

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 31 OF 2023

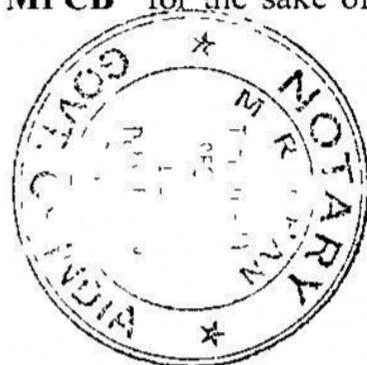
PRASAD M MULYE .. APPLICANT
VERSUS
M/S BHARAT SERUMS AND VACCINES LTD & ORS
..RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF THE
MAHARASHTRA INDUSTRIAL DEVELOPMENT
CORPORATION – RESPONDENT NO.3**

I, Madan Kisan Patil, aged 54 years, Area Manager, Office Regional Office Thane 2 of the Maharashtra Industrial Development Corporation having my office at Wagle Industrial Estate, 1st Floor, Office Complex Building, Wagle Industrial Estate – Thane West, 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

Md Kisan



brevity) has various powers under the Central Legislations viz 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 activities of various industries qua these legislations.

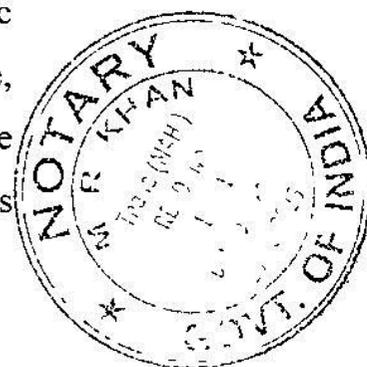
I say that the present Application concerns the activities of Respondent No 1 which is the allottee of MIDC in respect of Plot No. K-27, K-27 Part, K-27/1 in Additional Ambernath Industrial Area and also one of the sub-lettee of Reliable Spaces Pvt Ltd for 2945 42 sq mtrs in respect of Plot No. K-10, Airoli in TTC Industrial Area of MIDC.

3) **Plots in Ambernath Industrial Area**

I say that the possession of Plot No. K-27 was handed to Respondent No 1 on 19 10.2000 I say that the possession of Plot No. K-27/1 was handed over on 24 07 2007 and possession of Plot No K-27Part was handed over on 21.11 2007 I say that the plans for construction in respect of the said Plots were sanctioned from 2002 onwards

It is submitted that the MIDC allots plots to the entrepreneurs for setting up their industries in the MIDC Industrial Area I say that the MIDC provides all the basic infrastructure facilities such as road, water supply scheme, street lights etc. in its Industrial Area. I say that the allottees of the Plot have to take the necessary permissions

M. K. Khan



from various agencies including the Environmental Clearance, if required.

4) **Sublettee of Reliable Spaces Pvt. Ltd.**

I say that as far as sub-letting permission in favour of the Respondent No 1 is concerned the Applicant has annexed the sub-letting permissions granted by MIDC from time to time at Page 134 to 178E.

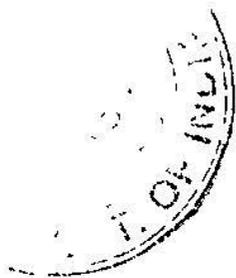
5) Now I deal with the contentions raised by the Applicant in the above Application in seriatim:

5 1) With reference to Paragraph 1 to 11 are concerned the same details the description of parties. I say that Paragraph 2 details the contentions of the Applicant against the Respondent No. 1 I say that the said paragraphs does not require any submissions from the MIDC.

5 2) With reference to Paragraph 12 to 18, it is submitted that the said paragraph deals with the consent to operate granted by MPCB to Respondent No. 1 and need no comments from MIDC.

5 3) With reference to Paragraph 19 to 21, it is submitted that the Respondent No. 1 has already produced the Certificate of Irrigation Department dated 28 12.2018 that the Plot No K-27/1 of Additional Ambernath Industrial Area does not fall under the submerged area of the Chikhloli Dam. In the

M. D. D. D.



circumstances, the contentions of the Applicant in respect of Plot no. K-27/1 does not survive

- 5 4) With reference to Paragraph 22 to 26, it is submitted that the Respondent No. 1 is one of the sub-lettee of Reliable Spaces Pvt. Ltd for 2945.42 sq.mtrs in respect of Plot No K-10, TTC Industrial Area. I say that one of the condition of the sub-letting is that the activity permitted in respect of the said plot shall not change and the plot holder and sub-lettee shall obtain all the required government permissions. In the instant case the Respondent No. 1 has submitted that the activities carried out by them are back office operations which fall under IT / ITES activities as specified under the IT Policy, 2015 of Government of Maharashtra. The Respondent No 1 has also obtained registration of ITES activities namely back office operations from District Industrial Centre (DIC), Thane on 31 01.2020. Annexed hereto and marked as **Annexure "1"** is the copy of the Certificate issued by the DIC, Thane dated 31 01 2020 in that respect The said Certificate shows that the Respondent No 1 is using the said premises at Reliable Plaza, IT Park, Airoli for back office operations.

