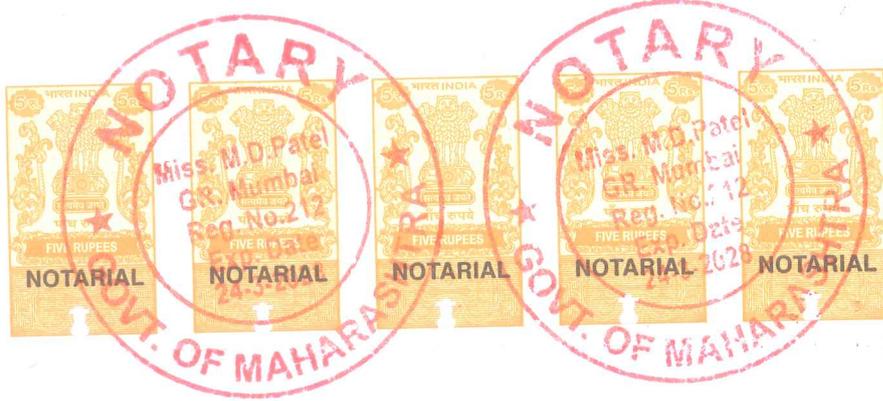
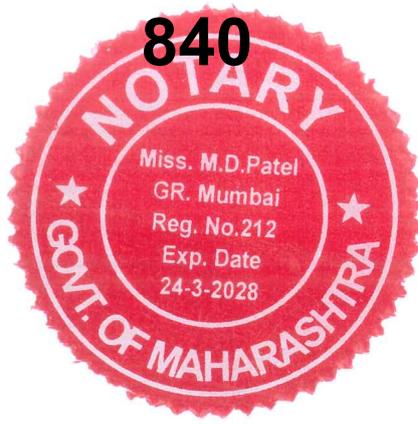


840



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 144/2017**

Umarshad Khan & Ors.

... Applicant

V/s.

State of Maharashtra & Ors.

... Respondents

**ADDITIONAL AFFIDAVIT BY RESPONDENT NO. 8,  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY**

I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

*[Handwritten signature]*

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. SEIAA has already filed reply affidavit dated 9<sup>th</sup> May, 2023 in the present case.
2. PP has made an application to SEIAA, Maharashtra on 15/11/2021 for seeking the expansion of earlier EC dated 23/01/2012, due to the proposed increase in the total plot area & total BUA. Wherein, the existing total plot area is proposed to be increased from 15,429 m<sup>2</sup> to 30,008.23 m<sup>2</sup>, and total BUA is proposed to be increased from 58,741.32 m<sup>2</sup> to 89,287.01 m<sup>2</sup>, with the proposed change w.r.t. addition of buildings & floor, and also change in building configuration from 09 no. of rehab buildings to 12 no. of rehab buildings, and proposed change in the configuration of sale buildings.
3. Expansion application of the aforesaid residential cum commercial building project was considered during 172<sup>nd</sup> SEAC-2 meeting, vide dated 04/05/2022; wherein the SEAC-2 observed that PP had submitted an application dated 09/09/2020 for obtaining IOA from the Slum Rehabilitation Authority (SRA). However, PP has not received IOA from SRA as on date of appraisal by the SEAC-2

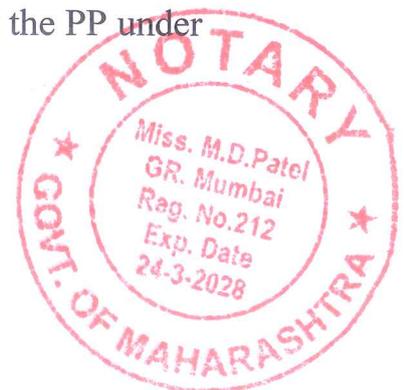


*[Handwritten signature]* (A)

during its 172nd meeting dated 04/05/2022. Committee also noted that PP had not disclosed information about the present case pending before this Hon'ble Tribunal.

