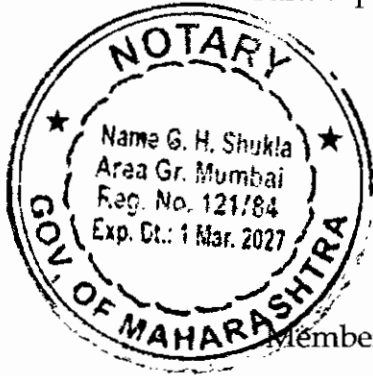


BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE, BENCH AT PUNE

ORIGINAL APPLICATION NO. 34 OF 2023 (WZ)

Sandeep Prakash Parkar & Anr.

.... Applicant



Versus

Member of Secretary, SEIAA Env't. Dept. & Ors Respondents

AFFIDAVIT IN REPLY BEHALF OF RESPONDENT NO. 3 & 4

I, Sachin D. Varise Age - 43 Years ; Occupation - Service working as Dy. Superintendent Of Garden; Indian Inhabitant, having its office at E ward Office Building, Office No. 51, 3rd Floor, Shaikh Haffizuddin Marg, Byculla (West), Mumbai 400008; do hereby state on solemn affirmation on behalf of Respondent No. 3 & 4 is as under:-

1. This application has been filed with the prayer that direction be issued to the Project Proponents i.e. Respondent Nos. 5 & 6 to create an open

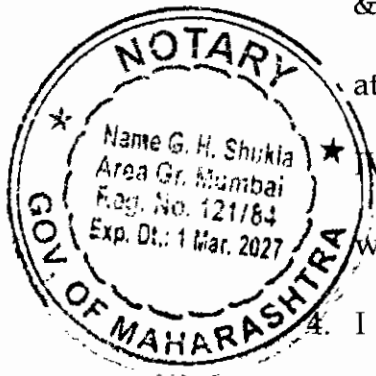
space of 39,775 sq. meters at the ground level out of total open space of 67,338 sq. meters, details of which are mentioned under Sub Clause (i) at page no. 15 of the paper book. Further, it is prayed that environmental compensation be levied from the Project Proponents on the basis of 'Polluter Pays Principle'; fine should be imposed on the Officers of Slum Rehabilitation Authority for blatant violation in granting Occupancy Certificate.

2. I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No. 3 & 4. I am filing this affidavit in reply thereto.

3. I say that, M/s. Skylark Buildcon Pvt. Ltd. vide their letter dt 29.01.2007 applied for permission for cutting/transplanting of trees coming in the work of construction of proposed Rehab Building No. 10 & 13, D.P. Road under S.R.A. Scheme on plot bearing C.S. No 286(pt);

at Lower Parel having Final Plot No. 1078, Town Planning Scheme - V of Mahim Division for Sai Sunder Nagar C.H.S.; Worli in G South Ward.

4. I say that the Tree Authority has granted approval under number MC/Chairman (T.A)'s sanction under no. MDG/6274 dt.30.04.07, Accordingly Supdt. The Gardens & Tree Officer issued Tree NOC Vide no. DYSG/TA/MC/151 dated 16.05.2007. Hereto annexed and marked as Exhibit 'A' is the copy of NOC.



5. I say that; M/s. Skylark Buildcon Pvt. Ltd. Vide their letter dated 23.07.2009 further applied for permission for removal of trees coming in the proposed construction on C.S. No 286(Pt) of lower Parel Division, Final plot No. 1076, 1077 & 1078, TPS-IV Mahim of M/s. Sai Sunder CHS in G South ward, Mumbai; The Tree Authority has granted approval; under no. MC/Chairman (T.A)'s MDG/9585 dt. 26.11.2009, accordingly Supdt. The Gardens & Tree Officer issued Tree NOC Vide no . DYSG/TA/MC/1210 dt 30.11.2009. Hereto annexed and marked as **Exhibit 'B'** is the copy of NOC.
6. I say that, the architect of the M/s. Skylark Buildcon Pvt. Ltd. on 05.06.2023 has submitted a letter to present Respondent for getting Part Completion tree NOC for proposed S.R. Scheme of Sai Sunder Nagar CHS Ltd. and other Societies on plot bearing final plot No. 1076,1077,1078 of TPS-IV of Mahim Division, C.S. No 286 (pt.) & 912 of Lower Parel Division and clubbed Scheme of Gomata Nagar CHS Ltd. on plot bearing C.S. No 438 & 1/268 of Lower Parel Division & Nehru Nagar CHS Ltd. on C.S. No 268 (pt), 268(pt), 437 (pt) of Lower Parel Division and with amalgamation of proposed S.R. Scheme of Balkrishna Gawde CHS Ltd. on plot bearing C.S. No 912 & C.S. No 286(Pt) with proposed S.R. Scheme of Mubadeveli Prabhadevi CHS (Prop.) & 7 other Societies on plot bearing C.S. No 911 & 2A/911 of Lower Parel Division in G/S Ward. Hereto annexed and marked as

