

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

ORIGINAL APPLICATION No.201 of 2023(WZ)

**IN THE MATTER OF
CHARAN BHATT**

... **APPLICANT**

Versus

**WETLAND DIVISION, MoEF & CC
& OTHERS**

... **RESPONDENTS**

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PUNE

DATE : 06/06/2025



ADVOCATE FOR RESPONDENT NO.17

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

AT PUNE

ORIGINAL APPLICATION NO. 201 OF 2023 (WZ)

Charan Bhatt

... Applicant

Versus

Wetland Divison, MoEF & CC & Ors

... Respondents

REPLY ON BEHALF OF
RESPONDENT NO.17 TO THE
REPORT DATED 22.10.2024

MAY IT PLEASE THE HON'BLE TRIBUNAL

THE RESPONDENT NO. 17 MOST RESPECTFULLY SUBMITS
THAT :-

1. The present Reply is being filed on behalf of this Respondent to the report filed dated 22th October 2024. The Applicant reserves its right to file a detailed reply at a later stage if required.
2. The Respondent submits that this Hon'ble Tribunal vide its order dated 15th January 2024 constituted a Joint Committee constituting one member each of the Member Secretary, State Wetland Authority, the District Collector, Palghar, Member Secretary, State Wetland Conservation Committee, Additional

Principal Chief Conservator of Forests and Maharashtra Coastal Zone Management Authority (MCZMA).

3. The Joint Committee visited the sites on 4th April 2024, but there was no prior notice given to this Respondent nor served with copy of the Application.
4. The Respondent submits that as per the provisions of the Section 19 of National Green Tribunal Act, 2010- The Respondent should have been served the application and duly heard in the matter before issuance of any such order by the Hon'ble Tribunal.
5. The Respondent further submits that the Joint Committee conducted site visit on 4th April 2024. The Joint Committee did not make any communication to the Respondent to be present while conducting the site visit. This is a gross violation of principle of Natural Justice. This Respondent was denied fair chance of making him heard or represent himself before the Joint Committee. As per Joint Committee Report dated 22.10.2024 (**Page No. 460 and 461 of Paper Book**) it can be clearly depicted that this Respondent was not present while conducting the site visit.
6. In this report (**Page No. 444 and 475 of Paper Book**), Although the Joint Committee has not recommended any action to be taken against this Respondent, the MPCB (Respondent No.7) goes beyond that and issued a closure order dated 26th December 2024 to this Respondent. The Respondent No.7 without any prior notice or opportunity of being heard issued the said notice. Copy of the order

of closure dated 26th December 2024 is annexed hereto and marked as **ANNEXURE – R-1.**

7. The Hon'ble High Court of Bombay vide order dated 12th April 2022 in Writ Petition No. 4365 of 2022 and 303 of 2018 has taken a decision directing Vasai Virar City Municipal Corporation to grant the permission in village Sasunavghar since the same is not wetland as earmarked in the said brief document prepared by Collector Palghar . (**Page No. 447 of Paper Book**)
8. The Respondent No.7 has not verified that the land at Sasunavghar is a wetland or not. The Respondent submits that various development permissions have been granted to it and that it is not a wetland. Even the Respondent No.7 has granted the Consent to Operate to the Respondent and thus passing of the order is a breach of principles of natural justice.
9. It is further submitted by this Respondent that the present Respondent has valid permissions or consents to conduct, manage or run the operations of the activities (business) of this Respondent.
10. The Respondent submits that the Respondent has executed Leave and Licence Agreement in respect of the lands bearing Survey No.108/1/1 and 108/2/1 (part), Village Sasunavghar, Taluka Vasai, District Palghar. The Respondent has also received Consent to Operate for operating Ready Mix Concrete (RMC) plant dated 12th April 2024 from the Respondent No.7, which is valid till 31st March 2027. Copies of the Consent to Operate dated 12th April 2024 are annexed hereto and marked as **ANNEXURE – R-2.**

