

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Original Application No.82/2023 (WZ)

Abdul Samad Ismail Maknojia & 60 Ors.

... Applicants

v/s

The State of Maharashtra & Ors.

... Respondents

**Affidavit in Reply of the Maharashtra Pollution  
Control Board**

I, Shakil Shaikh, Aged -Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-IV, having Office address at Kalpataru Point, 2<sup>nd</sup> Floor, Sion-Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under :

1. I am filing this Additional Affidavit in compliance of the Order dated 24/2/2025, passed by this Hon'ble NGT, wherein, the Hon'ble NGT directed MPCB /Nodal agency to file reply against the objections of the applicants to the Joint Committee Report.
2. I say and submit that the Joint Committee constituted by this Hon'ble NGT has submitted its report dtd. 30/04/2024 before this Hon'ble NGT, which is taken on record by this Hon'ble NGT.

3. I say and submit that the reply to the objections to the Joint Committee Report are as under :-

**i. Regarding Sewage Treatment Plant (STP):**

The Joint committee in its report dtd. 30/04/2024 has submitted the details about the Sewage Treatment Plant (STP) provided at project site at Page No. 2 and 3 of the Joint Committee Report.

**ii. Regrading Organic Waste Converter (OWC):**

The Joint committee in its report dtd. 30/04/2024 has submitted details of OWC provided at project site at Page No.3 of the Joint Committee Report.

**iii. Regrading rainwater harvesting:**

The Joint committee in its report dtd. 30/04/2024 has submitted details of rain-water harvesting provided at site at Page No.3.

**iv. Regarding Parking facility:**

The Joint committee in its report dtd. 30/04/2024 has submitted details of parking requirement for S.R. Scheme at Page No.4.

**v. Regarding RG Area:**

The ongoing scheme is Slum Rehabilitation (SR) Scheme, being implemented as per the Maharashtra Slum ( I,C & R) Act 1971. For SR Schemes, as per provision 6.20 of appendix IV of Regulation 33(10) of DCR 1991, 8% physical RG has to be provided and not 20 % as claimed by



the applicant. Already, the Joint committee in its report dtd. 30/04/2024 has submitted the details at Page No.4.

Also, provision of Recreational R.G. / Physical R.G. and Parking Space comes under the purview of SRA Authority.

**vi. Regarding NOC of SGNP:**

As per the Condition B(1) of the Environment Clearance (EC) dated 10.08.2022 issued by SEIAA, the Planning authority to ensure that, OC shall not be issued to project till PP obtains necessary SGNP NOC. In this regard, the Joint Committee in its report dated 30.04.2024 at Page No.5 stated that SGNP NOC shall be insisted before granting final O.C. to Sale Wing -A/B.

**vii.Regarding Fire & safety:**

Dy. Chief Fire Officer, Mumbai Fire brigade, MCGM, vide letter No. FB/HR/R-4/161 dated 23.03.2021 has accorded NOC for occupation certificate of the Wing C (Rehab) building, after ensuring the compliance of fire-fighting & fire protection requirements. A copy of the letter dated 23.03.2021 issued by Dy. Chief Fire Officer is attached as an **Annexure-‘A’**.

**viii. Provision of Mandir:**

As per the Joint committee report (Page No. 05 of 06), The Mandir is provided on the ground floor of Sale Wing A/B.



**ix. Regarding Approval of Environmental Clearance**

State Environment Impact Assessment Authority (SEIAA), Maharashtra is the competent authority to follow the procedure regarding grant of Environment Clearance.



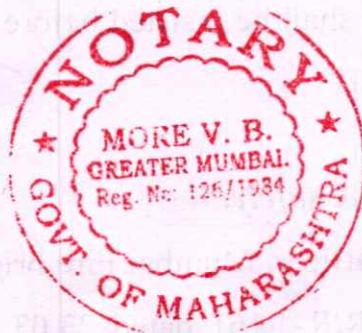
Solemnly affirmed on this 15<sup>th</sup> day of May, 2025 at Mumbai.

For and on behalf of Maharashtra Pollution Control Board,

*(Signature)*

(Shakil Shaikh)

Sub-Regional Officer, Mumbai-IV



**BEFORE ME**

*(Signature)*  
15/5/2025

**VASANT B. MORE**  
Notary Gr. Mumbai  
7, Vijaya Sadan, Flat No. 304,  
Above Axis Bank,  
Sion West, Mumbai-400022

REGISTER Sr. No 394/2025



858

" Annexure - A "



CHIEF FIRE OFFICER (REGION-V),  
MUMBAI FIRE BRIGADE  
Regional Command Centre,  
Link Road X Goral Road Junction,  
Borivli (West), Mumbai - 400 041

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**MUMBAI FIRE BRIGADE**

No. FB/HR/R-4/161

Date: 23/03/2021

**Sub:** Compliance of fire protection & fire fighting requirements to obtain Occupation Certificate for High rise residential building under slum rehabilitation scheme i.e. Wing 'C' (Rehab) only (Excluding Wing 'A' (Sale) & Wing 'B' (Sale)) on plot bearing C.T.S. No. 738/B/1/A, Rani Sati Marg, Sanjay Nagar, Pathanwadi, Malad (East), Mumbai - 400097.

