

BEFORE HON'BLE NGT, WZ BENCH AT PUNE

Appeal No 90 of 2026

Spark Industries

....} Appellant.

VERSUS

MPCB & Others

.....} Respondents.

Written Argument in Appeal filed against the Assessment of EDC in OA No. 43 of 2025 WZ against M/s Spark Industries, Industrial Estate, Yadrav, Taluka Shirol, District Kolhapur. (Appeal No.90/2026)

MAY IT PLEASE YOUR HONOUR,

The Appellant is filing this Written Argument for Admission of Appeal as under:

The Appeal is mainly filed on the following grounds:

A) The Assessment of the EDC is directly reproduced in the Affidavit filed on 11.2.26 without passing of Speaking Order as to in what manner EDC is assessed & for which days of violations duly supported by the substantive documentary evidence for the days of violations. No speaking order is served till date. No substantive documentary evidence to show which are total violation-days & in what manner EDC is calculated is filed on record.

B) The Penal Charges for unconsented period counted from 2008, when the Unit was also not established. [Para- 3.4- (a, b, & c) at page-7] In fact, the unit actually obtained the Consent to establish in 2009 & the taken steps to establish it for which the period unto commissioning was granted by the MPCB.

C)The amount of Penal Charges has not been adjusted in the amount of the EDC. C to E is at Annexure - A-I of the Affidavit in Reply dated 24.06.2025 filed by the Industry in O A No.43/2025 at pages 25 to 28.

D) First Consent to Operate clearly shows investment of ₹ 4931 Lakhs only & it has been granted in the Red- SSI - Category on 7.7.2009. In fact, the Category of the Industry as per the CPCB categorisation is shown Orange & now the MPCB has also renewed Consent in Orange Category.

The compilation of documents of CPCB - Categorisation & Grant of Renewal dated 31.3.26 valid for a period upto 31.3.28 are separately filed which are received later on. But for the sake of convenience, a List of Documents which are the basic legal provisions and the important from the point of assessment of EDC are filed for ready reference & perusal of Hon'ble Tribunal.

Therefore, the basis on which EDC is assessed presuming it as a Red Category is itself not as per the CPCB- Formula & cannot be relied upon unless it is assessed in orange category. Hence, the MPCB may kindly be directed to review & reassess the EDC afresh in Orange Category.

Thereafter, the Consent to Operate also granted in the Red SSI on 22.4.25 up to 31.3.26 (Pages-39 to 46 of the Appeal even though it is Orange- Category as per the CPCB - Categorisation, which is e-filed separately recently. A copy of the Renewal granted by the MPCB in Orange Category duly supported by the CPCB-Categorization enclosed as an Annexure-1 & 2 respectively.

It shows that Aluminium Casting (except Cupola furnace) & Rolling with a capacity less than 25MT/day falls under the Orange Category. Appellant is having capacity only 10MT /M, which is electricity furnace which does not emit TPM beyond 22.7mg/ Nm³ as against Standard prescribed under Consent of 150 mg/Nm³ (Annexure-A-X at Page-208)

Hence basic assessment of EDC by treating it in Red SSC when it is micro industry in Orange- Category itself is wrong & needs to be reviewed.

E) The operation of unit started in 2015 & thereafter also it could not be operated for a no of days mentioned in [Para-3.4 (d & e) at Page-8], which was also not taken into consideration @ the time of assessment of EDC. In spite of specifically pointed out in the Reply dated 4.9.25 (Annexure-R-9 at Pages- 143 & 144) and dated 9.1.26 (Annexure-A- IV at Pages-53-56) & Oral & Written Submissions made during-course of hearing & after hearing also on 09.0126[Annexure-A- IV at Pages 53-56], the MPCB assess EDC for total 5 years without taking into consideration actual days of operation & non-operation.

Not taken into consideration the days of actual operations & actual non-operations inspite of documentary proofs as below:

a) Two Specific Replies dated 4.9.25 (Annexure- R-9 dated 4.9.25 at pages- 144-145) & 9.1.26 (Pages 53 to 56 of Appeal Memo) giving exact days of operation & non-operation not taken into consideration.

b) MPCB specifically asked to bring a certificate from the MSEB, Yadrav about the exact working days from May 2017 to 2024. MSEDCL by its Letter dated 05.01.26 specifically communicated that from May 2008 to January 2017, the Electricity Consumption of the industry was Zero -Units. In this period only minimum electricity charges were paid.

