BEFORE THE NATIONAL GREEN TRIBUNAL

(WESTERN

ZONE) AT PUNE

(Under Section 18(1) read with Sections 14, 15, 16 and

17 of The National Green Tribunal Act, 2010)

INTERIM APPLICATION NO. 46 OF 2023

IN

APPLICATION NO. 31 OF 2015

Chetak Co-operative Housing Society Limited

... Applicant (Orig. Applicant)

IN THE MATTER BETWEEN:

Chetak Co-operative Housing Society Limited

... Applicant

versus

State of Maharashtra and Ors. ... Respondents

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Parikshit Desai
Advocate for the Respondent Nos. 8 to 11

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BEFORE THE NATIONAL GREEN TRIBUNAL (WESTERN ZONE) AT PUNE

(Under Section 18(1) read with Sections 14, 15, 16 and 17 of The National Green Tribunal Act, 2010)

INTERIM APPLICATION NO. 46 OF 2023

IN

APPLICATION NO. 31 OF 2015

Chetak Co-operative Housing Society Limited ... Applicant

(Orig. Applicant)

IN THE MATTER BETWEEN:

Chetak Co-operative Housing Society Limited ... Applicant

versus

State of Maharashtra and Ors. ... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NOS. 8 TO 11 FOR DISMISSAL OF THE INTERIM APPLICATION.

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I, Dilersingh Sandhu, aged 39 years, of Mumbai, Adult Indian Inhabitant, Respondent No. 11 and the partner of the Respondent No. 8 abovenamed, having my office at 41 Pali Hill, Bandra (West), Mumbai-400 050, for myself and on behalf of the

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Respondent Nos. 8 and 9 abovenamed (Respondent No. 10 is deceased), do hereby solemnly affirm and state as under:-

1. Respondent Nos. 8 to 11 shall hereinafter for the sake of brevity, be referred to as "**these Respondents**".

2. I say that I have perused the aforesaid Interim Application No. 46 of 2023 (Diary No. 2704138000722023 of 2023) ("**IA**") for amendment of the aforesaid Original Application No. 31 of 2015 ("**OA**"). I am aware of the facts of the case, and able to and authorised to depose the same, based on the records maintained by the Respondent No. 8. I am filing this Affidavit on behalf of these Respondents for the limited purpose of opposing the reliefs as prayed for in the present IA. I crave leave to file a detailed Affidavit in Reply dealing with the OA. Hereto annexed and marked as **EXHIBIT – "1"** is a copy of the Resolution passed by Respondent No. 8 authorising me to sign and depose to the present Affidavit.

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3. At the outset, I deny all and singular, the statements, averments, contentions, allegations and insinuations, as stated in the aforesaid IA, as if the same were set out herein

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verbatim and traversed in seriatim. Nothing that is not specifically dealt with herein shall deemed to have been admitted, merely for want of traverse.

4. I state and submit that, before adverting to the IA on merits, I shall state out the following facts and circumstances, demonstrating how the aforesaid IA and also the OA is not maintainable and ought to be dismissed.

Bar of Limitation :-

5. At the outset, these Respondents state that the aforesaid Interim Application filed by the Applicant is hopelessly time barred by the law of limitation, inasmuch as, the requirement for EC was dispensed with in the present case in 2017 and the Occupation Certificate ("**OC**") was granted by Respondent No. 12 on 9th October 2018. However, the aforesaid IA is filed in December 2022, i.e., after a period of 4 (years) and 2 (two) months. The fact that the OC was granted to Respondent No. 8 on 9th October 2018 was well known to the Applicant as the Applicant has challenged the same in other proceedings before the Hon'ble Bombay High

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Court in 2019, which are pending. The same is evident from the following facts:-

(a) The OA was filed and registered on 12th April 2015. These Respondents had filed an Interim Application (unnumbered) dated Nil April 2015, *inter alia* stating the grounds on which the OA is not maintainable and opposing the grant of any reliefs to the Applicant;

(b) The OA was first listed for hearing on 17th April 2015, when the same was dismissed *in limine.* The Order dated 17th April 2015 (Exhibit 'P', page 223 of the Compilation of Documents filed with the IA) is extracted as under:-

QUOTE:-

Heard Ld. Advocate for the Applicant.

Prima facie no case is made out. Since the Hon'ble High Court is seized of the matter and the Apex Court also considered the same and directed to the Hon'ble High Court to expedite the hearing. Consequently, the Application is dismissed in *limine.*

UNQUOTE

(c) Aggrieved by the said Order dated 17th April 2015, Applicant filed a writ petition, namely Writ Petition

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No. 5547 of 2016 before the Hon'ble Bombay High Court. The Hon'ble Bombay High Court, vide its Order dated 1st July 2016 (Exhibit 'Q', page 224 of the Compilation of Documents filed with the IA), *inter alia* set aside the said Order dated 17th April 2015 and remanded the matter back to the Hon'ble Tribunal.

(d) Thereafter, Applicant did not pursue the matter for the next 7 (seven) years with this Hon'ble Tribunal. The Applicant, however, was diligently pursuing the matter with the Hon'ble Bombay High Court. At the time of passing of the said Orders dated 17th April 2015, Applicant had filed and was pursuing Appeal No. 580 of 2015. The said Appeal was heard from time to time and ultimately dismissed vide Order dated 11th January 2019 (Exhibit 'W', page 281 of the Compilation of Documents filed with the IA). At that time, it was brought to the notice of the Hon'ble Bombay High Court that the Applicant had filed Writ Petition No. 155 of 2019, challenging the grant of OC by Respondent No. 12 to the Project of Respondent No. 8 in respect of Wing 'A' of the Project;

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(e) Aggrieved by the said Order dated 11th January 2019, Applicant filed Special Leave Petition (Civil) No. 6332 of 2019 before the Hon'ble Supreme Court of India (SLP). At that time, it was brought to the notice of the Hon'ble Supreme Court of India that the Applicant had filed the said Writ Petition No. 155 of 2019. The SLP was dismissed vide Order dated 16th April 2019 (Exhibit 'X', page 303 of the Compilation of Documents filed with the IA);

(f) The said Writ Petition No. 155 of 2019 alongwith the Notice of Motion No. 248 of 2019 (for interim reliefs) was heard on 5th July 2019, when the Order was passed and relief of status quo in respect of Wing 'B' of the Project was granted (Exhibit 'Y', page 305 of the Compilation of Documents filed with the IA). The said Writ Petition is admitted and is ripe for final hearing and disposal;

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(g) The aforesaid IA has been filed on 27th January 2023, i.e., after a delay of nearly 7 (seven) years after the date of restoration, pursuant to the said Order dated 1st July

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2016 of the Hon'ble Bombay High Court in Writ Petition No. 5547 of 2016. However, the Applicant was well aware of all the facts and documents now sought to be placed on record vide the afroesaid IA as the very same documents form a part of the record with the Hon'ble Bombay High Court and the Hon'ble Supreme Court of India, in the aforesaid various proceedings filed by the Applicant from time to time. However, the Applicant, for reasons best known to it, has not filed the same in this Hon'ble Tribunal earlier. The Applicant has craved leave to rely upon a purported additional affidavit dated 29th December 2016 only to make out a purported case for limitation. There is no case made out by the Applicant whatsoever for not having filed the aforesaid IA earlier.

(h) The fact that the Applicant decided to place the additional facts and documents on record belatedly is further demonstrated by the fact that pursuant to the restoration of the aforesaid OA vide the said Order dated 1st July 2016 passed by the Hon'ble Bombay High Court, it was only on 13th December 2022, when

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the Advocate for the Applicant requested for an additional two weeks' time to place alleged facts and also allegedly modify the prayer clause in view of alleged "further developments" in the matter. In this regard, it is submitted that:-

(1) There were no alleged "further developments", as the Applicant was well aware of all the building permissions and the basis of those permissions, were known to the Applicant as far back as 2011, but the present amendment has been filed after a delay of 12 years of obtaining the documents. I submit that no new cause of action whatsoever has been made out by the Applicant in the present OA and IA. I repeat and reiterate that the entire file was obtained by the Applicant through an Application under The Right to Information Act, 2005 (RTI) from the office of the Respondent No. 12 as far back as 2011. The list of documents obtained by the Applicant under RTI was annexed at Exhibit 'J' to Writ Petition No. 1544 of 2012 filed by it before the Hon'ble Bombay High

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Court, to challenge the sanction plans and approvals thereunder in respect of the Building Project of Respondent No. 8. The basis of the purported new cause of action as canvassed by the Applicant in the aforesaid IA was already known to the Applicant as far back as 2011. However, the Applicant, for the reasons best known to it, chose not to agitate the same earlier. I submit that the Applicant, on realizing that it had no case whatsoever against either these Respondents or against the other Respondents and on realizing its folly of not having made any contention on the materials /documents already in its possession as far back as 2011 has filed the aforesaid IA. I state and submit that even at the time of the hearing of the said Writ Petition No.1544 of 2012 before the Hon'ble Bombay High Court, the Applicant had already filed the said Suit No.109 of 2013 also before the Hon'ble Bombay High Court. I submit that thus, it is abundantly clear that the Applicant is habituated to maintain multiple alleged causes of action and file multiple proceedings based on

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such imaginary causes of action, thereby not only indulging in forum shopping but also wasting the time of this Hon'ble Court apart from repeatedly harassing these Respondents and also the officer of the Respondent No.12. Hereto annexed and marked as **EXHIBIT – "2"** is a copy of the list of documents obtained by the Applicant under RTI in 2011.

(2) That the Applicant has obtained the leave to file the aforesaid IA vide the said Order dated 13th December 2022, by mis-representing to the Hon'ble Tribunal that the Order dated 19th August 2014, passed by the Hon'ble Bombay High Court in Appeal No. 580 of 2015, is in force. The said Appeal was dismissed by Order dated 11th January 2019 (Exhibit 'W', page 281 of the Compilation of Documents filed alongwith he IA) and hence, the liberty of the Hon'ble Bombay High Court passed in that Appeal (and not writ petition as recorded in paragraph 7 of the Order dated 13th December 2022 passed by this Hon'ble Tribunal)

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also stands vacated. It is submitted that no such liberty was given to the Applicant in the said Order dated 11th January 2019. In fact, in paragraph 16 of the said Order dated 11th January 2019, the liberty given to the Applicant was to "*agitate the same in the Writ Petition filed by the Plaintiffs*". The Applicant has already filed the comprehensive Writ Petition No. 155 of 2019 and hence, there is not question of maintaining the same grievance vide the aforesaid IA before this Hon'ble Tribunal. I state and submit that therefore, the aforesaid IA deserves to be dismissed with costs. I crave leave to refer to and rely upon the said Orders dated 19th August 2014 and 11th January 2019, for their true and correct meaning, legal interpretation, scope and effect thereof, at the time of hearing.

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(3) I state and submit that the fact that the Applicant is not serious in pursuing the aforesaid OA was further evident from the fact that inspite of obtaining the aforesaid leave of this Hon'ble

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Tribunal to file the aforesaid IA vide the said Order dated 13th December 2022, although by misleading this Hon'ble Tribunal, the Applicant did not file the afroesaid IA within the time granted by this Hon'ble Tribunal and consequently, costs of Rs. 5,000/- were imposed on the Applicant vide Order dated 17th January 2023. Thereafter, the Applicant failed to physically file and e-file the aforesaid IA even after the passing of the said Order dated 17th January 2023, owing to some alleged technical issues. The aforesaid IA was ultimately filed on 27th January 2023.

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In view of the aforesaid facts and circumstances, it is most respectfully submitted that the afroesaid IA is grossly barred by delay and laches as the same is filed after a delay of 12 years from date of knowledge i.e., the 2011 RTI Application and after a delay of 7 years from the date on which the aforesaid OA was restored to file by the order of the Hon'ble Bombay High Court and therefore, the same ought to be and should be dismissed with costs.

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Bar of Res Judicata :-

6. I state and submit that the aforesaid IA and also the aforesaid OA are barred by the principle of Res Judicata. I state and most respectfully submit that the challenge to the EC forms a part of the larger challenge to the OC by the Applicant. The Applicant has filed a comprehensive writ petition before the Hon'ble Bombay High Court, namely, Writ Petition No. 155 of 2019, *inter alia* challenging the part Occupation Certificate issued by Respondent No. 12 in respect of Wing 'A' of the Project and the permissions/sanctions on the basis of which, the part Occupation Certificate has been issued. The prayers in the said Writ Petition No. 155 of 2019 are reproduced herein for the sake of reference as under:-

QUOTE

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a) That this Hon'ble Court be pleased to issue a writ off mandamus under Article 226 of the Constitution of India and/or any other appropriate writ/orders under any other article of the Constitution of India, call the records and proceedings of the impugned occupation certificate dated 9th October 2018 and revise approved plans dated 9th October 2018, sanctioned and issued by Respondent No. 1 to 4 herein and after going through the validity and legality of the same, be pleased to pass the necessary orders/direction for revocation/cancellation of the impugned OC and plans,

b) That this Hon'ble Court be pleased to issue a writ off mandamus under Article 226 of the Constitution of India

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and direct the Respondent No. 1 to 4 herein to forthwith revoke/cancel the impugned OC plans,

c) That the pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to pass the necessary orders/directions and stay the implication and effect to the impugned OC and plan,

d) That pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to pass the necessary order/direction and restrain Respondent No. 1 to 4 herein from creating any third party right/interest and/or parting with possession of any unit/apartment or any premises in the building known as "Sandhu Palace" situated on the property bearing CTS 1381 and CTS 1382C, situate lying and being at village Danda, Palli Hill Road, Bandra (West), Mumbai 400 050;

e) That the pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to pass the necessary order/direction and direct Respondent No. 1 to 4 herein to maintain status quo in respect of the subject building i.e. "Sandhu Palace" situated property bearing CTS 1381 and CTS 1382C, situate lying and being at village Danda, Palli Hill Road, Bandra (West), Mumbai 400 050 and restrain them from carrying out any further construction activities on the said property bearing CTS 1381 and CTS 1382C, situate lying and being at village Danda, Palli Hill Road, Bandra (West), Mumbai 400 050.

f) Ad-interim/interim reliefs in terms of prayer clause (a) to (e) above.

g) For the cost of the Petition.

h) For such further and other relief as the nature and circumstances of the case may require.

UNQUOTE

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I state and most respectfully submit that therefore, the challenge to the part Occupation Certificate includes the challenge to all the permissions/sanctions which form the

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basis on which the part Occupation Certificate was granted, including *inter alia* the EC requirement. I state that since the question of grant of EC is already under challenge in the said Writ Petition No. 155 of 2019, which is pending before the Hon'ble Bombay High Court. The same is evident from the following material chronology (in brief) of the litigation between the Applicant and Respondent Nos. 8 to 11 and 12:-

Sr. No.	Dates	Events
1	----------	Applicant is the owner and lessor of a larger property lying being and situate at plots bearing City Survey Nos. (CTS Nos.) C-1381, 1382C, 1378-A and 1629/A-1 to 10 of village Bandra, Pali Hill, Bandra (West), Mumbai. By various agreements, Applicant had leased portions of the Larger Property to various sister concerns of Respondent No. 8 and/or their

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		respective predecessors in title, who thereafter constructed certain buildings upon the same. The Applicant however, remained in possession of the balance of the Larger Property.
2	31.12.2005	Agreement to load TDR/FSI executed by and between *inter alia* the Applicant and these Respondents herein, permitting Respondent No. 8 to load / utilize the entire TDR / FSI to the extent 12.599.12 sq. mtrs. of the Larger Property, by demolishing two existing structures/bungalows known as Poonam Palace and NGA Bungalow and constructing a building thereon known as 'Sandhu Palace' on a portion of the larger property bearing CTS Nos. C-1381 and 1382-C, by utilizing the base

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		FSI of the said two demolished bungalows and utilizing the TDR of the entire area of the Society, for the total consideration of Rs. 9,99,00,377/-. The entire consideration was paid by Respondent No. 8 in advance in escrow, prior to the execution of the Suit Agreement. Respondent No. 8 ultimately constructed the said Sandhu Palace building which comprises of (i) 'A' Wing having one lower basement + one upper basement + 18 upper floors, which is complete and (ii) 'B' Wing, which is an RCC structure of 5 floors. The following agreements were also entered into:- 1. Agreement for Development between Poonam Housing and Finance Limited and

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		Respondent No. 8, whereunder the said Poonam Housing is to be provided flats admeasuring 6,277 sq. ft. in the Project, in lieu of permitting Respondent No. 8 to utilize the FSI / TDR of a bungalow known as Poonam Palace. 2. Agreement for Development between National General Agencies Private Limited and Respondent No. 8, whereunder the said National General Agencies is to be provided with flats admeasuring 14,200 sq. ft. in the Project, in lieu of permitting Respondent No. 8 to utilize the FSI / TDR of bungalow known as NGA Bungalow. 3. Agreement for Development

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		between Dilersingh Estates Private Limited and Respondent No. 8, whereunder the said Dilersingh Estates is to be provided with flats admeasuring 4000 sq. ft. in the Project, in lieu of permitting Respondent No. 8 to utilize the FSI / TDR of the area on 4,000 allotted to the said Dilersingh Estates on the ground floor of the Poonam Palace bungalow.
3	18.01.2006	Applicant executed and registered an Irrevocable Power of Attorney dated 18th January 2006 in favour of Respondent No. 8 to enable it to act in pursuance to and in furtherance to the Agreement dated 31st December 2005.
4	19.01.2006	Deed of Rectification of Irrevocable Power of Attorney was executed by

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		the Applicant in favour of Respondent No. 8 for area correction as stated therein.
5	----------	Pursuant thereto, Respondent No. 8 took possession of the Leasehold Property, and, after obtaining the appropriate sanctions / permissions, demolished the existing buildings and in 2006 commenced construction of the Building.
6	21.05.2011 31.05.2011	Owing to disputes and differences between the Applicant and Respondent No. 8, the Applicant, through its Advocates' letter /Notice, addressed to Respondent No. 8, suspended Power of Attorney dated 31st December 2005 & Deed of Rectification dated 19th January 2006.
7	01.06.2011 03.06.2011	Applicant issued a Public Notice in Navshakti (Marathi) and Free Press

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		Journal (English) informing public of purported Suspension of Power of Attorney.
8	05.07.2011	Applicant filed RTI Application with Respondent No. 12 for the entire case file of Respondent No. 8's Project. The entire file of almost 2000 pages was obtained, including details pertaining to the plans and concessions.
9	05.11.2011	Applicant vide its Advocate's Notice revoked and cancelled Power of Attorney and Development Agreement, both dated 31st December 2005.
10	08.11.2011 12.11.2011	Applicant issued a Public Notice in Times of India (English) and Navashakti (Marathi) informing the public at large of the revocation and cancellation of the Power of Attorney and Development

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		Agreement, both dated 31st December 2005.
11	15.11.2011 12.12.2011 14.12.2011 04.01.2012 10.01.2012 11.01.2012 23.01.2012	Various correspondence between the Applicant, through its Architect, Respondent No. 8, through its Architect and Respondent No. 12, regarding the alleged termination of the Development Agreement and Power of Attorney, both dated 31st December 2005 and request for personal hearing by both sides before the concerned officer of Respondent No. 12.
12	19.01.2012	Interim Order/Report of the officer of Respondent No. 12, on the Letter/complaint dated 4th January 2012 of the Applicant. Report records that:- (i) the proposal submitted on behalf of Respondent No. 8 was duly scrutinized;

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		(ii) the concessions granted were already approved; (iii) plans were duly sanctioned. The file was forwarded for the opinion of the Law Officer, Respondent No. 12, whereupon the final report was to be issued.
13	17.04.2012	Law Officer of Respondent No. 12 opines on the grant of the development rights and the power of attorney for use thereof by the Applicant to Respondent No.8. The Report clearly states that:- "……*In short, power granted coupled with interest cannot be revoked*" "……[Applicant] *be called upon to approach the competent court of law and to bring necessary orders terminating the said power and the agreement. The society may be*

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		informed accordingly."
14	17.05.2012	Final Report of the office of the Respondent No. 12, to the Applicant, adopting the view taken by the Law Officer and stating that "*this office will process further approvals as deemed fit during the course of time*".
15	09.07.2012	Applicant filed Writ Petition No. 1544 of 2012 before the Division Bench of Hon'ble Bombay High Court for the necessary orders and directions against the Respondent No. 12 and their concerned departments for alleged non-performance of duties and failure to take necessary actions for various alleged irregularities/illegalities allegedly committed by Respondent No. 8.

