

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, BENCH, PUNE

ORIGINAL APPLICATION No.191/2024(WZ)

[Earlier Original Application No.811/2024(PB)]

P.V.Patel

--- Applicant

v/s

State of Maharashtra & Anr

---Respondents

WITH

ORIGINAL APPLICATION No.207/2023 (WZ)

[Earlier Letter Petition No.62/2023 (WZ)]

The Corner Co-op Housing Society Ltd

--- Applicant

Vs

MPCB & Anr

---Respondents

Affidavit on behalf of Respondent-Maharashtra Pollution Control Board.

I, Shakil Shaikh, Aged -Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-IV, having Office address at Kalpataru Point, 2nd Floor,

Sion-Matunga Scheme Road No.8, Near Sion Circle, Sion (East),
Mumbai-400 022, do hereby state on solemn affirmation as under :

1. I am filing this Affidavit in compliance of the Order dated 26/11/2024 passed by this Hon'ble NGT. The Hon'ble NGT vide order dated 26/11/2024 directed MPCB to calculate the period of past violations and accordingly EDC to be levied from the RMC Plant/Unit of M/s.N.N. Enterprises, shall be calculated. Details of the calculation of past violations for which the said industry remained non-compliant and the amount of EDC shall be submitted by the MPCB by way of an affidavit.
2. I say and submit that in compliance of this Hon'ble NGT order dated 2/12/2023, the Respondent-MPCB had filed Report before this Hon'ble NGT, which was taken on record.
3. I say and submit that the details of EDC calculated for the past violations in respect of M/s.N.N. Enterprises, S.No.92/1, 92/2, 92/3 & 92/4, CTS No.1490, off village Eksar North , Opp. Link Road, Borivali, Mumbai is as per the Report of the Central Pollution Control Board In-House Committee on Methodology for Assessing Environmental Compensation dated 19/09/2019, is as under:
 - i) The Environmental Compensation Formula:

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

EC is Environmental Compensation in ₹
 PI = Pollution Index of Industrial sector
 N = Number of days of violation took place
 R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

ii) Basis:

PI = 30 (Green category industry-As per earlier Categorization)

N = 525 days [Period calculated 31/08/2021 to 12/11/2021(73 days) + Period -) 03/04/2023 to 28/06/2024 (452 days)]

R = 250 (Rupee factor)

S = 0.5 (Small Scale industry)

LF = 2(Population above 10 million)

EC = $30 \times 525 \times 250 \times 0.50 \times 2 = 39,37,500/-$

Environment Compensation = Rs.39,37,500/- (Thirty Nine Lakhs, Thirty Seven Thousand and Five Hundred Rupees only).

4. I say and submit that before levy of Environment Compensation, the Respondent-Board had given an opportunity of personal hearing to M/s.N.N.Enterprises on 10/01/2025 vide letter dated 06/01/2025. A copy of the letter dated 06/01/2025 issued to M/s.N.N.Enterprises is annexed herewith as an **Annexure-I**.

5. I say and submit that M/s.N.N.Enterprises has failed to attend the personal hearing extended to them on 10/01/2025, therefore, the Respondent -Board vide letter dated 13/01/2025 directed M/s.N.N.Enterprises to pay Environment Compensation of Rs.39,37,500/- (Thirty-Nine Lakhs, Thirty-

Seven Thousand and Five Hundred Rupees only). A copy of letter dated 13/01/2025 is annexed herewith as an Annexure-II.

Solemnly affirmed on this ^{27th} day of January, 2025 at Mumbai.

For and on behalf of Maharashtra Pollution Control Board,

naik
(Shakil Shaikh)

Sub Regional Officer-Mumbai-IV



BEFORE ME
Vasant B. More
24-1-2025
VASANT B. MORE
Notary Gr. Mumbai
7, Vijaya Sadan, Flat No. 304,
Above Axis Bank,
Sion West, Mumbai-400022

REGISTER Sr. No. 89/2025



MAHARASHTRA POLLUTION CONTROL BOARD

Phone :	(022)- 25505928		Kalpataru Point, 2 st floor, Sion-
Fax :	(022)- 25505926		Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E),
Email :	romumbai@mpcb.gov.in		Mumbai - 400 022
Visit At :	http://mpcb.gov.in		

"Your Service is our Duty"

No. MPCB/250106-FTS-0243

Date:06/01/2025

To,
M/s N.N. Enterprises,
S.No. 92/1,92/2, 92/3, & 92/4,
CTS NO.1490, off village
Eksar North, Opp. Link Road,

Sub: To levy Environment Compensation.

- Ref: 1. Consent to Operate granted by the Board vide no. Format1.0/ SRO/UAN No.0000145312/CO/2208000599 dated 12/08/2022.
2. Hon'ble NGT Order Dtd. 26/11/2024 in Original Application No. 191 of 2024 (WZ)[EarlierOA.No. 811/2024 (PB)] With OA No. 207 of 2023 (WZ) [Letter Petition No. 62/2023 (WZ)].
3. Approved Office Note vide N o . MPCB-ON-3513 dtd. 05/01/2025

Sir,

The Maharashtra Pollution Control Board has granted Consent to Operate u/s 26 of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 & authorization under Rule 6 of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 to your organization vide dated 12/08/2022, subject to certain terms and conditions.