It is further pointed out from the record that from January 2017 to December 2024 in many months consumption of electricity was Zero or minimum electricity charges were paid. Industry in this period (Jan 2017 to December 2024), the Industry operated for 41 Months . (Annexure-A-IV at page-56 of Appeal.)

After examining the record for a period from January 17 to December 24, Total 41 Months the Industry was in operation - Annexure-IV Reply of Industry dated 9.1.26 at pages 53-56 at specific page-56. MSEDCL by its Letter dated 05.01.26

Out of which the MPCB has assessed the EDC for last 5 years from December 2019 ie date of filing to December 2024.

In which period the Appellant - Industry operated only for 249 days - Annexure-A-VII-Page-61.

In fact, no speaking order is issued by the MPCB except filing of Affidavit 11.2.26 just giving the period of calculation of EDC from 3.1.2020 to 31.12.2024 without any documents of damage caused to the environment for above period .

Supporting Documentary evidence submitted by the Appellant in the Application & also by Replies in Writing for Personal Hearing before assessing EDC in its Affidavit not taken into consideration is at Page- 145 read with the documentary evidence as under:

A) Page- 127 of Application clearly gives the reading or consumption of units for MSEB for January, 2020 Reading-7625 but consumed units of electricity-00.

Since the Original Application No.43 of 2025 is filed on 11.3.25, the Period of 5 years before filing of the Application as per law & as agreed by the MPCB taken into consideration.

B) However, the non-operation period as shown in the Annexure- A-VII at Page -61 of the Appeal not taken into consideration, which clearly shows only 249 days of operation during last 5 years prior to filing of the O A No. 43 of 2025WZ, for which period only the Appellant -industry was in operation. It was not in operation for the following periods. Non - Operation Period is as under:

A) During last 5 years for which EDC is calculated, the Industry was not in operation for the months- January 20 to May 20, July 20, October,20 to December, 20, January,21 to May, 21, November,21 to June,22, August, 22 to December, 22, February,23, August, 23 to December, 23, February, 24, May,24 & November,24 respectively. [Annexure-R-7 at Pages- 143 to 174 of Affidavit in Reply to Main Application & from 111 to 142 (R-7) of the Appeal Memo.

Specific Pages for non- operation period in the MSEB Consumer Personal Ledgers are from Pages 127 to. 142 of an Appeal Memo for the Months January, 2020 to March, 2023 (Affidavit in Reply to Main Application at Pages-125 to 174.) Since, the Affidavit in Reply to Main Application is annexed for reference as an Annexure- A- VIII to the Appeal Memo pagination in OA No.43 of 2025 kept as it is.

The Appellant has enclosed Letter dated 09.01.2026 at Annexure-A-IV from Pages 53 to 56. Which clearly gives the following details:

a) At Page- 54, total working days are shown from January 2017 to December, 2024 as per internal production record available with the Appellant are shown 427 days. But during the last 5 years ie January 2020 to December, the working days are only 249 days. (Annexure- A-VII at page 61 of Appeal)

b) MSEB has given the Letter dated 5.1.26 in respect to the Zero Consumption of Electricity Units & also Average Consumption of use of Electricity on the basis of Consumption of Electricity Record Books & certified that during the period January 2017 to December 2024, Industry operated for 41 Months. (Page-56 of Appeal.)

c) Appellant has specifically referred the period of operation for a period from January, 2020, i.e. prior to 5 years from which period the MPCB assessed the EDC for 3.1.20 to 31.12.24 i.e. 5 years only. The Affidavit dated 11.2.26 is e-filed separately for perusal of Hon'ble Tribunal after filing of an Appeal.

