

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
Original Application No.68/2020 (WZ)

Shri Rajiv Babasaheb Waman & Ors. ... Applicant

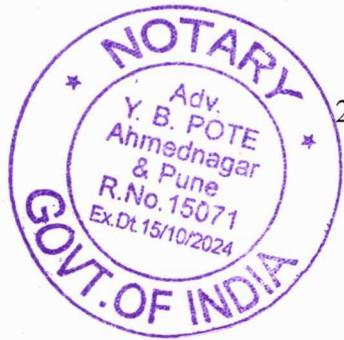
v/s

Ministry of Environment, Forest &
 Climate Change & Ors. ... Respondents.

Affidavit in compliance of Hon'ble NGT Order dated 12/08/2021

I, **Sanjeev A. Redasni**, Age - 47 Year, Occupation- Service, the I/c. Sub-Regional Officer of the Maharashtra Pollution Control Board at Ahmednagar having my office address at Savitribai Fule Vayapari Sankul, 1st Floor, Hall Nos.2 & 3, Near T.V. Centre, Savedi, Ahmednagar-414 003 do hereby state on solemn affirmation as under :-

1. I say and submit that this Hon'ble Tribunal vide order dated 08/10/2020 constituted a Committee consisting of District Collector, Ahmednagar or his representative and representative of the Maharashtra Pollution Control Board and directed to submit a factual and Action Taken Report before this Hon'ble Tribunal.
2. In compliance of the Order dated 08/10/2020, the Joint Committee had visited the site in question on 04/11/2020 and submitted the report on 19/11/2020 before this Hon'ble Tribunal. During the visit, the Joint Committee observed that the unit of Respondent No.11 was in operation from July, 2020 to October, 2020 without Consent to Operate and without providing adequate pollution control system.
3. Accordingly, the Respondent Board had issued directions dated 02/12/2020 to the Respondent No.11 and directed to deposit the environment compensation amounting to Rs.5,75,000/- to MPCB for operating without consent and without adequate air pollution control system from July, 2020 to October, 2020 and also directed not to run the unit till obtaining Consent to Operate from the MPCB. In response to the said directions, the Respondent No.11 has submitted a Demand Draft amounting to Rs.5,75,000/- to MPCB vide letter dated 08/12/2020. Hereto annexed and marked **Annexure - A & B respectively**, are the copies of the directions issued by MPCB dated 02/12/2020 and Letter dated 08/12/2020.





: 2 :

- 4. In order to verify the compliance, the officials of the Board at Ahmednagar visited to the unit of Respondent No.11 and observed that they have provided adequate pollution control system and applied for Consent to Operate.
- 5. On the basis of the compliance, the Respondent Board has issued consent to operate vide letter dated 15/07/2021 which is valid upto 30/6/2023. Hereto annexed and marked **Annexure – C** is a copy of the Consent to Operate granted by the Board dated 15/07/2021.

Solemnly affirmed on this 27 day of August, 2021 at Ahmednagar

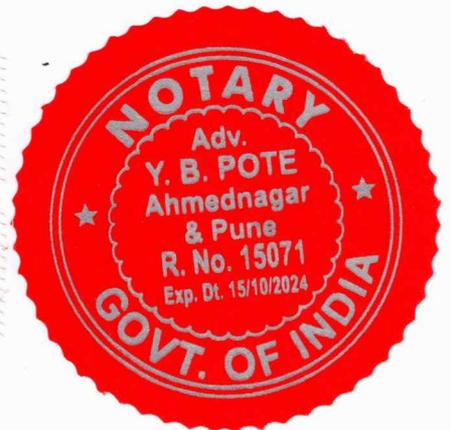
For and on behalf of Maharashtra Pollution Control Board,

(Sanjeev A. Redasni)
I/c. Sub-Regional Officer,
M.P.C. Board, Ahmednagar



BEFORE ME
Solemnly affirmed before me
by: Sanjeev A. Redasni Age-47
who is identified before me as a Service Provider, A. Nagar
by: Adv. V. V. Jadhav
whom I personally know
S.No./Y.B.P./N.T. 990/2021

27 AUG 2021



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, NASHIK**

Phone: 0253/2365150
Fax: 0253/2365140
Visit us at www.mpcb.gov.in
E-mail: ronashik@mpcb.gov.in



Regional Office
Udyog Bhavan, First Floor
Trimbak Road, Near ITI, Satpur,
Nashik - 422007

No. MPCB/RO/NASHIK/Dir/258/2459/2020

Date: 02/12/2020

To,
M/s. Gayatri Projet Ltd (Sangamner),
Gal No.313 & 314, Moje - Hasnabad,
Tal-Sangamner, Dist-Ahmednagar.

