

A

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

ORIGINAL APPLICATION NO. 31 OF 2020

*(Under Sections 14 & 15 (b) & (c) r/w. Section 18(1) & (2) of the National Green
Tribunal Act, 2010)*

IN THE MATTER OF:

Shashikant Vithal Kamble

... Applicant

Versus

Embassy Property

Developments Pvt. Ltd. & Ors

... Respondents

INDEX

Sr. No.	Particulars	Page Nos.
1.	Index	A - B
2.	Affidavit in reply on behalf of Respondent No.1.	1 - 22
3.	<u>Exhibits "A"</u> A copy of the letter dated 25 th September 2020 along with the postal receipts.	23 - 24
4.	<u>Exhibit "B"</u> A copy of the allotment letter dated 5 th August 2004.	25 - 30
5.	<u>Exhibit "C"</u> A copy of the IT & ITES Policy 2003.	31 - 53

B

Sr. No.	Particulars	Page Nos.
6.	<u>Exhibit "D"</u> A copy of the Notification dated 14 th September 2006.	54 - 95
7.	<u>Exhibit "E"</u> A copy of the letter dated 3 rd August 2007 addressed by MIDC to the Respondent.	96
8.	<u>Exhibit "F"</u> A copy of the letter dated 28 th July 2008.	97
9.	<u>Exhibit "G"</u> A copy of the letter dated 28 th July 2008 addressed to the Regional Officer of M.P.C.B (Respondent No.6).	98
10.	<u>Exhibit "H"</u> A copy of the Minutes of the meeting dated 30 th November 2009.	99 - 116
11.	<u>Exhibit "I"</u> A copy of the minutes of the meeting of the SEIAA.	117
12.	<u>Exhibit "J"</u> A copy of the show-cause notice dated 10 th January 2011.	118
13.	<u>Exhibit "K"</u> A copy of the Environment Clearance uploaded by the SEAC authorities on their website.	119 - 128
14.	Vakalatnama	129 - 130
15.	Board Resolution	131

1

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

ORIGINAL APPLICATION NO. 31 OF 2020

*(Under Sections 14 & 15 (b) & (c) r/w. Section 18(1) & (2) of the National Green
Tribunal Act, 2010)*

IN THE MATTER OF:

Shashikant Vithal Kamble

... Applicant

Versus

Embassy Property

Developments Pvt. Ltd. & Ors

... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 1

I, Mr. A.B. Mandanna, an adult Indian Inhabitant, authorised signatory of the Respondent No. 1 above named having my office address at Embassy Point, 1st Floor, Infantry Road, Bengaluru – 560001, do hereby solemnly affirm and state as under:-

- At the outset, I am filing this Affidavit-in-reply for limited purposes to oppose the admission of the said Application. I crave leave of this Hon'ble Tribunal to file a detailed reply as and when need arises. I am aware of and conversant with the facts of the present case and I am competent to depose to the present Affidavit based on my personal knowledge and the documents and records available with me.



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

2. At the outset, I would like to state that the said Application was filed before the Hon'ble National Green Tribunal, Western Zone Bench, Pune (hereinafter referred to as "NGT") by the Applicants on 2nd March 2020. The same is evident from the online status as provided on the website of the NGT. Pursuant thereto an order dated 14th August 2020 was passed by the NGT directing the Registry to issue notice to the Respondents and directing the Applicant to serve upon the Respondents a copy of the said Application by way of Dasti, Registered Post and also by way of e-mail. The Respondent No. 1 has been in receipt of the notice dated 18th August 2020 issued by the Registrar but did not receive a copy of the said Application. In view thereof, the Respondent Nos. 1 and 2 addressed a letter dated 25th September 2020 to the Applicant requesting him to provide a copy of the said Application along with all annexures. Hereto annexed and marked as **Exhibit- "A"** is a copy of the letter dated 25th September 2020 along with the postal receipts. A copy of the said Application along with annexures was served upon the Respondent Nos. 1 and 2 only on 5th October 2020. Hence the reply filed by Respondent No. 1 is well within the time-period as directed by the NGT.
3. For the following reasons the Application filed is not maintainable:
- 3.1. **LIMITATION under section 14 of the National Green Tribunal Act, 2010 ("NGT Act"):**
- a) On perusal of the Application, the Applicant has alleged in paragraph no. 5 of the Applicant that the Respondents have continued construction work without obtaining proper environmental clearance for the period



WAGSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

3

2006 to 2011 i.e. 14th September 2006 to 29th March 2011. In view thereof, without admitting to the Applicant's contention, the Respondent respectfully submits that the cause of action to file the present Application first accrued on 14th September 2006, however, the present application has been filed before the Hon'ble Bench on 2nd March 2020 i.e. after a period of approximately 14 years. Therefore, the said Application is required to be dismissed. Further, the cause of action in paragraph no. 7 of the Application is entirely vague and does not specify on which date the cause of action arose for filing the Application under section 14 (3) of the NGT Act. In paragraph no. 10.1 of the Application there is a vague pleading that the Application has been filed within limitation, however there is no explanation or justification to the same.

- b) It is a basic requirement under section 14 of the NGT Act that any application invoking section 14 of the NGT Act is required to be made within a period of 6 months from the date of accrual of the cause of action. The Applicant has approached the Hon'ble Tribunal in the month of March 2020 when in fact the Environmental Clearance was granted to Respondent No.1 9 years ago on 11th July 2011. In view thereof, the said Application filed by the Applicant has been filed belatedly and is grossly barred by the law of limitation. The said Application is therefore not maintainable and should be dismissed *limine* on this ground alone.



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Signature]
Authorized Signatory

3.2. LIMITATION under section 15 of the NGT Act:

- a) The Application filed by the Applicant is silent as to how any damage has been caused to the environment. There are vague pleadings with respect to section 15 of the NGT Act. The Application has been filed in March 2020, and the period as provided under section 15 is that of 5 years from the date of accrual of cause of action. Therefore, the Application is barred by limitation under section 15 of the NGT Act.
- b) To substantiate this contention, I wish to rely upon a judgment of this very bench dated 8th January 2015 in M.A. No. 209/2015 passed in Application No. 22/2015 (WZ) (M/s. Nanu Estates Pvt. Ltd. Vs. Mr. Sayed Tayeeb and Ors.) wherein the NGT had dismissed the Application under section 14 and 15 on the ground that the Application was barred by the law of limitation and the Applicant had failed to demonstrate the proven damages.

3.3. Quantum of Damages under section 15 of the NGT Act:

- a) On perusing the Application, it is clear that there is neither any pleading about the environmental damage, nor is there any proof substantiating the alleged claim.
- b) It is specifically contended that the said Application does not fulfil the mandatory requirement of Section 15 of the NGT Act which requires



NP S. WADY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

that the Applicant must come out with a case of proven damages, which can be resituated by the Hon'ble NGT by exercising jurisdiction under section 16.

3.4. Section 18 of NGT Act:

As per the requirements of section 18, only an 'aggrieved person', can file an application and seek relief. However, in the present Application, the Applicant has made vague submissions that he is a social spirited person and journalist, who is working for the betterment of environmental activity. Such statements do not make the Applicant an aggrieved person, the Applicant is a complete third party to the property being developed by the Respondent, and therefore has no locus-standi to file the present Application and/or obtain any relief. It is submitted that the Applicant does not satisfy the requirements as stated in section 18 of the NGT Act.

4. The true and correct facts are as follows:

4.1. At the outset, I state that the, somewhere in the year 2008, Respondent No.1, subdivided the entire leased land into two parts and assigned the leasehold rights in each part in favour of Pune Embassy Parks Private Limited ("**Pune Embassy**") and Pune Dynasty Projects Private Limited ("**Pune Dynasty**") respectively. Thereafter, Pune Dynasty by way of a demerger transferred its undertaking to Embassy Office Parks Private Limited and Pune Embassy amalgamated with Embassy Office Parks Private Limited. In this manner

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory


Embassy Office Parks Private Limited became entitled to the entire leasehold land situated at the Rajiv Gandhi Infotech Park which, with the buildings constructed on it has been named as "Embassy Tech Zone". As on date, Respondent No.1 is not the owner of the land which is the subject matter of the Application. Respondent No. 1 established the "Embassy Office Parks REIT" and obtained a certificate of registration dated 3rd August 2017 from Securities and Exchange Board of India in terms of the Securities and Exchange Board of India (Real Estate Investment Trust) Regulation, 2014; and pursuant to the Share Acquisition Agreement dated 11th March 2019, the shares owned by Respondent No.1 and other shareholders were transferred to the "Embassy Office Parks REIT".

- 4.2. The Respondent No. 1 formerly known as Dynasty Developers Private Limited and now known as Embassy Property Developments Pvt. Ltd. received an allotment letter dated 5th August 2004 (hereinafter referred to as "**said allotment letter**") from Maharashtra Industrial Development Corporation, Pune-3 (hereinafter referred to as "**MIDC**"). As per the said allotment letter the Respondent was granted sanction of land admeasuring 2,76,874.00 square meters (hereinafter referred to as "**larger land**") by MIDC for the development of an InfoTech Park at Hinjewadi, Pune. The said allotment letter was addressed to the Respondent by MIDC which was signed by its Regional Officer. The said allotment letter did not contain any averment regarding requirement of clearance of any kind or prior permission from the Environment Control Board or Pollution Control Board. Clause 2 of the said allotment letter clearly specifies that the time-period allotted to



For EMBASSY PROPERTY DEVELOPMENTS PVT.

Authorized Signatory

the Respondent for completion of the entire project would be three (3) years. One of the pre-requisites to the allotment lays down that the allotment would be similarly cancelled if the Respondent is unable to complete the development work within a period of three (3) years from the date of possession of the plot. It is further clarified in clause (P) of the said allotment letter that the entire property is meant for the use of I.T. industries only and that no other industries are permitted to operate at such premises. Hereto annexed and marked as **Exhibit- "B"** is a copy of the allotment letter dated 5th August 2004.

- 4.3. Thereafter, Embassy Property Developments Ltd. leased a portion of the larger land admeasuring approximately 2,76,874 sq. mtrs., being Plot No. 03, Rajiv Gandhi Infotech Park, Hinjawadi, Phase II, Marunji Village, Mulshi Taluk, Pune from MIDC by way of a Lease Deed dated 23rd May 2006 registered with the Sub-Registrar Paud, Mulshi. The lease is valid for a period of 95 years and is renewable for a further period of up to 95 years.
- 4.4. It is pertinent to note that the project plans included the construction of an IT Park in the "Embassy Tech Zone" at Plot No. 3, Rajiv Gandhi Infotech Park, Hinjawadi, Phase II, Marunji Village, Mulshi Taluk, Pune on a plot admeasuring 2,76,874.00 sq.mt. with a total Built Up Area of 8,19,954.74 sq.mt. comprising 11 office buildings, 5 multilevel car parking, 1 food court, 1 training centre and 2 utility and service blocks (hereinafter referred to as the "said project").

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorized Signatory

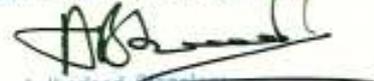


4.5. Since the said project was being developed strictly for the accommodation of I.T industries, the project was governed by the I.T and ITES POLICY 2003 of the Government of Maharashtra, Industries, Energy and Labour Department, Government Resolution No. ITP - 2003/CR - 33 11/IND — 7, Mantralaya, Mumbai — 400 032. It is specifically laid down in clause 4.4 point (g) of the said IT & ITES Policy 2003 that the IT & ITES units are exclusively exempted from procuring clearance of the Maharashtra Pollution Control Board since they are non-polluting industries of Maharashtra. Further clause 9.6 of the IT & ITES POLICY 2003 it is reiterated that since IT & ITES units do not cause any pollution they shall be exempted from the requirement of NOC from Maharashtra Pollution Control Board. Thus, the Respondent No. 1 believed that it was exempted from the requirement of NOC from Maharashtra Pollution Control Board. A copy of the IT & ITES Policy 2003 is hereto annexed and marked as **Exhibit- "C"**.

4.6. It is pertinent to note that as per the Notification dated 14th September 2006 issued by the Central Government Ministry of Environment and Forest (hereinafter referred to as "**said Notification**"), it is notified that all the industries are categorized as either "Category A" or "Category B". Clause 7(c) of the Schedule of the said Notification states that industrial estates having area below 500 hectares and not housing any industry belonging to Category 'A' or Category 'B' does not require Environment Clearance. The said project falls under the specifications of Clause 7(c) of the said Notification and hence the Respondent was not required to apply for Environment Clearance. Further, Clause 8(a) of the Schedule of the said



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory

Notification which deals with Building and Construction projects does not apply to the Respondent as the built-up area of the said project falls beyond the scope of Category B. In view thereof, for the aforesaid reasons, the Respondent No. 1 verily believed that it was exempt from the requirement of obtaining an Environment Clearance. Hereto annexed and marked as **Exhibit- "D"** is a copy of the said Notification dated 14th September 2006 which was in force until 1st December 2009. It is pertinent to note that the Applicant is relying upon an amended version of the said Notification which was not in force until 1st December 2009.

- 4.7. As per Clause 20.2 of the Industrial Policy of Maharashtra 2006 a Common Application Form (hereinafter referred to as "**C.A.F.**") is required to be filed by every Applicant seeking to set up an industry /expansion unit. The C.A.F. pertains to all the clearances required to set up an industry. This C.A F. was filled by the Respondent No.1.
- 4.8. Thereafter, *vide* approval dated 25th June 2007 issued by the Ministry of Commerce & Industry, Department of Commerce (SEZ Section), an area admeasuring approximately 2,00,000 sq. mt. out of the larger land (hereinafter referred to as "**said land**") was declared as Special Economic Zone (hereinafter referred to as "**SEZ**") in terms of the Special Economic Zones Act, 2005 and the Rules made thereunder (hereinafter referred to as "**SEZ Act and Rules**").
- 4.9. It was on 3rd August 2007 that MIDC, Pune addressed a letter to Respondent



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

[Handwritten Signature]
 Authorised Signatory

10

No.1 informing that although as per the I.T and ITES policy, the said project is exempted from requirement of obtaining NOC from the Maharashtra Pollution Control Board (hereinafter referred to as "M.P.C.B") as it is an industrial unit; however, for setting up of the sewage treatment plant, consent and/or NOC from M.P.C.B would be required. The letter further stated that that the Respondent would have to obtain Environment Clearance from the Ministry of Environment and Forest. A copy of the letter dated 3rd August 2007 addressed by MIDC to the Respondent is hereto annexed and marked as **Exhibit "E"**.

4.10. Upon receiving the abovementioned letter the Respondent sought legal advice and internal approvals and thereafter, by way of abundant caution, preferred an application to the Secretary of the Environment Department of the State of Maharashtra on 28th July 2008 for obtaining the Environment Clearance for the said project which was accepted on 1st August 2008. A copy of the letter dated 28th July 2008 is hereto annexed and marked as **Exhibit- "F"**. The Respondent also simultaneously applied to the office of the Regional Officer of M.P.C.B for obtaining the Environment Clearance. A copy of the letter dated 28th July 2008 addressed to the Regional Officer of M.P.C.B (Respondent No.6) is hereto annexed and marked as **Exhibit- "G"**.

4.11. In the meanwhile, the Respondent applied to MIDC for the sub-division of the larger land into two parts, the first of which would comprise of the said land such that the rights, title, interest and obligations in and arising out of



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

the said land would be assigned in favour of Pune Embassy Projects Private Limited (hereinafter referred to as "PEPPL") and that the second part of the land, the rights, title, interest and obligations in and arising out of the said land would be assigned in favour of Pune Dynasty Projects Private Limited (hereinafter referred to as "Pune Dynasty"). Permission for sub-division was granted by MIDC *vide* its letter dated 18th August 2008. The concerned authority i.e. SEZ Authority under the SEZ Act and Rules also accorded their approval to transfer all the permissions/ approvals granted to the Respondent No. 1 in favour of PEPPL.

4.12. Accordingly, with effect from 29th September 2008, PEPPL acquired the leasehold rights and became the assignee in possession of the said land, building(s) and construction thereon.

4.13. Thereafter, on 6th May 2009 a presentation was made by the Respondent before the State Environmental Impact Assessment Authority (hereinafter referred to as "SEIAA") for the grant of Environment Clearance in respect of the said project. Pursuant to the presentation, the M.P.C.B. (Respondent No. 6) directed the Respondent to submit further details in respect of the project on 7th May 2009.

4.14. In the meanwhile, the Respondent received the commencement certificate for building 5 from MIDC, Pune on 12th October 2009.

4.15. As the procurement of the documents as asked for by the MIDC on 6th May



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Handwritten Signature]
Authorized Signatory

2009 took some time, the Respondent submitted all the required details on 17th November 2009. Pursuant to the submission of the required details/documents the State Level Expert Appraisal Committee (hereinafter referred to as "SEAC") visited the site of the said project on 27th November 2009 and prepared a detailed site visit report. A copy of the Minutes of the meeting dated 30th November 2009 is hereto annexed and marked as **Exhibit- "H"**. Pursuant to the site visit and upon being satisfied, the SEAC recommended the said project to the State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") for Environment Clearance.

4.16. On 30th November 2009, the SEIAA demanded certain clarifications. A copy of the minutes of the meeting of the SEIAA is hereto annexed and marked as **Exhibit- "I"**. The Respondent provided the required clarifications and relevant documents to the SEIAA on 8th October 2010.

