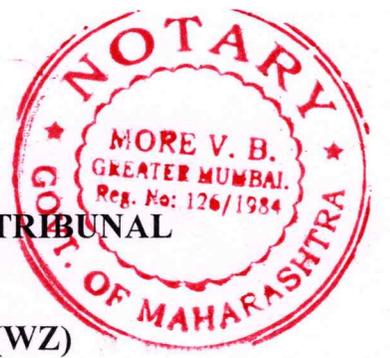


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 49/2021 (WZ)**



Mr.Sayyed Mohammed Sabir Usman

....Applicant

Versus

Union of India through Secretary,  
MoEF&CC and Ors.

....Respondent(s)

**Reply-Affidavit on behalf of Maharashtra Pollution Control  
Board i.e. Respondent No. 4**

I, Tanaji Yadav Age-adult , Occupation -Service , the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-I , having my office address at Kalpataru Point, 1<sup>st</sup> Floor, Near Sion Circle, Sion (East), Mumbai-400 001, do hereby state on solemn affirmation as under:-

- 1) I am filing this Affidavit in compliance of this Hon'ble Tribunal order dated 17/2/2023 on behalf of the Respondent No.4 i.e. Maharashtra Pollution Control Board before this Hon'ble Tribunal.
- 2) I say and submit that the instant Application is filed regarding violation of environmental norms by the Project Proponent i.e. Respondent No.8 -M/s.Castle Realtors Pvt Ltd, Mumbai in developing a housing project "NDW Aquagem" situated at City Survey (CTS) No.1/378 of Mazgaon Division, Balwant

*Blar*

Singh Dhody Marg, Nesbit Road, Mazgaon, District  
Mumbai.

- 3) I say and submit that the Respondent No.1, Ministry of Environment & Forest, Government of India had granted Environment Clearance on 25/6/2007 for construction of residential and commercial complex at C.S.No.378 and 1/378 of Mazgaon Division, Mumbai. The total plot area is 4,855.93 sq.mtrs. and the total built up area is 31,389.89 sq.mtrs. The Respondent No.8-Project Proponent has not obtained renewal of Environment Clearance till date.
- 4) I say and submit that the Respondent Board had granted Consent to Establish on 5/11/2009 to Respondent No.8-Project Proponent for the development of land/plot as new construction activities for construction of residential and commercial project named as M/s.Castle Realtors Pvt.Ltd. at the aforesaid site on total plot area of 4,855.93 sq.mtrs., total built up area of 31,389.89 sq.mtrs., which was valid till commissioning of the project or five years whichever is earlier. A copy of the Consent to establish dated 5/11/2009 is annexed herewith as an **Exhibit-A**.
- 5) I say and submit that in view of the non-compliances observed during the visit of Board officials on 11/10/2021 to the site of the Respondent-Project Proponent, the Respondent Board had issued Proposed directions on 12/11/2021 to the Respondent

*Ok*

No.8-Project Proponent for failure to revalidate the Environmental Clearance from the Competent authority, not revalidate Consent to Establish and not obtained Consent to Operate from the Respondent -Board, the STP of capacity 150 CMD was provided, however, the same was not found in operation at the time of visit, failure to provide OWC for the treatment of organic waste and failed to obtain NOC from the Central Ground Water Authority. A copy of the Proposed directions dated 12/11/2021 is annexed herewith as an **Exhibit -B.**

6) I say and submit that the Respondent No.8-Project Proponent had applied for Consent to Establish (Re-validation ) vide UAN No.0000133880 on 10/3/2022. While scrutinizing the said application, it was observed that Respondent No.8-Project Proponent had failed to submit compliance of the Proposed directions dtd.12/11/2021, handed over the occupancy without obtaining consent to operate, applied with increased investment as compared to earlier obtained consent to establish, not paid adequate consent fees etc. The said non-compliances was brought to the notice of the Respondent No.8-Project Proponent by issuance of Show Cause Notice for refusal of Consent to Establish (Re-validation) on 5/5/2022. A copy of the said Show Cause Notice dated 5/5/2022 is annexed herewith as an **Exhibit-C.**

*Pls*

- 7) I say submit that the Respondent-Project Proponent vide letter dated 25/5/2022 had submitted unsatisfactory reply and also handed over the possession without obtaining Consent to Establish (Revalidation), Consent to Operate and also failed to submit revalidated Environmental Clearance.

