

**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 : 12/06/2025



ADVOCATE FOR RESPONDENT NO.19

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. 19 TO THE
REPORT DATED 22.10.2024

MAY IT PLEASE THE HON'BLE TRIBUNAL

THE RESPONDENT NO. 19 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 19th 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 19th 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.97/9A, Village Sasunavghar, Taluka Vasai, District Palghar. The Respondent has also received Consent to Operate for operating Ready Mix Concrete (RMC) plant dated 30th March 2019 from the Respondent No.7, which is valid till 31st March 2034. Copies of the Consent to Operate dated 30th March 2019 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 1st January 2025. Copy of the reply dated 1st 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: 12/06/2025

Pune

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

Advocate for Respondent No. 19

**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. Harish Vyas, adult, Occupation.: business, having office at Survey no.98/97,W.E Highway, Near Ashok Leyland Workshop,Village-Sasunavghar, Taluka - Vasai, District - Palghar, do hereby state on solemn affirmation as under: -

I am the Authorised Signatory of the Respondent No.19 (M/s. SKYMIX CONCRETE) 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
Thane on 12th day of June, 2025.

**BEFORE ME
NOTARY**

For Skymix Concrete

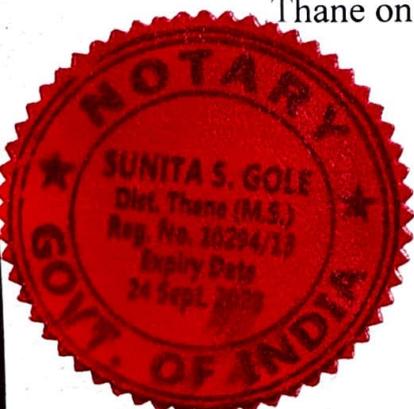
DEPONENT Attorney Holder

SUNITA S. GOLE
ADVOCATE & NOTARY
Off.: Shop No. 3, Near Food Box Hotel,
Behind Sai Baba Mandir, Thane Court Naka,
THANE (W) - 400 601.

NOTED & REGISTERED

Sr. No.: 10077/2025

12 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/2412190002		Date: 19/12/2024

To,
M/s. Skymix Concrete,
 (Formerly known as M/s. Skyway Infraprojects Pvt Ltd)
 S. No. 98/97, W.E. Highway,
 Near Ashok Layed workshop, 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. 30/03/2019.
 2) Interim Direction issued dtd. 15/05/2024.
 3) Hon'ble NGT vide order 23/10/2024 in O.A. 201/2023.
 4) Visit of Boards official dtd. 13/11/2024.
 5) Action proposal submitted by Sub- Regional Officer, Thane-II vide Legal Unique No. MPCB-LEGAL_ACTIONS- 010321021.
 6) Approval for closure received from HQ dtd. 19/12/2024.

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 & Transboundry 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, previously interim direction was issued on 15/05/2024 for non-compliance as below:

- 1) You shall provide industrial vacuum cleaner & CAAQMS station within 15-days.
- 2) You shall install sedimentation tank & make it operational within 15-days.
- 3) You shall strictly comply with consent conditions.
- 4) You shall submit Bank Guarantee of Rs. 50,000/- against compliance of these direction within 15-days.

...2/-

: 2 :

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) Solid waste/ debris is lying in factory premises which leads to dust emissions in premises and outside the premises.
- 3) You have not provided fogger system.
- 4) You have not provided industrial vacuum cleaner.
- 5) You have not applied for amendment of consent from conversion of Green to Orange category.

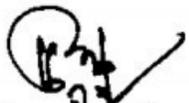
AND WHEREAS, it is observed that in spite of giving a considerable time period and opportunities for improvement in environmental infrastructure, you have failed to comply with the direction given by the Board.

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.



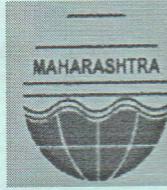

(Kiran N. Hasabnis)
Regional Officer, Thane

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 022-25802272 /25829582

Fax : 022-25805398

Email : srothane2@mpcb.gov.in

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

Sub-Regional Office, Thane-II
5th Floor, Office Complex Bldg.,
Near Mulund Check Naka,
Wagale Estate,
Thane-400 604

Green/S.S.I

Date: 30 /03/2019

Consent No: MPCB/ SRO-THANE II/CONSENT/R/ 1903001898

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 / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016

[To be referred as Water Act, Air Act and H & OW (M&T) Rules respectively].

CONSENT is hereby granted to

M/s. Skymix Concrete,
(Formerly known as M/s. Skyway Infraprojects Pvt. Ltd.)
Survey No. 98/97, W.E. Highway, Near Ashok Layed Workshop,
Vill-Sasunavghar, Tal-Vasai, Dist-Palghar

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of H & OW(M&TM) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. The Consent to Operate is granted for a period up to: 31/03/2034.
2. The Consent is valid for the manufacture of –

Sr. No.	Product Name	Maximum Quantity	UOM
1	Ready Mix Concrete (Commercial RMC Plant)	10,000	M3/M

3. CONDITIONS UNDER WATER ACT:

(i) The daily quantity of trade effluent from the factory shall be **0.5 M³**.