A Separate Table for 5 years from 3.1.20 to 31.12.24 is also - Annexure-A- VII at Pages-61 of the Appeal. This clearly shows total 249 days of operation from January 20 to December 24. Therefore, the EDC for 249 days will be = $80 \times 249 \times 250 \times 0.5 \times 1 = 24,90,000/-$, which is also disproportionate to the present capital investment certificate of CA at an Annexure-A VI at Pages-58 to 60 of the Appeal Memo.

d) In fact, the CPCB in its Report In- House Committee on Methodology at page Pages - 194 to 202, at specific running page- 6 of the Chapter-I, the EDC to be levied in a sample calculation of 60-100 to the minimum 60 Pollution Index as per methodology for assessing EDC.- Annexure-A-IX is enclosed. (Page-200 of an Appeal)

Table 1.2 A Sample calculation for Environment Compensation for Red, Orange & Green category of industries varies from 3750 to 60,000/- ₹ / day without deterrent factor. (Above 1.3.2 Table Para above Table at Page-200) This should have been followed up in the assessment of EDC in the present case of Appellant.

We are following up Straight Jacket Formula treating every industry at par, by applying Sub Ghode Bar Takke without differentiating their actual pollution potential & summarily assessing EDC on all industries & not taking into consideration actual damage really caused or not?

Appellant is micro industry, without any deterrent factor. It can be seen that Annexure-A-X at Page-203 clearly display calculation of TPM for 4 T/M Aluminium Production based on AP-42 that PM Concentration cannot be more than 22.7 mg/Nm³, which is well within the consented standard for TPM of 150 mg/Nm³.

The calculated emission concentration from electric aluminium melting operation is 22.7 mg/Nm³, derived using internationally accepted emission factors from AP-42. Therefore, emission levels are well within prescribed limits & any contrary assumption without actual sampling & analysis of emission at Appellant- industry which is not done till date cannot be attributed to assess EDC on the ground of no APC.

In fact, no damage to environment caused. The power of the SPCB to claim Restitution-Damages was rightly interpreted in the matter of Delhi Pollution Control Committee vs M/s Laxmi Buildtech P Ltd/M/s Bharati Realty Ltd etc. It was specifically observed that there is a distinction between an action for restitution or remediation & imposition of penalties or fines levied at the culmination of a punitive.

Para 30 of the Order specifically states that the Board's Powers u/s 33A of Water Act or 31A of Air Act have to be read in the light of legal position on the application of Polluter Pays Principle as formulated & explained. This means that SPCB cannot impose EDC in case of every contravention or even offence under Water/& Air Act. It is only when some form of environmental damage or harm has been caused by erring entity, SPCB must initiate action u/s 33A/31A.

In present case, already Penalty for Operation of Industry imposed & recovered amounting to ₹48,190/- & also BG of ₹ 50,000/- encashed. Besides that, the furnace is operated at micro level having only 34 Lakhs capital investment for which 5 times more EDC arbitrary imposed without monitoring of emission of only TPM, which in any case cannot be more than 22.7 mg/Nm³ against 150 mg³ standard prescribed by the MPCB in Consent.

Hence MPCB should review its order of assessment of EDC. It is more surprising that no speaking order is yet passed about assessment of EDC except filing of Affidavit by MPCB.

[Page-131 of Appeal clearly gives the reading or consumption of units for MSEB for April 2020 to March 2021. For example, the Reading of April, 2020 shows that last Month's Electricity reading is 2,15583.95, however, the consumed units for March,2020 is 4678 only as against 4,365 for February,2020, whereas the consumed units of electricity for March 2020 to April, 2020 Bill is 1689, which is minimum with reference to March 2020 reading 1,55,047.3 & Consumption of Electricity Bill 5868]

Since the Original Application No.43 of 2025 is filed on 11.3.25, the Period of 5 years before filing of the Application as per law & as agreed by the MPCB taken into consideration.

E) The MPCB - Respondent - Board has also not taken into consideration the Nm³documentary evidence submitted by the Appellant (Original R.N. 7) in its Affidavit dated 10th September 2025 [Pages -97 to 225 of the Appeal. (Annexure- R-2, R-3 & R-4, R-5, R-6, R-7, R-8, & R-9 respectively of the Affidavit dated 10.09.25)]

F) In fact, P.D. had been issued on 17.12.24 on the basis of the Visit of Board -Official on 6.12.24 only for a) Operation without Consent to Operate & b) No APC provided. (Annexure-A-R-14, Page-167-168)

APC- System provided & compliance report submitted vide R-9 (Page-183-184) Hence ID issued on 27.3.25 -Page-185.

