

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

APPEAL NO. 22/2023 (WZ)

Pravin Vora & Sons

...Complainant

v/s

Maharashtra Pollution control Board

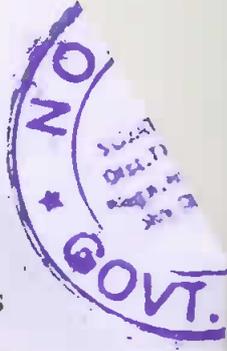
.... Respondents

**Affidavit on behalf of the Respondent No.1- Maharashtra
Pollution Control Board**

I, Ravindra B. Andhale, Age 55 years, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Thane, having office at Plot No. P 30, 5th Floor, Office Complex Building, Wagle Industrial Estate, Mulund Check Naka, Thane (West) 400604, do hereby state on solemn affirmation as under :-

- 1) I have perused the papers and proceedings of the above matter. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply on behalf of Respondent No.1- Maharashtra Pollution Control Board (MPCB).
- 2) At the outset, the Appellant has filed the said Appeal being aggrieved by the closure directions dated 11/04/2023 issued by the Respondent No.1-Maharashtra Pollution Control Board.





- 3) I say and submit that the Respondent No.1-MPCB has granted Consent to Operate to the Appellant-Industry for Captive RMC Plant at Sudama Puri, New survey no. 220, Hissa No. 2, Village Bhayander, Taluka & District Thane under Green category on 18/02/2021, which is valid for a period upto 31/03/2023. However, the Appellant-Industry has not applied for renewal of consent to operate.
- 4) I say and submit that the Respondent No.1-MPCB has received complaints from Mr. Rohit M. Suvarna, Former Municipal Corporator, Village Murdha, Bhayander (W), Dist. – Thane and nearby housing society namely Walchand Darshan CHS Ltd regarding pollution caused due to illegal operation of Appellant-RMC plant.
- 5) I say and submit that in order to verify the complaints, the officials of the Respondent No.1-MPCB at Thane visited to the RMC Plant along with the representative of RMC Plant on 23/02/2023 & observed as under:
- i) The said RMC Plant has not provided two level tyre washing facility, sedimentation tank and proper barricading.
 - ii) The internal work area is not cement concreted.
 - iii) The said RMC Plant is a Captive Plant and prepared RMC is used in their own premises for construction.



Hereto annexed and marked **Annexure-I** is the copy of the visit report dtd.23/02/2023.

- 6) I say and submit that on the basis of the above non-compliances, the Respondent No.1-MPCB has issued Show Cause Notice for Closure vide letter dated 02/03/2023 followed by the Personal hearing on 28/3/2023. During the course of hearing, the Appellant has admitted the non-compliances on their part. Hereto annexed and marked **Annexure-II** is the copy of the Show Cause Notice dated 02/03/2023.
- 7) I say and submit that on the basis of continuous non-compliance, the Respondent No.1-MPCB has issued Closure Directions to the said RMC plant of the Appellant on 11/04/2023, pursuant to the Show Cause Notice issued by the Respondent No.1-MPCB on 02/03/2023 and also directed to Adani Electricity to disconnect electric supply and Mira Bhayander Municipal Corporation to disconnect water supply to the said RMC Plant immediately. Hereto annexed and marked as an **Annexure-III** is the copy of the closure directions dated 11/04/2023.
- 8) I say and submit that earlier the Respondent No.1-MPCB has issued closure directions to the Appellant on 27/04/2021 on the basis of similar non-compliances and thereafter, the Respondent No.1-MPCB has issued conditional restart directions vide letter dated 29/09/2022,



subject to certain terms & conditions. Hereto annexed and marked as an **Annexure-IV** is the copy of the conditional restart directions dated 29/09/2022.



