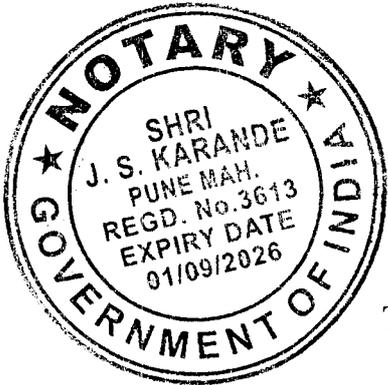


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO.74/2019 (WZ)

I.A. NO.120/2019(WZ), I.A NO.58/2020(WZ) &

I.A NO.43/2021(WZ)



Tanaji Balasaheb Gambhire.

.... Applicant

Versus

Principal Secretary-DoE & Ors..

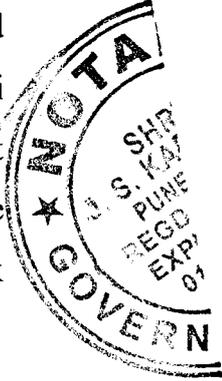
.... Respondents

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

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 2nd Floor, Jog Centre, Wakdewadi, Pune – 411 003, do hereby state on solemn affirmation as under :-

- (1) I am filing this Affidavit in Reply in compliance of the Order dated 01/09/2023 passed by this Hon'ble Tribunal on behalf of the Respondent Nos.4 & 5-Maharashtra Pollution Control Board.
- (2) I say and submit that in compliance of the Order dated 30/7/2020 passed by this Hon'ble NGT, the Joint Committee Report was filed before this Hon'ble Tribunal on 05/10/2021, which was taken on record.

(3) I say and submit that the Respondent MPC Board issued Directions to Stop Work vide letter dated 04/02/2022 to Nyati Ethos-I for carrying out construction activities without obtaining Environment Clearance and Consent from the Respondent-MPC Board. A copy of Directions to Stop Work dated 04/02/2022 is attached as an **Annexure-‘I’**.



(4) I say and submit that the Respondent No. 11-PP i.e. M/s.Nyati Builder Pvt.Ltd. (Nyati Ethos-I) has applied for Environment Clearance on 02/03/2022. And they have applied for Consent to Establish on 06/01/2024 for proposed total built up area - 30695.77 Sq. m. Also applied for Consent to Operate for existing buildings having built up area - 23316.59 Sq.m.

(5) I say and submit that the Officials of the Respondent MPC Board at Pune visited the construction activities of Respondent No.11-PP situated at S.No.21/1A/1B/3A/1/3A/2/3A/3/3A/4, Village Undri, Tal. Haveli, Dist. Pune on 11/01/2024 and observed as follows:

- i. During visit on site there are 02 No. of Phases i e Ethos I & Ethos II. Construction work of both the projects not found in progress.
- ii. Existing Ethos I project consists of – buildings A1, A2, B1, B2, B3 & Club House.
- iii. Existing Ethos II project consists of – buildings C1, C2 & D.
- iv. Provided combine STP (for Ethos I & Ethos II) having capacity 210 CMD. Provided primary, secondary &

tertiary STP. During the visit, said STP found in operation.

- v. Provided compost pits for the treatment of wet waste in the premises of Ethos-I. During visit composting activity found in operation.
- vi. Provided compost pits for the treatment of wet waste in the premises of Ethos-II. During visit composting activity found in operation. A copy of the Visit Report dated 11/01/2024 is attached as Annexure-'II'.



Solemnly affirmed on this 18 day of JAN, 2024 at Pune.

I know the affiant

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

Nitin Shinde
 18/1/24
 (Nitin Shinde)
 Sub-Regional Officer,
 MPCB Pune -I

ADVOCATE



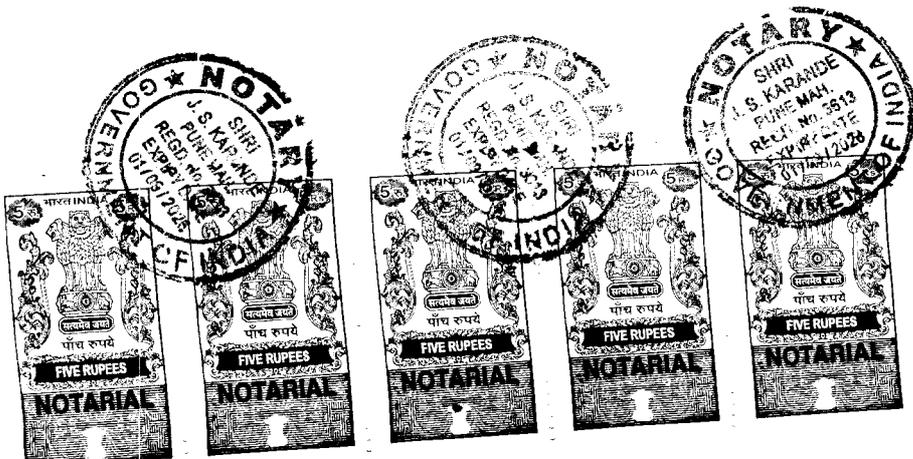
BEFORE ME

J. S. KARANDE
 B.A. (Hons.) LL.B.
 ADVOCATE & NOTARY
 GOVT. OF INDIA, PUNE

18 JAN 2024

NOTED AND REGISTERED AT ST. No.

