NOTARY UDAI PRAKASH MUMBAI (MAHARASHTRA) REG. No. 9972 Exp Dt. 27/07/2028 GOVT. OF INDIA

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 28 OF 2023 (WZ)

Santosh Daundkar ...Applicant

Versus

SEIAA, Environment Department,
Govt. of Maharashtra & Ors ...Respondents

AFIIDAVIT IN REPLY OF RESPONDENT NO. 4

I, Mr. Shovir P. Irani, an authorized representative of Respondent No. 4 abovenamed, Indian Inhabitant, having my office address at office at 702, Natraj, M. V. Road Junction, Western Express Highway, Andheri East, Mumbai - 400 069, do hereby solemnly state and affirm as follows:

1. I have perused a copy of the amended Original Application (**'the said Application'**) filed by the Applicant and Order dated September 22, 2023 passed by this Ld. Tribunal therein. I say that Respondent No. 4 has been impleaded as a party Respondent on the alleged ground that the Respondent No. 4 has provided Recreation Ground ("**RG**") on podium and this is allegedly in contravention with this Hon'ble Tribunal's Order dated September 13, 2022 passed in Appeal No. 22 of 2016 ("**the NGT Order**"). This grouse of the Applicant has been recorded in Paragraph 3 of the Order dated September 22, 2023 passed in the captioned matter by this Hon'ble Tribunal.

2. I am filing the present Affidavit in Reply ("**Reply**") for the limited purpose of opposing the reliefs sought for by the Applicant against Respondent No. 4. I am not dealing with the merits of the matter as espoused in the Application and restrict this Reply by placing on record the factual position *vis-a-vis* the Respondent No. 4's project since no cause can be espoused against Respondent No.4 since the entire RG is provided on ground as demonstrated below. At the outset, I deny each and every averment, allegation and/or contention contained in the said Application which is contrary to and/or inconsistent with what is stated in this Reply, except what is specifically admitted herein below. I submit that nothing contained in the said Application shall be deemed to have been admitted by Respondent No. 4 for want of specific traverse.

3. At the outset, I say and submit that the Applicant has impleaded "Rustomjee Constructions Private Limited" (**RCPL**) as Respondent No.4 to this Application. I say that RCPL does not exist as a separate entity as on date. By an Order dated September 17, 2017 passed by the Hon'ble National Company Law Tribunal (Mumbai Bench), RCPL has been amalgamated with Keystone Realtors Private Limited i.e. the parent company (**KRPL**) under the provisions of the Companies Act, 2013. I further say that KRPL was then converted into a Public Company in the name of Keystone Realtors Limited (**KRL**). A copy of the certificate of incorporation of KRL dated May 6, 2022 is hereto annexed and marked as **Exhibit A**. On this ground alone the present application against Respondent No.4 should get dismissed.

4. Without prejudice to the aforesaid, a brief background of the project being undertaken by the KRPL (which is now KRL) is being provided hereinbelow:

i. KRPL has developed a residential redevelopment Project on Plot bearing C.T.S. No's 648 & 648 (1 to 6), M.I.G. Co-operative Housing Society, Group IV Ltd., Gandhi Nagar, Bandra East admeasuring 15445.08 sq. mts. ("**Project**") under Regulation 33(5) of the Development Control and Promotion Regulation, 2034 ("**DCPR 2034**").

ii. As per the development permissions, environmental clearances and plans sanctioned by the planning authority i.e. Mumbai Housing Area Development Authority ("**MHADA**") Respondent No.4 has constructed and completed constructions of the Project for which MHADA has granted occupancy certificate vide their letter dated March 14, 2023, a copy of which is annexed hereto and marked as **Annexure "A"**. Pursuant to the 460 number of tenements have been occupied and approximately 400 residents are residing at the Project.

iii. The details with regard to the manner in which RG, as mandated under regulation 27 r/w 35 of DCPR 2034, has been provided in the Project is as follows:

(a) The RG requirement for the Project under Regulation 23 and 33(5) of the DCPR 2034 is 1117 sq. mts, however, KRPL has provided a total RG of 2449.57 sq. mts.

(b) RG aggregating to an area of 1124 sq mtrs has been provided on ground, which is evidenced from architect certificate dated February 19, 2024 along with plan accompanied thereto. A copy of architect certificate along with plan is annexed and marked as **Annexure "B".**

(c) A copy of the OC Plans showing provision of RG is hereto annexed and marked as **Annexure "C"**.

