

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

ORIGINAL APPLICATION NO. 105 OF 2021 (WZ)

Shashikant Kamble

..... Applicant

Versus

MoEF & Ors.

..... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD I.E. RESPONDENT NO. 7
& 8**

I, Kartikeya Langote, aged about 53 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-I, having office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

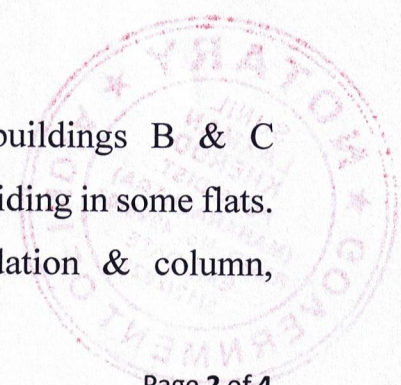
- 1) I say and submit that the Applicant has filed this application alleging that Respondent no. 14 carried out construction project 'Jubilee Park' located at Survey No. 84 / 2 + 4 & 83 / 1 (Plot No. 3) Village Wajre, Taluka Haveli, District Pune without obtaining Consent to Establish and Consent to Operate from the Respondent-Board & Environmental Clearance from the competent Authority.





- 2) I am filing this affidavit in compliance of the Order dated 22/05/2024 passed by this Hon'ble NGT.
- 3) I say and submit that the Project Proponent has submitted an application for the Consent to Establish vide UAN No. MPCBCONSENT- 0000171400 on 20-05-2023. After scrutiny of the application, the Respondent-Board has issued Show Cause Notice for refusal of Consent on 30/11/2023 for carrying out construction activities without obtaining Consent to Establish from the Respondent-Board since, 2012. A copy of the Show Cause Notice dated 30/11/2023 is attached as an **Annexure I**.
- 4) I say and submit that the Respondent No.14-Project Proponent has failed to submit reply to the show cause notice issued by the Respondent Board and Environment Clearance. Therefore, the Respondent Board has issued Refusal of Consent to Establish vide letter dated 4/10/2024. A copy of the Refusal of Consent dated 4/10/2024 is attached as an **Annexure-II**.
- 5) I say and submit that in order to verify the present status. the Official of the Respondent Board at Pune alongwith Project Manager of Respondent No.14-PP visited to the site on 16/10/2024 and observed as follows :-

- I. PP has completed construction of buildings B & C =BP+P+P+11th floor. Peoples found residing in some flats. Building A= constructed upto foundation & column,





during visit construction of building A not found in operation.

- II. For the treatment of Domestic effluent, PP has provided Sewage Treatment Plant having capacity 150 CMD with Primary, Secondary & Tertiary treatment. Aeration tank of STP is underground and not open to sky. During the visit STP found in operation, treated water used for gardening purpose only.
- III. Project proponent has not provided Organic Waste Converter or composting pit for treatment of wet waste. PP stated that, generated wet & dry waste send to Swacha Pune Seva Sahakari Sanstha Ltd. for further disposal.
- IV. During visit Bore well observed near C building, PP has obtained NOC from CGWA, which is valid from 23/2/2023 to 22/2/2028. A copy of Visit Report alongwith Photograph dated 16/10/2024 is attached as an **Annexure III.**

6) I say and submit that the Respondent Board has filed a Regular Criminal Case No.4255/2015 under Section 15 read with Section 16 of the Environment (Protection) Act, 1986 read with EIA Notification, 2006 against Respondent No.14 i.e. M/s.Aurangabad Holiday Resort & Ors. before the Hon'ble Chief Judicial Magistrate at Pune, for carrying out construction



activities at the aforesaid site without obtaining Environmental Clearance (EC). The case is still pending.

7) Hence this Affidavit.

Solemnly affirmed on this 25th day of October, 2024 at Pune.

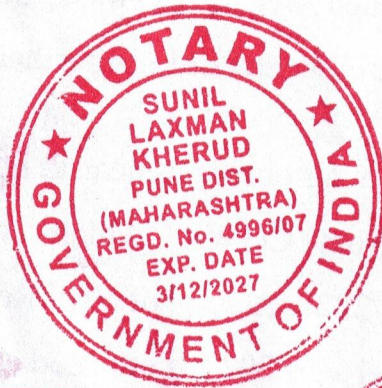
I know the affiant

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No. 7 and 8.

[Handwritten signature]
25/10/24

ADVOCATE

(Kartikeya Langote)
Sub - Regional Officer Pune I,



BEFORE ME

[Handwritten signature]
SUNIL LAXMAN KHERUD
NOTARY GOVT. OF INDIA
Regd. No. 4996/07
Noted & Registered No.



SUNIL LAXMAN KHERUD
NOTARY GOVT. OF INDIA
B-3, MANIRATAN SOCIETY,
RYANESHWAR, PUNE-411009
25 OCT 2024

MAHARASHTRA POLLUTION CONTROL BOARD

Phone No. 24010437 / 24020781
 Visit us at : <http://mpcb.gov.in>
 mail : jdwater@mpcb.gov.in



"Your Service is our Duty"

Kalpitaru Point 2nd floor,
 Sion Matunga Scheme Road
 No. 8, Infant of Sion Cercal,
 Sion (E),
 Mumbai – 400 022.

No.BO/JD(WPC)/CC/SCN/TB- 23\1300006

Date: 30/11/2023

To,

**M/s. Aurangabad Holiday Resort (Jubilee Park),
 84, H. No. 2 + 4 & S. No. 83/1
 (Plot No. 3), Warje,
 Tal. Haveli, Dist. Pune.**

Sub: - Show Cause notice for refusal of Consent to Establish

Ref: - Your application for consent to operate vide UAN No. MPCB-CONSENT-0000171400.

