

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

ORIGINAL APPLICATION No. 69/2024 (WZ)

Vishal Shantaram Darwatkar

.... Applicant

Versus

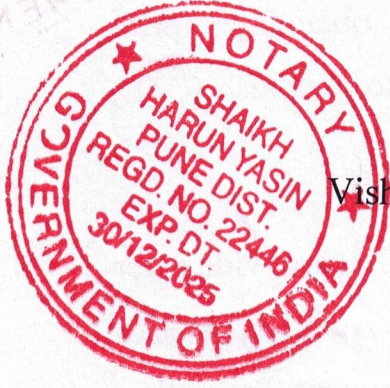
Union of India & Ors.

.... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 4.**

I, Kartikeya Langote, aged about 53 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-I, having office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under :-

- (1) I am filing this Affidavit on behalf of the Respondent Board in compliance of the order dated 07/05/2024 passed by this Hon'ble NGT.
- (2) I say and submit that the present Application is filed by the Applicant alleging that the construction of Residential Building of M/s Paramount Properties located at Survey Nos. Survey No. 19/1 to 19/4A/2, 19/4B/2 , 20/4/1 , 20/4/2 , 20/5B, 20/5C, Situated at Katraj-Kondhwa road, Village Katraj, Taluka Haveli, District Pune carried out by the Respondent



No. 4 -Project Proponent – M/s Paramount Properties for commencing Construction without obtaining prior Environmental Clearance (EC), Consent to Establish (CTE) and Consent to Operate (CTO).

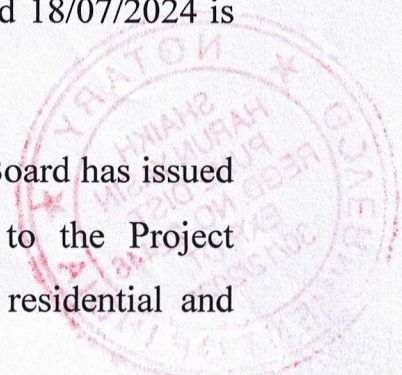
- (3) I say and submit that the Respondent MPC Board vide letter dated 21/06/2024 and emails dated 11/07/2023, 05/08/2024 and 26/08/2024, addressed to M/s Paramount Properties, requested to submit the documents including the Commencement Certificate, Plinth Certificate, Occupancy Certificate, Environmental Clearance, and Consent to Establish and Operate. A copy of Letter issued dated 21/06/2024 is annexed herewith as an **Annexure -I**.
- (4) I say and submit that in order to verify the compliance, the official from the Respondent-MPCB visited the site on 27/06/2024 and observed as follows:
- I. As per telephonic information provided by the PP, they have not yet obtained the Environment Clearance, Consent to Establish and Consent to Operate from the Board.
 - II. During visit it is observed that, PP has constructed Total 05 buildings. Paramount Garden - B+G+6. Buildings A, B, C & D- B+G+11 each, all buildings are found completed and possession given to tenants.



- III. PP has provided STP, capacity details not available during visit, provided primary, secondary & tertiary STP. During visit STP found in operation, but no STP operator was present, hence not able to collect the STP sample.
- IV. As per information given by PP, STP is handover to the Society.
- V. PP has provided 7 pits for the treatment of wet waste, which were found in operation.
- VI. During visit on site 01 bore well is observed. CGWA NOC details not available during visit.
- VII. PP's Concern person was not present on site during visit, hence unable to take signature on visit report.
A Copy of Visit Report alongwith Photographs dated 27/06/2024 is annexed herewith as an **Annexure-II**.

(5) I say and submit that the Respondent MPC Board has issued letter dated 18/07/2024 along with follow-up emails dated 05/08/2024, and 28/08/2024 to the City Engineer (PMC), requesting the submission of documents including the Sanction Plan, Commencement Certificate, Plinth Certificate, Occupancy Certificate, A copy of letter dated 18/07/2024 is annexed herewith as an **Annexure-III**.

