

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING  
AT PUNE  
(UNDER SECTION 18(1) R/W SECTIONS 14, 15, 16 AND  
17 OF NATIONAL GREEN TRIBUNAL ACT 2010)  
APPLICATION NO. \_\_\_\_\_ OF 2023**

Santoshkumar Tribhuandatt Pandey )...Applicant

Versus

Highland Builders and Developers & Ors. )...Respondents

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NOTARY
NOTED & REGISTERED
at Serial No. 90
DATE 19/10/2023
This Document Contains
Total 10 Pages

BEFORE THE NATIONAL GREEN TRIBUNAL

SITTING AT PUNE

MEMORANDUM OF APPLICATION

(UNDER SECTION 18(1) R/W SECTIONS 14, 15, 16 AND  
17 OF NATIONAL GREEN TRIBUNAL ACT 2010)

APPLICATION NO. \_\_\_\_\_ OF 2023

Santoshkumar Tribhuandatt Pandey )...Applicant

Versus

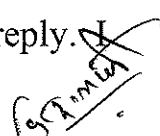
Highland Builders and Developers & Ors. )...Respondents

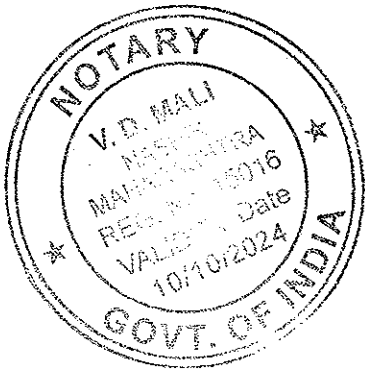
AFFIDAVIT IN REPLY ON BEHALF OF

RESPONDENT NO. 1

I, Mr. Pankaj Chandwani, the partner of abovenamed Respondent No. 1, an adult, Indian Inhabitant of Mumbai, having address as set out in the cause title, do hereby state and declare on solemn affirmation as under:

1. I state that I am as such aware of the facts of the case and duly competent to file the present affidavit in reply.

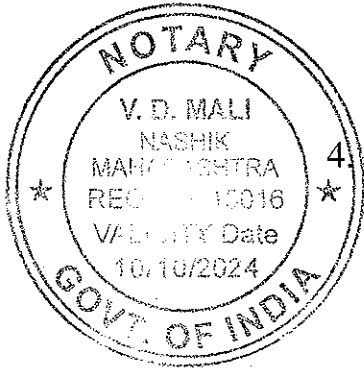
  
Vijay Dasharath Mali  
Advocate & Notary Govt. of India



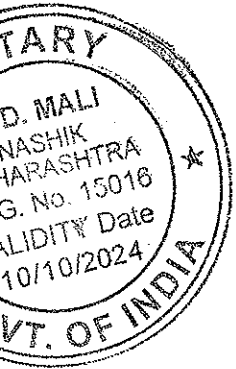
have read the present Application and I am filing the present affidavit for the limited purpose to oppose the admission and grant of reliefs as prayed for in the present Application. I crave leave to file a detailed Affidavit, if and when required. Any omission on my part in not specifically dealing with any allegations, averments, grounds, statements and submissions made by the Applicant in the Application may not be deemed to have been accepted by me, unless expressly admitted by me.

2. I am not dealing with the present Application paragraph wise, and nothing contained in the same is admitted or should be deemed to have been admitted on account of non-traverse thereof. I crave leave to file a more detailed Affidavit, if necessary.
3. The Respondent No. 1 is a developer and is constructing a residential project by the name "Hallmark" on the plot bearing Survey Nos. 59/1/2, 59/1/1/B, and 59/1/1/C situated near Gangapur Road, Village Anandvalli, Taluka Nashik, District Nashik (hereinafter referred to as the 'said project').





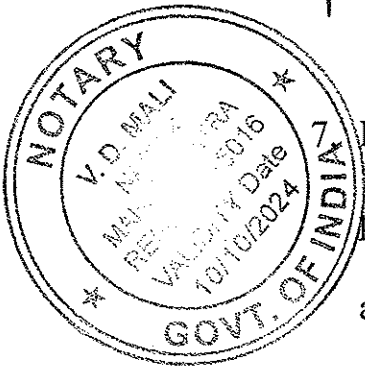
4. The Respondent No. 1 states that on 13<sup>th</sup> October 2021, the State Level Environment Impact Assessment Authority has issued an Environmental Clearance with respect to the said project under the provisions of Environment Impact Assessment Notification, 2006. A copy of the Environmental Clearance dated 13<sup>th</sup> October 2021 is hereto annexed and marked as Exhibit 'R-1'



5. Subsequently, the Nashik Municipal Corporation, the Respondent No. 2 herein, has accorded Respondent No. 1 with Sanction of Building Permission and Commencement Certificate dated 31<sup>st</sup> March 2022. A copy of the Commencement Certificate dated 31<sup>st</sup> March 2022 is hereto annexed and marked as Exhibit 'R- 2'

6. I say that Respondent No. 1 has commenced activities towards construction of the said residential project only after sanction of necessary permissions and clearances. The Respondent No.1 craves leave to refer an rely upon the necessary sanctions obtained from the respective authorities as and when required.

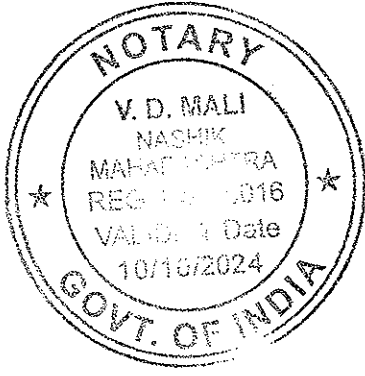
4



I say that Clause 3.1.3 of UDCPR lays down the provisions for permissibility of construction within blue and red flood line. The Clause 3.1.3(i) provides that area between the river bank and blue flood line shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water/gas/drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilisation. A copy of the relevant provisions are hereto annexed and marked as Exhibit 'R-3'.

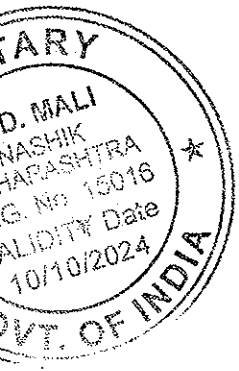
8. I say that the said project of Respondent No. 1 does not lie on the area between the river bank and the blue flood line. The plot on which the said project is being constructed is farther away from the blue flood line. Furthermore, the Respondent No. 1 is not dumping the excavated mud/soil in area falling between the river bank and the blue flood line. A copy of the plan including blue flood line, red flood line and the subject matter plot is hereto annexed and marked as Exhibit 'R-4'

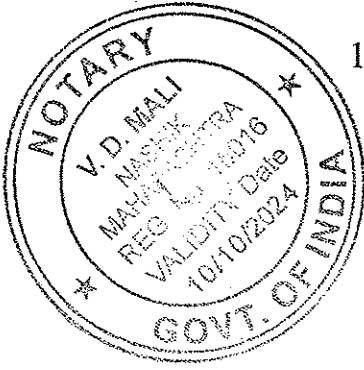




A copy of actual Photographs of area falling between the river bank and the blue flood line showing that no landfilling is being done by the Respondent No. 1 are hereto annexed and marked as Exhibit 'R-5'

9. Respondent No.1 states that all the mud and other remains from the excavation activities are being stored on the adjoining land bearing Survey No. 57 which is owned by the Respondent No. 2 Corporation. The said land bearing Survey No. 57 has been acquired by Respondent No. 2 for the purposes of constructing a garden. The remains of the excavation are being stored on the Respondent No. 2's land with prior oral permission of the Corporation. In fact, Respondent No. 2 Corporation had intimated to the Respondent No. 1 that the mud from the excavation can be utilised for the purposes of construction of a garden. The Applicant's allegation that landfilling being done by Respondent No. 1 is affecting the floodplain area is completely arbitrary and baseless. A copy of actual Photographs of adjoining plot bearing Survey No. 57 used for storing the excavated mud/soil are hereto annexed and marked as Exhibit 'R-6'

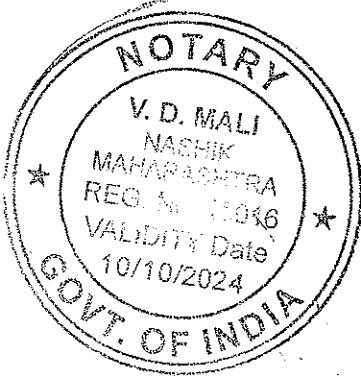




10. The Respondent No.1 also states that one Mr. Shivaji Sakharam Bendkoli, owner of the adjoining land bearing Survey No. 59/2/1 has been issued a notice dated 06/02/2023 from the Respondent No.2 Corporation for removing all the waste materials on his land as well as on the land between Blue Flood Line and the Godavari River Bank. Hereto annexed and marked as Exhibit 'R-7' is a copy of Notice dated 06/02/2023 issued by the Respondent No.2 Corporation to one Mr. Shivaji Sakharam Bendkoli, owner of the adjoining land bearing Survey No. 59/2/1 for removing all the waste materials on his land as well as on the land between Blue Flood Line and the Godavari River Bank.