Sub: Directions for deposition of Environmental Damage Compensation by invoking the 'Polluter Pays' principle for Non- Compliance of air pollution control measures.

- Ref: 1. Hon'ble National Green Tribunal Order New Delhi Order dtd. 08.10.2020 in O.A No-68/2020 (WZ).
2. Consent to Establish granted by the Board on 07.08.2020.
3. Joint Committee report filed before the Hon'ble NGT by Collector Ahmednagar, vide letter dtd. 19.11.2020 in the O.A No- 68/2020.

.....
WHEREAS, the unit located at aforesaid location is in the Water Pollution Prevention area and Air Pollution Prevention area declared the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and amendments thereto. **AND WHEREAS**, it is mandatory on the part of project proponent to obtain consent to establish and consent to operate from Maharashtra Pollution Control Board before installation and operation of the unit respectively. **AND WHEREAS**, it is also mandatory on the part of industry to provide the pollution control devices for control of Pollution due to operation of the unit at aforesaid location.

AND WHEREAS, the Board has already issued Proposed Directions on 27.08.2020, due to non-compliances observed during investigation of complaints of villagers. **AND WHEREAS**, the Board has refused the application for consent to operate on 22.09.2020, due to non-compliance of consent to establish and non-submission of reply to Show Cause Notice for refusal of application for consent to operate.

AND WHEREAS, as per Hon'ble NGT order dtd. 08.10.2020, passed in O.A No. 68/2020 (WZ), the joint committee of SDM Sangamner and MPCB officers visited the site on 04.11.2020 and Collector Ahmednagar filed the joint committee report before Hon'ble NGT on 19.11.2020 in the said matter. **AND WHEREAS**, as per joint committee report filed before Hon'ble NGT in the said matter it is notice that the stone crusher at aforesaid location was in operation from July 2020 to October 2020 without consent to operate and adequate Air Pollution control system.

AND WHEREAS, SRO. MPC Board Ahmednagar have submitted online proposal for initiating action for recovery of Environmental damage compensation and directions for not to run the unit till to obtain consent to operate from Maharashtra Pollution Control Board.

AND WHEREAS, from the above report, it is confirmed that the unit was in operation without consent to operate and adequate Air Pollution control system from July 2020 to October 2020 for which Environmental damage compensation of Rs. 5,75,000/- (Rs- Five lakhs seventy five thousand) is assessed on the basis of "Polluter Pays" principle as per guidelines of CPCB.

NOW THEREFORE, it is directed to deposit the environmental compensation of Rs. 5,75,000/- (Rs- Five lakhs seventy five thousand only) in the form of Demand Draft drawn in the favor of Regional Officer, Maharashtra Pollution Control Board, Nashik within 15 days from receipt of the said directions. It is also directed not to run the stone crusher till to obtain consent to operate from the Board.

In case of non-compliance of these directions, the Board will have no any other option than to initiate further stringent action as may deem fit in the said matter, which may be noted.

(Amar B Durgule)

Regional Officer, Nashik.

Copy submitted to:
The Principal Scientific Officer, MPCB, Mumbai.

- Copy to:-
1. Law Officer, MPCB, Mumbai.
 2. SRO, MPCB, Ahmednagar- it is directed to serve copy of these direction to the unit and submit compliance report accordingly.

Yashwantrao Chavan Pratishthan
MPCB, Mumbai



etc.

Gayatri Projects Limited, Samrudhi Mahamarg Project Office,
At/Post: Chandekasare, Taluka: Kopergaon, Dist: Ahmednagar, Maharashtra.423601

Ref No. GP/NME /LIA/2020-21/Dec/03

Dt. 08/12/ 2020

To,
Regional Officer,
MPCB, Udyog Bhavan,
1st Floor, Tirimbak Road,
Satpur, Nashik, Maharashtra - 422007.

