

**BEFORE THE NATIONAL GREEN TRIBUNAL
WEST BENCH AT PUNE**

APPEAL NO. 60/2024(WZ)

(I.A NO. 117/2024 (WZ))

IN THE MATTER OF

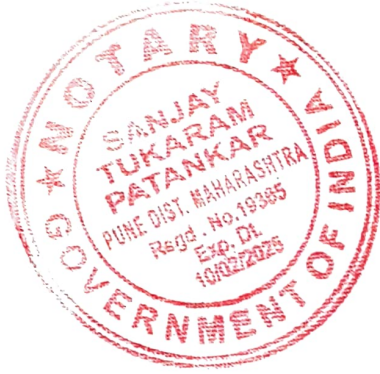
Mr. Tanaji Balasheb Gambhire ... Appellant

v/s

The Union of India and Ors Respondents

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

APPEAL NO. 60/2024(WZ)

IN THE MATTER OF

Mr. Tanaji Balasheb Gambhire ... Appellant

v/s

The Union of India and Ors Respondents

**AFFIDAVIT-IN-REPLY OF THE RESPONDENT NO.4
M/S WAGHERE ASSOCIATES TO THE APPEAL.**

MOST RESPECTFULLY SHOWETH:

I, Samuel James, Aged about 34 years, occupation-
Service having office at- Waghere Residency, Shop
No.6, Pimprigaon Road, Pimpri, Pune -411017 do
hereby solemnly affirm and state as under-

- 1 The present Affidavit in reply is being filed by me on behalf of Respondent No.4 i.e. Waghere Associates having its office at Waghere Residency, Shop No.6, Pimprigaon Road, Pimpri, Pune - 411017. I am an employee of Respondent No.4, presently holding the designation of Assistant Legal since 2023 and state that I am well conversant with the facts and circumstances of this case on the basis of information derived by me from the records maintained by the Respondent No.4 which are believed by me to be true and correct. The Letter of Authority dated 20/08/2024 authorizing me to represent the Respondent No.4 is already filed by me along with Vakalatnama on 20/08/2024.
- 2 I state that, I reserve my right to and crave leave to file detailed affidavit-in-Reply on behalf of present Respondent No.4 if and when considered necessary.
- 3 I state that the Appellant has filed the present Appeal challenging the Environmental Clearance (EC) dated 02/02/2024 bearing No. EC24B038MH187745 granted to present Respondent No.4 for its proposed residential and



commercial project at Sr. No. 253(P), Wakad Pune.

- 4 I state that, at the outset, I categorically deny all the allegation/s made in the appeal being made without there being any proof thereof.
- 5 I state that The Appellant has not made out any case and hence appeal filed by the Appellant is not maintainable.
- 6 I state that the Appellant has *no locus-standi* to file the present appeal and he is not affected by the EC/order under challenge in the present appeal.
- 7 I state that the, it is admitted fact that the Respondent No.4, PP applied for the grant of EC before SEIAA on 12/07/2023 and thereafter the SEAC-III considered the proposal for appraisal in its 179th meeting dated 14/09/2023 and recommended the proposal for grant of EC and thereafter on 09/11/2023, SEIAA assessed the proposal in its 270th meeting and decided to grant EC and on the same day minutes of meeting were uploaded on the website therefore the entire process of the grant of EC was done before 09/11/2023 and therefore it is respectfully submitted that entire process was done much



before 02/02/2024 and decision to grant the EC was made much before the expiry of the term of SEIAA. Hereto annexed and collectively marked as **Exhibit R-1** are copies of minutes of meeting dated 14/09/2023 of SEAC-III and minutes of meeting dated 09/11/2023 of SEIAA in respect of grant of EC of the Respondent No.4.

- 8 That the Appellant himself has admitted that SEIAA decided to grant EC on 09/11/2023.
- 9 I state that the impugned EC is not granted by the Respondent No.3 in his individual capacity but there are other members of Government and SEIAA and detailed deliberations have taken place in its 179th and 270th meetings for the grant of the impugned EC and therefore once the SEIAA uploads the minutes of meetings in respect of grant of EC, the communication date should not be considered as the grant/order date of the EC.
- 10 That the present appeal of the Appellant is based on very hyper technical approach and cannot be sustained in the eyes of law as no other ground on merit is raised by the Appellant.

I say that the contents of the present reply are read over to me in vernacular and whatever



stated therein is true and correct to the best of my knowledge, belief and information and hence I have signed this at Pune today.

