

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
Original Application No.11/2023 (WZ)**

Razzak Rajmohammad Baig & Ors. ... Applicant

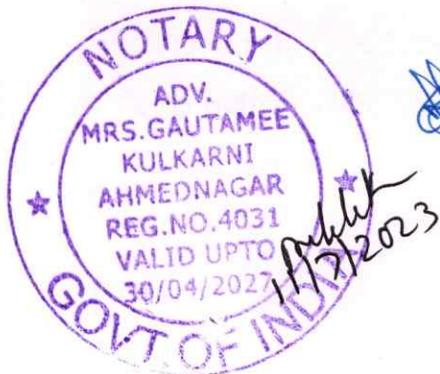
v/s

The District Collector, Ahmednagar & Ors. Respondent

**Additional Affidavit on behalf of Respondent Nos.7 & 8 i.e.
Maharashtra Pollution Control Board.**

I, Chandrakant N. Shinde, Age : Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Ahmednagar, having my office address at Savitribai Fule Vyapari Sankul, 1st Floor, Hall No. 2 & 3, Near TV Center, Savedi, Ahmednagar- 414003, do hereby state on solemn affirmation as under :-

- 1) I say and submit that this Hon'ble Tribunal vide Order dated 18/4/2023 directed the Respondent-Board to make calculation of Environment Compensation to be levied from the Respondent No.12-Project Proponent in terms of the period and submit the Report with regard to the particulate matter.
- 2) In compliance of the Hon'ble NGT Order dated 18/4/2023, the Respondent-Board has assessed the Environment Compensation of Rs.29,62,500/- for the period from 1/12/2016 to 20/3/2018, which is calculated as per the Judgment in the Case of Paryavaran Suraksha as under :





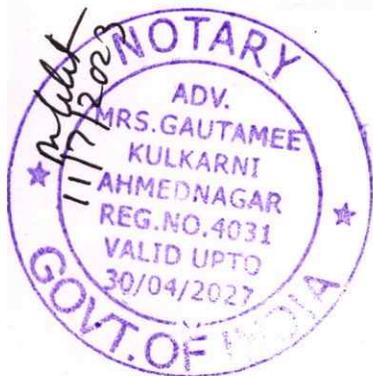
M/s. B J Murdare, Gut No.40, Varur (K), Tal. Shevgaon, Dist.-
Ahmednagar.

Environmental Compensation(EC) for operating Hot Mix Plant without Consent to Operate from 1/12/2016 to 20/3/2018					
1	PI	Pollution Index of industrial sector (Consent categorization)	Red	Orange	Green
			80	50	30
2	N	Number of days of Violation took place		474	
3	R	A factor in Rupees		250	
4	S	Scale (LSI=1.5,MSI=1,SSI=0.5)		0.5	
5	LF	Location Factor [Population in million , less than 1=1, 1 to less than 5=1.25, 5 to less than 10=1.5, 10 and above=2		1	
	EC	PI *N*R*S*LF	#VALUE!	2962500	0

* EC Calculated from 1/12/2016 to 20/3/2018. - Nos of Days of Violation – 474.

3) Accordingly, the Respondent Board has issued directions vide letter dated 6/7/2023 to the Respondent No.12-PP to submit the environment compensation of Rs.29,62,500/- within a

[Signature]



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4031
UPTO
/2027
INDIA
mild
11/7/2023

period of 7 days. A copy of the directions dated 6/7/2023 is enclosed herewith and marked as an **Annexure-I**.

4) I say and submit that the Respondent Board has visited to the site of Respondent No.12-PP and carried out 24 hours Ambient Air Quality Monitoring(AAQM) on 31/5/2023 to 1/6/2023 and 14/6/2023 to 15/6/2023 and observed that the results of AAQM are within the limit as per National Ambient Air Quality Standards i.e. Particulate Matters-PM10 are not exceeding 100 µg/m³, SO2 are not exceeding 80 µg/m³, NOx are not exceeding 80 µg/m³. Copies of the Ambient Air Quality Monitoring results are enclosed herewith and marked as an **Annexure-II** collectively.