(6) I say and submit that the Respondent MPC Board has issued a Show Cause Notice dated 29/08/2024 to the Project Proponent for carrying out construction of residential and



NOTED & REGISTERED AT
DR. _____
5 OCT 2024

commercial building without obtaining Consent to Establish (CTE), Consent to Operate (CTO) from the MPC Board and Environment Clearance (EC) from the Competent Authority and extraction of groundwater without obtaining necessary NOC/Permission from the Central Ground Water Authority and PP also not provided any information or documents during the visit. Further action is under process. A copy of Show Cause Notice dated 29/08/2024 is annexed herewith as an **Annexure-IV**.

(7) Project Proponent M/s Paramount Properties has submitted an Architect Certificate dated 4/10/2024 for their construction project. This certificate pertains to an FSI area of 19,693.19 sq. mt., a Non-FSI area of 3,360.62 sq. mt., and a total built-up area of 23,053.81 sq. mt. A copy of the Architect Certificate dated 04/10/2024 is annexed herewith as an **Annexure-V**.

(8) Hence this Affidavit.

Solemnly affirmed on this 29th day of October, 2024 at Pune.

I know the affiant

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No. 4.

Kartikya Langote
29/10/24

(Kartikya Langote)

Sub-Regional Officer. SRO Pune-



ADVOCATE

BEFORE ME

SHAIKH HARUN YASIN
ADVOCATE & NOTARY
GOVT. OF INDIA
48, Mitha N. Near Kondhwa Kd., Pune-48

NOTED & REGISTERED AT

Sr. No. 2272 Dt. 29/10/2024

29 OCT 2024



427

MAHARASHTRA POLLUTION CONTROL BOARD

SUB REGIONAL OFFICE – PUNE-I

Ph. 020-25811694
Fax. 020-25811029
E-mail-sropune1@mpcb.gov.in



Jog Center Bldg.
2nd floor, Wakdewadi,
Mumbai – Pune Highway,
Pune 411003

MPCB/ SROP1/ 240621-F13-0033

Date: 21-06-2024

To,
Paramount Properties
S. No. 19/1 to 19/4A/2, 19/4B/2, 20/4/1, 20/4/2, 20/5B & 20/5C,
Katraj-Kondhwa road, Katraj,
Tal. Haveli, Pune.

Subject: NGT matter of OA no. 69 of 2024 (WZ), filed by Vishal Shantaram Darwatkar (Applicant) V/s Union of India & Ors. (Respondents)

Reference: Hon'ble NGT Order issued dated 04.04.2024 & 07.05.2024.

Sir,

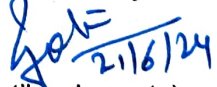
This is to inform you that, the Hon'ble National Green Tribunal has passed order on 04.04.2024 & 07.05.2024 in the matter of OA no. 69 of 2024 (WZ); filed by Vishal Shantaram Darwatkar (Applicant) V/s Union of India & Ors. (Respondents).

You are requested to submit details of project like commencement Certificate, plinth certificate, occupancy certificate and applicability of Environment Clearance, Consent to Establish & Operate (if obtained copies of the same), also refer the original application and submit detail parawise comments about objection raised by the applicant.

The said information shall submit to this Office with relevant documents and certificates in English within 3 days, for deliberation and compliance of Hon'ble NGT orders.

Please note that next date of hearing on 18.07.2024.

Yours faithfully,


(Kartikey Langote)
Sub-Regional Officer,
M. P. C, Board, Pune-I

Copy submitted for information to:

- 1) The Joint Director (APC), MPC Board, Mumbai.
- 2) The Regional Officer, MPC Board, Pune.
- 3) The Legal Department, MPC Board, Mumbai.

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICER PUNE 1

Phone No. 25811 222
Fax No. 25811 029
Email ID – sropune1@mpcb.gov.in



Jog Center, 3rd floor
Wakadewadi Mumbai-Pune,
Road Pune – 411003

-: Visit Report :-

Dtd. 27.06.2024

Name & Address of Industry: M/s Paramount Properties,
Survey No.19/1 to 19/4A/2, 19/4B/2, 20/4/1, 20/4/2,
20/5B and 20/5C, situated at KatrajKondhwa road,
village Katraj, Taluka Haveli, District Pune

Industry/PP Representative: Avinash Kale

Email: not available during visit.

