

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA

Intervening Application No. of 2025/EZ

In

Miscellaneous Application No. 15 of 2025/EZ

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Ram Krishna Pradhan

President  
ASL (INDIA) SEC. LTD.

DATE: 11.07.2025

PLACE: Guwahati, Assam

APPLICANT THROUGH Sayan Banerjee



11 JUL 2025

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA

IA No. of 2025/EZ

In

Miscellaneous Application No. 15 of 2025/EZ

In the matter of:

An Application for Intervention under Rule 24 of the National Green Tribunal (Practice and Procedure) Rules, 2011 read with Section 19(1) of the National Green Tribunal Act, 2010 and for addition of the applicants as parties in the MA. No. 15/2025/EZ.

-And-

In the matter of:

MA 15/2025/EZ

Dr. Ganesh Chandra Das and Ors

...Applicants

-Versus-

M/s Arya Erectors India Pvt. Ltd. and Ors

...Respondents

And

In the matter of:

1. Arya Smart Living Group Housing Cooperative Society Ltd., a housing society registered under the Assam Co-Operative Societies Act 2007 vide Certificate of Registration No. G-09/2019-2020, dated 10<sup>th</sup> June, 2019 having its registered address at Arya Smart Living, Abhaypur, North Guwahati, Mouja - Sindurighopa, District



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*Ram Krishna Pradhan*  
Advocate

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Kamrup, 781031, Assam, represented by Ram Krishna Pradhan, President of Arya Smart Living Group Housing Cooperative Society Limited. Son of Late Hari Chandra Pradhan. Resident of Villa No. C 97, Arya Smart Living, Abhaypur, North Guwahati. District – Kamrup, 781031, Assam.

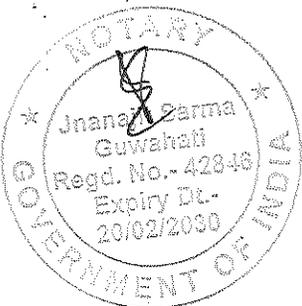
Email: [pradhanramk@gmail.com](mailto:pradhanramk@gmail.com) / [aslsociety19@gmail.com](mailto:aslsociety19@gmail.com)

*Ram Krishna Pradhan.*  
President  
ASLG HSG COOP. SOC. LTD.

...Applicant/Intervenor

-Versus-

1. Dr. Ganesh Das  
Son of Sri. Dijendra Ch. Das  
Resident of Tribeni Apartment  
Flat No.5A, 5<sup>th</sup> Floor, Madhabdevpur  
Rehabari, Guwahati 781008, Assam  
Email: [ganeshdas40244@yahoo.com](mailto:ganeshdas40244@yahoo.com)
2. Sri. Brojen Dutta  
Son of Late Jiban Ch. Dutta  
Resident of D-22, Arya Smart Living  
Abhaypur, North Guwahati 781031, Assam  
Email: [brojendutta07@gmail.com](mailto:brojendutta07@gmail.com)
3. Sri. Sanjay Baruah  
Son of Late Prutul Kumar Baruah  
Resident of D-41, Arya Smart Living  
Abhaypur, North Guwahati 781031, Assam  
Email: [sanjaybar@gmail.com](mailto:sanjaybar@gmail.com)
4. Sri. Ravi Dey  
Son of Sri. Mintu Dey



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Resident of D-41, Arya Smart living  
Abhaypur, North Guwahati 781031, Assam

Email: [ravidev75@yahoo.in](mailto:ravidev75@yahoo.in)

5. M/s Arya Erectors India Pvt. Ltd.

Represented by its Managing Director

House No.123, Arya Smart Living, Abhaypur,

North Guwahati, Kamrup (Rural),

Assam, India - 781031

Email: [aryaerectorsindia@gmail.com](mailto:aryaerectorsindia@gmail.com)

6. State Environmental Impact Assessment Authority, Assam

Represented by its Member Secretary

Bamunimaidam, Guwahati 781021

District - Kamrup (Metro), Assam

Email : [ikalita.acs@assam.gov.in](mailto:ikalita.acs@assam.gov.in)

7. Ministry of Environment, Forest and Climate

Change, Government of India

Represented by its Secretary

India Paryavaran Bhawan, Jorbagh

New Delhi 110003

Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

8. Guwahati Metropolitan Development Authority

Represented by its Chief Executive Officer (CEO)

Statedef Building, Bhangagarh, Guwahati

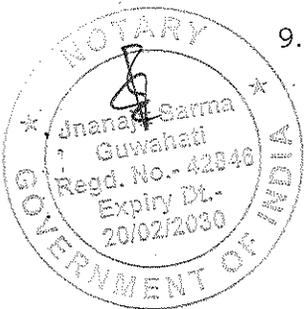
781005, Assam

Email: [ceogmdaghy@gmail.com](mailto:ceogmdaghy@gmail.com)

9. North Guwahati Municipal Board

Represented by its Chairman

*Ram Krishna Pradhan,*  
President  
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North Guwahati, Guwahati 781030, Assam

Email: [northghyrevcircle2016@gmail.com](mailto:northghyrevcircle2016@gmail.com)

10. Rudreswar Gaon Panchayat

Represented by its President

Rudreswar, North Guwahati 781030, Assam

Email: [rudreshwar.gp@gmail.com](mailto:rudreshwar.gp@gmail.com)

11. Pollution Control Board, Assam

Represented by its Member Secretary

Bamunimaidam, Guwahati 781021, Assam

Email: [membersecretary@pcbassam.org](mailto:membersecretary@pcbassam.org)

...Respondents

INTERVENING APPLICATION FOR ADDITION OF PARTY

MOST RESPECTFULLY SHEWETH:

1. Address of the counsel of the applicant is given for the purpose of the service of notices and other correspondences.
2. The addresses of the respondents are given for the purpose of service of notices and other correspondences regarding this application.
3. The present application is being preferred by the applicant society, a registered society under the relevant provisions of the Assam Co-operative Society Act, 2007, seeking leave of this Hon'ble Tribunal to intervene in the instant proceeding being MA No. 15/2025/EZ arising out of OA No. 92/2023/EZ, on the ground that the said order was passed without notice to for hearing of the applicant, who is a necessary and proper party to the said proceedings and is gravely affected by the said order.



*Ram Krishna Pradhan*  
President  
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4. The applicant, represented by the President herein, is a registered society comprising of about 132 members who are the owners of properties in the Arya Smart Living Group Housing Cooperative Society Limited situated in the address mentioned in the cause title hereinabove. The applicant society was formed for the purpose of representing the collective interests of such owners and has been actively engaged in maintaining, managing, and safeguarding the rights and interests of its members in relation to the said premises.
5. The applicant herein vide the present application seeks to intervene in the proceedings emanating from MA No. 15/2025/EZ for the reason that, it is the members of the applicant society herein who are the most effected by the said proceedings. It is stated that though the respondent nos. 1 to 4 herein being the applicants in OA No. 92/2023/EZ have made adversarial statements and/or allegations concerning the applicant herein as well as the members of the applicant society represented by the President, yet the said respondents have deliberately omitted the applicant herein from being added as a party in the said proceedings. Therefore, upon gaining knowledge of the said order dated 12<sup>th</sup> September, 2024 and being aggrieved by the conduct of the respondents herein, morefully narrated in the paragraphs hereinbelow, the applicant herein has been compelled to prefer this application, interalia primarily on the following factors:
- i) Violation of Principles of Natural Justice - The applicant submits that the order dated 12.09.2024 has been passed without notice to or hearing of the applicant society, which is a

*Ram Krishna Pradhan*  
 President  
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directly affected and necessary party. It is a settled principle of law that no person should be condemned unheard (audi alteram partem). By passing directions that have serious civil consequences for the applicant and its members, who were neither impleaded nor given an opportunity to present their case, the Hon'ble Tribunal has, albeit unintentionally, rendered an order in breach of natural justice.

- ii) Misrepresentation and material suppression before the Hon'ble Tribunal by the Respondents - The applicant further submits that the private respondents have made misleading and false claims of ownership, occupancy, or association with the premises or the applicant society in MA No. 15/2025/EZ, despite having no legal or valid standing. These averments have been made with the apparent intent to create confusion, mislead this Hon'ble Tribunal, and secure orders detrimental to the applicant and its members. The omission to disclose the existence of the applicant society, and the deliberate exclusion of a necessary party from proceedings, further evidences mala fides and suppression of material facts, warranting immediate rectification through intervention.
- iii) Locus Standi of the Applicant - The applicant society represents a collective body of the owners of respective units in the said property and by virtue thereof being the ex officio members of the said society, who are in actual, peaceful, and settled possession of their respective premises and have derived title or allotment through lawful means. As such, the applicant has a

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direct and substantial interest in the outcome of MA No. 15/2025/EZ. Without the applicant's presence, the real questions in controversy cannot be completely or effectively adjudicated. The applicant is, therefore, a necessary and proper party within the meaning of law, and is entitled to be heard before any further orders are passed which may affect its rights or those of its members.

- iv) Malicious Litigation - The conduct of the private respondents displays a sustained pattern of adversarial and disruptive litigation aimed at destabilizing the internal governance and legal status of the applicant society. These efforts appear to be driven not by environmental or civic concerns, but by personal vendetta or ulterior motives, including harassment of the society's office bearers and attempts to sabotage its functioning. The present proceedings in MA No. 15/2025/EZ have been weaponized to bypass lawful dispute resolution mechanisms and obtain regulatory action through misdirection. This Hon'ble Tribunal is respectfully urged to take judicial notice of such mala fide conduct and prevent further abuse of process.
- v) Societal and Environmental Responsibility - The applicant wishes to place on record its compliance with environmental regulations and its willingness to cooperate with all statutory and regulatory authorities. The applicant has at all times acted in good faith and undertaken steps to maintain the premises in an environmentally sustainable manner. The applicant is also open to remedial or mitigatory measures as may be

*Faym Krishna Prastha*  
President  
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necessitated, and seeks a fair opportunity to demonstrate its bona fides through proper participation in the proceedings.

6. The respondent nos. 1 to 4 herein had preferred an application before this Hon'ble Tribunal inter alia alleging non-compliance of various conditions of Environmental Clearance (EC) dated 21<sup>st</sup> January 2014 issued to the respondent no.5 herein and violation of the provisions of EIA Notification, 2006. The said application was registered as OA No. 32/23/EZ. This said application was disposed of by this Hon'ble Tribunal by an order dated 24<sup>th</sup> March 2023 with a direction upon the respondent no.2 therein being State Environmental Impact Assessment Authority (hereinafter referred to as SEIAA). To consider the representations dated 6<sup>th</sup> July 2022 and 20<sup>th</sup> October 2022 and decide the same via reasoned speaking order.
7. Pursuant to the said order dated 24<sup>th</sup> March 2023 passed in OA no 32/2023/EZ the SEIAA Assam was pleased to consider the said representations dated 6<sup>th</sup> July 2022 and 20<sup>th</sup> October, 2022 made by the respondent nos. 1 to 4 herein and pass a reasoned order dated 9<sup>th</sup> May 2023.
8. Subsequently, the respondent nos. 1 to 4 herein referred another application before this Tribunal which was registered as OA no. 92/2023/EZ. The said application was taken up for consideration by this Hon'ble Tribunal and the same was disposed of vide an order dated 12<sup>th</sup> September 2024 with the following directions:
  - i) Since, Respondent No. 1 has expanded the project by including an additional about 2 Bighas of land and raising additional construction of a clubhouse, swimming pool etc., without

*Dr. Krishna Prasham*  
President  
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getting reappraisal of the EC dated 21.01.2014 and without getting the environmental clearance for the additional area, therefore, the Respondent No. 1 has violated clause 2 and 7(ii) of the EIA Notification, 2006 and is liable to compensate for the damage caused to environment by depositing 1% of the project cost incurred in expansion with ASPCB as environmental compensation. The SEIAA, Assam, and ASPCB will jointly workout the cost incurred in expansion of project and determine the environmental compensation.

- ii) Respondent No. 1 is also liable to carry out the remedial measures which will be worked out by SEIAA, Assam based on the damage assessment.
- iii) The order dated 09.05.2023 passed by SEIAA Assam is found to be bad in law and is hereby set aside. The SEIAA, Assam is directed to decide the representations dated 06.07.2022 and 20.10.2022 of the applicants afresh on other issues keeping in view the observations made above and take appropriate remedial action.
- iv) Since the grievance of the Applicants is that, in terms of the specific condition at Part-A (I)(i) of the EC, necessary steps to analyze the contour intervals of the site and surrounding areas and the capacity of stormwater drainage have not been taken into consideration and steps are not taken to address the problem of waterlogging and flooding, therefore SIEAA will duly examine the issue of non-compliance of above condition and take appropriate action.

*Dr. Krishna Prasad*

President  
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- v) The SEIAA, Assam is also directed to take action against Respondent No. 1 for violation of the EC condition by complying with the principles of natural justice.
- vi) The ASPCB is also directed to take action for the violation of the environmental norms found on the spot and reflected in its report dated 21.11.2023.
- vii) Let the above exercise be completed by the SEIAA, Assam and ASPCB within a period of three months and an action taken report be filed before the Registrar, NGT, Eastern Zone Bench at Kolkata, immediately on completion of three months and if found necessary the matter will be listed for consideration before the Bench

Photostat copies of the Application OA 92/2023/EZ as obtained from the official website of the National Green Tribunal and the order dated 12<sup>th</sup> September 2024 passed therein are annexed hereto and marked as ANNEXURE 'A' and ANNEXURE 'B', respectively.

9. Pursuant to the order dated 12<sup>th</sup> September 2024 passed in OA No. 92/2023/EZ an affidavit of compliance was filed by SEIAA, Assam. The said affidavit of compliance contained a report of the committee constituted by SEIAA Assam. The same came within the knowledge of the applicant for the first time on 22<sup>nd</sup> February, 2025 through a conversation in a WhatsApp group of the owners of the applicant society. One Mr. Padum Deori being the applicant no. 5 in OA No 32/2023/EZ circulated the said report dated 29<sup>th</sup> January, 2025 of SEIAA Assam in the aforesaid WhatsApp group with degrading

*Padm Krishna Pradhan*

President

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comments and allegations instigating the owners of the applicant society against the applicant represented by the President herein.

Photocopy of screenshot of the WhatsApp message sent by Padum Deori in the WhatsApp group named 'ASL Owner's Group' is annexed hereto and marked as ANNEXURE 'C'.

10. It is further stated that emails were also circulated by the respondent no.1 herein to the member and stakeholders of the applicant society containing orders of this Hon'ble Tribunal as well as the orders passed by SEIAA Assam. Such actions of the respondent no. 1 and Mr. Padum Deori of circulating the aforesaid orders within the members of the applicant society as well as the stakeholders of the applicant society with the intent of maligning the applicant herein as evinced from the comments and/or statements made in the aforementioned WhatsApp group is highly depreciable not only to the reputation of the applicant but the same has also created unnecessary havoc and chaos within the owners and members of the applicant society. It is pertinent to mention that both the respondent no.1 and Mr. Padum Deori are neither owner of the property nor members of the society.

Photocopy of the email dated 24<sup>th</sup> February 2025 sent by the respondent no.1 to the applicant society and its stakeholders is annexed hereto and marked as ANNEXURE 'D'.

The applicant craves leave of the Hon'ble Tribunal to refer and rely upon the compliance report submitted by SEIAA-Assam dated 20<sup>th</sup> February, 2025 at the time of hearing of the present application, if necessary.



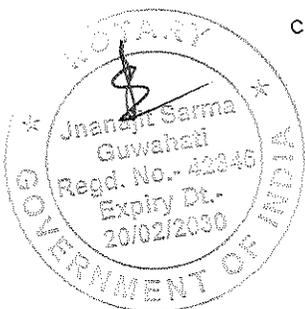
*Dr. Jyotirmoy Barman*  
President  
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11. It is stated that the respondent no. 1 to 4 and Mr. Padum Deori has purposefully misled the owners of the properties in the applicant society in believing that the applicant society is engaged and/or involved in illegalities impacting the environment and has also chosen to compromise the health standards of the occupants of the applicant society in consequence thereof. The spreading of such misinformation and/or false information amounts to fraud on the part of the said respondents.
12. It is stated that the respondent no.1 herein, has time and again made frivolous complaints and initiated false and frivolous litigation before different authorities and forums of law as against the applicant society since the last 5 years. On verification of the record of the applicant society with regard to the respondent no.1 herein it was also observed that the respondent no.1 has been cantankerously attempting to disrupt the functioning of the society. Even during the pandemic of Covid-19 the annual general meeting of the applicant society has been disrupted by the respondent no.1 and due to the delay of conducting such meeting the respondent no.1 has led to the dissolution of the Board of the applicant society, twice, once in October 2020 during Covid and then again in December, 2022. However, the said Board was reinstated by the office of the Co-operative Societies. The President of the Society was personally threatened by the respondent no.1 on removal of illegal encroachment of storm water drain by the respondent no.1 herein. The conduct of the respondent no.1 as well as the other private respondents herein have only been averse to the basic tenet of the cooperative movement for which the applicant society was created in

*Sam Krishna Dasgupta*  
President  
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the first place. Under the guidance and provoking of respondent no. 1, more than 30 complaints and cases have been built up against the functioning of the society leading to multiple enquiries and hearings by different offices of Registrar of Cooperative Societies. None of the complaints could be established and 100% of the complaints has been dismissed post enquiry or hearing. Despite all these, the applicant society represented by the President herein, has braved all these disruptions and for the year 2024 - 2025 has been ranked second best society by the National Cooperation Department, Government of India, for the State of Assam. Under such circumstances as well as for the reason that the respondent no.1 has failed to register a deed of conveyance in favour of him with respect to the property in the applicant society, the applicant society has decided and disqualified the respondent no.1 from the membership in the applicant society. Such decision has been conveyed to him vide a letter dated 5<sup>th</sup> March, 2025.

Photocopy of the Letter dated 5<sup>th</sup> March 2025 is annexed hereto and marked as ANNEXURE 'E'.

13. It is stated that the said respondents are well aware of the fact that the applicant society had never been made a party to the application preferred by the said respondents which were registered as OA No. 32/2023/EZ, OA No. 92/2023/EZ and MA No. 15/2025/EZ as such neither before this Hon'ble Tribunal nor before SEIAA Assam. The present applicant society had never been afforded any opportunity of representation and/or hearing. It is needless to mention that the said respondents being applicants in the aforementioned applications

Ram Krishna Pradhan  
President  
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before this Hon'ble Tribunal has purposefully and deliberately omitted the applicant society as parties in the said applications so as to mislead this Hon'ble Tribunal in passing an illegal order.

14. It is stated that the malicious intentions of the said respondents surfaces further from the fact that the respondent no.1 herein preferred an application before the Hon'ble Gauhati High Court being WP(C)/3654/2020 against the applicant society and its office bearers challenging the registration of the applicant society under the garb of the allegation that the office bearers of the applicant society are the family member and partners of the director of the respondent no.5 and hence there is conflict of interest. It is pertinent to mention herein that the said application was taken up for consideration by the Hon'ble Court on 11<sup>th</sup> September 2023, when the respondent no.1, herein, being the petitioner, in the said writ petition, eventually withdrew the same.

The applicant craves the kind leave of the Hon'ble Tribunal to refer and rely upon the application registered as WP(C)/3654/2020 and orders passed therein from time to time at the time of hearing of the present application, if necessary.

15. It is also stated that the respondents herein also attempted to obstruct the functioning of the applicant society and threatened the possession of all the members and occupants of the said society by initiating false complaints before the Real Estate Regulatory Authority, Assam. Infact, the respondent No. 1 filed several false complaints against the non-existent deviations of the campus in the office of GMDA since 2019 and managed to get an eviction order in

*Ram Krishna Pradhan*

President  
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November 2021. This caused a great amount of anxiety and fear among the 130 plus owners and residents. The society vehemently pursued the same with GMDA and thereafter got the order corrected in September, 2022 from GMDA. The office of GMDA had to constitute multiple inspection to finally issue the correct order. The applicant craves the kind leave to produce copy of such orders at the time of hearing, if necessary.

16. Therefore, it is gainsaid that from the conduct of the respondent nos. 1 to 4 and Mr. Padum Deori as narrated hereinabove smacks of malice as against the applicant herein and the said respondents have time and again attempted to malign the applicant society and its office bearers and disrupt the healthy and proper functioning of the applicant society which is responsible towards the wellbeing of all its members and owners of the said society.
17. It is stated that though numerous and false statements were made against the applicant society and its office bearers by the respondent nos. 1 to 4 and Mr. Padum Deori in the applications preferred before this Hon'ble Tribunal but the present applicant and/or the office bearers of the applicant society was deprived of any representation before this Hon'ble Tribunal by deliberately not adding them as parties to the said proceedings. As such the orders passed by this Hon'ble Tribunal as well as the orders passed by the various respondent authorities including their reports are in violation of the principles of Natural Justice guaranteed under the Constitution of India and therefore the same is non est in the eyes of law.

*Ram Krishna Pradhan*

President  
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18. It is stated that the respondent nos. 1 and Mr. Padum Deori are neither owners nor members of the applicant society herein. The said respondents has time and again mislead this Hon'ble Tribunal by submitting on oath that they are the owners of properties in the applicant society and as such are entitled to prefer the applications being OA No.32/2023/EZ and OA No. 92/2023/EZ. Whereas the said respondents are neither owners nor members of the applicant society and consequently not aggrieved persons and as such has no locus standi to prefer the said applications under the provisions of the National Green Tribunal Act 2010.

19. It is stated that the respondent nos. 1 to 4 have themselves engaged in unauthorized constructions and could not obtained any occupancy certificate from Guwahati Metropolitan Development Authority (GMDA). It is also stated that the said respondents are defaulters of paying maintenance dues to the applicant society. Their names have been deleted from the latest voter List due to non-payment of dues to the Society which is as per Section 26(3) of Assam Co-operative Society Act, 2007. The said respondents instead of aiding and assisting in the proper functioning and operations of the applicant society towards the betterment of all its members and owners have only been misusing the orders passed by this Hon'ble Tribunal and the reports of SEIAA Assam in obstructing repair and maintenance work in the said society. Such obstruction in repairs and maintenance work and chaos created by the said respondents have led the society to face severe issues of waterlogging and road damages within the society. It is needless to state that the society is maintained by the maintenance charges paid by its owners. The said

*Padum Krishna Prasad*  
 Padum Krishna Prasad  
 President  
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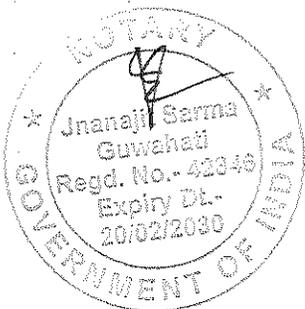
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respondents herein are constantly instigating and spreading false information among the members and owners of the applicant society urging them to not pay their maintenance and other charges towards the applicant society. If such actions of the respondent nos. 1 to 4 and Mr. Padum Deori are not interfered and monitored by this Hon'ble Tribunal the applicant society will soon not be in a habitable condition.

*Pran Krishna Paswan*

President  
ASLG HSG COOP. SOC. LTD.

20. It is stated that the applicant society has been making conscious endeavors towards the betterment of the living standards of the members and owners of the society as well as for the surrounding environment. Whereas the respondent nos. 1 to 4 and Mr. Padum Deori have been constantly making attempts to disrupt the functioning of the society. Further even SEIAA Assam while conducting investigation in the applicant society did not engage or consult or inquire from any of the member of the society including the board members. The decisions arrived by the SEIAA Assam is purely on speculations and at the instigations and in collusion with the respondent nos. 1 to 4 and Mr. Padum Deori.
21. It is stated that the applications being MA No. 15/2025/EZ, OA No.32/2023/EZ and OA No. 92/2023/EZ and the other proceedings before the various forum of law initiated by the respondent nos. 1 to 4 and Mr. Padum Deori against the applicant and other office bearers and members of the applicant society are complete and absolute show of the personal vendetta of the respondent nos. 1 to 4 and Mr. Padum Deori. Such proceedings and/or litigations are initiated by the respondent nos. 1 to 4 and Mr. Padum Deori only with the



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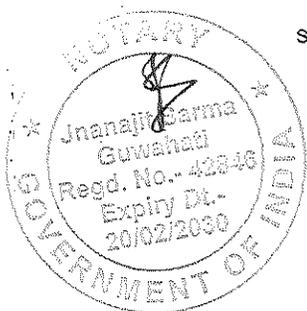
intention to overpower and overthrow the office bearers of the applicant society and for their own personal gain so as to device and operate the applicant society as per their own whims and fancies.

22. It is gainsaid that baring a handful of few errant persons, being the respondent nos. 1 to 4 and Mr. Padum Deori, no other respected members or property owners of the applicant society has ever raised any cause of grievance and/or made any complaints before any forum of law or to the applicant society itself alleging any illegality, misappropriation, personal interest, ill-operation and mismanagement of the society. As a matter of fact ad record, the said individuals, being the respondent no. 1 herein and the said Padum Deori, who are masquerading as owners/members, are neither owners nor members of the society and no locus or even authority are vesting in them to champion any alleged cause or at all. It is the present deponent, being the President of the society who enjoys the confidence / vote / sanctioning / authority / ratification of the majority members of the society to voice their concerns and/or grievances. Infact, it is apparent that the said individuals have for their own ulterior motive and to wreck vengeance for personal gain, have ventured into a barrage of frivolous and malicious litigations which are not only bereft of locus and merits, but have also resorted to unfair means and practices therein to gain undue advantage, thus rendering the litigations initiated at their behest as complete abuse of the process of law.

23. As a matter of one instance, it is germane to state herein, that the said individuals have quite conveniently and deliberately suppressed

*Padum Deori*

President  
ASIG HSG COOP. SOC. LTD.

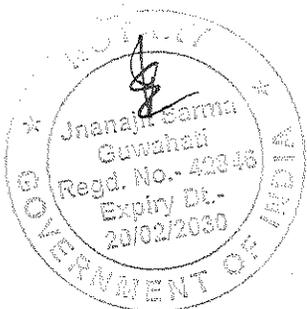


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the material facts before this Hon'ble Court that the order dated 9<sup>th</sup> May 2023 and the report dated 29<sup>th</sup> January 2025 have been passed and prepared in complete non-consideration of the fact that the society comprising of the owners of the properties are the primary stakeholders and were not consulted with during the SEIAA Assam, investigation.

24. In another instance, exemplifying the fact that the said individuals had approached the Hon'ble Court with unclean hands, it is stated that the contour survey of the Arya Smart Living Society and its adjacent land was made prior to starting of the project and the same has been approved by Guwahati Metropolitan Development Authority (hereinafter referred in short as 'GMDA'). In the year 2019, the society was handed over the common areas by the respondent no.5, only after being complete in all respect, suitable for habitation, including the drainage system which was completed in the year 2018. It was also not taken into consideration that there had been no issues of waterlogging prior to the year 2020. Records would reveal that, subsequently, work of improvement of road and construction of drain was executed by the PWD, for which the adjoining areas of Abhaypur, North Guwahati has been elevated to a certain scale. As a result whereof, the land of the Arya Smart Living Group Housing Co-operative Society, which had already completed construction, became lower than its adjoining areas. Consequently, the problem of waterlogging came into surface for the first time. Further, a technical study undertaken by IIT Guwahati on request of the applicant society has also revealed that the bed of the newly constructed drain along with the road is at 15cm higher than the

*Ram Krishna Reddy*  
 President  
 ASLGHSG COOP. SOC. LID.



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internal drain of the society. The applicants herein have absolutely no role to play in such alteration of the elevation of the said land and the same was completely beyond the control of the applicants.

25. It is repeated and reiterated that the aforementioned facts have been attempted to be suppressed before this Hon'ble Tribunal in both the applications being OA No.32/2023/EZ and OA No. 92/2023/EZ by the respondent nos. 1 to 4 and Mr. Padum Deori for which the applicant herein deliberately has not been made a party to the said applications.
26. It is submitted that in the garb of the orders obtained by the said respondents in the aforementioned proceedings by misleading this Hon'ble Tribunal, the said respondents have been constantly threatening the rightful possession of the members and owners of the properties in the said society by disrupting the operation of the applicant society so much so that the said society becomes uninhabitable.
27. It is stated that in light of the aforementioned conspectus of fact, the applicant herein is necessary and interested party in the present proceeding emanating from MA No. 15/2025/EZ and as such the present application for intervention ought to be allowed by the Hon'ble Tribunal for proper and fair adjudication of the present proceeding.
28. It is submitted that the present application is made within the prescribed period of limitation and there is no delay and/or laches on behalf of the applicants herein.

*Dr. Krishna Pradhan*  
President  
ASLGHSG COOP. SOC. LTD.



11 JUL 2025

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29. It is pertinent to mention herein that the applicant herein is not averse to measures aimed at ensuring protection and sustenance of the environment under the relevant provisions of law. It is submitted that the applicant undertakes to strict adherence of the laws and guidelines issued by the respondent authorities from time to time so as to ensure a better living for all its members, comprising the owners and/or allottees, who are in settled possession of the said premises pursuant to valid allotment and/or conveyance and have been residing therein lawfully since last seven years.

30. The grievance of the applicant stems from the fact that in the course of OA/92/2023/EZ, the applicants therein being the respondent nos. 1 to 4 herein, made several statements, averments, and allegations concerning the project in which the applicant society and its members reside, and specifically in relation to the applicant society's activities or the legality of its members' occupation, but without impleading the applicant society as a party or giving it any opportunity of being heard.

31. That the applicants in OA No. 92/2023/EZ were at all material times aware of the existence of the applicant society and its stake in the matter, and despite that, consciously and deliberately chose not to implead or serve notice upon the applicant. It is submitted that such conduct of the respondent nos. 1 to 4 amounts to suppression of material facts and has resulted in grave prejudice to the applicant, inasmuch as the Hon'ble Tribunal was pleased to pass the order dated 12.09.2024 on the basis of one-sided submissions and without affording the applicant any opportunity to place its version on record.

*Tanu Krishna Dasgupta*

President  
ASLG HSG COOP. SOC. LTD.

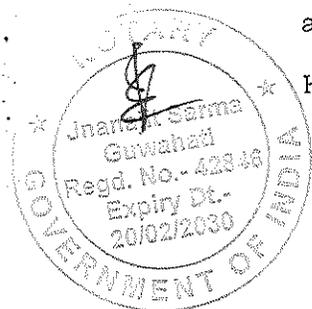


11 JUL 2025

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32. That the order dated 12.09.2024 issued directions to the concerned statutory authorities to take steps in relation to the subject premises, which have the effect of directly affecting the proprietary, possessory, and residential rights of the members of the applicant society. It is submitted that the said order, entails serious civil consequences and affects the applicant's fundamental and statutory rights. The same could not have been passed without impleading the applicant as a party and giving it an opportunity of hearing.
33. That the applicant seeks to intervene in MA No. 15/2025/EZ not merely as an interested person, but as a necessary and proper party without whose presence the real questions in controversy cannot be effectively adjudicated. The applicant's intervention is necessary to assist the Hon'ble Tribunal in ascertaining the correct factual matrix and in balancing competing environmental, developmental, and residential interests of the members of the applicant society in accordance with law.
34. That the applicant craves leave to place on record relevant documents to establish its legal status, its members' rights in the premises in question, the timeline of its formation and activities, and the circumstances under which it came to learn of the proceedings and the order dated 12.09.2024. The applicant also seeks liberty to file such additional affidavits or written submissions as this Hon'ble Tribunal may direct.
35. That the application is made bona fide and in the interest of justice, and the applicant undertakes to abide by such conditions as this Hon'ble Tribunal may impose while allowing the present application.

*Tom Krishna Pradhan*  
President  
ASLG HSG COOP. SOC. LTD.



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36. It is submitted that the applicant has not preferred any other or similar application before this Hon'ble Tribunal or any other forum of law seeking for same or similar relief.

37. Under such circumstances the applicants submit that this Hon'ble Tribunal may be pleased to allow this application preferred bonafide and for the ends of justice by the applicant herein.

*Dr. Krishna Pradhan*  
President  
ASLG HSG COOP. SOC. LTD.

INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the applicant herein has a good prima facie case, and in consideration of the said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to:

SB

~~1) *[Illegible text]*~~

2) Pass ~~such~~ other order or orders and/or direction or directions as this Hon'ble Tribunal seem fit and proper.

PRAYER

In view of the above facts and circumstances it is therefore most respectfully prayed by the applicant that this Hon'ble Tribunal may be pleased to:

i) Allow this application by adding the applicant herein as a necessary and proper party to the application being MA No. 15/2025/EZ and



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any other proceedings before the Hon'ble Tribunal emanating therefrom;

- ii) Direct forthwith service of necessary pleadings to the applicants with liberty to use affidavits/rejoinders thereto;
- iii) Pass such other order or orders and/or direction or directions as this Hon'ble Tribunal seem fit and proper.

Date: 11-07-2025

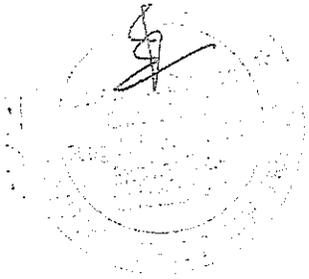
Place: Guwahati, Assam

Filed by:

Sayan Banerjee

Advocate for the applicant

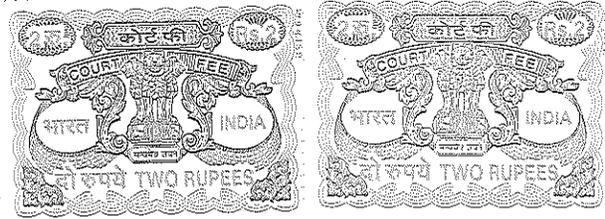
*Sayan Banerjee*  
President  
ASLCHSG COOP. SOC. LTD.



11 JUL 2025

Sl. No. .... 100 .....  
Date: 11/7/2025

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

I.A. No. \_\_\_\_\_/2025/EZ

In

M.A. No. 15/2025/EZ

In the matter of:

Arya Smart Living Group Housing Co-Operative Society Limited.

...Applicant

-Versus-

Dr. Ganesh Das &amp; Ors.

...Respondents

## AFFIDAVIT

I, Mr. Ram Krishna Pradhan, son of Sri. Late Hari Chandra Pradhan, aged around \_\_\_\_\_ years, by faith Hindu, by occupation \_\_\_\_\_ residing at Villa no. C 97, Arya Smart Living Group Housing Co-Operative Society, Abhaypur, North Guwahati, 781031, in the District of Kamrup, Assam do hereby solemnly affirm and state as under:

1. That I am the President representing the Applicant in the present application, and as such I am fully conversant with the facts and circumstances of the case, and I am authorized by the said society vide letter dated 1<sup>st</sup> May, 2025 annexed with the application, hence, I am competent to swear this affidavit on its behalf.

That the accompanying application has been drafted by my counsel on our instruction and we have read and understood the contents of the same and nothing material has been concealed therefrom.

Identified by me

Sayan Banerjee  
Advocate  
Enrollment No.  
F/916/2024

DEPONENT

*Ram Krishna Pradhan*  
President  
ASLG HSG COOP. SOC. LTD.

Identified By

Kailash Barman

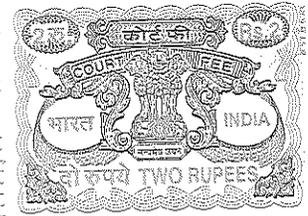
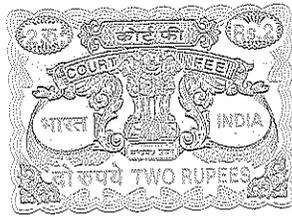
Advocate  
Enrl. No. 299 of 2005-06

NOTARY  
JNANAJIT SARMA  
Guwahati  
Regd. No.-42846

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

Sl. No.....181.....  
Date: 11/7/2025

X



VERIFICATION

I, Mr. Ram Krishna Pradhan, son of Sri. Late Hari Chandra Pradhan, aged around      years, by faith Hindu, by occupation      residing at Villa no. C 97, Arya Smart Living Group Housing Co-Operative Society, Abhaypur, North Guwahati, 781031, in the District of Kamrup, Assam do hereby verify that the contents of the paragraphs 1 to      are true to my personal knowledge and belief and/or information which I verily believe to be true and the rest are my humble submissions before the Hon'ble Tribunal upon legal advice and I have not suppressed any material facts and circumstances.

Identified by me

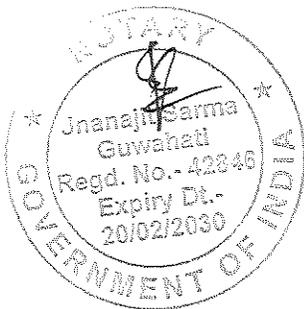
Sayan Banerjee  
Advocate

*Ram Krishna Pradhan*  
DEPONENT

President  
ASLG HSG COOP. SOC. LTD.

Identified By  
*Kailash Barman*  
Advocate  
Enri. No. ....899 of 2005-06

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.



*J* 11/7/25  
NOTARY  
JNANAJIT SARMA  
Guwahati  
Regd. No.-42846

11 JUL 2025

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BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA  
Intervening Application No. \_\_\_\_\_ of  
2025/EZ  
Arising out of  
Miscellaneous Application No. 15 of  
2025/EZ

*Com Krishna Pradhan*  
President

ASLG HSG COOP. SOC. LTD.

In the matter of:

MA 15/2025/EZ

Dr. Ganesh Chandra Das and Ors

...Applicants

-Versus-

M/s Arya Erectors India Pvt. Ltd. and Ors

...Respondents

And

In the matter of:

Arya Smart Living Group Housing  
Cooperative Society Ltd.,

...Applicant/Intervenor

-Versus-

Dr. Ganesh Das & Ors.

...Respondents

**INTERVENING APPLICATION**



**SAYAN BANERJEE**  
Advocate  
70, Purna Chandra Mitra Lane,  
Kolkata - 700 033  
Phone No.: 7439456157  
Email:  
[banerjeesayan684@gmail.com](mailto:banerjeesayan684@gmail.com)

11 JUL 2025

- 2\*

Anand Kumar A

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A No. \_\_\_\_\_/2023/EZ

[Under Section 18(1) read with Section 14 and 15 of the  
National Green Tribunal Act, 2010]

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Date: 29<sup>th</sup> July 2023

Place: Guwahati

Filed by:

Vikram Rajkhowa

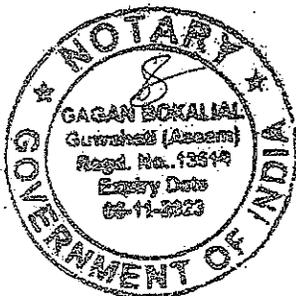
Vikram Rajkhowa  
Advocate for the Applicants

503, Amazing Grace Aptt,  
Dighalipukhuri (East)

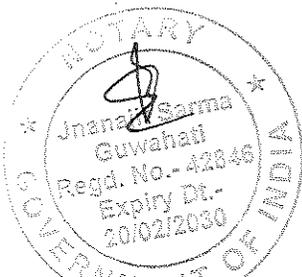
Guwahati 781001, ASSAM

E: [vikram.rajkhowa@gmail.com](mailto:vikram.rajkhowa@gmail.com)

M: (+91) 9954348258



President  
ASLG HSG. Coop. Soc. Ltd.



11 JUL 2025

President  
 ASLG HSG COOP. SOC. LTD.  
 Saw Krishna Pradhan

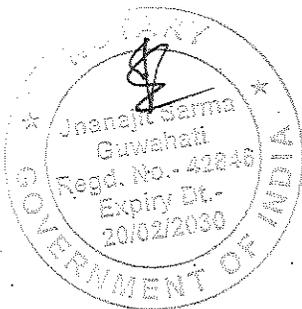
- 3 -

LIST OF DATES & EVENTS

Date	Events
24/03/2023	Order passed by Hon'ble NGT in O.A.No. 32/2023/EZ
09/05/2023	Speaking Order passed by
22/05/2023	Letter issued by SEIAA, Assam
30/01/2023	Order passed in W.P(C)/3654/2023

*Ramu Krishna Prastha*

President  
ASLG HSG COOP. SOC. LTD.



President  
ASLG HSG Coop. Soc Ltd.

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SYNOPSIS

Being aggrieved by the non-compliance and violations of the provisions of the Environmental Clearance dated 21.01.2014 issued to respondent No. 1 M/s Arya Erectors India Pvt. Ltd, for the construction of Arya Smart Living township project at North Guwahati in Assam, the applicant No. 1 to 4 preferred an original application before this Hon'ble Court, which was registered as O.A No. 32/2023/EZ.

The aforesaid O.A No. 32/2023/EZ was disposed of by this Hon'ble Court vide order dated 24.03.2023 with a direction to respondent No. 2 SEIAA, Assam, to consider the representations of the applicants dated 06.07.2022 and 20.10.2022 as well as grievance raised in para 9 of the O.A and thereafter pass a reasoned and speaking order within a period of one month, after hearing respondent No. 1.

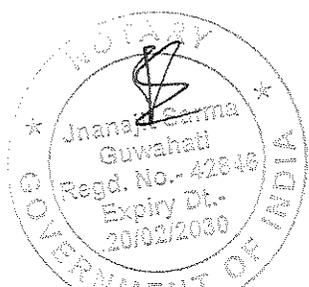
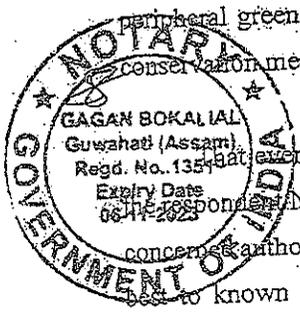
Thereafter SEIAA, Assam, passed 'speaking order' vide letter dated 09.05.2023, which clearly highlight number of violations of the conditions of Environmental Clearance dated 21.01.2014, including - (i) failure on the part of respondent No. 1 to submit the six-monthly compliance reports, (ii) the flood problem in the Arya Smart living is a genuine one, (iii) non-submission of report pertaining to Sewage Treatment Plant (STP) certified by an independent expert, (iv) non-maintenance of 3 meter width peripheral green belt all around the plot, (v) non-submission of report on the energy conservation measures, among other.

Even after number of violations and non-compliance of E.C conditions by respondent No. 1 project proponent, neither SEIAA, Assam nor MoEF&CC and/or concerned authorities, have initiated any action against the respondent No. 1 for reasons best known to them, in violations of EIA Notification, 2006; the Environment (Protection) Act, 1986, among other laws. The said non-compliance by the project proponent is affecting the environment and causing irreparable loss and injury to the applicants. Under such circumstances, the applicants herein are preferring the instant application before this Hon'ble Court praying for adequate relief.

President  
ASLG HSG Coop. Soc Ltd.

*Raw Krishna Prastan*

President  
ASLG HSG COOP. SOC. LTD.



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-2-

## 4. Sri. Sanjay Baruah

Son of Late Prutul Kumar Baruah  
 Resident of D-41, Arya Smart Living  
 Abhaypur, North Guwahati 781031  
 Assam  
 Email: [sanjaybar@gmail.com](mailto:sanjaybar@gmail.com)

## 5. Sri. Ravi Dey

Son of Sri. Mintu Dey  
 Resident of D-41, Arya Smart Living  
 Abhaypur, North Guwahati 781031  
 Assam  
 Email: [raviday75@yahoo.in](mailto:raviday75@yahoo.in)

....Applicants

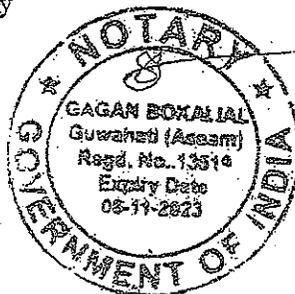
- Versus -

## 1. M/s Arya Erectors India Pvt. Ltd.

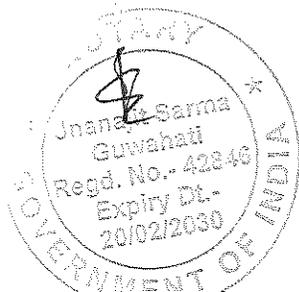
Represented by its Managing Director  
 503, K.P Enclave, Sohagpur, Rehabari  
 Guwahati 781008  
 Assam  
 Email: [aryaerectorsindia@gmail.com](mailto:aryaerectorsindia@gmail.com)

## 2. State Environmental Impact Assessment Authority, Assam

Represented by its Member Secretary  
 Bamunimaidam, Guwahati 781021  
 District - Kamrup (Metro),  
 Assam  
 Email: [ikalita.acs@assam.gov.in](mailto:ikalita.acs@assam.gov.in)



President  
 ASLG HSG. Coop. Soc. Ltd.



