

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT PUNE**

MEMORANDUM OF APPLICATION

(Under Section 15 read with Section 18 of The National Green
Tribunal Act, 2010)

APPLICATION NO. OA /5 OF 2021 /WZ

IN THE MATTER OF:-

Santosh Patil & Another

...Applicant

Versus

Member-Secretary, State Level

Environment Impact & Others

...Respondent

INDEX

Sr. No.	Particulars	Page Nos.
1.	Affidavit in Reply of Respondent No.4	1 - 10
2.	<u>Exhibit "A"</u> Letter of Intent dated 27 th October, 2020.	11 - 21
3.	<u>Exhibit "B"</u> Letter dated 3 rd November, 2021 addressed to the Member, Secretary SEIAA and a copy marked to the Regional Officer, Maharashtra Pollution Control Board.	22 - 23



BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
PUNE

MEMORANDUM OF APPLICATION

(Under Section 15 read with Section 18 of The National Green Tribunal
Act, 2010)

APPLICATION NO. OA /5 OF 2021 /WZ

IN THE MATTER OF:-

Santosh Patil & Another

...Applicant

Versus

Member-Secretary, State Level

Environment Impact & Others

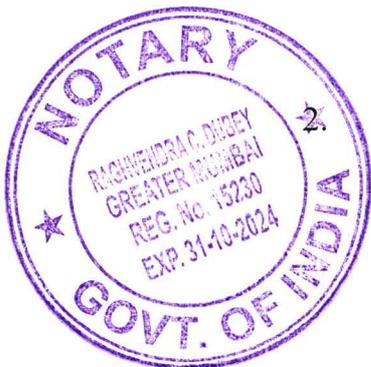
...Respondent

AFFIDAVIT IN REPLY OF THE RESPONDENT NO. 4

I, Dinesh Naik, being an adult, Indian inhabitant and authorised signatory of Skylark Buildcon Private Limited i.e. Respondent No.4, having office at 54-B, 402, Sagar Avenue, 5th Floor, Junction of SV Road, Lallubhai Park Road, Andheri (W), Mumbai 400 058, do hereby solemnly affirm and state as follows:

1. I say that I am the authorized representative of the Respondent No. 4. I am conversant with the facts and circumstances of the present case, and therefore competent to depose thereto.

I say that I have read a copy Joint Committee Report (“said Report”) prepared by (a) Mr. Pankaj Joshi, State level Environmental Impact



(Handwritten signature)

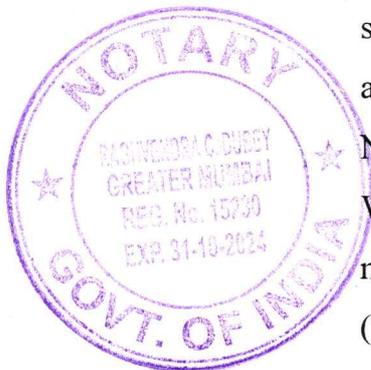
2

Assessment Authority, Maharashtra, (b) Mr. Jayant Hazare, Regional Officer, Maharashtra Pollution Control Board and (c) Mr. Nishchal C., Scientist 'D' the of Central Pollution Control Board ("said Committee") filed pursuant to the order dated 4th June, 2021 passed by this Hon'ble Tribunal in the captioned Application.

3. At the outset, I say that I am filing this Affidavit for the limited purpose of dealing with the contents of the said Report. I say that nothing contained in the said Report and / or the captioned Application should be deemed to be admitted by this Respondent for want of specific traverse or otherwise. I crave leave to file Additional Affidavits / Written Submissions in the captioned matter dealing in detail with the said Report as well as the contents of the captioned Application, as and when necessary.
4. Prior to setting out the preliminary objections to the said Report being taken on record, set out hereunder are certain facts which are germane to present matter:

4.1. The Respondent along with M/s Shree Vrunda Enterprises is undertaking / is in the process of undertaking slum rehabilitation scheme of various pieces and parcels of lands collectively admeasuring 83,853.83 square meters situated at Sai Sunder Nagar, Worli, Mumbai and Gomata Nagar and Nehru Nagar, Worli, Mumbai which were occupied by slum dwellers being members of Sai Sunder Nagar and other amalgamated Societies ("**Larger Land**") as per applicable laws ("**said Scheme**").

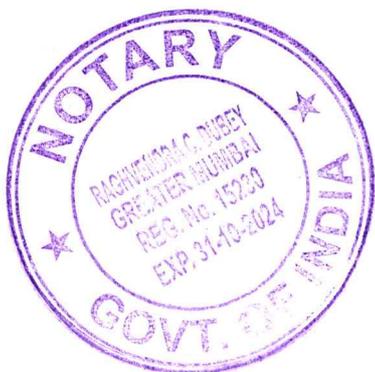
4.2. I say that this Respondent is implementing the said Scheme in a



3

phase-wise manner.

- 4.3. By and under Letter dated 23rd March, 2009 addressed by the Secretary (Environment), Government of Maharashtra to this Respondent (“**2009 EC**”), the Secretary (Environment), Government of Maharashtra issued environmental clearance to the implementation / development of portions of the Larger Land admeasuring 39,701 square meters. I crave leave to refer to and rely upon the 2009 EC, as and when necessary
- 4.4. By and under a Letter dated 6th March, 2012 addressed by the Secretary (Environment Department), Government of Maharashtra to this Respondent (“**2012 EC**”), the Secretary (Environment Department), Government of Maharashtra revised the 2009 EC and issued environmental clearance to the implementation / development of a portion of the Larger Land admeasuring 38,857 square meters (“**2012 EC Land**”) by, inter alia, constructing a total of 14 rehab buildings providing for 2,435 rehab tenements towards the rehab component. I crave leave to refer to and rely upon the 2012 EC, as and when necessary
- 4.5. Thereafter, the State Level Environment Impact Assessment Authority granted revised Environmental Clearance on 28th January, 2016 (“**2016 EC**”) with respect to the implementation of the said Scheme on the Larger Land admeasuring 83,853.83 square meters by, inter alia, constructing a total of 25 rehab buildings providing for 4,770 rehab tenements towards the rehab