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16	30.07.2012	The said Writ Petition No. 1544 of 2012 came up before the Hon'ble Bombay High Court for hearing, when an ad-interim order of injunction was passed, directing the parties to maintain status quo in respect of the construction of the building on the said Property. Applicant thereafter also took out contempt of court proceedings against Respondent No. 8, alleging contempt of the order of status-quo dated 30th July 2012, by filing Contempt Petition No. 68 of 2012. The said Contempt Petition was dismissed vide order dated 4 June, 2019. By an Order dated 30th July 2012, this Hon'ble Court directed the parties to Writ Petition No. 1544 of 2012 to maintain status quo in respect of the construction of the said Building.

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17	05.01.2013	The Office of Dy. Chief Engineer Building Proposal Department of the Respondent No. 12 vide its letter /order dated 5th January 2013 (copies whereof were forwarded to the Applicant and the Respondent No. 8) gave its opinion on the various allegations and contentions raised by the Applicant vide its letter dated 4th January 2012. The said opinion was based upon the opinion of the Law Officer of the Respondent No. 12.
18	26.02.2013 10.04.2013 23.04.2013	Thereafter, once the Affidavit in Reply of Respondent No. 8 and the Reply that of the Respondent No. 12 in the said Writ Petition was placed on record, pending the hearing and final disposal of the said Writ Petition, Applicant realized that the said Writ Petition is likely to be

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		dismissed. They filed the Suit No. 109 of 2013 simultaneously as an alternate remedy. The Applicant thereafter filed Suit No. 109 of 2013 before this Hon'ble Court *inter alia* seeking a declaration that the documents being Agreement Permitting Loading of TDR/FSI Entitlement and Power of Attorney both dated 31st December 2005 Deed of Rectification dated 19th January 2006 executed between the Applicant and Respondent No. 8 are null and void, duly revoked, cancelled and terminated and consequentially not binding and further challenging various plans, permissions and sanctions, granted by Respondent No. 12 and seeking revocation and cancellation of plans, permissions, sanctions and

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		approval in respect of the said Building, amongst other reliefs are more particularly stated therein, along with Notice of Motion No 588 of 2013 seeking grant of interim reliefs therein.
19	08.05.2013	Applicant did not point out to Hon'ble Bombay High Court about the filing of the Suit No. 109 of 2013 at the time of hearing of the said Writ Petition and it was in fact, Respondent No. 8 who pointed out to the Hon'ble Court about the present Suit being filed by the Applicant. The Hon'ble Court thereupon called upon the Applicant to produce copy of the Plaint in Suit No. 109 of 2013. On perusal of the prayers in the said Plaint and said Writ Petition, since it was obvious that one cannot maintain two actions

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		on the same cause of action and also, there are seriously disputed questions of various facts requiring extensive evidence which cannot be determined in a writ petition. Further, Applicant had prayed for identical prayers in the said Writ Petition, based on which the court gave an option to Applicant either to pursue the said Suit and withdraw the Writ Petition, or to invite an order on the Writ Petition at the admission stage. The Counsel for Applicant, on instructions, withdrew the said Writ Petition and thereupon, the said order dated 8th May 2013 came to be passed. The said Suit is presently pending at the stage of framing of issues.
20	29.01.2014 11.02.2014	The aforesaid Notice of Motion No. 588 of 2013 came up for final

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		hearing on 29th January 2014. After hearing the extensive arguments canvassed by the respective Counsels, the Hon'ble Bombay High Court was pleased to dismiss the said Notice of Motion vide its order dated 29th January 2014, after recording in details, its findings on each contention raised by the parties. All allegations/contentions raised by the Applicant, dismissed. The said Order was called out for speaking to minutes and corrections/modifications therein were carried out vide Order dated 11th February 2014.
21	20.02.2014	Being aggrieved by the order dated 29th January 2014, Applicant filed Appeal No.580 of 2015. Notice of Motion also taken out therein, one for stay on the Impugned Order and

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		the other for additional documents in Appeal.
22	05.05.2014	The Appeal No.580 of 2015 along with the Notice of Motion (L.) No. 347 of 2014 therein were listed for hearing. The Hon'ble Court after hearing both sides, vide its Order dated 5th May 2014 directed that Respondent No. 8 are entitled to make an application for grant of occupation certificate in accordance with law. Respondent No. 8 were also directed to inform the Applicant in advance, of their intention of making such Application. Applicant was given the liberty to make its representation before the concerned officers of the Respondent No. 12 against the grant of the Occupation Certificate. Applicant was also entitled to apply to the Respondent

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		No. 12 that any such Application made by it ought to be considered by any officer.
23	19/08/2014	The said Appeal No.580 of 2015 along with the Notice of Motion therein again came up for hearing on 19th August 2014. The Hon'ble Court, after hearing both sides in detail, vide its Order dated 19th August 2014, while admitting the Appeal, lifted the status quo on the balance construction. The Hon'ble Court also inter-alia observed that at the time of filing of the said Suit No.109 of 2013 by Applicant, the construction was substantially complete. Applicant also filed Contempt Petition No. 79 of 2014, alleging that Respondent No. 8 have given possession of the flats in the Sandhu Palace building to third

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		party flat purchasers, by flouting the orders of the Hon'ble Court.
24	27/08/2014	The Legal Department of the Respondent No. 12 gave its legal opinion upon the Order dated 19th August 2014 passed by the Hon'ble Bombay High Court in Appeal No. 580 of 2015, clarifying the legal position of the parties upon the passing of the said Order.
25	September 2014	Being aggrieved by the order dated 19th August 2014, Applicant filed a Special Leave Petition, being SLP (Civil) No. 25454-25455 of 2014 before the Hon'ble Supreme Court of India.
26	08.10.2014	At the time of the first hearing of the said SLP in the Hon'ble Supreme Court of India, vide its Order dated 8th October 2014, disposed off the SLP with directions to the Hon'ble

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		Bombay High Court to hear and dispose of the Appeal finally within a period of six months.
27	----------	These Respondents also filed Suit No. 345 of 2014 before this Hon'ble Court, *inter alia* challenging the purported termination of the TDR Agreement and the Power of Attorney, and seeking specific performance of the same.
28	12.10.2018	By a letter dated 12th October 2018, the Applicant's advocates filed a representation with Respondent No. 12 seeking cancellation of the OC and OC Plans sanctioned to Respondent No. 8, in view of the alleged irregularities stated more particularly therein.
29	12.10.2018	By a Show Cause Notice dated 12th October 2018, Respondent No. 12 called upon Respondent No. 8 to

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		show cause as to why the OC and OC Plans sanctioned in its favour should not be revoked, in view of the Applicant's representation dated 12th October 2018, and called for representatives of the Applicant and Respondent No. 8 to remain present for a personal hearing on 2nd November 2018.
30	02.11.2018	Personal hearing was held before the Dy. Engineer (W.S.), Mumbai, which was attended by representatives of the Applicant and Respondent No. 8. No decision has been taken pursuant thereto.
31	03.11.2018	Respondent No. 6 has filed Writ Petition No. 3636 of 2019 before this Hon'ble Court seeking the quashing and setting aside of the said Notice dated 2nd November 2018. The same is pending.

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32	23.10.2018	In the meanwhile, Applicant has also filed Writ Petition No. 396 of 2019, before the Hon'ble Bombay High Court, *inter alia* against Airports Authority of India and Respondent No. 8, seeking directions to the Director General of Civil Aviation and Mumbai International Airport Limited, to demolish the alleged illegal height/structure, which is allegedly in violation of the height norms issued by the Airports Authority of India and the Director General of Civil Aviation. The same is pending.
33	11.01.2019	Hon'ble Court was pleased to dismiss Appeal No.580 of 2015 filed by the Applicant, along with Contempt Petition No. 79 of 2014 filed therein.
34	16.04.2019	Aggrieved by the Order dated 11th

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		January 2019, the Applicant filed SLP (C) No. 6332 of 2019 before the Hon'ble Supreme Court of India challenging the same. By an Order dated 16th April 2019, the Hon'ble Supreme Court of India was pleased to dispose of SLP (C) No. 6332 of 2019, stating that the Suit and Writ Petition filed by the Applicant could proceed separately, and that it was free to pursue its remedies therein.
35		The Applicant thereafter filed Notice of Motion No. 248 of 2019 in Writ Petition No.155 of 2019 before this Hon'ble Court, *inter alia* seeking stay of the OC and OC plans, status quo, and that no further third-party rights be created. Both the Writ Petition and Notice of Motion are pending.

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I submit that therefore, the issue pending in the aforesaid IA is already sub-judice before the Hon'ble Bombay High Court in multiple proceedings. Thus, the present IA is thus barred by the principle of *Res Judicata* and ought to be dismissed with costs. Alternatively, Applicant be directed to either withdraw the aforesaid OA and continue the said Writ Petition No. 155 of 2019 before the Hon'ble Bombay High Court or withdraw the said Writ Petition No. 155 of 2019 pending before the Hon'ble Bombay High Court and continue the aforesaid OA. The Applicant cannot be permitted to ride in two boats at the same time. The fact that the Applicant has not disclosed the filing of the said Writ Petition No. 155 of 2019 before the Hon'ble Bombay High Court clearly amounts to forum shopping and wasting the time of different fora, which cannot be permitted in law. I state that at the time of hearing of the afroesaid OA on 17th April 2015, the same submission was made before this Hon'ble Tribunal and this Hon'ble Tribunal, after hearing the same, was pleased to dismiss the aforesaid OA *in limine.* The Order dated 17th April 2015 forms a part of the record of this Hon'ble Tribunal. I crave leave to refer to and rely upon the papers and proceedings in the said Writ Petition

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No. 155 of 2019 before the Hon'ble Bombay High Court and the orders passed therein, at the time of hearing of the aforesaid IA and OA. The present IA has been filed only to prolong the litigation and the issue involved in the present OA is seized of by the Hon'ble Bombay High Court in the said Writ Petition No. 155 of 2019. The aforesaid OA is vexatious and malafide and the same ought to be and should be dismissed with costs.

Non-Joinder of Necessary Party :-

7. At the further outset, Applicant has not impleaded Ministry of Environment and Forests ("**MOEF**"), which is the apex body who has issued a clarification that Environmental Clearance ("**EC**") is not required for Respondent No. 8's Project. In the circumstances, I state and submit that the aforesaid Application No. 31 of 2015 is bad for non-joinder of a necessary party and consequently, the same deserves to be dismissed with costs.

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Suppresio veri and Suggestio falsi :-

8. Without prejudice and at the further outset, I state and submit that the Applicant has not placed on record, the true

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and correct position regarding the applicability of EC for the Project and has attempted to mislead this Hon'ble Tribunal. In this regard, the complete facts regarding the applicability of EC and the correct chronology of facts pertaining to the Project are as under:-

(a) The plans in respect of the Project Building comprising of 'A' Wing of 2 (two) basement parkings + ground floor + 18 upper floors + 19th floor (pt.) and 'B' Wing of 2 (two) basement parkings + ground floor + 5 upper floors) were sanctioned and approved on 24th February 2006 by the Municipal Corporation of Greater Mumbai ("**MCGM**"). At that time, Notification dated 27th January 1994, bearing number S.O. 60(E) issued by the MOEF in respect of Environmental Impact Assessment ("**EIA**"), and published in The Gazette of India : Extraordinary (Part II Sec. 3(ii)) ("**1994 Notification**") (Exhibit 'S', page 272 to the IA) was in force. I state and submit that the 1994 Notification did not provide for EC for building projects of the kind undertaken by these Respondents. Hereto annexed and marked as **EXHIBIT – "3"** is a copy of the 1994 Notification;

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(b) Thereafter, EIA Notification dated 14th September 2006, bearing number S.O. 1533, and published in The Gazette of India : Extraordinary (Part II Sec. 3(ii)) (Exhibit 'R', page 226 of the IA) came into force ("**2006 Notification**"). It is submitted that the requirement for obtaining EC for building projects of the kind undertaken by Respondent No. 8 was mandated for the first time in the 2006 Notification. It is submitted that the 2006 Notification is prospective in nature. It is submitted that unless it is clear from the intention of the legislature that a particular enactment is to take effect retrospectively, it is always deemed to be prospective in nature. I reiterate that therefore, the requirement for prior EC for Building Projects was introduced only on 24th September 2006, when the 2006 Notification came into force and repealed the 1994 Notification. Therefore, Respondent No. 8, at the time of the first sanction of the building plans on 24th February 2006, did not apply for prior EC as there was in fact no requirement for obtaining prior EC at that time, which can be seen from a tabular comparison of

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the Schedules to both the 1994 Notification and the 2006 Notification, as under:-

NOTIFICATION 1994 SCHDEULE 1	NOTIFICATION 2006 SCHDEULE
1. Nuclear Power and related projects such as heavy water Plants, nuclear fuel complex, rare earths. 2. River Valley projects including hydel power, major irrigation and their combination including flood control. 3. Ports, Harbours, Airports (except minor ports and harbours). 4. Petroleum Refineries including crude and product pipelines. 5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate). 6. Pesticides (Technical). 7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DEMT, Caprolactam, LAB etc and production of basic plastics such as LDPE, HDPE, PP, PVC. 8. Bulk drugs and pharmaceuticals. 9. Exploration for oil and gas and their production,	.... Continued 8 (a) Building and construction projects ≥ 20000 sq. mts and < 1,50,000 sq. mts of bult up area # # (built up area for covered construction in the 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 ≥ 1,50,000 sq. mts ++ (++ All projects under 8(b) shall be appraised as category B1)

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transportation and storage. 10.Synthetic Rubber. 11.Asbestos and Asbestos products. 12.Hydrocyanic acid and its derivatives. 13.(a) Primary metallurgical industries (such as production of Iron and steel, Aluminium, Copper, zinc, lead and Ferro Alloys.) (b) Electric arc Furnaces (Mini Steel Plants). 14.Cholr-alkali industry. 15.Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints. 16.Viscose Staple fibre and filament yarn. 17.Storage batteries integrated with manufacture of oxides of lead an lead antimony alloy. 18.All tourism projects between 200m- 500m of High Tide Line or at locations with an elevation of more than 1000 m with investment of more than Rs. 5 Crores. 19.Thermal Power plants. 20.Mining projects (major minerals) with leases more than 5 hectares. 21.Highway projects.	

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22.Tarred Roads in Himalayas and/or Forest areas. 23.Distilleries. 24.Raw skins and Hiders. 25.Pulp, paper and newsprint. 26.Dyes. 27.Cement. 28.Foundries (individual) 29.Electroplating.	

(c) Thereafter, the said 2006 Notification was amended vide EIA Notification dated 4th April 2011, bearing number S.O. 695(E), and published in The Gazette of India : Extraordinary (Part II Sec. 3(ii)) ("**2011 Notification**"), whereby *inter alia*, the definition of the term 'Built up Area' was changed in Item 8(a) of the Schedule of the said 2006 Notification. The revised notification of the term 'Built Up Area' as per the 2011 Notification is as under:-

QUOTE

.....

(iii) against item 8(a),-

In column (5), for the entry, the following entry shall be substituted, namely:-

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"The built up area for the purpose of this Notification is denied as "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects".

UNQUOTE

It is thus submitted that the definition of the term 'Built Up Area' was clarified for the purposes of effective implementation of the 2006 Notification. Hereto annexed and marked as **EXHIBIT – "4"** is a copy of the said 2011 Notification;

(d) Accordingly, in view of the said changed position regarding applicability of EC, Respondent No. 8 made an online Application to obtain EC dated 24th March 2015 with the Member Secretary, State Environment Impact Assessment Authority, Department of Environment, Mantralaya, Maharashtra, Mumbai, namely, Respondent No. 5 herein, stating that the Project falls under Category B2 of projects 8(a) (Building and Construction Projects) of the 2006 Notification (as amended by the 2011 Notification). The physical filing of the Application was 2015

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Application for EC with SEIAA was done on 19th May 2016. The said 2015 Application for EC with SEIAA was pursued by Respondent No. 8 from 2015 to 2017.

(e) Meanwhile, Architect for Respondent No. 8, vide his 2 (two) identical Letters, one dated 9th March 2016 and the other dated 23rd March 2016, certified that the Building comprising of 1st basement and 2nd basement for parking, ground floor for stilt and 1st floor to 19th floor part for residential floors is complete (Building Completion Certificate) and requested the Executive Engineer H/West Ward, Building Proposal Department of the Respondent No.1 to depute its staff to inspect the building and further process the building file for occupation permission.

(f) Further, Architect for these Respondent, vide his Letter dated 23rd March 2016, certified that the erection and full development works of the Building has been completed as per the plans and specifications and no provision of any law/regulations has been violated and the same is fit for occupancy. The Architect forwarded

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a copy of the completion plans and further requested the Executive Engineer H/West Ward, Building Proposal Department of the Respondent No.1 to arrange for the inspection of the building and further grant permission for occupation of the Building.

(g) Accordingly, Respondent No. 1 scrutinized the completion plans submitted by the Architect vide his aforesaid Letters and vide its Letter dated 21st April 2016, called upon the Respondent No. 8 through its Architect to comply with the objections as stated therein.

(h) Accordingly, the Architect for the Respondent No. 8, vide its Letter dated 9th May 2016, submitted all the compliances sought for and requested the concerned authority to issue completion and occupation certificate for the Building.

(i) Thereafter, the said 2006 Notification, as amended by the 2011 Notification, was further amended vide EIA Notification dated 9th December 2016, bearing number

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S.O. 3999(E), and published in The Gazette of India : Extraordinary (Part II Sec. 3(ii)) ("**2016 Notification**"), whereby *inter alia*, the definition of the term 'Built up Area' was changed in Item 8(a) of the Schedule of the said 2011 Notification, to exclude certain categories of constructions. Hereto annexed and marked as **EXHIBIT – "5"** is a copy of the said 2016 Notification.

(j) Thereafter, with a view to effectively determine which projects are to be considered as a case of violation of the 2006 Notification (as amended by the 2011 Notification and further amended by the 2016 Notification) and to lay down guidelines to strictly deal with such projects, EIA Notification dated 14th March 2017, bearing number S.O. 804(E) was issued and published in The Gazette of India : Extraordinary (Part II Sec. 3(ii)) ("**2017 Notification**"). Hereto annexed and marked as **EXHIBIT – "6"** is a copy of the said 2017 Notification.

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(k) One of the salient features of the 2017 Notification was that the same provided for a mechanism for obtaining EC directly from MOEF at New Delhi instead of SEIAA (state department) (Respondent No. 5 herein). Therefore, Respondent No. 8 requested the SEAC-II that the matter be referred directly to MOEF at New Delhi and accordingly, filed an Application for Environment Clearance dated 20th May 2017 with the MOEF, New Delhi (Exhibit 'Z', page 310 of the Compilation of Documents filed alongwith the IA).

(l) Thereafter, MOEF, vide its Letter dated 6th October 2017, addressed to the then Additional Chief Secretary, Environment Department, Maharashtra, stated that in view of the 2016 Notification read with the order dated 7th July 2017, no separate EC is required for building and construction projects less than 1,50,000 square metres built up area. It further stated that the authority competent to grant building permissions will integrate environment conditions following the process envisaged in the 2016 Notification. I categorically state that it is a matter of record that the Project of

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Respondent No. 8 is 40,317.33 square metres. Therefore the Project of Respondent No. 8 did not require separate EC. Hereto annexed and marked as **EXHIBIT – "7"** is a copy of the said Letter dated 6th October 2017. In terms of the said order dated 7th July 2017, MOEF, New Delhi issued a Letter dated 15th November 2017, addressed to the Municipal Commissioner, MCGM and copies to Respondent No. 5 (through the Additional Chief Secretary) and Respondent No. 9 (on behalf of these Respondents), clarified that in view of the order dated 7th July 2017 (clarifying the applicability of Notification No. S.O. 695 E dated 4th April 2011 by amending the Notification No. S.O. 155 (E) dated 14th September 2006), the EC to the Building can be granted. Hereto annexed and marked as **EXHIBIT – "8"** is a copy of the said Letter dated 15th November 2017;

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(m) Thereafter, the Architect for Respondent No. 8, vide its Letter dated 5th February 2018, *inter alia* forwarded the aforesaid clarification of MOEF regarding EC for the Project and requested for grant of part OC for 'A'

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Wing of the Project. Hereto annexed and marked as **EXHIBIT – "9"** is a copy of the said Letter dated 5th February 2018.