Project: Nagpur-Mumbai Super Communication Expressway (Samruddhi Mahamarg) Package-11 in the state of Maharashtra on EPC Mode from Km 502+698 to Km 532+094 (Section - Village Dhotre to Village Derde Korhale).

Ref: 1. Application for Consent to Operate MPCB-CONSENT-0000100072 Dt.13-10-2020
2. Your Letter Ref.No.MPCB/RO/NASHIK/Dir?258/2459/2020 Dt.02.12.2020

Sub: Deposit of Environmental Damage Compensation

Respected sir,

With reference to the cited subject matter and as per your direction for deposition of Environmental Damage Compensation, we hereby enclosing Demand Draft for Rs.5,75,000/- (Rupees Five Lakhs Seventy Five Thousand Only.) Details are given below:

1. In Favour Of : Regional Office, Maharashtra Pollution Control Board, Nashik
2. For Amount : Rs.5,75,000/- (Rupees Five Lakhs Seventy Five Thousand Only).
3. Vide DD No. : 061957 Dated 08.12.2020
4. From Bank : Bank Of Baroda, Sakuri(Shirdi) Branch

This is also confirm you that the above plant dedicatedly established to meet the requirement of construction of Nagpur-Mumbai Super Communication Expressway (Samruddhi Mahamarg) Package-11 in the state of Maharashtra on EPC Mode from Km 502+698 to Km 532+094 (Section - Village Dhotre to Village Derde Korhale) said project specific only and we are not doing any other commercial activity with said plant.

We hereby request you to please issue the order as mentioned in above.

We assure our best cooperation all the times.

Thanking You

Regards,

Dunga
Dunga Talar
Project Manager
Gayatri Projects Limited



Encl: DD as mentioned above.

Recd to
Regional Officer
M. P. C. Board,
Nashik.

10/12/2020
scm

 बैंक ऑफ बड़ौदा Bank of Baroda		सजुरी (शिरडी) - ४२३१०० SAKURI (SHIRDI) - 423107	डिमांड DEMAND ड्राफ्ट DRAFT	33270015181192	14-2-2020
नॉमिनेट * REGIONAL OFFICER MAHARASHTRA POLLUTION CONTROL BOARD NASHIK *		On Demand Pay		या चक्रे आदेश पर Or Order	
रुपये * Five Lakh Seventy Five Thousand only *		Rupees		अंश करे ₹ 5,75,000.00	
मूल्य प्राप्त हुआ / FOR VALUE RECEIVED		***** Not Over INR. 5,75,000.00 *****		कृते बैंक ऑफ बड़ौदा For Bank of Baroda	
Purchaser Name: GAYATRI PROJECTS LIMITED SERVICE BR NASHIK		Joint Manager Pravin Gaikwad		Branch Manager C-39996	
DD/2012TD (DD Alpha Prefix)		अल्फा कोड ALPHA CODE S A K U R I (NASIKC) 61947		Sign No. G/2248 ह.स. / S.S. NO. ()	

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Maharashtra Pollution Control Board
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Annexure - 190

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 0253-2365150
Fax : 0253-2365150

Email : ronashik@mpcb.gov.in
Visit At : <http://mpcb.gov.in>



Udyog Bhavan, First Floor,
Trimbak Road, Near ITI, Satpur,
Nashik-422007

UAN NO. - MPCB-CONSENT-0000115096

Orange/MSI

ConsentNo.RO-NASHIK/CONSENT/2107000973 Date:15/7/2021

Consent to Operate under Section 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Hazardous Wastes and Other Wastes (Management and Transboundry Movement) Rules, 2016.

[To be referred as Water Act, Air Act and HW and OW (M and TM) Rules respectively].

