



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
APPEAL No. 17/2024 (WZ)**

Vishal Shantaram Darwatkar

.... Applicant

Versus

Union of India, through Secretary,
MoEF&CC & Ors.

.... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 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 present Appeal is filed by the Appellant alleging that M/s Sai Shraddha Developers i.e Respondent No. 14 carried out construction of residential and commercial building project of “Meriton Towers” at Survey No.28/10/1, 28/10/2, 28/10/1/3, 28/10/3, 28/10/4, 28/10/05, 28/10/5A, 28/11/2, 28/12/2, 28/14 of village Ambegaon Budruk Taluka Haveli, District Pune without prior Environmental Clearance from the competent Authority & without obtaining Consent to Establish & Operate from the Respondent Board.

2. I am filing this Affidavit in compliance of the order dated 28/02/2024 passed by this Hon'ble NGT.
3. I say & submit that the Project Proponent i.e Respondent No.14 has made an application for grant of Consent to Establish to the Respondent Board. After scrutiny of the application and after issuance of show cause notice for refusal of consent, the Respondent Board has issued Refusal of Consent vide letter dated 11/10/2023 on the basis of the following non-compliances.
 - a) PP has started construction work without obtaining Consent to Establish & not paid Penal Charges.
 - b) PP has not submitted architect certificate for completed construction work & also not applied for Environmental Clearance for expansion. PP has not resubmitted application for Consent to Establish, applied for consent to Operate. A copy of the Refusal of Consent dated 11/10/2023 is enclosed & marked as **Annexure-I.**
4. I say & submit that the SEIAA has granted Environmental Clearance on 21/7/2020 for TPA- 10497.28 Sq. m & FSI: 16845.09 m², Non-FSI: 12301.10 m² and Total BUA: 29146.19 m² (Plan Approval no- CC/2424/19, dated 10.01.2020).
5. I say & submit that the further the SEIAA has granted Environmental Clearance for expansion on 9/2/2024 for TPA – 10497.28 Sq.m & FSI – 25510.11 sqmtr & non FSI- 18315.85 sqmtr, total BUA-43825.96 sqmtr, (as per plan

approved No.CC/0876/21, dated 9/7/2021) subject to certain terms & conditions.

6. I say & submit that the Project proponent has submitted Bank Guarantee towards effective implementation of remediation plan and Natural and Community Resource Augmentation Plan of Rs.1.21/- Cr which is valid upto 18/10/2024 and also submitted a penalty of Rs. 10,53,860/- to SEIAA on 16/10/2023.

7. I say and submit that in order to verify the present status, the Official of the Respondent-MPCB at Pune has visited the site on 11/9/2024 and observed the following: -

- a. Project Proponent has completed construction of buildings A, B, C - 2B+GP+14 each also Club house completed with configuration G+1. Internal & external painting finishing, electrical connection work in progress. Sales office provided at site. 27 nos. of Commercial shops provided.
- b. At the time of visit, it is observed that Project Proponent has not given Possession of flat.
- c. Water consumption will be 224.77 CMD and Domestic Effluent will be 191.85 CMD. At the time of visit observed that, PP has provided STP having capacity 220 CMD with Primary, Secondary & Tertiary system. Treated effluent will utilized for gardening, flushing and remaining disposing to PMC sewer line.
- d. Wet waste generation will be 474 Kg/Day. Project proponent has provided OWC having capacity 500 Kg/day.



e. Project Proponent has obtained Water & drainage NOC on 21/6/2022 from PMC authority. During visit Bore well not observed at site.

f. Project Proponent has provided DG set having capacity 320 KVA with acoustic enclosures. A copy of the Visit Report dated 11/9/2024 is enclosed as an **Annexure II**.

8. I say and submit that the Respondent Board has issued Proposed Directions to M/S Sai Shraddha Developers, i.e Respondent No.14 vide letter dated 10/09/2024 for carrying out construction activities without Consent of the Board. A Copy of the Proposed Directions dated 10/09/2024 is enclosed as an **Annexure III**.

9. I say & submit that now, Project Proponent i.e. Respondent No. 14 has applied for Consent to Operate to the Respondent Board. Which is under process.

10. Hence this Affidavit.

Solemnly affirmed on this **13 SEP 2024** day of September, 2024 at

Pune.

I know the affiant
Pollution Control Board i.e.
Respondent No. 8.

For and on behalf of Maharashtra

Langote
13/9/24

ADVOCATE

(Kartikya Langote)
Sub- Regional Officer-Pune I

BEFORE ME

MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

13 SEP 2024



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
 Fax:
 24044532/4024068/4023516
 Website: <http://mpcb.gov.in>
 Email: jdwater@mpcb.gov.in



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

No. BO/MPCB/JD (WPC)/Refusal/UAN
 No.0000158600/CE/2310000758

Date: 11/10/2023

To,
 Sai Shraddha Developers
 28/10/1 to 28/10/5, 28/10/5A, 28/11/2, 28/12/2, 28/14,
 Ambegaon Bk
 Tal Haveli, Dist Pune.



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 Establish (UAN No. MPCB-CONSENT-0000158600)
 2. Show Cause Notice for refusal of consent issued on 25.09.2023

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 & Transboundry Movement) Rules, 2016.