NOTARY
ADV. MRS. GAUTAMEE KULKARNI
AHMEDNAGAR
REG. NO. 4031
VALID UPTO 30/04/2027
GOVT. OF INDIA
mild
11/7/2023

Solemnly affirmed on thisth day of July, 2023 at
.....Ahmednagar

Solemnly affirmed before me
by Chandrakant N Shinde
who is identified before me
by Phow 2D
whom I personally know

For & on behalf of Respondent
Nos.7 & 8-Maharashtra Pollution
Control Board,

(Signature)

(Chandrakant N. Shinde)
Sub-Regional Officer- Ahmednagar

NOTED & REGISTERED
AT S. No. GGK 988/2023

TOTAL PAGES-03

11 1 JUL 2023

BEFORE ME

NOTARY
ADV. MRS. GAUTAMEE KULKARNI
AHMEDNAGAR
REG. NO. 4031
VALID UPTO 30/04/2027
NOTARIAL
GOVT. OF INDIA
NOTARY
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AHMEDNAGAR
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AHMEDNAGAR
REG. NO. 4031
VALID UPTO 30/04/2027
NOTARIAL
GOVT. OF INDIA

mild
MRS. GAUTAMEE G KULKARNI
NOTARY
GOVERNMENT OF INDIA



MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 0253-2365150

Fax : 0253-2365150

Email : ronashik@mpcb.gov.in

Visit at : <http://mpcb.gov.in>

"Your Service is our Duty"

Udyog Bhavan, First Floor,
Trimbak Road, Near ITI, Satpur,
Nashik-422007**BY R.P.A.D./FAX/HAND DELIVERY**

L. No: MPCB/Dir/651

Date:-6/07/2023

To,
M/s. B.J. Murdare,
Gut No.40, Varur (K),
Tal. Shevgaon, Dist.-Ahmednagar.

Sub. : - Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref. :** - 1. Consent granted by the Board.
2. Hon'ble NGT Order dtd. 18.04.2023 in OA No. 01/2020(WZ) filed by Razzak Rajmohammad Baig & Ors V/S. The Dist Collector, Ahmednagar & Ors.
3. Office note received from SRO Ahmednagar on 08.06.2023.
4. Approval received from HQ on 04.07.2023.

WHEREAS, it is obligatory on your part to comply with the conditions of the Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016 and amendments therein vide above reference cited at 1. For running the industrial activity at aforesaid location.

AND WHEREAS, as per the Hon'ble NGT order vide referred above No.2 it is directed to MPCB to calculate the Environmental compensation as unit operating the hot mix plant without consent to operate from Board.

AND WHEREAS, SRO Ahmednagar has submitted the office note vide referred above No. 3 regarding environmental compensation as per the above Hon'ble NGT order and calculated the environmental compensation of Rs. 2962500/- for the period of December 2016 to 20.03-2018 and the same has been approved by the higher authority.

NOW THEREFORE, you are hereby directed to submit the said environmental compensation of Rs. 2962500/- - to the Board office within 7 days.

Your reply, if any to these Directions shall be submitted within 7 days from date of issuance of this notice, failing which, the Board will have no any other option than to initiate stringent legal action against the unit, which may be noted.

This is issued as per directions of competent authority of the Board.



(Rajendra A. Rajput)
Regional Officer-Nashik.

Copy Submitted for information to:-

1. The Member Secretary, M.P.C. Board, Mumbai.
2. The Asstt. Secretary (Tech.), M.P.C. Board, Mumbai.
3. The Law Officer, M.P.C. Board, Mumbai.

Copy forwarded to:-

Sub-Regional Officer MPCB, Ahmednagar – It is directed to serve the copy of these directions to the said industry and submit compliance report.

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 0253-2362820 Fax : 0253-2365161 Email : sonashiklab@mpcb.gov.in Website : http://mpcb.gov.in	 "Your Service is our Duty"	Regional Laboratory Maharashtra Pollution Control Board, 1st floor-Udyog Bhavan, Rathi Chowk, Near ITI, Trimbak Road, Satpur MIDC, NASHIK- 422 007.
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Repot Outward No.: MPCB/RL-Nashik/Ambient/23-24/07/2
Date: 06/07/2023 06:04 PM

Analysis Report-Air (Ambient)

