

**BEFORE THE NATIONAL GREEN TRIBUNAL ,
WESTERN ZONE, PUNE**

ORIGINAL APPLICATION NO. 181/ 2024 (WZ)

ORIGINAL APPLICTION NO. 1104/2024 (PB) LP

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4.	A copy of the Final No Objection certificate issued for the factory building	R-3/B.	12 to 13
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Date: 18.12.2024.

Place : Aurangabad



S.S. Dande

Advocate for Respondent. No.3

**BEFORE THE NATIONAL GREEN TRIBUNAL ,
WESTERN ZONE, PUNE**

ORIGINAL APPLICATION NO. 181/ 2024 (WZ)

ORIGINAL APPLICATION NO. 1104/2024 (PB) LP


NEWS ITEM PUBLISHED TITLED " MAHARASHTRA 22
WORKERS INJURED IN BOILER EXPLOSION AT STEEL FACTORY
IN JALNA

AFFIDAVIT IN REPLY ONBEHALF OF RESPONDENT NO. 3

I, Balu S/o Vitthal Rautray age: 39 years
Occupation: Service as Deputy Engineer in MIDC Jalna
Sub Division, residing at Jalna do hereby state on
solemn affirmation as under

The respondent (hereinafter referred to as
Answering Respondent) submits that it is filing this
affidavit in reply only limited purpose to oppose the
admission of the present application and grant any relief
in favour of the applicant and the answering respondent
reserves their right to add, amend, alter the said reply as
and when necessary and as and when directed by this
Hon'ble Tribunal.

BEFORE ME


SHIVKUMAR B. PATIL
Notary Govt. of India
Reg. No. 6724

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1. The Answering respondent is a statutory Corporation established under the Maharashtra Industrial Development Act, 1961, (hereinafter referred to as The Act). The answering respondent is established with the avowed objectives of planned and accelerated establishment, growth and development of industries in the state of Maharashtra. In furtherance of the objectives, the answering respondent has established various Industrial Areas throughout the State of Maharashtra. In pursuance of the provisions of the said Act, the respondent no. 1 State acquires private land as well as the Government land within the site of an industrial Area and hand over the acquired land to the answering respondent for development and proper utilization. The answering respondent thereafter prepares a layout by adhering the DC rules and carves out plot according to the lay out plan.

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BEFORE ME
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Notary Govt. of India
Reg. No. 6724

2. The answering respondent submits that at the time of establishment of the unit all the Industries are required to follow the procedure and all types of clearances including the consent of MPCB for establishing the industry.

3. The answering respondent submits that in furtherance of the objectives of the MID Act, the MIDC has established various industrial areas and industrial estates throughout the State of Maharashtra. The principal and predominant purpose of the MIDC is the establishment, growth and development of industries in these Industrial Areas and Industrial Estates in the State of Maharashtra. The organization of industries, acquisition of land in that behalf and carrying out purpose of the MID Act by setting up Industrial Areas and Industrial Estates in a planned manner is the objective of the MIDC. The Industrial Areas and Estates are developed in an orderly manner to

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Reg. No. 6724

④
facilitate growth of industries in these areas/estates.

4. The answering respondent submits that the lands acquired under the MID Act by the State Government are transferred to the MIDC, which develops the land to establish the industrial areas and estates to make available to the industrialists and entrepreneurs land, factory shed, buildings etc. on such conditions as may be deemed proper by the MIDC. It also provides common amenities like roads, water supply, drainage, effluent system etc. to the industries in these Industrial Areas/ Estates.
5. The answering respondent submits that it allots the plot on lease basis and it is mandatory for all the plot holders to obtain consent to operate from the respondent MPCB.
6. The answering respondent submit that MIDC has taken all the measures to maintain the environmental ecology and also sincerely implementing the remedial action as per the further

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directives of the pollution control board. It is further submitted that it has also developed the road side arboriculture (tree plantation) in Jalna Industrial Area along with plantation of trees in the open spaces earmarked for the said purpose.

7. I say and submit that the plot no. F-18 & 19 admeasuring 15,300 sq.mtr from the additional Jalna Industrial area has been allotted to M/s. Gajkeshari Steel & Alloys Pvt ltd (herein after referred to as " Allottee) and the after the allotment of plot and the handing over the possession of the plot the allottee has submitted the construction of factory plans for approval with the competent authority of the Corporation and after the approval the allottee has started the construction and on completion of the same the allottee has requested for the occupancy certificate and accordingly after the scrutiny and verification the competent authority has issued the occupancy certificate in favour of the allottee. A copy of the occupancy

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certificate issued by the Authority is annexed herewith and marked as **EXHIBIT R-3/A**.

