

BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

Appeal No. 8/2020 (WZ)

IN THE MATTER OF:

MAHENDRA S. KAKULE

...APPELLANT

VERSUS

GOA POLLUTION CONTROL BOARD & ORS.

...RESPONDENT

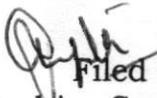
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S.NO. PARTICULARS

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PAGES

- |    |  |           |
|----|--|-----------|
| 1. | Reply Affidavit on behalf of Respondent No. 1,<br>(GSPCB)  | 58 - 75   |
| 2. | ANNEXURE R1/1<br>A copy of the directions dated 27.10.2020 issued by<br>the Answering Board to the Respondent No. 2.                                     | 76 - 79   |
| 3. | ANNEXURE R1/2<br>A copy of the order dated 16.12.2020 issued<br>by the Answering Board to the Respondent No. 2.  | 80 - 84   |
| 4. | ANNEXURE R1/3 colly<br>A copy of the inspection report dated 20.08.2019<br>and Directions no.10/1/19-PCB/LD-252<br>dated 13.09.2019 issued by the Board. | 85 - 90   |
| 5. | ANNEXURE R1/4 colly<br>A copy of the inspection report dated 24.09.2019,<br>30.10.2019 and 21.11.2019.   | 91 - 102  |
| 6. | ANNEXURE R1/5<br>A copy of the inspection report dated 20.12.2019.   | 103 - 106 |
| 7. | ANNEXURE R1/6<br>A copy of the letter dated 20.05.2020 sent by<br>Respondent No. 2 to the Answering Board.   | 107 - 109 |
| 8. | ANNEXURE R1/7<br>A copy of the letter dated 08.06.2020 sent by<br>Respondent No. 2 to the Answering Board.   | 110 - 112 |

9. ANNEXURE R1/8  
A copy of the inspection report dated 29.06.2020. 113-114
10. ANNEXURE R1/9  
A copy of the Show cause Notice dated 02.09.2020 issued to the Respondent No. 2 by the Board. 115-117
11. ANNEXURE R1/10  
A copy of the reply dated 11.09.2020 to the Show cause Notice dated 02.09.2020 by Respondent No. 2 118-136
12. ANNEXURE R1/11  
A copy of the Technical/Expert report received from the Appellant dated 28.09.2020. 137-189
13. ANNEXURE R1/12  
A copy of the Notice dated 11.11.2020 issued by the Administrative Tribunal of Goa at Panaji in Appeal No. 1/2020/Air and Misc. Apln. No.95/2020/Stay/Poll/ap. 190
14. ANNEXURE R1/13  
A copy of the inspection report dated 07/01/2021 191
14. Vakalatnama 192

  
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BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

Appeal No. 8/2020 (WZ)

IN THE MATTER OF:

MAHENDRA S. KAKULE

...APPELLANT

VERSUS

GOA POLLUTION CONTROL BOARD & ORS.

...RESPONDENT

REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1,  
GOA STATE POLLUTION CONTROL BOARD (GSPCB)

I, Dr. Shamila Monteiro, d/o Shri. Augusto Monteiro aged about 48 years, resident of H. No. 5, Uttam Darshan, opp. Sai Baba Temple, Kadamba Plareau, Chimbhel, Tiswadi-Goa, do hereby solemn affirmation, state and submit as under:

1. That I am holding the post of Member Secretary in Goa State Pollution Control Board, the Respondent No. 1 and being well conversant with the facts of the present case and on the basis of the records maintained, am competent to depose by way of the present affidavit.
2. That I have gone through the Appeal filed by the Appellant herein and deny the contents thereof save those that are specifically admitted hereunder.

3. That the present Reply Affidavit is being filed by the Answering Respondent Board for bringing on record the relevant facts and events qua the Answering Respondent. The Respondent no. 1 humbly craves leave of this Hon'ble Tribunal to file a detailed reply to the Appeal if required and as directed by this Hon'ble Tribunal.

4. That the captioned Appeal has been filed by the Appellant against the Judgement and order dated 17.12.2019 passed by the Hon'ble Administrative Tribunal, Panjim, Goa under Section 31 (1) of the Air (Prevention & control of Pollution) Act, 1981 in pollution Appeal No.3/2019/AIR and Misc. Appln. No. 68/2019/Stay/Poll, by which the Appellate Authority was pleased to dismiss the pollution Appeal No. 3/2019/AIR and Misc. Appln. No. 68/2019/Stay/Poll. The said appeal was filed by the Appellant challenging the Consent to Operate bearing No. 5/6308/18-PCB/C1-5654 dated 27.06.2019 issued by the Answering Respondent Board to Respondent No.2. A copy of the said Impugned Judgement is annexed with the Appeal as Annexure A

5. That the Respondent No. 2 is located at P.T. City Survey sheet No. 242 of Margao, Goa which is equipped with two ovens to bake breads. One oven is connected with two chimneys and the second oven with one chimney which is fired by wood. The said bakery is adjacent to the Appellant's property approximately 4 meters away. The Appellant's grievance is that his health is getting affected due to the smoke emitting from the chimney of the bakery.



6. That the Answering Board had issued Consent to Operate bearing No. 5/6308/18-PCB/C1-5654 dated 27.06.2019 to Respondent No.2 to operate the bakery with certain terms and conditions, one of which (condition no. 6) is as under:

*"Condition no. 6: This conditional consent is issued for initial period of six months with instructions to control smoke and shift-over to electric oven within one year."*

A copy of said Consent to Operate is annexed with the Appeal as Annexure I at page 50 (a) to 50 (c).



7. That at the very outset, it is pertinent to note that the Answering Board issued Show Cause Notice dated 02.09.2020 to the Respondent No. 2 as to why the Consent dated 27.06.2019 issued by the Board should not be revoked for not complying with direction no. 6. Subsequently a direction dated 27.10.2020 was issued by the Answering Board to Respondent No. 2 under section 33 (A) read with section 25/26 of the Water (prevention and Control of Pollution) Act, 1974 and under section 31 (A) read with section 21 of the Air (prevention and control of Pollution) Act, 1981 interalia directing, as a final opportunity, to submit a Bank Guarantee of Rs. One Lakh with validity of three months towards compliance of consent condition no. 6 within 15 days of receipt of this direction and submit action plan for conversion to electric oven within 15 days failing which the bakery will have to stop operations immediately i.e. if the Bank Guarantee and action plan is not submitted.

It was made clear to Respondent No. 2 that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action against the bakery including closure

directions under the provisions of the Water and Air Act without any further notice.

A copy of the directions dated 27.10.2020 issued by the Answering Board to the Respondent No. 2 is annexed herewith as **ANNEXURE R1/1**.



8. That the direction dated 27.10.2020 was issued by the Answering Board to Respondent No. 2 based on the following reasons/observations by the Board:

- i. considering the fact that the operations of the bakery commences at dawn around 3 to 4 AM in the morning and the possibility of smoke from chimney disturbing the residents in the neighboring building during the early morning hours, prior to sunrise cannot be ruled out.
- ii. The Answering Board had already given ample time to the Respondent No. 2 for shifting to electric oven after the reply received from the bakery on 08.06.2020 during the lockdown due to pandemic.
- iii. The bakery is located in city limits of Margao Municipality and surrounded by buildings including that of the Appellant.
- iv. Judgement dated 15.03.2016 passed by the Hon'ble NGT, Eastern Bench in OA No. 99/2015 where a bakery was directed to be closed down as it had failed to shift to electric oven.

9. It is further submitted that against the aforesaid directions dated 27.10.2020 issued by the Answering Board, the Respondent No. 2 approached the Administrative Tribunal of

Goa at Panaji by filing Pollution Appeal No. 1/2020/Air along with stay application being Misc. Apln. No. 95/2020/Stay/Poll/ap under section 31 of the Air Act 1981 which is pending adjudication before the Appellate Authority.



10. Since Respondent No. 2 failed to comply with the directions dated 27.10.2020 within stipulated time, the Answering Board vide order dated 16.12.2020, directed Respondent No. 2 to stop the operation of the bakery unit with immediate effect and submit a compliance report within a period of 7 days from the order. It was made clear that failure to comply with this direction will compel the Board to initiate stringent legal action including initiation of criminal proceedings against the Respondent No. 2 unit under Air and Water Act without any further notice.

A copy of the order dated 16.12.2020 issued by the Answering Board to the Respondent No. 2 is annexed herewith as **ANNEXURE R1/2.**

11. That in light of the aforesaid, it is most humbly submitted that there is no error in the impugned order passed by the Hon'ble Administrative Tribunal, Panjim, Goa. The Appellate Authority has rightly considered, while dismissing the Appeal of the Appellant, that the Consent was granted by the Board with certain conditions and reliance was put on Clause/condition no. 6 of Consent to Operate dated 27/06/2019 which was issued for initial period of six months with instructions to control smoke and shift over to electric oven within one year. The Authority noted that the Respondent no.2 in compliance to the

recommendation of the Board has increased height of the chimney above the complainant's house.



12. That the Appellate Authority has rightly held that the Answering Board is a statutory body under Air Act and after taking into consideration the relevant facts have issued the consent to operate to Respondent No 2. Such an order of a statutory Authority cannot be lightly interfered with flimsy grounds raised by the Appellant more so when the Appellant has not produced any technical report to disprove the Consent to Operate.

13. That without prejudice to the aforesaid, the Answering Board, considering the fact that the Respondent No. 2 failed to comply with the directions dated 27.10.2020 issued by the Board as well as conditions contained in consent to operate order dated 27.06.2019, especially condition no. 6, issued order dated 16.12.2020, directing Respondent No. 2 to stop the operation of the bakery unit with immediate effect and submit a compliance report within a period of 7 days from the order.

14. In light of the aforesaid, the Answering Respondent denies the contents of the present Appeal and respectfully submits that the present Appeal is untenable in law and facts qua the Answering Respondent who has acted as per the due process of law and taken all steps and passed necessary orders/directions from time to time as stated in the present reply.

15. That in facts of the present case, the Appellant vide his complaint dated 19.02.2018 requested the Answering Respondent Board to take action against the Respondent no.2 regarding release of smoke and causing Air Pollution from its chimney. A copy of the said complaint is annexed with the Appeal as annexure B.



16. Accordingly, the Answering Board conducted a site inspection of Respondent No. 2 premises on 16.04.2018 which is adjacent to the house of the Appellant wherein it was observed as under:

- i. *The height of the complainant house is approximately 6 meter from ground level. And is approximately 4 meter away from the French Bakery. The complainant informed that their health is getting affected due to the smoke emitting from the chimney of French bakery.*
- ii. *The owner of the French bakery Mr. Mario Gill Remy Gomes was present during the time of inspection. French Bakery is into production of bread 250kg/day.*
- iii. *French bakery is equipped with two ovens to bake the breads. One oven is connected with two chimneys and the second oven with one chimney.*
- iv. *No smoke was observed at the time of inspection. The owner of the bakery informed that the chimneys are connected to the oven to let out the smoke which occurs during the time of firing only. Height of all the chimney is approx. 4 meter high from the ground level.*
- v. *French bakery has provided MS sheets of height 3 meter along the side of complainant's house to minimize the disturbance to the complainant.*
- vi. *French bakery is having license from Municipality, Health and FDA.*
- vii. *French Bakery does not have consent from the GSPCB.*

17. On 30.07.2018, the Answering Board issued directions under Section 33(A) of the water (Prevention & control of pollution) Act, 1974 and, under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 to the Respondent no. 2, thereby issuing directions to the Respondent no. 2 to either increase the height of the MS Sheets provided along the complainant's/Appellant's house above the Chimney Level or to

raise the height of the chimney above the Appellant's house within 3 months of issue of the direction and submit a compliance report to the Board. Respondent No. 2 was also directed to submit an online application for obtaining Consent to Operate from the Board within 7 days from the receipt of this order. A copy of the said directions along with copy of the inspection report is annexed with the Appeal as Annexure C.

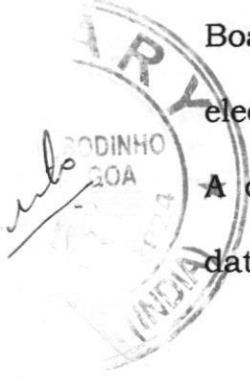


18. That the Answering Respondent Board was in receipt of another complaint dated 17.09.2018 from the Appellant regarding continuous release of smoke by the Respondent No. 2 from its chimney alleging therein that the height increase of the two chimneys is found to be insufficient and that the said height should be sufficiently above the ridge line of Appellant's roof for safe dispersion of emissions. Appellant stated that both the chimneys are at a height lower than his roof level and should be sufficiently high to nullify the effects of wind. It was suggested that the Respondent No. 2 may be directed to install proper scientifically designed chimneys each consisting of homogenous one unit with sufficient height and scientifically designed top ends for facilitating upward emission of fumes. A copy of said complaint is annexed with the Appeal as annexure D.

19. Accordingly, on 08.11.2018 the Answering Board conducted another site inspection of the Respondent No. 2 bakery in order to verify the allegations made by the Appellant.

20. That based on the inspection report, a Show cause notice no. 10/1/18-PCB/leg/17842 dated 04.01.2019 was issued by the Answering Board to Respondent No. 2 as to why Respondent

No. 2's application for Consent to Operate not be rejected for creating air-pollution due to emission of smoke through wood fire oven and causing health hazard. It was also directed by the Board to Respondent No. 2 to shift from wood-fired oven to electric oven within 6 weeks from the date of issue of the Notice. A copy of the said Show Cause Notice and inspection report dated 08.11.2018 is annexed with the Appeal as annexure G.



21. That after receiving reply to the Show cause notice dated 04.01.2019 the Answering Board, vide order bearing no. 5/6308/18-PCB/CI-5654 dated 27.06.2019, issued Consent to Operate to the Respondent No. 2 bakery under the provisions of the Water and Air Act. In the said consent, the Respondent No. 2 was directed to comply with condition no. 6 which is illustrated as under:

*“Condition no. 6: This conditional consent is issued for initial period of six months with instructions to control smoke and shift-over to electric oven within one year.”*

A copy of the said consent is annexed with the Appeals as annexure I at page 50 (a)-50 (c).

22. That the Appellant filed a Writ Petition No. 417/2019 before the Hon'ble High Court of Bombay at Goa against the alleged non action on part of the Answering Board against the pollution caused by the Respondent No. 2 bakery. The Hon'ble High Court vide order dated 17.07.2019, disposed of the Writ Petition No. 417/2019 after considering the affidavit filed by the Member Secretary of the Answering Board stating that the Board has issued a Consent to Operate dated 27.06.2019 to the Respondent No. 2 for a period of six months and the Board will

monitor each month the compliance of the conditions of Consent to Operate for a period of six months and only on satisfactory compliance by the respondent No.2, final decision will be taken in the matter. The Appellant if still aggrieved, was given the liberty to approach the Appellate Authority with his grievances in relation to the Consent to Operate dated 27.06.2019.

A copy of the said order dated 17.07.2019 is annexed with the Appeals as annexure I at page 48-50.

23. That in compliance of the order dated 17.07.2019, the Answering Board conducted site inspection of Respondent No. 2 unit on 20.08.2019 and issued the following directions vide order no. 10/1/19-PCB/LD-252 dated 13.09.2019:

- i. *Make porthole and platform as per CPCB guidelines and comply to consent condition No. 4 (iv).*
- ii. *Carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent condition No. 4 (i) & 4 (v).*
- iii. *Raise the stacks height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no. 6.*

A copy of the inspection report dated 20.08.2019 and Directions no. 10/1/19-PCB/LD-252 dated 13.09.2019 issued by the Board is annexed herewith as **ANNEXURE R1/3 colly**.

24. That in further compliance of the order dated 17.07.2019, the Answering Board conducted site inspection of the Respondent No. 2 unit on 24.09.2019, 30.10.2019 and 21.11.2019 to ascertain the compliance of Consent to Operate dated 27.06.2019.

A copy of the inspection report dated 24.09.2019, 30.10.2019 and 21.11.2019 is annexed herewith as **ANNEXURE R1/4** colly.

25. That the Appellant approached before the Hon'ble Administrative Tribunal, Panjim, Goa by filing pollution Appeal No.3/2019/AIR and Misc. Appln. No. 68/2019/Stay/Poll,, challenging the Consent to Operate bearing No. 5/6308/18-PCB/C1-5654 dated 27.06.2019 issued by the Answering Respondent Board to the Respondent No.2.

26. That the Hon'ble Administrative Tribunal, Panjim, Goa, vide the Impugned order dated 17.12.2019, dismissed the Pollution Appeal No. 3/2019/AIR and Misc. Appln. No. 68/2019/Stay/Poll filed by the Appellant interalia as per the following observations:

8. *By show cause notice dated 4/01/2019 the Respondent no 2 was directed to shift from wood fire oven to electric oven within 6 weeks from the date of issue of the said notice. The show cause notice dated 4/01/2019 issued by the board was replied by the Respondent no. 2. The Respondent no.1 pursuant to considering the said reply issued the impugned consent to operate after modifying certain condition/s imposed by show cause notice dated 4/01/2019.*

9. *The Clause no. 6 of Consent to Operate dated 27/06/2019 reads as under:*

*"This conditional consent is issued for initial period of six months with instructions to control smoke and shift over to electric oven within one year"*

11. *The record reveals that the Respondent no.2 in compliance to the recommendation of the Respondent no.1 has increased height of the chimney above the complainant's house. Further, the Respondent no.1 is conducting inspection every month after disposal of the Writ Petition no.417 of 2019 on 17.07.2019.*

12. *The Respondent no.1 after inspecting the bakery on various occasions and after issuing various directions to the Respondent no.2 has issued impugned consent to operate. It also bears mentioning that the Respondent no.2 has mostly taken necessary steps as directed by the Respondent no.1.*

13. *The record reveals that the Respondent no.1 which is a statutory body under Air Act after taking into consideration the relevant facts has issued the impugned consent to operate. Such an order of a statutory Authority cannot be lightly interfered with flimsy grounds raised by the Appellant moreso when the Appellant has not produced any technical report to disprove the impugned consent. In my considered opinion, the Respondent no.1 has provided reasonable period to the Respondent no.2 to install electric oven.*

27. That the Answering Board conducted another site inspection of the Respondent No. 2 unit on 20.12.2019 to ascertain the compliance of Consent to Operate dated 27.06.2019.

A copy of the inspection report dated 20.12.2019 is annexed herewith as **ANNEXURE R1/5**.

28. It is submitted that the Respondent No. 2 unit has installed two stacks of approx. 6m height to the ovens. The stacks have been provided with porthole and platform and ladder to conduct stack monitoring. The Answering Board had conducted stack analysis of the unit on 13.01.2020 for Oven no. 1 and on 21.01.2020 for oven No. 2. The stack analysis reports for oven no. 1 indicated the Total Particulate matter (TPM) at 126 mg/Nm<sup>3</sup> and that for oven No. 2 the TPM shows at 107 mg/Nm<sup>3</sup>. Both the parameters were within the prescribed limits of 150 mg/Nm<sup>3</sup>. The Answering Board has conducted periodical monthly inspections of the bakery as stated herein below in the given facts of the case.

29. That the Respondent No 2 vide letter dated 20.05.2020 addressed to the Answering Board submitted the stack analysis reports dated 23.12.2019 and 11.05.2020 while stating that since the parameters are within permissible limits, it may be



allowed to bake with firewood oven as pao and poli breads turn out better with fire wood instead of electric oven.

A copy of the letter dated 20.05.2020 sent by Respondent No. 2 to the Answering Board is annexed herewith as **ANNEXURE R1/6.**

30. That subsequently, the Answering Board was in receipt of a letter dated 08.06.2020 from Respondent No. 2 requesting the Board to waive the consent condition no. 6 while stating that the requisite electric oven is not available in Goa and that one has to be procured from Pune or Bangalore and due to corona virus pandemic inter state travel is not possible.

A copy of the letter dated 08.06.2020 sent by Respondent No. 2 to the Answering Board is annexed herewith as **ANNEXURE R1/7.**

31. That in order to verify the compliance of condition no. 6 of the consent to operate, the Answering Board conducted inspection of the Respondent No. 2 unit on 29.06.2020 wherein the following observations were made:

- i. *The unit (bakery) equipped with two wood fired ovens was in operation.*
- ii. *Unit has provided platform, ladder and port hole to the chimneys for stack monitoring.*
- iii. *Only one oven was fired at approx.. 10:30 am. Smoke was observed in the stack attached to the oven that was fired at the time of inspection.*
- iv. *Smoke was seen dispersing in the upward direction and towards the East.*
- v. *As per Consent condition no. 6, unit was instructed to shift oven to electric oven within one year from the date of issue (27.06.2020) of the Consent. However, the unit has not complied.*

A copy of the inspection report dated 29.06.2020 is annexed herewith as **ANNEXURE R1/8.**

32. That the Answering Respondent Board issued a Show cause Notice dated 02.09.2020 to the Respondent No. 2 directing therein to show cause as to why the Consent order dated 27.06.2019 issued by the Board should not be revoked.

A copy of the Show cause Notice dated 02.09.2020 issued to the Respondent No. 2 by the Board is annexed herewith as **ANNEXURE R1/9.**

33. That the Answering Board was in receipt of reply dated 11.09.2020 to the SCN dated 02.09.2020 by the Respondent No. 2, stating therein that the emission of smoke is within permissible limits even with the use of wood fire oven and despite the fact that the height of the chimney is lower than the height of the neighboring buildings. It was further stated that there is no health hazard or environmental pollution caused due to use of wood fired oven and therefore requested to waive off the condition no. 6 of the consent to operate issued by the Board.

A copy of the reply dated 11.09.2020 to the Show cause Notice dated 02.09.2020 by Respondent No. 2 is annexed herewith as **ANNEXURE R1/10.**

34. That the Answering Board after perusing the reply dated 11.09.2020 submitted by the Respondent No. 2, was of the opinion that though the emission monitoring at the Respondent No. 2 bakery is within limit, the possibility of smoke causing nuisance to the neighboring buildings cannot be ruled out as their building height is more than the chimney height. This was the primary reason to direct the bakery to shift to electric oven



and in such circumstances, it would be appropriate to direct the bakery to stop its operations.

35. The Answering Board received a Technical/Expert report from the Appellant dated 28.09.2020 which was commented in light of the judgement dated 15.03.2016 passed by the Hon'ble NGT, Easter Bench in OA No. 99/2015 where a bakery was directed to be closed down as it had failed to shift to electric oven.

A copy of the Technical/Expert report received from the Appellant dated 28.09.2020 is annexed herewith as **ANNEXURE R1/11**.

36. Accordingly, the Answering Board on 27.10.2020 issued directions to the Respondent No. 2 under section 33 (A) read with section 25/26 of the Water (prevention and Control of Pollution Act, 1974 and under section 31 (A) read with section 21 of the Air (prevention and control of Pollution) Act, 1981 interalia directing as final opportunity to submit a Bank Guarantee of Rs. One Lakh with validity of three months towards compliance of consent condition no. 6 within 15 days of receipt of this direction and submit action plan for conversion to electric oven within 15 days failing which the bakery will have to stop operations immediately, if the Bank Guarantee and action plan is not submitted. It was made clear to the Respondent No. 2 that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action against the bakery including closure directions under the provisions of the Water

and Air Act without any further notice. A copy of the said directions is annexed as annexure R1/1.



37. That the Respondent No. 2 approached the Administrative Tribunal of Goa at Panaji challenging the directions dated 27.10.2020 issued by the Answering Board by filing Pollution Appeal No. 1/2020/Air along with stay application being Misc. Apln. No. 95/2020/Stay/Poll/ap under section 31 of the Air Act 1981. The Answering Board on 11.11.2020 was in receipt of the Notice issued by the Appellate Authority in Appeal No. 1/2020/Air and Misc. Apln. No. 95/2020/Stay/Poll/ap directing therein to appear before the Appellate Authority on 13.11.2020.

A copy of the Notice dated 11.11.2020 issued by the Administrative Tribunal of Goa at Panaji in Appeal No. 1/2020/Air and Misc. Apln. No. 95/2020/Stay/Poll/ap is annexed herewith as **ANNEXURE R1/12**.

38. That on 13.01/2021 the Pollution Appeal No. 1/2020/Air and Misc. Apln. No. 95/2020/Stay/Poll/ap were listed before the Administrative Tribunal of Goa at Panaji but the matter was adjourned for argument on 10/02/2021.

39. That since the Respondent No. 2 failed to comply with the directions dated 27.10.2020 within stipulated time, the Answering Board vide order dated 16.12.2020, directed the Respondent No. 2 to stop the operation of the bakery unit with immediate effect and submit a compliance report within a period of 7 days from the order. It was made clear that failure to comply with this direction will compel the Board to initiate

stringent legal action including initiation of criminal proceedings against the Respondent No. 2 unit under Air and Water Act without any further notice. *A copy of the said order is annexed as annexure R1/2.*

40. Accordingly the Board has conducted an inspection of the Bakery unit on 07/01/2021, to verify the compliance by the unit with regard the Boards directions dated 16/12/2020. Upon verification it was observed that that the Respondent Bakery unit was not in operation at the time of inspection and as informed by unit representative, the unit stopped the operation since 17/12/2020. *A copy of inspection report dated 07/01/2021 is annexed as **annexure R1/13***

41. That in light of the submissions made hereinabove, the contents of the Appeal are denied and the present Appeal qua the Answering Respondent and the Appeal be, therefore, dismissed.

42. That the annexures to the present affidavit are true copies of their respective originals.



RESPONDENT  
Member Secretary  
Goa State Pollution Control Board

THROUGH

  
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COUNSEL FOR THE RESPONDENT No. 1  
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VERIFICATION:

Verified in Panaji on this 13<sup>th</sup> day of January 2021 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and as per the records maintained by Goa State Pollution Control Board. No part of it is false and nothing material has been concealed there from.

