

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.13/2022 (WZ)

Gypson John

---Applicant(s)

Vs

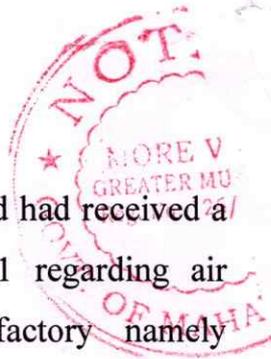
Sudhakar Pandey & Ors

---Respondent(s)

Reply- Affidavit on behalf of Maharashtra Pollution Control Board i.e. Respondent No.2

I Sanjay Bhosale, Age-adult , Occupation -Service , the Regional Officer of Maharashtra Pollution Control Board at Mumbai , having my office address at Kalpataru Point, 1st Floor, Sion-Matunga Scheme Road No.8, Opp. Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under:-

- 1) I say and submit that this Hon'ble Tribunal vide order dated 11/2/2022 constituted a Joint Committee comprising of the Collector, Mumbai , the representative of the MCGM and MPCB and directed the joint committee to submit a factual and action taken report. The Hon'ble NGT further directed Maharashtra Pollution Control Board to examine the air quality in nearby area, impact of the unit -Om Shiv Om, consents and permissions as required under the relevant rules.

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- 2)
- I say and submit that the Respondent -Board had received a complaint from the applicant on 8/6/2021 regarding air pollution caused by Respondent No.1-factory namely M/s.Om Shiv Om, Wholesale Wafers and Distributors , located at Jai Hind Naga, Opp.Koyna Colony,Vashi Naka, Chembur, Mumbai.
- 3)
- I say and submit that in order to verify the complaint, the official of the Respondent -Board at Mumbai carried out the visit to the Respondent No.1-factory on 14/7/2021 and observed that Respondent No1 was engaged in manufacturing of Wafers and farsan. Out of three bhattis one Bhatti was in operation. All three bhattis were provided with three separate chimney height of about 35 to 40 feet as informed by the Respondent No.1 representative. Fire wood was used as a fuel in Bhatti. The representative of factory showed Gumasta Certificate (Shops and Establishment Certificate) and Fire Certificate. However, the Respondent No.1 was operating their factory without obtaining valid Consent from the Respondent-Board.
- 4)
- I say and submit that the Respondent No.1 had made an application for Consent to Operate on 16/7/2021 to Respondent Board. In view of the non-compliances observed during the visit on 14/7/2021, the Respondent Board had issued Refusal of Consent to operate to the Respondent No.1 on 14/9/2021 for operating the unit without valid consent of the Board . A copy of the Refusal of Consent to Operate dated 14/9/2021 is annexed herewith as an **Annexure-‘I’**.



- 5) I say and submit that further the Respondent -Board had issued Closure Directions 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 to Respondent No.1-unit vide letter dated 17/9/2021 for operating without valid consent of the Board and failure to provide adequate pollution control devices, with directions to competent authorities to disconnect water/ electricity supply. A copy of the Closure Directions dated 17/9/2021 is annexed herewith as **Annexure –‘II’**.
- 6) I say and submit that in compliance of the Hon'ble NGT order dated 11/2/2022, the Joint Committee visited to the Respondent No.1 unit namely M/s.Om Shiv Om. Wholesale Wafers and Distributors on 21/3/2022 and observed that the factory was closed and there was no manufacturing activity of wafers or any other products. During the visit, the Joint Committee observed that M/s.Adani Electricity had disconnected the electricity supply of the factory on 12/10/2021. Earlier there were 3 numbers of Bhatties and stack of height of 30 feet and wood was used as a fuel. Now all 3 numbers of bhatties and all stacks are now dismantled. The plant machinery is also found dismantled. Presently the gala of Respondent No.1-unit is empty.
- 7) I say and submit the Respondent -Board had also carried out Ambient Air Quality Monitoring on 8/3/2022 nearby the Respondent No.1-factory . It is revealed that the PM-10 parameter is exceeding the parameters prescribed in the



National Ambient Air Quality standards, however, this is the background Ambient Air Quality in absence of the industrial emissions, since the said unit is closed from 12/10/2021. Due to heavy traffic on major road and due to resuspension dust, the parameter of PM-10 is 327.66 µg/m³, which is exceeding the limit of 100 µg/m³ and parameter of PM-2.5 is 58 µg/m³, which is within the limit i.e. 60 µg/m³. A comparative statement showing Ambient Air Quality Report with National Ambient Air Quality standards is annexed herewith as **Annexure-‘III’**.

8 APR 2022

Solemnly affirmed on this -----day of April, 2022

at Bombay.

I know the Affiant

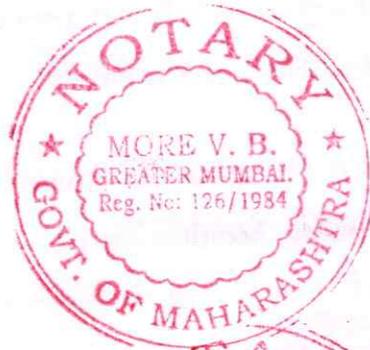
For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No.

