BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

INTERLOCUTORY APPLICATION NO. 134 of 2024

IN

APPEAL NO. 79 OF 2024

IN THE MATTER BETWEEN:

MR. TANAJI BALASAHEB GAMBHIRE

…APPELLANT

VERSUS

THE UNION OF INDIA- MOEFCC & ORS.

…RESPONDENTS

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THE UNION OF INDIA- MOEFCC & ORS.

...RESPONDENTS

AND IN THE MATTER OF

INTERLOCUTORY APPLICATION FOR DELAY CONDONATION

AFFDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 3:

I, Mr. Ramachandra Jadhavrao, an adult Indian inhabitant, aged: 66years, post / designation: Propreitor, Respondent No. 4 in the captioned matter, having its administrative office at Kamat Gandhi Classic, 796/A/3, Dr. Ketkar Marg, Erandawane, Pune – 411 004, do hereby solemnly declare and state as under:

1. I have read the above Application (the "**Application**") filed by the Appellant. I am familiar with the facts of the case and am competent to depose to the facts in this Affidavit-in-Reply (the "**Reply**").

2. I vehemently deny all averments, contentions and allegations made in the present Application and the Appeal Memo in the captioned Appeal which are contrary to and / or inconsistent with whatever is

stated herein, and nothing stated therein shall be deemed to have been admitted due to want of a specific denial or by non-traverse. I crave leave to produce, refer and rely upon a separate compilation of documents in support of the present Affidavit, if deemed necessary and expedient.

3. M/s JKG Developers is a proprietary firm of Mr. Ramachandra Jadhavrao having its address at the address as mentioned in the cause title,carrying on its business relating to redevelopment and development of residential and commercial premises. M/s JKG Developers is a well-established organization having successfully developed and delivered several residential and commercial premises in and around Pune.

4. At the outset, I say that a catena of Judgments delivered by the Hon'ble Supreme Court of India as also several Hon'ble High Courts have categorically held that the Court, Tribunal or Authority should first decide the application for condonation of delay before hearing appeal / revision and should refrain from granting any injunction / interim reliefs before deciding the application for condonation of delay. It is respectfully prayed that in view of the above well settled position of law, the present Application filed by the Appellants herein seeking condonation of delay in filing the captioned Appeal be heard and decided by this Ld. Tribunal, first.

5. By way of the captioned Appeal preferred under Section 16 of the National Green Tribunal Act, 2010,the Appellant herein challengesthe Environment Clearance dated 7th February 2024 granted by the State Level Environment Impact Assessment

Authority("**SEIAA**") to M/s JKG Developers,to develop a project name WagholiSpringshire.

6. I say that the relevant dates in respect of the Impugned Environment Clearance are as under:

   a. I say that on 11th January 2021, MoEF&CC issued notification constituting SEIAA comprising of Chairman, Member and the Member-Secretary for a period of 3 years, as mandated by the Environmental Impact Assessment Notification dated 14th September 2006 ("**EIA Notification**") and the subsequent amendments thereto.

   b. I say that Respondent No. 4 was grantedEnvironment Clearance on 17th October 2011 for the project of Residential-Cum-Commercial building, construction project at the said land for plot area of 1,19,000 sq.m and built-up area of 1,35,630.10 sq.m. which includes 23 buildings from which 3 residential buildings (C1, C2 & C3), 1 clubhouse and 1 commercial building are constructed and occupied on site.

   c. I say that Respondent No. 4 now have subdivided the plot with the change in planning as the revised UDCPR 2020. The revised plot area is 72,483.56 sq.mt and the proposed expansion total built up area increases to 1,36,041.88 sq.mt.

   d. I say that therefore, on 4th August 2023, the Respondent No. 4 made an application bearing No. SIA/MH/INFRA2/439131/2023 for expansion of Residential-

NOTARY A. RASHID D. SAYED PUNE REGD. NO. 679/1994 EXPIRY DT. 1/1/2028 MAHARASHTRA

Cum-Commercial buildings under the project name WagholiSpringshire. Hereto annexed and marked as **Annexure A** is a copy of Environment Clearence Application

e. I say that from 10th to 12th October 2023, SEAC III reviewed the proposal during the 182nd meeting and after careful deliberation, SEAC III decided to recommend the proposal for Environment Clearence to SEIAA. Accordingly, the minutes of meeting of 182nd were finalized and uploaded on 24th November 2023. Hereto annexed and marked as **Annexure B** is a copy of the minutes of meeting dated 10th October 2023.

f. I say that Respondent No. 4 prudently complied with all the conditions which were set out by SEAC III during the 182nd meeting.

g. I say that on 28th December 2024, the SEIAA in its 272nd meeting after evaluating the proposal and after careful deliberation, was pleased to grant Environment Clearance in respect of the said project. Accordingly, the minutes were published in the public domain. A copy of the minute of meeting is annexed to the memo of Appeal.

h. I say that on 7th February 2024 a copy of the said impugned Environment Clearance whichthe Appellant is challenging was published in the public domain.