I state and respectfully submit that thus, in view of the aforesaid, the said EIA Notification dated 14th September 2006, as amended by the said EIA Notification dated 4th April 2011 and as clarified by the said order dated 7th July 2017, does not provide for prior EC or even a separate EC in respect of the Building constructed by these Respondents. Thus, I state and most respectfully submit that Applicant is guilty of *suppresio veri* and *suggestio falsi* and thus, the IA deserves to be dismissed with costs.

9. Without prejudice to the aforesaid, I state that the relief stated in prayer clause a(1) of Schedule of Proposed Amendment to the IA is already covered in prayer (a) of the OA and hence, no amendment is required to the OA. The said prayers are reproduced herein for the sake of comparison as under:-

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QUOTE

Prayer (a) of the OA	Prayer (a1) of the Schedule

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	of Proposed Amendment to the IA
.....	.....
a) that, this Hon'ble Tribunal be pleased to pass necessary order/direction and declared that the **permissions granted to the Respondent No. 8 to 11 for construction of subject development project on the subject property are illegal, invalid and be declared as illegal/revoked/cancelled**.	**After para 37 (a) of the prayer the following prayer to be added as under:-** a(1).That the Hon'ble Tribunal be pleased to pass the necessary orders/ directions and declare that the constructions carried out by the Respondent No. 8 on said property is **without obtaining prior NOC/Clearance from Environment Authority which is illegal and unauthorized construction** and thus this Hon'ble Tribunal is humbly requested to issue the necessary orders/direction to demolish the same.
.....	.....

I state that the proposed prayer clause a(1), seeking demolition of the Project or part thereof, if found to be without obtaining prior EC and held to be an illegal construction, cannot be allowed as no prior EC was in fact required by Respondent No. 8, for the reasons stated hereinabove. Further, the prayer for demolition of any alleged illegal construction or part thereof is only consequent upon a declaration that the Project or part

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thereof is illegal, which is already prayed for in prayer clause (a) of the OA. It is submitted that the proposed prayer clause a(1) overlaps with the prayer clause (a) to the OA and is covered by the same and hence, prayer clause a(1) ought not to be added to the reliefs prayed for by the Applicant.

10. Without prejudice to the aforesaid, I shall now deal with, the IA and the Schedule of Proposed Amendment as under:-

(a) I deny all and singular, the statements, averments, contentions, allegations and insinuations, as stated in the aforesaid IA, as if the same were set out herein verbatim and traversed in seriatim. Nothing that is not specifically dealt with herein shall deemed to have been admitted, merely for want of traverse.

(b) With reference to paragraph 1, I deny any alleged serious breaches and/or violations of required and mandatory rules and provisions of the Environment Act and/or the 1994 Notification and the 2006 Notification and any other reliefs as prayed therein. I categorically state that the Applicant has not made out

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any case whatsoever of any alleged violation in respect of the Project of Respondent No. 8.

(c) With reference to paragraph 2, the contents therein are a matter of record and do not require any comments.

(d) With reference to paragraph 3, I state that these Respondents have not been served with a copy of any purported Additional Affidavit dated 29th December 2016 claimed to have been filed by the Applicant. The Applicant be directed to serve a copy thereof on these Respondents and these Respondents crave leave to file an appropriate response to the same, as and when served.

(e) With reference to paragraph 4, the contents thereof, so far as the same relate to factual events. However, it is clear from what is stated hereinabove that the Applicant was well aware of the subsequent facts and documents well before the aforesaid IA and the Applicant has not given any reason whatsoever for not filing the aforesaid IA earlier. Further, the Applicant

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has not explained why they are using a benchmark of 20,000 square metres for evaluating the requirement for MOEF permissions. The subsequent facts and documents are not required to decide the aforesaid OA as the reliefs prayer (a1) of the IA is covered in prayer (a) of the OA. In the circumstances, the present IA is barred by delay and laches and is infructuous and deserves to be dismissed with costs.

(f) With reference to paragraph 5, I put the Applicant to strict proof of the same.

(g) With reference to paragraph 6, the contents thereof are a matter of record.

(h) With reference to paragraph 7, I repeat and reiterate that the leave to amend the OA was obtained by misleading this Hon'ble Tribunal. I repeat and reiterate that inspite of obtaining the aforesaid leave of this Hon'ble Tribunal to file the aforesaid IA vide the said Order dated 13th December 2022, although by misleading this Hon'ble Tribunal, the Applicant did

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not file the afroesaid IA within the time granted by this Hon'ble Tribunal and consequently, costs of Rs. 5,000/- were imposed on the Applicant vide Order dated 17th January 2023. Thereafter, the Applicant failed to physically file and e-file the aforesaid IA even after the passing of the said Order dated 17th January 2023, owing to some alleged technical issues. The aforesaid IA was ultimately filed on 27th January 2023. Further, the delay of nearly 7 (seven) years in filing the IA (after the restoration of the OA) only points to the fact that the Applicant is not interested in pursuing the OA and the same ought to be dismissed with costs.

(i) With reference to paragraph 8, I deny that this Hon'ble Tribunal be pleased to allow the Applicant to file the Compilation of Documents. I state that on the contrary, for the reasons aforesaid, the IA ought to be and should be dismissed with costs.

(j) With reference to paragraph 9, I deny that the Applicant has made out a prima facie case or any case whatsoever. I deny that any harm and/or loss and/or

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prejudice and/or damages will be caused to the Applicant, if the reliefs as prayed for are not allowed.

(k) With reference to paragraph 10, I deny that the Applicant be granted leave to file any other documents with this Hon'ble Tribunal.

(l) With reference to paragraph 11, I deny that the Applicant be permitted to amend, alter and/or modify the IA as and when required.

(m) With reference to paragraph 12 (prayer clause) and the Schedule of Proposed Amendment, I submit that the Applicant is not entitled to any of the reliefs prayed for therein. I deny that the IA be allowed and the Applicant be permitted to amend the OA in terms of the Schedule of Proposed Amendment. I deny that the Compilation of Documents filed alongwith the IA be taken on record.

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/s. SANDHU BUILDERS MUMBAI

11. In view of the aforesaid facts and circumstances, I state and most respectfully submit that the aforesaid IA be dismissed with costs.

Solemnly affirmed at Mumbai)
This day of March, 2023)

M/s. SANDHU BUILDERS MUMBAI

DEPONENT

Before me,

Identified by me,

Paripshit Desai
Advocates for Respondent Nos. 8 to 11.

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

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VERIFICATION

I, Dilersingh Sandhu, aged 39 years, of Mumbai, Adult Indian Inhabitant, Respondent No. 11 and the partner of the Respondent No. 8 abovenamed, having my office at 41 Pali Hill, Bandra (West), Mumbai-400 050, for myself and on behalf of the Respondent Nos. 8 and 9 abovenamed (Respondent No. 10 is deceased), do hereby solemnly declare that what is stated in the foregoing paragraphs 5, 6, 8 and 9 is based on the records maintained by Respondent No. 5 in the ordinary course of business and what is stated in the balance paragraphs 1 to 4, 7, 10 is based on legal advice and I believe the same to be true.

Solemnly declared at Mumbai)

This 15 MAR 2023 day of March, 2023)

M/s. SANDHU BUILDERS MUMBAI

DEPONENT

Before me,

BEFORE ME

S. M. H. ZAIDI
NOTARY
Government of India
Mumbai & Thane Dist.
15/3/23

Identified by me,

Parikshit Desai

Advocates for Respondent Nos. 8 to 11.

15 MAR 2023

NOTED & REGISTERED
Sr. No. 731 Page No. 62
Book No. 16 Date 15 MAR 2023

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

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Exhibit – "I"

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SANDHU BUILDERS

SANDHU GROUP
SDL

Regd off. & Admn. Off.: Sandhu Palace, 41, Pali Hill Road, Bandra (W), Mumbai – 400050
Tel : - 26051177 / 1277 / 1377 Fax : 2605 1477
E-Mail: sandhugroup@hotmail.com Website :www.sandhugroup.net

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE PARTNERS OF SANDHU BUILDERS HELD ON _____ AT THE REGISTERED OFFICE OF THE FIRM

RESOLVED THAT Mr.Kanwarjeet Singh Sandhu Partner/ Mr. Kanwar Diler Singh Sandhu Partner/Mr.Kanwar Dara Singh Sandhu Partner/Mr. Saturn Fernandes, Manager Business Development, be and is hereby authorised to represent M/s. Sandhu Builders in all proceedings before any court/tribunal/authority/for a and for that purpose, sign, declare, verify, affirm and file Plaints, Statement of Claims, Replies, Affidavits, Appeals, Reviews, Revision, Applications, Authorities, Interim Applications, Vakalatnamas, Criminal Complaints, Criminal Revision Applications, Criminal Writ Petitions and writings of any and every description as may be necessary to be signed, verified and executed for the purpose of any suits, actions, criminal proceedings, arbitration proceedings, applications, references, appeals and proceedings of any and every kind whatsoever before any Court of Law whether of Original, Appellate, Civil, Criminal, Testamentary or Revisional Jurisdiction or before any other Judicial Authority or Tribunal or Arbitrators and to do all acts and appearances and submit applications in any such proceedings brought or commenced and to answer or oppose the same or obtain Judgments or Decrees to be passed taken or pronounced or to consent to the same in any such proceedings and to execute such Decrees on behalf of the Firm, to compound or enter into compounding on behalf of the Firm and to fix the stamp/common seal of the Firm wherever necessary.

Dated this 21st day of February 2023 at Mumbai.

NOTARY
S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2026
GOVT. OF INDIA

Certified to be true

For M/s. Sandhu Builders

(Authorised Signatory)

M/s. SANDHU BUILDERS
MUMBAI

M/s. SANDHU BUILDERS
MUMBAI

True Copy
PMD
Advocate

Exhibit - 2"

Sr. No	Page No	Details	Date
1	1-20		
2	21-22	Plan dated 02.12.203	2.12.2003
3	23-24	Letter from MCGM toMr. Vasant Thakur	4.11.2009
4	25-32		
5	33-92	Correspondence	
6	75- 156	Agreement	31.12.2005
7	157- 290	Agreement	31.12.2005
8	253- 264	Correspondence with MCGM	23.02.2005
9	265-266	plan	23.06.06
10	267-268		
11	269-270	ARS Plan	
12	271-274		
13	275-276	plan	18.06.2002
14	277-278		
15	279-280	plan	
16	281-282		
17	283-284	Plan	05.12.2003
18	285-298		
19	297-298	plan	06.02.2006
20	299-304		
21	305- 310	plans	
22	311-312	letter From MCGM to KV Shah	21.12. 1978
23	313-314	letter From MCGM to KV Shah	06.02.2006
24	313-318		
25	319-322	Plan	
26	323-324	building completionCertificate	24.12.1997
27	325-328	plan	
28	329- 338		
29	339- 352	Order from High Court	
30	353-354	Letter from MCGM to Navkar Corporate	
31	355-358		
32	359- 368	letter from Sandhu to MCGM	16.02.2006
33	369-380		
34	381-394	Letter fro DSA to MCGM	
35	395-396	Certificate Of Registration from Asst. Registrar	12.05.1967
36	397- 426	Conveyance	31.07. 1978
37	427-450		
38	451-458	letter from MCGM to Ward Office	21.02.2006
39	459-468	Development Right s Certificate	18.02.2006
40	469-470		
41	471- 478	PLans	
42	479-484	letter from MCGM to Chief Fire Office	
43	485-494	Plans	
44	495-530	Letter from MCGM to Sandhu	22.02.2006
45	531-532	Letter from MCGM to ARS	23. 12.2006
46	533-570		
47	571-572	Plans	
48	573-574	Letter from MCGM to ARS	24.12.2006
49	575-576		03.06.2006
50	577-580	Letter from MCGM to ARS	

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

True Copy
PND
Advocate

NOTARY S. M. N. Naqvi Mumbai & Thane Dist. Reg. No. 3054 GOVERNMENT OF INDIA

M/s. SANDHU BUILDERS MUMBAI

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51	581-584	Calculation of building	
52	585-586		15.06.2006
53	587- 616	Correspondence	
54	617-656	Correspondence	20.06.2005
55	657-658		
56	659 -662	Undertaking to MCGM	
57	663-666		
58	667-672	Indemnity Bond	
59	673-674		24.03.2006
60	675-678	Indemnity Bond	
61	679-680		24.03.2006
62	681- 770	Correspondece	01 February 2012
63	771-772	Plan	
64	773-792	Correspondence	
65	793-794	plan	
66	795-800	Correspondence	
67	801-802		
68	803-808	Correspondence	
69	809-850	Corresspondence and copies of plan	
70	851-856	Plans	
71	857-900	Structural Report	
72	901 - 912	Correspondence	
73	915-920	plan	
74	921- 928	Correspondence	
75	929-944	letter from Clive Dsouza	
76	945- 960	Correspondence from ARS to MCGM	08.08.2008
77	961-996	plans	
78	997-1038		
79	1039- 1056	Plans	
80	1057- 1082	MCGM corresspondence	
81	1083- 1102	Plans	
82	1103- 1116	MCGM corresspondence to ARS	
83	1117 - 1130	Plans	03.10.2008
84	1131-1132		
85	1133- 1140	undertaking	
86	1141-1144		04.1.2008
87	1145- 1166	ARS Corresspondence to MCGM	
88	1167-1186		
89	1187 - 1206	Correspondence	
90	1207- 1246	Corresspondence from Gajjar Associates to MCGM	
91	1247 -1290	Correspondence	
92	1291- 1314	Corresspondence from VK Chari to MCGM	
93	1315- 1328	Owners plot area certificate	
94	1329- 1348	Plans	
95	1349- 1362	MCGM to VK CHARI	
96	1363- 1382	Plans	
97	1383- 1404	Corresspondence from MCGM	
98	1405- 1424	Plans	
99	1425 - 1476	Corresspondence	
100	1477- 1510	Correspondence	

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2028 GOVT OF INDIA

M/S. SANDHU BUILDERS MUMBAI

NOTARY S. M. N. Naqvi Mumbai & Thane Dist. Reg. No. 3054 GOVERNMENT OF INDIA

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101	1511-1530	Plans	
102	1531- 1536	Letter from VK Charl To MCGM	
103	1537-1538		
104	1539- 1548	Plans	
105	1549- 1550	Mumbai fire brigade	26.02.2010
106	1551- 1566	Plans	
107	1567- 1590	Correspondence	
108	1591-1592		
109	1593- 1610	Correspondence	
110	1611-1612		
111	1613- 1628	Plans	
112	1629- 1630	MCGM Correspondence	
113	1631-1632		
114	1633- 1638	V Charl's letter to MCGM	
115	1639- 1656	Plans	
116	1657-1658	Letter from MCGM to VK Charl	
117	1659-1660		
118	1661- 1662	Tax Certificate	
119	1663-1688		
120	1687- 1698	Corresspondence	
121	1699-1700		
122	1701 - 1714	Plans	
123	1715-1784		
124	1785- 1790	Correspondence	
125	1791-1792		
126	1793- 1794	MCGM letter to VK Charl	
127	1795- 1804	Plans	
128	1805-1810		
129	1811- 1812	V Charl's letter to MCGM	
130	1813- 1818	Property Card	
131	1819- 1836	plans	
132	1837- 1842	MCGM letter to Sandhu Builders	
133	1843-1846		
134	1847- 1862	Plans	
135	1863- 1868	Correspondence	
136	1869-1894		
137	1895- 1900	Correspondence	
138	1901- 1912	plans	
139	1913-1928	Correspondence	

NOTARY S. M. N. Naqvi Mumbai & Thane Dist. Reg. No. 3054 GOVERNMENT OF INDIA

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/S. SANDHU BUILDERS MUMBAI

True Copy
Advocate

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Exhibit - "3"

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INDIA

THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 1994

(As amended on 4-5-94)

Government of India
Ministry of Environment & Forests
New Delhi

NOTARY
S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2026
GOVT. OF INDIA

M/s. SANDHU BUILDERS
MUMBAI

True Copy
Advocate

MINISTRY OF ENVIRONMENT & FORESTS

NOTIFICATION

ON

Environmental Impact Assessment of Development Projects

New Delhi, the 27th January, 1994.

(as amended on 04/05/1994)

1. S.O.60(E) Whereas a notification under clause (a) of sub- rule (3) of rule 5 of the Environment (Protection) Rules,1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, 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 clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/s. SANDHU BUILDERS MUMBAI

and from the date of publication of this notification in the Official Gazette expansion or modernization of any activity (if pollution load is toexceed the existing one) or a new project listed in Schedule I of this 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 hereinafter specified in this notification.

2. Requirements and procedure for seeking environmental clearance of projects:

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

The application shall be made in the proforma specified in Schedule II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report/Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

(b) Cases rejected due to submission of insufficient or inadequate data and plans may be reviewed as and when submitted with complete data and plans. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

(a) mining;

(b) pit-head thermal power stations;

(c) hydro-power, major irrigation projects and/or their combination,

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/s. SANDHU BUILDERS MUMBAI

including flood control;

(d) ports and harbours (excluding minor ports);

(e) prospecting and exploration of major minerals in areas above 500 ha.,

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

III.(a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a Committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the IAA or such other body under the Central Government authorised by the IAA in this regard.

(b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.

(c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities, supplemented by data collected during visits to sites or factories, if undertaken, and interaction with affected population and

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

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environmental groups, if necessary. Summary of the reports, the recommendation and the conditions, subject to which environmental clearance is given, shall be made available subject to the public interest to the concerned parties or environmental groups on request. Comments of the public may be solicited, if so decided by Impact Assessment Agency, within thirty days of receipt of proposal, in public hearings arranged for the purpose after giving thirty days notice of such hearings in at least two newspapers. Public shall be provided access, subject to the public interest, to the summary of the reports/ Environmental Management Plans at the Headquarters of the Impact Assessment Agency.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing, where required, and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation.

No construction work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental and/or site clearance is obtained.

IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency, shall make compliance reports publicly available.

V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

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3. Nothing contained in this Notification shall apply to:

(a) any item falling under entry nos. 3,18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No. 102(E) dated 1st February, 1989; S.O. 114(E) dated 20th February, 1991 S.O. No. 416(E) dated 20th June, 1991 and S.O. No. 319(E) dated 7th May, 1992.

(b) any item falling under entry Nos. 1,2,3,4,5,7,9,10,12,13,14,16,17,19,21,25 and 27 of Schedule-I if the investment is less than Rs. 50 crores.

(c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.

4. Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data would also be to be revoked. Misleading and wrong information will cover the following:

-- False information.
-- False data.
-- Engineered reports.
-- Concealing of factual data.
-- False recommendations or decisions.

(No. Z-12013/4/89-IA-I)

R. RAJAMANI, Secy.

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/s. SANDHU BUILDERS MUMBAI

SCHEDULE -I

(See paras 1 and 2)

LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths.

2. River Valley projects including hydel power, major irrigation and their combination including flood control.

3. Ports, Harbours, Airports (except minor ports and harbours).

4. Petroleum Refineries including crude and product pipelines.

5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).

6. Pesticides (Technical).

7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LDPE, HDPE, PP, PVC.

8. Bulk drugs and pharmaceuticals.

9. Exploration for oil and gas and their production, transportation and storage.

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M/s. SANDHU BUILDERS MUMBAI

10. Synthetic Rubber.

11. Asbestos and Asbestos products.

12. Hydrocyanic acid and its derivatives.

13.(a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium,Copper,Zinc, Lead and Ferro Alloys).

(b) Electric arc furnaces (Mini Steel Plants).

14. Chlor-alkali industry.

15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

16. Viscose Staple fibre and filament yarn.

17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.

18. All tourism projects between 200m--500 meters of High Tide Line or at locations with an elevation of more than 1000 meters with investment of more than Rs. 5 crores.