4. Thereafter, the said expansion proposal was again considered before SEIAA, Maharashtra during 264th Day-1 (Part-B) meeting, vide dated 08/08/2023. Wherein SEAC & SEIAA, Maharashtra noted that PP has completed total construction of 34,335.79 m<sup>2</sup> as per the EC dated 23/01/2012 i.e. PP has completed construction 4,029.35 m<sup>2</sup> without valid EC, as the earlier EC dated 23/01/2012 which was valid up to 22/01/2017.
5. SEIAA noted that PP has constructed one additional floor in rehab building and one additional floor in sale building in comparison to the earlier EC dated 23-01-2012 which is a violation of provisions of EIA Notification, 2006.
6. SEIAA in the aforesaid meeting dated 08/08/2023 based on the recommendations of SEAC; has decided to reject the expansion proposal of the residential cum commercial building project and directed the PP to apply under MoEF&CC OM dated 07-07-2021. SEIAA also directed MPCB to initiate action against the PP under Sec. 15 of the Environment Protection Act, 1986.

*[Handwritten signature]* *[Initials]*



**Copy of SEIAA Minutes of Meeting is attached as Annexure 1.**

7. In light of the above averments, this respondent craves leave to file any additional reply as and when required. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai

Date 16-10-2023

 (M)



**Dattatray Suryakant Bhalerao**  
Scientist II & Under Secretary,  
Environment & CC Department,  
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at room no. 217, 2nd floor, Mantralaya, Mumbai – 400 032 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 16<sup>th</sup> day of October 2023 at Mumbai.

*shd* *MP*

*shd*

**Dattatray Suryakant Bhalerao**  
Scientist II & Under Secretary,  
Environment & CC Department,  
Government of Maharashtra



**BEFORE ME**

*M. D. Patel*  
*16-10-2023*  
*Sr. No. 717*  
*Bk. No. 5*

**MISS M. D. PATEL**  
**ADVOCATE & NOTARY**  
Kohiar House,  
4, Dhuswadi, Dhobitalao,  
MUMBAI - 400 002.

Minutes of 264<sup>th</sup> Day – 1 (Part B) meeting of SEIAA held on 08<sup>th</sup> August, 2023

**Item no. 17**

**Proposal No.:-** SIA/MH/MIS/238255/2021

**Type of Project:** EC

**Subject-** Environmental Clearance for proposed amendment and expansion in earlier EC for Residential cum commercial project with SRA Scheme on Plot bearing Plot bearing CTS No. 6422, 6422/1 to 31, 6423, 6423/1 to 6, 6424-A, 6424-B, 6424-B/1 to 4, 6424-C, 6424-C/1 to 3, 6426, 6426/1 to 17, 6427, 6427/1 to 16, 6429-A, 6429-A/1 to 11, 7370, 7374, 7375, 7376-A, 7376- A/1 to 16, 7377, 7379, 7379/1 to 3, 7381, 7381/1 to 16, 7382, 7382/1 to 3, 7394, 7394/1 to 6, 7396, 7396/1 to 6, 7400, 7401 (pt.), 7402, 7402/1 to 17, 7403-A, 7403A/1 to 47, 7403B, 7403D, 7403D/1-20, 7408, 7408/1 to 6, 7437,7437/1- 53, 7438, 7438/1-7, 7440, 7440/1-14, 7441,7441/1-14, 7448, 7448/1-17, 7451, 7451/1 to 11, 7395, 7446A, 7446A/1-6, 7446B, 7447, 6425A, 6425A/1-9, 6425B, 6425B/1-6, 7449, 7449/1-4, 7450, 7450/1-12, 6421, 6421/1-20, 6428(pt.), 7364, 7383, 7383/1-3, 7384, 7401, 7401/1-16, 7403-A/48, 7404, 7405, 7406, 7407, 7409, 7409/1-10, 7412, 7412/1-2, 7413, 7413/1-4, 7414, 7428, 7428/1- 12, 7430, 7430/1-9, 7431A-2-10, 7431B, 7432, 7432/1-5, 7433, 7433/1-10, 7435, 7436, 7436/1-6, 7442(pt.), 7443, 7445, 7445/1-2, 7452, 7453, 7453/1-6, 7454, 7454/1-6, 7455, 7455/1-8, 7456, 7456/1-13, 7457, 7458, 7458/1-11, 7459 & 7459/1-29 of Village: Kolekalyan, Santacruz (E), Mumbai by RIZVI ESTATES & HOTELS PVT. LTD.