9) I say and submit that earlier the Hon'ble Maharashtra State Human Right Commission, Mumbai admitted Suo-Motu Case bearing No.878/13/16/2023 on the basis of the News appeared in English News Paper "Times of India" and Hindi News Paper "Navbharat Times" dated 21/02/2023 regarding illegal RMC plant causing air pollution in Kashi Mira, wherein, the Maharashtra Pollution Control Board has submitted Affidavit before the Maharashtra State Human Right Commission, Mumbai and the matter is still pending.

10) I say and submit that in order to verify the compliance, the Officials of the Respondent No.1-MPCB at Thane alongwith the Officials of the Mira Bhayander Municipal Corporation(MBMC) visited to the site of RMC Plant of the Appellant-Industry on 20/06/2023 and observed as under:-

- a. Appellant-Industry has not provided adequate two level tyre washing facility.
- b. Appellant-Industry has not provided sedimentation tank with provision for recycling the effluent.
- c. Appellant-Industry has not provided proper barricading.





- d. Appellant-Industry has not provided water sprinkling arrangement within the premises to avoid dust emission.
- e. MBMC has sealed the RMC plant base cabin (RMC Operation room) on 17/04/2023.

Hereto annexed and marked **Annexure-V** is the copy of the visit report dtd.20/06/2023

11) I say and submit that despite issuance of show cause notice and opportunity of personal hearing in the interest of natural justice given to the Appellant-Industry, the Appellant-industry has failed to comply with the consent conditions and directions issued by the Respondent No.1-MPCB. Since, the Appellant-Industry is a habitual defaulter, therefore, the Respondent Board has issued closure directions vide letter dtd.11/04/2023 in accordance with the law. Hence Appeal may kindly be rejected.

Solemnly affirmed on this 5th day of July, 2023 at Thane.

For and on behalf of Respondent
Maharashtra Pollution Control Board,

Advocate for Respondent No.1 (Ravindra B. Andhale)
Regional Officer - Thane



NOTARISED

SUJATA V. JOSHI
ADVOCATE & NOTARY

101/102, Vishal Bldg., Station Road,
Kulwa (W), Thane-400 605.

NOTED & REGISTERED

Sr. No. S236/2023



- 5 JUL 2023

MAHARASHTRA POLLUTION CONTROL BOARD

Sub-Regional Office, Thane-II

Tel: 25802272

Fax: 25805398

Visit us at:

Website: <http://mpcb.gov.in/>E-mail Id: srothane2@mpcb.gov.in

5th Floor, Office Complex Bldg.,
Near Mulund Check Naka,
Wagale Estate,
Thane-400 604

Date: 23/02/2023

VISIT REPORT

1. Name & Address of the Industry :- M/s Pravin Vora & Sons,
Eudajama Puri, New S.No. 220,
Hissa No. 2, Vill: Bhayander,
Tal: Dist: Thane
2. Person Contacted :- Mr. Sandeep Bhuva
3. Contact Details :- Ph. 8767154254
E-mail: voraakvora38@gmail.com
4. Consent Status :- Green/SSI, dtd. 19/04/2021,
Validity - 31/02/2023
5. Effluent Generation M3/d :- I.E. - 1.0 CMD D.E. - 0.3 CMD
6. Effluent Disposal :-
7. ETP Details :- Primary/ Secondary/ Tertiary
8. APC Details :- Dust Collector/ Scrubber/ Bag Filter
Chimney height :
9. Hazardous Waste Generation Details :- Category:-
Quantity:-

OBSERVATIONS

- During inspection, round in & around the factory has carried out in presence of factory representative. RMC plant is found in operation. P.P. has provided water sprinkling arrangement to Raw material storage area. Cover to conveyor belt & RMC plant provided.
- Two level tyre washing facility not provided. Sedimentation tank not provided. Waste water generated from tyre washing / transit mixture is found situated in Kaccha pit & supernatant is found disposed off in a Kaccha pit.
- Internal work area, not cement concreted.
- Barricading all around the periphery of the plot boundary of 20 feet height of tin sheet not provided.
- RMC Plant capacity - ~~1000~~ 30 M³/day
- As reported by authority, RMC plant (Captive Plant) & prepared R.M.C. is used in own premises for construction & for another site located 1/2 km away distance. (Both site owner is Pravin Vora & Sons.