5. I say that the relief sought against the Respondent No. 4 as recorded in Paragraph 10 of the Order dated September 22, 2023 is as follows:

> *"10. After having considered the prayers made by the learned counsel for the applicant, we tried to understand from him as to what exact relief he would want from this Tribunal, to which he responded that he wants that the Recreation Ground area, which has been provided by the Respondent Nos. 4 to 14 on podium should be directed to be demolished and that the same be directed to be provided on the ground level and that tree plantation be ordered to be done as per the position of law and for this, he wants a Joint Committee to be constituted in order to ascertain as to where respondent Nos.4 to 14 have provided podium and which area would required to be ordered to be demolished."*

6. In light of the facts stated in Paragraph 4 above, I say that so far as KRPL/KRL's project is concerned all compliances are complete and in accordance with law. Consequently, I say that no relief can be sought or granted against the Respondent No.4/KRPL/KRL and I pray that the Respondent No.4/KRPL/KRL be deleted from the array of parties and present application be dismissed against them.

7. Without prejudice to the aforesaid, the Applicant has raised legal issues, which are inadmissible in law and Respondent No.4 crave leave of this Hon'ble Tribunal to espouse correct position in law, if so advised.

8. I say that heavy costs should be imposed on the Applicant for impleading the Respondent No.4 before this Hon'ble Tribunal on the basis of false and unverified facts which have resultantly caused hardship to KRL who have incurred heavy legal costs to defend these proceedings.

Solemnly Affirmed at Mumbai)
this 21st day of February 2024)

Before me,

Keystone Realtors Limited

DSK Legal

Respondent No. 4

Advocates for the Respondent No. 4

NOTARY UDAI PRAKASH Mumbai (Maharashtra) Regd. No. 9972 GOVERNMENT OF INDIA

NOTARY UDAI PRAKASH MUMBAI (MAHARASHTRA) REG. No. 9972 Exp Dt. 27/07/2028 GOVT. OF INDIA

BEFORE ME

21/02/24

UDAI PRAKASH(M.A.LL.B.,)
ADVOCATE & NOTORY GOVT. OF INDIA
MUMBAI (MAHARASHTRA)
REG. NO. 9972
Room No. 10, S. No. 94, Inshwadi, Kharodi Village,
Marve Road, Malad (W), Mumbai - 400 095.

NOTARIAL REG. NO. 09
Sr. No. 2175 Page No. 37
Date 21/02/2024

NOTARY UDAI PRAKASH MUMBAI (MAHARASHTRA) REG. No. 9972 Exp Dt. 27/07/2028 GOVT. OF INDIA

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

Annexure- "A"

Building Permission Cell, Greater Mumbai / MHADA

(A designated Planning for MHADA layouts constituted as per government regulation No.TPB4315/167/CR-51/2015/UD-11 DT. 23 May, 2018.)

FULL OCCUPATION CERTIFICATE

No. **MH/EE/(BP)/GM/MHADA-94/0057/2023/OCC/3/Amend** Date : 14 March, 2023

To

Mr. Chandresh Mehta of M/s Keystone Realtors Pvt Ltd.
702 - Natraj, M. V. Road Juntion, Western Express
Highway, Andheri East, Mumbai

Subject : Redevelopment of 'MIG Group IV CHS' on plot bearing C.T.S. No.648 of Village Bandra (E), at Gandhi Nagar, Bandra (E), Mumbai.

Ref :

1] MCGM BP. File no. CHE/WS/0953/H/337(NEW)

2] MHADA File no.MH/EE/BP(GM)/MHADA-94/0057/2023

3] MCGM/ CHE/WS/0953/H/337(NEW) IOD dt. 28/11/2013.

4] MCGM/ CHE/WS/0953/H/337(NEW) First CC issued Dtd.03/11/2015.

5] Part OC for wing B, C, E & F no. MH/EE (B.P.)/GM/MHADA- 94/057/2018 dt.16.08. 2018.

6] Part OCC for wing A no. MH/EE(B.P.)/GM/MHADA- 94/057/2020 on .01.07.2020.

7] MH/EE/BP(GM)/MHADA-94/0057/2022 latest Amended IOD dt. 14.06.2022

8] MH/EE/BP (GM)/MHADA-94/0057/2022) latest Full CC dtd. 30.06.2022

9] Application letter for full OCC from Arch. online dt. 09.02.2023

Gentleman,

The full development work of building **Proposed Redevelopment of 'MIG Group IV CHS' on plot bearing C.T.S. No.648 of Village Bandra (E), at Gandhi Nagar, Bandra (E), Mumbai.** comprising of 3 level Basement + Stilts + 24th upper floor i.e. 81.60 mt. AGL + LMR & OHT is completed under the supervision of SANGITA SUYOG SHET, Architect, Lic. No. MHADA/Reg/Cons/ 0030 2020, Achuyt N Watve RCC Consultant, Lic. No. STR/W/10 and Mr. Nitin Rambhau Bhaskar., Site supervisor, Lic. No. Reg. I:840001003, and as per development completion certificate submitted by Licensed Surveyor and as per completion certificate issued by Chief Fire Officer, issued under no. FB/HR/R-III/165 on 14 November, 2022. The same may be occupied following condition(s) :