7. As per Section 16 of the National Green Tribunal Act, 2010 **("NGT Act")** under which provision the captioned Appeal has been

preferred under, an appeal must be preferred within a period of 30 days from the date on which the order / decision / direction / determination is communicated to the appellant.

8. I say that as per the Proviso to Section 16 of the NGT Act, this Ld. Tribunal may, if it is satisfied that the appellant was prevented by "sufficient cause" from filing the appeal within the said period of 30 days, allow it to be filed within a further period not exceeding 60 days.

9. I say that on a bare perusal of paragraphs 5.1 and 5.2 of the Application,which states that:

"5.1.That the Appeal challenging impugned EC dated 07.02.2024 is refiled on 02.05.2024 and the 30 days period of limitation U/s. 16 of NGT act, 2010 ends on 07.03.2024. Therefore, there is unintentional delay of 56 (Fifty-Six) days from 08.03.2024 to 02.05.2024 in refilling of Appeal. Therefore, the delay of 56 (Fifty-Six) days may kindly be condoned in the interest of justice as the delay caused is unintentional and the Appellant have made out the good case for condonation of unintentional delay in the interest of justice."

"5.2. That the Appeal challenging impugned EC dated 07.02.2024 was filed on 07.03.2024 and registry of this Hon'ble NGT marked defects on 13.03.2024 to

18.03.2024 through online system. However, Appellant was in personal difficulty of facing serious health issue and priorities in family to be attended on urgent basis."

10.I say that the dates mentioned in the aforesaid paragraphs are incorrect as mentioned by the Appellant. I say that in the present case the Appeal was filed on 14th March 2024 and the same was registered on 8th May 2024, the same is evident from the website of NGT. However, the Appellant has mentioned that the Appeal in the present case was filed on 7th March 2024 and registered on 2nd May 2024.

11.I say that the dates are clearly contrary to the dates mentioned on the website of the NGT. It is well settled principle of law that the Applicant intends delay to be condoned has to aver correct facts and has to mention clear and precise dates to enable the Court to consider the Application for delay condonation.

12.I say that in the absence of such clear averments the Application needs to be rejected at the outset. Not only in the present case there is no sufficient cause much less then the Applicant has averred wrong and incorrect facts to disentitle application to delay condonation.

13.I say that the Appellant has erred factually and has made no case to establish the delay in filing the present Application. Considering the aforesaid facts and circumstances, it is concluded that the Appellants have miserably failed to plead and demonstrate the sufficient cause as to why they were prevented from approaching this Ld. Tribunal the Appellant has filed averred wrong dates and facts which are

completely contrary to the dates shown on the page of the website of the NGT. For all the aforesaid reasons, it is respectfully submitted that the Application may be dismissed by the Ld. Tribunal. The Appellant are not entitled to any reliefsprayed of whatsoever nature and the present Application, as also the captioned Appeal ought to be dismissed by this Ld. Tribunal *in limine* and with costs.

Solemnly declared at Mumbai)
This 3rd day of December 2024)

For M/s JKG DEVELOPERS,

( )

Respondent No. 3

For Vidhii Partners,

Advocates for Respondent No. 3

NOTARY A. RASHID D. SAYED PUNE REGD. NO. 679/1994 EXPIRY DT. 11/1/2028 MAHARASHTRA

NOTARY A. RASHID D. SAYED PUNE REGD. NO. 679/1994 EXPIRY DT. 11/1/2028 STATE OF MAHARASHTRA

VERIFICATION

I, Mr. Ramachandra Jadhavrao, an adult Indian inhabitant, aged: 66 years, post / designation: Proprietor, Respondent No. 4 in the captioned matter, having its administrative office at Kamat Gandhi Classic, 796/A/3, Dr. Ketkar Marg, Erandawane, Pune – 411 004. do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date: 03/12/24

Place: PUNE

R.K. Jadhavrao

Respondent No. 3

G.R.G.

