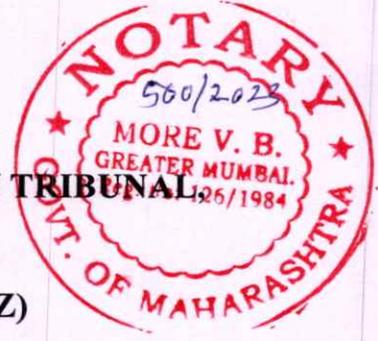


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTER ZONE BENCH, PUNE
Original Application No.31/2015 (WZ)**



Chetak Co-Operative Housing Society Ltd. ... Applicant

v/s

State of Maharashtra & Ors.Respondents

**Affidavit in Reply on behalf of the Respondent No.7-
Maharashtra Pollution Control Board**

I, Kishor A. Kerlikar, Age-adult , Occupation -Service , the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-II, having my office address at Kalpataru Point, 1st Floor, Sion Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under:-

1. I am filing this Affidavit in compliance of this Hon'ble Tribunal order dated 26/4/2023 on behalf of the Respondent No.7 i.e. Maharashtra Pollution Control Board before this Hon'ble Tribunal.
2. The instant application is filed in respect of illegal construction of building situated at CTS No.C 1629-A1/10(part) 318, CTS No.1381, CTS No.1382 C and CTS No.1378A, Village : Danda, Pali Hill Road, Bandra (West), Mumbai-400 050 carried out by Respondent No.8-Project Proponent, without obtaining Environmental Clearance from the concerned Department and illegally obtaining

1/2/23



development plans sanctioned and permissions without complying with basic conditions of Environmental Laws etc.

3. I say and submit that in order to verify the present status, the official of the Respondent Board at Mumbai visited to the aforesaid site on 26/6/2023 and observed as under :-
- (i) During visit, construction work of abovesaid project was found completed.
 - (ii) The Representative of the Respondent No.8-Project Proponent informed that they have obtained Occupation Certificate from MCGM, but failed to provide copy of O.C.
 - (iii) During visit, the Representative of Respondent No.8-Project Proponent also failed to provide copies of the Environment Clearance granted by Environment Deptt., Govt. of Maharashtra and also failed to give information regd. Consent to Establish and Consent to Operate from MPCB and sewage treatment plant for the treatment of domestic effluent generated from occupied building and provision of organic waste convertor for treatment of biodegradable waste(wet waste) generated from occupied building.
 - (iv) The Representative of the Respondent No.8-Project Proponent did not allow to verify the STP & OWC status.
 - (v) Respondent No.8-Project Proponent has given occupation to the residents.

Handwritten signature

- (vi) The Representative of the Respondent No.8-Project Proponent is requested to submit latest Architect Certificate stating total plot area & total construction built-up area completed / constructed as on date.
- (vii) The representative of the Project Proponent failed to submit requisite information during the visit on 22/6/2023 and refused to sign the visit report etc.

A copy of the visit report dated 26/6/2023 alongwith typed copy of the same are enclosed herewith and marked as an **Annexure-I collectively**.

4. I say and submit that in view of the above non-compliances, the Respondent-Board has issued Show Cause Notice to the Respondent No.8-Project Proponent vide letter dated 12/7/2023, for failure to furnish a copy of the Environment Clearance, Consent to Establish & Consent to Operate, Architect Certificate stating total plot area & total construction built up area during the visit etc. A copy of the Show Cause Notice dated 12/7/2023 is enclosed herewith and marked as an **Annexure-II**.

Solemnly affirmed on this 18th day of July, 2023 at Mumbai.

For and on behalf of Maharashtra
Pollution Control Board,

Kishor A. Kerlikar

(Kishor A. Kerlikar)

Sub- Regional Officer-Mumbai-II



BEFORE ME
Vasant B. More
18.07-2023
VASANT B. MORE
Notary Gr. Mumbai

REGISTER Sr. No 500/2023

18 JUL 2023



MAHARASHTRA POLLUTION CONTROL BOARD
Sub-Regional Office, Mumbai-II

Ph :- (022)-24016239

E-mail :- sromumbai2@mpcb.gov.in

Website :- http://mpcb.gov.in



1st Floor, Kalpataru Point,
 Sion Circle, Sion(E),
 Mumbai- 400 022.

