

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

**EXECUTION APPLICATION NO.08 OF 2023 (WZ)  
IN  
ORIGINAL APPLICATION NO.15 OF 2021 (WZ)**

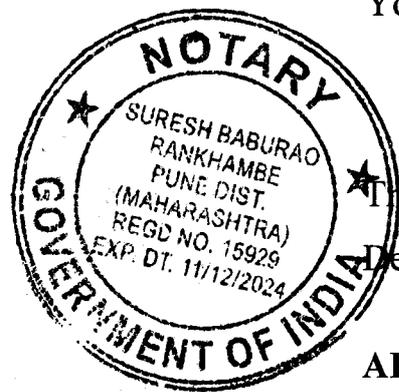
Yogesh Manmohan Deshpande.

.... Applicant

Versus

The Principal Secretary, Environment  
Department & Ors.

.... Respondents

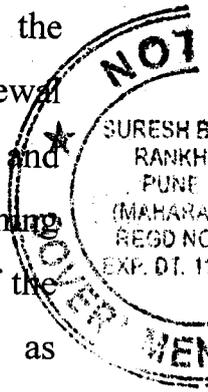


**AFFIDAVIT IN REPLY ON BEHALF OF . RESPONDENT  
Nos.4 & 5-MAHARASHTRA POLLUTION CONTROL  
BOARD.**

I, Nitin Shinde, aged about 57 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-I having office at 2<sup>nd</sup> Floor, Jog Centre, Wakdewadi, Pune – 411 003, do hereby state on solemn affirmation as under :-

- (1) I am filing the Affidavit in Reply on behalf of the Respondent Nos.4 & 5 -MPC Board in compliance of the Order dated 05/10/2023 passed by this Hon'ble Tribunal.
- (2) I say and submit that the present application is filed by the Applicant against the setting up of STP tanks in the basement of the building and certain other violations in M/s Rohan Kritika Co-operative Housing Society situated at S.no. 117A/1 and 117 B, Final P, No. 538/A, Parvati (North), Sinhgad Road, Pune developed by M/s Rohan Builders and Developers Pvt. Ltd.

- (3) I say and submit that the Hon'ble NGT (WZ) vide order dated 15/05/2023 constituted a Joint Committee comprising of Pune Municipal Corporation (PMC), District Magistrate, Pune and MPCB and the Joint Committee has submitted its report on 4/10/2023 before the Hon'ble NGT, which was taken on record.
- (4) I say and submit that the Respondent-MPC Board has issued Show Cause Notice vide letter dated 06/12/2023 to the Respondent No. 9-PP for not obtaining valid consent / renewal of consent, changing the configuration of FSI & Non-FSI and extracting ground water through borewell without obtaining NOC from Central Ground Water Authority. A copy of the Show Cause Notice dated 06/12/2023 is attached as **Annexure-I**.
- (5) I say and submit that the Respondent No.9-PP has made Conveyance Deed with Respondent No.10- M/S. Rohan Kritika Co-Operative Housing Society on 31/01/2022 bearing Registration no. 1746/2022. Now, the Respondent No. 10- M/S. Rohan Kritika Co-Operative Housing Society has applied for Renewal of Consent to Operate on 10/01/2024. The same is under process. Hence this affidavit.



Solemnly affirmed on this ..... day of January, 2024 at Pune.

I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent Nos. 4 & 5.

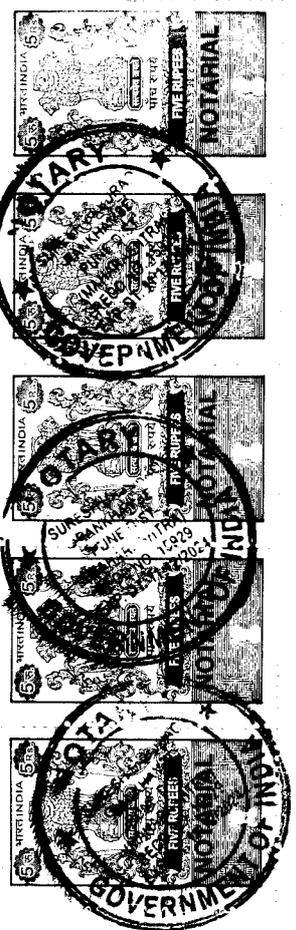
ADVOCATE



*Nitin Shinde*  
 (Nitin Shinde) 17/1/24  
 Sub-Regional Officer  
 MPCB Pune-I

**ATTESTED**  
*Rankhambé*  
 SURESH BABURAO RANKHAMBE  
 NOTARY GOVT. OF INDIA  
 PUNE  
 Reg.No 15929

17 JAN 2024



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

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visit us : [www.mpcb.gov.in](http://www.mpcb.gov.in)



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

"Your Service is our Duty"

MPCB/ROP/SCN/ 23/206001

Date: 06/12/2023

To,  
M/s. Rohan Builders and Developers Pvt. Ltd.,  
For Project Rohan Kritika Co. Op. Housing Society,  
S. No. 117A/1 and 117B, Final P. No.538/A,  
Bhavati (North), Sinhgad Road, Pune.

**Sub :** Show Cause Notice under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and/or under section 31A of Air (Prevention & Control of Pollution) Act, 1981.

- Ref :**
- 1) Consent to Operate granted by the Board vide no. Format1.0/CC/UAN No. 00105340/CR/2107000906, Dtd. 15/07/2021 valid upto 31/01/2022.
  - 2) The Joint Committee as per the Hon'ble NGT Order visited to your construction project on 03/08/2023.
  - 3) Proposal submitted by SRO Pune-I vide no. MPCB-LEGAL\_ACTIONS- 091023014 on 18/10/2023

**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, vide above reference (1), 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**, during Joint Inspection carried out by the Officials of MPCB and Hon'ble NGT Committee and accordingly, the Sub Regional Office, Pune-I submitted legal action proposal against your unit vide above reference (3) and therein following non-compliances reported,

- (1) You have not obtained valid / renewal of consent to operate from the Board.
- (2) You have not changed the scope of the project by increasing total built up area. However, it is observed that you have changed the configuration of FSI & Non-FSI.
- (3) You are extracting ground water through bore well without obtaining NOC from Central Ground Water Authority.

**AND WHEREAS** it has been observed that you have failed to comply with the conditions stipulated in the Consent granted by the Board and thereby causing water/air pollution into the environment, affecting health of citizens.

**NOW THEREFORE**, in view of the above non-compliance, you are hereby directed to show cause as to, why necessary legal action shall not be initiated against you/ construction projects.

You are hereby given an opportunity to respond within 7 days from issuance of these 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 M.P.C. Board



(Ravindra Andhale)  
Regional Officer, Pune

Copy submitted for information to: The Member Secretary, MPCB, Mumbai

Copy f.w.cs.to:- .

- (1) Joint Director (APC), MPCB, Mumbai.
- (2) Law Officer (P & L Division), MPCB, Mumbai

Copy to: The Sub Regional Officer, MPCB, Pune-I : He is directed to take follow up and ensure the compliance of the aforesaid directions.