In view of the above non-compliances , the Respondent-Board has refused Consent to Establish (revalidation) vide letter dated 29/3/2023. A copy of the Refusal of Consent to Establish (Re-validation) dated 29/3/2023 is annexed herewith as an **Exhibit-D**.

- 8) I say and submit that the Respondent -Project Proponent had applied for Consent to Operate vide UAN No.0000135371 on 30/3/2022. While scrutinizing the said application, it was observed that the Respondent No.8-Project Proponent had failed to submit compliance of the Proposed directions dtd.12/11/2021, failed to revalidate Consent to Establish , handed over the occupancy without obtaining Consent to Operate etc. The said non-compliances was brought to the notice of the Respondent No.8-Project Proponent by issuance of Show cause Notice for refusal of Consent towards applied Consent to 1<sup>st</sup> Operate on 15/6/2022. A copy of the said Show cause notice dated 15/6/2022 is annexed herewith as an **Exhibit-E**.

- 9) I say and submit that the Respondent No.8-Project Proponent has failed to submit reply to the said Show cause notice dated

*Blaw*



15/6/2022 and also handed over the possession without obtaining Consent to Establish (Revalidation), Consent to Operate and also failed to submit revalidated Environmental Clearance.

In view of the above non-compliances, the Respondent-Board has refused 1<sup>st</sup> Consent to Operate vide letter dated 28/3/2023. A copy of the Refusal of 1<sup>st</sup> Consent to Operate dated 28/3/2023 is annexed herewith as an **Exhibit-F**.

- 10) I further say and submit that in compliance of this Hon'ble Tribunal order dated 22/7/2021, the Joint Committee Report was filed before the Hon'ble NGT on 9/5/2022, which was taken on record by this Hon'ble Tribunal.

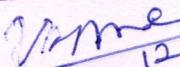
Solemnly affirmed on this 12<sup>th</sup> day of April, 2023 at Mumbai.

I know the affiant,

For and on behalf of MPCB –  
Respondent No.4,

ADVOCATE

  
(Tanaji Yadav)  
Sub-Regional Officer, Mumbai-I

**BEFORE ME**  
  
12/4/2023  
**VASANT B. MORE**  
Notary Gr. Mumbai

REGISTER Sr. No. 2911/2023



# MAHARASHTRA POLLUTION CONTROL BOARD



Tel : 2402 0781 / 2401 0437  
Fax : 2402 4068  
Visit us at :  
Website : <http://mpcb.mah.nic.in>  
E-mail : [mpcb@vsnl.net](mailto:mpcb@vsnl.net)



Kalpataru Point,  
2nd , 3rd & 4th floor,  
Opp. Cineplanet,  
Near Sion Circle, Sion (E),  
Mumbai - 400 022.

Infrastructure Project/LSI.  
Consent No. BO/RO (P&P)/EIC No. MU-1194-09/E/CC-396 Date: 05/11/2009

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008.  
[To be referred as Water Act, Air Act and HW (M,H &TM) Rules respectively].

Consent to Establish is granted to

M/s. Castle Realtors Pvt. Ltd.  
C.S.No.1/378 & 378, Mazgaon Division  
At- Nesbit Road, Mumbai-400 010.

located in the area covered under the provisions of the Water Act, Air Act and Authorization under the provisions of HW (M,H &TM) Rules subject to the provisions of the Act and the Rules and the orders that may be made further and subject to the following terms and conditions.

1. The Consent to Establish is valid up to Commissioning of the Project or 5 years which ever is earlier.

For development of land/plot as new construction activities for construction of residential & Commercial project named as M/s. Castle Realtors Pvt. Ltd. C.S.No.1/378 & 378, Mazgaon Division At- Nesbit Road, Mumbai-400 010 on total plot area of 4855.93 sq. mtr & total built up area of 31389.89 sq.m including utilities of Residential project as per construction commencement certificate issued by local body.

