BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.168 OF 2024 (WZ)

Pratap Lal Teli ... **Applicant**

Versus

SEIAA, Environment Department

Govt. of Maharashtra & Ors. ... **Respondents**

INDEX

Sr. No.	Date	Particulars	Page Nos.
1.	1st March 2025	Additional Affidavit in Reply on behalf of Respondent No. 6 to the captioned Original Application	1-25
2.	30th May 2005	**Exhibit 'A'** Copy of the Permission granted by MCGM.	26-29
3.	18th November 2015	**Exhibit 'B'** Copy of the Permission obtained by the Respondent No.6 from the MCGM.	30-33
4.	16th May 2015	**Exhibit 'C'** Copy of the MCGM Policy bearing no. CHE/1727/DPES.	34-36
5.	24th February 2016	**Exhibit 'D'** Copy of the Permission obtained by the Respondent No.6 from the MCGM.	37-38

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA
MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

6.	5th February, 2021	**Exhibit 'E'** Copy of the possession receipt issued by the MCGM in respect of the amenity open space handed over by Respondent No.6.	39
7.	12th March 2021	**Exhibit 'F'** Copy of the property register card of C.S. No.1B/1629.	40
8.		**Exhibit 'G'** Copy of the DP Plan in respect of the land.	41-42
9.		**Exhibit 'H'** Photographs of few of the trees planted.	43-47

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 168 OF 2024 (WZ)

Pratap Lal Teli ... **Applicant**

Versus

SEIAA, Environment Department
Govt. of Maharashtra & Ors. ... **Respondents**

ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 6 TO THE CAPTIONED ORIGINAL APPLICATION

I, Mr. Omkar Engineer, an adult, Indian Inhabitant, authorised signatory of the Respondent No.6 and having my office address at Raheja Tower, Plot No.C-30, Block 'G', Bandra Kurla Complex, Bandra (East), Mumbai 400051, do hereby solemnly affirm and state as under:-

1. I am the authorized representative of Respondent No.6. I have read and familiarized myself with the papers and proceedings in the captioned matter. I am conversant with the facts and circumstances of the present case and am able and competent to depose to the same from facts to my personal knowledge and records maintained by Respondent No.6.

2. I have perused a copy of the captioned Original Application No.168 of 2024 ("**OA**") and Limited Preliminary Reply Affidavit dated 31st December 2024 ("**Preliminary Limited Reply**") filed by Respondent No.6 to the OA raising preliminary objections and opposing the grant of any interim reliefs to the Applicant. Pursuant to Order dated 8th January 2025 passed by this Hon'ble Tribunal, and for opposing grant of any reliefs in favour of the Applicant as prayed for in the OA and to place on record the true and correct facts of the matter that will enable this Hon'ble Tribunal to pass appropriate orders I am filing this

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA ★ MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

2

additional Affidavit in Reply. I repeat and reiterate the contents of the Preliminary Limited Reply and the same shall be treated and read as a part of this Additional Affidavit in Reply. I crave leave to file a further detailed Affidavit(s) as may be required and/ or as may be advised.

3. This Affidavit is not a paragraph-wise response or denial to the OA. At paragraphs 7 to 21 of the present Affidavit, I have listed out the primary allegations in the OA together with this Respondent's response thereto to be read along with the Preliminary Limited Reply that conclusively debunks each and every allegation. The OA deliberately obfuscates and jumbles up completely distinct and independent regulations and compliances required of the Respondent No. 6 and has incorrectly jumbled up different and distinct regulations/compliances under the same heading, and sometimes, in the same para and sentence, apparently with an intention to confuse, misguide and mislead this Hon'ble Tribunal. For instance, the OA has mixed up the concepts of open space requirement on one hand, and number of trees to be planted on the other hand.

4. At the outset, I deny each and every allegation, contention, submission and insinuation made by the Applicant in the OA along with all Exhibits and documents referred to therein, which is contrary to and/ or inconsistent with what is set out herein, and nothing contained therein is or should be deemed to be admitted by Respondent No.6 for want of specific traverse or otherwise.

5. From a bare perusal of the OA, it is aptly clear that the allegations therein are wholly unsubstantiated and untenable. The Applicant has not made out any case whatsoever, let alone prima facie case, for grant of any reliefs in favour of the Applicant.

6. At the further outset and without prejudice, I say and submit that the OA is not maintainable, grossly misconceived and ought to be

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA ★ MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

dismissed in *limine* with costs for the following reasons each of which are taken without prejudice and in the alternative to one another.

7. **Respondent No.6 has allegedly not handed over possession of the amenity open space as required under the permissions accorded by MCGM for change of user from industrial to residential:**

7.1 The Applicant has alleged and misrepresented to this Hon'ble Tribunal that Respondent No.6 is required to hand over 20% of the area of the land for public utilities and amenities in accordance with Regulation 56 of the DCR 1991, and Respondent No.6 has allegedly failed to hand over the same (*see allegations made at para 3.2/Page 18 and unnumbered para/ page 22 of OA*).

7.2 The Applicant submits that it has provided and handed over the amenity open space area to the MCGM as required under Regulation 56 of DCR 1991. The Applicant has proceeded on an incorrect basis that the entire land admeasuring 20,117.24 square meters was converted from industrial use to residential use under Letter dated 8th November 2015 (at Annexure A-5 to the OA/Pg.59) which is factually incorrect.

7.3 Respondent No.6's land comprised of two separate and distinct plots known as 'Plot 1' admeasuring 14,638.91 square meters bearing C.S. No.2/1629 of Lower Parel Division ("**Plot 1**") and 'Plot 2' admeasuring 5,478.33 square meters bearing C.S. No.1A/1629 of Lower Parel Division ("**Plot 2**") (hereinafter collectively referred to as "**subject property**" or "**land**"). On 30th May 2005, the MCGM granted permission for the change of user of Plot 1 from industrial to residential user ("**2005 permission**"). The 2005 permission required Respondent No. 6 to provide and hand over 5% of Plot 1 (after reducing the set-back area of 476.25 sq. mts.) as amenity area (i.e. 708.13 square meters) to the MCGM. Respondent No. 6 has provided on the Plot 1,

SHANE CARDOZ
ADVOCATE & NOTARY
MUMBAI MAHARASHTRA
REG. NO. 16368
EXPIRE ON 27th JAN 2030
GOVT. OF INDIA

4

the requisite 5% amenity area (i.e. 708.13 square meters) as required under the 2005 permission and under Regulation 56 of DCR 1991. A copy of the 2005 permission is hereto annexed and marked as **EXHIBIT 'A'** hereto.

7.4 Subsequently, Respondent No. 6 acquired rights in respect of Plot 2 and on 18th November 2015, Respondent No. 6 obtained permission from the MCGM for allowing residential use on Plot 2 ("**2015 permission**"). The 2015 permission required Respondent No. 6 to provide and hand over 5% of Plot 2 (after reducing therefrom the set-back area of 171.68 sq. mts. i.e. 5,487.33 sq. mts. *less* 171.68 sq. mts.) and also availing set off of the set-back area of 171.68 sq. mts. in accordance with Policy dated 16th May 2015 bearing no. CHE/1727/DPES issued by MCGM and approved by the Municipal Commissioner on 17th April 2015). Hence, under the 2015 permission, the net amenity space area to be handed over to MCGM by Respondent No. 6 is 93.65 sq. mts. i.e. 265.33 sq. mts. *less* 171.68 sq. mts. Accordingly, Respondent No. 6 has provided amenity space area of 93.65 sq. mts., which is 5% of Plot 2 (after reducing the setback area) and also availing set off of the set-back area of 171.68 sq. mts.), as amenity area (i.e. 265.33 sq. mts. *less* 171.68 sq. mts. is 93.65 sq. mts.) as directed and stipulated under the 2015 permission and under Regulation 56 of DCR 1991. A copy of the 2015 Permission is hereto annexed and marked as **EXHIBIT 'B'**. A copy of the Policy dated 16th May 2015 bearing no. CHE/1727/DPES issued by MCGM and approved by the Municipal Commissioner on 17th April 2015 is annexed hereto and marked as **EXHIBIT 'C'**.

7.5 For ease of reference, the amenity open space provided and handed over by Respondent No. 6 to the MCGM within Plot 1 and Plot 2 is as under:-

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA
MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

Sr No.	Particulars of Plot	C.S. No.	Area of Plot (sq. mts.)	Set Back Area (sq. mts.)	Net area of Plot (sq. mts.)	5% Amenity open space (sq. mts.) computed on net area of Plot
1.	Plot 1	2/1629	14,638.91	476.25	14,162.66	708.13
2.	Plot 2	1A/1629	5,478.33	171.68	5,306.65	93.65
					TOTAL	**801.78**

7.6 It is pertinent to note that Respondent No.6 has subsequently amalgamated Plot 2 with Plot 1 on 22nd June 2018 and is undertaking the development thereof as a single layout. Respondent No. 6 obtained permission from the MCGM on 24th February 2016 for clubbing of the amenity open space on Plot 1 and Plot 2. A copy of the permission dated 24th February 2016 from the MCGM is hereto annexed and marked as **EXHIBIT 'D'**. The Applicant has proceeded on an incorrect basis that since the area of the land on which the Respondent No.6 is undertaking development collectively admeasures 20,117 square meters, and that Respondent No.6 allegedly ought to have provided 20% of 20,117 square meters as amenity open space and hand over the same to the MCGM. Furthermore, it is apparent that the Applicant has not done any due diligence or research and made bald and unsubstantiated allegations qua Respondent No.6 and has made a false statement on oath and has mispresented to this Hon'ble Tribunal that the entire land admeasuring 20,117 square meters was converted to residential user under the 2015 permission. On the very face of it, it is ex-facie apparent that the 2015 permission only pertains to the Plot 2 of 5,478.33 square meters and not the entire land, and therefore, the reliance of the Applicant on the 2015 permission and Regulation 56 of the DCR 1991 is completely misplaced and misleading.

6

7.7 Respondent No.6 has handed over possession of the amenity open space area i.e. 801.92 square meters (as required under the 2005 permission, 2015 permission and Regulation 56 of DCR 1991) to the MCGM in respect of Plot 1 and Plot 2. The land admeasuring 801.92 square meters handed over to the MCGM as amenity open space now bears C.S. No.1B/1629 of Lower Parel Division and the name of MCGM is also mutated on the property card in respect thereof. Copy of the possession receipt issued by the MCGM in respect of the amenity open space handed over by Respondent No.6 and the property register card of C.S. No.1B/1629 are hereto annexed and marked as **EXHIBIT 'E'** and **EXHIBIT 'F'** respectively.

7.8 Thus, Respondent No.6 has provided the requisite amenity open space area to the MCGM and is not required to hand over any further amenity open space as alleged or at all. Respondent No.6 has not violated the provisions of the 2015 permission and/or Regulation 56 of the DCR 1991 as alleged or at all. It is respectfully submitted that it is crystal clear that the allegations qua alleged non-handover of amenity open space to the MCGM are squarely covered by the provisions of DCR 1991 and are not relatable to the subject matter jurisdiction of this Hon'ble Tribunal.

8. **Respondent No.6 has allegedly not provided the segregating distance/set back distance from the plot boundary as contemplated under the permission accorded by the MCGM for change of user of the land and as per Regulation 41 Table 18B of the DCPR 2034:**

8.1 The Applicant has made a baseless and bald averment that Respondent No.6 has allegedly not provided the segregating distance/set back distance from the plot boundary, which is one of the conditions imposed by the MCGM for the change of user of the land from industrial to residential (*see allegation at para 3.1 / pg.16 of OA*).

7

8.2 Secondly and notwithstanding the above, the Applicant has misrepresented facts and has supressed the permissions obtained by the Respondent No. 6 from the concerned authorities for carrying out construction on the subject property. The Applicant has falsely stated that Respondent No.6 has allegedly violated the conditions of the permission accorded by the MCGM for change of user of land. The Applicant has falsely alleged that Respondent No.6 has not provided adequate segregating distance from the plot boundary as contemplated under Regulation 56 of DCR 1991 read with Regulation 29(5) Table 10C of the DCR 1991. This allegation is completely bogus and devoid of any merit for the following reasons.

8.3 The Applicant has further falsely averred that the land is surrounded by industrial zone on all sides. On perusal of the DP Plan of the land, it is clear that the Applicant's averment is false and incorrect as the lands surrounding Plot 1 on all sides fall within residential zone, hence there is no requirement of maintaining segregating distance from Plot 1 boundary as alleged by the Applicant. Similarly, the Plot 2 is also surrounded by lands falling within residential zone and hence Respondent No.6 is not required to maintain any segregating distance from the Plot 2 boundary as alleged by the Applicant. A copy of the DP Plan in respect of the land is hereto annexed as **EXHIBIT 'G'** hereto.

8.4 Thus, the allegation of the Applicant that Respondent No.6 has not provided any segregating distance required under 2015 permission is completely misplaced, false and bogus and on this ground alone, this OA ought to be dismissed.

9. **Respondent No. 6 has allegedly not undertaken the plantation of 5 trees per 100 square meters within the segregating distance as contemplated under the permission accorded by the MCGM for change of user of the land and as per Regulation 41 Table 18B of the DCPR 2034:**

SHANE CARDOZ
ADVOCATE & NOTARY
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27(I) JAN 2039
GOVT. OF INDIA

8

9.1 The Applicant has attempted to mislead this Hon'ble Tribunal by alleging that the Respondent No.6 has not planted any trees in the segregating distance as aforesaid as per the requirement in the 29(5) of DCR 1991 (see allegation at para 3.1/page 18 of OA).

9.2 Firstly, Regulation 41 Table 18B of DCPR 2034 (analogous to Regulation 29(5) Table 10C of DCR 1991) clarifies that the area within the segregating distance be planted with trees at the rate of not less than 5 trees per 100 sq. metres of **such area** (i.e. meaning the area under segregating distance). As stated in paragraphs 8.3 and 8.4 hereinabove, Respondent No. 6 is not required to maintain any segregating distance from the boundary of Plot 1 and Plot 2.

