

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

ORIGINAL APPLICATION NO. 187 OF 2023

IN THE MATTER OF: -

MR. VIJAY VILAS DIGHE

APPLICANT

VERSUS

**YASHRAJ MARRIAGE HALL AND
MULTIPURPOSE HALL THROUGH
ITS OWNERS & ORS.**

RESPONDENT(S)

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(Pratik D. Bharme)

Regional Director

Place: Pune

Date: 16/04/2024



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WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 187 OF 2023

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RESPONDENT(S)

REPLY ON BEHALF OF RESPONDENT NO. 6,
CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That the averment made in Para I is regarding the address of Respondents and hence needs no comment from this answering Respondent no 6.
2. That the averments made in Para II (1) is about the details of Applicant and Respondents, and Noise pollution caused due to the activities of the Respondent no. 1. Further averments in this para is regarding complaints & representations made by the Applicant to the Respondents no. 2 to 8 and guidelines/circular issued by the Respondents. This answering respondent has forwarded Complaint letter dated 10.03.2023 received against the Yashraj Marriage Hall & Multipurpose Hall to Maharashtra Pollution Control Board via emails dated 24.03.2023 and 12.04.2023 for taking necessary action.
3. That the averments made in Para II (2 to 4) is about information about the operation of Yashraj Marriage / Multipurpose Hall without consent to operate from authorities and noise pollution due to bursting of firecrackers, playing DJ systems, etc., and a complaint made to various authorities regarding noise pollution. It is humbly submitted that the Government of India has published Noise Pollution (Regulation and Control)

Rules, 2000, under the Environment (Protection) Act, 1986. The said Rules prescribe Ambient Air Quality Standards in respect of noise for various areas/zones; responsibility as to the enforcement of noise control measures; restrictions on the use of horns and loud speakers/public address system/ sound producing instrument / music instrument and use of bursting firecrackers in the night time; complaints to be made to the authority; power to prohibit continuance of music, sound, noise, etc.

As per Rule 3(2) of Noise Pollution (Regulation and Control) Rules, The State Government shall categorize the areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards for different areas.

As per Rule 3(5) of Noise Pollution (Regulation and Control) Rules, 2000, an area comprising not less than 100 meters around hospitals, educational institutions and courts may be declared by the State Government as silence area/zone for the purpose of these rules. Provided that, an area shall not fall under silence area or zone category unless notified by the State Government.

As per Rule 5(2), of Noise Pollution (Regulation and Control) Rules, 2000, A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.

As per Rule 5A. of Noise Pollution (Regulation and Control) Rules, 2000,

- (i) No horn shall be used in silence zones or during night-time in residential areas except during a public emergency.
- (ii) Sound emitting firecrackers shall not be burst in the silence zone or during night time.
- (iii) Sound-emitting construction equipment shall not be used or operated during night time in residential areas and silence zones.

Further, "authority" has been defined under Rule 2(c) means and includes any authority or officer authorised by the Central Government, or as the case may be, the

4. That the averments made in Paras II (5 to 7) are about the Notification dated 29/08/2016 issued by the Respondent no. 2 i.e. District Collector-Satara w.r.t. permission required to be taken in accordance with Mumbai Police Act, 1951 in respect of hotel & hospitality business; complaint addressed by the Applicant against the Respondent no. 1 to the Respondent no. 2 i.e. District Collector-Satara and correspondence between the Respondent no. 2 i.e. District Collector -Satara & Respondent no. 8 i.e. Superintendent of Police, Satara; another complaint dated 22/02/2022 addressed by the Applicant to the Chief Minister as well as Respondent no. 2 to 8 (i.e. District Collector -Satara, MPCB, Chief Executive Officer-Satara Nagarpalika, Ministry of Environment & Forests, State Govt. of Maharashtra, CPCB, Senior Police Inspector, Satara and Superintendent of Police, Satara) w.r.t. implementation of silent zone near the K.S.D Shanbag school and the alleged noise pollution due to the activities of the Respondent no.1, causing health related issues to elderly citizens, students and people residing in the area near to the premises of Respondent no. 1. It is humbly submitted that this Answering Respondent wants to reiterate the comments made at Para 3, as above and need no further comments by this Answering Respondent.
5. That the averments made in Paras 5 to 9 (as numbered by the Applicant in O.A) are about complaint addressed by the Applicant to the Respondent no. 2 i.e. District Collector -Satara & correspondence between the Respondent no. 2 i.e. District Collector -Satara & Respondent no. 8 i.e. Superintendent of Police, Satara; information sought by the Applicant under Right to Information Act, 2005 & reply dated 08/01/2021 & 16/01/2022 submitted by the Respondent no. 7 i.e. Senior Police Inspector, Satara; letter addressed by the Applicant to the Respondent no. 8 & correspondence between the Respondent no. 4 i.e. Chief Executive Officer-Satara Nagarpalika & the Respondent no. 7. Further averments are about another complaint dated 21/04/2022 addressed by the Applicant to the Respondent no. 2 to 8 (i.e. District Collector -Satara, MPCB, Chief Executive Officer-Satara Nagarpalika, Ministry of Environment & Forests, State Govt. of Maharashtra, CPCB, Senior Police Inspector, Satara and Superintendent of Police, Satara) against the illegal operation of marriage hall being operated by the Respondent no. 1 in the residential area, operating without taking permission & not taking measures to prevent the noise pollution in the residential area; alleged noise levels reported beyond 80 to 100 dB & other





State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force.

