

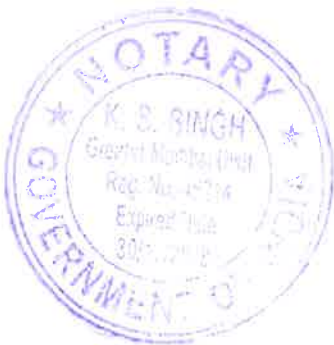
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 55 OF 2026 (WZ)

Mohammed Sharif Zamirullah Khan ...Applicant
Versus
Maharashtra Pollution Control Board
& Ors. ...Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO.4
TO THE ORIGINAL APPLICATION NO 55 of 2026 (WZ).

I, Abizer Shaikh Patanwala, the authorised signatory of the Respondent No. 4 -Saifee Burhani Upliftment Trust having Office at 3rd Floor, Al-Ezz Building, Sector 6, Ibrahim Rehmatullah Road, Mumbai-400 003 do hereby state on solemn affirmation as under

1. I am filing this Affidavit-in-Reply to oppose the contents of the Original Application preferred and reliefs sought by the Applicant in the above captioned matter and in order to place on record certain important and correct facts. I have perused the documents brought on record by the Original Applicant and have understood the contents of the Original Application and on the basis of the documents and information available in relation to the said issue, I am filing this Affidavit-in-Reply to oppose the grant of any reliefs including interim reliefs to the Applicant as prayed for in the present Original Application. I crave leave to file a further and detailed Affidavit-in-Reply as and when sought necessary.



2. At the outset, I deny each and every averment, allegation and contention made in the present Original Application, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply. Nothing stated in the Original Application shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter.
3. I say that the Original Applicant has preferred the present Original Application seeking the following reliefs:

a. *“Declare that the Respondent No, 3 and 4 have violated the Consent to Operate dated 25.03.2025 issued by Respondent No. 1 Maharashtra Pollution Control Board in favour of Respondent No. 3 M/s Lonavala Construction Company, for operating the Ready-Mix Concrete plant located at 3571, 3572, 113572, 3573 To 3576, Sector 8 Yakub Lane, Next To Hussainiya Marg, Bhuleshwar Division, Mumbai;*

b. *Direct immediate cessation of all operations of the Ready-Mix Concrete Plant established and run by Respondent No. 3 M/s Lonavala Construction Company under the aegis of Respondent No. 4 Saifee Burhani Upliftment Trust at 3571, 3572, 113572, 3573 To 3576, Sector 8, yakub Lane, Next To Hussainiya Marg, Bhuleshwar Division, Mumbai.*

c. *Direct the Respondent No. 1 to revoke the Consent to Operate dated 25.03.2025 issued to the Respondent No. 3 as provided*



under Condition No. 8 of the Consent to Operate on the grounds that the Respondent no. 3 has failed to comply with the Condition No. 14 stipulated in the Consent to Operate that the RMC plant cannot be operational during night time and has also breached permissible limits of air pollution as specified under Schedule II of the Consent to Operate and noise pollution as Specified in Schedule IV of the Consent to Operate;

- d. Direct the Respondents No. 3 and 4 to jointly and severally to undertake remedial and restorative measures, including but not limited to dust suppression, removal of accumulated slurry, debris and construction waste, noise abatement, and restoration of air quality and public health standards in the affected locality under the supervision of the Respondent No. 1;*
- e. Direct the Respondent No. 1 and Respondent No. 5 to ensure that no Ready-Mix Concrete plant is established or operated by the Respondent No. 3 and 4 in violation of the siting criteria and operational conditions laid down under the Respondent No. 1 MPCB Notification dated 07.11.2016 and 17.10.2025, and subsequent notifications applicable to the Mumbai Metropolitan Region.*
- f. Pending the hearing and final disposal of the present Original Application, this Hon'ble Tribunal may be pleased to stay the operation of the Consent to Operate dated 25.03.2025 issued by Respondent No. 1 to Respondent No. 3 at 3571, 3572,*



113572, 3573 To 3576, Sector 8, Yakub Lane, Next To Hussainiya Marg, Bhuleshwar Division, Mumbai.

- g. Pending the hearing and final disposal of the present Original Application, this Hon'ble Tribunal may be pleased to direct Respondent No. 3 and Respondent No. 4 to immediately suspend all ongoing operations of the Ready- Mix Concrete Plant at 3511, 3572, 113572, 3573 To 3576, Sector 8, , Yakub Lane, Next 'to Hussainiya Marg, Bhuleshwar Division, Mumbai.
- h. Pending the hearing and final disposal of the present Original Application, this Hon'ble Tribunal may be pleased to direct Respondent No. 1 to submit a compliance and inspection report before this Hon'ble Tribunal detailing the current status of the plant, the violations observed, and the steps proposed to ensure compliance with the statutory norms
- i. Pending the hearing and final disposal of the present Original Application, this Hon'ble Tribunal may be pleased to grant ad-interim reliefs in terms of prayer clauses (f)(g)(h) and (i);
- j. That this Hon'ble Tribunal be pleased to pay the costs for the present Application
- k. Pass such further interim orders as this Hon'ble Tribunal may deem just, expedient and necessary in the interest of justice and to prevent further environmental degradation. ”



4. At the outset, I say that the present Original Application has been preferred by the Applicant under Sections 14, 15 and 20 of the National Green Tribunal Act, 2010 alleging that the Captive Ready Mix Concrete (RMC) Plant operated by Respondent No.3 – M/s Lonavala Construction Company under the aegis of Respondent No. 4 (at the Bhendi Bazaar Redevelopment Project) is functioning in breach of the Consent to Operate granted by the Respondent no. 1 Maharashtra Pollution Control Board ("MPCB"). The Applicant has also alleged that this has resulted in alleged air and noise pollution and has caused inconvenience to the residents in the vicinity. On the basis of the said allegations, the Applicant seeks interalia revocation of the Consent to Operate dated 25 March 2025, closure of the RMC Plant, imposition of environmental compensation and initiation of punitive action against Respondent Nos.3 and 4. The Hon'ble NGT vide Order dated 28 April 2026 has issued Notice to the Respondents while admitting the OA. The Hon'ble NGT also directed the Respondents to file their replies within four weeks however due to religious festivities and travel, the Respondent No.4 could not file its reply within four weeks, however, I hasten to add that the Respondent No.3 has not violated conditions No.11,15,16 and 17 of the Consent to Operate dated 25 March 2025 and therefore it is important that this Hon'ble Tribunal accepts this reply and considers the matter on merits in the interest of justice.



5. I respectfully say that the allegations forming the basis of the present Original Application are factually incorrect, legally untenable and are founded upon an incomplete and misleading narration of the

regulatory proceedings undertaken by the Respondent no.1 MPCB and thus are denied

6. Before dealing with the allegations and averments made in the Original Application , it is important to set out certain factual aspects which go to the root of the matter and which have a direct bearing on the present original application:

a. I say that, this Respondent is a Trust registered under the Maharashtra Public Trust Act, 1950 and is involved in various charitable initiatives and activities. Amongst its public interest and charitable activities is the redevelopment of Bhendi Bazaar area. One of the main objectives of the Respondent no. 4 is the upliftment of the lives of more than 20,000 residents of the Bhendi Bazaar area admeasuring 16.5 Acres and comprising 280 separate cadastral survey numbers.

b. For this purpose, the Respondent no. 4 is undertaking Cluster Redevelopment Scheme under 33(9) of the DCR, 1991 and now under Development Control & Promotion Regulation 2034 (“DCPR-2034”) at Bhendi Bazar, “C” Ward, Mumbai-400 003 (“said Project”). The said Project has been approved by the Government of Maharashtra and more than 95% occupants of the said area have given their irrevocable consents in favour of this Respondent. I say that the said Project being of great magnitude is being implemented by this Respondent in phase wise manner. I say that about 99% occupants in the Cluster from



the said area have already vacated their structures and have shifted to transit accommodation provided by this Respondent. I say that this Respondent has till date provided Permanent Alternate Accommodation to about 2,000 occupants/tenants. The Copies of all relevant permissions obtained from the Government of Maharashtra and High Power Committee for the implementation of the said Project are annexed hereto and marked as Exhibit "A Colly".

- c. I say that Regulation 57 (xi) of the Development Control & Promotion Regulation 2034 permits operation of a Captive Ready-Mix Concrete Plant for development and construction activity. A relevant extract of Regulation 57 of the Development Control & Promotion Regulation 2034 is annexed hereto and marked as Exhibit "B".

- d. I say that execution of the said Project was challenged by one Mr. Sayyed Usman by way of Original Application No. 98 of 2019 (WZ) before the Hon'ble National Green Tribunal. I say that the Hon'ble National Green Tribunal by its order dated 20 March 2020 was pleased to constitute a Joint Committee comprising of (i) State Level Environment Impact Assessment Authority (ii) Maharashtra State Pollution Control Board Collector of Mumbai Suburban. I say that the said Joint Committee submitted its report dated 11 September 2020 to the Hon'ble National Green Tribunal. I say that the Hon'ble National Green Tribunal after perusing the said Report by its



order dated 17 January 2022 was of the opinion that requisite clearances have been obtained and EC conditions are followed by this Respondent hence disposed of Interim Application No.145 of 2019 preferred by Mr. Sayyed Usman in the said Original Application. A copy of the said Order dated 17 January 2022 is annexed hereto and marked as Exhibit "C".

- e. I say that thus considering the above factual aspect of the project being carried out by the Respondent no. 4, the present original application ought not to be entertained. Further it is important to note that no conditions of the Consent to Operate dated 25 March 2025 are being violated either by Respondent No.3 and Respondent No.4 and thus it is humbly submitted that no interference by the Hon'ble NGT in the Original Application or the Interim Application is called for. Further the balance of convenience, equity, irreparable loss or harm and prima facie case are in favour of the answering Respondent and thus no injunction ought to be granted by this Hon'ble Tribunal.

7. Before dealing with the averments of the application in a para wise manner, I say that the original application ought to be dismissed among the following preliminary reasons:

- a. The Respondent no. 3 is operating a Captive Ready Mix Concrete Plant for the project of the Respondent no. 4 in accordance with law and in consonance with permissions issued by the appropriate authority time to time;



- b. Neither the Respondent no. 3 nor the answering Respondent have violated any norms under the Respondent no. 1 MPCB consent to operate dated 25 march 2025 nor have they violated provisions of the Water (Prevention And Control Of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act 1981;
- c. Neither the Respondent no. 3 nor the Respondent no. 4 has violated any of the MPCB guidelines including and not limiting to guideline date 15 November 2016 and 17 October 2025 – guideline for ready mix plant for sitting criteria of RMC plant in the state of Maharashtra; the Noise Pollution (Regulation and Control) Rules 2000; A copy of the Guideline dated 15 November 2016 and 17 October 2025 is annexed hereto and marked as **Exhibit “D- Colly”**.
- d. The Captive Ready Mix Concrete Plant is operated only during permitted working hours. The allegations made by the Applicant regarding nuisance caused by operation of Captive Ready Mix Concrete Plant are fallacious and preposterous.



