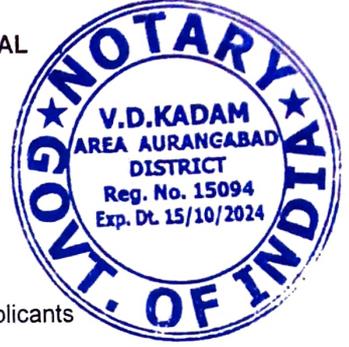


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH , NEW DELHI

ORIGINAL APPLICATION NO. 59 /2019 (WZ)



Sakharam Asaram Kale &amp; Ors

....Applicants

VS

The Regional Officer, MPCB, Aurangabad and Others

.....Respondents

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.1 :-**

I, Dr.Pravin Joshi, Age 56 years, Occupation -service, working as Regional Officer of the Maharashtra Pollution Control Board having my office at "A-1, Udyog Bahvan, Near Seth Nandlal Dhoot Hospital, Aurangabad, do hereby state on solemn affirmation as under :-

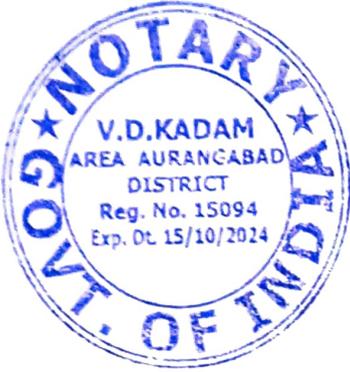
- 1) The Ministry of Environment and Forest, Govt of India has granted Environment Clearance for rehabilitation and upgradation of existing 2 lane of Yedshi to Aurangabad section of NH-211 from Km 100.000km to 290.00 in in the State of Maharashtra by M/s NHA1 subject to certain terms and conditions vide letter dated 23.6.2014. A copy of said EC dated 23.6.2014 is enclosed and marked as an Annexure "A".
- 2) It is submitted that the Sub Regional Officer, Latur has reported that portion of NH0-211 from Ratnagpur (Yedshi) to Pargaon (Aurangabad) falls under his jurisdiction and reported present status and compliance of EC as follows :-
  - i) NHA1 has not provided rain water harvesting including oil and grease trap at every 500 meter along the road.
  - ii) NHA1 provided median plantation which is not as per suggestion in Environment Management Plan (EMP)
  - iii) NHA1 has provided kaccha drains (toe) along both the road sides.
  - iv) Longitudinal kaccha drains are provided on both sides of road and not provided at entry points of shop, hotels etc.
  - v) During the visit road construction found completed.
  - vi) Adequate plantation has not been done.

BEFORE ME

VILAS D. KADAM  
Notary Govt. of India  
Reg. No.: 15094

Pravin Joshi  
30/9/2019

- vii) Washi project site/plant located above 500 meter from nearest human habitation.
- viii) Project authority has dismantled all plants of Warshi Project (plant) site.
- ix) NHAI assigned to S A Infra.
- x) NHAI official informed that six monthly monitoring report submitted on 4.9.2020.
- xi) Noise barriers has not been provided by the project proponent.
- xii) Fugitive noise barriers has not been provided.
- xiii) The Board has not been displayed displaying air pollutants in the major habitation area.



**A copy of present status report of SRO, Latur dated 15.9.2020 is enclosed and marked as an Annexure "B".**

- 3) In compliance of this Hon'ble Tribunal order dated 17.7.2020, the Officials of MPCB at Latur and NHAI have carried out joint visit on 7.9.2020 & 11.9.2020 & reported present status of Respondent Industries falls under his jurisdiction are as follows

**(a) M/s Modern Road Makers Pvt Ltd, Gat No 89, At Washi, Tal Washi, Dist- Osmanabad**

:- It has been reported by the officials that during the visit project site at Gat No 89 at washi, Tal Washi, Dist- Osmanabad, all plant i.e stone crusher, hot mix and RMC dismantled by project authority at present on open land with fencing wall. It has been also directed to Industry to deposit Environmental Compensation as per the direction of MPCB. It has been reported that project proponent has not submitted Bank Guarantee of Rs. 1 lakh as per the interim direction dated 5.11.2019. The Industry has also not submitted Environment Compensation of Rs,533250/- imposed vide letter dated 18.2.2020. A copy of joint visit report of MPCB Official and NHAI dated 7/9/2020 is enclosed and marked as an Annexure "C".

