

Government of Maharashtra

Tel. No. : 22852696

No. Appeal – 2014 /C.R.50/ T.C.4

Office of the -

Environment Department, 15th floor,

New Administrative Building,

Mantralaya, Mumbai- 400 032

Date: 1-11-2014

R.P.A.D.

To,

1) The Member Secretary,
MPCB, Kalptaru Point,
2nd floor, Sion – Matunga Rd.,
Sion, Mumbai – 400022.

2) M/s Chitrali Properties Pvt. Ltd.
Survey No. 169/1, Sector 1 & 2 (pt),
Westend Center, Aundh,
Pune – 411 007.

Sub.: Appeal filed by M/s Chitrali Properties Pvt. Ltd. V/s MPCB, under the provisions of the Water (P&CP) Act, 1974, & Air (P&CP) Act, 1981, before the Appellate Authority.

Ref.: Appeal heard on 27/10/2014 before the Appellate Authority

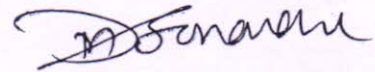
Sir,

The above proponent filed the appeal before the Appellate Authority constituted under the provisions of the Water (P&CP) Act, 1974, & Air (P&CP) Act, 1981 challenging the refusal of consent letter dated 07/07/2014 issued by the MPCB.

The appeal filed by the Appellant was heard before the Appellate Authority on 27/10/2014 and during the course of hearing the Appellant as well as representative of Respondent – Board along with Intervener were present before the Authority.

I am enclosing herewith a copy of the order dated 01/11/2014 passed by the Appellate Authority, in the above matter for your kind information.

Yours faithfully,



(D M Sonawane)
Scientist –II,
Environment Dept.

D.A.: As Above

Copy Submitted to:

Addl. Chief Secretary & Chairperson Appellate Authority, Environment Department, Room No.217 (Annex), Mantralaya, Mumbai - 32.

Copy to : Shri S. R. Bhonsle, Advo. for Intervener, Wireless CHS. Ltd., Pune for information.

**Before the Appellate Authority constituted under the provisions of
Water (Prevention & Control of Pollution) Act, 1974 & Air
(Prevention & Control of Pollution) Act, 1981**

M/s Chitrali Properties Pvt. Ltd.,
Survey No. 169/1, Sector 1 & 2 (Pt),
Westend Center, Aundh,
Pune- 411007.

Appellant

V/s

Maharashtra Pollution Control Board
Kalptaru Point, 2/3/4 floor,
Opposite Cineplanet,
Near Sion Circle, Sion (East), Sion,
Mumbai – 400 022.

Respondent

Date:- 1st November, 2014

ORDER

The appeal filed by the Appellant U/s 28 of the Water (P&CP) Act, 1974 & U/s 31 of the Air (P&CP) Act, 1981, while aggrieved by the refusal of Consent order dated 07/07/2014 issued by the Respondent Board under the provisions of the Water Act, 1974 and the Air Act, 1981.

The matter was fixed for hearing before the Appellate Authority on 27/10/2014, Dr. Sadhana S. Mahashabde, Adv., Mr. Pramod Naralkar, plot owner and Shri. Vikas Waghmare, Chief Engineer appeared on behalf of the appellant. Shri. D.T. Devale, Sr. Law Officer and Shri N.N Gurav, S.R.O. appeared for Respondent Board. Shri S.R. Bhonsle, Adv. along with Mr. N. R. Dixit appeared

on behalf of wireless CHS Ltd. as an Intervener in the matter before the Appellate Authority

It is the submission of the Appellant that, the Appellant obtained Environment Clearance (EC) under the provisions of the EIA Notification, 2006 from MoEF, New Delhi vide letter no. 21-366/2007-IA, III dated 07/12/2007 under category 8(a) of the said Notification for construction of an area of 91000 sq meters comprising of 3 buildings such as IT park, Mall and Hotel. The appellant applied for 'Consent to Establish' on 05/09/2008 as per terms and conditions of EC which was received by the Respondent Board at Pune on 17/09/2008 under the provisions of the Water Act, 1974 and the Air Act, 1981. After submitting the said application to the Respondent-Board, the Appellant did not receive any query letter or 'Consent to Establish' from the Respondent Board and therefore wrote a letter dated 05/03/2011 to the Respondent-Board at, Mumbai stating that, the above application submitted by the Appellant to the Respondent-Board to be treated as Deemed Consent under subsection 7 of section 25 of the Water Act, 1974 which is unconditional after the expiry of 4 months after making an application. The EC granted by MoEF which was valid up to 07/12/2012 was extended by the SEIAA vide letter dated 11/06/2014 and is valid up to 07/12/2017. Thereafter, the appellant received a letter dated 30/05/2013 on 07/06/2013, which is written by SRO, Pune of the Respondent-Board alleging that, Appellant is operating the project without any consent from the Board and in this regard appellant replied vide its letter dated 14/08/2013. The appellant applied on 06/05/2013 to the Respondent Board for 'Part Consent to Operate' under the above said provisions and thereafter field officer at Pune of the Respondent-Board visited to the appellant industry on 07/09/2013. The application submitted by the Appellant for 'Consent to Operate' was discussed by the Respondent-Board in its Consent Committee (CC) meeting held on 11/03/2014.

The Respondent Board vide letter dated 10/09/2013 requested to the Appellant Industry to submit crow fly distance of the Appellant Industry from Mula river from the Executive Engineer, Irrigation Department and accordingly appellant applied on 08/03/2014 for seeking distance certificate as asked by the Respondent-Board. The appellant received distance certificate on 05/07/2014 from the irrigation department according to which the distance between Sewage