Respondent no. 3 has always maintained noise levels at construction site within the approved and acceptable decibels limits and is taking all precautions to preclude

noise and air pollution caused from operation of Captive Ready Mix Concrete Plant.

- f. Furthermore, heavy vehicles supplying construction material are restricted by the Traffic Department during the day (07:00 hours to 24:00 hours), however they are used sporadically night-time by taking all due care and precaution.
- g. The Captive RMC is permitted as per the Guidelines dated 15 November 2016 as well as the Development Control and Promotion Regulations for Greater Mumbai, 2034 (DCPR 2034) and Guidelines dated 17 October 2025 .The allegations of the Applicant that the Captive RMC plant ought not to be permitted to be continue/operate in its present place without maintaining buffer distance is only to be denied.
- h. The Captive RMC plant is being operated by taking all necessary precautions and in accordance with the permissions. The Respondent No.3 has complied with the conditions imposed under the Consent to Operate including installation and maintenance of pollution control equipment, implementation of dust suppression measures, operation of fogging systems, provision of acoustic enclosures, maintenance of environmental safeguards and furnishing of the Bank Guarantee of



Rs.10,00,000/- as directed by the Respondent no. 1 MPCB. The allegations that Respondent No.3 and 4 have been continuously violating the conditions of the Consent to Operate are therefore wholly incorrect and denied.

- i. The Applicant has deliberately sought to place reliance only upon certain preliminary inspection reports, monitoring reports and the proposed directions dated 30 January 2025 issued by the Respondent no. 1 MPCB which were not concerning the RMC Plant while ignoring the interim directions issued by Respondent no. 1 MPCB on 9 May 2025 which was not concerning the RMC Plant. The entire Original Application proceeds on the erroneous assumption that the proposed directions constituted the final determination of the issues, whereas the said proposed directions merely initiated regulatory proceedings and afforded an opportunity to Respondent No.4 to place its explanation and compliance before the statutory authority and which has led to reply dated 5 February 2025 being submitted by the Respondent No.4 explaining the factual position, the compliance measures already undertaken and the further corrective steps proposed to be implemented. Thereafter, the officials of the Respondent no. 1 MPCB carried out a fresh inspection on 2 May 2025 for verifying the existing status of compliance measures implemented by Respondent



No 3. After considering the inspection reports, replies, documents placed on record and submissions advanced during the personal hearing, the MPCB issued interim directions dated 9 May 2025 which were subject to implementation of certain additional pollution control measures and maintenance of the prescribed environmental standards. The MPCB forfeited the Bank Guarantee to the extent of Rs.1,00,000/- in respect of certain earlier deficiencies which stood addressed by Respondent No 4. In prompt compliance and to demonstrate bona fides, Respondent No. 4 proactively issued a letter dated 13 May 2025 requesting the MPCB to accept a Demand Draft in lieu of invoking the Bank Guarantee. Along with the letter, Respondent No. 4 submitted Demand Draft (DD No. 432657 dated 13.05.2025) for Rs. 1 Lakh to the MPCB, which was officially received and acknowledged by the MPCB on 15 May 2025. The Respondent no. 1 MPCB has thus permitted the Respondent No.4 to continue operations, validating the current corrective measures. A copy of the letter dated 13 May 2025 is annexed and hereto is annexed hereto and marked as “**Exhibit – E**”.



- j. The Applicant cannot be permitted to selectively rely upon isolated observations recorded during the preliminary stages of the regulatory proceedings while

completely ignoring the final determination rendered by the competent statutory authority;

- k. The grievances now sought to be raised by the Applicant are not new. The Applicant has earlier approached the Hon'ble Bombay High Court raising substantially similar grievances in relation to the Bhendi Bazaar Redevelopment Project and the operation of the Captive RMC Plant. The redevelopment project itself is being undertaken pursuant to permissions granted by the competent authorities and the operation of the Captive RMC Plant is regulated by the Maharashtra Pollution Control Board under a valid Consent to Operate. The present Original Application is yet another attempt to reagitate substantially the same issues notwithstanding the fact that the competent Statutory Authority has already examined the environmental aspects and passed a reasoned final order permitting continuation of the operations subject to compliance with its directions.



- l. I respectfully submit that the reliefs sought in the present Original Application are wholly disproportionate and contrary to the findings recorded by the statutory regulator. Closure of the Captive RMC Plant would seriously impede the execution of the Bhendi Bazaar Redevelopment Project adversely affect the ongoing construction activities and cause grave prejudice to the

implementation of the redevelopment project undertaken in public interest. The balance of convenience is overwhelmingly in favour of permitting continuation of the operations of the RMC Plant under the regulatory supervision of the MPCB, particularly when there exists no order of the statutory authority directing closure or revocation of the Consent to Operate.

- m. In the aforesaid circumstances, the allegations contained in the Original Application deserve to be considered in the light of the complete regulatory record and not on the basis of selective extracts relied upon by the Applicant. Respondent Nos. 3 and 4 have at all material times acted under the supervision of the Maharashtra Pollution Control Board have complied with the directions issued by the competent authority and continue to undertake all pollution control measures required under the applicable statutory framework.



8. I deny the contents of paragraph nos. 1 to 8. The contents of paragraph no. 1 to 8 are the details of the parties and reasons of according to the applicant, why the present original application is filed, and as such are denied.
9. I deny the contents of paragraph nos. 9 to 13. The contents from paragraph no. 9 to 13 are the history of the operation of RMC Plant, and as such, the contents are denied, in any event, the correct factual

position has been stated by the answering respondent in the earlier part of its reply.

10. The contents of paragraph no. 14 are details of the earlier proceedings initiated in the high court, and are a matter of record.
11. The contents of paragraph no. 15-19 deal with provisions of Consent to Operate dated 25 March 2025 and are the challenge of the Applicants to the Consent to Operate, and as stated above, the said contents are denied. In any event, it is submitted that the allegations of the Applicant are baseless and are denied in total. The contents of paragraph no. 20 are the details of the earlier Appeal, preferred by the Applicant and deserve no response.
12. The contents of paragraph nos. 21 to 33 are the seating criteria of the RMC plant and the answering Respondent denies the contents of the said paragraphs which are contrary to the record and the pleadings taken by the Respondent in this affidavit. It is submitted that the Applicant is making baseless allegations as regards violation of norms by the Respondent no. 3 and Respondent no. 4. The allegations that the RMC plant cannot operate in the particular area are denied. The contents that the MPCB has found the Respondent No.3 to be violating various norms are denied. Further allegations as regards the incorrect functioning of the RMC plant are also to be denied.
13. The contents of grounds A, B, C, D, E, F, G, H, I, J, K, L, M, N and O are the challenges of the Applicant to the continuation and the



operation of the RMC plant, and as such the same are denied. The Answering Respondent repeats that the RMC plant is being operated under strict guidelines and is being monitored by MPCB which is the appropriate authority. The present Original Applicant has been filed by the Applicant as the Applicant has an axe to grind with the answering respondent, and therefore the present Application ought to be dismissed. The contents of grounds are as regards the limitation which are set out in paragraphs P, Q and R, and the same are delayed. It is submitted that the Application is beyond the period of limitation.

14. The answering Respondent submits that the captive RMC plant is important for the smooth execution, implementation and completion of the SBUT Bhendi Bazaar Redevelopment project. The said project is being implemented for the benefit of the residents of the Bhendi Bazaar area on a charitable basis. The timely completion of the Bhendi Bazaar Redevelopment will benefit more than 20,000 residents of the said area. The Applicant has an axe to grind against the Respondents and thus is filing various complaints and applications, therefore such an application as filed ought not to be entertained. In any event if any stay is granted to the legally functioning RMC Plant of the Respondent No.3, the entire project will be delayed which will impact several thousand persons who were residing in old dilapidated houses and who now stand to gain and benefit from modern homes being given to them free of cost. The Respondent No.3 is running the captive RMC plant as stated before on the basis of permissions being granted by MPCB and in accordance with the guidelines. Thus the balance of convenience and prima facie case is totally with the Respondents. No



loss or harm would be caused to the Applicant. The Respondent thus submits that the Interim Application and the Original Application being devoid of merits ought to be rejected.

15. The contents of paragraph no. 36 are the prayers which ought not to be granted in the case at hand

Date : 01/07/2026



Advocate for Respondent No. 4

Respondent No. 4



VERIFICATION

I, Abizer Shaikh Patanwala, the Trustee of the Respondent No. 4 Saifee Burhani Upliftment Trust having Office at 3rd Floor, Al-Ezz Building, Sector 6, Ibrahim Rehmatullah Road, Mumbai-400 003 do hereby state on solemn affirmation that what is stated in this Affidavit-in-Reply in paragraphs Nos. 1 to ___ are true to my own knowledge and paragraphs No. __ to __ are my legal submissions which are true and correct to my own knowledge and which I believe to be true.

Solemnly affirmed at Mumbai)
 on this 01st day of July, 2026)



DEPONENT

1 JUL 2026

Advocate for Respondent No.4



BEFORE ME

 K. S. SINGH
 NOTARY
 Government of India
 Greater Mumbai Dist



NOTED & REGISTERED

Sr. No. 1248 P. No. 84
 Notary Register. 101 Date 10/07/2026

1 JUL 2026



Dy. Ch. Engineer (B.P.) City
Municipal 'E' Ward Office Bldg,
3rd Floor, 10 Sankhali Street,
Byulla, Mumbai - 400 008.

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.EB/5464/C/A

Annexure - "A"

To,
M/s.Saifee Burhani Upliftment Trust
47/49, raudat Tahera Street
Bhendi Bazar
Mumbai 400 003

BY M.C.E.P. (C) 2730 / ~~10-8-11~~ 10-8-11

Sub : Letter of Intent for the Urban Renewal Scheme under D.C.Regn. 33(9) to the properties bearing C.S.Nos.3571 to 3576, 1/3572, 3577 to 3592, 3601 to 3616, 1/3609, 4394, 4396, 3671 to 3677, 1/3673, 3653 to 3670, 3638 to 3652, 1/3643, 1/3644, 1/3652, 3628 to 3637, 1/3626, 3627, 4186 to 4198, 4179 to 4184, 4199 to 4220, 4232 to 4250, 4251 to 4263, 4280 to 4291, 1/4281, 4275 to 4279, 4292 to 4298, 1/4299, 4300, 4303 to 4305, 4308, 1/4308, 4309, 4310, 4312 to 4314, 1/4309, 4315 to 4326, 4264 to 4268, 4270 to 4272, 4273, 4274, 4161 to 4178, 4221 to 4231, 1/4227, 4327 to 4341, 4342, 4343, 4358, 4361 of Bhuleshwar Division, situated at Maulana Shaukatali Road, S.V.P. Road, Mutton Street & Ebrahim Rehmatullah Road known as "Bhendi Bazaar".