8. I say and submit that the allottee has also installed the Fire Prevention and Fire Protection systems in the factory premises and after the same has requested for the grant of Final No Objection Certificate. After the actual visit to the factory premises on 05.09.2018 and after the inspection of the same it was found that the fire fighting arrangements provided by the allottee were found in satisfactory working condition the concerned office of the answering respondent has issued Final No objection certificate to the factory building of the allottee having built up area of 7763.88 sq. mtrs. It is further to be submitted that while granting the final NOC it has been clearly and specifically mentioned that the fire prevention and Fire protection systems installed by the allottee in the factory premises shall be well maintained and shall be kept in the tip top working condition at all the time and if the said system is not maintained ,

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retrenched the NOC granted will stand cancelled without any notice and the allottee will be fully responsible to loss of life or property if any.

9. I say and submit that at the time of inspection as the required norms was fulfilled by the allottee for grant of final NOC and as such the final NOC was granted in favour of the allottee without changing any conditions mentioned in the Provisional No objection certificate. The final Noc has been issued in favour of the allottee on 07.09.2018 by the concerned authority. A copy of the Final No Objection certificate issued for the factory building is annexed herewith and marked as EXHIBIT **R-3/B**.

Hence this affidavit

DEPONENT

Balu S/o Vitthal Rautray
Deputy Engineer MIDC Jalna Sub Division

BEFORE ME

SHIVKUMAR B. PATIL
Notary Govt. of India
Reg. No. 6724

PLACE:- AURANGABAD
DATE:- 18.12.2024

AFFIDAVIT

Faint, illegible text and stamps at the bottom of the page, including a circular notary seal.

8

NOTED & REGISTERED
187 0853 20 24
AT SR.No. THIS DOCUMENT CONTAINS
08 PAGES

SOLEMN AFFIRMATION.

1. I, Balu S/o Vitthal Rautray age: 39 years
Occupation: Service as Deputy Engineer in
MIDC Jalna Sub Division, residing at Jalna do
hereby state on solemn affirmation as under:
2. That I am the Deputy Engineer of the defendant
corporation Being conversant with the facts of
the case I am authorized to swear this affidavit
on its behalf.
3. That contents of above paras 1 to 09 are true
and correct as per my knowledge and office
records.
4. The legal submission made therein is the legal
information that has been received by me from
our counsel and the same is believed to be true
and correct.

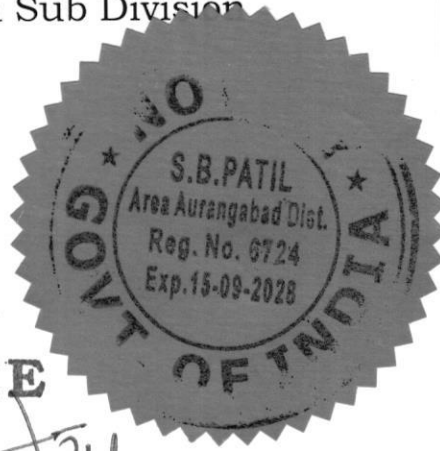
Hence verified and signed on this 18th day of
December 2024 at Aurangabad.

DEPONENT

Balu S/o Vitthal Rautray
Deputy Engineer MIDC Jalna Sub Division

I know the Deponent.

S.S.Dande. Advocate.



AFFIDAVIT

Solemnly affirmed before me
by Shri/Smt. Balu Vitthal Rautray
R/o. Jalna
Tq. Jalna Dist. Jalna
Who Identified by S.S. Dande
whom he/she is personally known

BEFORE ME

SHIVKUMAR BASWANTRAO PATIL

Advocate & Notary Govt. of India

Reg.No. 6724

**BEFORE THE NATIONAL GREEN TRIBUNAL ,
WESTERN ZONE, PUNE**

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LIST OF DOCUMENTS

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Date: 18.12.2024.