4

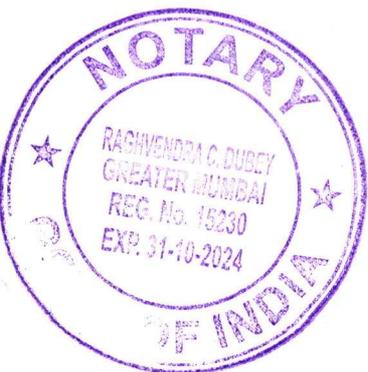
component. I crave leave to refer to and rely upon the 2016 EC, as and when necessary

4.6. It is pertinent to note that however, till date, Letter of Intent, has been issued by the planning authority only for part of the Larger Land and not for the entire Larger Land. Accordingly, as per the parameters of the latest Letter of Intent dated 27th October, 2020 a provision has been made for 240 car parking spaces for rehab tenements, which is in accordance with the applicable development control regulations. A copy of the Letter of Intent dated 27th October, 2020 is annexed hereto and marked as **Exhibit "A"**.

4.7. This Respondent is in the process of procuring Letter of Intent / development permissions with respect to the balance portion of the said Scheme for the Larger Land, and, in this regard, shall seek such approvals as are required for the balance car parking spaces which needs to be provided as per the 2016 EC.

4.8. As on date, this Respondent has completed construction of the 14 rehab buildings at Sai Sunder Nagar, Worli, Mumbai and 7 rehab buildings at Gomata Nagar and Nehru Nagar, Worli, Mumbai in accordance with the permissions and sanctions including environmental clearances granted from time to time.

4.9. I say that there are additional rehab buildings and rehab tenements which are to be constructed as a part of the said Scheme as proposed in the 2016 EC and this Respondent shall either provide for the car parking spaces as per the 2016 EC for



A handwritten signature in blue ink, appearing to be a stylized 'A' or similar character.

5

implementing the said Scheme on the Larger Land or seek modification in the 2016 EC to accordingly modify the number of car parking spaces as per the requirements of applicable law.

4.10. I say that this Respondent had, vide its Letter dated 3rd November, 2021 addressed to the Member, Secretary SEIAA and a copy marked to the Regional Officer, Maharashtra Pollution Control Board (“said Letter”), set out the true and correct facts in relation to the implementation of the said Scheme and had also provided all necessary documents, and permissions in relation thereto. I say that the said Letter was served on Maharashtra Pollution Control Board on 3rd November, 2021. A copy of the said Letter (without enclosures) is annexed hereto and marked as **Exhibit “B”**.

5. I say that the said Report is inconclusive and misconceived and therefore ought not to be considered by this Hon’ble Tribunal, inter alia, on the following grounds, each of which are in the alternative and without prejudice to each other:

5.1. The said Scheme is an ongoing project

5.1.1. I say that the said Committee has, in the said Report, incorrectly sought to recommend that this Respondent ‘*should submit a time bound action plan to expedite provision of 500 nos. of parking facility to rehab buildings*’.

5.1.2. I submit that the said Committee has not considered that the said Scheme is an ongoing project being developed in multiple



A handwritten signature in blue ink, appearing to be a stylized 'D' or similar character.

6

phases. The construction of additional rehab buildings as well as the balance carparking spaces is part of the large layout being implemented in a phase wise manner under a slum rehabilitation scheme and the same is to be undertaken and completed as per the permissions granted by the planning authority including but not limited to commencement certificates.

5.1.3. Thus, construction work and completion of additional rehab buildings as well as the balance carparking spaces is necessarily linked to timely grant of construction permissions by the planning authority and therefore the recommendation that this Respondent expedite the timelines for providing car parking spaces is incorrect.

5.2. **The said Report ought to be revised / updated before it can be considered by this Hon'ble Tribunal.**

5.2.1. I say that the said Report records that the members of the said Committee had requested for certain documents, permissions and records in relation to the said Scheme during their site visit on 22nd October, 2021. Further, the said Report also records, albeit incorrectly, that the documents sought by them were not provided to the said Committee on or before 8th November, 2021.

5.2.2. I say that on account of (a) this Respondent's office working on limited occupancy due to the outbreak of Covid 19, and (b) the large number of documents sought by the said Committee, this



7

Respondent could, vide the said Letter, provide necessary documents to the said Committee only on 3rd November, 2021.

5.2.3. I say that the said Committee ought to have obtained the necessary documents, permissions and sanctions from the Slum Rehabilitation Authority ("SRA") who is the planning authority with respect to the said Scheme. Further, I say that the said Committee ought to have called for comments from the SRA in relation to the preparation of the said Report.

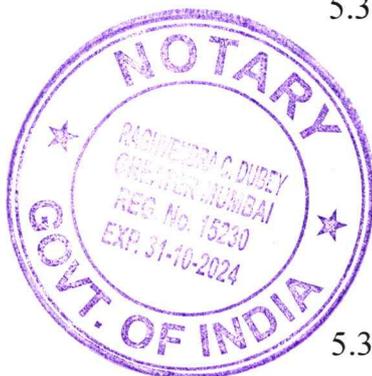
5.2.4. However, the said Committee has not taken into account the said Letter and the documents enclosed therein. Therefore, the said Committee has to consider the said Letter and make consequent revisions and updations to the said Report before the same can be considered by this Hon'ble Tribunal.

5.2.5. Admittedly, the said Report is based on incomplete information, documents and records and is thus inconclusive, cannot be relied upon and ought to be revised and / or updated.

5.3. **The said Committee has not considered the 2016 EC**

5.3.1. I say that as aforesaid the 2016 EC has been issued with respect to the Larger Land i.e. land admeasuring 83,853.83 square meters. Further, under the 2016 EC, 25 rehab buildings have been proposed. The 2016 EC is valid for 7 (seven) years i.e. up to 27th January, 2023.

