

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE  
AT PUNE**

APPEAL NO. 48 OF 2019

TANAJI BALASAHEB GAMBHIRE .. APPELLANT

V/s

THE PRINCIPAL SECRETARY  
DoE, GoM AND OTHERS .. RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.9**

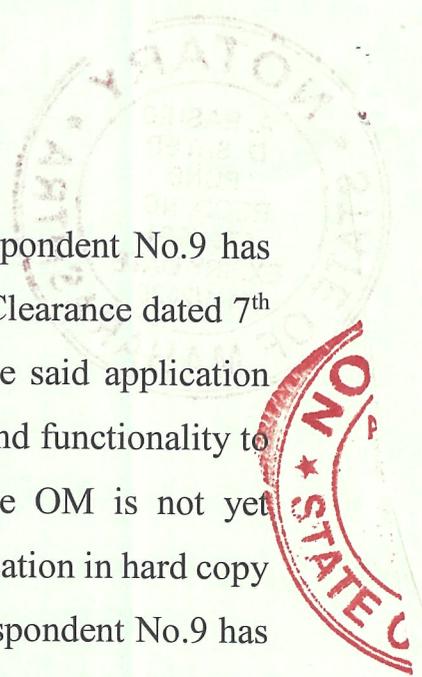
**M/S. RAVIRAJ REALTY**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

I, Mr. Ravindra Naupatlal Sakla, aged about 61 years, occupation: business, having office at Office no. 1 to 5, 2<sup>nd</sup> Floor, Raviraj Realty, Dhole Patil Road, Pune – 411001 , do hereby state on solemn affirmation as under: -

1. I say that I am the Partner of Respondent No.9. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath. I am filing the present affidavit to bring on certain subsequent developments on record which have occurred after filing of the present appeal.
2. I say that the Appellant herein has filed the present Appeal challenging the Environmental Clearance dated 7<sup>th</sup> May 2019 in respect of the project by the name "Vitoria Lagoon" situated at CTS No.8, Survey No.2A/7A, Bopodi, Pune. I say that the Ministry of Environment, Forest and Climate Change, Government of India, has devised procedure for surrendering of Environmental Clearance granted for projects vide its Office Memorandum dated 29<sup>th</sup> March 2022. Copy of the said Office Memorandum dated 29<sup>th</sup> March 2022 is annexed hereto and marked as **ANNEXURE – R-1**.
3. I say that in accordance to the said office memorandum, the Respondent No.9 herein has preferred an application dated 18<sup>th</sup> April

2023 before the Respondent No.2 herein. The Respondent No.9 has sought permission to withdraw the Environmental Clearance dated 7<sup>th</sup> May 2019. The Respondent No.9 has also vide the said application informed the Respondent No.2, that the provision and functionality to surrender the Environmental Clearance as per the OM is not yet available on PARIVESH Portal and hence the application in hard copy is being submitted to the Respondent No.2. The Respondent No.9 has also sought the withdrawal of the EC by reserving the rights to construct in future by obtaining necessary permissions in accordance with law. Copy of the said application dated 18<sup>th</sup> April 2023 is annexed hereto and marked as ANNEXURE – R-2.



4. I say that the intimation to withdraw the Environmental Clearance dated 7<sup>th</sup> May 2019 was intimated to the Respondent Nos.4 & 6 vide letter dated 25<sup>th</sup> April 2023. Copy of the letter dated 25<sup>th</sup> April 2023 addressed to Respondent Nos.4 & 6 is annexed hereto and marked as ANNEXURE – R-3 colly.

5. I say that, thus, the Respondent No.9, is withdrawn/surrendered of the said Environmental Clearance dated 7<sup>th</sup> May 2019. The Respondent No.9, also reserves its right to construct on the said in future by obtaining permissions in accordance with law as applicable at that point in time. I say that in view of the aforesaid development, the present Appeal is thus rendered infructuous and the Respondent No.9, therefore prays that it be disposed off.

I say that whatever stated hereinabove is true and correct, to the best of my knowledge, information and belief.

Solemnly affirmed at Pune on this 28<sup>th</sup> day of April 2023.

Pune

I know the Deponent

*Adv. Vijay shinde.*  
Adv. Vijay shinde.



