

SWORN AND EXECUTED 991
BEFORE ME ON 24/03/2025

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

Original Application- 201/2023

Charan Ravindra Bhatt

...Applicant

Versus

Wetlands Division MoEFCC & Ors

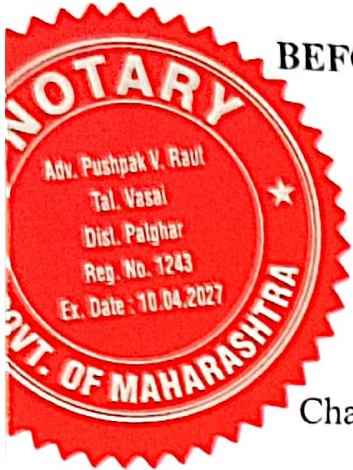
...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 3
& 4 VASAI VIRAR CITY MUNICIPAL CORPORATION

I, Y S Reddy, Aged 56 years working as the Deputy Director of, Town Planning Department in Vasai Virar City Municipal Corporation having office at, Virar West.

I say that I am working as the Deputy Director of the Town Planning Department and I am aware of the facts of the present Original Application and hence I am competent to swear the present Affidavit in Reply. The Answering Respondent hereby denies the contents of the entire Original Application in it's


Deputy Director Town Planning
Vasai Virar City Municipal
Corporation.



SERIAL NO	0	1	3	7
DATE:	24	03	20	25





entirely, except specifically admitted, nothing herein may be deemed to be admitted for lack of a specific traverse.

Preliminary Objections

2) At the outset the Answering Respondent seeks to raise preliminary objection with respect to the filing of this Original Application. The Applicant has chosen to be silent with respect to the pleadings of the Cause of action and limitation. This Original Application could not even have been registered without the pleading of how and when the cause of action arose and how does it fit within the prescribed period of limitation as per the provisions of the National Green Tribunal Act, 2010. for such a pleading is not merely a formality but is a requirement of the law thus the present Application be dismissed for not following the format of the National Green Tribunal Act and the rules.

Reply

3) The Answering Respondent submits that the constructions of the Respondent No. 10 located at Survey Nos. 99, 100, 101,


Deputy Director Town Planning
Vasai Virar City Municipal
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104, 105, 192 193 of the Village Sasunavghar are not wetlands nor are they affected by the provisions of the Coastal Regulation Zone Notification. The said permission was granted by the Answering Respondent on 30.06.2022 a Copy of the said permission is here to Annexed and marked as **Annexure R4-1**.



4) The Answering Respondent further submits that such permission has been granted only after carefully going through the brief Document of the wetlands pertaining to the district of Palghar as per which the abovementioned survey Numbers are not classified as wetlands.



5) The Hon'ble High Court of Bombay in a few matters pertaining to the Village Sasunavghar has directed the Answering Respondent to grant permissions relying on the brief document. The Hon'ble High Court in it's order dated 12.04.2022 in Writ Petition No. 4365/2022 in the matter of Vijay Govind Patil V Union of India & Ors and in the matter of Writ Petition 303/2018 Ms. Kale Entertainment & Resorts Pvt. Limited v Union of India & Ors wherein the Hon'ble High


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Court has directed the Answering Respondent to consider the brief document and issue permissions in areas that are not earmarked as wetlands. A copy of the Orders of the Hon'ble Bombay High Court in Writ Petition No. 4365/2022 and Writ Petition No. 303/2018 is hereto annexed and marked as **Annexure R4-2 (Colly).**

- 6) The Answering Respondent while granting the said permissions has imposed certain conditions upon the project proponent those are Condition Number 35 *"As the Applicant has applied for NOC /clarification from the government regarding wetland then no construction / development / sale of plots will be permissible without obtaining NOC of the Environment Department. If the Applicant breaches this condition, the said permission stands cancelled without giving prior notice even under natural justice and giving opportunity to be heard."*
- Condition Number 36 *" The said proposal is partly affected by CRZ. But no construction is proposed in CRZ affected area, if any construction is found in CRZ affected area, the said*




**Deputy Director Town Planning
Vasai Virar City Municipal
Corporation.**

permission stands cancelled without giving prior notice even under natural justice and giving opportunity to be heard"

Condition Number 38 any breach of conditions will make this permission /order cancelled without giving any opportunity to be heard.

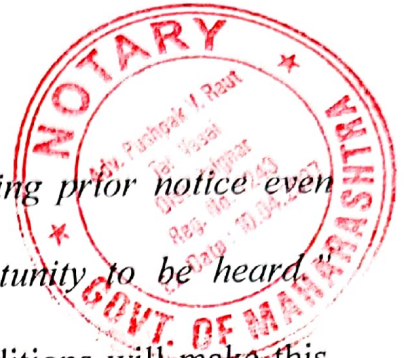
- 7) Thus considering that such stringent conditions have been imposed by the Answering Respondent, and the fact that the said permission has not been challenged as per the applicable statutes, considering the facts and circumstances in this case the above Original Application be dismissed.


Authorized Signatory for
Respondent No. 3 & 4
Deputy Director Town Planning
Vasai Virar City Municipal
Corporation.

Solemnly Affirmed on
this 24th Day of March 2025
At Virar.

