

**NEXT DATE**  
**06/12/2024**

**48**

**BEFORE HONOURBLE  
NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**APPEAL NO. 43 / 2024 (WZ)**

Sayed Mohammed Sabir Usman ..... Appellant

VERSUS

Union of India & Ors. .... Respondents

**AFFIDAVIT IN REPLY BY RESPONDENT NO. 4  
( SAI KRUPA BUILDERS )**

**INDEX ON NEXT PAGE**

Date : **02/12/2024**

Place : Pune

Filed by:

A-202 Chandravijay, Phule Road, Opp. Bansuri Hotel,  
Mulund East, Mumbai - 400081, Maharashtra, India.  
**7400116222 mahabal60@gmail.com**



**Raghunath Mahabal रघुनाथ भालचंद्र महाबळ**  
BE (Mechanical), ME (Industrial Management) VJTI Mumbai  
Chartered Engineer, FIE, Arbitrator-IIE, LLM **ADVOCATE**

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<b>CONTACT DETAILS</b>
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	<b>..... APPEPALLANT</b>
<b>1.</b>	<p><b>Mr. Sayyed Sabir Usman</b>          –Flat No. 301, Building no.4, Man Opus, Nr. Nexus Showroom, In front of amar Palace, Mira Road East, Taluka &amp; District – Thane 401101          Throu :          Email : <a href="mailto:sayyedsabir455@gmail.com">sayyedsabir455@gmail.com</a>          Phone : 9833102777</p>
	<b>VERSUS</b>
	<b>..... RESPONDENTS</b>
<b>1.</b>	<p><b>Union of India</b>, Ministry of Environment, Forest &amp; Climate Change (MoEFCC), Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110001.          Throu : Secretary          Email : <a href="mailto:Secy-moef@nic.in">Secy-moef@nic.in</a>          Phone : 011-20819308, 011-20819408</p>
<b>2.</b>	<p><b>State-level Environment Impact Assessment Authority (SEIAA) - Maharashtra</b>          15<sup>th</sup> floor, New Administrative Building, Mantralay, Madam Kama Road, Mumbai - 400032          Throu : Member Secretary          Email : <a href="mailto:psec.env@maharashtra.gov.in">psec.env@maharashtra.gov.in</a>          Phone : 022-22825973</p>
<b>3.</b>	<p><b>Shri. Pravin C. Darade, IAS</b>          Former MS SEIAA &amp; PS Environment, Forests and Climate Change Department, Government of Maharashtra, Room No. 217, Annex Building, Mantralay, Mumbai - 400032          Throu : Principal Secretary          Email : <a href="mailto:psec.env@maharashtra.gov.in">psec.env@maharashtra.gov.in</a>          Phone : 022-22029388/ 022-22873845</p>
<b>4.</b>	<p><b>M/s. Sai Krupa Builders</b>          2nd floor, Seeta Vallabh, Near Welcome Hotel, Shivaji Chowk, Kalyan (West) - 421301          Throu : Authorised Person/Directors/Partners          Email : <a href="mailto:sakrupabuilders@gmail.com">sakrupabuilders@gmail.com</a>          Phone : 9820299252</p>

## ABBREVIATIONS

Short	Full-form
CAC	Consent Appraisal Committee
CC	Consent Committee
CI	Capital Investment
COLLY	Collectively
CPCB	Central Pollution Control Board
EFCCD-GoM	Environment and Climate Change Department, Government of Maharashtra
EC	'Environmental Clearance'
EIA	Environmental Impact Assessment
FSI	Floor Space Index
MOEF&CC MoEFCC	Ministry of Environment, Forests and Climate Change
MoM	Minutes of Meeting
NGT	Hon'ble National Green Tribunal
NOC	No Objection Certificate
PP	Project Proponent
RTI	Right to Information
SEAC	State Expert Appraisal Committee
SEIAA	State Environmental Impact Assessment Authority
TBUA	'total built-up construction area including FSI and non-FSI'

## DIARY OF EVENTS

<b>Date (y-m-d)</b>	<b>Event</b>
<b>2023/10/04</b>	Application to SEIAA for EC
<b>2023/10/31</b>	SEAC meeting
<b>2023/12/13</b>	SEIAA meeting
<b>2024/02/06</b>	EC granted
<b>2024/03/12</b>	Appeal refiled with application for condonation of delay
<b>2024/08/21</b>	Daily Order of NGT

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**SYNOPSIS**

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- 1.** This affidavit in reply has been filed by the Respondent No. 4 – Project Proponent (PP).
- 2.** Having reviewed the appeal and the attached documents, and with authority to respond, I hereby submit this affidavit as follows on solemn affirmation.

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**GENERAL STATEMENT AND DENIAL OF ALLEGATIONS**

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- 3.** The allegations are exaggerated, baseless, and lacking substantive evidence. I deny all adverse allegations and comments made by the appellant. The appellant has failed to demonstrate how the alleged lapses, if any, have resulted in any prejudice, harm, or injury to the environment or compromised the validity of the granted Environmental Clearance (EC). This response addresses the points of maintainability, limitation, and merits, while reserving the right to file additional documents if required during proceedings.

## **MAINTAINABILITY AND LIMITATION**

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- 4.** The appeal is delayed beyond the 30-day limit specified under Section 16 of the NGT Act, 2010. The respondent strongly opposes admission of the appeal without due consideration of the delay. Appellant needs to show that he was PREVENTED from filing the appeal in time.
  
- 5.** Delay condonation is discretionary, requiring sufficient cause for filing beyond the stipulated time. The appellant has neither provided justification for the delay nor shown any impact on environmental or public interest justifying such condonation.

## **LACK OF SUBSTANTIVE ALLEGATIONS ON MERITS**

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- 6.** Allegations of false information and suppression of facts are vague, lacking specific, evidenced instances. The Environmental Clearance (EC) process followed the mandated stages under Clause 7 of the EIA Notification, and all procedures were completed within the validity period of SEAC and SEIAA. There is no substantiated

challenge against this process in the appeal.

- 7.** The appellant's main contention is that the formal EC letter was issued and uploaded to the PARIVESH portal after the tenure of SEIAA-Maharashtra expired on 10/01/2024. There are no other substantive issues raised regarding the merits of the EC issuance.

## **PROCEDURAL COMPLIANCE AND CONTINUITY OF SEIAA OPERATIONS**

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- 8.** The SEAC and SEIAA conducted all meetings, appraisals, and approvals within their valid tenure, as recorded in their respective Minutes of Meetings (MoM), which are publicly available. Post-tenure, the SEIAA's office remained operational under the Principal Secretary, EFCCD-GoM, ensuring continuity of administrative functions.
- 9.** As per EIA Notification 14/09/2006, Clause 8(I to iii) permit a deemed EC if the decision is not communicated within the stipulated period, allowing the Project Proponent (PP) to proceed based on SEAC's recommendations. This provision applies to the present case, reinforcing the legality of the issued EC.

**10.** Gazette Notifications (11/01/2021 and 10/06/2024) maintain the continuity of SEIAA through the ex-officio role of the Principal Secretary, EFCCD-GoM, ensuring no administrative vacuum. The SEIAA functions continue as authorized under the EIA Notification 14/09/2006, irrespective of member tenure.

## **ENVIRONMENTAL CONSIDERATIONS AND REGULATORY COMPLIANCE**

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**11.** Formal EC issuance has advanced environmental protection by imposing binding conditions on the Project Proponent, which would otherwise proceed solely under SEAC recommendations. The office of EFCCD-GoM communicated with MoEFCC to clarify procedural questions, and the EC was issued based on MoEFCC's guidance and SEIAA's appraised decision.

**12.** The EC, duly granted, fulfils all regulatory requirements under the EIA Notification, addressing all stages prescribed in Clause 7. The appellant has not presented any substantive claims that the procedure was compromised in any way detrimental to

environmental interests.

## **CONCLUSION**

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**13.** In light of the above, the appeal lacks merit and substantive grounds. The EC was issued in accordance with the EIA Notification, ensuring compliance and environmental integrity. Accordingly, I respectfully request that the Hon'ble Tribunal dismiss the appeal.

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## **MOST RESPECTFULLY SUBMITTED**

**1.** I, Ashok Gangwani, am working as Partner with the Respondent No. 4, M/s Sai Krupa Builders (Project Proponent – PP)

**2.** I have perused the appeal and the documents enclosed with it. I have perused the records and have gathered the information. I have authority to respond and hereby submitting my affidavit in reply as hereunder on solemn affirmation and oath.

**3.** I state and submit that all allegations are far stretched, false, bald without any substance and without there being any substantive evidence. I hereby deny all allegations, adverse comments, and adverse averments. Appellant has not pointed out anywhere as to how the alleged lapses have resulted in any prejudice, harm, injustice, injury to environment OR have vitiated the sanctity of the 'Environmental Clearance' granted. I have given the reply on maintainability, limitation and so also on merit. However, I submit that nothing shall be construed to have been accepted in the appeal, merely because a particular allegation or averment was not dealt with or replied by me in this reply.

4. I crave leave to file additional documents as may be required during the proceedings OR in response to replies filed by other Respondents in future.

**MAINTAINABILITY & LIMITATION**

5. That the appeal has been delayed beyond the period of 30 days as provided u/s.16 of NGT Act 2010. The delay condonation shall not be done without issuing Notices and hearing the Respondent. The respondent hereby strongly opposes the admission of the appeal itself.

6. The condonation of delay is not a matter of right for the appellant. The discretion vested with the Hon'ble Bench of the Hon'ble National Green Tribunal needs to be exercised only when the appellant is prevented with sufficient cause from the appeal within 30 days. Appellant must explain as to how he was PREVENTED in filing the appeal in time and there is *prima facie* evidence to show that delay needs to be condoned in the interest of the environment and justice. No such claim also has been made by the appellant with proper explanation.

7. Appellant has not even stated, or *prima*

*facie* shown any reason as to how this would affect the environment, justice or the interests of the public at large. As such, respondent opposes the condonation of this inordinate delay much beyond the limitation period provided of 30 days. The discretionary power of the condonation of the delay needs to be exercised with caution, liberally but by not burying the provision itself as if the period of limitation in a statute is non-existent.

### **NO ALLEGATION ON MERIT**

**8.** That the allegation of false information, and suppression of facts are vague, without any specific pinpointed single incidence supported with the substantive tangible evidence to that effect. The entire procedure for obtaining EC has been followed as stipulated in Clause 7 of the EIA Notification "7. Stages in the Prior Environmental Clearance (EC) Process". As specified in the APPENDIX-V PROCEDURE FOR APPRAISAL as stipulated in Clause 7 was also completed within the validity period of the SEAC and SEIAA. There is no allegation on this point against the respondents, on merit of the appraisal procedure. This was done in time and during the valid tenure of SEAC. The MoM of the SEAC and SEIAA, both, are enclosed. [■ **Ax. R4 & A5**]. As it can be seen,

both meetings were conducted during the period of validity of SEAC and SEIAA up to 10/01/2024, as per MoEFCC Gazette Notification 11/01/2021. The minutes of the same were also recorded and published. There is nothing to show in the appeal that this was not done in time.

**9.** That the only main and surviving allegation in the appeal is that ***the EC was issued on the date when the tenure of the SEIAA - Maharashtra had expired on 10/01/2024.*** There is no other pecuniary point in the appeal on merit of the EC issued which is substantiated even with any kind of prima facie evidence.

**10.** That there is no '***substantial question related to environment***' OR dispute made out. There is no specific procedural allegation made out with prima facie evidence based on factual documentary support.

**11. That the basic burden of proof will always lie on the appellant.** The onus can't be shifted to Respondent without giving prima facie evidence. There is not even an iota of credible substantive relevant evidence, forget about the proof, to shift the onus on Respondent.

## **NOTIFICATION REGIME**

**12.** That there are two Gazette Notifications as given below, that are issued under the 'Environmental (Protection) Act 1986'.