**b) M/s Modern Road Makers Pvt Ltd, Gat No 264/1, 263, 264/2 At Khed, Tal and Dist- Osmanabad**

:- During the visit plant machinery of stone crusher and hot mix plant found dismantled, RMC plant is in existence & the RMC plant is not in operation. The project proponent has not submitted BG of Rs. 1 lakh as per the interim direction as well as not deposited Environment Compensation of Rs. 581250/ imposed vide letter dated 18.2.2020. A copy

**BEFORE ME**

**VILAS D. KADAM**  
Notary Govt. of India  
Reg. No.: 15094

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of joint visit report of MPCB and NHAI 11.9.2020 is enclosed and marked as an **Annexure "D"**. -

- 4) The Sub Regional Officer, Aurangabad has reported that the NH-211 from Dongaon to Aurangabad falls under his jurisdiction and therefore reported compliance of EC conditions as follows: -



- i) NHAI has not provided rain water harvesting including oil & grease trap at every 500 meter along the road.
- ii) NHAI provided partially plantation but not provided as per suggested in EMP.
- iii) NHAI provided kaccha drains (toe) provided along both road sides.
- iv) Longitudinal kaccha drains are provided on both sides of road, Not provided at entry points of shop hotels etc.
- v) Solid waste generated shall be used for rehabilitating the borrow areas and during visit road construction found completed.
- vi) Adequate plantation is not observed (plantation carried out in patches).
- vii) Murma Project site/plant located above 500 meter from nearest human habitation .
- viii) Separate Environment management Cell not formed , but only for plantation work is assigned to S.A Infra by NHAI.
- ix) NHAI officer informed submitted six monthly monitoring report submitted on 04.09.2020 but record not available during visit.
- x) Noise barriers shall be provided at appropriate locations particularly in the areas where the alignment passes through inhabitant areas so as to ensure that the noise levels do not exceed the prescribed standards. It is not found during visit.
- xi) Display Board for displaying air pollutants in the major habitation area , it is not found during visit. A copy of present status report of SRO-Aurangabad dated 18.9.2020 is enclosed and marked as an **Annexure "E"** -

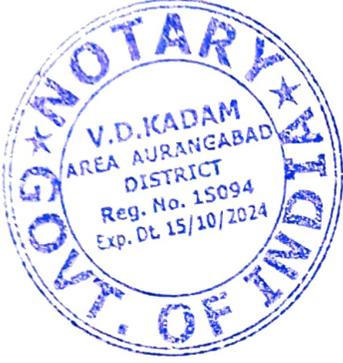
*(Signature)*  
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- 5) In compliance of this Hon'ble Tribunal order dated 17.7.2020, the Officials of MPCB at Aurangabad and NHAI have carried out joint visit on -7.9.2020 &

**BEFORE ME**  
*(Signature)*  
**VILAS D. KADAM**  
Notary Govt. of India  
Reg. No.: 15094

reported present status of Respondent Industries falls under his jurisdiction are as follows

a) **Present status report of unit of M/s. Modern Road Makers Pvt Ltd., Gat No. 172/174 at Murma , Tal Paithan , Dist :Aurangabad Visit Date :- 07.09.2020.**



- i) All plants machinery of Stone Crusher, Hot mix plant and RMC found dismantled about 95%.
- ii) Till date project proponent has not submitted Bank Guarantee of Rs.2 lakh as per interim direction dated 05.11.2019.
- iii) Till date unit has not deposited Environmental Compensation amount of Rs. 4,56,250/- imposed vide letter dated 18.02.2020. A copy of visit report dated 7/9/2020 is enclosed and marked as an Annexure "F"