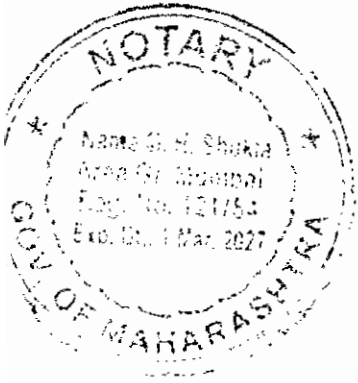
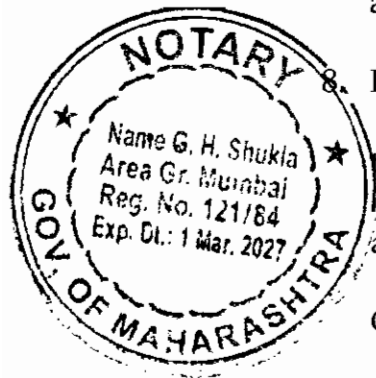


Exhibit 'C' is the copy of application filed by the architect M/s. Skylark Buildcon Pvt. Ltd.

7. I say that the application was received on 05.06.2023 through their architect from M/s. Skylark Buildcon Pvt. Ltd was processed. Thereafter the site was visited by the officer of the present Respondent along with the representative of the architect on 13.07.2023. During the inspection it is observed that as per the area calculation submitted by the architect, a total 194 number trees are required to be planted on the site. Further it is observed that the M/s. Skylark Buildcon Pvt. Ltd. has planted 206 trees on the site. However the deposit amount of Rs. 1,82,000/- has been forfeited for non survival of Transplanted trees and not planting of new trees within stipulated time period. Hereto annexed and marked as Exhibit 'D' is the copy of the inspection report along with approval to forfeit the deposit amount.



I say that, the Part Plantation Completion Certificate has been issued to applicant vide letter Dy Sg/C/24/OC Dated 24.07.2023. Hereto annexed and marked as Exhibit 'E' is the copy of Part Plantation Completion Certificate.

9. The Respondents submits that the present respondents will abide by any directions of this Hon'ble Tribunal.
10. This Respondent craves leave to add, alter or amend the aforesaid averments as and when necessary.

01/09/2023

Mumbai

[Signature]
Respondent 3 & 4

[Signature]
Advocate for Respondent 3 & 4

VERIFICATION

I, Sachin D. Varise Age - 43 Years ; Occupation - Service working as Dy. Superintendent Of Garden; Indian Inhabitant, having its office at E ward Office Building, Office No. 51, 3rd Floor, Shaikh Haffizuddin Marg, Byculla (West), Mumbai 400008; do hereby state on oath on behalf of Respondent No. 3 & 4 that, the contents of this Affidavit in Reply are true and correct and explained it to me in vernacular language and same is true and correct to the best of my own knowledge and belief.

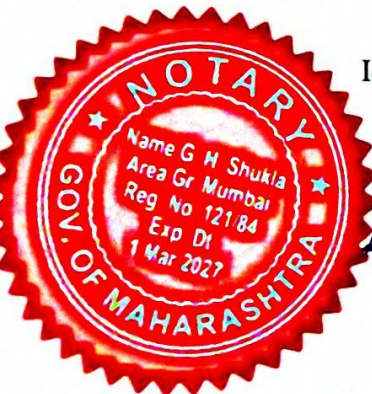
Solemnly affirmed at Mumbai)

This 01st day of September 2023)



01 SEP 2023

Identified & Explained By



[Signature]
Advocate



[Signature]
Deponent
BEFORE ME

G. H. SHUKLA,
NOTARY GREATER MUMBAI
Jagdamba Bhavan, Ground Floor,
Ganpatrao Kadam Marg, Lower Park
MUMBAI 400 015

NOTED & REGISTERED
Sr. No. 52585/2023
Dated 01 SEP 2023

01 SEP 2023 98

**MUNICIPAL CORPORATION OF GREATER MUMBAI
TREE AUTHORITY**

(F)

Office of the Supdt. of Gardens
Veermata Jijabai Bhosale Udyan,
Dr. Ambedkar Road Byculla(East),
Mumbai-400 027.
No. DYSG/TAI/MC/157
Date:- 16/5/07

9
020

TRUE COPY

Hemant Parikh & Associates

To,
M/s. Skylark Built & M. Vaidya Enterprises
54-B 402 SAFAY AVENUE
5th Floor, Jn. of J.V. Road &
Lalubhai Park Road, Andheri (W)
Mumbai - 400058.

24

Sub : Permission for removal/removal by transplanting
of trees coming in the construction of Prop.
Rehab Bldg on N.B.D.P. Road under S.R.P.
Scheme on (T) bearing C.S. No. 286 (P) Lower
Parcel Pt. No. 1078 of the Mahim B.V. for
Sunder Nagar C.M. Work.

Ref: 1) Your proposal dt. 22.1.07
2) Tree Authority's Resolution No. _____ dt. _____
(M.C./Chairman (T.A)'s sanction under no.
MDA/6224 dt. 30.4.07.

Sir/Madam,

With reference to above it is to inform that your request for removal
of trees coming in the work of proposed development has been considered
by the Tree Authority under section 8(3) of The Maharashtra (Urban Areas)
Protection & Preservation of Trees Act 1975, as modified upto 9th June
2004. The permission for cutting of 03 trees (bearing tree Sr.No.
6. 12. 13)

and transplanting of 01 trees (bearing tree Sr.No. 3)

) is given by the Tree Authority
vide its Resolution No. _____ dt. _____ M.C./Chairman, Tree
Authority's Sanction No. MDA/6224 dt. 30.4.07.