*Rashid D. Sayed*  
Deponent

**BEFORE ME**

*A. Rashid D. Sayed*  
A. Rashid D. Sayed  
Notary, State of Maharashtra  
PUNE

**Noted & Registered**  
At Sr. No.: 66502/2023 28 APR 2023



ANNEXURE – R-1

F. No. IA3-22/10/2022-IA.III [E 177258]

Government of India

Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

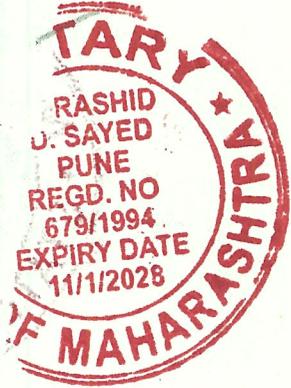
\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003Dated: 29<sup>th</sup> March, 2022OFFICE MEMORANDUM**Subject: Procedure to be followed by the project proponent while surrendering the prior Environment Clearances accorded by MoEF&CC/SEIAA for developmental projects - reg.**

As per the provisions contained in the Environment Impact Assessment (EIA) Notification 2006, the Ministry of Environment, Forest and Climate Change (MoEF&CC) and State Environment Impact Assessment Authorities (SEIAAs) accord prior Environmental Clearances (EC) to the various developmental projects (or) activities [New/Expansion/Modernization/change of product-mix (or) raw material mix] listed in the schedule to the said notification.

2. Instances have been brought to the notice of this Ministry that several Project Proponents, after obtaining EC from the concerned Competent Authority, abandon the project or surrender the EC after part implementation of the project or without implementing of the project due to various reasons such as land acquisition & R&R issues, court matters, and financial constraints etc. After abandoning the project for one or the other reason, the Project Proponents many a times do not inform the concerned Authorities and surrender the EC and leave the project. Such practices, adopted by the Project Proponents, not only defeat the purpose of the EIA Notification, 2006 but it may also pose an acute threat to the local people living in the vicinity of the project site depending upon the hazards/risks associated with the respective developmental project or activity since the EC conditions remain non-complied.

3. The matter has been considered in the Ministry and it has been decided that whenever any Project Proponent relating to schedule 3, 4, 5, 6, 7(d), 7(da), 7(h), 7(i) and 8(a) abandons the Project or Activity for which prior EC was granted, the project proponent has to submit an application in the prescribed form along with requisite documents through PARIVESH to the concerned Competent Authority for surrendering the respective EC. The application shall be considered as per the flowchart enclosed herewith depending upon the implementation status of the project or activity.



4. The project proponent shall be accountable for adherence/compliance of the EC conditions till such time as the project is finally closed by the Ministry/SEIAA, as the case may be, based on certified closure report of IROs.
5. This issues with the approval of the Competent Authority.

  
(A.K. Agrawal)  
Director



To

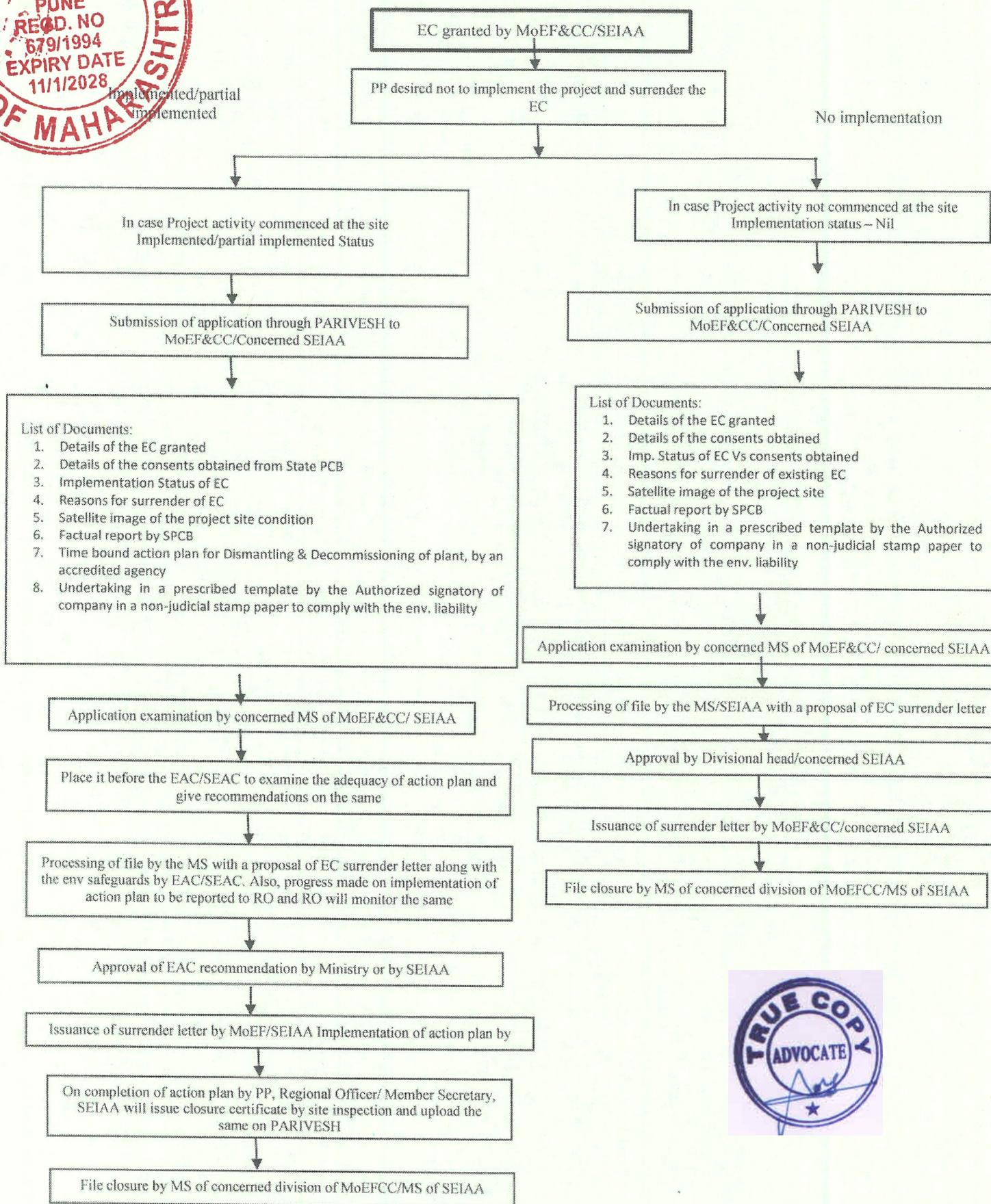
1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

