

Next date: **25.04.2023**

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

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Application No. 56 of 2019 (WZ)

BETWEEN

Mangesh Mahadev Parab **Applicant**

VERSUS

New Monarch Builders **Respondents**
and Contractors & Ors.

**Affidavit in Reply by
Respondent No. 6**

SEIAA - Maharashtra

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Filed by:

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

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MOST RESPECTFULLY SUBMITTED:

1. I, **D. S. Bhalerao**, aged 39 years, am working as Scientist-II with **Respondent No.6 (State Environment Impact Assessment Authority - Maharashtra)**, and have gathered the required information of the facts from records, taken the necessary instructions, internal approval and have authority to file this Affidavit in reply, which I do on solemn affirmation and oath, as hereunder in detail.

2. This affidavit to be filed was placed before the SEIAA-Maharashtra along with all the relevant documents on record, for their consideration, deliberation and decision.

3. Respondent No.6 states that the present affidavit is filed with the limited purpose to confirm the non-applicability of the EC Notification 07.07.2004 (which was an amendment to Original Notification of 27.01.1994) or Notification of 14.09.2006. This was the stand already taken by the Environment Department after ascertaining its applicability.

4. Respondent No.6 states that allegations contained in the OA are denied. Nothing shall be deemed to have been accepted simply because it was not dealt with or replied to in this affidavit. Respondent craves leave to file the detailed affidavit if the need is or as may be directed by this Hon'ble Tribunal.

PRELIMINARY OBJECTIONS

5. Applicant has filed the application u/s. 14, 18 and 20 under original jurisdiction as the '**substantial question related to environment**'. [OA Page No.3, Point No.VI]. There is no mention of a specific **cause of action** per-se, in support of this and as to when it first arose and on which date.

6. The cause of action as stated by Applicant, under "**Limitation**" on Page No.16, is the RTI Reply received by him on 19.01.2019. Other independent cause mentioned was that 'Environmental Clearance' was not obtained. If so, then that cause 'first arose' on 14.09.2006.

7. The reply to RTI by itself can't be the cause triggering the period of limitation and also can't be the 'substantial question related to environment'. **The date from which the limitation period would be triggered is when the construction started way back in 05.06.2003** (when revised LOA was issued) **OR** latest when EIA Notification of 27.01.1994 was amended on 07.07.2004 **OR** its supersession by the Notification on 14.09.2006 was published. All these dates are prior to even establishment of Hon'ble National Green Tribunal. The applicant did not challenge this construction without EC before any other forum OR Court at that point in time. After the passage of time of over 13 years from the last date of Notification of 14.09.2006, the application is barred by limitation. No specific cause of action is given thereafter, relating 'substantial question related to environment'

that would trigger the limitation period.

APPLICABILITY OF NOTIFICATION 07.07.2004

8. Respondent No.6 states that as per the records, the project was issued the **first LOI on 05.08.1996** and a **fresh LOI on 09.08.1997**. The layout of the scheme was approved on 25.08.1998 and the **revised LOI was approved on 05.06.2003** for a total built-up area (BUA) of **75603.55 m²**.

9. Respondent No.6 states that SRA issued a **Commencement Certificate on 25.08.1998** for work up to the plinth level for rehab Building No.1 wing A and B from the entire project layout of 8 nos. of rehab buildings, of the project. The construction of these wings was completed up to 7th floor and **part 'Occupancy Certificate' was 20.02.2004**.

10. Commencement Certificate (CC) of rehab building No.5 was issued on 07.04.2004 for work of plinth to up to 7 upper floors. These buildings were constructed as per the CC. i.e., these were contained in the project and were an integral part of the project. The construction was already started and done up to plinth and beyond, as can be seen from the record. In the EIA Notification of 07.07.2004, the word used was "project" for the applicability of this Notification. **Rehab and Sale, components of all buildings, are an integral part of the one single project** as revenue from the sale component of buildings, is the basis and foundation of the viability

of the total project as a whole.

11. Respondent No.6 states that the amendment of 07.07.2004 specified as to which project would need the EC in Paragraph 3(g) and Explanation clarified so as not to leave any ambiguity. The applicable criteria were only the footfall/population of persons >1000, investment of >Rs.50 Crore and sewage generation of >50 m³/day. **The total covered built-up construction area in m² (non-FSI or FSI) was not the criteria in it,** for applicability of this Notification (amendment) of 07.07.2004. **The projects that had NOT come up to the plinth level, only were to attract the Notification** and hence *inter alia*, only before-plinth projects were required to obtain the EC. The relevant points from Notification 07.07.2004 are reproduced hereinbelow for ready reference.

3. Nothing contained in this Notification shall apply to:

- (g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for **1000** (one thousand) **persons** or below or with an **investment** of Rs.50,00,00,000/- (Rupees **fifty crores**) or below.

Explanation.-

- (i) New construction projects which were undertaken without obtaining the clearance required under this notification and **where construction work has not come up to the plinth level** shall require clearance under this notification with effect from the 7th day of July, 2004.

12. Respondent No.6 states that the **applicability of criteria was applied to the 'total project'** in terms of total persons >1000 and investment of Rs.50 Crore. It includes all the proposed buildings in the project as per LOI, which were there in it and whatever may be the corresponding area (as it was not at all the criteria in that Notification).

13. Respondent No.6 states that the applicability or attraction of the provisions of the Notification dated 07.07.2004, to the project, was further clarified in the 'Explanation'. Criteria can't be considered part by part of the project or each singular building-wise. Individually none of the single buildings would have qualified in these criteria and would have required the EC. **The applicability or non-applicability has to be considered and applied as 'the entire project as a whole' only.** 'Project' is the word used in the Notification also and there is no ambiguity in understanding the meaning of it.

14. Respondent states that the change in the scope of the project which had not attracted the EIA Notification 07.07.2004, could have been only in

terms of the criteria laid down under that Notification.

APPLICABILITY OF NOTIFICATION 14.09.2006

15. Respondent No.6 states that as per Notification 14.09.2006, the criterion of the area was laid down to the new building and construction projects, starting from an area >20,000 m² of the total covered built-up construction area including non-FSI and FSI (as clarified subsequently on 04.04.2011). The projects requiring EC were specified as follows in Clause No.2 of the Notification.:

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

- (i) All **new projects** or activities listed in the Schedule to this notification;
- (ii) **Expansion and modernization of existing projects** or activities listed in the Schedule to

this notification **with addition of capacity** beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, **after expansion or modernization;**

- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

16. Respondent No.6 states that the project was consisting of total 8 Nos. of buildings and was of area **75603.55 m²**, as per the LOI (revised) dated **05.06.2003** from Slum Redevelopment Authority (SRA). The plinth **Commencement Certificate (CC)** was issued on **05.06.2003** and as of the date of EC Notification (amendment) 07.07.2004 the **project** had already CC.

17. The last LOI was revised on **04.12.2015** and the total BUA approved is **74576.43 m²**. It is pertinent to note that as per the last LOI also, total built-up area (BUA) *vis-à-vis* the earlier LOI of **05.06.2003**, has **decreased by 1,027 m²**. **As such there was no addition of capacity at that point in time.**

18. Even though the earlier revised LOI was obtained in year 2003, by the Respondent No.1 (PP) had started the construction of Rehab Building No. 4, 6, 7, 2 and Sale Building No. 1, after Notification of 14.09.2006.

19. The Notification of 14.09.2006 would have applied when there is **expansion** or modernisation as per 2(ii). However, *ab-initio*, in this project, there was **no expansion of BUA with capacity addition**. In fact, the BUA has decreased from the earlier approved BUA as per LOI. As such, the Notification of 14.09.2006 would not apply to this project. The change in plan or layout, has no locus or criteria, in the EIA Notification 14.09.2006 by itself.

20. **While concluding, Respondent No.6 in its respectful submission states that the Notification of 07.07.2004 was not applicable to this project as it has already stated the work got CC for Buildings before this date.** The cut-off date will have to be applied to the whole project and not to its sub-components or individual buildings. All the qualifying criteria as well, are also applicable to the project as a whole and not the individual components/buildings in it.

21. Respondent No.6 had examined the applicability of the Notification of 07.07.2004 and had taken the informed decision that this Notification is not attracted, particularly in light of the categorical explanation in the Notification and the fact that the project had come up to plinth level before the Notification of 07.07.2004.

22. **Respondent No.6 states in its respectful submission that the Notification Clause 2(ii) of 14.09.2006 was not applicable to this project as there was no increase in**

project BUA as previously mentioned in the LOI based on which construction was started and was completed. There was no expansion in this particular project after the revised LOI.

23. Respondent No.6 states that **there is no substantial question related to environment. Prior to this project, the area was a slum area.**

The environmental status of those slums was below environmental sustainability. **As such, the SRA project with additional FSI was sanctioned to better the environment, and make it more environmentally sustainable.** In no case, this project could have harmed the environment compared to the existing slum scenario at that location.

24. The application is hopelessly time-barred. Other grounds and plural causes should not be entertained as only one cause can be entertained in one application as per Rule No.14 under The National Green Tribunal (Practices and Procedure) Rules 2011.

25. Respondent states that this is rare case in many ways. The submissions made are project specific and applicable to this case only, being a SRA project. The project site was populated with slums, and there were no basic environment-friendly features for sustainability. The LOI to the project was issued in the year 1996 and the plinth of the building was completed before 07.07.2004. The construction project as a part of the area sanctioned in the LOI dated 05.06.2003 was not exceeded even in the

revised LOI dated 04.12.2015. After redevelopment, about 1137 slum dwellers and 163 project-affected persons got the chance to have the basic fundamental right of quality shelter.

26. The legal opinion was obtained from Law & Judiciary on 19.05.2017 and after that, a letter was given by Govt. of Maharashtra, Environment Dept., Re. ENV-2017 /Legai/CR-4 dated 17.06.2017 clarifying that this project doesn't need EC. However, as a matter of record, subsequently, once again a reference was made to Law & Judiciary on 21.06.2017 and some other opinion was conveyed by L&J Dept..

27. Therefore, the Respondent has placed the entire record (NGT matter and office file) before the existing SEIAA-Maharashtra. This was mainly to decide and file the affidavit in response to the pending OA 56/2019(WZ) on the following points. None of the existing SEIAA-Maharashtra was Member at that point in time when the earlier letter was issued. **After careful perusal of the record, the SEIAA has come to the conclusion that;**

- a) there is no substantial question related to environment at that site,
- b) there is no damage to environment; particularly because the site was earlier occupied by slums.
- c) there is no violation of the spirit of the EIA Notification 07.07.2004

- d) the total built-up construction area is not exceeded even after the revised LOI of 2015 as the construction area had decreased
- e) there is a grey area regarding the applicability OR violation of the EIA Notification 14.09.2006
- f) the violation can be at the most, in terms of the actual construction area, if exceeded above 75,603.55 m³ as per the LOI of 05.06.2003.
- g) but as stated above, there is no 'substantial question related to environment' raised due to such violation.

