

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

E.A. No. 17/2023

IN

Original Application No. 34 of 2020

Tanaji Gambhire

Applicant

Vs.

Union of India & Ors.

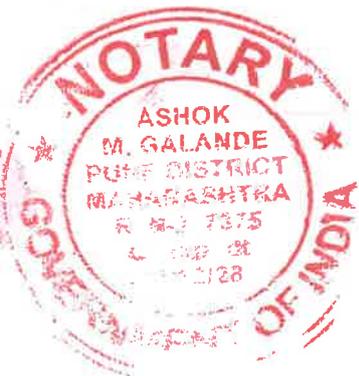
Respondents

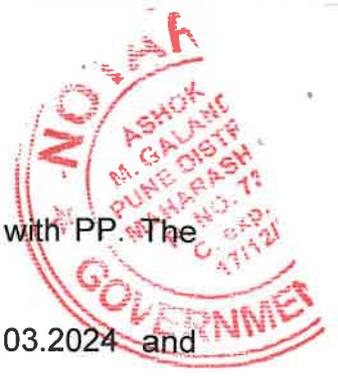
Affidavit on behalf of the Respondent No.13 with regard to the Action Plan for Restoration of Environment for Padmavati Associates (Pristine Prism and Pristine Royale and Pristine Privilege) as well as assessment of EDC to be reviewed

I, Ishwarchand K. Goyal, the Partner of the Firm is filing this Affidavit with regard to the Various Orders passed by this Hon'ble Tribunal in this Execution Application as well as Comments on the Action Plan for Restoration of Environment for Padmavati Associates (Pristine Prism and Pristine Royale and Pristine Privilege) as well as assessment of EDC to be reviewed as under –

1) Various Orders passed by this Hon'ble Tribunal in the Execution Application No. 17 of 2023 as below-

1.1) Order dated 22.09.2023- This Hon'ble Tribunal directed a Joint Committee of SEIAA, Maharashtra, State PCB (MPCB) and Pune Municipal Corporation to take further remedial action to fix liability for the violations, including assessment and recovery of compensation. The Committee was further authorised to prepare plan for restoration out of the compensation, to be recovered from the PP within 1 Month period





and to be executed in an appropriate manner including with PP. The Execution Application has been admitted.

- 1.2) The R.No.13 appeared through its Advocate on 13.03.2024 and submitted that no service of Notice has been effected upon the R.No.13 from number of Respondents. It was therefore specifically pointed out by the Advocate for the R.No.13 to know for what purposes, the amount of EDC amounting to Rs.14,10,50,000/- has been assessed? Therefore, this Hon'ble Tribunal asked MPCB to throw light on the assessment of the EDC without preparation of an Action Plan for Restoration of the Environment by its Order dated 13.03.2024.

It was also specifically pointed out on behalf of the R.No.13 that the Notice of EDC has been issued on 16.02.2024 only after filing of the Present Execution Application.

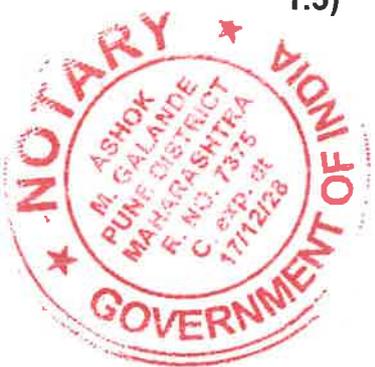
- 1.3) **Order dated 03.10.2024** – The R.No.13 has filed its Reply dated 03.04.2024 and raised Objections to the formula for calculating the Environmental Compensation to the tune of Rs. 14,10,50,000/- on account of no opportunity of hearing was extended before finalization of the EDC. The Learned Advocate for the MPCB submitted that the Board had engaged Visvesvaraya National Institute of Technology (VNIT) for preparation of Action Plan for Restoration of Environment.

- 1.4) **Order dated 28.01.2025** - The R.No.13 had filed an Appeal bearing No.23 of 2024 in the Execution Application 17 of 2023, challenging the Demand Notice of EDC and its calculation. However, the Appeal was directed to be converted into an Interlocutory Application (I.A.) and was disposed of on 17.12.2024. However, after conversion of an Appeal into I.A. No. 32 of 2025, the Amendment in the Prayer clauses in the array of parties and pleadings was directed to be made within 2 weeks' time.