11 JUL 2025

Ram Krishna Prastha

President  
 ASLG HSG COOP. SOC. LTD.

3. **Ministry of Environment, Forest and Climate Change**

Government of India

Represented by its Secretary

India Paryavaran Bhawan, Jorbagh

New Delhi 110003

Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

4. **Guwahati Metropolitan Development Authority**

Represented by its Chief Executive Officer (CEO)

Statefed Building, Bhangagarh,

Guwahati 781005, Assam

Email: [ceogmdaghy@gmail.com](mailto:ceogmdaghy@gmail.com)

5. **North Guwahati Municipal Board**

Represented by its Chairman

North Guwahati, Guwahati 781030, Assam

Email: [northghyrevcircle2016@gmail.com](mailto:northghyrevcircle2016@gmail.com)

6. **Rudreswar Gaon Panchayat**

Represented by its President

Rudreswar, North Guwahati 781030, Assam

Email: [rudreshwar.gp@gmail.com](mailto:rudreshwar.gp@gmail.com)

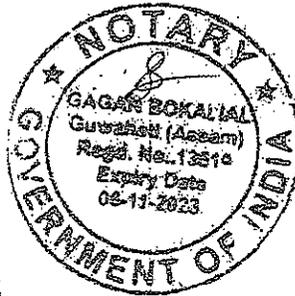
7. **Pollution Control Board, Assam**

Represented by its Member Secretary

Bamunimaidam, Guwahati 781021,

Assam.

Email: [membersecretary@pcbassam.org](mailto:membersecretary@pcbassam.org)



....Respondents

President  
ASLG HSG. Coop. Soc. Ltd.



11 JUL 2025

*Ram Krishna Pradhan*

President  
ASLG HSG COOP. SOC. LTD.

- I. The address of the Applicants is given above for the service of notices of this application.
- II. The addresses of the Respondents are given above for the service of notices of this application.

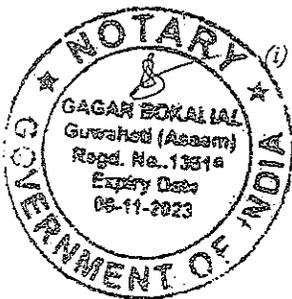
**MOST RESPECTFULLY SHOWETH:**

1. That the present applicants before your Lordships are all purchasers of House (villa/flat) at Arya Smart Living at Abhaypur, North Guwahati, Assam, constructed by respondent No. 1. The applicant No. 1 to 4 being aggrieved by the non-compliance and violations of the provisions of the Environmental Clearance dated 21.01.2014 by respondent No. 1, for construction of Arya Smart Living at Abhaypur in North Guwahati, Assam, preferred an original application before this Hon'ble Court, which was registered as O.A No. 32/2023/EZ.

A copy of O.A No. 32/2023/EZ is herewith annexed an ANNEXURE - A.

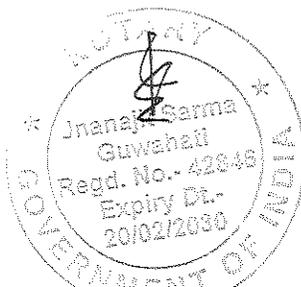
2. That the above-mentioned O.A No. 32/2023/EZ was disposed of by this Hon'ble Court vide order dated 24.03.2023 with the following directions:

"6. In this view of the matter, we dispose of this Original Application with the following directions:-



The Respondent No. 2, SELAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexure - N & O, to the Original Application as also the grievances raised in paragraph 9 and its sub-paragraphs of the Original Application.

President  
ASLG HSG Coop. Soc Ltd.



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*Banu Krishna Pradhan*

President  
ASLG HSG COOP. SOC. LTD.

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- (ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam, shall also give opportunity of hearing and submissions, if any, to the Respondent No. 1.

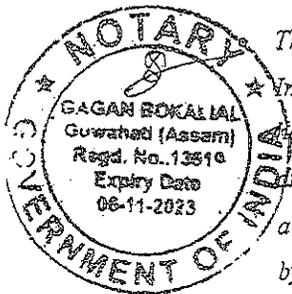
7. With the aforesaid directions, the Original Application No. 32/2023/EZ is disposed of."

A copy above-mentioned Order dated 24.03.2023 in O.A No. 32/2023/EZ is herewith annexed an ANNEXURE - B.

3. That accordingly respondent No. 2 SEIAA, Assam, vide letter No. SEIAA.3431/2023/14 dated 09/05/2023 passed the following speaking order:

"As both the representation 'N' and 'O' are identical except an additional clause at representation 'N' (5), therefore both are being disposed simultaneously.

Regarding allegation at SI (1) of representation 'N' and 'O'



The flood problem in the ASL campus is a genuine one. The Arya Erectors India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road and drain was taken up. The submitted photographs by the respondent No. 1 also reveals that the natural drainage at front has also been encroached by neighbours. The nearby areas being developed only a common approach involving the development departments and neighbouring community can bring a fruitful one time solution to the problem. In the

President  
ASLG HSG Coop. Soc Ltd.



101 JUL 2025

Ramu Krishna Praoban

President  
ASLG HSG COOP. SOC. LTD.

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meantime, the Arya Erectors India Pvt. Ltd. shall create a pond in appropriate low lying area inside the campus with adequate capacity and with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be constructed so as to be filled by only the Storm water. Other activities can also be planned with coordinated effort of all concerned.

Ram Krishna Prasthon  
President

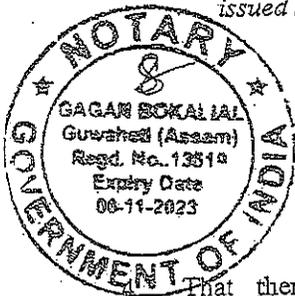
ASLG HSG COOP. SOC. LTD.

Allegation at SI (3) of representation 'N' and 'O'

- The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore ASL society has to keep it functional.

Other matters

- The matter of non-submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately."

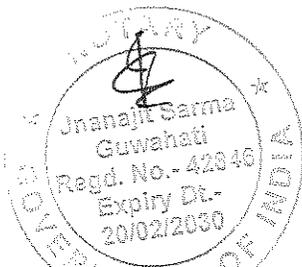


A copy above-mentioned Speaking Order dated 09.05.2023 is herewith annexed an ANNEXURE - C.

That thereafter respondent No. 2 SEIAA vide letter No. SEIAA 3431/2023/23 dated 22/05/2023 wrote to respondent No. 1 Arya Erectors India Pvt. Ltd. as follows:-

"...it is to bring to your kind notice, that you have failed to submit mandatory Six monthly compliance report as regards the projects in due time. This has been viewed seriously by the State Environment Impact Assessment Authority, Assam (SEIAA).

President  
ASLG HSG Coop. Soc Ltd.



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Pradha  
Bhaw Krishna  
President

ASLG HSG COOP. SOC. LTD.

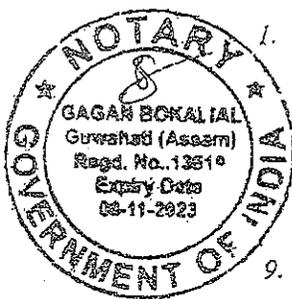
You are therefore directed to submit the compliance report of the Direction as per the speaking order "Regarding allegation at S.1.1 of representation 'N' & 'O' by Applicants in Original Application No. 32/2023/EZ of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata", immediately after complete compliance of the order."

A copy above-mentioned letter No. SEIAA 3431/2023/23 dated 22.05.2023 is herewith annexed as ANNEXURE - D.

5. That from the aforesaid Speaking Order dated 09/05/2023 passed by SEIAA and subsequent letter dated 22/05/2023 issued by SEIAA, the following violations and non-compliance is apparent:

(i) After receiving Environmental Clearance dated 21.01.2014, the project proponent has not submitted any compliance report before the concerned authorities (till date), in gross violation of General Conditions mentioned in the said E.C as follows:

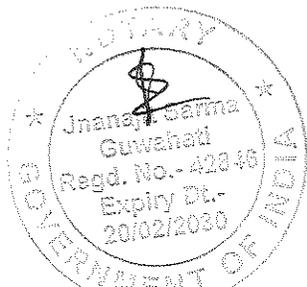
**"Part -B. General Conditions**



1. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/Regional Office of MoEF.
9. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of

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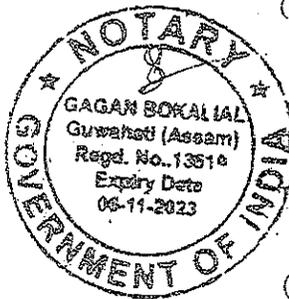
MoEF. The criteria pollutant levels namely PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>2</sub> etc. (ambient levels as well as stack emission) or critical sectoral parameters, indicated for the project shall be monitored and a record be maintained for the public domain.

10. The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall also be sent to the respective Regional Offices of MoEF by email."

- (ii) SEIAA admitted in their speaking order that the flood problem in the Arya Smart Living campus is a genuine one.

The project proponent submitted that -

- (a) the contour survey was done prior to the starting of project and same was approved by GMDA; and
- (b) the project was completed in 2018 and handed over in 2019 to the society.



The applicants beg to state in regard to the aforesaid contentions of respondent No. 1 that -

- (a) Firstly, the project proponent had only submitted the contour survey of the internal site area and not that of the external surrounding areas as required under the Specific Conditions at Part - A (I) (i) of E.C, i.e.,

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Ram Krishna Pradhan

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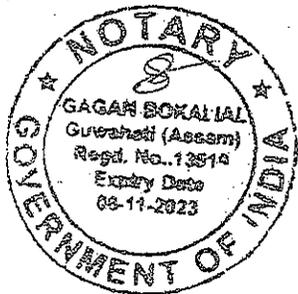
*"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage."*

The flood problem in the Arya Smart Living township probably would not have happened, if only the project proponent had complied with the aforesaid Environmental Condition and worked out the storm water drainage after proper contour survey of both internal as well as the external surrounding areas. The suggestion of SELAA to create a pond inside the township to fill storm water is not a feasible one for a long-term solution as the same is neither approved in the drawings and nor permission is granted for the same.

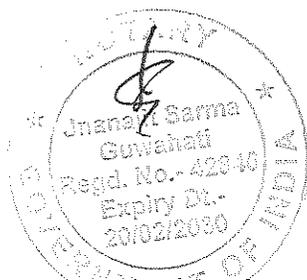
- (b) Secondly, it is not correct that the project has been handed over by the project proponent to the society. In fact a case is pending before the Hon'ble Gauhati High Court being numbered as W.P(C)/3654/2020, which is preferred by applicant No. 1 against order of the Registrar of Cooperative Societies, Assam, for overlooking the fact that the Director/s of respondent No. 1 company has made their own family members and partners as office bearer of the Arya Smart Living society, which is in conflict of interest, i.e., the project proponent is also the builder/developer as well as the office bearer of the society.

A copy order dated 30.01.2023 is herewith annexed an ANNEXURE - E.

- (c) Thirdly, Real Estate Regulatory Authority, Assam vide an order dated 13.06.2022 observed that the promoter (respondent No. 1) will submit application in prescribed form regarding



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Ravi Sushma Pradhan

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extension of project completion period. Furthermore, it is reflected in the said order that the representative of GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan.

A copy of the REAT, Assam order dated 13/06.2022 is part of O.A No. 32/2023/EZ annexed as Annexure - A.

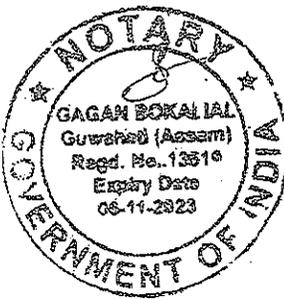
(d) The applicants beg to state that the project proponent is yet to complete the project and construction is still continuing without a valid E.C in violation of EIA Notification, 2006.

(iii) The Operation Phase Conditions at Part - A.II.(i) of the E.C requires that - "*The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation.*" But the SEIAA speaking order do not mention the submission of any report in this regard.

(iv) The Operational Phase Conditions at A.II.(v) of the E.C requires that a peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise. Be it stated that the project proponent has not maintained 3 mtrs. green belt all around the plot and in fact have constructed drains, pathways, etc., in the supposed green belt area. The project proponent is trying to mislead by claiming that the green belt is 9000 sq.m. by including common garden areas within the township. The requirement is of a 3 mtr. green belt all across the plot covering an area of 7484.96 sq.m., and same shall not include the

*Pam Kusma Prastha*

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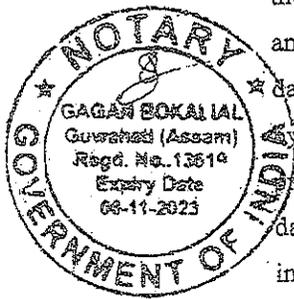
other common areas like parks, lawns, etc. Unfortunately SEIAA speaking order is silent on the issue of green belt.

(v) The Operation Phase Conditions at A.II.(x) of E.C requires that:- "a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months." But the SEIAA speaking order do not mention the submission of any report in this regard. That according to the RTI response received earlier from SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not available.

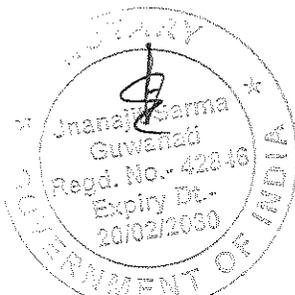
(vi) Project proponent received E.C on 21.01.2014 with validity for a period of 5 years, i.e., till 21.01.2019. In the meantime MoEF&CC vide O.M dated 12.04.2016 extended the validity of E.C of the projects, which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly the E.C dated 21/01/2014 of project proponent also got automatically extended to 7 years, i.e., up to 21/01/2021. However the project construction of project proponent is yet to be completed and therefore they were required to apply for the extension of E.C dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted by RTI reply of SEIAA dated 28/12/2020 and 13/05/2022 the project proponent has not applied for extension of E.C dated 21.01.2014 till date, thereby operating without a valid E.C from 21/01/2021 onwards in violation of laws. In this regard the speaking order of SEIAA is silent and SEIAA seem to be accepting the contention of the project proponent on face value rather than on the basis of cogent materials.

*Panu Krishna Pradhan*

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6. That the Hon'ble Apex Court in *Haraman Laxman Aroskar vs. Union of India and Others (2020) 12 SCC 1*, held, that -

*"cumulative conditions to be complied with for lifting of said suspension of EC, would include conditions of original EC".*

That respondent No. 2 SEIAA instead of taking necessary action against the project proponent for non-compliance of EC conditions states in their Speaking Order dated 09/05/2023 as follows:

*"The matter of non-submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately".*

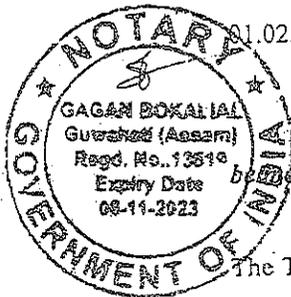
Be it stated that applicants are not aware of any strictures being issued or any action being taken by respondent No. 2 SEIAA against respondent No. 1 the project proponent for the aforesaid violations. Under such circumstances this is a fit case for the interference of this Hon'ble Court.

7. That in *Sandeep Mittal vs. MoEF&CC* O.A No. 837/2018 vide order dated 01.02.2021 this Hon'ble Court observed that -

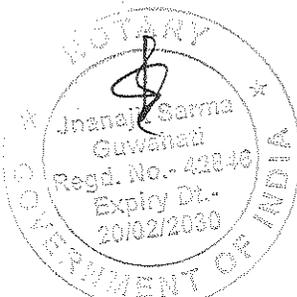
*"...compliance of conditions of Environmental Clearance must be monitored on periodical basis, at least one in a quarter."*

The Tribunal also noted the observations in the Judgments of the Hon'ble Supreme Court in *T.N Godavarman Thirumulpad vs. Union of India & Ors.* (2014) 4 SCC 61 and *Lafarge Umiam Mining Private Limited vs. Union of India*, (2011) 7 SCC 338 that -

*Ranu Krishna Pradhan*  
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"power of the regulator under Section 3(3) of the Environmental (Protection) Act, 1986 is coupled with duty and there is need for effective monitoring mechanism."

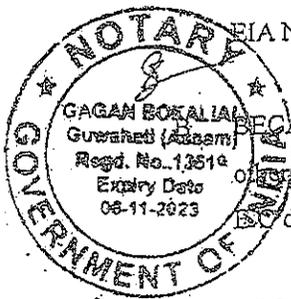
- 8. That it is under such circumstances, the Applicants are filing the instant application under the facts and circumstances as mentioned above and upon the grounds here under.
- 9. That although applicant No. 5 was not an applicant in the aforesaid O.A No. 32/2023/EZ, but having similar grievances as the other applicants, applicant No. 5 is hereby approaching this Hon'ble Court for adequate relief along with the other applicants, which maybe allowed by this Hon'ble Court.

*Dr. Krishna Prastom*  
 President  
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GROUNDS

That the applicant is filing the present Application on the following, among other grounds which the applicants may take at the time of hearing of the matter:

- A. BECAUSE Respondent No. 1 has violated and/or not complied with the terms and conditions of the E.C dated 21.01.2014 as per provisions of the EIA Notification, 2006;
- B. BECAUSE Respondent No. 1 has not submitted Compliance Reports among other reports with SEIAA/ Regional office, MoEF&CC as mandated by the E.C dated 21.01.2014 and EIA Notification, 2006;
- C. BECAUSE Respondent No. 1 has violated and/or not complied with Specific Conditions at Part - A (I) (i) of E.C dated 21.01.2014 and have not properly analysed the contour levels of the site and the surrounding area and the capacity of storm water drainage leading to water logging and flooding;



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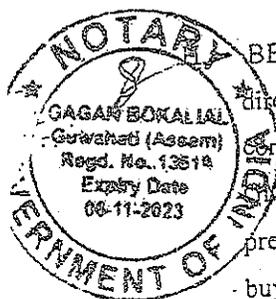
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- D. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part - A (II) (i) of E.C dated 21.01.2014 by failing to submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SELAA /Regional Office, MoEF;
- E. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part - A (II) (v) of E.C dated 21.01.2014 by failing to develop peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise;
- F. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part - A (II) (x) of E.C dated 21.01.2014 by failing to submit a report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SELAA in three months;
- G. BECAUSE Respondent No. 1 has violated and not complied with EIA Notification, 2006 by not extending the E.C dated 21/01/2014 which expired on 21/01/2021 by continuing construction of the project without a valid extension of EC from SELAA and/or concerned authorities.

*Ranu Krishna Pradhan*

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BECAUSE Respondent No. 1 has violated and/or not complied with the directions of Respondent No. 4 GMDA by failing to submit periodic compliance report and without submitting the same Respondent No. 4 GMDA will not issue Occupancy Certificates, and have directed that the premises should be vacated for no fault of the Applicants and/or resident buyers;



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I. BECAUSE Respondent No. 2 SELAA has not acted upon the complaints filed by the applicants as well as subsequent to the site visit and speaking order by SELAA for the violations and non-compliance of E.C provisions by Respondent No. 1;

J. BECAUSE in the Hon'ble Apex Court judgments in *TN Godavarman Thirumulpad vs. Union of India & Ors.*, (2014) 4 SCC 61 and *Lafarge Umiam Mining Private Ltd. vs. Union of India*, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and there is a need for effective monitoring mechanism;

K. BECAUSE the Hon'ble National Green Tribunal in O.A. No. 884/2022 *Sanjeev Kumar vs. Uttar Pradesh Pollution Control Board & Ors.* observed that - "*The compensation has to be levied on the principle of 'Restitution' and has to be noted as cost of restoration involved.*"

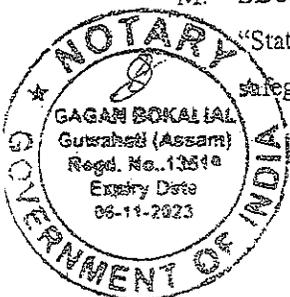
It was further held that - "*Having regard to the magnitude of the project and violations - inadequacy of green belt, absence of sewage treatment, not preventing dust pollution, pending further considerations, we estimate cost of restoration to be not less than Rs.20 crores...*"

L. BECAUSE the principle of Sustainable Development and the Precautionary principle, which have been held to be part of 'Right to Life' require that EC conditions are fulfilled;

M. BECAUSE under Article 48-A of the Constitution of India it states that the "State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

*Pam Krishna Prabhu*

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ASLG HSG Coop. Soc Ltd.



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LIMITATION

That the present application is being filed within the limitation period as the cause of action has arisen after the Speaking Order dated 09.05.2023 passed by SEIAA in compliance of the Hon'ble National Green Tribunal order dated 24.03.2023 passed in O.A No. 32/2023/EZ and therefore the instant application is within the period of limitation under section 14 of the National Green Tribunal Act, 2010, i.e., within a period of 6 months.

Ram Krishna Dasgupta  
President  
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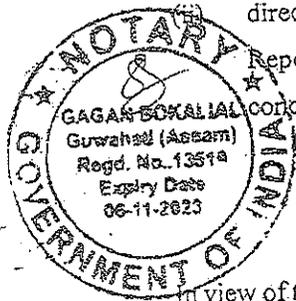
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INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the Applicants have a good *prima facie* case, and in consideration of said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to -

- (i) direct the submission of a factual report in the matter from a Joint Committee comprising of - (a) State Pollution Control Board, Assam; (b) Regional Office, MoEF&CC; (c) D.C Kamrup and any other authority or persons this Hon'ble Court deem fit and proper, and/or

direct Respondent No. 1 project proponent to submit all Compliance Reports and Mandatory Reports before this Hon'ble Court and/or with the concerned authorities.

PRAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the Applicant that this Hon'ble Tribunal may be pleased to:-

President  
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*Ranu Krishna Pradhan*

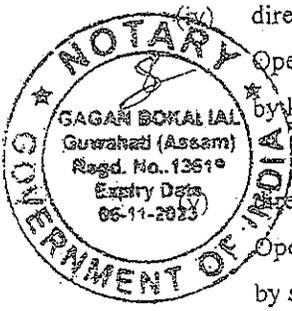
President

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- (i) direct Respondent No. 1 to comply with the Specific Conditions at Part - A (I) (i) of E.C dated 21.01.2014 and take necessary steps to analyze the contour levels of the site and the surrounding area and the capacity of storm water drainage and take necessary steps to address the problem of water logging and flooding, and/or
- (ii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part - A (II) (i) of E.C dated 21.01.2014 and treat 100% of the grey water through decentralized treatment and submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA or concerned authorities, and/or
- (iii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part - A (II) (v) of E.C dated 21.01.2014 by developing the peripheral green belt of 3 mtrs. width all around the plot area with local species, totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise, and/or

direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part - A (II) (ix) of E.C dated 21.01.2014 by keeping the width of the internal road at 7 mtrs. and 9 mtrs., and/or

direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part - A (II) (x) of E.C dated 21.01.2014 by submitting a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA immediately, and/or



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- (vi) direct Respondent No. 1 to comply with all the provisions of the Environmental Clearance dated 21/01/2014, and/or
- (vii) direct respondent No. 1 not to operate without a valid Environmental Clearance, and/or
- (viii) direct the respondent authorities to initiate action against Respondent No. 1 under section 15, 16 and 19 of The Environment (Protection) Act, 1986, among other laws, for violation and non-compliance of E.C dated 21/01/2014 among other violations, and/or
- (ix) levy compensation on the principle of 'Restitution' as cost of restoration involved, and/or
- (x) To pass any other such order(s)/direction(s) as this Hon'ble Tribunal seem fit and proper in the facts and circumstances of the present case.

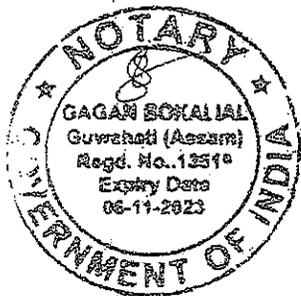
*Pam Krishna Pradhan*  
 President  
 ASLG HSG COOP. SOC. LTD.

Date: 29 July 2023

Place: Guwahati

Filed by:

*Vikram Rajkhowa*



Vikram Rajkhowa  
 Advocate for the Applicants  
 503, Amazing Grace Aptt.,  
 Dighalipukhuri (East)  
 Guwahati 781001, ASSAM  
[vikram.rajkhowa@gmail.com](mailto:vikram.rajkhowa@gmail.com)  
 (+91) 9954348258

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A No. \_\_\_\_\_/2023/EZ

Instrument Sl. No. 29/A/1  
Date: 29/07/2023

*Ram Krishna Pradhan*  
President

ASLG HSG COOP. SOC. LTD.

IN THE MATTER OF:

Sri. Ganesh Das & Others

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others

: Respondents

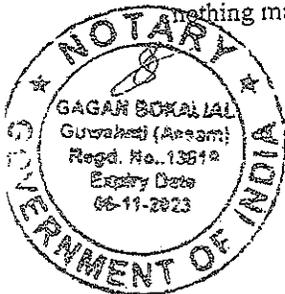
AFFIDAVIT

I, Dr. Ganesh Das, son of Sri. Dijendra.Ch. Das, aged around 51 years, resident of Tribeni Apartment, Flat No. 5A, Madhabdeypur, Rehabari, Guwahati 781008, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and I am conversant with the facts and circumstances of the case, as such I am competent to swear this affidavit.
2. That I am authorized by the other applicants vide letter of authorization annexed herein, as such I am competent to swear this affidavit on their behalf.
3. That the accompanying application has been drafted by my counsel on my/our instructions and I/we have read and understood the contents of the same and nothing material has been concealed therefrom.

*Ganesh Das*

DEPONENT



GAGAN BOKHALAL  
NOTARY GOVT. OF INDIA  
Guwahati (Assam)  
Regd. No.- 13512

29 JUL 2023

President  
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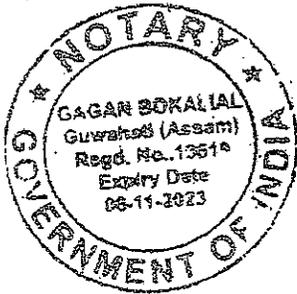
Verification

I, the above-named deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Solemnly affirmed on this 29<sup>th</sup> day of July 2023 at Guwahati, Assam.

*Law Krishna Prastan*  
President  
ASLG HSG COOP. SOC. LTD.

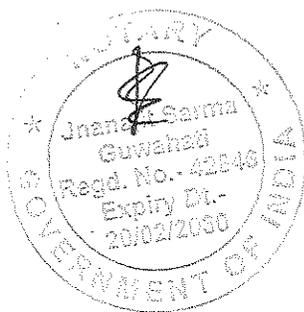
*[Signature]*  
DEPONENT



*[Signature]*  
GAGAN BOKALIA  
NOTARY GOVT. OF INDIA  
Guwahati (Assam)  
Regd. No. 13518

29 JUL 2023

President  
ASLG HSG. Crop. Soc Ltd.



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VAKALATNAMA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA

O.A No. OF 2023/EZ

IN THE MATTER OF:

Dr. Ganesh Das & Others

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others

: Respondents

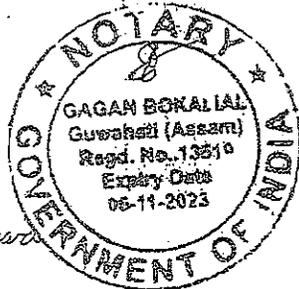
Know all men by these presents that the above, named  
DR. GANESH DAS, DR. MEINMOY BORKATAKI, SRI. BROJEN DUTTA,  
SRI. SANJAY BARUAH AND DR. RAJ DEY

do hereby nominate, constitute and appoint Sri. Vikram Rajkhowa, Sri. Ankur Jyoti Sarma, Advocates as shall accept this Vakalatnama to be his/their true and lawful Advocates to appear and act for him/them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In witness whereof I/we hereunto set my hand on this day of May 2023.

Received from the executants  
Satisfied and accepted as I/We  
Hold no brief for the other side.

1. Meinmoy Borkataki
2. Ankur Jyoti Sarma (BROJEN DUTTA)
3. - [Signature] SANJAY BARUAH
4. Dr. Raji Dey
5. Ganesh Das

Signature of Executant/s



Vikram Rajkhowa  
Advocate

Ankur Jyoti Sarma  
Advocate

Kaishna Pradhan  
President  
ASLG HSG COOP. SOC. LTD.

President  
ASLG HSG Coop. Soc Ltd



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AUTHORIZATION LETTER

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijenra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5<sup>th</sup> Floor, Madhabdevpur, Rehabari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on ...20.07.2023. (date)

Sl.No. Particulars

Signature

1. Dr. Mrinmoy Borkataki  
S/o Dr. Munindra Borkataki  
R/o D-49, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [dr.mrinmoyborkataki@gmail.com](mailto:dr.mrinmoyborkataki@gmail.com)

*Mrinmoy Borkataki*

2. Sri. Brojen Dutta  
S/o Late Jiban Ch. Dutta  
R/o D-22, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [brojendutta07@gmail.com](mailto:brojendutta07@gmail.com)

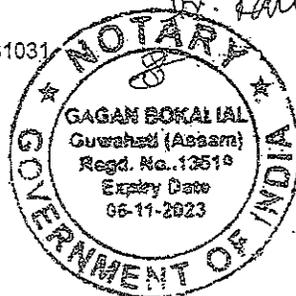
*Brojen Dutta*  
BROJEN DUTTA

3. Sri. Sanjay Baruah  
S/o Late Pratul Kumar Baruah  
R/o D-49, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [sanjaybar@gmail.com](mailto:sanjaybar@gmail.com)

*Sanjay Baruah*  
SANJAY BARUAH

4. Dr. Ravi Dey  
S/o Sri. Mintu Dey  
R/o D-39, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [ravidev75@yahoo.in](mailto:ravidev75@yahoo.in)

*Dr. Ravi Dey*



President  
ASLG HSG. Crop. Soc Ltd.



11 JUL 2025

*Ravi Krishna Prashan*  
President  
ASLG HSG COOP. SOC. LTD.

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

O.A No. \_\_\_\_\_/2023/EZ

[Under Section 18(1) read with Section 14 and 15 of the  
National Green Tribunal Act, 2010]

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Date: 29<sup>th</sup> July 2023

Place: Guwahati

Filed by:

*Vikram Rajkhowa*

**Vikram Rajkhowa**

*Advocate for the Applicants*

503, Amazing Grace Aptt.,

Dighalipukhuri (East)

Guwahati 781001, ASSAM

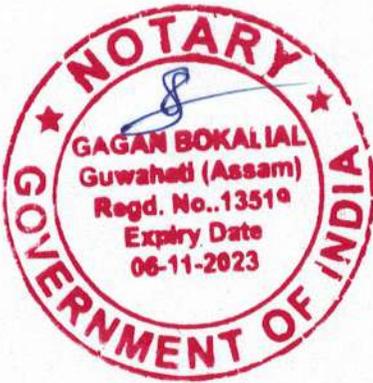
E: [vikram.rajkhowa@gmail.com](mailto:vikram.rajkhowa@gmail.com)

M: (+91) 9954348258



**LIST OF DATES & EVENTS**

<b>Date</b>	<b>Events</b>
24/03/2023	Order passed by Hon'ble NGT in O.A No. 32/2023/EZ
09/05/2023	Speaking Order passed by
22/05/2023	Letter issued by SEIAA, Assam
30/01/2023	Order passed in W.P(C)/3654/2023



SYNOPSIS

Being aggrieved by the non-compliance and violations of the provisions of the Environmental Clearance dated 21.01.2014 issued to respondent No. 1 M/s Arya Erectors India Pvt. Ltd, for the construction of Arya Smart Living township project at North Guwahati in Assam, the applicant No. 1 to 4 preferred an original application before this Hon'ble Court, which was registered as O.A No. 32/2023/EZ.

The aforesaid O.A No. 32/2023/EZ was disposed of by this Hon'ble Court vide order dated 24.03.2023 with a direction to respondent No. 2 SEIAA, Assam, to consider the representations of the applicants dated 06.07.2022 and 20.10.2022 as well as grievance raised in para. 9 of the O.A and thereafter pass a reasoned and speaking order within a period of one month, after hearing respondent No. 1.

Thereafter SEIAA, Assam, passed 'speaking order' vide letter dated 09.05.2023, which clearly highlight number of violations of the conditions of Environmental Clearance dated 21.01.2014, including - (i) failure on the part of respondent No. 1 to submit the six-monthly compliance reports, (ii) the flood problem in the Arya Smart living is a genuine one, (iii) non-submission of report pertaining to Sewage Treatment Plant (STP) certified by an independent expert, (iv) non-maintenance of 3 meter width peripheral green belt all around the plot, (v) non-submission of report on the energy conservation measures, among other.

That even after number of violations and non-compliance of E.C conditions by the respondent No. 1 project proponent, neither SEIAA, Assam nor MoEF&CC and/or concerned authorities, have initiated any action against the respondent No. 1 for reasons best to known to them, in violations of EIA Notification, 2006; the Environment (Protection) Act, 1986, among other laws. The said non-compliance by the project proponent is affecting the environment and causing irreparable loss and injury to the applicants. Under such circumstances, the applicants herein are preferring the instant application before this Hon'ble Court praying for adequate relief.



**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

**MEMORANDUM OF APPLICATION**  
**[Under Section 18(1) read with Section 14 and 15 of the**  
**National Green Tribunal Act, 2010]**

O.A No. \_\_\_\_\_/2023/EZ

**IN THE MATTER OF:**

**1. Dr. Ganesh Das**

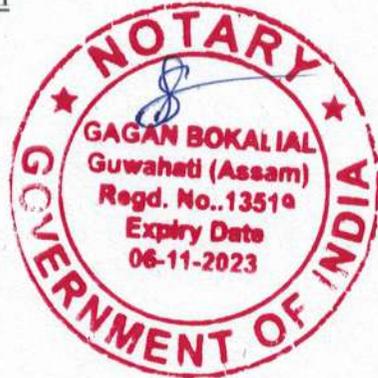
Son of Sri. Dijendra Ch. Das  
Resident of Tribeni Apartment  
Flat No. 5A, 5<sup>th</sup> Floor, Madhabdevpur  
Rehabari, Guwahati 781008, Assam  
Email: [ganeshdas40244@yahoo.com](mailto:ganeshdas40244@yahoo.com)

**2. Dr. Mrinmoy Borkataki**

Son of Dr. Munindra Borkataki  
Resident of D-49, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [dr.mrinmoyborkataki@gmail.com](mailto:dr.mrinmoyborkataki@gmail.com)

**3. Sri. Brojen Dutta**

Son of Late Jiban Ch. Dutta  
Resident of D-22, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [brojendutta07@gmail.com](mailto:brojendutta07@gmail.com)



**4. Sri. Sanjay Baruah**

Son of Late Prutul Kumar Baruah  
Resident of D-41, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [sanjaybar@gmail.com](mailto:sanjaybar@gmail.com)

**5. Sri. Ravi Dey**

Son of Sri. Mintu Dey  
Resident of D-41, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [raviday75@yahoo.in](mailto:raviday75@yahoo.in)

....Applicants

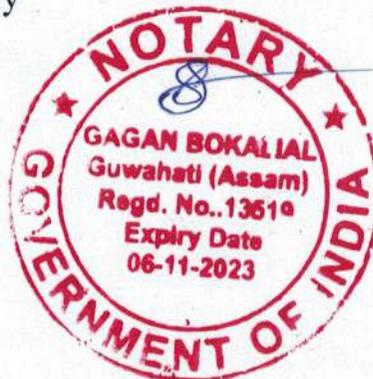
- Versus -

**1. M/s Arya Erectors India Pvt. Ltd.**

Represented by its Managing Director  
503, K.P Enclave, Sohagpur, Rehabari  
Guwahati 781008  
Assam  
Email: [aryaerectorsindia@gmail.com](mailto:aryaerectorsindia@gmail.com)

**2. State Environmental Impact Assessment Authority, Assam**

Represented by its Member Secretary  
Bamunimaidam, Guwahati 781021  
District – Kamrup (Metro),  
Assam  
Email: [ikalita.acs@assam.gov.in](mailto:ikalita.acs@assam.gov.in)



**3. Ministry of Environment, Forest and Climate Change**

Government of India

Represented by its Secretary

India Paryavaran Bhawan, Jorbagh

New Delhi 110003

Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

**4. Guwahati Metropolitan Development Authority**

Represented by its Chief Executive Officer (CEO)

Statefed Building, Bhangagarh,

Guwahati 781005, Assam

Email: [ceogmdaghy@gmail.com](mailto:ceogmdaghy@gmail.com)

**5. North Guwahati Municipal Board**

Represented by its Chairman

North Guwahati, Guwahati 781030, Assam

Email: [northghyrevcircle2016@gmail.com](mailto:northghyrevcircle2016@gmail.com)

**6. Rudreswar Gaon Panchayat**

Represented by its President

Rudreswar, North Guwahati 781030, Assam

Email: [rudreshwar.gp@gmail.com](mailto:rudreshwar.gp@gmail.com)

**7. Pollution Control Board, Assam**

Represented by its Member Secretary

Bamunimaidam, Guwahati 781021,

Assam.

Email: [membersecretary@pcbassam.org](mailto:membersecretary@pcbassam.org)



....Respondents

- I. The address of the Applicants is given above for the service of notices of this application.
- II. The addresses of the Respondents are given above for the service of notices of this application.

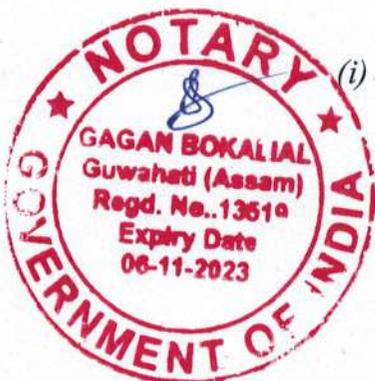
**MOST RESPECTFULLY SHOWETH:**

1. That the present applicants before your Lordships are all purchasers of House (villa/flat) at Arya Smart Living at Abhaypur, North Guwahati, Assam, constructed by respondent No. 1. The applicant No. 1 to 4 being aggrieved by the non-compliance and violations of the provisions of the Environmental Clearance dated 21.01.2014 by respondent No. 1, for construction of Arya Smart Living at Abhaypur in North Guwahati, Assam, preferred an original application before this Hon'ble Court, which was registered as O.A No. 32/2023/EZ.

A copy of O.A No. 32/2023/EZ is herewith annexed an ANNEXURE – A.

2. That the above-mentioned O.A No. 32/2023/EZ was disposed of by this Hon'ble Court vide order dated **24.03.2023** with the following directions:

“6. *In this view of the matter, we dispose of this Original Application with the following directions:-*



- (i) *The Respondent No. 2, SEIAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexure – N & O, to the Original Application as also the grievances raised in paragraph 9 and its sub-paragraphs of the Original Application.*

(ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam, shall also give opportunity of hearing and submissions, if any, to the Respondent No. 1.

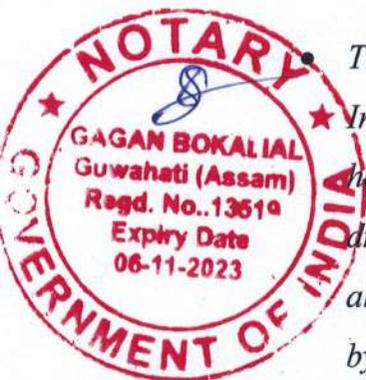
7. With the aforesaid directions, the Original Application No. 32/2023/EZ is disposed of."

A copy above-mentioned Order dated 24.03.2023 in O.A No. 32/2023/EZ is herewith annexed an **ANNEXURE – B.**

3. That accordingly respondent No. 2 SEIAA, Assam, vide letter No. SEIAA.3431/2023/14 dated **09/05/2023** passed the following speaking order:

*"As both the representation 'N' and 'O' are identical except an additional clause at representation 'N' (5), therefore both are being disposed simultaneously.*

**Regarding allegation at Sl (1) of representation 'N' and 'O'**



The flood problem in the ASL campus is a genuine one. The Arya Erectors India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road and drain was taken up. The submitted photographs by the respondent No. 1 also reveals that the natural drainage at front has also been encroached by neighbours. The nearby areas being developed only a common approach involving the development departments and neighbouring community can bring a fruitful one time solution to the problem. In the

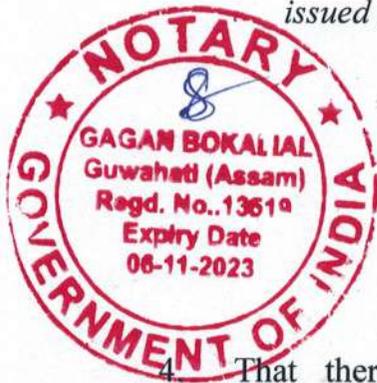
meantime, the Arya Erectors India Pvt. Ltd. shall create a pond in appropriate low lying area inside the campus with adequate capacity and with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be constructed so as to be filled by only the Storm water. Other activities can also be planned with coordinated effort of all concerned.

**Allegation at Sl (3) of representation 'N' and 'O'**

- The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore ASL society has to keep it functional.

**Other matters**

- The matter of non-submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately.”



A copy above-mentioned Speaking Order dated 09.05.2023 is herewith annexed an **ANNEXURE – C.**

4. That thereafter respondent No. 2 SEIAA vide letter No. SEIAA 3431/2023/23 dated **22/05/2023** wrote to respondent No. 1 Arya Erectors India Pvt. Ltd. as follows:-

“....it is to bring to your kind notice, that you have failed to submit mandatory Six monthly compliance report as regards the projects in due time. This has been viewed seriously by the State Environment Impact Assessment Authority, Assam (SEIAA).

*You are therefore directed to submit the compliance report of the Direction as per the speaking order "Regarding allegation at S.1.1 of representation 'N' & 'O' by Applicants in Original Application No. 32/2023/EZ of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata", immediately after complete compliance of the order."*

A copy above-mentioned letter No. SEIAA 3431/2023/23 dated 22.05.2023 is herewith annexed an **ANNEXURE – D.**

5. That from the aforesaid Speaking Order dated 09/05/2023 passed by SEIAA and subsequent letter dated 22/05/2023 issued by SEIAA, the following violations and non-compliance is apparent:

(i) After receiving Environmental Clearance dated 21.01.2014, the project proponent has not submitted any compliance report before the concerned authorities (till date), in gross violation of General Conditions mentioned in the said E.C as follows:

***"Part -B. General Conditions***



1. *The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/Regional Office of MoEF.*
9. *The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of*

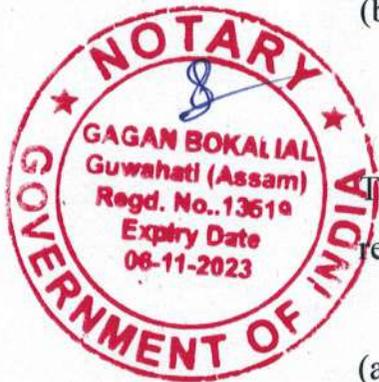
*MoEF. The criteria pollutant levels namely PM<sub>10</sub>, PM<sub>25</sub>, SO<sub>2</sub>, NO<sub>2</sub>, etc. (ambient levels as well as stack emission) or critical sectoral parameters, indicated for the project shall be monitored and a record be maintained for the public domain.*

10. *The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall also be sent to the respective Regional Offices of MoEF by email."*

- (ii) SEIAA admitted in their speaking order that the flood problem in the Arya Smart Living campus is a genuine one.

The project proponent submitted that -

- (a) the contour survey was done prior to the starting of project and same was approved by GMDA, and
- (b) the project was completed in 2018 and handed over in 2019 to the society.