The remaining 09 trees (bearing tree Sr.No. 1. 2. 4. 5. 7. 8.
9. 10. 11)

should be retained as it is.

As per the provision under section 8(3)(a) of the said Act, you are
hereby directed that no tree shall be cut/transplanted until fifteen days (15)
after the permission is given by the Tree Authority.

As shown by you in the plan in yellow colour, you are directed to
plant 06 trees in the said property within 30 days in accordance with the
provision under section 8(5) of the said Act and intimate to the Tree Officer
about the action taken thereto.



Further in accordance with the provision under section 11(1) of the said Act, you are hereby directed to plant requisite number of trees as per the norms of the Tree Authority i.e. in open spaces two (2) trees per 100 sq.mtr. and in R.G.Area Five(5) trees per 100 sq.mtr. and care should be taken so that tree grows properly and give a report to the Tree Officer about the condition of these trees once in six months for a period of 3 years.

As per provision under section 19(b), you are directed to obtain the N.O.C. of the Tree Officer for planting of trees in open spaces as well as in R.G.Area as per the norms of Tree Authority before getting occupation / completion certificate of the newly constructed building.

Your attention is kindly drawn to the provisions under section of 21 of The Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975, as modified on 9th June 2004.

- 21(1) Whoever fells any tree or causes any tree to be felled in contraventions of the provisions of the Act or without reasonable excuse fails to comply with any order issued or condition imposed by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority or the Tree Officer or any Officers and Servants subordinate to him in the discharge of their functions under this Act, shall, on conviction, be punished with the fine of not less than one thousand rupees which may extend upto five thousand rupees for every offence and also with imprisonment for a term of not less than one week, which may extend upto one year.
- (2) The felling or causing of felling of each tree without the permission of the Tree Authority shall constitute a separate offence.

Thanking you.

Yours faithfully,

91
Supdt. of Gardens
& Tree Officer. *210*

Copy to :-

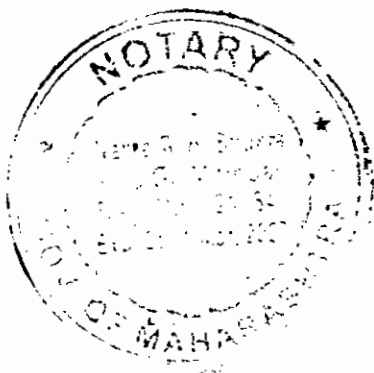
- 1) M/S. _____

For information with reference to your application vide No. _____ dt. _____

- 2) Asstt. Commissioner (_____) Ward.
- 3) DySG (City / WS / ES) with a copy of the plan.

For information and necessary action please.

Supdt. of Gardens
& Tree Officer.



318
07.10

**MUNICIPAL CORPORATION OF GREATER MUMBAI
TREE AUTHORITY**

Office of the Supdt. of Gardens
Veermata Jijabai Bhosale Udyan,
Dr. Ambedkar Road Byculla (East),
Mumbai-400 027.
No. DYSG/TA/MC/1210
Date:- 30/11/09

To,
M/s. SKYLARK BUID
34-B, 402 5997 Avenue
5th Floor
Jn. of S.V. Road & Lalambhai Park Road
Andheri (W), Mumbai-5

Sub : Permission for removal/removal by transplanting
of trees coming in the Prop. Construction of Rehab.
Building No. 2, 3 & 4 on Plot bearing C.S. No. 28617A
Lower Patel, F.P. No. 1028 T.P.S. & M.A.M. Division
Ev. In Jander Nagar, Waver under D.C.R. 33(10) S.R.A

- Ref : 1) Your proposal dt. 23.7.2009
2) Tree Authority's Resolution No. _____ Dt. _____
/M.C./Chairman (Tree Authority)'s sanction under
No. MDG/9585 dt. 26.11.2009

Sir/Madam,

With reference to above it is to inform that your request for removal of
trees coming in the work of proposed development has been considered by the
Tree Authority under section 8(3) of The Maharashtra (Urban Areas) Protection
& Preservation of Trees Act 1975, as modified upto 9th June 2004. The
permission for cutting of _____ trees (bearing tree Sr.No. 5, 14, 16, 18, 19,
21, 22, 25, 27, 29, 31, 33, 34) _____

_____) and transplanting of
07 trees (bearing tree Sr.No. 12, 20, 21A, 26, 28, 31, 33) _____

_____) is given by the Tree Authority vide its
Resolution No. _____ dt. _____ /M.C./Chairman, Tree Authority's Sanction
No. MDG/9585 dt. 26.11.2009

The remaining 07 trees (bearing tree Sr.No. 1, 4, 7, 11) _____

_____) should be
retained as it is.

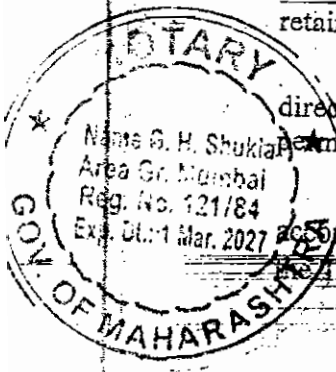
As per the provision under section 8(3)(a) of the said Act, you are hereby
directed that no tree shall be cut/transplanted until fifteen days (15) after the
permission is given by the Tree Authority.

