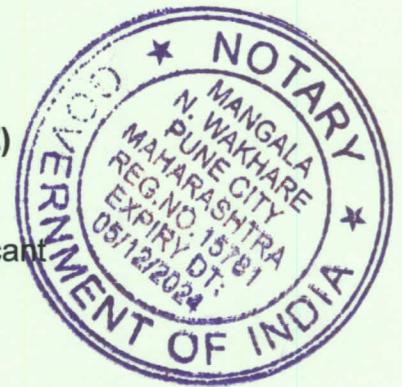


BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

(Through Video Conferencing)

Original Application No. 39/2019 (WZ)



Devidas Khatri

Applicant

Versus

Union of India & Ors.

Respondents

Affidavit on behalf of MPCB in compliance of the order passed by Hon'ble National Green Tribunal on 06/02/2020 & 22/07/2020

I, Nitin Shinde , Age – 55 years , Occupation- service, the in-charge Regional Officer of the Maharashtra Pollution Control Board at Pune i.e. Respondent No. 6, having my office address at 3rd Floor, Jog Center, Wakdewadi, Pune – 411 003 do hereby state on solemn affirmation as under :-

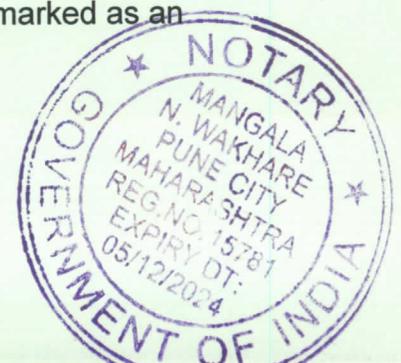
1. I am filing this affidavit in compliance of the order dated 06/02/2020 & 22/07/2020 passed by this Hon'ble NGT.
2. I say and submit that in compliance of the order passed by Hon'ble NGT on 17/10/2019, the Respondent Board assessed the Environmental Compensation of Rs.1,24,20,000/- taking into consideration the days from the date of issuance of proposed directions dated 06/08/2018 to the date of visit of Board officials on 24/09/2019 (414 days). The Environmental Compensation direction was issued by Board on 16/12/2019. The said direction is submitted before Hon'ble NGT by affidavit filed by MPCB on 16/12/2019.
3. I say and submit that in response to the directions dated 16/12/2019 issued by the Respondent Board, the Respondent Industry submitted the representation before the Respondent Board and requested the Board for

industry specific assessment of environmental damage and recalculation of environment compensation.

4. I say and submit that this Hon'ble NGT vide order dated 06/02/2020 directed the MPCB to take a considerable decision on the representation submitted by the Respondent industry and also take further steps for recovery of compensation in accordance with law.
5. I say and submit that in order to verify the correctness of assessment in question, the Respondent Board has extended an opportunity of personal hearing to the Respondent-Industry on 02/03/2020. During the personal hearing, it has been noticed that the Respondent industry had submitted the compliance report vide letter dated 31/08/2018 in response to the directions issued by the Respondent-Board vide letter dated 06/08/2018.
6. I say and submit that vide Order dated 06/02/2020 Hon'ble NGT directed the M.P.C. Board to deal with the representation and take a considered decision and also take further steps for recovery of the compensation in accordance with law. It is also submitted that vide Order dated 22/07/2020, Hon'ble NGT directed the Board to dispose of the application moved by the Respondent Industry and proceed with for the calculation of the amount of EC and its recovery as per the settled principles of guidelines issued by the CPCB and Order passed by Hon'ble NGT, Principal Bench.

In compliance of directions given by Hon'ble NGT the Board has decided to review the earlier Environmental Compensation and recalculated the same for 26 days.

7. Accordingly, the Respondent Board has issued revised directions to the Respondent- industry vide letter dated 19/04/2021 and directed them to submit the amount of Rs. 7,80,000/- (Seven Lacs Eighty Thousand only) towards Revised Environment Compensation. A copy of the revised directions dated 19/04/2021 is enclosed herewith and marked as an



Annexure - 'I'. The direction dated 16/12/2019 is cancelled by the revised Environmental Compensation direction dated 19/04/2021.

Solemnly affirmed on this 23rd day of April, 2021 at Pune.

