

**BEFORE THE NATIONAL GREEN TRIBUNAL ,  
PRINCIPAL BENCH , NEW DELHI  
( Through Video Conferencing )**

**Original Application No. 07/2018 (WZ)**

Prakash Virsingh Adhe & Others .....Applicants

Vs

M/s.Kashmira Stone Crusher & Others .....Respondents

**Reply Affidavit on behalf of Respondent Nos. 8 & 9 MPCB :-**

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I, Pravin Manohar Joshi, Age-55, occupation: Service, Working as Regional Officer, Maharashtra Pollution Control Board i.e Respondent No.8 having my office address at Plot No. A-1,MIDC Area, Chikhalthana, Aurangabad, do hereby state on solemn affirmation as under :-

- 1) I say that vide Tribunals order dated 29/6/2020 , the Joint Committee was directed to submit current and further action taken report in the above matter .
- 2) I say that on 11/6/2020 , the Board officials did visit to Respondent No. 1 unit i.e.M/s. Kashmira Stone Crusher at Gat.No. 42 , 43 , village -Manmodi, Taluka – Jintur , District -Parbhaniand observed that the stone crusher unit alongwith Asphalt plant were completely dismantled and and no machinery was found at the unit site . I say that Respondent No. 1 has a valid consent to operate till 31/1/2024 .Hereto annexed and marked the visit report dated 11/6/2020 as **Annexure “ A-1”**.

Pravin Manohar Joshi  
25/7/2020

**BEFORE ME**

SUNIL PANDIT RAO DOUND  
Notary Govt. of India  
Reg. No.: 3435

3) I say that on 20.04.2017, 31.10.2017, 08.10.2018, 30.11.2018 and recently on 21/11/2019, the Board officials visited to the Respondent No. 3 unit i.e. M/s. Krushna Stone Crusher at Gat No. 71, Village – Malegaon, Taluka -Jintur, District -Parbhani. I say that Respondent No. 3 unit was not found in operation as per all these visits. I say that on 3/9/2018, the Board had issued Direction to Respondent No. 3 not to restart the stone crushing activity till obtaining of valid consent from the Board. I say that the applicant Respondent No. 3 had applied for the consent but the said was refused u/s 27 of the Water Act , 1974 and u/s 21 of the Air Act,1981 by the Board on 20/12/2019 owing to the non-fulfilment of sitting criteria i.e not meeting of distance criteria with respect to human habitation. I say that further considering the non-compliances by the Respondent No. 3 unit , the Closure Direction is issued by the Board on 10/7/2020 and also directed the competent authority to disconnect the electricity and water supply of Respondent No. 3 . In this regard, Deputy Executive Engineer, Jintur Sub-Division (BU2372) has reported that the power supply of said unit is disconnected on 15.07.2020.

Hereto annexed and marked Consent Refusal Order dated 20/12/2019 and Closure Direction dated 10/7/2020 as **Annexures “ A-2” and “A-3” respectively .**

4) I further say that Tahsildar of jintur , District –Parbhani has submitted report to the Board on 10/7/2020 stating that Respondent No. 1 stone crushing unit i.e M/s. Kashmira Stone Crusher at Gat.No. 42 , 43 , village -Manmodi , Taluka – Jintur , District –Parbhani and stone quarry and Respondent No. 3 stone crushing unit i.e M/s. Krushna Stone Crusher at Gat No. 71 ,

**BEFORE ME**

**SUNIL PANDITRAO BOUND**  
Notary Govt. of India  
Reg. No. 3435

*(Handwritten signature)*  
25/12/2020

Village – Malegaon , Taluka -Jintur , District -Parbhani , both the units are not in operation since last two years . Hereto annexed and marked Annexure “ A-4” is the Tahsildar Report dated 10/7/2020.