**Project Details-**

PP submitted the application for amendment & expansion in earlier EC to their proposed Residential-cum-Commercial project with SRA scheme having Total plot area of 30,008.23 Sq. Mtrs., Total construction area of 89,287.01 Sq. Mtrs. and FSI area of 57,674.35 Sq. Mtrs. PP proposes to construct 12 Nos. of Rehab buildings and 2 Nos. of Sale buildings having maximum height of 29.30 Mtrs. as mentioned at Sr.no. 20 of the project details.

Representative of PP was present during the meeting along with Environmental Consultant Mahabal Enviro Engineers Pvt Ltd. The details of project are as mentioned below:

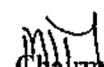
Sr. N	Description	Details	
1	Proposal Number	SIA/MH/MIS/238255/2021	
2	Name of Project	Application for Amendment and Expansion in EC for Residential cum Commercial project with SRA Scheme at village Kolekalyan Santacruz (E), Mumbai by M/s. RIZVI ESTATES & HOTELS PVT. LTD.	
3	Project category	8 (a) category (B2)	
4	Type of Institution	Private.	
5	Project Proponent	Name	Shri. Parvez Vazirali Mukadam
		Regd. Office address	Rizvi House, 1 <sup>st</sup> Floor – Hill Road, Bandra (W), Mumbai 400050.
		Contact number	26424961/26426767/69
		E-mail	rizvibuilders1973@gmail.com
6	Consultant	Mahabal Enviro Engineers Pvt. Ltd. Accredited by NABET vide No. QCI/NABET/EIA/ACO/17/00427	
7	Applied for	Amendment and Expansion in EC	

