

MAHARASHTRA POLLUTION CONTROL BOARD



Minutes of 5th Consent Appraisal Committee Meeting of 2012 held on 21.08.2012 at 11:00 Hrs. at Conference Hall, MPC Board, Kalpataru Point, 4th Floor, Sion Circle, Sion (E), Mumbai 22.

The Consent Appraisal Committee meeting of the Board held on 21.08.2012. Following members of the Consent Appraisal Committee were present:

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| 1. | Shri. J. S. Sahni,
Chairman, MPC Board, Mumbai. | Chairman |
| 2. | Shri. Milind Mhaikar,
Member Secretary, MPC Board, Mumbai | Member Secretary |
| 3. | Shri. Lonkar
Representative:- Executive Engineer (Environment),
MIDC, Mumbai | Member |
| 4. | Shri. Rakesh Kumar,
Scientist & Head, NEERI, Mumbai | Special Invitee |

The Secretary, Home (Transport) Dept., Mantralaya, Mumbai, Member could not attend the meeting. Leave of absence was granted to him.

Chairman of the committee welcomed the members of the committee and allowed proceeding of the meeting to start. The minutes of the 4th Consent Appraisal Committee (CAC) meeting of 2012 held on 25.07.2012 circulated under Board's letter No. B- 4656 dated 27.07.2012 were confirmed. The follow up action report of CAC meetings held earlier on 17.08.2011 to 25.07.2012 were placed before the CAC and noted.

The meeting thereafter deliberated on the agenda items placed before the committee and following decisions were taken.

Agenda No.	Name of Industry	Decision on grant of consent	Consent granted upto	Remarks/Discussion (1)	Outstanding Directions, if any
1	M/s. Topworth Urja & Metal Ltd., (Ukkerwahi, Po- Udassa Umred Road, Tal- Umred, Dist- Nagpur	Approved Renewal	31.05.2013	During the CAC meeting 03.07.2012 it was decided to forfeit BG. HOD informed that the DD in lieu of forfeited BG is received. Consent shall be granted	

				with the following conditions: 1. Industry shall install CAAQMS within next 4 months and shall submit BG of Rs. 5 lakhs towards the compliance of the same. 2. Industry shall submit BG of Rs. 5 lakhs for maintaining or meeting pollution standards.	
2	M/s. Ordnance Factory, Ambazari, Dist - Nagpur	Approved Renewal	31.05.2013	Existing BG of Rs. 50,000/- shall be forfeited due to non-compliance of interim directions & consent conditions. Industry shall achieve ZERO discharge by Oct 2013. Consent shall be issued with the condition that industry shall submit BG of Rs. 2 lakhs towards O & M of pollution control system and for not to discharge treated effluent outside the factory premises.	
3	M/s. Reliance Cementation Pvt. Ltd., Plot No. J-2, MIDC Butibori, Dist - Nagpur	Approved 1st operate	31.05.2013	Consent shall be issued with the conditions that industry shall submit BG of Rs. 10 lakhs towards O & M of pollution control system.	
4	M/s. Supreme Petrochem Ltd., (CPP), Vill- Amdoshi, Tal- Roha, Dist - Raigad	Approved 1st operate	31.03.2015	Consent shall be issued with condition that industry shall submit operational BG of RS. 5 lakhs.	
5	M/s. Maharashtra Seamless Ltd., Plot No. D-114, MIDC Vile Bhagad, Tal- Mangaon, Dist - Raigad	Not Approved 1st operate	-----	Industry shall get clarification regarding applicability of Environmental Clearance to construction activity of factory as per letter issued by GoM.	
6	M/s. Panchshil Corporate Park Pt. Ltd., Sr. No. 103, Hissa No. 2, CTS No. 1934-1942, Yerwada, Pune	Approved Establish	Commission -ing of the unit or 5 yrs whichever is earlier	Consent shall be issued with the standard conditions of IT and Hotel project and with the condition that hotel authority shall submit BG	