Dated- 09/10/2024

Samuel James

Affiant/Respondent No.4

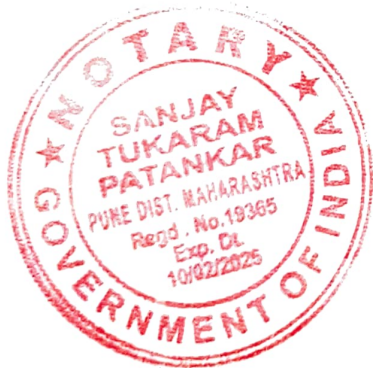
Samual James for
Wagher Associates



Vaibhav Jathar

I know the Affiant/Advocate for Respondent No.4

(Vaibhav Jathar)



BEFORE ME

Sanjay Tukaram Patankar

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

09 OCT 2024



**NOTED AND REGISTERED
AT SR. NO. 15401 2024
DATE 09/10/2024**

Minutes of 179th SEAC-3 Meeting Scheduled on 11th, 12th, 13th, 14th and 15th September, 2023
through Video Conference

Maharashtra SEIAA directed SEAC-3 to appraise the proposals by using information technology facilities. Hence, SEAC-3 initiated to appraise the proposals received by the SEIAA through Videoconferencing technology on Zoom platform from 11th, 12th, 13th, 14th and 15th September, 2023

Dr. Deepak Mhaisekar, IAS Rtd.	Chairman	11 th , 12 th , 13 th , 14 th and 15 th September, 2023
Shri Mukund Pathak	Member	11 th , 12 th , 13 th , 14 th and 15 th September, 2023
Shri Dattatray Thorat	Member	11 th , 12 th , 13 th , 14 th and 15 th September, 2023
Shri Kiran Acharekar	Member	11 th , 12 th , 13 th , 14 th and 15 th September, 2023
Dr. Aseem Gokarn Harwansh	Member	11 th , 12 th , 13 th , 14 th and 15 th September, 2023
Shri Joy Thakur	Member Secretary	11 th , 12 th , 13 th , 14 th and 15 th September, 2023

Chairman welcomed the members to the 179th SEAC III (Day-04) Meeting.

Sar

TRUE COPY

Member Secretary

Chairman

Brief information of the proposal is as below:

1.	Proposal Number	SIA/MH/INFRA2 /436218/2023	
2.	Name of Project	Proposed residential & commercial project at Sr No. 253(P), 254(P), Wakad, Pune by M/s. Waghere Associates	
3.	Project category	Category 'B2', Activity 8(a)	
4.	Type of Institution	Private	
5.	Project Proponent	Name	Mr. Sandeep Waghere
		Regd. Office address	Address: Waghere residency Shop No.6, Pimparigaon Road, Pimpari, Pune
6.	Consultant	J M Enviro-Net Pvt Ltd	
7.	Applied for	New EC	
8.	Details of previous EC	NA	
9.	Location of the project	Sr No. 253(P), 254(P), Wakad, Pune	
10.	Latitude and Longitude	Latitude – 18°35'32.69"N Longitude - 73°46'13.45"E	
11.	Total Plot Area (m2)	8730.00 sq. m	
12.	Deductions (m2)	313.48 sq. m	
13.	Net Plot area (m2)	8416.52 sq. m	
14.	Proposed FSI area (m2)	26557.45 sq. m	
15.	Proposed non-FSI area (m2)	14668.44 sq. m	
16.	Proposed TBUA (m2)	41225.89 sq. m	
17.	TBUA (m2) approved by Planning Authority till date	41225.89 sq. m	
18.	Ground coverage (m2) & %	--	
19.	Total Project Cost (Rs.)	Rs. 145.56 Cr.	
20.	CER as per MoEF & CC circular dated 01/05/2018	NA, per OM No. F.No.22-65/2017/IA.III dt. 30.09.2020 & OM 22-65/2017-IA-III dated 25.02. 2021	
21.	Details of Building Configuration: <Please use following legends: Floor = F , Parking = Pk, Podium = Po, Stilt =St, Lower Ground = LG, Upper Ground = UG, Basement = B, Shops = Sh>		
	Sr. no.	Building Name	Configuration
	1	Wing A (MHADA+Comm)	B+G+8 floors
	2	Wing B	B+P+11 floors
	3	Wing C	B+P+11 floors
	4	Wing D	B+P+11 floors
	5	Wing E	B+P+11 floors
	6	Wing F	B+P+11 floors
	7	Wing G	B+P+11 floors
8	Club House	G+1	
22.	Total number of tenements	Residential flats: 292 nos' Commercial- Shops/Offices	

