BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

APPLICATION NO. 64 OF 2019

Mr. Tanaji Balasaheb Gambhire ... Applicant

Versus

Union of India & Ors. ... Respondents

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Mumbai:

Dated this 21st day of November 2020

Subit Chakrabarti
Advocates for Applicant

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AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.13

I, Vivek Ashok Mohanani, aged 39 years, the Director of the Respondent No.13, having my office address at

401 Hallmark Business Plaza, Sant Dnyaneshwar Marg,Opp. Gurunanak Hospital, Kalanagar, Bandra (East),Off Western Express Highway, Mumbai 400 051 do hereby solemnly affirm and state as under:

1. I am the Director of the Respondent No.13 having my address as mentioned above and I am competent, authorized and able to depose the present Affidavit. I have perused and made myself conversant with the contents and record pertaining to the present Application and I am otherwise, well aware of the facts and circumstances of the present case from personal knowledge as also office records and thus, competent to depose the same. I say that I am filing the present Affidavit in Reply for the limited purpose of opposing the reliefs as sought for by the Applicant. I crave leave to file a further detailed affidavit/additional affidavit along with supporting documents if the circumstances so warrant.

2. At the outset, I deny each and every averment made in the present Application which is contrary to and/or inconsistent with that which is stated in the present Affidavit and humbly submit that nothing

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contained in the Memo of Application shall be deemed to have been admitted by or on behalf of the Respondent No. 13, merely for want of specific traverse. I clarify and submit that the averments made herein are in the alternative and without prejudice to one another.

PRELIMINARY OBJECTIONS REGARDING MAINTAINABILITY OF THE APPLICATION:

3. At the very outset, I state and submit that the Application, as filed, before this Hon'ble Tribunal, is not maintainable and is liable to be dismissed for the following reasons:-

a) Being barred by limitation, both under Sections 14 and 15 of the National Green Tribunal Act, 2010 (**"NGT Act"**);

b) Lack of *Locus Standi* of the Applicant;

c) Non maintainability of the Application under Section 15 of the NGT Act and contrary to Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011 (**"NGT Rules"**);

d) Application raises issues beyond the jurisdiction of this Hon'ble Tribunal;

e) The Application is squarely hit by the provisions of Rule 14 of the NGT Rules, which provides that an application filed before this Hon'ble Tribunal shall be based upon a single cause of action;

The answering Respondent has already filed an Interlocutory Application raising the issue of maintainability of the Original Application on the grounds mentioned above; the same are set out in *extenso* therein and stand adopted in the present Affidavit and are not repeated and reproduced herein for the sake of brevity. I



submit that the contents of the Interlocutory Application preferred by the Respondent No. 13 may be treated as part of the present Affidavit.

BRIEF BACKGROUND OF THE RESPONDENT NO. 13:

4. Without prejudice to that which is stated above, I say that the Respondent No. 13 is a Private Limited Company incorporated under the provisions of the Companies Act, 1956. Respondent No. 13 is a part of the reputed Ekta World Group, one of the leading groups in the real estate sector, having to its credit a number of completed and ongoing residential and commercial real estate projects in Mumbai, Pune and other parts of Maharashtra. Respondent No. 13 is the Project Proponent of real estate projects in the name and style of "Ekta California" and "Ekta Florida" situated at Pune. Respondent No. 13 is an environmentally conscious and responsible organisation which enjoys decades worth of repute in the real estate market and has been widely lauded for its projects which are models of sustainable development.

DETAILS OF THE PROPERTY WHEREIN THE PROJECT IS BEING IMPLEMENTED & THE PROJECT IN QUESTION: -

5. Without prejudice to paragraph 3 hereinabove, I shall now set out a brief narration of the background details pertaining to the property wherein the said Project is being carried out.

5.1. The property in question comprises 3 smaller properties as under:



All that carved out property admeasuring area about 02 Hector 29 Ares i.e. 22900 sq. mtrs., out of property admeasuring 02 Hector 34 Ares out of property bearing Survey No.9 Hissa No. 1 admeasuring area about 08 Hector 65 Ares, assessment of Rs.15.22, Village Undri, within the Registration District Pune, Sub-registration District Haveli, Taluka Haveli and within the limits of Pune Municipal Corporation and which area admeasuring 02 Hector 29 Ares ("**First Property**").

Secondly:

All that property admeasuring 00 Hector 26.01 Ares i.e. 2601 sq.mtrs. i.e., approximately 28000 sq.ft. being well carved out plot of land having 12.19 mtrs. wide and 213.41 mtrs. length out of property bearing Survey No. 9 Hissa No.1 admeasuring area about 08 Hector 65 Ares, assessment of Rs.15.22 Village Undri, within the Registration District Pune, Sub-registration District Haveli, Taluka Haveli and within the limits of Pune Municipal Corporation and which area admeasuring 00 Hector 26.01 Ares ("**Second Property**").

All the aforesaid properties, alongwith right to consume full FSI of aforesaid properties and further consume permissible TDR permissible for the aforesaid properties for construction of the Building etc. on the aforesaid properties with or without amalgamating the same in other adjacent properties.

Thirdly:



All that carved out property admeasuring area about 00 Hector 05 Ares i.e. 500 sq.mtrs. along with 10 x 10 sq. fts. foundation mud and stone work, out of property admeasuring 02 Hector 34 Ares out of property bearing Survey No. 9 Hissa No.1 admeasuring area about 08 Hector 65 Ares, assessment of Rs.15.22, Village Undri, within the Registration District Pune, Sub-registration District Haveli, Taluka Haveli and within the limits of Pune Municipal Corporation and which area admeasuring 00 Hector 05 Ares ("**Third Property**").

Along with permanent easement right of way from the land having 40' wide and 700' length commencing from Mohammadwadi-Undri road upto the aforesaid land through northern portion of Survey No. 9, Hissa No.1, Village Undri (hereinafter collectively referred to as "**said Property**").

5.2. By a Deed of Assignment made and entered into at Pune on 21st June 2007 in favour of the Respondent No. 13, duly registered with the Sub-Registrar, Haveli, the First Property and Second Property were assigned unto the Respondent No. 13.

5.3. By a Development Agreement dated 21st July 2007, the owners therein granted development rights of the Third Property to Respondent No. 13 on the terms and conditions contained therein and put them in peaceful, vacant and physical possession thereof.



5.4. Respondent No. 13 has developed a residential complex known as "Ekta California" on the said Property ("**Ekta California**"). Respondent No. 13 has completed development of Ekta California in various phases comprising of 5 (five) wings viz. (i) Wing "A" known as "Fremont", (ii) Wing "B" known as "Palmdale", (iii) Wing "C" known as "Oakland", (iv) Wing "D" known as "Santa Monica", (v) Wing "E" known as "Santa Clara" alongwith gardens, internal roads, club house, swimming pool, pathways, open spaces, amenities and facilities etc. on a portion of the said Property.

5.5. Respondent No. 13 is proposing to construct Wing "F" to be known as "Florida" ("**Ekta Florida**"), on the portion of the said Property. The said project is duly registered with MahaRERA as an ongoing project bearing Reg. No. P52100015426. Annexed hereto and marked as **Exhibit "A"** is a copy of the Registration Certificate of Ekta Florida. Ekta California and Florida projects are hereinafter jointly referred to as the "**said project**".

5.6. Respondent No. 13 has completed construction of Fremont, Palmdale, Oakland, Santa Monica and Santa Clara on the portion of the said Property and obtained Occupation Certificate bearing No. OCC/0465/15 dated 14th July 2015 in respect of Wing "A" to Wing "C", Wing "E" complete and Wing "D" part and Occupation Certificate bearing No. OCC/1376/16 dated 26th November 2016 in respect of completed Wing "D".



5.7. Respondent No. 13 has also completed construction of Club House on portion of the said Property and obtained Occupation Certificate No. OCC-1416/16 dated 28th October 2016 in respect thereof.

5.8. Respondent No. 13 has already obtained Commencement Certificate bearing no. CC/3774/16 dated 31st March 2017 in respect of Florida up to 10th floor to be constructed on the said Property.

PERMISSIONS GRANTED TO THE SAID PROJECT:-

6. I say that the said Project has been carried out by the answering Respondent in accordance with law in furtherance of various building permissions granted to it by the Planning Authority being the Respondent Nos. 9 to 11 herein. A brief narration of such permissions received is set out hereinbelow:-

6.1. On 17.03.2007 Respondent No. 13 was granted Commencement Certificate ("**CC**") for construction of portion of Ekta California. A copy of the CC dated 17.03.2007 is annexed hereto and marked as **Exhibit-"B".**

6.2. On 21.03.2007 Respondent No. 13 was granted CC for construction of portion of Ekta California. A copy of the CC dated 21.03.2007 is annexed hereto and marked as **Exhibit -"C"**

6.3. On 02.02.2008, Respondent No. 13 was granted CC for construction of portion of Ekta California. A copy of the CC



dated 02.02.2008 is annexed hereto and marked as **Exhibit –"D".**

6.4. On 05.03.2008, Respondent No. 13 was granted CC for construction of a further portion of Ekta California. A copy of the CC dated 05.03.2008 is annexed hereto and marked as **Exhibit –"E"**

6.5. On 23.07.2010, Respondent No. 13 was granted CC for construction of a further portion of Ekta California. A copy of the CC dated 23.07.2010 is annexed hereto and marked as **Exhibit –"F".**

6.6. Ekta California has been accorded further CCs on the following dates:

a) 04.10.2011

b) 29.06.2015

c) 17.12.2015 and

d) 25.10.2016

Copies of the aforementioned CCs are annexed hereto and marked as **Exhibit –"G Colly."**

6.7. I say that apart from the aforementioned permissions to carry out construction, various other requisite permissions / approvals / no objections have been granted by the requisite authorities in respect of the said Project. The Respondent No. 13 craves leave to refer to and rely upon the permissions if the circumstances so warrant.

6.8. The construction of Ekta California has been completed and has been accorded Occupation Certificates ("**OC**") as under:

Sr. No.	Date	OC For	Exhibit No.
1.	14. 07.2015	Wings A to C & E D part	H
2.	26.11.2016	Wing D part (Balance)	I
3.	28.10.2016	Club House	J

6.9. It is thus submitted that the construction has been carried out by the answering Respondent in accordance with such building permissions as received from time to time and no grievance or default was ever communicated or pointed out to be cleared as regards the Environment Clearance by the authority while granting such permissions.

REQUIREMENT OF PRIOR ENVIRONMENT CLEARANCE:-

7. I say that the contentions and allegations of the Applicant regarding willful failure on the part of the Respondent No. 13 to obtain prior environment clearance under the provisions of the EIA Notification 2006 is misconceived for the reasons as stated herein below:-

7.1. The regime of prior environmental clearance was initially governed by the EIA Notification dated 27th January 1994 under which the projects enumerated in Schedule-I to such notification required prior environmental clearance and the relevant portion of the same reads as follows:-

> "2. ***Requirements and procedure for seeking environmental clearance of projects***: *I(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi."*



The enumerated activities in the Schedule in this Notification did not include building construction activity.

7.2. On 7th July 2004, the EIA Notification, 1994 was amended and the following two entries were added in the Schedule as Entries 31 and 32:

> "*31. New construction projects*
> *32. New Industrial estates*"

In para 3 of the Notification, insofar as the building construction activities are concerned, the following was added.

> "*3. Nothing contained in this notification shall apply to :*
> *(a) ...*
> *(b) ....*
> *(c) ....*
> *(d) ....*
> *(e) ....*
> *(f) ....*
> *(g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.*"

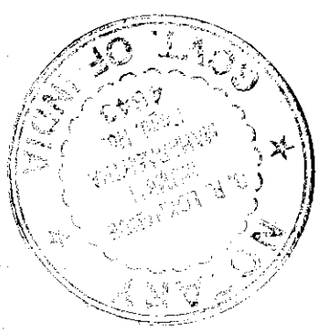
Thus, by this Notification any project which exceeded the aforesaid parameters, would need prior Environmental Clearance. It is material to note that the requirement of Environmental Clearance for construction was introduced by such amendment for the first time.

7.3. On 14th September 2006, the earlier EIA Notification was superseded by the EIA Notification, 2006. Clause 2 of the

EIA Notification, 2006 sets out the requirement of obtaining prior Environmental Clearance is enumerated in the Schedule to the Notification. Clause 2 reads as follows:

> *"2. **Requirements of prior Environmental Clearance (EC)**:- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:*
>
> *(i) All new projects or activities listed in the Schedule to this notification;*
>
> *(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;*
>
> *(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range."*

In the Schedule to the said Notification, items 8(a) and 8(b) related to building and construction projects which primarily provided that any construction in excess of 20,000 sq. mtrs. built-up area for covered construction would require prior Environmental Clearance ("**EC**"). Entry 8(a) of the Schedule reads as follows:



"

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)
		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)

"

Insofar as the EIA Notification, 1994 is concerned, the Notification dated 14th September 2006 further laid down as follows:

> *"Now, therefore, in exercise of the powers conferred .....and in supersession of the notification ..... 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 ..... in accordance with the procedure specified hereinafter in this notification."*



7.4. By Notification dated 4th April 2011, a clarification was added to Entry 8(a) which reads as follows:

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

Thus, post 4th April 2011, all the constructions, whether they were counted in the Floor Space Index or not, were required to be reckoned for the purpose of applicability of prior Environmental Clearance.

7.5. As enumerated in paragraph 6 above, the initial approval for the project was granted as far back as on 17th March 2007. At the relevant point of time, the concept of built-up area under the regime of the EIA Notification 2006, included only FSI areas.

7.6. The cumulative effect of the CCs granted between 2007 to 2016, juxtaposed with the threshold of 20000 sq.mtrs. under the EIA Notification 2006 in terms of FSI built up area is set out below in a tabular format:

Sr.No.	Particulars	BUA (FSI)
1.	CC dated 17.03.2007	17499.76
2.	CC dated 21.03.2007	17499.76
3.	CC dated 05.03.2008	14235.87
4.	CC dated 23.07.2010	17044.21
5.	CC dated 04.10.2011	17044.21
6.	CC dated 29.06.2015	18194.74
7.	CC dated 17.12.2015	18991.92
8.	CC dated 25.10.2016	0.0 (this CC was for Club House).



7.7. By virtue of the CCs and sanctions issued between 2007 and 2016 to the building of the Petitioner, the FSI built-up area at no time crossed the threshold limit of 20000 sq.mtrs under the EIA Notification 2006.

7.8. On 31.03.2017, Respondent No. 13 was granted CC for construction of portion of Ekta Florida. By virtue of this CC, Ekta for the first time, was permitted to construct beyond 20000 sq.mtrs. of FSI built up area. Till date, such construction has not taken place.

7.9. It is of utmost importance to note that although the EC was a necessity if the 'built up area' of the building/construction project concerned came within the bracket of 20,000 sq. mtrs. and 1,50,000 sq. mtrs, the term 'built up area' was not defined anywhere in the EIA Notification, 2006. Column 5 of item at serial number 8 simply stated that `built up area' for construction; in the case of facilities open to the sky, it will be the activity area.

7.10. The concept of "built up area" was not defined in the EIA Notification, 2006. In view thereof, the built up area of building and construction projects was determined on the basis of the definition as contained in the DCRs for Pune Municipal Corporation, Pune, 1982 and the ECs were also granted on the basis of built up area calculated on the basis of DCR.

Rule 2.13 of the DCR defines built up area as follows: -

"2.13 Built Up Area – Area covered immediately above the plinth level by the building or external area of any upper floor whichever is more excepting the areas covered by Rule No.15.4.2."

Rule 15.4.2 of the DCR provides as under;

"15.4.2 In addition to Rule No.15.4.1.1(a) (b) and (c) and 17.7.3 the following shall not be included in covered area of F.A.R. and Build-up area calculations(b)

A basement or cellar space under a building constructed on stilts and used as parking space, and air conditioning plant rooms used as accessory to the principal use;

(b) Electric cabin or substation, watchman's booth of maximum size of 1.6 sq.m with minimum width or diameter of 1.2 m, pump house, garage shaft, space required for location of fire hydrants, electric fittings and water tanks.

(c) Projections as specifically exempted under these rules.

(d) Staircase room and/or lift rooms above the top most storey, architectural features, chimneys, elevated tanks of dimensions as permissible under these rules.

Note: The shaft provided for lift shall be taken for covered area calculations only on one floor upto the minimum required as per these rules.

(e) One room admeasuring 2m x 3m on the ground floor of co-operative housing societies or apartment owners/co-operative societies buildings

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and other multi-storeyed building as office-cum-letter box room

(f) Rokery, well and well structures, plant, nursery, water proof, swimming pool, (if uncovered) platform round a tree, tank fountain, bench, chabutra with open top and unenclosed sides by walls, ramps, compound wall, gate, slides, swing, overhead water tank on top buildings;

(h) Sanitary block subject to provision of rules no. 15.4.1 (a) and Built up area not more than 4, sq.m.

7.11. In this backdrop, it is abundantly clear that the EIA Notification 2006 did not define BUA between the years 2006 and 2011, the computation of BUA under the various projects undertaken in the country including the city of Pune, were based on local/municipal laws i.e. only the FSI area.

7.12. That since the term "built up area" was not defined in the EIA Notification 2006, the Respondent No. 1 and various SEIAAs throughout different states relied upon local building bye laws to grant environmental clearances to various project proponents. The term "built up area" has been defined under various state bye' laws, where it is calculated on the basis of FSI. Since 2006, the Appropriate Authorities have granted ECs to projects while defining 'built up area' on the basis of state bye laws. Thus, as per the customary practice adopted by the Appropriate Authorities,

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the terms 'built up area' and 'FAR/FSI' were used interchangeably.

7.13. Three Judge Bench of the Hon'ble Supreme Court in the case of, **In Re: *Construction of Park at Noida near Okhla Bird Sanctuary, T.N. Godavarman Thirumulpad Vs. Union of India & Ors*** ***("Okhla Bird Sanctuary")*** grappled with the above mentioned issue of BUA wherein the Hon'ble Court observed that there is considerable uncertainty and vagueness in the definition of BUA in the 2006 notification and urged the concerned authorities to take appropriate action to remedy the ambiguity. The Hon'ble Supreme Court in *Okhla Bird Sanctuary (supra)* opined as follows:

> *"84. Before putting down the records of the case a few observations may not be out of place. The EIA notification dated September 14, 2016 urgently calls for a close second look by the concerned authorities. The projects/ activities under items 8(a) and 8(b) of the schedules to the notification need to be described with greater precision and clarity and the definition of 'built up area' with facilities open to the sky needs to be freed from its present ambiguity and vagueness. The question of application of the general condition to the projects/activities listed in the schedule also needs to be put beyond debate or dispute."*

A copy of the Judgment dated 03.12.2010 in *Okhla Bird Sanctuary* is annexed hereto and marked as **Exhibit –"K"**.



7.14. Pursuant to the aforementioned judgment, the Respondent No. 1 issued an amendment notification regarding the import of the term "built up area" being the 4th April 2011 Notification. As per the 2011 notification, built up area would mean, the built up or, covered area on all the floors put together including basement(s) and other service areas which are proposed in the building/construction projects. This was the first time that Respondent No. 1 had provided a mechanism for the computation of the built-up area.

7.15. On a plain reading of the amendment in the year 2011, it is indubitably clear that the amendment is prospective in nature and would not affect the projects which were sanctioned between the period of 2006 to 2011.

7.16. As such, the construction carried out and permitted to be carried out in respect of Ekta California was below the threshold of 20,000 sq.mtrs. as per the extant law at the relevant time and hence, there is no illegality in such construction on the count of requirement of prior EC. On this count, the case of the answering Respondent is buttressed and squarely covered by the Judgment dated 7th March 2019 of this Hon'ble Tribunal in ***Surendra Waman Dhavale v MoEF & Ors.(Appeal No. 04 of 2015),*** a copy of which is annexed hereto and marked as marked as **Exhibit –"L".**

7.17. Even otherwise, as stated above, the construction beyond 20,000 sq. mtrs was permitted only by way of the CC dated 31.03.2017 granted in respect of Ekta Florida in respect of



which no work, save and except excavation has been carried out.

7.18. The Hon'ble Bombay High Court in Judgment and Order dated 6 March 2013 in ***Writ Petition (L) No. 470 of 2013***, had the occasion to examine whether EC is required to be obtained prior to completion of construction activity upto 20,000 sq. mtrs. The Hon'ble Bombay High Court, after considering all relevant aspects, categorically held that no EC is required as long as the construction is below the threshold limit set in the EIA notification of 20000 sq. mtrs. Relevant portion of the judgment is produced hereinbelow, for sake of ready reference;

"17. We do, however, find some substance in the last submission made by the learned counsel for the petitioner that even if the petitioner is required to obtain CRZ clearance from MCZMA again on the basis that the built up area of the project will exceed 20,000 sq. meters, the petitioner is entitled to get the same reliefs which this Court has been granting in case of many other parties where similar prayer was made. In Writ Petition No.1916 of 2012 (Vardhman Developers Limited vs. Union of India & Ors.) and Writ Petition No.2809 of 2012 (Nahur Vivekanand Cooperative Housing Society Ltd. & Anr. vs. Union of India & Ors). We have rejected a similar contention urged on behalf of the respondent authorities that when the project proponent cannot undertake construction project for more than 20,000 sq. meters of built up area without obtaining prior environmental clearance,



the project proponent cannot be allowed to commence the construction within the limits of 20,000 sq. meters, without obtaining prior environmental clearance. This Court has held that when clearances are required only for projects with built up area exceeding 20,000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction upto 20,000 sq. meters when the developer is ready to give undertaking not to exceed the construction beyond 20,000 sq. meters without first obtaining environmental clearance. This Court has noted that the Authorities take considerable time for taking a decision on the application for environmental clearance or for CRZ clearance. In the meantime the redevelopment projects are being delayed. This Court has been granting relief in such cases on the basis that even if ultimately the authorities were to reject the applications for clearance, there will be no illegality in so far as the developer has made construction upto 20,000 sq. meters."

Annexed hereto and marked as **Exhibit –"M"** is a copy of the Judgment and Order dated 6 March 2013 in *Writ Petition (L) No. 470 of 2013.*

7.19. Furthermore, on 24th March 2014 the Hon'ble Bombay High Court in ***W.P (L) No.655 of 2014***, relying on the case detailed out hereinabove, reiterated that no EC is required for residential or commercial project where construction is below 20000 sq. mtrs. Annexed hereto and marked as **Exhibit –"M-1"** is a copy of the Order dated 24th March 2014 in *W.P (L) No.655 of 2014.*

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7.20. In pursuance of the order of the Hon'ble Bombay High Court in *W.P (L) No.655 of 2014*, the Principal Secretary, Environment Department has issued a circular No. ENV/ 2013/ CR 39/ TC-1 dated 21st April 2015, where it is categorically observed that when a construction is proposed for an area less than 20000 sq. mtrs. EC is not required. The aforesaid circular is valid, legal and subsisting and has not been challenged in any proceeding. Hereto annexed and marked as **Exhibit "N"** is a copy of the circular dated 21st April 2015.

7.21. In view of the above, it is submitted that since the construction has not exceeded 20,000 sq. mtrs. as stated above, the requirement to obtain prior EC had not become applicable *qua* the Respondent No. 13.

7.22. It is thus submitted that there is no violation of the EIA Notification 2006 as on date and the answering Respondent has, by way of abundant precaution, applied for environmental clearance, without prejudice to its rights and contentions, in view of the additional proposed built-up area as stated above. Copy of the Application for EC is annexed hereto and marked as **Exhibit –"O".**

7.23. Without prejudice to the aforesaid, it is submitted as under:

7.23.1. The bulwark of the case of the Original Applicant is based on the interpretation of the term 'Built-up Area' (BUA), as held by the Hon'ble Supreme Court in the

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matter of ***Goel Ganga Developers v/s. Union of India*** reported in 2018 SCC OnLine SC 930.

7.23.2. The Hon'ble Supreme Court, while interpreting the term 'BUA' as mentioned in the EIA Notification 2006, has held that the same would include FSI as well as non-FSI areas while computing the same. However, while passing the judgment in *Goel Ganga* (Supra), the Hon'ble Division Bench of the Hon'ble Supreme Court did not consider the prior judgment passed by a Bench of 3 Judges in the matter *Okhla Bird Sanctuary* (supra) wherein the Hon'ble Supreme Court had categorically opined that the concept of BUA under the EIA Notification 2006 was vague and ambiguous. As such, the same mirrors the stand of the Respondent No.13 that the EIA Notification 2006 did not define BUA and accordingly, between the years 2006 to 2011, the computation of BUA in various projects undertaken in the country including the city of Pune were based on the definition provided in local / municipal laws, thereby meaning only FSI area.

7.23.3. On account of the judgment passed by the Hon'ble Supreme Court in the matter of *Goel Ganga* (Supra), it has been laid down that no distinction between FSI and non FSI areas would be available to the Project Proponent under the EIA Notification, 2006. In other words, the amendment dated 4th April 2011, was held to be retrospective. The impact of such interpretation,

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which flies in the face of the decision in *Okhla Bird Sanctuary* (Supra), is far reaching and would result in disastrous consequence for various residential/commercial building projects in the entire country including the city of Pune. As such, the Respondent No.11 and various other similarly situated Project Proponents, based on the concept of BUA as prevalent at the relevant time, have proceeded to construct and have completed various projects.

7.23.4. One Builders Association of India ("**BAI**"), have filed *Special Leave Petition No.10078 of 2019* challenging the order dated 29th March 2018 passed by the Hon'ble Bombay High Court in *Writ Petition (L) No. 954 of 2019.* BAI had initially filed ***Writ Petition No. 24 of 2019*** under Article 32 of the Constitution of India before ~~this~~ the Hon'ble Supreme Court, taking up the issue of BUA and the amendment dated 4th April 2011 and the applicability of the same. By an Order dated 12th February 2019, the Hon'ble Supreme Court was pleased to grant liberty to BAI to approach the High Court and accordingly, Writ Petition No. 24 of 2019 came to be withdrawn. Annexed hereto and marked as **Exhibit "P"** is a copy of the order dated 12th February 2019.

7.23.5. In ***Writ Petition (L) No. 954 of 2019*** filed before the Hon'ble Bombay High Court, the Judgment and Order dated 29th March 2019, came to be passed, whereby, the Hon'ble Bombay High Court was pleased to dismiss the



Writ Petition. Annexed hereto and marked as **Exhibit "Q"** is a copy of the order dated 29th March 2019.

7.23.6. Being aggrieved by the order dated 29th March 2019, BAI filed ***Special Leave Petition No.10078 of 2019*** wherein, this Hon'ble Court by an order dated 3rd May 2019 was pleased to issue notice and further directed that in the meantime, no coercive steps shall be taken against the members of BAI. The said SLP is pending on date. Annexed hereto and marked as **Exhibit "R"** is a copy of the order dated 3rd May 2019 and the case status of *Special Leave Petition No.10078 of 2019*. The issue of Built up Area as regards the Notification dated 4th April 2011 is squarely covered in this SLP.

7.23.7. A similar Special Leave Petition was filed by another representative Association, CREDAI-Pune Metro bearing ***Special Leave Petition (Diary) No.32134 of 2019*** raising identical issue before the Hon'ble Supreme Court. After hearing the Petitioner therein, this Hon'ble Court, vide Order dated 20th September 2019, was pleased to notice and further direct that in the meantime, no coercive steps shall be taken against the members of CREDAI- Pune Metro. The said SLP is pending as on date. Annexed hereto and marked as **Exhibit "S"** is a copy of the order dated 20th September 2019 and the case status of *Special Leave Petition (Diary) No.32134 of 2019*.

7.23.8. It is submitted that the present proceedings ought not to be proceeded with till the issue of BUA is decided by the Hon'ble Supreme Court, such issue being *sub judice*. Judicial propriety would mandate that this Hon'ble Tribunal ought not to proceed and give a finding on the issue whilst the same is pending before the Hon'ble Supreme Court

ISSUE PERTAINING TO COMPLAINT MADE TO AUTHORITIES:-

8. I say that various grievances have been made by the Applicant regarding the construction carried out by the answering Respondent, the gravamen of which seems to be environmental damage caused owing to purported absence of sewage treatment plant, discharge mechanisms, ground water utilization, etc.

9. It is pertinent to note that the Applicant through his Advocate had filed a complaint with various Authorities alleging such violations, on 25th July 2019 (*at Annexure A-6 @ Pg 202 of the Application)* pursuant to which proposed directions under Section 5 of the Environment (Protection) Act, 1986 (**"Environment Protection Act")** dated 29th August 2019 came to be issued, calling upon the answering Respondent to answer the allegations made in the complaint. A copy of the Proposed Directions dated 29th August 2019 is annexed hereto and marked as **Exhibit "T"**.

10. In compliance thereto, the answering Respondent has addressed a reply dated 16th September 2019, duly dealing with all allegations and providing details of sewage treatment, etc. along with



supporting documents. A copy of the Reply dated 16th September 2019 is annexed hereto and marked as **Exhibit "U"**.

11. Based on such reply and upon appraisal of the documents forwarded, the Respondent No. 3 has deemed it fit to take no further action in respect of the Notice dated Proposed Directions dated 29th August 2019.

12. It is thus abundantly clear that having failed to obtain any adverse action *qua* the said Project, the Applicant is attempting to reopen such issues by once again raising allegations vis-à-vis the same, which ought not to be gone into by this Hon'ble Tribunal.

ISSUE OF CONSENT TO ESTABLISH/OPERATE

13. It is submitted that a bare perusal of the permissions granted to the projects in question indubitably reveal that the projects in question are residential in nature. As such, the provisions of the Water (Prevention and Control of Pollution) Act, 1975 ("**Water Act**") and the Air (Prevention and Control of Pollution) Act, 1981 ("**Air Act**") would not be applicable to such a residential project which is not an industry, operation and/or process within the meaning of the above mentioned acts.

14. The issue of applicability of the provisions of the Water Act and Air Act to residential projects and the consequential requirements of prior Consent to Establish and Consent to Operate for residential projects was considered by the Hon'ble Delhi High Court in the matter of *DPCC Vs Splendor Landbase in LPA No. 895 of 2010* and connected matters wherein vide judgment dated 23rd January



2012, the Hon'ble Delhi High Court was pleased to hold that no prior Consent to Establish and Consent to Operate would be required in respect of residential projects and in that regard, was pleased to declare void, action initiated by the Delhi Pollution Control Committee. A copy of the judgment and order dated 23rd January 2012, is enclosed herewith and marked as **Exhibit –"V"**. It is submitted that the projects in question, being purely residential projects, would also be governed/covered by the judgment of the Delhi High Court.

15. Without prejudice to the above, it is submitted that Respondent No. 13 being an environmentally conscious and responsible organisation has already applied for EC as stated in paragraph 7.21 above. Grant of EC is a prerequisite for grant of Consent to Establish/Operate. Subject to the outcome of the Application made by Respondent No. 13, an Application shall be made for Consent to Establish/Operate, if necessitated.

ISSUE AS REGARDS CONSERVATION SYSTEMS, TREE PLANTATION, ETC.

16. As regards conservation systems, Respondent No. 13 has implemented measures such as debris management, reuse and recycling of material and waste products, dust mitigation measures, reuse and recycling of water, plantation of trees, provision for 10% landscape area on the ground for improving water table, provision for storm water management and detailed Environment Management Plan.



17. Further, Respondent No. 13 has implemented energy efficient fixtures to provide savings for the total demand and are in the process of undertaking renewable energy systems which shall be implemented along with the balance project.

18. It is also apposite to note that Ekta has undertaken actions such as Vermi Composting, Landscaping etc. The same is confirmed in the Report dated 15th December 2019 submitted to this Hon'ble Tribunal by the Respondent No. 6.

19. Further, Respondent No. 13 has planted 350 trees as against the requirement of 223 trees and has provided green cover and RG area admeasuring 2274.70 sq.mtrs. on the ground and further 1240 sq.mtrs on podium.

20. Respondent No. 13 has installed rain water harvesting system and the same is in operation which has also reflected in the site visit report of Sub-Regional Officer MPCB Pune-1 and plan of which is annexed hereto and marked as **Exhibit –"W"**. The rainwater harvesting tank at site is admeasuring 1.30 Cu.mts. Further, to replenish the groundwater table, recharge pit is installed by the Respondent No. 13.

21. It is submitted that Respondent No. 13 has preserved the soil which was excavated during construction and same was utilized for back filling the low lying area within the plot. Soil testing was carried out and the reports are enclosed herewith and marked as **Exhibit –"X"**.

22. As regards the provision of Solar panels, it is submitted that a roof area of 1866 Sq. Mtrs. is being used for the installation of Solar

Panels as per proposed Plan, a copy of which is annexed hereto and marked as **Exhibit –"Y"**.

23. As regards the allegations made *qua* groundwater extraction in paragraph 16 of the Original Application, it is stated that the same are rife with factual inaccuracies and incorrect and are denied by the answering Respondent.

ALLEGATIONS AS REGARD PURPORTED ABSENCE/NON-INSTALLATION OF SEWAGE TREATMENT PLANT:-

24. I submit that the Respondent No. 13 has installed Sewage Treatment Plant (**"STP"**) for capacity of 212 KLD as against required 135 KLD STP for the projects in question, both constructed and proposed. Waste disposal is also carried out strictly as per norms and there is no violation in this regard. A schematic plan showing the working of the STP is annexed hereto and marked as **Exhibit "Z"**. Photographs of the STP are annexed hereto and marked as **Exhibit "AA"**.

25. The above is confirmed in the site visit report dated 7th August 2019 of the Respondent No. 6, a copy of which is annexed hereto and marked as **Exhibit –"AB"** and Report dated 15th December 2019 submitted to this Hon'ble Tribunal by the Respondent No. 6. In light of the above, it is submitted that the contentions and allegations of the Original Applicant regarding STP are completely devoid of merit.

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ALLEGATIONS AS REGARD CONSTRUCTION OF BASEMENTS:-

26. I say and submit that that the purported issues relating to the construction of basements fall in the realm of town planning and building norms and are, as such, outside the purview of the jurisdiction of this Hon'ble Tribunal, for the reasons as more particularly stated in paragraph 3 above and the Interlocutory Application filed by the answering Respondent.

27. It is, further, material to advert to Office Memorandum (**"OM"**) dated 19th June 2013, issued by the Ministry of Environment & Forest, wherein it is stated aspects within the purview of other local bodies/statutory authorities, should not be dealt with by the environmental authorities. The relevant extract of the OM dated 19th June 2013 is reproduced hereinbelow for ease of reference:

> *" The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/ SPCB's."*

Annexed hereto and marked as **Exhibit "AC"** is a copy of the OM dated 19th June 2013. Thus, it is indubitably clear that such issues pertaining to basements, etc, which are looked into by the planning authorities do not fall in the realm of environmental issues and ought not to be considered by this Hon'ble Tribunal.

28. In any event, without prejudice to the above, it is submitted that the contentions of the Original Applicant in this regard are denied as is evident from a bare perusal of the Report dated 15th December 2019 submitted to this Hon'ble Tribunal by the Respondent No. 6 wherein it is noted that no construction of basement is carried out.



ALLEGATIONS AS REGARD PURPORTED ILLEGAL OPERATION OF DG SETS:-

29. As regards the use of D.G. Sets, Ekta has provided for environmentally compliant sets which are as per the standards laid down by various statutory authorities. The D.G. set is provided to power the common area lighting, lifts, water pumps etc. during the emergency/power failure.

THIRD PARTY RIGHTS CREATED IN THE PROJECT AND NON JOINDER:-

30. Without prejudice to all that is stated above, it is submitted that the Original Applicant is seeking reliefs in the Original Application in respect of the said project including the project in the name and style of Ekta California, which is already in receipt of Completion Certificates from the Planning Authority. Valuable third party rights have been created and today, such third party purchasers are occupying their respective units pursuant to and as permitted by such Completion Certificates. Society has been formed and the management of affairs of Ekta California duly handed over to such Society.

31. It is submitted that any Order passed in the present proceedings would have a direct and material bearing upon the vested rights of such third party flat purchasers. Despite the same, such purchasers are not arrayed as parties herein and thus, no relief which would materially deal with their rights, ought to be granted *in absentia* and as such, the present Original Application suffers from the lacuna of non joinder of necessary party. Annexed hereto and

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marked as **Exhibit "AD"** is a list of all third party purchasers in the said project.

32. As regards the allegations made by the Original Applicant pertaining to violations of DC Regulations, MRTP Act and other building norms, I repeat and reiterate that which is stated in paragraph 3 hereinabove and in the Interlocutory Application taken out by the answering Respondent and the same is not repeated herein for the sake of brevity.

33. I say that the issues and grievances raised by the Original Applicant stand fully answered in terms of all that is stated hereinabove and thus, the Original Applicant has failed to make out a cogent and compelling case for grant of any reliefs by this Hon'ble Tribunal.

34. I say that I am not dealing with the Original Application *in seriatim* more particularly since the entire bogey of allegations and contentions raised in the Original Application have been dealt with and answered in terms of the above. I, however, expressly crave leave to file an additional Affidavit dealing with the Memo of Application in a paragraph-wise manner, if the circumstances so warrant. Nothing shall be deemed to have been admitted by the present Respondent, unless expressly admitted herein, merely for want of specific traverse.

35. I further submit that the answering Respondent has filed a Miscellaneous Application/Interlocutory Application seeking dismissal of the Original Application challenging the maintainability

of the same. I say and submit that this Hon'ble Tribunal be pleased to decide such Application at the outset prior to proceeding further in the Original Application.

36. I submit that the Original Applicant has presented a case, replete with bald allegations, surmises and conjectures and has failed to make out a cogent and compelling case for grant of reliefs by this Hon'ble Tribunal.

37. In the premises therefore, the answering Respondent submits that the Original Application be dismissed by this Hon'ble Tribunal with the imposition of costs.

Solemnly affirmed at Mumbai)
Dated this 21st day of November 2020)

EKTA HOUSING PVT. LTD. MUMBAI

For Vidhii Partners & Wadia Ghandy & Co.

Subit Chakrabarti
Advocates for Respondent No. 13

For Respondent No. 13

BEFORE ME
S. R. LOKHANDE
NOTARY
MUMBAI MAHARASHTRA
21 NOV 2020
21 NOV 2020

NOTED & REGISTERED
Sr. No. 14381/65
Dated 21 NOV 2020

NOTARY GOVT. OF INDIA S.R. LOKHANDE MUMBAI MAHARASHTRA Regd. No. 4643

EXH - A

Maharashtra Real Estate Regulatory Authority

REGISTRATION CERTIFICATE OF PROJECT
FORM 'C'
[See rule 6(a)]

This registration is granted under section 5 of the Act to the following project under project registration number : **P52100015426**

Project: ***Florida****, Plot Bearing / CTS / Survey / Final Plot No.:* ***S NO. 9 1 P*** *at* ***Pune City, Pune, 411048****;*

1. **Ekta Housing Private Limited** having its registered office / principal place of business at *Tehsil:* ***Andheri****, District:* ***Mumbai Suburban****, Pin:* ***400051****.*
2. This registration is granted subject to the following conditions, namely:-
   - The promoter shall enter into an agreement for sale with the allottees;
   - The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment or the common areas as per Rule 9 of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017;
   - The promoter shall deposit seventy percent of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub- clause (D) of clause (I) of sub-section (2) of section 4 read with Rule 5;
     OR
     That entire of the amounts to be realised hereinafter by promoter for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose, since the estimated receivable of the project is less than the estimated cost of completion of the project.
   - The Registration shall be valid for a period commencing from **23/02/2018** and ending with **31/12/2021** unless renewed by the Maharashtra Real Estate Regulatory Authority in accordance with section 5 of the Act read with rule 6.
   - The promoter shall comply with the provisions of the Act and the rules and regulations made there under;
   - That the promoter shall take all the pending approvals from the competent authorities
3. If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made there under.

Signature valid
Digitally Signed by
Dr. Vasant Premanand Prabhu
(Secretary, MahaRERA)
Date:2/23/2018 10:55:31 AM

Dated: **23/02/2018**
Place: **Mumbai**

Signature and seal of the Authorized Officer
Maharashtra Real Estate Regulatory Authority

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Regd. No. 4643

EXH-B

Annexure – 'A'

MMDM. 229 (100 pads of 100 pp. each) 6-05

City Engineer

Office of the Dy. City Engineer,
(Development Plan)
Pune Municipal Corporation.
No. D. P. O. / 10604 /G/97

PUNE MUNICIPAL CORPORATION, PUNE.

Commencement Certificate

(valid for one year from the date of issue)

To

Shri श्री. हेमत तुकाराम बुध्दीवत व इतर (मालक)
तर्फे. मालव जयंत शहा (पी.ए.एच)
तर्फे.आर्कि. जगदिश देशपांडे , ए.वन सक्सेस चेंबर्स १२३२ आपटे रोड पुणे ४

Date : 17/3/07

Permission is hereby granted under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act, XXXVII of 1966)

To carry out development of उंड्री स.नं.९/१ येथील मिळकतीचा नियोजित सुधारीत एकत्रिकरण व इमारतीचा आरखडा. (Plan enclosed.)

subject to the following conditions :-

1. That the colony roads along with Development Plan Road if any passing through the land or otherwise, together with storm-water drains are constructed on site as per specifications and to the satisfaction and under the supervision of the Development Engineer and his Completion Certificate is produced.
2. That water-lines are laid as per specifications and to the satisfaction and under the supervision of the Water Supply Superintendent and his Completion Certificate is produced.
3. That drainage lines are laid as per specifications and to the satisfaction and under the supervision of the Asstt. Engineer (Drainage) and his Completion Certificate is produced.
4. That no common septic tanks are provided as per instructions and to the satisfaction of the Asstt. Engineer (Drainage) and his Completion Certificate is produced. Please note that the drainage of the colony will have to be connected to the Municipal drainage system when same will be available in the vicinity of the colony. This work will have to be done at your own cost.
5. That dust-bins are provided as per instructions and to the satisfaction of the Medical Officer of Health.
6. That electric poles with street lights are provided as per instructions and to the satisfaction of the Development Engineer and his Completion Certificate is produced.
7. That all the works which are required to be demolished and shown in yellow in the plan are completely demolished.
8. Please note that the open spaces maintained in the lay-out will not be taken in possession by the Municipal Corporation unless the same are properly levelled, planted with trees and properly fenced.
9. That all the plots, sub-plots are demarcated and measured on site by the City Survey Officer / District Inspector of Land Records Office and fresh plans as per demarcation and measurements on site are submitted along with demarcation certificate with measurements obtained from the City Survey Office / District Inspector of Land Records Office.
10. The Society will have to make its own water supply arrangements and no complaints in this respect will be entertained
11. The Development Plan Road passing through the land will be got demarcated from this

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14. The internal pathways, internal water-lines and drainage lines as well as street lights shall be provided at the cost of the promoters and shall be maintained at all times by them. Also the conservancy service in future will have to be arranged and maintained by the promoters at all times, for group housing proposals (schemes)
15. No fencing between group housing buildings will be constructed and development works will not be started unless a peripherial permanent fencing is constructed on site.
16. Corporation is not in a position to provide amenities especially that of water to this area. In view of these circumstances the Promoter / Chairman must appraise the plot holder. member of this fact.
17. This Society/ Promoter will construct at its his own cost Development Plan Road passing through / abutting the Society's / Promoter's land as per alignment to be given by the Pune Municipal Corporation. These Development Plan Roads should be treated as colony roads and their widths and carriage-ways should be as per standards given below :-

The roads should be constructed as per directions of the Development Engineer and should be handed over to the Pune Municipal Corporation subsequently.

Necessary pilot water and drainage lines should be laid on these Development Plan Roads at the cost of the Society / Promoter. No compensation will be paid by the Pune Municipal Corporation for these development works as for the appropriate width of the colony road for the development plan roads, passing through / abutting the land.

D. P. Road width	Land width to be treated as colony road width	Width of W. B. M. carriage-way to be constructed as colony road
60 ft.	30 ft.	22 ft.
80 ft.	40 ft.	30 ft.

सर्व्हे नं. ९/१ येथील मिळकतीचा नियोजित सुधारीत एकत्रिकरण व इमारतीचा आरखडा.

१)मालकी हक्कातील त्रुटी व मिळकतीच्या सिमेबाबतच्या वादाबाबत महानगरपालिका जबाबदार राहाणार नाही

२)रस्त्याच्या रुंदीमध्ये येत असलेली सदरची रस्त्यात गेलेली जागा म .न.पा. च्या ताब्यात देणार

३)बांधकाम परवानगी घेतल्यानुसारच एकत्रित मोजणी नकाशा, एकत्रित ७/१२ उतारा/ स्वतंत्रपणे विभाजीत मोजणी नकाशा, विभाजीत ७/१२ उतारा । विकास योजना कार्यालयाकडे दाखल करणार

४) बांधकाम परवानगी मागण्यापूर्वी पोहोच रस्ता विकसित करणार.

५)ले आऊट मधील ओपन स्पेस सर्व सभासदांसाठी राहील.

६) वरील पुरवट्याबाबत दिलेलेहमी पत्र बंधनकारक राहील.

७)ओला कचरा व सुका कचरा वेगवेगळा करणे करता स्वतंत्र व्यवस्था करणार.

Please note that no sale or lease of a plot in lay-out will be recognised and no building permission in any plot in the lay-out will be granted unless final sanction to the lay-out is obtained from the Municipal Commissioner.

Yours faithfully,

Dy. City Engineer, (D. P.)
Pune Municipal Corporation.

(1) Copy with a copy of the plan f. w. cs. to the Assessor & Collector of Taxes, Pune Municipal Corporation for information.

(2) Copy with a copy of plan f. w. cs. to the Arbitrator, T. P. Schemes, Pune, for information.

(3) .....

Dy. City Engineer, (D. P.)
Pune Municipal Corporation.

ENGLISH TRANSLATION

Translated from Marathi 1.

Annexure-A

Office of the Dy. City Engineer
(Development Plan)
Pune Municipal Corporation
No. D.P.O./10604/6/97

PUNE MUNICIPAL CORPORATION , PUNE

COMMENCEMENT CERTIFICATE

(Valid for one year from the date of issue :

Date: 17-03-07

To
Shri Hemant Tukaram Buddhiwant & Ors. (Owner)
Through Malav Jayant Shah (P.A.H.)
Through Architect Jagdish Deshpande,
A-One Success Chamers,
1232, Apte Road, Pune 4.

Permission is hereby granted under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act XXXVII of 1966)

To carry out development of the proposed Revised Amalgamation and Building Plans of the

property at Undri S.No. 9/1. (Plan enclosed) subject to the following conditions :-

1. That the colony roads along with Development Plan road if any passing through the land or otherwise, together with storm water drains are constructed on site as per specifications and to the satisfaction and under the supervision of the Development Engineer and his Completion Certificate is produced.

2. That water lines are laid as per specifications and to the satisfaction and under the supervision of the Water Supply Superintendent and his Completion Certificate is produced.

3. That drainage lines are laid as per specifications and to the satisfaction and under the supervision of the Asst. Engineer (Drainage) and his Completion Certificate is produced.

4. That no common septic tanks are provided as per instructions and to the satisfaction of the Asst. Engineer (Drainage) and his Completion Certificate is produced. Please note that the drainage of this colony will have to be connected to the Municipal Drainage system when same will be available in the vicinity of the colony. This work will have to be done at your own cost.

5. That dust bins are provided as per instructions and to the satisfaction of the Medical Officer of Health.

6. That electric poles with street lights are provided as per instructions and to the satisfaction of the Development Engineer and his completion certificate is produced.

7. That all the works which are required to be demolished and shown in yellow in yellow in the Plan are completely demolished.

8. Please note that the open spaces maintained in the lay out will not be taken in possession by the Municipal Corporation unless the same are properly leveled, planted with trees and properly fenced.

9. That all the plots, sub-plots are demarcated and measured on site by the City Survey Officer / District Inspector of Land Records Office and fresh plans as per demarcation and measurements on site are submitted along with demarcation certificate with measurements obtained from the City Survey Office/ District Inspector of Land Records Office.

10. The Society will have to make its own water supply arrangements and no complaints in this respect will be entertained.

11. The Development Plan Road passing through the land will be demarcated from this office before starting the development work.

14. The internal pathways, internal water lines and drainage lines as w ell as street lights shall be provided, at the cost of the promoters and shall be maintained at all times by them. Also the conservancy service in future will have to be arranged and maintained by the promoters at all times for group housing proposals (schemes).

15. No fencing between group housing buildings will be constructed and development will not be started unless a peripheral permanent fencing is constructed on site.

16. Corporation is not in a position to provide amenities especially that of water to this area. In view of these circumstances the Promoter/ Chairman must appraise the pot holder member of the this fact.

17. This Society/Promoters will construct at its/his own cost. Development Plan Road passing trough/abutting the Society's/Promoters land

as per alignment to be given by the Pune Municipal Corporation. These Development Plan Roads should be treated as colony roads and their widths and carriage ways should be as per standards given below.

The Roads should be constructed as per directions of the Development Engineer and should be handed over to the Pune Municipal Corporation subsequently.

Necessary pilot water and drainage lines should be laid on these Development Plan Roads at the cost of the Society/Promoter. No compensation w ill be paid by the Pune Municipal Corporation for these development works as for the appropriate width of the colony road for the development plan roads, passing through /abutting the land.

D.P. Road width	Land width to be treated as colony road width	Width of W.B.M. carriage way to be constructed as Colony road
60 ft	30ft	22 ft
80 ft	40 ft	30 ft

Proposed Revised Amalgamation and Plan of Building Plans of the property at Undri S.No. 9/

Condition:

1. The Municipal Corporation will not be responsible in respect of disputes about the roads of ownership right and about the boundaries of the property.

2. Before using the F.S.I. of road widening, the land gone under the said road will be given in possession of the Municipal Corporation.

3. Joint Survey Plan, Joint 7/12 extract separate divided measurement Plan, divided 7/12 extract will be submitted to the Development Plan Office within one year from taking the building permission.

4. The approach road w ill be developed before demanding the building permission.

5 The open space in the lay out will be for the purpose of all members.

TRUE COPY

For Vidh[illegible]
Ad[illegible]

6. The letter given in respect of water supply will be binding.

7. Independent arrangement will be made for separating wet waste and dry waste.

Please note that no sale or lease of a plot in lay out will be recognized and no building permission in any plot in the lay out will be granted unless final sanction to the layout is obtained from the Municipal Commissioner.

Yours faithfully,

Sd/-
Dy. City Engineer (D.P.)

1. Copy with copy of the plan f.w.cs. to the Assessor and Collector of Taxes,Pune Municipal Corporation for information.

2. Copy with a copy of plan f.w.cs to the Arbitrator, PT.P.Scheme, Pune for information.

Dy. City Engineer
Pune Municipal Corpn.

पुणे महानगरपालिका

(यापुढील पत्रव्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा)

(जागेच्या वा इमारतीच्या कायदेशीर बाबी/हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

बांधकाम नियंत्रण कार्यालय
पुणे महानगरपालिका,
शिवाजीनगर, पुणे - ५

बांधकाम चालू करण्याकरिता दाखला

(कमेन्समेन्ट सर्टिफिकेट CORPORATION BUILDING DEPARTMENT APPROVED)

तुम्ही बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ ची कलमे ४४/४५/५८/६९ यांतील आणि मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ चीं कलमे (सेक्शन) २५४ पैकी २५४ यांतील तरतुदीनुसार खालील अटींवर देण्यात येत आहे.)

प्रकरण क्रमांक : UND/0001/06 / NEW

Proposal Type : Residential

CC/4436/06
21/3/2007

श्री./श्रीमती Malav j shah (P A H) यांस

COMPANY

यांचे राहण्याचे ठिकाण b/7 success chambers, 1232 apte rd. पत्र वराड नाईट नं -

pune 411004

यांचे पत्र दिनांक ... सन १९६६ ची कलमे ४४/४५/५८/६९ व मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ ची कलमे २५४ अन्वये पुणे महानगरपालिकेच्या सीमेतील

मौजे Undri येथील सर्व्हे नं./Survey No: 9 Hissa No: 1(P)

सिटी सर्वे नं. प्लॉट क्र.

यांनी केलेल्या अर्जाप्रमाणे महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक : 16/3/2007 या दिवशी पोहोचली. त्याअन्वये करावयाच्या लिहिलेल्या सूचना व सर्व अटींवर संमतीपत्र देण्यात येत आहे.

१. जमिनीचा सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि. ५/१/१९८७ या दिवशी मान्य केला आहे. त्यास अनुसरून नवीन कामास काही उपसर्ग पोहोचत असल्यास त्याबद्दल तुम्ही वा असे धारण करणाऱ्या व्यक्तिमात्र कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.

२. बांधकाम हे मंजूर / दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.

३. योग्यवेळी कर भरल्यावर सेट-बॅक, मार्जिनल ओपन स्पेसिस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्याव्यात, त्याशिवाय जोत्यावरील काम सुरु करु नये.

४. सहायक अभियंता (भूमीप्रापण) यांच्या कार्यालयामार्फत रस्त्याची प्रमाणरेषा जागेवर आखून घेणार व मगच बांधकाम सुरु करणार या अटीवरच हे संमतीपत्र देण्यात येत आहे.

५. वीजवरच्या नकाशावर मागे लिहिलेल्या / चिकटवलेल्या अटींवर हे संमतीपत्र देण्यात येत आहे.

६. ज्या प्लॉट्सवर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापूर्वी प्रत्येक मालकाने इमारतीसमोर कांपाऊंड वॉलच्या आत व बाहेर किमान चार झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खबरदारी घ्यावी. त्याशिवाय ऑक्युपन्सी सर्टिफिकेट (भोगवटा पत्र) मिळणार नाही. रस्त्यावरील झाडांना धक्का लागणार नाही याबद्दल अर्जदाराने काळजी घ्यावयाची आहे.

७. जागेची पाहणी केल्यानंतर रस्त्याच्या हद्दीत आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत परगणा विभागामार्फत मार्गदर्शन केले जाईल.

८. काम सुरु करण्यापूर्वी मा. नगर उपअभियंता (जलोत्सारण) व (पाणीपुरवठा) यांच्याकडे नकाशे दाखल करुन संबंधित कामाकरिता पूर्वमान्यता घेतल्याखेरीज जागेवर कोणतेही काम सुरु करु नये.

९. मशीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री ॲथॉरिटीची पूर्वपरवानगी घेतल्याशिवाय तोडू नयेत ; अन्यथा कायदेशीर कारवाई करण्यात येते. याची नोंद घ्यावी.

१०. बांधकाम निर्माण खात्याने जरी सेप्टीक टँकसाठी परवानगी दिली असली तरी ड्रेनेजविषयी मा. नगरउपअभियंता (जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल करुन त्यांची मंजूरी घेतल्याशिवाय सेप्टीक टँक अगर ड्रेनेजसंबंधी बांधकाम सुरु करु नये व ऑक्युपन्सी सर्टिफिकेट मागण्यापूर्वी ड्रेनेज कामाचा पुर्णत्वाचा दाखला हजर करण्यात यावा.

११. जे बांधकाम नकाशात पाहणार म्हणून दर्शविले आहे. ते प्रथम पाहून मग नवीन कामास सुरुवात करणार.

१२. मालकी हक्क सावत व इतर कोणत्याही हक्काबाबत व हद्दीबाबत बाद निर्माण झाल्यास त्यास अर्जदार जबाबदार राहणार.

१३. वाहनांकरिता जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरुपाची बांधली पाहिजे. जुने संडास व मोरी असल्यास याप्रमाणे संडास, मुतारी बांधण्याचा प्रश्न नाही.

१४. भोगवटापत्र मागण्यापूर्वी मनपाचे कर भरल्याचे दाखला सादर करणार.

मालवा Layout व माल्या नकाशामागे चिकटवण्यात आलेल्या सर्व अटी बंधनकारक राहतील.

वरील सर्व अटींप्रमाणे काम करताना नगररचना अधिनियम अगर त्यास अनुसरून केलेले नियम व पोटनियम यांचा भंग होता कामा नये.

वरील संमतीपत्राविषयी काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करुन घ्यावे.

उपअभियंता
बांधकाम नियंत्रण कार्यालय,

सहायक अभियंता (बांधकाम नियंत्रण)
पुणे महानगरपालिका.

काही महत्वाच्या विशेष सूचना

१. मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ मधील कलम २६३ अन्वये मालकाने इमारत पूर्ण होताच महानगरपालिकेच्या कार्यालयाच्या आवश्यक भोगवटाच प्रमाणपत्राबद्दल अर्ज करणे आवश्यक आहे ; म्हणजे या नगर अभियंता यास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व काम समाधानकारक असल्याचे समजून देता येईल. याविरुद्ध वर्तन करणारा इसम मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम ३९२ मध्ये सांगितलेल्या रु. ५०० / - च्या दंडास पात्र होतील.

२. वरील पैकी पुरी भरणी केल्या करताना विजेच्या किंवा इतर यांत्रिक साधनाचा हाताळिणे झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. कारण ही यंत्रसामग्री संबंधी अधिकाऱ्यांची व त्यासाठी समती घेण्याची व्यवस्था करावी.

३. कामाची, फाटकाची अथवा वाहनासाठी द्वारे जात उघडणारी असावीत. फळ्या बाहेरच्या बाजूस करता कामा नये.

४. एकाच माळ्या असलेल्या घराच्या पागोळ्या भिंतीच्या बाहेर एका फुटापेक्षा अधिक पुढे येऊ नयेत. अधिक मापाचे झेलाव्यासाठी दुसरी अधिक पुढे आणू नयेत. पागोळ्यांचे पाणी सरळ रस्त्याच्या गटारात उंचावरून पडणार नाही असे आढावे पन्हाळ व उभे नळ लावून इमारतीजवळच्या गटारावर अगर बागेत पाणी सोडावे.

५. [illegible] (विशेषत: पायसाच्या पाण्याच्या) वैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची इच्छा झाल्यास दाखल्याने दिलेली सर्व प्रकारची परवानगी रद्द होईल. त्यामुळे इमारतीस दाखल्यापर्यंत पाणी साठविण्यासाठी योग्य अशा पंपाची व हौदाची सोय असणे आवश्यक आहे.

६. परवाना अधिकाऱ्याने सांगितल्याशिवाय काम अथवा पहाड महानगरपालिकेला फी देऊन संमती घेतल्यानिना महानगरपालिकेच्या ताब्यात देऊ नये. संमतीपत्रात असल्या पाहाड देण्यास तो अपात्र ठरेल.

७. ज्या स्थळाप्रित्यर्थ रस्त्यास शेतसरा द्यावा लागतो अशा स्थळाचा उपयोग घर बांधण्याकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांच्याकडे [illegible] करावे. वस्तुतःप्रमाणे परवानगी घेतल्याविना अशा ठिकाणी बांधकाम करू नये.

८. कार्यालयीन नोंदीचे रकाने अनधिकाराने समाविष्ट केले आहे असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाडून टाका नोंदीचे काम पाडून टाकले जाईल. तसे करण्या या संमतीपत्राने आणि अशा वेळी काही हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.

९. शेजारच्या लोकांना काम्पला इतराना दुसऱ्या कामापासून उपसर्ग किंवा दुसऱ्या कोणत्याही प्रकारचा त्रास अगर हानी पोहोचू नये ; त्याविषयाची जबाबदारी तुमच्यावर आहे. या संमतीपत्राने दुसऱ्या कोणाच्या अधिकारास बाध येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही बांधकाम केल्यास त्याची जबाबदारी तुमच्यावर राहील.

१०. हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे. तसा तो न दाखविल्यास मंजुरीशिवाय काम आहे, असे समजले जाईल.

११. हा दाखला एक वर्षापर्यंत अस्तित्वात राहील. पुढे तो आपोआप रद्द झाला असे समजण्यात येईल. सदर संमतीप्रमाणे काम एक वर्षानंतर करणे असल्यास नवी सुपरव्हिजन फीसहित पुन्हा अर्ज करून संमतीपत्राची मुदत वाढवून घेतली पाहिजे व अशी संमतीपत्र मिळाल्यानंतरच बांधकाम सुरू करावे.

१२. विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती तुम्ही मान्य केली पाहिजे, त्यास या संमतीवरून बाध येत नाही.

१३. बांधकाम चालू करण्यापूर्वी स्थापत्य खात्याकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.