The applicants beg to state in regard to the aforesaid contentions of respondent No. 1 that -

- (a) Firstly, the project proponent had only submitted the contour survey of the internal site area and not that of the external surrounding areas as required under the Specific Conditions at Part - A (I) (i) of E.C, i.e.,

*“The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage.”*

The flood problem in the Arya Smart Living township probably would not have happened, if only the project proponent had complied with the aforesaid Environmental Condition and worked out the storm water drainage after proper contour survey of both internal as well as the external surrounding areas. The suggestion of SEIAA to create a pond inside the township to fill storm water is not a feasible one for a long-term solution as the same is neither approved in the drawings and nor permission is granted for the same.

- (b) Secondly, it is not correct that the project has been handed over by the project proponent to the society. In fact a case is pending before the Hon'ble Gauhati High Court being numbered as W.P(C)/3654/2020, which is preferred by applicant No. 1 against order of the Registrar of Cooperative Societies, Assam, for overlooking the fact that the Director/s of respondent No. 1 company has made their own family members and partners as office bearer of the Arya Smart Living society, which is in conflict of interest, i.e., the project proponent is also the builder/developer as well as the office bearer of the society.



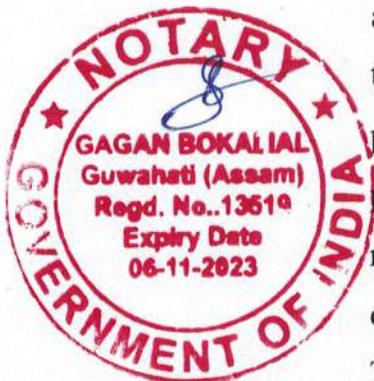
A copy order dated 30.01.2023 is herewith annexed an ANNEXURE – E.

- (c) Thirdly, Real Estate Regulatory Authority, Assam vide an order dated 13.06.2022 observed that the promoter (respondent No. 1) will submit application in prescribed form regarding

extension of project completion period. Furthermore, it is reflected in the said order that the representative of GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan.

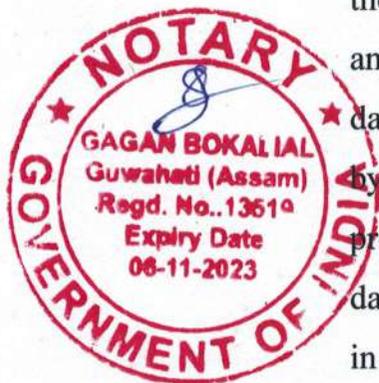
A copy of the REAT, Assam order dated 13.06.2022 is part of O.A No. 32/2023/EZ annexed as Annexure – A.

- (d) The applicants beg to state that the project proponent is yet to complete the project and construction is still continuing without a valid E.C in violation of EIA Notification, 2006.
- (iii) The Operation Phase Conditions at Part – A.II.(i) of the E.C requires that - *“The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation.”* But the SEIAA speaking order do not mention the submission of any report in this regard.
- (iv) The Operational Phase Conditions at A.II.(v) of the E.C requires that a peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise. Be it stated that the project proponent has not maintained 3 mtrs. green belt all around the plot and in fact have constructed drains, pathways, etc., in the supposed green belt area. The project proponent is trying to mislead by claiming that the green belt is 9000 sq.m. by including common garden areas within the township. The requirement is of a 3 mtr. green belt all across the plot covering an area of 7484.96 sq.m., and same shall not include the



other common areas like parks, lawns, etc. Unfortunately SEIAA speaking order is silent on the issue of green belt.

- (v) The Operation Phase Conditions at A.II.(x) of E.C requires that – “a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months.” But the SEIAA speaking order do not mention the submission of any report in this regard. That according to the RTI response received earlier from SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not available.
- (vi) Project proponent received E.C on 21.01.2014 with validity for a period of 5 years, i.e., till 21.01.2019. In the meantime MoEF&CC vide O.M dated 12.04.2016 extended the validity of E.C of the projects, which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly the E.C dated 21/01/2014 of project proponent also got automatically extended to 7 years, i.e., up to 21/01/2021. However the project construction of project proponent is yet to be completed and therefore they were required to apply for the extension of E.C dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted by RTI reply of SEIAA dated 28/12/2020 and 13/05/2022 the project proponent has not applied for extension of E.C dated 21.01.2014 till date, thereby operating without a valid E.C from 21/01/2021 onwards in violation of laws. In this regard the speaking order of SEIAA is silent and SEIAA seem to be accepting the contention of the project proponent on face value rather than on the basis of cogent materials.



6. That the Hon'ble Apex Court in *Hanuman Laxman Aroskar vs. Union of India and Others (2020) 12 SCC 1*, held, that -

***“cumulative conditions to be complied with for lifting of said suspension of EC, would include conditions of original EC”.***

That respondent No. 2 SEIAA instead of taking necessary action against the project proponent for non-compliance of EC conditions states in their Speaking Order dated 09/05/2023 as follows:

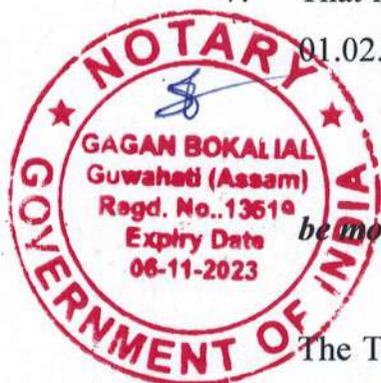
***“The matter of non-submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately”.***

Be it stated that applicants are not aware of any strictures being issued or any action being taken by respondent No. 2 SEIAA against respondent No. 1 the project proponent for the aforesaid violations. Under such circumstances this is a fit case for the interference of this Hon'ble Court.

7. That in *Sandeep Mittal vs. MoEF&CC* O.A No. 837/2018 vide order dated 01.02.2021 this Hon'ble Court observed that -

***“...compliance of conditions of Environmental Clearance must be monitored on periodical basis, at least one in a quarter.”***

The Tribunal also noted the observations in the Judgments of the Hon'ble Supreme Court in *T.N Godavarman Thirumulpad vs. Union of India & Ors, (2014) 4 SCC 61* and *Lafarge Umiam Mining Private Limited vs. Union of India, (2011) 7 SCC 338* that –



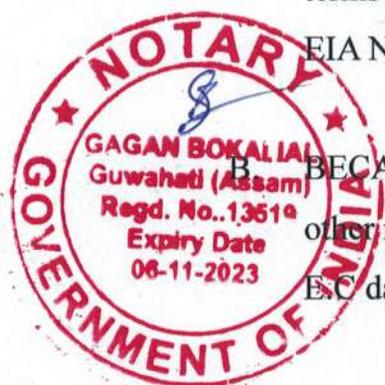
*“power of the regulator under Section 3(3) of the Environmental (Protection) Act, 1986 is coupled with duty and there is need for effective monitoring mechanism.”*

8. That it is under such circumstances, the Applicants are filing the instant application under the facts and circumstances as mentioned above and upon the grounds here under.
9. That although applicant No. 5 was not an applicant in the aforesaid O.A No. 32/2023/EZ, but having similar grievances as the other applicants, applicant No. 5 is hereby approaching this Hon'ble Court for adequate relief along with the other applicants, which maybe allowed by this Hon'ble Court.

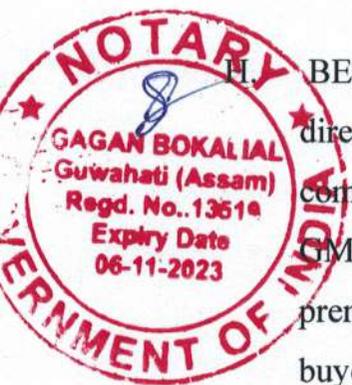
### GROUND S

That the applicant is filing the present Application on the following, among other grounds which the applicants may take at the time of hearing of the matter:

- A. BECAUSE Respondent No. 1 has violated and/or not complied with the terms and conditions of the E.C dated 21.01.2014 as per provisions of the EIA Notification, 2006;
- B. BECAUSE Respondent No. 1 has not submitted Compliance Reports among other reports with SEIAA / Regional office, MoEF&CC as mandated by the E.C dated 21.01.2014 and EIA Notification, 2006;
- C. BECAUSE Respondent No. 1 has violated and/or not complied with Specific Conditions at Part – A (I) (i) of E.C dated 21.01.2014 and have not properly analysed the contour levels of the site and the surrounding area and the capacity of storm water drainage leading to water logging and flooding;

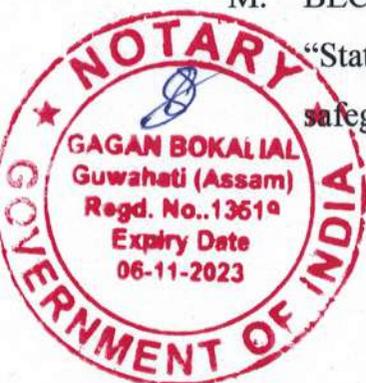


- D. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 by failing to submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA /Regional Office, MoEF;
- E. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by failing to develop peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise;
- F. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by failing to submit a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months;
- G. BECAUSE Respondent No. 1 has violated and not complied with EIA Notification, 2006 by not extending the E.C dated 21/01/2014 which expired on 21/01/2021 by continuing construction of the project without a valid extension of EC from SEIAA and/or concerned authorities.



- H. BECAUSE Respondent No. 1 has violated and/or not complied with the directions of Respondent No. 4 GMDA by failing to submit periodic compliance report and without submitting the same Respondent No. 4 GMDA will not issue Occupancy Certificates, and have directed that the premises should be vacated for no fault of the Applicants and/or resident buyers;

- I. BECAUSE Respondent No. 2 SEIAA has not acted upon the complaints filed by the applicants as well as subsequent to the site visit and speaking order by SEIAA for the violations and non-compliance of E.C provisions by Respondent No. 1;
- J. BECAUSE in the Hon'ble Apex Court judgments in *T.N Godavarman Thirumulpad vs. Union of India & Ors.*, (2014) 4 SCC 61 and *Lafarge Umiam Mining Private Ltd. vs. Union of India*, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and there is a need for effective monitoring mechanism;
- K. BECAUSE the Hon'ble National Green Tribunal in O.A No. 884/2022 Sanjeev Kumar vs. Uttar Pradesh Pollution Control Board & Ors. observed that – *“The compensation has to be levied on the principle of ‘Restitution’ and has to be noted as cost of restoration involved.”*
- It was further held that – *“Having regard to the magnitude of the project and violations – inadequacy of green belt, absence of sewage treatment, not preventing dust pollution, pending further considerations, we estimate cost of restoration to be not less than Rs.20 crores...”*
- L. BECAUSE the principle of Sustainable Development and the Precautionary principle, which have been held to be part of ‘Right to Life’ require that EC conditions are fulfilled;
- M. BECAUSE under Article 48-A of the Constitution of India it states that the “State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”



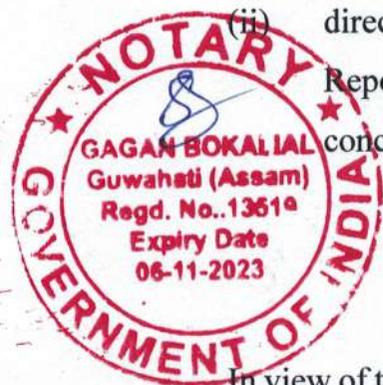
### LIMITATION

That the present application is being filed within the limitation period as the cause of action has arisen after the Speaking Order dated 09.05.2023 passed by SEIAA in compliance of the Hon'ble National Green Tribunal order dated 24.03.2023 passed in O.A No. 32/2023/EZ and therefore the instant application is within the period of limitation under section 14 of the National Green Tribunal Act, 2010, i.e., within a period of 6 months.

### INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the Applicants have a good *prima facie* case, and in consideration of said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to -

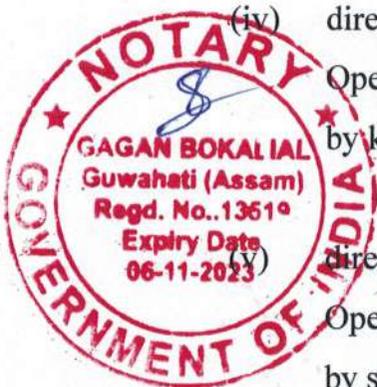
- (i) direct the submission of a factual report in the matter from a Joint Committee comprising of – (a) State Pollution Control Board, Assam; (b) Regional Office, MoEF&CC; (c) D.C Kamrup and any other authority or persons this Hon'ble Court deem fit and proper, and/or
- (ii) direct Respondent No. 1 project proponent to submit all Compliance Reports and Mandatory Reports before this Hon'ble Court and/or with the concerned authorities.



### PRAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the Applicant that this Hon'ble Tribunal may be pleased to -

- (i) direct Respondent No. 1 to comply with the Specific Conditions at Part – A (I) (i) of E.C dated 21.01.2014 and take necessary steps to analyze the contour levels of the site and the surrounding area and the capacity of storm water drainage and take necessary steps to address the problem of water logging and flooding, and/or
- (ii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 and treat 100% of the grey water through decentralized treatment and submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA or concerned authorities, and/or
- (iii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by developing the peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise, and/or
- (iv) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (ix) of E.C dated 21.01.2014 by keeping the width of the internal road at 7 mtrs. and 9 mtrs., and/or
- (v) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by submitting a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA immediately, and/or



- (vi) direct Respondent No. 1 to comply with all the provisions of the Environmental Clearance dated 21/01/2014, and/or
- (vii) direct respondent No. 1 not to operate without a valid Environmental Clearance, and/or
- (viii) direct the respondent authorities to initiate action against Respondent No. 1 under section 15, 16 and 19 of The Environment (Protection) Act, 1986, among other laws, for violation and non-compliance of E.C dated 21/01/2014 among other violations, and/or
- (ix) levy compensation on the principle of 'Restitution' as cost of restoration involved, and/or
- (x) To pass any other such order(s)/direction(s) as this Hon'ble Tribunal seem fit and proper in the facts and circumstances of the present case.

Date: 29<sup>th</sup> July 2023

Place: Guwahati

Filed by:

*Vikram Rajkhowa*



**Vikram Rajkhowa**  
*Advocate for the Applicants*  
503, Amazing Grace Aptt.,  
Dighalipukhuri (East)  
Guwahati 781001, ASSAM  
[vikram.rajkhowa@gmail.com](mailto:vikram.rajkhowa@gmail.com)  
(+91) 9954348258

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

O.A No. \_\_\_\_\_/2023/EZ

Instrument Sl. No. 29/A-1  
Date: 29/07/2023

**IN THE MATTER OF:**

Sri. Ganesh Das & Others

: Applicants

Vs.

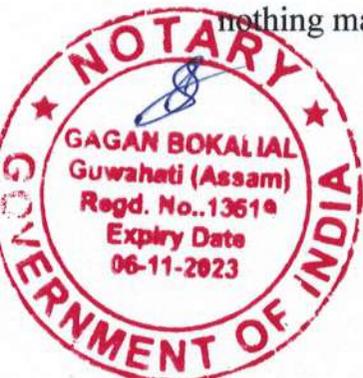
M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others

: Respondents

**AFFIDAVIT**

I, Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, aged around 51 years, resident of Tribeni Apartment, Flat No. 5A, Madhabdevpur, Rehabari, Guwahati 781008, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and I am conversant with the facts and circumstances of the case, as such I am competent to swear this affidavit.
2. That I am authorized by the other applicants vide letter of authorization annexed herein, as such I am competent to swear this affidavit on their behalf.
3. That the accompanying application has been drafted by my counsel on my/our instructions and I/we have read and understood the contents of the same and nothing material has been concealed therefrom.



  
**GAGAN BOKHALIAL  
NOTARY GOVT. OF INDIA  
Guwahati (Assam)  
Regd. No.- 13519**

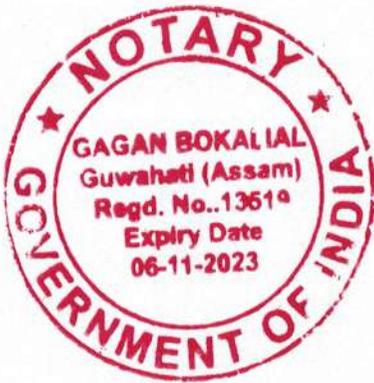
  
DEPONENT

29 JUL 2023

**Verification**

I, the above-named deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Solemnly affirmed on this 29<sup>th</sup> day of July 2023 at Guwahati, Assam.



A handwritten signature in blue ink, appearing to be "Gagan Bokarial", written over a horizontal line.

DEPONENT

A small handwritten signature in blue ink, likely of the notary, positioned above the notary's printed name.

GAGAN BOKARIAL  
NOTARY GOVT. OF INDIA  
Guwahati (Assam)  
Regd. No.- 13519

29 JUL 2023

VAKALATNAMA**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

O.A No. OF 2023/EZ

**IN THE MATTER OF:**

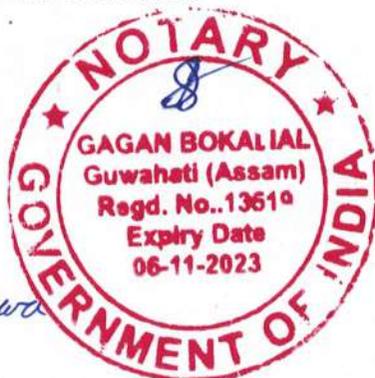
Dr. Ganesh Das &amp; Others

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others

: Respondents

Know all men by these presents that the above, named  
DR. GANESH DAS, DR. MRINHOY BORKATAKI, SRI. BROJEN DUTTA,  
SRI. SANJAY BARUAH AND DR. RAVI DEYdo hereby nominate, constitute and appoint Sri. Vikram Rajkhowa, Smt. Ankur Jyoti  
Sarma, Advocates, as shall accept this Vakalatnama to be his/their true and lawful  
Advocates to appear and act for him/them in the matter noted above and in connection  
therewith and for that purpose to do all acts whatsoever in that connection including  
depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for  
him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done  
by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of  
the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In  
witness whereof I/we hereunto set my hand on this day of May 2023.Received from the executants  
Satisfied and accepted as I/We  
Hold no brief for the other side.

*Vikram Rajkhowa*  
Advocate

1. *Mrinmoy Borkataki*
2. *Brojen Dutta (BROJEN DUTTA)*
3. - *[Signature]*
4. *Dr. Ravi Dey*
5. *Ganesh Das*

Signature of Executant/s

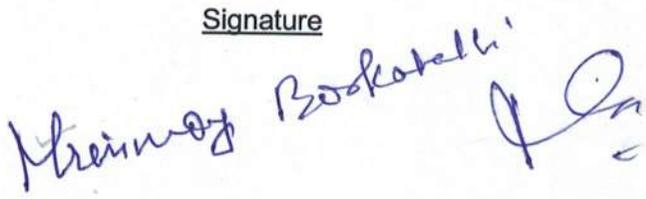
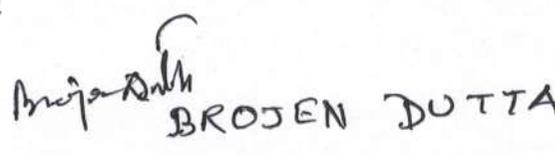
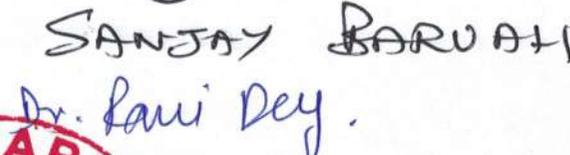
*Ankur Jyoti Sarma*  
Advocate

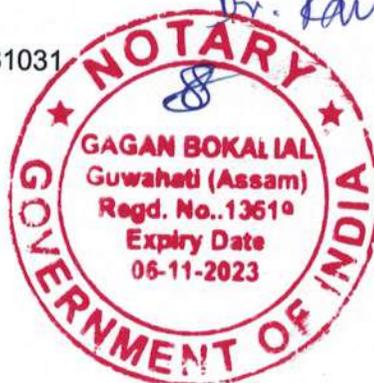
**AUTHORIZATION LETTER**

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5<sup>th</sup> Floor, Madhabdevpur, Rehabari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on ...20.07.2023. (date)

<u>Sl.No.</u>	<u>Particulars</u>	<u>Signature</u>
1.	Dr. Mrinmoy Borkataki S/o Dr. Munindra Borkataki R/o D-49, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: <a href="mailto:dr.mrinmoyborkataki@gmail.com">dr.mrinmoyborkataki@gmail.com</a>	
2.	Sri. Brojen Dutta S/o Late Jiban Ch. Dutta R/o D-22, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: <a href="mailto:brojendutta07@gmail.com">brojendutta07@gmail.com</a>	 BROJEN DUTTA
3.	Sri. Sanjay Baruah S/o Late Prutul Kumar Baruah R/o D-49, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: <a href="mailto:sanjaybar@gmail.com">sanjaybar@gmail.com</a>	 SANJAY BARUAH
4.	Dr. Ravi Dey S/o Sri. Mintu Dey R/o D-39, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: <a href="mailto:raviday75@yahoo.in">raviday75@yahoo.in</a>	 Dr. Ravi Dey.



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH AT KOLKATA**

ORIGINAL APPLICATION NO. /2023/EZ

(Under Section 18(1) read with Section 14 and 15 of the  
National Green Tribunal Act, 2010)

**IN THE MATTER OF:**

**Dr. Ganesh Das & Others**

**: Applicants**

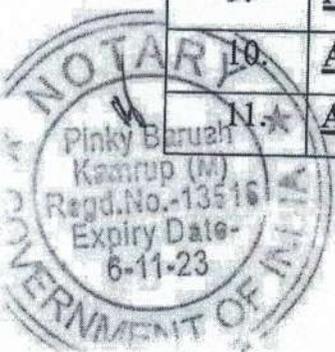
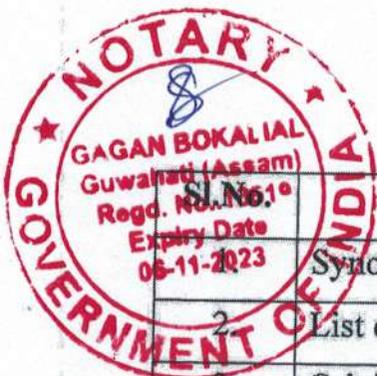
Vs.

**M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others**

**: Respondents**

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**DATE: 13 March 2023**

**PLACE: Guwahati**

*Vikram Rajkhowa*

**DRAWN & FILED BY:**

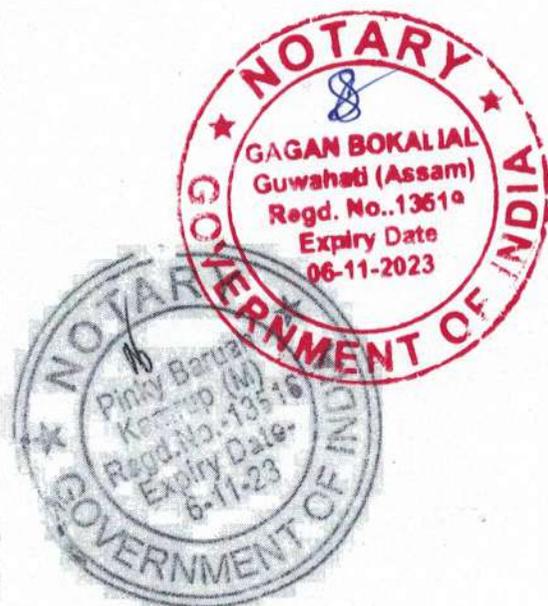
**Vikram Rajkhowa**

Advocate for the Original Applicants

H.No.13, Bhubon Road (Entry H.C Road),  
Uzan Bazar, Guwahati – 7810001, ASSAM

[vikram.rajkhowa@gmail.com](mailto:vikram.rajkhowa@gmail.com)

(+91) 9954348258



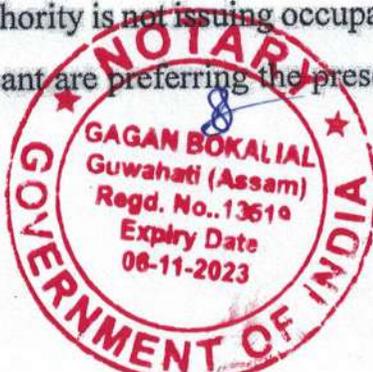
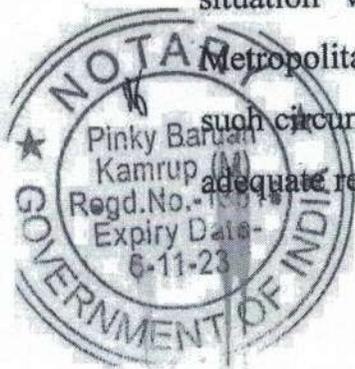
SYNOPSIS

That the applicant is raising serious and substantial question of environment, more particularly violations and non-compliance of Environmental Clearance granted to M/s Arya Erectors India Pvt. Ltd. for the construction of Arya Smart Living at Abhaypur, North Guwahati, Assam on a plot of 38,106 sq.m. (around 4,10,169.57 square feet).

The Expert Appraisal Committee, Ministry of Environment & Forest, Govt. of India, recommended for the grant of Environmental Clearance for aforesaid project. Accordingly, State Environmental Impact Assessment Authority, Assam accorded necessary Environmental Clearance on 21/01/2014 as per provisions of the EIA, 2006, subject to strict compliance of the terms and conditions.

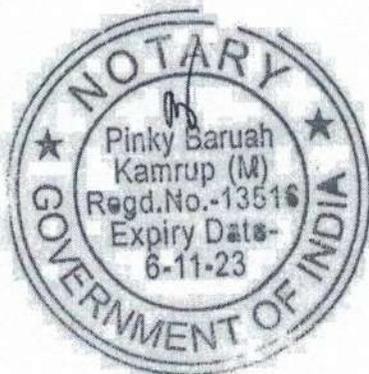
The Applicants came to learn about the Arya Smart Living project and based on the infrastructure, facilities, amenities, etc., which was to be provided by the project proponent, the Applicants purchased villa/flat in the said project. But subsequently various problems started to crop in the Arya Smart Living project as the project proponent violated and did not comply with the various conditions stipulated in the Environmental Clearance dated 21/01/2014 among other laws, including non-provision of 3 meters peripheral Green Belt around the project site, no proper storm water drainage, non-separation of grey and black water, no proper contour survey and work, etc., including non-submission of compliance reports and continuing construction without a valid Environmental Clearance after its expiry. The said violations and non-compliance have resulted in a situation whereby the concerned authorities, more particularly Guwahati Metropolitan Development Authority is not issuing occupancy certificates. Under such circumstances, the Applicant are preferring the present application seeking adequate relief.

*Handwritten signature*



**LIST OF DATE & EVENTS**

DATE	EVENTS
12/10/2012	Approved Site Plan
- do -	Approved Landscape Plan
- do -	Approved Traffic Plan
25/06/2013	NOC of GMDA
21/01/2014	Environmental Clearance by SEIAA
12/04/2016	Office Memorandum of MoEF
31/03/2018	Planning Permit of GMDA
05/05/2018	NOC of Rudreswar Gaon Panchayat
13/05/2020	RTI reply of SEIAA
11/12/2020	RTI application
28/12/2020	RTI reply SEIAA
03/11/2021	GMDA Order
05/06/2022	Occupancy Certificate of North Guwahati Municipal Board
06/07/2022	Complaint to SEIAA
20/10/2022	Complaint to SEIAA
22/10/2022	Bed Level Survey



*Handwritten signature*

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**EASTERN ZONE BENCH AT KOLKATA**

**MEMORANDUM OF APPLICATION**  
**(Under Section 18(1) read with Section 14 and 15 of the**  
**National Green Tribunal Act, 2010)**

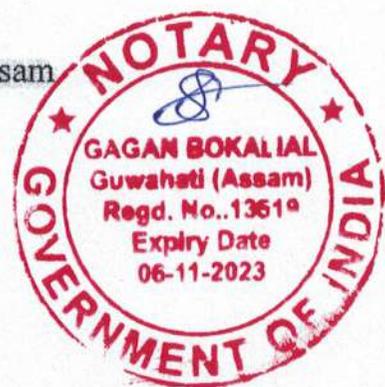
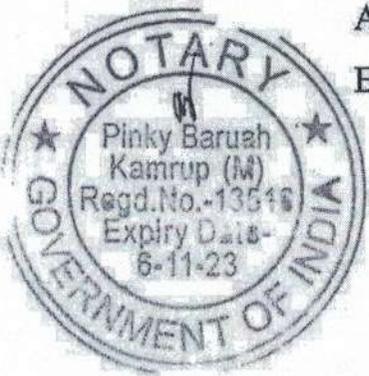
**ORIGINAL APPLICATION NO.                      OF 2023/EZ**

**IN THE MATTER OF:**

1.    **Dr. Ganesh Das**  
Son of Sri. Dijendra Ch. Das  
Resident of Tribeni Apartment  
Flat No. 5A, 5<sup>th</sup> Floor, Madhabdevpur  
Rehabari, Guwahati 781008, Assam  
Email: [ganeshdas40244@yahoo.com](mailto:ganeshdas40244@yahoo.com)
  
2.    **Dr. Mrinmoy Borkataki**  
Son of Dr. Munindra Borkataki  
Resident of D-49, Arya Smart Living  
Abhaypur, North Guwahati 781031, Assam  
Email: [dr.mrinmoyborkataki@gmail.com](mailto:dr.mrinmoyborkataki@gmail.com)
  
3.    **Sri. Brojen Dutta**  
Son of Late Jiban Ch. Dutta  
Resident of D-22, Arya Smart Living  
Abhaypur, North Guwahati 781031, Assam  
Email: [brojendutta07@gmail.com](mailto:brojendutta07@gmail.com)

*Filed by the Applicant through  
Ajaym Rajkumar, Advocate*

*G. M. B. S. S.*



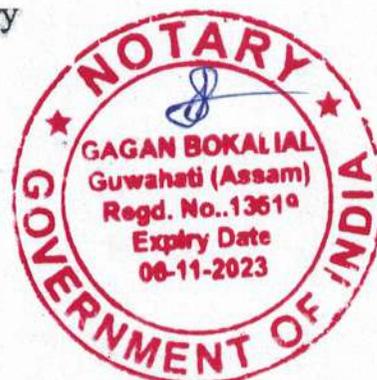
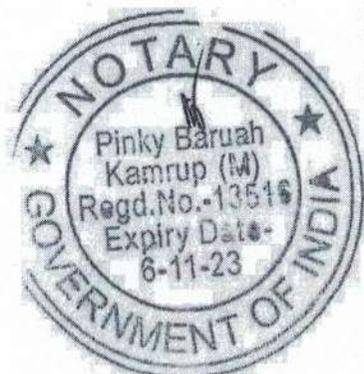
4. **Sri. Sanjay Baruah**  
 Son of Late Prutul Kumar Baruah  
 Resident of D-41, Arya Smart Living  
 Abhaypur, North Guwahati 781031, Assam  
 Email: [sanjaybar@gmail.com](mailto:sanjaybar@gmail.com)
5. **Sri. Padum Deori**  
 Son of Sri. British Deori  
 Resident of Nijarapar, P.O Jagiroad  
 District – Morigaon, Assam  
 Email: [padumd@gmail.com](mailto:padumd@gmail.com)

Applicants

Versus

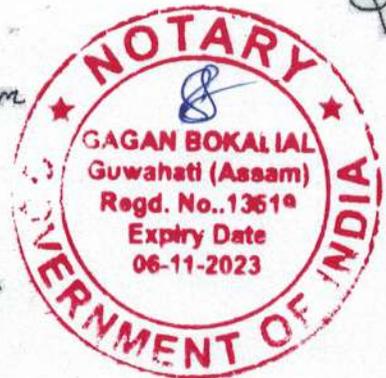
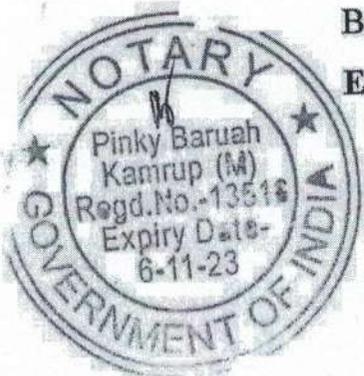
1. **M/s Arya Erectors India Pvt. Ltd.**  
 Represented by its Managing Director  
 503, K.P Enclave, Sohagpur, Rehabari  
 Guwahati 781008, District – Kamrup (M)  
 Assam  
 Email: [aryaerectorsindia@gmail.com](mailto:aryaerectorsindia@gmail.com)
2. **State Environmental Impact Assessment Authority (SEIAA)**  
 Represented by its Member Secretary  
 Bamunimaidam, Guwahati 781021  
 District – Kamrup (Metro), Assam  
 Email: [ikalita.acs@assam.gov.in](mailto:ikalita.acs@assam.gov.in)

g men n



3. **Ministry of Environment, Forest and Climate Change**  
Government of India  
Represented by its Secretary  
India Paryavaran Bhawan, Jorbagh, New Delhi 110003  
**Email:** [secy-moef@nic.in](mailto:secy-moef@nic.in)
  
4. **Guwahati Metropolitan Development Authority**  
Represented by its Chief Executive Officer (CEO)  
Statefed Building, Bhangagarh, Guwahati 781005  
Assam  
**Email:** [ceogmdaghy@gmail.com](mailto:ceogmdaghy@gmail.com)
  
5. **North Guwahati Municipal Board**  
Represented by its Chairman  
North Guwahati, Guwahati 781030, Assam  
**Email:** [northguwahatimunicipalboard2016@gmail.com](mailto:northguwahatimunicipalboard2016@gmail.com)
  
6. **Rudreswar Gaon Panchayat**  
Represented by its President  
Rudreswar, North Guwahati 781030  
Dist. – Kamrup, Assam  
**Email:** [rudreswar.gp@gmail.com](mailto:rudreswar.gp@gmail.com)
  
7. **Pollution Control Board, Assam**  
Represented by its Member Secretary  
Bamunimaidam, Guwahati 781021, Assam.  
**Email:** [membersecretary@pcbassam.org](mailto:membersecretary@pcbassam.org)

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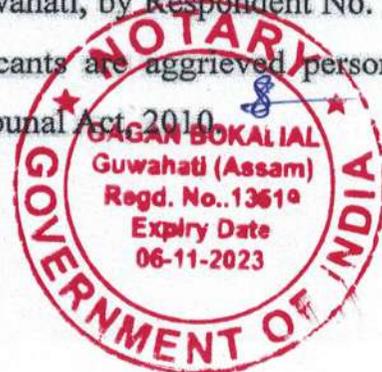
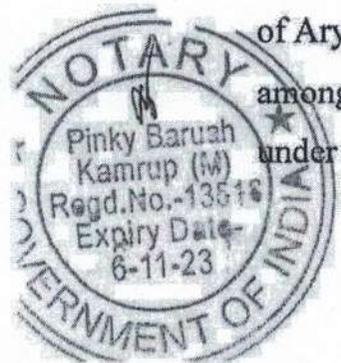
**Respondents**

- I. The address of the Applicants is given above for the service of notices of this application.
- II. The addresses of the Respondents are given above for the service of notices of this application.

**MOST RESPECTFULLY SHOWETH:**

1. That the present applicants seek to raise serious and substantial question relating to the environment before the Hon'ble National Green Tribunal, more particularly in regard to violations and non-compliance of the provisions of the Environmental Clearance by Respondent No. 1 for the construction of Arya Smart Living at Abhaypur, North Guwahati, Assam, among other violations.
2. That the applicants before your Lordships are all purchasers/ owners of House (Villa/Flat) at the aforementioned Arya Smart Living at Abhaypur, North Guwahati, Assam, constructed by Respondent No. 1. It is further stated by the Applicants that Applicant No. 1 is a Doctor (Surgical Oncologist), Applicant No. 2 is a Doctor (Cardiologist), Applicant No. 3 is a Civil Engineer, Applicant No. 4 is a Civil Engineer and Applicant No. 5 is a Mechanical Engineer.

That the Applicants are all aggrieved by the violations/ non-compliance of the provisions of the Environmental Clearance granted for the construction of Arya Smart Living at Abhaypur, North Guwahati, by Respondent No. 1, among other violations. Therefore the applicants are aggrieved persons under Section 18(2) of the National Green Tribunal Act, 2010.



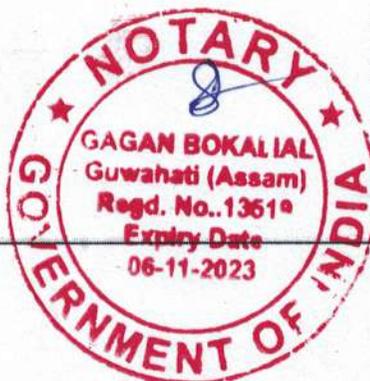
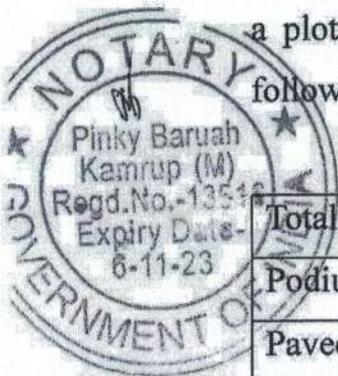
*Aggrieved*

3. That it is also one of the fundamental duties of every citizen under Article 51-A(g) of the Constitution of India, to protect and improve the natural environment and it is the state's obligation under Article 48-A of the Constitution of India to protect the environment and therefore, the applicants are entitled to invoke the jurisdiction of this Hon'ble National Green Tribunal by way of the present application.

**FACTS IN BRIEF:**

4. That Respondent No. 1 vide application No. Nil dated 26/06/2012 and subsequent letters applied for prior Environmental Clearance (hereinafter referred to as "E.C") under the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as "EIA, 2006") a for the construction of Arya Smart Living at Abhaypur, North Guwahati, Assam on a plot of 38,106 sq.m. (i.e., 4,10,169.57 square feet approx.), with the following components:

Total construction built-up area for the project	62,133.036 sq.m.
Podium area	2886 sq.m.
Paved area	12,989.4 sq.m.
Building footprint area	12,709.6 sq.m.
Basement area	5,791.636 sq.m.
Green belt area	7,485.96 sq.m.
The complex will have <ul style="list-style-type: none"> <li>• Villas – Type A</li> <li>• Villas – Type B</li> <li>• Villas – Type C</li> <li>• Apartment</li> </ul>	08 units 08 units 108 units 156 units 6

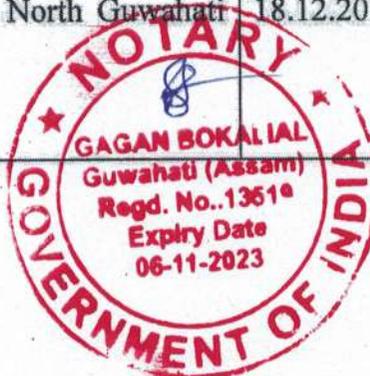


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• Shops	4
• Retail outlet	
Total water requirement of the project (estimate)	286.63 KLD
Capacity of STP	230 KLD
Treated water will be used	194 KLD
For flushing	91 KLD
Total solid waste generation for the project	1.13 TPD
Power requirement	2385.17 KW
Total car parking proposed	516 nos.
Total cost of the project	Rs.72.2 crores
There will be no discharge of waste water	

5. That Arya Smart Living real estate project of Respondent No. 1 falls under the jurisdiction of three different authorities as follows:

Sl.No.	Project under	Dag, Patta, Village	NOC	Area
1	Guwahati Metropolitan Development Authority	Dag No. 884, 885, 889, 890 & Patta No. 198 at Abhaypur	Issued on 25.06.2013	14 Bigha 0 Katha 4 Lecha
		Dag No. 884, 885, 889, 890 & Patta No. 198 at Abhaypur		5 Bigha 0 Katha 0 Lecha
2	Rudreswar Gaon Panchayat	Dag No. 885, 889, 890 & Patta No. 198 at Abhaypur	Issued on 05.05.2018	4 Bigha 4 Katha 11 Lecha
3	North Guwahati Municipal Board	Dag No. 764, Patta No. 271 at North Guwahati town	Issued on 18.12.2013	2 Bigha



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6. That the Expert Appraisal Committee, Ministry of Environment & Forest, Govt. of India, i.e., Respondent No. 3, recommended for the grant of E.C for the above mentioned project. Accordingly, Respondent No. 2 SEIAA, Assam accorded necessary E.C for the said project on 21/01/2014 bearing EC No. SEIAA.07/2013/10 as per provisions of the EIA, 2006, subject to strict compliance of the terms and conditions.

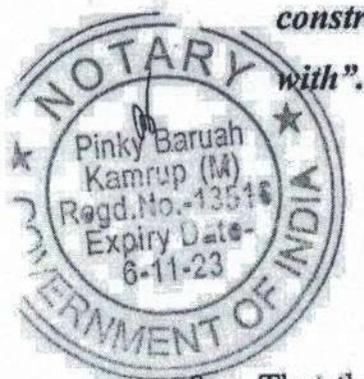
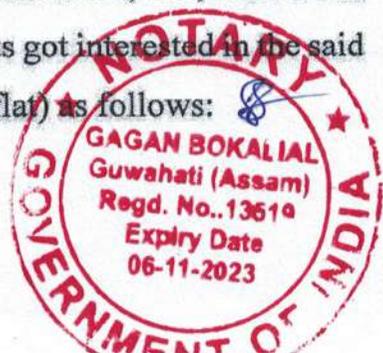
Copy of the aforesaid Environmental Clearance dated 21/01/2014 is annexed herewith as ANNEXURE - A

7. That Respondent No. 4 Guwahati Metropolitan Development Authority (hereinafter referred to as "GMDA") vide letter No. GMDA/BP/2214/261120122/156 dated 25<sup>th</sup> June, 2013 issued 'No-Objection Certificate' under Sec.25 of the GMDA Act, 1985 for construction of an RCC Building to Respondent No. 1. In the said letter the floor area as well as the setbacks was clearly mentioned and it was also stated that -

*"(3) Clearance of MoEF has to be furnished before starting construction and conditions laid down therein are to be strictly complied with".*

Copy of the aforesaid GMDA NOC letter dated 25/06/2013 is annexed as ANNEXURE - B

8. That thereafter the Applicants came to learn about the Arya Smart Living project and based on the infrastructure, facilities, amenities, etc., which was to be provided by Respondent No. 1, the Applicants got interested in the said project and accordingly purchased a house (villa/flat) as follows:



*Guwahati*

Applicant No.	Applicant Name	Villa/Flat No.	Agreement Date
1	Dr. Ganesh Das	A-6	27/08/2018
2	Dr. Mrinmoy Borkataki	D-49	17/03/2018
3	Sri. Brojen Dutta	D-22	10/06/2016
4	Sri. Sanjay Baruah	D-41	2018
5	Sri. Padum Deori	D-84	09/02/2016

Applicants crave leave to submit Deed of Agreements between Applicants and Respondent No.1 as when the same is required by this Hon'ble Court

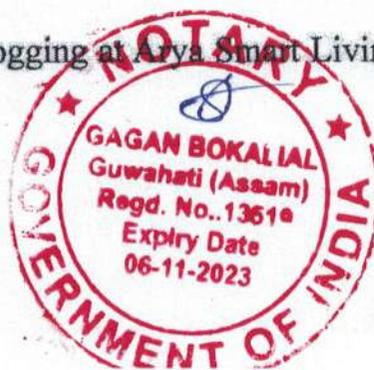
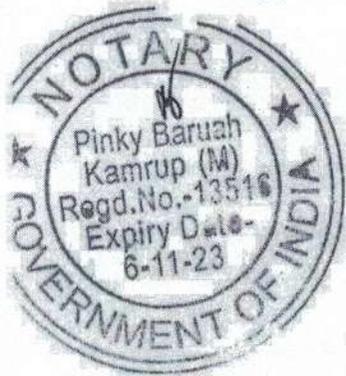
9. That the Applicants beg to state that the problems in the Arya Smart Living project started to crop up for the Buyers/ Residents as Respondent No. 1 violated and/or did not comply with various conditions stipulated in the E.C dated 21/01/2014 as given below among others:

- (i) Specific Conditions at Part - A (I) (i) of E.C, i.e.,

*"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage."*

That Respondent No. 1 has constructed low-rise houses/apartment numbering around 123 units under Phase - 1 and around 30 units under Phase - 2 at Arya Smart Living project at North Guwahati. But whenever there is slight rain fall, the entire open area get submerged under water resulting in flood like situation and water remain stagnant for many days.

