

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH), PUNE**

APPEAL NO. _____ OF 2023

IN THE MATTER OF :-

Pravin Vora and Sons

---- **Appellant**

Versus

Maharashtra Pollution Control Board

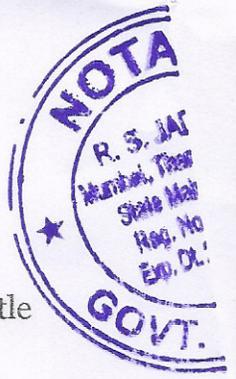
-- **Respondents**

REJOINDER on behalf of the Appellant to the reply filed by the Respondent is as under –

1. It is submitted that the contents of reply filed by the Respondent are absolutely false and misleading. All the contentions raised in the reply are nothing but the outcome of false complaint made by one former Corporator namely Rohit M. Suvarna. Till date no any complaint copy of the same is provided by the Respondent herein to the Appellant. It is very unfortunate that the public body like Respondent is played by the said Corporator and use as his mouth piece.

2. That the contents raised by the Respondent herein in paragraph No. 8 that "MPCB has issued closure directions to the Appellant on 27/04/2021 on the basis of similar non-compliances" are absolutely false. The alleged non compliances are altogether different and the same has been taken care by the present Appellant at the relevant time. However as the present Appellant preferred not to settle the said Corporator and comply all the directions but, said corporator choose to harass present complainant by making a false





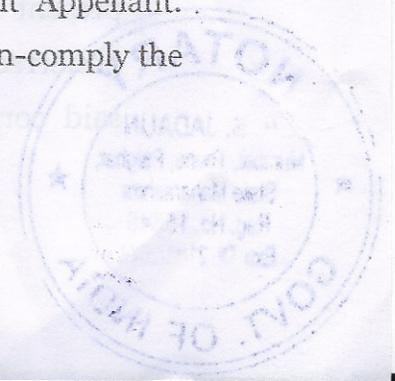
complaints and using the present Respondent as a tool of bargaining to settle his score.

3. That at no any point of time Appellant have admitted there noncompliance's as alleged in paragraph No. 6 of reply.

4. That the incident mentioned in paragraph No. 9 of reply is also a classic example that how a person can harass a businessman by moving the various machinery as a tool. That the said sue-moto petition is no more pending before the Maharashtra State Human Right Commission, Mumbai and the same has been disposed of by order dated 14th June 2023. Copy of the same is hereby annexed as Annexure "A".

5. That it has been alleged in paragraph No. 10 of reply that Respondent make a site visit on 20/06/2023. That it is pertinent to note that Respondent did not communicated about the said site visit to the present Appellant. No anyone from the Appellant were present on the spot on 20/06/2023. Moreover the Site was closed. That the contents of the said report are absolutely false. That Appellant herein has attached all the photos which is reflecting all the compliances as per the show cause notice. The same is annexed as Annexure "B".

6. That said Mr. Rohit M. Suvarna by hook or crook want to shut down the work site of the Appellant and present Respondent helped him to do so for the whatsoever reason which is not known to the present Appellant which may be pressure etc. However the present Appellant again quantified that there were no any non-compliance on the part of the Appellant herein, all the so called no-compliances were evidently complied by the present Appellant. There is absolutely no reason in the hands of the Appellant to non-comply the directions.





7. It is further submitted that due to the shutdown of the said plant, the Appellant is suffering huge losses which simultaneously might delay the construction and cause losses to the clients also. And the scenario may compel present Appellant to succumb in the hands of system to fulfill some ones unlawful demand.

8. It be noted that as per the Order of the Hon'ble Forum the Appellant has also submitted an application to allow him restart the site alongwith all the documents of compliances. However the Respondent not even bothered to reply the same and/or not even bothered to intimate their alleged visit. Annexure 'C' is copy of application.

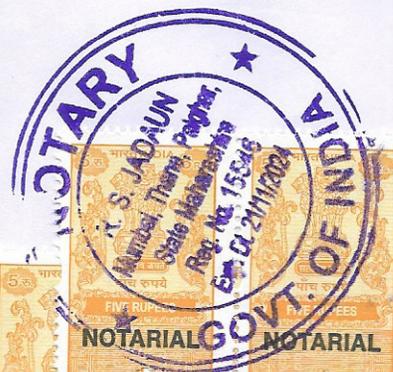
Mumbai
Pune

Date - 11/07/2023

Advocate for the Appellant

VERIFICATION

I Shri Pravin Vora proprietor of Pravin Vora and Sons, having address at – At Post Bhainder, S. No. 220, Hissa No. 2, Near Meera Hospital, Bhaindar - 401101, Appellant above, do hereby state on solemn affirmation that the contents in Para 1 to 8 are true and correct to my personal knowledge and information and in witness whereof I have signed here at Pune on this 11th day of July 2023.