**Ref:** i) Letter from M/s S.S. Associates, Architect.  
ii) M.F.B. No. HR/R-4/161 dated 03/03/2021.

**E.E. (S.R.A.)**

In this case, please refer to this office N.O.C. issued u/no. FB/HR/R-IV/454 dated 13/12/2016 for the construction of High rise composite building under SR Scheme having four wings designated as Wing 'A' (Sale), Wing 'B' (Sale), Rehab Wing 'C' & Shopping wing. Wing 'A' & 'B' are comprises of ground floor partly on stillt + 1<sup>st</sup> & 2<sup>nd</sup> floor podium (for parking) + 3<sup>rd</sup> to 20<sup>th</sup> upper floors with a total height of 65.10 mtrs measured from general ground level to terrace level. Rehab Wing 'C' comprises of Ground + 1<sup>st</sup> to 15<sup>th</sup> upper floors (15<sup>th</sup> floor) with total height of 50.60 mtrs measured from general ground level to terrace level. Shopping wing comprises of Ground + 1 upper floor with a total height of 8.40 mtrs measured from general ground level to terrace level.

Further, amended N.O.C. issued by this department u/no. FB/HR/R-IV/697 dated 23/02/2017 for the proposed construction of High rise composite building under SR Scheme having four wings designated as Wing 'A' (Sale), Wing 'B' (Sale), Rehab Wing 'C' & Shopping wing. Wing 'A' & 'B' are comprises of ground floor partly on stillt + 1<sup>st</sup> & 2<sup>nd</sup> floor podium (for parking) + 3<sup>rd</sup> to 20<sup>th</sup> upper floors with a total height of 65.10 mtrs measured from general ground level to terrace level. Rehab Wing 'C' comprises of Ground + 1<sup>st</sup> to 15<sup>th</sup> upper floors (15<sup>th</sup> floor) with total height of 50.60 mtrs measured from general ground level to terrace level. Shopping wing comprises of Ground + 1 upper floor with a total height of 8.40 mtrs measured from general ground level to terrace level.

Further again, amended NOC was issued by this department u/no. FB/HR/R-IV/86 dated 02/02/2021 for the construction of High rise composite building under S.R. Scheme having three wings designated as Wing 'A' (Sale), Wing 'B' (Sale) & Rehab Wing 'C'. Wing 'A' & 'B' comprising of ground floor partly on stillt + 1<sup>st</sup> & 2<sup>nd</sup> floor podium (for parking) + 3<sup>rd</sup> to 20<sup>th</sup> upper floor with a total height of 65.80 mtrs measured from general ground level to terrace level. Rehab Wing 'C' comprising of ground + 1<sup>st</sup> to 15<sup>th</sup> floor (part 15<sup>th</sup> floor) with service floor between 2<sup>nd</sup> podium floor & 3<sup>rd</sup> floor with a total height of 50.30 mtrs measured from general ground level to terrace level.

*[Signature]*  
12/2021

*[Signature]*  
21/3/2021



Now, the Architect vide his letter under reference has intimated about the completion of construction work of the High rise composite building i.e. Wing 'C' (Rehab) only having ground + 1st to 15th floor (part 15th floor) with service floor between 2nd podium floor & 3rd floor with a total height of 50.30 mtrs measured from general ground level to terrace level (Excluding Wing 'A' (Sale) & Wing 'B' (Sale) and compliance of fire safety requirements stipulated vide above referred N.O.C.'s issued by this department and has requested to issue N.O.C. for occupation certificate and use the said High rise composite building i.e. Wing 'C' (Rehab) only (Excluding Wing 'A' (Sale) & Wing 'B' (Sale).

On receipt of the letter from the Architect, a senior officer of this department visited the site to verify and ensure the compliance of all firefighting & fire protection requirements stipulated vide above referred N.O.C.'s. During inspection it was observed that the party has complied with the firefighting & fire protection requirements of High rise composite building i.e. Wing 'C' (Rehab) only (Excluding Wing 'A' (Sale) & Wing 'B' (Sale) stipulated vide this office N.O.C.'s.

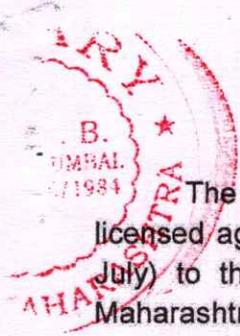
The fire-fighting requirements such as wet riser system, fire pump, Sprinkler pump, jockey pump, Courtyard hydrants, Automatic Sprinkler system, Automatic Smoke detection system, Fire alarm system etc. were tested and found in good working order.