Advocates for Respondent No. 3

BEFORE ME

A. RASHID D. SAYED
NOTARY, STATE OF MAHARASHTRA
PUNE.

4 DEC 2024

Noted & Registered
At Sr. No.: A22354/2024

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Annexure 'A'

ENVIRONMENTAL CLEARANCE

(Pro-Active and Responsive Facilitation by Interactive, and Virtuous Environmental Single-Window Hub)

PARIVESH

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

To,

The Owner
JKG DEVELOPERS
Kamat Gandhi Classic, 796/A/3, Dr. Ketkar Marg, Erandawane -411004

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/INFRA2/439131/2023 dated 04 Aug 2023. The particulars of the environmental clearance granted to the project are as below.

1.	**EC Identification No.**	**EC24B038MH134037**
2.	**File No.**	SIA/MH/INFRA2/439131/2023
3.	**Project Type**	New
4.	**Category**	B
5.	**Project/Activity including Schedule No.**	8(a) Building and Construction projects
6.	**Name of Project**	Residential & Commercial Project at Gat No. 571, Village – Wagholi, Haveli, Pune by M/s. JKG Developers
7.	**Name of Company/Organization**	JKG DEVELOPERS
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: 07/02/2024

(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.

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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No. SIA/MH/INFRA2/439131/2023
Environment & Climate
Change Department
Room No. 217, 2nd Floor,
Mantralaya, Mumbai- 400032.

To
M/s. JKG Developers,
Plot 1, Gat No. 571,
Village – Wagholi,
Haveli, Pune.

Subject : Environmental Clearance for Proposed Residential & Commercial project at Plot 1, Gat No. 571, Village – Wagholi, Haveli, Pune by M/s. JKG Developers

Reference : Application no. SIA/MH/INFRA2/439131/2023

This has reference to your communication on the above-mentioned subject. The proposal was considered by the SEAC-3 in its 182nd meeting under screening category 8 (a) B2 as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 272nd (Day-3) meeting of State Level Environment Impact Assessment Authority (SEIAA) held on 28th DEcember, 2023.

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

1	Proposal Number	**SIA/MH/INFRA2/439131/2023**	
2	Name of Project	Proposed Residential & Commercial project at Plot 1, Gat No. 571, Village – Wagholi, Haveli, Pune by M/s. JKG Developers	
3	Project category	8 (a), B2	
4	Type of Institution	Private Limited	
5	Project Proponent	Name	M/s. JKG Developers
		Regd. Office address	Kamat Gandhi Classic, 796/A/3, Dr. Ketkar Marg, Erawande
		Contact number	9823158485
		e-mail	jkgdevelopers@gmail.com
6	Consultant	Sneha Hi-Tech Products NABET Accredited Certificate No. NABET/EIA/2124/RA0235 dated 05.04.2022 valid till 15.02.2024	
7	Applied for	Fresh	
8	Details of previous EC	EC vide letter no. SEAC-2010/CR.885/TC.2 was obtained on 17.10.2011	
9	Location of the project	Gat No. 571, Village – Wagholi, Haveli, Pune	
10	Latitude and Longitude	Latitude: 18°35'10.69"N, Longitude: 73°59'21.75"E	
11	Total Plot Area (m2)	72,483.56	
12	Deductions (m2)	31,296.55	

13	Net Plot area (m2)	41,187.01
14	Proposed FSI area (m2)	82,372.57
15	Proposed non-FSI area (m2)	53,669.31
16	Proposed TBUA (m2)	1,36,041.88
17	TBUA (m2) approved by Planning Authority till date	In process
18	Ground coverage (m2) & %	20,908.07 (50.76%)
19	Total Project Cost (Rs.)	Rs. 294.42 Cr
20	CER as per MoEF& CC circular dated 01/05/2018	NA, per Memorandum 22-65/2017-IA-III dated 25th February 2021

21	Det ails of Building Configuration: <Please use following legends: Floor = F , Parking = Pk, Podium = Po, Stilt =St, Ground= G, Lower Ground = LG, Upper Ground = UG, Basement = B, Shops = Sh>						Reason for Modification /Change
	Previous EC / Existing Building			Proposed Configuration			
	Building name	Configuration	Height (m)	Building name	Configuration	Height (m)	Remarks
	3 Buildings	G+8 Floors	26.1	Bldg C1, C2, C3	P + 8 floors	26.1	Constructed on site & occupied as per previous EC
	8 Buildings 1 building	G+12 Floors G + 9 Floors	-	6 buildings Bldg B1, B2, B3 & B4	G + 1st + 13 floors (along with Shops at G + 1)	45.00	Change in planning
				B5, B6	2P + 11 floors	39.10	
	Commercial 1	G + 1 Floor	9.00	Commercial 1	G + 1 floor	9.00	Constructed on site & occupied as per previous EC
	-	-	-	Commercial Bldg A	B + G + 1 floor	10.80	Newly proposed
	Clubhouse 1	G + 1 Floor	7.05	Clubhouse 1	G + 1 floor	7.05	Constructed on site as per previous EC
	-	-	-	Clubhouse 2	G + 1 floor	7.05	Newly proposed
	-	-	-	Clubhouse 3	G + 1 floor	7.3	
	5 Buildings	G+8 Floors		-	-	-	Plot deleted
	1 Commercial	Gr floor		-	-	-	Deleted
	1 School	G + 8 floors		-	-	-	As per OM dtd 09.06.2015, school bldg is exempted from EC
	4 hostels	G + 11		-	-	-	Deducted as

