

**Minutes of the meeting held on 7/10/2016 at 3.00 p.m. in the Conference Hall of Goa State Pollution Control Board regarding revocation of Consent to Operate granted to M/s. Dattaraya Fabrication Workshop operated by Mr. Uttam S. Parsekar in house no. 207 located in the residential area/zone.**

The following officials were present for the meeting:

1	Advocate Pundalik N. Raikar	Advocate of the complainant
2	Mahesh Parsekar	Representing the unit
3	Advocate M. Pereira	Advocate of the unit owner

Advocate Pundalik N. Raikar representing the complainant has submitted a written submission.

- 1) The first hearing after remanded the matter back to the tribunal was concluded on 20<sup>th</sup> January, 2016.
- 2) The unit was shifted fraudently close to road, as the CtO is person and site specific with an extension of approx 30 cms on to the road. This was an ancillary complaint.
- 3) The unit has no permission
- 4) It violated road and setback
- 5) The unit was covered on all four sides, he exposed one side, I am given to understand that machinery was removed at the time of sealing and shifted to another fabrication site.
- 6) The IR dated 4/1/2016 indicates that the shed is the unit. Consent to Operate has lapsed and a fresh Consent has to apply.
- 7) The Board is a statutory Authority and has to respect all statutes as per Building Construction Rules 2010. It prohibits the functioning of fabrication units in residential area Regulation No.6 A. 2.1 which states Uses Prohibits ---- includes fabrication. In line with the requirement the Board has passed an resolution in 112<sup>th</sup> Board meeting. In the said resolution the Board refer Agenda Item No.3. which is correct position of law and it is sync with the building construction Rules and Regulation. This was the case when the hearing was conducted and order was passed on 31/3/2016 issued by EE referred para 7.
- 8) He also referred and read out follow up of Agenda item no.3 of 112<sup>th</sup> Board meeting in the 119<sup>th</sup> Board meeting.
- 9) No condition can b put to dilute law.
- 10) He also stated to review all the unit. Means nothing can be allowed status quo to be maintained ,

- 11) Environmental Engineer order says acoustic measures to be taken care of. There is no evidence that he has complied not verified by Board. Respondent has not placed compliance.
- 12) No verification is done by the Board regarding dismantle of shed. Refer para 6 d, para 8, para 10 of rejoinder.

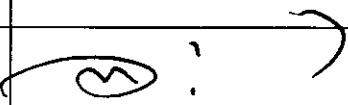
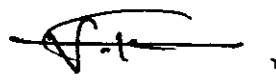

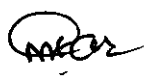
Advocate M. Pereira, representing the unit submitted as follows;

- 1) Consent to Operate dated 11/5/2005, granted under section 25 and 21 of the Water Act and Air Act for House no.207.
- 2) This CTO is for manufacturing purposes and for 2 tons/ annum.
- 3) Show cause notice has been issued to the unit referring to show cause notice dated 2/6/2016. Para 3 of SCN
- 4) Order passed dated 31/3/2016 issued by EE --- referring para 7--- house is 23 meters away from the shed, para 8.
- 5) He pointed out letter addressed to BDO regarding illegal construction next to my house refer letter dated 15/7/2011, whereas the site inspection of the Board reveals that house of the complainant is 23 meters away from the unit.
- 6) The noise monitoring indicates that the monitoring conducted at the complainant's house within the prescribed limits for residential area. However the noise monitoring at the entrance of the shed is exceeding the prescribed limits.
- 7) Refer to letter dated 25/6/2016, 13/7/2016.
- 8) Board Site IR dtd 12/07/16 is not available with the unit representative.
- 9) The sealing is illegal by the Board and it is expedient that the seal be removed
- 10) Board may conduct a site inspection.
- 11) The complainant is asking to cancel original Consent to Operate
- 12) SCN is issued for the shed.
- 13) As the extension is now removed, the Board may reconsider the closure.

ATTENDANCE SHEET





**Sub: Personal hearing**

**Date: 7<sup>th</sup> October, 2016 at 3.00 p.m**

Sr. No.	Name of the official / designation	Signature
1	ADJ PUNDAK N. RAJESH	
2	Vishant N. Kundekar.	
3	Adv. Munim Persia	
4	mahesh v. ranekar	
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

ATTENDANCE SHEET

Sub: Personal hearing with regard to Application No. 130/2015 (W2)  
 (Gabriel Fernandes vrs. GSPCB & Ors) before the NGT.  
 Date: 7<sup>th</sup> October, 2016 at 3.00 p.m