9.3 It is respectfully submitted that this allegation of the Applicant is misplaced, false and bogus with an attempt to mislead this Hon'ble Tribunal.

10. **Respondent No. 6 has allegedly violated condition of undertaking construction of the buildings (in so far as the height and construction built up area is concerned) on the land in accordance with the FSI / FAR norms of the urban and local body:**

10.1 The Applicant has alleged that Respondent No.6 has allegedly violated condition of the Environmental Clearance dated 12th May 2017 ("**2017 EC**") and 31st March 2020 ("**2020 EC**") of undertaking construction of the buildings (in so far as the height and construction built up area are concerned) on the land in accordance with the FSI / FAR norms of the urban and local body. Applicant has alleged that the plan approving authority should ensure the zoning permissibility for the proposed project as per the approved development plan of the area (*see allegation at para 2.17(A)/Page 13 and 2.17(B)/Page 14 of the OA*).

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA ★ MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

10.2 The Applicant has merely reproduced the conditions of the 2017 EC and 2020 EC in the OA and has not provided any explanation of what the alleged violation is. This is a cryptic allegation and the OA does not explain what the so called violation is. Respondent No.6 has undertaken / is undertaking construction on the land in accordance with the applicable provisions of law and the approvals sanctioned by the MCGM from time to time. In any event, the 2017 EC and the 2020 EC stand superseded by the Environmental Clearance dated 26th May 2023 ("**2023 EC**") issued to the Respondent No. 6 by the Ministry of Environment, Forest and Climate Change, therefore the Applicant's cryptic allegations of violation of the aforesaid condition of the 2017 EC and the 2020 EC is misplaced and not tenable.

11. **Respondent No.6 has allegedly violated condition of undertaking green belt development considering the guidelines issued by the Central Pollution Control Board ("CPCB") including the selection of plant species in consultation with the local Forest, Environment and Climate Change Department / Agricultural Department:**

11.1 The Applicant has alleged that Respondent No.6 has allegedly violated condition of the 2017 EC, 2020 EC and 2023 EC, which require undertaking green belt development considering the guidelines issued by the CPCB including the selection of plant species in consultation with the local Forest, Environment and Climate Change Department / Agricultural Department. It is submitted that the Applicant has merely reproduced parts of a chapter under the Green Belt Guidelines issued by the CPCB. This is a cryptic allegation and OA does not explain what the so-called violation is (*see allegation at para 2.17(A)/page 14, 2.17(B)/page 14 and para 3.3(B)/Page 25 of OA*).

11.2 It is submitted that the list of species of plants referred to in the chapter of the green belt guidelines issued by the CPCB (which is referred by the Applicant and annexed to the OA) are only indicative and is not an

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA
MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

10

exhaustive list of the nature and species of plants and is subject to the conditions of the environment. In any event, the guidelines issued by the CPCB in so far as the selection of the species of the plants is concerned, are only suggestive in nature and are not mandatory in nature.

11.3 The Respondent No. 6 in any event is not in contravention of the 2023 EC conditions as regards the green belt guidelines issued by the CPCB and planted native trees with heavy foliage, broad leaves and canopy cover as suggested in chapter 5 of the green belt guidelines. Photographs of few of the native the trees planted by the Respondent No. 6 on the plot is hereto annexed and marked as **EXHIBIT 'H'**. I crave leave to refer and rely upon the inventory list of trees containing details of botanical name of local species, foliage, girth, etc. on the land as and when produced.

12. **Respondent No.6 has allegedly violated the following standard environment conditions mentioned in the Office Memorandum dated 4th January 2019 issued by the Ministry of Environment, Forest and Climate Change ("Standard EC Conditions 2019") (see allegation at para 2.17(C)/Page 14 of OA):**

12.1 **Respondent No.6 has allegedly violated the condition of obtaining all necessary clearance / permission from all the relevant agencies including town planning authority before commencement of work and construction to be undertaken in accordance with the local building byelaws:**

(i) The Applicant has alleged that the Respondent No.6 has allegedly violated the condition of obtaining all necessary clearance / permission from all the relevant agencies including town planning authority before commencement of work and construction to be undertaken in accordance with the local

SHANE CARDOZ ★ MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030 ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA ★

building byelaws (*see allegation at para 2.17(C)(I)(i)/Page 14 of OA*).

(ii) This is a bald, baseless and cryptic allegation. The Applicant has nowhere clarified which permissions /clearance / approvals have allegedly not been obtained by the Respondent No. 6 and/or which provisions of the local building byelaw have allegedly not been complied with by the Respondent No. 6. These allegations are fishing enquiries that ought not be entertained by this Hon'ble Tribunal.

(iii) The Respondent No. 6 submits that the construction undertaken by Respondent No. 6 is in accordance with the permissions, approvals and sanctions obtained from the competent authorities and there is no violation of the condition as alleged by the Applicant or at all.

12.2 **Respondent No.6 has allegedly violated the condition of planting and maintaining a minimum of 1 tree for every 80 square meters of land and inclusion of native species:**

(i) The Applicant has alleged that Respondent No.6 has allegedly violated the condition in the Standard EC Conditions 2019 of planting and maintaining a minimum of 1 tree for every 80 square meters of land and inclusion of native species of plants with heavy foliage, broad leaves and wide canopies, and species of plants which are water intensive and/or invasive shall not be used (*see allegation at para 2.17(C)(VII)(ii)/Page 15 and para 3.3(A)/Page 25 of the OA*).

(ii) It is submitted that there is no violation of the aforesaid condition as alleged or at all. The foundational premise of Applicant's allegation is incorrect, as the condition referred to

SHANE CARDOZ
ADVOCATE & NOTARY
MUMBAI
MAHARASHTRA
REG. NO. 16368
EXPIRE ON
27th JAN 2030
GOVT. OF INDIA

12

is superseded by the 2023 EC. The 2023 EC mandates planting 291 trees. As against this requirement of 291 trees, Respondent No.6 has planted more than 500 trees. Therefore, Respondent No.6 has planted the requisite number of trees as per the 2023 EC, which is the specific requirement and condition to be complied with in this regard.

(iii) The Applicant's allegation that no native species are planted is false and incorrect. Respondent No. 6 has planted native species of plants/trees with heavy foliage, broad leaves and wide canopies in the project.

(iv) For the reasons as stated above, it is clear that the Respondent No. 6 has not violated the aforesaid condition as alleged by the Applicant.

12.3 **Respondent No.6 has allegedly violated the condition of stripping the top-soil to a depth of 20 cm from the areas proposed for building, roads, paved areas and external services and stockpiling the same and reapplication of the same during the plantation of the vegetation on site:**

(i) The Applicant has alleged that Respondent No.6 has allegedly violated the condition of stripping the top-soil to a depth of 20 cm from the areas proposed for building, roads, paved areas and external services and stockpiling the same and reapplication of the same during the plantation of the vegetation on site (*see allegation at para 2.17(C)(VII)(iv)/Page 15 of the OA*).

(ii) This allegation is vague and cryptic and the Applicant has not clarified nor furnished any details of what the alleged violation by the Respondent No. 6 is, and therefore this allegation of the

SHANE CARDOZ ADVOCATE & NOTARY GOVT. OF INDIA MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

Applicant does not warrant any response. Suffice to state that Respondent No.6 is duly compliant of applicable law.

13. **Respondent No.6 has allegedly violated the condition of planting 291 trees on the RG Area as required under the Environmental Clearance dated 26th May 2023:**

13.1 The Applicant has alleged that the Respondent No. 6 has allegedly violated the condition of planting 291 trees on the RG Area as required under the Environmental Clearance dated 26th May 2023 (*see allegation at para 2.17(C) Condition 31/Page 18 and para 3.3/page 24 of OA*).

13.2 This allegation of the Applicant is false as against the requirement of 291 trees, Respondent No.6 has planted more than 500 trees till date. It is respectfully submitted that as on date, the Respondent No. 6 has planted many more trees than required under the 2023 EC.

13.3 For the reasons stated above, there is no alleged violation by this Applicant as alleged or at all. On this ground alone, the OA ought to be dismissed.

14. **Respondent No.6 has allegedly violated the condition of counting only trees planted on the ground for calculation of the number of trees to be planted:**

14.1 The Applicant has alleged that the Respondent No. 6 has allegedly violated condition of the 2023 EC of counting only trees planted on the ground for calculation of the number of trees to be planted (*see allegation at para 2.17(C)/Page 15 and paragraph 3.3/page 23 of the OA*).

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16368
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

14

14.2 This allegation of the Applicant is incorrect. As against the requirement of planting 291 trees in the 2023 EC, Respondent No.6 has, as on date, planted more than 500 trees. Respondent No.6 is in compliance with the provisions of the DCR 1991/DCPR 2034, the approvals and permissions sanctioned from time to time.

15. **Respondent No.6 has allegedly not provided adequate open space as per the provisions of the Regulation 31 of DCR 1991.**

15.1 The Applicant has alleged that Respondent No.6 has allegedly not provided adequate open space of 20 meters on the side and rear of its residential building and 12 meters in the front of the residential building. For the reasons mentioned in paragraph 7 hereinabove, this allegation is completely bogus. The Applicant has not in any manner clarified or specified under which provision, there is a requirement of providing an open space of 20 meters on the side/rear of buildings. The foundation of this allegation is itself totally incorrect since there is no universal regulation/rule that all buildings need to have the same open space.

15.2 The open space around each building varies dependent on various factors including the height of the building. Be that as it may, the Respondent No.6 has provided adequate open space of 20 meters on the side and rear of its residential building and 12 meters in the front of the residential building on Plot 1. Respondent No.6 has provided adequate open space on the sides, front and rear side of commercial building and residential building on Plot 2, in accordance with the applicable provisions of the DCPR 2034 and the approvals issued by the MCGM and the Municipal Commissioner. Respondent No.6 craves leave to refer and rely upon the reports issued by the MCGM in respect thereof as and when produced.

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

16. **Respondent No.6 has allegedly not complied with the provisions of Section 7(h) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 read with read with Schedule I to the Maharashtra (Urban Areas) Protection and Preservation of Trees Rules, 2009:**

16.1 The Applicant has alleged that Respondent No.6 has allegedly not complied with the provisions of Section 7(h) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 ("**Trees Act**") read with Schedule I to the Maharashtra (Urban Areas) Protection and Preservation of Trees Rules, 2009 ("**Trees Rules**") *(see allegation at para 2.17(C)/Page 15 and para 3.4/Page 30 of the OA).*

16.2 This is a cryptic allegation and the Applicant has not clarified throughout the OA what is the so called violation is. In the extract of Schedule I of Trees Rules quoted in the OA at page 30 where in the provision of 1 tree for every 20 sqm of LOS is bolded which suggests this (albeit cryptic) may be the purported allegation. The provisions of the Trees Act and Trees Rules *inter-alia* provide that the ***minimum*** number of trees to be planted along side roads/ open spaces of the layout as 1 tree for every 50 square meters. The Applicant has provided layout open space of 4880.82 square meters, that is over and above what is required under the applicable provisions of the DCPR 2034. As per the aforesaid provision, a minimum of 244 trees are required to be planted in layout open space, whereas Respondent No.6 has, as on date, planted more than 500 trees in the open spaces of the layout, which is much more than the aforesaid minimum requirement of 244 trees as per the provisions of the Trees Act and also Regulation 41 Table 18B of DCPR 2034.

16.3 The trees planted by Respondent No.6 are a combination of diverse native plant species forms a cohesive plant community that thrives and adapts effectively to the local climate and are as per the guidelines

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

16

issued by the authorities from time to time, and any suggestion / purported allegation by the Applicant is denied in its entirety.

16.4 Therefore, the Applicant's allegation of requisite number of trees not being planted is completely false and without any merit, and the OA ought to be dismissed on this ground alone.

17. **Respondent has allegedly provided an open space of only 4 meters on the land and accordingly it is allegedly impossible to accommodate any trees:**

17.1 The Applicant has alleged that the Respondent No. 6 has allegedly provided an open space of only 4 meters on the land and accordingly it is allegedly impossible to accommodate any trees in such a small open space and it is allegedly impossible for the sunlight to reach the trees *(see allegations at para 3.3(C) and 3.3(D)/Page 27 of the OA)*.

17.2 This allegation of the Applicant is incorrect. The Respondent No. 6 has provided adequate open space on all sides of the buildings constructed / to be constructed on the land, in compliance with applicable provisions of the DCPR 2034. In the areas near the north, south and east of podium of residential building (which area is non-habitable), the open space area provided by the Respondent No.6 is 4 meters, which is more than the 1.5 meter open space requirement as per the applicable provisions of the DCPR 2034. Further on the ground level, Respondent No.6 has provided open space in accordance with the applicable provisions of DCPR 2034.

17.3 There is adequate sunlight reaching the trees and any allegation to the contrary is completely denied. This Respondent reiterates that it has till date planted over 500 trees in the layout of the project.

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY ★ GOVT. OF INDIA

18. **Respondent has allegedly violated condition of not providing adequate distance between the building for allowing movement of fresh air and passage of natural light, air and ventilation:**

18.1 The Applicant has alleged that Respondent No.6 has allegedly violated condition of the 2017 EC and 2020 EC of not providing adequate distance between the building for allowing movement of fresh air and passage of natural light, air and ventilation. *(see allegations at para 2.17(A)/Page 14, para 2.17(B)/Page 14 and para 3.4/Page 28 of the OA)*

18.2 Respondent No. 6 has provided adequate distance between the building / open space on all sides of the buildings constructed / to be constructed on the land, in compliance with applicable provisions of the DCPR 2034 and the approvals sanctioned from time to time. The Respondent No. 6 craves leave to refer to and rely upon the documents in support thereof as and when produced.

19. **No relaxation on open spaces and plantation of trees can allegedly be sanctioned by the Municipal Commissioner:**

19.1 The Applicant has made a bald and baseless allegation that Municipal Commissioner ought not to have accorded relaxations in respect of the open space to be provided by Respondent No.6 and the trees to be planted by Respondent no.6. *(see allegation at Para 3.5/Page 33 of the OA)*.