5) I say that the Environmental Compensation of Rs. 937500/- has been imposed to Respondent No.1 i.e. M/s Kashmira Stone Crusher, Gat No 43, Manmodi, TqJintur, Dist-Parbhani as per CPCB guidelines and the Environmental Compensation to Respondent No 3 i.e. M/s Krishna Stone Crusher, Gat No 71, Malegaon , Tq. Jintur, Dist-Parbhani is NIL.

6) In view of the above , it is submitted that nothing survives in the above O.A to consider further and therefore it may kindly be disposed of.

Solemnly affirmed on this 25<sup>th</sup> day of July , 2020 .

For and on behalf of Respondent Nos. 8 & 9

*Identified by me*  
*Atam B. Bandar*  
*Adv.*

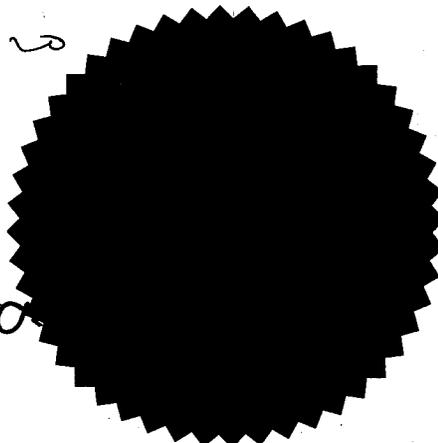
*(Dr. P. M. Joshi)*

Regional Officer - Aurangabad

*25/7/2020*

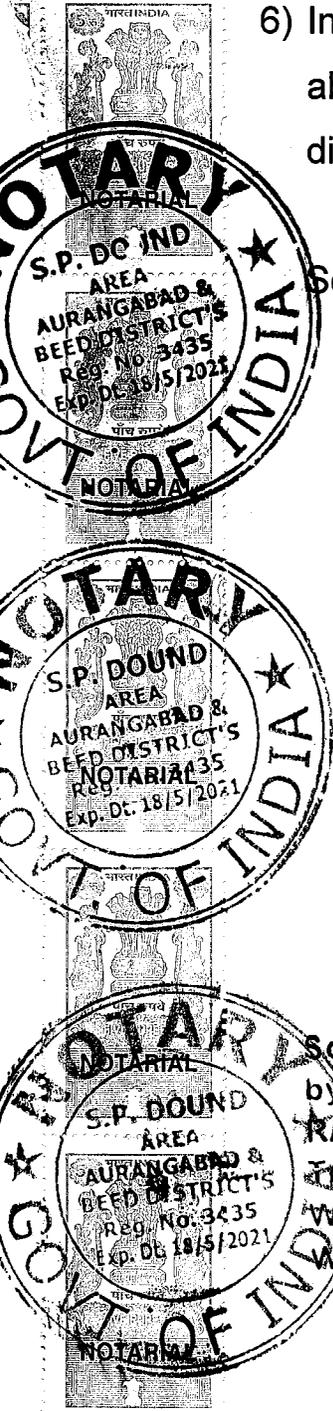
**AFFIDAVIT**

Solemnly affirmed before me  
by Shri / Smt. Auram B. Bandar  
R/o. Abd Dist. Abd  
Who identified by Adv. Atam Bandar  
Whom He/ She is personally Known.



NOTED & REGISTERED  
AT Sr. No. 11045/20  
THIS DOCUMENT CONTAINS  
12 PAGES

**BEFORE ME**  
*(Signature)*  
**SUNIL HANDIRAO DOUND**  
B.A., LL.B  
Advocate Notary Govt. of India  
AREA-AURANGABAD & BEED DIST'S  
R: (0240)-2481952 (M)9371003334  
Reg. No. 3435



ANNEXURE "A-1"