१४. पाण्याचा दाबाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळाच्या पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्याची सर्व इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारतीभोवतालच्या मोकळ्या जागेत पाणलोटास अधिकारी हे सर्व योग्य ते उपाय करावे; जिन्नाइनचा व स्पेसिफिकेशन्सचा पाण्याकरीता हौद बांधावा लागेल त्या हौदात म्युनिसिपल मेन वॉटर लाईनपासून पाणी आणून ते हौदात सोडावे लागेल. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रीक पंप बसवुन सदर पंपाच्या सहाय्याने इमारतीच्या सर्वात वरील मजल्यावर पुरेशा दाबाची टाकी बसवून त्यात सोडावे लागेल व तेथून डाऊनटेक पाइपच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेशा पाणीपुरवठा होईल अशी जरूर ती तजवीज मालकाला करावी लागेल. सदरच्या टाकीच्या आकार मा. नगर अभियंता हे उचितीतील त्याप्रमाणे असला पाहिजे. विजेचा पुरवठा बंद असताना तो वेळेस तात्पुरत्या अडचणीची बीज केमीकडून सिद्धत करून ठेवावी ऑइलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था घर मालकाने करावी लागेल. जागेवर तात्पुरते पंप बसवून पाणीपुरवठ्याची तजवीज मालकाने केल्याशिवाय बांधकामास भोगवटा पत्र (ओक्युपन्सी सर्टीफिकेट) दिले जाणार नाही व इमारतीच्या वरील मजल्यावरील रहिवाशांनी स्वतःसाठी करता येणार नाही अगर दुसऱ्यास वापर करू देता येणार नाही.

१५. वरीलपैकी नळ भिंतीच्या आत बसविणे मजूर करून घेऊन त्यास लायसेन्सड प्लंबरमार्फतच केले पाहिजे.

१६. प्लीथेच पाखाना करणे असल्यास आत पुरेसा व्हेन्टिलेशन सिस्टिम व त्यावर पुरेशा पाण्याची सोय करणे केली पाहिजे.

१७. महानगरपालिकेच्या रीतसर समतीपत्राशिवाय नवीन विहिर, तलाव किंवा डबके, हौद अगर कारंजे खोदण्याचे अगर बांधण्याचे काम करू नये. पक्की ट्रेंच व इतर पाहारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हौदात केर कचरा न जाईल अशी झाकणे व्यवस्थितपणे बसवावीत. त्यास सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली जोडावी. तरीच ओव्हरफ्लो (वहिवा) पाईपला चांगल्यापैकी वायरजाळीचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या काचांचे तुकडे बसवू नयेत. फ्लशिंग संडासचे आणि इतर संडासचे जोते मजल्याच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून दोन फूट उंचीचे असावे.

१८. अंतर्गत रस्ते, गटारे, पाणी, ड्रेनेज इत्यादी डेव्हलपमेंट्स म्युनिसिपल स्पेसिफिकेशनप्रमाणेच तयार केल्या पाहिजेत. अथवा सदर डेव्हलपमेंटसबाबत च्या तजवीजी केल्या जाणार नाहीत व रस्ते ताब्यात घेतले जाणार नाहीत.

ENGLISH TRANSLATION

Translated from Marathi 2.

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

BUILDING COMMENCEMENT CERTIFICATE

(This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.)

Case No.UND/0001/06/NEW

Proposal Type: Residential
No. CC/4446/08
Date: 22.3.2007

To

Shri Malav Jayant Shah (P.A.H.),
Through Shri Jagdish P. ,
B/7, Success Chambers,1232,
Apte Road, Pune

have given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9, Hisssa No. 1 (P), Plot No.... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949. The same is received on 16.3.1997. On the basis of the same, the Permission letter is being given carrying out the works as per the instructions and all conditions mentioned hereunder.

1. The concerned revised Development Plan has been approved by the Government of Maharashtra on 5.1.1987. Accordingly, if any new nuisance if being caused or if any loss is being held, then no compensation will be demanded in that respect and the responsibility for giving the same is not on the Municipal Corporation.

2. The works should be done as shown in the new/amended Plan herewith.

3. After the work reached upto the Plinth, the matters of set-back, marginal open spaces etc. is to be got checked from the Building Control Office, without the same, the work above the plinth should not be started.

4. This Permission letter is being given on the condition that line of road will be get marked through the Office of the Assistant Engineer (Bhoomiprapan) and then only the construction will be started.

5. This Permission letter is being given on the condition written/pasted on the reverse side of the Plan herewith.

6. Before demanding the Occupation Certificate of the new buildings which are already constructed on the plots, each owner should take care to plant minimum four trees in and out of the compound wall in front of the building and to make necessary arrangement for growing the same properly. Without the

same, occupation letter will not be given. The Applicant has to erect the necessary protection walls to the trees on the road.

7. While giving the occupation certificate of the building, the application will not be taken into consideration unless the place is made clean by lifting the debris of the building dumped on the road and inside. The guidance about the place where the debris is to be dumped will be given by the Gharpadi Department.

8. Before commencing the works, unless the prior approval for the concerned works, by producing the plans to the City Deputy Engineer (Drainage) and (Water Supply), no work should be started on the land.

9. While starting new construction, if there are trees on the concerned land, then the same are not to be cut without the prior approval of the Tree Authority, or otherwise, legal action will be taken, which may be noted.

10. Though the Building Control Department has shown the place for Septic Tank in the approved Plan, the works in respect of Septic Tank or Drainage should not be started without taking the approval of the City Deputy Engineer (Drainage Department) for that purpose by producing the Plan before him and the Certificate of Completion of Drainage works may be submitted before demanding the Occupation Certificate.

11. First the structure shown to be demolished is to be demolished and then the new works will be started.

12. If any dispute is raise in respect of ownership right and in respect of any other rights and regarding boundaries, then the Applicant will be responsible for the same.

13. For the convenience of the workers, at least one latrine and one urinal should be temporarily constructed . If there is old latrine

and urinal, then there is no need for constructing such latrine and urinal.

14. The Certificate of Municipal tax paid will be submitted before demanding Occupation Letter.

All the terms and conditions pasted at the reverse side of the lay out and approved Plans will be binding.

While carrying out the works as per the above Permission letter, there should not be any violation of the Town Planning Act or any rules and sub-rules made in that respect. If there is any doubt in respect of the above Permission letter, then the clarification of the same may be obtained by informing the same to the Municipal Corporation, before commencement of the works.

Sd/-

Building Inspector
Building Control Office

Sd/-

Assistant Engineer
(Building Control)
Pune Municipal Corp.

Some special instructions of importance :-

1. Under Section 263 of the Mumbai Regional Municipal Corporation Act, 1949, it is necessary for the Owners to make application for getting the Building occupation certificate of the Municipal Corporation immediately on completion of the building, so that the City Engineer or the Officer appointed by him can make inspection of the premises and can give the permission for using the premises. The person acting against this will be liable for the penalty of Rs. 500/- mentioned in Section 392 of the Mumbai Regional Municipal Corporation Act, 1949.

2. While making the sajja at the front portion of the new building, if electric or other cables are to be shifted, then the responsibility of the is not on the Municipal Corporation. In this regard, the applicant may make direct arrangement for taking advance permission of the concerned Officers.

3. The doors of houses, units or vehicle parking should be opening to inside. The doors should not be in front of the plinth.

4. The pagola of houses having one floor should not come out more than one foot out of the wall. . If there are more floors, the pagola should not be brought more than one and half foot. The water of Pagola should be left I the gutter or portion near the building by fixing horizontal panhala and standing pipies. , so that the water will not fall from height in the gutter near the road .

No permission is given by this Certificate for closing or reducing the natural flow of water going from the plot (particularly rain water) in whatsoever manner. It is necessary to have the facility of proper pump and tank to the building as per the height, for the purpose of loading the water.

5. The Fal or Pahad r equired for building

construction should not be kept within the limits of Municipal Corporation, without taking permission by p0aying the fees to the Municipal Corporation. If such Pahad is kept without permission, then it is an offence.

6. If use of the land in respect of which agricultural cess is required to be paid to the Government, is to be made for the purpose of construction, the work should be done only after taking the approval of the District Collector, Pune.

7. If it has come to the notice of the Municipal Corporation that public vacant place is included unauthorizedly, the place will be made vacant by demolishing the structure. No permission is given for doing so by this permission letter and if any loss is caused at such time, then the Municipal Corporation will not be responsible for the same.

8. No loss or harassment of whatsoever

nature should be caused to neighboring people or to others due to your works and the responsibility of the same is on you. By this permission letter, no prejudice is being caused to the right of any one else, and if any construction is made beyond your rights, then the responsibility of the same will be on you.

9. If the Municipal Servants or Police has asked this certificate for inspection, then the same should be shown to them. If it is not shown, then it will be presumed that the work is being done without permission.

10. This Certificate will be in effect for upto one year, Then it will be treated as cancelled automatically. As per this permission letter, if the work is to be done after one year, then the time of the permission letter should be got extended by making application again with the new supervision memo and the work may be started after getting such permission letter.

11. If the Municipal Corporation has given written order in special cases, then you should admit the same. No prejudice will be caused to the same by this permission letter.

12. Before starting the construction, the water meter should be got installed from the structural department.

13. The Municipal Corporation is not responsible in respect of pressure of water. If water cannot be loaded to the upper floors of the building due to low pressure of water of the Municipal Corporation, then water tank of the size, design and specification as stated by the City Engineer will have to be constructed by the land lord at the open space near the building , for the purpose of storing water, in view of having proper sufficient water supply for the concerned building and the Municipal Water will have to brought and filled in the said Tank from the Municipal Main Water Line. In the same way, the water tank of

sufficient quantity will have to be installed on the top floor of the building and the water of the said tank will have to be left in the same with the help of water pump installed then the land lord will have to make arrangements for having sufficient water supply on each floor of the building with the help of down take pipes from the said tank. The size of the said Tank should be as fixed by the City Engineer. If electricity is not being received from the Electricity company, though the land lord is ready to take electric supply, then the Landlord will have to make arrangement for supplying water on upper floors by installing engine being operated with the help of Diesel Oil or Petrol. Unless the Land Lord has made arrangement of water supply by installing the pump as per such conditions, Occupancy certificate will not be given to the structure and the land lord cannot make use of the building for his own purpose or cannot give others for using the same.

14, The Plumbing work of the house should be done only through a Licensed Plumber after getting the Plans approved.

15. If flushing latrine is to be made, then pull chain system inside and closed tank of sufficient water over the same should be made.

16. Work of digging new well, talao or pool , tank etc. should not be done without the written permission of the Municipal Corporation. mosquito prevention arrangement should be made for gully traps and open gutters. Tanks should be covered proper lids so as not to enter wastes in the same. Strong lock and key which can be easily opened may be fitted to it. Proper protection of good quality wire gauge may be provided to overflow pipes. Broken bottle pieces should not be fixed on the boundary wall,. Two meters distance may be maintained from the middle point of the road

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For Vidhii Partners
Advocates

near the plinth of flushing latrine and other latrines or from the place aro8und the building of the owner.

17. The road, electricity, water, drainage, etc. developments in respect of the concerned plot should be prepared as per the Municipal specifications. Or otherwise, complaints in respect of the said developments will not be heard and roads will not be taken in possession. .

EXH-D

Ex D

पुणे महानगरपालिका
(कॉम्प्लिमेन्ट सर्टिफिकेट)

नगर उपअभियंता कार्यालय,
विकास योजना विभाग,
पुणे महानगरपालिका,
शिवाजीनगर, पुणे- ४११००५.

(यापुढील पत्रव्यवहार खालील क्रमांक व दिनांक यांच्या उल्लेखासह करावा)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संबंध लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे)

(अदा केलेल्या तारखेपासून एक वर्षापर्यंत लागू)

प्रकरण क्रमांक :KRD/DP/21/06 / REVISED 1

Proposal Type : Residential Case SubType : (Subdivision)

क्रमांक : DPO/PLU/9/0235/07/21

दिनांक : 3/2/2008

श्री./श्रीमती. MALAV J SHAH

DESHPANDE

राहणारपुणे. पेठ b/7 success chambers, 1232 apte rd, pune

411004

यांस यापुढे नगर रचना अधिनियम, सन १९६६ ची कलम ४५ व मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ कलम ४५३/३५४

प्रभाग पुणे महानगरपालिकेच्या कोथरुड

पेठ Under घरांक अर्हता Survey No: 9(P) Hissa No: 1

कालनस प्लॉट क्र. प्लॉट क्र.

~~येथे केलेल्या अर्जाच्या अनुषंगाने आपणास दिनांक 23/3/2007 रोजी सशर्त मंजुरी देणेत आली~~

उपरोक्त विकास प्रस्तावास महाराष्ट्र प्रादेशीक व नगररचना अधिनियम १९६६ चे कलम ४५ नुसार विकास सुरु करण्याचा दाखला/ संमतीपत्र खालील अटींवर देण्यात येत आहे. (सोबत नकाशा)

१) रेखांकनामध्ये निर्देशित केलेले रस्ते यांचे बाजूने पावसाळी गटारे बांधणार मा. विकास अभियंता (पथ) यांचे सदर काम समाधानकारक व योग्य मिळकापासुसार केले असल्याबाबतचे पत्र सादर करणार.

२) सदर मिळकतीतून जाणाऱ्या व नव्याने टाकावयाच्या पाणी पुरवठा वाहिन्या ह्या पाणीपुरवठा विभागाच्या देखरेखीखाली टाकून त्याचे प्रमाणपत्र सादर करणार.

३) सदर मिळकतीतून जाणाऱ्या व नव्याने टाकावयाच्या मलनि:सारण वाहिन्या ह्या ड्रेनेज विभागाच्या देखरेखीखाली टाकून त्याचे प्रमाणपत्र सादर करणार.

४) सहाय्यक अभियंता (मलनि:सारण) यांच्या सुचनेप्रमाणे सेप्टिक टँकचे बांधकाम करणार व भविष्यात मनपाच्या मलनि:सारण वाहीनीशी सदर मिळकतीतील सर्व मलनि:सारण वाहिन्या स्वखर्चाने जोडणार.

५) आरोग्य अधिकाऱ्याच्या सुचनांनुसार व त्यांचे समाधान होईल अशा प्रमाणे सदर मिळकतीत कचरापेट्या ठेवणार.

६) विकास अभियंता (विद्युत) यांच्या सुचनेनुसार व त्यांचे समाधान होईल अशा प्रमाणे सदर मिळकतीतील रस्त्यांवर विद्युत प्रकाशासाठी खांब लावणार.

७) कोणताही विकास सुरू करण्यापूर्वी नकाशात निवळ्या रंगाने दर्शविलेली बांधकामे पाडून घेणार.

८) सदर रेखांकनात दर्शविलेल्या खुल्या जागांचे योग्य सपाटीकरण केल्यानंतर, त्यांवर वृक्षलागवड केल्यानंतर व त्याकडेने कुंपन घातल्यावर म.न.पा. त्या जागा ताब्यात घेण्याबाबत विचार करेल.

९) रेखांकनातील सर्व प्लॉट व सब्लॉट यांचे नगरभुमापन अधिकारी अथवा जिल्हा निरीक्षक भुमी अभिलेख यांचेकडून मोजणी करून घेणार व त्याचे मोजणी प्रमाणपत्र त्यांच्या मालांसह सादर करणार.

१०) पुणे म.न.पा.कडून पाणीपुरवठा उपलब्ध होईपर्यंत विकसक/ सहकारी संस्था स्वत: पाण्याची व्यवस्था करणार त्याबाबत तक्रार करता येणार नाही.

११) विकास योजना विभागाकडून विकास योजनेमधील रस्त्यांचे प्रत्यक्ष जागेवर आखणी केल्यानंतरच कोणताही विकास सुरू करणार.

१२) यापूर्वी अदा करण्यात आलेले विकसनाचे दाखले/ संमतीपत्रे रद्द समजण्यात यावीत.

१३) गृहप्रकल्पामधील सर्व अंतर्गत रस्ते, पाणी पुरवठा वाहिन्या, मलनि:सारण वाहिन्या, रस्त्याकडेची प्रकाशव्यवस्था इत्यादी गोष्टी विकसकाने स्वखर्चाने करावयास असून त्याची भविष्यातील देखभाल दुरूस्तीची व्यवस्था विकसकाने करावयाची आहे.

१४) गृहप्रकल्पामध्ये कोणत्याही इमारतीभोवती कुंपण घालणार नाही, मात्र कोणताही विकास करण्यापूर्वी मिळकतीभोवती कायम स्वरूपी कुंपण घालणार.

१५) म.न.पा.कडून पाणीपुरवठा सुरू होईपर्यंत, विकसक सर्व प्लॉटधारकांना/ गाळेधारकांना त्याची जाणीव करून देणार.

१६) सदर मिळकतीतून जाणारे विकास योजनेतील रस्ते हे गृहसंस्थेने/विकसकाने विकसित करावयाचे असून त्याची आखणी पुणे म. न. पा. कडून करून देण्यात येईल. या रस्त्यांची कॉलनी रस्ते म्हणून विकास करताना त्याची रूंदी खालील तक्त्याप्रमाणे गृहीत धरण्यात येईल. विकास अभियंता (पथ) यांच्या मार्गदर्शनाखाली या रस्त्यांचा विकास करावयाचा असून त्याचे पुणे म.न.पा.कडे हस्तांतरण करावयाचे आहे. गृहसंस्थेने / विकसकाने स्वखर्चाने या रस्त्यावरील पाणीपुरवठा व मलनि:सारण वाहीन्यांचा विकास करावयाचा असून म.न.पा. कडून त्याचा मोबदला मिळणार नाही.

विकास योजना रस्ता रूंदी	कॉलनी रस्त्यासाठी जागेची रूंदी	कॉलनी रस्ता म्हणून [illegible] ची रूंदी
३० मी.	३० मी.	३२ फूट

CORPORATION ★ DEVELOPMENT PLAN ★ DIVISION

NOTARY GOVT. S. R. LOKHANDE MAHARASHTRA MUMBAI

१७) सदर रेखांकनामध्ये मिळकतीची विभागणी अथवा एकत्रीकरण केले असल्यास -

१) सर्व प्लॉट व सबप्लॉट यांचे भूमापन अधिकारी अथवा जिल्हा निरीक्षक भूमीअभिलेख यांचेकडून मोजणी करून घेणार व प्रत्यक्षातील मापांनुसार दुरूस्त नकाशा सादर करणार.

२) प्रत्येक सबप्लॉटसाठी स्वतंत्र पाणीपुरवठा व मलनिःसारण व्यवस्था करणार.

३) म.न.पा.कडून पाणीपुरवठा होईपर्यंत विकसकाने स्वत: सोय करावयाची आहे.

४) सदर मिळकतीच्या बालकीबाबत, त्याच्या क्षेत्राबाबत, मिळकतीच्या मापांबाबत, प्लॉटस व सबप्लॉटसच्या पोहोच रस्त्याबाबत, अतिक्रमणाबाबत भविष्यात म.न.पा जबाबदार राहणार नाही.

१८) जागेवर कोणतेही बांधकाम सूरु करण्यापूर्वी बांधकाम नियंत्रण विभाग पुणे म.न.पा. यांचकडून बांधकामाची परवानगी घेणार.

१९) अतिरिक्त रस्ता रूंदीचे चटई क्षेत्र वापरण्यापूर्वी सदरची रस्त्यात गेलेली जागा म.न.पा च्या ताब्यात देणार.

२०) बांधकाम परवानगी घेतल्यापासून एक वर्षाच्या आतमध्ये एकत्रीत मोजणी नकाशा, एकत्रीत ७/१२ उतारा/स्वतंत्रपणे विभाजित मोजणी नकाशा विभाजित ७/१२ उतारा/ विकास योजना कार्यालयाकडे दाखल करणार.

२१) बांधकाम परवानगी मागण्यापूर्वी पोहोच रस्ता विकसित करणार.

२२) ले आऊट मधील ओपन स्पेस सर्व सभासदांसाठी खुली राहील.

२३) पाणी पुरवठ्याबाबत दिलेले हमीपत्र बंधनकारक राहील तसेच दिलेल्या हमीपत्रातील बाबींसदर्भात गाळेधारकाचे करारात नमूद करून गाळेधारक लेखीपूर्व कल्पना देणे, विकसन कर्त्यावर बंधनकारक राहील.

२४) पूर्वीचे मान्य नकाशा व्यतिरिक्त वाढीव केलेल्या जिगर परवाना बांधकामास नियमानूसार तडजोड फी भरून बांधकाम नियंत्रण विभागाकडून नियमित करून घेणार.

२५) प्रत्यक्ष जागेवरील टोपोग्राफीमध्ये बदल न करता असलेला नैसर्गिक चढ-उतार आहे तसाच ठेवून विकासाचे काम करणार.

२६) हिल टॉप हिल स्लोप विभागात डी सी रूल नुसार अनुज्ञेय वापरासाठी परवानगी अनुज्ञेय करण्यात येईल.

२७) सोलर वॉटर हिटरची व्यवस्था करणे बंधनकारक राहील.

२८) ड्रेनेज विभागाचे नियम व सुचनेनुसार सिवेज ट्रीटमेंट प्लॅटची व्यवस्था करणे बंधनकारक राहील.

२९) महाराष्ट्र प्रदुषण नियंत्रण बोर्डाचे नाहरकत पत्र बांधकाम परवानगीचे वेळी दाखल करणे बंधनकारक राहील.

३०) पूर्व मान्य ले आऊट मधील सर्व अटी बंधनकारक राहतील.

३१) ओला कचरा व सुका कचरा वेगवेगळा करणे करता स्वतंत्र व्यवस्था करणार.

३२) पावसाळी पाणी साठवणे व पुनर्वापरासाठी व्यवस्थापन करणे.

३३) भविष्यात एअर फोर्स ऑथॉरिटीच्या १०० मी. मधील व फनेल कक्षेबाबतचे निर्बंध बंधनकारक राहतील.

३४) नैसर्गिक पाण्याचा दर्शविलेला प्रवाह ड्रेनेज विभागाकडील नियमानुसार व सुचनेनुसार चॅनेलाईज करून नैसर्गिक पाण्याचा प्रवाह बंदिस्त होणार नेणे बंधनकारक राहील.

३५) यु. एल. सी. ऑर्डरमधील सर्व अटी बंधनकारक राहतील.

३६) रेखांकनातील प्रारूप विकास आराखड्यानुसार दर्शविणेत आलेल्या आरक्षणांच्या जागा म.न.पा. मागेल तेव्हा म.न.पा.चे ताब्यात देणार.

३७) सदर मिळकतीतील कोणतेही भोगवटा पत्र मागणे पुर्वी वादग्रस्त क्षेत्रावरील बांधकामाचे अभुर्षंगाने सर्व बाबी निरस्त करणार, वादग्रस्त क्षेत्राबाबत वाद निर्माण झालेस त्याची सर्वस्वी जबाबदारी विकसन कर्त्याची राहील, म.न.पा.स कोणतीही तोशिष लागू देणार नाही.

३८) १५% ॲमिनिटी स्पेसचा एफ.एस.आय. सदर ॲमिनिटी स्पेस ताब्यात दिल्यानंतर अनुज्ञेय राहील.

३९)

४०)

४१)

सदर रेखांकनास मा.महानगरपालिका आयुक्त यांचकडून अंतिम मंजुरी घ्यावी अन्यथा रेखांकनातील कोणत्याही प्लॉटची विक्री किंवा लिज करत रेखांकनातील कोणत्याही प्लॉटवर बांधकाम परवानगी दिली जाणार नाही.

आपला विश्वासू,

नगर रचनाविभाग विकास योजना,
म.न.पा, पुणे.

१) असेसर व कलेक्टर ऑफ टॅक्स, पुणे म.न.पा यांचकडे नकाशासह रवाना.

२) आर्किटेक्ट, टि.पी.स्कीम्स, पुणे यांचे माहितीसाठी नकाशासह रवाना.

ENGLISH TRANSLATION

Translated from Marathi 3

PUNE MUNICIPAL CORPORATION

COMMENCEMENT CERTIFICATE

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

(Valid for One year from the date of issue)

Case No. DP/21/06/REVISED 1

Proposal Type: Residential
Case Sub Type : (Sub-Division)

No.DPO/PLU9/0235/21

Date: 2.2.2008

To

Smt. Malav Shah
DESHPANDE,
Residing at Puine Peth,
B/7, Success Chambers
1232, Apte Road, Pune. House No.

Has given the Proposal on 23.3.2007 to the Municipal Corporation for carrying out construction at Peth, Undri, , House No... Survey No.... Final Plot No. 9 (P)Hissa No. 1, within the limits of Pune Municipal Corporation and Section 251/254 of the Mumbai Regional Municipal Corporation Ac 1948,

Certificate of commencement of the development/ Permission letter is being given for the above proposal under Section 45 of the Maharashtra Regional Town Planning Act, 1966, on the following conditions. (Plan enclosed)

---

1. Will construct the rain water gutter by the side of the road as directed in the Plan and will submit the letter of the Development Engineer (Roads) in respect of completing the said works satisfactorily and properly.

2. The Water pipes going through and to be laid the said property will be laid under the supervision of the Water Supply Department and their Certificate will be submitted.

3. The Drainage pipes going through and to be laid newly through the said property will be laid under the supervision of the Drainage Department and their Certificate will be submitted.

4. The work of septic tank will be done as per the instructions of the Assistant Engineer (Drainage) and in future, will connect all the drainage pipes of the said property with the Drainage pipe of the Municipal Corporation at their own cost.

5. Dust bins will be kept in the said property as per the instructions of the Health Officers and to their satisfaction.

6. Will provide Electric posts for electric lights on the roads in the said property, per the instructions of the Development Engineer (Electricity) and to his satisfaction.

7. Before commencing the construction, the structures shown in yellow colour in the Plan will be demolished.

8. After making proper levelling of the open space shown in the said Plan, and after planting trees on the same, and after erecting compound to the same, then the Municipal Corporation will consider to take the same in possession.

9. Will get the survey of all the plots and sub-plots in the Lay out done from the City Survey Officer or District Inspector Land Records and will submit the Survey Certificate with its measurement.

10. Till the water supply becomes available from the Pune Municipal Corporation, the Developer/ Co-operative Society will make their own arrangement for water and will not raise any complaint in that respect.

11. Any development work will be started after the demarcation of the road of the Development Plan is made on the actual site, by the Development Plan Department.

12. The Development Certificate/ Permission letter given earlier may be treated as cancelled.

13. All the internal roads, water supply pipes, drainage pipes, arrangement of road lights etc.of the Housing Project, will have to be done by the Developers at their own cost.

14. No compound will be erected around any building of the Housing Project, but permanent compound will be erected around the property before making the Development.

15. Till the water supply is started by the Municipal Corporation, the Developer will make all the flat holders/gala holders aware about the same.

16. The Road of the Development Plan going through the said property will be developed by the Housing Society/ Developers and the marking of the same will be given made by the Pune Municipal Corporation. While developing these roads as Colony Roads, the width of the same will be held as per the table below. The development of these roads is to be made under the directions of the Development Engineer (Roads) and the same is to be transferred to the Pune Municipal Corporation. The Development of the Water Supply and Drainage Pipes is to be made by the Housing Society/ Developers at their cost and no compensation of the same will be given by the Municipal Corporation.

Development Plan Road width	Width of the land for Colony Road	Width of W.B.M. as Colony Road
		22 feet

17. If the division or amalgamation of property is made in the said Plan :

1) All the plots and sub-plots will be got surveyed from the City Survey Officer, or District Inspector, Land Records, and will submit the amended Plan as per the actual measurement.

2) Will make separate water supply and drainage arrangement for each Sub-Plots.

3) Till the water supply is received from the Municipal Corporation, the Developer has to make their own arrangement.

4) If any claim is arisen in future about the ownership of the said property, its area, measurement of the property, approach road of the plots and sub-plots, encroachment etc. then the Municipal Corporation will not be responsible for the same.

18. Before starting any construction on the land, permission of construction will be taken from the Building Control Department, Pune Municipal Corporation.

19. Before making use of the FSI additional road width, the land gone under the said road will be given in possession of the Municipal Corporation.

20. Within one year from taking the Building permission, the Joint Survey Map, Joint 7/12 extract/ separate Divided Survey Pln, Divided 7/12 extract, will be submitted to the Development Plan Office.

21. Before demanding Building permission, the Approach road will be developed.

22. The open space of the Lay out will be open for all members.

23. The Indemnity bond given in respect of the water supply will be binding. And it will be binding on the Developer to giving written information about the matters of the Indemnity bond to the gala holders by making mention of the same in the Agreement of gala holders.

24. Will get the additional structure without permission than the earlier approved plan, regularized from the Building Control Department, by paying the settlement fees as per rules.

25. The work of development will be made keeping the natural high and low slopes as it is, without making any change in the topography at the actual land.

26. Permission will be made permissible for making permissible use under D.C.R. Rules in the Hill Top and Hill slope areas.

27. It will be binding to make arrangement of Solar Water Heater.

28. It will be binding for make arrangement of Sewage Treatment Plant as per the rules and instructions of the Drainage Department.

29. It will be binding to produce the No Objection Letter of the Maharashtra Pollution Control Board at the time of Building permission.

30. All the conditions of earlier approved lay out will be binding.

31. Will make separate arrangement for separating the wet and dry wastes.

32. To make arrangement for collection and re-use of rain water.

33. The restrictions in respect of 900 mtr. Fanel Section of the Air Force Authority in future, will be binding.

34. It will be binding to take care that the natural water flow will be closed, by channellising the natural water flow shown, as per the rules and instructions of the Drainage Department.

35. All the conditions of U.L.C. Order will remain binding.

36. The land of reservation shown in the Plan, as per the Draft Development Plan, will be given in custody of the Municipal Corporation whenever demanded.

37. Will clear all the matters in connection with the construction on any disputed area of the said property, If any dispute is arisen in respect of the disputed area, then the responsibility of the same will be on the Developer and will not let the Municipal Corporation to suffer anything in that respect.

38. The F.S.I. of 15% amenities space will be permissible after giving the said amenities space in custody.

39.

40.

41.

Final Approval for this Plan is to be taken from the Municipal Commissioner, or otherwise, sale or lease of any plot of the layout can be

TRUE COPY
For Vidhii Partners
Advocates

made and building permission will not be given on any plot of the Layout.

Yours faithfully,

Sd/-
City Dy. Engineer
Development Plan
Municipal Corporation
Pune.

Copy to :

1. Forwarded with Plan to the Assessor and Collector of Tax, Pune Municipal Corporation.
2. Forwarded with Plan to the Arbitrator, T.P. Scheme, Pune, for information.

EXH-E

Ex E 1193

पुणे महानगरपालिका

(यापुढील पत्रव्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा)
(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

बांधकाम नियंत्रण काय
पुणे महानगरपालिका,
शिवाजीनगर, पुणे - ५

बांधकाम चालू करण्याकरिता दाखला

(कमेन्समेन्ट सर्टिफिकेट)

सदरचा बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, सन १९६६ ची कलमे ४४/४५/५८/६९ यांतील आणि प्रांतिक महानगरपालिका अधिनियम, सन १९४९ ची कलमे (सेक्शन्स) २४३ व २५४ यांतील तरतुदीप्रमाणे खालील अटींवर देण्यात येत आहे,)

BUILDING PERMISSION DEPARTMENT
APPROVED
POONA

प्रकरण क्रमांक : UND/0001/06 / REVISED

Proposal Type : Residential

दिनांक : CC/3714/07
दिनांक : 5/3/2008

श्री / श्रीमती MALAV J SHAH यांस

RESIDENCE

यांचे/यांची/यांना खारा ला. स. श्री. JAGDISH P

राहणार/पुणे, येथे b/7 success chambers, 1232 apte rd. घरांक सर्वे नं.

pune 411004

यांचेकडून त्यांना सादर केलेल्या अर्जानुसार, सन १९६६ ची कलमे ४४/४५/५८/६९ व मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ ची कलमे २४३/२५४ प्रमाणेपुणे महानगरपालिकेच्या क्षेत्रातील

मिळकत घरांक सर्वे नं.Survey No: 9 Hissa No: 1(p)

तात्पुरत्या प्लॉट क. प्लॉट क.

यांचे बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक : 14/1/2008 या दिवशी पोहचली. त्याबद्दल आम्ही खालील लिहिलेल्या सूचना व सर्व अटींवर संमतीपत्र देण्यात येत आहे

१. संबंधी सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि. ५/१/१९८७ या दिवशी मान्य केला आहे. त्यास अनुसरुन नवीन कामास काही उपसर्ग पोहोचत असल अथवा हानी होत असल्यास त्याप्रित्यर्थ कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.
२. सोबतच्या नवीन /दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
३. जोत्यापर्यंत काम आल्यावर सेट-बॅक, मार्जिनल ओपन स्पेसिस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्याव्यात, त्याशिवाय जोत्यावरील काम सुरु करु नये
४. मा.सहायक अभियंता (भूमीप्रापण) यांच्या कार्यालयामार्फत रसत्याची प्रमाणरेषा जागेवर आखून घेणार व मगच बांधकाम सुरु करणार या अटीवरच हे संमतीपत्र देण्य आहे.
५. सोबतच्या नकाशावर मागे लिहिलेल्या / चिकटवलेल्या अटींवर हे संमतीपत्र देण्यात येत आहे.
६. ज्या प्लॉट्सवर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापुर्वी प्रत्येक मालकाने इमारतीसभोर कांपाऊंड वॉलच्या आत व बाहेर किमान चा लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खबरदारी घ्यावी. त्याशिवाय ऑक्युपन्सी सर्टिफिकेट (भोगवटा पत्र) मिळणार नाही. रस्त्यावरील झ जरुर ते संरक्षण कुंपण अर्जदाराने करावयाचे आहे.
७. इमारतीचे भोगवटापत्र दे ना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार जाणार नाही. राडारोडा कोठे टाकावा याबाबत घरपाडी विभागामार्फत मार्गदर्शन केले जाईल.
८. काम सुरु करण्यापूर्वी मा.नगर उपअभियंता (जलोत्सारण) व (पाणीपुरवठा) यांच्याकडे नकाशे दाखल करुन संबंधित कामाकरीता पुर्वमान्यता घेतल्याखेरीज जागे र को काम सुरु करु नये.
९. नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री ॲथॉरिटीची पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत ; अन्यथा कायदेशीर कारवाई करण्यात येते नोंद घ्यावी.
१०. बांधकाम नियंत्रण खात्याने जरी सेप्टीक टॅन्कसाठी परवानगी दिली असली तरी ड्रेनेजविषयी मा.नगरउपअभियंता (जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल मंजुरी घेतल्याखेरीज सेप्टीक टॅन्क अगर ड्रेनेजसंबंधी बांधकाम सुरु करु नये व ऑक्युपन्सी सर्टिफिकेट मागण्यापूर्वी ड्रेनेज कामाचा पुर्णत्वाचा दाखला हजर करण्यात यावा
११. जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे. ते प्रथम पाडून मग नवीन कामास सुरुवात करणार.
१२. मालकी हक्काबाबत व इतर कोणत्याही हक्काबाबत व हद्दीबाबत वाद निर्माण झाल्यास त्यास अर्जदार जबाबदार राहणार.
१३. कामगारांच्या सोयीसाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरुपाची बांधली पाहिजे. जुने संडास व मोरी असल्यास याप्रमाणे संडास, मुतारी बांधा गरज नाही.
१४. भोगवटापत्र मागण्यापूर्वी मनपाचे कर भरल्याचे दाखला सादर करणार.
१५. जोत्यापर्यंतचे काम झाल्यावर ड्रेनेजचा N.O.C. दाखल करणार. १६) को-हौसिंगचे बाबतचे सर्व नियम व अटी बंधनकारक राहतील.

मान्य नकाशामागे चिकटविलेल्या अटी बंधनकारक राहतील.

वरील संमतीपत्राप्रमाणे काम करताना नगररचना अधिनियम अगर त्यास अनुसरुन केलेले नियम व पोटनियम यांचा भंग होता कामा नये.
वरील संमतीपत्राविषयी काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करुन घ्यावे.

इमारत निरीक्षक
बांधकाम नियंत्रण कार्यालय,

सहायक अभियंता (बांधकाम नियंत्रण)
पुणे महानगरपालिका.

NOTARY GOVT. OF INDIA
S. R. LOKHANDE
MUMBAI
MAHARASHTRA
Regd. No. 4643

ENGLISH TRANSLATION

Translated from Marathi 4.

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

BUILDING COMMENCEMENT CERTIFICATE

(This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.)

Case No.UND/0001/06/REVISED

Proposal Type: Residential

No. CC/3714/07

Date: 5.3.2006

Shri Malav Jayant Shah (P.A.H.),
Through Shri Jagdish P. Deshpande,
residing at B/7, Success Chambers,
1232, Apte Road, Pune

has given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9, Hisssa No. 1 (P), Plot No.... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949. The same is received on 14.1.2008. On the basis of the same, the Permission letter is being given carrying out the works as per the instructions and all conditions mentioned hereunder.

1. The concerned revised Development Plan has been approved by the Government of Maharashtra on 5.1.1987. Accordingly, if any new nuisance if being caused or if any loss is being held, then no compensation will be demanded in that respect and the responsibility

for giving the same is not on the Municipal Corporation.

2. The works should be done as shown in the new/amended Plan herewith.

3. After the work reached upto the Plinth, the matters of set-back, marginal open spaces etc. is to be got checked from the Building Control Office, without the same, the work above the plinth should not be started.

4. This Permission letter is being given on the condition that line of road will be get marked through the Office of the Assistant Engineer (Bhoomiprapan) and then only the construction will be started.

5. This Permission letter is being given on the condition written/pasted on the reverse side of the Plan herewith.

6. Before demanding the Occupation Certificate of the new buildings which are already

constructed on the plots, each owner should take care to plant minimum four trees in and out of the compound wall in front of the building and to make necessary arrangement for growing the same properly. Without the same, occupation letter will not be given. The Applicant has to erect the necessary protection walls to the trees on the road.

7. While giving the occupation certificate of the building, the application will not be taken into consideration unless the place is made clean by lifting the debris of the building dumped on the road and inside. The guidance about the place where the debris is to be dumped will be given by the Gharpadi Department.

8. Before commencing the works, unless the prior approval for the concerned works, by producing the plans to the City Deputy Engineer (Drainage) and (Water Supply), no work should be started on the land.

9. While starting new construction, if there are trees on the concerned land, then the same are not to be cut without the prior approval of the Tree Authority, or otherwise, legal action will be taken, which may be noted.

10. Though the Building Control Department has shown the place for Septic Tank in the approved Plan, the works in respect of Septic Tank or Drainage should not be started without taking the approval of the City Deputy Engineer (Drainage Department) for that purpose by producing the Plan before him and the Certificate of Completion of Drainage works may be submitted before demanding the Occupation Certificate.

11. First the structure shown to be demolished is to be demolished and then the new works will be started.

12. If any dispute is raise in respect of ownership right and in respect of any other rights and

regarding boundaries, then the Applicant will be responsible for the same.

13. For the convenience of the workers, at least one latrine and one urinal should be temporarily constructed . If there is old latrine and urinal, then there is no need for constructing such latrine and urinal.

14. The Certificate of Municipal tax paid will be submitted before demanding Occupation Letter.

15. Before Plinth inspection, provision and N.O.C. in respect of Fire will be submitted.

16. All terms and conditions in respect of Eco Housing will be binding. All the terms and conditions pasted at the rear side of the approved Plan will be binding.

While carrying out the works as per the above Permission letter, there should not be any violation of the Town Planning Act or any rules and sub-

rules made in that respect. If there is any doubt in respect of the above Permission letter, then the clarification of the same may be obtained by informing the same to the Municipal Corporation, before commencement of the works.

Sd/-

Building Inspector
Building Control Office

Sd/-

Assistant Engineer
(Building Control)
Pune Municipal Corp

TRUE COPY

Vidhii Partners
Advocates

EXH-F

Ex F

0031

पुणे महानगरपालिका

903
30/10/10

(यापुढील पत्रव्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

बांधकाम नियंत्रण कार्यालय
पुणे महानगरपालिका,
शिवाजीनगर, पुणे - ५.

बांधकाम चालू करण्याकरिता दाखला
(कमेन्समेन्ट सर्टिफिकेट)

सदरचा बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र नगर रचना अधिनियम, सन १९६६ ची कलमे ४४/४५/५८/६९ यांतील आणि मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ ची कलमे (सेक्शन्स २५३ व २५४ यांतील तरतुदींप्रमाणे खालील अटींवर देण्यात येत आहे.)

प्रकरण क्रमांक : UND/0001/06 REVISED 3

Proposal Type : Residential

Project Type : (Proposed Building)

PUNE MUNICIPAL CORPORATION BUILDING CONTROL DEPARTMENT APPROVED

क्रमांक : CC/1300/10

दिनांक : 23/7/2010

श्री. / श्रीमती. ASHOK MONANI व्दारा ला. स. श्री. JAGDISH P DESHPANDE यांस राहणार पुणे, पेठ pune,411004 घरांक सर्व्हे नं. महाराष्ट्र नगर रचना अधिनियम, सन 1966 ची कलमे 44/45/58/69 व मुंबई प्रांतिक महानगरपालिका अधिनियम,सन 1949 ची कलमे 253/254 प्रमाणे पुणे महानगरपालिकेच्या सीमेतील. पेठ Undri घरांक सर्व्हे नं. Survey No: 8,Hissa No: 1(p), फायनल प्लॉट क्र. प्लॉट क्र. यातील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक : 9/8/2010 या दिवशी पोहचली. त्यावरून काम करण्यास खाली लिहिलेल्या सूचना व सर्व अटींवर संमतीपत्र देण्यात येत आहे.

१. संबंधी सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि. ५/१/१९८७ या दिवशी मान्य केला आहे. त्यास अनुसरुन नवीन काही उपसर्ग पोहोचत असल्यास अथवा हानी होत असल्यास त्याप्रित्यर्थ कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.
२. सोबतच्या नवीन / दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
३. जोत्यापर्यंत काम आल्यावर सेट-बॅक, मार्जिनल ओपन स्पेसिस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्याव्यात, त्याशिवाय जोत्यावरील काम सुरु करु नये.
४. मा. सहायक अभियंता (भूमीप्रापण) यांच्या कार्यालयामार्फत रस्त्याची प्रमाणरेषा जागेवर आखून घेणार व मगच बांधकाम सुरु करणार या अटीवरच हे संमतीपत्र देण्यात येत आहे.
५. सोबतच्या नकाशावर मागे लिहिलेल्या / चिकटवलेल्या अटींवर हे संमतीपत्र देण्यात येत आहे.
६. ज्या प्लॉट्सवर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापुर्वी प्रत्येक मालकाने इमारतीसमोर सीमा भिंतीच्या आत व बाहेर किमान चार झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खबरदारी घ्यावी. त्याशिवाय ऑक्युपन्सी सर्टिफिकेट (भोगवटा पत्र) मिळणार नाही. रस्त्यावरील झाडांना जरुर ते संरक्षण कुंपण अर्जदाराने करावयाचे आहे.
७. इमारतीचे भोगवटापत्र देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत घरपाडी विभागामार्फत मार्गदर्शन केले जाईल.
८. काम सुरु करण्यापूर्वी मा. नगर उपअभियंता (जलोत्सारण) व (पाणीपुरवठा) यांच्याकडे नकाशे दाखल करुन संबंधित कामाकरीता पुर्वमान्यता घेतल्याखेरीज जागेवर कोणतेही काम सुरु करु नये.
९. नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री ऑथॉरिटीची पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत; अन्यथा कायदेशीर कारवाई करण्यात येते. याची नोंद घ्यावी.
१०. बांधकाम नियंत्रण खात्याने जरी सेप्टीक टॅन्कसाठी परवानगी दिली असली तरी ड्रेनेजशिवाय मा. नगर उपअभियंता (जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल करुन त्याची मंजुरी घेतल्याखेरीज सेप्टीक टॅन्क अगर ड्रेनेजसंबंधी बांधकाम सुरु करु नये व भोगवटा पत्र मागण्यापूर्वी ड्रेनेज कामाचा पुर्णत्वाचा दाखला हजर करण्यात यावा.
११. जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे. ते प्रथम पाडून मग नवीन कामास सुरुवात करणार.
१२. मालकी हक्काबाबत व इतर कोणत्याही हक्काबाबत व हद्दीबाबत वाद निर्माण झाल्यास त्यास अर्जदार जबाबदार राहणार.
१३. कामगारांच्या सोयीसाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरुपाची बांधली पाहिजे. जुने संडास व मोरी असल्यास याप्रमाणे संडास, मुतारी बांधण्याची गरज नाही.
१४. भोगवटापत्र मागण्यापूर्वी मनपाचे कर भरल्याचे दाखला सादर करणार.
१५) अर्जदार श्री. [illegible] यांनी सादर केलेले प्लॉट क्र. ९ (पै) नुसार मान्य झालेला आरक्षण आणि पाडावयाचे राहिलेले चा अहवाल

वरील संमतीपत्राप्रमाणे काम करताना नगररचना अधिनियम अगर त्यास अनुसरुन केलेले नियम व पोटनियम यांचा भंग होता कामा नये.
वरील संमतीपत्राविषयी काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करुन घ्यावे.

हीट /192.168.54.40/चलि/अलॅटीशलॉगी/झीरॉक्सीउउ/झीरॉक्सीउउमी रो ?ढझीरिश्वरू=37636

7/23/2010

इमारत निरीक्षक
बांधकाम नियंत्रण कार्यालय,

सहाय्यक अभियंता (बांधकाम नियंत्रण)
पुणे महानगरपालिका.

NOTARY GOVT. OF INDIA S. R. LOKHANDE MUMBAI MAHARASHTRA Regd. No. 4643

काही महत्वाच्या विशेष सुचना

१. मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ मधील कलम २६३ अन्वये मालकाने इमारत पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटपत्र मिळण्याबद्दल अर्ज करणे आवश्यक आहे; म्हणजे मा. नगर अभियंता यांस अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वर्तन करणारा इसम मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम ३९२ मध्ये सांगितलेल्या रु. ५००/- च्या दंडास पात्र होईल.

२. नवीन घरच्या पुढील भागी सज्जा करताना विजेच्या किंवा इतर यांत्रिक तारा हालविणे झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. यासंबंधी अर्जदाराने परस्पर संबंधी अधिकाऱ्याची आगाऊ संमती घेण्याची व्यवस्था करावी.

३. घराची, फाटकाची अथवा वाहनघराची दारे आत उघडणारी असावीत. फळ्या जोत्यापुढे करता कामा नये.

४. एकच माळा असलेल्या घराच्या पागोळ्या भिंतीच्या बाहेर एका फुटापेक्षा अधिक पुढे येऊ नयेत. अधिक माळे असल्यास पागोळ्यादीड फुटापेक्षा अधिक पुढे आणू नयेत. पागोळ्यांचे पाणी सडकेलगतच्या गटारात उंचावरुन पडणार नाही असे आडवे पन्हाळ व उभे नळ लावून इमारतीनजीकच्या गटारावर अगर भागावर पाणी सोडावे.

<u>प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषत: पावसाच्या पाण्याच्या) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती ह्यी दाखल्याने दिलेली नाही. उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी चढविण्यासाठी योग्य अशा पंपाची व हौदाची सोय आवश्यक आहे.</u>

५. घरबांधणीकरिता लागणारा फाळ अथवा पहाड महानगरपालिकेला फी देऊन संमती घेतल्याविना महानगरपालिकेच्या हद्दीत ठेवू नये. संमतीवाचून असा पहाड ठेवल्यास तो अपराध होतो.

६. ज्या स्थळाप्रित्यर्थ सरकारकडे शेतसारा द्यावा लागतो अशा स्थळाचा उपयोग घर बांधण्याकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांची मान्यता घेऊन नंतरच काम करावे. प्रस्तुतप्रमाणे मान्यता घेतल्याविना अशा ठिकाणी बांधकाम करु नये.

७. सार्वजनिक मोकळे स्थळ अनाधिकारने समाविष्ट केले आहे असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाडून स्थळ मोकळे करुन घेण्यात येईल. तसे करण्यास या संमतीपत्राने आणि अशा वेळी हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.

८. शेजारच्या लोकांना अथवा इतरांना तुमच्या कामापासून उपसर्ग किंवा दुसऱ्या कोणत्याही प्रकारचा त्रास अगर हानी पोहोचु नये; त्याविषयीची जबाबदारी तुमच्यावर आहे. या संमतीपत्राने दुसऱ्या कोणाच्या अधिकारास बाध येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही बांधकाम केल्यास त्याची जबाबदारी तुमच्यावर राहील.

९. हा दाखला महानगरपालिकेच्या सेवकांनी संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे. तसा तो न दाखविल्यास संमतीपत्राविना काम चालू आहे, असे समजले जाईल.

१०. हा दाखला एक वर्षापर्यंत अस्तित्वात राहील. पुढे तो आपोआप रद्द झाला असे समजण्यात येईल. सदर संमतीप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन सुपरव्हिजन मेमोसह पुन्हा अर्ज करुन संमतीपत्राची मुदत वाढवुन घेतली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरु करावे.

११. विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती तुम्ही मान्य केली पाहिजे, त्यास या संमतीवरुन बाध येत नाही.

१२. बांधकाम चालू करण्यापूर्वी स्थापत्य खात्याकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.

१३. पाण्याचा दाबाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळाच्या पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास सबंध इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारतीभोवतालच्या मोकळ्या जागेत घरमालकांस मा. नगर अभियंता हे सांगतील त्या मापाचा, डिझाइनचा व स्पेसिफिकेशन्सचा पाण्याकरीता हौद बांधावा लागेल व त्या हौदात म्युनिसिपल मेन वॉटर-लाईनपासून पाणी आणून ते हौदात सोडावे लागेल. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रीक पंप बसवुन सदर पंपाच्या सहाय्याने इमारतीच्या सर्वात वरील मजल्यावर पुरेशा मापाची टाकी बसून त्यात सोडावे लागेल व नंतर तेथून डाउनटेक पाइप्सच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेशा पाणीपुरवठा होईल अशी जरुर ती तजवीज घरमालकास करावी लागेल. सदरच्या टाकीच्या आकार मा. नगर अभियंता हे ठरवितील त्याप्रमाणे असला पाहिजे. विजेचा पुरवठा घरमालक तो घेण्यास तयार असतानाही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑइलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पो करण्याची व्यवस्था घर मालकास करावी लागेल. अशा शर्तीप्रमाणे पंप बसवून पाणीपुरवठ्याची तजवीज घरमालकाने केल्याशिवाय बांधकामास भोगवटा पत्र (ऑक्युपन्सी सर्टिफिकेट) दिले जाणार नाही व इमारतीचा वापर घरमालकास स्वत:साठी करता येणार नाही अगर दुसऱ्यास वापर करु देता येणार नाही.

१४. घरातील नळ फिटींगचे काम नकाशे मंजूर करुन घेऊन लायसेन्सड प्लंबरमार्फतच केले पाहिजे.

१५. फ्लशिंग पायखाना करणे असल्यास आत पुलचेन सिस्टिम व त्यावर पुरेशा पाण्याची बंद टाकी केली पाहिजे.

१६. महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहिर, तलाव किंवा डबके, हौद अगर कारंजे खोदण्याचे अगर बांधण्याचे काम करु नये. गली ट्रॅप्स व उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हौदात केरकचरा न जाईल अशी झाकणे व्यवस्थितपणे बसवावीत. त्यास सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली जोडावी. तसेच ओव्हरफ्लो (वर्किंग) पाईपला चांगल्यापैकी वायरगॉझचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या बाटल्यांचे तुकडे बसवू नयेत. फ्लशिं संडासचे अगर इतर संडासचे जोते नजीकच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारतीभोवतालच्या जागेपासून दोन फूट उंचीचे असावे.

१७. संबंधित प्लॉटबाबतच्या रस्ता, वीज, पाणी, ड्रेनेज इत्यादी डेव्हलपमेंट्स म्यूनिसिपल स्पेसिफिकेशन्सप्रमाणेच तयार केल्या पाहिजेत; अन्यथा सदर डेव्हलपमेंटसबाबतच्या तक्रारी ऐकल्या जाणार नाहीत व रस्ते ताब्यात घेतले जाणार नाहीत.

ENGLISH TRANSLATION

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

COMMENCEMENT CERTIFICATE

(This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.)

Case No. UND/0001/06 REVISED 3

Proposal Type: Residential

Project type: (Proposed building)

No. CC/1300/10

Date: 23.7.2010 .

Shri Ashok Mohani through Shri Jagdish P. , B/7, Success Chambers,1232, Apte Road, Pune have given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9, Hisssa No. 1 (P), Plot No.... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949. The same is received on 9.6.2010. On the basis of the same, the Permission letter is being given carrying out the works as per the instructions and all conditions mentioned hereunder.

1. The concerned revised Development Plan has been approved by the Government of Maharashtra on 5.1.1987. Accordingly, if any new nuisance if being caused or if any loss is being held, then no compensation will be demanded in that respect and the responsibility for giving the same is not on the Municipal Corporation.

2. The works should be done as shown in the new/amended Plan herewith.

3. After the work reached upto the Plinth, the matters of set-back, marginal open spaces etc. is to be got checked from the Building Control Office, without the same, the work above the plinth should not be started.

4. This Permission letter is being given on the condition that line of road will be get marked through the Office of the Assistant Engineer (Bhoomiprapan) and then only the construction will be started.

5. This Permission letter is being given on the condition written/pasted on the reverse side of the Plan herewith.

6. Before demanding the Occupation Certificate of the new buildings which are already constructed on the plots, each owner should take care to plant minimum four trees in and

out of the compound wall in front of the building and to make necessary arrangement for growing the same properly. Without the same, occupation letter will not be given. The Applicant has to erect the necessary protection walls to the trees on the road.

7. While giving the occupation certificate of the building, the application will not be taken into consideration unless the place is made clean by lifting the debris of the building dumped on the road and inside. The guidance about the place where the debris is to be dumped will be given by the Gharpadi Department.

8. Before commencing the works, unless the prior approval for the concerned works, by producing the plans to the City Deputy Engineer (Drainage) and (Water Supply), no work should be started on the land.

9. While starting new construction, if there are trees on the concerned land, then the same are not to be cut without the prior approval of

the Tree Authority, or otherwise, legal action will be taken, which may be noted.

10. Though the Building Control Department has shown the place for Septic Tank in the approved Plan, the works in respect of Septic Tank or Drainage should not be started without taking the approval of the City Deputy Engineer (Drainage Department) for that purpose by producing the Plan before him and the Certificate of Completion of Drainage works may be submitted before demanding the Occupation Certificate.

11. First the structure shown to be demolished is to be demolished and then the new works will be started.

12. If any dispute is raise in respect of ownership right and in respect of any other rights and regarding boundaries, then the Applicant will be responsible for the same.

13. For the convenience of the workers, at least one latrine and one urinal should be temporarily constructed . If there is old latrine and urinal, then there is no need for constructing such latrine and urinal.

14. The Certificate of Municipal tax paid will be submitted before demanding Occupation Letter.

15. On the condition of putting the present existing gate on the 12.0 mtr. road near the 24.0 mt. road, on the conditions behind the reserved land approved vide 14.4.1 (..).

    All the terms and conditions pasted at the reverse side of the lay out and approved Plans will be binding.

While carrying out the works as per the above Permission letter, there should not be any violation of the Town Planning Act or any rules and sub-rules made in that respect. If there is any doubt in

respect of the above Permission letter, then the clarification of the same may be obtained by informing the same to the Municipal Corporation, before commencement of the works.

Sd/-	Sd/-
Building Inspector Building Control Office	Assistant Engineer (Building Control) Pune Municipal Corp.

Some special instructions of importance :-

1. Under Section 263 of the Mumbai Regional Municipal Corporation Act, 1949, it is necessary for the Owners to make application for getting the Building occupation certificate of the Municipal Corporation immediately on completion of the building, so that the City Engineer or the Officer appointed by him can make inspection of the premises and can give the permission for using the premises. The person acting against this will be liable for the penalty of Rs. 500/- mentioned in Section 392 of the Mumbai Regional Municipal Corporation Act, 1949.

2. While making the sajja at the front portion of the new building, if electric or other cables are to be shifted, then the responsibility of the is not on the Municipal Corporation. In this regard, the applicant may make direct arrangement for taking advance permission of the concerned Officers.

3. The doors of houses, units or vehicle parking should be opening to inside. The doors should not be in front of the plinth.

4. The pagola of houses having one floor should not come out more than one foot out of the wall. . If there are more floors, the pagola should not be brought more than one and half foot. The water of Pagola should be left I the gutter or portion near the building by fixing horizontal panhala and standing pipies. , so that the water will not fall from height in the gutter near the road .

No permission is given by this Certificate for closing or reducing the natural flow of water going from the plot (particularly rain water) in whatsoever manner. It is necessary to have the facility of proper pump and tank to the building as per the height, for the purpose of loading the water.

5. The Fal or Pahad r equired for building construction should not be kept within the limits of Municipal Corporation, without taking permission by p0aying the fees to the Municipal Corporation. If such Pahad is kept without permission, then it is an offence.

6. If use of the land in respect of which agricultural cess is required to be paid to the Government, is to be made for the purpose of construction, the work should be done only after taking the approval of the District Collector, Pune.

7. If it has come to the notice of the Municipal Corporation that public vacant place is

included unauthorizedly, the place will be made vacant by demolishing the structure. No permission is given for doing so by this permission letter and if any loss is caused at such time, then the Municipal Corporation will not be responsible for the same.

8. No loss or harassment of whatsoever nature should be caused to neighboring people or to others due to your works and the responsibility of the same is on you. By this permission letter, no prejudice is being caused to the right of any one else, and if any construction is made beyond your rights, then the responsibility of the same will be on you.

9. If the Municipal Servants or Police has asked this certificate for inspection, then the same should be shown to them. If it is not shown, then it will be presumed that the work is being done without permission.

10. This Certificate will be in effect for upto one year, Then it will be treated as

cancelled automatically. As per this permission letter, if the work is to be done after one year, then the time of the permission letter should be got extended by making application again with the new supervision memo and the work may be started after getting such permission letter.

11. If the Municipal Corporation has given written order in special cases, then you should admit the same. No prejudice will be caused to the same by this permission letter.

12. Before starting the construction, the water meter should be got installed from the structural department.

13. The Municipal Corporation is not responsible in respect of pressure of water. If water cannot be loaded to the upper floors of the building due to low pressure of water of the Municipal Corporation, then water tank of the size, design and specification as stated by the City Engineer will have to be constructed

by the land lord at the open space near the building , for the purpose of storing water, in view of having proper sufficient water supply for the concerned building and the Municipal Water will have to brought and filled in the said Tank from the Municipal Main Water Line. In the same way, the water tank of sufficient quantity will have to be installed on the top floor of the building and the water of the said tank will have to be left in the same with the help of water pump installed then the land lord will have to make arrangements for having sufficient water supply on each floor of the building with the help of down take pipes from the said tank. The size of the said Tank should be as fixed by the City Engineer. If electricity is not being received from the Electricity company, though the land lord is ready to take electric supply, then the Landlord will have to make arrangement for supplying water on upper floors by installing engine being operated with the help of Diesel Oil or Petrol. Unless the Land Lord has made arrangement of water supply by installing the

pump as per such conditions, Occupancy certificate will not be given to the structure and the land lord cannot make use of the building for his own purpose or cannot give others for using the same.

14, The Plumbing work of the house should be done only through a Licensed Plumber after getting the Plans approved.

15. If flushing latrine is to be made, then pull chain system inside and closed tank of sufficient water over the same should be made.

16. Work of digging new well, talao or pool , tank etc. should not be done without the written permission of the Municipal Corporation. mosquito prevention arrangement should be made for gully traps and open gutters. Tanks should be covered proper lids so as not to enter wastes in the same. Strong lock and key which can be easily opened may be fitted to it. Proper protection of good quality wire

gauge may be provided to overflow pipes. Broken bottle pieces should not be fixed on the boundary wall,. Two meters distance may be maintained from the middle point of the road near the plinth of flushing latrine and other latrines or from the place aro8und the building of the owner.

17. The road, electricity, water, drainage, etc. developments in respect of the concerned plot should be prepared as per the Municipal specifications. Or otherwise, complaints in respect of the said developments will not be heard and roads will not be taken in possession.

TRUE COPY
For Vidhii Partners
Advocates

000991

पुणे महानगरपालिका

(कम्प्लेसमेन्ट सर्टिफिकेट)

303
31/10/90

नगर उपअभियंता कार्यालय,
विकास योजना विभाग,
पुणे महानगरपालिका,
शिवाजीनगर, पुणे - ४११००५.

(यापुढील पत्रव्यवहार खालील क्रमांक व दिनांक यांच्या उल्लेखासह करावा)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संबंध लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे)

(अदा केलेल्या भोगवटापत्रापर्यंत लागू)

BUILDING CONTROL DEPARTMENT
APPROVED

Proposal Type : Residential
Project Type : (Proposed Building)

नं. : CC/1309/10 /252
दिनांक : 29/7/2010

श्री. / श्रीमती ... MR. RISHI P DESHPANDE ... वय सज्ञान पुरुष, R/o pune.411004 ... यांचे वर्ग नं. ... कलम ४४/४५/३०/७२ व मंजूर प्रॉपर्टी मॅनेजमेंट अधिनियम, सन १९४९ ची ... Survey No. 9,Hissa No. 1(p), Pashan Gaon ... यांचे ... दिनांक : 9/6/2010 ... या दिवशी पोहचली.

... रोजी ... पुणे महानगरपालिकेकडे ... नोंदीस दिली. तो ... दिनांक : 9/6/2010 ... या दिवशी पोहचली.