				of Rs. 10 Lakhs.	
7	M/s. BD & P Hotels (I) Pvt. Ltd. (Hilton Hotel), Mumbai International Airport Sahar Airport Road Andheri (E), Mumbai	Approved Renewal	31.07.2014	Consent shall be issued with standard conditions of hotel project and with the condition that hotel authority shall provide ozonisation for swimming pool water within 3 months and shall submit BG of Rs. 5 lakhs towards the compliance of the same.	
8	M/s. ICC Realty (I) Pvt. Ltd., Plot No. 403, 403A/2, CTS No. 985/2, Shivajinagar, Pune	Approved Operate with Amalgamation	Consent period shall be corresponding to the fees paid	Industry has carried out construction activity without obtaining prior permission from the Board. Hence, it was decided to obtain a resolution from Company's Board that they have carried out construction without obtaining prior permission from the Board and violated the provisions of Environmental Laws and in future, they will not do such violations. Consent shall be issued with the condition that if industry authority fails to submit the above said resolution within one month period, consent will be treated as cancelled.	
9	M/s. Aerimid Super Multispeciality Hospital, Plot No.-1, Kalamboli, Navi Mumbai	Approved Establish	Commissioning of the unit or 5 yrs whichever is earlier	Consent shall be issued with the condition of not to take any further effective steps before obtaining CRZ Clearance as per CRZ notification, 2011 and Environmental Clearance as per EIA notification, 2006 and applicant shall not take any effective steps before submitting BG of Rs. 10 lakhs. The "Stop-work" direction issued by the Board vide letter dated 11.07.2012 to continue till EC & CRZ clearance are obtained.	
10	M/s. Rashtriya Chemicals &	Approved 1st Operate	28.05.2015	It was decided to grant consent in the name of	

	Fertilizers Ltd., Trombay Unit, Mahul Village Road, Chembur, Mumbai			M/s. Heavy Water Board, Dept. of Atomic Energy, Govt. of India.	
11	M/s. Sandoz Pvt Ltd , Plot No-L-1 MIDC Mahad dist-Raigad.	Approved Amendment in Operate	30.06.2015	Consent shall be granted in view of certification from ICT regarding no increase in pollution load.	
12	M/s. Currency Note Press, S. No. 120/1, 120/2, Jail Road, Nashik Road, Tal & Dist - Nashik	Approved Renewal	30.06.2014	Industry shall replace the incinerator with more efficient incinerator, meeting the norms, within 6 months.	
13	M/s. ERA Buidlsys Ltd., At- Belgaon/Kumbhari, Plot No. D-3, Mohapa Road, MIDC Umred, Dist- Nagpur	Approved Renewal	30.06.2013	Existing BG of Rs. 1 lakh shall be forfeited towards non-provision of APC system within time limit. Consent shall be issued with the condition that applicant shall submit operational BG of Rs. 2 lakhs	
14	M/s. Mahati Hydro Power Vidarbha Pvt. Ltd., Vill- Gosikhurd, Tal- Paoni, Dist - Bhandara	Approved Establish	Commission -ing of the unit or 5 yrs whichever is earlier	EC is not applicable as the capacity of this Hydro Electric Power station is less than 25 MW.	
15	M/s. Corning Technologies India Pvt. Ltd., Plot No. D- 237, Chakan Industrial Area Phase-II, Warale, Tal. Khed, Dist. Pune	Approved 1st Operate for 1st Phase	31.08.2013	---	
16	M/s. Asian Colour Coated Ispat Ltd., Vill. Dahivali, Tal. Khalapur, Dist. Raigad. Phase-I	Approved 1st Operate	31.05.2013	JD(APC) informed that the project is being implemented in following phases: Phase-I – HR & CR Coils Phase-II – Galvanised Coils Phase-III – Colour coated lines Phase-IV – Power Plant It was decided to grant consent to operate for phase-I i.e. HR & CR Coils only with the condition of submission of BG of Rs 5 lakhs to commission ARP by 31.10.2012 till that time the effluent generated shall be stored in tanks.	
17	M/s. Vasai Virar Municipal Corporation (7 Nos. of STP), Vasai Virar Municipal Corporation, Virar(W), Tal. Vasai, Dist. Thane	Approved Establish	Commission -ing of the unit or 5 yrs whichever is earlier	---	