(ii) The daily quantity of sewage effluent from the factory shall not exceed **0.4 M³**

(iii) **Trade Effluent Treatment:** The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.

Standards of the treated effluent Quality:

Sr. No.	Parameter	Concentration	Limits
1	pH	Between	5.5 to 9.0
2	Oil & Grease	Not to exceed	10 mg/l
3	Suspended Solids	Not to exceed	100 mg/l
4	BOD – 3 days	Not to exceed	30 mg/l
5	COD	Not to exceed	150 mg/l
6	TDS	Not to exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening / plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1)	Suspended Solids	Not to exceed	100	mg/l.
(2)	BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes 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 approved site by local body for debris / construction waste.

(viii) **Other Conditions:**

- Industry should monitor effluent quality regularly.
- The authority shall provide adequate water treatment and disposal facility for generated effluent from their activity. They shall comply with provisions under the Water (Prevention and control Pollution) Act, 1974.

4. **The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under**

The daily water consumption for the following categories is as under:

(i)	Domestic purpose	...	05.00 CMD
(ii)	Water gets Polluted & Pollutants are Biodegradable	...	1.00 CMD (For Mixing)
(iii)	Water gets Polluted, Pollutants are not Biodegradable & Toxic	...	0.00 CMD
(iv)	Industrial Cooling, spraying in mine pits or boiler feed	...	0.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

Billek
20/3/2019



5. CONDITIONS UNDER AIR ACT:

- (i) 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:

a. Control Equipment:**(i) In-house measures:-**

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following:
 - 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.
 - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
 - 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.

Raw material storage & handling:-

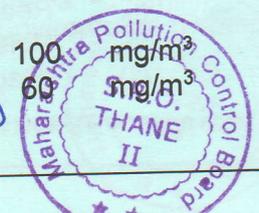
1. Storage silos of cement & fly-ash shall be adequate capacity of dust Collection system such as multi – cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in 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. The industry shall comply guidelines issued by the M.P.C. Board reg. RMC Plant.

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
Particulate Matter PM 2.5	Not to Exceed

100 mg/m³
60 mg/m³

Bilal
30/3/2019



- (a) Commercial plants shall install continuous ambient air quality monitoring station (CAAQMS) within the premises.
- (b) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

b. Conditions for D.G. Set (250 KVA):-

- 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.

c. Standards for Stack Emissions:

- (i) The applicant shall observe the following fuel pattern:-

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	15	Ltr/D

- (ii) The applicant shall erect the chimney(s) of the following specifications:-

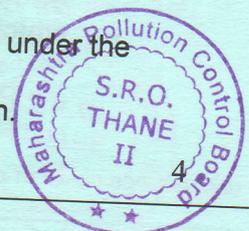
Sr. No.	Chimney Attached To	Height in Mtrs.
1.	D.G. Set (250 KVA)	3.0 mtrs. above roof of the building in which it is installed

- (iii) 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.

d. Noise pollution Control Measures :

- (i) Ready mix concrete industry shall comply with the provisions under the Noise pollution
- (ii) (Regulation and Control) Rule 2000, to control Noise Pollution.

B. D. D. D.
30/12/2019



Other Conditions:

- a. Industry should monitor air quality regularly.
- b. The authority shall provide adequate Air pollution control arraignment at the source. They shall comply with the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and conditions prescribed as above.
- c. The industry should not cause any nuisance in surrounding area.

6. CONDITIONS UNDER HAZARDOUS & OTHER WASTE (MANAGEMENT & TRANSBOUNDRY MOVEMENT) RULES, 2016:

(i) The Industry shall not generate any type of hazardous wastes.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
1.	Slurry	80	Kg/M	To Landfill Site

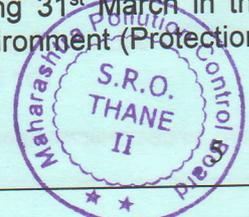
(ii) Treatment: - NIL

7. 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 Collector, Directorate of Industry, Safety & Health, Police Satiation, Fire Brigade, Directorate of Health Services, Department of Explosives, Board & Local Body and the Production process should be stopped by taking all necessary safety measures. The industry shall also monitor the emission and ensure that the emissions do not cause any harm or nuisance in the surrounding. The industry should not restart the process without permission of the Board and other statutory organization as require under the law.