Ref : Redevelopment proposal submitted by your Licensed Surveyor M/s. SMB Architects on 09.02.2010

Sir,

With reference to the modified redevelopment proposal submitted by your Licensed Surveyor M/s.SMB Architects on 13.04.2011 which was submitted to State Govt. on 02.05.2011 with plans under provision of D.C.Regn.33(9), for the properties mentioned above is principally approved as per Clause 33(9) of D.C.Regn.1991 (modified upto date) by the State Govt. vide letter bearing No.TPB 4310/4761/CR-3/11/UD-11 dated 22.7.2011.

By direction, the Letter of Intent is hereby issued subject to following terms & conditions:-

1. This Letter of Intent is valid for the period of one year from date of issue and final approval for the scheme shall be obtained within one year from High Power Committee.
2. The consent of all owner / owners of the plots included in scheme shall be submitted.
3. The list of occupants and area occupied by each of them shall be certified by M.B.R. & R. Board
4. The irrevocable written consents by not less than 70% of eligible tenants / occupants of each plot / building included in Urban Renewal Scheme or as provided in MHADA Act 1976 shall be submitted.
5. All the eligible occupants / tenants shall be rehabilitated in the redeveloped building.
6. No new tenancy created after 13.6.1996 shall be considered for rehabilitation.

7. The certified inspection extract of the M.C.G.M. for the year 1995/96 or court order proving the existence of the tenants prior to 13.6.1996 shall be considered by M.B.R. & R. Board as an evidence while certifying the eligibility.
8. The approvals will be granted as per provisions of D.C.Regn.33(9) as amended upto date.
9. Percentage of slums and area under building constructed after 13.6.1969 if any included in Urban Renewal Scheme shall not exceed 25% of the total built up area.
10. Each occupant / tenants shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 Sq.Mt. (300 Sq.Ft.) and maximum area equivalent to the area occupied in the old building. In case of non residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building.
11. For the carpet area for residential purpose exceeding 70.00 Sq.Mt., the cost of construction shall be paid by the tenant / occupant to the developer. The cost of construction shall be fixed by Govt. from time to time. However, the carpet area exceeding 70.0 Sq.Mt. shall be considered for rehab F.S.I. but shall not be considered for incentive F.S.I.
12. In the proposal of maximum 4.0 F.S.I., the permissible maximum F.S.I. over and above rehab + incentive shall be shared in terms of terms of built up area between M.C.G.M. / MHADA (in proportionate to their plot areas) and private developer in joint venture in the ratio of 1:0.5.
13. The entire rehab and MHADA share will be allowed to utilize on plot / plots under Urban Renewal Scheme.
14. 30% of the incentive F.S.I. can be used as non residential purpose otherwise permissible in D.C.Regn.
15. An amount of Rs.5000/- per Sq.Mt. shall be paid by the owner /developer as additional development cess for built up area over and above the normally permissible F.S.I.
16. The premium for Govt. lands at the rate of 25% of Ready Reckoner Rates for this year of 2011 shall be paid to Govt.
17. Cost of construction for area over 70.00 Sq.Mt. for rehab as stipulated in D.C.Regn.33(9) will be applicable at the time of agreement with tenants / occupants as per Govt. decision.
18. All disputes of tenancy and sub tenancy, transfers, eligibility of tenant, family disputes, if any etc. shall be resolved by the developer as per rules.



19. It shall be the responsibility of the developer to provide the transit accommodation to the tenant/occupants of the existing Building at their cost during the period of reconstruction.
20. The developer will be permitted to take up construction of the Building / wing for rehab. of existing residents and Building / wing for sale component simultaneously / if site conditions permit
21. The Developer shall execute an Indemnity Bond indemnifying M.C.G.M. of Greater Mumbai / Government of Maharashtra from any charges, claims, damages, legal suits, losses, cost demands of whatsoever nature preferred or made by any person or persons by reason or permission to redevelop property in question or arising therefrom.
22. The Developer shall be responsible for any damage or injury whatsoever that maybe caused at any time to any person or property or to the third party while executing the project and all such damages, injury or losses to the life or to the property shall be made good immediately by the developer to the satisfaction of the Municipal Commissioner.
23. That the residential tenements to be constructed for the existing tenants shall be minimum of 27.88 SqM. (300 Sq.ft.) carpet area of carpet area as specified in Annexure IIIA whichever is more. For the calculation of carpet area, the carpet area of enclosed balcony shall be included as per clause 12.2 of Notification dated 2.3.2009.
24. In case of commercial tenements, the tenants may be given the existing commercial area in their possession.
25. The developer shall hand over Built Up Area of the reservation of Housing for Dishoused and Municipal Staff Quarters to the concerned authority as per D.C.Reg.33(9).
26. All other conditions mentioned in Annexure IIIA of D.C.Reg.33(9) shall be complied with by developer.
27. Unauthorized constructed Built Up Area shall not be considered for F.S.I. & incentive calculations.
28. That the necessary sanctions / permissions of competent authority shall be obtained wherever required before approval of plans.
29. The proposed development shall be further subject to such conditions as mentioned/prescribed by the Municipal Commissioner of M.C.G.M. and the committee constituted vide Regn.33(9) of D.C.Reg.1991 of M.C.G.M.
30. The eligibility of structures, ownership, consent from the tenants / land owners as mentioned in Regulation No.33(9) shall be verified by M.C.G.M. / MHADA and



subsequent guidelines issued by Govt. shall be scrutinized and ensure compliance about the same by the High Power Committee.

31. The developer shall obtain approval of M.C.G.M. and Revenue department for amalgamation of properties before commencement certificate.
32. The approval of High Rise Committee and Heritage Committee shall be obtained before issuance of Commencement Certificate.
33. The plot area in proposed cluster, area under various reservations / designations eligibility of buildings its percentage, permissible built up area, proposed built up area, sharing of MHADA & M.C.G.M. shall be verified in detail and shall be scrutinized by M.C.G.M.
34. The M.C.G.M. shall verify the proposal according to amended provision of Regulation NO.33(9) vide Notification dated 2.3.2009 and the further orders issued by Govt. dated 2.3.2009 and 10.12.2009 also.

Yours faithfully,



Director

(Engineering Services and Projects)
Member Secretary
High Power Committee



PART XI MISCELLANEOUS PROVISIONS**57. Temporary Constructions**

The Commissioner may grant permission for temporary construction of a period not exceeding six month at a time and in the aggregate, not exceeding a period of three years. Such permission may be given by him for the construction of the following, namely:

- (i) Structures for protection from the rain or covering of the terraces during the monsoon only;
- (ii) Pandals for fairs, ceremonies, religious functions, circus, jatra, folk dance etc;
- (iii) Structures for godowns/storage of construction materials within the site;
- (iv) Temporary site offices and watchmen chowkies and labourer hutments with crèche, sales office/sample or show flat within the site only during the phase of construction of the main building;
- (v) Structure for exhibitions/circuses, etc.;
- (vi) For factories in industrial lands, structures within the site for storage of machinery before installation;
- (vii) Structures for ancillary works for quarrying operations in conforming zones;
- (viii) Milk booths and telephone booths;
- (ix) Transit accommodation for persons to be rehabilitated in a new construction:
- (x) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings:
- (xi) On site, Ready Mix Concrete (RMC) plant for the use at site under development/construction.
- (xii) Provided that temporary construction for structures, etc. mentioned at (iii), (iv), (vi), (ix), (x) and (xi) maybe permitted to be continued temporarily by the Commissioner but in any case, not beyond completion of construction of the main structure or building, and that structure in (viii) may be continued on annual renewable basis by the Commissioner beyond a period of three years.

Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 98/2019(WZ)
(I.A. No. 145/2019)

Mr. Sayyed Usman

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Nitin Lonkar, Advocate

Respondent(s): Mr. Rahul Garg, Advocate for R-1 (MOEF&CC)
Ms. Manasi Joshi, Advocate for R-4 (MPCB)
Mr. Aniruddha S. Kulkarni, Advocate for SEIAA
Mr. Sameer Kale, Advocate for R-6 (MGCM)
Mr. Pinaki Misra, Senior Advocate with Mr. Dharav Shah
Advocates for R-9**ORDER**

1. By filing this application, the applicant challenges the ongoing project named "Bhendi Bazar Redevelopment Project" which is residential and commercial building redevelopment project within the limits of Greater Mumbai Municipal Corporation (MCGM) situated at CTS No. 3571 to 4361 of Maulana Shaukatali Road, S.V. P. Road, Mutton street & Ebrahim Rehmatullah road, Mumbai, Maharashtra. The project initially comprised of 3514 redevelopment projects, 88 redevelopment rooms, 215 reservation flats along with 1379 redevelopment shops with a total built



up area of 707275.67 Square Meter but the Environmental Clearance (EC) was granted by reduction of 120 sale flats, 5 shops and increase in the width of the road to 16.5 meters. The EC was granted on 03.05.2013 which was, however, revised on 24.11.2017 in view of changes in the original plan. It is alleged that while undertaking the project, the project proponent has violated the terms of the EC as well as the conditions of the consent to establish granted on 06.05.2015 and 30.11.2018. It is alleged that the project proponent has not provided 25% RG area on virgin land for recreational purposes, tree plantation and RG Space is not developed as per norms & it is provided on podium, no scientific disposal of construction waste, no permission for constructions of basements and no permission for ground water extraction from CGWA, Non-installation of pollution control devices, non-plantation of trees, non-installation of STP, Non-installation of Solid waste treatment unit, illegal operation of DG sets at site, no soil preservation, no soil and ground water test, no use of eco-friendly building material for construction, air & noise pollution from vehicles and excavators and lastly no consent to operate is obtained for completed part of the project etc.

2. Vide order dated 20.03.2020, while issuing notice, the Tribunal constituted a Joint Committee comprising of (i) State Level Environment Impact Assessment Authority (SEIAA), Maharashtra; (ii) Maharashtra State PCB; (iii) Municipal Corporation of Greater Mumbai, (MCGM) and, (iv), Collector of Mumbai Suburban to verify the factual aspects and furnish a report to this Tribunal.