11. The Respondent to its shock and surprise upon receipt of the order addressed a detailed reply to the Respondent No.7 on 2nd January 2025. Copy of the reply dated 2nd January 2025 is annexed hereto and marked as **ANNEXURE – R-3.**
12. The Respondent is being stopped from conducting business, despite having all permissions which is making their life miserable, as some workers are daily wagers, and it becomes impossible for them to maintain the family. The Respondent are entitled to conduct its business and guaranteed their right under Article 19(1) (g) of the Constitution of India. Hence, it is prayed to this Tribunal that the present application be allowed.
13. The Respondent submits that in the matter of *Deepak Nitrite Ltd Vs State of Gujarat and Others* (Civil Appeals No. 1521 of 2001 with Nos. 1522-28 of 2001), the Hon'ble Supreme Court of India has held that '*Compensation/damages can be awarded under, only if damage has been caused to the environment by the person concerned, to say that mere violation of the law in not observing the norms would result in damage/degradation of environment is not correct. There must be a finding that such damage has in fact resulted.*' The Respondent further submits that the Joint Committee report nowhere observes that the Respondent is polluting the environment and action shall be taken against the Respondent. The Hon'ble Tribunal has also not passed any direction against the Respondent.
14. The Respondent states that this Respondent be discharged from the present proceedings against this Respondent as the

Respondent has all valid permissions obtained from statutory bodies.

15. The Respondent No.7, therefore, prays that the Respondent No.7 be discharged from the proceedings, the MPCB be directed to consider revocation of closure. The Hon'ble Tribunal has ample powers to pass such directions under Rule 24 of the NGT Practice and Procedure Rules, 2011.

Date: 06/06/2025

Pune

A handwritten signature in blue ink, appearing to read 'S. S. Kanani', with a horizontal line underneath.

Advocate for Respondent No.17



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

ORIGINAL APPLICATION No.201 of 2023(WZ)

**IN THE MATTER OF
CHARAN BHATT**

... **APPLICANT**

Versus

**WETLAND DIVISION, MoEF & CC
& OTHERS**

... **RESPONDENTS**

A F F I D A V I T

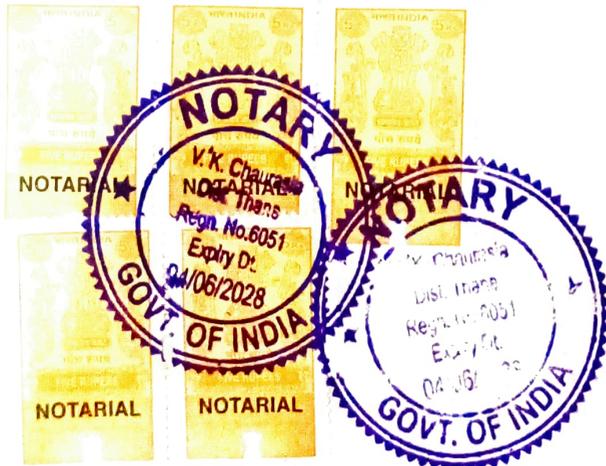
MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Mr. Suresh Joshi, adult, Occupation.: business, having office at Survey no.108/1/1,108/1/2,Village-Sasunavghar, Taluka - Vasai, District - Palghar, do hereby state on solemn affirmation as under: -

I am the Authorised Signatory of the Respondent No.17 (M/s. A S INFRATECH) and responsible for day to day administration of my business. As such, I have gone through the reply thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at

Thursday on 05 day of June 2025.



BEFORE ME

DEPONENT

Suresh Joshi
VIRENDRA KUMAR CHAURASIA
M. Com., LL.B
ADVOCATE & NOTARY GOVT. OF INDIA
G-204, New Pooja Garden CHS. Ltd.,
Near New Golden Nest, Mitha Lal Jain Bungalow,
Mira Road (E), Thane - 401107. | Mob.: 9322180462

Reg. Sr. No. 710
Date 06 JUN 2025

MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagle Estate, Thane-400 604.

