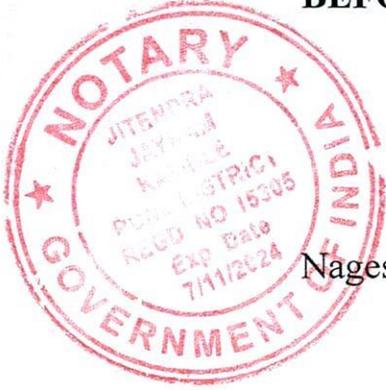


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**



ORIGINAL APPLICATION NO. 105 OF 2023 (WZ)

Nagesh Vinayak Damale

.... Applicant

Versus

MPCB & Ors.

.... Respondents

**AFFIDAVIT IN REPLY FOR AND ON BEHALF OF
MAHARASHTRA POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 1 & 2.**

I, Vidyasagar Killedar, aged about 49 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-II having office at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411 003, do hereby state on solemn affirmation as under :-

- (1) I have perused the papers and proceedings in the above matter. I am conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply in compliance of the Order dated 09.10.2023 passed by this Hon'ble Tribunal.
- (2) I say and submit that the present Application filed by the Applicant alleging that Respondent No.5-Project Proponent-M/s. Dreams Corporation Pvt. Ltd has carried out construction of residential & Commercial Scheme named "Dreams

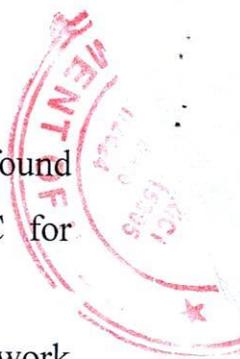
Nandini”, situated at: Survey no. 69 A, 69 B/1, 69 B/2, 69 C, village Manjari Budruk, Taluka Haveli, District Pune- 412 307 without obtaining Consent to Establish, Consent to Operate and Environment Clearance etc.

- (3) I say and submit that the Respondent Board has granted Consent to Establish dated 15.04.2013 to Respondent No.5-PP for Total Plot Area – 26520.82 Sq. Mtrs. and proposed Built Up Area (as per FSI) of 37667.80 Sq. mtr. for a period upto commissioning of the project or 5 years, whichever is earlier. A copy of Consent to Establish attached herewith and annexed as an **Annexure-I**
- (4) I say and submit that Environment Department, GoM, had issued Stop Work directions dated 23.12.2013 to Respondent NO.5-PP and directed Maharashtra Pollution Control Board to file the case for the offence committed by Respondent No.5-PP u/s 15 of the Environment (Protection) Act, 1986 r.w. Environment Impact Assessment Notification dtd.14.09.2006 before the appropriate court of law.
- (5) I say and submit that accordingly Maharashtra Pollution Control Board (MPCB) had filed Regular Criminal Case No.899/2014 before the Hon’ble Chief Judicial Magistrate, Pune. In the said matter Hon’ble CJM-Pune vide order dated 07.02.2019 directed Respondent NO.5-Project Proponent to pay the fine of Rs. 1,00,000/- each on 07.02.2019 before the Court of Law. Accordingly PP has paid fine of Rs. 1,00,000/- each total Rs. 2,00,000/- on 07.02.2019. A copy of Fine Deposited receipt is attached as an **Annexure-II**.



(6) I say and submit that in order to verify the present status of the project, Official of the Respondent Maharashtra Pollution Control Board (MPCB) at Pune visited to the aforesaid project site of Respondent No.5-Project Proponent(PP) on 03.10.2023 and observed as below:-

