

To: RO Raigad <rorraigad@mpcb.gov.in>

Thank you.

On Wed, Aug 2, 2023 at 12:11 PM RO Raigad <rorraigad@mpcb.gov.in> wrote:

Dear All,

As per the directives of Hon'ble NGT, in respect of Appeal No-39 and Appeal No-40, Expert member Dr. Pingle from Indian Institute of Public Health, Gandhinagar is appointed and added in the committee constituted as per the order No-MPCB/RO-Raigad/B-230413-FTS-0160 dtd. 13.04.2023.

One online meeting is organized on 09.08.2023 at 11.30 am to elaborate about the subject and scope of work of Dr. Pingle (IIPHG).

Details of like will be shared you separately soon.

You are requested to attain the said on-line meeting.

Regards,

J. S. Hajare

Regional Officer, Raigad

Maharashtra Pollution Control Board

Email: rorraigad@mpcb.gov.in



"SAVE PAPER"-THINK BEFORE YOU PRINT!

POWER BEHIND ENVIRONMENT...M.P.C.B.

--
With warm regards,

Dr. Shyam Pingle

Sr. OH Specialist and Adjunct Professor,
Indian Institute of Public Health Gandhinagar
Gandhinagar - 382042

Ph : 079-66740700, (direct) 079 66740711

Mobile : 8105822208, 9967544215

shyampingle@iiphg.org, drshyampingle@gmail.com



Annex- IV

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, RAIGAD

Tel. No. 2757 2620
Fax No. 2756 2132
Email: raigad@mpcb.gov.in
Visit us at: <http://mpcb.gov.in>



Raigad Bhavan, 6th Floor,
Sec-11, C.B.D. Belapur,
Navi Mumbai 400 614.

"Your Service is our Duty"

No MPCB/RO-Raigad/B- 230809-FTS-0157

Date :- 09.08.2023

To,

- 1) Mr. Nishchal C.,
Scientist 'D' Regional Directorate-Pune,
Central Pollution Control Board, Pune
- 2) Mr. Pankaj Joshi,
State Environment Impact Assessment Authority,
Environment Department, Govt. of Maharashtra
- 3) Mr. Keshav Shinde,
Town Planner, Town Planning Department,
Panvel Municipal Corporation, Panvel.
- 4) Dr. Shyam Pingle,
Indian Institute of Public Health, Gandhinagar

Sub :- Committee site visit on 17.08.2023 at 11.30 am in respect of
Hon'ble NGT Order dated 17.03.2022 in Appeal No. 39 of 2022
and 40 of 2022 filed by Taloja Manufacturer's Association Vs Union
of India and Others

Ref :- 1) Hon'ble NGT Order dated 15.05.2023.
2) Committee Meeting conducted through V.C. on 09.08.2023.

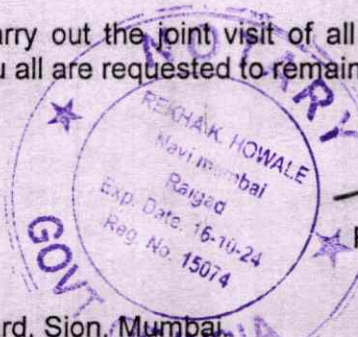
Dear All,

As you all are aware that, Taloja Manufacturer's Association has filed Appeal No. 39 of 2022 & 40 of 2022 & challenged Environment Clearance dated 25.7.2022 granted to M/s Arihant Superstructures Limited for building and construction project of residential nature on no development buffer zone of TSDF which is in violation of CPCB criteria for Hazardous Wastes Landfills 2001 on land situated at Village-Ghat, Taluka-Panvel, Dist- Raigad.

Now, vide Hon'ble NGT order dtd. 15.05.2023, directed to conduct the health study from institute like IIPH, Bhopal. Accordingly, Dr. Shyam Pingale, IIPH, Gandhinagar is invited member in the said committee. On 09.08.2023, the meeting was extended through V.C. to present the scenario and the status of the said matter and cope of study to Dr. Shyam Pingale.

After discussion and due deliberation, it was decided that, to carry out the visit to the said location to understand the geographical location and factual situation at site.

According, it was decided to carry out the joint visit of all committee members on 17.08.2023 @ 11.30 a.m. Therefore, you all are requested to remain present for the said joint visit.



(J.S. Hajare)
Regional Officer- Raigad

Copy submitted to :-

1. The Joint Director (Air), MPC Board, Sion, Mumbai.
2. The Law Officer, (LO-1), MPCB, Sion, Mumbai

Copy to:-

1. Sub Regional Officer, Raigad-1, MPCB, Raigad.
- He is requested to take necessary follow up.