

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH AT PUNE****ORIGINAL APPLICATION NO. 71 OF 2024****IN THE MATTER OF:**

Amit Deep Singh

...APPLICANT

Versus

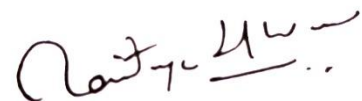
State of Maharashtra and Ors.

...RESPONDENT

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THROUGH


MAITREYA PRITHWIRAJ GHORPADE**ADVOCATE**

COUNSEL FOR THE APPLICANT

Mobile: 7024102546

Email: maitreya.ghorpade@gmail.com**Place: Pune****Date: 21.09.2024**

BEFORE THE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH AT PUNE****ORIGINAL APPLICATION NO. 71 OF 2024****IN THE MATTER OF:**

Amit Deep Singh

...APPLICANT

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State of Maharashtra and Ors.

...RESPONDENT

**REPLY ON BEHALF OF THE APPLICANT TO JOINT COMMITTEE REPORT
DATED 5.07.2024 AND MPCB AFFIDAVIT-IN-REPLY DATED 8.07.2024**

1. It is submitted that the present application has been filed under Section 14 read with Section 20 of the National Green Tribunal Act, 2010 raising the substantial question regarding persistent noise and dust pollution being caused due to construction of Residential and Commercial Project located at Survey No. 13, Hissa No. 3,4,5,6,7,8/1,8/2,9,10,11,12,13B/1,13B/2, 14, 15 , 16, 17, 18, 19, Plot-1C, village Balewadi, Taluka Haveli, District Pune (hereinafter referred to as the 'impugned project') being executed by M/s Vilas Javdekar Eco Homes (hereinafter referred to as the 'Project Proponent').
2. That vide order dated 28.05.2024, this Hon'ble Tribunal had constituted a Joint Committee comprising of the Maharashtra Pollution Control Board (MPCB) and the Pune Municipal Corporation (PMC) and directed the Joint Committee to visit the impugned project site and submit a factual and action taken report. Accordingly, the Joint Committee has submitted its Report dated 5.07.2024.
3. Therefore, the present Rejoinder is being filed in response to the observations and conclusions of the Joint Committee Report dated 5.07.2024

4. At the outset, the Applicant denies each and every averment and conclusion made in the Joint Committee Report which is contrary to and/or inconsistent with what has been submitted on record in the present Application. Furthermore, nothing stated in the present Rejoinder on behalf of the Applicant shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter.

I. Relevant Observations of Noise Levels by the Joint Committee

5. The Applicant submits that the Joint Committee has conducted noise monitoring on 13.06.2024 to 14.06.2024 and 16.06.2024 to 17.06.2024 at 4 locations within the project site and 1 location 'near the residence of the Applicant'.
6. That as on **Pg. 605**, the Joint Committee has clearly mentioned that due to construction activities noise levels in excess of the mandated ambient noise levels were observed at all 5 noise monitoring locations as conducted by the Joint Committee, on both days of monitoring i.e., 13.06.2024 and 16.06.2024.
7. Therefore, the Joint Committee on **Pg. 605** has clearly observed the necessity of installing sound barriers around the impugned project site so as to reduce the noise levels, and has accordingly stated as follows:

"However, during working days noise levels are exceeding by 10dB(A) or more than the standards. Therefore, it is necessary to provide sound barriers around the site to reduce the noise levels generated due to construction activities."

8. Accordingly, the Applicant submits that such is an unequivocal recommendation made by the Joint Committee regarding the need for installation of sound barriers around the impugned project site so as to reduce the persistent noise generated due to construction activities undertaken by the Project Proponent.

9. Additionally, the Joint Committee has recommended the following measures aimed at controlling and mitigating the persistent noise pollution being caused by the Project Proponent:

"Recommended remedial measures suggested as follows:

...

- PP shall provide acoustic barrier towards Applicant side compound wall.

- PP should regularly carry out maintenance work of all construction equipment

...

- PP shall temporary cover all noise generating activities with the help of metal sheets.

- PP shall not carry out noise generating activities during night time."

10. That the Applicant submits that the above-mentioned measures are deemed appropriate by the Applicant and therefore conveys acceptance to the same.

