

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

(By Video Conferencing)

Original Application No. 11/2020 (WZ)



Mrs. Sheetal Rohit Chaturvedi --- Applicant

Versus

Ms. Tanish Associates & Anr. --- Respondent(s)

Reply-Affidavit on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 02 in compliance of Order passed by Hon'ble NGT on 02/03/2022

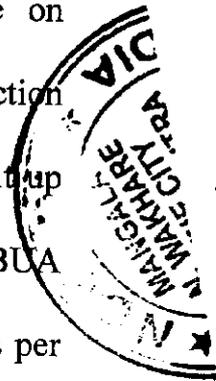
I, Kiran Hasabnis, age about - 51 years, Occupation – Service, the Sub – Regional Officer of Maharashtra Pollution Control Board at Pimpri Chinchwad i.e. Respondent No. 02, having my office at 2nd floor, Jog Centre, Wakdewadi, Pune, do hereby state on solemn affirmation as under-

I am filing this Reply - affidavit on behalf of Respondent No. 02 i.e. Maharashtra Pollution Control Board as under-

- 1) I say and submit that the Applicant has filed this Application against Respondent No. 01 for illegally carrying out the

construction of project on a water body at Gat No.491/5A, 491/5B, 491/6, 490/1, 490/2 at Vil. Charholi, Tal. Khed, Dist. Pune and violating the environmental norms.

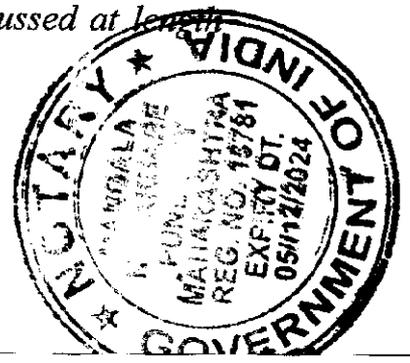
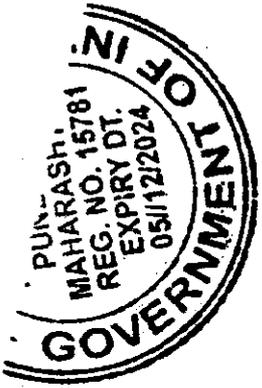
- 2) I say and submit that the Respondent Board has granted Consent to Operate (Part) to M/s. Tanish Associates i.e. Respondent No. 01 located at Gat No. 490/1/2, 491/1-4, 491/5A, 491/5B, 491/6, 491/7, Charholi (Bk), Taluka – Haveli, Dist. – Pune on 07/06/2019 for Residential and Commercial (Shop) Construction projects for TPA of 58,300.0 Sq Mtrs & Construction built up area 86,199.37 Sq Mtrs out of Total Construction BUA 1,39,767.38 Sq Mtrs including utilities and services and as per Architect Certificate submitted by the Respondent No. 01. The said Consent was valid up to 31/05/2020. Respondent No. 01 has applied to the Respondent Board for renewal of Consent for Part-I and applied for Consent to Operate for remaining construction area. A copy of the Consent to Operate (Part) dated 07/06/2019 is attached and annexed herewith as an **Annexure- I**.
- 3) I say and submit that in compliance of the Order dated 02/03/2022 passed by this Hon'ble NGT, the official of the Respondent Board at Pune visited to the site of Respondent No.



01 - Project on 24/03/2022. During the visit, STP was found in operation & the Board Official has collected samples of Outlet of STP. The said sample was submitted to Regional Laboratory, MPCB, Pune for analysis & as per analysis results of the said sample all the parameters viz. BOD, Suspended Solids, Chlorine Residual and COD are found within the prescribed limit as per the Consent granted by the Respondent Board. A copy of the Visit Report dated 24/03/2022 and a copy of the analysis results of STP outlet sample are attached and annexed herewith as **Annexure –II and III respectively.**

- 4) I say and submit that During Board Officials visit it is observed that, Respondent PP has not installed Online Continuous Monitoring System at STP. I submit that, the Respondent Board had issued a letter dated 26/12/2018 regarding 'Installation of Online Continuous Monitoring System at STP outlet of Infrastructure Projects', wherein, it was stated as below –

"The Board is in receipt of minutes of the SEIAA meeting held on 06/08/2018 where in the issue regarding installation of online continuous monitoring system at STP outlet of Infrastructure projects was discussed at length"



and decided that the Board should not insist on installation of online monitoring system for the STP for residential projects as it is not economically viable for residential societies.

