

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.
ORIGINAL APPLICATION NO: 62/2024 (WZ)
LETTER PETITION NO: 25/2024.

Mr. Suryakant J Shelke

... Applicant.

V/s.

M/s. SKB Builders India Pvt. Ltd. & Ors ... Respondents.

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BEFORE THE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO: 62/2024 (WZ)
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In the matter of

Mr. Suryakant J Shelke ... Applicant.

V/s.

M/s. SKB Builders India Pvt. Ltd. & Ors ... Respondents.

Objection toward E.C by filing detail
reply on Affidavit filed by MPCB
dt:18/11/2024.

I Shri. Suryakant Janu Shelke, Age 51 years, Profession: Advocate, filed a Complaint against those RMC Plants for operating illegally without obtaining consent & the MPCB failed to prosecute them under The Environmental Law (The Environment Act, 1986, The Air (Prevention & Control of Pollution) Act, 1981, The Water (Prevention & Control of Pollution) Act, 1974 & Solid Waste Management Rules & other provisions. I say that, she also fails to calculate the Environmental Damage Cost properly.

1. I say that, as per the Affidavit filed by Rutuja Bhalerao, the Sub-Regional Officer, Raigad – 2 of the Maharashtra Pollution Control Board, failed to bring on record the Environmental Compensation

by collecting proper data. I say that the officer, just to protect the Polluter, did the guesswork on E.C without doing proper homework. She had committed perjury by filing a false Affidavit dt: 18/11/2024 before this Hon'ble Tribunal & adopted a corrupt practice by furnishing false details.

2. I say that, the officer fails to produce the documents on which data/records the calculation of Environmental Compensation was done. One of the easiest ways to calculate environmental compensation was to use the electricity bill for a particular unit/RMC plant. I say that, the concerned officer has the power to call those documents/ record data & calculate the exact compensation, but the best reason known to the officer why the said documents were not called & guesswork was done, which shows that the officers tried to save the compensation amount of the Polluters.
3. I say that, the MPCB officer fails to calculate Environmental Compensation to be levied for discharged / to implement as per waste management rules as per Chapter III & also fails to charge Environmental Compensation for illegal Extraction of Ground Water as per Chapter – IV of Exhibit – II of her Affidavit.

4. I say that, as per the Affidavit of the concern officer she had stated details about the company by name M/s. S.P. Enterprises, at sr. no 4 of the Chart shows that, the said Plant was functioning from 30/6/23 & the said Plant was closed on 20/12/23 as per the closure direction, and days of violation were calculated up to **173** days. I say that, the information submitted before the Hon'ble Tribunal on the Affidavit was false & fabricated data was considered to safeguard the polluter. I say that, I am annexing the copy of the Electric Bill of the said company and the copy of the statement of Mr. Satish Amin submitted before the Human Rights Commission which proves that the said RMC plant was functioning from 1/1/2023. I say that, if the period is calculated from 1/1/2023 it comes to a period of **353** days of violation. Annexed herewith a copy of the Electric Bill & statement copy marked as **Exhibit "A"(colly)**.
5. I say that, as per Affidavit details for Plant M/s. Pricon at Sr. No: 7 shows that the said Plant is functioning from 10/11/23 & closed on 23/1/24, the violation period was calculated upto **75** days. I say that, as per the record, the Gram Panchayat issued NOC on 18/11/22 & leave & licenses were executed on 30/11/22, but the officer calculated the period from 10/11/23 which is after a lapse

period of 1 year. I say that, for some Plants, the period of functioning was calculated from the period of issuance of Gram Panchayat NOCs. I say that the officer failed to produce the correct data of the violation period of the said Plant for the best reason known to her. I say that if, we calculate the period from the date of issuance of NOC from Gram Panchayat i.e from 18/11/2022 to the date of closure i.e 23/1/24, the violation period is upto **399** days. Annexing herewith the report copy of the Mandal Adhikar of Alibag marked as **Exhibit "B"**.

6. I say that, as per Affidavit details for Plant M/s. Shree Samarth RMC Supplier at Sr. No: 8 shows the said Plant has been functioning from 04/1/23 & closed on 23/1/24, the violation period was calculated up to **385** days. I say that, as per the record, the Gram Panchayat issued NOC on 1/8/22 & leave & licenses were executed on 25/7/22, but the officer calculated the period from 4/1/23. I say that, for some Plants, the functioning period was calculated from the issuance period of Gram Panchayat NOCs. I say that, the company itself has admitted in the statement of Mr. Desai, officer of the said Plant, that it has been functioning since November 2022 as per the record submitted by Tashildar before the Commission. If we calculate the functioning period from

1/11/2022 to the closure date i.e 23/1/24, the violation period goes to **458** days. I say that the officer stated in her Affidavit false & fabricated data against the said plant, for the best reason known to her. Annexing herewith the copy of the statement of Mr. Desai submitted before the Human Rights Commission marked as Exhibit "C".

7. I say that, as per Affidavit details for Plant M/s. Suhana Construction Company at Sr. No: 3 shows that the said Plant is functioning from 31/3/23 & closed on 20/12/23, the violation period was calculated **264** days. I say that, as per the Gram Panchayat NOC dt: 31/3/23 & leave & licenses were executed on 18/1/2023, but the officer calculated the period from 31/3/23. I say that, the company itself has admitted in the statement of Mr. Tausif, that the said Plant has been functioning since January, 2023 as per the record submitted by Tashildar before the Commission. If we calculate the functioning period from 1/1/2023 to the closure date, i.e 20/12/23, the violation period goes to **353** days. I say that the officer producing manipulated data before this Tribunal intentionally to save the E.C penalties against those Plants. Annexing herewith the copy of the statement of Mr. Tausif submitted before the Human Rights Commission marked as Exhibit "D".

8. I say that, as per Affidavit details for Plant M/s. Consol Ventures, M/s. SKB Builders, M/s. A.K.Gupta are tallied as per the report submitted by Tashildar before the Human Rights Commissions & I was unable to tally the details of M/s. SOM Project & M/s. Sarvodaya Infra Projects (I) Pvt Ltd., as the data has not been provided to the Commissions.
9. I say that, as per the provision of law for any construction, that comes under Residential, Commercial or Industrial, the permission is mandatory under the **Unified Development Control & Promotion Regulations for Maharashtra State (UDCPR, 2020)**. I say that, the said RMC Plants come under Industrial Structure i.e under Regulation 2.1.6 comes Temporary Construction. I say that, no documents concerning to the said permissions for the planning authority were collected by the Tashildar during the inspection nor MPCB officer furnished with the Affidavit to state that, the said RMC Plants are under authorised construction and if those RMC Plants are functioning without permissions of the Planning authority, then the whole construction of the said Plants are illegal & even, if the Plant possessing the Consent, it shall be treated as Nullity of Consent. I say that, as per the Notification the permissions from the Planning

authorities are mandatory. Annexed herewith a copy of the Draft Notification issued by the Maharashtra Pollution Control Board marked as **Exhibit "E"** & a copy of the UDCPR, 2020 concern to RMC Plant marked as **Exhibit "F"**.

