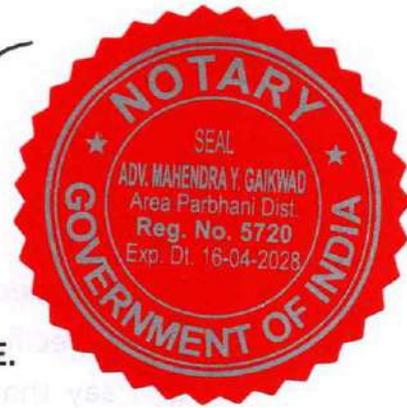


Noted & Registered
at Serial Number.... 9803/ks
Date: 25/11/2025



BEFORE THE HON'BLE

NATIONAL GREEN TRIBUNAL, (WZ) PUNE AT PUNE.

MISCELLANEOUS APPLICATION NO. 16/2025

IN

ORIGINAL APPLICATION NO. 7 OF 2018

M/S. KASHMIRA STONE CRUSHER. APPLICANT

IN THE MATTER

Mr. PRAKASH VEERSING ADHE AND ANOTHER APPLICANTS

V/s

KASHMIRA STONE CRUSHER AND OTHERS. RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 8 & 9 MPCB IS AS UNDER

I, Somnath Kurmude, Age 57, Occupation-Service, the Sub Regional Officer Parbhani of the Maharashtra Pollution Control Board, Respondent No. 08 & 09 herein, having my office at Parbhani, do hereby state on solemn affirmation as under....

1. I say that I am the Sub Regional Officer, Parbhani of Respondent No.8 & 9, the Maharashtra Pollution Control Board (MPCB), and am authorized to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the above matter, and I am affirming the present Reply Affidavit based on the same. Nothing in the present Reply Affidavit may be deemed to be an admission of any of the contents of the above-captioned Application. Nothing in the above-



captioned application may be deemed to have been admitted for mere want of specific denial.

2. I say that the Applicant has filed the present Miscellaneous Application seeking directions to the Answering Respondent to issue a decision on the hearing conducted, in accordance with law and pending a decision, restrain the Answering respondent from taking any coercive action against the Applicant.
3. I say and submit that the Original Applicant, i.e. Mr. Prakash Veersing Adhe had filed OA 07/2018 alleging pollution caused due to operation of Stone Crushers by the present Applicant i.e. M/s Kashmira Stone Crusher. The Answering Respondent found certain non-compliances and therefore admittedly sent a notice dated 10/07/2018 to the present Applicant vide letter dated 13/08/2018. In this regard, the Applicant informed the present Respondent that they had complied with all the conditions as directed by the present Respondent. I say that in the said matter, the Answering Respondent had computed EDC to the tune of Rs. 9,37,500/-. The Applicant preferred MA No. 05/2022 against the said computation alleging that the present Respondent did not give an opportunity of hearing before arriving at the said computation, wherein the Hon'ble NGT passed an order dated 17/05/2022, directing the present Respondent to grant opportunity of hearing to the Applicant and dispose of the representation of the Applicant in accordance with law. The said order of the Hon'ble NGT is annexed the present MA at **Annexure A-I.**
4. I say that in compliance of the said order of the Hon'ble NGT dated 17/05/2022, the present respondent extended personal hearing to the Applicant on 30/05/2022 and communicated minutes of the said hearing to the Applicant vide letter dated 01/07/2022. The said letter is annexed to the present MA at **Annexure A-II.**

15



9. I say and submit that, as per the Hon'ble NGT order dated 16.09.2025, letter was issued to Tahsildar Jintur dated 23.09.2025 requesting not to take any action for recovery of EDC of Rs. 9,37,500/- until the final hearing of the MA application. Also, as per the representation dated 23.9.2025 the personal hearing was extended to the applicant on 06.11.2025 and MoM of Personal hearing was communicated to the applicant, and the order was passed as per the discussion in the personal hearing to submit the environment compensation was reassessed and recalculated as Rs. 4,00,000/- (Rupees Four Lakhs) This is calculated as under –

Previously as per the formula

$$EC = PI \times N \times R \times S \times LF$$

PI = (Pollution index) = 50 as industry is SSI – Orange Category

N = (Number of days of violation) – calculated 64 days as stated above

R = (factor of environmental compensation in Rs.) = Rs. 250/-

S = (Factor of scale of operation of unit) = SSI

LF = (Location factor) – is taken 1 only

and the violation days were calculated from the first date of visit i.e. 04.07.2018 up to date of verification of compliance 30.11.2018 i.e. 165 days. But as per the presentation submitted by applicant and personal hearing extended 06.11.2025 the violation days were calculated as date of first visit i.e. 04.07.2018 up to compliance report submitted by the applicant on 05.09.2018 i.e. 64 days. The compliance represented submitted by applicant as **Annexures A- VII** Hence, the environmental compensation is calculated as under.

