



**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 144/2017**

Umarshad Khan & Ors.

... Applicant

V/s.

State of Maharashtra & Ors.

... Respondents

CLARIFICATION AFFIDAVIT BY RESP. NO. 8 SEIAA

I, Dattatray Suryakant Bhalerao, working as Scientist I & Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

(Handwritten signature)



1. SEIAA has already filed a reply affidavit dated 9th May, 2023 in the present case.
2. An additional affidavit has also been filed on 16th October, 2023 in the present case.
3. In the said affidavit it has been stated:
 - a. *PP has made an application to SEIAA, Maharashtra on 15/11/2021 for seeking the expansion of earlier EC dated 23/01/2012, due to the proposed increase in the total plot area & total BUA. Wherein, the existing total plot area is proposed to be increased from 15,429 m² to 30,008.23 m², and total BUA is proposed to be increased from 58,741.32 m² to 89,287.01 m², with the proposed change w.r.t. addition of buildings & floor, and also change in building configuration from 09 no. of rehab buildings to 12 no. of rehab buildings, and proposed change in the configuration of sale buildings.*
 - b. *Expansion application of the aforesaid residential cum commercial building project was considered during 172nd SEAC-2 meeting, vide dated 04/05/2022; wherein the SEAC-2 observed that PP had submitted an application*



Shri

dated 09/09/2020 for obtaining IOA from the Slum Rehabilitation Authority (SRA). However, PP has not received IOA from SRA as on date of appraisal by the SEAC-2 during its 172nd meeting dated 04/05/2022. Committee also noted that PP had not disclosed information about the present case pending before this Hon'ble Tribunal.

c. Thereafter, the said expansion proposal was again considered before SEIAA, Maharashtra during 264th Day-1 (Part-B) meeting, vide dated 08/08/2023. Wherein SEAC & SEIAA, Maharashtra noted that PP has completed total construction of 34,335.79 m² as per the EC dated 23/01/2012 i.e. PP has completed construction 4,029.35 m² without valid EC, as the earlier EC dated 23/01/2012 which was valid up to 22/01/2019. (In the affidavit dated 16-10-2023, it has been recorded as 22-01-2017, which is a typographical error. It has to be read as 22-01-2019).

d. SEIAA noted that PP has constructed one additional floor in rehab building and one additional floor in sale building



in comparison to the earlier EC dated 23-01-2012 which is a violation of provisions of EIA Notification, 2006.

e. SEIAA in the aforesaid meeting dated 08/08/2023 based on the recommendations of SEAC; has decided to reject the expansion proposal of the residential cum commercial building project and directed the PP to apply under MoEF&CC OM dated 07-07-2021. SEIAA also directed MPCB to initiate action against the PP under Sec. 15 of the Environment Protection Act, 1986.

4. By Order dated 22.11.2024, the Hon'ble Tribunal sought clarification from SEIAA as reproduced below:

*6. It is further mentioned in this additional affidavit by the respondent No.8-SEIAA that the said expansion proposal was considered before them during 264th Day-1 (Part-B) Meeting held on 08/08/2023, wherein it was noticed that PP had completed total construction of 34,335.79 m² as per the EC dated 23/01/2012 and had **completed construction of 4,029.35 m² without valid EC**, as the earlier EC dated 23/01/2012 was valid up to 22/01/2017.*

do



7. The above averment seems to be erroneous, **which needs clarification in view of the MoEF&CC Notification**, which according to the MoEF&CC has initially extended the validity of EC for 7 years instead of 5 years and thereafter, expansion of the EC could be granted for further 5 years and hence, it was stated that the EC was valid in the case in hand till 22.01.2022. This clarification be made in an affidavit to be filed from the side of respondent No.8 within two weeks positively.

8. It is further mentioned in this additional affidavit by the respondent No.8-SEIAA that PP had constructed one additional floor in rehab building and one additional floor in sale building in comparison to the earlier EC dated 23.01.2012, which is a violation of the provisions of EIA Notification, 2006.

9. The above- statement also appears to be conflicting with the Site Inspection Report of the MoEF&CC dated 17.03.2023, which is annexed at page nos.232 to 307 of the paper book, wherein at serial no.3.0 (iii), it is recorded that Project Proponent has informed that one floor was added on sale building, while in Rehab building, it had constructed only 7 floors instead of 9 floors. So, according to the site inspection

Handwritten signature



report, there was no expansion or change in the Rehab building but there was found change in the sale building, to the extent that one floor was added. There is discrepancy in the said statement, which needs to be clarified by the respondent No.8- SEIAA in their reply affidavit, which is to be filed within two weeks.