- 1.5) **Order dated 01.04.2025** – The R.No.13 requested to convert I.A. into an Appeal. However, this Hon'ble Tribunal does not find any good ground to review its own Order.

Therefore, the R.No.13 had preferred an Appeal before Hon'ble Supreme Court of India. However, the said Appeal is not entertained.

Therefore, the R.No.13 is filing its response to the assessment of EDC as under-



- A) The R.No.13 has received the Order of assessment of EDC without following due procedure of law. The Order dated 16th February 2024 is sent on Email without any calculation in respect of Environmental Compensation and without any details thereof. Therefore, by its Letter dated 23.02.2024, the R.No.13 communicated that no details are received and requested to make available the calculations in what manner EDC has been calculated. The copy is already enclosed to the IA. **(Page 318 - 319)**
- B) The EDC is not only unreasonable imposition of Environmental Compensation without extending opportunity of hearing but also by not following the principles of natural justice. Thereafter the R.No.13 has received a copy of the Affidavit filed by and on behalf of the MPCB (R.Nos.6 & 7) in the Execution Application No. 17 of 2023 on 26.02.2024. A copy of the said Affidavit is already enclosed to the I.A. dated 26.02.2024 (Pages 17 to 21 of I.A.).

2) Commencement Certificates: The R. No 13 has filed on record the following Commencement Certificates in the O.A.No.34 of 2020, **Execution Application No.17 of 2023 & I.A. No. of 2025 converted from the Appeal filed against the Assessment of EDC by the MPCB:**

2.1) Commencement Certificate No. 4407/05 dated 18.3.2006 issued by the PMC. (S.N.6/2 & 7 at Aundh, Pune 411007) when the E.I.A. Notification was not issued & made applicable. Hence, the Condition for Prior Environment Clearance was not imposed.

- A) Revised Commencement Certificate No.2951/06 dated 15.11.2006 issued by the PMC (S.N.6/2 & 7at Aundh, Pune-411007)
- B) Revised Commencement Certificate No.1006/12 dated 25.6.2012 issued by the PMC. (S.N. 6/2 & 7 at Aundh, Pune411007).
- C) Revised Commencement Certificate No.0046/15 dated 8.4.2015 issued by the PMC. (S.N. 6/2 & 7 at Aundh, Pune 411007).

The copies of those Commencement & the Revised Commencement Certificates are already attached to the Affidavits in Replies to the O.A. No. 34 of 2020 & present E.A.No.17/2023. (I.A. Pages-152 to 169-Annexures-D-1 to D-4) Almost all the Commencement & Revised Commencement Certificates except the Revised



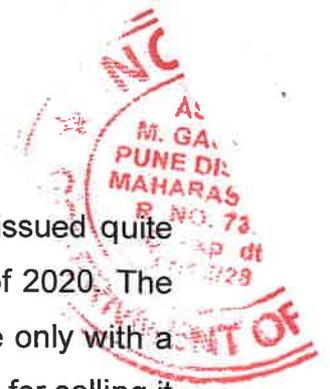
Commencement Certificate dated 08th April 2015 are issued quite earlier before filing of the Original Application No. 34 of 2020. The last Revision of the CC dated 08th April 2015 was done only with a limited purpose of dividing the one duplex flat into 2 flats for selling it in the market, for which the revision has been done. No condition to obtain Prior E.C. had been imposed by the PMC while granting the CC & Revised CC.

2.2) Completion Certificates: Thereafter, the PMC has granted the Completion Certificates as below:

- A) Completion Certificate for the Buildings A1, B1 & B3 No B80/135 respectively along with the Architect-Certificate;
 - B) Completion Certificate for the Building A2 No. BDPP/Zone-1/152 dated 16.1.2010 along with the Architect's Certificate.
 - C) Completion Certificate for the Building B2 No.OCC/0784/10 dated 05.1.2011 along with the Architect's Certificate.
 - D) Completion Certificate for the Building C1 & C2 vide No. OCC/0435/15 dated 13.7.2015 along with the Architect's Certificate.
- These Completion Certificates are already attached as an Annexures-E-1 to E-4 respectively. (Pages-343 to 353) Therefore, all the Commencement & Revised CC except Revised CC dated 08th April 2015 have been granted Prior to 5 years before filing of the O.A. No. 34 of 2020 & hence should not have been attracted as the violation. Similarly, all the Completion Certificates except the Completion Certificate of the Pristine Royal Society/Project should not have been attracted as the Violation for assessment of the EDC.