28. In light of the above case-specific facts, and pecuniary circumstances as stated hereinabove in detail, the respondent prays that this Hon'ble Tribunal be pleased to dispose of the application with appropriate orders.

Place: **Mumbai**
Date: **17-04-2023**



Respondent No.6
D.S. Bhale
Scientist-II
Env & CC Dept.

Scientist Grade-2
Environment & Climate Change Department
Govt. of Maharashtra
Mantralaya, Mumbai 400 032

AFFIDAVIT & VERIFICATION

I Dattatray Suryakant Bhalerao, age about 39 years, resident of Mumbai, that the contents of the above affidavit are believed to be true as can be verified from the records and that I have not suppressed any material fact. I have submitted this affidavit on solemn affirmation and oath.

Place: **Mumbai**
Date: **17-04-2023**



Respondent No.6
Dattatray S. Bhalerao

Item no. 1

Subject- Regarding Original Application no 56/2019 (Mangesh Mahadev Parab vs New Monarch Builders and Contractors & others) before Hon'ble NGT, Pune

The entire records of the matter NGT OA 56/2019 (WZ) Mangesh Parab were placed before the existing Members of SEIAA (Respondent No. 6). The Office File, containing Law & Judiciary Legal Opinion and the letter issued by the Environment Department was also placed before SEIAA. Thereafter SEIAA Members had detailed discussions and deliberations on the facts of the case. The draft of the Affidavit to be submitted was prepared after going through the record. The same is approved for submission through Advocate in the matter.



Member Secretary



Chairman

Environment Department
6th February, 2017

Submitted :- Seeking clarification on applicability of E.C. for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No. 7-6/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai – 400 059 for "Sagbaugh Sneha Sagar C.H.S. Ltd."

Ref. :- Letter dtd. 25.1.2017 received from M/s New Monarch Builder & Contractors.

M/s New Monarch Builder & Contractors has submitted a letter at reference above seeking clarification on applicability of E.C. for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No. 706/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai – 400 059 for "Sagbaugh Sneha Sagar C.H.S. Ltd. Copy enclosed at CS No. 1 to 5 for kind perusal.

Brief history of the project as per letter submitted by the PP is as follows :-

- a) The Slum Redevelopment scheme under reference was initially approved by SRD committee and LOI was issued on 5.8.1996.
- b) Subsequently the SRD scheme was converted into Slum Rehabilitation Scheme and LOI was issued on 9.8.1997.
- c) Further revised LOI was approved and issued on 5.6.2003 for total BUA (FSI) approved – 75603.55 sq.m.
- d) The Plinth CC was issued for 3 nos. of rehab buildings prior to 7.7.2004 (i.e. Rehab No. 1 - Wing A & B, Rehab No.5).
- e) Further the scheme layout was approved with eight nos. of buildings on 21.2.2008 where in plinth was completed for building no.1 (Wing A & Wing B) prior to 07.07.2004.
- f) Last LOI was approved and issued on 4.12.2015 for total BUA (FSI) approved 74576.43 sq.m.
- g) As per last LOI issued on 4.12.2015 for total construction BUA – 1,13,975.90 sq.m. and the PP has constructed total BUA admeasuring 73026.71 sq.m. at site till date.
- h) When the PP applied for further approval of fungible area in the sale building, SRA has asked the PP to seek the clarification of applicability of E.C. to above scheme .

Provisions of the EIA Notification dtd. 27.1.1994 amended on 7.7.2004 :-

"....

(ii) after sub-para (f), the following shall be inserted, namely :-

"(g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs. 50,00,00,000/- (Rupees fifty crores) or below.

Explanation –

New construction projects which were undertaken without obtaining the clearance required under this notification and where construction work has not come upto the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004.

: 2 :

- (iii) Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification";

Copy of the notification dtd. 7.7.2004 is placed below at pg nos. 63-65 for kind perusal.

Concluding remarks :-

After going through case history, it is find that 1st plinth Commencement Certificate was issued by the SRA on 25.8.1998 for construction of rehab building No.1 upto Plinth level. It appears that work of this particular rehab building No.1 Wing A had come upto 7th floor and part O.C. was issued by the SRA vide letter dtd. 20.2.2003. The work of Wing B of rehab building No.1 had come upto 7th floor, part O.C. was issued by the SRA vide letter dtd. 20.2.2004 and full O.C. was granted on 21.1.2015. It appears that both part Occupation Certificates were issued prior to amendment dtd. 7.7.2004 in the EIA Notification, 1994.

It also appears that other than this, the PP has carried out construction as follows :-

- 1) Construction of Rehab Bldg. No. 5 as per CC dtd. 7.7.2004. Part OC was granted on 24.4.2006 and full OC was granted on 28.8.2007.
- 2) Construction of Rehab Bldg. No.4 as per CC dtd. 9.8.2007 and full O.C. granted on 16.5.2008.
- 3) Construction of Rehab Bldg. No.6 as per CC dtd. 24.7.2007 and full O.C. granted on 30.1.2008.
- 4) Construction of Rehab Bldg. No. 7 as per CC dtd. 22.2.2008 and work is completed upto Gr. + 14th upper floors.
- 5) Construction of Rehab Bldg. No. 2 as per CC dtd. 29.10.2007 and O.C. approved.
- 6) Construction of Sale Bldg. No. 1 as per part plinth CC granted on 10.12.2007. Last IOA was amended on 11.1.2016 and work is completed upto 13th floor of wing A,B,C & D.

At explanation clause in amendment of EIA Notification dtd. 7.7.2004 mentions the word "project". It must be noted that the LOI granted is to a SRA project including Rehab and free sale buildings. SRA projects are integral in sense that in order to complete the project, following processes are mandatory and each can not exists without the other.

- 1) Construction of rehab building in order to rehabilitate all the eligible slum dwellers in that particular slum project.
- 2) Construction of free sale building which is mandatory to be constructed without which the project cannot achieve financial viability.

In view of the above, this is felt that especially in slum projects, even if one plinth of the project completed, the entire constructed area would be eligible for exemption as per explanation given under clause I of para 3 of EIA Notification dtd. 27.1.1994 amended on 7.7.2004 (Encl. at CS 63-65).

Therefore, it is proposed to send the above matter to the Law & Judiciary Department to confirm the above presumptions and obtain their opinion in this regard.

Sadhale
(Vaishali Sadhale)
Law Officer

Addl. Chief Secretary (Env.) :-

[Signature]
3/2

Principal Secretary (L & J.D) :-

398
10-2-17 1A/B
577P
13/2/17
Smt. Saini, D.L.
13/02/17

Law and Judiciary Department

This reference is from the Environment Department seeking guidance of this Department on the point of applicability of Environment Clearance from the Ministry of Environment and Forests, Government of India for ongoing Slum Rehabilitation Scheme under regulation 33(10) of D.C.R., 1991 on property bearing CTS No. 706/2 to 8, 706/11, 706/14 to 16, and 706/22 of village Marol at Andheri (East), Mumbai for "Sagbaugh Sneha Sagar C.H.S. Ltd."

2. The Environment Department has stated that, initially the Slum Redevelopment Scheme was approved by the SRD Committee under regulation 33(10) of Development Control Regulations for Greater Mumbai, 1991 on the land bearing CTS No. 706/2 to 8, 706/11, 706/14 to 16, and 706/22 of village Marol at Andheri (East), Mumbai for "Sagbaugh Sneha Sagar C.H.S. Ltd." and Letter of Intent (LOI) was issued on 05.08.1996. Subsequently the 'Slum Redevelopment Scheme' was converted into 'Slum Rehabilitation Scheme' and fresh LOI under Slum Rehabilitation Scheme was issued on 09.08.1997. Layout of the scheme was approved on 25.08.1998. Subsequently revised LOI was approved on 05.06.2003 for total Built-Up Area (BUA) approved 75603.55 sq. meters.

3. Thereafter, on 25.08.1998 the Slum Rehabilitation Authority (SRA) has issued Commencement Certificate for work up to Plinth level for rehab building No. 1 Wing 'A' and Wing 'B' from layout of 8 nos. of rehab buildings. The work of rehab building No. 1 Wing A was completed upto 7th floor and part Occupation Certificate (O.C.) was issued by the SRA vide letter dated 20.02.2003. The work of Wing B of rehab building was completed upto 7th floor and part O.C. was issued on 20.02.2004. The Commencement Certificate for rehab building No. 5 was issued on 07.04.2004 for work of Plinth to 7 upper floors.

4. Meanwhile, the Ministry of Environment and Forests, Government of India vide Notification No. S.O.801(E), dated 7th July, 2004 has made amendments in the Environment Impact Assessment Notification S.O.60(E), dated 27th January, 1994 and thereby, inter alia, inserted sub-para (g) after sub-para (f) of Para 3 of the Notification dated 27.01.1994. As per explanation given under amended provision of sub-para (g) of Para (3), new construction projects which were undertaken without obtaining the clearance required under the Notification and where

construction work has not come upto the plinth level, are required clearance under the Notification dated 07.07.2004 w.e.f. the date of notification.

5. New Monarch Builders and Contractors, developer of the Slum Rehabilitation Scheme under reference vide letter dated 25.01.2017 has informed the Environment Department that when they applied for further approval of fungible area in the said building, SRA had asked them to seek clarification of applicability of Environmental Clearance to this scheme even though the Built-Up Area is within the sanctioned area by SRA. The developer has also clarified that till date SRA never insisted EC condition since the scheme was initiated prior to 07.07.2004.

6. In this background, the Environment Department has stated that explanation clause in amendment of EIA Notification dated 07.07.2004 mentions the word "Project". The LOI granted is to SRA project including rehab and free sale buildings. SRA Projects are integral in sense that in order to complete the project following processors are mandatory and each can not exists without the other.

- 1) Construction of rehab building in order to rehabilitate all the eligible slum dwellers in that particular slum project.
- 2) Construction of free sale building which is mandatory to be constructed without which the project cannot achieve financial viability.

In view of the above the Environment Department has drawn presumption that in slum projects, even if one plinth of the project completed, the entire constructed area would be eligible for exemption as per explanation given under clause (i) of Para 3 of EIA Notification dated 27.01.1994 amended on 07.07.2004. The Environment Department has requested this Department to confirm the said presumption.

7. The Ministry of Environment and Forests, Government of India, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 r/w. clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, has issued Environment Impact Assessment Notification S.O.60(E) on 27.01.1994 and thereby directed that on or from the date of publication of Notification in the *official gazette*, expansion or

modernization of any activity (if pollution load is to exceed the existing one) or new one listed in Schedule-I to the said Notification, shall not be undertaken in any part of India unless it has been accorded Environmental Clearance by the Central Government in accordance with the procedure specified in the said Notification.

