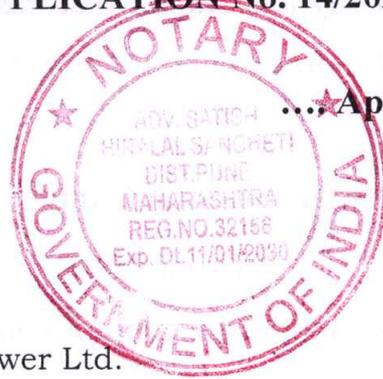


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION No. 14/2025 (WZ)**

Kailas Narke

Versus

Maharashtra Enviro Power Ltd.  
& 10 Ors.



... Applicant

.... Respondents

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF  
MAHARASHTRA POLLUTION CONTROL BOARD i.e.  
RESPONDENT NO. 2 & 3.**

I, Navanath Awatade, aged about 55 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-II, 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. 2 & 3, in compliance of the order dated 03/12/2025 passed by this Hon'ble NGT, wherein this Hon'ble Tribunal directed to the Respondent No. 2 & 3-MPCB to file additional affidavit regarding non-compliances on the part of

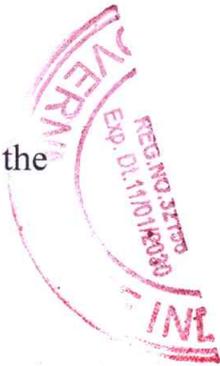
Respondent No.1 – Project Proponent and also calculate the EDC, which is to be levied from Respondent No.1.

- (2) I say and submit that the Respondent Board has assessed the Environmental Damage Compensation, as follows:

**Environmental Damage Compensation:**

Environmental Damage Compensation due to the violations of consent conditions and directions issued by the Board, the duration of violations has been considered for the calculation of Environmental Damage Cost (EDC) is from 07/07/2021 to 06/08/2025 (1492 days), in compliance of the order passed by the Hon'ble NGT, vide date 03/12/2025 in respect of M/s. Maharashtra Enviro Power Limited. Plot No. P-56, M.I.D.C. Ranjangaon Tal: Shirur, Dist: Pune.

Methodology recommended in "Report of the CPCB in house Committee on Methodology for Assessing Environmental Damage Compensation and Action Plan to Utilize the Fund which has also been referred by the Hon'ble NGT in its order dated 28.08.2019 in the matter of Original Application No. 593 / 2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India and Ors may be used to calculate Environmental Damage Compensation on the unit for non-compliances. In view of the limitation prescribed under Section 15(3) of the NGT Act, 2010 - wherein any compensation or relief or restitution of property or environment under this



section shall be entertained by the tribunal unless it is made within a period of Five years from the date on which the cause for such compensation or relief first arose, therefore the period of non-compliance has been duly considered from 07/07/2021 to 06/08/2025 i.e. up to the date of the Hon'ble NGT's last order, i.e., 25/09/2025.

Environmental Damage Compensation (EDC) in Rupees =  $PI \times N \times R \times S \times LF$

The unit falls under Red category - **i. Essential Environmental Services for Industrial Waste Management - 3.0 - COMMON HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITY - 3.1 - Integrated facility (Secured landfill and incinerator)** as per the Modified Directions of CPCB dated 12/02/2025.

**Where:**

**PI = Pollution Index of Industrial Sectors**

The unit falls under the Red Category, Hence,  $PI = 100$

**N = Number of days violation took place**

Number of violation days is calculated from 07/07/2021 to 06/08/2025

$N = 1492$  days

**R =** is a factor in Rupees, which may be minimum of 100 and maximum of 500. "It is suggested to consider R as 250, as

the Environmental Compensation in cases of violation.