		floors			amenity plot
23	Total number of tenements	Existing: Residential: 352 nos., Commercial: 324.48 sq.m. Proposed: Residential: 574 nos.,Shops: 58 nos., Commercial: 3724.40 sq.m, Users: 6091 Nos.			
24	Water Budget	Dry Season (CMD)		Wet Season (CMD)	
		Fresh Water	462 KLD	Fresh Water	462 KLD
		Recycled (Flushing)	237 KLD	Recycled (Flushing)	237 KLD
		Recycled (Gardening)	44 KLD	Recycled (Gardening)	0 KLD
		Swimming Pool	-	Swimming Pool	-
		Total	743 KLD	Total	699 KLD
		Waste water generation	644 KLD	Waste water generation	644 KLD
25	Water Storage Capacity for Firefighting / UGT (m3)	Domestic tank		420 cum	
		Fire tank		500 cum	
		Raw water tank		60 cum	
26	Source of water	PMC/ treated water			
27	Rainwater Harvesting (RWH)	Level of the Ground water table:		Post monsoon Season: 6 – 8 m BGL Pre monsoon Season: 10 – 11 m BGL	
		Size and no of RWH tank(s) and Quantity:		Nil	
		Quantity and size of recharge pits:		15 nos. 15 with 2 x 2 m x 2 m	
		Details of UGT tanks if any:		--	
28	Sewage and Wastewater	Sewage generation in CMD:		644 KLD	
		STP technology:		MBBR	
		Capacity of STP (CMD):		660 KLD (Proposed: 390 KLD & 40 KLD, Existing: 230 KLD)	
29	Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal	
		Dry waste:	15		
		Wet waste:	10		
		Total waste	25	Utilized on site at maximum extent. Rest handed over to local body	
30	Solid Waste Management during Operation Phase	Type	Quantity (kg/d)	Treatment / disposal	
		Dry waste:	1147 kg/day	Handed over to Authorized Agency	
		Wet waste:	1544 kg/day	Treated in OWC	
		Hazardous waste:	Negligible		

		Biomedical waste	Biomedical waste like Mask, Gloves, Face shields etc. (required for Pandemic situation)	Shall be segregated at designated place near OWC and shall be given to authorized vendor for management
		E-Waste	9.88 kg/day	Shall be handed over to Authorized recycler for further handling & disposal purpose
		STP Sludge	32 kg/day	Used as manure for gardening
31	Green Belt Development	Total RG area (m2):		On ground (proposed): 6645.55 sq.m. On ground (existing): 4191.51 sq.m. Additional green area: 2410.88 sq.m
		Existing trees on plot:		216 nos.
		Number of trees to be planted:		Total trees required on site: 515 nos. Proposed plantation to be done on site: 507 nos. Compensatory plantation: 617 nos. Plantation to be done outside site: 487 nos. Total number of trees on site after development: 668 nos.
		Number of trees to be cut:		55
		Number of trees to be transplanted:		Nil
32	Power requirement:	Source of power supply:		MSEDCL
		During Construction Phase (Demand Load):		45 kW
		During Operation phase (Connected load):		7670.35 kW
		During Operation phase (Demand load):		3783.59 kW
		Transformer:		4 X 630 kVA & 630 kVA & 315 kVA
		DG set:		2 X 125 kVA & 2 X 250

				kVA, 2 X 225 kVA
		Fuel used:		HSD
33	Details of Energy saving	Total energy savings: 24.71 %		
34	Environmental Management plan budget during Construction phase	Type	Details	Cost
		Capital	Site Barricading, Personal Protective Equipment, Site Sanitation- Mobile toilets & Debris Management	15.00
		O&M	Water for Dust Suppression	2.00
			Site Sanitation, Disinfection & Safety	1.5
			Environmental Monitoring	2.00
			Health Check up	5.00
			Environment Management Cell	8.04
			Total	33.54