Member Secretary

Chairman

		Population: Residential: 1460 persons Commercial: 154 persons		
23. Water Budget	Dry Season (CMD)		Wet Season (CMD)	
	Fresh Water	135.25	Fresh Water	135.25
	Flushing	68.78	Flushing	68.78
	Swimming Pool	0.00	Swimming Pool	0.00
	Gardening	7.40	Gardening	0.00
	Total	211.43	Total	204.03
	Waste water generation	183.62	Waste water generation	183.62
24. Water Storage Capacity for Firefighting / UGT (m3)	300 KLD			
25. Source of water	PCMC			
26. Rainwater Harvesting (RWH)	Level of the Ground water table:		Pre-Monsoon: 5-7 m Post Monsoon: 10-12 m	
	Size and no of RWH tank(s) and Quantity:		NA	
	Quantity and size of recharge pits:		04 nos Size: 2 m. X 2 m. X 2 m. with a dia of 160 mm and 60 m depth	
	Details of UGT tanks if any:		Domestic: 203 KLD Fire: 300 KLD	
27. Sewage and Wastewater	Sewage generation in CMD:		183.62 KLD	
	STP technology:		MBBR	
	Capacity of STP (CMD):		190 KLD	
28. Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal	
	Total waste- 20 kg/d Dry waste- 10 kg/d Wet waste- 10 kg/d		To PCMC Ghantagadi	
	Construction waste	Excavated material from construction activity	Top soil will be used for landscaping. Debris and excavated material will be reused within site.	
29. Solid Waste Management during Operation Phase	Type	Quantity (kg/d)	Treatment / disposal	
	Dry waste:	315	Will be handed over to authorized agency.	
	Wet waste:	453	Treatment – OWC	

Member Secretary

Chairman

				machine will be proposed. Disposal – Used as a manure	
		Hazardous waste:	NA	NA	
		Biomedical waste	NA	NA	
		E-Waste	2 kg/day	Will be handed over to authorized agency	
		STP Sludge (dry)	18 kg/day	Will be used as a manure	
30.	Green Belt Development	Total RG area (m2):		926.00 sq.mt.	
		Existing trees on plot:		00	
		Number of trees to be planted:		105 no	
		Number of trees to be cut:		--	
		Number of trees to be transplanted:		--	
31.	Power requirement:	Source of power supply:		MSDCL	
		During Construction Phase (Demand Load):		75 kW	
		During Operation phase (Connected load):		1804.64 KW	
		During Operation phase (Demand load):		795.74 KW	
		Transformer:		1 x 630 KVA, 1 x 315 KVA	
		DG set:		320 KVA, 50 KVA	
Fuel used:		Diesel.			
32.	Details of Energy saving	Solar PV: 5 %			
33.	Environmental Management plan budget during Construction phase	Type	Details	Cost	
		Air	Dust suppression measures and barricading	Rs. 1,06,000 /-	
		Land	Site Sanitation & Safety	Rs. 26,500/-	
		Environment management	Environmental Monitoring	Rs. 1,20,000/-	
		Health & safety	Disinfection and Health Check-ups	Rs. 1,33,000 /-	
34.	Environmental Management plan Budget during Operation phase	Component	Details	Capital (Rs.)	O&M (Rs./Y)
		Sewage Treatment Plant	01 no of STP	Rs. 58,55,650 /-	Rs. 14,30,475 /-
		Solid Waste Management	01 no of OWC	Rs. 14,50,000/-	Rs. 03,05,970 /-
		Bio-medical waste	--	Rs. 1,00,000 /-	
		Rain Water Harvesting	04 pits	Rs. 04,00,000 /-	Rs. 45,000 /-
		Green Belt Development	Trees plantation	Rs. 30,23,240 /-	Rs. 18,616.20 /-

Member Secretary

Chairman

		Energy		Rs. 35,75,000 /-	Rs. 2,18,600 /-
		Basement ventilation		Rs. 28,00,000	Rs. 2,15,000/-
		Environmental Monitoring			Rs. 2,80,000 /-
35.	Traffic Management	Type	Required as per DCR	Actual Provided	Area per parking (m2)
		4-Wheeler	167	167	12.5 sq. m as per rule
		2-Wheeler	394	394	2 sq. m as per rule
		Bicycles	-	-	
36.	Details of Courtcases / litigations w.r.t. the project and project location if any.				No

Deliberations:

PP stated that, the application is for a Residential & Commercial Project located at Wakad, Pune. PP further stated that, Project is a Fresh EC application. PP informed that the project comprises Wing A (MHADA+Comm) with B+G+8 floors, Wing B, C, D, E, F,G with building configuration B+P+11 floors and Club House G+1 floor.

PP clarified that mandatory RG is provided on ground.

The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(a) B2.