Appellant
BEFORE ME

11/07/2023

R. S. JADAUN
Advocate & Notary Govt. of India
Office:- Shop No. 1, Walchand Shopping Centre,
Near M.D.M.C., Station Road,
Bhayander (W), Dist. Thane-401 101.
Mobile: 9076149537

Reg. No.	07
Sr. No.	1362
Date	11/07/2023





MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email - court1-mshrc@mah.gov.in

DIVISION BENCH

Suo Motu Case No.- 878/13/16/2023

Name of Respondent : Municipal Commissioner
Municipal Corporation of Greater
Mumbai, Mumbai

Municipal Commissioner
Mira Bhayandar Municipal
Corporation, Mira Road

Member Secretary,
Maharashtra Pollution Control Board
Mumbai

Chief Officer,
Slum Rehabilitation Officer,
Bandra, Mumbai

Name of the Intervener : Rohit Suvarna
Former Municipal Corporator,
Bhaindar

Date : 14th June 2023

Coram : Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

O R D E R B E L O W E X H I B I T ' J '

(Per: M. A. Sayeed, Hon'ble Member)

Intervener Shri Rohit Suvarna by present application prayed for continuation of the present suo motu case on the ground that the issue before the High Court of Judicature at Bombay does not refer to the present suo motu matter, initiated by this Commission nor the owner of the factory Shri Praveen Bora has uttered a single word about pendency of the present matter before the Commission.

2. However, this prayer does not sustain ground legally as the Commission after having weighed the pros and cons of the controversy and in particular, the legal bar provided u/s. 36(1) of the Act of 1993 r/w. Reg. 12(i) of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2011 passed an order of closure of the present suo motu matter. Therefore, the prayer moved by intervener Shri Suvarna does not merit any consideration, hence rejected with no order as to cost.

M. A. Sayeed
(M.A. Sayeed)
Member

K. K. Tated
(Justice K. K. Tated)
Chairperson

सत्य प्रब

Registrar
3-7-23
Registrar
State Human Rights Commission
Maharashtra State, Mumbai

Barricading and PCC Ground



Barricading and Sprinklers



Sedimentation Tank



Two Tyre Washing Facility



Water Tank



Ref. No.: PV/RMC/MPCB/03Date: 25/05/2023

To,

Maharashtra Pollution Control Board,

Regional Office, Thane

5th Floor, Office Complex Bldg,

Near Mulund Check Naka,

Wagle Estate, Thane 400 604,

Email ID: rothane@mpcb.gov.in

Ref : Order Passed by the National Green Tribunal (WZ) on 16-05-2023 in Appeal No.
22/2023 (WZ)

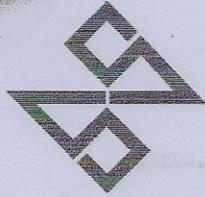
Subject : Revocation of order dated 11-04-2023.

Respected Sir,

1. That I am the Builder and Developer and carrying my business under the name and style as 'Pravin Vora and Sons'. That recently you have issued one Show cause Notice dated 02/03/2023 in respect of some non-compliances which are as under –
 - A. Not provided Two Tyre level washing facility,
 - B. Not provided sedimentation Tank,
 - C. Not provided proper barricading,
 - D. Captive RMC Plant is used in own premises for construction and for another site of the same owner about 200 ft,
 - E. Non submission of Bank Guarantee of Rs. 5 Lakh against restart directions.
2. That thereafter on 11/04/2023 you issued closure directions against which I have approached to Hon'ble National Green Tribunal (WZ) and filed Appeal bearing No. 22/2023 which is pending.

21/1/23
26/05/2023
वरिष्ठ लिपीक
म.प्र.नि. मंडळ, ठाणे





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BUILDERS | DEVELOPERS | ENGINEERS | INTERIOR DESIGNERS

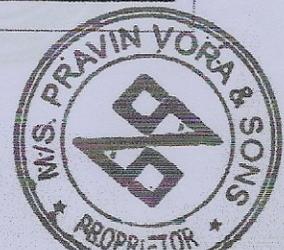
PRAVIN VORA & SONS

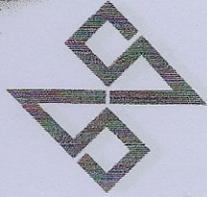
Builders & Developers

📍 Sudama Vallabh, Besides Mira Hospital, D-Mart Lane,
Bhayandar (W), Thane - 401 101. ☎ +91 98211 47494
✉ pravinvora@sudamagroup.com 🌐 www.sudamagroup.com

3. That I specifically state that no such violations were ever made on the site. Also the Bank guarantee was actually ready on 23/03/2023, however due to some technical/typographical error in the said Bank Guarantee, I have again applied to Bank to amend the Bank Guarantee which was received on 13/04/2023 and was submitted to you on 19/04/2023 which has been duly accepted by you.
4. I have also submitted the details of compliances on 25/04/2023 as per your Notice dated 02/03/2023 however the same were not taken into consideration by you. Therefore, as per the Order passed on 16/05/2023 by Hon'ble Tribunal, the leave has been granted to me to approach you and to show you all the necessary compliances. Hence this submission.
5. With reference to abovementioned Order I am submitting the details of our project for your reference.