4.17. Thereafter it was on 10th January 2011 that the Government of Maharashtra issued a show cause notice to Respondent No.1 demanding an explanation as to why Respondent No.1 had continued with the construction of the said project without obtaining the Environment Clearance. Hereto annexed and marked as **Exhibit- "J"** is a copy of the show-cause notice dated 10th January 2011. Thereafter, Respondent No.1 repeatedly followed up with the SEAC authorities for a personal hearing which was then held on 14th March 2011. During the personal hearing attended by Respondent No.1's erstwhile employee, the SEAC was satisfied that all the documents as required had been provided by Respondent No.1 and hence withdrew the show-cause



EMASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

notice dated 10th January 2011. Subsequent to the withdrawal of the show cause notice, the SEAC authorities on 11th July 2011 granted the Environment Clearance for built up area of 4,89,815.41 sq.mt. which was uploaded on the site of the M.P.C.B. The Environment Clearance dated 11th July 2011, though valid for a period of 5 years from the date of issue, was revalidated from time to time. A copy of the Environment Clearance uploaded by the SEAC authorities on their website is annexed hereto and marked as **Exhibit- "K"**.

4.18. It was on 6th September 2013, 11th October 2013 and 4th December 2013 that the Respondent received the commencement certificate for commencing the construction work for building no.3 and MLCP-1, food court and building no. 6, respectively from MIDC.

4.19. In the meantime, the formalities for amalgamation of Respondent No.1 and PEPPL continued. Finally, *vide* order dated 7th August 2017 the National Company Law Tribunal (NCLT) (Bengaluru Bench), approved the scheme of amalgamation pursuant to which, PEPPL stood amalgamated with Respondent No.1 and accordingly became entitled to deal with the said land, buildings and construction thereon.

4.20. On 21st December 2018, the Respondents made an online application for ETZ EC for expansion and modification of the plans and awaits the ETZ EC. It is pertinent to note that since 21st December 2018, the Respondent has submitted the Terms of Reference and the EIA report. The Respondent has



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory

14

also attended a hearing for reviewing the compliances and virtually presented its proposal. Thus, all the necessary requirements to be fulfilled by the Respondent have been complied with.

4.21. In addition to the aforesaid, Respondent No. 1 states that all construction work and operations for the said Project have been and continue to be executed in accordance with the applicable laws and only after obtaining all the relevant permissions and approvals including the Fire NOCs, Commencement Certificates, Occupation Certificates, etc. The Applicant's allegations and contentions are therefore false, baseless, unwarranted and malafide and ought not to be entertained by this Hon'ble Tribunal.

I say that upon careful consideration of the aforesaid facts and on a perusal of the relevant documents produced by the Applicant, it is apparent that the Applicant is not entitled to any of the reliefs prayed for in the said Application and that granting such reliefs will cause grave and irreparable harm, loss and prejudice to the Respondents.

5. At the further outset, I state that the said Application is a malafide attempt by the Applicant to damage the reputation and image of Respondent No.1 and illegally extort monies by making false claims against Respondent No.1. This is apparent from the sheer vagueness of the Application and lack of factual data and relevant documentation in support of the allegations and contentions made therein.
6. With regard to the contents of the said Application, I deny each and every statement, allegation, averment, submission and contention raised by the



For EASASY PROPERTY DEVELOPMENTS PVT. LTD.

[Handwritten Signature]
 Authorised Signatory

15

Applicant in the said Application which is contrary hereto and/or inconsistent with what is stated herein. Nothing stated in the said Application shall be deemed to have been admitted by Respondent No.1 for want of specific traverse. I say that the said Application is rife with false, concocted, and dishonest contentions and allegations which also contradict one another at various instances.

7. Without prejudice to the aforesaid contentions the Respondent's para-wise reply is as under:

7.1. With reference to paragraph nos. 1 and 2, the contents thereof merit no reply.

7.2. With reference paragraph no. 3, the contents thereof are denied in toto. It is specifically denied that the said Application has been filed under sections 14 and 15 (b) & (c) r/w section 18(1) and (2) of the NGT Act in the larger interest of and for the protection of the environment and ecology. The Respondent repeats and reiterates the contents of paragraph nos. 5(a) ad 5(b) hereinabove and states that the said Application is nothing but an abuse of the process of law and has been filed beyond limitation. Hence, on this ground alone, the application is liable to be dismissed in limine.

7.3. With reference to paragraph nos. 4 and 5, the contents thereof are denied in toto. The Respondent submits that the said Application has been filed without any factual basis and is a malafide attempt by the Applicant to damage the reputation and image of the Respondent and illegally extort monies by making false claims against the Respondent.

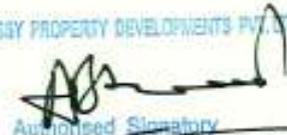


Authorised Signatory

- 7.4. With reference to un-numbered paragraph no. 1 under the heading '*Brief Facts*', the contents thereof are a matter of record and as such merit no reply.
- 7.5. With reference to un-numbered paragraph nos. 2 and 3 under the heading '*Brief Facts*', the Respondent states that permission for the second project Building Plan was obtained in the year 2009 and not in 2007 as has been wrongly stated in paragraph no. 2 of the Application.
- 7.6. With reference to un-numbered paragraph no. 4 under the heading '*Brief Facts*', the contents thereof are denied in toto. The Respondent states that the contents of the said paragraph do not state the true and correct factual position. The Respondent repeats and reiterates that on the date of allotment of land to the Respondent, the said project did not require any sort of Environment Clearance from the Environmental Department by the virtue of the IT & ITES Policy 2003 and 2006 and the Notification dated 14th September 2006. The Policy and the Notification collectively laid down that since IT industries/projects are non-polluting in nature and since the total area of the said project is limited to 500 hectares, the said project would not require any clearance. However, pursuant to the letter dated 3rd August 2007 which was addressed by the MIDC to the Respondent the Respondent immediately took all the steps necessary to obtain the Environment Clearance. The Respondent submitted all the required documents and also deposited the requisite fees without any default on its part. The Respondent states that as soon as the Respondent was made aware by the MIDC that



FOR EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory

Environment Clearance will be required, the Respondent, by way of abundant caution, took all the steps necessary and obtained the Environment Clearance on 11th July 2011 which was later modified and revised.

7.7. With reference to un-numbered paragraph no. 5 under the heading '*Brief Facts*', the contents thereof are denied in toto. It is denied that the Respondent continued with the construction activity illegally and unlawfully from 14th September 2006 to 11th July 2011. The Respondent state that the Applicant has been raising baseless allegations against the Respondent without any proof of fact and law. The Respondent repeats and reiterates the contents of the foregoing paragraphs and states that it has constructed the said project only after obtaining all the necessary approvals. The Respondent further reiterates that once MIDC clarified to the Respondent that Environment Clearance would be required for the said project, the Respondent followed due process and submitted all the documents as required pursuant to which, the Respondent obtained the Environment Clearance on 11th July 2011.

7.8. With reference to un-numbered paragraph nos. 6 and 7 under the heading, '*Brief Facts*', the contents thereof are denied in toto. It is denied that the construction activity shows serious violation of the fundamental laws as well as the Environment Protection Act, 1986, EIA Notification 2006 and that it attracts strict legal action; the Respondent puts the Applicant to strict proof thereof. It is denied that the Respondent has made a mockery of justice while not following the Compulsory Environmental Norms of the land. The



For: EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

Respondent specifically denies that it is a defaulter and that all the activities have been done in collusion with the concerned officials of the concerned authority. The Respondent puts the Applicant to strict proof thereof and states that the Applicant should be refrained from making any such baseless and unwarranted statements without having any proof. The Respondent specifically denies that the project and construction which the Respondent has erected is illegal under the eyes of law and attracts legal action and needs to be demolished in the public interest and fulfilling the objective of the statutory compliance of the Environment Protection Act, 1966 and the EIA Notification 2006.

7.9. With reference to paragraph no. 6.1, the contents thereof are specifically denied. It is denied that the Respondent has continued the construction from the year 2006 to 2011 without obtaining the Environment Clearance from the concerned authority and that same is in violation of environmental norms as per the Environment Protection Act, 1966 and the EIA Notification 2006. The Respondent repeats and reiterates that at the relevant time the Respondent believed that:

- a) When the land was allotted to the Respondent the allotment letter did not contain any averment regarding requirement of clearance of any kind or prior permission from the Environment Control Board or Pollution Control Board.
- b) As per the Notification dated 14th September 2006 issued by the Central



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorised Signatory

Government through its Ministry of Environment and Forest it is notified that all the industries are categorized as either "Category A" or "Category B". Clause 7(c) of the Schedule of the said Notification states that industrial estates of having area below 500 hectares and not housing any industry belonging to Category 'A' or Category 'B' does not require Environment Clearance. Further, Clause 8(a) of the Schedule of the said Notification which deals with Building and Construction projects does not apply to the Respondent as the built-up area of the said project falls beyond the scope of Category B.

- c) Since the said project was being developed strictly for the accommodation of I.T industries, the project was governed by the I.T and ITES POLICY 2003 of the Government of Maharashtra, Industries, Energy and Labour Department. It is specifically laid down in clause 4.4 point (g) of the said IT & ITES Policy 2003 that the IT & ITES units are exclusively exempted from procuring clearance of the Maharashtra Pollution Board since they are non-polluting industries of Maharashtra.

However, pursuant to the notice dated 3rd August 2007 issued by MIDC, the Respondent immediately applied for grant of Environment Clearance. The Environment Clearance was ultimately granted by the authorities on 11th July 2011. Thus, the said project has received an Environment Clearance which is valid as on the date of the Applicant and even today.



For EMVASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorized Signatory

- d) With reference to paragraph no. 6.2, the contents thereof are denied in toto. Respondent No.1 denies that they have not taken the clearance for the said project and further also denies that they do not have clearance initio. The Respondent No.1 denies that it does not have Environment Clearance for the said Project.
- e) With reference to paragraph no. 6.3 and 6.4, the Respondent specifically denies the contents thereof. The Respondent denies that it has some privileges under the law and calls upon the Applicant to refrain from making any such statements without any documentary proof. Infact, the Respondent has been diligently following the process of law. The Respondent denies that the building plans have been modified many a times and/or that the Environment Clearance has never been complied with. The Respondent puts the Applicant to strict proof thereof.
8. That, pursuant to the letter dated 3rd August 2007 which was addressed by the MIDC to the Respondent, the Respondent immediately took all the steps necessary to obtain the Environment Clearance. The Respondent had submitted all the required documents and deposited the requisite fees as per the requirement without any default on its part. The Respondent states that from the time the application for Environment Clearance was filed, until the grant of Environment Clearance, the Respondent did not receive any intimation in the form of Show Cause Notice or Stop Work Notice for the alleged infringement of Environment Clearance regulations.



For CREASBY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

9. The Respondent submits that the Applicant has also not complied with the mandatory requirement of sections 14 and 15 of the NGT Act, 2010 and there are no pleadings to substantiate / prove the alleged damages. The awarding of compensation to such a litigant cannot be justified in view of the judgment of the Hon'ble Apex Court and the judgment of a Bench of the Hon'ble Tribunal.
10. I state that the Respondent No. 1 is a company controlled by law-abiding citizens. I have read a copy of the Original Application No. 31 of 2020 (hereinafter referred to as the "**said Application**") filed by the Applicant and I am filing the present Affidavit in Reply for the limited purpose of opposing the grant of any reliefs as prayed for by the Applicant in the said Application and in order to bring out the true and correct facts pertaining to the subject matter of the said Application. I crave leave of this Hon'ble Tribunal to file such further and additional affidavit(s) in reply to the said Application and rely upon such other and further documents in support thereto, as may be required.
11. The Respondent submits that the Hon'ble NGT should take into consideration the Respondent's compliance with the environmental laws and steps taken by the Respondent for the protection of the environment. The Applicant is not entitled to any of the reliefs as prayed for in the said Application as the Respondent has followed all the steps as required to obtain the Environment Clearance and has not carried out any construction in contravention to the terms of the Environment Clearance.



For EMBASSY PROPERTY DEVELOPMENTS PVT. LD.

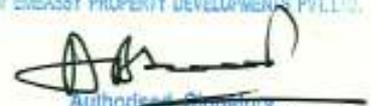

Authorized Signatory

12. I say and submit that the Applicant has failed to make out a case to justify the grant of any reliefs and that the said Application deserves to be dismissed for the reasons stated hereinbelow, each of which is taken in the alternative and without prejudice to the other.

13. It is therefore prayed that the Application under reply ought not to be entertained and may be dismissed *in limine* at the very threshold.

Whatever stated above is true and correct to the best of my knowledge, information and belief, in witness whereof I have signed this Affidavit.

FOR EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.


Authorized Signatory

PLACE :

DATE : 12/11/2000

Mr. A. B. Mandanna
Authorized representative of
Embassy Property
Developments Pvt. Ltd. & Ors
RESPONDENT NO. 1

AFFIANT

ADVOCATE

I KNOW THE AFFIANT



SWORN TO BEFORE ME
12/11/2000
CHANDRASHEKARAIYAH. S
Advocate & Notary
No. 9/7, Kempegowda Nilaya
3rd Cross, Muthurayaswamy Extension
Sunkadakatte, Bangalore - 560091

Book No. 2 Page 47
Reg. No. 4982 Dated 12/11/2000

EXHIBIT - A

23

**EMBASSY CORPORATE**

To,

Mr. Shashikant Vithal Kamble

Flat No. 13, 2nd floor, building
C-1, Popular Colony, S. No. 45
Warje, Pune 411058

Date: 25.09.2020

Ref: Notice dated 18th August 2020 received from the Registrar of the National Green Tribunal, Western Zone Bench, Pune

Dear Sir,

We are in receipt of the Notice dated 18th August 2020 issued by the Registrar of the National Green Tribunal Western Zone, Pune attaching the order dated 14th August 2020 passed by Hon'ble Mr. Justice Sheo Kumar Singh (Judicial Member) and Hon'ble Dr. Satyawan Singh Garbyal (Expert Member) of The National Green Tribunal Principal Bench, New Delhi passed in the Original Application No. 31/2020 (WZ) through video conferencing. In response to the same, we address you as under:

Vide order dated 14th August 2020, you were directed to serve a copy of the Original Application No. 31/2020 upon the Respondents. However, we have not received a copy of the said application till date. You are accordingly requested to kindly provide us with a copy of the said application along with annexures on the following address:

Embassy TechZone,
PL03A, Adjacent to SEZ office,
Congo MLCP, Ground Floor,
Rajiv Gandhi Infotech Park,
Phase II, Hinjewadi, Pune,
Maharashtra - 411057

Kindly do the needful at the earliest in order to enable us to file our reply.

Request you to kindly acknowledge the receipt of this letter

Yours truly,

Embassy Property Development Pvt. Ltd.


Authorised Signatory
(B.S. Mohan)

Embassy Property Developments Pvt. Ltd.

Embassy Point, 1st Floor, 150, Infantry Road, Bangalore - 560 001, India. T: +91 80 4179 9999 F: +91 80 2228 6912
www.embassyindia.com | CIN: U85110KA1996PTCO20897



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorised Signatory

EXHIBIT - A

24



EMBASSY CORPORATE

CC:

National Green Tribunal Western Zone, Pune
New Administrative Building, D-Wing, 1st floor,
Opposite Council Hall, Camp,
Pune, Maharashtra 411001
ngt_pune@gov.in

EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorised Signatory

This Document is Referred to as
Annexure.....in The
Affidavit of Smt/Sri.....

Notary



Embassy Property Developments Pvt. Ltd.

Embassy Point, 1st Floor, 150, Infantry Road, Bangalore - 560 001, India. T: +91 80 4179 9999 F: +91 80 2228 6912
www.embassyindia.com | CIN: U85110KA1996PTCO20897

EXHIBIT - B25
T**MIDC**

No.MIDC/ROP/PIP/ 4220

Dated :-

5 AUG 2004

Sub. : **RAJIV GANDHI INFOTECH PARK - HINJAWADI-II**
Allotment of land at.

Ref. : Application dated 05/08/2004.
Received from M/s. Dynasty Developers Pvt. Ltd.,

ORDER:

Sanction is hereby accorded to the allotment of land admeasuring 285535 Sq. Mtrs comprising of Plot No. PL - 3 from Rajiv Gandhi Infotech Park Hinjawadi -II to M/s. Dynasty Developers Pvt. Ltd., a company incorporated under the companies Act, 1956 & having its register office at Embassy Point, 150 Infantry Road, Bangalore-560001.

Subject to the payment of the premium of Rs.15,70,44,300/- calculated at the rate of Rs. 550/- per Sq. Mtr. and subject to the following conditions :-

1. The amount of earnest money received with the application will be appropriated towards the amount of premium. The allottee shall pay the sum of Rs.8,00,44,000/- being the balance amount of the premium within a period of 30 days from the date of this order, by D.D.-drawn in favour of 'THE DY. CHIEF ACCOUNTS OFFICER, MIDC', and payable at Pune.
2. In case of the allottee fails to pay the balance amount of premium within the period mentioned above, the allotment shall be liable to be cancelled without further notice.
3. In the event of the allotment being cancelled as aforesaid the Corporation will be entitled to forfeit the whole of the earnest money received with application.
4. The terms and conditions of the allotment of land will be those as contained in the standard form of Agreement to Lease and the Lease annexed thereto and in substance are as follows :-
 - a) The allottee shall enter into an Agreement to Lease in the form prescribed by the Corporation and on performance of the conditions will be entitled to a Lease for the terms and ninety five (95) years to be compute from the date of handing over of possession and renewable for one further term of 95 years on payment of premium and on such terms and conditions as may be determined by the Corporation at the time of renewal.
 - b) The annual ground rent of Rs1/- p.a. is payable in respect of plot of land allotted.

