

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, NEW DELHI
Original Application No.75/2024(WZ)
(Earlier Letter Petition No.39/2024)**

Maruti Kadam

.... Applicant

v/s

Mrs.Apurva Natwar Parikh &
Co.Pvt.Ltd. & Ors.

... Respondents

Report on behalf of the Maharashtra Pollution Control Board

1. This Hon'ble Tribunal has registered the Letter Petition dated 21/2/2024 made by the Applicant as Original Application bearing No.75/2024, alleging that Respondent No.1- Mrs.Apurva Natwar Parikh and Co.Pvt.Ltd. is raising construction of private school building at CTS No.29/6, Mulund (West), Mumbai within one kilometer of the Sanjay Gandhi National Park, which is an eco-sensitive area, where such kind of construction is prohibited, which is causing noise pollution.
2. In the aforesaid matter, the Hon'ble NGT vide order dated 25/4/2024 directed Maharashtra Pollution Control Board to submit the report about the truthfulness of the complaint, which shall be verified after sending a responsible Officer to visit the spot.
3. In compliance of the Order dated 25/4/2024 passed by the Hon'ble NGT, the Officials of the Maharashtra Pollution

Control Board at Mumbai visited to the site at “The Green Acres Academy, CTS No.29/6, Near Tarasingh Garden, Yogi Hill, Mulund (West), Mumbai on 9/5/2024 and 21/5/2024 and observed as follows :-

- i. During visit, it was observed that the school building is having five operational floors and construction activity of 6th and 7th floors was under progress i.e. finishing work.
- ii. The school was found non-operational due to summer vacation.
- iii. The school representative informed that they have started operation of the school in the year, 2022.
- iv. MPCB has instructed to submit details of the permission obtained from the Planning Authority and any other Government Department.
- v. The said site is located beside Tarasingh Garden. At East and West, there are local body garden and the North side has residential buildings i.e. Red Wood, Pine Wood and Teak Wood of Vasant Garden Society. Further at south side, Tarasingh Garden is located.
- vi. On 21/5/2024, Ambient Noise Monitoring was carried out for 24 hrs. at school premises and at adjacent Housing Society i.e. Red Wood.

Copies of the visit reports dated 9/5/2024 & 21/5/2024 alongwith Ambient Noise Monitoring Results are enclosed herewith and marked as **Annexure-I collectively**.

4. It reveals from the Ambient Noise Monitoring Reports that the noise levels are marginally exceeding at both locations for day time and night time. Noise levels at construction site in day time observed 67.3 dB(A) Leq. Further, construction activities were stopped at night time and noise levels observed upto 51.2 dB(A) Leq. The differential noise levels in presence and absence of source is about 16.1 dB(A) Leq. The said Ambient Noise Monitoring Reports were communicated to the Municipal Corporation of Greater Mumbai vide letter dated 20/5/2022 and requested to take appropriate action against the aforesaid project for control of noise pollution and abatement of nuisance created thereof. A copy of the letter dated 20/5/2022 is enclosed herewith and marked as an **Annexure-II**.

For and on behalf of Maharashtra
Pollution Control Board



(A. S. Nandvate)
Sub-Regional Officer, Mumbai-IV

Place : 310N, MUMBAI
Date : 31/05/2024

Investigation Report**09/05/2024**

As per the order dated 25/4/2024 of Hon'ble National Green Tribunal Western Zone Bench, Pune in the O.A. 75/2024 (WZ), site visit carried out at "The Green Acres Academy", CTS No.29/6, near Tarasingh Garden, Yogi Hills, Mulund (W)-400080 on 09/05/2024. During visit following observation are made.

1. During visit a school building observed having five operational floors and construction activity of 6th & 7th floor found under progress.
2. During visit school found non-operational due to summer vacations.
3. The school representative informed that, they have started operation of the school in the year 2022.
4. Instructed to submit details of permissions obtained from planning authority and any other government department.
5. The said site is located beside Tarasingh Garden. At east & west there are local body garden and the north side residential buildings i.e Red Wood, Pine Wood and Teak wood of vasant garden society. Further at south side Tarasingh Garden is located.

-sd-

(Amit Parghi)
Operation Manager
M/s. Green Acres Academy

-sd-

(Sameer Hundlekar)
Field Officer, MPCB

-sd-

(K.G.Malbhage)
Field Officer, MPCB

Investigation Report**21/05/2024**

As per the order dated 25/4/2024 of Hon'ble National Green Tribunal Western Zone Bench, Pune in the O.A. 75/2024 (WZ), site visit carried out at "The Green Acres Academy", CTS No.29/6, near Tarasingh Garden, Yogi Hills, Mulund (W)-400080 on 21/05/2024.