11. The Respondent No.1 also states that neither the Respondent No.1 nor its employees take any responsibility towards dumping of any waste materials on the adjoining land and other waste materials on the land between Blue Flood Line and the Godavari River Bank. It is pertinent to mention here that the waste materials so dumped by the owner of the adjoining land are broken tiles, bricks and other waste products which are definitely not the ones excavated during the excavation work



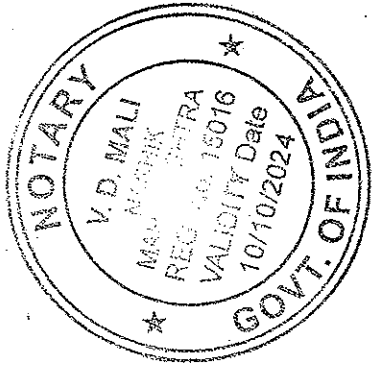


carried out on the said project site of the Respondent No.1. Copies of the photographs showing the waste materials on the adjoining land of the Respondent No.1 are hereto annexed and marked as Exhibit 'R-8'.

12.The Respondent No. 1 states that Applicant has further alleged that the said project is situated at DP Road of 24 meters, but factually only 14 feet connecting road is there and the 24 meters road is closed from both the ends. The Respondent No. 1 states that with respect to the said allegation, the Respondent No. 2 Corporation has already issued a letter dated 17<sup>th</sup> January 2023 wherein it is categorically mentioned that the Corporation has acquired land bearing Survey No. 61/A/3 of 345 sq. mtrs. belonging to one Mr. Vanere for development of 30 meter road. A copy of the said letter dated 17<sup>th</sup> January 2023 issued by Respondent No. 2 is hereto annexed and marked as Exhibit 'R-9'

13.I say that Respondent No. 1 has further addressed a letter to the Respondent No. 2 Corporation requesting to allot land bearing Survey No. 57 for construction of a garden on the basis of Corporate Social Responsibility

8



Respondent No. 1. A copy of the said letter dated 6<sup>th</sup> February 2023 is hereto annexed and marked as Exhibit

'R-10'

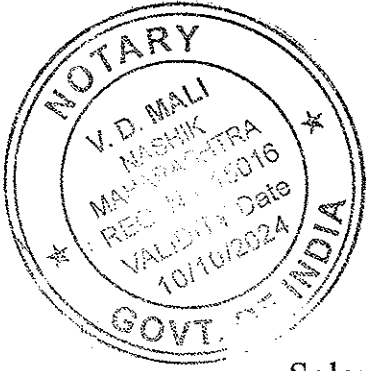
14. The Respondent No. 1 states that it has commenced activities towards excavation for construction of the said residential project only after receiving appropriate permissions/sanctions from the concerned authority.

15. In view of the aforesaid the Respondent No. 1 submit that if reliefs as prayed for by the Applicant is granted, grave injustice, irreparable loss, long term damage, harm and prejudice would be caused to the Respondent No. 1.

16. The Respondent No. 1 states that the Applicant has filed the present Applicant only with an intent to harass and extort money from the Respondent No. 1 and further cause unnecessary delay in the said project.

17. In view of the above, the Respondent respectfully submits that the above Application may be dismissed,





with costs, as the Applicant has failed to make out any case for grant of any reliefs as prayed for or otherwise.

Solemnly affirmed at )

Dated this day of February 2023 )

Adv. For Respondent No. 1

Respondent No. 1

Through Partner

Mr. Pankaj

Chandwani

**Vijay Dasharath Mali**  
Advocate & Notary Govt. of India

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VERIFICATION

We, Highland Builders and Developers, abovenamed Respondent No. 1, through partner Mr. Pankaj Chandwani, having its address at Eternity, Opposite Devs Arcade, Parijat Nagar, Nashik422005 do hereby state on solemn affirmation that whatever is stated in the foregoing paragraphs is true to our knowledge and we believe the same to be true.

Place: Nashik

Dated this 19<sup>th</sup> day of February 2023

Before me,

Adv. For Respondent No. 1

Respondent No. 1

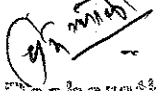
Through Partner

Mr. Pankaj

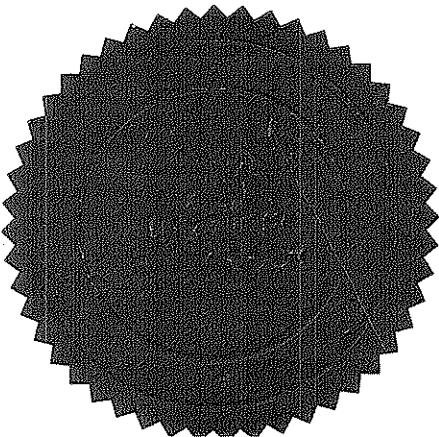
Chandwani

Solemnly affirmed before me.  
by. Pankaj Chandwani  
who is identified before me  
by. Adv. Vijay Dasharath Mali  
or whom I personally know.

**BEFORE ME**

  
Vijay Dasharath Mali  
Advocate & Notary Govt. of India

Vijay Dasharath Mali  
Advocate & Notary Govt. of India  
Chamber No. 214, Building No. 2,  
Dist. Court Compound, C.B.S.  
Nashik - 422 002.



## STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No. SIA/MH/MIS/211115/2021  
 Environment & Climate  
 Change Department  
 Room No. 217, 2<sup>nd</sup> Floor,  
 Mantralaya, Mumbai- 400032.  
 Date: 13-10-2021

To  
 M/s. Highland Builders & Developers,  
 Survey No. 59/1/2, 59/1/1/B  
 & 59/1/1/C, Near Gangapur Road,  
 Village - Anandvalli, Tal. Nashik,  
 Dist. Nashik.

Subject : Environment Clearance for proposed construction project Hallmark at Survey No. 59/1/2, 59/1/1/B & 59/1/1/C, Near Gangapur Road, Village - Anandvalli, Tal. Nashik, Dist. Nashik by M/s. Highland Builders & Developers

Reference : Application no. SIA/MH/MIS/211115/2021

This has reference to your communication on the above mentioned subject. The proposal was considered by the SEAC-3 in its 121<sup>st</sup> meeting under screening category 8 (a) B2 as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 230<sup>th</sup> Part A meeting of State Level Environment Impact Assessment Authority (SEIAA).

2. Brief Information of the project submitted by you is as below:-

1	Proposal Number	SIA/MH/MIS/211115/2021	
2	Name of Project	"Hallmark"	
3.	Project category	8(a)B2	
4.	Type of Institution	Private	
5.	Project Proponent	Name	Mr. Pankaj Chandwani
		Regd. Office address	Eternity, Opp. Devs Arcade, Parijat Nagar, Nashik - 422005
		Contact number	9890903090
		e-mail	hallmarknashik@gmail.com
6.	Consultant	Goldfinch Engineering System Private Limited Plot No. A-288, Road No. 16 Z, Opp. Agriculture Office Bus-stop, Thane Industrial Area, MIDC (Wagle Estate), Thane (W) – 400604, Maharashtra, India. PH: 91-22-25801529/21/46 Accreditation No : NABET/EIA/1922/RA0145	
7.	Applied for	New Residential Construction Project	

8.	Details of Previous EC		NA				
9.	Location of the Project		Survey No. 59/1/2, 59/1/1/B, 59/1/1/C & 59/1/3/1 Near Gangapur Road, Village - Anandvalli, Tal. Nashik, Dist. Nashik - 422013				
10.	Latitude & Longitude		Latitude- 20° 0'55.93"N, Longitude-73°44'24.47"E				
11.	Total Plot area (m2)		12162.00 Sq.mt.				
12.	Deduction (m2)		1500.07 Sq.mt.				
13.	Net Plot area (m2)		10661.93 Sq.mt.				
14.	Proposed FSI Area (m2)		57854.50 Sq.mt.				
15.	Proposed Non-FSI Area (m2)		22893.03 Sq.mt.				
16.	Proposed TBUA (m2)		80747.53 Sq.mt.				
17.	TBUA (m2) approved by Planning authority till date 28.08.2020.		Approved FSI area (sq. m.): - In process Approved Non FSI area (sq. m.): - In process Sanction B.P. no:- In process Date of Approval:- In process .				
18.	Ground coverage (m2) & %		2012.30Sq.Mt.&16.54% 6750.76 Sq.Mt.& 55.51 % 9027.24 Sq.Mt.& 74.22 %				
19.	Total Project Cost (Rs.)		150.00Cr				
20.	CER as per MoEF & CC Circular dated 01/05/2018		Activity	Location	Cost (Rs.)	Duration	
			Avenue plantation	Gangapur Road, Anandvalli, Nashik	11.50 Lac	3 Years	
			Renewable Energy generation	Gangapur Road, Anandvalli, Nashik.	18.00 Lac	5 Years	
			Provide Ambulance Van	Health department	45.00 Lac	3 Years	
			Electric Cremation Furnace	Nashik Municipal corporation	128.00 Lac	5 Years	
			Sanitations	Anandvalli Areas	22.50 Lac	5 Years	
21.	Details of Building Configuration :					Reason for Modification/change New project	
	Previous EC / Existing Building			Proposed Configuration			
	Buildi ng Name	Configu ration	Height (m)	Building Name	Configur ation		Height (m)
				Wing A	LG+ST+ PO+34		122.40
				Wing B	LG+ST+ PO+34		122.40
				Wing C	LG+ST+ PO+34		122.40
			Wing D	LG+ST+ PO+34	122.40		