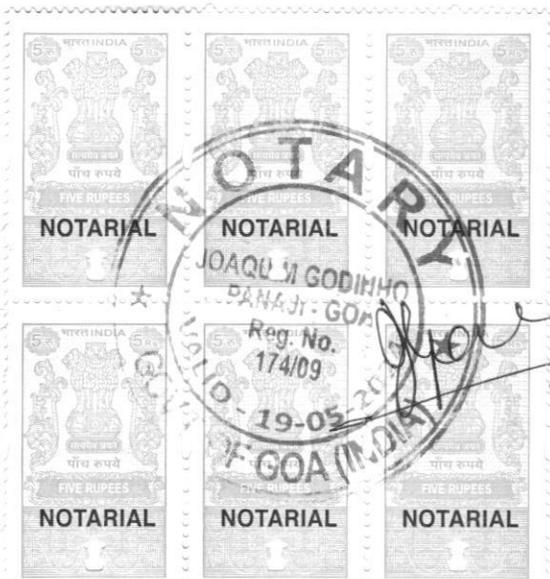


*[Signature]*  
DEPONENT

NEW DELHI

DATED: 13/01/2021

Member Secretary  
Goa State Pollution Control Board



SOLEMNLY AFFIRMED AND VERIFIED BEFORE ME  
Dr. Shamila. Monteiro.  
WHO IS IDENTIFIED BEFORE ME  
BY ADV. Personally known  
WHOM I KNOW. 8662A DATED 13/01/2021  
SERIAL No. 17-05-2024  
NOTARY GODINHO-NOTARY-PANAJI-GOA

*[Signature]*  
13/01/2021

**JOAQUIM GODINHO**  
B. Com., LL.B  
Advocate High Court  
& Notary  
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**GOA STATE POLLUTION CONTROL BOARD****गोंय राज्य प्रदूषण नियंत्रण मंडळ**

(An ISO 9001-2015, ISO 14001:2015. OHSAS 18001:2007 Certified Board)

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Office: goapcb@gspcb.in

No. 10/1/20-PCB/Leg/12892

By Speed Post

27/10/2020

DIRECTIONS UNDER SECTION 33(A) READ WITH SECTION 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31(A) READ WITH SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

Ref:

- 1) Complaint dated 19<sup>th</sup> February 2018
- 2) Inspection carried out by the Board dated 16th April 2018
- 3) Directions issued vide no 10/1/18-PCB/tech/9400 dated 30/07/2018
- 4) Complaint dated 17<sup>th</sup> September 2018
- 5) Inspection carried out by the Board dated 8<sup>th</sup> November 2018
- 6) Show cause notice issued vide no 10/1/18-PCB/leg/17842 dated 04/01/2019
- 7) Inspection carried out by the Board dated 20<sup>th</sup> August 2019
- 8) Directions issued vide no 10/1/19-PCB/LD-252 dated 13/09/2019
- 9) Consent to operate under Water and Air Act issued vide order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019
- 10) Show cause notice issued vide no 10/1/20-PCB/Leg/8399 dated 02/09/2020
- 11) Your Letter dated 11/09/2020.
- 12) Technical/Expert report received from the complainant dated 28/09/2020

WHEREAS, Board at its 144<sup>th</sup> Board meeting held on 06/07/2020 has delegated its powers to issue, refuse, withdraw and vary consent under section 25, 26 and 27 of the Water Act and under section 21 of the Air Act to the undersigned.

WHEREAS, the Goa State Pollution Control Board (hereinafter referred to as the Board, in short) was in receipt of a complaint from Mr. Mahendra S Kakule, Caculo House, Near Aquem Post office, Margao Goa against French Bakery regarding release off smoke from the Chimney dated 19/02/2018.

WHEREAS, officials of the Board conducted a site inspection of M/s French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 16/04/2018 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

**WHEREAS**, the board vide directions referred at (3) above directed the proponent to either increase the height of the MS sheets provided along the complainants house above the chimney level or raise the height of the chimney above the complainants house within 3 months. Also to Obtain Consent under the water and air act.

**WHEREAS**, the Goa State Pollution Control Board (hereinafter referred to as the Board, in short) once again was in receipt of a complaint from Mr. Mahendra S Kakule, Caculo House, Near Aquem Post office, Margao Goa against French Bakery regarding continuous release off smoke from the Chimney, dated 17/09/2018.

**WHEREAS**, officials of the Board conducted a site inspection of M/s French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 08/11/2018 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

**WHEREAS**, the board vide show cause notice referred at (6) above directed to shift from wood-fired oven to electric oven within 6 week from the date of issue of the notice referred at (6) above.

**WHEREAS**, officials of the Board conducted a site inspection of M/s French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 20/08/2019 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

**WHEREAS**, the board vide show cause notice referred at (6) above has directed to

1. Make porthole and platform as per CPCB guidelines and comply to consent condition No.4 (iv).
2. Carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No.4.(i) & 4 (v).
3. Raise the stacks height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no.6.

**WHEREAS**, the Goa State Pollution Control Board (hereinafter referred to as the "Board", in short) vide order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019 granted consent to operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air(Prevention and Control of Pollution) Act, 1981 to your unit namely M/s. French Bakery situated at Chalta No. 111 and 112 (part) PT Sheet 242, H.No. 510, Aquem, Margao – Goa.

**WHEREAS**, vide said consent order referred above, your unit M/s. French Bakery was directed to comply with consent **conditions no 6** ie. *"This conditional consent is issued for initial period of six months with instruction to control smoke and shift-over to electric oven within one year."*

WHEREAS, subsequently Board is in also receipt of letter dated 08/06/2020 from your unit requesting Board to waive the consent conditions no. 6 and also stated that requisite electric oven is not available in Goa and that the one has to be procured from Pune or Bangalore and due to corona virus pandemic inter state travel is not possible.

Whereas the Board is currently in receipt of your reply dated 11/09/2020 stating that the emissions are within permissible limits even with use of wood fired oven and despite the fact that the height of the chimney is lower than the height of the neighbouring buildings. There is no health hazard or environmental pollution caused due to use of wood fired oven and to waive off the condition no 6.

*WHEREAS, The Board after perusing the reply submitted vide letter dated 11/09/2020, has arrived at the following opinion " though the emission monitoring( at your unit) is within limit, the possibility of smoke causing nuisance to the neighbouring buildings cannot be ruled out as their building height is more than the chimney height. This was the primary reason to direct the bakery to shift to electric oven in such circumstances, it would be appropriate to direct the bakery to stop operations. "*

WHEREAS, the Board had given ample time for shifting to electric oven after the reply received from your unit on 08/06/2020. The unit is located in city limits of Margao Municipality and surrounded by buildings including the complainant.

WHEREAS the board is now in receipt of Technical/Expert report from the complainant dated 28/09/2020 which has been commented in light of judgement of Hon'ble NGT in OA No 99/2015 (Eastern Zone) dated 15<sup>th</sup> March 2016 where a bakery was directed to be closed down as it had failed to shift to electric oven.

WHEREAS, the board has noted that operation of the bakery commences at dawn around 3 to 4am in the morning and the possibility of smoke from chimney disturbing the residents in the neighbouring building during the early morning hours, prior to sunrise cannot be ruled out. The smoke generating nuisance for the neighbour and as a final opportunity, you are directed to submit Bank Guarantee of Rs. One lakh with validity of three months towards compliance to consent conditions No.6 within 15 days of receipt of this directions and to submit action plan for conversion to electric oven within 15 days, failing which to stop operation of the unit immediately, if the Bank Guarantee and action plan is not submitted.

**TAKE NOTE**, that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action including closure directions may be issued against your unit under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of pollution) Act, 1981, without any further notice.

Issued on this 27<sup>th</sup> day of October, 2020

*N. Prabhudessai*  
(Nandan Prabhudessai)  
Assistant Environmental Engineer  
Goa State Pollution Control Board

To,  
M/s. French Bakery  
C/o. Mr. Mario Gil R. Gomes,  
H.No.510, Nr.St. Sebastian Church,  
Aquem, Margao, Salcete- Goa.

Copy to:

1. Mr. Mahendra S. Kakule, Caculo House, Near Aquem Post-Office, Margao- Goa.....  
*For information*
2. Office file.
3. Guard file.
4. Legal Section file.

# GOA STATE POLLUTION CONTROL BOARD

## गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015, OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700  
2407701, 2407702  
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Email Ids:  
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Member Secretary GSPCB: ms-gspcb.goa@nic.in  
Environment Engineer, GSPCB: ee-gspcb.goa@nic.in  
Scientist, GSPCB: scientist-gspcb.goa@nic.in  
Office: goapcb@gspcb.in

No. 10/1/20-PCB/Leg/16 546

By Speed Post

16/12/2020

**DIRECTIONS UNDER SECTION 33(A) READ WITH SECTION 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31(A) READ WITH SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.**

Ref:

- 1) Complaint dated 19<sup>th</sup> February 2018
- 2) Inspection carried out by the Board dated 16th April 2018
- 3) Directions issued vide no 10/1/18-PCB/tech/9400 dated 30/07/2018
- 4) Complaint dated 17<sup>th</sup> September 2018
- 5) Inspection carried out by the Board dated 8<sup>th</sup> November 2018
- 6) Show cause notice issued vide no 10/1/18-PCB/leg/17842 dated 04/01/2019
- 7) Inspection carried out by the Board dated 20<sup>th</sup> August 2019
- 8) Directions issued vide no 10/1/19-PCB/LD-252 dated 13/09/2019
- 9) Consent to operate under Water and Air Act issued vide order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019
- 10) Show cause notice issued vide no 10/1/20-PCB/Leg/8399 dated 02/09/2020
- 11) Your Letter dated 11/09/2020.
- 12) Technical/Expert report received from the complainant dated 28/09/2020
- 13) Directions issued vide no. 10/1/20-PCB/Leg/12892 dated 27/10/2020
- 14) Inspection carried out by the Board dated 27/10/2020

WHEREAS, Board at its 144<sup>th</sup> Board meeting held on 06/07/2020 has delegated its powers to issue, refuse, withdraw and vary consent under section 25, 26 and 27 of the Water Act and under section 21 of the Air Act to the undersigned.

WHEREAS, the Goa State Pollution Control Board (hereinafter referred to as the Board, in short) was in receipt of a complaint from Mr. Mahendra S Kakule, Caculo House, Near Aquem Post office, Margao Goa against French Bakery regarding release off smoke from the Chimney dated 19/02/2018.

WHEREAS, officials of the Board conducted a site inspection of M/s French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 16/04/2018 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

**WHEREAS**, the board vide directions referred at (3) above directed the proponent to either increase the height of the MS sheets provided along the complainants house above the chimney level or raise the height of the chimney above the complainants house within 3 months. Also to Obtain Consent under the water and air act.

**WHEREAS**, the Goa State Pollution Control Board (hereinafter referred to as the Board, in short) once again was in receipt of a complaint from Mr. Mahendra S Kakule, Caculo House, Near Aquem Post office, Margao Goa against French Bakery regarding continuous release off smoke from the Chimney, dated 17/09/2018.

**WHEREAS**, officials of the Board conducted a site inspection of M/s French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 08/11/2018 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

**WHEREAS**, the board vide show cause notice referred at (6) above directed to shift from wood-fired oven to electric oven within 6 week from the date of issue of the notice referred at (6) above.

**WHEREAS**, officials of the Board conducted a site inspection of M/s French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 20/08/2019 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

**WHEREAS**, the board vide show cause notice referred at (6) above has directed to

1. Make porthole and platform as per CPCB guidelines and comply to consent condition No.4 (iv).
2. Carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No.4.(i) & 4 (v).
3. Raise the stacks height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no.6.

**WHEREAS**, the Goa State Pollution Control Board (hereinafter referred to as the "Board", in short) vide order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019 granted consent to operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air(Prevention and Control of Pollution) Act, 1981 to your unit namely M/s. French Bakery situated at Chalta No. 111 and 112 (part) PT Sheet 242, H.No. 510, Aquem, Margao – Goa.

**WHEREAS**, vide said consent order referred above, your unit M/s. French Bakery was directed to comply with consent conditions no 6 ie. *"This conditional consent is issued for initial period of six months with instruction to control smoke and shift-over to electric oven within one year."*

**WHEREAS**, subsequently Board is in also receipt of letter dated 08/06/2020 from your unit requesting Board to waive the consent conditions no. 6 and also stated that requisite electric

oven is not available in Goa and that the one has to be procured from from Pune or Bangalore and due to corona virus pandemic inter state travel is not possible.

**WHEREAS**, the Board vide show cause notice bearing no. 10/1/20-PCB/Leg/8399 dated 02/09/2020 had directed your unit to Show Cause within a period of 7 days from date of receipt of this notice as to why consent order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019, issued to your unit should not be revoked; and as to why operation of your unit should not be suspended for failing to comply with consent conditions no.6.

**Whereas** the Board was subsequently in receipt of your reply dated 11/09/2020 stating that the emissions are within permissible limits even with use of wood fired oven and despite the fact that the height of the chimney is lower than the height of the neighbouring buildings. There is no health hazard or environmental pollution caused due to use of wood fired oven and to waive off the condition no 6.

**WHEREAS**, The Board after perusing the reply submitted vide letter dated 11/09/2020, has arrived at the following opinion " though the emission monitoring( at your unit) is within limit, the possibility of smoke causing nuisance to the neighbouring buildings cannot be ruled out as their building height is more than the chimney height. This was the primary reason to direct the bakery to shift to electric oven in such circumstances, it would be appropriate to direct the bakery to stop operations. "

**WHEREAS**, the Board had given ample time for shifting to electric oven after the reply received from your unit on 08/06/2020. The unit is located in city limits of Margao Municipality and surrounded by buildings including the complainant.

**WHEREAS** the board was in receipt of Technical/Expert report from the complainant dated 28/09/2020 which has been commented in light of judgement of Hon'ble NGT in OA No 99/2015 (Eastern Zone) dated 15<sup>th</sup> March 2016 where a bakery was directed to be closed down as it had failed to shift to electric oven.

**WHEREAS**, vide directions bearing no. 10/1/20-PCB/Leg/12892 dated 27/10/2020 the board had noted that operation of the bakery commences at dawn around 3 to 4am in the morning and the possibility of smoke from chimney disturbing the residents in the neighbouring building during the early morning hours, prior to sunrise cannot be ruled out. The smoke generating nuisance for the neighbour and as a final opportunity, you were directed to submit Bank Guarantee of Rs. One lakh with validity of six months towards compliance to consent conditions No.6 within 15 days of receipt of the directions and to submit action plan for conversion to electric oven within 15 days, failing which to stop operation of the unit immediately, if the Bank Guarantee and action plan is not submitted.

**WHEREAS**, upon perusal of the records available with the Board it has been observed that you have failed to comply with directions dated 27/10/2020 and also failed to submit a bank guarantee. Therefore the Board had decided to conduct a fresh site inspection.

**WHEREAS**, officials of the Board conducted inspection on 15/12/2020 with reference to Boards directions dated 27/10/2020 and observed that;

- 1) The Unit was in operation.
- 2) The unit has not complied with above directions i.e. unit has not submitted the Bank Guarantee of Rs. One Lakh and the action plan for conversion to electric oven nor has stopped its operation.

Copy of the inspection report is enclosed herewith.

**WHEREAS**, the aforesaid indicates that you have failed to comply with the Boards directions dated 27/10/2020 as well s conditions contained in consent order dated 27/06/2019 issued to you inspite of ample opportunity being afforded to you by this Board.

**WHEREAS**, Board at its 144<sup>th</sup> Board meeting held on 06/07/2020 has delegated its powers to issue, refuse, withdraw and vary consent under section 25, 26 and 27 of the Water Act and under section 21 of the Air Act to the undersigned.

**NOW THEREFORE**, in light of the above and in exercise of the powers vested with this Board under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, and under section 31(A) read with section 21 of the Air (Prevention and Control of Pollution) Act, 1981, your unit namely, M/s. French Bakery located Near St. Sebastian Chapel, Aquem, Margao-Goa, is hereby directed to stop the operation of your bakery unit with immediate.

**FURTHER**, you are directed to submit a compliance report to this office within a period of 7 days from the date of receipt of these directions.

**TAKE NOTE**, that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action including initiation of criminal proceedings against your unit under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of pollution) Act, 1981, without any further notice.

Issued on this 16<sup>th</sup> day of December, 2020

*N Prabhudessai*  
(Nandan Prabhudessai)

Assistant Environmental Engineer  
Goa State Pollution Control Board

To,  
M/s. French Bakery  
C/o. Mr. Mario Gil R. Gomes,  
H.No.510, Nr.St. Sebastian Church,  
Aquem, Margao, Salcete- Goa.

## Copy to:

1. The Collector, (South Goa District), Collectorate Building, Margao -Goa. ....with a request to ensure that the operation of the unit M/s. French Bakery located Near St. Sebastian Chapel, Aquem, Margao-Goa is stopped within a period of 3 days from the date of receipt of this direction and submit a compliance report in this regard to this office.
2. Mr. Mahendra S. Kakule, Caculo House, Near Aquem Post-Office, Margao- Goa. .... For information
3. Office file.
4. Guard file.
5. Legal Section file.

ANNEXURE R1/3 Colly

# GOA STATE POLLUTION CONTROL BOARD

## गोंय राज्य प्रदूषण नियंत्रण मंडळ

85

(An ISO 9001:2015, ISO 14001:2015, OHSAS 18001:2007 Certified Board)

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Member Secretary GSPCB: ms-gspcb.goa@nic.in  
Environment Engineer, GSPCB: ee-gspcb.goa@nic.in  
Scientist, GSPCB: scientist-gspcb.goa@nic.in  
Office: goapcb@gspcb.in

Speed Post

No. 10/1/19-PCB/LD-252

Dated: 13/09/2019

**DIRECTIONS UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.**

WHEREAS, the Goa State Pollution Control Board (hereinafter referred to as the Board, in short) was in receipt of a complaint from Mr. Mahendra S Kakule. Caculo House, Near Aquem Post office, Margao Goa against French Bakery regarding Smoke from the Chimney.

WHEREAS, officials of the Board conducted a site inspection of M/s. French Bakery, Near St. Sebastian Church, Aquem, Margao-Goa on 20/08/2019 adjacent to the house of Mr. Mahendra S. Kakule, in order to verify the allegations made by complainant.

WHEREAS, during the said inspection it was observed as follows:

1. Unit representative Mrs. Celina Gomes was present during the time of inspection. The unit is a bakery.
2. The unit is equipped with two wood fired ovens (batti).
3. One of the ovens was fired at approx. 10:00am. After firing, sparse smoke was observed from one chimney. The smoke was seen spreading out in all directions depending on the wind pattern.
4. Unit has not made any provision for stack monitoring.

The unit representative informed that they were unaware of the same. Unit was instructed to do the needful at the earliest and submit the stack analysis reports to the Board once in three months as per the consent conditions.

*(A copy of inspection report dated 20/08/2019 is enclosed hereto).*

WHEREAS, the observations as above indicate that your bakery activity is resulting in causing of pollution in the vicinity.

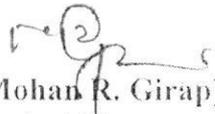
TRUE COPY

**NOW THEREFORE**, in exercise of the powers vested with the undersigned under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31(A) read with section 21 Air (Prevention and Control of Pollution) Act, 1981, the management of the unit of M/s French bakery located Near Aquem Post office, Aquem, Margao Goa, is hereby directed to:

1. Make porthole and platform as per CPCB guidelines and comply to consent condition No.4 (iv).
2. Carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No.4.(i) & 4 (v).
3. Raise the stacks height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no.6.

**TAKE NOTE**, that failure to comply with the aforesaid directions will compel the Board to initiate stringent legal action against you under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, without further notice.

Issued on this <sup>th</sup> 13 day of September, 2019.

  
(Dr. Mohan R. Girap)  
Scientist 'C'

For Goa State Pollution Control Board

**Enclosed as above:**

To,  
M/s French Bakery  
Located Near St. Sebastian Church,  
Aquem, Margao Goa 403601

Copy to,

1. Mr. Mahendra S Kakule, Caculo House, Near Aquem Post office, Margao Goa...for *information*
2. Office file.
3. Guard file.
4. Legal Section file.

  
TRUE COPY

**Inspection Report**

**Ref:** (1) Office Order No. 1/20/2019-PCB/Tech/7258 dated: 20/08/2019.  
(2) High Court Judgement/Order no. PDS/WP-417-19/804/2019 Dated: 22/07/2019

As directed, the undersigned Mr. Liston Fernandes (Engineering Assistant) alongwith Mrs. Milagrina Colaco (Field Assistant) conducted the inspection of the unit, M/S FRENCH BAKERY located at Aquem, Margao on 20/08/2019 with respect to the above Court Order.

1. **Name and address of industry/unit:** M/S FRENCH BAKERY
2. **Product manufactured:** Bread
3. **Quantity of production:** 250kg/day
4. **Raw Material:** White flour (Maida)
5. **Machine/equipment installed:** ovens (2 nos)
6. **Approximate production in last 2 months (based on receipts of purchase of raw materials orders and payments received) :** NA
7. **Man power requirement:** 05
8. **Status of operation of unit:** Bakery is in operation
9. **Site description and schematic sketch of site:**
10. **Type of area:** Residential cum commercial
11. **Distance of nearest residence/school/hospital/any prominent structure:** Approx. 4m
12. **Distance of water body (Specify which if any) :** NA
13. **Noise Pollution Control measures adopted :** - NA
14. **Water consumption (meter reading of previous water supply bills):** NA
15. **Waste water generation:** NA
16. **Disposal method:** NA
17. **Capacity of septic tank/soak pit/sewage treatment plant/effluent treatment plant:** NA
18. **Whether capacity sufficient (Yes/No):** Yes
19. **Electrical consumption:** NA
20. **Solid waste generated :**
  - a) **Type:** Ash
  - b) **Quantity:** 5kg/day
  - c) **Disposal:** Sale
21. **Hazardous Waste :** NA
22. **Permission from:**
  - a) **Local body:** NOC from Municipality, Health and FDA
23. **Goa State Pollution Control Board:** Consent to Operate valid upto 26/12/2019.
24. **Noise levels recorded:** NA
25. **DG set capacity :** NA
26. **Boiler Capacity :** NA
27. **Oven capacity :** 125KG/DAY(2nos.)
28. **Furnace capacity:** NA
29. **Rotary kiln:** NA

TRUE COPY

30. Dust suppression methods: NA  
 31. In case of Induction furnace: NA  
 32. In case of sponge iron units: NA  
 33. Is ambient monitoring carried out (Yes/No) : NA  
 34. Are reports submitted as per consent conditions (Yes/No) : No  
 35. Is environmental statement submitted (Yes/No): No  
 36. Is water cess submitted (Yes/No): NA  
 37. Are all consent conditions complied with (Yes/No): No  
 38. Is Bank Guarantee submitted (Yes/No): NA  
 39. If yes, has the unit complied, give details: NA

**40. Additional observations:**

1. Unit representative Mrs. Celina Gomes was present during the time of inspection. The unit is a bakery.
2. The unit is equipped with two wood fired ovens (batti).
3. One of the ovens was fired at approx. 10:00am. After firing, sparse smoke was observed from one chimney. The smoke was seen spreading out in all directions depending on the wind pattern.
4. Unit has not made any provision for stack monitoring.  
 The unit representative informed that they were unaware of the same.  
 Unit was instructed to do the needful at the earliest and submit the stack analysis reports to the Board once in three months as per the consent conditions.

**Conclusions & Recommendations:**

The unit has been issued six-months conditional consent with instructions to control smoke and shift-over to electric oven within one year vide no. 5/6308/18-PSB/CI-5654 dated: 27/06/2019.

- Consent condition No. 4. (i) States that: **The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments:**

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO <sub>2</sub> Kg/Hr	Particulate Matter mg/Nm <sup>3</sup>
1.	Traditional Oven	2	-----	-----	150

- Consent condition No. 4. (ii) States that: **The unit shall erect the chimney(s) of the following specifications:**

Sr. No.	Chimney attached to	Height
1.	Traditional Oven	6 mtrs

TRUE COPY

- Consent condition No. 4. (iii) States that: **The unit shall follow the following standards:-**

Sr. No.	Type of fuel	Quantity/ hr
1.	Wood (Traditional Oven)	80Kg/day

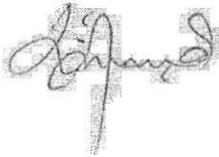
- Consent condition No. 4. (iv), States that: **The Port hole and platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.**
- Consent condition No. 4. (v), States that: **The unit shall carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.**
- Consent condition No. 6. States that: **This conditional consent is issued for initial period of six-months with instructions to control smoke and shift-over to electric oven within one year.**

Sr. No.	Consent condition No.	Compliance/Non Compliance
1.	4. (i)	<i>The Consent condition is for emission standards for Particulate matter. The unit is yet to carry out the stack analysis.</i>
2.	4. (ii)	Complied The unit has earlier raised the stacks height which seems to be similar to the height of the complainant's house. <i>However the unit may be directed to raise the height of the stacks to about 1.5 to 2m above the roof of the height of the complainant's house.</i>
3.	4. (iii)	Complied
4.	4. (iv)	Not Complied
5.	4 (v)	Not Complied
6.	6.	Not Complied For control of smoke the unit has provided stacks. <i>However the unit may be directed to raise the height of the same.</i> As far as shifting to electric oven is concerned, the unit has to do so within a year from the date of issue of consent.

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- The unit may be directed to make porthole and platform for stack monitoring as per CPCB guidelines and comply to consent condition No. 4 (iv).
- The unit may be directed to carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No. 4. (i) & 4 (v).
- The unit may be directed to raise the stacks' height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no. 6
- As per the High Court Order, Board may conduct the monthly monitoring of the unit and take the final decision at the end of six months i.e. 26/12/2019 depending on the compliance by the unit.

**Name of the Inspecting Official/s:**



Mr. Liston Fernandes  
(Engineering Assistant)

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ANNEXURE R/4 Colly

91

**Inspection Report**

**Ref:** (1) Office Order No. 1/20/2019-PCB/Tech/8854 dated: 23/09/2019.  
(2) High Court Judgement/Order no. PDS/WP-417-19/804/2019 Dated: 22/07/2019

As directed, the undersigned Mr. Liston Fernandes (Engineering Assistant) and Mr. Anthony Miranda (Junior Laboratory Assistant) conducted the inspection of the unit, M/S FRENCH BAKERY located at Aquem, Margao on 24/09/2019 with respect to the above Court Order.

