

Item No.3

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.74/2024(WZ)

Bhavesh Arun Karekar & Anr.

.....Applicant(s)

Versus

MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 15.04.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Ms. Supriya Dangare, Advocate

ORDER

1. This application has been filed with the prayers that a Joint Committee may be constituted comprising respondent No.1- MoEF&CC; respondent No.2- CGWB; respondent No.3- MPCB; respondent No.4- District Collector, Ratnagiri; and Indian Bureau of Mines to check the non-compliance of the terms and conditions of Consent to Operate and Environmental Clearance (EC) granted to the respondent No.5- M/s. Ashapur Meinchem Ltd.; and a detailed study may be conducted for the assessment of adverse environmental impact caused due to the illegal excavation made by the respondent No.5 as well as non-compliance of the terms and conditions of the Consent to Operate and the EC.

2. In the body of this application, It is alleged that the respondent No.5- M/s. Ashapur Meinchem Ltd. is involved in mining of bauxite Ore including Mobile Crushing and screening activity for the quantity of 8

lacs MT/A at Gat No.15-21, 27-31, 34-35, 56-59, 69, 70 & 74, Village-Rowale, Taluka- Dapoli, District- Ratnagiri.

3. It is further alleged in this application by the applicants that the respondent No.5 had been granted EC dated 24.02.2016 by the respondent No.1- MoEF&CC for the said activity, which is annexed as Annexure- 'B' and also had been granted Consent to Operate and CC&A by the respondent No.3- MPCB, which is valid till 30.04.2024. It is alleged that the respondent No.5 is violating the terms and conditions of the Consent to Operate and the EC and also indulging in illegal mining activity and unregulated transport of the mined material, regarding which the applicant No.1 had made a complaint on 08.10.2023 to the respondent No.3- MPCB, pursuant to which the respondent No.3 had carried out a visit of the site on 06.11.2023, in which certain violations of the terms and conditions of the Consent to Operate as well EC were found. In view of the violation committed by the respondent No.5, a Warning Notice dated 21.11.2023 was issued to it by the respondent No.3- MPCB, which is annexed at page nos.69-70 of the paper book and thereafter, a Show Cause Notice dated 02.01.2024 was also issued to the respondent No.5, which is annexed at page nos.71-72 of the paper book.

4. It is urged by the learned counsel for appellants that after the said Show Cause Notice, containing all the non-compliances on the part of respondent No.5, no action was taken by the respondent No.3- MPCB. It is also submitted that the terms and conditions of the EC as well as Consent to Operate and CC&A, which are being violated by the respondent No.5, are contained in para no.16 of the main application.

5. On the basis of above, we find *prima facie* case adversely impacting environment is made out, therefore, we deem it appropriate to admit this application and accordingly admit the same.

6. Registry is directed to issue Notice to the respondents, returnable within 04(four) weeks.

7. Applicants are directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

8. Applicants are also directed to provide copy of the application and relevant documents to the respondents within a week.

9. Respondents are directed to submit their reply affidavits within four weeks and also circulate the same to the applicants as also other respondents by available e-mail.

10. Rejoinder, if any, is directed to be submitted within one week thereafter.

11. Since the non-compliances, which are noted in the Show Cause Notice dated 02.01.2024, appear to be very vague in nature and how these non-compliances resulted in environmental damage are not clear to us, we deem it just and proper to call for a report on the matter in issue in the present application from a Joint Committee comprising one Representative each from :-

- (i) The Ministry of Environment, Forests and Climate Change (MoEF&CC);
- (ii) The Central Pollution Control Board (CPCB);
- (iii) The Central Ground Water Board (CGWB); and

(iv) The Collector, District- Ratnagiri

12. The Committee is directed to visit the site after informing the applicants/appellants' counsel and submit a factual and action taken report with regard to the non-compliances, if any, as well as the amount of EDC.

13. The Committee is also directed to conduct an inspection prior to the onset of monsoon.

14. The Ministry of Environment, Forests and Climate Change (MoEF&CC) shall be the nodal agency for coordination and logistic support.

15. The report in the matter be submitted through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

16. Applicants are directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.

17. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter for further consideration on 03.07.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 15, 2024
Original Application No.74/2024(WZ)
P.Kr