Client/Industry/location Name & Address
B. J. MURDARE O64 Stone crushers

Sample Details	
Field Sample ID :	BR-0044968
Laboratory Sample Code :	MPCB/RL-Nashik/AMB/23-24/20
Sample Details (Water/Air/HW) :	Air
Sample Volume Received :	
Sample Collected By :	FO-Ahmednagar (Mr. Raviraj Patil) (SRO-Ahmednagar)
Seal No. :	236 Opp. Hot Mix Control Room
Type of Industry / Location details :	Red
Sample Collected On :	May 31 2023 10:00:00:000AM

Sr.No	Parameter	Starting Time	Closing Time	Result	Unit	Method of analysis
1	PM10	31-05-2023 10:00	31-05-2023 18:00	92	µg/m ³	
2	PM10	31-05-2023 18:15	01-06-2023 02:15	86	µg/m ³	
3	PM10	01-06-2023 02:30	01-06-2023 10:30	81	µg/m ³	
4	SO2	31-05-2023 10:00	31-05-2023 14:00	15	µg/m ³	
5	SO2	31-05-2023 14:00	31-05-2023 18:00	17	µg/m ³	
6	SO2	31-05-2023 18:00	31-05-2023 22:00	11	µg/m ³	
7	SO2	31-05-2023 22:15	01-06-2023 02:15	13	µg/m ³	
8	SO2	01-06-2023 02:30	01-06-2023 06:30	12	µg/m ³	
9	SO2	01-06-2023 06:30	01-06-2023 10:30	15	µg/m ³	
10	NOx	31-05-2023 10:00	31-05-2023 14:00	34	µg/m ³	
11	NOx	31-05-2023 14:00	31-05-2023 18:00	36	µg/m ³	
12	NOx	31-05-2023 18:00	31-05-2023 22:00	23	µg/m ³	
13	NOx	31-05-2023 22:00	01-06-2023 02:00	25	µg/m ³	
14	NOx	01-06-2023 02:30	01-06-2023 06:30	20	µg/m ³	
15	NOx	01-06-2023 06:30	01-06-2023 10:30	22	µg/m ³	

Report Type: final

Report generated on: 06/07/2023 06:05 PM

Complied & Approved by: Shantilal Nagare

Reviewed on Date: 06/07/2023 06:04 PM

Reviewed by: Shantilal Nagare

Shantilal Nagare
I/c Scientific Officer,
Regional Laboratory, Nashik,

* Electronic report does not require signature

Phone : 0253-2362820 Fax : 0253-2365161 Email : sonashiklab@mpcb.gov.in Website : http://mpcb.gov.in	 "Your Service is our Duty"	Regional Laboratory Maharashtra Pollution Control Board, 1st floor-Udyog Bhavan, Rathi Chowk, Near ITI, Trimbak Road, Satpur MIDC, NASHIK- 422 007.
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Report Outward No.: MPCB/RL-Nashik/Ambient/23-24/07/1
Date: 06/07/2023 06:03 PM

Analysis Report-Air (Ambient)

Client/Industry/location Name & Address
B. J. MURDARE O64 Stone crushers

Sample Details	
Field Sample ID :	BR-0044967
Laboratory Sample Code :	MPCB/RL-Nashik/AMB/23-24/18
Sample Details (Water/Air/HW) :	Air
Sample Volume Received :	
Sample Collected By :	FO-Ahmednagar (Mr. Raviraj Patil) (SRO-Ahmednagar)
Seal No. :	236 Near backside Gate adjacent to Rajjaka Farm Land - West side
Type of Industry / Location details :	Red
Sample Collected On :	May 31 2023 08:00:00:000AM