CONSENT is hereby granted to

M/s Gayatri Projects Limited,
Gut No. 313 And 314, At Hasanabad / Talegaon Dighe,
Tal- Sangamner Dist- Ahmednagar.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW and OW (M and TM) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

- The Consent to Operate with expansion is granted for a period up to: 30.06.2023.
- The Consent is valid for the manufacture of -

Sr. No.	Product Name	Maximum Quantity	UOM
1	Stone Metal (Aggregate)	4000	Brass/M
	(Two No's of Crusher)		

3. Conditions Under Water (P & CP) Act, 1974 :

- The daily quantity of trade effluent from the factory shall be Nil.
- The daily quantity of sewage effluent from the factory shall not exceed 0.90 M3.
- Trade Effluent:N. A.
- Trade Effluent Disposal: -N.A....
- Sewage Effluent Treatment: - The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

Suspended Solids Not to exceed 100 mg/l
B.O.D. 3 days 27 °C -do- 100 mg/l

vi) Sewage Effluent Disposal: -Treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for plantation only.

vii) Non- Hazardous Solid Wastes: -

Type of Waste	Quantity	Treatment	Disposal
Stone Dust	600 Brass/M	-	Brick Manufacturer



UAN NO. - MPCB-CONSENT-0000115096

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viii) Other conditions :- The industry shall take effective steps for tree plantation of important indigenous variety of trees to ameliorate pollution of industry depending upon topographical / geographical features of area.

4. **The daily water consumption for the following categories is as under:**

(i) Domestic purpose	...	2.00 CMD
(ii) Water gets Polluted & Pollutants are Biodegradable	...	0.00 CMD
(iii) Water gets Polluted, Pollutants are not Biodegradable & Toxic	...	0.00 CMD
(iv) Industrial Cooling, spraying in mine pits or boiler feed	...	2.00CMD
(v) Gardening	...	0.00 CMD

5. **Conditions Under Air (P & CP) Act, 1981 :-**

The applicant shall install a comprehensive control system consisting of control equipment's as is warranted with reference to generation of emission and operate and maintain the same continuously so as mentioned below to achieve the level of pollutants within prescribed limits.

Control Equipment:-

For Stone Crusher:

I. SITTING CRITERIA:

The following sitting criteria shall be considered for newly establishing of Stone Crusher units.

1. Minimum distance shall require from the nearest National Highway: 1.0 Km.
2. Minimum distance shall require from the nearest State Highway: 500 meters and of major District roads and other roads: 200 meters.
3. Minimum distance shall require from human Habitation: 500 meters.
4. Sensitive areas such as Educational Institutions / Hospitals: 500 meters.
5. Place of historical monuments identifies by Archaeological Survey of India: 500 meters.
6. Stone crusher should comply with other locational statutory requirements in force as per law.

II. INSTALLATION AND OPERATIONS OF STONE CRUSHING UNITS:-

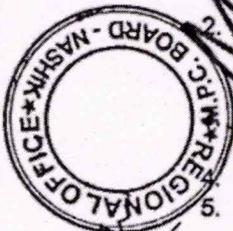
1. Each stone crusher unit shall install adequate pollution control measures including erection of G.I./M.S. sheet cover and the sprinklers before commencement of operations.

Crusher shall be covered and water sprinkling system shall be provided on crusher to suppress the dust generated due to material handling/loading/unloading activity.

Screen classifier shall be adequately covered by G.I./M.S. sheet to prevent the emission into the atmosphere due to screening/grading activity.

All conveyor belts shall be adequately covered by G.I./M.S. sheet only.

5. Regular wetting of roads shall be carried out to suppress the ground level dust within the premises to control the air borne dust emission due to wind velocity.
6. All approach roads and ramps shall be metalled.
7. Curtain or wall shall be provided surrounding the stone crusher unit.
8. Display board shall be provided at the entrance of stone crusher indicating survey no, name and address of owner and the unit.



Signature
15/7/2017



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9. Fine dust generated due to screening / crushing / grading shall be disposed off scientifically.

iii. ENVIRONMENTAL STANDARDS:

1. Dust containment cum suppression system for the equipment i.e. main crusher/jaw crusher, vibrating screen, etc.
2. Construction of wind breaking walls especially at charging hopper & crushing place.
3. Construction of metalled roads within the premises. Regular wetting of the ground within the premises.
4. Tree plantation along the periphery inside boundary of the Stone Crusher premises having minimum width of 5 meters, on all sides.
5. The foliage of the trees shall adequately cover area up to about 20m height.

Quantitative standard for the SPM.

