

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**
(By Video Conferencing)

Appeal No. 48/2019 (WZ)

Tanaji Gambhire

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Applicant

Versus

The Principal Secretary – DoE, GoM

& Ors.

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Respondent(s)

Affidavit in Reply on behalf of the Maharashtra Pollution Control Board i.e. Respondent No. 4 in compliance of Order dtd. 11/11/2021.

I, Pratap Jagtap, age about - 48 years, Occupation – Service, the Sub – Regional Officer of the Maharashtra Pollution Control Board at Pune - I i.e. Respondent No. 4, having my office at 2nd floor, Jog Centre, Wakdewadi, Pune, do hereby state on solemn affirmation as under-

I am filing this Affidavit in Reply on behalf of Respondent No. 4 i.e. Maharashtra Pollution Control Board in compliance of the Order dated 11/11/2021 passed by this Hon'ble Tribunal as under :-

- 1) I submit that the Applicant has filed the present Original Application for challenging the Environment Clearance dated 07/05/2019 for the proposed construction of project of residential building namely 'Vitoria Lagoon' at Survey No. 2A / 7A, Bopodi, Pune by M/s Raviraj Reality.
- 2) I submit that the Respondent No.9-Project Proponent had made an application for grant of Consent to Establish to the Maharashtra Pollution Control Board on 15/07/2019 for proposed total BUA of 40,688.68 Sq. Mtr.
- 3) I submit that the M. P. C. Board has refused the application for grant of Consent to Establish to the Respondent No.9-Project Proponent on 27/07/2020 for non-submission of required documents. A copy of the refusal of consent application is attached and annexed herewith as an **Annexure – I**.
- 4) I submit that this Hon'ble Tribunal vide Order dated 05/01/2021 constituted a Joint Committee comprising of Maharashtra Pollution Control Board; Pune Municipal Corporation; the Collector, Pune and the Secretary, Irrigation Department / Water Resource Department, Government of Maharashtra. In compliance of the said



Order, the Joint Committee has submitted its report on 10/11/2021 before this Hon'ble NGT.

5) I submit that the officials of the Board at Pune carried out the visit at the proposed site of Respondent No. 9 on 14/02/2022 and observed that no construction activity was found at site and old plinth construction work was observed. A copy of the visit report dated 14/02/2022 is attached and annexed herewith as an Annexure - II.

6) I submit that the Respondent No.9-Project Proponent has not applied for grant of Consent to Establish along with requisite documents to the Maharashtra Pollution Control Board till date.

Solemnly affirmed on this day of 16th March, 2022 at Pune.

I know the affiant.

For and on behalf of Maharashtra Pollution Control Board i. e. Respondent No. 4

ADVOCATE

BEFORE ME

MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

16 MAR 2022


16/03/2022.
(Pratap Jagtap)
Sub-Regional Officer,
MPCB Pune- I



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
 Fax: 24024068 / 24023515
 Website: <http://mpcb.gov.in>
 E-mail: jdwater@mpcb.gov.in



Kaipataru Point, 2nd - 4th Floor
 Opp. Cine Planet Cinema,
 Near Sion Circle, Sion (E)

BY RPAD/ Fax/ Hand/Delivery
 No. MPCB/ BO/JD (WPC)/Infra/Refusal/CC-2007001572 Date 27/07/2020

To,
 M/s. Votoria,
 S. No. Bopodi, Pune GTS No. 8, S. No. 2A/7A
 Tal: Haveli, Dist: Pune

Sub - Refusal of Consent under section 27 of water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981

Ref- 1) Your Application vide UAN No. 0076830 dt. 15/07/2019
 2) Show Cause Notice issued by Board vide letter dt. 22/06/2020
 3) Sub-Regional office Pune -I report submitted through a mail on 20/07/2020

AND WHEREAS, you have made an application for grant of consent to establish for construction of residential project u/s 25 of the Water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981 and under rule 5 of the Hazardous & Other Waste (Management and Transboundary Movement) Rules, 2016.

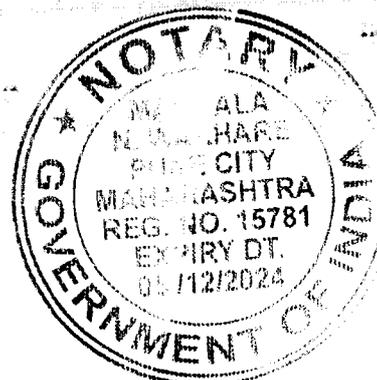
AND WHEREAS, Board office had issued Show cause notice for refusal of consent application to construction of residential projects having plot area 17032.11 Sqm and Proposed BUA 40688.68 sqm vide above ref. at Sr. No. (2) on following non compliances:

- (i) you have not uploaded copy of Environmental clearance
- (ii) you have not uploaded Commencement certificate and sanction plan layout from local body
- (iii) you have not uploaded certificate from Executive Engineer, Irrigation Dept. for whether project falls under blue line of river Mula or not
- (iv) you have not uploaded detail's reg. Environmental clearance.

AND WHEREAS, Sub-Regional office Pune -I submitted reply vide above ref at sr. No (3) wherein reported that PP has not submitted reply to show cause notice.

AND WHEREAS, in spite of sufficient time given to you have fails to submit reply to the show cause notice for refusal of consent and compliance of scrutiny, which shows your negligent attitude towards environment Protection and compliance of directions hence it was decided to issue final refusal order

...2..



GOVERNMENT OF INDIA
 DT. 2024

....2...

In view of the aforesaid non compliances, your application for consent to Establish for Residential Projects is hereby refused under section 27 of the Water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981 and you are hereby directed to stop your construction activities forthwith, failing which the Board will have no option then to initiate further legal action against you, which please note.

You may prefer an appeal against the Refusal Order passed by Maharashtra pollution control Board, in case aggrieved by the refusal order, to the Appellate Authority within thirty days of receipt of this order.

For & behalf of the
Maharashtra Pollution Control Board,

[Signature]
Dr. Y.B. Sontakke
Joint Director (WPC)

Copy to-

- 1. Regional Officer, MPCB, Pune: He is directed to issue closure directions to construction project.
- 2. Sub Regional Officer, MPCB, Pune-I- For information and necessary follow up action.
- 3. Law Officer, MPCB, Mumbai - For information and necessary follow up action.



**MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE – PUNE-I**

Ph. 020-25811694
Fax. 020-25811029



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

Visit Report

Name & Address of Industry :- M/s. Vitoria Lagoon,
CTS No. 8 No. 2A/7A, Bopadi, Pune.

Date of Visit :- 14th Feb. 2022

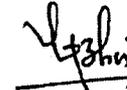
Industry Representative :- Sachin Agarwal, P.P.

Consent Validity :-

Observations:- Visited to construction project site & following observations made as -

- 1) During visit not found any construction activity on site.
- 2) During visit old plinth construction work observed.

Sachin J Agarwal
(Sachin Agarwal)
P.P.


14/2/22
(S. J. Bhoi)
F.O.
SRO, Pune-1