8. Thereafter, the Ministry of Environment and Forests vide Notification S.O.801(E) dated 07.07.2004 has made amendments in the earlier Notification No. S.O.60(E) dated 27.01.1994 and thereby, inter-alia, inserted sub-para (g) after sub-para (f) in paragraph 3 of the Notification dated 27.01.1994. Further, new entries i.e. 31 and 32 are also inserted after item 30 in Schedule-I. The relevant provision of Para- 2 and Para-3 are read as follows:-

2) Requirements and procedure for seeking environmental clearance of projects :-

1.(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

.....

3) Nothing contained in this Notification shall apply to:-

(g) any construction project falling under entry 31 of Schedule-I including new township, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) liters per day or below or with an investment of Rs.50,00,00,000/-(Rupees Fifty Crores) or below.

(h)

Explanation:-

(i) New construction projects which were undertaken without obtaining the clearance required under this Notification, and where construction work has not come

up to the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004.

Schedule-I :- List of projects requiring Environmental clearance from the Central Government

31. New construction projects.

9. From the aforesaid provisions of Environment Impact Notifications dated 27.01.1994 and 07.07.2004 it is clear that to seek Environmental Clearance from the Central Government is mandatory for any person who desires to undertake any new project or the expansion or modernization of any existing industry or project listed in the Schedule-I. The new projects are included in Schedule-I vide amended Notification dated 07.07.2004. As per explanation given under Para 3 of the Notification dated 07.07.2004, the new projects which were undertaken without obtaining Environmental Clearance are also required to get clearance under the said Notification w.e.f. 07.07.2004. However, in case of ongoing projects where construction work has not come up to plinth level have been exempted from obtaining Environment Clearance under the said Notification.

10. It is seen that the word 'projects' is used under clause (i) of the explanation. The Slum Rehabilitation Scheme includes construction of rehab buildings to rehabilitate all the eligible slum dwellers residing on the plots on which the Slum Rehabilitation Scheme is to be implemented and construction of sale component to be sold in open market by the developer. Thus, it can be said that the project of Slum Rehabilitation Scheme covers the construction of rehab buildings as well as sale buildings.

11. In the present matter, as stated by the Environment Department the Slum Redevelopment Authority has approved the Slum Redevelopment Scheme on 05.08.1996 and accordingly issued the Letter of Intent approving the proposed scheme. Thereafter, revised LOI has been issued by the Slum Rehabilitation Authority on 05.06.2003 for entire scheme which includes construction of rehab component as well as sale component. Further, the Commencement Certificate for work of up to Plinth level in respect of rehab building no. 1 wing 'A' and wing 'B' and rehab building no. 5 was issued prior to enforcement of Notification dated 07.07.2004. It is also seen that in case of rehab building no.1 wing 'A' and wing 'B'

the work up to 7th floor was completed and part O.C. was issued before issuance of Notification dated 07.07.2004. Admittedly the project of Slum Rehabilitation Scheme under reference was started before issuance of Notification dated 07.07.2004 and also the work of rehab buildings up to 7th floor was completed before the amended provision of Notification dated 07.07.2004 came into force.

Having considered this factual position and also the clause (i) of explanation given under Para - 3 of Notification dated 07.07.2004 it is clear that the condition of Environmental Clearance as required under Notification dated 27.01.1994 and 07.07.2004 may not be applicable in case of the Slum Rehabilitation Scheme under reference.

12. It would be relevant to note that the Ministry of Environment and Forest, Government of India, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27.01.1994, has published Notification on 14.06.2006 and thereby directed that on and from the date of publication of the notification, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified in the said notification.

13. Para (2) of the Notification dated 14.09.2006 which provides for requirements of prior Environment Clearance (EC) reads as follows:-

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment

Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) *All new projects or activities listed in the Schedule to this notification;*
- (ii) *Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;*

14. Schedule to Notification dated 14.09.2006 provides for list of projects or activities requiring prior environmental clearance. The relevant clauses of the schedule reads as follows :-

Project or Activity	Category with threshold limit		Conditions if any
	A	B	
8	Building / Construction projects / Area Development projects and Townships		
8(a)	Building and Construction projects	≥ 20000 sq. mtrs and < 150000 sq.mtrs. of built-up area#	#(built up area for covered construction; in case of facilities open to the sky, it will be activity area)
8(b)	Townships and Area Development Projects	Covering an area ≥ 50 ha and or built up area ≥ 150000 sq. mtrs.++	++ All projects under Item 8(b) shall be appraised as Category B I

15. Thus, it is seen that clause 8 of the Schedule deals with building and construction projects and area development projects and townships. As per clause

8(a) building and construction projects having more than 20000 sq. mtrs. and less than 150000 sq. mtrs. built-up area required prior environmental clearance from the State Environment Impact Assessment Authority. In case of townships and area development projects covering an area of 50 hectares or more and / or built-up area of 150000 sq. mtrs. or more require environmental clearance from State Environment Impact Assessment Authority as provided under clause 8(b).

16. In the case in hand, the Project is in respect of Slum Rehabilitation Scheme. Thus, prima facie it appears that the said project is covered under clause 8(b) of the Schedule to the Notification i.e 'Townships and Area Development Projects'. If the papers on the file are to be believed, the total built-up area to be constructed in the present project of Slum Rehabilitation is 113975.90 sq. mtrs. out of which built-up area of 73026.71 sq. mtrs. is already constructed on the site, till date. Since, the total built-up area of the project is less than the threshold limits provided under clause 8(b) of the Schedule to Notification dated 14.09.2006, it can be said that the provisions of Notification dated 14.09.2006 may not be attracted in the case of the present Slum Rehabilitation Scheme to be implemented for "Sagbaugh Sneha Sagar C.H.S. Ltd."

17. **Thus, there appears no legal impediment in confirming the presumption drawn by the department.**

P.S. & R.L.A. (Shri. Jamadar) has seen the papers and approved the above view.

Ashwini Saini
19.5.2017

(Ashwini Saini)
Deputy Secretary (Law)

✓ U.O.R to Environment Department / Legal Section
No. 103/410 / Civil / Conf./ 2017/'A'Br., dated 24/5 May, 2017.

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132

Fax No. : 2281 3947

ENV-2017/Legal/CR-4

Environment Department,

217(Annex), Mantralaya,

Mumbai - 400 032.

Date : 17/06/2017

To,

M/s New Monarch Builders & Contractors,
B/701-705, Raylon Arcade, Ramkrishna Mandir Road,
Kondivita, Andheri (E),
Mumbai – 400 059.

Sub. :- Seeking clarification on applicability of E.C. for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No. 7-6/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai – 400 059 for "Sagbaugh Sneha Sagar C.H.S. Ltd."

Ref. :- Your representation dtd. 25.1.2017.

Sir,

We refer to your representation dtd. 25.1.2017 seeking clarification on applicability of E.C. for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No. 706/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai – 400 059 for "Sagbaugh Sneha Sagar C.H.S. Ltd.

The Environment Department has scrutinized your representation wherein it appears that the 1st plinth Commencement Certificate was issued by the SRA on 25.8.1998 for construction of rehab building No.1 upto Plinth level. It appears that the work of this particular rehab building No.1 Wing A had come upto 7th floor and part O.C. was issued by the SRA vide letter dtd. 20.2.2003. The work of Wing B of rehab building No.1 had come upto 7th floor, part O.C. was issued by the SRA vide letter dtd. 20.2.2004 and full O.C. was granted on 21.1.2015. It appears that both part Occupation Certificates were issued prior to amendment dtd. 7.7.2004 in the EIA Notification, 1994.

Considering above facts of the case, the Environment Department has obtained legal opinion from the Law and Judiciary Department on presumptions of the department that in slum (SRA) projects, given the financially interdependent nature of the project components, even if one plinth of the project were completed, the entire constructed area would be eligible for exemption as per explanation given under clause I of para 3 of EIA Notification dtd. 27.1.1994 amended on 7.7.2004.

Accordingly, Law & Judiciary Department has given clarification in their opinion which is reproduced hereunder :-

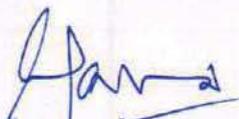
: 2 :

" In the present matter, as stated by the Environment Department the Slum Redevelopment Authority has approved the Slum Redevelopment Scheme on 5.8.1996 and accordingly issued the Letter of Intent approving the proposed scheme. Thereafter, revised LOI has been issued by the Slum Rehabilitation Authority on 5.6.2003 for entire scheme which includes construction of rehab component as well as sale component. Further, the Commencement Certificate for work of up to Plinth level in respect of rehab building no. 1 wing 'A' and wing 'B' and rehab building no.5 was issued prior to enforcement of Notification dated 07.07.2004. It is also seen that in case of rehab building no.1 wing 'A' and wing 'B' the work upto 7th floor was completed and part O.C. was issued before issuance of Notification dated 07.07.2004. Admittedly the project of Slum Rehabilitation Scheme under reference was started before issuance of Notification dated 07.07.2004 and also the work of rehab buildings upto 7th floor was completed before the amended provision of Notification dtd. 07.07.2004 came into force.

Having considered this factual position and also the clause (i) of explanation given under Para - 3 of Notification dated. 7.7.2004 it is clear that the condition of Environment Clearance as required under Notification dated 27.1.1994 and 7.7.2004 may not be applicable in case of the Slum Rehabilitation Scheme under reference."

Based upon the information provided by you, in view of the opinion preferred by the Law & Judiciary Department reproduced above, for the specific SRA project under reference above, Environment Clearance is not required to the extent of area approved in Letter Of Intent issued by the Slum Rehabilitation Authority prior to the publication of Environment Impact Assessment Notification dtd. 14.9.2006. This answers your request for clarification.

*Received.
RM
12/6/17*


(Satish M. Gavai)
Addl. Chief Secretary,
Environment Department.

Annexure I-B

SRA/Eng/253/KE/ML/LOI

SLUM REHABILITATION AUTHORITY

**RE-TYPED TEXT
FOR CLARITY**No. SRA/Eng/253/KE/ML/LOI
V floor, Griha Nirman Bhavan,
Bandra (E), Mumbai -400 051.

Date:

5 JUN 2003

5 JUN 2003

To,

1. Architect : Shri. J. Bhuta
M/s. Design Concepts,
Laxmi Palace, 76, Mathuradas Road,
Kandivli (West), Mumbai - 400 067
2. Owners / Developers : M/s. New Monarch Builders & Contractors
Laxmi Palace, 76, Mathuradas Road,
Kandivli (West), Mumbai - 400 067.
3. Society : Sagbaug Snehsagar CHS.

Sub : Revised LOI for S. R. Scheme of plot bearing C.T.S. No. 706, 706/1 to 10 of village Marol at Andheri Kurla Road, Andheri (E), Mumbai.

Ref : SRA/Eng/253/KW/ML/LOI

Sir,

By direction of CEO (SRA) this office is pleased to issue this revised letter of intent, to inform you that, your above proposal is considered and principally approved for grant of 2.874 FSI (Two point eight seven four FSI only) in accordance with Clause No.33 (10) and appendix(IV) of amended D.C. Regulations out of which maximum FSI of 2.5 shall be allowed to be consumed on the Plot subject to the following conditions.