10. It is further mentioned in this additional affidavit by the respondent No.8-SEIAA that the answering respondent in the Meeting dated 08/08/2023, based on the recommendations of SEAC, had decided to reject the expansion proposal of the residential-cum-commercial building project and directed the PP to apply to MoEF&CC under OM dated 07-07-2021. But what happened thereafter is not made clear in this affidavit. Therefore, we direct the respondent No.8 to make it clear before us about the present status of the said application so that we may pass an appropriate order in the present Original Application.

5. For clarification on the validity of the EC dated 23.01.2012, it is submitted that the validity of EC was extended up to 22.01.2019 (i.e. for 7 years) as per the MoEF&CC notification dated 30.04.2015. It is further submitted that the EC validity date



[Handwritten signature]

of 22.01.2017 as mentioned in the additional affidavit dated 16.10.2023 is a typographical error, the correct validity was up to 22.01.2019, which was recorded by SEAC in its deliberation as mentioned in the 264th Minutes of SEIAA dated 08.08.2023.

6. It is further clarified that the automatic extension of validity up to 22.01.2022 as per PP is erroneous and misguided and the same has no roots in law. The extension has to be made as per the prevailing rules and regulations via application by PP and the same has to be approved by SEIAA. In the present case, no such permission for expansion has been granted to PP and hence the said validity of 22.01.2022 is invalid.
7. The contention that PP has **completed excess construction of 4,029.35 m2 without valid EC is true** as the same has been submitted and admitted by PP in the SEAC meetings, which was recorded in the 264th Minutes of SEIAA dated 08.08.2023. As per 172nd SEAC-2 meeting dated 4-6th May, 2022, PP had submitted that they had completed the construction of 30,306.44 m2 (FSI: 20,649.56m2) on site as per EC dated 23.01.2012. But



REHAB BLDG - DEVIATION EC 23/01/2012

Rehab Building no.	Configuration	Constructed on Site	IOA date	Commencement Certificate date	Occupation Certificate date	Status of Building
A-1	G+7	-	23 Aug 2017	-	-	Work not started
A-2	G+7	G+8	7 Aug 2014	27 Nov 2017	27 February 2020	Work completed
A-3	G+7	G+7	4 Sep 2013	11 Dec 2013	5 June 2017	Work completed
A-4	G+7	G+7	29 May 2014	14 Aug 2014	5 June 2017	Work completed
A-5	G+7	G+7	24 Jan 2012	13 Apr 2012	11 October 2017	Work completed
A-6	G+7	G+7	22 Oct 2012	11 March 2013	18 September 2020	Work completed
A-7	G+7	-	23 Aug 2017	-	-	Work not started
A-8	G+7	-	23 Aug 2017	-	-	Work not started
A-9	G+7	-	23 Aug 2017	-	-	Work not started

SALE BLDG. - DEVIATION EC 23/01/2012

Sale Building no.	Configuration	Constructed on Site	IOA date	CC Date	OC Date	Status of Building
S-1 (consists of A, B, C, D and E Wing)	2B + G + 8	1B + G + 1 Floor (Part Podium) + 2 nd Floor + 9 th Floor	20 Aug 2015	9 May 2016	A & B Wing: 05/03/2020	A, B and C – Work Completed D & E – Work not started
S-2			-	-	-	Work not started

10. The above-mentioned table has highlighted the deviations in the Rehab Building A2 (G+8 in place of G+7) and Sale Building S-1 (1B+G+ 1Floor Part Podium + 2nd to 9th Floor).

11. It is to be noted that the said deviations are the same as mentioned in the Joint Committee Report which inspected the premises of the said project on 31.07.2023.

Handwritten signature



12.Hence, the clarification as to the discrepancy related to the Inspection Report of MoE&CC formed as per Order dated 16.02.2023 **can only be done by MoEF&CC.**

13.As per the records available with the SEIAA, the PP has not made an application under 07-07-2021 as was directed to them by the SEIAA vide minutes dated 08-08-2023.

14.In light of the above averments, this respondent craves leave to file any additional reply as and when required. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai

Date **03 FEB 2026**

Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Scientist-I & Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address 15th Floor, New Administrative Building, Hutatma Rajguru Chowk, Madam Cama Road, Mantralaya, Mumbai-400032. do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 3rd day of February, 2026 at Mumbai.



Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra

BEFORE ME

ADV. V. B. GHORPADE
ADVOCATE & NOTARY
GOVT OF INDIA
Reg. No. 51187



NOTED & REGISTERED
Sr. No. 698... Page No. 028
Dated 03 FEB 2026