1. **Name and address of industry/unit:** M/S FRENCH BAKERY
2. **Product manufactured:** Bread
3. **Quantity of production:** 250kg/day
4. **Raw Material:** White flour (Maida)
5. **Machine/equipment installed:** ovens (2 nos)
6. **Approximate production in last 2 months (based on receipts of purchase of raw materials orders and payments received) :** NA
7. **Man power requirement:** 05
8. **Status of operation of unit:** Bakery is in operation
9. **Site description and schematic sketch of site:**
10. **Type of area:** Residential cum commercial
11. **Distance of nearest residence/school/hospital/any prominent structure:** Approx. 4m
12. **Distance of water body (Specify which if any) :** NA
13. **Noise Pollution Control measures adopted :** - NA
14. **Water consumption (meter reading of previous water supply bills):** NA
15. **Waste water generation:** NA
16. **Disposal method:** NA
17. **Capacity of septic tank/soak pit/sewage treatment plant/effluent treatment plant:** NA
18. **Whether capacity sufficient (Yes/No):** Yes
19. **Electrical consumption:** NA
20. **Solid waste generated :**
  - a) **Type:** Ash
  - b) **Quantity:** 5kg/day
  - c) **Disposal:** Sale
21. **Hazardous Waste :** NA
22. **Permission from:**
  - a) **Local body:** NOC from Municipality, Health and FDA
23. **Goa State Pollution Control Board:** Consent to Operate valid upto 26/12/2019.
24. **Noise levels recorded:** NA
25. **DG set capacity :** NA
26. **Boiler Capacity :** NA
27. **Oven capacity :** 125KG/DAY(2nos.)
28. **Furnace capacity:** NA

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29. Rotary kiln: NA  
 30. Dust suppression methods: NA  
 31. In case of Induction furnace: NA  
 32. In case of sponge iron units: NA  
 33. Is ambient monitoring carried out (Yes/No) : NA  
 34. Are reports submitted as per consent conditions (Yes/No) : No  
 35. Is environmental statement submitted (Yes/No): No  
 36. Is water cess submitted (Yes/No): NA  
 37. Are all consent conditions complied with (Yes/No): No  
 38. Is Bank Guarantee submitted (Yes/No): NA  
 39. If yes, has the unit complied, give details: NA

**40. Additional observations:**

1. The proprietor, Mr. Mario Gil Gomes and Mrs. Celina Gomes were present during the time of inspection. The unit is a bakery.
  2. The unit is equipped with two wood fired ovens (batti).
  3. One of the ovens was in operation at the time of inspection. Sparse smoke was observed from one chimney.
  4. Unit is in the process of making provisions for stack monitoring i.e providing platform and making porthole for the stacks.
  5. It was informed that a team from the Board comprising of Mr. Krishnanath and Mr. Waman Chari had visited the unit and has advised and issued instructions for making provision for stack monitoring. Accordingly the unit has commenced the said activity and the works will be completed within the next few days.
- Unit was instructed to expedite the works at the earliest and submit the stack analysis reports to the Board as per the consent conditions.

**Conclusions & Recommendations:**

**The unit has been issued six-months conditional consent with instructions to control smoke and shift-over to electric oven within one year vide no. 5/6308/18-PSB/CI-5654 dated: 27/06/2019.**

- Consent condition No. 4. (i) States that: **The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments:**

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO <sub>2</sub> Kg/Hr	Particulate Matter mg/Nm <sup>3</sup>
1.	Traditional Oven	2	-----	-----	150

- Consent condition No. 4. (ii) States that: **The unit shall erect the chimney(s) of the following specifications:**

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Sr. No.	Chimney attached to	Height
1.	Traditional Oven	6 mtrs

- Consent condition No. 4. (iii) States that: **The unit shall follow the following standards:-**

Sr. No.	Type of fuel	Quantity/ hr
1.	Wood (Traditional Oven)	80Kg/day

- Consent condition No. 4. (iv), States that: **The Port hole and platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.**
- Consent condition No. 4. (v), States that: **The unit shall carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.**
- Consent condition No. 6. States that: **This conditional consent is issued for initial period of six-months with instructions to control smoke and shift-over to electric oven within one year.**

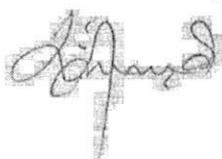
Sr. No.	Consent condition No.	Compliance/Non Compliance
1.	4. (i)	<i>The Consent condition is for emission standards for Particulate matter. Works in progress for providing stack monitoring facility.</i>
2.	4. (ii)	<b>Complied</b> The unit has earlier raised the stacks height which seems to be similar to the height of the complainant's house. <i>However the unit may be directed to raise the height of the stacks to about 1.5 to 2m above the roof of the height of the complainant's house.</i>
3.	4. (iii)	<b>Complied</b>
4.	4. (iv)	<b>Not Complied.</b> <i>Works in progress for providing stack monitoring facility.</i>

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5.	4 (v)	<b>Not Complied.</b> <i>Works in progress for providing stack monitoring facility.</i>
6.	6.	<b>Partially complied</b> For control of smoke the unit has provided stacks. <i>However the unit may be directed to raise the height to 1.5 to 2m above the roof of the height of the complainant's house.</i> As far as shifting to electric oven is concerned, the unit has to do so within a year from the date of issue of consent.

- The unit may be directed to make porthole and platform for stack monitoring as per CPCB guidelines and comply to consent condition No. 4 (iv).
- The unit may be directed to carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No. 4. (i) & 4 (v).
- The unit may be directed to raise the stacks' height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no. 6
- As per the High Court Order, Board may conduct the monthly monitoring of the unit and take the final decision at the end of six months i.e. 26/12/2019 depending on the compliance by the unit.

**Name of the Inspecting Official/s:**



Mr. Liston Fernandes  
(Engineering Assistant)



Mr. Anthony Miranda  
(Junior Lab. Assistant)

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### Inspection Report

**Ref:** (1) Office Order No. 1/20/2019-PCB/Tech/10892 dated: 30/10/2019.  
 (2) High Court Judgement/Order no. PDS/WP-417-19/804/2019 Dated: 22/07/2019

As directed, the undersigned Mr. Liston Fernandes (Engineering Assistant) and Mr. Anthony Miranda (Junior Laboratory Assistant) conducted the inspection of the unit, M/S FRENCH BAKERY located at Aquem, Margao on 30/10/2019 with respect to the above Court Order.

1. **Name and address of industry/unit:** M/S FRENCH BAKERY
2. **Product manufactured:** Bread
3. **Quantity of production:** 250kg/day
4. **Raw Material:** White flour (Maida)
5. **Machine/equipment installed:** ovens (2 nos)
6. **Approximate production in last 2 months (based on receipts of purchase of raw materials orders and payments received) :** NA
7. **Man power requirement:** 05
8. **Status of operation of unit:** Bakery is in operation
9. **Site description and schematic sketch of site:**
10. **Type of area:** Residential cum commercial
11. **Distance of nearest residence/school/hospital/any prominent structure:** Approx. 4m
12. **Distance of water body (Specify which if any) :** NA
13. **Noise Pollution Control measures adopted :** - NA
14. **Water consumption (meter reading of previous water supply bills):** NA
15. **Waste water generation:** NA
16. **Disposal method:** NA
17. **Capacity of septic tank/soak pit/sewage treatment plant/effluent treatment plant:** NA
18. **Whether capacity sufficient (Yes/No):** Yes
19. **Electrical consumption:** NA
20. **Solid waste generated :**
  - a) **Type:** Ash
  - b) **Quantity:** 5kg/day
  - c) **Disposal:** Sale
21. **Hazardous Waste :** NA
22. **Permission from:**
  - a) **Local body:** NOC from Municipality, Health and FDA
23. **Goa State Pollution Control Board:** Consent to Operate valid upto 26/12/2019.
24. **Noise levels recorded:** NA
25. **DG set capacity :** NA
26. **Boiler Capacity :** NA
27. **Oven capacity :** 125KG/DAY(2nos.)
28. **Furnace capacity:** NA

*[Signature]*  
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29. Rotary kiln: NA  
 30. Dust suppression methods: NA  
 31. In case of Induction furnace: NA  
 32. In case of sponge iron units: NA  
 33. Is ambient monitoring carried out (Yes/No) : NA  
 34. Are reports submitted as per consent conditions (Yes/No) : No  
 35. Is environmental statement submitted (Yes/No): No  
 36. Is water cess submitted (Yes/No): NA  
 37. Are all consent conditions complied with (Yes/No): No  
 38. Is Bank Guarantee submitted (Yes/No): NA  
 39. If yes, has the unit complied, give details: NA

**40. Additional observations:**

1. The proprietor, Mr. Mario Gil Gomes and Mrs. Celina Gomes were present during the time of inspection. The unit is a bakery.
2. The unit is equipped with two wood fired ovens (batti).
3. One of the ovens was in operation at the time of inspection. Sparse smoke was observed from one chimney.
4. Unit is in the process of making provisions for stack monitoring i.e providing platform and making porthole for the stacks.
5. Unit has made provision for stack monitoring.

**Conclusions & Recommendations:**

The unit has been issued six-months conditional consent with instructions to control smoke and shift-over to electric oven within one year vide no. 5/6308/18-PSB/CI-5654 dated: 27/06/2019.

- Consent condition No. 4. (i) States that: **The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments:**

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO <sub>2</sub> Kg/Hr	Particulate Matter mg/Nm <sup>3</sup>
1.	Traditional Oven	2	-----	-----	150

- Consent condition No. 4. (ii) States that: **The unit shall erect the chimney(s) of the following specifications:**

Sr. No.	Chimney attached to	Height
1.	Traditional Oven	6 mtrs

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- Consent condition No. 4. (iii) States that: **The unit shall follow the following standards:-**

Sr. No.	Type of fuel	Quantity/ hr
1.	Wood (Traditional Oven)	80Kg/day

- Consent condition No. 4. (iv), States that: **The Port hole and platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.**
- Consent condition No. 4. (v), States that: **The unit shall carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.**
- Consent condition No. 6. States that: **This conditional consent is issued for initial period of six-months with instructions to control smoke and shift-over to electric oven within one year.**

Sr. No.	Consent condition No.	Compliance/Non Compliance
1.	4. (i)	Complied
2.	4. (ii)	Complied The unit has earlier raised the stacks height which seems to be similar to the height of the complainant's house. <i>However the unit may be directed to raise the height of the stacks to about 1.5 to 2m above the roof of the height of the complainant's house.</i>
3.	4. (iii)	Complied
4.	4. (iv)	Complied
5.	4 (v)	Not Complied. Stack monitoring needs to be carrier out.
6.	6.	Partially complied For control of smoke the unit has provided stacks. <i>However the unit may be directed to raise the height to 1.5 to 2m above the roof of the height of the complainant's house.</i> As far as shifting to electric oven is concerned, the unit has to do so within a year from the date of issue of consent.

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- The unit may be directed to carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No. 4 (v).
- The unit may be directed to raise the stacks' height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no. 6
- As per the High Court Order, Board may conduct the monthly monitoring of the unit and take the final decision at the end of six months i.e. 26/12/2019 depending on the compliance by the unit.

**Name of the Inspecting Official/s:**



Mr. Liston Fernandes  
(Engineering Assistant)



Mr. Anthony Miranda  
(Junior Lab. Assistant)

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**Inspection Report**

**Ref:** (1) Office Order No. 1/20/2019-PCB/Tech/12320 dated: 20/11/2019.  
(2) High Court Judgement/Order no. PDS/WP-417-19/804/2019 Dated: 22/07/2019

As directed, the undersigned Mr. Liston Fernandes (Engineering Assistant) and Mr. Saby Fernandes (Field Assistant) conducted the inspection of the unit, M/S FRENCH BAKERY located at Aquem, Margao on 21/11/2019 with respect to the above Court Order.

1. **Name and address of industry/unit:** M/S FRENCH BAKERY
2. **Product manufactured:** Bread
3. **Quantity of production:** 250kg/day
4. **Raw Material:** White flour (Maida)
5. **Machine/equipment installed:** ovens (2 nos)
6. **Approximate production in last 2 months (based on receipts of purchase of raw materials orders and payments received) :** NA
7. **Man power requirement:** 05
8. **Status of operation of unit:** Bakery is in operation
9. **Site description and schematic sketch of site:**
10. **Type of area:** Residential cum commercial
11. **Distance of nearest residence/school/hospital/any prominent structure:** Approx. 4m
12. **Distance of water body (Specify which if any) :** NA
13. **Noise Pollution Control measures adopted :** - NA
14. **Water consumption (meter reading of previous water supply bills):** NA
15. **Waste water generation:** NA
16. **Disposal method:** NA
17. **Capacity of septic tank/soak pit/sewage treatment plant/effluent treatment plant:** NA
18. **Whether capacity sufficient (Yes/No):** Yes
19. **Electrical consumption:** NA
20. **Solid waste generated :**
  - a) **Type:** Ash
  - b) **Quantity:** 5kg/day
  - c) **Disposal:** Sale
21. **Hazardous Waste :** NA
22. **Permission from:**
  - a) **Local body:** NOC from Municipality, Health and FDA
23. **Goa State Pollution Control Board:** Consent to Operate valid upto 26/12/2019.
24. **Noise levels recorded:** NA
25. **DG set capacity :** NA
26. **Boiler Capacity :** NA
27. **Oven capacity :** 125KG/DAY(2nos.)
28. **Furnace capacity:** NA
29. **Rotary kiln:** NA

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- 30. Dust suppression methods: NA
- 31. In case of Induction furnace: NA
- 32. In case of sponge iron units: NA
- 33. Is ambient monitoring carried out (Yes/No) : NA
- 34. Are reports submitted as per consent conditions (Yes/No) : No
- 35. Is environmental statement submitted (Yes/No): No
- 36. Is water cess submitted (Yes/No): NA
- 37. Are all consent conditions complied with (Yes/No): No
- 38. Is Bank Guarantee submitted (Yes/No): NA
- 39. If yes, has the unit complied, give details: NA

**40. Additional observations:**

1. The proprietor, Mr. Mario Gil Gomes and Mrs. Celina Gomes were present during the time of inspection. The unit is a bakery.
2. The unit is equipped with two wood fired ovens (batti).
3. One of the ovens was in operation at the time of inspection. Smoke was observed from one chimney which was getting spread in the Southward direction based on the wind pattern.
4. Unit has made provided platform, ladder and port hole to the chimneys for stack monitoring.

**Conclusions & Recommendations:**

The unit has been issued six months conditional consent with instructions to control smoke and shift-over to electric oven within one year vide no. 5/6308/18-PSB/CI-5654 dated: 27/06/2019.

- Consent condition No. 4. (i) States that: **The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments:**

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO <sub>2</sub> Kg/Hr	Particulate Matter mg/Nm <sup>3</sup>
1.	Traditional Oven	2	-----	-----	150

- Consent condition No. 4. (ii) States that: **The unit shall erect the chimney(s) of the following specifications:**

Sr. No.	Chimney attached to	Height
1.	Traditional Oven	6 mtrs

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- Consent condition No. 4. (iii) States that: **The unit shall follow the following standards:-**

Sr. No.	Type of fuel	Quantity/ hr
1.	Wood (Traditional Oven)	80Kg/day

- Consent condition No. 4. (iv), States that: **The Port hole and platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.**
- Consent condition No. 4. (v), States that: **The unit shall carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.**
- Consent condition No. 6. States that: **This conditional consent is issued for initial period of six-months with instructions to control smoke and shift-over to electric oven within one year.**

Sr. No.	Consent condition No.	Compliance/Non Compliance
1.	4. (i)	Complied
2.	4. (ii)	Complied The unit has earlier raised the stacks height which seems to be similar to the height of the complainant's house. <i>However the unit may be directed to raise the height of the stacks to about 1.5 to 2m above the roof of the height of the complainant's house.</i>
3.	4. (iii)	Complied
4.	4. (iv)	Complied
5.	4. (v)	Not Complied. Stack analysis monitoring needs to be carried out.
6.	6.	Partially complied For control of smoke the unit has provided stacks. <i>However the unit may be directed to raise the height to 1.5 to 2m above the roof of the height of the complainant's house.</i> As far as shifting to electric oven is concerned, the unit has to do so within a year from the date of issue of consent.

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- The unit may be directed to carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board and comply to consent conditions No. 4 (v).
- The unit may be directed to raise the stacks' height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no. 6 or may be suggested any other such measures for controlling the smoke.
- As per the High Court Order, Board may conduct the monthly monitoring of the unit and take the final decision at the end of six months i.e. 26/12/2019 depending on the compliance by the unit.  
The scientific section may also carry out emission monitoring from the stacks.
- Unit has been instructed to carry out emission monitoring from the stacks and submit the report to the Board.

**Name of the Inspecting Official/s:**



Mr. Liston Fernandes  
(Engineering Assistant)



Mr. Saby Fernandes  
(Field Assistant)

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**Inspection Report**

ANNEXURE R1/5

103

- Ref:** (1) Office Order No. 10/1/19-PCB/Tech/14133 dated: 18/12/2019.  
(2) High Court Judgement/Order no. PDS/WP-417-19/804/2019 Dated: 22/07/2019

As directed, the undersigned Mr. Liston Fernandes (Engineering Assistant) alongwith Ms. Milagrina Colaco (Field Assistant) conducted the inspection of the unit, M/S FRENCH BAKERY located at Aquem, Margao on 20/12/2019 with respect to the above Court Order.

1. **Name and address of industry/unit:** M/S FRENCH BAKERY
2. **Product manufactured:** Bread
3. **Quantity of production:** 250kg/day
4. **Raw Material:** White flour (Maida)
5. **Machine/equipment installed:** ovens (2 nos)
6. **Approximate production in last 2 months (based on receipts of purchase of raw materials orders and payments received) :** NA
7. **Man power requirement:** 05
8. **Status of operation of unit:** Bakery is in operation
9. **Site description and schematic sketch of site:**
10. **Type of area:** Residential cum commercial
11. **Distance of nearest residence/school/hospital/any prominent structure:** Approx. 4m
12. **Distance of water body (Specify which if any) :** NA
13. **Noise Pollution Control measures adopted :** - NA
14. **Water consumption (meter reading of previous water supply bills):** NA
15. **Waste water generation:** NA
16. **Disposal method:** NA
17. **Capacity of septic tank/soak pit/sewage treatment plant/effluent treatment plant:** NA
18. **Whether capacity sufficient (Yes/No):** Yes
19. **Electrical consumption:** NA
20. **Solid waste generated :**
  - a) **Type:** Ash
  - b) **Quantity:** 5kg/day
  - c) **Disposal:** Sale
21. **Hazardous Waste :** NA
22. **Permission from:**
  - a) **Local body:** NOC from Municipality, Health and FDA
23. **Goa State Pollution Control Board:** Consent to Operate valid upto 26/12/2019.
24. **Noise levels recorded:** NA
25. **DG set capacity :** NA
26. **Boiler Capacity :** NA
27. **Oven capacity :** 125KG/DAY(2nos)
28. **Furnace capacity:** NA
29. **Rotary kiln:** NA

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30. Dust suppression methods: NA  
 31. In case of Induction furnace: NA  
 32. In case of sponge iron units: NA  
 33. Is ambient monitoring carried out (Yes/No) : NA  
 34. Are reports submitted as per consent conditions (Yes/No) : No  
 35. Is environmental statement submitted (Yes/No): No  
 36. Is water cess submitted (Yes/No): NA  
 37. Are all consent conditions complied with (Yes/No): No  
 38. Is Bank Guarantee submitted (Yes/No): NA  
 39. If yes, has the unit complied, give details: NA

**40. Additional observations:**

1. The proprietor, Mr. Mario Gil Gomes and Mrs. Celina Gomes were present during the time of inspection. The unit is a bakery.
2. The unit is equipped with two wood fired ovens (batti).
3. One of the ovens was in operation at the time of inspection. Smoke was observed from one chimney which was getting spread in the Southward direction based on the wind pattern.
4. Unit has made provided platform, ladder and port hole to the chimneys for stack monitoring.

**Conclusions & Recommendations:**

The unit has been issued six months conditional consent with instructions to control smoke and shift-over to electric oven within one year vide no. 5/6308/18-PSB/CI-5654 dated: 27/06/2019.

- Consent condition No. 4. (i) States that: **The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments:**

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO <sub>2</sub> Kg/Hr	Particulate Matter mg/Nm <sup>3</sup>
1.	Traditional Oven	2	-----	-----	150

- **Consent condition No. 4. (ii) States that: The unit shall erect the chimney(s) of the following specifications:**

Sr. No.	Chimney attached to	Height
1.	Traditional Oven	6 mtrs

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- Consent condition No. 4. (iii) States that: The unit shall follow the following standards:-

Sr. No.	Type of fuel	Quantity/ hr
1.	Wood (Traditional Oven)	80Kg/day

- Consent condition No. 4. (iv), States that: The Port hole and platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.
- Consent condition No. 4. (v), States that: The unit shall carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.
- Consent condition No. 6. States that: This conditional consent is issued for initial period of six-months with instructions to control smoke and shift-over to electric oven within one year.

Sr. No.	Consent condition No.	Compliance/Non Compliance
1.	4. (i)	Complied
2.	4. (ii)	Complied The unit has earlier raised the stacks height which seems to be similar to the height of the complainant's house. <i>However the unit may be directed to raise the height of the stacks to about 1.5 to 2m above the roof of the height of the complainant's house.</i>
3.	4. (iii)	Complied
4.	4. (iv)	Complied
5.	4. (v)	Complied
6.	6.	Partially complied For control of smoke the unit has provided stacks. <i>However the unit may be directed to raise the height to 1.5 to 2m above the roof of the height of the complainant's house.</i> As far as shifting to electric oven is concerned, the unit has to do so within a year from the date of issue of consent.

  
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- The unit may be directed to raise the stacks' height to 1.5 to 2m above that of the complainant's house and to undertake such other measures to control the smoke and shift-over to electric oven within one year and comply to the consent condition no. 6 or may be suggested any other such measures for controlling the smoke.
- **As per the High Court Order, Board may conduct the monthly monitoring of the unit and take the final decision at the end of six months i.e. 26/12/2019 depending on the compliance by the unit.**

In view of the same, the Board may take appropriate decision for renewal of the consent to operate issued to the unit for a further period of 6 months as the consent has expired, subject to the High Court Order/Judgement referred at (2) above.

Stack Analysis report submitted by the unit shows the parameters are within permissible limit.

**The scientific section may carry out emission monitoring from the stacks as per the High Court Order.**

**Name of the Inspecting Official/s:**



Mr. Liston Fernandes  
(Engineering Assistant)

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14779. ANNEXURE R1/G  
GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

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(An ISO 9001-2015, ISO 14001:2015. OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700  
2407701, 2407702  
2407703

Tel/Fax No. : 0832-2407700



Email Ids:  
Chairman, GSPCB: chairman-gspcb.goa@nic.in  
Member Secretary GSPCB: ms-gspcb.goa@nic.in  
Environment Engineer, GSPCB: ee-gspcb.goa.nic.in  
Scientist, GSPCB: scientist-gspcb.goa@nic.in  
Office: goapcb@gspcb.in

No. 1/20/19-PCB/Tech/1601

Date: 28/05/2020

(By E-mail)

To,  
Vibhav Caculo,  
Aquem, Margao,  
Salcete - Goa.

Sub: Health hazard caused by M/s. French Bakery.

Sir,

With reference to the above cited subject, this is to inform you that the unit has been directed to shift-over to the electric oven, within one-year of issuance (i.e. Latest by June 2020). Enclosed herewith kindly find copy of latest inspection report and stack analysis report for your information.

Yours faithfully,

(Sanjeev Joglekar)  
Environmental Engineer

Copy to:

- 1) M/s. French Bakery, C/o. Mr. Mario Gil R. Gomes,  
H. No. 510, Nr. St. Sebastian Church, Aquem, Margao, Salcete - Goa.
- 2) Office copy
- 3) Guard file

TRUE COPY



# GOA STATE POLLUTION CONTROL BOARD

Dempo Towers, 1<sup>st</sup> & 4<sup>th</sup> Floor, DC Plaza, Patto,  
Panaji 403 001, Goa.  
Tel : +91 (0832) 2438567, 2435828, 2438563, 2438550,  
Fax: (0832) 2438528  
e-mail: goapcb@rediffmail.com,  
web site: www.goapcb.gov.in

Recognised under Environment (Protection) Act, 1986: Official Gazette No. 322 dated 08/11/2014

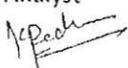
Sample / Report No.	GSPCB/ SM - TR / 20 / 263			
Report Date	22.01.2020			
Name of Industry & Address	M/s. French Bakery , Chalta no.111and 112( part) PT Sheet 242, H. No. 510,Nr. St. Sebastian Church , Aquem, Margaon, Salcete Goa.			
Nature of Sample	Flue Gases emission sample collected from Stack connected to Traditional Oven No. 1.			
Sample collected By	Krishnanath Pednekar ( SA ), Nilesh Surlekar ( SLA ), Chandrashekhar Parab ( FA )			
Date of Sample collection	13.01.2020			
Date of Sample Receipt	13.01.2020			
Date of Start of Analysis	14.01.2020			
Date of Completion of Analysis	15.01.2020			
<b>DETAILS OF STACK</b>				
Stack Attached to	Traditional Oven No. 1			
Stack Diameter ( mtr <sup>2</sup> ) ( Rectangle )	0.06			
Stack Height ( mtr )	11.0			
Stack Temperature ( °C )	119°C			
Stack Velocity of Flue Gases ( m/sec )	2.92			
Stack Volume of Flue Gases ( Nm <sup>3</sup> /hr )	448			
Type of Fuel	Wood			
Fuel Consumption (Kgs/day )	80.0			
<b>ANALYTICAL PARAMETERS</b>				
Parameters	Test Methods	Units	Test Results	Permissible Limits
Total Particulate Matter ( TPM )	IS 11255 ( Part I)1985	mg/ Nm <sup>3</sup>	126	150
CO	*Electrochemical	ppm	5959	-----

Remarks : The Traditional Oven No. 1 was in operation during the time of Stack monitoring. No Air Pollution Control system are installed . A stack has been provided of 11.0 meters height from ground level to let out the emission of Flue Gases from the oven. (\*By Instrument KM QUINTOX )

\*\*\*End of Report\*\*\*

For GOA STATE POLLUTION CONTROL BOARD,

Analyst

  
Krishnanath Pednekar  
Scientific Assistant

Authorised Signatory

  
Sanjay Kankonkar  
Scientist B

**Note :**

1. The result refers only to the tested samples and applicable parameters. Endorsement of products is neither inferred nor implied.
2. This report is not to be reproduced wholly or in part or used in any advertising media without the permission of the Board in writing.
3. The Board is not responsible for the authenticity for the samples not collected by the Board Officials.
4. Total liability of our laboratory is limited to the invoiced amount. Any dispute arising out of this report is subject to Goa Jurisdiction only.
5. Permissible Limits : As per current Consent to Operate-Air/Schedule I of EP Rules 1986 as amended for emissions.
6. The method, location of sampling including any diagram, sketch, photograph, if any may be enclosed.

