

BEFORE THE NATIONAL GREEN TRIBUNAL (WESTERN  
ZONE) AT PUNE

(Under Section 18(1) read with Sections 14, 15, 16 and 17 of The  
National Green Tribunal Act, 2010)

APPLICATION NO. 31 OF 2015

Chetak Co-operative Housing Society Limited ... Applicant

versus

State of Maharashtra and Ors. ... Respondents



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*Parikshit Desai*  
Advocates for Respondent Nos. 8 to 11.

BEFORE THE NATIONAL GREEN TRIBUNAL (WESTERN  
ZONE) AT PUNE

(Under Section 18(1) read with Sections 14, 15, 16 and 17 of The  
National Green Tribunal Act, 2010)

APPLICATION NO. 31 OF 2015

Chetak Co-operative Housing Society Limited ... Applicant

versus

State of Maharashtra and Ors. ... Respondents

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF  
RESPONDENT NOS. 8, 9 AND 11 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. 8 abovenamed, having my office at 41 Pali Hill, Bandra  
(West), Mumbai - 400 050, for myself and on behalf of the  
Respondent Nos. 8 and 9 abovenamed (Respondent No. 10 is  
deceased), do hereby solemnly affirm and state as under: -

I state that Respondent Nos. 8, 9 and 11 have filed their  
Affidavit dated 19<sup>th</sup> January 2024 in reply to the Original



1856

Application (“**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 09<sup>th</sup> October 2018 of the Hon’ble Municipal Commissioner of Respondent No. 12, (“**Part OCC Report**”) which was inadvertently not annexed to my Affidavit in Reply.
3. In the said OCC Report, the Hon’ble Municipal Commissioner of Respondent No. 12 Corporation has interpreted the Environment Impact Assessment Notification dated 4<sup>th</sup> 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 ‘2’, pages 1681-1687 of Respondent No. 8, 9 and 11’s Affidavit in Reply) and has given approval dated 09<sup>th</sup> 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 09<sup>th</sup> August 2018 on the basis that in the case of Respondent No. 8, since full Commencement Certificate (C.C.) has been granted by Respondent No. 12 Corporation 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 09<sup>th</sup> October 2018 of the Hon’ble Municipal Commissioner of Respondent No. 12 in respect of the project of Respondent No. 8.

Solemnly affirmed at Mumbai )

This 22 day of April, 2025 )



*[Handwritten Signature]*



DEPONENT

Before me,

1858

Identified by me,

*Farikul Hani*

Advocates for Respondent Nos. 8 to 11.



1859

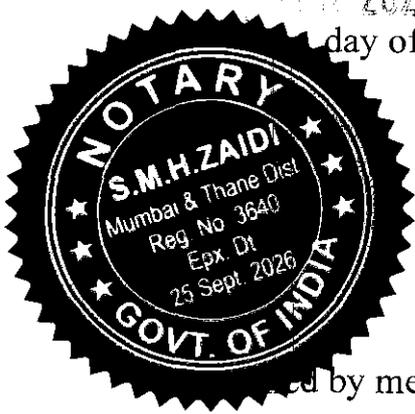
**VERIFICATION**

I, Dilersingh Sandhu, aged 41 years, of Mumbai, Adult Indian Inhabitant, Respondent No. 11 and the partner of the Respondent No. 8 abovenamed, having my office at 41 Pali Hill, Bandra (West), Mumbai-400 050, for myself and on behalf of the Respondent Nos. 8 and 9 abovenamed (Respondent No. 10 is deceased), do hereby solemnly declare that what is stated in the foregoing paragraphs 5, 6, 8 and 9 is based on the records maintained by Respondent No. 5 in the ordinary course of business and what is stated in the balance paragraphs 1 to 4, 7, 10 is based on legal advice and I believe the same to be true.