II. Errors in Noise Monitoring Apparent in Joint Committee Report

11. Notwithstanding the above-mentioned recommendations of the Joint Committee, the Applicant submits that three errors are apparent on the face of the record with regards to the Joint Committee Report.

II.1. Joint Committee Erroneously Mentioned 16.06.24 as Non-Working Day

12. Firstly, the Applicant submits that the Joint Committee has erroneously mentioned 16.06.2024 as a non-working day. The Applicant states that construction activities were in fact carried out by the Project Proponent on 16.06.2024 as well, and the categorization of such date as a non-working day is erroneous.

13. The Applicant attests to witnessing construction activities being carried out on 16.06.2024 as well as 13.06.2024, and submits that the Joint Committee be directed to submit on record the evidence regarding the reasons for

categorization of 16.06.2024 as a non-working day.

14. The Applicant states such error is likely to have been committed by the Joint Committee as 16.06.2024 was a Sunday, and therefore, the Joint Committee is likely to have presumed the same as being a non-working day. However, the Applicant submits that 16.06.2024 was in fact a working day, and therefore, the noise monitoring results as observed by the Joint Committee are consistent with the noise monitoring results of the working day i.e., 13.06.2024.

II.2. Noise Monitoring Location N5 Not Appropriately Located

15. Secondly, the Applicant submits that the noise monitoring location designated as 'N5' does not accurately indicate the noise levels as felt by the Applicant and the fellow residents of Vascon Willows CHS. That as per the Joint Committee Report, noise monitoring device was placed at Location N5 which has been stated to be 'near building of Applicant (Vascon Willows CHS)'. However, the exact location of the noise monitoring device has not been stated, and the approximate descriptor of 'near' has been mentioned identifying the location of noise monitoring device.
16. The Applicant submits that due to the fact that there are no obstructing structures in between the impugned construction site and the Applicant's residential society, both of which are at a distance of less than 50 metres apart, the actual noise levels felt by the fellow residents of Vascon Willows CHS is considerably higher than what has been observed by Location N5 which has been stated to be 'near building of Applicant'.
17. That in support of the above-stated, as well as to further monitor and evidence the noise pollution being caused, the Applicant has engaged the professional

services of 'Excellent Enviro Laboratory & Research Center Pvt. Ltd.', to undertake noise monitoring of the impugned project site in August 2024.

18. That 'Excellent Environ Laboratory & Research Center Pvt. Ltd.' is a private environmental laboratory recognized by the Central Government as an 'Environmental Laboratory' under the provisions of the Environment Protection Act, 1986.

19. That the said Environment Laboratory has carried out noise monitoring between 17.08.2024 to 19.08.2024 with a noise monitoring device placed on a balcony on the 8th Floor of D Building of Vascon Willows CHS, which is directly facing the impugned construction site.

20. Accordingly, said Environment Laboratory has prepared its Report dated 26.08.2024, which has observed noise levels averaging between 70-71 dB(A), which are results that are consistent with the results obtained from the noise monitoring undertaken by the Joint Committee, the Applicant, as well as the Project Proponent vide EC Compliance Report dated 1.07.2023. A copy of the relevant extracts of the Report of Excellent Environ Laboratory & Research Center Pvt. Ltd. dated 26.08.2024 are annexed and marked herewith as **ANNEXURE A-15.**

21. Therefore, the Applicant submits that the noise monitoring results observed by the Report dated 26.08.2024 provide a more accurate understanding of the noise levels felt by the residents of Vascon Willows CHS, as the noise monitoring device was placed on a balcony on the 8th Floor facing the impugned project site, rather than noise monitoring results observed by device placed at Location N5, which is admittedly placed 'near the building of the Applicant'.