  
Member Secretary

  
Chairman

Sr. N	Description	Details					
8	Location of the project	CTS No. 6422, 6422/1 to 31, 6423, 6423/1 to 6, 6424-A, 6424-B, 6424-B/1 to 4, 6424-C, 6424-C/1 to 3, 6426, 6426/1 to 17, 6427, 6427/1 to 16, 6429-A, 6429-A/1 to 11, 7370, 7374, 7375, 7376-A, 7376-A/1 to 16, 7377, 7379, 7379/1 to 3, 7381, 7381/1 to 16, 7382, 7382/1 to 3, 7394, 7394/1 to 6, 7396, 7396/1 to 6, 7400, 7401 (pt. 7402, 7402/1 to 17, 7403-A, 7403A/1 to 47, 7403B, 7403D, 7403D/1-20, 7408, 7408/1 to 6, 7437, 7437/1-53, 7438, 7438/1-7, 7440, 7440/1-14, 7441, 7441/1-14, 7448, 7448/1-17, 7451, 7451/1-11, 7395, 7446A, 7446A/1-6, 7446B, 7447, 6425A, 6425A/1-9, 6425B, 6425B/1-6, 7449, 7449/1-4, 7450, 7450/1-12, 6421, 6421/20, 6428(pt.), 7364, 7383, 7383/1-3, 7384, 7401, 7401/1-16, 7403A/48, 7404, 7405, 7406, 7407, 7409, 7409/1-10, 7412, 7412/1-2, 7413, 7413/1-4, 7414, 7428, 7428/1-12, 7430, 7430/1-9, 7431A-2, 7431B, 7432, 7432/1-5, 7433, 7433/1-10, 7435, 7436, 7436/1-7442(pt.), 7443, 7445, 7445/1-2, 7452, 7453, 7453/1-6, 7454, 7454/1-6, 7455, 7455/1-8, 7456, 7456/1-13, 7457, 7458, 7458/1-17459 & 7459/1-29 at village Kolekalyan, Santacruz (E), Mumbai.					
9	Latitude and Longitude	Latitude: 19° 4'41.08"N Longitude: 72°52'14.59"E					
10	Plot Area (sq.m.)	30,008.23 m <sup>2</sup>					
11	Deductions (sq.m.)	2,272.12 m <sup>2</sup>					
12	Net Plot area (sq.m.)	27,736.11 m <sup>2</sup>					
13	Ground coverage (m <sup>2</sup> ) & %	Ground coverage (m <sup>2</sup> ): 12,795.32 m <sup>2</sup> and Ground coverage (%): 43.36%					
14	FSI Area (sq.m.)	57,674.35 m <sup>2</sup>					
15	Non-FSI (sq.m.)	31,612.66 m <sup>2</sup>					
16	Proposed built-up area (FSI + Non FSI) (sq.m.)	89,287.01 m <sup>2</sup>					
17	TBUA (m <sup>2</sup> ) approved by Planning Authority till date	TBUA (FSI + Non-FSI) approved: 76,910.88 m <sup>2</sup> (The Plan is approved from SRA vide No. SRA vide No. SRA/ENG/2929/HE/PL/AP dated. 18.09.2020)					
18	Earlier EC details with Total Construction area, if any.	Obtained EC from SEIAA, Maharashtra vide letter No. SEAC-2011/CR.760/TC.2 dated 23.01.2012 for plot area of 15,429 m <sup>2</sup> a total construction area of 58,741.32 m <sup>2</sup> (FSI Area: 41,027 m <sup>2</sup> ).					
19	Construction completed as per earlier EC (FSI + Non FSI) (sq.m.)	As per the EC, we have constructed 34,335.79 m <sup>2</sup> of area (FSI area: 24,312.36 m <sup>2</sup> ).					
20	Previous EC / Existing Building			Proposed Configuration			Reason for Modification / Change
	Bldg. Name	Config.	Height (m)	Bldg. Name	Config.	Height (m)	
	Bldg. A1	G+7	23.50	Bldg. A1	G+8	26.40	No work started, Change in planning; Addition of 1 floor
	Bldg. A2	G+7	23.50	Bldg. A2	G+8	26.40	Addition of 1 floor; Status: G+8
	Bldg. A3	G+7	24.00	Bldg. A3	G+7	24.00	Completed
	Bldg. A4	G+7	23.80	Bldg. A4	G+7	23.80	Completed
	Bldg. A5	G+7	23.50	Bldg. A5	G+7	23.50	Completed
	Bldg. A6	G+7	23.50	Bldg. A6	G+7	23.50	Completed
	Bldg. A7	G+7	23.50	Bldg. A7	G+7	23.50	No work started, Change in planning
Bldg. A8	G+7	23.50	Bldg. A8	G+8	26.40	No work started, Change in planning	