Attest: Deputy I

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

(A Government of Maharashtra Undertaking)

Regional Office : Jog Centre, 2nd Floor, Wakdevadi, Pune-3, Tel.: 2581944/5, Fax : 25819446
E-mail : ropune@midcindia.org Visit us at : www.midcindia.org www.maharashtrairparks.com

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

- c) The allottee shall get the plans and specifications of the proposed Software Development building duly approved by the Executive Engineer of the said Industrial Area and complete the said building in accordance with the approved plans and shall obtain a completion certificate from the Executive Engineer of the said Industrial Area within prescribed period.
- d) The allottee shall not directly or indirectly transfer or assign the benefits of interest in the Agreement to Lease or part with the possession of the said land or any part thereof without the previous consent of the Corporation who may refuse it or grant it subject to such conditions as the Corporation may think fit including a conditions for payment of additional premium. (please refer condition q mentioned below)
- e) The allottee shall be entitled to use the land for the purpose of Software development but not for the purpose of a factory for any of the obnoxious Industries specified in the annexure set out in the schedule to the Agreement to Lease and shall not use the said land or any part thereof for any other purpose nor for the purpose of any factory which may be obnoxious, offensive by reason or emission of odour, liquid-effluvia, dust, smoke, gas, noise, vibration or fire-hazards.
- f) The other terms and conditions of allotment shall be those contained in the prescribed forms of Agreement to Lease and the Lease.
- g) The stamp duty in respect of the preparation and execution of the Agreement to Lease and its duplication and also the lease and its duplication in respect of the allotted plot of land as also the Legal costs for the preparation execution of these documents including the registration fee shall be born and paid by the allottee alone.
- h) The allottee shall submit the Building Plans of Software Development Building to the special planning authority and get it approved the same from Special Planning Authority and commence the construction work and complete the construction work and also obtain BCC within the period of 3 years from the date of taking over the possession of plot.
- i) If the allottee fails to complete the construction work and obtain BCC within the period of 3 years from the date of possession of plot, the allotment of plot will be summarily cancelled.
- j) The allottee should construct the building as per the standard norms prescribed and as per DC Rules applicable to the Pune IT Park.
- k) After allotment of Plot the developer should provide and maintain infrastructure like internal roads, drainage systems, water supply, power supply and all other services required for IT industries and Corporation will not make any expenditure for providing internal infrastructure.



For: EMERALD PROPERTY DEVELOPMENTS PVT. LTD.
 Authorised Signatory

- l) As per decided policy of the corporation developer has to keep 10% open spaces and 5% amenity area and such lands should be used for the same purpose.
- m) In the said park/land 80% land for IT industries and maximum 20% land reserved for ITES.
- n) The corporation will grant the Lease of the plot in favour of developer and the developer will sub-lease the premises to the occupant.
- o) The consent of the corporation is required for transfer of Gala or mortgage in favour of the Financial Institution.
- p) The allotment of Gala should be made for the use of IT industries only. No change in the purpose is allowed. If any change is found the agreement made with the developer will be cancelled.
- q) The note of the first allotment/sub-lease made by the developer will be taken by the corporation without recovering any charges but thereafter if the Gala is transferred from one occupant to other occupant in such case as per decided policy of the corporation transfer charges will have to be paid. In case the Gala is subletted then as per the decided policy of the Corporation subletting charges has to be paid.

The allottee may submit his application for telephone connection to the concern telephone authority immediately, after taking over possession of the plot. This will enable the telephone authorities to built up a waiting list ensure proper planning to provide timely telephone connection to the Industrial units in the area.


Regional Officer
MIDC Pune-3

✓ To,
M/s. Dynasty Developers Pvt. Ltd.,
Embassy Point,
150 Infantry Road,
Bangalore-560001.

Copy submitted to :-
The Jt.C.E.O, MIDC, Mumbai for favour of information please.
The Chief Planner, MIDC, Mumbai-93.
Copy f.w.cs to the Executive Engineer, MIDC, IT, Chinchwad, Pune-19.



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

POSSESSION RECEIPT.

I, **V. V. KSHEMKALYANI** Surveyor on behalf of the Maharashtra Industrial Development Corporation and **SRI GOPI KRISHNAN**, on behalf of **M/S. DYNASTY DEVELOPERS PRIVATE LIMITED.**, have this day respectively handed over and taken over the possession of **Plot No. PL-3 2,76,874 Sq.mtr.** of the **RAJIV GANDHI INFOTECH PARK , HINJAWADI PHASE II VILLAGE MARUNJI , TALUK MULASHI District - Pune** after actual measurement and demarcation of the plot on the site.

Place: - **Pune,**

Date: - **23/06/2005**

HANDED OVER

TAKEN BY

for **DYNASTY DEVELOPERS PVT. LTD.,**

V. V. Kshemkalyani
23/06/2005

SHRI, V. V. KSHEMKALYANI
(Surveyor)
Regional Office,
MIDC, Pune

Gopi Krishnan
DIRECTOR.

GOPI RISHNAN
DIRECTOR
Signature of the allottee
or representative with
his designation,



5



For **EMASSY PROPERTY DEVELOPMENTS PVT. LTD.**
[Signature]
Authorized Signatory

MIDC



No. RO/Pune/RGIP/Ph-III/Land- 4822

Date: 31 MAY 2007

To,
M/s. Dynasty Developers Pvt. Ltd.,
Embassy Point # 150 Infantry Road,
Bangalore - 560 001 India.

Sub : Rajiv Gandhi Infotech Park, Hinjawadi, Phase-II.
Sub-division of Plot No. PL-3 and Transfer.

Sir,

Please refer to your letter dated 22/1/2007.

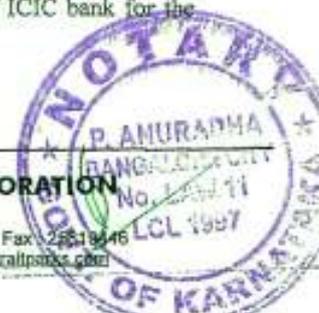
In context of the above subject I have been directed to inform you that your request of sub-division of Plot No. PL-3 and transfer the sub-divided plots in favour of M/s. Pune Embassy Projects Pvt. Ltd. and M/s. Pune Dynasty Projects Pvt. Ltd. is approved in principal subject to the following conditions :-

1. The proposed sub-divided plots are more than 4 Hectors hence you shall reserve 5 % amenities and 10 % open spaces in each proposed sub divided plot.
2. The entry to the proposed sub-divided plots is shown at 'X' in the plan. It is necessary to provide cul-de-sac at this point with width equal to 1.5 times the road width (45 mtr) and length equal to 2 times the road width (60 Mtr). The width of the each proposed sub divided plot should be 10 mtr. at the entry as shown in the plan.
3. The cul-de-sac will be developed by you and the proposed cul-de-sac will be allowed to MIDC.
4. The construction on the individual proposed sub-divided plots should be as per MIDC's D.C. rules applicable for the individual plot area.
5. The MIDC has given the consent to mortgage the plot No. PL-3 in favour of ICICI Bank. Hence you should furnish the NOC of ICIC bank for the said sub-division.

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

(A Government of Maharashtra Undertaking)

Regional Office : Jog Centre, 2nd Floor, Wakdevadi, Pune - 3. Tel. : 25819444/5, Fax : 25819446
E-mail : ropune@midsindia.org Visit us at : www.midsindia.org www.maharashtrainspc.com



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Signature]
Authorised Signatory

- 6. You will have to pay differential premium for the transfer of sub-divided plots in favour of M/s. Pune Embassy Projects Pvt. Ltd. and M/s. Pune Dynasty Projects Pvt. Ltd. as MIDC's rule which will be communicated separately.

Thanking you,

Yours faithfully,

D.A. : Copy of Plan

O/C. Signed by R.O.

[Signature]
Regional Officer,
MIDC, Pune-3.



ATTESTED BY ME
TRUE COPY
P. ANURADHA, B.A., M.L., M.P.N.
ADVOCATE & NOTARY PUBLIC
B-12, Acharya Lakshmi Nagar
Bhamburda (Old) Palace, Bhatnagar, M. Road
Korwar Road, Vidyapeeth Post, Bangalore-56004

11/0 NOV 2010



This Document is attested as
Annexure..... in The
Affidavit of Smt/Sri.....
Notary

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Signature]
Authorised Signatory

EXHIBIT - C**31****IT and ITES Policy, 2003**

GOVERNMENT OF MAHARASHTRA
Industries, Energy & Labour Department,
Government Resolution No.ITP-2003/CR-3311/IND-7,
Mantralaya, Mumbai – 400 032.

Dated :- 12.07.2003

1. Context:

Government of Maharashtra has been supporting development of industry and business through a series of far-reaching policy initiatives. The Information Technology industry has been an important thrust area and has been receiving government support. During the last five years, the Government focussed on HRD, IT related infrastructure, fiscal incentives to IT units, IT in Governance and Institutional Framework for the IT sector. These initiatives have enabled the IT industry in the State to establish an initial lead and a firm foundation for a quantum leap has been laid. Exports of software and ITES from the State presently account for about 20% share of the country's exports. These exports have registered an annual growth of more than 30% during the last four years. The whole State has been connected through an Optical Fibre Cable Network and a statewide network of competent training institutions has been established for building a pool of world-class IT professionals for providing strength and support to the IT industry in the State.

At this stage of growth of the IT industry in the State, new areas warranting State's policy support have surfaced. The State Government has identified and appreciated these emerging needs, requiring State support for facilitating growth of the diversified streams of the IT



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

[Handwritten Signature]
 Authorised Signatory

industry in the near future. Through a consultative process involving prominent stakeholders of the IT industry, the Government has firmed up areas for further State support. Such a focussed support to different segments of the IT industry is to be implemented under the IT & ITES Policy, 2003.

2. **Objective:**

The main objective of the IT and ITES Policy, 2003 is to make Maharashtra the most favoured destination for investments in the IT and ITES industry. This is intended to be achieved by directing the State support at opening up large scale opportunities of employment and self-employment, facilitating growth of skilled and globally employable man-power, unprecedented spurt in exports, creating hassle-free and industry-friendly, 24 x 7 x 365 working environment, associating urban local Governments as responsive key stakeholders in promoting business and enterprise in the IT industry, and providing a legal framework for data protection and consumer privacy.

3. **Resolution:**

The Government of Maharashtra is pleased to announce its Information Technology and Information Technology Enabled Services Policy, 2003 as detailed below. This Policy has come into force from 4th June, 2003 and will remain in force for a period of five years.

4. **Extra ordinary features of the Policy:**

For achieving the objective of the Policy, the State Government commits itself to the following:

4.1 **Institutional framework for policy implementation:**

An Empowered Committee headed by the Chief Secretary to guide and supervise implementation of the IT and ITES Policy, 2003 and take appropriate decisions.



4.2 Unique Info Infrastructure:

- (a) Promotion of public IT Parks.
- (b) Promotion of private IT Parks.
- (c) Cost effective and fully reliable telecom connectivity to the IT & ITES units all over the State.
- (d) Excellent road connectivity from main Highways to IT Parks
- (e) Permission to developers of IT Parks to invest funds to construct connecting roads from highways to IT Parks
- (f) Leveraging the unique advantage of low cost overseas connectivity.
- (g) Ensuring reliable and quality power supply round the clock in IT Parks by permitting unlimited back up power, Captive Power Generation and status as Independent Power Producers.
- (h) Levying of power charges on IT and ITES units at industrial rates and notifying IT and ITES units as a separate category of consumers through MERC.
- (i) Exemption of IT & ITES units from statutory power cuts in power supply.

4.3 Developing a pool of skilled globally employable manpower:

- (a) Ensuring ready availability of skilled manpower certified by Maharashtra Knowledge Corporation and other training institutions/companies.
- (b) Designing specific courses for English speaking, appropriate accent and communication skills and conducting training by School Education and Higher & Technical Education Departments.
- (b) Making available infrastructural facilities of schools of Municipal Councils, Municipal Corporations and Zilla Parishads to IT and



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

ITES Companies for conducting training programmes in ITES related subjects and English language skills.

4.4 Industry-friendly and supportive environment:

- (a) Creating a progressive and supportive environment for 24 x 7 x 365 days working.
- (b) Relaxations under Shops & Establishments Act for working hours, work shifts and employment of women.
- (c) Applicability of all relaxations under the Industrial Disputes Act and Contract Labour Act to all IT and ITES units in the State on par with Special Economic Zones.
- (d) Notifying IT & ITES units as continuous process units.
- (e) Issuing special passes to vehicles transporting women workers of IT and ITES units during night times.
- (f) Declaring IT and ITES units as public utility services and essential services.
- (g) Exemption of IT & ITES units from clearances of Maharashtra Pollution Control Board.
- (h) Suitably amending various labour laws for facilitating submission of reports/returns in electronic formats.
- (i) Permission to IT and ITES units for self-certification of reports and returns.
- (j) Constitution of a Committee under the Chairmanship of President, NASSCOM for drafting a Data Protection and Consumer Privacy Act.

4.5 Fiscal Incentives:

- (a) 100% exemption in Stamp Duty to all IT & ITES units in public IT Parks.
- (b) 75% exemption in Stamp Duty to all IT & ITES units in private IT Parks.



4

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Handwritten Signature]
 Authorised Signatory

- (c) 100% exemption in Stamp Duty to all IT and ITES units in 'C', 'D', 'D+' and No Industry District areas as per Package Scheme of Incentives, 2001.
- (d) 90% exemption in Stamp Duty payment for mergers, de-mergers and reconstruction of IT & ITES units all over the State.
- (e) Stamp Duty exemption also to non-IT entities such as leasing and financial institutions acquiring space/premises in private and public IT Parks for subsequent leasing to IT and ITES units.
- (f) Exemption in Stamp Duty to assignment leases under Section 60 and leave and licences under Section 36-A of the Bombay Stamp Act, 1958.
- (g) Charging of Sales Tax at minimum floor rate of 4% on all IT products and non-IT products essential for IT and IT Enabled Services Units as approved by the Empowered Committee.
- (h) Simplification of procedure pertaining to 'F' form and 'C' form.

4.6: Support to IT and ITES Units by Urban Local Bodies:

- (a) Issuing Government directions to all Municipal Corporations for exempting imported capital goods and raw materials of IT and ITES units from levy of Octroi or Tax on entry of goods.
- (b) Issuing Government directions to all Municipal Corporations and Municipal Councils for levying property tax on all establishments/properties/buildings/premises of IT and ITES units on par with residential premises.
- (c) Grant of 100% additional Floor Space Index to all IT and ITES units in public IT Parks.
- (d) Grant of 100% additional Floor Space Index to all IT and ITES units in private IT Parks of specified sizes by paying certain premium.
- (e) Issuing of permission to erect towers and antennae as part of building plan approval.



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

 Authorised Signatory

- (f) Issuing of Government directions to all Municipal Corporations and Municipal Councils for single window interface for all clearances/approvals/licences required by IT and ITES units.

4.7: Rewarding outstanding performance of IT and ITES units:

- (a) Celebrating 20th August every year as the Information Technology Day of the State.
- (b) Presentation of State awards for outstanding performance to IT & ITES units on the Information Technology Day every year.

5. Definitions:

In the context of the Policy, the Information Technology industry consists of IT Software, IT Hardware, IT Services and IT Enabled Services as defined below:

IT Taskforce of Government of India has defined IT Software as follows:

(a) **IT Software:**

IT Software is defined as any representation of instruction, data, sound or image, including source code and object code, recorded in a machine readable form and capable of being manipulated or providing interactivity to a user, with the means of a computer.

(b) **IT Hardware:**

IT Hardware covers approximately 150 IT products notified by Directorate of Industries (APPENDIX 1).

(c) **IT Services and IT Enabled Services:**

These include various IT Services and are defined by the IT Task force of the Government of India as follows:

"IT Service including IT Enabled Service is defined as any unit that provides services, that result from the use of any



IT Software over a Computer System for realizing any value addition".

The Directorate of Industries has prepared and published an illustrative list of such IT Enabled Services (Appendix II) which is updated from time to time.

6. Institutional framework for policy implementation:

6.1 Empowered Committee:

To guide and supervise implementation of this Policy, an Empowered Committee is hereby constituted. This Empowered Committee shall be competent to periodically review the list of products and services falling under IT and IT Enabled Services and amend such lists from time to time as required. This Committee will also be competent for fixing norms, terms and conditions of eligibility (including amount of premium to be charged) of private IT Parks for availing additional 100% FSI.

6.2: The Empowered Committee will have the following composition:

- | | | | |
|----|--|---|------------------|
| 1) | Chief Secretary | - | Chairman |
| 2) | Principal Secretary (Finance) | - | Member |
| 3) | Principal Secretary (Industry) | - | Member |
| 4) | Principal Secretary-I
(Urban Development) | - | Member |
| 5) | Secretary-II (Urban Development) | - | Member |
| 6) | Secretary
(Information Technology) | - | Member |
| 7) | Municipal Commissioner
(Mumbai, Thane and Pune
Municipal Corporations) | - | Members |
| 8) | Development Commissioner
(Industries) | - | Member-Secretary |



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

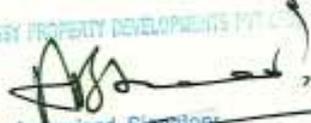
- 6.3: The Empowered Committee, if necessary, will consult with or invite representatives of institutions like NASSCOM, STPI, Private IT Parks and others for its meetings.

7. **Unique Info Infrastructure:**

- 7.1 Since faster growth of IT & ITES units can take place in urban areas, the government will provide incentives to promote setting up of public IT parks by government infrastructure agencies and private IT parks by private investors/developers in the state. These parks will have excellent infrastructural facilities for 24 x 7 x 365 working environment
- 7.2 All district headquarters and most of the taluka headquarters in the State have already been connected through optical fiber cable network. The Government shall endeavour to provide cost effective and reliable telecom connectivity throughout the State. IT and ITES units in the State will be able to leverage the unique advantage of low cost overseas connectivity available in the State.
- 7.3 For easy access and rapid movement of goods and persons in the IT parks, they will be connected to the main highways through high quality road network. To supplement investments by the State Government and Urban Local Bodies, developers of private IT parks will be permitted to invest funds in establishing such high quality road connectivity from the highways. Such roads will be transferred to the developers by the Urban Local Bodies and recovery of the investments of the developers would be adjusted against the property tax payable to the Local Bodies in future. The State Government will issue necessary directions to the Urban Local Bodies for this purpose.



