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Raajesh Prajapati  
Harshul Savla  
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Tejas Vyas

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Samyag Shah  
Rushi Mehta  
Rajeev Jain

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Naman Shah

**PROCUREMENT CONVENOR**  
Nimish Ajmera

**WOMEN'S WING CHAIRPERSON**  
Mona Ajmera

**CREDAI-MCHI UNITS**  
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KALYAN-DOMBIVLI  
MIRA VIRAR  
RAIGAD  
NAVI MUMBAI  
PALGHAR BOISAR  
BHIWANDI  
SHAHAPUR-MURBAD  
URAN-DRONAGIRI  
ALIBAG  
KARJAT-KHALAPUR-KHOPOLI

To,  
Shri Pravin Darade (I.A.S.),  
Principal Secretary,  
Environment & Climate Change Dept.,  
Government of Maharashtra.

8-10/10/22  
लिपिक,  
प्रधान सचिव कार्यालय,  
पर्यावरण व वातावरणीय बदल विभाग,  
मंत्रालय, मुंबई-400 032.

**Subject: Regarding imposition of heavy penal charges vide circular issued by Maharashtra Pollution Control Board dated 12/07/2022 for delay in renewal of Consent to Operate(CTO) & Consent to Establish(CTE).**

**Reference:** 1. MPCB Circular Bearing No. BO/MPCB/AS (T)/Circular/B-220712FT50047 dated 12/07/2022  
2. Corrigendum letter bearing No. BO/P & L Div/B-414 dated 18/01/2013  
3. Circular issued by the MPCB vide No. BO/P&L Div/B-7159 dtd. 05.12.2012

**Respected Sir,**

This is with reference to imposition of heavy penal charges for delay in renewal of CTO & CTE for residential projects as per circular issued by the Maharashtra Pollution Control Board on 12/07/2022, No. BO/MPCB/AS (T)/Circular/B-220712FT50047. The same has been issued without the sanction of the environment committee.

We would like to bring to your notice that:

1. MPCB had previously issued a similar circular, no. BO/P & L Div/B-7159, dated 05/12/2012, for the imposition of lapse period consent fee and delayed payment charges in respect of grant of consent/authorization under various environmental laws, which was not sanctioned by the Environment department. As a result, MPCB issued a corrigendum letter, no. BO/P & L Div/B-414, dated 18/01/2013 for clarification to collect consent fee for the lapse period, however no penalty imposed.
2. MPCB has published a circular related to imposition of penal fee dated 12<sup>th</sup> July 2022 unfortunately the same has been imposed with retrospective effect. This is not only fair but also unreasonable. There have been genuine delays due to covid lockdown, however MPCB is also imposing penalties for NOC which have lapsed in the first lockdown ie from March 2020. Even Government of India followed by Government of Maharashtra and many other government agencies like MCGM, MHADA and SRA have given various concessions during covid19 pandemic period.
3. Due to the nonpayment of these heavy penalties MPCB has also stopped renewal of these Consents. In the meanwhile, we request you to at least renew these consent until a final decision is taken by the environment committee on the said issue.

In the interest of the real estate sector which has undergone unforeseen scenarios like covid19 pandemic, crunch in economic industry etc. it's our humble request to examine the matter and consider to revoke the circular issued by MPCB dated 12/07/2022 and not to delay the process of renewal of Consent to Establish or Consent to Operate.

Thanking you.

Yours faithfully,  
For CREDAI-MCHI

Boman Irani  
President

D. R. A.  
Dhaval Ajmera  
Hon. Secretary

**Maharashtra Chamber of Housing Industry**

Maker Bhavan II, 4<sup>th</sup> Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.  
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: [www.mchi.net](http://www.mchi.net)

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701		Kalpataru Point, 2nd - 4th Floor
Fax: 24024068 / 24023515		Opp. Cine Planet Cinema,
Website: <a href="http://mpcb.gov.in">http://mpcb.gov.in</a>		Near Sion Circle, Sion (E)
E-mail: <a href="mailto:ast@mpcb.gov.in">ast@mpcb.gov.in</a>		Mumbai-400 022.

No. BO/MPCB/AS(T)/Circular/B- 220712FTS0047

Date: 12/07/2022

## CIRCULAR

**Sub: Provision of penal fess for occupiers violating combine consent regime prescribed under Air/Water Act – reg.**

**Ref: Minutes of 178<sup>th</sup> Board Meeting held on 24/02/2022.**

...