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# GOA STATE POLLUTION CONTROL BOARD

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web site: www.goaspcb.gov.in

109

Recognised under Environment (Protection) Act, 1986: Official Gazette No. 322 dated 08/11/2014

Sample / Report No.	GSPCB/ SM - TR / 19 / 264			
Report Date	22.01.2020			
Name of Industry & Address	M/s. French Bakery, Chalta no.111 and 112 ( part) PT Sheet 242, H. No. 510, Nr. St. Sebastian Church, Aquem, Margaon, Salcete Goa.			
Nature of Sample	Flue Gases emission sample collected from Stack connected to Traditional Oven No. 1.			
Sample collected By	Krishnanath Pednekar (SA ), Nilesh Surlekar ( SLA), Xawalinho Rodrigues ( FA)			
Date of Sample collection	21.01.2020			
Date of Sample Receipt	21.01.2020			
Date of Start of Analysis	22.01.2020			
Date of Completion of Analysis	22.01.2020			
DETAILS OF STACK				
Stack Attached to	Traditional Oven No. 2			
Stack Diameter ( mtr <sup>2</sup> ) ( Rectangle)	0.06			
Stack Height ( mtr )	11.0			
Stack Temperature ( °C )	137°C			
Stack Velocity of Flue Gases ( m/sec )	2.15			
Stack Volume of Flue Gases ( Nm <sup>3</sup> /hr )	326			
Type of Fuel	Wood			
Fuel Consumption (Kgs/day )	80.0			
ANALYTICAL PARAMETERS				
Parameters	Test Methods	Units	Test Results	Permissible Limits
Total Particulate Matter ( TPM )	IS 11255 ( Part I)1985	mg/ Nm <sup>3</sup>	107	150
CO	*Electrochemical	ppm	1397	-----

Remarks : The Traditional Oven No. 2 was in operation during the time of Stack monitoring. No Air Pollution Control system are installed . A stack has been provided of 11.0 meters height from ground level to let out the emission of Flue Gases from the oven. (\*By Instrument KM QUINTOX )

\*\*\*End of Report\*\*\*

For GOA STATE POLLUTION CONTROL BOARD,

Analyst

Krishnanath Pednekar  
Scientific Assistant

Authorised Signatory

Sanjay Kankonkar  
Scientist B

### Note :

1. The result refers only to the tested samples and applicable parameters. Endorsement of products is neither inferred nor implied.
2. This report is not to be reproduced wholly or in part or used in any advertising media without the permission of the Board in writing.
3. The Board is not responsible for the authenticity for the samples not collected by the Board Officials.
4. Total liability of our laboratory is limited to the invoiced amount. Any dispute arising out of this report is subject to Goa Jurisdiction only.
5. Permissible Limits : As per current Consent to Operate-Alt/Schedule I of EP Rules 1986 as amended for emissions.
6. The method, location of sampling including any diagram, sketch, photograph, if any may be enclosed.

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From:

M/s. French Bakery,  
Near St. Sebastian Chapel,  
Aquem, Margao, Goa 403601

8<sup>th</sup> June 2020

To,

Goa state Pollution Control Board,  
Near Pilerne Industrial Estate,  
Opp. Saligao Seminary,  
Saligao, Bardez, Goa 403 511

Respected members of the Board.

Sub:- Requisition for Waiver of Condition No. 6 of the Consent to Operate granted to the undersigned unit

The undersigned hereby addresses you as under:

1. The undersigned unit was granted Consent to Operate dated 27/06/2019 whereby with the relevant conditions as stated therein.
2. The undersigned states that pursuant to the same various inspections have been carried out and from time to time this unit has complied with the recommendations and conditions imposed by the Board.
3. The undersigned states that by virtue of the recent report dated 11/05/2020 it is clearly shown that according to the Pollution Parameters the Total Particulate matter is much below the permissible limit.
4. The undersigned states that it was already informed to the Board that Shrusti Envirocare India Pvt. Ltd. has already conducted inspection in respect of stack monitoring and the report is awaited which shall be submitted as soon as the same is delivered to the undersigned.

  
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5. The undersigned also states that the appeal filed by Mr. Mahendra Kakule challenging the Consent to Operate have also been dismissed by the Hon'ble Administrative Tribunal vide Judgement and Order dated 17/12/2019. Kindly find annexed a copy of the same for your perusal
6. The undersigned states that condition No. 6 the undersigned unit was directed to shift to electric oven within one year.
7. The undersigned states that the undersigned is using traditional method of baking bread and the demand is for traditionally baked bread which cannot be achieved by using an electric oven. The undersigned states that the use of an electric oven will considerably affect the quality of the final product and affect the business and Goodwill which the undersigned unit has acquired over the years.
8. The undersigned states that the said condition was imposed on the initial reports and certain conditions were imposed from time to time. The undersigned further states that best efforts for improving and complying with the conditions imposed have been made from time to time by the undersigned unit.
9. The undersigned states that the requisite electric oven is not available in Goa and the undersigned unit has to procure the same either from Pune or Bangalore. The undersigned states that given the coronavirus pandemic and the ensuing uncertainty of return to normalcy coupled with the danger of inter-state travel, the undersigned unit is not in a position to install the same within the period as provided by the Board.
10. The undersigned states that currently there is no pollution being caused by the unit or any inconvenience there from being caused to the Complainant Mr. Mahendra Kakule and the Complaint itself was filed only to cause harassment to the undersigned unit.

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11. The undersigned unit undertakes to comply with any further conditions or recommendations that may be imposed by the Board in order to run the unit within the permissible limits

12. The undersigned states that in consideration of the recent reports and the timely and due compliance of the other conditions imposed by the Board and the nature of business of the undersigned unit, it is hereby requested that the Condition No. 6 may be waived off

Yours sincerely



M/s. French Bakery

  
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**Inspection Report**

**Sub:** Inspection of M/s. French Bakery, Aquem, Margao for consent compliance.

**Ref:** Office Order No. 1/20/20-PCB/Tech/4022 dated: 29/06/2020.

As directed, the undersigned Mr. Liston Fernandes (Engineering Assistant) alongwith Ms. Milagrina Colaco (FA) conducted the inspection of the unit, M/S FRENCH BAKERY located at Aquem, Margao on 29/06/2020 with respect to the above subject to verify the present status of the unit. The proprietor, Mr. Mario Gil Gomes and Ms. Celina Gomes were present during the course of inspection.

**Observations:**

1. The unit (bakery) equipped with two wood fired ovens was in operation.
2. Unit has provided platform, ladder and port hole to the chimneys for stack monitoring.
3. Only one oven was fired at approx. 10:30am. Smoke was observed in the stack attached to the oven that was fired at the time of inspection.
4. Smoke was seen dispersing in the upward direction and towards the East.
5. No other activity was observed in the unit.

**Conclusions & Recommendations:**

- Consent condition No. 4. (i) States that: **The unit shall maintain and operate air pollution control system of adequate capacity for the following equipments:**

Sr. No.	Name of Equipments/ Installation	No of Installation	Capacity	SO <sub>2</sub> Kg/Hr	Particulate Matter mg/Nm <sup>3</sup>
1.	Traditional Oven	2	-----	-----	150

- Consent condition No. 4. (ii) States that: **The unit shall erect the chimney(s) of the following specifications:**

Sr. No.	Chimney attached to	Height
1.	Traditional Oven	6 mtrs

- Consent condition No. 4. (iii) States that: **The unit shall follow the following standards:-**

Sr. No.	Type of fuel	Quantity/ hr
1.	Wood (Traditional Oven)	80Kg/day (approx.)

- Consent condition No. 4. (iv), States that: **The Port hole and platform is to be designed as per CPCB guidelines Method 1 Part 1 of Stack Monitoring – Material & methodology for isokinetic sampling.**

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- Consent condition No. 4. (v), States that: The unit shall carry out emission monitoring from the stacks once in three months from a laboratory recognized by Ministry of Environment and Forest under the Environment Protection Act, 1986 and the result shall be submitted to this Board.
- Consent condition No. 6. States that: This conditional consent is issued for initial period of six-months with instructions to control smoke and shift-over to electric oven within one year.

Sr. No.	Consent condition No.	Compliance/Non Compliance
1.	4. (i)	Complied
2.	4. (ii)	Complied
3.	4. (iii)	Complied
4.	4. (iv)	Complied
5.	4. (v)	Complied
6.	6.	Not Complied

- As per the Stack Analysis reports dated 11/05/2020 submitted by the unit the parameters are within permissible limit.
- As per Consent condition No.6, unit was instructed to shift-over to electric oven within one year from the date of issue (27/06/2020) of the Consent. However the unit has not complied.

The unit vide letter dated 20/05/2020 has submitted the stack analysis reports dated 23/12/2019 and 11/05/2020 stating that since the parameters are within permissible limits, it may be allowed to bake with firewood oven as pao and poli turns out better with fire wood instead of electric oven. (copy attached)

Name of the Inspecting Official/s:

Mr. Liston Fernandes  
(Engineering Assistant)



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ANNEXURE R1/9 115

**GOA STATE POLLUTION CONTROL BOARD**  
**गोंय राज्य प्रदूषण नियंत्रण मंडळ**

(An ISO 9001-2015, ISO 14001:2015. OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700  
2407701, 2407702  
2407703

- Tel/Fax No. : 0832-2407700



Email Ids:  
Chairman, GSPCB: chairman-gspcb.goa@nic.in  
Member Secretary GSPCB: ms-gspcb.goa@nic.in  
Environment Engineer, GSPCB: ee-gspcb.goa.nic.in  
Scientist, GSPCB: scientist-gspcb.goa@nic.in  
Office: goapcb@gspcb.in

No. 10/1/20-PCB/leg/8399

Reg. AD

02/09/2020

**SHOW CAUSE NOTICE**

**WHEREAS**, the Goa State Pollution Control Board (hereinafter referred to as the "Board", in short) vide order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019 granted consent to operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air(Prevention and Control of Pollution) Act, 1981 to your unit namely M/s. French Bakery situated at Chalta No. 111 and 112 (part) PT Sheet 242, H. No. 510, Aquem, Margao – Goa.

**WHEREAS**, vide said consent order your unit M/s. French Bakery as directed to comply with consent **conditions no 6** ie. *"This conditional consent is issued for initial period of six months with instruction to control smoke and shift-over to electric oven within one year."*

**WHEREAS**, subsequently Board is in also receipt of letter dated 08/06/2020 from your unit requesting Board to waive the consent conditions no. 6 and also stated that requisite electric oven is not available in Goa and that the one has to be procured from Pune or Bangalore and due to corona virus pandemic interstate travel is not possible.

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WHEREAS, in order to verify the compliance of conditions no. 6 officials by you of the Board have conducted inspection of your unit on 29/06/2020 and the following observations were made:-

- 1. The unit (bakery) equipped with two wood fired ovens was in operation.
- 2. Unit has provided platform, ladder and port hole to the chimneys for stack monitoring.
- 3. Only one oven was fired at approx. 10:30am. Smoke was observed in the stack attached to the oven that was fired at the time of inspection.
- 4. Smoke was seen dispersing in the upward direction and towards the East.
- 5. **As per Consent condition No.6, unit was instructed to shift-over to electric oven within one year from the date of issue (27/06/2020) of the Consent. However the unit has not complied.**

(copy of inspection report enclosed)

*WHEREAS, The Board after perusing the aforesaid inspection report and after considering your letter dated 08/06/2020, has arrived at the following opinion " though the emission monitoring(at your unit) is within limit, the possibility of smoke causing nuisance to the neighbouring buildings cannot be ruled out as their height is more than the chimney height.*

*This was the primary reason to direct the bakery to shift to electric oven in such circumstances it would be appropriate to direct the bakery to stop operations. "*

WHEREAS, upon perusal of inspection report and letter received from your unit indicates that you have failed to comply with Board consent conditions no.6 as contained in the Consent to operate order dated 27/06/2019 issued to your unit under provision of Water Act and Air Act.

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WHEREAS, Board at its 144<sup>th</sup> Board meeting held on 06/07/2020 has delegated its powers to issue, refuse, withdraw and vary consent under section 25, 26 and 27 of the Water Act and under section 21 of the Air Act to the undersigned.

NOW THEREFORE, in view of the above and in exercise of the powers delegated to the undersigned under section 33(A) read with section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, and under section 31(A) read with section 21 of the Air (Prevention and Control of Pollution) Act, 1981, the management of M/s. French Bakery is, hereby directed to Show Cause within a period of 7 days from date of receipt of this notice as to why consent order bearing no. 5/6308/18-PCB/CI-5654 dated 27/06/2019, issued to your unit should not be **revoked**; and as to why operation of your unit should not be suspended for failing to comply with consent **conditions no.6**.

TAKE NOTE, that failure to comply with the aforesaid notice will compel the Board to initiate stringent legal action against you under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of Pollution) Act, 1981 which may include issue of closure direction, without any further notice.

Issued on this 2<sup>nd</sup> day of September, 2020

N. Prabhudessai  
(Nandan Prabhudessai)  
Assistant Environmental Engineer  
Goa State Pollution Control Board

To,  
M/s. French Bakery  
Near St. Sebastian Chapel,  
Aquem, Margao-Goa- 403601

Copy to:

1. Mr. Mahendra S. Kakule, Caculo House, Near Aquem Post-Office, Margao- Goa.  
.... *For information*
2. Office file. 3. Guard file. 4. Legal Section file.

TRUE COPY

From:

M/s. French Bakery,  
Near St. Sebastian Chapel,  
Aquem, Margao, Goa 403601

118

ANNEXURE-R1/10

11<sup>th</sup> September 2020

To,

Goa state Pollution Control Board,  
Near Pilerne Industrial Estate,  
Opp. Saligao Seminary,  
Saligao, Bardez, Goa 403 511

**Reply to the Show-Cause notice dated 02/09/2020 under Ref No.  
10/1/20-PCB/Leg/8399**

Respected Members of the Board

The undersigned most respectfully states and submits as under:-

1. The undersigned received the present show-cause notice under Reply on 07/09/2020
2. The undersigned states at the outset brief facts as under
  - a. The Bakery has been functioning since 1947 and the undersigned is the third generation to run the Bakery and the undersigned is also a member of the All Goa Association of Bakers for the past more than 15 years
  - b. The Complainant along with his family started residing in the locality after the Bakery was started.
  - c. There are two more family units of the Complainant's family who reside in the same residential building as that of the Complainant and till date there has been no Complaint of any nature whatsoever either made

  
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directly to the Bakery or any other competent authorities from the other family members of the Complainant till date. In fact these family members have been customers of the Bakery for a very long time.

d. There have been no Complaints of nuisance or any other nature whatsoever from any other residents of the same locality till date arising from the functioning of the Bakery.

e. Prior to the Complaint in question, there was no issue raised by the Complainant any point of time and the relation between the Complainant and the undersigned were cordial.

f. The Operation times of the Bakery are at 10am-12 pm , 4.30 pm to 5.30 pm and 9 pm to 10.30 pm

g. The undersigned states that the activity run by the Bakery is a traditional activity using wood fired oven and the quality and authenticity of the product can be achieved only through the process employed currently by the Bakery especially for the bread variant locally known as Poli and it is not possible to achieve the same through the use of an electric oven.

h. The undersigned states that the business of the undersigned has been running successfully majorily owing to the fact that the Bakery uses traditional baking methods. Infact all the Local Goan Bakeries employ the traditional method of baking bread as the desired quality and authenticity of Goan bread or Pao and its variants like Poli, Katre Pao etc can be satisfactorily achieved through use of wood fired ovens.

i. The undersigned submits that even the State government recognizes wood fired oven being method as traditional activity and hence the Goa handicrafts, Rural and Small Scale Industries Development Corporation Ltd. ( A Government of Goa undertaking) had floated the " Goan Traditional Bakers (Poder) Subsidy Scheme" for grant of subsidies to Local Goan Bakers for purchase of wood and the undersigned had also

  
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applied for the same. However the said scheme was never given effect and hence no benefit could be availed of by the Bakery. 120

j. The undersigned states that despite the high cost of wood, the Bakery along with all other bakeries in the state continue to use wood fired ovens as the quality of the final product can be satisfactorily achieved only through wood fired ovens. This is clearly established from the fact that the demand and preference for bread made from wood fired ovens is much higher than those made from electric ovens. It is also well established that the local Goans prefer to buy bread from traditional bakeries rather than processed products. Further in case of variant "Poli" the same cannot be made in an electric and hence the same is available only in traditional bakeries and not shops selling processed bread products made in electric ovens.

3. The undersigned states that the email dated 02/04/2020 addressed by Mr. Vibhav Caculo, who is the son of the Complainant, is not an independent Complaint and appears to be addressed on behalf of the Complainant and the same alleges inaction by the Board and on a plain reading of the same, is a grievance against the Board itself. The undersigned nevertheless denies the contentions of Mr. Vibhav Caculo in as much as the same are contrary to the case of the undersigned.

4. The undersigned has a right to run the bakery using traditional oven within the limitations and norms set out as per the laws in force and the same cannot be taken away merely due to the alleged inconvenience caused solely to the Complainant and other contentions raised by the Complainant as the same have not substantiated by any proof.

5. The undersigned states that the Bakery has followed all the conditions till date as imposed from time to time and submitted the requisite reports from the competent authorities/agencies to substantiate that the Bakery has been complying with the conditions imposed by the

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Board from time to time. The Reports dated 23/12/2019, 11/05/2020 and 29/08/2020 speak for itself that after compliance of the requisite conditions the emissions are within permissible limits

6. The undersigned states that the only reason stated by the Board in the show-cause under Reply is the possibility of smoke causing nuisance to the neighboring buildings as their height is more than the Bakery's chimney height. The show-cause notice does not speak of any nuisance factually being caused to the Complainant due to release of smoke. The Complainant till date has not placed on record any substantial evidence to support his claim of health hazard or any nuisance being caused to the Complainant or his family members. Further the undersigned states that that there is no evidence of pollution causing health hazard whatsoever, after all the measures directed by the Board have been taken.

7. The undersigned reiterates all the submissions made in the earlier communications by the Bakery to the Board particularly the letter dated 08/06/2020 for the purpose of the present Reply and the same may be deemed to be incorporated in verbatim herein.

8. The undersigned states that the Bakery is well known in the town of Margao and its immediate locality for the quality of its products and in the event the Bakery shifts to electric oven the quality of the product will be considerably compromised and will eventually affect the Goodwill and the business of the bakery which has been established for the past so many decades. The undersigned states that grave prejudice shall be caused to the undersigned in the event the Bakery shifts to electric ovens.

9. The undersigned states that the Complaint is without any basis and is based on unfounded claims. The undersigned states that till date the Complainant has miserably failed to produce any cogent evidence to disprove the Consent to Operate granted to the Bakery.

  
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10. The undersigned states that the necessary inspections have been done and reports have been prepared when the Bakery has been running on wood fired oven which clearly establish that the emissions are within permissible limits even with the use of wood fired oven and also despite the fact that the height of the chimney is lower than the height of the neighboring buildings. The undersigned submits that copies of all the inspections reports, either done by the Board or by the bakery through independent agencies recognized by the Board have been submitted from time to time and have been accepted by the Board.

11. The undersigned submits that there is no health hazard or environmental pollution caused due to the use of wood fired oven. The Complainant has filed the Complaint only with a view to harass the undersigned for reasons best known to the Complainant without there being any iota of merit in his Complaint.

12. The undersigned therefore submits that the Show-cause notice under reply maybe kindly withdrawn and the Condition No. 6 of the Consent to Operate dated 27/06/2019 may be waived off having regards to the submissions made hereinabove.

13. The undersigned also request that in the interest of justice a hearing be granted to the undersigned either personally or through Video Conferencing.



M/s. French Bakery

Through its Proprietor

Mr. Mario Gil Gomes

Encls :- ① Copy of AFFIDAVIT OF MR. JOA AGOSTINHO GOMES  
② Copy of Application form for availing Assistance under 'GOAN TRADITIONAL BAKERS (PODER) SUBSIDY SCHEME'.

  
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I, Mr. Joao Agostinho Gomes, son of Mr. Piedade Francisco Gomes, aged about 59 years, married, businessman, r/o H.No. 4/3246, Aquem Road, Aquem-Alto, Margao Salcete, Salcete, Goa , do solemnly state on oath and affirm as under:-

1. I say that I am aware of that Mr. Mahendra Caculo has filed a Complaint against M/s. French Bakery before the Goa State Pollution Control Board in respect of the said Bakery.
2. I say that I am the Vice –President of All Goa Association of Bakers (South)
3. I say that I know Mr. Mario Gil Gomes who is the proprietor of M/s. French Bakery as he is also a member of All Goa Association of Bakers. I further say that since I am also aware that m/s. French bakery uses traditional method of making Bread using wood fired ovens.
4. I say that I know that Mr. Mario Gil Gomes is the third generation to run the said Bakery and that the Bakery is quite popular in its locality.
5. I say that I am the owner of Gomes Bakery situated at Aquem, Margao and I have been running the said bakery for almost 40 years.
6. I say that I use the traditional method for baking Goan Bread or Pao and its other variants like Poli and Katre Pao using wood fired ovens.
7. I say that I had installed electric oven some years ago in my Bakery. However I had to discontinue the use of the electric oven as the quality of Pao or Bread and its other variants was not all satisfactory or authentic and as a consequence my business was also considerably affected.



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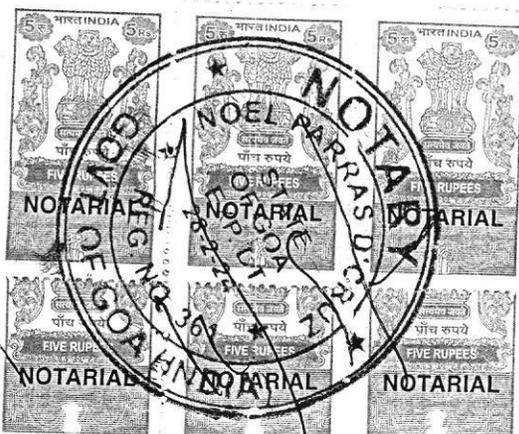
- 8. I say that I could not make products like Poli and Katre pao using the electric ovens as the quality was very much reduced.
- 9. I say that the installation of the electric oven caused financial loss to me and hence I have never used the electric oven thereafter for making Goan pao, Poli etc
- 10. I say that in my personal experience the demand for bread made from traditional wood fired ovens is much more than the electric ovens.
- 11. I say that the quality of Bread is more authentic when made using wood fired ovens.
- 12. I say that M/s. French Bakery was started much prior to Mr. Mahendra Caculo or his other family members started residing in the locality.
- 13. I say that I am swearing this affidavit to be produced before the Goa State Pollution Control Board.
- 14. I say and verify that the contents of this Affidavit from paras. 1 to 13 are true to my knowledge and no part of it is false.

Solemnly affirmed at Margao, Goa on this      day of September 2020

Deponent

Identified by me:

Advocate



Solemnly affirmed before me by  
 the deponent s  
 Who is/are identified to me by  
 Aadhaar No. 3102 9793 1303  
 Who I personally know or  
 this...!!...day of...9... 2020...

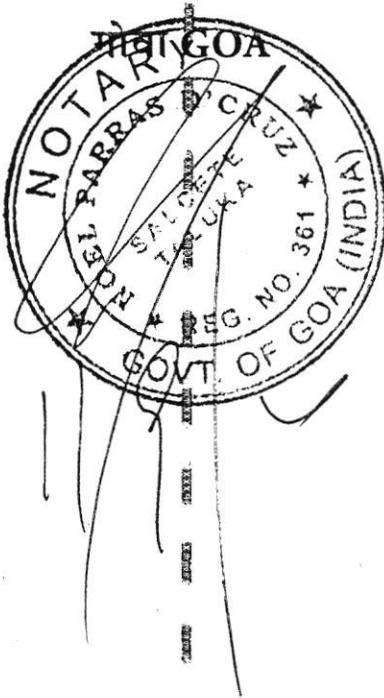
Reg No 2197/2020

NOEL PARRAS D'CRUX  
 NOTARY  
 Salcete Taluka (Reg No. 361)  
 STATE OF GOA (INDIA)  
 8326857757 942289555

TRUE COPY



A 145245



**Vishwas B. Naik**

Licence No.: JUD/VEN-LIC/2017/AC-1

Vishw Creations.

Shop No B/SH 38, L&L Correias Pride, Next To KTC, Near South Goa Collectorate, Margao Goa

Serial No. 11424 Place of Vendor: Margao Date: 07/08/2020

Value of Stamp Paper ₹ 100/-

Name of the purchaser: \_\_\_\_\_

Fathers Name: \_\_\_\_\_ Residence: \_\_\_\_\_

Purpose: \_\_\_\_\_ Transacting parties: \_\_\_\_\_

As there is no one single paper for the value of ₹ \_\_\_\_\_

Additional stamp paper for the completion of the value are attached along with

[Signature]  
Stamp vendor Signature

\_\_\_\_\_  
Signature of purchase.

AFFIDAVIT

[Signature]

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Goa Traditional Bakers (Poders) Subsidy Scheme

(to be filled by office) Registration No: GHRSSIDC/GTBSS/ / / /

Annexure I

APPLICATION FORM FOR AVAILING ASSISTANCE UNDER "GOAN TRADITIONAL BAKERS (PODER) SUBSIDY SCHEME"

1	Name of the Applicant:																			
		M	A	R	I	O	G	I	L	R	E	M								
		G	O	M	E	S														
		G	O	M	E	S														

2	Address for communication:																			

3	Telephone No:																			
---	---------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

4	Mobile No:																			
---	------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5	Email address:																			
---	----------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6	Type of proof of being in business for the last 20 years (Enclose proof)																			
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

7	Registration no. of bakers association (Enclose Proof)																			
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

8	Main items produced:																			

9	Monthly Production:																			

TRUE COPY



Goa Traditional Bakers (Poders) Subsidy Scheme

10	Quantity of Maida used per day:	2	0	A	G
11	Annual Turnover (Enclose Proof)		5	4	
12	Investment in fixed assets				
					ps
	a. Land				
	b. Building				
	c. Machinery			000	—
	d. Others (fixed assets)				
13	Details of fuel consumption per month (Electricity/firewood/gas)			20178	—
14	Employee Details:	4			
		1.	B	R	A
		2.	F	A	Z
		3.	F	A	I
		4.	F	R	A
			N	S	I
			C		
15	Enclose photographs of production facility and attach applicant's photograph to this form.		Y		N
16	Remarks if any				

Electricity 26141  
water  
fire wood

5178 p.m.  
1000 p.m.  
14000 p.m.