Industry's Representative

P.T.O.

FO/SKO/RO

M.P.C.B. Thane-2



- As reported by authority @ 200M RMC is used at the site for construction activity located at IIF Durgam @ 200m, away from RMC.
- Industry shall comply with consent conditions & shall maintain the records of sludge slurry/debris

[Handwritten signature]

M/S Pooja Vera & Sons,
Village Bhayamale, Tal. & Dist. Thane

~~*[Handwritten signature]*~~

(I.H. Thakur)
Mopide B. Thane-2



MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagle Estate, Thane-400 604.
"Your Service is our Duty"		

No. MPCB/ROT/SCN-P/ 2303020007

Date:-02/03/2023

To,
M/s. Pravin Vora and Sons,
Sudama Puri, New S.No. 220, H No. 2,
Village Bhayandar, Tal. & Dist. Thane.

Sub:- Show Cause Notice for closure under section 33A of the Water (P & CP) Act, 1974 & under section 31A of the Air (P. & C.P.) Act, 1981.

Ref: - 1) Consent granted by Board.
2) Restart Direction issued dtd. 29/09/2022.
3) Complaint received from Former municipal corporator on 21/02/2023.
4) Visit of Boards official on 23/02/2023.
5) Action proposal received from Sub Regional office Thane-II vide MPCB-LEGAL_ACTIONS- 190321008, dtd. 24/02/2023.

WHEREAS, you are operating unit in the Water Pollution Prevention Area declared under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and the Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016.

AND WHEREAS, Board has granted Consent to your unit under the said Acts with certain terms & conditions and it is obligatory on your part to comply the consent conditions imposed in the Consent to Operate

AND WHEREAS, the officials of Sub Regional officer visited to your unit on 23/02/2023 for investigation of complaint received vide ref. no. 3 and reported following non compliances:

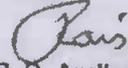
- 1) You have not provided two tyre level washing facility.
- 2) You have not provided sedimentation tank.
- 3) You have not provided proper barricading.
- 4) Captive RMC plant is used in own premises for construction and for another site of the same owner about 200 feet.
- 5) You have not submitted Bank Guarantee of Rs. 5/- lakhs against Restart direction.

AND WHEREAS, this amounts to blatant violation of consent conditions and various Environmental laws and clearly shows your gross negligent attitude towards pollution control.

NOW THEREFORE, you are hereby directed to show cause as to,

- 1) Why stringent legal action shall not be initiated against you?
- 2) Why your industry shall not be closed down its activity?
- 3) Why the competent authority shall not be directed to disconnect water & electricity supply to your industry?

You shall remain present for personal hearing dtd. 14/03/2023 at 12:30 pm above address along with reply to this direction and documents you want to rely upon, failing in which legal action will be initiated which may result in closure of your unit, which may please be noted.


(R. B. Andhale)
Regional Officer, Thane

Copy Submitted to:
Assistant Secretary (Technical), M.P.C. Board, Mumbai.

Copy to:-
Sub-Regional Officer, MPC Board, Thane-II – You are directed to ensure receipt of this letter and reply to SCN from industry before the date of hearing.



MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagle Estate, Thane-400 604.
"Yours Service is Our Duty"		

No. MPCB/ROT/CD/2304110005

Date: 11/04/2023

To,
M/s. Pravin Vora and Sons,
Sudama Puri, New S.No. 220, H No. 2,
Village Bhayandar, Tal. & Dist. Thane.

Sub:- Closure Directions under section 33A of the Water (P&CP) Act, 1974 & under section 31A of the Air (P & CP) Act, 1981 and Hazardous & Other Wastes (M&TM) Rules, 2016.