BEFORE ME

PUSHPAK VASUDEO RAUT
ADVOCATE & NOTARY
110, 1st FLOOR, BALAJI CENTER
VEER SAVARKAR MARG, VIRAR (E)
TAL.VASAI, DIST. PALGHAR - 401305
MOB.9960332999 / 7030833321



मुख्य कार्यालय, विरार
विरार (पूर्व),
ता. वसई, जि. पालघर - ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०४/०५/०६
फॅक्स : ०२५०-२५२५१०७
ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म.
दिनांक :

VVCMC/TP/CC/VP-6475/96/2022-23

Dated 30/06/2022

To
1. Mr. Rajesh Nanda & Mr. Shashikant Mhatre
Partner of M/s. Lotus Growth Spaces
Mr. Manoj Purohit and Mr. Pratap Purohit and
Sky way infra project pvt. Ltd through Partner
MR. Nirmal Kumar Lavji Madhani &
Mr. Takhat Singh Berisaal Singh Deora
Lotus Growth Spaces, Plot no.02, Shivechapada,
Vasai Phata, Survey no.371/A, Village: Pelhar,
Tal; Vasai, Dist: Palghar, 401208
2. Ar. Devendra Mistry,
07/1st Floor, Royal apt.
Gurunanak Nagar, Ambadi road,
Vasai(w), 401202

SUB -- Commencement Certificate for proposed Industrial bldg on land bearing Plot no.23,24,25,28,29,30 & 31 S.No:99/B, S.no.99/C, S.no.100/1, S.no.100/2, S.no.100/3, S.no.100/4, S.no.101/A, S.no.101/D, S.no.101/E, S.no.104/1/2, S.no.105/1, S.no.192/2, S.no.193/3 & S.no.193/4 of Village: Sasunavghar, Taluka Vasai, Dist Palghar.

Ref -- 1) Your Architect's letter dated 31/12/2021

Sir / Madam,

Find enclosed Assessment order issued herewith as per Sec 124(E) of MR & TP Act 1966.

1	Name of Assessee owner / P.A. Holder	: Mr. Rajesh Nanda & Mr. Shashikant Mhatre Partner of M/s. Lotus Growth Spaces, Mr. Manoj Purohit and Mr. Pratap Purohit and Sky way infra project pvt. Ltd through Partner ,MR. Nirmal Kumar Lavji Madhani & Mr. Takhat Singh Berisaal Singh Deora
2	Location	: Sasunavghar
3	Land use (Predominant)	: Industrial bldg
4	Gross plot area (As per 7/12)	: 10551.11 Sqm.
5	Gross plot area (As per Measurement sheet)	: 10551.11 Sqm.
6	Net plot area	: 10551.11 Sqm.
7	Built up Area with reference to basic F.S.I Area (7)x Basic FSI 0.20	: 2110.22 Sqm.
8	Maximum Permissible Premium FSI-	: 8440.89 Sqm.
9	Proposed FSI on payment of premium	: 1383.00 Sqm.
10	Total Entitlement	: 3493.22 Sqm.
11	Ancillary area FSI upto 60% or 80% with payment of charges	: 2794.58 Sqm.
12	Total Entitlement	: 6287.80 Sqm.
13	Total proposed BUA (P-line) Area for Assessment	: 6283.98 Sqm.

As per UDPCR Regulation dtd 02/12/2020 Charges are as follows
Weighted Average of Open land value as per ASR 2022-23 = Rs. 4,369.47

a) On Plot/Land area	Industrial : 10551.1 Sq.m. x 32.77103	$\left\{ \begin{array}{l} \text{Rs. 4,369.47} \times 0.50\% \times 1.5 \\ \text{Rs. 4,369.47} \times 2.00\% \times 1.5 \end{array} \right\} =$	Rs. 3,45,770.69
b) On BUA	Industrial : 6283.98 Sq.m. x 131.0841		Rs. 8,23,729.86
Total Development Charges			Rs. 11,69,500.55
15 Less :	Development Charges Paid Vide		
	a) Receipt No.51432 dated 30/06/2022		= Rs. 4,15,000.00
	b) Receipt No.51416 dated 30/06/2022		= Rs. 4,40,000.00
	c) Receipt No.51422 dated 30/06/2022		= Rs. 1,04,500.00
	d) Receipt No.51427 dated 30/06/2022		= Rs. 1,04,500.00

VVCMC/TP/CC/VP-6475/36/2022-23

Dated 30/06/2022

e) Receipt No.51412 dated 30/06/2022	=	Rs. 1,08,500.00
	=	Rs. 11,72,500.00
16 Balance development charges to be paid	=	Rs. Nil
17 Date of Assessment	=	/ /2022
18 Premium Components	=	
a) BUA on paymnet of premium FSI @ the rate of 20% as per UDCPR	1383 Sq.m. x 873.89	{ Rs. 4,369.47 x 20% x 1 = Rs. 12,08,595.40
b) BUA on paymnet of Ancillary FSI @ area at the rate of 10% as per UDCPR	2794.58 Sq.m. x 436.95	{ Rs. 4,369.47 x 10% x 1 = Rs. 12,21,083.35
		Rs. 24,29,678.75
19 Less : Premium Paid Vide		
a) Receipt No.51431 dated 30/06/2022	=	Rs. 4,85,000.00
b) Receipt No.51415 dated 30/06/2022	=	Rs. 4,77,500.00
c) Receipt No.51421 dated 30/06/2022	=	Rs. 89,500.00
d) Receipt No.51426 dated 30/06/2022	=	Rs. 89,500.00
e) Receipt No.51411 dated 30/06/2022	=	Rs. 70,000.00
f) Receipt No.51430 dated 30/06/2022	=	Rs. 4,42,500.00
g) Receipt No.51414 dated 30/06/2022	=	Rs. 4,63,000.00
h) Receipt No.51420 dated 30/06/2022	=	Rs. 1,06,000.00
i) Receipt No.51425 dated 30/06/2022	=	Rs. 1,06,000.00
j) Receipt No.51410 dated 30/06/2022	=	Rs. 1,06,000.00
	=	Rs. 24,35,000.00
20 Balance Premium Charges to be paid	=	Nil
21 Labour Charges		
a) On Construction Area : 6283.98 Sq.m. x 26620.00 x 1%	=	Rs. 16,72,795.48
	=	Rs. 16,72,795.48
22 Less : Labour Charges Paid Vide		
a) Receipt No.51429 dated 30/06/2022	=	Rs. 6,06,000.00
b) Receipt No.51413 dated 30/06/2022	=	Rs. 6,34,500.00
c) Receipt No.51419 dated 30/06/2022	=	Rs. 1,44,500.00
d) Receipt No.51424 dated 30/06/2022	=	Rs. 1,44,500.00
e) Receipt No.51409 dated 30/06/2022	=	Rs. 1,45,000.00
	=	Rs. 16,74,500.00
23 Balance Labour CESS Charges to be paid	=	Nil
24 As requested by you vide letter _____ for balance payable amount, installment facility is hereby granted . The balance amount will attract 18% interest till the date of payment. The Schedule of payment is given below:		