... आहे. ... अधिकार असणाऱ्यांकडे सादर करण्यासाठी ... पुणे महानगरपालिकेला सदर नोंदीस दिली. तो ... दिनांक : 9/6/2010 ... या दिवशी पोहचली.

... मंजूर करण्यात येत आहे.

रोक्त विकास प्रस्तावास महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ नुसार विकास सुरु करण्याचा दाखला / समंतीपत्र खालील अटींवर देण्यात येत आहे. (सोबत नकाशा)

१) रेखांकनामध्ये निर्देशित केलेले रस्ते यांचे बाजूने पावसाळी गटारे बांधणार मा. विकास अभियंता (पथ) यांचे सदर काम समाधानकारक व योग्य निकषानुसार केलेले असल्याबाबतचे पत्र सादर करणार.

२) सदर मिळकतीतून जाणाऱ्या व नव्याने टाकावयाच्या पाणी पुरवठा वाहिन्या ह्या पाणीपुरवठा विभागाच्या देखरेखीखाली टाकून त्याचे प्रमाणपत्र सादर करणार.

३) सदर मिळकतीतून जाणाऱ्या व नव्याने टाकावयाच्या मलनि:सारण वाहिन्या ह्या ड्रेनेज विभागाच्या देखरेखीखाली टाकून त्याचे प्रमाणपत्र सादर करणार.

४) सहाय्यक अभियंता (मलनि:सारण) यांच्या सुचनेप्रमाणे सेप्टिक टँकचे बांधकाम करणार व भविष्यात मनपाच्या मलनि:सारण वाहिनीशी सदर मिळकतीतील सर्व मलनि:सारण वाहिन्या स्वखर्चाने जोडणार.

५) आरोग्य अधिकाऱ्याच्या सुचनांनुसार व त्यांचे समाधान होईल अशा प्रमाणे सदर मिळकतीत कचरापेट्या ठेवणार.

६) विकास अभियंता (विद्युत) यांच्या सुचनेनुसार व त्यांचे समाधान होईल अशा प्रमाणे सदर मिळकतीतील रस्त्यांवर विद्युत प्रकाशासाठी खांब लावणार.

७) कोणताही विकास सुरु करण्यापूर्वी नकाशात पिवळ्या रंगाने दर्शविलेली बांधकामे पाडून घेणार.

८) सदर रेखांकनात दर्शविलेल्या खुल्या जागांचे योग्य सपाटीकरण केल्यानंतर, त्यांवर वृक्षलागवड केल्यानंतर व त्याकडेने कुंपन घातल्यावर म.न.पा. त्या जागा ताब्यात घेण्याबाबत विचार करेल.

९) रेखांकनातील सर्व प्लॉट व सबप्लॉट यांचे नगरभुमापन अधिकारी अथवा जिल्हा निरीक्षक भुमी अभिलेख यांचेकडून मोजणी करून घेणार व त्याचे मोजणी प्रमाणपत्र त्यांच्या मापांसह सादर करणार.

१०) पुणे म.न.पा. कडून पाणीपुरवठा उपलब्ध होईपर्यंत विकसक / सहकारी संस्था स्वत: पाण्याची व्यवस्था करणार त्याबाबत तक्रार करता येणार नाही.

११) विकास योजना विभागाकडून विकास योजनेमधील रस्त्यांचे प्रत्यक्ष जागेवर आखणी केल्यानंतरच कोणताही विकास सुरु करणार.

१२) यापूर्वी अदा करण्यात आलेले विकसनाचे दाखले/संमतीपत्रे रद्द समजण्यात यावीत.

१३) गृहप्रकल्पामधील सर्व अंतर्गत रस्ते, पाणी पुरवठा वाहिन्या, मलनि:सारण वाहिन्या रस्त्याकडेची प्रकाशव्यवस्था इत्यादी गोष्टी विकसकाने स्वखर्चाने करावयाच्या असून त्याची भविष्यातील देखभाल दुरुस्तीची व्यवस्था विकसकाने करावयाची आहे.

१४) गृहप्रकल्पामध्ये कोणत्याही इमारती भोवती कुंपण घालणार नाही, मात्र कोणताही विकास करण्यापूर्वी मिळकतीभोवती कायम स्वरुपी कुंपण घालणार.

१५) म.न.पा. कडून पाणीपुरवठा सुरु होईपर्यंत, विकसक सर्व प्लॉटधारकांना / गाळेधारकांना त्याची जाणीव करून देणार.

१६) सदर मिळकतीतून जाणारे विकास योजनेतील रस्ते हे गृहसंस्थेने / विकसकाने विकसित करावयाचे असून त्याची आखणी पुणे म. न. पा. कडून करून देण्यात येईल. या रस्त्यांची कॉलनी रस्ते म्हणून विकास करताना त्याची रूंदी खालील तक्त्याप्रमाणे गृहीत धरण्यात येईल. विकास अभियंता (पथ) यांच्या मार्गदर्शनाखाली या रस्त्यांचा विकास करावयाचा असून त्याचे पुणे म.न.पा. कडे हस्तांतरण करावयाचे आहे. गृहसंस्थेने / विकसकाने स्वखर्चाने या रस्त्यावरील पाणीपुरवठा व मलनि:सारण वाहिन्यांचा विकास करावयाचा असून म.न.पा. कडून त्याचा मोबदला मिळणार नाही.

विकास योजना रस्ता रूंदी	कॉलनी रस्त्यासाठी जागेची रूंदी	कॉलनी रस्ता म्हणून डब्लू. बी. एम ची रूंदी
६० फूट	३० फूट	२२ फूट
८० फूट	४० फूट	३० फूट
१००फूट	४० फूट	३० फूट
व त्याहून अधिक	४० फूट	३० फूट

१७) सदर रेखांकनामध्ये मिळकतीची विभागणी अथवा एकत्रीकरण केले असल्यास -

१) सर्व प्लॉट व सबप्लॉट यांचे नगरभूमापन अधिकारी अथवा जिल्हा निरीक्षक भुमीअभिलेख यांचेकडून मोजणी करून घेणार व प्रत्यक्षातील मापांनुसार दुरूस्त नकाशा सादर करणार.

२) प्रत्येक सबप्लॉटसाठी स्वतंत्र पाणीपुरवठा व मलनि:सारण व्यवस्था करणार.

३) म.न.पा.कडून पाणीपुरवठा होईपर्यंत विकसकाने स्वत: सोय करावयाची आहे.

४) सदर मिळकतीच्या मालकीबाबत, त्याच्या क्षेत्राबाबत, मिळकतीच्या मापांबाबत प्लॉटस व सबप्लॉटसच्या पोहोच रस्त्याबाबत, अतिक्रमणाबाबत भविष्यात म.न.पा जबाबदार राहणार नाही.

१८) जागेवर कोणतेही बांधकाम सूरू करण्यापूर्वी बांधकाम नियंत्रण विभाग पुणे म.न.पा. यांजकडुन बांधकामाची परवानगी घेणार.

१९) अतिरिक्त रस्ता रूंदीचे चटई क्षेत्र वापरण्यापूर्वी सदरची रस्त्यात गेलेली जागा म.न.पा. च्या ताब्यात देणार.

२०) बांधकाम परवानगी घेतल्यापासून एक वर्षाच्या आतमध्ये एकत्रीत मोजणी नकाशा, एकत्रीत ७/१२ उतारा / स्वतंत्रपणे विभाजित मोजणी नकाशा, विभाजीत ७/१२ उतारा / विकास योजना कार्यालयाकडे दाखल करणार.

२१) बांधकाम परवानगी मागण्यापूर्वी पोहोच रस्ता विकसित करणार.

२२) ले आऊट मधील ओपन स्पेस सर्व सभासदांसाठी खुली राहील.

२३) पाणी पुरवठ्याबाबत दिलेले हमीपत्र बंधनकारक राहील तसेच दिलेल्या हमीपत्रातील बाबींसदर्भात गाळेधारकाचे करारात नमूद करून गाळेधारकांना लेखीपूर्व कल्पना देणे, विकसन कर्त्यांवर बंधनकारक राहील.

२४) पूर्वीचे मान्य नकाशा व्यतिरिक्त वाढीव केलेल्या बिगर परवाना बांधकामांस तडजोड फी भरून बांधकाम नियंत्रण विभागाकडून नियमान्वित करून घेणार.

२५) प्रत्यक्ष जागेवरील टोपोग्राफीमध्ये बदल न करता असलेला नैसर्गिक चढ-उतार आहे तसाच ठेवून विकासाचे काम करणार.

२६) हिल टॉप हिल स्लोप विभागात डी सी रूल नुसार अनुज्ञेय वापरासाठी परवानगी अनुज्ञेय करण्यात येईल.

२७) सोलर वॉटर हिटरची व्यवस्था करणे बंधनकारक राहील.

२८) ड्रेनेज विभागाचे नियम व सुचनेनुसार सिवेज ट्रीटमेंट प्लॅन्ट व्यवस्था करणे बंधनकारक राहील.

२९) महाराष्ट्र प्रदुषण नियंत्रण बोर्डचे नाहरकत पत्र बांधकाम परवानगीचे वेळी दाखल करणे बंधनकारक राहील.

३०) पूर्व मान्य ले आऊट मधील सर्व अटी बंधनकारक राहतील.

३१) ओला कचरा व सुका कचरा वेगवेगळा करणे करता स्वतंत्र व्यवस्था करणार.

३२) पावसाळी पाणी साठवणे व पुर्नवापरासाठी व्यवस्थापन करणे.

३३) भविष्यात एअर फोर्स अॅथॉरीटीचे ९०० मी. मधील व फनेल कक्षेबाबतचे निर्बंध बंधनकारक राहतील.

३४) नैसर्गिक पाण्याचा दर्शविलेला प्रवाह ड्रेनेज विभागाकडील नियमानुसार व सुचनेनुसार चॅनेलाईज करून नैसर्गिक पाण्याचा प्रवाह बंदिस्त होणार नाही याची दक्षात घेणे बंधनकारक राहील.

३५) यु. एल. सी. ऑर्डरमधील सर्व अटी बंधनकारक राहतील.

३६) रेखांकनातील प्रारूप विकास आराखड्यानुसार दर्शविणेत आलेल्या आरक्षणांच्या जागा म.न.पा. मागेल तेव्हा म.न.पा. चे ताब्यात देणार.

३७) सदर मिळकतीतील कोणतेही भोगवटा पत्र मागणेपुर्वी वादग्रस्त क्षेत्रावरील बांधकामाचे अनुषंगाने सर्व बाबी निरस्त करणार, वादग्रस्त क्षेत्राबाबत कोणताही वाद निर्माण झालेस त्याची सर्वस्वी जबाबदारी विकसन कर्त्याची राहील. म.न.पा.स कोणताही तोशिष लागू देणार नाही.

३८) १५% अॅमिनिटी स्पेसचा एफ.एस.आय. सदर अॅमिनिटी ताब्यात दिल्यानंतर अनुज्ञेय राहील.

३९) अस्तित्वा २०.० मी रस्त्या लगत १२.० मी रस्त्या वर असलेले प्लॉट ७७.२.१८५ नुसार मान्य

४०) झालेल्या आरक्षीत जागेच्या प्रमाणात क्षेत्रविर्णन.

४१)

सदर रेखांकनास मा.महानगरपालिका आयुक्त यांजकडून अंतिम मंजुरी घ्यावी अन्यथा रेखांकनातील कोणत्याही प्लॉटची विक्री किंवा लिज करता येणार नाही, तसेच रेखांकनातील कोणत्याही प्लॉटवर बांधकाम परवानगी दिली जाणार नाही.

आपला विश्वासू,

ग्राम विकसन निधी ---- पी. सी. अंबाडाळ
---- ब्लॉक क. ---- सि. सर्वे
---- सर्वे क्रमांक ----

नगर रचनाअभियंता विकास योजना,
म.न.पा. पुणे.

प्रत-

१) असेसर व कलेक्टर ऑफ टॅक्स, पुणे म.न.पा.यांजकडे नकाशासह रवाना.

२) आर्किटेक्टर, टि.पी.स्कीम्स, पुणे यांचे माहितीसाठी नकाशासह रवाना.

NOTARY

ENGLISH TRANSLATION

PUNE MUNICIPAL CORPORATION

COMMENCEMENT CERTIFICATE

Building Control Office
Pune Munc. Corp.
Shivaji Nagar,
Pune 411 005

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

(Valid for One year from the date of issue)

Not readable

Certificate of commencement of the development/ Permission letter is being given for the above proposal under Section 45 of the Maharashtra Regional Town Planning Act, 1966, on the following conditions. (Plan enclosed)

---

1. Will construct the rain water gutter by the side of the road as directed in the Plan and will submit the letter of the Development Engineer (Roads) in respect of completing the said works satisfactorily and properly.

2. The Water pipes going through and to be laid the said property will be laid under the supervision of the Water Supply Department and their Certificate will be submitted.

3. The Drainage pipes going through and to be laid newly through the said property will be laid under the supervision of the Drainage Department and their Certificate will be submitted.

4. The work of septic tank will be done as per the instructions of the Assistant Engineer (Drainage) and in future, will connect all the drainage pipes of the said property with the Drainage pipe of the Municipal Corporation at their own cost.

5. Dust bins will be kept in the said property as per the instructions of the Health Officers and to their satisfaction.

6. Will provide Electric posts for electric lights on the roads in the said property, per the instructions of the Development Engineer (Electricity) and to his satisfaction.

7. Before commencing the construction, the structures shown in yellow colour in the Plan will be demolished.

8. After making proper levelling of the open space shown in the said Plan, and after planting trees on the same, and after erecting compound to the same, then the Municipal Corporation will consider to take the same in possession.

9. Will get the survey of all the plots and sub-plots in the Lay out done from the City Survey Officer or District Inspector Land Records and

will submit the Survey Certificate with its measurement.

10. Till the water supply becomes available from the Pune Municipal Corporation, the Developer/ Co-operative Society will make their own arrangement for water and will not raise any complaint in that respect.

11. Any development work will be started after the demarcation of the road of the Development Plan is made on the actual site, by the Development Plan Department.

12. The Development Certificate/ Permission letter given earlier may be treated as cancelled.

13. All the internal roads, water supply pipes, drainage pipes, arrangement of road lights etc.of the Housing Project, will have to be done by the Developers at their own cost.

14. No compound will be erected around any building of the Housing Project, but permanent

compound will be erected around the property before making the Development.

15. Till the water supply is started by the Municipal Corporation, the Developer will make all the flat holders/gala holders aware about the same.

16. The Road of the Development Plan going through the said property will be developed by the Housing Society/ Developers and the marking of the same will be given made by the Pune Municipal Corporation. While developing these roads as Colony Roads, the width of the same will be held as per the table below. The development of these roads is to be made under the directions of the Development Engineer (Roads) and the same is to be transferred to the Pune Municipal Corporation. The Development of the Water Supply and Drainage Pipes is to be made by the Housing Society/ Developers at their cost and no compensation of the same will be given by the Municipal Corporation.

Development Plan Road width	Width of the land for Colony Road	Width of W.B.M. as Colony Road
60 ft	30 ft	22 ft
80 ft	40ft	30ft
100 ft	40 ft	30 ft
And more than the same	40ft	30ft

17. If the division or amalgamation of property is made in the said Plan :

1) All the plots and sub-plots will be got surveyed from the City Survey Officer, or District Inspector, Land Records, and will submit the amended Plan as per the actual measurement.

2) Will make separate water supply and drainage arrangement for each Sub-Plots.

3) Till the water supply is received from the Municipal Corporation, the Developer has to make their own arrangement.

4) If any claim is arisen in future about the ownership of the said property, its area, measurement of the property, approach road of the plots and sub-plots, encroachment etc. then the Municipal Corporation will not be responsible for the same.

18. Before starting any construction on the land, permission of construction will be taken from the Building Control Department, Pune Municipal Corporation.

19. Before making use of the FSI additional road width, the land gone under the said road will be given in possession of the Municipal Corporation.

20. Within one year from taking the Building permission, the Joint Survey Map, Joint 7/12 extract/ separate Divided Survey Pln, Divided 7/12 extract, will be submitted to the Development Plan Office.

21. Before demanding Building permission, the Approach road will be developed.

22. The open space of the Lay out will be open for all members.

23. The Indemnity bond given in respect of the water supply will be binding. And it will be binding on the Developer to giving written information about the matters of the Indemnity bond to the gala holders by making mention of the same in the Agreement of gala holders.

24. Will get the additional structure without permission than the earlier approved plan, regularized from the Building Control Department, by paying the settlement fees as per rules.

25. The work of development will be made keeping the natural high and low slopes as it is, without making any change in the topography at the actual land.

26. Permission will be made permissible for making permissible use under D.C.R. Rules in the Hill Top and Hill slope areas.

27. It will be binding to make arrangement of Solar Water Heater.

28. It will be binding for make arrangement of Sewage Treatment Plant as per the rules and instructions of the Drainage Department.

29. It will be binding to produce the No Objection Letter of the Maharashtra Pollution Control Board at the time of Building permission.

30. All the conditions of earlier approved lay out will be binding.

31. Will make separate arrangement for separating the wet and dry wastes.

32. To make arrangement for collection and re-use of rain water.

33. The restrictions in respect of 900 mtr. Fanel Section of the Air Force Authority in future, will be binding.

34. It will be binding to take care that the natural water flow will be closed, by channellising the natural water flow shown, as per the rules and instructions of the Drainage Department.

35. All the conditions of U.L.C. Order will remain binding.

36. The land of reservation shown in the Plan, as per the Draft Development Plan, will be given in custody of the Municipal Corporation whenever demanded.

37. Will clear all the matters in connection with the construction on any disputed area of the said property, If any dispute is arisen in respect of the disputed area, then the responsibility of the same will be on the Developer and will not let the Municipal Corporation to suffer anything in that respect.

TRUE COPY

For Vidhii Partners
Advocates

38. The F.S.I. of 15% amenities space will be permissible after giving the said amenities space in custody.

39. On the condition of putting the present existing gate on the 12.0 mtr. road near the 24.0 mt. road, on the conditions behind the reserved land approved vide 14.4.1 (..).

Final Approval for this Plan is to be taken from the Municipal Commissioner, or otherwise, sale or lease of any plot of the layout can be made and building permission will not be given on any plot of the Layout.

Yours faithfully,

Sd/-
City Dy. Engineer
Development Plan
Municipal Corporation
Pune.

Copy to :

1. Forwarded with Plan to the Assessor and Collector of Tax, Pune Municipal Corporation.

2. Forwarded with Plan to the Arbitrator, T.P. Scheme, Pune, for information..

EXH-A Colly.

Ex G 1230

पुणे महानगरपालिका

(यापुढील पत्रव्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

बांधकाम नियंत्रण कार्यालय
पुणे महानगरपालिका,
शिवाजीनगर, पुणे - ५.

बांधकाम चालू करण्याकरिता दाखला
(कमेन्समेन्ट सर्टिफिकेट)

९६७
१०/१०/११

सदरचा बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र नगर रचना अधिनियम, सन १९६६ ची कलमे ४४/४५/५८/६९ यांतील आणि मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ ची कलमे (सेक्शन्स २५३ व २५४ यांतील तरतुदींप्रमाणे खालील अटींवर देण्यात येत आहे.)

प्रकरण क्रमांक : UND/0001/08 REVALIDATION

Proposal Type : Residential

Project Type : (Proposed Building)

APPROVED

क्रमांक : CC/2328/11

दिनांक : 4/10/2011

श्री. / श्रीमती. ASHOK MONANI व्यवसाय स. श्री. SWAPNEEL JAGADISH DESHPANDE यांस राहणार पुणे, पेठ 95/5 PRABHAT ROAD ERANDAVANA PUNE 411004 यांचे सर्व्हे नं. महाराष्ट्र नगर रचना अधिनियम, सन 1966 ची कलमे 44/45/58/69 व मुंबई प्रांतिक महानगरपालिका अधिनियम, सन 1949 ची कलमे 253/254 प्रमाणे पुणे महानगरपालिकेच्या सीमेतील, पेठ Undri घरांक सर्व्हे नं. Survey No 9, Hissa No. 1(p), फायनल प्लॉट क्र. प्लॉट क्र. प्रभाग बांधकाम करण्यासाठी महानगरपा लिकेला तुम्ही नोटीस दिली. ती दिनांक : 12/4/2011 या दिवशी पोहचली. त्यावरून काम करण्यास खाली लिहिलेल्या सुचना व सर्व अटींवर संमतीपत्र देण्यात येत आहे.

१. संबंधी सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि. ५/१/१९८७ या दिवशी मान्य केला आहे. त्यास अनुसरुन नवीन काही उपसर्ग पोहोचत असल्यास अथवा हानी होत असल्यास त्याप्रित्यर्थ कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.
२. सोबतच्या नवीन / दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
३. जोत्यापर्यंत काम आल्यावर सेट-बॅक, मार्जिनल ओपन स्पेसिस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्याव्यात, त्याशिवाय जोत्यावरील काम सुरु करु नये.
४. मा. सहायक अभियंता (भूमीप्रापण) यांच्या कार्यालयामार्फत रस्त्याची प्रमाणरेषा जागेवर आखून घेणार व मगच बांधकाम सुरु करणार या अटीवरच हे संमतीपत्र देण्यात येत आहे.
५. सोबतच्या नकाशावर मागे लिहिलेल्या / चिकटवलेल्या अटींवर हे संमतीपत्र देण्यात येत आहे.
६. ज्या प्लॉट्सवर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापुर्वी प्रत्येक मालकाने इमारतीसमोर सीमा भिंतीच्या आत व बाहेर किमान चार झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खबरदारी घ्यावी. त्याशिवाय भोगवटा पत्र मिळणार नाही. रस्त्यावरील झाडांना जरुर ते संरक्षण कुंपण अर्जदाराने करावयाचे आहे.
७. इमारतीचे भोगवटापत्र देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत वरपाडी विभागामार्फत मार्गदर्शन केले जाईल.
८. काम सुरु करण्यापूर्वी मा. नगर उपअभियंता (जलोत्सारण) व (पाणीपुरवठा) यांच्याकडे नकाशे दाखल करुन संबंधित कामाकरीता पुर्वमान्यता घेतल्याखेरीज जागेवर कोणतेही काम सुरु करु नये.
९. नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री ॲथॉरिटीची पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत; अन्यथा कायदेशीर कारवाई करण्यात येते याची नोंद घ्यावी.
१०. बांधकाम नियंत्रण खात्याने जरी सेप्टीक टॅन्कसाठी मान्य केलेल्या नकाशामध्ये जागा दर्शविली असली तरी त्यासाठी मा. नगर उपअभियंता (जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल करुन त्याची मंजुरी घेतल्याखेरीज सेप्टीक टॅन्क अगर ड्रेनेजसंबंधी बांधकाम सुरु करु नये व भोगवटा पत्र मागण्यापूर्वी ड्रेनेज कामाचा पु चा दाखला हजर करण्यात यावा.
११. जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे. ते प्रथम पाडून मग नवीन कामास सुरुवात करणार.
१२. मालकी हक्काबाबत व इतर कोणत्याही हक्काबाबत व हद्दीबाबत वाद निर्माण झाल्यास त्यास अर्जदार जबाबदार राहणार.
१३. कामगारांच्या सोयीसाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरुपाची बांधली पाहिजे. जुने संडास व मोरी असल्यास याप्रमाणे संडास, मुतारी बांधण्याची गरज नाही.
१४. भोगवटापत्र मागण्यापूर्वी मनपाचे कर भरल्याचे दाखला सादर करणार.
१५. पूर्वमाप नकाशावरील सर्व अटी बंधनकारक राहतील

वरील संमतीपत्राप्रमाणे काम करताना नगररचना अधिनियम अगर त्यास अनुसरुन केलेले नियम व पोटनियम यांचा भंग होता कामा नये.
वरील संमतीपत्राविषयी काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करुन घ्यावे.

NOTARY

ENGLISH TRANSLATION

Translated from Marathi 6.

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

COMMENCEMENT CERTIFICATE

(This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.)

Case No. UND/0001/06 REVALIDATED

Proposal Type: Residential

Project type: (Proposed building)

No. CC/2328/16
Date: 4.10.21

Shri Ashok Mohani through Shri Jagdish P. , B/7, Success Chambers,1232, Apte Road, Pune have given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9, Hisssa No. 1 (P), Plot No.... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sectons 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949. The same is received on 12.4.2011. On the basis of the same, the Permission letter is being given carrying out the works as per the instructions and all conditions mentioned hereunder.

1. The concerned revised Development Plan has been approved by the Government of Maharashtra on 5.1.1987. Accordingly, if any new nuisance if being caused or if any loss is being held, then no compensation will be demanded in that respect and the responsibility for giving the same is not on the Municipal Corporation.

2. The works should be done as shown in the new/amended Plan herewith.

3. After the work reached upto the Plinth, the matters of set-back, marginal open spaces etc. is to be got checked from the Building Control Office, without the same, the work above the plinth should not be started.

4. This Permission letter is being given on the condition that line of road will be get marked through the Office of the Assistant Engineer (Bhoomiprapan) and then only the construction will be started.

5. This Permission letter is being given on the condition written/pasted on the reverse side of the Plan herewith.

6. Before demanding the Occupation Certificate of the new buildings which are already constructed on the plots, each owner should take care to plant minimum four trees in and out of the compound wall in front of the

building and to make necessary arrangement for growing the same properly. Without the same, occupation letter will not be given. The Applicant has to erect the necessary protection walls to the trees on the road.

7. While giving the occupation certificate of the building, the application will not be taken into consideration unless the place is made clean by lifting the debris of the building dumped on the road and inside. The guidance about the place where the debris is to be dumped will be given by the Gharpadi Department.

8. Before commencing the works, unless the prior approval for the concerned works, by producing the plans to the City Deputy Engineer (Drainage) and (Water Supply), no work should be started on the land.

9. While starting new construction, if there are trees on the concerned land, then the same are not to be cut without the prior approval of

the Tree Authority, or otherwise, legal action will be taken, which may be noted.

10. Though the Building Control Department has shown the place for Septic Tank in the approved Plan, the works in respect of Septic Tank or Drainage should not be started without taking the approval of the City Deputy Engineer (Drainage Department) for that purpose by producing the Plan before him and the Certificate of Completion of Drainage works may be submitted before demanding the Occupation Certificate.

11. First the structure shown to be demolished is to be demolished and then the new works will be started.

12. If any dispute is raise in respect of ownership right and in respect of any other rights and regarding boundaries, then the Applicant will be responsible for the same.

13. For the convenience of the workers, at least one latrine and one urinal should be temporarily constructed . If there is old latrine and urinal, then there is no need for constructing such latrine and urinal.

14. The Certificate of Municipal tax paid will be submitted before demanding Occupation Letter.

15. All the conditions on the prior approved Plan will be binding.

All the terms and conditions pasted at the reverse side of the lay out and approved Plans will be binding.

While carrying out the works as per the above Permission letter, there should not be any violation of the Town Planning Act or any rules and sub-rules made in that respect. If there is any doubt in

respect of the above Permission letter, then the

clarification of the same may be obtained by informing the same to the Municipal Corporation, before commencement of the works.

Sd/-

Building Inspector
Building Control Office

Sd/-

Assistant Engineer
(Building Control

TRUE COPY
For Vidhii Partners
Advocates

पुणे महानगरपालिका

बांधकाम विकास विभाग
पुणे महानगरपालिका,
पिंपळे गुरव, पुणे - ४११०६१.

(सोबतचे पत्रव्यवहार खात्यात क्रमांक दिनांक असता खालील संदर्भ तसेच संदर्भ तक्त्यात न घेतल्यास अर्जदारास हे समतीपत्र देण्यात येत आहे.)

बांधकाम चालू करण्याकरिता दिलेला (संमती बकासमह)

सदरचे कार्यालय ज्ञापन आणि नकाशामधे समतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ चे कलम ४४, ४५, ४६, ४७ व ५३ तसेच महाराष्ट्र म्युनिसिपल कॉर्पोरेशन अॅक्ट, १९४९ चे कलम २६४ व २६५ अन्वये तरतुदीप्रमाणे खालील अटींवर देण्यात येत आहे.

अर्ज क्रमांक	UNB/0001/06	क्रमांक	CC/0963/15
Proposal Type	Residential	दिनांक	29/6/2015
Project Description	Proposed Building		

श्री./श्रीमती ASHOK MONAN व इतर तर्फे DHANANJAY VIJAY DALVI (1437) यांस राहणार पुणे, पेठ 676, KASBA PETH, PUNE-411011. यांचे अर्ज, नकाशे व इतर कागदपत्रे महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, सन १९६६ चे कलम ४४, ४५, ४६, ४७ व ५३ तसेच महाराष्ट्र प्रादेशिक नगररचना अधिनियम, सन १९६६ चे कलम ३७ (१) (ए) अन्वये प्राप्त झालेल्या प्रस्तावातील दर्शविण्यात आलेल्या जमिनीवर खालील अटींस अधीन राहून, तसेच महाराष्ट्र म्युनिसिपल कॉर्पोरेशन अॅक्ट, १९४९ चे कलम २६४ व २६५ अन्वये प्राप्त झालेल्या प्रस्तावातील दर्शविण्यात आलेल्या जमिनीवर खालील अटींस अधीन राहून, तसेच महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ चे कलम ४४, ४५, ४६, ४७ व ५३

विशेष अटी :-

1. शासकीय इमारती संदर्भातील वि. नि. नि. नियम क्र. २१.६.६ मधील तरतुदी बंधनकारक राहतील.
2. सोलर सिस्टिमची यंत्रणा बसविणार.
3. जलसंवर्धनाकरिता नियोजित इमारतीमध्ये पर्जन्यजलाचे पुनर्भरण, दुहेरी पाईप पध्दत, मिश्रित नळ पध्दत
4. इमारतीतील उद्वाहनाचे (लिफ्टचे) दरवाजे लिफ्ट मधील स्थिती दिसण्याच्या दृष्टिने पारदर्शक असतील.
5. हायराईज इमारतीचे सर्व्हिस/फायर ऑडिटिंग हे प्रत्येक वर्षी सक्षम अधिकाऱ्यामार्फत करुन घेवून [illegible] म.न.पा. मागणीनुसार उपलब्ध करून देणे बंधनकारक राहील.
6. मा. शासनाकडील शासन निर्णय क्र. टीपीएस-१८०७/२४२/सी.आर.९३/०७/यूडी-१२ मधील [illegible] विशेष बाबींमधील स्ट्रक्चरल इंजिनिअर याची नेमणूक, सर्विसेस व कामाच्या [illegible]

काही महत्वाच्या विशेष सूचना

1. शु.एफ.सी. ऑर्डरमधील सर्व अटी संबंधित मालक /विकसकावर बंधनकारक राहतील त्यास पुर्ण म.न.पा. जबाबदार राहणार नाही.
2. प्रकल्पाच्या सिमाभिंतीबाबत रिटेनिंग वॉल बाबत कार्यालयीन परिपत्रक क्रमांक अ/ जा/ न.अ/ ४८३ दि. ५/८/२०१७ चे [illegible] बंधनकारक राहतील.
3. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये पुरेशा दाब्याची कपाटे (Fire Hydrant) तसेच २ [illegible] इमारती पाण्याचे नळ (Fire Cock, Basin तसे १ नळ) इतर (मुख्य कॉलम) यांना [illegible] प्रत्येक स्त्रिकाणी बसविणे व त्याप्रमाणे प्रति मिनिट इतक्या क्षमतेचा [illegible] पातळीपासून एकूण २४ मी. पेक्षा उंच इमारतीमध्ये पाण्याचा दाब वेगवेगळा ठेवणेसाठी [illegible] असतिल. ४. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये प्रवासी उद्वाहनांचा पाळणाघर [illegible] वाहनतळ दर्शवणारे व लिफ्टमध्ये सी.सी. टी.व्ही. कॅमेरे बसविणे.
4. मंजूर नकाशा व्यतिरिक्त कोणतेही बांधकाम (उदा. सर्व मार्जिनल अंतरात व रेरा मंजूर [illegible] पील लावून
5. तुमचा अस्तित्वातील बांधकामाच्या कौप्यावरील मिळकत पाट रस्ताहद्द/प्रस्तावित [illegible] पडित राखून ठेवावे व नंतर
6. व्यापारी वापराचे इमारतीचे दर्शनी भागातील ६.०० मी. सामासिक अंतरापैकी ३.० मी. रुंदीचे [illegible] परस्पर अंतरास व्यत्यय)
7. सक्षम प्रतीचे प्रस्ताव मान्य करुन घेऊनच बांधकाम पूर्ण करणार.
8. सदर प्रस्तावातील इमारतीचा वापर हा कायमस्वरूपी मान्य नकाशामध्ये दर्शविलेल्या वापरासाठीच करणार. म.न.पा. च्या पूर्वपरवानगीशिवाय व
9. अस्तित्वातील जुनी बांधकामे पाडतांना शेजारील मिळकत/मिळकतीतील [illegible] वापर.
10. सार्वजनिक वहिवाटीचे व समाईक वापराचे रस्ता/बोळ/प्रवेशमार्गाचे [illegible] राहतील.
11. भाडेकरू पुनर्वसन योजनेकरिताच्या अटी :- १) नविन इमारतीमध्ये जागा [illegible] लाभार्थ्यांबाबत रजिस्टर करार जोते तपासणीपूर्वी दाखल करणार. २) सुधारित [illegible] कलम ३८ प्रमाणे जागा ताबा मिळाला/मिळणार आहे व त्याबाबत कोणतीही [illegible] हरकत पत्र, भोगवटापत्र मागणीपूर्वी दाखल करणार. ३) भाडेकरू व विकासक यांचे [illegible] जबाबदार राहणार नाही. ४) सुधारीत नकाशे दाखल करण्यापुर्वी पुणे म.न.पा. [illegible]
12. कार्यालय अस्तित्वातील म.म.पा. मीटर चेंबरेशन असल्यास काम सुरु करण्यापूर्वी चार्ज [illegible]
13. मंजूरीचे अतिरिक्त चटई क्षेत्र वापरण्यापुर्वी सदर रस्त्याची जागा म.न.पा. [illegible]



१४ कुठलेही बांधीव/दुरुस्त प्रस्ताव मान्यता मागणेपूर्वी सुधारित डी.पी.लेआऊट मान्य करुन घेणार. (आवश्यकतेनुसार)

१५ बांधकामाचे नकाशास परवानगी मिळाल्यावर विकासकर्ता/मालक यांनी जागेवर फलक लावून खालील प्रमाणे माहिती दर्शवणे
अ) मालकाचे, विकसकाचे, ला. आर्कि. व कॉन्ट्रॅक्टर यांची नावे व पत्ता व संपर्क दूरध्वनी / भ्रमण दूरध्वनी क्रमांक.

१६ काम सुरु करण्यापुर्वी मान्यताप्राप्त दर्जाच्या परवानाधारक स्ट्रक्चरल डिझायनर/इंजिनियर यांची नेमणूक करणारे पत्र व जोते तपासणी दाखल तसेच कोणतेही भोगवटापत्र मागणेपूर्वी त्याचे स्ट्रक्चरल स्टॅबिलीटी सर्टिफिकेट/रिपोर्ट दाखल करणार. बांधीव बांधकाम स्ट्रक्चरल इंजिनिअरचेच नियमित मार्गदर्शन व देखरेखीखाली पूर्ण करणार.

१७ अपंग व वृध्द व्यक्तीकरिता लिफ्टमध्ये कंटेनरची सोय करणार.

१८ कम्प्लिशन सर्टिफिकेटचे दिनांकापासून १ (एक) वर्षाच्या आत अथवा कोणतेही भोगवटापत्र मागणीपूर्वी (जे अगोदर) एकत्रित स्वतंत्र आकार ७/१२ उतारा व मोजणीचा सिटी सर्व्हे कडील नकाशा दाखल करणार.

१९ विकास योजना खात्याकडील पात्य एकत्रीकरण/सब डिव्हीजन/लेआऊट ऑफ प्लॉटींग मधील सर्व अटी बंधनकारक राहतील.

अटी :-

१ विक्री जाहीरातीमध्ये भोगवटापत्र मागणीपूर्वी प्लॉट आवारात गांडूळ खत निर्मितीसाठी व्यवस्था करणार.

२ भोगवटापत्रासाठी स्ट्रक्चरल इंजिनिअरचा दाखला (स्टॅबिलीटी सर्टीफिकेट) दाखल करणार.

३ तात्पुरते भोगवटापत्रासाठी रु. २२८/- चे स्टॅम्पपेपरवर इडेम्निटी बॉन्ड दाखल करणे आवश्यक आहे.

४ भोगवटापत्र मागण्यापुर्वी पर्णे सदनिकापर्यंतचे/कडील रस्ते आकारणीसह, पाणीपुरवठा, जलोत्सारण, पथ विभाग, अतिक्रमण इ. विभागांचे रकमा न थकबाकी रक्कम पूर्णपणे भरणार.

५ भोगवट्याच्या बांधकामासाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरूपाची बांधली पाहिजे. जुने संडास व मोडकळीस आलेल्या प्रमाणे सडास, मुतारी बांधण्याची गरज नाही.

६ सदरची इमारत बांधत व इतर तांत्रिक बाबतीत व हद्दीबाबत वाद निर्माण झाल्यास त्यास अर्जदार पूर्णपणे जबाबदार राहणार.

७ जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे ते प्रथम जागेवर पाडून त्यानंतरच नवीन कामास सुरुवात करणार.

८ बांधकाम विकास विभाग, खात्याने जरी सेप्टीक टॅन्कसाठी परवानगी दिली असली तरी कार्यकारी अभियंता (जलोत्सारण विभाग) यांच्याकडे अर्ज दाखल करुन त्यांची मंजूरी घेतल्याखेरीज सेप्टीक टॅन्क अगर ड्रेनेजसंबंधी बांधकाम सुरु करु नये व सदर ठिकाणी ड्रेनेज कामाचे ड्रेनेज जोडणीचे नकाशे व दाखला हजर करणेबाबत.

९ भोगवट्याचे मागणीचे अर्जापूर्वी मा. कार्यकारी अभियंता (ड्रेनेज) यांचेकडील ड्रेनेज कनेक्शनचे मान्य नकाशे दाखल करणे.

१० इमारतीचे भोगवटापत्र देताना रस्त्यावरील रेषेआतील बाजूस टाकीमात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून योग्य त्या ठिकाणी अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत बांधकाम विकास विभागाकडून मार्गदर्शन घेतले जाईल.

११ नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती वृक्ष प्राधीकरण समितीच्या पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत, अन्यथा कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी.

१२ ज्या ठिकाणी नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापूर्वी प्रत्येक मालकाने इमारतीमधील सिव्हर लिंकीला आत व बाहेर उद्यान विभागाचे तरतुदीनुसार झाडे लावून ती अनुसूचित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व जबाबदारी घ्यावी. त्याशिवाय (ऑक्युपन्सी सर्टिफिकेट) भोगवटापत्र मिळणार नाही.

१३ मोजतत्या नकाशाला मागे लिहिलेल्या/चिटकवलेल्या अटींवर संमतीपत्र देण्यात येत आहे.

१४ सूचीपत्र कार्यालयासमोर व/ बांधकाम विकास विभागाकडून रस्तारुंदी प्रमाणरेषा जागेवर आखून घेणार व सदर बांधकाम सदर रेषेच्या अटीवरच हे संमतीपत्र देण्यात येत आहे. (आवश्यक असल्यास)

१५ जोत्यापर्यंत काम आल्यावर सेट-बॅक, मार्जिनल ओपन स्पेस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घेणार. तसा तपासणी दाखला प्राप्त झाल्याशिवाय जोत्यावरील काम सुरु करु नये.

१६ लेआऊटच्या नकाशात/दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.

१७ वापरपूर्वी अदा करण्यात आलेले विकसनाचे दाखले/संमतीपत्रे रद्द समजण्यात यावीत.

१८ सर्वसाधारण सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि.०५/०९/१९८७, दि.०६/१२/२००५ रोजी

GOVT OF INDIA
NOTARY
S. R. LOKHANDE
MUMBAI
MAHARASHTRA
Regd. No. 4643

दि.२२/०२/२०१३ दि.०८/०४/२०१३ दिवशी मान्य केला आहे. त्यास अनुसरुन नवीन काही प्रश्नांची पोहोचत असल्यास ती होत असल्यास त्याद्रित्यर्थ कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेची नाही.

इति महत्त्वाचे अटी .

मा. पर्यावरण विभागाकडील दि. १२ डिसेंबर २०१२ रोजीचे आदेशानुसार नमुद केलेप्रमाणे २००७-०८ ची के. पेक्षा जास्त एकूण बांधकाम क्षेत्र नियोजन प्रस्तावास मा. केंद्र शासन यांचेकडील पर्यावरण विभागाकडील वहातूक पत्र घेणे बंधनकारक राहील आवश्यक तेथे महाराष्ट्र प्रदूषण नियंत्रण बोर्डाचे वहातूक पत्र प्रकल्प पूर्णतेचे वेळी दाखल करणे बंधनकारक राहील आलेअभिप्रायेप्रमाणे लिफ्ट (उदवाहन)परवाना संबंधित प्राधिकारीकडून प्राप्त करून घेतले नंतरच वापर करणे बंधनकारक राहील. प्रस्तावास जागेचा वापर सुरू करण्यापूर्वी भोगवटापत्र मागणेपूर्वी अग्निशामक विभागाकडील वहातूक पत्र प्राप्त करून आवश्यकती सर्व पूर्तता जागेवर कार्यान्वित ठेवणार. सदर यंत्रणेची कायमस्वरूपी देखभाल/दुरुस्ती करत राहणे बंधनकारक राहील.

GOVT OF INDIA
MAHARASHTRA
Regd No 4643

ENGLISH TRANSLATION

Translated from Marathi 10.

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

COMMENCEMENT CERTIFICATE

This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.

Case No. UND/0001/06
Proposal Type: Residential
Case type: Revised
Project type: Proposed building

No. CC/0963/15
Date: 29/06/2015

Shri Ashok Mohani through :L.S. Dhananjay Vijay Dalvi (1437). Residing at Pune, Peth 876, Kasba Peth, Pune 411006, has given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9, Hisssa No. 1 (P), Plot No.... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949 on 16.1.2015 .

CONDITIONS

1. In future, the area upto the front distance/ road line shown in the said proposal will remain the part of the public road as per the instructions of the Pune Municipal Corporation.

2. The use of any new building or extended/ repaired building or permission for use and possession should not be made by any person without obtaining the Occupation Certificate of the Municipal Corporatoin.

3. The validity of this Permission letter / Development permission will be (if not started) of one year from the date of consent letter. The approved Plan herewith is to be treated as an integrated part of this Consent letter.

4. It is necessary to renew this Consent letter each year after its expiry. Such renewal can be done consecutively for 3 years. If not held so, then new permission letter will have to be obtained by making new application under Sectoin 44 of the Maharshtra Regional and Town Planning Act, 1966.

5. This Permission letter will be cancelled if breach of the following conditions is held.

a) If the development/ construction on the land is not being held as per the use shown/approved as per the approved plan, or if unauthorized construction/ unauthorised use is being held at the said place, it will be treated as breach of condition.

b) If violation of the condition mentioned in respect of the aid building proposal is being held/held, if violation is of the rules laid by the Pune Municipal Corporation is held, then it will be presumed to have committed the breach of condition

c) If it has come to the notice that the Applicant has obtained this Permission by misguiding the Pune Municipal Corporation by illegal acts, then it will be treated as committed breach of conditions and it will be understood to have obtained the said permission by misguiding under Rule No. 6, 10 of the Development Control Rules and Section 258 of the Maharashtra Municipal Corporation Act, 1948.

d) If it has come to the notice that the Applicant and the person by himself or through him is doing the land development or construction by committing violations of provisions under Section 42 and 45 of the Maharashtr Regional and Town Planning Act, 1966 by claming the ownership right, then it will be

understood that the said permission is taken by misguiding.

6, The terms and conditions of this Permission letter /attached will be binding not only for the Applicant but also will be permanently binding on all executors, power of attorney holders, Managers, Administrators, Successors, and each person who will be establishing the ownership right through the Applicant.

7. Will submit the N.A. Order before starting the work.

8. The terms and conditions of Non-Agricultural Certificates (N.A. Order), U.L.C. Order, Orders of the Maharashtra Pollution Control Board, Industrial Directorate, Labour Insurance Commissioner, will be binding.

While doing the works as per the above Permission letter, if it has come to the notice of the Pune Municipal Corporation that violations of Maharashtra Municipal Corporation Act, Maharashtra Regional and Town Planning Act,k 1966, or the rules and bye-rules made according

to the same, then the Pune Municipal Corporation w ill have the right orf canceling the said Permission letter.

If there is any doubt in respect of the above Permission letter, then the same will be got clarified by informing the same to the Municipal Corporation before starting the works.

Sd/-	Sd/-
Building Inspector	Deputy Engineer
Building Development	Building Development
Department, P.M.C.	Department, P.M.C.

Special conditions:-

1. Provisions if D.P. Rules 21,6,6.will be binding in respect of high-rise buildings.

2. Solar System plant will be installed.

3. For the purpose of preservation of water, refilling of rain water, double flush Plant, control pressure plant, will be installed in the proposed building.

4. The door of the lift in the building will be transparent in view of seeing the position inside the Lift.

.5. It will be binding to get service./ fire auditing of the High rise buildings each year, from the competent authorized officers s and to make available the same as the demand of Municipal Corporation.

6. Additional Fire Fighting Arrangement, appointment of Structural Engineer of special classification, and the conditions mentioned in respect of service and fire lift, in the Government Decision No. TPS 1807/252/C.R. 630/07/UD-13 will be binding.

Some special instructions of importance :

1. All the conditions of the U.L.C. Order will be binding on the concerned Owner/ Developer.. The Pune Municipal Corporation will not be responsible for the same.

2. Regarding the boundary wall of the Project, The conditions of the Office Circular No. A/Ja/M.A./ 483 dated 5.8.2013 will be binding in respect of the retaining wall.

3. Flush tanks of 3 Ltr. (half flush) for urinal and W.C.in the buildings of all use in the project, (2) the water tap (bib cock, basin trap etc. tap) 6 Ltr. (full flush) in the buildings of all use in the project, is to be installed at Each place (3) pressure control valve for pressure and speed of water controlled in the buildings of the height of more than 24 mt. from the land level, in the project are to be installed and (4) transparent door by using transparent and fire resistant glass sheets and c.c.t.v. camera is to be installed in all passenger lifts in the buildings of all use.

4, In future any construction other than approved plan (for example, all marginal distance, and shed on the terrace) by making partition wall or by fitting Grills.

5. The part of the wall on the corner of the old existing structure, corner part may be retained till having the Plinth inspection for the purpose of verification road widening/ set back, and then

6. Access arrangement ,by making road/footpath of visitors parking of 3.0 mt. width out of the 6.00 marginal distance at the front side of the building of commercial use.

7. The construction will be completed only after getting the proposal of protection wall approved.

8. The use of the building of the said project will be made permanently only for the use shown in the approved Plan.

9,. While demolishing the existing old structures, care will be taken tosee that there will not be

any danger/ loss for the neighbouring property/ buildings on the properties.

10. If any dispute is arisen in respect of occupation of the rod/ bol/ entrance door of public occupation and common use, then the Applicant will be responsible for the same.

11. Conditions for Tenants Rehabilitation scheme :

1) Will submit the registered agreement about becoming unanimous about dealing with the premises in the new building, giving premises in the new building and about not having any complaint in that respect, before the plinth inspection. (2) Will submit the Notarized No Objection letter of all tenant stating that the possession of the premises is received / will be received from the General Power of Attorney holder or Owners as agreed by them and about not having any complaint in respect of the same, before demanding the Occupation Certificate. 3) Ir any dispute is arisen between the Tenant and Developer, the Municipal Corporation will not be responsible for the same. 4) Before filign

the revised Plan, Will make the Notarized Undertaking as specified by t the Pune Municipal Corpn.

12. If there is existing Municipal Meter Connection on the land , then will submit the No Objection letter of Water Supply Department, before starting the work.

13. Will give the land of the said road in possession of the Municipal Corporation, before using the additional F.S.I. of road widening.

14. Will approve the revised D.P. Layout, before asking approval for any additional/ amended proposal.

15. On receiving the permission for plans of the building, the Developers/ Owner may exhibit the information as under by fixing a Board on the site.

A) Name and address and contact telephone / mobile phone number of the Owner, Developer, La. Architect and Contractor.

16. Before starting the work, will submit the letter appointing Licenced Structural Engineer /Engineer of approved category and the Plinth Inspection Certificate and will submit the their structural stability certificate / report before asking any occupation Certificate. The additional construction will be completed under the regular guidance and supervision of the Structural Engineer.

17, Will make facility of container for wet and dry wastes, in the building.

18. Will submit the joint/ separate 7/12 extract and Survey Map of the City Survey, within 1 (one) year from the date of commencement certificate or before asking any occupation certificate (which comes earlier).

19. All the conditions of approved amalgamation/ sub-division/ lay out of building of the Development Plan Department will be binding.

Conditions :

1. Before demanding the Occupation Certificate in thin populated area, will make arrangement for production of Earthworm fertilizer in the plot compound.

2. Will submit the Certificate (Stability Certificate) of the Structural Engineer for the purpose of occupation certificate.

3. It is necessary to file an Indemnity bond on stamp paper of Rs. 220/- for partial-occupation certificate.

4. Before asking the Occupation Certificate, will make full payment of the amount and arrears of Tax Assessment and Collection, Water Supply, Drainage, Roads department, Encroachment department etc. of the Pune Municipal Corporation.

5. For the convenience of the workers, at least one urinal and one latrine of temporary nature should be constructed on the land. If there is old latrine or Mori, then there is no need of constructing the latrine and urinals.

6. If any dispute is arisen in respect of ownership right and in respect of any other right and in respect of boundaries, then the Applicant will be fully responsible for the same.

7. Will start the new work, only after demolishing the structures which are shown to be demolished in the building plan, by valid source.

8. Though the Building Development Department has given approval for septic tank, the work of construction in respect of septic tank or drainage should not be started without taking the approval of the Executive Engineer (Drainage Department) by submitting the Plans.

9. Before Application for the Occupation Certificate, will submit the approved Plan of Drainage connection , of the Executive Engineer (Drainage).

10. While giving the occupation certificate, the application will not be taken into consideration unless the land is cleaned by lifting the

remainings of bridling materials stacked on the road or inner side and the debris . Guidance about the place where the debris are to be dumped will be made by the Building Development Department.

11. While starting new construction, if there are trees on the concerned land, the same should not be cut without taking the prior permission of the Tree Authority, or otherwise, legal action will be taken, which may be noted.

12. Before asking the occupation Certificate of the new building constructed on the plot. Each owner should take care and make necessary arrangement in view of planting Trees inside and out of the boundary wall and to grow the same properly, as per provisions of the Garden Department and without the same, the Occupation Certificate will not be given.

13. The Permission letter is being given on the conditions written / pasted on the reverse side of the Plan herewith.

14. This Permission letter is being given on the condition that the road widening line will be got marked on the site through the Land Acquirement Office / Building Development Department and then only the construction will be started. (If necessary)

15. After coming the work upto the Plinth, inspection of the construction in respect of set back, marginal open space may be got done from the Building Control Office, and the work above the Plinth should not be started without obtaining the Plinth Inspection.

16. Work should be made as shown in the new/ amended Plan herewith.

17. The Certificates / consent letters of development given earlier may be treated as cancelled.

18. The Government of Maharashtra has approved the concerned Revised Development Plan on 5.1.1987, 6.12.2007, 18.9.2008, 2.3.2012, 4.4.2012. If any thing

happens accordingly, or if any harm is being caused, no compensation of whatsoever nature will be demanded and the responsibility of giving the same will not be on the Municipal Corporation.

19. Other important conditions :

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20. As mentioned in the Order dated 12th December, 2012, of the Environment Department, it will be binding to take the No Objection Certificate of Environment Department of the Central Government.

21. It will be binding to make use, only after obtaining the Lift Licence from the concerned authority.

22. Before starting use of the built up area , and before demanding the Occupation Certificate, all the necessary equipments as per the Certificate of Fire Fighting Department will be got implemented at the place. The said equipments will be kept by regular repairs/ maintenance..

TRUE COPY

For [illegible] Partners
Advocates

पुणे महानगरपालिका

बांधकाम विकास विभाग
पुणे महानगरपालिका,
शिवाजीनगर,
पुणे - ४११००५.

(यापुढील पत्रव्यवहार खालील क्रमांक व दिनांक यांचा उल्लेखासह करावा)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे समंतीपत्र देण्यात येत आहे.)

बांधकाम चालू करण्याकरिता दाखला (संमती नकाशासह)

कम्प्लिशन सर्टिफिकेट

सदरचा बांधकाम चालू करण्याचा दाखला आणि/किंवा सोबतचे महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ चे कलम ४४/४५/५८/६९ यांतील आणि महाराष्ट्र म्युनिसिपल कॉर्पोरेशन ॲक्ट १९४९ चे कलम २५३ व २५४ मधील तरतुदीप्रमाणे खालील अटींवर देण्यात येत आहे.

प्रकरण क्रमांक : UND/0001/06
Proposal Type : Residential
Case Type : Revised
Project Type : Proposed Building

क्रमांक : CC/2963/15
दिनांक : 17/12/2015

7595

श्री./श्रीमती MR. ASHOK MOHANANI द्वारा ला.स.श्री. DHANANJAY VIJAY DALVI (1437) यांस राहणार पुणे, पेठ 876, KASBA PETH, PUNE 411006. महाराष्ट्र नगर रचना अधिनियम, सन १९६६ चे कलम ४४/४५/५८/६९ व मुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ चे कलम २५३/२५४ प्रमाणे पुणे महानगरपालिकेच्या सीमेतील पेठ Undri येथील सर्वे नं. 9 सि.स.नं. - हिस्सा नं. 1(p) फायनल प्लॉट क्र. - प्लॉट क्र. - (.) (सोसायटी) येथे विकास करण्याकरीता आपण महानगरपालिकेकडे दिनांक 20/10/2015 रोजी प्रस्ताव दाखल केला आहे.

-: अटी :-

१. सदरचा प्रस्तावातील दर्शविण्यात आलेली दर्शनी अंतरे/रस्ता प्रमाणरेषा पर्यंतचे क्षेत्र पुणे म.न.पा.च्या सुचनेनुसार भविष्यात सार्वजनिक रस्त्याचा भाग राहणार आहे.

२. कोणत्याही नवीन इमारतीचा अथवा वाढीव/दुरुस्त इमारतीचा वापर अथवा वापरासाठी परवानगी वा ताबा हा कोणत्याही व्यक्तिद्वारे पुणे म.न.पा.चे भोगवटापत्र प्राप्त झाल्याशिवाय करण्यात येऊ नये.

३. सदर संमतीपत्राची / विकास परवानगीची मुदत (काम सुरू झालेले नसल्यास) संमतीपत्राचे दिनांकापासून १ वर्षाची राहील. सोबतचा संमती नकाशा हा संमतीपत्रकाचा अविभाज्य भाग समजणेत यावा.

४. सदर संमतीपत्र हे मुदत संपल्यानंतर प्रत्येक वर्षी नूतनीकरण करणे आवश्यक आहे, असे नूतनीकरण सलग तीन वेळा करता येईल. तसे न झाल्यास महाराष्ट्र प्रादेशिक आणि नगररचना अधिनियम, १९६६ चे कलम ४४ अन्वये नवीन अर्ज करून संमती घ्यावी लागेल. एम.आर.टी.पी. कलम ४८ अन्वये संमतीपत्राची वैधता राहील.

५. सदरचे संमतीपत्र हे पुढील अटींचा भंग झाल्यास रद्द करण्यास पात्र राहील.

(अ) जागेवरील विकसन/बांधकाम हे मान्य नकाशाप्रमाणे दर्शविलेल्या/संमत केलेल्या वापरानुसार होत नसल्यास अथवा सदर ठिकाणी अनधिकृत बांधकाम/अनधिकृत वापर चालू असल्यास अटींचा भंग समजण्यात येईल.

(आ) सदर बांधकाम प्रस्तावातील संदर्भातील मंजूर केलेल्या,अटींचे उल्लंघन होत असल्यास/झाले असल्यास, पुणे म.न.पा. ने घातलेल्या निर्बंधाचे उल्लंघन झाले असल्यास, पुणे म.न.पा. ने घातलेल्या निर्बंधाचे उल्लंघन झाले असल्यास अटींचा भंग झाला आहे असे समजण्यात येईल.

(इ) अर्जदाराने सदरची परवानगी ही गैरमार्ग व करून पुणे म.न.पा.चे दिशाभूल करून प्राप्त केलेली आहे, असे निदर्शनास आल्यास अटींचा भंग झाला आहे असे समजण्यात येईल. विकास नियंत्रण नियमावली, नियम क्र.६.१०, महाराष्ट्र म्युनिसिपल कॉर्पोरेशन ॲक्ट कलम २५८ अन्वये सदरची परवानगी दिशाभूल करून घेण्यात आली असे समजण्यात येईल.

(ई) अर्जदार आणि जो इसम हा स्वत: किंवा त्याच्याद्वारे मालकी हक्काचा दावा करून महाराष्ट्र प्रादेशिक आणि नगररचना अधिनियम, १९६६ चे कलम ४२ व ४५ अन्वये असलेल्या तरतुदीचे उल्लंघन करून जमीन विकसन अथवा बांधकाम करत असल्याचे निदर्शनास आल्यास, सदरची परवानगी दिशाभूल करून घेण्यात आली आहे असे समजण्यात येईल.

६. सदर संमतीपत्रावरील/लगत असलेल्या अटी व सूचना या केवळ अर्जदारास नव्हे तर भविष्यातील अर्जदाराचे सर्व वारीसदार, मुखत्यारधारक, व्यवस्थापक, प्रशासक, वारसदार आणि प्रत्येक इसम जो अर्जदाराच्याद्वारा मालकी हक्क सिध्द करेल त्या सर्वांस कायमस्वरूपी बंधनकारक राहील.

७. काम सुरू करण्यापूर्वी एन.ए. ऑर्डर दाखल करणार.

८. अकृषिक दाखला (एन.ए. ऑर्डर), यु.एल.सी. आदेश, महाराष्ट्र प्रदूषण नियामक मंडळ, औद्योगिक संचलनालय, कामगार विमा आयुक्त यांचे आदेशातील अटी व शर्ती बंधनकारक राहील.

वरील संमतीप्रमाणे काम करताना महाराष्ट्र म्युनिसिपल कॉर्पोरेशन ॲक्ट, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ अगर त्यास अनुसरून केलेले नियम व पोटनियम यांचा भंग होत आहे, असे पुणे म.न.पा. ने निदर्शनास आल्यास सदरचे संमतीपत्र रद्द करण्याचा अधिकार पुणे म.न.पा.स राहील.

वरील संमतीपत्राविषयी काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करून घ्यावे.

इमारत निरीक्षक
बांधकाम विकास विभाग
पुणे म.न.पा.

उप अभियंता
बांधकाम विकास विभाग
पुणे म.न.पा.

अटी पुढे चालू....

विशेष अटी :-

1 हायराइज इमारती संदर्भातील वि.नि.नि.नियम क्र. २१.६.६ मधील तरतुदी बंधनकारक राहतील.

2 सोलर सिस्टिमची यंत्रणा बसविणार.

3 जलसंवर्धनाकरिता नियोजित इमारतीच्या वर्षान्यजलाचे पुर्नभरण, दुहेरी जल वितरण, नियंत्रित दाब यंत्रणा

4 इमारतीतील उद्वाहनाचे (लिफ्टचे) दरवाजे लिफ्ट मधील स्थिती दिसण्याच्या दृष्टिने पारदर्शक असावेत.

5 हायराईज इमारतीचे सर्व्हिस/फायर ऑडिटिंग हे प्रत्येक वर्षी सक्षम प्राधिकृत अधिकाऱ्याकडून करून घेणे बंधनकारक राहील. व म.न.पा. मागणीनुसार उपलब्ध करुन देणे बंधनकारक राहील.

6 मा. शासनाकडील शासन निर्णय क्र. टीपीएस-१८०७/२५२/सी.आर.६३८/०७/युडी-१३ मधील अतिरिक्त इन्फिनन व्यवस्था, विशेष बाबींबाबतीमधील स्ट्रक्चरल इंजिनिअर याची नेमणूक, सर्व्हिस व फायर सिस्टम बाबाबत नमुद केलेल्या अटी बंधनकारक राहतील

काही महत्वाच्या विशेष सुचना

1 यु.एल.सी.ऑर्डरमधील सर्व अटी संबंधित मालक /विकसकावर बंधनकारक राहतील त्यास पुणे म.न.पा. जबाबदार राहणार नाही.

2 प्रकल्पाच्या सिमाभिंतीलगत रिटेनिंग वॉल बाबत कार्यालयीन परिपत्रक क्रमांक अ/ जा/ म आ/ ४८३ दि. ५/८/२०१३ च्या अटी बंधनकारक राहतील.

