

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

ORIGINAL APPLICATION No. 114 OF 2025 (WZ)

Sameer Khale

.... Applicants

Versus

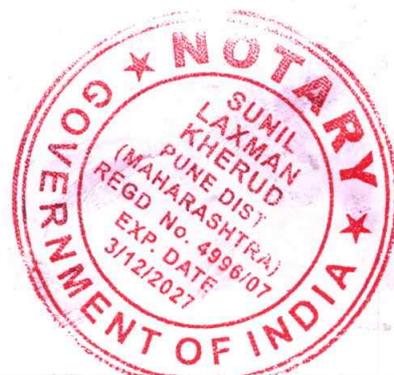
M/s Kumbhare Stone Crusher & Ors.

.... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE
MAHARASHTRA POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 2**

I, Navanath S. Awatade, aged adult, occupation – Service, the Sub Regional Officer of the Maharashtra Pollution Control Board at Pune-II Region, having office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

- (1) I say and submit that the present Application is filed by the Applicant alleging that Respondent No.1 –M/s Kumbhare Stone Crusher is operating Stone Crusher Unit at Gat No.735 of village Uraaawade, Taluka Mulshi, District Pune, which falls in No Development Zone (NDZ) “Water Body” area as per Notification dated 11/12/2018, issued by the Urban Development Department, Government of Maharashtra.
- (2) I am filing this affidavit in compliance of the Order dated 18/09/2025 passed by this Hon’ble NGT.



- (3) I say and submit that the Respondent-MPCB has granted Consent to Operate to M/s. Kumbhare Stone Crusher on 24/09/2018, subject to certain terms & conditions, which was valid up to 31/7/2022, A copy of the Consent to Operate dated 24/09/2018 is enclosed to the present Application at Page Nos.44 to 48 as an Annexure-VI colly.
- (4) I say and submit that the Respondent-MPCB has granted Renewal of Consent to Operate to M/s. Kumbhare Stone Crusher on 21/09/2022, subject to certain terms & conditions, which is valid up to 31/7/2026. A copy of the Consent to Operate dated 21/09/2022 is enclosed to the present Application at Page Nos.49 to 56 as an Annexure-VI colly.
- (5) I say and submit that the Respondent-MPCB has issued Proposed Directions to Respondent No.1-Industry on 02/09/2025 for operating without Consent to Establish and Consent to Operate from the Board and not fully complied with the RMC guidelines etc. A copy of the Proposed Directions dated 02/09/2025 is enclosed herewith and marked as an **Annexure-I**.
- (6) I say and submit that the Respondent-MPCB has issued a letter dated 17/11/2025 to the Pune Metro Regional Development Authority (PMRDA) requesting to provide a types of industries, who are permitted to operate/prohibited in No-Development Zones in PMRDA area.



(7) I say and submit that in order to verify the present status, the officials of the Respondent- MPCB at Pune II visited the site of the aforesaid unit on 18/11/2025 and observed as follows:

- I. The said industry is carrying out Stone Crusher, Ready Mix plant & Sand plant activity & found in operation.
- II. The stone crusher representative has not submitted documents related to the Revenue Department.
- III. BG imposed of Rs. 25000/- & 25000/-, submitted on 14.07.2022, valid upto 31.07.2024. however, the are not revalidated.
- IV. The stone crusher has not provided GI sheet covering to vibrating screen completely (partial covered)
- V. Not covered Jaw crusher fully.
- VI. Some conveyor belts are not covered, only 03 conveyor belts are found covered with green net.
- VII. Screening section covered fully, but from the gaps dust emissions are observed.
- VIII. The stone crusher has not made arrangements of water sprinkling at Raw material unloading.
- IX. Provided water sprinkling at Chute primary jaw crusher & fine material conveyor belt only.
- X. Wetting of ground is carried out on internal premises only, which is non-metallic road.
- XI. Regular cleaning on internal road not carried out.
- XII. The stone crusher has got natural wind breaking wall at one side in the form of an adjacent hill. Not provided a wind breaking walls/metal sheet fencing at other sides.