  
Member Secretary

  
Chairman

Sr. N	Description			Details			
	Bldg. A9	G+7	23.50	Bldg. A9	G+7	23.50	Newly proposed, No work started
	-	-	-	Bldg. A1	G+8	26.40	
	-	-	-	Bldg. A1	G+8	26.40	
	-	-	-	Bldg. A1	G+8	26.40	
	Sale 1	2B+G+8	26.40	Sale 1	1B+S+1 floor (pt Podium) +2 <sup>nd</sup> to 9 <sup>th</sup> upper floor	29.30	Removal of 1 basement, Addition of Part Podium & 1 habitable floor; Status: B+S+1 floor (pt Podium) +2 <sup>nd</sup> to 9 <sup>th</sup> upper floor
	Sale 2	2B+G+8	26.40	Sale 2	Pit+S+1 floor (Pt Podium) +2 <sup>nd</sup> to 9 <sup>th</sup> upper floor	29.30	
21	No. of Tenements & Shops			Rehab: (Flats) 836 Nos R/C: 12 Nos., Comm: 86 Nos., PAP: 485 Nos., Amenities: 44 Nos., Sale (Flats): 211 Nos., Sale (R/C): 10 Nos.			
22	Total Population			8,140 Nos.			
23	Total Water Requirements CMD			1,064 KLD			
24	Under Ground Tank (UGT) location			Underground			
25	Source of water			MCGM			
26	STP Capacity & Technology			5 STP's of total 1,110 KLD capacity with MBBR technology			
27	STP Location			Underground			
28	Sewage Generation CMD & % of sewage discharge in sewer line			Sewage generation: 993 KLD Disposal in Municipal sewer: 50%			
29	Solid Waste Management during Construction Phase			Type	Quantity (Kg/d)	Treatment / disposal	
				Dry waste	04	Local body	
				Wet waste	06	Local body	
				Construction waste (m <sup>3</sup> )	2,000	Construction and Demolition Waste Management Rules, 2016	
				Demolition Waste (m <sup>3</sup> )	2,500		
30	Total Solid Waste Quantities with type during Operation Phase & Capacity of OWC to be installed			Type	Quantity (Kg/d)	Treatment / disposal	
				Dry waste	1,581	Handed over to Local Body	
				Wet waste	2,372	8 Mechanical composting machines of 2,650 kg/day (5 x 350 kg/d+ 3 x 300 kg/d)	
				E-Waste (Ton/years)	3.5	Authorized recyclers	

  
Member Secretary

  
Chairman

Minutes of 264<sup>th</sup> Day – 1 (Part B) meeting of SEIAA held on 08<sup>th</sup> August, 2023

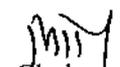
Sr. N	Description	Details		
		STP Sludge (dry)	10.0	STP sludge will be composted
31	R.G. Area in sq.m.	RG required – 2,215.00 m <sup>2</sup>		
		RG provided on Mother earth – 2,220.00 m <sup>2</sup>		
		RG provided on Podium: 224.00 m <sup>2</sup>		
		Total – 2,444.00 m <sup>2</sup>		
		Existing trees on plot (prior to development): Nil		
		Number of trees to be planted:		
		a) In RG & Plot Boundary area: 300 Nos.		
		b) In Miyawaki Plantation (with area); 220 Nos. (110 m <sup>2</sup> )		
		Number of trees to be cut/transplanted: Nil		
		Number of trees planted till date: 49 Nos.		
		Total trees on plot: 569 Nos. (Planted till date+ new plantation + Miyawaki)		
32	Power requirement	During Operation Phase:		
		Details:	Reliance	
		Connected load (kW)	7.9 MW	
		Demand load (kW)	4.1 MW	
33	Energy Efficiency	a) Total Energy saving (%): 22.8%		
		b) Solar energy (%): 16%		
34	D.G. set capacity	Rehab 450 kVA & Sale 400 kVA		
35	No. of 4-W & 2-W Parking with 25% EV	4-W: 390 Nos. (EV charging points: 25%)		
36	No. & capacity of Rain water harvesting tanks /Pits	10 RWH tanks with 400 KL total capacity		
37	Project Cost in (Cr.)	Rs. 220.16 Cr.		
38	EMP Cost	Capital Cost: 1,587 Lakh, O&M: 153 Lakh/yr (Including DMP cc		
39	CER Details with justification if any.....as per MoEF&CC circular date 01/05/2018	Not Applicable (as per MoEF&CC OM F. No. 22-65/2017-IA.III dt. 25.02.2021)		
40	Details of Court Cases/litigations w.r. the project and project location, if any	Original Application No. 144/2017(WZ) M.A. No. 270/2017(WZ) is pending at National Green Tribunal Western Zone Bench, Pune		

**SEAC Deliberation –**

PP informed that the project is Residential-cum-Commercial project with SRA scheme and comes under the jurisdiction of Municipal Corporation of Greater Mumbai (MCGM). PP also informed that the site is accessible by 13.40 Mtr & 12.0 Mtr wide DP road.