				Wing E	LG+ST+ PO+34	122.40	
				Wing F	LG+ST+ PO+09	30.45	
22.	Total Number of tenements			Tenement : Residential - 201 Nos. , Population -1005Nos			
23.	Water Budget	Dry Season (CMD)			Wet Season (CMD)		
		Fresh water	90.45	Fresh water	90.45		
		Recycled	15.00	Recycled	0.00		
		Flushing	0.0	Flushing	0.00		
		Gardening	45.23	Gardening	45.23		
		Total	150.68	Total	135.68		
		Waste water generated	122.11	Waste water generated	122.11		
24.	Water Storage Capacity for Firefighting/UGT (m3)		Firefighting - Underground water tank (CMD): 1000.00 CMD Firefighting - Overhead water tank (CMD): 10.00 CMD for each building				
25.	Source of water		Nashik Municipal Corporation				
26.	Rain water Harvesting (RWH)		Level of ground water table		Post monsoon : 6 to 8 meter Pre monsoon : 7.5 to 12 meter		
			Size and no of RWH tanks (s) and quantity		NA		
			Quantity and size of recharge pits		09Nos.		
			Details of UG tanks if any		Domestic Capacity (CMD): 136.0 CMD. Flushing UG Tank Capacity (CMD):68.00 CMD. Fire Fighting Capacity (CMD.): 450 CMD.		
27.	Sewage and waste water		Sewage generation in CMD		122.11		
			STP Technology		MBBR		
			Capacity of STP		130KLD		
28.	Solid waste management during construction phase		Type	Quantity (Kg/day)	Treatment / Disposal		
			Dry waste	NA	NA		
			Wet waste	NA	NA		
			Construction waste	Excavation: 26685 cum	Top Soil: 8005cum - Using for Gardening , Filling in Plinth:18679cum - Will be disposed on site		
29.	Solid waste management during operation phase		Type	Quantity (Kg/day)	Treatment / Disposal		
			Dry waste	201 kg/day	Dry waste will be		

				sent for recycling to Authorized Agency
		Wet waste	301.5 kg/day	Wet waste will be converting to compost by using OWC
		Hazardous waste	NA	NA
		Biomedical waste	Negligible	We will dispose the bio medical waste as per bio medical waste rules / guidelines issued by competent authority time to time.
		E-waste	1.4kg/day	Handed over to Authorized Vendor
		STP Sludge	9.9kg/day	STP sludge sent to SWM site for converting in to compost
30.	Green Belt Development	Total RG area (m2)	1068 sq.mt.	
		Existing Trees on plot	14 Nos.	
		Numbers of trees to be planted	129 Nos.	
		Number of trees to be cut	0	
		Number of trees to be transplanted	4 Nos	
31.	Power Requirement	Source of power supply	MSEDCL	
		During construction phase (Demand load)	33KW	
		During Operation phase (Connected load)	2954KW	
		During Operation phase (Demand load)	1411 KW	
		Transformer	630 X 2Nos & 315 X 1Nos	
		DG set	400 KVA - 1No	
		Fuel used	HSD	
32.	Details of energy saving:	<p>1. Timers and contactors will be used to switch on / off common are &amp; external landscape and facade lighting.</p> <p>2. Light Emitting Diode (LED) will be used for corridors ,Lobbies and common areas.</p> <p>3. All fluorescent light fixtures are specified to incorporate electronic chokes which have less watt-loss compared to electro-magnetic chokes and result in superior operating power factor. This indirectly saves energy. Electronic chokes also improves life of the fluorescent lamps.</p> <p>4. Energy efficient cfl/t5/led lamps which give approx. 30% more light output for the same watts consumed and therefore require less nos. Of fixtures and corresponding</p>		

		lower point wiring costs. LPD of 7.5 W/sq.mtr. in Residential areas & 10.8 W/sq.mtr. in Office areas is proposed. 5. All cables will be derated to avoid heating during use. This also indirectly reduces losses and improves reliability. To achieve the same we have considered current carrying capacity of all the cables laid through ground/air whichever is minimum.			
33.	Environmental management plan budget during construction phase	Type	Details		Cost (Rs. lakhs)
		Capital	NA		NA
		O&M	Water, Site Sanitation, Health Check Up & Safety, Environmental Monitoring		2.1 Lac
34	Environmental management plan budget during operation phase	Component	Details	Capital (Rs. Lakhs)	O&M (Rs. Lakhs/yr)
		Internal Storm water line	Storm water	8.36 lakhs	0.41lakh s/yr.
		Sewage Treatment	MBBR	45.63 lakhs	8.66 lakhs/yr.
		Water treatment	NA	NA	NA
		RWH	Rainwater Harvesting	18.00 lakhs	0.72 lakhs/yr.
		Swimming Pool	Swimming Pool	NA	NA
		Solid Waste	Municipal Solid waste	11.50lakhs	3.14lakhs /yr.
		Hazardous waste	NA	NA	NA
		E-waste	NA	NA	NA
		Green belt development	Landscaping	17.00 lakhs	2.00lakh s/yr
		Energy saving	Energy Savings	62.30Lakhs	10.53Lakhs/yr
		Environmental Monitoring	Air, water, Noise, Soil	----	0.125 Lakhs/yr
		Disaster Management	Lightning arrestor		1.40 Lakhs/yr
35.	Traffic Management	Type	Required as per DCR	Actual Provided	Area Per parking
		4-Wheelers	329	344	12.50
		2-Wheelers	553	570	2.00
		Bicycles	-	-	-
36.	Details of Court	NA			

cases/litigation w.r.t. the project and project location	
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3. The proposal has been considered by SEIAA in its 230<sup>th</sup> Part A meeting and decided to accord *Environment Clearance* to the said project under the provisions of *Environment Impact Assessment Notification, 2006* subject to implantation of following terms and conditions-

**Specific Conditions:**

**A. SEAC Conditions-**

1. PP to submit the Water NoC, Fire NoC.
2. PP to submit the photographs of existing sewer & storm water along with drawing of drainage & storm water drains.
3. PP to provide minimum 25 % of total parking arrangement with electric charging facility by providing charging points at suitable places.

**B. SEIAA Conditions-**

1. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
2. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
3. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.
4. SEIAA after deliberation decided to grant EC for – FSI- 57854.50 m<sup>2</sup>, Non-FSI- 22893.03 m<sup>2</sup>, Total BUA-80747.53 m<sup>2</sup>. (Plan approval-A1/BP/IOD/312/2021, dated-30.09.2021)

**General Conditions:**

**a) Construction Phase :-**

- I. The solid waste generated should be properly collected and segregated. Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- II. Disposal of muck, Construction spoils, including bituminous material during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in the approved sites with the approval of competent authority.
- III. Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- IV. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- V. Arrangement shall be made that waste water and storm water do not get mixed.
- VI. Water demand during construction should be reduced by use of pre-mixed concrete,

- curing agents and other best practices.
- VII. The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
  - VIII. Permission to draw ground water for construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
  - IX. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
  - X. The Energy Conservation Building code shall be strictly adhered to.
  - XI. All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
  - XII. Additional soil for levelling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
  - XIII. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
  - XIV. PP to strictly adhere to all the conditions mentioned in Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as amended during the validity of Environment Clearance.
  - XV. The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
  - XVI. PP to strictly adhere to all the conditions mentioned in Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as amended during the validity of Environment Clearance.
  - XVII. Vehicles hired for transportation of Raw material shall strictly comply the emission norms prescribed by Ministry of Road Transport & Highways Department. The vehicle shall be adequately covered to avoid spillage/leakages.
  - XVIII. Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
  - XIX. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during construction phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel is preferred. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
  - XX. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings by a separate environment cell /designated person.

**B) Operation phase:-**

- I. a) The solid waste generated should be properly collected and segregated. b) Wet

- waste should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. c) Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- II. E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
  - III. a) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP. b) PP to give 100 % treatment to sewage /Liquid waste and explore the possibility to recycle at least 50 % of water, Local authority should ensure this.
  - IV. Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement.
  - V. The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
  - VI. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
  - VII. PP to provide adequate electric charging points for electric vehicles (EVs).
  - VIII. Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
  - IX. A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
  - X. Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes.
  - XI. The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at <http://parivesh.nic.in>
  - XII. Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
  - XIII. A copy of the clearance letter shall be sent by proponent to the concerned Municipal

Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.