XIII. The stone crusher has not planted adequate tree plantation in stone crusher premises.

XIV. Huge quantity of fine dust/ muddy sludge stored in stone crusher premises in haphazard manner causing dust emission due to vehicle movement & along with wind flow.

XV. Installed Sand plant and Ready Mix plant in the premises without Board's consent, waste water generated from the sand plant is stored in kachaa pit in stone crusher premises unscientifically.

XVI. Provided 01 bore well not obtained CGWA NOC for the same. A copy of the visit Report along with photographs dated 18/11/2025 is enclosed herewith and marked as an **Annexure-II**.

(8) I say and submit that on the basis of aforesaid non-compliances, the Respondent-MPCB has issued Closure Directions to Respondent No.1-Industry on 20/11/2025. A copy of the Closure Directions dated 20/11/2025 is enclosed herewith and marked as an **Annexure-III**.

(9) Hence this Affidavit.

Solemnly affirmed on this 08th day of December, 2025 at

Pune.

I know the affiant

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No.2

Navanath S. Awatade
(Navanath S. Awatade)
Sub-Regional Officer,
MPCB, Pune-II

ADVOCATE

BEFORE ME

Sunil Laxman Kherud
SUNIL LAXMAN KHERUD
NOTARY GOVT. OF INDIA
Regd. No. 4996/07
Noted & Registered No.

SUNIL LAXMAN KHERUD
NOTARY-GOVT. OF INDIA
B/3, MANIRATAN SOCIETY,
ARYANESHWAR, PUNE-411009.

08 DEC 2025

160
MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE

Annexure- I

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

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

MPCB-ROP/PD/ 2509020011

Date: 02/09/2025

To,
M/s. Kumbare RMC,
Sr. No. 734, Urawade Mulshi,
Dist. Pune

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of Air (Prevention & Control of Pollution) Act, 1981.

Ref: 1. Complaint received from Nilesh Mikam, Urawade, Tal. Mulshi, dist. Pune on 04/06/2025
2. Visit of official of the Board to your unit 08/07/2025
3. Legal Action Proposal Submitted by the Sub Regional Officer, MPCB, Pune-II vide no. MPCB-LEGAL_ACTIONS-290725014, Dtd. 01/08/2025.

WHEREAS, it is obligatory on your part to obtain Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under the provisions of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016. It is also obligatory on your part to provide adequate pollution control devices.

AND WHEREAS, during regular inspection carried out by the Official/s of MPCB at Solapur and accordingly, the Sub Regional Office, Pune-II submitted legal action proposal against your unit vide above reference (3) and therein following non-compliances reported,

- (1) You have operating RMC unit without obtaining consent to establish and consent to operate from the Board.
- (2) You have not provided compound wall from 01 side.
- (3) You have not provided water sprinkling arrangement at raw material storage area.
- (4) You have not carried out daily cleaning.
- (5) You have not carried out tree plantation.
- (6) You have not provided two level tyre washing facility.
- (7) You have not provided wastewater treatment system to treat industrial wastewater.
- (8) You have not provided recycling system.
- (9) You have not fully complied with the RMC guidelines.

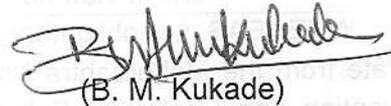
AND WHEREAS it has been observed that you are operating your manufacturing activities without obtaining consent from the Board and also failed to provide adequate pollution control devices, thereby discharging air emissions and thereby causing air pollution into the environment.

NOW THEREFORE, in view of the above non-compliance, you are hereby directed to show cause as to:

- a) Why your industrial activities shall not be closed down forthwith ?
- b) Why the competent Authorities shall not be directed to disconnect water / electricity supply to your unit ?