The party has produced Form -'A', certificate by Govt. Licensed Agency M/s. Firebrake Fire Services, License No. MFS-LA/2020/RF-177 & MFS-LA/2020/RD-158 dated 01/03/2021 for the said High rise composite building i.e. Rehab Wing 'C' regarding the compliance of the Fire Prevention and life safety Measures and licensed agency has given the list of fire-fighting equipment's installed in the premises, i.e. Annexure -'A'.

Also, party has submitted Form 'A' for FRD certificate from M/s. Kress Enterprises, Govt. Approved License Agency (License No. MFS-LA/2020/RP-67) dated 29/01/2021. The party has also produced lift certificates, Structural stability certificate from M/s. Nexus, Reg. No. STR/C/40. All other requirements pertaining to civil engineering & constructional side may be verified by E.E.(S.R.A.). The refuge area of Rehab Wing 'C' is provided on 7<sup>th</sup> & 14<sup>th</sup> floor level of the building as per NOC's.

As per above referred N.O.C.'s, the party has provided underground water storage tank & Overhead water storage tank for Rehab Wing 'C'. However, hydraulic engineer requested to verify the capacity of above said water storage tank & Overhead water storage tank.

Party has provided alternate source of power supply from separate Substation with changeover switch for fire-fighting pumps, staircase / corridor lighting, Fire Lift and manual fire alarm system. Electric cable duct were found sealed at each floor level of for Rehab Wing 'C'



The party shall give annual maintenance contract for the fire-fighting system to the licensed agency. A certificate in form "B" shall be provided every six months (In January & July) to this office regarding good working condition of the fire-fighting system as per Maharashtra Fire prevention and life safety Measure Act. 2006.

However, All the firefighting requirement were inspected by this department on the day of inspection, it shall be the responsibility of the owner / occupier to observe the fire safety measures, maintain the firefighting system in good working order from the next day of the inspection. If any item or requirements is missing from the next day, this department or inspecting officer is not responsible for the same. However, it shall be the responsibility of owner/ occupier / co-operative society, whatever the case may be, to maintain all fire protection & fire-fighting equipment's in working condition at all times. Electrical audits of premises shall be done periodically under the supervision of competent authority to prevent electric fire in premises in future.

In case, if any complaint/issues raised in future regarding installation of fire-fighting system, it should be rectified by occupiers and owner accordingly.

In view of the above, as far as this Department is concerned, there would be no objection to allow party to occupy and use the High rise composite building i.e. Wing 'C' (Rehab) having ground + 1st to 15th floor (part 15th floor) with service floor between 2nd podium floor & 3rd floor with a total height of 50.30 mtrs measured from general ground level to terrace level (Excluding Wing 'A' (Sale) & Wing 'B' (Sale)).

Earlier the party has paid the scrutiny fee of Rs.9,77,500/- vide receipt No. 4401618 (SAP DOC. No. 1002770893) dated 05/12/2016 on the total gross built up area of 25073.00 sq. mtrs. as certified architect vide his letter.

Further, architect vide his letter dated 16/02/2017 had certified the total gross built up area as 25,073.00 sq mtrs and had already paid the required scrutiny fees. Hence no additional scrutiny fee was leviable.

Further again, the party has paid the additional scrutiny fees of Rs. 5,79,280/- vide receipt No. 5366810, 5366811 & 5366812 (SAP DOC No. 1003952847) dated 14/12/2020 on gross built up area of 26,386.00 sq.mtrs, as certified architect vide his letter.

Now, the Architect has certified the total gross built up area of 26,386.00 Sq. mtrs for Wing 'A' & 'B' (Sale) and Rehab Wing 'C' and total gross built up area of 10240.56 sq mtrs for Rehab Wing 'C'. Hence, no additional scrutiny fee is leviable. However, E.E. (S.R.A.) is requested to verify the total built-up area & inform this department, if the same is found to be more for the purpose of levying additional Scrutiny fees, if required.

E.E. (S.R.A.) shall verify the civil works and all other requirements stipulated vide this office N.O.C.'s issued as referred above pertaining to civil engineering side including width of

abutting road, open spaces, height, refuge area calculation & floor occupancy etc. of the building as per the NOC / Plan approved by this department.

This NOC for occupation certificate for said High rise composite building i.e. Wing 'C' (Rehab) only having ground + 1st to 15th floor (part 15th floor) with service floor between 2nd podium floor & 3rd floor with a total height of 50.30 mtrs measured from general ground level to terrace level (Excluding Wing 'A' (Sale) & Wing 'B' (Sale)) is issued without prejudice to legal matters pending in Hon. court of law, if any and inspection report submitted by the inspecting officer.

*- sd -*  
Dy. Chief Fire Officer  
Mumbai Fire Brigade

Copy to: M/s S.S. Associates, Architect.

*Hand*  
*23/3/2004*  
Dy. Chief Fire Officer  
Mumbai Fire Brigade

*P. 4*  
*20/10/2004*