35	Environmental Management plan Budget during Operation phase	Component	Details	Capital (Rs. Lakh)	O&M (Rs. Lakh/Y)
		Sewage treatment	STP Operation and its maintenance	91.52	16.55
		RWH & Storm water	Recharging existing ground water table, SWD - Connection to external line	50.00	2.32
		Swimming pool	Swimming pool and its maintenance	-	-
		Solid Waste	Collection Segregation and management of MSW	24.19	10.30
		Hazardous waste	NA	NA	NA
		E-waste	Collection Segregation and hand over to authorized vendors	Included in Solid waste	
		Green belt development	Plantation of new trees and maintenance of existing trees	56.44	3.39
		Energy saving	Energy saving measures	273.70	27.37
		Environmental Monitoring	To monitor sustainability of Environmental Infrastructure	-	4.0
		Environment Management Cell	--	-	7.8

		Disaster Management	Emergency preparedness plan to develop and implement on site	75.00	15.0
		Total	--	570.85	86.73

36	Traffic Management	Type	Required as per DCR	Actual Provided	Area per parking (m2)
		4-Wheeler	479	814	25 – 35
		2-Wheeler	1243	1243	-
37	Details of Court cases/litigations w.r.t. the project and project location if any.			No	

Comparative statement of the project-

Sr. No.	Description	Details as per EC received dated 17.10.2011	Proposed Expansion	Remarks
1	Total Plot Area (Sq.m.)	1,19,000	72,483.56	Subdivision of plot
2	Deductions (Sq.m.)	-	31,296.55	
3	Net Plot Area (Sq.m.)	-	41187.01	
4	Proposed FSI Sq.m.)	95,148.10	82,372.57	Decreased in FSI 12,775.53 sq.m
5	Non FSI Area (Sq.m.)	40,482	53,669.31	Increase in non FSI area by 13,187.31 sq.m
6	Total Construction Area (Sq.m.)	1,35,630.10	1,36,041.88	Increased by 411.78 sq.m
7	Building Configuration	3 Buildings: G+8 Floors	Bldg C1, C2, C3: P + 8 floors	No change. Constructed on site as perprevious EC & occupied
		1 Commercial Building: G + 1 Floor	Commercial 1: G + 1 floor	
		5 Buildings: G+8 Floors		Plot has been subdivided
		8 Buildings: G+12 Floors	B1, B2, B3 & B4 (along with Shops at G+ 1): G + 1st + 13 floorsB5, B6: 2P + 11 floors	Change in Planning
		1 Building: G+9 Floors		
		1 Commercial Buildings: G + 1 Floor	-	Deleted
		1 School Building: G+8 Floors	-	As per OM dtd 09.06.2015, school bldg is exempted from EC
		4 Hostel Buildings: G+11 Floors	-	Plot deducted as amenity
		-	Commercial Bldg A: B + G + 1 floor	Newly proposed
		Clubhouse 1: G + 1	Clubhouse 1: G +	No change.

		floor	1 floor	Constructed on site
		-	Clubhouse 2 & 3: G + 1 floor	Newly proposed

3. The proposal has been considered by SEIAA in its 272nd (Day-3) meeting held on 28th 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 the copy of IoD.
2. PP to submit the Fire NOC.
3. PP to replace the *Nagkesar* trees with other indigenous plant species.
4. PP to increase the energy saving through solar energy by giving solar water heater. PP to submit the revised energy calculations.
5. PP to submit details of roof top area with respect to rain water harvesting calculation. PP to submit the revised rain water harvesting calculation.
6. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021. Also, 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.

B. SEIAA Conditions-

1. PP has provided mandatory RG area of 6944.67 m2 on mother earth without any construction i.e. Club House, services etc. Local planning authority to ensure the compliance of the same.
2. PP to plant as many trees as cumulative age of trees to be cut and transplanted as per amended Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.
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-82,372.57 m2, Non FSI-53,669.31 m2, total BUA- 1,36,041.88 m2. (Plan approval No-Outward no 5178, dated-09.10.2023)

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 give100 % 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

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. SO2, NOx (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, 1st 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, Pune.
6. Commissioner, Pune Municipal Corporation /PMRDA
7. Regional Officer, Maharashtra Pollution Control Board, Pune.

