

Draft Affidavit for Approval**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE****ORIGINAL APPLICATION NO.102/2022 (WZ)**

Mr. Sagar K Devare

---Applicants

Vs

State of Maharashtra & Ors

---Respondents

**Affidavit on behalf of Respondent Nos. 2 & 3 -Maharashtra
Pollution Control Board in compliance of the Order dtd.
20.02.2023 passed by this Hon'ble Tribunal.**

I, Ravindra Andhale, Age-55 Adult, Occupation -Service , the Regional Officer of the Maharashtra Pollution Control Board at Thane, having my office address at Plot No.P-30, 5th Floor, Office Complex Building, Near Mulund Checknaka, Thane-400 605, do hereby state on solemn affirmation as under:-

1. I am filing this Affidavit in compliance of this Hon'ble Tribunal order dated 20.02.2023 on behalf of the Respondent Nos.2 & 3 i.e. Maharashtra Pollution Control Board before this Hon'ble Tribunal.
2. I say and submit that this Hon'ble Tribunal vide order dtd. 20.02.2023 directed to calculate the Environment Compensation for the period of non-compliances and submit that how the consent has been granted to the company to run in Eco-Sensitive Zone.

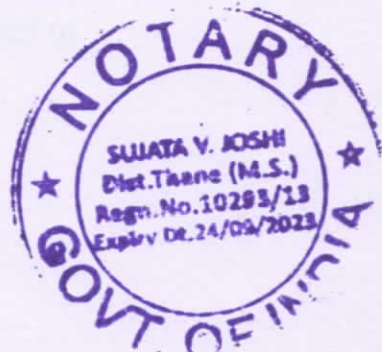


3. I say and submit that, the Respondent Board had granted Consent to M/s. J. Kumar Infra on 20.05.2015, which was valid upto 31.10.2019. In the meantime, the Sanjay Gandhi National Park Eco Sensitive Zone Notification was published on 22.01.2016. The Respondent Board had granted consent before publication of the above Notification. The Respondent Board had issued closure directions to the above unit on 27.3.2019 and thereafter the Respondent Board neither issued restart directions nor granted renewal of consent to the aforesaid unit.

4. I say and submit that, in compliance of the directions of this Hon'ble Tribunal, the environmental compensation has been calculated by the Respondent Board as per the CPCB report in compliance with the Hon'ble NGT Order dated 28th August, 2019 in the matter of Paryavaran Suraksha Samiti & Anr. v/s UoI & Ors. (OA No. 593 of 2017), regarding Environmental Compensation Regime as follows :-

1. M/s. Super RMC Buildcon Pvt. Ltd.,

Name and address of RMC Plant	:	M/s. Super RMC Buildcon Pvt. Ltd., S.No.45, H.No.1, Village-Maljipada, Tal-Vasai, Dist-Palghar
No. of days violations	:	368 days (Period calculated from date of visit of non-compliance observed to Conditional Restart direction issued) {18.03.2020 to 22.03.2020, 1.11.2020 to 25.01.2021 and 14.02.2022 to 17.11.2022}
Environmental Compensation	:	Rs. 11,50,000/-





2. M/s. Creative RMC, (presently known as M/s. Jijai Construction)

Name and address of RMC Plant	:	M/s. Creative RMC, (presently known as M/s. Jijai Construction) S No. 52/4, Village-Maljjipada, Tal-Vasai, Dist-Palghar
No.of days violations	:	224 days (Period calculated from Date of Visit 31.05.2022 to the date of Interim directions issued on 09.01.2023)
Environmental Compensation	:	Rs. 7,00,000/-

3. M/s. M.E. Infracproject Pvt. Ltd.

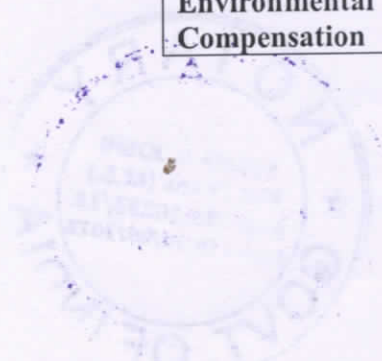
Name and address of RMC Plant	:	M/s. M.E. Infracproject Pvt. Ltd., S.No.50, H.No.1, Village-Maljjipada, Tal-Vasai, Dist-Palghar
No.of days violations	:	77 days (Period calculated from date of visit of non-compliance observed to Conditional Restart direction issued) {18.03.2020 to 22.03.2020, 01.11.2020 to 11.01.2021}
Environmental Compensation	:	Rs. 2,40,625/-

4. M/s. Skyland RMC Infra.

Name and address of RMC Plant	:	M/s. Skyland RMC Infra, CTS No. 50/1 & 45/2, Village-Maljjipada, Tal-Vasai, Dist-Palghar
No.of days violations	:	77 days ((Period calculated from date of visit of non-compliance observed to Conditional Restart direction issued) {18.03.2020 to 22.03.2020, 01.11.2020 to 11.01.2021}
Environmental Compensation	:	Rs. 2,40,625/-