$$EC = PI \times N \times R \times S \times LF$$

PI = (Pollution index) = 50 as industry is SSI – Orange Category

N = (Number of days of violation) – calculated 64 days as stated above

R = (factor of environmental compensation in Rs.) = Rs. 250/-

S = (Factor of scale of operation of unit) = SSI

LF = (Location factor) – is taken 1 only

Hence,

$$EC = 50 \times 64 \times 250 \times 0.5 \times 1 = \text{Rs. } 4,00,000/-$$



The above re-assessment is done, and order was passed by the Regional officer and shall be deposited by the applicant to the Board. The Tahsildar Jintur letters dated 23/09/2025, applicant representation dated 23.9.2025 and personal hearing minutes of the said hearing has been provided to the Applicant vide letter dated 10/11/2025 are annexed to the MA at Annexures A-VIII & A-IX and A – X respectively.

Solemnly affirmed on day of October 2025.

For and on behalf of,
Maharashtra Pollution Control Board


(Somnath Kurmude)
Sub Regional Officer, Parbhani
Sub-Regional Officer
Maharashtra Pollution Control Board
Parbhani

AFFIDAVIT

Sworn before me on the 25th day of Nov 2025
by Somnath Manohar Kurmude
Who has been identified by Adv. S. A. Baged Sir.
Who is Personally known to me & Whose Signature
here to appended.




IDENTIFIED


EXECUTANT

Noted & Registered
at Serial Number 4803/05
Date: 25/11/2025

BEFORE ME


Mahendra Yeshwantrao Gaikwad
NOTARY GOVT. OF INDIA
Parbhani Tq. Dist. Parbhani

Item No.03

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

M.A. No. 05/2022(WZ)

In

Original Application No. 07/2018(WZ)

Prakash Virsingh Adhe & Ors.

Applicant(s)

Versus

M/s. Kashmira Stone Crusher & Ors.

Respondent(s)

Date of hearing: 17.05.2022.

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant(s): Mr. Saurabh Kulkarni, Advocate

Respondent(s): Ms. Mansi Joshi, Advocate for R-8 and 9

ORDER

M.A. No. 05/2022(WZ)

1. Heard the Learned Counsel for the Applicant.
2. The Application is moved by the Applicant praying that a direction be issued to Respondent Nos. 4, 5, 8, 10 & 11 to consider the representation of the Applicant and after giving him opportunity of hearing, a decision should be taken at their end, in accordance with law.
3. Direction was issued to serve notice upon Respondent Nos. 4, 5, 8, 10 & 11 and affidavit of service has been annexed by which it is apparent that all these Respondents have been served.
4. None has appeared from the side of the said Respondents except Respondent No. 8-Regional Officer, MPCB and Respondent No. 9-Sub-Regional Officer, MPCB.

5. From the side of Respondent Nos. 8 and 9, Reply Affidavit has been filed stating therein that the environmental compensation has been assessed on the basis of the violations found at the time of various visits conducted and as per the 'Polluter Pays Principle' and computation has also been annexed

6. Further, it is stated in the said Affidavit that the Respondent/Board shall extend personal hearing at its Regional Office, Aurangabad and would decide the representation filed by the Applicant.

7. During the argument, the Learned Counsel for the Respondent Nos. 8 and 9 candidly admitted that prior to quantifying the compensation amount no opportunity of hearing has been given to the Applicant in consonance with the order of this Tribunal.

8. Therefore, in view of this admission, we have no option but to allow the present Application with a direction to Respondent Nos. 8 and 9 that the representation of the Applicant shall be considered within a period of 15 days from today giving him opportunity of hearing and the same shall be disposed of, in accordance with law.

9. It is further directed that the communication regarding fixing of the date of hearing shall be communicated to the Applicant well in advance to ensure that there is no ambiguity with respect to the date of hearing.

M.A. No. 05/2022(WZ) stands disposed of, accordingly.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 17, 2022
M.A. No. 05/2022(WZ)
In Original Application No. 07/2018(WZ)

MAHARASHTRA POLLUTION CONTROL BOARD

Tel. No. 02452 226687
Visit us at : <http://mpcb.gov.in>
Email : sroparbhani@mpcb.gov.in



Sub Regional Office :
Dev Krupa Building, 1st Flower,
Nandakheda Road, Rangnath
Maharaj Nagar, Parbhani 431401

"Your Service is our Duty"

No. MPCB/SRO-P-60

Dtd. 01/07/2022

To,
Mrs. Shila Ramrao Pawar,
M/s Kashmira Stone Crusher,
Gut No. 43, Manmodi Road,
Malegaon, Tal. Jintur, Dist. Parbhani.

