

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

ORIGINAL APPLICATION NO.97/2023 (WZ)

Kailash Chima Chakor

.... Applicant

Versus

State of Maharashtra & Ors.

.... Respondents

**AFFIDAVIT IN REPLY FOR AND ON BEHALF OF
MAHARASHTRA POLLUTION CONTROL BOARD i.e.
RESPONDENT NO.8**

I, Chandrakant N. Shinde, aged about years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Ahmednagar, having office at Savitribai Phule Vvyapari Sankul, 1st Floor, Hall Nos.2 & 3, Near T. V. Centre, Savedi, Ahmednagar-414 003, do hereby state on solemn affirmation as under:-

- (1) I have perused the papers and proceedings in the above matter. I am conversant with the facts of the case and am able to depose the same. I am filing the said Affidavit in Reply in compliance of the Order dated 1/8/2023 passed by this Hon'ble Tribunal on behalf of Respondent No.8 - Maharashtra Pollution Control Board (MPCB).



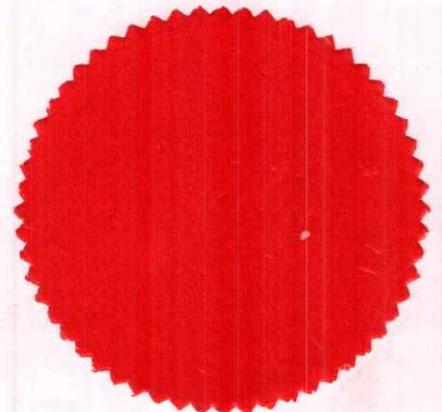
BEFORE ME



MRS. GAUTAMEE G KULKARNI

NOTARY

GOVERNMENT OF INDIA

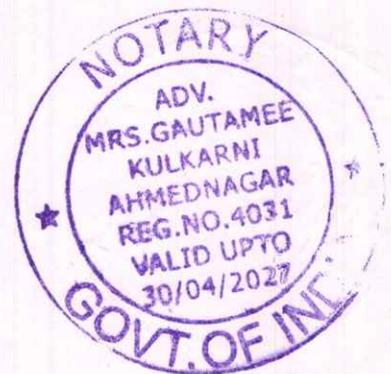




- (2) I say and submit that the present Application is filed by the Applicant alleging that M/s.Shree Shivkrupa Stone Crusher located at Gut No.522 of Pimpale Village, Tal: Sangamner, Dist: Ahmednagar is violating the siting criteria of stone crusher etc.
- (3) I say and submit that the Respondent Board had received various complaints through the Collector Office, Ahmednagar regarding pollution caused by M/s.Shree Shivkrupa Stone Crusher. In order to verify the complaints, the official of the Respondent- Board visited to the Stone Crusher on 8/12/2021 and observed that the stone crusher was in operation without obtaining consent of the Respondent Board and not provided cover to the conveyor belts, wind breaking wall at charging hopper and crushing area, failed to provide water fogging arrangement for dust and also not provided water sprinkling arrangement to jaw crusher. In view of the said non-compliances, the Respondent Board had issued closure directions to the Respondent-Stone Crusher on 17/12/2021.
- (4) I further say and submit that on the basis of reply submitted by the Respondent-Stone Crusher, the Respondent Board had issued conditional directions to restart vide letter dated 4/2/2022 with a directions to obtain Consent to Establish & Operate from the Board, to provide Air Pollution Control Arrangements to the crusher etc.

BEFORE ME

MRS GAUTAMEE G KULKARNI
NOTARY
GOVERNMENT OF INDIA





- (5) I say and submit that subsequently, the Respondent-Stone Crusher had applied for Consent to the Respondent-Board on 8/4/2022 along with a copy of the No Objection Certificate issued by Grampanchayat Pimple dated 13/1/2020.
- (6) I say and submit that the Respondent Board had granted Consent to Operate on 16/6/2022 for manufacture of all types of stone metals & crush sand, which is valid upto 31/12/2025, on certain terms & conditions.
- (7) I say and submit that the Officials of the Respondent Board at Ahmendnagar visited to the site of Respondent-Stone Crusher at Gut No.522, Mahadevwadi at Pimple, Tal: Sangamner, Ahmednagar on 5/9/2023 and observed as under :-
- i. During visit, the crusher was found not in operation.
 - ii. There are 20-25 houses with about 100-150 numbers of population in Mahadevwadi, which is about 400-500 Mtrs. from the Respondent-Stone Crusher.
 - iii. Village: Pimple is about 1 km. from the stone crusher.
 - iv. Zilha Parishad School is located within 400 Mtrs. from the stone crusher but, there are few houses in between the school and the crusher.
 - v. The crusher has provided tin sheet cover to crushing section, vibrating screen and conveyer belt.

BEFORE ME

MRS. GAUTAMEE G KULKARNI
NOTARY
GOVERNMENT OF INDIA





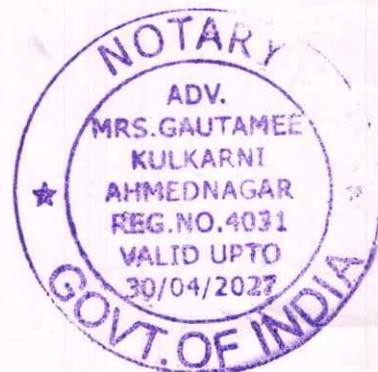
- vi. The crusher has provided sprinkling arrangement to crushing jaw and vibrating screen.
- vii. The crusher has provided wind breaking wall around the periphery of the crusher.
- viii. The crusher has provided stone road within the premises and has developed green belt around the crusher unit.

(8) I say and submit that Grampanchayat Pimple had passed a Resolution in their Gramsabha held on 28/8/2019, wherein, it was resolved that the permission is granted for starting stone crusher unit to Respondent Nos.9 to 11 at Gat No.522, Village: Pimple. Therefore, the Respondent Board has granted Consent dated 16/6/2022 to M/s.Shree Shivkrupa Stone Crusher.

(9) I say and submit that in order to verify the present status, the Respondent Board has extended personal hearing to M/s.Shree Shivkrupa Stone Crusher on 5/12/2023, wherein, it was observed that Grampanchayat Pimple had passed a Resolution in their Gramsabha held on 28/8/2019, which is prior to the Circular dated 4/3/2020 for the siting criteria of Stone Crusher units in the State of Maharashtra issued by the Respondent Board. The ZP School (Vasti Shala) vide letter dated 12/9/2023 informed that they have no problem of pollution (dust, noise etc.) due to the said stone crusher unit. The said stone crusher has provided

BEFORE ME

MRS. GAUTAMEE G KULKARNI
NOTARY
GOVERNMENT OF INDIA





adequate Air Pollution Control (APC) System and provided surrounding wall of tin sheets.

- (10) In view of the above, M/s.Shree Shivkrupa Stone Crusher is established before the issuance of Circular dated 4/3/2020 by the Respondent Board, which is applicable for newly establishing stone crusher units. Hence, the present Application may kindly be rejected.

Solemnly affirmed on this 17.....day of January..2023 at Ahmednagar.

For and on behalf of Respondent
No.8-Maharashtra Pollution Control Board,

(Chandrakant Shinde)
Sub-Regional Officer-Ahmednagar

17 JAN 2024

NOTED & REGISTERED
AT S. No. GGK 58/2024

TOTAL PAGES 05

Solemnly affirmed before me
by Chandrakant Shinde
who is identified before me
by Photo I D
whom I personally know

BEFORE ME

MRS. GAUTAMEE G KULKARNI
NOTARY
GOVERNMENT OF INDIA