The primary reasons for water logging at Arya Smart Living project is due to -



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- (a) absence of any Storm Water Drainage, as mandated to be constructed after analysing the contour levels of the site and the surrounding area;
- (b) the capacity of Storm Water Drainage is not in compliance of E.C provisions;
- (c) bed level of road inside the project/campus is lower than the bed level of outside PWD road.

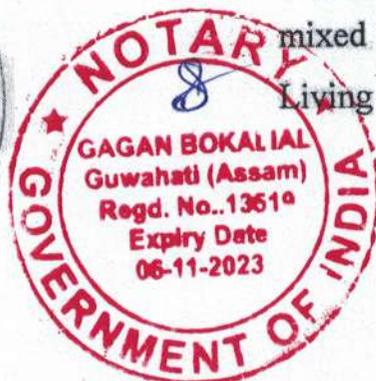
Copy of photographs showing water logging and flooding and bed level survey of Arya Smart Living is annexed as ANNEXURE – C and D respectively.

- (ii) Specific Conditions at Part – A (I) (xviii) of E.C, i.e.,

*“Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water”*

That at present the grey water is directly connected to the open drains which in turn is causing unhygienic environment inside the premises. Moreover, the grey water mixed with rainwater spreads over the entire open areas whenever there is rain and waterlogging

Copy of photographs showing grey water mixed with rain water at Arya Smart Living is annexed as ANNEXURE – E



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(iii) Operation Phase Conditions at Part – A (II) (i) of E.C, i.e.,

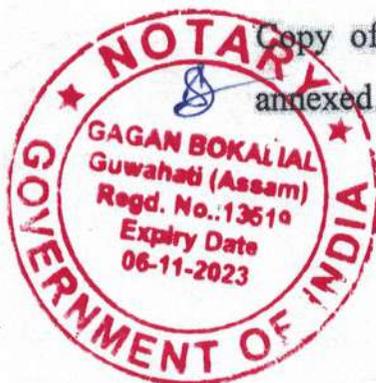
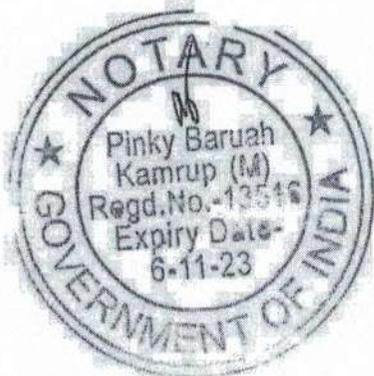
*“The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralised treatment should be done. Zero discharge criteria should be met as agreed.”*

That the Applicants submitted RTI application with Respondent No. 2 SEIAA dated 11/12/2020, including others, wherein various information was sought pertaining to the project, like:

- (a) validity of EC dated 21/01/2014
- (b) report regarding installation of Sewage Treatment Plant (STP) certified by an independent expert;
- (c) report regarding Rain Water Harvesting;
- (d) report confirming internal road width of 7 m and 9 m inside the project area;
- (e) six monthly compliance report of EC conditions, among others

*Annexure*

Copy of aforesaid RTI applications are annexed as ANNEXURE – F



Thereafter the Applicants received RTI reply dated 28/12/2020 and 13/05/2022 from Respondent No. 2 SEIAA informing the Applicants that the Respondent No. 1 has not applied for extension of the E.C dated 21/01/2014 which was valid up to 21/01/2019 and in regard, to other information sought the same is not available in the office records.

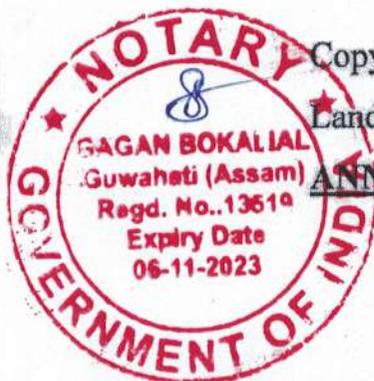
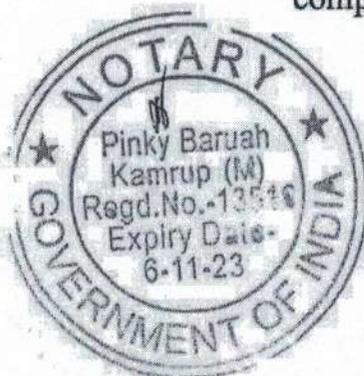
Copy of aforesaid RTI reply dated 28/12/2020 and 13/05/2022 are annexed as ANNEXURE – G (colly.)

(iv) Operation Phase Conditions at Part – A (II) (v) of E.C, i.e.,

*“The peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.”*

The Applicants beg to state that 3 mtrs. peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintaining the peripheral green belt as structures like, drains, sheds, pathways, etc., are being constructed instead of the green belt. Be it stated that the total green belt area is to be around 7,485.96 sq.m. according to the E.C but Respondent No. 1 has completely violated the said requirement.

*gagan*



Copy of approved Site Plan and Landscape Plan is annexed as ANNEXURE – H and I respectively.

- (v) Operation Phase Conditions at Part – A (II) (ix) of E.C, i.e.,

*“Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mtrs. and 9 mtrs. in the project area.”*

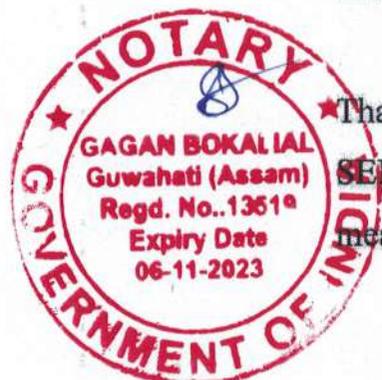
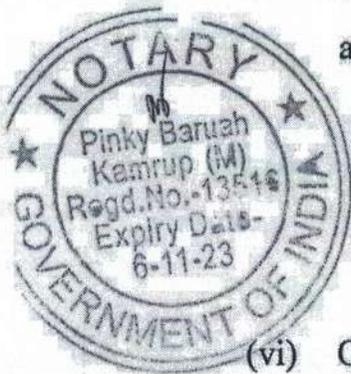
It is observed from the sanctioned plan and present construction, there are some internal roads with width of 6 mtrs. only, which is causing traffic congestions and water logging as the roads are not constructed as mandated by Respondent No. 2 SEIAA.

Copy of approved Traffic Layout Plan is annexed as ANNEXURE – J

- (vi) Operation Phase Conditions at Part – A (II) (x) of E.C, i.e.,

*“A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months.”*

★ That according to the RTI response received from Respondent No. 2 SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not



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available.

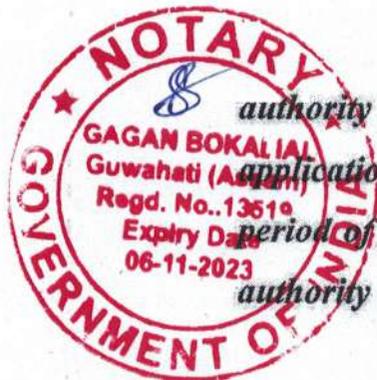
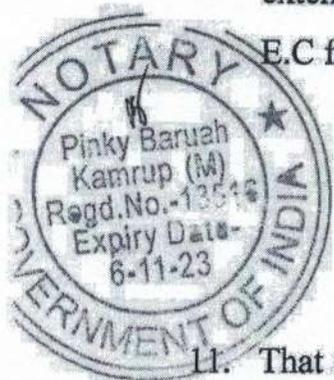
10. That Respondent No. 1 received Environmental Clearance on 21/01/2014 with validity for a period of 5 years, i.e., till 21/01/2019. Thereafter Respondent No. 3 MoEF&CC vide O.M dated 12/04/2016 extended the validity of E.C of the projects which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly the E.C dated 21/01/2014 of Respondent No. 1 got automatically extended to 7 years, i.e., up to 21/01/2021.

However the project construction of Respondent No. 1 is yet to be completed and therefore they were required to apply for the extension of E.C dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted by RTI reply of Respondent No. 2 SEIAA dated 28/12/2020 and 13/05/2022 annexed as *Annexure – G (colly.)* the Respondent No. 1 has not applied for extension of EC dated 21/01/2014 till date, thereby operating without a valid E.C from 21/01/2021 onwards in violation of laws.

A copy of O.M dated 12/04/2016 is herewith annexed as ANNEXURE – K.

11. That according to EIA Notification, 2006 it is stated at para. 9 in regard to the Validity of Environmental Clearance as follows –

*“...period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority concerned by a maximum period of five years provided any application is made to the regulatory authority by the applicant within the validity period, together with an*



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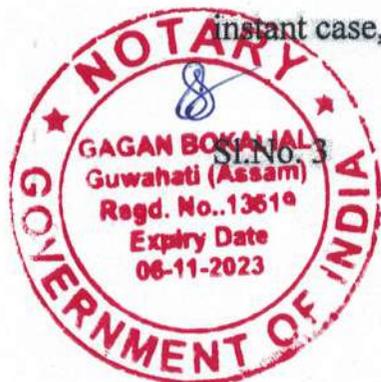
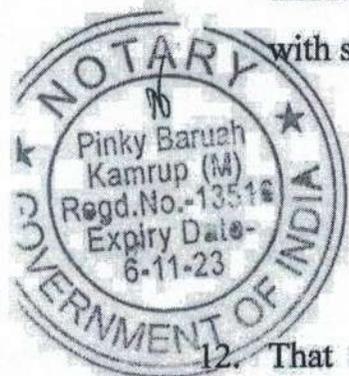
*updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule)."*

Be it stated that an order dated 13.06.2022 passed by the Real Estate Regulatory Authority, Assam (hereinafter referred to as "REAT, Assam") wherein Respondent No. 1 is a party, has observed that the promoter (Respondent No. 1) will submit application in prescribed form regarding extension of project completion period. Furthermore, it is reflected in the aforesaid order dated 13/06/2022 that the representative of Respondent No. 4 GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan. It is clear from the aforesaid observations that the project proponent have not yet completed the project and construction is still continuing without a valid E.C after its expiry on 21/01/2021 in violation of EIA Notification, 2006 among other laws. Therefore this is a fit case for the interference of this Hon'ble Court and to direct the initiation of action against Respondent No. 1 under section 15 read with section 19 of The Environment (Protection) Act, 1986.

A copy of REAT, Assam dated 13.06.2022 is herewith annexed as ANNEXURE - L

12. That the applicant begs to state that it is reflected in an Order dated 03/11/2021 passed by Respondent No. 4 GMDA that certain directions were issued to Respondent No. 1 for further consideration of O.C, i.e., Occupancy Certificate, out of which two directions are particularly important to the instant case, which is as follows:

The flat owners who have occupied the building without obtaining Occupancy Certificate from this Authority are



*Spencer*

directed to vacate the premise, until all the deviations are regularized and Occupancy Certificate is issued.

- Sl.No. 5 Registration particulars of RERA and periodic compliance report submitted to MoEF against Environmental Clearance are to be furnished.

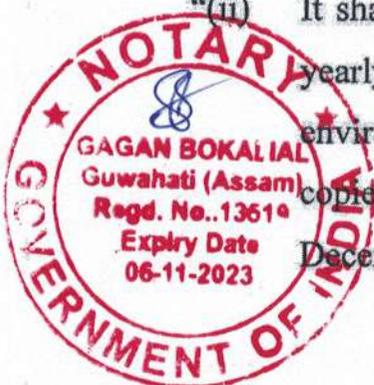
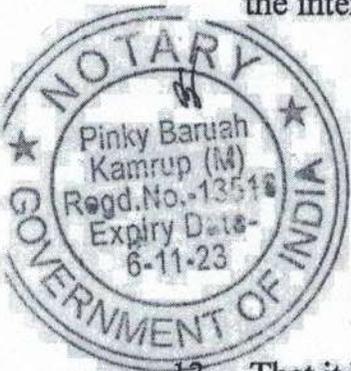
That the Applicants beg to state that two aspects are especially clear from the aforementioned directions that Respondent No. 1 has not submitted periodic compliance report and without submitting the same the concerned authorities, more particularly Respondent No. 4 GMDA are not issuing Occupancy Certificates. Be it stated that the non-compliance and violations by the Respondent No. 1 has put the Applicants among other residents in a precarious situation wherein their hard earned money and dream to own a home is on the doldrums for no fault of theirs. Therefore this is a fit case for the interference of this Hon'ble Court.

A copy of Respondent No. 4 GMDA Order dated 03.11.2021 is herewith annexed as ANNEXURE - M

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13. That it is stated in Clause 10 of the EIA Notification, 2006 at Sub-clause (ii) and (iii) as follows:

- “(ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.

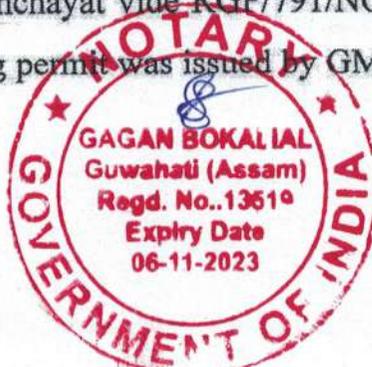
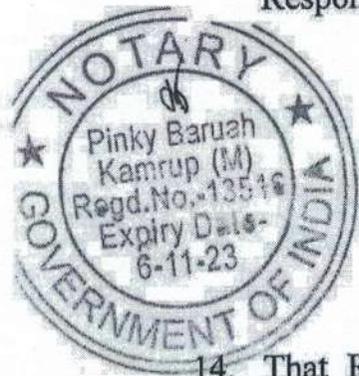


- (iii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall be displayed on the web site of the concerned regulatory authority.”

Be it stated that the Applicants have submitted RTI applications seeking copies of various Compliance Reports as mandated by EIA Notification, 2006 from Respondent No. 2 SEIAA but as highlighted earlier at abovementioned paragraph 8(iii), Respondent No. 2 could not provide any Compliance Reports pertaining to the instant project and stated that no such records are available with them. Thereafter the Applicants filed complaints with Respondent No. 2 SEIAA highlighting the said aspect as well as number of violations and non-compliance of EC provisions but Respondent No. 2 did not take any action against the erring project proponent, i.e., Respondent No. 1 till date.

Copies of complaints to Respondent No. 2 SEIAA dated 06.07.2022 and 20.10.2022 is annexed as ANNEXURE – N & O respectively.

14. That Respondent No. 5 North Guwahati Municipal Board has issued occupancy certificate for around 33 units constructed within the plot area of 38,106 square meter vide NGMB/BP(OC)/2022-2023/2513 dated 06/05/2022 for which construction permission NOC was issued by Respondent No. 6 Rudreswar Gaon Panchayat vide RGP/791/NOC/2004-05/17/81 dated 05/05/2018 and planning permit was issued by GMDA vide 931/0771/17-18/83 dated 31/03/2018.



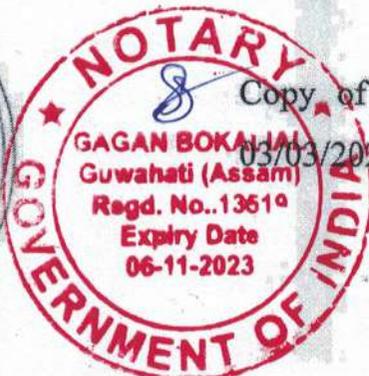
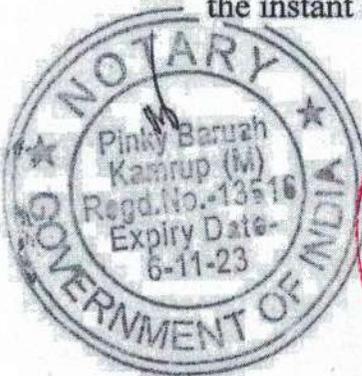
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It is clearly mentioned in the NOC issued by Respondent No. 6 Rudreswar Gaon Panchayat that -

1. This NOC is subject to strict adherence to plan, approved drawing, estimate and permissible/required limit of GMDA, following all rules, regulations, clauses and bye-laws made by the Government of Assam and other concerned authorities from time to time in this regards.
2. Any alteration/addition/subtraction of the approved drawing and non-compliance of permissible/required limit of GMDA mentioned in planning permit No. 931/0771/17-18/83 dated 31/03/2018 will construe this NOC as cancelled. However, the Respondent No 6 has issued the occupancy certificate for around 33 units without conforming to the conditions as mentioned in E.C dated 21/01/2014 issued earlier by Respondent No. 2 for construction in total land area of 38,106 square meter, more particularly without providing 3 mtr. Green Belt around the project site, Rain Water Harvesting, etc.

Copy of Occupancy Certificate dated 06/05/2022, NOC dated 05/05/2018 and Planning Permit dated 31/03/2018 is annexed as ANNEXURE - P, O & R

15. Therefore the Applicants are filing the instant application under the facts and circumstances as mentioned above and upon the grounds here under. Furthermore the applicants No. 2 to 5 has authorized applicant No. 1 to file the instant application and do all such acts and deeds in this regard.



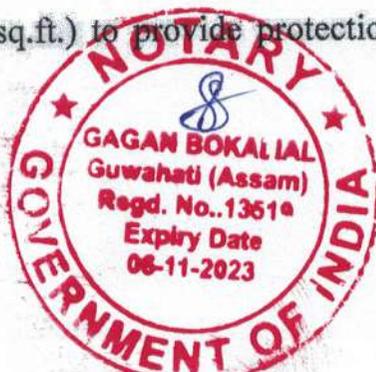
Copy of authorization dated 28/02/2023 and 03/03/2023 is annexed as ANNEXURE - S & T

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GROUNDS

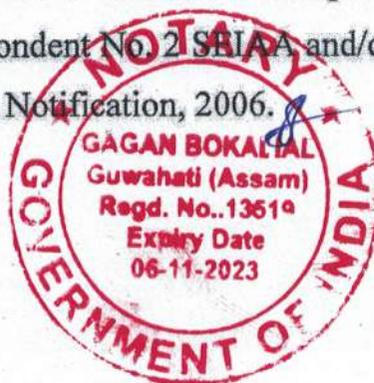
That the applicant is filing the present Application on the following, among other grounds which the applicants may take at the time of hearing of the matter:

- A. BECAUSE Respondent No. 1 has violated and/or not complied with the terms and conditions of the E.C dated 21.01.2014 as per provisions of the EIA Notification, 2006.
- B. BECAUSE Respondent No. 1 has violated and/or not complied with Specific Conditions at Part – A (I) (i) of E.C dated 21.01.2014 and have not properly analysed the contour levels of the site and the surrounding area and the capacity of storm water drainage leading to water logging and flooding.
- C. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 by failing to 100% treat the grey water through decentralized treatment and failing to submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA and/or concerned authorities.
- D. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by failing to develop peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise.



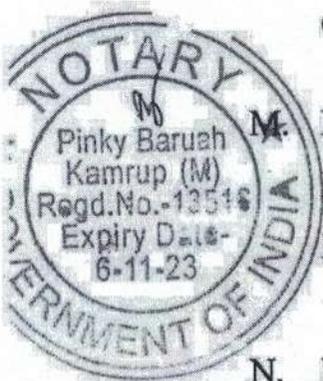
revised

- E. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (ix) of E.C dated 21.01.2014 by failing to keep the width of the internal road at 7 mtrs. and 9 mtrs. in many places of the project area, leading to traffic congestion and water logging.
- F. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by failing to submit a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months.
- G. BECAUSE Respondent No. 1 has violated and/or not complied with EIA Notification, 2006 by not extending the E.C dated 21/01/2014 which expired on 21/01/2021 by continuing construction of the project without a valid extension of EC from SEIAA and/or concerned authorities.
- H. BECAUSE Respondent No. 1 has violated and/or not complied with the directions of Respondent No. 4 GMDA by failing to submit periodic compliance report and without submitting the same Respondent No. 4 GMDA will not issue Occupancy Certificates, and have directed that the premises should be vacated for no fault of the Applicants and/or resident buyers.
- I. BECAUSE Respondent No. 1 has not submitted Compliance Reports among other reports with Respondent No. 2 SEIAA and/or concerned authorities as mandated by EIA Notification, 2006.



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- J. BECAUSE Respondent No. 2 SEIAA has not acted upon the complaints filed by the Applicants with the said authority highlighting the number of violations and non-compliance of EC provisions by Respondent No. 1 but Respondent No. 2 have not taken any step/action against the erring project proponent till date.
- K. BECAUSE Respondent No. 4 could not have granted Occupancy Certificate to Respondent No. 1 without the compliance of E.C conditions as required by law.
- L. BECAUSE in the Hon'ble Apex Court judgments in *T.N Godavarman Thirumulpad vs. Union of India & Ors.*, (2014) 4 SCC 61 and *Lafarge Umiam Mining Private Ltd. vs. Union of India*, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and there is a need for effective monitoring mechanism.
- M. BECAUSE the principle of Sustainable Development and the Precautionary principle, which have been held to be part of 'Right to Life' require that EC conditions are fulfilled.
- N. BECAUSE under Article 48-A of the Constitution of India it states that the "State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."



### LIMITATION

That the present application is being filed within the limitation period as it is a continuing cause of action and hence within the period of limitation under section 14 of the National Green Tribunal Act, 2010



L. M. Baruah

INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the Applicants have a good *prima facie* case, and in consideration of said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to -

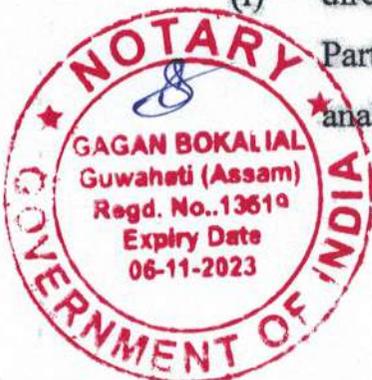
- (i) direct Respondent No. 1 to stop all construction activities in the Arya Smart Living project site wherein construction is going on without a valid Environmental Clearance, and/or
- (ii) direct Respondent No. 1 to submit all Compliance Reports (till date) with the concerned authorities, with a copy of the same provided to the Applicants, and/or
- (iii) direct the formation of a fact finding Committee and conduct inspection of the project site for violations and non-compliance of Environmental Clearance dated 21/01/2014 and submit a report before this Hon'ble Court, and/or



PRAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the Applicant that this Hon'ble Tribunal may be pleased to -

- (i) direct Respondent No. 1 to comply with the Specific Conditions at Part - A (I) (i) of E.C dated 21.01.2014 and take necessary steps to analyze the contour levels of the site and the surrounding area and

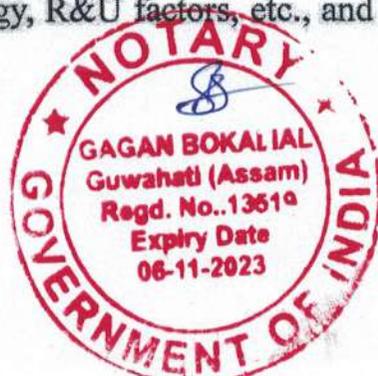


*Amrita*

the capacity of storm water drainage and take necessary steps to address the problem of water logging and flooding, and/or

- (ii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 and treat 100% of the grey water through decentralized treatment and submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA or to concerned authorities, and/or
- (iii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by developing the peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise, and/or
- (iv) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (ix) of E.C dated 21.01.2014 by keeping the width of the internal road at 7 mtrs. and 9 mtrs., and/or
- (v) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by submitting a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA immediately, and/or

*gagan*



- (vi) direct Respondent No. 1 to comply with all the provisions of the Environmental Clearance dated 21/01/2014, and/or
- (vii) direct respondent No. 1 not to operate without a valid Environmental Clearance, and/or
- (viii) direct the respondent authorities to initiate action against Respondent No. 1 under section 15, 16 and 19 of The Environment (Protection) Act, 1986, among other laws, for violation and non-compliance of E.C dated 21/01/2014 among other violations, and/or
- (ix) To pass any other such order(s)/direction(s) as this Hon'ble Tribunal seem fit and proper in the facts and circumstances of the present case.

**DATE: 13 March 2023**

**PLACE: Guwahati**

**DRAWN & FILED BY:**

*Vikram Rajkhowa*

**Vikram Rajkhowa**

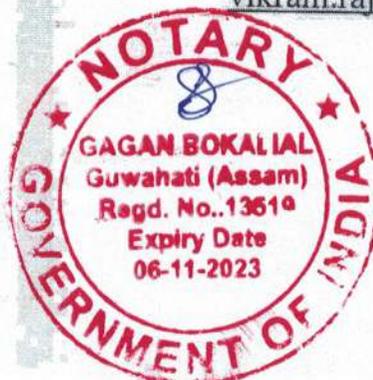
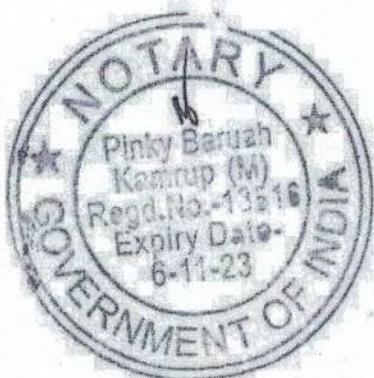
Advocate for the Original Applicants

H.No.13, Bhubon Road, Uzan Bazar

Guwahati – 7810001, ASSAM

[vikram.rajkhowa@gmail.com](mailto:vikram.rajkhowa@gmail.com)

(+91) 9954348258



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

**O.A No. OF 2023/EZ**

**IN THE MATTER OF:**

Sri. Ganesh Das & Others

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others

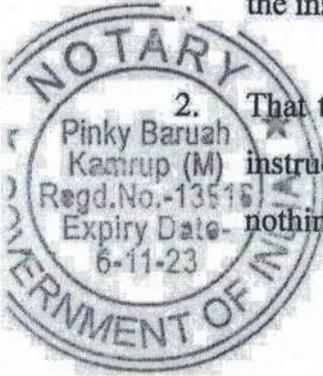
: Respondents

**AFFIDAVIT**

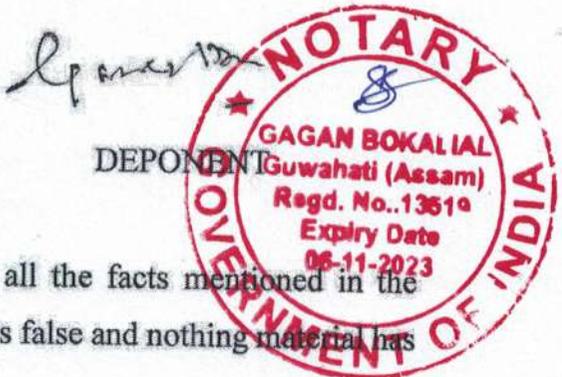
I, Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, aged around 51 years, resident of Tribeni Apartment, Flat No. 5A, Madhabdevpur, Rehabari, Guwahati 781008, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and as such I am fully conversant with the facts and circumstances of the case, and I am also authorized by the other applicants vide letter dated 28.02.2023 and 03.03.2023 annexed with the instant petition, hence I am competent to swear this affidavit on their behalf.

2. That the accompanying application has been drafted by my counsel on my/our instructions and I/We have read and understood the contents of the same and nothing material has been concealed therefrom.



No. 61  
Date 13.03.23



*Ganesh Das*

DEPONENT

**VERIFICATION:**

I, the above named, deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

Identified by  
*Debayit Gogoi*  
Advocate  
Enrl. No. 1054/14-15



*Ganesh Das*

DEPONENT

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

VAKALATNAMA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

O.A No.            OF 2023/EZ

**IN THE MATTER OF:**

Sri. Ganesha Das & Others

: Applicants

Vs.

M/s Asya Erectors India Pvt. Ltd.  
represented by its Managing Directors & Others

: Respondents

Know all men by these presents that the above, named Dr. Ganesha Das, Dr. Himmay Borakati, Sanjay Baruah and Sri. Brajan Dutta do hereby nominate, constitute and appoint Sri. Vikram Rajkhowa and Sri. Debojit Gogoi, Advocates, as shall accept this Vakalatnama to be his/their true and lawful Advocates to appear and act for him/them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In witness whereof I/we hereunto set my hand on this 28 day of January 2023.

Handwritten signature/initials on the right margin.

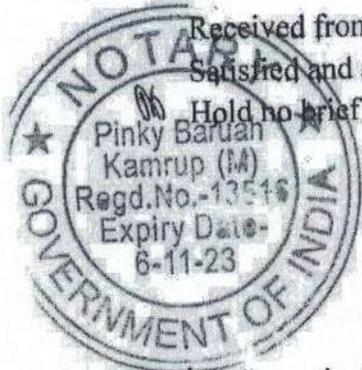
Himmay Borakati

[Signature]

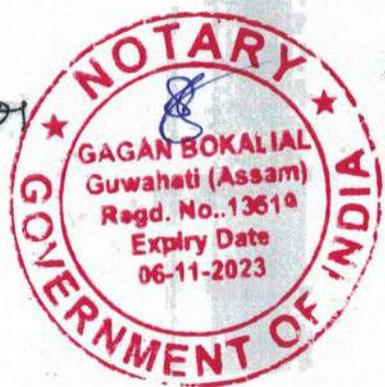
SANJAY BARUAH

Dr. Ganesha Das [Signature]

Received from the executants  
Satisfied and accepted as I/We  
Hold no brief for the other side.



Debojit Gogoi  
Advocate



Signature of Executant/s

Vikram Rajkhowa  
Advocate

VAKALATNAMA**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

O.A No.            OF 2023/EZ

**IN THE MATTER OF:**

Dr. Ganesh Das &amp; Others

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented  
by its Managing Director & Others

: Respondents

Know all men by these presents that the above, named

Padum Deori

do hereby nominate, constitute and appoint **Sri. Vikram Rajkhowa and Sri. Debojit Gogoi, Advocates**, as shall accept this Vakalatnama to be his/their true and lawful Advocates to appear and act for him/them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In witness whereof I/we hereunto set my hand on this 3rd day of March, 2023.

Received from the executants  
Satisfied and accepted as I/We  
Hold no brief for the other side.

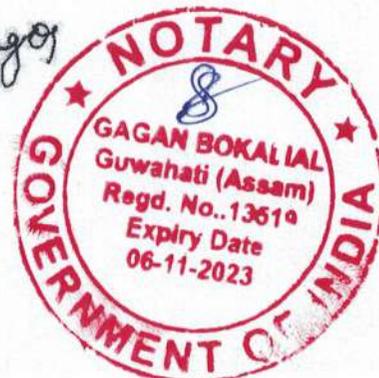


*Vikram Rajkhowa*  
Advocate

*Padum Deori*

Signature of Executant/s

*Debojit Gogoi*  
Advocate



L. Prasad



F. No. SEIAA.07/2013/10

Government of Assam

State Environment Impact Assessment Authority (SEIAA)

Bamunimaidam, Guwahati - 781021

Dated 21<sup>st</sup> January, 2014

To,

M/s Arya Erectors India Pvt. Ltd.  
503, K.P. Enclave, Sohagpur,  
Rehabari, Guwahati - 781008.

Subject: Environmental Clearance for construction of Arya Smart Living at Abhaypur,  
North Guwahati, Assam by M/s Arya Erectors India Pvt. Ltd. - Reg.

Sir,

This has reference to your application No. Nil dtd 26/6/2012 and subsequent letters seeking prior Environmental Clearance for the procedure in the lights of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form I, Form IA and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meeting held on 19th September, 2012 and subsequently, recommend the proposal by SEAC on 17/7/ 2013 for issue of Environmental Clearance for the project.

2. It is interalia, noted that the project involves the construction of Arya Smart Living at Abhaypur, North Guwahati on a plot area of 38,106 sq. m. The total construction built up area proposed for the project is 62,133.036 sq. m. The Podium area 2886 sq.m. The paved area is 12989.4 sq.m. The building foot print area is 12709.6 sq.m. The basement area 5791.636 sq.m. The Green belt area is 7484.96 sq.m. The complex will have Villas- Type A 08 units, Type B 08 units, Type C 108 units, Apartment units 156, Shops 6 and Retail outlet 4. The total water requirement of the project is estimated to be about 286.63 KLD. The capacity of STP is 230 KLD. The treated water will be used 194 KLD and for Flushing 91 KLD. There will be no discharged of waste water. Total solid waste generation for the project will be 1.13 Tones per day. The power requirement is 2385.17 KW. Total car parking proposed 516 nos. The total cost of the project is Rs. 72.2 Cores.

3. The Expert Appraisal Committee, Ministry of Environment & Forest, Govt. of India after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project mentioned above. Accordingly, SEIAA, Assam hereby accord necessary Environmental Clearance for the above project as per the provisions of Environmental Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:-

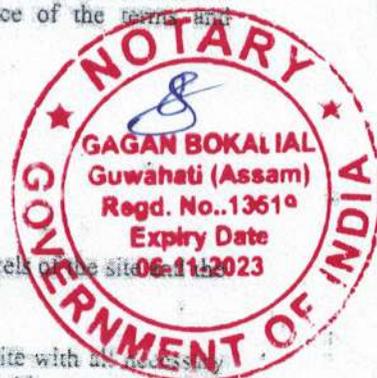
### PART - A. SPECIFIC CONDITIONS

#### I. Construction Phase

- (i) The storm water drainage shall be worked out after analyzing the contour levels of the site and surrounding area and the capacity of storm water drainage.
- (ii) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, toilets, mobile STP, safe drinking water, medical health care, crèche, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (iii) A First Aid Room shall be provided in the project both during construction and operation of the project.

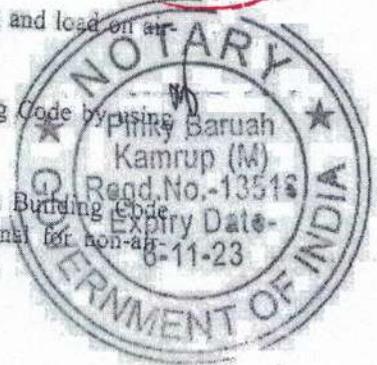
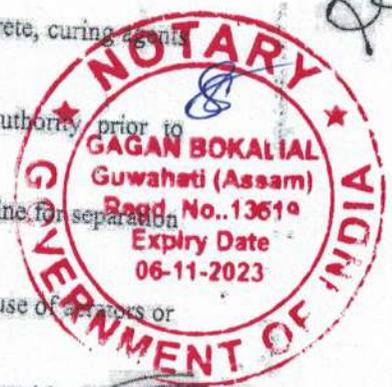
*[Signature]*  
Member Secretary

(1)



*[Handwritten signature]*

- (iv) All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
- (v) Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (vi) Soil and ground water samples shall be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- (vii) Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.
- (viii) Any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms.
- (ix) The diesel generator sets and concrete mixture to be used during construction phase should be low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
- (x) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- (xi) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 subject to availability of the same.
- (xii) Ready mixed concrete must be use in building construction.
- (xiii) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- (xiv) Ambient noise level should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB.
- (xv) Storm water control and its re-use as per CGWB and BIS standards for various applications be maintained.
- (xvi) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xvii) Permission for ground water use shall be obtained from the competent Authority prior to construction/operation of the project.
- (xviii) Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.
- (xix) Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- (xx) Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality low E value glass.
- (xxi) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- (xxii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.



Member Secretary  
SEIAA, Assam

(xxiii) The approval of the competent authority shall be obtained for structural safety of the building due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightning etc.

(xxiv) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.

(xxv) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it is found that construction of the project has been started without obtaining environmental clearance.

## II. Operation Phase

(i) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed.

(ii) The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry/ inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.

(iii) Diesel power generating sets proposed as source of power during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel is obligatory. The location of the DG sets may be decided suitably without disturbance to the public.

(iv) Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

(v) The peripheral green belt of 3 mtrs. Width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.

(vi) Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon period.

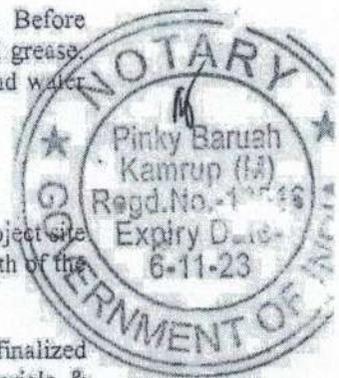
(vii) Rain water harvesting for roof run-off and surface run-off should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging should be kept at least 5 mts. above the highest of ground water table.

(viii) The ground water level and its quality should be monitored regularly.

(ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mt. and 9 mts. in the project area.

(x) A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors, etc. and submit to the SEIAA in three months time.

(xi) Energy conservation measures like installation of CFLs/TFLs for the lighting the areas outside the building should be integral part of the project design. Use CFLs and TFLs should be properly collected and disposed off/ sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar energy should be incorporated for illumination of common areas, lighting for garden and street lighting in addition to provision for solar water heating. Energy saving should be achieved up to 20% as committed.



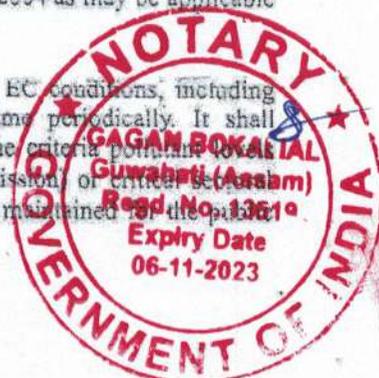
*Pinky Baruah*

- (xii) Central air-conditioning energy efficient system having at least 3 stars rating of BEE may be provided for the proposed project.
- (xiii) Efforts may be made to use solar energy to the maximum extent possible.
- (xiv) Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.
- (xv) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air, and ventilation.
- (xvi) The emergency evacuation plan should be implemented as stated.

### PART - B. GENERAL CONDITIONS

1. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/ Regional Office of MoEF.
2. The SEIAA while monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/ data during inspection by the project proponent.
3. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA.
4. The SEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
5. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972, etc. shall be obtained, as applicable by project proponents from the respective competent authorities.
6. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environmental (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.
7. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the SEIAA, Assam. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the SEIAA, Assam.
8. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 460 of 2004 as may be applicable to this project.
9. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of MoEF. The criteria pollutants to be monitored, namely PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>, etc. (ambient levels as well as stack emission) or critical sector parameters, indicated for the project shall be monitored and a record be maintained on the public domain.

*[Signature]*  
Member Secretary  
SEIAA Assam



*[Handwritten signature]*

10. The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall also be sent to the respective Regional Offices of MoEF by e-mail.

11. This Environmental Clearance is valid for a period of Five Years from the date of issue.

*Yours faithfully,*

*A. K. L.* Member Secretary  
Member Secretary SEIAA Assam  
SEIAA, Assam  
Bamunimaidam, Guwahati-21

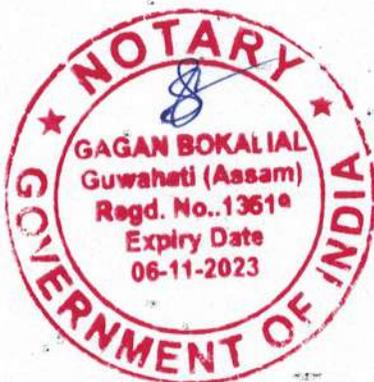
Memo No. SEIAA/07/2013/10

Dated 21st January, 2014.

Copy to the :-

- 1) Principal Secretary / Secretary to Govt. of Assam, Environmental & Forest Department, Dispur, Guwahati-6 for favour of information.
- 2) PCCF, Forest Department, Govt. of Assam, Rebari, Guwahati-8 for kind information.
- 3) Regional Office, MoEF, Govt. of India, Low-u-sib, Lumbatngen, Near MTC Workshop, Shillong-793021 for favour of information.

*A. K. L.* Member Secretary  
Member Secretary SEIAA Assam  
SEIAA, Assam  
Bamunimaidam, Guwahati-21



*Baruah*

Sl.No.

ANNEXURE

OFFICE OF THE  
**GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY**  
 GUWAHATI

No. - GMDA/BP/2214/26112012/156

Dated : Tuesday, June 25, 2013

To : Shri ANIL KUMAR SARMA, MANAGING DIRECTOR OF ARYA ERECTORS INDIA (P) LTD.  
 503, K. P. ENCLAVE  
 SUHAGPUR, REHABARI  
 GUWAHATI - 781008

Sub : Issue of No-Objection Certificate under Sec.25 of the GMDA Act, 1985 for construction of an Assam-Type / R.C.C. Building / Boundary Wall .

Ref. : Your application dated Monday, November 26, 2012

Sir / Madam,

With reference to your application for permission to erect / re-erect / add-to / alter / a building / Boundary Wall at village ABHAYPUR of SILA SINDURI GHOPA mouza, Dag No. 884,885,889,890 PattaNo. 198 on EXISTING=10M AND PROPOSED=25M GOPINATH BORDOLOI road for RESIDENTIAL purpose in accordance with the plans submitted with it, with area of each floor and setbacks as shown below

Floor Area :	Ground	10924.96 Sq.M	/ 1st	10520.32 Sq.M	/
	2nd	5289.92 Sq.M	/ 3rd	xxxx	/
	4th	xxxx	/ 5th	xxxx	/
	6th	xxxx	/ 7th	xxxx	/
	8th	xxxx	/ 9th	xxxx	/
	Mezzanine	288 Sq.M	/ Basement	xxxx	/

Boundary wall at ABHAYPUR Guwahati.

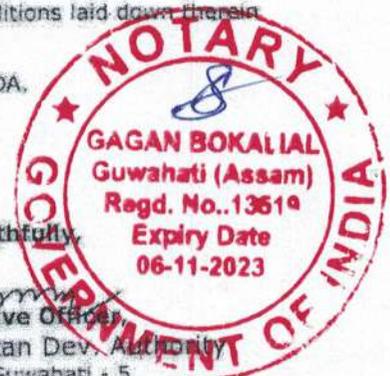
Setbacks :	North	6.35 M,15.59 M	South	3.0 M,3.08 M,3.74 M,4.46 M,6.11 M
	East	3.17 M,8.39 M,9.42 M,9.59 M,10.40 M	West	3.0 M,3.24 M,4.80 M

Your application is hereby -

- (1) Sanctioned for the aforesaid construction under Bye-law 14 of the Guwahati Metropolitan Development Authority .
- (2) Sanctioned for construction with the following modification shown by red in the drawings:
- (3) Clearance of MOEF has to be furnished before starting construction and conditions laid down therein are to be strictly complied with.
- (4) The NDC is not to be honoured without the affixed security hologram of GMDA.