19. Thermal Power plants.

20. Mining projects (major minerals) with leases more than 5 hectares.

21. Highway Projects.

22. Tarred Roads in Himalayas and/or Forest areas.

23. Distilleries.

24. Raw Skins and Hides.

M/S. SANDHU BUILDERS MUMBAI

25. Pulp, paper and newsprint.

26. Dyes.

27. Cement.

28. Foundries (individual).

29. Electroplating.

S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2018

M/s. SANDHU BUILDERS
MUMBAI

SCHEDULE -II

(See Sub-para I(a) of Para 2)

APPLICATION FORM

1. (a) Name and Address of the project proposed:

(b) Location of the project:
Name of the place:
District, Tehsil:
Latitude/Longitude:
Nearest Airport/Railway Station:

(c) Alternate sites examined and the reasons for selecting the proposed site:

(d) Does the site conform to stipulated land use as per local land use plan:

2. Objectives of the project:

3. (a) Land Requirement:
Agriculture Land:
Forest land and Density of vegetation:
Other (specify):

(b) (i) Land use in the Catchment/within 10 kms. radius of the proposed site:

(ii) Topography of the area indicating gradient, aspects and altitude:

(iii) Erodability classification of the proposed land;

(c) Pollution sources existing in 10 km. radius and their impact on quality of air, water & land:

(d) Distance of the nearest National Park/Sanctuary Biosphere

NOTARY S.M.H. ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/s. SANDHU BUILDERS MUMBAI

Reserve/Monuments/heritage site/Reserve Forest:

(e) Rehabilitation plan for quarries/borrow areas:

(f) Green belt plan:

(g) Compensatory afforestation plan:

4. Climate and Air Quality:

(a) Windrose at site;
(b) Max./Min./Mean annual temperature
(c) Frequency of inversion:
(d) Frequency of cyclones/tornadoes/cloud burst:
(e) Ambient air quality data:
(f) Nature & concentration of emission of SPM,Gas (CO, CO_2, NO_x, CHn etc.) from the project.

5. Water balance:

(a) Water balance at site:
(b) Lean season water availability:
(c) Source to be tapped with competing users (River,Lake, Ground, Public supply):

(d) Water quality:
(e) Changes observed in quality and quantity of ground water in the last 15 years and present charging and extraction details:
(f) (i) Quantum of waste water to be released with treatment details:

(ii) Quantum of quality of water in the receiving body before and after disposal of solid waste:

(iii) Quantum of waste water to be released on land and type of land:

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

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(g) (I) Details of reservoir water quality with necessary Catchment Treatment Plan;

(II) Command Area Development Plan;

6. Solid wastes :
(a) Nature and quantity of solid wastes generated.
(b) Solid waste disposal method:

7. Noise and Vibrations:

(a) Sources of noise and vibrations;
(b) Ambient noise level:
(c) Noise and Vibration control measures proposed;
(d) Subsidence problem if any with control measures:

8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:

9. Peak labour force to be deployed giving details of:
-- Endemic health problems in the area due to waste water/air/soil borne diseases:
-- Health care system existing and proposed:

10. (a)Number of village and population to be displaced:
(b)Rehabilitation Master Plan:

11. Risk Assessment Report and Disaster Management Plan:

12. (a) Environmental Impact Assessment } Report prepared as per
(b) Environment Management Plan: } guidelines of MOEF
(c) Detailed Feasibility Report: } issued from time to time
(d) Duly filled in questionnaire }

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M/S. SANDHU BUILDERS MUMBAI

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13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant
with name and full address

Date:
Place:

Given under the seal of
organisation on behalf of
whom the applicant is signing

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

NOTARY
S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2026
GOVT. OF INDIA

M/s. SANDHU BUILDERS
MUMBAI

SCHEDULE III

(See sub-para III(a) of Para 2)

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The Committees will consist of experts in the following disciplines:

(I) Eco-System Management

(II) Air/Water Pollution Control

(III) Water Resource Management

(iv) Flora/Fauna Conservation and Management

(v) Land Use Planning

(vi) Social Sciences/Rehabilitation

(vii) Project Appraisal

(viii) Ecology

(ix) Environmental Health

(x) Subject Area Specialists.

(xi) Representatives of NGOs/Persons Concerned With Environmental Issues.

The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

M/s. SANDHU BUILDERS MUMBAI

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managerial experience.

3. The representative of IAA will act as Member - Secretary.

4. Chairman and members will serve in their individual capacities except those specifically nominated as representatives.

5. The membership of a Committee shall not exceed 15.

NOTARY
S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2026
GOVT. OF INDIA

M/s. SANDHU BUILDERS
MUMBAI

EXPLANATORY NOTE REGARDING THE IMPACT ASSESSMENT NOTIFICATION DATED 27TH JANUARY, 1994

1. Expansion and modernisation of existing projects

A project proponent is required to seek environmental clearance for a proposed expansion/modernisation activity if the resultant pollution load is to exceed the existing levels. The words "pollution Load" will in this context cover emissions, liquid effluents and solid or semi-solid wastes generated. A project proponent may approach the concerned State Pollution Control Board (SPCB) for certifying whether the proposed modernisation/expansion activity as listed in Schedule-I to the notification is likely to exceed the existing pollution load or not. If it is certified that no increase is likely to occur in the existing pollution load due to the proposed expansion or modernisation, the project proponent will not be required to seek environmental clearance, but a copy of such certificate issued by the SPCB will have to be submitted to the Impact Assessment Agency (IAA) for information. The IAA will however, reserve the right to review such cases in the public interest if material facts justifying the need for such review come to light.

2. Availability of Summary Feasibility Report, EIA/EMP Report etc. to concerned parties or groups

The project proponent will have to submit an executive summary incorporating in brief the essence of project details and findings of environmental impact assessment study which could be made available to concerned parties or environmental groups on request.

3. Clarification about concerned parties or environmental groups

The concerned parties or environmental groups will be the bonafide residents located at or around the project site or

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site of displacement or site of alleged adverse environmental impact.

4. **Public Hearing**

Public hearings could be called for in case of projects involving large displacement or having severe environmental ramifications.

5. **Requisite information required for site clearance/project clearance.**

(a) Site Clearance:

Site clearance will be given for site specific projects as mentioned in para-2(ii) of the notification. Project proponents will be required to furnish informatioin according to the environmental appraisal questionnaires for site clearance, as may be prescribed by the IAA from time to time. Additional information whenever required by the IAA will be communicated immediately to the project proponents who will then be required to furnish the same within the time frame specified.

(b) Project clearance:

In addition to the application form as mentioned in Schedule II to the notification, project proponents are required to furnish the following information for environmental appraisal:

(i) EIA/EMP report (20 copies);

(ii) Risk Analysis report (20 copies): however, such reports if normally not required for a particular category of project, project proponents can state so accordingly, but the IAA's decision in this regard will be final;

(iii) NOC from the State Pollution Control Board;

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(iv) Commitment regarding availability of water and electricity from the competent authority;

(v) Summary of Project report/feasibility report (one copy);

(vi) Filled in questionnaire (as prescribed by the IAA from time to time) for environmental appraisal of the project;

(vii) Comprehensive rehabilitation plan, if more than 1000 people are likely to be displaced, otherwise a summary plan would be adequate.

As a Comprehensive EIA report will normally take at least one year for its preparation, project proponents may furnish Rapid EIA report to the IAA based on one season data (other than monsoon), for examination of the project. Comprehensive EIA report may be submitted later, if so asked for by the IAA.

The requirement of EIA can be dispensed with by the IAA, in case of project which are unlikely to cause significant impacts on the environment. In such cases, project proponent will have to furnish full justification for such exemption, for submission of EIA. Where such exemption is granted, project proponents may be asked to furnish such additional information as may be required.

6. Submission of Insufficient or inadequate data

Regarding cases liable to be rejected due to inadequacy of data, it is clarified that the IAA will make such rejection within 30 days from the date of submission of the proposal. While rejecting a proposal due to insufficient or inadequate data after the first evaluation, the IAA may also stipulate additional requirement of information/clarification for impact assessment purposes if deemed essential due to the specific nature of location of the proposed project whose data as prescribed is

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not available, the IAA can examine the project on the basis of available data.

7. **Application Form**

(i) In order to remove any hardship to the project proponent in providing any information, the project proponent may, where some information is not available or would cause inordinate delay, mention this in their application form. The IAA may consider the project proposal based on the information available.

(ii) Quality and quantity of ground water

If 15 years data on the quantity and quality variation of ground water is not available with the concerned Department or Authorities, the project proponent may mention this accordingly in the application form prescribed in Schedule-II to the notification. Further, in case of projects, where ground water is not to be used, and effluents are not to be discharged on the land, the requirement of ground water variation data for the previous 15 years will be dispensed with.

(iii) A project proponent may write the words "Not Applicable" while filling the application form as mentioned in Schedule-II to the notification in respect of items which are not relevant for the purposes of the proposed project.

8. **Exemption for projects already initiated**

For projects listed in Schedule-I to the notification in respect of which the required land has been acquired and all relevant clearances of the State Government including NOC from the respective State Pollution Control Boards have been obtained before 27th January, 1994, a project proponent will not be required to seek environmental clearance from the IAA. However those units who have not as yet commenced production will inform the IAA.

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50. Air (P & CP) Amend. Rules (U.T).
51. Hazardous Waste Amend. Rules.
52. Environment Audit Rules.

Note: 'P' and 'C.P' - 'Prevention and Control of Pollution'.

Reference: The above listing is adapted
From:
'Environmental Audit' (An overview) (page 12)
by 'Ashok Keshav Mhaskar',
M/s.'MEDIA ENVIRO',
Pune.

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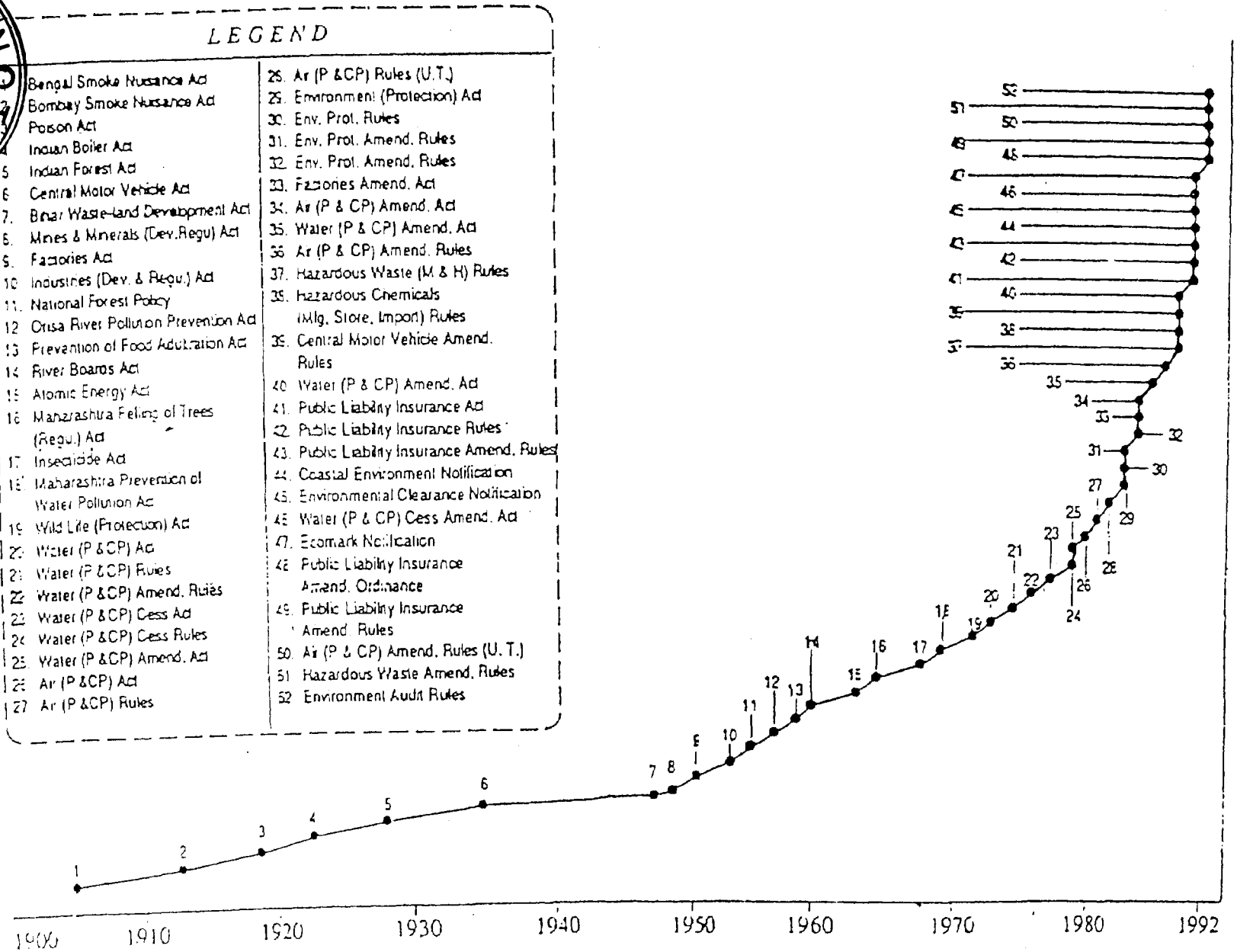

LEGEND

1. Bengal Smoke Nuisance Act
2. Bombay Smoke Nuisance Act
3. Poison Act
4. Indian Boiler Act
5. Indian Forest Act
6. Central Motor Vehicle Act
7. Bihar Waste-land Development Act
8. Mines & Minerals (Dev.Regu) Act
9. Factories Act
10. Industries (Dev. & Regu.) Act
11. National Forest Policy
12. Orisa River Pollution Prevention Act
13. Prevention of Food Adulteration Act
14. River Boards Act
15. Atomic Energy Act
16. Maharashtra Felling of Trees (Regu.) Act
17. Insecticide Act
18. Maharashtra Prevention of Water Pollution Act
19. Wild Life (Protection) Act
20. Water (P &CP) Act
21. Water (P &CP) Rules
22. Water (P &CP) Amend. Rules
23. Water (P &CP) Cess Act
24. Water (P &CP) Cess Rules
25. Water (P &CP) Amend. Act
26. Air (P &CP) Act
27. Air (P &CP) Rules
28. Air (P &CP) Rules (U.T.)
29. Environment (Protection) Act
30. Env. Prot. Rules
31. Env. Prot. Amend. Rules
32. Env. Prot. Amend. Rules
33. Factories Amend. Act
34. Air (P & CP) Amend. Act
35. Water (P & CP) Amend. Act
36. Air (P & CP) Amend. Rules
37. Hazardous Waste (M & H) Rules
38. Hazardous Chemicals (Mfg. Store. Import) Rules
39. Central Motor Vehicle Amend. Rules
40. Water (P & CP) Amend. Act
41. Public Liability Insurance Act
42. Public Liability Insurance Rules
43. Public Liability Insurance Amend. Rules
44. Coastal Environment Notification
45. Environmental Clearance Notification
46. Water (P & CP) Cess Amend. Act
47. Ecomark Notification
48. Public Liability Insurance Amend. Ordinance
49. Public Liability Insurance Amend. Rules
50. Air (P & CP) Amend. Rules (U. T.)
51. Hazardous Waste Amend. Rules
52. Environment Audit Rules

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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

सं. 580] नई दिल्ली, बुधवार, अप्रैल 6, 2011/चैत्र 16, 1933
No. 580] NEW DELHI, WEDNESDAY, APRIL 6, 2011/CHAITRA 16, 1933

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 4 अप्रैल, 2011

का.आ. 695(अ).—केन्द्रीय सरकार ने, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन जारी की गई भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का0आ0 1533(अ) , तारीख 14 सितंबर, 2006, द्वारा निदेश दिया था कि उसके प्रकाशन की तारीख से ही, नई परियोजनाओं या क्रियाकलापों का अपेक्षित संनिर्माण या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार या आधुनिकीकरण, प्रक्रिया और या प्रौद्योगिकी में परिवर्तन सहित क्षमता में परिवर्धन करते हुए भारत के किसी भाग में, यथास्थिति, केन्द्रीय सरकार से या केन्द्रीय सरकार द्वारा इसमें विनिर्दिष्ट प्रक्रिया के अनुसार उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा केवल पूर्व पर्यावरण अनापत्ति के पश्चात् ही किया जाएगा;

और, उक्त अधिसूचना में प्रयुक्त " निर्मित क्षेत्र" पद के संबंध में स्पष्टीकरण का उपबंध करने और अधिसूचना के भिन्न-भिन्न पैराओं को पारस्परिक रूप से संगत बनाने के लिए भी तथा ऐसे अनाशयित परिवर्तनों को प्रत्यावर्तित करने के लिए जो राजमार्ग परियोजना से संबंधित पर्यावरणीय समाघात निर्धारण अधिसूचना, 2006 की अनुसूची में विशेषकर मद संख्या 7(च) के सामने प्रविष्टि में का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 द्वारा संशोधन करते समय अधिसूचना में किए गए थे और उक्त अधिसूचना में उपयुक्त संशोधन करने के इस प्रयोजन के लिए विनिश्चय किया गया है ।

और उक्त पर्यावरण (संरक्षण) नियमों का नियम 5 का उपनियम (3) का खंड (क) यह उपबंधित करता है कि जब कभी केन्द्रीय सरकार यह विचार करती है कि किसी उद्योग पर या

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किसी क्षेत्र में किन्हीं प्रक्रियाओं या प्रचालन को चलाने पर, प्रतिषेध या निर्बंधन अधिरोपित करना चाहिए तो वह ऐसा करने के लिए अपने आशय की सूचना देगी;

और उक्त पर्यावरण (संरक्षण) नियमों का नियम 5 का उपनियम (4) यह उपबंधित करता है कि उपनियम (3) में किसी बात के होते हुए भी, केन्द्रीय सरकार को जब कभी यह प्रतीत होता है कि ऐसा करना लोकहित में है, वह उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति दे सकेगी;

अतः, अब, केन्द्रीय सरकार, उक्त पर्यावरण (संरक्षण) नियमों, के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में,-

(I) पैरा 6 में "सभी मामलों में पर्यावरणीय अनापत्ति मांगने के लिए कोई आवेदन," शब्दों के पश्चात् "परियोजना प्रस्तावक द्वारा" किया जाएगा ।

(II) पैरा 7, के खंड (i) के उप पैरा II क्रम (2) विस्तारण के उप पैरा (i) के अंतिम वाक्य में "अनुसूची की मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (संनिर्माण, नगरी/ वाणिज्यिक, काम्पलैक्स/आवासन)" के स्थान निम्नलिखित शब्द रखे जाएंगे, अर्थात्:-

"अनुसूची की मद 8(क) में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (निर्माण और संनिर्माण परियोजना)" ।

(III) अनुसूची में,-

(i) मद 1(क) के सामने ,-

स्तंभ (5) में की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् –
" साधारण शर्तें लागू होंगी ।

टिप्पणः

(i) ऐसे खान पटटे के नवीकरण के प्रक्रम पर पूर्व पर्यावरणीय अनापत्ति भी अपेक्षित है जिसके लिए आवेदन, नवीकरण की तारीख से एक वर्ष पूर्व किया जाना चाहिए ।

(ii) खनिज पूर्वेक्षण छूट प्राप्त है ।"

(ii) मद 7(च) के सामने ,-

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स्तंभ (4) में की प्रविष्टि के स्थान पर " (i) सभी राज्य राजमार्ग परियोजनाएं; और" के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

" (i) सभी नई राज्य राजमार्ग परियोजनाएं " ।

(iii) मद 8(क) के सामने,-

स्तंभ (5) में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"इस अधिसूचना के प्रयोजन के लिए निर्मित क्षेत्र को "बेसमेंट (बेसमेंटों) सहित, समस्त मंजिलें एक साथ रखे जाने पर निर्मित या आच्छादित क्षेत्र और अन्य सेवा क्षेत्र जो निर्माण/संनिर्माण परियोजनाओं में प्रस्तावित किए गए हैं" के रूप में परिभाषित है ।"

(IV) परिशिष्ट 5 के पैरा 3 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात्:-

" 3 जहां कोई लोक परामर्श आज्ञापक नहीं है वहां आकलन, विहित आवेदन प्ररूप-1 और पर्यावरणीय समाघात निर्धारण रिपोर्ट के आधार पर अनुसूची की मद 8 से भिन्न सभी परियोजनाओं और क्रियाकलापों की दशा में किया जाएगा । अनुसूची की मद 8 की दशा में इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए संबंधित पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति प्ररूप-1, प्ररूप-1क, धारणा योजना और पर्यावरणीय समाघात निर्धारण रिपोर्ट [केवल 8(ख) के अधीन सूचीबद्ध परियोजनाओं के लिए अपेक्षित] के आधार पर परियोजनाओं या क्रियाकलापों का आकलन करेंगी और पर्यावरणीय अनापत्ति को प्रदान करने के संबंध में परियोजना पर या अन्यथा सिफारिशें करेंगी तथा पर्यावरणीय अनापत्ति के लिए शर्तें भी नियत करेंगी" ।

[फा. सं. 3-101/2010-आईए. III]
डा. नलिनी भट्ट, वैज्ञानिक 'जी'

टिप्पणः मूल नियम, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में अधिसूचना सं. का0आ0 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और का0आ0 1737(अ), तारीख 1 अक्तूबर, 2007 और का0आ0 सं. 3067(अ), तारीख 1 दिसंबर, 2009 द्वारा संशोधित किए गए थे ।

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MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 4th April, 2011

S.O. 695(E).— Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 1533(E), dated the 14th September, 2006 issued under 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, the Central Government directed that on or from the dates of its publication, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process and or technology shall be undertaken in any part of India only after 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 therein;

And whereas, it has been decided to provide clarification with regard to the term "built up area" used in the said Notification and also to make various paras of the Notification mutually consistent and to restore the unintentional changes, which got into the Notification while making amendment vide S.O. 3067 (E) dated 1st December, 2009, in particular the entry against item no. 7(f) in the schedule to the EIA Notification, 2006 relating to highway projects and for this purpose to issue suitable amendments in the said Notification.