Date: 26/06/2023

Inspection Report

- 1) Name & Address of Industry : M/s. Sandhu Builders,
 CTS No. C 1624-A1/10(AE) 318,
 CTS No. 1381, CTS No. 13826, CTS No. 1378,
 Vill. Danda, Pal: Hill Road, Bandra CW,
 Mumbai 400050.
- 2) Type of Industry : Construction Project (Residential)
- 3) Person Contacted : } Representative refused to give his
- 4) Phone Number : } name & contact number.
- 5) Consent Status : Not produced during visit.
- 6) Observation :

Visit report in connection to application before Hon'ble National Green Tribunal vide Application (D) No. 67 of 2015, M/s. Chetak Co-op Hsg. So. Ltd. v/s The State of Maharashtra & Ors & during visit following observations were observed as below:

- 1) M/s. Chetak Co-op Hsg. So has filed above said application before Hon'ble National Green Tribunal in respect of construction work carried out by M/s. Sandhu Builders.
- 2) During visit to the above said construction project construction work found completed.
- 3) Project representative reported that they have obtained occupation certificate from M.C.C.M but copy of OC not produced during visit

(P.T.O)

- 576-
- 4) Project representative failed to provide the copy of Environment Clearance granted by Env. Dept Govt. of Maharashtra.
 - 5) Project representative failed to provide information regarding obtaining Consent to Establish & Consent to operate from M.P.C. Board.
 - 6) Project proponent has given occupation to the tenants.
 - 7) Project proponent failed to provide information regarding provision of Sewage Treatment Plant for treatment of domestic effluent generated from occupied building & provision of Organic Waste Converter for treatment of biodegradable waste (Wet waste) generated from occupied building. Representative available during visit, didn't permitted to verify STP & OWC status.
 - 8) Requested project representative to submit latest Architect Certificate stating total plot area & total construction built up area completed / constructed as on date.
 - 9) Project representative refused to sign visit report.
 - 10) Project has been previously visited on 22/06/2022 & that time also project representative not provided any information.
 - 11) It is requested & communicated through message to the advocate of M/s. Sandhu Builders to submit the above said information on priority. Till date no information is submitted by them.

Refused to sign


C.M.R. Thakur)
F.O, SRom-II

MAHARASHTRA POLLUTION CONTROL BOARD

SUB REGIONAL OFFICE – MUMBAI- II

Inspection Report

Name & Address of Industry : M/s. Sandhu Builders,
 CTS No. (C1629-A1/10(pt)318, CTS o.
 1381, CTS No. 1382C, CTS No. 1378A, Vill.
 Danda, Pali Hill Road, Bandra (W),
 Mumbai 400 050

Date of Visit : 26/06/2023

Type of Industry : Construction Project (Residential)

Person Contacted : Representative refused to give his name
 and contact number .

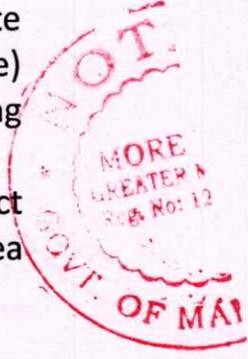
Consent status : Not produced during visit.

Observations :

Visit report in connection to application before Hon'ble National Green Tribunal vide Application (D) No. 67 of 2015, M/s. Chetak Co-op, Hsg. So. Ltd. V/s The State of Maharashtra & Ors & during visit following observations were observed as below:

- 1) M/s. Chetak Co-op, Hsg. So. Ltd. has filed above said application before Hon'ble National Green Tribunal in respect of construction work carried out by M/s. Sandhu Builders.
- 2) During visit to the above said construction project construction work found completed.
- 3) Project representative reported that they have obtained occupation certificate from MCGM but copy of OC not produced during visit.
- 4) Project representative failed to provide the copy of Environment Clearance granted by Env. Dept. Govt.
- 5) Project representative failed to provide information regarding obtaining Consent to Establish & Consent to Operate form M.P.C. Board.
- 6) Project proponent has given occupation to the tenants.
- 7) Project Proponent failed to provide information regarding provision of Sewage Treatment Plant for treatment of domestic effluent