NOTARY
A. RASHID
D. SAYED
PUNE
REGD. NO

Signature Not Verified
Digitally signed by: Shri Pravin C. Darade , I.A.S.
Designation: Member Secretary
Date and Time: 2/7/2024 1:46:24 PM

Annexure 'B'

Minutes of 182nd SEAC-3 Meeting Scheduled on 10th, 11th and 12th October, 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 **10th, 11th and 12th October, 2023**

Dr. Deepak Mhaisekar, IAS Rtd.	Chairman	10th, 11th and 12th October, 2023
Shri Mukund Pathak	Member	10th, 11th and 12th October, 2023
Shri Dattatray Thorat	Member	10th, 11th and 12th October, 2023
Shri Kiran Acharekar	Member	10th, 11th and 12th October, 2023
Dr. Aseem Gokarn Harwansh	Member	10th, 11th and 12th October, 2023
Shri Joy Thakur	Member Secretary	10th, 11th and 12th October, 2023

Chairman welcomed the members to the **182nd SEAC III (Day-01)** Meeting.

NOTARY A. RASHID D. SAYED PUNE REGD. NO. 670/1994 STATE SHTRA

Member Secretary

Chairman

4	SIA/MH/INFRA2/ 439131/2023	Residential & Commercial Project at Gat No. 571, Village – Wagholi, Haveli, Pune by M/s. JKG Developers

Representative of PP was present during the meeting along with environmental consultant M/s. Sneha Hi-Tech Products

It is noted that, the PP has submitted the application for expansion in existing Environmental Clearance for proposed residential and commercial project with total plot area of 72,483.56 sq.mt., FSI area of 82,372.57sq.mt., Non FSI area of 53,669.31sq.mt.and total built up area of 1,36,041.88sq.mt.

Brief information of the proposal is as below:

1	Proposal Number	**SIA/MH/INFRA2/439131/2023**	
2	Name of Project	Proposed Residential & Commercial project at Plot 1, Gat No. 571, Village – Wagholi, Haveli, Pune by M/s. JKG Developers	
3	Project category	8 (a), B2	
4	Type of Institution	Private Limited	
5	Project Proponent	Name	M/s. JKG Developers
		Regd. Office address	Kamat Gandhi Classic, 796/A/3, Dr. Ketkar Marg, Erawande
		Contact number	9823158485
		e-mail	jkgdevelopers@gmail.com
6	Consultant	Sneha Hi-Tech Products NABET Accredited Certificate No. NABET/EIA/2124/RA0235 dated 05.04.2022 valid till 15.02.2024	
7	Applied for	Fresh	
8	Details of previous EC	EC vide letter no. SEAC-2010/CR.885/TC.2 was obtained on 17.10.2011	
9	Location of the project	Gat No. 571, Village – Wagholi, Haveli, Pune	
10	Latitude and Longitude	Latitude: 18°35'10.69"N, Longitude: 73°59'21.75"E	
11	Total Plot Area (m2)	72,483.56	
12	Deductions (m2)	31,296.55	
13	Net Plot area (m2)	41,187.01	
14	Proposed FSI area (m2)	82,372.57	
15	Proposed non-FSI area (m2)	53,669.31	
16	Proposed TBUA (m2)	1,36,041.88	
17	TBUA (m2) approved by Planning Authority till date	In process	
18	Ground coverage (m2) & %	20,908.07 (50.76%)	
19	Total Project Cost (Rs.)	Rs. 294.42 Cr	

Member Secretary **Chairman**

20	CER as per MoEF& CC circular dated 01/05/2018			NA, per Memorandum 22-65/2017-IA-III dated 25th February 2021			
21	Det ails of Building Configuration: <Please use following legends: Floor = F , Parking = Pk, Podium = Po, Stilt =St, Ground= G, Lower Ground = LG, Upper Ground = UG, Basement = B, Shops = Sh>						Reason for Modification /Change
	Previous EC / Existing Building			Proposed Configuration			
	Building name	Configuration	Height (m)	Building name	Configuration	Height (m)	Remarks
	3 Buildings	G+8 Floors	26.1	Bldg C1, C2, C3	P + 8 floors	26.1	Constructed on site & occupied as per previous EC
	8 Buildings 1 building	G+12 Floors G + 9 Floors	-	6 buildings Bldg B1, B2, B3 & B4	G + 1st + 13 floors (along with Shops at G + 1)	45.00	Change in planning
				B5, B6	2P + 11 floors	39.10	
	Commercial 1	G + 1 Floor	9.00	Commercial 1	G + 1 floor	9.00	Constructed on site & occupied as per previous EC
	-	-	-	Commercial Bldg A	B + G + 1 floor	10.80	Newly proposed
	Clubhouse 1	G + 1 Floor	7.05	Clubhouse 1	G + 1 floor	7.05	Constructed on site as per previous EC
	-	-	-	Clubhouse 2	G + 1 floor	7.05	Newly proposed
	-	-	-	Clubhouse 3	G + 1 floor	7.3	
	5 Buildings	G+8 Floors		-	-	-	Plot deleted
	1 Commercial	Gr floor		-	-	-	Deleted
	1 School	G + 8 floors		-	-	-	As per OM dtd 09.06.2015, school bldg is exempted from EC
	4 hostels	G + 11 floors		-	-	-	Deducted as amenity plot