And whereas, clause (a) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules provides that, whenever the Central Government considers that

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prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall given notice of its intention to do so;

And whereas, sub-rule (4) of rule 5 of the said Environment (Protection) Rules provides that, notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3);

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, read with clause (d) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules, the Central Government hereby makes the following amendments in the said Notification, namely:-

In the said notification, -

(I) In para 6, for the existing words "An application seeking prior environmental clearance in all cases shall be made", the following words shall be substituted, namely:-

"An application seeking prior environmental clearance in all cases shall be made by the project proponent".

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(II) In para 7, in sub-para 7 in clause (i), sub para II, stage (2) – scoping, sub para (i), in the last sentence, for the words "activities listed as Category 'B' in item 8 of the schedule (Construction / Township / Commercial Complexes / Housing)", the following words shall be substituted, namely:-

"Activities listed as Category 'B' in item 8(a) of the schedule (building and construction projects)".

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(III) In the Schedule, -

(i) against item 1(a), -

in column (5), for the entries, the following entries shall be substituted, namely:-

"General conditions shall apply.

Note:

(i) Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal.

(ii) Mineral prospecting is exempted."

(ii) against item 7(f), -

in column (4), for the entry "(i) All State Highway Projects; and" the following entry shall be substituted, namely:-

"(i) All New State Highway Projects".

(iii) against item 8(a), -

in column (5), for the entry, the following entry shall be substituted, namely:-

"The built up area for the purpose of this Notification is defined as "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building / construction projects"."

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(IV) In Appendix V, for para 3, the following para shall be substituted, namely:-

"3. where a public consultation is not mandatory, the appraisal shall be made on the basis of prescribed application Form-1 and EIA report, in the case of all projects and activities other than item 8 of the schedule. In the case of item 8 of the schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise projects or activities on the basis of Form-1, Form-1A, conceptual plan and the EIA report [required only for projects listed under 8(b)] and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance".

[F. No. 3-101/2010-IA. III]

Dr. NALINI BHAT, Scientist 'G'

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 and S.O. No. 3067(E) dated 1st December, 2009.

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Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054.

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Exhibit - "S"

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रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

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

सं. 2910] नई दिल्ली, शुक्रवार, दिसम्बर 9, 2016/अग्रहायण 18, 1938
No. 2910] NEW DELHI, FRIDAY, DECEMBER 9, 2016/AGRAHAYANA 18, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2016

का.आ. 3999(अ).—केन्द्रीय सरकार ने भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय द्वारा पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन जारी की गई अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा यह निदेश दिया था कि इस अधिसूचना के प्रकाशन की तारीख से ही नवीन परियोजनाओं या क्रियाकलापों के अपेक्षित संनिर्माण या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों के विस्तारण या आधुनिकीकरण के कार्य को, जिसमें प्रक्रिया या तकनीक और/या उत्पाद मिश्रण में परिवर्तन सहित क्षमता में वृद्धि किया जाना सम्मिलित है, भारत के किसी भाग में केवल, यथास्थिति, केन्द्रीय सरकार या केन्द्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन सम्यक् रूप से गठित राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण से, उसमें विनिर्दिष्ट प्रक्रिया के अनुसार, पूर्व पर्यावरणीय अनापत्ति लेने के पश्चात् ही आरंभ किया जाएगा ;

केन्द्रीय सरकार उत्तरदायी कारबार करने की सुगमता सुनिश्चित करने के लिए कार्य कर रही है और भवन तथा संनिर्माण सेक्टर, जो आवास की व्यवस्था करने के लिए महत्वपूर्ण है, के लिए अनुज्ञाओं को सरल बना रही है तथा इस प्रयोजन के लिए शहरी क्षेत्र में कमजोर वर्ग सस्ता आवास उपलब्ध कराने के लक्ष्य के साथ वर्ष 2022 तक सभी के लिए आवास की स्कीम में महत्वाकांक्षी लक्ष्य रखा गया है ;

और उक्त पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) में यह उपबंधित है कि जब कभी केन्द्रीय सरकार यह विचार करती है कि किसी उद्योग पर प्रतिषेध या निर्बन्धन अधिरोपित किए जाने चाहिए, तो वह अपने ऐसा करने के आशय की सूचना देगी ;

और पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में संशोधन करने के लिए एक प्रारूप अधिसूचना का.आ.1595(अ) तारीख 29 अप्रैल, 2016 द्वारा प्रकाशित की गई थी, में संशोधन करने के लिए प्रारूप अधिसूचना पर आक्षेप और सुझाव ऐसे सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है, से उक्त अधिसूचना के भारत के राजपत्र में प्रकाशन की तारीख से साठ दिन में आमंत्रित किए जाते है ;

और केन्द्रीय सरकार द्वारा उपरोक्त निर्दिष्ट प्रारूप अधिसूचना के संबंध में प्राप्त सभी आक्षेपों और सुझावों पर सम्यक् रूप से विचार किया जा चुका ;

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अतः, अब, केन्द्रीय सरकार, उक्त पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) में खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :--(I) उक्त अधिसूचना में,--

(1) पैरा 13 के पश्चात्, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"14. निर्माण उप नियमों में पर्यावरणीय शर्तों का समाकलन :-

(1) स्थानीय प्राधिकारियों द्वारा निर्माण अनुमति सहित समाकलित पर्यावरणीय दशा प्रदान की जाएगी और आकार के अनुसार इमारतों का निर्माण परिशिष्ट XIV में दिए गए लक्ष्य और निगरानी योग्य पर्यावरणीय दशाओं के अनुसार किया जाएगा।

(2) राज्य जो अपनी भवन उपविधियों तथा सुसंगत राज्य विधियों में उप पैरा (1) में निर्दिष्ट इन लक्ष्यों तथा निगरानी योग्य पर्यावरणीय शर्तों को अपना रहे हैं और भवन संनिर्माण के लिए दिए गए अनुमोदनों से उन शर्तों को समाविष्ट कर रहे हैं जिससे इसे विधिक रूप से प्रवर्तनीय बनाया जा सके, व्यष्टिक इमारतों के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से अनापत्ति की अपेक्षा नहीं होगी।

(3) राज्य पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को अपनी उपविधियों और नियमों में ऐसे प्रस्तावित परिवर्तन भेजेंगे जो प्रारूप की समीक्षा करेगा और सहमति देगा।

(4) जब राज्य सरकारों, वन और जलवायु परिवर्तन मंत्रालय द्वारा सहमति दिए गए उपविधियों और नियमों को अधिसूचित कर देती हैं तो केन्द्रीय सरकार यह आदेश जारी करेगी कि उन राज्य या स्थानीय प्राधिकारी क्षेत्रों में कोई पृथक् पर्यावरणीय अनापत्ति अपेक्षित नहीं है।

(5) स्थानीय प्राधिकारियों जैसे विकास प्राधिकरण, नगरपालिकाएं स्थानीय निकायों में गठित पर्यावरण प्रकोष्ठ की सिफारिशों पर किन्ही भवनों के लिए नियत अपेक्षाओं के अनुसार यथा लागू किए गए समापन प्रमाणपत्र के जारी किए जाने से पूर्व इन पर्यावरणीय शर्तों का अनुपालन प्रमाणित करेंगे।

(6) राज्य सरकारें जहां उपविधि या नियम विरचित नहीं है, इस अधिसूचना में अधिकथित उपबंधों के अनुसार, व्यष्टिक परियोजनाओं के मूल्यांकन की विद्यमान प्रक्रिया तथा इमारतों और संनिर्माणों के लिए पर्यावरण अनापत्ति की मंजूरी का पालन करते रहेंगे।"

(7) भवनों में पर्यावरण के समावेशन के संबंध में प्रमाणीकरण के प्रयोजन के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय सक्षम अभिकरण के माध्यम से अर्हित निर्माण पर्यावरणीय संपरीक्षक से इस अधिसूचना की अपेक्षाओं के माध्यम से निर्माण परियोजना का मूल्यांकन और प्रमाणित करेगी तथा अर्हित निर्माण पर्यावरणीय संपरीक्षक का प्रत्यानन के लिए प्रक्रिया और उनकी भूमिका परिशिष्ट XV पर दी गई है।

(8) निर्माण उपविधि में पर्यावरण शर्तों के समामेलन के अनुपालन में राज्य सरकार या स्थानीय प्राधिकारी पर्यावरण प्रकोष्ठ (जिसे इसमें इसके पश्चात् प्रकोष्ठ कहा गया है), गठन करेगी तथा अपने क्षेत्राधिकार में पर्यावरण योजना को सुनिश्चित करेगा।

(9) प्रकोष्ठ इमारतों के निर्माण के लिए पर्यावरण शर्तों के समाकलित करने के लिए बनाए गई उपविधि और नियमों के अनुपालन की निगरानी करेगा और प्रकोष्ठ किसी असावधानी, यदि कोई है, के लिए तृतीय पक्षकार संपरीक्षा प्रक्रिया की भी अनुमति देगा।

(10) प्रकोष्ठ स्थानीय प्राधिकरणों के प्रशासनिक नियंत्रण के अधीन कार्य करेगा।

(11) प्रकोष्ठ का गठन और कृत्य परिशिष्ट xvi में दिया हुआ है।

(12) स्थानीय प्राधिकारी निर्माण उपविधि में पर्यावरण के संबंध में समाकलन करते समय परियोजना में उनकी सरकार के अनुसार नीचे दी गई प्रक्रिया का पालन करेगी :-

भवन प्रवर्ग '1' (5000 से < 20,000 वर्ग मीटर)

पर्यावरणीय शर्तों (परिशिष्ट xiv) के अनुपालन के लिए स्व घोषणा प्ररूप और अर्हित भवन पर्यावरण संपरीक्षक द्वारा प्रमाणन प्रारूप 1क के साथ परियोजना प्रस्तावक द्वारा स्थीय प्राधिकारी से निर्माण के लिए अनुमति हेतु आवेदन के अलावा पृथक् खाते में विनिर्दिष्ट फीस सहित आनलाइन प्रस्तुत करेगा। उसके पश्चात् स्थानीय प्राधिकारी इसमें पर्यावरणीय शर्तों के

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समावेशन के लिए निर्माण अनुमति जारी करेगा तथा आवेदन के साथ स्व घोषणा और प्रमाणन के आधार पर परियोजना आरंभ करने के लिए अनुमति देगा । भवन के निर्माण के समापन के पश्चात् परियोजना प्रस्तावक अर्हित भवन पर्यावरण संपरीक्षक द्वारा की गई संपरीक्षा के आधार पर आनलाइन आधारित प्ररूप 1क को अद्यतन करेगा तथा पुनरीक्षित अनुपालन परिवचन स्थानीय प्राधिकारी को देगा । 20,000 वर्ग मीटर से कम के भवनों के अननुपालन संबंधी कोई मुद्दा विद्यमान यांत्रिकी के दौरान स्थानीय प्राधिकारी और राज्य स्तर पर विचार किया जाएगा ।

अन्य भवन प्रवर्ग (≥20,000 वर्ग मीटर)

परियोजना प्रस्तावक पर्यावरण मूल्यांकन के लिए विनिर्दिष्ट फीस सहित प्ररूप 1क में आनलाइन आवेदन तथा निर्माण अनुमति के लिए अतिरिक्त फीस प्रस्तुत करेगा । पर्यावरण मूल्यांकन के लिए फीस पृथक् खाते में जमा की जाएगी । पर्यावरण प्रकोष्ठ आवेदन पर कार्यवाही करेगा और उस स्थानीय प्राधिकारी में निर्माण अनुमति देने के लिए सक्षम प्राधिकारी के नेतृत्व वाली बैठक में प्रस्तुत करेगा । समिति परियोजना का मूल्यांकन करेगी और पर्यावरण शर्तों को निर्माण अनुमति में समावेशन के लिए शर्त रखेगा । समिति की सिफारिशों के पश्चता निर्माण अनुमति और पर्यावरण अनापत्ति स्थानीय प्राधिकारी द्वारा समेकित आरूप में जारी करेगा ।

परियोजना प्रस्तावक अर्हित निर्माण पर्यावरण संपरीक्षक से संनिर्माण के समापन के पश्चात् लागू पर्यावरणीय शर्तें मानकों के लिए परियोजना में सतत् अनुपालन के प्रमाणपत्र और अनुपालन आंकड़ें प्रत्येक पांच वर्ष में पर्यावरण प्रकोष्ठ को निम्नलिखित मानकों पर विशेष केन्द्रित करते हुए प्रस्तुत करेगा :-

(क) ऊर्जा प्रयोग (सभी ऊर्जा स्त्रोतों सहित)

(ख) साइट पर पुर्नप्रयोग ऊर्जा स्त्रोतों से साइट पर उत्तपन की ऊर्जा

(ग) साइट जल प्रयोग और अपशिष्ट जल उत्पन्न, उपचारित और पुर्नप्रयुक्त

(घ) साइट पर पृथकीकृत और उपचारित अपशिष्ट

(ङ) पौधारोपण और रखरखाव ।

परयोजना के पूर्ण होने पर, प्रकोष्ठ पांच वर्षीय संपरीक्षा रिपोर्ट सहित परियोजना अनुपालन प्रास्थिति की अचावक जांच करेगा । राज्य सरकारें पर्यावरणीय शर्तों और मानकों के अननुपालन के लिए शास्तियां लगाने के लिए समुचित विधि अधिनियमित करेगी । प्रकोष्ठ स्थानीय प्राधिकारी शर्तें या मानकों के अननुपालन के लिए सुसंगत राज्य विधि के अधीन यथा लागू वित्तीय शास्तियों की सिफारिश करेगा । प्रकोष्ठ की सिफारिशों के आधार पर स्थानीय प्राधिकारी सुसंगत राज्य विधि के अधीन शास्तियां अधिरोपित करेगा । असत्य घोषणा या प्रकाशन की दशा में प्रत्यानन निकाय को रिपोर्ट करेगा और स्थानीय निकाय अर्हित भवन पर्यावरण संपरीक्षकों को काली सूची में डाल देगा तथा मालिक और अर्हित निर्माण पर्यावरण संपरीक्षक पर वित्तीय शास्ति लगाएगा ।

जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 और वायु (प्रदूषण निवारक तथा नियंत्रण) अधिनियम, 1981 के अधीन स्थापन तथा प्रचालन की सहमति राज्य प्रदूषण नियंत्रण बोर्ड से सहमति 1,50,000 वर्ग मीटर के लिए रिहायशी निर्माण हेतु अपेक्षित नहीं होगी,";

(II) अनुसूची में मद 8 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:--

(1)	(2)	(3)	(4)	(5)
"8.		भवन/योजना संनिर्माण/विकास योजना और नगरीय		
8(क)	भवन निर्माण और संनिर्माण परियोजना		निर्मित क्षेत्र का ≥ 20,000 वर्ग मीटर और ≤ 1,50,000 वर्ग मीटर	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" पद, सभी तलों को एक साथ मिलाकर निर्मित या आच्छादित क्षेत्र जिसके अंतर्गत उसका बेसमेंट भी है, जो भवन निर्माण तथा संनिर्माण परियोजनाओं में प्रस्तावित है । टिप्पण 1- परियोजनाओं या क्रियाकलापों के अंतर्गत औद्योगिक शेड, विश्वविद्यालयों,

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				महाविद्यालयों, शैक्षणिक संस्थाओं के लिए छात्रावास, किंतु ऐसे भवन पोषणीय पर्यावरणीय प्रबंधन, ठोस और तरल तथा परिशिष्ट 14 में दी गई शर्तों को सुनिश्चित करेगी। टिप्पण 2: साधारण शर्तें लागू नहीं होंगी। टिप्पण 3: टिप्पण 1 में प्रदत्त छूट स्थानीय प्राधिकारी के स्तर पर भवन अनुमति सहित पर्यावरणीय मानकों के समाकलन के पश्चात् औद्योगिक शेड के लिए ही उपलब्ध होगी।
8(ख)	नगरी और क्षेत्र विकास योजनाएं	निर्मित क्षेत्र का ≥ 3,00000 वर्ग मीटर या आच्छादित क्षेत्र का ≥ 150 हेक्टेयर	निर्मित क्षेत्र का ≥1,50000 वर्ग मीटर और < 3,00000 वर्ग मीटर या आच्छादित क्षेत्र का ≥ 50 हेक्टेयर और <150 हेक्टेयर	टिप्पण: साधारण शर्तें लागू नहीं होंगी

[फा. सं. जे-19-2/2013-आईए-III(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल अधिनियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में का.आ. 1533(अ), तारीख 14 सितंबर, 2006 को प्रकाशित किए गए थे और पश्चात्वर्ती संशोधन का.आ. 1737 (अ) तारीख 11 अक्तूबर, 2007, का.आ. 3067 (अ), तारीख 1 दिसंबर, 2009, का.आ. 695 (अ) तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ) तारीख 10 दिसंबर, 2012, का.आ. 574 (अ) तारीख 13 मार्च, 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. 2600 (अ) तारीख 9 अक्तूबर, 2014, का.आ. 3252 (अ) तारीख 22 दिसंबर, 2014, का.आ. 382 (अ) तारीख 3 फरवरी, 2015 और का.आ. 811 (अ) तारीख 23 मार्च, 2015, का.आ. 996 (अ) तारीख 10 अप्रैल, 2015, का.आ. 1142 (अ) तारीख 17 अप्रैल, 2015, का.आ. 1141 (अ) तारीख 29 अप्रैल, 2015, का.आ. 1834 (अ) तारीख 6 जुलाई, 2015 और का.आ. 2572 (अ) तारीख 14 सितंबर, 2015, का.आ. 141 (अ) तारीख 15 जनवरी, 2016, का.आ. 190 (अ) तारीख 20 जनवरी, 2016, का.आ. 648 (अ) तारीख 3 मार्च, 2016 और का.आ. 2269 (अ) तारीख 1 जुलाई, 2016 द्वारा किए गए।

परिशिष्ट – XIV

भवनों तथा निर्माण के लिए पर्यावरणीय शर्तें

(श्रेणी-'1': 5,000 से लेकर 20,000 वर्ग मीटर से कम)

माध्यम	क्र.सं.	पर्यावरणीय शर्तें
स्थलाकृति तथा प्राकृतिक ड्रेनेज	1	जल के अबाधित प्रवाह को सुनिश्चित करने के लिए प्राकृतिक ड्रेन प्रणाली का रखरखाव किया जाना चाहिए। किसी भी निर्माण कार्य को स्थल से होकर गुजरने वाले प्राकृतिक ड्रेनेज में बाधा डालने की अनुमति नहीं दी जाएगी। नम भूमि तथा जल निकायों पर निर्माण की अनुमति नहीं दी जाएगी ड्रेनेज पद्धति का रखरखाव करने तथा वर्षा जल संचयन के लिए चेक डैम, बायो-स्वेल, लैंडस्केप और अन्य वहनीय शहरी ड्रेनेज प्रणालियों की अनुमति है।
जल संरक्षण, वर्षा जल संचयन और भू-जल स्तर में वृद्धि	2	जल-सक्षम उपस्करों के प्रयोग को बढ़ावा दिया जाएगा। वर्षा जल संचयन संबंधी स्थानीय उपनियम के उपबंधों का अनुपालन किया जाएगा। यदि स्थानीय उपनियम के उपबंध उपलब्ध न हों, तो शहरी विकास मंत्रालय के मॉडल भवन उपनियम, 2016 के अनुसार भण्डारण तथा रिचार्ज के लिए उचित उपबंध का अनुपालन किया जाएगा।