18	M/s. Yashwantra Mohite Krishna SSK Ltd., At Rethare, Post Shivnagar, Tal. Karad, Dist. Satara	Approved Renewal with Amalgamation	31.05.2013	Existing BG of Rs. 5 lakhs shall be encashed and consent shall be granted with the condition that industry shall submit BG of Rs. 10 lakhs towards O & M of pollution control system.	
19	M/s. Parag Milk Food Pvt. Ltd., Awasari Phata, Manchar, Tal. Ambegaon, Dist. Pune	Approved Renewal with Expansion	31.12.2012	Consent shall be issued with the condition that industry shall submit BG of Rs. 5 lakhs towards O & M of pollution control system and shall upgrade ETP by 31 st Dec, 2012.	
20	M/s. Shree Someshwar SSK Ltd., (33 KLPD Distillery Unit), A/p. Someshwarnagar, Tal. Baramati, Dist. Pune	Approved Operate (Renewal)	31.12.2012	----	
21	M/s. Hindustan Unilever Ltd., Research Centre, Chakala, Andheri (E), Mumbai	Approved Grant of Renewal for R & D activity with amalgamation of 1 st Operate for infrastructure (bldg. no.3)	30.06.2013	Industry has made request for renewal of R & D activity with amalgamation of 1 st consent to operate for infrastructure (bldg no.3) It was decided to grant amalgamated consent for the same.	
22	M/s. Indiabulls Infrastate Ltd., C.S. No.131, 132 & 1/132, Bharat & Podar Textile Mills, Ganpatrao Kadam Marg, Lower Parel, Near Worli Naka, Mumbai	Approved Establish	Commission -ing of the unit or 5 yrs whichever is earlier	Consent shall be issued with standard conditions of construction project and with the condition to submit BG of Rs. 10 lakhs.	
23	M/s. Loma IT Park Developers Pvt. Ltd., Plot No. G-41, TTC Industrial Area, MIDC Ghansoli, Navi Mumbai	Approved Establish	Commission -ing of the unit or 5 yrs whichever is earlier	Consent shall be issued with standard conditions of IT park project and with the condition to submit BG of Rs. 10 lakhs.	
24	M/s. Reliance Infocomm Infrastructure Pvt. Ltd., TTC Industrial Area DAKC Koparakhare	Approved Renewal	31.03.2014	Consent shall be issued with the condition to submit BG of Rs. 10 lakhs towards O & M of ETP.	
25	M/s. Finolex Industries Ltd., Vill. Ranpar Golap, Tal. Dist. Ratnagiri	Not Approved Renewal	---	Report by E-mail from Regional Office was received today (on 21.08.2012), hence it was decided to resubmit the case in next meeting after examining the report of RO.	

	Review Item				
1	Review of Specific conditions stipulated in CAC consent as per CAC 17.08.2011 to 29.05.2012-Updated Items of Review Item no. (6) of CAC agenda 25.07.2012	...	---	Committee has gone through the details of review items from 1 to 4 and Hon'ble Chairman has appreciated the work done by the HODs and team and given instructions to JD(WPC) & JD(APC) to monitor the compliance from time to time and submit report monthly and efforts are needed to close the loop on action to be taken.	---
2	Review of General Points discussed during CAC meeting dtd. 17.08.2011 to 03.07.2012-Updated Items of Review Item no. (7) of CAC agenda 25.07.2012	...	---		---
3	Review of Bank Guarantees obtained as per CAC 17.08.2011 to 25.07.2012 as on 13.08.2012-Updated Review Item no. (8) of CAC agenda 25.07.2012	...	---		---
4	Review of CAC Cases discussed in CAC meeting as on 13.08.2012-Updated Review Item no. (9) of CAC agenda 25.07.2012	...	---		
5	Complaint from M/s. Khan Mohd. Haseeb M against M/s. Kay Bee Developers Pvt. Ltd., for carrying out construction without obtaining Environmental Clearance	...	---	Enclosed	
6	M/s. JSW Energy Ltd., A/p. Jaigad, tal & Dist. Ratnagiri	Proposal for forfeiture of BG		It was decided to abide by the order passed by the Hon'ble High Court.	