2. CONDITIONS UNDER WATER (Prevention & Control of Pollution) ACT, 1974: -

- (i) The quantity of sewage effluent from above construction project shall not exceed 110.0 m<sup>3</sup>/day.

- (ii) Sewage Effluent Treatment: The Applicant shall provide a comprehensive sewage treatment plant and treatment as is warranted with reference to influent quality and corresponding mode of disposal and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards: -

(1)	pH	Not to exceed	6.5 to 9.0	
(2)	Suspended Solids	Not to exceed	100	mg/l.
(3)	BOD 3 days 27 °C	Not to exceed	20	mg/l.
(4)	Fecal Coli form	Not to exceed	500/100/l	ml.
(7)	Residual Chlorine	Not to exceed	01	mg/l.
(8)	Detergent	Not to exceed	01	mg/l.
(9)	Floating matters	Not to exceed	10	mg/l
(10)	COD	Not to exceed	50	mg/l

*[Handwritten signature]*



-446-

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(iii) **Sewage effluent Disposal: -**

The treated domestic effluent shall be 80 % recycled and reused for flushing, fire fighting and cooling of Air conditioners and remaining shall be discharged into MCGM drain/utilized on land for gardening. In no case, effluent shall find its way to any water body directly/indirectly at any time.

The project authorities should opt environmental friendly technologies like ozonation, UV treatment etc by replacing chlorination.

(iv) **Non-Hazardous Solid Waste: -**

The total quantity shall not exceed 576 Kg per day and shall be segregated and treated as follows: -

Sr	Type of Segregated solid waste	Quantity kg/Day	Treatment	Disposal
1	STP Sludge	100	Composting	Used as manure
2	Bio degradable Waste	476.0	Vermi Composting	Used as manure
3	Non-Bio degradable Waste		.....	Send to authorized recycler

3. **Other Conditions: -**

1. All activities shall be in resonance with the provisions of Indian Forest Act, 1927 (16 of 1927), Forest (Conservation) Act, 1980 (69 of 1980) and Wildlife (Protection) Act, 1972 (53 of 1972), and special notification published for area wherever applicable and all the Environmental Statutes and Instruments.
2. This Consent to Establish is issued only for New Construction/Developing Construction Project purposes.
3. No quarrying activities shall be commenced in the area unless appropriate permissions are obtained for a limited quarrying material required for construction of local residential housing and traditional road maintenance work, provided that such quarrying is not done on Forest Lands and the material is not exported to the outside area.
4. There shall be no felling of trees whether on Forest, Government, Revenue or Private lands except as per prevailing Rules.
5. Extraction of Groundwater for the project shall require prior permission of the State Ground Water Authority or other relevant authorities, as applicable;
6. Near the activities that are related to water (like activity of water parks, water sports) and/or in the vicinity of lake, Dissolved Oxygen shall not be less than 5 mg/liter.
7. In order to ensure that the water from this project do not enter into outside environment, the nallas crossing the township/complex premises, shall be lined, covered and made water tight by the applicant within the premises with intermittent inspection of chambers following good engineering practices as per the regulations of local body.
8. The Applicant shall prepare management plan for water harvesting, roof-water reclamation, water/storm water conservation and implement the same before handing over of complex for occupation.
9. Applicant shall provide fixtures for showers, toilet, flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
10. The Applicant shall draw plans for the segregation of solid wastes into biodegradable and non-biodegradable components. The biodegradable material shall be recycled through scientific in-house composting (i.e vermi-composting facility within premises) with the approval of local body. The proper demarked area shall be identified for collection & storage of MSW/ properly which, shall be finally disposed off at approved Municipal Solid Waste landfill site of local body environmentally acceptable location and



*hu*



method. It is clarified that the term solid waste includes domestic, commercial, and garden wastes, but does not include hazardous and bio-medical wastes. The activities of bio-composting and engineered landfill shall be as per the Municipal Solid Waste (M&H) Rules, 2000.