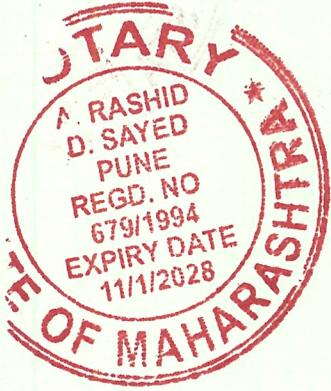
**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG(FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.



**WORK FLOW FOR THE PROPOSALS INVOLVING SURRENDER OF EC UNDER EIA, 2006**  
 (Annexure to the OM No. IA3-22/10/2022-IA.III [E 177258] dated 29.03.2022)



ANNEXURE – R-2

**VITORIA**  
LAGOON  
*Luxury apartments  
as big as your image*

S/No. 2 A / 7 A, Aundh Road, Bhau Patil Marg,  
Near Pune IT Park, Pune - 411020  
Tel. : +91-20-25823401 / 3  
Telefax : +91-20-25823402  
Website: www.vitoriagroup.com

Date:18/04/2023

To,  
The Chairman,  
SEIAA, Environment Department,  
Room No. 217 (Annex)  
Madam Cama Road, Mantraya  
Mumbai 400032

**Subject :** Request for withdraw of Environment Clearance for our project "Vitoria Lagoon",  
CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria

**Reference :** 1. Environment Clearance received vide No SEIAA-EC-0000001510 dated 7th  
May 2019.  
2. MoEFCC, OM related to Surrender of EC dated 29<sup>th</sup> March 2022

Respected Sir,

We have obtained Environmental clearance for our project residential development "Vitoria Lagoon",  
CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May  
2019.

Due to (Reason for EC Withdraw) 1) As of now we don't have any plans to develop this property  
therefore we are withdrawing our EC with a right that if in future we decides to develop we will do  
after obtaining all requisite permission..

As of today we are withdrawing this EC subject to our rights to construct in future in accordance with  
law.

Provision & functionality to surrender of EC as per the OM dated 29<sup>th</sup> March 2022 is not yet available  
on PARIVESH Portal. Therefor we are submitting relevant documents with this letter in hard copy &  
request you kindly process our application & grant us withdraw of Environment Clearance vide No  
SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

Thanking You,  
Yours faithfully

*Ravinder Saha*

M/s. Vitoria

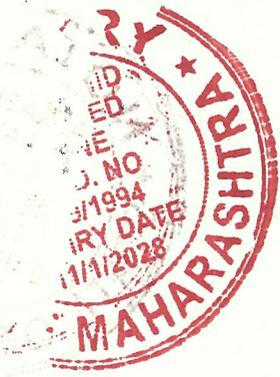


Enclosures

1. EC Letter
2. Architect Certificate mentioning construction status of project site.

*Passed  
24-4-23*  
आयक निष्पत्त (अं. शा.)  
पर्यावरण व आवासीय विकास विभाग  
पुणे, पिन ४०० ०३०



