



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION No. 58/2025 (WZ)**

Suyog Kelkar

.... Applicant

Versus

Maharashtra Pollution Control
Board & Ors.

.... Respondents

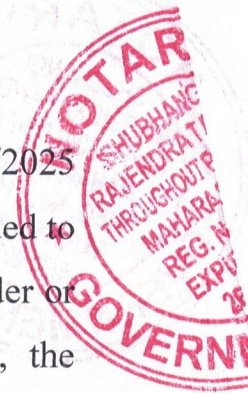
**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF
MAHARASHTRA POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 1.**

I, Kartikeya Langote, aged about 54 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-I, having office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

- (1) I am filing this Additional Affidavit in Reply on behalf of the Respondent No.1, in compliance of the order dated 31/07/2025 passed by this Hon'ble NGT, wherein this Hon'ble Tribunal directed to the Respondent No.1-MPCB to give an opportunity of hearing to both the Applicant as well as Respondent No.2-M/s.Ashtech Pvt.Ltd. (RMC Plant) for the calculation of the



amount of EDC for the period from 24/06/2024 to 17/06/2025 based on the evidence as to whether the plant was continued to be in operation for the said period despite the closure order or was it non-operational. After reviewing the evidence, the Respondent No.1-MPCB shall decision about period of violation, EDC be calculated and shall submit the report before this Hon'ble NGT.



- (2) I say and submit that in compliance of the order dated 31/07/2025 passed by this Hon'ble NGT, the Respondent No. 1- MPCB has given an opportunity of personal hearing to the Respondent No.2-M/s.Ashtech Pvt.Ltd. (RMC Plant) and the Applicant on 19/8/2025. During the course of hearing both the Applicant and Respondent No.2 submitted their documents.
- (3) I say and submit that based on the discussion during the personal hearing and the documents submitted by Respondent No.2 and the videos submitted by the Applicant, the Respondent Board has assessed the Environmental Damage Compensation, as follows:
 - Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" outlines a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies listing the instances for taking cognizance of cases fit for violation and levy environmental compensation. The same

has also been referred to by the Hon'ble NGT in its order. (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. The instances considered for levying Environmental Compensation (EC) in the said report are:

Environmental Compensation calculated by using the formula prescribed in the Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., which may be taken as damages amount for contravening mandatory provisions of environmental laws. The formula takes into account of number of days violation took place, pollution index of unit, scale of operation, location factor based on population and an amount factor in Rupees. Environmental Compensation calculated for above non-compliances are as follows:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in Rupees.

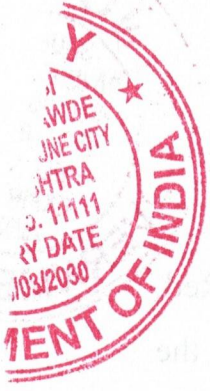
PI= Pollution Index of industrial sector/Project

N =Number of days of violation took place

R =A factor in Rupees for EC

S =Factor for scale of operation

LF =Location factor





PI = Pollution Index of industrial sector/project

The industrial sector have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively, hence $PI = 80$.

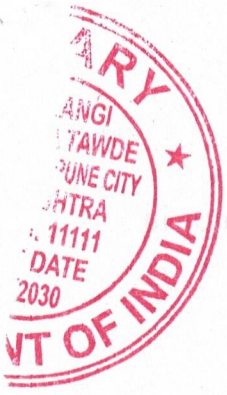
N= Number of days of violation took place for which violation took place is the period between the day of violation observed and the day of compliance verified by CPCB/SPCB.

R= A factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests to consider R as 250, as the Environmental Compensation in cases of violation. Hence, $R = 250$.

S = Factor for scale of operation.

For small $S = 0.5$, For medium $S = 1$ and larger unit $S = 1.5$. The scale of operation was considered as 0.5, As per consent obtained by the PP.





LF = Location factor -It is based on the population of the city/town and location of the industrial unit on the location of the industrial unit. Since the population of Pune is more than 5 Million LF = 1.5.

Based on consideration of above w.r.t. a), the environmental compensation calculation is depicted as below.

$$EC=PI*N*R*S*LF$$

A) Calculation as per Hon'ble NGT order EDC for the period from 24.06.2024 to 17.06.2025.

$$PI*N*R*S*LF=EC(\text{inRs.})$$

$$N = 30$$

$$\text{Green category} = 106 * 30 * 250 * 0.5 (\text{SSI}) * 1.5 = 5,96,250/-.$$

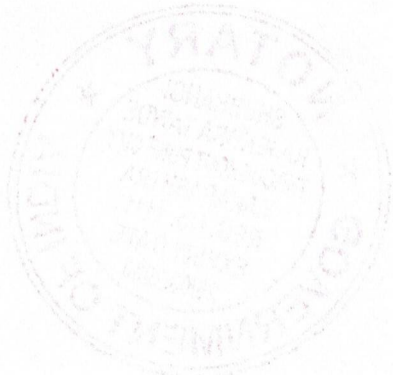
$$PI * N * R * S * LF = EC (\text{in Rs.})$$

$$N = 50$$

$$\text{Orange category} = 253 * 50 * 250 * 0.5 (\text{SSI}) * 1.5 = 23,71,875/-.$$

$$\text{Hence, } EC = 5,96,250 + 23,71,875 = \text{Rs.} 29,68,125/-$$

- (4) I say and submit that the total amount of Environment Damage Compensation is Rs. 29,68,125/- (Twenty Nine Lakh Sixty Eight Thousand One Hundred Twenty Five Only).



(5) I say and submit that at present the said RMC plant is not in operation.

(6) Hence this Additional Affidavit.

Solemnly affirmed on this 30th day of October, 2025 at Pune.

I know the affiant

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No. 1



ADVOCATE

(Kartikeya Langote)
Sub-Regional Officer
MPCB, Pune-I

BEFORE ME

SRTawde

SHUBHANGI RAJENDRA TAWDE
NOTARY GOVT. OF INDIA
PUNE

NOTED & REGISTERED
AT SERIAL NO/DT.....171/2025

30 OCT 2025

