



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
OA NO. 38/2025**

M/s. Achalare Realtors Pvt. Ltd.

... Appellant

v/s.

MoEF&CC & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 2, SEIAA

I, Dattatray Suryakant Bhalerao, working as Scientist I & Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. It is submitted that at the very outset this respondent denies each averment made in the present application which is contrary to and inconsistent with the averments made and facts states in the present

reply. It is submitted that nothing stated in the application may deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.

2. In para no. 3 of the present application, the applicant seeks plural remedies. First relief is declaration of the correct CEPI score of the Pimpri-Chinchwad Municipal Corporation Area and also for further processing of its application for grant of Environmental Clearance (EC) pending with the Respondent No.2 since 29th June 2023. There is bar on seeking plural remedies in a single application or appeal as per Rule 14 of the NGT Practice and Procedure Rules, 2011.
3. Maintainability of the application needs to be kindly checked. There is neither any substantial question of environment raised in the present application nor any damage to the environment for which restitution is required. Applicant has not able to show what loss or injury has happened to environment, by SEIAA not processing their EC application and by CPCB not declaring the exact CEPI Score for PCMC. Applicant might be suffering financial loss however it cannot be said that there is any loss or damage to environment in the present case.



4. On merits of the present application it is stated that SEIAA considered the proposal of the PP on 13th August, 2024 and observed that Hon'ble NGT, Central Zone Bench, Bhopal in OA No. 93/2024 has passed an order dated 9th August, 2024 regarding applicability of the General Conditions to category 8 projects, whereby directions were issued to the MoEF&CC to appraise all those building and construction projects that are located in whole or in part within 5kms of ... Critically Polluted Areas (CPAs) and Severely Polluted Areas (SPAs) as identified by the CPCB. Further, the Hon'ble Bhopal Bench has relied upon Critically and Severally polluted areas as identified by the CPCB as per letter dated 10-04-2019.
5. According to the satellite map, the project of the applicant is within 2.12 km from the boundary of PCMC which is within 5 km, as stated in the general conditions of the EIA Notification, 2006. Based on the map and on the basis of the judgment of the Hon'ble NGT, Central Zone Bench, Bhopal in OA No. 93/2024, SEIAA observed, as the project is located in whole or in part within 5 km of CPAs and SPAs as identified by the CPCB, after deliberation, SEIAA decided to defer the proposal in view of the order of Hon'ble NGT, Bhopal Bench.



Copy of the map showing the project within 5 km of the PCMC area is attached herewith as **Annexure 1**.

6. Applicant is relying on an email by the CPCB to CREDAI PUNE METRO dated 2nd September, 2024 whereby CPCB communicated that CEPI score of PCMC is 52.16 and is not covered under Critically Polluted Areas / Severely Polluted Areas. However, said revised CEPI Score of PCMC has not been communicated by the CPCB to SEIAA.
7. On 07-10-2024, taking reference of the order dated 9th August, 2024 passed in OA No. 93/2024 passed by the Hon'ble NGT, Bhopal Bench, the Environment and Climate Change Department, Government of Maharashtra wrote a letter to the Chairman, CPCB bringing it to their notice that CEPI score of 2018 and 2023 of 9 industrial clusters in the State of Maharashtra are not taken into consideration by the CPCB. Further, CPAs and SPAs in the State of Maharashtra are classified on the basis of old data of CEPI Score of the year 2009. Therefore, the Environment Department requested the CPCB that the CPAs and SPAs in the State of Maharashtra be reclassified on the basis of details of the CEPI of the year 2023.



However, reply is awaited. Environment Department's letter to the CPCB dated 07-10-2024 is marked as **Annexure 2**.

8. SEIAA is willing to consider the application for grant of EC of the present applicant, once it receives clarification regarding the latest CEPI scores in the State of Maharashtra and once the issue regarding applicability of the order dated 9th August, 2024 in OA No. 93/2024 passed by the Hon'ble NGT, Bhopal Bench, to the State of Maharashtra, is clarified.
9. This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.



Mumbai

Date **29 APR 2025**

Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Scientist-I & Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at New Administration Building, 15th floor, Mantralaya, Mumbai – 400 032 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this _____ day of April, 2025 at Mumbai.

