

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

Original Application No.11/2023 (WZ)

Razzak Rajmohammad Baig & Ors.

... Applicant

v/s

The District Collector, Ahmednagar & Ors.

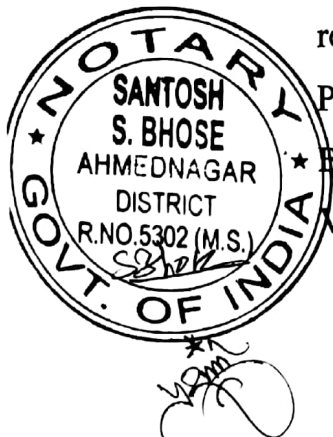
... Respondent

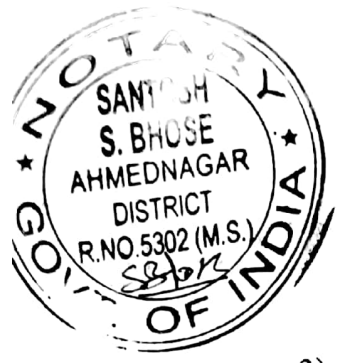
**AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 DISTRICT  
COLLECTOR AHMEDNAGAR**

I, Prasad S. Mate adult occupation-service, The Sub Divisional Officer, Pathardi having my office at Pathardi District Ahmednagar, Pin code 414102, do hereby state on solemn affirmation on behalf of the Respondent No. 1 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 the Respondent No. 1 District collector Ahmednagar

2) I say and submit that the Applicant has filed this application regarding air, water, soil and noise pollution caused due to the Hot Mix Plant and Stone Crusher activities carried out by Respondent No.12- Balasaheb Janardan Murdare- Project Proponent at Gat No.40/1, Village Varur Khurd, Tal: Shevgaon, Dist: Ahmednagar.





3) I further say and submit that as per the directions given by this Hon'ble Tribunal, Joint Inspection was carried out by the Sub- Divisional Magistrate, Pathardi along with the Official of Maharashtra Pollution Control Board at the aforesaid site of Respondent No.12 on 16/2/2023 and observed as follows:

1. Hot Mix Plant was not operated continuously, it is operated as per work requirement.
2. During visit, the Hot Mix Plant was not in operation.
3. In order to control air pollution, the industry has provided Raw Material Loading Section (4 hoppers) and conveyor belt covered with tin sheets, water sprinkling system provided at conveyor belt & hopper section. The industry is having 01 no. of tanker with capacity 5000 lit. (Water storage capacity) for regular wetting of the premises. The industry has provided wet scrubber with stack of height 15.0 mtrs. to hot mix plant. The industry has planted bamboo & other trees around the hot mix plant.

A copy of the Joint Inspection Report dated 16/2/2023 is enclosed herewith and marked as an Annexure-I.

4) I say and submit that Representative Officer of the Respondent No.1 and officials of Maharashtra pollution control Board at Ahmednagar, Applicant Mr. Razzak Baig, Respondent No.12-Project Proponent, nearby farmers carried out the Joint visit to the aforesaid site of Hot Mix Plant on 14/3/2023 and observed that the Hot Mix Plant was in operation. During the operation of Hot Mix plant It is observed that



smoke, dust flow and its particles from the hot mix plant have accumulated on crop and field of complainant. The crop on half portion of complainant land was harvested & cotton crop is standing on about two acres of land. The industry has planted Bamboo trees on the Common border (Bandh) between the land of Respondent No.12 where the Hot Mix Plant is standing and the land of complainant. Dried leaves of bamboo trees were found lying in the field of complainant, during the visit it was noticed that there was bad smell of Asphalt. A copy of panchnama dated 14/03/2023 is enclosed herewith and marked as an Annexure- 'II'.

5) I say and submit that during the visit on 14/3/2022, machineries to measure noise and air pollution made available by Maharashtra Pollution Control Board. Monitoring was carried out at the time of plant of Respondent NO.12-PP is in operation & When not in operation and near the Applicant's Farm land at the time of plant is in operation & when not in operation.. Copies of the noise monitoring results are enclosed herewith and marked as Annexure- "III" collectively.

6) I further say and submit that at the time of joint inspection the ambient Air quality monitoring was done on 14/03/2023 near backside gate of the Respondent no.12 project proponent. The results of the ambient Air quality monitoring carried out are enclosed herewith and marked as Annexure-"IV".