10. I say that, it is also an admitted fact as per the report submitted by Respondent No: 9 (MPCB), as per Annexure – II, on page 37, 2nd last para from bottom, that the patient of Tuberculosis, Chronic Rhinitis, Bronchial Asthma, Chronic Obstructive Pulmonary Disease Dermatitis have been increased & they would like to take help of Expert from ICMR & DMER, but till date no efforts have been taken to do the same. It shows their causal & negligent approach towards their duties & how much authorities are concerned towards the health issues of poor/gullible villagers. I say that, Expert opinion is not taken due to their corrupt practice or obligations towards Polluters.

11. I say that, even today, the said RMC Plants are running by violating the mandatory provisions of the Guideline issued by the Maharashtra Pollution Control Board & also by flouting other provisions of law & Regulations. I say that, this Hon'ble Tribunal shall direct Respondent No: 9 to produce an Electricity Bill before

the Tribunal so it will be very easy to calculate the correct violation period for Environmental Compensation.

12.I say that, this Hon'ble Tribunal also direct Respondent No: 9 to arrange a joint inspection of those RMC Plants along with the Complainant, so the correct & true picture shall be brought before the Tribunal for the interest of Natural Justice towards poor villagers who are facing issues like Tuberculosis, Chronic Rhinitis, Bronchial Asthma, Chronic Obstructive Pulmonary Disease Dermatitis in the said vicinity.

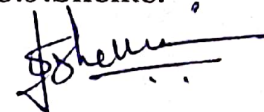
13.I say that, from Commencement to completion, the process of construction by Industry is regulated within the framework of law & it includes other necessary/mandatory clearances from different Departments. It is also to be balanced with the protection of the environment. If the regulations are brazenly violated by the industry, more often than not with the connivance of regulatory authorities, then it strikes the very core of rural planning & it directly results in increased harm to the environment.

14.I say that, the officer by name Rutuja Bhalerao, Sub-Regional officer Raigad, had filed the false Affidavit without verifying the

documents which have been submitted by the Tahsildar before the Commission & the said Affidavit was filed to mislead the Tribunal by giving false & fabricated information for calculating Environment Compensation. I say that, perjury has been committed by the said officer, by filing false & fabricated Affidavit before this Hon'ble Tribunal.

15. In view of the above circumstance, it shows that Respondent No: 9 (MPCB) took a very casual approach towards the Polluters in calculating Environmental Compensation & it also shows that, the authority failed to file a criminal prosecution against the polluters for the best reason known to them & from the above it is very clear that, the authority is showing more leniency towards polluters. Hence, this Hon'ble Tribunal shall direct respondent No: 9 (MPCB) to file a criminal proceedings/case against the RMC Plants along with the Directors/Partners/Owners of the said RMCs and also to file a fresh Affidavit along with proper data & documents for calculating Environment Compensation against the Polluters.

S.J.Shelke.



(Complainant).

183-A

Exh 'A' (copy)



Maharashtra State Electricity Distribution Co. Ltd.

BILL OF SUPPLY FOR THE MONTH OF Dec 2023

00000224 578995

GSTIN: 27 AA ECM2933K1ZB

PEN CIRCLE :525

Website : www.mahadiscom.in

ALIBAG DIVISION : 542

HSN CODE: 27160000

ALIBAG-I:137 1-

| | | | |
|--|-----------------------|------------------------------|------------|
| Consumer No. : 024250003257 | BILL DATE | 08-12-2023 | 38,880.00 |
| Consumer Name : PIYUSH RAJENDRA MAHULKAR | DUE DATE | 28-12-2023 | |
| Address : G.NO.348, AT- KUNE, ALIBAG RAIGAD Kune | IF PAID UPTO | 14-12-2023 | 38,520.00 |
| | IF PAID AFTER | 28-12-2023 | 39,360.00 |
| | Last Receipt No./Date | | 28-11-2023 |
| | Last Month Payment | | 80,960.00 |
| Village : Pincode : 402203 | Scale / Sector | Medium Scale /Private Sector | |

| | | | | |
|---|------------------------------------|---------------------------------|---------|-----------------------|
| Email ID : | Activity : | CEMENT FACTORY | | |
| Mobile No. : 93*****87 | Meter No. : 076-06205995 | Seasonal : | N | Load Shed Ind : |
| Tariff : 36 LT-V B II | Connected Load (KW) : 170.00 HP | Urban/Rural Flag : | R | Express Feeder Flag : |
| Contract Demand (KVA) : 159.00 | 40% of Con. Demand (KVA) : 63.60 | Feeder Voltage (KV) : | 11 | LIS Indicator : |
| Sanctioned load (KW) : 170.00 HP | | | | |
| DTC : 4137578 | PC-MR-ROUTE- SEQ : 00-34-0064-0024 | BU : | 4137 | PC : 00 |
| Date of Connection : 01-01-2023 | Category : | LT Industry General above 20 KW | GSTIN : | |
| Supply at : LT | Elec. Duty : | 10 | PAI : | |
| Prev. Highest (Mth) : | Prev. Highest Demand (KVA) : | | | |
| Security Deposit Held Rs. : 1,48,000.00 | Addl. S.D. Demanded Rs. : | 00.00 | | |
| Bank Guarantee Rs. : 0.00 | S.D. Arrears Rs. : | 00.00 | | |

BILLING HISTORY

| Bill Month | Consumption (Units) | Bill Demand (KVA) | Bill Amount |
|------------|---------------------|-------------------|-------------|
| Nov 2023 | 1,788 | 6441,952.05 | |
| Oct 2023 | 1,470 | 6438,604.55 | |
| Sep 2023 | 1,307 | 6435,832.00 | |
| Aug 2023 | 1,134 | 6434,523.65 | |
| Jul 2023 | 1,550 | 6439,013.75 | |
| Jun 2023 | 2,797 | 6454,531.10 | |
| May 2023 | 2,355 | 6448,885.74 | |
| Apr 2023 | 2,217 | 6446,102.25 | |
| Mar 2023 | 2,233 | 6447,420.87 | |
| Feb 2023 | 863 | 6431,468.71 | |

CUSTOMER CARE Toll Free No.

1912, 1800-212-3435,
1800-233-3435

Rule & Procedure for Consumer Grievances Redressal is available at www.mahadiscom.in > consumer portal > CGRF. Instead of Printed bill, register for E-Bill and avail Rs. 10 per bill as a "Go-green" discount. For registration visit at www.mahadiscom.in > consumer portal > Quick Access > Go-green request

For making Energy Bill Payment through RTGS/NEFT mode, use following details

- Beneficiary Name: MSEDCL
- Beneficiary Account Number: MSEDCL01024250003257
- IFS Code: SBIN0008965
- Name of Bank: STATE BANK OF INDIA
- Name of Branch: IFB BKC
- Bill Amount: 38,880.00

Disclaimer: Please use above bank details only for payment against consumer number mentioned in beneficiary account number.