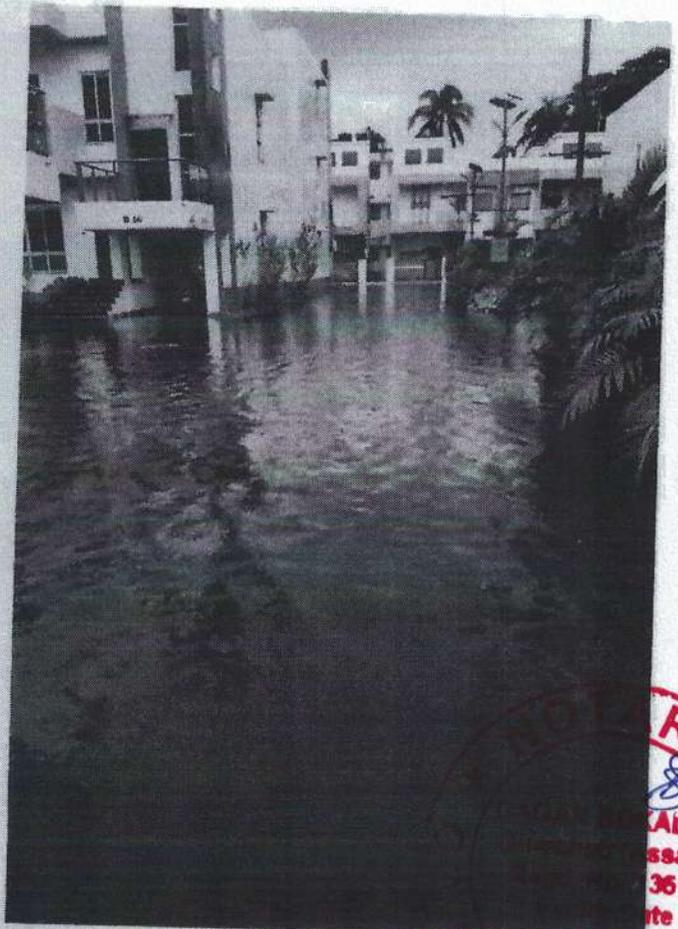
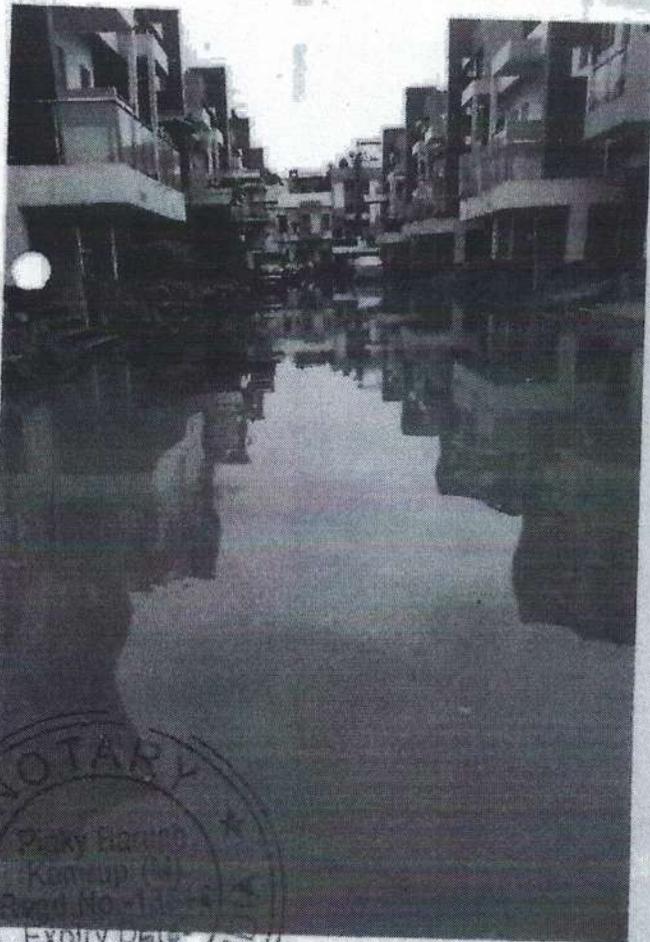
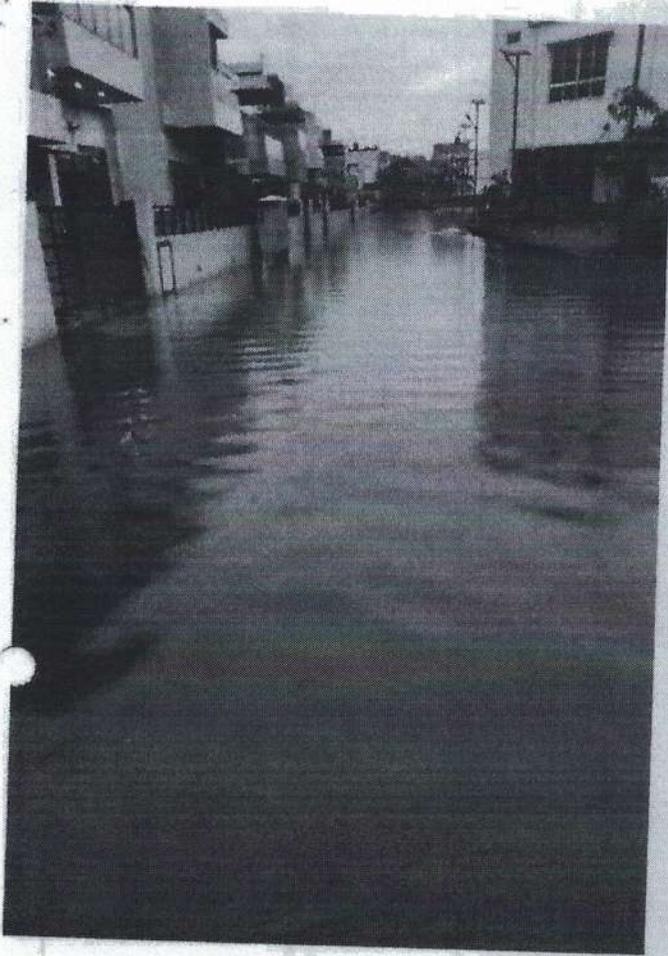
Yours faithfully,

For Chief Executive Officer  
 Guwahati Metropolitan Dev. Authority  
 Bhangagarh, Guwahati - 5  
 Chief Executive Officer



Encl : One copy of approved plan.

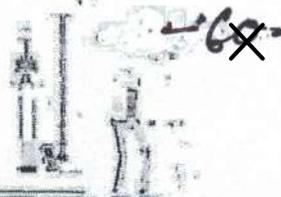
N.B. :- See Notice overleaf



*Secretary*

NOTARY  
 P. Jayaram  
 Kottayam  
 Notary No. 100  
 EXPIRY DATE  
 6-11-2023  
 GOVERNMENT OF INDIA

NOTARY  
 (SPECIAL  
 Kottayam)  
 3610  
 GOVERNMENT OF INDIA  
 06-11-2023



**ARYA SMART LIVING – SURVEY REPORT**  
**Abhaypur, North Guwahati, Dist-Kamrup, Assam**

**AREA STATEMENT** as per Document received from client.

Total Plot Area = 30 Bigha 4 Lessa as bellow.

Phase I = 23 Bigha 13 Lessa, with Dag No- 884,885,889,890 and patta no 198

Phase II = 4 Bigha 4 katha 11 lessa Dag No= 884,885,889,890 and patta no 198

Club House (Phase III) = 2 Bigha with dag 764 patta 271

**Data recorded as per Topographical Survey**

Comprehensive Topographical Survey done on 06/10/2022. All data are available in the topographical site plan in meter with respect temporary benchmark 100 meter at middle of the ASL campus of phase I.

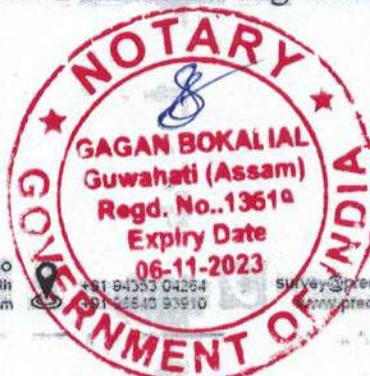
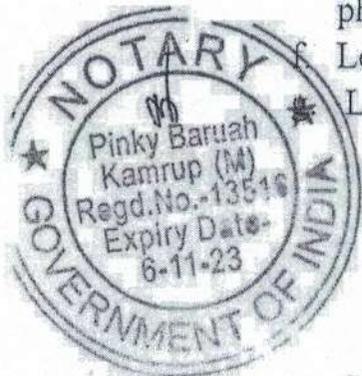
**A. AVERAGE GROUND LEVEL**

- a. Inside Phase 1 campus– 99.88
- b. Inside phase 2 campus– 100.277
- c. PWD Road – 100.160
- d. Western side (outside of wall) – 100.160
- e. Southern side (outside of wall) – 100.495
- f. Eastern side (outside of wall) – 100.140
- g. North east side (outside of wall) – 99.92
- h. Northern side (outside of wall) – 100.277

**B. DRAIN**

- a. Right drain starting point – 98.940
- b. Right drain end point – 99.110
- c. Left drain starting point- 99.779
- d. Left drain end point- 99.110
- e. **Tri junction point** ( junction between drains (right , left drain of phase I) and drain from phase 2) – 99.110
- f. Left main outlet drain starting point – 99.110
- g. Left main outlet drain connecting with PWD drain – 99.269

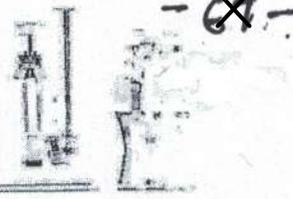
*Survey*



PRECISION SURVEYING CO  
 1st Floor, Salyanarayan Plaza, Harabala Path  
 Byline No. 112, Bara Sarika, Uluhad, Guwahati-7, Assam

+91 94353 04264  
 +91 96640 93910

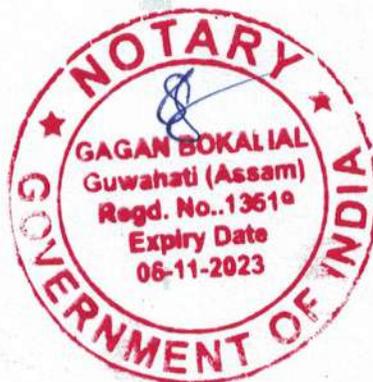
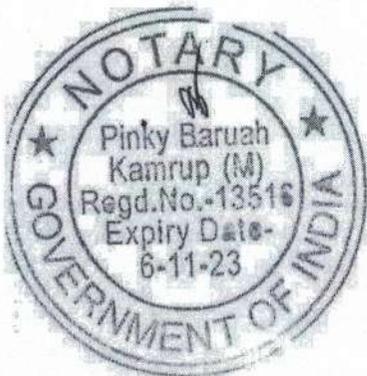
Survey@precisionindia.co.in  
 www.precisionindia.co.in



### C. COMMENTS

- a. The average ground level outside the boundary wall at western side is 20 cm higher than average ground level of the phase 1 in ASL campus
- b. The average ground level outside the boundary wall southern side is 61 cm higher than average ground level of the phase 1 in ASL campus.
- c. The average ground level outside the boundary wall at Eastern side is 26 cm higher than average ground level of the phase 1 in ASL campus.
- d. The average ground level outside the boundary wall at northeast side is 26 cm higher than average ground level of the phase 1 in ASL campus.
- e. The average ground level outside the boundary wall at Northern side is 40 cm higher than average ground level of the phase 1 in ASL campus.
- f. The average ground level of phase 1 of ASL campus is 40 cm lower than average ground level of phase 2 in ASL campus.
- g. The average ground level of PWD road is 20 cm higher than average ground level of the phase 1 of ASL campus.
- h. The average ground level of PWD road is 11 cm lower than average ground level of the phase 2 of ASL campus.
- i. **DRAIN** -Bed level of PWD drain at near to ASL is 16 cm higher than bed level of tri junction area of the drain of ASL campus.

*le m...*





*Lower*

NOTARY  
 P. M. Bhandari  
 Notary Public  
 Government of India  
 6/11/23

GOVERNMENT OF INDIA  
 No. 136/0  
 Expiry Date  
 06-11-2023

ANNEXURE:- F

**TYPED COPY OF THE ORIGINAL**

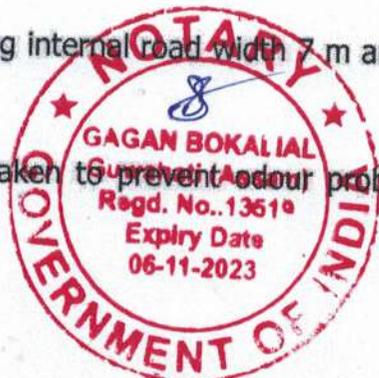
FORM - A

To

The Public Information officer

1. Name of the Applicant: Padum Deori & Ganesh Chandra Das
2. Address: C/o Gunakanta Baruah, Nirzapur, Jagiroad, Morigaon, Assam, 782410 & Tribeni Apartment, Flat no 5A, 5<sup>th</sup> floor, Mahadebpur, Rehabari, Guwahati, Assam, 781008.
3. Telephone No.: +919706569299/+96893200563/+919864040244
4. Email Address: [padumd@gmail.com](mailto:padumd@gmail.com) & [ganeshdas40244@yahoo.com](mailto:ganeshdas40244@yahoo.com)
5. (i) Particulars of Information: File No. SEIAA.07/2013/10  
 (ii) Concerned Department: State Environment Impact Assessment Authority (SEIAA).  
 (iii) Particulars of information required: Please provide the following information and copy of the documents mentioned in the below mentioned points 1 to 11.

1. Validity of Environmental Clearance issued on 21<sup>st</sup> Jan 2014 for construction of Arya Smart Living is already expired as per the reference letter. Kindly provide us a copy of the renewed environmental clearance issued from SEIAA in favor of M/s Arya Erectors India Pvt. Ltd. As the construction is still in progress.
2. As the builder have allowed to occupy the villas, please provide the report submitted by the project proponent for compliance to the clause no (i) of operation phase.
3. Rain water harvesting report submitted by the builder and its compliance.
4. Report submitted on energy conservation matters.
5. Report submitted by the builder for confirming internal road width 7 m and 9 m inside the project area.
6. Report submitted to confirm the measures taken to prevent odour problem from solid waste processing plant and STP.



*Amal*

7. Six monthly reports submitted by the builder in order to comply the stipulated EC conditions
8. SEIAA inspection reports as the builder have already allowed occupying the villas to the buyers.
9. As per the current construction permission obtained from the concerned authority, it seems that there is a change in construction scope as compared to the scope briefed in environmental clearance issued on 21<sup>st</sup> Jan 2014. As per the general condition clause no 3 of environmental clearance letter, project should have a fresh appraisal by the SEIAA. Please provide a copy.
10. Other compliance reports submitted as per the requirement of SEIAA.
11. We have requested the above mentioned information through an application dated 20/12/2020/ Please provide a response to our application.

(iv) Details of information required:

(v) Period for which information required: From 25.06.2011 to 31.10.2020

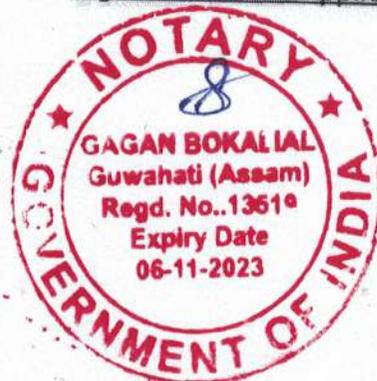
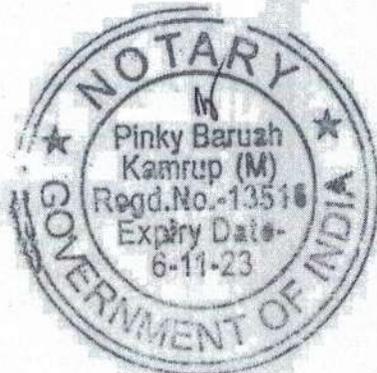
(vi) Other Details:

6. I state that the information sought does not fall within the restriction contained in Section 4 of the Act and to the best of my knowledge it pertains to our office.
7. A fee of Rs..... has been deposited in your office vide No..... dated .....

1. Sd- Padum Deori
2. Sd- Ganesh Das

Date: 11.12.20

Signature of the Applicant



*ly m...*

- 65 -

ANNEXURE: 5

FORM - A

To

The Public Information officer

- 1. Name of the Applicant : Padum Deori & Ganesh Chandra Das
- 2. Address : C/o Gunakanta Baruah, Nizarapar, Jagirozd, Marigaon, Assam, 782410 & Tribeni Apartment, Flat no 5A, 5<sup>th</sup> floor, Madhabdebpur, Rehazari, Guwahati, Assam, 781008.
- 3. Telephone No. : +919705569259/+95893200563/+919864040244.
- 4. Email Address : [padumal@gmail.com](mailto:padumal@gmail.com) & [ganeshdas1921@gmail.com](mailto:ganeshdas1921@gmail.com).

5. (i) Particulars of information: File No. SEIAA.07/2013/10

(ii) Concerned Department: State Environment Impact Assessment Authority (SEIAA).

(iii) Particulars of information required: Please provide the following information and copy of the documents mentioned in the below mentioned points 1 to 11.

- ✓ 1. Validity of Environmental Clearance issued on 21<sup>st</sup> Jan 2014 for construction of Arya Smart Living is already expired as per the reference letter. Kindly provide us a copy of the renewed environmental clearance issued from SEIAA in favor of M/s Arya Erectors India Pvt. Ltd. as the construction is still in progress.
- α 2. As the builder have allowed to occupy the villas, please provide the report submitted by the project proponent for compliance to the clause no (i) of operation phase.
- 3. Rain water harvesting report submitted by the builder and its compliance.
- 4. Report submitted on energy conservation measures.
- 5. Report submitted by the builder for confirming internal road width 7 m and 9 m inside the project area.
- 6. Report submitted to confirm the measures taken to prevent odour problem from solid waste processing plant and STP.
- ✓ 7. Six monthly reports submitted by the builder in order to comply the stipulated EC conditions.

le mshin

11/11/23

**NOTARY**  
**GAGAN BOKALIA**  
 Guwahati (Assam)  
 Regd. No. 13510  
 Expiry Date  
 06-11-2023

RECEIVED

**NOTARY**  
 Pinky Baruah  
 Kamrup (M)  
 Regd. No. 13510  
 Expiry Date  
 6-11-23

Office of the SEIAA, Assam

Date: 11/11/23

-X6-

- 8. SEIAA inspection reports as the builder have already allowed occupying the villas to the buyers.
- 9. As per the current construction permission obtained from the concerned authority, it seems that there is a change in construction scope as compared to the scope briefed in environmental clearance issued on 21<sup>st</sup> Jan 2014. As per the general condition clause no 3 of environmental clearance letter, project should have a fresh appraisal by the SEIAA. Please provide a copy.
- 10. Other compliance reports submitted as per the requirement of SEIAA.
- 11. We have requested the above mentioned information through an application dated 20/10/2020. Pleas provide a response to our application.

(iv) Details of information required:

(v) Period for which information required: From 25.06.2011 to 31.10.2020

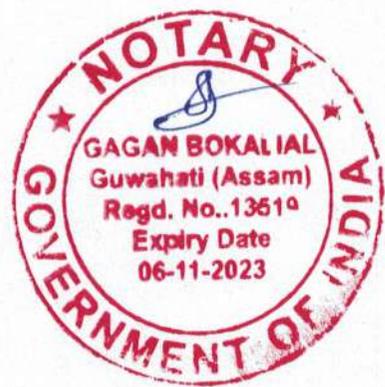
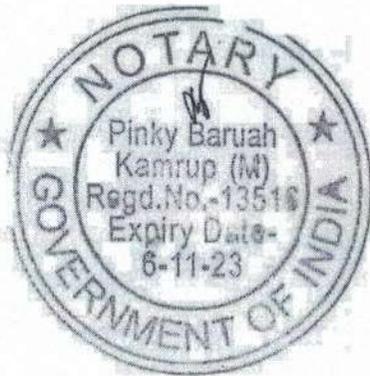
(vi) Other Details:

- 6. I state that the information sought does not fall within the restriction contained in Section 4 of the Act and to the best of my knowledge it pertains to your office.
- 7. A fee of Rs..... has been deposited in your office vide No..... dated.....

1. Padma  
 2. Gagan Bokalial  
 Signature of the Applicant

*Signature*

Date: 17.11.20



OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM  
Ministry of Environment, Forest and Climate Change, Government of India  
BAMUNIM AidAM, GUWAHATI-21.

No. SEIAA.7/2013/11/1284

Dated: 28/12/2020

To

✓ Padum Deori & Ganesh Chandra Das  
C/o: Gunakanta Baruah, nizarapar, Jagiroad, Morigaon, Assam, 782410 &  
Tribeni Apartment, Flat no 5A, 5<sup>th</sup> Floor, Madhabdevpur,  
Rehabari, Guwahati, Assam, 781008

Sub: - Information under RTI Act, 2005.

Ref: - Your application no. nil dated 20/10/2020.

With reference to your application no. nil dtd 20-10-2020 it is to inform you that the EC for construction of Arya Smart Living at Abhaypur, North Guwahati was issued vide No. SEIAA.07/2013/10 dt. 21<sup>st</sup> January, 2014 with a validity period of 5(Five) years from the date of issue.

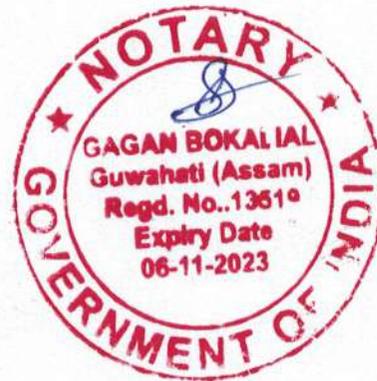
As per office record M/s Arya Erectors India Pvt. Ltd has not applied for extension of EC at SEIAA, Assam office till date.

Yours faithfully

Chairman,  
SEIAA, Assam

Bamunimaidam, Guwahati-21

Lenston





OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM  
Ministry of Environment, Forest and Climate Change, Government of India  
BAMUNIM Aidam, GUWAHATI-21.

No. SEIAA.7/2013/1579

Dated: 13 / 05 / 2022

To

✓ Dr. Ganesh Chandra Das  
Tribeni Apartment, Flat no 5A, 5<sup>th</sup> Floor, Madhabdevpur,  
Rehabari, Guwahati, Assam, 781008

Sub: - Information under RTI Act, 2005.

Ref: - Your application No. Nil dated 08/03/2022.

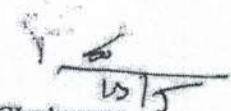
With reference to your application no. nil dtd. 08-03-2020, the following informations are provided.

(1) M/s Arya Erectors India Pvt. Ltd has not applied in this office for extension of the EC No. SEIAA.07/2013/10 dtd. 21-01-2014 which was valid upto 21<sup>st</sup> January, 2019.

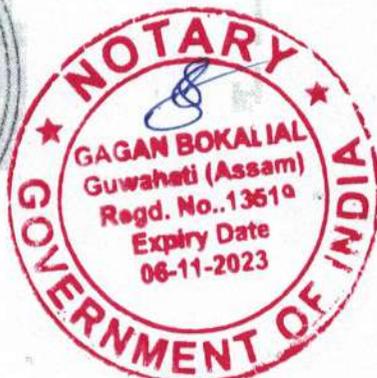
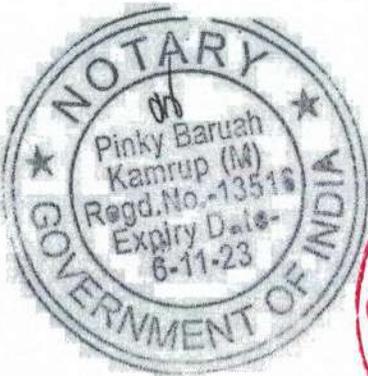
(2) & (3) The same is not available in our office record.

(4) The information available in our office were earlier intimated vide letter No. SEIAA.7/2013/11 dtd 28-12-2020.

Yours faithfully

  
Chairman,  
SEIAA, Assam

Bamunimaidam, Guwahati-21



*Handwritten signature/initials*



**GENERAL NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
2. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
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18. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
19. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
20. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.

**CLIENT:** Arya Engineers India Pvt. Ltd.  
 City Arya Engineers, 100, K.T. Reddy, Schinaga, Madhavaram, Chennai-600 031, Arunachal Pradesh.

**DESIGNER:** SATELLER  
 SATELLER ENGINEERING & ARCHITECTURE PVT. LTD., 100, K.T. Reddy, Schinaga, Madhavaram, Chennai-600 031, Arunachal Pradesh.

**PROJECT:** LANDSCAPE PLAN

**SCALE:** 1:500

**DATE:** 06-11-2023

**PROJECT NO.:** 100

**DATE OF ISSUE:** 06-11-2023

**DATE OF REVISION:** 06-11-2023

**DATE OF APPROVAL:** 06-11-2023

**DATE OF SIGNATURE:** 06-11-2023

**DATE OF SEALING:** 06-11-2023

**DATE OF CANCELLATION:** 06-11-2023

**DATE OF DESTRUCTION:** 06-11-2023

**DATE OF REVISION:** 06-11-2023

**DATE OF APPROVAL:** 06-11-2023

**DATE OF SIGNATURE:** 06-11-2023

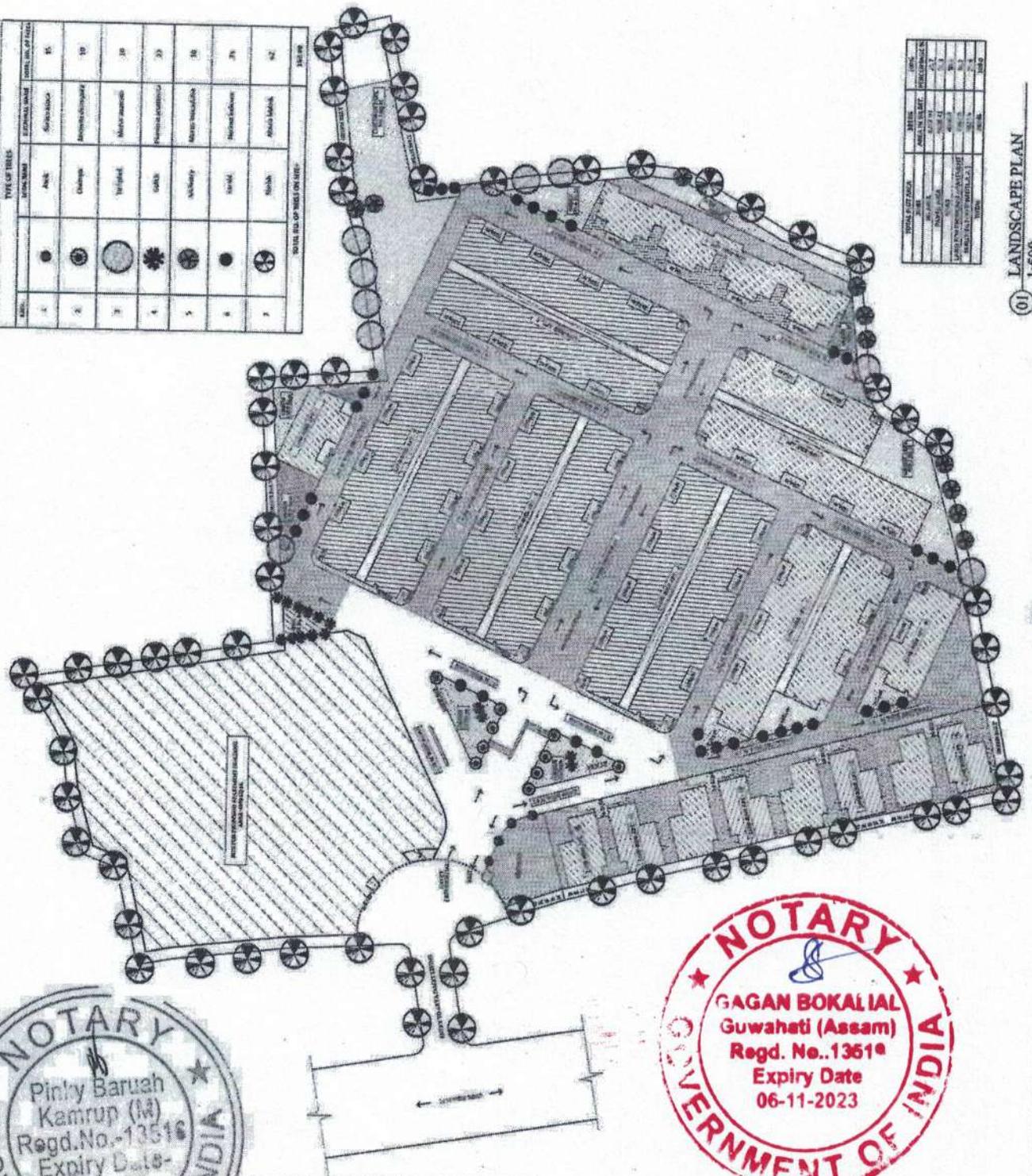
**DATE OF SEALING:** 06-11-2023

**DATE OF CANCELLATION:** 06-11-2023

**DATE OF DESTRUCTION:** 06-11-2023

TYPE OF TREES			TOTAL NO. OF TREES	
NO.	SYMBOL	SYMBOL NAME	SYMBOL AREA	TOTAL NO. OF TREES
1	●	ANNA	0.50	15
2	●	CHAMP	1.00	10
3	●	TEAK	2.00	10
4	●	SHAM	3.00	10
5	●	SHAM	4.00	10
6	●	SHAM	5.00	10
7	●	SHAM	6.00	10
TOTAL NO. OF TREES ON SITE				100

TOTAL NO. OF TREES		TOTAL AREA	
NO.	SYMBOL	SYMBOL AREA	TOTAL AREA
1	●	0.50	15
2	●	1.00	10
3	●	2.00	10
4	●	3.00	10
5	●	4.00	10
6	●	5.00	10
7	●	6.00	10
TOTAL NO. OF TREES ON SITE		100	



**APPROVED**

*[Signature]*  
 Project Manager

**CHECKED BY**

*[Signature]*  
 Project Engineer

**NOTARY**  
 Pinly Baruah  
 Kamrup (M)  
 Regd.No.-13516  
 Expiry Date-  
 06-11-23

**NOTARY**  
 GAGAN BOKALIA  
 Guwahati (Assam)  
 Regd. No..13616  
 Expiry Date  
 06-11-2023

LANDSCAPE PLAN  
 1:500

*Le man.*



F. No. 22-27/2015-IA-III

Government of India

Ministry of Environment, Forest and Climate Change  
(IA Division)Indira Paryavaran Bhawan  
All Ganj, Jor Bagh Road  
New Delhi- 110003.Dated the 12<sup>th</sup> April, 2016

## OFFICE MEMORANUDM

**Subject:** Notifications issued by the Ministry of Environment, Forest and Climate Change *vide* S.O. No. 1141 (E) dated 29.04.2015 and S.O. No. 2571 (E) dated 31.08.2015 under the provisions of the EIA Notification 2006 regarding extension of Validity of Environmental Clearance-Clarification regarding.

The undersigned is directed to inform that in respect of the subject mentioned above, the Ministry has decided to clarify the applicability of the Notifications as under:

- (i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, their validity will stand automatically extended to seven (7) years.
- (ii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such environmental clearances will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

This issues with the approval of the Competent Authority,

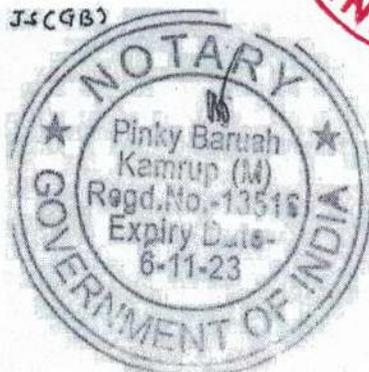
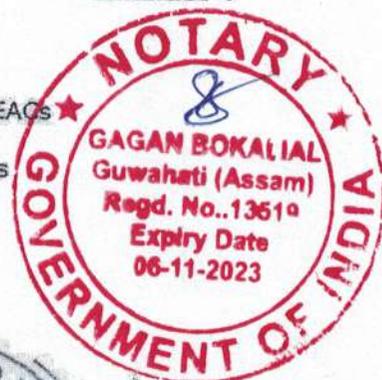
  
(Dr. Satish C. Garkoti)  
Scientist 'F'

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs / SEAGs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to HMEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(SK)
4. PS to JS(MKS)/PS to JS(BS) / PS to JS(CGB)
5. Website of MoEFCC
6. Guard File



ANNEXURE-L

**REAL ESTATE REGULATORY AUTHORITY, ASSAM  
JAWAHAR NAGAR, N.H.-37  
GUWAHATI- 781022**

**ORDER****13.06.2022****1. Complaint petition**

Dr Ganesh Chandra Das, Buyer of villa no.A6 and Padum Deori, Buyer of villa no D84 of Arya Smart Living, North Guwahati jointly submitted a petition dated 27.12.2021 alleging the following:

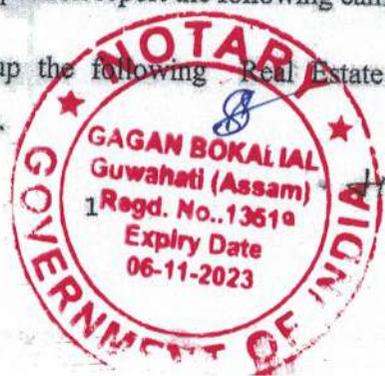
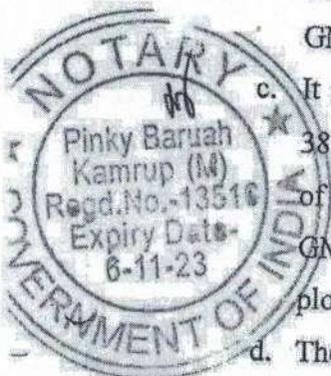
- a. The promoters have occupied the building without obtaining the occupancy certificate from the competent authority and he has allowed the buyer to occupy the building even after rejection of occupancy due to unauthorized construction.
- b. There is a misrepresentation in declaration of total land with respect to the total land with respect to the land shown for obtaining building construction permission from the competent authority (GMDA). As per information provided by GMDA, there are a total plot area of 28 Bighas 4 Lecha covered by Dag No. 884, 885, 889, 890 and Patta no. 198 where the competent authority had granted the building construction vide NOC no. GMDA/BP/2214/26112012/56 dated 25.06.2013.
- c. It is clear from the sanctioned site plan and landscape plan that the total plot area is 38106 square meter (28 bigha-4 lecha. Out of which phase I of the project covers an area of 31744 square meter (approx 23 bigha 4 lecha under NOC no. GMDA/BP/2214/26112012/156 dated 25.06.2013. The phase II of the project covers a plot area of 6362 square meter (approx 5 Bigha).
- d. The promoter had declared only 19 bigha 4 lecha as project area for phase I.

**2. Joint field inspection**

After perusal of the petition, the Authority directed the Registrar and Town Planner, RERA to conduct a joint inspection along with the land records staff of North Guwahati Circle to ascertain the details of the project area.

The team conducted joint inspection on 20.05.2022 in presence of both the parties and submitted report on 26.05.2022. From the joint inspection report the following came to light:

Arya Erectors India Pvt. Ltd took up the following Real Estate Projects falling under jurisdiction of three different Authorities.



**(a) Project area under GMDA**

- I. Project area as stated in the Application Form-(a) Dag No:884, 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur= 14 Bigha 0 katha 4 Lecha  
(b) Dag No.884, 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur= 5 Bigha 0 katha 0 Lecha  
Total(a+b)= 19 bigha 4 lecha
- II. Registration fees paid- Rs2,54, 275/-
- III. NOC for building Construction- Issued vide No. GMDA/BP/2214/26112012/156 dated 25.06.2013 by CEO, GMDA.
- IV. No. and Date of Registration Certificate issued by RERA- No. ASSAM/RERA/2017/64/68 dated 17.07. 2021.

**(b) Project area under Rudreswar Gaon Panchayat**

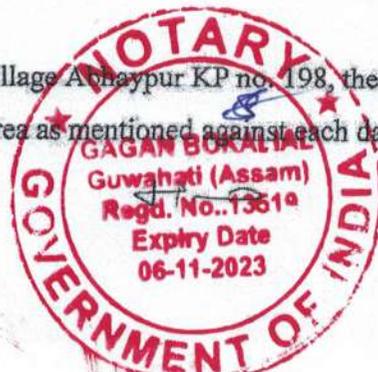
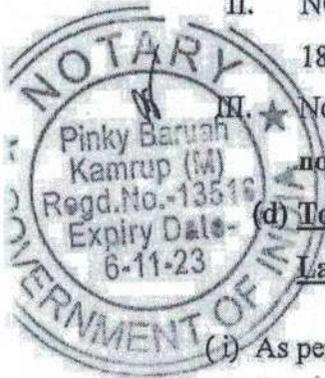
- I. Project area as stated in the Application Form-4Bigha 4 Katha 11 Lecha covered by Dag No. 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur
- II. Registration fees paid- Rs. 65,725/-
- III. NOC for building Construction- Issued vide No. RGP/791/NOC/2004-05/17/81 dated 05.05.2018 by President, Rudreswar Gaon Panchayat against 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur.
- IV. No. and Date of Registration Certificate issued by RERA- No. ASSAM/RERA/2017/261/191/30 dated 19.10. 2020.

**(c) Project area under North Guwahati Municipal Board**

- I. Project area- 2( two) Bighas under Dag No. 764, Patta No. 271 situated at revenue village North Guwahati town.
- II. NOC for building Construction- Issued vide No. NGTC/NOC/2013-14/1742 dated 18.12.2013 by Chairman, North Guwahati Town Committee.
- III. No. and Date of Registration Certificate issued by RERA – Application for registration not submitted.

**(d) Total area of land standing in the name of Arya Erectors India Pvt. Ltd as per Land records**

(i) As per Chitha copy and Jamabandi copy of revenue village Abhaypur KP no. 198, the Arya Erectors India Pvt. Ltd is the landholder of the following area as mentioned against each dag:-



Dag No 884- 19 Bigha 0 katha 9 Lecha

Dag No. 885- 0 Bigha 01 Katha 11 Lecha

Dag No. 889- 03 Bigha 02 Katha 0 Lecha

Dag No. 890- 05 bigha 01 Katha 4 Lecha

**Total 28 Bigha 0 katha 4 Lecha**

(ii) As per Chitha copy and Jamabandi copy of revenue village North Guwahati Town KP no. 271, the Arya Erectors India Pvt. Ltd is the landholder of the following area as mentioned against the dag no. 764.

Dag No 764- 02 Bigha 0 katha 0 Lecha.

Total area of land held by the Arya Erectors India Pvt. Ltd at Abhaypur and North Guwahati town under the project- 30 bigha 0 katha 04 Lecha( 28B-0 K- 04 lecha + 2 B-0 K-0 L)

**(e) Status in the Field – Observation**

During joint visit , it is seen that the project is being implemented in the entire area of 30 Bigha 0 Katha 4 Lecha (28Bigha 0 katha 4 Lecha of Abhaypur village plus 2 Bigha 0 katha 0 Lecha of North Guwahati town). However, the promoter has not yet submitted application for registration of the project being implemented at revenue village North Guwahati town over an area of 2 bigha covered by Dag No. 764 and KP No. 271 and also balance part of the project under GMDA measuring 4 Bigha 13 Lecha.

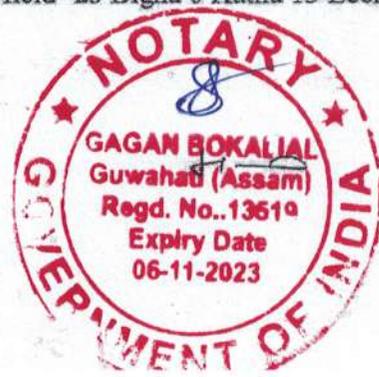
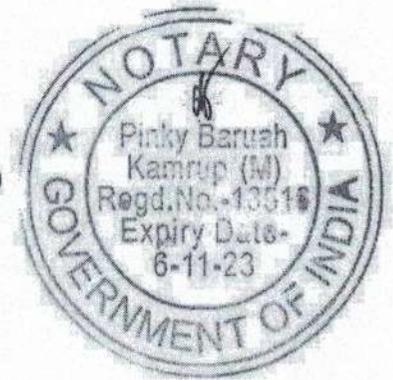
**(f) Status of payment of registration fees**

**Project part under Rudreswar Gaon Panchayat**

- Project area - 0 4 Bigha 04 katha 11 Lecha( 6569.58 sqm)
- Registration fees due – Rs. 65,695.80
- Registration fees paid – Rs. 65, 725.00
- Excess payment- Rs. 29.20

**Project part under GMDA**

- Project area as per land records & Status in the field- 23 Bigha 0 Katha 13 Lecha( 30947.94 sqm)
- Registration fees due-Rs. 3,09,479.40
- Registration fees paid- Rs. 2,54,275.00
- Less payment- Rs.55,204.40



The representatives of the promoter Sri Amarendra Mazumdar, Sri Ram Krishna Pradhan, Sri Amitabh Sarma and representative of the GMDA Sri D. Kalita, TP were also heard on 13.06.2022 on the following issues:

- i. Less payment of Registration fees showing less project area against NOC issued by GMDA.
- ii. Non-submission of application for registration against NOC issued by North Guwahati Town committee (Now North Guwahati M.B.)
- iii. Occupancy certificate.
- iv. Extension of project completion period of the Project under GMDA

The representatives of the promoter stated that they are ready to pay the balance amount of registration fees against the project under GMDA as it falls under the project area and to submit application for registration against NOC issued by North Guwahati town Committee along with prescribed fees as soon as possible.

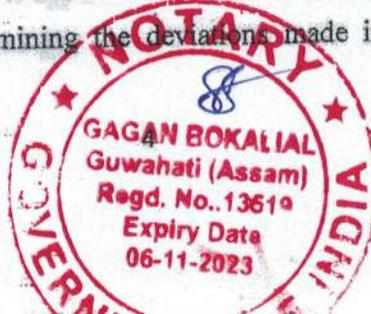
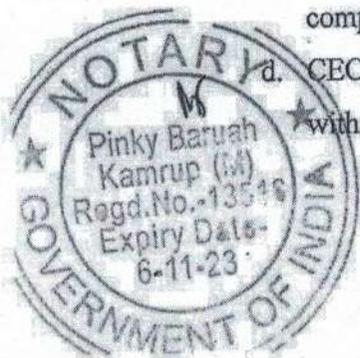
Regarding extension of project completion period also the promoter will submit application in prescribed form.

The representative of the GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan. He mentioned that the promoter had constructed some structures which were not approved by GMDA. A part of the structure which was approved by North Guwahati M.B. has been constructed on the site earmarked by GMDA as open area in the approved drawing/plan. It was also brought to the notice of the Authority that Occupancy certificate has already been issued by North Guwahati MB against the project approved by them.

In view of above, and after careful consideration of the records at hand, the Authority hereby directs the promoter as follows:

- a. To deposit the balance amount of registration fees of Rs.55, 204.40 against the project under GMDA within 10( ten) days.
- b. To submit application for registration of project under North Guwahati Town within 10( ten) days.
- c. To apply for extension of registration certificate implemented against NOC issued by GMDA along with all requisite documents and fees within 15( fifteen) days. Non compliance will attract provisions of Section 61 of the Act.

CEO, GMDA and the Executive Officer of North Guwahati M.B. to take a joint meeting with the promoter for examining the deviations made in the approved plan by the



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promoter within a month & take action as per existing provisions of law with reference to this Authority.

- e. Show cause notice be issued against the promoter for not providing complete information while registering the project against NOC issued by GMDA.
- f. Show cause notice also be issued against the promoter for not registering the project against NOC issued by North Guwahati Town Committee (Now North Guwahati MB).

This disposes the petition dated 27.12.2021.

sd/-  
(T.Y.Das)  
Chairperson

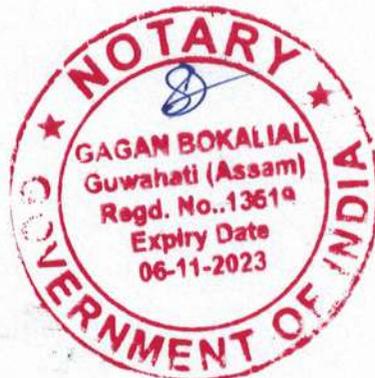
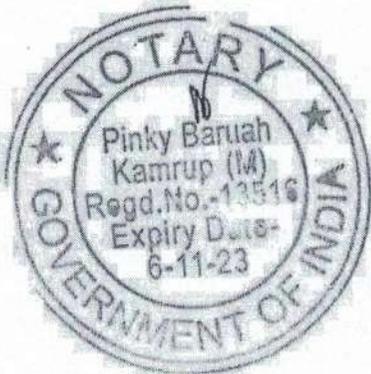
Memo No. ASSAM/RERA/2017/64

Dated. 13.06.2022

Copy for information and necessary action to:

1. M/S Arya Erectors India Private Ltd. 503, KP Enclave, Sohagpur, Rehabari, Guwahati-08.
2. The CEO, Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-05.
3. The E.O. North Guwahati MB.
4. The Registrar i/c, RERA, Assam.
5. Dr. Ganesh Chandra Das, Buyer of villa no A6, Arya Smart Living, North Guwahati GSM (Complainant) (M.No- 9864040244)
6. Shri Padum Deori, Buyer of Villa No. D84, Arya Smart Living, North Guwahati (Complainant) (M.No- 96893200563)

sd/-  
Registrar i/c  
Real Estate Regulatory Authority  
Assam





**OFFICE OF THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY**  
**STATFED BUILDING, BHANGAGARH, GUWAHATI-781005**

Website: www.gmda.assam.gov.in  
 E-mail: ceogmdaghy@gmail.com

Tel: 0361-2529650/9824  
 Fax: 0361-2529991

Dated : 3.11.2021.

