

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
BENCH, PUNE

Original Application No. 112 of 2025

Sameer Khale

.... Applicant

Vs.

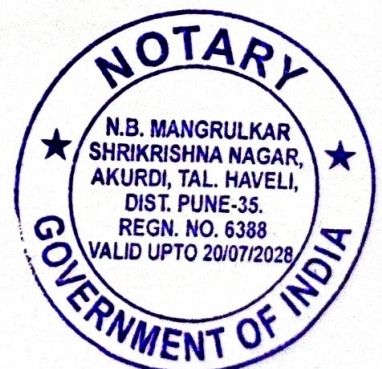
Abhay Stone Metal & Ors.

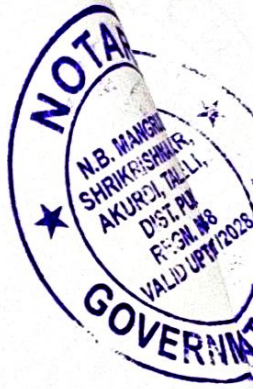
..... Respondents

INDEX

S.No	Date	Particulars of Documents	Annexure	Pages From-To
1		Affidavit in reply to original application		
2	12/03/2026	True translation from Marathi to English Duly counter signed with office copy thereof reply Letter from Joint director of industries (Ease doing business)	Annexure-A	
3	11/12/2018	Regulation number 44 of Development Control And Promotion Regulations For Pune Metropolitan Region Development Authority (PMRDA)	Annexure-B	

Date :-





BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
BENCH, PUNE

Original Application No. 112 of 2025

Sameer Khale

.... Applicant

Vs.

Abhay Stone Metal & Ors.

..... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE PUNE METROPOLITAN REGIONAL
DEVELOPMENT AUTHORITY i.e. Respondent No. 3**

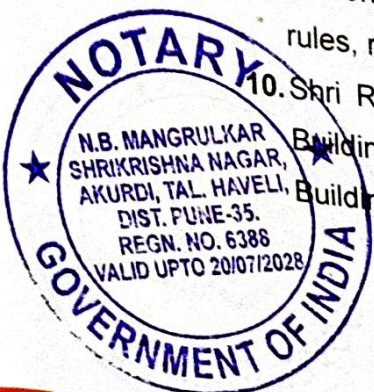
I, Avinash Patil, Director of Town Planning, Building Permission & Planning Department of the PMRDA, Respondent No. 3 is filing this Affidavit in Reply to the Main Application only with a limited purpose of bringing on record the PMRDA's role in grant of any permission or NOC to the Respondent No.1 . The Respondent No. 3 PMRDA craves leave to file additional affidavit as & when necessary. I shall not be deemed to admit anything save except whatever stated hereinafter:

1. I say & submit that as per the sanctioned Regional Plan of Pune Region, Village Mauje Mukaiwadi, Taluka Mulashi does not fall under the Eco Sensitive Area. It is further submitted that the Development Permission Department of the PMRDA has not granted any permission to the Respondent No.1.
2. I say that, the proposal was submitted by Shri. Sagar Kumbar, an Architect on behalf of Shri Raju Chavan on 06.01.2026. However on account of certain deficiency, it is reassigned back to the applicant on 09.01.2026.
3. I say that, the officer in-charge of Tree Authority, PMRDA has informed by his Letter No. 739 dated 25.02.2026 that the subject damages caused to the environment due to activities of the Respondent No.1 does not come under its jurisdiction. Site visit was conducted by the tree officer, PMRDA on 23/02/2026. As per his report remains of tree felling is not found on site, but he could not ascertain whether any tree felling activity happened in the said place in the past.





