

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO.76 / 2025

UNDER SECTION 18(1) READ WITH SECTION 15 OF THE NATIONAL
GREEN TRIBUNAL ACT,2010

IN THE MATTER OF:

MR. KALPEASH CHANDRAKANT YADAVAPPLICANT

VERSUS

UNION OF INDIA THR. MOEF & CC & ORS.RESPONDENTS

[VOLUME-II]

ADDITIONAL DOCUMENTS FILED BY APPLICANT

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डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

लेखी युक्तिवाद

दि. १३ जून २०२५

प्रति,

मा. महानगर आयुक्त तथा
मुख्य कार्यकारी अधिकारी,
पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

लिपिक
महानगर नियोजनकार (वि.प)
पु.म.प्र.वि.प्रा. पुणे

विषय - सादर केलेल्या सबळ पुराव्याच्या अनुषंगाने गाव मौजे - माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाच्या बांधकामास तात्काळ स्थगिती देत बांधकाम नकाशे रद्द करणेबाबत तसेच विना पर्यावरण मंजूरी विकसकाने केलेल्या अनधिकृत बांधकामांवर दंडात्मक कारवाई करणेबाबत...

संदर्भ - १) पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक २८ फेब्रुवारी २०२४ रोजी बांधकाम प्रकल्पास दिलेली अंतिम सुधारित बांधकाम परवानगी

२) दिनांक ०५ डिसेंबर २०२४ रोजी महाराष्ट्र प्रदूषण नियंत्रण मंडळामार्फत सदरच्या बांधकाम प्रकल्पास दिलेले कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र

३) दिनांक १४ सप्टेंबर २००६ रोजी भारत सरकारच्या पर्यावरण व वन मंत्रालयाने पर्यावरण संरक्षण कायदा १९८६ अन्वये जारी केलेले EIA अधिसूचना (Notification) २००६

महोदय,

गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ मिळकती मधील 'वेलवर्थ पूर्णम' या रहिवास + वाणिज्य बांधकाम प्रकल्पाच्या बांधकामास परवानगी मिळणेकामी विकसका मार्फत आर्किटेक्ट ऋषिकेश कुलकर्णी यांनी दाखल केलेल्या बांधकाम प्रस्तावाच्या अनुषंगाने पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत विकसकास दिनांक १७ जून २०२१ रोजी मूळ बांधकाम परवानगी मंजूर करण्यात आली होती. प्रशासनाने दिनांक १७ नोव्हेंबर २०२१ व दिनांक २८ फेब्रुवारी २०२४ रोजी बांधकाम प्रकल्पास सुधारित बांधकाम परवानगी दिली असल्याचे निदर्शनास आले आहे. दिनांक २८ फेब्रुवारी २०२४ रोजीच्या सुधारित बांधकाम परवानगी प्रमाणे विकसकाने बांधकाम प्रकल्पाचे प्रत्यक्ष जागेवरील केलेल्या बांधकामाचे अवलोकन केल्याप्रमाणे विकसक मे. ग्री इंडिया रियलकॉन एलएलपी यांनी पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ तसेच मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीचे - २०१८ (DCPR - 2018) उल्लंघन करत बांधकाम प्रकल्पाचे



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

बांधकाम केले असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे. निदर्शनास आणून दिल्या प्रमाणे प्रशासकीय अधिकाऱ्यांनी सदरच्या बांधकाम प्रकल्पावर पर्यावरण संरक्षण कायदा १९८६, केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ प्रमाणे कोणतीही पूर्व कल्पना न देता बांधकाम प्रकल्पावर थेट कारवाईच्या निर्देशाप्रमाणे कारवाई करणे अपेक्षित असताना सदरच्या बांधकाम प्रकल्पावर कारवाई करणेस जाणीवपूर्वक दिरंगाई करत असल्याचे निदर्शनास येत आहे ही बाब बांधकाम विकास नियंत्रण नियमावली तसेच पर्यावरण संरक्षण कायदा १९८६ च्या विसंगत आहे.

आज रोजी नियोजित केलेल्या सुनावणी दरम्यान आम्ही या लेखी युक्तिवाद पत्राद्वारे सदरच्या बांधकाम प्रकल्पाचे विकसकाने बांधकाम प्रकल्पाचे बांधकाम करतेवेळी नियमावलीचे केलेले उल्लंघन, आर्किटेक्ट व विकास परवानगी विभागाचे प्रशासकीय अधिकारी यांनी संगनमताने केलेल्या बांधकाम नकाशे मधील त्रुटी याबाबत खालील प्रमाणे संक्षिप्त माहिती आपल्या माहितीस्तव सादर करित आहोत.

१) सदर बांधकाम प्रकल्पाच्या मंजूर बांधकाम नकाशे प्रमाणे विकसकाने प्रत्यक्ष जागेवर बांधकाम करतेवेळी विकास नियंत्रण व प्रोत्साहन नियमावली - २०१८ (DCPR - 2018) मधील नियमन क्र. 19.6 (ii) प्रमाणे सदर बांधकाम प्रकल्पातील इमारतीपासून चोहोबाजूंनी सामासिक अंतर (Front, Rear, Side Margin) नियमाप्रमाणे २३ मीटर सोडणे क्रमप्राप्त असताना रियर मार्जिनचे अंतर २३ मीटर पेक्षा कमी प्रमाणात असल्याचे निदर्शनास येत आहे. कमी प्रमाणात सोडलेल्या या सामासिक अंतरामध्येच क्लब हाऊसच्या बांधकामास तत्कालीन प्रशासकीय अधिकाऱ्यांनी विकसक व आर्किटेक्ट यांना बेकायदा बांधकाम परवानगी दिली असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांना निदर्शनास आणून दिलेले आहे. त्याप्रमाणे विकसक/आर्किटेक्ट यांनी बांधकाम विकास नियंत्रण नियमावली (DCPR - 2018) मधील नियमन क्र. 19.6 (ii) प्रमाणे उल्लंघन केले असल्याची खात्री झालेली आहे.

२) दिनांक २८ फेब्रुवारी २०२४ रोजीच्या अंतिम सुधारित बांधकाम नकाशे मंजूर करतेवेळी विकसक व आर्किटेक्ट यांनी मा. जिल्हाधिकारी कार्यालय, पुणे यांचेकडील जा. क्र. मुळशी/एनए/एसआर/२४/२०२१, दिनांक २७ मे २०२१ रोजीच्या अकृषिक (NA) प्रमाणपत्रामधील विशेष अटी व शर्तीचे उल्लंघन केलेले तर आहेच, परंतु याच अकृषिक (NA) प्रमाणपत्रामधील जमिनीचा वर्ग, तिचा भोगवटा, तिचा धारणाधिकार, अकृषिक आकारणी व त्यावरील मंजूर भार यामधील अटी व शर्तीचेही विकसकाने उल्लंघन केले असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे.

३) पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत BMU/CRNO.2112/23- 24/8926 अन्वये दिनांक २८ फेब्रुवारी २०२४ रोजी अंतिम सुधारित बांधकाम परवानगी प्रमाणपत्र अदा करण्यात आले होते. अंतिम सुधारित मंजूर बांधकाम परवानगी मधील अट क्रमांक ३५ प्रमाणे विकसकाने पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असताना विकसकाने विना पर्यावरणीय मंजूरी (EC) अंतिम सुधारित बांधकाम नकाशे प्रमाणे बांधकाम प्रकल्पाचे बांधकाम केले असून विकसकाने पर्यावरण संरक्षण कायदा १९८६ चे उल्लंघन केले असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे.

आपल्या अतिरिक्त माहितीस्तव पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

(Notification) २००६ याची प्रत आजच्या सुनावणी दरम्यान सादर करित असलेल्या लेखी युक्तिवाद निवेदनासोबत जोडलेले आहे. EIA अधिसूचना (Notification) २००६ प्रमाणे बांधकाम प्रकल्पाचे एकूण बांधकाम क्षेत्र (Total Built Up Area) २०,००० चौरस मीटर पेक्षा अधिक मंजूर असणाऱ्या बांधकाम प्रकल्पास प्रत्यक्ष जागेवर बांधकाम सुरू करण्यापूर्वीच पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य आहे असे निर्देश असताना विकसकाने महाराष्ट्र प्रदूषण नियंत्रण मंडळ तसेच पुणे महानगर प्रदेश विकास प्राधिकरणाच्या प्रशासकीय अधिकाऱ्यांशी हितसंबंध जोपासत सुधारित बांधकाम नकाशा प्रमाणे प्रत्यक्ष जागेवर एकूण २६४६०.४८ चौरस मीटर बांधकाम क्षेत्राचे (TBUA) बांधकाम चालू केले असून ते २१ मजल्यांचे बांधकाम पूर्णत्वास ही आले असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे.

पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक २८ फेब्रुवारी २०२४ रोजी BMU/CRNO.2112/23- 24/8926 अन्वये एकूण २६४६०.४८ चौरस मीटर बांधकाम क्षेत्रास (TBUA) बांधकाम परवानगी दिले असल्याचे पुरावे म्हणून सुधारित बांधकाम नकाशा प्रमाणे केलेल्या एकूण बांधकाम क्षेत्राचा (Total Built Up Area) तपशिल प्रो फारमा टेबलचा ही तक्ता आपल्या अतिरिक्त माहितीस्तव खालील प्रमाणे पुनश्च निदर्शनास आणून देत आहोत.

Total Built-up Area Calculation wrt Sanction Plan C.R. 2112/23-24, Dated 28/02/2024

DESCRIPTION	FSI AREA	
	COMMERCIAL	RESIDENTIAL
BUILT AREA	1862.25	21465.22
TOTAL FSI AREA	23,327.47	
DESCRIPTION	NON FSI AREA	
REFUGE AREA	162.45	
PARKING	1116.29	
LIFT	15.58	
TOP TERRACE	1116.29	
TRANSFORMER & DG	30.77	
UGWT	80.00	
OHWT	37.40	



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

STP & OWC	74.23
ARCH. PROJECTION	500.00
TOTAL NON FSI AREA	3,133.01
TOTAL BUILT-UP AREA (FSI AREA + NON FSI AREA)	26,460.48 SQ.MTR

४) दिनांक २८ फेब्रुवारी २०२४ रोजीच्या अंतिम सुधारित बांधकाम परवानगी पत्रामधील अट क्र. ३५ अन्वये पूर्वमंजूर प्र.क्र. ११७४/२१-२२, दि.०८/१२/२०२२, नुसार मंजूर FSI क्षेत्र १२३४७.७५ चौ. मी. + NON FSI क्षेत्र ४८९९.७१ चौ.मी असे एकुण १७२३६.६९ चौ.मी. साठी पर्यावरण विभागाच्या ना-हरकत प्रमाणपत्राची आवश्यकता नव्हती. सदरच्या सुधारित प्रस्तावासाठी TOD नियमावली लागू करुन नियमानुसार सुधारित प्रस्ताव सादर केला असल्याने FSI क्षेत्र २३३२७.४७ चौ. मी. + NON FSI क्षेत्र २४१०.६१ चौ.मी. असे एकुण २५७३८.०८ चौ. मी. प्रमाणे बांधकाम नकाशे मंजूर करण्यात आले होते. तदनंतर अर्जदार यांना पूर्वमंजूर मान्य प्रकरणातील एकुण १७२३६.६९ चौ. मी. बांधकाम क्षेत्राच्या पुढील वाढीव क्षेत्राचे बांधकाम सुरू करणे पूर्वी पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र सादर करणे बंधनकारक होते हे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे. पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र न घेता १७२३६.६९ चौ. मी. क्षेत्रफळावरील बांधकाम केल्यास, सदरचे बांधकाम अनधिकृत ठरेल, याची नोंद घ्यावी असे निर्देश जारी केले असल्याचे ही आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे. असे स्पष्ट निर्देश असताना देखील विकसकाने १७२३६.६९ चौ. मी. क्षेत्रफळावरील म्हणजेच मंजूर बांधकाम नकाशे प्रमाणे २६४६०.४८ चौ. मी. बांधकाम चालू करत प्रत्यक्ष जागेवर २१ मजल्याप्रमाणे २६४६० चौ. मी. क्षेत्रफळाचे बांधकाम केले असल्याचे सबळ पुराव्यासह प्रशासनाच्या निदर्शनास आणून दिले आहे. अंतिम सुधारित बांधकाम परवानगी मधील अट क्र. ३५ मध्ये नमूद केलेप्रमाणे विकसकाने ११०८२.५८ चौ. मी. क्षेत्रफळाचे अनधिकृत बांधकाम केले असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास दिलेले आहे.

त्याप्रमाणे पुणे महानगर प्रदेश विकास प्राधिकरणाच्या कार्यालयीन परिपत्रकान्वये अनधिकृत बांधकामास दंडात्मक कारवाई विकसक पात्र ठरत आहेत. अनधिकृत बांधकामाच्या दंडात्मक तरतूदीप्रमाणे प्रशासनाने विकसकाकडून ११०८२.५८ चौ.मी. अनधिकृत बांधकामाकरीता तात्काळ दंडात्मक कारवाईची आकारणी करणे क्रमप्राप्त आहे.

५) बांधकाम प्रकल्पाचे बांधकाम नकाशे मंजूर करतेवेळी प्रशासनाने सामासिक अंतरामध्ये (Marginal Distance) बेकायदा अनधिकृतपणे बांधकामा करीता नियमबाह्य पद्धतीने परवानगी दिली असल्याचे निदर्शनास येते. अंतिम सुधारीत बांधकाम नकाशांचे अवलोकन केल्यास सामासिक अंतरामध्ये (Marginal Distance) सुविधा क्षेत्र व सुविधा क्षेत्राची सीमाभित्त, STP प्लॅट, ट्रान्सफॉर्मर, OWC आदी बांधकामांना प्रशासनाकडून बेकायदा बांधकाम परवानगी देण्यात आले असल्याचे प्रशासनच्या निदर्शनास आणून दिलेले आहे.



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

६) अंतिम सुधारित बांधकाम नकाशे मधील रहिवासी + वाणिज्य सदनिका/युनिटची संख्या लक्षात घेतल्यास विकास नियंत्रण व प्रोत्साहन नियमावली - २०१८ (DCPR - 2018) मधील टेबल क्र. ०७ प्रमाणे पुरेशी पार्किंगची व्यवस्थेचे नियोजन विकसक/आर्किटेक्ट व तत्कालीन प्रशासनाने बांधकाम नकाशे मंजूर करतेवेळी निर्देशित केले नसल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे. अंतिम सुधारित बांधकाम नकाशा प्रमाणे एकूण रहिवासी + वाणिज्य युनिटची संख्या प्रमाणे ४३२ टू व्हीलर, ४३२ बायसीकल व १५६ कार करीता लागणारे पार्किंगचे नियोजन प्रत्यक्ष मिळकत क्षेत्र, बांधकाम नकाशे मध्ये केल्याचे मिळकत क्षेत्र जागेवर आढळत नसल्याचे प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिले आहे.

७) बांधकाम प्रकल्पातील बांधकाम प्रकल्पाचे बांधकाम करतेवेळी (Foundation) खोदाई तसेच मिळकत क्षेत्रातील ४ बोअरवेल्स यामधून भूजल उपसा करणेसाठी केंद्रीय भूजल साठा समितीची (CGWA) परवानगी घेणे अनिवार्य असताना सदर मिळकतीचे विकसक यांनी खोदाई व भूजल उपसा करणेसाठी कोणतीही अधिकृत परवानगी न घेता बांधकाम प्रकल्पाच्या मिळकत क्षेत्रातून अवैधरीत्या खोदाई व भूजल उपसा चालू असल्याचे आपल्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास दिले आहे .

वरील प्रमाणे निदर्शनास आणून दिलेल्या सर्व तक्रारी मुद्द्यांचे गांभीर्य लक्षात घेता गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने विकास नियंत्रण व प्रोत्साहन नियमावली - २०१८ (DCPR - 2018), पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ मधील विशेष नियमावलीचे उल्लंघन करत बांधकाम केले असल्याचे निदर्शनास आले आहे.

तरी आपण तात्काळ सदर बांधकाम प्रकल्पाच्या अनधिकृत बांधकामावर दंडात्मक कारवाईची आकारणी करत बांधकाम प्रकल्पावर विकास नियंत्रण व प्रोत्साहन नियमावली - २०१८ (DCPR - 2018) प्रमाणे पुढील ८ दिवसात प्रकल्पाच्या बांधकाम स्थगिती कारवाई करत बांधकाम नकाशे रद्द करावे तसेच आर्किटेक्ट ऋषिकेश कुलकर्णी यांच्यावर कायदेशीर कारवाई करून काळ्या यादीत समावेश करावा ही विनंती, अन्यथा विकास परवानगी विभागातील प्रशासकीय अधिकारीच हे या बेकायदा बांधकामाच्या गैर कारभारात विकसक/आर्किटेक्ट सोबत सामील असल्याचे गृहीत धरून विकास परवानगी विभागाच्या अधिकाऱ्यांच्या विरोधात आक्रमक भूमिका घेऊन त्यांविरोधात कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी.

आपला

Kalpesh Yadav

कल्पेश यादव

माहितीसाठी प्रत :

१) मा. संचालक, नगर रचना विभाग व नियोजन विभाग, पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Date: 13 June 2025

Written Argument

To,
Hon. Metropolitan Commissioner and
Chief Executive Officer,
Pune Metropolitan Region Development Authority, Pune

Subject - In light of the substantial evidence submitted, immediate suspension of construction and cancellation of sanctioned building plans is requested for the "Welworth Purnam" construction project located on Gat No. 282/2, Village Mauje Man, Tal. Mulshi, Dist. Pune. Furthermore, penal action should be initiated against the developer for carrying out unauthorized construction without obtaining the mandatory environmental clearance.

Reference – 1) The final revised construction permission granted to the building project by the Development Permission Department of the Pune Metropolitan Region Development Authority was issued on 28 February 2024.

2) The Consent to Establish (CTE) certificate for the said construction project was issued by the Maharashtra Pollution Control Board on 05 December 2024.

3) The EIA Notification, 2006, issued by the Ministry of Environment and Forests, Government of India, on 14 September 2006 under the Environment (Protection) Act, 1986.

Respected Sir/Madam,

In connection with the building proposal submitted by Architect Rishikesh Kulkarni on behalf of the developer for obtaining permission for the residential + commercial construction project 'Welworth Poornam' located at Gat No. 282/2, Village Mauje Man, Taluka Mulshi, District Pune, the Development Permission Department of Pune Metropolitan Region Development Authority had granted the original building permission to the developer on 17 June 2021. It has been brought to attention that the administration granted revised building permissions for the said construction project on 17 November 2021 and 28 February 2024. As per the revised construction permission dated 28 February 2024, it has been

brought to the attention of your administrative officers that the developer, M/s. Grow India Realcon LLP, has carried out construction work at the project site in violation of the Environment (Protection) Act, 1986, the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India on 14 September 2006, and the approved Development Control and Promotion Regulations 2018 (DCPR - 2018). As brought to your attention, it is evident that the administrative officers, despite being expected to take direct action against the said construction project in accordance with the Environment (Protection) Act, 1986 and the EIA Notification, 2006 issued by the Ministry of Environment and Forests on 14 September 2006, without prior notice, are deliberately delaying such action. This conduct appears to be inconsistent with the provisions of the Development Control and Promotion Regulations as well as the Environment (Protection) Act, 1986.

During the scheduled hearing today, we are hereby submitting this written argument to bring to your attention a summary of the violations committed by the developer during the execution of the said construction project. This includes breaches of regulatory provisions, as well as discrepancies in the sanctioned building plans resulting from collusion between the architect and the administrative officers of the Development Permission Department. The key points are presented below for your kind consideration.