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		वर्षा जल संचयन की एक योजना बनाए जाने की आवश्यकता है जिसमें रिचार्ज बोर (प्रत्येक 5,000 वर्ग मीटर निर्मित क्षेत्र पर न्यूनतम एक रिचार्ज) की सिफारिश की जाती है। संचित वर्षा जल के भण्डारण तथा पुन:प्रयोग को बढ़ावा दिया जाना चाहिए। ऐसे क्षेत्रों में जहां भू-जल स्तर को बढ़ाना व्यवहार्य न हो, वर्षा जल का भण्डारण और पुन:प्रयोग किया जाना चाहिए। सक्षम प्राधिकारी की अनुमति के बिना भू-जल नहीं निकाला जाएगा। सभी रिचार्ज को उथले जलभृत तक सीमित रखा जाना चाहिए।
	2 (क)	स्थानीय भवन उपनियमों में यथा अपेक्षित कम से कम 20% खुला स्थान प्रभावनीय होगा। कम से कम 50% ओपनिंग के साथ पेवर, पेवर ब्लॉकों, लैंडस्केप इत्यादि को प्रभावनीय तल समझा जाएगा।
अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: अपशिष्ट के पृथक्करण को सुविधाजनक बनाने के लिए प्रत्येक इकाई में तथा भू-तल पर अलग-अलग नम और शुष्क बिनों की व्यवस्था की जानी चाहिए। सीवेज: ऐसे क्षेत्रों में जहां नगरीय सीवेज नेटवर्क नहीं है, वहां ऑनसाइट शोधन प्रणालियां संस्थापित की जानी चाहिए। लैंडस्केप से एकीकृत होने वाली प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। जहां तक संभव हो शोधित बहि:स्राव का पुन:प्रयोग किया जाना चाहिए। अतिरिक्त शोधित बहि:स्राव को सीपीसीबी प्रतिमानों के अनुपालन में निस्तारित किया जाएगा। सेप्टिक टैंकों सहित ऑनसाइट सीवेज शोधन से निकले गाद को शहरी विकास मंत्रालय, केन्द्रीय लोक स्वास्थ्य और पर्यावरण अभियांत्रिकी संगठन (सीपीएचईईओ) के सीवरेज तथा सीवेज शोधन प्रणाली मैनुअल, 2013 के अनुसार एकत्रित, भेजना और निस्तारित किया जाएगा। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 तथा ई-अपशिष्ट (प्रबंधन) नियम, 2016 और प्लास्टिक अपशिष्ट (प्रबंधन) नियम, 2016 का अनुपालन किया जाएगा।
ऊर्जा	4	ऊर्जा दक्षता ब्यूरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। राज्यों में ऐसे भवन जिनमें उनके अपने ईसीबीसी अधिसूचित हैं, उनमें राज्य ईसीबीसी का अनुपालन किया जाएगा। आउटडोर तथा साझा क्षेत्र की प्रकाश व्यवस्था में लाईट एमिटिंग डायोड (एलईडी) का प्रयोग होगा। डिमांड लोड के 1% समतुल्य अथवा राज्य स्तरीय/स्थानीय भवन उपनियमों की अपेक्षा अनुसार बिजली उत्पादन की पूर्ति करने हेतु सौर, पवन अथवा नवीकरणीय ऊर्जा, जो भी अधिक हो, की संस्थापना की जाएगी। वाणिज्यिक तथा संस्थागत भवनों की गर्म जल की मांग को पूरा करने के लिए अथवा स्थानीय भवन उपनियमों की आवश्यकतानुसार, जो भी अधिक हो, सोलर वाटर हीटिंग की व्यवस्था की जाएगी। आवासीय भवनों के लिए भी यथासंभव अपनी गर्म जल मांग की पूर्ति हेतु सोलर वाटर हीटरों की सिफारिश की जाती है। भवन डिजायनों में पैसिव सोलर डिजायन की संकल्पना शामिल की जाएगी जिसमें डिजायन के तत्वों जैसे भवन अभिमुखीकरण, लैंडस्केपिंग, दक्ष भवन एन्वेलप, समुचित खिड़कियों की व्यवस्था, दिन में अधिक प्रकाश करने की व्यवस्था में सुधार और थर्मल मास इत्यादि का प्रयोग करके भवनों में ऊर्जा खपत को न्यूनतम किया जाता है। दीवारें, खिड़कियां और छत के यू-वॉल्व ईसीबीसी विशिष्टियों के अनुसार होंगे।
वायु गुणवत्ता तथा शोर	5	भवन और साथ ही स्थल के लिए धूल, धुंआ एवं अन्य वायु प्रदूषण निवारण के उपाय किए जाएंगे। इन उपायों में निर्माणाधीन भवन, स्थल के चारों ओर धूल/धूल रोकने वाली दीवारों का निर्माण (कम से कम 3 मीटर की ऊंचाई तक) के लिए आवरण में शामिल हो सकेंगे। प्लाटिक/तारपोलिन स्थल से कचरा उठाने के साथ-साथ बालू, सीमेंट, मुर्रम में चलती हुई गाड़ियां तथा अन्य निर्माण सामग्रियां धूल प्रदूषण का कारण हो सकती है। साइट पर बालू, मूर्रम, बिखरी मिट्टी, सीमेंट भंडार को उचित तरीके से ढक कर रखा जाएगा जिससे कि धूल प्रदूषण को रोका जा सके। पिसाई तथा पत्थर कटाई के लिए वेट जेट का प्रबंध किया जाएगा। धूल को दबाने के लिए

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		बिना पटरी बिछा हुआ धरातल तथा बिखरी मिट्टी पर उचित तरीके से पानी का छिड़काव किया जाएगा। निर्माण तथा विध्वंस सारे मलबे को उचित तरीके से निपटान से पहले साइट के पास इकट्ठा किया जाएगा (तथा सड़के के किनारे ढेर या बाहर खुली जगह में इकट्ठा नहीं) सभी विध्वंस तथा निर्माण अपशिष्ट को निर्माण तथा विध्वंस अपशिष्ट नियम, 2016 के उपबंधों के अनुसार प्रबंधित होगा। निर्माण स्थल पर कार्य करने वाले सभी कामगारों तथा निर्माण सामग्री की लोडिंग अनलोडिंग में शामिल, निर्माण सामग्री की ढुलाई तथा निर्माण के कचरे या धूल प्रदूषण के किसी भी क्षेत्र में कार्य कर रहे व्यक्ति को डस्ट मास्क उपलब्ध कराया जाएगा। आंतरिक वायु गुणवत्ता के लिए भारत के राष्ट्रीय भवन कोड के अनुसार वातायन के प्रावधान तैयार किए जाएंगे।
	5(क)	डीजी सेट का स्थान निर्धारण तथा निकास पाइप की ऊंचाई सीपीसीबी मानदंडों के प्रावधानों के अनुसार होगा।
हरित क्षेत्र	6	प्रति80 वर्ग मीटर की भूमि के लिए कम से कम एक पेड़ लगाकर उसकी देखभाल की जानी चाहिए। इस उद्देश्य के लिए विद्यमान पेड़ों की गिनती की जाएगी। देशीय जाति के पौधों को प्राथमिकता दी जानी चाहिए।
	6(क)	जहां पेड़ों की कटाई आवश्यक हो, 1:3 के अनुपात में प्रतिपूरक वृक्षारोपण अर्थात प्रत्येक एक पेड़ की कटाई के लिए 3 पौधों को लगाना तथा उनका रख-रखाव करना होगा।

(श्रेणी '2' : 20,000 वर्ग मीटर से लेकर 50,000 से कम)

माध्यम	क्रम.सं.	पर्यावरणीय शर्तें
स्थलाकृति तथा प्राकृतिक जल निकास	1	जल की अबाधित धारा सुनिश्चित करने के लिए प्राकृतिक जल निकास प्रणाली का प्रबंध होना चाहिए। साइट के माध्यम से प्राकृतिक जल निकास को अवरोध करने के लिए निर्माण की अनुमति नहीं होगी। नमभूमि और जल निकायों पर निर्माण की अनुमति नहीं होगी। जल निकास पैटर्न तथा वर्षा जल संचयन के लिए चेक डैम, बायो-स्वाल्स, लैंडस्केप तथा अन्य धारणीय शहरी जल निकास प्रणालियों (एसयूडीएस) की अनमुति होगी। जहां तक संभव हो सके, भवनों की डिजाइन में प्राकृतिक स्थलाकृति का पालन किया जाएगा। कम से कम कटाई तथा भराई होनी चाहिए।
जल संरक्षण, वर्षा जल सिंचाई तथा भूमि जल को रिचार्ज करना	2	जल संचयन, जल क्षमता और संरक्षण के लिए एक पूर्ण योजना तैयार की जाए। न्यून फिक्चर या सेंसरों वाले जल क्षमता वाले उपकरणों के उपयोग को बढ़ावा दिया जाना चाहिए। वर्षा संचयन के संबंध में स्थानीय उप नियम, उपबंधों का पालन किया जाएगा। अगर स्थानीय उप नियम उपलब्ध नहीं है तो शहरी विकास मंत्रालय का मॉडल भवन उप नियम, 2016 के अनुसार भंडारण तथा रिचार्ज के लिए पर्याप्त प्रावधानों का पालन किया जाना चाहिए। वर्षा जल संचयन योजना का डिजाइन बनाने की आवश्यकता है जहां 5000 वर्ग मीटर के निर्मित क्षेत्र में कम से कम एक रिचार्ज बोर हो तथा कम से कम कुल एक दिन के शुद्ध जल के प्रबंधन की भंडारण क्षमता की आवश्यकता होगी। उन क्षेत्रों, जहां भूमिगत जल को रिचार्ज करना संभव नहीं है, में वर्षा जल संचयन चाहिए तथा पुन: उपयोग के लिए भंडारण किया जाएगा। भूमिगत जल को सक्षम प्राधिकारी के अनुमोदन के बिना नहीं निकाला जाएगा। सभी रिचार्ज सीमित उथले जलभृत तक सीमित होनी चाहिए।
	2 (क)	स्थानीय भवन उप-नियमों द्वारा यथाअपेक्षित खुले स्थानों का कम से कम 20% भाग भेद्य होगा। न्यूनतम 50% खाली जगह, भूदृश्य आदि सहित हरित खंड़जों, खंडज प्रखंड के उपयोग सहित यथा प्रवेश्य धरातल के रूप में विचार किया जाएगा।
अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: प्रत्येक इकाई में और भू तल पर पृथक-पृथक गीले और सूखे कचरे के डिब्बे, अपशिष्ट के पृथक्करण को सुविधाजनक बनाने के लिए प्रदान किए जाएंगे। मलजल: अपशिष्ट 100% अपशिष्ट जल के शोधन की स्थल पर मलजल शोधन क्षमता संस्थापित की

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		जानी है। शोधित अपशिष्ट जल को स्थल पर भूदृश्य, फलशिंग, कूलिंग टावर और अन्य प्रयोजनार्थ पुन:प्रयोग किया जाएगा। अतिरिक्त शोधित जल को सीपीसीबी मानकों के अनुसार छोड़ा जाएगा। प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। सेप्टिक टैंको सहित स्थल पर (ऑन साईट) शोधन से अवमल का मल-निर्यास और मलजल शोधन प्रणाली, 2013 पर शहरी विकास मंत्रालय, केन्द्रीय लोक स्वास्थ्य और पर्यावरणीय इंजीनियरिंग संगठन (सीपीएचईईओ), के मैनुअल के अनुसार संग्रहण, ढुलाई और निपटान किया जाएगा। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम 2016 और प्लास्टिक अपशिष्ट (प्रबंधन) नियम 2016 के प्रावधानों का अनुपालन किया जाएगा।
	3 (क)	सभी गैर-जैवक्रमणीय अपशिष्ट प्राधिकृत पुनचर्क्रणकर्ताओं को सौंपा जाएगा, जिसके लिए प्राधिकृत पुनचर्क्रणकर्ताओं के साथ लिखित में गठजोड़ किया जाना चाहिए।
	3 (ख)	जैविक अपशिष्ट कम्पोस्ट/0.3 कि./प्रति व्यक्ति/प्रतिदिन की न्यूनतम क्षमता वाला वर्मीकल्चर/पिट संस्थापित किया जाना चाहिए।
ऊर्जा	4	ऊर्जा दक्षता ब्यूरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। राज्यों में जिन भवनों ने अपने स्वयं ईसीबीसी अधिसूचित किए हैं, वे भवन राज्य ईसीबीसी का अनुपालन करेंगे। बाहरी क्षेत्र और साझा क्षेत्र में प्रकाश व्यवस्था एलईडी की होगी। पैसिव सौर डिजाइन की संकल्पना, जिसमें भवनोन्मुख, भू-दृश्य निर्माण, कौशलपूर्ण भवन आवरण, उचित गवाक्षीकरण, दिन में उन्नत प्रकाश व्यवस्था डिजाइन और ताप विद्युत मास आदि का उपयोग करके भवनों में ऊर्जा उपभोग न्यूनतम किया जाता है, भवन डिजाइन में समावेशित किया जाएगा। दीवार, खिड़की और रूफ-यू-वैल्यूज, ईसीबीसी विनिर्देशों अनुसार होनी चाहिए।
	4 (क)	भार की मांग के 1% के बराबर विद्युत उत्पादन अथवा राज्य स्तरीय/स्थानीय भवन उप-नियमों की अपेक्षानुसार जो भी अधिक हो, को पूरा करने के लिए सौर, पवन अथवा अन्य नवीकरणीय ऊर्जा संस्थापित की जाएगी।
	4 (ख)	वाणिज्यिक और संस्थागत भवनों की गर्म जल की 20% मांग अथवा स्थानीय भवन उप-नियमों के यथा अपेक्षा अनुसार, जो भी अधिक हो, को पूरा करने के लिए सौर जल तापक प्रदान किए जाएंगे। आवासीय भवनों को भी यथासंभव सौर जल हीटरों से अपनी गर्मपानी की मांग पूरा करने के लिए सुझाव दिया गया है।
	4 (ग)	निर्माण सामग्री की मात्रा के कम से कम 20% मात्रा हेतु ईटों, प्रखंडों और अन्य निर्माण सामग्रियों में पर्यावरण अनुकूलन सामग्री का उपयोग करना अपेक्षित होगा। इनके फ्लाई ऐश ईटे, खोखली (हौलो) ईटें, एएसी, फ्लाई ऐश चूनापत्थर, जिप्सम प्रखंड, कम्प्रैस्ड मृदा प्रखंड और अन्य पर्यावरण अनुकूल सामग्रियां शामिल हैं। फ्लाई ऐश को समय-समय पर यथा संशोधित सितम्बर, 1999 की फ्लाई ऐश अधिसूचना के प्रावधानों के अनुसार निर्माण में भवन सामग्री के रूप में प्रयुक्त किया जाना चाहिए।
वायु गुणवत्ता और ध्वनि	5	भवन के साथ-साथ निर्माण स्थल के लिए धूल कण, धुंधा और अन्य वायु प्रदूषण उपशमन उपाय अपनाएं जाएंगे। इन उपायों में निर्माणाधीन भवनों के लिए स्क्रीन, निर्माण स्थल के चारों ओर सतत धूलकण/पवन को मंद करने के लिए दीवारों (कम से कम 3 मीटर ऊँची) का निर्माण शामिल हैं। निर्माण स्थल में बालू, सीमेंट, लोहबान और अन्य निर्माण सामग्रियां, जिनके कारण स्थल पर धूल प्रदूषण उत्पन्न होता है, लाने वाले और निर्माण स्थल से डेबरी ले जाने वाले वाहनों के लिए प्लास्टिक/तिरपाल की शीट कवर प्रदान किए जाने चाहिए। स्थल पर भण्डारण किए हुए बालू, लोहबान, खुली मृदा, सीमेंट को पर्याप्त रूप से ढ़का होना चाहिए ताकि धूलकण से प्रदूषण की रोकथाम की जा सके। निर्माण सामग्री की पिसाई और पत्थरों की कटाई के लिए वेटजेट प्रदान किए जाएं। निर्माण और विध्वंस का समस्त कचरा उचित ढंग से निपटान किए जाने से पूर्व स्थल पर ही रखा जाएगा (सड़क अथवा बाहर खुले स्थान पर ढेर नहीं लगाया जाएगा)। समस्त विध्वंस और निर्माण अपशिष्ट का प्रबंधन निर्माण और विध्वंस अपशिष्ट नियम 2016 के प्रावधानों के अनुसार किया जाएगा।

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		निर्माण स्थल पर कार्यरत तथा निर्माण सामग्री और निर्माण कचरे को लादने, उतराने, ढुलाई अथवा धूल प्रदूषण वाले किसी क्षेत्र में कार्यरत सभी मजदूरों को डस्ट मास्क उपलब्ध कराए जाएं। भीतरी वायु गुणवत्ता के संबंध में भारत के राष्ट्रीय भवन क्रोड के अनुसार वायुसंचार प्रावधान किए जाएं।
	5(क)	डीजी सेट का स्थान और निकास नली की ऊँचाई सीपीसीबी मानदण्डों के प्रावधानों के अनुसार होगी।
हरित आवरण	6	प्रति 80 वर्गफुट भूमि के लिए कम से कम एक वृक्ष लगाया जाना चाहिए और उसकी देख-रेख की जानी चाहिए। इस उद्देश्य के लिए विद्यमान वृक्षों की गणना की जाएगी। स्थानिक प्रजातियों के रोपण को प्राथमिकता दी जानी चाहिए।
	6(क)	जहां वृक्षों को काटे जाने की आवश्यकता है, 1:3 (अर्थात् काटे गए प्रत्येक 1 वृक्ष के लिए 3 वृक्षों का रोपण) के अनुपात में प्रतिपूरक वनीकरण किया जाए और उसका रख-रखाव किया जाए।
ऊपरी मृदा का परिरक्षण और पुन: उपयोग	7	भवनों, सड़कों, पेवड क्षेत्रों और बाह्य सेवाओं हेतु प्रस्तावित क्षेत्रों से ऊपरी मृदा को 20 सेमी. की गहराई तक खोदा जाए। इसे निर्दिष्ट क्षेत्रों में उपयुक्त तरीके से संचित किया जाए तथा स्थल पर प्रस्तावित पेड़-पौधों के रोपण के दौरान पुन: उपयोग किया जाए।
परिवहन	8	एमओयूडी सर्वोत्तम पद्धतियां दिशा-निर्देश(यूआरडीपीएफआई) के अनुसार, एक व्यापक मोब्लिटी योजना बनाई जाए ताकि मोटर-सज्जित, गैर-मोटर-सज्जित, सार्वजनिक और निजी नेटवर्कों को शामिल किया जा सके। सड़क का डिजाइन पर्यावरण, और उपयोक्ताओं की सुरक्षा को पर्याप्त ध्यान में रखते हुए बनाया जाए। सड़क प्रणाली का डिजाइन इन मूलभूत मापदंडों के अनुसार बनाया जा सकता है। वाहनीय और पैदल यातायात के उचित पृथक्करण से सड़कों का अनुक्रम। यातायात शामक उपाय। प्रवेश और निकासी बिदुंओं का उचित डिजाइन। स्थानीय विनियम के अनुसार पार्किंग मानक ।

(श्रेणी '3' : 50000 से 150000 वर्ग मीटर)

माध्यम	क्र.सं.	पर्यावरणीय स्थिति
स्थलाकृति और प्राकृतिक निकासी	1	जल का अबाधित बहाव सुनिश्चित करने के लिए प्राकृतिक निकासी प्रणाली का रख-रखाव किया जना चाहिए। ऐसे किसी निर्माण की अनुमति न दी जाए जिससे कि स्थल के माध्यम से प्राकृतिक निकासी बाधित हो। आर्द्रभूमि ओर जल निकायों पर किसी निर्माण की अनुमति नहीं दी जाती है। निकासी पेटर्न को बनाए रखने तथा वर्षा जल संचयन के लिए चक बांध, बॉयो.स्वेलस, भू-दृश्य, और अन्य सतत शहरी निकासी प्रणालियां (एसयूडीएस) अनुमत हैं। भवनों का डिजाइन, जहां तक संभव हो, प्राकृतिक स्थलाकृति के अनुसार बनाया जाना चाहिए। पेड़ों को काटना और गिराना न्यूनतम होना चाहिए।
जल संरक्षण-वर्षा जल संचयन और भू जल रिचार्ज	2	वर्षा जल संचयन, जल के गुणवत्ता तथा संरक्षण के लिए एक पूर्ण योजना बनाई जाए। वर्षा जल संचयन के संबंध में स्थानीय उपविधि का पालन किया जाए। यदि स्थानीय उपविधि उपलब्ध न हों, तो शहरी विकास मंत्रालय के मॉडल भवन उपविधि, 2016 के अनुसार भंडारण और रिचार्ज संबंधी उपयुक्त प्रावधानों का पालन किया जाए। एक वर्षा जल संचयन योजना डिजाइन किए जाने की आवश्यकता है जहां निर्मित क्षेत्र के प्रति 5,000 वर्ग मीटर न्यूनतम एक रिचार्ज बोर और कुल ताजा जल आवश्यकता की न्यूनतम एक दिन की भंडारण क्षमता का रिचार्ज बोर प्रदान किया जाए। ऐसे क्षेत्र जहां भूजल रिचार्ज व्यवहार्य नहीं है, वहां वर्षा जल का संचयन और पुन:उपयोग हेतु भंडारण किया जाना चाहिए। सक्षम प्राधिकारी से अनुमोदन लिए बिना भूजल न निकाला जाए।