- **First principal Gazette Notification, generally referred to as, EIA Notification 14/09/2006:** This has laid down the need of EC, Schedule of various activities and projects covered, procedure for appraisal, forming of Committee (SEAC) and Authority (SEIAA) in each state, qualifications of the Members, powers, functions of SEAC & SEIAA, etc.

**There is no expiry date or period of validity to the "AUTHORITY" formed under this. The Authority is and has to be perpetual.** The validity or tenure is only to the "Members" of the SEAC or SEIAA.

- **Gazette Notification 11/01/2021 and the current one 10/06/2024:** This is to formally Notify the names of the Members of the SEAC and SEIAA. The tenure of the Members is three years and after that, those persons are not the Members though AUTHORITY shall be always there, which is established under the first EIA Notification of 14/09/2006. The "AUTHORITY"

has the perpetuity and it doesn't expire, due lapse of tenure of the Members of SEAC or SEIAA. SEIAA continues to operate as "Authority" through its office under the "Member Secretary".

The members would retire after their tenure as per the Gazette Notification, but the office of Authority has to and does continue through ex-officio Member of the Authority. **The provision in the EIA Notification in Appendix-VI Point No. 7 is as follows:**

*7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each:*

*3 [Provided that wherever considered necessary and expedient, the Central Government may extend the term of such member for a further period not exceeding [twelve months].]*

**13.** That all the meetings and proceedings of SEAC and SEIAA, were conducted during the valid tenure of SEAC and SEIAA, which was till 10<sup>th</sup> January 2024.

**14.** That the consideration, application of mind, questioning during presentation, deliberation,

findings and decisions were recorded by SEAC and SEIAA, both, during the valid tenure period, then and there.

**15.** That there was nothing to be further examined by SEAC or SEIAA, both, thereafter, after the expiry of their validity period of tenure which was up to 10/01/2024.

**16.** That all the paperwork also was completed in all respects during the validity period itself. It is to be particularly noted that the Minutes of Meeting (MoM) of the SEAC were documented and recorded during the validity period of SEAC.

**17.** That thereafter formal typed copy of the MoM of SEAC meeting was finalized and issued which is already on the website in the public domain all the time.

**18.** That the MoM were recorded during the meetings which was within the validity period of SEIAA.

**19.** That no further compliance was pending from the Project Proponent in terms of recommendations by SEAC or SEIAA, after the last meeting of SEIAA was completed and MoM were

recorded during the validity period of SEIAA.

**20.** That no further checking of the documents was to be done by SEAC and SEIAA, both, through their Members, as none of these matters were remanded back to SEAC or re-appraisal or clarification was sought from SEAC in these matters, to whom these EC were granted.

**21.** That there were no points of reconsideration, checking, or affirmation pending at the SEIAA level as well where any application of mind was to be done - but was not done, or consideration of any point was pending before the SEIAA or its Hon'ble Members. **The procedure as laid down in Clause No. 7 of the EIA Notification was complete in all respect during the validity period of SEAC and SEIAA, both.**

**22.** That no site visit OR inspection OR confirmation was to be obtained from any other authority, beyond what was on record before SEAC and SEIAA, both, at the time of recording of the final MoM

**23.** That only formal EC document was to be typed and issued by manifesting the details already

on record as appraised by SEAC and recommended by SEIAA, which all were recorded (written down) during the valid period of tenure.

**24.** That this is an "Appeal" and as such only procedural lapses can be considered in this. These lapses should substantially vitiate the procedure prescribed under the EIA Notification 14/09/2006 thereby causing prejudice to cause of preservation, betterment of environment and thereby resulting in probable damage to environment. These lapses should be relevant and substantive enough to defeat the purpose of appraisal at the SEIAA level or cause serious prejudice to the grant of EC or vitiate the sanctity of the EC issued. That this was not the case in this present appeal. Appellant has not made any such averment, allegation OR has shown as to how it would harm environment. The SEIAA has already considered the proposal as appraised and recommended by SEAC and has not recorded any adverse findings whatsoever. **Nothing adverse is shown by the Appellant to this effect in the entire appeal.** That it should be noted that the stage of appraisal of the proposal on merit at the SEAC level was already over in all respects in this matter.

**25.** That the due process as prescribed under

the EIA Notification 14/09/2006 was followed, including all stages as stipulated under Clause No.7. There is no allegation of even jumping such procedure at SEAC or SEIAA level. As such there is no allegation on merit of vitiating the EIA Notification.

**26.** That the information has been properly filled-in as required as per the questionnaire in Form-1, 1A, and was submitted before SEAC and SEIAA along with Consolidated Statement, Power Point Presentation, various NOCs received till date, Conceptual Plan as per the Notification and so also the sanctioned plan, etc. complete.

**27.** That as per the EIA Notification 14/09/2006 Clause 8(i) to 8(iii), if the decision of the Authority is not communicated within the stipulated period as per Clause (i) in 45 days after appraisal by SEAC, then the PP can proceed with the project as per the recommendation of the SEAC. In short, it becomes the deemed EC, subject to or as per the recommendations of SEAC. [ **■ Ax. R1, Page No. 7, Clause 8 (i) to (iii) enclosed for ready reference**].

**28.** That the Clause 8(v) further clarifies that no clearances are required from other regulatory

bodies. No such pending permission was recorded in the MoM of SEIAA to be pending OR required.

*“8(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening & or scoping, or appraisal, or decision by the regulatory authority concerned unless any of these is sequentially dependent on such clearance either due to requirement of law, or for necessary technical reasons.”*

**29.** That the earlier Committee has expired on 10/01/2024. The next Gazette Notification was published on 10/06/2024. For almost five months or 150 days, there was no SEAC or SEIAA-Maharashtra. **The Government OR SEIAA working can't continue in a vacuum.** The office of SEIAA shall be and was always functional through the ex-officio Member Secretary by designation i.e. “Principal Secretary, EFCCD-GoM”.

**30.** That there is an Environment, Forest, and Climate Change Department in and under Government of Maharashtra (EFCCD-GoM). The Members of SEAC and SEIAA - Maharashtra are suggested and recommended by EFCCD-GoM and

approved by MoEFCC. The "Principal Secretary of EFCCD – GoM" is an IAS Officer and the permanent functionary of the Government of Maharashtra AND the Hon'ble Member Secretary of the SEIAA – Maharashtra by ex-officio designation.

**31.** That the SEIAA has two Members by name and **only the 3<sup>rd</sup> Member is by designation**; i.e. the Notification reads the 3<sup>rd</sup> Member as "Principal Secretary, Environment and Climate, Change Department, Government of Maharashtra". The names in the current Gazette Notification of 10/06/2024 are also again given in the similar manner. The extract of these Gazette Notifications forming the SEAC and SEIAA is copied below for ready reference. It is submitted that the tenure of SEIAA – Maharashtra shall be over on 10/01/2024 but the office of the Principal Secretary, EFCCD-GoM would continue even thereafter, which is continuing operative arm of the GoM.

**GAZETTE NOTIFICATION OF MOEFCC  
SEIAA-MAHARASHTRA DATED  
11/01/2021 (EXTRACT)**

---

Shri Vijay Shantilal Nahata, IAS (Retired),  
601, 6<sup>th</sup> Floor, NKM International House,  
behind LIC Yogakshema Building, 177 Babubhai Chinoy Marg,  
Nariman Point, Mumbai – 400020, Maharashtra.

Shri Pankaj Mohan Joshi,  
2 / 204, Yashodhan Apartments, Four Bungalows, J.P Road,  
Andheri (West), Mumbai - 400053, Maharashtra.

Principle Secretary,  
Environment and Climate Change Department,  
Government of Maharashtra.

**[■ Ax. R2, Page No. 1, Point No. 1]**

**GAZETTE NOTIFICATION OF MOEFCC  
SEIAA-MAHARASHTRA DATED  
10/06/2024 (EXTRACT)**

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- (i) Shri Deepak Govindrao Mhaisekar  
Flat No.1204, Building No.98  
Sector R-8, Gateway Towers, Amanora Park  
Town, Hadaspar, Pune-411028
- (ii) Shri Sudhakar Baburao Nangnure  
Chairman State Level Monitoring Committee  
Mahabaleshwar Panchagani, Eco Sensitive  
Region Member, Mumbai Heritage Conservation Committee  
I-703, Raturang Phase-2, Aranyeshwar Road,  
Opposite Dhone Suzuki, Pune-411009
- (iii) Principal Secretary, Environment and Climate  
Change Department, Government of Maharashtra

**[■ Ax. R3, Page No. 1, Point No. 1]**

**32.** That the MoEFCC have formally issued the

EIA Notification 14/09/2006, are the lawmakers of this delegated piece of the legislature. Their clear intent is to maintain the continuity of the Office of Member Secretary. **Hence, the 3<sup>rd</sup> Hon'ble Member is not by name but by designation of a continuing office bearer of the office of "(iii) Principal Secretary, Environment and Climate Change Department, Government of Maharashtra".** The 3<sup>rd</sup> Member who is the functionary as the "**Member Secretary**" of the SEIAA – Maharashtra is the perpetual continuing office.

**33.** That if there are any functions and duties are to be carried out by the SEIAA – Maharashtra, the same can be and should be carried out by the office of Principal Secretary, EFCCD-GoM. e.g. filing of the Affidavit in reply in any court of law based on the documents and records available with the office of SEIAA – Maharashtra, corresponding with MoEFCC, taking cognizance of the complaints of the violation of the EC conditions, receiving the complainant, correspondence, notices issued by the Courts, discharge the duties and functions of the SEIAA-Maharashtra, etc. **Duties and functions under the "Authority" i.e. SEIAA – Maharashtra, are perpetual and continuing which must be performed continuously.**

**34.** That the **tenure of the Members of SEAC and SEIAA has expired but the SEIAA under EIA Notification dated 14/09/2006 has not expired.** The "SEIAA – Maharashtra" as "Authority" will be fully functional and shall continue which is established as per the EIA Notification 14/09/2006 and not as per the Gazette Notification 11/01/2021. **All the functions of SEAC and SEIAA will have to be done except where the joint sitting OR the Hon'ble Members of the SEIAA is required for consideration of the matters before them, as laid down in the EIA Notification.** Hon'ble Members of SEAC and SEIAA are not required for all other formal office work, duties and functions that are to be carried out by 'AUTHORITY" including but not limited to the ongoing office work, clerical work or communication or documentation. Hence, even when the tenure of the SEIAA - Maharashtra was over, the office of Principal Secretary, EFCCD-GoM was operative and functional.

**35.** That the **EC which was otherwise also deemed to have been granted after 45 days as per Clause 8(i) to 8(iii) of the EIA Notification 14/09/2006.** The PP was otherwise anyway free to proceed as if the EC was granted (or denied) as

per the recommendations of SEAC. The grant of EC has furthered the cause of environment by formally imposing and conveying the binding **Special Conditions** and **General Conditions** of the EC on the PP. Without the formal manifested EC document, the only recommendations of the SEAC would have been binding on PP and PP would have continued with the project as provided in Clause 8(iii)

**36.** That to end this uncertainty, office of "**Principal Secretary, Environment and Climate Change Department, Government of Maharashtra**" came into action, as and by way of the duty casted on it by the Gazette, by designation as Principal Secretary of EFCCD-GoM and the Member Secretary of the SEIAA – Maharashtra.

**37.** The proposal for EC was appraised by SEAC during its validity period of tenure and was recommended with a documented MoM. SEIAA also had considered the proposal as recommended by SEAC, during the validity of the tenure of SEIAA – Maharashtra and took the decision to grant the EC to the project. This too was recorded in the MoM. as per the MoM.