19.2 The Applicant has not brought on record any evidence in support of this allegation. So far as the residential building and public parking lot building on Plot 1 is concerned, there is no open space deficiency and thus there is no condonation at all. As stated hereinabove, Respondent No.6 has provided adequate open space of 20 meters on the side and rear and 12 meters in the front of its residential building (on Plot 1),

SUJANE CARDOZ
ADVOCATE & NOTARY
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
GOVT. OF INDIA

18

therefore no relaxation is obtained from the Municipal Commissioner in respect of the same.

19.3 So far as the residential building on Plot 2 is concerned, the open space provided by Respondent No.6 on the northern and southern side is lesser by only 3 meters and 2.9 meters respectively and so far as the commercial building on Plot 2 is concerned, the open space provided by Respondent No.6 on the southern and western side is lesser by only 2.9 meters and 1.5 meters respectively. This open space deficiency has been duly condoned and approved by the Municipal Commissioner in exercise of his powers under DCPR 2034. The Municipal Commissioner is empowered under the provisions of DCR 1991 and DCPR 2034, to relax the dimensions prescribed under the Regulations on the terms and for the reasons mentioned therein including where there is any demonstrable hardship. The definition of "demonstrable hardship" in DCPR 2034 is inclusive and admits of many factors because of which development of a plot would be affected. The Municipal Commissioner has exercised his powers in a correct and adequate manner in accordance with Regulation 6(b) of DCPR 2034 and applicable law.

19.4 The Applicant has made a bald and baseless allegation that Municipal Commissioner has accorded relaxations in respect of the trees required to be planted by Respondent No.6 in respect of its residential building. The Applicant has not brought on record any evidence in support of this allegation. As stated hereinabove, Respondent No. 6 has till date planted more than 500 trees, which is substantially more than the requirement stipulated in the Environmental Clearance dated 26th May 2023. therefore no relaxation has been obtained from the Municipal Commissioner in respect of the same.

19.5 Without prejudice to what is stated hereinabove, it is respectfully submitted that in the event the Applicant is aggrieved by the actions of

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA ★ MUMBAI MAHARASHTRA REG. NO. 16383 EXPIRE ON 27th JAN 2030

the Municipal Commissioner, MCGM, concerning/ relating to the implementation of the provisions of the Development Control Regulations, 1991 and/ or the Development Control & Promotion Regulations, 2034, the same falls within the exclusive domain of the jurisdictional planning authority, and this Hon'ble Tribunal would not have the jurisdiction to entertain the same. It is further respectfully submitted that whether the Municipal Commissioner of MCGM has correctly exercised his powers under DCPR 2034 which is delegated legislation under Maharashtra Regional and Town Planning Act, 1966 ("**MRTP Act, 1966**") is a question that can only be gone into by the Constitutional Courts and this Hon'ble Tribunal does not have jurisdiction in respect of such a question or allegation.

20. **Respondent No.6 has allegedly concretised the entire layout:**

20.1 The Applicant has alleged that Respondent No.6 has concretised the entire layout of the land (see allegation at para 3.6/page 35 of the OA). The Applicant has also incorrectly placed reliance on the guidelines issued by the Central Pollution Control Board and the various orders passed by the National Green Tribunal, Principal Bench annexed to the captioned OA.

20.2 Without prejudice to the fact that Respondent No.6 is not in contravention of the conditions of the 2023 EC with respect to the 'Green Belt' guidelines issued by the Central Pollution Control Board, as relied upon by the Applicant in respect of excavation of the soil before plantation is effected, it is submitted that the same are merely suggestive in nature and not mandatory as suggested by the Applicant.

20.3 It is respectfully submitted that each of the orders of Hon'ble National Green Tribunal referred to in the captioned OA, are in relation to keeping the soil exposed upto 1 meter from the outer edge of the ultimate trunk diameter acquired after the full biological growth of the

SHANE CARDOZ
ADVOCATE
MUMBAI
MAHARASHTRA
REG NO. 16238
EXPIRE ON
JAN 2030
GOVT. OF INDIA

20

tree, and the same are passed in the specific facts and circumstances of each case and cannot be applied to the present case. The orders are not '*judgements in rem*' but are in fact '*judgements in personam*'.

21. **Respondent No.6 has allegedly opted for 'non-sustainable development':**

21.1 The Applicant has alleged that the Respondent No. 6 has allegedly opted for *'Non-Sustainable Development: Full Concrete and No Soil'*. This is completely false and incorrect. It is unclear on what basis the Applicant has alleged this. It is submitted that the Respondent No. 6 has undertaken the development as per the sanctions and permission accorded from time to time and the additionally the documents furnished by the Respondent No. 6 make it crystal clear that this is a made up, cryptic and a bogus allegation of the Applicant. This Respondent craves leave to refer to relevant additional documents/information in this regard, as and when necessary.

21.2 It is settled law that this Hon'ble Tribunal does not have jurisdiction to adjudicate upon the vires of any statutory provisions or of any subordinate legislation and I crave leave to refer to and rely upon the authorities in this regard. It is equally settled that the DCR/DCPR are framed by the State in exercise of its powers under Section 22(m) MRTP Act 1966 and form part of the 'Development Plan' and hence are not amenable to judicial review. The issues emanating from regulations of DCPR/DCR and their implementation, ought not be considered or adjudicated by this Hon'ble Tribunal. It is respectfully submitted that this Hon'ble Tribunal lacks subject-matter jurisdiction to adjudicate upon the present dispute for the reasons as detailed in paragraphs 5 and 6 of the Preliminary Limited Reply, and on this ground alone the OA ought to be dismissed. I crave leave to refer to the relevant paragraphs of the Preliminary Limited Reply, as and when necessary.

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY ★ GOVT. OF INDIA

22. It is respectfully submitted that the OA is barred by limitation and suffers from delay and laches and ought not to be entertained by this Hon'ble Tribunal for the reasons as detailed in the Preliminary Limited Reply and herein.

22.1 The OA is barred by limitation and ought not to be entertained by this Hon'ble Tribunal.

22.2 A perusal of the allegations reflect that the Applicant is aggrieved by approvals sanctioned in 2015 i.e. 2015 Permission. Without prejudice, admittedly, the cause of action, if any, entitling the Applicant to seek such reliefs accrued to the Applicant on the date of the issuance of the 2015 Permission i.e. 18th June 2015 and the so-called alleged violation of the same.

22.3 Under Section 14(3) of the NGT Act, the limitation period for filing the present Application is a period of 6 (six) months from the date on which the cause of action first arose. The said period of 6 (six) months commenced on 18th June 2015 and expired in or around 18th December 2015. Admittedly, the Applicant, without any justification and after an inordinate and unexplained delay, has filed the OA only in or around 29th July 2024, i.e., beyond the applicable limitation period prescribed in Section 14(3) of the NGT Act. On this ground alone, the OA is barred by limitation and ought not to be entertained by this Hon'ble Tribunal.

22.4 Even otherwise, the OA suffers from gross delay and laches for the reasons more particularly set out hereinbelow and ought to be dismissed. The Respondent No. 6 has received occupation cum building completion certificate from the MCGM with respect to its residential building (on Plot 1). The Respondent No. 6 has sold all 133 units in the residential wing and pursuant to the sale has handed over

22

possession of all 133 apartments / units in the said residential building to the allottees / purchasers. Pertinently, the said property also comprises of a public parking lot which has been constructed by the Respondent No. 6 and handed over to M.C.G.M in the year 2017 and development of the balance portion of the property which comprises of a commercial development, has been substantially completed and is at a very advanced stage. The Respondent No. 6 has incurred costs over Rs. 3500 Crore in respect of the project till date. There is gross delay and latches on part of the Applicant and that the same disentitles the Applicant to any reliefs whatsoever.

23. Without prejudice to the contentions and ground raised hereinabove for dismissal of the present Application, in any event, it is pertinent to note that the issues raised in the captioned Application are already sub-judice before this Hon'ble Tribunal in Original Application No. 28 of 2023 filed by one Mr. Santosh Daundkar and also before the Hon'ble Supreme Court of India as detailed in the Preliminary Limited Reply. It is respectfully submitted that since the issues in the OA are also directly, substantially and materially under consideration by the Hon'ble Supreme Court of India in ***Sagar Devre & Anr. v. NAREDCO West Foundation & Ors.*** **[SLP (Civil) Diary No.11843 of 2023]** and ***CREDAI-MCHI v. State of Maharashtra & Ors.*** **[Civil Appeal Diary No.19266 of 2024]**, and also by this Hon'ble Tribunal in OA No.28 of 2023, the adjudication of the OA cannot proceed and is required to be kept in abeyance pending the decision of the Hon'ble Supreme Court in the case of ***Sagar Devre*** supra and ***CREDAI-MCHI*** supra.

24. It is respectfully submitted that it is settled law that subordinate courts ought not to continue with proceedings before it when the higher court/ authority is seized of the matter. It is submitted that in the event the captioned OA is not kept in abeyance, there is every likelihood of there being diverging and conflicting views on the said issue and the same will result in grave prejudice to Respondent No.6.

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA ★ MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

23

25. **Applicant is guilty of suppressing facts:**

From a bare perusal of the OA, it is unequivocally clear that the Applicant is guilty of *suppressio veri* and *suggestio falsi*. The Applicant has deliberately and mischievously raised issues which are totally false and untenable, has twisted true and correct facts and suppressed relevant and vital information/documents from this Hon'ble Tribunal, merely to canvass a purported picture before this Hon'ble Tribunal that all is not hunky dory with respect to the subject property.

26. Further the OA, appears to be nothing but a fallacious attempt to create a fresh cause of action, which in the present case, does not exists at all.

27. The OA invites this Hon'ble Tribunal to transgress its jurisdiction and to cross all established norms of judicial propriety. It is respectfully submitted that this should not be countenanced.

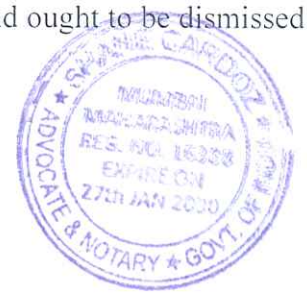
28. The OA is a roving and fishing expedition that should not be permitted or countenanced. The Applicant has made false allegations against Respondent No.6 that are completely contrary to the factual status.

29. Respondent No. 6 is undertaking construction and development on its land in full compliance of all applicable laws and the approvals and sanctions accorded to it till date and the allegations by the Applicant qua this Respondent of non-compliance are denied in its entirety. Respondent No.6 has invested enormous monies into the acquisition and development of the project and has created numerous third-party rights, including unit/flat purchasers, banks/financial institution/lenders, etc. all of whom would be vitally and drastically affected in case any reliefs are granted to the Applicant.

24

30. It is respectfully submitted that Respondent No.6 is part of the K Raheja Corp group, one of India's leading real estate development and retail business groups with experience over 4 decades across residential, office, commercial, hospitality, retail, malls and power segments. K Raheja Corp group has established construction standards that comply with sustainability requirements. It is also amongst the first real estate developers in India to embrace the Green Building concept and one of the leaders in green building certifications in the Indian real estate market. It has been recognized for its commitment to sustainable development and from 2008 has achieved more than 50 certificates/awards/accolades in the field of green status for its projects across all businesses. Respondent No. 6 craves leave to refer to the several certifications/accolades/awards received by various businesses under the K Raheja Corp group in respect of green building and sustainable development. Pertinently, in respect of the project in question, Respondent No. 6 has received a GOLD Certificate from Indian Green Building Council ("**IGBC**") in May 2023 certifying that the project has successfully achieved the Green Building Standards required for following level of certification under the IGBC Green Homes Rating System. Further, it is further respectfully submitted and pertinent to note that Respondent No.6 has undertaken plantation of 2200 native species' trees in public gardens (dense urban forest at Goll Garden - Santacruz West) as a part of its corporate social responsibility initiatives. Respondent No.6 is a law abiding company and has in all its projects ensured that there is plantation of trees as per applicable law and would not in manner violate the applicable environmental laws in relation to its projects.

31. For the above reasons, it is reiterated that the captioned OA is not maintainable and ought not to be entertained by this Hon'ble Tribunal and ought to be dismissed with exemplary costs.



25

Solemnly affirmed at Mumbai)
on this 1st day of March)
- 1 MAR 2025

Before Me

For **Wadia Ghandy & Co.**

Partner
Advocates for Respondent No.6

BEFORE ME
SHANE CARDOZ
Advocate & Notary (Govt. of India)
Reg. No 16388 B Com, LL B
G3, Clifford House, Kadeshwari Mandir Road
Next to Ganesh Mandir Chowk, Bandra (W),
Mumbai - 400 050. Mob. 98205 1702
MAH / 3457 / 2002

SHANE CARDOZ ★ ADVOCATE & NOTARY ★ GOVT. OF INDIA
MUMBAI
MAHARASHTRA
REGN. NO 16388

Notary Register Serial No.	1166/25
Date:	- 1 MAR 2025

ORIGINAL SEEN & VERIFIED

AADHR	PAN	ELECTION ID	DRVG. LICENSE	PASSPORT	POA	RESOLUTION

① 3325 4956 8355
② Resolution dt 11/11/2024

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

EXHIBIT 'A' 841

26

MB/(

MUNICIPAL CORPORATION OF GREATER MUMBAI
No.CHE/302/G/DPC of 30/5/2005

Office of the
Chief Engineer
(Development Plan)
4th Floor Annex. Bldg.,
Municipal Head Office,
Mahapalika Marg, Fort,
Mumbai 400 001.

To,
Shri, Jitendra Pallan
Architect,
Construction House 'A'
24th Road,
Khar (W),
Mumbai – 400 052.

Sub:-. Change of user from General Industrial Zone (I-2) to residential (R-1) in property bearing C.S. No. 2/1629 of Lower Parel Division, plot No. 249 & 249-A of Worli Estate Scheme No.52. at Worli.