No. MPCB/ROT/CD/2412260002

Date: 26/12/2024

To,
M/s. A S Infratech,
S. No. 108/1/1 & 108/1/2, Vill. Sasunavghar,
Tal. Vasai, Dist. Palghar



Your Service is Our Duty

Sub:- Closure Directions under section 33A of the Water (P & CP) Act, 1974 & under section 31A of the Air (P. & C.P.) Act, 1981 and read with Hazardous & Other Wastes (M & T M) Rules, 2016.

Ref: -1) Consent to operate granted by Board dtd. 12/04/2024.
2) Hon'ble NGT vide order 23/10/2024 in O.A. 201/2023.
3) Visit of Boards official dtd. 13/11/2024.
4) Action proposal submitted by Sub- Regional Officer, Thane-II vide Legal Unique No. MPCB-LEGAL_ACTIONS- 271124036.
5) Approval for closure received from HQ dtd. 25/12/2024.

WHEREAS, you are operating your industry in Water & Air pollution prevention area declared under Water (P&CP) Act, 1974 Air (P&CP) Act, 1981.

AND WHEREAS, the Board had granted the conditional consent to operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016. **AND WHEREAS**, it is obligatory on your part to comply with the same.

AND WHEREAS, it was also obligatory on your part to provide adequate and efficient pollution control devices and take adequate measures to control air & water pollution from all sources so as to achieve the standards prescribed in the Environment (Protection) Act 1986.

AND WHEREAS, Charan Bhatt has filed complaint before Hon'ble NGT regarding violation of Wetland rules at Village Sasunavghar. Joint committee has submitted report dated 22/10/2024 and observed dumping of the debris/construction waste at Sasunavghar village. And Hon'ble NGT vide order 23/10/2024 in O.A. 201/2023 directed MPCB to act on report of Joint Committee and ensure compliance accordingly, Board officials of Sub Regional Office, Thane-II has visited your RMC plant on 13/11/2024 and has reported following non-compliances:

- 1) The location of the unit is in the stretch of coastal wetland Natural Intertidal Mudflats as per wetland atlas referred by Joint Committee.
- 2) You have installed additional RMC plant & operating without consent from Board.
- 3) Solid waste/ debris is lying in factory premises which leads to dust emissions in premises and outside the premises.
- 4) You have not provided CAAQMS system.
- 5) You have not applied for amendment application from conversion of Green to Orange category.

: 2 :

AND WHEREAS, this amounts to blatant violation of environmental norms which shows your gross negligence attitude towards pollution control.

NOW THEREFORE, in the exercise of the powers conferred u/s 33A of Water (Prevention & Control of Pollution) Act 1974, and 31A of Air (Prevention & Control of Pollution) Act, 1981. I, Regional Officer, MPCB, Thane hereby directed to close down your RMC activities, immediately. Please note that competent authorities are hereby directed to disconnect your electricity and water supply.

In case of your failure to comply these directions, further suitable action which may be deem fit, as per the provisions of the Environmental Act's will be initiated against your unit, which may please be noted.

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


(Kiran N. Hasabnis)
Regional Officer, Thane

Copy submitted to:

1. Member Secretary, M. P. C. Board, Mumbai.
2. Assistant Secretary (Technical), M. P. C. Board, Sion, Mumbai.

Copy to:

1. The Executive Engineer, Maharashtra State Electricity Distribution Co Ltd. Tal. Vasai, Dist. Palghar - He is directed to disconnect electric supply, of above-mentioned industry immediately from receipt of these directions (Excluding single phase supply towards domestic and security purpose) and report compliance accordingly.
2. The Executive Engineer, Water Supply, Vasai Virar City Municipal Corporation, Tal. Vasai, Dist. Palghar - He is directed to disconnect water supply, of above-mentioned industry immediately from receipt of these directions and report compliance accordingly.
3. Sub-Regional Officer, Thane-II, MPC Board, Thane.
- You are directed to serve these directions to the unit and ensure the compliance of the directions & submit ATR within 48-hrs.