3 प्रकल्पामधील सर्व वापराच्या इमारतींमध्ये युरिनल व डब्ल्यूसी करिता २ लि.(हाफफ्लश) आणि २. प्रकल्पामधील सर्व वापराच्या इमारती पाण्याचे नळ (किचन कॉक, बेसिन टॅप इ. नळ) ६लि.(फुल फ्लॅश) असे प्रकारचे फ्लॅश असे प्रकारचे पाणी बचत यंत्रणा प्रत्येक ठिकाणी बसविणे व त्याप्रमाणे प्रति मिनिट इतक्या कमी डिस्चार्जचे पाण्याचे उपकरणे बसविणे. ३. प्रकल्पामधील इमारत पातळीपासून एकूण २४ मी. पेक्षा उंच इमारतीमध्ये पाण्याचा दाब व वहनाचा वेग नियंत्रित राहण्यासाठी दाब नियंत्रक व्हॉल्व्हस बसविणे. ४. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये प्रवासी उद्वाहना पारदर्शक अशा आगरोधक काचेच्या दरवाजाला पारदर्शक दरवाजा व लिफ्टमध्ये सी.सी. टी.व्ही. कॅमेरा बसविणे.

4 भविष्यात मान्य नकाशा व्यतिरिक्त कोणतेही बांधकाम (उदा. सर्व मार्जिनल अंतराल व टेरेसवरील शेड, पार्टीशन इत्यादी करुन अगर ग्रील लावून

5 जुन्या अस्तित्वातील बांधकामाच्या कोपऱ्यावरील भिंतीचा भाग, कॉर्नर पार्ट रस्तारुंदी/सेटबॅक पडताळणीसाठी उघडा ठेवणे बंधनकारक राहील. पर्यंत राखून ठेवा व नंतर

6 व्यापारी वापराचे इमारतीचे दर्शनी भागातील ६.०० मी. सामासिक अंतरापैकी ३.० मी. रुंदीचे व्हिजीटर्स पार्किंगची जागा / फुटपाथ वरून ॲक्सेस् व्यवस्था

7 संरक्षक भिंतीचे प्रस्ताव मान्य करुन घेऊनच बांधकाम पूर्ण करणार.

8 सदर प्रस्तावातील इमारतीचा वापर हा कायमस्वरुपी मान्य नकाशामध्ये दर्शविलेल्या वापरासाठीच करणार. सदरचे बदल म.न.पा.च्या पूर्वपरवानगीशिवाय व

9 अस्तित्वातील जुनी बांधकाम पाडताना शेजारील मिळकत/मिळकतीतील इमारतीस धोका/नुकसान होणार नाही याची खबरदारी घेणार.

10 सार्वजनिक वहिवाटीचे व समाईक वापराचे रस्ता/बोळ/प्रवेशमार्गाचे वहिवाटीबाबत वाद निर्माण झाल्यास अर्जदार जबाबदार राहतील.

11 भाडेकरू पुनर्वसन योजनेकरिताच्या अटी :- १) नविन इमारतीमध्ये जागा देण्याघेण्याबाबत एकमत झाले असल्याबाबत व त्याबाबत तक्रार नसल्याबाबत रजिस्टर करार जोते तपासणीपूर्वी दाखल करणार. २) कुलमुखत्यारपत्रधारक अगर मालक यांच्याकडून त्यांनी कबूल केल्याप्रमाणे जागेचा ताबा मिळाला/मिळणार आहे व त्याबाबत कोणतीही तक्रार नसल्याचे सर्वभाडेकरूंचे नोटराईज्ड ना हरकत पत्र, भोगवटापत्र मागणेपूर्वी दाखल करणार. ३) भाडेकरू व विकसक यांचे दरम्यान वाद निर्माण झाल्यास त्यास म.न.पा. जबाबदार राहणार नाही.४) सुधारीत नकाशे दाखल करण्यापुर्वी पुणे म.न.पा.ने निर्धारीत केलेले नोटराईज्ड हमीपत्र करणार.

12 जागेवर अस्तित्वातील म.न.पा. मीटर कनेक्शन असल्यास काम सुरु करण्यापूर्वी पाणी पुरवठा विभागाचे ना हरकत पत्र दाखल करणार.

13 रस्तारुंदीचे अतिरिक्त चटई क्षेत्र वापरण्यापुर्वी सदर रस्त्याची जागा म.न.पा. च्या ताब्यात देणार.

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14 कुठलेही वाढीव/दुरुस्त प्रस्ताव मान्यता मागणेपूर्वी सुधारित डी.पी.लेआऊट मान्य करुन घेणार. (आवश्यकतेनुसार)

15 बांधकामाचे नकाशांना परवानगी मिळाल्यावर विकासकर्ता/मालक यांनी जागेवर फलक लावून खालील प्रमाणे माहिती दर्शवावी.
अ) मालकाचे, विकसकाचे, ला. आर्कि. व कॉन्ट्रॅक्टर यांची नावे व पत्ता व संपर्क दुरध्वनी / भ्रमण दुरध्वनी क्रमांक.

16 काम सुरु करण्यापुर्वी मान्यताप्राप्त दर्जाच्या परवानाधारक स्ट्रक्चरल डिझायनर/इंजिनियर यांची नेमणूक करणारे पत्र व जोते तपासणी दाखला तसेच कोणतेही भोगवटापत्र मागणेपूर्वी त्यांचे स्ट्रक्चरल स्टॅबिलीटी सर्टिफिकेट/रिपोर्ट दाखल करणार. वाढीव बांधकाम स्ट्रक्चरल इंजिनिअरर्सचे नियमित मार्गदर्शन व देखरेखीखाली पूर्ण करणार.

17 ओला व सुक्या कचऱ्याकरिता मिळकतीमध्ये कंटेनरची सोय करणार.

18 कमेन्समेंट सर्टिफिकेटचे दिनांकापासून १ (एक) वर्षाच्या आत अथवा कोणतेही भोगवटापत्र मागणीपूर्वी (जे अगोदर) एकत्रित/स्वतंत्र असा ७/१२ उतारा व मोजणीचा सिटी सर्व्हे कडील नकाशा दाखल करणार.

19 विकास योजना खात्याकडील मान्य एकत्रीकरण/सब डिव्हीजन/लेआऊट ऑफ बिल्डींग मधील सर्व अटी बंधनकारक राहतील.

-:अटी :-

1 विरळ वस्ती भागामध्ये भोगवटापत्र मागणीपूर्वी प्लॉट आवारात गांडूळ खत निर्मितीसाठी व्यवस्था करणार.

2 भोगवटापत्रासाठी स्ट्रक्चरल इंजिनिअरचा दाखला (स्टॅबिलीटी सर्टीफिकेट) दाखल करणार.

3 अंशत: भोगवटापत्रासाठी रू. २२०/- चे स्टॅम्प पेपरवर इंडेम्निटी बॉन्ड दाखल करणे आवश्यक आहे.

4 भोगवटापत्र मागण्यापूर्वी पुणे महानगरपालिकेकडील कर आकारणी व करसंकलन पाणी पुरवठा, जलोत्सारण, पथ विभाग, अतिक्रमण इ. विभागाचे रक्कम व थकबाकी रक्कम पूर्णपणे भरणार.

5 कामगारांच्या सोयीसाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरूपाची बांधली पाहिजे. जुने संडास व मोरी वापरल्यास याप्रमाणे संडास, मुतारी बांधण्याची गरज नाही.

6 मालकी हक्काबाबत व इतर कोणत्याही हक्काबाबत वाद निर्माण झाल्यास त्यास अर्जदार पूर्णपणे जबाबदार राहणार.

7 जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे ते वैध मार्गाने पाडून त्यानंतरच नवीन कामास सुरूवात करणार.

8 बांधकाम विकास विभाग, खात्याने जरी सेप्टीक टॅन्कसाठी परवानगी दिली असली तरी कार्यकारी अभियंता(जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल करून त्याची मंजूरी घेतल्याखेरीज सेप्टीक टॅन्क अगर ड्रेनेजसंबंधी बांधकामे सुरू करू नये व भोगवटा पत्र मागण्यापूर्वी ड्रेनेज कामाचे ड्रेनेज जोडासह नकाशे व दाखला हजर करण्यात यावा.

9 भोगवटापत्र मागणीचे अर्जापूर्वी मा. कार्यकारी अभियंता (ड्रेनेज) यांचेकडील ड्रेनेज कनेक्शनचे मान्य नकाशे दाखल करणार.

10 इमारतीचे भोगवटापत्र देताना रस्त्यावरील वे.आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जागा साफकेल्याशिवाय अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत बांधकाम विकास विभागामार्फत मार्गदर्शन केले जाईल.

11 नवीन बांधकाम सुरू करताना संबंधित जागेमध्ये झाडे असल्यास ती वृक्ष प्राधीकरण समितीकडून पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत, अन्यथा कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी.

12 ज्या भूखंडावर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापूर्वी प्रत्येक मालकाने इमारतीसमोर मिया भिंतीच्या आत व बाहेर उद्यान विभागाचे तरतुदीनुसार झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खबरदा घ्यावी. त्याशिवाय (ऑक्युपन्सी सर्टिफिकेट) भोगवटापत्र मिळणार नाही.

13 सोबतच्या नकाशावर मागे लिहिलेल्या/चिटकवलेल्या अटींवर समतीपत्र देण्यात येत आहे.

14 भूमीप्रापण कार्यालयामार्फत व/ बांधकाम विकास विभागाकडून रस्तारूंदी प्रमाणेचा जागेवर आखून घेणार व मगच बांधकाम सुरू करणार या अटीवरच हे संमतीपत्र देण्यात येत आहे. (आवश्यक असल्यास)

15 जोत्यापर्यंत काम आल्यावर सेट-बॅक, मार्जिनल ओपन स्पेस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्याव्यात. जो तपासणी दाखला प्राप्त झाल्याशिवाय जोत्यावरील काम सुरू करू नये.

16 सोबतच्या नवीन/दुरूस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.

17 यापूर्वी अदा करण्यात आलेले विकसनाचे दाखले/संमतीपत्रे रद्द समजण्यात यावीत.

18 संबंधीत सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि.०५/०१/१९८७, दि.०६/१२/२००७, दि.१८/०९/२००८

NOTARY GOVT. OF INDIA S.R. LOKHANDE MUMBAI MAHARASHTRA Regd. No. 4643

दि.०२/०३/२०१२, दि.०४/०४/२०१२ दिवशी मान्य केला आहे. त्यास अनुसरून नवीन काही उपसर्ग पोहोचत असल्यास अथवा हानी होत असल्यास त्याप्रित्यर्थ कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.

19 इतर महत्वाचे अटी :

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20 मा.पर्यावरण विभागाकडील दि. १२ डिसेंबर २०१२ रोजीचे आदेशानुसार नमुद केलेप्रमाणे २०००० चौ.मी. पेक्षा जास्त एकुण बांधकाम क्षेत्र नियोजन प्रस्तावास मा. केंद्र शासन याचेकडील पर्यावरण विभागाकडील नाहरकत पत्र घेणे बंधनकारक राहील. आवश्यक तेथे महाराष्ट्र प्रदुषण नियंत्रण बोर्डचे नाहरकत पत्र बांधकाम परवानगीचे वेळी दाखल करणे बंधनकारक राहील.

21 आवश्यकतेप्रमाणे लिफ्ट (उदवाहन)परवाना संबंधित प्राधिकारीकडून प्राप्त करून घेतले नंतरच वापर करणे बंधनकारक राहील.

22 बांधकाम जागेचा वापर सुरू करण्यापूर्वी भोगवटापत्र मागणेपूर्वी अग्निशामक विभागाकडील नाहरकत पत्र दाखला त्यानुसार आवश्यक ती सर्व यंत्रणा जागेवर कार्यान्वित ठेवणार. सदर यंत्रणेची कायमस्वरूपी देखभाल/दुरूस्ती करून यंत्रणा नियमित ठेवणार.

NOTARY

ENGLISH TRANSLATION

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

COMMENCEMENT CERTIFICATE

This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.

Case No. UND/0001/06
Proposal Type: Residential
Case type: Revised
Project Type: Proposed building

No. CC/2963/15
Date: .....

Shri Ashok Mohani through :L.S. Dhananjay Vijay Dalvi (1437). Residing at Pune, Peth 876, Kasba Peth, Pune 411006, has given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9,C.S. No....., P Hisssa No. 1 (P), Plot No.... Society..... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949 on 20-10-2015.

CONDITIONS

1. In future, the area upto the front distance/ road line shown in the said proposal will remain the part of the public road as per the instructions of the Pune Municipal Corporation.

2. The use of any new building or extended/ repaired building or permission for use and possession should not be made by any person without obtaining the Occupation Certificate of the Municipal Corporatoin.

3. The validity of this Permission letter / Development permission will be (if not started) of one year from the date of consent letter. The approved Plan herewith is to be treated as an integrated part of this Consent letter.

4. It is necessary to renew this Consent letter each year after its expiry. Such renewal can be done consecutively for 3 years. If not held so, then new permission letter will have to be obtained by making new application under Section 44 of the Maharshtra Regional and Town Planning Act, 1966.

5. This Permission letter will be cancelled if breach of the following conditions is held.

a) If the development/ construction on the land is not being held as per the use shown/approved as per the approved plan, or if unauthorized construction/ unauthorised use is being held at the said place, it will be treated as breach of condition.

b) If violation of the condition mentioned in respect of the aid building proposal is being held/held, if violation is of the rules laid by the Pune Municipal Corporation is held, then it will be presumed to have committed the breach of condition

c) If it has come to the notice that the Applicant has obtained this Permission by misguiding the Pune Municipal Corporation by illegal acts, then it will be treated as committed breach of conditions and it will be understood to have obtained the said permission by misguiding under Rule No. 6, 10 of the Development Control Rules and Section 258 of the Maharashtra Municipal Corporation Act, 1948.

d) If it has come to the notice that the Applicant and the person by himself or through him is doing the land development or construction by committing violations of provisions under Section 42 and 45 of the Maharashtr Regional and Town Planning Act, 1966 by claming the ownership right, then it will be

understood that the said permission is taken by misguiding.

6, The terms and conditions of this Permission letter /attached will be binding not only for the Applicant but also will be permanently binding on all executors, power of attorney holders, Managers, Administrators, Successors, and each person who will be establishing the ownership right through the Applicant.

7. Will submit the N.A. Order before starting the work.

8. The terms and conditions of Non-Agricultural Certificates (N.A. Order), U.L.C. Order, Orders of the Maharashtra Pollution Control Board, Industrial Directorate, Labour Insurance Commissioner, will be binding.

While doing the works as per the above Permission letter, if it has come to the notice of the Pune Municipal Corporation that violations of Maharashtra Municipal Corporation Act, Maharashtra Regional and Town Planning Act, 1966, or the rules and bye-rules made according

to the same, then the Pune Municipal Corporation w ill have the right of canceling the said Permission letter.

If there is any doubt in respect of the above Permission letter, then the same will be got clarified by informing the same to the Municipal Corporation before starting the works.

Sd/-	Sd/-
Building Inspector	Deputy Engineer
Building Development	Building Development
Department, P.M.C.	Department, P.M.C.

Special conditions:-

1. Provisions if D.P. Rules 21,6,6.will be binding in respect of high-rise buildings.

2. Solar System plant will be installed.

3. For the purpose of preservation of water, refilling of rain water, double flush Plant, control pressure plant, will be installed in the proposed building.

4. The door of the lift in the building will be transparent in view of seeing the position inside the Lift.

.5. It will be binding to get service./ fire auditing of the High rise buildings each year, from the competent authorized officers s and to make available the same as the demand of Municipal Corporation.

6. Additional Fire Fighting Arrangement, appointment of Structural Engineer of special classification, and the conditions mentioned in respect of service and fire lift, in the Government Decision No. TPS 1807/252/C.R. 630/07/UD-13 will be binding.

Some special instructions of importance :

1. All the conditions of the U.L.C. Order will be binding on the concerned Owner/ Developer.. The Pune Municipal Corporation will not be responsible for the same.

2. Regarding the boundary wall of the Project, The conditions of the Office Circular No. A/Ja/M.A./ 483 dated 5.8.2013 will be binding in respect of the retaining wall.

3. Flush tanks of 3 Ltr. (half flush) for urinal and W.C.in the buildings of all use in the project, (2) the water tap (bib cock, basin trap etc. tap) 6 Ltr. (full flush) in the buildings of all use in the project, is to be installed at Each place (3) pressure control valve for pressure and speed of water controlled in the buildings of the height of more than 24 mt. from the land level, in the project are to be installed and (4) transparent door by using transparent and fire resistant glass sheets and c.c.t.v. camera is to be installed in all passenger lifts in the buildings of all use.

4, In future any construction other than approved plan (for example, all marginal distance, and shed on the terrace) by making partition wall or by fitting Grills.

5. The part of the wall on the corner of the old existing structure, corner part may be retained till having the Plinth inspection for the purpose of verification road widening/ set back, and then

6. Access arrangement ,by making road/footpath of visitors parking of 3.0 mt. width out of the 6.00 marginal distance at the front side of the building of commercial use.

7. The construction will be completed only after getting the proposal of protection wall approved.

8. The use of the building of the said project will be made permanently only for the use shown in the approved Plan.

9,. While demolishing the existing old structures, care will be taken to see that there will not be

any danger/ loss for the neighbouring property/ buildings on the properties.

10. If any dispute is arisen in respect of occupation of the rod/ bol/ entrance door of public occupation and common use, then the Applicant will be responsible for the same.

11. Conditions for Tenants Rehabilitation scheme :

1) Will submit the registered agreement about becoming unanimous about dealing with the premises in the new building, giving premises in the new building and about not having any complaint in that respect, before the plinth inspection. (2) Will submit the Notarized No Objection letter of all tenant stating that the possession of the premises is received / will be received from the General Power of Attorney holder or Owners as agreed by them and about not having any complaint in respect of the same, before demanding the Occupation Certificate. 3) Ir any dispute is arisen between the Tenant and Developer, the Municipal Corporation will not be responsible for the same. 4) Before filign

the revised Plan, Will make the Notarized Undertaking as specified by t the Pune Municipal Corpn.

12. If there is existing Municipal Meter Connection on the land , then will submit the No Objection letter of Water Supply Department, before starting the work.

13. Will give the land of the said road in possession of the Municipal Corporation, before using the additional F.S.I. of road widening.

14. Will approve the revised D.P. Layout, before asking approval for any additional/ amended proposal.

15. On receiving the permission for plans of the building, the Developers/ Owner may exhibit the information as under by fixing a Board on the site.

A) Name and address and contact telephone / mobile phone number of the Owner, Developer, La. Architect and Contractor.

16. Before starting the work, will submit the letter appointing Licenced Structural Engineer /Engineer of approved category and the Plinth Inspection Certificate and will submit the their structural stability certificate / report before asking any occupation Certificate. The additional construction will be completed under the regular guidance and supervision of the Structural Engineer.

17. Will make facility of container for wet and dry wastes, in the building.

18. Will submit the joint/ separate 7/12 extract and Survey Map of the City Survey, within 1 (one) year from the date of commencement certificate or before asking any occupation certificate (which comes earlier).

19. All the conditions of approved amalgamation/ sub-division/ lay out of building of the Development Plan Department will be binding.

Conditions :

1. Before demanding the Occupation Certificate in thin populated area, will make arrangement for production of Earthworm fertilizer in the plot compound.

2. Will submit the Certificate (Stability Certificate) of the Structural Engineer for the purpose of occupation certificate.

3. It is necessary to file an Indemnity bond on stamp paper of Rs. 220/- for partial-occupation certificate.

4. Before asking the Occupation Certificate, will make full payment of the amount and arrears of Tax Assessment and Collection, Water Supply, Drainage, Roads department, Encroachment department etc. of the Pune Municipal Corporation.

5. For the convenience of the workers, at least one urinal and one latrine of temporary nature should be constructed on the land. If there is old latrine or Mori, then there is no need of constructing the latrine and urinals.

6. If any dispute is arisen in respect of ownership right and in respect of any other right and in respect of boundaries, then the Applicant will be fully responsible for the same.

7. Will start the new work, only after demolishing the structures which are shown to be demolished in the building plan, by valid source.

8. Though the Building Development Department has given approval for septic tank, the work of construction in respect of septic tank or drainage should not be started without taking the approval of the Executive Engineer (Drainage Department) by submitting the Plans.

9. Before Application for the Occupation Certificate, will submit the approved Plan of Drainage connection , of the Executive Engineer (Drainage).

10. While giving the occupation certificate, the application will not be taken into consideration unless the land is cleaned by lifting the

remainings of bridling materials stacked on the road or inner side and the debris . Guidance about the place where the debris are to be dumped will be made by the Building Development Department.

11. While starting new construction, if there are trees on the concerned land, the same should not be cut without taking the prior permission of the Tree Authority, or otherwise, legal action will be taken, which may be noted.

12. Before asking the occupation Certificate of the new building constructed on the plot. Each owner should take care and make necessary arrangement in view of planting Trees inside and out of the boundary wall and to grow the same properly, as per provisions of the Garden Department and without the same, the Occupation Certificate will not be given.

13. The Permission letter is being given on the conditions written / pasted on the reverse side of the Plan herewith.

14. This Permission letter is being given on the condition that the road widening line will be got marked on the site through the Land Acquirement Office / Building Development Department and then only the construction will be started. (If necessary)

15. After coming the work upto the Plinth, inspection of the construction in respect of set back, marginal open space may be got done from the Building Control Office, and the work above the Plinth should not be started without obtaining the Plinth Inspection Certificate.

16. Work should be made as shown in the new/ amended Plan herewith.

17. The Certificates / consent letters of development given earlier may be treated as cancelled.

18. The Government of Maharashtra has approved the concerned Revised

Development Plan on 5.1.1987, 6.12.2007, 18.9.2008, 2.3.2012, 4.4.2012. If any thing happens accordingly, or if any harm is being caused, no compensation of whatsoever nature will be demanded and the responsibility of giving the same will not be on the Municipal Corporation.

19. Other important conditions :

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20. As mentioned in the Order dated 12th December, 2012, of the Environment Department, it will be binding to take the No Objection Certificate of Environment Department of the Central Government.

21. It will be binding to make use, only after obtaining the Lift Licence from the concerned authority.

22. Before starting use of the built up area , and before demanding the Occupation Certificate, all the necessary equipments as per the Certificate of Fire Fighting Department will be got implemented at the place. The said equipments will be kept by regular repairs/ maintenance.

TRUE COPY

For Vidhi Partners
Advocates

5' 4' 0001

पुणे महानगरपालिका

(यापुढील पत्रव्यवहार खालील क्रमांक व दिनांक यांच्या उल्लेखासह करावा)

(जमलेल्या ना इमारतीच्या कागदेशीर मालकी हक्काचे संदर्भ लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

बांधकाम विकास विभाग
पुणे महानगरपालिका,
शिवाजीनगर,
पुणे - ४११ ००५.

बांधकाम चालू करण्याकरिता दाखला (संमती नकाशासह)
कमेन्समेन्ट सर्टिफिकेट

सदरचे बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीचा प्रस्ताव महाराष्ट्र नगररचना अधिनियम, १९६६ चे कलम ४४/४५/५८/६९ व्यापार आणि महाराष्ट्र म्युनिसिपल कॉर्पोरेशन ॲक्ट चे कलम २५३ च्या पोटकलम (१) खालील तरतुदीप्रमाणे खालील अटींवर देण्यात येत आहे

APPROVED
BUILDING PERMISSION DEPARTMENT
PUNE

प्रकरण क्रमांक	UND/0001/06	क्रमांक :	CC/2367/16
Proposal Type	Commercial	दिनांक :	25/10/2016
Case Type	Revised		
Project Type	Proposed Building		

श्री./श्रीमती MR. ASHOK MOHANANI द्वारा ला.स.श्री. DHANANJAY VIJAY DALVI (1437) यांस राहणार पुणे, पेठ 876, KASBA PETH, PUNE 411006. महाराष्ट्र नगर रचना अधिनियम, सन १९६६ चे कलमे ४४/४५/५८/६९ बम्बुंबई प्रांतिक महानगरपालिका अधिनियम, सन १९४९ चे कलमे २५३/२५४ प्रमाणे पुणे महानगरपालिकेच्या शीमेतील पेठ Undri परांक सर्व्हे नं. 9 सि.सं.न. - हिस्सा नं. 1(p) फायनल प्लॉट क्र. - प्लॉट क्र. - (CLUB HOUSE) (गोसावटी) येथे विकास करण्यासाठी आपण महानगरपालिकेकडे दिनांक 4/2/2016 रोजी प्रस्ताव दाखल केला आहे.

-: अटी :-

१. सदरचा प्रस्तावातील दर्शविण्यात आलेली दर्शनी अंतरे / रस्ता प्रमाणरेषा पर्यंतचे क्षेत्र पुणे म.न.पा. च्या सुचनेनुसार भविष्यात सार्वजनिक रस्त्याचा भाग राहणार आहे.

२. कोणत्याही नवीन इमारतीचा अथवा याहीय/दुरुस्त इमारतीचा चालू अथवा घारणासाठी परवानगी घ्या तावा हा कोणत्याही व्यक्तिस्तूरे पुणे म.न.पा. चे भोगवटापत्र घेण्या पूर्वी वापरण्याचा करण्यात येऊ नये.

३. सदर संमतीपत्राची / विकास परवानगीची मुदत (काम सुरू झालेले नसल्यास) संमतीपत्राचे दिनांकापासून १ वर्षाची राहील. सोबतच्या संमती नकाशा हा संमतीपत्रकाचा अविभाज्य भाग समजणेत यावा.

४. सदर संमतीपत्र हे मुदत संपल्यानंतर प्रत्येक वर्षी नूतनीकरण करणे आवश्यक आहे, असे नूतनीकरण सलग तीन वेळा करता येईल. तसे न झाल्यास महाराष्ट्र प्रादेशिक आणि नगरचना अधिनियम, १९६६ चे कलम ४४ अन्वये नवीन अर्ज करून संमती घ्यावी लागेल. एम.आर.टी.पी. कलम ४८ अन्वये संमतीपत्राची वैधता राहील.

५. सदरचे संमतीपत्र हे पुढील अटींचा भंग झाल्यास रद्द करण्यास पात्र राहील.

(अ) जागेवरील विकासन/बांधकाम हे मान्य नकाशाप्रमाणे दर्शविलेल्या/संमती केलेल्या वापरानुसार होत असल्याचा अथवा सदर ठिकाणी अनधिकृत बांधकाम/अनधिकृत वापर चालू असल्यास अटींचा भंग समजण्यात येईल.

(ब) सदर बांधकाम प्रस्तावातील सदभागील नमूद केलेल्या अटींचे उल्लंघन होत असल्याचे / झाले असल्यास, पुणे म.न.पा. ने घालालेल्या निर्बंधाचे उल्लंघन झाले असल्यास, पुणे म.न.पा. ने घालालेल्या निर्बंधाचे उल्लंघन झाले असल्यास अटींचा भंग झाला आहे असे समजण्यात येईल.

(क) अर्जदाराने सदरची परवानगी ही विकृत्त करून पुणे म.न.पा. चे दिशाभूल करून प्राप्त केलेली आहे, असे निदर्शनास असल्यास अटींचा भंग झाला आहे असे समजण्यात येईल. विकास नियंत्रण नियमावली, नियम क्र. ६.१०, महाराष्ट्र म्युनिसिपल कार्पोरेशन ॲक्ट कलम २५८ अन्वये सदरची परवानगी दिशाभूल करून घेण्यात आली आहे असे समजण्यात येईल.

(ड) अर्जदार आणि जो इसम हा स्वतः किंवा त्याच्यातूने मालकी हक्काचा दावा करून महाराष्ट्र प्रादेशिक आणि नगररचना अधिनियम, १९६६ च कलम ४२ व ४५ अन्वय, जाहीरातीच्या तरतुदींचे उल्लंघन करून जमीन विकसन अथवा बांधकाम करत असल्याचे निदर्शनास आल्यास, सदरची परवानगी दिशाभूल करून घेण्यात आली आहे असे समजण्यात येईल.

६. सदर संमतीपत्रातील/लग्नात असलेल्या अटी व सूचना या केवळ अर्जदारास नव्हे तर भविष्यातील अर्जदाराचे सर्व वारीसदार, मुखत्यारधारक, व्यवस्थापक, प्रशासक, वारसदार आणि प्रत्येक इसम जो अर्जदाराच्यादारा मालकी हक्क सिद्ध करेल त्या सर्वांस कायमस्वरूपी बंधनकारक राहील.

७. काम सुरू करण्यापूर्वी एल. ए. ऑर्डर दाखल करणार.

८. अतिरिक्त दाखला (एल. ए. ऑर्डर), यु. एल. सी. आदेश, महाराष्ट्र प्रदूषण नियामक मंडळ, औद्योगिक संचालनालय, कामगार विमा आयुक्त यांचे आदेशातील अटी व शर्ती बंधनकारक राहील.

वरील संमतीपत्राप्रमाणे काम करताना महाराष्ट्र म्युनिसिपल कॉर्पोरेशन ॲक्ट, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ अगर त्यास अनुसरून केलेले नियम व पोटनियम यांचा भंग होत आहे, असे पुणे म.न.पा. चे निदर्शनास आल्यास सदरचे संमतीपत्र रद्द करण्याचा अधिकार पुणे म.न.पा. राहील.

वरील संमतीपत्राबाबत काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करून घ्यावे.

इमारत निरीक्षक
बांधकाम विकास विभाग
पुणे म.न.पा.

उप अभियंता
बांधकाम विकास विभाग
पुणे म.न.पा.

GOVT OF INDIA
S. R. LOKHANDE
MUMBAI
MAHARASHTRA
Regd No. 4643
NOTARY

अटी पुढे चालू ....

विशेष अटी :-

1. हायराइज इमारती संदर्भातील वि.नि.नि.नियम क्र. २१.६.६ मधील तरतुदी बंधनकारक राहतील.
2. सोलर सिस्टिमची यंत्रणा बसविणार.
3. जलसंवर्धनाकरिता नियोजित इमारतीमध्ये पर्जन्यजलाचे पुर्नभरण, ड्राईरी फ्लश यंत्रणा, नियंत्रित दाब यंत्रणा
4. इमारतीतील उद्वाहनाचे (लिफ्टचे)दरवाजे लिफ्ट मधील स्थिती दिसण्याच्या दृष्टिने पारदर्शक असावेत.
5. हायराईज इमारतीचे सर्व्हिस/फायर ऑडिटिंग हे प्रत्येक वर्षी सक्षम प्राधिकृत अधिकाऱ्याकडून करून घेणे बंधनकारक राहील व म.न.पा. मागणीनुसार उपलब्ध करून देणे बंधनकारक राहील.
6. मा. शासनाकडील शासन निर्णय क्र. टीपीएस-१८०७/२५२/सी.आर.६३०/०७/युडी-१३ मधील अतिरिक्त अग्निशमन व्यवस्था, विशेष वर्गवारीमधील स्ट्रक्चरल इंजिनिअर याची नेमणूक, सर्व्हिस व फायर लिफ्ट याबाबत नमुद केलेल्या अटी बंधनकारक राहतील

काही महत्वाच्या विशेष सूचना

1. यु.एल.सी.ऑर्डरमधील सर्व अटी संबंधित मालक /विकसकावर बंधनकारक राहतील त्यास पुणे म.न.पा. जबाबदार राहणार नाही.
2. प्रकल्पाच्या सिमार्भितीबाबत रिटेनिंग वॉल बाबत कार्यालयीन परिपत्रक क्रअन अ/ जा/ म आ/ ४८३ दि. ५/८/२०१३ च्या अटी बंधनकारक राहतील.
3. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये युरिनल व डब्ल्यूसी करिता १ लि.(हाफफ्लश) आणि २. प्रकल्पामधील सर्व वापराच्या इमारती पाण्याचे नळ (बिब कॉक, बेसिन टॅप इ.नळ) ६लि./मुत फ्लॉश) असे प्रकारचे फ्लश असे प्रकारचे फ्लश टँक यंत्रणा प्रत्येक ठिकाणी बसविणे व त्याप्रमाणे प्रति मिनिट इतक्या कमी प्रमाणे पाण्याचे उपकरणे बसविणे. ३. प्रकल्पामधील जमिन पातळीपासून एकूण २४ मी. पेक्षा उंच इमारतीमध्ये पाण्याचा दाब व गतीचा वेग नियंत्रित राहण्यासाठी दाब नियंत्रित व्हॉल्व्हस् बसविणे. ४. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये प्रवेशी उद्वाहना पारदर्शक अशा आगरोधक काचेच्या पट्या वापरलेला पारदर्शक दरवाजा व लिफ्टमध्ये सी.सी. टी.व्ही. कॅमेरा बसविणे.
4. भविष्यात मान्य नकाशा व्यतिरिक्त कोणतेही बांधकाम (उदा. सर्व मार्जिनल अंतरात व टेरेसवरील शेड, पार्टीशन वॉल करून अगर सील लावून
5. जुन्या अस्तित्वातील बांधकामाच्या कोपऱ्यावरील भिंतीचा भाग, कॉर्नर पार्ट रस्तारुंदी /सेटबॅक पडताळणीसाठी जोते तपासणी होणे पर्यंत राखून ठेवा व नंतर
6. व्यापारी वापराचे इमारतीचे दर्शनी भागातील ६.०० मी. सामासिक अंतरापैकी ३.० मी. रुंदीचे क्लिजीटर्स पार्किंगची रस्ता / फुटपाथ करून ॲक्सेस् व्यवस्था
7. संरक्षक भिंतीचे प्रस्ताव मान्य करून घेऊनच बांधकाम पूर्ण करणार.
8. सदर प्रस्तावातील इमारतीचा वापर हा कायमस्वरुपी मान्य नकाशामध्ये दर्शविलेल्या वापरासाठीच करणार. सदरचे वापरात म.न.पा.च्या पूर्वपरवानगीशिवाय ब
9. अस्तित्वातील जुनी बांधकाम पाडताना शेजारील मिळकत/मिळकतीतील इमारतीस धोका/नुकसान होणार नाही याची खबरदारी घेणार.
10. सार्वजनिक वहिवाटीचे व सामाईक वापराचे रस्ता/बोळ/प्रवेशमार्गाचे वहिवाटीबाबत वाद निर्माण झाल्यास अर्जदार जबाबदार राहतील.
11. भाडेकरू पुनर्वसन योजनेकरिताच्या अटी :- १) नविन इमारतीमध्ये जागा देण्याघेण्याबाबत एकमत झाले असल्याबाबत व त्याबाबत तक्रार नसल्याबाबत रजिस्टर करार जोते तपासणीपूर्वी दाखल करणार. २) कुलमुखत्यारपत्रधारक अगर मालक यांच्याकडून त्यांनी कबूल केल्याप्रमाणे जागेचा ताबा मिळाला/मिळणार आहे व त्याबाबत कोणतीही तक्रार नसल्याचे भाडेकरूचे नोटराईज्ड ना हरकत पत्र, भोगवटापत्र मागणीपूर्वी दाखल करणार. ३) भाडेकरू व विकसक यांचे दरम्यान वाद निर्माण झाल्यास त्यास म.न.पा. जबाबदार राहणार नाही.४) सुधारीत नकाशे दाखल करण्यापुर्वी पुणे म.न.पा.ने निर्धारीत केलेले नोटराईज्ड हमीपत्र करणार.
12. आगेकर अस्तित्वातील म.न.पा. मीटर कनेक्शन असल्यास काम सुरु करण्यापूर्वी पाणी पुरवठा विभागाचे ना हरकत पत्र दाखल करणार.



13 रस्तारुंदीचे अंतिरिक्त चटई क्षेत्र वापरण्यापुर्वी सदर रस्त्याची जागा म.न.पा. च्या ताब्यात देणार.

14 कुठलेही वाढीव/दुरुस्त प्रस्ताव मान्यता मागणेपूर्वी सुधारित डी.पी.लेआऊट मान्य करुन घेणार. (आवश्यकतेनुसार)

15 बांधकामाचे नकाशांना परवानगी मिळाल्यावर विकासकर्ता/मालक यांनी जागेवर फलक लावून खालील प्रमाणे माहिती दर्शवावी.
अ) मालकाचे, विकसकाचे, ला. आर्कि. व कॉन्ट्रॅक्टर यांची नावे व पत्ता व संपर्क दुरध्वनी / भ्रमण दुरध्वनी क्रमांक.

16 काम सुरु करण्यापुर्वी मान्यताप्राप्त दर्जाच्या परवानाधारक स्ट्रक्चरल डिझायनर/इंजिनियर यांची नेमणूक करणारे पत्र व जोते तपासणी दाखला तसेच कोणतेही भोगवटापत्र मागणेपूर्वी त्यांचे स्ट्रक्चरल स्टॅबिलीटी सर्टिफिकेट/रिपोर्ट दाखल करणार. वाढीव बांधकाम स्ट्रक्चरल इंजिनिअरर्सचे नियमित मार्गदर्शन व देखरेखीखाली पूर्ण करणार.

17 ओल्या व सुक्या कचऱ्याकरिता मिळकतीमध्ये कंटेनरची सोय करणार.

18 कम्प्लिशन सर्टिफिकेटचे दिनांकापासून १ (एक) वर्षाच्या आत अथवा कोणतेही भोगवटापत्र मागणीपूर्वी (जे अगोदर) एकत्रित/स्वतंत्र अशा ७/१२ उतारा व मोजणीचा सिटी सर्व्हे कडील नकाशा दाखल करणार.

19 विकास योजना खात्याकडील मान्य एकत्रीकरण/सब डिव्हीजन/लेआऊट ऑफ बिल्डींग मधील सर्व अटी बंधनकारक राहतील.

-:अटी :-

1 विळा पध्दती भागामध्ये भोगवटापत्र मागणीपूर्वी प्लॉट आवारात गांडूळ खत निर्मितीसाठी व्यवस्था करणार.

2 भोगवटापत्रासाठी स्ट्रक्चरल इंजिनिअरचा दाखला (स्टॅबिलीटी सर्टीफीकेट) दाखल करणार.

3 अंशत: भोगवटापत्रासाठी रू. २२०/- चे स्टॅम्प पेपरवर इंडेम्निटी बॉन्ड दाखल करणे आवश्यक आहे.

4 भोगवटापत्र मागण्यापूर्वी पुणे महानगरपालिकेकडील कर आकारणी व करसंकलन पाणी पुरवठा, जलोत्सारण, पथ विभाग, अतिक्रमण इ. विभागाचे रक्कम व धक्काबाकी रक्कम पूर्णपणे भरणार.

5 जागेतील सोयीसाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरुपाची बांधली पाहिजे. जुने संडास कमोडी असल्यास त्याप्रमाणे संडास, मुतारी बांधण्याची गरज नाही.

6 मालकी हक्काबाबत व इतर कोणत्याही हक्काबाबत व हद्दीबाबत वाद निर्माण झाल्यास त्यास अर्जदार पूर्णपणे जबाबदार राहणार.

7 जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे ते वैध मार्गाने पाडून त्यानंतरच नवीन कामास सुरुवात करणार.

8 बांधकाम विकास विभाग, खात्याने जरी सेप्टीक टॅन्कसाठी परवानगी दिली असली तरी कार्यकारी अभियंता(जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल करुन त्याची मंजूरी घेतल्याखेरीज सेप्टीक टॅन्क तसेच ड्रेनेजसंबंधी बांधकाम सुरू करू नये व भोगवटा पत्र मागण्यापूर्वी ड्रेनेज कामाचे ड्रेनेज जोडासह नकाशे व दाखला हजर करण्यात यावा.

9 भोगवटापत्र मागणीचे अर्जापूर्वी मा. कार्यकारी अभियंता (ड्रेनेज) यांचेकडील ड्रेनेज कनेक्शनचे मान्य नकाशे दाखल करणार.

10 इमारतीचे भोगवटापत्र देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत बांधकाम विकास विभागामार्फत मार्गदर्शन केले जाईल.

11 नवीन बांधकाम सुरू करताना संबंधित जागेमध्ये झाडे असल्यास ती वृक्ष प्राधीकरण समितीच्या पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत, अन्यथा कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी.

12 ज्या भूखंडावर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापूर्वी प्रत्येक मालकाने इमारतीसमोरील मिळकतीच्या आत व बाहेर उद्यान विभागाचे तरतुदीनुसार झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खात्री करावी. त्याशिवाय (ऑक्युपन्सी सर्टिफिकेट) भोगवटापत्र मिळणारनाही.

13 सोबतच्या नकाशावर भाग्ने लिहिलेल्या/चिटकवलेल्या अटींवर संमतीपत्र देण्यात येत आहे.

14 सूचीप्रमाण कार्यालयामार्फत व/ बांधकाम विकास विभागाकडून रस्तारूंदी प्रमाणरेषा जागेवर आखून घेणार व मगच बांधकाम सुरू करणार या अटीवरच हे संमतीपत्र देण्यात येत आहे. (आवश्यक असल्यास)

15 जोत्यापर्यंत काम आल्यावर रोड-लेव्हल, मार्जिनल ओपन स्पेस इ. आधी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्यावेत, जोते तपासणी दाखला प्राप्त झाल्याशिवाय जोत्यावरील काम सुरू करू नये.

16 सोबतच्या नवीन/दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.

17 सर्व पूर्वी जमा करण्यात आलेले विकासनाचे दाखले/संमतीपत्रे रद्द समजण्यात यावीत.

18 सदरील सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि.०५/०१/१९८७, दि.०६/१२/२००७, दि.१८/०९/२००८, दि.०२/०३/२०१२, दि.०४/०४/२०१२ दिवशी मान्य केला आहे. त्यास अनुसरून नवीन काही उपसर्ग पोहोचत असल्यास

अथवा हानी होत असल्यास त्याप्रित्यर्थ कोणत्याही प्रकारची भरपाई यागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.

19 इतर महत्वाचे अटी :

अर्ज्यो आवार मधील मोपळ्या स्पेसवर जलम हार्वेस्टिंग दर्शविले प्रमाणे नकाशे मान्य करून घेणार

20 मा.पर्यावरण विभागाकडील दि. १२ डिसेंबर २०१२ रोजीचे आदेशानुसार नमुद केलेप्रमाणे २०००० चौ.मी. पेक्षा जास्त एकुण बांधकाम क्षेत्र निर्माण प्रस्तावास मा. केंद्र शासन यांचेकडील पर्यावरण विभागाकडील नाहरकत पत्र घेणे बंधनकारक राहील. आवश्यक तेथे महाराष्ट्र प्रदुषण नियंत्रण बोर्डचे नाहरकत पत्र बांधकाम परवानगीचे वेळी दाखल करणे बंधनकारक राहील.

21 आवश्यकतेप्रमाणे लिफ्ट (उदवाहन)परवाना संबंधित प्राधिकारीकडुन प्राप्त करून घेतले नंतरच वापर करणे बंधनकारक राहील.

22 बांधकाम जागेचा वापर सुरू करण्यापूर्वी भोगवटापत्र मागणेपूर्वी अग्निशामक विभागाकडील नाहरकत पत्र दाखला त्यानुसार आवश्यक ती सर्व यंत्रणा जागेवर कार्यान्वित ठेवणार. सदर यंत्रणेची कायमस्वरूपी देखभाल/दुरूस्ती करून यंत्रणा नियमित ठेवणार.

ENGLISH TRANSLATION

Translated from Marathi 8.

PUNE MUNICIPAL CORPORATION

Building Control Office
Pune Munc. Corp.
Shivaji Nagar, Pune 5.

(Mention the following number and date in further communications)

(This Permission letter is being given by taking the reference of the legal ownership right of the land and premises into consideration)

COMMENCEMENT CERTIFICATE

This Building Commencement Certificate and Permission letter of Construction is being given as per the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949.

Case No. UND/0001/06

Proposal Type: Commercial

Project type: Revised

Project Type: Proposed building

No. CC/2367/16

Date: 26/10/2016

Shri Ashok Mohani through :L.S. Dhananjay Vijay Dalvi (1437). Residing at Pune, Peth 876, Kasba Peth, Pune 411006, has given the notice to the Municipal Corporation for carrying out construction at Undri, Survey No,. 9, Hisssa No. 1 (P), Plot No.... within the limits of Pune Municipal Corporation, under the provisions of Section 44/45/58/69 of the Maharashtra Town Planning At, 1966 and Sections 253 and 254 of the Mumbai Regional Municipal Corporation Act, 1949 on 4.2.2016. .

CONDITIONS

1. In future, the area upto the front distance/ road line shown in the said proposal will remain the part of the public road as per the instructions of the Pune Municipal Corporation.

2. The use of any new building or extended/ repaired building or permission for use and possession should not be made by any

person without obtaining the Occupation Certificate of the Municipal Corporatoin.

3. The validity of this Permission letter / Development permission will be (if not started) of one year from the date of consent letter. The approved Plan herewith is to be treated as an integrated part of this Consent letter.

4. It is necessary to renew this Consent letter each year after its expiry. Such renewal can be done consecutively for 3 years. If not held so, then new permission letter will have to be obtained by making new application under Sectoin 44 of the Maharshtra Regional and Town Planning Act, 1966.

5. This Permission letter will be cancelled if breach of the following conditions is held.

a) If the development/ construction on the land is not being held as per the use shown/approved as per the approved plan, or if unauthorized construction/ unauthorised use

is being held at the said place, it will be treated as breach of condition.

b) If violation of the condition mentioned in respect of the aid building proposal is being held/held, if violation is of the rules laid by the Pune Municipal Corporation is held, then it will be presumed to have committed the breach of condition

c) If it has come to the notice that the Applicant has obtained this Permission by misguiding the Pune Municipal Corporation by illegal acts, then it will be treated as committed breach of conditions and it will be understood to have obtained the said permission by misguiding under Rule No. 6, 10 of the Development Control Rules and Section 258 of the Maharashtra Municipal Corporation Act, 1948.

d) If it has come to the notice that the Applicant and the person by himself or through him is doing the land development or construction by committing violations of provisions under Section 42 and 45 of the Maharashtr Regional and Town Planning Act, 1966 by

claming the ownership right, then it will be understood that the said permission is taken by misguiding.

6, The terms and conditions of this Permission letter /attached will be binding not only for the Applicant but also will be permanently binding on all executors, power of attorney holders, Managers, Administrators, Successors, and each person who will be establishing the ownership right through the Applicant.

7. Will submit the N.A. Order before starting the work.

8. The terms and conditions of Non-Agricultural Certificates (N.A. Order), U.L.C. Order, Orders of the Maharashtra Pollution Control Board, Industrial Directorate, Labour Insurance Commissioner, will be binding.

While doing the works as per the above Permission letter, if it has come to the notice of the Pune Municipal Corporation that violations of Maharashtra Municipal Corporation Act, Maharashtra Regional and Town Planning Act,k

1966, or the rules and bye-rules made according to the same, then the Pune Municipal Corporation will have the right orf canceling the said Permission letter.

If there is any doubt in respect of the above Permission letter, then the same will be got clarified by informing the same to the Municipal Corporation before starting the works.

Sd/-	Sd/-
Building Inspector	Deputy Engineer
Building Development	Building Development
Department, P.M.C.	Department, P.M.C.

Special conditions:-

1. Provisions if D.P. Rules 21,6,6.will be binding in respect of high-rise buildings.

2. Solar System plant will be installed.

3. For the purpose of preservation of water, refilling of rain water, double flush Plant, control pressure plant, will be installed in the proposed building.

4. The door of the lift in the building will be transparent in view of seeing the position inside the Lift.

.5. It will be binding to get service./ fire auditing of the High rise buildings each year, from the competent authorized officers s and to make available the same as the demand of Municipal Corporation.

6. Additional Fire Fighting Arrangement, appointment of Structural Engineer of special classification, and the conditions mentioned in respect of service and fire lift, in the Government Decision No. TPS 1807/252/C.R. 630/07/UD-13 will be binding.

Some special instructions of importance :

1. All the conditions of the U.L.C. Order will be binding on the concerned Owner/ Developer.. The Pune Municipal Corporation will not be responsible for the same.

2. Regarding the boundary wall of the Project, The conditions of the Office Circular No. A/Ja/M.A./ 483 dated 5.8.2013 will be binding in respect of the retaining wall.

3. Flush tanks of 3 Ltr. (half flush) for urinal and W.C.in the buildings of all use in the project, (2) the water tap (bib cock, basin trap etc. tap) 6 Ltr. (full flush) in the buildings of all use in the project, is to be installed at Each place (3) pressure control valve for pressure and speed of water controlled in the buildings of the height of more than 24 mt. from the land level, in the project are to be installed and (4) transparent door by using transparent and fire resistant glass sheets and c.c.t.v. camera is to be installed in all passenger lifts in the buildings of all use.

4, In future any construction other than approved plan (for example, all marginal distance, and shed on the terrace) by making partition wall or by fitting Grills.

5. The part of the wall on the corner of the old existing structure, corner part may be retained till having the Plinth inspection for the purpose of verification road widening/ set back, and then

6. Access arrangement ,by making road/footpath of visitors parking of 3.0 mt. width out of the 6.00 marginal distance at the front side of the building of commercial use.

7. The construction will be completed only after getting the proposal of protection wall approved.

8. The use of the building of the said project will be made permanently only for the use shown in the approved Plan.

9,. While demolishing the existing old structures, care will be taken tosee that there will not be

any danger/ loss for the neighbouring property/ buildings on the properties.

10. If any dispute is arisen in respect of occupation of the rod/ bol/ entrance door of public occupation and common use, then the Applicant will be responsible for the same.

11. Conditions for Tenants Rehabilitation scheme :

1) Will submit the registered agreement about becoming unanimous about dealing with the premises in the new building, giving premises in the new building and about not having any complaint in that respect, before the plinth inspection. (2) Will submit the Notarized No Objection letter of all tenant stating that the possession of the premises is received / will be received from the General Power of Attorney holder or Owners as agreed by them and about not having any complaint in respect of the same, before demanding the Occupation Certificate. 3) Ir any dispute is arisen between the Tenant and Developer, the Municipal Corporation will not be responsible for the same. 4) Before filign

the revised Plan, Will make the Notarized Undertaking as specified by t the Pune Municipal Corpn.

12. If there is existing Municipal Meter Connection on the land , then will submit the No Objection letter of Water Supply Department, before starting the work.

13. Will give the land of the said road in possession of the Municipal Corporation, before using the additional F.S.I. of road widening.

14. Will approve the revised D.P. Layout, before asking approval for any additional/ amended proposal.

15. On receiving the permission for plans of the building, the Developers/ Owner may exhibit the information as under by fixing a Board on the site.

A) Name and address and contact telephone / mobile phone number of the Owner, Developer, La. Architect and Contractor.

16. Before starting the work, will submit the letter appointing Licenced Structural Engineer /Engineer of approved category and the Plinth Inspection Certificate and will submit the their structural stability certificate / report before asking any occupation Certificate. The additional construction will be completed under the regular guidance and supervision of the Structural Engineer.

17, Will make facility of container for wet and dry wastes, in the building.

18. Will submit the joint/ separate 7/12 extract and Survey Map of the City Survey, within 1 (one) year from the date of commencement certificate or before asking any occupation certificate (which comes earlier).

19. All the conditions of approved amalgamation/ sub-division/ lay out of building of the Development Plan Department will be binding.

Conditions :

1. Before demanding the Occupation Certificate in thin populated area, will make arrangement for production of Earthworm fertilizer in the plot compound.

2. Will submit the Certificate (Stability Certificate) of the Structural Engineer for the purpose of occupation certificate.

3. It is necessary to file an Indemnity bond on stamp paper of Rs. 220/- for partial-occupation certificate.

4. Before asking the Occupation Certificate, will make full payment of the amount and arrears of Tax Assessment and Collection, Water Supply, Drainage, Roads department, Encroachment department etc. of the Pune Municipal Corporation.

5. For the convenience of the workers, at least one urinal and one latrine of temporary nature should be constructed on the land. If there is old latrine or Mori, then there is no need of constructing the latrine and urinals.

6. If any dispute is arisen in respect of ownership right and in respect of any other right and in respect of boundaries, then the Applicant will be fully responsible for the same.

7. Will start the new work, only after demolishing the structures which are shown to be demolished in the building plan, by valid source.

8. Though the Building Development Department has given approval for septic tank, the work of construction in respect of septic tank or drainage should not be started without taking the approval of the Executive Engineer (Drainage Department) by submitting the Plans.

9. Before Application for the Occupation Certificate, will submit the approved Plan of Drainage connection , of the Executive Engineer (Drainage).

10. While giving the occupation certificate, the application will not be taken into consideration unless the land is cleaned by lifting the

remainings of bridling materials stacked on the road or inner side and the debris . Guidance about the place where the debris are to be dumped will be made by the Building Development Department.

11. While starting new construction, if there are trees on the concerned land, the same should not be cut without taking the prior permission of the Tree Authority, or otherwise, legal action will be taken, which may be noted.

12. Before asking the occupation Certificate of the new building constructed on the plot. Each owner should take care and make necessary arrangement in view of planting Trees inside and out of the boundary wall and to grow the same properly, as per provisions of the Garden Department and without the same, the Occupation Certificate will not be given.

13. The Permission letter is being given on the conditions written / pasted on the reverse side of the Plan herewith.

14. This Permission letter is being given on the condition that the road widening line will be got marked on the site through the Land Acquirement Office / Building Development Department and then only the construction will be started. (If necessary)

15. After coming the work upto the Plinth, inspection of the construction in respect of set back, marginal open space may be got done from the Building Control Office, and the work above the Plinth should not be started without obtaining the Plinth Inspection Certificate.

16. Work should be made as shown in the new/ amended Plan herewith.

17. The Certificates / consent letters of development given earlier may be treated as cancelled.

18. The Government of Maharashtra has approved the concerned Revised

Development Plan on 5.1.1987, 6.12.2007, 18.9.2008, 2.3.2012, 4.4.2012. If any thing happens accordingly, or if any harm is being caused, no compensation of whatsoever nature will be demanded and the responsibility of giving the same will not be on the Municipal Corporation.

19. Other important conditions :

The amended Plan by showing club house on the open space on the lay out will be got approved.

20. As mentioned in the Order dated 12th December, 2012, of the Environment Department, it will be binding to take the No Objection Certificate of Environment Department of the Central Government.

21. It will be binding to make use, only after obtaining the Lift Licence from the concerned authority.

22. Before starting use of the built up area , and before demanding the Occupation Certificate, all the necessary equipments as per the Certificate of Fire Fighting Department will be got implemented at the place. The said equipments will be kept by regular repairs/ maintenance.

TRUE COPY

For Vidhii Partners
Advocates

बांधकाम नियंत्रण

पुणे महानगरपालिका EXH-H

शिवाजीनगर, पुणे ४११००५.

3167

बांधकाम नियंत्रण कार्यालय

क्रमांक : CC/0465/15

Part-I

दिनांक : 14/7/15

[मुंबई प्रांतिक महानगरपालिका अधिनियम, १९४९ कलम २६३ (१) अन्वये]

भोगवटा पत्र - इमारत - A, B, C, E - संपूर्ण, इमारत - D' पार्ट

श्री. / श्रीमती अशोक मोहनानी तर्फे - डी. भा. आर्की. धनंजय विजय दळवी.

राहणार 87 C, कसबा पेठ, पुणे - 411011.

यांस –

आपणांस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९, कलमे २५३ / २५४ व एम्. आर. टी. पी. ॲक्ट कलमे ४५/६९ प्रमाणे पुणे, पेठ उंड्री घरांक — फायनल प्लॉट क्र. / — सर्वे क्र. 9/1 पार्ट टी. पी. स्कीम नंबर — यांत इकडील संमती पत्र / कमेन्समेंट सर्टिफिकेट क्रमांक CC/0963/15 दिनांक 29/06/2015 अन्वये बांधकाम करण्यास परवानगी देण्यात आली आहे. सदरील संमती पत्र / कमेन्समेंट सर्टिफिकेटप्रमाणे सर्व / काही भागाचे काम पुरे झाल्याबद्दल व सदर नवीन बांधलेल्या इमारतीची जागा उपयोगात आणावयास संमती मिळण्याबाबत दिनांक 30/06/2014 रोजी अर्ज केल्यावरून आपणांस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९, कलम २६३ (१) प्रमाणे कळविण्यात येते की, खालील नमूद केलेल्या अटींवर पुढील वर्णनाचा इमारतीचा भाग उपयोगात आणण्यास संमती देण्यात येत आहे.

उपयोगात आणावयाच्या बांधकामाचे वर्णन मान्य नकाशानुसार

मजले	इमारत 'ए'	इमारत 'बी'	इमारत 'सी'	इमारत 'डी'	इमारत 'इ'
तळ मजला	संपूर्ण पार्किंग	संपूर्ण पार्किंग	संपूर्ण पार्किंग	संपूर्ण पार्किंग	संपूर्ण पार्किंग
पहिला	१०१, १०२	१०१, १०२	१०१, १०२	१०१, १०२	१०१, १०२
दुसरा	२०१, २०२	२०१, २०२	२०१, २०२	२०१, २०२	२०१, २०२
तीसरा	३०१, ३०२	३०१, ३०२	३०१, ३०२	३०१, ३०२	३०१, ३०२
चौथा	४०१, ४०२	४०१, ४०२	४०१, ४०२	४०१, ४०२	४०१, ४०२
पाचवा	५०१, ५०२	५०१, ५०२	५०१, ५०२	–	५०१, ५०२
सहावा	६०१, ६०२	६०१, ६०२	६०१, ६०२	–	६०१, ६०२
सातवा	७०१, ७०२	७०१, ७०२	७०१, ७०२	–	७०१, ७०२
आठवा	८०१, ८०२	८०१, ८०२	८०१, ८०२	–	८०१, ८०२
नऊवा	९०१, ९०२	९०१, ९०२	९०१, ९०२	–	९०१, ९०२
दहावा	१००१, १००२	१००१, १००२	१००१, १००२	–	१००१, १००२
अकरा	११०१, ११०२	११०१, ११०२	११०१, ११०२	–	११०१, ११०२
बारा	१२०१, १२०२	१२०१, १२०२	१२०१, १२०२	–	१२०१, १२०२
एकूण	२४ सदनिका	२४ सदनिका	२४ सदनिका	८ सदनिका	२४ सदनिका

असे एकूण 104 सदनिका, रिफ्युज एरिया व संपूर्ण पार्किंगसह फक्त.

उप सल्लागार अभियंता
बांधकाम नियंत्रण विभाग, झोन क्र.1
पुणे महानगरपालिका.

- भविष्यात मंजूर नकाशा व्यतिरिक्त कोणतेही बांधकाम झाल्यास
- सर्व मार्जिनल अंतरात व टेरेसवरील शेड, पार्टीशन वॉल काढून
- आर.सी.सी. लादून पार्किंग उपलब्ध करणे इ.) केल्यास, संबंधीत
- पूर्व सूचना न देता सदरची संपूर्ण अनधिकृत बांधकामे पाडण्यास
- येतील व त्याकरिता येणारा संपूर्ण खर्च फर्लेदारक/मालक

बांधकाम परवानगी दर्शनी ठिकाणी लावणे.

NOTARY GOVT. OF INDIA
S. R. LOKHANDE
MUKUNDRAI MAHARASHTRA
Regd. No. 4643

ENGLISH TRANSLATION

Translated from Marathi

EXHIBIT - H

PUNE MUNICIPAL CORPORATION

Shivaji Nagar, Pune 411 005

Building Control Office,
No. OCC/0465/15
Date: 14.7.15

"PART I "

AMNESTY SCHEME

(Under Section 263 of Mumbai Regional Municipal Corporation Act, 1949.)

OCCUPATION CERTIFICATE –

BUILDING A, B, C, E, COMPLETE
BUILDING 'D' PART.

To,

Shri Ashok Mohnani through La. Arci. Shri Dhananjay Dalvi, residing at 876, Kasba Peth, Pune 411 011.

Vide this Office Consent Letter/Commencement Certificate No. CC/0963/15 dated 29.6.2015, you have been given permission for making construction at Survey No. 9/1 Part, T.P. Scheme No.....at Peth Undri, Pune, bai – Pune Road, T.P. Scheme No. ... at Pune, under

Sections 253/254 of the Mumbai Regional Municipal Corporation Act, 1949 and Sections 45/69 of M.R.T.P. Act. As you have made an application on 30.06.2014 that the work of some portion has been completed as per the said Consent Letter/ Commencement Certificate, and for giving permission for bringing the said premises of the said newly constructed building into use, it is to inform you under Section 263(1) of the Mumbai Regional Municipal Corporation Act, 1949 that, permission is being given for bringing the portion of the building of the following description into use, on the conditions mentioned hereunder :

Description of the structure to be brought into use

As per approved Plan

Floors	Building-A	Building-B	Building-C	Building-D	Building-E
Ground floor	Complete Parking	Complete Parking	Complete Parking	Complete Parking	Complete Parking
First	101,102	101,102	101,102	101,102	101,102
Second	201,202	201,202	201,202	201,202	201,202
Third	301, 302	301, 302	301, 302	301, 302	301, 302
Fourth	401, 402	401, 402	401, 402	401, 402	401, 402

Fifth	501, 502	501, 502	501, 502	--	501, 502
Sixth	601, 602	601, 602	601, 602	--	601, 602
Seventh	701, 702	701, 702	701, 702	--	701, 702
Eighth	801, 802	801, 802	801, 802	--	801, 802
Nineth	901, 902	901, 902	901, 902	--	901, 902
Tenth	1001, 1002	1001, 1002	1001, 1002	--	1001, 1002
Eleventh	1101, 1102	1101, 1102	1101, 1102	--	1101, 1102
Twelfth	1201, 1202	1201, 1202	1201, 1202	--	1201, 1202
Total	24 flats	24 flats	`24 flats	8 flats	24 flats

Total 104 flats, with refuse area and complete parking only.