III.3. Noise Levels Substantially Higher than Mandated Standards

22. Thirdly, the Applicant submits that the Joint Committee has erred in stating, on Pg. 616, that the noise monitoring report has observed that the noise monitoring levels are 'marginally exceeding the prescribed limits'.
23. The Applicant submits that the EC dated 23.02.2023 clearly states that the Project Proponent must ensure that the ambient noise levels generated during construction of the impugned project should conform to residential standards, and that adequate measures must be made to such effect.
24. That the noise monitoring results observed by the Joint Committee at Locations N1 to N4 within the impugned project site are all evidencing noise levels substantially higher than the mandated noise levels for residential areas, i.e., noise levels are at an average of 70 dB instead of mandated 55 dB at day-time.
25. That therefore, it is submitted that such noise monitoring results observed from within the project site all lead to the conclusion that significantly higher noise levels are being generated by the Project Proponent during construction of the impugned project at an average of approximately 70 dB. Accordingly, the Applicant submits that the remarks observing 'marginal' violations is erroneous.

III. Relevant Observations regarding Air Pollution

26. The Applicant submits that the present Application had raised serious concerns regarding the persistent dust emissions being generated due to construction activities undertaken by the Project Proponent.
27. The Applicant submits that with regards to dust emissions generated by the Project Proponent, the Joint Committee on **Pg. 608** has observed the following:

*"Ambient Air quality results shows that **the parameter PM 10 is exceeding at main gate and at the back side of***

proposed construction site.

The exceedance in PM 10 during working & non-working results at main road may be due to vehicular movement and surrounding construction project activities including Vilas Javdekar proposed project activities.

The exceedance in PM 10 results dtd. 13.06.2024 to 14.06.2024 at back side of proposed Vilas Javdekar construction project, mainly contribution of Vilas Javdekar proposed project."

(emphasis supplied)

28. The Applicant submits that such observations of the Joint Committee are unequivocally concluding that violations of the National Ambient Air Quality Standards have been observed due to the construction activities undertaken.

29. Additionally, the Joint Committee has recommended the following measures with respect to controlling and mitigating air pollution being caused by the Project Proponent:

"- PP shall provide green net and sprinkling arrangement at the location of dust emissions.

- Ready mix plant located in the premises of Vilas Javdekar Eco Homes project shall follow all RMC plant guidelines issued by MPCB on 07.11.2016 to control dust emissions.*
- To control the dust emission, PP shall provide fogging/sprinkling system towards Applicant side compound wall."*

30. That the Applicant submits that the above-mentioned measures are deemed appropriate by the Applicant and therefore conveys acceptance to the same.

PRAYER

In light of the facts stated, issues raised, arguments advanced, and authorities cited, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

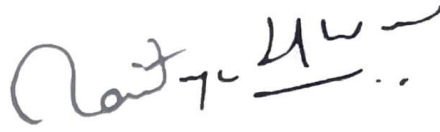
- A. Accept the recommendations made by the Joint Committee in its Report dated 5.07.2024 and direct that the same may be implemented by the Project Proponent within a time-bound manner.

Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.



APPLICANT

THROUGH



MAITREYA PRITHWIRAJ GHORPADE

ADVOCATE

COUNSEL FOR THE APPLICANT

Mobile: 7024102546

Email: maitreya.ghorpade@gmail.com

VERIFICATION

I, Amit Deep Singh, R/o D101, Willows Co-operative Housing Society, Balewadi, Pune – 411014 do hereby verify that the contents of the present Rejoinder abovementioned are true to my personal knowledge and nothing material has been concealed therefrom.

Date:

Place:



APPLICANT

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE
ORIGINAL APPLICATION NO. 71 OF 2024**

IN THE MATTER OF:

AMIT DEEP SINGH

... APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

... RESPONDENTS

AFFIDAVIT

I, Amit Deep Singh, R/o D101, Willows Co-operative Housing Society, Balewadi, Pune – 411014, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the above titled Original Application and am conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified on this 21 of Sept 2024 that the contents of the above-mentioned affidavit are true and correct and nothing material has been concealed therefrom.

DEPONENT

BEFORE ME

**RHUTA SHREESH PANDIT
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
21 SEP 2024**



NOTED & REGISTERED
AT.SR.NO. 140/2024

21/09/2024

Verified and Oath Administered
Affiant Identified by Adv. me
Whom I Personally Know

Rhuta



Excellent Enviro Laboratory & Research Center Pvt. Ltd.