3. Accordingly, report of the Joint Committee dated 11.09.2020 has been filed mentioning the compliance status to be as follows:



“5. Point wise observations: (pertaining to building completed in Sector 3A)

Sr. No.	Point examined	Observations
1	<p>The project initially comprised of 3514 redevelopment projects, 88 redevelopment rooms, 215 reservation flats along with 1379 redevelopment shops with a total built up area of 707275.67 Square Meter but the Environmental Clearance (EC) was granted by reduction of 120 sale flats, 5 shops and increase in the width of the road to 16.5 meters.</p>	<p>We have seen the EC dated 03.05.2013 issued by the Government of Maharashtra wherein following number of tenements and shops have been approved:-</p> <p>a. Redevelopment</p> <p>i. Residential — 3514 of which 610 rehab units are completed</p> <p>ii. Shops — 1379 of which 128 commercial units are completed</p> <p>iii. Rooms — 88</p> <p>b. Reservation</p> <p>i. Residential — 215</p> <p>c. Sale</p> <p>i. Residential — 1424</p> <p>Furthermore, the said EC does not have any condition requiring PP to reduce 120 sale flats, 5 shops and increase the width of the road to 16.5 mtrs.</p> <p>However, PP has thereafter obtained a Revised EC dated 24.11.2017 in view of the modifications in DCR, for 3610 redevelopment residential tenements, 215 reservation flats along with 1341 redevelopment shops, 1660 Residential Sale Flats, 132 Non-Residential Units with a total built-up area of 8,56,591.75 sq. mtrs.</p>
2	<p>The EC was granted on 03.05.2013 which was, however, revised on 24.11.2017 in view of changes in the original plan</p>	<p>The PP has produced the EC dated 03.05.2013 and the revised EC dated 24.11.2017. We note that the construction at the Project site is in accordance with the terms and conditions of the both the ECs. It is mandatory to obtain new EC if there are modifications in the plan, which has been obtained by the PP.</p>
3	<p>It is alleged that while undertaking the project, the project proponent has violated the terms of the EC as well as the conditions of the consent to establish granted on 06.05.2015 and 30.11.2018.</p>	<p>We have examined the Project site for compliance with the terms of the ECs dated 03.05.2013 and 24.11.2017 as well as Consent to Establish dated 06.05.2015 and 30.11.2018.</p> <p>We note that all construction and development work ongoing at the Project site is in compliance with the terms and conditions of the ECs and consent to establish. PP has furnished the following documents to us:-</p> <p>a. Periodical noise monitoring reports;</p> <p>b. Periodical water testing reports;</p> <p>c. Periodical air quality reports;</p> <p>d. Half yearly compliance reports; and</p> <p>e. Annual environment statement.</p>



(27)

4	It is alleged that the project proponent has not provided 25% RG area on virgin land for recreational purposes, tree plantation and RG space is not developed as per norms & it is provided on podium.	As per Regulation 33(9) required RG for the entire project 3,900.48 square metres, being 10% of entire layout. Whereas at present, PP has provided 748 square metres for Sector 3A on podium level as per MCGM approved plans.
5	No scientific disposal of construction waste.	PP is disposing the construction debris and waste on MHADA approved disposal sites as per the directions and in the manner approved by SWM Department of MCGM. PP has shown to us the receipts issued at the disposal site. CMD plan has also been shown to us and copy provided. Appropriate disclosures regarding disposal of construction waste has been made by PP in its half-yearly compliance reports filed with MPCB and nothing contradictory has been found upon inspection.
6	No permission for ground water extraction from CGWA	PP has informed us that no ground water is being extracted / utilized by it for construction and development purposes. We note that no tube-well has been found erected on the Project site upon inspection. Accordingly, we note that no permission from CGWA is required. In its support, PP has produced before us the receipts of water tankers engaged by it for meeting its water requirements for construction purposes. Furthermore, PP has brought to our notice disclosures made by it regarding non-utilization of ground water in the Revised EC dated 24.11.2017 as well as Half Yearly Compliance Reports filed by it with MPCB.
7	Non-installation of pollution control devices.	PP has provided OWC, STP for completed sector 3A, rain water harvesting tank, solar panels for energy, noise barriers, tree plantation as per approvals and Garden NOC is obtained for Sector 3A. No construction activity between 10:00 PM to 8:00 AM. Photographs showing adoption/ installation of the foregoing measures are annexed.
8	Non installation of STP.	STP installed for Sector 3A and is operational. 410 KLD capacity with MBBR technology with tertiary treatment.
9	Non-plantation of trees.	PP has planted 10 trees on ground and PP has produced MCGM certificate for the same. The RG is also developed on podium, as per details in point 4 above. PP has obtained garden NOC from MCGM for 10 trees.
10	Non-installation of Solid waste treatment unit.	OWC has been installed and is operational during visit.



11	<i>Illegal operation of DG sets at site.</i>	<i>DG set provided for stand by arrangement during power failure with acoustic enclosure with stack of appropriate height. Capacity of DG is 750 KV. NOC for DG set enclosed.</i>
12	<i>No soil preservation, no soil and ground water test.</i>	<i>We note that the Project is a cluster redevelopment project where existing structures are demolished and are redeveloped. No question of excavation on barren land in the present case. Separately, we note that PP periodically conducts testing of the ground water contamination level. PP has produced before us all test results conducted till date by third party consultant in MOEF approved lab. Copies of the test reports have been provided by the PP.</i>
13	<i>No use of eco-friendly building material for construction.</i>	<i>All materials used have been eco-friendly as per documents submitted by PP. PP had installed LED lights, power factor correction panels, ON grid Solar System, Auto light ON-OFF system. PP is using AAC blocks, fly-ash, blended cement. Table is attached showing quantities. Supporting documents enclosed.</i>
14	<i>Air & noise pollution from vehicles and excavators.</i>	<i>PP has carried out noise pollution check and ambient air quality check at the Project site by third party consultant in MOEF approved lab. Test reports have been provided by the PP. Sample PUC receipts provided.</i>
15	<i>No consent to operate is obtained for completed part of the project.</i>	<i>Consent to operate was obtained by PP on 25.09.2019 and is valid. PP has applied for renewal of the Consent to Operate. Copies enclosed.</i>
16	<i>Unscientific Disposal of Construction waste</i>	<i>Same as Point No.5</i>
17	<i>Recreation grounds are not provided on virgin land.</i>	<i>Same as Point Nos. 4 and 9</i>
18	<i>Illegal demolition of building</i>	<i>PP has produced before us all the demolition orders issued by Mumbai Building Repair and Reconstruction Board. Copies enclosed.</i>
19	<i>No consent to operate and premises under use.</i>	<i>Same as Point No. 15</i>
20	<i>Direct the PP to stop illegal construction and restore the area to its original position and having regard to the damage to the public health property and environment, principle of sustainable development and polluters pay principles.</i>	<i>Not Applicable</i>
21	<i>PP to deposit a heavy amount of compensation to the environment relief fund.</i>	<i>Not Applicable</i>



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22	<i>Direct Respondent No. 9-PP to deposit Exemplary and deterrent special damages on account of violations of EC condition for not providing mandatory 10% landscape area resulting into no plantation required trees and also for concretization of marginal spaces, damage to ground water level and dumping of construction waste in blue flood line of water course & other</i>	<i>Not Applicable. Refer point 4 above on RG.</i>
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4. No objection has been filed to the above report on behalf of the applicant. The report shows that requisite clearances have been obtained and EC conditions followed.

5. In view of above, no further order appears to be necessary at this stage.

The application is disposed of.

IA No. 145/2019 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 17, 2022
Original Application No. 98/2019(WZ)
(I.A. No. 145/2019)
DV



MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 4010437 / 4014701 / 4020781

Fax : 4024068 / 4023516

Website : <http://mpcb.mah.nic.in>E-Mail : ast@mpcb.gov.in

KALPATARU POINT, 3rd Floor,
Sion-Matunga Scheme Road
No.8, Opp. Sion Circle, Sion
(East) Mumbai-400 022.

No. MPCB/AS(T)/TB/B- 4453

Date : 15/11/2016.

CIRCULAR

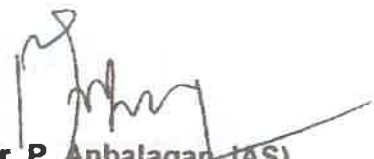
Sub: Implementation of Gazette Notification dtd. 07/11/2016 regarding 'Guidelines for Ready Mix Plant (RMC) for siting criteria of RMC Plant in the State of Maharashtra'.

Ref.: 1) RMC Gazette Notification dtd. 07/11/2016.

This has reference with Gazette Notification dtd. 07/11/2016 regarding 'Guidelines for Ready Mix Plant (RMC) for siting criteria of RMC Plant in the State of Maharashtra'. This Gazette Notification is uploaded on the website of MPCB and Govt. Printing Press.

The above notified guidelines are enforced for establishment and operation of Ready Mix Plant (RMC) in the State of Maharashtra.

All Regional Officers and Sub-Regional Officers are hereby directed to ensure implementation of the above referred Notified guidelines for establishment and operation of Ready Mix Plant (RMC) in the State of Maharashtra.


(Dr. P. Anbalagan, IAS)
Member Secretary

Copy to:

- 1) A.S.(Tech.)/ P.S.O./ J.D.(APC)/ J.D.(WPC)/ R.O.(HQ), M.P.C. Board, Mumbai.
- 2) All ROs/ SROs

-You are all instructed to ensure effective implementation of the above referred Notified guidelines for establishment and operation of Ready Mix Plant in their jurisdiction.





महाराष्ट्र शासन राजपत्र

भाग चार-क

वर्ष २, अंक ३२]

गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

[पृष्ठे ९

[किंमत : रुपये ६.००]

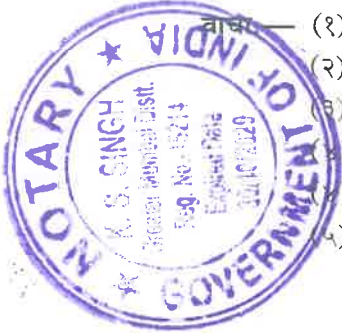
प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकार्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांमधील इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

नियंत्रक, शिधावाटप व संचालक, नागरी पुरवठा यांचे कार्यालय

रॉयल इन्शुरन्स इमारत, ५वा मजला, १४, जमशेटजी टाटा रोड, चर्चगेट,

मुंबई ४०० ०२०, दिनांक २७ ऑक्टोबर २०१६.



- वाचक — (१) क्रमांक निशि/केरो/२०१६/प्र.क्र.३४/सहा/जा. ४१६, दिनांक १४ ऑक्टोबर २०१६.
 (२) केंद्र शासनाचे दिनांक ३० जून २०१६ चे पत्र.
 (३) शासन पत्र क्रमांक रॉकेल. २०१५/प्र.क्र. २२६/नापु-२७, दिनांक ३० जुलै २०१६.
 (४) केंद्र शासनाचे दिनांक २९ ऑगस्ट २०१६ रोजीचे पत्र.
 (५) शासन पत्र क्रमांक रॉकेल. २०१५/प्र.क्र. २२६/नापु-२७, दिनांक ५ ऑक्टोबर २०१६.
 (६) दि केरोसीन (रेस्ट्रीक्शन ऑन युज अॅण्ड फिक्शेशन ऑफ सिलिंग प्राईस) ऑर्डर, १९९३.