8

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

- 7.4 For reliable and quality power supply round the clock, Private IT parks and Public IT parks will have freedom of unlimited back up power, permission for captive power generation and status as 'Independent Power Producers'.
- 7.5 IT and ITES units shall be declared as continuous process units and shall be exempted from statutory power cuts to enable them to perform on 24x7x365 basis.
- 7.6 IT and ITES Units will be entitled for supply of power at industrial rates under the MERC tariff orders. These units will be categorised as a separate group of consumers through the MERC.

8. **Developing a pool of globally employable manpower:**

- 8.1 For ensuring ready availability of skilled and competent manpower for the IT and ITES industry, which would be employable all over the World, the Government will facilitate development of such a pool of man power. School Education and Higher & Technical Education departments will impart training in English languages skills (English speaking, appropriate accent and communication skills) to the youth in the State.
- 8.2. Private Training Institutions, and IT and ITES companies shall be offered infrastructural facilities in schools of the Municipal Corporations, Municipal Councils and Zilla Parishads on a lease basis, during non-working hours of schools, for conducting training in IT, ITES related skills as well as English language skills.



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

9. **Industry friendly and Supporting environment:**

- 9.1 The State Government will endeavour to provide industry friendly and supportive working environment for the IT and ITES units in the State. To enable IT and ITES units to work efficiently on 24x7x365 basis, provisions under the Shops and Establishments Act have been relaxed for working hours, work shifts and employment of women.
- 9.2. All relaxations under the Industrial Disputes Act and Contract Labour Act approved for units in Special Economic Zones shall be made applicable to all IT and ITES units in the State.
- 9.3 Reports>Returns in electronic formats will be accepted as per provisions of IT Act 2000. To enable IT and ITES units to submit reports and returns in electronic formats, necessary amendments in the following Labour laws shall be made.
- Employees State Insurance Act
 - Factories Act
 - Payment of Wages Act
 - Minimum Wages Act
 - Contract Labour Act
 - Shops and Establishments Act
 - Workmen's Compensation Act
- 9.4. IT and ITES units shall be allowed to file self-certified reports/returns to concerned Officers of Labour Department.
- 9.5 ITES shall be declared as Public Utility Services under the Industrial Disputes Act and as Essential Services (for more than six months) under the provisions of Maharashtra Essential



Services Maintenance Act 1999 by necessary amendments in these laws.

- 9.6 Since IT and ITES units do not cause any pollution, they shall be exempted from the requirement of NOC from MPCB. In case exceptional situations arise in future, a negative list of such exceptional cases shall be notified.
- 9.7 20th August every year will be celebrated as the Maharashtra Information Technology Day. State awards for outstanding performance to IT and ITES units will be presented on this day.
- 9.8 Relaxation with respect to labelling of items/products of IT and ITES units Under the Weights & Measures Act will be permitted and working procedure will be simplified in consultation with Government of India.
- 9.9 Since IT and ITES units work on 24 x 7 x 365 basis (round the clock throughout the year) and they employ women workers, a special group shall be appointed in the police department. Vehicles of IT and ITES units transporting women workers during night hours will be issued special passes/permission.
- 9.10 **Data Protection:**
To prepare draft of a Data Protection and Consumer Privacy Act, a committee shall be formed under the Chairmanship of President, NASSCOM. Such an Act will be enacted thereafter.

10. Fiscal Incentives:

IT and ITES units in the State shall be entitled for the following fiscal incentives.



EMASSY PROPERTY DEVELOPMENTS PVT.LTD.

 Authorised Signatory

10.1 Stamp Duty Exemption:

- (a) 100% Stamp Duty Exemption to all registered Information Technology and IT Enabled Services units in C, D, D+ and No Industry District areas classified under Package Scheme of Incentives – 2001 in the State.
- (b) 100% stamp duty exemption to all IT & ITES units in Public IT parks in A & B areas notified as per package scheme of incentives 2001.
- (c) 75% stamp duty exemption to all IT and ITES units in private IT parks in A and B areas notified as per package scheme of incentives 2001.
- (d) 90% of Stamp Duty exemption on merger, demerger and re construction of IT and ITES units all over the State.
- (e) 90% Stamp duty exemption to Assignment Leases of IT and ITES units under Section 60 and leave & licences of IT & ITES under Section 36 A of the Bombay Stamp Act 1958.
- (f) If non-IT entities such as leasing and/or financial institutions like HDFC lease space owned by them in Private/Public IT Parks to IT and ITES units, such entities shall be held eligible for Stamp Duty exemption as per (b) and (c) above.

10.2 Sales Tax:

- (a) Sales Tax on sale of IT products has been reduced to a minimum floor rate of 4% as notified by Finance Department, vide Notification dated 11th August 2000. Under this Notification, certain IT products and essential non-IT products required for IT Enabled Services are not included. The Empowered Committee shall finalize a list of such products/items and sales tax on all products in such a list shall be charged at the minimum floor rate of 4%.
- (b) When an IT/ ITES unit effects a transfer of assets related to IT and IT Enabled Services from one branch to another, filling up of 'F' form is compulsory. The Government will attempt to get this



requirement deleted with consent of the Government of India and also to simplify the working procedure in this regard.

- (c) Submission of 'C-Form' is compulsory for units in the State while buying products from other States, failing which 10% sales tax is levied on the transactions. Banks, IT and ITES firms are not in a position to submit C-Form and hence they are required to pay higher rate of sales tax. The Government will attempt to get this procedure simplified, with the consent of the Government of India.
- (d) Presently, 14% Contract Tax is being charged on annual maintenance agreements for IT products. Since proportion of spare parts required for maintenance of such products is very small, a maximum of 5% works contract tax on annual maintenance agreements of IT and ITES units shall be charged in the State.

11. Support to IT and ITES units by Urban Local Bodies:

Rapid Growth of the IT and ITES industry in urban areas will benefit Urban Local Bodies in many ways. Therefore, the Government will endeavour to associate the Urban Local Bodies as partners with its efforts to support the IT and ITES units. In partnership with the ULBs, the following support will be made available to IT and ITES.

11.1 Octroi / Entry Tax:

- (a) To make IT and ITES units in Maharashtra competitive with similar units in other States, directions shall be issued to all the Municipal Corporations in the State for exemption in Octroi/Entry Tax to such units, on all capital goods and raw materials purchased by them. Such an exemption to IT and ITES units will also be granted by Municipal Corporations from any other alternative tax, if levied in place of Octroi.



EMASSY PROPERTY DEVELOPMENTS PVT.LTD
 [Signature]
 Authorised Signatory

- (b) Capital goods and raw materials imported within the municipal limits by IT and ITES units were exempted from Octroi by the BMC upto May, 2002. This exemption will be restored by the BMC for the IT and ITES units.
- (c) To attract and promote the IT and ITES units in Mumbai and other urban areas, the Government shall issue directions to all Municipal Corporations and Municipal Councils to levy property tax on all establishments/properties/buildings/premises of IT and ITES units on par with residential areas in their respective municipal limits.
- (d) 100% additional FSI shall be made available to all IT and ITES units in Public IT Parks in the State.
- (e) 100% additional FSI shall also be made available to all registered IT and ITES units located in Private IT Parks, approved by Directorate of Industries in the State. However, to avail of this additional 100% FSI, the private IT parks will have to comply with certain norms and terms. The Empowered Committee referred in Para-6 shall fix such necessary norms and terms, including the premium to be charged from the parks for eligibility of the parks for this. The Empowered Committee shall review such norms and terms of eligibility on a regular basis for ensuring proper utilization of the additional FSI.
- (f) Permission for erecting towers & antennae up to the height prescribed by the Civil Aviation Department shall be granted by the concerned Municipal bodies at the time and as part of approval of the building plan itself.
- (g) The Brihan-Mumbai Municipal Corporation (BMC) and MIDC shall expeditiously complete improvement work of approach roads leading to SEEPZ and Marol MIDC area from the Mumbai Airport.
- (h) To support rapid growth of the IT and ITES industry, roads connecting the IT Parks to main highways have to be of very high quality. Therefore, the roads connecting Private/Public IT Parks



14

14 DENSITY PROPERTY DEVELOPMENTS PVT. LTD.
 [Signature]
 Authorised Signatory

45

to the main highways shall be transferred to the developers of Private and/ or Public IT parks for development by investing their own funds. To facilitate the developers to recover such an investment, future property tax accruals to the Municipal Corporation/Council on new properties in the IT parks would be adjusted against such investments. The Government shall issue necessary directions to all Municipal Corporations and Municipal Councils in this regard.

- (i) Various permissions, approvals and registrations to IT and ITES units required from the Municipal Corporations need to be issued expeditiously. To facilitate this, the Government shall issue directions to all the Municipal Corporations to implement a single window interface for expeditious processing of such permissions, approvals and registrations.

12. All Concerned Departments of the Government should expeditiously issue necessary Orders/Notifications as per the above mentioned Government decisions.

By order and in the name of the Governor of Maharashtra.

(V.S. Dhumal)
Principal Secretary (Industries)

To

The Director General, Information and Public Relations, Mumbai (5 copies) with a request to give publicity as per decisions of this G.R. in leading national level, local level newspapers.



EMASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

		<p>current not exceeding 11 amps. 47</p> <p>69) Plugs & Sockets for co-axial cables and printed circuits.</p> <p>90) Connection and contact elements for Wires and Cables</p>
5)	85.41	<p>Diodes, transistors and similar semiconductor devices, photosensitive semi-conductor, including photo voltaic cells whether or not assembled in modules or made-up into panel light emitting diodes, mounted piezo electric crystals.</p> <p>10) Diodes, other than photosensitive or light emitting diodes.</p> <p>22) Transistors other than photosensitive transistors with a dissipation rule of less than 1 w.</p> <p>29) Transistors other than photosensitive transistors, with a dissipation rule of 1 w or more.</p> <p>30) Thyristors diacs and triacs other than photosensitive devices.</p> <p>40) Photosensitive semiconductor devices, including photo voltaic cells whether or not as modules or made up into panels, light emitting diodes.</p> <p>50 Other semi conductor devices.</p> <p>60 Pountaged piezo-electric crystals.</p> <p>90 Parts</p>
6.	85.42	<p>Electronic integrated circuits and microassemblies.</p> <p>12) Cards incorporating an electronic integrated circuit ("Smart" Cards)</p> <p>13) Metal oxide semiconductors (Mos Technology)</p> <p>14) Circuits obtained by bipolar technology.</p> <p>19) Other monolithic integrated circuits, including circuits obtained by a combination and Mos Technology (Bionos technology)</p> <p>31) Other monolithic integrated circuits</p> <p>40) Hybrid integrated circuits</p> <p>41) Electronic Micro assemblies.</p> <p>90 Parts.</p>
7.	85.44	<p>41) Other electric conductors for a voltage not exceeding 80 v, fitted with connectors of for telecommunication.</p> <p>49) Other electric conductors for a voltage not exceeding 80 v, not fitted with connectors of for telecommunication.</p> <p>50) Other electric conductors for a voltage exceeding 80 v but not exceeding 1000v, fitted with connectors of a kind used for telecommunication.</p> <p>70) Optical fiber cables.</p>

परिशिष्ट - १ (अ)

48

PRIORITY INTERMEDIATE PRODUCTS

1. Input – Output Units including
All computer peripherals : HSN 8471.60
2. Computer Keyboard : HSN 8471.60.19.10
3. Computer Monitors : HSN 8471.60.19.20
HSN : 8471.90.07
4. Populated PCB'SSI
(All Categories) : HSN 8473.10
HSN 8473.30
HSN 8473.40
HSN 8504.90
HSN 8517.90
HSN 8529.90
HSN 8538.90
HSN 8543.90
5. Smart Cards & Accessories : HSN 8542.12
6. UPS for Data Processing HSN 8504.40
Equipment : HSN 8543.89
HSN 8471.05
7. Set-up-box with communication function and accessories : HSN 8517.80
8. Internet – box with user interface
and network interface : HSN 8517.80
9. Modems & ISDN Terminals : HSN 8517.50
10. Routers & Terminal Servers : HSN 8517.50
11. VSAT Terminals : HSN 8525.20
12. Radio Communication
Equipment : HSN 8525.20

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

The list of activities registrable as **IT Services and IT enabled Services** is amended as follows:

- 1) Data conversion, data mining, digitisation, data entry, data processing, data warehousing.
- 2) Digitisation of spoken material (e.g. legal and medical transcription)
- 3) Computerised Call Centres
- 4) Geographic Information Systems mapping / services
- 5) Web designing / Web content development services
- 6) Computer Aided Design / CAD / CAM services
- 7) E-mail, data, Internet fax service provider
- 8) ISP Services (Communication channels like V-sat, Optical fiber not included)
- 9) Computerised Desk Top Publishing
- 10) Web service providers, including web hosting and web site management
- 11) USDN service providers
- 12) Computer Systems AMC holders
- 13) Multimedia development units (including, e.g. animation and special effects video and photo digitisation)
- 14) IT Solution Providers / implementers (such as and including server / data banks, Application Service Providers, Internet / Web-based e-commerce service providers, Smart Card customisation service providers, systems integration service providers)
- 15) Cyber cafe / cyber kiosks / cyber parlours and video conferencing centres / parlours
- 16) Back Office Operations relating to computerised data
- 17) Other services provided with the intensive use of computers (such as and including telemedicine services, remote access cyber services, remote diagnostic and repair services)



EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Handwritten Signature]
Authorised Signatory

50

No.DI/IT/Emp.Com/Product/2005/A-7801
 Directorate of Industries,
 New Administrative Building,
 Opp. Mantralaya, Mumbai - 400 032.

Date: - 08th April, 2005

Amendment

Sub: - Registration of IT Units --
 Amendment to Annexure 'A' Primary Products (*IT Hardware*).

Ref.: - 1) Empower Committee Minutes dated 25-05-2005.

According to the decisions of the Empowered Committee constituted under the IT & ITES Policy, 2003, the following items are included as the Primary IT Products in APPENDIX-I appended to the above referred circular.

- 1) Electronic Private Automatic Branch Exchange. (*EPABX*)
- 2) Digital Image Recorders (*HSN No. 9010*).
- 3) Adapters, Jacks & Plugs, Relays, Switches, Terminals & terminal blocks, Sockets, Heat Sinks, Bases and Folders useful for electronics equipments only (*HSN No. 8335*).
- 4) Video Conferencing Equipments.
- 5) Mobile Handsets (GPRS & CDMA) (*HSN No. 8413*).

-sd/-

(S. P. Mahajan)

Superintending Industries Officer (IT)

Copy submitted for information to:

1. The Secretary (*Industries*), I. E. & L. Department, Mantralaya, Mumbai - 400 032.
2. The Secretary (*Information Technology*), General Administration Department, Mantralaya, Mumbai - 400 032.

Copy for information to:

1. The Development Commissioner, Office of Development Commissioner, Ministry of Commerce, Santa Cruz Electronics Export Promotion Zone, Andheri (E), Mumbai - 400 093.
2. The Managing Director, SICOM Limited, Nirmal, Naziman Point, Mumbai-400 021.
3. The Chief Executive Officer, MIDC, Mahakali Caves Road, Andheri (East), Mumbai-400 093.
4. The Additional Director of Industries, Head Office, Mumbai - 400 032.
5. The Deputy Secretary to Govt., I.E. & L. Department, Mantralaya, Mumbai - 400 032.
6. The Deputy Secretary to Govt. & Director (IT), GAD, Mantralaya, Mumbai - 400 032.



For ENBASSY PROPERTY DEVELOPMENTS PVT. LTD.
 Authorized Signatory

7. The Director and Chief Executive, Software Technology Park of India, Kubera Chambers, 3rd floor, Dr. R.P.Road, Shivaji Nager, Pune - 411 005.
 8. The Director, National Center for Software Technology, Gulmohar Cross Road No. 9, JVPD Scheme, Juhu, Mumbai - 400 049.
 9. The Chairman, National Association of Software and Service Companies, Ashok Hotel, Chankyapuri, New Delhi - 21.
 10. The Chairman, Electronics & Computer Software Export Promotion Council, Regional Committee (W), Unit No. 39, SDF-2, SEEPZ, Andheri (East), Mumbai - 400 093.
 11. The Municipal Commissioner, Bruhan-Mumbai Municipal Corporation (Octroi Deptt), Mumbai - 400 001.
 12. The Joint Director of Industries, PSI/ DIC / Planning, Head Office, Mumbai - 400 032.
 13. The Officer on Special Duty, Head Office, Mumbai - 400 032.
 14. The Superintending Industries Officer (LIC/Export/IT), Head Office, Mumbai - 400 032.
 15. The Deputy Director of Industries, SSIP / CSPO / LIC /Chem /DIC Br., Head Office, Mumbai - 400 032.
 16. The Industries Officer, SSIP/ DIC / Export / NOC / LIC / IE Branch, Head Office, Mumbai - 400 032.
 17. The Director, STPI - Mumbai / Pune / Nagpur.
 18. Joint Director of Industries, Mumbai/ Nagpur/ Aurangabad/Pune/Nashik Region
Superintending Industries Officer, Konkan/Amravati Region
General Managers, District Industries Centre (All)
- With a request to bring this amendment to the notice of all Local Bodies within your jurisdiction, so as to facilitate them to extend Octroi exemption and other concessions.
19. All Associations.



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD)

Abhimanu
 Authorised Signatory

52

No.DI/IT/Emp.Com/Products/2005/A-28164
 Directorate of Industries,
 New Administrative Building,
 Opp. Mantralaya, Mumbai - 400 032.
 Tel. No. 2202 3505, Fax No. 2202 6826.
 E-mail: diit@maharashtra.gov.in

Date: - 26th October, 2005

Amendment

Sub: - Registration of IT Units.

Amendment to Annexure 'A' Primary Products (IT Hardware).

Ref: - 1) Empower Committee Decision dated 25th May, 2005.

According to the decisions of the Empowered Committee constituted under the IT & ITES Policy, 2003, the following items are included as the Primary IT Products in APPENDIX-I appended to the above referred circular.