- 1) As per the sanctioned building plan of the said construction project, it is observed that during the execution of work on site, the developer has failed to maintain the required setbacks on all sides (front, rear, and sides) as per Regulation No. 19.6 (ii) of the Development Control and Promotion Regulations, 2018 (DCPR - 2018). Specifically, the rear setback provided is found to be less than the mandated 23 meters, which constitutes a violation of the said regulation. It has been brought to the attention of your administrative officers that within the reduced setback area, the then-responsible administrative officers had illegally granted construction permission for a club house to the developer and architect.

Accordingly, it has been confirmed that the developer and architect have violated Regulation No. 19.6 (ii) of the Development Control and Promotion Regulations (DCPR - 2018).

2) While approving the final revised building plan dated 28 February 2024, it has been brought to the attention of your administrative officers that the developer and architect have not only violated the special terms and conditions mentioned in the Non-Agricultural (NA) certificate issued by the District Collector's Office, Pune under O/w No. Mulshi/NA/SR/24/2021 dated 27 May 2021, but have also breached the conditions related to the land's classification, its tenure, ownership rights, NA assessment, and the approved encumbrance on the said land.

3) As per the final revised building permission certificate issued by the Development Permission Department of Pune Metropolitan Region Development Authority under BMU/CRNO.2112/23-24/8926 dated 28 February 2024, it has been brought to the attention of your administrative officers that, in violation of Condition No. 35 of the said approval, the developer has failed to obtain the mandatory Environmental Clearance (EC). Despite this, the developer has proceeded with construction as per the final revised building plans without securing the EC, thereby violating the provisions of the Environment Protection Act, 1986.

For your additional information, a copy of the Environment (Protection) Act, 1986, along with the EIA Notification dated 14 September 2006 issued under this Act by the Ministry of Environment and Forests, Government of India, is hereby attached to the present written argument being presented during today's hearing. As per the EIA Notification 2006, it is mandatory to obtain Environmental Clearance (EC) before commencing on-site construction for any building project having a total built-up area (TBUA) exceeding 20,000 square meters. Despite this, it has been brought to your attention that the developer, in collusion with officials from the Maharashtra Pollution Control Board and the administrative officers of the Pune Metropolitan Region Development Authority,

initiated and nearly completed the construction of a 21-storey building project with a total built-up area of 26,460.48 square meters as per the revised sanctioned building plans, without obtaining the required Environmental Clearance.

As per the Development Permission Department of the Pune Metropolitan Region Development Authority (PMRDA), it has been brought to your attention once again by way of additional supporting evidence, that revised building permission was granted on 28 February 2024 under BMU/CRNO.2112/23-24/8926 for a total built-up area (TBUA) of 26,460.48 square meters. In support of this, the detailed Total Built-Up Area statement as per the revised sanctioned building plan is being resubmitted below in the form of a pro forma table for your reference and record.

Total Built-up Area Calculation wrt Sanction Plan C.R. 2112/23-24, Dated
28/02/2024

DESCRIPTION	FSI AREA	
	COMMERCIAL	RESIDENTIAL
BUILT AREA	1862.25	21465.22
TOTAL FSI AREA	23,327.47	
DESCRIPTION	NON FSI AREA	
REFUGE AREA	162.45	
PARKING	1116.29	
LIFT	15.58	
TOP TERRACE	1116.29	
TRANSFORMER & DG	30.77	
UGWT	80.00	
OHWT	37.40	
STP & OWC	74.23	
ARCH. PROJECTION	500.00	
TOTAL NON FSI AREA	3,133.01	

TOTAL BUILT-UP AREA (FSI AREA + NON FSI AREA)	26,460.48 SQ.MTR
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4) As per Condition No. 35 of the final revised building permission letter dated 28 February 2024, for the previously sanctioned Proposal No. 1174/21-22 dated 08/12/2022, the approved FSI area was 12,347.75 sq. m. and the Non-FSI area was 4,899.71 sq. m., making the total 17,236.69 sq. m. For this total area, a No Objection Certificate (NOC) from the Environment Department was not required. Since the revised proposal was submitted by applying the TOD (Transit-Oriented Development) regulations as per norms, building plans were approved for an FSI area of 23,327.47 sq. m. and a Non-FSI area of 2,410.61 sq. m., making a total of 25,738.08 sq. m. Subsequently, it was brought to the attention of your administrative officers that before the applicant could commence construction of the additional built-up area beyond the previously approved total area of 17,236.69 sq. m., it was mandatory to submit a No Objection Certificate (NOC) from the Environment Department. It has also been brought to the attention of your administrative officers that a directive was issued stating that if construction is carried out beyond the area of 17,236.69 sq. m. without obtaining a No Objection Certificate (NOC) from the Environment Department, such construction shall be deemed unauthorized, and this should be duly noted. Despite such clear directives, it has been brought to the administration's attention with substantial evidence that the developer has commenced and carried out construction over a built-up area of 26,460.48 sq. m., exceeding the approved limit of 17,236.69 sq. m. and has completed a 21-storey structure on-site accordingly, in violation of the sanctioned building plan. As per Clause No. 35 of the final revised building permission, it has been brought to the attention of your administrative officers that the developer has carried out unauthorized construction over an area of 11,082.58 sq. m.

Accordingly, as per the office circulars issued by the Pune Metropolitan Region Development Authority, the developer is liable for penal action due to the unauthorized construction. In line with the provisions for penal action concerning unauthorized construction, it is imperative that the administration immediately impose penal charges on the developer for the unauthorized built-up area of 11,082.58 sq. m.

5) While approving the building plans for the construction project, it has come to notice that the administration granted unauthorized and irregular permissions for constructions within the marginal distance. Upon reviewing the final revised building plans, it has been brought to the administration's attention that within the marginal distance, structures such as amenity spaces, their compound walls, STP plant, transformer, OWC, and other facilities have been permitted in violation of applicable regulations.

6) Considering the number of residential and commercial units shown in the final revised building plans, it has been brought to the attention of your administrative officers that the developer, architect, and the then-administration failed to ensure and direct adequate parking arrangements as mandated under Table No. 07 of the Development Control and Promotion Regulations, 2018 (DCPR - 2018), at the time of building plan approval. As per the final revised building plan, based on the total number of residential and commercial units, parking provisions were required for 432 two-wheelers, 432 bicycles, and 156 cars. However, it has been brought to the attention of your administrative officers that the actual site and sanctioned building plans do not reflect this required parking arrangement within the project premises.

7) During the construction of the said project, it has been brought to the attention of your administrative officers that excavation (for the foundation) and extraction of groundwater from four borewells within the project premises is being carried out without obtaining the mandatory permission from the Central Ground Water Authority (CGWA). The developer has not secured any official approval for either

the excavation or the groundwater withdrawal, thereby engaging in unauthorized activities on the project site.

In light of all the aforementioned grievance points brought to your attention, it has been observed that the developer of the 'Welworth Poornam' construction project located at Gat No. 282/2, Village Mauje Man, Taluka Mulshi, District Pune, has carried out construction activities in violation of the Development Control and Promotion Regulations 2018 (DCPR 2018), the Environment (Protection) Act, 1986, as well as the specific provisions of the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India, on 14 September 2006.

Therefore, it is hereby requested that immediate penal action be initiated against the unauthorised construction of the said project, and within the next 8 days, construction on the project be halted and the approved building plans be cancelled in accordance with the Development Control and Promotion Regulations 2018 (DCPR - 2018). Furthermore, legal action should be taken against Architect Mr. Rishikesh Kulkarni and he should be blacklisted. Failing this, it will be presumed that the administrative officers of the Development Permission Department are themselves complicit with the developer/architect in this illegal construction activity. Hence, note that a strong and legal course of action will be pursued against the concerned officers of the Development Permission Department.

Yours

Sd/-

Kalpesh Yadav

Copy for information :

- 1) Hon. Director, Town Planning and Development Department, Pune Metropolitan Region Development Authority Pune



//True Copy/



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

प्रति,

दि. 20 जून 2024

१) मा. सचिव,

पर्यावरण, वने व वातावरणीय बदल विभाग (MoEF&CC),

पर्यावरण भवन, नवी दिल्ली

२) मा. सदस्य सचिव,

स्टेट लेव्हल एनवायरमेन्ट इम्पॅक्ट असेसमेंट अथॉरिटी, (SEIAA),

पर्यावरण विभाग, मंत्रालय, मुंबई

(Handwritten signature)

सचिव,

सचिव कार्यालय,

पर्यावरण व वातावरणीय बदल विभाग
मंत्रालय, मुंबई, महाराष्ट्र ४०००३२

३) मा. सदस्य सचिव,

महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई

विषय - आपल्याकडे सादर केलेल्या सबळ पुराव्याच्या अनुषंगाने गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे विकसक मे. ग्री इंडिया रियल कॉन् एलएलपी यांनी विना पर्यावरणीय मंजूरी (EC) चालू केलेल्या बांधकाम प्रकल्पाच्या बांधकामावर पर्यावरण संरक्षण कायदा १९८६ व केंद्रीय पर्यावरण व वन मंत्रालयाच्या दिनांक १४ सप्टेंबर २००६ च्या अधिसूचने प्रमाणे क्लोजर तसेच फौजदारीची कायदेशीर कारवाई करावी तसेच सदर बांधकाम प्रकल्पास बेकायदेशीरपणे कन्सेंट टू इस्टॅब्लिश (CTE) देणाऱ्या महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या दोषी प्रशासकीय अधिकाऱ्यांवर कायदेशीर कारवाई करणेबाबत...

संदर्भ - १) पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक २८ फेब्रुवारी २०२४ रोजी बांधकाम प्रकल्पास दिलेली अंतिम सुधारित बांधकाम परवानगी

२) दिनांक ०५ डिसेंबर २०२४ रोजी महाराष्ट्र प्रदूषण नियंत्रण मंडळामार्फत सदरच्या बांधकाम



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्येश यादव

प्रकल्पास दिलेले कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र

३) आपल्या कार्यालयाकडे दिनांक २३ एप्रिल २०२५ रोजी सादर केलेले तक्रारी निवेदन

४) महाराष्ट्र प्रदूषण नियंत्रण मंडळाने दिनांक १६ मे २०२५ रोजी बांधकाम प्रकल्पास बजावलेले प्रस्तावित निर्देश

५) दिनांक १४ सप्टेंबर २००६ रोजी भारत सरकारच्या पर्यावरण व वन मंत्रालयाने पर्यावरण संरक्षण कायदा १९८६ अन्वये जारी केलेले EIA अधिसूचना (Notification) २००६

महोदय,

गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या रहिवास + वाणिज्य बांधकाम प्रकल्पाकरिता पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक १७ जून २०२१ रोजी मूळ बांधकाम परवानगी अदा करण्यात आली होती. सदर बांधकाम परवानगीच्या अनुषंगाने विकसक मे. ग्रो इंडिया रिअलकॉन एलएलपी तर्फे भागीदार विनीत गोयल यांनी प्रत्यक्ष मिळकत क्षेत्रावर बांधकाम प्रकल्पाचे बांधकाम चालू केले. विकसक मे. ग्रो इंडिया रिअलकॉन एलएलपी तर्फे भागीदार विनीत गोयल यांनी सदर मिळकत क्षेत्राच्या बांधकाम प्रकल्पाकरिता वेळोवेळी सुधारित बांधकाम परवानगी मिळणेकामी दाखल केलेल्या बांधकाम प्रस्ताव अर्जांच्या अनुषंगाने पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत वेळोवेळी सुधारित बांधकाम परवानगी तसेच बांधकाम नकाशे मंजूर केले असल्याचे निदर्शनास आले आहे. दिनांक २८ फेब्रुवारी २०२४ रोजीच्या अंतिम सुधारित बांधकाम नकाशे प्रमाणे विकसकाने भारत सरकारच्या पर्यावरण व वन मंत्रालयाने पर्यावरण संरक्षण कायदा १९८६ अन्वये जारी केलेल्या EIA अधिसूचना २००६ चे उल्लंघन करत बांधकाम प्रकल्पाचे बांधकाम चालू केले असल्याचे निदर्शनास आले आहे .

सदर बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ चे उल्लंघन केले असल्याचे महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आले होते. Environmental Clearance Violations निदर्शनास आले प्रमाणे महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या संबंधित प्रशासकीय अधिकाऱ्यांनी सदरच्या बांधकाम प्रकल्पाविरोधात पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने जारी केलेल्या EIA अधिसूचना (Notification) २००६ नुसार कारवाई करणे अपेक्षित होते, परंतु सदरच्या बांधकाम प्रकल्पाविरोधात कायदेशीर कारवाई करणे ऐवजी महाराष्ट्र प्रदूषण नियंत्रण मंडळाचे प्रशासकीय अधिकारी विकसकाच्या हितार्थ बेकायदेशीरपणे प्रशासकीय मदत करत असल्याचे निदर्शनास आले आहे.



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

सदर बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचनेचे उल्लंघन तसेच महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांनी विकसकाच्या हितार्थ बांधकाम प्रकल्पास केलेली बेकायदा प्रशासकीय मदत याची सविस्तर मुद्देनिहाय माहिती पुराव्यासह खालील प्रमाणे पुनश्च: आपल्या निदर्शनास आणून देत आहोत.

१) सदर मिळकती मधील बांधकाम प्रकल्पास पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत BMU/CRNO.2112/23- 24/8926 अन्वये दिनांक २८ फेब्रुवारी २०२४ रोजी अंतिम सुधारित बांधकाम परवानगी व बांधकाम नकाशे मंजूर करण्यात आले होते. मंजूर अंतिम सुधारित बांधकाम नकाशे प्रमाणे विकसकाने पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असताना विकसकाने पर्यावरणीय मंजूरी (EC) घेतल्याखेरीज सुधारित बांधकाम नकाशे प्रमाणे बांधकाम करणे हे पर्यावरण संरक्षण कायद्याचे उल्लंघन करणारी बाब आहे. अतिरिक्त माहितीस्तव पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ याची प्रत निवेदनासोबत जोडलेली आहे. सदरच्या EIA अधिसूचना (Notification) २००६ नुसार बांधकाम प्रकल्पाचे एकूण बांधकाम क्षेत्र (Total Built Up Area) २०,००० चौरस मीटर पेक्षा अधिक मंजूर असणाऱ्या बांधकाम प्रकल्पास प्रत्यक्ष जागेवर बांधकाम सुरू करण्यापूर्वीच पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असताना विकसकाने महाराष्ट्र प्रदूषण नियंत्रण मंडळ तसेच पुणे महानगर प्रदेश विकास प्राधिकरणाच्या प्रशासकीय अधिकाऱ्यांशी हितसंबंध जोपासत सुधारित बांधकाम नकाशा प्रमाणे प्रत्यक्ष जागेवर एकूण २८,३१९.२७ चौरस मीटर बांधकाम क्षेत्राचे (TBUA) बांधकाम चालू केले असून ते बांधकाम पूर्णत्वास आले असल्याचेही निदर्शनास आले आहे

पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक २८ फेब्रुवारी २०२४ रोजी BMU/CRNO.2112/23- 24/8926 अन्वये एकूण २८,३१९.२७ चौरस मीटर बांधकाम क्षेत्रास (TBUA) बांधकाम परवानगी दिले असल्याचे पुरावे म्हणून सुधारित बांधकाम नकाशा प्रमाणे एकूण बांधकाम क्षेत्राचा (Total Built Up Area) तपशिल प्रो फारमा टेबलचा तक्ता आपल्या माहितीस्तव खालील प्रमाणे निदर्शनास आणून देत आहोत.

Total Built-up Area Calculation wrt Sanction Plan C.R. 2112/23-24, Dated 28/02/2024

DESCRIPTION	FSI AREA	
	COMMERCIAL	RESIDENTIAL
BUILT AREA	1862.25	21465.22
TOTAL FSI AREA	23,327.47	



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अध्यक्ष: कल्पेश यादव

DESCRIPTION	NON FSI AREA
REFUGE AREA	162.45
PARKING	1116.29
LIFT	15.58
TOP TERRACE	1116.29
TRANSFORMER & DG	30.77
UGWT	80.00
OHWT	37.40
STP & OWC	74.23
ARCH. PROJECTION	500.00
TOTAL NON FSI AREA	3,133.01
TOTAL BUILT-UP AREA (FSI AREA + NON FSI AREA)	26,460.48 SQ.MTR

वरील प्रमाणे नमूद केलेले बांधकाम महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिल्याप्रमाणे महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडून बांधकाम प्रकल्पास प्रस्तावित निर्देश बजावण्यात आलेले आहे.

२) सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने पर्यावरणीय मंजूरी (EC) घेतलेली नसताना देखील सदरच्या बांधकाम प्रकल्पाला महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांनी पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचनेचे उल्लंघन करत दिनांक ०५ डिसेंबर २०२४ रोजी बेकायदेशीररीत्या कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र दिले असल्याचे निदर्शनास येते. एकूण बांधकाम क्षेत्र (Total Built Up Area) २०,००० चौरस मीटर पेक्षा अधिक असणाऱ्या बांधकाम प्रकल्पांना पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असल्याचे महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांना ज्ञात आहे. तसेच सदर बांधकाम प्रकल्पाच्या विकसकाने पर्यावरणीय मंजूरी (EC) घेतली नसल्याची खात्रीही महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या अधिकाऱ्यांची झालेली होती. विकसकाबरोबर असणाऱ्या हितसंबंधांमुळेच महाराष्ट्र प्रदूषण नियंत्रण मंडळाचे सह संचालकासह पुणे उपप्रादेशिक कार्यालयातील उपप्रादेशिक अधिकारी यांनी पर्यावरणीय मंजूरी प्राप्त नसताना सदर बांधकाम प्रकल्पास बेकायदेशीरपणे २६४६०.४८ चौरस मीटरच्या एकूण बांधकाम क्षेत्राकरिता कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र दिलेले आहे. कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र देतेवेळी सदरच्या प्रमाणपत्रामधील अट क्रमांक १४ चे अवलोकन केल्यास स्पष्टपणे निदर्शनास येते की महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांनी पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने जारी केलेल्या EIA अधिसूचना (Notification) २००६ चे उल्लंघन केलेले आहे.



DISCIPLINED
PUNEKARES FORUM

डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

३) सदरील प्रकल्प ठिकाणी ऑर्गॅनिक वेस्ट कन्वर्टर (OWC) बसवलेला नसून, सदर बांधकाम प्रकल्प ठिकाणी असलेल्या लेबर कॅम्प मधील कामगारांकडून ओल्या कचऱ्याची विल्हेवाट अशास्त्रीय पद्धतीने लावली जात असल्याचे निदर्शनास आले आहे.

४) सदर बांधकाम प्रकल्प ठिकाणी असलेल्या लेबर कॅम्प मधून निर्माण होणारे सांडपाणी व मैलापाणी याचे शुद्धीकरण करणेसाठी STP प्लॅन्ट बसवलेला असणे व तो कार्यान्वयित असणे अनिवार्य असताना सदरच्या बांधकाम प्रकल्पातून निर्माण झालेले सांडपाणी व मैलापाणी हे सदर मिळकत क्षेत्राजवळील ड्रेनेज मध्ये सोडत असल्याचे निदर्शनास आले आहे.