- XIV. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO<sub>2</sub>, NO<sub>x</sub> (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

**C) General EC Conditions:-**

- I. PP has to strictly abide by the conditions stipulated by SEAC & SEIAA.
  - II. If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
  - III. Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
  - IV. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
  - V. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
  - VI. No further Expansion or modifications, other than mentioned in the EIA Notification, 2006 and its amendments, shall be carried out without prior approval of the SEIAA. In case of deviations or alterations in the project proposal from those submitted to SEIAA for clearance, a fresh reference shall be made to the SEIAA as applicable to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
  - VII. This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.

5. This Environment Clearance is issued purely from an environment point of view without prejudice to any court cases and all other applicable permissions/ NOCs shall be obtained before starting proposed work at site.
6. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, amended time to time.
8. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
9. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1<sup>st</sup> Floor, D-Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

  
Manisha Patil / Patil  
(Member Secretary, SEIAA)  
13/10/2024

Copy to:

1. Chairman, SEIAA, Mumbai.
2. Secretary, MoEF & CC, IA- Division MOEF & CC
3. Member Secretary, Maharashtra Pollution Control Board, Mumbai.
4. Regional Office MoEF & CC, Nagpur
5. District Collector, Nashik .
6. Commissioner, Nashik Municipal Corporation
7. Regional Officer, Maharashtra Pollution Control Board, Nashik.



## NASHIK MUNICIPAL CORPORATION

NO: LND/BP/A1/BP/588/2022

DATE :- 31/03/2022

### SANCTION OF BUILDING PERMISSION AND COMMENCEMENT CERTIFICATE

To, **Highland Builders & Developers Partnership Firm Through Partners  
Shri. Pankaj Ashok Chandwani & Others.**  
**C/o. Ar. Sumit Kumath & Stru.Engg. Anand Kulkarni Of Nashik.**

**Sub :-** Sanction of Building Permission & Commencement Certificate on Plot No. ---- of  
S. No./G. No: 59/1/1/B +59/1/2+59/1/1/C+59/1/3/1 of Anandwalli Shiwar, Nashik.

- Ref :-** 1) Your Application & for Building permission/ Revised Building permission/ Extension of  
Structure Plan In Dated:- 25/03/2021 Inward No. A1/BP/489.  
2) Previous Approved building permission No. LND/BP/A1/BP/106 Dt:25/11/2020.

Sanction of building permission & commencement certificate is hereby granted under section 45 & 69 of the Maharashtra Regional and Town Planning Act 1966 (Mah. of 1966) to carry out development work/and building permission under section 253 of The Maharashtra Municipal Corporation Act (Act No.LIX of 1949) to erect building for **Residential** Purpose as per plan duly amended in ..... subject to the following conditions.

#### CONDITIONS (1 to 61)

- 1) The land vacated in consequence of enforcement of the set-back rule shall form part of Public Street.
- 2) No new building of part thereof shall be occupied or allowed to be occupied or permitted to be used by any person until occupancy permission under sec. 263 of the Maharashtra Municipal Corporation Act is duly granted.
- 3) The commencement certificate/ Building permission shall remain valid for a period of one year commencing from date of its issue & thereafter if shall become invalid automatically unless otherwise renewed in stipulated period. Construction work commenced after expiry of period for which commencement certificate is granted will be treated as unauthorized development & action as per provisions laid down in Maharashtra Regional & Town Planning Act 1966 & under Maharashtra Municipal Corporation Act. 1949 will be taken against such defaulter which should please be clearly noted.
- 4) This permission does not entitle you to develop the land which does not vest in you.
- 5) The commencement of the construction work should be intimated to this office WITHIN SEVEN DAYS
- 6) Permission required under the provision of any other act, for the time being in force shall be obtained from the concerned authorities before commencement of work [viz under Provision of Urban Land Ceiling & Regulation Act & under appropriate sections of Maharashtra Land Revenue Code 1966.].
- 7) The balconies, ottas & verandas should not be enclosed and merged into adjoining room or rooms unless they are counted into built up area of PFI calculation as given on the building plan. If the balconies, ottas & verandas are covered or merged into adjoining room the construction shall be treated as unauthorized and action shall be taken.
- 8) At least FIVE trees should be planted around the building in the open space of the plot. Completion certificate shall not be granted if trees are not planted in the plot as provided under section 19 of the reservation of Tree Act, 1975.
- 9) The drains shall be lined out & covered up properly to the satisfaction of Municipal Authorities of Nashik Municipal Corporation. The effluent from septic tank, kitchen, bath etc. should be properly connected to Municipal drain in the nearest vicinity invert levels of the effluent of the premises should be such that the effluent gets into the Municipal drain by gravity with self cleaning velocity. In case if there is no Municipal drainage line within 30 meters premises then effluent outlet should be connected to a soak pit. The size of soak pit should be properly worked out on the basis of number of tenements, a pigeon hole circular brick wall should be constructed in the centre of the soak pit. Layers of stone boulders, stone metals and pebbles should be properly laid.
- 10) Proper arrangement for disposal of natural water all be made as per site requirements without disturbing natural gradient of the land facing to this conditions if any incident happens, the whole responsibility will be on the applicant /developers

- 11) The construction work should be strictly carried out in accordance with the sanctioned plan enclosed herewith.
- 12) Copy of approved plan should be kept on site so as to facilitate the inspection of the site by Municipal Corporation's staff from time to time and necessary information in respect of construction work should be furnished whenever required by the undersigned.
- 13) Stacking of building material debris on public road is strictly prohibited. If building material of debris is found on public road the same will be removed by the Authority and cost incurred in the removal of such material shall be recovered from the owner.
- 14) All the conditions should be strictly observed and breach of any of the conditions will be dealt with in accordance with the provision of Maharashtra Regional & Town Planning Act, 1966 and The Maharashtra Municipal Corporation Act.
- 15) Applicant should make necessary arrangement of water for construction purpose as per undertaking given. Similarly street lights will not be provided by Municipal Corporation till Electric supply Mains of M.S.E.B. is available at site."
- 16) There is no objection to obtain electricity connection for construction purpose from M.S.E.B.
- 17) Septic tank & soak pit shall be constructed as per the guidelines of sewerage department of N.M.C. & NOC shall be produced before occupation certificate.
- 18) wherever necessary Adequate space from the plot u/r should be reserved for transformer in consultation with M.S.E.D.C.L. Office before actually commencing the proposed construction.
- 19) Drinking water & adequate sanitation facility including toilets shall be provided for staff & labour engaged at construction site by owner/Developer at his own cost.
- 20) While carrying out construction work, proper care shall be taken to keep noise level within limits for various categories of zone as per rules laid down vide Government Resolution of Environment Department Dated: 21/04/2009 for Noise Pollution or as per latest revision/ Government GRs.
- 21) As per order of Urban Development of Government of Maharashtra, vide TPS2417/487/pra.kra.217/2017/UD-9 Dated: 7/8/2015 for all building following condition shall apply.
  - A) Before commencing the construction on site the owner/developer shall install a "Display Board" on the conspicuous place on-site indicating following details.
    - a] Name and Address of the owner/developer, Architect/Engineer and Contractor.
    - b] Survey Number/City Survey Number/Ward Number of land under reference along with description of its boundaries.
    - c] Order Number and date of grant of development permission/redevelopment permission issued by the Planning Authority or any other authority.
    - d] F.S.I. permitted.
    - e] Number of Residential/Commercial flats with their areas.
    - f] Address where copies of detailed approved plans shall be available for inspection.
  - B) A notice in the form of an advertisement giving all the details mentioned in 22A above, shall also be published in two widely circulated newspapers one of which should be in regional language. Failure to comply with condition 22 (A) action shall be taken by NMC
- 22) This permission is given on the basis of conditions mentioned in Hon. Labour Commissioner letter No. vide letter No: Nahapra-112010/pr.No.212/kam-2 Date: 30/12/2010 From Ministry of Labour Dept. & the Conditions mentioned should be strictly observed.
- 23) Fly ash bricks and fly ash based and related materials shall be used in the construction of buildings.
- 24) Wherever necessary Fanning shall be made and maintained as per the provisions of UDCPR on site.
- 25) Provision of rain water harvesting shall be made at site as per Clause no 13.3 of UDCPR
- 26) Buildings shall be planned, designed and constructed to ensure fire safety and this shall be done in accordance with Part IV of Fire Protection of National Building Code of India and Maharashtra Fire Prevention and Life Safety Measures Act, 2006, In case of buildings identified in Regulation no.2.2.8 the building schemes shall also be cleared by the Fire Officer, Fire Brigade Authority.
- 27) The Building Permission is granted on the Strength of 'LABOUR Code on occupational Safety, Health and working Conditions, 2018 Therefore all the Conditions mentioned therein are applicable to this Commencement and shall be followed strictly. Nashik Municipal Corporation shall be not be responsible for breach of any Conditions mentioned therein.
- 28) As per circular No for any TPV-4308/4102/Pra.kra.359/08/navi-11, Date-19/11/2008 for any arithmetical discrepancies in area statement the applicant/Architects & Developers will be commonly responsible.
- 29) If any discrepancies occurs/found in paid charges the applicant shall be liable to pay for the same.
- 30) Temporary drainage connection shall be taken before start of work by taking permission from Public Health Department (Drainage)
- 31) All safety measures & precaution shall be taken on site during construction with necessary signage/display board on site.