Ref: Your Letter dated 2/04/2005

Sir,

With reference to above, I have by direction to inform you that your request to allow user of Residential zone on plot bearing C.S. NO. 2/1629 of Lower Parel Division in G/South Ward situated in General Industrial Zone (I-2) has been considered under the provision of Regulation No.56 (3) (c) of Development Control Regulations 1991 for Greater Mumbai, subject to the compliance of following terms & conditions :

1. That the Architect/Owner will obtain 'NOC' from the Addl. Collector & C.A under the U.L. (C & R) Act, 1976 and conditions imposed therein shall be complied with.
2. That the Owner/developer will provide 15% Recreational Open Space as per the D.C. Regulation No.23.
3. That the required zonal setback/ segregating distances from the plot boundaries as per provision under D.C.Regulation No.29 (5) (Table 10-C) shall be complied with .
4. That the Residential development of the land shall be carried out strictly as per the provisions of sanctioned D.C. Regulations, 1991.
5. That the structures existing on the plot, shall be demolished as proposed before requesting for C.C. of the buildings in the layout.

SHAMS CAREEM ADVOCATE BAR COUNCIL OF INDIA MUMBAI MAHARASHTRA REG. NO. 16338 EXPIRE ON 27th JAN 2030

27

6. That the necessary N.O.C. from Director of Industries/ Labour Commissioner for closure /shifting of the industry, if applicable, shall be obtained and submitted to E.E. (B.P.) City;
7. That the certificate from Assistant Commissioner G/S Ward regarding surrendering the factory permit/ license & the certificate from BEST for disconnection of power shall be obtained and submitted before C.C;
8. That this permission shall not be used as an instrument to evict occupants/ tenants;
9. That the plans for the proposed building shall be got approved from E.E.(B.P.) City in accordance with the D.C.Reg. 1991, for the proposed Residential user,
10. The E.E. BP. (City) will verify the ownership documents and insist lessor's N.O.C if felt necessary after verification.
11. That the area of the land under 5% amenity open space be kept unbuilt upon and shall be handed over to MCGM whenever required. The owner will enter into an agreement proposed by the Law Officer regarding handing over of the 5% amenity open spaces to MCGM and the cost of the agreement will be borne by the owner;
12. That the NOC from the A.C (Estates) shall be obtained;
13. That the open spaces within the segregating distance shall be planted with trees at the rate of 5 trees per 100 sq.mt. as per D.C.Regulations 1991.
14. Adequate open spaces within the holding will be provided for easy maneoring of the vehicles.
15. That the registered undertaking from the developer to the effect that the adequate parking spaces as per DCR 1991 will be provided shall be submitted.
16. That the approval for the revised layout for allowing residential users shall be obtained from Dy.Chief Engineer (Bldg. Proposal) City by surrendering the earlier layout cum subdivision proposal .

SHANE CARDOZ * ADVOCATE & NOTARY * GOVT. OF INDIA * MUMBAI MAHARASHTRA REG. NO. 16308 EXPIRE ON 27th JAN 2030

28

17. That MCGM reserves the right to include / alter any condition found necessary subsequently..

18. That the owners/ developer shall submit Regd., undertaking stating that the conditions laid down herewith are agreeable to them and the same shall be complied with;

19. The earlier development permission issued under No. CHE/2109/DPC/G dtd. 30/5/2000 stands cancelled. A registered undertaking will be insisted declaring that no third party rights/ interest has been created pursuant to earlier development permission dtd. 30/5/2000 and also an indemnity bond indemnifying MCGM & its officers from any claim if any arising at later date in this respect will be submitted.

K Raheja Corp.

Yours faithfully,

30/5/2005

Executive Engineer
(Development Plan) City

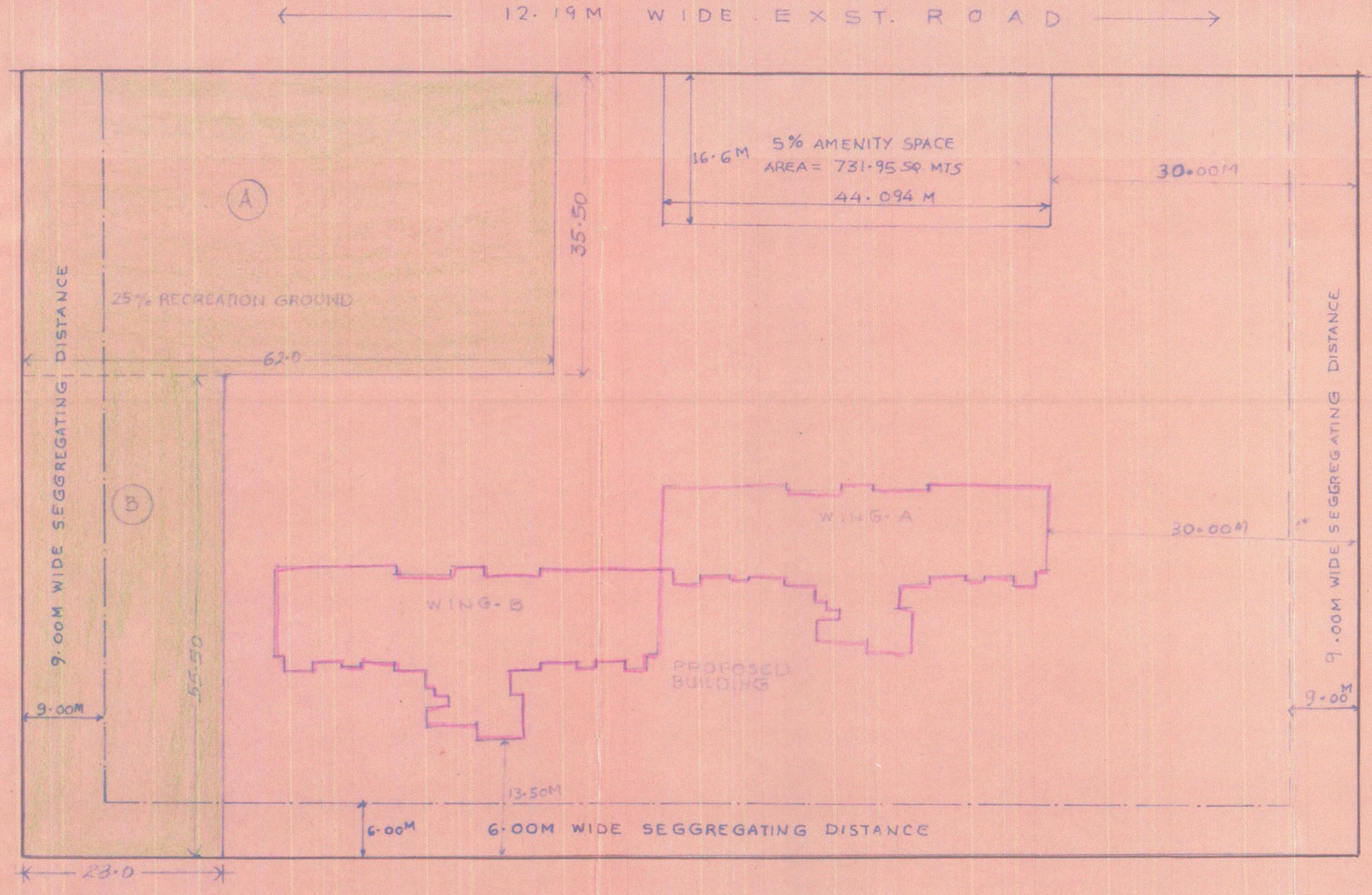
FRANK CARDOZ
ADVOCATE & NOTARY
MUMBAI.
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2020
GOVT. OF INDIA

29

2A - (1)

This Plan is to be read with letter under No Ch E/302/DPC/ dtd 30/5/2005

E. E. D. P. (City) 30/5/2005



LAY-OUT PLAN
SCALE 1:500

STATEMENT OF AREA

1)	AREA OF THE PLOT		14638.91 SQ.MTS
3)	DEDUCTION FOR		
	a) ROAD SET-BACK AREA — NIL		
	b) PROPOSED D.P. ROAD AREA — NIL		
	c) ANY RESERVATIONS, 5% OF PLOT AREA DUE TO ZONE CONVERSION I2 TO "R" — 731.95	—	731.95 "
3)	BALANCE AREA OF THE PLOT		13906.96 "
4)	LESS 15% R.G. AREA		2086.92 "
5	NET AREA OF THE PLOT		11820.04 "

AREA CALCULATION OF R.G. (25% PHYSICAL PROVISION)

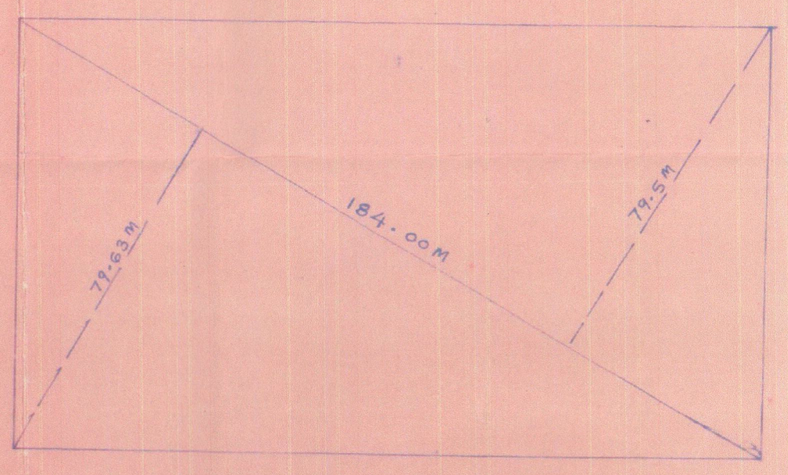
AREA OF R.G. REQD. = 13906.96 x 0.25 = 3476.74 SQ.MTS.

R.G. PROVIDED

A) 62.0M x 35.50 = 2201.00 SQ.MTS

B) 23.0 M x 55.50 = 1,276.50 SQ.MTS.

TOTAL = 3,477.50 SQ.MTS.



PLOT AREA DIAGRAM
SCALE 1:1000

CALCULATION OF PLOT AREA

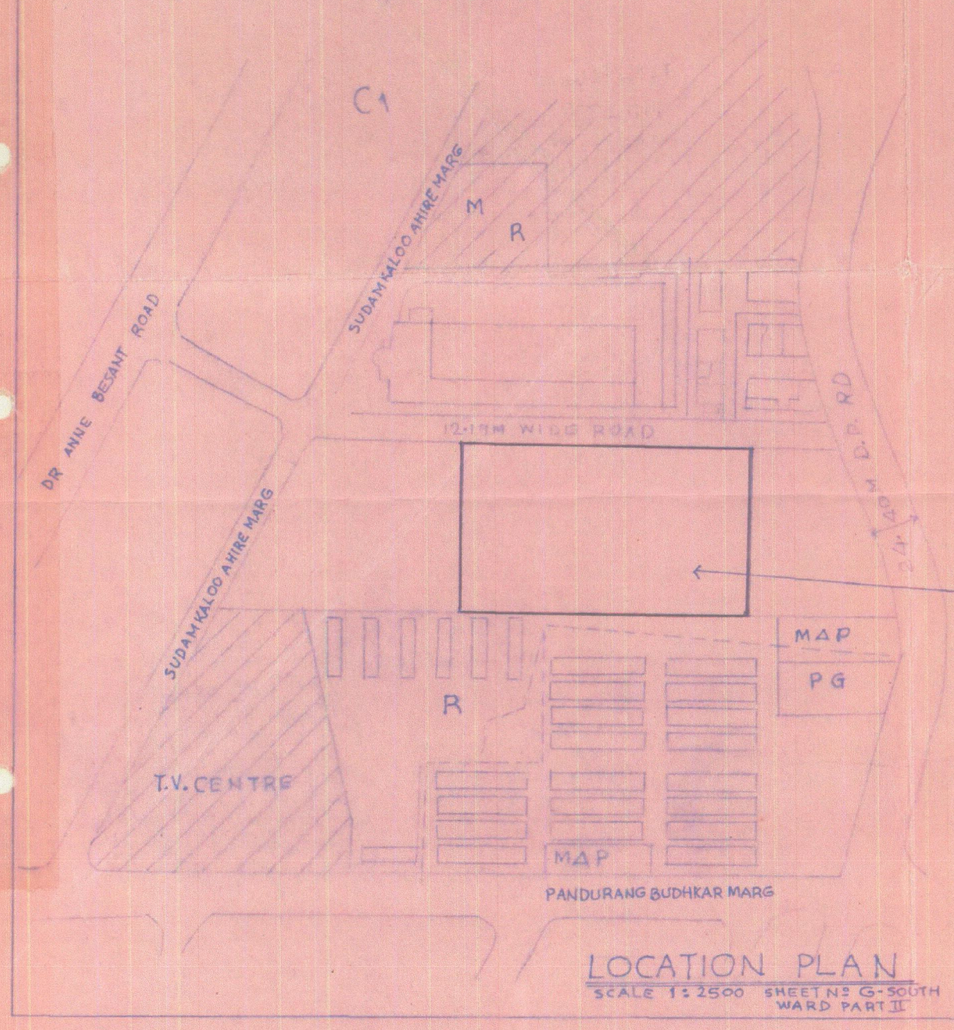
$184.00M \times \frac{79.63M + 79.5M}{2} = 14639.96$ S.MTS

SAY 14638.91 S.MTS

STATEMENT OF 5% AMENITY SPACE

REQUIRED 5% OF 14638.91 SQ.MTS PLOT AREA — 731.95 SQ.MTS

PROVIDED — 44.094 x 16.60 — 731.95 SQ.MTS



LOCATION PLAN
SCALE 1:2500 SHEET No G-SOUTH WARD PART II

PROFORMA - B

STAMP OF APPROVAL OF PLANS

STAMP OF DATE OF RECEIPT OF PLANS

CONTENTS OF SHEETS

LAY-OUT PLAN, LOCATION PLAN, PLOT AREA DIAGRAM

REV.	DESCRIPTION	DATE	SIGN.

DESCRIPTION OF PROPOSAL & PROPERTY

PROPOSED CHANGE OF USER OF LAND FROM I2 TO "R" ZONE OF PROPERTY BEARING PLOT No 249 & 249A OF SCHEME No 52 FOR C.S. No 2/1629 OF LOWER PAREL DIVISION AT WORLI, G/S WARD.