मंडळ अधिकारी चौल ता.अलिबाग यांच्याकडे म्हणणे सादर करणार एसपी एन्टरप्रायझेस तर्फे सतीश प्रभाकर अमीन वय वर्षे ३९ रा.मुंबई सध्याचे ठिकाण वढाव बुद्रुक ता.अलिबाग मो.नं.९८६७६४८८५८ म्हणणे सादर करतो कि, मा.राज्य मानवी हक्क आयोग मुंबई यांच्याकडील केस क्र.६७१६/१३/१६/२०२३ संदर्भात आपल्याकडील दि.२६/१२/२०२३ च्या पत्रान्वये दि.०९/०१/२०२४ रोजी मा.तहसीलदार अलिबाग यांच्याकडील पथकामार्फत आरएमसी प्लान्टची संयुक्त पाहणी करण्यात आली आहे. सदर पाहणीमध्ये एसपी एन्टरप्रायझेस या कंपनीतर्फे सुरु असलेल्या मौजे कुणे ता.अलिबाग येथील प्लान्टची पाहणी करण्यात आली आहे. सदर प्रकरणी संबंधित कंपनीच्या वतीने खालीलप्रमाणे म्हणणे सादर करत आहोत.

गेल कंपनी उसर या ठिकाणी सुरु असलेल्या प्लान्टसाठी लागणारे RMC मटेरियल पुरविण्याबाबत संबंधित कंपनीने ब्रिज and रुफ कंपनी (इंडिया) लि. यांना ठेका दिलेला आहे. व सदर कंपनीने सदरचे मटेरियल तयार करणे कामी आमच्या कंपनीसोबत दि.१८/०१/२०२३ रोजी करार केलेला आहे. सदरचे मटेरियल तयार करण्याकरिता कंपनीने मौजे कुणे ता.अलिबाग येथील गट क्र. ३४८ या श्री.विनायक भास्कर कंटक व.१५ यांच्या मालकीच्या एकूण १०-६०-०० आर.चौ.मी. या बिनशेती मिळकतीपैकी भाताची गिरण व आजूबाजूचा जाण्या-येण्याचा परिसर सोडून उर्वरित जमिनीमध्ये आम्ही RMC प्लान्ट उभारण्याचे ठरविले. त्यानुसार संबंधित जमीनमालक यांच्यासोबत भाडेकरार केला असून त्याची मुदत दि.०१/१०/२०२२ ते दि.३०/०९/२०२७ अशी ५ वर्षे इतकी आहे.

संबंधित भाडेकराराची प्रत ग्रामपंचायत खानाव यांच्याकडे सादर करून आम्हाला संबंधित ठिकाणी RMC प्लान्ट उभारण्याची परवानगी मिळावी म्हणून विनंती अर्ज सादर केला आहे. त्यानुसार ग्रामपंचायत खानाव यांनी त्यांच्याकडील पत्र क्र.५५९ दि.२८/०९/२०२२ नुसार आम्हाला दाखला दिला आहे. त्यानुसार संबंधित ठिकाणी कंपनीतर्फे माहे जानेवारी २०२३ पासून RMC प्लान्ट सुरु करण्यात आला होता.

यासंदर्भात आम्हाला महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडून Grant of Consent to Establish under Green category बाबतचे दि.०७/०२/२०२३ चे प्रमाणपत्र देण्यात आलेले आहे. व सदर प्रमाणपत्रात नमूद केलेल्या अटी-शर्तीचे पालन संबंधित कंपनीद्वारे केले जात आहे. तसेच कंपनीने Application for Consent/Authorisation दि.११/०१/२०२४ रोजी केले आहे.

संबंधित मिळकतीचा ज्या कारणासाठी बिनशेती दिली आहे त्याव्यतिरिक्त वापर करत असल्याने तहसीलदार साहेब अलिबाग यांच्याकडून आम्हाला महाराष्ट्र जमीन महसूल अधिनियम १९६६ चे कलम ४५ नुसार दि.२८/१२/२०२३ रोजी नोटीस देण्यात आली आहे. त्या नोटीसीच्या अनुषंगाने आम्ही ५३१३६/- (त्रेपन्न हजार एकशे छत्तीस) इतकी रक्कम शासन जमा करणार आहोत.

दि.०९/०१/२०२४ रोजीच्या तहसिलदार अलिबाग यांच्यामार्फत नेमणूक केलेल्या पथकाने केलेल्या संयुक्त स्थळपाहणीच्या वेळी आमचा प्लान्ट बंद असल्याचे दिसून आले आहे. तसेच यापुढील कामकाज हे परवानगा घेऊनच करण्याच्या सूचना स्थळपाहणीच्या वेळी संबंधित अधिकारी यांनी आमच्या कंपनीतर्फे उपस्थित असलेल्या प्रतिनिधींना दिल्या आहेत.

संबंधित ठिकाणी तयार होणारे RMC हे गेल कंपनीला पुरविण्यात येते. ह्या प्लान्टमध्ये तयार होणाऱ्या मटेरियलमुळे पर्यावरणाला हानी पोहचत नाही अथवा रोगराई पसरत नाही. तसेच आरोग्यावर व शेत पिकांवर त्याचा काही परिणाम होत नाही असे आमचे म्हणणे आहे. अशाबाबत कोणतीही तक्रार आमच्या कंपनीकडे लेखी स्वरूपात प्राप्त झालेली नाही. यापुढे संबंधित ठिकाणी मटेरियल तयार करताना महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील सुचनेनुसार आवश्यक ती खबरदारी घेतली जाईल.

अशाप्रकारे कंपनीतर्फे आमचे म्हणणे असून त्यानुसार मा. न्यायालयाला अहवाल सादर करावा हि विनंती.
म्हणणे सादर करणार

एसपी एन्टरप्रायझेस तर्फे

सतीश प्रभाकर अमीन



Exh'B'



185

महसूल व वनविभाग

मंडळ अधिकारी चौल कार्यालय तालुका अलिबाग, जिल्हा रायगड

जा.क्र. /२०२३-२४

दि. २२/०१/२०२४

प्रति,

मा.तहसिलदार अलिबाग
यांजकडे सविनय सादरविषय :- मा.महाराष्ट्र राज्य मानवी हक्क आयोग, मुंबई यांचेकडे दाखल केस क्र.६७१६/१३/१६/२०२३
बाबतसंदर्भ :- क्र.जमीनबाब/कात-१/रा.मा.ह.आयोग/प्रतिज्ञापत्र/केस क्र. ६७१६/१३/१६/२०२३
दि.२६/१२/२०२३

