



BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 105 OF 2021 (WZ)

Shashikant Vitthal Kamble

....Applicant

Versus

MoEF&CC & Ors.

....Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 11

to 13 PUNE MUNICIPAL CORPORATION (PMC)

I, Nivrutti Utale, Deputy Engineer, Building Permission Department, Zone 3 of the Respondent Corporation having my office at Savarkar Bhavan, Pune do hereby state on solemn affirmation as under:

1. I am working in the capacity of the Deputy Engineer, Building Permission Department, Zone 3 in the Pune Municipal Corporation. I am filing this Affidavit-in-Reply to oppose the contents of the Application preferred and

reliefs sought by the Applicant in the above captioned matter.

2. I say and submit this application is filed in relation to residential and commercial building project by the name "Jubilee Park" raised by the Respondent No. 14-M/s. Aurangabad Holidays Resorts/Project Proponent at Survey Nos.No.84/2+4 & 83/1 (Plot No.3) Village Warje, Taluka Haveli, District Pune within the limits of Pune Municipal Corporation.
3. I am authorized by the Respondents to file this present Affidavit-in-Reply in my official capacity and as such I disassociate myself from any personal assertions made against me by the Applicant in the present Application I have perused the documents brought on record by the Applicant and have understood the contents of the Application and on the basis of the documents and information available in relation to the said issue, I am filing this present Affidavit-in-Reply to oppose the grant of any reliefs to the Applicant as prayed for in the present



Application. I crave leave to file a further Additional Affidavit in Reply as and when sought necessary.

4. At the outset, I deny each and every averment and allegation made in the present Application, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply and nothing stated therein shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter.
5. I say and submit that the plans are sanctioned on the application made under sec. 44 of MRTP Act. 1966 through a licensed Architect, thereafter proposals are sanctioned under sec 45 of MRTP Act. In 2014 Environment Department Govt of Maharashtra also made it mandatory that EC will be granted only after sanctioning of the plans. Earlier EC was granted on conceptual plans and after 2014 is granted only after sanctioning of Plans from the Planning Authority. Therefore, it is pertinent to



be note that there is no bar for sanctioning of plans.

6. I say and submit that once a construction is complete Licensed Architect submits a completion certificate to PMC certifying that all the conditions are fulfilled and the building is ready for occupation. On receiving the completion certificate PMC verifies all the permissions are in place and grants occupation certificate there are specific times in the Rules.
7. Relevant Rules regarding plinth checking, completion certificate and occupancy certificate in DC Rules, are reproduced below: -

7.4 Checking of Plinth Column up to Plinth Level — *The owner shall give notice in prescribed form given in Appendix G to the Authority after the completion of work up to plinth level with a view to enable the Authority to ensure that the work is carried out in accordance with the sanctioned plans. The Authority shall carry out inspection within seven days from the receipt of such notice and give permission, for carrying out further construction work as per sanctioned plans in prescribed Proforma given in appendix H. Within the above period if the*



permission is not refused, the permission shall be deemed to have been given.

7.5 Deviation During Construction — *If during the construction of building any departure which is not of a substantial nature from the sanctioned Plan is intended to be made by way of addition which does not violate any provisions regarding general building requirements structural stability and fire safety requirements of the rules alteration may be made and sanction of the authority shall be obtained immediately and in any case before application for occupation certificate and the procedure laid down for original plans shall apply to all such amended plans except the building permission fee. Provided further that if any such alterations are likely to result in increasing the number of tenements, the built-over area/FSI or change in the margin or open spaces or the height of the building. No such alterations shall be carried unless sanction to the amended plans is first obtained.*

7.6 Completion Certificate — *The owner through the licensed architect, engineer, structural engineer, as the case may be who has supervised the constructions, shall give notice to the Authority regarding completion of work described in the building permission. The completion certificate shall be submitted in the prescribed form by four sets of completion Plan. One of the sets,*



7.7.2 *In the case of building identified in rule No. 6.2.6.1 the work shall also be subject to the inspection of the Chief Fire Officer, Pune Fire Brigade and the occupancy certificate shall be issued by the Authority only after the clearance from the Chief Fire officer regarding the completion of the work from the fire protection point of view.*

8. It is submitted that the plans in said project were revised by PMC as per the applications of Project Proponent. All the said sanctions/revisions are granted by the PMC as per the provisions under Development Control Rules and Maharashtra Regional and Town Planning Act, 1966.
9. I state that 1st Sanctioned Plan was accorded to the Project in the year 2005 thereafter, Plans were revised many times and the last revision was done on 10/03/2017 wherein the Total Built Up Area (FSI + Non FSI) of 26,110.5 Sq Mtrs. was Sanctioned. Hereto marked as **Annexure I** is the chart giving details of the various sanctioned granted to Project Proponent.
10. PMC has strictly abided with the DC Rules, Maharashtra Regional and Town Planning Act, 1966 and Maharashtra



Provincial Municipal Corporation Act, 1949 and has granted all the permissions

11. It is submitted that Hon'ble Bombay High Court in Writ Petition No. 655 of 2014 Glomore Constructions & Ors. Vs. The Union of India has held that Environment Clearance is not required for the projects below 20000 sq. mtr. It is further submitted that Govt. of Maharashtra, Environment Department vide its Circular dated 21/04/2015 has also clarified that in view of the High Court order that the construction below 20000 sq. mtr. may not be considered as a violation of EIA notifications, 2006.
12. I say and submit that as on date Project Proponent has completed construction of 12,457.37 Sq Mtrs i.e. the Total Built Up Area including (FSI and Non FSI). No construction activity is going on at the site. It has been also been informed by the Project Proponent that they have applied for the Environment Clearance under the violation scheme of MoEFCC dated 07/07/2021. Hereto



marked and annexed as **Annexure II** is the chart giving the details of actual work completed at site.