During discussion following points emerged:

1. PP to submit the Copy of IoD.
2. PP to submit the fire NoC.
3. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021.
4. PP to ensure that, the water proposed to be used for construction phase should not be drinking water. They can use recycled water or tanker water for proposed construction.

Decision: -

After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA, subject to compliance of above points.

Member Secretary

Chairman

Minutes of 270th Day 2 (Part A) meeting of SEIAA held on 09th November, 2023

Item no. 03

Proposal No.:- SIA/MH/INFRA2 /436218/2023

Type of Project: EC

Subject- Environmental Clearance for Proposed residential & commercial project at Sr No. 253(P), 254(P), Wakad, Pune by M/s. Waghere Associates

Project Details-

It is noted that the PP has submitted the application for the prior Environment Clearance for Proposed Residential and Commercial Project for total plot area of 8730.00 sq. mt, FSI area of 26557.45 sq. mt. Non FSI area of 14668.44 sq. mt. and total BUA of 41225.89 sq. mt.

Brief information of the proposal is as below:

1.	Proposal Number	SIA/MH/INFRA2 /436218/2023	
2.	Name of Project	Proposed residential & commercial project at Sr No. 253(P), 254(P), Wakad, Pune by M/s. Waghere Associates	
3.	Project category	Category 'B2', Activity 8(a)	
4.	Type of Institution	Private	
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		Regd. Office address	Address: Waghere residency Shop No.6, Pimparigaon Road, Pimpari, Pune
6.	Consultant	J M Enviro-Net Pvt Ltd	
7.	Applied for	New EC	
8.	Details of previous EC	NA	
9.	Location of the project	Sr No. 253(P), 254(P), Wakad, Pune	
10.	Latitude and Longitude	Latitude – 18°35'32.69"N Longitude - 73°46'13.45"E	
11.	Total Plot Area (m2)	8730.00 sq. m	
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16.	Proposed TBUA (m2)	41225.89 sq. m	
17.	TBUA (m2) approved by Planning Authority till date	41225.89 sq. m	
18.	Ground coverage (m2) & %	--	
19.	Total Project Cost (Rs.)	Rs. 145.56 Cr.	
20.	CER as per MoEF & CC circular dated 01/05/2018	NA, per OM No. F.No.22-65/2017/IA.III dt. 30.09.2020 & OM 22-65/2017-IA-III dated 25.02. 2021	
21.	Details of Building Configuration:		
	<Please use following legends: Floor = F , Parking = Pk, Podium = Po, Stilt =St, Lower Ground = LG, Upper Ground = UG, Basement = B, Shops = Sh>		
	Sr. no.	Building Name	Configuration
	1	Wing A (MHADA+Comm)	B+G+8 floors
	2	Wing B	B+P+11 floors
	3	Wing C	B+P+11 floors
	4	Wing D	B+P+11 floors
			Height (m)
			27.30
			36.00
			36.00
			36.00

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Member Secretary

Minutes of 270th Day 2 (Part A) meeting of SEIAA held on 09th November, 2023

5	Wing E	B+P+11 floors	36.00			
6	Wing F	B+P+11 floors	36.00			
7	Wing G	B+P+11 floors	36.00			
8	Club House	G+1	--			
22.	Total number of tenements		Residential flats: 292 nos' Commercial- Shops/Offices Population: Residential: 1460 persons Commercial: 154 persons			
23.	Water Budget	Dry Season (CMD)		Wet Season (CMD)		
		Fresh Water	135.25	Fresh Water	135.25	
		Flushing	68.78	Flushing	68.78	
		Swimming Pool	0.00	Swimming Pool	0.00	
		Gardening	7.40	Gardening	0.00	
		Total	211.43	Total	204.03	
		Waste water generation	183.62	Waste water generation	183.62	
24.	Water Storage Capacity for Firefighting / UGT (m3)			300 KLD		
25.	Source of water			PCMC		
26.	Rainwater Harvesting (RWH)	Level of the Ground water table:		Pre-Monsoon: 5-7 m Post Monsoon: 10-12 m		
		Size and no of RWH tank(s) and Quantity:		NA		
		Quantity and size of recharge pits:		04 nos Size: 2 m. X 2 m. X 2 m. with a dia of 160 mm and 60 m depth		
		Details of UGT tanks if any:		Domestic: 203 KLD Fire: 300 KLD		
27.	Sewage and Wastewater	Sewage generation in CMD:		183.62 KLD		
		STP technology:		MBBR		
		Capacity of STP (CMD):		190 KLD		
28.	Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal		
		Total waste- 20 kg/d Dry waste- 10 kg/d Wet waste- 10 kg/d			To PCMC Ghantagadi	
		Construction waste	Excavated material from construction activity	Top soil will be used for landscaping. Debris and excavated material will be reused within site.		
29.	Solid Waste Management during	Type	Quantity (kg/d)	Treatment / disposal		
		Dry waste:	315	Will be handed over to authorized		