NAME OF OWNER

THE METAL BOX COMPANY OF INDIA LTD.

SIGNATURE, NAME & ADDRESS OF ARCHITECT

JITENDRA M. PALLAN ARCHITECT
CONSTRUCTION HOUSE-A, 5TH FLOOR,
KHAR, 24TH ROAD.
MUMBAI-400 052

SCALE	DRN BY	CKD. BY	DRWG NO.
AS SHOWN	N.G. JOSHI		

NORTH LINE: N

REMARKS

CERTIFICATE FOR AREA

CERTIFIED THAT I HAVE SURVEYED THE PLOT UNDER REFERENCE ON 7/01/04 AND THE DIMENSION OF SIDES ETC. OF THE PLOT STATED ON THE PLAN ARE AS MEASURED ON SITE AND THE AREA SO WORKED OUT IS FOURTEEN THOUSAND SIXHUNDRED THIRTY EIGHT AND POINT NINETY ONE SQ.MTS (14638.91 SQ.MTS) AND TALLIES WITH THE AREA STATED IN THE DOCUMENT OF OWNER SHIP / TOWN PLANNING RECORDS

SIGNATURE OF LICENSED ARCHITECT.

ADVOCATE & NOTARY * GOVT. OF INDIA * MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

TRUE COPY
Bhatnwedi
For Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai 400 023.

EXHIBIT 845 'B'

HSBC/wallile

30

MUNICIPAL CORPORATION OF GREATER MUMBAI

No: CHE/035804/DPC/GS of 18 NOV 2015

OFFICE OF THE:
Chief Engineer (Development Plan)
Brihanmumbai Mahanagarpalika,
Municipal Head Office,
5th Floor, Annex Building,
Mahapalika Marg,
Fort, Mumbai-400 001.

To,
Smt. Kasturi Pewekar,
Plot No.C-30,Block'G',
Opp. SIDBI, Bandra-Kurla Complex,
Bandra(East), mumbai-400 051.

Sub: Request for permission to allow 'Residential user' on land bearing C.S.No. 1A/1629 of Lower Parel division (plot no. 248B of Worli estate scheme no. 52) situated at Sudam kalu ahire Marg, Worli in G/south Ward.

Ref: - Your letter u/no. NIL dtd. 05/08/2015 and further submission vide letter 22/09/2015..

Sir,

With reference to your above referred representation dtd. 05/08/2015 and further submission vide letter 22/09/2015, I have, by directions, to inform you that, your request to allow 'Residential user' on land bearing C.S. No. 1A/1629 of Lower Parel division (plot no. 248B of Worli Estate Scheme no. 52) situated at Sudam Kalu Ahire Marg, Worli in G/south Ward, as shown bounded black on the accompanying plan, is considered under reg. no. 56(3) of D.C. Regulations for Greater Mumbai, 1991, subject to the following terms & conditions:-

SHANE CARDOZ ★★ MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27TH JAN 2030 GOVT. OF INDIA

1) The Architect shall obtain the NOC from the Office of the Asst. Com. (Estates) before submitting the development proposal to the B.P.(City) Dept.

2) That the development and user on the land shall be carried out strictly as per the sanctioned D.C. Regulations for Greater Mumbai, 1991 amended upto date.

3) That the required segregation/set-back distance from the plot boundaries shall be maintained as per the D.C.R.No. 29(5), Table 10(c) and shall be planted with trees at the rate of 5 trees per 100 Sq. Mt.

4) That remarks/NOC from Supdt. of Gardens regarding the existing trees shall be submitted to E.E.B.P.(City-I) before approval of plans.

5) Ownership and area details shall be verified by B.P.(City) before approval of plans for the development.

6) That the required obligatory recreational open spaces shall be maintained as per D.C.R.

7) That the permission is granted on the basis of documents submitted by you and the same shall stand revoked if they are found to be false/fake/fraudulent.

8) That out of the total floor area proposed to be utilized for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq.mt.

9) That the necessary stamp duty shall be paid on the power of attorneys/ development agreement etc. before approval of bldg. Plans.

31

10) That the permission shall not be used an instrument to evict existing occupant/tenants, if any, on the land under reference.

11) That the Amenity open space adm. 93.65 Sq. Mt. shall be kept open & free of encumbrances. The same shall be handed over to M.C.G.M. free of cost of TDR/FSI as per policy. The separate PR card in the name of the MCGM for the said amenity shall be submitted.

12) That the Amenity Open Space adm. 93.65 Sq. Mts. is worked out as per policy circulated u/no. CHE/1727/DPES of 16/05/2015 and shall be got confirmed after JM from CSLR of the setback area.(As shown on accompanying plan).

13) That the land affected by the set back/Sanction R.L. shall be handed over to M.C.G.M. as per policy.

14) That M.C.G.M. will be entitled to handover the amenity space to any organization/agency as per the terms & conditions as may be decided by the M.C.G.M. for any public purposes.

15) That the NOC from the Asst. Assessor & Collector G/South Ward shall be submitted stating clearly that no dues in respect of above land are pending.

16) That the amenity open space shall be got demarcated from M.C.G.M. and S.L.R. for verification of property boundary, area etc. and separate P.R. card in the name of the M.C.G.M. shall be submitted to MCGM.

17) Since, the plot under reference is situated in the Worli Estate Scheme No. 52 and M.C.G.M. is Lessor of the plot, specific N.O.C. of the Office of the Asst. Comm.(Estate) shall be obtained separately before submitting the plans to EE(B.P.)City.

18) That change of user from 'General Industrial Zone' (I-2) to 'Residential' User shall be applicable to the entire land holding & layout shall be approved for the entire holding & not in part.

19) That the clause shall be added in the agreement of prospective buyer in the proposed residential bldg. on the plot under reference regarding amenity space adm. 93.65 Sq. Mts. to be handed over to MCGM which will be used by MCGM as per their requirement & sample copy shall be submitted to EEBP(City) Office.

GRACIE CARDOZ ... ADVOCATE & NOTARY ... MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030 ... GOVT. OF INDIA

20) The owner will enter into the agreement prepared by the Law officer regarding handing over of the amenity space to MCGM and the cost of the agreement will be borne by the owner.

21) That the permission is valid for the period of two years from the date of issue of the permission hence development on the land shall be completed within stipulated period. However, Ch. Eng.(D.P.) may, for valid reasons, extend the time period from time to time.

22) The MCGM reserves the right to include any additional condition found necessary subsequently.

23) That the owner shall submit an under taking agreeing to all the conditions of this permission granted.

24) That the owner shall indemnify/undertake that, the Corporation and MCGM staff against any loss, damages, claims, litigation or suit arising out of grant of release letter.

25) That M.C.G.M. will be at liberty to impose any additional condition to Architect/applicant which shall also be binding on the owners.

32

If your client is agreeable to above conditions, you may approach the office of the Ex.Eng.(B.P.)City, Office of the Dy.Ch.Eng.(B.P.)City, New Municipal Building, Bhagwan Walmiki Chowk, Vidyalankar Marg, Opp. Hanuman Mandir, Antop Hill, Wadala (East), Mumbai-400 037, alongwith this letter & accompanying plan, who is being informed separately by this office.

Yours faithfully,

Executive Engineer,
(Development Plan)City

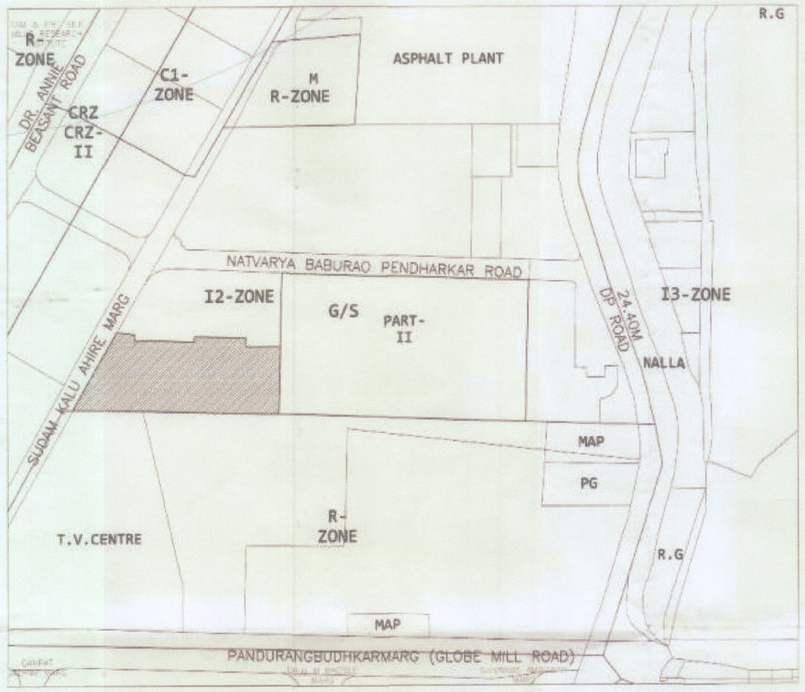
Acc: Plan as above.

18.11.2013

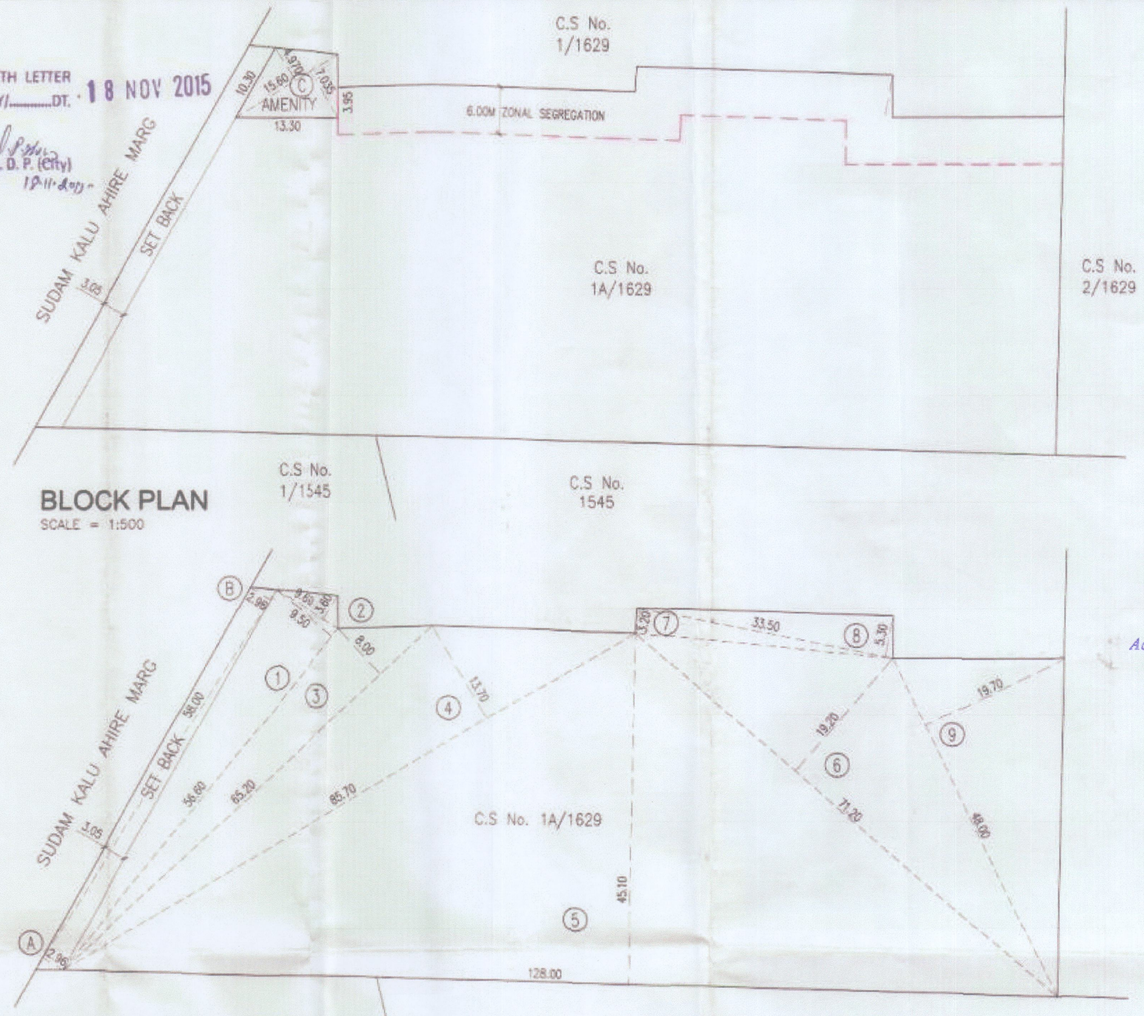
SHANE CARDOZ ★ ADVOCATE ★ NOTARY ★ GOVT. OF INDIA
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27TH JAN 2030

THIS PLAN IS TO BE READ WITH LETTER
UNDER No. CHE/35804/DP/CITY/.....DT. 18 NOV 2015

Ex. Eng. D. P. (City)



LOCATION PLAN
SCALE = 1:2500



BLOCK PLAN
SCALE = 1:500

PLOT AREA DIAGRAM
SCALE = 1:500

PLOT AREA CALCULATION			
S.No.	SIZE		AREA
①	1/2 x 56.60 x 9.50		268.85 sq.mts.
②	1/2 x 9.60 x 3.60		17.28 "
③	1/2 x 65.20 x 8.00		260.80 "
④	1/2 x 85.70 x 13.70		587.05 "
⑤	1/2 x128.00 x 45.10		2,886.40 "
⑥	1/2 x 71.20 x 19.20		683.52 "
⑦	1/2 x 33.50 x 3.20		53.60 "
⑧	1/2 x 33.50 x 5.30		88.78 "
⑨	1/2 x 48.00 x 19.20		460.80 "
TOTAL			5,307.80
PLOT AREA		Say =	5,306.65 sq.mts.