4. As per 7/12 extract of Gat no.471/1 (old S.No.693) the applicant does not have any ownership of land in Gat no.471/1 (old S.No.693).
5. I say that, the Unauthorized Construction and Demolition Department of PMRDA, vide its letter No. 47 dated 02/01/2026, issued a preliminary hearing notice to Mr. Raju Appa Chavan (Developer/Respondent No. 1) and Mr. Bhagwan Ravji Pawale (Land Owner), thereby calling upon them to remain present for the hearing and to put forth their submissions & documents regarding the construction carried out on the said property.
6. In pursuance of the said notice, Respondent No. 1 submitted the details of the challan as well as the particulars of the application made for grant of development permission before the Authority.
7. I say that, Respondent No. 1, Abhay Stone Metal, has obtained Consent to Establish dated 04/10/2023 and Consent to Operate dated 24/03/2024 from the Maharashtra Pollution Control Board (MPCB), as is revealed from the records.
8. I say that, vide outward letter bearing No. 6564 dated 25/02/2026, this Authority had sought guidance from the Hon'ble Development Commissioner (Industries) Government of Maharashtra regarding whether the activity of a stone crusher falls under the category of industrial use and whether the same qualifies as a bonafide industry. In response thereto, the Joint Director of Industries (Ease of Doing Business), vide letter No. 4456 dated 12/03/2026, has clarified that the stone crusher activity is included under industrial use. It is further clarified that such industry is eligible for benefits under various Government schemes under MSME.(hereto marked and annexed as "Annexure-A")
9. I say that, in view of the above clarification, the activity of a stone crusher may be considered as an industrial activity, subject to compliance with applicable rules, regulations, and conditions prescribed by the competent authorities.
10. Shri Raju Appa Chavan, Developer has submitted an application in online Building Plan Management system (BPMS) on date 06/01/2026 to obtain Building Permission. Also, after the scrutiny of this building permission



proposal, it is observed that the said land parcel falls in part agriculture/NDZ zone and part afforestation zone. It can be seen that from the DCPR-2018 regulation number 44.0 "Mining or Quarrying Operation" (hereto marked and annexed as "Annexure-B") the said activity may be permitted in agriculture zone with terms and condition & regularised after payment of compounding charges provided if the proposal is in conformity with DCPR-2018 provisions.

Solemnly affirmed on this th day of April 2026.

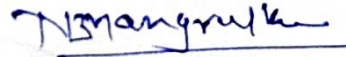
For and On behalf of PMRDA



Avinash Patil
Director

Development Permit and Planning Department
Pune Metropolitan Region Development Authority, Pune

BEFORE ME



N. B. MANGRULKAR
ADVOCATE & NOTARY
GOVT. OF INDIA
Bhagirathi Niwas, Shrikrishna
Nagar. Akurdi, Pune-35.

Noted & Registered
at Serial Number
513/2026.

01 APR 2026





VERIFICATION

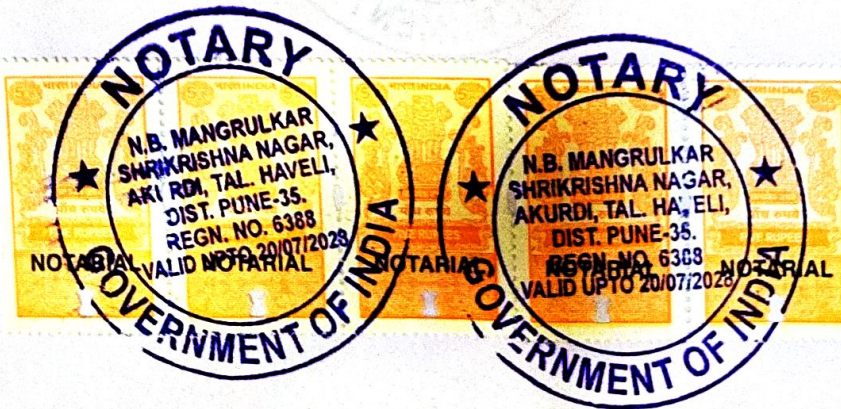
I, Avinash Patil, Director of Town Planning, Building Permission & Planning Department of the PMRDA, hereby state that the contents of para 1 to 10 are correct to the best of my knowledge and belief on the basis of PMRDA record perused by me. The information is submitted on the basis of usual practice being followed by the PMRDA.

For Respondent No.3



Avinash Patil
Director

Development Permit and Planning Department
Pune Metropolitan Region Development Authority, Pune





438

ANNE XURE -A

महाराष्ट्र शासन

उद्योग संचालनालय

नवीन प्रशासन भवन, मंत्रालयासमोर, हुतात्मा राजगुरु चौक, मादाम कामा रोड, मुंबई- ० ४००३२

☎ २२०२८११ २/ २२०२३४७७/ Fax- २२०२६८२६, E-mail- dissip@maharashtra.gov.in

क्र.उसं/सुलमउ/ अमय स्टोन क्रशर/पुणे /२०२५-२६ /सी - ४४५६ दि.