**38.** The continuing office of the Member Secretary of the SEIAA – Maharashtra established

under EIA Notification 14/09/2006 has finally granted the EC through the functional office of the Principal Secretary of EFCCD-GoM of the SEAC and conveyed the decision of the SEAC and SEIAA by issuing the EC letter to PP and to public at large by uploading it to PARIVESH portal. The decision was taken by SEAC and SEIAA during its validity period of tenure.

**39.** No prejudice or harm is caused to the appellant, environment and public by the communication of the EC of the decision of grant of EC. This issuance of EC doesn't aggrieve anyone on environmental grounds. The date of limitation period of 30 days would start from the date of issuance of EC.

In light of the above facts and circumstances, it should be held that the EC issued is formal valid documents. **AND** for this act of kindness, respondent as duty bound, shall ever pray.

Place: Pune  
Date : **02/12/2024**

For SAI KRUPA BUILDERS



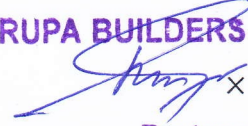
x

Respondent No. 4  
Saikrupa Builders

**VERIFICATION AND AFFIDAVIT**

I, Ashok.H.Gangwani, aged about 57 years, do hereby state that I have verified the facts mentioned hereinabove are true and correct to the best of my personal knowledge. I have not suppressed any relevant material facts known to me. I have submitted this based on legal advice. I am hereby submitting it after verification, on solemn affirmation and oath.

For SAI KRUPA BUILDERS



Partner

Respondent No. 4

Place: Pune

Date : **02/12/2024**

Identified by:

Advocate: Raghunath Mahabal

Reg. No. : MAH/349/2012

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BEFORE THE HONOURABLE  
**NATIONAL GREEN TRIBUNAL**  
WESTERN ZONE BENCH PUNE

Appeal No. 43 / 2024(WZ)

**VAKALATNAMA**

BETWEEN

**Sayyed Mohammed  
Sabir Usman**

.....

**Appellant**

VERSUS

**Union of India & Ors**

.....

**Respondent/s**

We/I hereby appoint the following Advocate/s to represent us/me and sign wherever required on our/my behalf.

**Advocate R. B. Mahabal रघुनाथ भालचंद्र महाबळ**

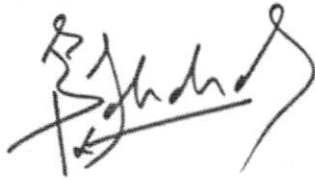
BE(Mech), ME(Prod)VJTI, CE, FIE, LLM, IIE Arbitrator, [MAH/349/2012]

Home: A-202, Chandravijay Society, Opp. Bansuri Hotel,  
Phule Road, Mulund East, Mumbai-400081, Maharashtra.

Email: adv.rbmahabal@gmail.com Cell: 7400116222

*along with other associate Advocates that would be appointed by him.*

ACCEPTED SUBJECT TO PAYMENT OF FEES.



**Adv. R. B. Mahabal**

Dat : **10 August  
2024**

Place : **Pune**

**For SAI KRUPA BUILDERS**



**Partner**

**Respondent No. 4**



## ANNEXURE

### EIA NOTIFICATION CLAUSE NO. 8

**8. Grant or Rejection of Prior Environmental Clearance (EC).**—(i) The regulatory authority shall consider the recommendations of the <sup>2</sup>[EAC or SEAC or DEAC] concerned and convey its decision to the applicant within forty-five days of the receipt of the recommendations of the <sup>2</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the <sup>2</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned. In case where it disagrees with the recommendations of the <sup>2</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned, the regulatory authority shall request reconsideration by the <sup>2</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned within forty-five days of the receipt of the

recommendations of the <sup>1</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The <sup>1</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the <sup>1</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the <sup>1</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the <sup>1</sup>[Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee] concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to requirement of law, or for necessary technical reasons.

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)  
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14<sup>th</sup> September, 2006

**Notification**

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India<sup>1</sup>, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18<sup>th</sup> May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15<sup>th</sup> September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15<sup>th</sup> September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27<sup>th</sup> January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

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<sup>1</sup>Includes the territorial waters

**2. Requirements of prior Environmental Clearance (EC):-** The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

**3. State Level Environment Impact Assessment Authority:- (1)** A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

**4. Categorization of projects and activities:-**

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

#### **5. Screening, Scoping and Appraisal Committees:-**

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

#### **6. Application for Prior Environmental Clearance (EC):-**

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

## 7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

### I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

### II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

### **III. Stage (3) - Public Consultation:**

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five ) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

#### **IV. Stage (4) - Appraisal:**

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant

validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

**7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:**

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

**8. Grant or Rejection of Prior Environmental Clearance (EC):**

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

#### **9. Validity of Environmental Clearance (EC):**

The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

#### **10. Post Environmental Clearance Monitoring:**

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

## **11. Transferability of Environmental Clearance (EC):**

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

## **12. Operation of EIA Notification, 1994, till disposal of pending cases:**

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27<sup>th</sup> January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I , or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)

**JOINT SECRETARY TO THE GOVERNMENT OF INDIA**

## SCHEDULE

(See paragraph 2 and 7)

## LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>1(a)</b>	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p>&lt;50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
<b>1(b)</b>	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
<b>1(c)</b>	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) &lt; 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) &lt; 10,000 ha. of culturable command area</p>	General Condition shall apply
<b>1(d)</b>	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naptha &amp; gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>&lt; 500 MW (coal/lignite/naptha &amp; gas based);</p> <p>&lt;50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels )</p>	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		<b>Primary Processing</b>		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply  (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply  (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

<b>3</b>				
<b>Materials Production</b>				
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>3(a)</b>	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects  b) Sponge iron manufacturing $\geq 200$ TPD  c) Secondary metallurgical processing industry  All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum  -	Sponge iron manufacturing $< 200$ TPD  Secondary metallurgical processing industry  i.) All toxic and heavy metal producing units $< 20,000$ tonnes /annum  ii.) All other non-toxic secondary metallurgical processing industries  $> 5000$ tonnes/annum	General Condition shall apply for Sponge iron manufacturing
<b>3(b)</b>	Cement plants	$\geq 1.0$ million tonnes/annum production capacity	$< 1.0$ million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

<b>4</b>		<b>Materials Processing</b>		
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>4(a)</b>	Petroleum refining industry	All projects	-	-
<b>4(b)</b>	Coke oven plants	≥2,50,000 tonnes/annum -	<2,50,000 & ≥25,000 tonnes/annum	-
<b>4(c)</b>	Asbestos milling and asbestos based products	All projects	-	-
<b>4(d)</b>	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply  No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
<b>4(e)</b>	Soda ash Industry	All projects	-	-
<b>4(f)</b>	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
<b>5</b>		<b>Manufacturing/Fabrication</b>		
<b>5(a)</b>	Chemical fertilizers	All projects	-	-
<b>5(b)</b>	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i)All Molasses based distilleries  (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice/non-molasses based distilleries - <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
<b>5(i)</b>	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and  Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
<b>5(j)</b>	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
<b>5(k)</b>	Induction/arc furnaces/cupola furnaces 5TPH or more	- -	All projects	General Condition shall apply
<b>6</b>		<b>Service Sectors</b>		
<b>6(a)</b>	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		-

(1)	(2)	(3)	(4)	(5)
<b>6(b)</b>	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
<b>7</b>		<b>Physical Infrastructure including Environmental Services</b>		
<b>7(a)</b>	Air ports	All projects	-	-
<b>7(b)</b>	All ship breaking yards including ship breaking units	All projects	-	-
<b>7(c)</b>	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.  Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha.  Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply  Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
<b>7(d)</b>	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and  ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and  ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
<b>8</b>		<b>Building /Construction projects/Area Development projects and Townships</b>		
<b>8(a)</b>	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area )
<b>8(b)</b>	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

**Note:-****General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

**Specific Condition (SC):**

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

## APPENDIX I

(See paragraph – 6)

### FORM 1

**(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: \*

Expected cost of the project:

Contact Information:

Screening Category:

- *Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.,)*

**(II) Activity**

- 1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		

1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water form ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		

1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. **Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):**

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		

4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

**5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

### 6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

**7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

**8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

**9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality**

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> <li>• Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)</li> <li>• housing development</li> <li>• extractive industries</li> <li>• supply industries</li> <li>• other</li> </ul>		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

**(III) Environmental Sensitivity**

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses ( <i>hospitals, schools, places of worship, community facilities</i> )		
10	Areas containing important, high quality or scarce resources ( <i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i> )		
11	Areas already subjected to pollution or environmental damage. ( <i>those where existing legal environmental standards are exceeded</i> )		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems ( <i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i> )		

**(IV). Proposed Terms of Reference for EIA studies**

## APPENDIX II

(See paragraph 6)

**FORM-1 A (only for construction projects listed under item 8 of the Schedule)**

### **CHECK LIST OF ENVIRONMENTAL IMPACTS**

**(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)**

#### **1. LAND ENVIRONMENT**

**(Attach panoramic view of the project site and the vicinity)**

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

#### **2. WATER ENVIRONMENT**

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

### **3. VEGETATION**

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

## **4. FAUNA**

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

## **5. AIR ENVIRONMENT**

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

## **6. AESTHETICS**

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

## **7. SOCIO-ECONOMIC ASPECTS**

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

## **8. BUILDING MATERIALS**

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

## **9. ENERGY CONSERVATION**

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

## **10. Environment Management Plan**

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

## APPENDIX III

(See paragraph 7

### GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> <li>• Purpose of the report</li> <li>• Identification of project &amp; project proponent</li> <li>• Brief description of nature, size, location of the project and its importance to the country, region</li> <li>• Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)</li> </ul>
2.	Project Description	<ul style="list-style-type: none"> <li>• Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following:               <ul style="list-style-type: none"> <li>• Type of project</li> <li>• Need for the project</li> <li>• Location (maps showing general location, specific location, project boundary &amp; project site layout)</li> <li>• Size or magnitude of operation (incl. Associated activities required by or for the project)</li> <li>• Proposed schedule for approval and implementation</li> <li>• Technology and process description</li> <li>• Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose</li> <li>• Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope)</li> <li>• Assessment of New &amp; untested technology for the risk of technological failure</li> </ul> </li> </ul>

3.	Description of the Environment	<ul style="list-style-type: none"> <li>• Study area, period, components &amp; methodology</li> <li>• Establishment of baseline for valued environmental components, as identified in the scope</li> <li>• Base maps of all environmental components</li> </ul>
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> <li>• Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project</li> <li>• Measures for minimizing and / or offsetting adverse impacts identified</li> <li>• Irreversible and Irretrievable commitments of environmental components</li> <li>• Assessment of significance of impacts (Criteria for determining significance, Assigning significance)</li> <li>• Mitigation measures</li> </ul>
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> <li>• In case, the scoping exercise results in need for alternatives:</li> <li>• Description of each alternative</li> <li>• Summary of adverse impacts of each alternative</li> <li>• Mitigation measures proposed for each alternative and</li> <li>• Selection of alternative</li> </ul>
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> <li>• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget &amp; procurement schedules)</li> </ul>
7.	Additional Studies	<ul style="list-style-type: none"> <li>• Public Consultation</li> <li>• Risk assessment</li> <li>• Social Impact Assessment. R&amp;R Action Plans</li> </ul>
8.	Project Benefits	<ul style="list-style-type: none"> <li>• Improvements in the physical infrastructure</li> <li>• Improvements in the social infrastructure</li> <li>• Employment potential –skilled; semi-skilled and unskilled</li> <li>• Other tangible benefits</li> </ul>

9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> <li>• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA</li> </ul>
11	Summary & Conclusion (This will constitute the summary of the EIA Report )	<ul style="list-style-type: none"> <li>• Overall justification for implementation of the project</li> <li>• Explanation of how, adverse effects have been mitigated</li> </ul>
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> <li>• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered</li> </ul>

**APPENDIX III A**  
**(See paragraph 7)**

**CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT**

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

#### APPENDIX IV

(See paragraph 7)

#### PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

#### 2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

### **3.0 Notice of Public Hearing:**

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

### **4.0 The Panel**

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

### **5.0 Videography**

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

### **6.0 Proceedings**

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:-

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate ,and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

## 7.0 **Time period for completion of public hearing**

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing .The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

## **APPENDIX –V (See paragraph 7)**

### **PROCEDURE PRESCRIBED FOR APPRAISAL**

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy)]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

## APPENDIX VI

(See paragraph 5)

**COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT`**

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

**Professional:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy ),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

**Expert:** A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

**Age:** Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**

- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

## NOTIFICATION

New Delhi, the 11th January, 2021

**S.O. 107(E).**—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said Gazette notification), and in supersession of the notification number S.O. 850(E) dated the 17<sup>th</sup> March, 2017 of the Government of India in the Ministry of Environment, Forest and Climate Change except as respects things done or omitted to be done before such supersession, the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Maharashtra (hereinafter referred to as the Authority, Maharashtra) comprising of following Members, namely:—

1.	Shri Vijay Shantilal Nahata, IAS (Retired), 601, 6 <sup>th</sup> Floor, NKM International House, behind LIC Yogakshema Building, 177 Babubhai Chinoy Marg, Nariman Point, Mumbai – 400020, Maharashtra.	Chairman;
2.	Shri Pankaj Mohan Joshi, 2 / 204, Yashodhan Apartments, Four Bungalows, J.P Road, Andheri (West), Mumbai - 400053, Maharashtra.	Member; and
3.	Principle Secretary, Environment and Climate Change Department, Government of Maharashtra.	Member-Secretary.