5.3.2. I say that the said Committee has not taken into consideration the fact that the competent authority has till date issued Letter of



[Handwritten signature]

8

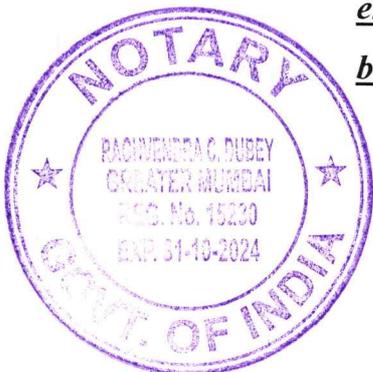
Intent only for part of the Larger Land and not for the entire Larger Land. Further, till date only constructed 21 rehab buildings out of those proposed under the 2016 EC. Therefore, the said Committee has not taken into consideration the fact that this Respondent is yet in the process of implementing the scheme as proposed under the 2016 EC and is not required to complete construction of all the proposed 25 rehab buildings and provide 500 car parking prior to the site inspection held on 22nd October, 2021 by the said Committee.

5.4. **Selective reliance upon this Respondents Letter dated 10th January, 2021 (Annexure VI to the said Report) (“10th January Letter”)**

5.4.1. I say that the said Committee has not considered the 10th January Letter in its entirety and has only relied on portions of the 10th January Letter.

5.4.2. The 10th January Letter, inter alia, records as follows

“The already completed buildings are approved and constructed as per old DCR where there was no provision for parking for such size tenements. In the revised EC the parking for such size tenements is proposed as per new DCPR and we are bound to provide the proposed parking and we are planned the same in our further proposed scheme in the same SRA project. We ensure you that as per EC Condition we will provide the same before we complete the entire scheme.”



(Handwritten signature)

9

5.4.3. It is pertinent to note that the said Committee while reproducing the aforesaid paragraph of the 10th January Letter in the said Report has not included the underlined portion whereunder this Respondent has categorically stated that it will comply with the condition of providing 500 car parking spaces when it is undertaking the construction of additional rehab buildings and rehab tenements as proposed under the 2016 EC. Therefore, there is no non-compliance of the 2016 EC, as alleged or at all.

5.4.4. I say that in light of the above the said Report ought to be updated prior to the same being taken into consideration.

5.5. **The said Report wrongly records that this Respondent has not complied with the 2016 EC**

5.5.1. Therefore, the said Committee has not considered that this Respondent is yet in the process of implementing the scheme as proposed under the 2016 EC and is therefore not required to provide the entire 500 car parking by now. The 500 car parking are to be provided for the entire development on the Larger Land, out of which development of portion thereof has not yet commenced and hence the question of providing 500 car parking by now or failure of providing 500 car parking does not arise at all.

5.5.2. Therefore, the conclusion of the alleged 'non-compliance of the 2016 EC' by this Respondent is incorrect and ought not to be considered by this Hon'ble Tribunal.



10

5.6. There are factual errors in the said Report

5.6.1. I say that the allegations in the petition are with respect to the car parking to be provided in the rehab buildings. The said Report refers to the inspection carried being carried out on the rehab land however provide details of the land which forms part of the free sale land.

5.6.2. The said Report incorrectly records that the Oberoi Realty Limited is jointly developing the said Scheme with this Respondent. The said Scheme is being implemented by this Respondent along with M/s Shree Vrunda Enterprises. Further, this Respondent and M/s Shree Vrunda Enterprises have entered into a joint venture with Oberoi Constructions Limited and Astir Realty LLP for developing a portion of the Free Sale Component of the said Scheme.



Reg. No. 03/2
Sr. No. 2136/2
Dt. 13/12/2024

6. In view of the aforesaid it is amply clear that that the said Report ought not be taken on the record and / or considered by this Hon'ble Tribunal and therefore the said Report ought not to be considered.

Solemnly affirmed at Mumbai)
This 13th day of December, 2021)

[Handwritten signature]



Before Me,

BEFORE ME

[Handwritten signature]
13/12/2024

For Wadia Ghandy & Co..

[Handwritten signature]
Advocates for the Respondent No. 4

RAGHVENDRA C. DUBEY
(B.A. LL.B.)
ADVOCATE & NOTARY GOVT. OF INDIA
2, Shanti Seva Sangh, Netaji Nagar
90 Feet Road, Sakinaka, Mumbai - 400072.





SLUM REHABILITATION AUTHORITY

No. SRA/ENG/219/GS/ML & PL/LOI

(Proposal No. G-S/MCGM/0019/19980615)

Date: 27 OCT 2020

To,

Architect : Shri. S Neve

M/s Sanjay Neve & Associates
302, Oomkareshwar, Linking Road,
Behind Kandarpada Talav,
Dahisar (West), Mumbai - 400 068.

Developers : M/s. Skylark Buildcon Pvt. Ltd.

& M/s Vrunda Enterprises (Jointly)
402, 54-B, Sagar Avenue, 4th floor,
Junction of S.V. Road & Lallubhai Park Road,
Andheri (W), Mumbai - 400 058.

Society : Shree Sai Sunder Nagar CHS Ltd.

Clubbed with Gomata Nagar CHS Ltd. & Nehru Nagar CHS Ltd.

Subject : Grant of Revised LOI for Proposed S. R. Scheme of Sai Sunder Nagar CHS Ltd. & Others on plot bearing F. P. No. 1076, 1077, 1078 of TPS - IV of Mahim Division, C. S. No. 286 (pt.) & 912 of Lower Parel Division and clubbed scheme of Gomata Nagar CHS LTD. on plot bearing C. S. No. 438 & 1/268 of Lower Parel Division & Nehru Nagar CHS Ltd. on C. S. No. 268 (pt.), 286 (pt.), 437 (pt.) of Lower Parel Division and with amalgamation of proposed S. R. Scheme of Balkrishna Gawade CHS Ltd. on plot bearing C. S. No. 912 & C. S. No. 286 (pt.) with proposed S. R. Scheme of Mubadeveli Prabhadevi CHS (Prop.) & 7 others on plot bearing C. S. No. 911 & 2A/911 of Lower Parel Division, in G/S Ward.