Member Secretary **Chairman**

23	Total number of tenements	Existing: Residential: 352 nos. Commercial: 324.48 sq.m. Proposed: Residential: 574 nos. Shops: 58 nos. Commercial: 3724.40 sq.m Users: 6091 Nos.			
24	Water Budget	Dry Season (CMD)		Wet Season (CMD)	
		Fresh Water	462 KLD	Fresh Water	462 KLD
		Recycled (Flushing)	237 KLD	Recycled (Flushing)	237 KLD
		Recycled (Gardening)	44 KLD	Recycled (Gardening)	0 KLD
		Swimming Pool	-	Swimming Pool	-
		Total	743 KLD	Total	699 KLD
		Waste water generation	644 KLD	Waste water generation	644 KLD
25	Water Storage Capacity for Firefighting / UGT (m3)	Domestic tank		420 cum	
		Fire tank		500 cum	
		Raw water tank		60 cum	
26	Source of water	PMC/ treated water			
27	Rainwater Harvesting (RWH)	Level of the Ground water table:		Post monsoon Season: 6 – 8 m BGL Pre monsoon Season: 10 – 11 m BGL	
		Size and no of RWH tank(s) and Quantity:		Nil	
		Quantity and size of recharge pits:		15 nos. 15 with 2 x 2 m x 2 m	
		Details of UGT tanks if any:		--	
28	Sewage and Wastewater	Sewage generation in CMD:		644 KLD	
		STP technology:		MBBR	
		Capacity of STP (CMD):		660 KLD (Proposed: 390 KLD & 40 KLD, Existing: 230 KLD)	
29	Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal	
		Dry waste:	15		
		Wet waste:	10		
		Total waste	25	Utilized on site at maximum extent.	

Member Secretary

Chairman

				Rest handed over to local body
30	Solid Waste Management during Operation Phase	Type	Quantity (kg/d)	Treatment / disposal
		Dry waste:	1147 kg/day	Handed over to Authorized Agency
		Wet waste:	1544 kg/day	Treated in OWC
		Hazardous waste:	Negligible	
		Biomedical waste	Biomedical waste like Mask, Gloves, Face shields etc. (required for Pandemic situation)	Shall be segregated at designated place near OWC and shall be given to authorized vendor for management
		E-Waste	9.88 kg/day	Shall be handed over to Authorized recycler for further handling & disposal purpose
		STP Sludge	32 kg/day	Used as manure for gardening
31	Green Belt Development	Total RG area (m2):		On ground (proposed): 6645.55 sq.m. On ground (existing): 4191.51 sq.m. Additional green area: 2410.88 sq.m
		Existing trees on plot:		216 nos.
		Number of trees to be planted:		Total trees required on site: 515 nos. Proposed plantation to be done on site: 507 nos. Compensatory plantation: 617 nos. Plantation to be done outside site: 487 nos.

Member Secretary

Chairman

			Total number of trees on site after development: 668 nos.
		Number of trees to be cut:	55
		Number of trees to be transplanted:	Nil
32	Power requirement:	Source of power supply:	MSEDCL
		During Construction Phase (Demand Load):	45 kW
		During Operation phase (Connected load):	7670.35 kW
		During Operation phase (Demand load):	3783.59 kW
		Transformer:	4 X 630 kVA & 630 kVA & 315 kVA
		DG set:	2 X 125 kVA & 2 X 250 kVA, 2 X 225 kVA
		Fuel used:	HSD
33	Details of Energy saving	Total energy savings: 24.71 %	

		Type	Details	Cost
34	Environmental Management plan budget during Construction phase	Capital	Site Barricading, Personal Protective Equipment, Site Sanitation- Mobile toilets & Debris Management	15.00
		O&M	Water for Dust Suppression	2.00
			Site Sanitation, Disinfection & Safety	1.5
			Environmental Monitoring	2.00
			Health Check up	5.00
			Environment Management Cell	8.04
			Total	33.54

		Component	Details	Capital (Rs. Lakh)	O&M (Rs. Lakh/Y)
35	Environmental Management plan Budget during Operation phase	Sewage treatment	STP Operation and its maintenance	91.52	16.55
		RWH & Storm water	Recharging existing ground water table,	50.00	2.32