SET BACK AREA CALCULATION		
S.No.	SIZE	AREA
Ⓐ	1/2 x 58.00 x 2.96	85.84 sq.mts.
Ⓑ	1/2 x 58.00 x 2.96	85.84 "
	TOTAL	171.68
SET BACK AREA (ROAD)	=	171.68 sq.mts.

AMENITY AREA CALCULATION		
S.No.	SIZE	AREA
Ⓒ	1/2 x 15.60 x 4.970	38.77 sq.mts.
	1/2 x 15.60 x 7.035	54.88 "
	TOTAL	93.65
AMENITY AREA	=	93.65 sq.mts.

PLOT STATEMENT		
PLOT AREA AS PER P.R CARD	=	5,478.33 sq.mts.
SET BACK AREA (ROAD)	=	171.68 sq.mts.
BALANCE PLOT AREA (5,478.33 – 171.68)	=	5,306.65 sq.mts.
AMENITY AREA (5% OF 5,306.65)	=	265.33 sq.mts.
SET BACK AREA (ROAD)	=	171.68 sq.mts.
AMENITY AREA PROVIDED (265.33 – 171.68)	=	93.65 sq.mts.

PROJECT

PROPERTY BEARING C.S. No(s) 1A/1629 OF WORLI SCHEME No. 52, LOWER PAREL DIVISION, G/S WARD, MUMBAI.

NAME, ADDRESS & SIGNATURE OF ARCHITECT

KASTURI K PEWEKAR
(CA/97/20974) ARCHITECT
PLOT No. C-30, BLOCK- G, Opp. SIDBI, BANDRA KURLA COMPLEX, BANDRA (E), MUMBAI - 400 051. TEL No:- 26564000

NORTH	SCALE	DATE
	1:500/2500	
	DRAWN BY	CHECKED BY

SHANE CARDOZ
ADVOCATE & NOTARY * GOVT.
MUMBAI MAHARASHTRA
REG. NO - 16388
EXPIRE ON 27th JAN 2030

TRUE COPY
For Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

EXHIBIT '849C' 34

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.: CHE/1727/DPES of 16/05/2015

Sub:- Policy guidelines for adjustment of D.P. road against Amenity Space in I to R and I to C conversion cases seeking Opinion of Advocate General in certain specific situations.

Ref:-
1) ChE/9093/DPES of 01/11/2014
2) MCP/418 Dtd. 24/11/2014
3) ChE/23359/DPES Dtd. 25/03/2015
4) MCP/3317 Dtd. 06/04/2015

Reference is requested to this office note vide no. ChE/23359/DPES Dtd. 25/03/2015 in subject matter & Hon. M.C.'s remarks thereon as "pl. discuss typology of various cases to evolve a policy".(n-35).
The remarks are submitted as under,

The residential/ commercial user on lands situated in General & special Industrial Zone(I2 & I3) are granted as per provision 56-3-C & 57-4-C of DCR 1991. The provision of amenity in such I to R/C proposals were governed by policy circulars issued from time to time. The extract of the main circular issued in the past **u/No. CHE/2847/DPC, dtd.04.12.1996** in respect of allowing non-industrial user in Industrial Zoned Lands by way of interpretation of 56(3)(C) and 57(4)(C) of DCR 1991 is reproduced below:

Sr. No.	Area of plot under conversion	%age of the land to be set aside
1	For plots upto 5000 Sq.mts.	NIL
2	For plots having area between 5000 Sq.Mts. to 20000 Sq.Mts.	5%
3	For plots having area 20000 Sq.Mts. and above.	2.5% + 5% for amenity utilizes under D.C. Reg.27 + 10% of additional recreational space.

The provisions u/s 56 & 57 are amended by vide government notification under no, **TPB-4304/2770/CR-312/04/UD-11 dtd 14/5/2007.** Accordingly 5% Amenity Space is insisted for the net plot area up to 2 Hector, 20% Amenity Space for net plot area between 2 hector to 5 Hector & 25 % Amenity Space for net plot area above 5 Hector.

The net plot area in such cases are computed after deduction of D.P. Road & existing Road. & adjusting the area under D.P. reservation if any affecting the said plot against the required amenity space.

The Hon. High Court in W.P. 651 of 2014 has directed to adjust the area of D.P. road against such amenity space considering same at par the D.P. reservations. On basis of decision in above said writ petition and after considering legal opinions obtained from Sr. Counsels, concurring with the said

SHANE CARDOZ ADVOCATE & NOTARY GOVT. OF INDIA MUMBAI MAHARASHTRA REG. NO. 16328 EXPIRE ON 27th JAN 2020

35

court order to adjust the area of D.P. Road/ existing road. Six numbers of such proposals are considered by adjusting D.P. Road/ existing road against required amenity space with concurrence of legal department.

The subject matter was discussed with the then Hon. M.C., when Hon. M.C. directed to put up the proposal for policy circular in this respect.

The typology of various cases likely to arise with brief remarks are tabulated as under:-

Sr. No.	Case of I to R/C likely to be arise.	Remarks in respect of action proposed
A	**Proposals to be dealt at MCGM Level.**	
1	New proposals of I to R submitted by considering adjustment of D.P. Road/ Setback where ownership of D.P. Road/ setback still vest with Owner/ Developer.	• As per the order of Hon. High Court, Mumbai in W.P. 651 of 2014, the D.P. Road is to be considered at par with D.P. reservation. • The reservation area can be adjusted against amenity space to be handed over to MCGM as per amended provision vide no.TPB-4304/2770/CR-312/04/UD-11 dtd 14/5/2007 in 56(3)(C) & 57(4)(C). • The Amenity space in such case are not handed over to MCGM as such the adjustment of D.P. road/ Setback area may be considered treating the proposed road as an amenity as per the decision in W.P. 651 of 2014.
2	Revised proposal of I to R submitted by considering for adjustment of road area affected by D.P. Road/ Setback where ownership of land vests with Developer/ owner and where layout is approved & Building plans are not approved and/or bldg.. plan are approved but C.C. not Granted.	
B	**Cases to be referred to Attorney General, GOM for opinion.**	
1	In cases where layout is approved and building plans are also approved and C.C. to one or more buildings have been granted then such cases would be construed as commitment by the owner/ developer for handing over of the amenity space earmarked in such layout to MCGM. However, since the applications have now been received from such owner/developer, it is a point for consideration whether the owner/developer can be stopped from seeking such adjustment in terms of promissory estoppels.	
2	In case where D.P.Roads/ Setback have been handed over to MCGM in lieu of FSI benefit and land has not been transferred in P.R.Card whether the claim of adjustment can be considered	
3	In case where D.P.Road/ setback have been handed over to MCGM in lieu of FSI benefit, CC for equivaient area is already granted but land has not been transferred in the name of MCGM in P.R.Card, then whether the claim for adjustment need to be considered.	

N/35

4	In case where D.P.Roads/ Setback have been taken over by MCGM without any FSI or monetary benefit and the land has not been transferred in the P.R.Card in MCGM's name, then, whether the claim for adjustment can be considered. MCGM has already considered the above case and granted adjustments based on opinion of Sr. Counsel. However, the same will be also got confirmed from Advocate General.
5	In case where amenity area is already handed over but PR card is not transferred in name of MCGM and C.C. for the equivalent built up area has not been granted on remaining land in layout, then whether amenity area can be allowed to be reworked by adjusting the D.P. road/ Setback area.
6	In case amenity area is already handed over but PR card is not transferred in name of MCGM and the CC for the FSI benefit of amenity area is already granted, then whether the amenity area can be allowed to be reworked based on adjustment towards D.P. road/ Setback area

In view of above Hon. M.C.'s approvals requested to

1. Obtain the opinion of Attorney General, Government Of Maharashtra, in respect of cases mentioned in Sr.no B of table at N-32/39
2. To consider the proposals as mentioned in Sr.no. 'A' of table at N- 38 In respect of adjustment/ set off of lands affected by D.P. Road or sanctioned R.L. against area of amenity space as envisaged under regulation no. 56 (3)(c) and 57 (4)(c) of DCR 199.

The comprehensive draft policy Circular will be submitted to Hon. M.C. for approval on receipt of opinion from Attorney General, Government Of Maharashtra. However the cases proposed in Sr. no. A of table will be processed in the meantime if agreed.

Submitted Please.

EE(DP) ES 16/5/15

Chief Engineer (D.P.) 16/5/15

Hon. M.C.

Sir,

Acc-(1 Nos)

Approved as proposed

17/5/15

Municipal Commissioner.

ChFS(DP)

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय
18 MAY 2015
E:\Sward Rohan\U to R\view Folder\kalpataru J-C.doc
समय ११, १२, १३, १४
१५, १६, १७, १८
कमांक MCP/5021

Acc/fil/c-(1/3)

TRUE COPY

Bhatnwedi

for Partner

Notaries

123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

SHANE CARDOZ
ADVOCATE & NOTARY
MUMBAI MAHARASHTRA
REG. NO. 16388
EXPIRE ON 27th JAN 2030
GOVT. OF INDIA

852 EXHIBIT 'D'

37

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.: CHE / 046923 / DPC/ G/S **dtd.:** 24 FEB 2016

Office of the
Chief Engineer(Development Plan),
Municipal Head Office, 5th Floor,
Annex. Bldg., Mahapalika Marg,
Fort, Mumbai 400 001.

To,
Kasturi Pewekar, Architect,
Raheja Tower, Plot No.C-30, Block 'g',
Opp. SIDBI, Bandra Kurla Complex,
Bandra (E), Mumbai-400 051.

Sub.: Request for relocating & clubbing the Amenity Spaces insisted while granting the permissions for change of user for the plot bearing C.S. No.2/1629 and plot bearing C.S. No.1A/1629 of Lower Parel Division in G/South Ward.

Ref.: Your Letter dtd.19.11.2015.

Sir/Madam,

With reference to your above cited letter, I have by direction to inform you that your request for relocating the amenity space insisted while permitting the change of user on plot bearing C.S. No.1A/1629 of Lower Parel Division, vide this offer letter u/No.CHE/035804/DPC/GS, dtd.18.11.2015 and clubbing the same with the amenity plot insisted while permitting change of user on plot bearing C.S. No.2/1629 of Lower Parel Division vide this office letter u/No.CHE/2498/DPC, dtd.28.04.2008 is considered as shown in accompanying plan admn.801.78 Sq.Mt. with no change in the terms and conditions stipulated in the Development Permission dtd.28.04.2008 & 18.11.2015 and subject to approval to amendments in the plan/amalgamation of the plots under reference by the Office of Dy.Ch.E.(B.P.)City as per provision of DCR, 1991.

Yours faithfully,

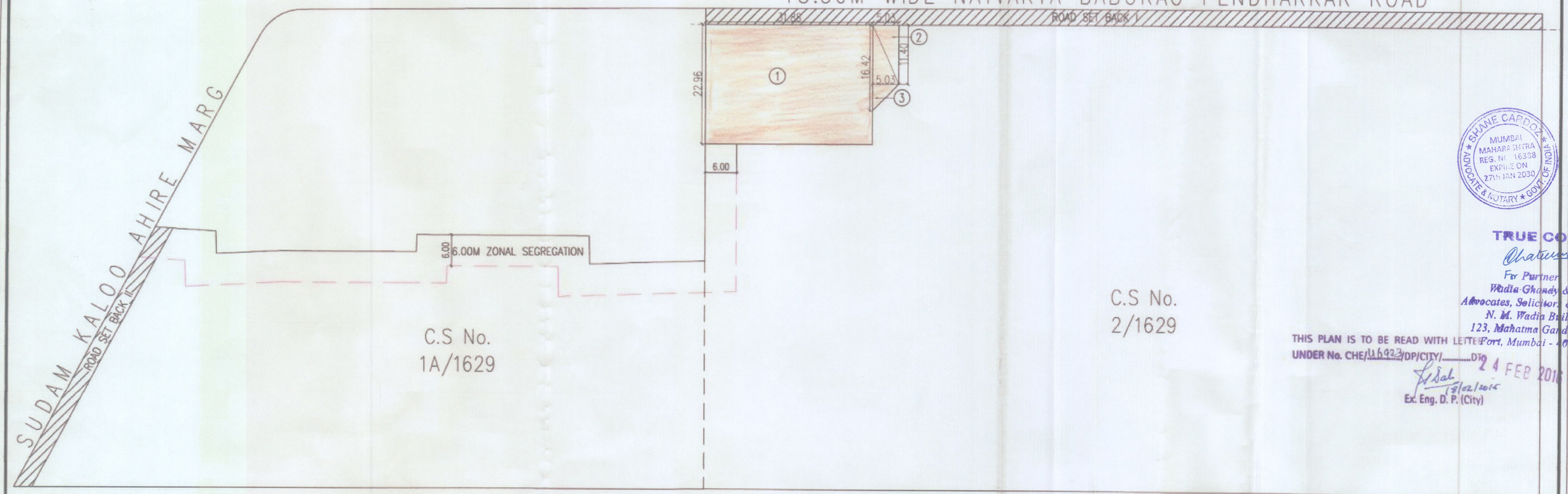
18/02/2016

Executive Engineer
(Development Plan) City

Acc: **Plan showing revised location Of amenity space.**

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

38

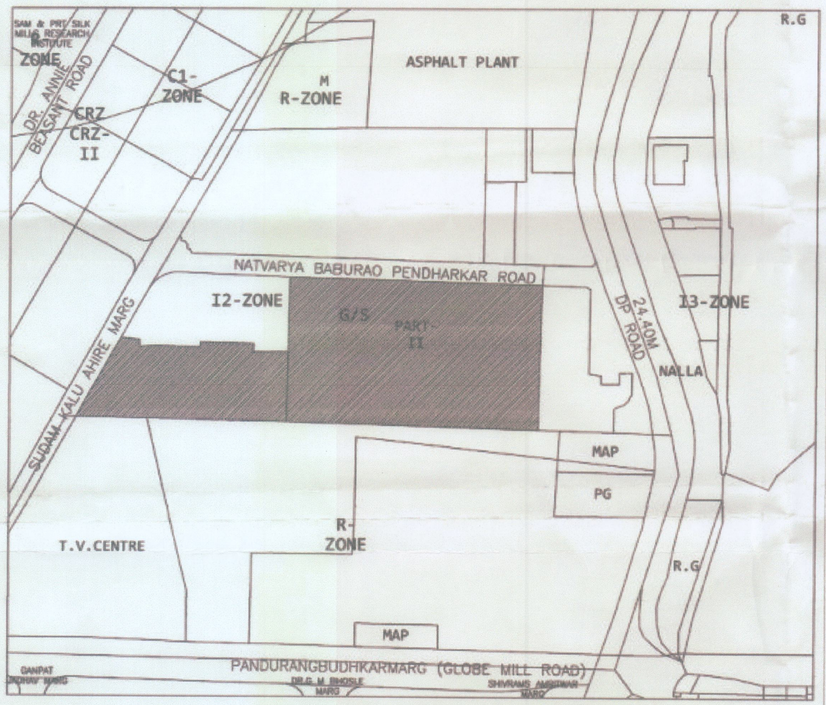


BLOCK PLAN
SCALE = 1:500

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY * GOVT OF INDIA *

TRUE COPY
For Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

THIS PLAN IS TO BE READ WITH LETTER
UNDER No. CHE/11623/DP/CITY/.....DT.
24 FEB 2016
15/02/2016
Ex. Eng. D. P. (City)