11. Applicant shall be responsible to take adequate precautionary measures as detailed in this consent.
12. The applicant/generator shall be responsible for safe and scientific collection, transportation, treatment and disposal of Bio-Medical Waste as per the provisions made under the Bio-Medical Waste (Management & Handling) Rules, 1998. Any activity as defined under BMW (M & H) Rules has to obtain a separate Authorization from Maharashtra Pollution Control Board.
13. For disinfections of waste water ultra violet radiation shall be used in place of chlorination
14. Vehicles hired for construction activities should be operated only during non peak hours.
15. Ready mixed concrete used in building construction should apply separately for consent from the Board.
16. The applicant, during the construction stage shall provide
  - a) Septic tank and soak pit of adequate capacity for the domestic effluent generated due to workers residing at site.
  - b) Proper loading and unloading of construction material, excavated material and its proper disposal as per MSW (M&H) Rules 2000.
  - c) Cutting of trees is not permitted. however in unavoidable conditions necessary permission from: the local body shall be obtained.
  - d) Green belt of 33% of the open space shall be developed.

4. The Applicant shall comply with all the provisions of, the Water (Prevention and Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and Rules as Amended, 2003 and Rules there under: -

The daily water consumption for the following categories shall not exceed, as under

(i)	Domestic	From ULB (In CMD)	From other sources (In CMD)
a)	Domestic	137.0	NA
b)	Make up water for Swimming pool	NA	NA
c)	Make up for fire fighting	NA	NA
d)	Agriculture/Gardening	3.0	NA

5. CONDITIONS UNDER AIR (Prevention & Control of Pollution) ACT, 1981: -

- (I) The Applicant may install 01 no. of diesel generating sets (DG Set) of capacity 1x250KVA and shall be equipped with comprehensive control system as is warranted with reference to generations of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards: -

Standards for emissions of air Pollutants

i)	SPM/TPM	Not to Exceed	150	mg/Nm <sup>3</sup>
ii)	SO <sub>2</sub> (DG set)	Not to Exceed	6.48	Kg/day



*[Handwritten signature]*

(II) The following measure shall be taken.

- a) Adequate mitigation measures shall be taken to control emissions of SO<sub>2</sub>, NO<sub>x</sub>, SPM, RSPM.
- b) Applicant shall achieve following Ambient Air Quality standards.

1	SPM	Not to Exceed (Annual Average)	140	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	200	µg/ m <sup>3</sup>
2	SO <sub>2</sub>	Not to Exceed (Annual Average)	60	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	80	µg/ m <sup>3</sup>
3	NO <sub>x</sub>	Not to Exceed (Annual Average)	60	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	80	µg/ m <sup>3</sup>
4	RSPM	Not to Exceed (Annual Average)	60	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	100	µg/ m <sup>3</sup>

(III) The Applicant shall observe the following fuel patterns

No.	Type of Fuel	Quantity
1	Diesel	40.0 lit/hr

(IV) The Applicant shall erect the Chimney (s) of the following specifications

No.	Chimney attached to DG	Height above roof top of the building in which it is installed.
1	DG set (1x 250 KVA )	4.0 mtrs.

(V) Conditions for DG Sets: -

1. Noise from DG Sets shall be controlled by providing acoustic enclosure or by treating the room acoustically.
2. Applicant should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room shall be designed for minimum 25 dB(A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB(A) shall also be provided. The measurement of insertion loss shall be done at different points at 0.5 meters from acoustic enclosure/ room and then average.
3. The Applicant should make efforts to bring down noise level due to DG Set, outside the premises with ambient noise level requirements by proper setting and control measures.
4. Installation of DG Set must be strictly in compliance with recommendations of DG set manufacturer.
5. A proper routine and preventive maintenance procedure for DG Set shall be set and followed in consultation with the DG manufacturers, which would help to prevent noise levels of DG Sets from deteriorating with use.
6. The DG set shall be operated only in case of power failure. The applicant shall make arrangement for regular electrical power.
7. The Applicant shall not cause any nuisance in the surrounding area due to operation of DG sets.
8. In case of problems, the D.G set shall not be operated until it is set back to satisfactory position.





**CAR**  
**REV. B**  
**TERMI**  
**No: 12**

- (VI) **Other Conditions:**  
a) The Applicant shall provide ports in the chimney and facilities such as ladder, platform etc for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's staff. The chimneys shall be numbered, as S-1, S-2 etc and these shall be painted/ displayed to facilitate identification.  
b) Water spraying shall be done on ground to avoid fugitive emissions.  
c) Construction material shall be carried in enclosed vehicles during construction activities.

