

Date- 01/07/2024

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE****ORIGINAL APPLICATION NO. 74 OF 2024(WZ)**

IN THE MATTER OF -

Bhavesh Arun Karekar &amp; Ans.

.... Applicants

V/s.

MoEF&amp;CC &amp; Ors.

.... Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.3  
MAHARASHTRA POLLUTION CONTROL BOARD**

I, Sanjay Narayanrao Jirapure aged about 57 years, occupation-service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Chiplun Dist. Ratnagiri having my office at 2nd floor Parkar Complex, 224, Behind Nagar Parishad Tal, Chiplun Dist. –Ratnagiri, do hereby state on solemn affirmation on behalf of the Respondent No.3 as under :-

1. I am well conversant with the facts and circumstances of the case as well as the record of the case lying in my office, I am filing this Affidavit only with a limited purpose of bringing on record true facts of the case as under:
2. I say and submit that the Ministry of Environment, Forest & Climate Change, Govt. of India has granted Environmental Clearance to M/s. Ashapura Minechem Limited located at village Rowale, Taluka Dapoli, District Ratnagiri, Maharashtra

(218.285ha) vide letter dtd. 24 February 2016 for Rowale Bauxite Mine for expansion of Bauxite Mining from 2.5 Lacks Ton Per Annual (LTPA) to 8.0 Lacks Ton Per Annual (LTPA).

3. I say and submit that, the Respondent Board has granted Consent to Operate to M/s. Ashapura Minchem Limited situated at Gut No. 15-21, 27-31, 34-35, 56-59, 69,70,74 village Rowale, Tal - Dapoli, Dist - Ratnagiri vide Format1.0/ APAE Section/ UAN No.MPCB CONSENT-0000110617/CR/CC-397, dated 7.12.2021 which is valid up to 30.04.2024.
4. I say and submit that in order to investigate the complaint dated 23/10/2023 made by the Applicant as well as compliance of consent conditions, the Sub Regional Officer, MPCB, Chiplun, visited the Respondent Industry on 06/11/2023. During the visit, the officials have observed following non-compliances: -
- During the visit, only one Bauxite ore crusher was in operation which was not covered by tin sheet. (Jaw, belt conveyors, screen etc.)
  - Reclaimed areas with cashew plants were observed during the visit. Therefore, the industry has been directed to submit details of the area & tree plantations etc.
5. I say and submit that, in view of the aforesaid non-compliances, the Respondent Board has issued Show Cause Notice vide letter dated 2.1.2024 to M/s.Ashapura Minechem Ltd., Gut No.15 -21, 27 -31, 34-35,56-59,69,70 & 74,Village -Rowale ,Tal:-Dapoli,



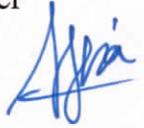
Dist: Ratnagiri. However, the Respondent Industry has neither replied to the show cause notice dtd.2.1.2024 nor taken remedial measures till date. A copy of said Show Cause Notice dated 2.1.2024 is enclosed and marked as **Annexure "A"**.

6. I say and submit that in order to verify the present status, the Field Officer, MPCB, Chiplun visited the Respondent Industry on 08/04/2024. During the visit following non-compliances were observed: -

- a) During the visit it was observed that only soil reclamation activity was found in operation.
- b) The Respondent Industry has not provided water spraying arrangement. It seems that the backfilled area is not properly restored to normal ground level and also self-sustaining vegetation was not observed in this area.
- c) The industry has provided movable crushers however, same was not found in operation.
- d) The industry has not covered conveyors and screening sections, dust emissions were observed as well as the Respondent Industry has not provided 04 nos. of AAQM Stations with consultation of the Board.
- e) The Respondent Industry has been instructed to submit details of backfilled areas and plantation carried out in the last two years. Natural water courses have been obstructed in mining area. The check-ups of occupational health of engaged workers and details of preventive measures, vehicles transportation, and effect on surrounding crop productivity.



7. I say and submit that, in view of above non-compliances the Respondent Board has issued Proposed Directions u/s 33A of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention and Control of Pollution) Act, 1981 to Respondent No 5 i.e. M/s. Ashapura Minechem Ltd vide letter dated 25.04. 2024.
8. I say and submit that, Industry has submitted its reply to aforesaid proposed direction vide letter dtd. 25.04.2024, stating steps taken by them as follows: -
- Reclamation of mine out pit is going on and this will be completed before the onset of monsoon and subsequently the backfilled area will be planted with local spices.
  - Proper dust suppression arrangements to spray the water in the mining, haul road, stocking area & loading & unloading area.
  - Mobile Crushing unit is not in operation currently.
  - The mining activity is carried out by using rock brakers in small areas and proper dust suppression are made.
  - The Respondent-Industry has provided 4 nos of AAQM station as per EC conditions.
  - As on 31-03-2023, 14.22 ha land is backfilled and out of which 3.22 ha is fully rehabilitated and reclamation and rehabilitation is implemented as per approved mining plan and progressive mine closer plan by Indian Bureau of Mines.