As per Rule 7(1) & (2), of Noise Pollution (Regulation and Control) Rules, 2000, A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone [or, if there is a violation of any provision of these rules regarding restrictions imposed during night time], make a complaint to the authority. Further, the Authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.

Further it is humbly submitted that, these are the matter of records and violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

With regard to applicability of consent to operate, it is humbly submitted that, in pursuant to Hon'ble NGT Order dated 17.12.2019 (uploaded on the Website of Hon'ble NGT on 20.12.2019) in the OA No. 400/2017 titled as "Westend Green Farms Society Vs Union of India & Ors." CPCB has prepared document titled "Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/ Hotels/ Motels/Banquets etc." (enclosed herewith as **Annexure I**). As per Para 3.2(iii) of the said guidelines, establishments like banquet halls/marriage hall are required to obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation from the concerned SPCB/PCC. The said Mechanism/Guidelines was also circulated by CPCB vide letter dated 19/3/2020 (enclosed herewith as **Annexure II**) to all States and Union Territories for taking necessary action in compliance with the aforesaid order of the Hon'ble Tribunal. The same is also made available on the CPCB Website https://cpcb.nic.in/NGT/Mechanism_07.09.2020.pdf cpcb.nic.in/

disturbances being caused due to the activities of the Respondent no.1, causing health related issues to elderly citizens, students and people residing in the area near to the premises of Respondent no. 1; and correspondence between the Respondent no. 3 i.e. MPCB & the Respondent no. 4. Chief Executive Officer-Satara Nagarpalika. It is humbly submitted that his Answering Respondent wants to reiterate the comments made at Para 3, as above and need no further comments by this Answering Respondent.

6. That the averments made in Para 10 to 17 (as numbered by the Applicant in O.A) are about NCR No 0371/2022 dated 06/05/2022 lodged by the Applicant against the Respondent no. 1 under Section- 504 of IPC; Applicant's son undergoing medical treatment due to noise pollution & copy of medical document annexed thereto; complaint dated 19/06/2022 made by the Applicant against the Respondent no. 1 to the Respondent no. 3 i.e. MPCB and subsequent correspondence dated 29/09/2022 between the Respondent no. 3 i.e. MPCB & the Respondent no. 4 i.e. Chief Executive Officer-Satara Nagarpalika; online complaints dated 16/12/2022, 17/12/2022, 18/12/2022, 27/01/2022, 09/03/2023 & 24/04/2023 made by the Applicant against Respondent no. 1 to the Satara Sahupuri Police station. Further averments are about the representation dated 10/03/2023 served by the Ld. Counsel of the Applicant to the Respondent no. 2 to 8 (i.e. District Collector -Satara, MPCB, Chief Executive Officer-Satara Nagarpalika, Ministry of Environment & Forests, State Govt. of Maharashtra, CPCB, Senior Police Inspector, Satara and Superintendent of Police, Satara) in respect of illegal operation of marriage hall & noise pollution issues being caused due to the activities of the Respondent no. 1; copy of photographs annexed by the Applicant; correspondence between the Respondent no. 2 i.e. District Collector - Satara & the Respondent no. 8 i.e. Superintendent of Police, Satara related to the complaint addressed by the Applicant, dated 21/04/2022; and the Applicant approaching the Hon'ble Tribunal for seeking remedy.

It is humbly submitted that as per records available at this office, representation dated 10/03/2023 by the Ld. Counsel of the Applicant to the various Respondents was received at this office. The said representation was regarding illegal operation of marriage hall & noise pollution issues being caused due to the activities of the Respondent no. 1. Vide email dated 24/03/2023, the aforementioned representation

was forwarded by this Answering Respondent to the Member Secretary, MPCB and requested to kindly arrange to take necessary action. Further, this Answering Respondent vide email dated 12/04/2023 pursued the said representation with the Member Secretary, MPCB and requested to arrange to take necessary action and also requested to forward the action taken report (ATR) to the complainant along with a copy to CPCB, HO Delhi. Submission of ATR from MPCB in this regard is yet to be received by this office. Copy of said emails dated 24/03/2023 & 12/04/2023 are given as **Annexure-III**.

7. That the averments made under the heading "GROUNDS" (A to K) are about the various Grounds for filing the present original application by the Applicant, which have already been mentioned/commented in above paras of this reply by this Answering Respondent and need no further comments by this Answering Respondent.
8. That the averments made under the heading "LIMITATION" are about limitations and jurisdiction of the Hon'ble NGT for filing the present original application by the Applicant and need no comments from this Answering Respondent.
9. That the averments made under the heading "PRAYERS" (A to K) are about various prayers submitted by the Applicant and need no comments from this Answering Respondent.
10. That in light of the above submissions, this Answering Respondent No. 6 i.e. CPCB shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the present original application.