महोदय,

उपरोक्त विषया संदर्भात सादर करण्यात येते कि, मा.राज्य मानवी हक्क आयोग मुंबई यांच्याकडील केस क्र.६७१६/१३/१६/२०२३ संदर्भात आपल्याकडील दि.२६/१२/२०२३ च्या पत्रान्वये दि.०९/०१/२०२४ रोजी उपप्रादेशिक अधिकारी रायगड-२, तालुका कृषी अधिकारी अलिबाग यांचे प्रतिनिधी, गटविकास अधिकारी पंचायत समिती अलिबाग, तालुका आरोग्य अधिकारी अलिबाग, तलाठी सजा खानाव, मंडळ अधिकारी चौल, ग्रामसेवक खानाव तसेच तक्रारदार यांच्या उपस्थितीत चौल मंडळातील खानाव, वेल्हवली, घोटवडे व कुणे येथील आरएमसी प्लान्टची संयुक्त पाहणी करण्यात आली. सदर स्थळपाहणीमध्ये आरएमसी प्लान्ट संदर्भात खालीलप्रमाणे वस्तुस्थिती दिसून आली.

| अ. क्र. | गावाचे नाव | गट नं./ हिस्सा नं. | क्षेत्र (हे.आर.) | ७/१२ प्रमाणे कब्जेदार | संबंधित ठिकाणी असलेले RMC प्लांट धारक | संबंधित प्लांट सुरु आहे अगर कसे? | शेरा |
|---------|------------|--------------------|-----------------------|----------------------------|---------------------------------------|----------------------------------|--------------|
| १. | कुणे | ३४९ | १०.६०.०० आर.चौ.मी. | विनायक भास्कर कंटक व.१५ | एसपी एन्टरप्रायझेस | बंद आहे. | RMC PLANT |
| २. | घोटवडे | ६५ | १.२०.६० | जयवंत बाळाराम थळे व.७ | ए के गुप्ता अँड कंपनी | बंद आहे. | RMC PLANT |

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| ३. | वेल्हवली | १४९ | ०.६४.०० | प्रदीप अनंत पालशेतकर व.२ | एसकेबी बिल्डर्स इंडिया लि. | बंद आहे. | RMC PLANT |
| ४. | खानाव | ८९/६ब | ०.२२.०० | प्रणाली प्रवीण आचरेकर | कन्सोल व्हेन्चर्स | बंद आहे. | RMC PLANT |
| ५. | वेल्हवली | ४१ | २.३७.१० पैकी ०.६०.०० | मीनाक्षी मधुकर पाटील व.३ | सुहाना कन्स्ट्रक्शन कंपनी | बंद आहे. | RMC PLANT |
| ६. | वेल्हवली | ४१ | २.३७.१० पैकी ०.८०.०० | मीनाक्षी मधुकर पाटील व.३ | मेसर्स प्रायकॉन कंपनी | सुरु आहे. | RMC PLANT |
| ७. | खानाव | ८९/३/४ | ०.४८.६० | किशोर राघो शिंदे | समर्थ आरएमसी सालायर | सुरु आहे. | RMC PLANT |

उपरोक्त प्लान्टधारक यांनी त्यांचे म्हणणे लेखी स्वरूपात सादर केले असून तलाठी दफ्तरी उपलब्ध अभिलेख व संबंधितांनी सादर केलेली कागदपत्रे यानुसार पुढीलप्रमाणे अहवाल सादर करण्यात येत आहे.

| अ. क्र. | गावाचे नाव | कंपनीचे नाव | सादर केलेली कागदपत्रे | | | | |
|---------|------------|--------------------|---|---|--|---|--|
| | | | ग्रामपंचायती कडील नाहरकत दाखला क्रमांक व दिनांक | महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडील दाखला घेतला आहे अगर कसे? | जमीन मालकासोबत केलेल्या भाडेकराराचा दिनांक | म. ज. म. अधिनियम १९६६ चे कलम ४५ नुसार देण्यात आलेल्या नोटीसीची रक्कम व दिनांक | भरण्यात आलेली रक्कम व दिनांक |
| १ | कुणे | एसपी इन्टरप्रायझेस | आ.क्र.५५९ दि.२८/०९/२०२२ | Grant of Consent to Establish under Green category बाबतचे दि.०७/०२/२०२३ चे प्रमाणपत्र | दि.२७/१०/२०२२ | ₹.५३१३६/- दि.२८/१२/२०२३ | रक्कम शासन जमा करण्याबाबत जबाब दिलेला आहे. |

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| 2. | पोटबडे | ए के गुप्ता अँड कंपनी | जा.क्र.४९५ दि.०४/११/२०२२ | प्रमाणपत्र प्राप्त नाही | दि.१४/१०/२०२२ | र.रु.४६८४८.२४ दि.२२/०२/२०२३ र.रु.४६८४८.२४ दि.०६/१०/२०२३ | र.रु.४६८४८.२४ दि.२९/०३/२०२३ र.रु.४६८४८.२४ दि.१८/१२/२०२३ |
| 3. | वेल्हवली | एसकेबी बिल्डर्स इंडिया लि. | जा.क्र.४८२ दि.२८/०७/२०२३ | प्रमाणपत्र प्राप्त नाही | दि.२६/०७/२०२३ | र.रु.२०७०५/- दि.२९/१२/२०२३ | र.रु.२०७०५/- दि.१०/०९/२०२४ |
| 4. | खानाव | कन्सोल व्हेन्वर्स | जा.क्र.११० दि.०४/०५/२०२३ | प्रमाणपत्र प्राप्त नाही | दि.२४/११/२०२२ | र.रु.३९८५२/- दि.१८/१२/२०२३ | र.रु.३९८५२/- दि.१९/१२/२०२३ |
| 5. | वेल्हवली | सुहाना कन्सट्रक्शन कंपनी | दि.३१/०३/२०२३ | प्रमाणपत्र प्राप्त नाही | दि.०२/११/२०२२ | दि.१८/१२/२०२३ | र.रु.७०३५६/- दि.१६/०९/२०२४ |
| 6. | वेल्हवली | मेसर्स प्रायकॉन कंपनी | जा.क्र.७६७ दि.१८/११/२०२२ | Grant of Consent to Establish under Green category बाबतचे दि.१०/११/२०२३ चे प्रमाणपत्र | दि.३०/११/२०२२ | नोटीस काढण्यात आलेली नाही | |
| 7. | खानाव | समर्थ आरएमसी सफायर | जा.क्र.४१० दि.०१/०८/२०२२ | Grant of Consent to Establish under Green category बाबतचे दि.०४/०९/२०२३ चे प्रमाणपत्र | दि.२५/०७/२०२२ | र.रु.४५४२८/- दि.१८/१२/२०२३ | र.रु.४५४२८/- दि.१९/१२/२०२३ |

उपरोक्त विषया संदर्भात प्लान्टधारक यांनी त्यांचे म्हणणे लेखी स्वरूपात सादर केले आहे. पैकी मेसर्स प्रायकॉन RMC LLP यांनी संबंधित प्लान्टचा अहवाल स्वतंत्ररित्या सादर केला आहे. तसेच त्यांचा प्लान्ट ज्या ठिकाणी सुरु आहे त्या मौजे वेल्हवली गट क्र.४१ एकूण क्षेत्र २.३७.१० हे.आर. पैकी ०.८०.०० हे.आर. क्षेत्राची अकृषिक परवानगी मिळणेबाबत मा.जिल्हाधिकारी रायगड यांच्याकडे अर्ज सादर केला असून त्याबाबत आपल्या कार्यालयाकडून दि.२०/०२/२०२३ रोजी अहवाल मा.जिल्हाधिकारी रायगड यांच्याकडे सादर केला आहे असे त्यांनी दिलेल्या म्हणण्यामध्ये नमूद केले आहे.