Sr. No.	Points	Reply
1	We have not provided two tyre washing facility	<p>We have provided Two tyre Washing facility on site. Photos of the same is as below.</p> 





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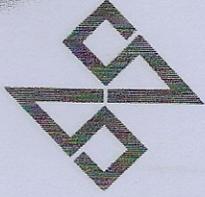
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<p>2</p>	<p>We have not provided Sedimentation Tank</p>	<p>We have provided Sedimentation tank on site. Photos of the same is as below.</p>
<p>3</p>	<p>We have not provided proper barricading.</p>	<p>We have provided proper barricading on site. Photos of the same is as below.</p>





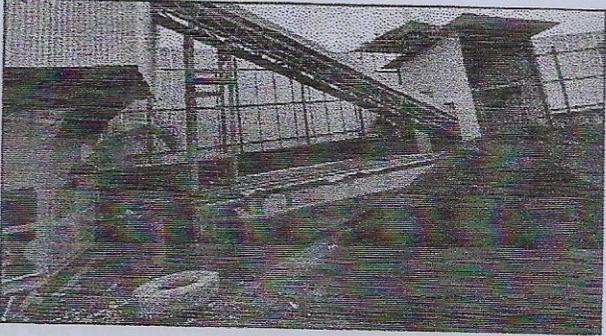
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Builders & Developers

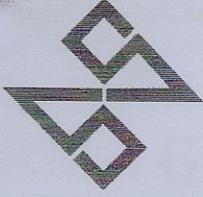
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Bhayandar (W), Thane - 401 101. ☎ +91 98211 47494

✉ pravinvora@sudamagroup.com 🌐 www.sudamagroup.com

	<p>Bank Guarantee is for three years acknowledgment of the same further state that I never used the road any further complications are created one Undertaking which is further state that the Non-File Typ</p>	
4	<p>Captive RMC plant is used in own premises for construction and for another site of the same owner about 200 feet.</p>	<p>We never used the said Captive RMC Plant on any other site. However, to avoid any further complications, We hereby provide an undertaking that the said captive plant will only be used in our own premises only for construction activity of my personal building. We also undertake to not operate the plant at night time.</p>
5	<p>We have not submitted Bank Guarantee of Rs. 5.00 lakhs against restart direction.</p>	<p>We have submitted Original Bank Guarantee of Rs. 5.00 lakhs bearing no. 230386IBGP00088 dated 13-03-2023 and the same is communicated vide letter dated 19/04/2023. Copy of the Bank Guarantee is enclosed herewith.</p>

6. I state that the Bank Guarantee was actually issued on 23/03/2023 and due to some errors it was returned to the bank and the same was amended on 12/04/2023. I have submitted the said Bank Guarantee bearing No. 230386IBGP00088 in original to you vide letter dated 19/04/2023 and the same was accepted by you. I state that the said





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Bank Guarantee is for three years i.e. till 13/03/2026. You have also issued acknowledgment of the same.

7. I further state that I never used the said RMC Plant on any other site. However to avoid any further complications and to assure you in respect of the same I have executed one Undertaking which is attached herewith.
8. I further state that the Hon'ble Tribunal has further suggested to you that in case if you find that all necessary compliances have been done, you would be free to revoke the Order impugned herein without awaiting their Order in the said Appeal. The copy of the said Order is attached herewith.
9. I hereby assure you that I am ready and willing to run the said Plant by observing all terms and conditions and I will abide by the same.
10. I, therefore, request you to kindly revoke the said Order dated 11/04/2023 and grant the permission to restart the said RMC Plant at the earliest.

Yours faithfully,

For Pravin Vora & Sons,

PRAVIN VORA & SONS

Proprietor
Pravin V. Vora
Proprietor



Enclosed:

1. Copy of Order passed by the National Green Tribunal against Appeal No. 22/2023 (WZ).
2. Copy of Undertaking as mentioned above.
3. Copy of Bank Guarantee as mentioned above.
4. Site Photographs showing compliances work.

CC to : National Green Tribunal (WZ)