2. The Chairman and Members of the Authority, Maharashtra shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority, Maharashtra shall exercise such powers and follow such procedures as enumerated in the said Gazette notification.

4. The Authority, Maharashtra shall take its decision on the recommendations of the State level Expert Appraisal Committees (SEACs) constituted for the State of Maharashtra by this notification.

5. To assist the Authority, Maharashtra, the Central Government in consultation with the State Government of Maharashtra, hereby constitutes the First State Expert Appraisal Committee for all the projects related to Industries, Mining and Irrigation in the State of Maharashtra (hereinafter in this notification referred to as the first SEAC, Maharashtra) comprising of the following members, namely:—

1.	Dr. Vijay Kulkarni, L 503 Army CHS, Sector- 9, Nerul, Navi Mumbai – 400706, Maharashtra.	Chairman;
2.	Mrs. Kavita Takale, Survey No.25, 2/1/9, Vishal Nagar, Pimple Nilakh, Pune - 411027, Maharashtra.	Member;
3.	Mr. Kundan Balkrishna Deshmukh, H-36, N-5, CIDCO, Satyam Nagar, Aurangabad – Maharashtra.	Member;
4.	Shri Chandrashekhar Marathe, 202, Sushil Garden-3 C.H.S., 52 Bungalow, Old Thana Naka Road, At& Post- Panvel, Dist.- Raigad-410206, Maharashtra.	Member;
5.	Shri Jeevan V. Patgaonkar, 604/A-2, VIKAS COMPLEX, Castle Mill Compound, Lal Bahadur Shastri Marg, Thane- (West) 400601, Maharashtra.	Member; and
6.	Deputy Secretary or Scientist-I; and above Environment and Climate Change Department, Government of Maharashtra.	Member-Secretary.

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6. To assist the Authority, Maharashtra, the Central Government in consultation with the State Government of Maharashtra, hereby constitutes the Second State Expert Appraisal Committee for Mumbai Metropolitan Region and Konkan Region in the State of Maharashtra (hereinafter in this notification referred to as second SEAC, Maharashtra) comprising of the following Members, namely: —

1.	Shri Sudhir Manikrao Khanapure, IAS (Retired), Flat No. A/701, Runwal Regency, 9, Connaught Road, Pune- 411001, Maharashtra.	Chairman;
2.	Mr. Bambale Ramesh Balkrishna, A/1202, Umiya Tower CHSL, Behind C.D. Deshmukh Garden, Mulund € Mumbai- 400081, Maharashtra.	Member;
3.	Dr. Ganesh Bhimrao Rasal, 30/1, R-Residency, 102, Utkarsh Society, Katraj, Pune – 411 046, Maharashtra.	Member;
4.	Dr. Nitin M. Labhane, Associate Professor, Botany, B-606 Shri Hari CHS, RTO Lane, Four Bunglows, Andheri-West, Mumbai-400053, Maharashtra.	Member; and
5.	Deputy Secretary or Scientist-I, and Above Environment and Climate Change Department, Government of Maharashtra.	Member-Secretary.

7. To assist the Authority, Maharashtra, the Central Government in consultation with the State Government of Maharashtra, hereby constitutes the Third State Expert Appraisal Committee, except for Mumbai Metropolitan Region and Konkan Region, in the State of Maharashtra (hereinafter in this notification referred to as third SEAC-, Maharashtra) comprising of the following Members, namely:—

1.	Shri Deepak Mhaisekar, Indian Administrative Service (Retired), Flat No. 1204 (12 <sup>th</sup> Floor), Gateway Tower No. 98, Sector R-8, Amanora Park Town, Hadapsar, Pune- 411028, Maharashtra.	Chairman;
2.	Shri Mukund Pathak, 502, Vaidehi Apts, Sajjanwadi, Mulund East Mumbai- 400081, Maharashtra.	Member;
3.	Shri Dattatray Thorat, Plot no. 34, Harsiddhi housing society Mayur Park Jalgaon Road Aurangabad, Maharashtra.	Member;
4.	Mr. Kiran Vasant Acharekar, Flat No 1000, 10th Floor, 11th Road, Supralina , Chembur, Mumbai – 400071, Maharashtra.	Member;
5.	Dr. Aseem Gokarn Harwansh, 704,47, Seawoods Estate, NRI Complex, Phase-2, Palm Beach Rd, Vashi Navi Mumbai 400703.	Member; and
6.	Deputy Secretary or Scientist-I, and Above Environment and Climate Change Department, Government of Maharashtra.	Member- Secretary.

8. The Chairman and Members of the first SEAC, second SEAC and third SEAC, Maharashtra shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

9. In order to avoid any conflict of interest,—

- the Chairman and Members of the Authority, Maharashtra and first SEAC, second SEAC and third SEAC, Maharashtra shall declare to which consulting organisation they have been associated with and also the project proponents;
- they shall not undertake any consultation or associate with preparation of Environment Impact Assessment (EIA) and Environment Management Plan for a project, which is to be appraised by the Authority, Goa and SEAC, Goa during their tenure; and

- (c) if in the past five years, the Chairman or any of the Members of the Authority, Maharashtra and first SEAC, second SEAC and third SEAC, Maharashtra have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meetings of the Authority, Goa and SEAC, Goa in the process of appraisal of any project being proposed by such proponents.

10. The first SEAC, second SEAC and third SEAC, Maharashtra shall exercise such powers and follow such procedures as enumerated in the said Gazette notification.

11. The first SEAC, second SEAC and third SEAC, Maharashtra shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

12. The State Government of Maharashtra shall notify an agency to act as Secretariat for the Authority, Maharashtra and the first SEAC, second SEAC and third SEAC, Maharashtra. The Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all its statutory functions.

13. The sitting fees, travelling allowances and dearness allowances to the Chairman and Member of the Authority, Maharashtra and the Chairman and Members of the first SEAC, second SEAC and third SEAC, Maharashtra shall be paid in accordance with the existing rules of the State Government of Maharashtra.

[F.No. J-11013/30/2007- IA.II (I)]

SUJIT KUMAR BAJPAYEE, Jt. Secy.

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

## NOTIFICATION

New Delhi, the 10th June, 2024

**S.O. 2222(E).**—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the *erstwhile* Ministry of Environment and Forests, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said notification), the Central Government hereby constitutes the State Level Environment Impact Assessment Authority for the state of Maharashtra (hereinafter referred to as the Authority) comprising of the following persons, namely: -

- |  |                     |
|--|---------------------|
| (i) Shri Deepak Govindrao Mhaisekar<br>Flat No.1204, Building No.98<br>Sector R-8, Gateway Towers, Amanora Park<br>Town, Hadaspar, Pune-411028   | -Chairman;          |
| (ii) Shri Sudhakar Baburao Nangnure<br>Chairman State Level Monitoring Committee<br>Mahabaleshwar Panchagani, Eco Sensitive<br>Region Member, Mumbai Heritage Conservation Committee<br>I-703, Raturang Phase-2, Aranyeshwar Road,<br>Opposite Dhone Suzuki, Pune-411009 | -Member;            |
| (iii) Principal Secretary, Environment and Climate<br>Change Department, Government of Maharashtra   | -Member -Secretary. |

2. The Chairman and Members of the Authority shall hold office for a period of three years from the date of publication of this notification in the Official Gazette.

3. The Authority shall exercise such powers and follow such procedures as specified in the said notification.

4. The Authority shall take its decision on the recommendations of the State Level Expert Appraisal Committee constituted under paragraphs 6, 7 and 8 for the State of Maharashtra.

5. All decisions of the Authority shall be taken in a meeting and shall ordinarily be unanimous:

Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and a copy thereof shall be sent to the Central Government.

6. The Central Government in consultation with the State Government of Maharashtra, for the purpose of assisting the Authority, hereby constitutes the First State Expert Appraisal Committee for all the projects related to Industries, Mining and Irrigation in the State of Maharashtra (hereinafter referred to as the first SEAC, Maharashtra) comprising of the following persons, namely:-

- |  |            |
|--|------------|
| (i) Shri Kamlakar B. Phand<br>1701, Harsiddhi Heights, Near Worli Koliwada,<br>Mumbai-400030   | -Chairman; |
| (ii) Shri Kanhaiya Madhukar Shah<br>6 Laxmi Prasad Apartment, 273, Navi Peth,<br>Pune 411030   | -Member;   |
| (iii) Prof. S.N. Patil<br>Working Professor at North Maharashtra University,<br>Jalgaon Department of Applied Geology,<br>School of Environmental and Earth Sciences,<br>Kavayitri Bahinabi Chaudhari North Maharashtra<br>University P.O. Box No.80 Umavi Nagar,<br>Jalgaon-425001 (M.S.) India | -Member;   |
| (iv) Prof. R G Chillawar<br>Working Professor at Yashwant College, Nanded<br>Asst. Professor, Department of Botany, Yeshwant<br>Mahavidalaya VIP Road, Baba –Nagar Nanded (M,S) India 431602   | -Member;   |
| (v) Shri Moqtik A Bawase<br>Chemical Engineer Automotive Research  | -Member;   |

Association of India, Pune  
General Manager  
Environment Research Lab (ERL)  
The Automotive Research Association of India  
(ARAI), Survey No-102, Vetal Hill, Off Paud Road,  
Kothrud, Pune-411038

- (vi) Deputy Secretary or Scientist –I and above, -Member-  
Environment and Climate Change Department, Secretary.  
Government of Maharashtra

7. The Central Government in consultation with the State Government of Maharashtra, for the purpose of assisting the Authority, hereby constitutes the Second State Expert Appraisal Committee for Mumbai Metropolitan Region and Konkan Region in the State of Maharashtra (hereinafter referred to as second SEAC, Maharashtra) comprising of the following persons, namely: —

- (i) Shri Sudhir Manikrao Khanapure -Chairman;  
Runwal Regency, Flat no-701, A-Building, Sadhu  
Waswani Chowk, Opp. Parmar Chamber, Camp,  
Pune-411001
- (ii) Shri Ramesh Balkrishna Bambale -Member;  
MCGM, A1202, Umiya Tower, Off M.P. Road,  
Mulund East, Mumbai-400081
- (iii) Dr. Ganesh Bhimrao Rasal -Member;  
Ho. No.30/1, 'R' Residency, F-102, Near Utkarsh  
Society, Katraj, Pune 46
- (iv) Dr. Nitin M. Labhane -Member;  
Professor and Dean (Research and Development),  
Department of Botany, Bhavan's College  
(Affiliated to University of Mumbai),  
Andheri-W, Mumbai-58
- (v) Deputy Secretary or Scientist –I and above, -Member-  
Environment and Climate Change Department, Secretary.  
Government of Maharashtra

8. The Central Government in consultation with the State Government of Maharashtra, for the purpose of assisting the Authority, hereby constitutes the Third State Expert Appraisal Committee, except for Mumbai Metropolitan Region and Konkan Region, in the State of Maharashtra (hereinafter referred to as third SEAC, Maharashtra) comprising of the following persons, namely:—

- (i) Shri Sanjay S. Deshmukh, -Chairman;  
B-602, R A residences, Dr. B.A. Road  
(opp. Sharada Cinema), Dadar (E),  
Mumbai-400014
- (ii) Shri Kiran Vasant Acharekar -Member;  
Flat no-1000, 10<sup>th</sup> Floor, Supralina Building,  
11<sup>th</sup> Road, Chembur, Mumbai-400071
- (iii) Dr. Aseem Gokarn Harwansh -Member;  
Urban Landscaping Expert  
1403/57, Seawoods Estate, NRI Complex, Phase 2,

Palm Beach Rd, Vashi, Navi Mumbai-400703

- (iv) Deputy Secretary or Scientist –I and above, -Member -  
Environment and Climate Change Department, Secretary.  
Government of Maharashtra

9. The Chairman and Members of the Committee, shall hold office for a period of three years from the date of publication of this notification in the Official Gazette.