५) सदर बांधकाम प्रकल्पातील एकूण उपलब्ध पार्किंग सुविधेपैकी ३०% पार्किंगच्या जागा ह्या इलेक्ट्रिक चार्जिंगच्या सुविधेसह उपलब्ध करून देण्याचे निर्देश दिलेले असताना देखील ३०% पार्किंगची जागा इलेक्ट्रिक चार्जिंगच्या सुविधेसह उपलब्ध न केल्याने विकसकाने कन्सेंट टू इस्टॅब्लिश (CTE) या अटीचा देखील उल्लंघन केल्याचे निदर्शनास आले आहे.

६) सदर बांधकाम प्रकल्पातील बांधकाम प्रकल्पाचे बांधकाम करतेवेळी पाया (Foundation) खोदाई तसेच मिळकत क्षेत्रातील विहीर व बोअरवेल्स यामधून भूजल उपसा करणेसाठी केंद्रीय भूजल साठा समितीची (CGWA) परवानगी घेणे अनिवार्य असताना सदर मिळकतीचे विकसक यांनी खोदाई व भूजल उपसा करणेसाठी कोणतीही अधिकृत परवानगी न घेता सदरील मिळकत क्षेत्रातून अवैधरीत्या खोदाई व भूजल उपसा चालू असल्याचे निदर्शनास आले आहे .

७) सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी निर्माण होणाऱ्या धूळ व इतर वायू प्रदूषित घटकाकरिता डस्ट कलेक्टर (Dust Collector) तसेच बांधकाम प्रकल्प ठिकाणी असणाऱ्या डी जी जनसेट करीता वायू प्रदूषण नियंत्रण प्रणाली (APCS) तसेच Acoustic Encloser बसवले नसल्याचे निदर्शनास आले आहे .

८) सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी पाया (Foundation) उत्खनन केलेली माती (Top Soil) प्रकल्पस्थळी गार्डन करीता विकसकाने साठवून (STOCK) ठेवले नसल्याचे निदर्शनास आले आहे .

९) सदरच्या बांधकाम प्रकल्प ठिकाणी घनकचरा व्यवस्थापन, ऑर्गॅनिक वेस्ट डायजेस्टर, ओला व सुका कचरा वर्गीकरण (Segregation) तसेच त्याचे व्यवस्थापन करणेसाठी कोणतीही यंत्रसामुग्री बसवलेली नसल्याचे निदर्शनास आले आहे .

वरील प्रमाणे निदर्शनास आणून दिले नुसार सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ चे उल्लंघन केले असल्याचे स्पष्टपणे निदर्शनास येत आहे. तरी आपण गाव मौजे, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे विकसक मे. ग्री इंडिया रियलकॉन एलएलपी यांनी पर्यावरणीय मंजूरी (EC) न घेता चालू असलेल्या बांधकाम प्रकल्पाच्या बांधकामावर पर्यावरण संरक्षण कायदा १९८६ तसेच



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

केंद्रीय पर्यावरण व वन मंत्रालयाने जारी केलेल्या EIA अधिसूचनेप्रमाणे बांधकाम प्रकल्पावर क्लोजर व फौजदारीची कायदेशीर कारवाई करावी तसेच सदर बांधकाम प्रकल्पास बेकायदेशीरपणे कन्सेंट टू इस्टॅब्लिश (CTE) देणाऱ्या महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या दोषी प्रशासकीय अधिकाऱ्यांवर कायदेशीर कारवाई करावी.

कळावे,

आपला

कल्पेश यादव

माहितीसाठी प्रत :

- १) मा. जिल्हाधिकारी, जिल्हाधिकारी कार्यालय, पुणे
- २) मा. प्रधान सचिव, पर्यावरण व वातावरणीय बदल विभाग, मंत्रालय, मुंबई
- ३) मा. उपसंचालक, पर्यावरण, वने व वातावरणीय बदल विभाग, प्रादेशिक कार्यालय, नागपूर
- ४) मा. आयुक्त तथा मुख्य कार्यकारी अधिकारी, पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे
- ५) मा. अध्यक्ष, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई
- ६) मा. सहसंचालक, हवा, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुख्यालय, मुंबई
- ७) मा. संचालक, नगर रचना विभाग व नियोजन विभाग, पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे
- ८) मा. अध्यक्ष, केंद्रीय भूजल साठा समिती, भूजल भवन, फरीदाबाद
- ९) मा. प्रादेशिक अधिकारी, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, पुणे

Date : 20 June 2025

To,

1) Hon. Secretary,
Ministry of Environment, Forest and Climate Change (MoEF&CC),
Paryavaran Bhawan, New Delhi.

2) Hon. Member Secretary,
State Level Environment Impact Assessment Authority (SEIAA),
Environment Department, Mantralaya, Mumbai.

3) Hon. Member Secretary,
Maharashtra Pollution Control Board,
Mumbai.

Subject - Based on the substantial evidence submitted to your office, criminal legal action and closure proceedings should be initiated under the Environment (Protection) Act, 1986 and the EIA Notification dated 14 September 2006 issued by the Ministry of Environment and Forests, against the construction activity commenced without Environmental Clearance (EC) by the developer M/s. Grow India Realcon LLP for the building project 'Welworth Purnam' situated on Survey No. 282/2, Village Mauje Man, Taluka Mulshi, District Pune. Further, legal proceedings should also be initiated against the erring administrative officers of the Maharashtra Pollution Control Board who unlawfully granted the Consent to Establish (CTE) for the said construction project.

Reference – 1) Final revised building permission granted to the construction project on 28 February 2024 by the Development Permission Department of the Pune Metropolitan Region Development Authority.

2) Consent to Establish (CTE) certificate granted to the said construction project by the Maharashtra Pollution Control Board on 05 December 2024.

3) The grievance statement submitted to your office on 23 April 2025

4) Proposed Directions issued to the construction project by the Maharashtra Pollution Control Board on 16 May 2025.

5) EIA Notification 2006 issued by the Ministry of Environment and Forests, Government of India on 14 September 2006 under the Environment (Protection) Act, 1986.

Respected Sir/Madam,

The original building permission for the 'Welworth Purnam' residential + commercial construction project located on Survey No. 282/2, Village Mauje Man, Tal. Mulshi, Dist. Pune, was granted by the Development Permission Department of the Pune Metropolitan Region Development Authority on 17 June 2021. In accordance with the said building permission, the construction of the project was commenced on the actual site by the developer, M/s. Grow India Realcon LLP, through its partner Mr. Vineet Goyal. It has come to notice that for the said land parcel, the developer M/s. Grow India Realcon LLP, through its partner Mr. Vineet Goyal, submitted revised building proposal applications from time to time in order to obtain amended building permissions. Accordingly, the Development Permission Department of Pune Metropolitan Region Development Authority granted revised building permissions and approved building plans from time to time. It has also been observed that as per the final revised building plan dated 28 February 2024, the developer commenced the construction of the project in violation of the EIA Notification 2006 issued under the Environment (Protection) Act, 1986 by the Ministry of Environment and Forests, Government of India.

It was brought to the attention of the administrative officers of the Maharashtra Pollution Control Board that during the execution of construction of the said project, the developer violated the provisions of the Environment (Protection) Act, 1986 as well as the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India on 14 September 2006. As per the observed Environmental Clearance violations, it was expected that the concerned administrative officers of the Maharashtra Pollution Control Board would initiate appropriate legal action against the said construction project under the Environment (Protection) Act, 1986 and the EIA Notification, 2006 issued by the Ministry of Environment and Forests. However, instead of taking lawful action, it has come to light that the administrative officers of the

Maharashtra Pollution Control Board are unlawfully extending administrative assistance in favour of the developer.

While carrying out the construction of the said project, the developer has violated the EIA Notification dated 14 September 2006 issued by the Ministry of Environment and Forests. Additionally, the administrative officers of the Maharashtra Pollution Control Board have extended unlawful administrative assistance in favour of the developer. A detailed, point-wise account of these violations, along with supporting evidence, is once again brought to your attention as follows.

1) For the construction project on the said property, the final revised building permission and building plans were sanctioned by the Development Permission Department of the Pune Metropolitan Region Development Authority under BMU/CRNO.2112/23-24/8926, dated 28 February 2024. As per the approved final revised building plans, it was mandatory for the developer to obtain Environmental Clearance (EC). However, undertaking construction as per the revised plans without obtaining the said Environmental Clearance constitutes a violation of the Environment (Protection) Act, 1986. For your additional information, a copy of the Environment (Protection) Act, 1986 and the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India on 14 September 2006 under the said Act, is attached herewith along with this statement. As per the EIA Notification, 2006, obtaining Environmental Clearance (EC) is mandatory before commencing any construction activity at the site for a building project with a total built-up area (TBUA) exceeding 20,000 square meters. However, it has come to notice that the developer, in collusion with the administrative officers of the Maharashtra Pollution Control Board and Pune Metropolitan Region Development Authority, commenced and completed construction on site as per the revised building plan, covering a total built-up area of 28,319.27 square meters, without obtaining the mandatory EC.

As evidence, it is hereby brought to your attention that the Pune Metropolitan Region Development Authority, through its Development Permission Department, granted construction permission for a total built-up area (TBUA) of 28,319.27 square meters under BMU/CRNO.2112/23-24/8926 dated 28 February 2024. Accordingly, the detailed pro forma table of the total built-up area as per the revised building plan is submitted below for your information.

Total Built-up Area Calculation wrt Sanction Plan C.R. 2112/23-24, Dated 28/02/2024

DESCRIPTION	FSI AREA	
	COMMERCIAL	RESIDENTIAL
BUILT AREA	1862.25	21465.22
TOTAL FSI AREA	23,327.47	
DESCRIPTION	NON FSI AREA	
REFUGE AREA	162.45	
PARKING	1116.29	
LIFT	15.58	
TOP TERRACE TRANSFORMER & DG	1116.29 30.77	
UGWT	80.00	
OHWT	37.40	
STP & OWC	74.23	
ARCH. PROJECTION	500.00	
TOTAL NON FSI AREA	3,133.01	

TOTAL BUILT-UP AREA (FSI AREA + NON FSI AREA)	26,460.48 SQ.MTR
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As stated above, the construction activity mentioned herein was brought to the attention of the administrative officers of the Maharashtra Pollution Control Board, pursuant to which proposed directions have been issued by the Board to the said construction project.

2) It is observed that, despite the developer not having obtained the mandatory Environmental Clearance (EC) at the time of undertaking the construction of the said project, the administrative officers of the Maharashtra Pollution Control Board, in violation of the Environment (Protection) Act, 1986 and the EIA Notification dated 14 September 2006 issued by the Ministry of Environment and Forests, Government of India, have unlawfully issued the Consent to Establish (CTE) certificate on 05 December 2024. It is within the knowledge of the administrative officers of the Maharashtra Pollution Control Board that obtaining Environmental Clearance (EC) is mandatory for construction projects having a Total Built Up Area exceeding 20,000 square meters. Furthermore, the officers of the Maharashtra Pollution Control Board were also aware and had confirmed that the developer of the said construction project had not obtained the required Environmental Clearance (EC). Due to vested interests with the developer, the Joint Director of the Maharashtra Pollution Control Board, along with the Sub-Regional Officer of the Pune Sub-Regional Office, have unlawfully issued the Consent to Establish (CTE) certificate for a total built-up area of 26,460.48 square meters for the said construction project, despite the fact that Environmental Clearance (EC) had not been obtained. While issuing the Consent to Establish (CTE) certificate, a review of Condition No. 14 in the said certificate clearly reveals that the administrative officers of the Maharashtra Pollution Control Board have violated the provisions of the Environment (Protection) Act, 1986, as

well as the EIA Notification, 2006, issued by the Ministry of Environment and Forests, Government of India.

3) It has been observed that an Organic Waste Converter (OWC) has not been installed at the said project site, and the wet waste generated by the labourers residing in the labour camp at the project site is being disposed of through unscientific methods.

4) It has been observed that although it is mandatory to install and operate an STP (Sewage Treatment Plant) for the treatment of sewage and wastewater generated from the labour camp at the said construction project site, the sewage and wastewater generated from the said project is being directly discharged into the nearby drainage system.

5) Although it was directed that 30% of the total available parking spaces in the said construction project must be equipped with electric charging facilities, it has been observed that the developer has failed to provide electric charging facilities for 30% of the parking area, thereby violating the condition stipulated in the Consent to Establish (CTE).

6) While carrying out the construction activities of the said project, it is mandatory to obtain prior permission from the Central Ground Water Authority (CGWA) for excavation of foundation and extraction of groundwater through existing wells and borewells within the plot area. However, it has been observed that the developer has been illegally excavating and extracting groundwater from the said plot area without obtaining any official authorization or permission from CGWA.

7) While carrying out the construction activities of the said project, it has been observed that no Dust Collector has been installed to manage the dust and other air-polluting elements generated during construction. Furthermore, it has also come to notice that no Air Pollution Control System (APCS) or Acoustic Enclosure has been installed for the DG genset present at the construction site.

8) It has been observed that during the construction of the said building project, the excavated topsoil from the foundation was not stockpiled by the developer at the project site for use in garden development.

9) It has been observed that at the said construction project site, no equipment has been installed for solid waste management, organic waste digester, wet and dry waste segregation, and its proper management.

As brought to notice above, it is clearly evident that during the construction of the said project, the developer has violated the provisions of the Environment (Protection) Act, 1986, as well as the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India, dated 14 September 2006. Therefore, it is requested that under the provisions of the Environment (Protection) Act, 1986 and the EIA Notification issued by the Ministry of Environment and Forests, Government of India, action be taken to immediately initiate closure and criminal legal proceedings against the ongoing construction of the 'Welworth Purnam' project being carried out without obtaining Environmental Clearance (EC) by M/s. Grow India Realcon LLP, for Survey No. 282/2, Village Mauje, Tal. Mulshi, Dist. Pune. Further, legal action be initiated against the responsible administrative officers of the Maharashtra Pollution Control Board who have illegally issued the Consent to Establish (CTE) for the said project.

Regards,

Yours

Sd/-

Kalpesh Yadav

Copy for information:

- 1) Hon. District Collector, Office of the District Collector, Pune
- 2) Hon. Principal Secretary, Department of Environmental Change, Ministry, Mumbai

- 3) Hon. Deputy Director, Department of Environment, Forests and Climate Change, Regional Office, Nagpur
- 4) Hon. Authority Chief Executive Officer, Pune Metropolitan Region Development Authority, Pune
- 5) Hon. Chairman, Maharashtra Pollution Control Board, Mumbai
- 6) Hon. Joint Director, Air, Maharashtra Pollution Control Board, Headquarters, Mumbai
- 7) Hon. Director, Town Planning and Development Department, Pune Metropolitan Region Development Authority, Pune
- 8) Hon. Chairman, Central Groundwater Resources Committee, Bhujal Bhavan, Faridabad
- 9) Hon. Regional Officer, Maharashtra Pollution Control Board, Pune



//True Copy//



पुणे महानगर प्रदेश विकास प्राधिकरण पुणे

Pune Metropolitan Region Development Authority, Pune

३ रा मजला, नवीन प्रशासकीय इमारत, आकुर्डी रेल्वे स्टेशन जवळ, पिंपरी-चिंचवड, पुणे ४११०४४

3rd floor, New Administrative Building, Near Akurdi Railway Station, Akurdi, Pune - 411044

Phone no. 020-259 33 333 / 44 / 56

Email: comm.@pnrda.gov.in



जा.क्र.: बीएमयु/मौ. माण/ग.नं.२८२/२/२६६१

दि. २६/०६/२०२५

विषय:- गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे विकसक मे. ग्रो इंडिया रियल कॉन एलएलपी यांनी पर्यावरणीय मंजुरी (EC) न घेता चालू केलेल्या बांधकाम प्रकल्पाच्या बांधकामावर पर्यावरण संरक्षण कायदा १९८६ व केंद्रीय पर्यावरण व वन मंत्रालयाच्या दिनांक १४ सप्टेंबर २००६ च्या अधिसूचने प्रमाणे कायदेशीर कारवाई करणेबाबत. तसेच सदर बांधकाम प्रकल्पाचे बांधकाम परवागनी रद्द करणेबाबत.

संदर्भ:- १) प्राधिकरणाकडील प्र.क्र.२११२/२३-२४, दि.२८/०२/२०२४ रोजीचे सुधारित विकास परवानगी व प्रारंभ प्रमाणपत्र प्राप्त.

२) अर्जदार श्री. कल्पेश यादव यांचा दि.२१/०४/२०२५ रोजीचा अर्ज तक्रार.

(या कार्यालयास प्राप्त दि.१५/०५/२०२५)

३) या कार्यालयाकडील जा.क्र.: बीएमयु/मौ. माण/ ग.नं.२८२/२/१२३६, दि.१९/०५/२०२५ रोजीचे पत्र

४) अर्जदार श्री. कल्पेश यादव यांचा दि.१४/०५/२०२५ रोजी ई-मेल द्वारे तक्रार अर्ज

५) अर्जदार डिसिप्लिन पुणेकर्स फोरम यांचे तर्फे अध्यक्ष श्री.कल्पेश यादव यांचा दि.१४/०५/२०२५ रोजीचा अर्ज (या कार्यालयास प्राप्त दि. २८/०५/२०२५)

६) या कार्यालयाकडील जा.क्र.: बीएमयु/मौ. माण/ग.नं.२८२/२/१९२८ दि.०६/०६/२०२५ सुनावणीस उपस्थित राहणेबाबतचे पत्र

वादी :- श्री. कल्पेश यादव

प्रतिवादी:- मे. ग्रो इंडिया रिअल कॉन एलएलपी तर्फे. भागीदार श्री. विनीत गोयल

सुनावणीचा दिनांक दि.१३/०६/२०२५ रोजी सकाळी ११.३० वाजता

सुनावणी स्थळ :- मा.अतिरिक्त महानगर आयुक्त यांचे दालनात पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे, नवीन प्रशासकीय इमारत, आकुर्डी रेल्वे स्टेशन जवळ, आकुर्डी, पुणे- ४११०४४

प्रकरणाची पार्श्वभूमी :-

उपरोक्त विषयास अनुसरून संदर्भ क्र. १ अन्वये गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ क्षेत्रावर विकास परवानगी व प्रारंभ प्रमाणपत्र प्राप्त आहे. तसेच संदर्भ क्र. २ अन्वये श्री. कल्पेश यादव यांचा तक्रार अर्ज या कार्यालयास प्राप्त झालेला आहे. संदर्भ क्र. ३ अन्वये विकसकास खुलासा सादर करणेबाबत कळविण्यात आलेले होते. तसेच संदर्भ क्र. ६ अन्वये मा. अतिरिक्त महानगर आयुक्त यांचेकडे वादी व प्रतिवादी यांची सुनावणी घेण्यात आलेली होती. सदर सुनावणीच्या अनुषंगाने मा. अतिरिक्त महानगर आयुक्त यांनी आदेशित केल्याप्रमाणे खालील प्रमाणे सादर करित आहे. वादी व प्रतिवादी यांचे निवेदन तक्त्या स्वरूपात खालील प्रमाणे नमुद केले आहे.

आपणांस प्रदान करण्यात आलेल्या बांधकाम परवानगीमधील २३.० मी. बफर झोन मधील खुल्या जागेमधील कळ हाऊसचे बांधकाम चूकीच्या पध्दतीने दर्शविलेले सदरील बांधकाम त्वरित निष्कासित करण्यात यावे व तसेच सुधारित बांधकाम परवानगी घेणे आवश्यक आहे.

