

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 37/2023 (WZ)

Sushant Subhash More Applicant

V/s

M/s Hotel Sahyadri Puspa & Ors. Respondents

REPLY ON BEHALF OF MAHARASHTRA POLLUTION
CONTROL BOARD RESPONDENT NO. 102



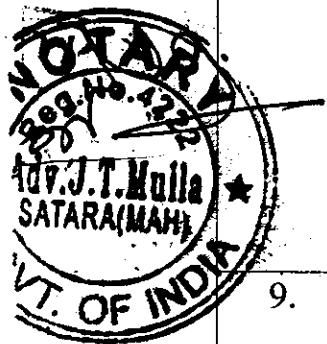
I, Amol Satpute aged about 38 years, occupation – Service, working as Sub-Regional Officer of the Maharashtra Pollution Control Board having office at Satara New Administrative Building, 2nd Floor, Behind ST Stand, Sardar Bazar, Satara – 415001 do hereby state on solemn affirmation as under: -

1. I am filing this Reply in compliance of the order dated 08/06/2026 passed by the Hon'ble National Green Tribunal.
2. In compliance with the Hon'ble NGT's Order dated 08/06/2026, the Applicant filed a Rejoinder dated 06/06/2026. The Applicant has made certain averments therein against the submissions of MPCB. The responses of MPCB to the said averments are as follows:

Point No.	Applicant Rejoinder Points	MPC Board Response
3.	There was no clarity as to how many establishments fall within the purview of the MPCB and the MSRDC but detailed site inspection carried out has cleared the air.	Total 40 Nos of establishments Comes under consent regime of the MPC board. However as 5 nos of Establishment has closed down their operation, now only 35 Establishment Comes under consent regime of the MPC board

4.	Previously only 32 establishments were brought under the consent regime of this Hon'ble tribunal but after the site inspection it can be seen that out of 100 establishments 40 fall under the purview of the Hon'ble tribunal.	A total of 40 establishments engaged in hotel/lodging activities, having a built-up area of less than 20,000 sq. m., fall under the consent regime of MPCB. Out of these 40 establishments, 3 establishments have obtained Consent to Operate from MPCB. Further, 5 establishments have discontinued their hotel operations (As informed during the Committee visit). The remaining 32 establishments have not obtained the requisite consent from MPCB.
5.	At Annexure IV of the Joint Committee makes it clear that, 40 establishments falls within the consent regime of MPCB and within the purview of the Hon'ble Tribunal.	Total 40 Nos of establishments Comes under consent regime of the MPC board. However as 5 no. of Establishment has closed down their operation, now only 35 Establishment Comes under consent regime of the MPC board.
6.	Site inspection report is filed by the joint committee R- 96 provides hotel and lodging services and comes within consent regime of MPCB, but there exists no site inspection report of R-96 and the same may kindly be directed to be submitted on the record of the Hon'ble tribunal	The inspection report pertaining to R-96 has already been submitted in the Joint Committee Report at page 703
7.	It is pertinent to note that, out of these 40 establishments 3 are closed down which are Respondents No. 68, 77 and 99. But , the Site Inspection Report shows that, the R-68 establishment is standing since 12 years as per Panchnama at Page No. 782. And as per	During visit of the Committee, No documentary proof were made available by respondents for closure of operations as well start of operation.

	Panchnama at Page No. 1169 the R- 99 establishment is standing since 15 years. So also no details as to since when structure of R-77 is standing at S.No. 101/3 is mentioned and hence, clarity is to be brought as to since when the above- mentioned hotels are non-operational so as to calculate the EDC appropriately.	
8.	MPCB has granted CTO to respondents No.1, 31, and 69 while the matter was sub-judice before the Hon'ble tribunal and the copies of the same are not placed on record of the Hon'ble court it is pertinent to note that, the establishments of R-1 (Hotel) and R-69 (Hotel Lodging and marriage hall) continued its operation for 13 and 9 years respectively without any valid CTO or CTE.	CPCB Vide dated 07/03/2016 categorized hotel into Green, Orange, and Red category. MPCB granted consent to operate to respondents No.1, 30, and 69 after receipt of their application by abiding the prevailing procedure for grant of consent including imposing penal charges for operating without consent from the MPCB MPCB has not granted Consent to Respondent No -31.
9.	In the light of the said fact, allowing CTO and CTE to these Respondents without securing EDC for the period which they were operating without valid permission is not acceptable. The said CTO was not granted by the MPCB when the establishments had no valid building permission at Page 3 and Page 789 of the Site Inspection Report. Hence, it is expected that the Joint Committee would have calculated the EDC as per the methodology introduced by the CPCB.	As per the Joint Committee Report at Page No.1905, it is specifically mentioned that 85 structures out of 100 structures have to apply for regularization, otherwise, the said structure has to be demolished under the MRTP Act, 1966 for violation of the provisions of the said Act by the Planning Authority. In this regard, once the MSRDC gives the list of regularized structures, the Respondent Board on behalf of Joint Committee will extend personal hearing to the Respondents as per Hon'ble NGT Order dated 19/2/2024 in O.A. No.32/2024 filed by Raju Shetty