The same may be occupied with following condition(s) wherever applicable. :

1. That all firefighting systems shall be maintained in good working conditions.

2. That this full OC without prejudice to legal matter pending in Court of Law if any.

3. Addition/alteration in the approved building plan shall not be allowed.

4. The operation of the hydropnumatic system, fire services, STP shall be maintained.

5. Terms and conditions of Fire NOC shall be strictly followed, if applicable.

6. Terms and conditions mentioned in MOEF and MPCB shall be strictly followed, if applicable.

7. Functioning of Lifts, DG sets, OWC, Rainwater harvesting system, substation shall be maintained.

Name : Rupesh Muralidhar Totewar
Designation : Executive Engineer
Organization : Personal
Date : 14-Mar-2023 16:

Executive Engineer / BP Cell
Greater Mumbai / MHADA

Copy submitted for information please.

1) Chief Officer/Mumbai Board.
2) Deputy Chief Engineer B.P.Cell /MHADA
3) Asst. Commissioner H East Ward (MCGM)

Copy with plan to:

4) EE Bandra Division / MB.
5) Architect / Layout Cell (SPA MHADA)
6) A.A. & C. H East Ward (MCGM)
7) A.E.W.W. H East Ward (MCGM)
8) Architect / LS - SANGITA SUYOG SHET
9) Developer / Owner - Keystone Realtors Private Limited
10) Society - _____

For information please.

NOTARY UDAI PRAKASH MUMBAI (MAHARASHTRA) REG. No. 9972 Exp Dt. 27/07/2028 GOVT. OF INDIA

Annexure- "B"

manish d. savant
g.d.arch.,a.i.i.a.,pgdm.
architects

Our Ref . №:

Your ref. №:

Date:

NOTARY UDAI PRAKASH AURANGABAD (MAHARASHTRA) REG. No. 9972 Exp. 01.2/01/2028 GOVT. OF INDIA

ARCHITECT CERTIFICATE

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the proposed redevelopment carried out by M/s. Keystone Realtors Pvt. Ltd. for society known as The MIG Co-operative Housing Society (Bandra East) Group IV Ltd. on plot bearing CTS No. 648, 648 (part) for Village Bandra East, at Gandhi Nagar, Mumbai. Full Occupation Certificate has been granted by MHADA vide letter bearing no. MH/EE/(BP)/GM/MHADA-94/0057/2023/OCC/3/Amend dated 14.03.2023.

On perusal of the said document, it is seen that RG under Regulation 23 r\w 33(5) admeasuring 1117.00 sq. m. has been provided on ground in 2 parts namely Layout RG no. 1 and Layout of RG no. 2 admeasuring 585.88 sq. m. and 538.95 sq. m. respectively. The plan indicating the layout RG admeasuring 1124.83 sq. m. provided on the ground is highlighted in green colour is annexed herewith.

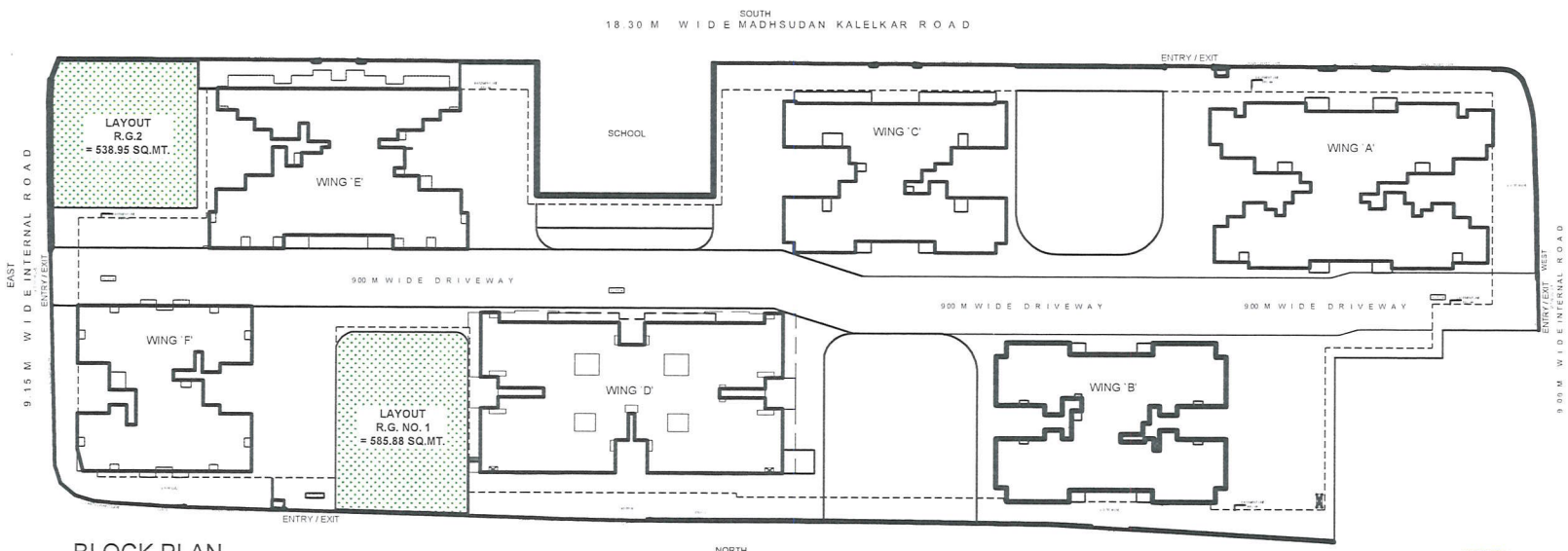
This certificate is being issued on the basis of the verification of documents issued by MHADA authority for the proposed redevelopment from time to time.