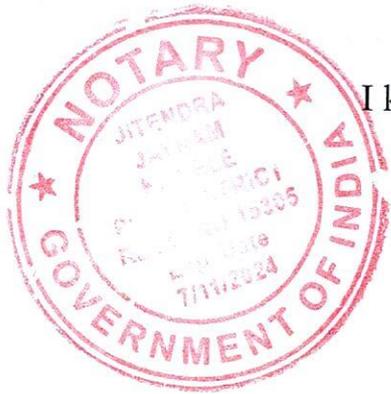
- i. Respondent No.5-PP has completed construction work of Wings : “A” to “F” (Basement + Parking + 10th Floors).
- ii. Total 237 Flats and 12 Nos. of Row Houses (Ground + 1st floor) and one Bungalow - (Ground + 1st floor).
- iii. Respondent No.5-PP has previously applied for grant of Environment Clearance dated 11.08.2011 and recently SEIAA has decided to grant Environment Clearance as per their 257th Meeting dated 9.3.2023, under violation category as per MoEF&CC Notification dated 14.03.2017 and 08.03.2018 with damage assessment value of Rs.1,75, 59,000/-.
- iv. Respondent No.5-PP has installed STP of capacity – 156 CMD in January, 2014 for the treatment of domestic effluent. STP was found in operation.
- v. Respondent No.5-PP has kept open land for amenity space and remaining area of plot for future development.
- vi. Source of Water supply – Now, the site is under Pune Municipal Corporation (PMC) limits however, water supply is from village- Shevalewadi, Tal. Haveli, Dist. Pune



- vii. Bio-degradable and non-biodegradable waste is found collected separately and handed over to PMC for further disposal.
- viii. Respondent No.5-PP has completed construction work of Residential Project and handed over to the flat owners/row house owners, therefore during visit, no any construction activities are found at site. A copy of Visit Report is attached herewith and annexed as an **Annexure – III.**

(7) I further say and submit that the Respondent No.5-PP has not applied for Consent to Operate till date. There are two bore wells, which are not in operation. Presently, the water supply is from Grampanchayat : Shevalewadi.

Solemnly affirmed on this ...16th... day of November, 2023 at Pune.



I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent Nos. 1 & 2.

ADVOCATE

(Vidyasagar Killedar)
Sub-Regional Officer,
MPCB Pune -II

16 NOV 2023



BEFORE ME

JITENDRA J. KAMBLE
ADVOCATE & NOTARY
GOVT OF INDIA
INF

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 24020781 / 24010437

Fax : 24024068 / 24044532

Email : mpcb@vsnl.net

Visit At : <http://mpcb.gov.in>



Kalpataru Point, 2nd, 3rd & 4th Floor,
Opp. Cineplanet, Near Sion Circle,
Sion (E), Mumbai-400022.

EIC No: PN- 15840 - 12.

Infrastructure Project/Orange/LSI

Consent No: MPCB/ROHQ/CC/B - 3197

Date: 15/04/2013

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008

CONSENT is hereby granted to

M/s. Dreams Corporation Pvt. Ltd.,
"Dreams Nandini"
Sr. No. 69A, 69B/2, 69C, Manjan (Bk),
Dist. Pune

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) 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:

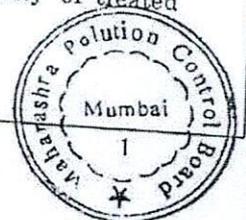
1. The Consent to Establish is granted for a period up to commissioning of the project or five years, which ever earlier.

For development of land/plct as new construction activities for construction of residential project named as M/s. Dreams Corporation Pvt. Ltd., "Dreams Nandini" at Sr. No. 69A, 69B/2, 69C, Manjan (Bk), Dist: Pune on total plot area of 26520.82 sq. mtrs, proposed BUA (as per FSI) of 37667.80 sq. mtrs including utilities for development of residential project and services such as per construction commencement certificate issued by local body.

2. CONDITIONS UNDER WATER ACT:

- (i) The daily quantity of sewage effluent from the factory shall not exceed 183M³/D
- (iii) 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.

RO(HQ)



1	pH	Not to exceed	6.5 to 9.0
3	Suspended Solids	Not to exceed	100 mg/l.
4	BOD 3 Days 27 degree C	Not to exceed	100 mg/l.
5	Fecal Coliform	Not to exceed	500/100/1 mg/l.
6	Residual Chlorine	Not to exceed	01 mg/l.
7	Detergent	Not to exceed	01 mg/l.
8	Floating matters	Not to exceed	10 mg/l

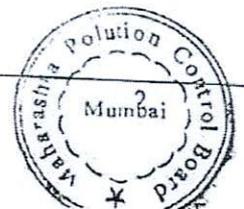
(vi) Sewage Effluent Disposal: The treated domestic effluent shall be 80% recycled and reused for flushing, fire fighting and cooling of Air conditioners and remaining shall be discharged to Municipal sewer. In no case, effluent shall find its way to any water body directly/indirectly at any time. Project proponent shall operate STP for five years from the date of obtaining Occupation Certificate.