प्राधिकरणाकडील "पुर्वमंजूर प्र.क्र. ११७४/२१-२२, दि.०८/१२/२०२२, नुसार मंजूर FSI क्षेत्र १२३४७.७५ चौ.मी. + NON FSI क्षेत्र ४८९९.७१ चौ.मी असे एकुण १७२३६.६९ चौ.मी. साठी पर्यावरण विभागाच्या ना-हरकत प्रमाणत्राची आवश्यकता नव्हती. सुधारित प्रस्तावासाठी TOD नियमावली लागू करुन सुधारित प्रस्ताव सादर असल्याने त्यातील FSI क्षेत्र २३३२७.४७ चौ. मी. + NON FSI क्षेत्र- ३१३३.०१ चौ.मी. असे एकुण २६४६०.४८ चौ.मी. इतके होत आहे. आपणांस सदरील सुधारित परवानगी देत असताना पुर्वमंजूर मान्य प्रकरणातील एकुण १७२३६.६९ चौ.मी बांधकाम क्षेत्राच्या पुढील वाढीव क्षेत्राचे बांधकाम सुरु करणेपुर्वी पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र सादर करणे बंधनकारक राहिल. पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र न घेता १७२३६.६९ चौ.मी. क्षेत्रफळावरील बांधकाम केल्यास, सदरचे बांधकाम अनधिकृत ठरेल, याची नोंद घ्यावी." अशी अट नमूद करुन सदरील बांधकामास दि.28/02/2024 रोजी सुधारित परवागनी देण्यात आलेली होती. त्यानुसार सदरील परवानगीच्या परिशिष्ट 'अ' मधील अट क्र. 35 चा भंग होत आहे. त्यामुळे सदरील सुधारित बांधकाम परवानगी रद्द समजणेत यावी.

प्रकरणी संदर्भ क्र. ३ अन्वये तक्रारदार अर्जदार डिसिप्लिन पुणेकर्स फोरम यांचे तर्फे अध्यक्ष श्री.कल्पेश यादव यांनी १ ते ८ याप्रमाणे मुद्देनिहाय माहिती सादर केलेली आहे. ती थोडक्यात पुढीलप्रमाणे :-

अ.क्र.	तक्रारदार यांचे मुद्दे	मुद्देनिहाय उत्तर
१)	सदर बांधकाम प्रकल्पाच्या मंजूर बांधकाम नकाशे प्रमाणे विकसकाने प्रत्यक्ष जागेवर बांधकाम करतेवेळी विकास नियंत्रण व प्रोत्साहन नियमावली 2018 (DCPR २०१८) मधील नियमन क्र. १९.६(ii)प्रमाणे सदर बांधकाम प्रकल्पा तील इमारतीपासून चोहोबाजूंनी सामासिक अंतर (Front, Rear, Side Margin)नियमाप्रमाणे 23 मीटर सोडणे क्रमप्राप्त असताना रियर मार्जिनचे अंतर 23 मीटर पेक्षा कमी प्रमाणात असल्याचे निदर्शनास येत आहे. कमी प्रमाणात सोडलेल्या या सामासिक अंतरामध्येच क्लब हाऊसच्या बांधकामास प्रशासकीय अधिकाऱ्यांनी विकसक व आर्किटेक्ट यांच्या हितार्थ बेकायदा बांधकाम परवानगी दिली असल्याचे निदर्शनास येते, ही बाब बांधकाम विकास नियंत्रण नियमावली (DCPR २०१८) मधील नियमन क्र. १९.६ (ii) प्रमाणे विसंगत आहे.	सदर प्रकरणाचे मंजूरबांधकाम नकाशाची कलर प्रत तपासले असता, पश्चिमेकडील २३.० मी. बफर झोन मध्ये खुल्या जागेमध्ये क्लब हाऊस प्रस्तावित केलेले आहे. तसेच नियमावली 2018 (DCPR २०१८) मधील नियमन क्र. १९.६ (ii)मध्ये सदरील २३.० मी. बफर झोन मध्ये सामासिक अंतर व रस्ता रुंदीकरण अनुज्ञेय असल्याचे नमूद आहे. त्यानुसार सदरील क्लब हाऊस चुकीच्या पध्दतीने दर्शविल्याचे दिसून येत आहे.
२)	दिनांक 28 फेब्रुवारी 2024 रोजीच्या अंतिम सुधारित बांधकाम नकाशे मंजूर करतेवेळी विकसक, आर्किटेक्ट यांनी मा. जिल्हाधिकारी कार्यालय, पुणे यांचेकडील जा. क्र. मुळशी/एनए/एसआर/24/2021, दिनांक 27 मे 2021 रोजीच्या NA प्रमाणपत्रामधील विशेष अटी व शर्तीचे उल्लंघन केले आहे. NA पत्रातील जमिनीचा वर्ग, तिचा भोगवटा,	सदरचा विषय हा महसूल विभागाशी निगडित आहे.

	तिचा धारणाधिकार, अकृषिक आकारणी व त्यावरील मंजूर भार यामधील अटी व शर्तीचे विकसकाने उल्लंघन केले आहे.	
३)	अंतिम सुधारित बांधकाम नकाशे प्रमाणे मंजूर केलेल्या वाणिज्य प्रयोजनार्थ असलेले बांधकाम लक्षात घेता प्रशासनाने विकास नियंत्रण व प्रोत्साहन नियमावली 2018 (DCPR-२०१८) मधील नियमन क्र. (V) (e) (iv) चे उल्लंघन केले असल्याचे निदर्शनास येत आहे, या नियमनानुसार एकूण बांधकाम क्षेत्राच्या (TBUA) 20% बांधकाम क्षेत्र वाणिज्य वापराकरीता बांधकाम नकाशेप्रमाणे मंजुरी देणे क्रमप्राप्त असताना अंतिम सुधारित बांधकाम नकाशेमध्ये 20% पेक्षा कमी प्रमाणात वाणिज्य वापराबाबत आर्किटेक्ट यांना पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागाने बेकायदा परवानगी दिली असल्याचे निदर्शनास येते.	सुधारित बांधकाम परवानगी दि.२८/०२/२०२४ रोजीच्या परवानगीवेळी Basic FSI च्या Minimum २०% च्या अनुषंगाने नकाशावर योग्यरित्या दर्शविण्यात आलेला आहे.
४)	बांधकाम प्रकल्पाचे बांधकाम नकाशे मंजूर करतेवेळी प्रशासनाने सामासिक अंतरामध्ये (Marginal Distance) अनधिकृतपणे बांधकामा करीता नियमबाह्य पद्धतीने परवानगी दिली असल्याचे निदर्शनास येते. सुधारित बांधकाम नकाशांचे अवलोकन केल्यास सामासिक अंतरामध्ये (Marginal Distance) सुविधा क्षेत्र व सुविधा क्षेत्राची सीमाभित, STP प्लॅट, ट्रान्सफॉर्मर, OWC आदी बांधकामांना प्रशासनाकडून बेकायदा मंजुरी देण्यात आल्याप्रमाणे प्रशासनाने बांधकाम विकास नियमावलीचे उल्लंघन केले असल्याचे निदर्शनास येत आहे.	सदरील सुधारित बांधकाम नकाशामध्ये नियमानुसार आवश्यक असलेले सामासिक अंतर सोडून, सदरील इमारतीची उंची वाहनतळ वजा जाता ६३.० मी. आहे. विकास नियंत्रण व प्रोत्साहन नियमावली 2018 (DCPR-२०१८) मधील नियमन क्र.१७.३(a) व १७.३(b) नुसार समोरील बाजूचे सामासिक अंतर १२.० मी. व इतर बाजूचे सामासिक अंतर योग्यरित्या दर्शविण्यात आलेले आहे. तसेच आवश्यक असणाऱ्या पेक्षा जास्तीचे अंतर सोडलेले आहे. व तक्रारदार यांनी नमूद केलेले सुविधा क्षेत्र व त्याची भित STP प्लॅट, ट्रान्सफॉर्मर, OWC इ. हे खुल्या स्वरूपाचे वापर आहेत.
५)	अंतिम सुधारित बांधकाम नकाशे मधील रहिवासी + वाणिज्य युनिटची संख्या लक्षात घेता विकास नियंत्रण व प्रोत्साहन नियमावली 2018 (DCPR-२०१८) मधील टेबल क्र. 07 प्रमाणे पुरेशी पार्किंगची व्यवस्थेचे नियोजन बांधकाम नकाशे मंजूर करतेवेळी केले नसल्याचे निदर्शनास येते आहे. अंतिम सुधारित बांधकाम नकाशेप्रमाणे एकूण रहिवासी + वाणिज्य युनिटची संख्या प्रमाणे 432 टू व्हीलर, 432	सदरच्या पार्किंगचे नियोजन अंतिम भोगवटापूर्वी करणे आवश्यक राहिल.

	<p>बायसीकल व 156 कार करीता लागणारे पार्किंगचे नियोजन मिळकत क्षेत्र, बांधकाम नकाशे मध्ये केल्याचे जागेवर आढळत नाही.</p>	
<p>६)</p>	<p>पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत BMU/CRNO.२११२/२३-२४/८९२६ अन्वये दिनांक 28 फेब्रुवारी 2024 रोजी प्रमाणे अंतिम सुधारित बांधकाम परवानगी व बांधकाम नकाशे मंजूर करण्यात आले होते. अंतिम सुधारित मंजूर बांधकाम नकाशे प्रमाणे विकसकाने पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असताना विकसकाने पर्यावरणीय मंजूरी (EC) दाखला न घेता सुधारित बांधकाम नकाशे प्रमाणे बांधकाम प्रकल्पाचे बांधकाम करणे हे पर्यावरण संरक्षण कायद्याचे उल्लंघन करणारी बाब आहे.</p> <p>अतिरिक्त माहितीस्तव पर्यावरण संरक्षण कायदा 1986 तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक 14 सप्टेंबर 2006 रोजी जारी केलेल्या EIA अधिसूचना (Notification) 2006 याची प्रत निवेदनासोबत जोडलेली आहे. EIA अधिसूचना (Notification) 2006 प्रमाणे बांधकाम प्रकल्पाचे एकूण बांधकाम क्षेत्र (Total Built Up Area) 20,000 चौरस मीटर पेक्षा अधिक मंजूर असणाऱ्या बांधकाम प्रकल्पास प्रत्यक्ष जागेवर बांधकाम सुरु करण्यापूर्वीच पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य आहे असे निर्देश असताना विकसकाने महाराष्ट्र प्रदूषण नियंत्रण मंडळ तसेच पुणे महानगर प्रदेश विकास प्राधिकरणाच्या प्रशासकीय अधिकाऱ्यांशी हितसंबंध जोपासत सुधारित बांधकाम नकाशा प्रमाणे प्रत्यक्ष जागेवर एकूण 26460.48 चौरस मीटर बांधकाम क्षेत्राचे (TBUA) बांधकाम चालू केले असून ते बांधकाम पूर्णत्वास आले असल्याचेही निदर्शनास येत आहे.</p> <p>पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक 28 फेब्रुवारी 2024 रोजी BMU/CRNO.२११२/२३-२४/८९२६ अन्वये एकूण 26460.48 चौरस मीटर बांधकाम क्षेत्रास (TBUA) बांधकाम परवानगी दिले असल्याचे पुरावे म्हणून सुधारित बांधकाम नकाशा प्रमाणे केलेल्या एकूण बांधकाम क्षेत्राचा (Total Built Up Area) तपशिल प्रो फारमा टेबलचा तक्ता आपल्या</p>	<p>प्राधिकरणाकडील दि.२८/०२/२०२४ रोजीच्या विकास परवानगी व प्रारंभ प्रमाणपत्रातील अट क्र. 35 नुसार पुढीलप्रमाणे नमूद आहे.</p> <p>35) पुर्वमंजूर प्र.क्र. 1174/21-22, दि.08/12/2022, नुसार मंजूर FSI क्षेत्र 12347.75 चौ.मी. + NON FSI क्षेत्र 4899.71 चौ.मी असे एकूण 17236.69 चौ.मी. साठी पर्यावरण विभागच्या ना-हरकत प्रमाणत्राची आवश्यकता नव्हती. आता सदर सुधारित प्रस्तावासाठी TOD नियमावली लागू करून सुधारित प्रस्ताव सादर असल्याने त्यातील FSI क्षेत्र 23327.47 चौ. मी. + NON FSI क्षेत्र- 2410.61 चौ.मी. असे एकूण 25738.08 चौ.मी. इतके होत आहे. यास्तव अर्जदार यांना पुर्वमंजूर मान्य प्रकरणातील एकूण 17236.69 चौ.मी बांधकाम क्षेत्राच्या पुढील वाढीव क्षेत्राचे बांधकाम सुरु करणेपूर्वी पर्यावरण विभागचे ना-हरकत प्रमाणपत्र सादर करणे बंधनकारक राहिल. पर्यावरण विभागचे ना-हरकत प्रमाणपत्र न घेता 17236.69 चौ.मी. क्षेत्रफळावरील बांधकाम केल्यास, सदरचे बांधकाम अनधिकृत ठरेल, याची नोंद घ्यावी.</p> <p>त्यानुसार तक्रारदार यांनी सदरील प्रस्तावासोबत इमारतीचे बांधकाम चालू असलेचे छायाचित्र देखील सादर केलेले असून त्यानुसार सदरील अटीचा भंग होत आहे. त्यामुळे सदरील प्रकल्पाला बांधकाम स्थगिती आदेश देणे आवश्यक वाटते.</p>

माहितीस्तव खालील प्रमाणे निदर्शनास आणून देत आहोत.

DISCRIPTION	FSI AREA		NON FSI AREA	CONSTRUCTION AREA
	COMMERCIAL	RESIDENTIAL		
BUILT AREA	1862.25	21465.22	2410.61	25738.06
TRANSFORMER & DG			30.77	30.77
UGWT			80.00	80.00
OHWT			37.40	37.40
STP & OWC			74.23	74.23
ARCH. PROJECTION			500.00	500.00
TOTAL	1862.25	21465.22	3133.01	26460.46

9) दिनांक 28 फेब्रुवारी 2024 रोजीच्या अंतिम सुधारित बांधकाम परवानगी पत्रामधील अट क्र. 35 अन्वये "पूर्वमंजूर प्र.क्र. 1174/21-22, दि.08/12/2022, नुसार मंजूर FSI क्षेत्र 12347.75 चौ. मी. + NON FSI क्षेत्र 4899.71 चौ.मी असे एकुण 17236.69 चौ.मी. साठी पर्यावरण विभागाच्या ना-हरकत प्रमाणपत्राची आवश्यकता नव्हती. आता सदर सुधारित प्रस्तावासाठी TOD नियमावली लागू करून सुधारित प्रस्ताव सादर असल्याने त्यातील FSI क्षेत्र 23327.47 चौ. मी. + NON FSI क्षेत्र 2410.61 चौ.मी. असे एकूण 25738.08 चौ. मी. इतके होत आहे. यास्तव अर्जदार यांना पूर्वमंजूर मान्य प्रकरणातील एकुण 17236.69 चौ. मी. बांधकाम क्षेत्राच्या पुढील वाढीव क्षेत्राचे बांधकाम सुरु करणे पूर्वी पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र सादर करणे बंधनकारक राहिल. पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र न घेता 17236.69 चौ. मी. क्षेत्रफळावरील बांधकाम केल्यास, सदरचे बांधकाम अनधिकृत ठरेल, याची नोंद घ्यावी" असे निर्देश जारी केले होते. असे स्पष्ट निर्देश असताना देखील विकसकाने 17236.69 चौ. मी. क्षेत्रफळावरील म्हणजेच मंजूर बांधकाम नकाशे प्रमाणे 26460.48 चौ. मी. बांधकाम चालू करत

प्राधिकरणाकडील दि.२८/०२/२०२४ रोजीच्या विकास परवानगी व प्रारंभ प्रमाणपत्रातील अट क्र. 35 नुसार पुढीलप्रमाणे नमूद आहे.

35) पूर्वमंजूर प्र.क्र. 1174/21-22, दि.08/12/2022, नुसार मंजूर FSI क्षेत्र 12347.75 चौ.मी. + NON FSI क्षेत्र 4899.71 चौ.मी असे एकुण 17236.69 चौ.मी. साठी पर्यावरण विभागाच्या ना-हरकत प्रमाणपत्राची आवश्यकता नव्हती. आता सदर सुधारित प्रस्तावासाठी TOD नियमावली लागू करून सुधारित प्रस्ताव सादर असल्याने त्यातील FSI क्षेत्र 23327.47 चौ. मी. + NON FSI क्षेत्र-2410.61 चौ.मी. असे एकूण 25738.08 चौ.मी. इतके होत आहे. यास्तव अर्जदार यांना पूर्वमंजूर मान्य प्रकरणातील एकुण 17236.69 चौ.मी बांधकाम क्षेत्राच्या पुढील वाढीव क्षेत्राचे बांधकाम सुरु करणेपूर्वी पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र सादर करणे बंधनकारक राहिल. पर्यावरण विभागाचे ना-हरकत प्रमाणपत्र न घेता

	<p>प्रत्यक्ष जागेवर 21 मजल्याप्रमाणे 26460 चौ. मी. क्षेत्रफळाचे बांधकाम केले असल्याचे निदर्शनास आले आहे. अंतिम सुधारित बांधकाम परवानगी मधील अट क्र. 35 मध्ये नमूद केलेप्रमाणे विकसकाने 11082.58 चौ. मी. क्षेत्रफळाचे अनधिकृत बांधकाम केले असल्याचे निदर्शनास येत आहे.</p> <p>पुणे महानगर प्रदेश विकास प्राधिकरणाने जारी केलेल्या कार्यालयीन परीपत्रकान्वये अनधिकृत बांधकामास दंडात्मक कारवाई करण्याच्या तरतूदीप्रमाणे प्रशासनाने विकसकाकडून 11082.58 चौ.मी. अनधिकृत बांधकामाकरीता दंडात्मक कारवाईची आकारणी करणे क्रमप्राप्त आहे.</p>	<p>17236.69 चौ.मी. क्षेत्रफळावरील बांधकाम केल्यास, सदरचे बांधकाम अनधिकृत ठरेल, याची नोंद घ्यावी.</p> <p>त्यानुसार तक्रारदार यांनी सदरील प्रस्तावासोबत इमारतीचे बांधकाम चालू असलेचे छायाचित्र देखील सादर केलेले असून त्यानुसार सदरील अटींचा भंग होत आहे. त्यामुळे सदरील प्रकल्पाला बांधकाम स्थगिती आदेश देणे आवश्यक वाटते.</p>
<p>८)</p>	<p>बांधकाम प्रकल्पातील बांधकाम प्रकल्पाचे बांधकाम करतेवेळी पाया (Foundation) खोदाई तसेच मिळकत क्षेत्रातील 4 बोअरवेल्स यामधून भूजल उपसा करणेसाठी केंद्रीय भूजल साठा समितीची (CGWA) परवानगी घेणे अनिवार्य असताना सदर मिळकतीचे विकसक यांनी खोदाई व भूजल उपसा करणेसाठी कोणतीही अधिकृत परवानगी न घेता बांधकाम प्रकल्पाच्या मिळकत क्षेत्रातून अवैधरीत्या खोदाई व भूजल उपसा चालू असल्याचे निदर्शनास येते.</p> <p>वरील प्रमाणे निदर्शनास आणून दिलेल्या तक्रारी मुद्द्यांचे गांभीर्य लक्षात घेता गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. 282/2 मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने विकास नियंत्रण व प्रोत्साहन नियमावली 2018 (DCPR-२०१८), पर्यावरण संरक्षण कायदा 1986 तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक 14 सप्टेंबर 2006 रोजी जारी केलेल्या EIA अधिसूचना (Notification) 2006 मधील विशेष नियमावलीचे उल्लंघन करत बांधकाम केले असल्याचे निदर्शनास येत आहे. आपण तात्काळ सदर बांधकाम प्रकल्पाच्या अनधिकृत बांधकामावर दंडात्मक कारवाईची आकारणी करत बांधकाम प्रकल्पावर विकास नियंत्रण व प्रोत्साहन नियमावली 2018 (DCPR - २०१८) प्रमाणे पुढील 8 दिवसात कारवाई करावी, अन्यथा विकास परवानगी विभागातील प्रशासकीय अधिकारीच हे या बेकायदा</p>	<p>➤ बांधकाम प्रकल्पातील बांधकाम प्रकल्पाचे बांधकाम करतेवेळी पाया (Foundation) खोदाई - सदरील मुद्दा महसूल विभागाशी निगडीत आहे.</p> <p>➤ 4 बोअरवेल्स यामधून भूजल उपसा करणेसाठी केंद्रीय भूजल साठा समितीची (CGWA) परवानगी घेणे अनिवार्य आहे- सदरील मुद्दा महसूल विभागाशी निगडीत आहे.</p> <p>उपरोक्त वरील दोन्ही तक्रारी मुद्दे या कार्यालयाच्या अखत्यारित येत नसल्याने आपण संबंधित विभागाकडे दाद मागणे उचित होईल.</p>

बांधकामाच्या गैर कारभारात सामील असल्याचे गृहीत धरून विकास परवानगी विभागाच्या संचालकांसह प्रशासनातील पदसिद्ध अधिकाऱ्यांच्या विरोधात कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी.	
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मुद्देनिहाय निष्कर्ष:-

विषयांकित प्रकरणी उपरोक्त संदर्भित पत्रान्वये मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाविषयक तक्रार या कार्यालयात दाखल झालेली आहे. त्यानुषंगाने आपले प्रकल्पातील सुधारित बांधकाम परवानगी घेतेवेळी विकास परवानगी व प्रारंभ प्रमाणपत्रामधील अट क्र. ३५ मध्ये पुढील प्रमाणे नमूद आहे.