7) I say and submit that Sub Divisional Officer Pathardi has made communication dtd 31/03/2023 to the Taluka Agricultural Officer, Shevgaon District Ahmednagar, asking to submit report as to whether

A handwritten signature in black ink, appearing to be 'Santosh S. Bhoose', with a star symbol above it.



there is damage to the crops of applicant due to the pollution of hot mix plant of respondent no.12, Taluka Agricultural Officer, Shevgaon submitted his report stating that there can be lose of yield of crops belong to the applicant due to the smoke and particles of respondent no.12 plant, which accumulates in the field of applicant. Copy of spot inspection report of Taluka Agricultural Officer, Shevgaon is enclosed herewith & marked as Annexure "V".

8) I say and submit that during the visit along with complainant, the complainant pointed out that the sprinklers are only operational today since the respondent no 12 was well aware about the fact that the officers of respondent no 7 and Sub divisional Officer Pathardi are visiting the spot.

Solemnly affirmed on this day of 17<sup>th</sup> April, 2023 at Ahmednagar

For & On Behalf Of Respondent No.1  
District Collector, Ahmednagar

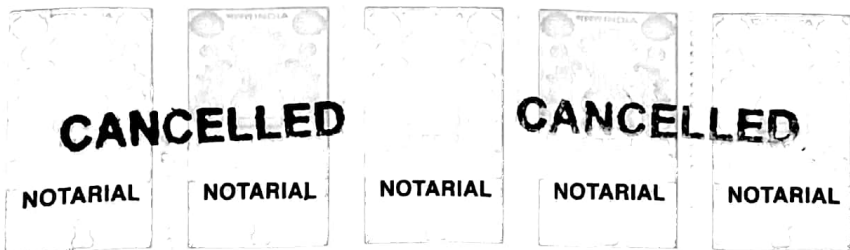
*R.V. Shinde*  
**Identified by me**  
R. V. SHINDE  
ADVOCATE No.9922226761

*S.Bhoze*  
**BEFORE ME**  
Solemnly affirmed before me  
by *Prasad s/o - Shantaram Mute*  
who is identified before me *Age - 41 yrs.*  
by *A. R. V. SHINDE*  
whom I personally know  
*S.D.O. Pathardi*  
Sub Divisional Officer,  
Pathardi

*[Signature]*  
(Prasad Mate)

*Taluk At Ahmednagar*  
**BEFORE ME**  
*S.Bhoze*

**SANTOSH S. BHOSE**  
Advocate & Notary Public  
Arihant Appt., Karachiwalanagar  
Opp. Jain Hostel, Ahmednagar  
S.No./SSB/Nt. *476/23*  
Document Page No. *27* to *04*



17 APR 2023

Joint Inspection Report in respect of order 20/05/2021 passed by Hon'able NGT (WZ) in Q.A. 01/2020 Raggak Rajhmommad Balg V/s. The District collector Ahmednagar and Ors.

As per the Hon'able NGT order dated. 20/05/2021 in Q.A. 01/02 Raggak Rajhmomad Balg V/s. the District collector Ahmednagar has directed to Maharashtra Pollution Control and District magistrate Ahmednagar to submit compliance of the order.

Board has granted consent to Operate for hot mix plant vide dated 12/03/2020, valid up to 30.03.2026. (Anx-I). Board has issued proposed direction on 17/02/2021 (Anx-II). After receipt of Hon'able NGT order dated. 20/05/2021 the Board has issued interim direction vide dated 30/09/2021 after compliance of proposed direction (Anx-III).

Joint visit along with Raviraj Patil Field Officer was carried out on 16/02/2023 and following findings are noticed.


- 1) Hot mix plant not operated continuously It is operated as per work requirement
- 2) During visit hot mix plant was not in operation.
- 3) The industry has provided following Measures for control of Air Pollution in the surrounding area.
  - a) Raw Material loading section (04 hoopers) are covered with tin Sheet.
  - b) Conveyer belt covered with tin Sheet.
  - c) Water sprinkling system provided at Conveyer Belt & hooper section.
  - d) Industry having 01 no. of tanker with capacity 5000 lit (water storage capacity) for regular wetting of the premises.
  - e) Industry has provided wet Scrubber with stack of height 15.0 mtrs. to hot mix plant.
  - f) Industry has planted bamboo & others Trees around the Hot Mix Plant.
  - g) The Industry has not provided the Metallic Road as per consent condition.

The complainant's agriculture land situated on west side of adjacent to the boundary of hot mix plant. The compliant harvesting the rabi crop observed during the visit. Board has issued letter to Agriculture department vide dated 07/02/2023 regarding statues of crop in the surrounding area. (Anx-IV).