Reference: SRA/ENG/219/GS/ML & PL/LOI**Gentlemen,**

With reference to the above mentioned Slum Rehabilitation Scheme and on the basis of documents submitted by applicant, this office is pleased to issue this **Revised Letter of Intent (LOI)**, as per the provisions of Regulation 9(6)(b) of DCPR 2034 for partial conversion of Scheme, subject to the following conditions:

A. Clubbing and Amalgamation in the scheme:**Clubbing:**

SRA/ENG/219/GS/ML&PL/LOI

- 12
- a) S.R. Scheme of Shree Gomata Nagar CHS Ltd. on plot bearing C.S. No.438 & 1/268 of Lower Parel Division.
 - b) S.R. Scheme of Nehru Nagar CHS Ltd. on C.S. No. 268(pt), 286(pt), 437 (pt) of Lower Parel Division.
 - c) By shifting 209 Rehab tenements (i.e.8571.51 Sq.Mts. rehab component) from Shree Sai Sundar CHS Ltd. to Gomata Nagar CHS Ltd. And by exchanging sale BUA admeasuring 6208.54 sq.mt. from Gomata Nagar CHS Ltd. to Shree Sai Sundar Nagar CHS Ltd.
 - d) By shifting 29 Rehab tenements (i.e. 936.41 Sq.Mts. rehab component) from Shree Sai Sundar CHS Ltd. to Nehru Nagar CHS Ltd. And by exchanging sale BUA admeasuring 1356.18 sq.mt. from Nehru Nagar CHS Ltd. to Shree Sai Sundar Nagar CHS Ltd.

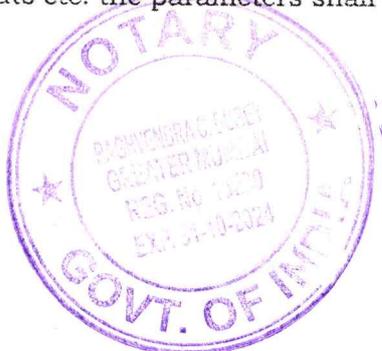
• **Amalgamation:**

- a) S.R. scheme of Balkrishna Gawade CHS Ltd. situated on plot bearing C.S. no.912 & C.S. no.286 (pt) and
- b) S.R. scheme of Mumbadevi Prabhadevi CHS (prop.) situated on plot of C.S. no.911(pt.) & C.S. no.2A/911 of Lower Parel Division.
- c) Vighnaharta SRA CHS (Prop.) situated on plot of C.S. no. 286 (pt) of Lower Parel Division.
- d) Vighnarajendra SRA CHS(Prop.) situated on plot of C.S. no.286 (pt) of Lower Parel Division.
- e) Omkar SRA CHS(Prop.) situated on plot of C.S. no.286 (pt) of Lower Parel Division.
- f) Shri. Ganesh SRA CHS(Prop.) situated on plot of C.S. no.286 (pt) of Lower Parel Division.
- g) Kamgar Nagar 2 CHS (Prop.) situated on plot of C.S. no.286 (pt) of Lower Parel Division.
- h) Astavinayak SRA CHS.(prop.) situated on plot of F.P.no.1072 (pt) of TPS-IV Mahim Division
- i) Shiv Samrat SRA CHS(Prop.) situated on plot of C.S. no.286 (pt) of Lower Parel Division.

B. That all the conditions of last LOI dated 03/05/2014 shall be complied and subject to the following additional conditions:

C. Conditions of last LOI dated 15/03/2017 are Edited as follows:

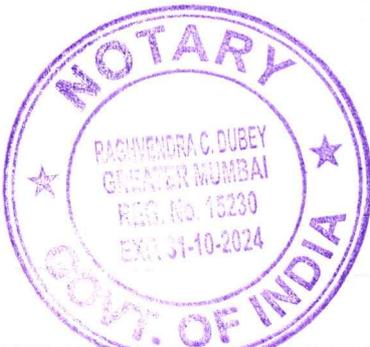
- I. That the Condition Nos. 22 of the Revised LOI issued on 15/03/2017 is deleted.
- II. That the other conditions of the Revised LOI issued on 15/03/2017 are continued except for the Condition No. 4, 5, 7, 8, 19, 24, 25 & 27 which are modified as follows:
 4. That the built up area for sale and rehabilitation shall be as per following scheme parameters. In the event of change in area of plot, Nos of eligible huts etc. the parameters shall be updated from time to time.



SRA/ENG/219/GS/ML&PL/LOI

The salient features of the scheme are as under:

Sr No	Description	Gomata Nagar CHS		Nehru Nagar CHS	Sai Sunder Nagar CHS & other Societies		Total In Sq.Mts
		In Sq.Mts (as per DCR 1991) As per OC Granted			In Sq.Mts (as per Regulation 9(6)(b) of DCPR 2034		
1.	Plot area considered for Scheme with partial Development as per DCPR 2034	4198.01		825.50	66748.16		71771.67
2.	Deductions for						
	a. D. P. Road & Road Set Back	Nil		Nil	22428.89		22428.89
	b. Pvt. Plot not considered for Scheme	N.A.		10.30	N.A.		10.30
	c. 35% ROS (Garden) to be handed over to MCGM	N.A.		N.A.	2964.57		2964.57
	Total Deductions	Nil		10.30	25393.46		25403.76
3.	Net Plot area	4198.01		815.20	41354.70		46367.91
4.	Addition for FSI purpose						
	a. D. P. Road & Road Set Back	Nil		Nil	22428.89		22428.89
	b. ROS 1.5 (Garden)	Nil		Nil	2964.57		2964.57
5.	Total Plot area for FSI purpose	4198.01		815.20	66748.16		71761.37
6.	Plot Area considered as per Permissible FSI & T/D as per earlier LOI	2429.07	1768.94	815.20	964.45	65783.71	71761.37
7.	FSI Permissible as per Earlier LOIs and as per DCPR 2034 for part portion under conversion	2.50	3.00	2.50	3.00	4.00 or sanctioned whichever is more	---
8.	Built up area permissible for the Scheme	6072.68	5306.82	2038.00	2893.35	263134.84 or Sanctioned BUA, whichever is higher	---
9.	Total BUA Permissible	11379.50		2038.00	266028.19		---
10.	Rehab Built up area proposed (after Clubbing of Scheme)	6082.41 + 5297.04 = 11379.45		1347.25 + 690.75 = 2038.00	69981.60 + 42893.00 = 112874.60		126292.05
11.	Rehab Component (Before Clubbing)	8278.05		1808.24	93770.02 + 64552.62 = 158322.64		168408.93
12.	Rehab Component Proposed (after Clubbing)	8278.05 + 8571.51 = 16849.56		1808.24 + 936.41 = 2744.65	(93770.02) + 64552.62 (8571.51+936.41) = 148814.72		168408.93
13.	Sale BUA permissible (Before Clubbing) insitu.	11379.50-6082.41 = 5297.09		2038.00-1347.25 = 690.75	158322.64 + 8571.51 + 936.41 = 167830.56		173818.40
14.	Sale BUA permissible (After Clubbing)	16849.56 - 8571.51		2744.65 - 936.41	167830.56 x 1.05 = 176222.09		183786.81



Handwritten signature in blue ink.