Ref: - 1) Consent granted by Board.
2) Show Cause Notice for closure dtd. 02/03/2023.
3) Personal hearing extended on dtd. 28/03/2023.
4) Proposal received from Sub- Regional Office, Thane-II vide legal action no. MPCB-LEGAL_ACTIONS-190321008, dtd. 29/03/2023.
6) Approval received from HQ dtd. 11/04/2023.

WHEREAS, you are operating your industry in Water & Air pollution prevention area declared under Water (P&CP) Act, 1974 Air (P&CP) Act, 1981. **AND WHEREAS**, it is obligatory on your part to obtain Consent to Establish / Operate from the Board under the provision of the Water (P & CP) Act, 1974 & the Air (P & CP) Act, 1981; to comply with conditions by providing necessary water & air pollution control devices and to operate the same continuously and efficiently so as to meet the standards prescribed by the Board at all times.

AND WHEREAS, Board has issued Show Cause Notice for closure on dtd. 02/03/2023 for following non compliances :

- 1) You have not provided two tyre level washing facility.
- 2) You have not provided sedimentation tank.
- 3) You have not provided proper barricading.
- 4) Captive RMC plant is used in own premises for construction and for another site of the same owner about 200 feet.
- 5) You have not submitted Bank Guarantee of Rs. 5.0 lakhs against Restart direction.

AND WHEREAS, personal hearing was also extended to you on 28/03/2023 and during the course of personal hearing, your representative agreed with the observed non compliances that transit mixture sent outside premises and operating plant at night time.

AND NOW THEREFORE, in the exercise of the powers conferred u/s 33A of Water (Prevention & Control of Pollution) Act 1974, and 31A of Air (Prevention & Control of Pollution) Act, 1981. I, Regional Officer, MPCB, Thane hereby directed to close down your manufacturing activities, within 48 hours taking all precautionary measures for safe closure, It shall be noted that competent authorities are hereby directed to disconnect your electricity and water supply.

..2



: 2 :

In case of your failure to comply these directions, further suitable action which may be deemed fit, as per the provisions of the Environmental Act's will be initiated against your unit, which may please be noted.

This is issued with the approval from competent authority of Board.



(R. B. Andhale)
Regional Officer, Thane

Copy submitted to:

1. Member Secretary, M.P.C. Board, Mumbai.
2. Assistant Secretary (Technical), M. P. C. Board, Sion, Mumbai.

Copy to:

1. The Executive Engineer, Adani Electricity / Tata Power, Mira Bhayander, Dist. Thane
- He is directed to disconnect electric supply of above mentioned industry after completion of 48 hours from receipt of these direction immediately and report compliance accordingly.
2. The Executive Engineer, Water Supply, Mira Bhayander Municipal Corporation.
- He is directed to disconnect water supply of above mentioned industry after completion of 48 hours from receipt of these direction immediately and report compliance accordingly.
3. Sub- Regional Officer, Thane-II, MPC Board, Thane.
- You are directed to serve these directions to the unit and ensure the compliance of the directions & report accordingly.



(R. B. Andhale)
Regional Officer, Thane



MAHARASHTRA POLLUTION CONTROL BOARD

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E-mail Id: rothane@mpcb.gov.in		Wagle Estate, Thane-400 604.
"Your Service is our Duty"		

No. MPCB/ROT/Restart/2209290001

Date : 29/09/2022

To,
M/s. Pravin Vora and Sons,
 Sudama Puri, New S. No. 220, H. No. 2,
 Village Bhayandar, Taluka & Dist. Thane.

Sub: Conditional Restart Directions under section 33A of the Water (P&CP) Act, 1974 and under section 31A of the Air (P&CP) Act, 1981 – Reg.

Ref: 1) Consent granted by Board dtd. 18/02/2021.
 2) Closure Directions issued by Board vide No. MPCB/ROT/CD/2104270001, dtd. 27/04/2021.
 3) Request letter submitted by industry dtd. 01/08/2022.
 4) Proposal received from SRO Thane-II vide Legal Unique No. MPCB-LEGAL_ACTIONS- 190321008, dtd. 18/08/2022 & 13/09/2022.
 5) Approval received from HQ dt: 20/09/2022.