1. That you shall rehouse the eligible slum dwellers as per the list certified by the Competent Authority for allowing tenements and shop of area mentioned in Annexure-II, free of cost constructing the same as per specification Annexed herewith.

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Certified True Copy
Jitendra B. Patel
Licensed Surveyor

SRA/Eng/253/KE/ML/LOI

E 5 JUN 2003

2. That you shall register society of slum dwellers to be rehoused under Slum Rehabilitation Scheme and Project Affected Persons (PAP) nominated for nominator for allotments of tenements by the Slum Rehabilitation Authority.

3. That if required along with the other societies, you shall form a federation of societies so as to maintain common amenities such as internal road, street lights etc.

4. That you shall incorporate the clause in the registered agreement with Slum dwellers and project affected persons that they shall not sell or transfer tenements allotted under Slum Rehabilitation to any one else except the legal heirs for a period of 10 (ten) years from the date of taking over possession, without prior permission of the CEO (SRA).

5. That you shall provide transit accommodation to the slum dwellers with requisite amenities, if required to be shifted for construction of proposed building, till the permanent tenements are allotted and possession is given complying all formalities and existing amenities shall be maintained in working order till slum dwellers are rehoused in the proposed rehabilitation tenements.

6. That you shall bear the cost of carrying out infrastructure works right upto the plot, and shall strengthen the existing infrastructure facility and / or provide services of adequate size and capacity as per the directives of the undersigned.

7. That you shall submit layout and get the same approved before requesting for Commencement certificate.

8. That you shall make provision of adequate access to the adjoining land locked plot, if any, free of cost and the same shall be shown on layout to be submitted for approval on terms and conditions as may be prescribed by CEO (SRA).

9. That existing religious structures i.e. Masjid, etc. shall be relocated/renovated by maintaining 10% of its existing built up area after taking NOC from Slum dwellers society, Authority, running masjid and NOC from Commissioner of Police.

10. That you shall restrict the built up area meant for sale in the open market and built up area of rehabilitation as per the salient features Annexed herewith.

Copy of the Certificate

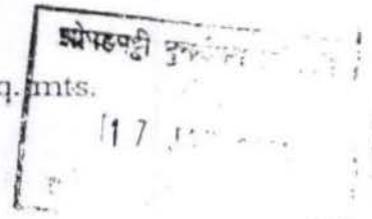
Received by
Name of the person

SRA/Eng/253/KE/ML/LOI

5 JUN 2003

The salient features of the scheme are as under:

- | | | |
|-----|--|----------------------------|
| 1) | Area of plot / Slum | : 28957.40 sq. mts. |
| 2) | Area of plot arrived at
Computation of FSI | : 26302.92 sq.mts. |
| 3) | Rehab. Component as per DCR
33(10) (Excluding areas under
reference stair and lift but
including area under reference
passages, Balwadi, Welfare
Centre & Society office. | : 44725.69 sq. mts. |
| 4) | Sale Component as per DCR 33(10) | : 44725.69 sq. mts. |
| 5) | Rehab. Built-up area
(Item No.(iii) less areas under
reference passages, Welfare
Centre, Balwadi, and Society Office. | : 30877.86 sq. mts. |
| 6) | Sale Built-up area | : 34879.44 sq. mts. |
| 7) | F.S.I. Sanctioned | : 2.874 |
| 7A) | Total Built-up area approved
for the scheme. | : 75603.55 sq. mts. |
| 8) | No. of slum dwellers to be
accommodated | : 1137 Nos. |
| 9) | No of P.A.P. tenements
generated in scheme. | : 163 Nos |
| 10) | Area of unbuildable
reservation to be surrendered. | : Nil sq. mts. |
| 11) | Built-up area of D.P. Road
to be surrendered free of cost
to M.C.G.M. | : 3067.98 sq. mts. |
| 12) | Built-up area permitted on the
Plot (Rehab. + Sale). | : 65757.30 sq. mts |
| 13) | FSI consumed on plot | : 2.5 |
| 14) | Spill over TDR | : 9846.25 sq. mts. |



SRA/Eng/253/KE/ML/LOI E 5 JUN 2003

11. That you shall get the plot boundaries demarcated and the compound wall shall be constructed prior to commencing building works and the same shall be certified by the concerned Architect before requesting for C.C. beyond the plinth level to buildings abutting plot boundary.

12. That you shall accommodate the huts getting cut along the boundary of the plot demarcated by the staff of the City survey office.

13. That you shall get the plans approved for each building separately with due mention of the scheme of Rehabilitation of plot under D.C. Regulation No. 33(10) and with specific mention on plan of the rehabilitation building / tenements for slum dwellers and project affected persons that the same are for rehousing of slum dwellers and project affected persons. Tenements to be allotted to the P.A.P. shall be hatched with due mention that they are for allotment to P.A.P. nominated by the Slum rehabilitation authority.

14. That you shall submit the N.O.C.'s as applicable from the concerned A.A. & C, H.E., Dy. Ch. Eng. (SWD), C.F.O., Tree Authority, Railway Authority, Civil Aviation Authority, Authority of Defence Department, Authority of High Tension Power Transmission lines, BSES Ltd., Geologists in the office of the undersigned before requesting of Approval of plans or at a stage at which it is insisted upon by the concerned Executive Engineer (S.R.A.)

15. That you shall submit the indemnity bond indemnifying the Slum Rehabilitation Authority and its officers against any damage or claim arising out of any sort of litigation with the slum dwellers or otherwise.

16. That you shall obtain the permission for construction of the temporary transit accommodation from the office of C.E.O.(S.R.A.) along with the phased development programme.

17. That you shall submit the Agreements with the photographs of wife and husband on the agreements with all the eligible slum dwellers before requesting for Commencement Certificate. And the name of the wife of the eligible occupier of hut shall be incorporated with joint holder of the tenements to be allotted in rehabilitation building.

18. That you as Architect shall strictly observe that the work is carried out as per phased programme approved by the undersigned and you shall submit regularly quarterly progress report to the undersigned along with photographs with certificate that the progress is as per approved phased programme. Even if the progress is nil report shall be submitted by the Architect stating reasons for delay.

SRA/Eng/253/KE/ML/LOI - 5 20 2003

19. That existing designated D. P. reservation of WSSD pumping station, M Δ P school shall be got demarcated from D. P. Deptt. of M.C.G.M./DILR & separate PRC's for all D. P. reservations shall be prepared in the name of M.C.G.M. Till obtaining demarcation, the development of Bldg. No. 6 & 7 abutting this reservation will not be allowed.

20. That the tenements proposed for rehabilitation and tenements proposed for P.A.P. shall be shown distinctly on the plan to be forwarded to A.A.& C. of concerned ward to assess the property tax.

21. That you shall submit the statement of tenements No. allotted to the eligible slum families in the proposed rehabilitation building with corresponding tenements No. etc. of the transit accommodation offered with the certification from the Architect and owner / developer at both the stages of allotment of transit accommodation as well as final allotment of tenements in rehabilitation building for verification of the Additional Collector (Enc.) for Private land.

22. That the possession of the tenements and shops shall not be handed over to the eligible hutment dwellers before the society is registered and transit accommodation given is surrendered and all the dues to the M.C.G.M./ Govt. Authorities has been cleared.

23. That the certificate from the concerned authority shall be obtained and submitted before requesting permission for occupation of the sale building whichever is earlier or within three months of granting O.C.C. to rehabilitation building in the layout as regards verification carried out by Concerned Authority who has issued Annexure-II about allotment of tenements to eligible certified slum dwellers.

24. That you shall get D. P. Road, set back etc. demarcated from A.E.(Survey)/D.P./T & C department of M.C.G.M. and it shall be handed over to M.C.G.M. free of cost, free of encumbrances by changing ownership in the name of M.C.G.M. after duly developed as per municipal specification and certificate to that effect shall be obtained and submitted to SRA before asking C.C. Last 25% sale component.

25. That D. P. Reservations, P & T. Library Welfare Center, 25% implemented WSSD pumping station shall be got demarcated and developed as per Municipal specifications. The separate PRC's for these developed reservation plots in the name of M.C.G.M. shall be submitted before occupation to the last 25% sale component in scheme.

SRA/Eng/253/KE/ML/LOI | 5 JUN 2003

26. That the rehabilitation component of scheme shall include.

- 1) 926 Nos. of Residential tenements
- 2) 157 Nos. of Residential-cum-Commercial tenements
- 3) 54 Nos. of Commercial tenements.
- 4) 163 Nos. of P.A. P. Tenements.
- 5) 13 Nos. of Balwadies
- 6) 13 Nos. of Welfare Centres.
- 7) 13 Nos. of Society Offices

27. That proportionate infrastructure development charges (Rs.560/- per sq. mtr.) and deposit (Rs.20,000/-per Rehabilitation tenement) in Rehabilitation Component shall be paid as per the modified D. C. Regulation on and policy of Slum Rehabilitation Authority.

28. That the layout recreation ground admeasuring 2065.20. sq. mts. shall be duly developed before asking for Occupation of sale building.

29. That quality of construction work of building shall be strictly monitored by the concern Architect / Site Supervisor / Structural Engineer and report on quality of work carried out shall be submitted by Architect every three months with test result etc. . .

30. That Separate P. R. Cards for D. P. Road, actually implemented reservation pockets, net plot shall be obtained and submitted before asking development permission for last 25% sale built up area in scheme.

31. That this letter of intent is issued on the basis of plot area certified by the Architect and other relevant documents. In the event of change of any of the above parameters, during actual site survey by D.I.L.R. / City Survey Office, then sale area consumed on the plot will be adjusted accordingly so as to keep total consumption of F.S.I. on the plot within 2.50 .

32. This letter of intent gives no right to avail of extra FSI granted under D. C. Regulation 33(10) upon land, which is not your property.

33. That the Arithmetical error if any revealed at any time shall be corrected on either side.

34. That this letter of intent shall be deemed to be cancelled in case any of the documents submitted by Architect or owners are found to be fraudulent / mis- appropriated.

SRA/Eng/253/KE/ML/LOI . 5 JUN 2003

35. That you shall pay total amount of Rs.2,65,20,000/- towards deposit to be with SRA at the rate of Rs.20,000/- per tenement and total amount of Rs.2,76,08,400/- towards infrastructural development charges at the rate of Rs.560/- per sq. mts. On the additional built-up area sanctioned in scheme beyond Zonal permissible FSI of plot.

36. That existing Municipal Chowky, Sulabh Sauchalaya, 5 Nos. of W.C. shall be repaired in consultation with concerned M.C.G.M.'s office.

37. That you shall pay development charges as per 124E of MR&TP Act separately for sale built up area as per provisions of MR&TP Act.

38. That this LOI is valid for the period of 3 (three) months from the date hereof. However, if IOA/CC is obtained for any one building of the project then this LOI will remain valid till completion of estimated project period i.e upto 36 months.

39. (a) Any slum dweller held not eligible by the authority or wishing any change should make application to the competent authority with supporting documents within one month of issue of this letter failure to which no claim of whatsoever nature be entertained.