अधिसूचना

क्रमांक निशि/केरो/२०१६/प्र.क्र.३४/सहा/जा-४३६.— ज्याअर्थी, केंद्र शासनाने दिनांक १ जुलै २०१६ पासून पुढील सलग १० महिने प्रत्येक महिन्याच्या १ तारखेस अनुदानित केरोसीनचे किरकोळ विक्री दर प्रति लिटर २५ पैसे याप्रमाणे वाढ (मूल्यवर्धित कराव्यतिरिक्त) करून निश्चित करण्याबाबत दिनांक ३० जून २०१६ चे पत्रान्वये राज्य शासनास कळविले होते.

केंद्र शासनाच्या सदर पत्रानुसार दिनांक १ जुलै २०१६ पासून पुढील सलग १० महिने प्रत्येक महिन्याच्या १ तारखेस शिधावाटप क्षेत्रात केरोसीनच्या एक्स डेपो दरात प्रति लिटर २५ पैसे याप्रमाणे प्रति कि. लि. रुपये २५० (अधिक मूल्यवर्धित कर) इतकी वाढ करून अनुदानित केरोसीनचे किरकोळ विक्री दर निश्चित करण्याबाबतची कार्यवाही करण्याबाबत राज्य शासनाने संदर्भ क्रमांक ३ अन्वये कळविले होते.

तथापि, आता केंद्र शासनाने दिनांक १ सप्टेंबर २०१६ ते ३१ जानेवारी २०१७ या कालावधीत प्रत्येक महिन्याच्या प्रत्येक पंधरवाड्यांत (दर महिन्याच्या १ व १६ तारखेस) अनुदानित केरोसीनच्या किरकोळ विक्री दरात प्रति लिटर २५ पैसे (अधिक मूल्यवर्धित कर) इतकी तर दिनांक १ फेब्रुवारी २०१७ रोजी प्रति लिटर २३ पैसे (अधिक मूल्यवर्धित कर) इतकी वाढ करून अनुदानित केरोसीनचे किरकोळ विक्री दर निश्चित करण्याबाबत संदर्भ क्र. ४ चे पत्रान्वये राज्य शासनास कळविले आहे.

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महाराष्ट्र शासन राजपत्र भाग चार-क, गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

राज्य शासनाने केरोसीनचे सुधारित एक्स डेपो रेट विचारत घेऊन प्रत्येक महिन्याच्या १ व १६ तारखेस अनुदानित केरोसीनचे किरकोळ दर निश्चितीची पुढील कार्यवाही करण्याबाबत संदर्भ क्र. ५ अन्वये पत्र देऊन कळविले आहे.

त्याअर्धी, वाचा क्रमांक ६ मध्ये नमूद आदेशान्वये मला प्रदान केलेल्या अधिकारानुसार मी, अविनाश सुभेदार, नियंत्रक, शिधावाटण व संचालक नागरी पुरवठा, मुंबई, मुंबई शहर शिधावाटण क्षेत्रातील (मुंबई शहर व मुंबई उपनगर) केरोसीनच्या घरगुती वापराचे घाऊक व किरकोळ विक्रीचे दर दिनांक १ नोव्हेंबर २०१६ पासून पुढील आदेश होईपर्यंत तात्काळ अंमलात आणणेकरिता पुढीलप्रमाणे अधिसूचित करीत आहे :-

अनुक्रमांक	बाब	सध्याचा दर (रुपये प्रति कि.लि.)	सुधारित दर (रुपये प्रति कि.लि.)
(१)	(२)	(३)	(४)
ए	एक्सडेपो दर (रुपये प्रति कि.लि.)	१४,८०४.००	१५,०५४.००
बी	व्हॅट @ ३ %	४४४.१२	४५१.६२
सी	घाऊक विक्रेत्यासाठी एकूण खरेदी किंमत (ए + बी)	१५,२४८.१२	१५,५०५.६२
डी	(i) घाऊक विक्रेत्याचे कमिशन	७१४.१८	७१४.१८
	(ii) तापमान बदलामुळे येणाऱ्या घटीच्या व हाताळणूक तुटीच्या प्रतिपूर्तीसाठी असाधारण भत्ता.	९९.००	९९.००
	(iii) वाहतूक खर्च	२८०.७९	२८०.७९
	(iv) पथकर (Toll Tax)	७०.००	७०.००
	(v) घाऊक वितरकांना पूर्णाकाचा लाभ	९.२१	१.९३
	(vi) एकूण किंमत वाढ [डी (i) + डी (ii) + डी (iii) + डी (iv) + डी (v)]	१,१७३.१८	१,१६५.९०
इ	एकूण किंमत वाढीवर, व्हॅट @ ३ % [डी (vi) च्या ३ %]	३५.२०	३४.९८
एफ	एकूण [सी + डी (vi) + इ] घाऊक विक्रीचा दर	१६,४५६.५०	१६,७०६.५०
एफ १	किरकोळ विक्रेत्यासाठी खरेदी किंमत	१६,४५६.५०*** (किंमत रुपये १५,९७७.१८ + मूल्यवर्धित कर रुपये ४७९.३२)	१६,७०६.५०*** (किंमत रुपये १६,२१९.९० + मूल्यवर्धित कर रुपये ४८६.६०)
जी	किरकोळ विक्रेत्याचे कमिशन (तुटीच्या लाभांसह)	४५०.००	४५०.००
एच	किरकोळ विक्रेत्याचे कमिशन (तुटीच्या लाभांसह) वर ३ % व्हॅट [जी च्या ३ %]	१३.५०	१३.५०
आय	किरकोळ विक्री दर (रुपये प्रति किलो लिटर)	१६,९२००.००*** (किंमत रुपये १६,४२७.१८ + मूल्यवर्धित कर रुपये ४९२.८२)	१७,१७६०.००*** (किंमत रुपये १६,६६९.९० + मूल्यवर्धित कर रुपये ५००.१०)
जे	किरकोळ विक्री दर (रुपये प्रति लिटर)	१६.९२	१७.१७

शासन परिपत्रक क्रमांक अन्न, नागरी पुरवठा व ग्राहक संरक्षण विभाग, क्रमांक केईआर-१३७६/३७६९/सतरा, दिनांक १७ डिसेंबर १९७६ नुसार पूर्णाकाचा लाभ एकाच पातळीवर (घाऊक वितरक) घाऊक दरामध्ये समाविष्ट करण्यात आला आहे.



अविनाश सुभेदार,
नियंत्रक,

शिधावाटण व संचालक, नागरी पुरवठा, मुंबई.

महाराष्ट्र शासन राजपत्र भाग चार-क, गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

३

महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई

“ महाराष्ट्र राज्यातील रेडीमिक्स काँक्रीट (आरएमसी) प्रकल्पांकरिता मार्गदर्शक तत्वांची नियमावली ”

अधिसूचना

क्र. मप्रनि/ सस(तां)/ तांशा/ ब-४३६३.—हवा (प्रदूषण प्रतिबंध व नियंत्रण) कायदा, १९८१ च्या कलम १७ उप कलम (१) आणि खंड (बी) व खंड (एच) आणि कलम ५४ मधील उप कलम (१) आणि उप कलम (२) मधील खंड (झेड) व जल (प्रदूषण प्रतिबंध आणि नियंत्रण) कायदा, १९७४ च्या कलम १७ उप कलम (१) मधील खंड (एन) व (ओ) अंतर्गत प्रदान करण्यात आलेल्या अधिकारांचा वापर करून राज्य सरकारने महाराष्ट्र प्रदूषण नियंत्रण मंडळासोबत सल्लामसलत करून महाराष्ट्र राज्यातील रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्पांकरिता मार्गदर्शक तत्वांची एक नियमावली तयार केली आहे. त्यानुसार रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्पांना पर्यावरणीय मानकांचे पालन करणे अनिवार्य करण्यात आले असून प्रदुषणास आळा घालण्याकरिता/तीव्रता कमी करण्याकरिता आणि जनतेच्या आरोग्याचे संरक्षण करण्यासाठी त्यांच्यावर अतिरिक्त नियंत्रणेही घालण्यात आली आहेत.

व्याख्या :

१ रेडी मिक्स काँक्रीट (आरएमसी) : असे काँक्रीट जे कारखान्यात किंवा बॅचिंग प्लान्टमध्ये मागणीनुसार तयार केले जाते व नंतर ते ट्रान्झिट मिक्सर असलेल्या ट्रकमधून बांधकाम प्रकल्पावर पाठविण्यात येते.

२ व्यावसायिक प्रकल्प: बांधकामाकरिता रेडी मिक्स काँक्रीटची गरज असलेल्या ग्राहकांना पुरवठा करण्याच्या उद्देशाने स्थापन करण्यात आलेला रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्प.

३ कॅप्टीव्ह प्लान्ट : एखाद्या समर्पित बांधकाम प्रकल्पास रेडी मिक्स काँक्रीट पुरवठा करण्याच्या एकमेव उद्देशाने प्रकल्प परिसरात स्थापन करण्यात आलेला रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्प.

अ. उपयोज्यता :

- १ महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या संमतीपत्र व्यवस्थापन कार्यप्रणालीनुसार रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्पांना मंडळाचे संमतीपत्र आवश्यक आहे.
- २ परवानगी/ना हरकत प्रमाणपत्र संबंधित स्थानिक संस्थेद्वारा/नियोजन प्राधिकरणाद्वारे दिले जाते.

ब. स्थान निश्चयनाबाबतचे निकष :

रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्प उभारतांना खालील स्थाननिश्चयनाबाबतचे निकष ग्राह्य धरले जावेत.

- १ व्यावसायिक रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्पाकरिता १००० किंवा त्याहून अधिक लोकसंख्या असलेल्या वस्तीपासून आणि प्रमुख रस्त्यापासून (जसे की - राष्ट्रीय/ राज्य महामार्ग, मोठे जिल्हा मार्ग, शहरातून जाणारे प्रमुख रस्ते) अंदाजे १०० मीटरचे अंतर संरक्षित क्षेत्र (buffer zone) म्हणून राखले जावे.

महाराष्ट्र बांधकाम प्रकल्पाकरिता उभारण्यात आलेला कॅप्टीव्ह आरएमसी प्रकल्प हा बांधकाम प्रकल्प परिसरात असावा.

व्यावसायिक रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्प शाळा, महाविद्यालये, रुग्णालये तसेच न्यायालय, इ.पासून किमान २०० मी.च्या अंतरामध्ये नसावेत.

म.प्र.नि.मंडळाकडून उद्योग स्थापन करण्याचे संमतीपत्र घेतांना प्रकल्प प्रवर्तकाने इतर वैधानिक परवाने जसे- डीसी नियम, इ. ची पूर्तता करणे आवश्यक आहे.