Noted & Registered
At. Sr. No. 366/2024

Pratik Dinkarrao Bharme

Pratik Dinkarrao Bharme
(Scientist 'E' & Regional Director)

BEFORE ME

Manisha Sameer Chitnis

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA

16 APR 2024

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Envt. Forest & Climate Change, Govt. of India
सर्वे नं. ११०, हीराबाई धनकुटे हॉल, बानेर रोड, बानेर, पुणे - 411045
Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045



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APPLICANT

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MULTIPURPOSE HALL THROUGH ITS
OWNERS & ORS.

RESPONDENT(S)

AFFIDAVIT



I, Pratik Dinkarrao Bharne, working as Scientist 'E' & Regional Director in Central Pollution Control Board, Regional Directorate, Survey No. 110, Hirabai Dhankude Multipurpose Hall, Baner Road, Pune – 411045, do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit in my official capacity.
2. That the contents of the reply are true and correct on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB and the contents of the reply may kindly be treated part of this affidavit and the same are not repeated herein for the sake of brevity.

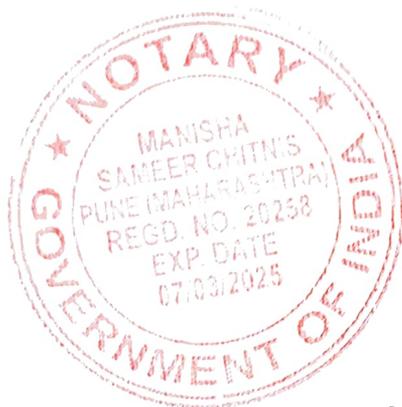

DEPONENT

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env. Forest & Climate Change, Govt. of India
सर्वे नं. ११०, हीराबाई धनकुडे हॉल, बाणेर रोड, बाणेर, पुणे - ४११०४५
Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

VERIFICATION

It is verified that the content of this Reply Affidavit which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified at Pune on this Day of April, 2024.



COUNSEL for Respondent No. 6

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DEPONENT – Respondent No. 6

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
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क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
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Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

Noted & Registered
At. Sr. No. 367/2024

BEFORE ME

msl...

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA

16 APR 2024



क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
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Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

Mechanism/Guidelines
for
Control of Pollution and Enforcement of Environment Norms
at
Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets
etc.

Prepared by

Central Pollution Control Board
Pariviesh Bhawan, East Arjun Nagar, Delhi – 110032

(In compliance with the Hon'ble NGT Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India &Ors.)

Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/ Cluster of Restaurants/ Hotels/ Motels/ Banquets etc.

1.0 Background

Hon'ble NGT vide Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India & Ors. stated that –

“12. There can be no dispute that violation of environment norms having adverse impact on environment and public health cannot be ignored. Apart from formalizing and enforcing the action plan reproduced above, the MoEF&CC may evolve appropriate siting guidelines as well as mechanism for undertaking impact assessment either of individual establishments or of the area/cluster to ensure that activities beyond carrying capacity of the area are duly regulated to enforce the ‘Precautionary’ principle as well as ‘sustainable development’. The MoEF&CC may also review the reports which may be furnished by the CPCB in respect of progress made by the SPCBs/PCCs. We direct the MoEF&CC to entrust the responsibility of evolving mechanism for mitigation to the CPCB which is a statutory body under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 and/or any other expert/institution. It will be appreciated if the CPCB can lay down suitable guidelines for the regulation of such entities, within the framework of law. The guidelines must provide for coercive measures in case of violations and also a monitoring mechanism.”

Further, Hon'ble NGT, vide Order dated 17.12.2019 on the matter highlighted various practical issues and requirements like parking provisions, rain water harvesting system, installation of CCTV cameras, GPS systems and the likes (paras 20 & 21) for consideration and incorporation in CPCB's mechanism/guidelines et also passed the following relevant direction-

“22. (i). CPCB may finalize its draft guidelines dated 16.12.19 referred to in para 13 above in light of observations in paras 20 and 21 above and circulate the same to all the States/UTs within one month. The PCBs/PCCs may, in consultation/coordination with concerned State Authorities, adopt the same with necessary modifications but without diluting its essence and furnish status report about compliance to CPCB within three months but before 30.04.2020.”

In compliance with the above Order, Central Pollution Control Board (CPCB) approached all the State Pollution Control Boards/Pollution Control Committees (vide letter dated 24.10.2019, **Annexure-I**) requesting them to provide relevant information about operation and pollution control initiatives/policy (if any) adopted in case of marriage halls, banquets, restaurants and similar other venues of mass gatherings. Only three PCBs/PCCs namely Tamil Nadu State Pollution Control Board, Meghalaya State Pollution Control Board and Madhya Pradesh Pollution Control Board replied submitting limited data and information about marriage halls/banquets operating under their jurisdictions. Two detailed inspection reports prepared by

CPCB in connection with NGT O.A. No. 1008/2018 and O.A. No. 412/2018 were also available for reference. Based on information submitted by the SPCBs/PCCs, technical inputs taken from CPCB inspection reports and relevant literature survey, guidelines/mechanisms for control of pollution and enforcement of environmental laws in marriage halls, banquets, etc. has been prepared and presented below.