Hence,  $R = 250$

$S$  = factor for the scale operation. The unit being Large Scale

Unit,  $S = 1.5$

$LF$  = Location Factor

$LF$  is presumed as 1 for city / town having population less than one million,  $LF = 1.0$

**Therefore, Environmental Damage Compensation (EDC)  
in Rupees**

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

$= 100 \times 1492 \times 250 \times 1.5 \times 1.0$

**= Rs. 5,59,50,000/- (Rs. Five Crores, Fifty-Nine Lakhs,  
Fifty Thousand Only)**

- (3) I say and submit that the total amount of Environment Damage Compensation is Rs. 5,59,50,000/- (Rs. Five Crores Fifty-Nine Lakhs Fifty Thousand Only).
- (4) I say and submit that this Hon'ble NGT vide Order dated 19/2/2024 in Original Application No.32/2023 filed by Raju Alias Devappa Anna Shetty & Ors. v/s M/s.Shri Dutt India Pvt. Ltd., directed the MPCB to ensure that whenever they arrive on an amount of EDC, they should always give an opportunity of hearing to the concerned party, so that there is less chance of any error being committed by them.



(5) I say and submit that in the interest of natural justice and as directed by the Hon'ble NGT, the Respondent Board will give an opportunity of personal hearing on 22/1/2026 to the Respondent No.1-PP and on the basis of decision, the Respondent Board will issue a letter to the Respondent No.1-PP regarding disposition of amount of Environment Damage Compensation. A copy of the letter dated 20/1/2026 regarding personal hearing to the Respondent No.1-PP is enclosed herewith and marked as an **Annexure-I**.

(6) Hence this Additional Affidavit.

Solemnly affirmed on this 21<sup>st</sup> day of January, 2026 at Pune.

I know the affiant

For and on behalf of Maharashtra  
Pollution Control Board i.e.  
Respondent No. 2 & 3

ADVOCATE

*Awatade*  
(Navanath Awatade)  
Sub-Regional Officer  
MPCB, Pune-II



**BEFORE ME**

*Sancheti*  
ADV. SATISH HIRALAL SANCHEJI  
NOTARY GOVT. OF INDIA  
PUNE DIST.  
REG. NO. 32156

ADV. SATISH HIRALAL SANCHEJI  
Notary Govt of India  
Hiranman Sarane Colony,  
Thergaon, Pune-411033



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

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visit us : [www.mpcb.gov.in](http://www.mpcb.gov.in)



"Your Service is our Duty"

Jog Centre, 3<sup>rd</sup> Floor,  
Wakdewadi,  
Old-Pune Mumbai Road,  
Pune- 411003

MPCB/ROP/ Hearing/NGT/

**260120-FIS-0168**

Date: **20/01/2026**

To,  
M/s. Maharashtra Enviro Power Ltd. (PP)  
Plot No. P-56, MIDC Ranjangaon, Tal.  
Shirur, Dist- Pune.

Sub: Personal Hearing scheduled on 22/01/2026 at 4.30 pm  
Ref: 1) Original Application No. 14 of 2025 (WZ) filed by  
Kailas Narke V/s Maharashtra Enviro Power Ltd.  
and 10 Ors. in the Hon'ble NGT.  
2) Legal Action No. vide- MPCB-LEGAL\_ACTIONS-  
240522019, HQ Approval Received on 20/01/2026.

In compliance with the Hon'ble NGT order, vide dated 03/12/2025 in the matter of OA. No. 14/2025 (WZ), it is to inform you that an opportunity of personal hearing has been given to you on 22/01/2026 at 4.30 pm, in **the office of Regional Officer, M. P. C. Board, Jog Centre, 3<sup>rd</sup> floor, Wakdewadi, Pune.**

You are requested to remain present for the scheduled personal hearing along with relevant documents/information in the above-mentioned matters which you are rely upon without fail.

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

**Copy for information to:**

The Sub-Regional Officer, M.P.C. Board, Pune-II:

- You are instructed to communicate the scheduled hearing to the Respondent no.- 1 with confirmation/acknowledgement & remain present for the hearing with all relevant information/documents.