

BEFORE THE NATIONAL GREEN TRIBUNAL WESTER ZONE  
BENCH, PUNE.

ORIGINAL APPLICATION NO: 62/2024(wz)

(LETTER PETITION NO: 25/2024)

Suryakant J Shelke ... Complainant.

V/s.

The Maharashtra Pollution Control Board

& Ors. ... Respondents.

Rejoinder to the Compliance filed by the  
MPCB as per order dt: 6/5/24 of this Tribunal.

**May it please your honour.**

It is most respectfully stated on behalf of the Original complainant.

1. I say that, the Application was filed by the complainant to stop functioning without obtaining valid consent by the said RMC Plants, but still most of the RMC's are functioning without consent & due to the operation of RMC Plants, the Air Quality of the said area is deteriorating and leading to the health hazards of residents of the said locality. I say that, the health issue can be noticed from the report filed by the Medical officer & the same as been admitted by the Human Rights Commission & also by the Tashildar who had filed the report before the

Commission. It is also admitted by the medical officer as per the data report filed, which shows that, the graph of the patients are increasing, as per their annual report & they have no specific reasons from increasing in those patients, but the said facts also can't be denied that, for those patients one of the cause be a RMC Plants who are causing pollutions in the said vicinity & there are expert opinion towards health issues faced by the concern locality persons. It is also to appreciate that, inspite of patients increasing in the said vicinity the authority has not taken any steps to close down those RMC Plants, but I would say that, the concern authorities have promoted the Polluter's. I say that, as per the Medical officer report the said RMC Plants are functioning from year 2021 & from their own report it shows that, the patients are increasing.

2. I say that, it is an admitted fact as per Annexure-II ( page 32 – 37), we see page 37, 2<sup>nd</sup> last para from bottom the authorities them self admits that **patient of Tuberculosis, chronic Rhintis, Bronchial Asthama, Chronic Obstructive Pulmonary Disease Dematitis** have been increased & they would like to take the help of Expert from ICMR & DMER, but till date no efforts has been taken to do the same, this shows their causal & negligent approach towards their duties & how

much they are concern towards the health issues of poor villager's. I also say that, as per Annexure-II report at para - D it is an admitted fact that, all those Plants are flouting the provisions & Notifications was noticed during visit.

3. I say that, no action has been taken to pull down those illegal structure/ RMC Plants which are constructed without following the provisions of the Unified Development Control Promotions Regulations(UDCPR, 2020) & even today those Plants are running without obtaining proper permissions from the concern authorities as per the Regulations, Norms, Rules & official Notifications. I say that, I had made a complaint dt: 31/12/202 to the concern authorities to Prosecute the Polluter's by initiating Criminal proceeding under The Environmental Act, The Air (Prevention & Control of Pollution) Act, 1981 & The Water (Prevention & control of Pollution) Act, 1974 but I don't understand why the said Board is very much lenient & showing their very casual approach towards polluters. I say that, they fails to adopt policy of law i.e " Polluter Pay". I say that, because of their act those common & innocent Gullible persons facing health issues & leading to health hazards.
4. I also say that, the MPCB are showing very lenient attitude towards the Polluter's, as they are fails to recover/impose

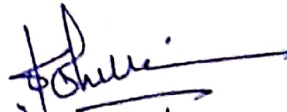
Environment Compensation from the said Polluter's as per the provisions of the Environment Law. I say that, the Environment Compensation should have been imposed & those amount should have been used for the betterment of the local resident people's & also to the damages cause to the Environment of the said vicinity.

5. I say that, the Board had issued letter to the Executive Engineer, MSEDCL, Alibaug to submit electricity disconnection report of the said RMC's & Cement Bloc Plant & the same was disconnected as per the report dt: 09/5/2024. I say that, the Board fails to get the copy of the Application from the concern Electricity Department on which date the Electricity was issued & the relevant documents on which the said Electricity was given. I say that, the Board fails to furnish those documents before the Tribunal from which it would be very easy to make out the date of commencement of illegally functioning of those RMC Plants.
6. I say that, as per para 7 of the compliance report filed by the MPCB that, as per them Health officer has carried visit on 12/10/23 & find out no Air Pollution observed during the visit. I say that, as per my knowledge Health officer did have no

power to issue Air Quality certificate, but in this case such thing happened.

7. I say that, as per para 8 of the compliance report filed by the MPCB that, as per them Agriculture Dept. Visited on 10/10/23 for soil testing but due to rice crop unable to do the same, but till date no soil report was done, this shows how the authorities officers are prompt and efficient towards their works & how they giving their best for protection of Environment.
8. I say that, even today those plants are running by flouting the mandatory provisions & Notifications.
9. In view of above circumstances, this Tribunal may pass appropriate order against authorities officer's who act very casually against Polluter's who causes damages to Environment & also causes damages to the health of the people of the said vicinity & fails to initiate criminal proceedings against Polluter's & also strict action to be taken against Polluters as per the provision of law.

Date: 2/9/24.

  
(S.J. Shelke)  
Complainant.