- (VII) **Conditions for Utilities like Kitchen, Eating Places etc: -**  
1. The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.  
2. The toilet shall be provided with exhaust system connected to chimney through ducting.  
3. The air conditioner shall be vibration proof and the noise shall not exceed 68 dB (A).  
4. The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such way that no nuisance is caused to neighbors.

(VIII) The Applicant shall take adequate measures for control of noise levels from its own sources within the complex (residential cum Commercial) in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Daytime is reckoned as between 6 a.m. to 10 p.m. and Nighttime is reckoned between 10 p.m. to 6 a.m.

(IX) Construction equipments generating noise of less than 65/90 db(A) are permitted.

(X) No construction work is permitted during nighttime.

**6. CONDITIONS UNDER HW (M, H & TM) RULES, 2008:**

(i) The applicant shall handle hazardous wastes as specified below:

Sr. No.	Item No. of Process generating HW as per Schedule-I	Type of Waste	Quantity	Disposal
1	5.1	Used/Waste Oil	20 lit/yr	Sale to authorized re-processor.

(ii) The authorization is hereby granted to operate a facility for collection, storage, transport and disposal of hazardous waste.

6. The applicant shall certify that the bricks used in construction are manufactured using the ash from Thermal Power stations if it is within a radius of 100 km. from Thermal Power Plant and submit the names of bricks manufacturer.

7. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.

8. The applicant shall adopt environment friendly technology in development of the project.

9. The applicant shall take the proper remediation measures to ensure that the ground water and soil contamination is prevented and follow due diligence at the construction stage.

10. The applicant shall use fly ash based material/products as per the provisions of fly ash Notification of 14.09.1999 and as amended on 27.08.2003.

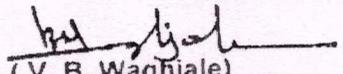
11. Energy conservation measures like installation solar panels for lighting the area outside the building should be integrated part of the project design.

by



12. This Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the Applicant;
13. The The applicant shall comply with the conditions of Environmental Clearance granted by MoEF, Gol vide letter no. 21-669/2006-IA-III dated 25.6.2007.
14. The capital investment of the project is Rs. 46.0/- crores.

For and on behalf of the  
Maharashtra Pollution Control Board

  
( V. B. Waghjale )  
Regional Officer (P&P)

To,  
M/s. Castle Realtors Pvt. Ltd.  
C.S.No.1/378 & 378, Mazgaon Division  
At- Nesbit Road, Mumbai-400 010.



Copy forwarded with compliments to  
The Collector, Mumbai

Copy to

1. Regional Officer, MPCB, Mumbai
2. Sub Regional officer, Mumbai- I MPCB.
3. Chief Accounts Officer, Mumbai, MPCB.

Received consent fee of

Amount	DD No.	Date	Drawn on
Rs 50000/-	029450	11 9 2009	Union Bank of India

4. Cess Branch MPCB, Mumbai
5. Master file



**MAHARASHTRA POLLUTION CONTROL BOARD**  
Regional Office, Mumbai

Phone : (022) - 24016239  
Fax : (022) - 24015269  
Email : [romumbai@mpcb.gov.in](mailto:romumbai@mpcb.gov.in)  
Visit At : <http://mpcb.gov.in>



Regional Office, Mumbai,  
Kalpataru Point, 1<sup>st</sup> Floor, Sion Circle,  
Sion (E), Mumbai- 400 022

No: MPCB/ROM/PD/TB - 2 \ \ \ \ 200 \

Date: 12/11/2021

To,  
M/s. Castle Realtors Pvt. Ltd.  
CTS No. 1/378 of Mazgaon Div., Balwant Singh Dhody Marg,  
Nesbit Road, Mumbai 400010

Sub: Proposed directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 31A of the Air (Prevention & Control of Pollution) Act, 1981

Ref: 1. Visit of Board Officials vide dtd 11/10/2021.

WHEREAS, the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 is applicable to the State of Maharashtra as declared in Official Gazette. AND, the area where your activity is situated, falls under the said declared area.