Member Secretary


Chairman

	Operation Phase			agency.	
		Wet waste:	453	Treatment – OWC machine will be proposed. Disposal – Used as a manure	
		Hazardous waste:	NA	NA	
		Biomedical waste	NA	NA	
		E-Waste	2 kg/day	Will be handed over to authorized agency	
		STP Sludge (dry)	18 kg/day	Will be used as a manure	
30.	Green Belt Development	Total RG area (m2):		926.00 sq.mt.	
		Existing trees on plot:		00	
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		Transformer:		1 x 630 KVA, 1 x 315 KVA	
		DG set:		320 KVA, 50 KVA	
		Fuel used:	Diesel.		
32.	Details of Energy saving	Solar PV: 5 %			
33.	Environmental Management plan budget during Construction phase	Type	Details	Cost	
		Air	Dust suppression measures and barricading	Rs. 1,06,000 /-	
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		Bio-medical waste	--	Rs. 1,00,000 /-	
		Rain Water Harvesting	04 pits	Rs. 04,00,000 /-	Rs. 45,000 /-
		Green Belt Development	Trees plantation	Rs. 30,23,240 /-	Rs. 18,616.20 /-
		Energy		Rs. 35,75,000 /-	Rs. 2,18,600 /-

Minutes of 270th Day 2 (Part A) meeting of SEIAA held on 09th November, 2023

		Basement ventilation		Rs. 28,00,000	Rs. 2,15,000/-	
		Environmental Monitoring			Rs. 2,80,000/-	
35.	Traffic Management	Type	Required as per DCR	Actual Provided	Area per parking (m ²)	
		4-Wheeler	167	167	12.5 sq. m as per rule	
		2-Wheeler	394	394	2 sq. m as per rule	
		Bicycles	-	-		
36.	Details of Courtcases / litigations w.r.t. the project and project location if any.					No

SEAC Deliberation –

PP stated that, the application is for a Residential & Commercial Project located at Wakad, Pune. PP further stated that, Project is a Fresh EC application. PP informed that the project comprises Wing A (MHADA+Comm) with B+G+8 floors, Wing B, C, D, E, F,G with building configuration B+P+11 floors and Club House G+1 floor.

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The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(a) B2.

During discussion following points emerged:

1. PP to submit the Copy of IoD.
2. PP to submit the fire NoC.
3. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021.
4. PP to ensure that, the water proposed to be used for construction phase should not be drinking water. They can use recycled water or tanker water for proposed construction.

Recommendations of SEAC-

After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA, subject to compliance of above points.

Deliberation in SEIAA-

Proposal is a new construction project. Proposal is recommended by SEAC-3 in its 179th meeting for grant of Environment Clearance for total plot area of 8730.00 sq. mt, FSI area of 26557.45 sq. mt. Non FSI area of 14668.44 sq. mt. and total BUA of 41225.89 sq. mt.

During the meeting, SEIAA asked PP regarding the provision of RG. PP submitted that, they have provided mandatory RG having area 841.65 m² on mother earth without any construction i.e. Club House etc. SEIAA asked PP to submit area undertaking to that effect. PP submitted the same dated 09.11.2023.


Member Secretary


Chairman

Minutes of 270th Day 2 (Part A) meeting of SEIAA held on 09th November, 2023

SEIAA also asked PP to submit undertaking regarding the complying the SEAC conditions. PP submitted the same dated 09.11.2023.

SEIAA after deliberation decided to grant EC for-FSI- 26557.45 m², Non FSI- 14668.44 m², total BUA- 41225.89 m². (Plan approval No-BP/EC/Wakad/12/2023, dated-13.09.2023)

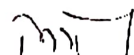
SEIAA after deliberation decided to grant Environment Clearance subject to compliance of following conditions-

1. PP has provided mandatory RG area of 841.65 m² on mother earth without any construction i.e. Club House etc. Local planning authority to ensure the compliance of the same.
2. 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.
3. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
4. 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.\
5. SEIAA after deliberation decided to grant EC for-FSI- 26557.45 m², Non FSI- 14668.44 m², total BUA- 41225.89 m². (Plan approval No-BP/EC/Wakad/12/2023, dated-13.09.2023)

SEIAA Decision-

SEIAA after deliberation decided to grant Environment Clearance.


Member Secretary


Chairman