

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 121 OF 2024

SUO-MOTO COGNIZANCE ...COMPLAINANT
VERSUS
MAHARASHTRA POLLUTION CONTROL BOARD & ORS.
...RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT
NO.2 i.e. MAHARASHTRA INDUSTRIAL DEVELOPMENT
CORPORATION**

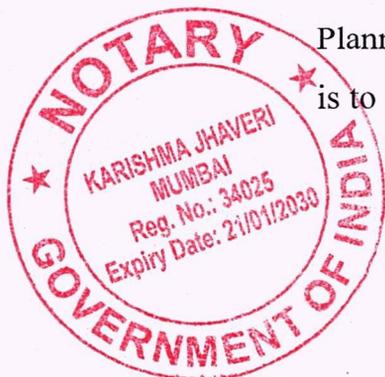
I, Mr. Rajkumar V. Kamble, The Deputy Engineer, SPA Sub- Division, MIDC Division, Dombivli, of the Maharashtra Industrial Development Corporation having my office at Dombivli, do hereby state on solemn affirmation as under:

1. I say that the Maharashtra Industrial Development Corporation (hereinafter referred to as “MIDC” for the sake of brevity) has been established under the provisions of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as “MID Act, 1961” for the sake of brevity). The MIDC has been established for carrying out planned development of Industries in the State of Maharashtra. I say that the Maharashtra Pollution Control Board (hereinafter referred to as “MPCB” for the sake of brevity) implements Central Legislation (i.e.) The Water (Prevention & Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the



Environment Protection Act, 1986 and monitors the pollution of various industries and also takes steps to check the pollution if any being conducted by Industries.

2. I say that MIDC has been established with the avowed objective of a planned and accelerated establishment and development of industries in the State of Maharashtra. In furtherance of the objectives of the MID Act, MIDC has established various industrial areas and industrial estates throughout the State of Maharashtra. The Industrial Areas and Estates are developed in an orderly manner to facilitate growth of industries in these areas/ estates. MIDC also provides various amenities like laying down roads, water supply, stream lining the provisions of electricity, telecommunications etc. to the industries in these industrial areas/ estates.
3. I further say that MIDC is a Special Planning Authority as per section 40 (1A) of the Maharashtra Regional Town Planning Act, 1966 (MRTP Act). I say that MIDC has framed separate Development Control Regulations in respect of the MIDC area. The said Development Control Regulations deal with various aspects including open spaces and amenity area to be kept in the various Industrial areas developed by the MIDC.
4. I say and submit that MIDC being the Special Planning Authority under section 40 (1A) of the Maharashtra Regional Town Planning Act, 1966 (MRTP Act), the only limited role of MIDC is to sanction plans for construction/ development of the building



on the plots allotted by MIDC as per the D. C. Regulations framed by the MIDC and thus MIDC's role is only limited to being a facilitator.

5. I say that MIDC allots plots to the entrepreneurs for setting up their industries in the MIDC Industrial Area. I say that MIDC provides all the basic infrastructure facilities such as road, water supply scheme, street lights etc. in its industrial areas. The allottees of the Plot have to take the necessary permissions from various agencies including the Environmental Clearance, if required.
6. I say that MPCB has the statutory functions u/s.17. If MPCB feels necessary, it has the power to obtain information under Section 20, power to take samples under Section 21, powers of entry and inspection under Section 23, Power to carry out certain works under Section 30. None of these powers are available with the MIDC.
7. I say that thus if the industry has complied with all the requirements as required under law and has obtained the necessary consent and permission from the MPCB then MIDC would have no control or responsibility for any such mishap as involved in the present Application. The industry has to scrupulously follow the various terms and conditions of the consent granted by MPCB and requirements of various Environmental legislations & applicable laws.



8. I say that the Joint Committee has submitted its interim report / findings and final report is awaited.
9. I further say that the Deputy Engineer of MIDC is also a part of the Committee and thus stands as per the submissions made in the Report.
10. I say that since the present Report as submitted is only an Interim Report and accordingly MIDC craves leave of this Hon'ble Tribunal to file Additional Affidavit, if required.



DEPUTY ENGINEER
SPA Sub Division
MIDC, Dombivli Division

For M. I. D. C.
Respondent No. 2



For Navdeep Vora & Associates
Advocates for Respondent No. 2



VERIFICATION

I, Mr. Rajkumar V. Kamble, The Deputy Engineer, SPA Sub Division, MIDC, Division Dombivli, of the Maharashtra Industrial Development Corporation and having my office address at The Office of The Executive Engineer, MIDC, Opp. Pendharkar College, Dombivli (E), Tal. Kalyan, Dist. Thane, duly authorized to swear and attest this Application by Circular dated 17th June, 2002, do hereby state on solemn affirmation, that what is stated in paragraph nos. 01 to 10 is true to my own knowledge based on information derived by me from the official records and I believe to be true and correct.

Solemnly affirmed at Mumbai)

Dated this 28th day of March, 2025)


 DEPUTY ENGINEER
 SPA Sub Division
 MIDC, Dombivli Division
 For M. I. D. C.
 [Respondent No. 2]

Identified by me



**For Navdeep Vora & Associates
 Advocates for Respondent No. 2**

Office No. 32, 2nd Floor,
 Building No. 105,
 Mumbai Samachar Marg,
 Fort, Mumbai - 400 001

Before me

BEFORE ME

 28/3/25

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