You are hereby given an opportunity to respond **within 03 days** from issuance of these directions. Also directed to remain present for personal hearing on 11/09/2025 11.45am in the office of Regional Officer, M. P. C. Board, Jog centre, 3rd floor, wakadewadi, Pune-03 along with action plan towards the compliance of above related points, failing which, MPCB will initiate legal action against your unit without giving any further notice in accordance with the provisions of the Water (prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, which please note.

For and on behalf of
Maharashtra Pollution Control Board



(B. M. Kukade)
Regional Officer,
M. P. C. Board Pune

Copy submitted for information to:

- Hon'ble The Member Secretary, MPCB, Mumbai

Copy f.w.cs.to :

1. Joint Director (APC), M.P.C. Board, Mumbai.
2. Law Officer, M.P.C. Board, Mumbai.

Copy to-

The Sub-Regional Officer, M.P.C. Board, Pune-II :- You are directed to keep the follow up and report the compliance from time to time and present during the hearing with present status.

MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICER PUNE 2

Phone No. 25811 222
Fax No. 25811 029
Email ID – sropune2@mpcb.gov.in



Jog Center, 3rd floor
Wakadewadi Mumbai-Pune,
Road Pune – 411003

:- Visit Report :-

Dtd. 18.11.2025

Name & address of Project : M/s. Kumbare Stone Crusher
S. No. 735, Village- Urawade,
Tal. Mulshi, Dist. Pune

Mail ID : shivajikumbare@gmail.com

Consent person : Shivaji Kumbare (Owner)

Contact no. : 88066 66222

Observations:

Visit is carried out in compliance of Hon'ble NGT order dtd. 18.09.2025 in the matter of O.A. no. 114 of 2025 (WZ) Sameer Khale (Applicant) Versus M/s Kumbhare Stone Crusher & Ors. (Respondents) observations are as follows:

1. This is Stone Crusher, Ready Mix plant & Sand plant activity & found in operation.
2. Consent to 1st Operate granted by the Board vide no. - RO-PUNE/CONSENT /1809002072, Dtd. 24/09/2018 valid upto 31/7/2022.
3. Renewal of Consent to Operate granted by the Board vide no. Format1.0/RO/UAN No.0000143588/CR/2209001440 Date: 21/09/2022 valid for period upto 31/7/2026.
4. The stone crusher representative has not submitted documents related to the Revenue Department.
5. Proposed Direction issued by Board on 02/09/2025 for violation of Consent conditions and for non-compliances.
6. BG imposed of Rs. 25000/- & 25000/-, submitted on 14.07.2022, valid upto 31.07.2024. however the are not revalidated.
7. The stone crusher has not provided GI sheet covering to vibrating screen completely (partial covered)
8. Not covered Jaw crusher fully.
9. Some conveyor belts are not covered, only 03 conveyor belts are found covered with green net.

10. Screening section covered fully, but from the gaps dust emissions are observed.
11. The stone crusher has not made arrangements of water sprinkling at Raw material unloading.
12. Provided water sprinkling at Chute primary jaw crusher & fine material conveyer belt only.
13. Wetting of ground is carried out on internal premises only, which is non-metallic road.
14. Regular cleaning on internal road not carried out.
15. The stone crusher has got natural wind breaking wall at one side, in the form of an adjacent hill. Not provided a wind breaking walls/metal sheet fencing at other sides.
16. The stone crusher has not planted adequate tree plantation in stone crusher premises.
17. Huge quantity of fine dust/ muddy sludge stored in stone crusher premises in haphazard manner causing dust emission due to vehicle movement & along with wind flow.
18. Installed Sand plant and Ready Mix plant in the premises without Board consent, wastewater generated from the sand plant is stored in kachaa pit in stone crusher premises unscientifically.
19. Provided 01 bore well not obtained CGWA NOC for the same.
20. Mr. Shankar Gade has raised complaint regarding air pollution caused by the said stone crusher activities, which is adjacent to the entry gate of stone crusher.