प्लान्टधारकांनी सादर केलेल्या म्हणण्यानुसार त्यांच्या प्लान्ट मध्ये तयार होणारे RMC हे गेल कंपनीला पुरविण्यात येते. ह्या प्लान्टमध्ये तयार होणाऱ्या मटेरियलमुळे पर्यावरणाला हानी पोहचत नाही अथवा रोगराई पसरत नाही. तसेच आरोग्यावर व शेत पिकांवर त्याचा वाईट परिणाम होत नाही. अशाबाबत कोणतीही तक्रार आमच्या कंपनीकडे लेखी स्वरूपात प्राप्त झालेली नाही. यापुढे संबंधित ठिकाणी मटेरियल तयार करताना महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील सुचनेनुसार आवश्यक ती खबरदारी घेतली जाईल. असे नमूद केले आहे.

उपरोक्त विषयाबाबत संबंधित विभागाकडून स्वतंत्र अहवाल व अभिप्राय घेऊन त्यानुसार न्यायालयाला अहवाल सादर करणे आवश्यक आहे.

सोबत प्लान्टधारक यांनी सादर केलेले त्यांचे म्हणणे, स्थळपाहणी पंचनामा, भाडेकराराबाबतची माहिती, महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडील कागदपत्रे, जमीनमालक यांनी या कार्यालयाला सादर केलेले म्हणणे व संबंधित मिळकतीचे ७/१२ उतारे ई. कागदपत्रे सादर केली आहेत. तरी आवश्यक ती पुढील कार्यवाही होणेस विनंती आहे.

मंडळ अधिकारी, रायगड
मंडळ अधिकारी, रायगड
ता. अलिबाग, जि. रायगड.

मंडळ अधिकारी चौल ता.अलिबाग यांच्याकडे म्हणणे सादर करणार श्री समर्थ आरएमसी सप्लायर तर्फे प्रणव प्रदीप देसाई वय वर्षे २८ रा.मूळ खानाव म्हणणे सादर करतो कि, मा.राज्य मानवी हक्क आयोग मुंबई यांच्याकडील केस क्र.६७१६/१३/१६/२०२३ संदर्भात आपल्याकडील दि.२६/१२/२०२३ च्या पत्रान्वये दि.०९/०१/२०२४ रोजी मा.तहसीलदार अलिबाग यांच्याकडील पथकामार्फत आरएमसी प्लान्टची संयुक्त पाहणी करण्यात आली आहे. सदर पाहणीमध्ये श्री समर्थ आरएमसी सप्लायर या कंपनीतर्फे सुरु असलेल्या मौजे खानाव ता.अलिबाग येथील प्लान्टची पाहणी करण्यात आली आहे. सदर प्रकरणी संबंधित कंपनीच्या वतीने खालीलप्रमाणे म्हणणे सादर करत आहेत.

गेल कंपनी उसर या ठिकाणी सुरु असलेल्या प्लान्टसाठी लागणारे RMC मटेरियल पुरविण्याबाबत संबंधित कंपनीने ब्रिज and रुफ कंपनी (इंडिया) लि. यांना ठेका दिलेला आहे. व सदर कंपनीने सदरचे मटेरियल तयार करणे कामी आमच्या कंपनीसोबत दि.१०/०५/२०२३ रोजी करार केलेला आहे. सदरचे मटेरियल तयार करण्याकरिता कंपनीने मौजे खानाव ता.अलिबाग येथील गट क्र. ८१/२/३/४ या श्री.किशोर राधो शिंदे यांच्या मालकीच्या जमिनीमध्ये आम्ही RMC प्लान्ट उभारण्याचे ठरविले. त्यानुसार संबंधित जमीनमालक यांच्यासोबत आम्ही दि.२५/०७/२०२२ रोजी नोंदणीकृत भाडेकरार केला असून त्याची मुदत दि.२५/०७/२०२२ ते दि.२४/०६/२०२७ अशी ५ वर्षे इतकी आहे.

संबंधित भाडेकराराची प्रत ग्रामपंचायत खानाव यांच्याकडे सादर करून आम्हाला संबंधित ठिकाणी RMC प्लान्ट उभारण्याची परवानगी मिळावी म्हणून विनंती अर्ज सादर केला आहे. त्यानुसार ग्रामपंचायत खानाव यांनी त्यांच्याकडील पत्र क्र.४१० दि.०१/०८/२०२२ नुसार आम्हाला नाहरकत दाखला दिलेला आहे. त्यानुसार संबंधित ठिकाणी कंपनीतर्फे माहे नोव्हेंबर २०२२ पासून RMC प्लान्ट सुरु करण्यात आला आहे.

संबंधित मिळकतीचा शेती ऐवजी बिनशेती वापर करत असल्याने तहसीलदार साहेब अलिबाग यांच्याकडून आम्हाला महाराष्ट्र जमीन महसूल अधिनियम १९६६ चे कलम ४५ नुसार दि.१८/१२/२०२३ रोजी नोटीस देण्यात आली आहे. त्या नोटीसीच्या अनुषंगाने आम्ही र.रु.४५४२८ /- (पंचेचाळीस हजार चारशे अठठावीस) इतकी रक्कम दि.१९/१२/२०२३ रोजी शासन जमा केली आहे. त्याबाबतचे चलन आमच्याकडे उपलब्ध आहे.


दि.०९/०१/२०२४ रोजीच्या तहसिलदार अलिबाग यांच्यामार्फत नेमणूक केलेल्या पथकाने केलेल्या संयुक्त स्थळपाहणीच्या वेळी आमचा प्लान्ट सुरु असल्याचे दिसून आले आहे. संबंधित RMC प्लान्टबाबत दि.०४/०१/२०२३ महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील आवश्यक ती परवानगी घेतली आहे. सदर प्रमाणपत्रात नमूद केलेल्या अटी-शर्तीचे पालन संबंधित कंपनीद्वारे केले जात आहे.