29 APR 2025



Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra

BEFORE ME

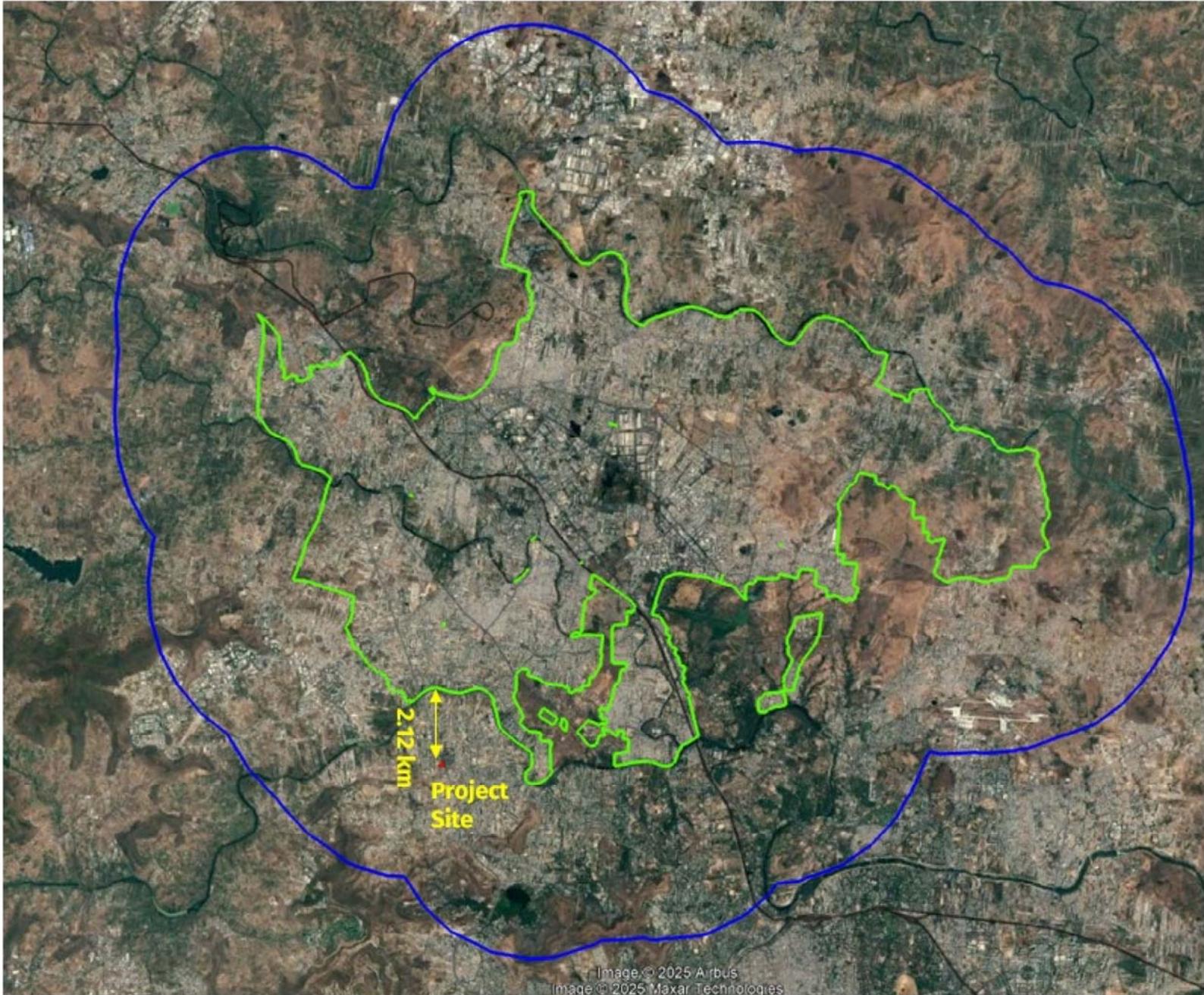
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NOTED & REGISTERED

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Date. 29 APR 2025



GOVERNMENT OF MAHARASHTRA

No. SEIAA-2024/C.R.47/SEIAA
 Environment and Climate Change
 Department
 Room No. 217, 2nd Floor,
 Mantralaya, Mumbai- 32.
 Date: 07/10/2024

To
 Chairman,
 Central Pollution Control Board,
 Parivesh Bhavan,
 East Arjun Nagar, Delhi-110032.