## MAHARASHTRA POLLUTION CONTROL BOARD

Tel: (02452) 226687

Sub-Regional Office

Devkrupa Building,

First Floor Rangnath Maharaj Nagar

Nandkheda road Parbhani-431401

Website: <http://mpcb.gov.in>E-mail: [sroparabhani@mpcb.gov.in](mailto:sroparabhani@mpcb.gov.in)

mpcb.gov.in



1	Name	Kashmira stone crusher
2	Address	Gat No 42, 43 At :- Mangroli Tal Jintur Dist Parbhani
3	Capacity	?
4	Distance From	
i)	Habitation (Gaathan)	Apdhe vashi about 500 mtrs village about 700 mtrs
ii)	Highway (National/State)	Jintur - Jalna SH 222 about 700 mtrs
ii)	River	Purna river about 250m
v)	Distance of Crusher from boundary of the plot	About 50 feet
	Is there possibility of shifting Crusher within the plot, if criteria is not meet	No.
	Air Pollution Control System	
	Control Measures	Installed
i)	Dust Supervision System	Stone crusher & Bitumen (dambes) plant is dismantled at the time of write
	Wind Breaking Wall	—/—
	Metalled Road within Premises	—/—
	Regular Cleaning & Wetting of ground within the Premises	—/—

v)	Green belt along with the periphery	Approx ~ 50 no of trees
7	Any other control System (Describe) Source Water supply	—
8	Source of Electricity (Address of MSEB office concerned)	
9	Comments like:	
i)	Needs shifting	—
ii)	Needs control system	—
iii)	Needs improvement in control system	—
1)	Site visited by	S.M. Jirapuse
	Date of inspection.	11/06/2020

Remarks:-

- i) At the time of visit the stone crusher unit plant & Bitumen (Damber) plant is dismantled. There is no machineries at the site
- ii) Consent copy not at the site

SA  
 सागर कामरा  
 मजदूर  
 कर्मचारी संगठन

(S.M. Jirapuse)  
 Field Officer  
 MPCB  
 Parbhani

ANNEXURE "A-2"**MAHARASHTRA POLLUTION CONTROL BOARD**

Tel.No. (0240) 2473462  
Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,  
A-4/1, MIDC Area, Chikalthana,  
Behind Daynik Lokpatra, Near Seth  
Nandlal Dhoot Hospital, Jalna Road,  
Aurangabad-431 210.

**By FAX/R.P.A.D./HAND DELIVERY:**

No. MPCB/ROA/Refusal/ /2019  
1912001185

Date:- 20/12/2019

To,

M/s. Krishna Stone Crusher,  
Gat No. 71, Malegaon, Tq. Jintur,  
Dist: Parbhani.

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

- Ref:- 1) Your application UAN No. 0000079104.  
2) Letter issued by Sub-Regional Officer, MPCB, Parbhani dated 26/09/2019.  
3) Visit of Board Officer to your unit on 21/11/2019

WHEREAS, we refer your application for grant of Consent to Establish/Operate under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016.

AND WHEREAS, the Sub-Regional Officer of the Board at Parbhani submitted your processed application and reported that the site of your unit does not fulfill the distance criteria with respect to human habitation

In view of above, your application for grant of Consent to Establish/Operate is hereby refused under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981.

For and on behalf of  
Maharashtra Pollution Control Board,

(R.A. Rajput)  
Regional Officer-Aurangabad.

Copy submitted to :-

1. The Membr Secretary, MPCB, Mumbai.
2. The Joint Director (APC), MPCB, Mumbai.
3. The Sr. Law Officer (P&L Divn.), MPCB, Mumbai.

Copy forwarded to :-

1. The Sub-Regional Officer, MPCB, Parbhani - He is directed to serve this notice to the above said industry and report accordingly.
- Copy to Master File, MPCB, Aurangabad.

ANNEXURE "A-3"

**MAHARASHTRA POLLUTION CONTROL BOARD**

Tel.No. (0240) 2473462

Fax No. (0240) 2473461



Regional Office, Paryavaran Bhavan,  
A-4/1, MIDC Area, Chikalthana,  
Behind Daynik Lokpatra, Near Seth  
Nandlal Dhoot Hospital, Jalna Road,  
Aurangabad-431 210.