12 MAR 2026

प्रति,

उप संचालक नगर रचना,
तथा महानगर नियोजनकार,
पुणे महानगर प्रदेश विकास प्राधिकरण,
३रा मजला, नवीन प्रशासकीय इमारत,
आकुर्डी रेल्वे स्टेशन जवळ,
पिंपरी चिंचवड, पुणे - ४११०४४

विषय:- औद्योगिक वापराबाबत मार्गदर्शन मिळणेबाबत

संदर्भ:- उप संचालक, नगर रचना तथा महानगर नियोजनकार, पुणे महानगर
प्रदेश विकास प्राधिकरण, पुणे यांचे पत्र क्र. जा.क्र. पीएमआरडीए/
वि.प.वि/६५६४, दिनांक २५/०२/२०२६

महोदय,

उपरोक्त विषयांकित संदर्भाच्या अनुषंगाने कळविण्यात येत आहे की, संबंधित बाबतीत
MSMED Act २००६ अनुसार कलम २(९) मध्ये enterpriseची व्याख्या दिलेली आहे. ज्यात उत्पादन
यामध्ये Manufacturer or production of goods असे म्हटले आहे.

Industries (Dev. & Regulation) Act १९५१ च्या first schedule मध्ये नमूद असलेल्या
कोणत्याही उद्योगाशी संबंधित वस्तूचे उत्पादन किंवा निर्मिती करणे असा उद्योग किंवा, अंतिम
उत्पादनाला वेगळे नाव, स्वरूप किंवा उपयोग (district, name, character or use) देण्यासाठी
plant & machinery चा वापर करून मूल्यवर्धित (Value addition) करतो असा उद्योग असे म्हटले
आहे.

तसेच यासंबंधी NIC (National Industrial classification) हा भारत सरकारचा एक
मानक वर्गीकरण कोड असून हा कोड व्यवसाय, उद्योग किंवा आर्थिक क्रियाकलापांना वर्गीकृत
करण्यासाठी वापरला जातो. विशेषतः MSME/Udyam नोंदणी, GST, कंपनी नोंदणी, आर्थिक
सर्वेक्षण, उद्योग घोरणे इत्यादीसाठी NIC कोड आवश्यक आहे. NIC-२००८ आवृत्तीमध्ये स्टोन क्रशर



(दगड तोडणे/क्रशिंग / क्रश स्टोन, अॅग्रीगेट्स, रोड मेटल, बाल्लास्ट इत्यादी उत्पादनासाठी दगड तोडणे) NIC कोड ०८१०६ असून खालीलप्रमाणे नमूद आहे.

(NIC-२००८): Operation of sand or gravel pits, basalt/porphyry, clay (ordinary), crushing and breaking of stone for use as a flux or raw material in lime or cement manufacture or as building material, road metal or ballast and other materials for construction.

वरील व्याख्येनुसार Stone Crusher हा उद्योग औद्योगिक वापरामध्ये अंतर्भूत असून Stone Crusher उद्योगासाठी शासनाकडून एमएसएमईना विविध योजनेतील लाभ देण्यात येतो.

आपली विश्वासू,

Stal

(मृणालिनी देवराज)

उद्योग सह संचालक (सुलमउ)



440

No.: Udyog/Stone Crusher/Pune/2024-25/c-4456

12 MAR 2026

To,
Deputy Director, Town Planning,
and Metropolitan Region Development Authority,
3rd Floor, New Administrative Building,
Near Akurdi Railway Station,
Pimpri Chinchwad, Pune – 411044

Subject: Regarding obtaining guidance for industrial use

Reference: Letter from Deputy Director, Town Planning & Meropl-Metropolitan Planner,
Pune Metropolitan Region Development Authority, Pune, bearing No.
PMRDA/... dated 28/02/2026

Sir,

With reference to the above subject, it is informed that as per the MSMED Act, 2006, in Section 2(r), the definition of "enterprise" is given, wherein "manufacture or production of goods" is included alibe.

As per the Industries (Development & Regulation) Act, 1951, in the First Schedule, any activity related to industry involving production or manufacture of goods, or an activity which, by using plant & machinery, performs Value addition to give the final product a different name, ceharacter or use), s acalided and be rettedeo.

Further, in this regard, NIC (National Industrial Classification) is a standard classification code of the Government of India, used for classification of business; industry or economic activites; Suchulse. MSME/Udyam registration, GST, company registration, financial assistance, exa; etc; etc.

As per the above definition, Stone Crusher is included under industrial use, and for Stone Crusher industry, benefits under various MSME schemes are provided by the Government.