Sushma Kumbhar
Field Officer
Sub Regional Office
Pune - II

Navanath Awatade
Sub Regional Officer
Pune- II



Get No. 467, Gadewadi, Tel Mulshi Road, near Kumbare Stone Crusher,
Urawade, Pune, Maharashtra 412115, India 🇮🇳

Latitude
18.48525316°

Longitude
73.68297369°

Local 12:43:00 PM
GMT 07:13:00 AM

Altitude 639 meters
Tuesday, 18.11.2025



GPS Map
Camera Lite

Get No. 467, Gadewadi, Tel Mulshi Road, near Kumbare Stone Crusher,
Urawade, Pune, Maharashtra 412115, India 🇮🇳

Latitude
18.48534868°

Longitude
73.68295583°

Local 12:42:34 PM
GMT 07:12:34 AM

Altitude 642 meters
Tuesday, 18.11.2025



 GPS Map
Camera Lite

Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 

Latitude
18.48486593°

Longitude
73.68315333°

Local 12:23:27 PM
GMT 06:53:27 AM

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48464253°

Longitude
73.68294083°

Local 12:21:52 PM
GMT 06:51:52 AM

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48466156°

Local 12:22:29 PM
GMT 06:52:29 AM

Longitude
73.68309137°

Altitude 642 meters
Tuesday, 18.11.2025



 GPS Map
Camera Lite

Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 

Latitude
18.48469671°

Longitude
73.6825722°

Local 12:20:52 PM
GMT 06:50:52 AM

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48469435°

Longitude
73.68257357°

Local 12:20:45 PM
GMT 06:50:45 AM

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48438111°

Local 12:19:40 PM
GMT 06:49:40 AM

Longitude
73.68275022°

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48438745°

Local 12:19:36 PM
GMT 06:49:36 AM

Longitude
73.6827474°

Altitude 642 meters
Tuesday, 18.11.2025



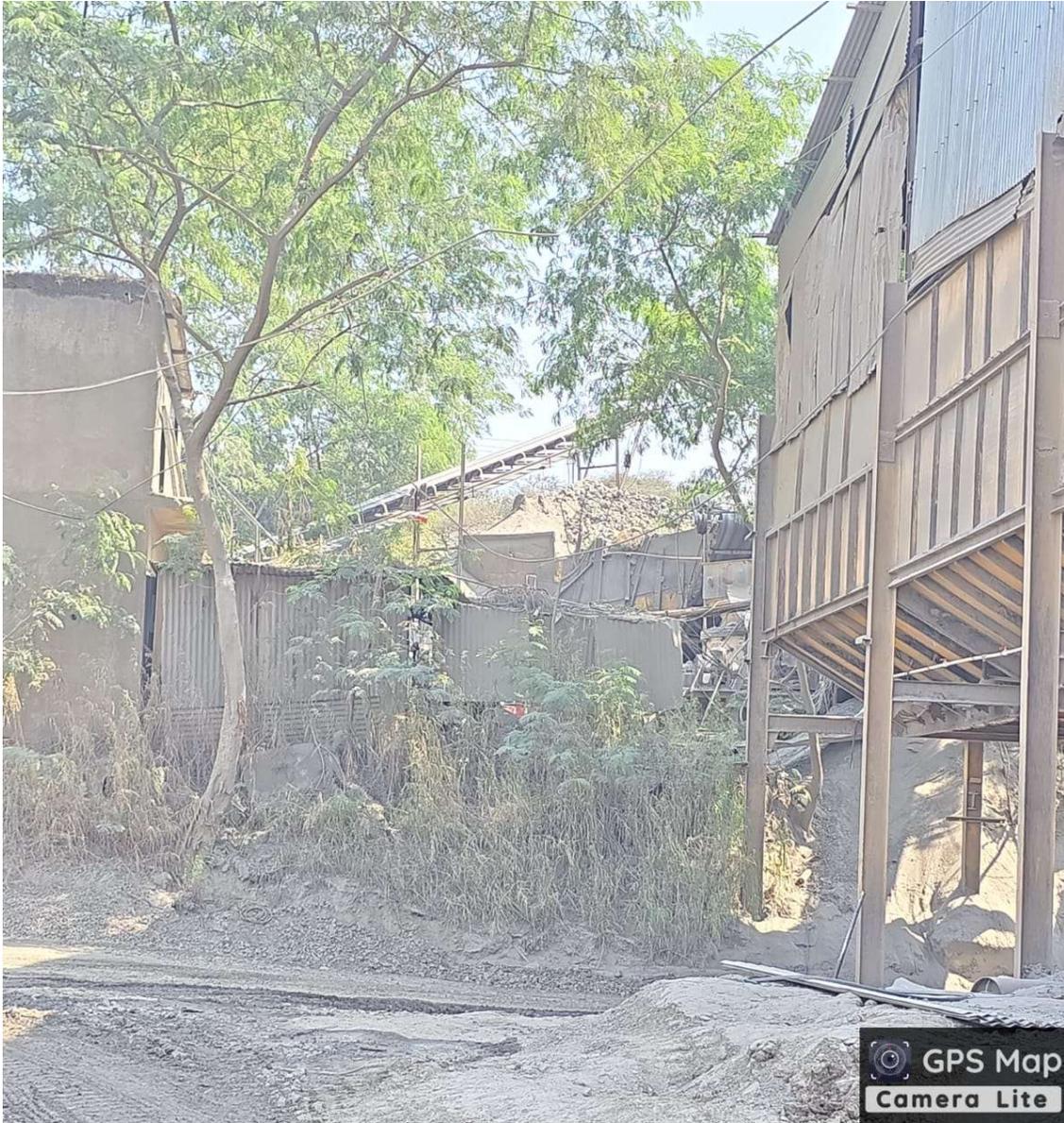
Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48443512°