		and Ors. v/s M/s. Shri Datta India Pvt.Ltd. & Ors. A copy of the order dated 19.02.2024 is annexed herewith as Annexure-I .
10.	It is to note that, the R-31's application seeking building permission was rejected by the Revenue Department, Satara as stated by the R-105 in the chart at Page No.1880. But, it can be seen that in spite of the fact that no building permission exists the MPCB has granted CTO to R-31 as per the data mentioned in the Site Inspection Report as Page No. 341.	MPCB has not granted consent to Respondent No. 31.
11.	Furthermore, the EDC has to be calculated for the remaining 37 establishments constantly standing in the buffer zone without CTO and CTE, which is neither assessed or calculated by the Joint Committee. Hence, the Hon'ble Tribunal may kindly direct the Joint Committee to assess the EDC as per methodology introduced by CPCB.	Same as Point No.9. 
12.	MPCB has failed to carry out the mandatory duty to ensure that the hotels, lodgings, resorts are operating with a valid CTO and CTE. It was after the filing of the present O.A. that the MPCB has issued notices to all establishments that fail under its regime.	MPCB commenced a survey in October 2022 to identify hotels, lodgings, and resorts operating in and around Kas Pathar without obtaining valid Consent to Establish (CTE) and Consent to Operate (CTO). Simultaneously, MPCB initiated action by issuing notices to such establishments as the survey progressed. However, in the meantime, the matter was filed before the Hon'ble NGT.



13.	In the light of the above-mentioned failure of the MPCB, the Applicant requests the Hon'ble Tribunal to grant the EDC so calculated to various NGT's like Biome Conservation Foundation, Pune who are striving to protect the rich bio-diversity of the Kas Plateau including the Kaas Management Committee, Forest Department and the Bio-Diversity Committee of the Gram Panchayats.	It is humbly submitted that the Hon'ble NGT may decide on this issue.
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3. Hence this Affidavit.

Solemnly affirmed on this 02 day of July, 2026 at Pune.

I know the affiant

For and on behalf of Maharashtra

Pollution Control Board i.e.

Respondent No.102

ADVOCATE

Amol Satpute
(Amol Satpute)

Sub-Regional Officer,

MPCB, Satara



BEFORE ME

Amol Satpute
21/7/2026

Adv. J. T. MULLA

B.Com., LL.B. (Spl.) G.D.C. & A.

NOTARY (Govt. of India) Reg. No. 4222

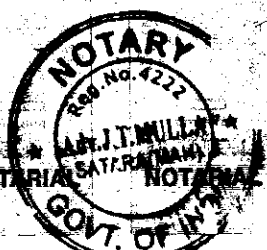
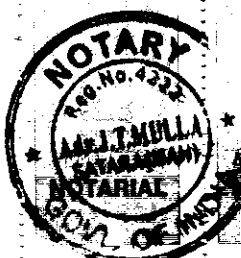
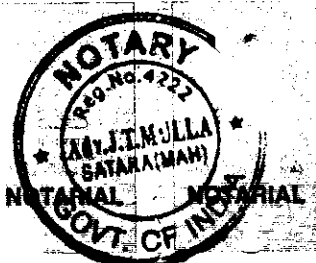
"MAGIC" Bungalow, Gokern Nagar,
Sangamnagar, SATARA-415 003 (MAH)

Ph. 9975738834, 9763230330

Noted & Registered

at Serial No. 3172 today at satara

2026



Item No.7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.32/2023(WZ)

Raju Alias Devavappa Anna Shetty & Ors.

.....Applicant(s)

Versus

M/s Shri Dutt India Pvt. Ltd. & Ors.