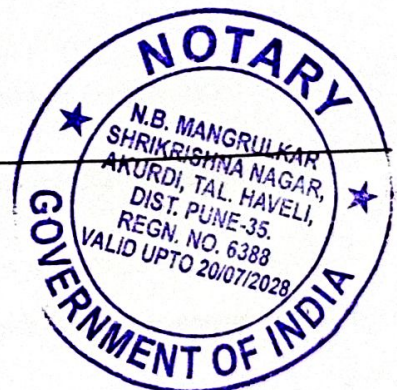
Yours faithfully,

-sd-

(Mrunalini Devaraj)

Joint Director of Industries (MSME)

true translation copy



NOTARY
★ N.B. MANGRULKAR
SHRIKRISHNA NAGAR,
AKURDI, TAL. HAVELI,
DIST. PUNE-35.
REGN. NO. 6388
VALID UPTO 20/07/2028
GOVERNMENT OF INDIA

NOTARY
★ N.B. MANGRULKAR
SHRIKRISHNA NAGAR,
AKURDI, TAL. HAVELI,
DIST. PUNE-35.
REGN. NO. 6388
VALID UPTO 20/07/2028
GOVERNMENT OF INDIA

NOTARY
★ N.B. MANGRULKAR
SHRIKRISHNA NAGAR,
AKURDI, TAL. HAVELI,
DIST. PUNE-35.
REGN. NO. 6388
VALID UPTO 20/07/2028
GOVERNMENT OF INDIA

442

- (xii) To prepare guideline relating to design elements and conservation principles to be adhered to and to prepare other guideline for the purpose of this regulation.
- (xiii) To consider any other issue as may be required from time to time during course of scrutiny of development permissions and in overall interest of heritage/environmental conservation.

In the absence of Heritage Conservation Committee, the Metropolitan Commissioner shall accord development permissions based on these Regulations.

43.12 Heritage Conservation Fund

1. Heritage buildings included in the said list shall be maintained by the owners of the said buildings themselves, with a view to give monetary help for such maintenance/repairs a separate fund may be created which would be kept at the disposal of the Metropolitan Commissioner, PMRDA, who will utilise these funds on the advice of the Heritage conservation Committee. The commissioner may, in such cases disburse appropriate amount to the owner or may get maintenance/ repair work done through PMRDA.
2. 2% of total development charges collected shall be transferred to the Heritage conservation fund.
3. The Metropolitan Commissioner shall have right to remove any unauthorized construction in the property enlisted as heritage property as an encroachment for the PMR land and recover the expenses of such removal/ demolition work form the owner as arrears of land revenue.
4. The Metropolitan Commissioner shall have right to enter into any such heritage property to repair such property to avoid any damage or injury, and the amount shall be spent from Heritage Conservation Fund and shall be recovered from the owner as arrears of Land Revenue.
5. If Heritage structure listed in Grade I needs conservation, preservation and immediate repairs and if the structure is affected due to vandalism by occupier/ owner, then the Metropolitan commissioner shall have right to acquire such heritage property and conserve its heritage value.

44.0 Mining or Quarrying Operations: With the prior approval of the Metropolitan Commissioner, PMRDA, Mining or Quarrying operations may be permitted in Agriculture/No Development Zone on following conditions:

- (i) In areas within the region such pits and holes created in the process of mining and quarrying should be appropriately filled up and not left open.
- (ii) The site shall be restored so as to make it safe either by raising a garden or in addition by planting fruit growing trees around it or by making it a water reservoir.
- (iii) Mining & quarrying operation should be in a controlled manner, such as starting operation initially on a site away from crowded areas and later gradually extending it to the other

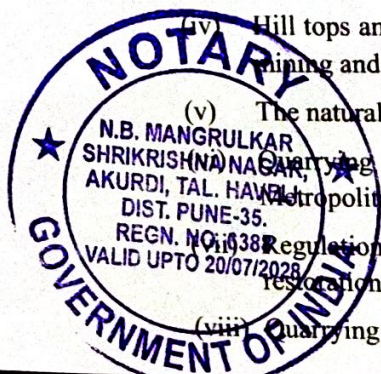
(iv) Hill tops and hill slopes from which rain water flow should not be allowed to be used for mining and quarrying.

(v) The natural landscape and environment are not to be adversely affected.

(vi) Mining and quarrying shall be regulated in accordance with the method to be prescribed by the Metropolitan Commissioner, PMRDA

(vii) Regulations prescribed by the Revenue authorities regarding the resettlement and restoration of environment shall be strictly followed.

(viii) Quarrying shall not be permitted within 500m from the gaathan / village settlements and



443

from the rivers, forts, historical places and places of tourist interest.

- (ix) The conditions prescribed under Maharashtra Minor Mineral Extraction Rules and Regulations shall be observed.

45.0 ERECTION OF MOBILE TOWERS:

Regulation for setting up of Telecommunication Cell Site(s)/Base Station(s) and installation of the equipments for Telecommunication Network in PMR area shall be as per Appendix-O.

