

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

**EXECUTION APPLICATION NO.17 OF 2023 (WZ)
IN**

ORIGINAL APPLICATION NO. 34 OF 2020 (WZ)

Tanaji Balasaheb Gambhire

.... Applicant

Versus

Union of India & Ors..

....Respondents

**AFFIDAVIT ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 6
& 7.**

I, Nitin Shinde, aged about 58 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-I having office at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411 003, do hereby state on solemn affirmation as under :-

- (1) I say and submit that present Execution Application has been filed for seeking execution of the Order dated 24/02/2022 passed by this Hon'ble NGT in Original Application No. 34/2020.
- (2) I say and submit that in the said Execution Application bearing No.17/2023, the Hon'ble NGT vide order dated 05/01/2024 directed the Respondent Board to file the reply affidavit.
- (3) I say and submit that in compliance of the orders passed by this Hon'ble Tribunal, the Respondent-Board has assessed the Environment Compensation as under :-



Environment Compensation to be levied on Construction unit Respondent no. 13-PP - M/s. Padmavati Associates M/s. Padmavati Associates as M/s. Pristine Prism & Pristine Royal, Sr. No. 6/2, 7 and M/s. Pristine Prism & Pristine Royal, Sr. No. 6/5, CTS No. 2560(pt), Village Aundh.

Methodology of CPCB confirmed by Hon'ble NGT (PB) in Original Application No. 593/2017 (arising from Writ Petition (Civil) No.375/2012 before Hon'ble Supreme Court) titled as Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. dated 28/08/2019

Formula: EC (Rs.) = PI x N x R x S x LF,

Since it is Red category Unit, wherein, PI taken as 80, R is factor and it is taken as Rs. 250, S is scale of operation as it is small scale S is taken as 0.5 and LF is taken 1 as Population is less than 1 million. The Construction unit has not obtained prior Environment Clearance from SEIAA and Consents from MPCB therefore the violation period is consider from the EIA notification dated 14/09/2006 (Considering the Commencement Certificate dated 18/03/2006) till the date of Hon'ble NGT order dated 24/02/2022 in Original Application 34/2020 Tanaji Balasaheb Gambhire Vs Union of India & Ors.

Therefore, the calculation of EC to be levied is as under:

Sr. no.	Parameter	Description	Calculation
1	PI	Pollution Index of industrial sector (Consent categorisation)	80
2	N	Considering the period from the Environmental Impact Assessment (EIA) Notification, dated: 14/09/2006 for the total built-up area of 55,862.25 sq.mt, which is beyond 20,000 sq.mt. without obtaining Consent to Establish, Consent to Operate and without obtaining prior Environment Clearance till the date of Hon'ble NGT order dated 24/02/2022 in Original Application 34/2020 Tanaji Balasaheb Gambhire Vs Union of India & Ors.	EIA Notification 14/09/2006 NGT Order dated 24/02/2022
		No. of Days violation	5642
3	R	A factor in Rupees	250
4	S	Scale of Operation (LSI=1.5, MSI=1, SSI=0.5)	0.5
5	LF	Location Factor [Population in million, less than 1=1, 1 to less than 5=1.25, 5 to less than 10=1.5, 10 and above=2	1

EC in Rupees	PI x N x R x S x LF	14,10,50,000/-.
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- (4) I say and submit that as per the formula, the Compensation assessed as Rs 14,10,50,000/- (Fourteen Crore Ten Lakh and Fifty Thousand Only).
- (5) I say and submit that accordingly, the Respondent Board vide letter dated 16/02/2024 informed to the Respondent No.13-PP M/s. Padmavati Associates to deposit Environment Compensation of Rs.14,10,50,000/- A copy of the said letter dated 16/02/2024 is attached as an **Annexure I**.
- (6) I say and submit that as decided by the Joint Committee, the Respondent-Board vide e-mails dated 29/12/2023 and 02/01/2024 requested to the IIT, Powai, Bombay to prepare Action Plan for restoration of environment.