Place : Aurangabad



S.S. Dande

Advocate for Respondent. No.3



MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

(A Government of Maharashtra Undertaking)

Office :- SUB DIVISION OFFICE MIDC, JALNA.

e-mail : dejalna@midcindia.org

Phone No. 02482-220632

EXH R-3/A

No. MIDC/SPA/ JLN / D 21865

Date:26.09.2018

OCCUPANCY CERTIFICATE

To,

M/s. GAJKESARI STEELS AND ALLOYS PVT. LTD.
Plot No- F – 18 & F - 19
Additional Jalna Industrial Area PH II
JALNA

Sub:- Issue of Occupancy certificate for Buildings on Plot No. F 18 & F 19
Addl. Jalna I/A Ph II

Ref: 1. On Line application vide SWC No- **SWC/272/19/20180915/577174**

2. Building Completion Certificate By **Architect** / Licence Engineer dt 01.09.2018
3. Final Fire N.O.C. issued vide letter No. MIDC/Fire/ D -03105 Dt.07.09.2018
4. Plans approval vide letter No.SPA/ B 38781 dt.11.05.2018
5. Site Inspection Report submitted by designated site inspector dt 26.09.2018

Dear Sir,

This is certify that, the development work of **Industrial** Building having total **built up area- 7763.88 sq.m.** on **Plot No – F – 18 & F- 19**, situated at Addl. Jalna I/A Ph II, MIDC, Jalna, is completed as per details mentioned in Annexure A under the supervision of Architect Ms. Kamal Rao License No. CE / 254 / 97

As requested vide ref. no. 1 & as per site inspection report vide ref no. 5 , you are permitted to occupy this building having total built up area- 7763.88 sq.m. (FSI – 0.56).

Thanking you,

Yours faithfully,

SUDHAKAR
SANDUJI
GANDHILE

Digitally signed by SUDHAKAR SANDUJI
GANDHILE
DN: c=IN, o=Personal,
postalCode=421201, st=MAHARASHTRA,
serialNumber=d21ff6c8c79a7af64d5e1d
8f98f152f23e35b7d6d93a527b22e5fae8
d81d60ed, cn=SUDHAKAR SANDUJI
GANDHILE
Date: 2018.09.26 18:04:47 +05'30'

Special Planning Authority,
MIDC, SPA Sub Division
JALNA

Encl : Annexure A

copy to ;

- Concerned Regional Officer **RO is requested to upload & update online LMS record of said plot & Plot Master Data accordingly**
- Concerned EE / EE E&M
- Concerned DE E&M
- Concerned Arch.

ANNEXURE A

Accompaniment to letter no. No. **MIDC/SPA/ JLN/D21865** Date: **26.09.2018**

1. Name of the Plotholder : M/S Gajkesari Steels & Alloys pvt.Ltd.
2. Address : Plot no. F-18 & F-19.
Addl.Jalna Industrial Area Ph II
3. Plot area : 15300.00 Sq.m.
4. Approval of Plans : **MIDC / SPA / B 38781 Dt. 11.05.2018**
6. Built-up Area Approved : 7763.88 sq.m.
7. Previous BCC issued : N A.....
8. Position of construction
on site as per site Inspection
report : Completed as per approved plans.
- a) Built up area completed in
all respect : 7763.88 sq.m.
- b) FSI Details : FSI Consumed = 0.56 (ie 56 %)
7. Remarks as per Site
Inspection Report : Building is completed as per
approved plans & as per MIDC DCR-2009
(Submitted by Licence Architect/Engineer)
8. Area that could be considered
as built up area (Sq.m.) : 7763.88 **sq.m.**
9. Details of Building Constructed and Built up Area approved :

Sr. No.	Details.	Built up Area (in sq.m.)
1	Ground Floor Area	5175.92
2	First Floor Area	-----
3	Extra Height Area	2587.96
Total BUA		7763.88

APPROVED

SUDHAKAR
SANDUJI
GANDHILE

Digitally signed by SUDHAKAR SANDUJI
GANDHILE
DN: c=IN, o=Personal, postalCode=421201,
st=MAHARASHTRA,
serialNumber=d21ff6c8c79a7af64d5e1d8f9
8f152f23e35b7d6d93a527b22e5fae8d81d60
ed, cn=SUDHAKAR SANDUJI GANDHILE
Date: 2018.09.26 18:05:13 +05'30'

**Special Planning Authority,
MIDC, SPA Sub Division,
JALNA**

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

HEAD OFFICE : "Udyog Sarthi", Mahakali Caves Road,
Andheri (E), Mumbai - 400 093.
Tele: (022) 26870052/54/27/73 Fax : (022) 26871587
PRINCIPAL OFFICE : 4,4 (A), 12th Floor, World Trade Centre, Complex-1,
Cuffe Parade, Mumbai - 400 005
Tele : (022) 22151451/52/53 Fax : (022) 22188203

EXH-R-31B



No. MIDC/Fire/D-03105
Date:07/09/2018

M/s. Gajkesari Steels And Alloys Pvt. Ltd.
Plot No. F-18 & F-19, MIDC,
Addl. Jalna Indl. Area.,
Dist. Jalna.

