

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.76/2022 (WZ)

Mr.Ibra Mashnaji Konapure & Ors. ---Applicants

Vs

Union of India & Ors ---Respondents



Affidavit on behalf of Respondent No.6 -Maharashtra Pollution Control Board

I, Ravindra Andhale, Age-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 7/11/2022 on behalf of the Respondent No.6 i.e. Maharashtra Pollution Control Board before this Hon'ble Tribunal.
2. I say and submit that the Applicant has filed the present Application before this Hon'ble Tribunal against the illegal construction in project "Seven Eleven Club" carried out by Respondent No.11 i.e. Seven Eleven Hotels Pvt.Ld. in their Starred Hotel – Commercial Building Project situated at New Survey No.52(pt), 67(pt) & 81(pt), Opp.L.R. Tiwari College, Kanakia Nagar, Village: Navghar, Mira Bhayander, District : Thane, without obtaining mandatory prior CRZ Clearance, Environment Clearance, Consent to Establish and Consent to Operate from the respective Authorities etc.

3. I say and submit that the officials of the Respondent Board at Thane visited to the site in question on 31/10/2022 and observed as follows:

- (i) Respondent No.11-PP has constructed project namely "Seven Eleven Club" at Survey No 265/2,4; 266/1,2,3,4,5,6; 267/1,2,3 (old) 81/2,4, 67/1,2,3,4,5,6; 52/1,2,3 (new), Kanakia Rd, Kanakia Park, Mira Road, 401107 and engaged in hotel, sports club, lawns with 126 rooms.
- (ii) Respondent No.11-PP has completed construction work of the total plot area -23,258.55 sq.m & total BUA-17,308.27 sq.m. Present permitted and constructed built up area is below 20000 sq. mtrs.
- (iii) Respondent No.11-PP has applied for Consent to Establish on 2/11/2022 for Hotel and Lodging of 126 Rooms.
- (iv) During the visit, it has been observed that hotel activity was not found in operation.
- (v) Respondent No.11-PP has constructed Club & Hotel having 126 rooms. Construction of swimming pool is in process. The total plot area -23,258.55 sq.m & total BUA-17,308.27 sq.m. Industrial effluent is NIL & Domestic effluent is 61.0 CMD.
- (vi) Respondent No.11-PP has provided collection tank for sewage & proposed to provide STP of capacity 100 CMD comprising of collection tank, O & G chamber, aeration tank & settling tank and they have placed order for STP.



- (vii) Respondent No.11-PP has proposed to provide OWC for the treatment of biodegradable waste and have placed order for OWC.

A copy of the visit report dated 31/10/2022 is enclosed herewith and marked as an **Annexure-'I'**.

4. I further say and submit that this Hon'ble Tribunal vide order dtd.19/9/2022 constituted a Joint Committee consisting of: (i) The Principal Secretary, Environment Deptt., State of Maharashtra; (ii) The Principal Chief Conservator of Forest, Maharashtra; (iii) One representative of Maharashtra Coastal Zone Management Authority; & (iv) Mira Bhayander Municipal Corporation and directed the Committee to visit the place & submit a factual and action taken report.

5. I say and submit that MPC Board has issued Show Cause Notice to the project proponent for completing construction of club and hotel without obtaining prior consent from the Board.

A copy of the Show Cause Notice dated 13/02/2023 is enclosed herewith and marked as an **Annexure-'II'**.

Solemnly affirmed on this 13th day of February, 2023 at Thane.

I know the Affiant,

For and on behalf of
Maharashtra Pollution Control
Board i.e. Respondent No.6

NOTARISED

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

Ravi
(Ravindra Andhale)
Regional Officer – Thane

NOTED & REGISTERED

Sr. No.

288 2023

13 FEB 2023



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: 31/10/2022

VISIT REPORT

1. Name & Address of the Industry :- M/s. Seven Eleven Hotels P. Ltd.,
S.No. 265/2,4; 266/1,2,3,4,5,6;
267/1,2,3 (old); 81/2,4; 67/1,2,3,4;
5,6; 52/1,2,3 (New), Kanakia Rd.,
Kanakia Park, Mira Road.
2. Person Contacted :- Mr. Arif Lukade, Architect
3. Contact Details :- Ph. 9970408597
E-mail:- seven11infra@gmail.com
4. Consent Status :- Applied for C to E
5. Effluent Generation M3/d :- I.E. - Nil D.E. - 61.0 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

- ⇒ PP has constructed Club & Hotel having 26 rooms
- ⇒ Total Plot area - 23,258.55 sq.m. BUA - 17,308.27 sq.m.
- ⇒ During the visit it has been observed that hotel activity was not fully started.
- ⇒ PP has applied for C to E.
- ⇒ At present PP has provided collection tank for sewage, they have proposed to provide 100 CMD capacity of STP comprising of O & G chamber, aeration tank & settling tank. PP has placed the order for STP.
- ⇒ PP has proposed to provide OWC for wet waste treatment.

Industry's Representative

[Signature]

[Signature]
31/10/2022

[Signature]
S.H. Sedwal

EO/SRO/RO

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/2302130003

Date:- 13/02/2023

To,
M/s. Seven Eleven Hotels Pvt. Ltd,
 1st Floor, Ideal Park, Seven eleven mansion,
 Deepak Hospital Lane, Mira Road East, Thane

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

Ref: - 1) Visit of Boards official to your unit on 31/10/2022.
 2) Application for consent to establish vide No. 136692, dtd. 02/11/2022.
 3) Proposal submitted by Sub- Regional Officer, Thane-II vide Legal Unique No. MPCB-LEGAL_ACTIONS- 070223011, dtd.07/02/2023 and subsequent approval received from HQ on 10/02/2023.

WHEREAS, your hotel falls in the Pollution Prevention Area declared under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, it is obligatory on your part to obtain Consent to Establish under the provision of the Water (P & CP) Act, 1974 & the Air (P & CP) Act, 1981 before taking effective steps towards construction of your club and hotel and also to obtain consent to operate before operation of your hotel activity 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, the officials of Sub-Regional Office, MPC Board Thane-II visited to your unit, dtd. 31/10/2022 and reported that, you have constructed Club & Hotel having 126 rooms and construction of swimming pool is in progress without obtaining consent to establish from the Board, though actual operation of your hotel activity is not yet started.

AND WHEREAS, this amounts to blatant violation of various Environmental Laws including Water & Air Act and clearly shows your gross negligent attitude towards compliance of Environmental Laws.

NOW THEREFORE, you are hereby directed to show cause as to why further legal action shall not be initiated against your hotel?

Your reply shall reach this office within 15-days period from the receipt of this Show Cause Notice failing which, further legal action will be initiated which may result in closure of your unit, which please note.

This is issued with the approval of competent authority and without any prejudice to order passed /being passed by Hon'ble Court.



(R. B. Andhale)
 Regional Officer, Thane

Copy Submitted to:

Asst. Sec. (Tech.) M.P.C. Board, Mumbai

Copy to:-

Sub-Regional Officer, MPC Board, Thane-II – You are directed to serve the copy and submit compliance.