Sub: - Minutes of Personal Hearing scheduled on dtd 30/05/2022.

Ref:- 1. Hon'ble NGT (Western Zone Bench), Pune, Order dtd. 17.05.2022 in
M. A. No. 05/2022 in the matter of O. A. No. 07/2018.
2. E-mail from Regional Officer, Aurangabad, dtd. 19/05/2022.
3. Personal Hearing extended on dtd 30/05/2022

With reference to above subject, H'ble NGT in order dtd. 17/05/2022 in M. A. No. 05/2022 in the matter of O. A. No. 07/2018, directed that, "*the representation of the Applicant shall be considered within a period of 15 days from today giving him opportunity of hearing and the same shall be disposed of, in accordance with law*".

In view of above, personal hearing had been extended on 30/05/2022 to your Industry at Regional Office, Paryavaran Bhavan, A-4/1, MIDC Area, Chikalthana, Near Seth Nandlal Dhoot Hospital, Jalna Road, Aurangabad - 431 210 and your Representative Mr. Ramrao Kisanrao Pawar attended the hearing.

Pls find enclosed minutes of personal hearing as mentioned above.

(S. R. Kulkarni)
Sub-Regional Officer, Parbhani.

Copy submitted to :-

1. The Regional Officer, MPCB, Aurangabad
2. The Law Officer, (P & L Division), MPCB, Mumbai.

Personal Hearing

Name Of Industry: - M/s. Kashmira Stone Crusher
At Manmodi, Tal. Jintur, Dist. Parbhani.

Date of Personal Hearing:- 30/05/2022

Name Of Representative:- Ramrao Kisanrao Pawar

Directions of Hon'ble NGT :-

Personal hearing conducted on dt. 30/05/2022, during the personal hearing Industry Representative Mr. Ramrao Kisanrao Pawar & SRO, Parbhani were present. SRO Parbhani stated that Hon'ble NGT, Pune Bench vide order dt. 17/05/2022 in M. A. No. 5/2022, directed that the representation of the applicant shall be considered within a period of 15 days giving him opportunity of hearing & same shall be disposed of in accordance with law.

Issue/facts from SRO -

As per the letter of mining officer Parbhani dtd. 27/06/2018, Board official visited Stone Crusher unit M/s. Kashmira Stone Crusher Gut No. 43. Manmodi, Tal. Jintur, Dist. Parbhani.

During visit following Non Compliances were observed:

1. Industry was not provided wind breaking wall & metallic road,
2. Water sprinklers system was not provided except Jaw Crusher.
3. Conveyor belt not covered with tin sheet.
4. Scrubbing system was not provided to the hot mix plant.
5. Sufficient plantation was not carried out around the periphery of the plant.

As per the directives of Hon'ble NGT (WZ) Bench Pune, Joint visit was carried out on 23-08-2018, by Regional Officer, Aurangabad and Tahasildar, Jintur Same non compliances were observed during visit dtd.23/08/2018, except, Conveyor belt found covered with tin sheet.

As first non-compliance observed on 04-07-2018 and same non-compliances were observed during visit carried out on dated 23-08-2018. As per personal hearing extended on 08/10/2018 and Interim Direction dated 08-10-2018 unit was still defaulter up to 30/11/2018 on which compliance of Interim Direction was verified. Therefore, it is clear that, unit was operating, and non-compliance of Air pollution control measures observed from the Board official visit dated 04-07-2018 to the last date of visit dated 30-11-2018 and hence the total number of violation days are 150. Environmental Compensation (EC) calculated from 04-07-2018 to 30-11-2018 amount of which is Rs. 937500/- accordingly, EC notice issued dated 25-07-2020.

Industry Representative of Kashmira Stone Crusher told that compensation of 150 days is not acceptable to him because as per the PD issued by the Board dtd.

30/07/2018, has given him time of 15 days to comply. There after during the todays hearing he further stated that he has filed the reply to the Proposed Direction on 13/08/2018. He further stated that he was partially done the compliance such as they covered conveyor belt with tin sheet, work of water sprinkler & plantation has been done, the work of wind breaking wall & the metallic road is in progress & will be completed in 30 days & said reply already they have filed to Board's office on 13/08/2018.

Then after, Industry had again furnished the reply to PD vide letter dtd. 05/09/2018 & produced the acknowledgement copy of the said letter dtd. 05/09/2018 again today in the hearing & stated that they had reported the following compliance in same letter,

1. Wind breaking wall is completed &
2. The work of metallic rod is completed.

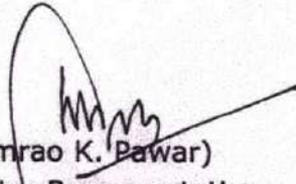
There after ID was issued by the Board on 08/10/2018 and office bearers of Parbhani office visited to M/s Kashmira Stone Crusher to verify the compliance of ID on 30/11/2018 & reported the following compliances.