40. That you shall not propose the development on plots, which are Owned by private owners, unless consent of respective owners is submitted or said plot are duly acquired by Govt. and duly handed over to society of slum dwellers.

41. That the 25% buildable reservation of WSSD, against portion of WSSD reservation plot which is encumbered with slum shall be developed in consultation with M.C.G.M. and handed over to M.C.G.M. free of cost and till then the development as said portion of reserved plot occupied by slum will not be allowed.

42. That the requisite premium for condonation of deficiency in segregating distance shall be paid.

43. That the remarks from D. P. Deptt. of M.C.G.M. for shifted location of designations of WSSD, pumping station and M&P and 9.15 mt. wide roads reflected in D. P. shall be obtained by taking due cognizance of the existing width of these roads and their actual locations existing on site and till this issue is finally decided in consultation with M.C.G.M. approval to the plans for building No. 6 & 7 shall not be granted. In case of 9.15 mt. wide roads as per their proposed realignment are required to be continued the same shall be developed as per Municipal specifications and shall be handed over to M.C.G.M. free of cost before asking OCC to sale buildings in the layout.

SRA/Eng/253/KE/ML/LOI 5 JUL-2003

- 44. The earlier LOI issued under even no. dtd. 09/09/1997 is treated as cancelled.
- 45. That 163 Nos. of PAP's shall be handed over to SRA free of cost.

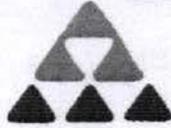
If you are agreeable to all these above conditions you may submit proposal for approval of plans, consuming full sanctioned F.S.I. separately for each building, in conformity with the D.C. Regulation No.33 (10), in the office of the undersigned.

Yours faithfully,

[Handwritten Signature]
Executive Engineer - III
Slum Rehabilitation Authority

Certified True Copy

[Handwritten Signature]
Jitendra B. Patel
Licensed Surveyor



SLUM REHABILITATION AUTHORITY

No.: SRA/ENG/253/KE/ML/LOI

Date: 4 DEC 2015

To,

1. **Lic. Surveyor** : Shri. Jitendra B. Patel
Of M/s. Aakar Architects & Consultants
Gr. Floor, Satyanarayan Prasad Commercial
Centre, Dayaldas Road, Vile Parle East,
Mumbai 400 057.
- ✓ 2. **Developer** : M/s. New Monarch Builders & Contractors.
215 Atrium, 10th floor, C.T.S. No. 215,
Andheri Kurla Road, Andheri (E), Mumbai -
400 093.
3. **Society** : Sagbaugh Sneh Sagar CHS Ltd".

Sub: Revised LOI of Proposed S. R. Scheme on plot bearing C.T.S. No 706/2 to 8, 706/11, 706/12, 706/14 to 16 & 706/22 of village Marol at Andheri (E), for "Sagbaugh Sneh Sagar CHS Ltd".

Ref: SRA/ENG/253/KE/ML/LOI

Gentleman,

With reference to the above mentioned Slum Rehabilitation Scheme and on the basis of documents submitted by applicant, this office is pleased to issue in principle approval to the scheme in the form of this **Revised Letter of Intent (LOI)** subject to the following conditions.

1. All the conditions of LOI issued under no. SRA/ENG/253/KE/ML/LOI dated 05/06/2003 shall be complied with except condition no. 10 which is as under:
10. The built up area for sale and rehabilitation shall be as per the following scheme parameters. In the event of change in area of plot, nos of eligible huts etc. the parameters shall be got revised from time to time.

Certified True Copy


Jitendra B. Patel
Licensed Surveyor

SRA/ENG/253/KE/ML/LOI

The salient features of the scheme are as under:

Sr. No.	Description	Area		Total
		In Sq. Mt.		
		3.00	4.00	
1.	Plot area considered for proposal	13017.19	13571.11	26588.30
2.	Less-1) D. P. road	--	--	10419.90
3.	Net Plot Area	--	--	16168.40
4.	Add-1) D. P. road	--	--	10419.90
5.	Total Plot Area for FSI consumption	13017.19	13571.11	26588.30
6.	Permissible F.S.I. In-situ	3.00	4.00	
7.	Total Built up area Permissible in-situ	39051.57	54284.44	93336.01
8.	Rehab BUA for FSI Purpose	13604.50	16933.81	30538.31
9.	Area under Balwadi, Welfare Centre, Society Office & Common Passage	3405.68	10094.13	13499.81
10.	Rehab Component	17010.18	27027.94	44038.12
11.	Sale Component Permissible	17010.18	27027.94	44038.12
12.	Total BUA sanctioned for the project	30614.68	43961.75	74576.43
13.	Sanctioned FSI for the Project	2.35	3.239	
14.	Sale BUA permissible in-situ	17010.18	27027.94	44038.12
15.	Total BUA proposed in-situ	30614.68	28551.95	59166.63
16.	Sale BUA proposed in-situ	17010.18	11618.14	28628.32

Additional Conditions:

1. This LOI is issued on the basis of documents submitted by the applicant. If any of the document submitted by Architect / Developer / Society or Owner are proved fraudulent/misappropriated before the Competent Court/HPC and if directed by Competent Court /HPC to cancel the LOI, then the LOI is liable to be cancelled and concerned person/Society /Developer/Architect are liable for action under version provision of IPC 1860 and Indian Evidence Act.1872.

SRA/ENG/253/KE/ML/LOI

2. Details of land ownership :-
As regards the ownership the same vest with MCGM.
3. Details to access: - The plot under reference is deriving access through 45.70 mt., 18.30 mt., 12.20 mt., wide D.P. Road & 2 nos. of existing 9.15 mt wide D.P. Road.
4. Details of D.P.Remarks :- As per D. P. Remarks the plot under reference is in special Industrial I-3 zone, affected by widening of 18.30 mt. wide D. P. road & affected by Municipal Primary School and W.S.S.D. pumping station.
5. The Amenity Tenements of Anganwadi shall be handed over to the Woman and Child Welfare Department, Government of Maharashtra as per Circular No. 129. Welfare Centre, Society Office as mentioned in salient features condition no.3 above shall be handed over to the slum dwellers society to use for specific purpose only, within 30 days from the date of issue of OCC of Rehab/Composite bldg. handing over / Taking over receipt shall be submitted to SRA by the developer.
6. The conditions if any mentioned in certified Annexure-II issued by the Competent Authority, it shall be complied and compliances thereof shall be submitted to this office in time.
7. The Developer shall rehabilitate all the additional hutment dwellers if declared eligible in future by the competent Authority, after amending plans wherever necessary or as may be directed.
8. The Developer shall complete the rehab component of project within the stipulated time period from the date of issue of CC to 1st rehab building as mentioned below :-

Plot area up to 4000 sq.mt.	→ 36 months.
Plot area between 4001 to 7500 sq.mt.	→ 60 months.
Plot area more than 7500 sq.mt.	→ 72 months.

In case of failure to complete the project within stipulated time period the extension be obtained from the CEO/SRA with valid reasons.
9. The Developer, Architect shall submit the duly notarized Indemnity Bond on Rs.220/- non- judicial stamp papers indemnifying the Slum Rehabilitation Authority and its officers against any kind of dispute, accident on site, risks or any damages or claim arising out of any sort of litigation with the slum dwellers / property owners or any others before IOA in a prescribed format.
10. That you shall submit compliance as per circular no.154.

SRA/ENG/253/KE/ML/LOI

11. The IOA/Building plans will be approved in accordance with the modified Development Control Regulations and prevailing rules, policies and conditions at the time of approval.
12. That proper safety measures like barricading, safety net etc. shall be taken on site during construction work as maybe necessary depending upon the type of work and the developer along with their concerned technical team shall be solely responsible for safety.
13. High Rise Rehab Building :
 - a. That you shall appoint Project Management Consultant with prior approval of Dy.Ch.Eng. (S.R.A.)/E.E. (S.R.A.) for implementation / supervision / completion of S.R. Scheme.
 - b. The Project Management Consultant appointed for the scheme shall submit quarterly progress report to Slum Rehabilitation Authority after issue of LOI.
 - c. That the developer shall execute tri-partite Registered agreement between Developer, Society & Lift Supplying Co. or maintenance firm for comprehensive maintenance of the electro mechanical systems such as water pumps, lifts, etc. for a period of ten years from the date of issue of Occupation Certificate to the Rehabilitation / Composite building.

Entire cost shall be borne by the developer and copy of the registered agreement shall be submitted to S.R.A for record before applying for Occupation Certificate including part O.C.

- d. The third party quality auditor shall be appointed for the scheme with prior approval of Dy. Ch. Eng. (S.R.A.) / E.E. (S.R.A.) for quality audit of the building work at various stages of the S.R. Scheme.
- e. That the developer shall install fire fighting system as per requirements of C.F.O. and to the satisfaction of this department. The developer shall execute tri-partite Registered agreement between Developer, Society & Fire Fighting equipment supplying Co. and/or maintenance firms for comprehensive maintenance for a period of ten years from the date of issue of occupation certificate to the building.

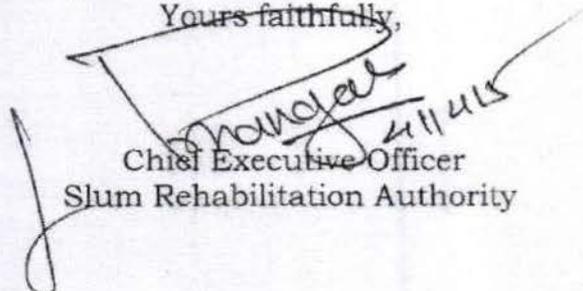
Entire cost shall be borne by the developer and copy of the Registered Agreement shall be submitted to S.R.A for record before applying for Occupation Certificate including part O.C.

SRA/ENG/253/KE/ML/LOI

- f. That the structural design of buildings having height more than 24m shall be got peer reviewed from another registered structural engineer / educational institute.
14. That you shall submit the NOC from CFO before granting plinth C.C. to Rehab building no. 3 & Rehab building no.7.
 15. That you shall submit NOC from Ch. Eng. (M & E) before granting further C.C. to building under reference.
 16. That you shall submit the NOC from Police Commissioner before granting C.C. to Religious structure.
 17. That you shall submit the NOC from CFO before grant of CC to sale building under reference.
 18. That you shall submit the NOC from the Electric Supply Co. and N.O.C from C.F.O before approval of plans of electric sub-station.

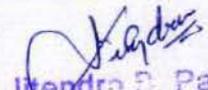
If applicants Society/Developer/Architect are agreeable to all these conditions, then may submit proposal for approval of plans separately for each building, in conformity with the modified D.C. Regulations of 1991 in the office of the undersigned within 90 days from receipt of this LOI.

