

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Original Application No.71/2019(WZ)

Mr.Dhananjay Patil & Ors

... Applicant(s)

Vs

The State of Maharashtra & Ors

... Respondent(s)

**Additional Affidavit in compliance of Hon'ble NGT order  
dated 27/8/2021**

I, Shankar Waghmare, aged 54 years , Occupation -service , the Regional Officer of the Maharashtra Pollution Control Board at Kalyan, having my office at Siddhivinayak Sankul, 3<sup>rd</sup> Floor , Near Oak Baug, Station Road, Kalyan (West)-421 301, do hereby state on solemn affirmation as under :-

1. I am filing this Additional Affidavit on behalf of the Respondent Board in compliance of the order dated 27/8/2021 passed by this Hon'ble Tribunal in the aforesaid matter.
2. I say and submit in view of the environment damage caused due to the oil spillage, the Respondent-Board has issued notice vide letter dated 6/10/2021 to M/s.Ultratech Cement Ltd., Plot No.61/1 & 2, 94/1, & 2A, 95/3 to 7, Village : Chikale and Vijapur, Tal. : Wada, Dist : Thane for imposing environmental compensation of Rs.17,34,375/- on the basis of methodology for assessing environment compensation issued by the

*(Signature)*



Central Pollution Control Board and further directed to submit Bank Guarantee of Rs.10 Lakhs towards operation and maintenance of pollution control equipments within 7 days A copy of the notice dated 6/10/2021 is annexed and marked as an **Annexure-I**.

Solemnly affirmed on this 7<sup>th</sup> day of October, 2021 at Mumbai.

For and on behalf of Maharashtra Pollution Control Board,

*(Signature)*  
(Shankar Waghmare)

Regional Officer-Kalyan

**BEFORE ME**

*(Signature)*

SADHANA S. MAHASHABDE  
B.Sc., LL.M., Ph.D

NOTARY, MUMBAI-  
MAHARASHTRA  
( Govt. of India )

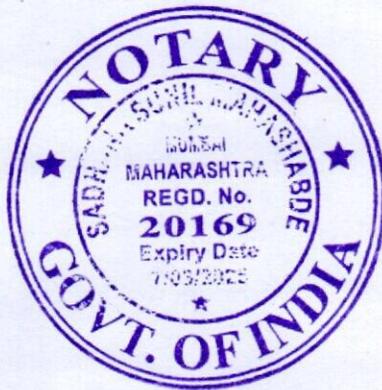
*Dr. Sadhana S. Mahashabde*

B.Sc., LL.M., Ph.D

Advocate High Court, Mumbai

Fort Office : 110, Prospect Chambers  
Dr. D. N. Road, Fort, Mumbai-1.

07 OCT 2021



SADHANA SUNIL MAHASHABDE (Notary Govt. of India)  
NOTARIAL REGISTER  
Sr. No.. 119 / 0710 2021



## MAHARASHTRA POLLUTION CONTROL BOARD

### Regional Office, Kalyan

Tel: (0251) 2310167/2310212  
 Fax: (0251) 2310192  
 Website: <http://mpcb.mah.nic.in>  
 E-mail: [rokalyan@mpcb.gov.in](mailto:rokalyan@mpcb.gov.in)



"Your Service is our Duty"

Siddhivinayak Sankul,  
 3rd Floor, Near Oak Baug,  
 Station Road,  
 Kalyan (West) – 421 301.

No. MPCB/ROK/SRO K-III/TB-EC/2110060001

Date: 06/10/2021.

#### NOTICE

**Sub: - Environmental compensation by invoking the 'Polluter Pays' principal for Pollution control measures noncompliance reg...**

- Ref:**
- 1) Consent to Operate granted by board vide no. MPCB/18/484/1809000358., dtd.06/09/2018.
  - 2) Complaint of oil discharged received on 21/08/2015.
  - 3) Visit of Board officials for complaint investigation dtd.24/08/2015.
  - 4) Proposed Directions issued on 07/09/2015.
  - 5) Interim directions issued by board vide letter dated 08/10/2015.
  - 6) Order passed by Hon'ble National Green Tribunal in O.A. No. 71/2019 Dated 27/08/2021.
  - 7) Proposal received from Sub-Regional Office, Kalyan-III vide dtd.29/09/2021.
  - 8) Approval received from authority on 06/10/2021.

**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 & Other Wastes (Management & Transboundary Movement) Rules, 2016 and followed by further amendments made therein from time to time.

**AND WHEREAS**, the Board has granted the Consent to Operate to your unit 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 Authorization under Rule 5 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016 and amendments thereof. And it is obligatory on your provide pollution control system 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**, Complaint of oil spillage received vide under reference No.2 which was investigated by Board officials vide visit under reference No.3 and accordingly Board had issued proposed direction vide under reference No.4. **AND WHEREAS**, Board had issued Interim Directions to your unit vide under reference No. 5.

**AND WHEREAS**, Sub-Regional Officer of the Board at Kalyan-III reported that you have violated the provisions of various environmental enactments which is assessed on your performance of water/air pollution control measures and accordingly submitted proposal for imposing environmental compensation vide under reference No.7.

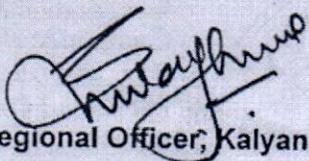
**AND WHEREAS**, approval on aforesaid proposal received from competent authority on 06/10/2021 for imposing environmental compensation of Rs.17,34,375 (Seventeen lakh Thirty-four thousand three hundred and seventy-five rupees only) and obtaining bank guarantee of Rs.10 Lakhs towards operation and maintenance of pollution control equipments.



:2:

**NOW THEREFORE**, you are hereby directed to pay an amount of Rs.17,34,375 (Seventeen lakh Thirty-four thousand three hundred and seventy-five rupees only) **Environmental Compensation** assessed on 'Polluter Pays' principal for water/air pollution control measures noncompliance as per reforms of National Green Tribunal Order. The Environmental compensation has been assessed on the record produced by Sub Regional Officer at Kalyan-III. Further, you are also directed to furnished bank guarantee of rupees 10 Lakhs towards operation of maintenance of pollution control equipments provided for control of pollution.

The Environmental compensation of Rs.17,34,375 (Seventeen lakh Thirty-four thousand three hundred and seventy-five rupees only) may kindly be deposited in favor of Regional Officer, M P C Board, Kalyan at the earliest and bank guarantee of rupees 10 Lakhs shall be furnished within seven days.

  
Regional Officer, Kalyan.

To,  
M/s. Ultratech Cement Limited.,  
Plot NO.61/1 & 2, 94/1 & 2A,  
95/3 to 7, Village Chikale and Vijapur,  
Tal-Wada Dist.- Thane.

Copy submitted to: -

- 1) Member Secretary, MPC Board, Mumbai.
- 2) Assistance Secretary (Technical), MPC Board, Mumbai.
- 3) Law Officer MPC Board, Mumbai.

Copy to:

- 1) The Sub-Regional Officer, MPCB, Kalyan-III - for information and necessary follow-up.
- 2) Master File.

