

BEFORE THE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****APPEAL NO. 23/2023 (WZ)**

Protection of Environment and
Public Service Committee

--Applicants

Vs

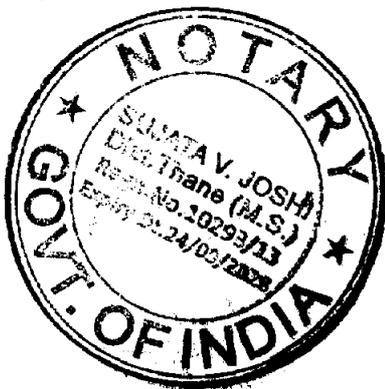
Union of India & Ors

---Respondents

**Affidavit on behalf of Respondent No. 5 & 6 -Maharashtra
Pollution Control Board**

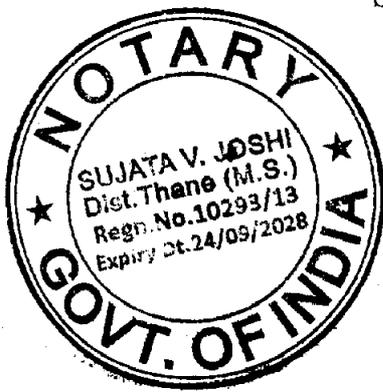
I, Kiran Hasbanis, Age-adult , Occupation -Service , the
Regional Officer of the Maharashtra Pollution Control Board at
Thane, having my office address at Plot No.P-30, 5th Floor, Office
Complex Building, Near Mulund Checknaka, Thane-400 605, do
hereby state on solemn affirmation as under:-

1. I am filing this Affidavit in compliance of this Hon'ble
Tribunal order dated 18/09/2023 on behalf of the Respondent
Nos.5 & 6 i.e. Maharashtra Pollution Control Board before
this Hon'ble Tribunal.
2. I say and submit that the Applicant has filed the present
Appeal before this Hon'ble Tribunal for challenging the Ex-
post facto Environment Clearance dated 12/4/2023 granted to
Respondent No. 11, M/s. Eversmile Properties Pvt.Ltd. for
their project namely "Srishti Namaah" situated at Sector



Nos.II(A) on Old Survey No.233(part), 235(part), 256(part), New Survey Nos.66(part), 68(part) and 69(part) at Village: Penkarpada, Mira Road (East), Dist: Thane etc.

3. I say and submit that Respondent-Board has granted Consent to Establish to the Respondent No.11-Project Proponent vide letter dated 2/2/2022, for Residential & Commercial Building Construction Project at the aforesaid site for total plot area 37,880.24 sq.mtrs., for total construction BUA 3,04,576.76 sq.mtrs., subject to certain terms and conditions, wherein, it was one of the condition No.10 that the Project Proponent shall not take effective steps towards construction unless Environment Clearance is obtained.
4. I say and submit that one Ibra Konapure & Anr. have filed Original Application bearing No.107/2022 against Union of India & Ors. before this Hon'ble Tribunal, for carrying out construction activities without obtaining prior Environment Clearance for the project namely "Srishti Namaah" situated at Sector Nos.II(A) on Old Survey No.233(part), 235(part), 256(part), New Survey Nos.66(part), 68(part) and 69(part) at Village: Penkarpada, Mira Road (East), Dist: Thane by M/s.Eversmile Properties Pvt.Ltd. The aforesaid O.A. is pending before this Hon'ble Tribunal.
5. I say and submit that this Hon'ble Tribunal vide Order dated 29/11/2022 in the O.A. No. 107/2022 constituted a Joint Committee comprising of (i) One Representative from the State Environment Impact Assessment Authority (SEIAA);