ANNEXURE – R-3

o/c

**VITORIA™**  
LAGOON  
*Luxury apartments  
as big as your image*

S/No. 2 A / 7 A, Aundh Road, Bhau Patil Marg, +  
Near Pune IT Park, Pune – 411020  
Tel. : +91-20-25823401 / 3  
Telefax : +91-20-25823402  
Website: www.vitoriagroup.com

To,  
**Maharashtra Pollution Control Board,**  
Jog Center, 3rd floor,

Mumbai Pune Road, Wakdewadi,  
Pune, Maharashtra 411003

Date:25/04/2023

**Subject :** Intimation Regarding Request for withdraw of Environment Clearance for our project "Vitoria Lagoon"; CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria

**Reference :**

1. Environment Clearance received vide No SEIAA-EC-0000001510 dated 7th May 2019.
2. MoEFCC, OM related to Surrender of EC dated 29<sup>th</sup> March 2022.
3. Acknowledgement copy of application submitted for withdraw of Environment Clearance to SEIAA, Environment Department, Maharashtra

Respected Sir,

We have obtained Environmental clearance for our project Residential development "Vitoria Lagoon", CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

**(Reason for EC Withdraw)** As of now we don't have any plans to develop this property therefore we are withdrawing our EC. However, we reserve our right that if in future we decide to develop we will do after obtaining all requisite permissions.

As of today we are withdrawing this EC subject to our rights to construct in future in accordance with law.

Provision & functionality to surrender of EC as per the OM dated 29<sup>th</sup> March 2022 is not yet available on PARIVESH Portal. Therefore, we have submitted relevant documents with this letter in hard copy & requested to kindly process our application & grant us withdrawal of Environment Clearance vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

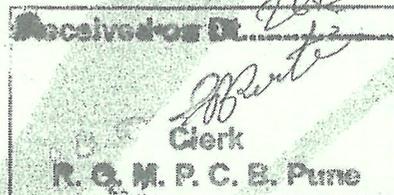
Thanking You,  
Yours faithfully

Ravinder Jain



M/s. Vitoria

Correspondence Address: Office No 1 To 5,  
Raviraj Realty , Millenium Star , Dhole Patil Road, Pune-411001

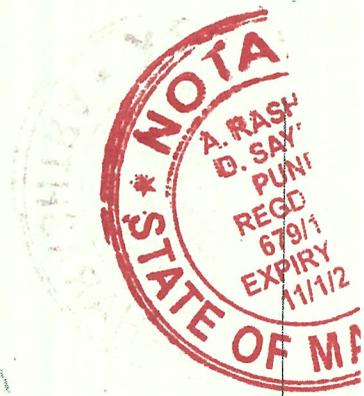


Enclosures

1. Acknowledgement copy of application submitted for withdraw of Environment Clearance to SEIAA, Environment Department, Maharashtra

CC

1. PMC



VITORIA  
LAGOON

*Luxury apartments  
as big as your lounge*

S.No. 2A/7A, Achadh Road, Boudh Patil Marg,  
Near Pure IT Park, Pune - 411020  
Tel. : +91 20-26623401/3  
Telex : +91-20-25829402  
Website: www.vitoriaegroup.com

Date: 18/04/2023

To,  
The Chairman,  
SEIAA, Environment Department,  
Room No. 217 (Annex)  
Madam Cama Road, Mantriya  
Mumbai 400032

**Subject :** Request for withdraw of Environment Clearance for our project "Vitoria Lagoon".  
CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria

**Reference :** 1. Environment Clearance received vide No SEIAA-EC-0000001510 dated 7th  
May 2019.  
2. MoEFCC, OM related to Surrender of EC dated 29<sup>th</sup> March 2022

Respected Sir,

We have obtained Environmental clearance for our project residential development "Vitoria Lagoon", CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

Due to (Reason for EC Withdraw) 1) As of now we don't have any plans to develop this property therefore we are withdrawing our EC with a right that if in future we decides to develop we will do after obtaining all requisite permission..

As of today we are withdrawing this EC subject to our rights to construct in future in accordance with law.