10. In order to avoid any conflict of interest,-

- (i) the Chairman and Members of the Authority, and the Committee shall,-  
(a) declare to which consulting organisation they have been associated with and also the project proponents;  
(b) not undertake any consultation or associate with regard to preparation of Environment Impact Assessment and Environment Management Plan for project, which is to be decided by the Authority, or to be appraised by the Committee during their tenure; and  
(ii) in the preceding five years, if the Chairman or any Member of the Committee has provided consultancy services or conducted Environment Impact Assessment studies for any project proponent, they shall recuse themselves from the meetings of the Committee from the process of appraisal of any project proposed by such proponents.

11. The Committee shall exercise such powers and follow such procedures as specified in the said notification.

12. The Committee shall function on the principle of collective responsibility and the Chairman shall endeavour to reach consensus in each case, and if they fail to reach consensus, the views of the majority shall prevail.

13. The State Government of Maharashtra shall specify an agency to act as secretariat of the Authority and the Committee and the secretariat shall provide financial and logistic support including accommodation, transportation and such other facilities in respect of their functions under the said notification.

14. The sitting fees, travelling allowances and dearness allowances to the Chairman and Members of the Authority and the Committee, shall be paid in accordance with the provisions of relevant rules of the State Government of Maharashtra.

[F. No. IA3-13/7/2023-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

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Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.

**Item No.12:** M/s. Sai Krupa Builders. (SIA/MH/INFRA2/446730/2023)

Environmental Clearance for Proposed expansion in EC for Residential and Commercial project on plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at Village: Barave, Tal – Kalyan, Dist – Thane by M/s. Sai Krupa Builders.

**Introduction:** -

PP submitted the application for environmental clearance to their proposed expansion in Residential and Commercial project having total plot area of 14,175.00 Sq.Mtrs., Total construction area of 58,946.96 Sq.Mtrs. and FSI area of 37,484.35 Sq.Mtrs. PP proposes to construct 5 nos. of Residential buildings & a Commercial building having the maximum height of 106.60 Mtrs. as mentioned at Sr.no. 20 of the project details.

Representative of PP was present during the meeting along with Environmental Consultant Mahabal Enviro Engineers Pvt. Ltd. The details of project are as mentioned below:

Sr. No.	Description	Details	
1	Proposal Number	<b>SIA/MH/INFRA2/446730/2023</b>	
2	Name of Project	Environmental Clearance for proposed Expansion in Residential and Commercial project on plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at village Barave, Tal – Kalyan, Dist – Thane, Maharashtra by <b>M/s. SAI KRUPA BUILDERS.</b>	
3	Project category	8 (a) category (B2)	
4	Type of Institution	Private	
5	Project Proponent	Name	Mr. Ashok Gangwani
		Regd. Office	2 <sup>nd</sup> Floor, Seeta Vallabh, Near Welcome Hotel, Shivaji Chowk, Kalyan (W), Tal. Kalyan, Dist. Thane, Maharashtra.
		Contact number	7208786985/7208786895/96
		E-mail	<a href="mailto:skrupabuilders@gmail.com">skrupabuilders@gmail.com</a>
6	Consultant	Mahabal Enviro Engineers Pvt. Ltd. Accredited by NABET vide No. QCI/NABET/EIA/ACO/17/00427	
7	Applied for	New Project	

**Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.**

Sr. No.	Description	Details					
8	Location of the project	Plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at village Barave, Tal – Kalyan, Dist – Thane, Maharashtra.					
9	Latitude and Longitude	Latitude: 19° 15'47.94"N and Longitude: 73° 8'42.10"E					
10	Plot Area (sq.m.)	14,175.00 m <sup>2</sup>					
11	Deductions (sq.m.)	3,107.00 m <sup>2</sup>					
12	Net Plot area (sq.m.)	11,068.00 m <sup>2</sup>					
13	Ground coverage (m <sup>2</sup> ) & %	Ground coverage (m <sup>2</sup> ): 4,495 m <sup>2</sup> and Ground coverage (%): 41%					
14	FSI Area (sq.m.)	37,484.35 m <sup>2</sup>					
15	Non-FSI (sq.m.)	21,462.61 m <sup>2</sup>					
16	Proposed built-up area (FSI + Non FSI) (sq.m.)	58,946.96 m <sup>2</sup>					
17	TBUA (m <sup>2</sup> ) approved by Planning Authority till date	Total BUA: 58,946.96 m <sup>2</sup> (The plan is approved from KDMC vide No. KDMC/TPD/BP/KD/2013-14/61/469 dated. 21.03.2023)					
18	Earlier EC details with Total Construction area, if any.	Not Applicable					
19	Construction completed as per earlier EC (FSI + Non FSI) (sq.m.)	We have started construction on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated 31.03.2016. As on date, we have constructed 18,535.50 m <sup>2</sup> (FSI area: 11,843.86 m <sup>2</sup> ).					
20	<b>Previous EC / Existing Building</b>	<b>Proposed Configuration</b>				<b>Reason for Modification / Change</b>	
	<b>Bldg. Name</b>	<b>Config.</b>	<b>Height (m)</b>	<b>Bldg. Name</b>	<b>Config.</b>	<b>Height (m)</b>	
	-	-	-	Bldg. 1	G/S+7 floors	23.80	-
	-	-	-	Bldg. 2A	S+15 floors	45.75	-
	-	-	-	Bldg. 2B	S+15 floors	45.75	-
	-	-	-	Bldg. 3	S + Garden	3.0	-
	-	-	-	Bldg. 4 (Commercial)	B+S+3 floors	15.90	-

**Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.**

Sr. No.	Description			Details			
	-	-	-	Bldg. 5A & 5B	B+S/G+1 <sup>st</sup> to 3 <sup>rd</sup> (Commercial)+4 <sup>th</sup> floor service+ 5 <sup>th</sup> to 32 <sup>nd</sup> Residential floors+ 33 <sup>rd</sup> (pt) recreational floor	106.6	-
	-	-	-	Club House	G+1 <sup>st</sup> (pt) floor	7.35	-
21	No. of Tenements & Shops			Flats: 390 Nos., Commercial area: 2,290.86 m <sup>2</sup>			
22	Total Population			2,308 Nos.			
23	Total Water Requirements CMD			287 KLD			
24	Under Ground Tank (UGT) location			Below Ground			
25	Source of water			KDMC			
26	STP Capacity & Technology			1 STP of total 280 KLD capacity with MBBR technology			
27	STP Location			Below Ground			
28	Sewage Generation CMD & % of sewage discharge in sewer line			Sewage generation: 266 KLD Disposal in Municipal sewer: 30%			
29	Solid Waste Management during Construction Phase			<b>Type</b>	<b>Quantity</b>	<b>Treatment / disposal</b>	
				Dry Waste (Kg/d)	04	Local body	
				Wet Waste (Kg/d)	06	Local body	
				Construction waste (m <sup>3</sup> )	1,740	Construction Waste Management Rules, 2016	

**Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.**

Sr. No.	Description	Details		
30	Total Solid Waste Quantities with type during Operation Phase & Capacity of OWC to be installed	<b>Type</b>	<b>Quantity (Kg/d)</b>	<b>Treatment / disposal</b>
		Dry waste	428	Handed over to Local Body
		Wet waste	642	Mechanical composting machines of total 700 kg/day
		E-Waste (Ton/years)	4.5	Authorized recyclers
		STP Sludge (dry)	3.0	STP sludge will be composted
31	R.G. Area in sq.m.	<b>RG required (10% of 11,068.00 m<sup>2</sup>): 1,106.80 m<sup>2</sup></b>		
		<b>RG provided on Mother earth: 1,441.9 m<sup>2</sup></b>		
		RG provided on Podium: 1,228.07 m <sup>2</sup>		
		Total: 2,669.97 m <sup>2</sup>		
		• Existing trees on plot: Nil (Prior to development)		
		• Number of trees to be Cut & Transplanted: Nil		
		<b>Number of trees to be planted:</b>		
		a) In RG & Plot Boundary area: 40 Nos.		
		b) In Miyawaki Plantation (with area): 180 Nos. (60 m <sup>2</sup> )		
		• Trees Planted till date: 126 Nos.		
• Additional New trees to be planted: 40 Nos.				
• Total trees on plot: 346 Nos. (Trees planted till date + New + Miyawaki)				
32	Power requirement	<b>During Operation Phase:</b>		
		Details:	<b>MSEDCL</b>	
		Connected load (kW)	4.6 MW	
		Demand load (kW)	2.4 MW	
33	Energy Efficiency	a) Total Energy saving (%): 20% b) Solar energy (%): 10.1% (Solar Hot water panels: 140 Nos. & Solar PV Panels: 15 kW)		
34	D.G. set capacity	1 x 750 kVA & 1 x 500 kVA		
35	No. of 4-W & 2-W Parking with 25% EV	4-W: 377 Nos. & 2-W: 313 Nos. (EV charging points: 25%)		

**Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.**

Sr. No.	Description	Details
36	No. & capacity of Rain water harvesting tanks /Pits	3 RWH tanks with 225 KL total capacity
37	Project Cost in (Cr.)	Rs. 120 Cr.
38	EMP Cost	a) Construction Phase: Rs. 65 Lakhs/Annum. b) Operation Phase: 1.Capital Cost: Rs. 580 Lakhs. 2.O&M: 50 Lakhs/yr (Including DMP cost)
39	CER Details with justification if any....as per MoEF&CC circular dated 01/05/2018	Not Applicable (as per MoEF&CC OM F. No. 22-65/2017-IA.III dt. 25.02.2021)
40	Details of Court Cases/litigations w.r.t the project and project location, if any.	No court case is pending against the project

**Deliberation:**

PP informed that the project is Residential-cum-Commercial building project and comes under the purview of Kalyan Dombivali Municipal Corporation (KDMC). PP also informed that the project lies in Residential zone as per the DP remarks received from the planning authority. PP further informed that the project site is accessible by 15.0 Mtr. & 12.0 Mtr. wide existing DP Roads.

PP submitted that they had earlier submitted application for EC vide No. SEIAA-STATEMENT-000000454 on 11.05.2017 for the plot area of 14,175.00 Sq.Mtrs., FSI area of 18,331.96 Sq.Mtrs. and total construction area 34,609.89 Sq.Mtrs. & the proposal was considered in 54<sup>th</sup> SEAC II meeting held on 05.07.2017 and the project was recommended to SEIAA for grant of EC. PP also submitted that the project was also considered in 120<sup>th</sup> SEIAA meeting held on 07.03.2018 (Item No. 08). However; SEIAA did not considered their project as the approved plan was not available for full potential.