(Kiran N. Hasabnis)
Regional Officer, Thane



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 022- 25829582
 Fax: 022- 25805398
 Website: <http://mpcb.gov.in>
 Email: srothane2@mpcb.gov.in



Plot No. P - 30, 5th floor,
 Office Complex Mulund
 Checknaka ,Thane.

GREEN/S.S.I (G37)
No:- Format1.0/SRO/UAN No.MPCB-
CONSENT-0000204652/CO/2404000967

Date: 12/04/2024

To,
M/s. A S Infratech
S. No. 108/1/1 & 108/1/2,Sasunavghar,
Vasai (E), Dist - Palghar.



Sub: Application for grant of Consent to operate.

Your application No.MPCB-CONSENT-0000204652 Dated 28.03.2024

For: grant of Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 and Rule 18(7) of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I, II, III & IV annexed to this order:

- The consent to operate is granted for a period up to 31/03/2027**
- The capital investment of the project is Rs.2.2141 Crs. (As per C.A Certificate submitted by industry)**
- Consent is valid for the manufacture of:**

Sr No	Product	Maximum Quantity	UOM
Products			
1	Ready Mix Concrete	69	m3/hr

Commercial Plant

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

Sr No	Description	Permitted (in CMD)	Standards to	Disposal Path
1.	Trade effluent	5	As per Schedule-I	Partly recycle CMD & partly gardening CMD
2.	Domestic effluent	1	As per Schedule-I	Soaked in soak pit

- Conditions under Air (P& CP) Act, 1981 for air emissions:**

Sr No.	Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
1	0	NA	0	As per Schedule -II

6. **Non-Hazardous Wastes:**

Sr No	Type of Waste	Quantity	UoM	Treatment	Disposal
NA					

Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste.

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for Collection, Segregation, Storage, Transportation, Treatment and Disposal of hazardous waste:**

Sr No	Category No./ Type	Quantity	UoM	Treatment	Disposal
NA					

8. The consent is issued subject to direction issued by CPCB under section 18(1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding classification of Industries dated 07th March 2016.
9. The Board may make the standards stringent for the RMC/batching plants located within Corporation areas.
10. Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
11. Captive plants shall carryout ambient air quality monitoring twice in a week for 24 hours.
12. The industry shall comply with the siting criteria as per RMC Notification dtd 16.10.2016.
13. The entire RMC Plant should be enclosed.
14. Industry shall provide covering at all the emission generating points.
15. Industry shall carry out monitoring of ambient air quality twice in a week for 24 hours at windward & lean ward direction and submit the data to Board office on monthly basis.
16. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
17. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
18. This consent is issued with the approval of competent authority of the Board.
19. The Board reserves the right to review, amend, suspend, revoke this consent and the same shall be binding on the industry.
20. This consent is issued as per deligation of powers issued vide office order no. 12/2020 dtd 23/12/2020
21. The RMC plants where the norms are not followed and the technology is old (Star type) shall be discarded within 1 year. Existing RMC plant shall implement the suggested guidelines within a year. The renewal of Maharashtra Pollution Control Board's consent shall be considered only after implementation of new guidelines. The RMC's having valid consent of Maharashtra Pollution Control Board shall amend their consent in compliance with guideline within a year
22. Operation of RMC plant shall be in day time only. However in notified MIDC area, notified industrial parks, outside corporation area timing are not applicable. The Day time shall mean from 6 a.m. to 10 p.m.

23. The industry strictly follows the Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria of RMC Plant in the State of Maharashtra as per notification dated 7/11/2016.
24. This consent should not be construed as any exemption from obtaining necessary NOC from other Govt. agencies / local bodies as may deemed fit necessary.
25. The applicant shall obtain permission from Central Ground Water Board for the use of Ground Water, if applicable.
26. This consent is issued without pre-justice of Hon'ble NGT order passed or being passed in Application No. 201/2023 (WZ) filed by Charan Bhatt V/s Wetland Division, MoEF & CC & Ors.
27. The applicant shall install CAAQMS and Industrial Vacuum cleaner and 20 feet barricading within 30 days.
28. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before actual commencement of the Unit/Activity.