5. M/s. R & B Infra Project Pvt. Ltd.

Name and address of RMC Plant	:	M/s. R & B Infra Project Pvt. Ltd. ,S No. 52, H.No.1, 3 & 4 Village-Maljjipada, Tal-Vasai, Dist-Palghar
No.of days violations	:	5 days from date of visit to closure direction issued (Not in operation since Covid)
Environmental Compensation	:	Rs. 15,625/-



6. M/s. Sardar Concrete.

Name and address of RMC Plant	:	M/s. Sardar Concrete, S.No.47/5,52/1, Village-Maljipada, Tal- Vasai, Dist-Palghar
No.of days violations	:	77 days (Period calculated from date of visit of non-compliance observed to Conditional Restart direction issued) {18.03.2020 to 22.03.2020, 01.11.2020 to 11.01.2021}
Environmental Compensation	:	Rs. 2,40,625/-

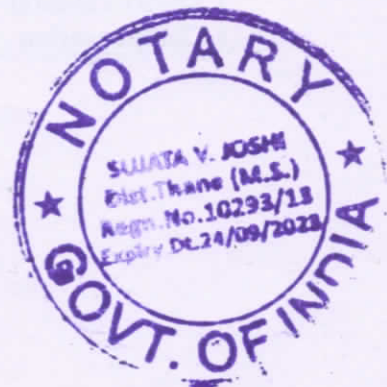
7. M/s. New India & PNL RMC Co.

Name and address of RMC Plant	:	M/s. New India & PNL RMC Co. (Presently known as M/s. Bucon RMC LLP), S.No.39, H.No.2 &3, Village-Maljipada, Tal-Vasai, Dist-Palghar
No.of days violations	:	131 days (Period calculated from date of visit of non-compliance observed to Conditional Restart direction issued) {18.03.2020 to 22.03.2020, 15.07.2022 to 17.11.2022}
Environmental Compensation	:	Rs. 4,09,375/-

8. M/s One Team RMC : Plant still not in operation.

9. M/s. J.Kumar Infra.

Name and address of RMC Plant	:	M/s. J.Kumar Infra, Tejdeep Compound, Opp. Gaimukh Naka, Ghodbundar Road, Thane
No.of days violations	:	455 days (N1-39 days-Period calculated from Date of Visit of non-compliance observed 21.01.2019 to Electricity Disconnection Date 28.03.2019 and N2-416 days-period calculated from plant in operation date 04.08.2020 to Plant observed not in operation 23.09.2021. Also days covered intermediately plant was operation after closure.
Environmental Compensation	:	Rs. 17,77,344/-





5. I say and submit that, the Respondent Board is monitoring RMC Plants from time to time and taking appropriate action in accordance with the Law.

Solemnly affirmed on this day of April, 2023 at

I know the Affiant,

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent Nos.2 & 3,

Advocate for Respondent Board

Ravindra

(Ravindra Andhale)
Regional Officer – Thane



BEFORE ME
NOTARY

Sujata V. Joshi

SUJATA V. JOSHI
ADVOCATE & NOTARY
101/102, Vishal Bldg., Station Road,
Kalwa (W), Thane-400 605.

NOTED & REGISTERED
Sr. No. *2875*/2023



- 6 APR 2023

ANNEXURE-I (a)

MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272

Fax : 25805398

Visit us at:

Website : <http://mpcb.gov.in/>

E-mail Id: rothane@mpcb.gov.in



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

No. MPCB/ROT/B- 118

Date :- 27/03/2023

To,
M/s. Super RMC Buildcon Pvt. Ltd.,
S.No.45,H.No.1, Village-Maljipada,
Tal-Vasai, Dist-Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

.....

Shri. Sagar Devare has filed an Original Application bearing No.102/2022 (WZ) before the Hon'ble NGT against the illegal RMC at NH 8, Near Honda Service Center, Maljipada, Tal- Vasai, Dist – Palghar (more than RMC Plant)

In the aforesaid matter, the Hon'ble NGT vide order dated 20.02.2023 directed to calculate the Environment Compensation for non-compliance period.

In compliance of the Order dated 20.02.2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs - 11,50,000/- (Rupees Eleven Lakhs Fifty thousand only) towards the assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

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

(Ravindra Andhale)
Regional Officer, Thane

Copy submitted to:

1. Regional Officer HQ, MPCB, Mumbai – for information.
2. Law Officer, MPCB, Mumbai – for information.



ANNEXURE-I (b)

MAHARASHTRA POLLUTION CONTROL BOARD

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

No. MPCB/ROT/B- 119

Date :- 27/03/2023

To,
M/s. Creative RMC,
(presently known as M/s. Jijai Construction)
S No. 52/4, Village- Maljipada,
Tal-Vasai, Dist-Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

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In the aforesaid matter, the Hon'ble NGT vide order dated 20.02.2023 directed to calculate the Environment Compensation for non-compliance period.

