

BEFORE THE NATIONAL GREEN TRIBUNAL

SITTING AT PUNE

ORIGINAL APPLICATION NO. 54 OF 2017



BETWEEN:

Pratap Lal Teli

.. Applicant

versus

Member-Secretary, State Level Environment

Impact Assessment Authority and Ors.

.. Respondents

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Parikshit Desai

Advocates for Respondent No. 3.

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ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 3 TO THE AMENDED ORIGINAL
APPLICATION

I, Dilersingh Sandhu, aged 41 years, of Mumbai, Adult Indian Inhabitant, Respondent No. 11 and the partner of the Respondent No. 3 abovenamed, having my office at 41 Pali Hill, Bandra (West), Mumbai - 400 050, on behalf of the Respondent No. 3 abovenamed (Respondent No. 10 is deceased), do hereby solemnly affirm and state as under: -

1. I state that Respondent No. 3 has filed its Affidavit dated 12th April 2023 in reply to the Original Application

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("Affidavit in Reply"). For the sake of brevity, I am not producing herein in verbatim, the contents of the said Affidavit in Reply but crave leave to treat the same as forming part and parcel of the present Affidavit and deny all that is contrary to what is stated in the said Affidavit in Reply and hereinafter.

2. I state that I am filing the present Additional Affidavit to place on record, the Part Occupation Certificate Report dated 09th October 2018 of the Hon'ble Municipal Commissioner, Municipal Corporation of Greater Mumbai ("MCGM") ("Part OCC Report") which was inadvertently not annexed to my Affidavit in Reply.
3. In the said OCC Report, the Hon'ble Municipal Commissioner, MCGM, has interpreted the Environment Impact Assessment Notification dated 4th April 2011, bearing number S.O. 695(E) issued by the MOEF and published in The Gazette of India: Extraordinary (Part II Sec. 3(ii)) (20 II Notification) ("**2011 Notification**") (Exhibit '4', pages 237-243 of Respondent No. 3's Affidavit in Reply) and has given his approval dated 09th August 2018, as under:-



“.....Ch.Eng.(D.P.)/Hon'ble M.C. has given approval on 9.8.2018 for the following points :

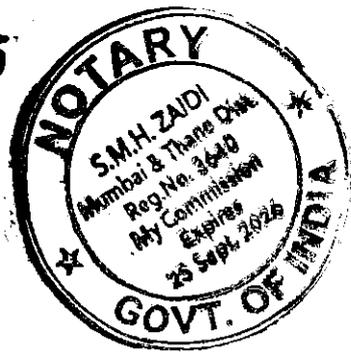
- 1. To Allow & accept on merits the MOEF clarification letter dated 4.4.2011 on non applicability of Environment clearance as per plans for full C.C. granted prior to 4.4.2011
- 2.
- 3.
-”

It is submitted that the Hon'ble Municipal Commissioner has given his approval on 09th August 2018 on the basis that in the case of Respondent No. 3, since full Commencement Certificate (C.C.) has been granted by MCGM prior to the said 2011 Notification, hence separate Environment Clearance is not required. Hereto annexed and marked as **EXHIBIT – “1”** is a copy of the Part Occupation Certificate Report dated 09th October 2018 of the Hon'ble Municipal Commissioner, MCGM, in respect of the project of Respondent No. 3.

Solemnly affirmed at Mumbai)

This day of April, 2025)

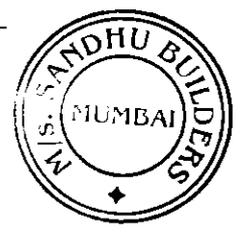
22 APR 2025



[Handwritten Signature]

DEPONENT

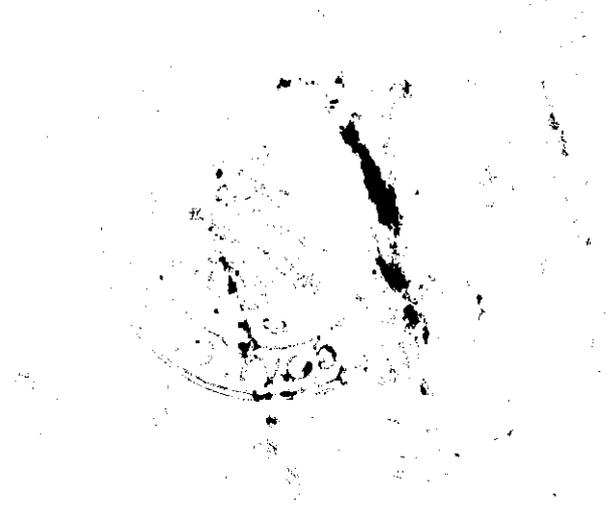
Before me,



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Identified by me,

Farikhat Desai
Advocates for Respondent No. 3.



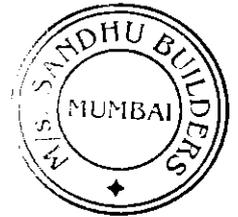
VERIFICATION

I, Dilersingh Sandhu, aged 41 years, of Mumbai, Adult Indian Inhabitant, the partner of the Respondent No. 3 abovenamed, having my office at 41 Pali Hill, Bandra (West), Mumbai-400 050, do hereby solemnly declare that what is stated in the foregoing paragraphs is based on the records maintained by Respondent No. 3 in the ordinary course of business on legal advice which I believe to be true.