- 5 5) With reference to Grounds A to F raised in Paragraph 26, it is submitted that the MIDC does not have any powers of either granting the consent to operate or monitoring the activities of industry from the environmental point of view



M. R. Khar

I say that the Respondent No 2, MPCB monitors the same and takes corrective measures.

- 56) I say that the averments made under the head Limitation and Interim Prayer and Prayer are in respect of the period of limitation for filing the present Application by the Applicant and the relief claimed by the Applicant in the above Application and hence invite no comment from MIDC.
- 6) In the circumstances, MIDC submits that the Respondent No. 3, MIDC shall abide by the orders / directions passed by this Hon'ble Tribunal.

Mva

**For Navdeep Vora & Associates
Advocates for Respondent No. 3**



Mva

VERIFICATION

I, Madan Kisan Patil, aged 54 years, Area Manager, Office Regional Office: Thane 2 of the Maharashtra Industrial Development Corporation having my office at Wagle Industrial Estate, 1st Floor, Office Complex Building, Wagle Industrial Estate – Thane West, 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. 1 to 4 and 6 are true to my own knowledge based on information derived by me from the official records and what is stated in the remaining paragraphs are based on legal advice which I believe to be true.

Solemnly affirmed at Mumbai)

Dated this 17th day of January, 2024)

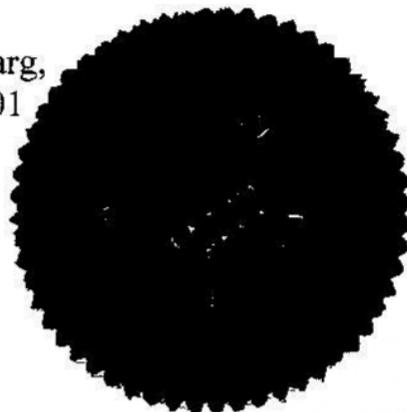


Identified by me

Mua

Madan Kisan Patil
For M. I. D. C.
[Respondent No. 3]
AREA MANAGER
REGIONAL OFFICE,
M I D C, THANE- 400 604

For Navdeep Vora & Associates
Advocates for Respondent No. 3
Office No. 32, 2nd Floor,
Building No 105,
Mumbai Samachar Marg,
Fort, Mumbai - 400 001



Before me

BEFORE ME

Mohammed Rauf Farook Khar
Mohammed Rauf Farook Khar
B Com, LL M
ADVOCATE & NOTARY - GOVT OF INDIA
Jif 108-A, Harmony Tower, Court Naka, Thane (W)
NOTED & REGISTERED

sr No *202/2024* Date **11 8 JAN 2022**



ANNEXURE - "1"

IT REGISTRATION
GOVERNMENT OF MAHARASHTRA
OFFICE OF THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE, THANE.

IT/SV/Reg./27/21/DIC/20/776

DATE: 31/01/2020

This is to certify that M/s. Bharat Serums and Vaccines. Ltd. having their

Office Address : Reliable Plaza IT Park, Liberty Tower, 3rd Floor
Plot No.K-10, Thane Belapur Road, Airoli, Navi
Mumbai- 400708

Telephone No : 022-27791702

Fax No : 022-27791702

Mobile No : --

E-mail Address : AkhileshMishra@bharatserums.com

Business Address : Reliable Plaza IT Park, Liberty Tower Unit No
301,302 & 402, 3rd & 4th Floor, Plot No.K-10, Thane
Belapur Road, Airoli, Navi Mumbai- 400708

Telephone No : 022-27791702

Fax No : 022-27791702

Mobile No : --

E-mail Address : AkhileshMishra@bharatserums.com

Bearing Udyog Adhar Memorandum No MH33E0098948, Dated, 19.01.2019 i
sued Registration as IT Service unit for following product

Activity : Back Office Operation.
Equipment Cost : Rs. 190.00 Lakh
Electric Power : 183 KW
Carpet Area : 31692.82 Sq Ft

- The date of commencement of activity is 21.11.2003
- This Registration Certificate is valid for a period of Three Years from the date of issue
- Any changes such as change in name, activity, address, etc. within the validity period of this certificate should be informed and got incorporated in the certificate later which the certificate will be treated as cancelled

At

Place: Thane

Date 31/01/2020

No. DIC/IT/SV/Online/20/209F834



General Manager,
Dist. Industries Centre, Thane

**BEFORE THE NATIONAL GREEN
TRIBUNAL
WESTERN ZONAL BENCH, PUNE
ORIGINAL APPLICATION NO. 31/2023**

Prasad M. Mulye

...Applicant

Versus

**Managing Director,
M/s. Bharat Serums and Vaccines Ltd.
And others**

... Respondents

~~~~~

**AFFIDAVIT IN REPLY ON BEHALF OF  
THE MAHARASHTRA INDUSTRIAL  
DEVELOPMENT CORPORATION –  
RESPONDENT NO. 3**

~~~~~

Dated: This 18th day of January, 2024

**Navdeep Vora & Associates,
Advocates for Respondent No. 3
Office No. 32, 2nd Floor,
Building No. 105,
Mumbai Samachar Marg,
Fort, Mumbai - 400 001
Code No. :I/5397
MAH-1676-1992
O.S. REG – 7946
Mob. No.:9820007957
Email:navdeep@nvasso.com**