

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

**ORIGINAL APPLICATION NO.187/2023(WZ)**

Mr. Vijay Vilas Dighe

.... Applicant (s)

Versus

Yashraj Marriage Hall and Multipurpose Hall  
through its Owners & Ors

.... Respondent(s)

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA  
POLLUTION CONTROL BOARD - RESPONDENT NO. 3.**

I, Amol Satpute, aged about 37 years, occupation – Service, Working as Sub-Regional Officer at Maharashtra Pollution Control Board having office at Satara New Government Bhavan, 2<sup>nd</sup> Floor, Near ST Stand, Sardar Bazar, Satara – 415 001 do hereby state on solemn affirmation as under :-

- (1) I say and submit that this Hon'ble Tribunal vide order dated 12/04/2024 directed the Respondent-Board to file detailed affidavit in reply about why an EDC has not been levied from the Respondent No.1 for the period from 11.10.2023 (i.e. Original Application was filed) to 08.04.2024 (i.e. the date of consent have been granted by MPCB).
- (2) I say and submit that the Respondent- Board has assessed environment compensation against Respondent No.1- Yashraj Marriage Hall and Multipurpose Hall, is as below: -



Environment Compensation to be levied on Industrial unit M/s Yashraj Marriage Hall and Multipurpose Hall, Situated at 269, near Shanbag School, Karanje Peth, Daulatnagar, Tal & Dist: Satara, Maharashtra.

Methodology of CPCB confirmed by Hon'ble NGT O. A. No. 593/2017 (arising from W.P. (Civil). No.375/2012 on the file of the Hon'ble Supreme Court) Paryavaran Suraksha Samiti & Anr. Applicant(s) Versus Union of India & Ors. Respondent(s) dated 28/08/2019.

**Formula: EC (Rs.) = PI x N x R x S x LF,**

Since it is Orange category Unit, wherein, PI taken as 50, R is factor and it is taken as Rs. 250, N is Number of days violation took place, S is scale of operation as it is small scale S is taken as 0.5 and LF is taken 1 as Population is less than 1 million. The First Cause of Action arose when Original Application was filed i.e. on 11.10.2023 till the consents have been granted by MPCB on 08.04.2024.

Therefore, the calculation of EC to be levied is as under:

Sr. no.	Parameter	Description	Calculation
1	PI	Pollution Index of industrial sector (Consent categorisation)	50
2	N	From the date of Original Application was filed as mentioned in Hon'ble NGT order	11/10/2023
		To the Date of consent have been granted by MPCB	08/04/2024
		No. of Days violation	180
3	R	A factor in Rupees	250
4	S	Scale of Operation (LSI=1.5, MSI=1, SSI=0.5)	0.5
5	LF	Location Factor [ Population in million, less than 1=1, 1 to less than 5=1.25, 5 to less than 10=1.5, 10 and above=2	1.0
	<b>EC in Rupees</b>	<b>PI x N x R x S x LF</b>	<b>Rs.11,25,000/- (Rs. Eleven lakhs Twenty five thousand Only)</b>



- (3) I say and submit that in the interest of natural justice, the Respondent-Board has issued a Show Cause Notice vide letter dated 21/5/2024 for imposition of Environment Compensation of Rs. 11,25,000/- (Rs. Eleven lakhs Twenty-Five thousand Only). A Copy of Show Cause Notice dated 21/5/2024 for imposition of Environment Compensation is attached as an **Annexure-I**.
- (4) Hence this Affidavit

Solemnly affirmed on this 28<sup>th</sup> day of May 2024 at Pune.