"पुर्वमंजूर प्र.क्र. ११७४/२१-२२, दि.०८/१२/२०२२, नुसार मंजूर FSI क्षेत्र १२३४७.७५ चौ.मी. + NON FSI क्षेत्र ४८९९.७१ चौ.मी असे एकूण १७२३६.६९ चौ.मी. साठी पर्यावरण विभागच्या ना-हरकत प्रमाणपत्राची आवश्यकता नव्हती. आता सदर सुधारित प्रस्तावासाठी TOD नियमावली लागू करून सुधारित प्रस्ताव सादर असल्याने त्यातील FSI क्षेत्र २३३२७.४७ चौ. मी. + NON FSI क्षेत्र-३१३३.०१ चौ.मी. असे एकूण २६४६०.४८ चौ.मी. इतके होत आहे. यास्तव अर्जदार यांना पुर्वमंजूर मान्य प्रकरणातील एकूण १७२३६.६९ चौ.मी बांधकाम क्षेत्राच्या पुढील वाढीव क्षेत्राचे बांधकाम सुरू करणेपुर्वी पर्यावरण विभागचे ना-हरकत प्रमाणपत्र सादर करणे बंधनकारक राहिल. पर्यावरण विभागचे ना-हरकत प्रमाणपत्र न घेता १७२३६.६९ चौ.मी. क्षेत्रफळावरील बांधकाम केल्यास, सदरचे बांधकाम अनधिकृत ठरेल, याची नोंद घ्यावी."

आदेश

श्री. कल्पेश यादव यांनी दाखल केलेल्या तक्रारीच्या अनुषंगाने नमुद सर्व मुद्द्यांची सुनावणी नंतर पुन्हा तपासणी करण्यात आलेली असून या कार्यालयामार्फत दि.२८/०२/२०२४ रोजी प्रदान करण्यात आलेले प्रमाणपत्रामधील नमुद अट क्र.३५ प्रमाणे गैरअर्जदार यांनी सुधारीत नाहरकत दाखल न करता पूर्व मंजूर पर्यावरण नाहरकत प्रमाणपत्रामधील नमुद FSI बांधकामापेक्षा वाढीव क्षेत्राचे बांधकाम केल्याने सदरचे प्रारंभ प्रमाणपत्र तत्वतः रद्द करण्यात येत आहे. पर्यावरण विभागाकडील सुधारीत नाहरकत दाखल केले नंतर बांधकाम परवानगी करिता पुनश्चः प्रस्ताव दाखल करण्यात यावा. तोपर्यंत जागेवर कुठल्याही प्रकारचे विकास कार्य करण्यात येऊ नये अन्यथा सदर बांधकाम अनधिकृत समजून कायदेशीर कार्यवाही करण्यात येईल.

Print

दीपक सिंगला (भा.प्र.से)

अतिरिक्त महानगर आयुक्त

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे.

प्रतः १) डिसिप्लिन पुणेकर्स फोरम तर्फे अध्यक्ष श्री. कल्पेश यादव, पत्ता- स.नं. २४/४ब/१२, सोपान नगर, वडगाव शेरी, पुणे - ४११०२४.

२) मे. ग्री इंडिया रिलकॉन एलएलपी तर्फे. भागीदार श्री. विनीत गोयल, पत्ता :- मौ. माण, ता.मुळशी, जि.पुणे.

Pune Metropolitan Region Development Authority Pune

3rd Floor, New Administrative Building, Near Akurdi Railway Station, Pimpri-Chinchwad, Pune 411044

Phone no. 020-259 33 333/ 44 / 56

Email: comm.@pmrda.gov.in

O/w No. : BMU/M.Man/G. No. 282/2/2681

Date: 26/06/2025

Subject :- Regarding legal action under the Environmental Protection Act, 1986 and the MoEF&CC Notification dated 14th September 2006 against the construction project 'Welworth Purnam' being carried out by the developer M/s. Grow India Realcon LLP at Survey No. 282/2, Village Mauje Man, Tal. Mulshi, Dist. Pune without obtaining Environmental Clearance (EC); and also regarding cancellation of the building permission granted for the said construction project.

Reference:-

- 1) Revised Development Permission and Commencement Certificate dated 28/02/2024 under Authority's W. No. 2112/23-24 received.
- 2) Complaint Application Submitted by Mr. Kalpesh Yadav Dated 21/04/2025 (Received by this office on 15/05/2025)
- 3) O/w No. BMU/Mauje Man/Gat No. 282/2/1236, dated 19/05/2025, issued by this office.
- 4) Applicant Mr. Kalpesh Yadav's complaint application submitted via email dated 14/05/2025.
- 5) Application dated 14/05/2025 submitted by Mr. Kalpesh Yadav, President, on behalf of the applicant Discipline PuneKars Forum (received by this office on 28/05/2025).
- 6) Letter from this office bearing O/w No. BMU/Mouje Man G. No. 282/2/1928 dated 06/06/2025 regarding appearance for the hearing.

Plaintiff: Mr. Kalpesh Yadav

Defendant: on behalf of M/s. Grow India Realcon LLP Partner Mr. Vineet Goyal

Date of Hearing: On 13/06/2025 at 11:30 AM

Venue of Hearing: Office of the Hon. Additional Metropolitan Commissioner, Pune Metropolitan Region Development Authority (PMRDA), New Administrative Building, Near Akurdi Railway Station, Akurdi, Pune – 411044

Background of the case:-

In connection with the above subject, as per Reference No. 1, Development Permission and Commencement Certificate have been granted for the land bearing Survey No. 282/2 at Village Mouje Man, Tal. Mulshi, Dist. Pune. Also, as per Reference No. 2, a complaint application from Mr. Kalpesh Yadav has been received by this office. Further, as per Reference No. 3, the developer was informed to submit a clarification. Further, as per Reference No. 6, a hearing of the plaintiff and the defendant was conducted before the Hon. Additional Metropolitan Commissioner. In accordance with the directions issued by the Hon'ble Additional Metropolitan Commissioner following the said hearing, the submission is made as under. The statements of the plaintiff and the defendant are tabulated as follows.

The construction of the clubhouse shown incorrectly within the 23.0-meter buffer zone open space, as permitted in the building permission granted to you, should be immediately removed, and revised building permission must be obtained accordingly.

As per the Authority's "Previously Sanctioned Proposal No. 1174/21-22, dated 08/12/2022", for the approved FSI area of 12,347.75 sq.m. and NON-FSI area of 4,899.71 sq.m., totaling 17,236.69 sq.m., obtaining a No Objection Certificate (NOC) from the Environment Department was not required. Since the revised proposal has been submitted by applying the TOD (Transit-Oriented Development) regulations, the revised total includes an FSI area of 23,327.47 sq.m. and a NON-FSI area of 3,133.01 sq.m., making a total of 26,460.48 sq.m. While granting you the said revised permission, it shall be mandatory to submit a No Objection Certificate (NOC) from the Environment Department before commencing construction of the additional built-up area beyond the previously

approved total construction area of 17,236.69 sq.m. It was clearly stated as a condition that if construction is carried out beyond the area of 17,236.69 sq.m without obtaining the No Objection Certificate (NOC) from the Environment Department, such construction shall be deemed unauthorized. Despite this, revised permission for the said construction was granted on 28/02/2024. Accordingly, Condition No. 35 mentioned in Annexure 'A' of the said permission has been violated. Therefore, the said revised construction permission should be deemed cancelled.

In this matter, as per Reference No. 3, the complainant, Discipline PuneKars Forum, represented by its President Mr. Kalpesh Yadav has submitted detailed point-wise information numbered 1 to 8. A brief summary of the same is as follows:

Sr. No.	Points raised by the complainant	Point-wise reply.
1)	As per the sanctioned building plans of the said construction project, while carrying out construction on site, the developer was required to maintain a minimum setback of 23 meters on all sides of the buildings (Front, Rear, and Side Margins) in accordance with Regulation No. 19.6(ii) of the Development Control and Promotion Regulations, 2018 (DCPR 2018). However, it has been observed that the rear margin provided is less than the required 23 meters. It has been observed that within the reduced setback area, administrative officers have unlawfully	Upon examining the color copy of the approved building layout of the said project, it is observed that a clubhouse has been proposed in the open space within the 23.0-meter buffer zone towards the west. Furthermore, Regulation No. 19.6(ii) of the Development Control and Promotion Regulations (DCPR 2018) clearly states that only setbacks and road widening are permissible within the 23.0-

	<p>granted building permission for the construction of the clubhouse in favor of the developer and the architect. This action is inconsistent with Regulation No. 19.6(ii) of the Development Control and Promotion Regulations (DCPR 2018).</p>	<p>meter buffer zone. Accordingly, it is evident that the proposed depiction of the clubhouse is incorrect.</p>
2)	<p>While approving the final revised building plans on 28 February 2024, the developer and architect violated the special terms and conditions mentioned in the NA certificate issued by the Hon. District Collector's Office, Pune under O/w No. Mulshi/NA/SR/24/2021 dated 27 May 2021. The developer has breached the conditions related to the classification of land, its tenure, holding rights, non-agricultural assessment, and the sanctioned load on the said land mentioned in the NA certificate.</p>	<p>The said subject is related to the Revenue Department.</p>
3)	<p>As per the final revised building plan, it is observed that the administration has violated Regulation No. (V)(e)(iv) of the Development Control and Promotion Regulations 2018 (DCPR-2018), considering the approved commercial usage construction. According to this regulation, approval for commercial use must be granted for 20% of the total</p>	<p>At the time of granting the revised building permission dated 28/02/2024, the minimum 20% of Basic FSI has been appropriately shown on the plan.</p>

	<p>built-up area (TBUA); however, in the final revised building plan, the Development Permission Department of Pune Metropolitan Region Development Authority has illegally granted approval to the architect for less than 20% commercial usage.</p>	
4)	<p>While approving the building plans of the construction project, it has been observed that the authorities have illegally permitted construction within the marginal distance in violation of the prescribed rules. Upon reviewing the revised building plans, it is evident that facilities such as the amenity area and its boundary wall, STP plant, transformer, and OWC have been approved within the marginal distance, indicating that the administration has violated the Building Development Control Regulations.</p>	<p>In the said revised building plan, after maintaining the required marginal distances as per norms, the height of the building (excluding the parking levels) is 63.0 meters. As per Regulation No. 17.3(a) and 17.3(7) of the Development Control and Promotion Regulations 2018 (DCPR-2018), the front marginal distance of 12.0 meters and other side margins have been appropriately shown. Additionally, more than the minimum required distances have been maintained. The amenity spaces and their walls, STP plant, transformer, OWC, etc., mentioned by the</p>

		complainant, are of an open-use nature.
5)	<p>Considering the number of residential + commercial units in the final revised building plan, it is observed that adequate parking arrangements, as per Table No. 07 of the Development Control and Promotion Regulations 2018 (DCPR-2018), have not been planned at the time of sanctioning the building plans.</p> <p>According to the final revised building plans, parking provision for 432 two-wheelers, 432 bicycles, and 156 cars should have been made based on the total number of residential + commercial units. However, such planning is not evident either in the building plan or at the site.</p>	The planning of the said parking facilities must be completed prior to the final occupancy.
6)	<p>As per BMU/CRNO.2112/23-24/8926, the final revised building permission and building plans were approved on 28 February 2024 by the Development Permission Department of the Pune Metropolitan Region Development Authority. However, as per the approved final revised building plans, it was mandatory for the developer to obtain Environmental Clearance (EC).</p>	<p>As per Condition No. 35 mentioned in the Development Permission and Commencement Certificate dated 28/02/2024 issued by the Authority, the following is stated:</p> <p>35) As per the previously approved proposal No. 1174/21-22, dated 08/12/2022,</p>

<p>Proceeding with construction of the project according to the revised building plans without obtaining the EC amounts to a violation of the Environmental Protection Act.</p> <p>For additional reference, a copy of the Environmental Protection Act, 1986, along with the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India on 14th September 2006 under the provisions of the said Act, has been enclosed with the grievance statement. As per the EIA Notification, 2006, it is mandatory to obtain Environmental Clearance (EC) prior to commencing any construction activity on site for building projects having a total built-up area (TBUA) exceeding 20,000 square meters. However, it is observed that the developer, in collusion with certain administrative officials of the Maharashtra Pollution Control Board and Pune Metropolitan Region Development Authority, has commenced and even completed construction at the project site based on the revised building plans, covering a total built-up area of</p>	<p>an FSI area of 12,347.75 sq.m + NON-FSI area of 4,899.71 sq.m, totaling 17,236.69 sq.m, did not require a No Objection Certificate (NOC) from the Environment Department. Now, as the revised proposal has been submitted under the TOD regulations, the revised area includes FSI of 23,327.47 sq.m + NON-FSI of 2,410.61 sq.m, totaling 25,738.08 sq.m. Therefore, the applicant is mandatorily required to submit a No Objection Certificate from the Environment Department before commencing construction beyond the previously approved total built-up area of 17,236.69 sq.m. It should be noted that if construction is carried out on the area beyond 17,236.69 sq.m without obtaining an NOC from the Environment Department, such construction will be considered unauthorized.</p>
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26,460.48 square meters, without obtaining the required EC.

As evidence of the construction permission granted for a total built-up area (TBUA) of 26,460.48 square meters under BMU/CRNO. 2112/23-24/8926 dated 28 February 2024 by the Development Permission Department of the Pune Metropolitan Region Development Authority, we are submitting below, for your information, the detailed pro forma table of the total built-up area as per the revised sanctioned building plans.

DISCRIPTION	FSI AREA		NON FSI AREA	CONSTRUCTION AREA
	COMMERCIAL	RESIDENTIAL		
BUILT AREA	1862.25	21465.22	2410.61	25738.06
TRANSFORMER & DG			30.77	30.77
UGWT			80.00	80.00
OHWT			37.40	37.40
STP & OWC			74.23	74.23
ARCH. PROJECTION			500.00	500.00

Accordingly, the complainant has also submitted photographs along with the said proposal showing that the building construction is ongoing. **Based on this, it is evident that the stated conditions have been violated. Therefore, it appears necessary to issue a stop-work order for the said project.**

	TOTAL	1862. 25	21465.22	3133. 01	26460.46	
7)	<p>As per Condition No. 35 of the final revised building permission letter dated 28th February 2024, “In accordance with the previously approved Proposal No. 1174/21-22 dated 08/12/2022, the project had an approved FSI area of 12,347.75 sq.m and a NON-FSI area of 4,899.71 sq.m, totaling 17,236.69 sq.m, for which a No Objection Certificate (NOC) from the Environment Department was not required. However, under the revised proposal submitted by applying the TOD (Transit Oriented Development) regulations, the revised FSI area is 23,327.47 sq.m and the NON-FSI area is 2,410.61 sq.m, making a total of 25,738.08 sq.m. Therefore, it is mandatory for the applicant to submit an NOC from the Environment Department before commencing construction for the additional built-up area beyond 17,236.69 sq.m. It was clearly directed that if construction is carried out beyond 17,236.69 sq.m without obtaining the NOC, such construction shall be considered unauthorized.” Despite such clear directives, it has been observed that</p>					<p>As per Condition No. 35 mentioned in the Development Permission and Commencement Certificate dated 28/02/2024 issued by the Authority, the following is stated:</p> <p>35) As per the previously approved proposal No. 1174/21-22, dated 08/12/2022, an FSI area of 12,347.75 sq.m + NON-FSI area of 4,899.71 sq.m, totaling 17,236.69 sq.m, did not require a No Objection Certificate (NOC) from the Environment Department. Now, as the revised proposal has been submitted under the TOD regulations, the revised area includes FSI of 23,327.47 sq.m + NON-FSI of 2,410.61 sq.m, totaling 25,738.08 sq.m. Therefore, the applicant is mandatorily required to submit a No Objection Certificate from the Environment Department before commencing</p>

	<p>the developer, instead of limiting construction to the permitted area of 17,236.69 sq.m, has proceeded to construct a total built-up area of 26,460.48 sq.m on-site, as per the approved revised building plans. This corresponds to a 21-storey structure covering 26,460 sq.m. Accordingly, as per Condition No. 35 of the final revised building permission, it is evident that the developer has carried out unauthorized construction of 11,082.58 sq.m beyond the approved limit, without obtaining the mandatory Environmental Clearance (EC).</p> <p>As per the provisions of the office circular issued by the Pune Metropolitan Region Development Authority (PMRDA) regarding punitive action against unauthorized constructions, it is necessary for the administration to initiate penal action against the developer for the unauthorized construction of 11,082.58 sq.m and impose the corresponding penalty.</p>	<p>construction beyond the previously approved total built-up area of 17,236.69 sq.m. It should be noted that if construction is carried out on the area beyond 17,236.69 sq.m without obtaining an NOC from the Environment Department, such construction will be considered unauthorized. Accordingly, the complainant has also submitted photographs along with the said proposal showing that the building construction is ongoing. Based on this, it is evident that the stated conditions have been violated. Therefore, it appears necessary to issue a stop-work order for the said project.</p>
8)	During the construction of the building project, it has been observed that the	During the construction of the building project, the issue

<p>developer has commenced excavation of the foundation and extraction of groundwater from four borewells located within the premises of the said property without obtaining the mandatory permission from the Central Ground Water Authority (CGWA), which is required for such activities. It appears that unauthorized excavation and groundwater extraction is being carried out within the premises of the construction project without any official approval.</p> <p style="text-align: center;">In view of the seriousness of the complaint points brought to your attention above, it has come to notice that during the construction of the ‘Wellworth Poornam’ building project located on Survey No. 282/2 at Village Mauje Man, Taluka Mulshi, District Pune, the developer has violated the Development Control and Promotion Regulations 2018 (DCPR-2018), the Environment Protection Act 1986, and the specific provisions laid down in the EIA Notification dated 14 September 2006 issued by the Ministry of Environment</p>	<p>related to foundation excavation falls under the jurisdiction of the Revenue Department.</p> <p>Extraction of groundwater through 4 borewells requires mandatory permission from the Central Ground Water Authority (CGWA) – this matter falls under the jurisdiction of the Revenue Department.</p> <p>Since the above-mentioned two complaint issues do not fall under the jurisdiction of this office, it would be appropriate for you to seek redressal from the concerned department.</p>
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<p>and Forests, Government of India. You are hereby requested to immediately initiate penal action against the unauthorized construction carried out in this project and to take action under the Development Control and Promotion Regulations 2018 (DCPR-2018) within the next 8 days. Failing this, it will be presumed that the administrative officers of the Development Permission Department themselves are complicit in this unauthorized construction. Accordingly, legal action will be initiated against the Director of the Development Permission Department and other responsible administrative officers involved. Please take note of this.</p>	
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Pointwise Conclusion:-

Regarding the subject matter, as per the above-referenced letter, a complaint has been filed with this office concerning the 'Welworth Poornam' construction project situated on Survey No. 282/2, Village Mauje Man, Tal. Mulshi, Dist. Pune. In this context, it is noted that while obtaining the revised construction permission for your project, the following condition has been specified in Clause No. 35 of the Development Permission and Commencement Certificate.