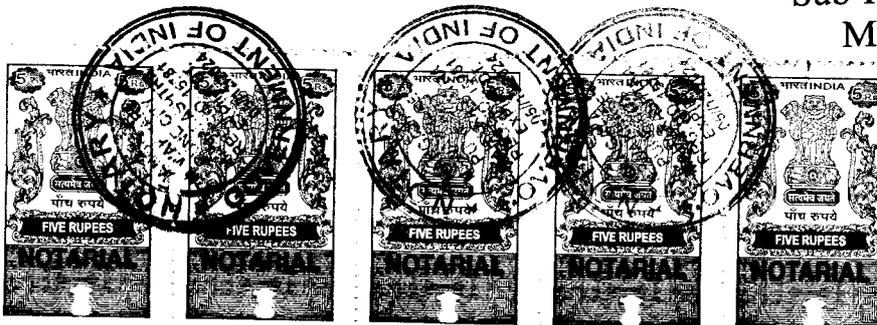
Solemnly affirmed on this **26 FEB, 2024** day of February, 2024 at Pune.

I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent Nos. 6 & 7.

ADVOCATE

Nitin Shinde
26/02/24
(Nitin Shinde)
Sub-Regional Officer,
MPCB Pune -I



BEFORE ME
Mangala N. Shinde
MANGALA N. SHINDE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

26 FEB 2024

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE –PUNE**

Phone No. 020-25816451

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e-mail : ropune@mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor, Wakdevadi,
Old Pune Mumbai Road,
Pune- 411003

Annexure I

MPCB/RO/EC/240216-FIS-0036

Date: 16/02/2024

To,
M/s. Padmavati Associates,
As M/s. Pristine Prism and Pristine Royal,
Sr. No. 6/2, 7 and M/s. Pristine Privillage,
S. No. 6/5, CTS No. 2560 (pt), Village Aundh,
Pune.

Sub: - To deposit Environmental Compensation

- Ref:- 1) Hon'ble NGT Passed Order on 24/02/2022 in case no Original Application No.34/2020 (WZ) titled Tanaji Balasaheb Gambhire V/s. Union of India.
2) Hon'ble NGT Passed an order on 22/09/2023 in EA No. 17/2023 in OA 34/2020 titled Tanaji Balasaheb Gambhire V/s Union of India.
3) Office Note submitted by Sub Regional Officer, Pune – I vide no. MPCB-ON-3111 on 23/01/2024 and Approved by Board's Competent Authority on 15/02/2024

WHEREAS, The Original Application No. 34/2020 (WZ) titled "Tanaji Balasaheb Gambhire V/s. Union of India", in the Hon'ble National Green Tribunal (NGT) is related to setting up of construction project by M/s. Padmavati Associates, Pune without requisite Environmental Clearance (EC) and violation of other environmental norms by Padmavati Associates, Pune.

AND WHEREAS, the Hon'ble NGT vide order Dtd.09/07/2020 constituted a Joint Committee of Maharashtra Pollution Control Board and Pune Municipal Corporation and SEIAA.

AND WHEREAS, the joint committee has submitted its report on 24/08/2020 to the Hon'ble NGT.

AND WHEREAS, accordingly the Hon'ble NGT(WZ) passed the judgement / order on 24/02/2022 therein constituted joint committee of CPCB and MPCB to take further remedial action fix liability for the violations, including assessment and recovery of compensation. The committee may also prepare plan for restoration out of the compensation, to be recovered from the PP.

AND WHEREAS, in compliance of the said Judgement / Order Sub Regional Officer, Pune-I assessed the Environmental Compensation of amounting Rs. 14,10,50,000/- (Rupees Fourteen Crore Ten Lakhs and Fifty Thousand Only).

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NOW THEREFORE, in compliance of the Order / Judgment dtd. 24/02/2022 in OA No. 34/2020 and Order Dtd. 22/09/2023 in EA No. 17/2023 passed by Hon'ble NGT, you are hereby directed to deposit an amount of **Rs. 14,10,50,000/- (Rupees Fourteen Crore Ten Lakhs and Fifty Thousand Only)** towards the assessment of damage already caused to the environment and recovery of environmental compensation as per 'Polluters Pay' Principle to the Maharashtra Pollution Control Board, Kalpataru Point, 3rd Floor, Sion (East), Mumbai-400 022, within a period of 7 days from date of receipt of these directions, 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 Hon'ble Member Secretary of the Board.

For and on behalf of the
Maharashtra Pollution Control Board



(Ravindra Andhale)
Regional Officer, Pune.

Copy submitted to: for favour of information.

1. Hon'ble Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai.
3. Law Officer (P & L Div), MPCB, Mumbai.

Copy to Sub-Regional Officer, Pune-I for necessary follow up and report.