No. GMDA/BP/2214/26112012/316

Order

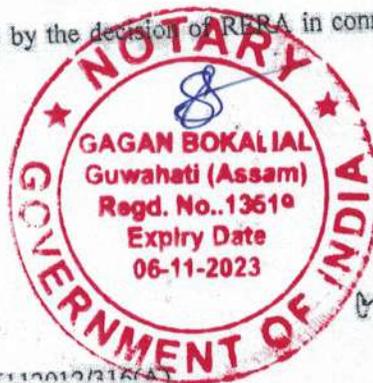
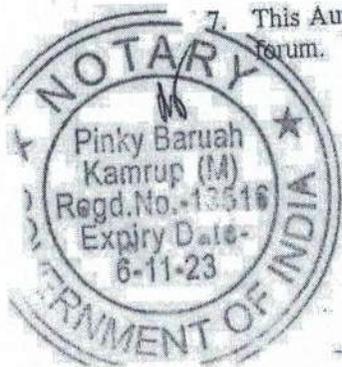
In pursuance to order Ref No GMDA/BP/2214/26112012/287 dated 06.10.2021 in connection to Occupancy Certificate proposal of M/S Arya Erectors Pvt Ltd., the undersigned heard Mr Ganesh Das & advocate Shri Divas Jyoti Nath representatives of Shri.Padum Deori on 22.10.2021 in presence of D. Kalita, Town Planner, GMDA, and N Deka, TPA, GMDA.

Whereas 14 nos of low rise Apartment building (upto G+2), having 124 residential units were permitted by GMDA vide BP NOC no GMDA/BP/2214/26112012/156 dated 25.06.2013 in Phase-I, at revenue village Abhaypur under Sila Sinduri Ghopa mouza covered by Dag no. 884,885,889,890 & Patta no. 198 in a plot area of 28 Bighas 4 Lecha land out of which 13 nos have been completed and a security Barrack (AT) has been constructed instead of 14<sup>th</sup> block which is not yet constructed. A Club house (Gr+1) with swimming pool at Gr Floor was permitted vide No. NGTC/NOC/2013-2014/1742 dated 15.12.2013 by North Guwahati Municipal Board at village North Guwahati Town under Mouza Sila Sinduri Ghopa covered by Dag no. 764 & Patta no. 271, on a plot area of 2 Bighas land area, adjoining the plot on which permission issued by GMDA on 25.06.2013 as mentioned earlier.

Whereas it appeared from documents and field visit that the construction of the Club house approved by North Guwahati Municipal Board mentioned above was actually undertaken on a plot combined with area of approved site of land as Phase I and part of 2 Bighas on which Club house was actually permitted. The 2 bigha of land is to be utilized for open tennis court, care taker room in addition to a part of Club house.

The undersigned examined the documents and facts placed before him and following directions are issued for further consideration of the OC proposal.

1. The triangular garden as earmarked in the approved plan at the main entrance which is obstructed by constructing a brick wall is to be removed first and kept open as per earlier approved plan.
2. A clearance report from North Guwahati Municipal Board is to be obtained in respect of the deviation vis-a-vis regularisation of the Club house, in issuing the Occupancy Certificate of the Club house, which is constructed over an area of approved site plan as per permission accorded by GMDA for Phase-I on 25.06.2013.
3. The flat owners who have occupied the building without obtaining Occupancy Certificate from this Authority are directed to vacate the premise, until all the deviations are regularised and Occupancy Certificate issued.
4. Children Park as per approved drawing is to be restored.
5. Registration particulars of RERA and periodic compliance report submitted to MoEF against Environment Clearance are to be furnished.
6. To submit rectified as built drawing with modification as per earlier approved drawing and directions issue after clearing the unauthorized constructions.
7. This Authority shall abide by the decision of RERA in connection to the issues of this project raised at the forum.



Yours faithfully,

(Kausar J. Hilaly, ACS)  
 Chief Executive Officer  
 Guwahati Metropolitan Development Authority  
 Bhangagarh, Guwahati-2  
 Guwahati Metropolitan Development Authority  
 Bhangagarh, Guwahati-781005  
 Dated : 3.11.2021.

To  
Chairman  
State Environment Impact Assessment Authority  
Bamunimaidam, Guwahati 781021

Date: 06/07/2022

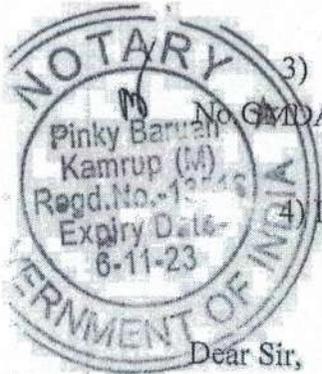
**Subject:** Non-compliance to the conditions stipulated in the environmental clearance reference No. SEIAA.07/2013/10 dated 21<sup>st</sup> January 2014.

**Ref:** 1) Environmental Clearance issued by SEIAA vide letter No. F.No SEIAA.07/2013/10 dated 21<sup>st</sup> January 2014.

2) RTI response letter No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022.

3) Guwahati Metropolitan Development Authority (GMDA) order No. GMDA/BP/2214/26112012/316 dated 03.11.2021.

4) Real Estate Regulatory Authority (RERA) order dated 13.06.2022

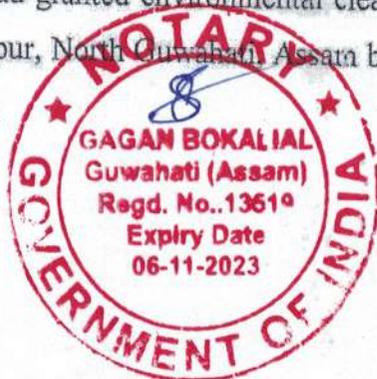


Dear Sir,

We would like to draw your kind attention to environmental clearance conditions granted to M/s Arya Erectors India Private Limited as per letter No. F.No SEIAA.07/2013/10 dated 21<sup>st</sup> January 2014 issued by State Environment Impact Assessment Authority, Govt of Assam (SEIAA).

#### OVERVIEW AND SUMMARY OF OBSERVATIONS

- SEIAA had granted environmental clearance for construction of Arya Smart Living at Abhoypur, North Guwahati, Assam by M/s Arya Erectors India Private Ltd on 21<sup>st</sup> Jan 2014.



O/o the SEIAA, Assam  
Date: 7/7/22

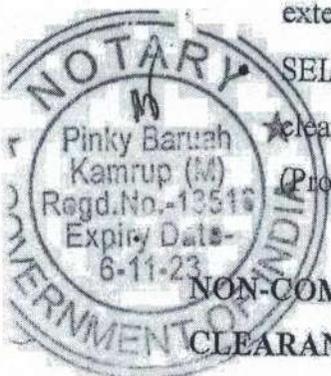
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- 80 -

- Environmental clearance issued for construction of Arya Smart Living have been expired on 20<sup>th</sup> Jan 2019.
- SEIAA had communicated vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not applied for renewal of environmental clearance which is expired on 20<sup>th</sup> Jan 2019 as well as the project proponent have not submitted the compliance report before SEIAA.
- Guwahati Metropolitan Development Authority (GMDA) had communicated vide order reference No.GMDA/BP/2214/26112012/316 dated 03.11.2021 that the occupancy certificate is not issued for Arya Smart Living and the project construction is not completed with respect to the sanctioned plan in order to process the occupancy certificate application.
- Real Estate Regulatory Authority (RERA) had communicated vide order dated 13.06.2022 that there are misrepresentations in declaring the total land of the project as well as M/s Arya Erectors India Private Ltd have to obtain the project construction extensions from the concerned authority within a stipulated time period.

SEIAA has not initiated actions against the non-compliance of environmental clearance conditions for construction of Arya Smart Living as per Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986.

Eminent

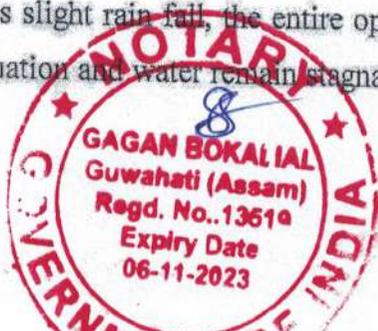


**NON-COMPLIANCE TO THE CONDITIONS STIPULATED IN ENVIROMENTAL CLEARANCE**

1. Specific Conditions Part A(I)(i) of environmental clearance states that

*"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage"*

M/s Arya Erectors India Private Limited has constructed approximately 123 + 30 units of low-rise apartment. Whenever there is slight rain fall, the entire open areas get submerged under water resulting in flood like situation and water remain stagnant for many days (some



- 84 -

photos are enclosed herein). The main reason for water logging situation is due to absence of proper Storm Water Drainage which was mandated to be constructed by M/s Arya Erectors India Private Limited after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage as per environmental clearance conditions. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

2. Specific Conditions Part A(I)(xviii) of environmental clearance states that

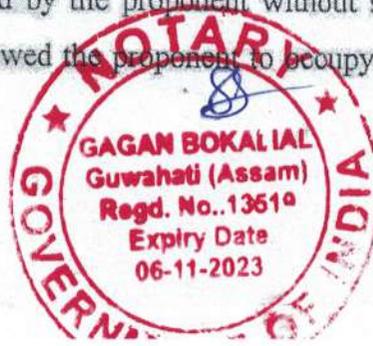
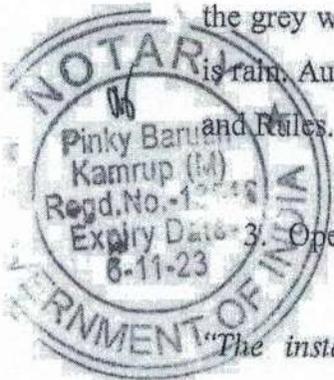
*"Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water."*

It is observed from the present construction that grey water is directly connected to the open drains which in turn creation of an unhygienic environment inside the premises. Moreover, the grey water mixed with rain water and spread over the entire open areas whenever there is rain. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

3. Operation Phase Conditions Part A(II)(i) of environmental clearance states that

*"The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed."*

It is observed from the SEIAA communication vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not submitted the report and compliance before SEIAA. However, the project is commissioned by the proponent without submitting the required reports although GMDA have not allowed the proponent to occupy the project. As per the



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order issued by RERA and GMDA, the project Arya Smart Living is still under construction phase. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

4. Operation Phase Conditions Part A(II)(v) of environmental clearance states that

*"The peripheral green belt of 3 mtrs. Width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise."*

It is seen from the present construction status that 3 mtrs peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintain the peripheral green belt as some structures like STP sheds etc. are already constructed. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

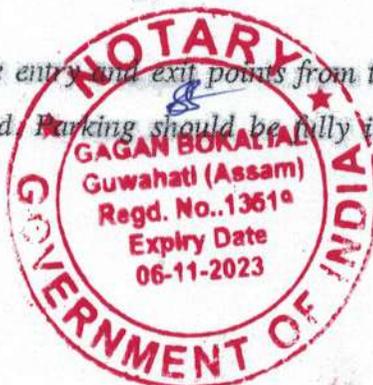
5. Operation Phase Conditions Part A(II)(vii) of environmental clearance states that

*"Rain water harvesting for roof run-off and surface run-off should be implemented. Before recharging the surface run-off, pre-treatment must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging should be kept at least 5 mts above the highest of ground water level."*

It is observed from the present construction that the rain water harvesting for roof run-off and surface run-off are not implemented properly as mandated by SEIAA. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

6. Operation Phase Conditions Part A(II)(ix) of environmental clearance states that

*"Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space*



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*should be utilized. Width of the internal road should be 7 mtr and 9 mtr in the project area."*

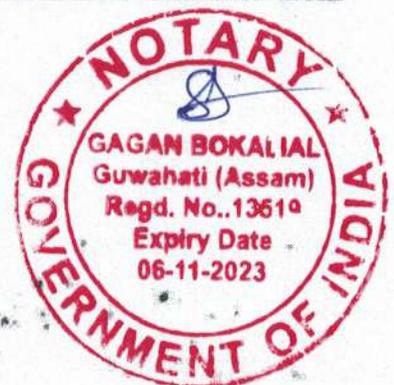
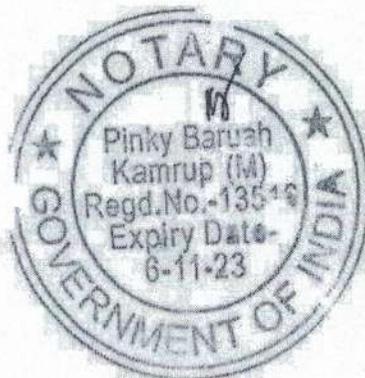
It is seen from the sanctioned plan and present construction, there are some internal roads with a width of 6 mtr. Moreover, it is noticed from the joint measurement carried out for one of the C type unit that the covered parking area constructed by the proponent is less than the area shown in the sanctioned plan. Now it is very difficult for the house owner to park the vehicle in the designated parking space which resulting the owner to park the vehicles on the road. So, there is traffic congestions expected in internal roads as the roads are not constructed as mandated by SEIAA and on top of it the vehicles are also being parked on the road. We request your authority for a detail investigation and initiate necessary actions as per the prevailing Act and Rules.

7. Operation Phase Conditions Part A(II)(x) of environmental clearance states that

*"A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R&U factors, etc. and submit to the SEIAA in three months."*

It is observed from the RTI response received from SEIAA that the reports mentioned in operation phase conditions part A(II)(x) are not submitted before SEIAA till 8 years whereas it was to be submitted in three months.

8. It is observed that the project proponent did not submit the documents mandated in General Conditions Part B 1, 3, 9 & 10. As per the General Conditions 11, the project Arya Smart Living does not have a valid environmental clearance from SEIAA as of date.



This is for your necessary action at the earliest since it is clear instance of violation of environmental condition as mentioned above. It is prayed before your authority for an immediate investigation and initiate necessary action as per the Act and Rules in force.

We will be highly obliged before your authority for an immediate action.

Yours faithfully

*Ganesh*

**Dr. Ganesh Chandra Das**

Buyer of Villa No A-6, Arya Smart Living

P.O College Nagar, P.S Changsari, District Kamrup 781031,

Mobile No: 98640 40244

Email: [ganeshdas40244@yahoo.com](mailto:ganeshdas40244@yahoo.com)

*Padum*

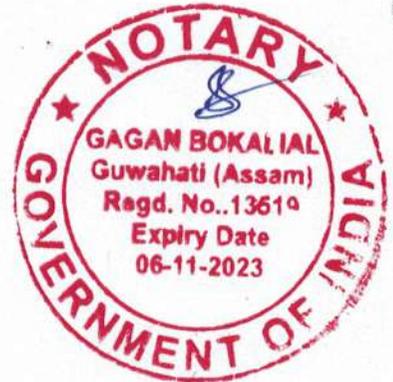
**Padum Deori**

Buyer of Villa No D-84, Arya Smart Living

P.O College Nagar, P.S Changsari, District Kamrup 781031,

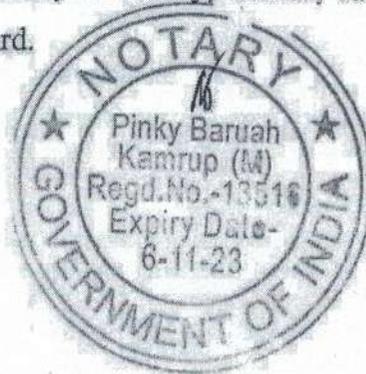
Mobile No: +96892843267

Email: [padumd@gmail.com](mailto:padumd@gmail.com)



Copy to:

1. CEO, Guwahati Metropolitan Development Authority, Statfed Building, Bhangagarh, Ghy-05 for information and record.
2. Chairperson, Real Estate Regulatory Authority, Assam, Jawahar Nagar, N.H.-37, Ghy-22 for information and record.



*7/11/23*

To  
Chairman  
State Environment Impact Assessment Authority  
Bamunimaidan, Guwahati 781021

Date: 20/10/2022

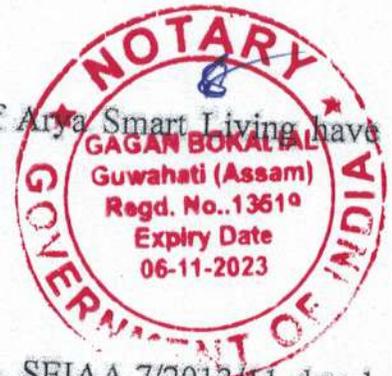
Subject: Non compliance to the conditions stipulated in the environmental clearance reference No. SEIAA.07/2013/10 dated 21<sup>st</sup> January 2014 with written petition by Dr Ganesh Das dated on 07-07-2022

Dear Sir,

We would like to draw your kind attention to environmental clearance conditions granted to M/s Arya Erectors India Private Limited as per letter No. F.No SEIAA.07/2013/10 dated 21<sup>st</sup> January 2014 issued by State Environment Impact Assessment Authority, Govt of Assam (SEIAA).

**OVERVIEW AND SUMMARY OF OBSERVATIONS**

- SEIAA had granted environmental clearance for construction of Arya Smart Living at Abhoypur, North Guwahati, Assam by M/s Arya Erectors India Private Ltd on 21<sup>st</sup> Jan 2014.



- Environmental clearance issued for construction of Arya Smart Living have been expired on 20<sup>th</sup> Jan 2019.
- SEIAA had communicated vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not applied for renewal of environmental clearance which is expired on 20<sup>th</sup> Jan 2019 as well as the project proponent have not submitted the compliance report before SEIAA.

O/o the SEIAA, Assam  
Date 20.10.22  
RECEIVED

*Handwritten signature/initials*

- Guwahati Metropolitan Development Authority (GMDA) had communicated vide order reference No.GMDA/BP/2214/26112012/316 dated 03.11.2021 that the occupancy certificate is not issued for Arya Smart Living and the project construction is not completed with respect to the sanctioned plan in order to process the occupancy certificate application.
- Real Estate Regulatory Authority (RERA) had communicated vide order dated 13.06.2022 that there are misrepresentations in declaring the total land of the project as well as M/s Arya Erectors India Private Ltd have to obtain the project construction extensions from the concerned authority within a stipulated time period.

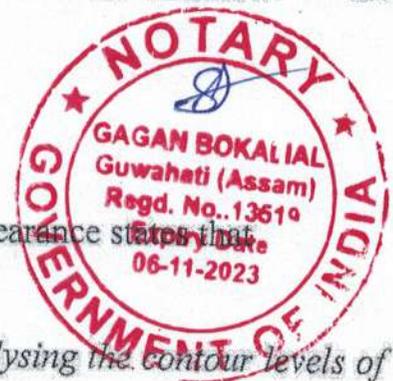
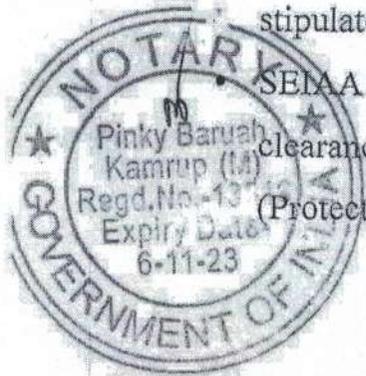
SEIAA has not initiated actions against the non-compliance of environmental clearance conditions for construction of Arya Smart Living as per Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986.

**NON-COMPLIANCE TO THE CONDITIONS STIPULATED IN ENVIRONMENTAL CLEARANCE**

1. Specific Conditions Part A(I)(i) of environmental clearance states that

*"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage"*

M/s Arya Erectors India Private Limited has constructed approximately 123 + 30 units of low-rise apartment. Whenever there is slight rain fall, the entire open areas get submerged under water resulting in flood like situation and water remain stagnant for many days (some photos are enclosed herein). The main reason for water logging situation is due to absence of any Storm Water Drainage which was mandated to be



*Handwritten signature*

constructed by M/s Arya Erectors India Private Limited after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage as per environmental clearance conditions. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

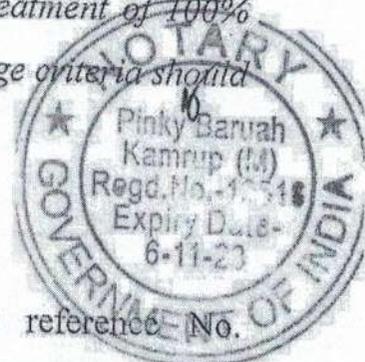
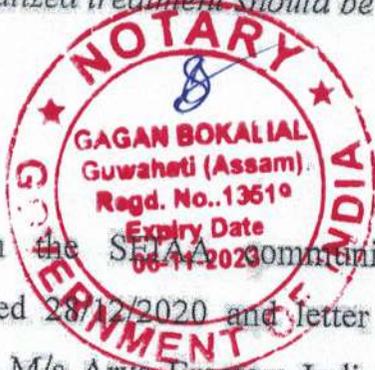
2. Specific Conditions Part A(I)(xviii) of environmental clearance states that

*"Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water."*

It is observed from the present construction that grey water is directly connected to the open drains which in turn creation of an unhygienic environment inside the premises. Moreover, the grey water mixed with rain water and spread over the entire open areas whenever there is rain. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

3. Operation Phase Conditions Part A(II)(i) of environmental clearance states that

*"The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed."*



It is observed from the SEIAA communication vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not submitted the

remedy

report and compliance before SEIAA. However, the project is commissioned by the proponent without submitting the required reports although GMDA have not allowed the proponent to occupy the project. As per the order issued by RERA and GMDA, the project Arya Smart Living is still under construction phase. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

4. Operation Phase Conditions Part A(II)(v) of environmental clearance states that

*"The peripheral green belt of 3 mtrs. Width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise."*

It is seen from the present construction status that 3 mtrs peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintain the peripheral green belt as some structures like STP sheds etc. are already constructed. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

*Signature*

5. Operation Phase Conditions Part A(II)(ix) of environmental clearance states that

*"Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mtr and 9 mtr in the project area."*



It is seen from the sanctioned plan and present construction, there are some internal roads with a width of 6 mtr. Moreover, it is noticed from the joint measurement carried out for one of the C type unit that the covered parking area constructed by the proponent is less than the area shown in the sanctioned plan. Now it is very difficult for the house owner to park the vehicle in the designated parking space which resulting the owner to park the vehicles on the road. So, there is traffic congestions expected in internal roads as the roads are not constructed as mandated by SEIAA and on top of it the vehicles are also being parked on the road. We request your authority for a detail investigation and initiate necessary actions as per the prevailing Act and Rules.

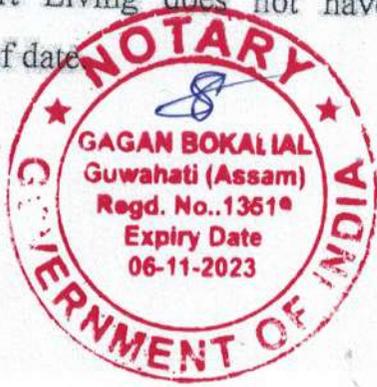
6. Operation Phase Conditions Part A(II)(x) of environmental clearance states that

*"A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R&U factors, etc. and submit to the SEIAA in three months."*

*g m m*

It is observed from the RTI response received from SEIAA that the reports mentioned in operation phase conditions part A(II)(x) are not submitted before SEIAA till 8 years whereas it was to be submitted in three months.

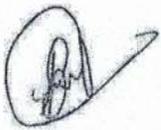
1. It is observed that the project proponent did not submit the documents mandated in General Conditions Part B 1, 3, 9 & 10. As per the General Conditions 11, the project Arya Smart Living does not have a valid environmental clearance from SEIAA as of date



This is for your necessary action at the earliest since it is clear instance of violation environmental condition as mentioned above. It is prayed before your authority for immediate investigation and initiate necessary action as per the Act and Rules in force.

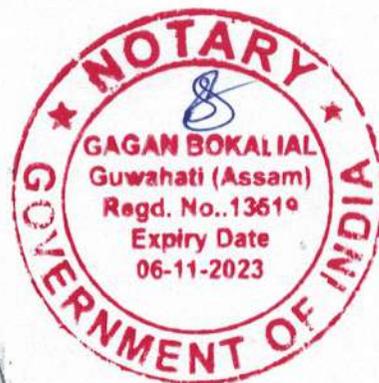
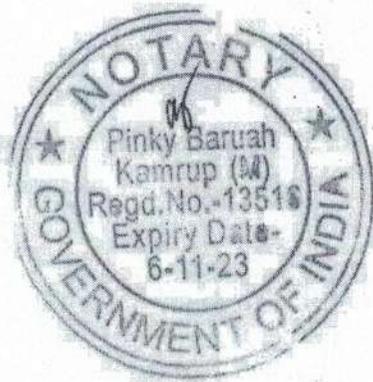
We will be highly obliged before your authority for an immediate action.

Yours faithfully



1. Mrinmay Basumaty D-43, Anya Smart Lin
2. Sanjay Baruah Abhappur, Nalith Guwah
3. Brojen Ratha - D-22 D-41 Anya Smart Lin  
N-GOWAHATI  
Anya Smart Lining

4. Dolly Gupte - D-30



*Handwritten signature*

OFFICE OF THE CHAIRMAN  
NORTH GUWAHATI MUNICIPAL BOARD  
GUWAHATI-781030



No. NGMB/BP(OC)/2022-23/2513

Dated:- 06-05-2022

**OCCUPANCY CERTIFICATE**  
[Under Rule 15 (a) of Building Byelaws, 2014]

To,

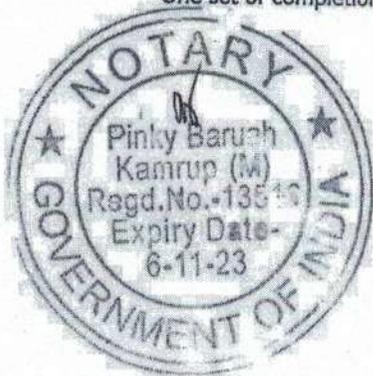
**SRI ANIL KUMAR SARMA,**  
Managing Director  
**Arya Erectors India Pvt. Ltd.**  
Abhaypur, North Guwahati  
Dist: Kamrup, Assam, PIN-781030

Sir

This is to certify that the construction of the R.C.C. Building- G.F.+2<sup>nd</sup> floor approved vide No Objection Certificate No. RGP/791/NOC /2004-05/17/81 dated 05/05/2018, situated at Revenue Villages - Abhaypur, Mouza: Sila-Sindurighopa, Dist: Kamrup, Assam covered by Dag Nos. 885, 889 and 890 of K. P. Patta No. 198 completed under the supervision of Technical Person- Akar Foundation, having registration No. CA/97/22284, is permitted to occupy the building based on the following-

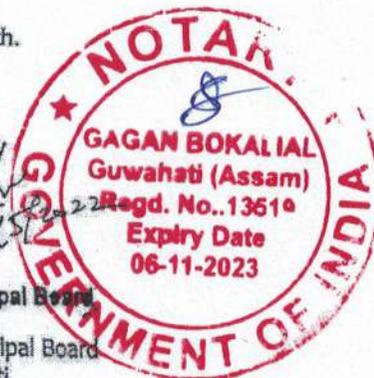
1. Completion Certificate submitted by RTP along with as built drawings showing plot and built-up areas.
2. Completion Report in Form No. 16.
3. Certificate by Architect on Record in Form No. 17.
4. Certificate by Construction Engineer on Record in Form No. 18.
5. Certificate by Structural Engineer on Record in Form No. 19.
6. Area statement on construction of buildings as per as built drawings in Form No. 22.
7. Detail report on construction of buildings as per as built drawing in Form No. 27.
8. Certificate from the Chief Electrical Inspector cum Adviser, APDCL, Assam issued vide No.CEIA/SES/2021/Pt-II/Amingaon/SS&OH/139 dated 14/02/2022
9. N.O.C. issued vide No. F&ES/FPW/3881/6899/21 dated 20/07/2021 from the Director of Fire and Emergency Services, Assam.
10. Rain Water Harvesting provisions are existing.
11. Parking provided at Ground 33 Nos. and Open 56 Nos. is as per approved site plan.
12. Segregate and store waste generated into two separate bins, i.e. biodegradable, non-biodegradable. Handover segregated waste to be processed, treated and disposed off through composting within the premises.

One set of completion plan / as built drawing duly certified is returned herewith.



Yours faithfully

*[Signature]*  
CHAIRMAN  
North Guwahati Municipal Board  
Guwahati-30  
North Guwahati Municipal Board  
North Guwahati



Memo No. NGMB/BP(OC)/2022-23/2513

Dated:- 06-05-2022

Copy to:-

1. The Assessment Branch, N.G.M.B. for information.

*[Signature]*  
Chairman  
North Guwahati Municipal Board  
North Guwahati



GOVERNMENT OF ASSAM  
**RUDRESWAR GAON PANCHAYAT**

Rudreswar, North Guwahati, Kamrup, Assam, Pin-781030

Ref. RGP/791/NOC/2004-05/17/81

Date 5-5-2018

Building Permission/N.O.C.

The Office of the undersigned do hereby issue the following NOC for construction of building and approve the drawing submitted in the name of -M/S Arya Erectors India Pvt Ltd, of 2<sup>nd</sup> Floor, Happy Villa, Uzanbazar, Guwahati-3, Kamrup(M), Assam, under the below noted terms and conditions:-

- 1) Type of Construction :- R.C.C.
- 2) Total Plot Area :- 4 Bighas, 4 Kathas, 11 Lechas.
- 3) Total Area:- 6571.00 Sq.Mt.
- 4) Approved Floors :- G+2
- 5) Purpose of Construction :- Residential Flat
- 6) Location of the Building Premises :- Day No - 885, 889, 890  
 Patta No - 198, Revenue village - Abhaypur, Mouza - Sila Sinduri Ghopa, Dist - Kamrup(Assam) under the jurisdiction of Rudreswar Gaon Panchayat.

*Pranvish*  
 President PRESIDENT  
 RUDRESWAR GAON PANCHAYAT  
 Rudreswar Gaon Panchayat

N.B.: 1. This NOC is subject to strict adherence of plan, approved drawings, estimate and permissible/required limit of G.M.D.A, following all rules, regulations, clauses & by-laws made by the Government of Assam and other concerned authorities from time to time in this regard.

2. Any alteration/addition/subtraction of the approved drawing and non compliance of permissible/required limit of G.M.D.A mentioned in Planning Permission No. 93/077/17-18/83, dated - 30/03/2018 will construe this NOC as cancelled.



*Pranvish*

TYPED COPY

ANNEXURE:- R

**FORM - 2**  
**OFFICE OF THE**  
**GUWAHATI METROPLITAN DEVELOPMENT AUTHORITY**  
**GUWAHATI**  
**PLANNING PERMIT**

No. 931/0771/47-18/38

Dated: 11/04/2018

To: The President

Rudreswar Gaon Panchayat

Sila Sinduri Ghopa, Guwahati

Kamrup, Assam

Sub: Modified Planning Permit

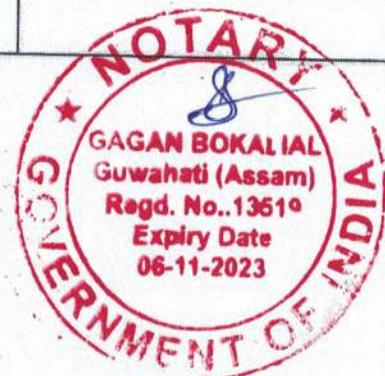
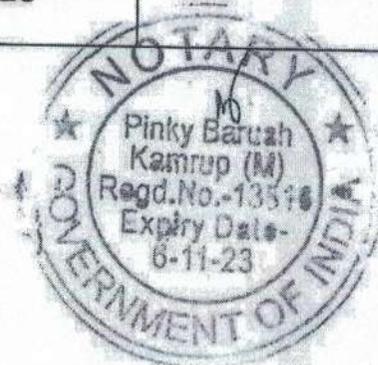
Ref: Application dated 18/07/2017 Submitted by **M/s Arya Erectors India Pvt. Ltd**

Sir/Madam,

With reference to the above application for development to erect/re-erect/add to/alter a building at **Abhoypur** of **Sila Sinduri Ghopa mouza**. Planning Permit is hereby accorded under **Section-5 (Guwahati Building Construction & Regulation Bye-law of 2014)** read with **Section-4 of Guwahati Building Construction (Regulation) Act, 2010**, in accordance with plan submitted with /without modification/ conditions. The proposed area of construction falls under **Residential Zone** per Master Plan and falls under **Moderate Intensity zone** as per Development Intensity Zones. The particulars of the construction for which permission accorded is given below. Modification in Building Plan if required shall be done within the permissible limit given below

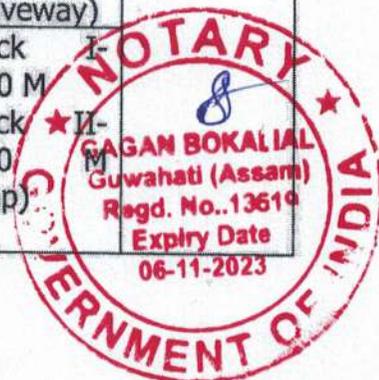
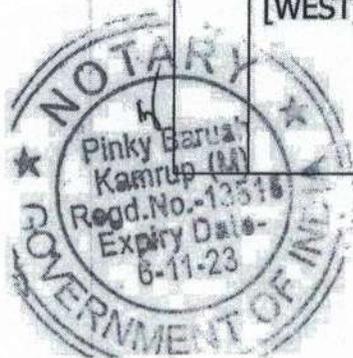
**Particulars :**

Dag No : <b>885, 889 890</b>	Patta No : <b>198</b>	Rev Village. : <b>Abhoypur</b>
Mouza : <b>Sila Sinduri Ghopa</b>	Ward No : -	Name of Road : <b>10.60 M wide road</b>
Plot Area : <b>6620.16 Sq. m.</b>		



L. M. M.

Sl No	Parameter	Permissible/Required	Proposed	Approved	Remarks
1	Height of Building	-	9.60 M	9.60 M	*Recreational and open spaces, driveway, floor height and stair should be as per provision of byelaws.
2	No. of Floors & Blocks	G+2	G+2	G+2	
3	Use	Residential Apartment	Residential Apartment	Residential Apartment	
	FAR	150.00	102.00	102.00	
4	Coverage	40.00 %	43.58 %	40.00 %	*Sewage treatment plant should be provided.
	Type of Construction	RCC	RCC	RCC	
5	Front set back [SOUTH]	Block I-5.20 M Block II-5.20 M Block III-5.20 M Block IV-5.20 M Block V-5.20 M	Block I-8.26 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	Block I-8.26 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	*Coverage should be 40% maximum. *2nd Floor height should be 3.00M.
6	Rear set back [NORTH]	Block I-1.80 M Block II-1.80 M Block III-1.80 M Block IV-1.80 M	Block I- 3.00 M Block II- 3.90 M Block III- 4.60 M Block IV- 5.20 M	Block I- 3.00 M Block II- 3.90 M Block III- 4.60 M Block IV- 5.20 M	
7	Side set back [EAST]	Block I- 3.60 M (Gap) Block II- 3.60 M (Gap) Block III- 3.60 M (Gap) Block IV- 3.60 M (driveway)	Block I- 7.20 M (Gap) Block II- 3.30 M (Gap) Block III- 7.20 M (Gap) Block IV- 1.20 M (driveway)	Block I- 7.20 M (Gap) Block II- 3.60 M (Gap) Block III- 7.20 M (Gap) Block IV- 1.20 M (driveway)	*The earlier PP issued
8	Side set back [WEST]	Block I- 1.80 M Block II- 3.60 M (Gap) Block III- 3.60 M (Gap)	Block I- 1.20 M Block II- 7.20 M (Gap) Block III- 3.30 M (Gap)	Block I- 4.20 M Block II- 7.20 M (Gap)	



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		Block IV- 3.60 M (Gap)	Block IV- 7.20 M (gap)	Block III- 3.60 M (Gap) Block IV- 7.20 M (Gap)	
9	Boundary Wall	Length = X	Height = X	Type = X	

**N.B.- 1) Provision of parking, stair, plantation, open space, no. of Dwelling Unit etc. are to be made as per byelaws.**

**2) Rain Water Harvesting system have to be provided**

Encl: As Annexure-I

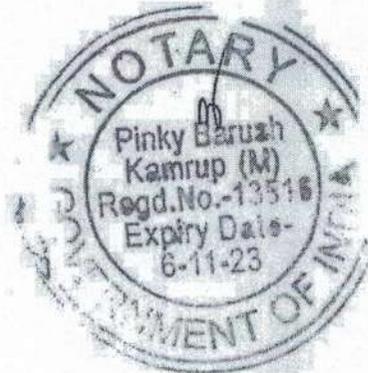
Yours faithfully,

Memo No: 931/077147-18/38-A

**Copy to.**

1) *M/s Arya Erectors India Pvt. Ltd.* 2<sup>nd</sup> floor. H. No.2. Happy Villa. Uzanbazar, Guwahati-3, you are requested to contact Rudreswar Gaon Panchayat for Building Permission.

2) Ar. Amitabh Sarma (RTP) 2<sup>nd</sup> floor, Woodland Complex. H.K. Kakoty Road. Ulubari. Guwahati-7. For information



*Gagan*

J.No. A 0768

FORM - 2

OFFICE OF THE  
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY  
GUWAHATI

PLANNING PERMIT

No 9310771/17-18/38

18/11/2018

To : The President  
Radneswar Goon Panchayat,  
Sila Sinduri Ghoan, Guwahati  
Kamrup, Assam



Sub : Modified Planning Permit

Ref : Application dated 18/2/2017 Submitted by M/s Arya Erectors India Pvt. Ltd

Sir/Madam,

With reference to the above application for development to erect/construct/add to/alter a building at *Abhaypur* of *Sila Sinduri Ghoan mouza*, Planning Permit is hereby accorded under Section-5 (*Guwahati Building Construction & Regulation Bye-law of 2014*) read with Section-4 of *Guwahati Building Construction (Regulation) Act, 2010*, in accordance with plan submitted with / without modification/ conditions. The proposed area of construction falls under *Residential Zone* per Master Plan and falls under *Medium Intensity* zone as per Development Intensity Zones. The particulars of the construction for which permission accorded is given below. Modification in Building Plan if required shall be done within the permissible limit given below.

Particulars:

Dag.No. 885, 889, 890      Plot No. 198      Rev. Village      *Abhaypur*  
Mouza : *Sila Sinduri Ghoan*      Ward No.      Name of Road      *10.60M wide road*  
Plot area : *6620.16 Sq.m.*

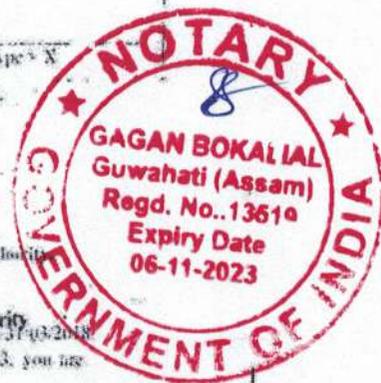
Sl. No	Parameter	Permissible/ Required	Proposed	Approved	Remarks
1	Height of Building		9.60 M	9.60 M	
2	No. of Floors & Blocks	G+2	G+2	G+2	
	Use	Residential Apartment	Residential Apartment	Residential Apartment	
3	FAR	150.00	102.00	102.00	
4	Coverage	40.00 %	43.58 %	40.00 %	
4	Type of construction	RCC	RCC	RCC	*Sanitary treatment plant should be provided.
5	Front set back [SOUTH]	Block I-5.20 M Block II-5.20 M Block III-5.20 M Block IV-5.20 M	Block I-8.20 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	Block I-8.20 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	*Coverage should be 40% maximum.
6	Rear set back [NORTH]	Block I-1.80 M Block II-1.80 M Block III-1.80 M Block IV-1.80 M	Block I-3.00 M Block II-3.00 M Block III-4.60 M Block IV-5.20 M	Block I-3.00 M Block II-3.90 M Block III-4.60 M Block IV-5.20 M	*2nd Floor height should be 3.00m.
7	Side set back [EAST]	Block I-3.60 M (Gap) Block II-3.60 M (Gap) Block III-3.60 M (Gap) Block IV-3.60 M (driveway)	Block I-7.20 M (Gap) Block II-3.30 M (Gap) Block III-7.20 M (Gap) Block IV-1.20 M (driveway)	Block I-7.20 M (Gap) Block II-3.60 M (Gap) Block III-7.20 M (Gap) Block IV-1.20 M (driveway)	*The earlier PP issued was the authority No 931 0771 / 17 / 18/31 dated 22/2018 is hereby cancelled.
8	Side set back [WEST]	Block I-3.60 M (Gap) Block III-3.60 M (Gap) Block IV-3.60 M (Gap)	Block II-7.20 M (Gap) Block III-3.30 M (Gap) Block IV-7.20 M (Gap)	Block II-7.20 M (Gap) Block III-3.60 M (Gap) Block IV-7.20 M (Gap)	
9	Boundary wall	Length = X	Height = X	Height = X	Type = X

N.B.- 1) Provision of parking, slat, plantation, open space, no. of Dwelling Unit etc. are to be made as per byelaws.  
2) Rain Water Harvesting system have to be provided.

Encl: As Annexure-I

Yours faithfully,

For Chief Executive Officer,  
Guwahati Metropolitan Development Authority,  
Bhangagarh, Guwahati-05  
Chief Executive Officer,  
Guwahati Metropolitan Dev. Authority



Memorandum No. 9310771/17-18/38-A  
Copy to: 1)

M/s Arya Erectors India Pvt. Ltd, 2nd floor, H.No.2, Guppy villa, Uzbazar, Guwahati-3, you are requested to contact Radneswar Goon Panchayat for Building Permission.