क. पर्यावरणीय मुल्यांकन :

प्रकल्पाचे पर्यावरणीय मुल्यांकन करतांना खालील घटकांचा विचार व्हावा :-

- १ कच्च्या मालाची जसे की, वाळू, खडी, सिमेंट, फ्लाय अॅश व इतर मिश्रीत घटकांची साठवण क्षमता व व्यवस्था याबाबत उल्लेख असावा.
- २ प्रकल्पाच्या ठिकाणी उत्पादन प्रक्रिया, तसेच कच्च्या माल हाताळणी यामधून उत्सर्जित होणाऱ्या धुलिकणांचे नियंत्रण करण्यासाठी योग्य ती यंत्रणा बसवितांना हवामानाचा विशेषतः वाऱ्याच्या दिशेचा अभ्यास करण्यात यावा.

४ महाराष्ट्र शासन राजपत्र भाग चार-क, गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

ड. प्रदूषण नियंत्रण उपाययोजना

अ. हवा प्रदूषण नियंत्रण

I. अंतर्गत उपाययोजना :

- १ साहित्याची हाताळणी तथा वहन करणाऱ्या सर्व जागा आच्छादित करण्यात याव्यात.
- २ धुळीवर नियंत्रण करण्यासाठी खालीलप्रमाणे उपाययोजना करण्यात याव्यात :-
 - प्रकल्पाच्या चारही बाजूस किमान २० फूट ऊंचीचे किंवा ज्या ठिकाणाहून साहित्याच्या हाताळणामुळे हवा प्रदूषण उत्सर्जन होणार आहे, त्या ठिकाणापेक्षा ५ फूट ऊंच, यापैकी जे जास्त ऊंचीचे असेल, असे योग्य त्या साहित्याचे कुंपण घालण्यात यावे. आवश्यकता भासल्यास सदर कुंपणाची ऊंची नेटलॉनच्या कापडाने वाढवावी.
 - रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्प परिसरात कुंपणालगत पाणी फवारणी/तसेच रासायनिक धुलिकण स्थिरीकरण यंत्रणा उभारण्यात यावी.
 - रेडी मिक्स काँक्रीट (आरएमसी) प्रकल्पाच्या परिसरात कुंपणाच्या बाजुने किमान ५ मीटर पट्ट्यामध्ये वृक्षरोपण करण्यात यावे. यासाठी २० मीटर ऊंचीपर्यंत झाडांच्या पानांचे आच्छादन होईल, अशा वृक्षांची लागवड करण्यात यावी.
- ३ प्रकल्पाचा आंतरभाग सिमेंट काँक्रीट किंवा डांबराने आच्छादित असावा.
- ४ प्रकल्पाच्या आंतर भागात जमा झालेली धूळ (कोरडी/ओली) औद्योगिक व्हॅक्युम क्लिनरच्या साहाय्याने नियमितपणे साफ करावी.
- ५ ट्रान्झिट मिक्सर असलेल्या ट्रकची चाके धुण्याकरिता व्दिस्तरिय स्वरूपाची म्हणजे प्रकल्पाचे प्रवेशद्वार व बाहेर जाणाऱ्या मार्गावर व्यवस्था करण्यात यावी.

II. कच्च्या मालाची हाताळणी आणि साठवण:

- १ सिमेंट व फ्लाय अॅश यांची साठवणूक करण्याकरिता उभारण्यात आलेल्या कोठारांना (सायलोज) योग्य त्या क्षमतेची धुलिकण जमा करणारी यंत्रणा जसे की-मल्टी सायक्लोनसह बॅग हाऊस यंत्रणा बसविण्यात यावी.
- २ खडी, वाळू, सिमेंट व फ्लाय अॅश यांची हाताळणी बंदिस्त यांत्रिक प्रणालीमार्फत करावी.
- ३ मनुष्यबळामार्फत करण्यात येणारी कार्ये बंदिस्त छताखाली अनुज्ञेय असतील. तसेच त्या ठिकाणी मालाची हाताळणी करण्याच्या जागेवर धूळ नियंत्रण यंत्रणा व छतावर दुय्यम धुलिकण नियंत्रण यंत्रणा असावी.
- ४ वाळू आणि खडीचे वहन करणारे पट्टे पत्र्यांनी बंदिस्त असावेत. तसेच सर्व ट्रान्सफर पॉईंटवर दुय्यम उत्सर्ग टाळण्याकरिता धुलिकण नियंत्रण यंत्रणा बसविण्यात यावी.
- ५ सिमेंट, खडी आणि वाळू यांचे मिश्रण करणाऱ्या विभागातील धुळीचे नियंत्रण करण्यासाठी योग्य त्या क्षमतेची मल्टी सायक्लोनसह बॅग हाऊस असलेली धूळ जमा करणारी यंत्रणा असावी.
- ६ वाळू आणि खडी यांची साठवणूक केलेल्या ठिकाणी छतावर पाणी फवारणी यंत्रणा असावी.
- ७ रेडीमिक्स काँक्रीट उत्पादन प्रक्रिया व हवा प्रदूषण नियंत्रण यंत्रणा एकमेकांशी संलग्न असावेत.
- ८ विद्युत पुरवठा करणाऱ्या प्रयायी प्रणालीतून उत्पादन प्रक्रिया व वायू प्रदूषण नियंत्रण यंत्रणा यांना प्रामुख्याने विद्युत पुरवठा करण्यात यावा.

III. वातावरणातील हवेची गुणवत्ता खालील दिलेल्या मानकांच्या मर्यादित राखण्यासाठी प्रकल्पधारकाने प्रकल्पाच्या कुंपणाजवळ नियमितपणे मोजण्यात यावी. (सरासरी २४ तास)

धुलिकण PM ₁₀	पेक्षा जास्त नसावे	१०० µg/m ³
धुलिकण PM _{2.5}	पेक्षा जास्त नसावे	६० µg/m ³

१. कर्मशिअल (व्यावसायिक) रेडमिक्स काँक्रीट प्लान्ट धारकांनी त्यांच्या हद्दीमध्ये सभोवतालच्या हवेच्या गुणवत्तेचे सतत मोजमाप करणारी यंत्रणा बसवावी(CAAQM)लावावे.
२. कॅप्टिव रेडमिक्स काँक्रीट प्लान्टधारकांनी आठवड्यातून दोन वेळा २४ तासांचे सभोवतालच्या हवेच्या गुणवत्तेचे मोजमाप (AAQM) करावे.

ब. जल प्रदूषण नियंत्रण परिमाणे :

१. बॅचिंग प्लान्ट वॉशिंग, ट्रान्झिट मिक्सर वॉशिंग, व्हेईकल टायर वॉशिंग आणि फ्लोअर वॉशिंग यातून निर्माण झालेले सांडपाणी योग्य अशा ड्रेनेज सिस्टीममधून जमा केले जावे. त्यावर विल्हेवाटीसाठी खालील दिलेल्या मानकांप्रमाणे पूर्तता करू शकेल, अशा सर्वकष सांडपाणी प्रक्रिया संयंत्रांमध्ये प्रक्रिया केली जावी.



अ.क्र. (१)	मानके (२)	परिमाण (३)	मर्यादा (४)
१	सामू (pH)		५.५ ते ९.०
२	तेल आणि वंगण	पेक्षा जास्त नसावा	१० मि.ग्रॅ./ लि.
३	तरंगणारे घन कण	पेक्षा जास्त नसावा	१०० मि.ग्रॅ./ लि.
४	बीओडी ३ दिवस	पेक्षा जास्त नसावा	३० मि.ग्रॅ./ लि.
५	सीओडी	पेक्षा जास्त नसावा	१५० मि.ग्रॅ./ लि.
६	टीडीएस	पेक्षा जास्त नसावा	२१०० मि.ग्रॅ./ लि.

२. प्रक्रिया केलेले सांडपाणी फक्त प्रकल्पातील प्रक्रियेमध्ये, वॉटर स्पिरिटिंग सिस्टीममध्ये किंवा बागाकाम / वृक्षरोपणासाठी वापरण्यात यावे. प्रकल्पातून सांडपाणी कोठेही बाहेर सोडण्यात येऊ नये.

क. ध्वनी प्रदूषण नियंत्रणाबाबतच्या उपाययोजना :

रेडीमिक्स प्लांट प्रकल्पधारकाने प्रकल्पाच्या परिसरामध्ये ध्वनी प्रदूषण नियंत्रणामध्ये ठेवण्यासाठी ध्वनी (नियमन व नियंत्रण) नियम, २००० मधील तरतुदीनुसार उपाययोजना कराव्यात.

ड. घनकचऱ्यावरील प्रक्रिया आणि विल्हेवाट :

ट्रांझिट मिक्सचर वॉशिंगमधून तयार झालेला घनकचरा आरएमसी प्रकल्पातून तयार झालेल्या टाकाऊ पदार्थ (कचरा/ गाळ) यांचा रिकव्हरी युनिट/ रिक्लेमिंग सिस्टीच्या माध्यमातून पुनर्वापर करण्यात यावा किंवा त्यांची स्थानिक प्रशासनाने बांधकामातून तयार झालेल्या कचऱ्याकरिता नेमून दिलेल्या जागी विल्हेवाट लावण्यात यावी.

ई. म.प्र.नि.मंडळाने संमतीपत्रामध्ये खालील अटींचा समावेश करावा :

१. प्रकल्पप्रवर्तकाने प्रकल्पातून निर्माण होणाऱ्या सांडपाण्यावर प्रक्रिया करण्याकरिता आवश्यक क्षमतेची सयंत्रणा व विल्हेवाट सुविधा पुरवाव्यात. तसेच जल (प्रदूषण प्रतिबंध व नियंत्रण) कायदा, १९७४ अंतर्गत तरतुदींचे पालन करावे.
२. प्रकल्पप्रवर्तकाने वायुउत्सर्जनाच्या स्रोताजवळ पुरेशा स्वरूपाची हवा प्रदूषण नियंत्रण सयंत्रणा बसविणे, तसेच हवा (प्रदूषण प्रतिबंध व नियंत्रण) कायदा, १९८१ अंतर्गत तरतुदींचे पालन करावे.
३. सांडपाणी व उत्सर्जित हवा यातील प्रदुषके प्रमाणापेक्षा जास्त उत्सर्जन झाल्यामुळे सभोवतालच्या कोणत्याही पर्यावरणाचा ऱ्हास झाल्यास व संमतीपत्रातील अटींचे उल्लंघन झाल्यास त्यावरील उपाय व पुर्नस्थापना करण्याची जबाबदारी पुर्णतः प्रकल्पप्रवर्तकाची असेल.