SCHEDULE OF PAYMENT					
Sr. No	Amount for Development Charges (in Rs.)	Amount for Premium Charges (in. Rs.)	Amount for fire Charges (in Rs.)	Due Date of Payment	Interest (in Rs.)
-----Nil-----					



sal-
Commissioner
Vasai-Virar City Municipal Corporation

Certified that the above permission is issued by Commissioner VVCMC, Virar.

**Deputy Director,
VVCMC, Virar.**

मुख्य कार्यालय, विरार
विरार (पूर्व),
ता. वसई, जि. पालघर - ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०६/०५/०६

फॅक्स : ०२५०-२५२५१०७

ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म.

दिनांक :

VVCMC/TP/CC/VP-6475/97/2022-23

30/06/2022

To,

1. Mr. Rajesh Nanda & Mr. Shashikant Mhatre Partner of
M/s. Lotus Growth Spaces
Mr. Manoj Purohit and Mr. Pratap Purohit and
Sky way infra project pvt. Ltd through Partner
MR. Nirmal Kumar Lavji Madhani &
Mr. Takhat Singh Berisaal Singh Deora
Lotus Growth Spaces, Plot no.02, Shivechapada,
Vasai Phata, Survey no.371/A, Village: Pelhar,
Tal; Vasai, Dist: Palghar, 401208
2. Ar. Devendra Mistry,
07/1st Floor, Royal apt.
Gurunanak Nagar, Ambadi road,
Vasai(w), 401202

Sub: **Commencement Certificate for proposed Industrial bldg on land bearing Plot no.23,24,25,28,29,30 & 31 S.No:99/B, S.no.99/C, S.no.100/1, S.no.100/2, S.no.100/3, S.no.100/4, S.no.101/A, S.no.101/D, S.no.101/E, S.no.104/1/2, S.no.105/1, S.no.192/2, S.no.193/3 & S.no.193/4 of Village: Sasunavghar, Taluka Vasai, Dist Palghar.**

Ref :

1. Land Conversion Certificate from Tahasildar Vasai, (Revenue Dept) vide letter No: REV/K-1/T1/JAMINBAB/KAVI-4549/SR-583/2021 dtd.17/08/2021, REV/K-1/T1/JAMINBAB/KAVI-4552/SR-584/2021 dtd.17/08/2021,
REV/K-1/T1/JAMINBAB/KAVI-6500/SR-647/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6501/SR-646/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6503/SR-645/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6502/SR-644/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6514/SR-643/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6498/SR-649/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6499/SR-650/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6497/SR-648/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6513/SR-651/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6512/SR-653/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6516/SR-654/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6496/SR-655/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6515/SR-656/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6517/SR-657/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6504/SR-658/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6509/SR-659/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6505/SR-652/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6506/SR-642/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6507/SR-661/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6508/SR-660/2022 dtd.28/06/2022.



VVMC/TP/CC/VP-6475/97/2022-23

30/06 /2022

2. TILR M.R. No.1125/2021 dtd.05/01/2022 for measurement.
3. Your Architect's letter dated 31/12/2021

Sir/ Madam,

The Development Plan of Vasai Virar Sub Region is sanctioned by Government of Maharashtra vide Notification no TPS-1205/1548/CR-234/2005/UD-12 dated 09/02/2007. Keeping 113 EPS in pending. Further 5 EPS were approved vide Notification No. TPS-1208/1917/CR-89/09/UD-12 dtd. 13/03/2009, 31 EPS were approved vided Notification No.TPS-1208/1917/CR-89/09/UD-12 dtd 19/09/2009, Notification No. TPS-1208/1917/CR-89/08/UD-12 dtd 05/10/2009, 11EPS were approved vide Notification No.TPS-1209/1917/CR-89/09 UD-12 dtd. 4th April 2012, 1 EP was approved vide notification no.TPS-1214/975/CR-77/14/UD-12 dtd. 16th August 2014 and 64 EPs were approved vide notification no. TPS-1214/975/CR-77/14/UD-12 dtd. 27th February 2015. Govt. entrusted Planning Authority functions for respective jurisdiction of Vasai-Virar City Municipal Corporation vide notification no. TPS-1209/2429/CR-262/2010/UD-12 dtd. 07/07/2010. Further Vasai Virar City Municipal Corporation is appointed by Govt.of Maharashtra as SPA for 21 villages Arnala, Arnala Killa, Patilpada, Mukkam, Tembi, Kolhapur, Chandrapada, Tokri, Khairpada, Vasalai, Rangao, Doliv, Khardi, Khochiwada, Pali, Tivri, Octane, Tarkhad, Maljipada, Satpala & Kalamb, notification no. TPS-1214/UOR-54/CR-17/15/UD-12 dtd. The 21st February 2015. The Development permission is granted on the basis of unified Development Control and promotion Regulations which was published as per Govt. notification No. TPS-1818/CR-236/18/SEC 37 (1AA)/UD-13 dtd.2nd December 2020. In the capacity of as Planning Authority/Planning Authority for respective jurisdiction and SPA for 21 villages VVMC is functioning as per MRTP Act 1966. The details of permission are as under:.