3) Handed over the possession to the societies – The R.No.13 has already handed over the possession to the different societies as under:

Sr.No.	Name of the Society	Address of the Society	Registration No. of the Society	Date of handing over the possession



				to the Society
1.	M/s Prism Housing Society Ltd.	S. No. 6/2 & 7, village Aundh, Pune-411007	PNA(2)HSG (TC)12038/2012-13 dated 28.12.2012	28.12.2012
2.	M/s Royal Housing Co.op. Society Ltd.	S. No. 6/2 & 7, village Aundh, Pune-411007	PNAPNA(2)HSG (TC)8948/2018-19 dated 14.06.2018	14.06.2018
3.	M/s Privilege HSG Co.op Society Ltd.	S.No. 6/5, CTS No.2560 (Pt)Village-Aundh, Pune - 07	PNAPNA (2) HSG (TC) 17645/2016-17 dated 08.11.2016	08.11.2016

The copies of registration of the societies are already enclosed to the IA No. of 2025 as well as Affidavit filed in the E.A. No. 17 of 2023 dated 3.04.2024. at pages 183 to 188.

- 4) Therefore, the R. Nos. 6 & 7 should have applied its mind while assessing the EDC restricted to the project in which actual violation occurred to the non-compliances mentioned in the Judgement & Order passed by this Hon'ble Tribunal duly verified by the Action Plan for Restoration of Environment for M/s Padamavati Associates as below:

- 4.1) **M/s Pristine Royal-** It is observed in the Action Plan prepared by the VNIT, an Expert Independent Agency appointed by the MPCB with regard to the environmental damages & remedial measures to be taken that no STP is provided. Hence, the assessment of the EDC should be limited to sewage 37120 Litres per day. VNIT recommended to provide STP & to use treated water for flushing & landscaping to minimise the



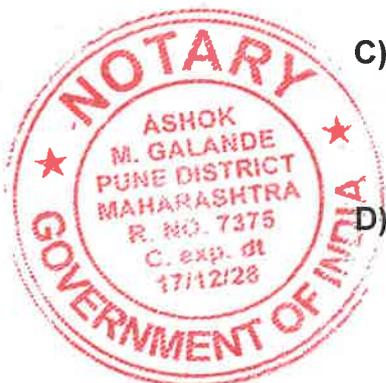


use of fresh water. The R.N.13 is ready to install STP & going to provide it shortly.

- A) Presently the Sewage is sent to the STP of PMC through sewerage line provided by the PMC.
- B) The impact on water quality and quantity as per the Report submitted by VNIT is overall negligible. As far as the air quality is concerned, no significant impact was observed on the air quality. (Page 13-2.1).
- C) With regard to the impact on water quality and quantity specifically observed that the occupants use piped water supplied by the PMC and no ground water is used. The only recommendation is to provide STP and to use treated water for the non-potable water demand.
- D) Similarly, as far as solid waste is concerned, it is specifically mentioned that the solid waste is handed over to the PMC- sanitation services.
- E) It is also mentioned that no significant impact on the site environment was observed due to generation of solid waste. But, OWC is recommended to convert the organic waste to compost. Now after clarification of MoEF & CC, GoI and CPCB by its Affidavit dated 05.11.2024, the R.No.13 if the society of M/s Pristine Royal gives permission is ready to install STP & OWC.

4.2) The Pristine Prism – VNIT observations can be summarised as under-

- A) No significant impact was observed on the air quality. The recommendations are made to provide canopy to protect the DG set from the rain. The DG set is stand by to operate as a backup source during the electricity failure only.
- B) The STP has been provided for this project. The recommendation is that the treated water from STP be used for toilet flushing, vehicle-washing and landscaping to minimize the use of fresh water.
- C) OWC is provided and the inorganic waste is handed over to the PMC. Therefore, it is observed that no significant impact on environment was observed due to generation of solid waste.
- D) As far as, impact on land is concerned, it is observed that there was no destruction of any natural habitat during the construction of



society. The recommendations are made to replace the concrete pavement by grass pavers for parking and drive way.

- E) More tree plantation is suggested.
- F) It is also mentioned that there is no significant impact on noise quality due to the activities of society.