PP submitted that the project had received earlier EC vide letter No. SEAC-2011/CR-760/TC-2, dated: 23.01.2012 for plot area of 15,429.00 Sq. Mtrs, Total construction area of 58,741.32 Sq. Mtrs. and FSI Area of 41,027 Sq. Mtrs. PP also submitted that they have started construction on site as per earlier EC and completed total construction area of 34,335.79 Sq. Mtrs (FSI area of 24,312.36 Sq. Mtrs).

  
Member Secretary

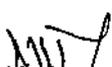
  
Chairman

Minutes of 264<sup>th</sup> Day – 1 (Part B) meeting of SEIAA held on 08<sup>th</sup> August, 2023

PP submitted that due to increase in plot area and BUA as per DCPR-2034, they have proposed amendment/expansion in earlier EC. The comparative statement showing the details of project as per the earlier EC and the proposed project is as below:

Sr. No.	Particular	As per EC dt. 23.01.2012	Proposed Amendment	Change
1	Survey no.	CTS No. 6422, 6422/1 -31, 6423, 6423/1 - 6, 6424-A, 6424-B, 6424-B/1-4, 6424-C, 6424-C/1 to 3, 6426, 6426/1 to 17, 6427, 6427/1 to 16, 6429-A, 6429-A/1 to 11, 7370, 7374, 7375, 7376-A, 7376-A/1 to 16, 7377, 7379, 7379/1 to 3, 7381, 7381/1 to 16, 7382, 7382/1 to 3, 7394, 7394/1 to 6, 7396, 7396/1 to 6, 7400, 7401 (pt.), 7402, 7402/1 to 17, 7403-A, 7403A/1 to 47, 7403B, 7403D, 7403D/1-20, 7408, 7408/1 to 6, 7437, 7437/1-53, 7438, 7438/1-7, 7440/1-14, 7441, 7441/1-14, 7448, 7448/1-17, 7451, 7451/1 to 11,	CTS No. 6422, 6422/1 to 31, 6423, 6423 to 6, 6424-A, 6424-B, 6424-B/1 to 4, 642 C, 6424-C/1 to 3, 6426, 6426/1 to 17, 6427, 6427/1 to 16, 6429-A, 6429-A/1 to 11, 7370, 7374, 7375, 7376-A, 7376-A/1 to 16, 7377, 7379, 7379/1 to 3, 7381, 7381/1 to 16, 7382, 7382/1 to 3, 7394, 7394/1 to 6, 7396, 7396/1 to 6, 7400, 7401 (pt.), 7402, 7402/1 to 17, 7403-A, 7403A/1 to 47, 7403B, 7403D, 7403D/1-20, 7408, 7408/1 to 6, 7437, 7437/1-53, 7438, 7438/1-7, 7440, 7440/1-14, 7441, 7441/1-14, 7448, 7448/1-17, 7451, 7451/1 to 11,	survey no. added in proposed expansion
2	Total Plot Area	15,429 m <sup>2</sup>	30,008.23 m <sup>2</sup>	Increased due to addition of plot
3	Net Plot Area	15,279.04 m <sup>2</sup>	27,736.11 m <sup>2</sup>	
4	FSI Area	41,027 m <sup>2</sup>	57,674.35 m <sup>2</sup>	Increase due to addition of plot area
5	Non- FSI Area	17,714.32 m <sup>2</sup>	31,612.66 m <sup>2</sup>	
6	Total construction area	58,741.32 m <sup>2</sup>	89,287.01 m <sup>2</sup>	
7	Tenements	Rehab: Flats 449 Nos R/C: 09 Nos. Comm: 60 Nos, PAP: 268 Nos. Amenities: 24 Sale buildings: 18,618.82 m <sup>2</sup>	Rehab: (Flats) 836 Nos, R/C: 12 Nos. Comm: 86 Nos. PAP: 485 Nos. Amenities: 44 Nos. Sale (Flats): 211 Nos. Sale (R/C): 10 Nos.	Increased