2.0 Major Environmental Issues related to marriage halls, banquet halls, party venues

With the paucity of space, marriage halls, banquet halls, party venues, etc., have now become a social necessity. Apart from marriages, these venues are also increasingly being used for celebrating birthdays, organizing religious functions, get-togethers and other events. Unlike the bigger star hotels doing business all throughout the year, marriage halls, banquets, party venues, etc. are essentially operated occasionally particularly during marriage seasons, religious festivals, etc. Party venues, including smaller and bigger ones, hold approximately 15 to 30 events per year. For hosting a single big event, these halls/venues generally remain operational for about 05 days (including 02 days before the event for preparations, the event-day and 02 days after the event for clearing and dismantling temporary fixtures/stages, etc.). All banquets and party halls may not have indigenous kitchens for cooking and serving foods. Banquets/party halls having no kitchens normally outsource cooking/food requirements to some outside caterers/agencies who cook/prepare foods at a different place and transport the same to the party halls/banquets for serving guests. Banquets/party halls having own kitchens/cooking arrangements may be more polluting than the ones having no kitchens of their own.

In general, marriage halls, party venues and the likes end up creating water pollution, air pollution, solid waste problems, noise pollution and also cause public inconveniences due to lack of adequate infrastructures like - vehicle parking space, proper waste collection and disposal systems, improper storage provisions etc. Following are the major environmental issues concerning marriage halls, banquets, party venues, etc. particularly identified after reviewing the available information/reports.

2.1 Water Pollution

Major sources of Water pollution include:

- Washing of utensils and food items
- Washing of kitchen floors
- Poor housekeeping
- Laundry (as applicable)
- Improper maintenance of connecting drains
- Sewage

Further, such party halls are also found to extract groundwater indiscriminately without taking proper permission from the concerned local authority. Lackluster attitude towards implementation of water conservation measures and adoption of rainwater harvesting provisions also results in large quantity of water consumption

2.2 Air Pollution

Major sources of Air pollution include:

- Kitchen: Inadequate exhaust treatment options like proper ducting, hooding, draft fans, etc. and use of conventional fuels
- DG Sets: Inadequate stack height and improper maintenance of DG sets,
- Bursting of fire crackers
- Coal fired tandoors
- Traffic congestion due to improper parking

2.3 Solid Waste Management

Source of solid waste include:

- Kitchen waste
- Plastic waste from Packaging and use of disposable plastic items such as cups, plates , glasses etc
- Left over food items

Haphazard collection, storing and careless disposal of wastes are real concerns in case of such establishments.

2.4 Noise pollution

Major source of Noise pollution include:

- Loudspeakers and DJ music,
- Bursting of crackers,
- Operation of DG sets without having proper acoustic enclosures
- Traffic congestion due to improper parking

2.5 Infrastructure issues related to parking etc.

Most of the existing banquet halls are found to be adjacent to the main roads without having any indigenous parking facilities of their own. Therefore, during occasions, large numbers of cars/vehicles are parked on the main road thereby causing huge congestion and nuisance in the adjoining areas.

3.0 Mechanism/Guidelines/Mitigation measures

The mechanisms and options for control of pollution and enforcement of environmental laws with particular focus on the common environmental issues symptomatic to such establishments are outlined below.

3.1 Water Pollution

(i) Effluent Treatment Plant

- a. The units shall provide effluent/sewage treatment plant. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP.
- b. EP Rules specify effluent discharge norms for (A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers & (B) Hotels. Details of same are as given below:

(A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.

A restaurant with minimum seating capacity of 36 shall install ETP and treated effluent water from ETP installed should meet existing Environmental Standard notified by the MoEF&CC vide GSR 794(E) dated 04.11.2009 and reproduced as under. The standard may be made stringent by concerned SPCB/PCCS.

Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
	Inland surface water	On land for irrigation
pH	5.5-9.0	5.5-9.0
BOD _{3days, 27°C}	100	100
Total Suspended Solids	100	100
Oil & Grease	10	10

(B) Effluent discharge norms for hotels

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land for irrigation
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD _{3 days, 27°C}	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m ² or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD _{3 days, 27°C}	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

Effluent from the unit shall comply with the above norms as applicable

- c) The units shall provide effluent treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, floor washing, gardening and other non-potable purposes.
- d) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.

- e) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
- f) The treated water has to be discharged as per conditions specified by the SPCBs/PCCs
- g) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC. Moreover, SPCBs/PCCs are required to carry out surprise cross-checks.
- h) In case of bigger halls/star hotels with the capacity of hosting more than 500 people/guests, the halls shall install water meters to record daily consumption of water along with separate electromagnetic flow meters at the inlet and outlet of effluent treatment plants to record actual flows during events. The units having capacity of hosting less than 500 people/guests are required to install water meters only for recording consumption.
- i) Provisions/arrangements for utilizing treated wastewater for gardening and non-potable uses need to be done in case of all such units (smaller & bigger).
- j) The local authorities to ensure that necessary arrangement for collection and treatment of waste water generated from these units

(ii) Ground water extraction

- a) Necessary permissions should be obtained from concerned Authorities for extraction of groundwater.
- b) SPCB/ PCC to take action against units for unauthorized or illegal ground water extraction without proper permissions from concerned Authorities.
- c) Groundwater extraction pits/points should have required meters for recording flow/quantity of water extraction and the same shall be within the limit/quantity approved by the concerned Authority.