AND WHEREAS, Board office has issued Show Cause Notice for refusal of consent vide reference (2) for following non compliances.

1. PP has started the construction work without obtaining consent to establish. PP has not paid penal fees
2. PP has not submitted architect certificate for completed construction work.
3. PP has applied for EC for expansion under violation.
4. PP has not submitted water supply and drainage NOC from PMC.

AND WHEREAS, you have failed to submit the reply to the Show Cause Notice issued 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- He is directed to issue Stop Work Direction to the PP with intimation to Planning Authority
2. Sub Regional Officer, MPCB-Pune I- for information. You shall communicate to the applicant.



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. Sai Shraddha Developers
Sr. No. 28/10/1 to 28/10/5, 28/10/5A, 28/11/2,
28/12/2, 28/14 Ambegaon Bk, Pune.

Date of Visit :- 11/9/2024.


Industry Officials :- Shri. Sunil Kulkarni (Accountant)
E- mail:- saishraddhadevelopers2020@gmail.com
Mobile No.9923900043

Observations :-

This office has received the Appeal No. 17/2024 (WZ) filed by shri. Vishal Shantaram Darwatkar in Hon'ble NGT against M/s. Sai Shraddha Developers 28/10/1to 28/10/5, 28/10/5A, 28/11/2, 28/12/2, 28/14 Ambegaon Bk, Pune. With reference to above Hon'ble NGT appeal order and as per directives of Sub-regional Officer, Pune-1, visited the construction project. During visit following observations made:-

- 1) During visit observed that- PP has completed construction of buildings A, B, C - 2B+GP+14 each also construction of Club house completed with configuration G+1. Internal & external painting finishing, electrical connection work in progress. 27 no of commercial Shops provided. Sales office provided at site.
- 2) At the time of visit observed that, Project proponent has not given Possession of flat.
- 3) Water consumption will be 224.77 CMD and Domestic Effluent will be 191.85 CMD. PP has provided Sewage Treatment Plant having capacity 220 CMD with Primary, Secondary & Tertiary system. Treated effluent will be utilized for gardening, flushing and remaining disposing to PMC sewer line.
- 4) Wet waste generation will be 474 Kg/Day. Project proponent has provided Organic Waste Converter having capacity 500 Kg/day for treatment of wet waste.
- 5) Project Proponent obtained Water & drainage NOC on 21/6/2022 from PMC authority. During visit Bore well not observed at site.
- 6) Project Proponent has provided DG set having capacity 320 KVA with acoustic enclosures


Shri. Sunil Kulkarni
(Accountant)


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

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE

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visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdewadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/PD/ 240910003

Date: 10/09/2024

To,
M/s. Sai Shraddha Developers,
28/10/1 to 28/10/5, 28/10/5A, 28/11/2, 28/12/2, 28/14,
Abegaon Bk, Tal. Haveli, Dist. Pune.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981.

Ref 1) Appeal filed by Vishal Shantaram Darwatkar before Hon'ble NGT against you vide appeal no. 17/2024 (WZ).
2) Visit of the Board Official to your unit on 22/05/2024
3) Legal Action proposal submitted by Sub Regional Officer, Pune-I vide no. MPCB-LEGAL-ACTION-300824003, Dtd. 10/09/2024

WHEREAS, it is obligatory on your part to obtain Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under the provisions of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016, for your entire construction activity. It is also obligatory on your part to provide adequate pollution control devices.

AND WHEREAS, the Hon'ble NGT issued order vide dated 28/02/2024 in appeal No. 17/2024 (WZ).

AND WHEREAS, the officials of the Board at Sub Regional Office, Pune-I has visited the site and accordingly SRO Pune-I, submitted legal action proposal vide reference (3) with following non-compliances,

- (1) You have not re applied for consent to establish after issuance of the refusal order vide letter Dtd. 11/10/2023.
- (2) You have carried out construction of buildings without obtaining consent to establish and consent to operate from the Board.
- (3) You have not submitted the details of implementation of remediation plan and natural and community resource augmentation plan.

AND WHEREAS it has been observed that you have carried out construction activities without obtaining consent from the Board and also failed to provide adequate pollution control devices, thereby discharging untreated effluent into the environment and discharging air emissions and thereby causing water and air pollution into the environment.

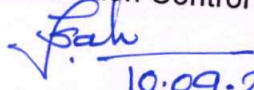
NOW THEREFORE, in view of the above non-compliance, you are hereby directed to show cause as to:

1. Why you shall not be directed to closedown construction activity forthwith?
2. Why the competent authorities shall not be directed to disconnect Water / electricity supply of your construction project?

: 2 :

You are hereby given an opportunity to respond within 07 days from issuance of these directions failing which, MPCB will initiate legal action against your construction project without giving any further notice in accordance with the provisions of the Water (prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, which please note.

For and on behalf of
Maharashtra Pollution Control Board


10.09.24
(J. S. Salunkhe)

Regional Officer,
M. P. C. Board Pune

Copy Submitted for information to

1. Joint Director (APC), M.P.C. Board, Mumbai.
2. Law Officer, M.P.C. Board, Mumbai.

Copy to- The Sub-Regional Officer, M.P.C. Board, Pune-I :- You shall submit the compliance report of this directions within time please.