The Complainant field was visited along with complaint Mr. Raggak Rajhmomad Baig In some part of complainants field cotton crop was standing and in some part harvested bajra crop was stacked. The complainant told that the dust from Hot Mix Plant accumulates on the crop & on the surface of field. Dust observed on leaves and cotton of cotton crop & also on surface of soil. Also the complainant told that when the plant is in operation it creates lot of noise, dust & bad odour. At the time of visit the plant was no in work so this cannot be observed. Complainant also pointed out the bamboo Planted along with the boundary shades old leaves which falls on complainant's field which was observed during visit.

Also in the future, the unit will be monitored keeping in view any violation of environment laws.

The joint Inspection report is submitted for your kind perusal and for further direction please.

  
(Chandrakant Shinde)  
Sub-Regional Officer  
MPCB, Ahmednagar.

  
(Prasad Mate)  
Sub Divisional Magistrate, Pathardi

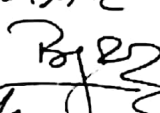
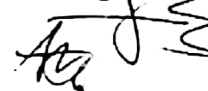
आज दि. १४.३.२०२३ रोजी साकाली १०.०० वा. गाम्बुन मोठे वकर खु. गट नं. ४० येथील हॉट मिक्स प्लॉटला सा. राष्ट्रीय हरित लढाईमोरील ०१/११/२०२३, १४ NO.४२/२०२३ या प्रकरणाच्या अनुषंगाने महाराष्ट्र प्रदूषण नियंत्रण मंडळ, अहमदनगर येथे अधिकाऱ्यांसोबत मेट देण्यात आली. सदर डेटाचे वेळी सौक्यावर वरिल प्रकरणातील तक्रारदार श्री. रज्जाक राजमोहोम्मद बेजा व बावातील आजुबाजुचे इतर शेतकरी हजर होते. यावेळी - सदर हॉट मिक्स प्लॉटचे मालक श्री. बाळसाहेब सुरदारे हजर होते

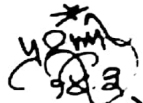
सैफा पाहणी वेळी हॉट मिक्स प्लॉट सुरु होता. सदर प्लॉटमुळे होणारी वायुप्रदूषण व ध्वनीप्रदूषण मोजण्यासाठी प्रदूषण नियंत्रण मंडळाने High volume Sampler (HVS) व ध्वनीमापक ही उपकरणे सौक्यावर उपलब्ध करून दिली होती. प्लॉट सुरु असताना सदर उपकरणांद्वारे परिमाण मोजण्यात आले.


प्लॉट सुरु असताना विमणीमधून निघणारा धूर हवेच्या दिशेने तक्रारदार यांचे शेताच्या व्हीने जाताना दिसून आला. तसेच प्लॉटमध्ये टाकण्यात येणाऱ्या खड्डातून निघणारी धुक ही तक्रारदार यांचे शेतात जाताना दिसून आली. सदर तक्रारदार यांचे शेत हॉट मिक्स प्लॉटच्या पश्चिमेक लागून आहे त्यामुळे प्लॉटमधील धूर व धुक यांचे कण तक्रारदार यांचे शेतातील पिकावर व जमीनीवर साठते. लक्ष्यस्थितीत तक्रारदार यांचे अंदाजे निम्मे क्षेत्रावरील पिक काढले असून फाफूस अंदाजे (२) एकर क्षेत्रावर उभा आहे. हॉट मिक्स प्लॉट व तक्रारदार यांचे शेताच्या बांधावर हॉट मिक्स प्लॉट मालकाने बांबू लावलेले आहेत. तथापि तक्रारदारांचे शेतात या बांबूचे फुटवे जात असून बांबूची वाळलेली पाणे तक्रारदार यांचे शेतात पडलेले दिसून आले. प्लॉट सुरु असताना डोंगरामुळे सौक्यावर मोठ्या प्रमाणात दुर्गंधी येत होती. प्लॉटवर हॉपर कडे जाणारा रॅप व इतर जागी धुक उडू नये म्हणून पाणी मारलेले दिसून आले. तक्रारदार यांचे म्हणण्यानुसार प्लॉटची पाहणी होणार म्हणून सदर पाणी दि. १३.३.२३ रोजी सायंकाळी व आज साकाली मजण्यात आले आहे.