Subject: Reclassification of Critically Polluted Areas (CPAs) and Severally Polluted Areas (SPAs) in the State of Maharashtra

Reference: Hon'ble NGT (CENTRAL ZONE BENCH, BHOPAL) order dated 09th August, 2024 in Original Application No.93/2024(CZ)

Sir,

Hon'ble NGT (CENTRAL ZONE BENCH, BHOPAL) in Original Application No. 93/2024(CZ) has passed the following order on 09th August, 2024. The operative part of the same is as –

“..41. Accordingly, we direct the MoEF&CC to strictly enforce the notification dated 14.09.2006 attached to Category 8 in the note general conditions and we direct the MoEF&CC to appraise all those building and construction projects that are located in whole or in part within 5 km. of the protected area notified under the Wildlife (Protection) Act, 1972, critically polluted areas and severely polluted areas as identified by the CPCB, eco-sensitive areas notified under Section 3(2) of the Environment (Protection) Act, and the projects located at inter-state boundaries as Category A projects and to be appraised by the central level by the Sectoral Expert Appraisal Committee.

42. The MoEF&CC is directed to strictly comply the notification or to make a clarity by issue of notification. The copy of the order be communicated the MoEF&CC for clarification and issue of necessary notification or to comply the ELA, Notification, 2006 in letter and spirit... ”.

In this regard, it is submitted that, Central Pollution Control Board (CPCB) has developed Comprehensive Environmental Pollution Index (CEPI) to find out an index value to characterize the quality of Environment. In 2009, Central Pollution Control Board (CPCB) in consultation with MoEF&CC has identified 43 industrial clusters in the 17 states as Critically Polluted Areas (CPAs) having CEPI score 70 and above and 32 industrial clusters as Severally Polluted Areas (SPAs) having CEPI score 60 and above but below 70. The summary of Comprehensive Environmental Pollution Index (CEPI) scores of 9 industrial

clusters in the state of Maharashtra monitored during 2018 (by Central Pollution Control Board) and 2023 (by Maharashtra Pollution Control Board) is as below-

Sl. No.	Name of Industrial Area in Maharashtra	CEPI Scores in 2018 (as monitored by CPCB)	CEPI Scores in 2023 (as monitored by MPCB)	Decrease in CEPI Scores
1.	Tarapur	93.69 (CPA)	66.94 (SPA)	28.5 %
2.	Chandrapur	76.41 (CPA)	65.76 (SPA)	13.9 %
3.	Navi Mumbai	66.32 (SPA)	53.59 (OPA)	19.2 %
4.	Aurangabad	69.85 (SPA)	59.36 (OPA)	15.0 %
5.	Dombivalli	69.67 (SPA)	64.05 (SPA)	8.0 %
6.	Nashik	69.49 (SPA)	59.1 (OPA)	15.0 %
7.	Chembur	54.67 (OPA)	--	--
8.	Pimpri-Chinchwad	52.16 (OPA)	--	--
9.	Mahad	47.12 (OPA)	--	--

However, the details of Comprehensive Environmental Pollution Index (CEPI) of the year 2018 and 2023 of 9 industrial clusters in the state of Maharashtra are not taken into consideration by the Central Pollution Control Board (CPCB) and Critically Polluted Areas (CPAs) and Severally Polluted Areas (SPAs) in the state of Maharashtra are classified on the basis of old data of Comprehensive Environmental Pollution Index (CEPI) of the year 2009. It is requested that, Critically Polluted Areas (CPAs) and Severally Polluted Areas (SPAs) in the state of Maharashtra shall be reclassified on the basis of details Comprehensive Environmental Pollution Index (CEPI) of the year 2023.

Thanking you.

Yours faithfully



(Pravin Darade)

Principle Secretary,

Environment and Climate Change Dept

Govt of Maharashtra