You are directed to plant 32 trees in the said property within 30 days in
accordance with the provision under section 8(5) of the said Act and intimate to
the Tree Officer about the action taken thereto.

TRUE COPY

SANJAY NEVE (26)
Architect

302, Oomkareshwar Linking Road,
Dahisar (W), Mumbai-400 068
Regd. No. CA/24/233



Further in accordance with the provision under section 11(1) of the said Act, you are hereby directed to plant requisite number of trees as per the norms of the Tree Authority i.e. in open spaces two (2) trees per 100 sq.mtr. and in R.G.Area Five(5) trees per 100 sq.mtr. and care should be taken so that tree grows properly and give a report to the Tree Officer about the condition of these trees once in six months for a period of 3 years.

As per provision under section 19(b), you are directed to obtain the N.O.C. of the Tree Officer for planting of trees in open spaces as well as in R.G.Area as per the norms of Tree Authority before getting occupation / completion certificate of the newly constructed building.

Your attention is kindly drawn to the provisions under section of 21 of The Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975, as modified on 9th June 2004.

- 21(1) Whoever fells any tree or causes any tree to be felled in contraventions of the provisions of the Act or without reasonable excuse fails to comply with any order issued or condition imposed by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority or the Tree Officer or any Officers and Servants subordinate to him in the discharge of their functions under this Act, shall, on conviction, be punished with the fine of not less than one thousand rupees which may extend upto five thousand rupees for every offence and also with imprisonment for a term of not less than one week, which may extent upto one year.
- (2) The felling or causing of felling of each tree without the permission of the Tree Authority shall constitute a separate offence.

As per direction of the Tree Authority, you are hereby directed to submit the photographs taken while transplanting of trees and the C.D. of the transplantation of the trees, so as to ensure proper transplantation of the trees.

Thanking you.

Yours faithfully,
[Signature]
30/11
Supdt. of Gardens
& Tree Officer.

Copy to :-

- 1) M/S. _____
- _____
- _____

For information with reference to your application vide No. _____ dt. _____

- 2) Asstt. Commissioner (_____) Ward.
- 3) DySG (City / WS / ES) with a copy of the plan.

For information and necessary action please.

Supdt. of Gardens
& Tree Officer.

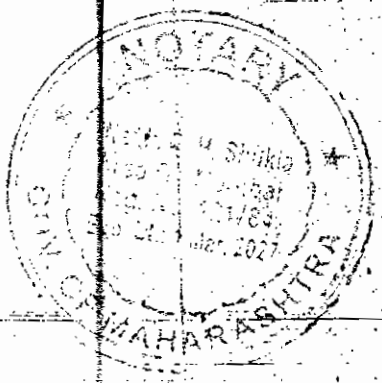


Exhibit - C

16-P
09/06/2023
353

SANJAY NEVE & ASSOCIATES

Architect

302, Oomkareswar, Linking Road, Behind Kanderpada Talav, Dahisar (West), Mumbai - 400 068.
Fax : 022-28956052 Office : 022-28903656 Mob. : 09821025966 • Email : arch.neve@gmail.com

Date: 05/06/2023

To,
Dy. Superintendent of Garden,
Zone-II, Garden Department,
'E' Ward, Byculla, Mumbai.

Sub: Application for Part Completion of Tree NOC for proposed S. R. Scheme of Sai Sunder Nagar CHS Ltd. & other Societies on plot bearing F. P. No. 1076, 1077, 1078 of TPS - IV of Mahim Division, C. S. No. 286 (pt.) & 912 of Lower Parel Division and clubbed scheme of Gomata Nagar CHS Ltd. on plot bearing C. S. No. 438 & 1/268 of Lower Parel Division & Nehru Nagar CHS Ltd. on C. S. No. 268 (pt.), 286 (pt.), 437 (pt.) of Lower Parel Division and with amalgamation of proposed S. R. Scheme of Balkrishna Gawade CHS Ltd. on plot bearing C. S. No. 912 & C. S. No. 286 (pt.) with proposed S. R. Scheme of Mubadeveli Prabhadevi CHS (Prop.) & 7 other Societies on plot bearing C. S. No. 911 & 2A/911 of Lower Parel Division, in G/S Ward.
Ref: DYSG/TA/ML/1210 dated 30/11/2009.