Manish D. Savant
(ARCHITECT)

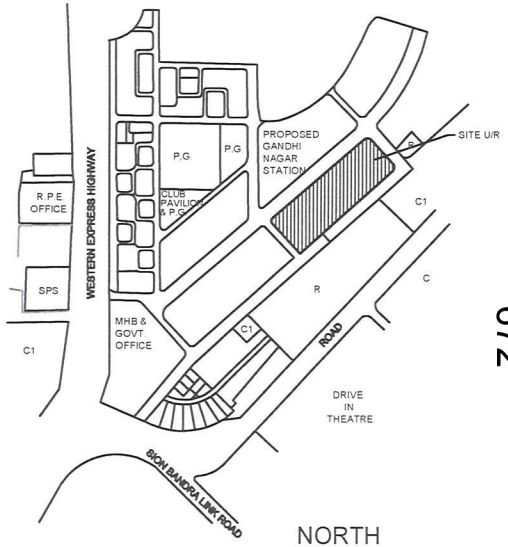
Dated: - 19.02.2024

Place: - Mumbai

◆ Gurudatta, 1st Floor, Atmaram Mhatre Road, Dahisar (W), Mumbai - 400 068 ◆ Mobile : +91 9820324571



BLOCK PLAN



LOCATION PLAN

NORTH

672

DESCRIPTION OF PROPERTY

PLOT BEARING C.T.S. No. 648 (PT.) & OB 12 OF GROUP IV AT VILLAGE BANDRA, GANDHINAGAR, BANDRA (E), MUMBAI - 400051.

NORTH

SIGNATURE NAME & ADDRESS OF ARCHITECT

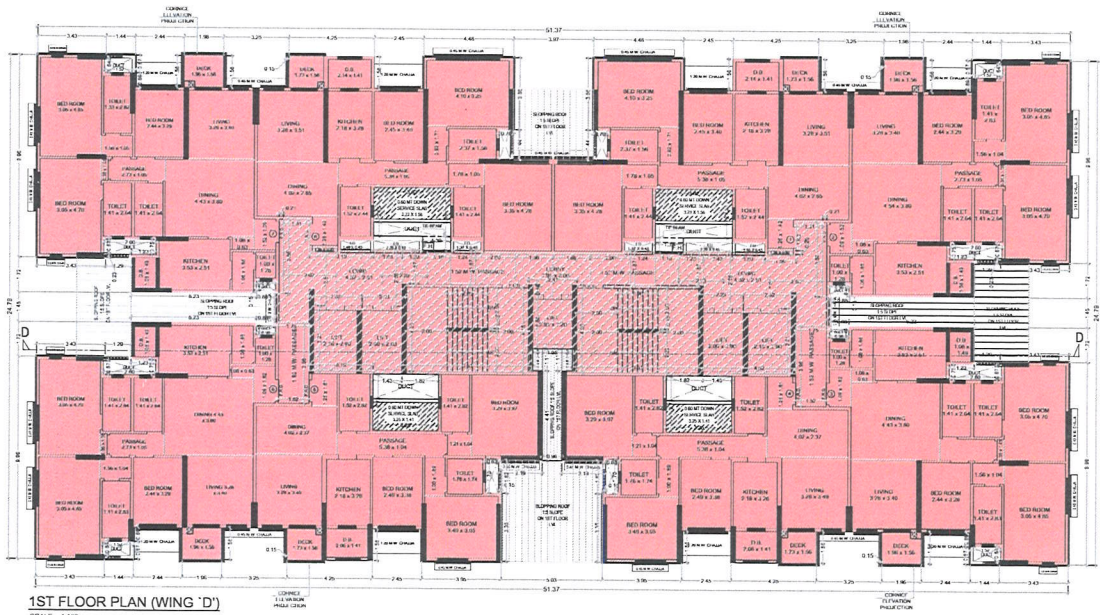
MANISH D. SAVANT
architect
G.D.Arch. A.I.I.A
1st Floor, Gurudatta, Atmaram Mhatre Road,
Dahisar -West, Mumbai - 400 068