**By FAX/R.P.A.D./HAND DELIVERY:**

No. MPCB/ROA/DIR/ /2020

2007-FIS-0115

Date:- 10/7/2020

To,  
M/S, Krishna Stone Crusher,  
Gat No. 71, Village Malegaon, Tq. Jintur,  
Dist: Parbhani.

**Sub:-Directions of Closure under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.**

- Ref:- 1) Directions issued by Board vide letter No 1254 Dt-03.09.2018.  
2) Visit of Board Officer to your unit on 21.11.2019.  
3) Refusal of Consent of stone crusher unit vide letter Dt-20.12.2019.  
4) Proposal submitted by Sub-Regional Officer, MPCB, Parbhani on 10.07.2020 through legal module.

WHEREAS, it is obligatory on your part to obtain the Consent to Establish/Operate under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016 from Maharashtra Pollution Control Board prior to establish any industrial activity . AND WHEREAS, it is also obligatory on your part to provide adequate pollution control systems and operate & maintain the same continuously and effectively so as to achieve the standards prescribed under Environment (Protection) Act, 1986 and to avoid any sort of pollution problem in the surrounding area.

AND WHEREAS, the officer of the Sub-Regional Office, MPCB, Parbhani vide above reference (2) visited your plant and reported that you have installed the stone crushing unit without obtaining valid Consent from the Board, which is an offence.

AND WHEREAS, your application for consent to Establish was already refused by Board vide reference (3) above for the reason that your location does not satisfy the stone crusher siting criteria and you have not provided adequate air pollution control equipments i.e dust suppression system for screen & conveyor belts, water sprinkling arrangements, wind breaking wall, metallic roads within premises and sufficient tree plantation around stone crusher.

AND WHEREAS, as per Board's Circular regarding siting criteria for stone crusher units dt-04.03.2020 the unit shall be located minimum 500 mtrs away from Human Habitation, Educational Institute/ Hospitals & Historical Monuments etc , 1 KM away from National

Highway, 0.5 KM away from State Highway, 200 mtrs away from Major District & Other Roads. Against this your unit location not fulfilling the distance criteria.

AND WHEREAS, in spite of sufficient lapse of time you have not made any efforts towards compliance of environmental enactments.

AND WHEREAS, from the record of your case and observations made during the visits of Board Officer to your unit on 21.11.2019, I am satisfied that you have installed the plant without obtaining valid Consent from the Board and with inadequate air pollution control measures thereby violated the provisions of various environmental enactments and damaging the surrounding environment knowingly and willfully.

NOW, THEREFORE, in exercise of the powers conferred upon me by the Board under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, I, Dr. P M Joshi, Regional Officer of the Board at Aurangabad hereby direct you to stop your manufacturing activity with safe closure time period and stop the fresh feeding of raw material forthwith so as avoid further damages to the surrounding environment and inform the same to this office immediately. The competent authorities are directed to disconnect the electricity and water supply of your unit, which may be noted.

  
 (Dr. P M Joshi)  
 Regional Officer - Aurangabad.  
 10/12/2019

Copy submitted for information to :-

1. The Member Secretary, MPCB Mumbai.
2. The Joint Director (APC), MPCB, Mumbai.
3. 4. The Sr. Law Officer (P&L Divn.), MPCB, Mumbai.

Copy f.w.cs.to :-

1. The Deputy Superintending Engineer, MSEDCL, Jintur, Dist-Parbhani – It is directed to disconnect the electricity supply of above cited industry and report the action taken from your end at the earliest.
2. Sarpanch/Gramsevak, Village Malegaon, Tq-Jintur, Dist: Parbhani – It is directed to disconnect the water supply of above cited industry and report the action taken from your end at the earliest.

Copy forwarded to :- The Sub-Regional Officer, MPCB, Parbhani. He is directed to serve the copy of these Directions to the said industry immediately and report the compliance accordingly.