06/2024



MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE - PUNE

Phone No. 020-25811694
 Fax No. 020-25811701
 e-mail: ropune@mpcb.gov.in
 visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
 Wakdevadi,
 Old-Pune Mumbai Road,
 Pune- 411003

Annexure 7

Date: 04/02/2022

MPCB/ROP/MPCB/50/2202040001

To,
 M/s. Nyati Ethos I,
 SU. No. 21/1A+1B+3A/1+3A/2+3A/3+3A/4,
 VIII, Undri, Tal. Haveli, Dist. Pune.

Sub: Direction for Stop Work u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.

- Ref:
- 1) Case filed by Tanaji Gambhire before Hon'ble National Green Tribunal vide Original Application No. 74/2019 (WZ).
 - 2) Pune Municipal Corporation letter Dtd. 21/01/2021.
 - 3) Visit of Joint Committee to your project of above address on 09/08/2021
 - 4) Proposal submitted by SRO, Pune-I vide no. MPCB-LEGAL-ACTIONS-181021004, Dtd. 18/10/2021.

WHEREAS, your construction project is in the "Pollution Prevention Area" under the Water Act, 1974; under the Air Act, 1981 and Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and amendments therein from time to time.

AND WHEREAS, it was obligatory on your part to obtain Consent to Operate from the Board under the Provision of Water (P & CP) Act, 1974 ; Air (P & CP) Act, 1981 and Hazardous & Other Wastes (M & TM) Rules 2016 and to comply the same. AND WHEREAS, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in the consent.

AND WHEREAS, it obligatory on your part to obtain Environmental Clearance as per EIA Notification, 2006 and amended thereto for built up construction area above 20,000 Sq.meters.

AND WHEREAS, Hon'ble National Green Tribunal has passed order on 30/7/2020 in the matter of Original Application No. 74/2019 (WZ) (I.A. No. 120/2019 and 58/2020) titled Tanaji Gambhire Verses Principal Secretary - DoE & Ors. Accordingly, the Joint Committee had visited to your construction project on 09/8/2021.

AND WHEREAS, Pune Municipal Corporation has clarified vide letter dated 21/1/2021 that there is proposal for the total area of construction - 27,095.01 sqm.

..2..

AND WHEREAS, the said committee noted that the you have carried out construction work more than 20,000 Sqm. without obtaining prior Environmental Clearance and specifically mentioned that out of the total built up area of 22287.45 Sq. meters, the area of 3,792.5 Sq. meters has been added after 15/10/2013 hence there is a violations of EIA Notification, 2006 and amended thereto.

AND WHEREAS, You have also not obtained consent to establish and consent to operate from the Board.

AND WHEREAS, after going through the record of your case, reports and information of the Board officials and making necessary enquiries, I came to the conclusion that you are failed to comply with the consent conditions and thereby causing grave injury to the Environment in the least bothered way and violating different enactments.

NOW, THEREFORE, in exercise of powers conferred upon me by the Board u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981, I the undersigned, Nitin Shinde, I/c. Regional Officer at Pune hereby direct you to stop the ongoing construction activities forthwith and report the compliance accordingly. Failure of which the competent authorities will be directed to disconnect water and electricity supply of your activity which may please note.



This directions issued with the Approval of Board's Competent Authority.

Nitin Shinde
04/11/22
(Nitin Shinde)
I/c. Regional Officer, Pune

Copy submitted for favor of information to:-

1. The Member Secretary, MPCB, Mumbai

Copy forwarded to:-

1. Joint Director (WPC), MPCB, Mumbai.
2. The Regional Officer(HQ), MPCB, Mumbai.
3. Law Officer (P & L Div), MPCB, Mumbai

Copy to Sub Regional Officer- Pune-I

- He is directed to serve the directions and report the compliance accordingly within 15 days.

Annexure II

MAHARASHTRA POLLUTION CONTROL BOARD SUB-REGIONAL OFFICE PUNE- I

Phone No. 25811 222
Fax No. 25811 029
Email ID - sropune1@mpcb.gov.in



Jog Center, 3rd floor
Wakadewadi Mumbai-Pune,
Road Pune - 411003

-: Visit Report :-

Date: 11.01.2024

Name & Address of Industry: M/s Nyati Ethos I & II (Nyati Builders Pvt. Ltd.)

S. No. 21/1A/1B/3A/1/3A/2/3A/3/3A/4,

Village Undri, Tal. Haveli, Dist. Pune.

Industry Representative: Bhavesh Kasabe

Email: sanctioning@nyatigroup.com

Contact no. 9860024835

Consent status: Applied for Consent to Establish & Operate on 06.01.2024 for Nyati Ethos I.

Observations:

Visited construction project to check the present status as per Hon'ble NGT order 01.09.2023 in the matter of O.A. 74/2019. Observations are as follows:

1. M. P.C Board has issued Stop work Direction on 04.02.2023 to Nyati Ethos I.
2. During visit on site there are 02 no. of Phases i e Ethos I & Ethos II. Construction work of both the projects not found in progress.
3. Existing Ethos I project consists of - buildings A1, A2, B1, B2, B3 & Club House.
4. Existing Ethos II project consists of - buildings C1, C2 & D.
5. Provided combine STP (for Ethos I & Ethos II) having capacity 210 CMD. Provided Primary, secondary & tertiary STP. During the visit STP found in operation.
6. Provided compost pits for the treatment of wet waste in the premises of Ethos I. During visit composting activity found in operation.
7. Provided compost pits for the treatment of wet waste in the premises of Ethos II. During visit composting activity found in operation.

Bhavesh Kasabe
Bhavesh Kasabe
PP representative

S. S. Kumbhar
Mrs. S. S. Kumbhar
Field Officer, SRO Pune 1