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		सभी रिचार्ज ऊपरी जलभृत एक सीमित होने चाहिए।
	2 (क)	स्थानीय भवन उप-नियमों द्वारा का यथा अपेक्षित खुले स्थान कम से कम 20% प्रवेश्य होगा। कम से कम 50% खुले स्थान वाले ग्रास पेवर, पेवर ब्लॉक, भू-दृश्य इत्यादि को प्रवेश्य सतह माना जाएगा।
	2 (ख)	जल किफायती उपकरणों के प्रयोग को बढ़ावा दिया जाए। लो-फ्लो फिक्सरों अथवा सेंसरों का प्रयोग जल संरक्षण को बढ़ावा देने के लिए किया जाए।
	2 (ग)	दोहरी प्लंबिग प्रणाली के प्रयोग द्वारा भूरे और काले पानी को पृथक किया जाए। सिंगल स्टेक प्रणाली के मामले में दोहरी प्लंबिग प्रणाली द्वारा फ्लशिंग के लिए अलग पुनर्संचरण लाइनें बनाई जायेंगी।
ठोस अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: अपशिष्ट के अलग-अलग करने को आसान बनाने के लिए प्रत्येक इकाई और भूतल पर अलग-अलग गीले और सूखे कूड़े दान उपलब्ध कराए जांए। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम, 2016, और प्लास्टिक अपशिष्ट (प्रबंधन) नियम, 2016 के उपबंधों का अनुपालन किया जाएगा।
	3 (क)	सभी गैर जैव-अवक्रमणीय अपशिष्ट को प्राधिकृत पुनर्चक्रणकर्ताओं के हवाले कर दिया जाएगा जिसके लिए प्राधिकृत पुनचर्क्रणकर्ताओं के साथ लिखित समझौता किया जाएगा।
	3 (ख)	न्यूनतम 0.3 किग्रा/व्यक्ति/दिन की क्षमता वाले जैविक अपशिष्ट कम्पोस्टर/वर्मीकल्चर गड्ढे बनाए जायेंगे।
मल-जल शोधन संयंत्र	4	स्थल पर 100% अपशिष्ट जल शोधन क्षमता के मल-जल शोधन की अवस्थापना किया जाना। शोधित मल-जल का पुनर्प्रयोग स्थल पर लैंड-स्कैप, फ्लशिंग, कूलिंग टावर और अन्य अंतिम प्रयोक्ताओं के लिए किया जाए। अतिरिक्त शोधित जल को केंद्रीय प्रदूषण नियंत्रण बोर्ड के मानकों के अनुसार बहाया जाएगा। प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। सेप्टिक टैंकों सहित साइट पर मल-जल शोधन से उत्पन्न तलछठ को एकत्र किया जाएगा और उसे शहरी विकास मंत्रालय, केंद्रीय लोक स्वास्थ्य और मल-जल एवं मल-जल शोधन संयंत्र, 2013 संबंधी पर्यावरणीय अभियांत्रिकी संगठन (सीपीएचईईओ) मैनुअल के अनुसार ढोकर निपटान किया जाएगा।
ऊर्जा	5	ऊर्जा दक्षता ब्यरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। जिन राज्यों ने अपना स्वयं का ईसीबीसी अधिसूचित किया है, भवन अभिकल्पन में राज्य ईसीबीसी का अनुपालन करेंगे। प्रकाश व्यवस्था बाहरी और कॉमन एरिया में एलईडी की होगी। भवन अभिकल्पन में भवन अनुस्थापन, भू-दृश्यीकरण, प्रभावी भवन विकास, खिड़कियों की समुचित व्यवस्था, जिनमें प्रकाश बढ़ाने वाला अभिकल्पन और थर्मल मास इत्यादि जैसे अभिकल्पन तत्वों का प्रयोग करके भवन में न्यूनतम ऊर्जा खपत वाले पैसिव सोलर अभिकल्पन की संकल्पना को शामिल किया जाएगा। दीवार, खिड़की और छत यू-वेल्यूज़ ईसीबीसी विनिर्देशों के अनुसार होंगे।
	5 (क)	सौर, पवन या अन्य नवीकरणीय ऊर्जा की व्यवस्था ताकि मांग भार या राज्य स्तरीय/स्थानीय भवन उप-नियमों या जो भी अधिक हो, के अनुसार 1% के बराबर विद्युत उत्पादन पूरा किया जा सके।
	5 (ख)	व्यावसायिक और सांस्थानिक भवनों की 20% गर्म पानी की मांग को पूरा करने या स्थानीय भवन उप-नियमों की आवश्यकता, जो भी अधिक हो, के अनुसार सोलर वाटर हीटिंग उपलब्ध कराई जाएगी। आवासीय भवनों को भी, जहां तक संभव हो, अपनी गर्म पानी की मांग को सोलर वाटर से पूरा करने की सिफारिश की जाती है।
	5 (ग)	ईंटों, ब्लॉक्स और अन्य निर्माण सामग्री में कम से कम 20% पर्यावरण अनुकूल सामग्री के प्रयोग की आवश्यकता होगी। इसमें फ्लाई ऐश, ईंटें, हॉलों ईंटों, एएसी, फ्लाई ऐश लाइम जिप्सम ब्लॉकस,

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		कम्प्रेस्ड अर्थ बलॉक्स और अन्य पर्यावरण अनुकूल सामग्री शामिल होगी। समय-समय पर यथा संशोधित सितंबर, 1999 की फ्लाई ऐश अधिसूचना के अनुसार निर्माण में भवन सामग्री के रूप में फ्लाई ऐश का प्रयोग किया जाना चाहिए।
जल गुणवत्ता और ध्वनि	6	भवन और स्थान में धूल, धुंआं और अन्य वायु प्रदूषण निवारक उपाय किए जाए। इन उपायों में निर्माणाधीन भवन के लिए स्क्रीन, स्थल के चारों और सतत रूप से धूल/हवा रोकने वाली दीवारें कम से कम 3 मीटर ऊंचाई की) शामिल हैं। स्थल पर रेत, सीमेंट, लोहबान और अन्य निर्माण सामग्री, जो कि धूल प्रदूषण का प्रमुख कारण है, के साथ-साथ स्थल से मलबे को बाहर ले जाने वाले वाहनों के लिए प्लास्टिक/तिरपाल के शीट कवर उपलब्ध कराए जाएंगे। प्रयुक्त वाहनों के पहियों की धुलाई की जाएगी। स्थल पर भण्डारित रेत, लोहबान, खुली मृदा, सीमेंट को अच्छी प्रकार से ढका जाएगा ताकि धूल प्रदूषण को रोका जा सके। पिसाई और पत्थर कटाई के लिए वेट जेट उपलब्ध कराया जाएगा। धूल को दबाने के लिए कच्ची सतहों और खुली मृदा पर पर्याप्त जल छिड़काव किया जाएगा। सभी निर्माण और विध्वंस मलबे के समुचित निपटान (बाहर सड़कों या खुले स्थानों पर ढेर नहीं लगाया जाएगा) से पहले, स्थल पर उनका भण्डारण किया जाएगा। सभी विध्वंस और निर्माण अपशिष्ट का, निर्माण और विध्वंस अपशिष्ट नियम, 2016 के उपबंधों के अनुसार प्रबंधन किया जाएगा। निर्माण स्थल पर कार्यरत और निर्माण सामग्री और निर्माण मलबे की लदाई, उतराई और ढुलाई में शामिल अथवा धूल प्रदूषण से युक्त किसी भी क्षेत्र में कार्य कर रहे सभी कामगारों को धूल रोधी मास्क उपलब्ध कराए जाएंगे। भीतरी वायु गुणवत्ता के लिए राष्ट्रीय भारतीय भवन संहिता के अनुसार वातायान-व्यवस्था के प्रावधान।
	6(क)	डीजी सेट का स्थान और निकास पाइप की ऊंचाई, सीपीसीबी मापदंडों के उपबंधों के अनुसार होगी।
हरित आवरण	7	प्रत्येक 80 वर्ग मीटर भूमि के लिए न्यूनतम 1 पेड़ लगाया जाएगा और उसका रखरखाव किया जाएगा। इस प्रयोजन से मौजूदा पेड़ों की गिनती की जाएगी। स्थानिक प्रजातियों लगाने को प्राथमिकता दी जानी चाहिए।
	7(क)	जहां पर पेड़ों को काटे जाने की आवश्यकता है वहां पर 1:3 के अनुपात (अर्थात काटे गए प्रत्येक 1 पेड़ के लिए 3 पेड़ लगाना) में प्रतिपूरक वनीकरण किया जाएगा और रखरखाव किया जाएगा।
ऊपरी मृदा परिरक्षण और पुनउर्पयोग	8	भवनों, सड़कों, पक्के क्षेत्रों और बाहरी सेवाओं के लिए प्रस्तावित क्षेत्रों से 20 सेमी की गहराई तक ऊपरी मृदा को खोदा जाना चाहिए। इसका निर्धारित क्षेत्रों में समुचित ढंग से भण्डारण किया जाना चाहिए और स्थल पर प्रस्तावित वनस्पति के रोपण के दौरान इसका पुनउर्पयोग किया जाएगा।
परिवहन	9	शहरी विकास मंत्रालय की उत्तम प्रक्रियाओं संबंधी दिशा-निर्देशों (यूआरडीपीएफआई) के अनुसार मोटरयुक्त, गैर-मोटरयुक्त, सार्वजनिक और निजी तंत्रों को शामिल करने के लिए एक व्यापक गतिशीलता योजना तैयार की जाएगी। सड़कों को पर्यावरण और प्रयोक्ताओं की सुरक्षा पर अपेक्षित विचार करते हुए अभिकल्पित किया जाना चाहिए। सड़क प्रणाली को इन आधारभूत मानदण्डों के साथ अभिकल्पित किया जा सकता है। 1. वाहनीय और पैदल-पथ यातायात के उचित पृथक्करण के साथ सड़कों का वर्गीकरण 2. यातायात को सुचारू रखने के उपाय 3. प्रवेश और निकास बिंदुओं का उचित अभिकल्प 4. स्थानीय विनियमन के अनुसार पार्किंग मापदंड

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पर्यावरण प्रबंधन योजना	10	उपरोक्त मद सं. 1 से 9 में विनिर्दिष्ट पर्यावरणीय शर्तों का अनुपालन सुनिश्चित करने के लिए एक पर्यावरणीय प्रबंधन योजना (ईएमपी) तैयार और क्रियान्वित की जाएगी। ईएमपी को क्रियान्वित करने के लिए परिभाषित क्रियाकलापों और उत्तरदायित्व के साथ एक समर्पित पर्यावरण निगरानी प्रकोष्ठ की स्थापना की जाएगी। यह पर्यावरणीय प्रकोष्ठ सुनिश्चित करेगा कि मलजल शोधन संयंत्र, भू-दृश्य निर्माण, वर्षा-जल संचयन, ऊर्जा दक्षता और संरक्षण, जल दक्षता और संरक्षण, ठोस अपशिष्ट प्रबंधन, नवीकरणीय ऊर्जा आदि जैसी पर्यावरण अवसंरचना प्रचालनारत है और अपेक्षित मानकों को पूरा करती है। पर्यावरणीय प्रकोष्ठ, पर्यावरण निगरानी और पर्यावरण अवसंरचना से संबंधित अभिलेखों का रखरखाव भी करेगा।

परिशिष्ट-XV

पर्यावरणीय लेखा परीक्षकों (योग्य भवन लेखा परीक्षक) की मान्यता

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (एमओईएफसीसी) योग्य अभिकरणों के माध्यम से योग्य भवन पर्यावरण लेखा परीक्षकों (क्यूबीईए) को मान्यता देगा । योग्य भवन पर्यावरण लेखा परीक्षक फर्म/संगठन अथवा वैयक्तिक विशेषज्ञ हो सकते हैं, जो अपेक्षाओं को पूरा करते हैं। मंत्रालय, भारतीय गुणवत्ता परिषद (क्यूसीआई), राष्ट्रीय उत्पादकता परिषद अथवा सरकार द्वारा मान्यता प्राप्त किसी अन्य संगठन के माध्यम से मान्यता की इस प्रक्रिया को क्रियान्वित करेगा। भारतीय हरित भवन परिषद, उर्जा दक्षता ब्यूरो इत्यादि जैसे संगठन भी मान्यता देने, प्रशिक्षण और नवीकरण की प्रक्रिया से जोड़े जा सकते हैं। भवन क्षेत्र के लिए क्यूसीआई द्वारा मान्यता प्राप्त पर्यावरणीय परामर्शी क्यूबीईए के रूप में योग्य होंगे। क्यूबीईए निम्नलिखित मानदंड पूरा करेंगे। मान्यता देने वाला प्राधिकरण इन मानदंडों का सुधार कर सकता है।

लेखा परीक्षक की योग्यताएं :

क. शिक्षा: वास्तुकार (डिग्री अथवा डिप्लोमा), नगर नियोजक (डिग्री), सिविल इंजीनियर/मैकनिकल इंजीनियर (डिग्री अथवा डिप्लोमा), पर्यावरणीय विज्ञान में स्नातकोत्तर अथवा मान्यता की स्कीम के अनुसार कोई अन्य योग्यता

प्रशिक्षण :

ख. प्रत्यायन निकाय अथवा उनके अनुमोदित प्रशिक्षण प्रदाताओं द्वारा अनिवार्य प्रशिक्षण दिया जाएगा। यह मान्यता की स्कीम के अनुसार होगा।

अनुभव :

ग. संबंधित क्षेत्र में 3 वर्ष का कार्य अनुभव अथवा क्यूसीआई द्वारा मान्यता प्राप्त भवन और पर्यावरण प्रभाव आकलन परामर्शदाता अथवा मान्यता की स्कीम के अनुसार किसी अन्य प्रकार का अनुभव मानदंड ।

अवसंरचना एवं उपकरण :

घ. मान्यता की स्कीम के अनुसार

नवीकरण:

ड. प्रत्यायन 5 वर्षों के लिए मान्य होगा ओर प्रत्यायन स्कीम के अंतर्गत विकसित प्रक्रिया के अनुसार नवीकृत किया जाएगा।

उत्तरदायित्व/शिकायत निवारण कार्यतंत्र: क्यूबीईएएम के कार्य की गुणवत्ता के संबंध में कोई भी शिकायत प्रत्यायन निकाय को की जाएगी। प्रत्यायन निकाय शिकायत पर विचार करेगा और काली सूची में डालने अथवा व्यापक सार्वजनिक सूचना के साथ प्रत्यायन को रद्द करने सहित उपयुक्त कार्यवाही करेगा। यह दण्ड देने और काली सूची में डालने के लिए स्थानीय प्राधिकरण के स्तर पर की जाने वाली कार्यवाही के अलावा होगा। विशिष्ट शिकायत अथवा फीडबैक के मामले में मंत्रालय भी इस प्रकार की कार्यवाही कर सकता है।

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परिशिष्ट-XVI

स्थानीय प्राधिकरण के स्तर पर पर्यावणीय प्रकोष्ठ:

भवनों में पर्यावरणीय शर्तों के अनुपालन और मानीटरी को सहायता देने के लिए स्थानीय प्राधिकरण के स्तर पर पर्यावरणीय प्रकोष्ठ की स्थापना की जाएगी। यह प्रकोष्ठ अपने क्षेत्राधिकार के तहत पर्यावरणीय आयोजना और क्षमता निर्माण में सहायता भी प्रदान करेगा। इस प्रकोष्ठ के उत्तरदायित्व, इस अधिसूचना के कार्यान्वयन की मानीटरी करना और तीसरे-पक्षकार की लेखा-परीक्षा प्रक्रिया का अनुरक्षण करना है। यह प्रकोष्ठ स्थानीय प्राधिकरण के तहत संचालित होगा।

प्रकोष्ठ का संघटन :

इस प्रकोष्ठ में निम्नलिखित क्षेत्रों में कम से कम 3 समर्पित व्यक्ति शामिल होंगे:

क. अपशिष्ट प्रबंधन (ठोस और द्रव्य)

ख. जल संरक्षण और प्रबंधन

ग. निर्माण सामग्रियों सहित संसाधन की कार्यकुशलता

घ. ऊर्जा दक्षता और नवीकरणीय ऊर्जा

च. वायु गुणवत्ता प्रबंधन सहित पर्यावरणीय आयोजना

छ. परिवहन आयोजना और प्रबंधन

यह प्रकोष्ठ समर्पित विशेषज्ञों की आवश्यकता और पृष्ठभूमि के अनुसार कम से कम दो बाहरी विशेषज्ञों को शामिल करेगा। स्थानीय प्राधिकरण के स्तर पर मौजूदा पर्यावरणीय प्रकोष्ठों को सह-योजित और इस प्रकोष्ठ के लिए प्रशिक्षित किया जा सकता है।

वित्तीय सहायता:

पर्यावरणीय शर्तों के समाकलन और इसकी मॉनीटरिंग के लिए निर्माण अनुमति हेतु कार्यवाही शुल्क के साथ अतिरिक्त शुल्क लिया जाएगा। स्थानीय प्राधिकरण समय-समय पर इस अतिरिक्त शुल्क को निर्धारित और संशोधित कर सकता है। इस शुल्क की धनराशि, एक पृथक बैंक खाते में जमा किया जाएगा और विशेषज्ञों के वेतन/पारिश्रमिक की आवश्यकता को पूरा करने और ऑनलाईन प्रार्थना पत्र की प्रणाली को जारी रखने, सत्यापन और पर्यावरणीय प्रकोष्ठ के लिये उपयोग में लाया जाएगा।

प्रकोष्ठ के कार्य

1. यह प्रकोष्ठ अपने क्षेत्राधिकार में उस क्षेत्र के पर्यावरण सरोकारों का मूल्यांकन और आकलन करने के लिए उत्तरदायी होगा जहां निर्माण कार्यकलाप करना प्रस्तावित है। यह प्रकोष्ठ अपेक्षाओं के अनुसार अतिरिक्त पर्यावरणीय शर्तें विकसित कर सकता है और शर्तों का प्रस्ताव रख सकता है। ये शर्तें क्षेत्र विशिष्ट हो सकती हैं तथा समय-समय पर पहले से अधिसूचित की जाएंगी। ये अतिरिक्त शर्तें परामर्श की यथा प्रक्रिया का अनुसरण करते हुए अनुमोदित की जाएंगी। ये पर्यावरणीय शर्तें अनुमोदन प्राधिकारी द्वारा निर्माण अनुमति में समेकित की जाएंगी।

2. आवेदन और शुल्क के भुगतान के लिए एक ऑन लाइन प्रणाली बनाना तथा उसकी देख-रेख करना। यह प्रकोष्ठ प्राप्त सभी आवेदनों, अनुमोदित परियोजनाओं, अनुपालन लेखापरीक्षण रिपोर्ट, किए गए औचक निरीक्षणों का एक आनलाइन डाटाबेस बनाएगा। यह प्रकोष्ठ परियोजना द्वारा पर्यावरणीय शर्तों के अनुपालन की लोगों द्वारा संवीक्षा के लिए अर्हता-प्राप्त निर्माण पर्यावरण लेखा-परीक्षकों द्वारा दर्ज लेखा-परीक्षा रिपोर्टों के स्व-प्रमाणीकरण और अनुपालन सहित परियोजना ब्यौरों का सार्वजनिक प्रकटन के लिए एक पोर्टल बनाएगा।

3. अर्हता-प्राप्त निर्माण लेखा-परीक्षकों द्वारा कराई गई पर्यावरणीय लेखा-परीक्षा प्रक्रिया के कार्य की निगरानी करेगा।

4. यह प्रकोष्ठ आवेदनों की समीक्षा करेगा; स्थानीय प्राधिकरणों को आवेदन प्रस्तुत करने के 30 दिन के अंदर अतिरिक्त पर्यावरणीय शर्तों, यदि अपेक्षित हो तो, को अंतिम रूप देगा।

5. यह प्रकोष्ठ क्यूबीए के प्रमाणीकरण, पर्यावरणीय शर्तों के अनुपालन और पंच वर्षीय लेखा रिपोर्ट के लिए स्थल पर जांच करने के लिए परियोजनाओं का जोखिम आधारित औचक चयन अंगीकृत करेगा।

6. यह प्रकोष्ठ परियोजना प्रस्तावक द्वारा पर्यावरणीय शर्तों के गैर-अनुपालन के लिए वित्तीय अर्थदंड के लिए स्थानीय प्राधिकरण को सिफारिश करेगा।

7. यह प्रकोष्ठ किसी भी अर्हता-प्राप्त निर्माण पर्यावरण लेखा-परीक्षकों के विरूद्ध, यदि उनके कार्य में कोई त्रुटि पाई जाती है तो, प्रत्यायोजन निकाय और स्थानीय प्राधिकरण को सिफारिश करेगा।

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M/s. SANDHU BUILDERS MUMBAI

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 9th December, 2016

S.O. 3999(E).—Whereas, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) read with clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 and clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process or technology and or product mix shall be undertaken in any part of India only after 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 therein;

And whereas, the said Ministry has received suggestions for ensuring Ease of Doing Responsible Business; and streamlining the permissions for buildings and construction sector which is important for providing houses and for this purpose the scheme of Housing for all by 2022 with an objective of making available affordable housing to weaker sections in urban area has ambitious target;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 issued in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, vide number S.O.1595 (E) dated the 29th April 2016, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said notification in the Gazette of India;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, 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 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the Environment Impact Assessment Notification, 2006 namely:-

In the said Notification,-

(I) after paragraph 13, the following paragraph shall be inserted, namely:-

"14. Integration of environmental condition in building bye-laws.-

(1) The integrated environmental conditions with the building permission being granted by the local authorities and the construction of buildings as per the size shall adhere to the objectives and monitorable environmental conditions as given at Appendix-XIV.