(iii) Water Conservation Measures

- a) Maximize reuse of treated water for non-potable purpose/gardening, etc.
- b) All the units shall furnish quarterly reports to the concerned SPCBs/PCCs showing quantity of water consumption (month-wise) and quality of treated water.
- c) Rain water harvesting systems must be installed by all units in consultation with the concerned Agency. Bigger hotels/halls need to make arrangements for both roof-top and ground-based harvesting of rain water. In case roof-top harvesting is not possible/viable, the smaller halls/venues having hosting capacity of less than 500 persons/guests should then go for ground-based/artificial storage systems, storage tanks and other similar arrangements.
- d) Along with bigger hotels, all marriage halls/venues need to use efficient fixtures such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.

3.2 Air Pollution

(i) Gensets and Fuel

- a) Units to use approved fuel (e.g. LPG, PNG, Charcoal for tandoor, boiler, etc.). Preference should be given to cleaner fuels in such cases
- b) The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting / hood arrangement and proper exhaust system and emissions
- c) Only Gensets having necessary Type Approval for emissions/ Noise level from the concerned agencies to be installed at the premises
- d) The unit shall provide stack for the emissions from the generator as well as acoustic enclosure for Gensets as per the specified norms

(ii) Energy Conservation Measures

- a) Application of solar energy in various areas such as illumination, water heating should be promoted
- b) Use of inverters instead of Diesel Generator Sets to be encouraged
- c) Use of LED bulbs should be adopted

(iii) Consent to establish and Consent to operate

- a) As per the Water Act 1974 and Air Act 1981 units obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.
- b) Further, the SPCB/PCC to direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
- c) The SPCB/PCC may workout and assess the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

3.3 Solid Waste Management

- (a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules, 2016.
- (b) As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following::
 - **13(1)(d)** Store horticulture waste and garden waste generated from such premises separately in within the own premises and
 -
 - **13 (2)** No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

-
- **13 (8)**All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.
- (c) The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.
- (d) The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected properly and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.
- (e) The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste
- (f) *The concerned local authorities shall make necessary arrangement for collection and processing of waste from these units in accordance with provisions of SWM Rules*

3.4 Noise pollution

- (a) The unit shall obtain permission from designated authorities as per provisions of Noise Pollution (Regulation & Control) Rules, 2000.
- (b) The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.
- (c) DJ Set, if used should be operated within the premises till 10 PM only. No loudspeakers and bands should be permitted beyond 10 PM.
- (d) D.G. sets shall comply with the provisions of Noise Pollution control limits.
- (e) Use of only green crackers to be permitted upto 10 PM as per Hon'ble Supreme Court Guidelines.

3.5 Infrastructure issues & Other Requirements

- (a) Infrastructure requirement

The units come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly the following to be complied with:

- (i) Parking facilities
 - Adequate infrastructure arrangements may be made w.r.t parking in the area by Local Authorities. The parking capacity to be in line with the hosting capacity of such units.

- In areas where public parking is not commonly possible, banqueting area may be restricted and provision for parking to be made within the units' premises. Alternatively, the units may outsource parking to authorized parking lots subject to satisfaction of traffic authorities. Valet parking facilities may be provided in such areas

(ii)Traffic movement

- The local authorities to ensure adequate space for movement of vehicles
- Since it has been observed that due to the use of horse drawn carriages during Barat Processions the traffic crawls due to narrowing of the Right of Way(ROW), to ban the use of such carriages should be banned in areas not having adequate space for movement of vehicles
- The use of DG sets kept on trucks/trolleys during the Barat Processions also causes air and noise pollution, apart from creating traffic congestion; hence, the use of DG sets during such processions needs to be prohibited in not having adequate space for movement of vehicles.
- Prior permission for such processions to be taken from local authorities

(iii)Fire safety

The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies

The units to take permission from the local authorities for the hosting capacity of such units ; which is to be commensurate with the facilities provided within the unit as well as the common infrastructure facilities of the area. Local Authorities to ensure adequacy of infrastructure facilities. for existing units before granting necessary permissions. In case it is not possible to provide these facilities required for existing units, such units may be shifted out of the area. Fresh approval to new units to be considered based on the adequacy of these facilities

- (b) Building plans to be approved by concerned authorities. Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues.
- (c) Bigger units/star hotels shall develop green belt on its premises and shall furnish the green belt development plan while applying for consent to operate

5.0 Conclusion

- a) Individual units to provide necessary facilities for control of air, water & noise pollution, solid waste management, etc as enumerated in the previous sections.
- b) Individual units to take necessary approvals from the concerned authorities as listed below:
 - Consent to Establish under Air/Water Act
 - Consent to operate under Air/Water Act
 - Permission for concerned Authorities in accordance with provisions of Noise Rules
 - Permission for Ground Water Extraction from concerned Authorities , if required

- Building Plan Approval from concerned Authorities
 - Fire Safety Certificate/NoC from concerned Authorities
- c) Local Authorities to ensure provision of adequate common facilities for water pollution, solid waste management, parking etc
- d) The State Board to have robust monitoring mechanism to evaluate compliance with norms of such units atleast twice a year. As per NGT Directions, SPCBs/PCCs are required to submit compliance report to CPCB as per the enclosed format (Annexure I)

-----X-----

No. B-31013/30/2020/UPC-I/
To

SPEED POST
Date: March 19, 2020

The Chief Secretary
All States/UTs

Subject: Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc.