Advocate

Handwritten signature of Sanjay Bhosale

(Sanjay Bhosale)
Regional Officer, MPCB
Mumbai

**Regional Officer
M.P.C. Board, Mumbai**



BEFORE ME
Handwritten signature of Vasant B. More
8.4.2022
VASANT B. MORE
Notary Gr. Mumbai

REGISTER Sr. No. **225/2022**




MAHARASHTRA POLLUTION CONTROL BOARD

Regional Office, Mumbai

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Visit us at :- <http://mpcb.gov.in>e-mail : romumbai@mpcb.gov.in

Regional Office, Mumbai,
Kalpataru Point, 1st Floor, Sion
Circle, Sion (E), Mumbai – 400 022

No: MPCB/ROM/ Refusal - 2109000369

Date: - 14/09/2021

To,

M/s. OM SHIV OM WAFER AND FARSAN MART.,
255/2JAI HIND SOCIETY, OPP KOYNA COLONY,
R.C. MARG, VASHI NAKA, CHEMBUR, MUMBAI-400074.

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

Ref: 1. Your application for Consent to Operate MPCB-CONSENT-0000117986.
2. Board official visited your unit on 14/07/2021

WHEREAS, you have applied for grant of Consent to Operate for Manufacturing of Foods & Product as per the provisions of 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 Hazardous Wastes (Management & Transboundary) Rules, 2016.

AND WHEREAS, complaint was received against your unit and officials of the Board visited your unit on 14/07/2021 to investigate the complaint & Sub Regional Officer, Mumbai – III has reported that you are operating your unit without obtaining consent from MPC Board. Which shows your negligence attitude towards environment protection.

In view of above, your application for grant Consent to Operate is hereby refused under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2016.

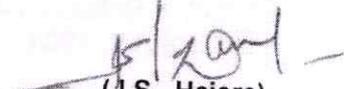
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:2:

You may prefer appeal against the Refusal order passed by Maharashtra Pollution Control Board, in case aggrieved this order, to Appellate Authority within a period of 30 days from the date of receipt of the Refused order.

FOR & ON THE BEHALF OF MPC BOARD


(J.S. Hajare)

I/c, Regional Officer, Mumbai

**M/s. OM SHIV OM WAFER AND FARSAN MART.,
255/2JAI HIND SOCIETY, OPP KOYNA COLONY,
R.C. MARG, VASHI NAKA, CHEMBUR, MUMBAI-400074.**

Copy for information & necessary action:

- 1) Sub Regional Officer, M.P.C.B, Mumbai-III- for information and necessary follow-up action.

MAHARASHTRA POLLUTION CONTROL BOARD

Regional Office, Mumbai

Ph.: (022) - 24016239

Ph. : (022) - 24015269

Visit us at :- <http://mpcb.gov.in>e-mail : romumbai@mpcb.gov.inRegional Office, Mumbai,
Kalpataru Point, 1st Floor, Sion Circle,
Sion (E), Mumbai- 400 022

No: MPCB/ROM/CD-2/09/170018

Date: 17/09/2021

To,

M/s. Om Shiv Om Wholesale Waffers and Distributors
Jai Hind Nagar Opp. Koyna Colony Vashi nakka
Chembur- Mumbai-400074

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

Ref: 1. Complaint received against your industry.
2. Board Official Visited your industry on 14/07/2021
3. Office Note received from HQ vide dated 14/09/2021.

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

AND WHEREAS, it is obligatory on your part to provide adequate Water & Air pollution control arrangements so as achieve the prescribed standards under the Environment Act & Rules and not to cause nuisance in the surrounding area.

AND WHEREAS, complaint was received against your unit vide reference 1 and Board officials visited your unit & reported that;

1. You are operating your unit without obtaining consent from Maharashtra Pollution Control Board.
2. You have not provided water & air pollution control system at your site.
3. You have not replied to SCN vide above ref.2 issued by Board till date.

AND WHEREAS, after examining all the reports and records available with this office, I have come to the conclusion that you are knowingly and willfully violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981

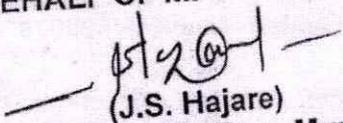
NOW THEREFORE, in exercise of the powers conferred upon me by the Board under 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 & section 31(A) of Air (Prevention

& Control of Pollution) Act, 1981, I, Regional Officer, Mumbai hereby direct you to stop your activities forthwith. It may also be noted that the competent authorities are being directed to disconnect the electricity and water supply to your unit.

In case, you fail to comply with these directions, the Board will have no option than to initiate further action including prosecution against you, which may be noted.

This direction is issued with approval of competent authority of the Board.

FOR & ON THE BEHALF OF MPC BOARD


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

Copy submitted to:

- 1) Law Officer/Asst. Secretary (Tech.), MPCB, Mumbai.
- 2) Adani Electricity/Tata Power Company/BEST/MSEB.

He is directed to disconnect electric supply of M/s. Om Shiv Om Wholesale Waffers and Distributors

Asst. Commissioner, 'M' Ward, MCGM, Mumbai-He is directed to disconnect the water supply of the unit of M/s. Om Shiv Om Wholesale Waffers and Distributors

Sub-Regional Officer (Mumbai-I), M.P.C. Board.

- He is directed to ensure that above direction is served to the industry & all concerned and take necessary follow-up towards compliance of the direction & submit Action taken report.

To,
M/s. Om Shiv Om Wholesale Waffers and Distributors
Jai Hind Nagar Opp. Koyna Colony Vashi nakka
Chembur- Mumbai-400074

Annexure - III



Report of Ambient Air Quality Monitoring of M/s. Om Shiv Om Wholesale
Waffers and Distributors, Jain Hind Nagar, Opp. Koyna Colony, Vashi nakka,
Chembur, Mumbai-400074.

Sr. No.	Sample Code No.	Date	SO ₂	Nox	PM 10	PM 2.5
	NAAQM Standards		80 µg/m ³	80 µg/m ³	100 µg/m ³	60 µg/m ³
1	BR-0019649	8.03.2022	12.66	5	327.66	58