WHEREAS, you have applied for grant of Consent to Establish under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974; under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Hazardous & Other Wastes (M & T M) Rules 2016.

AND WHEREAS, after scrutiny of your application it is decided to issue show cause for refusal of consent for following non-compliances-

1. PP has started construction activity without obtaining CtoE form the MPC Board since 2012
2. PP has not obtained Environmental Clearance as per revised sanctioned dtd. 18/06/2012.
3. PP has not submitted revised IOD/Sanction for BUA of 45906.56 Sq. Mtrs for which EC application is submitted.
4. The water budget & capital investment mentioned in application is mismatched with application submitted for EC.
5. PP has not provided OWC for Biodegradable waste treatment.
6. PP has not submitted penal charges Rs. 3,28,274/-.
7. PP has not submitted CGWA NOC for ground water extraction.

NOW THEREFORE, you are hereby directed to show cause as to why your application for grant of consent to establish should not be refused under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 And Hazardous & Other Wastes (M & T M) Rules, 2016.

You are hereby called upon to submit your reply within a period seven days from the receipt of this communication, failing which, Board have no option than to refuse your Consent as mentioned above and to initiate appropriate legal action under the provision of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 against you, which may please be noted.

(Dr. J. B. Sangewar)
 Joint Director,
 Water pollution Control

Copy for necessary action to-
 Sub-Regional Officer, Pune-I- He is directed to ensure that SCN to be served to the industry.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437

Fax:

24044532/4024068/4023516

Website: <http://mpcb.gov.in>

Email: jdwater@mpcb.gov.in



Kalpataru Point, 2nd, 3rd
and 4th floor, Opp. Cine
Planet Cinema, Near Sion
Circle, Sion (E),
Mumbai-400022

No. BO/MPCB/JD (WPC)/Refusal/UAN
No.0000171400/CE/2410000475

Date: 04/10/2024

To,
M/s Aurangabad Holiday Resort (Jubilee Park)
84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3) ,Warje
Haveli,Pune-Pune



Sub: Refusal of Consent to Establish under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981.

Ref: 1. Your application for grant of Consent to Establish (UAN No. MPCB-CONSENT-0000171400)
2. Show Cause Notice for Refusal dtd.30/11/2023.

WHEREAS, this office is in receipt of your application for grant of Consent to Establish under section 25 of the Water (Prevention of Control of Pollution) Act, 1974 & under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016.

AND WHEREAS, you have applied for Environmental Clearance under violation category for total plot area of 17200 Sq. Mtrs and total built up area of 45906.56 Sq. Mtrs & till date not obtained the same.

AND WHEREAS, Board office has issued Show Cause Notice vide reference (2) above in which asked to submit Environmental Clearance copy, approved sanction plan for BUA 45906.56 Sq. Mtrs for which EC application is submitted & provision of OWC.

AND WHEREAS, you have failed to submit the reply to the letter even sufficient & reasonable opportunity given for the submission of same and in the absence of the desired information, the Board is unable to take decision about grant of consent.

In view of above, your application for grant of Consent to Establish is hereby refused under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981 for the above non-compliances. If you are aggrieved by this order, you may prefer an appeal as per provision in the Water (P&CP) Act 1974 & the Air (P&CP) Act 1981 within 30 day's time from the date of receipt of this letter.

Copy to:

1. Regional Officer, MPCB-Pune- for information, please. He is directed to issue stop work Direction to the PP after one month with intimation to competent planning Authority & report to HQ.
2. Sub Regional Officer, MPCB-Pune I- for information. You shall communicate to the applicant and Initiate Legal Action against HCE including Proposal to Impose ECC through Legal Module.



MAHARASHTRA POLLUTION CONTROL BOARD SUB-REGIONAL OFFICE PUNE-I



Ph. 020-25811694
Fax. 020-25811029

Jog Center Bldg.
2nd floor, Wakdewadi,
Old Mumbai – Pune Highway,
Pune 411003

Visit Report

Name & Address of :- M/s. Aurangabad Holiday Resort (Jubilee Park)
84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3),
Warje, Tal- Haveli, Dist- Pune.

Date of Visit :- 16/10/2024.

Industry Officials :- Shri. Rameshwar Khune- Project Manager.
E- mail:- constrotechengineers@gmail.com
Mobile No. 9096002900

Observations :-

The Original Application No. 105/2021 (WZ) filed by Shashikant Vitthal Kamble versus MoEF & CC & Ors against M/s. Aurangabad Holiday Resort (Jubilee Park) 84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3), Warje, Tal- Haveli, Dist- Pune. With reference to above Hon'ble NGT order and as per directives of Sub-regional Officer, Pune-1, visited the construction project. During visit following observations made:-

- 1) During the visit observed that- PP has completed construction of buildings B & C =BP+P+P+11th floor each peoples found residing in some flats. Building A= constructed upto foundation & column, during visit construction of building A not found in operation.
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- 4) During visit Bore well observed near C building, PP has obtained CGWA NOC valid from 23/2/2023 valid upto 22/2/2028.

Shri. Rameshwar Khune
(Project Manager)

(J.S.Sutar)
Field Officer, SRO Pune-1

**Photograph of M/s. Aurangabad Holiday Resort (Jubilee Park)
84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3),
Warje, Tal- Haveli, Dist- Pune.**



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