1. The unit is engaged in stone crushing & Hot mix plant activity,
2. During visit only Stone crushing unit was in operation.
3. Wind breaking wall in the form of tin metal sheets of height is about 18 fit along the unit provided.
4. Provided metallic tar road in premises which is at two side of unit.
5. All the conveyor belts are covered with tin sheet.
6. Vibrating screen is covered by GI sheet & green tarpaulin.
7. Water sprinkling arrangement of source of point of conveyor belt (7 Nos) provided.
8. Regular cleaning & wetting of premises is observed, plantation @ 100 Nos is done.
9. The unit has not submitted BG of Rs.2 lakhs as per ID dt. 08/10/2018.

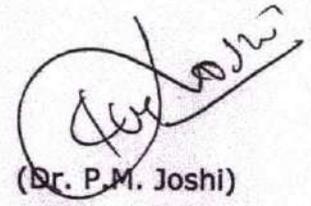
The Industry Representative stated that, he had reported the compliance vide letter dtd. 05/09/2018 & Interim Direction was issued on 08/10/2018, based on personal hearing extended on same day. As per Interim Direction dtd. 08/10/2018, time frame was given of one month for Compliance i.e. to provide wind breaking wall, dust containment suppression system for equipment, wind breaking wall metallic road & not to start the hot mix plant activity without permission from the board, to operate & maintain APC to achieve the SPM 600 mg/Nm³ etc. Against the said ID Rs. 2 lakh BG was asked in response said ID Board official visited the site on 30/11/2018.

The Industry representative stated that, as he was reported the compliance on 5th Sept. 2018 & visit was carried out on 30/11/2018, This period from

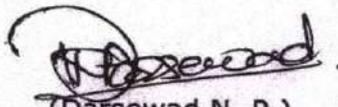
05/09/2018 to 30/11/2018 should not be taken into account as violation days while calculating the environmental compensation.



(Ramrao K. Pawar)
Industry Representative



(Dr. P.M. Joshi)
Regional Officer



(Darsewad N. P.)
F. O. Parbhani



(S. R. Kulkarni)
SRO, Parbhani

Item No.02

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(In Chamber by Circulation)
Review Application No. 03/2022(WZ)
In O.A. No. 07/2018(WZ)

Prakash Virsingh Adhe & Ors.

.....Applicant(s)

Versus

M/s. Kashmira Stone Crusher & Ors.

....Respondent(s)

Date of hearing: 23.08.2022

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

ORDER

1. The main grievance of the Review Applicant in this Application is environmental compensation to the tune of Rs.9,37,500/- (Rupees Nine Lakhs Thirty Seven Thousand Five Hundred Only) as environmental damage and as per assertion of the Review Applicant, opportunity of hearing was not given or show cause notice before doing so was not issued and, thus, this is misused of power and, thus, environmental compensation assessed by the State Authorities should be quashed and set aside.

2. In case of environmental compensation, the State Authorities have statutory powers to control the illegal mining and in case of action in violation of environmental rules, the Authorities have statutory powers to proceed in accordance with law. Anyone aggrieved by the order may file an appeal as permissible in rules.

3. We have gone through the order impugned and found no substance to review or recall the order. Accordingly, the Review Application is dismissed.

Sheo Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 23, 2022
Review Application No. 03/2022(WZ)
In O.A. No. 07/2018(WZ)
JG

Dr. Vijay Kulkarni, EM
Dr. Vijay Kulkarni, EM
Dr. Vijay Kulkarni, EM

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Dr. Vijay Kulkarni, EM

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 0240 - 2473462
Fax: 0240 - 2473461
Website: <http://mpcb.gov.in>
Email:
roaurangabad@mpcb.gov.in



Paryavaran Bhavan, A -
4/1, MIDC Area ,
Chikalthana, Near Seth
Nandlal Dhoot Hospital,
Jalna Road , Chatrapati
Sambhaji Nagar - 431 210

No. BO/MPCB/RO/Refusal/UAN
No.0000192815/CR/2407000041

Date: 01/07/2024

To,
M/S Kashmiria Stone Crusher & Hot Mix Plant
Gut No 43, Manmodi
Jintur, Parbhani-Parbhani



Sub: Refusal of Consent to Operate 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 Operate (Renewal) (UAN No. MPCB-CONSENT-0000192815)
 2. Scrunity letter issued on 12.03.2024 & 25.03.2024
 3. Show cause letter issued on 21.06.2024

WHEREAS, this office is in receipt of your application for grant of Consent to operate (renewal) under section 26 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. The Sub Regional Office has issued scrutiny letter vide reference no. 2 stating you have not deposited Environmental Compensation as per Hon'ble NGT order Order dtd. 29.06.2020 in the matter OA No. 07/2018 of (WZ) & removed plant & machinery from the operational site without any prior intimation to Board Office. .

