

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 59/2019 (WZ)

Sakharam Asaram Kale & Anr.

Applicant(s)

Versus

The Regional Officer, MPCB & Ors.

Respondent(s)

Date of hearing: 03.09.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Nitin Lonkar, Advocate

For Respondent (s): None

ORDER

1. The Applicant alleges violation of the conditions of the Environmental Clearance (EC) by Respondent No. 4, the National Highways Authority of India (NHAI), in respect of the work rehabilitation and up-gradation of existing 2 lane and 4 lane of Yedshi to Aurangabad section of NH-211 from 100 Kms to 290 Kms in the state of Maharashtra. It is alleged that Rain Water Harvesting system including oil and grease trap to be located at every 500 mtrs along the road had not been complied with, green belt area has not been developed, etc., as required under the conditions of the EC dated 23.06.2014.
2. The Respondent No. 5, who has been engaged by Respondent No. 4 for supplying of crushed stone metals and operation of hot mix plants, wet mix and ready mix concrete which had been granted

Combined Consent to Operate on 25.02.2016, has violated the conditions of the Consent by failing to put in place pollution control measures as required therein.

3. Before we proceed further in the matter, we deem it appropriate to call for a report from the Committee comprising of the Maharashtra Pollution Control Board (MPCB) and the State Level Environment Assessment Authority (SEIAA), Maharashtra and direct them to jointly inspect the works in question, verify on the factual aspects and submit a report.

The MPCB shall be the nodal agency for coordination and for providing logistic support.

4. The Committee shall place before us the steps taken in pursuance of the directions issued by the MPCB in its direction dated 06.02.2019
5. In the event the allegations are found to be correct, appropriate action may be initiated in accordance with law to remedy the situation.
6. A report shall be filed to this Tribunal through e-mail at judicial-ngt@gov.in, before the next date.
7. Since, SEIAA, Maharashtra is a necessary party, we direct it to be impleaded as Respondent No. 6. The Registry to take appropriate steps for amending the cause title.
8. The Applicant shall furnish complete set of papers including copy of this order to the aforesaid Authorities in order to enable them to take requisite steps as directed within one week from hence.

9. List on 17.10.2019.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

3rd September, 2019
O.A. NO. 59/2019(WZ)
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