Handwritten signature in black ink.

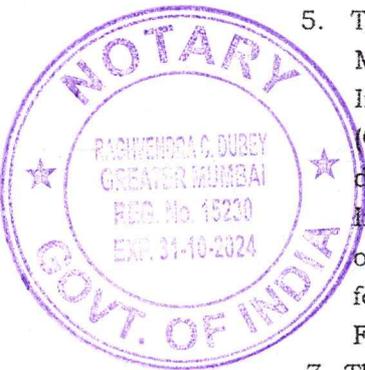
14

SRA/ENG/219/GS/ML&PL/LOI

		=8278.05 x 0.75 = 6208.54	1808.24 x 0.75 =1356.18		
15.	Sale BUA after Transfer due to Clubbing	-	-	176222.09 + 6208.54 + 1356.18 =183786.81	183786.81
16.	Total generated BUA for respective scheme (Rehab BUA + Sale BUA)	6082.4 + 6208.54 =12290.95	1347.25 + 1356.18 =2703.43	112874.60 + 176222.09 =289096.69	304691.07
17.	Total FSI sanctioned for the scheme (16/5)	2.93	3.32	4.33	4.24
18.	TDR Generated from Scheme (9-16)	11379.50 - 12290.95 = 911.45	2038.00 - 2703.43 =665.43	0 (since there is no FSI cap)	1576.88
19.	Total Sale BUA proposed for the Scheme	Nil	Nil	111541.35 (for Tower 'A' & 'B' upto 65th Floor as per CC issued)	111541.35
20.	TDR Already Claimed				2293.05
21.	Balance Sale BUA for consumption in future [15 - 19+20]			183786.81 - 2293.05 (TDR)-111541.35(cc granted) = 69952.41	69952.41
22.	Nos. of Tenements to be rehabilitated				
	a. Residential	430 Nos	85 Nos	(2314 + 634) 2948 Nos	3463 Nos
	b. Residential cum Commercial	02 Nos	---	(51 + 12) 63 Nos	65 Nos
	c. Commercial	03 Nos	---	(85 + 57) 142 Nos	145 Nos
	d. Existing Amenity	---		(16 + 15) 31 Nos	31 Nos
	e. PAP Tenements as per Clause 3.12/C (Provisional)	---	---	588 Nos	588 Nos
	Total	435 Nos	85 Nos	3772 Nos	4292 Nos
23.	Amenity Tenements proposed				
	a. Balwadi	05 Nos	01 No	(30 + 6) 36 Nos	42 Nos
	b. Society Office	05 Nos	01 No	(30 + 13) 43 Nos	49 Nos
	c. Welfare Center	05 Nos	01 No	(30 + 6) 36 Nos	42 Nos
	d. Health Center	N.A.	N.A.	06 Nos	6 Nos
	e. Yuvakendra	N.A.	N.A.	06 Nos	6 Nos
	f. Community Hall	N.A.	N.A.	01 Nos	1 No
	Total	15 Nos	03 Nos	128 Nos	146 Nos

5. That the Developer shall pay Rs. 40,000/- per tenement towards Maintenance Deposit for newly added Slum Dwellers and shall also pay Infrastructural Development charges @ Rs. 560/- (Suburb)/ Rs. 840/- (City) per sq.mt.} to the Slum Rehabilitation Authority as per Circular no.7 dated 25/11/1997 as decided by the Authority and shall also pay Infrastructural Charges at rate of 2% of Ready Reckoner Rate as prevailing on date of issue of this Revised LOI, to the Slum Rehabilitation Authority, for the Built Up Area over & above the normally permissible FSI (excluding Fungible Compensatory Area).

7. That the Developer shall Provide 588 No of Provisional PAPs (Resi - 519; Comm - 68 & R/C - 1) of the Scheme in lieu of Non-Eligible Tenements of



the Scheme as mentioned in Annexure - II as per the provision of Clause 3.12/C of Regulation 33 (10) of DCPR 2034.

The Provisional PAP tenements will be handed over to the Non-Eligible Tenants of the Scheme after receipt of the Eligibility from the Concern Department/Authority and no Third party Rights shall be created for the said Tenements, also after obtaining the Final Eligibility in the Scheme, the balance Provisional PAP Tenements (if any) proposed for Non-Eligible Tenants will be handed over to SRA.

- 8. The amenity tenements i.e. Balwadi as mentioned in Parameter table Sr. No. 23 of Condition No. 4 shall be handed over to Women and Child Welfare Department, Government of Maharashtra as per the directives given by the additional Chief Secretary, Women & Child Welfare Department, Government of Maharashtra, in meeting held on 18.10.2011 as per Circular No. 129 and rest of the Amenities as mentioned in Sr. No. 23 of Condition No. 4 including separate structure of Community Hall above shall be handed over to the slum dwellers society to use for the specific purpose only, within the 30 days from the date of issue of OCC of Rehab/Composite Building. Handing over/ Taking Over receipt shall be submitted to SRA.

The Consent/Letter from the Society will be insisted for agreeing to the same before issue of Plinth CC to Community Hall Building.

Society/Developer shall indemnify SRA & Its Staff that, they will not misuse the Community Hall proposed in Scheme as separate Structure in future. The said Indemnity shall be submitted before approval of Amended Plans to Rehab Building No. 15.

- 19. That, you shall submit the Remarks from Ch.E.(SWD) (Planning Cell) regarding the Shifting & Covering of Existing Nalla below the 22.80 Mts wide Realigned D. P. Road before Re-endorsement of CC to Rehab Building No. 16 of the Scheme and to submit the Phase Program along with bar chart for development work of diverting and constructing the Drainage Channel below the realignment of 22.80 Mts Road along with this realigned 22.80 Mt wide Road & R.G. falling within the Scheme boundary (for newly added area) before Re-endorsement of CC to Rehab Building No. 16. The Development of the Nalla and Road over the Nalla, R.G. as per the Remarks & Specification of MCGM shall be developed by the developer at their own cost and the same shall be handed over to MCGM/Appropriate authority before OCC to the Rehab Building No. 16.

