



Affidavit in Reply to O.A. No.33 of 2023WZ

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

Original Application No.33 of 2023 WZ

Mr. Nagesh Vinayak Dharmale.

.....} Applicant.

Ministry of Environment, Forest & Climate Change, Govt of India & Others.

.....} Respondents.

Affidavit in Reply to O.A. No.33 of 2023WZ in pursuance of Order dated 4<sup>th</sup> July, 2023

I, Sunil Marale, Chief Planner, PMRDA i. e Respondent No. 8 dAffidavit in Reply to O.A. No.33 of 2023WZ in compliance of the Order dated 4<sup>th</sup> July, 2023 of late on account of visit and verification report has been received somewhat late. This affidavit is filed only with a limited purpose of bringing on record true & correct factual position with permission to file an additional affidavit as and when necessary. I shall not be deemed to admit anything except whatever specifically stated hereunder:

1. I say and submit that the present application is mainly filed on the ground that the R.No.9 has carried out the construction of a Residential & Commercial Scheme under the name & style 'Fusion Towers with the address as M/s Rama Synergy Spaces' beyond 20,000 square meters without Consent to Establish & Operate and Environment Clearance and violated the environmental norms. At the outset, it is submitted that in the present case, the R. No. 2 has granted an Environment Clearance (E.C.) on 02<sup>nd</sup> February, 2019. A copy of the E.C. dated 02<sup>nd</sup> February, 2019 is enclosed herewith and marked as an Annexure-'A.'. It is specifically stated in the said E.C. dated 02-02-2019 that the validity of EC shall be as per EIA Notification, 2006, and amendments by MoEF & CC, Govt. of India, R.No.1 vide Notification dated 29<sup>th</sup> April, 2015.

After going through it, it provided that the validity of Environment Clearance (E.C.) shall be Seven Years in case of all projects & activities and in case of Area Development Projects & Townships (Item 8 (b), the Validity Period shall be limited only to such activities as may be the responsibility of the applicant as a developer. It means that the period of 7 years is still continues if development activity is still carried out and if completed and occupation certificate is granted and possession handed over after completion of project, no further responsibility may be there unless some violation is observed and proved. However, the R. No. 1 will be appropriate authority to interpret this particular amendment. A copy of the EIA Amended Notification dated 29<sup>th</sup> April, 2015 is enclosed as an Annexure-'R-1' to the original application. Therefore, during the validity of E.C. the project construction may continue provided it comply with all other statutory permissions granted by various respondents.

2. The Respondent No. 8 had granted the Revised Development Permission & Commencement Certificate on 07<sup>th</sup> October, 2022 subject to certain terms and conditions more particularly in respect of not to obstruct the natural flow of the river in the area, not to make unauthorized changes in the surface structure of the place, compliance of safety standards & Development Control Regulations, waste management including solid & liquid waste generation etc. True Translated copy of the Commencement Certificate is already enclosed along with the Marathi-Commencement Certificate issued by the PMRDA to the

Application at Annexure-'B' to the O.A. at pages 39 to 57. Initial Construction Plans were sanctioned vide dated 30<sup>th</sup> September, 2021 after grant of E.C.

3. The R. No.8 has granted Part Completion Certificate after grant of Revised Building CC as stated above. A copy of the Part Completion Certificate dated 18<sup>th</sup> October, 2022 is enclosed to the original application by the applicant at an Annexure-'C'. It specifically refers to the EC dated 2<sup>nd</sup> February, 2019 & Consent to Establish dated 17<sup>th</sup> August, 2022. (Page-65)
4. It appears that the R.No.5 had given one show cause notice dated 21<sup>st</sup> November, 2022 in respect of non-submission of certain documents including non-obtaining of Consent to Establish & Part Operate and on account of non-submission of those documents, further refused Consent to Establish later on. I am advised not to deal with those documents of the R. Nos.5 & 6 on account of it pertain to them only.
5. The Applicant has made certain allegations in respect of non-compliance of certain provisions of Water (P. & C. P.) Act,1974 and Environment (P) Act, 1986 read with the EIA Notification, 2006, for which the R. No. 8 has already made necessary submissions about valid EC & Conditions imposed in the CC about the Waste Management. The concerned officer of the PMRDA has caused visit & inspection of the site in question on 4/5<sup>th</sup> September, 2023 and submitted his visit report in respect of provision of solid waste management, sewage treatment & disposal arrangement etc., which is self-explanatory and enclosed herewith & marked as an Annexure-'R-2'. Solemnly affirmed on this 5<sup>th</sup> September, 2023 at PCMC.