I know the affiant

For and on behalf of Maharashtra.  
Pollution Control Board-  
Respondent No. 3

ADVOCATE

*Amol Satpute*  
(Amol A. Satpute)  
Sub-Regional Officer,  
MPCB Satara



**BEFORE ME**

*J. T. Mulla*  
28/5/2024

**Adv. J. T. MULLA**

B.Com., LL.B. (Spl.) G.D.C. & A.  
NOTARY (Govt. of India) Reg. No. 4222  
"MAGIC" Bunglow, Gokern Nagar,  
Sangamnagar, SATARA-415 003 (MAH)  
Mob.: 9975738834, 9763230330  
8329494876



**Noted & Registered**  
at Serial No. 2990 today at satara

2024

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

Phone No. 020-25811694  
Fax No. 020-25811701  
e-mail : [ropune@mpcb.gov.in](mailto:ropune@mpcb.gov.in)  
visit us : [www.mpcb.gov.in](http://www.mpcb.gov.in)



"Your Service is our Duty"

Jog Centre, 3<sup>rd</sup> Floor,  
Wakdewadi,  
Old-Pune Mumbai Road,  
Pune- 411003

**MPCB/ROP/SCN/240521-FTS-0278**

**Date: 21/05/2024**

To,  
**M/s. Hotel Yeshraj,  
Survey No. 432/1B, Daulatnagar, Karnaje Tarf Satara  
Tal & Dist Satara**

**Sub : Show Cause Notice for Imposition of Environment Compensation.**

- Ref :** (1) Consent to Operate granted by the Board vide no. Format1.0/RO/UAN No.0000198869/CO/2404000751, Dtd. 08/04/2024  
(2) Hon'ble NGT Order Dtd.12/04/2024 in Original Application No. 187/2023 (WZ).  
(3) Office Note submitted by SRO Satara vide MPCB-ON-3276, Dtd. 15/05/2024

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, subject to certain terms and conditions.

AND WHEREAS, it is obligatory on your part to provide adequate pollution control devices and comply with the consent conditions so as to achieve the standards prescribed by the Board in its consent.

AND WHEREAS, the Hon'ble NGT issued order vide dated 12/04/2024 in O.A. No. 187/2023(WZ) and asked to the Maharashtra Pollution Control Board why an environment damages compensation EDC has not been levied.

AND WHEREAS, Sub Regional Officer, Satara submitted office note with the calculation of Environmental Compensation (EC) in Rupees 11,25,000/- (Eleven Lakh Twenty Five Thousand Only) as per the methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit to loss caused to the environment."

**The Calculations as below:**

Environmental Compensation (EC) in Rupees= PI x N x R x S x LF

Where,

The unit is under Orange Category as per CPCB guidelines for Marriage Hall. (Annexure-IV).

PI = Pollution index of industrial sectors

The unit falls under Orange category, hence PI = 50

N = Number of days violation took place N = 180 days.

(From 11/10/2023 (OA Filed Date) to 08/04/2024 (Consent Granted Date) refer Hon'ble NGT order dtd. 12/04/2024.)

..2..

'R' "is a factor in Rupees, which may be a minimum of 100 and maximum of 500.  
The aforesaid report also recommended considering R as 250 as the  
Environmental Compensation in cases of violation. Hence, R = 250"

S = Factor for the scale of operation, the said unit being small scale unit, hence  
S=0.5

LF = Location factor

Since the population of Nearby Wai Municipal Council is less than one  
Million, LF = 1.0

Therefore, Environmental Compensation (EC) in Rupees =  $50 \times 180 \times 250 \times 0.5 \times 1.0$   
= Rs. 11,25,000/- (Rs. Eleven lakhs Twenty-Five thousand Only).

NOW THEREFORE, in view of the above non-compliance, you are hereby directed to  
show cause as to why shall be not imposed the aforesaid Environmental Compensation (EC) in  
Rupees 11,25,000/- (Rs. Eleven lakhs Twenty-Five thousand Only) towards damages caused  
to the Environment due to your activity.

You are hereby given an opportunity to respond within 14 days from issuance of this  
notice, 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



(Ravindra Andhale)  
Regional Officer,  
M. P. C. Board Pune

Copy Submitted for information to :-

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

Copy to- The Sub-Regional Officer, M.P.C. Board, Satara :- For follow up action please.