The Board is also of the same opinion and the consent are being issued to the infrastructure project by imposing condition to comply with the consented norms. However, the Board welcomes the voluntary participation towards provision of online continuous monitoring system for effective monitoring”.

A copy of the letter dated 26/12/2018 is attached and annexed herewith as an Annexure – IV

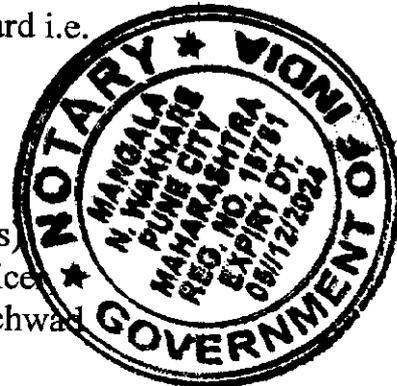
Solemnly affirmed on this 9th day of April, 2022 at Pune.

I know the affiant.

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 02

ADVOCATE

(Kiran Hasabnis)
Sub-Regional Office
MPCB Pimpri-Chinchwad



BEFORE ME

MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
5 APR 2022

NOTARIAL

NOTARIAL

NOTARIAL

NOTARIAL

NOTARIAL

25 APR 2022

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 24010437/24020781
/24037124/24035273
Fax : 24044532/24024068
/24023516



Kalpataru Point, 3rd & 4th floor,
Sion- Matunga Scheme Road No. 8,
Opp. Cine Planet Cinema,
Near Sion Circle,
Sion (E), Mumbai - 400022

Email : jdwater@mpcb.gov.in

Visit At : <http://mpcb.gov.in>

Infrastructure /Red/LSI

Consent order No: Format1.0/BO/JD (WPC)/UAN-51355 /CO/CC-1906000304
Date 07/06/2019

To,
M/s. Tanish Associtaes
S. No. 490/1/2, 491/1-4, 491/5A,
491/5B, 491/6, 491/7 at Charholi(BK)
Tak Haveli, Dist: Pune

Sub: Consent to Operate (Part) for Residential & Commercial (Shop) Construction Projects is granted under Red category.

- Ref:**
1. Consent to Established obtained Vide No. Format 1.0/BO/RO (HQ)/CE/PN-20203-14/CC-5708 dt.14.06.2014.
 2. Environmental Clearance obtained Vide SEAC-III-CR-445/TC-3 dt.26.10.2015.
 3. Your Application vide UAN No. 51355 dt.26.06.2018.
 4. Minutes of Consent Committee meeting held on 03.05.2019.

For: Consent to Operate (Part) for Residential & Commercial (Shop) Construction project under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 31 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization Under Rule 3 of the Hazardous and Other Wastes (M & TM) Rules, 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule attached with this order:

1. The Consent to Operate (Part) is granted for period up to 31.06.2020
2. The proposed capital investment of the project is Rs. 218.96 Cr (As per C.A certificate submitted by project proponent)



The Consent to Operate (Part) is valid for Residential & Commercial (Shop) Construction Projects named as M/s. Tanish Associtaes S. No. 490/1/2, 491/1-4, 491/5A, 491/5B, 491/6, 491/7 at Charholi (BK) Tal: Haveli, Dist: Pune For total Plot area of 58,300.0 Sqm and construction built up area 86,199.37 Sq. Sqm out of total construction BUA 1,39,767.38 Sqm including utilities and services and as per architect Certificate Submitted by project proponent dt.22.06.2018

3. Conditions under Water (P&CP), 1974 Act for discharge of effluent:

Sr. No.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade effluent	NIL	NA	NA
2.	Domestic effluent	930.0	As per Schedule -I	60% should be reused & recycled and remaining should be discharged in municipal sewer