संकीर्ण :

१. अस्तित्वातील आरएमसी प्रकल्प, जे नियमांचे पालन करत नाहीत व जे जुन्या पद्धती (Star Type) ने उभारण्यात आलेले आहेत, अशा प्रकल्पधारकांनी आपले आरएमसी प्रकल्प एक वर्षाच्या आत मोडीत काढावे. तसेच अस्तित्वात असणारी इतर आरएमसी प्लान्ट धारकांनी उपरोक्त मार्गदर्शक तत्वांची अंमलबजावणी एका वर्षाच्या कालावधीमध्ये करावी. ज्या आरएमसी प्लान्टधारकांकडे म.प्र.नि.मंडळाचे वैध संमतीपत्र आहे, त्यांचे संमतीपत्र एक वर्षाच्या आत उपरोक्त मार्गदर्शक तत्त्वानुसार सुधारित करून घ्यावे.
२. आरएमसी प्लान्ट फक्त दिवसा चालविण्यात यावेत. दिवसाची वेळ सकाळी ०६:०० ते रात्री १०:०० अशी विचारात घेण्यात यावी. अधिसूचित औद्योगिक क्षेत्र आणि स्थानिक स्वराज्य संस्थेच्या बाहेरील आरएमसी प्लान्ट यांना सदरची अट बंधनकारक नाही.
३. आरएमसी / बॅचिंग प्रकल्पाकरिता म.प्र.नि.मंडळ अधिक कडक निकष लागू करू शकते.
४. स्थानिक स्वराज्य संस्था व विशेष नियोजन प्राधिकरण आरएमसी प्लान्ट धारकांच्या समुहासाठी स्थान निश्चित करू शकतात. सदर अधिसूचना मा.प्र.नि.मंडळ, मुंबई यांच्या मान्यतेने निर्गमित करण्यात येत आहे.

दिनांक ७ नोव्हेंबर २०१६.



डॉ. पी. अनुबलगन, भा.प्र.से.
सदस्य सचिव

६ महाराष्ट्र शासन राजपत्र भाग चार-क, गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

MAHARASHTRA POLLUTION CONTROL BOARD, MUMBAI

The Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria of RMC Plant in the State of Maharashtra

NOTIFICATION

No. MPCB/AS(T)/TB/B-4363.—In exercise of the powers conferred under sub-section (1) of section 54 read with clause (z) of sub-section (2) of the said section and sub-section (1) Sub clause (b) & (h) of section 17 of the Air (Prevention & Control of Pollution) Act, 1981 & Sub Section (1), Sub Clause (n) and (o) of 17 of the Water (Prevention & Control of Pollution) Act, 1974, the State Govt. after consultation with the Maharashtra Pollution Control Board hereby notifies the Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria of RMC's in the state of Maharashtra, the Environmental norms to be imposed on RMCs for additional control measures to be imposed to abate/mitigate pollution, to protect public health in the surrounding areas.

DEFINITION :

- (i) **Ready Mix Concrete (RMC)** : Ready-mix concrete is concrete that is manufactured in a factory or batching plant, according to a set recipe, and then delivered to a work site, by truck mounted in-transit mixers.
- (ii) **Commercial Plant** : A concrete batching plant set up for the purpose of supply of RMC to customers who require this for their construction.
- (iii) **Captive Plant** : A Concrete Batching Plant which has been set up by RMC manufacturer or contractor or any other for the sole purpose to supply RMC to a dedicated project site.

A. APPLICABILITY -

- (i) The RMC Plants are covered under the consent management regime of the Maharashtra Pollution Control Board.
- (ii) The permissions / grant of NOC shall be issued by the concerned local body/appropriate planning authority.

B. SITTING CRITERIA-

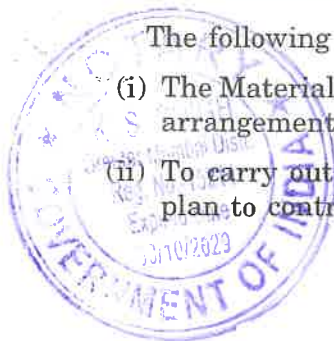
The following sitting criteria shall be considered for establishment of RMC Plant.

1. For commercial plant a buffer zone of approximately 100 m distance from human habitation of 1000 souls or more and major road (National/ State Highway, MDRs, main roads in city areas) shall be maintained.
2. For captive plant for the specific project, the location of RMC can be inside the project premises.
3. Commercial RMC plant should not be located within 200 m from schools, colleges, hospitals and courts.
4. The project proponent should comply with other locational statutory requirements in force such as DC Rules etc., while obtaining Consent to Establish from the Maharashtra Pollution Control Board.

C. ENVIRONMENTAL ASSESSMENT :

The following factors shall be taken into consideration for environmental assessment.

- (i) The Material handled *viz.* sand, aggregates, fly ash, cement and additives and their Storage arrangements along with capacity shall be specified.
- (ii) To carry out meteorological study specifically wind directions and accordingly prepare plan to control of fugitive emissions / dust particles and suppression system.



D. Pollution control measures:**(a) Air Pollution Control :****(i) In-house measures ;**

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
 - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
 - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
 - Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10	Not to Exceed	100 $\mu\text{g}/\text{m}^3$
Particulate Matter PM 2.5	Not to Exceed	60 $\mu\text{g}/\text{m}^3$

- (a) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
- (b) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.



८

महाराष्ट्र शासन राजपत्र भाग चार-क, गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

(b) Water pollution control measures;

- (I) The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Standards of the treated effluent Quality

Sr. No. (1)	Parameter (2)	Concentration (3)	Limits (4)
1	pH	Between	5.5 to 9.0
2	Oil & Grease	Not to exceed	10 mg/l
3	Suspended Solids	Not to exceed	100 mg/l.
4	BOD-3 days	Not to exceed	30 mg/l.
5	COD	Not to exceed	150 mg/l.
6	TDS	Not to exceed	2100 mg/l

- (II) The treated effluent shall be reused in the process, water sprinkling system or gardening / plantation only. There should not any discharge of effluent from the plant.

(c) Noise pollution Control Measures :

Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise Pollution.

(d) Solid waste treatment and disposal ;

Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

E. The following conditions shall be incorporated in the consent :

- The authority shall provide adequate water treatment and disposal facility for generated effluent from their activity .They shall comply with provisions under the Water (Prevention and Control of Pollution) Act, 1974.
- The authority shall provide adequate Air pollution control arrangement at the source. They shall comply with the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and conditions prescribed.
- The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Miscellaneous :

- The RMC plants where the norms are not followed and the technology is old (Star type) shall be discarded within 1 year. Existing RMC plant shall implement the suggested guidelines within a year. The renewal of Maharashtra Pollution Control Board's consent shall be considered only after implementation of new guidelines. The RMC's having valid consent of Maharashtra Pollution Control Board shall amend their consent in compliance with guideline within a year.

महाराष्ट्र शासन राजपत्र भाग चार-क, गुरुवार ते बुधवार, नोव्हेंबर १०-१६, २०१६/कार्तिक १९-२५, शके १९३८

2. Operation of RMC plant shall be in day time only. However in notified MIDC area, notified industrial parks, outside corporation area timing are not applicable. The Day time shall mean from 6 a.m. to 10 p.m.
 3. The Maharashtra Pollution Control Board may make the standards stringent for the RMC / batching plants.
 4. Urban local bodies/ special planning authority can locate all such RMC plants in cluster.
- This notification is issued with the approval of Hon'ble Chairman of the Board.

dated 7th November 2016.

DR. P. ANBALAGAN,
IAS, Member Secretary.



MAHARASHTRA POLLUTION CONTROL BOARD

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Mumbai-400 022.

No: BO/JD(APC)/RMC/TB-3/B-0218**Date: 17/10/2025****CIRCULAR**


Sub: Revised Guidelines for Ready Mix Concrete Plants (RMC) for sitting criteria in the State of Maharashtra.

- Ref:** - 1) Notification dated 7/11/2016 reg. Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria in the State of Maharashtra.
2) Circular dated 08/10/2024 issued by MPCB for categorization of RMC Plants.
3) Notification dated 27/11/2024 issued by MPCB regd. Guidelines for Ready Mix Concrete Plants (RMC) for sitting criteria in Mumbai Metropolitan Region (MMR).
4) Notification dated 17/10/2025 reg. Revised Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria in the State of Maharashtra.

Maharashtra Pollution Control Board had issued Notification dated 7/11/2016 regd. Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria was applicable for the entire State of Maharashtra.

Now Maharashtra Pollution Control Board has issued revised RMC Guidelines for the State of Maharashtra and guidelines issued vide Notification dated 17/10/2025. All earlier Notification/ Guidelines issued by Board is hereby superseded. A copy of the Revised Notification dated 17/10/2025 is enclosed for necessary compliance.

All Regional Officers and Sub Regional Officers are hereby directed to ensure the implementation of the aforesaid Notification dated 17/10/2025 for establishment and operation of Ready Mix Plants and communicate the same to all stakeholders for necessary action. The notification is applicable from the date of issuance.


(M. Devender Singh, IAS)
Member Secretary

Copy submitted to in favor of information:

- 1) Hon'ble Chairman, MPCB, Mumbai.

Copy to : JD (APC)/JD (WPC)/AS(T)/ PSO/ RO(BMW)/ RO(HQ)/ LO (P&L Divn./I/II), MPCB, Mumbai- For information.

Copy to: All Regional Officers and Sub Regional Officers, MPC Board- For necessary action.

Copy to: EIC Section – for hoisting on Board's website.



MAHARASHTRA POLLUTION CONTROL BOARD, MUMBAI**The Guidelines for Ready Mix Concrete (RMC) Plants for siting criteria in the State of Maharashtra.****NOTIFICATION****Date : 17 /10/2025**

No. MPCB/JD(APC)/TB/B-230 – In exercise of the powers conferred under sub-section (1) of section 54 read with clause (z) of sub-section (2) and sub-section (1) Sub clause (b) & (h) of section 17 of the Air (Prevention & Control of Pollution) Act, 1981 & Sub Section (1), Sub Clause (n) and (o) of Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, the State Government, after consultation with the Maharashtra Pollution Control Board hereby notifies the Guidelines for Ready Mix Concrete Plant (RMC) for siting criteria of RMC Plant in the entire State of Maharashtra, the Environmental norms to be imposed on RMC plant for additional control measures to be imposed to abate/mitigate pollution, to protect public health in the surrounding areas.

PREMABLE

The Hon'ble High Court of Judicature at Bombay on its Own Motion has registered Suo-Moto Public Interest Litigation bearing No. 3/2023 on the basis of Articles published in Local Newspapers regarding deteriorating air quality in Mumbai and surrounding areas. In compliance with the various orders passed by the Hon'ble High Court in the said matter, the Maharashtra Pollution Control Board has taken various initiatives to improve air quality in MMR area.