Thereafter, CTO granted on 22.4.25. (Annexure-R-21, Page-186 to 193) The Appellant-industry has been granted with the conditions no industrial effluent & only 1 CMD domestic effluent with septic tank, (Page-186) which is already existed. As far as emission is concerned, only parameter given of TPM (Total Particulate Matter being generated from 10 MT/Month. (Page-186) Out of which production could have been done up to 4TP/M that too for 249 days only during last 5 years.

G) In fact, R.N. 7 - Industry (Appellant) is in the MIDC/ Industrial area, therefore no question of nuisance caused arises in residential area.

The R.N.1 (O Applicant) resides 7-8 km away from the Industry & filed unnecessary complaints against a no of Govt & Other Organisations, which are dismissed. No locus stands to file present application.

I) No forfeiture of Rs. 50,000/- BG & Penalty of Rs. 48190/- are adjusted.

J) No results of exceeding parameters submitted with documents of pollution caused. In fact, no water pollution generated as no industrial effluent or as far as air pollution is concerned also.

Summary of Argument of Appeal

A) No Speaking Order for EDC Assessment except filing of an Affidavit dated 11.2.26 is filed by the MPCB. In a landmark August 2025 judgment (Delhi Pollution Control Committee v. Lodhi Property Co. Ltd.), the Supreme Court of India ruled that Pollution Control Boards (PCBs) must pass a reasoned, "speaking order" before imposing Environmental Damage Compensation (EDC). This decision emphasizes adherence to natural justice and transparency, restricting arbitrary penalties.

The Court explicitly directed that the power to collect compensation under Section 33A of the Water Act and Section 31A of the Air Act must be enforced only after framing subordinate legislation (rules and regulations) that detail the principles, methodologies, and procedures for determining the compensation.

- Rational and Proportional Compensation: Environmental compensation cannot be arbitrary. It must be rational, proportionate to the damage, and based on established methodology rather than being a blunt instrument.
- Actual/Imminent Damage Essential: Compensation cannot be imposed for every statutory violation; it is applicable only when actual environmental damage has occurred or is imminent.

S U P R E M E C O U R T O F I N D I A

R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 757-760/2013

D.P.C.C. Appellant(s)

VERSUS

UNION OF INDIA THROUGH SECRETARY, Respondent(s)

[MS. SHIBANI GHOSH AND MR. NINAD LAUD, ADVOCATES ARE APPOINTED AS

AMICI CURIAE]

IA No. 225827/2025 - INTERVENTION/IMPLEADMENT

WITH

C.A. No. 1977-2011/2013 (XIV-A)

FOR impleading party ON IA 205979/2025

FOR INTERVENTION/IMPLEADMENT ON IA 205979/2025.

B) In the present Appeal, No Speaking Order for Assessment of EDC, only Affidavit is filed, giving Formula of EDC laid down by the CPCB, but not giving how many days of violations calculated? how the pollution potential of the industry decided? How Rs. Factor decided? (Pages-14 to 17 of Appeal Memo)

It is submitted that the Pollution Potential of the Appellant -industry is as good as 'No Air Pollution' is being caused (Last Para -8.13 on pages-14-15) The TPM Factor or Load @ the Scale of Appellant - Industry -Operation is about 22.7 mg/Nm³ against 150 mg/Nm³ Limit, it means No Air Pollution.- "AP-42: Compilation of Air Pollutant Emission Factors, 5th Edition, Vol. I - Statutory Point & Area Sources" published by United States Environmental Protection Agency.

C) Even then the Appellant has with bonafide intention calculated actual 249 days of operation during last 5 years for which EDC is assessed by the MPCB in its Affidavit dated 11.2.2026.

D) MPCB has not at all considered the Non-Operation Days in last 5 years of 365 x 5 years- 1825 days minus Actual Operation Days only 249 = 1576 Days for which the Appellant -Industry not operated.