Yours faithfully,


Chief Executive Officer
Slum Rehabilitation Authority

(Hon'ble CEO (SRA) signed dated 09/10/2015)

Certified True Copy


Jitendra S. Patel
Licence Surveyor

Annexure 5 :

Buildings	IOA approval	C.C. granted	Amended IOA	O.C. granted	Remarks
Rehab no. 1 Wing-A SRA/ENG/169/KE/ML/AP	(Gr. + 7 upper) 25/08/98	25/08/98		20/02/03	Part O.C. granted
Rehab no. 1 Wing-B SRA/ENG/169/KE/ML/AP	(Gr. + 7 upper)			21.01.15	Full OCC granted
Rehab building no. 2 SRA/ENG/1996/KE/ML/AP	(Gr. + 7 upper) 29/10/07	(Gr. + 7 upper) 10/06/08	10/6/08		O.C. approved on dt. 08/07/13 but not issued.
Rehab building no. 3 SRA/ENG/1997/KE/ML/AP	(Gr. + 7 upper) 29/10/07				IOA lapsed. Fresh building plans are submitted for approval.
Rehab building no. 4 SRA/ENG/1955/KE/ML/AP	(Gr. + 7 upper) 09/08/07	09/08/07		16/05/08	O.C. granted
Rehab building no. 5 SRA/ENG/1099/KE/ML/AP	(Gr. + 7 upper) 07/04/04	07/07/04	22/07/05	28/08/07	O.C. granted
Rehab building no. 6 SRA/ENG/1801/KE/ML/AP	(Gr. + 7 upper) 20/07/07	24/07/07		30/01/08	O.C. granted
Rehab building no. 7 SRA/ENG/2022/KE/ML/AP	(Gr. + 7 upper) 29/12/07	27/04/15	09/12/15		Amended IOA comprising of Gr. + 17 th upper floor.
Sale building no. 1 SRA/ENG/1998/KE/ML/AP	08/11/07	Part plinth C.C. granted on 28/03/13,	Last amended on dtd. 11-01-2016.		Work in progress. FCC for wing A, B, C & D up to 13 th floor granted on 01/03/16.

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132

Fax No. : 2281 3947

ENV-2017/Legal/CR-4
Environment Department,
217(Annex), Mantralaya,
Mumbai - 400 032.

Date : /06/ 2017

To,

M/s New Monarch Builders & Contractors,
B/701-705, Raylon Arcade, Ramkrishna Mandir Road,
Kondivita, Andheri (E),
Mumbai – 400 059.

Sub. :- Seeking clarification on applicability of E.C. for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No. 7-6/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai – 400 059 for "Sagbaugh Sneha Sagar C.H.S. Ltd."

Ref. :- Your representation dtd. 25.1.2017.

Sir,

We refer to your representation dtd. 25.1.2017 seeking clarification on applicability of E.C. for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No. 706/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai – 400 059 for "Sagbaugh Sneha Sagar C.H.S. Ltd.

The Environment Department has scrutinized your representation wherein it appears that the 1st plinth Commencement Certificate was issued by the SRA on 25.8.1998 for construction of rehab building No.1 upto Plinth level. It appears that the work of this particular rehab building No.1 Wing A had come upto 7th floor and part O.C. was issued by the SRA vide letter dtd. 20.2.2003. The work of Wing B of rehab building No.1 had come upto 7th floor, part O.C. was issued by the SRA vide letter dtd. 20.2.2004 and full O.C. was granted on 21.1.2015. It appears that both part Occupation Certificates were issued prior to amendment dtd. 7.7.2004 in the EIA Notification, 1994.

Considering above facts of the case, the Environment Department has obtained legal opinion from the Law and Judiciary Department on presumptions of the department that in slum (SRA) projects, given the financially interdependent nature of the project components, even if one plinth of the project were completed, the entire constructed area would be eligible for exemption as per explanation given under clause I of para 3 of EIA Notification dtd. 27.1.1994 amended on 7.7.2004.

Accordingly, Law & Judiciary Department has given clarification in their opinion which is reproduced hereunder :-

: 2 :

" In the present matter, as stated by the Environment Department the Slum Redevelopment Authority has approved the Slum Redevelopment Scheme on 5.8.1996 and accordingly issued the Letter of Intent approving the proposed scheme. Thereafter, revised LOI has been issued by the Slum Rehabilitation Authority on 5.6.2003 for entire scheme which includes construction of rehab component as well as sale component. Further, the Commencement Certificate for work of up to Plinth level in respect of rehab building no. 1 wing 'A' and wing 'B' and rehab building no.5 was issued prior to enforcement of Notification dated 07.07.2004. It is also seen that in case of rehab building no.1 wing 'A' and wing 'B' the work upto 7th floor was completed and part O.C. was issued before issuance of Notification dated 07.07.2004. Admittedly the project of Slum Rehabilitation Scheme under reference was started before issuance of Notification dated 07.07.2004 and also the work of rehab buildings upto 7th floor was completed before the amended provision of Notification dtd. 07.07.2004 came into force.

Having considered this factual position and also the clause (i) of explanation given under Para - 3 of Notification dated. 7.7.2004 it is clear that the condition of Environment Clearance as required under Notification dated 27.1.1994 and 7.7.2004 may not be applicable in case of the Slum Rehabilitation Scheme under reference."

Based upon the information provided by you, in view of the opinion preferred by the Law & Judiciary Department reproduced above, for the specific SRA project under reference above, EC is not required. This answers your request for clarification.

↓
to the extent of ~~the~~ area approved in LOI issued prior to 14-09-2006.

(Satish M. Gavai)
Addl. Chief Secretary,
Environment Department.

SLUM REHABILITATION AUTHORITY

No.SRA/Eng/ChE/169/KE/PL/AP/OCU
5th floor, Griha Nirman Bhavan,
Bandra (E), Mumbai 400 051.

Date: 20 MAR 2003

To

Shri Vikas Date
A-401, Laxmikant, S Keer Road,
Off. T.Kataria Marg,
Opp. Kakad Industrial Estate,
Mahim, Mumbai 400 016.

Sub:- Part Occupation permission to occupy the completed Rehabilitation No.1 Win-A on plot bearing CTS No.706, 706/1to10 known as Sagbaug Snehsagar CHS at Marol Andheri, Mumbai.

Ref:- Your letter SRA/Ch.E/169/KE/PL/AP dtd. 21st January 2002.

Gentleman,

The part development work of bldg. No.1 (Wing-A) on above referred plot as shown in red colour on the plan submitted by you dtd. 21/1/2002 completed under supervision of Shri Vikas Date of Shreeya Services Pvt. Ltd. License No.CA/83/7639 Site Supervisor Shri Sudhakar Sanku.(Lic.S/314/SS-II) and Structural Engineer, Shri Rege & Associates (Lic.No.STR/3) may be occupied on the following conditions.

- 1) That this permission is granted for 1st to 7 floors i.e. for 42 Nos. of Res. tenements, 1 Balwadi, 1 Welfare Centre & 1 Society Office..
- 2) That all the pending layout and LOI/IOA conditions shall be duly complied with before asking OCC for the further Rehab. Buildings or sale bldg. in the scheme whichever is earlier.
- 3) That the CHS shall be formed for bldg. under reference and registered before asking for BCC.
- 4) That the payment of extra water charges, extra ground rent, sewerage charges and Assessment Charges if any payable to MCGM shall be paid before applying for water connection.

20 MAR 2003

- 5) That you shall add the condition in the agreement with the slum dwellers that they shall not transfer or sale the tenements allotted under SRA scheme to any one else except to legal heirs of the eligible slum dwellers for a period of 10 years from the date of taking over the possession and shall display the board on site to that effect.
- 6) That you shall allot the tenements to the eligible slum dwellers only as per the list submitted by you.
- 7) That the necessary arrangement for disposal of storm water shall be made in consultation with EE(SWD) WS MCGM within 3 months or before on set of monsoon whichever is earlier and completion certificate from said department shall be obtained.
- 9) The completion certificate from EE (S.P.) (P&D) of MCGM for septic tank shall be obtained and submitted to this office within 3 months from occupation permission.
- 10) That you shall construct compound wall before asking OCC to Rehab. Bldg. abutting compound wall or occupation to 1st Sale Bldg. in scheme.
- 11) That separate PRC for amalgamated plot shall be submitted before asking approval to last 25% sale in scheme.
- 12) That you shall execute the lease agreements with MCGM before asking OCC to last Rehab.Bldg. in scheme.
- 13) That you shall get the demarcation of D.P.Road and shall hand over the D.P.Road area to MCGM before asking CC to last 25% Sale Component in scheme.

Yours faithfully,

Executive Engineer (III)
Slum Rehabilitation Authority

20 MAR 2003

Copy to :

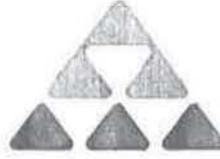
- 1) Assistant Municipal Commissioner (K/E) Ward
- 2) AEWV(K/E) Ward
- 3) AA&C (K/E) Ward.
- 4) H.E. of MCGM
- 5) Add. Collector (SRA)
- ✓ 6) Developer

For information please.

Neelaj
*20/3/2003*Executive Engineer (III)
Slum Rehabilitation Authority

CERTIFIED TRUE COPY

Danilika
GRIHA RACHANA
(ARCHITECT)



Slum Rehabilitation Authority

5th Floor, Griha Nirman Bhavan,

Bandra (East), Mumbai 400 051. Fax: 022-26590457

Tel.: 022-26590519 / 0405 / 1879 / 0993

E-mail: info@sra.gov.in

No. SRA/ENG/1099/KE/ML/AP

Date:

12 8 AUG 2007

To,
Jatin Bhuta (L.S.)
of M/s. Design Concepts,
Laxmi Palance,
76, Mathuradas Road,
Kandivali (W), Mumbai 400 067.

Sub: Full O.C.C. for Rehab building no.5 under S.R. Scheme on plot bearing C.T.S. Nos. 706,706/ 1to10 of village Marol, at Andheri (East), in K/E ward, Mumbai.

Ref: Your letter dtd.28/06/2006

Sir,

The development work of Rehab building No.5 comprising of ground+7 upper floors on above referred plot completed under the supervision of Shri. Jatin Bhuta of M/s. Design Concepts having L.S. No.B/219/LS, Structural Engineer Shri. Mukesh Kumar of M/s. Jay Shree Krishna having Lic.No.STR/M/103 and Site supervisor Shri. P.C. Parikh having Lic. No. P/B/342/SS.I. may be occupied on following conditions;

- 1) That this permission is granted for 80 Rehab. tenements in Rehab building no.5 from Gr. to 7 upper floors in addition to 40 Nos. of Rehab tenements, for which part OCC has been granted on 21/04/2006.
- 2) That all the pending LOI, Layout & IOA conditions shall be complied with before asking occupation for the sale building.
- 3) That the payment of Extra water charges, sewerage charges and Assessment charges, if any shall be paid before asking occupation for Sale building.