Member Secretary

Chairman

			SWD - Connection to external line		
		Swimming pool	Swimming pool and its maintenance	-	-
		Solid Waste	Collection Segregation and management of MSW	24.19	10.30
		Hazardous waste	NA	NA	NA
		E-waste	Collection Segregation and hand over to authorized vendors	Included in Solid waste	
		Green belt development	Plantation of new trees and maintenance of existing trees	56.44	3.39
		Energy saving	Energy saving measures	273.70	27.37
		Environmental Monitoring	To monitor sustainability of Environmental Infrastructure	-	4.0
		Environment Management Cell	--	-	7.8
		Disaster Management	Emergency preparedness plan to develop and implement on site	75.00	15.0
		Total	--	570.85	86.73

36	Traffic Management	Type	Required as per DCR	Actual Provided	Area per parking (m2)
		4-Wheeler	479	814	25 – 35
		2-Wheeler	1243	1243	-
37	Details of Court cases/litigations w.r.t. the project and project location if any.			No	

Deliberations:

PP stated that, the application is an expansion in residential and commercial project located at village Wagholi under the jurisdiction of PMRDA (Pune Metropolitan Region Development Authority). PP stated that, they have received earlier EC vide letter dated 17.10.2011 for plot area of 1,19,000 sq.m. and built up area of 1,35,630.10 sq.m. (FSI: 95,148.10 sq.m.) for 23 buildings. PP further stated that, the validity of the EC obtained on 17.10.2011 was till 16.10.2018.

Member Secretary **Chairman**

PP further stated that, 3 residential buildings (C1,C2 & C3), 1 clubhouse & 1 Commercial building are completed & occupied on site as per earlier EC received. PP informed that, the total constructed built up area on site till date is 38,810.99 sq.mt. PP informed that, now they have subdivided the plot with change in planning as per the revised UDCPR 2020. The revised total plot area is 72,483.56 sq.mt and the proposed expansion total built up area increases to 1,36,041.88 sq.mt

PP stated that, the project comprises Building C1, C2, C3 with building configuration P + 8 floors, Commercial 1 with G + 1 floor, B1, B2, B3 & B4 (along with Shops at G + 1): G + 1st + 13 floors B5, B6 with 2P + 11 floors, Commercial Building A: B + G + 1 floor, Clubhouse 1: G + 1 floor and Clubhouse 2 & 3: G + 1 floor

Comparative statement of the project-

Sr. No.	Description	Details as per EC received dated 17.10.2011	Proposed Expansion	Remarks
1	Total Plot Area (Sq.m.)	1,19,000	72,483.56	Subdivision of plot
2	Deductions (Sq.m.)	-	31,296.55	
3	Net Plot Area (Sq.m.)	-	41187.01	
4	Proposed FSI Sq.m.)	95,148.10	82,372.57	Decreased in FSI 12,775.53 sq.m
5	Non FSI Area (Sq.m.)	40,482	53,669.31	Increase in non FSI area by 13,187.31 sq.m
6	Total Construction Area (Sq.m.)	1,35,630.10	1,36,041.88	Increased by 411.78 sq.m
7	Building Configuration	3 Buildings: G+8 Floors	Bldg C1, C2, C3: P + 8 floors	No change. Constructed on site as perprevious EC & occupied
		1 Commercial Building: G + 1 Floor	Commercial 1: G + 1 floor	
		5 Buildings: G+8 Floors		Plot has been subdivided
		8 Buildings: G+12 Floors	B1, B2, B3 & B4 (along with Shops at G+ 1): G + 1st + 13 floorsB5, B6: 2P + 11 floors	Change in Planning
		1 Building: G+9 Floors		
		1 Commercial Buildings: G + 1 Floor	-	Deleted
		1 School Building: G+8 Floors	-	As per OM dtd 09.06.2015, school bldg is exempted from EC

Member Secretary

Chairman

		4 Hostel Buildings: G+11 Floors	-	Plot deducted as amenity
		-	Commercial Bldg A: B + G + 1 floor	Newly proposed
		Clubhouse 1: G + 1 floor	Clubhouse 1: G + 1 floor	No change. Constructed on site
		-	Clubhouse 2 & 3: G + 1 floor	Newly proposed

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 replace the *Nagkesar* trees with other indigenous plant species.
4. PP to increase the energy saving through solar energy by giving solar water heater. PP to submit the revised energy calculations.
5. PP to submit details of roof top area with respect to rain water harvesting calculation. PP to submit the revised rain water harvesting calculation.
6. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021. Also, 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.

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Member Secretary **Chairman**