As per the Public Interest Litigation (PIL) 87/2013 in Mumbai High Court directives are as under:.



One public interest litigation was filled by Vanashakti NGO against Government of Maharashtra for not following wetland rules 2010 according to which within one year brief document of the state Government to be prepared. Since Maharashtra has not prepared brief Document, it was directed to all Local Authorities / Planning Authorities of Maharashtra by Hon'ble High Court Mumbai that if any development is to be done in wetland area as per wetland Atlas leave of the court shall be taken. Again the Government of Maharashtra has issued notification U/s 154 of MRTP Act 1966 to all Municipal Corporations and other local Authorities, Municipal Councils to follow wetland Atlas and for any Development and reclamation leave of court is to be taken till brief document is prepared. Simultaneously as per the High Court order Government of Maharashtra Prepared brief Document through Collector Palghar and brief document is submitted to Govt. of Maharashtra by Collector Palghar on Dated 22/08/2016 and Dt.23/08/2018 and further same is submitted to Hon'ble High Court by State Government."

मुख्य कार्यालय, विरार
विरार (पूर्व),
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VVCMC/TP/CC/VP-6475/ **97/2022-23**

30/06/2022

The location is affected by Wetland as per wetland atlas. In PIL 87/2013 Hon'ble High Court of Mumbai gave directives to State Govt./M.C. to follow wetland atlas and in case if any development is envisaged leave of court is to be taken. Also High Court directed to prepare brief document. Collector, Palghar prepared and submitted brief document to Govt. and Govt. submitted the same to Hon'ble High Court. Recently in two cases Hon'ble High Court gave verdict to follow brief document. The case number Writ Petition No. 303 of 2019 with Interim Application No. 2312 of 2022 with Interim Application No. 1072 of 2021 and Writ Petition No. 4365 of 2022 are enclosed.

As per brief Documents as per Collector Palghar entire lands of village Sasunavghar Tal: Vasai Dist: Palghar. Doesn't fall under the category of wet land the Sasunavghar village is not the part of villages or pockets/sites which are declared or found to be wet land as per Collector Palghar brief report . the said brief documents of Collector Palghar has been submitted to Hon High Court Bombay is PIL 87/2013 and in the affidavit submitted by State Govt. it is clearly showed mentioned that only 87 sites in Palghar Dist are covered under the definition of wetland. The said fact of brief documents has been verified by this office as per the copy of brief documents received from the office of Collector Palghar on 17/06/2022.

As well Collector Palghar vide this letter No क्र/महसूल/क्र-१/जमीनवाच/Wet land/काचि-१०/२०२२ दि. ०७/०३/२०२२ sent report to Hon Principal Secretary (Environment dept) Govt. Wherein Collector Palghar clearly stated that, as per the application of Mr. Manoj Purohit, the S.No:99/B, S.no.99/C, S.no.100/1, S.no.100/2, S.no.100/3, S.no.100/4, S.no.101/A, S.no.101/D, S.no.101/E, S.no.104/1/2, S.no.105/1, S.no.192/2, S.no.193/3 & S.no.193/4 do not cover under the definition of wet land as per wet land rules 2017.

The conditions mentioned in the letter No.VVCMC/TP/CC/VP-6475/ dated / /2022 Are binding on you. The details of the layout is given below:

1	Name of Assessee owner / P.A. Holder	Mr. Rajesh Nanda & Mr. Shashikant Mhatre Partner of M/s. Lotus Growth Spaces, Mr. Manoj Purohit and Mr.Pratap Purohit and Sky way infra project pvt. Ltd through Partner MR.Nirmal Kumar Lavji Madhani & Mr. Takhat singh Berisaal Singh Deora
2	Location	Sasunavghar
3	Land use (Predominant)	Industrial bldg
4	Gross plot area (As per 7/12)	110196.00 sq.mt
5	Gross plot area(As per Measurement sheet)	10551.11 sq.mt
6	Net plot area	10551.11 sq.mt
7	Built up Area with reference to basic F.S.I Area (7)x Basic FSI 0.20	2110.22 sq.mt
8	Maximum Permissible Premium	8440.89 sq.mt



VCCMC/TP/CC/VP-6475/97/2022-23

30/06/2022

FSI-		
9	Proposed FSI on payment of premium	1383.00 sq.mt
10	Total Entitlement	3493.22 sq.mt
11	Ancillary area FSI upto 60% or 80% with payment of charges	2794.58 sq.mt
12	Total entitlement	6287.80 sq.mt
13	Total proposed BUA (P-line)	6283.98 sq.mt
14	No of bldg.	05 bldg

The details of the Buildings is given below:

Sr. No.	Predominant Building	Plot no.	Bldg No	No. of Floors	No. of Shops/ Gallas	Built Up Area (in sq. mt.)
1	Industrial Shed with BLDG.	23	1	Gr+2pt	05	2275.43 sq.mt
2	Industrial Shed	24 & 25	1	Ground only	01	2381.04 sq.mt
3	Industrial Shed	28	1	Ground only	01	541.87sq.mt
4	Industrial Shed	29	1	Ground only	01	541.87sq.mt
5	Industrial Shed	30& 31	1	Ground only	01	543.77sq.mt
Total AREA						6283.98 sq.mt