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Goa Traditional Bakers (Poders) Subsidy Scheme

17	Mandate for Electronic Fund Transfer		RTGS	
a	Name of the Grantee Organization	MA	TOMES	
b	Address of the Grantee Organization	C	HMS BOSTA	
c	Landline No.		ALB M	
d	Mobile No.		3	
e	Email address:	-		
f	PAN No.		34	
g	Particulars of Bank Account			
i	Bank Name	B M	G A O - C	
ii	Branch Name	A		
iii	Branch Address			
iv	9 digit MICR code			
v	Type of account			
vi	AADHAR Card N			
vii	BSR Code of Bank			
viii	Account No.		0	
ix	IFSC Code			
x	Customer ID			
xi	Whether this branch is RTGS		Y	N

I hereby declare that the particulars given above are correct and complete. If the transaction is delayed or not effected at all for reasons of incomplete or incorrect information I would not hold the user institution responsible.

		Signature of the Grantee	
Date:		/	2 0 1 2

Certified that the particulars furnished above are correct as per our records

Signature of the authorized official From the bank

I have enclosed of the documents mentioned in the scheme.  
I have read and understood the terms and conditions of the scheme and I agree to abide by the same.

*[Signature]*  
Signature of the Applicant

TRUE COPY



Goa Handicrafts,  
Rural & Small Scale Industries  
Development Corporation Ltd.  
(A Govt. of Goa undertaking)

Goa Traditional Bakers (Poders) Subsidy Scheme

**Annexure II**  
**APPLICATION FORM FOR AVAILING QUARTERLY**  
**ASSISTANCE UNDER "GOAN TRADITIONAL BAKERS(PODER) SCHEME"**

QUARTER	1	2	3	4	2012
Date	/	/	2	0	1 3

Name of the Applicant: M A R L L S

2 Address for communication: B A A Q

3 Telephone No: 7

4 Mobile No: 3

5 Email address: -

6 GHRSSIDC Registration No.

7 Quarter for which subsidy is claimed

8 Amount of subsidy claimed for purchase of maida

I have enclosed of the documents mentioned in the scheme.  
I have read and understood the terms and conditions of the scheme and I agree to abide by the same.

*[Handwritten Signature]*

Signature of the Applicant

TRUE COPY



Goa Traditional Bakers (Poders) Subsidy Scheme

Checklist for enclosed documents		
1	Birth Certificate	
2	Address Proof	
3	Proof of business for 20 years	
4	Registration certificate of bakers association	
5	Affidavit of month turnover	
6	Applicant's Photo passport size – 2 nos	
7	Photo of production facility	
8	Permanent SSI unit registration or an Acknowledgement of Entrepreneurship Memorandum Part –II [EM] [optional]	
9	License from Department of Legal Metrology	
10	Certification from Village Panchayat certified by BDO /Municipal Corporation that the applicant is engaged in the business for the last 20 years or certificate from Civil Supplies Department.	
11	Raw material purchase bills for Maida for the previous 6 months i.e. from 1 <sup>st</sup> April 2012 to 30 <sup>th</sup> September 2012 procured by him/required by him i.e. Authenticated bills of purchase of maida	
12	An affidavit sworn by the applicant declaring the contents mentioned in the application are true.	
13	Aadhar Card copy	
14	Photocopies of this form along with all documents being submitted – 2 Nos.	

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Goa Traditional Bakers (Poders) Subsidy Scheme

**Implementing Institution**

Goa Handicrafts Rural and Small Scale Industries Development Corporation Ltd  
Craft Complex, Neuginagar, Rua De Ourem, Panaji - Goa 403001  
Contact Person : Shyam Naik  
Contact Details : 6450735  
Email : gtbss@ghrssidc.org

**Banking Partner**

HDFC Bank Ltd  
Branch : Ground Floor, Sesa Ghor, Patto - Panaji Goa  
Contact Person : Umakant Sardesai  
Contact Details : 0832 - 6659350  
Email : umakant.sardesai@hdfcbank.com

**Co - Partners**

All Goa Association of Bakers  
7/T-4, Models Residency, Opp. St.Inez Church, St.Inez, Panaji - Goa  
Contact Person : Agapito Menezes  
Contact Details : 9822187699  
Email : agabgoa@gmail.com

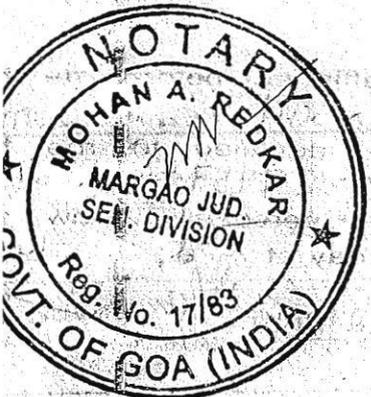
**Branch Network of HDFC Bank Ltd**

Branch Name	Br No	Branch Name	Br No
Aldona	2289033 / 2289022	Saligao	2278066 / 2278067
Aquem	2750218 / 2750302	Quepem	2663129 / 2663130
Bicholim	6412034 / 033 / 032	Nuvem	2790158 / 2790159
Calangute	6515920 / 923	Usgao	2344028 / 2344029
Canacona	6470644 / 6470645	Majorda	2881008 / 2881007
Candolim	6656681 / 684	Sanquem	2603014 / 2603016
Cansaulim	6484274 / 270	Velim	2773116 / 2773126
Caranzalem	2464775 / 776	Canca (MF)	2472100 / 2472200
Chicalim	6482944 / 6482946	Dabolim (MF)	2555725 / 2555726
Chinchinim	2864232 / 33	Goa Velha	2217082 / 2217083
Colva	2781131 / 32	Fatorda	2740744 / 2740766
Cuncolim	6482851 / 2865410	Shiroda	2306103
Curchorem	6470617 / 6470610	St.estavam	2288888
Mapusa	6656066 / 067	Old Goa	2285285
Mapusa-II	2253159	Sal	
Marcela	6412030 / 2288100	Chorao	2239223
Margao	2733575 / 2733574	Merces	2447444
Navelim	6482855 / 56 / 57 / 861 / 856	Mandrem	2247010
Panjim	6659718 / 717 / 716	Arambol	2242020
Patto	6659370 / 352	Paliem	2242060
Pernem	2201616 / 6515805 / 835	Colvale	2299033
Ponda	6610459 / 450 / 459 / 454 / 458	Arpora	
Porvorim	6659854 / 855	Verem	
Sanquelim	23644662 / 6412036	Assonora	2215070
Santa Cruz	6519625 / 626	Sircaim	
Siolim	2272422	Davorlim	2724001
Taliegao	2452587	Cavolosim	2871009
Varca	2270904 / 905	Benaulim	2770804
Vasco	6699907 / 6699925	Zuarinagar	2558400
Valpoi	2374060 / 2374061	Agonda	2647288
Chandor	2857722 / 2857723	Carambolim	
Anjuna	2273100 / 2273101	Seraulim	



गोवा GOA

Sl. No. 440 Place of vendor: MARGAO Date of issue: 29/1/14 422417  
 Value of stamp paper: Rs. 100/-  
 Name of the purchaser: Mario Gomes  
 Son of: Margao  
 As there is no single stamp paper of the value of Rs. 100/-  
 for the completion of the value of the stamp paper with.  
 Licence No. 100/15/14 LIC/15/14 dated 07-02-2006  
 Name of stamp vendor: M.R. DIAS  
 Signature of Vendor: [Signature] Signature of Purchaser: [Signature]



**AFFIDAVIT**

I, Mr. MARIO GIL REMY GOMES, son of late Mr. Jose Honorato Belarmino Gomes, major of age, Indian National, residing at H. No. 305, Aquem Alto, Margao, Salcete, Goa, on solemn affirmation state as follows:

1. I am the lawful owner of the Bakery named "FRENCH BAKERY" situated at Pandava Chapel, Aquem for the last more than 30 years.

[Signature]

...2/-

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# GOA TRADITIONAL BAKERS SUBSIDY SCHEME

PAGE No.

DATE

- 1) Kane Bill (Maida)
- 2) Income TAX
- 3) PASSPORT
- 4) ADDRESS PROOF (PHONE BILL)
- 5) AADHAR CARD COPY.
- 6) LICENSE of BAKERY.
- 7) Registration Certificate of Establishment (Form III) (1981)
- 8) 4 photos of Products.

133

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Thamara  
monthly  
per day

3225354/-

268,780/-

9268/-

2 sack

345 days

29 days

per day

3069 per pudam @

R3

Maide per R 5797/-

total kg pudam 242.65

Rate per K.G 2389

AFFIDAVIT

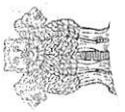
I, \_\_\_\_\_, son of \_\_\_\_\_ of major age, Indian National, residing at \_\_\_\_\_ on solemn affirmation state as follows:

1. I am the lawful owner of the Bakery named " \_\_\_\_\_ " situated at \_\_\_\_\_
2. I use \_\_\_\_\_ KGS OF Maida for [Bread, Kakan and Poli], per day. My monthly usage of maida for above items is \_\_\_\_\_ kg. My yearly usage of maida for above items is \_\_\_\_\_ Kg.
3. My monthly turnover in respect of above items is \_\_\_\_\_ Rupees and my year Turn-over in respect of above items is \_\_\_\_\_ Rupees .
4. I say that whatever I have stated herenabove is true to my knowledge.

Solemnly affirmed at \_\_\_\_\_ on \_\_\_\_\_ January, 2014.

\_\_\_\_\_  
DEPONENT

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136

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Handwritten signature

IDGOMES<  
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U-5a U  
No H.N. 305, Aquem-Alto  
Margao-Goa

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PRESIDENT  
INDIA

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OFFICER  
SPORT-OFFICE  
PANAJODA

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यह पासपोर्ट भारत से  
से इसके धारक को  
तो उसका

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3

ती  
नल है

भारत या उसके द्वारा  
बदल या विकृति

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COUNTRY WHERE THE  
PASSPORT IS ISSUED.

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0979011 - OLD PPT CLD & RETURNED  
198446  
20/05/1985  
PANAJI  
Old Passport No.

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MAHENDRA S. KAKULE

B.E. (CIVIL), M.Sc. (Real Estate Val.)  
F.I.V., M.I.E., M.I.C.A.

Chartered Engineer, Registered Valuer, Arbitrator

Office : Caculo House, Near Aquem Post Office,  
Margao, Goa. Ph : +91 9325806264  
Mbl : +91 9822485550

E-mail : mcaculo@gmail.com

ANNEXURE R1/11

137

Branch : Off. No. 2, 2nd Floor,  
El-Dorado Plaza,  
Near Market, Panaji, Goa.  
Ph : +91 7972953531

28/9/20

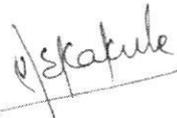
To,  
The Member Secretary,  
Goa State Pollution Control Board,  
Near Saligao Seminary,  
Saligao, Bardez - Goa.

Subject : "Technical / Expert Report" prepared on my behalf by a team of Environmental / Air Pollution experts & Show Cause Notice bearing no. 10/1/20-PCB/Leg/8399 dated 2/9/2020 issued to M/s French Bakery, Aquem - Margao .

Dear Ma'am,

I (Complainant / Appellant) have filed an Appeal in the Hon'ble National Green Tribunal (Appeal no. 8 / 2020 WZ) against the activities of French Bakery in Aquem - Margao. I also felt it was necessary to approach a team of "highly qualified Environment / Air Pollution experts" who have personally visited the site and subsequently prepared a detailed "Technical / Expert Report". The said report runs into 51 pages and articulately highlights all the irregularities and illegalities committed by French Bakery.

I am also in receipt of Show Cause Notice bearing no. 10/1/20-PCB/Leg/8399 dated 2/9/2020 issued by the Board to M/s French Bakery. To put forth my say in the matter so that the Show Cause Notice will be favorably disposed off, copy of the said expert's report is hereby produced before the Board.

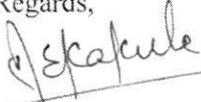


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Ample opportunities have been granted by the Board to the unit right from February 2018 to shift to electric ovens, all of the deadlines have long expired. The unit as of today continues to function in blatant violation of the Consent Condition no. 6 to shift to electric ovens, at the cost of human health and environment. It is thus clear that the owner's of the unit are habitual offenders of law and brazenly refuse to comply with the statutory directions issued by the GSPCB.

In light of the above, I request you to kindly consider our say in the matter as highlighted in the expert's report and subsequently dispose off the above mentioned Show Cause Notice expeditiously and **issue the necessary "Closure Notice" to the unit for failing to comply with the Board's Consent Condition no. 6 to shift to electric ovens.**

Regards,



Mahendra Kakule

Cc- 1) Environmental Engineer – Mr. Sanjeev Joglekar

2) Assistant Env Engg - Mrs. Nandan Prabhudessai

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Dr. Naraina P.S. Varde  
M.Sc. (Agri) (UAS, Bangalore, India)  
Ph.D. (University of Hawaii, USA)  
(Retired Head/Director, DSTE, GOG  
& Member Secretary, GCZMA)  
NABET accredited EIA Consultant  
& Functional Area Expert (SC/LU)

Address:  
"Shanta",  
1154, B.B. Borkar Road,  
Alto Porvorim, Goa 403521  
Email: npsvarde50@gmail.com  
Mobile: 9923795262

Mr. Vishal B. Sannakki  
M.Sc. Equivalent in Env. Science  
(Vasantdada Sugar Institute, Pune)  
Advanced Diploma in Industrial  
Safety (Maharashtra State Board of  
Technical Education), Partner of  
Env. Consultancy & Lab. Firm

Address:  
ESRO  
638, Gera Imperium Star,  
Patto Plaza, Panaji, Goa 403001  
Email: vishalsannakki@rediffmail.com  
Mobile: 9921409469

Date: 22/9/20

#### EXPERT REPORT

"Pollution/Health" Hazards caused by M/s. French Bakery  
(Aquem, Margao) and the Conditional Consent to Operate (CTO  
No. 5/6308/18-PSB/CI-5654 dated 27/06/2019)

##### 1) Preamble:

We, the undersigned (please see the short CVs attached to this Report), are competent to prepare this Report by virtue of our educational background and professional expertise. The Report was prepared at the request of Shri Mahendra Kakule, the Appellant in the case filed before the Honorable National Green Tribunal (Appeal no. 8/2020 WZ) against French Bakery (Aquem, Margao) for causing severe smoke pollution, noise pollution and other nuisance directly affecting his residence located in the adjacent plot. The matter was explained in details to us by Shri Mahendra Kakule (Civil Engineer & Valuer) and his son Shri Vibhav Caculo (Civil Engineer & Valuer), along with the relevant documents and photographs connected with the case. Two site inspections were also conducted in the presence of the Appellant to assess the situation on the ground.

All documents relevant to the case including Complaint letters, 'Show Cause Notices/Directions' under relevant Acts, Inspection Reports, High Court Judgment, were examined and studied to prepare this Report. These are listed below:



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DOCUMENT	DATE
1) I Complaint to GSPCB	19/02/2018
2) I Inspection of GSPCB	16/04/2018
3) Directions by GSPCB (10/1/18-PCB/Tech/9400)	30/07/2018
4) I Complaint Letter to Health	08/10/2018
5) I Health Dept. Notice	28/08/2018
6) Application for CTO	28/08/2018
7) II Complaint to GSPCB	17/09/2018
8) II Complaint Letter to Health	08/10/2018
9) Health letter to GSPCB	12/10/2018
10) II Inspection of GSPCB	08/11/2018
11) SCN of GSPCB (10/1/18-PCB/Leg/17342)	04/01/2019
12) Reply to SCN	Undated
13) Electric Oven Inst. Deadline	15/02/2019
14) Appellant Letter to GSPCB	27/02/2019
15) Consent To Operate (CTO) (5/6308/18-PCB/CI-5654)	27/06/2019
16) HC Order	17/07/2019
17) III Inspection Report (Mon. insp I)	20/08/2019
18) GSPCB Directions (10/1/19-PCB/LD-252)	13/09/2019
19) Polluter Pays Directions (1/25/19-PCB/LD-251)	13/09/2019
20) GSPCB Mon. Inspection II	24/09/2019
21) Pollution Pays deadline	30/09/2019
22) GSPCB Mon. Inspection III	30/10/2019
23) GSPCB Mon. Inspection IV	21/11/2019
24) Appellate Auth. Judgment	17/12/2019
25) GSPCB Mon. Inspection V	20/12/2019
26) Stack An. Rep. I (PAPL)	21/12/2019
27) Stack An. Rep. II (PAPL)	21/12/2019
28) Expiry of CTO	26/12/2019
29) Stack An. Rep. III (GSPCB)	13/01/2020

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30)	Stack An. Rep. IV (GSPCB)	21/01/2020
31)	Stack An. Rep. V (PAPL)	08/05/2020
32)	Stack An. Rep. VI (PAPL)	08/05/2020
33)	GSPCB letter (Env. Engin.) (1/20/19-PCB/Tech/1601)	20/05/2020
34)	GSPCB Insp. Rep. VI	29/05/2020
35)	GSPCB Show Cause Notice (10/1/20-PCB/Leg/8399)	02/09/2020

## II) Background and Sequence of Events:

A complaint was filed in the Goa State Pollution Control Board (GSPCB) by the Appellant, Shri Mahendra Kakule against M/s French Bakery located at Aquem, Margao, (Goa) on 19/02/2018 for emitting untreated air pollutants directly affecting his residential property. Due to lack of appropriate response for more than 6 months, another complaint was filed on 17/09/2018. The gist of the matter is as follows:

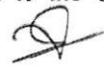
- 1) The bakery in question under the name of "French Bakery" (hereinafter also referred to as "the Unit") is situated in a densely populated residential area (within the limits of Margao Municipal Council) at a distance of only about 4 m from the Appellant's Residential Property near Aquem Post Office in Margao City, Goa.
- 2) The production capacity of the Bakery is 250 kg of bread per day (As per GSPCB's inspection reports) and it operates with two wood fired ovens consuming 80 Kg of fire wood per day, as per GSPCB's Inspection Reports. Further, as per the latter, said ovens are fired at 10am, 3pm, 4.30pm and 9pm on a daily basis 365 days a year.
- 3) The smoke emitted through the chimneys of the Ovens spreads out and flows (depending on wind pattern) even at the ground floor level, directly towards the residence of the Appellant, threatening the health and well being of his family. The said Chimneys are made of sub-standard steel sections tied by wires to the roof and loosely secured extension joints allowing free escape of smoke and pollutants through the same. The entire Chimney arrangement is unscientific and crude. Moreover, the workers are engaged in rampant fire wood cutting and dumping of live "coal/ashes" from the ovens within the bakery's compound very close to the Appellant's house. This causes additional uncontrolled "smoke/dust" emissions and nuisance directly affecting the Appellant's house.
- 4) The area surrounding the Unit is densely populated and numerous buildings (up to 5 floors high) are seen in the neighborhood (photos are attached for

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ready reference). Hence it is obvious that even a better chimney arrangement is not a solution to abate health hazards to the residents of the locality.

5) The sequence of events since the Appellant filed his first complaint with the GSPCB:

- i) More than two and half years have elapsed since the first complaint was filed way back in February 2018. When the GSPCB took cognizance of the case after the first complaint, it was found that the unit was functioning without GSPCB's Consent to Operate (CTO) for decades since its establishment, in blatant violation of the Air Act (1981) and Water Act (1974). This called for immediate action to issue Directions under Sections 33 A (Water Act) and 31 A (Air Act) for prompt closure of the Unit (pending enquiry).
- ii) However, the GSPCB only conducted a delayed site inspection on 16/04/2018. Based on this site inspection report and a further delay of three and half months the GSPCB issued Directions to the Unit (under Section 33A of Water Act 1974 and 31A of Air Act 1981) on 30/07/2018. These Directions allowed the Unit to continue functioning without CTO and without any provision to control the continuing illegal and hazardous emissions. The Unit was directed to either increase the height of the MS sheets provided along the Appellant's house above the Chimney level or increase the height of the Chimneys above the Appellant's house within 3 months of issue of the Directions i. e. by 30/10/2018! The Unit was also asked to apply for Consent to Operate (CTO) within seven days from the date of issue of Directions.
- iii) As the measures suggested in the directions issued by GSPCB on 30/07/2018 failed to reduce the pollution and consequent health hazards caused, the Appellant filed another complaint on 17/09/2018 placing the said facts before the Board. Thereafter, the GSPCB conducted another site inspection (after 2 months) on 08/11/2018 and based on this issued a Show Cause Notice (SCN) to the Unit (under section 31A of Air Act 1981 and section 33A of Water Act 1974) on 04/01/2019, after a further delay of 2 months!  
Through this SCN specific directions were given to the Unit to switch over from fire wood ovens to electric oven within 6 weeks, **without giving any other option with respect to the existing chimneys. This proves that the GSPCB is convinced that the directions dated 30/07/2018 were not sufficient to abate health hazards even if fully complied with.** Further, in their subsequent inspections carried out on 24/09/2019, 30/10/2019, 21/11/2019 and 20/12/2019, the GSPCB has confirmed that the directions dated 30/07/2018 were not satisfactorily complied with.
- iv) The Appellant had also lodged a complaint (on 08/10/2018) with the Urban Health Centre, Dept. of Health Services (DHS), Govt. of Goa (Margao) against the health nuisance caused by the Unit. In response, through their letter dated 12/10/2018 addressed to the GSPCB, the

   
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UHC (DHS) has also confirmed that the smoke emitted by the Unit is a nuisance and health hazard to the residents surrounding the Unit. This reiterates the Appellant's claim that the directions issued by the Board on 30/07/2018 have failed to control the smoke emissions and consequent health hazards caused due to the activities of the unit.

- v) The Unit issued an undated reply to the SCN (due latest by last week of Jan 2019) which claimed that it had already acted to comply with the directives of the SCN. Apparently the said undated reply was filed before the Board on 19/02/2019, much beyond the 15 day period granted in the SCN to file the reply. Through this reply, the Unit falsely claimed that they had raised the height of chimneys to 11.5 m and sealed the leaking joints of the same to prevent escape of smoke. Further, the owner of the Unit expressed his inability to switch to electric oven giving unconvincing reasons related to financial constraint and bread quality.
- vi) On account of failure of the GSPCB to dispose of the said SCN the Appellant was constrained to file a Writ Petition in the Hon'ble High Court seeking directions to dispose off the same. Surprisingly, the GSPCB instead of reprimanding the Unit for its blatant disregard for the directions in the SCN rewarded it with a conditional CTO dated 27/06/2019 valid for 6 months by ignoring the complaint of the Appellant. The CTO once again stipulated that the Unit should control smoke and switch over from fuel wood ovens to electric oven (within a period of one year) for considering any extension of CTO.
- vii) The Hon'ble High Court was pleased to dispose of the Petition, vide Order dated 17/07/2019, based on the affidavit filed by the MS (GSPCB) in which she placed the CTO on record. The MS was directed to monitor the Unit (monthly) during the initial consent period of 6 months and take a decision to extend the CTO (for a further period of 6 months) only on satisfactory compliance of the consent conditions. Furthermore, the Unit was directed to shift over from wood fired ovens to electric oven before the expiry of one year's time, as per CTO Condition No. 6. The HC Order also granted liberty to the Appellant to file an appeal before the Appellate Authority against the CTO.
- viii) The Appellate Authority in its Judgment dated 17/12/2019 was pleased to dismiss the Appeal without appreciating the danger of granting a conditional CTO to the defaulting Unit emitting hazardous smoke in a densely populated urban zone and the continuous failure of the same to comply with the statutory directions given by the GSPCB.
- ix) The one year time granted to the unit to shift to electric ovens expired on 27/06/2020, and the unit once again brazenly refused to comply. This compelled the GSPCB to conduct another inspection on 29/06/2020 based on which another Show Cause Notice (No. 10/1/20-PCB/Leg/8399 dated 02/09/2020) was issued (hereinafter referred to as SCN-2), after a further delay of two months!

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6) The following events reiterate GSPCB's **technically correct and consistent stand** that the only alternative to mitigate the said Pollution Hazard caused by the Unit is to switch over from wood fired ovens to electric oven.

i) Vide Directions dated 30/07/2018 (under sections 31 A of Air Act 1981 & 33 A of Water Act 1974) the Unit was instructed either to increase the height of the MS sheets, provided along the boundary of Appellant's house, above the Chimney level or to raise the height of Chimneys above the Appellant's house within three months from the date of issue of the Directions.

ii) As the measures suggested in the directions issued by GSPCB on 30/07/2018 failed to reduce the pollution and consequent health hazards, the Appellant filed another complaint before GSPCB on 17/09/2018 placing the facts before the Board. In this complaint it was requested that the Unit:

(a) should be compelled to raise the height of the Chimneys above the height of the roof ridge of his house by using scientifically erected and homogenous single unit Chimneys having outlets designed to emit the smoke upwards in the atmosphere and not downwards towards the ground as is presently seen and,

(b) should be ordered to stop using fire wood ovens and instead switch over to electric oven.

iii) Similarly, in GSPCB's Inspection Report dated 08/11/2018 based on which the SCN dated 04/01/2019 was issued to the Unit, it was recommended that the Unit:

(a) may be directed to increase the height of the Chimneys above the roof ridge of Appellant's house and seal the chimney joints or,

(b) may be asked to switch over to alternate source of fuel.

iv) However, in its said SCN the GSPCB gave the only and right option of directing the Unit to switch over to Electric Oven within 6 weeks. The very fact that a period of only 6 weeks was given to stop the use of fire wood fueled ovens by ignoring the suggestion with respect to improvement in existing chimneys shows the seriousness with which the GSPCB has taken the danger to health & environment posed by conventional wood fired ovens. In the process, the GSPCB has also acknowledged the fact that despite the raising of Chimney height it was not possible to adequately reduce the hazard posed by smoke emission from wood fired ovens in a densely populated urban locality with multi-storey buildings.