(Formerly known as Excellent Enviro Laboratory & Research Center)
Master in "Water & Waste Water Treatment, Monitoring,
Testing & Environmental Compliance".
◆ Technology for sustainable development ◆

Format No. EELRC/LAB/F/066-7.8

AMBIENT NOISE MONITORING REPORT

Client's Name & Address	Sample ID.	EEL/ABD/N-16/08/2024-25
M/s. Willows CHS Ltd. Baner – Balewadi Road, Baner, Pune – 411045.	Date of Reporting	26/08/2024

SAMPLING DETAILS

01) Location of Sampling	Baner Site 8 th Floor	
02) Sampling Procedure	IS 4758	
03) Sample collected By	M/s Excellent Enviro Laboratory & Research Center Pvt.Ltd.	
04) Date of Sampling	17/08/2024 to 18/08/2024	
05) Time of Sampling & Sampling Duration	From 02:00 PM of 17/08/2024 to 02:00 PM of 18/08/2024 (24 hrs.)	
06) Sampling Duration	24 hrs. Day & Night	
07) Instrument Details	Serial No.	MECO
	Make	DB-01
	Calibration Date	Calibration On: 13/11/2023 Due On: 13/11/2024

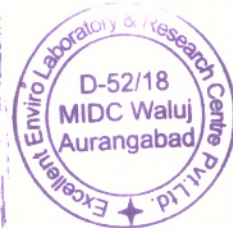
RESULT

Sr. No	Time	UOM	Result (Day Time)	Result (Night Time)
	MPCB Standard Limit		≤ 55	≤ 45
1	02:00 PM	dB (A)	78.8	-
2	03:00 PM	dB (A)	78.4	-
3	04:00 PM	dB (A)	77.9	-
4	05:00 PM	dB (A)	78.7	-
5	06:00 PM	dB (A)	79.0	-
6	07:00 PM	dB (A)	60.0	-
7	08:00 PM	dB (A)	56.5	-
8	09:00 PM	dB (A)	58.6	-
9	10:00 PM	dB (A)	-	59.6
10	11:00 PM	dB (A)	-	59.7
11	12:00 PM	dB (A)	-	57.6
12	01:00 AM	dB (A)	-	56.1
13	02:00 AM	dB (A)	-	56.2
14	03:00 AM	dB (A)	-	58.7
15	04:00 AM	dB (A)	-	57.4
16	05:00 AM	dB (A)	-	55.9
17	06:00 AM	dB (A)	58.4	-
18	07:00 AM	dB (A)	59.1	-
19	08:00 AM	dB (A)	58.7	-
20	09:00 AM	dB (A)	65.3	-
21	10:00 AM	dB (A)	76.2	-
22	11:00 AM	dB (A)	82.5	-
23	12:00 AM	dB (A)	79.2	-
24	01:00 PM	dB (A)	80.3	-
	Average	dB (A)	70.47	57.65

UOM – Unit of Measurement. Remarks: The Noise Level exceeds MPCB Limits.

Reviewed By

(Mr. Prashant Patil)
(Dy. Quality Manager)



Authorized Signatory

(Ms. Dhammashila Narwade)
(Dy. Technical Manager)

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Email : kalyani@excellentenviro.com / mumbaisales@excellentenviro.com

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M/s. Willows CHS Ltd. Baner – Balewadi Road, Baner, Pune – 411045.	Date of Reporting	26/08/2024

SAMPLING DETAILS

01) Location of Sampling	Baner Site 8 th Floor	
02) Sampling Procedure	IS 4758	
03) Sample Collected By	M/s Excellent Enviro Laboratory & Research Center Pvt.Ltd.	
04) Date of Sampling	18/08/2024 to 19/08/2024	
05) Time of Sampling & Sampling Duration	From 02:00 PM of 18/08/2024 to 02:00 PM of 19/08/2024 (24 hrs.)	
06) Sampling Duration	24 hrs. Day & Night	
07) Instrument Details	Serial No.	MECO
	Make	DB-01
	Calibration Date	Calibration On: 13/11/2023 Due On: 13/11/2024