(2) The States adopting the objectives and monitorable environmental conditions referred to in sub-paragraph (1), in the building bye-laws and relevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Climate Change for individual buildings.

(3) The States may forward the proposed changes in their bye-laws and rules to the Ministry of Environment, Forest and Climate Change, who in turn will examine the said draft bye-laws and rules and convey the concurrence to the State Governments.

(4) When the State Governments notifies the bye-laws and rules concurred by the Ministry of Environment, Forest and Climate Change, the Central Government may issue an order stating that no separate environmental clearance is required for buildings to be constructed in the States or local authority areas.

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(5) The local authorities like Development Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.

(6) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.

(7) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Forest and Climate Change may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at Appendix-XV.

(8) In order to implement the integration of environmental condition in building bye-laws, the State Governments or Local Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.

(9) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third part auditing process for oversight, if any.

(10) The Cell shall function under the administrative control of the Local Authorities.

(11) The composition and functions of the Cell are given at Appendix-XVI.

(12) The Local Authorities while integrating the environmental concerns in the building bye-laws, as per their size of the project, shall follow the procedure, as given below:

BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters)

A Self declaration Form to comply with the environmental conditions (Appendix XIV) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission to the local authority along with the specified fee in separate accounts. Thereafter, the local authority may issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self declaration and certification along with the application. After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. Any non-compliance issues in buildings less than 20,000 square meters shall be dealt at the level of local body and the State through existing mechanism.

OTHER BUILDINGS CATEGORIES (≥ 20,000 Square meters)

The project proponent may submit online application in Form 1 A alongwith specified fee for environmental appraisal and additional fee for building permission. The fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the authority competent to give building permission in that local authority. The Committee will appraise the project and stipulate the environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority.

The project proponent shall submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters:-

(a) Energy Use (including all energy sources).

(b) Energy generated on site from onsite Renewable energy sources.

(c) Water use and waste water generated, treated and reused on site.

(d) Waste Segregated and Treated on site.

(e) Tree plantation and maintenance.

After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report. The State Governments may enact the suitable law for imposing penalties for non-compliances of the

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environmental conditions and parameters. The Cell shall recommend financial penalty, as applicable under relevant State laws for non-compliance of conditions or parameters to the local authority. On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws. The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors.

No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.";

(II) In the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
"8		Building / Construction projects / Area Development projects and Townships		
8 (a)	Building and Construction projects		≥ 20,000 sq. mtrs and < 1,50,000 sq. mtrs of built up area	The term "built up area" for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects. Note 1. The projects or activities shall not include industrial shed, universities, college, hostel for educational institutions, but such buildings shall ensure sustainable environmental management, solid and liquid and implement environmental conditions given at Appendix-XIV. Note 2.-General Condition shall not apply. Note 3.-The exemptions granted at Note 1 will be available only for industrial shed after integration of environmental norms with building permissions at the level of local authority.
8 (b)	Townships and Area Development projects	≥ 3,00,000 sq. mtrs of built up area or Covering an area ≥ 150 ha	≥1,50,000 sq. mtrs and < 3,00,000 sq. mtrs built up area or covering an area ≥ 50 ha and < 150 ha	Note.- General Condition shall not apply".

[F. No. 19-2/2013-IA-III (Pt.)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended vide numbers 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, S.O. 2600(E) dated 9th October, 2014, S.O. 3252(E) dated 22nd December, 2014, S.O. 382 (E), dated 3rd February, 2015, and S.O. 811(E), dated 23rd March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015, S.O. 1834(E) dated 6th July, 2015 and S.O. 2572(E) dated 14th September, 2015, S.O. 141(E) dated 15th January, 2016, S.O. 190(E) dated 20th January, 2016, S.O. 648(E) dated 3rd March, 2016 and S.O. 2269(E) dated 1st July, 2016.

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APPENDIX –XIV

ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

(CATEGORY '1': 5,000 to less than 20,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	Use of water efficient appliances shall be promoted. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed. Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be Light Emitting Diode (LED). Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.

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Air Quality and Noise	5	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Sand, murram, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India shall be made.
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.

(Category '2': 20,000 to less than 50,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared. Use of water efficient appliances should be promoted with low flow fixtures or sensors. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.

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Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	3(b)	Organic waste compost/ Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
	4 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	4 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	4 (c)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	5	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Sand, murram, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with

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		dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
Top Soil preservation and reuse	7	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	8	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.

(Category '3': 50000 to 150000 m^2)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water conservation - Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provisions are not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
	2(b)	Use of water efficient appliances should be promoted. Low flow fixtures or sensors be used to promote water conservation.

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	2 (c)	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
Solid Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	3(b)	Organic waste composter/Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Sewage Treatment Plant	4	Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
Energy	5	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
	5 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	5 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	5 (c)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	6	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murram and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Wheel washing for the vehicles used be done. Sand, murram, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction

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		and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
	6 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	7	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	7 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
Top Soil Preservation and Reuse	8	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	9	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.
Environment Management Plan	10	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified in item number 1 to 9 above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water efficiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure.

APPENDIX-XV

Accreditation of Environmental Auditors (Qualified Building Auditors)

The Ministry of Environment, Forest and Climate Change (MoEFCC), through qualified agencies shall accredit the Qualified Building Environment Auditors (QBEAs). The Qualified Building Environment Auditors could be a firm / organization or an individual expert, who fulfils the requirements. The Ministry will implement this process of accreditation through Quality Council of India (QCI), National Productivity Council or any other organization identified by the Government. The organizations like Indian Green Building Council, Bureau of Energy Efficiency etc. can also be associated in the process of accreditation, training, and renewal. The environmental consultants accredited by the QCI for building sector will be qualified as QBEAs. The QBEAs will meet the following criteria. The accrediting agency can improvise on these criteria.

Qualifications of the Auditor:

a. Education: Architect (Degree or Diploma), Town Planners (Degree), Civil Engineer / Mechanical Engineer (Degree or Diploma), PG in Environmental Science or any other qualification as per the scheme of the accreditation.

Training:

b. Mandatory training to be given by the accreditation body or their approved training providers. This will be as per the scheme of the accreditation.

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Experience:

c. At least 3 years of work experience in the related field or building sector Environment Impact Assessment consultants accredited by QCI or any other experience criteria as per the scheme of the accreditation.

Infrastructure and equipment:

d. As per the scheme of the accreditation

Renewal:

e. The accreditation will be valid for 5 years and will be renewed as per the process developed under the accreditation scheme.

Accountability/Complaint redressal mechanism: Any complaints regarding the quality of the work of QBEAs shall be made to the accreditation body. The accreditation body shall evaluate the complaint and take appropriate action including black listing or cancellation of the accreditation with wide public notice. This will be in addition to the action at the level of local authority for penalty and blacklisting. The Ministry can also take such action in case of specific complaint or feedback.

APPENDIX-XVI

Environmental Cell at the level of Local Authority:

An Environmental Cell shall be setup at the local authority level to support compliance and monitoring of environmental conditions in buildings. The Cell shall also provide assistance in environmental planning and capacity building within their jurisdiction. The responsibility of this cell would be monitoring the implementation of this notification and providing an oversight to the Third-Party Auditing process. The cell will operate under the local authority.

Constitution of the cell:

The cell will comprise of at least 3 dedicated experts in following fields:

a. Waste management (solid and liquid)

b. Water conservation and management

c. Resource efficiency including Building materials

d. Energy Efficiency and renewable energy

e. Environmental planning including air quality management.

f. Transport planning and management.

The Cell shall induct at least two outside experts as per the requirements and background of dedicated experts. Existing environmental cells at the level of local authority can be co-opted and trained for this Cell.

Financial Support:

An additional fee may be charged along with processing fee for building permission for integrating environmental conditions and it's monitoring. The local authority can fix and revise this additional fee from time to time. The amount of this fee shall be deposited in a separate bank account, and used for meeting the requirement of salary / emoluments of experts and running the system of online application, verifications and the Environmental Cell.

Functions of the Cell:

1. The cell shall be responsible for assessing and appraising the environmental concerns of the area under their jurisdiction where building activities are proposed. The Cell can evolve and propose additional environmental conditions as per requirements. These conditions may be area specific and shall be notified in advance from time to time. These additional conditions shall be approved following a due consultation process. These environmental conditions will be integrated in building permissions by the sanctioning authority.

2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance audit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self certification and compliance audit reports filed by the Qualified Building Environment Auditors for public scrutiny of compliance of environmental conditions by the project.

3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.

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4. The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.

5. The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report.

6. The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proponent.

7. The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

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M/s. SANDHU BUILDERS MUMBAI

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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

सं. 723] नई दिल्ली, मंगलवार, मार्च 14, 2017/फाल्गुन 23, 1938
No. 723] NEW DELHI, TUESDAY, MARCH 14, 2017/PHALGUNA 23, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;

3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;

4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्यधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;

5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आबद्ध होगा ;

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SANDHU BUNDER MUMBAI

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6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय ज्ञापन जारी किया है ;

7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (सिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय ज्ञापन के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और असंवैधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती । माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणागुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;

8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिसूचना, 2006 तथा तटीय विनियमन जोन अधिसूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंवर, 2012 और 24 जून, 2013 के कार्यालय ज्ञापन पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;

9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;

10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उसके अंतर्गत लाया जाए ;

11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अननुपालक थे, अनुपालक बनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिससे अननुपालना और अननुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;

12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरो-लीगल एक्शन बनाम भारत संघ (बिछड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212) । माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को "ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे....." अभिव्यक्त रूप से सशक्त करती है । धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है । धारा 2(क), धारा 3 और धारा 5 में "पर्यावरण" की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो "पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन" हैं । केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो । इस मामले में उक्त शक्तियों के अंतर्गत गाढे कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है । माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है । पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो "पर्यावरण" के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है । इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

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की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे "प्रदूषणकर्ता संदाय करता है" का सिद्धांत। "प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस वचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।"

13. (1) इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उससे निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार व्यौहार किया जाएगा ;

(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिभोग प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है ; और उस दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के बिन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यकता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसका विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

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M/S. SANDI MU

से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10th May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10th May, 2016;

3. And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government.

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as "Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon'ble High Court of Jharkhand had passed an order dated the 28th November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

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8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7th July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12th December, 2012 and 24th June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;

9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for:

12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13th. February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that ..... section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the `environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industrial direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

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looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) 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; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

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(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

NOTARY
S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2026
GOVT. OF INDIA

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

ALOK KUMAR
Digitally signed by ALOK KUMAR
Date: 2017.03.15 14:46:39 +05'30'

M/S. SANDHU BUILDERS
MUMBAI

True Copy
PND
Advocate

Exhibit - "7"

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ज्ञानेश भारती
Gyanesh Bharti, I.A.S.

संयुक्त सचिव
भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Joint Secretary
Government of India
Ministry of Environment, Forest & Climate Change

सत्यमेव जयते

D.O. No. 19-159/2014-IA.III(Pt.)
Dated: 06th October, 2017

Dear Sir,

Please find enclosed herewith a letter from Shri S.S.Hussain, CEO, CREDAI-MCHI addressed to Secretary, MoEF&CC.

2. The Ministry in pursuance of Notification No. S.O. 3999(E) dated 9th December, 2016 has issued an order on 7th July, 2017 that no separate Environment clearance is required for building and construction projects upto 1,50,000 square meter built up area in respect of Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Konkan Divisions. The authority competent to grant the building permission will integrate the Environment Clearance conditions based on the recommendation of Environment Cell following the process as envisaged in the notification.

3. In view of this you are requested to take appropriate action under intimation to the sender of the letter.

With Regards

Yours sincerely,

(Gyanesh Bharti)

Shri. Satish Gavai,
Additional Chief Secretary,
Environment Dept.
Government of Maharashtra,
Mumbai 400 032.

NOTARY
S.M.H.ZAIDI
Mumbai & Thane Dist.
Reg. No. 3640
My Commission
Expires
25 Sept. 2026
GOVT. OF INDIA

इंदिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110 003, फोन : 011-24695268, फैक्स : 011-24695288
INDIRA PARYAVARAN BHAVAN, JOR BAGH ROAD, NEW DELHI-110 003, PH 011-24695268, Fax 011-24695288
E-mail gyanesh.bharti@ias.nic.in

M/s. SANDHU BUILDERS
MUMBAI

True Copy
PND
Advocate

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Exhibit - "8"

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SPEED POST

F. No. 2-38/2017-IA-III
Government of India
Ministry of Environment, Forests and Climate Change
(I.A. Division)

Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi-110 003

Date: 15th November, 2017

Subject: Applicability of MoEF&CC Notification S.O. (E) 695 dated 04.04.2011 etc. - reg.

This has reference to the representations received in the Ministry on applicability of Notification S.O. (E) 695 dated 04.04.2011 regarding the above mentioned subject.

2. In this regard, the undersigned is directed to say that the Ministry has made amendment to the S.O. 1533(E) dated 14th September, 2006 and issued notification S.O. 695(E) dated 4th April, 2011 and further clarified the applicability of notification S.O. 695(E) dated 4th April, 2011 vide its OM No. 22-35/2017-IA-III dated 7th July, 2017. The copy of the notifications and OM are available on the Ministry's website. However the same are enclosed for your reference.

3. This issues with the approval of Competent Authority.

Encls: As above

Kushal Vashist
Director
Tel: 011- 24695382
E Mail: kushal.vashist@gov.in

To,

The Municipal Commissioner
Municipal Corporation of Greater Mumbai,
Municipal Extension Building,
Mahapalika Marg, Esplande Road, GPO,
Mumbai - 400001, Maharashtra.

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

Copy to,

(i) **The Additional Chief Secretary & Member-Secretary,** SEIAA, Maharashtra, Environment Department, Government of Maharashtra, 15th floor, New Administration Building Mantralaya, Mumbai – 400 032.

(ii) **Shri Kanwarjeet Singh Sandhu,** M/s Sandhu Builders, Sandhu Palace, 41, Pali Hill Road, Bandra (W), Mumbai- 400050, Maharashtra.

M/s. SANDHU BUILDERS MUMBAI

True Copy
Advocate

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Exhibit – "9"

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Regd. No. 5001 GOVT. OF INDIA

V. K. Chari Consultants

CONSULTING ENGINEERS, ARCHITECTS & SURVEYORS
LIFE MEMBER OF "PEATA"

Office : Ground Floor, Chunan Bldg., Dr. Ambedkar Road, Opp. St. Elias School, Khar (W), Mumbai - 400 052. Tel : (R) 2636 6010 (O) : 6582 6216 • Cell : 98200 32110

REF NO.: _____ DATE: 05/02/2018

TO,
Deputy Chief Engineer (w.s.)
Building Proposals,
Municipal Corporation of Greater Mumbai,
R.K.Patkar Marg, Bandra (W)
Mumbai – 400 050.

Sub.:- Part Occupation of 'A' wing upto top of 18th floor for Proposed Building on Plot bearing CTS No. C-1381, 1382-C, 1378A & 1629A-1/10 of Village Bandra, Pali Hill Bandra (W) Mumbai in "H" west ward

Ref: File No. :- CE/ 2157/ WS /AH

Sir,

On behalf of & under instructions from my client M\S. Sandhu Builders, please refer to our application for occupation, BCC refusal and our reply to BCC refusal dated 9th May 2016. As per the additional condition imposed required by you, we are now complying with and enclosing herewith letter of clarification given to us by MOEF (New Delhi) regarding non-applicability of Environment clearance in our case, as our full "CC" upto top of 19th floor was approved and granted prior to the amended Environment Impact Assessment (EIA) notification dated 04.04.2011 which came into force, and as per the office memorandum of MOEF dated 7th July 2017 issued by Joint DIRECTOR (MOEF) both of which copies are enclosed for your reference.

The letter from MOEF to us clarifying the above is enclosed herewith. Further on the subject we are enclosing the Brief opinion of Expert Shri G.D. Chiplunkar for your perusal which is self explanatory and clearly states that our case does not fall within the ambit of Environment clearance.

In view of the above Submission & compliance we now request you to grant part Occupation of 'A' wing only as we have almost completed all civil works and Restoration work.

Thanking you,

Yours faithfully

V.K. Chaari
(Architect)

05/02/18

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA

Encl:-
1. Copy of our Representation to MOEF
2. Copy of MOEF reply & clarification
3. Copy of office memo of MOEF regarding Prospective date of Applicability
4. EIA notification dtd 04.04.2011
5. Expert opinion of Shri G.D. Chiplunkar

CC : M/s Sandhu Builders

उप - प्रमुख अभियंता (इमारत प्रस्ताव) (Consultant) मुंबई १ मार्च कार्यालय
दिनांक 06 FEB 2018
11010
चेक - ११, १२, १३, १४, १५, १६, ३०
उप. प्र. अ. (प्रा.)

Dispatch Clerk
p/s acc opt

☆ Planning ☆ Design ☆ Liason ☆ Co-ordination ☆ Valuation ☆ M.C. G. M. Follow-up

M/S. SANDHU BUILDERS MUMBAI

True Copy
PND
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL (WESTERN ZONE) AT PUNE
(Under Section 18(1) read with Sections 14, 15, 16 and 17 of The National Green Tribunal Act, 2010)
INTERIM APPLICATION NO. 46 OF 2023

IN

APPLICATION NO. 31 OF 2015
Chetak Co-operative Housing Society Limited ... Applicant (Orig. Applicant)

IN THE MATTER BETWEEN:

Chetak Co-operative Housing Society Limited ... Applicant

versus

State of Maharashtra and Ors. ... Respondents

<u>APPLICATION ON BEHALF OF THE RESPONDENT NOS. 8 TO 11 FOR DISMISSAL OF THE INTERIM APPLICATION</u>

Dated this day of March 2023

Parikshit Desai and Fawia Misquitta
Advocates for Respondent Nos. 8 to 11.
C/o. Himank Desai and Co.,
Chartered Accountants,
Office No. 2, Ground Floor, Gokul Kunj building, opposite Bank of India, Chitrakar Dhurandhar Marg, Danpada, Danda, Khar (West), Mumbai – 400 052.
Email :- PHdesai.84@gmail.com
Phone :- 98215 46105.

NOTARY S.M.H.ZAIDI Mumbai & Thane Dist. Reg. No. 3640 My Commission Expires 25 Sept. 2026 GOVT. OF INDIA