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- v) The conditional CTO granted by the GSPCB on 27/06/2019 to the blatantly non-complying unit is not only against the intent of its own SCN but also contrary to law. Nevertheless, it is important to note that **this conditional CTO reiterates GSPCB's well conceived and consistent stand that the only option before the Unit is to ultimately switch over to electric oven.** The CTO merely extends the deadline to implement the same to one more year i.e., up to 26/06/2020. This works out to an additional unjustly granted delay of about 16 months from the earlier deadline (15/02/2019) to enforce a change that is essential to safeguard human health and environment.
- vi) Continued non-compliance and emission of hazardous smoke compelled the GSPCB to once again issue Directions to the Unit under sections 31A of Air Act (1981) and 33A of Water Act (1974), dated 13/09/19 (Letter No. 10/1/19-PCB/LD-252), to comply with the conditional CTO which included the condition to switch over to Electric Oven by 26/06/2020. As on date the Unit has again failed to abide by this deadline!
- vii) Subsequently, vide Letter No. 1/20/19-PCB/Tech/1601 dated 20/5/2020 the GSPCB has once again reiterated that the unit has to switch to electric ovens **latest by June 2020.** Stack analysis reports were also made available to the Appellant. Needless to say, the Scientist C as well as the Environmental Engineer of the GSPCB have once again acknowledged and concluded that the unit has to ultimately stop burning firewood and switch over to electric ovens.
- viii) It is difficult to comprehend why the GSPCB is granting liberty to an existing illegal Unit that blatantly ignores statutory directions at the cost of human health! The relevant Clause of GSPCB's CTO is reproduced below:

*"This conditional Consent is issued for initial period of six months with instructions to control smoke and shift-over to electric oven within one year"*

- ix) The unit was subsequently served with SCN-2 due to its continued non compliance, based on the inspection carried out on 29/06/2020. The relevant clause of the said notice is reproduced below:

*"Though the emission monitoring at your unit is within limit, the possibility of smoke causing nuisance to the neighbouring buildings cannot be ruled out as their height is more than the chimney height. This was the primary reason to direct the Bakery to shift to electric oven, in such circumstances it would be appropriate to direct the Bakery to stop operations."*



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The said SCN-2 has been issued by GSPCB after observing the unit and conducting numerous inspections right from 2018 (16/04/2018, 08/11/2018, 20/08/2019, 24/09/2019, 30/10/2019, 21/11/2019, 20/12/2019, 29/05/2020 & 29/06/2020). All the inspection reports are available for perusal. It is obvious that GSPCB is convinced that even a better chimney arrangement is not a solution to abate health hazards to the residents of the locality. The nearest residential building (Appellant's house) is hardly 4m from the stacks of the unit. The simple chimneys provided by the unit are barely tied to the roof with wires as such taller stacks should be prohibited as it could make the chimneys potentially unstable resulting in possible collapse, causing irreparable damage to life and property. The GSPCB has acknowledged this fact through its SCN, CTO and SCN-2 which have categorically directed the unit to shift to electric ovens.

- 7) The concerned regulatory Authorities have not taken appropriate action to enforce their own legal directives as stated hereunder:
- i) The GSPCB CTO stipulates that Stack Emission Monitoring shall be carried out once in 3 months through a NABL approved laboratory. Both Stack Monitoring exercises were expected to be carried out by the unit within the initial consent period of six months. This condition was violated as the first stack monitoring took place only on 21/12/2019, just 5 days before the expiry of the CTO. Further, the second stack monitoring analysis mandated before expiry of CTO was actually carried on 08/05/2020 i.e., just 50 days before the expiry the deadline (26/06/2020) by which the unit was expected to switch over to electric ovens in any case.
  - ii) The High Court Order dated 17/07/2019 mandated that the GSPCB shall monitor the Unit once in each of the 6 months of validity of its conditional CTO granted on 27/06/2019, so as to ensure its compliance with the conditions stipulated in it. The available records indicate that the GSPCB has conducted only 5 Inspections dated 20/08/2019, 24/09/2019, 30/10/2019, 21/11/2019 and 20/12/2019.
  - iii) As per GSPCB Directions dated 13/09/2019, the Unit was instructed to pay to the Board an amount of Rs. 25,000/- under the "Polluter Pays Principle" to mitigate the damage to the health & environment by continuous emission of hazardous smoke and particulate matter. There is no evidence to show that this has been complied with.
  - iv) **The validity of CTO (dated 27/06/2019) issued to the Unit has expired on 26/12/2019 and GSPCB inspection dated 20/12/2019 observed that Consent Conditions 4(ii) and 6 were still not adequately complied with till then. However, various other consent conditions were also violated as elaborated below in this report. Fresh Consent is yet to be granted as per the available information.** Thus on

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account of failure of the Unit to comply with the Consent Conditions within the initial 6 months, GSPCB ought to have taken strict cognizance of the situation and taken coercive steps to stop the activities of the unit. However the GSPCB remained a mute spectator in the matter.

- v) The second deadline of 26/06/2020 granted to the Unit to switch over from wood fired ovens to electric oven has also passed by and again the unit has brazenly refused to abide by the same.
- vi) Instead of taking immediate action to stop the functioning of the Unit after the expiry of the said second deadline of 26/06/2020, the GSPCB has allowed the Unit to function illegally as usual till date, without valid CTO. Surprisingly, after a long gap of more than two months after 26/06/2020, the GSPCB has again refrained from any action to stop the Unit till compliance and instead has issued another Show Cause Notice dated 02/09/2020 threatening the revocation of CTO and closure of the Unit, with a notice period of 7 days from the date of receipt of the SCN by the Unit. This appears to be nothing but a ploy to buy time to face the NGT! The question of revocation of CTO does not arise as the validity of CTO issued on 26/06/2019 has already expired more than 8 months back (i. e. on 26/12/2019) and since then the Unit is operational till date, illegally. It is therefore regretfully apparent that for some unknown reason the GSPCB is not keen to promptly control the dangerous pollution and health hazard posed by the Unit. Under the circumstances, a suitable direction from the Honorable NGT is essential to sort out the matter.
- vii) The fact that the Unit is a habitual offender of law is clear from the Notice No. MMC/TECH-700009150/HR769/19-20/1270 dated 19/08/2019 issued to the Unit by the Margao Municipal Council under Goa Municipalities Act (1968). The said Notice records that the Unit has constructed the following illegal structures without permission of the Council as required under section 184 of the Act:
- GI roofing sheet supported with MS Poles on existing Bakery structure of size 8.9m \* 13.0m and height 1m.
  - Flower shop of size 1.6m \* 2.5m.
  - Kitchen Shed of size 3.2m \* 3.3m.
  - Extension of Shed of size 14.0m \* 2.3m.
  - Shed for Bakery fuel wood store of size 5.6m \* 5.4m.

Apparently the above cited illegal structures are still on the ground and there is no evidence of any further punitive action taken by the Margao Municipal Council. The Appellant is in the process of filing a Contempt of Court Petition in the Hon'ble High Court of Bombay at Goa against MMC for its failure to abide by the directions of the Court issued vide WP 417/2020.



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As of today all the deadlines given to the Unit have long expired. Unfortunately, the Unit is still functioning as usual without valid CTO and without complying with the conditions to control smoke and switch over to Electric Oven, in blatant disregard to law, human health and environment. Obviously, the GSPCB has also failed to abide by its mandate to enforce Pollution Control Laws and safeguard health and environment, causing grave injustice to the Appellant in particular and other residents of the locality in general. This state of affairs is bound to embolden the Polluters causing irreparable and widespread damage to human health and environment in Goa, an international tourism destination reputed for its green and clean coastal environment.

### III) Site Inspections:

The site was inspected, to verify the facts in situ, on 19/08/2020 and 03/09/2020 in the presence the Appellant and his son. During the visits we saw the trajectory of severe emission of air pollutants from the Chimneys of the two wood fired ovens operated by the Bakery, from 10:30 am onwards (before-noon) and from 02:30 pm onwards (after-noon). The polluting smoke was spreading in all directions up to the ground level (depending on the wind conditions) and directly entering the "G+1" residence of the Appellant, located barely 4m from the Bakery. It was also affecting other buildings (4 to 5 storey high) situated in the densely urbanized surroundings of the Bakery. It was visually confirmed that the height of the two Chimneys was below the roof-ridge height of the Appellant's residence, which is 9 m from the ground level.

However, it was also apparent that the extended height of the outlet of the Chimneys does not prevent the smoke from spreading towards the direction of the ground. At times, the smoke trajectory was so dense that it was crossing the main road and making it difficult to see the buildings behind the smoke screen. We also saw the deposition of thick black soot, emanating from the Chimneys, on verandah walls of Appellant's house and on the roof of the bakery beneath the Chimneys.

The original height of the Chimneys was raised by attaching crude square shaped extension pipes supported by wires tied to the roof on four sides. Contrary to what is stated in GSPCB's inspection reports, the Chimneys were devoid of Portholes, Platform and Ladder fittings essential to collect stack emission samples as prescribed in the CTO issued by the GSPCB in accordance to CPCB (New Delhi) norms. The crude work of raising the height of Chimneys was apparent by the observed leakages of smoke emission from the extension joints as well as from the joints of the base of the Chimneys and the bakery roof.

At least three sheds were being used for wood storage, worker's kitchen, etc., and these according to the Appellant are illegal extensions to the original bakery premises. Similarly, an illegally erected full metallic roof cover has been provided one meter above the original 'Mangalore' tiled roof of the bakery.

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IV) Comments on the conditions prescribed in GSPCB's Conditional Consent to Operate (CTO) No. 5/6308/18-PSB/CI-5654 dated 27/06/2019 and status of compliance with the same :

Sr. No.	Consent Condition No. in GSPCB CTO dated 27/06/2019	Compliance / Comments
1	2.	<p>There is no mechanism in place to check the limit on production of 60,000 Goan bread loaves (a Goan Bread loaf is known as "Pao") per month imposed by the GSPCB. The latter has to produce proof of compliance of the same.</p> <p>It is evident from 7 Site Inspection Reports presented by the GSPCB (from 16/04/2018 to 20/12/2019) that the Unit actually produces 250 kg of bread per day. A Goan bread loaf ("Pao") typically weighs around 50gm, with a permitted error margin of 5% of the same (as per Department of Industries, Govt. of Goa Notification No. 8/2/2013-IND dated 16/05/2013) (Reference no.1). Hence a total of around 5,000 bread loaves [(250 *1000 gm) /50 gm] are produced per day which translates to around 1,50,000 Goan bread loaves per month.</p> <p>Weight of a typical Goan "Pao" was also confirmed by weighing the same (relevant photo is attached for ready reference).</p> <p>Hence, it is clear that despite the limit of 60,000 bread loaves / month imposed on the unit, by the CTO dated 27/06/2019, the unit is clearly violating the imposed limit by producing two and half times more bread loaves per month.</p> <p><b>It is not clear as to why the GSPCB has imposed a production limit of 60,000 bread loaves per month and failed to enforce the - same!</b> The Board needs to clarify if the quantum of bread production was deliberately sought to be reduced to restrict the consumption of fire wood. The CTO allows 80 kg/day of fire wood to produce 60,000 Goan bread loaves per month.</p>

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		<p>If 80 kg/day of firewood corresponds to 60,000 bread loaves / month, it is obvious that the Unit must be actually consuming up to 200 kg of firewood / day to produce 1,50,000 Goan bread loaves / month ! Consequently, by non-enforcement of its own CTO condition the GSPCB is allowing rampant smoke pollution.</p> <p><b>It is therefore apparent that the production limit imposed by the CTO is being openly violated with the full knowledge of GSPCB.</b></p>
2	3. (i), (ii), (iii) and (iv)	<p>There is no mechanism in place to check the Unit's compliance with these conditions.</p> <p><b>The Board may produce proof of compliance of the same, if any.</b></p>
3	4. (i)	<p>As per the remarks made in GSPCB's Stack Monitoring Reports (2 reports) dated 22/01/2020, it is clear that no air pollution control system has been installed by the Unit.</p> <p>The simple chimneys provided by the Unit merely serve the purpose of conveying the untreated raw emissions (smoke) from the ovens to the open air at a specified height. On the other hand pollution control devices (e. g. Scrubber, Cyclone, etc.) can treat raw emitted smoke to reduce its pollution potential.</p> <p>To assess the impact of emissions on health, National Air Quality Index (AQI) is evolved for twelve pollutants viz., PM2.5, PM10, Nitrogen Dioxide (NO2), Sulphur Dioxide (SO2), Carbon Monoxide (CO), Ozone (O3), Ammonia (NH3) and Lead (Pb) Benzene, Benzo(a) Pyrene (BaP), Arsenic (As), Nickel (Ni) (reference. no. 2). Out of these, fuel wood burning is known to emit significant quantities of PM10, NOx, CO and Ozone. Besides, it also emits toxic 'and/or' carcinogenic Volatile Organic Compounds (VOCs) for which ambient air pollution limits are yet to be established.</p>




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		<p>Hence merely because the total particulate matter (TPM) parameter is within the <b>emission limit</b> of 150mg/Nm<sup>3</sup>, it does not mean that the untreated smoke emitted from the ill designed Chimneys of the Unit, is safe from the health angle. Also, the ovens are fired 4 times a day and each firing lasts a few hours. As such the total quantum of emitted smoke and byproducts of combustion is an important factor. More the absolute quantity of inhaled PM 10 and other byproducts of emission, the more harmful it is. Thus besides TPM per Nm<sup>3</sup> the total quantum of smoke emitted per day along with the hazardous byproducts could give a better picture of the possible ill effects on human health.</p> <p>It is important to note that the Environmental (Protection) Rules 1986 (Reference no. 3) make no mention of emission limit for Bakeries. However, emission limit of <b>150 mg/Nm<sup>3</sup></b> prescribed for TPM vide Environmental (Protection) Rules 1986, is targeted for highly polluting <b>Red category industries</b> such as Calcium Carbide, Carbon Black, 'Copper /Lead /Zinc' Smelting , and Iron and Steel (integrated) etc. Such industries are normally located in exclusive Industrial Zones and Industrial Estates (away from Urban Residential Zone) and provided with specialized, scientifically designed and very tall (30m to 50 m) industrial grade chimneys fitted with special pollution control devices so as to ensure that fumes are safely dispersed without harming human settlements. However, in the present case where the unit is located right in the middle of a multi-storey urban residential area even Chimneys with the prescribed height of 11 m cannot ensure the safety of the residents from the hazardous smoke emission of wood fired ovens.</p> <p>The situation is further aggravated for the Appellant's residence which is barely 4 m away from bakery's stacks. In one of GSPCB's Stack Monitoring Report (sampling date: 13/01/2020) the emission of CO is reported to be as high as 5959 ppm.</p>
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		<p>As per Occupational Safety and Health Association (OSHA), the permissible exposure limit (PEL) of CO is 50 ppm [time-weighted average (TWA)]. Prolonged exposure to this CO emission limit may cause severe health hazards.</p> <p>The Department of Health Services (UHC, Margao), Govt. of Goa, in their letter dated 12/10/2018 addressed to the GSPCB have reiterated that the smoke released by the Unit causes nuisance and health hazard in the neighborhood of the same.</p> <p>In light of the same it is clear that GSPCB has failed to comply with the 'Precautionary Principle' &amp; 'Principle of Sustainable Development' which are required to be applied by every Regulatory Authority, the said Principles being engrained in our Environmental Jurisprudence. The Hon'ble NGT has stressed on this aspect in numerous judgments over the years.</p> <p>Consequently, it is wrong to prescribe a high emission limit (only for one parameter) when its compliance is easy but totally inadequate to guarantee the safety of emissions.</p> <p>Furthermore, without any prejudice whatsoever to the above mentioned points, it is pertinent to note that the Remarks stated in one of the stack analysis reports of GSPCB dated 22/1/20 (2nos) clearly indicate that oven no.2 was also in operation during the time when sampling from oven no.1 was being carried out. In the present case of the unit, each of the two firewood ovens operated by the Unit are connected to a separate Chimney. As such if and when both the ovens are used simultaneously as was done in the above mentioned reports, the emission limit imposed by the CTO should be applicable to the sum of the emission streams let out at the same time by the two Chimneys. The three Stack Emission Reports dated 21/12/2019 (PAPL), 22/01/2020 (GSPCB) and 08/05/2020 (PAPL) indicate that in two cases the sum of TPM released simultaneously by both the Chimneys exceed the CTO TPM emission limit of 150 mg/Nm3:</p>
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Report Dated	TPM (mg/Nm <sup>3</sup> )		TPM (mg/Nm <sup>3</sup> )
	Oven 1	Oven 2	Total
21/12/19	89.2	92.7	181.9
22/01/20	126.0, 107.0	Not known	Not known
08/05/20	84.6	82.4	167.0

Also, the oven firing conditions varied over a very wide range during the three emission monitoring drives undertaken on 20/12/2019, 13/01/2020 and 08/05/2020, and the ovens were not fired to their peak capacity, as more particularly described under Consent Condition no. 4(v) elaborated below.

4	4. (ii)	<p>Through the directions issued by GSPCB on 30/07/2018, the Unit was directed to raise the height of Chimneys above the Appellant's house, the roof of which has a maximum height of 9 m from the ground level ('G+1' house with ground floor ht. = 3m, first floor ht. = 3.5m and ridgeline of roof ht. = 2.5m which comes to a total of 9m from the ground level. Relevant building plans are also available).</p> <p>Pursuant to this the Unit increased the height of its chimneys in August 2018 by inserting extension sections over the existing chimneys and holding the same in place with steel wires tied to the roof. This crude arrangement of extended chimneys has remained the same and untouched since Aug 2018 till date. Further, GSPCB vide inspection dated 08/11/2018 (based on which SCN dated 04/01/2019 was subsequently issued), has recorded the fact that the direction dated 30/7/2018 with respect to chimney height was neither satisfactorily complied with nor was it sufficient to abate the health hazards caused by emission of smoke. Thus specific instructions were issued to switch over to electric ovens.</p>
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		<p>This was further confirmed by the GSPCB in its inspection carried out on 20/08/2019 based on which directions were issued on 13/09/2019 which clearly state that:</p> <p><i>The stack height is inefficient and the smoke emitted was seen spreading out in all directions based on wind pattern.</i></p> <p>Reports of inspections carried out by the GSPCB on 24/09/2019, 30/10/2019, 21/11/2019 and 20/12/2019 also point out that the Unit had not adequately complied with the stack height direction. The relevant clause repeated in all the above mentioned inspection reports is reproduced below:</p> <p><i>"The unit has earlier raised the stack height which seems to be similar to the height of the complainant's house. However the unit may be directed to raise the height of the stacks to about 1.5m to 2m above the roof of the complainant's house."</i></p> <p>However, in the inspection carried out on 29/05/2020 the said direction has wrongly been termed as complied. Actually from August 2018, when the only modification in the height of chimneys was carried out, till date the chimneys have remained untouched.</p> <p>Regrettably, the report of inspection conducted on 29/05/2020 points out the inconsistency of the GSPCB in handling of the present case. The Board has allowed the unit to use the very same chimneys which they termed as 'ineffective / inefficient' on numerous occasions (including in the Inspection Reports dated 08/11/2018 and 20/08/2019 corresponding to SCN dated 4/01/2019 and Directions dated 13/09/19, respectively).</p> <p>In view of the facts stated as above, it is clear that the height of the Chimneys even as on date is below the height of Appellant's house (i.e. &lt; 9 m from the ground level). The makeshift crude Chimneys installed by the Unit do not even adequately serve the primary objective of releasing the raw smoke safely above their outlets. Further, as explained above, it is confirmed that the height of the Unit's Chimneys from August 2018 till the present date</p>
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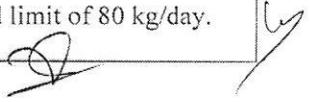
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		<p>is below the roof of Appellant's house and hence less than 9 m from the ground level (Relevant photos are attached herewith for comparison).</p> <p>The GSPCB itself has termed the existing height and arrangement of Chimneys as ineffective and concluded that the emitted smoke spreads out in all directions, including downwards, depending on the prevailing wind pattern (refer GSPCB letter No. 1/25/19-PCB/LD-251 dated 13/09/19). Similarly, GSPCB's Show Cause Notice No. 10/1/18-PCB/LEG/17342 dated 04-01-2019 clearly mentions that this smoke causes health hazards to the people in the vicinity.</p> <p>The EPA Notification No. GSR 178 (E) dated 02/04/1996 prescribes a Stack height of at least 11m from ground level, for the type of firewood ovens used by the Unit (Reference no. 4) .As such, the height of Chimneys prescribed in the CTO (6m) is not only grossly insufficient but is also in contravention of the above Notification. Further, the CTO was issued on 26/06/2019 when the height of Chimneys was already increased to the present level of &lt;= 9 m! This shows that the prescription of Chimney height of 6 m given in the CTO is incorrect and amounts to non-application of mind.</p> <p>Hence, vide this condition of the CTO the Unit has been wrongly allowed to operate using the very same chimneys which the GSPCB itself has termed as ineffective.</p> <p>Also, in the present case of a densely populated multi-storey urban area, even 11 m tall Chimneys are not sufficient to prevent smoke from directly entering dwelling units located on 1<sup>st</sup> floor or above. The GSPCB has acknowledged this fact through its SCN and CTO which have categorically directed the Unit to switch over from wood fired ovens to electric oven.</p> <p>Evidently, the Chimney height prescribed in the CTO is wrong and its compliance amounts to reduction in the existing height which is highly detrimental to the residents of the area.</p>
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5	4. (iii)	<p>It is not known whether the unit burns up to 80 kg/day or more of fire wood since there is absolutely no mechanism in place to check this routinely. Also, the basis on which the GSPCB has arrived at this quantity of wood is not clear. It is however confirmed by GSPCB inspections cited above that the Unit produces 250 kg of Goan bread loaves per day (i.e., 1,50, 000 loaves/month). This is two and half times more than the limit of 60,000 loaves /month imposed by the CTO.</p> <p>To obtain a rough idea of probable actual fire wood consumption by the Unit three different methods have been used, based on the figures given in the CTO and available research data, as under:</p> <ul style="list-style-type: none"> <li>i) Doctoral research work done in Mozambique (East Coast of Africa) has concluded that, on an average, it takes 0.7 kg of fire wood per kg of wheat flour baked for bread making. As the Unit in question produces 250 kg/day of bread loaves, it may consume at least 175 kg of fire wood per day. (Reference no. 5)</li> <li>ii) The CTO allows 80 kg/day of fire wood to produce 60,000 bread loaves per month. If 80 kg/day of firewood corresponds to 60,000 bread loaves / month, it is apparent that the Unit must be actually consuming up to 200 kg of firewood / day to produce 1,50,000 bread loaves / month.</li> <li>iii) As per available research data (Wikipedia – M. K. Misra study) (Reference. no 6) between, 0.43 % to 1.82 % of burnt firewood (dry basis) results in Ash. According to the CTO as well as GSPCB inspection reports, the firewood consumed by the Unit results in 5 kg of Ash per day. Consequently, to generate the latter a maximum of 1250 kg/day and a minimum of 280 kg/day of dry firewood will be consumed depending on the type of wood (i.e. an average of 765 kg/day).</li> </ul> <p>The above calculations indicate that to produce 250 kg/day of bread loaves, on an average, 380 kg/day of fire wood will be consumed. This is much more than four times the prescribed limit of 80 kg/day.</p>
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		<p>The fact that the said limits of 60,000 bread loaves/month and corresponding 80kg firewood per day imposed by the CTO were violated is clear from the inspection reports of GSPCB from 16/04/2018 to 20/12/2019. The latter also indicate that about 5kg of ash is produced per day by combustion of firewood. The same quantity of ash was produced by the unit even earlier when it was operating illegally without obtaining the CTO from GSPCB.</p> <p><b>Hence it is clear that the fire wood consumption limit of 80 kg/day prescribed under the CTO is not practical and hence is not complied with.</b></p>
6	4. (iv)	<p>According to this Consent Condition, the Unit has to provide Portholes, Platform and Ladder for each of its Chimneys in accordance with Central Pollution Control Board (CPCB) Guidelines (Method 1 Part 1 of Stack Monitoring- Material &amp; Methodology for Iso-kinetic Sampling) (Reference no. 7).</p> <p>CPCB Guideline No. 1.3 stipulates that Portholes should be located at least 2 stack diameters below stack exit and at least 8 stack diameters above last obstruction. The last obstruction in this case is the joint between the two sections of the extended chimneys which have different cross sectional diameter (seen in photos). Thus the Portholes should have been located between the said joint and the chimney exit (closer to the latter). Obviously, unless the height of the Chimneys is increased as required it is not possible to install Portholes and Platform in accordance to Guideline No. 1.3. Similarly, it appears that Guidelines for fixing stack platform (stipulated under items 1.4.3 to 1.4.9) have not been followed.</p> <p>GSPCB's Inspection Report dated 30/10/2019 states that the Unit has complied with the present condition of installation of Portholes and Platform. However, as per subsequent GSPCB Inspection Reports dated 21/11/2019 and 20/12/2019 the Unit has not complied with the requirement of raising the height of Chimneys above the roof ridge of Appellant's house (more particularly described under Consent Condition 4(ii) stated above). It is therefore apparent that the Unit has installed Portholes and Platform without complying with the height requirement of Chimneys and hence in <b>contravention of the CPCB Guideline No. 1.3, cited above.</b></p>

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		<p>The current status of the Chimneys, as confirmed through latest photos of the same (attached here to), reveals that their height has remained the same since Aug 2018 till date (i. e., below the 9 m high roof ridge of Appellant's house). This means that the Chimney height of 11 m reported in all Stack Analysis Reports is incorrect. <b>Further, no Porthole, Platform or Ladder is visible on the Chimneys.</b></p> <p>The GSPCB has to clarify the basis on which their Inspection Reports dated 30/10/19, 21/11/2019 and 20/12/2019 claim that the present condition of installing Portholes and Platform has been complied with, without raising the height of Chimneys to the required level.</p> <p>Further, mere monitoring of smoke emissions cannot be an answer or justification in the matter since visible raw smoke still enters Appellant's house till date.</p> <p><b>Hence, it cannot be concluded that this condition has been complied with by the Unit.</b></p>
7	4. (v)	<p>The Unit has submitted two Analytical Reports each, for stack emission samples collected on 21/12/2019 and 08/05/2020. Similarly, the GSPCB has prepared one Analytical Report for stack samples collected on 13/01/2020. However, as explained above, it is apparent that the sampling of stack emissions was not conducted as prescribed under condition 4. (iv).</p> <p>At the time of stack sampling for compliance emission testing, it should be ensured that the oven is operating at 90% to 100% of its full load or maximum capacity prescribed in the CTO. In other words, the Unit should operate at a permitted production rate which results in maximum emission. The Stack Analysis Reports submitted by the Unit as well as by the GSPCB do not specify the time of sampling vis-à-vis the state of firing of the Ovens.</p> <p>Further, a perusal of the said six Stack Emission Analysis Reports indicates that at the time of <del>sampling</del> <b>sampling the Stack Velocity and Stack Volume of Flue Gases</b> varied from 2.15 m/s to 11.72 m/s and from 326 Nm<sup>3</sup>/hr to 2343 Nm<sup>3</sup>/hr, respectively. This confirms that the oven firing conditions varied over a very wide range during the three emission monitoring drives undertaken on 20/12/2019,</p>

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	<p>13/01/2020 and 08/05/2020. Obviously, irrespective of the TPM content expressed in mg/Nm<sup>3</sup>, the absolute pollution load over an extended period of time will be very high when the Stack Volume of Flue Gases is 2343 Nm<sup>3</sup>/hr compared to when it is just 326 Nm<sup>3</sup>/hr. Also, TPM (mg/Nm<sup>3</sup>) should be much higher on those days when the ovens are fired to their full capacity.</p> <p>Smoke and soot from wood burning is a significant source of air pollution negatively impacting human health and environment. The incomplete combustion occurring during wood burning is mainly responsible for the smoke that contains several air pollutants causing health hazards. These include Carbon Monoxide (CO) which reduces the ability of blood to supply oxygen to body tissues, Nitrogen Oxides (NO<sub>x</sub>) which adversely affect the respiratory system, Volatile Organic Compounds (VOCs) which contain "toxic/carcinogenic" substances (e.g., Benzene, Formaldehyde, etc) and Particulate Matter (PM 10) having diameter of &lt; 10 microns which can enter the lungs and cause respiratory diseases including cancer. Further, VOCs react with NO<sub>x</sub> in sunlight to form Ozone which causes lung injuries resulting in breathing problems.</p> <p>Although several dangerous pollutants are released during combustion of wood as mentioned above, the CTO prescribes stack emission standard only for Total Particulate Matter. Consequently, even if the content of the latter is found to be within prescribed emission limit it is not safe to conclude that the smoke emitted by the Unit is not hazardous. In one of GSPCB's Stack Monitoring Report (sampling date: 13/01/2020; Oven:1) the CO emission level is reported as 5959 ppm .</p> <p>The situation is further aggravated for the Appellant's residence which is barely 4 m away from bakery's stacks.</p> <p>Also, in the of the Unit operating in the midst of a densely populated multi-storey urban area, even a Chimney of 11 m height is not sufficient to prevent smoke from directly entering houses located above 1<sup>st</sup> floor. The GSPCB has acknowledged this fact through its SCN and CTO which have categorically directed the Unit to switch over to electric ovens.</p>
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		<p>The present operation of the Unit violates the right of residents for clean air and as such this issue supersedes any other point raised for its justification. The question of allowing the fire wood fueled Unit under some emission limit in a residential area does not arise when one can see visible smoke directly entering the surrounding residential premises. Recent photos and videos are available to prove this situation.</p> <p><b>Hence, the compliance with this condition does not ensure the safety of affected residents in the vicinity of the Unit.</b></p>
8	4. (vi)	<p>The Unit employs numerous woodcutters who engage in constant woodcutting throughout the day and constantly exceed the noise levels permitted in a residential area. The board officials have not considered this aspect and have not put any mechanism in place to monitor the same on a daily basis.</p> <p><b>Hence the relevant condition of the CTO is not complied with.</b></p>
9	5. (i) and (viii)	<p><b>The Board may produce proof of the Unit's compliance of these general conditions.</b></p>
10	6.	<p><b>The condition to switch over from fuel wood fired Ovens to Electric Oven is the most important and sole prerequisite prescribed by the GSPCB to issue a regular CTO to the Unit.</b></p> <p>The instruction to control smoke was to provide relief to the Appellant and other residents of the locality in the interim period from the date of issue of the CTO till 26/06/2020, the deadline set to switch the operation of the Unit to Electric Oven.</p> <p>The relevant clause repeated in GSPCB inspection reports dated 20/08/2019, 24/09/2019, 30/10/2019, 21/11/2019 and 20/12/2019 is reproduced as under:</p> <p><i>"As far as shifting to electric oven is concerned, the unit has to do so within a year from issue of consent."</i></p> <p><b>Apparently, the Unit has not bothered to comply with this condition till date, after the expiry of the said deadline. The only option before the GSPCB now is to close the Unit.</b></p>

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V) Other Issues of "Technical/Enforcement" Importance

1) The unit dumps large quantities of firewood in an illegal structure constructed within its premises barely 2m from the Appellant's house and gas cylinders are also stored next to the same in an illegally constructed kitchen. This is a matter of great safety concern. It is apparent that the officials of the Board have not contacted the Appellant during their site inspections and as such many concerns at loco have not been brought on record. Numerous woodcutters are engaged by the unit and their work exceeds the noise levels permitted under the said CTO.