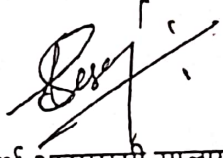
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संबंधित ठिकाणी तयार होणारे RMC हे गेल कंपनीला पुरविण्यात येते. ह्या प्लान्टमध्ये तयार होणाऱ्या मटेरियलमुळे पर्यावरणाला हानी पोहचत नाही अथवा रोगराई पसरत नाही. तसेच आरोग्यावर व शेत पिकांवर त्याचा काही परिणाम होत नाही असे आमचे म्हणणे आहे. अशाबाबत कोणतीही तक्रार आमच्या कंपनीकडे लेखी स्वरूपात प्राप्त झालेली नाही. यापुढे संबंधित ठिकाणी मटेरियल तयार करताना महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील सुचनेनुसार आवश्यक ती खबरदारी घेतली जाईल. अशाप्रकारे कंपनीतर्फे आमचे म्हणणे असून त्यानुसार मा. न्यायालयाला अहवाल सादर करावा हि विनंती.

म्हणणे सादर करणार

१७/०१/२०२५


न. क. जोष


श्री समर्थ आरएमसी सप्लायर तर्फे

प्रणव प्रदीप देसाई

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Exh'D'

मंडळ अधिकारी चौल ता.अलिबाग यांच्याकडे म्हणणे सादर करणार सुहाना कन्सट्रक्शन कंपनी तर्फे तौसीफ रझा वय २२ वर्षे रा.राजस्थान सध्याचे ठिकाण वेल्हवली ता.अलिबाग मो.नं.१७८३२४६१३९ म्हणणे सादर करतो कि, मा.राज्य मानवी हक्क आयोग मुंबई यांच्याकडील केस क्र.६७१६/१३/१६/२०२३ संदर्भात आपल्याकडील दि.२६/१२/२०२३ च्या पत्रान्वये दि.०९/०१/२०२४ रोजी मा.तहसीलदार अलिबाग यांच्याकडील पथकामार्फत आरएमसी प्लान्टची संयुक्त पाहणी करण्यात आली आहे. सदर पाहणीमध्ये सुहाना कन्सट्रक्शन कंपनी या कंपनीतर्फे सुरु असलेल्या मौजे वेल्हवली ता.अलिबाग येथील प्लान्टची पाहणी करण्यात आली आहे. सदर प्रकरणी संबंधित कंपनीच्या वतीने खालीलप्रमाणे म्हणणे सादर करत आहे.

गेल कंपनी उसर या ठिकाणी सुरु असलेल्या प्लान्टसाठी लागणारे RMC मटेरियल पुरविण्याबाबत संबंधित कंपनीने ब्रिज and रुफ कंपनी (इंडिया) लि. यांना ठेका दिलेला आहे. व सदर कंपनीने सदरचे मटेरियल तयार करणे कामी आमच्या कंपनीसोबत दि.१८/०१/२०२३ रोजी करार केलेला आहे. सदरचे मटेरियल तयार करण्याकरिता कंपनीने मौजे वेल्हवली ता.अलिबाग येथील गट क्र.४१ एकूण क्षेत्र २.३७.१० हे.आर पैकी ०.६०.०० हे.आर. या श्रीम.मीनाक्षी मधुकर पाटील व.३ यांच्या मालकीच्या जमिनीमध्ये आम्ही RMC प्लान्ट उभारण्याचे ठरविले. त्यानुसार संबंधित जमीनमालकांपैकी श्री.चेतन मधुकर पाटील व श्री.जगदीश मधुकर पाटील यांच्यासोबत आम्ही दि.०२/११/२०२२ रोजी नोटरी पद्धतीने २ वर्षे मुदतीकरिता भाडेकरार केला आहे.

संबंधित भाडेकराराची प्रत ग्रामपंचायत खानाव यांच्याकडे सादर करून आम्हाला संबंधित ठिकाणी RMC प्लान्ट उभारण्याची परवानगी मिळावी म्हणून विनंती अर्ज सादर केला आहे. त्यानुसार ग्रामपंचायत खानाव यांनी त्यांच्याकडील पत्र दि.३१/०३/२०२३ च्या पत्रानुसार दाखला दिलेला आहे. त्यानुसार संबंधित ठिकाणी कंपनीतर्फे माहे जानेवारी २०२३ पासून RMC प्लान्ट सुरु करण्यात आला आहे.

यासंदर्भात आम्ही महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील परवाना मिळणेबाबत कंपनीने माहे डिसेंबर २०२३ या महिन्यात संबंधित विभागाकडे अर्ज सादर केला आहे. मात्र आजपर्यंत संबंधित विभागाकडून कंपनीला परवाना प्राप्त झालेला नाही.

संबंधित मिळकतीचा शेती ऐवजी बिनशेती वापर करत असल्याने तहसीलदार साहेब अलिबाग यांच्याकडून संबंधित जमीनमालक यांच्या नावे महाराष्ट्र जमीन महसूल अधिनियम १९६६ चे कलम ४५ नुसार २ नोटीसा देण्यात आल्या आहेत. व त्या अनुषंगाने जमीनमालक यांनी र.रु.७०३५६ /- (सत्तर हजार तीनशे छपत्र) इतकी रक्कम दि.१६/०१/२०२४ रोजी शासन जमा केली आहे. त्याबाबतचे चलन आमच्याकडे उपलब्ध आहे.

संबंधित RMC प्लान्टबाबत महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील आवश्यक ती परवानगी घेतली नसल्याने संबंधित विभागाकडून आम्हाला दि.२०/१२/२०२३ रोजी सदरचा प्लान्ट बंद करणेबाबत कंपनीला नोटीस देण्यात आली आहे.

दि.०९/०१/२०२४ रोजीच्या तहसिलदार अलिबाग यांच्यामार्फत नेमणूक केलेल्या पथकाने केलेल्या संयुक्त स्थळपाहणीच्या वेळी आमचा प्लान्ट बंद असल्याचे दिसून आले आहे. तसेच यापुढील कामकाज हे परवानगी घेऊनच करण्याच्या सूचना स्थळपाहणीच्या वेळी संबंधित अधिकारी यांनी आमच्या कंपनीतर्फे उपस्थित असलेल्या प्रतिनिधींना दिल्या आहेत.

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संबंधित ठिकाणी तयार होणारे RMC हे गेल कंपनीला पुरविण्यात येते. ह्या प्लान्टमध्ये तयार होणाऱ्या मटेरियलमुळे पर्यावरणाला हानी पोहचत नाही अथवा रोगराई पसरत नाही. तसेच आरोग्यावर व शेत पिकांवर त्याचा वाईट परिणाम होत नाही असे आमचे म्हणणे आहे. अशाबाबत कोणतीही तक्रार आमच्या कंपनीकडे लेखी स्वरूपात प्राप्त झालेली नाही. यापुढे संबंधित ठिकाणी मटेरियल तयार करताना महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांच्याकडील सुचनेनुसार आवश्यक ती खबरदारी घेतली जाईल.