Dear Sir,

With reference to the above mentioned property, we are requesting for tree final NOC, earlier we obtained tree cutting and transplanting NOC as per mentioned above. The copy of the same is attached herewith. The tree requirements are calculated in following table:

Plantation of tree with respect to plot area:

Sr. No.	Description	Area in Sq.Mts.	Remarks																																		
1)	Plot area	25831.57	---																																		
2)	Plinth area	16178.30	<table border="1"> <tr><td>Sale Building</td><td>9853.07 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 1</td><td>453.43 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 2</td><td>447.32 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 3</td><td>441.88 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 4</td><td>665.45 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 5</td><td>387.20 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 6</td><td>434.03 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 7</td><td>335.64 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 8</td><td>406.02 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 9</td><td>485.50 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 10</td><td>406.02 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 11</td><td>357.83 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 12</td><td>357.83 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 13</td><td>273.88 Sq.Mts.</td></tr> <tr><td>Rehab Building No. 14</td><td>462.15 Sq.Mts.</td></tr> <tr><td>Receiving Station</td><td>322.05 Sq.Mts.</td></tr> <tr><td>U. G. Tank</td><td>89.00 Sq.Mts.</td></tr> </table>	Sale Building	9853.07 Sq.Mts.	Rehab Building No. 1	453.43 Sq.Mts.	Rehab Building No. 2	447.32 Sq.Mts.	Rehab Building No. 3	441.88 Sq.Mts.	Rehab Building No. 4	665.45 Sq.Mts.	Rehab Building No. 5	387.20 Sq.Mts.	Rehab Building No. 6	434.03 Sq.Mts.	Rehab Building No. 7	335.64 Sq.Mts.	Rehab Building No. 8	406.02 Sq.Mts.	Rehab Building No. 9	485.50 Sq.Mts.	Rehab Building No. 10	406.02 Sq.Mts.	Rehab Building No. 11	357.83 Sq.Mts.	Rehab Building No. 12	357.83 Sq.Mts.	Rehab Building No. 13	273.88 Sq.Mts.	Rehab Building No. 14	462.15 Sq.Mts.	Receiving Station	322.05 Sq.Mts.	U. G. Tank	89.00 Sq.Mts.
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Receiving Station	322.05 Sq.Mts.																																				
U. G. Tank	89.00 Sq.Mts.																																				
3)	Area under Interna' Road	564.88	---																																		



354

उप उद्यान अधीक्षक (शहरे)
'ई' विभाग
05 JUN 2023
क्रमांक: 24/0C

Dir Secy: 24/0C/Prop/DB/MBG/
Date: 2-6-23

सहा. उ.अ./एफ दक्षिण, एक/उत्तर, जी/दक्षिण, जी/उत्तर विभाग
मुख्य लिपिक (आस्था)/(सर्व. ग.)/(व. प्रा.)/(घो. वृ.)
पुढील आवश्यक त्या कार्यवाही: अ.रे.ग.
Proposed part up
[Signature] 18/6/23
उप उद्यान अधीक्षक (परि.उ.)

ACGS/ 471341 IASG - 101.18.07.2023

DySG (Zone II)

Sir proposal to issue part NOC to OC
is submitted alongwith tree inventory
and site visit report for further
approval please.

[Signature] 18/7/23

पुणे नगरपालिका
सहायक आयुक्त (जी/दक्षिण)
09 JUN 2023
वेळ १२,१३,१४,१५,१६,१७,१८,
१९,२०,२१

4501
E/471341 IG/S Ward Dis
E/471341/2023 IG/S Ward Dis

उप उद्यान अधीक्षक (शहरे)
ई विभाग
18 JUL 2023
क्र. 24/0C/II

- HA-I/HA-II/HA-III, G/S
- 1) Pl. inspect report with action & D/R
- 2) Pl. Process further/report further.
- 3) Pl. take n.a.
- 4)

NOTARY
Name G. H. Shukla
Area Gr. Mumbai
Reg. No. 121104
Exp. Date Mar. 2023
MAHARASHTRA

[Signature] 9/7/23
Asstt. Supdt. of Gardens G. S. S. S.

सहा. उ.अ./एफ दक्षिण, एक/उत्तर, जी/दक्षिण जी/उत्तर विभाग
मुख्य लिपिक (आस्था)/(सर्व. ग.)/(व. प्रा.)/(घो. वृ.)
पुढील आवश्यक त्या कार्यवाही: अ.रे.ग.

[Signature] 9/7/23
उप उद्यान अधीक्षक (परि.उ.)



4)	Paved R.G.	2454.52	---
5)	Balance open space	6633.87	$6633.87/100 \times 2 = 132.68$ Say 133.
6)	Total tree plant		133 Nos.

Plantation of trees with respect to cutting of trees:

Sr. No.	Description	Calculation of trees
1)	Total trees allowed to cutting as per permission	19 Nos.
2)	Trees to be planted as per cut trees (19 nos. X 2)	38 Nos.
3)	Total trees to be planted	38 Nos.

Now my client has planted 206 Nos. of trees as per Norms of Tree Authority. We enclosed the photographs of the same for your kind consideration please.

You are requested to grant us Part Tree Completion as early as possible.

Thanking you,

Yours faithfully,

S. NEVE.
Architect.

Encl:

1. CC Copy of All Building.
2. Photographs of newly planted trees.
3. Old tree permissions.
4. Appointment letter of Architect.



356
Skylark

Buildcon Pvt. Ltd

CIN : U45202MH2010PTC206561

Date:24/12/2019

To,
Shri. Sanjay S. Neve
Architect
Sanjay Neve & Associates
302, Oomkareshwar ,
Linking Road,
Dahisar (West),
Mumbai -400 068.
Phone: +91 9821025966

Sub: Appointment of Architect for proposed Redevelopment Scheme on plot bearing.

