

	Skylark Buildcon Pvt. Ltd. (Developer)			
2.	Final Order of the Hon'ble National Green Tribunal, dated 2 nd February, 2022.	'A-1'	15 - 24	
3.	Office Memorandum dated 7 th July, 2021 related to "Violation Case"	'A-2'	25 - 33	
4.	Google Earth Satellite Photograph showing that the land where parking tower is proposed is fully encroached with slums.	'A-3'	34	



2. The only stand taken by all the abovementioned Respondents is that, the Developer is proposing to provide 502 number of parking spaces by 20th March, 2025, and accordingly, the Execution Application ought to be dismissed.

3. The aforesaid stand taken by these Respondents is not only untenable but it is appalling for the reason, that as an organization, the Slum Rehabilitation Authority and the Maharashtra Pollution Control Board, are committed to upholding the environmental laws. Unfortunately, it has done a turnaround and has taken a position which is environmentally pernicious. This is because, especially the Board, initially had taken the position that parking ought to be provided simultaneous to construction of Rehab tenements. However, the Board now has done an undesirable turnaround by taking the position that it would be fine if the Developer makes a promise to provide parking at a later date, which otherwise contravenes the Orders of this Hon'ble Tribunal, which had mandated that providing the said 500 parking cannot be delayed failing the sale of apartments ought to be stopped.

4. Naturally, there are overwhelming circumstances to suggest, that this turnaround, especially by the Maharashtra Pollution Control Board, would far more than meet the eye.

5. Be that as it may, the replies given by the Respondents as above, suffer from the overwhelmingly grave infirmities. These Grounds are stated hereunder:

6. ***GROUND*** ***why the hollow promise of providing parking at the later date is legally and factually untenable.***



7.0 GROUNDS:

7.1 GROUND NO. 1:

The stand of the Respondents is fatally hit by the legal maxim – '*A verbis legis non recedendum est*', i.e. "From the words of law, there must be no departure" – the Final Order of the Hon'ble Tribunal dated 2nd February, 2022 was categorical and specific – these Respondents are seeking to revise the Order by adding their own invented words:

The Applicant submits that the Order of the Hon'ble Tribunal was final and that it was not challenged by the Respondents in the Hon'ble Supreme Court. So, the said Order has assumed a finality.

Once a judicial Order reaches the level of finality, then it becomes the law and that no words can be added to this law. This premise gets reinforced by the well-accepted legal maxim '*A verbis legis non recedendum est*', i.e. "From the words of law, there must be no departure".

Unfortunately, in this case, the Respondents have made a departure from the words of law by adding their own invented words.

The binding word of law as stated in the Final Order of this Hon'ble Tribunal dated 2nd February, 2022 (**ANNEXURE-'A-1'**) is stated as follows:

"9. We have duly considered the rival submissions and find that the stand taken by the PP cannot be accepted. Once it is undisputed that free sale component flats have been sold,



**CONDITION FOR PROVIDING PARKING IN
REHAB COMPONENT CANNOT BE DEFERRED.**

The joint Committee has categorically found violation of the EC condition. Remedial action needs to be taken by a joint Committee of statutory regulators.

10. Accordingly, we direct the Slum Rehabilitation Authority in coordination with SEIAA and SPCB, Maharashtra to hold joint meeting within one month and take remedial action inter-alia by restraining the PP from any further alienation till EC condition is complied with or till the joint Committee finds compliance. The application is disposed of."

(Emphasis supplied).

The Applicant submits that these Respondents have added words to the Order of the Hon'ble Tribunal as stated above. These words have been added as under:

ORDER OF THE HON'BLE TRIBUNAL:

"condition for providing parking in the Rehabilitation component *cannot be deferred.*"

**WORDS WHICH HAVE BEEN ADDED TO THE ORDER OF
THE HON'BLE TRIBUNAL BY THESE RESPONDENTS:**

**"condition for providing parking in the Rehab component
can be deferred by 3 years"**



The Applicant submits that since these Respondents have added words to the categorical order of this Hon'ble Tribunal, accordingly, their stand that the providing parking can be deferred by 3 years be outrightly rejected as it gets assailed by the abovementioned well-accepted legal maxim - '*A verbis legis non recedendum est*'.

7.2 GROUND NO. 2:

The Environment Clearance granted to the Project Proponent expired on 27 January, 2023 – no work on parking tower possible without Environment Clearance, which will take several years since this is a Category B-1 Project:

The Applicant submits that the Project Proponent had received Environment Clearance on 28 January, 2016. Since as per the Environment Impact Assessment Notification of 2006, the validity of the Environment Clearance is for 7 years, therefore, this Clearance has expired on 27th January, 2023. Unfortunately, notwithstanding the said expiry of Environment Clearance, work is going on at the site especially of the interiors and also the Hotel building.

The Applicant further submits that this is a Category B-1 project since the aggregate Built-up Area is more than 1.5 lakh square metres. Accordingly, as per the Notification the following procedure is required to be followed:

- (A) The Project Proponent will have to make an application for fresh Environment Clearance.