Sr. No.	Name of the official / designation	Signature
1	KAF NOORANI, Advocate for Jolly Metals.	
2	Clafabio Dica 	Seek an adjournment of one week to 14/10/16 leave my rights as file additional reply.
3	Jitendra P. Supekar, Adv. for Complainant, Gabriel Fernandes	
4	Gabriel Fernandes	 Copy of any such Reply to be provide to Adv. in advance
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

**WAKALATAAMA**

Before the Complaint Committee  
of the Goa State Pollution  
Control Board

We are not members of the  
Advocate's Welfare Fund

Gabriel Fernandes

... Complainant

M/s Jolly Metals

... Respondent

I, Sanca Dias, the proprietor of Jolly metals  
do hereby retain, appoint and authorize Mr. Kaif Noorani (201),  
and Grishma Pilankar (480), Advocates High Court, to act and  
appear on my behalf IN THE ABOVE MATTER.

DATE: 07/10/2016

Signed Sanca

Accepted :

Advocate for:

Witnesses :

**Minutes of the meeting held on 7/10/2016 at 3.00 p.m. in the Conference Hall of Goa State Pollution Control Board regarding Complaints against M/s. R & H Spaces.**

The following officials were present for the meeting:

1	Mr. Neil Pinto	Complainant
2	Advocate Alpana Poddar	Representing the complainant
3	Devang Shah	Representing M/s. R & H Spaces
4	Omkar Jog	Representing M/s. R & H Spaces
5	S.P. Fondekar	Representing M/s. R & H Spaces
6	Shukur M Ago	Representing M/s. R & H Spaces

**Mr Neil Pinto, complainant submitted as follows;**

- 1) Consent to Establish was granted on 31<sup>st</sup> May 2016.
- 2) New Block Q is in process of construction without obtaining Consent to Establish from the Board.
- 3) An RTI was filed on 19<sup>th</sup> August 2016 whether an inspection was carried out by the Board officials on trial period after Consent to Operate was granted for 6 months and the Board has submitted a reply that no inspection was carried out.
- 4) All parameters should be stabilised then only Consent to Operate can be granted.
- 5) Consent to Operate can be granted only after inspection was conducted.
- 6) The sewer line and the STP location were not as per the original plan.
- 7) As regard to Sewage when original Consent to Establish was granted in original plan.
- 8) On 26/10/2015 the inspection report of JEEs states that the unit was not in operation at the time of inspection as the hotel is in completion stage (internal finishing and cleaning work was in progress). The construction work of new building in survey no.170/3 was in progress which accordingly to the complainant is without obtaining Consent to Establish from the Board, CTE was issued on 31<sup>st</sup> May 2016.
- 9) According to the complainant there might be a discharge of sewage waste water as a result of which e-coli and turbidity level is high in the well water, as per the inspection report on 11<sup>th</sup> September, 2015.

As a number of issues submitted by the complainant were numerous, the complaint committee requested the complainant to make written submission. The written submissions will be submitted on 12<sup>th</sup> October 2016 with an advance copy by email to M/s. R & H Spaces.

*Neil Pinto*

*[Signature]*

*[Signature]*

Mr. Davang Shah, vice President Liasoning, will represent M/s. R & H Spaces submitted that no compliant is received by them hence unable to make any submissions.

The complaint copy and the written submissions to be emailed to the unit M/s. R & H Spaces. The next date of hearing is accordingly scheduled on 21<sup>st</sup> October 2016 at 3.00 p.m.

*nbhanta*

*Shah*

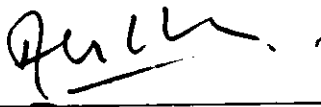


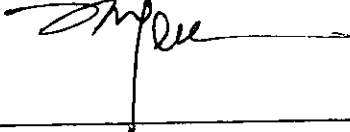
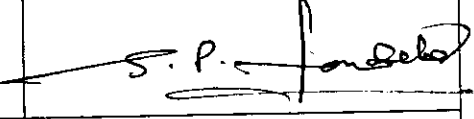

*Shah*  
*Shah*

ATTENDANCE SHEET

Sub: Personal hearing

Neil Pinto Vs R & H Spaces .

Date: 7<sup>th</sup> October, 2016 at 3.00 p.m

Sr. No.	Name of the official / designation	Signature
1	Alpana Poddar Advocate	
2	Devang Shah	 devangshah@kanakia.com
3	NEIL PINTO	
4	OMKAR JOGI CENV. CONSULTANT FOR R&H SPACES.	
5	S. P. FONSECA Consultant to Badaon.	
6	Shukun M. Ago consultant CoA Region	
7		
8		
9		
10		
11		
12		
13		
14		
15		