- I. The suspended particulate matter measured between 3 to 10 meter from any process equipment of a stone crushing unit shall not exceed 600 microgram per m3.
- II. **Noise pollution Control Measures:**
Stone Crusher units shall comply with the provisions of the Noise pollution (Regulation and Control) Rule, 2000 and as amended thereof to control Noise Pollution.
- III. **Solid waste treatment and disposal:**
Solid waste i.e. fine dust generated from stone crushing unit shall store properly to avoid fugitive emission and shall be used for bricks manufacturing OR disposed off scientifically.

iv. MISCELLANEOUS:

1. Stone Crushers unit shall strictly comply National Ambient Air Quality Standards, 2009.
2. The project proponent shall provide adequate water treatment and disposal facility for generated effluent from their activity. They shall comply with the provisions of the Water (Prevention and Control of Pollution) Act, 1974.
3. The project proponent shall provide adequate Air Pollution Control arrangement at the source. They shall comply with the provisions under the Air (Prevention and Control of Pollution) Act, 1991.
4. The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being emitted / discharged into the environment and violation of consent conditions and thereby causing environmental pollution.

The applicant shall observe the following fuel pattern.

Sr. No.	Type of Fuel	Quantity	UOM
		NA	

The applicant shall erect the chimney (s) of the following specification.

Sr. No.	Chimney attached to	Height in Meters
		NA

vii. The applicant shall provide ports in the chimney(s) and facilities such as ladder, platform, etc. for monitoring the air emissions and the same shall be open for inspections to/an for use of the Board's staff. The chimney(s), vents attached to various sources of emission shall be designated numbers such as S-1, S-2 etc. and these shall be painted/displayed to facilitate identification.



15/12/2024



Maharashtra Pollution Control Board
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viii Other conditions: -Green belt afforestation shall be done upto 33%.

7.Conditions Under H and O W (M&T Movement) Rules, 2016.

i) The applicant shall handle hazardous wastes as specified below: -

Sr.No	Item No. of Process generating HW as per schedule I/II	Type of Waste	Quantity	Disposal
The industry shall not generate any type of hazardous waste.				

ii) Treatment: - ...N.A...

iii) The authorization is hereby granted to operate facility of collection, storage, transport and disposal of hazardous waste

7. Whenever due to any accident or gas leakage or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Collector, Directorate of Industry, Safety and Health, Police Station, Fire Brigade, Directorate of Health Services, Department of Explosives, Board and Local Body and the production process should be stopped by taking all necessary safety measures. The industry shall also monitor the emission and ensure that the emissions do not cause any harm or nuisance in the surrounding. The industry should not restart the process without permission of the Board and other statutory organization as require under the law.

8. Industry shall comply with following additional conditions:

- i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
- ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
- iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
- iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
- v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipments provided for without previous written permission of the Board.
- vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
- viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
- ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
- x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air



15/7/2024



Maharashtra Pollution Control Board
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- pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.
- xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection system. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory
 9. This Board reserves the right to revoke/amend or add any conditions in this consent and the same shall be binding on the Applicant.
 10. The consent should not be construed as exemption from obtaining necessary NOC from any other Government agencies as required.
 11. The industry shall not extract ground water without permission of the CGWA for ground water extraction.
 12. Industry shall renew Bank Guarantee of Rs. 2.0 Lacks for compliance of consent condition, the Bank Guarantee shall be drawn in the Name of Regional Officer M.P.C Board, Nashik, and shall be valid for the period up to 30.09.2023.
 13. This consent is issued subject without prejudice of the Orders passed by the Hon'ble NGT, Principal Bench, Delhi in OA No.-68/2020.
 14. The Capital investment of industry is Rs. 1006.40 Lakh (As per C A Certificate submitted by industry).


 (Dr. P. M. Joshi)
 Regional Officer - Nashik
 15/7/2024

To,
M/s Gayatri Projects Limited,
Gut No. 313 And 314, At Hasanabad Talegaon Dlghe,
Tal- Sangamner Dist- Ahmednagar

Copy forwarded to:
Sub-Regional Officer, MPCB, Ahmednagar – It is directed to ensure compliance of consent condition.

Received Consent fee on-

Sr. No.	Amount(Rs.)	Transation No.	Transation Date
1	25000/-	TXN2106000239	02.06.2021
2	50000/-	MPCB-DR-6738 Yes Bank	NEFT 05.07.2021
3	100000/-	TXN2107001657	15.07.2021