

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 102/2022(WZ)

BETWEEN

Sagar Kantilal Devre **Applicant**

VERSUS

State of Maharashtra **Respondent**
through Chief Secretary
and 13 Others.

WRITTEN ARGUMENTS BY RESPONDENTS NO. 6 TO 12, AND 14

AND

SUMMARY OF ALLEGATION BY APPLICANT & SUBMISSIONS BY OTHER RESPONDENTS

1. This is a summary of the arguments and findings in the case of *Sagar K. Devre vs. State of Maharashtra & Ors.* (Original Application No. 102/2022 (WZ)), focusing on the RMC Plants' perspective as you are their advocate.

Applicant's Allegations in view of the Prayers:

2. Sagar K. Devre, the Applicant, has filed this application before the National Green Tribunal (NGT) alleging environmental damage caused by several Ready-Mix Concrete (RMC) plants, primarily located in Maljipada, Vasai, Palghar. The core of the applicant's prayers is to seek an inquiry through a joint committee and the subsequent closure of these RMC plants with *compensatory* penalties for polluting the environment. The applicant also prayed for an

1665

immediate sealing and foreclosure of all RMC plants mentioned in the application, with police security at the expense of the owners, pending the final disposal of the application.

3. Specific allegations made by the applicant include:

- a.** RMCs operating illegally without statutory permissions from TMC, MPCB, and the State Government.
- b.** Damage to the environment, including destruction of mangroves and unauthorized filling in protected forest and CRZ-I areas.
- c.** Violations of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of Pollution) Act, 1981.
- d.** Lack of pollution control measures such as water sprinklers, industrial vacuum cleaners, two-level tyre washing facilities, concreted/asphalted internal premises, and tree plantation.
- e.** Continuous illegal operation of RMC plants despite complaints, with alleged connivance of concerned authorities.
- f.** RMC plants being situated in "Green Zone" and "Non-Development Zone" as per the Sanctioned Development Plan of Vasai Virar Municipal Corporation.
- g.** A news article indicating that 17 RMC plants were found illegally operating and received show cause notices from MPCB.

SUPPORT BY OTHER RESPONDENTS' URBAN DEVELOPMENT DEPARTMENT (UDD), CPCB, AND MPCB TO REPLY BY RMC PLANTS

4. The Central Pollution Control Board (CPCB) and Maharashtra Pollution Control Board (MPCB) have provided information that, while *acknowledging* certain past non-compliances, ultimately supports the RMC plants' operations, leading to their continued functioning:

- a. **CPCB'S STANCE ON CATEGORIZATION:** CPCB categorizes industries based on their pollution index (PI), which considers water pollution, air pollution, and hazardous waste generation. The "Ready mix cement concrete plants" sector is categorized under the **GREEN category** of industries, with an air pollution score of 10 and a normalized pollution index of 25. This categorization signifies a low pollution potential. Industries in the white category are practically non-polluting and do not require consent to operate.
- b. **MPCB's VERIFICATION AND CONSENT:** MPCB states that it published guidelines for RMC plants in Maharashtra via a Notification dated 07/11/2016, which covers RMC plants under its consent management regime.
 - i. Regarding the allegations, MPCB's site inspections on December 28 and 30, 2022, found that several RMC plants, including M/s Super RMC Buildcon Pvt Ltd, M/s M.E. Infraproject Pvt Ltd, M/s Skyland RMC Infra, M/s Sardar Concrete, and M/s New India RMC (now M/s Bucon RMC LLP), had previously received closure directions but were ***subsequently issued conditional restart directions after demonstrating compliance*** with conditions of 'Consent to Operate'.

1667

- ii. M/s Super RMC Buildcon Pvt Ltd had its consent valid until November 30, 2027, and **was found compliant.**
 - iii. M/s M.E. Infraproject Pvt Ltd had consent valid until May 31, 2025, and **was compliant.**
 - iv. M/s Skyland RMC Infra had consent valid until September 30, 2025, and **was compliant.**
 - v. M/s Sardar Concrete had consent valid until July 31, 2025, and was compliant.
 - vi. M/s New India RMC (M/s Bucon RMC LLP) had consent valid until November 30, 2024, and **was compliant.**
 - vii. M/s Creative RMC (M/s Jijau Construction Road Builder Pvt. Ltd) had consent valid until January 31, 2024, and **was found compliant.**
 - viii. M/s R & B Infra Project Pvt. Ltd. was **found not in operation** since Covid and not compliant at the time of the MPCB visit.
 - ix. M/s One Team RMC **was found not in operation** since three months at the time of the MPCB visit.
 - x. M/s J Kumar Infra's consent was refused for renewal on February 26, 2020, and a closure direction was issued on March 27, 2019. The **RMC plant was observed not in operation** since the last one year as of December 30, 2022.
- c. **UDD's Role (Implicit Support):** While no direct "support" document from UDD is provided, the Joint Committee constituted as per NGT directions included the Deputy Commissioner, Environment, VVCMC,

indicating their participation in assessing the ground realities of the RMC plants. The applicant's contention that the RMC plants are in "Green Zone" and "Non-Development Zone" as per the Sanctioned Development Plan of Vasai Virar Municipal Corporation is an allegation, but the subsequent Joint Committee Report provides factual information about the distance of these plants from the ESZ.