सदर प्लॉटचे पूर्वेक शेतगाव - आयेजा । रस्ता असून


रस्त्याच्या पूर्वेक 263 वरती आहे. सादर वस्तीतील नागरिकांनीही लॉट चक्र उभारतांना अमध्य दुर्गधी व घुस, घुलीचा त्रास होत असल्याचे सांगितले. तसेच लॉटच्या दक्षिणेक बोटगाव-आथेगाव रस्त्यावर अंदाजे ५०० मी.एन अंतरावर जिल्हा परिषद प्राथमिक शाळा, मापकरवस्ती आहे. मौकातपावणी वेळी लॉट चक्र उभारून खडी व हांवळ-यांचे मिश्रण तयार करण्यात येत होते. व सादर मिश्रण हायवा मध्ये भरून कामाचे ठिकाणी पाठविण्यात येत होते. सादर मौकातपावणी तक्रारदार, प्रदूषण नियंत्रण मंडळाचे अधिकारी, आजूबाजूचे शेतकरी, रहिवासी यांचे उपस्थितीत करण्यात आली.

उ. उ. लाल  
२ विराज पाटील  
धुनेर अधिकारी  
मि. प्र. जि. मंडळ, अहमदनगर  
१) राजाक राजमहमद बेग -   
२) श्री. नारायण बाजीराव टेकाडे. 

  
प्रसाद मते.  
उपविभागीय अधिकारी  
पाथर्डी.

३) मुख्यालय शेख प्यारेलाळ हतगिर 

४) शेख निहार अमीर. 

५) श्री. मारुती बाजीराव टेकाडे.  श्री टेकाडे यांच्या  
बाब्या हाताच्या अंगठा

६) श्री. देविदाम पिष्णु वरुड.

दे. वि. २१२५



②

ERROR!!!  
The Specified image isn't

CASELLA  
CEL-6330/IP 4031 32  
Serial number 4031  
Response  
Start

19-Mar-2023 11:26:33  
Duration 0:15:05  
File operation 0:00:02  
Run No Run 15

CALIBRATION

Before  
14-Mar-2023 11:04:38

RESULTS (dB)

LRAe	82.8
LAFmax	88.4
LZpeak	112.3
LAFmin	71.5
LAF10	84.5
LAF50	83.0
LAF90	79.5
LAF95	77.0
LAF99	73.5

Location  
GPS 19.32343 75.23853

Operator Name  
Ravish Patil (So)  
M.P.C.B. Ahmednagar

Signature

Witness

*[Handwritten signatures and initials]*  
SRO  
SRO  
SRO  
B. S. ...

M/S. B. J. Mardare  
Cont no. 40, Varur (K)

(At the time of  
plant is in operatio

Tal. Shegaon Dist. Ahmednagar.

5

ERROR !!!  
The Specified image isn't

CASELLA  
CEL-5330/IP 0031-02  
Serial number 4181467  
Response Freefield  
Start

14-Mar-2023 21:43:55  
Duration 0:15:05  
Pause duration 0:00:00  
Overload No

Re one  
14-Mar-23 21:42:42

Min	72.1
Max	74.4
Avg	106.8
RFmin	42.4
LAF10	54.0
LAF50	49.0
LAF90	47.0
LAF95	46.0
LAF99	45.5

Location  
GPS 19.32338 75.73853

Operator Name  
Ravitesh Patil (fo)  
M.P.C.B. Ahmednagar

Signature  
*[Signature]*  
Boode Gokshar

Witness

Mrs. B.J. Murdare (At the time of  
Cont no. 40, Yalwar (K) plant is not in operation,  
Tal. Shrigaon, Dist. Ahmednagar.

①

ERROR!!!  
The Specified image isn't

CPMELLO  
CPM SS3C/IP v031-02  
Serial number 4161467  
Response Freefield  
Start

14-Mar-2023 11:04:53  
Duration 0:15:03  
Pause duration 0:00:02  
Overload No Run 14

CALIBRATION

Before  
14-Mar-2023 11:04:38

RESULTS (dB)

LAF <sub>max</sub>	68.3
LAF <sub>min</sub>	87.7
LZ <sub>peak</sub>	106.6
LAF <sub>min</sub>	59.2
LAF10	70.5
LAF50	67.5
LAF90	61.0
LAF95	60.5
LAF99	60.0

Location  
GPS 19.32922 76.26823

Operator Name  
Ravi Raj Patil (for)  
M.P. (B. Ahmednagar)

Signature *[Handwritten Signature]*

Witness C.N. Hindi. *[Handwritten Signature]*  
*[Handwritten Signature]*  
(अस. अर. अर.) 14/03/23