It is mandatory on the part of industries/entrepreneurs to obtain Consent to Establish and Operate under section 25/26 of the Water (Prevention & Control of Pollution Act) 1974, under section 21 of Air (Prevention & Control of Pollution) Act 1981 and Authorization under Hazardous & Other Waste (Management & Transboundary Movement) Rule 2016. However, it has been noticed that, often industries were found to be violating the aforesaid provisions and the violations noticed are as below:

1. To take effective steps towards establishment of project/unit without obtaining Consent to Establish from the Board
2. To take effective steps without revalidating Consent to Establish from the Board.
3. To start Commercial production/to hand over occupancy without obtaining Consent to Operate from the Board
4. To carry out expansion activity and applying directly for Consent to Operate without obtaining Consent to Establish of the Board.
5. To operate the activity without valid consent to operate of the Board and applying after lapse of validity period.
6. To store and disposal of Hazardous Waste not consistent with provisions of rules

The MPC Board has published Enforcement Policy for issuance of directions on account of degree of violation by imposing/forfeiting proportionate Bank Guarantee. The matter of such violations was discussed during Consent Appraisal Committee/Consent Committee and was decided to formulate the deterrent policy towards above mentioned violations and such other violations. Hence, it is important to discourage the defaulting industries by adopting "Polluter Pays" principal by imposing appropriate cost for violation of provisions of Environment enactments.

The MPC Board in its 178<sup>th</sup> Board meeting held on 24/02/2022 vide item No. 12 has considered to impose appropriate penal fees towards violation of Environmental enactments, the penal fees shall be imposed as below:

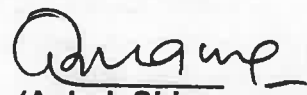
:2:

Sr. No.	Violation	Cost of Violation
01	Taking effective steps towards establishment of project/unit prior to obtain Consent to Establish from the Board	<b>Red Category:</b> 5 times of one term consent fee X no. of years of violation*
02	Taking effective steps without revalidating Consent to Establish of the Board.	
03	<b>Industry:</b> Starting Commercial production prior to obtain Consent to Operate of the Board.	<b>Orange Category:</b> 3 times of one term consent fee X no. of years of violation*
	<b>Infrastructure Project:</b> Handing over possession prior to obtaining Consent to Operate of the Board and Occupancy certificate from Local Body.	
04	Operating the industry/activity without valid consent to operate of the Board and applying after lapse of validity period.	<b>Green Category:</b> 1 time of one term consent fee X no. of years of violation*

\* Calculations of number of years shall be calculated on the basis of number of days of non-compliance.

The penal fees amount to be paid by PP through online e-payment gateway.

All the Officers of the Board should implement this circular scrupulously without fail.

  
(Ashok Shingare, IAS)  
Member Secretary

Copy submitted to: The Hon'ble Chairman, MPC Board Mumbai- for favour of information

Copy to:

1. The Assistant Secretary (Tech)/Joint Director (APC)/Joint Director (WPC)/Principal Scientific Officer/Regional Officer (HQ) MPC Board Mumbai
2. Law Officer/Statistical Officer, MPC Board Mumbai

Copy to:

1. All Regional Officer, MPC Board
2. All Sub-Regional Officer, MPC Board
3. EIC- He is directed to place the circular on Board's website.

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020701/24014701

Fax: 24023518/24024068/24044531

Website: <http://mpcb.gov.in>

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Kalpataru Point, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Floor  
Opp. Cine Planet Cinema,  
Near Sion Circle, Sion (E)  
Mumbai- 400 022.

BO/P&L Div/B- 414

Date: 18/1/2013

## CORRIGENDUM

Sub:- Clarification in respect of review of imposition of lapse period consent fee and delayed payment charges in respect of grant of consent / Authorization under various Environmental Law.

Ref. :- Circular issued by the Board vide No. BO/P&L Div/B- 7159 dtd. 5.12.2012

In continuation of earlier Circular dtd. 5.12.2012 under, captioned subject and reference, the following clarification is issued in view of the doubts raised by some of the Regional Officers in respect of applicability of the said Circular to the imposition of lapse period consent fees, as to whether the period for which the application for consent has not been made, whether should be treated as lapse period consent fees and therefore, no lapse period consent fees shall be collected or otherwise?