AND WHEREAS, Board office has issued show cause notice vide reference (3) for above mentioned non- compliances. You have failed to submit desired information despite of the sufficient and reasonable opportunity given for the submission of the same.

AND WHEREAS, in the absence of the desired information, the Board is unable to take decision about grant of consent.



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Signed by: Manish Holkar
Regional Officer
For and on behalf of,
Maharashtra Pollution Control Board
roaurangabad@mpcb.gov.in
2024-07-01 15:01:39 IST

In view of above, your application for grant of Consent to Operate 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. Sub Regional Officer, MPCB-Parbhani- for information. You shall communicate to the applicant and Initiate Legal Action against industry including Proposal to Impose ECC through Legal Module.





By FAX/RPAD / HAND DELIVERY

MPCB/ROChh.S/SCN/24062100/2 /2024

Date: - 21 / 06 /2024

To,

M/s. Kashmira Stone Crusher & Hot Mix Plant.

Gut No 43 Manmodi,

Tq. – Jintur, Dist- Parbhani

Subject: Show Cause Notice under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

Reference: (1) Your application No. MPCB-CONSENT— 0000192815 for renewal of consent to operate received from SRO Parbhani.
(2) Board's scrutiny letter issued on 12.03.2024.

WHEREAS, you have made application for grant of renewal of Consent to operate under Section 26 of Water (P & CP) Act, 1974 and under Section 21 of the Air (P & CP) Act, 1981 and under Rule 5 of the Hazardous Waste (M & TM) Rules, 2016 vide reference No. 1.

AND WHEREAS, Board has issued scrutiny letter on 12.03.2024, regarding following non-compliances

- (1) You have not submitted Environmental Compensation
- (2) You have dismantled your Stone Crusher and Hot Mix without any intimation to Board.
- (3) You have applied for renewal of consent to operate without machinery of Stone Crusher and Hot Mix Plant at site.

AND WHEREAS, you have not submitted reply to the scrutiny letter. However also, clarification regarding dismantled your Stone Crusher and Hot Mix without any intimation to Board in point (2) above is not submitted.

NOW THEREFORE, the following show cause notice are issued against to,

- 1) Why your application for renewal Consent to operate shall not be refused?

You are hereby called upon to submit your reply to this Show Cause Notice within a period of seven days from the receipt of this communication, failing which, the Board will have no option than to issue refusal letter under the provisions of the Water (P & CP) Act, 1974 and the Air (P & CP) Act, 1981 against you, which please note.

(Manish Holkar)
Regional Officer,
Chhatrapati Sambhajnagar

Copy to:

- 1) Sr. Law Officer, (P & L Division) – for information
- 2) Sub-Regional Officer, Parbhani. He is directed ensure that SCN to be served to the Industry and submit the compliance along with verification report.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 29930004



Regional Office, Paryavaran Bhavan, A-4/1, MIDC Area, Chikalthana, Behind Daynik Lokpatra, Near Seth Nandlal Dhoot Hospital, Jalna Road, Chhatrapati Sambhajinagar-431 210.

Visit us at www.mpcb.gov.in

E-mail:

rochh.sambhajinagar@mpcb.gov.in

No. MPCB/Chh.SN/1025

To,

**M/s. Kashmira Stone Crusher.,
Gut No. 43, Manmodi
Tal - Jintur, Dist- Parbhani.**

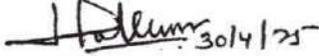
Date: 30/04/2025

Sub: - Deposition of Environmental Compensation in compliance of Hon'ble NGT order dtd.29.06.2020 in the matter OA No. 07/2018 of (WZ)).

- Ref: -**
1. Show Cause Notice dated 21.06.2024 for non-submission of environmental compensation.
 2. Environmental compensation notice issued dated 25.07.2020.
 3. *Compliance of the Hon'ble NGT order dtd. 14.10.2020 in the matter Prakash Aade V/s. M/s. Kasamira Stone Crusher.*

In compliance of the Order passed by the Hon'ble National Green Tribunal (NGT) order dtd. 14.10.2020 in the matter Prakash Aade V/s. M/s. Kasamira Stone Crusher.directed you to deposit Environment Compensation of Rs. **Rs.9,37,500/- (Rupees Nine Lakhs Thirty Seven Thousand Five Hundred Only)** to MPCB.