PP submitted that the construction work was initiated on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated 31.03.2016 as the total potential was less than 20,000 Sq.Mtrs. PP also submitted that they had completed construction of 18,535.50 Sq.Mtrs. (FSI area of 11,843.86 Sq.Mtrs ) on site till date and submitted Architect certificate dated: 24.10.2023 to that effect. PP further submitted that the status of construction on site was also mentioned in the

**Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.**

minutes of 54<sup>th</sup> SEAC-2 meeting and there is no change in the status. PP submitted that due to applicability of UDCPR 2020, they have applied for EC for expansion as per the provision of EIA Notification, 2006.

PP submitted that they have constructed total construction area of 18,535.50 Sq.Mtrs on site till today which is below 20,000 Sq.Mtrs and requested to Committee not to consider the construction completed as violation as per circular dated: 21.04.2015.

Committee noted that the PP had earlier submitted application for EC vide No. SEIAA-STATEMENT-0000000454 on 11.05.2017 for the plot area of 14,175.00 Sq.Mtrs., FSI area of 18,331.96 Sq.Mtrs. and total construction area 34,609.89 Sq.Mtrs. & the proposal was considered in 54<sup>th</sup> SEAC II meeting held on 05.07.2017 and the project was recommended to SEIAA for grant of EC. Committee also noted that the project was also considered in 120<sup>th</sup> SEIAA meeting held on 07.03.2018 (Item No. 08). However; SEIAA did not considered their project as the approved plan was not available for full potential. Committee further noted that PP had initiated the construction work on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated: 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated: 31.03.2016 as the total potential was less than 20,000 Sq.Mtrs & completed construction of 18,535.50 Sq.Mtrs. (FSI area of 11,843.86 Sq.Mtrs ) on site till date.

Committee noted that the status of construction on site was also mentioned in the minutes of 54<sup>th</sup> SEAC-2 meeting and the project was recommended to SEIAA for grant of environmental clearance. Committee also noted that construction completed is 18,535.50 Sq.Mtrs., which is below 20.000 Sq. Mtrs. as mentioned in circular dated 21.04.2015. Therefore, committee decided to appraise the project.

The project proposal was discussed on the basis of presentation made and documents submitted by the proponent along with environmental consultant Mahabal Enviro Engineers Pvt Ltd. All issues related to environment including air, water, land, soil, ecology and biodiversity and social aspects were discussed. Committee noted that the project is under 8(a) B2 category of EIA Notification, 2006. Consolidated Statements, Form- 1, 1/1A, presentation & plans submitted are taken on the record.

**During discussion following points emerged:**

1.PP to submit IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions as per the Circular dated 30.01.2014 issued by the Environment Department, Govt. of Maharashtra showing all required RG area on mother earth as per Hon'ble Supreme Court order.

2.PP to obtain following NOCs and remarks:

a) Water supply; b) Sewer connection; c) SWD NOC; d) CFO NOC for building no.4; e) Civil Aviation NOC, if required.

3.PP to submit undertaking and architect certificate mentioning that they have provided all required RG on mother earth as per the Hon'ble Supreme Court order regarding RG area.

4.PP to treat the sewage generated from existing occupied buildings in proposed STP in the project.

**Minutes of the 218<sup>th</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 30<sup>th</sup> & 31<sup>st</sup> October, 2023 through Video Conferencing.**

5.PP to submit undertaking mentioning that they will first construct/install/commission the OWC and STP for the existing buildings before starting the construction work of new buildings as per EC issued to the project.

6.PP to reduce discharge of treated water up to 35%; PP to submit undertaking/NOC from Garden Dept of KDMC for use of 75 kld excess treated water generated in the project for Garden reservation.

7.PP to relocate parking proposed near/in front of Substation/Transformer and STP.

8.PP to submit undertaking that they will follow guidelines of dust mitigation issued by planning authority.

**Decision: -**

In view of above discussion and subject to compliance of above points the proposal is recommended to SEIAA for grant of Environmental Clearance.

T.C



Minutes of 272<sup>nd</sup> Day 1 (Part A) meeting of SEIAA held on 13<sup>th</sup> December, 2023

**Item no. 02**

**Proposal No.:-** SIA/MH/INFRA2/446730/2023

**Type of Project:** EC

**Subject-** Environmental Clearance for Proposed expansion in EC for Residential and Commercial project on plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at Village: Barave, Tal – Kalyan, Dist – Thane by M/s. Sai Krupa Builders.

**Project Details-**

PP submitted the application for environmental clearance to their proposed expansion in Residential and Commercial project having total plot area of 14,175.00 Sq.Mtrs., Total construction area of 58,946.96 Sq.Mtrs. and FSI area of 37,484.35 Sq.Mtrs. PP proposes to construct 5 nos. of Residential buildings & a Commercial building having the maximum height of 106.60 Mtrs. as mentioned at Sr.no. 20 of the project details.

Representative of PP was present during the meeting along with Environmental Consultant Mahabal Enviro Engineers Pvt. Ltd. The details of project are as mentioned below:

Sr. No.	Description	Details	
1	Proposal Number	SIA/MH/INFRA2/446730/2023	
2	Name of Project	Environmental Clearance for proposed Expansion in Residential and Commercial project on plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at village Barave, Tal – Kalyan, Dist – Thane, Maharashtra by M/s. SAI KRUPA BUILDERS.	
3	Project category	8 (a) category (B2)	
4	Type of Institution	Private	
5	Project Proponent	Name	Mr. Ashok Gangwani
		Regd. Office	2 <sup>nd</sup> Floor, Seeta Vallabh, Near Welcome Hotel, Shivaji Chowk, Kalyan (W), Tal. Kalyan, Dist. Thane, Maharashtra.
		Contact number	7208786985/7208786895/96
		E-mail	skrupabuilders@gmail.com
6	Consultant	Mahabal Enviro Engineers Pvt. Ltd. Accredited by NABET vide No. QCI/NABET/EIA/ACO/17/00427	
7	Applied for	New Project	
8	Location of the project	Plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at village Barave, Tal – Kalyan, Dist – Thane, Maharashtra.	
9	Latitude and Longitude	Latitude: 19°15'47.94"N and Longitude: 73° 8'42.10"E	
10	Plot Area (sq.m.)	14,175.00 m <sup>2</sup>	
11	Deductions (sq.m.)	3,107.00 m <sup>2</sup>	
12	Net Plot area (sq.m.)	11,068.00 m <sup>2</sup>	

  
Member Secretary

T.C



  
Chairman

Minutes of 272<sup>nd</sup> Day 1 (Part A) meeting of SEIAA held on 13<sup>th</sup> December, 2023

13	Ground coverage (m <sup>2</sup> ) & %	Ground coverage (m <sup>2</sup> ): 4,495 m <sup>2</sup> and Ground coverage (%): 41%					
14	FSI Area (sq.m.)	37,484.35 m <sup>2</sup>					
15	Non-FSI (sq.m.)	21,462.61 m <sup>2</sup>					
16	Proposed built-up area (FSI + Non FSI) (sq.m.)	58,946.96 m <sup>2</sup>					
17	TBUA (m <sup>2</sup> ) approved by Planning Authority till date	Total BUA: 58,946.96 m <sup>2</sup> (The plan is approved from KDMC vide No. KDMC/TPD/BP/KD/2013-14/61/469 dated. 21.03.2023)					
18	Earlier EC details with Total Construction area, if any.	Not Applicable					
19	Construction completed as per earlier EC (FSI + Non FSI) (sq.m.)	We have started construction on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated 31.03.2016. As on date, we have constructed 18,535.50 m <sup>2</sup> (FSI area: 11,843.86 m <sup>2</sup> ).					
20	<b>Previous EC / Existing Building</b>			<b>Proposed Configuration</b>			<b>Reason for Modification / Change</b>
	<b>Bldg. Name</b>	<b>Config.</b>	<b>Height (m)</b>	<b>Bldg. Name</b>	<b>Config.</b>	<b>Height (m)</b>	
	-	-	-	Bldg. 1	G/S+7 floors	23.80	-
	-	-	-	Bldg. 2A	S+15 floors	45.75	-
	-	-	-	Bldg. 2B	S+15 floors	45.75	-
	-	-	-	Bldg. 3	S + Garden	3.0	-
	-	-	-	Bldg. 4 (Commercial)	B+S+3 floors	15.90	-
	-	-	-	Bldg. 5A & 5B	B+S/G+1 <sup>st</sup> to 3 <sup>rd</sup> (Commercial)+4 <sup>th</sup> floor service+ 5 <sup>th</sup> to 32 <sup>nd</sup> Residential floors+ 33 <sup>rd</sup> (pt) recreational floor	106.6	-
-	-	-	Club House	G+1 <sup>st</sup> (pt) floor	7.35	-	
21	No. of Tenements & Shops	Flats: 390 Nos., Commercial area: 2,290.86 m <sup>2</sup>					
22	Total Population	2,308 Nos.					

  
Member Secretary

  
Chairman

23	Total Water Requirements CMD	287 KLD		
24	Under Ground Tank (UGT) location	Below Ground		
25	Source of water	KDMC		
26	STP Capacity & Technology	1 STP of total 280 KLD capacity with MBBR technology		
27	STP Location	Below Ground		
28	Sewage Generation CMD & % of sewage discharge in sewer line	Sewage generation: 266 KLD Disposal in Municipal sewer: 30%		
29	Solid Waste Management during Construction Phase	<b>Type</b>	<b>Quantity</b>	<b>Treatment / disposal</b>
		Dry Waste (Kg/d)	04	Local body
		Wet Waste (Kg/d)	06	Local body
		Construction waste (m <sup>3</sup> )	1,740	Construction Waste Management Rules, 2016
30	Total Solid Waste Quantities with type during Operation Phase & Capacity of OWC to be installed	<b>Type</b>	<b>Quantity (Kg/d)</b>	<b>Treatment / disposal</b>
		Dry waste	428	Handed over to Local Body
		Wet waste	642	Mechanical composting machines of total 700 kg/day
		E-Waste (Ton/years)	4.5	Authorized recyclers
		STP Sludge (dry)	3.0	STP sludge will be composted
31	R.G. Area in sq.m.	<b>RG required (10% of 11,068.00 m<sup>2</sup>): 1,106.80 m<sup>2</sup></b>		
		<b>RG provided on Mother earth: 1,441.9 m<sup>2</sup></b>		
		RG provided on Podium: 1,228.07 m <sup>2</sup>		
		Total: 2,669.97 m <sup>2</sup>		
		• Existing trees on plot: Nil (Prior to development)		
		• Number of trees to be Cut & Transplanted: Nil		
		<b>Number of trees to be planted:</b>		
		a) In RG & Plot Boundary area: 40 Nos.		
		b) In Miyawaki Plantation (with area): 180 Nos. (60 m <sup>2</sup> )		
• Trees Planted till date: 126 Nos.				
• Additional New trees to be planted: 40 Nos.				