- 1) The commencement certificate shall remain valid for a period of one year for the particular building under reference from the date of its issue (Clause 2.7.1 of Unified Development Control and Promotion Regulations-2020).
- 2) You shall transport all the construction material in a good transport system and the material shall not be stacked in unhygienic / polluting condition/on road without permission of VCCMC.
- 3) You shall see that water shall not be stored to lead to unhygienic conditions like mosquito breeding/disease prone conditions.
- 4) You shall provide drainage, sewerage, water storage systems strictly to the satisfaction of Vasai-Virar City Municipal Corporation. Else occupancy certificate shall not be granted to you, which may please be noted.
- 5) You shall develop the access road to the satisfaction of Vasai-Virar City Municipal Corporation as per the width as shown in the approved plan (D.P. Road/ access



मुख्य कार्यालय, विरार
विरार (पूर्व),
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फॅक्स : ०२५०-२५२५१०७

ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म.

दिनांक :

VVCMC/TP/CC/VP-6475/37/2022-23

30/06 /2022

obtained as the case may be) before applying for Plinth Completion Certificate. You shall give detailed engineering report comprising reclamation level to be maintained, Storm Water drainage systems, sewerage systems and water supply (tank sizes etc) before applying for Plinth Completion Certificate.

- 6) You shall construct cupboard if any, as per UDCPR Regulation.
- 7) You shall provide Mosquito proof treatment in order to avoid Mosquito breeding to the satisfaction of VVCMC. Occupancy Certificate will not be granted if Mosquito treatment is not provided by providing Dr. Major Covells system of Mosquito proofing to control Malaria to the satisfaction of VVCMC.
- 8) You shall provide two distinct pipelines for potable and for non-potable water.
- 9) You shall provide the Rain Water Harvesting systems as per Govt. notification No.TBA-432001/2133/CR-230/01/UD-11 dtd. 10/03/2005 & TPB-4307/396/CR-24/2007/UD-11 dtd. 06/06/2007 by appointing the Rain Water Consultants empanelled by VVCMC. Occupancy Certificate shall be granted after certification of Rain Water Harvesting systems by said empanelled consultant of VVCMC.
- 10) You shall construct the compound wall /Retaining as per site condition which will be design & supervised by certified structural engineer before Plinth Completion Certificate.
- 11) You shall submit subsoil investigation report for structural stability & Rain water harvesting purpose before Plinth completion Certificate.
- 12) You are responsible for the disputes that may arise due to Title/ Access matter. Vasai-Virar City Municipal Corporation is not responsible for any such disputes.
- 13) You shall provide flush tanks in all W.C/Toilets with dual valve system.
- 14) You shall do structural Audit for the buildings under reference after 30 years of completion as per Government of Maharashtra Act No.6 of 2009.
- 15) You shall plant the plants by taking the sapling/Plants available with Vasai Virar City Municipal Corporation. You shall contact DMC, Vasai-Virar City Municipal Corporation and shall plant the same as will be directed by DMC, VVCMC under intimation to this office.
- 16) You are responsible for obtaining various permissions from other authorities subsequent to grant of permission like revised N.A order, PWD NOC, NOC from Highway Authority, NOC from Railway, NOC from MSEB, NOC from Eco Sensitive Zone, TWLS, MOEF, CRZ/wetlands etc., as may be applicable and N.A TILR as required as per N.A order and other applicable compliances. If any of the



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compliances as per other Dept/Acts/ requirements are not done, only you shall face the consequence arising out of such lapse from your side and VVC/MC is not responsible for the lapses from your side.

- 17) You are responsible for complying with all conditions of N.A. order/sale permission / other permissions of other authorities including MOEF/CRZ/wetlands, TWLS etc. In case of any violation with reference to conditions of N.A. order / permissions of other Authorities, only you shall be responsible for the said violation and the same may call for actions by Concerned Authority as per their statutory provisions. Vasai Virar City Municipal Corporation has no role in the said matters. However if any conditions pertaining to validity of said orders are not complied like validity of N.A. order etc. Only you are liable for any actions as may be contemplated by the said authority notwithstanding the permission granted by VVC/MC as the same need to be ensured by Concerned Authority.
- 18) You shall take all precautionary measures as per various statutory provisions including provisions as contained in National Building code of india in order to avoid injury/loss to lives and property during construction and till the property is handed over to the subsequent legitimate owner of the property. If any such incident occurs you are responsible for the same and VVC/MC is not responsible for your negligence, in providing various precautionary measures to avoid accidents leading to loss of life, injury or loss of property
- 19) The responsibility of obtaining any other statutory NOC as per other acts shall be with the applicant.
- 20) You are responsible for the disposal of Construction & Demolition Waste (debris) that may be generated during the demolition of existing structure & during the execution work of buildings.
- 21) You shall provide separate dust bins per wing of buildings for Dry & Wet waste & Composting unit as per MSW rules 2016 prior to Occupancy Certificate.
- 22) You shall abide by all conditions mentioned in MSW rules 2016 and guidelines/order about Solid Waste Management which needs to be implemented in your proposal from time to time as instructed by this office as per Swacch Bharat Mission and guidelines from VVC/MC and State/Central Govt. You shall submit compliance report regarding the above before approaching this office for grant of Occupancy Certificate
- 23) VVC/MC has asked IIT-Bombay and NEERI to prepare Comprehensive flood management plan by reviewing current development plan and past studies. The applicant shall have to adhere and do the necessary implementation as per recommendations of IIT Bombay and NEERI for flood management of Vasai Virar Sub region affecting for your layout.