Sub: Grant of "Final No Objection Certificate" for your Factory Building on Plot No. F-18 & F-19, MIDC, Addl. Jalna Indl Area., Dist. Jalna.

- Ref: 1. Co. application vide No. SWC/272/25/20180824/573563.
2. This office Prov. NOC No. MIDC/Fire/B-59997, dated 10/05/2018.
3. Co. letter regarding waver No. NIL. Dated. 27/06/2018.

Dear Sir,

With reference to the above, a representative of this office visited your **Factory Building** on 05/09/2018 at the above-mentioned address for inspection of fire fighting arrangements provided by you. Since the fire fighting arrangements provided by you were found in satisfactory working conditions this office is issuing a "**Final No-Objection Certificate**" for your Factory Building (Steel Plant) having built up area is **7763.88 Sq. Mtrs.** The area wise details are as follows.

Floor Name	Proposed FSI Area	Double Ht. FSI Area
	Ind.	Ind
Ground Floor	5175.920	2587.960
Grand Total :	5175.92	2587.96

- The occupant load of above buildings should not exceed in any case as prescribed in Table-3 of National Building Code-2016 part-IV.

As per the provision of Section 3, Sub Section 3 of Maharashtra Fire Prevention and Life Safety Measures Act, 2006, it is the sole responsibility of Owner or Occupier as the case may be, that he/she shall furnish to Chief Fire Officer & Fire Advisor, MIDC or local Fire Station Officer a Certificate in a 'From B' issued by License Agency twice a year in the month of January And July regarding maintenance of fire prevention and life safety measures.

Following Statutory Provisions Under Maharashtra Fire Prevention and Life Safety Measures Act, 2006.

- Under **Section 3** of "**Maharashtra Fire Prevention and Life Safety Measures Act, 2006**" (hereinafter referred to as "said Act"). The applicant (developer, owner, occupier by whatever name called) shall comply with all the Fire and Life Safety measures adhering to National Building Code of India, 2016 and as amended from time to time failing which it shall be treated as a violation of the said Act.
- It is presumed that you have completed the work adhering to the provisions under **Section-3** of the said Act.
- As per the provision of **Section 3 of sub-section (3) of Maharashtra Fire Prevention and Life Safety Act, 2006**, it is responsibility of the Owner or the occupier as the case maybe, that he/she shall furnish to The Chief Fire Officer & Fire Advisor, MIDC or Local Fire Station officer a Certificate in a 'Form B' issued by license agency twice a year in the Month of January & July regarding maintenance of

fire prevention and life safety measure and system in good repair and efficient working condition.

4. Under **Sub Section (4) of Section 3**, no person shall tamper with, alter, remove or cause any injury or damage to any fire prevention and life safety equipment installed in any such building or part thereof or instigate any other person to do so.
5. The inspection was carried out from fire safety point of view, however certain deviation in as built conditions vis-à-vis approved plans shall be subject to scrutiny & approval of concern special Planning Authority.

The Fire Prevention & Fire Protection systems installed by you in the factory premises shall be well maintained & shall be kept in tip-top working condition at all the time. If the said system is not maintained, retrenched, this N.O.C. will stand cancelled without any notice & you will be fully responsible to loss of life or property, if any, which may please be noted.

As per Office Order No. MIDC/Fire Deptt/1078 dated 12/07/2006. M/s. Gajkesari Steels & Alloys Pvt. Ltd. had paid a sum Rs. 4,83,263/- (Rs. Four Lakh Eighty Three Thousands Two Hundred Sixty Three Only) against "Fire Protection fund" as per receipt No. 1073/CH/2654/2018 on dated.05/05/2018.

The conditions mentioned in the "**Provisional No-Objection Certificate**" will **remain unchanged**. The undersigned reserves right to amend any additional recommendations deemed fit during the stage wise inspection due to the statutory provisions amended from time to time and in the interest of the protection of the company. If any future expansion or change the activity NOC to this office is essential.

Thanking you,

Yours faithfully,

Santosh
S Warick

Digitally signed by Santosh S Warick
DN: cn=S, ou=Government Of
Maharashtra, ou=Maharashtra Industrial
Development Corporation,
postalCode=400093, st=Maharashtra,
2.5.4.20w980773eab07429745c42a046c
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serialNumber=1a102f0f3264311c28048
4e67e051252323527c8e04e0977bb
f1be1348, c=Santosh S Warick
Date: 2018.08.07 17:01:32 +05'30'

(S. S. Warick)
Chief Fire Officer & Fire Advisor
MIDC, Mumbai-400 093.

Copy to Executive Engineer, MIDC, Civil Division, Aurangabad for information.