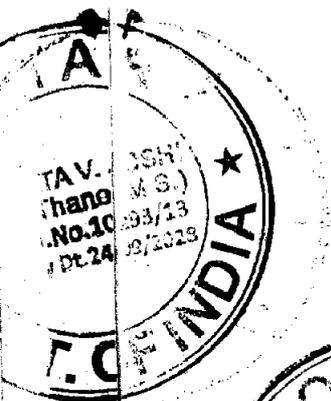


(ii) One Representative from the Maharashtra Pollution Control Board (MPCB); (iii) One representative from Maharashtra Coastal Zone Management Authority(MCZMA) and directed the Committee to visit the site and submit a factual and action taken report. Accordingly, the Joint Committee has submitted its report before this Hon'ble Tribunal on 23/1/2023, which was taken on record by this Hon'ble Tribunal.

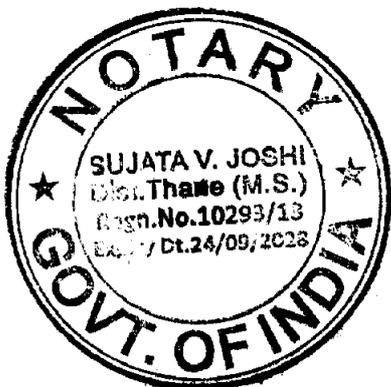
6. I say and submit that the Respondent Board has issued proposed directions vide letter dated 13/3/2023 for violation of consent condition No.10 to Respondent No.11-Project Proponent(PP). In response to the proposed directions, the Respondent No.11-PP has submitted reply vide letter dated 20/3/2023 and thereafter, the Respondent Board has extended an opportunity of personal hearing to the Respondent No.11-PP on 20/4/2023. On the basis of discussion, the Respondent Board has issued Interim directions vide letter dated 27/04/2023 to the Respondent No.11-PP, wherein, they were directed to comply with the conditions stipulated in the Consent to Establish and Environment Clearance..

7. I say and submit that, in order to verify compliance of Interim Directions, the Officials of the Respondent Board at Thane have visited the site of Respondent No. 11-PP i.e. M/s Eversmile Properties Pvt.Ltd. namely "Srishti Namaah" on 03/01/2024 and observed as follows :

a. During visit, construction activity was found in operation.



- b. As on date, status of construction for Tower A- upto 25 floor completed. Tower- B- upto 24 floor completed. Tower-C- upto 9 floor completed. Tower H – upto 5th floor completed. Tower-D – foundation work is in progress. Tower G – excavation and B2 & B1 completed. Previously, as per the available committee report PP has constructed 16733 sq. mtrs. before obtaining EC.
- c. Till the date PP has completed total construction i.e. 55600.70 sq. mtrs. FSI area constructed on site completed is - 43121.36 sq. mtrs, Non-FSI constructed on site is 12479.34 sq.mtrs.
- d. As per record, PP had constructed 16733 sq. mtrs upto January -2023 PP has obtained EC on 12.04.2023 for plot area 37880.43 sq. mtrs. & proposed BUA 323656.18 sq. mtrs.
- e. PP has installed 5.0 KLD capacity STP. 2.0 KLD capacity STP provided at labour colony.
- f. MSW generated is being collected and disposed through local body.
- g. PP has provided fogging machine 2 nos. One smog machine installed and manual sprinkling is being carried out for dust suppression.
- h. Tin sheet barricading is observed around the construction site. At some places near tower G & D tin sheet barricading height is less than 25 feet, for which work is in progress. PP is instructed to provide at least 25 feet tin sheet height.
- i. At present DG set is not installed at site.



j. PP has transplanted 28 trees and 2 trees have been retained on site. A copy of the visit report dated 03/01/2024 is enclosed herewith and marked as an Annexure-'I'

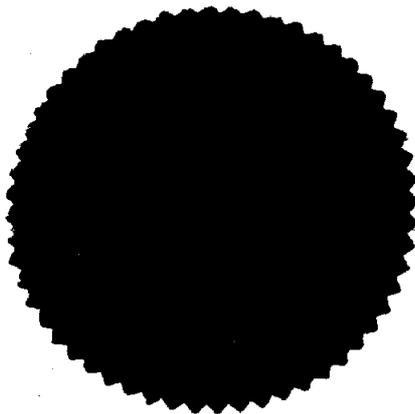
Solemnly affirmed on this 19th day of January, 2024 at Thane.