- 24. That the NOC from CFO department for the buildings/Open Spaces/Parking System etc. in the S. R. Scheme, shall be submitted before issue of Further CC to respective building.

- 25. That you shall submit the NOC from E.E. (T & C) or as per the provisions of EODB Circular NO. 177/187 for proposed Mechanized Parking System/Parking Tower and Maneuvering point of view before issue of

[Handwritten mark]

[Handwritten signature]



16

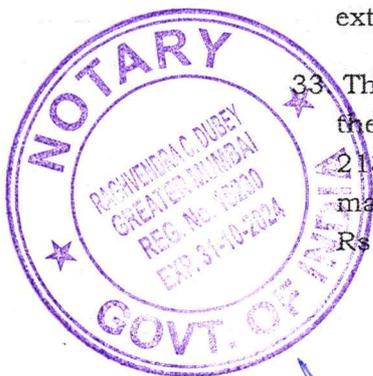
SRA/ENG/219/GS/ML&PL/LOI

Further CC to Rehab Building No. 16 and by insisting tri-partite agreement for maintenance of parking Tower/puzzle parking system on the lines of maintenance of electro-mechanical installation as insisted in high rise building before OCC of rehab building no.16.

27. That NOC/Remarks from EE (M & E) or as per the provisions of EODB Circular NO. 177/187, for proposed Artificial Ventilation Shafts, in Rehab Building and for Puzzle/Stack/Mechanical Parking System/Parking Tower shall be submitted before Further CC to the building no.16 & That, you shall maintain the Parking System for the period of 10 Years from the date of the OC to the Building No. 16 and you shall incorporate the said clause in Tripartite agreement to be submitted for Maintenance of the Mechanical services. The RUT from the developer mentioning the above requirements shall be insisted before issue of Amended Plans to the Rehab Building No. 15 and completion to that effect before OC to respective Rehab Building.

Additional Conditions are as follows:

30. This LOI is issued on the basis of documents submitted by the applicant. If any of the document submitted by Architect/ Developer/ Society or Owner are proved fraudulent/misappropriated before the Competent Court/HPC and if directed by Competent Court/HPC to cancel the LOI, then the LOI is liable to be cancelled and concerned person/ Society/ Developer/ Architect are liable for action under provisions of Section 101, 102 of Indian Evidence Act 1872.
31. That you shall submit Revised NOC for Environmental Clearance for the project as per MOE & F, New Delhi's Notification issued under No. S.O.1533 dated 14/09/2006, under sub rule (3) of rule 5 Environment (Protection) Rules 1986, as directed by NGT on 03/12/2018 under orders No. O.A. No. 1017/2018 before commencing the construction beyond Sanctioned Construction area as per last issued NOC under No. SEAC - 2013/CR - 135(I)/C - 1 dated 28/01/2016, submitted to this office.
32. The Developer shall complete the rehab component of project within the stipulated time period from the date of issue of CC to Composite building as mentioned below :-
- Plot area above 4000 sq.mt. → 60 months.
In case of failure to complete the project within stipulated time period the extension is obtained from the CEO/SRA with valid reasons.
33. That the rain water harvesting system should be installed/ provided as per the direction of U.D.D., Govt. of Maharashtra under No. TPB/432001 / 2133/ CR-230/ 01/ UD-11 DTD. 10/03/2005 and the same shall be maintained in good working conditions all the time, failing which penalty of Rs.1000/- per annum for every 100 sq.mt. of built-up area shall be levied.



SRA/ENG/219/GS/ML&PL/LOI

34. That you shall submit the NOC from Commissioner of Police for the proposed Religious Structure as per Regulation 18 (i) of DCPR 2034 before issue of Plinth CC to the structure proposed for Religious activity.
35. That you shall hand over 35% Reservation Open Space (ROS 1.5 i.e. Play Ground) proposed at One Location and admeasuring to 2964.57 Sq.Mts (min), to MCGM before issue of CC to the last 25% Built up Area of the Sale Component. The P. R. Card with area mentioned in the Name of MCGM shall also be submitted before Full OC to the Sale Component.
36. That you shall hand over D. P. Road/Proposed R. L. Affecting the Scheme Plot, before issue of CC to the last 25% Built up Area of the Sale Component. The P. R. Card with area mentioned in the Name of MCGM shall also be submitted before Full OC to the Sale Component.
37. That being the High Rise Rehab Building you shall comply the following Conditions:
- Appointment of Project Management Consultants (PMC) with prior approval of DY.Ch.E. (SRA) / Executive Eng. (SRA) for the implementation / Supervision/ Completion of the S.R. Scheme.
 - That the PMC appointed for the Scheme shall submit quarterly progress report to the Slum Rehabilitation Authority after the issue of Letter of Intent.
 - Appointment third party quality auditor with prior approval of Dy. Ch. Eng. (SRA) /Executive Engineer (SRA) for quality audit of building work at various stages.
 - For submission of Registered Tri-Partite Agreement among Developer, Slum Societies & Lift Supplying Co. /Firm for comprehensive maintenance of the Electro Mechanical systems such as pumps, lifts etc. and for obtaining renewal/clearance certificate from Competent Authorities as rules for a period of 10 years from the date of issue of occupation certificate to the Rehabilitation/Composite building as per circular No. SRA/ENG/2364 of 29/05/2008.
 - Installation of the fire-fighting systems as per requirement of CFO and execution of tri-partite agreement for comprehensive maintenance for the period of 10 years.
 - Vetting of another structural engineer to re view the structural design of the building in the scheme.
 - As per the policy, the developer has to maintain the high rise Rehab Building from the date of occupation of Rehab bldg. The registered undertaking from the developer will be insisted to



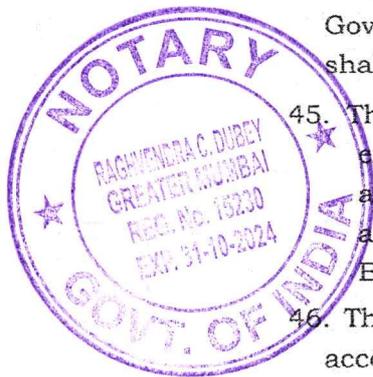
18

SRA/ENG/219/GS/ML&PL/LOI

maintain the High Rise Rehab Bldg. for a period of 3 years from the date of occupation of the said buildings.