13. I say and submit that PMC has not issued any Occupancy Certificate to the Project.

Rgarg
Adv. Rahul Garg

Pune

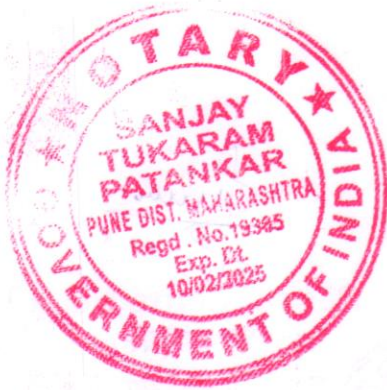
Date: 04/11/2024

[Signature]

Res. No. 11 to 13

PMC
उप अभियंता
सिमेंट विकास विभाग झोन क्र. 3
पुणे महाशहरपालिका

04 NOV 2024



BEFORE ME

[Signature]

SANJAY TUKARAM PATANKAR
NOTARY, GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
Regd. No 19365 Exp. Dt. 10/02/2025

04 NOV 2024




VERIFICATION

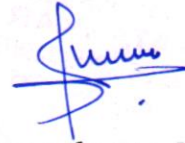
I, Nivrutti Utale, Age: Adult, Deputy Engineer, Building Permission Department Zone 3, authorized signatory for PMC do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

This 4th day of November, 2024



Adv. for Respondents No. 11 to 13



Respondents No. 11 to 13

उप अभियंता

सहकार विकास विभाग झोन क्र. ३


पुणे महानगरपालिका




ANNEXURE I														
(As per sanction plan and information given by Licence Architect)														
Sr.No		Plot Area	Dedu.of FSI	Net plot Area	Building	Floors	Heights	F.S.I	Total FSI	Non FSI	Parking	Total Non FSI	Total Build up	Tenement
1	New DP Layout Dpo/5305/D/842(16/09/05)	17200	Open space Amenity 2.4 BCDX	12317.04	A-1 A-2 B-1 B-2 C D comm	P+7 P+7 P+7 P+7 P+2 P+4 Ground	23.20 23.20 23.20 23.20 08.70 14.45 06.15	2678 2678 2081.94 2081.94 2081.94 867 450	11017.04F SI	-	2519.89	2519.89	13536.93	160
2	Revise DP Layout Dpo/0995/D/103(28/03/07)	17200	Open space Amenity 2.4 WATER BCDX	12317.04	A-1 A-2 C	P+9 P+8 P+2	28.95 26.05 06.40	6245.24 5187.83 139.35	11717.1	-	2158.07	2156.07	13875.17	130
3	New Building Permission CC/4860/06 (30/03/07)	17200	Open space Amenity 2.4 BCDX	12317.04	A-1 A-2 C	P+9 P+8 P+2	28.95 26.05 06.40	6245.24 5187.83 139.35	11717.95	4373.41	2158.07	6531.48	18248.5	130
4	Revise DP Layout DPO/PLU/03/0544/08 (04/02/2009)	17200	Open space Amenity 2.4 WATER BCDX	12317.04	A B C D	BP+P+P+II BP+P+P+II BP+P+P+II BP+P+P+II	35.95 35.95 35.95 35.95	2868.27 3216.29 2868.27 4762.81	13715.64	-	5300.00	5300.00	19015.64	195
5	Revalidation Building Permission CC/3915/11 (02/02/2012)	17200	Open space Amenity 2.4 BCDX	12317.04	A-1 A-2 C	P+9 P+8 P+2	28.95 26.05 06.40	6245.24 5187.83 139.35	11717.95	4373.41	2158.07	6531.48	18248.5	130

Sr.No		Plot Area	Dedu.of FSI	Net plot Area	Building	Floors	Heights	F.S.I	Total FSI	Non FSI	Parking	Total Non FSI	Total Build up	Tenement
6	Revise Building Permission CC/0912/12/18/06/12	17200	Open space Amenity 2.4 BCDX	12317.04	A	BP+P+P+II	35.90	3331.59	13696.26	6479.54	5939.64	12414.18	26110.5	181
					B	BP+P+P+II	35.90	3662.45						
					C	BP+P+P+II	35.90	2868.27						
					D	BP+P+P+II	30.20	3833.95						
7	Revalidation Building Permission CC/3558/16 (10/03/2017)	17200	Open space Amenity 2.4 BCDX	12317.04	A	BP+P+P+II	35.90	3331.59	13696.26	6479.54	5939.64	12414.18	26110.5	181
					B	BP+P+P+II	35.90	3662.45						
					C	BP+P+P+II	35.90	2868.27						
					D	BP+P+P+II	30.20	3833.95						



 Junior engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation



 Deputy Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation



 Executive Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation

Annexure II

ANNEXURE IV			
WORK IN PROGRESS REPORT TILL DT.12/10/2021 AS PER SANCTION PLAN CC/3558/16, DT.10/03/2017 AND ACTUAL WORK DONE REPORT GIVEN BY LICENCE ARCHITECT			
BUILDING	FLOORS	TOTAL BUILT UP AREA	PRESENT STATUS
A		NILL	BASEMENT COLUMN CASTED
B	BP+P+P+II	4777.63 SQ.MTR.	BP+P+P+II FLOORS COMPLETED
C	BP+P+P+II	4332.30 SQ.MTR.	BP+P+P+II FLOORS COMPLETED
UTILITY & SERVICES		3347.44 SQ.MTR.	
	TOTAL	12457.37 SQ.MTR.	


 Junior engineer
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