Ref.:

1. Hon'ble NGT Order dated December 20, 2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.
2. CPCB's letter dated 24.10.2010 in compliance with Hon'ble NGT Order dated 19.09.2019 issued to all SPCBs/PCCs.
3. Hon'ble NGT Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.

Sir,

Hon'ble NGT vide Order dated December 20, 2019 passed following directions to CPCB in the above matter:

- i. CPCB may finalise its draft guidelines dated 16.12.2019 referred to in para 13 above in the light of observations in paras 20 and 21 above and circulate the same to all the States/UTs within one month. The PCBs/PCCs may, in consultation/coordination with concerned State Authorities, adopt the same with necessary modifications but without diluting its essence and furnish status report about compliance to CPCB within three months but before 30.04.2020.
- ii. PCBs/PCCs may in particular ensure compliance of directions in para 21 above.
- iii. CPCB may compile the data and furnish a comprehensive report before the next date."

In compliance with the above, "Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/ Motels/Banquets etc." has been prepared and finalized by CPCB. Said Mechanism/Guidelines is being issued to all the States/UTs for taking necessary action at their as per Hon'ble NGT's Order.

Encl.: As above

Yours sincerely



[Divya Sinha]

Divisional Head, UPC-I Division

Copy to:

The Member Secretary : The PCBs/PCCs are requested to comply with the Hon'ble NGT's Order
All SPCBs/PCCs cited above, to adopt the Mechanism/Guidelines prepared by CPCB with necessary modifications but without diluting its essence and furnish the Modified Mechanism/Guidelines and status report about compliance as per enclosed format to CPCB before 30.04.2020.

d/c

Fwd: Public Complaint**From :** CPCB, RD Pune <rdpune.cpcb@gov.in>

Wed, Apr 12, 2023 01:36 PM

Subject : Fwd: Public Complaint

3 attachments

To : ms <ms@mpcb.gov.in>**Cc :** ropune <ropune@mpcb.gov.in>, srosatara <srosatara@mpcb.gov.in>, Public Complaints <prc.cpcb@nic.in>, Pratik Bharne <pratik.cpcb@gov.in>, rahulkulkarni3215@gmail.com

महोदय,

यह CPCB, HO-दिल्ली से दिनांक 24.03.2023 के अनुगामी ईमेल के संदर्भ में है, जिसमें श्री विजय विलास दिघे (पता: 269/ए, शानबाग स्कूल के पास, दौलत नगर, करंजे पेठ, ताल और जिला सतारा -महाराष्ट्र -415002) से प्राप्त अभ्यावेदन दिनांक 10.03.2023 के पत्र द्वारा प्राप्त हुआ है जनशिकायत के संबंध में है, जो स्व-व्याख्यात्मक है।

This has reference to trailing email dated 24.03.2023 from CPCB, HO-Delhi, wherein it was requested to arrange to take necessary action w.r.t representation received from Sh. Vijay Vilas Dighe (Address: 269/A, Near Shanbaug School, Daulat Nagar, Karanje Peth, Tal. & Dist. Satara -Maharashtra -415002) vide letter dated 10.03.2023, which is self-explanatory.

इस संबंध में, एक बार फिर से आवश्यक कार्रवाई करने की व्यवस्था करने का अनुरोध किया जाता है और जल्द से जल्द कार्रवाई रिपोर्ट की प्रति कृपया शिकायतकर्ता के साथ सीपीसीबी, मुख्यालय-दिल्ली और इस कार्यालय को भी भेजी जाए।

In this regard, it is once again requested to arrange to take necessary action and action taken report may please be forwarded to the complainant along with a copy to CPCB, HO-Delhi and also to this office, at the earliest.

धन्यवाद,

केंद्रीय प्रदूषण नियंत्रण बोर्ड
क्षेत्रीय निदेशालय, पुणे

भारत 2023 INDIA

वसुधैव कुटुम्बकम्

ONE EARTH • ONE FAMILY • ONE FUTURE

358

From: "Public Complaints" <prc.cpcb@nic.in>
To: ms@mpcb.gov.in
Cc: "CPCB, RD Pune" <rdpune.cpcb@nic.in>, "BHARAT KUMAR SHARMA" <bksharma.cpcb@nic.in>, rahulkulkarni3215@gmail.com, mka@mkaco.com
Sent: Friday, March 24, 2023 3:01:06 PM
Subject: Public Complaint