The registered undertaking to that effect will be submitted before approval of Amended Plans to Rehab Building No. 15.

38. That the defect liability for Rehab buildings i.e. repairing and re-modification will be for period of 3 years from the date of occupation of the respective building.
39. That you shall get the Plot Boundary demarcated for the S. R. Scheme and submit the Plan along with the Plot Area certification for the Scheme Boundary, due to changes in plot area before issue of any approval to Sale Building in future. Upon certification of the area, if there is difference in Area considered under this LOI, then the revision in LOI and its parameters shall be obtained.
40. That you shall obtain the approval for Revised Layout of the Scheme, before granting OCC to last Rehab Building / before issue of any approval to the Sale Building in future in the layout whichever is earliest.
41. That the Signature of the Commercial tenements of the Scheme on Plans shall be submitted before issue of Further CC to the respective Rehab Building, for confirmation of location of Commercial T/s.
42. That you shall submit the RUT mentioning that, you shall maintain the Parking System proposed in form of Parking Tower for the Rehab Tenements, for the period of 10 Years from the date of the OCC to the Rehab Building and you shall incorporate the said clause in Tripartite agreement to be submitted for Maintenance of the Mechanical services, being the Parking Spaces for Rehab units are proposed in the Parking Tower, before issue of CC to the Sale Wings of Composite Building.
43. That you shall submit the letter from the Society for the proposed integrated parking in parking tower, before granting FCC to Rehab Building No. 16.
44. That the conditions mentioned in circular dated 28/08/2019 issued by Govt. of Maharashtra relevant to Amendment in Sec. 15A of Slum Act 1971, shall be complied with.
45. That you shall submit the application for approval of Amended plans of existing ongoing Sale Building of the Scheme as per the CEO (SRA)'s approval granted while issuing Further CC to Tower 'B' on 21/08/2019 and get it approved before requesting the OC to any part of the Sale Building.
46. That the work shall not carried out between 10.00 PM to 6.00 AM only in accordance with rule 5A (3) of noise pollution (regulation & Control) Rules 2000 & the provision of notification issued by Ministry of Environment & Forest Department.

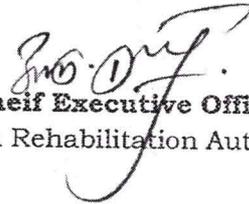


SRA/ENG/219/GS/ML&PL/LOI

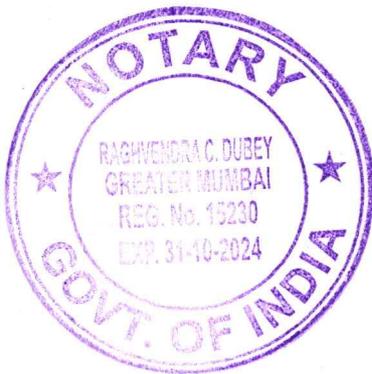
- 19
47. That you shall submit undertaking stating therein that, adequate safety measure shall be taken during entire construction activity as per the recommendations of registered Structural Consultant & Geotechnical Consultant & or any other Consultant required as per specific site conditions. The entire responsibility in this regard shall vest with developer.
 48. That you shall abide with all the proceedings/orders of court of Law or any judicial/cozy judicial forums arising out of S. R. Scheme under reference if any. You shall submit proposals by taking due cognizance of it from time to time.
 49. No additional sale component apart from sanctioned already by Ex.CEO will be permitted unless submission of scrutiny sheet from Dy. Collector (SRA) is submitted.
 50. That you shall restrict the height of buildings as per Civil Aviation NOC.

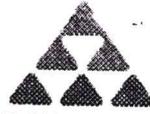
If applicant Society/Developer/Architect are agreeable to all these above conditions, then you may submit proposal for approval of plans separately for each building, in conformity with the DCPR 2034, in the office of the Slum Rehabilitation Authority.

Yours Faithfully,

for 
Chief Executive Officer
 Slum Rehabilitation Authority

(Hon' CEO(SRA) has approval the Draft LOI)





Slum Rehabilitation Authority

00-21241

No.:SRA/Eng/Desk-/ /GS
Date:

26 OCT 2020

To,
M/s. Skylark Buildcon Pvt. Ltd.
And Vrunda Enterprises (Jointly),
54-B, 402, Sagar Avenue, 5th Floor,
Jn. Of S. V. Road & Lallubhai Park Road,
Andheri (W), Mumbai-400058.

Sub : Grant of **Revised LOI** for Proposed S. R. Scheme of Sai Sunder Nagar CHS Ltd. & Others on plot bearing F. P. No. 1076, 1077, 1078 of TPS - IV of Mahim Division, C. S. No. 286 (pt.) & 912 of Lower Parel Division and clubbed scheme of Gomata Nagar CHS LTD. on plot bearing C. S. No. 438 & 1/268 of Lower Parel Division & Nehru Nagar CHS Ltd. on C. S. No. 268 (pt.), 286 (pt.), 437 (pt.) of Lower Parel Division and with amalgamation of proposed S. R. Scheme of Balkrishna Gawade CHS Ltd. on plot bearing C. S. No. 912 & C. S. No. 286 (pt.) with proposed S. R. Scheme of Mubadeveli Prabhadevi CHS (Prop.) & 7 others on plot bearing C. S. No. 911 & 2A/911 of Lower Parel Division, in G/S Ward.