NOTARY
GOVT. OF INDIA
URMI PRAKASH
NOTARY (MUMBAI SUBURBAN)
REGD. NO. 5972
CODE-MMD/2028

NOTARY
UDAI PRAKA
MUMBAI MAHARA
REG. NO
Exp Dt
GOVT

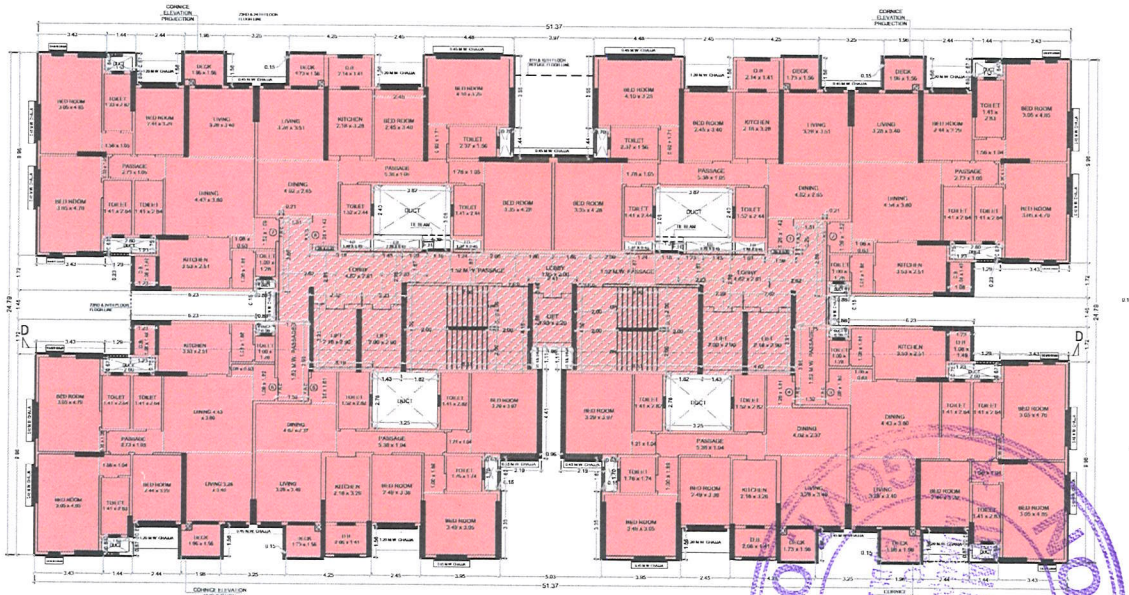
FILE No. MH/EE/(BP)/GM/MHADA - 94/1457/2019 SHEET NO - 05/29

WING :- `D'



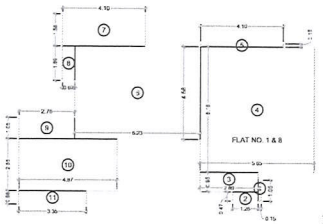
1ST FLOOR PLAN (WING `D')

SCALE :- 1:100



2ND TO 7TH, 9TH TO 14TH & 16TH TO 17TH & 19THFLOOR PLAN (WING `D')

SCALE :- 1:100



FLAT NO. 1 & 8 (WING `D')

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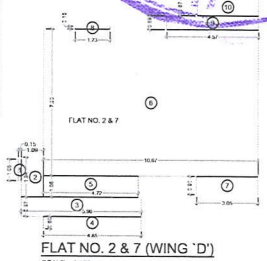

FLAT NO. 2 & 7 (WING `D')

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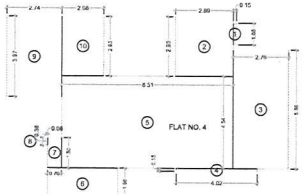


FLAT NO. 4 & 5 (WING `D')