C. C. For Plot No. ---- of S. No./G. No. 59/1/1/B +59/1/2+59/1/1/C+59/1/3/1 of Anandwalli Shiwar, Nashik.

- 32) As per solid waste management Rule – 2016 segregation of dry & wet waste is compulsory & Construction site should be covered with Green Net/Shed Net &, in addition, necessary precautions should be taken to reduce air pollution.
- 33) To Follow the Duties and Responsibilities as per Provisions in Appendix C of UDCPR Is mandatory to Engineer/Structural Engineer/ Supervisor/ Town Planner/Licensing/Site Engineer/Geotechnical Engineer/ Owner/Developer.
- 34) This permission is given the basis of N. A. order Residential No. 300, 461 & 66/2021 Dt:11/10/2018, 12/12/2018 & 08/04/2021 submitted with the application.

### Charges Recovery

35) **Rs.15,45,247/-** is paid for development charges w.r.to the proposed Construction vide **R.No./B.No. 64/748 Dt:11/11/2020.**

A) As per Hon. Commissioner's order No. जा.क्र.ननिवि/वशि/१७/२०२० दि.२४/०९/२०२० The applicant has requested to get benefit of installments for development charges.

The Applicant has paid 1<sup>st</sup> installment of development charges 30% **Rs.15,45,247/-** vide/

**R.No./B.No. 64/748 Dt:11/11/2020** which is 30% of total development charges

**Rs.51,50,823/-** Remaining Amount of II<sup>nd</sup> Instalment of 40% **Rs.20,60,400+2,88,446/- (Interest 8%)+30,954/- (Interest 18%)** vide/ **R.No./B.No.14/0788 Dt:16/12/2021** at the time of Plinth Completion or after one year.

III<sup>rd</sup> installments of **Rs.15,45,247/-** which is 30% of total development charges along with applicable interest rate of 8% at the time of completion or within 3 year shall be paid along with the interest of @ 8% per annum as per section 124 (E) of MRTP Act.

If applicant fails to pay III<sup>rd</sup> installment within specified time, then the recovery of the the installment will be made at the rate of 18% per annum interest as per the section 124 E (3) of M.R.T.P. Act and C.C. issued will be treated as cancelled.

B) As per the order of Hon. Commissioner bearing No. Nanivi/vashi/20/2021 Dated:12/07/2021, applicant has requested to get benefit of installment for development Charges, Amount of Total Development Charges is **Rs.1,46,52,908/-** 1st installment of

(1) 1st installment **Rs.36,63,227/-** paid Vide **R.No./B.No. 87/500 Date:31/12/2021** which is 25% of total Development Charges

(2) 2nd installment **Rs.51,28,518/-** which is 35% of total development charges applicable interest rate of 8.5% per annum should be paid within two years

(3) 3rd installment of **Rs.58,61,163/-** which is 40% of total development charges applicable interest rate 8.5% per annum should be paid at time of occupancy certificate or four year from the date of c.c. whichever is earlier. If applicant fails to pay IInd & IIIrd installments within specified time, then recovery of the installment at the rate of 18% per annum as per section 124 E (3) of M. R. T. P. Act. is applicable.

36) Charges for "Premium FSI" is paid **Rs.2,74,560/-** vide **R.No./B.No. 88/8733 Date:11/11/2020.**

As per Hon. Commissioner's order No. जा.क्र.ननिवि/वशि/१७/२०२० दि.२४/०९/२०२० The applicant has requested to get benefit of installments for Premium Paid F.S.I.

The Applicant has paid 1<sup>st</sup> installment of Premium Paid F.S.I. 30% **Rs.2,74,560/-** vide/ **R.No./B.No. 88/8733 Dt:11/11/2020** which is 30% of total Premium Paid F.S.I. **Rs.9,15,200/-**

Remaining Amount of II<sup>nd</sup> Instalment of 40% **Rs.3,66,100+51,300/- (Interest 8%)+5500/- (Interest 18%)** vide/ **R.No./B.No. 34/478 Dt:16/12/2021** at the time of Plinth Completion or after one year.

III<sup>rd</sup> installments of **Rs.2,74,560/-** which is 30% of total Premium Paid F.S.I. along with applicable interest rate of 8% at the time of Completion or within 3 year shall be paid along with the interest of @ 8% per annum as per section 124 (E) of MRTP Act.

If applicant fails to pay III<sup>rd</sup> installment within specified time, then the recovery of the the installment will be made at the rate of 18% per annum interest as per the section 124 E (3) of M.R.T.P. Act and C.C. issued will be treated as cancelled.

37) This permission given on the basis of Environment Clearance Certificate No. SIA/MH/MIS/211115/2021, Dt.01/10/2021 from Environment Depot. Mantralaya, Mumbai.

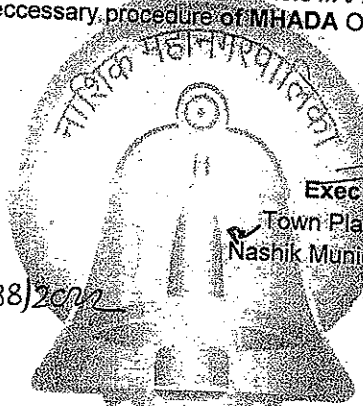
38) **Rs.11,19,600/-** is paid for development charges w.r.to the proposed land development. Vide **R.No./B.No. 05/749 Date : 11/11/2020.**

- 39) Drainage Connection Charges Rs.1,01,000+69,000/- is paid vide Vide R.No./B.No. 26/8812 & 87/500 Date:11/11/2020 & 31/12/2021.
- 40) A) Welfare Cess charges Rs.35,85,150/- is paid Vide Vide R.No./B.No. 26/8812 Date:11/11/2020.  
 B) As per the order of Hon. Commissioner bearing No. Nanivi/vashi/20/2021 Dated:12/07/2021, applicant has requested to get benefit of installment for Welfare Cess Charges, Amount of Total Welfare Cess Charges is Rs.99,60,685/- 1st installment of  
 (1) 1st installment Rs.24,90,171/- paid R.No./B.No. 87/500 Date:31/12/2021 which is 25% of total Welfare Cess Charges.  
 (2) 2nd installment Rs.24,90,171/- which is 25% of total & Welfare Cess charges should be paid within two years.  
 (3) 3rd installment Rs.24,90,171/- which is 25% of total & Welfare Cess charges should be paid within three years.  
 (4) 4th installment of Rs.24,90,171/- which is 25% of total Welfare Cess charges should be paid at time of occupancy certificate or four year from the date of c.c. whichever is earlier. If applicant fails to pay IInd & IIIrd installments within specified time, then recovery of the installment at the rate of 18% per annum as per section 124 E (3) of M. R. T. P. Act. is applicable.
- 41) Rs.53,350/- vide R.No./B.No. 60/3054 Date:11/11/2020 against Treeplantation deposit.
- 42) Infrastructure Improvement Charges Rs. Nil /- is paid vide R.No./B.No.- Date
- 43) Scrutiny Charges Rs.2,69,002/- is paid vide R.No./B.No. 87/500 Date:31/12/2021.
- 44) Amalgamation Charges Rs.Nil/- is paid vide R.No./B.No. --- Date:---
- 45) As per Gov. directives 50% Charges for "Premium FSI & Ancillary Permum " is paid Rs.74,19,750/- vide R.No./B.No. 87/486 Date:30/12/2021 & Remaning amout shall be paid within perod or prior to completion with 8.5% intrest per year UDCPR clause no. 2.2.14
- 46) This permission is given on the basis of conditions mentioned in notification of ministry of environment, forest & climate change, New Delhi by vide No. G.S.R 317 (E) Dt:29/03/2016 & the conditions mentioned therein are applicable to this Commencement & shall be following stricly. This permission is given on the strength of affidavit submitted with the Proposed and C & D waste deposit Rs.Nil/- is paid vide R.No./B.No. --- Date: ---
- Additional Conditions**
- 47) NMC Tax for Vacant plot shall be paid before Completion.
- 48) Total TDR Loaded 931.10 Sq.mt. which is utilised from DRC No: 972 Dt:10/06/2021 vide formula  $931.10 \times 17800/14300 = 1159.00$  Sq.mt. TDR area utilized from the same.  
 and  
 Total TDR Loaded 2793.32 Sq.mt. which is utilised from DRC No: 973 Dt:10/06/2021 vide formula  $2793.32 \times 17800/14300 = 3477.00$  Sq.mt. TDR area utilized from the same.  
 and  
 Total TDR Loaded 4316.92 Sq.mt. which is utilised from DRC No: 969 Dt:10/06/2021 vide formula  $4316.92 \times 17800/14300 = 5373.50$  Sq.mt. TDR area utilized from the same.  
 and  
 Total TDR Loaded 4579.21 Sq.mt. which is utilised from DRC No: 970 Dt:10/06/2021 vide formula  $4579.21 \times 17800/14300 = 5700.00$  Sq.mt. TDR area utilized from the same.  
 and  
 Total TDR Loaded 1365.73 Sq.mt. which is utilised from DRC No: 974 Dt:10/06/2021 vide formula  $1365.73 \times 17800/14300 = 1700.00$  Sq.mt. TDR area utilized from the same.
- 49) Previously approved building permission vide C.C. No. LND/BP/A1/BP/106 Dt:25/11/2020 is hereby as cancelled.
- 50) This permission is given on the strength of provisional fire NOC from CFO, N.M.C. vide letter No: NMC/FIRE/WS/III/Resi-24/2022 Dt:22/01/2022 & conditions their in strictly followed.
- 51) Parking area should be paved & kept open for parking purpose only.
- 52) Installation of Solar assisted water heating system as per UDCPR Clause No.13.2
- 53) Provision for solid waste management system as per UDCPR Clause No. 13.5 before Occupancy Certificate.