For Respondent No.8



(Sunil Marale)

Metropolitan Planner, PMRDA.

VERIFICATION

I, Sunil Marale, Metropolitan Planner & Authorized Signatory of the Respondent No. 8 state that the contents of paragraph 1 to 5 of the above affidavit are true and correct to the best of my knowledge and belief and annexures thereto are true copies of the office record available in my office.



(Sunil Marale)

Joint Director, Town Planning  
Cum Metropolitan Planner  
Pune Metropolitan Region  
Development Authority, Pune

BEFORE ME

*Handwritten signature and date: 4/19/2023*

VILAS ANANTA KUTE  
NOTARY

UNION OF INDIA

Vishalwadi, Aundh, Pune-35

Noted and Registered

at Serial Number 4874/2023





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, अप्रैल 30, 2015/वैशाख 10, 1937

No. 886]

NEW DELHI, THURSDAY, APRIL 30, 2015 /VAISAKHA 10, 1937

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 अप्रैल, 2015

**का.आ. 1141(अ).**—केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोक हित में उक्त नियम के नियम 5 के उपनियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा से अभिमुक्ति के पश्चात्, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में,—

(i) पर्यावरणीय अनापत्ति (ईसी) की विधिमान्यता के संबंध में पैरा 9 पैरा उसके पैरा (i) के रूप में पुनःसंख्याकित किया जाएगा;

(ii) पैरा (i) इस प्रकार संख्यांकित किया जाएगा,—

(क) "और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्ष" शब्दों के स्थान पर "और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में सात वर्ष" शब्दों को रखा जाएगा;

(ख) "तथापि, क्षेत्र विकास परियोजनाओं और नगर क्षेत्र की दशा में" शब्दों के साथ प्रारंभिक भाग पर और "यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ समिति के परामर्श" शब्दों के साथ समाप्त होने वाले भाग पर निम्नलिखित शब्दों को रखा जाएगा, अर्थात्:—

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“(ii) क्षेत्र विकास परियोजनाओं और नगर क्षेत्र [मद 8(ख)], की दशा में विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगा जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है :

परंतु यह भी कि विधिमान्यता की यह अवधि संबंधित विनियामक प्राधिकरण द्वारा सात वर्ष की अधिकतम अवधि तक बढ़ाया जा सकेगा परंतु यह तब जबकि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) अद्यतन प्रारूप। और अनुपूरक प्रारूप 1क सहित विधिमान्य अवधि के भीतर विनियामक अवधि के भीतर किया जाता है :

परंतु यह भी कि विनियामक प्राधिकरण यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति इसके विस्तार की मंजूरी के लिए परामर्श भी कर सकेगा।

(क) ईसी की विधिमान्य अवधि के पश्चात् एक मास के भीतर ऐसे मामलों के लिए विलंब को संबंधित विशेषज्ञ आंकलन समिति (ईएसी) या राज्य स्तर आंकलन समिति (एसईएसी) और उनकी सिफारिशों के आधार पर यथास्थिति संयुक्त सचिव पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय या सदस्य सचिव एसईआईएए के स्तर पर माफ किया जाएगा;

(ख) ईसी की विधिमान्य अवधि के पश्चात् एक माह से अधिक परंतु ऐसी विधिमान्य अवधि के पश्चात् तीन मास से अन्यून है तो ईएसी या एसईएसी की सिफारिशों के आधार पर यथास्थिति पर्यावरण, वन और जलवायु परिवर्तन प्रभारी मंत्री या अध्यक्ष के अनुमोदन से विलंब माफ किया जाएगा :

परंतु यह कि विलंब की माफी के लिए विस्तार हेतु कोई आवेदन ईसी की 90 दिन की विधिमान्य अवधि के पश्चात् मंजूर नहीं किया जाएगा।”।

[फा. सं. जे-11013/12/2013-आईए-II(I)(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