- (B) The State Level Expert Appraisal Committee shall then examine the same and then will prepare the "Terms of Reference" based on which Environment Impact Assessment studies would be conducted.
- (C) Environment Impact Assessment studies would take more than 1 year to complete because, data analysis of all the 4 seasons would have to be done.
- (D) After collection of data and information a fresh "Environment Impact Assessment Report" would have to be prepared for the consideration of the State Level Expert Appraisal Committee and the State Level Environment Impact Assessment Authority.

It is pertinent to note that the Project Proponent still does not seem to have made any application for Environment Clearance.

Once such an application is made, then to comply with (A) to (D) above, it will take about 1½ to 2 years to obtain Environment Clearance. Only thereafter, the Project Proponent can start the foundation work for the, inter alia, 30-floor proposed parking tower.

The Project Proponent had given an assurance through a Registered undertaking that he would make parking towers in 3 years i.e. by 20th March, 2025. Thus, as of date the residual time available is only 1 year and 6 months.

Considering the above, it is impossible for the Project Proponent to make parking towers of 30 floors in 18 months' time, especially, when as of date, the Project Proponent has not even moved to take



9. Definition of Violation and Non-compliance: The Standard Operating Procedure (SoP) considers 'Violation' & 'Noncompliance' from the following perspective:

i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure - Guiding Principles:

i. Without prejudice to any other consequences, action has to be initiated under section 15 read with section 19 of The Environment (Protection) Act, 1986 **against all violations**.

ii. Projects not allowable/ permissible, for grant of EC, as per extant regulations: To be demolished.

iii. **Projects allowable/permissible, if prior EC had been taken as per extant regulations:** To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.



The Applicant submits that it is a matter of record, duly inferred by the Hon'ble Tribunal in its Final Order dated 2nd February, 2022, that there has been a violation of the Environment Clearance condition, by not providing 500 number parking. Accordingly, in terms of the Office Memorandum dated 7th July, 2021, it becomes a case under the category '**Violation**' & '**Non-compliance**' for which '**Polluter-Pays Principle**' ought to be mandatorily applied.

Accordingly, till the time this case is processed as a "Violation Case" there cannot be any question for applying for a fresh Environment Clearance for constructing the parking towers which the Project Proponent is proposing to be done by 20th March, 2025.

In other words, what the Project Proponent has stated and accepted by the Slum Rehabilitation Authority and the Maharashtra Pollution Control Board is a theoretical impossibility, and it would be naïve for the Applicant to presume that the Authority and the Board is unaware of such an impossibility.

7.4 GROUND NO. 4:

The Project Proponent with the cooperation of the Slum Rehabilitation Authority is misleading this Hon'ble Tribunal – The land where parking is proposed is fully encroached with slums:

The applicant submits that the project proponent has tried to mislead this Hon'ble Tribunal, for the reason that the location where the Project Proponent has shown the parking towers, that land is



completely encroached and that the removal of encroachment itself takes several years. Accordingly, it is impossible for the project proponent to complete the construction of parking towers by such and such date.

That the said land is completely encroached is apparent from the latest Google Earth Satellite Photograph, a copy of which is annexed hereto and marked as **ANNEXURE-'A-3'**.

In short, the Project Proponent is trying to mislead this Hon'ble Tribunal with an undesirable connivance of the Maharashtra Pollution Control Board and the Slum Rehabilitation Authority. Accordingly, it would be in the fitness of things for this Hon'ble Tribunal to take a serious note of such an undesirable disposition of such Statutory Authorities who ought to be committed to enhancing the environment and not to preside over its destruction through nepotistic actions.

7.5 GROUND NO. 5:

The Project Proponent it has not come with clean hands because it has clearly violated the order of this Hon'ble Tribunal by selling flats thousands of crores at a time when he was not allowed to sell the flats – no equity can be granted to the Project Proponent:

The Applicant submits that it is a matter of record that notwithstanding the order of this Hon'ble Tribunal, the Project Proponent had the audacity to contemptuously and openly defy the binding Order of this Hon'ble Tribunal dated 2nd February, 2022



(annexed above as **ANNEXURE-'A-1'**), and thereupon, he has sold apartments worth several thousand crore, and which have been very elaborately submitted with evidence before this Hon'ble Tribunal in the Main Execution Application.

However, none of the Respondents have chosen to reply on this pointed fact, except that a spacious plea has been taken that 2 flats which would cover the cost of the parking tower has been kept as lien.

The Slum Rehabilitation Authority and the Project Proponent have simply added their own words to this element of the Order of this Hon'ble Tribunal where **the order was not to alienate any of the flats in the project and not just 2 flats.**

In short, with reference to the compliance of the order of this Hon'ble Tribunal, to not to sell the flats, the Slum Rehabilitation Authority and the 'Project Proponent' both have added words to the Order of this Hon'ble Tribunal as under:

"10. Accordingly, we direct the Slum Rehabilitation Authority in coordination with SEIAA and SPCB, Maharashtra to hold joint meeting within one month and take remedial action inter-alia by restraining the PP from any further alienation till EC condition is complied with or till the joint Committee finds compliance. The application is disposed of." (Emphasis supplied).