SCALE :- 1:100

RERA CARPET AREA CALCULATION

1ST TO 7TH, 9TH TO 14TH & 16TH TO 22ND FLOOR (FLAT NO. 1) NOS - 38

1ST TO 7TH, 9TH TO 14TH & 16TH TO 17TH, 19TH TO 21ST FLOOR (FLAT NO. 8)

1	0.15	X	1.05	X	1 NO	=	0.16 SQ.MT.
2	1.26	X	0.47	X	1 NO	=	0.59 SQ.MT.
3	2.89	X	0.95	X	1 NO	=	2.75 SQ.MT.
4	5.66	X	6.16	X	1 NO	=	34.89 SQ.MT.
5	4.10	X	0.15	X	1 NO	=	0.62 SQ.MT.
6	6.23	X	4.56	X	1 NO	=	28.41 SQ.MT.
7	4.10	X	1.56	X	1 NO	=	6.40 SQ.MT.
8	0.62	X	1.69	X	1 NO	=	1.05 SQ.MT.
9	2.76	X	1.05	X	1 NO	=	2.90 SQ.MT.
10	4.87	X	2.55	X	1 NO	=	12.42 SQ.MT.
11	3.35	X	0.68	X	1 NO	=	2.28 SQ.MT.
			TOTAL ADDITION			=	92.38 SQ.MT.

RERA CARPET AREA CALCULATION

1ST TO 22ND FLOOR (FLAT NO. 2) NOS - 43

1ST TO 17TH, 19TH TO 22ND FLOOR (FLAT NO. 7)

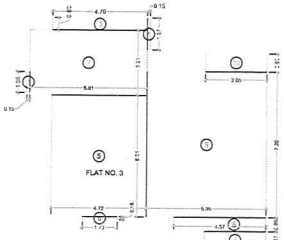
1	0.15	X	1.05	X	1 NO	=	0.16 SQ.MT.
2	1.09	X	1.94	X	1 NO	=	2.11 SQ.MT.
3	5.96	X	0.97	X	1 NO	=	5.78 SQ.MT.
4	4.85	X	0.60	X	1 NO	=	2.91 SQ.MT.
5	4.72	X	1.05	X	1 NO	=	4.96 SQ.MT.
6	10.67	X	7.20	X	1 NO	=	76.82 SQ.MT.
7	3.05	X	0.90	X	1 NO	=	2.75 SQ.MT.
8	1.73	X	0.15	X	1 NO	=	0.26 SQ.MT.
9	4.57	X	0.69	X	1 NO	=	3.15 SQ.MT.
10	3.05	X	0.97	X	1 NO	=	2.95 SQ.MT.
			TOTAL ADDITION			=	101.55 SQ.MT.

RERA CARPET AREA CALCULATION

1ST TO 22ND FLOOR (FLAT NO. 4) NOS. 44

1ST TO 22ND FLOOR (FLAT NO. 5)

1	0.15	X	1.05	X	1 NO	=	0.16 SQ.MT
2	2.89	X	2.93	X	1 NO	=	8.47 SQ.MT
3	2.76	X	5.86	X	1 NO	=	16.17 SQ.MT
4	4.02	X	0.15	X	1 NO	=	0.60 SQ.MT
5	8.51	X	4.54	X	1 NO	=	38.64 SQ.MT
6	3.49	X	1.56	X	1 NO	=	5.44 SQ.MT
7	0.70	X	1.49	X	1 NO	=	1.04 SQ.MT
8	0.98	X	0.37	X	1 NO	=	0.03 SQ.MT
9	2.74	X	3.97	X	1 NO	=	10.88 SQ.MT
10	2.07	X	2.93	X	1 NO	=	6.07 SQ.MT
			TOTAL ADDITION			=	87.50 SQ.MT



FLAT NO. 3 & 6 (WING `D')

SCALE :- 1:100

RERA CARPET AREA CALCULATION

1ST TO 22ND FLOOR (FLAT NO. 3) NOS. 44

1ST TO 22ND FLOOR (FLAT NO. 6)

1	0.15	X	1.05	X	1 NO	=	0.16 SQ.MT
2	5.81	X	3.21	X	1 NO	=	18.65 SQ.MT
3	4.70	X	0.60	X	1 NO	=	2.82 SQ.MT
4	0.15	X	1.57	X	1 NO	=	0.24 SQ.MT
5	4.72	X	6.01	X	1 NO	=	28.37 SQ.MT
6	1.73	X	0.15	X	1 NO	=	0.26 SQ.MT
7	3.05	X	0.87	X	1 NO	=	2.65 SQ.MT
8	4.57	X	0.69	X	1 NO	=	3.15 SQ.MT
9	5.95	X	7.20	X	1 NO	=	42.84 SQ.MT
10	3.05	X	0.90	X	1 NO	=	2.75 SQ.MT
			TOTAL ADDITION			=	101.89 SQ.MT