In compliance of the Order dated 20.02.2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs – 7,00,000/- (Rupees Seven Lakhs only) towards the assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

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ANNEXURE-I (c)

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

No. MPCB/ROT/B- 120

Date :- 27/ 03 / 2023

To,
M/s. M.E. Infraproject Pvt. Ltd.,
S.No.50,H.No.1, Village-Maljipada,
Tal-Vasai, Dist- Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

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In the aforesaid matter, the Hon'ble NGT vide order dated 20.02.2023 directed to calculate the Environment Compensation for non-compliance period.

In compliance of the Order dated 20.02.2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs – 2,40,625/- (Rupees Two Lakhs, Forty Thousand, Six Hundred Twenty Five only) towards the assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

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(Ravindra Andhale)
Regional Officer, Thane

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ANNEXURE-I (d)

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

No. MPCB/ROT/B- 121

Date :- 27/03/2023

To,
M/s. Skyland RMC Infra,
CTS No. 50/1 & 45/2, Village-Maljipada,
Tal-Vasai, Dist-Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

.....

Shri. Sagar Devare has filed an Original Application bearing No.102/2022 (WZ) before the Hon'ble NGT against the illegal RMC at NH 8, Near Honda Service Center, Maljipada, Tal- Vasai, Dist - Palghar (more than RMC Plant)

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

No. MPCB/ROT/B- 122

Date :- 27/03/2023

To,
M/s. R & B Infra Project Pvt. Ltd.,
S No. 52, H.No.1,3 &4, Village-Maljipada,
Tal-Vasai, Dist-Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

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In the aforesaid matter, the Hon'ble NGT vide order dated 20.02.2023 directed to calculate the Environment Compensation for non-compliance period.

In compliance of the Order dated 20.02.2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs – 15,625/- (Rupees Fifteen Thousand, Six Hundred Twenty Five only) towards the assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

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Regional Officer, Thane

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ANNEXURE-I (f)

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

No. MPCB/ROT/B- 123

Date :- 27/03/2023

To,
M/s. Sardar Concrete,
S.No.47/5,52/1,Village-Maljipada,
Tal-Vasai, Dist-Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

.....

Shri. Sagar Devare has filed an Original Application bearing No.102/2022 (WZ) before the Hon'ble NGT against the illegal RMC at NH 8, Near Honda Service Center, Maljipada, Tal- Vasai, Dist – Palghar (more than RMC Plant)

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Regional Officer, Thane

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ANNEXURE-I (g)

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

No. MPCB/ROT/B- 124

Date :- 27/03/2023

To,
M/s. New India & PNL RMC Co.
(Presently known as M/s. Bucon RMC LLP),
S.No.39,H.No.2 &3, Village-Maljipada,
Tal-Vasai, Dist-Palghar

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

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Shri. Sagar Devare has filed an Original Application bearing No.102/2022 (WZ) before the Hon'ble NGT against the illegal RMC at NH 8, Near Honda Service Center, Maljipada, Tal- Vasai, Dist – Palghar (more than RMC Plant)

In the aforesaid matter, the Hon'ble NGT vide order dated 20.02.2023 directed to calculate the Environment Compensation for non-compliance period.

In compliance of the Order dated 20.02.2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs – 4,09,375/- (Rupees Four Lakhs, Nine Thousand, Three Hundred Seventy Five only) towards the assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

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Regional Officer, Thane

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ANNEXURE-I (h)

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Regional Office, Thane
5th Floor, Office Complex Bldg.,
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Wagale Estate,
Thane-400 604

No. MPCB/ROT/B- 125

Date :- 27/03/2023

To,
M/s. J.Kumar Infra,
Tejdeep Compound, Opp. Gaimukh Naka,
Ghodbundar Road, Thane

Sub : To deposit Environment Compensation.

Ref : Hon'ble NGT order dated 20.02.2023.

.....

Shri. Sagar Devare has filed an Original Application bearing No.102/2022 (WZ) before the Hon'ble NGT against the illegal RMC at NH 8, Near Honda Service Center, Maljipada, Tal- Vasai, Dist - Palghar (more than RMC Plant)

In the aforesaid matter, the Hon'ble NGT vide order dated 20.02.2023 directed to calculate the Environment Compensation for non-compliance period.

In compliance of the Order dated 20.02.2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs - 17,77,344/- (Rupees Seventeen Lakhs, Seventy Seven Thousand, Three Hundred Forty Four only) towards the assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

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Ravindra Andhale
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Regional Officer, Thane

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