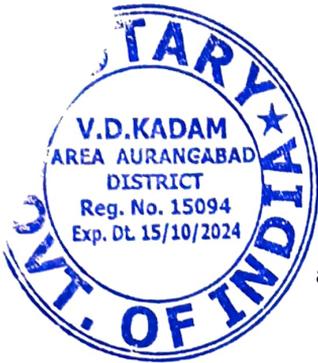
6) The NH-211 from Pargaon/ Chawsala to Dongaon falls under the jurisdiction of Sub Regional Officer-Jalna. SRO-Jalna has reported compliance of EC conditions as follows :-

- i) NHAI has not provided rainwater harvesting including oil & grease trap at every 500 meters along the road.
- ii) NHAI provided median & both side plantation.
- iii) NHAI provided median kaccha drains made by JCB is provided at 1m away from the Toe of embankment along both roadsides.
- iv) Longitudinal kaccha drains are provided on both sides of road.(Provided Pipe drain at entry points of shop, hotels and junction etc.)
- v) During visit road construction found completed.
- vi) Total Plantation – Both side & Median 94740 Nos.trees observed.
- vii) Sasewadi Manjarsumba project site/plant located above 500 meters from nearest human habitation .
- viii) Project Authority has dismantled all plants of Sasewadi Manjarshumba Project (plant) site.
- ix) NHAI assigned to IE.S.A Infra.

*(Signature)*  
30/9/2020

**BEFORE ME**  
*(Signature)*  
**VILAS D. KADAM**  
Notary Govt. of India  
Reg. No.: 15094

- x) NHA officer informed submitted six monthly monitoring report on 03.09.2020.
- xi) Noise levels do not exceed the prescribed standards.
- xii) Display Board for displaying air pollutants in the major habitation area. A copy of present status report of SRO-Jalna dated 16.9.2020 is enclosed and marked as **Annexure "G"**



- a) **Present status report of M/s Modern Road Makers Pvt Ltd, Gat No 85/1, Sr No 87, At Village, Sasewadi, Manjarsumba, Tal and Dist- Beed**  
:- All plant machinery of stone crusher, hot mix plant and RMC found dismantled by project proponent authority and at present land is open with fencing compound. The Project proponent has neither submitted BG of Rs. 2 lakh as per the interim direction dated 5.11.2019 nor deposited Environment Compensation of Rs, 5,56,250/-imposed vide letter dated 18.2.2020. A copy of joint visit report of MPCB Official & NHA dated 8.9.2020 is enclosed and marked as an **Annexure "H"**.

- b) **Present status of M/s Modern Road Makers Pvt Ltd, Sr No 243, At Village, Talewadi, Tal- Georai, Dist-Beed:-** All plant machinery of stone crusher, hot mix plant and RMC found dismantled by project proponent authority and at present land is open with fencing compound. The Project proponent has neither submitted BG of Rs. 2 lakh as per the interim direction dated 5.11.2019 nor deposited Environment Compensation of Rs, 3,81,250/-imposed vide letter dated 18.2.2020. A copy of joint visit report of MPCB official and NHA dated 7.9.2020 is enclosed and marked as an **Annexure "I"**

Dated this 30 day of Sept, 2020.

**BEFORE ME**

**VILAS DEVIDASRAO KADAM**  
Advocate Notary Govt. of India  
AREA-AURANGABAD DIST.  
(Mob):9890615899, 9403788324  
Reg. No. 15094

13 0 SEP 2020



For and On behalf of Maharashtra  
Pollution Control Board

(Dr Pravin M Joshi)

Regional Officer- Aurangabad

30/9/2020

Regional Officer  
Maharashtra Pollution Control Board,  
Aurangabad.