You are hereby directed to deposit Environmental Compensation of Rs. **Rs.9,37,500/- (Rupees Nine Lakhs Thirty Seven Thousand Five Hundred Only)** in the form of DD / Bankers Cheque in favour of " Regional Officer, MPC Board, Chhatrapati Sambhajinagar" within period of 15 days.

 30/4/25

(Manish Holkar)

Regional Officer

Chhatrapati Sambhajinagar

Copy submitted for information to

1. Member Secretary, MPC Board, Sion, Mumbai.
2. Asstt. Secretary (Tech), MPC Board, Sion, Mumbai.
3. Principal Scientific Officer, MPC Board, Sion, Mumbai

Copy for information & necessary follow up to -

1. District Collector, Parbhani, Collector Officer, Parbhani.
- ✓ 2. Sub Regional Officer, Parbhani - for information & necessary follow up.
3. Master file.

कश्मीरा स्टोन क्रेशर**मानमोडी रोड, मालेगाव ता. जितूर जि. परभणी**

☎(02457) 221315, Mo. 9767146839, 9922531258

जा.क्र.

दि. 05/06/2025

✓ To,

Regional Officer,

Maharashtra Pollution Control Board, Chh. Sambhajinagar.

Subject:- Regarding the Environmental Compensation Notice - MPCB/Chh.SN/1025 dtd.30/04/2025.

Respected Sir,

We are writing in response to your notice No. MPCB/Chh.SN/1025, dated 30/04/2025, regarding the deposition of Environmental Compensation of Rs. 9,37,500/- in compliance with the Hon'ble NGT order dated 14.10.2020 in the matter Prakash Aade V/s. M/s. Kasamira Stone Crusher.

We regret to inform you that I have filled appeal M.A.no.05/2022 against order of Hon.NGT on Dtd.14/10/2020 regarding deposition of Environmental Compensation of Rs9,37,500/- as per our pray Hon.NGT given order on Dtd.17/05/2022 to consider applicants application about calculated days of voilance are wrong and as per Hon.NGT direction you have conducted personal hearing on 30/05/2022 and minutes of that hearing provided me but still decision is not taken by you and yet not communicated to me

Hence I request you to take first decision on my application and respective hearing as per Hon.NGT order on Dtd.17/05/2022 and give revised notice for about Environmental Compensation, than I can take decision about your notice Dtd.30/04/2025.

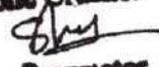
I hope you may consider my request.

Thanking you

Copy to S.R.O Parbhani

FD(KZ)
M
09/06/2025

Your faithfully

Kashmira Stone Crusher

Proprietor

कश्मीरा स्टोन क्रेशर

मानमोडी रोड, मालेगाव ता. जितूर जि. परभणी

☎(02457) 221315, Mo. 9767146839, 9922531258

जा.क्र.

दि. 5/9/2018

To,

The Regional Officer,
Maharashtra Pollution Control Board,
Paryavaran Bhavan, A-4/1, MIDC,
Chikalthana, Behind Dainik Lokpatra,
Behind Seth Nandlal Dhoot Hospital,
Jalna Road, Aurangabad - 431210.

Subject: Reply to Proposed Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981.

Reference: Your Letter No. MPCB/ROA/PD/1026/2018 Dated 30/07/2018.

Respected Sir,

In Continuation to our letter dated 13th Aug 2018 we would like to inform you as under:-

1. As inform vide letter dated 13th Aug 2018 the work of wind breaking wall is complete and the photographs for that effect is attached hereto for your reference.
2. The work of metallic road is also complete and photographs to that effect are attached hereto for your reference. Therefore the discrepancies pointed by your good office vide letter dated 13th Aug 2018 has been duly complied by us and informed you vide our present letter and letter dated 13th Aug 2018.
3. We therefore request you schedule a visit to our plant to record the compliance done by us.
4. We also request you to record your satisfaction and also request you to withdraw the proposed directions dated 30th July 2018.



For Kashmiria Stone Crusher

Copy Submitted To-

1. The Collector, Parabhani. [You are also requested to visit the plant to record the Compliance done by us]
2. Tahasildar, Jintur.



कश्मीरा स्टोन क्रेशर

मानमोडी रोड, मालेगाव ता. जितूर जि. परभणी

☎(02457) 221315, Mo: 9767146839, 9922531258

जा.क्र.

दि. / / २०

13th August 2018

The Regional Officer,
Maharashtra Pollution Control Board,
Paryavaran Bhavan, A-4/1, MIDC,
Chikalthana, Behind Dainik Lokpatra,
Behind Seth Nandlal Dhoot Hospital,
Jaina Road, Aurangabad - 431210.