  
Member Secretary

  
Chairman

Minutes of 264<sup>th</sup> Day – 1 (Part B) meeting of SEIAA held on 08<sup>th</sup> August, 2023

Sr. No.	Particular	As per EC dt. 23.01.2012	Proposed Amendment	Change
8	Building configuration	9 rehab buildings: (G+ Floors) 2 Sale buildings: (2B+G+8 Floors)	12 rehab buildings (G+7/8 Floors) 2 Sale buildings: S1: 1B+St+1 Floor (Pt Podium) + 2 <sup>nd</sup> +9 Floor S2: Pit + S + 1 Floor (Part Podium) + 2 <sup>nd</sup> + Floor	
9	Water requirement	582 KLD	1,064 KLD	Increased due to population
10	Waste water generation	466 KLD	993 KLD	Increased due to population
11	STP Capacity	500 KLD	1,100 KLD	
12	Solid Waste	Dry Waste: 1,336 Kg/d Wet Waste: 890 Kg/d	Dry Waste: 1,581 Kg/d Wet Waste: 2,372 Kg/d	Increased due to population
13	Power Requirement	Demand: 3.6 MW	Demand: 4.1 MW	Increased due to increase in area
14	Green belt development	1,377.92 m <sup>2</sup>	2,444.43 m <sup>2</sup> (Required 2,215 m <sup>2</sup> )	Increased due to increase in plot area
15	Parking provided (Nos.)	4-wheeler: 296	4-wheeler: 390	As per Norms

PP submitted that the project was earlier uploaded on MPCB portal vide no SEIAA-STATEMENT-0000001599. PP also submitted that the project was earlier considered in 82nd, 94th & 135th SEAC-II meeting dated 11.12.2018, 03.04.2019 & 01.07.2020 respectively. However, as per SEIAA circular No- SEIAA-2021/CR104/SEIAA, dated: 29.11.2021, they have submitted their proposal on PARIVESH portal & again the project was considered in 165th and 172nd SEAC-II meeting dated 17.02.2022 and 04.05.2022 respectively, wherein proposal was deferred with some compliance points raised.

During deliberation of 172nd SEAC-2 meeting, Committee had noted that PP had submitted application dated: 09.09.2020 for obtaining IOA from Slum Rehabilitation Authority. However, the project not received IOA from SRA till date. Committee had also noted that there was pending court case with respect to project in NGT, Pune and PP had not submitted details/status of pending court case. Therefore, Committee decided to defer the proposal till the project receives IOA/LOI/CC from SRA and PP submits details/status of pending court case in NGT, Pune.

During deliberation, Committee noticed that Hon'ble NGT vide its order dated: 10.05.2023 (M.A. No. 270/2017[WZ] in O.A. No. 144/2017[WZ]) has constituted the committee with respect to violation mentioned in the project by the petitioner. Committee also noticed that Hon'ble NGT in the said order mentioned that "we have already directed SEIAA to consider it without being influenced by the present original application being pending before us, we

  
Member Secretary

  
Chairman

Minutes of 264<sup>th</sup> Day – 1 (Part B) meeting of SEIAA held on 08<sup>th</sup> August, 2023

expect that they would take the decision on the same at the earliest.” Committee pursued the order of dated 11/04/2023 & 10/05/2023 of Hon’ble NGT & decided to appraise the proposal.