Mr. Razzak Rajmohammed Baig farm land  
village - Varur (K) Tal. Shergaon Dist. Ahmednagar  
(At the time of plant is in operation)



**269**  
**MAHARASHTRA POLLUTION CONTROL BOARD**

Phone : 0253-2362820  
Fax : 0253-2365161  
Email : sonashiklab@mpcb.gov.in  
Website : http://mpcb.gov.in



**Regional Laboratory**  
Maharashtra Pollution Control Board,  
1st floor-Udyog Bhavan, Rathi Chowk,  
Near ITI, Trimbak Road, Satpur MIDC,  
NASHIK- 422 007.

Report Outward No.: MPCB/RL-Nashik/Ambient/22-23/03/8  
Date: 28/03/2023 07:28 PM

**Analysis Report-Air (Ambient)**

Client/Industry/location Name & Address
M/S B.J.MURDARE O25 DG set of capacity >1MVA but < 5MVA

Sample Details	
Field Sample ID :	BR-0042442
Laboratory Sample Code :	MPCB/RL-Nashik/AMB/22-23/159
Sample Details (Water/Air/HW) :	Air
Sample Volume Received :	
Sample Collected By :	FO-Ahmednagar (Mr. Raviraj Patil) (SRO-Ahmednagar)
Seal No. :	236
Type of Industry / Location details :	orange
Sample Collected On :	Mar 14 2023 10:00:00:000AM

Sr.No	Parameter	Starting Time	Closing Time	Result	Unit	Method of analysis
1	PM10	14-03-2023 10:00	14-03-2023 18:00	61	$\mu\text{g}/\text{m}^3$	
2	SO2	14-03-2023 10:00	14-03-2023 14:00	7	$\mu\text{g}/\text{m}^3$	
3	SO2	14-03-2023 14:00	14-03-2023 18:00	9	$\mu\text{g}/\text{m}^3$	
4	NOx	14-03-2023 10:00	14-03-2023 14:00	15	$\mu\text{g}/\text{m}^3$	
5	NOx	14-03-2023 14:00	14-03-2023 18:00	16	$\mu\text{g}/\text{m}^3$	

Report Type: final

Report generated on: 28/03/2023 07:28 PM

Complied & Approved by: Shantilal Nagare

Reviewed on Date: 28/03/2023 07:28 PM

Reviewed by: Shantilal Nagare

(PACM)  
Near backside Gate of  
M/S. B.J. murdare  
Cont no. 40, Vateck  
Pat. shegan, Dist. Ahmednagar.

**Shantilal Nagare**  
I/c Scientific Officer,  
Regional Laboratory, Nashik,

• Electronic report does not require signature

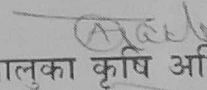
स्थळ पहाणी अहवाल

संदर्भ :- मा.उपविभागीय दंडाधिकारी, पाथर्डी, जि. अहमदनगर यांचे पत्र क्र १७९ दिनांक ३१.३.२०२३ नुसार....

आज दिनांक १२.०८.२०२३ रोजी तालुका कृषि अधिकारी, शेवगाव, जि. अहमदनगर, मंडळ कृषि अधिकारी, होरजळगाव यांनी तक्रार कर्ते रज्जाक बेग यांचे बंधु रियाज राज महमंद बेग यांचे समवेत प्रत्यक्ष स्थळ पहाणी केली.

पहाणी वेळी श्री बी.जे.मुरदारे यांच्या गट क्र. ४० वरुन खु. ता. शेवगाव येथील हॉट मिक्स प्लांट हा बंद दिसून आला. सदर प्लांट लगत श्री रज्जाक बेग यांचे शेती क्षेत्र रियाज बेग यांनी दाखविले या प्लांट पासून निघणारी धुळ चिमणीमधुन बाहेर पडुन कापुस पिकाचे नुकसान झाले बाबत श्री रियाज राज महमंद बेग यांनी सांगितले.

सदर शेतात आज पहाणी केली त्यावेळी शेतात कापसाचे वाळलेले झाडे दिसून आली सद्यस्थितीत कापसाचा हंगाम संपलेला आहे. कापसाच्या वाढीच्या अवस्थेत चिमणीमधुन निघणारी धुळ पिकावर पडुन पिकाचे उत्पादनात घट येण्याची शक्यता वाटते.

  
तालुका कृषि अधिकारी  
शेवगाव.