मुख्य कार्यालय, विरार
विरार (पूर्व),
ता. वसई, जि. पालघर - ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०४/०५/०६

फॅक्स : ०२५०-२५२५१०७

ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म.

दिनांक :

VVCMC/TP/CC/VP-6475/97/2022-23

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- 24) You shall provide temporary toilet Blocks at site for labours/ Workers for the ongoing construction activity. The temporary constructed toilets blocks shall be demolished before final Occupancy Certificate.
- 25) You shall provide Septic tank & Underwater tank on site as per IS Code 2470.
- 26) You will be liable to pay any charges/areas with applicable interest for your proposal as and directed by VVCMC/any other competent authority.
- 27) You shall provide Grey Water recycling plant for said layout, if applicable.
- 28) You shall provide Solar Assisted water heating SWH system to said layout if applicable.
- 29) Fire infrastructure charges to be paid as per guidelines from Govt. of Maharashtra.
- 30) You should provide lightening resistant system and produce the Certificate from Licensed agency for each building at the time of Occupancy Certificate.
- 31) Right to access agreement shall be submitted before Commencement of work failing to which this Commencement Certificate stands invalid.
- 32) This permission is subject to verdict in the Hon'ble High Court, Mumbai in PIL 27/2022 regarding Green Zone notification of Government of Maharashtra. Decision of the verdict is binding on you if the verdict goes against the State then said permission Stands Cancelled.
- 33) If any legal matter arises at any Civil/Criminal Courts or in Hon'ble High Court, any revenue/co-operative court or with any Govt. Authority like Police, NCILT, ED, etc., the said permission stand cancelled without giving prior notice or opportunity being heard.
- 34) You should provide lightening resistant system and produce the Certificate from Licensed agency for each building at the time of Occupancy Certificate.
- 35) As the applicant has applied for NOC/Clarification from Govt regarding wet land then no construction/development/sale of plots will be permissible without obtaining the NOC of environment dept of Govt. If applicant breaches this condition, the said permission stands cancelled without giving prior notice even under natural justice and giving opportunity to be heard.
- 36) The said proposal is partly affected by CRZ. But no construction is proposed in CRZ affected area, if any construction is found in CRZ affected area, the said permission



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stand cancelled without giving prior notice even under natural justice and giving opportunity to be heard.

- 37) You shall submit revised NA order for S.No. 100/1, 100/2, 101/D, 193/4 before commencement of work till no transaction in these Survey Numbers, even selling of Industrial Plots will not be permitted and if this is found the said permission stand cancelled without giving prior notice even under natural justice and giving opportunity to be heard.
- 38) Any breach of conditions will make this permission/order cancelled without giving any opportunity to be heard and notice.
- 39) You shall submit Highway NOC before commencement of work.
- 40) You shall develop existing road before Plinth Completion Certificate.
- 41) You shall demolish existing structure on plot no.3
- 42) You shall submit provisional Tree NOC before commencement of work.
- 43) You shall submit provisional fire NOC for required Industrial buildings before commencement of work.



Encl.: a/a.

c.c. to:

1. Asst. Commissioner, UCD,
Vasai-Virar city Municipal Corporation.
Ward office

Sal-
Commissioner
Vasai Virar City Municipal Corporation

**Certified that the above permission is
issued by Commissioner VVCMC, Virar.**

[Signature]
**Deputy Director,
VVCMC, Virar.**

मुख्य कार्यालय, विरार
विरार (पूर्व),
ता. वसई, जि. पालघर - ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०४/०५/०६

फॅक्स : ०२५० २५२५१०७

ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म.

दिनांक :

VVCMC/TP/SUB DIV/VP-6475/

/ /2022

To,

1. Mr. Rajesh Nanda & Mr. Shashikant Mhatre Partner of
M/s. Lotus Growth Spaces
Mr. Manoj Purohit and Mr. Pratap Purohit and
Sky way infra project pvt. Ltd through Partner
MR. Nirmal Kumar Lavji Madhani &
Mr. Takhat Singh Berisaal Singh Deora
Lotus Growth Spaces, Plot no.02, Shivechapada,
Vasai Phata, Survey no.371/A
Village: Pelhar, Tal; Vasai, Dist: Palghar
401208
2. Ar. Devendra Mistry
07/1st floor, Royal Apt.,
Nr. Nidan Diagnostic,
Gurunanak nagar,
Ambadi road, Vasai (west)

Sub: **Tentative Sub division of layout permission for Industrial Purpose on land bearing S.No:99/B, S.no.99/C, S.no.100/1, S.no.100/2, S.no.100/3, S.no.100/4, S.no.101/A, S.no.101/D, S.no.101/E, S.no.104/1/2, S.no.105/1, S.no.192/2, S.no.193/3 & S.no.193/4 of Village: Sasunavghar, Taluka Vasai, Dist Palghar.**

Ref :

1. Land Conversion Certificate from Tahasildar Vasai, (Revenue Dept) vide letter No: Land Conversion Certificate from Tahasildar Vasai, (Revenue Dept) vide letter No: REV/K-1/T1/JAMINBAB/KAVI-4549/SR-583/2021 dtd.17/08/2021, REV/K-1/T1/JAMINBAB/KAVI-4552/SR-584/2021 dtd.17/08/2021, REV/K-1/T1/JAMINBAB/KAVI-6500/SR-647/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6501/SR-646/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6503/SR-645/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6502/SR-644/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6514/SR-643/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6498/SR-649/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6499/SR-650/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6497/SR-648/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6513/SR-651/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6512/SR-653/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6516/SR-654/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6496/SR-655/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6515/SR-656/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6517/SR-657/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6504/SR-658/2022 dtd.28/06/2022, REV/K-1/T1/JAMINBAB/KAVI-6509/SR-659/2022 dtd.28/06/2022,



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/ /2022

REV/K-1/T1/JAMINBAB/KAVI-6505/SR-652/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6506/SR-642/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6507/SR-661/2022 dtd.28/06/2022,
REV/K-1/T1/JAMINBAB/KAVI-6508/SR-660/2022 dtd.28/06/2022.