Condition: If any construction other than the approved Plan (e.g. Shed in all marginal distance and terrace, enclosing by erecting partition wall or fixing grill etc.) is made in future, then the said entire unauthorized structure will be demolished without giving any prior notice and the entire expenditure to be incurred in that respect will be recovered from the Flat holder/Owner.

Sd/-

Deputy Engineer
Building Control No.1
Pune Municipal Corpn.

TRUE COPY
For Athavale Partners
Advocates & Solicitors

Ex I 1307

EXH-I

मुमाचामु. ५६९ (५०४३ पाने १०० पडत्ते) ६-११ बांधकाम नियंत्रण

पुणे महानगरपालिका

शिवाजीनगर, पुणे ४११००५.

बांधकाम नियंत्रण कार्यालय

"पार्ट-II"

अॅमिनिस्टी स्कीम

क्रमांक : CC/1376/16

दिनांक : 26/11/16

156

[मुंबई प्रांतिक महानगरपालिका अधिनियम, १९४९ कलम २६३ (१) अन्वये]

इमारत 'D' **भोगवटा पत्र** उर्वरित संपुर्ण

श्री. / श्रीमती अशोक मोहनानी तर्फे मा. आर्की श्री धनंजय दळवी

राहणार 876, कसबा पेठ पुणे-411011.

यांस –

आपणांस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९, कलमे २५३ / २५४ व एम्. आर. टी. पी. ॲक्ट कलमे ४५/६९ प्रमाणे पुणे, पेठ उंड्री धरांक — फायनल प्लॉट क्र. / सर्वे क्र. 9/1 पार्ट टी. पी. स्कीम नंबर — यांत इकडील संमती पत्र / कमेन्समेंट सर्टिफिकेट क्रमांक CC/2963/15 दिनांक 17/2/2015 अन्वये बांधकाम करण्यास परवानगी देण्यात आली आहे. सदरील संमती पत्र / कमेन्समेंट सर्टिफिकेटप्रमाणे सर्व / काही भागाचे काम पुरे झाल्याबद्दल व सदर नवीन बांधलेल्या इमारतीची जागा उपयोगात आणावयास संमती मिळण्याबाबत दिनांक 24/10/2016 रोजी अर्ज केल्यावरून आपणांस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९, कलम २६३ (१) प्रमाणे कळविण्यात येते की, खालील नमूद केलेल्या अटींवर पुढील वर्णनाचा इमारतीचा भाग उपयोगात आणण्यास संमती देण्यात येत आहे.

उपयोगात आणावयाच्या बांधकामाचे वर्णन

मान्य नकाशाप्रमाणे - इमारत 'D' उर्वरित संपुर्ण

मजला	वर्णन	एकूण
पाचवा मजला	५०१, ५०२	२
सहावा मजला	६०१, ६०२	२
सातवा मजला	७०१, ७०२	२
आठवा मजला	८०१, ८०२	२
नववा मजला	९०१, ९०२	२
दहावा मजला	१००१, १००२	२
अकरावा मजला	११०१, ११०२	२
बारावा मजला	१२०१, १२०२	२
	एकूण	१६ सदनिका

असे एकूण १६ (सोळा) सदनिका संपूर्ण पार्किंग सह फक्त

टीप भविष्यात मान्य नकाशा व्यतिरिक्त कोणतेही बांधकाम (उदा. सर्व मार्जिनल अंतरात व टेरेसवरील शेड, पार्टिशन वॉल लाभ अगर ग्रील लावून पार्किंग बंदिस्त करणे इ.) केल्यास, कोणतेही पूर्व सूचना न देता सदरची संपूर्ण अनधिकृत बांधकामे पाडण्यात येतील व त्याप्रित्यर्थ येणारा संपूर्ण खर्च मालकांकडून वसूल करण्यात येईल.

उप अभियंता, 26.10.16
सहायक अभियंता,
बांधकाम नियंत्रण क्र. /
पुणे महानगरपालिका.

ENGLISH TRANSLATION

Translated from Marathi

EXHIBIT - I

PUNE MUNICIPAL CORPORATION

Shivaji Nagar, Pune 411 005

Building Control Office,
No. OCC/1376/1600
Date: 26/11/18.

"PART II "

AMNESTY SCHEME

(Under Section 263 of Mumbai Regional Municipal Corporation Act, 1949.)

BUILDING 'D' REMAINING COMPLETE

OCCUPATION CERTIFICATE

To

Shri Ashok Mohnani through La. Arci. Shri Dhananjay Dalvi, residing at 876, Kasabh Peth, Pune 411 011.

Vide this Office Consent Letter/Commencement Certificate No. CC/2963/15 dated 17.2.2015, you have been given permission for making construction at Survey No. 9/1 Part, T.P. Scheme No.....at Peth Undri, Pune, bai – Pune Road, T.P. Scheme No. ... at Pune, under Sections 253/254 of the Mumbai Regional

Municipal Corporation Act, 1949 and Sections 45/69 of M.R.T.P. Act. As you have made an application on 24.10.2016 that the work of some portion has been completed as per the said Consent Letter/ Commencement Certificate, and for giving permission for bringing the said premises of the said newly constructed building into use, it is to inform you under Section 263(1) of the Mumbai Regional Municipal Corporation Act, 1949 that, permission is being given for bringing the portion of the building of the following description into use, on the conditions mentioned hereunder :

Description of the structure to be brought into use

As per approved Plan - Building – D, remaining complete.

Floor	Description	Total
Fifth Floor	501, 502	2
Sixth Floor	601, 602	2
Seventh Floor	701, 702	2

Eighth Floor	801, 802	2
Nineth floor	901, 902	2
Tenth Floor	1001, 1002	2
Eleventh Floor	1101, 1102	2
Twelfth Floor	1201, 1202	2
	Total	16 Flats
Total 16 (sixteen) flats complete with parking only.		

Condition: If any construction other than the approved Plan (e.g. Shed in all marginal distance and terrace, enclosing by erecting partition wall or fixing grill etc.) is made in future, then the said entire unauthorized structure will be demolished without giving any prior notice and the entire expenditure to be incurred in that respect will be recovered from the Flat holder/Owner.

Sd/-
Deputy Engineer
Building Control No.1
Pune Municipal Corpn.

TRUE COPY

For Vidhii Partners
Advocates

EXH-J

Ex J

मुमाव्यमु. ५६९ (५०×३ पानी १०० पेंडस) E-११ बांधकाम नियंत्रण

पुणे महानगरपालिका

शिवाजीनगर, पुणे ४११००५.

बांधकाम नियंत्रण कार्यालय

क्रमांक CC/1416/16

"ॲमिनिस्टी स्कीम" दिनांक 28/10/2016

[मुंबई प्रांतिक महानगरपालिका अधिनियम, १९४९ कलम २६३ (१) अन्वये]

भोगवटा पत्र - संपुर्ण

श्री. / श्रीमती अशोक मोहनानी तर्फे ना आर्की. श्री धनंजय दळवी.

राहणार 876, कसबा पेठ, पुणे-411011.

यांस –

आपणांस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९, कलमे २५३ / २५४ व एम्. आर. टी. पी. ॲक्ट कलमे ४५/६९ प्रमाणे पुणे, पेठ उंड्री घरांक — फायनल प्लॉट क्र. / सर्व्हे क्र. 9/1(P) टी. पी. स्कीम नंबर — यांत इकडील संमती पत्र / कमेन्समेंट सर्टिफिकेट क्रमांक CC/2367/16 दिनांक 25/10/2016 अन्वये बांधकाम करण्यास परवानगी देण्यात आली आहे. सदरील संमती पत्र / कमेन्समेंट सर्टिफिकेटप्रमाणे सर्व / काही भागाचे काम पुरे झाल्याबद्दल व सदर नवीन बांधलेल्या इमारतीची जागा उपयोगात आणावयास संमती मिळण्याबाबत दिनांक 27/10/2016 रोजी अर्ज केल्यावरून आपणांस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९, कलम २६३ (१) प्रमाणे कळविण्यात येते की, खालील नमूद केलेल्या अटींवर पुढील वर्णनाचा इमारतीचा भाग उपयोगात आणण्यास संमती देण्यात येत आहे.

उपयोगात आणावयाच्या बांधकामाचे वर्णन

मान्य नकाशाप्रमाणे

तळ मजला + पहिला मजला } संपुर्ण कमर्शिअल इमारत फक्त.

(१)

(२)

(३)

सहायक अभियंता,
बांधकाम नियंत्रण क्र. 1
पुणे महानगरपालिका.

ENGLISH TRANSLATION

Translated from Marathi

EXHIBIT - J

PUNE MUNICIPAL CORPORATION

Shivaji Nagar, Pune 411 005

Building Control Office,
No. OCC/1416/1600
Date: 28.10.2016

"PART II "

AMNESTY SCHEME

(Under Section 263 of Mumbai Regional Municipal Corporation Act, 1949.)

OCCUPATION CERTIFICATE -

CLUB HOUSE COMPLETE

To

Shri Ashok Mohnani through La. Arci. Shri Dhananjay Dalvi, residing at 876, Kasabh Peth, Pune 411 011.

Vide this Office Consent Letter/Commencement Certificate No. CC/2367/16 dated 25.10.2016, you have been given permission for making construction at Survey No. 9/1(P) Part, T.P. Scheme No.....at Peth Undri, Pune, bai – Pune Road, T.P. Scheme No. ... at Pune, under Sections 253/254 of the Mumbai Regional Municipal Corporation Act, 1949 and Sections

45/69 of M.R.T.P. Act. As you have made an application on 27.10.2016 that the work of some portion has been completed as per the said Consent Letter/ Commencement Certificate, and for giving permission for bringing the said premises of the said newly constructed building into use, it is to inform you under Section 263(1) of the Mumbai Regional Municipal Corporation Act, 1949 that, permission is being given for bringing the portion of the building of the following description into use, on the conditions mentioned hereunder :

Description of the structure to be brought into use

As per approved Plan -

Ground floor +)
First Floor) Complete Club House Building Only.

Condition: If any construction other than the approved Plan (e.g. Shed in all marginal distance and terrace, enclosing by erecting partition wall or fixing grill etc.) is made in future, then the said

entire unauthorized structure will be demolished without giving any prior notice and the entire expenditure to be incurred in that respect will be recovered from the Flat holder/Owner.

Sd/-
Deputy Engineer
Building Control No.1
Pune Municipal Corpn.

TRUE COPY
For Vidhii Partners
Advocates

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EXH-K

(2011) 1 Supreme Court Cases 744

(BEFORE S.H. KAPADIA, C.J. AND AFTAB ALAM AND K.S.P. RADHAKRISHNAN, JJ.)

IN RE: CONSTRUCTION OF PARK AT NOIDA NEAR OKHLA BIRD SANCTUARY

ANAND ARYA AND ANOTHER .. Applicants;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

T.N. GODAVARMAN THIRUMULPAD .. Petitioner;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

IAs Nos. 2609-10 of 2009 in WP (C) No. 202 of 1995† with IAs Nos. 2896, 2900 of 2010 in IAs Nos. 2609-10 of 2009 and IA No. 2928 of 2010 in IAs Nos. 2609-10 of 2009 in WP (C) No. 202 of 1995, decided on December 3, 2010

A. **Environment Protection and Pollution Control — Forests — What are — Determination of forest land — Approach and considerations — Man-made forest and Afforestation — What are — Plantations for purpose of creating an urban park distinguished from afforestation — State Government project at NOIDA for building large-scale memorial with extensive stone-work diverting such urban park land and felling all trees thereon — Legality of — Held, any definition of "forest" howsoever wide relates to a context and cannot be applied absolutely, universally and totally independent of context — Though man-made forest with passage of time may acquire forest-like character and become forest, this rule has no universal application — Planting of trees in agricultural/non-forest land being for purpose of creating urban park and not for purpose of afforestation — Such trees being allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for alleged project on forest land — Said plantation, held, cannot be classified as forest land, nor deemed forest nor forest-like area — Hence impugned project not illegal — Forest (Conservation) Act, 1980 — S. 2 — Term "forest" under — Determination of ambit of**

B. **Environment Protection and Pollution Control — Forests — Identification — Acceptable evidence/proof — Satellite image showing forest cover, held, may not reveal complete picture — Revenue records corroborated by land acquisition proceedings revealed that land was not forest — Such revenue records were reliable because, they were much prior to project alleged to have diverted forest land — Forest (Conservation) Act, 1980 — S. 2 — Evidence Act, 1872 — S. 4 — Evidentiary value of satellite**

† Under Article 32 of the Constitution of India



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image for determining forest areas, held, may not be conclusive — Therefore, such evidence read with other evidence and ground realities

C. **Environment Protection and Pollution Control — Forest (Conservation) Act, 1980 — S. 2 — Prior approval under, for using land for non-forest purpose — When not required — Project site not being classifiable as forests, prior approval of Central Government, held, was not required**

The centre of the controversy in the present IAs involved a very large project of the Uttar Pradesh Government at NOIDA. The two applicants were residents of NOIDA and had challenged the project on the grounds (1) that the project area was a forest area and violated Section 2, FC Act, (2) that no environmental clearance of EIA Authorities was obtained even if the project fell within the EIA Notification, 2006 under Section 3(3), EP Act and (3) that the project devastated the delicate and sensitive ecological balance of the Okhla Bird Sanctuary to which the site of the project lay adjacent.

Disposing of the IAs, the Supreme Court

Held :

The project site is not forest land and the construction of the project without the prior permission from the Central Government does not in any way contravene Section 2, FC Act. The restriction imposed by Section 2(*ii*) is in respect of forest land. (Para 37)

A satellite image may not always reveal the complete story. In support that there used to be a forest at the project site, the applicants rely upon the report of the CCF based on site inspection and the Google image and most heavily on the FSI Report based on satellite imagery and analysed by GSI application. (Para 24)

In the revenue records, none of the khasras (plots) falling in the project area was ever shown as jungle or forest. According to the settlement year 1359 Fasli (1952 AD) all the khasras are recorded as *agricultural land*, banjar (uncultivable) or parti (uncultivated). The records of the land acquisition proceedings in 1980 to 1983 and 1991 also complement the revenue record of 1952 in which the lands were shown as *agricultural and not as jungle or forest*. There is no reason not to give due credence to these records since they pertain to a time when the impugned project was not even in anyone's imagination and its proponents were nowhere on the scene. (Paras 24 and 25)

Samatha v. *State of A.P.*, (1997) 8 SCC 191; *M.C. Mehta* v. *Union of India*, (2004) 12 SCC 118; *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267, *referred to*

The records pertaining to satellite images have not given information about the different species of trees, their age and the girth of their trunks, etc. The satellite images only reveal that in October 2006 there was thin to moderately dense tree cover over about half of the project site. But this fact is all but admitted. The State Government admits to felling of over 6000 trees in 2008. As per government information on a large tract of land (33.45 ha in area) that was forever agricultural in character, trees were planted with the object of creating an urban park (and not for afforestation!). The trees, thus, planted were allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for the project. (Paras 27 and 26)

But trees planted in the project area cannot be branded as "forest". It is inconceivable that trees planted with the intent to set up an urban park would

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turn into forest within a span of 10 to 12 years and the land that was forever agricultural, would be converted into forest land. One may feel strongly about cutting trees in such large numbers and question the wisdom behind replacing a patch of trees by large stone columns and statues but that would not change the trees into a forest or the land over which those trees were standing into forest land. (Paras 28 and 27)

In the order dated 12-12-1996 in *T.N. Godavarman Thirumulpad case*, (1997) 2 SCC 267 the Court gave a very wide definition of "forest". But any definition howsoever wide relates to a context. There can hardly be a legal definition, in terms absolute, and totally independent of the context. The context may or may not find any articulation in the judgment or the order but it is always there and it is discernible by a careful analysis of the facts and circumstances in which the definition was rendered. (Paras 29 to 31)

If the contention of the applicants is accepted and the criterion fixed by the State Level Expert Committee that in the plains a stretch of land with an area of 2 ha or above, with the minimum density of 50 trees per hectare would be a deemed forest is applied mechanically and with no regard to the other factors a greater part of Lutyens Delhi would perhaps qualify as forest. This was obviously not the intent of the order dated 12-12-1996. (Para 36)

The CEC on a consideration of all the materials made available to it, including the report of the FSI (on which the applicants heavily rely), came to hold and find that the project site was not a forest or a deemed forest or a forest-like area in terms of the order of the Supreme Court dated 12-12-1996. (Paras 9 to 16)

No doubt a man-made forest may equally be a forest as a naturally grown one and a non-forest land may also, with the passage of time, change its character and become forest land. But this also cannot be a rule of universal application and must be examined in the overall facts of the case. Otherwise it would lead to highly anomalous conclusions. Almost all the relied on orders and judgments defining "forest" and "forest land" for the purpose of the FC Act were rendered in the context of mining or illegal felling of trees for timber or illegal removal of other forest produce or the protection of national parks and wildlife sanctuaries. In the case in hand the context is completely different. Hence, the decisions relied upon can be applied only to an extent and not in absolute terms. (Para 35)

T.N. Godavarman Thirumulpad v. *Union of India*, (1997) 2 SCC 267; *T.N. Godavarman Thirumulpad (98)* v. *Union of India*, (2006) 5 SCC 28; *T.N. Godavarman Thirumulpad* v. *Union of India*, (2010) 6 SCC 747, *referred to*

Samatha v. *State of A.P.*, (1997) 8 SCC 191; *M.C. Mehta* v. *Union of India*, (2004) 12 SCC 118, *partly distinguished*

Ambica Quarry Works v. *State of Gujarat*, (1987) 1 SCC 213; *Rural Litigation and Entitlement Kendra* v. *State of U.P.*, 1989 Supp (1) SCC 504; *Supreme Court Monitoring Committee* v. *Mussoorie Dehradun Development Authority*, (1997) 11 SCC 605; *State of Bihar* v. *Banshi Ram Modi*, (1985) 3 SCC 643, *cited*

D. Environment Protection and Pollution Control — Forests — Diversion of forest land — State Government project at NOIDA for building large-scale memorial with extensive stone-work — Classification of — EIA clearance, whether required as per scheme of EIA Notification S.O. 1533(E) dt. 14-9-2006 issued under S. 3(3), EP Act — (1) Applying common parlance

NOTARY GOVT. OF INDIA S. R. LOKHANDE, MUMBAI MAHARASHTRA Regd. No. 4643

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test to consider dominant purpose of alleged project, and (2) considering scheme of said notification, held, project concerned does not fall under B1 category requiring EIA report/clearance — Project cannot be classified as "township and area development project" under Item 8(b) because its total area and building area are 33.43 ha and 1,05,544.49 sq m respectively whereas the threshold limit for EIA eligibility is 50 ha and 1,50,000 sq m respectively as per Columns 5 and 4 of Schedule to said notification, respectively — Project cannot be classified as "building and construction project" under Item 8(a) either as notification treats projects under Item 8(b) separately and differently from those under Item 8(a) and considering dominant character of project it could have fallen under Item 8(b) if it would not have been within prescribed threshold limits — Environment (Protection) Act, 1986 — S. 3(3) — Notification S.O. 1533(E) dt. 14-9-2006 Items 8(a) and (b) of Schedule — Applicability (Paras 43 to 46, 60 and 66)

T.N. Godavarman Thirumulpad v. *Union of India*, (2010) 13 SCC 740, *referred to*

E. **Environment Protection and Pollution Control — Forests — Diversion of forest land — EIA clearance, whether required as per scheme of EIA Notification S.O. 1533(E) dt. 14-9-2006 issued under S. 3(3), EP Act — Different categories and their requirements, stated (Paras 50 and 51)**

F. **Evidence Act, 1872 — Ss. 3, 5, 7 and 9 — Irrelevance of derivative issues — Since it is held that project concerned does not come within ambit of notification concerned, the other three arguments based on activity area, application of general condition and application of the Office Memorandum dt. 2-12-2009, held, become irrelevant and need not be gone into (Paras 67 and 57)**

G. **Constitution of India — Arts. 21, 48-A and 51-A(g) — Town planning project — Viability and continuance of, considering it being adjacent to bird sanctuary — Expert body not holding project to be calamitous or ruinous enough to be entirely scrapped in order to save bird sanctuary — Therefore, said project allowed to continue with conditions recommended by expert bodies and further condition of being overseen by expert committee as directed — Further clarified that this is not to be treated as a precedent when Court is hearing matter on "buffer zones" — Environment Protection and Pollution Control — Wildlife — Wildlife sanctuary — Buffer zones — Applicable principles and law (Paras 74 and 79 to 82)**

Goa Foundation v. *Union of India*, WP (C) No. 460 of 2004 order dated 4-12-2006; *T.N. Godavarman Thirumulpad* v. *Union of India*, (2010) 13 SCC 740; *M.C. Mehta* v. *Union of India*, (1986) 2 SCC 176 : 1986 SCC (Cri) 122; *M.C. Mehta* v. *Union of India*, (1987) 4 SCC 463; *M.C. Mehta* v. *Union of India*, (1988) 1 SCC 471 : 1988 SCC (Cri) 141; *Chhetriya Pardushan Mukti Sangharsh Samiti* v. *State of U.P.*, (1990) 4 SCC 449; *Subhash Kumar* v. *State of Bihar*, (1991) 1 SCC 598; *Virender Gaur* v. *State of Haryana*, (1995) 2 SCC 577; *B.L. Wadehra (Dr.)* v. *Union of India*, (1996) 2 SCC 594; *Vellore Citizens' Welfare Forum* v. *Union of India*, (1996) 5 SCC 647; *A.P. Pollution Control Board* v. *Prof. M.V. Nayudu*, (1999) 2 SCC 718; *Narmada Bachao Andolan* v. *Union of India*, (2000) 10 SCC 664; *T.N. Godavarman Thirumulpad* v. *Union of India*, (2002) 10 SCC 606; *Ramji Patel* v. *Nagrik Upbhokta Marg Darshak Manch*, (2000) 3 SCC 29; *State of M.P.* v. *Kedia Leather & Liquor Ltd.*, (2003) 7 SCC 389 : 2003 SCC (Cri) 1642, *referred to*



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H. Environment Protection and Pollution Control — Environment (Protection) Act, 1986 — S. 3(3) — Notification for EIA clearance under — Clarity of notification, stressed — EIA Notification S.O. 1533(E) dt. 14-9-2006 not being clear enough — Government directed to urgently look into said issue (Para 83)

SS-D/47084/C

Advocates who appeared in this case :

H.P. Raval, Additional Solicitor General, S.K. Dwivedi, Additional Advocate General, Harish N. Salve, U.U. Lalit, Jayant Bhushan, K.K. Venugopal, Raju Ramachandran and S.C. Mishra, Senior Advocates (Siddhartha Chowdhury, A.D.N. Rao, P.K. Manohar, Mihir Chatterjee, Harish Beeran, Manish Kr. Bishnoi, Gautam Talukdar, R.K. Gupta, Rajiv Kr. Dubey, Ankur Talwar and Kamlendra Mishra, Advocates) for the appearing parties.

Chronological list of cases cited ***on page(s)***

1. (2010) 13 SCC 740, *T.N. Godavarman Thirumulpad* v. *Union of India* 776*c-d*
2. (2010) 6 SCC 747, *T.N. Godavarman Thirumulpad* v. *Union of India* 765*b-c*, 777*c-d*
3. (2006) 5 SCC 28, *T.N. Godavarman Thirumulpad (98)* v. *Union of India* 758*b-c*
4. WP (C) No. 460 of 2004 order dated 4-12-2006, *Goa Foundation* v. *Union of India* 771*d-e*, 775*d*
5. (2004) 12 SCC 118, *M.C. Mehta* v. *Union of India* 758*e*, 762*c*
6. (2003) 7 SCC 389 : 2003 SCC (Cri) 1642, *State of M.P.* v. *Kedia Leather & Liquor Ltd.* 777*a*
7. (2002) 10 SCC 606, *T.N. Godavarman Thirumulpad* v. *Union of India* 777*a*
8. (2000) 10 SCC 664, *Narmada Bachao Andolan* v. *Union of India* 777*a*
9. (2000) 3 SCC 29, *Ramji Patel* v. *Nagrik Upbhokta Marg Darshak Manch* 777*a*
10. (1999) 2 SCC 718, *A.P. Pollution Control Board* v. *Prof. M.V. Nayudu* 777*a*
11. (1997) 11 SCC 605, *Supreme Court Monitoring Committee* v. *Mussoorie Dehradun Development Authority* 760*e-f*
12. (1997) 8 SCC 191, *Samatha* v. *State of A.P.* 758*e*, 761*g-h*
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17. (1991) 1 SCC 598, *Subhash Kumar* v. *State of Bihar* 777*a*
18. (1990) 4 SCC 449, *Chhetriya Pardushan Mukti Sangharsh Samiti* v. *State of U.P.* 777*a*
19. 1989 Supp (1) SCC 504, *Rural Litigation and Entitlement Kendra* v. *State of U.P.* 760*e*
20. (1988) 1 SCC 471 : 1988 SCC (Cri) 141, *M.C. Mehta* v. *Union of India* 777*a*
21. (1987) 4 SCC 463, *M.C. Mehta* v. *Union of India* 777*a*
22. (1987) 1 SCC 213, *Ambica Quarry Works* v. *State of Gujarat* 760*e*
23. (1986) 2 SCC 176 : 1986 SCC (Cri) 122, *M.C. Mehta* v. *Union of India* 777*a*
24. (1985) 3 SCC 643, *State of Bihar* v. *Banshi Ram Modi* 760*f*, 761*d-e*, 761*e*, 761*f-g*



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The Judgment of the Court was delivered by

AFTAB ALAM, J.— At the centre of the controversy is a very large project of the Uttar Pradesh Government at NOIDA. Objecting to the project are the two applicants who are residents of Sector 15-A, NOIDA, U.P. They claim to be public-spirited people, committed to the cause of environment. According to them, the project, undertaken at the instance of the Uttar Pradesh Government is a "huge unauthorised construction".

2. The applicants state that a very large number of trees were cut down for clearing the ground for the project. The trees that were felled down for the project formed a "forest" as the term was construed by this Court in its order dated 12-12-1996 in *T.N. Godavarman Thirumulpad* v. *Union of India*[1] and the action of the Uttar Pradesh Government in cutting down a veritable forest without the prior permission of the Central Government *and* this Court, was in gross violation of Section 2(*ii*) of the Forest (Conservation) Act, 1980 (hereafter "the FC Act"). The project involved massive constructions that were made without any prior environmental clearance from the Central Government based on environment impact assessment. The constructions were, therefore, in complete breach of the provisions of the Environment (Protection) Act, 1986 (hereafter "the EP Act") and the notification issued under the Act. More importantly, the project was causing great harm, and was bound to further devastate the delicate and sensitive ecological balance of the Okhla Bird Sanctuary to which the site of the project lay adjacent. The project was, thus, in complete disregard of this Court's directions concerning "buffer zones".

3. The State of Uttar Pradesh, of course denies, equally strongly, all the allegations made by the applicants. According to the State, it was setting up a park that would develop and beautify the area in a unique way. The park was conceived as a fine blend of hard and soft landscaping with memorial structures and commemoration pieces. The construction of the park did not violate any law or the order of the Court. There was no infringement of the provisions of the FC Act or the EP Act or the notification made under it. Further, the setting up of the park caused no harm to the bird sanctuary. The applicants' objections to the construction of the park were fanciful and imaginary and actuated by oblique motives.

The Project

4. Before proceeding to examine the arguments of the two sides in greater detail it would be useful to take a look at the project and to put at one place the basic facts concerning it that are admitted or at any rate undeniable.

(*i*) The project is sited at Sector 95, NOIDA. According to the applicants, at the site of the project previously there used to be five parks on the Yamuna front, namely, Mansarovar, Nandan Kanan, Children's Park, Smriti Van and Navagraha, opposite Sectors 14-A, 15-A and 16-A, NOIDA.

1 (1997) 2 SCC 267



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(*ii*) The project site, on its western side, lies in very close proximity to the Okhla Bird Sanctuary. The bird sanctuary was formed as a large water body with the adjoining land mass of the embankment as a result of the construction of the Okhla Barrage. It falls partly in Delhi and partly (400 ha in area) in the district of Gautam Buddha Nagar, U.P. The administrative control of the area of the sanctuary is under the Uttar Pradesh Irrigation Department and its management is with the Uttar Pradesh Forest Department. The sanctuary is home to about 302 species of birds. According to the Bombay Natural History Society, out of the bird species found here, 2 are critically endangered, 11 are vulnerable and 7 are nearly threatened. About 50 species are migratory in nature and come here mainly during the winter months. The annual population/visit is estimated as under:

2006-2007	24,166
2007-2008	17,111
2008-2009	21,272

This haven for birds was declared a bird sanctuary (the Okhla Bird Sanctuary) vide Notification dated 8-5-1990 issued by the State of Uttar Pradesh under Section 18 of the Wildlife (Protection) Act, 1972. The project, subject of the present controversy, is sited in very close proximity to the Okhla Bird Sanctuary on its eastern side. The applicants refer to it as adjoining the left afflux bund of the Okhla Bird Sanctuary but to be accurate it lies about 35-50 m away from the outer limit of the sanctuary. According to the applicants, the boundary of the project site is as under:

North	Delhi-U.P. DND Toll Road
South	Not clearly stated
East	Dadri Road
West	Okhla Bird Sanctuary, left afflux bund

(*iii*) The project is spread over an area of 33.43 ha, equal to 334334.00 sq m of land surrounded by a boundary wall made of stone, 2 m in height and 0.3 m in thickness. The estimated cost of the project is ₹685 crores.

(*iv*) At the site of the project there used to be a tree cover, thin to high-moderate in density and for clearing the ground for the project six thousand one hundred and eighty-six (6186) trees were cut down and one hundred and seventy-nine (179) were "shifted". These trees were of subabul, bottle brush, bottle palm, morepankhi, *Ficus benjamina*, *Cassia siamea*, eucalyptus, fishtail palm, rubber plant, silver oak, etc.

(*v*) The project, though insisted upon by the Uttar Pradesh Government as nothing but a "recreational park", involves the construction of dedicatory columns, commemorative plaza, national memorial, plinth with sculptures, larger than life-size statues on tall



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pedestals, large stone tablets with tributary engravings, pedestrian pathways, service block, boundary wall, hard landscape, soft landscape, etc. As initially planned the break-up of the area under different uses was as under:

1.	Total area within boundary wall	3,34,334.00 sq m	
2.	Total built-up covered area for activities		
	(*a*) Memorial building and toilet blocks	3499.50 sq m	1.05%
	(*b*) Utilities and facilities	3500.00 sq m	1.05%
3.	Area under hard landscape (including platforms, plinth, sculptures and surrounding paved areas, paths)	1,29,140.80 sq m	38.62%
4.	Total area under soft landscape		
	(*a*) Area under grass and plantation	1,57,161.79 sq m	47.01%
	(*b*) Area under planters built within paved areas	6181.91 sq m	1.85%
5.	Total area for vehicular movement with grass pavers (maintenance, fire path, etc.)	34,850.00 sq m	10.42%

(*vi*) According to the State Government, the work on the project commenced in January 2008. The applicants filed IA No. 1179 before the Central Empowered Committee (hereafter "CEC") constituted by this Court on 5-3-2009. They filed IAs Nos. 2609-10 of 2010 (presently in hand) before this Court on 22-4-2009. According to the State Government, by that time 50% of the construction work of the project was complete. The report from CEC was received in this Court on 4-9-2009 and on 9-10-2009, this Court by an interim order restrained the State Government from carrying on any further constructions till further orders. By that time, according to the Government, 70-75% of the construction work of the project was completed.



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(*vii*) In the course of hearing of the matter, on a suggestion made by the Court, the State Government modified the layout plan increasing the soft/green area from 47% to 65.28% of the total area of the project. The revised layout plan is as under:

Sl. No.	*Description*	*Existing (in sq m + %)*	*Modified (in sq m + %)*
1.	Green area	1,57,161.79 (47%)	2,18,246.51 (65.28%)
2.	Hard landscape	1,29,140.80 (38.6%)	98,544.99 (29.48%)
	(*a*) Boundary wall	2700.79 (0.81%)	2700.79 (0.81%)
	(*b*) Platforms, plinths, sculpture and surrounding paved areas	1,26,440.00 (37.79%)	95,844.99 (29.48%)
3.	Area for vehicular movement	34,850.00 (10.42%)	0.00 (Nil)
4.	Area under ornamental water feature (may be considered part of the eco friendly area)	0.00 (Nil)	6302.00 (1.88%)
5.	Area under parking with grass pavers (may be considered part of the eco friendly area)	0.00 (Nil)	4241.00 (1.27%)
6.	Utilities and facilities	3500.00 (1.05%)	3500.00 (1.05%)
7.	Memorial building and toilets	3499.50 (1.05%)	3499.50 (1.05%)
8.	Total area	3,34,334.00 (100%)	3,34,334.00 (100%)

Under the amended plan, around 7300 trees, more than 4 years of age and measuring 8-12 ft in height, belonging to the native species such as neem, peepal, pilkhan, maulsari, imli, shisham, mango, litchi and belpatra will be planted in the project area.

5. According to the State Government, the revised plan that includes planting of trees in such large numbers would not only restore the tree cover that was in existence at the site earlier but would make the whole area far better, more beautiful and environment friendly. The applicants, however, would have none of it. On their behalf it is contended that the whole project is bad and illegal from every conceivable point of view; its construction was started and sought to be completed at a breakneck speed in flagrant violation of the laws. According to the applicants, therefore, all the structures at the project site, complete, semi-complete or under construction must be pulled down and the project site be restored to its original state.

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The project and Section 2 of the FC Act

6. Mr Jayant Bhushan, learned Senior Counsel appearing for the applicants submitted that over six thousand trees were admittedly cut down for clearing the area for the construction of the project and it was, thus, clearly a case of forest land being put to use for non-forest purpose in complete violation of Section 2(*ii*) of the FC Act.

7. Section 2 of the FC Act, insofar as relevant for the present, provides as follows:

> "2. *Restriction on the de-reservation of forests or use of forest land for non-forest purpose*.—Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—
>
> (*i*) * * *
>
> (*ii*) that any forest land or any portion thereof may be used for any non-forest purpose;
>
> (*iii*)-(*iv*) * * *
>
> *Explanation*.—For the purposes of this section 'non-forest purpose' means the breaking up or clearing of any forest land or portion thereof for—
>
> (*a*) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
>
> (*b*) any purpose other than re-afforestation,
>
> but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of checkposts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes."

The restriction imposed by Section 2(*ii*) is in respect of forest land. It, therefore, needs to be ascertained whether the project area can be said to be forest land where there was a forest that was cut to make the site clear for the project.

8. In support of the contention that the trees that were cleared for the construction of the project comprised a forest, the applicants rely heavily on the order passed by this Court on 12-12-1996 in *T.N. Godavarman Thirumulpad*[1], being the first in a series of landmark orders passed by this Court in an effort to save the fast diminishing forest cover of the country against the greedy and wanton plundering of its natural resources. In that order the Court gave a number of directions. One such direction, at Serial No. 5 to each of the State Governments, is as under: (SCC p. 271, para 5)

> "5. (5) Each State Government should constitute within one month an Expert Committee to:
>
> (*i*) identify areas which are 'forests', irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267



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(*ii*) identify areas which were earlier forests but stand degraded, denuded or cleared; and

(*iii*) identify areas covered by plantation trees belonging to the Government and those belonging to private persons."

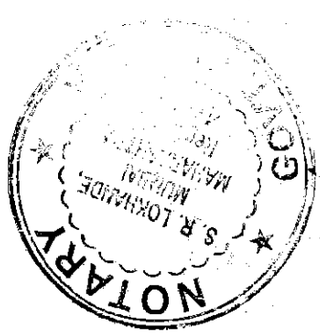
9. In pursuance of the direction of the Court in *T.N. Godavarman Thirumulpad*[1], the Uttar Pradesh Government constituted the State Level Expert Committee for identifying forests and forest-like areas. The Committee in its report dated 12-12-2007 framed certain parameters for identification of forest-like areas according to which, in the plains, any stretch of land over 2 ha in area with the minimum density of 50 trees per hectare would be considered as "forest". On 11-1-2008 (as taken note of in the order of that date) it was reported to this Court that the guidelines were issued for identification of forest-like areas and steps would be taken to identify "forest-like areas" in all the districts in the State of Uttar Pradesh within four months and such areas would be handed over to the Forest Department, excepting the private areas, if any.

10. As the process of search and identification of forest-like areas in the districts of Uttar Pradesh proceeded, the District Level Committee headed by the District Collector, Gautam Buddha Nagar, by its letter dated 26-2-2008 addressed to the Conservator of Forests and Regional Director intimated that there was no forest-like area in the district and consequently the project site was not identified as a forest or forest-like area by the State Level Expert Committee constituted in pursuance of this Court's order dated 12-12-2006. It was in this background that the project started, according to the State Government, in January 2008. When the work on the project became noticeable from the outside the applicants filed their complaint before the CEC on 5-3-2009.

11. As the controversy erupted with regards to "large-scale construction near the Okhla Bird Sanctuary by the State Government" the Ministry of Environment and Forests (hereafter "MoEF") asked the Chief Conservator of Forests (CCF), Central Region, Lucknow, to make a site inspection of the project and to give his report. The CCF in his report dated 10-7-2009 did not accept the stand of the State Government that there was no forest on the project site. He stated that 6000 trees were "sacrificed" in an area of 32.5 ha and that showed that the area had sufficiently dense forest cover and would qualify as "forest" according to the dictionary meaning of the word and as directed by the Supreme Court. He, however, suggested that before taking a final view on the matter a report may be called for from the Forest Survey of India (hereafter "FSI") in order to verify the vegetation cover over the area before the construction work started there.

12. In the light of the report by the CCF, the MoEF noted that the number of cut trees, in ratio to the project area, was apparently more than three times in excess of the criterion fixed by the State Level Expert Committee for identification of forest like areas (i.e. minimum of 50 trees per hectare). As

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267



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suggested by the CCF, therefore, the MoEF called for a report from the FSI based on satellite imagery and properly analysed by GSI application from the year 2001 onwards (vide Letter dated 17-7-2009 from the Deputy Conservator of Forests (C) to the Director, Forest Survey of India). The FSI gave its report on 7-8-2009 which we shall examine presently. In light of the report of the CCF and the report from the FSI, MoEF in its first response to the applicants' complaint before the CEC (under covering letter that is undated, received at the CEC on 12-8-2009) stated that at the project site "there was a good patch of forests and which *could* be treated as deemed forest". It further said that the report of the FSI showed that the forest cover existed there up to 2006 and the felling of trees might have taken place after that only.

13. In the meeting convened by the CEC on the applicants' complaint on 12-8-2009, the Chief Conservator of Forests (CCF), MoEF, Lucknow stated that the plantation done in the project area was naturalised and having regard to the number of trees that existed in the area, the project area should be seen as "deemed forest" and, therefore, it attracted the provisions of the FC Act, and any non-forest use of the land required prior approval of the Central Government. In view of the stand taken by the CCF, the CEC by its letter of 13-8-2009 requested the MoEF to give its response on the issue.

14. Here it may be noted that till that stage the stand of the MoEF, based on the reports of the CCF and the FSI, though tentative, seemed to be definitely inclined towards holding that the trees that were felled for clearing the site comprised a forest/deemed forest and the construction at the project site was hit by the provisions of the FC Act. But now in a perceptible shift in its stand the MoEF informed the CEC by its Letter of 22-8-2009/24-8-2009 that in its view, the project site did not attract the provisions of the FC Act. It referred to the order of this Court dated 12-12-1996[1] and pointed out that the project site did not appear in the list of deemed forest land identified by the State Level Expert Committee in pursuance of the order of the Court. It concluded by saying as follows:

> "In view of the above, it is informed that the area under discussion is neither recorded as forest nor deemed forest and is actually an urban tree park. Therefore, construction work in this area does not attract the provisions of the Forest (Conservation) Act, 1980."

15. The Letter dated 22-8-2009/24-8-2009 from the MoEF was followed by another Letter of 2-9-2009. This was purportedly to put the observation in the previous letter that "... [C]onstruction work in this area does not attract the provisions of the Forest (Conservation) Act, 1980" in context. This letter referred to the satellite images provided by the FSI and the reports submitted by the CCF but in the end, "given the sensitivity of the matter and the high degree of public interest" left it to the CEC to draw appropriate conclusions from the materials furnished to it.

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267

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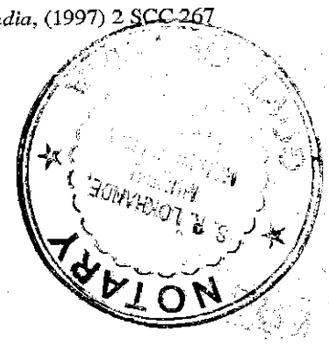
16. The CEC on a consideration of all the materials made available to it, including the report of the FSI (on which the applicants heavily rely), came to hold and find that the project site was not a forest or a deemed forest or a forest-like area in terms of the order of this Court dated 12-12-1996[1]. In its report to this Court dated 4-9-2009 it observed in this regard as follows:

> "28. ... In the present case, even though as per the report of the Forest Survey of India, the area was having good forest/tree cover and the project area had more than 6000 trees, it does not fall in the category of 'forest' for the purpose of Section 2 of the Forest (Conservation) Act and therefore does not require any approval under the Forest (Conservation) Act. *The project area does not have naturally grown trees but planted trees. The area has neither been notified as 'forest' nor recorded as 'forest' in the government record. In the exercise carried out by the State of Uttar Pradesh, after detailed guidelines for identification of deemed forest were laid down, the project area was not identified to be deemed forest.* The CEC does not agree with the Regional Chief Conservator of Forests, MoEF, Lucknow that the plantation done in the area has naturalised because of natural regeneration and therefore now falls in the category of deemed forest. Most of the trees are of species such as subabul, bottle brush, bottle palm, morepankhi, *Ficus benjamina*, *Cassia siamea*, eucalyptus, fishtail palm, rubber plant, silver oak, etc. *which are not of natural regeneration. As such hardly any tree of natural regeneration exists.*
>
> 29. As per the definition of 'forest' as held by the Hon'ble Supreme Court in its order dated 12-12-1996, the project area therefore cannot be treated as 'forest' for the purpose of the Forest (Conservation) Act."
>
> (emphasis added)

17. Mr Jayant Bhushan strongly assailed the finding of the CEC as erroneous. The learned counsel stated that the CEC took the view that the project area could not be described as "forest" and did not attract the provisions of the FC Act mainly because the trees in the project area that were cut down for making space for the constructions were planted trees and not naturally grown trees. He contended that the reason given by the CEC was quite untenable being contrary to the judgments of this Court where it is held that forest may be natural or man-made. He further submitted that the view that in order to qualify as forest the trees must be "naturally grown" is fraught with grave consequences inasmuch as a very large portion of the forests in India are planted forests and not original, natural forests. Further, any afforested area would also cease to be recognised as a forest if the view taken by the CEC were to be upheld.

18. The other reasons given by the CEC for holding that the project area was not a forest was that it was neither notified as "forest" nor recorded as "forest" in the government record and even in the exercise carried out by the State of Uttar Pradesh, after detailed guidelines for identification of deemed forest were laid down, the project area was not identified to be deemed forest.

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267



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Mr Bhushan contended that these reasons were as misconceived as the previous one. The area was not notified or recorded as forest meant nothing since this Court had passed a series of orders with the object to bring such areas within the protection of the FC Act that were not notified or recorded as forest. In the same way the failure of the State Level Expert Committee to identify the project area as forest even though it fully satisfied the criterion set by the Committee itself for the purpose will not alter the true nature and character of the area as forest land.

19. Mr K.K. Venugopal, learned Senior Counsel appearing for the State of U.P. strongly supported the view taken by the CEC. The learned counsel submitted that the omission to identify the trees at the project site as forest or deemed forest was not due to any mistake or by chance. He pointed out that in the parameters set out by the State Level Expert Committee for identification of forests or forest-like areas it was clarified that "trees mean naturally grown perennial trees" and it was further stipulated that "the plantation done on public land or private land will not be identified as forest-like area". Mr Venugopal submitted that the guidelines made by the Expert Committee were reported to this Court and accepted by it on 12-12-2007. The project site clearly did not come within the parameters fixed by the Expert Committee and it was rightly not identified as a forest-like area. The parameters fixed by the Expert Committee for identification of forests or forest-like area were never challenged by anyone and now it was too late in the day to question those parameters, more so after those were accepted by this Court. Mr Venugopal contended that the non-inclusion of the project site as a forest or forest-like area by the State Level Expert Committee should be conclusive of the fact that the area was not forest land and the trees standing there were no forest.

20. Mr Bhushan contended that a tract of land bearing a thick cluster of trees that would qualify as forest land and forest as defined by the orders of this Court would not cease to be so simply because the parameters adopted by the Expert Committee were deficient and inconsistent with this Court's orders. In support of the submission that there was actually a forest in that area that was cut down for the project he relied upon the report of the FSI dated 7-8-2009 in which the forest cover status at the project site based on IRS 1D/P6 LI88 III data is shown as follows:

Forest Cover Status in the Area of Interest (AOI) of NOIDA *from 2001 to 2007*

Area in ha

Assessment (State of Forest Report)	*Date of satellite data (sic)*	*Very dense forest*	*Moderately dense forest*	*Open forest*	*Total forest cover*	*Non-forest*	*Total area*
8th (2001)	October 2000	0	3.74	10.42	14.16	32.27	46.43
9th (2003)	November 2002	0	6.05	10.71	18.76	29.67	46.43



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10th (2005)	November 2004	0	7.54	14.23	21.77	24.66	46.43
11th (2007)	October 2006	0	9.04	12.73	21.77	24.66	46.43

21. In the report it was also stated that the latest forest cover assessment by the FSI was based on satellite data of 2006 and it did not have any data of the later period. It further stated that the felling of trees might have taken place after October 2006. Mr Bhushan invited our attention to the order of this Court in *T.N. Godavarman Thirumulpad (98)* v. *Union of India*[2] (SCC paras 16, 18, 33, 37, 38) to show that this Court had accepted the reliability of the FSI Report based on satellite imagery.

22. Mr Bhushan also relied upon the report of the CCF, MoEF, Lucknow, a reference to which has already been made above. He also relied upon the first response of the MoEF, where it was stated that at the project site there was a "good patch of forests and which could be treated as a deemed forest" and further that the report of the FSI showed that the forest cover existed there up to 2006 and the felling of trees might have taken place after that only. Mr Bhushan lastly relied upon the Google image which has a dark patch in approximately 1/3rd of the area interpreted by him as a dense cover of trees.

23. In support of the submissions the learned counsel relied greatly on the order passed by this Court on 12-12-1996 in *T.N. Godavarman Thirumulpad*[1]. He also relied upon the decisions of this Court in *Samatha* v. *State of A.P.*[3] (SCC paras 119, 120, 121, 123) and *M.C. Mehta* v. *Union of India*[4] (SCC paras 55, 56, 57).

24. The point raised by Mr Bhushan may be valid in certain cases but in the facts of the case his submissions are quite out of context. In support of the applicants' case that there used to be a forest at the project site he relies upon the report of the CCF based on site inspection and the Google image and most heavily on the FSI Report based on satellite imagery and analysed by GSI application. A satellite image may not always reveal the complete story. Let us for a moment come down from the satellite to the earth and see what picture emerges from the government records and how things appear on the ground. In the revenue records, none of the khasras (plots) falling in the project area was ever shown as jungle or forest. According to the settlement year 1359 Fasli (1952 AD) all the khasras are recorded as *agricultural land*, banjar (uncultivable) or parti (uncultivated).

25. NOIDA was set up in 1976 and the lands of the project area were acquired under the Land Acquisition Act mostly between the years 1980 to

2 (2006) 5 SCC 28
1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267
3 (1997) 8 SCC 191
4 (2004) 12 SCC 118

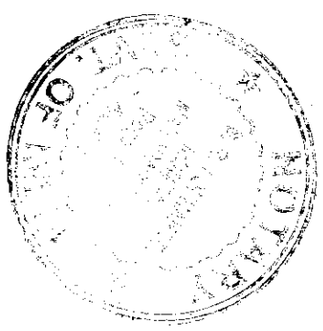
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1983 (two or three plots were notified under Sections 4/6 of the Act in 1979 and one or two plots as late as in the year 1991). But the possession of a very large part of the lands under acquisition (that now form the project site) was taken over in the year 1983. From the details of the acquisition proceedings furnished in a tabular form (Annexure 9 to the counter-affidavit on behalf of Respondents 2 and 3) it would appear that though on most of the plots there were properties of one kind or the other, *there was not a single tree on any of the plots under acquisition*. The records of the land acquisition proceedings, thus, complement the revenue record of 1952 in which the lands were shown as *agricultural and not as jungle or forest*. There is no reason not to give due credence to these records since they pertain to a time when the impugned project was not even in anyone's imagination and its proponents were nowhere on the scene.

26. Further, in the second response of the MoEF, dated 22-8-2009/24-8-2009 there is a reference to the information furnished by the Deputy Horticulture Officer, NOIDA according to which plantations were taken up along with seed sowing of subabul during the years 1994-1995 to 2007-2008. A total of 9480 saplings were planted (including 314 saplings planted before 1994-1995). NOIDA had treated this area as an "urban park". It is, thus, to be seen that on a large tract of land (33.45 ha in area) that was forever agricultural in character, trees were planted with the object of creating an urban park (and not for afforestation!). The trees, thus, planted were allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for the project.

27. The satellite images tell us how things stand at the time the images were taken. We are not aware whether or not the satellite images can ascertain the different species of trees, their age and the girth of their trunks, etc. But what is on record does not give us all that information. What the satellite images tell us is that in October 2006 there was thin to moderately dense tree cover over about half of the project site. But this fact is all but admitted; the State Government admits felling of over 6000 trees in 2008. How and when the trees came up there we have just seen with reference to the revenue and land acquisition proceedings records. Now, we find it inconceivable that trees planted with the intent to set up an urban park would turn into forest within a span of 10 to 12 years and the land that was forever agricultural, would be converted into forest land. One may feel strongly about cutting trees in such large numbers and question the wisdom behind replacing a patch of trees by large stone columns and statues but that would not change the trees into a forest or the land over which those trees were standing into forest land.

28. The decisions relied upon by Mr Bhushan are also of no help in this case and on the basis of those decisions the trees planted in the project area cannot be branded as "forest".



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29. In the order dated 12-12-1996 in *T.N. Godavarman Thirumulpad*[1] this Court held and observed as under: (SCC pp. 269-70, paras 3-4)

"*3.* It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest (Conservation) Act, 1980 (for short 'the Act') and the meaning of the word 'forest' used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

4. The Forest (Conservation) Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'forest' must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(*i*) of the Forest (Conservation) Act. The term 'forest land', occurring in Section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works* v. *State of Gujarat*[5], *Rural Litigation and Entitlement Kendra* v. *State of U.P.*[6] and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee* v. *Mussoorie Dehradun Development Authority*[7]). The earlier decision of this Court in *State of Bihar* v. *Banshi Ram Modi*[8] has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267
5 (1987) 1 SCC 213
6 1989 Supp (1) SCC 504
7 (1997) 11 SCC 605
8 (1985) 3 SCC 643

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far, will forthwith correct its stance and take the necessary remedial measures without any further delay."

In the above order the Court mainly said three things: one, the provisions of the FC Act must apply to all forests irrespective of the nature of ownership or classification of the forest; two, the word "forest" must be understood according to its dictionary meaning and three, the term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership.

30. The order dated 12-12-1996[1] indeed gives a very wide definition of "forest". But any definition howsoever wide relates to a context. There can hardly be a legal definition, in terms absolute, and totally independent of the context. The context may or may not find any articulation in the judgment or the order but it is always there and it is discernible by a careful analysis of the facts and circumstances in which the definition was rendered. In the order the Court said: (SCC p. 270, para 4)

> "*4.* ... The term 'forest land' occurring in Section 2, will not only include 'forest' as understood in the dictionary sense, *but also any area recorded as forest in the government record irrespective of the ownership.*" (emphasis added) Now what is meant by that is made clear by referring to the earlier decision of the Court in *State of Bihar* v. *Banshi Ram Modi*[8].

31. In the earlier decision in *Banshi Ram Modi*[8] the Court had said: (SCC p. 647, para 10)

> "*10.* ... Reading them together, these two parts of the section mean that after the commencement of the Act no fresh breaking up of the forest land or no fresh clearing of the forest on any such land can be permitted by any State Government or any authority without the prior approval of the Central Government. But if such permission has been accorded before the coming into force of the Act and the forest land is broken up or cleared then obviously the section cannot apply."

32. The observation in *Banshi Ram Modi*[8] (which again was made in the peculiar context of that case!) was sought to be interpreted by some to mean that once the land was broken in course of mining operations it ceased to be forest land. It was in order to quell the mischief and the subversion of Section 2 of the FC Act that the Court in the order dated 12-12-1996[1] made the observation quoted above in italics.

33. In *Samatha*[3], this Court was dealing with cases of grant of mining leases to non-tribals in reserved forests and forests that were notified as scheduled area under the Andhra Pradesh Scheduled Areas Land Transfer

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267
8 (1985) 3 SCC 643
3 *Samatha* v. *State of A.P.*, (1997) 8 SCC 191



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Regulation, 1959. It was contended on behalf of the leaseholders that the Regulation and the Mining Act do not prohibit grant of mining leases of government land in the scheduled area to non-tribals. The Forest (Conservation) Act or the Andhra Pradesh Forest Act, 1967, does not apply to renewal of leases. The observations in regard to what constitutes a forest made in SCC paras 119, 120, 121 and 123, relied upon by Mr Bhushan, were made when it was sought to be argued by the leaseholders that unless the lands are declared either as reserved forests or forests under the Andhra Pradesh Forest Act, 1967, the FC Act had no application. Hence, there was no prohibition to grant mining lease or to renew it by the State Government. The context in which the Court expanded the definition of forest is, thus, manifest and evident.

34. In *M.C. Mehta* v. *Union of India*[4], in the paragraphs relied upon by Mr Bhushan, this Court was considering the question of permitting mining in Aravalli hills where large-scale afforestation was done by spending crores of rupees of foreign funding in an effort to repair the deep ravages caused to the Aravalli hill range over the years by mostly illegal mining. The context is once again evident.

35. Almost all the orders and judgments of this Court defining "forest" and "forest land" for the purpose of the FC Act were rendered in the context of mining or illegal felling of trees for timber or illegal removal of other forest produce or the protection of national parks and wildlife sanctuaries. In the case in hand the context is completely different. Hence, the decisions relied upon by Mr Bhushan can be applied only to an extent and not in absolute terms. To an extent Mr Bhushan is right in contending that a man-made forest may equally be a forest as a naturally grown one. He is also right in contending that non-forest land may also, with the passage of time, change its character and become forest land. But this also cannot be a rule of universal application and must be examined in the overall facts of the case otherwise it would lead to highly anomalous conclusions.

36. Like in this case, Mr Bhushan argued that the two conditions in the guidelines adopted by the State Level Expert Committee i.e. (*i*) "trees mean naturally grown perennial trees", and (*ii*) "the plantation done on public land or private land will not be identified as forest like area" were not consistent with the wide definition of forest given in the 12-12-1996[1] order of the Court and the project area should qualify as forest on the basis of the main parameter fixed by the Committee. If the argument of Mr Bhushan is accepted and the criterion fixed by the State Level Expert Committee that in the plains a stretch of land with an area of 2 ha or above, with the minimum density of 50 trees per hectare would be a deemed forest is applied mechanically and with no regard to the other factors a greater part of Lutyens Delhi would perhaps qualify as forest. This was obviously not the intent of the order dated 12-12-1996[1].

4 (2004) 12 SCC 118

1 *T.N. Godavarman Thirumulpad* v. *Union of India*, (1997) 2 SCC 267



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37. In the light of the discussion made above, it must be held that the project site is not forest land and the construction of the project without the prior permission from the Central Government does not in any way contravene Section 2 of the FC Act.

The project and the EIA Notification, 2006

38. Mr Jayant Bhushan next contended that the construction of the project was started by the U.P. Government (and was sought to be completed in great haste!) without obtaining the prior environmental clearance from the Central Government or the State Level Environment Impact Assessment Authority in complete violation of the Notification issued by the Central Government on 14-9-2006 under Section 3(3) of the EP Act.

39. Before proceeding to examine the issue in detail it would be useful to see the views taken by the different authorities, agencies and the MoEF on the question whether the law required prior environmental clearance for the project. It appears that once the controversy was raised, the project proponents, by letter dated 24-4-2009 approached the State Level Environment Impact Assessment Authority, Uttar Pradesh constituted under the EIA Notification, 2006, seeking environmental clearance for the project. In reply SEIAA by its letter dated 7-5-2009 stated that having regard to the nature and the area of the project it was not covered by the schedule of Notification No. S.O. 1533(E) dated 14-9-2006 issued by the Government of India.

40. Before the CEC, the MoEF in its first response dated 22-8-2009/ 24-8-2009 took the stand that the project would not require any prior environmental clearance under the EIA Notification, 2006. It further stated that in the EIA Notification, 2006 all building/construction projects/area development projects and townships, were categorised as Category B projects and *the "general condition" prescribed in the notification was not applicable to construction projects*. It went on to say that the project did not require any prior environmental clearance under the EIA Notification, 2006 even though "being within the prescribed distance from a wildlife sanctuary/national park or inter-State boundary". It needs to be stated here that the first response of the MoEF before the CEC was evidently based on the inputs received from the U.P. Government about the nature of the project and the extent of constructions involved in it.

41. In the second response before the CEC dated 2-9-2009 the MoEF did not appear so sure of its earlier stand. It stated that after its earlier Letter of 22-8-2009, 24-8-2009, the MoEF had received further information about the project from various sources and the fresh findings raised far-reaching issues of public concern that extended beyond the parameters set by the EIA Notification of 2006. It further stated that the certificate issued by SEIAA of U.P. stated that the total built-up covered area was only 9542 sq m and the report of the CCF was not clear as to the extent of the covered area vis-à-vis concrete landscaping, pillar(s), platform(s), lawn(s), tree planting, etc. To put



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it simply, the MoEF was not fully in possession of the basic facts relating to the project and its likely impact on the environment. It left the decision in the hands of the CEC.

42. The CEC in its report to this Court dated 4-9-2009 held and found that the project was covered by the EIA Notification, 2006 and it required prior environmental clearance in terms of the notification. In its report, the CEC observed as follows:

> "30. The CEC does not agree with the stand taken by the State Government as well as the MoEF that the project does not require environmental clearance in terms of the MoEF Notification dated 14-9-2006. The MoEF, as well as the State of Uttar Pradesh have taken this view primarily on the ground that the built-up area of the project is less than 20,000 sq m and therefore the project does not require environmental clearance. The built-up area has been calculated by the State of Uttar Pradesh on the basis of its building bye-laws. The CEC is of the view that for the purpose of environmental clearance, the building bye-laws of the State Government have no relevance at all. As per the details provided by the State Government itself, out of 33.43 ha of the project area, 3499.50 sq m is being used for memorial building and toilet blocks, 3500 sq m is being used for utilities and facilities, 1,29,140.80 sq m area is being used for hard landscape including for platforms, plinth, sculptures and surrounded paved area, path, etc. Another 34,850 sq m area is to be used for vehicular movement. The above comes to more than 50% of the project area which in CEC's view qualify to be included in the activity area. The project cost is about ₹685 crores. As per the MoEF Notification dated 14-9-2006, for building/construction project, in the case of facilities open to the sky, the activity area is to be included in the built-up area. In the present case, after including the activity area the total built-up area, for the purpose of environmental clearance, far exceeds the threshold limit of 20,000 sq m of built-up area provided in the notification. The MoEF, on its own admission, has merely relied on the details of the built-up area as provided by the State Government without independently verifying it and has not included the area falling in the category of activity area. In any case, even if there was any doubt in the MoEF regarding the applicability of the environmental clearance in the present case, in view of precautionary principle it should have erred on the side of the caution and should have insisted for the environmental clearance."