अशाप्रकारे कंपनीतर्फे आमचे म्हणणे असून त्यानुसार मा.न्यायालयाला अहवाल सादर करावा हि विनंती.
म्हणणे सादर करणार

दि. १०/०९/२०१२



क. क. चोले

सुहाना कन्स्ट्रक्शन कंपनी तर्फे

तौसीफ रझा



MAHARASHTRA POLLUTION CONTROL BOARD, MUMBAI

The Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria of RMC Plant in the State of Maharashtra

NOTIFICATION

No. MPCB/AS(T)/TB/B-4363.—In exercise of the powers conferred under sub-section (1) of section 54 read with clause (z) of sub-section (2) of the said section and sub-section (1) Sub clause (b) & (h) of section 17 of the Air (Prevention & Control of Pollution) Act, 1981 & Sub Section (1), Sub Clause (n) and (o) of 17 of the Water (Prevention & Control of Pollution) Act, 1974, the State Govt. after consultation with the Maharashtra Pollution Control Board hereby notifies the Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria of RMC's in the state of Maharashtra, the Environmental norms to be imposed on RMCs for additional control measures to be imposed to abate/mitigate pollution, to protect public health in the surrounding areas.

DEFINITION :

- (i) **Ready Mix Concrete (RMC)** : Ready-mix concrete is concrete that is manufactured in a factory or batching plant, according to a set recipe, and then delivered to a work site, by truck mounted in-transit mixers.
- (ii) **Commercial Plant** : A concrete batching plant set up for the purpose of supply of RMC to customers who require this for their construction.
- (iii) **Captive Plant** : A Concrete Batching Plant which has been set up by RMC manufacturer or contractor or any other for the sole purpose to supply RMC to a dedicated project site.

A. APPLICABILITY -

- (i) The RMC Plants are covered under the consent management regime of the Maharashtra Pollution Control Board.
- (ii) The permissions / grant of NOC shall be issued by the concerned local body/appropriate planning authority.

B. SITTING CRITERIA-

The following sitting criteria shall be considered for establishment of RMC Plant.

1. For commercial plant a buffer zone of approximately 100 m distance from human habitation of 1000 souls or more and major road (National/ State Highway, MDRs, main roads in city areas) shall be maintained.
2. For captive plant for the specific project, the location of RMC can be inside the project premises.
3. Commercial RMC plant should not be located within 200 m from schools, colleges, hospitals and courts.
4. The project proponent should comply with other locational statutory requirements in force such as DC Rules etc., while obtaining Consent to Establish from the Maharashtra Pollution Control Board.

C. ENVIRONMENTAL ASSESSMENT :

The following factors shall be taken into consideration for environmental assessment.

- (i) The Material handled viz. sand, aggregates, fly ash, cement and additives and their Storage arrangements along with capacity shall be specified.
- (ii) To carry out meteorological study specifically wind directions and accordingly prepare plan to control of fugitive emissions / dust particles and suppression system.

D. Pollution control measures:**(a) Air Pollution Control :****(i) In-house measures ;**

1. All material transfer points should be covered.
2. The dust containment system shall be provided incorporating either of the following
 - Barricading all around the periphery of the plot boundary with height of minimum 20 feet or 5 feet above free fall air emission area, whichever is higher with appropriate material. Same may extend above with netlon clothing whenever required.
 - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
 - Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area up to about 20m height.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out, with industrial vacuum cleaner.
5. Two level tyre washing facility shall be provided at entry and exit points, for transit mixture vehicle.

(ii) Raw material storage & handling ;

1. Storage silos of cement & fly-ash shall be equipped with adequate capacity of dust Collection system such as multi- cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at transfer points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag house, so as to limit dust emissions.
6. Storage area of sand & aggregate shall be equipped with roof top water sprinkler system.
7. The operation of the plant shall be interlocked with air pollution control devices.
8. Alternative power supply system, should cover both the production and Air pollution control system.

(iii) The unit shall monitor ambient air quality at the plot boundary and meet the following ambient air quality standards (24 hours Average)

| | | |
|---------------------------|---------------|------------------------------|
| Particulate Matter PM 10 | Not to Exceed | 100 $\mu\text{g}/\text{m}^3$ |
| Particulate Matter PM 2.5 | Not to Exceed | 60 $\mu\text{g}/\text{m}^3$ |

- (a) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
- (b) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

(b) **Water pollution control measures;**

- (I) The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Standards of the treated effluent Quality

| Sr. No. (1) | Parameter (2) | Concentration (3) | Limits (4) |
|----------------|------------------|----------------------|---------------|
| 1 | pH | Between | 5.5 to 9.0 |
| 2 | Oil & Grease | Not to exceed | 10 mg/l |
| 3 | Suspended Solids | Not to exceed | 100 mg/l. |
| 4 | BOD-3 days | Not to exceed | 30 mg/l. |
| 5 | COD | Not to exceed | 150 mg/l. |
| 6 | TDS | Not to exceed | 2100 mg/l |

- (II) The treated effluent shall be reused in the process, water sprinkling system or gardening / plantation only. There should not any discharge of effluent from the plant.

(c) **Noise pollution Control Measures :**

Ready mix concrete industry shall comply with the provisions under the Noise pollution (Regulation and Control) Rule 2000, to control Noise Pollution.

(d) **Solid waste treatment and disposal ;**

Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

E. The following conditions shall be incorporated in the consent :

1. The authority shall provide adequate water treatment and disposal facility for generated effluent from their activity .They shall comply with provisions under the Water (Prevention and Control of Pollution) Act, 1974.
2. The authority shall provide adequate Air pollution control arrangement at the source. They shall comply with the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and conditions prescribed.
3. The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.

Miscellaneous :

1. The RMC plants where the norms are not followed and the technology is old (Star type) shall be discarded within 1 year. Existing RMC plant shall implement the suggested guidelines within a year. The renewal of Maharashtra Pollution Control Board's consent shall be considered only after implementation of new guidelines. The RMC's having valid consent of Maharashtra Pollution Control Board shall amend their consent in compliance with guideline within a year.

2. Operation of RMC plant shall be in day time only. However in notified MIDC area, notified industrial parks, outside corporation area timing are not applicable. The Day time shall mean from 6 a.m. to 10 p.m.
3. The Maharashtra Pollution Control Board may make the standards stringent for the RMC / batching plants.
4. Urban local bodies/ special planning authority can locate all such RMC plants in cluster. This notification is issued with the approval of Hon'ble Chairman of the Board.

dated 7th November 2016.

DR. P. ANBALAGAN,
IAS, Member Secretary.

CHAPTER – 2
DEVELOPMENT PERMISSION AND COMMENCEMENT
CERTIFICATE

2.1 PERMISSION FROM THE PLANNING AUTHORITY IS MANDATORY

2.1.1 Necessity of Obtaining Permission: No person shall carry out any development work including development of land by laying out into suitable plots or amalgamation of plots or development of any land as group housing scheme or to erect, re-erect or make alterations or demolish any building or cause the same to be done without first obtaining a separate building permit / development permission/ commencement certificate for each such development work/ building from the Authority. As stipulated in section 18/46 of the Maharashtra Regional and Town Planning Act, 1966, no such permission shall be in contravention of the Regional Plan, Development Plan proposals as the case may be.