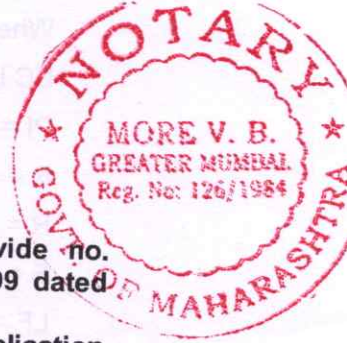
The Hon'ble NGT, Western Bench, Pune vide Order dated 26/11/2024 has directed to the Maharashtra Pollution Control Board to calculate EDC based on period of violation by your RMC plant & submit the same by way of an affidavit before the Hon'ble NGT.

In compliance of the Hon'ble NGT Order dated 26/11/2024, EDC has been calculated and details are given in following paragraphs.

Environmental Compensation (EC) amount calculated is Rs. 39,37,500/- (Thirty nine lakhs, Thirty Seven Thousand and Five hundred rupees only) as per the methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and

(Signature)
Regional Officer, Mumbai

Copy for: The Sub Regional Officer, Mumbai - He is directed to take follow up and ensure that direction is served to the industry.



Action Plan to Utilize the Fund" as per direction of the Hon'ble National Green Tribunal , Principal Bench, in the matter of OA No. 593/2017 titled Paryavarán Suraksha Samiti & Anr. Versus Union of India & Ors..

Environmental Compensation is calculated based on the following formula:

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

Where;

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor Basis

PI= 30 (Green category industry- as per CPCB categorization)

N= 525 days {Period calculated - 31/08/2021 to 12/11/2021 (73 days) + period 03/04/2023 to 28/06/2024 (452 days)}

R= 250 (Rupee factor)

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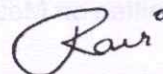
$$EC = 30 \times 525 \times 250 \times 0.50 \times 2 = 39,37,500/-$$

= Rs. 39,37,500/- (Thirty nine lakhs , Thirty Seven Thousand and Five hundred rupees only)

In view of the above, before assessing Environment Compensation, you are hereby given an opportunity of personal hearing **on 10/01/2025 at 12.00 pm. at Regional Office, MPCB, Mumbai, Kalpataru Point, 2nd Floor, Sion-Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022.**, alongwith all relevant documents on which you would like to rely upon, failing which, MPCB will initiate legal action against your organization, without giving any further opportunity, which please note.


This is issued with the approval of the Competent Authority of the Board.

For and on behalf of Maharashtra
Pollution Control Board



(Ravindra B. Andhale)
Regional Officer, Mumbai

Copy to: The Sub Regional Officer Mumbai-IV - He is directed to take follow up and ensure that direction is served to the industry.

MAHARASHTRA POLLUTION CONTROL BOARD		
Phone :	(022)- 25505928	
Fax :	(022)- 25505926	
Email :	romumbai@mpcb.gov.in	
Visit At :	http://mpcb.gov.in	
		Kalpataru Point, 2 st floor, Sion- Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022

"Your Service is our Duty"

Date:13/01/2025

No. MPCB/250113-FTS-0216

To,
M/s N.N. Enterprises,
S.No. 92/1,92/2, 92/3, & 92/4,
CTS NO.1490, off village
Eksar North, Opp. Link Road,

Sub: To levy Environment Compensation.

- Ref:**
1. Consent to Operate granted by the Board vide no. Format1.0/ SRO/UAN No.0000145312/CO/2208000599 dated 12/08/2022.
 2. Hon'ble NGT Order Dtd. 26/11/2024 in Original Application No. 191 of 2024 (WZ) [(Earlier Letter Petition No. 62/2023 (WZ)].
 3. Office Note submitted by SRO Mumbai-4 vide Office Note MPCB-ON-3513 dtd. 05/01/2025
 4. Letter issued by Board vide no. MPCB/250106-FTS-0243 dated 06/01/2025.

Sir,

The Maharashtra Pollution Control Board has granted Consent to Operate u/s 26 of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 & authorization under Rule 6 of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 to your organization vide dated 12/08/2022, subject to certain terms and conditions.

The Hon'ble NGT, Western Bench, Pune vide Order dated 26/11/2024 has directed to the Maharashtra Pollution Control Board to calculate EDC based on period of violation by your RMC plant & submit the same by way of an affidavit before the Hon'ble NGT.

In compliance with the Hon'ble NGT Order dated 26/11/2024, the Board has issued letter vide reference No. 4 describing detailed calculation for determination of Environmental Compensation.

An opportunity for personal hearing was extended to you on 10/01/2025 regarding the Environmental Compensation amount calculated by the Board. However, no one from your side attended the said personal hearing.

In view of the above, you are hereby directed to pay compensation of Rs. 39,37,500/- (Thirty nine lakhs, Thirty Seven Thousand and Five hundred rupees only) in the name of Maharashtra Pollution Control Board, Kalpataru Point, 3rd Floor, Sion (East), Mumbai-400 022, within a period of 14 days from the date of receipt of this direction, failing which, the Board will have no option than to initiate further appropriate legal action against you, which please note.

This is issued with the approval of the Competent Authority of the Board.

For and on behalf of Maharashtra
Pollution Control Board

(Ravindra B. Andhale)
Regional Officer, Mumbai

Copy to: The Sub Regional Officer Mumbai-IV - He is directed to take follow up and ensure that direction is served to the industry.