Sr.No	Parameter	Starting Time	Closing Time	Result	Unit	Method of analysis
1	PM10	31-05-2023 08:00	31-05-2023 16:00	92	$\mu\text{g}/\text{m}^3$	
2	PM10	31-05-2023 16:15	01-06-2023 00:15	85	$\mu\text{g}/\text{m}^3$	
3	PM10	01-06-2023 00:30	01-06-2023 08:30	79	$\mu\text{g}/\text{m}^3$	
4	SO2	31-05-2023 08:00	31-05-2023 12:00	12	$\mu\text{g}/\text{m}^3$	
5	SO2	31-05-2023 12:00	31-05-2023 16:00	14	$\mu\text{g}/\text{m}^3$	
6	SO2	31-05-2023 16:00	31-05-2023 20:00	15	$\mu\text{g}/\text{m}^3$	
7	SO2	31-05-2023 20:00	01-06-2023 00:00	17	$\mu\text{g}/\text{m}^3$	
8	SO2	01-06-2023 00:00	01-06-2023 04:00	9	$\mu\text{g}/\text{m}^3$	
9	SO2	01-06-2023 04:00	01-06-2023 08:00	11	$\mu\text{g}/\text{m}^3$	
10	NOx	31-05-2023 08:00	31-05-2023 12:00	26	$\mu\text{g}/\text{m}^3$	
11	NOx	31-05-2023 12:00	31-05-2023 16:00	28	$\mu\text{g}/\text{m}^3$	
12	NOx	31-05-2023 16:00	31-05-2023 20:00	30	$\mu\text{g}/\text{m}^3$	
13	NOx	31-05-2023 20:00	01-06-2023 00:00	32	$\mu\text{g}/\text{m}^3$	
14	NOx	01-06-2023 00:00	01-06-2023 04:00	19	$\mu\text{g}/\text{m}^3$	
15	NOx	01-06-2023 04:00	01-06-2023 08:00	21	$\mu\text{g}/\text{m}^3$	