8. Industry shall comply with following additional conditions:

- i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
- ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
- iii. Solid waste – 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 to dumping ground.
- iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant 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 & conditions of this consent regarding pollution levels.
- v. The applicant shall not change or alter 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.
- vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
- viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

B. S. S.
30/3/2019



- ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
 - x. The applicant shall install a separate electric 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.
 - xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes/ sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection system.
 - xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
9. The applicant shall specify capacity of material handling and storage.
 10. The applicant shall carry out meteorological study specifically with directions & accordingly prepare plan to control of fugitive emissions / dust particles & suppression system.
 11. Operation of RMC plant shall be in day time only. The day time is in between 6 a.m. and 10 p.m.
 12. The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.
 13. The project proponent should comply with other locational statutory requirements in force such as DC Rules etc.
 14. In case of failure of pollution control equipments, the production process connected to it shall be stopped, and shall not be restarted unless permission is obtained from Board.
 15. Consent is issued in regard to the Board's directions vide letter No. BO/ AS(T)/TB/B-2182, dated, 03/06/2016.
 16. This consent should not be construed as exemption from obtaining necessary NOC from any other Government agencies as may deem fit necessary.
 17. The Board reserves the right to review, amend, suspend revoke etc., this consent and the same shall be binding to the applicant.
 18. Consent to Operate granted subject to obtain NOC from Directorate of Industries / DIC Thane / Local Body / Municipal Corporation.
 19. Consent to Operate granted subject to RMC Notification dtd. 07/11/2016. Industry shall comply guidelines of the said Notification.
 20. The applicant shall obtain NOC from Sanjay Gandhi National Park if applicable.
 21. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
 22. The applicant shall obtain permission from Central Ground Water Board for the use of Ground Water.

23. The applicant shall comply with the provision of E-Waste Management Rules, 2016.
24. Industry shall submit Bank Guarantee of Rs. 1.0 lakhs within 15 days to Regional Officer, Thane towards compliance of consent conditions which shall be valid up to 31/03/2034.
25. The Capital investment of the industry is Rs. 330.00 Lakh.

For and on behalf of the
Maharashtra Pollution Control Board



(Signature)
30/3/2019
(V. V. Killedar)
Sub-Regional Officer, Thane-II

To,
M/s. Skymix Concrete,
(Formerly known as M/s. Skyway Infraprojects Pvt. Ltd.)
Survey No. 98/97, W.E. Highway, Near Ashok Layled Workshop,
Vill-Sasunavghar, Tal-Vasai, Dist-Palghar.

Received Consent fee of –

Sr. No.	Amount (Rs.)	DR No.	Date
1	75,000/-	5447973-NEFT	19-03-2019

Copy submitted to:

- 1) Chief Account Officer, M. P. C. Board, Sion, Mumbai.
- 2) Regional Officer, M. P. C. Board, Thane

Copy to:
Master file- 2019





SC/MPCB/RO/01/01.01.2025

To,

The Regional Officer,
Regional Office, Thane,
Near Mulund Check Nakka,
Wagle Estate, Thane - 400604.

Sub: Request for Revocation of Closure Notice.

Ref: Your Notice No. MPCB/ROT/CD/2412190002 dated 19.12.2024.

Respected Sir,

1. Your Plant located is in the stretch of costal Wetland-Natural-Intertidal Mudflat as per wetland atlas referred by Joint committee.
2. Solid waste/ Debris is laying in factory premises which leads to dust emission in premises and out site premises
3. You have not provided Fogger system
4. You have not provided industrial vacuum cleaner.
5. You have not applied for amendment of consent application form conversion of Green to Orange category.

However, considering that

Point No. 1 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 your Closure Notice dated 19.12.2024, you have referred to an order dated 22.10.2024 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

SKYMIX CONCRETE

Plant: Near Ashok Leyland Workshop, National Highway 8, Village Sasunavghar, Taluka Vasai, Dist Palghar, Maharashtra
Mob: +91-9529401672 Email: hk.skymix@gmail.com

Office: 477/479, 2nd Floor, Melana Azad Road, Goldeval, Mumbai - 400 004.



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 basic 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.

SKY MIX CONCRETE

Plant : Near Ashok Leyland Workshop, National Highway 6, Village : Sasunavghar, Taluka : Vasai, Dist. : Palghar, Maharashtra
 Mob : +91-9629401672 Email : hk.skymix@gmail.com

Office : 477/479, 2nd Floor, Molana Azad Road, Goldeval, Mumbai - 400 004.

4.Industrial Vacuum Cleaner:

We utilize a special water sprinkling machine that operates regularly across the factory premises to control dust. As the majority of the RMC plant area remains wet due to sprinklers, the tyre-washing system, etc., an industrial vacuum cleaner is not effective in such conditions. Photographs illustrating our dust suppression practices are attached.

5.Application for Category Change:

We have already submitted an application for category change through the MPCB portal on 13.11.2024. A print copy of the application is attached for your ready reference.

In view of the above explanations and supporting documents, we humbly request you to reconsider our case and revoke the closure notice issued to us.

We assure you of our commitment to comply with all regulations and maintain environmental standards.

Thanking you,

Yours faithfully,

For SKYMIX CONCRETE

Attorney holder



SKYMIX CONCRETE

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