Subject : Reply to Proposed Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981

Reference : Your Letter No.MPCB/ROA/PD/1026/2018 Dated 30/07/2018

R/Sir,

With Reference to above subject here with I would like to submit that, The Unit is in receipt of you're a fore-captioned letter and would like to reply as under: -

1. At the outset the Unit submits that the Unit undertakes and will fully abide by the Consent Conditions in respect of the consent dated 12th May 2017.
2. As regards the non-compliances pointed by you, we would like to state that conveyor belt has been covered with Tin Sheet. Secondly, the work of water sprinkler and plantation has been done. The area has been covered with adequate plantation. Copies of the recent photographs of the work done are attached here with for your ready reference.
3. The unit would like to further inform that the work of the wind breaking wall and the metallic road is in progress and will be completed in 30 days. Copy of the photographs of the on-going work is attached herewith for your ready reference.
4. The Unit here by undertakes and informs your good office that it will abide by all conditions mentioned in the Consent and the on-going work will be completed soon.
5. We therefore request you to take into cognisance the work completed by the Unit and not take any further action against the Unit.

I hope you may consider my request.

Thanking You.

Copies attached of Latest Photographs.

Copy Submitted To :-

- 1) The Joint Director (APC), MPCB, Mumbai.
- 2) The Sr. Law Officer (P&L Div), MPCB Mumbai.
- 3) The Sub-Regional Officer, MPCB Parbhani.



कश्मीरा स्टोन क्रेशर
मानमोडी रोड
जितूर ता. परभणी

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.: (02452)226687

E-mail: sroparbhani@mpcb.gov.in

Web: www.mpcb.gov.in



Sub Regional Office:

"Dev krupa Building", 1st Floor
Ranganath Maharaj Nagar,
Nandkheda Road, Parbhani-431401

No. MPC/SRO-P/353

Date : 23/09/2025

To,
The Tahsildar
Jintur,
Dist Parbhani.

Subject : Recovery of Amount of Environment Compensation of M/s Kashmira Stone Crusher, G. No. 43, At Post- Manmodi, Tal.- Jintur, Dist.- Parbhani

Reference: 1. Letter From Collector Office, Parbhani dt. 03/07/2025
2. Letter From Regional Office MPCB, Chh. Sambhaji Nagar to

Hon. Collector, Parbhani dt. 30/04/2025.

3. Hon. NGT Order dt. 29/08/2022 in review application no.
03/2022(WZ)&O.A.

4. Order Issued by Hon NGT dated 16/09/2025 in MA No. 16 of 2025 (WZ)
in original application no 7 of 2018 (WZ).

Sir,

With reference to above subject, Hon. NGT has past order in M A No. 16 of 2025 (WZ) in original application no. 7 of 2018 (WZ) on dated 16/09/2025 referred as above no 4. In witch it is directed that- Tahsildar, Jintur shall not make realization of the aforesaid amount of Rs. 9,37,500/- by way of coercive action till the final adjudication of this misc. application.

It is requested to not to take any action till the final hearing in the matter.

D.A. – Hon NGT Order dated 16/09/2025

(S. M. Kurmude)
Sub Regional Officer
MPCB, Parbhani

Copy submitted for information to-

- 1- Hon District Collector, Parbhani.
- 2- Regional Officer, MPCB, Chh. Sambhaji Nagar.

आवक/जावक (म. सहायक)
तहसिल कार्यालय जितूर
25/09/2025

कश्मीरा स्टोन क्रेशर

मानमोडी रोड, मालेगाव ता. जितूर जि. परभणी

☎(02457) 221315, Mo. 9767146839, 9922531258

जा.क्र.

दि. 23/09/2025

To,

The Regional Officer,
Maharashtra Pollution Control Board,
Chhatrapati Sambhaji Nagar

Subject : Representation

Dear Sir,

This has reference to the above. It is hereby informed to you that we have moved before the National Green Tribunal and filed a miscellaneous application. The Hon'ble Tribunal has directed that no coercive measures shall be initiated against the undersigned for recovery of EDC. It is hereby informed to you that you had conducted a personal hearing on 30th May 2022 and no order was passed. It is therefore informed to you and requested to pass a speaking order to enable the undersigned for further action.

fo(K2)
M
23/09/2025

For Kashmiria Stone Crusher


Sheela Ramrao Pawar
Proprietor

AND WHEREAS, in compliance of the said Hon'ble Tribunal order dated 17.5.2022, the Personal Hearing was extended to you on 30.5.2022 and the Minutes were communicated vide letter dated 01.07.2022.