महोदय/महोदया

केंद्रीय प्रदूषण नियंत्रण बोर्ड में प्राप्त शिकायत को जांच एवं आवश्यक कार्रवाई हेतु अग्रसारित किया जाता है। शिकायत की जाँच तथा कार्रवाई की सूचना प्रेषित करने का कष्ट करे।

सादर,

लोक शिकायत प्रकोष्ठ
सदस्य सचिव कार्यालय
केंद्रीय प्रदूषण नियंत्रण बोर्ड
दिल्ली



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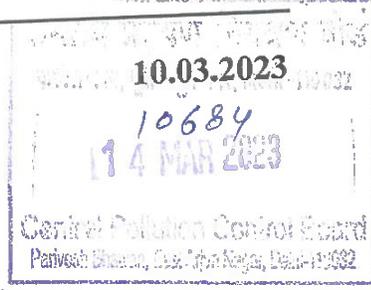
MPCB 10642.pdf

359

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RAHUL KULKARNI AND ASSOCIATES

B.COM L.L.M Advocate High Court, Bombay
 Office Address: Vishnukamal Complex, Office No-6, Second Floor, Opp
 DSK Chintamani Building, Near Appa Balwant Chowk, 640, Narayanpeth
 Pune: 411030. Mobile No: 8237711372
 Email: rahulkulkarni3215@gmail.com

REPRESENTATION**1) District Collector, Satara**

Add: Near LIC Building, Powai Naka, Satara,
 Maharashtra-415001.

2) Maharashtra Pollution Control Board

Add: New Administrative Building,
 Second floor, behind S.T. Stand,
 Sadarbazar, Satara, Maharashtra-415001.

MPCB
 10642

3) Chief Executive Officer

Satara, Municipal Council Satara
 Add: Rajpath Road, Kesarkar peth,
 Satara-415001.

4) State Government of Maharashtra

Ministry of Environment and forests
Through its Secretary

Add: New Administrative Building,
 15th Floor, Madam Cama Road, Mantralaya, Mumbai-400032.

5) Central Pollution Control Board

Ministry of Environment, Forest and climate change,
Government of India.

Add: Parivesh Bhawan, East Arjun Nagar, Delhi-110032.



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6). Senior Police Inspector
Shahupuri Police Station, 38 Rangoli Colony,
ITI Road, Sahupuri, Satara-415002.

7). Superintendent of Police
Khalcha Rasta, Malhar peth, Satara,
415002.

Under the instructions from my client **Shri. Vijay Vilas Dighe R/at:**
269/A, near shanbag School, Daulatnagar, Karanje peth, Taluka-Dist:
Satara-415002. I served upon you following Representation as under:-R

**Sub : The Representation with respect to Noise pollution by
functioning of the Hotel Yashraj Mangal Karyalay / Multipurpose
Hall at Daulatnagar. The hotel located in slient zone near the visinity
of KSD Shanbag Vidyalaya.**

Respected Sir / Sirs,

- 1) This has reference to above mentioned caption subject, my client is residing at 269/A, near shanbag School, Karanje peth, Daulatnagar, Taluka-Dist: Satara-415002. By way of Representation my client approaching you with a substantial issue relating to huge noise pollution caused by hotel Yashraj Mangal Karyalay/Multipurpose



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Email: rahulkulkarni3215@gmail.com

Hall at Daulatnagar. The hotel Yashraj Mangal Karyalay/Multipurpose Hall located near the vicinity of 100 meters from school which is silent zone and residential area thereof.

- 2) My client states that the hotel Yashraj Mangal Karyalay/Multipurpose Hall using for a activities of marriage, birthday parties and other functions/celebrations conducted regularly at this hall, particularly during morning, afternoon and evening and whole night till morning, it generates air and noise pollution from various sources including use of DJ Systems, use of fire crackers, large commercial utensils blowing horns which caused significant environmental pollution by hotel Yashraj Mangal Karyalay / Multipurpose Hall.
- 3) My client states that the hotel Yashraj Mangal Karyalay/Multipurpose Hall running by Mr. Digambar Hanmant Kirdat and their sons namely 1. Mr. Datta Digambar Kirdat 2. Mr. Shankar Digambar Kirdat illegally and there are no permissions obtained from the concern authorities. My client further submits that he have filed regular complaints with the authorities party



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Nos. 1 to 4 regarding the pollution and environmental degradation as well as violation noise pollution. However, there is no respite to them as the authorities have conveniently not acted on their complaints.

- 4) My client states that the location of hotel Yashraj Mangal Karyalay/ Multipurpose Hall at Daulatnagar it comes under ambit of silent zone. The hotel located near the vicinity of 100 meters from school which is silent zone and residential area also located therein. Even after many complaints filed by my client there are no stringent actions taken by the Party Nos. 1 to 4. The noise pollution crosses 70 to 84 decibel when marriage or other functions/celebrations were going on, it caused huge noise pollution by hotel Yashraj Mangal Karyalay/ Multipurpose Hall.