  
Member Secretary

  
Chairman

		<ul style="list-style-type: none"> <li>Total trees on plot: 346 Nos. (Trees planted till date + New + Miyawaki)</li> </ul>
32	Power requirement	<b>During Operation Phase:</b>
		Details: <span style="float: right;"><b>MSEDCL</b></span>
		Connected load (kW) <span style="float: right;">4.6 MW</span>
		Demand load (kW) <span style="float: right;">2.4 MW</span>
33	Energy Efficiency	a) Total Energy saving (%): 20% b) Solar energy (%): 10.1% (Solar Hot water panels: 140 Nos. & Solar PV Panels: 15 kW)
34	D.G. set capacity	1 x 750 kVA & 1 x 500 kVA
35	No. of 4-W & 2-W Parking with 25% EV	4-W: 377 Nos. & 2-W: 313 Nos. (EV charging points: 25%)
36	No. & capacity of Rain water harvesting tanks /Pits	3 RWH tanks with 225 KL total capacity
37	Project Cost in (Cr.)	Rs. 120 Cr.
38	EMP Cost	a) Construction Phase: Rs. 65 Lakhs/Annum. b) Operation Phase: 1.Capital Cost: Rs. 580 Lakhs. 2.O&M: 50 Lakhs/yr (Including DMP cost)
39	CER Details with justification if any....as per MoEF&CC circular dated 01/05/2018	Not Applicable (as per MoEF&CC OM F. No. 22-65/2017-IA.III dt. 25.02.2021)
40	Details of Court Cases/litigations w.r.t the project and project location, if any.	No court case is pending against the project

**SEAC Deliberation –**

PP informed that the project is Residential-cum-Commercial building project and comes under the purview of Kalyan Dombivali Municipal Corporation (KDMC). PP also informed that the project lies in Residential zone as per the DP remarks received from the planning authority. PP further informed that the project site is accessible by 15.0 Mtr. & 12.0 Mtr. wide existing DP Roads.

PP submitted that they had earlier submitted application for EC vide No. SEIAA-STATEMENT-0000000454 on 11.05.2017 for the plot area of 14,175.00 Sq.Mtrs., FSI area of 18,331.96 Sq.Mtrs. and total construction area 34,609.89 Sq.Mtrs. & the proposal was considered in 54th SEAC II meeting held on 05.07.2017 and the project was recommended to SEIAA for grant of EC. PP also submitted that the project was also considered in 120th SEIAA



Member Secretary



Chairman

Minutes of 272<sup>nd</sup> Day 1 (Part A) meeting of SEIAA held on 13<sup>th</sup> December, 2023

meeting held on 07.03.2018 (Item No. 08). However; SEIAA did not considered their project as the approved plan was not available for full potential.

PP submitted that the construction work was initiated on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated 31.03.2016 as the total potential was less than 20,000 Sq.Mtrs. PP also submitted that they had completed construction of 18,535.50 Sq.Mtrs. (FSI area of 11,843.86 Sq.Mtrs ) on site till date and submitted Architect certificate dated: 24.10.2023 to that effect. PP further submitted that the status of construction on site was also mentioned in the minutes of 54th SEAC-2 meeting and there is no change in the status. PP submitted that due to applicability of UDCPR 2020, they have applied for EC for expansion as per the provision of EIA Notification, 2006.

PP submitted that they have constructed total construction area of 18,535.50 Sq.Mtrs on site till today which is below 20,000 Sq.Mtrs and requested to Committee not to consider the construction completed as violation as per circular dated: 21.04.2015.

Committee noted that the PP had earlier submitted application for EC vide No. SEIAA-STATEMENT-0000000454 on 11.05.2017 for the plot area of 14,175.00 Sq.Mtrs., FSI area of 18,331.96 Sq.Mtrs. and total construction area 34,609.89 Sq.Mtrs. & the proposal was considered in 54th SEAC II meeting held on 05.07.2017 and the project was recommended to SEIAA for grant of EC. Committee also noted that the project was also considered in 120th SEIAA meeting held on 07.03.2018 (Item No. 08). However; SEIAA did not considered their project as the approved plan was not available for full potential. Committee further noted that PP had initiated the construction work on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated: 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated: 31.03.2016 as the total potential was less than 20,000 Sq.Mtrs & completed construction of 18,535.50 Sq.Mtrs. (FSI area of 11,843.86 Sq.Mtrs ) on site till date.

Committee noted that the status of construction on site was also mentioned in the minutes of 54th SEAC-2 meeting and the project was recommended to SEIAA for grant of environmental clearance. Committee also noted that construction completed is 18,535.50 Sq.Mtrs., which is below 20.000 Sq. Mtrs. as mentioned in circular dated 21.04.2015. Therefore, committee decided to appraise the project.

The project proposal was discussed on the basis of presentation made and documents submitted by the proponent along with environmental consultant Mahabal Enviro Engineers Pvt Ltd. All issues related to environment including air, water, land, soil, ecology and biodiversity and social aspects were discussed. Committee noted that the project is under 8(a) B2 category of EIA Notification, 2006. Consolidated Statements, Form- 1, 1/1A, presentation & plans submitted are taken on the record.

**During discussion following points emerged:**

1.PP to submit IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions as per the

  
Member Secretary

  
Chairman

Minutes of 272<sup>nd</sup> Day 1 (Part A) meeting of SEIAA held on 13<sup>th</sup> December, 2023

Circular dated 30.01.2014 issued by the Environment Department, Govt. of Maharashtra showing all required RG area on mother earth as per Hon'ble Supreme Court order.

2.PP to obtain following NOCs and remarks:

a) Water supply; b) Sewer connection; c) SWD NOC; d) CFO NOC for building no.4; e) Civil Aviation NOC, if required.

3.PP to submit undertaking and architect certificate mentioning that they have provided all required RG on mother earth as per the Hon'ble Supreme Court order regarding RG area.

4.PP to treat the sewage generated from existing occupied buildings in proposed STP in the project.

5.PP to submit undertaking mentioning that they will first construct/install/commission the OWC and STP for the existing buildings before starting the construction work of new buildings as per EC issued to the project.

6.PP to reduce discharge of treated water up to 35%; PP to submit undertaking/NOC from Garden Dept of KDMC for use of 75 kld excess treated water generated in the project for Garden reservation.

7.PP to relocate parking proposed near/in front of Substation/Transformer and STP.

8.PP to submit undertaking that they will follow guidelines of dust mitigation issued by planning authority.

### **Recommendations of SEAC-**

In view of above discussion and subject to compliance of above points the proposal is recommended to SEIAA for grant of Environmental Clearance.

### **Deliberation in SEIAA-**

Proposal a new construction project. Proposal is recommended by SEAC-2 in its 218<sup>th</sup> meeting for grant of Environment Clearance for total plot area of 14,175.00 Sq.Mtrs., Total construction area of 58,946.96 Sq.Mtrs. and FSI area of 37,484.35 Sq.Mtrs.

During the meeting, SEIAA asked PP regarding the provision of RG. PP submitted that, they have provided mandatory RG having area of 1106.80 m<sup>2</sup> on mother earth without any construction. SEIAA asked PP to submit area undertaking to that effect. PP submitted the same dated 09.12.2023.

SEIAA also asked PP to submit undertaking regarding the complying the SEAC conditions. PP submitted the same dated 11.12.2023.

SEIAA further observed that, PP has not obtained CFO NOC for building no 4 which is a commercial building. SEIAA decided to restrict the EC as per CFO NOC.

SEIAA after deliberation decided to grant EC for-FSI- 37,484.35m<sup>2</sup>, Non FSI- 21,462.61m<sup>2</sup>, total BUA- 58,946.96m<sup>2</sup>. (Plan approval No- KDMC/TPD/BP/KD/2013-14/61/469, dated- 21.03.2023)

SEIAA after deliberation decided to grant Environment Clearance subject to compliance of following conditions-

1. PP has provided mandatory RG area of 1106.80 m<sup>2</sup> on mother earth without any construction Local planning authority to ensure the compliance of the same.

  
Member Secretary

  
Chairman



Minutes of 272<sup>nd</sup> Day 1 (Part A) meeting of SEIAA held on 13<sup>th</sup> December, 2023

2. This EC excludes the building no 4 as PP has not obtained CFO NOC for the same.
3. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
4. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
5. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA III dt.04.01.2019.
6. SEIAA after deliberation decided to grant EC for-FSI- 37,484.35m<sup>2</sup>, Non FSI- 21,462.61m<sup>2</sup>, total BUA- 58,946.96m<sup>2</sup>. (Plan approval No- KDMC/TPD/BP/KD/2013-14/61/469, dated-21.03.2023)

**SEIAA Decision-**

SEIAA after deliberation decided to grant Environment Clearance.

  
Member Secretary

T.C  
  
  
Chairman

ENVIRONMENTAL  
CLEARANCE

Government of India  
Ministry of Environment, Forest and Climate Change  
(Issued by the State Environment Impact Assessment  
Authority(SEIAA), MAHARASHTRA)

To,

The Partner  
SAI KRUPA BUILDERS  
2nd Floor, Seeta Vallabh, Near Welcome Hotel, Shivaji Chowk, Kalyan  
(West) -421301

**Subject:** Grant of Environmental Clearance (EC) to the proposed Project Activity  
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)  
in respect of project submitted to the SEIAA vide proposal number  
SIA/MH/INFRA2/446730/2023 dated 04 Oct 2023. The particulars of the  
environmental clearance granted to the project are as below.

- |   |  |
|---|--|
| 1. EC Identification No.                      | EC24B038MH125494   |
| 2. File No.                                   | SIA/MH/INFRA2/446730/2023  |
| 3. Project Type                               | New  |
| 4. Category                                   | B  |
| 5. Project/Activity including<br>Schedule No. | 8(a) Building and Construction projects  |
| 6. Name of Project                            | Application for Expansion in EC for<br>Residential and Commercial project on<br>plot bearing S. Nos. 25/9, 25/10, 25/1(pt),<br>11, 10/2, 3, 24/4 at village Barave, Tal –<br>Kalyan, Dist – Thane, Maharashtra by<br>M/s. SAI KRUPA BUILDERS |
| 7. Name of Company/Organization               | SAI KRUPA BUILDERS   |
| 8. Location of Project                        | MAHARASHTRA  |
| 9. TOR Date                                   | N/A  |

The project details along with terms and conditions are appended herewith from page  
no 2 onwards.

Date: 06/02/2024

(e-signed)  
Pravin C. Darade , I.A.S.  
Member Secretary  
SEIAA - (MAHARASHTRA)

*Note: A valid environmental clearance shall be one that has EC identification  
number & E-Sign generated from PARIVESH. Please quote identification  
number in all future correspondence.*

*This is a computer generated cover page.*

T.C

## STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No. SIA/MH/INFRA2/446730/2023  
 Environment & Climate  
 Change Department  
 Room No. 217, 2<sup>nd</sup> Floor,  
 Mantralaya, Mumbai- 400032.

To

M/s. Sai Krupa Builders,  
 S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4,  
 Village: Barave, Tal – Kalyan, Dist – Thane.

**Subject** : Environmental Clearance for Proposed expansion in EC for Residential and Commercial project on plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at Village: Barave, Tal – Kalyan, Dist – Thane by M/s. Sai Krupa Builders

**Reference** : Application no. SIA/MH/INFRA2/446730/2023

This has reference to your communication on the above-mentioned subject. The proposal was considered by the SEAC-2 in its 218<sup>th</sup> meeting under screening category 8 (a) B2 as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 272<sup>nd</sup> (Day-1) meeting of State Level Environment Impact Assessment Authority (SEIAA) held on 13<sup>th</sup> December, 2023.