E) Annexure-R-8 at Page-175 gives Average Electricity Consumption per month calculated for the Period from 2015 to 2025 where production less than production per month. The Submission has been made in respect of Average & Zero Consumption of Electricity communicated to the MPCB as requested by the MPCB dated 4.9.2025 at Pages- 143 to 145 of Appeal (Running Pages of Affidavit in Reply to OA No.43/2025 175 to 178)

Annexure-A-VII at Pages of Affidavit-61, clearly shows the Actual Working Days of 249 from 1.1.2020 to 31.12.2024. Affidavit in Reply to the Main Application on behalf of the R. N.7 (Appellant in Present Appeal) is therefore annexed at an Annexure- A-V to the present Appeal at Pages 62 to 198 with all Annexure, giving all the details as under:

a) Non- operation till 2015 on account own problems given in Para -2 to 4 of the Affidavit in Reply (Page-66 of Appeal) duly supported by Consumer Personal Ledger (CPL) of MSEB for 2011 to 2015 Zero Electricity Consumption. (Annexure-R-6 at Pages-127 to 175) of Reply-Affidavit & Pages -95 to 143 of Appeal)

b) Non- Operation of Production Activity in the Months of July,15, October, 16, Nov,16, December, 16, June, 17, August,17, November,22 to March 23 with whole COVID Period- (Para-5, Pages 66 (Last Para) & 67 first para)- Annexure-R-7 of Affidavit in Reply-R-6 at Pages-127 to 175 & Appeal Pages-95 to 142)

c)Annexure- R-7 at Page143 of Appeal clearly gives the Average Working days below Average Production on account of no orders.

d) RO, MPCB was communicated by Letter dated 4.9.25 the operation & non-operation period. Annexure-R-9 at Pages-144 & 145 of Appeal & 176 to 177)

e) Total Capital Investment of the Unit is only 34.57 Lakhs. The EDC is 182,10,000/- 5 Times more than its Capital Investment as on date without a single analysis report on the contrary TPM is 22.17 mg/ m³

This is totally unjustified as per pollution potential as per latest SC Judgement.

f) No Substantial Documentary Evidence brought on record by MPCB. For example, Monitoring after First Visit by MPCB.

Penalty of Rs. 48,190/- for in-consented period & BG of ₹ 50,000/- already forfeited as a penalty for operation of unit without Consent to Operate not taken into consideration.

Now after going through the CPCB- Categorisation of Aluminium Casting with Electric Non- Air-polluting activity having capacity less than 25 MT/M categorised as the Orange Category & Renewal has been granted, for which pollution Industrial Index is shown between 30-59 in Orange Category. Both the Latest Renewal with CPCB - Categorisation having capacity less than 25MT/M are separately e-filed on 8.4.26, which are self-explanatory. Therefore, having operated at about 4 MT/M, our submission is that Pollution Index should have been treated at 30 minimums only. MPCB calculated it EDC as below

Pollution Index -80. As per CPCB - Orange Categorisation, the Pollution Index should have been only 30 minimum & at the maximum, it could be 59 only.

Days -365 x 5 years = 1825 as if all 5 years the Unit operated uninterrupted, when during that period, it operated only for 249 days. - Annexure-A-VII at Page-61. MPCB is in habit of assessing EDC summarily without taking into account any substantive

documentary evidence not being followed any correct formula & thereby doing total injustice.

In the present case, the following can be maximum particulars of EDC - Formula

A) Pollution Index-Minimum 30 as Appellant -Industry is micro scale industry having only 34.57 Lakhs (Page-60, Annexure-A-VI)

B) Days -249 days only operated in last 5 years, which has been summarily calculated for all 1825 Days as if there was no holiday at all. Even non-operation days duly supported by documentary evidence not taken into consideration.

C) Rs. Factor also being micro industry, it should not have more than 100 minimums as per the EC formula at page-204 Note- c.