43. When the matter finally came up before the Court the MoEF was once again asked to take a clear stand on the issue whether the project was covered by the EIA Notification, 2006. The MoEF filed a brief affidavit on 21-10-2009 in which it acknowledged that the CEC in its report dated 4-9-2006 had stated that the State of U.P. should be directed to seek environmental clearance for the project from the MoEF in terms of the notification. The MoEF, however, reiterated its stand in very definite and unequivocal terms that the project in question did not fall within the ambit of



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the EIA Notification, 2006 and no environmental clearance was required for such kind of projects. The stand of the MoEF was based on the premise that the area of the project (33.43 ha) was less than 50 ha and its built-up area (9542 sq m) was less than 20,000 sq m. Having thus made its stand clear, the MoEF went on to say that in case the Court desired the project to be appraised from the environmental angle it would do so and submit its recommendations. It, however, put in a caveat that such appraisals were made before the commencement of the construction activity at the site and in the present case the project was already in the advanced stage of construction.

44. On 22-4-2010[9], this Court passed an order in which after extracting the relevant passage from the affidavit it directed the MoEF to make a study of the environmental impact of the project. The MoEF was further directed to suggest measures for undoing the environmental degradation, if any, caused by the project and the amelioration measures to safeguard the environment, with particular reference to the adjacent bird sanctuary.

45. As directed by the Court, the MoEF asked the project proponents to submit the details concerning the project in the format prescribed under the EIA notification. It also asked the project proponents to have the environmental impact assessment of the project done by some expert agencies. As required by the MoEF, NOIDA submitted the requisite details concerning the project and the reports on the environmental impact assessment of the project based on studies made by three different agencies (we shall have the occasion to consider those reports in the latter part of the judgment). Thereafter, the Expert Appraisal Committee (EAC) constituted by the Central Government for the purpose of the EIA notification examined the project in its 88th meeting held on 28-6-2010, 29-6-2010 and gave its report which is brought on record along with an affidavit filed by the State Government on 22-7-2010. In this report the EAC made as many as 15 recommendations to check any environmental degradation or any harm to the Okhla Bird Sanctuary by the project.

46. The MoEF filed yet another affidavit before the Court on 19-8-2010 in which it tried to explain the distinction between Clauses 8(*a*) and 8(*b*) in the schedule to the EIA Notification, 2006 without changing its stand that the project in question did not come within the ambit of the notification.

47. In course of the oral hearing as well, Mr Raval, learned ASG, firmly maintained that the project did not come under the notification and no prior environmental clearance was required for it under the notification.

48. Mr Harish Salve, learned amicus curiae and Mr Jayant Bhushan, counsel appearing for the applicants, both staunchly contended that the stand of the MoEF was patently wrong and incorrect. The project clearly fell within the ambit of the EIA Notification, 2006. The CEC had taken the correct view on the issue. And to start the construction of the project and take it into an advanced stage of construction without obtaining prior

9 *T.N. Godavarman Thirumulpad* v. *Union of India*, (2010) 6 SCC 747



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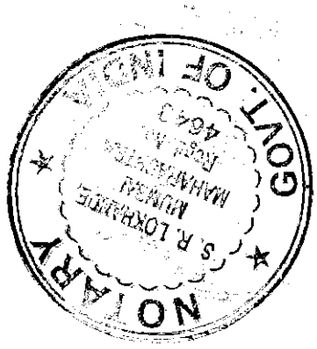
environmental clearance from the Central Government was in blatant violation of the provisions of the notification. Mr Salve also criticised the Central Government for taking a shifting and inconsistent stand on the issue.

49. Now is the time to take a closer look at the provisions of EIA Notification No. S.O. 1533(E) dated 14-9-2006 issued by the Central Government under Section 3(3) of the EP Act and to consider the submissions advanced by the two sides on that basis. Section 3(3) of the EP Act provides as follows:

> "3. *Power of Central Government to take measures to protect and improve environment.*—(1)-(2) * * *
>
> (3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures."

50. In exercise of the powers conferred by the above provision the Central Government in the Ministry of Environment and Forests issued Notification No. S.O. 1533(E) on 14-9-2006, which insofar as relevant for the present is reproduced below:

> "MINISTRY OF ENVIRONMENT AND FORESTS
>
> Notification
>
> New Delhi, the 14th September, 2006
>
> *S.O. 1533(E).*—Whereas * * *
>
> And whereas * * *
>
> And whereas * * *
>
> 2. *Requirements of prior environmental clearance (EC).*—The following projects or activities shall require *prior environmental clearance* from the regulatory authority concerned, which shall hereinafter be referred to 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;



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

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

3. * * *

4. *Categorisation of projects and activities.*—

(*i*) All projects and activities are broadly categorised into 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;

(*ii*) All projects or activities included as Category A in the schedule, including expansion and modernisation 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 modernisation of existing projects or activities as specified in sub-para (*ii*) of Para 2, or change in product mix as specified in sub-para (*iii*) of Para 2, but excluding those which fulfil the general conditions (GC) stipulated in the schedule, *will* require prior environmental clearance from the State/Union Territory Environment Impact Assessment Authority (SEIAA). 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.-6. * * *

7. *Stages in the prior environmental clearance (EC) process for new projects.*—

(*i*) * * *

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 State level Expert Appraisal Committee (SEAC) concerned for determining whether or not the project or activity requires further environmental studies for preparation of an environmental impact assessment (EIA)



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for its appraisal prior to the grant of environmental clearance depending upon 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 categorisation of projects into B1 or B2 except Item 8(*b*), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

8.-12. * * *

SCHEDULE

(See Paras 2 and 7)

List of Projects or Activities Requiring Prior Environmental Clearance

Project or Activity		*Category with threshold limit*		*Conditions if any*
		A	*B*	
8		*Building/Construction projects/Area development projects and Townships*		
(*1*)	(*2*)	(*3*)	(*4*)	(*5*)
8(*a*)	Building and construction projects		≥ 20,000 sq m and < 1,50,000 sq m 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 m**	** All projects under Item 8(*b*) shall be appraised as Category B1

Note:

General condition (GC):

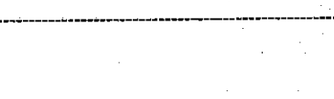
Any project or activity specified in Category B will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (*i*) Protected areas notified under the Wildlife (Protection) Act, 1972; (*ii*) Critically polluted areas as notified by the Central Pollution Control Board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

Specific condition (SC):

* * *

(I) Basic information

* * *



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(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.)

Sl. 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 investigation e.g. bore houses, soil testing		
1.5	Construction works		
1.6	* * *		
| | | 1.31	* * *"		

51. In substance the EIA notification provides that all projects and activities enumerated in its schedule would require prior environmental clearance before any construction work or preparation of land for the project is started on the project or activity. The projects and activities depending upon various factors such as the potential hazard to environment, location, the extent of area involved, etc. are categorised in Categories A or B. For projects or activities falling in Category A, the competent authority to grant prior environmental clearance is the MoEF and for projects or activities falling in Category B, the State Environment Impact Assessment Authority (SEIAA). The constitution of SEIAA is provided for in Clause 3 of the notification with which we are not concerned in this case. In certain cases a project or activity, though categorised in Category B may be treated as Category A by application of the general condition [on account of its location being within a distance of 10 km from a protected area notified under the

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Wildlife (Protection) Act, etc.]. In other words, if a project or activity attracts the general condition, the competent authority to grant prior environmental clearance in that case would be the Central Government, even though, the project or activity may figure in the schedule in Category B.

52. Further, projects or activities categorised as Category B may or may not require an environmental impact assessment before the grant of environmental clearance depending on the nature and location specificity of the project. The projects requiring an EIA report shall be termed as Category B1 and the remaining shall be termed as B2 and will not require an EIA report. For categorisation of projects into B1 and B2, the MoEF would issue appropriate guidelines from time to time. The schedule to the notification has a table that is divided into five columns. The first column contains the serial numbers, and the second the description of the project or activities; the third column lists those projects or activities that fall in Category A and the fourth, those falling in Category B; the fifth column against each item indicates whether any general or specific condition applies to the project or activity described in that item. In some cases where the project or the activity is shown in Column 4 as Category B, the application of the general condition is expressly indicated in Column 5 of the table.

53. For the project under consideration, the relevant entries in the schedule are Items 8(*a*) and 8(*b*). Both Items 8(*a*) and 8(*b*) are listed in Column 4 i.e. in Category B. In Column 5, against any of the two items, there is no mention of application of the general condition but it is expressly said that all projects in Item 8(*b*) would be appraised as Category B1, that is to say, for a project under Item 8(*b*) the prior environmental clearance must be preceded by an environmental impact assessment.

54. Item 8(*a*) deals with building and construction projects and the threshold mark that would bring the project within the ambit of the notification is equal to or more than 20,000 sq m and less than 1,50,000 sq m of "built-up area". It is further clarified that the aforementioned figures relate to built-up area for covered construction; in case of facilities open to the sky, the built-up area would be the activity area. Item 8(*b*) deals with townships and area development projects and the threshold mark for the project to come within the ambit of the notification is an area equal to or more than 50 ha or built-up area of more than 1,50,000 sq m.

55. Mr Jayant Bhushan, supported by the amicus curiae forcibly argued that the project under consideration would clearly fall under Item 8(*a*) of the schedule. He submitted that though the area of covered construction in the project was only 6999.50 sq m, the project by its very nature provided facilities open to the sky and in that case, the whole of the activity area would constitute the built-up area. He then referred to the definition of activity [that includes (*i*) 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), (*ii*) clearance of existing land, vegetation and buildings, (*iii*) creation of new land uses, and (iv) pre-construction investigations e.g. bore houses, soil testing]. He contended that in view of the definition of



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activity, virtually the entire area of 33.43 ha from where over 6000 trees were removed for clearing the project site would come within the "activity area" and would, thus, form the built-up area under Item 8(*a*) of the schedule.

56. Further, since the project was located adjacent to the Okhla Bird Sanctuary, it would, without doubt, attract the general condition which provided that any project or activity specified in Category B will be treated as Category A, if located within 10 km from the boundary of protected areas notified under the Wildlife (Protection) Act, 1972. Mr Bhushan insisted that the general condition would apply to the project by virtue of its very close proximity to the Okhla Bird Sanctuary, regardless of the fact that in Column 5 of the table there is no mention of application of the general condition against Item 8(*a*). The application of the general condition would take the project out of Category B and put it in Category A for which the competent authority to grant prior environmental clearance is the MoEF.

57. Mr Bhushan then referred to the Office Memo dated 2-12-2009 issued by the MoEF which in the course of hearing was, in all fairness, produced by Mr Raval, learned ASG, appearing for the MoEF. The office memorandum inter alia provides that "... while granting environmental clearance to projects involving forest land, wildlife habitat (core one of elephant/tiger reserve, etc.) and/or located within 10 km of the national park/ wildlife sanctuary (at present the distance of 10 km has been taken in conformity with the order dated 4-12-2006 in *Goa Foundation* v. *Union of India*[10]), a specific condition shall be stipulated that the environmental clearance *is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife* as applicable.....". Mr Bhushan submitted that the project under consideration thus does not only require a prior environmental clearance but also a clearance from the forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as precondition for the grant of environmental clearance by the MoEF.

58. Mr Bhushan's arguments proceed in four steps. He first puts the project in Item 8(*a*) of the schedule as a building and construction project. Then, in the second step, in order to cross the threshold marker he refers to the definition of "activity" to contend that since the project provides facilities open to sky its entire area of 33.43 ha would constitute the built-up area. In the third step, he brings in the general condition [even though in regard to Item 8(*a*) its application is not mentioned in Column 5 of the table] that would make the Central Government as the competent authority for granting prior environmental clearance for the project. And lastly, in the fourth step he refers to the Office Memorandum dated 2-12-2009 to contend that a clearance from the Standing Committee of the National Board for Wildlife was a precondition for the grant of the prior environmental clearance by the MoEF.

10 WP (C) No. 460 of 2004 order dated 4-12-2006



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59. Long and elaborate submissions were made from both sides in regard to the application of the general condition to this project. Mr Venugopal, Senior Counsel appearing for the State of U.P. and Mr Raju Ramachandran, Senior Counsel appearing for NOIDA submitted that the general condition would have no application to projects under Items 8(*a*) or 8(*b*) for the simple reason that in regard to those items there was no mention of the general condition in Column 5 of the table. Mr Venugopal submitted, and not entirely without substance that if the general condition were to apply to Items 8(*a*) and 8(*b*) without being mentioned in Column 5 of the table then it would not make any sense to expressly mention it in Column 5 in respect of some other projects and activities classified in Category B in the schedule.

60. Mr Raval, learned ASG, produced before the Court, the draft Notification No. S.O. 1324E, published in the Gazette of India Extraordinary of 15-9-2005. In the draft notification there were two general conditions, GC1 and GC2 and in regard to "(*a*) Construction of all projects (residential and non-residential), and (*b*) New Townships and Settlement Colonies", the application of GC2 was expressly indicated in Column 5 of the table. Later on, in a meeting held on 6-7-2006, chaired by none else than the Prime Minister, it was decided to leave all construction and township projects, housing and area development projects in the hands of the State Government. It was further decided that for all projects involving more than 1,50,000 sq m of built-up area and/or covering more than 50 ha, the EIA requirements should correspond to Category A, even though the clearance would be granted by the State Government. Mr Raval submitted that in light of the decision taken in that meeting, in the final Notification issued on 14-9-2006, the application of general condition was removed in respect of Items 8(*a*) and 8(*b*) in the schedule. In view of the changes made in the two items in the final notification, Mr Raval also contended that the general condition has no application to Items 8(*a*) and 8(*b*), regardless of the project's proximity to any sanctuary or reserved area.

61. But before considering the latter three limbs of Mr Bhushan's arguments it is necessary to examine whether the project in question can be legitimately categorised as a building and construction project falling under Item 8(*a*) of the schedule which is the first premise of his arguments. In the schedule to the notification "building and construction projects" and "townships and area development projects" are enumerated separately, the former in Item 8(*a*) and the latter in Item 8(*b*). This would normally suggest that the notification treats those two kinds of projects separately and differently. It would, therefore, be reasonable to say that an "area development project" though involving a good deal of construction would yet not be a "building and construction project".

62. When it was pointed out to Mr Bhushan that the project in question may be put more appropriately in Category 8(*b*) as an "area development project" rather than a "building and construction project" under Category 8(*a*), in reply he took a line that nullifies any distinction between the two. Mr Bhushan submitted that so far as construction projects are concerned there is

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no qualitative difference between Items 8(*a*) and 8(*b*) and the difference between the two items was only quantitative. Projects were categorised under Items 8(*a*) or 8(*b*) as "building and construction projects" or "townships and area development projects" not on the basis of their nature and character but depending upon the extent of construction. The learned counsel pointed out that the upper limit under Item 8(*a*) (1,50,000 sq m of built-up area) was the threshold mark under Item 8(*b*) and contended that this was a clear indication that projects with built-up area up to 1,50,000 sq m would be defined as "building and construction projects" and projects with built-up area in excess of 1,50,000 sq m would be categorised as "townships and area development projects".

63. In support of the contention, Mr Bhushan gave the example of a "building and construction project", consisting of a number of multi-storied buildings, the aggregate of the built-up area of which exceeds 1,50,000 sq m. Mr Bhushan submitted that since the total built-up area of the project crosses the upper limit of Item 8(*a*) the project would not fall within that item. But at the same time since the project is a "building and construction project" and not a "township and area development project", it would not come under Item 8(*b*) and this would be indeed a highly anomalous position where a project with a smaller built-up area would fall within the ambit of the notification, whereas a project with a larger built-up area would escape the rigours of the notification.

64. The amicus, also arguing in the same vein, submitted that as far as building and construction projects are concerned there was no qualitative difference in Items 8(*a*) and 8(*b*) of the schedule to the notification. A combined reading of the two clauses of Item 8 of the schedule would show the continuity in the two provisions; 1,50,000 sq m of built-up area that was the upper limit in Item 8(*a*) was the threshold marker in Item 8(*b*). This clearly meant that building and construction projects with built-up area/activity area between 20,000 sq m to 1,50,000 sq m would fall in Category 8(*a*) and projects with built-up area of 1,50,000 sq m or more would fall in Category 8(*b*). The amicus further submitted that though it was not expressly stated, the expression "built-up area" in Item 8(*b*) must get the same meaning as in Item 8(*a*), that is to say, if the construction had facilities open to sky the whole of the "activity area" must be deemed to constitute the "built-up area".

65. It is extremely difficult to accept the contention that the categorisation under Items 8(*a*) and 8(*b*) has no bearing on the nature and character of the project and is based purely on the built-up area. A building and construction project is nothing but addition of structures over the land. A township project is the development of a new area for residential, commercial or industrial use. A township project is different *both quantitatively and qualitatively* from a mere building and construction project. Further, an area development project may be connected with the township development project and may be its first stage when grounds are cleared, roads and



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pathways are laid out and provisions are made for drainage, sewage, electricity and telephone lines and the whole range of other civic infrastructure. Or an area development project may be completely independent of any township development project as in case of creating an artificial lake, or an urban forest or setting up a zoological or botanical park or a recreational, amusement or a theme park.

66. The illustration given by Mr Bhushan may be correct to an extent. Constructions with built-up area in excess of 1,50,000 would be huge by any standard and in that case the project by virtue of sheer magnitude would qualify as township development project. To that limited extent there may be a quantitative correlation between Items 8(*a*) and 8(*b*). But it must be realised that the converse of the illustration given by Mr Bhushan may not be true. For example, a project which is by its nature and character an "area development project" would not become a "building and construction project" simply because it falls short of the threshold mark under Item 8(*b*) but comes within the area specified in Item 8(*a*). The essential difference between Items 8(*a*) and 8(*b*) lies not only in the different magnitudes but in the difference in the nature and character of the projects enumerated thereunder.

67. In light of the above discussion it is difficult to see the project in question as a "building and construction project". Applying the test of "dominant purpose or dominant nature" of the project or the "common parlance" test i.e. how a common person using it and enjoying its facilities would view it, the project can only be categorised under Item 8(*b*) of the schedule as a township and area development project". But under that category it does not come up to the threshold marker inasmuch as the total area of the project (33.43 ha) is less than 50 ha and its built-up area even if the hard landscaped area and the covered areas are put together comes to 1,05,544.49 sq m i.e. much below the threshold marker of 1,50,000 sq m. The inescapable conclusion, therefore, is that the project does not fall within the ambit of the EIA Notification S.O. 1533(E) dated 14-9-2006. This is not to say that this is the ideal or a very happy outcome but that is how the notification is framed and taking any other view would be doing gross violence to the scheme of the notification.

68. Since it is held that the project does not come within the ambit of the notification, the other three arguments based on the activity area, the application of general condition and the application of the Office Memorandum dated 2-12-2009 become irrelevant and need not be gone into in this case.

The project and the Okhla Bird Sanctuary

69. Mr Bhushan next raised the issue of the project being located virtually adjoining the Okhla Bird Sanctuary. The very close proximity of the project site to the bird sanctuary actually raises issues of serious concern and poses a dilemma. On the one hand the project proponents cannot be said to have broken any law or violated a definite order or direction of the court but

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on the other hand the project may possibly cause serious and irreparable harm to the bird sanctuary.

70. Before the CEC the State Government took the plea that the project area was situated well outside the boundaries of the bird sanctuary and the construction of the project had caused no adverse impact on the sanctuary. It was further stated that NOIDA which was the project proponent was equally conscious about its responsibility in regard to the preservation and conservation of the habitat of the sanctuary. A management plan for the sanctuary was being prepared by the Wildlife Institute of Dehradun for which NOIDA had released ₹17,35,350.00 in favour of the Institute and NOIDA was also planning to set up a corpus for the scientific and effective implementation of the management plan.

71. On this issue the MoEF in its responses before the CEC put the blame squarely on the State Government. It stated that despite its letter of 27-5-2005 followed by a number of reminders the Government of Uttar Pradesh did not submit its proposal for declaration of "eco-sensitive zone" around the sanctuaries and national parks. It further stated that the State Government failed to take any steps in this regard even after the order of this Court passed on 4-12-2006[10] in Writ Petition (Civil) No. 460 of 2004 by which the MoEF was directed to give all the States final opportunity to send their proposals for declaration of "eco-sensitive zones" to the MoEF within four weeks. The MoEF made the accusation that in the case of the present project the State Government of Uttar Pradesh was trying to take advantage of its own omission. In its second response dated 22-8-2009, 24-8-2009, however, the MoEF, though still blaming the U.P. Government for its failure to notify the "eco-sensitive zones" conceded that "till eco-sensitive zone is declared the construction work did not seem to violate any law/Act". But it went on to say that having regard to its location the project was better suited to be made part of extension of the bird sanctuary.

72. The State Government of Uttar Pradesh took the stand that no proposals were sent from its side because the MoEF failed to issue the necessary guidelines for the purpose. On behalf of the State of U.P., reference was made to a meeting called by the Director General of Forests and Special Secretary, MoEF on 13-5-2010. In that meeting it was decided that the Director General of Forests, MoEF would constitute a committee of officers to finalise the guidelines for declaration of eco-sensitive zones. A reference was also made to a subsequent meeting held on 4-7-2010 at Lucknow in which the attention of the Government of India was drawn to the decision taken in the earlier meeting. Yet, no guidelines were issued by the Government of India so far.

73. The CEC in its report to the Court dated 4-9-2009 put the blame on the State Government of U.P. for its omission to identify the eco-sensitive

10 *Goa Foundation* v. *Union of India*, WP (C) No. 460 of 2004 order dated 4-12-2006



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zones but like the MoEF seemed to accept that in the absence of a decision/notification there was no legal bar against the construction of the project on the ground that it was sited adjacent to the bird sanctuary. In its report to the Court, the CEC observed as follows:

> 32. The issue regarding identification/notification of eco-sensitive zones around the national park and sanctuaries is presently pending for consideration before this Hon'ble Court. The National Board of Wildlife (NBWL) had earlier decided that area within 10 km around national parks/sanctuaries should be the eco-sensitive zone. Later on, it was decided by NBWL that eco-sensitive zone should be specific to each national park/sanctuary. The CEC had recommended that 500 m around national park/sanctuary should be declared as eco-sensitive zone. The recommendation of the CEC has not so far been accepted by the Hon'ble Supreme Court after the learned amicus curiae took a view that 500 m may not be adequate. Pursuant to this Hon'ble Supreme Court's order dated 4-8-2006[11] in the TWP matter, mining is presently prohibited up to a distance of one kilometre from the boundary of national parks/sanctuaries. For other projects, no restriction has so far been imposed. The MoEF has time and again requested the States/UTs to identify the eco-sensitive zones around the national parks/sanctuaries. However, the State of Uttar Pradesh has so far not prepared any proposal in this regard. *The CEC is of the view that in the absence of a decision/notification, presently there is no legal restriction against the implementation of the project on the ground that the project is adjacent to the Okhla Bird Sanctuary.*
>
> 33. However, it has to be borne in mind that the project area is hardly at a distance of 50 m from the Okhla Bird Sanctuary and that in all probability the project site would have fallen in the eco-sensitive zone, had a timely decision in this regard been taken by the State Government/MoEF. (emphasis added)

74. The report of the CEC succinctly sums up the situation. Though everyone, excepting the project proponents, view the construction of the project practically adjoining the bird sanctuary as a potential hazard to the sensitive and fragile ecological balance of the sanctuary there is no law to stop it. This unhappy and anomalous situation has arisen simply because despite directions by this Court the authorities in the Central and the State Governments have so far not been able to evolve a principle to notify the buffer zones around sanctuaries and national parks to protect the sensitive and delicate ecological balance required for the sanctuaries. But the absence of a statute will not preclude this Court from examining the project's effects on the environment with particular reference to the Okhla Bird Sanctuary. For, in the jurisprudence developed by this Court environment is not merely a statutory issue. Environment is one of the facets of the right to life

11 *T.N. Godavarman Thirumulpad* v. *Union of India*, (2010) 13 SCC 740



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guaranteed under Article 21 of the Constitution[12]. Environment is, therefore, a matter directly under the Constitution and if the Court perceives any project or activity as harmful or injurious to the environment it would feel obliged to step in. The question of the likelihood of the project causing any adverse effects on the Okhla Bird Sanctuary must, therefore, be examined from this angle.

75. We may note here that Mr Venugopal presented before us some photographs trying to show the situation on the western boundary of the Okhla Bird Sanctuary at its Delhi end. In the photographs there is a road, about forty to sixty feet wide (the Kalindikunj-Irrigation Colony-Batla Road) running right next to the wire mesh fencing of the sanctuary. Next to the road is a long row of cheek by jowl concrete structures/houses that seem to lean against one another. The road has the bustling traffic of Delhi where all kinds of vehicles (and cattle!) appear jostling for space. The situation on the western boundary of the sanctuary is indeed deplorable but that is no reason to strangulate the sanctuary from the NOIDA side as well.

76. Earlier in the judgment, it is noted that on 22-4-2010[9], the Court had asked the MoEF to make a study of the environmental impact of the project and to suggest measures for undoing the environmental degradation, if any, caused by the project and the amelioration measures to safeguard the adjacent bird sanctuary. In pursuance of the Court's directions the MoEF had asked the project proponents to have the environmental impact assessment of the project done by some expert agencies. NOIDA, the project proponent got three studies made of the impact assessment of the project. One is a joint study prepared by the Salim Ali Centre for Ornithology and Natural History (SACON), Deccan Regional Station, Hyderabad and the All-India Network Project on Agricultural Ornithology, Aacharya N.G. Ranga Agricultural University, Hyderabad (Annexure II of the paper book Vol. IV); the other by the Wildlife Institute of India (WII) (Annexure III of the paper book Vol. IV); and the third by a group of three individuals that was vetted by the Indian Institute of Technology, New Delhi (Annexure IV of the paper book Vol. IV).

77. SACON, in its report practically gave a clean chit to the project and made the following observations in connection with the felling of trees and the impact of the project construction on the Okhla Bird Sanctuary:

12 *M.C. Mehta* v. *Union of India*, (1986) 2 SCC 176 : 1986 SCC (Cri) 122 : AIR 1987 SC 965; *M.C. Mehta* v. *Union of India*, (1987) 4 SCC 463; *M.C. Mehta* v. *Union of India*, (1988) 1 SCC 471 : 1988 SCC (Cri) 141 : AIR 1988 SC 1115; *Chhetriya Pardushan Mukti Sangharsh Samiti* v. *State of U.P.*, (1990) 4 SCC 449 : AIR 1990 SC 2060; *Subhash Kumar* v. *State of Bihar*, (1991) 1 SCC 598 : AIR 1991 SC 420; *Virender Gaur* v. *State of Haryana*, (1995) 2 SCC 577; *B.L. Wadehra (Dr.)* v. *Union of India*, (1996) 2 SCC 594; *Vellore Citizens' Welfare Forum* v. *Union of India*, (1996) 5 SCC 647 : AIR 1996 SC 2715; *A.P. Pollution Control Board* v. *Prof. M.V. Nayudu*, (1999) 2 SCC 718; *Narmada Bachao Andolan* v. *Union of India*, (2000) 10 SCC 664; *T.N. Godavarman Thirumulpad* v. *Union of India*, (2002) 10 SCC 606; *Ramji Patel* v. *Nagrik Upbhokta Marg Darshak Manch*, (2000) 3 SCC 29 and *State of M.P.* v. *Kedia Leather & Liquor Ltd.*, (2003) 7 SCC 389 : 2003 SCC (Cri) 1642

9 *T.N. Godavarman Thirumulpad* v. *Union of India*, (2010) 6 SCC 747



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- The Okhla Bird Sanctuary is primarily an urban wetland and supports primarily water birds, majority of them migrating and using in the winter season. These are confined to the water bodies and peripheral marshy vegetation and were not nesting or roosting on the trees of the adjacent parks. The extent of terrestrial habitat in the sanctuary is very small or insignificant.
- The entire development works including removal of trees and construction had taken place outside the boundary of the sanctuary and the construction and felling of trees in the project site has not altered or interfered with the wetland ecosystem of the OBS and the area was undisturbed.
- The birds in the wetland of Okhla Bird Sanctuary are estimated during the month of January by the Wildlife Wing of the U.P. Forest Department during winter, which is the period for the migratory birds. The estimation of birds are as under:

  2007-2008 : 17,111
  2008-2009 : 21,272
  2009-2010 : 22,004

- The clearing of the project site for construction and landscaping was started in the month of January 2008 and continued till 9-10-2009. The bird estimates during migratory season clearly show that there has been no reduction in the number of birds in the sanctuary despite developmental activities in the park. This clearly shows that the construction and felling of trees in the project site has no impact on OBS.
- It appears that the existence of high tension line along the boundary wall of the project site before the start of the project might have been a barrier for movement of the birds from OBS as high electromagnetic influence would restrict the movement of birds. Hence, the construction and the felling of trees in the project site has minimal influence on the OBS.

In view of the above, we are of the opinion that felling of trees and construction have no perceptible impact on the OBS habitat."

SACON suggested certain proactive environmental measures (see paper book Vol. IV, p. 110) that would form part of this judgment.

78. The other report by the Wildlife Institute of India (WII) is not so sanguine about the project's impact on the bird sanctuary. In the WII Report under the heading "Assessment of the Impact" it was observed as under:

> "... From this, it is concluded that the erstwhile woodland would have been used by 51-101 species of terrestrial birds and was an extended habitat for the wildlife of the Okhla Bird Sanctuary, primarily terrestrial birds. Some of these birds may be using the erstwhile woodland for breeding as well....



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... The erstwhile woodland was acting as a buffer against these disturbances. The project area which was in continuation with the vegetation along the left afflux bund was providing a green belt approximately 2 km long and 218 m wide on an average. Before the felling of trees this patch might have acted as a protective green belt of approximately 190 m width with a tree density of 203.5 trees/ha (density of trees felled) which is now reduced to approximately 28 m (between the western wall of the project and OBS boundary of left afflux dam). From this it is concluded that the sanctuary lost its buffer of around 33.43 ha that will have significant impact on the OBS and its tranquillity....

... Such carbon sequestration value of the erstwhile woodland was lost, though NOIDA has already taken up ameliorative steps in the form of afforestation in and around the project site....

... With the loss of buffer and increased artificial light at the project site, it is likely that the migratory bird population may get affected in long run. Bird friendly diffused light with blue tinge may reduce the negative impacts, though much research on this aspect is required."

WII also suggested certain mitigation measures (see paper book Vol. IV, p. 134) that would form part of this judgment.

79. IIT, New Delhi in its review of the report prepared by the group of three people does not record any serious negative finding in regard to the effects that the project may have on the sanctuary. Finally, the Expert Appraisal Committee (EAC) constituted by the Government of India, MoEF in its 88th meeting held on 28-6-2010, 29-6-2010, reviewed the project in question in the light of the aforementioned reports and made a number of recommendations (paper book Vol. III, p. 32) that would form part of this judgment.

80. It is significant to note that none of the expert bodies has taken the view that the project is so calamitous or ruinous for the bird sanctuary that it needs to be altogether scrapped in order to save the sanctuary. The expert bodies have given recommendations which allow the completion of the project subject to certain conditions. On behalf of the State of U.P. it is unequivocally stated that all the conditions laid in the reports of the expert bodies are acceptable to the State Government/NOIDA in their entirety. In the light of the two study reports and the report submitted by the EAC, we see no justification for directing the demolition of the constructions made in the project, as prayed for on behalf of the applicants. We would rather allow the project to be completed, subject, of course to the conditions suggested by the three expert bodies and further subject to the directions contained hereinbelow.

81. It may be noted that the report of WII has focused on the felling of trees resulting in the disappearance of the woodland that acted as a protective buffer for the bird sanctuary and its first recommendation is to compensate the loss of vegetation. It has secondly focused on the increased artificial light



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at the project site, which is likely to affect the migratory bird population in the long run. Apart from this, we feel that the extent of stone and concrete constructions in the name of "hard landscaping" is highly out of proportion. In the modified layout plan, the project proponents have reduced the area under hard surface to 35.54% of the total project area. In our opinion, even that is unacceptable from the environmental point of view. The area under hard surface, whether covered, uncovered (including pathways and boundary wall, etc.) or of any kind whatsoever must not exceed 25% of the total project area; of the rest, 25% should be used for soft/green landscaping and the remaining, preferably 50% must have a thick cover of trees of the native variety, a list of which is given by the State of U.P. [Annexure 4(*b*), paper book Vol. IV]. The plantation of trees should be especially dense towards the Okhla Bird Sanctuary on the western side of the project area. Any construction work should commence only on completion of the planting of the trees.

82. In order to ensure full compliance with the recommendations of the expert bodies (which form part of the judgment) and the directions of this Court, the construction of the project needs to be overseen by an expert committee. One member of the committee, preferably an ornithologist will be nominated by the MoEF, the other member will be nominated by the CEC in consultation with the amicus and the Chairman-cum-CEO of NOIDA will be the member-secretary of the committee. The committee should be constituted within two weeks from today.

83. It is made clear that the above directions are given in the peculiar facts of this case and nothing said in the judgment shall form precedent when the court is hearing the matter of the "buffer zones".

84. Before putting down the records of the case a few observations may not be out of place. The EIA Notification dated 14-9-2006 urgently calls for a close second look by the authorities concerned. The projects/activities under Items 8(*a*) and 8(*b*) of the schedule to the notification need to be described with greater precision and clarity and the definition of built-up area with facilities open to the sky needs to be freed from its present ambiguity and vagueness. The question of application of the general condition to the projects/activities listed in the schedule also needs to be put beyond any debate or dispute. We would also like to point out that the environmental impact studies in this case were not conducted either by the MoEF or any organisation under it or even by any agencies appointed by it. All the three studies that were finally placed before the Expert Appraisal Committee and which this Court has also taken into consideration, were made at the behest of the project proponents and by agencies of their choice. This Court would have been more comfortable if the environment impact studies were made by the MoEF or by any organisation under it or at least by agencies appointed and recommended by it.

85. The IAs stand disposed of with the above observations and directions.



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Appendix I (by SACON)

86. "7. *Suggested proactive environmental measures*

Although there appears to be no perceptible impact, as a precautionary approach, we suggest following measures for the overall improvement of the OBS:

1. The periodical removal of water hyacinth should be ensured for better quality of water.

2. Artificial nest boxes should be placed along the western boundary of the sanctuary and adjoining parts to enhance breeding potential of birds.

3. Periodical monitoring of water quality parameters should be undertaken to enhance wetland dependent species and their population.

4. Regular monitoring of population of avifauna should be undertaken. On the terrestrial habitat also monitoring of small mammals may be carried out.

5. Extensive planting of native species suitable for urban habitat should be done more than 10 times in and around the project area. This will in turn help in sustainability of key bird species. It is noteworthy to mention that NOIDA Authority has already planted 1,70,000 saplings.

6. For the scientific management of the OBS, the prescriptions of the management plan under preparation by the Wildlife Institute of India, Dehradun should be followed with necessary financial support.

7. Inside the sanctuary, battery operated vehicles should be used for visitors.

8. For the effective protection and management of the OBS, the sanctuary should be suitably fenced.

9. In view of its unique location and interspersion of ecological settings of various landscape elements, it is suggested that the proposed park may have an ecological interpretation centre."

Appendix II (by WII)

87. "5. *Suggested mitigation measures*

To mitigate the loss of tree cover and the change in landscape structure due to the construction of the park and subsequent anticipated increase in disturbance due to the increased human activities adjacent to the OBS, following mitigation measures have been suggested:

(*1*) *Revegetation of the project site to compensate the loss of vegetation.*—Ameliorative measures have already been taken up by NOIDA by planting both native and exotic species within the project area and on the eastern flank of left afflux bund of Yamuna river/OBS at close spacing. However, emphasis should be given to propagate only the native species.



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(2) *Reduction of adverse impact on the OBS.*—It is suggested that buffer at the north and north-eastern side of the sanctuary to reduce direct disturbance to the OBS may be created. The area north of the wire bund of the OBS is a promising site for water birds which prefer shallow water or grass growth particularly geese and waders. It is suggested that the waterlogged Yamuna floodplain north to the OBS and up to the DND flyover having an area of 130 ha (Fig.1) may be included with the OBS or protection to it as the buffer under the provision of WPA, 1972 be provided.

The strip of woodland with an area of 24 ha immediately to the north of the project area (Fig.1) needs to be protected as buffer of the OBS also and its land use needs to be maintained unaltered. Being in close proximity of the OBS it will have an ameliorative effect on the sanctuary. It would also provide additional habitat to the terrestrial bird species of the OBS.

Efforts should also be made to keep the intensity of artificial light and noise at the project site to a bare minimum during night, especially after sunset in migratory season of birds (October-March). Bird friendly diffused light with blue tinge during night, may reduce the negative impacts if any on OBS, though much research on this aspect is required.

It is suggested that at the periphery of the OBS, fence wherever not existing be created and the breach in the existing fence be mended on priority.

(3) *Eliciting support from the Government of Delhi for the conservation of OBS.*—As the OBS is a inter-State protected area having open access from all sides it is imperative that the Government of Delhi may also be persuaded to take active part in its management.

(4) *Ensuring financial commitment for the improved conservation management of the park.*—As per the order of the Honourable Supreme Court granted for other development project adjacent to protected area (e.g. IA No. 856 of 2006), 5% of the total cost of the project be deposited with the Forest Department, Government of U.P. to improve the ecosystem structure and functions, water bird habitat, public amenities and interpretation centre and improved management of the OBS."

Appendix III (by EAC)

88. "During discussions following points emerged:

(*i*) NOIDA Authority, while making presentation, informed that the project involves the renovation, preservation and beautification of park on a total plot area of 33.43 ha. The total built-up area of the covered construction is 6999 sq m. Before the development of site there were 6803 trees of different species out of which 6241 trees were cut and 562

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trees were shifted to other parks. Further, they informed that the following components of the project have already been completed:

a

(*a*)	Boundary wall and gate	90%
(*b*)	Construction of monument building	60%
(*c*)	Landscaping and plantation	80%
(*d*)	Pavements	75%

The other infrastructural works proposed by the NOIDA Authority for
b environmental safeguards/measures and for effective EMP are use of treated waste water, solid waste management, energy saving, tree plantation and parking, etc. The other works which are important in the context of Okhla Bird Sanctuary are control of noise, glare and efficient traffic management.

(*ii*) Possibility should be explored to increase the greenery and plant
c broad-leaf native trees along the pathways inside and outside the park. This will help in the reduction of surface runoff.

(*iii*) The water quality and water balance are key elements and require detailed management and monitoring. No fresh water/groundwater should be used for gardening/horticulture purposes. The requirement of water should be met from self-recycling treated
d sewage without placing of strain on the supply system for the nearby residential and commercial areas.

(*iv*) Treated waste water from Sector 54 sewerage treatment plant is proposed for horticulture purposes. It must also be utilised as much as possible for such purposes as toilet flushing and pavement/floor washing. The aforesaid purposes will need tertiary treatment of sewage.

e

(*v*) No more than 20% of rain water shall be discharged out of the project site into the existing drain. The rain water harvesting system should be designed based on the soil characteristics and highest level of groundwater table.

(*vi*) The species of trees inside the park and in buffer zone both on
f Okhla Bird Sanctuary side and road side should be of indigenous types that do not disturb the water balance of the area. The grass and artificial plantations which are not native should be avoided.

(*vii*) Adequate noise barriers in the form of thick plantation of appropriate species of trees and bushes laid in a tiered form to create a green screen on either side of the bund road should be provided. A no
g horn zone should be declared and maintained around the Okhla Bird Sanctuary. The development of green belt and tree plantation shall be carried out in consultation with the Indian Council of Forest Research and Education, Dehradun.

(*viii*) Solar energy should be utilised for illumination of common
h areas, lighting of gardens and paved footpaths, etc.



EXH-L

Item No. 07

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Appeal No. 04/2015 (WZ)
(M.A. Nos. 110/2015 & 111/2015)

Surendra Waman Dhavale — Appellant

Versus

MoEF & Ors. — Respondent(s)

Reserved on: 25.02.2019
Uploaded on: 07.03.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Appellant : -
For Respondent(s): Ms. Supriya Dangare, Advocate for MPCB.
Mr. Gupte D.M., Advocate for MCZMA, SEIAA, Environment Department.
Mr. Shivshankar Swaminathan on behalf of Saket Mone, Advocate for Respondent Nos. 12 & 13.
Ms. Dipti Rajendra Khule, Advocate
Ms. Ishita Jain, Advocate for Respondent Nos. 14 & 15.

ORDER

***Per* Justice S.P. Wangdi, Judical Member**

1. This Appeal is directed against the Environmental Clearance (EC) dated 11.12.2014 granted in favour of the Respondent No. 13, M/s. Orbit Shelter Pvt. Ltd., by the State Environment Impact Assessment Authority, Maharashtra, for construction of a multi-storied building for a housing complex on part of a land measuring 2.2 acres bearing CTS Nos. 5433C, 5432, 5408B, 5424, 5433B and 5434 in village KoleKalyan, Taluka, Andheri Mumbai. It is alleged that the building was constructed without obtaining EC required under the EIA Notification, 2006. This was against condition no. 19 of the Intimation of Disapproval (IOD) dated 16.11.2007 under Section 346 of the Mumbai Municipal Corporation Act, 1888 conveyed by the

Municipal Corporation of Greater Mumbai (MCGM) stipulating that before issuance of a commencement certificate, EC would be required to be taken from the Ministry of Environmental Forests and Climate Change (MoEF&CC). Despite non-compliance of this condition, commencement certificate was issued by the MCGM to the Respondent No. 13 on 29.03.2008. This according to the Appellant was as a result of collusion between the Respondent No. 13 and the MCGM. It is further contended that Respondent No. 13, M/s. Orbit Shelter Pvt. Ltd. got amalgamated with M/s. Orbit Corporation Ltd., Respondent No. 12, in the year 2009 under the provisions of Section 394 of the Companies Act, 1956. As a consequence of such amalgamation, the transferor company got dissolved and the entire business and undertakings along with its assets and liabilities would also stood transferred to and vested with the transferee company, i.e., M/s. Orbit Corporation Ltd. On and from the date of the transfer, i.e., 01.04.2008, M/s. Orbit Shelter Pvt. Ltd. ceased to exist. This, according to the Appellant, was followed by the sale of entire land with structures standing thereon to the Respondent No. 14, M/s. JSW Steel Ltd. and Respondent No. 13, M/s. JSW Energy Ltd., respectively *vide* a registered Deed of Sale dated 06.04.2011, where the said Respondents have established their corporate headquarters. An access road has also been permitted to be constructed by the Mumbai Metropolitan Region Development Authority (MMRDA) without a statutory development plan.

2. It is further contended that these incidents and activities had taken place without the requisite EC and other permits. Respondent No. 13, M/s. Orbit Shelter Pvt. Ltd., though had ceased to exist, applied for obtaining a post-facto EC to the

State Level Environmental Impact Assessment Authority (SEIAA) which was deliberated by the State Level Expert Appraisal Committee (SEAC-II in the present case) in its various meetings being the 15th meeting dated 18th-20th July, 2013, the 23rd meeting dated 13th-15th February, 2014, the 25th meeting dated 24th-26th March, 2014 and the 72nd meeting dated 21st-22nd July, 2014. The SEAC, after noting that the construction having been undertaken before obtaining the EC was in violation of the EIA Notification, 2006 against which the Maharashtra Pollution Control Board (MPCB) was yet to file a case, held that action as per Office Memorandum dated 12.12.2012 as a violation case had not been completed and observed that the project proponent had to satisfy at least four requirements. Later in the 72nd meeting, the SEAC-II noted that even before the project proponent had submitted their explanation, substantial part of the building had already been constructed and portions of it occupied against occupation certificate issued in the year 2013 and further, that action for violation under the Environment (Protection) Act, 1986 had been completed with a case having been filed against the project proponent before the Judicial Magistrate, Bandra, by the MPCB on 05.03.2014.

3. It is thus alleged that the EC granted in favour of Respondent No. 13, which had ceased to exist on the said date when the EC was granted, cannot be sustained. It is contended that the EC could not have been granted in favour of a delinquent facing prosecution. The impugned EC was bad as it contained several conditions which were pre-construction phase conditions that could not have been complied with after the construction had been completed. The MoEF&CC OM dated 12.12.2012 dealing

with violation case, had been flouted. Information relating to the EC had not been put up on the website of the project proponent as required under the rules. Permission for extraction of ground water for making double basement was not obtained from the statutory authorities. Requisite permission of the Tree Officer had not been obtained. Besides these, there are allegations of other violations with which we are not concerned.

4. Based on the above, the Appellant has sought for a declaration that the impugned EC was invalid in addition to several other reliefs including imposition of heavy costs by invoking the "Polluter Pays" principle.

5. In its affidavit, the Respondent No. 1, MoEF&CC after setting out the procedure for obtaining EC under the EIA Notification, 2006 in respect of building/construction projects/ area development projects and townships as contained under item 8 (a) and (b) of the Schedule to the Notification, has stated that the project in question was a category 'B' project which was appraised by the SEAC, Maharashtra, and approved by the SEIAA, Maharashtra. Nothing further has been stated with regard to the various allegations contained in the original application.

6. The reply filed on behalf of Respondent No. 6, MCGM, contains denials on all factual allegations asserting that the officers of the MCGM have not violated any of the provisions of the statutes and building regulations in granting the permission to the project. It is further stated that at the time of entertaining the proposal for granting and/or rejecting building permission, the EIA Notification, 2006 was in force. As per the provisions

under Entry 8 (a) of the Notification, it was provided that if the proposed built-up area, covered by the construction and activity area in case of facilities open to sky, exceeded 20,000 Sqm, then obtaining prior EC was mandatory before issuance of commencement certificate. In the present case, the built up area of the covered construction together with activity area of the project did not exceed 20,000 Sqm. Thus the issuance of the commencement certificate dated 29.03.2008 did not violate the provisions of EIA Notification, 2006. The respondent further contends that *vide* Notification dated 04.04.2011, the definition of built up area was amended in the EIA Notification, 2006 and if this was to be applied consideration, the built up area of the project would exceed 20,000 Sqm. However, the Notification dated 04.04.2011 did not have retrospective operation and, therefore, the commencement certificate granted to the project proponent could not be held to be invalid having been issued prior to that date.

7. The Respondent No. 11, Superintendent of Gardens & Tree Officer, while adopting the affidavit filed on behalf of the Respondent No. 6, Municipal Corporation of Greater Mumbai, has stated that there was no infraction committed by the project proponent. As per his inspection, 134 new trees had been planted which was more than 120 trees that was required and, therefore, plantation certificate as required under the statutory provisions had been issued.

8. In an elaborate reply filed on behalf of the Respondent No. 12, M/s. Orbit Corporation Ltd., apart from raising the preliminary objections on the ground of want of *locus standi* of the Appellant, it has been averred that there was no infraction committed by them at all having regard to the requirements of

law at the material time. Without going into the irrelevant details, it has been averred that the land in question bearing CTS Nos. 5433C, 5432, 5408B, 5424, 5433B and 5434 in village KoleKalyan, Taluka, Andheri Mumbai was purchased from M/s. Ambuja Cements Limited by the Respondent No. 13. In the course of certain litigation the details of which we may not deal with, M/s. Orbit Shelters Pvt. Ltd., Respondent No. 13 amalgamated with Respondent No. 12, M/s. Orbit Corporation Ltd. as a consequence of which the entire business of the Respondent No. 13 was transferred and vested upon M/s. Orbit Corporation Ltd. and, therefore, reference to M/s. Orbit Shelter Pvt. Ltd. shall mean and include the Respondent No. 12 and/or Respondent No. 13 as the case may be. This culminated in a Conveyance dated 19.05.2010 executed between Ambuja Cements Limited as vendor and the Respondent No. 12 as the purchaser in respect of the property and, therefore, the Respondent No. 12 is the owner of the entire property bearing CTS Nos. 5433C, 5432, 5408B, 5424, 5433B and 5434 in village KoleKalyan, Taluka, Andheri Mumbai admeasuring 8763.70 Sqm together with messauges, buildings and structures standing thereon.

9. In the meantime, earlier, the Respondent No. 13 by application dated 28.05.2007, had requested the MCGM for construction of commercial/office complex on the said property and for approval of the plans. Intimation of Disapproval (IOD) under Section 346 of the Mumbai Municipal Corporation Act was issued on 16.11.2007 by the MCGM in favour of the Respondent No. 13 for the proposed construction with approval along with the plans. Against the application dated 28.05.2007 submitted by the Respondent No. 13, commencement certificate

was issued on 29.03.2008 by the MCGM for construction of work up to the top of the basement as per the approved plan which was thereafter renewed/re-endorsed from time to time, last of which was on 28.03.2011. Preceding this on 30.12.2008, further commencement certificate was sought for by the Respondent No. 13 based on an amended plan approved on 24.12.2008. On 01.11.2010, the Respondent No. 12 applied to the MCGM for issue a further commencement certificate up to top of 8th floor on the amended plan approved on 30.10.2010. Thus on 28.03.2011, commencement certificate was issued up to 9th floor (part). The built up area of the proposed construction by the Respondent No. 12 in the final approved plan and the commencement certificate extended on 11.08.2010, was below the threshold limit of 20,000 Sqm as prescribed by the EIA Notification, 2006. On 23.04.2013, the MCGM issued part occupation certificate for the development work comprising of two level basements for parking + stilt + 1st to 3rd upper floors with the condition that the IOD shall be complied with before full occupation certificate for the built building.

10. On 03.06.2013 the Respondent No. 12, without prejudice to its rights and contentions, applied for EC under EIA Notification, 2006 to the Member Secretary, SEAC-II for the office complex on the said property. The application had been filed consequent to the amendment to EIA Notification, 2006 *vide* Notification dated 04.04.2011 resulting in the built up area of the Respondent No. 12 exceeding the threshold limit of 20,000 Sqm. Form 1 and 1A was also submitted with the Environment Department for the purpose. It is stated that the Notification dated 04.04.2011 cannot apply retrospectively to the plans

already sanctioned by the Corporation and would apply prospectively.

11. The submission of the application for EC was followed by various meetings been held by the SEAC-II in respect of which we have already adumbrated while dealing with the pleadings contained in the Appeal. This included the issuance of show cause notice to the Respondent No. 12 for the alleged violation while constructing the property in question. We, therefore, need not delay ourselves on those facts for the sake of brevity. However, the case of Respondent No. 12 is that as per the Schedule to the EIA Notification, 2006 as it stood originally, EC was required only where the built up area exceeded 20,000 Sqm and, as the area of the project in question was only 8763.70 Sqm, application for EC was not filed and the work on the building had already been taken up based on the plan approved on 28.12.2008 and commencement certificate dated 28.03.2011 for construction up to 9th floor (part). *Vide* Government Notification dated 04.04.2011 that was published in the Government of India Gazette dated 06.04.2011, amendment was brought about against item 8 (a) to the Schedule by substituting the entry in column (5) thereof as "built up area for covered area construction; in the case of facilities open to the sky, it will be the activity area". Simply put it meant that built up are on each of the floors put together including basement(s) and other service areas proposed in the building/construction projects. The Respondents state that if this provision was to apply, then the project in question would require prior EC. According to the Respondent No. 12 under the EIA Notification as it stood then, prior EC was not necessary in consideration of which the building plans had

been approved by the planning authority and the construction commenced with. Therefore, the project cannot be stated to have been taken up in violation of the EIA Notification, 2006. It is urged that the amended provisions of the EIA Notification brought about by Notification dated 04.04.2011 would apply prospectively.

12. Respondent Nos. 14 and 15 claims that they had established their corporate headquarters in the property in question after having purchased the premises as *bonafide* purchasers for value from the Respondent No. 12. Reiterating the stand of the Respondent No. 12, it has been stated that the premises were constructed in due compliance of the extant law and after all requisite approvals were in place.

13. We have heard the Learned Counsel for the parties, considered the facts and circumstances set out in the various pleadings, carefully examined the documents filed in support of those and, we find that the Appeal is misconceived.

14. The foundation of the allegations against the Respondent Nos. 12 and 13 is that they had undertaken construction of the building project without obtaining EC and the EC that was granted amounted to retrospective clearance which is not permissible under the law as the EIA Notification clearly and unambiguously stipulates requirement of 'prior EC'.

15. The facts and circumstances reveal that the Respondent Nos. 12 and 13 had obtained necessary approvals from the concerned authorities including the MCGM. Commencement certificate had been obtained up to the top of 9th Floor (part) on 28.03.2011. During that time EIA Notification 2006 was applicable as it stood then. Entry 8 (a) of the Schedule to the

said Notification prescribed necessity for obtaining EC only in cases where the built up area in case of construction and, activity area in case of facilities open to sky, exceeded 20,000 Sqm. This provision was amended *vide* Notification dated 04.04.2011 published in the Government of India Gazette dated 06.04.2011. For better understanding we may reproduce below the relevant portion of the amendment:

> *"(iii) against item 8(a)*
> *In column (5) for the entry, the following entry shall be substituted namely:*
> *"The built up area for the purpose of this Notification is defined as "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects". "*

16. It is eminently clear from the above that definition of "built up area" has since been altered to mean areas on all floors including basement(s) and other service areas in contrast to its earlier meaning which only included the first plinth area of a building.

17. It appears that the Respondent No. 12 even then had applied for grant of EC before the SEAC-II *vide* application dated 06.03.2013. The application was thereafter subjected to scrutiny by the SEAC-II and SEIAA in the course of which show cause notice had also been issued considering the construction as falling within mischief of the violation Notification dated 12.12.2012. Based on the explanation submitted by the project proponent to the Chairman/SEIAA setting out the facts and circumstances already alluded to earlier, and also that the project had been certified as LEED Platinum Grade by IGBC, the SEIAA in its 76th meeting held on 19th-21st November, 2014 decided to grant EC finding that there was minimum pollution potential and the building had been green rated and duly appraised by the SEAC. Accordingly on 11.12.2014, EC was

granted to the Respondent No. 12 for the project prescribing several conditions.

18. Considering the aforesaid facts and circumstances, we do not find any infirmity in the Respondent Nos. 12 and 13 having commenced with the construction without obtaining EC on 28.03.2011 as it was not necessary for them to do so under the extant rules. All other requirements and/or conditions had been satisfied and approvals obtained before such commencement. The grant of EC on 11.12.2014 though did not satisfy the necessity of 'prior EC', ensures compliance of several conditions in the interest of environmental protection, in addition to the detailed conditions contained in the IOD issued on 16.11.2007.

19. So far as the other issues pertaining to the nature of transfer of the property, the disputes in respect thereof, etc., are concerned, we are not inclined to enter into those as being alien to the questions pertaining to environment with which the Tribunal is not concerned.

20. For the aforesaid reasons, we do not find any merit in the Appeal.

21. In the result, the Appeal is dismissed with no order as to costs.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

EXH-M

gopi wp-lodg.470-13.sxw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION LODGING NO.470 OF 2013

M/s.Saumya Buildcon Pvt. Ltd. ...Petitioner

Versus

Union of India & Ors. ...Respondents

Dr. Milind Sathe, Senior Advocate with Mr. Vishal Kanade and Mr. Hemant Shah i/b. IC Legal and Mira Lalani for petitioner.
Mr. N.D. Sharma with Mr. H.V. Mehta for respondent No.1.
Mr. Niranjan Pandit, AGP for respondent State.
Ms. Sharmila Deshmukh for respondent MCZMA.
Ms. Sharmila Modle for respondent B.M.C.

CORAM : MOHIT S. SHAH, C.J. &
ANOOP V. MOHTA, J.
DATE : 06 March 2013

ORAL JUDGMENT (PER CHIEF JUSTICE)

Rule. Respective counsel waive service of Rule. In the facts and circumstances, the matter is taken up for final hearing today.

2. The petitioner is a developer who had acquired development rights over the land situated and lying at Survey No.777, 778, 779 and 780 (Part) of Worli Division, Mumbai admeasuring 7872.14 sq. meters. The petitioner is in the process of implementing the project as contemplated under Article 33(7) of the Development Control Regulation, 1991.

3. The land belongs to respondent No.4 which had constructed flats for municipal tenants, who have formed a Co-operative Housing Society which is respondent No.6 herein. The petitioner had submitted

GOVT. OF INDIA NOTARY S. R. LOKHANDE MUMBAI MAHARASHTRA Regd. No. 4643

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building plans to the Municipal Corporation for construction of buildings with 99 flats for rehabilitation of the municipal tenants and 9 shops, municipal school building, having ground plus 5 floors and a free sale building having various floors, for parking, club, etc. and first to 33 upper residential floors.

4. When the building plans were submitted in the year 2004 and they were approved, the applicable notification was Environment Impact Notification dated 14 September 2006 which lays down the following requirements for obtaining environmental clearance:-

> "2. **Requirement 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 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."

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(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	2	3	4	5
8	Building/Construction projects/Area Development projects and Townships.			
8(a)	Building and Construction project		> 20000 sq.mtrs and < 1m 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.

5. The petitioner also applied to the MCZMA which granted approval by communication dated 14 February 2007 at Exhibit "F", in the following terms:-

> "Accordingly, the proposal was forwarded to the Ministry of Environment & Forests, Govt. of India for grant of necessary CRZ clearance vide letter No.MCZMA/54, dtd. 16/10/2006. Now, the Ministry of Environment & Forests, Govt. of India (1A-III Division) vide letter dtd.24/1/2007 (copy enclosed) accorded CRZ clearance for the above project, subject to the following conditions:"
> .....

6. It is necessary to note that as per the criteria laid down in the aforesaid Notification dated 14 September 2006 the proposed construction was to the extent of 15,645.70 sq. meters. It is also necessary to note that as per Environment Impact Notification dated 14 September 2006 in the

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case of facilities open to the sky, it was to be treated as the activity area and not built up area and only covered construction was to be treated as built up area.

7. As per the IOD and the commencement certificate granted by the Municipal Corporation the petitioner proceeded to construct the buildings having 99 flats for rehabilitation of municipal tenants and 9 shops. The construction is almost complete. Similarly, the petitioner also proceeded to construct the Municipal School building of ground plus 5 floors and it is stated that the construction is almost complete.

8. It is necessary to note that when the petitioner was granted the MCZMA clearance in the year 2007 the built up area for the residential building and the shops was 6373.57 sq. meters and the built up area of the Municipal School building was 1045.54 sq. meters. However, by MOEF Notification dated 4 April 2011 the definition "built up area" was substituted as under:-

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

In other words, what was earlier known non-FSI area was not included in the definition of built up area but by the aforesaid Notification dated 4 April 2011 the definition of "built up area" was expanded to include construction of not only covered area, but also basement and other service areas which were earlier not included in the definition of built up area. In view of the above Notification, the built up area of the residential building

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for 99 flats and 9 shops was re-computed at 8720.51 sq. meters and the built up area of the municipal school was re-computed at 1196.16 sq. meters aggregating to 9916.67 sq. meters as against the previous area aggregating to 7419.06 sq. meters.

9. In view of the above amended Notification the built up area of the proposed sale component building which was earlier computed at 8226.57 sq. meters would now be 14,000 and odd sq. meters and aggregating all the three built up areas of the residential building, 9 shops, municipal school building and the free sale component building the aggregate area would work out to 39,681.13 sq. meters.

10. In view of the above, as the construction area is to exceed 20,000 sq. meters, the petitioner is required to obtain environmental clearance from the State Expert Appraisal Committee (SEAC). The SEAC would forward its recommendation to the State Environment Impact Assessment Authority (SEIAA). The petitioner has accordingly submitted its application to the SEAC in June 2011. However, by the impugned decision dated 16 November 2011 the petitioner has been informed about the following decision :-

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"**Decision:**

The case was discussed on the basis of the presentation made by the proponent. The proponent is requested to **comply** with the following observations:

1. The proponent shall obtain CRZ Clearance as per 4(d) of CRZ Notification 2011 which states that any construction involving more than 20000 m^2 BUA in CRZ-II, prior recommendation of concerned CZMA shall be essential for considering grant of environmental clearance as per EIA Notification 2006 or grant of approval by the relevant planning authority.

2. The proponent shall submit letter from MCGM (Municipal Corporation of Greater Mumbai) with detailed clarification on the following points:

a. Total area of the plot nearing C S No.777, 778 and 780.

b. Plot area on which "Prerna Co-op. Housing Society" is proposed.

3.

c. Remaining plot area and details, if any other scheme, proposed thereon.

4. The draft general guidelines of MCGM dated 16th July 2011, including fire safety norms, for High Rise Building Proposals, shall be complied with.

5. Details of car park arrangement calculations."

11. In the meantime, the petitioner has also been served with stop work notice dated 21 June 2011 from the Secretary, Environment Department of the State Government stating that since the petitioner's project construction is more than 20,000 sq. meters, it was obligatory on the petitioner's part to obtain prior environmental clearance from competent authority as per EIA Notification dated 14 September 2006

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before starting any building construction activity. The notice further stated that since the petitioner had failed to obtain prior environmental clearance before starting construction activities, there is violation of Notification dated 14 September 2006 and, therefore, the petitioner must stop the construction work forthwith. Consequently the Municipal Corporation of Greater Mumbai has also issued stop work notice dated 27 July 2011.