Provision & functionality to surrender of EC as per the OM dated 29<sup>th</sup> March 2022 is not yet available on PARIVESH Portal. Therefor we are submitting relevant documents with this letter in hard copy & request you kindly process our application & grant us withdraw of Environment Clearance vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

Thanking You,  
Yours faithfully

*Rajendra S. Salve*

M/s. Vitoria



Enclosures

1. EC Letter
2. Technical Certificate mentioning construction status of project site.

*Passed  
18/4/23*  
परिवेश निरीक्षक (मं. शा.)  
परिवेश निरीक्षण विभाग  
दिनांक: 18/04/2023



OK

**VITORIA™**  
LAGOON

*Luxury apartments  
as big as your image*

S/No. 2 A / 7 A, Aundh Road, Bhau Patil Marg,  
Near Pune IT Park, Pune - 411020  
Tel. : +91-20-25823401 / 3  
Telefax : +91-20-25823402  
Website: www.vitoriagroup.com

To,  
**The Pune Municipal Corporation,**  
**Building Permission Department**

PMC Main Building,

Near. Mangla Theatre, Shivajinagar,

Pune- 411 005

**Date: 25/04/2023**

- Subject :** Intimation Regarding Request for withdraw of Environment Clearance for our project "Vitoria Lagoon", CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria
- Reference :**
- 1 Environment Clearance received vide No SEIAA-EC-0000001510 dated 7th May 2019.
  - 2 MoEFCC, OM related to Surrender of EC dated 29<sup>th</sup> March 2022.
  - 3 Acknowledgement copy of application submitted for withdraw of Environment Clearance to SEIAA, Environment Department, Maharashtra

Respected Sir,

We have obtained Environmental clearance for our project Residential development "Vitoria Lagoon", CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

**(Reason for EC Withdraw)** As of now we don't have any plans to develop this property therefore we are withdrawing our EC. However, we reserve our right that if in future we decide to develop we will do after obtaining all requisite permissions.

As of today we are withdrawing this EC subject to our rights to construct in future in accordance with law.

Provision & functionality to surrender of EC as per the OM dated 29<sup>th</sup> March 2022 is not yet available on PARIVESH Portal. Therefore, we have submitted relevant documents with this letter in hard copy & requested to kindly process our application & grant us withdrawal of Environment Clearance vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

Thanking You,  
Yours faithfully

*Rajendra Jethi*

M/s. Vitoria

Correspondence Address: Office No 1 to 5,  
Raviraj Realty, Millenium Star, Dhole Patil Road, Pune-411001



Enclosures :-

- 1 Acknowledgement copy of application submitted for withdraw of Environment Clearance to SEIAA, Environment Department, Maharashtra

CC

- 1 MPCB, Pune.

*Sub*  
*25/04/23*

बांधकाम वि. विभाग झोन क्र.-६  
पुणे महानगरपालिका

VITORIA  
LAGOON

*Luxury apartments  
as big as your lounge*

S/No 2A, 7A, Aurdh Road, Bhusu Patil Marg,  
Near: Pune IT Park, Pune - 411020  
Tel. : +91 20-25823401 / 3  
Telefax : +91-20-25823402  
Website: www.vitoriaigroup.com

Date:18/04/2023

To,  
The Chairman,  
SEIAA, Environment Department,  
Room No. 217 (Annex)  
Madam Cama Road, Mantraya  
Mumbai 400032

**Subject:** : Request for withdraw of Environment Clearance for our project "Vitoria Lagoon",  
CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria  
**Reference :** 1. Environment Clearance received vide No SEIAA-EC-0000001510 dated 7th  
May 2019.  
2. MoEFCC, OM related to Surrender of EC dated 29<sup>th</sup> March 2022

Respected Sir,

We have obtained Environmental clearance for our project residential development "Vitoria Lagoon",  
CTS No 8, S.No. 2A/7A, Bopodi, Pune by M/s. Vitoria vide No SEIAA-EC-0000001510 dated 7<sup>th</sup> May  
2019.

Due to (Reason for EC Withdraw) I) As of now we don't have any plans to develop this property  
therefore we are withdrawing our EC with a right that if in future we decides to develop we will do  
after obtaining all requisite permission..

As of today we are withdrawing this EC subject to our rights to construct in future in accordance with  
law.

Provision & functionality to surrender of EC as per the OM dated 29<sup>th</sup> March 2022 is not yet available  
on PARIVESH Portal. Therefor we are submitting relevant documents with this letter in hard copy &  
request you kindly process our application & grant us withdraw of Environment Clearance vide No  
SEIAA-EC-0000001510 dated 7<sup>th</sup> May 2019.

Thanking You,  
Yours faithfully

*Ravindra S. Salkar*

M/s. Vitoria

Enclosures

- 1. EC Letter
- 2. Architect Certificate mentioning withdrawal status of project etc.



*Passed 14-4-23*  
आवक निसंख (नं. ११.)  
पर्यावरण व आवाकन विभाग  
महाराष्ट्र, मुंबई ४०० ०३२