4. Conditions under Air (P& CP) Act, 1981 for air emissions:

Sr. No.	Description of stack/ source	Capacity	Number Of Stack	Standards to be achieved
1.	DG Set	320 KVA	1	As Per Schedule -II
2.	DG Set	180 KVA 3 Nos	3	As Per Schedule -II

5. Conditions under Solid Waste Management Rules, 2016:

Sr. no.	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Wet garbage	2777.0 Kg/Day	Organics waste Converter with composting facility / Biogas digester with composting facility	Used as Manure
2	Dry garbage	1865.0 Kg/Day	--	Segregate and Hand over to Local Body for recycling Used as manure
3.	STP sludge	47.0 Kg/day	STP	

6. Conditions under Hazardous and Other Wastes (M & TM) Rules, 2016 for treatment and disposal of hazardous waste; NIL.
7. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same should be binding on the industry.
8. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
9. Project Proponent shall comply the Construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment, Forest and Climate Change dtd.29/03/2016.
10. Project Proponent shall submit an affidavit in Board's prescribed format within 15 days regarding the compliance of conditions of EC/CRZ clearance and C to E.
11. Project Proponent shall install online monitoring systems for BOD, TSS and flow at the outlet of STP.
12. Project Proponent shall Operate and maintain Organic waste digester with composting facility or Biogas digester with composting facility.
13. The Applicant should comply with the conditions stipulated in Environmental Clearance Obtained from SEAC, Environment Department, Government of Maharashtra, dtd .26.10.2015 for total plot area 58,300.0 Sqm and construction BUA 86,199.37-sqm. Out of total construction BUA 1,39,767.38 Sqm.

For and on behalf of the
Maharashtra Pollution Control Board

(E. Ravendiran, IAS)
Member Secretary

Received Consent fee of –

Sr. No.	Amount (Rs.)	Transaction . No.	Date	Drawn On
1	4,37,920.00/-	CTD2389534	30.06.2018	State Bank of India

Copy to:

1. Regional Officer, MPCB, Pune and Sub-Regional Officer, MPCB, Pimpri Chinchwad
They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Mumbai.
3. CC/CAC desk- for record & website updating purposes.

Schedule-IITerms & conditions for compliance of Air Pollution Control:

1. As per your application, you have proposed to install the Air pollution control (APC) system and also proposed to erect following stack (s) and to observe the following fuel pattern-

Sr. No.	Stack Attached To	APC System	Height in Mtrs. Of Each stack	Type Of Fuel	Quantity	UOM	S%	SO ₂
1.	DG Set (320 KVA)	Acoustic enclosure	3.58	HSD	41.0	Lit/Hr	-	-
2.	DG Set (180 KVA) 3 Nos	Acoustic enclosure	2.68	HSD	69.0	Lit/Hr	-	-

* Above roof of the building in which it is installed.

2. The applicant should operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Particulate matter	Not to exceed	150 mg/Nm ³ .
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3. The Applicant should obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement alteration well before its life come to an end or erection of new pollution control equipment. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).

Schedule-ITerms & conditions for compliance of Water Pollution Control:

- 1) A] As per your application, you have installed of Sewage Treatment Plants (STP) with the design capacity of 950.0 CMD
- B] The Applicant shall operate the effluent treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr No.	Parameters	Standards prescribed by Board
		Limiting Concentration in mg/l, except for PH
01	BOD (3 days 27°C)	10
02	Suspended Solids	20
03	COD	50
04	Residual Chlorine	1 ppm

C) The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, firefighting, on land for gardening etc and remaining shall be discharged in to the municipal sewerage system.

D] Project proponent shall operate STP for five years from the date of obtaining occupation certificate.

The Board reserves its rights to review plans, Specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant should obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto

- 2) The industry should ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 3) The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act.

Sr. no.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Domestic purpose	1277.0

- 4) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.