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	30000.00	TXN2403006517	28/03/2024	Online Payment

Balance amount of Rs. 15000 will be considered at the time of next renewal of consent.

Copy to:

1. Regional Officer, MPCB, Thane
2. Chief Accounts Officer, MPCB, Sion, Mumbai

SCHEDULE-I**Terms & conditions for compliance of Water Pollution Control:**

1. A] As per your application, you have segregated trade effluent into weak stream & strong stream and provided Effluent Treatment Plant (ETP) comprising of:
- i) Strong COD/TDS stream of CMD** - Treatment system comprising of Primary (Primary after stmt).
- ii) Weak COD/TDS stream of CMD** - Treatment system comprising of .
- B] The Applicant shall operate the effluent treatment plant (ETP) to treat the trade effluent 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	Limiting concentration not to exceed in mg/l, except for pH
(1)	pH	6.0 -8.5
(2)	BOD (3 days 27°C)	30
(3)	COD	250

- C] The treated effluent shall be recycled for secondary purposes to the maximum extent and remaining shall be discharged on land for gardening within premise after confirming above standards. In no case, effluent shall find its way for gardening / outside factory premises.

2. A] As per your application, you have provided Septic Tank followed by Soak pit for the treatment of 1 CMD of sewage.
- B] The Applicant shall operate the sewage treatment system to treat the sewage so as to achieve the following standards.

Sr.No	Parameters	Standards (mg/l)	
1	Suspended Solids	Not to exceed	50
2	BOD 3 days 27°C	Not to exceed	30

- C] The treated sewage shall be recycled for secondary purposes to the maximum extent and remaining shall be discharged on land for gardening within premise after confirming above standards. In no case, sewage shall find its way for gardening / outside factory premises.

3. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification there of & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto.
4. The industry shall 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.
5. 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.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	2.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	12.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00
5.	Gardening	0

6. 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/ Environmental Clearance/ CREP guidelines.



SCHEDULE-II**Terms & conditions for compliance of Air Pollution Control:**

1. As per your application, you have provided the Air pollution control (APC) system and erected following stack (s) to observe the following fuel pattern:

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
0	NA	Multi Cyclone	0.00	-	-	NA	-

2. The Applicant shall provide Specific Air Pollution control equipments as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance / CREP guidelines.
3. The Applicant shall 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.
4. 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).
5. The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:
6. Control Equipment:
- a. In-house measures :-**
1. All material transfer points should be covered.
 2. The dust containment system shall be provided incorporating either of the following:
 - i) Barricading all around the periphery of the plot boundary of height minimum 20 feet or 5 feet above free fall air emission area. Whichever is height with tin sheets same may extend above with netlon clothing whenever required.
 - ii) Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
 - iii) Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area upto about 20m height.
 3. Internal work area shall be, cement concreted/Asphalted
 4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out with industrial vacuum cleaner.
 5. Two level type washing facility shall be provided at entry and exit points, for transit mixture vehicle.

b. Raw material storage & handling:-

1. Storage silos of cement & fly-ash shall be adequate capacity of dust Collection system such as multi - cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag houses, so as to limit dust emissions.
6. Storage area of sand & aggregates shall be equipped with roof top water sprinkler system.
7. The production plant shall be interlocked with air pollution control system.
8. Alternative power supply system should cover both the production and Air Pollution control system.
9. Industry shall provide treatment facility industrial effluent.
10. Industry shall provide disposal facility for treated effluent.
11. Industry shall provide disposal facility for solid waste.
12. Industry shall provide proper exhaust system in the premises.

c. Ambient air quality as a distance of 10 mtr form source or the plant boundary whichever is nearer, shall meet the following standards

Particulate Matter PM 10	Not to Exceed	100 ug/m ³
Particulate Matter PM 2.5	Not to Exceed	60 ug/m ³

d. Solid waste treatment and disposal:

Solid waste from transit mixture washing, muck (debris/sludge) generated from RMC shall either be reused through recovery unit/ Reclaiming system OR disposed off at a designated approved site by local body, for debris / construction waste. Industry shall comply with following additional conditions:

1. The RMC plants where the norms are not followed and the technology is old (Star type) shall be discarded within 1 year. Existing RMC plant shall implement the suggested guidelines within a year. The renewal of Maharashtra Pollution Control Board's consent shall be considered only after implementation of new guidelines. The RMC's having valid consent of Maharashtra Pollution Control Board shall amend their consent in compliance with guideline within a year.
2. Operation of RMC plant shall be in day time only. However in notified MIDC area, notified industrial parks, outside corporation area timing are not applicable. The Day time shall mean from 6 a.m. to 10 p.m.
3. The industry strictly follows the Guidelines for Ready Mix Concrete Plant (RMC) for sitting criteria of RMC Plant in the State of Maharashtra as per notification dated 7/11/2016.

SCHEDULE-III**Details of Bank Guarantees:**

Sr. No.	Consent (C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Operate	50000	15 days	Compliance of Consent Conditions	Continue	31.03.2027

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
NA						

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				



SCHEDULE-IV**General Conditions:**

1. The Energy source for lighting purpose shall preferably be LED based
2. The PP shall harvest rainwater from roof tops of the buildings and storm water drains to recharge the ground water and utilize the same for different industrial applications within the plant
3. 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) 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.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) 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.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
4. The applicant shall maintain good housekeeping.
5. The non-hazardous solid waste arising in the factory premises, sweepings, etc. be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal of solid waste.
6. The applicant shall not change or alter the quantity, quality, the rate of discharge, temperature or the mode of the effluent/emissions or hazardous wastes or control equipments provided for without previous written permission of the Board. The industry will not carry out any activity, for which this consent has not been granted/without prior consent of the Board.
7. The industry shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the factory premises.
8. The industry shall achieve the National Ambient Air Quality standards prescribed vide Government of India, Notification No. B-29016/20/90/PCI-L dated. 18.11.2009 as amended.
9. 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 shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto.
10. The industry shall 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.
11. The PP shall provide personal protection equipment as per norms of Factory Act

12. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipments, the production process connected to it shall be stopped.
13. The applicant shall provide an alternate electric power source sufficient to operate all pollution control facilities installed to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms and conditions of this consent.
14. The industry shall recycle/reprocess/reuse/recover Hazardous Waste as per the provision contain in the Hazardous and Other Wastes (M & TM) Rules 2016, which can be recycled /processed /reused /recovered and only waste which has to be incinerated shall go to incineration and waste which can be used for land filling and cannot be recycled/reprocessed etc. should go for that purpose, in order to reduce load on incineration and landfill site/environment.
15. An inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
16. Industry shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act, 1986 and industry specific standard under EP Rules 1986 which are available on MPCB website (www.mpcb.gov.in).
17. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes/sewers downstream of the terminal manholes. No effluent shall find its way other than in designed and provided collection system.
18. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
19. The industry should not cause any nuisance in surrounding area.
20. The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB (A) during day time and 70 dB (A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.
21. The industry shall create the Environmental Cell by appointing an Environmental Engineer, Chemist and Agriculture expert for looking after day to day activities related to Environment and irrigation field where treated effluent is used for irrigation.
22. The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
23. The industry should comply with the Hazardous and Other Wastes (M & TM) Rules, 2016 and submit the Annual Returns as per Rule 6(5) & 20(2) of Hazardous and Other Wastes (M & TM) Rules, 2016 for the preceding year April to March in Form-IV by 30th June of every year.
24. The applicant shall install a separate meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.
25. The applicant shall bring minimum 33% of the available open land under green coverage/ plantation. The applicant shall submit a yearly statement by 30th September every year on available open plot area, number of trees surviving as on 31st March of the year and number of trees planted by September end.
26. 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.