1. During visit construction activity of 6th and 7th floor found in progress.
2. During visit school found non-operational due to summer vacations.
3. During visit noise monitoring for 24 hours at school premises started at 11.0 am on 21/05/2024.
4. Further noise monitoring for 24 hours at adjacent housing society i.e RED wood is also carried out from 1200 noon on 21/05/2024.

-sd-

(Amit Parghi)
Operation Manager
M/s. Green Acres Academy

-sd-

(Sameer Hundlekar)
Field Officer, MPCB

-sd-

(K.G.Malbhage)
Field Officer, MPCB

Inspection Report

- As per the order dated 25/4/2024 of Hon'ble National Green Tribunal Western Zone Bench Pune in the O. A. 75/2024(WZ), site visit carried out at "The Green Acres Academy, CTS No. 29/6, Near Tarasingh Garden, Yogi Hills, Mulund (W) - 400080, on 09/5/2024. During visit following observations are made.

- ① During visit a school building observed having ~~5~~ five operational floors and construction activity of 6th + 7th floor found under progress. i.e. finishing work.
- ② During visit school found non-operational due to summer vacations.
- ③ The school representative informed that they have started operations of the school in the year 2022.
- ④ Requested to submit details of permissions obtained from planning authority and any other government dept.
- ⑤ The said site is located beside Tarasingh Garden. ~~is south~~ at East + West there are local body gardens and at the North side residential buildings i.e. Red Wood, Pine Wood and Teak Wood of Vasant Garden Society, further at south side Foraging Garden is located.

Amruteshwar
(Ameet Parghi)
Operation Manager

Shubh
(Samer Hundlekar)

MRS
9/5/2024
(K. G. Malbhare)

Visit Report.

- As per the order dated 25/4/2024 of Hon'ble National Green Tribunal Western Zone Bench Pune, in the O.A. 75/2024(WZ) site visit carried at "The Green Acres Academy CTS No. 29/6 Near Tarasingh Garden, Yogi Hills, Mulund (W) - 400080, on 21/5/2024.

- During visit construction activity of 6th & 7th floor found in progress.

- During visit school found non-operational due to summer vacations.

- During visit noise monitoring for 24 hours at school premises started at 11.0 am on 21/5/2024.

- Further ~~the~~ noise monitoring for 24 hours at adjacent housing society, i.e. "Red Wood" is also carried out from 12.00 noon on 21/5/24.

Anurag Singh

(Anurag Singh)
Operation Manager
The Green Acres Academy.

Jameer Huddlecar
21/5/2024

(Jameer Huddlecar)
F.O. Mumbai - IV

Kishor Malbhage
21/5/24
(Kishor Malbhage)
F.O. Mumbai - IV

STANDARD SOUND LEVEL METER DATA LOGGER:
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Location : The Green Acres Academy, Mulund

Time Format: 0

StartTime:2024-05-21 11:00:00

EndTime:2024-05-22 10:59:00

Unit:dBA

Day		Night	
Time	dB(A) Leq	Time	Leq
6:00 am-7:00 am	54.7	22:00 pm-23:00 pm	56.8
7:00 am-8:00 am	55.1	23:00 pm-0:00 am	51.7
8:00 am-9:00 am	62.4	00:00 am-01:00 am	50.9
9:00 am-10:00 am	62.6	01:00 am-02:00 am	48.8
10:00 am -11:00 am	68.9	02:00 am-03:00 am	46.1
11:00 am-12:00 pm	65.4	03:00 am-04:00 am	45.7
12:00 pm-13:00 pm	61.2	04:00 am-05:00 am	46.7
13:00 pm-14:00 pm	61.5	05:00 am-06:00 am	49.9
14:00 pm-15:00 pm	63.2		
15:00 pm-16:00 pm	64.5		
16:00 pm-17:00 pm	71.3		
17:00 pm-18:00 pm	72.8		
18:00 pm-19:00 pm	71.8		
19:00 pm-20:00 pm	68.7		
20:00 pm-21:00 pm	67.4		
21:00pm-22:00 pm	64.2		

dB(A) Leq_{Day}	67.3
dB(A) Leq_{Night}	51.2
L_{max}day	76.2
L_{min}day	48.3
L_{max}night	67.5
L_{min}Night	41.3

STANDARD SOUND LEVEL METER DATA LOGGER:
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Location : Red Wood Co-OP Soc, Mulund