AND WHEREAS, it is obligatory on your part to obtain consent to operate from the Board & provide adequate Water & Air pollution control arrangements so as to achieve the prescribed standards as per consent conditions.

AND WHEREAS, Board officials visited your site vide reference 1 above & reported following non-compliance;

1. You have not revalidated Environment clearance from competent authority.
2. You have not obtained consent to establish and operate from Board.
3. You have provided STP of capacity 150 CMD which was not found in operational during the visit.
4. You have not provided OWC for treatment of organic waste.
5. You have a Bore well inside your premises; however, you have not obtained the NOC from Central Ground water authority (CGWA).

NOW THEREFORE, in exercise of the power confirmed by the Board upon me u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981 following proposed direction are issued against your project as to -



- 1) Why your existing activity shall not be closed down?
- 2) Why the competent authorities shall not be directed to disconnect water & electricity supply for closing down activity.
- 3) Why legal action shall not be initiated against your activity.

You are hereby directed to submit your reply within seven days from the receipt of these directions, failure to this, it will be assumed that you have nothing to say, and closure directions will be confirmed & competent authorities will be directed to disconnect your water & electricity supply to stop your activities, which may please be noted.

For and on behalf of  
Maharashtra Pollution Control Board.

(J.S. Hajare)  
I/c Regional Officer, Mumbai

**Copy submitted to:-**

1. Asst. Secretary (Tech.), MPC Board, Sion, Mumbai – for information.

**Copy to:**

- ✓ 1) Sub Regional Officer, MPC Board, Mumbai -  
- He is directed to serve copy of direction to industry, take necessary follow-up towards compliance of the direction and submit Action taken report.
- 2) Master File.

M/s. Castle Realtors Pvt. Ltd.  
CTS No. 1/378 of Mazgaon Div., Balwant Singh Dhody Marg,  
Nesbit Road, Mumbai 400010

- 453 -

EXHIBIT - C

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24023515

Website: <http://mpcb.gov.in>

E-mail: [jdwater@mpcb.gov.in](mailto:jdwater@mpcb.gov.in)



Kalpataru Point, 2<sup>nd</sup> - 4<sup>th</sup> Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

Mumbai-400 022.

"Your Service is our Duty"

No.BO/JD(WPC)/SCN/TB- 220505010

Date: 05/05/2022

To,  
M/s. Castle Realtors Pvt Ltd, 1/378, 378,  
Mazgaon Division, Nesbit Road,  
Mumbai.

**Sub: - Show Cause Notice for refusal of consent towards applied Consent to Establish (Re-validation).**

**Ref: - 1] Your application for Consent to Establish (Re-validation) vide UAN No. 0000133880.**

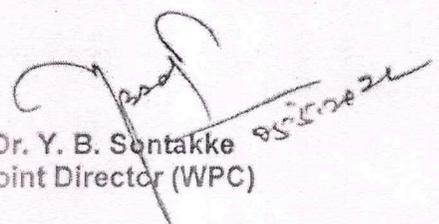
**WHEREAS**, you have applied for Consent to Establish Under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974; under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Hazardous & Other Wastes (M & T M) Rules 2016.

**AND WHEREAS**, After going through your application below detail noncompliance observed.

- As per submitted document there is case is filed in Hon'ble NGT vide OA no. 49/2021 from Sayyed Mohammed Sabir Usman, Clarification regarding the same not submitted.
- You have not submitted details of final judgment about filed case.
- Proposed direction issued on 12.11.2021 Your submitted reply is inadequate and not complied.
- You have not obtained re-validation of consent to establish.
- You have given occupancy without obtaining consent to operate.
- You have applied with increased investment as compared to earlier obtained consent to establish.
- You have not paid adequate consent fees.

**NOW THEREFORE**, you are hereby directed to show cause as to why your application for grant of Consent should not be refused under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 And Hazardous & Other Wastes (M & T M) Rules, 2016.