- generated from occupied building & provision of organic waste converter for treatment of biodegradable waste (wet waste) generated from occupied building. Representative available during visit, did not Permitted to verify STP & OWC status.
- 8) Requested project representative to submit latest Architect Certificate stating total plot area & total construction built-up area completed / constructed as on date.
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 - 10) Project has been previously visited on 22/06/2023 and that time also project representative not provided any information.
 - 11) It is requested and communicated through message to the advocate of M/s. Sandhu Builders to submit the above said information on priority. Till date no information is submitted by them.



sd/-

(M. R. Thakur)
Field Officer,
SRO Mumbai- II
MPC Board, Mumbai

MAHARASHTRA POLLUTION CONTROL BOARD	
Phone :	(022)- 24016239
Fax :	(022)- 24015269
Email :	romumbai@mpcb.gov.in
Visit At :	http://mpcb.gov.in
	
Kalpataru Point, 1 st floor, Sion- Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022	

"Your Service is our Duty"

No: MPCB/ROM/ SCN - 2307120006

Date: - 12/07/2023

To,
 M/s. Sandhu Builders
 CTS No. C1629-A1/10(pt) 318.CTS No. 131, CTS
 No. 1382C, CTS No. 1378A, Village Danda,
 Pali Hill Road, Bandra (W), Mumbai 400050.

Sub: Show Cause Notice

- Ref: 1. Original Application No.31/2015 (WZ) I.A. No. 46/2023 (WZ), filed by M/s. Chetak Co-op Hsg. So. Ltd. v/s The State of Maharashtra & Ors. before Hon'ble National Green Tribunal, WZ, Pune
 2. Visit of official of MPCB, Mumbai to your construction site on 22/06/2023 & 26/06/2023

WHEREAS, M/s. Chetak Co-op Hsg. So. Ltd has filed an Original Application bearing No.31/2015 (WZ) I.A. No. 46/2023 (WZ) against The State of Maharashtra & ors. before the Hon'ble National Green Tribunal, WZ, Pune, regarding M/s. Sandhu Builders CTS No. C1629-A1/10(pt) 318.CTS No. 131, CTS No. 1382C, CTS No. 1378A, Village Danda, Pali Hill Road, Bandra (W), Mumbai 400050 without obtaining Environment Clearance from the concerned Department and without complying with the basic conditions of Environmental Laws.

AND WHEREAS, it is obligatory on your part to obtain Consent under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 from the Maharashtra Pollution Control Board.

AND WHEREAS, Sub-Section 3 of Section-20 provides that "it is mandatory to furnish information regarding the construction, installation, operation of such establishments or any disposal system etc. to the State Pollution Control Board.





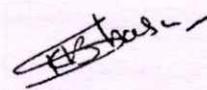
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AND WHEREAS, in order to verify the present status, the Official of the Board at Mumbai visited to your project site on 22/06/2023 & 26/06/2023. During visit, your representative has failed to furnish a copy of Environment Clearance , Consent to Establish & Consent to Operate, Architect certificate stating total plot area & total construction built up area. During visit, you have also not allowed to verify Sewage Treatment Plant & Organic Waste Converter status.

In view of the aforesaid non-compliances, you are hereby directed as to why your construction activities shall not be stopped and appropriate legal action shall not be issued against you ?

You are hereby called upon to submit your reply to this notice within a period 7 days from the receipt of this communication, failing which, Board have no option to initiate appropriate legal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 against you, which please note.

For and on behalf of Maharashtra
Pollution Control Board.


(S.B. Bhosale)

Regional Officer, Mumbai

Copy submitted to : Hon'ble Member Secretary, MPCB, Mumbai – for favour of information.

Copy submitted to: Regional Officer(BMW), MPCB, Mumbai – for information.

Copy to: Sub-Regional Officer, MPCB, Mumbai-II - He is ensure that direction to be served to the industry.