1. C.S no.286(pt),911,1/911,2/911,2A/911 3/911 AND 912 (PT) of Lower Parel Division & F.P.NO 1044,1045,1047,1072,1076,1077& 1078 of TPS-IV,Mahim Division of " Sai Sunder CHS (prop.)" at Dr.Annie Besant Road Prabhadevi , Mumbai -400 025.
2. C.S No 438 and C.S No.268 (pt.),286 (pt.) and 437 (pt.)of Lower Parel Division , for Gomata CHS (prop.)and Nehru Nagar CHS (prop.)respectively.

Dear Sir,

I/We hereby engage/ appoint you as my/our Architect for the above-mentioned work on following terms and conditions:-

1. **Scope of Work:** To prepare submission drawings in manual and pre DCR format in co-ordination with the Client and Design Architect as & when he is appointed for their project and to be submitted to respective department to obtain the necessary approvals to obtain municipal approvals on my/our behalf by liaison with authorities for approval, to recommend appointing of structural consultants, service consultants, plumber and site supervisor/ clerk of work in consultation with us at our separate cost, periodical inspection and report of the progress or work periodically at your discretion as per exigencies, co-ordination with consultants appointed by Clients and providing them requisite details/



TRUE COPY

SANJAY NEVE
Architect

drawing etc ,issuing the completion certificate based on the certificate of completion of site Shukla

02, Oomkareshwar Linking Road,
Dahisar (West), Mumbai - 400 068

Regd. No. CA/84/B433

Sahana
Group of Enterprises

Sagar Avenue, 402, 54-B, Junction of S.V. Road & Lalubhai Park Road, Andheri (W), Mumbai - 400 058 India

Toll free no : +91 22 6675 3911/5584 2500, Fax.: 022 6704 9796/ 6673 3914

Email : enquiry@sahanagroup.com, Website : www.sahanagroup.com



submitting the same to authorities and to obtain Occupation permission/Building Completion Certificate from authorities. To supply 3 sets of drawing to Client apart from required for submission at each stage. To provide Information regarding premium, ASR/ Non ASR , RERA carpet , BUA /FSI statement for RERA.

2. For Day to day supervision I/We appoint qualified licensed site supervisor during execution of entire work.

3. Reporting and reviewing project status:

On accepting the offer, the Architect would be submitting a tentative approval programme covering full scope of work in consultation with Client. To submit weekly updates. Giving expert technical advice/ opinion from the point of view of applicability/ interpretation of Development Control Regulations and related policies of Government, Municipal and other local authorities. To attain fortnightly meeting with Client or whenever need arises

4. I/We agree to abide by all the conditions subject to which approvals are granted. You will not be responsible for any infringement of the same. On noticing any infringement of conditions or regulation you shall have the right to stop the work to which we shall abide forthwith.

5. If I/We do any work departmentally by our supply and purchase of the material. I/we shall be solely responsible for use of proper material and workmanship and you shall have all the rights given to an architect under the building contract, on the work.

6. A separate letter is issued to you stating professional fees payable, mode of pament shall be in accordance with the norms of PEATA.

7. The fees do not include obtaining any N.O.C./s from other departments or authorities, preparing perspectives, models, brochures etc.

8. You will not have the right to alter / amend/ amend and design/ drawing with out our approvals in writing which entails any financial implications.



9. STANDARD CONTRACT CONDITIONS

A TIME:

The Consultant shall perform basic & additional Services as expeditiously as is consistent with current standards of professional skills and care. A mutually acceptable schedule shall be established and except for reasonable cause shall not be exceeded by the Architect. Time is the essence of this Contract.

B Suspension or termination

This agreement may be terminated by either party upon thirty (30) days written notice. In case of suspension or abandonment of the project due to causes beyond the control of Client and it appearing that there is no possibility of resumption of work within a reasonable period, then and in that event this work order may be terminated by Client giving one months notice to the Consultant after paying the Consultant the fees due to them at that stage. Upon such termination, all data, plans, reports, summaries and other information, documents and materials as may have been accumulated by Consultant in performing this Work Order shall become the property of and shall be delivered to Client.

C Default of the Consultant

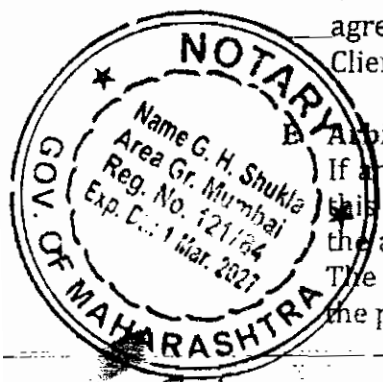
If in the opinion of the Client, the Consultant is in gross default for any breach or breaches in terms of this contract and the Consultant is will fully or otherwise neglecting or unable to repair or remedy the situation satisfactory within seven days from receipt of the notice in writing from the Client, then in such a case the Client, notwithstanding any previous waiver, shall appoint any other agency or agencies or employ his own workman to augment/supplement the work of the consultant to such extent as determined by the Client at the entire cost of the Consultant and cause the said breaches rectified/remedied.

D Extent of agreement

This agreement represents the entire and integrated agreement between Client and the Architect and superseded all other agreement written. This agreement may be amended only by written instrument signed by both Client and Architect.