9. I say and submit that to verify the compliance of the Proposed Direction issued by the Board, the officials of the Board visited industry on 25.04.2024. During the visit, mining activity was found not in operation. It was closed (due to the rainy season). Moveable crusher and machinery was closed and wrapped by plastic sheets. The industry representative stated that the mining activity is closed from 30<sup>th</sup> April 2024 & MPCB has issued Interim Directions on 28.06.2024.

*page*

Solemnly affirmed on this 1<sup>st</sup> of July, 2024 at Chiplun

Identified by

Affiant,

Advocate for Respondent No.3

(Sanjay Narayanrao Jirapure)  
Sub Regional Officer-Chiplun



**BEFORE ME**

*N. S. Kelkar*

**NITIN S. KELKAR**  
Reg. No. 1177  
NOTARY & ADVOCATE  
Krishneshwar Nagar,  
Office No. 7 Mumbai-Goa  
Highway, Pag Chiplun

**Noted and Registered**

at Sr. No. 776/2024

Date - 01/07/2024

**NOTARY IS NOT RESPONSIBLE FOR  
THE CONTENTS OF DOCUMENT**



**MAHARASHTRA POLLUTION CONTROL BOARD**  
**REGIONAL OFFICE, KOLHAPUR.**

Tel. No. (0231) 2652952,  
2660448  
Fax No. (0231) 2652952.  
E-mail:  
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"Your Service is Our Duty"

Udyog Bhavan,  
Near Collector Office,  
Kolhapur - 416 003.  
Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/ 2401020009

Date: 02/01/2024

To,  
M/s. Ashapura Minechem Ltd.,  
Gut No. 15 -21, 27 -31, 34-35,56-59,69,70 & 74,  
Village - Rowale ,  
Tal:- Dapoli , Dist:- - Ratnagiri.

Sub: **Show Cause Notice** for noncompliance of consent conditions.

- Ref: 1). Consent granted by the Board and same is valid up to 30/04/2024.  
2). Complaint received from Shri. Bhavesh Karekar on 23/10/2023.  
3). Visit of Board officials on 06/11/2023.  
4). Warning notice issued by SRO Chiplun on 21/11/2023.  
5). Proposal submitted by SRO Chiplun.

WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, Board Officials visited your unit on 06/11/2023 for investigate complaint received at SRO Chiplun office and to checking the compliance as per consent conditions & as per ref No. (1) & (2) respectively and observed following non compliances.

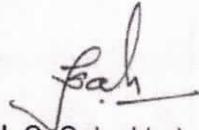
- 1). During visit, only one Bauxite ore crusher was in operation which was not found covered by tin sheet. (Jaw, belt conveyors, screen etc
- 2). As per complainant transit pass receipt (integrated with DMO transit pass) indicating net weight violations not available during visit
- 3). During visit details of water tanker receipts was not available.
- 4). Reclaimed area with cashew plant were observed, you are directed to submit details of area & tree plantations etc.
- 5). As per points raised in complaint, the following details are not available during visit of board officials and same are as below: -
  - A). Conservation of Environment.
  - B). Health & wellbeing of people living in surrounding areas.

-1-

- C). Mitigating the effect of mining on agriculture productivity in surrounding area.
  - D). Reclamation & rehabilitation of mined area.
  - E). Overloading of carrying trucks.
  - F). Google geographical images for lack of afforestation over the specific time period.
  - G). Information related to Environmental Clearance obtained on 24/02/2016, detail compliances awaited.
  - H). Weigh bridge 60 MT provided.
  - I). Detail information in respect of air pollution control provided & yet not provided by you to board office.
- 7). You have failed to submit reply to warning notice issued by local board office as per ref. (4).

AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

Your reply/ objection should reach this office within Seven days' time after receipt of this letter. Failure to this, it will be assumed that you have nothing to say and further legal action will be initiated under the provision of Environmental Laws, which may please be noted.

  
(J. S. Salunkhe)  
Regional Officer,  
M.P.C. Board, Kolhapur

Copy to:

Sub-Regional Officer, M.P.C.Board, Chiplun.

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly.