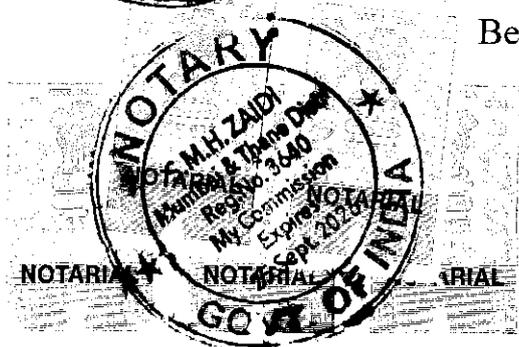
Solemnly declared at Mumbai  
day of April 2025



*[Signature]*  
DEPONENT



Before me,



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

*[Signature]*  
Advocates for Respondent Nos. 8 to 11.

**22 APR 2025**  
**NOTED & REGISTERED**  
Sr. No. 2052 Page No. 142  
Book No. 13 Date.....

**22 APR 2025**

# Exhibit - 1

1860

## MUNICIPAL CORPORATION OF GREATER MUMBAI

**No: CE/2157/WS/AH**

**Sub:-** Part OCC upto top of 18<sup>th</sup> 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

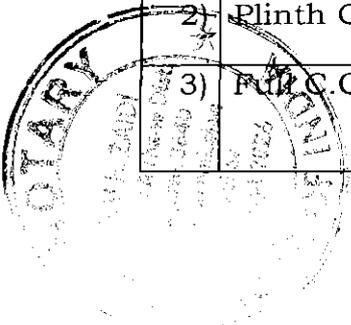
**Ref.:** Completion plan attached in view of PDF Tab

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 1<sup>st</sup> & 2<sup>nd</sup> Basement for parking, Ground floor for stilt and 1<sup>st</sup> floor to 19<sup>th</sup> floor wing 'A' for residential use and 1<sup>st</sup> & 2<sup>nd</sup> Basement for parking ,Ground floor for stilt and 1<sup>st</sup> floor to 5<sup>th</sup> 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**  
*PUD*  
**Advocate**

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 18<sup>th</sup> floor of the completed building 'A' under reference

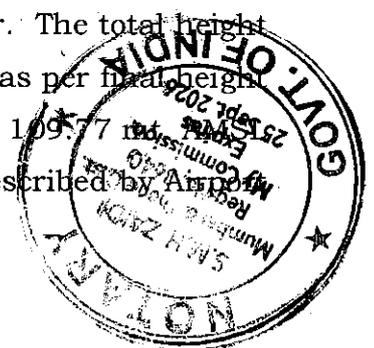
The site under reference was inspected by the undersigned and it was observed that work of 'A' Wing of the building is completed on site as per approved plan in all respect except some finishing work in common passage and some of the flats. Out of the total 6 nos of passengers lifts as per approved plan, 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 1<sup>st</sup> & 2<sup>nd</sup> Basement for parking, Ground floor for stilt and 1<sup>st</sup> floor to 18<sup>th</sup> 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 mtr. therefore, the height of the building is within the limit of height prescribed





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BEFORE THE NATIONAL GREEN  
TRIBUNAL (WESTERN  
ZONE) AT PUNE  
(Under Section 18(1) read with Sections 14,  
15, 16 and 17 of The National Green  
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INTERIM APPLICATION NO. 46 OF 2023  
IN  
APPLICATION NO. 31 OF 2015  
Chetak Co-operative Housing Society  
Limited ... Applicant (Orig. Applicant)

**IN THE MATTER BETWEEN:**  
Chetak Co-operative Housing Society  
Limited ... Applicant  
versus  
State of Maharashtra and Ors.  
... Respondents

**ADDITIONAL AFFIDAVIT IN REPLY**  
**ON BEHALF OF RESPONDENT NOS. 8,**  
**9 AND 11 TO THE AMENDED**  
**ORIGINAL APPLICATION**

Dated this 22 APR 2025 April 2025



Parikshit Desai and Fawia Misquitta  
Advocates for Respondent Nos. 8, 9 and 11.  
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