Conclusion – Overall this project is complying with the environmental norms and therefore the R.No.13 is of the firm opinion that no EDC can be imposed/ assessed on this project, which has been completed in the earlier as per the certificate of the Architect and the possession to the society has been handed over in the year shown i.e. more than 5 years before filing of the Application. Hence, the assessment of EDC for this project may kindly be reviewed and it should be exempted from the assessment of EDC

4.3) M/s Pristine Privilege-The BUA of this Project has been 4973.74 sq. m. for which no EC is required. The only question arise for the consideration whether it should have been covered under the provisions for grant of Consent to Establish & Consent to Operate or not, for which MoEF & CC, Gol and CPCB was instructed to take necessary decision in the Judgement & Order passed by Hon'ble Tribunal dated 24th February 2022.

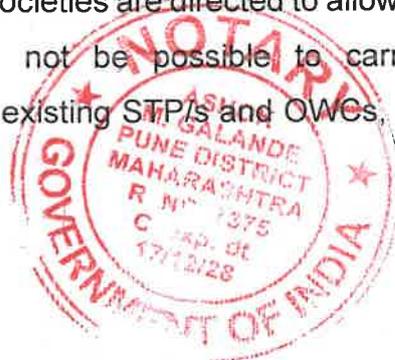
- A) The MoEF & CC, Gol has specifically observed in its Affidavit filed in the EA that Building Construction Projects having built-up area less than 20,000 sq.m not covered under the purview of EIA Notification. If they are categorised as a Red all projects under Red and Orange categories generating more than 100 KLD are required to obtained the requisite Consent(s) from the respective SPCB/ PCC. Projects generating more than 50 KLD are required to set-up STP as per the condition prescribed under the Consent and are required to comply with the prescribed standards. Projects generating less than 50 KLD are required to manage sewage with appropriate system such as soak pith, septic tank, discharge in sewer connected with terminal STP etc. The present project is already connected to the public sewer. The recommendation is made by VNIT that a STP be installed on site



and the treated water from STP be used for toilet flushing and landscaping to minimize the use of fresh water. Now after clarification of MoEF & CC, GoI and CPCB by its Affidavit dated 05.11.2024, the R.No.13 if the society of M/s Pristine Privilege gives permission is ready to install STP.

B) As far as solid waste is concerned, the PP has provided an OWC at site. The site is now handed over to the society (Pristine Privilege), which should be directed to operate it properly. The R.No.13 has no control over the said OWC. As far as the rain water percolation to the ground is concerned, no condition has been imposed by the PMC for rain water harvesting at that time and therefore, the provisions could not be made as this project does not required EC. However, if the society permits it can be provided as the possession is handed over to the society.

- 5) The VNIT concluded that there was no significant impact on air quality, land degradation, solid waste management generation and noise levels due to the projects. It is also observed that 2 projects namely, M/s Pristine Royal and M/s Pristine Privilege do not have STP. However, M/s Pristine Privilege does not require the STP at that time because of connecting its sewage to the sewerage line of PMC and if it has to be provided as per the clarification given by MoEF & CC in its Affidavit dated 05.11.2024, then the said society should give permission and accordingly it will have to be directed suitably.
- 6) The Committee further observed that M/s Pristine Prism do not reuse the effluent from the STP and it is disposed in public sewer, which practice not sustainable in the long term. For this purpose also the society will have to be directed to allow the R.No.13 to make such arrangements. Whatever, suggestions are given by the VNIT, if are to be implemented, then the R.No.13 will have to be given acces to those societies. However, after handing over the possession to the society, unless the societies are directed to allow the R.No.13 to do above improvements, it will not be possible to carry out such improvements. As far as operation of existing STP/s and OWCs, the societies will have to be directed suitably.



7) Therefore, the EDC will have to be reviewed suitably only for the non-provision of STP and non-compliances in the M/s Pristine Royal project only. The opportunity of hearing may kindly be directed to be given by MPCB before review of EDC.

Dated this 9th December 2025 at Pune.



For R.No.13

Ishwarchand K. Goyal
(Partner)

Verification

I Ishwarchand K. Goyal, the Partner of the above projects hereby states that the contents of the above paras 1 to 7 are true and correct to the best of my knowledge and belief.



For R.No.13

Ishwarchand K. Goyal
(Partner)



ATTESTED BY
[Signature]
ASHOK MARUTRAO GALANDE
NOTARY
GOVT. OF INDIA

9 DEC 2025

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