Arbitration

If any disputes or difference arise between the Owner/Client in relation to this Contract under Conditions of Engagement, the same shall be referred to the arbitration of the arbitrator appointed by the Client and the Consultant. The provisions of the Arbitration and Conciliation shall be conducted as per the provision of the Arbitration and Conciliation Act, 1996. The decision and



award of the Arbitrator shall be final and binding on the Architect and his Client.

F Indemnity

The Consultant shall indemnify CLIENT against any claim arising due to patent/ copyrights violation for any item supplied &/or executed by you under this order.

G Non- Warranty

The Consultant agree to perform his services in accordance with generally accepted professional practices using available published codes, but makes no warranty either expressed or implied.

H Performance Diligence:

The Consultant will exercise all reasonable skills, care and diligence in the discharge of services under the scope of this contract.

I Confidentiality

You shall treat all documents, specifications, drawings and contents therein as private and confidential.

We hope that the above terms and conditions are comfortable and acceptable to you. You are requested to sign the duplicate copy of this work order including all pages as a token of your acceptance.

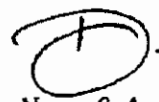
Thanking You,


TRUE COPY

SANJAY NEVE
Architect

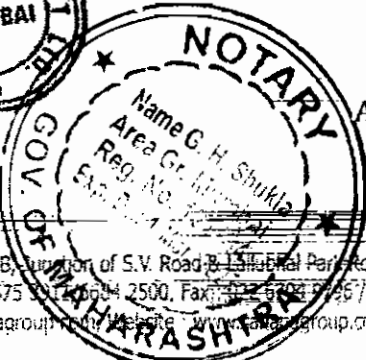
M/s Skylark Buildcon pvt.Ltd

102, Oomkareshwar Linking Road,
Dahisar (West), Mumbai - 400 068
Reg. No. CA/84/8433

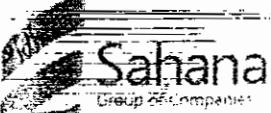

Sanjay Neve & Associates



Authorized Signatory



Authorized Signatory

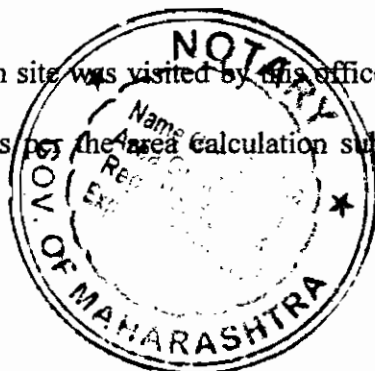


**BRIHANMUMBAI MUNICIPAL CORPORATION
TREE AUTHORITY**

Exhibit -D
360

1.	Proposal for remarks	Approval for granting part tree NOC
2.	Name of the proposed	Application for Part Completion of Tree NOC for proposed S.R. Scheme of Sai Sunder Nagar CHS Limited and other Societies on plot bearing F.P. No. 1076, 1077, 1078, of T.P.S. IV of Mahim Division, C.S. No. 286 (part) and 912 of Lower Parel Division with Amalgamation of proposed SR Scheme of Balkrishna Gawade CHS on plot bearing C.S. No. 912 and 286 (part) and proposed S. R. Scheme of Mumbadevi Prabhadevi CHS (proposed) and 7 other societies on plot bearing C.S. No. 911 & 2A/911 of Lower Parel Division in G/S Ward.
3.	Date of Completion of Shortfalls	: 17.07.2023
4.	Date of Inspection	: 13.07.2023
5.	Observation	:
I.	Whether earlier NOC from Tree Authority is taken	1. DYSG/TA/MC/151 dt 16/05/07 2. DYSG/TA/MC/1210 dt 30/11/09
II	If taken	
	a) Nos of trees permitted to cut	: 19 Nos
	b) Nos of trees permitted to transplant	: 07 Nos
	c) Nos. Of trees permitted to retained	: 09 Nos
	d) Nos. Of trees directed to plant	: 38 Nos
III	Area Statement for plantation of trees	
	a. Open space	Nos of trees required as per norms
	6633.87 Sq.m	133 Nos
	b. Recreation Ground	Nos of trees required as per norms
	-	-
IV	a) Nos, of existing old trees	: 04 Nos. + 05 Nos. of trees (Self grown trees)
	b) Nos. Of newly planted trees	: 206 Nos
	c) total nos of trees on plot / site	: 215 Nos

The above mention site was visited by this office along with the representative of the architect it was observed that as per the Area calculation submitted by the architect, 133 nos of trees are



required to be planted on the site. 38 nos of trees to be planted as per the permission granted against cutting of 19 nos of trees. Also 14 nos of tree to be planted against the non survival of 7 nos of transplanted trees and 10 trees against the non survival of 05 nos of retained trees . In all $133 + 38 + 14 + 10 = 195$ Nos. Of trees.

In this proposal as stated by the architect only a part of the overall layout is considered for tree NOC i.e 25,831 sq.m. presently the remaining portion of the layout is encumbered and there is no scope of plantation at this stage. Further plantation will be possible only after the further development of the layout as proposed by the developer. Hence in this proposal the new plantation is considered only for the open space available in developed layout of 25,831 sq.m.