2) Ar. Anilabh Sarma (RIP), 2nd floor, Woodland Complex, B.K. Kakoty Road, Uzbazar, Guwahati-7, for information.

sd/ Chief Executive Officer,  
Guwahati Metropolitan Development Authority,  
Bhangagarh, Guwahati-05

**AUTHORIZATION LETTER**

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5<sup>th</sup> Floor, Madhabdevpur, Rehabari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on 28-2-23

Sl.No. Particulars

Signature

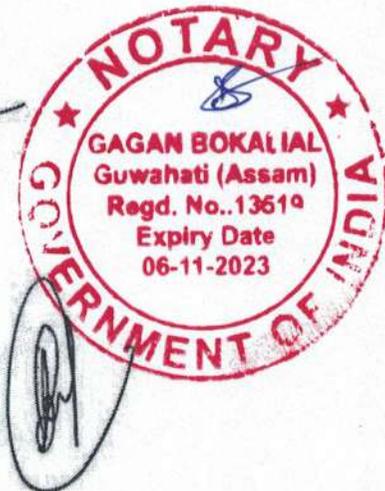
1. Dr. Mrinmoy Borkataki  
S/o Dr. Munindra Borkataki  
R/o D-49, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [dr.mrinmoyborkataki@gmail.com](mailto:dr.mrinmoyborkataki@gmail.com)

*Mrinmoy Borkataki*

2. Sri. Brojen Dutta  
S/o Late Jiban Ch. Dutta  
R/o D-22, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [brojendutta07@gmail.com](mailto:brojendutta07@gmail.com)

*Brojen Dutta*

3. Sri. Sanjay Baruah  
S/o Late Prutul Kumar Baruah  
R/o D-49, Arya Smart Living  
Abhaypur, North Guwahati 781031  
Assam  
Email: [sanjaybar@gmail.com](mailto:sanjaybar@gmail.com)



*Sanjay Baruah*



**AUTHORIZATION LETTER**

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5<sup>th</sup> Floor, Madhabdevpur, Rehbari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

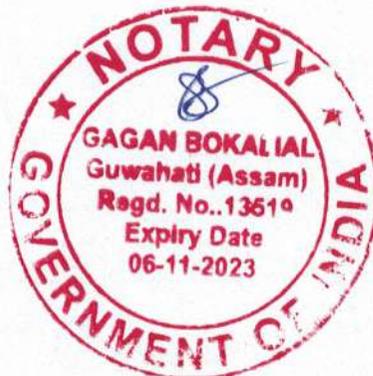
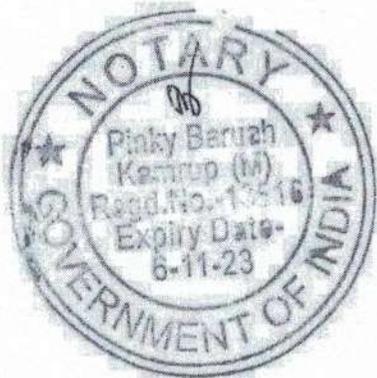
1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on 03/03/2023. (date)

*Padum Deori*  
Signature

**Sl.No. Particulars**

1. Sri. Padum Deori  
S/o Sri. British Deori  
R/o Nijarapar, P.O - Jagiroad  
District - Morigaon  
Assam  
Email: [padumd@gmail.com](mailto:padumd@gmail.com)



*Deori*

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

**Original Application No.32/2023/EZ**

**In the matter of: -**

- 1. Dr. Ganesh Das,**  
Son of Sri. Dijendra Ch. Das,  
Resident of Tribeni Apratment,  
Flat No.5A, 5<sup>th</sup> Floor, Madhabdevpur,  
Rehabari, Guwahati-781001,  
Assam
- 2. Dr. Mrinmoy Borkataki,**  
Son of Dr. Munindra Borkataki,  
Resident of D-49, Arya Smart Living  
Abhaypur, North Guwahati-781031,  
Assam
- 3. Sri. Brojen Dutta,**  
Son of Late Jiban Ch. Dutta,  
Resident of D-22, Arya Smart Living  
Abhaypur, North Guwahati-781031,  
Assam
- 4. Sri. Sanjay Baruah,**  
Son of Late Prutul Kumar Baruah,  
Resident of D-41, Arya Smart Living  
Abhaypur, North Guwahati-781031,  
Assam
- 5. Sri. Padum Deori,**  
Son of Sri. British Deori,  
Resident of Nijarapar,  
P.O. Jagiroad,  
District-Morigaon,  
Assam



.....Applicant(s)

**Versus**

- 1. M/S Arya Erectors India Pvt. Ltd.,**  
Represented by its Managing Director,  
503, K.P. Enclave, Sohagpur,  
Rehabari, Guwahati-781008,  
District-Kamrup (M)
- 2. State Environmental Impact Assessment Authority (SEIAA),**  
Represented by its Member Secretary,  
Bamunimaidam, Guwahati-781021,  
District-Kamrup (Metro), Assam

**3. Ministry of Environment, Forests and Climate Change,**

Government of India,  
Represented by its Secretary,  
Indira Paryavaran Bhawan,  
Jorbagh, New Delhi-110003

**4. Guwahati Metropolitan Development Authority,**

Represented by its Chief Executive Officer (CEO),  
Statefed Building, Bhangagarh,  
Guwahati-781005, Assam

**5. North Guwahati Municipal Board,**

Represented by its Chairman,  
North Guwahati, Guwahati-781030,  
Assam

**6. Rudreswar Gaon Panchayat,**

Represented by its President,  
Rudreswar, North Guwahati-781030  
District-Kamrup, Assam

**7. Pollution Control Board, Assam**

Represented by its Member Secretary,  
Bamunimaidam, Guwahati-781021, Assam

.....Respondent(s)

Date of hearing: 24.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

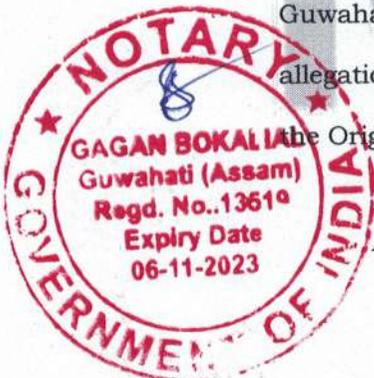
For Applicant(s) : Mr. Vikram Rajkhowa, Advocate (in Virtual Mode)

**ORDER**

1. Heard Mr. Vikram Rajkhowa, learned Counsel for the Applicants.
2. This Original Application has been filed by the Applicants alleging that the Applicants have purchased flats in the Arya Smart Living Housing Colony constructed by Respondent No.1, M/s Arya Erectors India Pvt. Ltd. It is stated that Environmental Clearance to the Project was granted by State Environment Impact Assessment Authority (SEIAA), Assam on 04.01.2014. NOC was granted by Guwahati Metropolitan Development Authority on 25.06.2013. The allegations of the Applicants *inter alia* as given in paragraph-9 of

the Original Application is as under: -

"9. That the Applicants beg to state that the problems in the Arya Smart Living project started to crop up for the



Buyers/Residents as Respondent No.1 violated and/or did not comply with various conditions stipulated in the E.C dated 21/01/2014 as given below among others:

(i) Specific Conditions at Part – A (I) (i) of E.C, i.e.,

**“The storm water drainage shall be worked out after analyzing the contour levels of the site and the surrounding area and the capacity of storm water drainage.”**

That Respondent No. 1 has constructed low-rise houses/apartment numbering around 123 units under Phase – 1 and around 30 units under Phase – 2 at Arya Smart Living project at North Guwahati. But whenever there is slight rain fall, the entire open area get submerged under water resulting in flood like situation and water remain stagnant for many days.

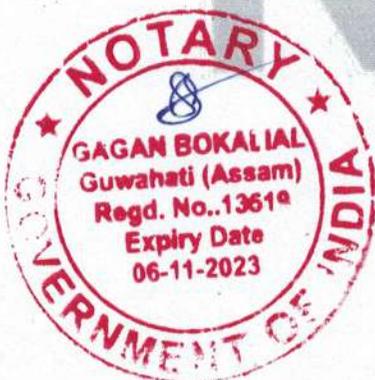
The primary reasons for water logging at Arya Smart Living project is due to –

- (a) absence of any Storm Water Drainage, as mandated to be constructed after analyzing the contour levels of the site and the surrounding area;
- (b) the capacity of Storm Water Drainage is not in compliance of E.C provisions;
- (c) bed level of road inside the project/campus is lower than the bed level of outside PWD road.

(ii) Specific Conditions at Part – A (I) (xviii) of E.C, i.e.,

**“Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water”**

That at present the grey water is directly connected to the open drains which in turn is causing unhygienic environment inside the premises. Moreover, the grey water mixed with rainwater spreads over the entire open areas whenever there is rain and waterlogging.



(iii) Operation Phase Conditions at Part – A (II) (i) of E.C, i.e.,

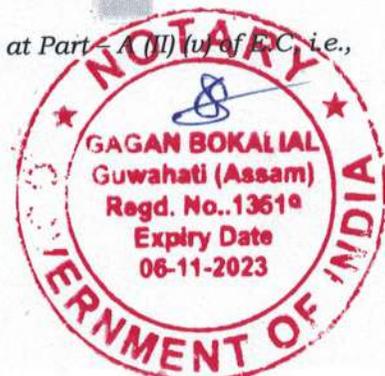
**“The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed.”**

That the Applicants submitted RTI application with Respondent No. 2 SEIAA dated 11/12/2020, including others, wherein various information was sought pertaining to the project, like:

- (a) validity of EC dated 21/01/2014
- (b) report regarding installation of Sewage Treatment Plant (STP) certified by an independent expert;
- (c) report regarding Rain water Harvesting;
- (d) report confirming internal road width of 7 m and 9 m inside the project area;
- (e) six monthly compliance report of EC conditions, among others

Thereafter the Applicants received RTI reply dated 28/12/2020 and 13/05/2022 from Respondent No. 2 SEIAA informing the Applicants that the Respondent No. 1 has not applied for extension of the E.C dated 21/01/2014 which was valid up to 21/01/2019 and in regard, to other information sought the same is not available in the office records.

(iv) Operation Phase Conditions at Part – A (II) (u) of E.C, i.e.,



**"The peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise."**

The Applicants beg to state that 3 mtrs. peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintaining the peripheral green belt as structures like, drains, sheds, pathways, etc., are being constructed instead of the green belt. Be it stated that the total green belt area is to be around 7,485.96 sq.m according to the E.C but Respondent No. 1 has completely violated the said requirement.

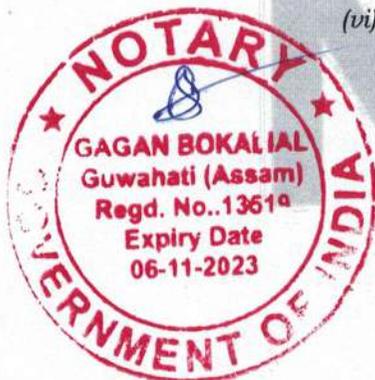
(v) Operation Phase Conditions at Part – A (II) (ix) of E.C, i.e.,

**"Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mtrs. and 9 mtrs. in the project area."**

It is observed from the sanctioned plan and present construction, there are some internal roads with width of 6 mtrs. only, which is causing traffic congestions and water logging as the roads are not constructed as mandated by Respondent No. 2 SEIAA.

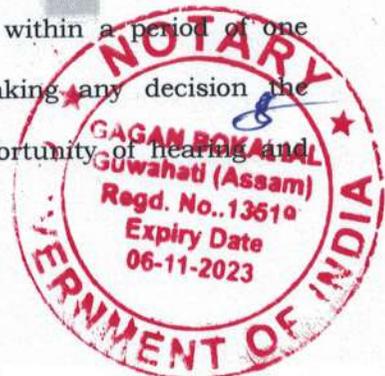
(vi) Operation Phase Conditions at Part – A (II) (x) of E.C, i.e.,

**"A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months."**



*That according to the RTI response received from Respondent No.2 SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not available."*

3. It is stated that the Respondent No.1 has violated the Environmental Clearance (hereinafter referred to as 'EC') conditions. It is also stated that the EC was initially granted for five years which expired on 21.01.2019 but in the meantime it was extended for seven years upto 21.01.2021 but after 21.01.2021 the EC has not been extended nor has any application been filed by the Respondent No. 1 before SEIAA, Assam.
4. In respect of the grievances, the Applicants are stated to have preferred two representations dated 06.07.2022, Annexure-N and 20.10.2022, Annexure-O, to the Original Application.
5. In our opinion, no useful purpose will be served by keeping the matter pending since the representations of the Applicants is stated to have remained undisposed by SEIAA, Assam.
6. In this view of the matter, we dispose of this Original Application with the following directions: -
  - (i) The Respondent No.2, SEIAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexures-N & O, to the Original Application as also the grievances raised in paragraph-9 and its sub-paragraphs of the Original Application.
  - (ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam shall also given opportunity of hearing and



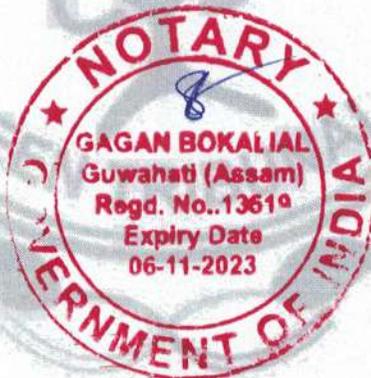
submission of written submissions, if any, to the Respondent No.1.

7. With the aforesaid directions, the Original Application No.32/2023/EZ is disposed of.
8. Interlocutory Applications, if any, stand disposed of accordingly.
9. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Prof. A. Senthil Vel, EM**

March 24, 2023  
Original Application No.32/2023/EZ  
MN



# NGT



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM  
Ministry of Environment, Forest and Climate Change, Government of India  
BAMUNIMAIDAM, GUWAHATI 781021

SEIAA.3431/2023/14

Date: 09/05/2023

Speaking order as per NGT (EZ Branch, Kolkata) order in Original application No.32/2023/EZ

**SYNOPSIS**

The original application was filed by the purchasers of villas/ flats in the Arya Smart Living Housing Colony constructed by Arya Erectors India Pvt. Ltd. The Purchasers are-

1. Dr Ganesh Das.
2. Dr. Mrinmoy Borkataki.
3. Sri. Brojen Dutta.
4. Sri Sanjay Baruah.
5. Sri Padum Deori.

The applicants alleged that the Respondent No.1 did not comply with some of the conditions stipulated in the Environmental Clearance issued by State Environment Impact Assessment Authority (SEIAA), Assam vide No.SEIAA.07/2013/10 dtd.21/01/2014

Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata in original application No.32/2023/EZ disposed off the original application with the following directions-

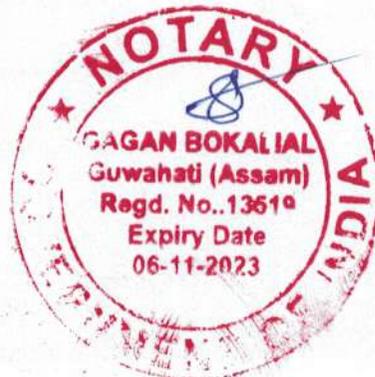
6. (i). The Respondent No.2, SEIAA, Assam shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexure-N & O, to the Original Application as also the grievances raised in paragraph-9 and its sub-paragraphs of the Original Application.

(ii). The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam shall also given opportunity of hearing and submission of written submissions, if any, to the Respondent No.1

Accordingly, Hearing on the matter taken from the representatives of Arya Erector India Pvt.ltd.and both verbal and written submissions taken on 26/03/2023 on the allegation made by the applicants.

**On Specific condition at part A(I) (i) of the EC**

- The respondents submitted that the contour survey was done prior to starting of the project. Submitted GMDA approved contour survey map.



- The project was handed over to the Arya Smart Living Society in 2019, being completed in all respect including the drainage system as per requirement.
- The water logging problem started after the improvement of road and construction of drain taken up by PWD during 2017 to 2020. A technical study of the Water logging problem in Arya Smart Living campus and its adjoining areas of Abhaypur, North Guwahati was taken up by IIT Guwahati on request from the ASL society. It revealed that the bed of the newly constructed drain along the road is at 15 cm higher than the internal drain. Supporting photographs were submitted.

**On Specific Condition A (I) (xviii) of EC**

- Dual Plumbing system was partially complied with e.g. at places i.e. Water fall at front, car washing etc.

**Operational phase Condition A(II) (i) of EC**

- The design and supply of STP was done by firms, expert in the relevant field of work.

**Operational phase Condition A(II) (v) of EC**

- The Green belt area is 9000 sq.m No of trees planted including hedges etc. shall be around 900. Green Belt also maintained all around the campus with exception of two corners.

**Operational phase Condition A(II) (vii) of EC**

- The ground water level being high and also as existing low lying area which acts as a natural water reservoir, only roof and surface rain water runoff is collected in the installed water tanks of 5000 lts capacity around the campus.

**Operational phase Condition A (II) (ix) of EC**

- There is no traffic congestion both inside and outside the campus. One parking area in each villa has been given as approved by GMDA.

**Operational phase Condition A (II) (x) of EC**

- Energy conservation measures have been taken in the villas and all common areas.

Heard and seen both verbal and written submissions of the representative of Arya Realtors India Pvt. Ltd.

Also perused the Final report of the Technical Study carried out by Indian Institute of Technology, Guwahati on request by Arya Smart Living Society.



The site visit was also done by team of experts which included-

**Name-**

1. Shri Praydut Kr. Choudhury, Chairman SEIA
2. Shri Swapan Kr Seal Sarma, Chairman SEAC
3. Prof. Bhagawat Pran Duarah, Member SEAC
4. Prof. Sarat Phukan, Member SEAC
5. Dr. Santanu Kr Dutta, Secretary SEAC

As Both the representation 'N' & 'O' are identical except an additional clause at representation 'N'-(5) Therefore both are being disposed simultaneously.

**Regarding allegation at SL (1) of representation 'N' & 'O'**

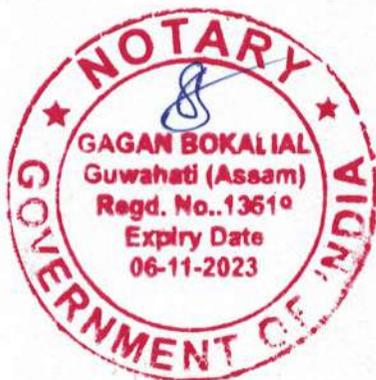
- The flood problem in the ASL campus is a genuine one The Arya Erectors, India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road & drain was taken up. The submitted photographs by the respondent no.1 also reveals that the natural drainage at front has also been encroached by neighbors. The nearby areas being developed only a common approach involving the development departments and neighboring community can bring in a fruitful one time solution to the problem. In the meantime, the Arya Erectors India Pvt. Ltd. Shall create a pond in appropriate low lying area inside the campus with adequate capacity & with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be so constructed so as to be filled by only the Storm water. Other activities can also be planned with the coordinated effort of all concerned.

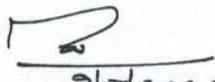
**Allegation at Sl (3) of representation 'N' & 'O'**

- The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore ASL society has to keep it functional.

**Other matters,**

- The matter of non submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately.



  
 21/5/2023  
 Chairman  
 SEIAA, Assam  
 Bamunimaidam, Guwahati-21



OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM  
 MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA  
BAMUNIMAIDAM, GUWAHATI-21.

No. SEIAA3431/2023/23

Date. 22/ 05/ 2023

To

Arya Erectors India Pvt. Ltd  
 Represented by its Managing Director  
 503, K.P Enclave, Sohagpur,  
 Rehabari, Guwahati-781008  
 Kamrup(M)

Sub :- Arya Smart Living at Abhayapur, North Guwahati, Assam by M/s Arya Erectors India Pvt. Ltd

Ref :- SEIAA Speaking Order No. SEIAA3431/2023/14 dtd. 09/05/2023

Dear Sir,

In inviting reference to the above, it is to bring to your notice, that you have failed to submit the mandatory Six monthly compliance report as regards the projects in due time. This has been viewed seriously by the State Environment Impact Assessment Authority, Assam (SEIAA).

You are therefore directed to submit the compliance report of the Direction as per the speaking order "Regarding allegation at S.I.1 of representation 'N' & 'O' by Applicants in Original Application No. 32/2023/EZ of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata", immediately after complete compliance of the order.

Yours faithfully,

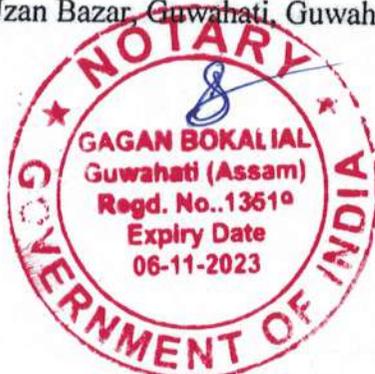
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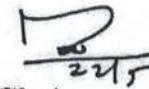
Chairman  
 SEIAA, Assam  
 Bamunimaidam, GHY- 21.  
 Date. 22/ 05/ 2023

No. SEIAA3431/2023/23

Copy to:-

✓ Shri Vikram Rajkhwa Advocate for Original Applicants H.No.13, Bhubon Road  
 (Entry H.C Road) Uzan Bazar, Guwahati, Guwahati-781001, Assam for his information.



  
 22/5

Chairman  
 SEIAA, Assam  
 Bamunimaidam, GHY- 21.



GAHC010127252020



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/3654/2020**

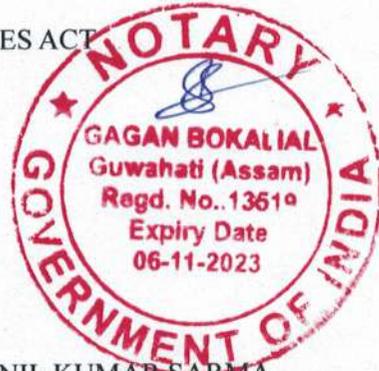
GANESH CH. DAS  
S/O- LT. DIJENDRA CH. DAS, R/O- A 6, ARYA SMART LIVING, ELIGIBLE  
MEMBER OF ARYA SMART LIVING GROUP COOPERATIVE SOCIETY, VILL-  
ABHOYPUR, NORTH GUWAHATI, MOUZA- SILA SIHDERI GHUPA, DIST.-  
KAMRUP (R), PIN- 781031

VERSUS

THE STATE OF ASSAM AND 6 ORS.  
REP. BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES, ASSAM,  
KHANAPARA, DIST.- KAMRUP (M), PIN- 781023, ASSAM

2:THE ASSTT. REGISTRAR OF CO-OPERATIVE SOCIETIES  
ASSAM  
BHANGAGARH  
DIST.- KAMRUP (M)  
PIN- 781008  
ASSAM

3:M/S ARYA ERECTOR INDIA PVT. LTD.  
A COMPANY REGD. UNDER THE COMPANIES ACT  
1956  
H.O.  
H.NO. 123  
ARYA SMART LIVING  
VILL- ABHOYPUR  
NORTH GUWAHATI  
MOUZA- SILA SINDURI GHOPA  
DIST.- KAMRUP (R)  
PIN- 781031  
REP. BY ITS MANAGING DIRECTOR- SHRI ANIL KUMAR SARMA  
S/O- LT. PABINDRA NATH SARMA



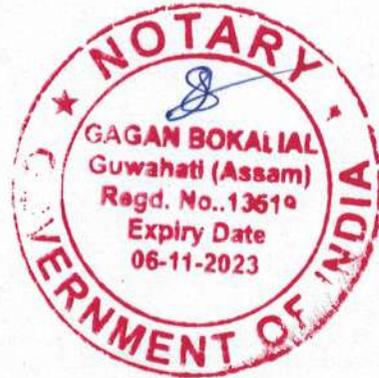
R/O- H.NO. 20  
HAPPY VILLA  
BALARAM BORA ROAD  
BARUWARI  
P.O. SHILPOKHURI  
GHY-03

4:MRINMOY BARKOTOKI  
PRESIDENT (NEWLY ELECTED) OF ARYA SMART LIVING GROUP  
HOUSING COOPERATIVE SOCIETY LTD.  
R/O- D 49 OF ARYA SMART LIVING  
SITUATED AT ABHOYPUR  
P/O- COLLAGE NAGAR  
P.S. CHANSARI  
DIST.- KAMRUP (R)  
GHY- 781031

5:RAMA KRISHNA NEWAR  
PAST PRESIDENT OF ARYA SMART LIVING  
R/O- D 95 OF ARYA SMART LIVING GROUP CO-OPERATIVE SOCIETY LTD.  
SITUATED AT ABHOYPUR  
P/O- COLLAGE NAGAR  
P.S. CHANSARI  
DIST.- KAMRUP (R)  
GHY- 781031

6:RITA PRADHAN  
SECRETARY ARYA SMART LIVING GROUP COOPERATIVE SOCIETY LTD.  
W/O- SHRI RAM KRISHNA PRADHAN  
R/O- ARYA SMART LIVING  
C-97 AT ABHOYPUR  
P/O- COLLAGE NAGAR  
P.S. CHANSARI  
DIST.- KAMRUP (R)  
GHY- 781031

7:SUBRATA CHATARJEE  
THE THEN SECRETARY  
ARYA SMART LIVING  
D 23 OF AT ABHOYPUR  
P/O- COLLAGE NAGAR  
P.S. CHANSARI  
DIST.- KAMRUP (R)  
GHY- 78103



**Advocate for the Petitioner** : MR. B K SEN

**Advocate for the Respondent** : SC, CO OP

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**30.01.2023**

Heard Shri B.K. Sen, learned counsel for the petitioner whereas the Cooperation Department is represented by Ms. M.D. Bora. Shri Ghosh, the learned counsel appears for the respondent nos. 4 to 7.

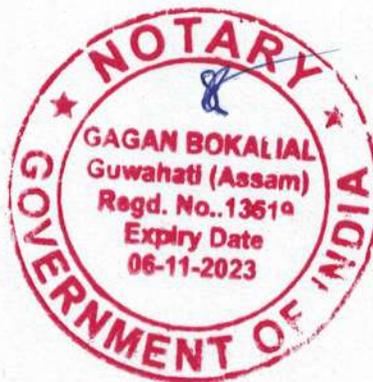
Shri Sen, the learned counsel for the petitioner submits that fresh steps for the respondent no. 3 is to be taken.

Accordingly, 3 (three) days time is granted to enable taking of the steps upon the respondent no. 3 by registered post with A/D.

List this matter after a month along with fresh Service Report.

**JUDGE**

**Comparing Assistant**



ANNEXURE - B

Item No. 01

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Physical Hearing with Hybrid Mode)

Original Application No. 92/2023/EZ

Dr. Ganesh Das &amp; Ors.

Applicant(s)

Versus.

M/s Arya Erectors India Pvt. Ltd. &amp; Ors.

Respondent(s)

Date of completion of hearing and reserving of order: 19.07.2024

Date of pronouncement of order: 12.09.2024

**CORAM:** HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

Applicant: Mr. Vikram Rajkhowa, Adv.

Respondent: Mr. Neelanjan Deka, Adv. (in Virtual Mode) a/w  
Mr. Sibojyoti Chakraborty, Adv. for R-1,  
Mr. Santanu Bora, Adv. (in Virtual Mode) a/w  
Ms. Malabika Roy Dey, Adv. for R-2 & 4,  
Ms. Amrita Pandey, Adv. for R-3,  
Mr. Parswajyoti Das Nait, Adv. for R-5, (in Virtual Mode),  
Mr. Surendra Kumar, Adv. for R-7

## ORDER

1. This original application has been filed by the purchasers of houses (Villa/Flats) at Arya Smart Living in Abhaypur, North Guwahati, Assam, constructed by Respondent No. 1 - M/s. Arya Erectors India Pvt. Limited.
2. The grievance of the Applicants is concerning non-compliance with various conditions of Environmental Clearance (EC) dated 21.01.2014, issued to Respondent No. 1 and violation of provisions of EIA Notification of 2006.

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3. The Applicants No. 1 to 4 had earlier filed OA No. 32/2023/EZ, raising the grievance against the project, which was disposed of by the Tribunal by order dated 24.03.2023, with a direction to Respondent No. 2-State Level Environment Impact Assessment Authority (SEIAA), Assam to consider and decide the representations dated 06.07.2022 and 20.10.2022 by a reasoned speaking order. Respondent No. 2 by order dated 09.05.2023 has disposed of the representations. The applicants in the OA rely upon various non-compliance and violations reflected in the order of Respondent No. 2 SEIAA, Assam dated 09.05.2023. The Applicants have detailed their grievance in paragraph 5 of the OA as under:

"5. xxxxxxxx

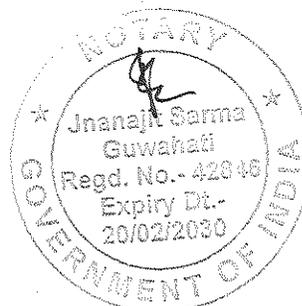
(i) After receiving Environmental Clearance dated 21.01.2014, the project proponent has not submitted any compliance report before the concerned authorities (till date), in gross violation of General Conditions mentioned in the said E.O as follows:

**"Part -B. General Conditions**

1. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by email) to the SEIAA/Regional Office of MoEF.
9. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of MoEF. The criteria pollutant levels namely PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>2</sub>, etc. (ambient levels as well as stack emission) or critical sectoral parameters, indicated for the project shall be monitored and a record be maintained for the public domain.
10. The environmental statement for each financial year ending 31st March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall

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also be sent to the respective Regional Offices of MoEF by email."

- (ii) SEIAA admitted in their speaking order that the flood problem in the Arya Smart Living campus is a genuine one.

The project proponent submitted that-

- (a) the contour survey was done prior to the starting of project and same was approved by GMDA, and  
 (b) the project was completed in 2018 and handed over in 2019 to the society.

The applicants beg to state in regard to the aforesaid contentions of respondent No. 1 that-

- (a) Firstly, the project proponent had only submitted the contour survey of the internal site area and not that of the external surrounding areas as required under the Specific Conditions at Part - A (f) (i) of E.C, i.e.,

"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage."

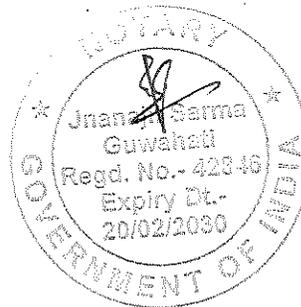
The flood problem in the Arya Smart Living township probably would not have happened, if only the project proponent had complied with the aforesaid Environmental Condition and worked out the storm water drainage after proper contour survey of both internal as well as the external surrounding areas. The suggestion of SEIAA to create a pond inside the township to fill storm water is not a feasible one for a long-term solution as the same is neither approved in the drawings and nor permission is granted for the same.

- (b) Secondly, it is not correct that the project has been handed over by the project proponent to the society. In fact a case is pending before the Hon'ble Gauhati High Court being numbered as W.P(C)/3654/2020, which is preferred by applicant No. 1 against order of the Registrar of Cooperative Societies, Assam, for overlooking the fact that the Director/s of respondent No. 1 company has made their own family members and partners as office bearer of the Arya Smart Living society, which is in conflict of interest, i.e., the project proponent is also the builder/developer as well as the office bearer of the society.

A copy order dated 30.01.2023 is herewith annexed as ANNEXURE - E.

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- (c) Thirdly, Real Estate Regulatory Authority, Assam vide an order dated 13.06.2022 observed that the promoter (respondent No. 1) will submit application in prescribed form regarding extension of project completion period. Furthermore, it is reflected in the said order that the representative of GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan.

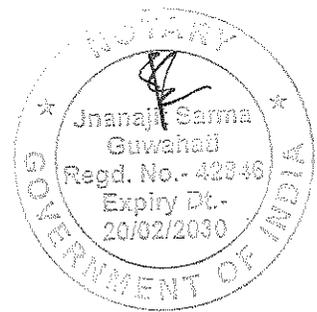
A copy of the REAT, Assam order dated 13.06.2022 is part of O.A No. 32/2023/EZ annexed as Annexure-A.

- (d) The applicants beg to state that the project proponent is yet to complete the project and construction is still continuing without a valid E.O in violation of EIA Notification, 2006.
- (iii) The Operation Phase Conditions at Part-A.II(i) of the E.O requires that "The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation." But the SEIAA speaking order do not mention the submission of any report in this regard.
- (iv) The Operational Phase Conditions at A.II.(v) of the E.O requires that a peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against articulates and noise. Be it stated that the project proponent has not maintained 3 mtrs. green belt all around the plot and in fact have constructed drains, pathways, etc., in the supposed green belt area. The project proponent is trying to mislead by claiming that the green belt is 9000 sq.m. by including common garden areas within the township. The requirement is of a 3 mtr. green belt all across the plot covering an area of 7484.96 sq.m., and same shall not include the other common areas like parks, lawns, etc. Unfortunately, SEIAA speaking order is silent on the issue of green belt.
- (v) The Operation Phase Conditions at A.II.(x) of E.O requires that "a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R& U factors, etc., and submit to SEIAA in three months." But the SEIAA speaking order do not mention the submission of any report in this regard. That according to the RII

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response received earlier from SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not available.

- (vi) Project proponent received E.O on 21.01.2014 with validity for a period of 5 years, i.e., till 21.01.2019. In the meantime, MoEF&CC vide O.M dated 12.04.2016 extended the validity of E.O of the projects, which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly, the E.O dated 21/01/2014 of project proponent also got automatically extended to 7 years, i.e., up to 21/01/2021. However, the project construction of project proponent is yet to be completed and therefore they were required to apply for the extension of E.O dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted RTI reply of SEIAA dated 28/12/2020 and 13/05/2022 the project proponent has not applied for extension of E.O dated 21.01.2014 till date, thereby operating without a valid E.O from 21/01/2021 onwards in violation of laws. In this regard the speaking order of SEIAA is silent and SEIAA seem to be accepting the contention of the project proponent on face value rather than on the basis of cogent materials."

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4. The case of the applicants is that Specific Condition at part A(II)(i), and operation phase condition at part-A (II)(i), part-A(II)(v), part-A(II)(x) of EC have not been complied with and EC has expired on 21.01.2021, but the Respondent No. 1, in violation of EIA Notification, 2006 without getting the EC extended, is continuing with the construction of the project and that Respondent No. 1 has done expansion of project without EC appraisal.

5. The applicants have prayed for a direction to Respondent No. 1 to comply with the EC conditions, not to operate without valid EC and to initiate action against Respondent No. 1 for violation of EC conditions.

6. The Tribunal, after considering the grievance of the applicant in detail by order dated 22.08.2023, had issued notice to the respondents. Thereafter, reply and rejoinder have been filed.

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7. Respondent No. 1 has filed the counter affidavit raising the preliminary objections of *res judicata*, limitation, and locus ie. the applicants are not the persons aggrieved. On merit also Respondent No. 1 has taken the plea that the flooding problem arose because of the construction of a new drain by the PWD with the raised level. The plea relating to the violation of EC condition has been denied and the conclusion of SEIAA in respect of non-submission of regular six monthly reports has been disputed.

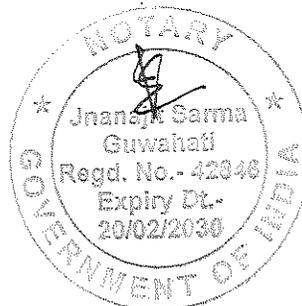
8. Respondent No. 2, SEIAA, Assam by filing the counter affidavit has taken the stand that representations filed by Applicants No. 1 to 4 have been decided after giving an opportunity of hearing. Counter Affidavit also refers to the formation of a committee and the site inspection and the finding of that Committee. It discloses that for non-submission of half yearly compliance report, a written warning was issued by Respondent No. 2 SEIAA, Assam to Respondent No. 1.

9. Respondent No. 3, Ministry of Environment, Forest and Climate Change (MoEF&CC) by filing the reply has placed on record the EIA Notification, 2006, SOP issued vide OM dated 07.07.2021 for identification and handling of violation cases under EIA Notification, 2006 and the Notification dated 28.08.2014 authorizing SEIAAs constituted by Central Government under section 3(3) of the Environment (Protection) Act, 1986 (EP Act, 1986) and delegating the power under section 19 of the Act.

10. Respondent No. 7, Assam State Pollution Control Board (ASPCCB) has filed the reply disclosing that Respondent No. 1 had obtained CTO on 12.10.2022 which was valid up to 31.03.2023. Thereafter, Respondent No. 1 failed to apply for renewal of the CTO. The reply also discloses that

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Respondent No. 1 had failed to obtain permission from the Central Ground Water Authority (CGWA) for extraction of groundwater and that during the inspection on 14.09.2023, the Sewage Treatment Plant (STP) was not found operational and that though the stormwater drainage system was found in place but the potential issues related to the proper gradient flow capacity of rainwater and the adjustment of carrying capacity with the final load bearing drainage system was found. The affidavit of Respondent No. 7 also mentions that during the inspection storm water drain exhibited a greyish to blackish colour indicating potential neglect in maintenance by the housing entity, possibly due to blocked outlets.

11. A separate reply on behalf of Respondent No. 4, Guwahati Metropolitan Development Authority (GMDA) (wrongly under the heading as "affidavit on behalf of Respondent No. 3") has been filed without touching upon the environmental issues.

12. Applicant has filed the rejoinders to the above counter affidavits and controverted the plea.

13. We have heard learned Counsel for the parties at length and perused the record.

**Preliminary Objections**

14. Respondent No. 1 has raised a preliminary objection relating to the *resjudicata* on the plea that earlier OA No. 32/2023/EZ filed by the applicants has been decided by the NGT, therefor fresh OA by them is not maintainable and is hit by the principle of *resjudicata*.

15. Applicants No. 1 to 4 had earlier filed OA No. 32/2023/EZ. The said OA was disposed of by order dated 24.03.2023 by directing as under:

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\*6. In this view of the matter, we dispose of this Original Application with the following directions: -

(i) The Respondent No.2, SEIAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexures-N & O, to the Original Application as also the grievances raised in paragraph-9 and its sub-paragraphs of the Original Application.

(ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam shall also give opportunity of hearing and submission of written submissions, if any, to the Respondent No.1.

7. With the aforesaid directions, the Original Application No.32/2023/EZ is disposed of.

8. Interlocutory Applications, if any, stand disposed of accordingly.

9. There shall be no order as to costs.\*

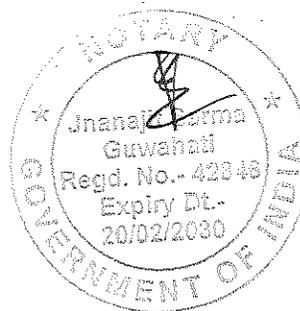
16. While passing the above order the grievance of the Applicants on merit was not examined by the Tribunal. Hon'ble Supreme Court in the matter of *Daryo & Ors. vs. State of UP & Ors.*, AIR 1961 SC 1457 has expressed that the summary dismissal is not a dismissal on merit and will not constitute a bar of *res judicata*. Section 11 of the CPC containing the principle of *res judicata* prohibits a Court from trying any suit or issue in which the subject matter directly and substantially was in issue in a former suit between the same parties and has been heard and finally decided by such Court.

17. Since, in the present case, by order dated 24.03.2023 passed in OA 32/2023/EZ, NGT had not decided the issue on merits, therefore, principle of *res judicata* is not attracted. Thus, we do not find any substance in the preliminary objection relating to *res judicata* raised by Respondent No. 1.

Law Krishna Prashan

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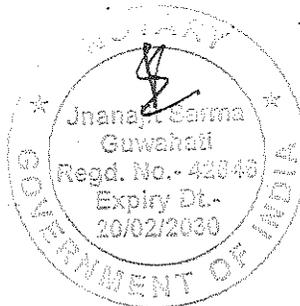
18. Another preliminary objection raised by Respondent No. 1 is in respect of the limitation, on the plea that reliefs claimed in OA are barred by time.

19. Applicants in the present OA have sought compliance of the conditions of EC. They had earlier approached the Tribunal by filing OA No. 32/2023/EZ which was disposed of by order dated 24.03.2023 with a direction to the SEIAA, Assam to consider the representations of the Applicants dated 06.07.2022 and 20.10.2022 within one month. The SEIAA, Assam had decided the said representations by order dated 09.05.2023. Applicants, thereafter, have filed the present OA on 31.07.2023 under section 14(3) of the National Green Tribunal Act, 2010 (NGT Act). A limitation of six months has been prescribed for entertaining such application from the date of the first cause of action. The cause of action arose when SEIAA had passed the order dated 09.05.2023. This OA has been filed within six months from 09.05.2023. That apart, Applicants have raised the plea of continuous cause of action relating to violation of EC conditions by Respondent No. 1. An issue of subsequent expansion of the project by adding additional land of 2 bigha without obtaining EC has also been raised which gives a fresh cause of action. Hence, the OA is not found to be barred by time and cannot be rejected on that ground.

20. Respondent No. 1 has also submitted that the Applicants are not the persons aggrieved and has questioned their locus but such a submission cannot be accepted because the Applicants have purchased the houses/villa/flats in the project in question and they are directly affected by the non-compliance of EC conditions, alteration/expansion of the project and violation of environmental norms concerning the project.

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21. Hence, no substance is found in the preliminary objections raised by Respondent No. 1, which are accordingly rejected.

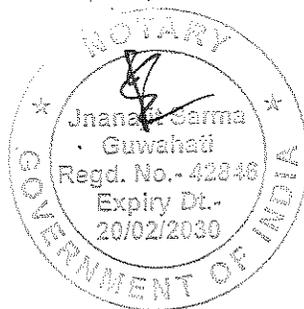
**On Merit**

22. Arguing on merit, Counsel for the applicant has referred to the report of Respondent No. 7, ASPCB and has pointed out the violations noted therein. He has also submitted that the original EC was for 28 bighas of land but later on, there was an expansion of the project by including 2 bigha more but the Respondent No. 1 had not obtained the EC for expansion of the project. He has further submitted that on account of non-compliance of the EC conditions relating to gradient, the entire area is getting flooded during the rainy season. He has submitted that Respondent No. 1 has violated various EC conditions and that the issues that were raised by the Applicants in the representation have been dealt with by the SEIAA, Assam in a cryptic manner.

23. Learned Counsel for Respondent No. 1 opposing the OA on merit has submitted that there is no environmental issue involved in this OA. The grievance of the Applicants has already been considered by the SEIAA while deciding the representation and passing the order dated 09.05.2023. He has also submitted that the condition of filing six monthly reports was complied with, the Applicants are not the persons aggrieved, PWD had constructed the drain at higher gradient subsequently which leads to flooding of the area and that Respondent No. 1 had tried to construct the pond for collection of rainwater but that was opposed by the residents. He submits that the project was completed on 03.07.2018. Learned Counsel does not dispute that subsequently additional 2 bighas of land was included and a clubhouse and swimming

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pool were constructed without reappraisal of the EC or without obtaining a fresh EC.

24. Learned Counsel appearing for Respondent No. 2, SEIAA, Assam has submitted that the representations submitted by Applicants have already been decided in terms of the direction of the Tribunal and that now the violations have come to the knowledge of SEIAA, therefore, action against Respondent No. 1 will be taken by SEIAA, Assam.

25. We have examined the record of the OA in the light of submission on merit made by Counsel for the parties.

26. The Ministry of Environment and Forests, Govt. of India exercising the power under sub-section (1) and clause (V) of sub-section (2) of section (3) of Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of EP Act, 1986 has issued the EIA Notification dated 14.09.2006 requiring the prior EC from the concerned regulatory authority. For matters falling under category-B of the schedule, the State Level Environment Impact Assessment Authority (SEIAA) is the regulatory authority for prior EC at the State level. The schedule of the notification contains a list of projects or activities requiring prior EC.

27. The EIA Notification, 2006 requires prior EC for the new scheduled projects and expansion and modernization of existing projects or activities listed in the schedule to the notification. Clause 2 of the EIA Notification provides that:

**"2. Requirements of prior Environmental Clearance (EC):-**  
The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation

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of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range."

28. The amended EIA Notification dated 2006 includes the following construction projects in clause 8 of the schedule:

xxxx	xxxx	xxxx
8		Building /Construction projects/Area Development projects and Townships
8(a)	Building and Construction projects	20000 sq. mtrs and <1,50,000 sq. mtrs. of built-up area#
8(b)	Townships and Area Development projects.	Covering an area 50 ha and or built up area 1,50,000 sq. mtrs ++

#built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)  
++All projects under Item 8(b) shall be appraised as Category B1

29. The above building projects are category-B projects under EIA Notification, 2006 and require appraisal by the State Level Expert Appraisal Committee (SEAC) and approval by the State Level Environment Impact Assessment Authority (SEIAA).

30. Paragraph 7(ii) of the EIA Notification, 2006 provides as under:

**7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:**

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product -mix shall be made in Form I and they shall be considered by the concerned Expert

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*Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.*

Thus, for expansion of a project or increase in the lease area consideration by EAC/SEAC and prior Environmental Clearance is required.

31. Under the Notification dated 28.02.2014, SELAA has been authorized and delegated with the powers under section 19 of the Act to take necessary action against the violators.