As per the previously approved Proposal No. 1174/21-22 dated 08/12/2022, an Environmental Department No Objection Certificate (NOC) was not required for the approved FSI area of 12,347.75 sq.m. and Non-FSI area of

4,899.71 sq.m., totaling 17,236.69 sq.m. Now, since the revised proposal has been submitted by applying the TOD regulations, the revised proposal includes an FSI area of 23,327.47 sq.m. and a Non-FSI area of 3,133.01 sq.m., totaling 26,460.48 sq.m. Therefore, before commencing construction for the additional built-up area beyond the previously approved total of 17,236.69 sq.m., the applicant is mandatorily required to submit a No Objection Certificate from the Environmental Department. It is to be noted that if construction is carried out on the area of 17,236.69 sq.m. without obtaining the said Environmental Department NOC, such construction shall be considered unauthorized.

Order

In reference to the complaint filed by Mr. Kalpesh Yadav, all the mentioned points were reviewed again after the hearing, and based on this office's re-examination, it has been found that the respondent has undertaken construction for the additional built-up area without submitting a revised Environmental Clearance, in violation of Condition No. 35 mentioned in the commencement certificate issued on 28/02/2024. Therefore, the said commencement certificate is hereby provisionally cancelled. After obtaining the revised No Objection Certificate from the Environment Department, a fresh proposal should be submitted for obtaining the building permission. Until then, no kind of development activity should be carried out at the site; otherwise, the said construction will be deemed unauthorized and legal action will be initiated accordingly.

Sd/-

Deepak Singla (I.A.S.)

Additional Metropolitan Commissioner

Pune Metropolitan Region Development Authority, Pune.

Copy:- 1) On behalf of Discipline PuneKars Forum, President Mr. Kalpesh Yadav Address:

S. No. 24/4B/12, Sopan Nagar, Vadgaonsheri, Pune – 411024.

2) On behalf of M/s. Grow India Realcon LLP Partner: Mr. Vineet Goyal

Address: Mouje Man, Tal. Mulshi, Dist. Pune.



//True Copy//



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

प्रति,

दि. २६ जून २०२५

१) मा. सचिव,

पर्यावरण, वने व वातावरणीय बदल विभाग (MoEF&CC),

पर्यावरण भवन, नवी दिल्ली

२) मा. सदस्य सचिव,

स्टेट लेव्हल एनवायरमेंट इम्पॅक्ट असेसमेंट अथॉरिटी, (SEIAA),

पर्यावरण विभाग, मंत्रालय, मुंबई

oCC
26/06/2025
लिपिक,

सचिव कार्यालय,
पर्यावरण व वातावरणीय बदल विभाग
मंत्रालय, मुंबई-४०० ०३२

३) मा. सदस्य सचिव,

महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई

विषय - गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे विकसक मे. ग्रो इंडिया रियल कॉन एलएलपी यांनी विना पर्यावरणीय मंजूरी (EC) चालू केलेल्या बांधकाम प्रकल्पाचे बांधकाम केल्याप्रकरणी सदर बांधकाम प्रकल्पाची बांधकाम परवानगी प्रमाणपत्र तत्वतः रद्द करण्याचे आदेश पुणे महानगर प्रदेश विकास प्राधिकरण कार्यालयाने जारी केल्याप्रमाणे संबंधित अनधिकृत बांधकाम केलेल्या बांधकाम प्रकल्पा विरोधात पर्यावरण संरक्षण कायदा १९८६ व केंद्रीय पर्यावरण व वन मंत्रालयाच्या दिनांक १४ सप्टेंबर २००६ च्या अधिसूचने प्रमाणे तात्काळ क्लोजर व फौजदारीची कायदेशीर कारवाई करावी, तसेच अनधिकृत बांधकामास पर्यावरणीय ना हरकत प्रमाणपत्र न देण्याबाबत...

संदर्भ - १) पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागा मार्फत दिनांक २८ फेब्रुवारी २०२४ रोजी बांधकाम प्रकल्पास दिलेली अंतिम सुधारित बांधकाम परवानगी

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सर्वे नं. २४/४ब/१२, सोपान
नगर, वडगावशेरी, पुणे- ४११०२४



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

- २) महाराष्ट्र प्रदूषण नियंत्रण मंडळा मार्फत दिनांक ५ डिसेंबर २०२४ रोजी बांधकाम प्रकल्पास मंजूर करण्यात आलेले कन्सेंट टू इस्टॅब्लिश (CTE)
- ३) आपल्या कार्यालयाकडे दिनांक २३ एप्रिल २०२५, दिनांक २० जून २०२५ रोजी सादर केलेले तक्रारी निवेदन
- ४) महाराष्ट्र प्रदूषण नियंत्रण मंडळ, प्रादेशिक कार्यालयाने दिनांक १६ मे २०२५ रोजी बांधकाम प्रकल्पास बजावलेले प्रस्तावित निर्देश
- ५) पुणे महानगर प्रदेश विकास प्राधिकरण कार्यालयाने आज दिनांक २६ जून २०२५ रोजी बांधकाम प्रकल्पाची बांधकाम परवानगी प्रमाणपत्र रद्द करण्याबाबत बांधकाम प्रकल्पास बजावलेले आदेश
- ६) दिनांक १४ सप्टेंबर २००६ रोजी भारत सरकारच्या पर्यावरण व वन मंत्रालयाने पर्यावरण संरक्षण कायदा १९८६ अन्वये जारी केलेले EIA अधिसूचना (Notification) २००६

महोदय,

गाव मौजे माण, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या रहिवास + वाणिज्य बांधकाम प्रकल्पाकरिता पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक १७ जून २०२१ रोजी मूळ बांधकाम परवानगी अदा करण्यात आली होती. सदर बांधकाम परवानगीच्या अनुषंगाने विकसक मे. ग्रो इंडिया रिअलकॉन एलएलपी तर्फे भागीदार विनीत गोयल यांनी प्रत्यक्ष मिळकत क्षेत्रावर बांधकाम प्रकल्पाचे बांधकाम चालू केले. विकसक मे. ग्रो इंडिया रिअलकॉन एलएलपी तर्फे भागीदार विनीत गोयल यांनी सदर मिळकत क्षेत्राच्या बांधकाम प्रकल्पाकरिता वेळोवेळी सुधारित बांधकाम परवानगी मिळणेकामी दाखल केलेल्या बांधकाम प्रस्ताव अर्जांच्या अनुषंगाने पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत वेळोवेळी सुधारित बांधकाम परवानगी तसेच बांधकाम नकाशे मंजूर केले असल्याचे निदर्शनास आले आहे.

दिनांक २८ फेब्रुवारी २०२४ रोजीच्या अंतिम सुधारित बांधकाम नकाशे प्रमाणे विकसकाने भारत सरकारच्या पर्यावरण व वन मंत्रालयाने पर्यावरण संरक्षण कायदा १९८६ अन्वये जारी केलेल्या EIA अधिसूचना २००६ चे उल्लंघन करत बांधकाम प्रकल्पाचे बांधकाम चालू केले असल्याचे आपल्या कार्यालयांच्या यापूर्वीच निदर्शनास आणून दिले आले आहे.

सदर बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ चे उल्लंघन केले असल्याचे आपल्या सह महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आले होते.



डिसिप्लिन पुणेकर्स फोरम

आयोजक: कल्पेश यादव

विना पर्यावरण मंजूरी तसेच Environmental Clearance Violations निदर्शनास आले प्रमाणे महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रादेशिक कार्यालयांच्या प्रशासकीय अधिकाऱ्यांनी सदरच्या बांधकाम प्रकल्पाविरोधात पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने जारी केलेल्या EIA अधिसूचना (Notification) २००६ नुसार कारवाई करणे अपेक्षित होते, परंतु सदरच्या बांधकाम प्रकल्पाविरोधात कायदेशीर कारवाई करणे ऐवजी महाराष्ट्र प्रदूषण नियंत्रण मंडळाचे प्रशासकीय अधिकारी विकसकाच्या हितार्थ बेकायदेशीरपणे प्रशासकीय मदत करत असल्याचे निदर्शनास आले आहे.

सदर बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचनेचे उल्लंघन तसेच बांधकाम विकास नियमावलीचे उल्लंघन करत बफर झोनमध्ये बांधकाम केल्या प्रकरणी पुणे महानगर प्रदेश विकास प्राधिकरण कार्यालयाने आज दिनांक २६ जून २०२५ रोजी बांधकाम परवानगी प्रमाणपत्र रद्द केलेले आहे.

विना पर्यावरण मंजूरी तसेच पुणे महानगर प्रदेश विकास प्राधिकरण कार्यालयाने केलेल्या कारवाई प्रमाणे सदरचा बांधकाम प्रकल्पाच्या अनधिकृत बांधकामावर पर्यावरण संरक्षण कायदा, EIA अधिसूचनेप्रमाणे तात्काळ कायदेशीर कारवाई करण्याच्या दृष्टीने आम्ही सविस्तर मुद्देनिहाय माहिती खालील प्रमाणे पुनश्च आपल्या निदर्शनास आणून देत आहोत.

१) सदर मिळकती मधील बांधकाम प्रकल्पास पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत BMU/CRNO.2112/23- 24/8926 अन्वये दिनांक २८ फेब्रुवारी २०२४ रोजी अंतिम सुधारित बांधकाम परवानगी व बांधकाम नकाशे मंजूर करण्यात आले होते. मंजूर अंतिम सुधारित बांधकाम नकाशे प्रमाणे विकसकाने पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असताना विकसकाने पर्यावरणीय मंजूरी (EC) घेतल्याखेरीज सुधारित बांधकाम नकाशे प्रमाणे बांधकाम करणे हे पर्यावरण संरक्षण कायद्याचे उल्लंघन करणारी बाब आहे. अतिरिक्त माहितीस्तव पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ याची प्रत निवेदनासोबत जोडलेली आहे. सदरच्या EIA अधिसूचना (Notification) २००६ नुसार बांधकाम प्रकल्पाचे एकूण बांधकाम क्षेत्र (Total Built Up Area) २०,००० चौरस मीटर पेक्षा अधिक मंजूर असणाऱ्या बांधकाम प्रकल्पास प्रत्यक्ष जागेवर बांधकाम सुरू करण्यापूर्वीच पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असताना विकसकाने महाराष्ट्र प्रदूषण नियंत्रण मंडळ तसेच पुणे महानगर प्रदेश विकास प्राधिकरणाच्या प्रशासकीय अधिकाऱ्यांशी हितसंबंध जोपासत सुधारित बांधकाम नकाशा प्रमाणे प्रत्यक्ष जागेवर एकूण २८,३१९.२७ चौरस मीटर बांधकाम क्षेत्राचे (TBUA) बांधकाम चालू केले असून ते बांधकाम पूर्णत्वास आले असल्याचेही निदर्शनास आले आहे.

पुणे महानगर प्रदेश विकास प्राधिकरणाच्या विकास परवानगी विभागामार्फत दिनांक २८ फेब्रुवारी २०२४ रोजी BMU/CRNO.2112/23- 24/8926 अन्वये एकूण २८,३१९.२७ चौरस मीटर बांधकाम क्षेत्रास (TBUA) बांधकाम परवानगी दिले असल्याचे पुरावे म्हणून सुधारित बांधकाम नकाशा प्रमाणे एकूण बांधकाम क्षेत्राचा (Total Built Up Area) तपशिल प्रो फारमा टेबलचा तक्ता आपल्या माहितीस्तव खालील प्रमाणे निदर्शनास आणून देत आहोत.



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

Total Built-up Area Calculation wrt Sanction Plan C.R. 2112/23-24, Dated 28/02/2024

DESCRIPTION	FSI AREA	
	COMMERCIAL	RESIDENTIAL
BUILT AREA	1862.25	21465.22
TOTAL FSI AREA	23,327.47	
DESCRIPTION	NON FSI AREA	
REFUGE AREA	162.45	
PARKING	1116.29	
LIFT	15.58	
TOP TERRACE	1116.29	
TRANSFORMER & DG	30.77	
UGWT	80.00	
OHWT	37.40	
STP & OWC	74.23	
ARCH. PROJECTION	500.00	
TOTAL NON FSI AREA	3,133.01	
TOTAL BUILT-UP AREA (FSI AREA + NON FSI AREA)	26,460.48 SQ.MTR	

वरील प्रमाणे नमूद केलेले बांधकाम महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांच्या निदर्शनास आणून दिल्याप्रमाणे महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडून बांधकाम प्रकल्पास प्रस्तावित निर्देश बजावण्यात आलेले आहे. तसेच आज दिनांक २५ जून २०२५ रोजी पुणे महानगर प्रदेश विकास प्राधिकरण कार्यालयाने बांधकाम प्रकल्पाची बांधकाम परवानगी रद्द करण्याची कारवाई केली आहे.

२) सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने पर्यावरणीय मंजूरी (EC) घेतलेली नसताना देखील सदरच्या बांधकाम प्रकल्पाला महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांनी पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचनेचे उल्लंघन करत दिनांक ०५ डिसेंबर २०२४ रोजी बेकायदेशीररीत्या कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र दिले असल्याचे निदर्शनास येते. एकूण बांधकाम क्षेत्र (Total Built Up Area) २०,००० चौरस मीटर पेक्षा अधिक असणाऱ्या बांधकाम प्रकल्पांना पर्यावरणीय मंजूरी (EC) घेणे अनिवार्य असल्याचे महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांना ज्ञात आहे. तसेच सदर बांधकाम प्रकल्पाच्या विकसकाने पर्यावरणीय मंजूरी (EC) घेतली नसल्याची खात्रीही महाराष्ट्र प्रदूषण नियंत्रण



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डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

मंडळाच्या अधिकाऱ्यांची झालेली होती. विकसकाबरोबर असणाऱ्या हितसंबंधामुळेच महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या सह संचालकासह पुणे उपप्रादेशिक कार्यालयातील उपप्रादेशिक अधिकारी यांनी पर्यावरणीय मंजूरी प्राप्त नसताना सदर बांधकाम प्रकल्पास बेकायदेशीरपणे २६४६०.४८ चौरस मीटरच्या एकूण बांधकाम क्षेत्राकरिता कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र दिलेले आहे. कन्सेंट टू इस्टॅब्लिश (CTE) प्रमाणपत्र देतेवेळी सदरच्या प्रमाणपत्रामधील अट क्रमांक १४ चे अवलोकन केल्यास स्पष्टपणे निदर्शनास येते की महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या प्रशासकीय अधिकाऱ्यांनी पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने जारी केलेल्या EIA अधिसूचना (Notification) २००६ चे उल्लंघन केलेले आहे.

३) सदरील प्रकल्प ठिकाणी ऑर्गेनिक वेस्ट कन्वर्टर (OWC) बसवलेला नसून, सदर बांधकाम प्रकल्प ठिकाणी असलेल्या लेबर कॅम्प मधील कामगारांकडून ओल्या कचऱ्याची विल्हेवाट अशास्त्रीय पद्धतीने लावली जात असल्याचे निदर्शनास आले आहे.

४) सदर बांधकाम प्रकल्प ठिकाणी असलेल्या लेबर कॅम्प मधून निर्माण होणारे सांडपाणी व मैलापाणी याचे शुद्धीकरण करणेसाठी STP प्लॅन्ट बसवलेला असणे व तो कार्यान्वयीत असणे अनिवार्य असताना सदरच्या बांधकाम प्रकल्पातून निर्माण झालेले सांडपाणी व मैलापाणी हे सदर मिळकत क्षेत्राजवळील ड्रेनेज मध्ये सोडत असल्याचे निदर्शनास आले आहे.

५) सदर बांधकाम प्रकल्पातील एकूण उपलब्ध पार्किंग सुविधेपैकी ३०% पार्किंगच्या जागा ह्या इलेक्ट्रिक चार्जिंगच्या सुविधेसह उपलब्ध करून देण्याचे निर्देश दिलेले असताना देखील ३०% पार्किंगची जागा इलेक्ट्रिक चार्जिंगच्या सुविधेसह उपलब्ध न केल्याने विकसकाने कन्सेंट टू इस्टॅब्लिश (CTE) या अटीचा देखील उल्लंघन केल्याचे निदर्शनास आले आहे.

६) सदर बांधकाम प्रकल्पातील बांधकाम प्रकल्पाचे बांधकाम करतेवेळी पाया (Foundation) खोदाई तसेच मिळकत क्षेत्रातील विहीर व बोअरवेलस यामधून भूजल उपसा करणेसाठी केंद्रीय भूजल साठा समितीची (CGWA) परवानगी घेणे अनिवार्य असताना सदर मिळकतीचे विकसक यांनी खोदाई व भूजल उपसा करणेसाठी कोणतीही अधिकृत परवानगी न घेता सदरील मिळकत क्षेत्रातून अवैधरीत्या खोदाई व भूजल उपसा चालू असल्याचे निदर्शनास आले आहे.

७) सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी निर्माण होणाऱ्या धूळ व इतर वायू प्रदूषित घटकाकरिता डस्ट कलेक्टर (Dust Collector) तसेच बांधकाम प्रकल्प ठिकाणी असणाऱ्या डी जी जनसेट करीता वायू प्रदूषण नियंत्रण प्रणाली (APCS) तसेच Acoustic Encloser बसवले नसल्याचे निदर्शनास आले आहे.

८) सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी पाया (Foundation) उत्खनन केलेली माती (Top Soil) प्रकल्पस्थळी गार्डन करीता विकसकाने साठवून (STOCK) ठेवले नसल्याचे निदर्शनास आले आहे.

९) सदरच्या बांधकाम प्रकल्प ठिकाणी घनकचरा व्यवस्थापन, ऑर्गेनिक वेस्ट डायजेस्टर, ओला व सुका कचरा वर्गीकरण (Segregation) तसेच त्याचे व्यवस्थापन करणेसाठी कोणतीही यंत्रसामुग्री बसवलेली नसल्याचे निदर्शनास आले आहे.