(vii) Non-Hazardous Solid Wastes:

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	Biodegradable Waste	451.00	Kg/Day	Organic waste converter	composting
2	Non Biodegradable Waste	303.00	Kg/Day		By sale.

(viii) Other Conditions (during Construction Phase):

- All activities shall be in resonance with the provisions of Indian Forest Act, 1927 (16 of 1927), Forest (Conservation) Act, 1980 (69 of 1980) and Wildlife (Protection) Act, 1972 (53 of 1972), and special notification published for area wherever applicable and all the Environmental Statutes and Instruments.
- This Consent to Establish is issued only for New Construction/Developing Construction Project purposes.
- No quarrying activities shall be commenced in the area unless appropriate permissions are obtained for a limited quarrying material required for construction of local residential housing and traditional road maintenance work, provided that such quarrying is not done on Forest Lands and the material is not exported to the outside area.
- There shall be no felling of trees whether on Forest, Government, Revenue or Private lands except as per prevailing Rules.
- Extraction of Groundwater for the project shall require prior permission of the State Ground Water Authority or other relevant authorities, as applicable.
- Near the activities that are related to water (like activity of water parks, water sports) and/or in the vicinity of lake, Dissolved Oxygen shall not be less than 5 mg/liter.
- In order to ensure that the water from this project do not enter into outside environment, the nallas crossing the township/complex premises, shall be lined, covered and made water tight by the applicant within the premises with intermittent inspection of chambers following good engineering practices as per the regulations of local body.
- The Applicant shall prepare management plan for water harvesting, roof-water reclamation, water/storm water conservation and implement the same before handing over of complex for occupation.



9. Applicant shall provide fixtures for showers, toilet, flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
10. The Applicant shall draw plans for the segregation of solid wastes into biodegradable and non-biodegradable components. The biodegradable material shall be recycled through scientific in-house composting (i.e vermi-composting facility within premises) with the approval of local body. The proper demarked area shall be identified for collection & storage of MSW properly which, shall be finally disposed off at approved Municipal Solid Waste landfill site of local body environmentally acceptable location and method. It is clarified that the term solid waste includes domestic, commercial, and garden wastes, but does not include hazardous and bio-medical wastes. The activities of bio-composting and engineered landfill shall be as per the Municipal Solid Waste (M&H) Rules, 2000
11. Applicant shall be responsible to take adequate precautionary measures as detailed in this consent.
12. The applicant/generator shall be responsible for safe and scientific collection, transportation, treatment and disposal of Bio-Medical Waste as per the provisions made under the Bio-Medical Waste (Management & Handling) Rules, 1998. Any activity as defined under BMW (M & H) Rules has to obtain a separate Authorization from Maharashtra Pollution Control Board.
13. For disinfections of waste water ultra violet radiation shall be used in place of chlorination.
14. Vehicles hired for construction activities should be operated only during non peak hours.
15. Ready mixed concrete used in building construction should apply separately for consent from the Board.
16. applicant, during the construction stage shall provide
- Septic tank and soak pit of adequate capacity for the domestic effluent generated due to workers residing at site.
 - Proper loading and unloading of construction material, excavated material and its proper disposal as per MSW (M&H) Rules 2000.
 - Cutting of trees is not permitted, however in unavoidable conditions necessary permission from the local body shall be obtained.
 - Green Belt of 33% of the open space shall be developed.
17. E-Waste shall be disposed to authorized re processor.

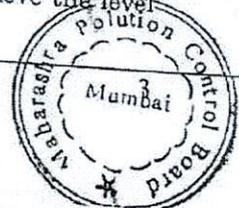
3. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

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

(i) Domestic	...	204.00 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	...	0.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

4. CONDITIONS UNDER AIR (Prevention & Control of Pollution) ACT, 1981:
- (i) The Applicant may install 03 no. of diesel generating sets (DG Sets), of capacity 500 x 02 & 160 KVA and shall be equipped with comprehensive control system as is warranted with reference to generations of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:



a. Standards for Emissions of Air Pollutants:

- | | | |
|-------------------------------|---------------|------------------------|
| (i) SPM/TPM | Not to exceed | 150 mg/Nm ³ |
| (ii) SO ₂ (DG Set) | Not to exceed | Kg/day |

(ii) The following measures shall be taken:

a. Adequate mitigation measures shall be taken to control emissions of SO₂, NO_x, SPM, and RSPM.

b. Applicant shall achieve following Ambient Air Quality standards.