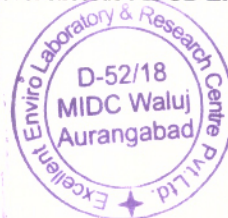
RESULT

Sr. No.	Time	UOM	Result (Day Time)	Result (Night Time)
MPCB Standard Limit			≤ 55	≤ 45
1	02:00 PM	dB (A)	78.0	-
2	03:00 PM	dB (A)	76.1	-
3	04:00 PM	dB (A)	51.9	-
4	05:00 PM	dB (A)	57.6	-
5	06:00 PM	dB (A)	56.5	-
6	07:00 PM	dB (A)	58.1	-
7	08:00 PM	dB (A)	59.1	-
8	09:00 PM	dB (A)	54.5	-
9	10:00 PM	dB (A)	-	52.3
10	11:00 PM	dB (A)	-	53.5
11	12:00 PM	dB (A)	-	53.1
12	01:00 AM	dB (A)	-	56.6
13	02:00 AM	dB (A)	-	57.2
14	03:00 AM	dB (A)	-	55.7
15	04:00 AM	dB (A)	-	58.8
16	05:00 AM	dB (A)	-	78.1
17	06:00 AM	dB (A)	78.6	-
18	07:00 AM	dB (A)	75.0	-
19	08:00 AM	dB (A)	78.9	-
20	09:00 AM	dB (A)	79.4	-
21	10:00 AM	dB (A)	80.4	-
22	11:00 AM	dB (A)	81.3	-
23	12:00 AM	dB (A)	80.2	-
24	01:00 PM	dB (A)	79.3	-
Average			70.30	58.16

UOM – Unit of Measurement. Remarks: The Noise Level exceeds MPCB Limits.

Reviewed By

(Mr. Prashant Patil)
(Dy. Quality Manager)



Authorized Signatory

(Ms. Dhammashila Narwade)
(Dy. Technical Manager)

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M/s. Willows CHS Ltd. Baner – Balewadi Road, Baner, Pune – 411045.	Date of Reporting	26/08/2024

SAMPLING DETAIL

01) Location of Sampling	Baner Site 8 th Floor	
02) Sampling Procedure	IS 4758	
03) Sample Collected By	M/s. Excellent Enviro Laboratory & Research Center Pvt.Ltd.	
04) Date of Sampling	19/08/2024 to 20/08/2024	
05) Time of Sampling & Sampling Duration	From 02:00 PM of 19/08/2024 to 02:00 PM of 20/08/2024 (24 hrs.)	
06) Sampling Duration	24 hrs. Day & Night	
07) Instrument Details	Serial No.	MECO
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	Calibration Date	Calibration On: 13/11/2023 Due On: 13/11/2024

RESULT

Sr. No.	Time	UOM	Result (Day Time)	Result (Night Time)
MPCB Standard Limit			≤ 55	≤ 45
1	02:00 PM	dB (A)	58.2	-
2	03:00 PM	dB (A)	59.7	-
3	04:00 PM	dB (A)	62.1	-
4	05:00 PM	dB (A)	57.6	-
5	06:00 PM	dB (A)	58.1	-
6	07:00 PM	dB (A)	56.0	-
7	08:00 PM	dB (A)	52.4	-
8	09:00 PM	dB (A)	51.9	-
9	10:00 PM	dB (A)	-	54.5
10	11:00 PM	dB (A)	-	52.3
11	12:00 PM	dB (A)	-	53.5
12	01:00 AM	dB (A)	-	53.1
13	02:00 AM	dB (A)	-	56.6
14	03:00 AM	dB (A)	-	57.2
15	04:00 AM	dB (A)	-	55.7
16	05:00 AM	dB (A)	-	58.1
17	06:00 AM	dB (A)	58.8	-
18	07:00 AM	dB (A)	59.1	-
19	08:00 AM	dB (A)	58.9	-
20	09:00 AM	dB (A)	61.4	-
21	10:00 AM	dB (A)	59.2	-
22	11:00 AM	dB (A)	57.6	-
23	12:00 AM	dB (A)	56.5	-
24	01:00 PM	dB (A)	58.8	-
	Average	dB (A)	57.89	55.12

UOM – Unit of Measurement. Remarks: The Noise Level exceeds MPCB Limits.

Reviewed By

(Mr. Prashant Patil)
(Dy. Quality Manager)

Authorized Signatory

(Ms. Dhammashila Narwade)
(Dy. Technical Manager)

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