For and on behalf of Maharashtra
Pollution Control Board

Nitin Shinde

(Nitin Shinde)

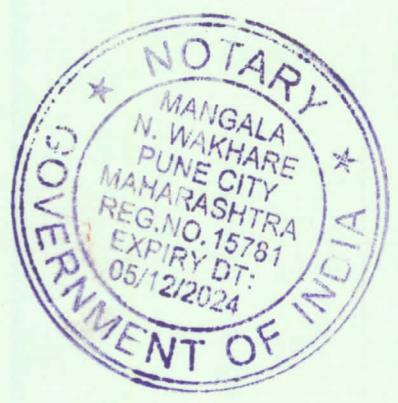
I/c Regional Officer, MPCB-Pune.



BEFORE ME

MP

**MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA**



23 APR 2021



Annexure - I

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE -PUNE

Phone No. 020-25816451
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in



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

MPCB/ROP/ 210419-FTS-0271

Date: 19/04/2021

To,
M/s. Shrinivas Engineering Auto Components Pvt. Ltd.,
Plot No. 24, Talegaon Indus Area,
Tal. Maval, Dist. Pune.

Sub: Directions under Section under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:**
- 1) Directions issued by the Board from time to time
 - 2) Inspections carried out by MPCB in the month of August, 2018
 - 3) Order dtd 17/10/2019 passed by Hon'ble NGT, New Delhi
In O.A. No. 39/2019.
 - 4) Environmental Compensation directions issued by the Board vide no. 191216-FTS-00436, Dtd. 16/12/2019
 - 5) Hon'ble NGT order Dtd. 06/02/2020
 - 6) Office note submitted by Sub Regional Officer Pune-II with vide no MPCB-ON-0849 and approved by HQ on 01/04/2021.

WHEREAS, Mr. Devidas Khatri has filed an application bearing No. 39/2019 before the Hon'ble National Green Tribunal (WZ) against you, i.e. M/s. Shrinivas Engineering Auto Components Pvt. Ltd., Plot No. 24, Talegaon Indus Area, Tal. Maval, Dist. Pune for violations of environmental norms.

AND WHEREAS, the Hon'ble National Green Tribunal (NGT) vide order dtd. 25/07/2019 directed Maharashtra Pollution Control Board to inspect the area in question and verify the correctness of the allegations and file the report.

AND WHEREAS, in compliance of the Hon'ble NGT order dtd. 25/7/2019, the MPCB has filed its report in October, 2019. Accordingly, Hon'ble NGT has passed an order on 17/10/2019 to assess environmental compensation for non-compliances indicated in the finding.

AND WHEREAS, in compliance of the Hon'ble NGT order dtd. 17/10/2019, this office had issued direction vide no. 191216-FTS-00436, Dtd. 16/12/2019 to deposit an amount of Rs. 1,24,20,000/- (Rs. One Crore Twenty Four Lakhs Twenty Thousand Only) towards the assessment of damages already caused to the environment and recovery of environmental compensation as per "Polluters Pay" Principle to the Maharashtra Pollution Control Board and same has not been deposited by you.



..2..

AND WHEAREAS, in compliance of the Hon'ble NGT order Dtd. 06/02/2020, Maharashtra Pollution Control Board has made revised calculations for the environmental compensation towards the assessment of damages already caused to the environment. The revised amount of environmental compensations is Rs. 7,80,000/- (Seven Lakhs Eighty Thousand Only)

NOW THEREFORE, you are hereby directed to deposit revised environmental compensation amount of Rs. 7,80,000/- (Seven Lakhs Eighty Thousand Only) **within 07 days** as per 'Polluters Pay' Principle to the Maharashtra Pollution Control Board, Kalpataru Point, 3rd Floor, Sion (East), Mumbai, failing which, the Board will have no option than to initiate appropriate legal action against you, including forfeiting of bank guarantee and closure of unit, which may please be noted.

The order issued vide no. 191216-FTS-00436, Dtd. 16/12/2019 towards Environmental Compensation has been revoked by this directions.

This is issued with the approval of the Hon'ble Member Secretary of the Board.

For and on behalf of the
Maharashtra Pollution Control Board

Nitin Shinde
19/12/21
(Nitin Shinde)

I/c. Regional Officer-Pune

Received
S.L. Sawalgi
3764996350

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

Copy f.w.c. to: Joint Director (WPC) / Law Officer (P& L Div), M. P. C. Board, Sion, Mumbai – for information.

Copy for information
Hon'ble Pune District Magistrate, Pune

Copy for information and follow up to: Sub-Regional Officer, Pune- II – Keep necessary follow up and report the compliance.