1.	SPM Not to Exceed (Annual Average)	140	µg/ m ³
	Not to Exceed (24 hours)	200	µg/ m ³
2.	SO ₂ Not to Exceed (Annual Average)	60	µg/ m ³
	Not to Exceed (24 hours)	80	µg/ m ³
3.	NO _x Not to Exceed (Annual Average)	60	µg/ m ³
	Not to Exceed (24 hours)	80	µg/ m ³
4.	RSPM Not to Exceed (Annual Average)	60	µg/ m ³
	Not to Exceed (24 hours)	100	µg/ m ³

(iii) The applicant shall observe the following fuel pattern:-

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	190.24.00	Lit/Hr

(iv) The applicant shall erect the chimney(s) of the following specifications:-

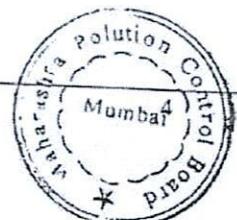
Sr. No.	Chimney Attached To	Height in Mtrs.
1	DG Set (500 KVA) 02 nos.	3.5
2	DG Set (160 KVA)	2.5

(v) Conditions for D.G. Set

1. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

2. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.

3. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.



4. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
5. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
6. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
7. D.G. Set shall be operated only in case of power failure.
8. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

(vi) Other Condition

- a) 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 inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- b) Water spraying shall be done on ground to avoid fugitive emissions.
- c) Construction material shall be carried in enclosed vehicles during construction activities.

(vii) Conditions for Utilities like Kitchen, Eating Places etc:

1. The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
2. The toilet shall be provided with exhaust system connected to chimney through ducting.
3. The air conditioner shall be vibration proof and the noise shall not exceed 68 dB (A).
4. The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such way that no nuisance is caused to neighbors.

(viii) The Applicant shall take adequate measures for control of noise levels from its own sources within the complex (residential cum Commercial) in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Daytime is reckoned as between 6 a.m. to 10 p.m. and Nighttime is reckoned between 10 p.m. to 6 a.m.

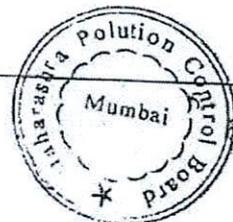
(ix) Construction equipments generating noise of less than 65/90 db(A) are permitted.

(x) No construction work is permitted during nighttime.

5. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDRY MOVEMENT) RULES, 2008:

- (i) The Industry shall handle hazardous wastes as specified below.

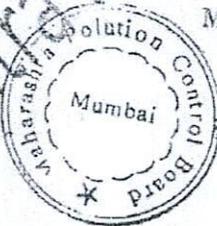
Sr. No.	Type Of Waste	Quantity	UOM	Disposal
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6. The applicant shall certify that the bricks used in construction are manufactured using the ash from Thermal Power stations if it is within a radius of 100 km. from Thermal Power Plant and submit the names of bricks manufacturer. The applicant shall use fly ash based material/products as per the provisions of fly ash Notification of 14.09.1999 and as amended on 27.08.2003.
7. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.
8. The applicant shall adopt environment friendly technology in development of the project.
9. The applicant shall take the proper remediation measures to ensure that the ground water and soil contamination is prevented and follow due diligence at the construction stage.
10. Energy conservation measures like installation of solar panels for lighting the area outside the building should be integrated part of the project design.
11. This is issued pursuant to the decision of Consent Committee of the Board in its meeting held on 28.03.2013.
12. Applicant has stopped construction work voluntarily as per the SRO report dated 22.10.2012 and shall submit affidavit to that effect to MPC Board within 15 days.
13. The applicant should not take any effective steps for implementation of the project before obtaining Environmental Clearance as per EIA Notification 2006 and amendments thereto.
14. The applicant shall submit Bank Guarantee of Rs. 10.0 Lakhs towards compliance of consent conditions at Regional Office, MPCB, Pune within 15-days.
15. This Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the Applicant;
16. The Capital investment of the industry is Rs. 6480.0 Lakhs.