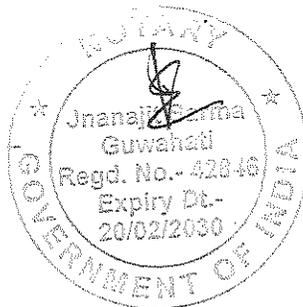
32. Hon'ble Supreme Court in the judgment dated 03.12.2019 passed in Civil Appeal No. 2435/2019 in the matter of *Keystone Realtors Pvt. Ltd. vs. Shri Anil V. Tharthare and Ors.*, has considered the issue of environmental impact on account of the increase in the size of the project and the requirements of EIA Notification on the expansion of the project by holding as under:

“xxx .....xxx .....xxx

16. *In a case where the text of the provisions requires interpretation, this Court must adopt an interpretation which is in consonance with the object and purpose of the legislation or delegated legislation as a whole. The EIA Notification was adopted with the intention of restricting new projects and the expansion of new projects until their environmental impact could be evaluated and understood. It cannot be disputed that as the size of the project increases, so does the magnitude of the project's environmental impact. This Court cannot adopt an interpretation of the EIA Notification which would permit incrementally or otherwise, project proponents to increase the construction area of a project without any oversight from the Expert Appraisal Committee or the SEAC, as applicable. It is true that there may exist certain situations where the expansion sought by a project proponent is truly marginal or the environmental impact of such expansion is non-existent. However, it is not for this Court to lay down a bright-line test as to what constitutes a „marginal“ increase and what constitutes a material increase warranting a fresh Form 1 and scrutiny by the Expert Appraisal Committee. If the government in its wisdom were to prescribe that a one-time „marginal“*

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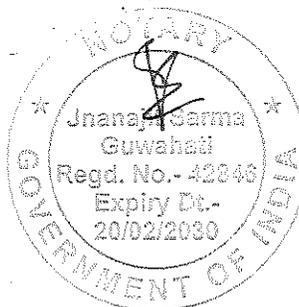
increase (e.g. 5% or 10%) in project size, within the threshold limit stipulated in the Schedule, could be subject to a lower standard of scrutiny without diluting the urgent need for environmental protection, conceivably this Court may give effect to such a provision. This would be subject to any challenge on the ground of their being a violation of the precautionary principle. However, as the EIA Notification currently stands, an expansion within the limits prescribed by the Schedules would be subject to the procedure set out in paragraph 7(ii).

17. At the time of the second increase, the total construction area of the appellant's project was enlarged from 32,395.17 square metres to 40,480.88 square metres. As a result of the expansion, the appellant constructed sixteen additional flats which were sold at the prevailing market rate. The appellant did not comply with the procedure set out under paragraph 7(ii) of the EIA Notification but rather sought an "amendment" to the EC. The third respondent did not require the appellant to submit an updated Form 1 nor was the proposal processed and evaluated by the fourth respondent. The "amendment" to the EC dated 13 March 2014 does not discuss the potential environmental impact of the increase in construction area, but merely records that the construction area now stands at 40,480.88 square metres. The procedure set out under paragraph 7(ii) of the EIA Notification exists to ensure that where a project is expanded in size, the environmental impact on the surrounding area is evaluated holistically considering all the relevant factors including air and water availability and pollution, management of solid and wet waste and the urban carrying capacity of the area. This was not done in the case of the appellant's project. It was not open to the third respondent to grant an "amendment" to the EC without following the procedure set out in paragraph 7(ii) of the EIA Notification.
18. We further note that as on the date of the impugned order construction at the project site had already been completed. A core tenet underlying the entire scheme of the EIA Notification is that construction should not be executed until ample scientific evidence has been compiled so as to understand the true environmental impact of a project. By completing the construction of the project, the appellant denied the third and fourth respondents the ability to evaluate the environmental impact and suggest methods to mitigate any environmental damage. At this stage, only remedial measures may be taken. The NGT has already directed the appellant to deposit Rupees one crore and has set up an expert committee to evaluate the impact of the appellant's project and suggest remedial measures. In view of these circumstances, we uphold the directions of the NGT and direct that the committee continue its evaluation of the appellant's project so as to bring its environmental impact as close as possible to that contemplated in the EC dated 2 May 2013 and also suggest the compensatory exaction to be imposed on the appellant.

[Emphasis provided]

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33. Thus, it is settled that evaluation of the environment impact prior to the execution of the construction project is essential. The same applies to the expansion of the construction project also and in case of violation, the Project Proponent is liable to pay penalty and environmental compensation.

34. In the above Civil Appeal No. 2435/2019, order of the NGT dated 11.02.2019 passed in Appeal No. 122/2018 (Earlier Appeal No. 9/2014) (WZ) in the matter of *Anil Tharthare v. The Secretary, Envtl. Dept. Govt. of Maharashtra & Ors.* was under challenge wherein the Tribunal while examining the issue of illegality in amending the EC on expansion of the project had considered the importance of the EIA Notification and the issue of amendment of EC without following the due process in case of expansion of the project and has held as under:-

xxx ..... xxx  
28. As regards the question whether EIA is mandatorily required, it may be noted that EIA has been recognised as the most valuable, inter-disciplinary and objective decision-making tool with respect to alternate routes for development, process technologies and project sites. It is considered an ideal anticipatory mechanism allowing measures that ensure environmental compatibility in our quest for socio-economic development. In fact, the whole concept is based on jurisprudential principle of 'Sustainable Development' and 'Precautionary Principle' though statutory basis has been provided to the same for effective enforcement.

29. The projects covered by the Notification dated 14.09.2006 cannot be undertaken without environmental clearance. This may invite prosecution and punishment under section 15 of the Environment (Protection) Act, 1986 or other provisions. Mere fact that a project is not covered by the said notification is not conclusive to negate such requirement if impact on environment justifies it. One cannot ignore that impact assessment in all cases of potential impact is by itself a part of concept of sustainable development, which in turn is part of Article 21. Thus, even where notification does not require EIA, such requirement may apply by virtue of Article 21, if there is potential of impact on environment. In such a case the Court or Tribunal concerned with enforcement of principle of sustainable development can require this to be done, as mandatory condition, for continuing a project. In our jurisprudence, the

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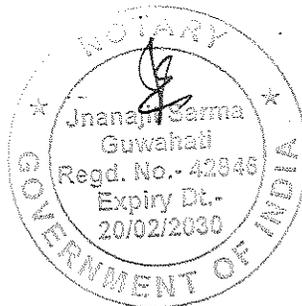
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protection of environment is fully ingrained. It is not only a part of Directive Principles under Article 48A and Fundamental Duties under Article 51A(g), but also inherent in the Fundamental Right under Article 21 of the Constitution. Principles of Sustainable Development, Precautionary Principle, and Intergenerational Equity are not only part of our jurisprudence, in terms of case law but also incorporated in Section 20 of National Green Tribunal Act, 2010. Needs for development have to be fulfilled consistent with these principles. There can be no development at the cost of environment.<sup>1</sup>

30. Environmental laws are required to be read into every activity adversely impacting environment. Grant of any permission or sanction by any authority has always to be read as subject to inherent limitation of the environment norms being maintained. Once pollution is being created, mere permission/ sanction by itself is no defense. While absence of a sanction may by itself be violation of law, even grant of sanction is never to be treated as unconditional and does not obviate the requirement to maintain environment norms. Adverse impact on environment is actionable in all situations. Accordingly, if there is an impact to the environment, there must be an Environment Impact Assessment. The fact remains that flats may have been allotted in which case it may be difficult to disturb or penalize such occupants who may not be party to violations. Still, the Tribunal cannot be mute spectator as far as the project proponent, respondent No. 6 is concerned. In this light, to uphold the Rule of Law, it is necessary that the violators are required to compensate for their illegal acts which may also act as a deterrent against those project proponents who circumvent the law to suit their convenience. This is also in conformity with 'Polluter Pays' principle.
31. By way of an interim arrangement, let the project proponent deposit a sum of Rs. 1 crore with the CPCB within one month towards interim cost of damage to the environment. The Committee which we propose may suggest the amount which should be recovered for such violation so that the amount can be deterrent and dissuade violators of law and also to cover the cost of restoration of the environment.<sup>2</sup>

35. Learned Counsel for the Applicants placing reliance upon the order of the Tribunal dated 01.02.2021 in OA No. 837/2018 in the matter of *Sandeep Mittal vs. Ministry of Environment, Forests & Climate Change & Ors.* has submitted that there is a huge gap in effective monitoring

<sup>1</sup> Intellectuals Forum Vs. State of A.P - (2006) 3 SCC 549, Bombay Dyeing & Mfg. Co. Ltd. - (2006) 3 SCC 434, M.C. Mehta v. Union of India - (2004) 12 SCC 118, Tirupur Dyeing Factory Owners Assn. v. Noyyal River Ayacutdar Protection Assn - (2009) 9 SCC 737, T.N. Godavarman Thirumulpad v. Union of India - (2000) 10 SCC 606, Narmada Bachao Andolan v. Union of India - (2000) 10 SCC 664, Vellore Citizens Welfare Forum Vs. Union of India and Ors. (1996) 56 SCC 647, N.D. Jayal and Ors. Vs. Union of India and Ors. (2004) 9 SCC 362, Lafarge Umiam Mining (P) Ltd., Vs. Union of India and Ors. (2011) 7 SCC 338, and G. Sundarrajan Vs. Union of India and Ors. (2013) 6 SCC 620



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Sam Krishna Pradhan

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mechanism and in this regard, he has placed reliance upon para 3 of the said judgment wherein it has been held that:

.....xxx.....  
 3. *The matter has thereafter been considered on several dates including 29.04.2019, 23.07.2019, 22.11.2019 and 31.7.2020. It has been repeatedly found that the mechanism for monitoring environmental norms is inadequate, as a result of which there is rampant violation of Environmental Clearance (EC) conditions, as noted by this Tribunal in several cases. The Tribunal also noted the observations in the Judgments of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (2014) 4 SCC 61 and Lafarge Umiam Mining Private Limited Vs. Union of India, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and there is a need for effective monitoring mechanism. The Hon'ble Supreme Court also observed that there is poor monitoring and there are huge gaps in laying down of conditions and enforcement thereof. Such observations have also been made by the Comptroller and Auditor General of India (CAG), pointing out deficiencies on this aspect.*

*Team Krishna Reddy*  
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36. The submission of the parties needs to be examined in the light of the aforesaid legal position.

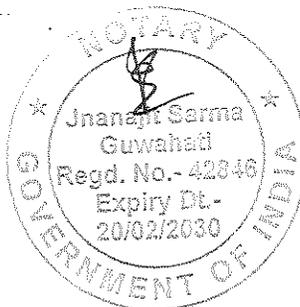
37. Environmental Clearance (EC) dated 21.01.2014 was issued to Respondent No: 1 in respect of the project involving the construction of Arya Smart Living at Abhaypur North, Guwahati on a plot area of 38,106 sq. m. It was specifically stipulated in the EC as under:

.....xxx.....  
 2. *It is inter-alia, noted that the project involves the construction of Arya Smart Living at Abhaypur North, Guwahati on a plot area of 38,106 sq. m. The total construction built up area proposed for the project is 62,133.036 sq. m. The Podium area 2886 sq. m. The paved area is 12989.4 sq. m. The building foot print area is 12709.6 sq. m. The basement area 5791.636 sq. m. The green belt area is 7484.96 sq. m. The complex will have Villas - Type A 08 units, Type B 08 units, Type C 108 units. Apartment units 156, Shops 6 and Retail outlet 4. The total water requirement of the project is estimated to be about 286.63 KLD. The capacity of STP is 230 KLD. The treated water will be used 194 KLD and for Flushing 91 KLD. There will be no discharged of waste water. Total solid waste generation for the project will be 1.13 Tones per day. The power requirement is 2385.17 KW. Total car parking proposed 516 nos. The total cost of the project is Rs. 72.2 Crores.*

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It has not been disputed during the course of arguments that in Assam 1 Bigha equals 1346.42 sq.mt. Thus, the EC dated 21.01.2014 was for plot area of about 28.4 bigha.

38. The record further reflects that a complaint Petition was filed before the Real Estate Regulatory Authority (RERA), Assam making allegations against the promoter for occupying the building without obtaining a complete occupancy certificate, rejection of occupancy due to unauthorized construction, misrepresentation in respect of total land and that the joint inspection was got done. RERA, Assam in the order dated 13.06.2022 had recorded the details of the project area as under:

**(d) Total area of land standing in the name of Arya Erectors India Pvt. Ltd. as per Land records**

- i. As per Chitha copy and Jamabandi copy of revenue village Abhaypur KP No. 198, the Arya Erectors India Pvt. Ltd. is the landholder of the following area as mentioned against each dag:

Dag No 884-19 Bigha 0 katha 9 Lecha  
Dag No. 885- 0 Bigha 01 Katha 11 Lecha  
Dag No. 889- 03 Bigha 02 Katha 0 Lecha  
Dag No. 890- 05 bigha 01 Katha 4 Lecha  
**Total 28 Bigha 0 katha 4 Lecha**

- ii. As per Chitha copy and Jamabandi copy of revenue village North Guwahati Town KP no. 271, the Arya Erectors India Pvt. Ltd is the landholder of the following area as mentioned against the dag no. 764.

Dag No 764- 02 Bigha 0 katha 0 Lecha.  
Total area of land held by the Arya Erectors India Pvt. Ltd at Abhaypur and North Guwahati town under the project- 30 bigha 0 katha 04 Lecha (28B-0 K- 04 lecha + 2 B-0 K-0 L)

**(e) Status in the Field-Observation**

During joint visit, it is seen that the project is being implemented in the entire area of 30 Bigha 0 Katha 4 Lecha (28Bigha 0 katha 4 Lecha of Abhaypur village plus 2 Bigha 0

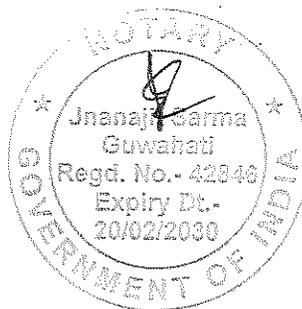
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*katha 0 Lecha of North Guwahati town). However, the promoter has not yet submitted application for registration of the project being implemented, at revenue village North Guwahati town over an area of 2 bigha covered by Dag No. 764 and KP No. 271 and also balance part of the project under GMDA measuring 4 Bigha 13 Lecha."*

39. Thus, Respondent No. 1 has implemented the project in the area of 30.4 bigha whereas the EC was obtained only for about 28.4 bigha. Hence, he has carried out construction on the area much more than the one for which environmental clearance was granted.

40. The order of the RERA, Assam dated 13.06.2022 also records the stand of GMDA that no occupancy certificate was issued to the promoter due to deviation in the approved plan and that the promoter had constructed some structures which were not approved by the GMDA.

41. It is undisputed that Respondent No. 1 had subsequently included about 2 bighas of land in the project and constructed a clubhouse and swimming pool on that land. Counsel for Respondent No. 1 during the course of the argument has candidly admitted the factum of adding 2 bighas in the project land and constructing club house and swimming pool thereon. Such additional inclusion of land and construction amounts to the expansion of the project for which in terms of clause 7(ii) of the EIA Notification of 2006, prior environmental clearance was required, which has not been obtained in the present case. The SEIAA was to examine beforehand the environmental damage, if any, and the extent of it, on account of the inclusion of the additional area in the project and the raising of construction on the additional area, which has not been done.

42. It is also the submission of the Applicants that the apartments for which the environmental clearance was granted were changed into villas

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and the construction of retail outlet was given up. Hence; that also amounts to a change of scope of the project in addition to the issue of expansion of the project by inclusion of 2 bighas.

43. The General Condition No. 3 of the EC dated 21.01.2014 also clearly stipulates that:

“xxx.....xxx.....xxx

3. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA.”

44. As per the said-condition also in case of a change of scope of the project, the Project Proponent was required to have a fresh appraisal of environmental clearance.

45. Hence Respondent No.1 has not only violated the General EC condition No. 3 but has violated clause 7(ii) of the EIA notification, therefore, Respondent No. 1 is liable to pay environmental compensation for deviating from the original project, expanding the project without prior EC and causing damage to the environment. Considering the circumstances of the case, we are of the view that such environmental compensation in the present case should be levied @ 1% of the cost of expansion of the project.

46. The record further reflects that the EC issued to Respondent No. 1 on 21.01.2014 was initially valid for a period of five years till 21.09.2019 and its validity was automatically extended up to 21.01.2021 by virtue of the OM dated 12.04.2016. The communication dated 28.12.2020 issued by the SEIAA, Assam states that Respondent No. 1 thereafter did not apply for renewal of EC. Any construction carried on by the respondent thereafter is in violation of law.

Handwritten signature: *Prasanna Prakashan*

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47. There is also a violation in respect of renewal of CTO and in providing proper rainwater drain. Respondent No. 7, ASPCB has filed the report/affidavit dated 21.11.2023 mentioning the violations as under:

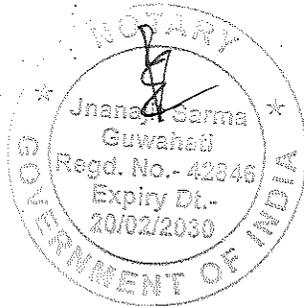
- xxx ..... xxx ..... xxx
3. That pursuant to the direction passed by this Hon'ble Court, an inspection was carried out on 14<sup>th</sup> September, 2023 of the residential Building Construction-62000 sq. mt. (built-up area). The unit had obtained Consent to Operate (CTO) on 12<sup>th</sup> October, 2022 which was valid till 31<sup>st</sup> March, 2023. The unit has failed to apply for renewal of the CTO. The unit has failed to obtain permission from Central Ground Water Board (CGWA) for extraction of ground water.
  4. As per the inspection report dated September 20, 2023, there had been no record of rainfall in the locality since last four to five days till the date of inspection i.e. 14/09/2023. Consequently, the investigation could not conclusively assess the occurrence of waterlogging. Notably, the Sewage Treatment Plant (STP) was found non-operational during the inspection. Upon inquiry, the project authority explained that the STP has a capacity of approximately 230 KLD and operates twice a week. While a stormwater drainage system is in place, the inspection highlighted potential issues related to the proper gradient, flow capacity of rainwater, and the adjustment of carrying capacity with the final load-bearing drainage system. It is essential to emphasize that the problem of waterlogging cannot be solely attributed to any single stakeholder if the design and coordination of these drainage systems are not appropriately managed at both micro and macro levels. During the inspection, the stormwater drain exhibited a greyish to blackish colour, indicating potential neglect in maintenance by the housing entity, possibly due to blocked outlets."

48. The above report reflects that the CTO has not been renewed after 31.03.2023, STP was found non-operational and there is improper gradient of the stormwater drain.

49. The EC dated 21.01.2014 was issued by SEIAA, Assam to Respondent No. 1 containing Specific and General Conditions and the conditions relevant for the present controversy incorporated in the said EC are as under:-

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**"PART - A. SPECIFIC CONDITIONS****I. Construction Phase**

- (i) The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage.

xxx.....xxx.....xxx

- (cvii) Permission for ground water use shall be obtained from the competent authority prior to construction / operation of the project.
- (cviii) Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water."

**II. Operation Phase**

- (i) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed.

xxx.....xxx.....xxx

- (v) The peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.

xxx.....xxx.....xxx

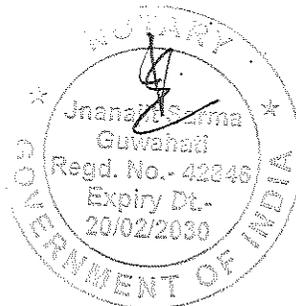
- (ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mt. and 9 mts. in the project area.

- (x) A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R&U Factors, etc. and submit to the SEIAA in three months time.

**PART - B. GENERAL CONDITIONS**

- (1) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/Regional Office of MoEF&CC.

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 Jnanasharma Guwahati

xxx ..... xxx ..... xxx

- (3) *In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA.*

50. The applicant in the representations dated 06.07.2022 and 20.10.2022 had raised the specific grievance relating to violation of above EC conditions such as the STP, green belt, storm water etc. by Respondent No. 1 but without properly examining the same, SEIAA, Assam by order dated 09.05.2023 has rejected the representation by observing as under:-

**"On Specific condition at part A(I) (i) of the EC**

- *The respondents submitted that the contour survey was done prior to starting of the project. Submitted GMDA approved contour survey map.*
- *The project was handed over to the Arya Smart Living Society in 2019, being completed in all respect including the drainage system as per requirement.*
- *The water logging problem started after the improvement of road and construction of drain taken up by PWD during 2017 to 2020. A technical study of the Water logging problem in Arya Smart Living campus and its adjoining areas of Abhaypur, North Guwahati was taken up by IIT Guwahati on request from the ASL society. It revealed that the bed of the newly constructed drain along the road is at 15 cm higher than the internal drain. Supporting photographs were submitted.*

**On Specific Condition A (I) (xviii) of EC**

- *Dual Plumbing system was partially complied with e.g. at places i.e. Water fall at front, car washing etc.*

**Operational phase Condition A(II) (i) of EC**

- *The design and supply of STP was done by firms, expert in the relevant field of work.*

**Operational phase Condition A(II) (v) of EC**

- *The Green belt area is 9000 sq.m No of trees planted including hedges etc. shall be around 900. Green Belt also maintained all around the campus with exception of two corners.*

**Operational phase Condition A(II) (vi) of EC**

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*Pradipon*

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- The ground water level being high and also as existing low lying area which acts as a natural water reservoir; only roof and surface rain water runoff is collected in the installed water tanks of 5000 lts capacity around the campus.

**Operational phase Condition A (II) (ix) of EC**

- There is no traffic congestion both inside and outside the campus. One parking area in each villa has been given as approved by GMDA.

**Operational phase Condition A (II) (x) of EC**

- Energy conservation measures have been taken in the villas and all common areas. Heard and seen both verbal and written submissions of the representative of Arya Erectors India Pvt. Ltd.

Also perused the Final report of the Technical Study carried out by Indian Institute of Technology, Guwahati on request by Arya Smart Living Society.

The site visit was also done by team of experts which included.-

**Name-**

1. Shri Praydut Kr. Choudhury, Chairman SEIA
2. Shri Swapan Kr Seal Sarma, Chairman SEAC
3. Prof. Bhagawat Pran Duarah, Member SEAC
4. Prof. Sarat Phukan, Member SEAC
5. Dr. Santanu Kr Dutta, Secretary SEAC

As Both the representation 'N' & 'O' are identical except an additional clause at representation 'N'(5) Therefore both are being disposed simultaneously.

**Regarding allegation at SL (1) of representation 'N' & 'O'**

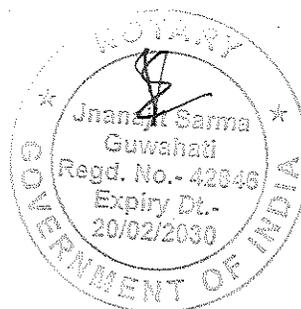
- The flood problem in the ASL campus is a genuine one The Arya Erectors, India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road & drain was taken up. The submitted photographs by the respondent no.1 also reveals that the natural drainage at front has also been encroached by neighbors. The nearby areas being developed only a common approach involving the development departments and neighboring community can bring in a fruitful one time solution to the problem. In the meantime, the Arya Erectors India Pvt. Ltd. Shall create a pond in appropriate low lying area inside the campus with adequate capacity & with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be so constructed so as to be filled by only the Storm water. Other activities can also be planned with the coordinated effort of all concerned.

**Allegation at SI (3) of representation 'N' & 'O'**

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- *The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore, ASL society has to keep it functional.*

**Other matters.**

- *The matter of non submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately.*

51. While examining the grievance in respect of non-compliance of the condition relating to the performance of STP, the SEIAA has only mentioned that "The design and supply of STP was done by firms, expert in the relevant filed of work".

52. In respect of six-monthly reports, SEIAA in the order dated 09.05.2023 has found that six monthly reports were not submitted and it was viewed seriously but no action has been proposed or taken in this regard. Somewhat similar is the situation with respect to other grievances also.

53. The above order clearly reflects that the grievance raised by the applicant in the representation has not been properly considered by the SEIAA, Assam and representation has been rejected by a cryptic order.

54. We find that though the Applicants had raised the specific grievance about non-compliance with various EC conditions by Respondent No.1 in the representations dated 06.07.2022 and 20.10.2022 but SEIAA while passing the order dated 09.05.2023 has not properly applied its mind to the grievances raised.

55. In view of the above analysis and conclusions, we dispose of the OA by directing as under:-

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Ranu Sainina

President  
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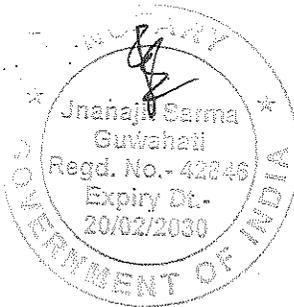
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- i. Since, Respondent No. 1 has expanded the project by including an additional about 2 Bighas of land and raising additional construction of a clubhouse, swimming pool etc., without getting reappraisal of the EC dated 21.01.2014 and without getting the environmental clearance for the additional area, therefore, the Respondent No. 1 has violated clause 2 and 7(ii) of the EIA Notification, 2006 and is liable to compensate for the damage caused to environment by depositing 1% of the project cost incurred in expansion with ASPCB as environmental compensation. The SEIAA, Assam and ASPCB will jointly workout the cost incurred in expansion of project and determine the environmental compensation.
- ii. Respondent No. 1 is also liable to carry out the remedial measures which will be worked out by SEIAA, Assam based on the damage assessment.
- iii. The order dated 09.05.2023 passed by SEIAA Assam is found to be bad in law and is hereby set aside. The SEIAA, Assam is directed to decide the representations dated 06.07.2022 and 20.10.2022 of the applicants afresh on other issues keeping in view the observations made above and take appropriate remedial action.
- iv. Since the grievance of the Applicants is that, in terms of the specific condition at Part-A (I)(i) of the EC, necessary steps to analyze the contour intervals of the site and surrounding areas and the capacity of stormwater drainage have not been taken done and steps are not taken to address the problem of waterlogging and flooding, therefore SIEAA will duly examine

*Ram Krishna Pradhan*

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the issue of non-compliance of above condition and take appropriate action.

- v. The SEIAA, Assam is also directed to take action against Respondent No. 1 for violation of the EC condition by complying with the *principles of natural justice*.
- vi. The ASPCB is also directed to take action for the violation of the environmental norms found on the spot and reflected in its report dated 21.11.2023.
- vii. Let the above exercise be completed by the SEIAA, Assam and ASPCB within a period of three months and an action taken report be filed before the Registrar, NGT, Eastern Zone Bench at Kolkata, immediately on completion of three months and if found necessary the matter will be listed for consideration before the Bench.

Prakash Shrivastava, CP

B. Amit Sthalekar, JM

Dr. Arun Kumar Verma, EM

September 12, 2024  
Original Application No. 92/2023/EZ  
avt...

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*Prashant Pradhan*  
*Prashant Pradhan*  
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ANNEXURE-C  
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*Law Krishna Pradhan*  
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ASLG HSG COOP. SOC. LTD.

President  
ASLG HSG. Coop. Soc Ltd.



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7/9/25, 4:40 PM

Gmail - Fwd: Regarding NGT orger dated 12-09-2024 and SEIAA report dated 22-02-2025

- 17X -  
ANNEXURE - 'D'



Rupankar Barua <rupankar.barua@gmail.com>

Fwd: Regarding NGT orger dated 12-09-2024 and SEIAA report dated 22-02-2025

Ram Krishna Pradhan <pradhanramk@gmail.com>  
To: Rupankar Barua <rupankar.barua@gmail.com>

Thu, Jun 5, 2025 at 7:43 PM

----- Forwarded message -----

From: Ganesh Das <ganeshdas40244@yahoo.com>  
Date: Mon, Feb 24, 2025, 7:28 AM  
Subject: Regarding NGT orger dated 12-09-2024 and SEIAA report dated 22-02-2025  
To: <asisociety19@gmail.com>  
Cc: <tapanjyotidutta123@gmail.com>, <pradhanramk@gmail.com>, <rameshchandrasarma@yahoo.com>, <shashanka.goswami90@gmail.com>, <dr.bijcya@gmail.com>, <sanjaybar@gmail.com>

Dear sir/Madam  
Please finds the one NGT order and one SEIAA report for your information ans necessary action.

Dr Ganesh Das  
Members, ASLGHC SL  
North Guwahati.

2 attachments

- CASESTATUS\_20240913\_192718.pdf  
285K
- DocScanner\_Feb\_21\_2025\_2-36\_PM\_1\_(2).pdf  
15353K

*Ram Krishna Pradhan*  
President

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11 JUL 2025



**ARYA SMART LIVING GROUP HOUSING CO-OPERATIVE SOCIETY LIMITED**

Regd No. G-09/2019-20, Dated 10<sup>th</sup> June 2019

Arya Smart Living Group Housing Co-operative Society Limited  
Muzza, Silchar, Assam  
Dist. Karbi Anglong, Assam  
Pin-781124  
Tel: 9836031234, 9836031235

Ref. No.

Date

To  
Mr. Ganesh Das  
Unit No. 16  
Arya Smart Living, Abbaypur

Dated: 5<sup>th</sup> March 2025

Subject: Disqualification from Membership of ASLGHCS

Dear Mr. Ganesh Das,

We refer to the Byelaws of Arya Smart Living Housing Cooperative Society Limited and the provisions of Section 54 of the Transfer of Property Act, 1882, as interpreted by the Hon'ble Supreme Court of India.

As per Byelaw of the Society regarding membership of the Society, only the owner of a unit/floor is eligible to be a member of the Society. The said Byelaw unequivocally states that the membership is restricted to the owners of the unit/floors.

In this regard, we have verified the records and found that you do not possess the sale deed of the unit/floor occupied by you. As per the judgment of the Hon'ble Supreme Court of India in a recent case, Section 54 of the Transfer of Property Act, 1882, denies ownership of a property as the one who has the sale deed.

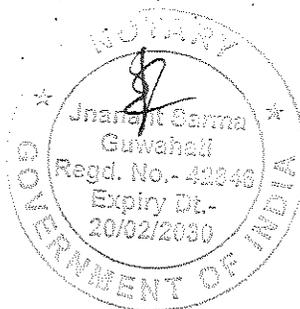
The membership clause in the Byelaw, Section 10 of the Assam Cooperative Societies Act, 2007, which explains the disqualification conditions attached herewith.

The Board of Directors of Arya Smart Living Housing Cooperative Society Limited in its meeting on 15<sup>th</sup> March 2025, took a resolution to execute the disqualification of membership of yours. The Board also took cognizance of the series of frivolous complaints and cases which you have brought against the Society since last 5 years. This includes complaints starting from Dec 2019 using improper way of information of the

*Pran. Krishna Pradhan*

President  
ASLG HSG COOP. SOC. LTD.

President  
ASLG HSG Coop Soc Ltd



01 JUL 2025

Dated 5<sup>th</sup> March, 2025

To

Ganesh Das

Villa No. A 6

Arya Smart Living Abhaypur

Subject: Disqualification from Membership of ASLGHCSL

Dear Mr. Ganesh Das,

We refer to the Byelaws of Arya Smart Living Housing Cooperative Society Limited and the provisions of Section 54 of the Transfer of Property Act, 1882, as interpreted by the Hon'ble Supreme Court of India.

As per Byelaw of the Society regarding membership of the Society only the owner of a unit/flat is eligible to be a member of the Society. The said Byelaw unequivocally states that the membership is restricted to the owners of the units/flats.

In this regard, we have verified the records and found that you do not possess the sale deed of the unit/flat occupied by you. As per the judgment of the Hon'ble Supreme Court of India in a recent case, Section 54 of the Transfer of Property Act, 1882, defines ownership of a property as the one who has the sale deed.

The membership clause in the Bye Law Section 19 of the Assam Cooperative Societies Act, 2007, which explains the disqualification condition is attached herewith.

The Board of Directors of Arya Smart Living Housing Cooperative Society Limited in its meeting on 1<sup>st</sup> March, 2025 took a resolution to execute the disqualification of membership of yours. The Board also took cognizance of the series of frivolous complaints and cases which you have brought against the society since last 5 years. This includes complaints starting from Dec 2019 citing improper way of formation of the

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promoter board and the request to dissolve it. You have unnecessary filed writ petition in Guwahati High Court in Oct 2020 against four ex office bearers which was finally disposed off in 2023. Sec 37C being invoked multiple times though failing to establish the fact, Sec 40E was also invoked. You have indiscriminately led to dissolution of the Board twice, once due to slight delay in AGM because of Covid, another time citing Sec 304A. In the second instance, the Board was reinstated by Office of Registrar of Cooperative Societies. There are many more such cases and complaints leading to frequent disruption of functioning of the Society. On Feb 22, 2025, President was threatened by you and your spouse on removal of illegal encroachment of Storm water Drain by you. Hereby the board observed that you not only do not qualify as a member of the Society but also has brought disrepute to the Society by excess attack. By your over activism, you have disrupted the basic tenet of the cooperative movement.

The resolution was passed unanimously.

In view of the above, we regret to inform you that you cease to be a member of the Society, effective immediately. Your membership is hereby disqualified, and your name will be struck off from the register of members.

Please note that you will not be entitled to participate in the affairs of the Society, attend meetings, or exercise any rights as a member. You will also not be eligible to contest elections or hold any position in the Society. Your name is struck from all communication list of the Society.

Your share or interest will be transferred as per Assam Cooperative Societies Act 2007.

Sincerely,

*Ram Krishna Bradhan*

Ram Krishna Bradhan  
President (For and on behalf of the Board)



Ram Krishna Bradhan,  
 President  
 ASLG HSG COOP. SOC. LTD.

President  
ASLG HSG Coop. Soc. Ltd



11 JUL 2025

promoter board and the request to dissolve it. You have unnecessary filed writ petition in Guwahati High Court in Oct 2020 against four ex office bearers which was finally disposed off in 2023 Sec 37C being invoked multiple times though failing to establish the fact, Sec 40 E was also invoked. You have unceremoniously led to dissolution of the Board twice, once due to slight delay in AGM because of Covid, another time citing Sec 30(4) in the second instance, the Board was reinstated by Office of Registrar of Cooperative Societies. There are many more such cases and complaints leading to frequent disruption of functioning of the Society on Feb 22, 2025. President was threatened by you and your spouse on removal of illegal encroachment of Storm water Drain by you. Hereby the board observed that you not only do not qualify as a member of the Society but also has brought disrepute to the Society by excess attack. By your over activism, you have disrupted the basic tenet of the cooperative movement.

The resolution was passed unanimously.

In view of the above, we regret to inform you that you cease to be a member of the Society, effective immediately. Your membership is hereby disqualified and your name will be struck off from the register of members.

Please note that you will not be entitled to participate in the affairs of the Society, attend meetings or exercise any rights as a member. You will also not be eligible to contest elections or hold any position in the Society. Your name is struck from all communication list of the Society.

Your share or interest will be transferred as per Assam Cooperative Societies Act, 2007.

Sincerely,

Ram Krishna Pradhan  
President (for and on behalf of the Board)

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**ARYA SMART LIVING GROUP HOUSING  
CO-OPERATIVE SOCIETY LIMITED**  
Regd No. G-09/2019-20, Dated 10<sup>th</sup> June 2019

Arya Smart Living, Abhaypur, North Guwahati  
Mouza : Sila-Sindurighopa  
Dist: Kamrup, Assam, Pin- 781031  
✉ aslsociety19@gmail.com

Ref. No.

Date:

## LETTER OF AUTHORISATION

Date: 01/05/2025

To

The Registrar,  
National Green Tribunal,  
Eastern Zone Bench,  
Kolkata – 700001

Subject : Authorisation in favour of Mr. Ram Krishna Pradhan, President, Society to Represent Arya Smart Living Group Housing Co-Operative Society Limited, Guwahati in (Dr. Ganesh Das & Ors vs M/s Arya Erectors Pvt. Ltd. & Ors.)

This is to certify that in a duly convened meeting of the members of the Arya Smart Living Group Housing Co-Operative Society Limited, Guwahati ("Society") held on 01/05/2025, it was unanimously resolved to authorise the President of the Society, Ram Krishna Pradhan, son of Late Hari Chandra Pradhan, residing at Arya Smart Living, Abhaypur, North Guwahati, District – Kamrup 781031, Assam, to represent the Society in connection with the matter Dr. Ganesh Das & Ors vs M/s Arya Erectors India Private Limited & Ors. and/or any other proceeding emanating therefrom before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata or any other forum of law.

Accordingly, by virtue of the resolution adopted, the said Mr. Ram Krishna Pradhan is hereby fully authorised to:



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*Ram Krishna Pradhan*  
President  
ASLG HSG COOP. SOC. LTD.

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**ARYA SMART LIVING GROUP HOUSING  
CO-OPERATIVE SOCIETY LIMITED**  
Regd No. G-09/2019-20, Dated 10<sup>th</sup> June 2019

Arya Smart Living, Abhaypur, North Guwahati  
Mouza : Sila-Sindurighopa  
Dist: Kamrup, Assam, Pin- 781031  
aslsociety19@gmail.com

*Sanjiv Prasad*  
President

ASLG HSG COOP. SOC. LTD.

Ref. No.

Date:

File an application for intervention and/or any other appropriate petition or application in the above matter;

Sign, verify and affirm pleadings, affidavits, vakalatnamas, documents, petitions and applications on behalf of the Society;

Appear, represent and depose as may be required before the Hon'ble Tribunal;

Appoint advocates, counsel or authorised representatives as may be necessary;

Do all such acts, deeds and things as may be necessary or incidental for the proper prosecution of the matter on behalf of the Society.

A certified true copy of the Resolution passed in the meeting of Board of Directors of the Society held on 01/05/2025 is enclosed herewith.

This authorisation is issued with the consent and approval of the Board of Directors of Arya Smart Living Group Housing Co-Operative Society Limited

Thanking you,

For Arya Smart Living Group Housing Co-Operative Society Limited

(Signature)

Tapan Jyoti Dutta

Secretary

*Tapan Jyoti Dutta*  
Secretary  
ASLG HSG Coop. Soc. Ltd.



Enclosure:

Certified copy of Resolution dated 01/05/2025



11 JUL 2025



**ARYA SMART LIVING GROUP HOUSING  
CO-OPERATIVE SOCIETY LIMITED**  
Regd No. G-09/2019-20, Dated 10<sup>th</sup> June 2019

Arya Smart Living, Abhaypur, North Guwahati  
Mouza : Sila-Sindurighopa  
Dist: Kamrup, Assam, Pin- 781031  
✉ aslsociety19@gmail.com

Ref. No.

CERTIFIED TRUE COPY OF THE RESOLUTION

Date:

Passed at the Meeting of the Board of Directors of Arya Smart Living Group Housing  
Co-Operative Society Limited

Held on: 01/05/2025

Venue: ASL Club House

Time: 07:00 PM

## RESOLUTION PASSED

Authorisation to President of the Society to Represent the Society before the Hon'ble National Green Tribunal, Kolkata or any other forum of law in the matter of Dr. Ganesh Das & Ors vs M/s Arya Erectors India Private Limited & Ors. And/or any other proceeding emanating therefrom.

"RESOLVED THAT in view of the environmental concerns affecting the residents of Arya Smart Living Group Housing Co-Operative Society Limited, and in light of the pending proceedings before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in Dr. Ganesh Das & Ors vs M/s Arya Erectors Pvt. Ltd. & Ors. and/or any other proceeding emanating therefrom, the Society shall intervene in the said matter to protect the rights and interests of its residents."

"RESOLVED FURTHER THAT the President of Arya Smart Living Group Housing Co-Operative Society Limited, Mr. Ram Krishna Pradhan, be and is hereby authorised on behalf of the Society to take all necessary steps including but not limited to filing intervention applications, affidavits, vakalatnamas, petitions and other documents, engaging legal counsel, appearing before the Hon'ble Tribunal, or any other forum of law and taking all such actions as may be required for effective representation of the Society in the said matter."



11 JUL 2025

*Ram Krishna Pradhan*  
President  
ASLG HSG COOP. SOC. LTD.

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**ARYA SMART LIVING GROUP HOUSING  
CO-OPERATIVE SOCIETY LIMITED**

Regd No. G-09/2019-20, Dated 10<sup>th</sup> June 2019

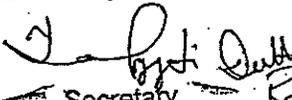
Arya Smart Living, Abhaypur, North Guwahati  
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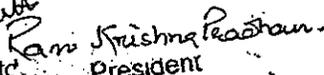
Ref. No.

Date:

"RESOLVED FURTHER THAT the President shall be deemed the authorised signatory and representative of the Society for all purposes relating to the said proceedings and shall have the full authority to act, represent, and depose on behalf of the Society."

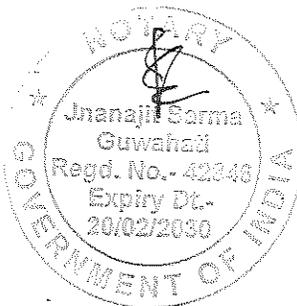
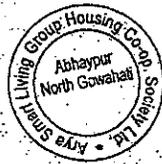
Certified that the above resolution has been duly recorded in the minutes of the meeting and has been passed unanimously.

(Signature)  Secretary  
 Tapan Jyoti Dutta ASLG HSG Coop. Soc. Ltd.  
 Secretary

 President  
 Ram Krishna Pradhan ASLG HSG Coop. Soc. Ltd.  
 President

Date: 01/05/2025

Place: Guwahati



11 JUL 2025

President  
ASLG HSG COOP. SOC. LTD.

Ram Krishna Pradhan  
President  
ASLG HSG Coop. Soc Ltd

Signature

Ram Krishna Pradhan  
President  
ASLG HSG COOP. SOC. LTD.

# Vakalatnama

In the Court of the Honorable National Green Tribunal, Eastern Zone Bench at Kolkata

IA Suit/Case No. of 2025  
MA Case No - 15 of 2025

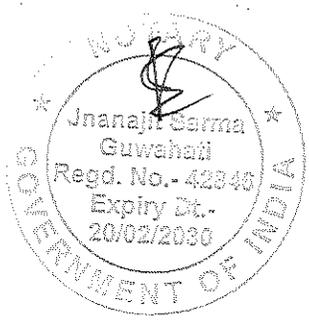
Arya Smart Living Group Housing Cooperative Society - Applicant  
Vs.  
Dr. Ganesh Chandra Rao & Ors. - Respondents

KNOW ALL MEN by these presents that I, Ram Krishna Pradhan, President of the Applicant Society

do hereby constitute and appoint the undermentioned Advocate, Pleaders, Vakils jointly and each of them severally to be pleader of ME/US and on MY/OUR behalf to appear for ME/US in the above cause and to take such steps and proceeding as may be necessary on MY/OUR behalf and for that purpose to make sign verify and present all necessary petitions, complaints, written statements and other documents and do nominate and appoint of retain senior Counsels, Vakils, Advocates and other persons, lodge and deposit moneys and documents and other papers in Court and the same again to withdraw and to take out of Court and to obtain or grant as the case may be effectual receipts and discharge for the same and for all moneys which may be payable to ME/US in the premises. To enter into compromise with MY/OUR approval and withdraw all moneys from Court, AND GENERALLY to act in the premises and proceeding arising there out whether by way of execution, review, appeal or otherwise or in any manner contested therewith as effectually and to all intents and purpose as I/WE could act if personally present and ALSO for all and of the purpose aforesaid to appoint a substitute or substitutes and such substitution and as pleasure to revoke. I/WE hereby ratifying and agreeing to confirm whatever may be lawfully done by virtue thereof.

IN WITNESS WHEREOF this Vakalatnama has been executed by ME/US on this the 10<sup>th</sup> day of 20 July 2025

Enrollment no. F/916/2024  
Gmail: banerjeearyan634@gmail.com  
Names of Advocates  
Mr. Aryan Banerjee, Advocate  
High Court, Calcutta,  
70, Purna Chandra Mitra Lane  
Kolkata - 700033  
M - 7439456157

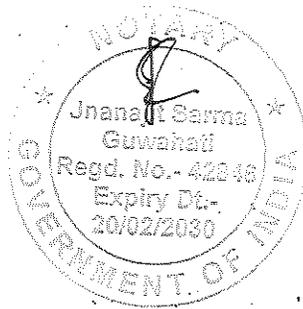


*Dr. Sushma Prashanti*

Prisid. No. 100/2019  
ASLG HSG COOP. SOCI. LTD.

Received the Vakalatnama  
from the executant on being  
satisfied and accepted

*Sayan Banerjee*  
**Advocate**



11 JUL 2019

11 JUL 2019