2) It is not known whether the quantum of firewood burnt at the time of carrying out stack analysis is the same as that used on any other day during baking. None of the stack analysis reports mention the actual quantum of firewood burnt at the time of sampling for stack analysis.

3) The said unit operates barely 4m from the Appellant's residential house. The ovens are fired four times a day (10am, 3pm, 4.30pm and 9pm) as is admitted by the owners of the Unit. However the Board has conveniently chosen not to bring on record the duration of each firing, which lasts for many hours. The stack analysis report submitted by the unit itself indicates that at times huge amount of smoke is emitted every hour by the unit, through unscientifically designed makeshift chimneys. One can only imagine the total quantum of smoke emitted on a daily basis, 365 days a year. This is on account of the fact that the Board has permitted the unit to burn 80 kg of firewood per day in their conditional consent to operate, without putting a mechanism in place to check the actual quantity utilized on ground. The primary condition upon which the Consent was granted was to shift to electric oven within a period of one year. The unit has failed to comply with the said condition and yet the Board has conveniently allowed the unit to abuse the green category tag attached to the same.

4) Ambient Air Quality Index and its consequent impact on health is based on twelve pollutants, namely, PM10, PM2.5, NO2, SO2, CO, O3, NH3, Pb, Benzene, Benzo(a) Pyrene (BaP), Arsenic (As), Nickel (Ni) which are dangerous for human health and environment. Out of the said pollutants, wood burning is known to emit substantial quantities of PM10, NO2, CO and Ozone, mainly due to incomplete combustion in conventional fire wood Ovens. In addition, it also emits hazardous Volatile Organic Compounds (VOCs) which are 'toxic / carcinogenic'. The CTO prescribes emission standard only for Total Particulate Matter (TPM). Merely

because the stack analysis reports for TPM are within the emission limit of 150mg/Nm<sup>3</sup> does not mean that the stack smoke emission is not harmful. Also, in the present case of a densely populated multi-storey urban area, even 11 m tall Chimneys are not sufficient to prevent smoke from directly entering dwelling units located on 1<sup>st</sup> floor or above. The GSPCB has acknowledged this fact through its SCN, SCN-2 and CTO which have categorically directed the Unit to switch over from wood fired ovens to electric oven.

- 5) While applying the Polluter Pays principle to the Unit, the Board had reiterated & confirmed that the stacks provided by the unit are inefficient in controlling the smoke and that the smoke emitted spreads in all directions based on wind pattern. Various Inspections carried out by the GSPCB thereafter and recent "photographs / videos" available with the Appellant confirm that till date the Chimneys emit smoke all over and even up to ground level.
- 6) As certified by various inspection reports submitted by the GSPCB, the Unit produces 250 kg of bread loaves per day. A Goan bread loaf typically weighs around 50gm. Hence a total of around 5000 pieces [(250 \* 1000 gm) / 50 gm] of bread are produced per day. The present sale price of Goan bread is Rs. 4 to 5 per piece. Thus the total revenue per day works out to at least around Rs. 20,000 /- per day, which is substantial. **Thus the claim of the bakery that it does not have finances to shift to electric oven (refer reply filed to the Show Cause Notice dated 04/01/2019) is not valid.** Contrary to certain aspersions, present day Electric Ovens are better than traditional wood fired ovens on a number of counts such as:
  - i) Ease of maintenance
  - ii) Low operational cost
  - iii) Automatic and precise temperature control
  - iv) Convenient and facile to clean
  - v) Devoid of restrictions to install
- 7) A large quantity of black soot is observed on the roof of the Bakery as seen in pictures. The stacks of the said unit being barely a few meters from the Appellant's house, soot eventually finds its way into the Appellant's residential premises. The CTO fails to address this issue which further corroborates that electric oven is an effective way to avoid this problem.
- 8) The bakery has provided a roof made of MS sheets over its existing roof of mangalore tiles (refer photos). It is observed that some of the **smoke is trapped between the two roofs and escapes from the open sides of the same just next to the appellant's house.** The said MS roof has been erected without obtaining any permission from the

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concerned authorities such as the Margao Municipal Council and the TCP Department. The transgression report issued by the Margao Municipal Council clearly mentions that the said roof is constructed without obtaining permissions as required. The Conditional CTO has not taken this aspect into account.

9) The SCN and the inspection report attached therewith acknowledge that the workers indulge in dumping of live "coal/ashes" from the ovens within the bakery's compound very close to the Appellant's house. This causes additional uncontrolled "smoke/dust" emissions and nuisance directly affecting the Appellant's house. The said 'coal/ashes' weigh up to 5kg/day which is a significant figure (as per inspection reports). The Conditional CTO does not take this in to account.

10) The chimneys of the Unit are made of sub-standard steel sections tied by wires to the roof and loosely secured extension joints allowing free escape of smoke and pollutants through the same. The entire Chimney arrangement is unscientific and crude. The SCN and the inspection report attached therewith confirm that smoke escapes through the said joints. The Conditional CTO does not indicate how this problem can be rectified.

11) From recent photos and video recordings available with the appellant, it is clearly visible that thick and dense cloud of smoke is emitted from the Unit routinely and it spreads up to the opposite side of the street. The density of emission often makes it difficult to see buildings situated behind the smokescreen. However, the GSPCB inspections dated 20/08/2019 and 24/09/2019 have reported that only sparse smoke was observed from one of the chimneys. Similar observation was also made in the inspection carried out on 30/10/2019. Further on 29/05/2020 the Board officials have not noted any smoke emission at the time of inspection. Hence, prima facie it appears that the unit does not adequately fire its ovens or does not fire its ovens at all on the days when the Board officials visit the unit for their inspections. This is probably done deliberately to try and hide the extent of nuisance caused by the Unit. **One can therefore cast aspersions on the results of Stack Analysis** unless the GSPCB discloses its methodology to ensure that the Unit does not vitiate its normal oven firing procedure to try and reduce smoke emission during the sampling of stack emissions by the monitoring staff.

12) The Hon'ble National Green Tribunal through various judgments has made it abundantly clear that whenever polluting units are found operating in a residential area (without CTO or in violation of CTO), coercive steps need to be taken to stop such units, recover compensation and restore the environment. Goa State Pollution Control Board is well aware of rampant pollution caused

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for decades by M/s French Bakery in Aquem - Margao which is a densely populated residential area. This is a fact admitted by the Unit itself. The Hon'ble National Green Tribunal has held that acts of polluters which cause health hazards should not go unpunished in a civilized society governed by the rule of law. Despite having acknowledged the hazards caused by the unit on numerous occasions, the Board has till date failed to stop the activities of the unit. Merely imposing a fine under the "Polluter Pays Principle" and then allowing the unit to continue its polluting activity cannot be an answer or justification in the matter. The damage caused to the Appellant's property and health of his family members cannot be ignored merely by claiming that cost to restore the environment has been recovered.

13) In Kolkata City Wood Fired Ovens are extremely rare these days. Existing wood fired ovens in the city have been ordered to switchover to Electric Ovens (The Indian Express, Kolkata, dated 12/01/2020) (reference no.8) . As per West Bengal Pollution Control Board, in Kolkata City only Bakeries of less than 10 tons per day capacity using oil, gas or electricity as fuel are classified in Green Category.

Similarly, in the National Capital Territory of Delhi, Fire Wood as fuel is permitted only for Crematoria and other religious purposes and not for Bakery Ovens (Delhi Department of Environment Notification F. No. DPCC/RDPC/141/2017/3692 dated 29/06/2018) (Reference no. 9).

14) Fire wood fueled bakeries are third largest source of PM10 emissions (16%) in Mumbai. In a recent (2018) case of fuel wood based Fernandes Bakery in Girgaum, Mumbai, a local resident (Mr. Hemant Sukhtancar) complained that he had to undergo Lung Function Tests and was hospitalized because of the smoke emanating from the Bakery. In the year 2015, the Bombay Municipal Corporation had directed that the Bakery should use eco-friendly oven and install scrubbers to absorb extra dust and carbon emission or face closure. However, the matter could not be resolved satisfactorily for a long time until 2018. Later in October 2018, after the intervention of Central Pollution Control Board and Maharashtra Pollution Control Board in the matter, the BMC directed that the Bakery shall immediately switchover from fire wood ovens to natural gas fueled or electric furnaces [Hindustan Times (Mumbai) dated 08/11/2018]. (reference no. 10)

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- 15) Even in Goa, modern day bakeries are using electric ovens. 'NM Bakers' located in Verna Industrial Estate which cater to all the Monginis outlets in Goa and 'Montana Confectionary' located in Corlim Industrial Estate which cater to all the Pastry Palace outlets in Goa are proof of the same. The said bakeries are also into production of Goan bread (besides other products).
  
- 16) A similar case was filed before the Hon'ble National Green Tribunal, Eastern Zone Bench (Tapan Kumar Bhowmick & Others v/s West Bengal Pollution Control Board & Others, Original Application no. 99/2015/EZ), wherein despite the direction issued by the West Bengal Pollution Control Board (WBPCB) to the project proponent to change the system from firewood to clean fuel i.e. electricity, it was not done. The Hon'ble National Green Tribunal vide its judgment directed the WBPCB to recall the Consent to Operate. An order of injunction was also passed restraining the operation of the Bakery and the Police Commissioner of Kolkata Police Department was directed to take steps to ensure compliance of the order. (Reference. no 11).

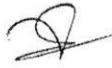
**Dr. Naraina P.S. Varde**  
 M.Sc. (Agri) (UAS, Bangalore, India)  
 Ph.D. (University of Hawaii, USA)  
 (Retired Head/Director, DSTE, GOG  
 & Member Secretary, GCZMA)  
 NABET accredited EIA Consultant  
 & Functional Area Expert (SC/LU)

**Mr. Vishal B. Sannakki**  
 M.Sc. Equivalent in Env. Science  
 (Vasantdada Sugar Institute, Pune)  
 Advanced Diploma in Industrial  
 Safety (Maharashtra State Board of  
 Technical Education), Partner of  
 Env. Consultancy & Lab. Firm

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## IMPORTANT EVENTS: DATEWISE

EVENT	DATE	REMARKS
1) I Complaint to GSPCB	19/02/2018	
2) I Inspection of GSPCB	16/04/2018	Ht. of House from GL: 6m Ht. of Chimneys from GL: 4m
3) Directions by GSPCB	30/07/2018	Based on the above inspect. Raise Ht of Chimneys above App. House by 13/10/18
4) I Complaint Letter to Health		
5) I Health Dept. Notice	28/08/2018	
6) Application for CTO	28/08/2018	
7) II Complaint to GSPCB	17/09/2018	
8) II Complaint Letter to Health	08/10/2018	
9) Health letter to GSPCB	12/10/2018	
10) II Inspection of GSPCB	08/11/2018	Ht. of House from GL: 6m Ht. of Chimneys from GL: 5.5m Recommended Ht. increase
11) SCN of GSPCB	04/01/2019	Based on the above inspect. Directed to shift to El. Oven by 15/02/19
12) Reply to SCN	Undated	Due by last week of Jan 2019


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| 13) | Electric Oven Inst. Deadline           | 15/02/2019 |   |
| 14) | Appellant Letter to GSPCB              | 27/02/2019 |   |
| 15) | Consent To Operate (CTO)               | 27/06/2019 | Specified Ht of Chimneys:6m   |
| 16) | HC Order                               | 17/07/2019 |   |
| 17) | III Inspection Report<br>(mon. insp I) | 20/08/2019 | No prov. made for Stack Mon.  |
| 18) | GSPCB Directions                       | 13/09/2019 | Make Port hole/platform<br>Mon. Stack emissions<br>Raise Chimneys Ht 1.5m<br>to 2m above Appll. House &<br>Shift to El. Oven as per CTO |
| 19) | Polluter Pays Directions               | 13/09/2019 | Confirmed that Chimney Ht is<br>inefficient and smoke is<br>spreading in all directions<br>depending on wind pattern                    |
| 20) | GSPCB Mon. Inspection II               | 24/09/2019 | Making Platf. & Port in progrs.<br>Should raise Ht of Chimn by 1.5<br>m to 2m above house roof ridg                                     |
| 21) | Pollution Pays deadline                | 30/09/2019 |   |
| 22) | GSPCB Mon. Inspection III              | 30/10/2019 | 'Platform / Port' done.<br>Should raise Ht of Chimn by 1.5<br>m to 2m above house roof ridg   |
| 23) | GSPCB Mon. Inspection IV               | 21/11/2019 | Should raise Ht of Chimn by 1.5<br>m to 2m above house roof ridg  |
| 24) | Appellate Auth. Judgment               | 17/12/2019 |   |
| 25) | GSPCB Mon. Inspection V                | 20/12/2019 | Should raise Ht of Chimn by 1.5<br>m to 2m above house roof ridg  |

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| 26) | Stack An. Rep. I (PAPL)    | 21/12/2019 |  |
| 27) | Stack An. Rep. II (PAPL)   | 21/12/2019 |  |
| 28) | Expiry of CTO              | 26/12/2019 |  |
| 29) | Stack An. Rep. III (GSPCB) | 13/01/2020 |  |
| 30) | Stack An. Rep. IV (GSPCB)  | 21/01/2020 |  |
| 31) | Stack An. Rep. V (PAPL)    | 08/05/2020 |  |
| 32) | Stack An. Rep. VI (PAPL)   | 08/05/2020 |  |
| 33) | GSPCB letter (Env. Engin.) | 20/05/2020 | Confirms that GSPCB Insp. dated 20/12/20 was the last one held before the one held on 29/05/20 |
| 34) | GSPCB Insp. Rep. VI        | 29/05/2020 | Chimney Ht directions reported as complied for the first time.                                 |
| 35) | GSPCB Show Cause Notice    | 02/09/2020 |  |

  
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**BACKGROUND OF EXPERTS**

**1. Dr. NARAINA P. S. VARDE**

Dr. Naraina P. S. Varde retired as the 'HOD/Director' and ex-officio Joint Secretary of the Department of Science, Technology and Environment (DSTE), Government of Goa, on completion of 35 years of tenure in Government service. He was Member Secretary of the Goa Coastal Zone Management Authority (GCZMA) from 1998 to 2006. During the period spanning from 1990 to 2010, he played a key role in the setting up, initiation and furthering of activities of Goa Environment Protection Council, Goa State Council of Science and Technology, Goa State Pollution Control Board, Goa Energy Development Agency, Goa State Remote Sensing Centre and Goa Coastal Zone Management Authority, in his capacity as the founder "Member Secretary/Member" of the said entities.

In his capacity as the Director of DSTE, Govt. of Goa (1988 to 2010), Dr. Varde has had a long experience in Environmental Impact Assessment of development projects, Ecological "activities/projects", enforcement of Environmental laws including CRZ regulations, promotion of Science & Technology and popularization of Renewable Energy.

While on study leave (1979-1987) as an East-West Centre Fellow, he secured his Ph.D. degree in Agronomy and Soil Science from the College of Tropical Agriculture and Human Resources, University of Hawaii, Honolulu, Hawaii (USA) and worked on post-doctoral Research & Development assignments under the auspices of East- West Center (Hawaii) and USAID in the Philippines, Indonesia, Guinea-Bissau (West Africa) and Comoros (East Africa). Dr. Varde holds a Post-Doctoral Certificate in Remote Sensing (EROS, North Dakota) and M.Sc. (Agri)/ B.Sc.(Agri) degrees from University of Agricultural Sciences (Karnataka, India). He has several publications to his credit.

Since his retirement on superannuation in 2010, Dr. Varde is working as a freelance Consultant in the fields of environmental impact assessment, coastal zone management, assessment of environmental damage, valuation of agricultural lands and allied techno-legal matters. He is also a NABET accredited empanelled Functional Area Expert (in Soil Conservation, Land Use/Land Cover) and EIA Coordinator, associated with five NABET (QCI) approved Environmental Consulting Firms.



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**MR. VISHAL BASAWANNI SANNAKKI**

Mr. Vishal Basawanni Sannakki holds a M. Sc. equivalent degree in Environmental Science from Vasantdada Sugar Institute, Pune (recognized by the Association of Indian Universities, New Delhi) and an Advanced Diploma in Industrial Safety from the Maharashtra State Board for Technical Education. Presently he is a Partner of 'ESRO' an Environmental Consultancy & Laboratory Firm based in Panaji - Goa which provides environmental monitoring and management services to industries based in Goa and in adjoining areas of Karnataka and Maharashtra. Mr. Sannakki has 15 years of experience in Environmental Consultancy, Laboratory work and Environment Impact Assessment (EIA). He is a NABET approved Empanelled Functional Area Expert in the fields of Air Pollution Monitoring, Prevention & Control (AP) and Water Pollution Monitoring, Prevention & Control (WP).



  
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## REFERENCES WITH RESPECT TO FRENCH BAKERY REPORT:

- Department of Industries, Govt. of Goa Notification No. 8/2/2013-IND dated 16/05/2013. (ref no.1 ).
- MOEF (GOI), 2009: Notification No. GSR 826 (F) dated 16/11/2009 (Ref. no. 2).
- Environmental Standards For Ambient Air, Automobiles, Fuels, Industries and Noise, Central Pollution Control Board (MOEF), New Delhi. (PCLS/4/2000-2001)([www.cpcbenvvis.nic.in](http://www.cpcbenvvis.nic.in)). (Ref no. 3).
- MOEF (GOI), 1996: Notification No. GSR 176 (E) dated 02/04/1996 (Ref no. 4).
- Fabiao Armando Monhinca, 2014: Ph. D. Research on Wood Fired Ovens, Dept. of Chemical and Biological Engineering, Chalmers's University of Technology, Gothenberg, Sweden (ref. no. 5).
- Wood ash composition as a function of furnace temperature by Mahendra K Misra and others – Department of Mechanical Engineering, University of Wisconsin – Madison, USA. (% of wood that turns to ash on combustion) (ref no 6).
- Guidelines on Methodologies for Emission Monitoring, Central Pollution Control Board (MOEF) (LATS/80/2013-2014) ([www.cpcb.nic.in](http://www.cpcb.nic.in)) (Ref no. 7).
- The Indian Express, Kolkata, dated 12/01/2020: Regarding Wood Fired Ajmiri's Bakery in Kolkata and Instruction to change to Electric Oven (ref no. 8).
- Dept. of Environment (Delhi Pollution Control Committee), 2018: Notification F. No. DPCC/RDCP/141/2017/3692 dated 29/06/2018. (ref no.9).
- Hindustan Times, Mumbai, dated 08/11/2018: Pollution caused by Fernandes Bakery, Bhalero Marg, Gaiwadi, Girgaum, Mumbai.(Ref no.10 ).
- Tapan Kumar Bhowmick & Others v/s West Bengal Pollution Control Board & Others, Original Application no. 99/2015/EZ (ref no.11).



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**Photographic illustrations:**

- 1) Google earth image showing the densely populated urban setting, with relative positions of the unit and Appellant's house (**Image-1**).
- 2) Status of the Unit's Chimneys prior to GSPCB's Directions dated 30/07/2018. The height of the Chimneys was approximately 5 m from the ground level (**Photo-1 & Photo-2**).
- 3) In response to Directions dated 30/07/2018, the Unit increased the height of Chimneys (in August 2018) by inserting steel sections of around 3.5m over the existing Chimneys and held the same in place with steel wires as seen in Photos displayed below. By this modification the height of Chimneys is now <=9m. The 9 m high roof ridge of Appellant's G+1 house may be seen in the foreground, for comparison. The status of the said Chimneys has remained the same till date. Further no porthole, platform or ladder is visible. The cross sectional difference between the two sections of the chimney at the joint is also clear from the pictures clicked on 19<sup>th</sup> July 2020 & 22<sup>nd</sup> Aug, 2020. (**Photo-3, Photo-4, Photo-5 & Photo 6**).
- 4) Photos clicked on 22<sup>nd</sup> June, 2019 and displayed below confirm that the Unit has been allowed to use the same Chimneys which the GSPCB itself have termed as 'inefficient / ineffective' on a number of occasions (e.g. Inspection Report dated 20/08/2019, Directions No. 10/1/19-PCB/LD-252 dated 13/09/2019, Polluter Pays Principle Notice No. 1/25/19-PCB/LD-251 dated 13/09/2019). As stated earlier, the status of Chimneys has remained the same from August 2018, when the only height increase was carried out, till date (**Photo-7, Photo-8 & Photo-9**).
- 5) The following photo indicates the illegal MS roof provided over the existing Mangalore tiles roof of the Unit. Difference in height of the two chimneys is also apparent (thus the 11m height of both Chimneys mentioned in the Stack Analysis Reports is incorrect). The photo also shows the illegal structures erected by the Unit within its premises. No porthole, platform or ladder are visible on the Chimneys (**Photo-10**).
- 6) Photos displayed below show the quantum of smoke emission from the Chimneys. The dense smokescreen often makes it difficult to see the buildings in the background and the smoke directly enters the residential premises of the Appellant (**Photo-11, Photo-12, Photo-13, Photo-14 & Photo-15**).

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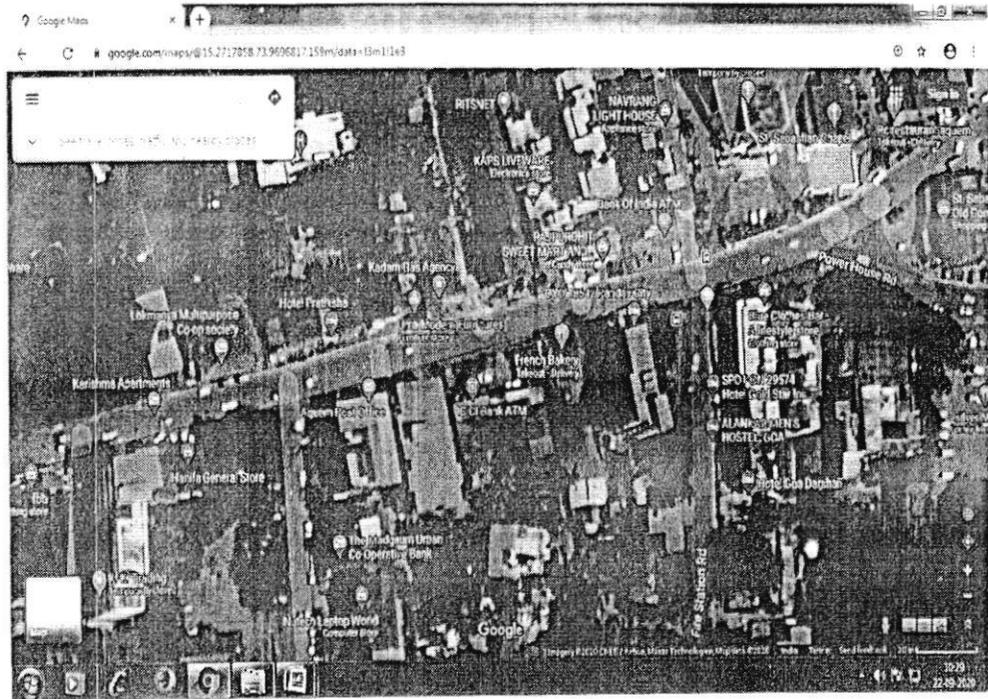
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- 7) The following photos clearly show that the smoke spreads out in all directions, depending on the wind pattern. The smoke also reaches the ground level and even travels across the main road towards the opposite side. Numerous multi-storey buildings are also seen in the vicinity of the Unit (**Photo-16, Photo-17, Photo-18, Photo-19, Photo-20 & Photo-21**).
- 8) The following photo indicates the soot deposited inside the Appellant's residential premises (**Photo-22**).
- 9) The following photos show truckloads of firewood which regularly arrives at the Unit's property. The firewood is subsequently chopped by woodcutters and dumped in illegal structures constructed within the Unit's property, adjacent to the illegal kitchen which houses several gas cylinders. The quantum of soot deposited on the roof of the Unit is also visible (**Photo-23 & Photo-24**).
- 10) The following photo shows woodcutters constantly chopping firewood and exceeding noise levels permitted in a residential area (**Photo-25**).
- 11) The following photo indicates the weight of a typical Goan bread ("*Pao*") (**Photo-26**).
- 12) A typical arrangement of Porthole, Platform and Ladder for Stack Emission Sampling which is in accordance with the Central Pollution Control Board Guidelines for Iso-kinetic Sampling (Method 1 part 1), is reproduced below (**Sketch-1**).