For and on behalf of
Maharashtra Pollution Control Board

(Rajeev Kumar Mital)
Member Secretary



To,
M/s. Dreams Corp. Pvt. Ltd.,
"Dreams Nandini"
Sr. No. 69A, 69B/2, 69C Manjan(Bk),
Dist. Pune.

Copy to -

1. Regional Officer, MPCB, Pune - He is directed to obtain necessary Bank Guarantee from the applicant.
2. Sub Regional Officer-II, MPCB, Pune.
3. Chief Accounts Officer, Mumbai, MPCB,
Received Consent fee of -

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	100100	116182	10 Sept. 2012	Axis Bank

4. Cess Branch, MPCB, Mumbai.
5. Master file.



सं. प्र. २०१९
११.१४.२०१९

53

Rec No 899/2019

उत्तर :-

7/2/2019

CCO Praram Corporation, V. P. Singh
for Amgh Amberdoka

Rec 899/14

प्रमाणित किया जाता है कि

200,000/- Two lakhs only

C Rs 100,000/- each 100000 x 2 = 200000/-

कामगारों को कामगारों के

निर्देशों के अंतर्गत से काम

PLC 16.07 Enbment of
(Provision) Act - and

तथा (प्रमाणित) नहीं

1986

7/2/19

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE – Pune II.

Phone No. 020-2581 1698
 Fax No. 020-2581 1029
 Email ID – sropune2@mpcb.gov.in



Jog Center 2nd floor,
 Wakdewadi, Pune -Mumbai
 Road, Pune- 411003.

:- Visit Report :-

3/10/2023

- 1) Name & address : M/s. Dreams Nandini
 S. No. 69A, 69B/1, 69B/2, 69-C,
 Village- Manjari (Bk), Tal. Haveli, Dist. Pune
- 2) Date of Visit : 03/10/2023
- 3) Contact Person (Tel/Mob) : Shri. Sanjay Takale (Land Owner)
 Mb. No. 9822037888
 E-mail- sanjaytakale@yahoo.com
- 4) Consent Status : Obtained Consent to Establish dtd. 15/04/2013

5) Additional Information :

- This has reference to the standing instruction of SRO Pune-II regarding verification of compliance of M/s. Dreams Nandini, Village- Manjari, Tal. Haveli, Dist. Pune. I, the undersigned visited above mentioned construction project & following observations are made :-

1. It is residential construction project- Project Proponent (PP) has obtained Consent to Establish dated 15/04/2013 for total plot area – 26520.82 sq. mtr & TCBUA – as per FSI – 37,667.80 sq. mtr.
2. Project Proponent has completed construction work of following buildings –
 - Building No. "A" to "F" (Basement + Parking + 10th Floor)
 - Row Houses (12 Numbers) – Ground + 1st Floor & One Bungalow – Ground + 1st Floor
 - Total 237 Flats – 12 Row Houses & One Bungalow has been completed & handed over to Flat Owners / Row Houses Owners.
 - Project Proponent has previously applied for grant of EC dated 11/08/2011 & recent SEIAA has decided to grant EC as per their 257th meeting dated 09/03/2023.

- So far Project Proponent has not obtained Consent to Operate & handed over project to the society.
- For domestic effluent, Project Proponent has installed STP of capacity 156 CMD. STP found in operation. JVS of STP outlet collected for further analysis.
- Recently site area has been declared under PMC limits. However, water supply is from Village – Shevalvadi, Grampanchayat.
- Biodegradable & Non-Biodegradable waste send to PMC for further disposal.
- During visit no any construction activities observed found at site as Project Proponent has completed construction work of the project.
- Project Proponent has kept open land for amenity space & remaining area of plot for further development.

M. S. Takale
31/10/2023

Shri. Sanjay Takale

R. Nimbalkar
31/10/2023

(Rahul Nimbalkar)
Field Office,
Sub-Regional Office, Pune-II