- THIS DOCUMENT IS DIGITALLY SIGNED AND NO PHYSICAL SIGN REQUIRED.
- APPROVED AS COMPLETION PLANS AS ACCOMPANIMENT OF ACCEPTANCE FULL OC BY THIS OFFICE LETTER UNDER NO. MHEE(BP)/GM/MADA - 94 / 867 / 2023

Rupesh Muralidhar Totewar	Digitally signed by Rupesh Muralidhar Totewar Date: 2023.03.14 15:09:08 +05'30'
EE - II (BP)/GM/ MHADA (W.S.)	
Ketan Mohan Padate — Digitally signed by Ketan Mohan Padate Date: 2023.02.16 14:53:38 +05'30'	Abhaykumar Vitthalrao Kulkarni — Digitally signed by Abhaykumar Vitthalrao Kulkarni Date: 2023.02.16 15:22:24 +05'30'
SE/AE - II (BP)	DE (BP)
SANGITA SUYOG SHET	CHANDRA SHOBHA SHETTY
ARCHITECT	OWNER/DEVELOPER

PROFORMA - B

CONTENT OF SHEET

WING `D' : 1ST TO 7TH, 7TH TO 14TH & 16TH TO 17TH FLOOR PLAN, RERA AREA DIAGRAM & CALCULATION.

DESCRIPTION OF PROPOSAL AND PROPERTY

PROPOSED BUILDING ON PLOT BEARING C.T.S. No. 648 (PT.) & OB 12 OF GROUP IV AT VILLAGE BANDRA, GANDHINAGAR, BANDRA (E), MUMBAI - 400051.

NAME OF OWNER

RUSTOMJEE CONSTRUCTIONS PVT. LTD.

STAMP OF APPROVAL OF PLANS

REVISION	DESCRIPTION	SHEET NO.	SIGN
		05	

NORTH

ARCHITECT'S NAME, ADDRESS & SIGNATURE

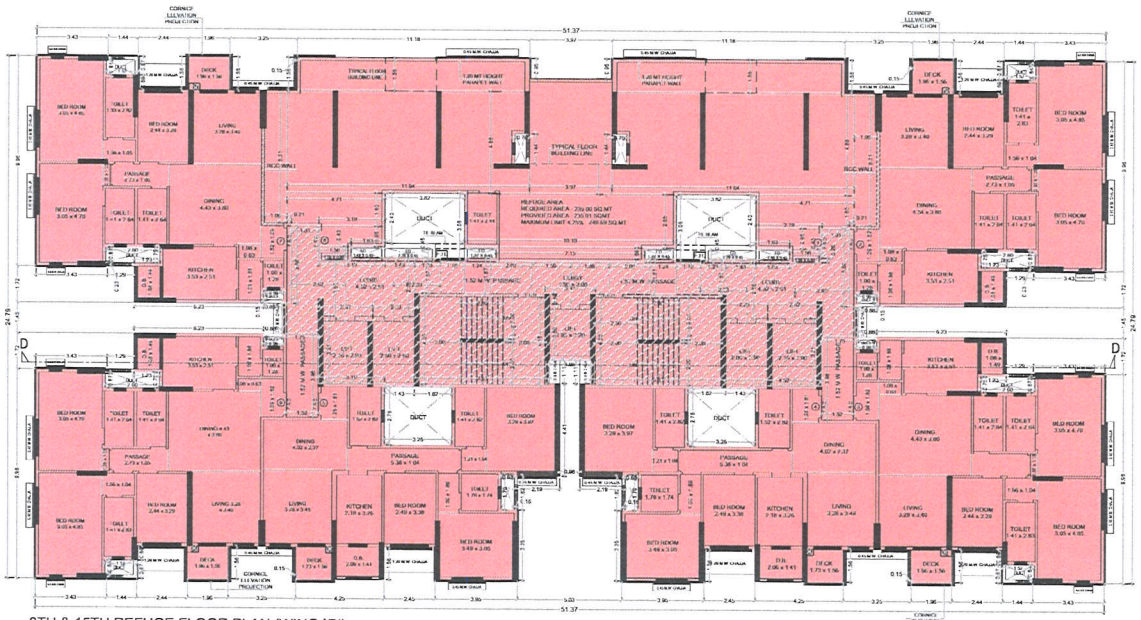
miti designers & planners (I.S.O.9001:2008 CERTIFIED) (FORT NO. 275, BANDRA (W.) MUMBAI 400 050)

674

Annexure- "C"