Report Type: final

Report generated on: 06/07/2023 06:04 PM

Complied & Approved by: Shantilal Nagare

Reviewed on Date: 06/07/2023 06:03 PM

Reviewed by: Shantilal Nagare

Shantilal Nagare
I/c Scientific Officer,
Regional Laboratory, Nashik,

* Electronic report does not require signature

M/s. B. J. Murdare, Varur Khurd, Tal. Shevgaon, Dist. Ahmednagar. CAQMS Results

MPCB_NASHI	MPCB_NA								MPCB_NA								MPCB_NA			
	SHI	MPCB_NA	SHI	SHI	SHI	SHI	SHI	SHI	SHI	SHI	MPCB_NA	MPCB_NA	MPCB_NA	MPCB_NA						
PM10_NAS	PM2_5_N	SO2_NAS	NO_NAS	NO2_NAS	NOX_NAS	CO_NAS	O3_NAS	BENZENE_NAS	TOLU_NAS	ETH_BENZ_NAS	OXYLENE_NAS	XYLENE_NAS	HUM_NAS	TEMP_NAS	SR_NAS	WD_NAS	WS_NAS	RAIN_NAS		
ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ppb	mg/m3	ug/m3	ug/m3	S	ug/m3	ug/m3	ug/m3	AS	S	S	W/m2	DEGREE	m/s	mm	
6/14/2023 12:00	71.29	26.12	11.75	9.76	5.98	6.05	0.70	49.71	0.85	5.98	1.04	3.01	1.96	46.19	33.41	651.18	187.91	1.23	0.00	
6/14/2023 13:00	78.88	26.73	15.18	7.51	16.08	9.98	0.58	40.40	0.97	5.07	1.09	2.90	1.90	43.81	33.88	676.28	154.51	2.70	0.00	
6/14/2023 14:00	109.22	39.12	14.09	18.35	11.19	16.01	0.69	36.86	1.29	4.55	1.15	3.05	1.72	42.85	34.21	427.20	201.37	4.08	0.00	
6/14/2023 15:00	112.27	42.25	35.49	3.15	11.01	15.32	0.77	46.08	0.19	1.97	0.31	1.05	0.76	41.69	34.85	598.90	202.94	1.75	0.00	
6/14/2023 16:00	146.87	58.42	18.95	10.17	7.37	6.49	0.54	55.88	0.75	5.17	0.91	2.73	1.64	41.11	35.12	518.69	239.30	1.93	0.00	
6/14/2023 17:00	POWER FAILURE																			
6/14/2023 18:00	POWER FAILURE																			
6/14/2023 19:00	POWER FAILURE																			
6/14/2023 20:00	78.99	33.49	13.86	10.17	6.64	7.26	0.30	39.48	0.81	5.86	0.70	3.53	1.85	47.41	30.63	0.15	196.05	1.24	0.00	
6/14/2023 21:00	48.86	26.50	11.80	9.22	11.73	9.43	0.44	28.50	0.87	5.14	1.13	2.95	1.33	50.00	29.78	0.14	198.21	1.07	0.00	
6/14/2023 22:00	73.63	37.37	12.13	7.04	17.41	14.74	0.58	23.91	1.09	4.93	0.98	3.29	1.93	52.95	28.88	0.39	207.34	0.91	0.00	
6/14/2023 23:00	64.23	33.27	22.32	4.43	11.19	9.39	0.57	24.61	0.84	4.14	0.85	3.29	1.89	55.58	28.18	0.43	241.03	1.18	0.00	
6/15/2023 0:00	70.99	36.22	48.87	9.76	14.27	15.28	0.56	20.74	1.02	4.68	1.03	3.14	1.90	57.71	27.64	0.70	226.59	1.09	0.00	
6/15/2023 1:00	67.66	34.76	22.15	10.62	20.68	19.32	0.58	15.24	0.93	5.11	0.72	3.27	2.16	61.72	26.66	0.76	173.27	1.12	0.00	
6/15/2023 2:00	70.61	36.05	15.95	3.15	11.67	8.62	0.62	16.01	1.01	5.98	1.03	3.17	1.68	64.96	25.73	0.75	224.58	0.46	0.00	
6/15/2023 3:00	69.32	35.49	14.38	0.63	7.39	4.37	0.58	17.53	0.98	4.56	0.86	3.55	1.74	67.57	25.02	0.72	101.26	0.81	0.00	
6/15/2023 4:00	64.61	33.44	12.57	5.57	14.43	12.00	0.59	15.28	0.85	4.00	0.66	3.01	1.84	68.33	24.85	0.54	219.28	1.11	0.00	
6/15/2023 5:00	63.41	32.91	12.25	6.73	14.37	12.90	0.53	14.72	0.81	4.82	1.11	3.30	1.96	68.83	24.84	0.81	165.38	0.93	0.00	
6/15/2023 6:00	75.30	38.10	11.75	5.27	11.01	9.98	0.53	15.23	1.14	4.55	1.04	3.34	2.04	71.30	24.23	2.88	145.07	1.10	0.00	
6/15/2023 7:00	73.42	37.27	11.50	6.31	13.08	11.89	0.57	16.30	1.09	5.99	0.85	3.64	2.04	70.09	24.76	31.58	170.05	1.50	0.00	
6/15/2023 8:00	71.78	36.56	11.68	18.35	17.10	23.65	0.65	19.40	1.04	5.48	0.97	3.04	2.18	64.82	26.66	80.61	169.88	1.80	0.00	
6/15/2023 9:00	73.13	37.14	11.29	18.94	16.08	23.56	0.70	22.82	1.08	5.07	1.06	3.05	2.30	58.60	28.67	109.87	170.88	1.65	0.00	
6/15/2023 10:00	68.96	35.33	11.20	25.96	21.84	32.22	0.69	22.51	0.97	4.53	0.84	3.34	1.81	52.24	30.65	183.24	189.15	1.58	0.00	
6/15/2023 11:00	71.39	36.39	11.55	7.51	10.97	11.76	0.52	36.56	1.06	5.07	1.09	2.77	1.88	48.15	31.90	538.01	225.12	1.53	0.00	
6/15/2023 12:00	67.54	34.71	11.36	2.72	12.83	8.89	0.54	47.09	0.93	4.72	0.91	2.33	2.00	45.49	32.71	640.59	222.13	1.51	0.00	
6/15/2023 13:00	71.30	36.35	11.69	5.49	12.70	11.04	0.56	49.44	1.03	6.05	1.09	2.90	1.72	41.30	34.37	825.21	212.63	1.46	0.00	
6/15/2023 14:00	81.14	40.64	27.95	12.05	20.23	20.23	0.70	47.23	1.29	3.28	1.15	3.44	2.46	39.23	35.34	734.77	203.44	1.36	0.00	
6/15/2023 15:00	73.66	37.37	51.20	18.60	22.07	26.30	0.67	45.78	1.09	5.22	1.35	2.91	2.00	38.08	35.80	616.53	193.68	1.62	0.00	
6/15/2023 16:00	60.95	31.84	33.99	15.56	20.00	22.92	0.64	49.61	0.75	3.95	1.10	2.80	2.39	37.68	35.79	469.36	200.50	1.50	0.00	
6/15/2023 17:00	56.94	29.69	27.95	5.57	21.84	11.89	0.58	16.30	0.93	4.56	1.06	3.17	1.89	36.25	32.71	425.21	190.52	1.10	0.00	


 Sub Regional officer
 M. P. C. Boaro
 Ahmednagar