AND WHEREAS, you have filed Review Application No. 3/2022 before Hon'ble NGT, Pune. The Hon'ble Tribunal has found no substance to review or recall the order. Therefore, Review Application is dismissed by order dated 23.8.2022.

AND WHEREAS, the Review Application order dated 23.8.2022, the Board has again issued notice to M/s. Kashmira Stone Crusher directing to deposit Environmental Compensation of Rs. 9,37,500/- with the Regional Officer, MPCB vide letter dated 30.4.2025.

AND WHEREAS, in spite of repeated communications, M/s. Kashmira Stone Crusher has failed to deposit Environmental Compensation amount of Rs. 9,37,500/- to, MPCB as levied by the Hon'ble NGT, WZ, Pune vide order dated 23.8.2022 in the O.A no. 3/2025. Therefore, the Board has communicated to the District Collector, Parbhani vide letter dated 30.7.2025, to recover the Environmental Compensation amount of Rs.9,37,500/- from M/s Kashmira Stone Crusher in accordance with the law to deposit the said amount to Maharashtra Pollution Control Board as directed by Hon'ble NGT vide order dated 29.6.2020 & 23.8.2022.

AND WHEREAS, you have filed MA No 16 of 2025, wherein the Hon'ble Tribunal has passed an order dated 16.9.2025, directed Respondent No. 5 Tahsildar, Jintur shall not make realization of the EDC amount of Rs.9,37,500/-by way of coercive action till the final adjudication of Misc Application. In compliance of the said order dated 16.9.2025, the Sub Regional Officer, Parbhani has issued letter to Tahsildar, Jintur with direction not to take any coercive action & not realize Environmental Damage Cost amount till the adjudication of the MA No. 16 of 2025.

In view of your representation dated 23.9.2025, the Board has extended your personal hearing on 06.11.2025, wherein it has been decided that the period of violation of Stone Crusher and Hot Mix Plant shall be considered from the date of First Visit i.e. 04.07.2018 to the date of compliance reported by your Industry on 05.09.2018, total 64 days. The following is the chronology in respect of non-compliance observed

- A. During the visit dated 04.07.2018.
- B. Actual compliance reported by the Industry on 05.09.2018 and
- C. Verification thereof of late on 30.11.2018. Therefore, the violation period counted from 04.07.2018 till actual compliance reported on 05.09.2018.
- D. The non-compliances were as below: -
Stone Crusher: -
 - i) Stone Crusher was in operation on 04.07.2018 with open conveyor belt and not having wind braking wall as well as not provided metallic roads. The compliance was reported on 05.09.2018. Hence, the same date was taken into consideration for assessment of Environmental Damage Cost.
 - ii) Though no APC- system was provided, Hot Mix Plant was not in operation for last 3 months.

AND WHEREAS, you have requested to consider the date of First Violation from the date of issuance of proposed directions i.e. 30.07.2018 instead of date of visit dated 04.07.2018. However, it was made clear that the First Violation date is the date of Visit i.e. 04.07.2018, on

the basis of which, the Proposed Directions are issued to you on 30.07.2018. Hence, this decision taken in the Personal Hearing is communicated to you as requested by you vide in your Letter dated 05.06.2025 and 23.09.2025 to pass Speaking Order in that behalf. The following formula of the CPCB has been followed up in calculation of Environmental Damage Cost for violation period.

$$EC = PI \times N \times R \times S \times LF$$

PI (Pollution Index) = 50 as your industry is SSI – Orange Category

N = (Number of Days of Violation) – We have calculated 64 Days as stated above

R = (Factor of Environmental Compensation in Rs.) = Rs. 250/-

S = (Factor of scale of operation of unit) = SSI

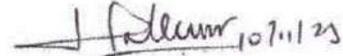
LF = (Location Factor) – is taken 1 only

Hence,

$$EC = 50 \times 64 \times 250 \times 0.5 \times 1 = \text{Rs. } 4,00,000/-$$

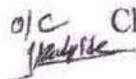
The above re-assessment is done in view of no specific Speaking Order was passed by the then Regional officer, Chhatrapati Sambhajinagar and as per your request dated 25.06.2025 and 23.09.2025.

This is for your confirmation by 15.11.2025 please, failing which, it will be presumed that you have nothing to say about this and Maharashtra Pollution Control Board will treat this as a Final Order of assessment of Environmental Damage Cost.

 10/11/25

(Manish Holkar)

Regional Officer

o/c Chhatrapati Shambhaji Nagar.


Copy submitted to: -

1. The Joint Director (WPC), M.P.C. Board, Mumbai.
2. Law Officer (Smita Khatavkar), M.P.C. Board, Mumbai.

Copy for information and necessary follow-up action to:

1. The Sub-Regional Officer, MPCB, Parbhani.