Sr. No.	HSN Code	Description of Item
1)	84.69	Word Processing Machines & Electronic Typewriters.
2)	84.70	Electronics Calculators.
3)	84.71	Computer Systems & Peripherals, Electronic Diaries.
4)	84.73	Parts & Accessories of HSN 84.69, 84.70 & 84.71 for items listed above.
5)	85.01	DC Micro Motors / Stepper motors of an output not exceeding 37.5 Watts.
6)	85.03	Parts of HSN 85.01 for items listed above.
7)	85.04	Uninterrupted Power Supplies (UPS) and their parts.
8)	85.05	Permanent magnets and articles intended to become permanent magnets (Ferrites).
9)	85.17	Electrical apparatus for the Telephony or line telegraphy, including line telephone sets with cordless handsets and telecommunication apparatus for carries-current line systems or for digital line systems; videophones.
10)	85.18	Microphones, Multimedia Speakers, Headphones, Earphones & Combined Microphones / Speaker Sets & their parts.
11)	85.20	Telephone Answering Machines.
12)	85.22	Parts of Telephone Answering Machines.
13)	85.23	Prepared unrecorded Media for Sound Recording or Similar Recording of other phenomena.
14)	85.24	IT Software on any Media.
15)	85.25	Transmission apparatus other than apparatus for radio broadcasting or TV broadcasting, transmission apparatus incorporating reception apparatus, digital still image video cameras.
16)	85.27	Radio communication receivers, Radio pagers.
17)	85.29	(i) Aerials, Antennas and their parts. (ii) Parts of Items at 85.25 and 85.27 listed above.
18)	85.31	LCD Panels, LED Panels & Parts thereof.



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

- 19) 85.32 Electrical Capacitors, Fixed, Variable or adjustable (*Pre-set*) and parts thereof
- 20) 85.34 Printed Circuits.
- 21) 85.36 Switches, Connectors & Relays for upto 5 Amps at voltage not exceeding 250 Volts, Electronics Fuses.
- 22) 85.40 Data / Graphic Display Tubes, other than TV pictures tubes and parts thereof.
- 23) 85.43 Signal Generators and parts thereof.
- 24) 90.01 Optical Fibre and Optical Fibre Bundles and Cables.
- 25) 90.13 Liquid Crystal Devices, Flat Panel display devices and parts thereof.
- 26) 90.30 Cathode ray oscilloscopes, Spectrum Analysers, Cross-talk meters, Gain measuring instruments, distortion factor meters, Psophometers, Network & Logic analyser and Signal analyser.

-sd/-

[P. B. Satam]

Superintending Industries Officer (IT)
for Development Commissioner (Industries)

Copy submitted for information to:

1. The Secretary (*Industries*), I. E. & L. Department, Mantralaya, Mumbai - 400 032.
2. The Secretary (*Information Technology*), General Administration Department, Mantralaya, Mumbai - 32.

Copy for information to:

1. The Development Commissioner, Office of Development Commissioner, Ministry of Commerce, Santacruz Electronics Export Promotion Zone, Andheri (E), Mumbai - 400 093.
2. The Managing Director, SICOM Limited, Nirmal, Nariman Point, Mumbai-400 021.
3. The Chief Executive Officer, MIDC, Mahakali Caves Road, Andheri (East), Mumbai-400 093.
4. The Additional Director of Industries, Head Office, Mumbai - 400 032.
5. The Deputy Secretary to Government, I.E. & L. Department, Mantralaya, Mumbai - 400 032.
6. The Deputy Secretary to Government & Director (IT), GAD, Mantralaya, Mumbai - 400 032.
7. The Director and Chief Executive, Software Technology Park of India, Kubera Chambers, 3rd floor, Dr. R.P.Road, Shivaji Nager, Pune - 411 005.
8. The Director, National Center for Software Technology, Gulmohar Cross Road No. 9, JVFD Scheme, Juhu, Mumbai - 400 049.
9. The Chairman, National Association of Software and Service Companies, Ashok Hotel, Chankyapuri, New Delhi - 110 021.
10. The Chairman, Electronics & Computer Software Export Promotion Council, Regional Committee (W), Unit No. 39, SDF-2, SEEPZ, Andheri (East), Mumbai - 400 093.
11. The Municipal Commissioner, Bruhan-Mumbai Municipal Corporation (Octroi Deptt.), Mumbai - 1.
12. The Joint Director of Industries, PSI/ DIC / Planning, Head Office, Mumbai - 400 032.
13. The Officer on Special Duty, Head Office, Mumbai - 400 032.
14. The Superintending Industries Officer (IT), Head Office, Mumbai - 400 032.
15. The Deputy Director of Industries, SSIP / CSPO / LIC / Chem /DIC Br., Head Office, Mumbai -32.
16. The Industries Officer, SSIP/ DIC / Export / NOC / LIC / IE Branch, Head Office, Mumbai - 32.
17. The Director, STPI - Mumbai / Pune / Nagpur.
18. Joint Director of Industries, Mumbai/ Nagpur/ Aurangabad/Pune/Nashik Region
Superintending Industries Officer, Konkan/Amravati Region
General Managers, District Industries Centre (All). *With a request to bring this amendment to the notice of all Local Bodies within your jurisdiction, so as to facilitate them to extend Octroi exemption and other concessions.*
19. All Associations.

D:\IT\IT Importanc\Amendment_ITIS Policy 2002_Speendh-14.doc



EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.
Authorized Signatory

EXHIBIT - D**54**

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 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;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

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 the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date 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 this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

¹Includes the territorial waters



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

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

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member - Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.



For: EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

3



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorised Signatory

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form 1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities. If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of



Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days..

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant



SHREE PROPERTY DEVELOPMENTS PVT.LTD.

 Authorized Signatory

validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form I and Form I A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V :

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product -mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

7



THE EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Handwritten Signature]
Authorized Signatory

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.



EMBRASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

For EXIMBY PROMOTY DEVELOPMENTS PVT.LTD.

Authorised Signatory



SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	< 50 ha ≥ 5 ha. of mining lease area.	General Condition shall apply <u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) $\geq 10,000$ ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) $< 10,000$ ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels-)	< 500 MW (coal/lignite/naphtha & gas based); < 50 MW ≥ 5 MW (Pet coke, diesel and all other fuels)	General Condition shall apply

10




 Authorised Signatory

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)



[Handwritten Signature]
Authorized Signatory

3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	<p>a) Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing ≥ 200TPD</p> <p>c) Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum</p>	<p>Sponge iron manufacturing <200TPD</p> <p>Secondary metallurgical processing industry</p> <p>i.) All toxic and heavy metal producing units <20,000 tonnes /annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries >5000 tonnes/annum</p>	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

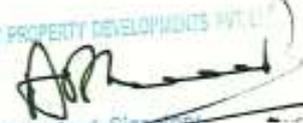


For ENVIASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Signature]
Authorised Signatory

4				
Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located out side the notified industrial area/ estate	<300 TPD production capacity and located within a notified industrial area/ estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	Specific condition shall apply
5				
Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice/non-molasses based distilleries - <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

14



ENLUS PROPERTY DEVELOPMENTS PVT.LTD.

AB
Authorized Signatory

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	-	All projects	General Condition shall apply
6	Service Sectors			
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		



(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7	Physical Infrastructure including Environmental Services			
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply



(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMP)		All projects	General Condition shall apply



(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	**All projects under Item 8(b) shall be appraised as Category B1

Note:-**General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory



APPENDIX I

(See paragraph – 6)

FORM I

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc..)

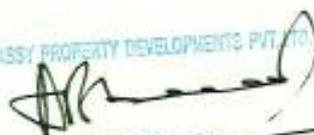
(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		

19



For EMBASSY PROPERTY DEVELOPMENTS PVT LTD

 Authorised Signatory

1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water form ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		



ENERGESSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		



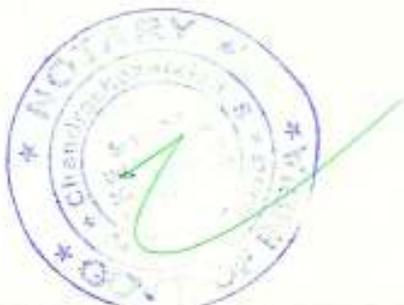
76

4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

23



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

77

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		



EMBASSY PROPERTY DEVELOPERS PVT. LTD.

Abhishek
Authorized Signatory

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		



9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting, utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

26



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

 Authorised Signatory

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


 Authorised Signatory


APPENDIX II

(See paragraph 6)

FORM-1 A (only for construction projects listed under item 8 of the Schedule)**CHECK LIST OF ENVIRONMENTAL IMPACTS****(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)****1. LAND ENVIRONMENT****(Attach panoramic view of the project site and the vicinity)**

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

28

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


 Authorised Signatory



- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.
 [Signature]
 Authorised Signatory

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna.

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

30



For EMBASSY PROPERTY DEVELOPMENTS PRIVATE LIMITED
 Authorized Signatory

- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

 Authorised Signatory

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.


Authorised Signatory



APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure



3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment, R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory

9.	Environmental Benefit Analysis	Cost	If recommended at the Scoping stage
10.	EMP		<ul style="list-style-type: none"> Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)		<ul style="list-style-type: none"> Overall justification for implementation of the project Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	of	<ul style="list-style-type: none"> The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory



APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

THE EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory



APPENDIX IV
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

[Handwritten Signature]
Authoritative Signatory



make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

38



hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:-

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

FOR ENGLASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory



APPENDIX -V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -I or Form IA and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form I and a pre-feasibility 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 all Category B projects or activities on the basis of Form I, Form IA and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.



PH EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorised Signatory

APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of "Experts" are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**



41

For EMBASSY PROJECT DEVELOPMENTS PRIVATE

 Authorised Signatory

• **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

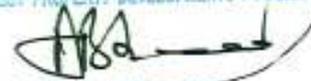
5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

FOR EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.


Authorised Signatory



No./EE/IT/TB/ 1435/2007
 Office of the Executive Engineer,
 MIDC, IT. Div., Kubera Chambers,
 Shivaji Nagar, Pune-05
 Date: 03/08/07

To,
 M/s Dynasty Developers Pvt. Ltd,
 Embassy Point, 15, Infantry Road,
 Bangalore- 560 001.

Sub:- Rajiv Gandhi Infotech Park, Phase-II, @ Hinjawadi, Pune.
 --- Plot No.PL-03 of M/s Dynasty Developers Pvt. Ltd.

Ref:- Your letter No. nil dt. 05.06.2007.

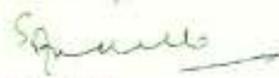
Dear Sir,

Though as per the IT / ITEs Policy, IT and ITEs units are exempted from requirement of obtaining NOC from MPCB as an industrial units, the sewage treatment plant to be established will require consent / NOC from MPCB.

Also, you will have to obtain Environment clearance from Ministry of Environment and Forest for construction of proposed IT Park.

Thanking you,

Yours faithfully,


 (S.K. Avachat)
 Executive Engineer,
 MIDC, IT Division,
 Kubera Chambers,
 Shivajinagar, Pune-05

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

(A Government of Maharashtra Undertaking)

Executive Engineer, MIDC, I.T. Division, 303, Kubera Chambers, Shivajinagar, Pune - 411 005.

Telephone - 25538816 Fax - 25538816

E-mail: ceitpune@midcindia.org Visit us at www.midcoida.org www.maharashtrabars.com



For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


 Authorized Signatory



EMBASSY

DYNASTY DEVELOPERS PVT. LTD.

Embassy Tower # 50 Embassy Road
Bangalore - 560077, India.
Phone : +91 98456
Fax : 91 80 22388112
Email : info@embassytower.com
Website : www.embassytower.com

The Secretary,
Dept. of Environment,
Govt. of Maharashtra,
New Administrative Bldg., 15th Floor,
Opp. Maharashtra,
Mumbai 400 002.

Dated 26th July 2008

Subject: Environmental Clearance for our proposed IT Park "Embassy Towers" at Plot No. 03, Rajiv Gandhi Infotech Park, Phase-II, MIDC, Hinjewadi, Pune

Dear Sir,

We are developing an IT Park called "Embassy Towers" at Plot No. 03, Rajiv Gandhi Infotech Park, Phase-II, MIDC, Hinjewadi, Pune. The salient details of our project are as follows:

- A) Location: Plot No. 03, Rajiv Gandhi Infotech Park, Phase-II, MIDC, Hinjewadi, Pune.
- B) Number of building: One complete "Embassy Towers" comprises of 11 buildings having 8 to 15 floors.
- C) Total area of the plot: 872,079 Sq. Mts.
- D) Total Built-up Area: 663,237 Sq. Mts.
- E) Total Project Cost: Rs. 150 Crores.

Based on above we are submitting herewith our application in duplicate as follows:
1) Form-I
2) Form II(A) along with various enclosures.

We now request you to process our application and grant us "Environmental Clearance" at your earliest. If you need any additional information / clarifications, please do let us know.

Thanking you,

Yours faithfully,
For Dynasty Developers Pvt Ltd

(Authorized Signatory)
Role: As above.

9-2-08
Date Recd
26/07/08

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory



olc



EMBASSY

PUNE DYNASTY PROJECTS PVT. LTD
Embassy Group, Embassy Techzone
5 PL 03B, Rajiv Gandhi InfoTech Park,
Phase II Hinjewadi,
Pune - 411 007, India
Phone : +91 20 4026 0267
Fax : +91 20 40260283
TN : 27140877901 y

Date: 28th July 09

The Regional Officer
Maharashtra Pollution Control Board
3 rd Floor, Jig Center,
Wakde wadi
Pune

Subject: Consent to Establish

Dear Sir

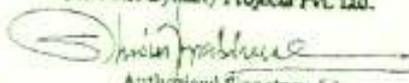
We are setting up of Software technology park in the name of Embassy Techzone park at Rajiv Gandhi InfoTech park Hinjewadi. Accordingly we are submitting herewith our application for Consent to Establish in triplicate with all the relevant documents and, DD bearing no.723284 dated: 20th July 09 Of Rs. 1,47,600 in favor of Regional officer MPCB, Pune as consent fees.

Now we request you to accord the consent to establish at your earliest.

Thanking you,

For Pune Dynasty Projects Pvt. Ltd.

For
EMBASSY TECHZONE PARK,


Authorized Signatory

ENCL: DD of Rs. 1,47,600
in favor of Regional Officer, MPCB, Pune as a consent fees.

Bearing No.723284

Dated: 20th July 09

*Received
21/07/09
Dr. ...*

Regional Office
M.P.C.B. Pune

Head Office : Embassy Point, 150, Infantry Road, Bangalore - 506 001. Phone : +91 90 4179 9999 Fax : +91 80 2228 6912
website : www.embassyviedia.com



For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.


Authorized Signatory

Minutes of the 20th meeting of the State Level Expert Appraisal Committee (SEAC) held on
30th November 2009

Present:

1. Shri PMA Hakeem	- Chairman
2. Shri GK Deshpande	- Member
3. Dr. Kishore Shoir	- Member
4. Dr. SB Chaphekar	- Member
5. Dr. VR Guhale	- Member
6. Dr. SK Padole	- Member
8. Dr. TG More	- Member
7. Shri GA Nalk	- Secretary

Compliance cases

Item No.1 (Originally considered in the 16th meeting held in October 2009).

Project proponent: Vinita Estate Pvt Ltd.

Name of the project and location: Aquaria Grande at Dewdas Lane, Borivali (W)

Brief details of the project (as per the proposal):

Plot area: 13,579 sq.m. Total built up area: 1,14,071 sq.m (of which 25,306 under FSI). No. of buildings - two (each with 27 floors) and club house. No. of flats - 145. Landscape area: 9086 sq.m. Parking spaces to be provided: 836.

Decision: In the last meeting it was noted that the proposal involved construction of public parking, since the approval of the Committee under the Municipal Commissioner was not obtained for the same, the project proponent was informed that the proposal would be considered after the above approval is obtained. They have now given a letter stating that they have dropped the proposal to have public parking and accordingly they will have three podiums and one basement instead of 4 podiums and two basements proposed earlier. The number of floors per building also will come down from 34 to 27. Accordingly the proposal will have to be treated as a fresh proposal.

The project proponent was requested to comply with the following:

- (i) The design of STP is to be fully explained along with the scheme for disposal of screenings and sludge.
- (ii) Actual treatment of water to be used for swimming pool to be indicated.
- (iii) Three podiums and one basement have been proposed on the ground of higher requirement of parking. The actual area for parking should be worked out taking into account the provision that when two parkings are required to be provided for a flat, one should be of smaller area. Based on this, the area under the podium can be reduced.

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory



(iv) As agreed during discussions in the meeting a circular cut out (of diameter not less than 25 metres) may be provided in the centre of the podium so that adequate area is open to sky and to earth and can be used for tree plantation.

(v) Minimum six metre unhindered open space should be provided all around the plot ensuring that the podium does not encroach on this at all.

(vi) The storage tank as a part of rain water harvesting should be taken below the podium.

(vii) Detailed list of species of trees to be planted may be furnished.

Item No.2 (Originally considered in the 17th meeting held in October 2009).

Project proponent: M/s Goldbrooks Infrastructure Pvt Ltd.

Name of the project and location: Proposed Anandam World City Project at Model Mill, Ganesh Path, Nagpur.

Brief details of the project (as per the proposal):

Total plot area: 11.80 hectare. Total open space: 13,191 sq.m. Total proposed area of construction within FSI: 1,58,615 sq. m. (Residential - 1,61,245; Residential Vihar - 8,920 and Commercial - 12,450). Total non-FSI area to be constructed: 87,089 sq. m. No. of towers: 17. Total parking proposed: 2154 ECS for Residential and 648 ECS for Commercial.

Decision: It was decided recommend the proposal for grant of prior environmental clearance subject to the project proponent complying with the following:

(i) As agreed during the discussion in the meeting, for the two large buildings of length more than 80 metres, a gap of at least 6 metres should be provided for air circulation.

