

MAHARASHTRA POLLUTION CONTROL BOARD

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Kalpataru Point, 2nd and
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Cinema, Near Sion Circle,
Sion (E), Mumbai-400022

No. BO/MPCB/CC/Refusal/UAN
No.0000137883/CE/2402000127

Date: 01/02/2024

To,
PANDIT BHIMSEN JOSHI GENERAL HOSPITAL
PLOT NO. 757 / 87, Tembha Road,
Near Maxus Mall,
Bhayander (West)
Thane - 401 101



Sub: Refusal of Consent to Operate under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:**
1. Your application for grant of Consent to Establish (UAN No. MPCB-CONSENT-0000137883)
 2. MOM of 19th CC Meeting Dtd.31/10/2022
 3. SCN for Refusal Dtd. 14/11/2022
 4. MOM of the 26th CC Meeting Dtd. 22/12/2022.
 5. Minutes of Personal Hearing dated 23/01/2023.
 6. MOM of 1st CC Meeting Dtd. 19/04/2023
 7. Refusal of Consent to Establish Dtd.26/05/2023
 8. Your application for appeal against the Refusal order Dtd. 20/06/2023
 9. This office letter no: MPCB/PSO/B-0011 datde 06.11.2023 regarding considering of appeal.
 10. Your office letter dated 9/11/2023
 11. MOM of the 26th CC meeting Dtd. 15/01/2024

WHEREAS, Ministry of Environment and Forests, Govt. of India has notified, Water (Prevention and Control of Pollution), Act, 1974 for prevention and control of water pollution and the maintaining or restoring of wholesomeness of water and Air (Prevention and Control of Pollution), Act, 1981 for prevention, control and abatement of air pollution.

AND WHEREAS, Central Pollution Control Board on 04.06.2014 has issued Directions under section 18 (1) (b) of Water (Prevention and control of Pollution) Act, 1974 regarding classification of Industries into Red, Orange and Green in which Health Care Establishment are covered under the regime of Consent.

AND WHEREAS, Ministry of Environment and Forests, Govt. of India in exercise of the powers conferred u/s. 6,8 & 25 of Environment (Protection) Act, 1986 has notified the Bio-Medical Waste Management Rules, 2016, and amended Rules, 2018 which is subsequently amended from time to time.

AND WHEREAS, Maharashtra Pollution Control Board is the Prescribed Authority for the

enforcement of Bio-Medical Waste Management Rules, 2016, as amended from time to time.

AND WHEREAS, it is also obligatory on the part of every occupier generating bio-medical waste to obtain Consent to Operate and BMW authorization under Rule 8 of the said Rules, by making application in Form-II to the prescribed authority accompanied by a fee as prescribed by the Government of Maharashtra.

AND WHEREAS, this office is in receipt of your Appeal application for grant of Consent to operate and BMW Authorization from Principal Secretary, Ministry of Environment Forests and Climate Change, Govt.of Maharashtra on 20/06/2023. And Whereas vide Show Cause Notice for Refusal dtd. 14/11/2022 and this office letter dtd. 06/11/2023 , wherein it was brought to your notice for submission of Documents / Fees required for considering CCA.

AND WHEREAS, you have failed to submit the compliance of the SCN for refusal within time, therefore as per the Decision of the 26th Meeting dtd.22/11/2022 - personal hearing was conducted before Principal Scientific Officer, MPCB on 23/01/2023 at 11:30, at the PSO Chamber MPCB, HQ, Mumbai in which you were directed to submit the compliances.

AND WHEREAS, after considering your application for your Appeal against Refusal granted dated 26/05/2023 , a letter dated 06/11/2023 regarding the submission of the CCA fees and Penal fees was issued to you for compliances of the same.

AND WHEREAS, it is noted that , inspite of the efforts taken by the Board you have failed to submit the following documents/ fees for consideration of your application for CCA

1. Pending consent fees for operating the Hospital without valid CCA from 11.01.2019.
2. Valid copy of Bank Guarantee of Rs.1,50,000 /- as per the previous CCA conditions.
3. Penal fees charges for operating without valid consent.
4. Details of installation , commissioning of the STP/ETP with adequacy report.

AND WHEREAS, this shows your negligent attitude towards implementation of Bio-medical waste Management Rules, 2016.

NOW THEREFORE, in exercise of powers conferred upon me, In view of the aforesaid non-compliances on your part, your application for Combined Consent and BMW Authorization hereby stands Rejected under the provisions of Section 25 (4) of Water (P & CP) Act, 1974 and Section 21 (4) of the Air (P& CP) Act, 1981 and under Rule 10(2) of the Bio-Medical Waste Management Rules, 2016.

If you are aggrieved with the said Refusal of your application for Combined Consent and BMW Authorization, you may make an Appeal under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 and under Rule 16(1) of the Bio-Medical Waste Management Rules, 2016, before the Principal Secretary, Department of Environment and Climate Change, Govt.of Maharashtra, within a period of 30 days from the receipt of this order.

This Refusal is issued as per the Minutes of 26th CC meeting held on 15.04.2024 which is approved by the competent authority of the Board.

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Copy to:

1. Regional Officer, MPCB-Thane- for information, please.
2. Sub Regional Officer, MPCB-Thane II- for information. You shall communicate to the applicant and Initiate Legal Action against HCE including Proposal to Impose ECC through Legal Module.