....Respondent(s)

Date of hearing: 19.02.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Asim Sarode, Advocate

Respondent(s) : Mr. Dattatray Devale, Advocate for R-1/PP
Mr. Vilas Jadhav, Advocate for R-2/MPCB
Ms. Supriya Dangare, Advocate for R-3/SMKMC
Mr. Divyansh Gore, Advocate for R-4

ORDER

1. From the side of applicants, learned counsel Mr. Asim Sarode has appeared.

2. Today, we have received reply affidavit dated 16.02.2024 from the side of respondent No.2- MPCB, wherein an amount of EDC has been calculated with respect to respondent No.1- M/s. Shri Dutt India Pvt. Ltd. to the tune of Rs.42,30,000/- (Rs. Forty-two lakh Thirty Thousand Only). But it has not been disclosed therein as to how this calculation has been made.

3. In this affidavit of respondent No.2-MPCB, the calculation of an amount of EDC has also been made with respect to the respondent No.4- M/s. Swapnapurti Sugar Ltd. (Operator of M/s. Vasantdada Shetkari SSK Ltd.) to the tune of Rs.3,60,000/- (Rs. Three Lakh Sixty Thousand only).

But even for this calculation, it has not been disclosed as to how the said amount has been calculated. Therefore, we direct the respondent No.2- MPCB to give details of the calculation made by them with respect to respondent Nos.1 & 4 as to for how many days of violations, these amounts have been calculated.

4. From the side of respondent No.1- M/s. Shri Dutt India Pvt. Ltd., learned counsel Mr. Dattatray Devale has appeared, who submits before us that against the calculation of EDC, the respondent No.1 has filed an objection dated 17.02.2024. He further apprised us that while arriving on such figure of EDC, no opportunity of hearing was given to the respondent No.1. Therefore, we direct the respondent No.2- MPCB to provide an opportunity to the respondent No.1 to appear before them and thereafter, re-calculate the amount of EDC appropriately and submit a report on an affidavit within a period of four weeks.

5. By our previous order, we had directed the respondent No.2- MPCB to calculate the EDC in respect of respondent No.3- The Municipal Commissioner, Sangli Miraj Kupwad Municipal Corporation. In compliance to the same, the respondent No.2- MPCB has submitted a compliance affidavit dated 17.02.2024 before this Tribunal, in which MPCB has calculated the EDC amount to the tune of Rs.90 Crores (Rs. Ninety Crore only) against the respondent No.3.

6. When we enquired from the learned counsel for respondent No.2- MPCB as to how this amount has been arrived at, he has drawn our attention to the Annexure- A annexed with the compliance affidavit of respondent No.2, wherein at para no.II(c), it is recorded that the guideline/principle laid down by the Tribunal in *Original Application No.593/2017 titled Paryavaran Suraksha Samiti & Anr. vs. Union of India*

& Ors. has been followed and that the total number of days, for which the said calculation has been done, are from 11.09.2019 to 31.01.2024. But we do not find the number of days to have been clarified as to of how many days, the violation between the said periods would be there. We direct the respondent No.2- MPCB to make it clear before us by filing an additional affidavit within the prescribed time as provided by us above.

7. We would also like to know from the respondent No.2- MPCB as to why the order dated 08.09.2022 of the Tribunal passed in Original Application No.606/2018 has not been followed, which prescribes the criteria as follows:-

“(d) The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in para 33 above will result in liability to pay compensation as already noted above which is reproduced for ready reference:

- i. Interim measures for phytoremediation/ bioremediation etc in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
- ii. Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
- iii. Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.”*

8. From the side of respondent No.3- The Municipal Commissioner, Sangli Miraj Kupwad Municipal Corporation, learned counsel Ms. Supriya Dangare has appeared, who seeks two weeks' time to file objection against

the said calculation made by the respondent No.2- MPCB. We allow the same.

9. We further direct the respondent No.2- MPCB to ensure that an opportunity of hearing may be given to the representative of respondent No.3 while arriving on a calculation of EDC before filing an affidavit before this Tribunal.

10. From the side of respondent No.4- Swapnapurti Sugar Ltd., learned counsel Mr. Divyansh Gore has appeared, who submits that he has not been served a copy of the Original Application along-with relevant documents. Therefore, we direct the learned counsel for applicants to serve a copy of the same to the said learned counsel within a week and within four weeks thereafter, reply affidavit may be filed from the side of respondent No.4.

11. From now onwards, we direct the MPCB to ensure that whenever they arrive on an amount of EDC, they should always give an opportunity of hearing to the concerned party so that there is less chance of any error being committed by them.

Put up this matter for further consideration on 14.05.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 19, 2024
Original Application No.32/2023(WZ)
P.Kr