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C. C. For Plot No. ----- of S. No./G. No. 59/1/1/B +59/1/2+59/1/1/C+59/1/3/1 of Anandwalli Shiwar, Nashik.

- 54) This permission is given as per the Government directives u/s – 154 of MRTP act vide GR. No. TPS- 1820/anau.27/P. No. 80/20/ud13 Date:14/01/2021.
- Affidavit regarding above submitted by applicant vide **date:07/04/2022.**
  - The stamp duty concession shall be continued till entire sell of tenements.
  - The Applicant/ Developer shall publish the list of beneficiary consumers online on the requisite website.
  - The Applicant shall submit list of beneficiary consumers in detail along with beneficiary consumers certificate.
  - Copy of this commencement Certificate is submitted to stamp Registration office.
- 55) Affidavit regarding compliance condition no. 56 at the time Occupancy Certificate.
- 56) This permission is given on the basis of Hon. Commissioners approval Dt:23/12/2021.
- 57) As per the Hon. Commissioners, Order No. 857/2021 Dt:20/12/2021 provision for electric vehicle charging Station/ point to be provided in parking area.
- 58) Provision of mechanical light & ventilation should be made wherever required.
- 59) Structural Stability Certificate showing safe against natural disaster, earthquake etc.
- 60) Facilities for diferentially able persons shall be made as per provision UDCPR Clause no.13.1
- 61) Occupancy Certificate of building at S. No./G. No. 59/1/1/B +59/1/2+59/1/1/C+59/1/3/1 of Anandwalli will be given after completion of building permission No. LND/BP/B1/BP/578/2022 Dt:31/03/2022 at S.No.81/A/1/2 of pimpalgaon Bahula Shiwar & completion of necessary procedure of MHADA Office.



**Executive Engineer**  
Town Planning Department  
Nashik Municipal Corporation, Nashik.

No. LND / BP / A1 / BP / 588 / 2022  
Nashik, Dt 31 / 03 / 2022  
Copy to : Divisional Officer

**3.1.3 Construction within Blue and Red Flood Line**

- i) **Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.**
- a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization.
- Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.
- b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.
- d) The red and blue flood line, if shown on the Development/Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department.

Back 59 an...







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Exh. R-5

30



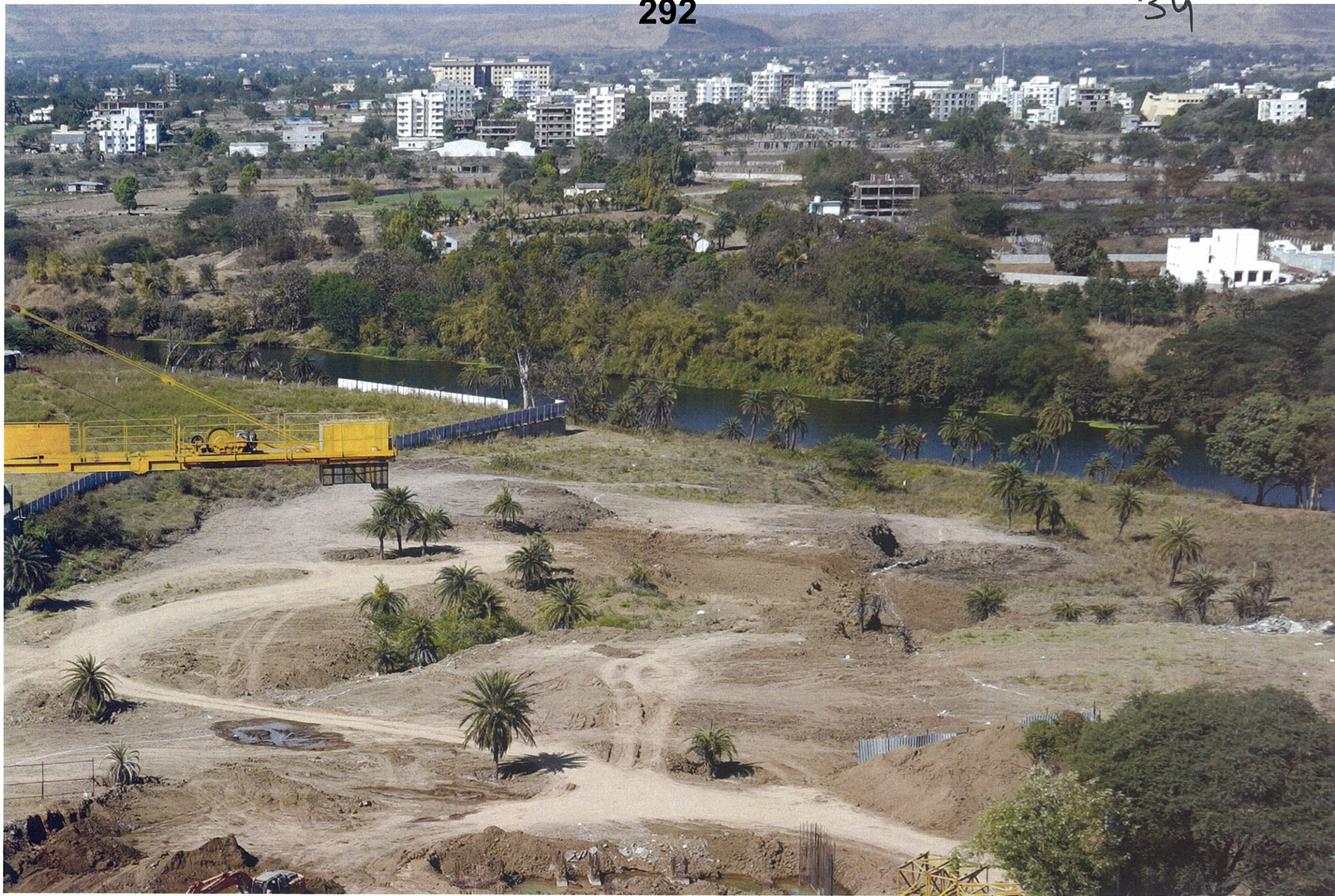






292

34



293

Exlu R-6'

35













नाशिक महानगरपालिका, नाशिक  
राजीव गांधी भवन, शरणपूर रोड, नाशिक ४२२००२

40

नगर नियोजन विभाग,  
जा.क्र./ननिवि/वशि/ ५२१०९/२०२३  
दिनांक ०६/०२/२०२३

प्रति,  
श्री. शिवाजी सखाराम बेंडकुळे,  
आनंदवल्ली, नाशिक.

विषय:- मौजे आनंदवली सर्व्हे नंबर ५९/२/१ पैकी येथील गोदावरी नदी जागेवर माती टाकून  
भर केलेबाबत....

संदर्भ:१) नॅशनल ग्रीन ट्रीब्युनल, वेस्टर्न झोन बेंच, पुणे-यांची दि. १०/१/२०२२, चे आदेश

महोदय,

उपरोक्त संदर्भिय विषयान्वये नॅशनल ग्रीन ट्रीब्युनल, वेस्टर्न झोन बेंच, पुणे आदेश प्राप्त झाला असून गोदावरी नदी उजवा तट ते गोदावरी प्रवण क्षेत्र रेषेतील ब्लू ते गोदावरी नदी उजवातट तसेच रेड लाईन ते विषयांकित जमिनीचे क्षेत्रात आपण डेब्रीज मटेरीयल टाकत असल्याचे निदर्शनास आले आहे. त्याबाबत आपणास व्यक्तीशः माती न टाकण्याबाबत सांगण्यात आलेले आहे.

सदर बाब अतिशय गंभीर असून यामुळे गोदावरी नदीच्या जवळ पुरक्षेत्रामध्ये धोका निर्माण होईल. तरी आपल्या जमिनीच्या क्षेत्रातील माती/दगडे ही सदर प्रवण क्षेत्रामधुन त्वरीत उचलण्यात यावी अन्यथा आपणावर नियमानुसार कायदेशीर कार्यवाही करण्यात येईल.