2. TILR M.R. No.1125/2021 dtd.05/01/2022 for measurement.
3. Your Architect's letter dated 31/12/2021

Sir/ Madam,

The Development Plan of Vasai Virar Sub Region is sanctioned by Government of Maharashtra vide Notification no TPS-1205/1548/CR-234/2005/UD-12 dated 09/02/2007. Keeping 113 EPS in pending. Further 5 EPS were approved vide Notification No. TPS-1208/1917/CR-89/09/UD-12 dtd. 13/03/2009, 31 EPS were approved vide Notification No.TPS-1208/1917/CR-89/09/UD-12 dtd 19/09/2009, Notification No. TPS-1208/1917/CR-89/08/UD-12 dtd 05/10/2009, 11 EPS were approved vide Notification No.TPS-1209/1917/CR-89/09 UD-12 dtd. 4th April 2012, 1 EP was approved vide notification no.TPS-1214/975/CR-77/14/UD-12 dtd. 16th August 2014 and 64 EPs were approved vide notification no. TPS-1214/975/CR-77/14/UD-12 dtd. 27th February 2015. Govt. entrusted Planning Authority functions for respective jurisdiction of Vasai-Virar City Municipal Corporation vide notification no. TPS-1209/2429/CR-262/2010/UD-12 dtd. 07/07/2010. Further Vasai Virar City Municipal Corporation is appointed by Govt.of Maharashtra as SPA for 21 villages Arnala, Arnala Killa, Patilpada, Mukkam, Tembi, Kolhapur, Chandrapada, Tokri, Khairpada, Vasalai, Rangao, Doliv, Khardi, Khochiwada, Pali, Tivri, Octane, Tarkhad, Maljipada, Satpala & Kalamb, notification no. TPS-1214/UOR-54/CR-17/15/UD-12 dtd. The 21st February 2015. The Development permission is granted on the basis of unified Development Control and promotion Regulations which was published as per Govt. notification No. TPS-1818/CR-236/18/SEC 37 (1AA)/UD-13 dtd.2nd December 2020. In the capacity of as Planning Authority/Planning Authority for respective jurisdiction and SPA for 21 villages VVCMC is functioning as per MRTP Act 1966. The details of permission are as under:.

The conditions mentioned in the letter No.VVCMC/TP/SUB DIV/VP-6475/ dated / /2021 Are binding on you. The details of the layout is given below:

1	Name of Assessee owner / P.A. Holder	Mr. Rajesh Nanda & Mr. Shashikant Mhatre Partner of M/s. Lotus Growth Spaces, Mr. Manoj Purohit and Mr.Pratap Purohit and Sky way infra project pvt. Ltd through Partner MR.Nirmal Kumar Lavji Madhani & Mr.Takhat singh Berisaal Singh Deora
2	Location	Dhaniv
3	Land use (Predominant)	Industrial bldg
4	Gross plot area (As per 7/12)	110196.00 sq.mt
5	Gross plot area (As per measurement)	113035.64 sq.mt



मुख्य कार्यालय, विरार
विरार (पूर्व),
ता. वसई, जि. पालघर - ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०४/०५/०६

फॅक्स : ०२५० २५२५१०७

ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म.

दिनांक :

VVCMC/TP/SUB DIV/VP-6475/		/	/2022
	sheet)		
6	Area under CRZ		20916.47 sq.mt
7	Area Under Right of Way as per Document		11743.34 sq.mt
7	Balance plot area		77436.53 sq.mt
8	Amenity space (required)		3876.82 sq.mt
9	Amenity Space (Proposed)		3877.20 sq.mt
10	Net plot area		77536.53 sq.mt
11	Recreation open space		7365.97 sq.mt
12	Recreation open space		7366.52 sq.mt
13	Internal road		5339.00sq.mt
14	Plotable area		68320.71sq.mt
15	Built up Area with reference to basic F.S.I Area (7)x Basic FSI		13664.14sq.mt
16	Proposed FSI on payment of premium		5465.57sq.mt
17	Total entitlement		68320.71sq.mt
18	Ancillary area FSI upto 60% or 80% with payment of charges		54656.57 sq.mt

With reference to your application No.73 dtd. 29/01/2021 for the land Sub Division approval, under Section 18/44 of The Maharashtra Regional and Town Planning Act, 1966 to carry out development work in respect of land bearing S.No.42/1, S.No.43pt, S.No.44/2, S.No.49 & S.No.50 of village: Dhaniv it is to inform you that, land sub Division layout is hereby tentatively approved and recommended for demarcation, subject to the following conditions:

1. You will get the land Sub Division layout demarcated on the site be the Land records department and submit the certified copy to that effect for final approval.
2. It shall be the responsibility of the owner to carry out all the development work including construction of roads, sewer lines, water supply lines culverts, bridges, street lighting, etc. and hand it over to the Authority after developing the mto the satisfaction of the Authority
3. If you wish that the Authority has to carry out the these development works, then you will have to deposit the estimated expenses to the Authority in advance, as decided by the authority.
4. You will have to hand over the amenity space to the Authority before approval of final layout as per regulations no.3.5 (Applicable in case where owner is not allowed to develop)



VVCMC/TP/SUB DIV/VP-6475/

/ /2022

5. This permission does not entitle you to develop the land which does not vest in you.
6. You will have to construct 15mt & 12mt access road to this layout.
7. You are responsible for obtaining various permissions from other authorities subsequent to grant of permission like revised N.A order, PWD NOC, NOC from Highway Authority, NOC from Railway, NOC from MSEB, NOC from Eco Sensitive Zone, TWLS, MOEF, CRZ/wetlands etc., as may be applicable and N.A TILR as required as per N.A order and other applicable compliances. If any of the compliances as per other Dept/Acts/ requirements are not done, only you shall face the consequence arising out of such lapse from your side and VVCMC is not responsible for the lapses from your side.