Schedule-III
Details of Bank Guarantees

Sr. No.	Consent (C to E/O/R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Operate	Rs. 10 lakh	15 Days	Towards Compliance of EC and consent conditions.	Continuous	31.07.2020

[Handwritten Signature]

Maharashtra Pollution Control Board



Schedule-IVGeneral Conditions:

The following general conditions shall apply as per the type of the industry.

- 1) The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2) The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and environmental protection Act 1986 and Solid Waste Management Rules, 2016 and E-Waste (Management) Rules, 2016.
- 3) Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4) Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 5) Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
 - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.
 - d) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - e) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - f) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - g) D.G. Set shall be operated only in case of power failure.
 - h) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - i) The applicant shall comply with the notification of MoEF dated 17.05.2002 regarding noise limit for generator sets run with diesel.
- 6) Solid Waste – The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rules, 2016 & E-Waste (M) Rules, 2016.
- 7) Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8) The treated sewage shall be disinfected using suitable disinfection method.
- 9) The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-X as per the provision of rule 14 of the Environmental (Protection) Second Amended Rule 1982.
- 10) The applicant make an Application for renewal of consent at least 60 days before the date of the expiry of the consent.

MAHARASHTRA POLLUTION CONTROL BOARD SUB-REGIONAL PIMPRI-CHINCHWAD.

Phone No. 25811 222

Fax No. 25811 029

Email ID -

sropimprichinchwad@mpcb.gov.in



Jog Center, 2nd floor
Wakadewadi
Mumbai-Pune,
Road Pune - 411003.

Visit Report

Date: 24/3/2022

Name & Address of Industry: Ms. Tanish Associates
S.no. 490/112, 491/1-4, 491/5A,
491/5B, 491/6, 491/7, Chaboli (Bk)
Tal. Haveli, Dist - Pune.

Industry Representative: Mr. Dilip Solanki (Partner)

E-mail : tanishorchid490@gmail.com

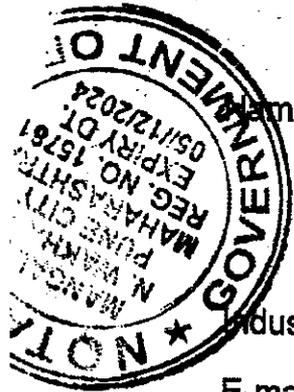
Contact no. : 9325150838

Consent status : Obtained CTOE & PWT CTOO.

Observations :

During visit it is observed that -

- 1) This is infrastructure construction project.
- 2) Consent to Establish obtained on 14/6/2014 for TPA - 57000 sqm² & BUA - 1,36,458 sqm².
- 3) PP has obtained Environment clearance on 20/10/15 for TPA - 58300 sqm² & Total BUA - 1,39,767.38 sqm².
- 4) Consent to start operate obtained on 7/6/2019 was valid upto 31/5/2020 for TPA - 58300 sqm² & BUA - 86199.37 sqm². Out of TBUA - 139767.38 sqm² PP has applied for Renewal of CTOO & PWT & CTOO for remaining area.
- 5) Domestic effluents generation is 930 cmb,



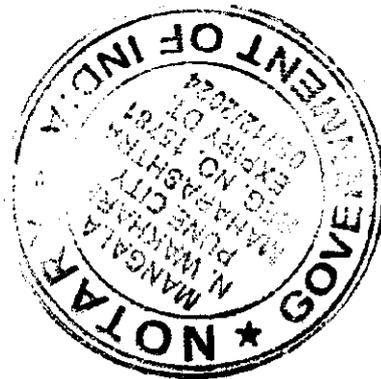
PP has provided STP of capacity 950 CMD with MBBR technology, treated water used for flushing & gardening & excess to Pcmc sewer line. During visit STP found in operation, sample collected.

- 6) OWC provided, found in operation.
- 7) PP has not installed online monitoring system, PP stated during visit that, as per Board's letter dtd. 20/12/18 Board should not insist on installation of online monitoring system for the STP for residential project as it is not economically viable for residential societies. Hence, they have not installed online continuous monitoring system.