(ii) There is already a large pond on the plot of dimensions 60mX50mX5m. It may be utilized for storing all the storm water as well as surplus effluent from STP after tertiary treatment.

Item No.3 (Originally considered in the 5th meeting held in November 2008 and again considered in the 11th meeting held in May 2009).

Project proponent: Arshiya International Ltd.

Name of the project and location: Free Trade Warehousing Zone (SCZ) with container-freight station at Sai Village, Parvel.

Brief details of the project (as per the proposal):

Plot area: 68.78 hectares. Total built-up area: 4,00,290 sq.m. Total number of units proposed: 800. Parking spaces: 2000 (Trucks); 50 (Cars). Area for landscaping and gardening: 52,536 sq.m.

Decision: The project proponent furnished clarifications on all the points raised in the previous meetings. It was decided to recommend the proposal for grant of prior environmental clearance.

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

Arshiya
Authorized Signatory



Item No.4 (Originally considered in the 11th meeting held in May 2009 and again considered in the 19th meeting).

Project proponent: Embassy Dynasty Developers Pvt Ltd

Name of the project and location: IT Park Embassy Techzone at plot no. 03, Rajiv Gandhi Infotech Park, Phase II, MIDC, Hinjewadi, Pune

Brief details of the project (as per the proposal):

Plot area: 2,72,979 sq.m (later revised to 2,76,674 sq.m). Built-up area: 4,65,338 sq.m. No. of buildings: 11. Maximum height of the building: 45 m. Green belt area: 31,055 sq.m. No. of trees to be planted: 7,000.

Decision: In addition to the points raised in the earlier meetings, the project proponent was required to furnish clarifications on the points raised at the time of the site inspection carried out by the sub-committee of the Committee on 27th November. The project proponent has provided clarifications in respect of the same, particularly vide their letter dated 30th November, 09 after the meeting. It was decided to recommend the proposal for grant of prior environmental clearance.

Regarding taking up work prior to obtaining environmental clearance, they have explained the circumstances in which they have done this in their letter dated 30th November 2009. They have stated, inter alia, that they were under the impression that construction of IT projects did not require clearance since such projects were exempt from requirement of EC till September 2006 and since MIDC sanctioned the plans on the same impression. Department of Environment may consider this and decide whether any further action is required on this aspect.

Item No.6 (Originally considered in the 12th meeting held in July 2009).

Project proponent: Kishore Patel, Mumbai

Name of the project and location: Proposed Kalas Park at Village Ghatkopar Park Site, Vikhroli (W), Mumbai

Decision: The project proponent has furnished clarification on some of the points raised in the last meeting. It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent complying with the following:

- (i) Clearance from the Civil Aviation authorities for the proposed height of the building should be obtained and produced.
- (ii) Open space of at least 6 metres should be left all around the building including the rear portion, without the podium encroaching on the same.
- (iii) The number of trees to be planted should be at least doubled from the proposed 165 and species-wise number of trees should be furnished.

Item No.7 (Originally considered in the 11th meeting held in May 2009).

FOR EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory



Project proponent: Green Valley Homes Developers Pvt.Ltd

Name of the project and location: Giomax Mall on Plot No. 17, 18 and 19, at Sector 2, Khargod, Navi Mumbai.

Brief details of the project (as per the proposal):

Total plot area: 8678 sq.m. Total construction area: 40326 sq.m (of which FSI area is 14,180 sq.m.) Green cover area: 534 sq.m. No. of trees: 16.

Decision: It was decided to recommend the proposal for rejection of prior environmental clearance for the following reasons:

(i) It was admitted that the construction of the Mall has been practically completed before obtaining prior environmental clearance. The work was taken up after 2006 and construction activity was continued even after making an application for prior environmental clearance.

(ii) They are not willing to take up STP for the project and their proposal to transport their effluent to the Central STP of CIDCO (and then bring it back after treatment) at a distance of 3 km is not acceptable.

It is also pointed out that the project proponent was requested to furnish copy of the relevant rules of CIDCO under which the basements are allowed and that the reply given to this is vague.

Item No.8 (Originally considered in the 12th meeting held in May 2009)

Project proponent: MHADA, Mumbai

Name of the project and location: Mass Housing Project at Slon, Mumbai.

Brief details of the project (as per the proposal):

Area of the plot (including buildings constructed from 2001 onwards): 1,10,338 sq.m. RG area 15,490 sq.m. Total proposed area of construction: 1,26,080 sq.m. Transit camps: 22 wings of G+4 type. MIG and HIG tenements: 46 wings of S+7 type. LIG tenements: 20 wings G+7 type (Total 68 wings and 3313 tenements)

Decision: On the plot having area of about 1,10,338 sq.m, MHADA have already completed transit accommodation of 2112 tenements and 92 buildings with 4296 tenements in three phases earlier. In one of these three phases, an SRA project has also been completed. It was informed that these phases were taken after 2001 and completed before 2005. Now the environment clearance has been sought for the fourth phase comprising 88 buildings to provide 3313 tenements (including transit accommodation, LIG, MIG and HIG tenements). There is also a proposal to take up the 5th phase with additional 10% FSI which will become available later.

As informed to the project proponent in the discussion on 30th November, a physical inspection was carried out by the Committee on the plot on 2.12.2009 in the presence of the Dy. Chief Engineer and other officers of MHADA. The Committee was surprised to find that all except five (out of the 88) buildings have been practically completed. Of these five buildings, four buildings are under construction and only one building is yet to be taken up. Most of the completed buildings have been either occupied or are being occupied. The Committee also saw the STP which is functional, but the tertiary treatment has not been taken up and the effluent from the

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD

Authorised Signatory



STP, instead of being recirculated for flushing and gardening is being let out to the Municipal sewer. It was also found that no STP exists for the buildings completed in the earlier phases. Another disconcerting observation made by the Committee is that the gutters near the buildings completed in the earlier phases have stagnant water with bad odour.

While the serious issues of taking up construction of the buildings without prior environmental clearance and granting of occupancy certificates without EC will be dealt with separately, the project proponent is at present requested to comply with the following:

- (i) The STP in phase IV should be made fully functional immediately by taking up tertiary treatment and circulating the effluent for flushing and gardening.
- (ii) In the existing buildings in sectors I and II, there is ample space available for taking up an STP. This should be immediately taken up so that the waste water can be treated and the effluent can be recirculated for flushing and gardening.
- (iii) The open gutters with stagnant water (mentioned above) may be got cleaned and obstruction for flow be removed so that the problem does not recur.
- (iv) Copies of the IODs, OCs, approved plans and occupancy certificates issued so far in respect of the buildings in phase IV may be furnished.
- (v) Considering the EWS status of people in LIG and transit accommodation, additional 20% FSI is intended to be availed. However, since subdivision of the plot for the purpose is not done, 10% of such FSI will not be available till then. Hence in the 4th phase, planning is done only with 10% additional FSI. As a result, the layout plan should include only buildings completed in three phases and those in fourth phase. The area earmarked for the 5th and last phase also be shown on the layout (as and when the 5th phase is taken up, the proponents will have to take EC for the same).
- (vi) The water balance, sewerage arrangement and other aspects of 4th phase alone be indicated as the proposals include the requirements and proposals for the 4th phase as well as the 5th phase.
- (vii) The buildings are seven storeys with height up to 24 metres, hence no ground level or terrace level water tanks are proposed as per DC rules. However, considering the high density population of this mass housing project, it is desirable to have at least one common ground level fire water storage tank of adequate capacity which can feed the fire hydrants in case of fire, as continuous water supply of MCGB is not assured.
- (viii) The proposals for rainwater harvesting, surface drainage etc should take into account the entire plot, as this is an expansion project.
- (ix) Statements of RG area and built-up area may be furnished.

Item No.10 (Originally considered in the 14th meeting held in August 2009).

Project proponent: M/s Puri Sakhar Karkhana, Nagpur

Name of the project and location: 30 MW power plant and change in fuel pattern of existing 22.5 MW power plant in village Kinhalia and Khurasapur, Tahsil Umrer, District Nagpur.

Re: EMBASSY PROPERTY DEVELOPMENTS PVT.LTD

Authorised Signatory



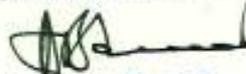
Decision: The draft terms of reference for EIA were approved in the last meeting. A copy of the EIA report has been furnished. The existing 22.5 MW plant has an approved fuel pattern of 75:25 between bagasse and coal. They wanted it to be made fully dependant on coal. The reason for this request is the reduction in sugar cane availability in the recent years in the sugar factory where the power plant is located. The 30 MW plant will have coal as fuel. It was decided to recommend the proposal for grant of prior environmental clearance for the proposal, subject to the condition that at least 10% of the fuel used for the existing 22.5 MW plant should be bagasse and efforts should be made to increase the same in the subsequent years (It was mentioned by the project proponent that a massive programme to increase the area under sugar cane – and therefore the availability of bagasse – has been undertaken by them in the area surrounding the sugar factory where the power plant is located).

Other cases

The cases at s nos. 5 and 9 (M/s Saemia Anil Belorkar and M/s Shrivaste Property Pvt Ltd) will be considered on 2nd December as requested by them.

Chairman, SEAC

For EMBASSY PROPERTY DEVELOPMENTS PVT LTD



Authorised Signatory



Minutes of the 20th meeting of the State Level Expert Appraisal Committee (SEAC) held on
1st December, 2009

Present

1. Shri PVA Hakeem	- Chairman
2. Shri GK Deshpande	- Member
3. Dr. (Mrs) Medha Dixit	- Member
4. Dr. Kishore Bhoir	- Member
5. Dr. SB Chaudhkar	- Member
6. Dr. VR Gunale	- Member
7. Dr. SK Padole	- Member
8. Dr. TG More	- Member
9. Shri GA Naik	- Secretary

Compliance cases

Item No. 11 (Originally considered in the 15th meeting held in August 2009).

Project proponent: Paranjpe Schemes

Name of the project and location: Residential Project at S.Nos.16, 17, 4 (part) Vadgaon Dhyeri, District Pune.

Brief details of the project (as per the proposal):

Plot area: 31,563 sq.m. Built-up area: 36,123. No. of tenements: 594. Landscape area: 2,677 sq.m. Parking spaces: 211

Decision: It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent complying with the following:

- (i) A complete note on fire fighting with all provisions as per the National Building Code explained and design for two lifts as prescribed in the NBC should be provided.
- (ii) The layout plan provided is not clear. Enough numbers of clear cross sections should be furnished to show the stairs and basements.
- (iii) Provision of gaps in the long buildings is not clear. They should be shown to have proper air circulation.
- (iv) The number of pits proposed (12) should be increased to at least 20 for rain water harvesting.
- (v) In place of Vermil composting, mechanical converters should be used.
- (vi) Detailed design for underground STP, including location, levels and sizes of each unit should be furnished with clear commitment to attain BOD less than 5.

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

[Signature]
Authorised Signatory



Item No.12 (Originally considered in the 15th meeting held in August 2009).

Project proponent: Mrs DDPL Global Infrastructure Pvt. Ltd.

Name of the project and location: Township Project (under Rental Housing Scheme of MMRDA) at Village Trvn, Taluka Vasai, District Thane.

Brief details of the project (as per the proposal):

Plot area: 7,80,810 sq.m. RG area: 53,939 sq.m. Built-up area: 12,22,249 sq.m (of which FSI area is 8,67,414 sq.m). No. of residential buildings: 42 with 16,800 tenements. Buildings for rental housing: 43 with 9,956 tenements.

Decision: This is a proposal to take up a township project on a plot of total area 78 hectares under the MMRDA rental housing scheme. In the last meeting, it was clearly indicated that in the absence of drains for the discharge of treated effluent, it would be appropriate to take up the project in phases and if phase I covering an area not exceeding 10 to 12 hectares is taken up initially, the treated effluent could be fully consumed on the plot. It was also pointed out that the subsequent phases could be taken up when satisfactory arrangements for the disposal of the effluent become available. The project proponent had agreed to consider this and if found acceptable approach the Committee with a revised application relating to phase I only.

The project proponent attended today's meeting with a representative of MMRDA. The project proponent stated that implementation of the project in a phased manner would not be feasible and therefore requested that the complete project may be considered. It was also pointed out that MMRDA has plans to develop infrastructure including drainage work and the village in which the project is to be taken up is likely to be included in the Municipal Corporation area.

It was made abundantly clear to the project proponent that such a huge project which would generate so much treated effluent cannot be considered in the absence of a sewerage scheme in the area to which the treated effluent from the project can be connected. If MMRDA or the Municipal Corporation has any concrete programme to take up any sewerage scheme in the area, the details of the same (such as cost of the scheme, funding arrangements, likely date for commencement of work and likely date of completion etc) may be obtained from the respective authority and furnished. If this is not possible, the project proponent may once again consider the option indicated in the last meeting (namely to take up the project in phases, the phase I being around 10 to 12 hectares).

Item No.13 (Originally considered in the 10th meeting held in April 2009).

Project proponent: LK Developers

Name of the project and location: Integrated Township at Marji Khurd, Pune.

Brief details of the project (as per the proposal):

Total plot area: 41.86 hectares. Built-up area: 2,09,277 sq. m. Landscape area: 23.82 hectares. No. of buildings: 86 residential buildings and 15 buildings for EWS and seven other buildings (for schools, hospitals and other amenities). Proposed parking lots: 2630 (cars), 7042 (scooters) and 7353 (cycles).

For BRASSY PROPERTY DEVELOPMENTS PVT. LTD.)

Authorised Signatory



Decision: It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent complying with the following:

(i) As far as utilization of the treated effluent (after meeting the flushing requirement) is concerned, the project proponent has stated that this would be fully utilized on the plot as an area of 23.62 hectares out of the total plot area of 41.85 hectares is set apart for landscaping and has further committed that no treated effluent will be discharged from the plot. They have also proposed construction of four ponds in order to store the surplus effluent from the STPs during the monsoon. In this regard, the project proponent will have to agree to the following:

(a) An undertaking will have to be given that the project proponent would be responsible to provide tertiary treatment to the effluent to bring the BOD level to less than 5 and ensure that no treated effluent would be discharged from the plot during any period including the monsoon.

(b) In order to ensure continuous movement of water the four ponds to be constructed will have to be interconnected, the treated effluent will be let out to the first pond (which will then move to the remaining) and that the water required for flushing and irrigation of the landscape area will be taken from the last pond.

(c) Necessary lay out plan showing the location of the four ponds and their interconnection should be furnished along with necessary beautification plan of the ponds by fountains etc.

(d) In order to take care of likely odour nuisance during the monsoon due to possible stagnation of water, additional dose of chlorination will have to be provided to the treated effluent let out to the ponds, as necessary.

(e) An undertaking to be given that the landscaping area will not be reduced from 23.62 hectares in order to ensure that the capacity to utilize the treated effluent fully is not diminished.

Item No.14 (Originally considered in the 2nd meeting held in July 2008; again considered in the 7th meeting and recommended for rejection of the request for prior environmental clearance for commencement of construction without EC, referred back by SEIAA as decided in its 11th meeting).

Project proponent: Axay Raj Build Well Pvt Ltd

Name of the project and location: Redevelopment of Ashviniyak CHS Ltd, DN Nagar, Andheri (W), Mumbai

Brief details of the project (as per the proposal):

Plot area: 5,352 sq.m. Built-up area: 24,888 sq.m. No. of buildings: four (two of 16 floors and two of 17 floors). No. of tenements: 338. No. of shops: 222.

Decision: In the 7th meeting of the Committee, this case was recommended for rejection of the request for grant of prior environmental clearance, as the representatives of the project proponent admitted that construction was already started in August 2008 without prior environmental clearance. Subsequently the SEIAA referred back the case to this Committee for reappraisal on the basis of the subsequent instructions of MoEF regarding the procedure to handle such cases.

In the meeting today, it further transpired that the work has not been stopped and has come up quite high above the ground level in three large areas of the building. This was viewed very

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorized Signatory



seriously by the Committee, as this shows utter disregard to the legal provisions, despite clear instructions being given in the meeting held in the 7th meeting.

The Committee also noted that following while appraising the project:

(i) The ground coverage of the proposed building is over 75% and the open spaces and RG areas are unacceptably low and in violation of the provisions of DC rules. The height of the building is about 70 metres and even 5 m space all around the building is not provided for proper movement of fire engines.

(ii) The foot print of the building is over 200mX30m with two storeys for shopping and three podiums on top of it. The towers of 17/18 floors spring from the top podium. No break in the plan of the long building is seen for proper air circulation and vehicular movement and lighting from the front to back side is left. The planning is thus very congested and hazardous.

Since the work is in an advanced state of construction, part of it will have to be demolished to mitigate the situation. The proponents are, therefore, requested to recast the proposal to meet all the environmental norms and come up again before the Committee. Further work should be stopped forthwith and the reasons for continuing the work without EC even after being given clear instructions be submitted. The relevant DC rules permitting 2.5 FSI may be indicated and full details of built-up area for commercial and residential purposes etc. be submitted.

Item No.16 (Originally considered in the 15th meeting held in August 2009).

Project proponent: Shree Virangana Steels Ltd.

Name of the project and location: 30 MW captive power plant and 240 TPD Billets Unit at Mouze Ukkerwadi, Tahsil Umred, District Nagpur.

Brief details of the project (as per the proposal):

Area of the plot: 40 hectares. Technology for the coal-based captive power plant: WHRB (based on waste heat recovery) technology for 2X2 MW and AFBC technology for 2X13 MW. Raw materials required for the Billets Unit: 250 TPD of DR/Big Iron/Scrap.

Decision: Copy of the report of EIA, which was conducted as per the terms of reference approved in the last meeting, was furnished. It was decided to recommend the proposal for grant of prior environmental clearance.

New Cases

Item No.1

Project proponent: M/s Asian Paints

Name of the project and location: Proposed 4.0 lakhs KL/annum paint manufacturing at Khandala Kesurdi, M/DC, Phase I, Satara.