(संजय लालचंद अग्रवाल)

कार्यकारी अभियंता

नगर नियोजन विभाग

नाशिक महानगरपालिका, नाशिक

१०/०६

Received  
8767160002  
शिवजी सखाराम बेंडकुळे

299

Exhibit - R-8

41



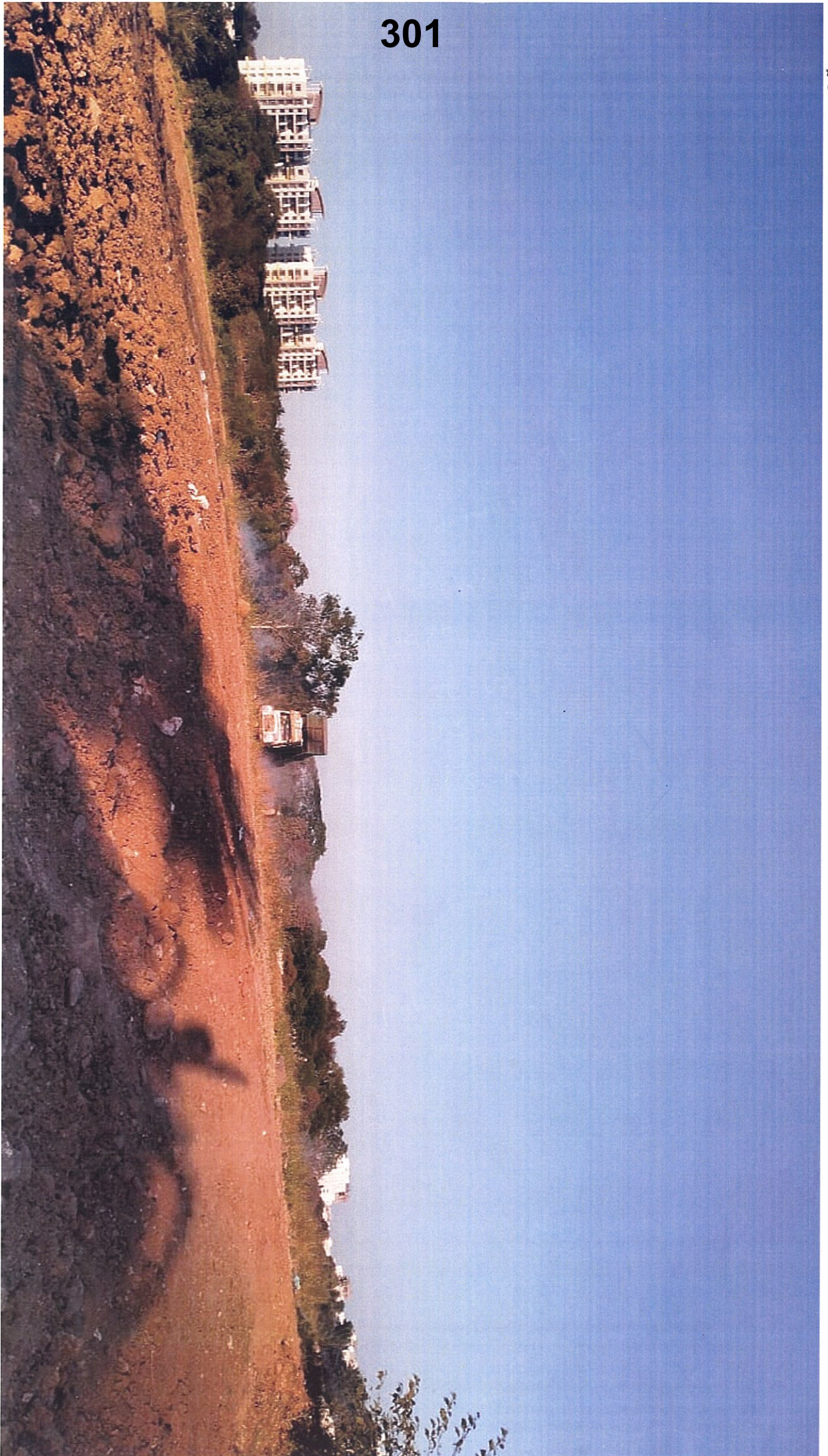
300

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नाशिक महानगरपालिका, नाशिक  
राजीव गांधी भवन, शरणापूर रोड, नाशिक ४२२००२

44

नगर नियोजन विभाग,  
जा.क्र./ननिवि/वशि/29/2023  
दिनांक: १७/०१/२०२३

प्रति,  
मा. उप लोक आयुक्त,  
लोक आयुक्त आणि उप लोक आयुक्त,  
महाराष्ट्र राज्य कार्यालय,  
पत्ता:- नविन प्रशासन भवन, १ ला मजला,  
मादाम कामा रोड, मंत्रालय समोर, मुंबई - ४००३२.

विषय:- मौजे आनंदवली सखे नंबर ५९/१/१/ब + ५९/१/२ + ५९/१/क + ५९/१/३/१  
येथील बांधकामाबाबत प्राप्त तक्रारीबाबत...

संदर्भ: १) मा. उप लोक आयुक्त सो. लोक आयुक्त आणि उप लोक आयुक्त यांचे  
पत्र जा.क्र.उलोमा/कॉम/३७२४/२०२३/टे-१८, दि. ०२/११/२०२२  
(प्राप्त दि. १६/११/२०२२)

२) नॅशनल ग्रीन ट्रीब्युनल, वेस्टर्न झोन बेन्च, पुणे-यांची दि. १०/१/२०२२,  
चे आदेश

३) अर्जदार श्री. संतोषकुमार टी. पांडे यांचा दिनांक ०६/०६/२०२२ चा अर्ज.

४) इकडील कार्यालयाकडील बांधकाम परवानगी क्र. LND/BP/A१/BP/१०६,  
दिनांक २९/११/२०२०.

५) इकडील कार्यालयाकडील सुधारित बांधकाम परवानगी क्र. LND/BP/  
A१/BP/५८८, दिनांक ३१/०३/२०२२.

६) इकडील कार्यालयाची नोटीस जा.क्र.ननिवि/वशि/१६/२०२३,  
दि. १२/०९/२०२३.

७) विकासक यांचे खुलासा पत्र दि. १३/०१/२०२३.

महोदय,

उपरोक्त संदर्भिय विषयान्वये मौजे आनंदवली शिवारात सखे नंबर ५९/१/१/ब + ५९/१/२ + ५९/१/क + ५९/१/३/१ ही मिळकत गोदावरी नदीच्या उजव्या पासून सुमारे २५२ मी. इतक्या अंतरावर आहे. सदर मिळकत ही मंजूर विकास आराखडयातील २४.०० मी. विकास योजना रस्त्याच्या संन्मुख आहे. उपरोक्त विषयान्वये संदर्भ क्र. ०१ अन्वये उपस्थित केलेल्या तक्रारी बाबतचा तपशिलवार खुलासा खालीलप्रमाणे करत आहोत.

अ) दगड माती इतर मटेरीयल बाबत.

- उपरोक्त विषयाधीन जमिनीचे क्षेत्र हे दक्षिण- उत्तर सुमारे ६.०० मी. उतार असून सदर जमिन ही गोदावरी नदी Red Line ने भागशः बाधित होत असल्याने मंजूर एकत्रिकृत विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र. ३.१.३ च्या अनुषंगाने अनुज्ञेय तलाकाच्यावर संदर्भ क्र. ४ व ५ अन्वये रहिवासी कारणास्तव बांधकाम परवानगी प्रस्तावास मंजूरी देण्यात आलेली आहे.

सदर जमिनीच्या क्षेत्राच्या उत्तरेकडे गोदावरी नदी (उजवा तट) असून विषयांकित जमिनीच्या क्षेत्रापासून उत्तरेकडे गोदावरी नदी दरम्यान Red Line व Blue Line व तदनंतर गोदावरी नदी आहे. व सदर जमिनीस दक्षिणोत्तर सुमारे ६.० मी. इतका उतार आहे.

3.1.3 Construction within Blue and Red Flood Line i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.

- The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization. Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.
- Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.

- त्यामध्ये खालीलप्रमाणे इमारती आहेत.

इमारती	मजले	उंची
विंग A	लोअर ग्राऊंड पार्किंग + ग्राऊंड पार्किंग + पॉडियम पार्किंग + १ ते ३४ मजले + ३५ रिफ्रिजेशनल	१२८.४५
विंग B	लोअर ग्राऊंड पार्किंग + ग्राऊंड पार्किंग + पॉडियम पार्किंग + १ ते ३४ मजले + ३५ रिफ्रिजेशनल	१२८.४५
विंग C	लोअर ग्राऊंड पार्किंग + ग्राऊंड पार्किंग + पॉडियम पार्किंग + १ ते ३४ मजले + ३५ रिफ्रिजेशनल	१२८.४५
विंग D	लोअर ग्राऊंड पार्किंग + ग्राऊंड पार्किंग + पॉडियम पार्किंग + १ ते ३४ मजले + ३५ रिफ्रिजेशनल	१२८.४५
विंग E	लोअर ग्राऊंड पार्किंग + ग्राऊंड पार्किंग + पॉडियम पार्किंग + १ ते ३४ मजले + ३५ रिफ्रिजेशनल	१२८.४५

उपरोक्त विषयाधीन सुरू असलेल्या बांधकाम प्रत्यक्ष पहाणी केली असता सदर ठिकाणी इमारतीचे पायाचे खोदकाम व footing चे काम सुरू असून त्यासाठी जमिनीपासून सुमारे ४.५० इतके खोली खोदकाम करण्यात आलेले असून footing व column काम सुरू आहे. सदर खोदकामात निघालेले माती/दगडे ही तात्पुरत्या स्वरूपात विषयांकित जमीन व गोदावरी नदी दरम्यान असलेल्या Red Line व Blue Line व तसेच Blue Line व गोदावरी नदी ह्या दरम्यान टाकलेले निदर्शनास आले आहे. त्याबाबत संबंधितांना (विकासक व वास्तुविशारद) संदर्भ क्र. ०६ अन्वये नोटीस देण्यात आलेल्या आहे. याबाबत त्यांनी इकडील कार्यालय संदर्भ ०७ अन्वये नोटीस खुलासा पत्र देवून सदर मटेरियल (दगड/माती) पुनश्च: इमारतीचे फुटींगचे काम झाल्याबाबत Refilling (पुनर्भरण) करण्यासाठी आवश्यक असल्याने तात्पुरत्या स्वरूपात नजीकच्या ठिकाणी टाकण्यात आले होते. तथापि सदर मटेरियल उचलण्यास कार्यवाही करण्यात येत असून येत्या रविवार दिनांक १५/०१/२०२३ पर्यंत सदरचे मटेरियल शिफ्ट करण्याबाबत पत्रात नमूद केलेले आहे.