Encl.: a/a.

c.c. to:

1. Asst. Commissioner, UCD,
Vasai-Virar city Municipal Corporation.
Ward office

Sat

Commissioner
Vasai Virar City Municipal Corporation

**Certified that the above permission is
issued by Commissioner VVCMC, Virar.**

**Deputy Director,
VVCMC, Virar.**



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4365 OF 2022

Vijay Govind Patil and Anr. .. Petitioners
Versus
Union of India and Ors.. .. Respondents

Mr.Mr. Shrirang Katneshwarkar i/b Mr. Foss Anthony Floriyen
for the Petitioners.

Mr. A.I. Patel Addl. G.P. a/w AGP A.A. Alaspurkar for the
Respondent-State.

Mr. Tanaji Mhahigade for Respondent Nos. 3 and 4.

CORAM: A. A. SAYED &
ABHAY AHUJA, JJ.

DATE : 12th APRIL 2022

P.C. :-

1. The Petitioners are aggrieved by the communication dated 8th December 2021 of the Respondent-Corporation rejecting its Application for permission to build a Petrol Pump on its land bearing Survey No. 140, Hissa No. 2/1 of Village Sasunavghar, Taluka Vasai, District-Palghar.

2. Learned Additional Government Pleader fairly states that the land of the Petitioners does not form part of Wetlands in the brief documents prepared by the State Government.

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3. In the circumstances, the Writ Petition is allowed in terms of prayer clauses (a) and (b) which read as follows:-

a) This Hon'ble Court may kindly quash and set aside the letter dated 08/12/2021 wherein the permission for the purpose of building a petrol pump was refused by the Respondent No. 4 on the ground that the land of the Petitioner is a wetland,

b) This Hon'ble Court may kindly be pleased to hold and declare that the land of the Petitioner is not a wetland as per 2017 rules and as per the brief document of the Palghar District.

4. We make it clear that we have only examined the issue whether the land of the Petitioners forms part of Wetlands and the Petitioners will have to make all necessary compliances as required by the Respondent-Corporation.

5. The Petition is allowed in the aforesaid terms and to stand disposed of.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.303 OF 2018
WITH
INTERIM APPLICATION NO. 2312 OF 2022
WITH
INTERIM APPLICATION NO. 1072 OF 2021

M/s Kale Entertainment and Resorts Pvt
Ltd. through its Director .. Petitioner
Versus
Union of India through the Secretary and Ors... Respondent

Mr. Atul Damle Senior Advocate i/b Pushpraj Singh for the
Petitioner.
Ms. Swati Sagvekar for Respondent Nos. 2 and 3.
Mr. Shrirang Katneshwarkar i/b Mr. Foss Anthony Floriyen
for the Intervenor.

CORAM: A. A. SAYED &
ABHAY AHUJA, JJ.
DATE : 12th APRIL 2022

P.C. :-

1. The grievance of the Petitioner is that it's Application for revised development permission made on 22nd September 2017, is not being considered by the Respondent-Corporation despite the fact that it's land does not fall under the category of Wetland as per Wetland Rules, 2010.

2. In PIL No. 87 of 2013, the following order was passed on 14th October 2013.

“ By order dated 16th September, 2013, we had directed the State Government to take a

decision whether they propose to adopt the Wetland Atlas prepared by the Central Government, and whether they would like to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra as envisaged under Rules 6(2) and 6(3) of the Wetland Rules, 2010. Unfortunately, the said direction does not appear to have been incorporated in our order dated 16th September, 2013. We, therefore, now direct the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to take a decision whether they propose to adopt Wetland Atlas, prepared by the Central Government under the said Rules and whether they would like to prepare their own brief document in respect of Wetland Atlas for the State of Maharashtra. If the State of Maharashtra does not propose to adopt the Wetland Atlas prepared by the Central Government, the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to inform this Court the time frame within which the said brief document shall be prepared for the State of Maharashtra.

2. In the meantime, however, we deem it fit and proper to give a direction, in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, that no reclamation of land and any kind of construction shall be permitted without leave of this Court. The Secretary, Urban Development Department, State of Maharashtra is directed to issue a circular, informing the direction given by this Court to all the Corporations and the Zilha Parishads. Stand over to 29th October, 2013.

(emphasis supplied)

3. Pursuant to the directions in the aforesaid PIL and the

orders passed by this Court in the above Writ Petition, the State Government has prepared the brief document in respect of Wetlands for State of Maharashtra. It is an admitted position before the Court that Village Sasunavghar, District Palghar, whereat the property of the Petitioner is situate, does not form part of Wetlands declared in the brief document for Palghar District, Maharashtra.

4. In view of the above, there is now no impediment in the Respondent-Corporation considering the Application dated 1st July 2021 of the Petitioner for revised development permission.

5. In the circumstances, the Respondents are directed to process the Application dated 1-7-2017 filed by the Petitioner for Revised Development permission at the earliest.

6. The Writ Petition is allowed in the aforesaid terms. The Interim Application Nos. 2312 of 2022 and 1072 of 2021 do not survive and to stand disposed of.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)