You are hereby called upon to submit your reply to this notice within a period seven days from the receipt of this communication, failing which, Board have no option than to refuse your Consent as mentioned above and to initiate appropriate legal action under the provision of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 against you, which may please be noted. discussed

  
Dr. Y. B. Sontakke  
Joint Director (WPC)

Copy to-

- Regional Officer MPCB Mumbai, Sub Regional Officer Mumbai-I – They are directed to submit present status report of the industry within 7 days and ensure that SCN to be served to the industry.

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437

Fax:

24044532/4024068/4023516

Website: <http://mpcb.gov.in>

Email: [jdwater@mpcb.gov.in](mailto:jdwater@mpcb.gov.in)



Kalpataru Point, 2nd and  
4th floor, Opp. Cine Planet  
Cinema, Near Sion Circle,  
Sion (E), Mumbai-400022

No. BO/MPCB/JD (WPC)/Refusal/UAN  
No.0000133880/CR/2303002500

Date: 29/03/2023

To,  
M/s. Castle Realtors Pvt Ltd, 1/378, 378, Mazgaon  
Division, Nesbit Road, Mumbai.



Your Service is Our Duty

**Sub: Refusal of Consent to Establish (Re-validation) under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981.**

**Ref:**

1. Your application for grant of Consent to Establish (Re-validation) having UAN No. MPCB-CONSENT-0000133880.
2. SCN for refusal of Consent dtd-05.05.2022.

WHEREAS, this office is in receipt of your application for grant of Consent to Establish (Re-validation) under section 25 of the Water (Prevention of Control of Pollution) Act, 1974 & under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016.

AND WHEREAS, Board office has issued show cause notice vide reference (2) for following non compliances.

1. As per submitted document there is case is filed in Hon'ble NGT vide OA no. 49/2021 from Sayyed Mohammed Sabir Usman, Clarification regarding the same not submitted.
2. You have not submitted details of final judgment about filed case.
3. Proposed direction issued on 12.11.2021 Your submitted reply is inadequate and not complied.
4. You have not obtained re-validation of consent to establish.
5. You have given occupancy without obtaining consent to operate.
6. You have applied with increased investment as compared to earlier obtained consent to establish.
7. You have not paid adequate consent fees

AND WHEREAS, in the return PP submitted reply which is not satisfactory and also noted that You have not obtained re-validation of Environmental Clearances & also not complied below points.

1. You have given the possession without obtaining consent to establish (Re-validation) and Consent to Operate.
2. You have not obtained re-validation of Environmental Clearance.

In view of above, your application for grant of Consent to Operate is hereby refused under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981 for the above non-compliances. If you are aggrieved by this order, you may prefer an appeal as per provision in the Water (P&CP) Act 1974 & the Air (P&CP) Act 1981 within 30 day's time from the date of receipt of this letter.



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Signed by: Dr. Y.B.Sontakke  
Joint Director (WPC)  
For and on behalf of,  
**Maharashtra Pollution Control Board**  
jdwater@mpcb.gov.in  
2023-03-29 19:05:59 IST



**Copy to:**

1. Regional Officer, MPCB-Mumbai- for information, please.
2. Sub Regional Officer, MPCB-Mumbai I- for information. You shall communicate to the applicant and Initiate Legal Action against PP through Legal Module.

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24023515

Website: <http://mpcb.gov.in>

E-mail: [jdwater@mpcb.gov.in](mailto:jdwater@mpcb.gov.in)



Kalpataru Point, 2<sup>nd</sup> - 4<sup>th</sup> Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

Mumbai-400 022.

"Your Service is our Duty"

Date: 15/06/2022

No. BO/JD(WPC)/SCN/TB- 220615012

To,  
M/s. Castle Realtors Pvt Ltd, 1/378, 378,  
Mazgaon Division, Nesbit Road,  
Mumbai.

Sub: - Show Cause Notice for refusal of consent towards applied Consent to 1<sup>st</sup> Operate.

Ref: - Your application for consent to 1<sup>st</sup> Operate vide UAN No. 0000135371.

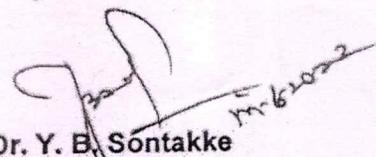
WHEREAS, you have applied for Consent to 1<sup>st</sup> Operate Under Section 26 of the Water (Prevention and Control of Pollution) Act, 1974; under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Hazardous & Other Wastes (M & T M) Rules 2016.