The consents shall be disposed after obtaining necessary consent fee difference from the industry as per GoM, Revised Consent fee structure dtd. 25.08.2011.

The meeting ended with vote of thanks to the Chair.

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Complaint from M/s. Khan Mohd. Haseeb M against M/s. Kay Bee Developers Pvt. Ltd.,
for carrying out construction without obtaining Environmental Clearance

Regional Officer(HQ) has pointed out that a complaint was received from Mr.Khan Mohamad Haseeb, Mahim, Mumbai against M/s.Kay Bee Developers Pvt.Ltd., City Survey No.344(part) of Dharavi Division, G/N Ward at V.K. Wadi, Dharavi, Mumbai, in respect of construction of SRA Project. The project proponent by letter dtd.17/07/2012 submitted that the Certification from SRA Authority stating that the construction built up area of Building Nos.I & II is 6724.81 sq.mtrs., which is less than 20,000 sq.mtrs., does not require Environment Clearance.

It was informed by the Sr.Law Officer(P&L Divn.) that the Hon'ble High Court of Judicature at Mumbai by its order dtd.29/3/2012 passed in the Writ Petition No.504/2012 (filed by Shri Naresh Janardan Mali v/s State of Maharashtra and Ors.), which has been relied upon by the project proponent. In the said order, the Hon'ble High Court held that the project in question is rehabilitation of 370 slum dwellers, out of whom 160 slum dwellers have already been shifted to the transit camp and having regard to the fact that a large number of Environment Clearance applications are pending with the Government and the Environment Clearance is required only when the built up area exceeds 20,000 sq.mtrs. as well as having regard to the undertaking given by the project proponent, their contention to permit less than 20,000 sq.mtrs construction is accepted.

Sr.Law Officer pointed out that the said order is specifically applicable to the facts & circumstances of that particular case, which is not related to the present site. The MPCB will have to decide on case to case basis and therefore, precedent of that case is not applicable to the present construction project. Therefore, based on the said order, the SRA has issued circular stating that the Environment Clearance is required only if the construction exceeds 20,000 sq.mtrs. and if the Developer restricts the construction work of built up area admeasuring 20,000 sq.mtrs., then, in that event, an undertaking may be obtained from the Developer that he will not exceed the construction work beyond built up area admeasuring 20,000 sq.mtrs. is not correct. It was also pointed out that when the EAI Notification specifically states that no effective steps shall be taken in case the proposed built up area is more than 20,000 sq.mtrs., then allowing construction of the proposed built up area, which is above 20,000 sq.mtrs., on the ground that the construction is less than 20,000 sq.mtrs. is not correct and contrary to the provisions of the Law.

In view of the above facts, it was decided that the issue will be referred to the Ministry of Environment & Forests, Govt. of India alongwith order passed by the Hon'ble High Court of Judicature at Mumbai and National Green Tribunal as well as the circular issued by the Slum Rehabilitation Authority for getting necessary clarification.

It was also decided that whether for grant of necessary Environment Clearance/CRZ Clearance, the MPCB can withhold the applications for consent to operate? It was decided to obtain necessary opinion from the Advocate General/Sr.Counsel in respect of what are the responsibilities of the MPCB in respect of Environment Clearance conditions, when the MPCB is not concerned with the grant of Environment Clearance procedure.