सदरचे काम कार्यालयाच्या देखरेखी खाली पूर्ण करण्यात येईल.

- २४ मी. विकास योजना रस्त्याबाबत.

- उपरोक्त विषयाधीन मिळकत ही २४.०० मी. विकास योजना रस्त्याच्या संमुख असून संव्यस्थितीत सदर विकास योजना रस्ता हा पूर्ण लांबी करीता जागेवर उपलब्ध नाही. तथापि विषयांकित २४.०० मी. विकास योजना रस्त्यावरील या मिळकतीसाठी ३० मी. गंगापुर रस्त्यापर्यंत जोडणारा ६ मी. वहिवाट रस्ता (Point of Access) अस्तित्वात आहे. विषयांकित मिळकतीपासून गंगापुर रस्त्यापर्यंत एकूण १६७.५० मी. इतकी लांबी आहे. त्याचा तपशिल खालीलप्रमाणे आहे.

- सदर २४.०० मी. रस्त्यात वृंदावन गार्डन (स.नं. ५९/१/१/अ) भागशः व श्री. वानरे (स.नं. ६१/अ/पै.) ही मिळकत येत असून त्याचा तपशिल खालीलप्रमाणे आहे.

विषयांकित मिळकत ते ३०.०० मी. मुख्य गंगापूर रोड = १६७.५० मी. इतकी लांबी आहे.

अ	वृंदावन गार्डन	मौजे आनंदवली स.नं. ५९/१/१/अ	१४००.०० चौ.मी.	बांधकाम परवानगी जावक क्र. LND/BP/WS/Satpur/B१/७८, दि. ०२/०५/२००६ मंजूर आहे.
	वृंदावन गार्डन	मौजे आनंदवली स.नं. ६१/अ/५	७५०.०० चौ.मी.	२१५०.०० चौ.मी. डी.पी. रस्त्याचे क्षेत्र करारनाम्याद्वारे ताब्यात आलेले आहे.
		एकुण	२१५०.०० चौ.मी.	
ब	श्री. वानरे	मौजे आनंदवली स.नं. ६१/अ/३ पैकी	३४५.०० चौ.मी.	भूसंपादन प्रस्ताव मंजूर आदेश क्र. १५, दि. १९/१०/२०२० अन्वये ताब्यात आलेली आहे.
क	ऋषीराज हॅबिटेट	मौजे आनंदवली स.नं. ५९/१/३	१०८०.०० चौ.मी.	बांधकाम परवानगी जावक क्र. LND/BP/A१/१२८१/९९, दि. १४/०६/२०१६ चटई निर्देशांकाने (F.S.I.) मनपाच्या ताब्यात आले आहे.

त्यापैकी वृंदावन गार्डन बांधकाम परवानगी करतेवेळी २१५० चौ.मी. क्षेत्र मनपास हस्तांतरित करण्यात आलेले असून श्री. वानरे यांचे ३४५.०० चौ.मी. क्षेत्र ही मनपाकडे भूसंपादनाने ताब्यात आलेले आहे. त्यामुळे विषयांकित मिळकतीपासून ३०.०० मी. विकास योजना रस्त्यापर्यंतचा १६७.५० मी. रस्ता करारनाम्याने ताब्यात आलेला असून आवश्यक कार्यवाही करून सदर रस्ता सार्वजनिक वापरास्तव खुला करण्यात येईल. उपरोक्त विषयांकित इमारतीच्या प्रकल्पाचे काम हे नुकतेच सुरू करण्यात आलेले असून सदर प्रकल्प हा २०२६ पर्यंत (४ वर्षांत) पूर्ण होईल. व सदरचा गंगापूर रस्ता पासून मिळकतीपर्यंतचा रस्ता हा रस्त्याचे बांधकाम केल्यानंतर रस्त्याचे बांधकाम हे १ ते २ वर्षांच्या आत पूर्ण होऊन सार्वजनिक वापरास्तव खुला होईल.

उपरोक्त बांधकामातील विकासकाने टाकलेले मटेरीयल शिफ्ट करणे तसेच २४.०० मी. रस्ता सार्वजनिक वापरास्तव खुला करण्याची कार्यवाही सत्वर सुरू करण्यात येईल.

(संजय लालचंद अग्रवाल)

कार्यकारी अभियंता  
नगर नियोजन विभाग  
नाशिक महानगरपालिका, नाशिक

समवेत:-

- १) पी.टी. शिट.
- २) UDCPR Clause No. ३.१.३;
- ३) २४.०० मी. विकास योजना रस्ता ताब्यात आल्याबाबत करारनामा,
- ४) सर्व्हे नंबर ६१ मधील बांधकाम परवानगी प्रारंभ प्रमाणपत्र (वृंदावन गार्डन), (सर्व्हे नंबर ५९/१/१/अ)
- ५) मौजे आनंदवली शिवार सर्व्हे नंबर ६१/अ/३ चे भूसंपादन अन्वये मनपाचे ताब्यात, जमीनीचा मनपाचे नावे असलेला ७/१२ उतारा.
- ६) मौजे आनंदवली शिवार सर्व्हे नंबर ५९/१/३ ऋषीराज हॅबिटेट बांधकाम नकाशाची छायांकित प्रत.
- ७) विकासकास दिलेली नोटीस.
- ८) विकासकाचे नोटीसीस खुलासा पत्र.



# Hallmark

EVEN NATURE. LUXURY

To,  
The Commissioner,  
Nashik Municipal Corporation,  
Nashik

Date: 6/2/2023

**Reference : Allotment of Corporate Social Responsibility on the land bearing Survey No. 57, situated at Village Anandvalli, Gangapur Road, Nashik.**

Sir,

1. I am the Partner of the firm namely Highland Builders and developers, having office at Eternity, Opposite Deys Arcade, Parijat Nagar, Nashik – 422005 engaged in the business of Constructions of developments.
2. Also, we have commenced the work of construction on the land bearing Survey No. 59/1/2, 59/1/1/B, and 59/1/1/C, situated at Village Anandvalli, Gangapur Road, Nashik and have obtained all necessary permissions and sanctions as per law from the respective departments of the Nashik Municipal Corporation and the state.
3. The land bearing Survey No. 57, situated at Village Anandvalli, Gangapur Road, Nashik which has been acquired by the Nashik Municipal Corporation for the purpose of Constructing a Garden is adjacent to our land and we wish to construct the said Garden on the said land.
4. You are therefore requested to kindly allot us the land bearing Survey No. 57, situated at Village Anandvalli, Gangapur Road, Nashik which solely belongs to you for the purpose of constructing Garden on the basis of **Corporate Social Responsibility (CSR)**.

Thanking You,

Yours truly,

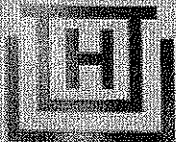
**Pankaj Ashok Chandwani**  
**For Highlands Builders and Developers**

Highland Builders and Developers

Partner

Behind Vrundavan Lawns, Anandvalli, Gangapur Road, Nashik - 422013

hallmarknashik@gmail.com | +91 7083 600 600, +91 7743 800 800



HIGHLAND



6/2/23

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SITTING AT PUNE**

**(U/S 18(1) R/W SEC.14, 15, 16 AND 17 OF**

**NATIONAL GREEN TRIBUNAL ACT 2010)**

**ORIGINAL APPLICATION NO. 115 OF 2023**

Santoshkumar Tribhuandatt Pandey ...Applicant

Versus

Highland Builders and Developers & Ors....Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF**

**RESPONDENT NO. 1**

Dated this 19<sup>th</sup> day of February 2023

Adv. Kinnari S. Mehta

Adv. for Respondent No. 1

1104, 11th Floor, Ram Nimi Fort,

Cawasji Patel Street, Fort,

Mumbai 400 001.

M: 9819647567

E: adv.kinnarimehta@gmail.com

Adv. Code: I-25737

O.S. Registration No.: 19446