The issue has been therefore, re-examined and it is made clear that as per the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Bio Medical Waste Rules, 1998, the prescribed fees is required to be paid by the Applicant for the period for which the plant is operated and therefore, the lapse period consent fees is required to be collected for un-consented period, before granting consent for future period.

The Circular does not exempt the recovery of consent fee for lapse period for which the Application is not made within stipulated time, but exempt only the delayed charges for granting consent for lapse period upto 20% extra. Henceforth, the lapse period consent fees shall be collected and there shall not have any ambiguity about the same.

In lieu of second para of the earlier Circular dtd. 5.12.2012, the following may be read :

**"Henceforth, no delay charges on, lapse period consent fees will be collected as provided in Circular dtd, 17.7.2008. However, lapse period consent fees will continue to be collected as before. "**

  
(Rajeev Kumar Mital)  
Member Secretary

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 2402 0761 (2-40) 0817

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Kulamb Road, P. N. P. Road,  
2nd, 3rd & 4th floor,  
Opp. Cineplanet.

Mumbai - 400 022.

BO/P&L Div/B- 7159

Date : 05/12/2012

## CIRCULAR

Sub:- Review of imposition of lapse period consent fee and delayed payment charges in respect of grant of consent / Authorization under various Environmental Law.

- Ref. :- 1) Circular issued by the Board vide No. MPCB/AB/1296 of 17/7/2008  
2) Minutes of the 157<sup>th</sup> Meeting of the Board held on 26.4.2012  
3) Letter No. K-MPC-4212/(P.K. 109)/T.K.-2 dtd. 12.10.2012 received from Environment Department, G.O.M.

The Board in its 147<sup>th</sup> meeting held on 22.4.2008 had decided to impose lapse period consent fees / delayed payment charges w.e.f. 1/7/2008 from the industries, operations or processes being established and operated without obtaining necessary valid consent and authorization or obtaining it after lapse of certain period, thereby creating a situation of discrimination against those who obtain consent in time, with the approval of the State Government. Accordingly, the Circular No. MPCB/AB/1296 dtd 17/7/2008 was issued to all concerned to implement such resolution from the date of the Circular. Thereafter, as decided in 147<sup>th</sup> & 157<sup>th</sup> meetings of the Board, the proposals were sent to the Secretary, Environment Department, vide letters dtd. 10.1.2011 & 10.5.2012 respectively. The said proposal has not been approved by the Environment Department.

The Maharashtra Pollution Control Board has decided to withdraw the Circular at reference one above, effecting the decision of the Board taken in its 147<sup>th</sup> Meeting held on 22.4.2008, regarding lapse period consent fees and delayed payment charges. Henceforth, no delayed / lapse consent period fees be collected.

All the officers of the Board are directed to implement these directions forthwith.

  
(Rajiv Kumar Mital)  
Member Secretary

Copy submitted to: Hon'ble Chairman, MPCB, Mumbai – for information.

Copy to:

- 1) Sr.Law Officer(P&L Divn.)/Joint Director (Water Pollution Control)/Joint Director (Air Pollution Control)/Principal Scientific Officer/Chief Accounts Officer/ Asstt. Secretary (Technical)/Joint Director(PAMS)/Regional Officer(HQ),MPCB, Mumbai – for information and necessary action. They are directed to circulate the said circular to the officers under their control.
- 2) The Regional Officer- Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/Pune/ Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB – for information and necessary action. They are directed to circulate the said circular to the officers including Sub-Regional Officers under their control.
- 3) Statistical Officer/Law Officer(P&L Divn.), MPCB, Mumbai – for information and necessary action.
- 4) Incharge Central Lab., Nirmal Bhavan, Mahape, Navi Mumbai – for information and necessary action –They are directed to circulate the said circular to the officers under their control.
- 5) Incharge Regional Lab., Pune/Nagpur/Aurangabad/Thane/Chiplun/Nashik/ - for information and necessary action. They are directed to circulate the said circular to the officers under their control.
- 6) All Asstt.Law Officers, Policy & Law Divn, MPCB, Mumbai- for information & necessary action.
- 7) Asstt.System Officer, EIC Section, MPCB, Mumbai – for information and necessary action – He is instructed to place the said circular on the website of the Board in the link of various Standing Orders/Circulars issued by the Board by linking up the said Circular with earlier Circular No.MPCB/AB/1296 dtd. 17/7/2008.