- 4) That you shall add the conditions in the agreement with the slum dwellers that they shall not transfer or sale the tenements allotted under S.R. Scheme to any one else except to legal heirs, for a period of 10 years from the date of taking over the possession.
- 5) That the Rehab tenements shall be allotted to the eligible slum dwellers only as per the list submitted by you and the possession of the Rehab tenements to eligible slum dwellers shall be certified by ARS (SRA).
- 6) That the agreement for disposal of storm water shall be made in consultation with E.E. (SWD), MCGM and till that time necessary arrangement for disposal of storm water shall be done at site.
- 7) That you shall submit separate P.R. Card for subdivided amalgamation plots under the scheme before applying for C.C. to last 25% sale B.U.A.
- 8) That you shall obtain separate P.R. Card for each subdivided rehab and sale plot with mutation entries of BUA constructed thereon before applying for sale OCC.
- 9) That you shall get D.P. Road, setback etc. demarcated from A.E. (Survey) / D.P. / T & C department of MCGM free of cost, free of encumbrances by changing ownership in the name of MCGM after duly developed as per municipal specification and certificate to the effect shall be obtained and submitted to SRA before asking O.C. of last 25% sale component.
- 10) That D.P. reservations, P&T, Library Welfare Centre, 25% implemented WSSD pumping station shall be got demarcated and developed as per Municipal specifications. The separate PRC for these developed reservation plots in the name of MCGM shall be submitted before occupation to the last 25% sale component in scheme.
- 11) That the 25% buildable reservation of WSSD, against portion of WSSD, against portion of WSSD reservation plot which is encumbered with slum shall be developed in consultation with MCGM and handed over to MCGM free of cost and till then the

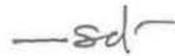
development of said portion of reserved plot occupied by slum will not be allowed.

- 12) That the remark from competent authority for CRZ & MRDA alongwith its compliances shall be submitted.

NOTE: - This permission is granted without prejudice to action under M.R. & T.P. Act.

12 8 AUG 2007

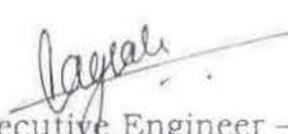
Yours Faithfully,



Executive Engineer - III
Slum Rehabilitation Authority

Copy forwarded for information:

1. Society - M/s. Sagbaug Snehsagar C.H.S. Ltd.
- ✓ 2. Developer - M/s. New Monarch Builders & Contractors.
3. Asst. Registrar (Society) SRA.
4. Asst. M.C. (K/E) Ward, MCGM.
5. A.E. W.W. (K/E) Ward, MCGM.



Executive Engineer - III
Slum Rehabilitation Authority

**Slum Rehabilitation Authority**

5th Floor, Griha Nirman Bhavan,
Bandra (East), Mumbai 400 051,
Fax:022-26590457
Tel:022-26590519 / 0405 / 1879 / 0993

No.SRA/ENG/1801/KE/ML/AP

Date: 30 JAN 2008

To,
Shri Tushar Parulekar,
Architect of M/s Griha Rachana
Bldg. No.46, Suprabhat CHS,
Gandhi Nagar, Opp. MHADA,
Bandra (E) , Mumbai - 51

Sub: Full O.C.C. for Rehab building no.6 under S.R. Scheme on plot bearing C.T.S. Nos. 706,706/ 1to10 of village Marol, at Andheri (East), in K/E ward, Mumbai.

Ref: Your letter dtd. 27.09.2007

Sir,

The development work of Rehab building No.6 comprising of ground+7 upper floors on above referred plot completed under the supervision of Shri. Tushar Parulekar of M/s. Griha Rachana having L.S. No.CA/91/13782, Structural Engineer Shri. Mukesh Kumar of M/s. Jay Shree Krishna having Lic.No.STR/M/103 and Site supervisor Shri. Sher Singh B. Chilotra having registration no. C/128/SS-II may be occupied on following conditions;

- 1) This Occupation permission is for 96 Rehab. Resi., 81 Rehab. Residential, 12 Rehab. R/C, 01 welfare centers, 01 society office and 01 Balwadi tenements.
- 2) That the Rehabilitation tenements shall be allotted to the eligible slum dwellers only.
- 3) That the payment of Extra water charges, sewerage charges and Assessment charges, if any shall be paid before asking occupation for Sale building.
- 4) That the balance I.O.A. conditions, Layout terms & conditions and Letter of Intent Conditions shall be complied with before requesting for B.C.C. of the building.

- 5) That the Annexure II shall be got re-verified from Competent Authority.
- 6) That the construction of compound wall shall be completed before O.C to sale bldg.
- 7) That you shall obtain separate P.R. Card for each subdivided rehab and sale plot with mutation entries of BUA constructed thereon before applying for sale OCC.
- 8) That the SWD completion certificate from the E.E. (SWD) E.S. of M.C.G.M shall be complied before further C.C. to sale building in the scheme.
- 9) That you shall get D.P. Road, setback etc. demarcated from A.E. (Survey) / D.P. / T & C department of MCGM free of cost, free of encumbrances by changing ownership in the name of MCGM after duly developed as per municipal specification and certificate to the effect shall be obtained and submitted to SRA before asking O.C. of last 25% sale component.
- 10) The revised layout shall be got approved before requesting for further CC of sale Bldg.
- 11) That the certificate under section 270 A of B.M.C. Act. Shall be obtained from A. E. (W.W.), 'K/East'- Ward and a certified copy of the same shall be submitted to this office.

NOTE: - This permission is granted without prejudice to action under M.R. & T.P. Act.

Yours Faithfully,

- sd -

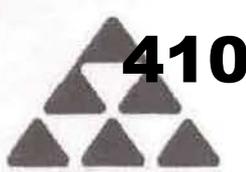
Executive Engineer - III
Slum Rehabilitation Authority

Copy forwarded for information:

1. Society - M/s. Sagbaug Snehsagar C.H.S. Ltd.
2. Developer - M/s. New Monarch Builders & Contractors.
3. Asst. Registrar (Society) SRA.
4. Asst. M.C. (K/E) Ward, MCGM.
5. A.E. W.W. (K/E) Ward, MCGM.

Sagbaug
Executive Engineer - III
Slum Rehabilitation Authority

30 JAN 2008



Slum Rehabilitation Authority

5th Floor, Griha Nirman Bhavan,
Bandra (East), Mumbai 400 051;
Fax:022-26590457
Tel: 022-26590519 /0405 /1879 /0993

No.SRA/ENG/1955/KE/ML/AP

Date: 16 MAY 2008

To,
✓ Shri Tushar Parulekar,
Architect of M/s. Griha Rachana
2268,Bldg. No.46, Suprabhat CHS,
Gandhi Nagar, Opp. MHADA,
Bandra (E) , Mumbai - 51

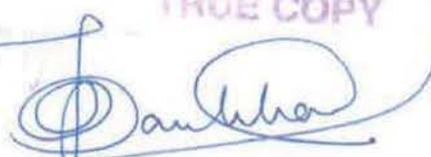
Sub: Full O.C.C. for Rehab building no.4 under S.R. Scheme on plot bearing C.T.S. Nos. 706,706/ 1to10 of village Marol, at Andheri (East), in K/E ward, Mumbai. for Sagbaug Snehsagar CHS Ltd.

Ref: Your letter dtd. 04/02/2008

Sir,

The development work of Rehab building No.4 comprising of ground+7 upper floors on above referred plot completed under the supervision of Shri. Tushar Parulekar of M/s. Griha Rachana having Lic.No.CA/91/13782, Structural Engineer Shri. Mukesh Kumar of M/s. Jay Shree Krishna having Lic.No.STR/M/103 and Site supervisor Shri. Deepak Angane having registration no. A/49/SS-I may be occupied on following conditions;

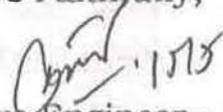
- 1) This Occupation permission is granted for 120 Rehab. Residential, 18 Rehab. R/C, 02 welfare centers, 02 society office and 02 Balwadi tenements.
- 2) That the Rehabilitation tenements shall be allotted to the eligible slum dwellers only.
- 3) That the payment of Extra water charges, sewerage charges and Assessment charges, if any shall be paid before asking occupation for Sale building.
- 4) That the balance I.O.A. conditions, Layout terms & conditions and Letter of Intent Conditions shall be complied with before requesting for B.C.C. of the building.

TRUE COPY

GRIHA RACHANA
(ARCHITECT)

- 5) That the Annexure II shall be got re-verified from Competent Authority.
- 6) That the construction of compound wall shall be completed before O.C to sale bldg.
- 7) That you shall obtain separate P.R. Card for each subdivided rehab and sale plot with mutation entries of BUA constructed thereon before applying for sale OCC.
- 8) That the SWD completion certificate from the E.E.(SWD) E.S. of M.C.G.M shall be complied before further C.C. to sale building in the scheme.
- 9) That you shall get D.P. Road, setback etc. demarcated from A.E. (Survey) / D.P. / T & C department of MCGM free of cost, free of encumbrances by changing ownership in the name of MCGM after duly developed as per municipal specification and certificate to the effect shall be obtained and submitted to SRA before asking O.C. of last 25% sale component.
- 10) The revised layout shall be got approved before requesting for further CC of sale Bldg.
- 11) That the certificate under section 270 A of B.M.C. Act. Shall be obtained from A. E. (W.W.), 'K/East'- Ward and a certified copy of the same shall be submitted to this office.

NOTE: - This permission is granted without prejudice to action under M.R. & T.P. Act.

Yours Faithfully,


Executive Engineer - III
Slum Rehabilitation Authority

TRUE COPY


GRIHA RACHANA
(ARCHITECT)



SLURM REHABILITATION AUTHORITY

No. SRA/ENG/169/KE/ML/AP

Date : 21 JAN 2015

To,

✓ M/s. New Monarch Builder & Contractors.
B/717-705, Raylon Arcade,
Ramkrishna Mandir Road,
Kondivita, Andheri(E)
Mumbai-59

Sub : Full Occupation Certificate to wing 'B' of proposed Rehab Building No. 1 in S. R. Scheme on plot bearing C.T.S. No 706, 706/ 1 to 10 of village Marol at Andheri (E), of Sagbaugh Sneh Sagar CHS Ltd.

Ref : Your letter dated 18/11/2013.

Sir,

In continuation to part occupation granted on dated 20/02/2004 for 1st to 7th floor of wing 'B' of Rehab building no. 1 comprising 60 nos. of residential, 01 no. Balwadi, 01 no. Welfare center & 01 no. Society office, the remaining development work of ground floor of wing 'B' of Rehab building No. 1 in S. R. Scheme on plot bearing C.T.S No. 706, 706/ 1 to 10 of village Marol at Andheri (E), Mumbai, comprising of 2 nos. of rehab residential tenements, 5 nos. of rehab R/C tenements & 2 nos. of rehab commercial shops completed under supervision of License Surveyor Shri. Jitendra B. Patel, Lic. No. P/555/LS, Structural Engineer Shri. Nikhil Shanghvi, Lic. No. Reg. No. STR/S/193 and Site Supervisor Shri. P.C. Parekh, Lic. No. Reg. No. P/342/SS-I, may be occupied on the following conditions:

1. The full occupation permission to wing 'B' of Rehab building no.1 is now granted for 09 Nos. tenants i.e. 2 nos. of rehab residential tenements, 5 nos. of rehab R/C tenements, 2 nos. of rehab commercial shops at ground floor & 60 nos. of residential, 01 no. Balwadi, 01 no. Welfare center & 01 no. Society office on upper floor.