**टिप्पण :** मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3 उपखंड (ii) में अधिसूचना संख्यांक का. आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसको निम्नलिखित द्वारा संशोधित किया गया का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007 ; का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 ; का.आ. 695(अ), तारीख 4 अप्रैल, 2011 ; का.आ. 2896(अ), तारीख 13 दिसंबर, 2012 ; का.आ. 674(अ), तारीख 13 मार्च, 2013 ; का.आ. 2559(अ), तारीख 22 अगस्त, 2013 ; का.आ. 2731(अ), तारीख 9 सितंबर, 2013 ; का.आ. 562(अ), तारीख 26 फरवरी, 2014 ; का.आ. 637 (अ), तारीख 28 फरवरी, 2014 का.आ. 1599(अ), तारीख 25 जून, 2014; का.आ. 2601(अ), तारीख 7 अक्टूबर, 2014; और का.आ. 3252(अ), तारीख 22 दिसंबर, 2014।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
NOTIFICATION**

New Delhi, the 29th April, 2015

**S.O. 1141(E).**—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(29 of 1986) read with sub-rule(4) of rule 5 of the Environment(Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause(a) of sub-rule(3) of rule 5 of the said rule, in public interest, namely:—

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*[Signature]*

In the said notification,—

(i) Paragraph 9 relating to validity to Environment Clearance (EC) shall be re-numbered as paragraph (i) thereof;

(ii) in paragraph (i) as so numbered,-

(a) for, the words “and five years in the case of all other projects and activities”, the words “and seven years in the case of all other projects and activities” shall be substituted;

(b) for the portion beginning with the words “However, in the case of Area Development projects and Townships” and ending with the words “consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.” The following shall be substituted, namely:-

“(ii) In the case of Area Development projects and Townships [item 8 (b), the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that this period of validity may be extended by the regulatory authority concerned by a maximum period of seven years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule);

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraph (ii) has been filed-

- (a) within one month after the validity period of EC, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal committee (SEAC) and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, SEIAA, as the case may be;
- (b) more than one month after the validity period of EC but less than three months after such validity period, then, based on the recommendations of the EAC or the SEAC, the delay shall be condoned with the approval of the Minister in charge of Environment Forest and Climate Change or Chairman, as the case may be:

Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of EC.”

[F. No. J-11013/12/2013-IA-II (I) (part)]

MANOJ KUMAR SINGH, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012, S.O.674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014, S.O. 637(E) dated the 28th February, 2014, S.O. 1599(E) dated the 25th June, 2014, S.O. 2601 (E) dated 7th October, 2014 and S.O. 3252(E) dated 22nd December, 2014.

True Copy

*Signature*



पुणे महानगर

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Pune metropolitan Region Development Authority, Pune

4 था मजला, नवीन प्रशासकीय इमारत, आकुर्डी रेल्वे स्टेशन जवळ, पिंपरी- चिंचवड, पुणे 411044

8<sup>th</sup> floor, New Administration Building, Opp Akurdi Railway Station, Pimpri-Chinchwad,

Pune ४११०४४.

Ph No. : ०२०- २५९ ३३ ३४४ / ३५६ / ३३३ / फोन. नं. 020- 259 33 344/ 356 / 333

Email: comm@pnrda.gov.in

"Site visit & Inspection report on in the matter of original application number 33/2023 WZ  
before the national Green Tribunal, western bench, Pune"


**Subject** :- Site visit & Inspection report on in the matter of original application Number 33/2023 WZ before the National Green Tribunal, Western bench, Pune.

**Reference** :- National Green Tribunal, Western zone Bench, Pune Original application Number 33/2023 WZ  
Mr. Nagesh Vinayak Dhamale  
V/S  
Minister of Forest & Climate Change, Govt of India & ORS.

This has in reference with aforementioned Hon'ble NGT case 33/2023 WZ regarding carrying out construction without obtaining consent to operate & consent to establish & environment clearance from the appropriate authority at Gat No. 41/6, Rama synergy Spaces, Fusion Tower, Bhoirwadii.

According, Today on 4<sup>th</sup> September, 2023, I Rahul Atmaram Gitte, Town planning Assistant, PMRDA along with the representative of Rama synergy Spaces, Fusion Tower, Bhoirwadi have jointly visited the aforementioned gat no and its surrounding area. During the field inspection following observations was noted.

1. About STP working- STP is in working condition, but parameters of effluent coming out from the STP need to be checked.
2. At the time of part OC, OWC was installed at the site but today while site visit due to maintainance of machine OWC was not in working condition.
3. As per dated 07/10/2022 revised commencement certificate condition No.22, required tree plantation done by Rama synergy Spaces Developer.
4. Solar water system is in the working condition at site.