Brief details of the project (as per the proposal):

Total plot area: 52.16 hectares. Green belt area: 17.2 hectares. Raw materials required per year: Powders: 2,35,110 tons; Liquids: 1,49,320 tons.

FOR EMDASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorised Signatory



Decision: It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent furnishing the following:

- (i) A large scale lay out plan of the entire plot superimposed on a contour plan showing the various sheds, internal roads, open spaces, green areas etc.
- (ii) Drawing of a typical shed with sections, elevations and plans showing provisions for ventilations, lighting etc.
- (iii) Details of the proposals for rainwater harvesting with attempts to utilize the maximum rain water for processing or for recharging.

Item No.3

Project proponent: 5 Star Construction

Name of the project and location: Residential project at S.No. 40, Hissa No. 2+3D, 2+3C+4A+4B of Rahatani, Pimpri, Pune by 5 Star Constructions.

Brief details of the project (as per the proposal):

Area of the plot: 17,600 sq.m. Total built up area (including TDR): 35,634 sq.m (of which 22,176 sq.m under FSI). No. of proposed tenements: 264

Decision: It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent furnishing a revised design of STP keeping chlorination and sludge management in view, as discussed in the meeting.

Item No.4

Project proponent: M/s Manmohan Minerals & Chemicals (P) Ltd. (Formerly known as Gauravara Ferroalloys Pvt Ltd.)

Name of the project and location: Manganese oxide and manganese dioxide manufacturing plant at plot no. 57, MIDC, Butibori.

Brief details of the project (as per the proposal):

Area of the plot: 13,050 sq.m. Total built-up area: 2,416 sq.m. Proposed capacity: Manganese oxide 50 MT/day and Manganese dioxide 10MT/day. Required raw materials: Manganese ore (70 MT/day), coal and coke.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.5

Project proponent: Municipal Corporation of Greater Mumbai.

THE EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory



Name of the project and location: Construction of Hospital building at Centenary Hospital Gowandri, Mumbai.

Brief details of the project (as per the proposal):

Total plot area: 33,708 sq.m. Total built-up area (new): 28,091 sq.m. (of which 25,577 under FSI); existing area to be retained: 10,437 sq.m. RG area: 8,702 sq.m. Proposed building: G+7, in addition to existing building G+2. No. of beds: 210 (existing) and 310 (new). Parking: 4-wheeler: 75 and 2-wheeler: 60.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent reworking out (and indicating) the water requirement taking into account the outdoor patients also.

Item No.15

Project proponent: M/s Mahesh Product Pvt Ltd.

Name of the project and location: Units for manufacture of MS billets and rolling at Gat no. 86, Khadgaon, Taluka Badrapur, District Jalga.

Brief details of the project (as per the proposal):

Plot area: 1.6 hectares. Capacity of for MS billets – 9000 MT/month. MS rolling – 8000 MT/month. Raw material required: MS Scrap – 12000 MT/month and sponge iron – 6500 MT/month.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Other cases

The proponents of the cases at s nos. 2 and 6 (M/s Ellora Project Consultant Madhurima CHS Ltd and South Central Steel & Power Ltd) did not attend the meeting. It was, therefore decided to close these cases. The case at S No. 15 (M/s Mahesh Product Pvt Ltd), listed in the agenda for 2nd December 2009, was taken up on 1st December 2009 as per the request of the project proponent.

Chairman, SEAC

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorized Signatory



Minutes of the 20th meeting of the State Level Expert Appraisal Committee (SEAC) held on 2nd December 2009

Present

- | | |
|--------------------------|-------------|
| 1. Shri PMA Hakeem | - Chairman |
| 2. Shri GK Deshpande | - Member |
| 3. Dr. (Mrs) Medha Dixit | - Member |
| 4. Dr. Kishore Bhoir | - Member |
| 5. Dr. SB Chaphekar | - Member |
| 6. Dr. VR Gunale | - Member |
| 7. Dr. SK Pedole | - Member |
| 8. Dr. TG More | - Member |
| 9. Shri GA Naik | - Secretary |

Compliance cases

Item No. 5 (Originally considered in the 12th meeting held in May 2009)

Project proponent: Mrs Seema Anil Belorkar

Name of the project and location: Dolomite mine (23.20 hectares) at Village Kundra in Wani Taluka, District Yeotmal.

Decision: Clarifications on the points relating to the points raised in the last meeting were provided. It was indicated with documentary proof that the PIL no. 4049/2008 was already disposed of. Copy of the EIA was made available in the last meeting. It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.9 (Originally considered in the 3rd meeting held in September 2008 and again considered in the 15th meeting)

Project proponent: M/s Shrivaste Property Pvt Ltd.

Name of the project and location: Residential building at CTS No. 1200C of Village Malad (South), Goregaon, Mulund Link Road, Mumbai.

Brief details of the project (as per the proposal):

PLOT area: 11,975 sq.m. Built-up area: 22,153 sq.m. No. of buildings: 2. No. of flats: 83. Total R/G area: 3266 sq.m. No. of trees to be planted (including existing): 176.

Decision: It was clearly seen during the discussion in the meeting that the work of expansion is started without EC although the project proponents knew that it was required. The work has come up to three storeys above the podium as gathered from the discussion, which means that the basement and podium are already constructed. The requirement of minimum side clearances cannot now be met unless part of the podium is dismantled. The basement also does not leave enough ground space at the boundary of the plot for tree plantation, drainage,

FOR SHIVASTY PROPERTY DEVELOPMENTS PVT LTD

Authorised Signatory



rainwater harvesting etc. This is considered by the Committee as a very serious violation from the environment point of view.

The proponents have provided for over 30 parking spaces more than twice the DC rules norms which is resulting in unnecessary more construction, that too, free of FSI.

The project proponent should now stop further construction forthwith till EC is granted and plan for reduction in parking spaces. Rainwater harvesting, tree plantation and other aspects of environment be considered for the total plot as this is an expansion scheme. Proper precautions for ventilation and lighting of the large basement and area below the large podium be considered. The space below podium should not be enclosed by walls and the podium slab be designed to take the load of fire fighting. The Committee will visit the site to see the status of the project.

New Cases

Item No.7

Project proponent: Mangnese Product Corporation Pvt Ltd, Seoner, District Nagpur.

Name of the project and location: Proposed Ferro alloys manufacturing plant at Khosra No. 35 at Ramodugn, Taluka Seoner, Distric Nagpur.

Brief details of the project (as per the proposal):

Production capacity per month: 200 MT low carbon ferro manganese, 200 MT medium carbon ferro manganese, 50 MT low carbon ferro titanium, 50 MT low carbon ferro chrome, 50 MT low carbon ferro-molybdenum, 50 MT low carbon ferro aluminium, 10 MT low carbon ferro vanadium, 10 MT ferro silico zirconium and 1000 MT magnus oxide. Raw materials required: Manganese ore, aluminium scrap, MS scrap, burnt lime, silico manganese, ferro silicon, chrome ore, sodium nitrate, limonite and iron ore.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No. 8

Project proponent: Satind Infrastructure Pvt Ltd.

Name of the project and location: Green Butterfly Hill Station Development Project located at Village Yelbala, Saltar, Majgaon, Taluka Mulshi, District Pune.

Brief details of the project (as per the proposal):

Total plot area: 99,08,628 sq.m. Green area: 20,00,000 sq.m. Golf course: 3,64,214 sq.m. Proposed built-up area: 5,00,000 sq.m (residential- 4,00,000 sq.m, school and hospital - 25,000 sq.m. and commercial - 75,000 sq.m). Total parking area: 2,00,000 sq.m.

Decision: This is a large hill station development project. Based on the preliminary discussion on the overall planning of the project and the papers made available, the following observations are made:

FOR EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorised Signatory



- (i) The Government notification approving the project may be submitted with all latest planning norms.
- (ii) Detailed layout based on actual surveys and in harmony with the topography be prepared and submitted.
- (iii) Actual design on the basis of hydrology and subsoil investigation for the proposed dam is essential with permission from irrigation Department.
- (iv) The list of various amenities to be provided may be furnished.
- (v) Flexibility in the design of STP is required as population will be floating.
- (vi) The layout should show all existing streams.
- (vii) A detailed storm water drainage design is required.

In the next meeting a detailed presentation covering these and other essential aspects will have to be made.

Item No.9

Project proponent: M/s Shubnam Mineral Enterprises

Name of the project and location: Kothuina Manganese ore at Village Kothiana, Tahsil Sioner, District Nagpur.

Brief details of the project (as per the proposal):

Mining lease area - 24 hectares. Annual production of Manganese ore - 1160 MT. Extractable manganese ore - 26,740 MT.

Decision: EIA was carried out and public hearing was conducted on 27th June 2008. There was no objection to the proposal from anybody. It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.10

Project proponent: M/s Anamaye Pharrwadnam Pvt Ltd

Name of the project and location: Change in product of existing bulk industry at plot no. K-37, MIDC, Tarapur, Thane District.

Brief details of the project (as per the proposal):

Plot area - 2635 sq.m. Built-up area - 1468 sq.m. Production capacity (for 9 products) per month: 7.5 MT.

Decision: The project proponent has taken over the company M/s Strides Aroclab Pvt Ltd, in 2007. Due to the market requirements they are switching over to new products (nine in all) with a

For EMBASSY PROPERTY DEVELOPMENTS PVT LTD



Authorised Signatory

capacity of 7.5 MT per month). It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.11

Project proponent: M/s Reliance Construction Company Ltd.

Name of the project and location: Proposed redevelopment under SRA scheme at Dahisar, SV Road, Shantinagar Zopadpatti, Mumbai.

Brief details of the project (as per the proposal):

Plot area: 12088 sq.m. Total built-up area: 30,220 sq.m. No. of rehabilitation tenements proposed: 892. No. of sale building flats: 194. Total RG provided: 1090 sq.m. Amenities being provided: 7 society offices, 7 Balwadis and 7 welfare centres.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance subject to the project proponent complying with the following:

- (i) The three STPs proposed to be provided should be below ground level to avoid smell nuisance and treatment to tertiary level be given to ensure quality of effluent fit for recycling for flushing and gardening.
- (ii) The proponents should reduce the area of podium to leave minimum 6m clear space all around for proper ventilation and fire engine movement.
- (iii) It was stated that this was the first phase of work on the total plot in possession of the proponents who will obtain CO for future phases in due course.

Item No.14

Project proponent: Minex Metallurgical Co. Ltd.

Name of the project and location: Expansion of the metallurgical project located at 88/3 Village Nimzi, Taluka Kalaneshwar, Nagpur District.

Brief details of the project (as per the proposal):

Land area: 32,376 sq.m. RG area: 10,665 sq.m. Existing capacity per month: Aluminium alloy: 350 MT, aluminium rods: 400 MT and Ferro alloys: 100 MT. Additional capacity per month being added now: Aluminium alloy: 150 MT, Ferro alloys: 700 MT.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.16

Project proponent: M/s Warbury Ltd.

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Authorised Signatory



Name of the project and location: Expansion of the capacity of manufacturing unit for bulk drugs/active pharmaceutical ingredients (API) and intermediates at plot no. A-15, MIDC Industrial Area, Patalganga, District Raigad.

Brief details of the project (as per the proposal):

Total plot area: 7,595 sq.m. Total built-up area: 3,375 sq.m. RG area: 1500 sq.m. Capacity per month: Existing: 11 MT (three products); Proposed: 225 MT (six products).

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No. 17

Project proponent: Benzo Chem industries Pvt Ltd.

Name of the project and location: Setting up a new plant to manufacture organic chemicals at plot no. B-24 and B-25 at Industrial Area, MIDC, Dasakhed, Malkapur, District Buldhana.

Brief details of the project (as per the proposal):

Plot area: 23,038 sq.m. Total built-up area: 14,115 sq.m. Production capacity per month: 925 MT (17 products). Total requirement of raw materials per month: 1395 MT (57 materials).

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.18

Project proponent: Hindustan Petroleum Corporation Ltd.

Name of the project and location: Construction of MS and HSD storage tanks and ancil facilities at Talegaon Depot, Talegaon, District Pune.

Brief details of the project (as per the proposal):

Area of the land: 23092 sq.m. Capacity of the tanks to be constructed: (i) 2X1200 KL floating roof carbon steel above ground storage tanks for MS; and (ii) 2X5400 KL floating roof carbon steel above ground storage tanks for HSD.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.19

Project proponent: The Deccan Minerals Pvt Ltd

Name of the project and location: Proposed expansion of iron ore mine at Satel, Taluka Sawantwadi, District Sindhudurg.

Brief details of the project (as per the proposal):

BY ENGASST PROPERTY DEVELOPMENTS PVT.LTD

Authorised Signatory



Area of the plot: 40.37 hectares. Existing capacity per month: 50,000 MT. Proposed capacity per month: 60,000 MT.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.20a

Project proponent: Lata Mangeshkar Medical Foundation

Name of the project and location: Expansion of the Deenanath Mangeshkar Superspecialty Hospital at S.No. 6-13/2, CTS No. 140B, Grandvane, Pune

Brief details of the project (as per the proposal):

Plot area: 24,000 sq.m. Total built-up area: 57,798 sq.m. RG area: 2,400 sq.m. Parking area: 12,987 sq.m. No. of beds to be added: 418.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

The proponents of the cases at s.nos. 12, 13 and 20 (M/s Sonhira Sakhar Karkhana Ltd, Sangli, Nagina Steel and Alloys Pvt Ltd and Kamani Tubes Ltd) did not attend the meeting. It was, therefore decided to close these cases.

Chairman, SEAC

For EMIRASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory



Item No.9

Project proponent: M/s Speciality Molecules Ltd., N-34, Adff MIDC Aitandnagar, Ambemath

Name of the project and location: Manufacture of fine chemicals/intermediates (expansion in capacity of existing products and addition of new product) at the plant at the above place.

Brief details of the project (as per the proposal):

Total plot area: 11969 sq.m. Greenery and open area: 3600 sq.m. Present production capacity: 2304 MT per annum. Additional capacity proposed: 3696 MT/year. Existing products: 2-Chloro pyridine; 2,6-Dichloro pyridine and other pyridine intermediates. New products to be added: 2,3,5,6-Tetrachloropyridine (SYMTET), 2-Bromopyridine.

Decision: It was decided to recommend the proposal for grant of prior environmental clearance.

Item No.10

Project proponent: Rakesh Kumar Modi

Name of the project and location: Karwati Dolomite Project at Village Karwahi, Tahsil Ramtek, District Nagpur, Maharashtra

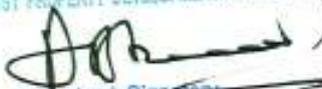
Decision: The mine is of capacity 40 TPD. Mining will be done by open cast and manual method only. The dolomite deposit thickness is about 5 metre. The average distance of a village from the core zone is around 7.2 km. A copy of the EIA carried out for the project has been furnished. It was decided to recommend the proposal for grant of prior environmental clearance.

Other cases

The proponent of the case at s.no. 11 (compliance case) (namely M/s Zodiac Developers Private Limited) did not attend. He may be given one more chance to attend. The proponents of the new cases at s.nos. 4 and 8 (M/s Satellite Pharmaceuticals Pvt Ltd. and Reliance Construction Company) have asked for another date for presentation. This was agreed to.

Chairman, SEAC

For EMASSY PROPERTY DEVELOPMENTS PVT.LTD.


Authorized Signatory



GOVERNMENT OF MAHARASHTRA

Tel. No. 2221 33 17
Fax No. 2202 39 46

No. SEAC-2010/CR-297/MC-2
Office of the -
Environment Department,
217(Annex),Madrakaya,
Mumbai - 400 032.
Date: 02-08-10
10/11/2010

By Fax/ RPD
To,

M/s. Embassy Dynasty Developers Pvt. Ltd.
Plot No.3, Rajiv Gandhi Infotech Park, Phase II,
MIDC Hinjewadi, Pune

Subject: Show Cause notice under the Environment (Protection)
Act, 1986 read with Environment Impact Assessment
Notification dated 14.09.2006.

WHEREAS, it is obligatory on your part to obtain prior Environmental Clearance from competent authority as per the Environment Impact Assessment Notification dated 14th September 2006 before starting building construction activity.

AND WHEREAS, you have applied for Environmental Clearance for IT Park at Plot No.3, Rajiv Gandhi Infotech Park, Phase II, MIDC Hinjewadi, Pune. During the meeting of State Expert Appraisal Committee held 26th August, 2010, it was observed that you have started the construction activity without prior Environmental Clearance.

AND WHEREAS, you have violated EIA Notification, 2006 by not obtaining Environmental Clearance before starting the project activity.

Now, therefore you are hereby directed to show cause as under:

- a) Why your building construction activity shall not be stopped forthwith for the violation of Environment Impact Assessment Notification dated 14.09.2006 issued by the Ministry of Environment and Forest, Government of India for not obtaining prior Environmental Clearance from the Competent Authority Government of Maharashtra?
- b) Why further legal action shall not be initiated against you under the provision of the Environment (Protection) Act 1986 and rules made thereunder?

You are hereby directed to submit your reply within 15 days after receipt of this show cause notice, failing which, the Govt. of Maharashtra will have no option than to initiate appropriate legal action against you, which may be noted.



(Valsa R. Nair Singh)
Secretary, Environment Department

M/ EMBASSY PROPERTY DEVELOPMENTS PVT.LTD.


Authorised Signatory


EXHIBIT - K**119**Government of Maharashtra

File No.: SEAC- 2010/CR.297/TC.2

Environment department,

Room No. 217, 2nd floor,

Mantralaya Annex,.

Mumbai 400 032

Date: 29th March, 201111th July, 2011

To,
M/s. Embassy Property Development Pvt. Ltd.
Embassy Point, # 150 Infantry Road,
Bangalore 560001
Maharashtra

Subject: IT Park Embassy Techzone at plot no. 03, Rajiv Gandhi Infotech Park, Phase II, MIDC, Hinjewadi, Pune by M/s. Embassy Property Development Pvt. Ltd. - Environmental clearance regarding.