Contact no. 8888810342

Consent status: Not obtained consent from Board.

Observations:

Hon'ble National Green Tribunal has passed order on 04.04.2024 & 07.05.2024 in the matter of Original Application No.69/2024(WZ) I.A. No.62/2024(WZ) filed by Vishal Shantaram Darwatkar Applicant Versus Union of India & Ors. Respondent(s). As per instruction of SRO Pune 1, visited the construction project to check the compliance report.

Observations are as follows:

1. As per information given by PP telephonically not obtained Environment Clearance, Consent to Establish & Operate from Board.
2. During visit it is observed that, PP has constructed Total 05 buildings. Paramount Garden – B+G+6. Buildings A, B, C & D – B+G+11 each, all buildings are found completed and possession given to tenants.
3. PP has provided STP, capacity details not available during visit, provided primary, secondary & tertiary STP. During visit STP found in operation, but no STP operator was present, hance not able to collect the STP sample.

4. As per information given by PP, STP is handover to Society.
5. PP has provided 7 pits for the treatment of Wet waste, during visit 7 pits were found operational.
6. During visit on site 01 bore well are observed. CGWA NOC details not available during visit.
7. During visit builder of project was not present on site, hence letter served to the builder Shri Vishal Jain through whatsapp and requested to submit all the documents related to project to Board Office within 03 days. (letter issued on 21.06.2024 to PP for submission of documents)
8. PP concern person/builder was not present on site during visit, hence unable to take signature on visit report.
9. Photographs of site are attached separately.

Sushma Kumbhar

**(Sushma Kumbhar)
Field Officer, Pune-1
M.P.C. Board, Pune**

M/s Paramount Properties Photographs



Building C



Building D



Building D



Building A & B



Sewage Treatment plant



7 Pits – for treatment of wet waste



7 Pits – for treatment of wet waste



Paramount Garden building



Paramount Garden building

Annexure - III

435

MAHARASHTRA POLLUTION CONTROL BOARD

SUB REGIONAL OFFICE – PUNE-I

Ph. 020-25811694
Fax. 020-25811029
E-mail-sropune1@mpcb.gov.in



Jog Center Bldg.
2nd floor, Wakdedwadi,
Mumbai – Pune Highway,
Pune 411003

MPCB/ SROP1/ 240718-FT3-0043

Date: 18.7.2024

To,
City Engineer,
Building Permission Department,
Pune Municipal Corporation, Pune

Subject: NGT matter of OA no. 69 of 2024 (WZ), filed by Vishal Shantaram Darwatkar (Applicant) V/s Union of India & Ors. (Respondents)

Reference: Hon'ble NGT Order issued dated 04.04.2024 & 07.05.2024.

Sir,

This is to inform you that, the Hon'ble National Green Tribunal has passed order on 04.04.2024 & 07.05.2024 in the matter of OA no. 69 of 2024 (WZ), filed by Vishal Shantaram Darwatkar (Applicant) V/s Union of India & Ors. (Respondents).

This office requires documents obtained by Respondent-Project Proponent from you for the Project name and styled as "Paramount Garden & Paramount Eros" situated at Survey No.19/1 to 19/4A/2, 19/4B/2, 20/4/1, 20/4/2, 20/5B and 20/5C, situated at Katraj-Kondhwa road, village Katraj, Taluka Haveli, District Pune

Therefore it is kindly requested to submit details of project like sanction plan, commencement Certificate, plinth certificate, occupancy certificate along with any other relevant documents, for deliberation and compliance of Hon'ble NGT orders.

Please note that next date of hearing on 18/07/2024.

Yours faithfully,

(Kartikey Langote)
Sub-Regional Officer,
M. P. C. Board, Pune-I

Copy submitted for information to:

- 1) The Joint Director (APC), MPC Board, Mumbai.
- 2) The Regional Officer, MPC Board, Pune.
- 3) The Legal Department, MPC Board, Mumbai.

MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE - PUNE

Phone No. 020-25811694
 Fax No. 020-25811701
 e-mail : ropune@mpcb.gov.in
 visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
 Wakdevadi,
 Old-Pune Mumbai Road,
 Pune- 411003

Date: 29/08/2024

MPCB/ROP/SCN/ 2408290017

To,
 M/s. Paramount Propertes,
 S. No. 19/1 to 19/4A/2, 194B/2, 20/4/2, 20/5B & 20/5C,
 Katraj Kondhwa Road, Katraj, Pune

Sub : Show Cause Notice.

Ref: 1) Visit of the Board official to your hotel unit on 27/06/2024
 2) Legal Action proposal submitted by Sub Regional Officer, Pune-I
 vide no.MPCB-LEGAL-ACTION-260824005, Dtd. 27/02/2024.

WHEREAS, it is obligatory on your part to obtain Consent to Establish and valid Consent to Operate from the Maharashtra Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under the provisions of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016. It is also obligatory on your part to provide adequate pollution control devices.

AND WHEREAS, it is obligatory on your part to provide adequate pollution control devices and comply with the consent conditions so as to achieve the standards prescribed by the Board in its consent.

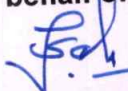
AND WHEREAS, the inspection carried out by the official/s of MPCB at Sub Regional Office, Pimpri Chinchwad on 27/06/2024 and accordingly Sub Regional Officer, MPCB, Pune-I submitted legal action proposal with following non-compliances,

- (1) You have carried out the construction of residential / commercial building construction without obtaining consent to establish and consent to operate from the Board and Environmental Clearance from competent authority.
- (2) You are extracting ground water without obtaining NOC / Permission from the Central Ground Water Authority.
- (3) You have not produced any information during visit for inspection to the Board officials and not submitted any document of the said project to the Board Office, inspite of continuous follow up.

NOW THEREFORE, in view of the above non-compliance, you are hereby directed to show cause as to why shall not initiate legal action against you as deemed fit in your case in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

You are hereby given an opportunity to respond **within 7 days** from issuance of this notice, failing which, MPCB will initiate further legal action against your unit without giving any further notice in accordance with the provisions of the Water (prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, which please note.

For and on behalf of M.P.C. Board


 (J. S. Salunkhe) 29/8/24

Regional Officer, Pune

Copy Submitted for information to :- Joint Director (APC), M.P.C. Board, Mumbai.
 Copy to- The Sub-Regional Officer, M.P.C. Board, Pune-I :- For follow up action please.

**Dhere Vikas M.****L. Engineer**

S. No. 21, Saraswati Complex, Bibvewadi,
Near Bibvewadi Police Station, Pune - 411 037.
Ph. : 24283835 E-mail : dhereasso21@yahoo.co.in

Date: 04.10.2024

To,
M/s.Paramount Properties Through Partner
Mr.Parag Vinayak Deshpande
Site Address - Survey No- 20/5B, 20/5C,
19/1 To 4A/2, 20/4/1, 20/4/2,
Katraj.

This is to certified that the total area of plot A, Building A+B+C+D (Paramount Eross)
is as given below -

Sr. No.	Description	Area
1	FSI Area	19693.19 Sq. Mt.
2	Non FSI area	3360.62 Sq. Mt.
3	Total Built up Area	23053.81 Sq. Mt.

Thanking You,

Authorized Signatory,




Mr.Vikas M. Dhere

NEW UNIFIED

TOTAL F.S.I. STATEMENT FOR ENVIRONMENT

WING	FLOOR	TOTAL B.U.P AREA	L.PARKING	U.PARKING	LIFT & LIFT M.ROOM AREA	CLUB HOUSE	O.H.W.TANK	U.G.W.TANK	TOTAL
A WING	P+11 FL.	5998.60			19.75				
B WING	P+11 FL.	3846.82	1448.95	1448.95	23.30	125.64	101.05	151.58	23053.81
					34.18				
C WING	P+11 FL.	5675.95			7.22				
D WING	P+11 FL.	4171.82			84.45				
TOTAL		19693.19	1448.95	1448.95	3360.62	125.64	101.05	151.58	23053.81