ANNEXURE "A-4"

जा.क्र.2020/गौ.ख/कावि- 558  
तहसिल कार्यालय जितूर  
दि. 10.07.2020

प्रति

मा.जिल्हाधिकारी परभणी

विषय :- Original Application No.07/2018 (WZ)  
Prakash Virsingh Adhe and Others  
V/s.  
Kashmira Stone Crusher and Others

संदर्भ :- १) आपले कार्यालयाचे जा.क्र.२०२०/महसुल/गौख/कावि- दि.०९.०७.२०२०  
२) मंडळ अधिकारी चारठाणा यांचा दि.१०.०६.२०२० रोजीचा अहवाल.

महोदय,

उपरोक्त विषयाच्या अनुषंगाने सादर करण्यात येते की, आपले कार्यालयाचे संदर्भ क्र.०१ अन्वये विषयातील मुळ अर्ज ०७/२०१८ प्रकाश विरसिंह आढे व इतर विरुद्ध कश्मिरा स्टोन क्रशर व इतर दाखल झाले असून त्यामध्ये मा.जिल्हाधिकारी तथा प्रतिवादी क्र.०४ म्हणुन समाविष्ट करण्यात आले बाबत कळवुन मा.जिल्हाधिकारी यांच्यावतीने बाजु मांडण्यासाठी तहसिलदार जितूर यांना प्राधिकृत करण्यात आले बाबत कळविले आहे.

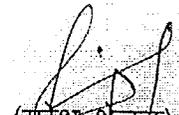
त्या अनुषंगाने सादर प्रकरणी मंडळ अधिकारी चारठाणा यांचा अहवाल मागविण्यात आला असून संदर्भ क्र.०२ अन्वये त्यांनी अहवाल सादर केलेला आहे.

मंडळ अधिकारी चारठाणा यांच्या अहवालान्वये मौजे मानमोडी येथील ग.नं. ४२ व ४३ मधील कश्मिरा स्टोन क्रशर व खदान तसेच मौजे मालेगाव येथील गट क्र. ७१ मधील कृष्णा स्टोन क्रशर व खदान हे मागील दोन वर्षांपासुन बंद असलेबाबतचा अहवाल संदर्भीय क्र. ०२ अन्वये या कार्यालयास सादर केलेला आहे.

तरी वर नमुद दोन्ही क्रशर व खदानी सदय स्थितीत बंद आहे.

करिता अहवाल सविनय सादर.

आपला विश्वासु,

  
(सुरेश शेजूळ)  
तहसिलदार जितूर

प्रतिलिपी

1. मा.उपविभागीय अधिकारी सेलू यांना माहितीस्तव सविनय सादर

— स्वा —  
(सुरेश शेजूळ)  
तहसिलदार जितूर

प्रति,

दि. 10/07/2020

भा. तहसिलदार साहेब,  
तहसिल कार्यालय, गिंतूर  
ता. गिंतूर जि. परभणी

विषय: - मौ. मानमोडी ग्रॅपील स्टोन केशर व खदान तसेच  
मौ. माणेगाव ग्रॅपील स्टोन केशर व खदान बाबत  
अहवाल सादर करणेबाबत.

संदर्भ: - भा. तहसिलदार साहेब, गिंतूर यांचे लेडी इन्वेस्ट दि. 10/07/2020

महोदय,

उपरोक्त संदर्भित विषयाबाबते शेवट अहवाल  
सादर करायला येतो की माणेगाव सज्जांतर्गत मौ. मानमोडी  
ग्रॅपील जट क्र. 42 व 43 मधील कश्मिरा स्टोन केशर व  
खदान तसेच मौ. माणेगाव ग्रॅपील जट क्र. 71 मधील  
कुळणा स्टोन केशर व खदान मागील ~~लेक~~ वर्षापासून  
बंद आहे.

करीता पुढील कारवाईस्तव अहवाल शेवट सादर

गोपबनसि

✓  
10.7.2020

WPS-557  
10.07.2020

आपली विश्वासू  
म. अ. चारडोरा