Longitude
73.68280019°

Local 12:16:58 PM
GMT 06:46:58 AM

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48456478°

Local 12:16:06 PM
GMT 06:46:06 AM

Longitude
73.68280443°

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48456808°

Longitude
73.68280541°

Local 12:15:48 PM
GMT 06:45:48 AM

Altitude 642 meters
Tuesday, 18.11.2025



 GPS Map
Camera Lite

Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 

Latitude
18.48477785°

Longitude
73.68301087°

Local 12:14:49 PM
GMT 06:44:49 AM

Altitude 642 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48460069°

Local 12:15:25 PM
GMT 06:45:25 AM

Longitude
73.68290216°

Altitude 642 meters
Tuesday, 18.11.2025



 GPS Map
Camera Lite

Plot no. 12, Santiago FarmVile, Mukaiwadi, Maharashtra 412115, India



Latitude
18.4879421°

Longitude
73.7008926°

Local 12:17:58 PM
GMT 06:47:58 AM

Altitude 647 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48410814°

Local 12:18:29 PM
GMT 06:48:29 AM

Longitude
73.6828328°

Altitude 647 meters
Tuesday, 18.11.2025



Gat no, 734, Temghar-Lavasa Rd, Gadewadi, Urawade, Maharashtra
412115, India 🇮🇳

Latitude
18.48468917°

Longitude
73.68257393°

Local 12:21:05 PM
GMT 06:51:05 AM

Altitude 642 meters
Tuesday, 18.11.2025

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

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

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

MPCB/CD/ 2511 200001

Date: 20/11/2025

To,
M/s. Kumbare Stone Crusher,
Sr No. 735, Urawade Mulshi,
Dist. Pune.