12. According to the petitioner the petitioner has complied with both the stop work notices and the petitioner has filed this petition under Article 226 of the Constitution challenging the above decision dated 16 November 2011 and the aforesaid two stop work notices.

13. Dr.Milind Sathe, learned counsel for the petitioner has urged the following contentions:

(i) That the petitioner's project was approved and the CRZ clearance was granted on 14 February 2007 by MCZMA. The project was for construction with built up area of only 15,645.70 sq. meters in view of the definition of "built up area" then prevailing. In fact, the petitioner has only constructed the residential building for rehabilitation of municipal tenants for 99 flats, 9 shops and the Municipal School building of ground plus 5 floors which is to be handed over to the Municipal Corporation of Greater Mumbai free of costs.

(ii) In any view of the matter, even the built up area of the sale component building added to the above constructions

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would be within 20,000 sq. meters (15,645.70 sq. meters as per the definition of "built up area" when CRZ clearance for the project was granted by MCZMA). The changed definition of built up area as per Notification dated 11 April 2011 cannot apply to a project which was sanctioned prior to 11 April 2011.

(iii) In any view of the matter, even if the changed definition under Notification dated 11 April 2011 were to apply to the petitioner's project, the petitioner has already applied to SEAC for environmental clearance for a project having built up area exceeding 20,000 sq. meters and the petitioner is awaiting the said environmental clearance, but there can be no requirement again to go back to MCZMA for getting CRZ clearance which was already granted earlier on 14 February 2007. The proposed construction at the time of grant of CRZ clearance on 14 February 2007 and the proposed constructions now are for the same construction areas and merely because there is change in the definition of built up area, there is no justification for the State Expert Appraisal Committee to require the petitioner to obtain CRZ clearance again from MCZMA.

(iv) Without prejudice to the above submissions, it is submitted that in any view of the matter since the environmental clearance from State Expert Appraisal Committee and the State Environment Impact Assessment Authority under the EIA Notification dated 14 September,

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2006 is required only when the construction exceeds 20,000 sq. meters, the petitioner is entitled to continue with the construction which would not exceed 20,000 sq. meters.

(v) Reliance is placed on orders dated 16 January 2013 in Writ Petition No.2809 of 2012 and 24 September 2012 in Writ Petition No.1919 of 2012 and other matters in support of the contention that the authorities cannot be permitted to object to the developer proceeding to construct upto 20,000 sq. meters without obtaining environmental clearance which is required to be obtained only when the construction is to exceed 20,000.

14. On the other hand, Ms. Sharmila Deshmukh, learned counsel for MCZMA and Mr. Niranjan Pandit, learned A.G.P., for the State Authorities have opposed the petition and submitted that the notification dated 4 April 2011 of the MOEF is merely clarificatory amendment relating back to the original Notification dated 14 September 2006. As per the amended definition of built up area, even the open construction areas are included in the built up area and since the petitioner's application to the said Expert Appraisal Committee itself indicates that as per the amended definition, the total construction area is going to be 39681.13 sq. meters, the authorities are justified in requiring the appellant to obtain not only environmental clearance, but also CRZ clearance from MCZMA. It is submitted that when the MCZMA had granted clearance on 14 February 2007 it was on the basis of the built up area being less than 20,000 sq. meters. Now that the built up area is going to exceed 20,000 sq. meters fresh CRZ clearance will be required from the MCZMA.

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15. It is further submitted that the petitioner cannot be allowed to put up any construction and that the authorities are justified in issuing the stop work notices as the project is for construction exceeding 20,000 sq. meters of built up area.

16. As regards the decision of the State Expert Appraisal Committee that the petitioner should obtain CRZ clearance as per the CRZ Notification of 2011, when construction area remains the same, two views may be possible on the question whether the petitioner having obtained CRZ clearance from MCZMA with proposal for built up area upto 20,000 sq. meters should again be required to approach MCZMA for CRZ clearance when the built up area as per the amended definition is exceeding 20,000 sq. meters. However, in matters of environment concern, we would prefer to err on the safer side. We, therefore, do not find any fault with the decision of the State Appraisal Committee requiring the petitioner to move the MCZMA for environmental clearance because now the built up area of the project is computed at 39,681.13 sq. meters. We do not accept the petitioner's contention that because the petitioner's project was earlier granted CRZ clearance before 4 April 2011, the clarificatory amendment provided by the said Notification will not apply to the petitioner's project. The amendment dated 4 April 2011 is clarificatory as indicated in the preamble to the Notification itself. The change in the definition of built up area from merely covered area to areas including basement and service areas will significantly increase the construction area. After all, CRZ clearance is all about construction activity in a coastal zone and, therefore, merely because the construction is open to sky would not make it any less the construction than the construction of the covered area. We, therefore, find considerable substance in the submission made

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on behalf of the MCZMA that the Notification dated 4 April 2011 will apply to the pending projects as well, meaning thereby the projects are not already executed.

17. We do, however, find some substance in the last submission made by the learned counsel for the petitioner that even if the petitioner is required to obtain CRZ clearance from MCZMA again on the basis that the built up area of the project will exceed 20,000 sq. meters, the petitioner is entitled to get the same reliefs which this Court has been granting in case of many other parties where similar prayer was made. In **Writ Petition No.1916 of 2012 (Vardhman Developers Limited vs. Union of India & Ors.)** and **Writ Petition No.2809 of 2012 (Nahur Vivekanand Co-operative Housing Society Ltd. & Anr. vs. Union of India & Ors)**. We have rejected a similar contention urged on behalf of the respondent authorities that when the project proponent cannot undertake construction project for more than 20,000 sq. meters of built up area without obtaining prior environmental clearance, the project proponent cannot be allowed to commence the construction within the limits of 20,000 sq. meters, without obtaining prior environmental clearance. This Court has held that when clearances are required only for projects with built up area exceeding 20,000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction upto 20,000 sq. meters when the developer is ready to give undertaking not to exceed the construction beyond 20,000 sq. meters without first obtaining environmental clearance. This Court has noted that the Authorities take considerable time for taking a decision on the application for environmental clearance or for CRZ clearance. In the meantime the redevelopment projects are being delayed. This Court has been granting

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relief in such cases on the basis that even if ultimately the authorities were to reject the applications for clearance, there will be no illegality in so far as the developer has made construction upto 20,000 sq. meters.

18. Following the orders in the aforesaid cases i.e. orders dated January 16, 2013 in Writ Petition No.2809 of 2012 and 24 September 2012 in Writ Petition No.1916 of 2012, we are of the view that the respondent authorities are not justified in calling upon the petitioner to stop work even within 20,000 sq. meters of work, particularly when the petitioner has already completed the construction of residential building for rehabilitation of 99 municipal tenants, 9 shops required for the ordinary needs of the residents and municipal school constructed by the petitioner for the benefit of the Municipal Corporation all free of costs. As regards the free sale building also, learned counsel for the petitioner gives an undertaking that the petitioner will construct only a portion of the free sale building to the extent that the aggregate construction of the rehabilitation building for 99 flats, 9 shops, municipal school building and the free sale building will not exceed 20,000 sq. meters, without first obtaining the CRZ clearance from the MCZMA and the environmental clearance from the State Environment Impact Assessment Authority.

19. Accordingly, the petition is partly allowed and the stop work notices dated 21 June 2011 issued by the Secretary, Environment Department, (Exhibit "I") and 27 July 2011 (Exhibit AA) issued by the Executive Engineer (Building Proposal, City) Municipal E-Ward of the Municipal Corporation of Greater Mumbai shall stand modified to the effect that the petitioner is restrained from putting up any construction in excess of 20,000 sq. meters computed on the basis of the MOEF

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Notification 4 April 2011, including the construction of the rehabilitation building for 99 flats, 9 shops and the municipal school building already constructed or almost constructed. An undertaking to this effect shall be filed by a Director of the petitioner company within two weeks from today and the petitioner shall commence construction only after such an undertaking is filed before this Court.

20. It is clarified that the above direction is given only in respect of the environmental clearance and the CRZ clearance and this judgment does not exempt the petitioner from complying with the other legal requirements in the matter of construction of the buildings in question.

21. It will be open to the petitioner to pursue their application for CRZ clearance before the MCZMA and for environment clearance before the State Expert Appraisal Committee and the State Environment Impact Assessment Authority.

22. Writ Petition accordingly stands disposed of.

CHIEF JUSTICE

ANOOP V. MOHTA, J.

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EXH-M1

VAT

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) No.655 OF 2014

Glomore Constructions and Ors. ...Petitioners
Vs.
The Union of India and Ors. ...Respondents

****

Mr.Virag Tulzapurkar, Senior Counsel with Mr. Rafi Patni with Ms. Anjali S. Mohan i/b. Wadia Ghandy & Co. for Petitioners
None for Respondents

****

CORAM : V. M. KANADE &
A.K. MENON, JJ.

DATE : MARCH 24, 2014

P.C.

1. Heard the learned counsel appearing on behalf of the Petitioners. None appears on behalf of the Respondents, though they were served. Two affidavit of services are taken on record.

2. The grievance of the Petitioners is that though the Petitioners propose to construct the buildings, which are less than 20000 sq.mtrs. and though this Court, in number of cases, has held that for construction of buildings, which are below 20000 sq.mtrs., environmental clearance is not required, even then, Respondents State have issued a stop work notice, directing the Petitioners to stop the construction work of the buildings which are in project and are admittedly below 20000 sq.mtrs. It is submitted that the

Bombay High Court

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Petitioners have given an undertaking that they shall not carry out construction work of the buildings beyond 20000 sq.mtrs. It is submitted that in view of this, the impugned notice which has been issued by Respondent No.3 may be stayed.

3. This Court in several petitions, has already held that environmental clearance for the purpose of construction of buildings below 20000 sq. mtrs. is not required and the said orders have not been challenged by the Government in the Apex Court. A Notification, accordingly, has been issued by the State Government recently, taking into consideration, the law laid down by this Court. In spite of that, the impugned notice has been issued by Respondent No. 2. Prima facie, therefore, case is made out for grant of ad-interim relief.

4. Ad-interim relief is granted in terms of prayer clauses (j) and (k). Undertaking given by the Petitioners in Ground (M) is accepted. The Petitioners, however, shall file a further undertaking that they shall not carry out any construction beyond 20000 sq.mtrs., within one week. It is clarified that the Petitioners may be permitted to carry out construction of the free sell component of the buildings in the said project.

5. Issue notice to Respondent Nos.1 to 7, returnable on 28.4.2014. Humdust permitted.

[A.K. MENON, J.] **[V. M. KANADE, J.]**

VAISHALI TIKAM

Bombay High Court

GOVT. OF INDIA NOTARY S.R. LOKHANDE MUMBAI MAHARASHTRA Regd. No. 4943

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EXH-N

Government of Maharashtra

Tel. No. 22793132
Fax No. 22813947

No. ENV 2013/CR 39/TC-I
Environment Department,
Mantralaya, Mumbai - 400 032.
Dated: 21 April, 2015.

CIRCULAR

Sub: Requirement of Environmental Clearance for building projects modification regarding.

This department, vide circular no. ENV 2013/CR 39/TC-1 dated 17/01/2014 had issued guidelines indicating procedure for consideration of violations of EIA Notification. Vide this circular it was decided that in view of orders of Hon'ble High Court in the matters of redevelopment projects wherein rehabilitation of tenants in SRA/Dilapidated/CESS buildings was involved, construction of rehab component below 20,000 m2 was not to be considered as a violation of EIA Notification read with OM of MoEF dated 12/12/2012 and 27/06/2013.

Now, Hon'ble High Court in the matter of Glomore Construction and others Vs. Union of India (W.P. No. 655 of 2014) vide order dated 24/03/2014 &18/12/2014 allowed construction upto 20,000 m2 of free sell component, even in residential and commercial projects, indicating no violation of EIA Notification of 2006. Further, AGP, High Court, Original Side, Mumbai, vide his letter no. NPP/18087 dated 3/12/2014 informed State Government to take note of High Court orders and comply them accordingly to avoid issuance of contempt notice against the officers of Government of Maharashtra for continuing to disregard the orders of High Court.

In view of the above orders of Hon'ble High Court, Mumbai, proposed construction projects wherein project proponent has undertaken total construction below 20,000 m2 may not be considered as a violation of EIA Notification of 2006 (Amended time to time) and read with OM of MoEF dated 12/12/2012 and 27/06/2013. However, it is to be noted that by this way indemnity is not given to the construction under taken by project proponent. If, at the time of appraisal of the project, it is found that the construction undertaken is not fulfilling the environmental considerations, project proponent will have to comply with the direction of concern committee to accommodate environmental concerns. Therefore, it is desirable that in such cases all environmental concerns are addressed at the planning stage only. The State Environmental Appraisal Committees (SEACs) should ensure the compliance of above order of Hon'ble High Court to avoid contempt of its orders. This is subject to further orders of the Hon'ble High Court.

(Ajoy Mehta)
Principal Secretary

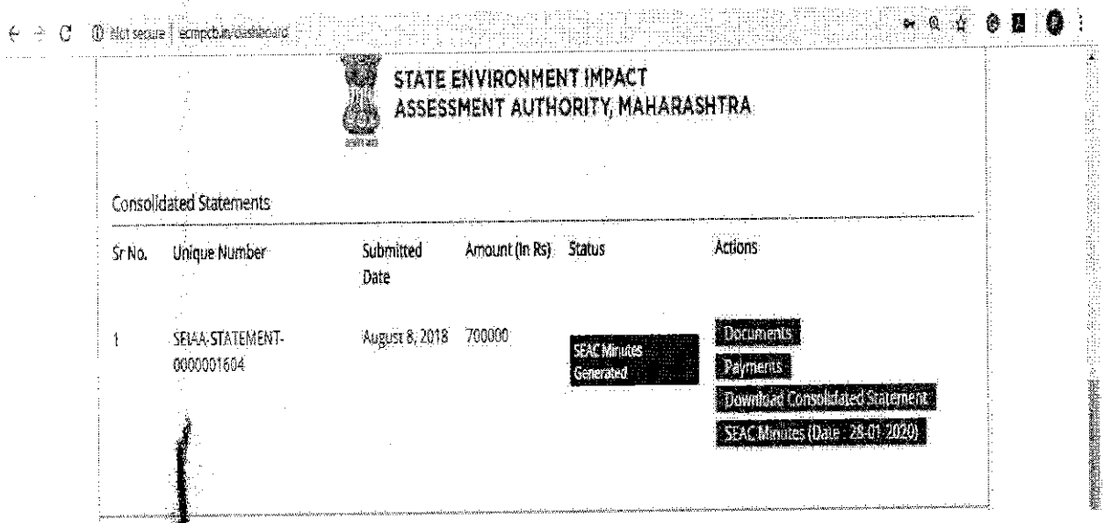
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1. Director (IA), MoEF CC, New Delhi, is kindly requested to convey his say, if any, in the above said matter within 8 weeks.

GOVT. OF INDIA
4643
Regd No.
MAHARASHTRA
S. R. LOKHANDE
NOTARY

EXH-O

APPLICATION SCREENSHOT



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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, MAHARASHTRA

Consolidated Statements

Sr No.	Unique Number	Submitted Date	Amount (In Rs)	Status	Actions
1	SEIAA-STATEMENT-0000001604	August 8, 2018	700000	SEAC Minutes Generated	Documents Payments Download Consolidated Statement SEAC Minutes (Date : 28-01-2020)



EXH-P

ITEM NO.10 COURT NO.3 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).24/2019

BUILDERS ASSOCIATION OF INDIA Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

Date : 12-02-2019 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Mukul Rohatgi,Sr.Adv.
Mr. Mahesh Agarwal,Adv.
Mr. Abhinav Agrawal,Adv.
Mr. Himanshu Satija,Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The learned counsel appearing for the Petitioner seeks permission to withdraw this petition with liberty to avail appropriate remedy before the High Court.

The writ Petition is accordingly, dismissed as withdrawn with liberty as aforesaid.

(B.Parvathi)
Court Master

(Indu Kumari Pokhriyal)
Assistant Registrar

Signature Not Verified
Digitally signed by BALA PARVATHI
Date: 2019.02.13 11:15:31 IST
Reason:

GOVT. OF INDIA
S. R. LOKHANDE, MUMBAI MAHARASHTRA
Regd. No. 4643
NOTARY

EXH-Q

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.954 OF 2019

Builders' Association of India (BAI) ..Petitioner
Versus
Union of India ..Respondent

Mr. Anshuman Srivastava I/by Mr. Rushabh M. Sheth, Advocate for the Petitioner.
Mr. R. S. Apte, Senior Advocate a/w Mr. Girish Paryani, Advocate for the Respondent.

CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 29th MARCH, 2019

P.C.

1] It is the contention of the Petitioner that in the Notification dated 14th September 2006, issued by the sole Respondent, the term 'Building and Construction projects area' was not defined and it was vague.

2] It is submitted that the said notification came up for consideration before the Hon'ble Supreme Court in the case of ***Anand Arya and another Vs. Union of India and others*** reported in ***2011 (1) SCC 744***. A reliance is placed on the following observations of the Hon'ble Apex Court in para 84, which are as under :-

GOVT. OF INDIA NOTARY S. R. LOKHANDE, MUMBAI MAHARASHTRA Regd. No. 4643

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> "84. Before putting down the records of the case a few observations may not be out of place. The EIA Notification dated 14-9-2006 urgently calls for a close second look by the authorities concerned. The projects/activities under Items 8(a) and 8(b) of the schedule to the notification need to be described with greater precision and clarity and the definition of built-up area with facilities open to the sky needs to be freed from its present ambiguity and vagueness."

3] It is submitted that after the aforesaid observations were made by the Hon'ble Apex Court, sole Respondent issued a further notification dated 4th April 2011, vide which for the first time, the term 'build up area' is defined.

4] It is the contention of the learned counsel for the Petitioner that between 2006-2011, the local authorities as well as the sole Respondent granted clearances to the projects on the basis of the local Development Control Rules, since the definition of built up area was not there.

5] It is submitted that however, the Hon'ble Supreme Court in the case of ***M/s. Goel Ganga Developers India Pvt. Ltd. Vs. Union of India and others*** with connected matters decided on 10th August 2018 has observed thus :-

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> "13. From a bare perusal of the two hash tags (#) in Column 4 and 5 of Item 8(a), it is apparent that what is shown under Column 5 is actually a continuation of Column 4 and basically it describes or defines 'built up area' to mean covered construction and if the facilities are open to the sky, it will be taken to be the activity area. This by itself clearly shows that under the notification of 2006, all constructed area, which is covered and not open to the sky has to be treated as 'built up area'. There is no exception for non-FSI area."

6] It is the contention of the Petitioner that due to the aforesaid observations of the Hon'ble Apex Court all the projects which were executed by the members of the Petitioner's Association during 2006-2011, which were otherwise legal, are now capable of being termed as illegal with retrospective effect.

7] It is the contention of the Petitioner that the Petition under Article 32 was also filed by the Petitioner before the Hon'ble Apex Court, which Petition came to be withdrawn vide order dated 12th February 2019, with liberty to approach this Court.

8] In effect, in our considered view, what the Petitioner seeks from this Court is a clarification that the observations made by the Hon'ble Apex Court in the case of *M/s. Goel Ganga Developers India Pvt. Ltd. (supra)* by a Bench consisting of two Hon'ble Judges

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of the Hon'ble Supreme Court are *per-incuriam* the observations of the Hon'ble Apex Court in the case of *Anand Arya and another (supra)*.

9] With great respect, the judicial propriety would not permit us to venture into such an exercise. The Writ Petition is therefore rejected.

[DAMA SESHADRI NAIDU, J.] **[B. R. GAVAI, J.]**

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EXH-R

ITEM NO.32 COURT NO.1 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10078/2019

(Arising out of impugned final judgment and order dated 29-03-2019 in WPL No. 954/2019 passed by the High Court of Judicature At Bombay)

BUILDERS' ASSOCIATION OF INDIA Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

(FOR ADMISSION and I.R. and IA No.65285/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-05-2019 This petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

In the meantime, no coercive steps shall be taken.

(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER

Signature Not Verified
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Date: 2019.05.03 17:20:09 IST
Reason:

EXH-S

SUPREME COURT OF INDIA (/)

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Case Information (click here)

Diary Number	Case Number	Party Name	AOR	Court / Tribunal	Free Text

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Diary No.	Year	
32134	2019	Submit

Diary No.- 32134 - 2019

CREDAI PUNE METRO vs. UNION OF INDIA

Case Details

Diary No.	**32134/2019** Filed on 03-09-2019 04:13 PM **[SECTION: IX]** **PENDING**
Case No.	SLP(C) No. 023143 - / 2019 Registered on 23-09-2019 (Verified On 05-09-2019)
Present/Last Listed On	**02-03-2020 [REGISTRAR]**
Status/Stage	PENDING (Motion Hearing [AFTER NOTICE (FOR ADMISSION) - CIVIL CASES]) Notice Tag with (SC 10078/19)-Ord dt:20-09-2019
Category	1807-Ordinary Civil Matters : Others
Act	
Petitioner(s)	1 CREDAI PUNE METRO THROUGH ITS SECRETARY NO.T-1, 3RD FLOOR, NUCLEUS, JEEJEEBHOY TOWERS, CHURCH ROAD, PUNE , DISTRICT: PUNE ,PUNE , MAHARASHTRA
Respondent(s)	1 UNION OF INDIA FOREST AND CLIMATE CHANGE INDIRA PARYAVARAN PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI , DISTRICT: NEW DELHI ,NEW DELHI , DELHI 2 BUILDERS ASSOCIATION OF INDIA (BAI) AUTHORIZED REPRESENTATIVE RAJENDRA @ NIRMAL KUMAR G1/G20, 7TH FLOOR, COMMERCE CENTRE, J. DADAJI ROAD, TARDEO , DISTRICT: MUMBAI ,MUMBAI , MAHARASHTRA
Pet. Advocate(s)	PRAGYA BAGHEL
Resp. Advocate(s)	GURMEET SINGH MAKKER[R-1]
U/Section	

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Office Report

Similarities

Caveat

GOVT. OF INDIA 4643 Regd. No. MAHARASHTRA MUMBAI NOT VALID

Correspondence
The Registrar,
Supreme Court of India,
Tilak Marg, New Delhi-110001
011-23388922-24,23385942
FAX : 011-

History (/history)
Constitution (/constitution)
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Forms (/forms)
India Code (http://indiacode.nic.in/)

23381508,23381524
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ITEM NO.30 COURT NO.6 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 32134/2019
(Arising out of impugned final judgment and order dated 29-03-2019 in WPL No. 954/2019 passed by the High Court Of Judicature At Bombay)

CREDAI PUNE METRO Petitioner(s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)
(FOR ADMISSION and I.R. and IA No.136818/2019-CONDONATION OF DELAY IN FILING and IA No.136816/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.136815/2019-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 20-09-2019 This petition was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Sidharth Dave,Sr.Adv.
Mr. Shyam Divan,Sr.ADv.
Mr. Amol Chitale,Adv.
Mrs. Pragya Baghel, AOR
Ms. Ranjeeta Rohatgi,Adv.
Mr. Abhishek Thakral,Adv.
Mr. Saket Mone,Adv.
Mr. Subit Chakrabarti,Adv.
Mr. Abhishek Salian,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Permission to file special leave petition is granted.

We have heard Mr. Sidharth Dave and Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner.

Delay condoned.

Issue notice.

In the meantime, no coercive steps shall be taken.

Tag with SLP(C)No. 10078 of 2019.

Signature Not Verified
Digitally signed by MADHU BALA
Date: 2019.09.20 17:10:22 IST
Reason:

(MADHU BALA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER

GOVT. OF INDIA
S. R. LOKHANDE
Regn. No. 4643
MAHARASHTRA
NOTARY

EXH - T

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GOVERNMENT OF MAHARASHTRA

No.Comp-2019/CR-22/SEIAA
Environment Department,
217(Annex), Mantralaya,
Mumbai-400 032.
Date: 28/08/2019.

To,
M/s. EKTA HOUSING PRIVATE LIMITED
Ekta World, 401, Hallmark Business Plaza,
Sant Dnyaneswar Marg, Opp. Gurunanak Hospital, Kalanagar,
Bandra East, Off Western Express Highway, Mumbai-400051.

Subject: - Proposed Directions u/s 5 of the Environmental (P) Act, 1986 r.w. EIA Notification,2006 dated 14.9.2006

Reference: - Complaint / Notice of Mr. Tanaji Bafasaheb Gambhire through Advocate Nitin Lonkar dated 24.07.2019 and Email from Complainant Dated-07.08.2019.

WHEREAS, it was obligatory on your part to obtain prior Environment Clearance from the Competent Authority, as per the EIA Notification dated 14.9.2006, before starting any building construction activity.

AND WHEREAS, we are in receipt of above referred, wherein following issues are raised by the complainants in respect of your building construction project "Ekta California & Florida" situated at Survey No. 8 (pt.) of Village Undri, Taluka Haveli, District Pune.

a) The [illegible] different projects comprising of 5 buildings [illegible]

b) The [illegible] not applied for [illegible] and also not applied for consent from MPCB;

c) [illegible] more than 20000 sq.mtrs. but [illegible] not applied for Environment clearance and consents;

d) [illegible] Clearance from SEIAA or DEE [illegible] obtain any prior consent to Establish from MPCB;

e) [illegible] has considered [illegible] project in year 2018 but [illegible] not applied for consent to [illegible] Consent to Operate;

f) [illegible] without Environment Impact Assessment and without [illegible]

g) [illegible] from the competent authority for [illegible]

j) PP has not provided any solid waste management system and waste generated is dumped to PMC waste yard creating burden on public systems and solid waste is generating various greenhouse gases and there is no scientific disposal of the solid waste generated from project.

k) PP has not provided any energy conservation system for energy saving like solar Energy system.

l) PP has not provided any rain water harvesting system for ground water recharge.

m) PP has not preserved top layer of fertile soil and there is no soil test for contamination.

n) PP has not made tree plantation as per the norms and Non-development of green belt as per CPCB norms

o) PP has provided swimming tank giving additional burden on the ground water.

p) PP has installed 2 DG sets at project site and operation of DG set is causing air pollution.

q) Huge quantity of sewage water is generated and there is no scientific treatment of sewage water as PP has not installed STP. There is direct discharge of sewage water in PMC seaware line.

r) PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage.

s) That the PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

t) PP has not complied the conditions of commencement certificate mandating prior environment clearance and consents from the MPCB.

u) PP has not complied the conditions of commencement certificate related to installation of environment infrastructure to avoid the degradation.

v) PP has not installation of Pollution Control Devices.

w) PP has made illegal land use change.

x) Involvement of bureaucratic nexus in the illegal act to help PP and Misuse of position by Government officers and thus provisions of EIA Notification 2006 r/w Environment Acts 1986, Water (P & CP) Act 1974 and Air (P & CP) Act 1981 are not complied by PP.

y) PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.

z) PP has caused substantial damage to environment and ecology more than Rs. 425 Crores, which shall be recovered from PP.

aa) PP has committed scam on account of RFSI of internal road, amenity spaces, open spaces etc.

bb) Thus it is mandatory to stop the project construction permanently till the compliance and rectification of the above illegal act and removal of the defects from the construction.

AND WHEREAS, as per the Complaint / Notice above referred, you have not obtained mandatory prior Environment Clearance, Consent to Establish and Consent to Operate in proposed Residential Building Construction Project at Survey No. 9 (P) of Village-Undri, Taluka-Haveli, District-Pune. This amounts to violation of the EIA Notification-2006 r/w Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1974 and Air (Prevention and Pollution Control) Act-1984.

NOW THEREFORE, in view of the above non-compliances, 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 & 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 provisions of the Environment (Protection) Act, 1986 and Rules made there under?

Take notice that, you are hereby directed to submit your reply within a period of 15 days from the receipt of this Proposed Directions, after receipt of your reply, you may call for personal hearing so as to take appropriate decision in the matter, failing which, this office has no option than to initiated legal action against you including stoppage of your construction activity, which pleased be noted.

(Anil Diggikar)
Principal Secretary,
Environment Department &
Member Secretary- SEIAA Maharashtra

Copy to:
Commissioner,Pune Municipal Corporation,Shivajinagar, Pune-411 005.

You are the sanctioning authority of the aforesaid project therefore you are hereby requested to take appropriate actions against project proponent and also to submit the documents related to Project.

Enclosed: Copy of Complaint / Notice of Mr. Tanaji Balasaheb Gambhire through Advocate Nitin Lonkar dated 24.07.2019 is attached herewith.

NOTARY GOVT. OF INDIA

EXH - U

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To,
The Principal Secretary
Environment Department,
Government of Maharashtra
217 (Annexe)
Mantralaya, Mumbai 400 032

16/09/2019

Ref: Proposed Directions u/s. 5 of the Environmental (P) Act, 1986 r/w EIA Notification 2006 dated 14.09.2006.

Dear Sir,

We are in receipt of the proposed directions under reference vide your letter dated 29th August 2019 received by us on 10th September 2019.

In response to your notice/communication under reference at, we address you as under:-

1) Ekta Housing Pvt Ltd ("**Ekta**") is a Private Limited Company incorporated under the provisions of the Companies Act, 1956. Ekta is a part of the reputed Ekta World Group one of the leading groups in the real estate sector, having to its credit a number of completed and ongoing residential and commercial real estate projects in Mumbai, Pune and other parts of Maharashtra. Ekta is the Project Proponent of real estate project in the name and style of "Ekta California" and "Ekta Florida" situated at Pune. Ekta is an environmentally conscious and responsible organisation which enjoys decades worth of repute in the real estate market and has been widely lauded for its projects which are models of sustainable development.

Issue of Built-Up Area ("BUA")

2) Point Nos. (a) to (d) of the proposed directions under reference deal with the issue of BUA and the purported requirement of environment clearance ("**EC**") and the applicability of such requirement under the EIA Notification 2006 as amended in 2011.

3) With reference to the aforesaid issue, it would be apposite at the outset, to set out brief background of the regime governing requirement of EC and the evolution of the concept of BUA and the applicability of the same vis a vis, the projects in question.

4) On 27.01.1994, the Ministry of Environment & Forest ("**MoEF**") published the first Environmental Impact Assessment Notification in exercise of the powers conferred by

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MUMBAI
S. R. LOKHANDE

EKTA Housing Pvt. Ltd.
401, Hallmark Business Plaza, Off. W. E. Highway, Kalanagar, Bandra - East, Mumbai - 400 051 • Tel: 91 22 6115 2424 / 2222 • Fax: 91 22 6115 2200
www.ektaworld.com
info@ektaworld.com | CIN No. U45200MH1990PTC055279

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, 1966. The Central Government through MoEF published a notification S.0.60 (E) (hereinafter referred to as ***"1994 Notification"),*** whereby it was directed that certain activities can be undertaken only after environmental clearance has been accorded by the Central Government. The requirements and procedure for seeking environmental clearance of projects were also enumerated in the aforesaid notification. Construction projects were not encompassed in the said 1994 notification and environmental clearance was not required to be sought for undertaking any such projects.

5) Substantial amendments were made by the Central Government to the 1994 notification by publishing notification S.0.801(E), dated 7th July, 2004 whereby, in the list of projects requiring environmental clearance from the Central Government appearing in Schedule 1, ***'new construction projects'*** were added as entry 31. Amendments were also brought in para 3(g) of the notification to the effect that any construction project falling under entry 31 of Schedule-I for 1000 (one thousand) persons or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below were not required to obtain an environmental clearance. By way of insertion of an Explanation to para 3, new construction projects which were undertaken without obtaining the clearance, and where construction work had not come up to the plinth level, were required to obtain environmental clearance with effect from the 07.07.2004. It may be necessary to note that there was no mention of 'built up area' in either the original 1994 notification or the 2004 amendment notification possibly because the projects were measured on the yardstick of involvement of 1000 (one thousand) persons or above in the project or involving an investment of Rs.50,00,00,000/- (Rupees fifty crores).

6) On 14.09.2006, MoEF notified the EIA Notification 2006 in supersession of the 1994 Notification, which provided that the construction of new projects or the expansion of existing projects entailing capacity addition shall be undertaken only after the prior environmental clearance obtained from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority (hereinafter referred to as "**SEIAA**"). All projects and activities were categorized into Category A or Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man-made resources. All projects or activities included as Category 'A'

in the Schedule, were mandatorily required to obtain prior environmental clearance from the MoEF and those included as Category 'B' in the Schedule were required to obtain prior Environmental Clearance ("EC") from the SEIAA..

In the schedule to the notification consisting of the list of projects requiring environmental clearance, serial number 8 dealt with building/construction projects/ area development projects and townships. The relevant portion is extracted below:-

Period or activity		Category with A	Threshold limit B	Conditions if any
1	2	3	4	5
8		Building/Construction projects/Area Development projects and township		
8(a)	Building and construction project		>20,000 Sq.mres and <1,50,000 sq.mtrs of built up area	# ("built up area" for covered construction; in the case of facilities open to 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 [illegible]

It is of utmost importance to note that although the EC was a necessity if the 'built up area' of the building/construction project concerned came within the bracket of 20,000 sq. mtrs. and 1,50,000 sq. mtrs, the tern 'built up area' was not defined anywhere in the notification. Column 5 of item at serial number 8 simply stated that `built up area' for construction; in the case of facilities open to the sky, it will be the activity area.

7) The concept of "built up area" was not defined in the notification dated 14/09/2006 issued by the Ministry of Environment and Forests. In view thereof, the built up area of building and construction projects was determined on the basis of the definition as contained in the DCRs for Pune Municipal Corporation, Pune, 1982 and the Environmental Clearances were also granted on the basis of built up area calculated on the basis of DCR.



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Rule 2.13 of the DCR defines built up area as follows: -

"2.13 Built Up Area – Area covered immediately above the plinth level by the building or external area of any upper floor whichever is more excepting the areas covered by Rule No.15.4.2."

Rule 15.4.2 of the DCR provides as under;

"15.4.2 In addition to Rule No.15.4.1.1(a) (b) and (c) and 17.7.3 the following shall not be included in covered area of F.A.R. and Build-up area calculations(b)

A basement or cellar space under a building constructed on stilts and used as parking space, and air conditioning plant rooms used as accessory to the principal use,

(b) Electric cabin or substation, watchman's booth of maximum size of 1.6 sq m with minimum width or diameter of 1.2 m, pump house, garage shaft, space required for location of fire hydrants, electric fittings and water tanks

(c) Projections as specifically exempted under these rules.

(d) Staircase room and/or lift rooms above the top most storey, architectural features, chimneys, elevated tanks of dimensions as permissible under these rules.

Note: The shaft provided for lift shall be taken for covered area calculations only on one floor upto the minimum required as per these rules

(e) One room admeasuring 2m x 3m on the ground floor of co-operative housing societies or apartment owners/co-operative societies buildings and other multi-storeyed building as office-cum-letter box room

(f) Rockery, well and well structures, plant, nursery, water proof, swimming pool, (if uncovered) platform round a tree, tank fountain, bench, chabutra with open top and unenclosed sides by walls, ramps, compound wall, gate, slides, swing, overhead water tank on top buildings;

(h) Sanitary block subject to provision of rules no. 15.4.1 (a) and Built up area not more than 4, sq.m.

In this backdrop, it is abundantly clear that the EIA Notification 2006 did not define BUA between the years 2006 and 2011, the computation of BUA under the various projects undertaken in the country including the city of Pune, were based on local/municipal laws i.e. only the FSI area.

8) That since the term "built up area" was not defined in the EIA Notification 2006, the

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MoEF and various SEIAAs throughout different states relied upon local building bye laws to grant environmental clearances to various project proponents. The term "built up area" has been defined under various state bye' laws, where it is calculated on the basis of FSI. Since 2006, the Appropriate Authorities have granted ECs to projects while defining 'built up area' on the basis of state bye laws. Thus, as per the customary practice adopted by the Appropriate Authorities, the terms 'built up area' and 'FAR/FSI' were used interchangeably.

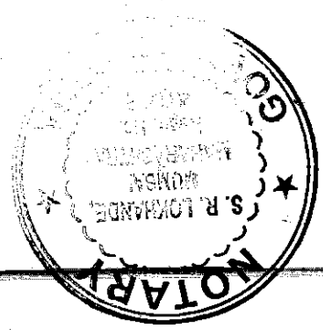
9) Three Judge Bench of the Hon'ble Supreme Court in the case of, *("**Okhla Bird Sanctuary**")* grappled with the above mentioned issue of BUA wherein the Hon'ble Court observed that there is considerable uncertainty and vagueness in the definition of BUA in the 2006 notification and urged the concerned authorities to take appropriate action to remedy the ambiguity.

The Hon'ble Supreme Court in *Okhla Bird Sanctuary (supra)* opined as follows:

> *"79. Before putting down the records of the case a few observations may not be out of place. The EIA notification dated September 14, 2016 urgently calls for a close second look by the concerned authorities. The projects/ activities under items 8(a) and 8(b) of the schedules to the notification need to be described with greater precision and clarity and the definition of 'built up area' with facilities open to the sky needs to be freed from its present ambiguity and vagueness. The question of application of the general condition to the projects/activities listed in the schedule also needs to be put beyond debate or dispute."*

A copy of the Judgment dated 03.12.2010 is enclosed herewith and marked as **ANNEXURE-1** for identification.

10) Pursuant to the aforementioned judgment and the aforementioned discussions held in the Ministry, the MoEF issued an amendment notification regarding the import of the term "built up area" vide notification dated 04.04.2011 ("**2011 notification**"). As per the 2011 notification, built up area would mean, the built up or, covered area on all the floors put together including basement(s) and other service areas which are proposed in the building/construction projects. This was the first time that MoEF had provided a mechanism for the computation of the built-up area. A bare perusal of an internal communication of the MoEF corroborate that the 2011 Notification was issued as a follow up to the judgment of *Okhla Bird Sanctuary*. Relevant extracts of the internal communication are herein-below:



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'On this file, we are dealing with the proposal regarding amendment to EIA Notification, 2006 as a follow up of the above cited order dated 3.12.2010 of the Hon'ble Supreme Court in the matter related to Noida Park Notings from page 1-5/n-ante in this regard may kindly be seen. As may be seen that the Hon able Supreme Court in the said order have observed as under:

...

2. From the above, ***it may be concluded that the clarifications need to be built into the EIA Notification with respect to the following:***

(i) Clarification about built up area / built up area for covered constructions;

(ii) Clarification regarding activity area in case of facilities open to the sky;

It is most pertinent to note that the 2011 Notification did not state, that the changes made to the definition of the term 'built up area' will have retrospective effect As such, it was clear that the Respondent No 1, MoEF intended to give prospective effect to the said notification.

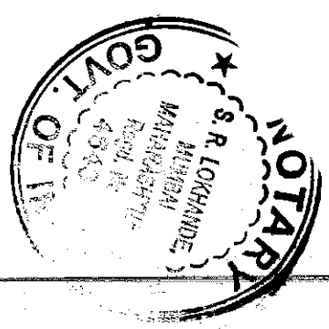
11) On a plain reading of the amendment in the year 2011, it is indubitably clear that the amendment is prospective in nature and would not affect the projects which were sanctioned between the period of 2006 to 2011.

12) In the present case, Ekta was granted sanctions as under:

i) On 17.03.2007 Ekta was granted Commencement Certificate ("CC") for construction of portion of the building in question. A copy of the CC dated 17.03.2007 is annexed hereto and marked as **ANNEXURE -2**

ii) On 21.03.2007 Ekta was granted CC for construction of portion of the building in question. A copy of the CC dated 21.03.2007 is annexed hereto and marked as **ANNEXURE -3**

iii) On 02.02.2008, Ekta was granted CC for construction of portion of the building in question. A copy of the CC dated 02.02.2008 is annexed hereto and marked as **ANNEXURE - 4.**



iv) On 05.03.2008, Ekta was granted Commencement Certificate ("CC") for construction of portion of the building in question. A copy of the CC dated 05.03.2008 is annexed hereto and marked as **ANNEXURE -5.**

v) On 23.07.2010, Ekta was granted CC for construction of portion of the building in question. A copy of the CC dated 23.07.2010 is annexed hereto and marked as **ANNEXURE -6.**

Thus, it is clear that the projects in question were accorded sanctions for construction much prior to the amendment of 4th April 2011 came into play and thus, three is no requirement of obtaining EC as BUA did not meet the threshold parameters under the EIA Notification 2006.

13) Ekta has been granted further CCs after issuance of the amendment Notification 4th April 2011 on the following dates.

I) 04.10.2011
II) 29.06.015
III) 17.12.2015 and
IV) 05.10.2016

14) The cumulative effect of the CCs granted between 2007 to 2016, juxtaposed with the threshold of 20000 sq.mtrs. under the EIA Notification 2006 in terms of FSI built up area is set out below in a tabular format:

Sr.No.	Particulars	BUA (FSI)
1.	CC dated 17.03.2007	17499.76
2.	CC dated 21.03.2007	17499.76
3.	CC dated 05.03.2008	14235.87
4.	CC dated 23.07.2010	17044.21
5.	CC dated 04.10.2011	17044.21
6.	CC dated 29.06.2015	18194.74
7.	CC dated 17.12.2015	18991.92
8.	CC dated 25.10.2016	0.0 (this CC was for Club House)

By virtue of the CCs and sanctions issued between 2007 and 2016 to the building of the Ekta, the FSI built-up area at no time crossed the threshold limit of 20000 sq.mtrs. under the EIA Notification 2006.

15) On 07.07.2017 MoEF issued an office memorandum in which the MoEF clarified that the 2011 notification will only have prospective operation. Further, it was also noted that the projects which were undertaken before the 2011 notification will be assessed as per the definition of built up area provided in the building bye laws or DCR of the Local Authorities in the States.

16) On 31.03.2017, Ekta was granted CC for construction of portion of the building in question. By virtue of this CC, Ekta for the first time, was permitted to construct beyond 20000 sq.mtrs. of FSI built up area. Till date, such construction has not taken place. Thus, it is clear from the above that Ekta has at no point violated the provisions of the EIA Notification 2006 and thus, points (a) to (d) and (g) in the proposed directions under reference (1) stands answered accordingly.

17) Without prejudice to the above, it is stated that by a Notification dated 14th March 2017, the MoEF had made provision for projects or activities which were in violation of the requirement to obtain EC, to obtain the same, *ex post facto* within 6 months from the Notification i.e. upto 13th March 2017 The Notification was thereafter stayed vide Order dated 7th June 2017 passed by the Hon'ble Madras High Court, with stay came to be vacated a subsequent order dated 13th October 2017. By an order dated 14th March 2018, in a Writ Petition filed by the MoEF, the Madras High Court granted an extension of the window to obtain EC for violation cases upto 13th April 2018 pursuant to which, an Office Memorandum dated 16th March 2018 was issued by the MoEF providing the additional timeline of 30 days. However, it was unclear as to the method that would be adopted for regularizing the projects under violation, which necessitated to the Government of Maharashtra to issue a Circular dated 3rd April 2018 issuing requisite guidelines. As such, only a 10 day window was left after such clarification to apply within the timeframe fixed by the Office Memorandum dated 16th March 2018. In view of the above, the applications of a number of proposal *qua* violation cases were submitted after the expiry of the 30 day time period under the Office Memorandum dated 16th March 2018. Thereafter, on 9th September 2019, the MoEF has issued an Office Memorandum where it has recorded that it is possible that there may be certain violation proposals which may have been

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submitted during or prior to the violation window but not under the identified violation category and thus, the same should be considered in terms of the Notifications dated 14th March 2017 and 16th March 2018.

18) Ekta being an environmentally conscious organisation, as and by way of abundant precaution and keeping in mind the welfare of the various third party purchasers in the Subject Projects concerns of your good offices, to ensure that no adverse coercive action enures *qua* the purchasers in the Subject Projects, has applied for EC for the total BUA of the project in question and utilisation of the balance potential vide online unique Application No. 00000001604 in April/August 2018. As such, despite it verily believing that no EC is required for the projects in question, Ekta, being ever respectful and mindful of its legal obligations has made such application

Issue of Consent to Establish/Operate

19) It is submitted that a bare perusal of the permissions granted to the projects in question indubitably reveal that the projects in question are residential in nature. As such, the provisions of the Water (Prevention and Control of Pollution) Act, 1975 ("Water Act") and the Air (Prevention and Control of Pollution) Act, 1981 ("Air Act") would not be applicable to such a residential project which is not an industry, operation and/or process within the meaning of the above mentioned acts.

20) The issue of applicability of the provisions of the Water Act and Air Act to residential projects and the consequential requirements of prior Consent to Establish and Consent to Operate for residential projects was considered by the Hon'ble Delhi High Court in the matter of *DPCC Vs Splendor Landbase in LPA No. 895 of 2010* and connected matters wherein vide judgment dated 23rd January 2012, the Hon'ble Delhi High Court was pleased to hold that no prior Consent to Establish and Consent to Operate would be required in respect of residential projects and in that regard, was pleased to declare void, action initiated by the Delhi Pollution Control Committee. A copy of the judgment and order dated 23rd January 2012, is enclosed herewith and marked as **ANNEXURE-7**. It is submitted that the projects in question, being purely residential projects, would also be governed/covered by the judgment of the Delhi High Court.



21) As such, the points (e) and (f) in the directions under reference under (1) stands answered accordingly.

22) Without prejudice to the above, it is submitted that Ekta being an environmentally conscious and responsible organisation has already applied for EC as stated in paragraph 17 above. Grant of EC is a prerequisite for grant of Consent to Establish/Operate. Subject to the outcome of the Application made by Ekta, an Application shall be made for Consent to Establish/Operate keeping in mind the concerns of your good offices.

Issues of Ground Water

23) With reference to point (h) and (i) in your proposed directions under reference at (1), it is submitted that there is no burden imposed on the ground water by the construction activities of Ekta and the levels and parameters remain maintained as per the Water Balance Statement and the requirements of the MoEF. As such, there is no violation by Ekta in this regard.

24) As regards use of Borewell, it is submitted that only one borewell is in operation and the other two are dry.

25) Points (h) and (i) stands answered accordingly.

Issue as regards Waste Management, Disposal, Conservation Systems, D.G Sets, Tree Plantation etc.

26) At points (j) to (n) various issues have been raised which are answered as under

27) It is submitted that Ekta has followed best practices as regards handling of Waste at the site. Ekta has installed Sewage Treatment Plant ("**STP**") for capacity of 212 KLD as against required 135 KLD STP for the projects in question, both constructed and proposed. Waste disposal is also carried out strictly as per norms and there is no violation in this regard by Ekta.

28) As regards conservation systems, Ekta has implemented measures such as debris management, reuse and recycling of material and waste products, dust mitigation

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measures, reuse and recycling of water, plantation of trees, provision for 10% landscape area on the ground for improving water table, provision for storm water management and detailed Environment Management Plan.

29) Further, Ekta has implemented energy efficient fixtures to provide savings for the total demand and are in the process of undertaking renewable energy systems which shall be implemented along with the balance project. As such, Ekta undertakes to comply with all requirements in this regard.

30) It is also apposite to note that Ekta has undertaken actions such as Vermi Composting, Landscaping etc.

31) As regards the use of D.G. Sets, Ekta has provided for environmentally compliant sets which are as per the standards laid down by various statutory authorities and the details of which are maintained as part of the Environment Management Plan.

32) Ekta has planted 320 trees as against the requirement of 223 trees and has provided green cover and RG area admeasuring 2274.70 sq.mtrs. on the ground and further 1240 sq.mtrs on podium.

33) Thus, there is no non-compliance in this regard and Ekta craves leave to file/submit documents evidencing the above should the needs so arise

34) As regards allegations made regarding purported illegality in change of land use, scam, bureaucratic nexus etc. it is submitted that such allegations made by the Complainant are without basis and Ekta has all requisite permissions and is putting the land in question to use as per its entitlement and in accordance with the applicable laws. As such, Ekta undertakes to furnish details of the property if the needs so arises.

35) The issues raised by the Complainant and in the proposed directions under reference at (1) stands answered in terms of the above and Ekta is not separately dealing with each contention in a parawise manner. As such, it is submitted that there is absolutely no environmental violation at the behest of Ekta Housing Pvt.Ltd. in respect of the projects in question. Furthermore, the complaint dated 25.07.2019, against Ekta is completely false, baseless and made with an intention to harass and tarnish the image of a law abiding and environmentally conscious organisation.

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36) We request you to give Ekta a personal hearing to explain the above. This reply is submitted without prejudice to Ekta's rights and contentions.

37) In the premises aforesaid, we humbly request your good offices to withdraw the communication dated 29.08.2019 and the directions proposed therein under Section 5 of the Environment (Protection) Act, 1986 r/w the EIA Notification 2006.

Thanking you,

Yours faithfully,
For Ekta Housing Pvt.Ltd.

Director

Encl – As above

NOTARY GOVT. S.R. LOKHANDE MUMBAI

EXH-V

CLP 21538-21542/12
CA 757-760/13

$~
* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Judgment Reserved on : 16th January 2012*
Judgment Pronounced on: 23rd January, 2012

+ **LPA 895/2010**

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through: Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

SPLENDOR LANDBASE LTD ..... Respondent
Through: Mr.B.B. Gupta, Ms.Mandeep Kaur and Mr.Harsh Hari Haran, Advocates

LPA 1/2011 & CM No.6781/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

SACHDEVA BUILDON PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI

LPA 6/2011 & CM No.6779/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

NOTARY S. R. LOKHANDE MUMBAI

versus

VARDHMAN PROPERTIES LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

LPA 7/2011 & CM No.6780/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

LPA 8/2011 & CM No.6782/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS ..... Respondents
Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi Kothiala, Ms.Praneeta Vir and Mr.Sanjay Goswami, Advocates

LPA 9/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

MANISH BUILDWELL PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

GOVT. OF INDIA NOTARY S.R. LOKHANDE MUMBAI MAHARASHTRA

LPA 10/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

MANISH BUILDWELL PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

LPA 11/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN LAND DEVELOPERS PVT LTD & ANR ..... Respondents
Through None

LPA 22/2011 & CM No.6824/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

PANKAJ BUILDWELL LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI

LPA 23/2011 & CM No.6832/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant

Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

RAJESH PROJECTS INDIA PVT LTD & ORS. ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI

LPA 24/2011 & CM No.8168/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

BEST REALTORS (INDIA) LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI

LPA 25/2011 & CM No.6828/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

BEST CITY DEVELOPERS (INDIA) PVT LTD. & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI



LPA 26/2011 & CM No.6831/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

HOME LINKERS PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI

LPA 27/2011 & CM No.6833/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

RAJESH PROJECTS INDIA PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad, Advocates for UOI

LPA 28/2011 & CM No.6826/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS. ..... Respondents



Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 45/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

JINDAL BIOCHEM PVT LTD & ORS ..... Respondents
Through Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 46/2011 & CM No.8164/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

AS BUILDWELL PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 47/2011 & CM No.6825/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

MAITRI MUTUAL BENEFITS LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 48/2011 & CM No.6823/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

NIRVAN HIRE PURCHASE LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 50/2011 & CM No.6827/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

NIPUN BUILDERS & DEVELOPERS PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 51/2011& CM No.6829/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 53/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

ESS CEE CEE & ASSOCIATES (INDIA) PVT LTD .. Respondent
Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi
Kothiala, Ms.Praneeta Vir and Mr.Sanjay
Goswami, Advocates

LPA 54/2011 & CM No.6004/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

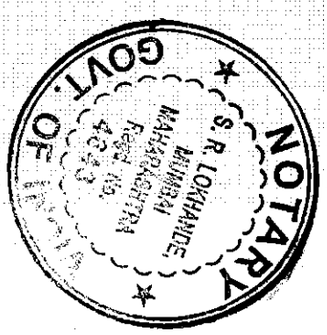
versus

FARGO ESTATES PVT LTD ..... Respondent
Through Mr.Ankit Jain, Advocate

LPA 58/2011& CM No.6830/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus



VARDHMAN PROPERTIES LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 94/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

DLF RETAILER DEVELOPERS LTD ..... Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

LPA 95/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

LAXMI BUILDTECH PVT LTD & ANR ..... Respondents
Through Mr.Kailash Vasdev, Sr. Advocate with
Ms.Neoma Vasdev Gupta, Ms.Ekta Mehta
and Ms.Joanne Pudussery, Advocates for
respondent No.1.
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 96/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,

Advocates with Mr.Dinesh Jindal, L.O.

versus

MANISH BUILDWELL PVT LTD & ORS ..... Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 97/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

BRIGHTWAYS HOUSING & DEVELOPMENT
LTD & ANR ..... Respondents
Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi
Kothiala and Ms.Praneeta Vir, Advocates
for R-1.
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 98/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

DLF COMMERCIAL DEVELOPERS LTD ..... Respondent

GOVT. OF INDIA S.R. LOKHANDE, MUMBAI MAHARASHTRA Regd. No. 4643 NOTARY

Through Mr.B.B. Gupta, Ms.Mandeep Kaur and Mr.Harsh Hari Haran, Advocates

LPA 99/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

GALLERIA PROPERTY MANAGEMENT SERVICES PVT LTD ..... Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and Mr.Harsh Hari Haran, Advocates

LPA 100/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

PROSPEROUS ESTATES PVT LTD ..... Respondent
Through None

LPA 101/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

REGENCY PARK PROPERTY MANAGEMENT SERVICES PVT LTD ..... Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and Mr.Harsh Hari Haran, Advocates



LPA 102/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

PALIWAL DEVELOPERS LTD ..... Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and Mr.Harsh Hari Haran, Advocates

LPA 103/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

RIDGE VIEW CONSTRUCTION PVT LTD ..... Respondent
Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi Kothiala and Ms.Praneeta Vir, Advocates.

LPA 104/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

RC SOOD & CO PVT LTD ..... Respondent
Through Mr.Shobhit Chandra, Advocate

LPA 709/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

LODHI PROPERTY CO LTD ..... Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and Mr.Harsh Hari Haran, Advocates

LPA 710/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

BHARTI REALTY LTD ..... Respondent
Through Mr.Dushyant Manocha and Ms.Tarunima Vijra, Advocates

LPA 866/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

ANUSH FINLEASE & CONSTRUCTION PVT LTD ..... Respondent
Through Mr.Ajay Kumar and Mr.Naveen Tayal, Advocates



LPA 867/2011

DELHI POLLUTION CONTROL COMMITTEE ..... Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma, Advocates with Mr.Dinesh Jindal, L.O.

versus

TIRUPATI INFRAPROJECTS PVT LTD ..... Respondent
Through Mr.Ajay Kumar and Mr.Naveen Tayal, Advocates

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J.

1. A batch of 38 writ petitions was decided by a learned Single Judge vide order dated September 30, 2010. The said decision has been followed subsequently by another learned Single Judge. Instant appeals lay a challenge to the said decisions pronounced by the learned Single Judges of this Court; and since the reasoned decision is the one which was pronounced on September 30, 2010, learned counsel for the parties conceded that it is said decision which needs to be reflected upon by us in the appeal(s).

2. Writ petitions were filed challenging notices issued by the Delhi Pollution Control Committee (DPCC) to the writ petitioners or penalties levied, which were paid under protest or bank guarantees submitted by the writ petitioners, which were under threat of being invoked. The petitions have succeeded, not in full, but in part. Directions have been issued to DPCC to take

action afresh and guided by the decision of the learned Single Judge.

3. The buildings with respect whereto action was proposed to be taken or was taken by DPCC, are of three kinds: (i) Residential Housing Complexes, (ii) Commercial Shopping Complexes, and (iii) Shopping Malls. Actions were initiated or decisions were taken on the allegation that with respect to the buildings constructed, the writ petitioners had not obtained a *'consent to establish'* as required under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'the Water Act') and *'consent to operate'* as required under The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'the Air Act').

4. Issues have been debated before the learned Single Judge and even before us with reference to Sections 2(g), 2(gg), 2(k), Section 25 and Section 33A of the Water Act, and Sections 2(a), 2(j), 2(k), Section 21 and Section 31A of the Air Act. Thus, we begin our chartered journey by noting the said provisions.

5. Section 2(g), 2(gg), 2(k), relevant part of Section 25 and Section 33A of The Water (Prevention and Control of Pollution) Act, 1974 read as under:-

> "2. Definitions.– In this Act, unless the context otherwise requires,–
> (a) .....
> (b) .....
> (c) .....
> (d) .....
> (e) .....
> (f) .....

(g) 'sewage effluent' means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;

(gg) 'sewer' means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;

(h) .....
(i) .....
(j) .....

(k) 'trade effluent' includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system, other than domestic sewage.

25. Restrictions on new outlets and new discharges.–

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,–

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) .....

(c) .....

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act,

1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

(2) .....

(3) .....

(4) .....

(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge.

(6) .....

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

(8) .....

33A. Power to give directions.– Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.– For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct–

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service."

6. Section 2(a), 2(j), 2(k), relevant part of Section 21 and Section 31A of The Air (Prevention and Control of Pollution) Act, 1981 read as under:-

2. Definitions.– In this Act, unless the context otherwise requires,–

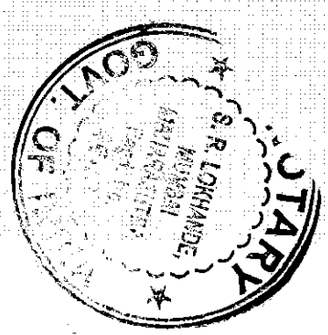
(a) 'air pollutant' means any solid, liquid or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;

(b) .....

(c) .....

(d) .....

(e) .....



(f) .....

(g) .....

(h) .....

(i) .....

(j) 'emission' means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;

(k) 'industrial plant' means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

21. Restrictions on use of certain industrial plants.– (1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.

(2) .....

(3) .....

(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order

in writing, and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent:

Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.

(5) .....

(6) .....

(7) .....

31A. Power to give directions.– Notwithstanding anything contained in any other law, but subject to the provisions of this Act and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, office or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.– For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct–

GOVT. OF NOTARY S. R. LORHANDE MUMBAI MAHARASHTRA

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

7. With reference to the Water Act as originally framed in the year 1974 and as amended in the year 1988 and with reference to the Statement of Objects and Reasons of the Amending Act, the learned Single Judge has opined that the legislative amendments carried out in the original Water Act were intended to expand the scope of the Water Act. The learned Single Judge has highlighted that the expression *'establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent'* in clause (a) of Sub-Section (1) of Section 25 made it clear that the requirement to obtain previous consent to establish any industry, operation or process was no longer restricted to trade effluent being discharged but would also encompass if 'sewage effluent' was discharged and with reference to the definition of 'sewage effluent' as per Section 2(g), has held that the same would include sewage of any kind, including domestic sewage. The learned Single Judge has also noted the expanded definition of 'trade effluent' as per Section 2(k) of the Water Act. Noting the definition of the words 'operation' and 'process' in para 12 of the decision, and thereafter noting the decisions that purposive construction needs to be followed where the mischief which existed before passing the statute was detected and was intended to be remedied, the learned Single Judge has concluded that *collective operation or process of*

bathing in the bathroom and such processes as take place in the toilet and cooking and washing in the kitchen would be operations and processes contemplated by Section 25(1)(a) of the Water Act for its applicability to residential complexes. This is the conclusion arrived at in para 16, but in the immediate next para i.e. para 17, the learned Single Judge has lodged a caveat by stating that he was not answering the question with reference to single storeyed constructions.

8. With reference to the commercial complexes i.e. Commercial Shopping Complexes and Shopping Malls, the learned Single Judge has held that the definition of 'trade effluent' as per Section 2(k) would encompass all kinds of non-domestic sewage and has thus held that these buildings would be governed by clause (a) of Sub-Section 1 of Section 25 of the Water Act.

9. As regards the very act of constructing a building, in paras 19 and 20, the learned Single Judge has held that the very act of constructing a commercial shopping complex, shopping mall or a residential complex would make applicable clause (a) of Sub-Section 1 of Section 25 and for which the reasoning of the learned Single Judge is that construction of commercial shopping or residential complexes is likely to have impact on water pollution because large quantities of water are used during construction and are also discharged.

10. Since, in all the cases, DPCC rose from the slumber after buildings were completed and put to use, the learned Single Judge opined that DPCC could not levy penalties and for which remedial action, as per the learned Single Judge, was as provided



in Sub-Section 5 of Section 25 of the Water Act.

11. The argument of DPCC that the power to give directions under Section 33A of the Water Act has been negated by the learned Single Judge, with reference to various decisions cited which hold that the power to levy penalty has to be expressly conferred by the statute.

12. Pertaining to the Water Act, the learned Single Judge has summarized the legal position, in para 29 as under:-

> "29. The discussion so far on the legal position under the Water Act in relation to the petitioners may be summarized thus:
>
> (i) Section 25 (1) of the Water Act is intended to cover not just 'industry' which discharges 'trade effluent' but any 'process or operation' that results in a discharge of 'sewage' not limited to trade effluent.
>
> (ii) The words 'operation or process' occurring in Section 25(1)(a) have to be given the widest possible meaning and scope. This approach is consistent with the SOR of the 1988 amendments to the Water Act which make it clear that the legislative intent was to expand the scope of the regulatory powers of the state PCC. The principle of *ejusdem generis* is therefore inapposite in the context.
>
> (iii) Commercial shopping complexes, shopping malls and even residential complexes are covered by Section 25(1)(a) of the Water Act.
>
> (iv) The liability under the Water Act does not get exempted only because the sewage

discharged from such complexes joins the main municipal sewerage system which may or may not be treated in keeping with the water pollution norms.