- 5) My client states that the meaning of "Silence zone" within the parameters of the Noise Pollution (Regulation and Control) Rules, 2000. The explanation of Silence zone is particularly related to zoning of city area or township under the Noise Pollution (Regulation and Control) Rules, 2000 as per the Schedule (E) under



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the competent authority. The hotel Yashraj Mangal Karyalay/
Multipurpose Hall is sharing common wall with Shanbag School
and the huge noise pollution caused heavy impact on health of local
resident near the vicinity of 100 meters area. My client shared detail
location map to Party Nos. 1 to 4 time to time but there is no
consolidated action taken against the owner of hotel Yashraj Mangal
Karyalay/ Multipurpose Hall. By considering the Noise Pollution
(Regulation and Control) Rules, 2000 it clearly appears that the
owner of hotel Yashraj Mangal Karyalay/ Multipurpose Hall
violated all rules and illegally running business without license.

- 6) My client states that the complaints raised by my client to Party
Nos. 1 to 4 accompanied by the map shows that the education
institute by name Shanbag School sharing common wall with hotel
Yashraj Mangal Karyalay/ Multipurpose Hall. It follows that the
area of Shanbag School dualatnagar within the Silence zone and
naturally it must fall within ambit of Noise Pollution (Regulation
and Control) Rules, 2000 as stated above. The hotel Yashraj Mangal
Karyalay/ Multipurpose Hall cannot disregard the Rules under the



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Regulation appended thereto. The particular definition is brought into effect on 22nd November 2000 as – *“Silence zone is an area comprising not less than 100 metres around hospitals, educational institutions, courts, religious places or any other areas which is declared as such by the competent authority.”* The definition of ambient air quality standards and restrictions in the use of the timing is also ensued in the Schedule appended to the said Rules. The Silence zone is basically an area comprising not less than 100 metres around hospitals, educational institutions, courts or other places which are declared as such by the competent authority, including religious places. Thus, as per the Rules, 100 metres minimum distance is the criteria which is set out to determine Silence zone from the religious place, institutional areas of education, courts and other places which are declared as such by the competent authority. The Silence zone is not given any restricted meaning under the Rules but it is a zoning allowed to be carried out by the competent authority irrespective of existence of location of a religious place, educational institute, hospitals or courts. The above four places are considered as the places from which Silence zone is to be maintained under the Rules irrespective of such declaration by



Schedule appended to the Noise Pollution (Regulation and Control)

Rules, 2000.

- 7) My client states that in Application No.34/2011 decided before the National Green Tribunal, Principal Bench, New Delhi in the case of "Supreme Court Group Housing Society and another Vs. All India Panchayat Parishad and others", the Principal Bench gave certain directions as regards actions which are required to be taken by the authorities. We do not wish to set out those actions and borrow the same for the present purpose. We only refer it to the present case in order to demonstrate that the Principal Bench of National Green Tribunal also in a similar case held that pollution being wrongful contamination of the environment which causes material injury to right of an individual, noise can well be regarded as a pollutant when high decibels noise is caused. The high decibels noise may have ill-effect on the health of a person. It may also effects the passersby and patients admitted in the hospitals. The intention of laws related to pollution is to ensure abatement of pollution not in respect of only air and water but of any kind of pollution. The



pollution is a generic term used under the Environment (Protection) Act. The noise pollution, particularly stated, causes ill-effect on the social life, peaceful and dignified life to which a 11 (J) Application No.53/2015(WZ) person is entitled under the Article 21 of the Constitution. Any such constitution right cannot be trampled by extraneous forces including the noise pollution.

8) My client states that according many complaints raised by my client and information sought through RTI application the Party No. 3 clearly mentioned that the owner of hotel Yashraj Mangal Karyalay/ Multipurpose Hall did not have license or permission to run hotel Mangal Karyalay/ Multipurpose Hall and the same is in proximity of Shanbag School, it clearly indicates that the owner of hotel Yashraj Mangal Karyalay/ Multipurpose Hall running his business illegally.

9) The Noise Pollution (Regulation and Control) Rules, 2000
SCHEDULE
[See Rules 3(1) and 4(1)]



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Email: rahulkulkarni3215@gmail.com

AMBIENT AIR QUALITY STANDARDS IN RESPECT
OF NOISE Area Category of Area Limits in dB(A) Code /
Zone Day Time Night Time Note:--

1. Day time shall mean from 6.00 a.m. to 10.00 p.m.
 2. Night time shall mean from 10.00 p.m. to 6.00 a.m.
 3. Silence zone is an area comprising not less than 100 meters around hospitals, educational institutions, courts, religious places or any other area which is declared as such by the competent authority.
 4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.
- dB(A) denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

A "decibel" is a unit in which noise is measured. "A", in dB(A) denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

- 10) My client states that according to Schedule Rule 3 & 4 the noise pollution crosses 70 decibel when marriage or other functions/celebrations were going on, it caused huge noise pollution by hotel Yashraj Mangal Karyalay/ Multipurpose Hall. Due to significant noise pollution it caused health of the local resident and



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bad impact on their health it caused disturbances with respect to mental, psychological health.

11)By way this present Representation it is humbly requested to you that, hotel Yashraj Mangal Karyalay/ Multipurpose Hall activities of marriage, functions/celebrations kindly be stop on immediate effect.



A handwritten signature in blue ink, appearing to be "Rahul S. Kulkarni", written over a circular stamp.

ADV.RAHUL KULKARNI