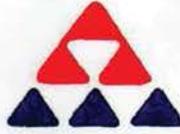
2. That all the pending IOA and LOI conditions shall be duly complied with.
3. That the certificate under section 270(A) of BMC Act shall be obtained from A.E.W.W.(K/E) and a certificate copy of the same shall be submitted to this office.
4. That due precaution shall be taken while carrying out balance work in the scheme.

A set of certified completion plans is returned herewith.

Yours faithfully,



Executive Engineer- W.S.
Slum Rehabilitation Authority



SLUM REHABILITATION AUTHORITY

No.: SRA/ENG/2022/KE/ML/AP

Date: 5 SEP 2018

To,

Shri. Jitendra B. Patel
Of M/S. Aakar Architects & Consultants
Ground floor, Satyanarayan Prasad
Commercial Centre, Dayaldas Road,
Vile-Parle (E), Mumbai-400 057.

Sub : Amended cum Part O.C.C. to Rehab building no. 7 in S. R. Scheme on plot bearing C.T.S. No 706/2 to 8, 706/11, 706/12, 706/14 to 16 & 706/22 of village Marol at Andheri (E), for "Sagbaugh Sneh Sagar CHS Ltd".

Ref : Your letter dtd. 02/04/2018 & 04/08/2018

Sir,

The part development work of Rehab Building No. 7 in S.R. Scheme bearing C.T.S. No. 706/2 to 8, 706/11, 706/12, 706/14 to 16 & 706/22 of village Marol at Andheri (E), Mumbai comprising of Gr. (pt.) + 1st to 17th upper floors is completed under supervision of Lic. Surveyor, Shri. Jitendra B. Patel having Licensed No. P/555/LS, Structural Engineer Shri. Nikhil Shanghvi, Lic. No. Reg. No. STR/S/193 and Site Supervisor Shri. Charudatt Samant, Lic. No. Reg. No. S/789/SS-1, may be occupied on the following conditions:

1. The occupation permission is granted for 353 Nos. Rehab Residential, 32 Nos. of Rehab Residential cum commercial tenements, 05 Balwadi, 05 Society office & 05 Welfare center comprising of Gr.(pt.) + 1st to 17th upper floors.
2. That all the pending IOA and LOI conditions shall be duly complied with.

3. That the certificate under section 270(A) of BMC Act shall be obtained from A.E.W.W.(K/E) and a certificate copy of the same shall be submitted to this office.

A set of certified completion plans is returned herewith.

Yours faithfully,


Executive Engineer

Slum Rehabilitation Authority

416



SLUM REHABILITATION AUTHORITY

No.: SRA/ENG/169/KE/ML/AP
Date:

- 2 MAR 2022

To,
Shri. Jitendra B. Patel
Of M/S. Aakar Architects & Consultants
Ground floor, Satyanarayan Prasad
Commercial Centre, Dayaldas Road,
Vile-Parle (E), Mumbai-400 057.

Sub. : Amended cum full O.C.C. to wing 'A' of Rehab building No. 1
in S. R. Scheme on plot bearing C.T.S. No 706, 706/ 1 to 10
of village Marol at Andheri Kurla Road at Andheri (E), of
Sagbaugh Sneh Sagar CHS Ltd.

Ref. : Your letter dtd. 04/11/2020.

Sir,

In continuation to part occupation granted on dated 21/01/2015,
the remaining development work of ground floor of wing 'A' of Rehab
building No. 1 in S. R. Scheme on plot bearing C.T.S No. 706, 706/ 1 to
10 of village Marol at Andheri (E), Mumbai, is completed under supervision
of License Surveyor Shri. Jitendra B. Patel, Lic. No. P/555/LS, Structural
Engineer Shri. Nikhil Shanghvi, Lic. No. Reg. No. STR/S/193 and Site
Supervisor Shri. P.C. Parekh, Lic. No. Reg. No. P/342/SS-I, may be
occupied on the following conditions:

1. The full occupation permission to wing 'A' of Rehab building no.1 is
now granted for 12 Nos. tenants i.e. 04 nos. of rehab residential
tenements, 04 nos. of rehab R/C tenements, 01 nos. of rehab
commercial shops, 01 no. Balwadi, 01 no. Welfare center & 01 no.
Society office on Ground & 1st floor.

2. That the certificate under section 270(A) of BMC Act shall be obtained from A.E.W.W.(K/E) and a certificate copy of the same shall be submitted to this office.

A set of certified completion plans is returned herewith.

Yours faithfully,

-sd-

Executive Engineer-
Slum Rehabilitation Authority

Copy to:

- 1) Developer- M/s. New Monarch Builders & Contractors
- 2) The Assistant Municipal Commissioner "K/E" Ward,
- 3) A. E. W. W. "K/E" Ward,
- 4) A. A. & C. "K/E" Ward,
- 5) H. E. of M.C.G.M.

[Signature]
2/3/22

Executive Engineer-
Slum Rehabilitation Authority

418



SLUM REHABILITATION AUTHORITY

No.SRA/ENG/1996/KE/ML/AP

Date: - 2 MAR 2022

To,
Shri. Jitendra B. Patel
Of M/S. Aakar Architects & Consultants
Ground floor, Satyanarayan Prasad
Commercial Centre, Dayaldas Road,
Vile-Parle (E), Mumbai-400 057.

Sub : Amended cum full OC to proposed Rehab Building No. 2 in S. R. Scheme on plot bearing C.T.S. No 706, 706/ 1 to 10 of village Marol at Andheri (E), of Sagbaugh Sneh Sagar CHS Ltd.

Ref : Your letter dtd. 20/10/2020.

Sir,

The development work of Rehab building No. 2 in S. R. Scheme on plot bearing C.T.S No. 706, 706/ 1 to 10 of village Marol at Andheri (E), Mumbai, comprising of part Ground + 1st to 7th upper floor is completed under supervision of License Surveyor Shri. Jitendra B. Patel, Lic. No. P/555/LS, Structural Engineer Mr. Jatoo Ahmed, Lic. No. Reg. No. STR/J/54 and Site Supervisor Shri Deepak Angane, Lic. No. Reg. No. A/49/SS-I, may be occupied on the following conditions:

1. The occupation permission is granted for 85 Nos. Rehab Residential, 02 Nos. Rehab Commercial, 13 Nos. of Rehab Residential cum commercial tenements, 01 Balwadi, 01 Society office & 01 Welfare centre comprising of Gr.(pt) to 7th upper floors.

2. That the certificate under section 270(A) of BMC Act shall be obtained from A.E.W.W.(K/E) and a certificate copy of the same shall be submitted to this office.

A set of certified completion plans is returned herewith.

Yours faithfully,

-sd-

Executive Engineer-
Slum Rehabilitation Authority

Copy to :

- ✓ 1. Developer: M/s. New Monarch Buildings & Contractors
2. Society - Sagbaugh Sneh Sagar CHS Ltd.
3. A.A. & C 'K/E' Ward.
4. Asst. Comm. 'K/E' Ward.
5. A.E. W.W. 'K/E'.
6. Asst. Registrar (SRA)

[Signature]
21/3/22

Executive Engineer
Slum Rehabilitation Authority

**SLUM REHABILITATION AUTHORITY**

No.: SRA/ENG/2022/KE/ML/AP

Date: - 2 MAR 2022

Full OCC as per Reg. 33(10) of DCR-1991 & Appendix XXI Regulations 6(6) and (7)

To,

✓ M/s. New Monarch Builders & Contractors
B-701-705, Raylon Arcade, Ramkrishna,
Mandir Road, Kondivita, Andheri (East),
Mumbai- 400 059.

Sub : Amended cum Full O.C.C. to Rehab building no. 7 in S. R. Scheme on plot bearing C.T.S. No 706/2 to 8, 706/11, 706/12, 706/14 to 16 & 706/22 of village Marol at Andheri (E), for "Sagbaugh Sneh Sagar CHS Ltd".

Ref : Your L.S. letter dtd. 20/10/2020

Sir,

In continuation of part OCC dated 05/09/2018, the development work of Rehab Building No. 7 excluding 02 no. of temples at ground floor in S.R. Scheme bearing C.T.S. No. 706/2 to 8, 706/11, 706/12, 706/14 to 16 & 706/22 of village Marol at Andheri (E), Mumbai comprising of Gr. (pt.) + 1st to 19th upper floors is completed under supervision of Lic. Surveyor, Shri. Jitendra B. Patel having Licensed No. P/555/LS, Structural Engineer Shri. Nikhil Shanghvi, Lic. No. Reg. No. STR/S/193 and Site Supervisor Shri. Charudatt Samant, Lic. No. Reg. No. S/789/SS-1, may be occupied on the following conditions:

1. The occupation permission is granted for 366 Nos. Rehab Residential, 67 Nos. of Rehab Residential cum commercial tenements, 05 Balwadi, 05 Society office & 05 Welfare center comprising of Gr.(pt.) + 1st to 19th upper floors.

2. That the certificate under section 270(A) of BMC Act shall be obtained from A.E.W.W.(K/E) and a certificate copy of the same shall be submitted to this office.

A set of certified completion plans is returned herewith.

Yours faithfully,



Executive Engineer
Slum Rehabilitation Authority



raghunath mahabal <adv.rbmahabal@gmail.com>

NGT: OA 56/2019 "Mangesh Parab Vs New Monarch Builder": R6: Circulation of Affidavit

1 message

raghunath mahabal <adv.rbmahabal@gmail.com>

19 April 2023 at 17:47

To: National Green Tribunal Pune <ngt-pune@gov.in>, Aseem Sarode <asim.human@gmail.com>, newmonarch@rediffmail.com, Saket Mone <saket.mone@vidhiipartners.com>, min.env@maharashtra.gov.in, RO Mumbai <romumbai@mpcb.gov.in>, Aniruddha Kulkarni <aniruddha1488@gmail.com>, info@sra.gov.in, ccrsdmp@gmail.com, Sameer Khale <sameermkhale@yahoo.com>

Cc: "cc: dattatray.bhalerao@nic.in" <dattatray.bhalerao@nic.in>, Raghunath Mahabal <mahabal60@gmail.com>, ssgore2005@gmail.com

SIR,

This is an email copy for circulation of an affidavit by Respondent No. 06.

Advocate for Respondent No.06 (SEIAA)

Dhananjay Chavan, Office Incharge: 7038383654

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

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

Adv. Sachin Gore 7350212877 | Adv. Sumedha Marathe | Adv. Ashlesha Gondhalekar | Adv. Antima Bazaz New Delhi

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**2023-04-19 OA 56-2019(WZ) R6-SEIAA Affidavit_Signed.pdf**

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