27. 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-V as per the provisions of Rule 14 of the Environment (Protection) (second Amendment) Rules, 1992.
28. The Applicant shall 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.
29. 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).

This certificate is digitally & electronically signed.



A S INFRATECH

A/301 THIRD FLOOR, SALASAR BARSANA CHS LTD, TEMBA HOSPITAL ,BHAYANDAR WEST THANE MAHARASHTRA 401101

Date: 02.01.2025

To,
The Hon'ble Chairman Sir,
Maharashtra Pollution Control Board (MPCB),
Kalpataru Point, 3rd and 4th Floor,
Opp. PVR Cinema, Sion Circle,
Mumbai – 400022.

Subject: Request for Intervention Regarding Unjust Closure Notice Issued to Our Factory by MPCB Thane Office wide Notice No. MPCB/ROT/CD/24123260002 dated 26.12.2024

Respected Sir,

We, **A S INFRATECH**, located at **Sarvey No 108/1.108/1/2** , village Sasuvnagar Tal: Vasai Dist.: Palghar are writing this letter to seek your kind intervention regarding the closure notice issued to our factory by the MPCB Thane Office.

We would like to bring to your attention that our factory has always complied with the norms and regulations set forth by the Maharashtra Pollution Control Board (MPCB). Despite our adherence to legal and environmental guidelines, we have received a closure notice which we believe has been issued without proper investigation and consideration of facts.

Furthermore, in Closure notice 5 major points have been flagged as major concerned which are as follows: -

1. The Location of the unit is in the stretch Of Coastal Wetland Natural Intertidal Mudflats as per Wetland atlas referred by Joint Committee.
- 2 You have installed additional RMC Plant & Operating without consent from board
3. Solid waste/ Debris is laying in factory premises which leads to dust emission in premises and out site premises
- 4.You Have not Provided CAAQMS System .
5. You have not applied for amendment application Application From Conversion of Green to Orange Category.

Point No. 1 Location of the Plant WETLAND ISSUE

forms the crux of the issue, we have prepared a detailed response after reviewing the current legal position, particularly regarding the alleged wetland in Village Sasunavghar, Taluka Vasai, District Palghar. Our detailed submission is as follows: -

In Closure Notice dated 26.12.2024, they have referred to an order dated 23.10.2024 passed by the Hon'ble National Green Tribunal, Pune, regarding the alleged illegal dumping of debris and construction waste at Sasunavghar Village We have meticulously reviewed all records pertaining to OA No. 201/2023, filed by Mr. Charan Bhatt, which includes multiple allegations against various government authorities. Prior to submitting this response, we also consulted an advocate representing one of the respondents in the said matter. From our inquiry, we understand that OA No. 201/2023 was last listed before the Hon'ble NGT on 23rd October 2024. The records indicate that, to date, no adverse orders have been passed by the NGT, Pune, against any party. In fact, through an order dated 15th January 2024, the Hon'ble NGT constituted a Joint Committee to ascertain the veracity of the allegations made by the applicant, Mr. Charan Bhatt. The relevant portion of the order dated 15.01.2024 is as follows

A) Para No. 13

We also deem it appropriate to constitute a Joint Committee comprising one member each of the Member Secretary, State Wetland Authority, the District Collector, Palghar, Member Secretary, State Wetland Conservation Committee, Additional Principal Chief Conservator of Forests and Maharashtra Coastal Zone Management Authority (MCZMA), the MCZMA being the nodal agency of the Committee, with a direction that the Committee shall visit the site in question in presence of the applicant after issuing notice to him about the date of visit and shall submit a report with respect to veracity of the averments made in the present Original Application, whether any dumping is being done in the area and whether illegal construction is being done there, if any and if yes, who are the persons who are doing these activities and any action taken by the Government Authorities in this regard, the measures to be suggested, compensation to be levied from the violators and the measures for restoration of the area.