Urbanization is taking place on a large scale in the state of Maharashtra. Construction is a major part of urbanization and Ready-Mix Concrete (RMC) Plants are essential for this & RMC plants located in the city are one of the source of air pollution. Based on above situation & huge construction activity, we need to restrict the air pollution in the State by taking stringent measures to control air pollution.

Therefore, initially, MPC Board has issued Notification regarding Guidelines for siting criteria of RMC plants for only specific MMR area vide dated 27/11/2024 after the guidelines in the State of Maharashtra vide dated 07/11/2016.

Now, considering the deterioration of Air Quality in the State of Maharashtra, it is decided to issue Guidelines for RMC plants throughout entire State of Maharashtra.

DEFINITION:

- (i) **Ready Mix Concrete (RMC):** Ready-mix concrete is concrete that is manufactured in a factory or batching plant, according to a set recipe, and then delivered to the work site, by truck mounted in-transit mixers.
- (ii) **Commercial Plant:** A concrete batching plant set up for the purpose of supply of RMC to customers who require this for their construction.
- (iii) **Captive Plant:** A Concrete Batching Plant which has been set up by RMC manufacturer or contractor or any other for the sole purpose to supply RMC to a dedicated project sites located in the same premises.

A. APPLICABILITY-

- (i) RMC Plants are covered under the Consent management regime of the Maharashtra Pollution Control Board under Orange Category.
- (ii) The permissions / grant of NOC shall be issued by the concerned local body/ appropriate planning authority. Development permission from planning authority, Land ownership- lease/ ownership documents.

B. SITING CRITERIA-

The following Sitting Criteria shall be considered for the establishment of RMC Plant.

1). Commercial Plants -

- 1) New commercial plants should not be located within 200 mtr. from schools, colleges, hospitals (above 50 beds) and Courts.
- 2) New commercial plants should not be located within 50 mtr. distance from nearest human habitation in MMR area except notified industrial area but the plant should be totally covered mandated from the day of operation.
- 3) All existing/ new RMC plants shall be covered from all sides by using tin / similar type of material like a box structure for following sections of RMC plants.
 - i. Raw material handling,
 - ii. Silos,
 - iii. Loading & unloading area including conveyor belt,
 - iv. Mixing unit, hopper bottom (main plant).

Or

The total plant area shall be fully covered from all sides.

- 4) Existing plants shall provide Box type structure and fully covered plant within a period of 01 month from the date of issuance of this Notification and shall submit Bank Guarantee of Rs. 25.0/- Lakh towards Operation & Maintenance of Pollution Control system of the RMC plant.

Expansion activities for the existing commercial plants shall apply for Consent to Establish for Expansion, it will be treated as a proposed unit (new unit).

- 5) Other conditions with respect to provisions of Air / Water Pollution control system shall be incorporated in the Consent to Establish/Operate.

2) Captive Plants -

- 1) Existing plants shall provide Box type structure and fully covered plant within a period of 01 month from the date of issuance of this Notification and shall submit Bank Guarantee of Rs. 15.0/- Lakh towards Operation & Maintenance of Pollution Control system of the RMC plant.
- 2) After possession / completion on Occupancy Certificate of project for which Consent to Operate is granted, the Captive plants shall be shifted / dismantled within a period of 1 month from the premises after 70% occupancy of the project.
- 3) All existing/ new RMC plants shall be covered from all sides by using tin / similar type of material like a box structure for following sections of RMC plants.
 - i. Raw material handling,
 - ii. Silos,
 - iii. Loading & unloading area including conveyor belt,
 - iv. Mixing unit, hopper bottom (main plant).

Or

The total plant area shall be fully covered from all sides.



- 4) The project proponent should comply with other locational statutory requirements in force such as Development Control (DC) Rules & as per MoEF & CC guidelines etc., while obtaining Consent to Establish from the Maharashtra Pollution Control Board.
- 5) Other conditions with respect to provisions of Air / Water Pollution control system shall be incorporated in the Consent to Establish/Operate.

If the captive plant is not located within the premises of the project, then the criteria of commercial plant is applicable (Except for public projects).

C. Pollution control measures:

(a) Air Pollution Control:

(i) In-house measures:

- 1) Transfer points should be covered from all the sides.
- 2) The dust containment system shall be provided incorporating either of the following -
 - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
 - Tree plantation along the periphery inside boundary of the RMC premises be carried out. The foliage of the trees shall adequately cover area up to about 20 feet. height. shall be carried out.
- 3) Internal movement area shall be cement concreted /Asphalted.
- 4) Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carried out, with using compact mobile unit with vacuum system of high-pressure cleaning.
- 5) Automatic two-level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.
- 6) Foggers/ Fogging system with minimum 50 mtrs of water mist fog shall be installed at all dust generating sources.
- 7) CC TV cameras shall be installed at all the entry and exit points.
- 8) Global Positioning System (GPS) tracking system shall be installed to all RMC carrying vehicles.

It will be responsibility of RMC plant to ensure all vehicles shall be thoroughly cleaned before leaving RMC plant premises and is also cleaned at the place where RMC is dispatched. In no case transit mixtures carrying material on its outer surface shall be operated. Operator of the RMC plant will be held responsible for this lapse.

Raw material storage & handling:

- Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
- 2) Handling of Cement, sand, fly ash, gypsum and aggregates shall be carried out with mechanical closed system only.
 - 3) Manual operations shall be permitted only in a closed shed which will be equipped with dust control system at the loading point as well as roof top secondary dust control system.
 - 4) All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
 - 5) All the raw materials must be stored in closed silos /bins of adequate capacity.
 - 6) Mixing section of cement, aggregate & sand (equivalent) shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.



- 7) Storage area of sand (equivalent) & aggregate shall be equipped with roof top water sprinkler system.
- 8) The operation of the plant shall be interlocked with air pollution control devices.
- 9) Alternative power supply system should cover both the production and Air pollution control system.

(iii) The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

Particulate Matter PM 10	Not to Exceed	100 µg/m ³
Particulate Matter PM 2.5	Not to Exceed	60 µg/m ³

- (a) Commercial plants shall install standard sensor-based Air Quality Monitoring System within the premises for parameters PM10 & PM2.5.
- (b) Captive plants shall carry out ambient air quality monitoring twice a week for 24 hours.
- (c) All such records shall be made available during inspection by MPCB officials.

(b) Water pollution control measures.

- (I) The wastewater generated from the sources like washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Standards of the treated effluent Quality

Sr. No.	Parameter	Concentration	Standards
1	pH	Between	5.5 to 9.0
2	Oil & Grease	Not to exceed	10 mg/l
3	Suspended Solids	Not to exceed	100 mg/l
4	BOD (3 days)	Not to exceed	30 mg/l
5	COD	Not to exceed	150 mg/l.
6	TDS	Not to exceed	2100 mg/l

- (II) The treated effluent shall be reused in the process, water sprinkling system or gardening / plantation only. There should not be any discharge of effluent from the plant outside the project premises.

(c) Noise pollution Control Measures:

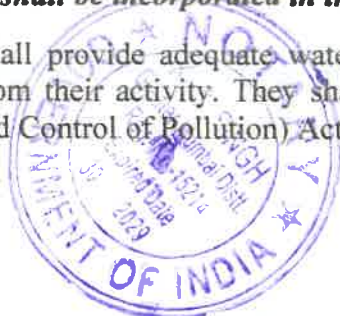
Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise Pollution.

(d) Solid waste treatment and disposal:

Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed of at a designated approved site (Construction & demolition waste) by local body, for debris / construction waste.

D. The following conditions shall be incorporated in the consent:

- 1) Project Proponent shall provide adequate water treatment and disposal facility for generated effluent from their activity. They shall comply with provisions under the Water (Prevention and Control of Pollution) Act, 1974.



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- 2) Project Proponent shall provide adequate Air pollution control arrangement at the source. They shall comply with the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and conditions prescribed.
- 3) Project Proponent shall comply the guidelines as per MoEF & CC Notification dated 29/01/2025 towards Locational criteria for Orange Category.
- 4) The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted into the environment and violation of consent conditions and thereby causing environmental pollution.
- 5) The captive RMC plants shall not act as a commercial plant if found acting as a commercial plant then it shall be closed permanently.
- 6) Operation of RMC plant shall be in daytime only in non MIDC area. The Day time shall mean from 6 a.m. to 10 p.m.
- 7) The Maharashtra Pollution Control Board reserves its rights to impose any stringent standards if so required.

All new Commercial and captive RMC plants in MMR will be approved by Joint Director (Air Pollution Control), HQ.

These guidelines are applicable throughout the State of Maharashtra and supersede earlier guidelines dated 07/11/2016 and 27/11/2024.

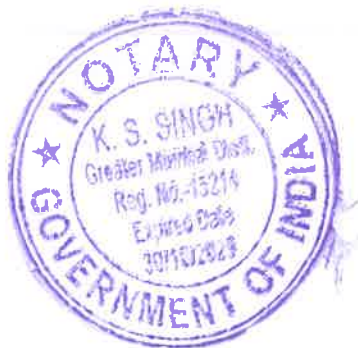
These guidelines are applicable with immediate effect from the date of issue of this Notification.

This Notification for guidelines is issued as per the approval of the Competent Authority of MPC Board.

Date- 17 /10/2025



(Signature)
 (M. Devender Singh, IAS)
 Member Secretary





SAIFEE BURHANI Upliftment Trust

Regd. - E-25619 (Mumbai)

SBUT/LTR/9494

13th May 2025

To,
Regional Officer-Mumbai,
Maharashtra Pollution Control Board
Regional Office, Mumbai
Kalpatru Point, 1st Floor, Sion Circle,
Sion (E), Mumbai:400 022.

Dear Sir,

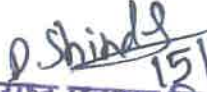
Re: Your Interim Directions U/no MPCB/ROM/ID/2505090004 dated 9th May, 2025

1. We are in receipt of the Interim Directions U/no MPCB/ROM/ID / 2505090004 dated 9th May, 2025
2. As per the directions interim directions , we will control the Air Pollution , Noise Pollution and maintain Ambient Air Quality and Noise Quality as per the standards.
3. As per the interim order, you have directed to that the Bank Gaurantee (BG) of Rs 1 Lakhs will be forfeited.
4. Here we request in stead of Forefeiting the BG , please accept the DD amounting to Rs 1 lakhs in the name of MPCB, Mumbai.
5. Kindly acknowledge the DD u/no. 432657 dated 13.05.2025 amounting to Rs.1 Lakh and issue the receipt of the Same.

Saifee Burhani Upliftment Trust


Authorised Signatory.




15/05/2025
महाराष्ट्र प्रदूषण नियंत्रण मंडळ
प्रादेशिक कार्यालय-मुंबई
कल्याणरू पोस्ट, दुसरा मजला, भायन सर्कल जवळ,
मुल्की मॅक्स सिनेमा समोर, शिव (पूर्व), मुंबई- ४०० ०२२