

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE**

ORIGINAL APPLICATION NO. 49/2025

IN THE MATTER OF:

VASUNDHARA FOUNDATIONAPPLICANT
VERSUS	
M/S. SHRI LALIT NAGPAL & ORS.RESPONDENTS

**REJOINDER ON BEHLF OF THE APPLICANT TO THE
AFFIDAVIT IN REPLY BY R-3-MPCB DATED 06.11.2025.**

I, Mr. Yuvraj Ramraje President of Vasundhara Foundation, at: Nilgiri Building, P. L. Lokhande Marg, Chembur, Mumbai 400 0071, do hereby solemnly affirm and state on oath as follows:

1. BRIEF BACKGROUND OF CASE:

- A) That the present OA is filed U/s. 14, 15, 18 & 20 of the NGT Act, 2010 for the violations Water (P&CP) Act, 1974 & Air (P&CP) Act, 1981 for substantial issue of environment due to illegal running and operating of Readymix Concrete unit of Respondent No. 1 i.e. M/s. Shri Lalit Nagpal running and operating with various non-compliances of terms and conditions of the Consent issued by the Maharashtra Pollution Control Board, and which causes serious environmental pollution nearby areas, inspite of that the administration has remained mute to the happening, and not willing to take any appropriate action against the unit.

B) That the Service was completed on all Respondents and affidavit of service was filed on dated 26.06.2025.

2. REJOINDER TO THE REPLY FILED BY R-3-MPCB DATED 06.11.2025:

A) That the R3 MPCB has not filed detailed information about the R1 and earlier owner establishment at the RMC site.

B) That the following are the details of MPCB issued a Consent to Establishment and Consent to Operate at the RMC Site, Deonar, Govandi, Mumbai :-

Sr. No.	Name of consent granted to establishments	Type of Consent	Period of Consent
1.	Saket Infrastructure Ltd.	Consent to Operate	05.02.2011 to 15.12.2013
2.	Saket Infrastructure Ltd.	Consent to Operate	12.03.2014 to 31.12.2016
3.	Shri Lalit Nagpal	Consent to Establishment	29.04.2021
4.	Shri Lalit Nagpal	Consent to Operate	03.11.2022 to 31.10.2025

C) That the R3-MPCB categorically stated that, the R1 RMC plant was in existence prior to the year 2016, however this entire information incorrect and wrong. That since 2011 to 2016 the said RMC plant was operated by the Saket Infrastructure Ltd. which is public limited company registered under the Companies Act. Thereafter since 2016

to 2021 it was running without the consent to operate from MPCB. Further since 01.11.2022 to 31.10.2025 the said RMC unit is operated by the R1-Shri Lalit Nagpal which is proprietary firm. Hence the entities are completely different which evidently shows that the R3-MPCB has failed to followed the siting criteria as per the RMC notification dated 16.10.2016 issued by the MPCB itself.

- D) That if the same entities are operating the RMC plant, then why was a new consent to establish granted to R1-Shri Lalit Nagpal? Therefore, R1-Shri Lalit Nagpal is a completely new entity that received the consent to establish on 03.12.2022. At that time, the MPCB should have verified the siting criteria before issuing the consent to establish. Consequently, the consent was granted based on misleading and fraudulent information, violating the RMC notification dated 16.10.2016.
- E) That it is important to note that, the R3-MPCB issued a consent to establishment on 29.04.2021 and it is issued subject to various terms and conditions. Further as per the cause 14 of the said consent to establish the condition has been put that “ the industry shall comply the sitting criteria as per the RMC notification dated 16.10.2016.”, hence now it is clear the it is obligatory on the part of R1 and R3-MPCB to follow the said sitting criteria.
- F) That since 01.11.2025, the R1 has been operating its RMC unit without renewing the consent, which is a significant concern. Nevertheless, the R3-MPCB is attempting to support the R1, indicating a close collaboration between the R1 and R3-MPCB.

- G) That the as per the sitting criteria of the RMC notification dated 16.10.2016 it is categorically stated that “sitting criteria shall be considered for establishment of RMC Plant”, hence the establishment was granted to the R1 on 29.04.2021 hence R3-MPCB completely failed to follow the it own RMC notification, which is a grave negligence on the part of MPCB.
- H) That R3-MPCB has not calculated the period of violation and amount of EDC. That considering the statement made by the R3-MPCB the during inspection on 29.07.2025 the R1 comply the non-compliances. Hence first non-compliance was observed by the MPCB on dated 18.11.2022 when the visit was conducted by the MPCB. Based on that the period of violation would be as follows :-

Category	Period of violation	Total days of violation
Green	18.12.2022 to 29.07.2025	660 days
Orange	08.12.2024 to 29.07.2025	295 days
Orange	01.11.2025 to 23.02.2026 (Till date)	114 days

That till 07.10.2024 the RMC unit was under Green Category thereafter on 08.10.2024 the MPCB issued a circular to the category of RMC unit from Green to Orange.

- I) That the based on number of days violation calculation of EDC as follows :- (Formula $EC = PI \times N \times R \times S \times LF$)

Category	Calculation as per the formula	Amount
Green	$30 \times 660 \times 250 \times 1.0 \times 1.0$	49,50,000
Orange (1)	$50 \times 295 \times 250 \times 1.0 \times 1.0$	36,87,000
Orange (2)	$50 \times 114 \times 250 \times 1.0 \times 1.0$	14,25,000
	Total	1,00,62,000

- J) That the as per the sitting criteria the R1 shall not allowed to operate its unit within the said premises because the RMC plant operating within 100 meter buffer zone.
- K) That for the violation the R1 has to pay the EDC of Rs. 1,00,62,000/- before the MPCB.
- L) Therefore, this Hon'ble NGT may kindly pass appropriate Orders/directions/reliefs for restitution & restoration of area.

Hence this Rejoinder.

Whatever stated above is true and correct to the best of my knowledge, belief and information, hence, to verify the same I have signed hereunder at Sangli.



Date: 22.02.2026

ADVOCATE FOR THE APPLICANT

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....APPLICANT

VERSUS

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....RESPONDENTS

AFFIDAVIT

I, Mr. Yuvraj Ramraje President of Vasundhara Foundation, at: Nilgiri Building, P. L. Lokhande Marg, Chembur, Mumbai 400 0071,, do hereby make an oath to swear as under –

1. That I am the Applicant in the present Original Application and I am well conversant with the facts and circumstance of the case and competent to file this affidavit.
2. The accompanying objection/ submission/ rejoinder has been drafted under my instruction and the facts mentioned therein are true to my knowledge and the records obtained.

VERIFICATION

I, the above named deponent do hereby verify that the contents of Para 1 and 2 of the above affidavit are true to my knowledge.

Hence signed and verified at Sangli on this 22nd day of February 2026.



ADVOCATE FOR THE APPLICANT



DEPONENT

**Noted Register
Serial Number...486/2026**

**Solemnly affirmed
BEFORE ME**

**Adv. S. M. Chougule
Notary Government of India
Miraj, Dist. Sangli Reg. No. 9135**

21 FEB 2026