AND WHEREAS, After going through your application below detail noncompliance observed.

- As per submitted document there is case is filed in Hon'ble NGT vide OA no. 49/2021 from Sayyed Mohammed Sabir Usman, Clarification regarding the same not submitted.
- You have not submitted details of final judgment about filed case.
- Proposed direction issued on 12.11.2021 Your submitted reply is inadequate and not complied.
- You have not obtained re-validation of consent to establish.
- You have given occupancy without obtaining consent to operate.

NOW THEREFORE, you are hereby directed to show cause as to why your application for grant of Consent should not be refused under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 And Hazardous & Other Wastes (M & T M) Rules, 2016.

You are hereby called upon to submit your reply to this notice within a period seven days from the receipt of this communication, failing which, Board have no option than to refuse your Consent as mentioned above and to initiate appropriate legal action under the provision of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 against you, which may please be noted. discussed

  
Dr. Y. B. Sontakke  
Joint Director (WPC)

Copy to-

- Regional Officer MPCB Mumbai, Sub Regional Officer Mumbai-I - They are directed to submit present status report of the industry within 7 days and ensure that SCN to be served to the industry.

**MAHARASHTRA POLLUTION CONTROL BOARD**

Tel: 24010706/24010437

Fax:

24044532/4024068/4023516

Website: <http://mpcb.gov.in>Email: [jdwater@mpcb.gov.in](mailto:jdwater@mpcb.gov.in)

Kalpataru Point, 2nd and  
4th floor, Opp. Cine Planet  
Cinema, Near Sion Circle,  
Sion (E), Mumbai-400022

No. BO/MPCB/JD (WPC)/Refusal/UAN  
No.0000135371/CO/2303002212

Date: 28/03/2023

To,  
M/s. Castle Realtors Pvt Ltd, 1/378, 378, Mazgaon  
Division, Nesbit Road, Mumbai.



Your Service is Our Duty

**Sub:** Refusal of Consent to Operate under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981.

**Ref:** 1. Your application for grant of Consent to Operate (UAN No. MPCB-CONSENT-0000135371)  
2. SCN for refusal of Consent dtd-15.06.2022.

WHEREAS, this office is in receipt of your application for grant of Consent to Operate under section 26 of the Water (Prevention of Control of Pollution) Act, 1974 & under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Hazardous & Other Wastes (Management & Transboundry Movement) Rules, 2016.

AND WHEREAS, this office has issued show cause notice vide above reference (2) for following non compliances.

1. As per submitted document there is case is filed in Hon'ble NGT vide OA no. 49/2021 from Sayyed Mohammed Sabir Usman, Clarification regarding the same not submitted.
2. You have not submitted details of final judgment about filed case.
3. Proposed direction issued on 12.11.2021 Your submitted reply is inadequate and not complied.
4. You have not obtained re-validation of consent to establish.
5. You have given occupancy without obtaining consent to operate.

-458-

AND WHEREAS, you have not submitted the reply to issued SCN & you are not complying following Conditions.

1. You have given the possession without obtaining consent to establish (Revalidation) and Consent to Operate.
2. You have not obtained re-validation of Environmental Clearance.

In view of above, considering the above noncompliance, your application for grant of Consent to Operate is hereby refused under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981. You are hereby directed not to take any effective steps towards operation of the unit without permission of the Board, else Board will initiate legal action as per the provisions of Environmental enactments.

If you are aggrieved by this order, you may prefer on appeal as per provision in the Water (P&CP) Act 1974 & the Air (P&CP) Act 1981 within 30 days' time from the date of receipt of this letter.



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Signed by: Dr. Y.B.Sontakke  
Joint Director (WPC)  
For and on behalf of,  
Maharashtra Pollution Control Board  
jdwater@mpcb.gov.in  
2023-03-28 17:43:42 IST

**Copy to:**

1. Regional Officer, MPCB-Mumbai- for information, please.
2. Sub Regional Officer, MPCB-Mumbai I- for information. You shall communicate to the applicant and Initiate Legal Action against PP through Legal Module.