This refers to the Closure Directions issued by Board vide above reference no: 2 to your unit due to non-compliance causing environmental pollution.

Sub-Regional Officer, Thane-II has submitted compliance report of Closure Direction vide ref. (4) above and subsequent approval by MPC Board, HQ on dtd. 20/09/2022, you are hereby allowed to restart your unit subject to following terms and conditions:-

- 1) You shall operate RMC plant solely for captive use only.
- 2) You shall provide barricading all around the periphery of the plot boundary of 20 mtrs height of tin sheet to avoid fugitive emission.
- 3) You shall provide internal work area, cement concreted.
- 4) The production plant shall be interlocked with air pollution control system.
- 5) You shall provide cover to all conveyor belts of Sand, aggregate with tin sheets and at points dust collection system to be installed to avoid secondary fugitive emissions.
- 6) You shall provide water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
- 7) You shall cover all material transfer points.
- 8) You shall provide adequate capacity of dust Collection system such as multi – cyclone followed by bag house assembly to storage silos of cement & fly-ash.
- 9) Storage area of sand & aggregates shall be equipped with roof top water sprinkler system.
- 10) Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
- 11) You shall strictly comply of consent conditions and earlier direction issued from time to time.
- 12) You shall comply with above conditions within 7 days and submit Bank Guarantee of Rs. 5.0 Lakh towards compliance of consent conditions and these directions within 7-days in favor of Maharashtra Pollution Control Board, Thane.



: 2 :

These directions shall be followed scrupulously in case of non-compliance the Board is constrained to take stringent legal action including forfeiting of bank guarantee and closure of unit, which may please be noted.

This is issued with the approval of competent authority of Board.



(R. B. Andhale)
Regional Officer, Thane

Copy submitted to:

- 1) Member Secretary, MPCB, Mumbai -for favor of kind information.
- 2) Joint Director (WPC), MPCB, Mumbai -for favor of kind information.

Copy to:

- 1) Adani Group, Kashimira, Kashigaon, Post. Mira, Tal. & Dist. Thane - It is requested to restore the Electric supply of **M/s. Pravin Vora and Sons.**
- 2) The Executive Engineer (Water supply), Mira Bhayander Municipal Corporation, Thane - It is requested to restore the Water supply of **M/s. Pravin Vora and Sons.**
- 3) Sub Regional Officer, MPCB, Thane-II – You are directed to serve the direction to the industry & ensure the compliance.



(R. B. Andhale)
Regional Officer, Thane



MAHARASHTRA POLLUTION CONTROL BOARD

Sub-Regional Office, Thane-II

Tel : 25802272

Fax : 25805398

Visit us at:

Website : <http://mpcb.gov.in/>E-mail Id: srothane2@mpcb.gov.in

5th Floor, Office Complex Bldg.,
Near Mulund Check Naka,
Wagale Estate,
Thane-400 604

Date: 20/06/2023

VISIT REPORT

1. Name & Address of the Industry : M/S. Pravin Vora & Sons
Sudanna Puri, New S.M. 22
New Dmart Bhamburda (W) Th
2. Person Contacted : Vohel
3. Contact Details : Ph.
E-mail:-
4. Consent Status : Valid up to 31/12/2023
5. Observation :

- MPC Board has issued closure direction to the R plant on 11/4/2023.
- MBMC has issued the RMC permit on 12/4/20
- During visit RMC plant found not in operation.
- Authority has not provided sedimentation tank.
- Storage areas of sand & aggregate not equipped w top water sprinkler system & not provided barricading
- Two used tyre washing facility not provided properly.

Industry's Representative

E/SRO/RO

~~Signature~~
20.06.2023.

(Dign'jay Deore)
Jr Engineer MBMC



~~Signature~~
(A.R. Roket)
FO MPCB