LOCATION PLAN
SCALE = 1:2500

SR.NO	C.S NO	PLOT NO.	AREA IN SQ.M	SET BACK AREA	NET PLOT AREA	5% AMENITY OPEN SPACE	REMARKS
1	2 / 1629	249, 249A	14638.91	476.25	14162.66	708.13	AMENITY SPACE IS 5% OF NET PLOT AREA I.E 14,162.66 SQ.M
2	1A/1629	248B	5478.33	171.68	5306.65	93.65	AMENITY SPACE IS 5% OF NET PLOT AREA I.E 5306.65, LESS SET BACK AREA OF 171.68
3	TOTAL		20117.2400	647.9300	19469.31	801.78 SQ.M	

AMENITY AREA CALCULATION

S.No.	SIZE	AREA
1	31.88 x 22.96	731.96 SQ.M
2	1/2 x 5.03 x 11.40	28.67 SQ.M
3	1/2 x 16.42 x 5.03	41.29 SQ.M
	TOTAL	801.92 SQ.M

PROJECT

PROPERTY BEARING C.S No. 1A/1629 & 2/1629 ON PLOT No. 248B, 249 & 249A (AFTER AMALGAMATION) OF WORLI SCHEME No. 52, LOWER PAREL DIVISION, G/S WARD, MUMBAI

NAME, ADDRESS & SIGNATURE OF ARCHITECT

KASTURI K PEWEKAR
(CA/97/20974) ARCHITECT
PLOT No. C-30, BLOCK- G, Opp. SIDBI, BANDRA KURLA COMPLEX, BANDRA (E), MUMBAI - 400 051. TEL No:- 26564000

NORTH	SCALE	DATE
	1:500/2500	
	DRAWN BY	CHECKED BY

EXHIBIT 'E'

39

BMMP-1463-2007-10 Bks. of 100 X 3 Lvs. (1)

MUNICIPAL CORPORATION OF GREATER MUMBAI

ORIGINAL

No. 001528

Office of the Chief Engineer
(Development Plan)
Greater Mumbai,
Municipal Head Office
4th Floor, Extn. Building, C.S.T.
Mumbai - 400 001.

POSSESSION RECEIPT

Subject : Grant of DRC for 5% amenity space for Plot bearing C.S.No.1B/1629 of Lower Parel Division, of ~~Lower Parel Divisi~~ G/South ward, Worli.

Ref.: TDR/GS/17

Shri H.K.Ghuge working as ~~Jr.Engineer/Sub-Engineer/~~ Asstt. Engineer working in the office of the Executive Engineer (Development Plan) and M/s. K. Raheja Pvt.Ltd. the owner of the said plot of the land have respectively taken over and handed over the possession of the above vacant land, the particulars of which are mentioned here as under :-

Survey No.	H. No.	~~CTS/~~C.S. No.	Village/Division	Area in Sq. Mtrs.
-	-	1B/1629	Lower Parel	801.92 Sq.Mt.

* The Compound Wall with gate is provided.

* ~~The D.P. Road with provision of storm water drain is constructed.~~

* The area of the reserved land has been ascertained on the basis of Joint Measurement Survey with SLR/C. S. Office under M. R. Plan No. 739/2016 dated 07.10.2016 with communication No. ..... dated .....

* The Title Clearance has been certified by Legal Department. Under No. LOP/2609 & LOP/1922 dated 03.08.2013 & 28.06.2019

* The possession of above land is taken subject to the owner / developer agreeing to rectify the defects in the works and in terms of Undertaking separately given by the owner.

TRUE COPY

On 5th Day of the month of February 2021

Hand over by
K. Raheja Private Limited

OWNER Director
Address : Raheja Tower,
Plot No. C-30, 'G' Block,
Opp. SIDBI, Bandra Kurla Complex,
Bandra (E), Mumbai : 400051

Taken over by

For Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

~~Sub~~/Asstt. Engineer,
Development Plant (G/S Ward.)

Division [illegible]
Register No. 2578
Page No.

SURVEY REGISTER FOR THE TOWN AND ISLAND OF BOMBAY

(Prepared under Section 202 of the Maharashtra Land Revenue Act, 1966)

Fmd by: SHRI S. B. BABARDHE

Checked by:

1. Sheet No.	2. Name of Street or Locality	3. Street No.	4. Cadastral Survey No.	5. Tenure	6. Area in Sq.Yds/Mts.	7. Laughtons Survey No.	8. Collectors New No. (Collectors Rent Roll No.)
476	-	-	18/1629	MUNCL.LAND	959.00 801.92	-	NIL (NIL)

9. Ground Rent due to Govt.	10. Name of Person in Beneficial Ownership	11. Mode of Acquisition by Present Owner	12. Devolution of Title
- Nil -	(A)-THE MUNICIPAL CORPORATION OF GREATER BOMBAY (5% AMINITY PLOT)	(A)-VIDE C.S.NO.18/1629	- Nil -

13. Original Grant from Govt., if any	14. Lease from Public Body or Fariadar	15. Ground Rent due to Public Body or Fariadar	16. Superintendents Initial
- Nil -	- Nil -	- Nil -	(A)-SD/-9-12,SD/-10-12-2020 ASSTT.SUPDT.,SD/-... SUPDT.M.C.S & L.R

17. Remarks

(A) AN AREA ADMEASURING 801.92 SQ.MTR. HAS BEEN DEDUCTED FROM C.S.NO. 18/1629AND ASSIGNED NEW C.S.NO.18/1627 AS PER APPROVED PLAN ISSUED BY EXECUTIVE ENGINEER BUILDING PROPOSAL (CITY)BCOM NO.EB/1105/BS/A DATED 22/06/2018 & 24/1/2019 AND ALSO MEASUREMENT CARRIED OUT OF THIS OFFICE AS ON 03/07/2020, VIDE M.R.NO.1177/2020
VIDE MUT.TR.NO.1247/2020
SD/-9/12,SD/-10/12/2020 ASSTT.SUPDT,SD/-15/12/2020 SUPDT.M.C.S &LR

Name of Applicant: MANOJ SHAH
Date of Application:05/03/2021
Fee received: Rs.8888100.00
Reference of Serial: MH1803200215
Date of Issue :

12 MAR 2021

(Rectangular '[ ]' Brackets shows entry deleted)

~~Note :- This is a true copy of the extract of C.S.Register which forms part of this office record and the area of the property referred to therein is 801.92 Sq. meters. (EIGHT HUNDRED ONE POINT NINETY TWO sq. mtrs. ONLY)~~

~~Superintendent~~
~~Mumbai City Survey and Land Records~~

This Extract of C. S. Register Issued under the search application only.

Assistant Superintendent Cum.
City Survey Office No. 1/2, Mumbai.

TRUE COPY
For Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

ADVOCATE & NOTARY * GOVT. OF INDIA * SHANE CARDOZ
MUMBAI MAHARASHTRA REG. NO. 16388 EXPIRE ON 27th JAN 2030

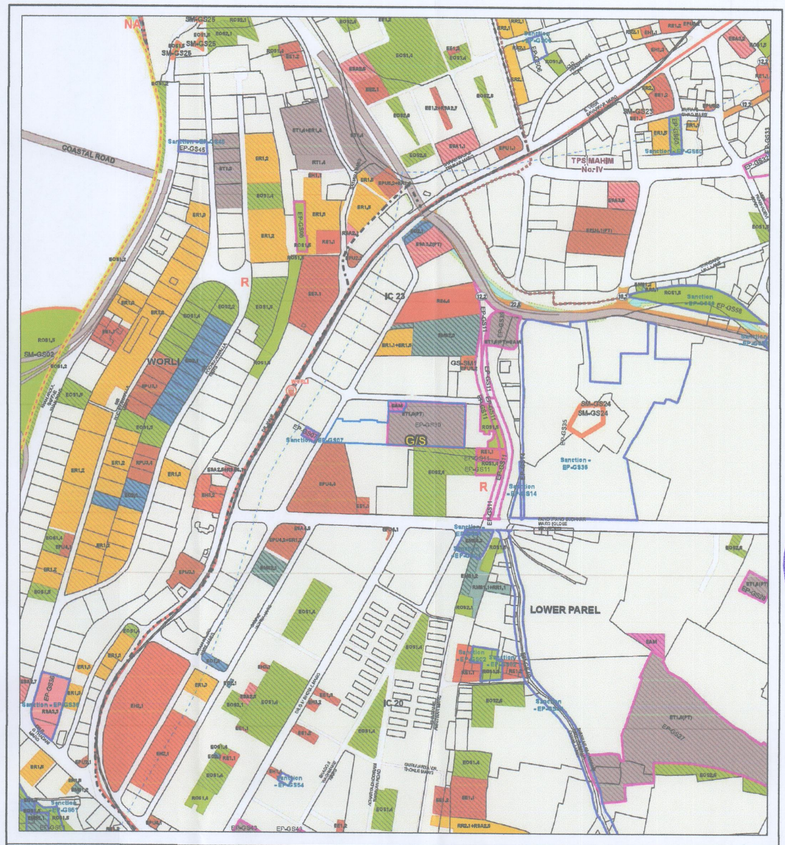
EXHIBIT-F/

40

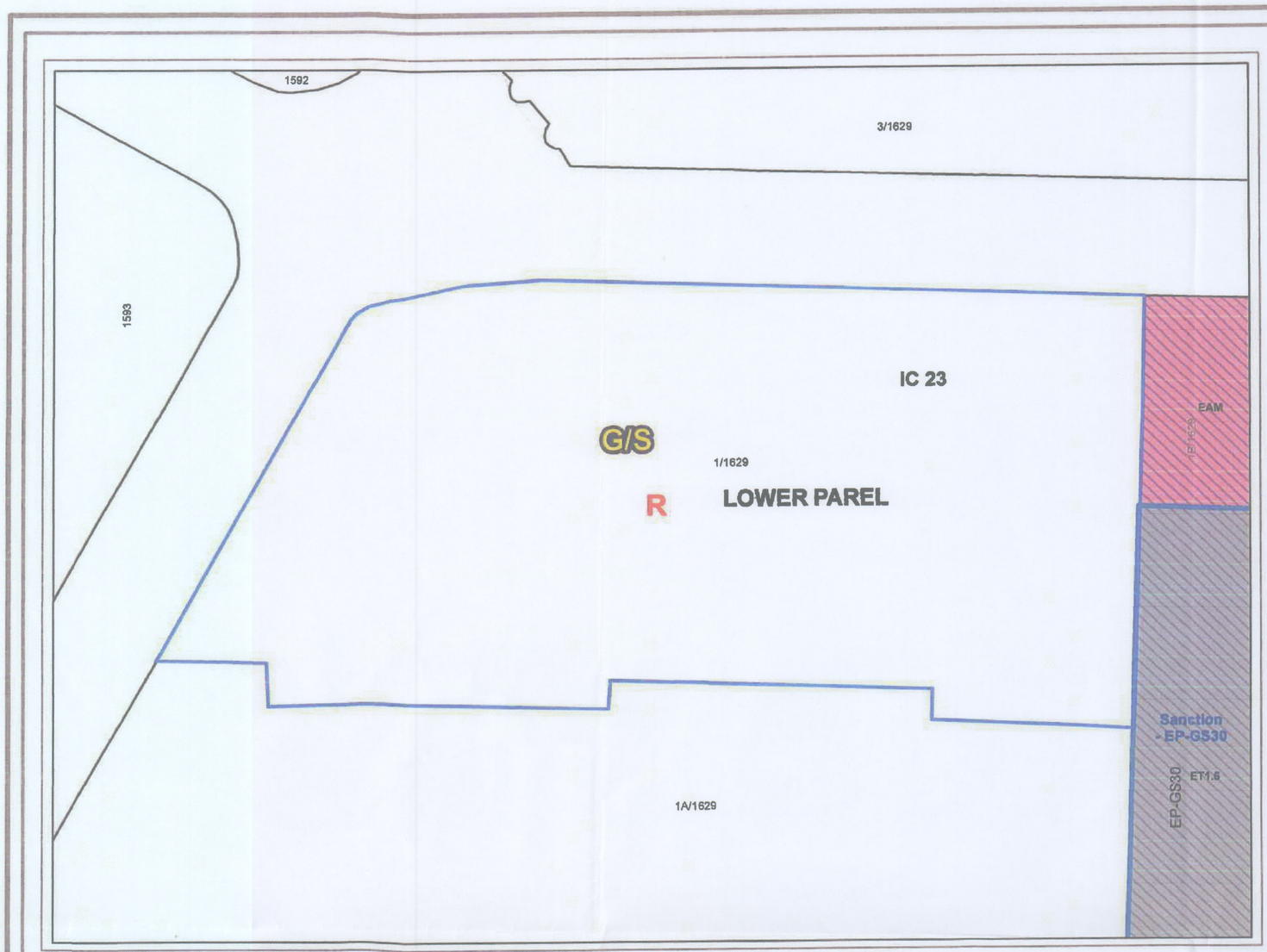
EXHIBIT-'G'