(v) The pollution caused by discharge of domestic sewage from a residential complex or trade effluent from a commercial complex or industry during the construction phase as well as at any stage after the complex becomes functional would attract the various provisions of the Water Act.

(vi) With the buildings in question having already been constructed without obtaining prior consent to establish, the direction of the DPCC that those who had failed to obtain prior consent to establish should now apply for such consent is a direction that is not capable of being complied with. Instead the DPCC should invoke the powers under Section 25(5) of the Water Act, issue show cause notices setting out the conditionalities required to be complied with within a time frame and upon failure to do so, invoke the powers to issue directions under Section 33A Water Act.

(vii) The Water Act is in a separate domain and its provisions will have to be complied with notwithstanding that the MCD has the power to lay down a separate set of regulations and bye-laws for use of water.

Where an applicant has not been communicated any decision of the DPCC for four months after the making of an application, the deeming provision of Section 25(7) would kick in and it would be deemed that the consent to establish has been granted. In such circumstances, Section 25(1) of the Water Act cannot

obviously thereafter be enforced."

13. Discussing the applicability of the Air Act, as conceded to by learned counsel for the parties at the hearing of the appeal, the learned Single Judge has inadvertently referred to the pre-amended provisions of the Air Act, though the learned Single Judge has referred and noted the fact that the Air Act of 1981 was amended in the year 1988.

14. Pertaining to residential complexes, the learned Single Judge has noted the unamended Section 21 of the Air Act which did not have the word 'establish' and had only the word 'operate' in Sub-Section 1 thereof, and thus the learned Single Judge has held that no permission from DPCC is needed to establish residential complexes, but on the same reasoning as followed in paras 19 and 20 pertaining to the Water Act, has held that during construction phase of residential complexes, permission under the Air Act has to be obtained. Qua shopping complexes and shopping malls, it has been held that under the Air Act, for these complexes, to operate them, prior permission has to be obtained as also during construction phase.

15. The learned Single Judge has summarized the position under the Air Act, in para 41 as under:-

> "41. The position under the Air Act may be summarized:
>
> (i) A collective reading of Section 21(1) of the Air Act with Section 2(a), 2(b) and 2(k) thereof leads this Court to the conclusion that a commercial shopping complex or a shopping mall would be covered within the scope of Section 21(1) of the Air Act.

(ii) The definition of 'air pollution' under Section 2(a) read with Section 21(1) of the Air Act, and the fact that the commercial shopping complexes or shopping malls are going to be used for a trade activity, is sufficient to attract the provisions of Section 21(1) of the Air Act.

(iii) As far as a purely residential complex is concerned, on the present wording of Section 21(1) of the Air Act, there is no requirement of obtaining the prior consent of the DPCC to operate.

(iv) During the construction phase and after the complex becomes functional, every building, whether it is a commercial shopping complex or a shopping mall or a residential complex, will have to comply with the norms under the Air Act and the Water Act and for that matter the EPA.

(v) Where the construction of a commercial shopping complex or shopping mall has been allowed to be completed without a prior consent to operate, the DPCC can inspect the building, issue a show cause notice requiring time bound compliance with the conditionalities imposed by it under the Air Act failing which it can issue directions under Section 31A Air Act."

16. A perusal of Section 25 of the Water Act would reveal, on a bare reading thereof, that without the previous consent of the State Pollution Board, '*no person could establish or take any steps to establish any industry, operation or process,..... which is likely to discharge sewage or trade effluent*'. Thus, even if sewage effluent as defined in Section 2(g) was discharged from any



industry, operation or process intended to be established, the requirement of prior consent would be necessary and to this extent the view taken by the learned Single Judge is correct.

17. But, what would encompass *'any industry, operation or process'*?

18. The Water Act does not define, 'industry', 'operation' or 'process'. As held in the decisions reported as 1993 (3) SC 2529 *Commissioner of Income Tax Orissa vs. M/s.N.C.Budhiraja & Co.* and 2010 (320) ITR 420 (Delhi) *Ansal Housing & Construction Ltd. vs. Commissioner of Income Tax*, the ordinary dictionary meaning of 'industry' or an 'industrial undertaking' would not include the activity of construction. The word 'operation' is defined, as noted by the learned Single Judge, in the New Shorter Oxford English Dictionary (Lesie Brown Ed.) as follows:

> "**operation:** An action, deed; exertion of force or influence; working, activity; an act of a practical or technical nature, *esp* one forming a step in a process."

19. The same dictionary defines 'process', as noted by the learned Single Judge, as under:-

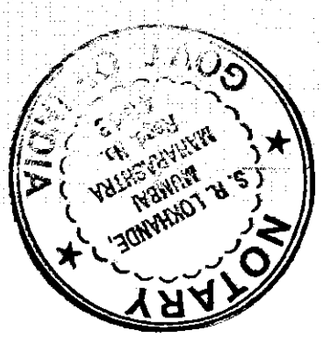
> "**process** : The action or fact of going on or being carried on; a continuous series of actions, events or changes; a systematic series of actions or operations directed at a particular end."

20. As noted herein above, applying purposive construction, the learned Single Judge has held, in para 15, that the two words 'operation' and 'process' have to be given their widest amplitude and meaning. The purposive construction

applied by the learned Single Judge is that widest amplitude needs to be given to Section 25(1)(a) of the Water Act.

21. The error committed by the learned Single Judge is to mechanically note the definition of *'operation'* and *'process'*, and ignore the sweep of the span of the two words. We do so. Operation is defined as an *activity or an act of a practical or technical nature*, with emphasis of the acts forming *'a step in a process'*. The word *'process'* is a going on action or a continuous series of actions *'directed at a particular end'*. Thus, an operation would be a working or an activity, where the core of the act constituting the activity is of a practical or technical nature especially one forming a step in a process, and since process is an going on action or a continuous series of action directed at a particular end, the conjoint reading of an operation and a process or even if the two have to be read disjunctively would mean that the expression *'establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent'* would mean to take steps to establish any industry, establishment or undertaking where the operation or process i.e. activity is of a practical or technical nature, at the core of which are ongoing acts, in a series, directed at a particular end. Thus, the act of ablution in the toilet or washing vegetables and dishes in the kitchen of a residential complex, within the precincts of residential flats, by no stretch of imagination can be called or labeled as an operation or a process.

22. The view taken by the learned Single Judge pertaining



to shopping malls and commercial shopping complexes on the applicability of the Water Act is accordingly upheld and the view taken pertaining to the applicability of the Water Act to residential housing complexes is incorrect.

23. A building where shops would be made and in which shops goods or services would be sold as also shopping malls would be buildings where operation and or process is carried on for the reason they would be places where the activity carried on is of a practical or a technical nature and at the core of which activity would be ongoing acts, in a series, directed at a particular end i.e. if goods are purchased and sold, the sale and purchase of goods; and if service is rendered, the rendition of service directed towards a particular end. If from these buildings sewage is discharged, since sewage effluent as defined in Section 2(k) of the Water Act means effluent from any sewage system, if these buildings are intended to be established, necessary permission would be required from the Board under the Water Act.

24. With respect to the decisions reported as 1993 (3) SC 2529 *Commissioner of Income Tax Orissa vs. M/s.N.C.Budhiraja & Co.* and 2010 (320) ITR 420 (Delhi) *Ansal Housing & Construction Ltd. vs. Commissioner of Income Tax,* where it has been held that constructing a building per-se is not an industrial activity the view taken by the learned Single Judge that constructing a building, whether to be used for a residential purpose or to be used for a commercial shopping complex or for shopping malls would be an industrial activity; running contrary to the aforesaid judgments is incorrect.

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25. The reasoning of the learned Single Judge to expand the scope of Section 25(1)(a) of the Water Act; that the object of the Water Act was to control water pollution in its widest amplitude and hence the reasoning that while constructing buildings, water is used and sometimes discharged thus requiring a wider meaning to be given, ignores that the Environment (Protection) Act 1986 deals with this larger issue in the context of 'environment' therein being defined to include water, air and land and the inter relationship which exists amongst them and human beings and other living creatures, plants and micro-organisms. The said Act and the Rules framed under the said Act are wide enough to cover exploitation of water and the impact thereof on environment and we see no vacuum in the fight against environmental degradation, by understanding the various expressions and their meaning in Section 25(1)(a) of the Water Act as adopted by us.

26. A word on purposive construction. It simply means that while adopting a purposive approach, Courts should seek to give effect to the true purpose of legislation and must keep in view all material that bears on the background against which a legislation was effected and where more than one construction is possible, the one which eliminates the mischief identified should be favoured. But, where only one construction is possible, the Court is not to strain backwards and then bend forward followed by leaning to the left and then to the right to appropriate a space not intended to be appropriated by the legislation. The Water Act requires prior permission to establish any industry, operation or

process which is likely to discharge sewage or trade effluent. It is not intended to apply to all and sundry establishments. It is restricted to only when a building, housing an industry is sought to be established or a building in which an operation or a process is intended to be carried on where effluent or trade effluent would be discharged.

27. " To summarize the position under the Water Act the position may be summarized thus: 'Section 25(1) of the Water Act would apply where a building is proposed to be constructed to set up an industry or carry on an operation or a process as explained in para 21 above and this would mean that the Water Act would not apply to buildings housing residential apartments/units. It would apply to all other buildings where effluent or trade effluent is discharged, be they where manufacturing activity is carried on, sale or purchase of goods is carried on or services are provided.

28. Pertaining to the Air Act, there is a material difference in the language used in Section 21 of the said Act, vis-à-vis the language used in Section 25 of the Water Act. Whereas the Water Act requires a permission to establish any industry, operation or process, the Air Act restricts its span to prior permission being necessary only where it is intended to establish or operate any industrial plant.

29. Since the learned Single Judge has referred to the unamended provision and has ignored the amendments carried out to the Air Act in the year 1988, we note that as per the amended Section 21, the obligation to obtain the consent of the State Pollution Control Board is only to establish or operate any

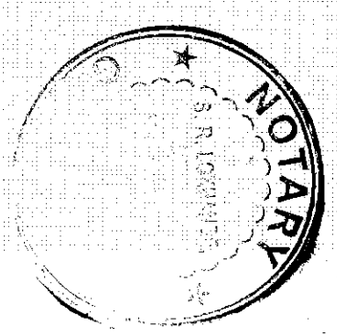
NOTARY S. R. LOKHANDE MUMBAI MAHARASHTRA GOVT.

industrial plant in an Air Pollution Control Area. Section 2(k) defines an 'industrial plant' to mean any plant used for any industrial or trade purposes and emitting any air pollutant.

30. The learned Single Judge has read the unamended Section 21 of the Air Act to mean that prior consent is needed to operate an industrial plant. Since the decision of the learned Single Judge has not noted the language of the amended Section where the words 'establish or' have been inserted prior to the word 'operate', we need to re-look into the issue.

31. Highlighting the definition of the words 'industrial plant' as defined in Section 2(k) of the Air Act, the learned Single Judge has noted that the definition expands the meaning of the words 'industrial plant' to include a building used for a trade purpose and with reference to Section 21 of the Air Act has held that a building where trade is carried on the prior consent would be required to operate the building.

32. Since the learned Single Judge has noted the unamended Section 21 and since the amended Section 21 requires prior consent even to establish an industrial plant in an Air Pollution Control Area, agreeing with the reasoning of the learned Single Judge that in view of the extended definition of the expression 'industrial plant', which includes a building where trade is carried on, the inevitable conclusion has to be that prior consent under the Air Act would be needed where a building is proposed to be constructed wherefrom trade would be carried on and since from a shopping mall and from a commercial shopping complex trade is carried on, we hold that prior consent under the Air Act



would be required when commercial shopping complexes and shopping malls are established i.e. at the commencement of the process of establishment i.e. before the building construction activity commences.

33. As noted herein above, the learned Single Judge has held construction per-se as requiring prior permission, both under the Water Act and the Air Act, and thus the learned Single Judge has held that under the Air Act, consent during construction phase would have to be obtained.

34. For our reasoning herein above pertaining to the Water Act, the said reasoning of the learned Single Judge pertaining to the Air Act is overruled, but would make no difference to the final conclusion arrived at by us pertaining to the applicability of the Air Act when construction activity commences in respect of shopping malls and commercial shopping complexes for the reason, prior consent to establish the same is required on the language of Section 21 of the Air Act in view of the expanded definition of the expression 'industrial plant'. But, for residential complexes, we hold that neither to establish nor to operate, (in fact the concept of 'to operate' is not even applicable to a residential complex), any permission is required under the Air Act.

35. The learned Single Judge has held that neither the language of Section 33A of the Water Act nor the language of Section 31A of the Air Act contemplates the power on the State Pollution Boards to levy any penalty.

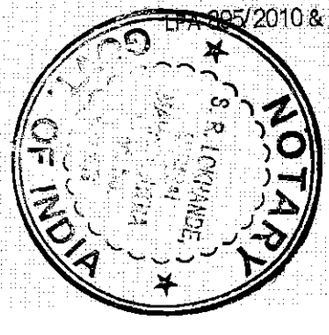
36. The learned Single Judge has noted the decisions reported as 1975 (2) SCC 22 *Khemka & Co. (Agencies) Pvt. Ltd. vs.*

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State of Maharashtra, 1994 (4) SCC 276 *J.K.Synthetics Ltd. & Birla Cement Works vs. Commercial Taxes Officer* and 1997 (6) SCC 479 *India Carbon Ltd. vs. State of Assam* to opine that power to levy penalty has to be conferred by a substantive provision in the enactment.

37. We concur with the reasoning of the learned Single Judge in paras 58 to 64 of the impugned decision and thus do not elaborate any further, but would additionally highlight that the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act, and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent Jurisdiction and no more.

38. We would be failing not to note that on the issue of a delegatee not being empowered (by law) to further sub-delegate the delegated power, learned counsel for DPCC conceded to said



position and thus we leave undisturbed the view taken by the learned Single Judge on the subject.

39. Since our reasoning aforesaid results in the finding, by way of interpreting the provisions in the Water Act and the Air Act, as requiring prior consent to establish and operate shopping malls and commercial shopping complexes and the provisions being not applicable to residential complexes, we declare void actions initiated by DPCC pertaining to residential complexes and we further hold that said writ petitions are allowed in terms of the prayers made. The impugned decision(s) by the learned Single Judge(s) qua residential complexes is set aside. Qua shopping malls and commercial shopping complexes, since we have held that prior permission is required under both Acts to establish shopping malls and commercial shopping complexes as also to operate them and noting that even DPCC was not too sure of the legal position and thus misinformed a few applicants that no permission was required and qua most persons permitted them to commence and complete construction of shopping malls and commercial shopping complexes, the question which now needs to be answered is: Whether, pertaining to the Water Act, Sub-Section 5 of Section 25 is the answer to what needs to be done and in the absence of a similar provision in the Air Act, what action needs to be directed to be taken.

40. The language of Sub-Section 5 of Section 25 of the Water Act makes it plain clear that the only solution to a situation of a building being constructed to establish an industry, operation or process without obtaining prior consent of the State Pollution

Control Board is the power of the Board to serve upon the person concerned a notice imposing such conditions as might have been imposed on an application seeking prior consent; and we find that the learned Single Judge has correctly so opined and has rightly issued the direction that the only way out, pertaining to the Water Act, is to permit DPCC to inspect the shopping malls and the shopping commercial complexes and if it is found that pertaining to discharge of sewage from these buildings any steps are required to prevent water pollution, DPCC would be authorized to issue notices requiring the owner of the building to take steps in terms of the notice issued. Pertaining to the Air Act, notwithstanding there being no similar provision, but the concept of a post decisional hearing may be made applicable with the modification that no hearing would be required inasmuch as there is no decision, but DPCC should be empowered to inspect the shopping malls and the shopping commercial complexes and pertaining to air pollution, if any deficiencies are found, to notify the same to the owner requiring corrective action to be taken. Needless to state, if the owners of the buildings do not take corrective action, DPCC would always have the power to file criminal complaints before the Courts of Competent Jurisdiction, which Courts would alone have the power to impose fine and additionally impose sentence of imprisonment upon the offending persons.

41. On the issue of Air Pollution, we would like to pen a post-script pertaining to shopping complexes and shopping malls for the reason the only activity of air pollution in these buildings

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would be through the air conditioning plants and generators installed to supply electricity to the buildings in case of power cuts, for the reason the trade of sale and purchase of goods in these complexes does not entail any activity which causes air pollution. We find that pertaining to DG sets, permissions in any case have to be obtained from DPCC if the capacity of the DG set is beyond a prescribed wattage and thus DPCC may suitably reconsider all shopping complexes and shopping malls where consent of DPCC has been obtained with respect to DG sets installed as also air-conditioning plants installed in the buildings, for if for the DG sets and air-conditioning plants, sanctions have already been obtained, nothing further remains to be got sanctioned under the Air Act.

42. In a few cases, we find that since DPCC was not permitting the buildings to be occupied, under protest, the owners paid the penalty to DPCC and have immediately approached the Court seeking refund and the same has been ordered for the reason neither under the Water Act nor under the Air Act there exists any power in DPCC to levy penalty or impose conditions of furnishing bank guarantee. The decision of the learned Single Judge is correct in directing the bank guarantees to be discharged and penalties levied to be refunded for the reason the said act of DPCC is ultra-vires its power under the two statutes and the levy of penalty is without any authority of law. In the decision reported as 1997 (5) SCC 536 *Mafatlal Industries Ltd. & Ors. vs. UOI & Ors.*, under writ jurisdiction refund can be directed where the levy is without jurisdiction and the same would include a penalty levied

without any jurisdiction. In the instant case the penalty levied is unconstitutional being not sanctioned by any power vested in DPCC either under the Water Act or the Air Act. The impugned decisions where penalty levied has been directed to be refunded are upheld.

43. The appeals filed by DPCC are dismissed and the cross objections filed are allowed in terms of paras 27, 33, 34 and 39 above.

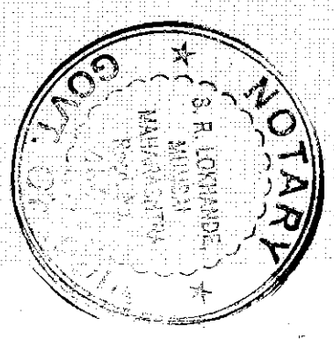
44. We leave the parties to bear their own costs.

45. All interim orders stand vacated.

(PRADEEP NANDRAJOG)
JUDGE

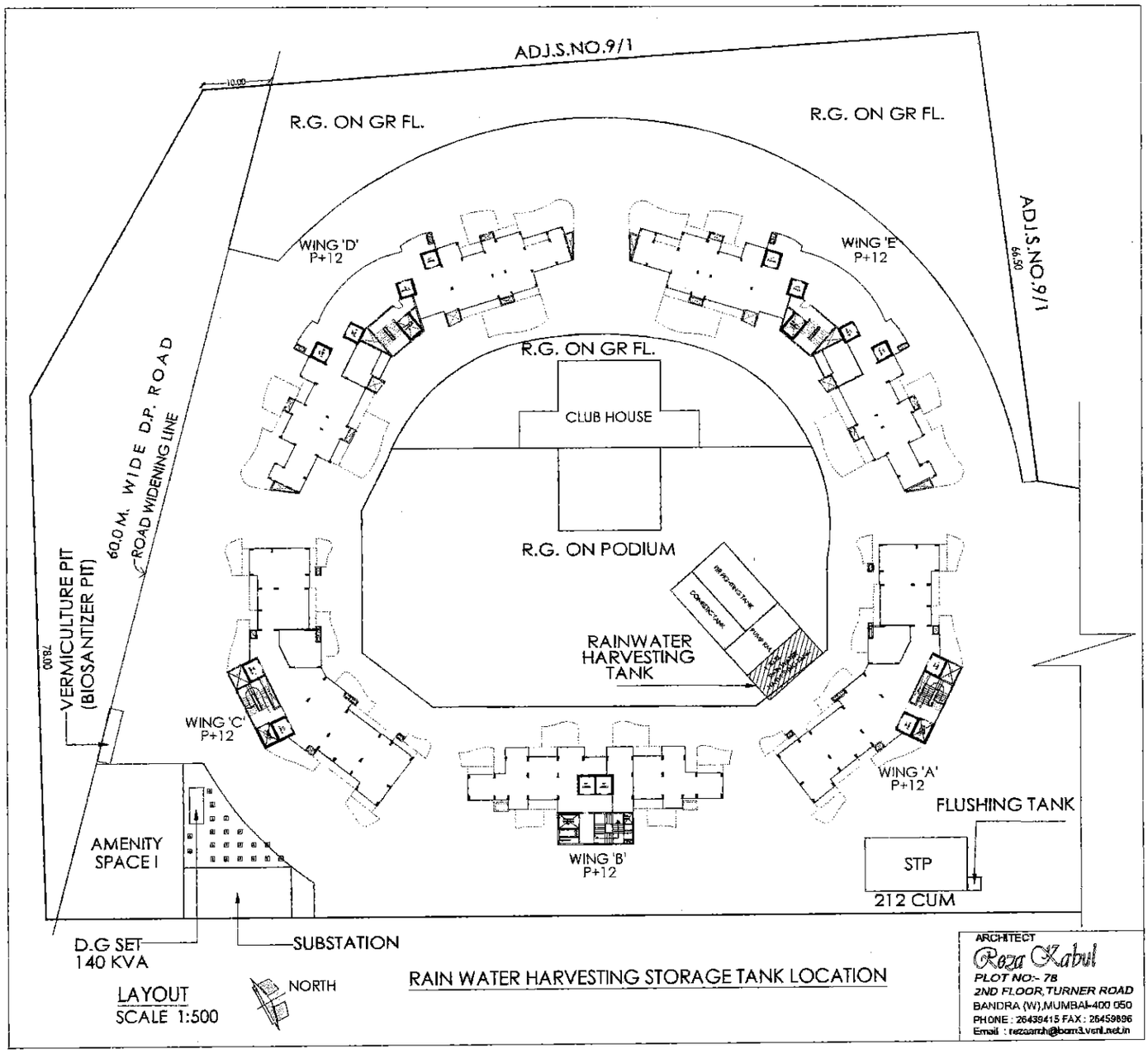
(PRATIBHA RANI)
JUDGE

JANUARY 23, 2012
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EXH-W

Ex W 1445





EXH - X

Ex X 1446

G. S. PARAB

B.E. (CIVIL) M. TECH (GEOTECH)

Date: 6th January, 2007

To,
Mr. Malav Jayant Shah
S. No. 9/1 (P), Undri, Pune.

Subject: - Site Visit for Strata Inspection proposed building Wing A at S. No. 9/1 (P), Undri, Pune.

I have visited the above mentioned site on 06/01/2007 to ascertain the strata for foundation of proposed stilt plus twelve storied residential building at S. No. 9/1 (P), Undri, Pune.

M/s. ARK Reza Kabul Architects are the architect & **M/s. Y. S. Sane Associates** are the structural consultants for the project.

The block excavation was carried out in proposed buildings area up to 2.00 m to 4.00 m from existing ground level. The weathered basaltic rocky formation have encountered at excavated level.

The open foundation of proposed structures can be founded with assumed safe bearing capacity of **80 t/m²** at excavated depth of 2.00 m to 4.00 m below existing ground level on weathered basaltic rocky formation. The corresponding settlements shall be around **12 mm** which is well within the limit from serviceability point of view.

Now-a-days hydraulic excavators are used for mass excavations and the present case is not likely to be any different. It is however recommended to exercise caution while using the hydraulic excavator in order to avoid damage to the founding strata by the sharp edged teeth of the excavator.

The loose cutting/muck has to remove thoroughly before laying PCC layer and required to verify by site engineer in charged.

Any variation in the founding strata should be brought to notice before laying PCC layer.

In case of any further queries kindly contact us.

FOR GLOBAL GEOTECHNICS

(Gaurav S. Parab)
B.E. (Civil) M. Tech (Geotech)

ADD:- Shree Balaji Bhavan, Manpada Road, Dombivli (East) Pin – 421201 Mo No. 9820793362

G. S. PARAB
B.E. (CIVIL) M. TECH (GEOTECH)

Date: 17th October, 2007

To,
Mr. Malav Jayant Shah
S. No. 9/1 (P), Undri, Pune.

Subject: - Site Visit for Strata Inspection proposed building Wing B at S. No. 9/1 (P), Undri, Pune.

I have visited the above mentioned site on 17/10/2007 to ascertain the strata for foundation of proposed stilt plus twelve storied residential building at S. No. 9/1 (P), Undri, Pune.

M/s. ARK Reza Kabul Architects are the architect & **M/s. Y. S. Sane Associates** are the structural consultants for the project.

The block excavation was carried out in proposed buildings area up to 2.50 m to 3.50 m from existing ground level. The weathered basaltic rocky formation have encountered at excavated level.

The open foundation of proposed structures can be founded with assumed safe bearing capacity of **80 t/m²** at excavated depth of 2.50 m to 3.50 m below existing ground level on weathered basaltic rocky formation. The corresponding settlements shall be around **12 mm** which is well within the limit from serviceability point of view.

Now-a-days hydraulic excavators are used for mass excavations and the present case is not likely to be any different. It is however recommended to exercise caution while using the hydraulic excavator in order to avoid damage to the founding strata by the sharp edged teeth of the excavator.

The loose cutting/muck has to remove thoroughly before laying PCC layer and required to verify by site engineer in charged.

Any variation in the founding strata should be brought to notice before laying PCC layer.

In case of any further queries kindly contact us.

FOR GLOBAL GEOTECHNICS

(Gaurav S. Parab)
B.E. (Civil) M. Tech (Geotech)

GOVT. OF INDIA NOTARY S. R. LONKHANDE MAHARASHTRA Regd. No. 4643

ADD:- Shree Balaji Bhavan, Manpada Road, Dombivli (East) Pin – 421201 Mo No. 9820793362

G. S. PARAB
B.E. (CIVIL) M. TECH (GEOTECH)

Date: 16th February, 2008

To,
Mr. Malav Jayant Shah
S. No. 9/1 (P), Undri, Pune.

Subject: - Site Visit for Strata Inspection proposed building Wing E at S. No. 9/1 (P), Undri, Pune.

I have visited the above mentioned site on 16/02/2008 to ascertain the strata for foundation of proposed stilt plus twelve storied residential building at S. No. 9/1 (P), Undri, Pune.

M/s. ARK Reza Kabul Architects are the architect & **M/s. Y. S. Sane Associates** are the structural consultants for the project.

The block excavation was carried out in proposed buildings area around 3.00 m from existing ground level. The weathered basaltic rocky formation have encountered at excavated level.

The open foundation of proposed structures can be founded with assumed safe bearing capacity of **80 t/m²** at excavated depth around 3.00 m below existing ground level on weathered basaltic rocky formation. The corresponding settlements shall be around **12 mm** which is well within the limit from serviceability point of view.

Now-a-days hydraulic excavators are used for mass excavations and the present case is not likely to be any different. It is however recommended to exercise caution while using the hydraulic excavator in order to avoid damage to the founding strata by the sharp edged teeth of the excavator.

The loose cutting/muck has to remove thoroughly before laying PCC layer and required to verify by site engineer in charged.

Any variation in the founding strata should be brought to notice before laying PCC layer.

In case of any further queries kindly contact us.

FOR GLOBAL GEOTECHNICS

(Gaurav S. Parab)
B.E. (Civil) M. Tech (Geotech)

ADD:- Shree Balaji Bhavan, Manpada Road, Dombivli (East) Pin – 421201 Mo No. 9820793362

G. S. PARAB
B.E. (CIVIL) M. TECH (GEOTECH)

Date: 06th June, 2008

To,
Mr. Malav Jayant Shah
S. No. 9/1 (P), Undri, Pune.

Subject: - Site Visit for Strata Inspection proposed building Wing C at S. No. 9/1 (P), Undri, Pune.

I have visited the above mentioned site on 06/06/2008 to ascertain the strata for foundation of proposed stilt plus twelve storied residential building at S. No. 9/1 (P), Undri, Pune.

M/s. ARK Reza Kabul Architects are the architect & **M/s. Y. S. Sane Associates** are the structural consultants for the project.

The block excavation was carried out in proposed buildings area around 3.00 m from existing ground level. The weathered basaltic rocky formation have encountered at excavated level.

The open foundation of proposed structures can be founded with assumed safe bearing capacity of **80 t/m²** at excavated depth around 3.00 m below existing ground level on weathered basaltic rocky formation. The corresponding settlements shall be around **12 mm** which is well within the limit from serviceability point of view.

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The loose cutting/muck has to remove thoroughly before laying PCC layer and required to verify by site engineer in charged.

Any variation in the founding strata should be brought to notice before laying PCC layer.

In case of any further queries kindly contact us.

FOR GLOBAL GEOTECHNICS

(Gaurav S. Parab)
B.E. (Civil) M. Tech (Geotech)

ADD:- Shree Balaji Bhavan, Manpada Road, Dombivli (East) Pin – 421201 Mo No.9820793362

G. S. PARAB
B.E. (CIVIL) M. TECH (GEOTECH)

Date: 26th May, 2009

To,
Mr. Malav Jayant Shah
S. No. 9/1 (P), Undri, Pune.

Subject: - Site Visit for Strata Inspection proposed podium at S. No. 9/1 (P), Undri, Pune.

I have visited the above mentioned site on 26/05/2009 to ascertain the strata for foundation of proposed stilt plus twelve storied residential building at S. No. 9/1 (P), Undri, Pune.

M/s. ARK Reza Kabul Architects are the architect & **M/s. Y. S. Sane Associates** are the structural consultants for the project.

The block excavation was carried out in proposed podium area around 2.00 m from existing ground level. The weathered basaltic rocky formation have encountered at excavated level.

The open foundation of proposed structures can be founded with assumed safe bearing capacity of **35 t/m²** at excavated depth around 2.00 m below existing ground level on weathered basaltic rocky formation. The corresponding settlements shall be around **12 mm** which is well within the limit from serviceability point of view.

Now-a-days hydraulic excavators are used for mass excavations and the present case is not likely to be any different. It is however recommended to exercise caution while using the hydraulic excavator in order to avoid damage to the founding strata by the sharp edged teeth of the excavator.

The loose cutting/muck has to remove thoroughly before laying PCC layer and required to verify by site engineer in charged.

Any variation in the founding strata should be brought to notice before laying PCC layer.

In case of any further queries kindly contact us.

FOR GLOBAL GEOTECHNICS

(Gaurav S. Parab)
B.E. (Civil) M. Tech (Geotech)

ADD:- Shree Balaji Bhavan, Manpada Road, Dombivli (East) Pin – 421201 Mo No. 9820793362

G. S. PARAB
B.E. (CIVIL) M. TECH (GEOTECH)

Date: 03th February, 2010

To,
Mr. Malav Jayant Shah
S. No. 9/1 (P), Undri, Pune.

Subject: - Site Visit for Strata Inspection proposed building Wing D at S. No. 9/1 (P), Undri, Pune.

I have visited the above mentioned site on 03/02/2010 to ascertain the strata for foundation of proposed stilt plus twelve storied residential building at S. No. 9/1 (P), Undri, Pune.

M/s. ARK Reza Kabul Architects are the architect & **M/s. Y. S. Sane Associates** are the structural consultants for the project.

The block excavation was carried out in proposed buildings area around 3.00 m from existing ground level. The weathered basaltic rocky formation have encountered at excavated level.

The open foundation of proposed structures can be founded with assumed safe bearing capacity of **80 t/m²** at excavated depth around 3.00 m below existing ground level on weathered basaltic rocky formation. The corresponding settlements shall be around **12 mm** which is well within the limit from serviceability point of view.

Now-a-days hydraulic excavators are used for mass excavations and the present case is not likely to be any different. It is however recommended to exercise caution while using the hydraulic excavator in order to avoid damage to the founding strata by the sharp edged teeth of the excavator.

The loose cutting/muck has to remove thoroughly before laying PCC layer and required to verify by site engineer in charged.

Any variation in the founding strata should be brought to notice before laying PCC layer.

In case of any further queries kindly contact us.

FOR GLOBAL GEOTECHNICS

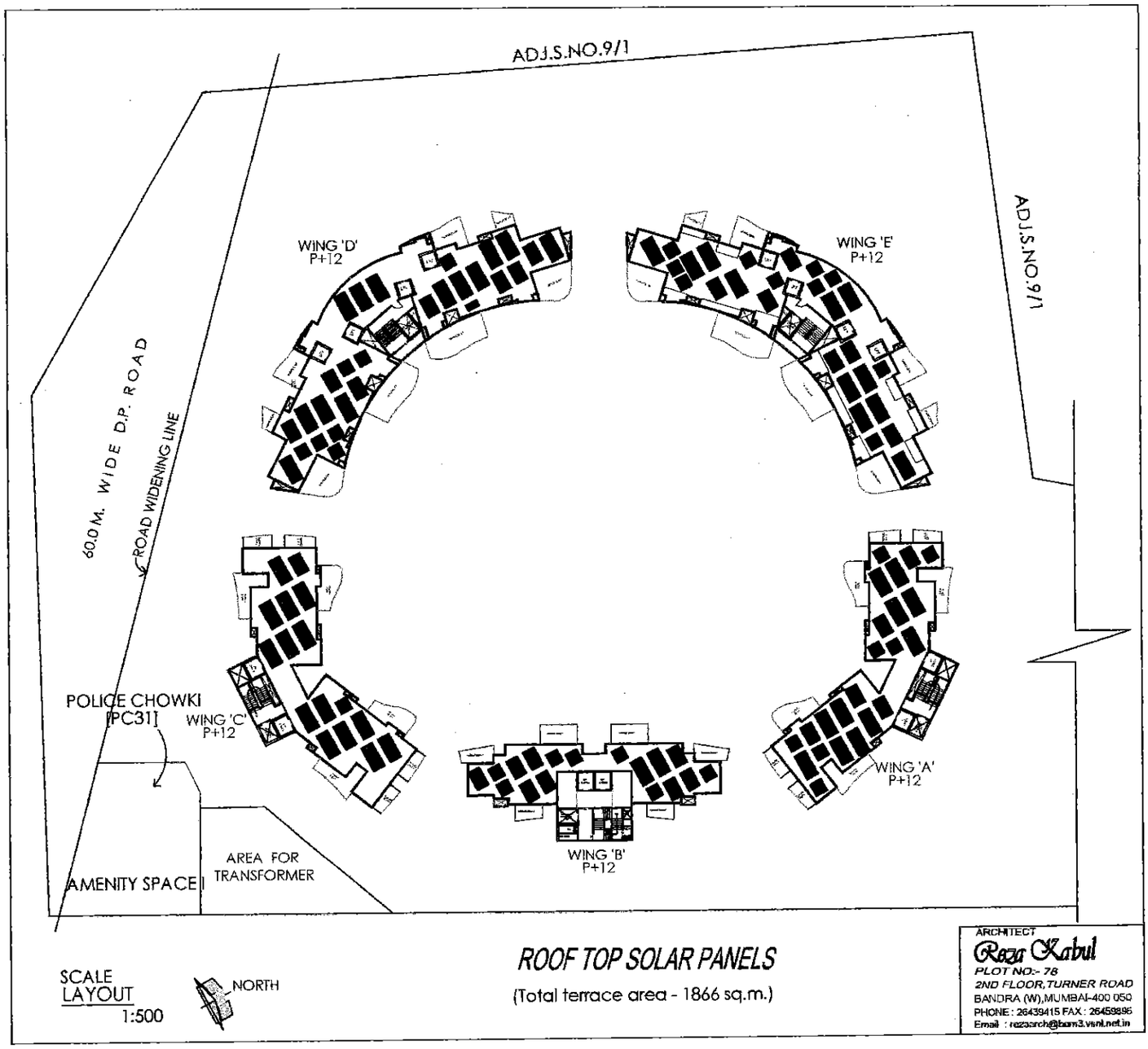
(Gaurav S. Parab)
B.E. (Civil) M. Tech (Geotech)

NOTARY

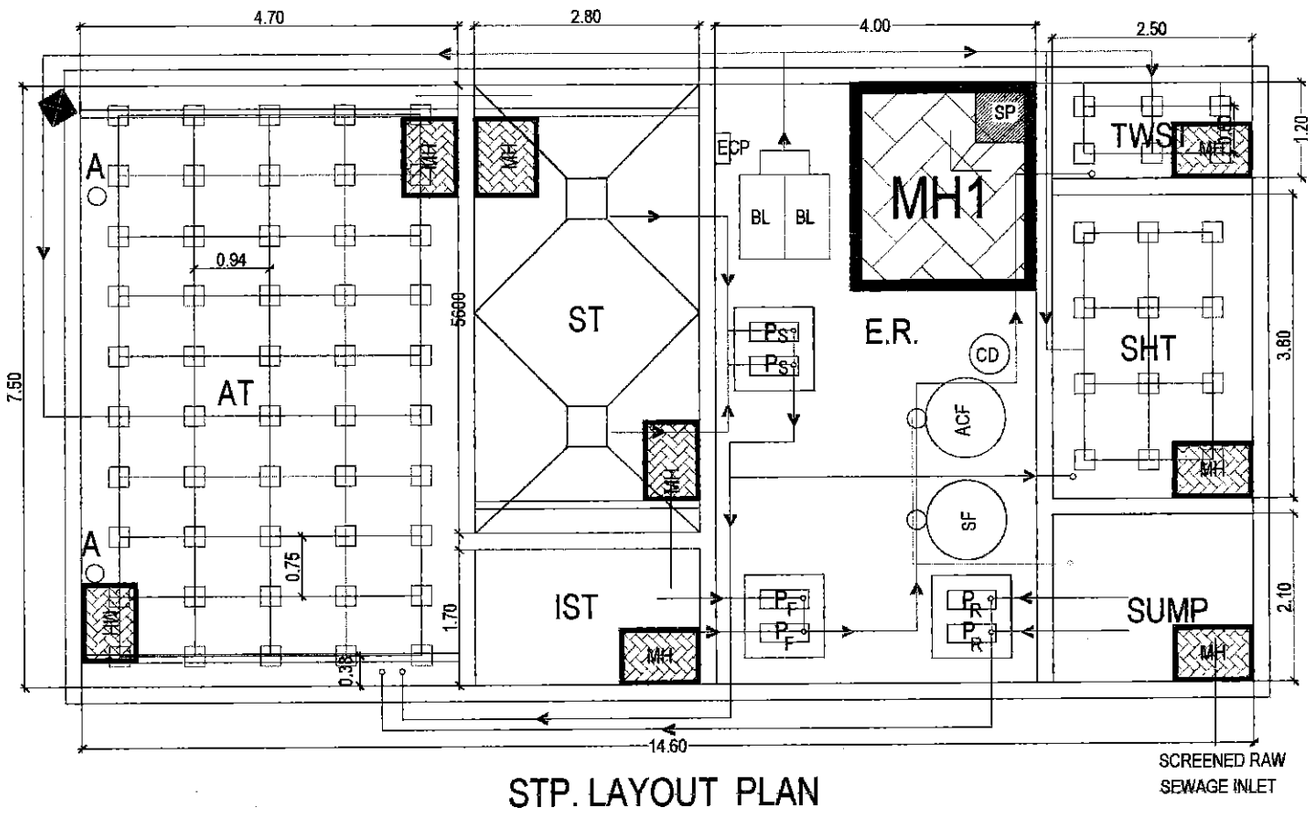
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EXH-Y

Ex Y 1452



EXH-Z



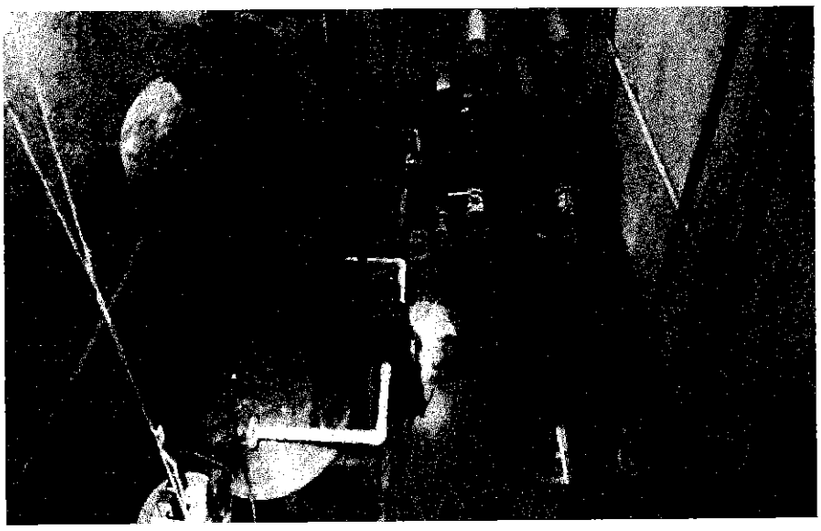
STP. LAYOUT PLAN

PROPOSED RESIDENTIAL BUILDING AT PUNE FOR EKTA GROUP.



EXH - AA

EXH - AA 1454



212 KLD SEWERAGE TREATMENT PLANT



EXH - AB

MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE – PUNE-I

Ph. 020-25811694
Fax. 020-25811029

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

Visit Report

Name & Address of Industry :- M/s. EKTA Housing Pvt Ltd., "California/Florida" NIBM Road, Survey No. 9, Village- Undri, Tal. Haveli, Dist. Pune

Date of Visit :- 7th Aug 2019

Industry Officials :- Ram Divekar, Site Engg 9730002420, 8788312054 Baramati.

Consent Validity :- Information not available.

Observations :- ram.d@ektaworld.com

– Visited to residential construction project against Mr. Tanaji Balasaheb Gambhire, Shukrwar Peth, Pune has filed complaint against said project, which is received to this office on 01/8/2019.

Present status :–

1. During visit P.P. representative could not produce any documents such as copy of Environmental Clearance, Consent to Establish, Consent to Operate, Sanctioned layout plan.
2. As stated by representative there are total 5 nos of Bldgs under "Clamfornia" & one of the proposed bldg under "Florida"

California Bldg A – 12 Floors completed - possession given.
Clamfornia Bldg B – 12 Floors completed - possession given.
Clamfornia Bldg. C – 12 Floors completed - possession given
California Bldg. D – 12 Floors completed - possession given
California Bldg. E – 12 Floors completed - possession given

(P.T.O.)

Near to this bldg one open plot was observed to which P P is naming as proposed bldg as Florida. In that plot only excavation was observed & no construction work was observed during visit.

3 P P has provided STP for the treatment of domestic effluent & treated effluent is using for flushing & gardening purpose

4 P P has provided vermicompost pits for the treatment of biodegradable waste

5 P P has provided rain water harvesting system common for total 5 nos bldgs

6 Said project is having one no Borewell, using water for domestic purpose

7 P P has installed one no D.G. set for emergency use only

— In view of above you are requested to submit following documents

1. Environental Clearance copy, Copy of CTO E & CTO O
2. Sanctioned layout plan of Bldgs
3. Area Statement of Architech Certificate & present status
4. NOC of CGWA (Central Ground water Authority)
5. Details of Solar system & Rainwater Harvesting
6. Completion Certificate of local body authority

(Ram Divekar)
Site Engg

(S J Bhor) 05
F O
MPCB, Pune-1

(Hitin Shinde)
Sub Regional Officer
MPCB, Pune-1

NOTARY

EXH-AC

No.21 -270/2008-IA.III
Government of India
Ministry of Environment & Forests

Dated: June 19, 2013

OFFICE MEMORANDUM

Subject: Environment Clearance for buildings and real estate projects.

Ministry of Environment & Forests vide OM dated 11.12.2012, had constituted a Committee under the Chairmanship of Dr. K. Kasturirangan, Member, Planning Commission to review the provisions of the Environment Impact Assessment Notification (EIA), 2006, relating to granting environment clearances for roads, buildings, SEZ projects and the provisions under the OM dated 7.2.2012 related to high-rise buildings. The Committee has since submitted its report to the Ministry.

2. One of the terms of reference (ToR) of the aforesaid Committee was to review the requirement of environment clearance for buildings and real estate projects to avoid duplication considering that such projects will be covered by the local civic authorities and under the provisions of the relevant master plan, building control regulations and safety regulations. The recommendation of the Committee on this ToR has been accepted and the following has been decided:

i. Timelines stipulated in the EIA Notification, 2006 shall be strictly adhered to by SEIAA and SEAC while processing the proposals for TOR/EC for the building and construction projects and township and area development projects. SEAC will make appropriate recommendations within sixty days of the receipt of the complete proposal from the project proponents. SEIAA shall consider the recommendations of the SEAC and convey its decision to the applicant within forty five days of the receipt of the recommendations. MoEF will regularly review the progress in disposal of cases by SEIAAs with the view to ensuring meeting of these timelines.

ii. With the view to avoiding delay in processing of proposals, project proponents should provide complete information at the first instance only while submitting documents for TOR/EC so that the processing of proposals is not held up in the absence of requisite details. Incomplete proposals not tallying with the check -list should not be accepted by the SEIAA/SEAC.

iii. In order to meet the stipulated timelines, to avoid duplication of work, and to speed-up the process of scrutiny, SEIAA/SEAC may only focus on the following thrust areas of environmental sustainability while appraising the 'Building and Construction' and 'Township and Area Development' projects.

a. **Brief Description of the Project** in terms of location and surroundings.
b. **Environmental Impacts on Project Land** and its surrounding developments and vice-versa.



c. **Water** Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
d. **Waste Water Treatment** and its details including target standards.
e. Alterations in the natural slope and **drainage pattern** and their environmental impacts on the surroundings.
f. **Ground water** potential of the site and likely impacts of the project.
g. **Solid Waste Management** during construction and post construction phases.
h. **Air Quality and Noise Levels;** likely impacts of the project during construction and operational phases.
i. **Energy** requirements with a view to minimize power consumption and promote use of renewal energy sources.
j. **Traffic Circulation System and connectivity** with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
k. **Green Belt/Green cover** and the Landscape Plan.
l. **Disaster/Risk Assessment and Management Plan.**
m. **Socio Economic Impacts** of the project and CSR.
n. **EMP** during construction and operational phases.
o. **Any other** related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/SPCBs.

iv. In case of a large pendency in a State and in case the concerned State Government feels that there is a need for another SEAC, the State Government may accordingly send the proposal to MoEF for setting up/ notifying another SEAC and MOEF may consider the same.

3. Necessary action in the matter may be taken by the State Governments, SEIAAs and SEACs.

4. This issues with the approval of the Competent Authority.

(Lalit Kapur)
Director
Telefax: 24368592

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. PStoMEF
2. PPS to Secretary (E&F)
3. PPS to JS(AT)
4. Website of the MoEF
5. Guard File

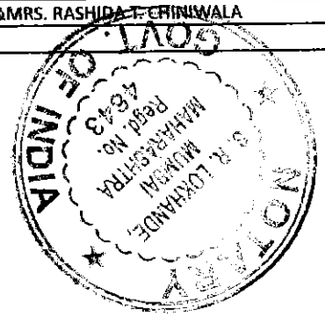
NOTARY GOVT. INDIA S. R. LOKHANDE MUMBAI MAHARASHTRA Regd. No. 4643

EXH - AD

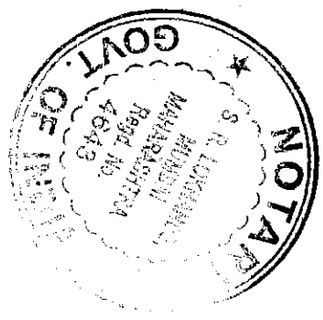
LIST OF PURCHASERS				
Sr No	Building Name	Wing	Flat No	Clients Name
1	FREMONT	A	101	MR.GOVIND DATTOBA EKBOTE & MRS.RAJASHREE GOVIND EKBOTE
2	FREMONT	A	102	MR. VIVEK GOPIKISHANJI RANDAD &MRS. GAYATRI VIVEK RANDAD
3	FREMONT	A	201	MRS. PRAFULLA VIJAY SHETTY &MRS. AKSHATA SHETTY
4	FREMONT	A	202	MR. IQBAL TAYEBALI TAPIA &MR. TASNEEM IQBAL TAPIA
5	FREMONT	A	301	MR. IYER SHANKAR KRISHNAMURTHY & MRS. UJWALA SHANKAR IYER
6	FREMONT	A	302	MR. SOHAN MEHTA
7	FREMONT	A	401	MR. SAMIR MAKARAND PALEKAR, MR. MAKARAND DATTATRAYA PALEKAR & MRS. SUNETRA MAKARAND PALEKAR
8	FREMONT	A	402	MR. RANJEET PRABHAKAR RANE &MR. ABHIJEET PRABHAKAR RANE
9	FREMONT	A	501	MR. SUNDER B. SHIVDASANI &MR. PUNIT SUNDER SHIVDASANI
10	FREMONT	A	502	MR. MOHAN GIDWANI & MRS. SHANU MOHAN GIDWANI
11	FREMONT	A	601	MR. VIGHNESH A. SHAHANE & MRS. JYOTSNA V. SHAHANE (Resale to Sameer Sachdeva & Meghna Sachdeva)
12	FREMONT	A	602	MR. RAVI H. POORSWANI & MRS. BINDIYA PORWSWANI
13	FREMONT	A	701	DR. SHIV CHADDHA
14	FREMONT	A	702	M/S. AVAJ BUILDERS AND DEVELOPERS PVT. LTD
15	FREMONT	A	801	MR. JAIPRAKASH BHAMBANI & MRS. POONAM JAIPRAKASH BHAMBHANI
16	FREMONT	A	802	MRS. TINA EDEKAR
17	FREMONT	A	901	MRS. RAMONA RAJESH OHOL
18	FREMONT	A	902	MR. ARJUN DHAWAN &MRS. VEENA DHAWAN
19	FREMONT	A	1001	MRS. GARGI MANJU
20	FREMONT	A	1002	SABEENA DHAMEN HUSSAIN & ABDULRAZZAQ ABDULLA KAZIM
21	FREMONT	A	1101	MRS. KRYSANA MOHINANI &MRS. KIRAN MAHTANI
22	FREMONT	A	1102	MRS. SEEMA BUBBER
23	FREMONT	A	1201	MS. ANISA ROOWALA (Resale to MR. GAGANDEEP SINGH SIAL)
24	FREMONT	A	1202	MR. SAGUN ASHOK KHOSLA & MRS. NANDITA ASHOK KHOSLA
25	OAKLAND	B	101	MRS. PAMELA DIAS
26	OAKLAND	B	102	SURESH SHANKARRAO YADWADKAR
27	OAKLAND	B	201	NINA UTTAM & VIJAY UTTAM
28	OAKLAND	B	202	PINKY CHANDERBHAN DINANI & AKASH CHANDERBHAN DINANI
29	OAKLAND	B	301	DINESH RAMESH CHHUGANI
30	OAKLAND	B	302	RAHUL B. SHAH & RACHANA R. SHAH
31	OAKLAND	B	401	SAMINA MAHMOOD MERCHANT & SAMIR MOHAMMED HASAN
32	OAKLAND	B	402	ANAND ARTWANI
33	OAKLAND	B	501	MRS.RITA VIJAY PAWAR (RESALE Mr. Kapil Singh/Mrs. Meghna Kapil Singh)
34	OAKLAND	B	502	BALRAM MOTIRAM BALANI(RESALE Mr. Vikas Hansraj Jain/ Mr. Dhananjay Hansraj Jain/Mrs. Sonu Dhananjay Jain/ Saroj Devi Jain
35	OAKLAND	B	601	MR. AJINKYA SAWANT (Resale to Smt Khushboo Bhattad and Mr. Prashant Bhootada)
36	OAKLAND	B	602	MANJU SURESH SHAMDASANI
37	OAKLAND	B	701	MR. YOGESH BAJAJ
38	OAKLAND	B	702	HARIKISHIN PRAKASH BAKHTIANI P.O.A PRAKASH G BAKHATINAI
39	OAKLAND	B	801	POONAM RAMESH DAYANANI & RAMESH ROCHIRAM DAYANANI MAYARAMANI
40	OAKLAND	B	802	DR. BHARAT MANIRAM VATWANI & DR. SMITHA BHARAT VATWANI
41	OAKLAND	B	901	SUNIL RAMESH DOLWANI & NEHA SUNIL DOLWANI
42	OAKLAND	B	902	MANISH PRITHVIRAJ KAPADIA & ANAND PRITHVIRAJ KAPADIA
43	OAKLAND	B	1001	SONU BHUGRA & SURINDER SINGH BHUGRA
44	OAKLAND	B	1002	HARPRIT SINGH SAHNI & SWARAJ KAUR SAHNI
45	OAKLAND	B	1101	RAJAN NARAINDAS ASWANI & GEETU RAJAN ASWANI
46	OAKLAND	B	1102	MR. HARMAN CHARANJIT SINGH SANDHU
47	OAKLAND	B	1201	HOLD FOR KISHORE NAIN
48	OAKLAND	B	1202	VIJAY KUMAR
49	PALMDALE	C	101	MR.DIPAK SAMANTA & MRS.DEEPTI SAMANTA
50	PALMDALE	C	102	FARIHA ALVI/ BELEL SHAMIM
51	PALMDALE	C	201	NAGRAJ KUPAJI BHATI
52	PALMDALE	C	202	SUPERNA BANERJEE / SAMIR KUMAR BANERJEE / SUPRATIKA BANERJEE
53	PALMDALE	C	301	ALMECH ENTERPRISES, KABIR THAKURKARAN THAKUR, PUSHPA MERANI
54	PALMDALE	C	302	RAJKUMAR U. PURSWANI &DIPTI PURSWANI

NOTARY

55	PALMDALE	C	401	SANJAY DNYANDEO CHAVAN / SHARMILA SANJAY CHAVAN (Resale to MR. SUNIL MANN)
56	PALMDALE	C	402	KAREEM ROOWALA
57	PALMDALE	C	501	VINOD MATHURANATH BADAMI / CHERYL VINOD BADAMI
58	PALMDALE	C	502	RAM GOBINDRAM HEMRAJANI
59	PALMDALE	C	601	RAMESH T. DADLANI / SHARMILA R. DADLANI
60	PALMDALE	C	602	DIPTI KAPADIA
61	PALMDALE	C	701	SANJAY SAMUAL CHRISTIAN / ARCHANA CHRISTIAN
62	PALMDALE	C	702	RAJINDER SINGH GREWAL / ANU GREWAL
63	PALMDALE	C	801	MR. KHEMCHAND FAGWANI(RESALE Mrs. SHAURYA AMIT TULSHYAN/Mr. AMIT SANJAYKUMAR TULSHYAN)
64	PALMDALE	C	802	DR. MRINMOY CHAKRABARTY &DR. MRS. NILA CHAKRABARTY
65	PALMDALE	C	901	BINOD SHARMA / SANGITA SHARMA
66	PALMDALE	C	902	MEHERA NEVILLE BULSARA / NEVILLE S. BULSARA
67	PALMDALE	C	1001	SANJAY SOOD / MRIDHU SANJAY SOOD
68	PALMDALE	C	1002	SURYAKANT MOHANLAL KALA SAVANI / RASILA SURYAKANT SAVANI
69	PALMDALE	C	1101	DR. SOM DATTA SONI / DR. SAROJ SONI
70	PALMDALE	C	1102	DEEPAK ANAND / AARTI DEVENDRA PANDEY
71	PALMDALE	C	1201	MR. KAMAL GODHWANI &MRS. MONIKA GODHWANI
72	PALMDALE	C	1202	RAMESHKUMAR UTTAMCHANDANI
73	SANTA MONICA	D	101	Ravi Kishan Chug
74	SANTA MONICA	D	102	Sandesh Vhora
75	SANTA MONICA	D	201	MANJU CHANDERBHAN SUKHU
76	SANTA MONICA	D	202	Ravi Kishan Chug
77	SANTA MONICA	D	301	BENNETT, COLEMAN & CO. LTD.
78	SANTA MONICA	D	302	BENNETT, COLEMAN & CO. LTD.
79	SANTA MONICA	D	401	MR. AVINASH BANARSIDASS KHURANA & MS. SHEETAL AVINASH KHURANA & MR. VARUN AVINASH KHURANA
80	SANTA MONICA	D	402	MRS. ROSHNI RAMESH CHUGANI & MS. RESHAM DEEPAK NANWANI
81	SANTA MONICA	D	501	MR. VIJAL JAYESH SHAH & MR. JAYESH NATWARLAL SHAH
82	SANTA MONICA	D	502	MRS. SANGEETA NITIN PURANDARE & WG. CDR. NITIN KHANDERAO PURANDARE (RETD).
83	SANTA MONICA	D	601	MRS. RAMANJEET KAUR SINGH SETHI & MR. HIRASINGH TRILOKSINGH SETHI
84	SANTA MONICA	D	602	MR.MANPREET SINGH
85	SANTA MONICA	D	701	MR. BAAKIR A. BAKER & MRS. RAZIA E. POONAWALA
86	SANTA MONICA	D	702	MR. RAM NARAINDAS MOTWANI & MRS. SHALU RAM MOTWANI
87	SANTA MONICA	D	801	MEGHA HEALHCARE PVT. LTD.
88	SANTA MONICA	D	802	MR. SHEKHAR H. PAREKH &MS. GAUTAMI S. PAREKH
89	SANTA MONICA	D	901	MR. VIKRANT S. BHATIA
90	SANTA MONICA	D	902	DR. SUDHIR SHRINIWAS JOSHI & MRS. RANJEETA SUDHIR JOSHI (Resale TO MRS. GURMEET KAUR SALUJA & MR. SATNAM SINGH SALUJA)
91	SANTA MONICA	D	1001	MR. VIRENDRA LAL
92	SANTA MONICA	D	1002	MRS. SUNITA ASHOK MANGNANI & ASHOK REWACHAND MAGNANI
93	SANTA MONICA	D	1101	MR. MAHENDRA N. THACKER & MRS. PALLAVEE M. THACKER
94	SANTA MONICA	D	1102	MR. MICHAEL J. P. SALDANHA & MRS. RUBY SALDANHA
95	SANTA MONICA	D	1201	MR. PRADEEP SALEKCHAND AGARWAL
96	SANTA MONICA	D	1202	MR. ANAND NARANG & MRS. MUSKAAN NARANG
97	SANTA CLARA	E	101	M/S. SHIVA ENTERPRISES
98	SANTA CLARA	E	102	UNSOLD
99	SANTA CLARA	E	201	MRS. PRERANA A. PALKAR
100	SANTA CLARA	E	202	MR. NIGEL P. ANDRADE
101	SANTA CLARA	E	301	MR. SANJAY THAPAR & MRS. KALPANA THAPAR
102	SANTA CLARA	E	302	BENNETT, COLEMAN & CO. LTD.
103	SANTA CLARA	E	401	MR. KERSY D. CHINDHY
104	SANTA CLARA	E	402	MRS. INDRA DATTAGUPTA
105	SANTA CLARA	E	501	RAJESH SIVASNKARA PILLAI / SATHYA RAJESH PILLAI
106	SANTA CLARA	E	502	MR. ANIL THAKUR
107	SANTA CLARA	E	601	RAJAN NAWALRAI / MONICA R. NAWALRAI
108	SANTA CLARA	E	602	MR. MANSOOR RAJABALY ARSIWALA & MRS. SHAHEEN MANSOOR ARSIWALA
109	SANTA CLARA	E	701	MR. TAHER HATIM CHINIWALA &MRS. RASHIDA T. CHINIWALA
110	SANTA CLARA	E	702	MRS. MALA NARESH BATRA



111	SANTA CLARA	E	801	ASHOK L. UTTAMCHANDANI / SAPANA A. UTTAMCHANDANI
112	SANTA CLARA	E	802	RAKESH HIRO MIRCHANDANI
113	SANTA CLARA	E	901	ROHIT ARORA / PRIYANKA ARORA
114	SANTA CLARA	E	902	MR. MOHAN PUNJABI &MS. ANJALI RAJNISH ARORRA
115	SANTA CLARA	E	1001	MR.SHASHANK BHUSHAN
116	SANTA CLARA	E	1002	MR. KISHAN UTTAMCHANDANI, MRS. MEENA K. UTTAMCHANDANI & MRS. AARTI JOHN MAHTANI
117	SANTA CLARA	E	1101	MR. SUNIL MANILAL SOMANEY
118	SANTA CLARA	E	1102	SEVA AUTOMOTIVE PVT. LTD.
119	SANTA CLARA	E	1201	MR. AJITPALSINGH J. GADHOKE
120	SANTA CLARA	E	1202	SANJAY MITTAL / RASHMI MITTAL



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WEST ZONE BENCH AT PUNE

INTERLOCUTORY APPLICATION NO._____ OF 2020
IN
ORIGINAL APPLICATION NO.64 OF 2020

Ekta Housing Pvt. Ltd. ... **Applicant**

In the matter of:
Mr. Tanaji Balasaheb Gambhire ... **Orig. Applicant**

Vs.

Union of India & Ors. ...**Orig. Respondents**

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.13

Dated this November 2020

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