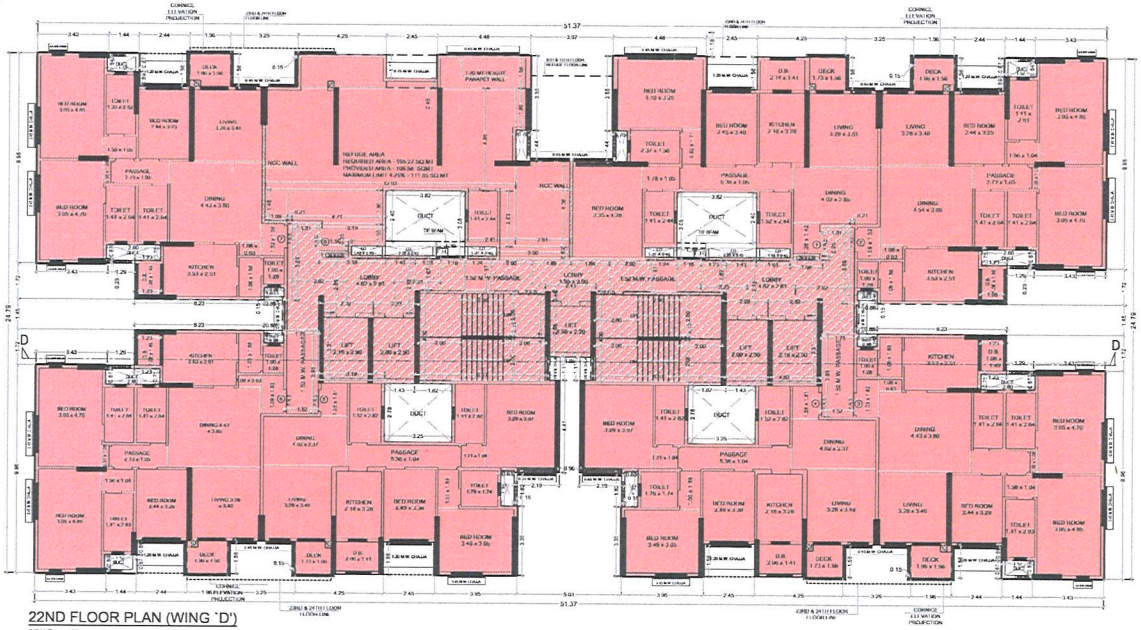
FILE No. MH / EE / (BP) / GM / MHADA - 94 / 057 / 2019 SHEET NO -06 / 29

WING :- 'D'



8TH & 15TH REFUGE FLOOR PLAN (WING 'D')

SCALE - 1:100



22ND FLOOR PLAN (WING 'D')

SCALE - 1:100

- THIS DOCUMENT IS DIGITALLY SIGNED AND NO PHYSICAL SIGN REQUIRED.
- APPROVED AS COMPLETION PLANS AS ACCOMPANIMENT OF ACCEPTANCE FULL OC BY THE OFFICE LETTER UNDER NO. MHEE/EE/P.2 GM/MHADA - 94 / 057 / 2022

Rupesh Muralidhar Totewar	Digitally signed by Rupesh Muralidhar Totewar Date: 2023.03.14 15:09:31 +05'30'
EE - II (BP)/GM/ MHADA (W.S.)	
Ketan Mohan Padate — Digitally signed by Ketan Mohan Padate Date: 2023.07.16 14:36:21 +05'30'	Abhaykumar Vitthalrao Kulkarni — Digitally signed by Abhaykumar Vitthalrao Kulkarni Date: 2022.02.16 14:52:42 +05'30'
SE/AE - II (BP)	DE (BP)
SANGITA SUYOG SHET	CHANDIRAMOTA SHZONE SATISH MOTA
ARCHITECT	OWNER/DEVELOPER

PROFORMA - B

CONTENT OF SHEET

WING 'D' : 8TH, 15TH & 22ND REFUGE FLOOR PLAN.

DESCRIPTION OF PROPOSAL AND PROPERTY

PROPOSED BUILDING ON PLOT BEARING C.T.S. No. 648 (PT.) & OB 12 OF GROUP IV AT VILLAGE BANDRA, GANDHINAGAR, BANDRA (E), MUMBAI - 400051.

NAME OF OWNER

RUSTOMJEE CONSTRUCTIONS PVT. LTD.

STAMP OF APPROVAL OF PLANS

REVISION	DESCRIPTION	SHEET NO.	SIGN
		D6	

NORTH

ARCHITECT'S NAME, ADDRESS & SIGNATURE

mis designers & planners

D-23, SHITKAPUR (CHS LTD.), 27TH ROAD, PLOT NO. 225, BANDRA (W) MUMBAI 400 050

Email: mis@gmail.com