Time Format: 0

StartTime:2024-05-21 11:00:00

EndTime:2024-05-22 10:59:00

Unit:dBA

Day		Night	
Time	B(A) Le	Time	Leq
6:00 am-7:00 am	52.9	22:00 pm-23:00 pm	56.2
7:00 am-8:00 am	56.5	23:00 pm-0:00 am	49.6
8:00 am-9:00 am	55.1	00:00 am-01:00 am	48.8
9:00 am-10:00 am	62.4	01:00 am-02:00 am	45.8
10:00 am -11:00 am	71.8	02:00 am-03:00 am	47.2
11:00 am-12:00 pm	73.5	03:00 am-04:00 am	47.2
12:00 pm-13:00 pm	61.3	04:00 am-05:00 am	45.3
13:00 pm-14:00 pm	60.7	05:00 am-06:00 am	49.1
14:00 pm-15:00 pm	67.5		
15:00 pm-16:00 pm	70.3		
16:00 pm-17:00 pm	70.7		
17:00 pm-18:00 pm	73.1		
18:00 pm-19:00 pm	70.7		
19:00 pm-20:00 pm	72.6		
20:00 pm-21:00 pm	63.2		
21:00pm-22:00 pm	61.8		

dB(A) Leq_{Day}	68.9
dB(A) Leq_{Night}	50.2
L_{maxday}	76.1
L_{minday}	49.1
L_{maxnight}	64.2
L_{minNight}	40.6

Maharashtra Pollution Control Board

Sub-Regional Office, Mumbai-IV

Phone No. 24015269 / 24016239
 Visit us at : <http://mpcb.gov.in>
 Email : sromumbai4@mpcb.gov.in



Kalpitaru Point 1st floor,
 Sion Matunga Scheme Road No. 8,
 Infant of Sion Cercal, Sion (E),
 Mumbai – 400 022.

No./MPCB/SROM-IV/ 1459

Date 30/05/2024

To,
 Assistant Commissioner, T ward
 Municipal Corporation of Greater Mumbai
 Lala Devidayal Marg, Mulund (W)
 Mumbai-400080
 Ac.t@mcbgm.gov.in

Sub : Compliance of order dated 25/4/2024 passed by the Hon'ble NGT, WZ, Pune in Original Application No.75/2024(WZ).

Ref : 1. Part Occupancy Certificate (OC) issued by MCGM to Green Acres Academy, CTS No. 29/6, near Tarasingh Garden, Yogi Hills, Mulund (W), Mumbai
 2. Noise monitoring carried out for 24 hrs by Officials of MPCB in the premises of Green Acres Academy School on dated 21/05/2024

Sir,

Mr. Maruti M. Kadam, Mulund (W), Mumbai 400 082 has made a complaint/letter dated 21/2/2004 to the Hon'ble National Green Tribunal, Western Zone, Pune, which is registered as Original Application bearing No.75/2024(WZ), alleging that Respondent No.1-Mrs.Apurva Natwar Parikh and Co. is raising construction of a private School Building at CTS No. 29/6, Mulund (West), Mumbai within one kilometer of Sanjay Gandhi National Park, which is an eco-sensitive area, where such kind of construction is prohibited, which is causing noise pollution.

In the said matter, the Hon'ble NGT vide Order dtd. 25/04/2024 directed Maharashtra Pollution Control Board to submit report about the truthfulness of the complaint etc.

In compliance of the Hon'ble NGT order dtd.25/4/2024, the Officials of MPCB at Mumbai have carried out noise monitoring for 24 hours at Green Acres Academy School premises on dated 21/05/2024. It reveals from the noise monitoring reports that the noise levels are exceeding the noise standards as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000.

Sub clause (4) of Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 provides that "All development authorities, local bodies and other concerned authorities while planning developmental activity or carrying out functions relating to town and country planning shall take into consideration all aspects of noise pollution as a parameter of quality of life to avoid noise menace and to achieve the objective of maintaining the ambient air quality standards in respect of noise". Therefore, it is responsibility of the planning authority to take into consideration the aspect of noise pollution & abatement measures thereof while granting development permissions.

: 2 :

In view of the above, being a planning Authority, you are requested to take appropriate action against the aforesaid project to control noise pollution & abatement of nuisance created thereof. Kindly communicate the Action Taken Report (ATR) to MPCB.

DA: Noise Monitoring Reports



(A. S. Nandvate)

Sub-Regional Officer, Mumbai-IV

Copy Submitted to:-Regional Officer, MPCB, Mumbai.