डिसिप्लिन पुणेकर्स फोरम

अध्यक्ष: कल्पेश यादव

वरील प्रमाणे निदर्शनास आणून दिले नुसार सदरच्या बांधकाम प्रकल्पाचे बांधकाम करतेवेळी विकसकाने पर्यावरण संरक्षण कायदा १९८६ तसेच सदरच्या कायद्याच्या अन्वये केंद्रीय पर्यावरण व वन मंत्रालयाने दिनांक १४ सप्टेंबर २००६ रोजी जारी केलेल्या EIA अधिसूचना (Notification) २००६ चे उल्लंघन केले असल्याचे निदर्शनास आणून दिल्याने पुणे महानगर प्रदेश विकास प्राधिकरण कार्यालयाने बांधकाम प्रकल्पाची बांधकाम परवानगी तत्त्वतः रद्द केली आहे. याप्रमाणे आजच्या तारखेला सदरचे बांधकाम अनधिकृत असून हा बांधकाम प्रकल्प अनधिकृत ठरत असल्याचे निदर्शनास येत आहे.

तरी आपण तात्काळ गाव मौजे, ता. मुळशी, जि. पुणे येथील स. नं. २८२/२ या मिळकती मधील 'वेलवर्थ पूर्णम' या बांधकाम प्रकल्पाचे विकसक मे. गो इंडिया रियल कॉन एलएलपी यांनी पर्यावरणीय मंजूरी (EC) न घेता चालू असलेल्या बांधकाम प्रकल्पाच्या अनधिकृत बांधकामावर पर्यावरण संरक्षण कायदा १९८६ तसेच केंद्रीय पर्यावरण व वन मंत्रालयाने जारी केलेल्या EIA अधिसूचने प्रमाणे बांधकाम प्रकल्पावर क्लोजर, फौजदारीची कायदेशीर कारवाई करावी तसेच सदर बांधकाम प्रकल्पास बेकायदेशीरपणे कन्सेंट टू इस्टॅब्लिश (CTE) देणाऱ्या महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या दोषी प्रशासकीय अधिकाऱ्यांवर कायदेशीर कारवाई करावी.

कळावे,

आपला

कल्पेश यादव

कल्पेश यादव

माहितीसाठी प्रत :

- १) मा. जिल्हाधिकारी, जिल्हाधिकारी कार्यालय, पुणे
- २) मा. प्रधान सचिव, पर्यावरण व वातावरणीय बदल विभाग, मंत्रालय, मुंबई
- ३) मा. उपसंचालक, पर्यावरण, वने व वातावरणीय बदल विभाग, प्रादेशिक कार्यालय, नागपूर
- ४) मा. आयुक्त तथा मुख्य कार्यकारी अधिकारी, पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे
- ५) मा. अध्यक्ष, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई
- ६) मा. सहसंचालक, हवा, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुख्यालय, मुंबई
- ७) मा. संचालक, नगर रचना विभाग व नियोजन विभाग, पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे
- ८) मा. अध्यक्ष, केंद्रीय भूजल साठा समिती, भूजल भवन, फरीदाबाद
- ९) मा. प्रादेशिक अधिकारी, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, पुणे



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सर्वे नं. २४/४ब/१२, सोपान
नगर, वडगावशेरी, पुणे- ४११०२४

Date : 26 June 2025

To,

1) Hon. Secretary,
Department of Environment, Forests and Climate Change (MOEF&CC),
Paryavaran Bhavan, New Delhi

2) Hon. Member Secretary,
State Level Environment Impact Assessment Authority, (SEIAA),
Department of Environment, Ministry, Mumbai

3) Hon. Member Secretary,
Maharashtra Pollution Control Board, Mumbai

Subject - As per the order issued by the Pune Metropolitan Region Development Authority (PMRDA) for the provisional cancellation of the building permission certificate of the construction project "Welworth Purnam" located on Survey No. 282/2, Village Mauje Man, Taluka Mulshi, District Pune — developed by M/s. Grow India Realcon LLP — due to commencement of construction without obtaining Environmental Clearance (EC), it is requested that immediate closure and criminal legal action be initiated against the said unauthorized construction project under the Environment (Protection) Act, 1986 and in accordance with the EIA Notification dated 14th September 2006 issued by the Ministry of Environment and Forests. Furthermore, no Environmental Clearance (EC) should be granted to such unauthorized construction.

Reference - 1) The final revised building permission granted to the construction project on 28th February 2024 by the Development Permission Department of the Pune Metropolitan Region Development Authority (PMRDA).

2) The Consent to Establish (CTE) granted to the construction project on 5th December 2024 by the Maharashtra Pollution Control Board (MPCB).

3) The grievance statements submitted to your office on 23rd April 2025 and 20th June 2025.

- 4) The proposed directions issued by the Maharashtra Pollution Control Board, Regional Office, to the construction project on 16th May 2025.
- 5) The order issued today, dated 26th June 2025, by the Pune Metropolitan Region Development Authority (PMRDA) office to the construction project, directing the cancellation of the building permission certificate.
- 6) EIA Notification 2006 issued by the Ministry of Environment and Forests, Government of India on 14 September 2006 under the Environment (Protection) Act, 1986.

Respected Sir/ Madam,

The original building permission for the residential + commercial construction project named 'Welworth Purnam', situated on Survey No. 282/2, Village Mauje Man, Tal. Mulshi, Dist. Pune, was granted on 17th June 2021 by the Development Permission Department of the Pune Metropolitan Region Development Authority. In accordance with the said building permission, the construction of the project was commenced on the actual site by the developer, M/s. Grow India Realcon LLP, through its partner Mr. Vineet Goyal. It has come to notice that for the said land parcel, the developer M/s. Grow India Realcon LLP, through its partner Mr. Vineet Goyal, submitted revised building proposal applications from time to time in order to obtain amended building permissions. Accordingly, the Development Permission Department of Pune Metropolitan Region Development Authority granted revised building permissions and approved building plans from time to time.

It has also been observed that as per the final revised building plan dated 28 February 2024, the developer commenced the construction of the project in violation of the EIA Notification 2006 issued under the Environment (Protection) Act, 1986 by the Ministry of Environment and Forests, Government of India.

It was observed by your officers, as well as by the administrative officers of the Maharashtra Pollution Control Board, that during the construction of the said project, the developer had violated the provisions of the Environment

(Protection) Act, 1986, as well as the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India on 14th September 2006.

As per the observations regarding the absence of Environmental Clearance and the Environmental Clearance violations, it was expected that the administrative officers of the regional offices of the Maharashtra Pollution Control Board should have initiated action against the said construction project under the Environment (Protection) Act, 1986 and the EIA Notification, 2006 issued by the Ministry of Environment and Forests. However, instead of taking legal action against the said project, it has been observed that the administrative officers of the Maharashtra Pollution Control Board have extended unauthorized administrative support in favor of the developer.

While executing the construction work of the said project, the developer violated the EIA Notification dated 14 September 2006 issued by the Ministry of Environment and Forests, Government of India, and also contravened the Building Development Regulations by carrying out construction within the buffer zone. Accordingly, the Pune Metropolitan Region Development Authority (PMRDA) has, on 26 June 2025, cancelled the Building Permission Certificate of the said project.

Without obtaining Environmental Clearance (EC), and in accordance with the action taken by the Pune Metropolitan Region Development Authority, we hereby once again bring to your attention the detailed and point-wise information as stated below, with respect to initiating immediate legal action under the Environment (Protection) Act and the EIA Notification against the unauthorized construction of the said project.

1) The final revised building permission and building plans for the construction project located on the said property were approved by the Development Permission Department of the Pune Metropolitan Region Development Authority under BMU/CRNO.2112/23-24/8926 dated 28 February 2024. As per the

approved final revised building plans, it was mandatory for the developer to obtain Environmental Clearance (EC). However, undertaking construction as per the revised plans without obtaining the said Environmental Clearance constitutes a violation of the Environment (Protection) Act, 1986. For your additional information, a copy of the Environment (Protection) Act, 1986 and the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India on 14 September 2006 under the said Act, is attached herewith along with this statement. As per the EIA Notification, 2006, obtaining Environmental Clearance (EC) is mandatory before commencing construction on-site for any building project with a total built-up area exceeding 20,000 square meters. However, it has come to light that the developer, in collusion with administrative officers of the Maharashtra Pollution Control Board and the Pune Metropolitan Region Development Authority, commenced and completed construction on-site of a total built-up area of 28,319.27 square meters as per the revised sanctioned building plans, without obtaining the required Environmental Clearance (EC).

As evidence that construction permission for a total built-up area (TBUA) of 28,319.27 square meters was granted by the Development Permission Department of the Pune Metropolitan Region Development Authority on 28 February 2024 under BMU/CRNO.2112/23-24/8926, the detailed pro forma table of the total built-up area as per the revised sanctioned building plan is hereby submitted for your reference as follows.

Total Built-up Area Calculation wrt Sanction Plan C.R. 2112/23-24, Dated 28/02/2024

DESCRIPTION	FSI AREA	
	COMMERCIAL	RESIDENTIAL
BUILT AREA	1862.25	21465.22
TOTAL FSI AREA	23,327.47	

DESCRIPTION	NON FSI AREA
REFUGE AREA	162.45
PARKING	1116.29
LIFT	15.58
TOP TERRACE	1116.29
TRANSFORMER & DG	30.77
UGWT	80.00
OHWT	37.40
STP & OWC	74.23
ARCH. PROJECTION	500.00
TOTAL NON FSI AREA	3,133.01
TOTAL BUILT-UP AREA (FSI AREA + NON FSI AREA)	26,460.48 SQ.MTR

As stated above, the construction carried out has been brought to the notice of the administrative officers of the Maharashtra Pollution Control Board, and accordingly, proposed directions have been issued to the said construction project by the Maharashtra Pollution Control Board. Furthermore, as of today, 25 June 2025, the Pune Metropolitan Region Development Authority has initiated action to revoke the building permission granted to the said construction project.

2) It is observed that despite the developer not having obtained the mandatory Environmental Clearance (EC) at the time of executing the construction work for the said project, the administrative officers of the Maharashtra Pollution Control Board have, in violation of the Environmental Protection Act, 1986 and the EIA Notification dated 14 September 2006 issued by the Ministry of Environment and Forests, Government of India, unlawfully granted a Consent to Establish (CTE)

certificate on 05 December 2024. It is within the knowledge of the administrative officers of the Maharashtra Pollution Control Board that obtaining Environmental Clearance (EC) is mandatory for construction projects having a Total Built Up Area exceeding 20,000 square meters. Furthermore, the officers of the Maharashtra Pollution Control Board were also aware and had confirmed that the developer of the said construction project had not obtained the required Environmental Clearance (EC). Due to vested interests with the developer, the Joint Director of the Maharashtra Pollution Control Board, along with the Sub-Regional Officer of the Pune Sub-Regional Office, have unlawfully issued a Consent to Establish (CTE) certificate for a total built-up area of 26,460.48 square meters for the said construction project, despite the Environmental Clearance (EC) not having been obtained. While issuing the Consent to Establish (CTE) certificate, a review of Condition No. 14 in the said certificate clearly reveals that the administrative officers of the Maharashtra Pollution Control Board have violated the provisions of the Environment (Protection) Act, 1986, as well as the EIA Notification, 2006, issued by the Ministry of Environment and Forests, Government of India.

3) It has been observed that an Organic Waste Converter (OWC) has not been installed at the said project site, and the wet waste generated by the labourers residing in the labour camp at the project site is being disposed of through unscientific methods.

4) It has been observed that although it is mandatory to install and operate an STP (Sewage Treatment Plant) for the treatment of sewage and wastewater generated from the labour camp at the said construction project site, the sewage and wastewater generated from the said project is being directly discharged into the nearby drainage system.

5) Although it was directed that 30% of the total available parking spaces in the said construction project must be equipped with electric charging facilities, it has been observed that the developer has failed to provide electric charging facilities

for 30% of the parking area, thereby violating the condition stipulated in the Consent to Establish (CTE).

6) During the construction of the said building project, it has been observed that the developer has illegally commenced excavation and groundwater extraction from the said property through wells and borewells, without obtaining the mandatory permission from the Central Ground Water Authority (CGWA), even though such permission is legally required for foundation excavation and groundwater extraction.

7) While carrying out the construction activities of the said project, it has been observed that no Dust Collector has been installed to manage the dust and other air-polluting elements generated during construction. Furthermore, it has also come to notice that no Air Pollution Control System (APCS) or Acoustic Enclosure has been installed for the DG genset present at the construction site.

8) It has been observed that during the construction of the said project, the topsoil excavated during the foundation work was not stockpiled at the project site by the developer for use in garden development, as required.

9) It has been observed that at the said construction project site, no equipment has been installed for solid waste management, organic waste digester, wet and dry waste segregation, and its proper management.

As brought to notice above, during the execution of the said construction project, the developer violated the provisions of the Environment (Protection) Act, 1986, as well as the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India, dated 14th September 2006. Accordingly, the Pune Metropolitan Region Development Authority has provisionally cancelled the building permission for the said construction project. Accordingly, as of today's date, the said construction is unauthorized, and it is evident that this construction project is deemed to be unauthorized.

Therefore, you are requested to immediately initiate closure of the ongoing unauthorized construction project being carried out without obtaining

Environmental Clearance (EC) by the developer M/s. Grow India Realcon LLP on the land situated at S. No. 282/2, Mauje Man, Tal. Mulshi, Dist. Pune, under the provisions of the Environment (Protection) Act, 1986 and in accordance with the EIA Notification, 2006 issued by the Ministry of Environment and Forests, Government of India. Furthermore, legal action should also be taken against the concerned administrative officers of the Maharashtra Pollution Control Board who have illegally granted Consent to Establish (CTE) for the said construction project.

Regards,

Yours,

Sd/-

Kalpesh Yadav

Copy for information:

- 1) Hon. District Collector, Office of the District Collector, Pune
- 2) Hon. Principal Secretary, Department of Environmental Change, Ministry, Mumbai
- 3) Hon. Deputy Director, Department of Environment, Forests and Climate Change, Regional Office, Nagpur
- 4) Hon. Authority Chief Executive Officer, Pune Metropolitan Region Development Authority, Pune
- 5) Hon. Chairman, Maharashtra Pollution Control Board, Mumbai
- 6) Hon. Joint Director, Air, Maharashtra Pollution Control Board, Headquarters, Mumbai
- 7) Hon. Director, Town Planning and Development Department, Pune Metropolitan Region Development Authority, Pune
- 8) Hon. Chairman, Central Groundwater Resources Committee, Bhujal Bhavan, Faridabad
- 9) Hon. Regional Officer, Maharashtra Pollution Control Board, Pune



//TRUE COPY//

**REPORTABLE****IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION****WRIT PETITION (C) NO.1394 OF 2023****VANASHAKTI****...PETITIONER****Vs.****UNION OF INDIA****...RESPONDENT****WITH****WRIT PETITION (C) NO.118 OF 2019****WRIT PETITION (C) NO.115 OF 2024****AND****CIVIL APPEAL NO.381-382 OF 2025****J U D G M E N T****ABHAY S. OKA, J.**

1. Part IV-A of the Constitution of India containing fundamental duties as set out in Article 51A was incorporated in the Constitution by the 42nd Amendment Act with effect from 3rd January 1977. Clause (g) of Article 51A provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This Court in several decisions has held that the right to live in a

pollution free atmosphere is a part of the fundamental right guaranteed under Article 21 of the Constitution of India.

2. The world changed rapidly after World War II. From the late 1960s and early 1970s, slowly there was a realisation about the drastic consequences of the destruction of environment and pollution of various kinds. In June 1972, at Stockholm, the United Nations Conference on Human Environment was held. In the said conference, several decisions were taken by the world community to protect the environment.

3. In our country, it took fourteen years thereafter for the legislature to come out with a law for protection and improvement of the environment. The Environment (Protection) Act, 1986 (for short, 'the 1986 Act') was brought into force with effect from 19th November 1986. As can be noticed from several orders of this Court and the High Courts, the progress of implementation of the 1986 Act has been very slow.

4. The 1970s and 1980s saw growth of industrialisation in our country. The activities such as mining, gas exploration, thermal power plants, petroleum refining industries, various other industries, building and construction projects, such as, highways started growing.

5. Again, it took twenty years after the 1986 Act came into force to exercise the power under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (for short, '1986 Rules') for coming out with the Environment Impact Assessment Notification, 2006 (for short, 'the EIA notification'). The EIA notification was issued on 14th September 2006. It provided that the projects or activities mentioned in clause (2) thereof shall require prior Environmental Clearance (for short, 'the EC') from the concerned regulatory authority. The concerned regulatory authority in the Central Government is the Ministry of Environment Forests and Climate Change (for short, 'the MoEFCC') for matters falling under Category 'A' in the Schedule, and at the State level, the State Environment Impact Assessment Authority (for short, 'the SEIAA') for the matters falling in Category 'B'. In the Schedule, Categories 'A' and 'B' were incorporated setting out industries and other development work. The entire controversy in this group of petitions is about ex post facto grant of EC.

6. On 14th March 2017, a notification was issued by the MoEFCC. The said notification is hereafter referred to as 'the 2017 notification'. The said notification was made applicable to the projects or activities that have

started the work on site, expanded the production beyond the limit of the EC, or changed the production mix without obtaining EC. The 2017 notification provided that in case of such works, ex post facto EC can be granted. It provided that the projects or activities which are in violation of the EIA notification as on 14th March 2017 were eligible to apply under the 2017 notification for ex post facto EC within a period of six months from 14th March 2017.

7. The National Green Tribunal (for short, 'the NGT') vide order dated 24th May 2021 directed the MoEFCC to prepare a Standard Operating Procedure (for short, 'the SOP') for grant of EC in the cases of violation so as to address the gap in the binding law and practice being currently followed. In purported compliance with the said direction, Office Memorandum dated 7th July 2021 (for short, 'the 2021 OM') was issued.

8. In the meanwhile, the 2017 notification was challenged by way of a writ petition before the High Court of Madras in the case of Puducherry Environment Protection Association v. Union of India¹, which was decided by order dated 13th October 2017. During the course of hearing of the case before the Madras High Court, when it was pointed out that the outer limit for making applications for grant of ex post facto EC have

¹ 2017 SCC OnLine Mad 7056

been repeatedly extended, the Union of India gave a categorical undertaking that the 2017 notification was only a one-time measure. By recording the said submission made on behalf of the Union of India that the 2017 notification was certainly and clearly only a one time measure, the High Court disposed of the petition. Later on, by order dated 14th March 2018 passed by the High Court of Madras in another case, the time period under the 2017 notification for submission of proposals by project proponents was extended by a further period of thirty days.

9. In Writ Petition (C) No.1394 of 2023, the first prayer is for quashing the 2021 OM on the ground that it was arbitrary, illegal and ultra vires the provisions of the 1986 Act. The second prayer is for issuing a writ of mandamus directing the MoEFCC and SEIAA/SEACs not to process and entertain any application for ex-post facto EC after 13th May 2018. As stated earlier, the time granted under the 2017 notification to apply was lastly extended till 13th April 2018.

10. In Writ Petition (C) No.118 of 2019, the challenge is to the 2017 notification issued by the MoEFCC. A prayer was made seeking directions to the respondents to produce a list of real estate projects and project proponents who have undertaken real estate development

projects without obtaining EC under the 2006 notification.

11. In Writ Petition (C) No.115 of 2024, the challenge is to the 2017 notification and the 2021 OM. A prayer for writ of prohibition is made for restraining the MoEFCC from issuing any notification or office memorandum permitting ex-post facto EC.

12. The High Court of Madras by judgment and order dated 30th August 2024 quashed the 2021 OM and another OM dated 19th February 2021. The challenge in Civil Appeal No.381-382 of 2025 is to this decision of the High Court of Madras. In the judgment and order dated 30th August 2024, the Madras High Court declared that its order will operate only prospectively and applications under consideration will remain unaffected. The challenge in this appeal is only to the extent of giving prospective effect to the impugned judgment.