EXHIBIT-'G'

N	BLOCK PLAN	
	Scale 1:500	Land Bearing C.S.No(s) 1A/1629 and 1B/1629 of LOWER PAREL Division in G/S Ward


N
COASTAL ROAD
WORLI
R
IC 23
G/S
LOWER PAREL
TPS MAHIM Nov IV
Sanction - EP-G/S/46
Sanction - EP-G/S/47
Sanction - EP-G/S/39
Sanction - EP-G/S/14
Sanction - EP-G/S/11
Sanction - EP-G/S/4
Sanction - EP-G/S/4
Sanction - EP-G/S/4

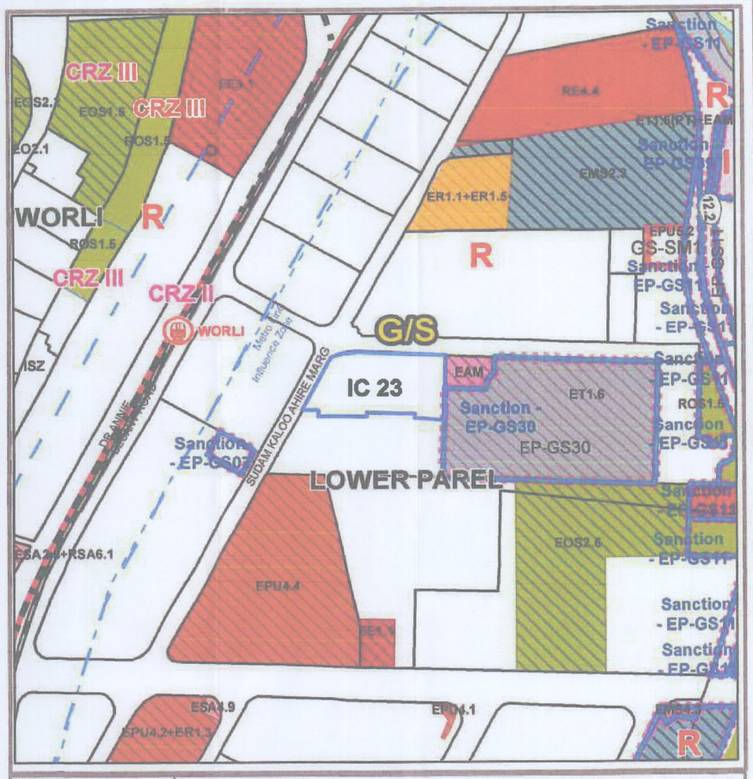
42



BLOCK PLAN

Scale 1:500

Land Bearing C.S.No(s) 1/1629 of LOWER PAREL Division in G/S Ward



LOCATION PLAN

Scale 1:4000

Note:

DP Remarks have been offered only from Zoning point of view without any reference to the existing and status of the structures on the land under reference etc.
This plan is to be read with letter under

CHE/DP3420241111564355/DP/City/G/S

This is an electronically generated document. Hence, No signature required. Assistant Engineer (DP), G/S Ward. Dated: 07/11/2024

Brihanmumbai Municipal Corporation
(Development Plan Department)

Development Plan 2034

Office of the Chief Engineer (Development Plan),
5th Floor, Annexe Building,
Municipal Head Office,
Mahapalika Marg, Fort, MUMBAI - 400 001.

SHANE CARDOZ
ADVOCATE & NOTARY * GOVT. OF INDIA *
MUMBAI MAHARASHTRA
REG. NO. 16398
EXPIRE ON 27th JAN 2030

TRUE COPY
For Partner
Wadia Ghandy & Co
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

EXHIBIT 'H'

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

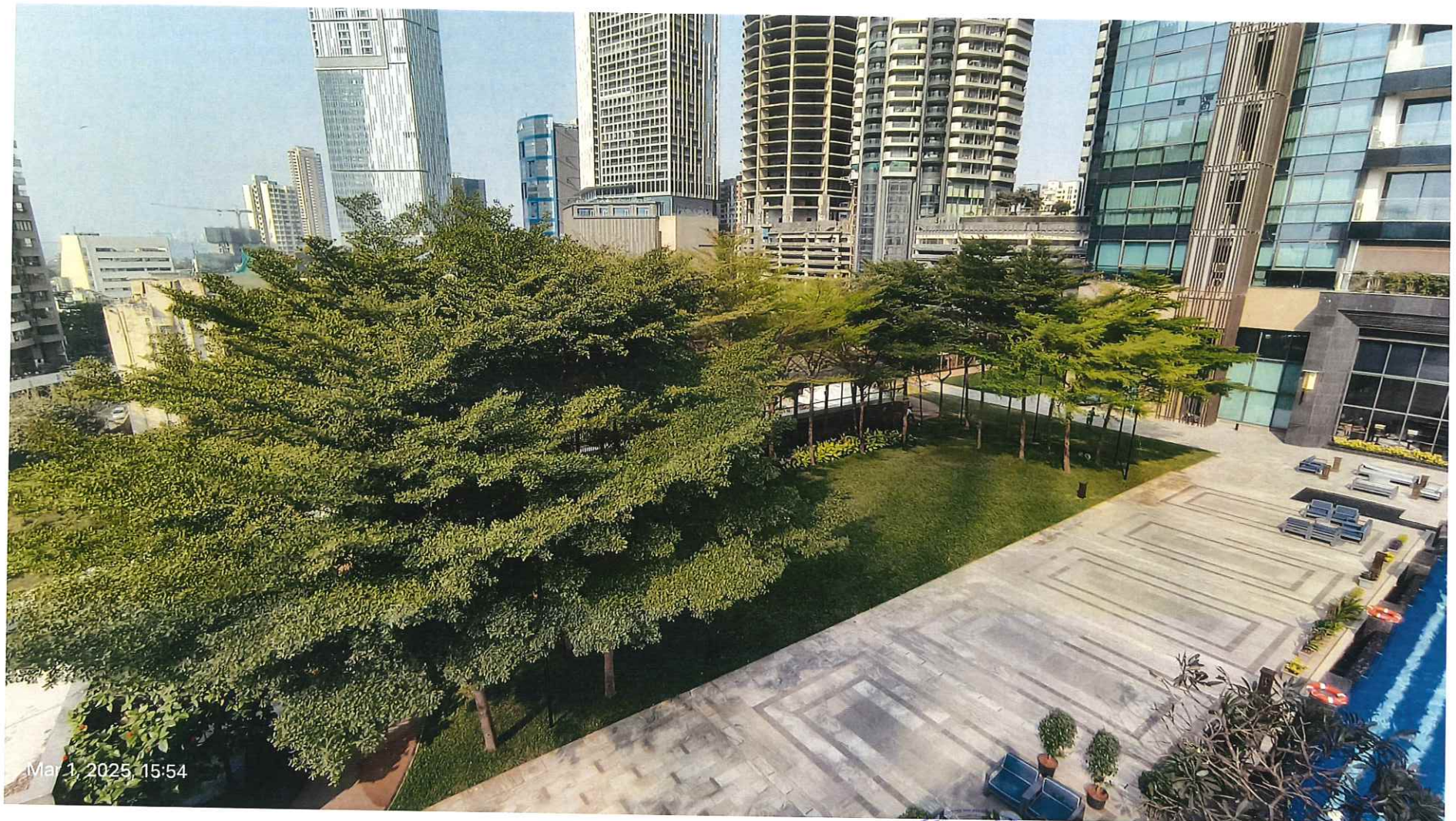
44

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16338
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

45

SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY ★ GOVT. OF INDIA

46



SHANE CARDOZ
MUMBAI
MAHARASHTRA
REG. NO. 16388
EXPIRE ON
27th JAN 2030
ADVOCATE & NOTARY GOVT. OF INDIA

47

TRUE COPY

Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

NE CARDOZ
MUMBAI
ARASHTRA
NO. 16388
EXPIRE ON
27TH JAN 2030
OCATE & NOTARY * GOVT. OF INDIA

K. Raheja Private Limited

K RAHEJA
CORP

November 11, 2024

To,
Mr. Ashish Dhami
Mr. Sudhir Singhvi
Ms. Pragati Mehra
Mr. Ankit Agarwal
Mr. Omkar Engineer
Mr. Vaibhav Samarth
Mr. Mohankumar Deshpande
Mr. Brijesh Sankhe
Mr. Pravin Narkar.

Dear Sirs/Madam,

Sub: Authorization for filings and defending before the National Green Tribunal or any other competent court:

The Board of Directors of the Company at their meeting held on November 11, 2024, has authorized you as Attorneys of the Company severally to do all such necessary acts, deeds, matters and things on behalf of the Company, in connection with filings to represent the Company and appear before any forum, Tribunal and to sign, affirm and file necessary Applications, Affidavits, reply, written statement, Caveats, declarations, Plaints, Petitions, Appeals, Revisions, Pleadings, letters, including signing Vakalatnama/s and other documents and writings as may be required from to time, in connection with and/or arising out of the said Application No. 168 of 2024 in respect of Company's property situate at Plot Nos. 249, 249A, C.S. No. 2/1629 and Plot No. 248, C.S. No. 1A/1629 at Worli, Mumbai - 400025. A certified copy of the said resolution is enclosed herewith.

The Company does hereby declare that any and all lawful acts, deeds, matters, things and writings which may be done or executed pursuant to this authorization by the said Attorneys on behalf of the Company, shall be good, valid and effectual to all intents and purposes as if done and executed by the Company and the Company hereby assures that the same shall be considered as ratified and confirmed by the Company.

This letter is being issued under the signature of any one of the Director or the Company Secretary of the Company.

Yours faithfully,
For K. Raheja Private Limited

K. RAHEJA PVT. LTD.

Sweta Gupta
Company Secretary
Membership No. A24200

Encl: a/a

TRUE COPY

For Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

K. Raheja Private Limited

K RAHEJA
CORP

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF K. RAHEJA PRIVATE LIMITED ("COMPANY") HELD ON MONDAY, NOVEMBER 11, 2024, AT THE REGISTERED OFFICE OF THE COMPANY.

Authority to represent / defend /sign / execute / file all documents before the National Green Tribunal or any other competent court:

"RESOLVED THAT the consent of the Board of Directors of K. Raheja Private Limited ("**the Company**") is hereby accorded to file all and any Vakalatnama, affidavit, reply, application, deeds, documents, consents, in Application No. 168 of 2024, before the National Green Tribunal, Pune and/or adopt, defend, support, appear in any proceedings before any other Tribunal or Courts, including the High Courts, Supreme Court of India and/or any other statutory authorities including quasi-judicial or judicial authorities relating to/in respect of Company's property situated at Plot Nos. 249, 249A, C.S. No. 2/1629 and Plot No. 248, C.S. No. 1A/1629 at Worli, Mumbai - 400025.

RESOLVED FURTHER THAT any one of the Directors of the Company or Mr. Ashish Dhami or Mr. Sudhir Singhvi or Ms. Pragati Mehra or Mr. Ankit Agarwal or Mr. Omkar Engineer or Mr. Vaibhav Samarth or Mr. Mohankumar Deshpande or Mr. Brijesh Sankhe or Mr. Pravin Narkar, Authorised Signatories (hereinafter referred to as "**Attorneys**"), be and are hereby severally authorised to represent the Company and appear before any forum, Tribunal and to sign, declare, verify, affirm, execute and file necessary Applications, Affidavits, reply, written statement, Caveats, declarations, Plaints, Petitions, Appeals, Revisions, Pleadings, letters, including signing Vakalatnama/s and other documents and writings as may be required from to time, in connection with the subject matter and/or arising out of the said Application No. 168 of 2024 in respect of Company's property situated at Plot Nos. 249, 249A, C.S. No. 2/1629 and Plot No. 248, C.S. No. 1A/1629 at Worli, Mumbai - 400025 and/or adopt, defend, prosecute, contest, settle, support any proceedings viz. any court proceedings / quasi-judicial / incidental proceedings before any Forum, Authority, Tribunal, Court, and to engage any advocates, legal counsels, solicitors, attorneys as may be required from time to time to represent the Company as may be necessary and required for the same and to issue Vakalatnama and other authority letter in their favour as may be necessary for the subject matter, for and on behalf of the Company. .

RESOLVED FURTHER THAT a letter of authorization be issued along with a certified copy of this resolution to Mr. Ashish Dhami, Mr. Sudhir Singhvi, Ms. Pragati Mehra and Mr. Ankit Agarwal or Mr. Omkar Engineer or Mr. Vaibhav Samarth or Mr. Mohankumar Deshpande or Mr. Brijesh Sankhe or Mr. Pravin Narkar, as the Company's Attorneys and the Company does hereby declare that any and all lawful acts, deeds, matters, things and writings which may be done or executed, pursuant to this authorization, by the Attorneys, on behalf of the Company, shall be good, valid and effectual to all intents and purposes as if done and executed by the Company and the Company hereby assures that the same shall be considered as ratified and confirmed by the Company.

RESOLVED FURTHER THAT a certified true copy of this resolution to be provided to such persons/authorities as may be necessary to give effect to aforesaid resolution."

//Certified to be true//
For K. Raheja Private Limited

K. RAHEJA PVT. LTD.

Sweta Gupta
Company Secretary
Membership No. A24200

Mumbai, November 11, 2024

TRUE COPY

Partner
Wadia Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.

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

ORIGINAL APPLICATION NO. 168 OF 2024 (WZ)

Pratap Lal Teli ... Applicant
Versus
SEIAA, Environment Department
Govt. of Maharashtra & Ors. ... Respondents

ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 6 TO THE CAPTIONED ORIGINAL APPLICATION

Dated this 1st day of March 2025

M/s. Wadia Ghandy & Co.
Advocates for Respondent No.6.
N.M. Wadia Building.
123, M.G. Road, Fort.
Mumbai – 400 001