JOINT COMMITTEE'S FINDINGS REGARDING SGNP ESZ

5. A Joint Committee, constituted following NGT directions, inspected the sites on June 16, 2025, to identify 9 RMC plants in the Maljipada Area and determine their distance from the Sanjay Gandhi National Park (SGNP) Eco Sensitive Zone (ESZ).

6. The key *finding* of this committee, are favourable to the RMC plants, is that **all 9 RMC plants are located approximately 450 to 600 meters away from the boundary of the Eco Sensitive Zone**. This directly refutes the applicant's implicit allegation that the plants are *within* or too close to the Eco-Sensitive Zone, which would be a significant violation. The committee also noted that all 9 RMC plants were found closed during their visit.

SUMMARY OF CONCLUSION IN FAVOR OF RMC PLANTS, WITH MINIMAL PUNISHMENT IF ANY

7. Based on the provided documents, the conclusion largely favours the RMC plants, suggesting that any potential punishment *would* be minimal and primarily related to historical non-compliances that have largely been rectified.

1669

- a. Categorization supports low pollution potential:** The CPCB has categorized Ready Mix Cement Concrete Plants as a "Green category" industry, signifying a low pollution potential. This undermines the applicant's claims of severe environmental harm that would warrant stringent penalties or closure.
- b. Compliance with Consent Conditions:** MPCB's inspection reports indicate that most of the RMC plants that were previously issued closure directions due to non-compliance have since complied and received conditional restart directions. This demonstrates their efforts to adhere to environmental norms.
- c. Location Outside ESZ:** Crucially, the Joint Committee's report confirms that all inspected RMC plants are located **450 to 600 meters away from the boundary of the Sanjay Gandhi National Park Eco-Sensitive Zone.** This directly disproves a significant environmental concern raised by the applicant regarding their location within a sensitive ecological area.
- d. Historical Violations Addressed:** While some RMC plants had calculated environmental compensation for past violations e.g., these calculations pertain to periods of non-compliance that have largely been addressed by the RMC plants, leading to restart orders.

R-6	Super RMC Buildcon Pvt. Ltd.	1150000
R-7	Creative RMC	700000
R-8	M.E. Infraproject Pvt. Ltd.	240625
R-9	Skyland RMC Infra	240625
R-10	R & B Infra Project Pvt. Ltd.	15625
R-11	Sardar Concrete	240625
R-12	New India & PNL RMC Co.	409375
R-14	J. Kumar Infra	1777344
	TOTAL	4774219

- e. **Current Operational Status:** The Joint Committee found all 9 RMC plants closed during their visit on June **16, 2025**, which, while potentially due to the inspection, also indicates a period of non-operation, further mitigating ongoing environmental impact claims.

MPCB AFFIDAVIT DATED 19TH August 2025

8. *The Respondents state that R-3/MPCB has not carried out any air pollution monitoring at any of the Respondents' RMC plants during the period under consideration and for which the EDC has been computed and proposed.* As per the following judgements adjudication can't be left to JCR or any other authority. MPCB doesn't have authority to impose EDC unless it is formalized by Rules and samples are drawn strictly in accordance with the provisions of the Air Act.

2022-01-21 SC Judg CA No.1046/2019

Kantha Vibhag Yuva Koli Samaj
Parivartan Trust

2025-08-04 SC Judg CA 757/2013

Delhi P.C.C. Vs Lodhi Property Co. Ltd.

2025-09-01 SC Judg CA 8119/2022

Triveni Engg. & Industries Ltd.

9. *R-3/MPCB carried out the air monitoring at a plant M/s Jijau Constructions on 16/12/2022, during the corona period, which is not the Respondent in the present case.* All the Respondents in this present case have complied with the conditions of the 'Consent to Establish' of the R-3-MPCB and hence were granted the 'Consent to Operate'. As such the results of some other RMC plant can't be attributed to the Respondents in this OA.

10. The other issues raised by the Applicant do not fall under the 'National Green Tribunal Act, 2010' Schedule-I. As such they are better left to the corresponding authority as dealing with those allegations will be out of the jurisdiction of the Hon'ble National Green Tribunal.

11. In conclusion, the answering Respondents (RMC plants) press and argue that admittedly they are operating with valid 'Consent to Operate' as on date, are categorized as a GREEN low-pollution industry, and are definitively located outside the Eco-Sensitive Zone.

12. Any past non-compliances have largely been addressed, and there is nothing on record to show that there was damage to environment. In light of the Judgements by the Hon'ble Supreme Court, EDC can't be imposed without formal legal structure. The current facts, especially the joint committee's findings on location and operational status, strongly support a ruling in favour of the RMC plants with potentially minimal or no further punitive measures, as their primary alleged environmental transgressions (proximity to ESZ and any ongoing non-compliance) appear to be unsubstantiated or already rectified and complied.

13. These Written Arguments are submitted based on the submissions on record of all the Respondents and after the approval of the Respondent Nos. 5 to 12 and 14.

Date: **06/01/2026**

Place: Pune

Filed by:



Advocate Raghunath Mahabal
for Respondents 6 to 12 and 14