D) S is size of the Industry, which has been shown as 0.5 for micro unit. This factor though no alternative not taken it to be accepted, is also not taken into consideration the pollution potential as specifically observed by Hon'ble SC. No Speaking Order for EDC Assessment except an Affidavit dated 11.2.26 is filed by the MPCB. In a landmark August 2025 judgment (Delhi Pollution Control Committee v. Lodhi Property Co. Ltd.), the Supreme Court of India ruled that Pollution Control Boards (PCBs) must pass a reasoned, "speaking order" before imposing Environmental Damage Compensation (EDC). This decision emphasizes adherence to natural justice and transparency, restricting arbitrary penalties.

The Court explicitly directed that the power to collect compensation under Section 33A of the Water Act and Section 31A of the Air Act must be enforced only after framing subordinate legislation (rules and regulations) that detail the principles, methodologies, and procedures for determining the compensation. MPCB does not want to follow all these procedures & simply wants to impose directly EDC for total 5 years without any justification & industries are unnecessary suffering from irrational & arbitrary manner.

Location Factor starts with 1 irrespective of MIDC- Non- MIDC or Residential Area & without taking into consideration whether pollution is caused or not. It's really unfortunate, that without causing any pollution to 10 km area, it has to be accepted as it starts with minimum 1 only.

Therefore, we have tried to assess as under:

PI-30 minimum

Days-249 days

Rs. Factor- No alternative than to accept 100 minimums

Size- Even Micro, non-polluting, no alternative than to accept 0.5

Location Factor- LF has to be accepted minimum-1

Hence, $EC=PI-30 \times \text{Days}-249 \times \text{Rs}-100 \times \text{Size}-0.5 \times \text{LF}-1 =$

$30 \times 249 \times 100 \times 0.5 \times 1 = 3,73,500/-$ This also without causing any pollution & after payment of penalty of ₹ 48,190/- for un-consented period without operating prior to 2017 & Forfeiture of BG of ₹ 50,000/-

The Appeal may kindly be allowed & the MPCB may be directed to re-assess EDC after taking into consideration above submissions duly supported by the documentary evidence.

Dated this 7th June 2026 at Pune.

dtdevale

Dattatraya Devale, Advocate.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
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Kalpataru Point, 2nd, 3rd
 and 4th floor, Opp. Cine
 Planet Cinema, Near Sion
 Circle, Sion (E),
 Mumbai-400022

RED/S.S.I (O42)/ Rev. ORANGE/I.S./(104.2)
 No:- Format1.0/APAE Section/UAN No.MPCB-
 CONSENT-0000278742/CR/2604000229

Date: 06/04/2026

To,
 M/s. SPARK INDUSTRIES,
 Plot no. 22, Sector-22, PARVATI CO-OP. INDL ESTATE,
 YADRAV, Tal- Hatkanangle, Dist- Kolhapur.



Sub: Renewal of Consent to Operate in Orange Category

Ref: Consent to Operate vide No. Format1.0/APAE Section/UAN
 No.0000229934/CO/2504002460 dated 22/04/2025 valid upto 31/03/2026.

Your application No.MPCB-CONSENT-0000278742 Dated 24.02.2026

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

- The consent to renewal is granted for a period up to 31/03/2028**
- The capital investment of the project is Rs.0.4931 Crs. (As per C.A Certificate submitted by industry)**
- Consent is valid for the manufacture of:**

Sr No	Product	Maximum Quantity	UOM
Products			
1	ALUMINIUM CASTING IN VARIOUS SHAPES AND SIZES	10	MT/M

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

Sr No	Description	Permitted (in CMD)	Standards to	Disposal Path
1.	Trade effluent	0	As per Schedule-I	Not Applicable
2.	Domestic effluent	1.0	As per Schedule-I	Soaked in soak pit

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

Sr No.	Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
1	1	Melting furnace (04 nos)	1	As per Schedule -II

6. **Non-Hazardous Wastes:**

Sr No	Type of Waste	Quantity	UoM	Treatment	Disposal
1	DROSS	8	Kg/M	Recycle	Sale to Authorized Party