During deliberation, committee noted that PP & their accredited environment consultant have not suo-moto brought the order dated 10/05/2023 of Hon’ble NGT to the notice of the committee. Committee is of opinion that it is mandatory responsibility of the PP and their accredited environmental consultant to brought the order of the Hon’ble court to the notice of the committee before starting the appraisal & same should be the part of the presentation, therefore, committee expressed their displeasure to the PP and their accredited environmental consultant.

Committee noted that at the time of appraisal of project in 172nd SEAC-2 meeting, PP had submitted that they had completed the construction of 30,306.44 Sq.Mtrs. (FSI: 20,649.56 Sq.Mtrs.) on site as per earlier EC dated: 23.01.2012. Now, PP has submitted that they have completed total construction area of 34,335.79 Sq. Mtrs. (FSI area of 24,312.36 Sq. Mtrs) as per earlier EC. Committee also noted that now, PP has completed construction of 34,335.79 Sq. Mtrs. (FSI area of 24,312.36 Sq. Mtrs). on site which clears that PP has completed 4,029.35 Sq.Mtrs. (FSI: 3,662.80 Sq.Mtrs) construction without valid EC as the earlier EC was valid till 22.01.2019 which is violation of EIA Notification, 2006 and amendments made thereunder from time to time.

Committee noted that earlier EC dated 23/01/2012 was issued for plot area plot area of 15,429.00 Sq. Mtrs, Total construction area of 58,741.32 Sq. Mtrs and FSI Area of 41,027 Sq. Mtrs with building configuration of 9 nos. Rehab buildings having configuration of G+7 floors & 2 nos. of Sale buildings having configuration of 2B+G+8 floors. Committee also noted that out of 9 nos. of rehab buildings PP completed construction of construction of A2,3,4 & 5 building with configuration of G+7 floors as mentioned in earlier EC, while construction of building A1, 7, 8 & 9 is not started on site due to revised planning. However, PP completed construction of Rehab building A2 having configuration of G+ 8 floors as compared to G+ 7 floors mentioned in earlier EC. Committee further noted that out of 2 nos. of sale buildings PP has completed construction of Sale building no.1 having configuration of 1B+S+1floor (Pt podium) + 2nd to 9th floors as compared to 2B+G+8 floors as mentioned in earlier EC. Committee is of opinion that this also seems to be configurational violation of earlier EC & violation of EIA Notification, 2006 and amendments made thereunder from time to time. Therefore, Committee decided to refer the proposal to SEIAA in view of the violation noticed by the committee & decided to appraise the proposal only after decision received from SEIAA in this regard.

**Recommendations of SEAC-**

In view of above, the proposal is referred to SEIAA for deciding alleged violation and taking necessary action in this case.

**Deliberation in SEIAA-**

Proposal is an expansion of existing construction project. Proposal is referred by SEAC-2 in its 206<sup>th</sup> meeting for deciding alleged violation and taking necessary action in this case.



Member Secretary



Chairman

Minutes of 264<sup>th</sup> Day – 1 (Part B) meeting of SEIAA held on 08<sup>th</sup> August, 2023

PP has obtained earlier EC vide SEAC-2011/CR-760/TC-2, dated: 23.01.2012 for plot area of 15,429.00 Sq. Mtrs, Total construction area of 58,741.32 Sq. Mtrs. and FSI Area of 41,027 Sq. Mtrs.

PP has constructed one additional floor in rehab building and one additional floor in sale building in comparison to the earlier EC dated 23.01.2012 which is a violation of provisions of EIA Notification, 2006. In the view of above, SEIAA after deliberation decided to reject the proposal under consideration and directed PP to apply under MoEF&CC OM dated 07.07.2021. SEIAA also directed Maharashtra Pollution Control Board to initiated action against the PP under the section 15 of Environment (Protection) Act, 1986 for violating the provisions of EIA Notification, 2006.

**SEIAA Decision-**

SEIAA after deliberation decided to reject the proposal.

  
Member Secretary

  
Chairman