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IMAGE -1



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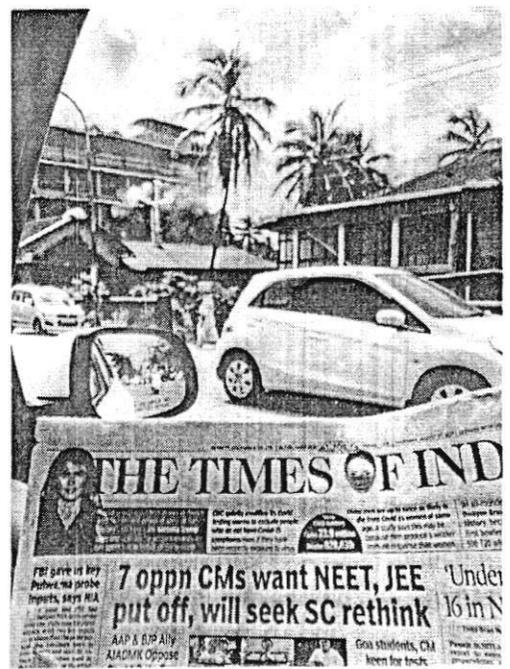
PHOTOS-1,2



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PHOTO-3, 4



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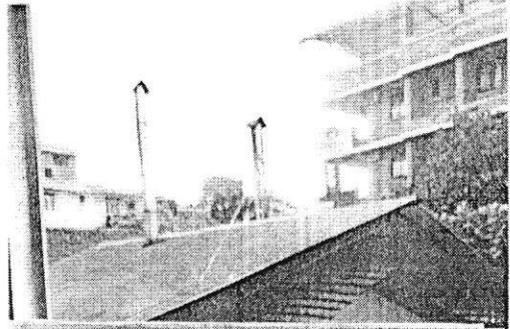
PHOTOS-5, 6



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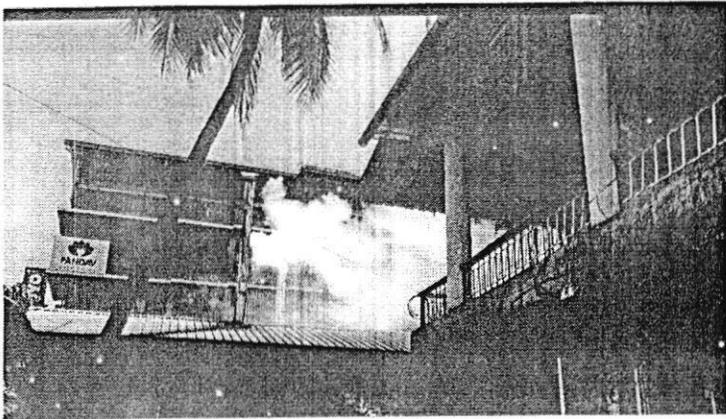
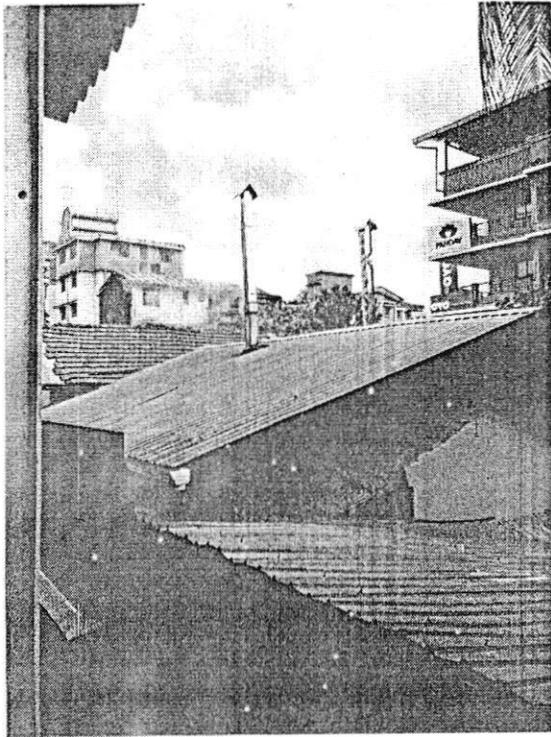
PHOTO-9



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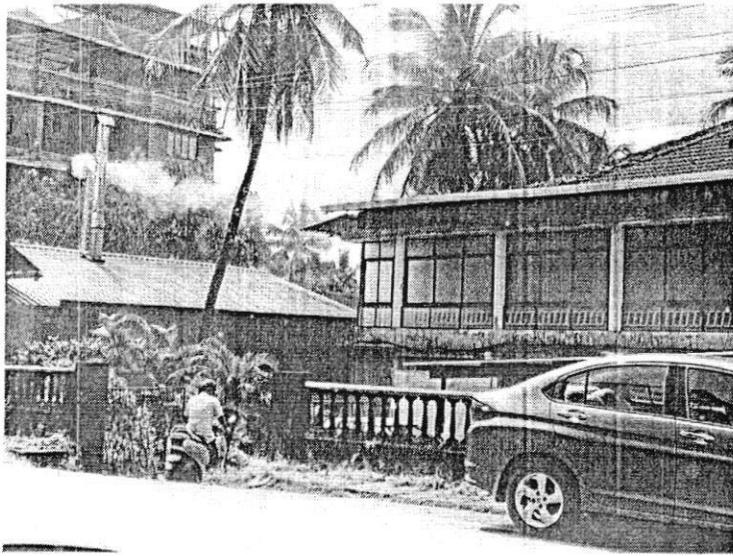
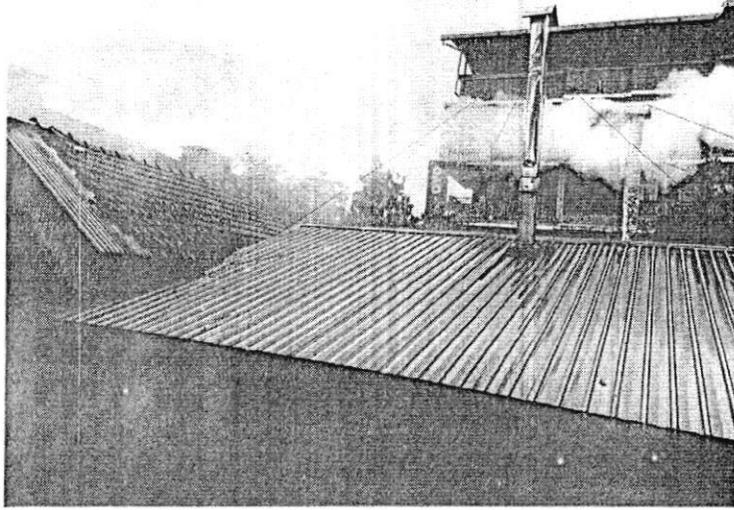
PHOTOS - 10, 11



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PHOTOS - 12, 13



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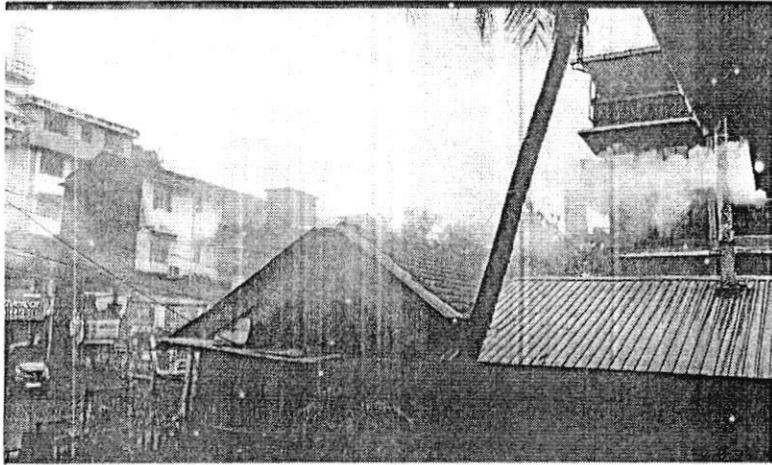
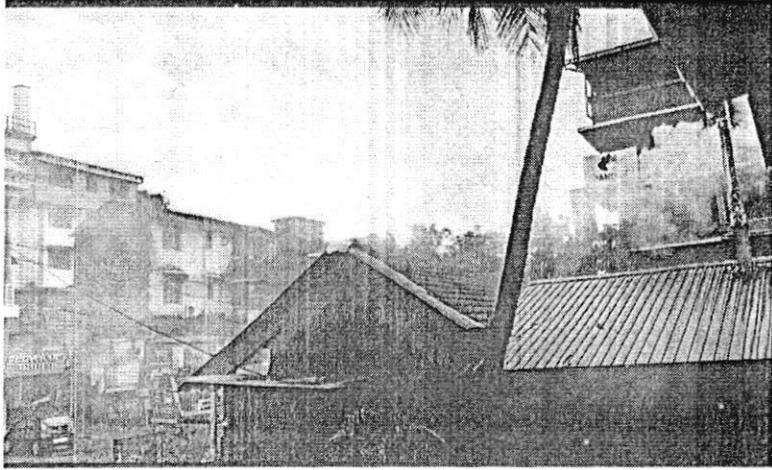
PHOTOS - 14, 15



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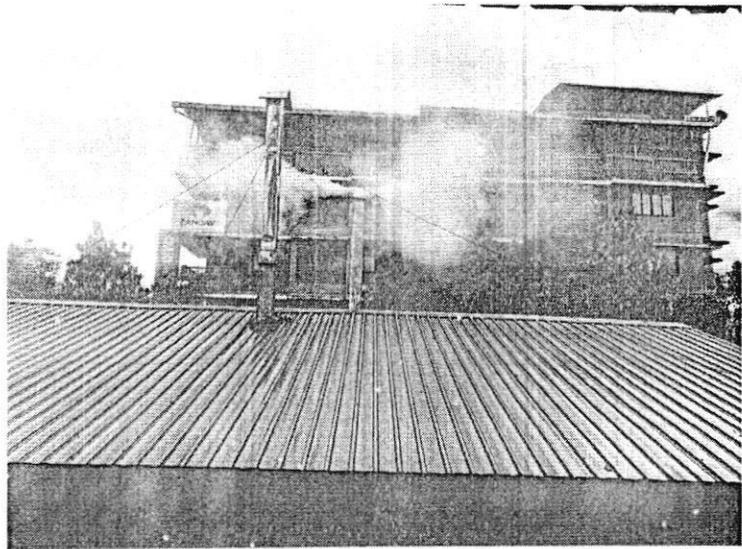
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PHOTOS - 16, 17



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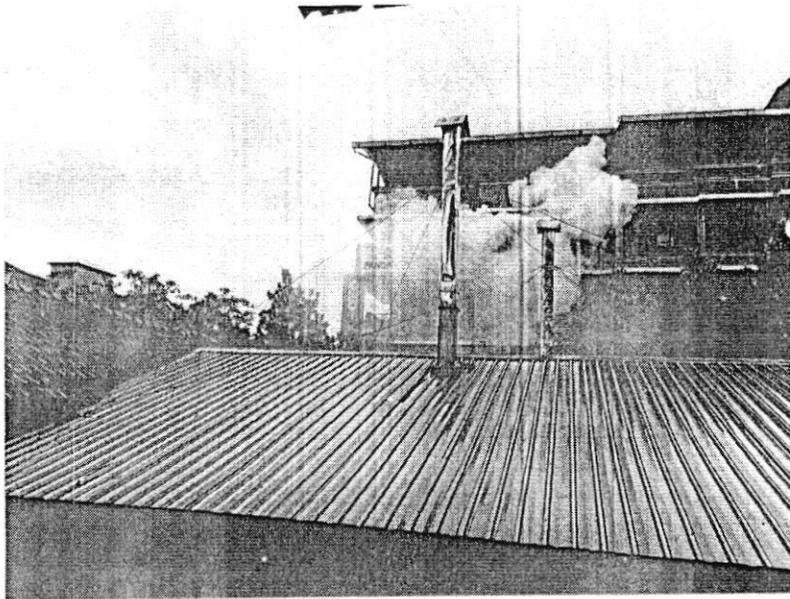
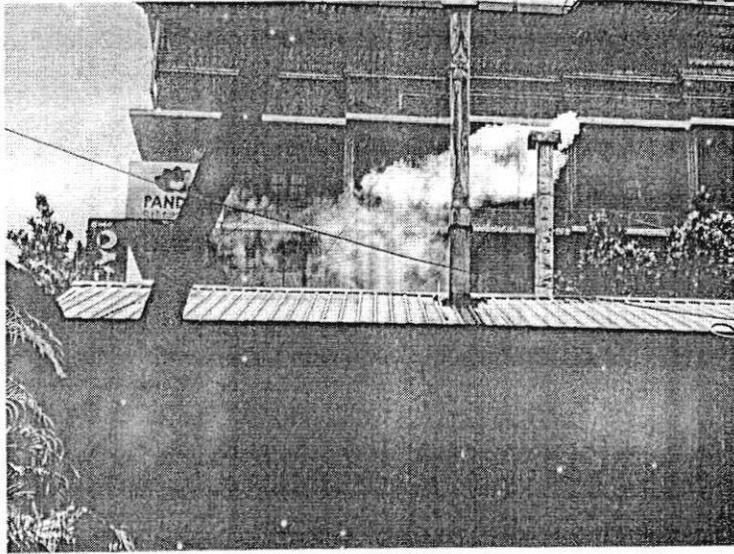
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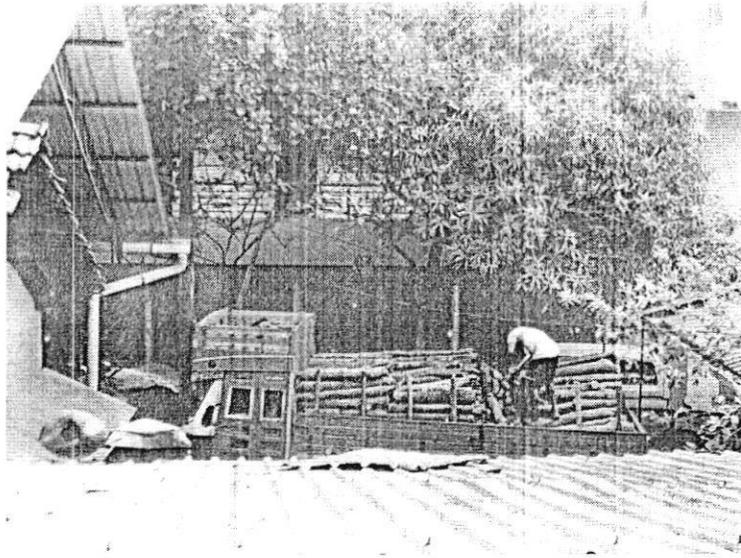
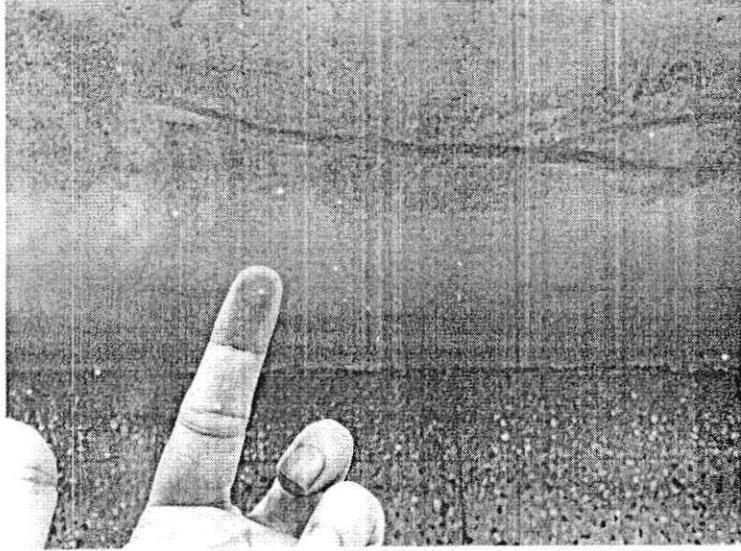
PHOTOS - 20, 21



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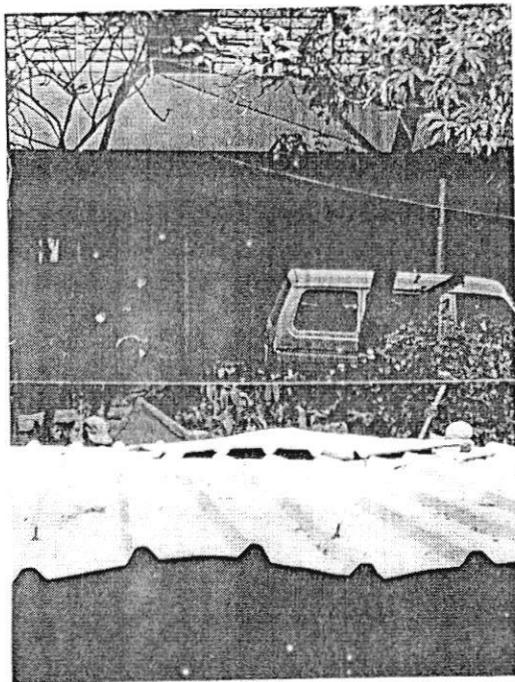
PHOTOS 22, 23



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PHOTOS - 24, 25

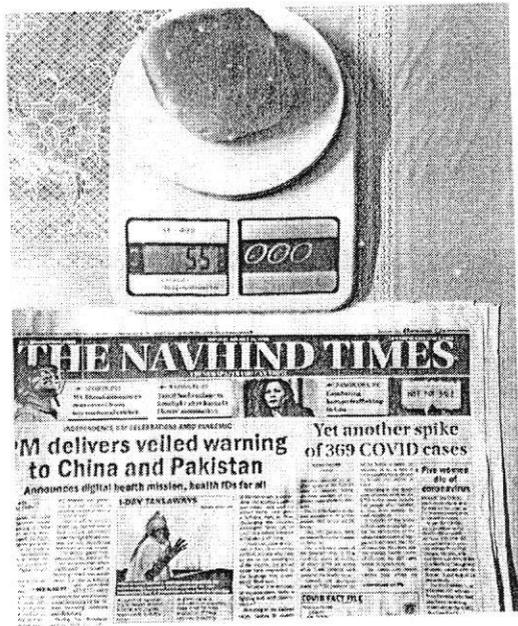


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PHOTO 26



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SKETCH - 1

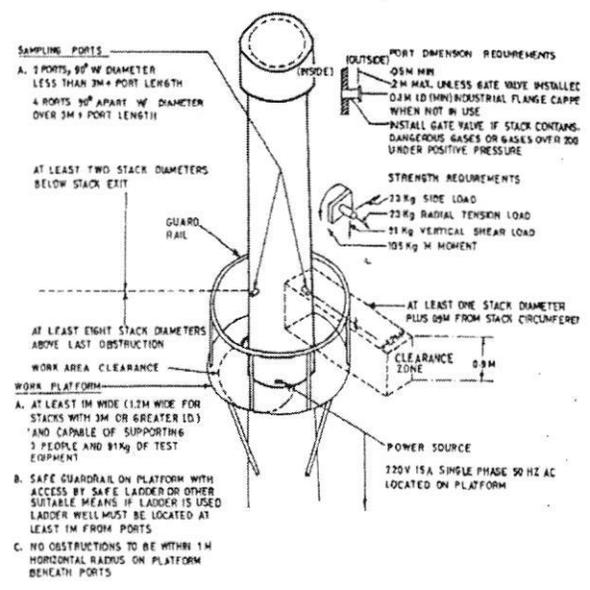


FIGURE 1.6 Typical sampling provision

2.0 REFERENCES

1. Comprehensive Industry Document Series: COINDS/ 20/ 1984 - 85, Central Pollution Control Board

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ANNEXURE - 21/12

190

No. 346 /AT/2020/Poll/Ap/1/2020/Air/P.B.

**BEFORE THE ADMINISTRATIVE TRIBUNAL OF GOA AT PANAJI**

Dr. Vaidya Hospital Bldg., 3<sup>rd</sup> Floor Market Panaji Goa.

Case No:- Pollution Appeal No. 1/2020/Air

In

Misc. Apln. No. 95/2020/Stay/Poll/ap

14/11/20  
12/11/2020  
Time on 10:35

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Pltcy  
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note  
along with  
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letter  
Press  
12/11/20  
Hoy

Before the Appellate Authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act 1981.

**APPELLANT(S):** M/s. French Bakery, Represented by its Proprietor

**APPLICANT(S):** Mr. Mario Gil R. Gomes, R/o H. No. 510, Nr. St. Sebastian Church, Aquem, Margao, Salcete-Goa.

V/S

**RESPONDENT(S):** The Goa State Pollution Control Board, through its Chairman, Having its Office at Nr. Pilerne Industrial Estate, Opp. Sailgao, Seminary, Sailgao-Bardez-Goa. 403511. & Anr.

**NOTICE**

To,

1. The Goa State Pollution Control Board,  
Through its Chairman,  
Having its Office at Nr. Pilerne Industrial Estate,  
Opp. Sailgao, Seminary, Sailgao-Bardez-Goa. 403511

2. Mr. Mahendra S. Kakule,  
R/o Caculo House, Near Aquem Post Office,  
Margao-Goa.

.....Respondents

Sir

M/s. French Bakery, Represented by its Proprietor, Mr. Mario Gil R. Gomes, R/o H. No. 510, Nr. St. Sebastian Church, Aquem, Margao, Salcete-Goa, has filed before the Appellate Authority a Memorandum of Appeal alongwith application for stay against Order No. 10/1/20-PCB/Leg/12892 dated 27/10/2020 passed by the Goa State Pollution Control Board under section 31 of the Air (Prevention and Control of Pollution) Act 1981.

AND WHEREAS, this Hon'ble Tribunal has ordered to issue notice to you returnable on **13<sup>th</sup> day of November, 2020 at 10.30 A.M.**

YOU ARE, THEREFORE, required to appear before this Tribunal in person or through your duly authorized agent/pleader on scheduled date & time for hearing of the above case, failing which the matter will be heard and determined in accordance with Law.

GIVEN under my hand and the seal of this Tribunal this 11<sup>th</sup> day of November, 2020.

Encl: As above.



*Dorothy D'Mello*

(Dorothy D'Mello)

REGISTRAR  
ADMINISTRATIVE TRIBUNAL  
PANAJI-GOA

Copy for information to:

Shri. Gaurang Panandiker, Advocate for Appellant, Tonca, Caranzalem-Goa.

GG/-

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ANNEXORE R1/13

191

**Inspection Report**

Sub: Inspection of the unit M/s French Bakery, Aquem-Margao regarding verification of the compliance submitted by the unit with regards to Boards directions dated 16/12/2020.

**Reference:** 1) Directions Order no.10/1/20-PCB/Leg/16546 & E-mail dated 16/12/2020  
2) Reply letter date 17/12/2020

As directed the undersigned along with Mrs. Milagrina Colaco (FA) carried out inspection on 07/01/2021, regarding above mentioned subject. Mrs. Celina Gomes (unit representative) was present at the time of inspection.

**Observations:**

- The unit M/s French Bakery was not in operation during inspection, as informed by the unit representative the same is not in operations since 17/12/2020.
- It was observed during the inspection that the unit was selling bakery products, on inquiry it was informed that the said products are bought from the other manufactures.
- No raw material was seen stored within the unit premises during inspection.



Ashley Pereira (EA)

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BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE, PUNE

192

APPEAL NO. 08/2020 (WZ)

IN THE MATTER OF:

MAHENDRA S. KAKULE

...APPELLANT

VERSUS

GOA POLLUTION CONTROL BOARD & ORS.

...RESPONDENTS

KNOW ALL to whom these presents shall come that I, \_\_\_\_\_, GSPCB, the above named **Respondent No. 1** do hereby appoint **Ms. Ruchira Gupta Advocate**, hereinafter called the advocates to be my/our Advocates in the above noted case and authorize them:-

1. To act, appear and plead in the above mentioned case in this Court or any other Court in which the same may be tried or heard in the First instance or in Appeal or letters patent appeal for review or revision or execution or in any other stage of its progress until its final decision.

2. To sign, file, verify and present pleadings, appeals, letters patent appeal, petition of appeal to Supreme Court, cross objections or petitions or execution, review, revision, withdraw compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.

3. To file and withdraw documents and to admit and/or deny the documents filed by the opposite party; to take execution proceedings.

4. To withdraw or compromise or compound the said case or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.

5. To receive moneys and grant receipts there for and to do all other acts and things which may be necessary to be done for progress and in the course of the prosecution of the said case.

6. To employ any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred on the Advocates whatever they may think fit to do so.

And I/We hereby agree to ratify whatever the Advocates or their substitute shall do in the premises.

And I/We hereby agree that in the event of the whole or any part of the fees agreed by me/us to be paid to the Advocates is remaining unpaid, they shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have explained to and understood by me, on this the 25 day of January, 2021.

Accepted.

  
Advocate



  
Client(s)  
Member Secretary  
Goa State Pollution Control Board