B) Para 14

The report of the Joint Committee shall be submitted before us by the MCZMA within eight weeks from the date of uploading of this order, by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF

- Subsequently, the matter was listed on three to four occasions, during which extensions were granted under various pretexts for the submission of the Joint Committee Report.
- On the most recent occasion, i.e., 23.10.2024, it was brought to the attention of all parties that the Joint Committee had submitted its report on 22.10.2024. Respondents No. 3 and 4 requested additional time to file their responses, indicating their intent to submit affidavits-in-reply based on the findings of the Joint Committee Report. Moreover, the State Pollution Control Board to act on each of the contents of the Joint Committee Report and to show the compliance of environmental rules and further ensure that there should not be any violation as recorded by the Joint Committee in its report.
- We believe that your esteemed office has received a copy of the Joint Committee Report and has reviewed it carefully. In the said report, on pages 473 to 475, there is a letter dated 15.07.2024 issued by the Deputy Director, Town Planning Department, Vasai Virar Municipal Corporation, addressed to Mr. Abhay Pimparkar, Director, Environment & Climate Change Department, Government of Maharashtra, Maharashtra Coastal Zone Management Authority, Mantralaya.
- Upon perusal of the aforementioned letter from the VVCMC, it is explicitly stated that there is no wetland in Village Sasunavghar. (Details are attached)
- Regarding the issue of wetlands, we would like to present the complete historical context as follows:
 - It is respectfully submitted that the land where our unit is situated has been classified as paddy land for several decades. A few years ago, this land was duly converted to non-agricultural (N.A.) land by the competent authority. According to Section 2(G) of the Wetland (Prevention and Conservation) Rules, 2017, paddy land is specifically excluded from the definition of wetlands. Furthermore, the applicant's land is not included in the "Brief Document" prepared by the **District Collector, Palghar**, which was submitted to the **Hon'ble High Court**. Based on this document, several orders have been passed, and multiple development permissions have subsequently been granted by your esteemed office.
 - Also, **Hon'ble High Court** order in a writ petition 4365 of 2022 on the basis of the "Brief Document" prepared by the **District Collector, Palghar**.
- It is important to note that said OA No. 201/2023 is still pending and kept for further consideration. Hence during the pendency of the matter taking any high-handed action would be unjust and unwarranted. There is every possibility that OA No. 201 would be dismissed owing to false allegation.
- Our Plant not located at Wetland Area at all. Entire Sasunavghar Village is not part of the "Brief Document" prepared by the District Collector, Palghar, which was submitted before the Hon'ble High Court.
- Furthermore, based on this Brief Document, a series of orders have been passed, and various Development Permissions have been subsequently granted by VVCMC.
- It is pertinent to note that Judgements passed on the basis of Brief Document submitted in 2020 has not been challenged.
- Our Plant's land has been classified as paddy land for several decades. In fact, our land has been was subsequently converted to Non-Agricultural (NA) use on a temporary basis in 2008 and later, in 2022, it

was converted to Permanent Non-Agricultural (NA) status by the competent authority. Hence there is no scope left to even think that our unit is placed on the Wetland.

Point No. 2. You have installed additional RMC Plant & Operating without consent from board: -
We Have already applied. & Showing Status In Process In MPCB Portal.

Point No. 3 Solid Waste/Debris in Factory Premises:

The solid waste currently present in our premises was not dumped by us. It was removed from the sedimentation tank and temporarily stored for semi-drying. This drying process is necessary to prevent spillage during transportation, which could otherwise pose risks to traffic and cause environmental pollution. We have attached photographs showing the current condition of the area.

Point No.4 You have Not provided CAAQMS System

We Have Order This Machine & Machine it will be Installation in 10 & 15 Days.

Point No.5 You Have not applied for Amendment application from Conversion of Green to Orange category.

We Will Be Applied in next Two & Three Days.

We look forward to your kind support and positive response in this matter, we assure you of our commitment to comply with all regulations and maintain environmental standards.

Thanking you,

Yours faithfully,

For A S  VERA TECH