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

Sr. No.	Description	Details	
1	Proposal Number	SIA/MH/INFRA2/446730/2023	
2	Name of Project	Environmental Clearance for proposed Expansion in Residential and Commercial project on plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at village Barave, Tal – Kalyan, Dist – Thane, Maharashtra by M/s. SAI KRUPA BUILDERS.	
3	Project category	8 (a) category (B2)	
4	Type of Institution	Private	
5	Project Proponent	Name	Mr. Ashok Gangwani
		Regd. Office	2 <sup>nd</sup> Floor, Seeta Vallabh, Near Welcome Hotel, Shivaji Chowk, Kalyan (W), Tal. Kalyan, Dist. Thane, Maharashtra.
		Contact number	7208786985/7208786895/96
		E-mail	<a href="mailto:skrupabuilders@gmail.com">skrupabuilders@gmail.com</a>
6	Consultant	Mahabal Enviro Engineers Pvt. Ltd. Accredited by NABET vide No. QCI/NABET/EIA/ACO/17/00427	

7	Applied for	New Project						
8	Location of the project	Plot bearing S. Nos. 25/9, 25/10, 25/1(pt), 11, 10/2, 3, 24/4 at village Barave, Tal – Kalyan, Dist – Thane, Maharashtra.						
9	Latitude and Longitude	Latitude: 19°15'47.94"N and Longitude: 73° 8'42.10"E						
10	Plot Area (sq.m.)	14,175.00 m <sup>2</sup>						
11	Deductions (sq.m.)	3,107.00 m <sup>2</sup>						
12	Net Plot area (sq.m.)	11,068.00 m <sup>2</sup>						
13	Ground coverage (m <sup>2</sup> ) & %	Ground coverage (m <sup>2</sup> ): 4,495 m <sup>2</sup> and Ground coverage (%): 41%						
14	FSI Area (sq.m.)	37,484.35 m <sup>2</sup>						
15	Non-FSI (sq.m.)	21,462.61 m <sup>2</sup>						
16	Proposed built-up area (FSI + Non FSI) (sq.m.)	58,946.96 m <sup>2</sup>						
17	TBUA (m <sup>2</sup> ) approved by Planning Authority till date	Total BUA: 58,946.96 m <sup>2</sup> (The plan is approved from KDMC vide No. KDMC/TPD/BP/KD/2013-14/61/469 dated. 21.03.2023)						
18	Earlier EC details with Total Construction area, if any.	Not Applicable						
19	Construction completed as per earlier EC (FSI + Non FSI) (sq.m.)	We have started construction on site as per approval from KDMC vide no. KDMC/NRV/BP/KV/2013-14/61 dated 10.06.2013 and amended permission vide No. KDMC/NRV/BP/KV/2013-14/61/349 dated 31.03.2016. As on date, we have constructed 18,535.50 m <sup>2</sup> (FSI area: 11,843.86 m <sup>2</sup> ).						
20	<b>Previous EC / Existing Building</b>			<b>Proposed Configuration</b>			<b>Reason for Modification / Change</b>	
	<b>Bldg. Name</b>	<b>Config.</b>	<b>Height (m)</b>	<b>Bldg. Name</b>	<b>Config.</b>	<b>Height (m)</b>		
	-	-	-	Bldg. 1	G/S+7 floors	23.80		-
	-	-	-	Bldg. 2A	S+15 floors	45.75		-
	-	-	-	Bldg. 2B	S+15 floors	45.75		-
	-	-	-	Bldg. 3	S + Garden	3.0		-
	-	-	-	Bldg. 4 (Commercial)	B+S+3 floors	15.90		-
-	-	-	Bldg. 5A & 5B	B+S/G+1 <sup>st</sup> to 3 <sup>rd</sup> (Commercial)+4 <sup>th</sup> floor service+ 5 <sup>th</sup> to 32 <sup>nd</sup> Residential floors+ 33 <sup>rd</sup> (pt)	106.6	-		

					recreational floor		
	-	-	-	Club House	G+1 <sup>st</sup> (pt) floor	7.35	-
21	No. of Tenements & Shops			Flats: 390 Nos., Commercial area: 2,290.86 m <sup>2</sup>			
22	Total Population			2,308 Nos.			
23	Total Water Requirements CMD			287 KLD			
24	Under Ground Tank (UGT) location			Below Ground			
25	Source of water			KDMC			
26	STP Capacity & Technology			1 STP of total 280 KLD capacity with MBBR technology			
27	STP Location			Below Ground			
28	Sewage Generation CMD & % of sewage discharge in sewer line			Sewage generation: 266 KLD Disposal in Municipal sewer: 30%			
29	Solid Waste Management during Construction Phase			<b>Type</b>	<b>Quantity</b>	<b>Treatment / disposal</b>	
				Dry Waste (Kg/d)	04	Local body	
				Wet Waste (Kg/d)	06	Local body	
			Construction waste (m <sup>3</sup> )	1,740	Construction Waste Management Rules, 2016		
30	Total Solid Waste Quantities with type during Operation Phase & Capacity of OWC to be installed			<b>Type</b>	<b>Quantity (Kg/d)</b>	<b>Treatment / disposal</b>	
				Dry waste	428	Handed over to Local Body	
				Wet waste	642	Mechanical composting machines of total 700 kg/day	
				E-Waste (Ton/years)	4.5	Authorized recyclers	
				STP Sludge (dry)	3.0	STP sludge will be composted	
31	R.G. Area in sq.m.			<b>RG required (10% of 11,068.00 m<sup>2</sup>): 1,106.80 m<sup>2</sup></b>			
				<b>RG provided on Mother earth: 1,441.9 m<sup>2</sup></b>			
				<b>RG provided on Podium: 1,228.07 m<sup>2</sup></b>			
				<b>Total: 2,669.97 m<sup>2</sup></b>			
				• Existing trees on plot: Nil (Prior to development)			
				• Number of trees to be Cut & Transplanted: Nil			

		<b>Number of trees to be planted:</b>	
		a) In RG & Plot Boundary area: 40 Nos.	
		b) In Miyawaki Plantation (with area): 180 Nos. (60 m <sup>2</sup> )	
		• Trees Planted till date: 126 Nos.	
		• Additional New trees to be planted: 40 Nos.	
		• Total trees on plot: 346 Nos. (Trees planted till date + New + Miyawaki)	
32	Power requirement	<b>During Operation Phase:</b>	
		Details:	<b>MSEDCL</b>
		Connected load (kW)	4.6 MW
		Demand load (kW)	2.4 MW
33	Energy Efficiency	a) Total Energy saving (%): 20%	
		b) Solar energy (%): 10.1% (Solar Hot water panels: 140 Nos. & Solar PV Panels: 15 kW)	
34	D.G. set capacity	1 x 750 kVA & 1 x 500 kVA	
35	No. of 4-W & 2-W Parking with 25% EV	4-W: 377 Nos. & 2-W: 313 Nos. (EV charging points: 25%)	
36	No. & capacity of Rain water harvesting tanks /Pits	3 RWH tanks with 225 KL total capacity	
37	Project Cost in (Cr.)	Rs. 120 Cr.	
38	EMP Cost	a) Construction Phase: Rs. 65 Lakhs/Annum. b) Operation Phase: 1.Capital Cost: Rs. 580 Lakhs. 2.O&M: 50 Lakhs/yr (Including DMP cost)	
39	CER Details with justification if any....as per MoEF&CC circular dated 01/05/2018	Not Applicable (as per MoEF&CC OM F. No. 22-65/2017-IA.III dt. 25.02.2021)	
40	Details of Court Cases/litigations w.r.t the project and project location, if any.	No court case is pending against the project	

3. Proposal a new construction project. Proposal has been considered by SEIAA in its 272<sup>nd</sup> (Day-1) meeting held on 13<sup>th</sup> December, 2023 and decided to accord Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implantation of following terms and conditions-

**Specific Conditions:**

**A. SEAC Conditions-**

1. PP to submit IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions as per the Circular dated 30.01.2014 issued by the Environment Department, Govt. of Maharashtra showing all required RG area on mother earth as

- per Hon'ble Supreme Court order.
2. PP to obtain following NOCs and remarks:
    - a) Water supply; b) Sewer connection; c) SWD NOC; d) CFO NOC for building no.4;
    - e) Civil Aviation NOC, if required.
  3. PP to submit undertaking and architect certificate mentioning that they have provided all required RG on mother earth as per the Hon'ble Supreme Court order regarding RG area.
  4. PP to treat the sewage generated from existing occupied buildings in proposed STP in the project.
  5. PP to submit undertaking mentioning that they will first construct/install/commission the OWC and STP for the existing buildings before starting the construction work of new buildings as per EC issued to the project.
  6. PP to reduce discharge of treated water up to 35%; PP to submit undertaking/NOC from Garden Dept of KDMC for use of 75 kld excess treated water generated in the project for Garden reservation.
  7. PP to relocate parking proposed near/in front of Substation/Transformer and STP.
  8. PP to submit undertaking that they will follow guidelines of dust mitigation issued by planning authority.

**B. SEIAA Conditions-**

1. PP has provided mandatory RG area of 1106.80 m<sup>2</sup> on mother earth without any construction Local planning authority to ensure the compliance of the same.
2. This EC excludes the building no 4 as PP has not obtained CFO NOC for the same.
3. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
4. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
5. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA III dt.04.01.2019.
6. SEIAA after deliberation decided to grant EC for-FSI- 37,484.35m<sup>2</sup>, Non FSI- 21,462.61m<sup>2</sup>, total BUA- 58,946.96m<sup>2</sup>. (Plan approval No-KDMC/TPD/BP/KD/2013-14/61/469, dated-21.03.2023)

**General Conditions:**

**a) Construction Phase :-**

- I. The solid waste generated should be properly collected and segregated. Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- II. Disposal of muck, Construction spoils, including bituminous material during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in the approved sites with the approval of competent authority.
- III. Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.

- IV. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- V. Arrangement shall be made that waste water and storm water do not get mixed.
- VI. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices.
- VII. The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- VIII. Permission to draw ground water for construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
- IX. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- X. The Energy Conservation Building code shall be strictly adhered to.
- XI. All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- XII. Additional soil for levelling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- XIII. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- XIV. PP to strictly adhere to all the conditions mentioned in Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as amended during the validity of Environment Clearance.
- XV. The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- XVI. Vehicles hired for transportation of Raw material shall strictly comply the emission norms prescribed by Ministry of Road Transport & Highways Department. The vehicle shall be adequately covered to avoid spillage/leakages.
- XVII. Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- XVIII. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during construction phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel is preferred. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- XIX. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings by a separate environment cell /designated person.

**B) Operation phase:-**

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

the website of the Company by the proponent.

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

**C) General EC Conditions:-**

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

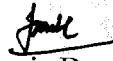
starting proposed work at site.

6. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, amended from time to time.

8. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.

9. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1<sup>st</sup> Floor, D-Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.



Pravin Darade  
(Member Secretary, SEIAA)

Copy to:

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

T.C





# Proof of Service

raghunath mahabal &lt;adv.rbmahabal@gmail.com&gt;

## NGT Appeal 43/2024(WZ) Sayyed Usman Vs Uol: R-4 Sai Krupa Builder: Next Date: 06/12/2024

1 message

raghunath mahabal &lt;adv.rbmahabal@gmail.com&gt;

2 December 2024 at 16:00

To: National Green Tribunal Pune <ngt-pune@gov.in>, Sabir Sayyed <sayyedsabir455@gmail.com>, Tanaji Gambhire <tanaji\_9june@yahoo.com>, Secy-moef@nic.in, "Principal Secretary Environment Dept. Govt. of Maharashtra" <psec.env@maharashtra.gov.in>, Rahul Garg <rahul.garg@mgklegal.com>, Aniruddha Kulkarni <aniruddha1488@gmail.com>

Cc: Adv Sachin S Gore 7350212877 <ssgore2005@gmail.com>, sakrupabuilders@gmail.com, Raghunath Mahabal <mahabal60@gmail.com>, skrupabuilders@gmail.com

Sir / Madam,

I am pleased to serve and circulate the advance copy of the Reply Affidavit of Respondent No. 4 in above mentioned matter.

Regards,

Dhananjay Chavan, 7038383654

**Advocate for Respondent Nos. 4.**= Raghunath Mahabal, Advocate +91-74-0011-6222 [adv.](mailto:adv.rbmahabal@gmail.com)[rbmahabal@gmail.com](mailto:rbmahabal@gmail.com) =

B-202 Chandravijay, Phule Road, Mulund East, Mumbai-400081

| Adv. Sumedha Marathe | Adv. Ashlesha Gondhalekar | Adv. Antima Bazaz New Delhi |



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