  
Rahul Atmaram Gitte,  
Town planning Assistant,  
PMRDA



*Zynte 04109123*



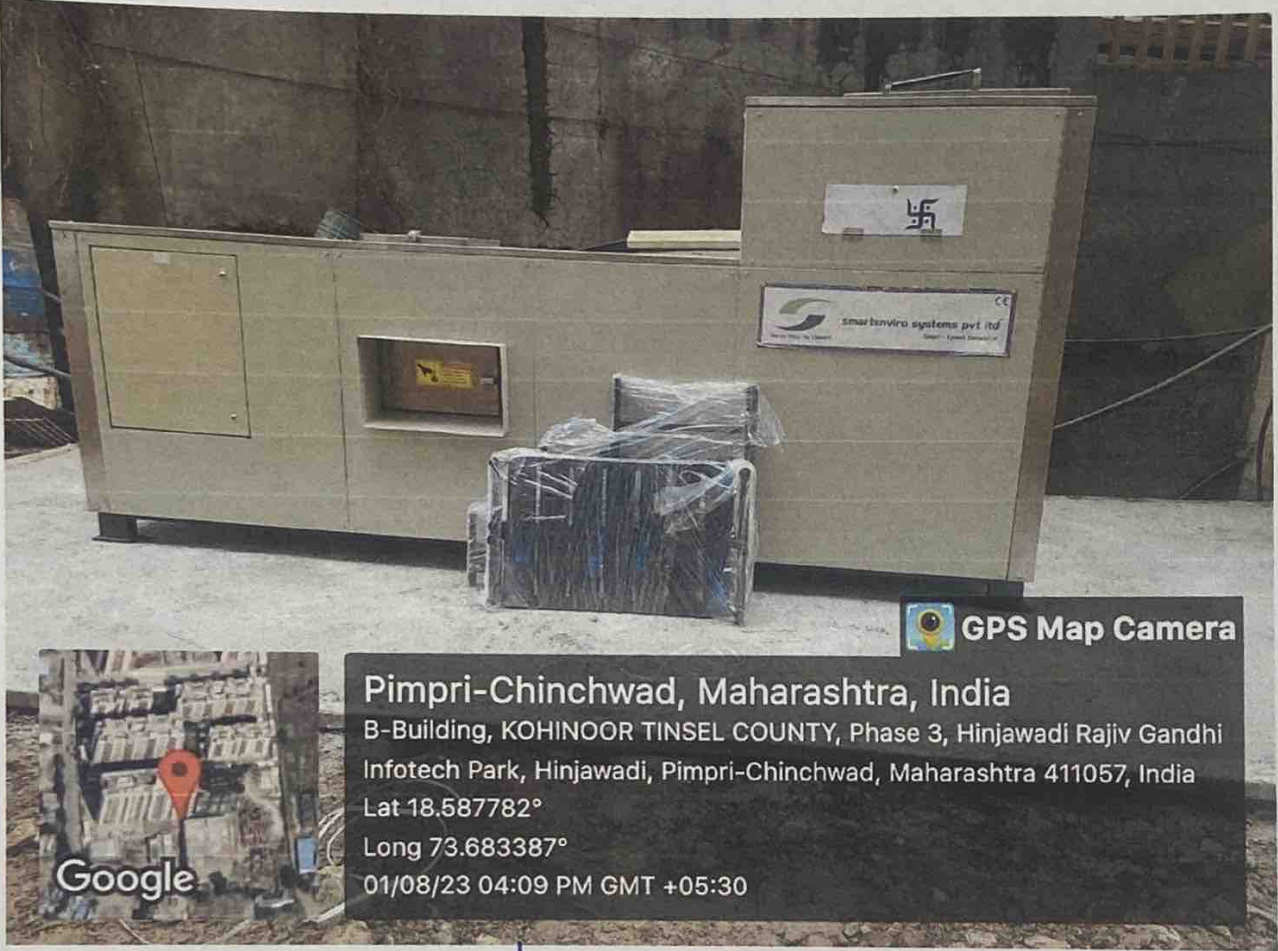
*Zynte 04109123*



*Rajitha*



*Rajitha*



GPS Map Camera

Pimpri-Chinchwad, Maharashtra, India  
 B-Building, KOHINOOR TINSEL COUNTY, Phase 3, Hinjawadi Rajiv Gandhi  
 Infotech Park, Hinjawadi, Pimpri-Chinchwad, Maharashtra 411057, India  
 Lat 18.587782°  
 Long 73.683387°  
 01/08/23 04:09 PM GMT +05:30



↳ old one