Sir,

This has reference to your communication dated nil on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee, Maharashtra in its 11th, 19th & 20th meetings and decided to recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 26th meeting held on 26th August, 2010.

2. It is noted that the proposal is for grant of Environmental Clearance for IT Park Embassy Techzone at plot no. 03, Rajiv Gandhi Infotech Park, Phase II, MIDC, Hinjewadi, Pune by M/s. Embassy Property Development Pvt. Ltd. SEAC considered the project under screening category is 8(b) as per EIA Notification 2006.

Brief Information of the project is summarized as below-

Name of the Project	: IT Park Embassy Techzone
Project Proponent	: M/s. Embassy Property Development Pvt. Ltd.
Location of the project	: Plot no. 03, Rajiv Gandhi Infotech Park, Phase II, MIDC, Hinjewadi, Pune
Type of Project	: Construction Project
Total Plot Area	: 2,76,874.00 sq. m.
Total Built up area	: 4,89,815.41 sq. m. FSI: 464732.62 sq.m.
Estimated cost of the project	: ₹ 435 Crores
Nu. of Buildings	: Office Building : 11 Multilevel car parking: 6 Food court : 1 Training Center: 1 Utility & Service : 2



(Handwritten Signature)

EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

(Handwritten Signature)
Authorised Signatory

Water Requirement: Total: 2400 KLD

- (i) Fresh water: 1400 KLD from MIDC
- (ii) Recycled water: 1000 KLD from STP

Wastewater generated: 1920 KLD; Wastewater will be treated in 8 Nos. of STP

Capacity of STP: total Capacity 2120 CMD;

Treated water will be used for flushing, gardening and cooling tower make up.

Rain water Harvesting:

- Terrace water harvesting capacity : 2520 m³
- Lake storage capacity : 7200 m³
- Bore hole details: up to 50 meters, there was no occurrence of ground water and hence recharging bore well option is ruled out.
- Ground Water Authority shall be consulted for finalization of appropriate rainwater harvesting technology.

Storm water drainage:

The plot has steep gradient from 125 m to 98 m. This slope is fully utilized while planning various buildings and roads. The natural drain formed due to these slopes is maintained and enhanced for smooth passage of water due to heavy rainfall reported in this area (3000 mm / year).

Solid Waste Generation:

Construction phase:

Solid waste during the construction phase would comprise mainly of excavated earth, stones etc. Entire quantity of the excavated earth will be back filled.

Operation Phase:

- a. Dry Garbage : 100 Kg/day
- b. Wet Garbage: 30 Kg/day
- c. STP sludge : 0.216 MT/day

Disposal:

- All wastes generated during the operation phase on the site will be properly segregated before disposal.
- Biodegradable garbage generated from food courts and eating joints will be shredded and treated in vermiculture pits. The resulting manure will be used as fertilizer in the landscaped area.
- The non-biodegradable waste will be segregated and disposed through appropriate waste dealers.
- Sewage sludge generated from the STP will be used as organic manure.

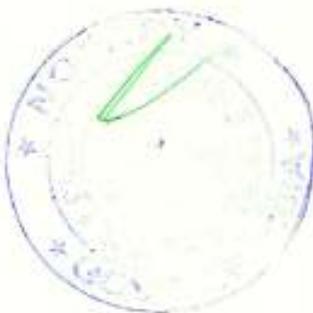
Energy:

Power Requirement: 149970 KVA; Source: Maharashtra State Electricity Board (MSEB).

D. G. sets : 3 Nos. of D. G. sets with capacity of 100 KVA each will be provided as power back up for essential service.

Energy Conservation:

- Use of efficient lamps, luminaries and control devices
- Reducing wastage
- Ensuring proper utilization of daylight and control glare from windows



Handwritten signature -2

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.

Handwritten signature
 Authorised Signatory

- Maintaining lighter finishes of ceilings, walls and furnishings
- Implementing periodic schedule for cleaning of luminaries and group replacement of lamps at suitable intervals

Green Belt Development: area for green belt: 104460.30 sq. m.; Total 7000 Nos. of trees will be planted.

Traffic Management:

- Car parking: 8421 Nos. and 2 wheeler of about 2500 sqm equivalent to 8000 car parks will be provided
- Width of internal road: 26 m

Environmental Management Plan:

Construction Phase: Capital: ₹ 1 lakh and labor ₹ 4 lakhs

Operation Phase:

Sr. No.	Activity	Capital cost	O&M cost per annum
A	STP		
1	Block 1 and block 2 STP	₹ 55 lakhs	₹ 7 lakhs
2	Block 11 and training centre STP	₹ 55 lakhs	₹ 7 lakhs
3	Block 3 STP	₹ 55 lakhs	₹ 7 lakhs
4	Block 4 STP	₹ 55 lakhs	₹ 7 lakhs
5	Block 5 STP	₹ 55 lakhs	₹ 7 lakhs
6	Block 6, 7 and 8 STP	₹ 75 lakhs	₹ 7 lakhs
7	Block 9 and food court STP	₹ 75 lakhs	₹ 7 lakhs
8	Block 10 STP	₹ 75 lakhs	₹ 7 lakhs
B	Horticulture	₹ 200 lakhs	₹ 25 lakhs
C	Air pollution control measures	₹ 25 lakhs	₹ 5 lakhs
D	Noise pollution control measures	₹ 36 lakhs	₹ 2 lakhs
E	Solid non hazardous waste management and disposal	-	₹ 12 lakhs
F	Solid hazardous waste management and disposal	-	₹ 25 lakhs

3. The proposal has been considered by SEIAA in its 26th meetings & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions :-

- Wet garbage should be treated by Vermi Composting (if necessary advanced treatment like Organic Waste Converter to be used) and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
- This environmental clearance is issued subject to land use verification. Local authority / planning authority should ensure this with request to Rules, Regulations, Notifications, Government Resolutions, Circulars, etc. issued if any. This environmental clearance issued with respect to the environmental consideration and it does not mean that State Level Impact Assessment Authority (SEIAA) approved the proposed land use.
- Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. No physical occupation or allotment will be given unless all above said environmental infrastructure is installed.

-3-



- and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
- (iv) Local body should ensure that no occupation certificate will be issued prior to operation of STP/MSW site with due permission of MPCB. Physical possession should be given only after completion of environmental & other infrastructure for which development charges are being collected by local body.
 - (v) The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. ULB should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
 - (vi) "Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
 - (vii) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
 - (viii) A First Aid Room will be provided in the project both during construction and operation of the project.
 - (ix) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc.
 - (x) Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
 - (xi) Arrangement shall be made that waste water and storm water do not get mixed.
 - (xii) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
 - (xiii) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
 - (xiv) Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
 - (xv) Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
 - (xvi) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
 - (xvii) Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
 - (xviii) Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
 - (xix) The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
 - (xx) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.



[Handwritten signature]

PR ENCLAVIS PROPERTY DEVELOPMENTS PVT. LTD.

[Handwritten signature]
 Authorised Signatory

- (xxi) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- (xxii) Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- (xxiii) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003 (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
- (xxiv) Ready mixed concrete must be used in building construction.
- (xxv) The approval of competent authority shall be obtained for structural safety of the buildings due to any possible earthquake, adequacy of fire fighting equipments etc. as per National Building Code including measures from lighting.
- (xxvi) Storm water control and its re-use as per CGWB and BIS standards for various applications.
- (xxvii) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xxviii) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- (xxix) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Ministry before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Treatment of 100% gray water by decentralized treatment should be done. Discharge of unused treated effluent shall conform to the norms and standards of the Maharashtra Pollution Control Board. Necessary measures should be made to mitigate the odour problem from STP.
- (xxx) Project proponent shall ensure completion of STP, MSW disposal facility prior to occupation of the buildings and should obtain completion certification for these systems/aspects from MPCB.
- (xxxi) Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
- (xxxii) Permission to draw ground water shall be obtained from the competent Authority prior to construction/operation of the project.
- (xxxiii) Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
- (xxxiv) Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- (xxxv) The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- (xxxvi) Use of glass may be reduced up to 40% to reduce the electricity consumption and load on airconditioning. If necessary, use high quality double glass with special reflective coating in windows.
- (xxxvii) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- (xxxviii) Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be

-5-



[Handwritten signature]

EMBRASSY PROPERTY DEVELOPMENTS PVT. LTD.
 Authorised Signatory

in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non conventional energy source as source of energy.

- (xxxix) Diesel power generating sets proposed as source of back up power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- (xl) Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- (xli) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- (xlii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement
- (xliii) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation
- (xliv) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
- (xlv) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
- (xlv) Six monthly monitoring reports should be submitted to the Department and MPCB
- (xlvii) A complete set of all the documents submitted to Department should be forwarded to the MPCB
- (xlviii) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
- (xlix) No land development / construction work preliminary or otherwise relating to the project shall be taken up without obtaining due clearance from respective authorities.
- (i) A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- (ii) Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
- (iii) The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at <http://envis.maharashtra.gov.in>.

[Handwritten Signature] -6-

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD

[Handwritten Signature]
Authorised Signatory



- (liii) Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
 - (liv) A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
 - (lv) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely, SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
 - (lvi) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
 - (lvii) The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
 - (lviii) The environmental clearance is being issued without prejudice to the court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him.
4. Project proponent should submit exactly same documents for approval of building plans to the concern authorities as per the documents submitted to the SEIAA for prior Environmental Clearance. If there is any change stipulated by HRC / any other concern authorities then recast plan should be submitted to the Authority for approval.
 5. If there is any change in local town planning rules including FSI, Non FSI parking area, RG area etc which changes building plans, then Project Proponent should approach SEIAA again. It is the sole responsibility of the Project Proponent to submit the same building plans otherwise liable to initiate due action under E.P Act.
 6. Project proponent should submit exactly same documents for approval of building plans to the concern authority as per the documents submitted to the SEIAA for prior Environmental Clearance
 7. Project proponent shall not make any change in Layout Plan/ Master Plan submitted to the Authority without its prior permission and shall submit approved layout plan to Department before commencement of construction work.
 8. In case of submission of false document and non compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

-7-




By EMBASSY PROPERTY DEVELOPMENTS PVT.LTD


Authorized Signatory

126

9. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.
10. **Validity of Environment Clearance:** The environmental clearance accorded shall be valid for a period of 5 years.
11. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.
12. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
13. Any appeal against this environmental clearance shall lie with the National Environmental Appellate Authority, if preferred, within 30 days as prescribed under Section 11 of the National Environmental Appellate Act, 1997.

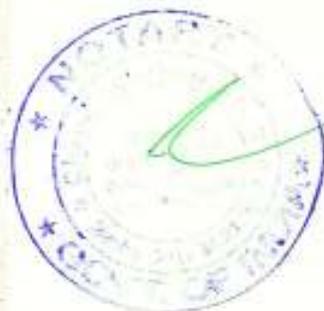


(Valas R Nair Singh)
Secretary, Environment
Department & MS, SEIAA

Copy to:

1. Shri. Ashok Basak, IAS (Retd.), Chairman, SEIAA, 502, Charleville, 'A' Road, Church gate, Mumbai- 400 020, Maharashtra.
2. Shri. P.M.A Hakeem, IAS (Retd.), Chairman, SEAC, 'Jugnu' Kottaram Road, Calicut- 673 006 Kerala.
3. Additional Secretary, MOEF, 'Paryavaran Bhawan' CGO Complex, Lodhi Road, New Delhi - 110510
4. Member Secretary, Maharashtra Pollution Control Board, with request to display a copy of the clearance.
5. The CCF, Regional Office, Ministry of Environment and Forest (Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link Road No- 3, E-5, Ravi-Shankar Nagar, Bhopal- 462 016). (MP).
6. Regional Office, MPCB, Pune.
7. Collector, Pune.

-8-



For ENRASSY PROPERTY DEVELOPMENTS PVT.LTD.

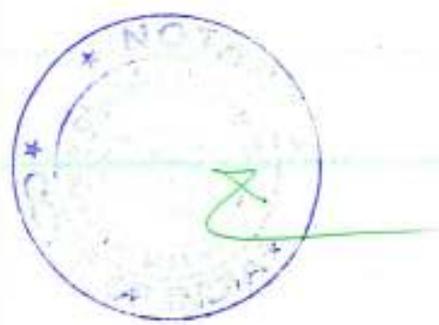


Authorised Signatory

- 8. Commissioner, Pune Municipal Corporation.
- 9. IA- Division, Monitoring Cell, MoEF, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
- 10. Director (TC-1), Dy. Secretary (TC-2), Scientist-1, Environment Department.
- 11. Select file (TC-3).

THIRASSY PROPERTY DEVELOPMENTS PVT.LTD.

Authorised Signatory



(IA DIVISION)

Indira Paryavaran Bhavan
Ali Ganj, Jor Bagh Road
New Delhi- 110003.

Dated the 12th April, 2016

OFFICE MEMORANUDM

Subject: Notifications issued by the Ministry of Environment, Forest and Climate Change vide S.O. No. 1141 (E) dated 29.04.2015 and S.O. No. 2571 (E) dated 31.08.2015 under the provisions of the EIA Notification 2006 regarding extension of Validity of Environmental Clearance-Clarification regarding.

The undersigned is directed to inform that in respect of the subject mentioned above, the Ministry has decided to clarify the applicability of the Notifications as under:

- (i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, their validity will stand automatically extended to seven (7) years.
- (ii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such environmental clearances will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

This issues with the approval of the Competent Authority.

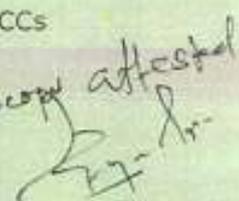

(Dr. Satish C. Garkoti)
Scientist 'F'

To

1. All ~~the~~ Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs / SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to HMEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(SK)
4. PS to JS(MKS)/PS to JS(BS) / PS to JS(GB)
5. Website of MoEFCC
6. Guard File

Photocopy attested

(YOGENDRA PAL SINGH)
29/04/2016

For EMBASSY PROPERTY DEVELOPMENTS PVT. LTD.


Authorized Signatory



129

Exhibit No. _____

VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 31 OF 2020
(Under Sections 14 & 15 (b) & (c) r/w. Section 18(1) & (2)
of the National Green Tribunal Act, 2010)

IN THE MATTER OF:**Shashikant Vithal Kamble****... Applicant****Versus****Embassy Property****Developments Pvt. Ltd. & Ors****... Respondents**

I, the undersigned, Mr. A. B. Mandanna authorized representative of Embassy Property Developments Pvt. Ltd. i.e. Respondent no.1 herein having office at: Embassy Point, 1st Floor, Infantry Road, Bengaluru - 560001 above named hereby appoint and authorize

Sunita Kinkar (Advocate)**Indrayani Kinkar (Advocate)****Sanad No. MAH/863/1991****Sanad No. MAH/2008/2014****advunitak@gmail.com****8308324815****9822328828****Address :****Kundan Chambers,**

130

Thube Park,
Near Sancheti Hospital,
Shivajinagar, Pune - 411 005.

&

Lawyers Chambers, No.2
District Court Compound,
Shvajinagar, Pune - 411 005.

to appear, act and plead on my behalf in the above matter and to conduct
Prosecute (defend) a interlocutory and miscellaneous proceeding relating thereto and
also to authorize another advocate to do the aforesaid acts on my behalf occasionally
and in case of urgency and necessity.

In witness whereof I have signed below this 11th day of November in the year Two
Thousand Twenty.

Accepted and filed on ___/11/2020

For EMBASSY PROPERTY DEVELOPMENTS PVT.LTD


Authorized Signatory

Mr. A.B. Mandanna

M/s. Embassy Property Developments Pvt. Ltd.

Respondent no.1

ADVOCATE



ATTESTED BY ME

CHANDRASHEKARAIYAH. S

Advocate & Notary

No. 7, Kumbhewada Nilaya

3rd Floor, Jambhale Colony Extension

Shivajinagar, Pune - 411 005

131



EXTRACTS OF THE MINUTES OF THE MEETING OF BOARD OF DIRECTORS OF THE COMPANY EMBASSY PROPERTY DEVELOPMENTS PRIVATE LIMITED HELD ON THURSDAY, 21ST SEPTEMBER, 2017 AT ROYAL OAKS, BOARD ROOM, 2ND FLOOR, EMBASSY GOLF LINKS BUSINESS PARK, OFF. INTERMEDIATE ROAD, BANGALORE- 560071.

"RESOLVED THAT in supersession to the earlier resolution passed on January 11,2016 the board of directors hereby vest general power to following persons to institute and defend legal cases and to engage attorney and to sign and execute Vakalat, Plaint, Appeals, application, petition, reply, written Statements, statement of objections, Complaints, Notices other documents with regard to the litigations filed by the Company or against the Company and to adduce evidence on behalf of the Company from time to time to represent the Company in any legal cases:"-

Mr. Jitendra Virwani
 Mr. Narpal Singh Choraria
 Mr. P.R.Ramakrishnan
 Mr. A.T.Gopinath
 Mr. Rajesh Bajaj
 Mr. B.S.Narayanan
 Mr. A.B. Mandanna
 Mr. B.S. Mohan
 Mr. Prakash C R

any other person as may be authorised by any one of the directors of the Company from time to time."

"RESOLVED FURTHER THAT a certified true copy duly signed by any one Director/Company Secretary of the Company be and are hereby furnished to the relevant authorities to give effect to the above mentioned resolution."

//CERTIFIED TRUE COPY//

For EMBASSY PROPERTY DEVELOPMENTS PRIVATE LIMITED

G. Bhargavi Reddy
G. BHARGAVI REDDY
COMPANY SECRETARY
M.NO.17091

EMBASSY PROPERTY DEVELOPMENT PVT. LTD

CTN: 1851106A/PROPEC/0001

Registered Office: Embassy Point, 1st Floor, 150, 1st Stage, 2nd Stage, Bangalore, 560001.
 T: +91 80 4171 0099 F: +91 80 2228 6912 www.embassyindia.com



Handwritten signature in blue ink.