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

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

8. The Board reserves the right to review, amend, suspend, revoke this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/ permission from any other Government authorities.
10. Industry shall comply with Maharashtra Plastic Waste Management & Handling Rules 2018 and Plastic and Thermocol Products (MUSTH&S) Notification, 2018 and amendments issued from time to time.
11. Industry shall comply with E-Waste (Management and Handling) Rule, 2016.
12. Industry shall obtain necessary permission from the Directorate of Industrial Safety and Health (DISH).
13. Industry shall not use scrap as raw material in process.
14. Hon'ble NGT vide no. 43/2025, which is disposed vide order dated 12/02/2026 and as per the same industry has to pay EDC Rs. 1, 82, 50,000/- and they have submitted appeal in the Hon'ble NGT.
15. This Consent is issued with subject to outcome of the case. Industry shall Comply with the order issued by Hon'ble NGT vide no. 43/2025 dated 12/02/2026.
16. Industry shall make an application for renewal of consent 120 days prior to date of expiry of the consent.

This consent is issued on the basis of information/documents submitted by the Applicant/Project Proponent, if it has been observed that the information submitted by the Applicant/Project Proponent is false, misleading or fraudulent, the Board reserves its right to revoke the consent & further legal action will be initiated against the Applicant/Project Proponent.

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	3000.00	TXN2602005246	24/02/2026	Online Payment
2	750.00	TXN2603000998	05/03/2026	Online Payment
3	8500.00	TXN2603004055	16/03/2026	Online Payment
4	1750.00	TXN2603004058	16/03/2026	Online Payment

Copy to:

1. Regional Officer, MPCB, Kolhapur and Sub-Regional Officer, MPCB, Kolhapur
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Sion, Mumbai



SCHEDULE-I

Terms & conditions for compliance of Water Pollution Control:

1. A] Generation - As per your application the treated effluent generation is Nil.
B] Treatment - NA
C] Disposal - NA
2. A] As per your application, you have provided Septic Tank followed by Soak pit for the treatment of 1.0 CMD of sewage.
B] The Applicant shall operate the sewage treatment system to treat the sewage so as to achieve the following standards.

Sr.No	Parameters	Standards (mg/l)	
1	Suspended Solids	Not to exceed	50
2	BOD 3 days 27°C	Not to exceed	30
3	COD	Not to exceed	100

- C] The treated sewage shall be recycled for secondary purposes to the maximum extent and remaining shall be discharged on land for gardening within premise after confirming above standards. In no case, sewage shall find its way for gardening / outside factory premises.
3. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification there of & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto.
4. The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
5. The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act:

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	2.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00
5.	Gardening	0.0

6. The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance/ CREP guidelines.

SCHEDULE-II

Terms & conditions for compliance of Air Pollution Control:

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

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
1	Melting furnace (04 nos)	FES followed by common scrubber	20.00	Electricity 0 --NA--	-	TPM	150 Mg/Nm ³

2. The Applicant shall provide Specific Air Pollution control equipments as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance / CREP guidelines.
3. The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement/alteration well before its life come to an end or erection of new pollution control equipment.
4. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).

SCHEDULE-III

Details of Bank Guarantees:

Sr. No.	Consent (C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	C 2 R	Rs. 1.0/- lakh	Existing	Operation & maintenance of pollution control system and compliance of consent conditions	31/03/2028	31/03/2029

****Existing BG obtained for above purpose if any, may be extended for period of validity as above.**

If the above Bank Guarantee is not submitted within stipulated period, then 12% interest will be levied as a penalty as per circular dtd 29/02/2024 No.

BO/MPCB/AS(T)/Circular/B-240229FTS0122

BG Forfeiture History

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

BG Return details

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

SCHEDULE-IV
General Conditions:

1. The Energy source for lighting purpose shall preferably be LED based
2. The PP shall harvest rainwater from roof tops of the buildings and storm water drains to recharge the ground water and utilize the same for different industrial applications within the plant
3. Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
 - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
4. The applicant shall maintain good housekeeping.
5. The non-hazardous solid waste arising in the factory premises, sweepings, etc. be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal of solid waste.
6. The applicant shall not change or alter the quantity, quality, the rate of discharge, temperature or the mode of the effluent/emissions or hazardous wastes or control equipments provided for without previous written permission of the Board. The industry will not carry out any activity, for which this consent has not been granted/without prior consent of the Board.
7. The Board reserves the right to review, amend, suspend, revoke this consent and the same shall be binding upon you.
8. The industry shall submit quarterly statement in respect of industries obligation towards consent and pollution control compliance's duly supported with documentary evidences (format can be downloaded from MPCB official site).
9. The industry shall submit official e-mail address and any change will be duly informed to the MPCB.
10. The industry shall achieve the National Ambient Air Quality standards prescribed vide Government of India, Notification No. B-29016/20/90/PCI-L dated. 18.11.2009 as amended.
11. This consent should not be construed as exemption from obtaining necessary NOC/ permission from any other Government authorities.
12. The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.

13. You shall operate OCEMS installed for source emission round 'O' clock and transmit data online to CPCB and MPCB server. You shall also monitor effluent quality, stack emissions and ambient air quality monthly/quarterly. You shall conduct Dioxin Furan monitoring by third party NABL Accredited agency once in year and submit report to Sub Regional Officer.
14. You shall ensure collection, and segregation of BMW regularly to treat and dispose Off within 48 hrs from generation.
15. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipments, the production process connected to it shall be stopped.
16. The applicant shall provide an alternate electric power source sufficient to operate all pollution control facilities installed to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms and conditions of this consent.
17. The industry shall recycle/reprocess/reuse/recover Hazardous Waste as per the provision contain in the Hazardous and Other Wastes (M & TM) Rules 2016, which can be recycled /processed /reused /recovered and only waste which has to be incinerated shall go to incineration and waste which can be used for land filling and cannot be recycled/reprocessed etc. should go for that purpose, in order to reduce load on incineration and landfill site/environment.
18. An inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
19. You shall not Rent, Lend, Sell, Transfer or Close Down the facility or otherwise transport the Bio Medical waste for any other purpose without obtaining prior written permission of the MPC Board.
20. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes/sewers downstream of the terminal manholes. No effluent shall find its way other than in designed and provided collection system.
21. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
22. The industry should not cause any nuisance in surrounding area.
23. 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.
24. You shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the facility premises.
25. The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
26. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto
27. The applicant shall install a separate meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

28. The applicant shall bring minimum 33% of the available open land under green coverage/ plantation. The applicant shall submit a yearly statement by 30th September every year on available open plot area, number of trees surviving as on 31st March of the year and number of trees planted by September end.
29. The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions.
30. The firm shall submit to this office, the 30th day of September every year, the Environment Statement Report for the financial year ending 31st March in the prescribed FORM-V as per the provisions of Rule 14 of the Environment (Protection) (second Amendment) Rules, 1992.
31. You should monitor effluent quality, stack emissions and ambient air quality monthly/quarterly. You shall conduct Dioxin Furan monitoring by third party NABL Accredited agency once in every year and submit report to Sub Regional Officer.
32. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
33. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
34. You shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
35. You shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act, 1986 and industry specific standard under EP Rules 1986 which are available on MPCB website (www.mpcb.gov.in).
36. You shall create the Environmental Cell by appointing an Environmental Engineer and Chemist for looking after day-to-day activities related to compliance of CCA.
37. You should comply with the Hazardous and Other Wastes (M & TM) Rules, 2016 , Bio Medical Waste Management Rules,2016 and submit the Annual Returns as per Rule 6(5) & 20(2) of Hazardous and Other Wastes (M & TM) Rules, 2016 for the preceding year in Form-IV by 30th June of every year

This certificate is digitally & electronically signed.

CPCB categorization of aluminium casting of 10 MT /Month for Consent

CPCB Categorization & Consent Status

- **Category:** Orange.
- **Activity Description:** Aluminium Casting (except cupola furnace) and Rolling with a capacity less than 25 MT/day falls under the Orange category.
- **Consent Requirement:** The unit must obtain **Consent to Establish (CTE)** and **Consent to Operate (CTO)** from the respective State Pollution Control Board (SPCB).
- **CTO Validity:** The CTO is usually valid for 10 years (or as per SPCB norms) for orange category units.