DILIP SOLANKI
PARTNER

TANISH ASSOCIATES -

(Suro)
(Suro S. Suro)
field officer
SRO-PC



MAHARASHTRA POLLUTION CONTROL BOARD

<p>Phone : 020-25811698 Fax : 020-25811698 Email : sopunelab@mpcb.gov.in Website : http://mpcb.gov.in</p>	 <p>MAHARASHTRA "Your Service is our Duty"</p>	<p>Regional Laboratory Regional Laboratory, Pune, Maharashtra Pollution Control Board, Jog Center, 3rd Floor, Mumbai Pune Road, Wakdewadi, Pune- 411 003</p>
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Report Outward No.: MPCB/RL-Pune/JVS/22-23/04/1
Date: 11/04/2022 12:19 PM

Analysis Report-Water (JVS)



Client/Industry/location Name & Address	
Tanish Associates O21 Building and construction project more than 20,000 sq. m built up area	

Sample Details	
Field Sample ID :	BR-0019663
Laboratory Sample Code :	MPCB/RL-Pune/JVS/21-22/2071
Sample Details (Water/Air/HW) :	Water
Sample Volume Received :	
Sample Collected By :	FO-Pimpri Chinchwad (Mrs. Jyoti Shivaji Sutar) (SRO-Pimpri Chinchwad)
Seal No. :	257
Type of Industry / Location details :	Green
Sample Collected On :	Mar 24 2022 04:00:00:000PM

Sr.No	Parameter	Result	Unit	Method of analysis
1	pH	7.8		
2	Suspended Solids (SS)	8.0	mg/l	
3	Biochemical Oxygen Demand (BOD)	8.4	mg/l	
4	Chlorine Residual	NIL	mg/l	
5	Chemical Oxygen Demand (COD)	30.4	mg/l	

Report Type: final

Report generated on: 2022-04-01 12:19:24

Compiled & Approved by: Dr P D Khadkikar

Reviewed on Date: 01/04/2022 12:19 PM

Reviewed by: Dr P D Khadkikar

Dr P D Khadkikar (Lab. I/c.)
Approving Authority
Reviewing Authority

Regional Laboratory, Pune, MPCB

* Electronic report does not require signature



MAHARASHTRA POLLUTION CONTROL BOARD 126

Tel: 24010437/24020781/24014701		Kalpataru Point, 2 nd - 4 th Floor
Fax: 24024068 / 24023515		Opp. Cine Planet Cinema,
Website: http://mpcb.mah.nic.in		Near Sion Circle, Sion (E)
E-mail: cac-cell@mpcb.gov.in		Mumbai-400 022.

No. MPCB/CAC-Cell/TB/B-4892/A

Date: 26/12/2018.

To,
The President,
Confederation of Real Estate Developers' Association of India (CREDAI),
5th Floor, PHD House, 4/2, Siri Institutional Area,
August Kranti Marg,
New Delhi- 110016.

Sub: - Installation of Online Continuous Monitoring system at STP outlet of Infrastructure projects.

The Maharashtra Pollution Control Board is in receipt of representations with reference to Consent to Establish & conditions imposed by the Board for Building Construction Projects especially about installation of online monitoring system.

The Board is a statutory Body and granting consent to establish to Industries and Building Projects under section 25 of the water (P&CP) 1974 and under section 21 of the Air (P&CP) Act 1981 to comply certain important conditions such as specific treatment processes to achieve standards prescribed by the Board to control water as well as Air Pollution and also for disposal of Wastes.

The Board is in receipt of minutes of the SEIAA meeting of held on 06.08.2018 where in the issue regarding installation of online continuous monitoring system at STP outlet of Infrastructure projects was discussed at length and decided that the Board should not insist on installation of online monitoring system for the STP for residential projects as it is not economically viable for residential societies.

The Board is also of the same opinion and the consent are being issued to the infrastructure project by imposing condition to comply with the consented norms. However, The Board welcomes the voluntary participation towards provision of online continuous monitoring system for effective monitoring.

(E. Ravendiran, IAS)
Member Secretary

Copt submitted for favor of information to

1. The Hon'ble Chairman, MPCB, Mumbai.
2. The Hon'ble Principal Secretary, Dept. of Environment, GoM.