The applicant has planted 206 nos of trees as per the area statement submitted and other compensatory plantation. Hence Supdt. Of Gardens and Tree Officer's approval is requested to forfeit the deposit amounting to ₹ 74,000/- paid against transplantation, for non survival of 07 nos. of transplanted trees and to forfeit of deposit for not doing compensatory plantation in stipulated time period, in lieu of cutting of trees amounting to ₹ 1,08,000/- i.e. Total ₹ 1,82,000/- and to issue part tree NOC for above mentioned project.

If approved, part tree NOC will be issued please,

Submitted please,

Mully
18/7/23
J.T.O 'GS Ward'

Ay 18/7/23
A.S.G 'GS Ward'

Trav
21/7/23
Dy.S.G (Z-II)

9
24/7/23
Supdt. Of Gardens
&
Tree Officer



**BRIHANMUMBAI MUNICIPAL CORPORATION
TREE AUTHORITY**

Exhibit 'E'

362

Office of the Supdt. of Gardens
Veermata Jijabai Bhosale Udyan,
Penguin Building, 2nd Floor
Dr. Ambedkar Road, Byculla (East),
Mumbai-400 027.

To,
M/s. Skylark Buildcon Pvt Ltd,
64-B, 402, Sagar Avenue, 5th floor,
Junction of S.V.Road & Lallubhai Park Road,
Andheri (W), Mumbai- 400058

Dy.S.G./C/ 24 /CC-OC/Prep/DD/ MDG/

Date:- 24-07-2023

Sub :- Part completion of tree plantation for the proposed S.R.Scheme of Sai Sunder Nagar CHS Ltd & Other Societies on plot bearing F.P.no. 1076, 1077, 1078 of TPS-IV of Mahim Div,C.S.no. 286 (pt) & 912 of Lower Parel Div. with amalgamation of proposed S.R.Scheme of Balkrishna Gawade CHS Ltd on plot bearing C.S. no.912 & C.S.no. 286(pt) and proposed S.R.Scheme of Mumbadevi Prabhadevi CHS (prop) & 7 other societies on plot bearing C.S.no. 911 & 2A / 911 of Lower Parel Div in 'G/South' ward

Ref:- 1.DySG /TA/MC/ 151 dt. 16.05.2007.
2. DySG /TA/MC/ 1210 dt. 30.11.2009

Please refer to your Architect **M/s.Sanjay Neve & Associates** letter no. Nil dt 05.06.2023 & 17.07.2023 on the above cited subject.

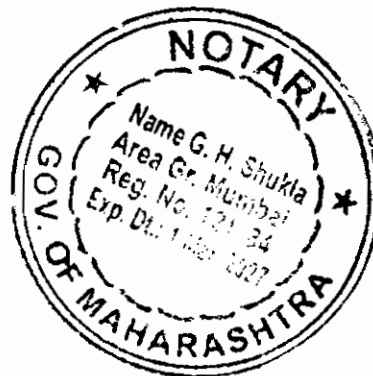
It is to certify that 206 (Two hundred Six) nos. of trees have been planted as per the norms in the said property.

Further in accordance with the provision under section 11 (1) of the Maharashtra (Urban Areas) Protection & Preservation of Tree Act 1975 . You are hereby directed to take utmost care of the newly planted trees. So that the these grow property along with 09 (Nine) numbers of existing old trees and give a report to the Tree Officer about the condition of these trees once in a three months for a period of 07 years.

You are further directed that, while handing over the said property to owner /Society or authorized person, all the trees as mentioned above existing on the site also should be handover to them with tree inventory & proper record with due acknowledgment from them.

You are directed to obtain Tree N.O.C. at the time of commencement of further development of remaining plot and plant requisite number of trees as per provision of Maharashtra (Urban Areas) Protection & Preservation of Tree Act 1975 (Modified upto 2021) and as per norms of Tree Authority .

Thanking you .



Yours faithfully,

[Signature]
24/7/23
Supdt. Of Gardens
& Tree Officer

Asstt. Comm.'G/South' ward
Sir,

For information please.

[Signature]
24/7/23
Supdt. Of Gardens
& Tree Officer

M/s.Sanjay Neve & Associates
302, Oomkareswar , Linking road,
behind Kanderpada Talav , Dahisar (W)
Mumbai - 400068

[Signature]
24/07/2023

[Signature]
24/7/23
Supdt. Of Gardens
& Tree Officer

[Signature]
24/7/23
Dy. Superintendent of
Garden (Z-III)

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
WESTERN ZONE, BENCH AT
PUNE
ORIGINAL APPLICATION NO. 34 OF
2023 (WZ)**

**Sandeep Prakash Parkar & Anr.
..Applicant**

Versus

**Member of Secretary , SEIAA Env't.
Dept., & Ors. ..Respondents**

**Affidavit In Reply Behalf of
Respondent No. 3 & 4**

Dated: 01st September 2023.



**Shri. Sunil Sonawane & Ors
Advocate for Applicant/Respondents
Legal Department, Municipal
Corp'n. Of Greater Mumbai,
Mahapalika Marg, Fort, Mumbai –
400 001.**