2.1.2 Permission Not Necessary -No such permission shall be necessary for:-

- i) carrying out of works in compliance with any order or direction made by any Authority under any law for the time being in force.
- ii) carrying out of works by any Authority in exercise of its powers under any law for the time being in force.
- iii) the excavation (including excavation of wells) made in the ordinary course of agricultural operation.
- iv) the construction of a road intended to give access to land solely for agricultural purpose.
- v) normal use of land which has been used temporarily for other purposes like marriage pandals or for festive occasions etc. on private land;
- vi) provision of safety grills to window/ventilator,
- vii) distribution/receiving substation of the electric supply company.
- viii) installation of solar panels having base of solar panel at height upto 1.8m. from terrace, ensuring structural stability from the Licensed Structural Engineer.
- ix) providing internal lightweight partitions/cabins in the commercial building/ establishment with certificate of structural stability from the Licensed Structural Engineer.
- x) temporary structures for godowns/storage of construction materials within the site.
- xi) temporary site offices, sample flats and watchman chowkys within the site only during the phase of construction of the main building.
- xii) temporary structures for storage of machinery before installation for factories in industrial lands within the site.
- xiii) labour camps for construction sites, provided adequate water supply and sanitation facilities are provided and safety is ensured;
- xiv) construction of temporary sets for film / TV serial / advertisement shooting and like activities for a period not more than one year, subject to intimation to the authority.
- xv) building on plot area upto 150 sq.mt. (low risk category) and on plot area more than 150sq.mts. upto 300 sq.mt.(moderate risk category) subject to compliance as per APPENDIX K.

Metro and Mono stations (underground and elevated), Viaduct and tunnel, Ventilation Shaft, Entry/ Exit Blocks, Passages, Underground passage to Station box, Lifts, Staircases, Escalators, Transit accommodation / Guest rooms, Metro Stations/ Depots on property owned by it in all Use Zones, Air Handling Unit, Fire staircase, Fire lift and fire passages, Refuge area, thereto."

- j) Facilities & services such as Roads, Water Supply, Sewerage, Storm Water Disposal and any other essential public services carried out by State/ Central Government or its undertakings / Bodies or the Local Bodies including: -
- (a) maintenance or improvement of highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street; or
 - (b) inspecting, repairing or renewing any drains, sewers mains, pipes including gas pipes, telephone and electric cables, or other apparatus including the breaking open of any street, or other land for the purpose.

Provided that the concerned authority shall inform the Planning Authority in writing at the earliest and pay the necessary restoration charges to the Planning Authority within a month. The restoration charges shall not be more than the expenditure to be incurred by the Authority to restore the road etc. along with supervision charges, if any.

All such constructions shall, however, conform to the prescribed requirements for the provision of essential services, water supply connections, drains, etc. to the satisfaction of the Authority.

2.1.5 Constructions Not Covered under the Operational Constructions

The following constructions of the Government Departments do not come under the purview of operational construction for the purpose of exemption. In such cases intimation to the authority as mentioned in above regulation shall be necessary.

- a) New residential building (other than gate lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hospitals, clubs, institutes and schools in case of railways;
- b) A new building, new construction or new installation or any extension thereof, in case of any other services other than those mentioned in these regulations.

2.1.6 Temporary Constructions

Permission shall be necessary for carrying out temporary construction. The Authority may grant permission for temporary construction for a period not exceeding six months at a time and in the aggregate not exceeding a period of one year. Such permission may be given by him for the construction of the following, viz.:-

- (i) Structures for protection from the rain or covering of the terraces during monsoon only.
- (ii) Pandals for fairs, ceremonies, religious functions, etc. on public land.
- (iii) Structures of exhibitions/ circuses etc.
- (iv) Structures for ancillary works for quarrying operations in conforming zones.
- (v) Government milk booths, telephone booths, MAFFCO stall and ATM Centres.
- (vi) Transit accommodation for persons to be rehabilitated in a new construction.
- (vii) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings.
- (viii) Ready mix concrete plant.

Provided that, necessary documents along with necessary scrutiny fees shall be submitted by the applicant along with the application for temporary construction.

Provided that, temporary constructions for structures etc. mentioned at (vi), (vii) and (viii) may be permitted to be continued temporarily by the Authority, but in any case not beyond completion of construction of the main structure or building and that, structure in (iv) and (v) may be continued on annual renewal basis by the Authority beyond a period of one year.

Provided further that approval of the Chief Fire Officer of the authority shall be obtained, wherever necessary.

2.1.7 Repairs to Building

The permission shall not be required for the following types of repairs to existing authorised building, which do not amount to additions or alternations. Only intimation to the Authority by the owner alongwith the certificate of licensed personnel shall be given.

- i) Changing of doors and windows in the same position.
- ii) Strengthening of existing walls, existing roof in the same position.
- iii) Any other items similar to above.

2.2 PROCEDURE FOR OBTAINING DEVELOPMENT PERMISSION/BUILDING PERMISSION/COMMENCEMENT CERTIFICATE

2.2.1 Notice/ Application

Every person who intends to carry out development or redevelopment, erect or re-erect or make alterations in any place in a building or demolish any building, shall give notice/ application in writing, through registered Architect, Town Planner or Licensed Engineer / Supervisor, to the Authority of his said intention in the prescribed form (See Appendix A1 or A2). It will be mandatory to submit complete information in the form accompanied with Appendix A-1 and A-2. Such notice shall be accompanied by the payment receipt of required scrutiny fee and any other fee/ charges prescribed by the Authority from time to time and the plans and statements in sufficient copies (See Regulation No. 2.2.2), and as per the requirements under Regulation No.2.2.2 to 2.2. One set of plans shall be retained in the office of the Authority for record after the issue of permission or refusal. The plans may be submitted in electronic form as may be specified by the Authority from time to time. The Authority may set a date after which all submissions, approvals and communication in regard to development permission shall be online.

2.2.2 Information Accompanying Notice/ Application

The Notice/Application shall be accompanied with the ownership title, key (location) plan, site plan, sub-division layout plan/ building plan, plans for services, specifications and certificate of supervision etc., as prescribed in these regulations. Ordinarily four copies of plans and statements shall be made available along with the notice; however, the number of such copies required shall be as decided by the Authority.

2.2.3 Ownership title and area

Every application for development permission and commencement certificate shall be accompanied by the following documents for verifying the ownership and area etc. of the land -

- i) Latest 7/12 extracts or property register card of a date not earlier than six months prior to the date of submission of development proposal, power of attorney, wherever applicable or attested copy of lease deed of the concerned lessor authority, enabling ownership of the document. In case of Ulhasnagar, conveyance deed and/ or sanad issued by the Revenue