

# MAHARASHTRA POLLUTION CONTROL BOARD

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Mumbai - 400 022.

BY RPAD/ Fax/ Hand delivery

No. BO/RO (HQ)/Mumbai- 4628-B /Refusal/B- 311

Date -13/ 11/2013

To,  
M/s. Eskay Resorts (India) Pvt Ltd ,  
CTS No.1590,1591,1600,1601, Village-Eksar,  
Across Link Road, Borivali (W)

**Sub** – Refusal of Consent under section 27 of water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981.

- Ref** - 1) Your Application for Consent to Establish Received from Regional Officer, MPCB, Mumbai to RO(HQ) on 15/03/2013  
2) Directions u/s 33A of the Water (P &CP) Act 1974 & under section 31 A of the Air (P & CP) Act 1981 issued by Board vide letter No. MPCB/ RO(HQ)/ Infra/ SCN/ B-3358 dated: - 25/7/2013.  
3) Your reply to show cause notice refusal vide letter dated: 27/08/2013  
4) Minutes of Consent Committee Meeting of MPC Board dated 06/09/2013.

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WHEREAS, This Office is in receipt of your application for grant of **Consent to establish for proposed Hotel Activity and existing club house , restaurant , staff quarters and Office Bldg** under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Rule 5 of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008

ANDWHEREAS, MPC Board has issued Show Cause Notice for refusal of consent to establish vide letter No. MPCB/ RO(HQ)/ Infra/ SCN/ B-3358 dated: - 25/7/2013 for operating the Resort without Consent to Establish and CRZ clearance from competent authority.

WHEREAS, you have submitted reply to show cause notice for refusal of consent to establish vide letter dated: 27/08/2013, from your submission /reply to show cause notice for refusal, it has been observe that you have started construction of expansion without obtaining prior Consent to Establish from the Board as well as operating resort since Jan 2006 without obtaining Consent to Operate from MPC Board.

ANDWHEREAS, Your application for grant of consent to establish **for construction of proposed Hotel Activity and existing club house , restaurant , staff quarters and Office Bldg** was put before consent committee of MPC Board dated: 06/09/2013 and as per decision taken in the consent committee meeting of MPC Board dated: 06/09/2013, it was decided to issue refusal for Consent to Establish and Stop work as project proponent has started construction of expansion without obtaining consent to establish from MPC Board as well as operating the resort without Consent to Operate from MPC Board.

**In view of the aforesaid non compliance, your application for grant of Consent to establish is hereby refused under section 27 of the Water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981, and you are hereby directed to stop operational work at the aforesaid site till further orders.**

**You may prefer Appeal against the Refusal Order passed by the Maharashtra Pollution Control Board, in case aggrieved by the refusal order, within a period of 30 days from the date of receipt of the Refusal order.**

This is issued as per office note approved by the Member Secretary of the Board dated 11/11/2013.

  
( Dr.Y.B.Sontakke ) 13.11.13  
Regional Officer (HQ)

Copy to-

1. Senior Law Officer(P & L Division)/RO(HQ),MPCB, Mumbai :For information and necessary follow up.
2. Regional Officer, MPCB,Mumbai / Sub Regional Officer, MPCB, Mumbai-IV For information and necessary follow up and directed to serve copy of final refusal direction copy to Project proponent.
3. M/s. Eskay Resorts (India) Pvt Ltd ,Off Link Road, Borivali (W), Mumbai-400091.