Ref : SRA/ENG/219/GS/ML & PL/LOI

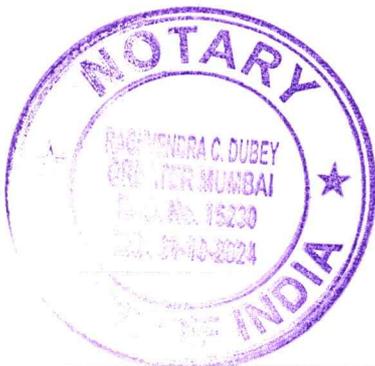
Sir,

With reference to your above implementation S. R. Scheme proposal, you are hereby requested to pay the premium as per directives from Government of Maharashtra Notification under no. TPB/4308/897/CR-145/08/UD-11 of 16/04/2008 and final order dated 28/06/2012 and as per payment schedule mentioned in Government Resolution under No. झोपुयो-२००८/प्र.क्र.२३६/२०१७/झोपुप्रा-१ दि. २२.०९.२०२०

1	Land rate considered for the scheme as per the O.N. for Avg. Ready Reckoner Rates in the Scheme situated on difference zones as per SDRR	:	Rs. 1,60,445/-

Administrative Building, Anant Kanekar Marg, Bandra(E), Mumbai- 400051

Tel : 022-26565800/26590405/1879 Fax : 91-22-26590457 Website : www.sra.gov.in E-mail : info@sra.gov.in



21

2	Additional plot area for recovering the Land Premium as per Govt. Notification at this stage	:	66748.16-65313.01 (As per earlier LOI dtd. 17.03.2017) = 1435.15 sq.mt.
3	Total payable amount 25% in terms of Rate mentioned in Sr. No. (01) above (Rs. 1,60,445/- x 1435.15 x 25%)	:	Rs. 5,75,65,660.44 Say Rs. 5,75,65,700/-
4	1 st installment 10% of Sr. No. (01) above before issue of LOI	:	Rs. 57,56,570/-
5	2 nd installment of 10% of Sr. No. (03) above before issue of C.C. to sale building/wing	:	Rs. 57,56,570/-
6	3 rd installment of 80% of Sr. No. (03) above before O.C. to sale building/wings in the S. R. Scheme under reference.	:	Rs. 4,60,52,560/-

This is to inform you that in case society / developer fails to obtain IOA and CC within the stipulated validity period and payments are not made as per above schedule, penal Compound Interest on the amount payable will be recovered as per SRA Policy. The payment will be accepted in the form of Demand Draft or Pay Orders only.

You are hereby instructed to pay the 1st installment of Rs. 57,56,570/- immediately thereafter the LOI will be issued which may please to note.

TRUE COPY

AE
 & Partner
Wadia Ghandy & Co.
 Advocates, Solicitors & Notaries
 N. M. Wadia Building,
 123, Mahatma Gandhi Road
 Fort, Mumbai - 400 023.

Yours faithfully,

[Signature]
 Executive Engineer-G/S
 Slum Rehabilitation Authority

Copy to:

1. Architect:
 Shri. S. Neve of M/s. Weymore + Consultant Pvt. Ltd.
 302, Omkareshwar, Behind Kandarpada Talav,
 Link Road, Dahisar (W), Mumbai-400068.
2. F. C. (SRA)
 Submitted for information please.



Ref. : SLBPL/MPCB/(NGT)/6354/2021

3rd Nov. 2021

22

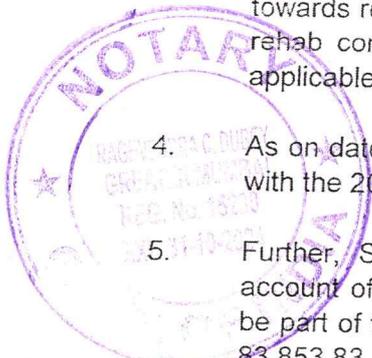
To,
Hon'ble Member Secretary,
State Level Environment Impact Assessment Authority
[SEIAA – Maharashtra]
Environment Department,
27, 2nd Floor, Mantralaya,
Mumbai – 400032

Re: Original Application No. 5 of 2021 (WZ) in the Hon'ble National Green Tribunal, Pune Branch, filed by Mr. Santosh Patil and Another Versus Member Secretary State Level Environment Impact Assessment Authority and others.

Respected Sir,

With reference to above subject we submit herewith our preliminary representation, and request herewith to allow us one month's time from date of this submission to submit our representation in detail.

1. We write to you in relation to the captioned matter and the site visit undertaken pursuant to the Order dated 4th June, 2021 passed in the captioned matter. As required by you we write to you as follows.
2. We, Skylark Buildcon Private Limited are undertaking a slum rehabilitation scheme at Sai Sundar Nagar ("the said Scheme") and other amalgamated schemes.
3. Ministry of Environment and Forest, Government of India ("MOEF") had vide its letter dated 6th March, 2012 issued revised Environment Clearance with respect to the said Scheme ("2012 EC"). At the time of issuance of the 2012 EC, the area of the land comprised in the said Scheme was 38,857 square meters ("2012 EC Land") and 14 rehab buildings providing for 2435 rehab tenements were proposed to be constructed towards rehab components. There were no car parking spaces to be provided for the rehab component as per the 2012 EC, as the same was not required under the applicable development control regulations.
4. As on date, all the aforesaid 14 rehab buildings have been completed in accordance with the 2012 EC.
5. Further, Sahana made an application for a revised Environment Clearance on account of proposed expansion of the said Scheme whereby the land which was to be part of the said Scheme after the amalgamation was proposed to be increased to 83,853.83 square meters. On account of the increased portion of the said Scheme, atleast 11 additional rehab buildings accommodating atleast 2,335 additional rehab



Sagar Avenue, 402, 54-B, Junction of S.V. Road & Lallubhai Park Road, Andheri (W), Mumbai - 400 058, India.
Toll free no : +91 22 6675 3911/6684 2500, Fax.: 022 6704 9796 / 6675 3914,
Email : enquiry@sahanagroup.com, Website : www.sahanagroup.com

**BEFORE THE NATIONAL GREEN
TRIBUNAL SITTING AT PUNE**

MEMORANDUM OF APPLICATION

(Under Section 15 read with Section 18 of The
National Green Tribunal Act, 2010)

APPLICATION NO. OA /5 OF 2021 /WZ

AFFIDAVIT IN REPLY

Dated the day of December, 2021



M/S. WADIA GHANDY & CO.

Advocates for the Respondent **NO. 4**

N.M. Wadia Building

123, M.G. Road, Fort

Mumbai 400 001