THE EIA NOTIFICATION

13. Firstly, we come to the EIA notification. It has been issued in exercise of powers under sub-Section (1) and clause (v) of sub-Section (2) of Section 3 of the 1986 Act read with clause (d) of sub-Rule (3) of Rule 5 of the 1986 Rules. Section 3 of the 1986 Act reads thus:

“3. Power of Central Government to take measures to protect and improve environment.—(1) Subject to the provisions

of this Act, **the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.**

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities

—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of

environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in subsection (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”

(emphasis added)

13.1 Sub-section (1) of Section 3 sums up the very object of the 1986 Act. Therefore, the EIA notification has been issued not only for the purposes of protecting and improving the quality of the environment but also for preventing and abating environmental pollution. Sub-section (1) of Section 3 confers general power of taking measures on the Central Government. Sub-section (2) confers specific power for taking measures in the matters set out in clauses (i) to (ix) thereof. Clause (v) of sub-section (2) of Section 3 empowers the Central Government to take measures for putting restrictions of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to safeguards.

14. Rule 5 of the 1986 Rules reads thus:

“5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the

Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [,and in respect of the States of Assam, Meghalaya, Arunachal

Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,]) from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]”

14.1 For issuing the EIA notification, power has been exercised under clause (d) of sub-rule (3) of Rule 5 which empowers the Central Government to impose prohibition or restrictions on location of such industries and the carrying on any process or operation in an area. There is a power to impose complete prohibition on carrying on any process or operation in an area. Clause (2) of the EIA notification reads thus:

“2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining minerals in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7.”

14.2 Therefore, without prior EC, construction of new projects or activities, expansion or modernisation of existing projects or activities listed in the Schedule entailing capacity addition with change in process or

technology, cannot be undertaken. Entire procedure for grant of prior EC is laid down in the EIA notification.

LEGALITY OF THE 2017 NOTIFICATION

15. The 2017 notification refers to the OMs dated 12th December 2012 and 27th June 2013 by which a process was sought to be established for grant of EC in the cases of violation of the EIA notification. It also refers to the judgment of the High Court of Jharkhand holding these two OMs as illegal. The same OMs were also quashed by the NGT as mentioned in the said notification. There are three recitals in the said notification which are relevant. Recital Nos.9 to 11 read thus:

“9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving

the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;”

15.1 Thus, what was sought to be done was to protect the project proponents who committed gross illegality by commencing construction or commencing operation or process without obtaining prior EC as provided in the

EIA notification. The 2017 notification was a one-time measure. Moreover, this Court in the case of **Common Cause v Union of India & Ors.**², held in no uncertain terms that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence including the EIA notification. The decision in the case of **Common Cause**² was delivered on 2nd August 2017. Notwithstanding the clear declaration of law which was made on 2nd August 2017, the Central Government did not withdraw the 2017 notification.

16. We may note here that this is not the first time that the concept of prior EC was brought into force. For this purpose, useful reference can be made to a decision of this Court in the case of **Alembic Pharmaceuticals v. Rohit Prajapati**³. It records that there was a notification of 27th January 1994 mandating prior EC for setting up and expansion of industrial projects falling within thirty categories. The issue before this Court was about the legality and validity of the circular dated 14th May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14th May 2002. In paragraph 12, this Court noted the issue to be decided:

“12. The issue to be adjudicated is whether in view of the requirement of a prior EC

² 2017 (9) SCC 499

³ 2020 (17) SCC 157

under the EIA Notification of 1994, a provision for an ex post facto EC to industrial units could be validly made by means of the Circular dated 14-5-2002.”

16.1 Thereafter, this Court considered Section 3(1) of the 1986 Act. In paragraph 21 this Court held thus:

“**21.** The omission in the appeal to make any attempt to sustain the Circular dated 14-5-2002 with reference to the provisions of Section 3 of the Environment (Protection) Act, 1986 is significant. For an action of the Central Government to be treated as a measure referable to Section 3 it must satisfy the statutory requirement of being necessary or expedient “for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution”. The Circular dated 14-5-2002 in fact does quite the contrary. It purported to allow an extension of time for industrial units to comply with the requirement of an EC. The EIA Notification dated 27-1-1994 mandated that an EC has to be obtained before embarking on a new project or expanding or modernising an existing one. The EIA Notification of 1994 has been issued under the provisions of the Environment (Protection) Act, 1986 and the Environment Protection Rules, 1986, with the object of imposing restrictions and prohibitions on setting up of new projects or expansion or modernisation of existing project. The measures are based on the precautionary principle and aim to protect the interests of

the environment. The Circular dated 14-5-2002 allowed defaulting industrial units which had commenced activities without an EC to cure the default by an ex post facto clearance. Being an administrative decision, it is beyond the scope of Section 3 and cannot be said to be a measure for the purpose of protecting and improving the quality of the environment. The circular notes that there were defaulting units which had failed to comply with the requirement of obtaining an EC as mandated. The circular provided for an extension of time and inexplicably introduced the notion of an ex post facto clearance. In effect, it impacted the obligation of the industrial units to be in compliance with the law. **The concept of ex post facto clearance is fundamentally at odds with the EIA Notification dated 27-1-1994. The EIA Notification of 1994 contained a stipulation that any expansion or modernisation of an activity or setting up of a new project listed in Schedule I “shall not be undertaken in any part of India unless it has been accorded environmental clearance”. The language of the notification is as clear as it can be to indicate that the requirement is of a prior EC. A mandatory provision requires complete compliance. The words “shall not be undertaken” read in conjunction with the expression “unless” can only have one meaning : before undertaking a new project or expanding or modernising an existing one, an EC must be obtained.** When the EIA Notification of 1994 mandates a prior EC, it

proscribes a post activity approval or an ex post facto permission. What is sought to be achieved by the administrative Circular dated 14-5-2002 is contrary to the statutory Notification dated 27-1-1994. The Circular dated 14-5-2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA Notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA Notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative Circular dated 14-5-2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law.”

(emphasis added)

16.2 Ultimately, in paragraph 23, this Court held thus:

The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA Notification dated 27-1-1994. It is, as the judgment

in Common Cause [Common Cause v. Union of India, (2017) 9 SCC 499] holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.”

(emphasis added)

16.3 In fact, as noted in paragraph 22.1, the word ‘prior’ was not used in the EIA notification dated 27th January 1994. However, the words ‘shall not be undertaken’ were used. In the 2006 EIA notification, the word ‘prior’ appears at multiple places.

17. The issue of *ex post facto* EC was dealt with in the case of **Common Cause**², In paragraph 108, a submission was recorded that the possibility of getting *ex post facto* EC was a signal to the mining leaseholders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. In paragraph 125, this Court held thus:

“125. We are not in agreement with the learned counsel for the mining leaseholders. **There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long-term impact. EIA 1994 is therefore very clear that if expansion or modernisation of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in *M.C. Mehta* [*M.C. Mehta v. Union of India*, (2004) 12 SCC 118] even for the renewal of a mining lease where there is no expansion or modernisation of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an *ex post facto***

environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”

(emphasis added)

18. Therefore, there is already a concluded finding of this Court that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence and the EIA notification. This view was reiterated by this Court in the case of ***Electrosteel Steels Ltd. v. Union of India and Ors.***⁴. In paragraph 72, this Court held thus:

“72. There can be no doubt that the need to comply with the requirement to obtain environment clearance is non-negotiable.

A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute

⁴ (2023) 6 SCC 615

be allowed to operate unchecked and degrade the environment.”

(emphasis added)

18.1 In this case, as well as in the case of ***Alembic Pharmaceuticals***³, this Court exercised its jurisdiction under Article 142 of the Constitution and permitted *ex post facto* EC in particular cases considering the peculiar factual situation.

19. It is in this context that the legality and validity of the 2017 notification will have to be tested. Interestingly, in paragraph 10 of the notification, it is recorded that the MoEFCC deems it necessary for the purpose of protecting and improving the quality of environment and abating environmental pollution that all the entities not complying with the environmental regulation under EIA notification be brought under compliance within the environmental laws in an expeditious manner. The object of protecting and improving the environment and preventing and abating environmental pollution was achieved by the EIA notification. The object of the 2017 notification appears to be to protect the industries and entities which violated the EIA notification. In fact, paragraph 14 of the 2017 notification is material which reads thus:

“**14.** The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental

clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.”

20. Moreover, the 2017 notification is completely in violation of the law laid down by this court in the case of ***Common Cause***² and ***Alembic Pharmaceuticals***³. From the recitals of the 2017 notification, it is apparent that it was a one-time measure to protect those who were in violation as on the date of the 2017 notification. In view of the settled law, even a ‘one-time measure’ or ‘one-time relaxation’ was illegal. The 2021 OM encourages the entities who contributed to pollution by not obtaining prior EC. Whenever EC is granted, it is always conditional. Certain conditions are imposed to abate or reduce the pollution. Such one-time measures add to air and/or water pollution. Such measures infringe the right to live in a pollution free environment guaranteed by Article 21. Thus, the 2017 notification was completely illegal.

21. The Division bench of Madras High Court by judgment dated 13th October 2017, in the case of ***Puducherry Environment Protection Association***¹ dealt with the issue regarding the legality of the 2017 notification which was subject matter of challenge in a Public Interest Litigation. A very specific submission was

made before the Madras High Court on behalf of the Central Government by the learned Additional Solicitor General, which is recorded in paragraph 4(i) of the judgment. Relevant portion of paragraph 4(i) reads thus:

“4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, **learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also.**

.....”

(emphasis added)

21.1 This statement was treated as an undertaking of the Central Government, which is clear from paragraph 4(n) of the said judgment:

“4(n) We are convinced that paragraphs 3,4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and **(b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.**”

(emphasis added)

21.2 It is in view of this undertaking that the High Court did not interfere. The Central Government is bound by this undertaking. It is the duty of the Central Government to comply with the undertaking in its true letter and spirit.

22. The period provided in the 2017 notification to apply for *ex-post facto* EC ended on 13th September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***⁵, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16th March 2018 was issued which permitted the project proponents to apply under the 2017 notification within thirty days from the date of the High Court order. What is pertinent to note is that notwithstanding the grant of extension of time to apply, there was no modification made to paragraph 14 of the 2017 notification which clarified that it is applicable only to those projects and activities which were in violation on the date of the said notification. Therefore, any project or activity or process which required EC under the EIA notification commenced after 14th March 2017 was not protected by the 2017 notification.

23. Apart from the fact that the very concept of grant of *ex-post facto* EC is illegal, it is not possible to understand

⁵ 2018 SCC OnLine Mad 1283

why the Central Government made efforts to protect those who committed illegality by not obtaining prior EC in terms of the EIA notification. As the EIA notification was eleven years old when the 2017 notification was issued, there was no equity in favour of those who committed such gross illegality of not obtaining prior EC. The persons who acted without prior EC were not illiterate persons. They were companies, real estate developers, public sector undertakings, mining industries, etc. They were the persons who knowingly committed illegality. We, therefore, make it clear that hereafter, the Central Government shall not come out with a new version of the 2017 notification which provides for the grant of *ex-post facto* EC in any manner.

LEGALITY AND VALIDITY OF THE 2021 OM

SUBMISSIONS

24. The learned senior counsel appearing for the Petitioner submitted that post a series of judgments of this Court in ***Alembic***³ and ***Common Cause***², it is not permissible to grant *ex post facto* EC. He further submits that the 2021 OM is in violation of the 1986 Act and the EIA notification. He submits that EC must be prior and cannot be granted *ex post facto*. While the 2021 OM does not expressly extend the timeline under the 2017 notification or mention *ex post facto*, the 2021 OM and its

application has effectively allowed grant of *ex post facto* EC.

25. The main submission of the learned Additional Solicitor General is that the 2021 OM does not seek to grant *ex-post facto* EC. It is only an SOP. The learned ASG invited our attention to the contents of the SOP. Her submission is that it provides for the demolition of projects not allowable or permissible for want of EC. It also provides for the closure of projects allowable/permissible, if prior EC has not been taken as per the EIA notification. She submitted that even if EC is granted, it will be effective from the date of the issue, and therefore, it is not *ex post facto*. She submitted that before such EC is granted, the project proponent will have to pay certain amounts as provided therein based on Polluter Pays Principle. Moreover, the project proponents will have to undertake activities relating to remedial plan and community accommodation plan. She also pointed out that the projects which are not allowable or permissible, shall be demolished. She also pointed out provisions regarding penalty, project proponents furnishing bank guarantee, etc. Thus, in short, her submission is that the object of the 2021 OM is to protect those projects and industries which could have been granted an EC under EIA notification before the date of commencement of activities, but proceeded to commence

activities without EC. Her submission is that this measure has been taken to ensure that the huge spending on constructions is not lost and wasted.

OUR VIEW

26. The basic submission by learned ASG is based on a premise that what is provided under the 2021 OM is not grant of *ex-post facto* EC. The relevant part of the 2021 OM is in paragraph 10 and 11, which read thus:

“10. Standard Operating Procedure-Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2	If prior EC is available for existing/old unit	Order to revert the activity /production to permissible limits.
3	If prior EC was not required for earlier production level but is now required	Restrict the activity /production to the extent to which prior EC was not required

Step 2: Action under Environment (Protection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of

*commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished**.*

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central Level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluter Pays principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present form/configuration/features** then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the**

amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan."**

27. In short, it provides for grant of EC to category of 'allowable/permmissible' projects. We must remember that the 2021 OM is applicable even to the completed projects. The 2021 OM says that grant of EC to such projects shall be effective from the date of issue. If the project proponent goes ahead with construction which requires EC under the EIA notification, it will amount to violation of the provisions of 1986 Act and 1986 Rules. It will attract penalty under Section 15 of the 1986 Act. Perusal of the provisions of Section 15 shows that even if the penalty is paid by the project proponent, it will not regularise the project. Therefore, even after the payment of penalty, if the project is under construction, the same has to be stopped and demolished and even if operation has already commenced, the same has to be stopped and demolished. Therefore, the construction work has to be demolished.

28. Now, we will consider what is the meaning of “*ex post facto*”. Various dictionary meanings can be summarised as under:

- a)** Having retrospective effect or force;
- b)** From a thing done afterwards;
- c)** Retroactive or affecting something that has already happened.

29. Now, we will take a case of *ex post facto* EC provided under the 2017 notification. The effect of grant of *ex post facto* clearance is that if without obtaining EC, construction is in progress, the same is allowed to continue. If the construction is complete and operation and processes are going on, the same can go on after *ex post facto* EC is granted. Effect of grant of EC under clause (11) of 2021 OM will be grant of permission to complete the construction of the project, though construction had commenced without prior EC. Where the construction is already complete which is being used for processes etc., by grant of EC, the process/activities can continue. Thus, in effect, the EC granted under clause (11) of 2021 OM regularises something which was illegal with retrospective effect. In effect, the EC granted under clause (11) of 2021 OM will regularise the illegality done by commencing the construction or commencing the project without prior EC. Therefore, in substance, what is provided is grant of *ex post facto* EC. In other

words what is granted is EC with retrospective effect as it regularises illegality committed earlier. The grant of EC under the 2021 OM, no doubt, is subject to making payment of compensation determined based on Polluter Pays Principle and undertaking activities relating to remedial plan. Once there is a violation of the EIA notification, the project proponent has to compensate following the Polluter Pays Principle. Even if, EC is not granted to him he has to pay for remedial plan to remedy the damage done to the environment. He has to also pay the penalty under Section 15 of the 1986 Act. Therefore, what is done by the 2021 OM is something which was completely prohibited by this Court in the cases of **Common Cause²** and **Alembic Pharmaceuticals³**. It is an attempt to bring in an *ex-post facto* or retrospective regime by craftily drafting the SOP. The grant of EC under the 2021 OM in substance and in effect amounts to *ex post facto* grant of EC. The Court must come down very heavily on the attempt of the Central Government to do something which is completely prohibited under the law. Cleverly, the words *ex post facto* have not been used, but without using those words, there is a provision to effectively grant *ex post facto* EC. The 2021 OM has been issued in violation of the decisions of this Court in the cases of **Common Cause²** and **Alembic Pharmaceuticals³**. Therefore, we have no manner of

doubt that the 2021 OM which permits grant of EC is completely arbitrary and illegal. Moreover, the 2021 OM does not refer to exercise of any power under the 1986 Act or the 1986 Rules.

30. There is one more aspect which is required to be noted. As per paragraph 14 of the 2017 notification, provision for grant of *ex post facto* EC was made only in relation to projects or activities which were in violation as of 14th March 2017. Therefore, grant of *ex post facto* clearance was not permitted under 2017 notification for the projects and activities which were commenced or continued after 14th March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14th March 2018. Therefore, the 2021 OM is brought in to do something which was not permissible under the 2017 notification, the law laid down by this Court, and the solemn undertaking given by the Central Government to the Madras High Court. We must deprecate such effort on the part of the Central Government.

31. The EIA notification is of 14th September 2006. When the 2021 OM was issued, it was nearly 15 years old. Therefore, all project proponents were fully aware of the stringent requirements under the EIA notification. The 2021 OM seeks to protect the violations of the EIA notification which have taken place or continue to take

place 15 years after the EIA notification came into force. Thus, the 2021 OM seeks to protect violators who have acted with full knowledge of consequences of violating the EIA notification. Those who violate the law regarding obtaining prior EC are not only committing gross illegality, but they are acting against the society at large. The violation of the condition of obtaining prior EC must be dealt with heavy hands. In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so.

32. Under Article 21 of the Constitution of India, the right to live in a pollution free environment is guaranteed. In fact, the 1986 Act has been enacted to give effect to this fundamental right. In 1977, fundamental duties of all citizens were incorporated in the Constitution which enjoined every citizen of India to protect and improve the environment as provided in clause (g) of Article 51A. Therefore, even the Central Government has a duty to protect and improve the natural environment.

33. Today, in the year 2025, we have been experiencing the drastic consequences of large-scale destruction of environment on human lives in the capital city of our country and in many other cities. At least for a span of two months every year, the residents of Delhi suffocate due to air pollution. The AQI level is either dangerous or

very dangerous. They suffer in their health. The other leading cities are not far behind. The air and water pollution in the cities is ever increasing. Therefore, coming out with measures such as the 2021 OM is violative of fundamental rights of all persons guaranteed under Article 21 to live in a pollution free environment. It also infringes the right to health guaranteed under Article 21 of the Constitution.

34. The 2021 OM talks about the concept of development. Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. Therefore, going out of the way by issuing such OMs to protect those who have caused harm to the environment has to be deprecated by the Courts which are under a constitutional and statutory mandate to uphold the fundamental right under Article 21 and to protect the environment. In fact, the Courts should come down heavily on such attempts. As stated earlier, the 2021 OM deals with project proponents who were fully aware of the EIA notification and who have taken conscious risk to flout the EIA notification and go ahead with the construction/continuation/expansion of projects. They have shown scant respect to the law and their duty to protect the environment. Apart from violation of Article 21, such action is completely arbitrary

which is violative of Article 14 of the Constitution of India besides being violative of the 1986 Act and the EIA notification.

35. We are, however, conscious of the fact that *ex post facto* EC may have been granted in certain cases both under the 2017 notification and the 2021 OM. ECs already granted under 2017 notification and the 2021 OM, at this stage, should not be disturbed.

36. Hence, we pass the following order:

- a) We hold that the 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down;
- b) We restrain the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* EC in any form or manner or for regularising the acts done in contravention of the EIA notification;
- c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

37. The writ petitions and civil appeals are accordingly allowed on the above terms.

.....J.
(Abhay S. Oka)

.....J.
(Ujjal Bhuyan)

**New Delhi;
May 16, 2025**



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