I know the Affiant,

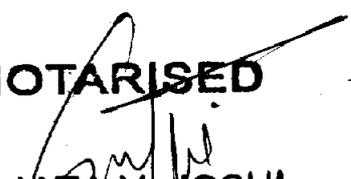
For and on behalf of
Maharashtra Pollution Control
Board i.e. Respondent No.6

Advocate for Respondent
Board


(Kiran Hasbanis)
Regional Officer - Thane



NOTARISED


SUJATA V. JOSHI
ADVOCATE & NOTARY
101/102, Vishal Bldg., Station Road,
Kalwa (W), Thane-400 605.

NOTED & REGISTERED
Sr. No. 1453/2024

19 JAN 2024



MAHARASHTRA POLLUTION CONTROL BOARD



Tel No. 25829582

Email - srothane2@mpcb.gov.in

Sub Regional Office, Thane-II
Office Complex Bldg.,
5th Floor, Wagle Estate,
Near Mulund Check Naka,
Thane - 400604

VISIT REPORT

1. Name & Address of the Industry : M/s. Eversmile Properties Pvt Ltd, S. No. 233 (pt), 235 (1 & 2) 56 (pt), New Survey No 66(pt), 68 (pt) & 69 (pt) at Vill - Penkarpada, Mira Road (East), Thane.
2. Date of Visit : 03.01.2024
3. Industry Representative Manager) : Mr. Shripad Thakar (Assit)
4. Consent Status : C2E granted on 02.02.2022
5. Observation
 - a. Construction site is inspected to verify the compliance of C to E conditions & EC conditions.
 - b. During the visit construction activity is found in operation. C to E was granted on 02.02.2022 for total construction BUA - 304576.79 Sq. mtrs on TPA - 37880.24 sq. mtrs.
 - c. As on date status of construction for Tower A- upto 25 floor completed. Tower- B- upto 24 floor completed. Tower-C- upto 9 floor completed. Tower H - upto 5th floor completed. Tower-D - foundation work is in progress. Tower G - excavation and B2 & B1 completed. Previously, as per the available committee report PP has constructed 16733 sq. mtrs. before obtaining EC.
 - d. Total construction area is 55600.70 sq. mtrs. FSI area constructed on site completed is - 43121.36 sq. mtrs, Non-FSI constructed on site is 12479.34 sq. mtrs.



- e. As per the record PP has constructed 16733 sq. mtrs upto January - 2023 PP has obtained EC on 12.04.2023 for plot area 37880.43 sq. mtrs. & proposed BUA 323656.18 sq. mtrs.
- f. PP has installed 5.0 KLD capacity STP. 2.0 KLD capacity STP provided at labour colony
- g. MSW generated is being collected and disposed through local body.
- h. PP has installed sensor based AAQM at site. AAQM and noise quality is being monitored through MoEF approved laboratory.
- i. PP has provided fogging machine 2 nos. One smog machine installed and manual sprinkling is being carried out for dust suppression.
- j. Tin sheet barricading is observed around the construction site. At some places near tower G & D tin sheet barricading height is less than 25 feet, for which work is in progress. PP is instructed to provide at least 25 feet tin sheet height.
- k. DG set is not installed at site.
- l. PP has transplanted 28 trees and 2 trees have been retained on site.
- m. Self-Monitoring of air quality and noise quality carried out through authorized lab (copy enclosed).

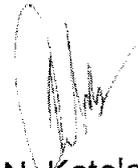


(Mr Shripad Thakar)

Industry Representative



(Aruna Rokade)

Field Officer
MPCB


(A. N. Katole)

SRO Thane-II
MPCB