

Item No.3

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No. 97/2023(WZ)

Kailash Chima Chakor

.....Applicant

Versus

State of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 01.08.2023

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

Applicant : Mr. Ajay T. Kanawade, Advocate

ORDER

1. This application has been filed with the prayer that Consent to Operate granted by the MPCB dated 16.06.2022 to the respondent No.9/Ramdas Mhatarba Chakor, respondent No.10/Dnyaneshwar Haribhau Chakor and respondent No. 11/Haribhau Tukaram Chakor be cancelled, on the ground that the condition no.12 of the said consent says as follows:-

“SITTING CRITERIA: The following sitting criteria shall be considered for newly establishing of Stone Crusher units. 1. Minimum distance shall require from the nearest National Highway: 1.0 Km. 2. Minimum distance shall require from the nearest State Highway: 500 meters and of major District roads and other roads: 200 meters. 3. Minimum distance shall require from human Habitation: 500 meters. 4. Sensitive areas such as Educational Institutions / Hospitals: 500 meters. 5. Place of historical monuments identifies by Archaeological Survey of India: 500 meters. 6. Stone crusher should comply with other locational statutory requirements in force as per law.”

2. The learned Counsel for the applicant submits that the above-mentioned conditions are violated by the respondent Nos.9 to 11. For this violation, the learned Counsel has drawn our attention to para no.7 of the

original application, where-in he has recorded the distances of the schools, temple and public roads etc. based on the Google map. Accordingly, it is *prima facie* found that the distances are in violation of the terms & conditions mentioned in the given consent.

3. We deem it appropriate to admit this application.

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

5. Applicant is also 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.

6. Applicant is directed to provide copy of the application and relevant documents to the respondents within a week.

7. Respondents are directed to submit their reply affidavit within three weeks and also circulate the same to Applicant as also other respondents by available e-mail.

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

Put up this matter on 27.09.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 01, 2023
Original Application No. 97/2023(WZ)
P.Kr