Solemnly declared at Mumbai)

This 22 day of April 2025)

[Handwritten Signature]



DEPONENT

Before me,



Identified by me,

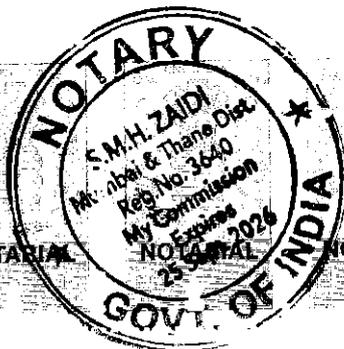
BEFORE ME

[Handwritten Signature]
S. M. H. ZAIDI
NOTARY
Government of India
Mumbai & Thane Dist

22 APR 2025

[Handwritten Signature]
Advocates for Respondent No. 3.

NOTED & REGISTERED
2051 Page No. 142
Sr. No. Date. 22 APR 2025
Book No. 13



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Exhibit - 1

MUNICIPAL CORPORATION OF GREATER MUMBAI

No: CE/2157/WS/AH

Sub:- Part OCC upto top of 18th floor of 'A' wing for Proposed building on plot bearing C.T.S. No. C-1381, 1382-C, 1378A & 1629A-1/10 of Village Bandra , Pali Hill Bandra (W) Mumbai.

L.S.: Shri V. K. Chari of V. K. Chari Consultants

Owner : M/s Sandhu Builders C.A. to Owners

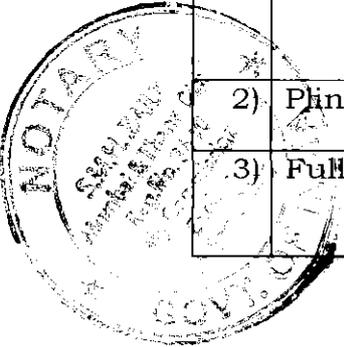
Ref.: - Completion plan attached in view of PDF Tab

In this case, IOD was approved on 24.02.2006 and last plans were approved on 11.05.2011 for proposed residential building comprising of 1st & 2nd Basement for parking, Ground floor for stilt and 1st floor to 19th floor wing 'A' for residential use and 1st & 2nd Basement for parking ,Ground floor for stilt and 1st floor to 5th floor wing 'B' for residential use in lieu of plot potential + admissible T.D.R. + lobby free of FSI by charging premium under regulation no. 35(2)(iv). Plinth C.C was issued on 22/06/2006 and Full C.C. was issued on 22/01/2010. Full C.C. was re-endorsed on 18.05.2012 as attached in console. Accordingly, the construction of proposed bldg. is completed on site.

Various concessions involved in the said proposal are already approved by Ch.Eng. (D.P.)/Hon'ble MC u/no. MCP/9585 dtd.1.4.2010, u/no. MCP/9158 dtd.10.09.2008 and Hon'ble MC's approval dated 09.08.2018. The same are attached in console.

The details of approval are as under.

1)	I.O.D.	Issued on 24.02.2006 attached in console.
2)	Last approved Plan	Issued on 11.05.2011 attached in console.
2)	Plinth C.C	Issued on 22/06/2006 attached in console.
3)	Full C.C.	Issued on 22/01/2010 and last re-endorsed on 18.05.2012 attached in console.



True Copy
P.H.D
Advocate

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CE/2157/WS/AH

4)	D.C.C.	Issued on 20.02.2016 (attached in OCC compliance check)
5)	B.C.C.	B.C.C. submitted (attached in additional document)
6)	Structural Stability Certificate.	Structural Engineer Completion Certificate (attached in OCC compliance check List)
7)	Site Supervisor Completion Certificate.	Site Supervisor Completion Certificate (attached in OCC compliance check List)
8)	S.W.D. Completion Certificate.	Issued on 16.10.2012 (attached in OCC compliance check List)

Now, L.S. has submitted B.C.C. attached in additional document and has requested to grant part occupation up to top of 18th floor of the completed building 'A' under reference

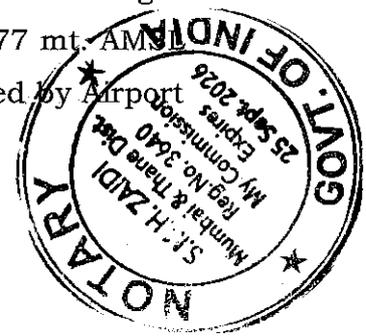
The site under reference was inspected by the undersigned and it was observed that work of 'A' Wing of the building is completed on site as per approved plan in all respect except some finishing work in common passage and some of the flats. Out of the total 6 nos of passengers lifts as per approved plan, 1 lift on North side and also capsule lift on East side is not yet installed on site. For other 5 nos of lifts, Architect has submitted lift completion certificates from PWD dept. The installation of 1 balance passenger lift and capsule lift will be insisted before Full O.C.C.

Sanitary arrangement is completed and D.C.C. is obtained as attached in console. Completion certificate from department is attached in console.

The completion certificate by Structural Engineer is attached in console. Completion certificate from site supervisor is attached in console.

L.S. has submitted Bank Guaranteed with duly paid stamp duty challan, and undertaking attached in additional document and has requested to approve the part O.C.C. with B.C.C. for entire building comprising of 1st & 2nd Basement for parking, Ground floor for stilt and 1st floor to 18th floor wing 'A' for residential users.

The permissible AMSL as per civil aviation NOC is 110.00 mtr. The total height of the constructed building under reference is 66.62 mtr. AGL and as per final height check from GVK the site elevation to the top of the said building is 109.77 mt. AMSL therefore, the height of the building is within the limit of height prescribed by Airport



SHS

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ON BEHALF OF RESPONDENT NO. 3
TO THE AMENDED ORIGINAL
APPLICATION

Dated this day of April 2025

22 APR 2025



Parikshit Desai and Fawia Misquitta
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Mumbai – 400 001.

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