Sub: - Closure Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:
- 1) Consent to Operate granted by the Board.
 - 2) Proposed Directions issued by the Board vide no. MPCB-ROP-PD-2509020010, Dtd. 02/09/2025
 - 3) Complaint received from Mr. Shankar Gade regarding air pollution nuisance.
 - 4) Legal matter case is filled before Hon'ble NGT vide OA No. 114/2025 (WZ) Sameer Khale (Applicant) V.s Kumbare Stone Crusher and Ors.
 - 5) Visit of Board Official on 18/11/2025 to verify the compliance of the proposed directions.
 - 6) Legal Action proposal submitted by Sub Regional Officer, Pune-II vide no. MPCB-LEGAL-ACTION-250725010, Dtd. 20/11/2025
 - 7) Approval to the legal proposal received from the Board's Competent Authority on 20/11/2025

WHEREAS, the Maharashtra Pollution Control Board has granted Consent to Operate u/s 26 of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under Rule 6 of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016, on 09/01/2023, subject to certain terms and conditions.

AND WHEREAS, it was also obligatory on your part to provide adequate and efficient pollution control devices and take adequate measures to control air & water pollution, so as to achieve the consented standards.

AND WHEREAS, in order to verify the compliance of the proposed directions the Board Officials at Pune-II visited the site in question on 18/11/2025 and accordingly Sub Regional Officer, Pune-II submitted legal action proposal vide above reference (6) with following non compliances,

- (1) You have installed and commissioned the sand plant and RMC plant into the premises without obtaining consent from the Board.
- (2) The dust emissions were spreading and deposited into the premises and causing air pollution nuisance to the surrounding area.
- (3) You have not obtained NOC / Permission from the Central Ground Water Authority for extraction of groundwater.

: 2 :

- (4) You have not complied with Revised Guidelines for Ready Mix Concrete Plants (RMC) issued vide no. JD(APC)/RMC/TB-3/B-0218, Dtd. 17/10/2025.
- (5) You have not upgraded / provided the air pollution control system as per the Board's circular no. MPCB/JD(APC)/Stone Crusher/TB-3/B-0215, Dtd. 10/01/2024 regarding Environmental Guidelines for the Stone Crusher Units issued by Central Pollution Control Board in the Month July, 2023.

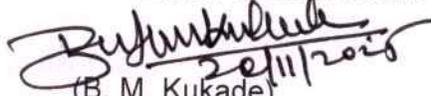
AND WHEREAS, the Maharashtra Pollution Control Board has issued proposed directions vide letter dated 02/09/2025 to you and directed to submit compliance report however, you have failed to comply with the same.

AND WHEREAS, in spite of giving reasonable opportunity, you have failed to comply with the consent conditions and also failed to provide adequate pollution control devices and thereby, causing water and air pollution into the environment.

NOW THEREFORE, in view of the above non-compliances, you are hereby directed to stop your manufacturing activities forthwith, failing which the Board will have no option than to initiate appropriate legal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

This is issued with the approval of the Competent Authority of the Board.

For and on behalf of
Maharashtra Pollution Control Board


(B. M. Kukade)
Regional Officer,
M. P. C. Board Pune

Copy submitted for favor of information to:-

- The Member Secretary, MPCB, Mumbai.

Copy forwarded to:-

1. Joint Director (APC), MPCB, Mumbai.
2. Law Officer (P & L Div), MPCB, Mumbai.

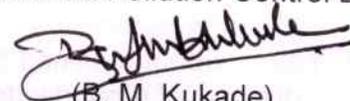
Copy forwarded with compliments for necessary action to:

- (1) Executive Engineer, MSEDCL Office Mulshi Division, Pune :- He is directed to disconnect the electricity supply of above unit immediately and communicate accordingly.
- (2) Grampanchayat Urawade Village Tal. Mulshi, Dist. Pune :- He is directed to disconnect the water supply of above unit immediately and communicate accordingly.

Copy to Sub Regional Office, Pune-II -

He is directed to serve the directions to addressee and competent authorities and submit acknowledgement copy to this office timely & submit further compliance report of same.

For and on behalf of
Maharashtra Pollution Control Board


(B. M. Kukade)
Regional Officer,
M. P. C. Board, Pune