The Applicant submits that these Respondents have added words to the Order of the Hon'ble Tribunal as stated above. These words have been added as under:



ORDER OF THE HON'BLE TRIBUNAL:

*"restraining the PP **from any further alienation** till EC condition is complied."*

WORDS WHICH HAVE BEEN ADDED TO THE ORDER OF THE HON'BLE TRIBUNAL BY THESE RESPONDENTS:

*"restraining the PP **from alienation of 2 of more than 400 apartments** in the project till EC condition is complied"*

*In view of the above, this action of the Project Proponent is clearly assailed by the well-accepted legal maxim, '**A verbis legis non recedendum est**', i.e. "**From the words of law, there must be no departure**" and which has also been referred to in the foregoing.*

7.6 Environment Clearance was transferred to another entity in violation of the Environment Impact Assessment Notification of 2006:

The developer respondents have claimed that the Office Memorandum related to the transferability of Environment Clearance was issued after the impugned environment clearance was granted.

This claim of the respondents in fact does not help them all and in fact it deteriorates their case. This can be appreciated by evaluating the two provisions, that is, the one before Amendment, and the one After Amendment.



PRE-AMENDED PROVISION:**11. Transferability of Environmental Clearance (EC):**

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

PARA ADDED THROUGH AMENDMENT:

(1A) A prior-Environmental Clearance granted for a specific project, except mining projects may be split amongst two or more legal persons, entitled to undertake the project and transferred during the validity to another legal person on application made by the transferor in the format specified on PARIVESH portal to the concerned Regulatory Authority along with requisite documents. The concerned Regulatory Authority shall split and transfer the prior-Environmental Clearance, on recommendation of the concerned Expert Appraisal Committee to the other legal persons for the respective projects.

From the aforesaid provision of law, it is apparent that in the pre-amended Environment Impact Assessment Notification of 2006, there was no provision for a joint development. This was introduced for the first time vide amendment dated 21st April, 2023.

Be that as it may, in either case, whether it is transfer of Environment Clearance or whether it is a case of joint development, there has to be a specific order to that effect passed by the State Level Environment Impact Assessment Authority.

Needless to add that in this case, there has been no specific order of the State Level Environment Impact Assessment Authority,



whereby a joint development was permitted by 2 Developers. Therefore, the impugned Environment Clearance becomes legally untenable and it seriously violates the Environment Impact Assessment Notification of 2006.

8. Considering the aforesaid, it is apparent that the contentions put forward by the Developer Respondents are simply preposterous and ought to be rejected. Accordingly, the Applicant humbly reiterates that the contentions raised by these Respondents, in their Affidavits-in-Reply be rejected and the prayers made in the Appeal be made absolute.

APPLICANT

VERIFICATION

I, Santosh Patil, Flat No. 1208, Rehab Bldg no. 04, Shree Sai Sundar Nagar CHS, Sadanand Hasu Tandel Marg, Prabhadevi, Mumbai - 400025, on behalf of the Applicants do hereby verify that the contents of aforesaid paras in this Rejoinder to the Affidavit-in-Reply of above referred Respondents, are true to my personal knowledge and belief and that I have not suppressed any material fact.

DATE: 19th September, 2023.

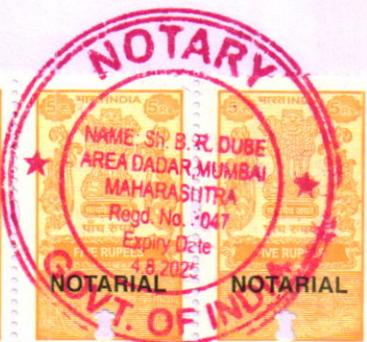
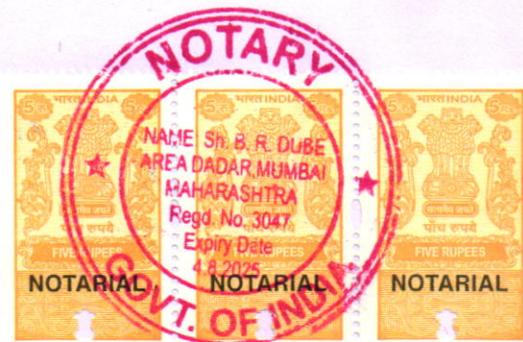
PLACE: Mumbai

APPLICANT BEFORE ME

19/09/2023

Sh. B. R. DUBE
B. Sc. (Hons.) LL.B., Reg. No. 3047
Advocate & Notary Public
Govt. of India
7/106, Lady Ratan Complex,
D. S. Marg, Worli, MUMBAI - 400 018.

Notary Regi. No. 108
Sr. No. 71113 Date 19/09/2023



15
ANNEXURE-'A-1'



329

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PUNE BENCH**

(By Video Conferencing)

Org. Application No. 05/2021(WZ)

(With report dated 08.11.2021)

Santosh Patil & Anr. (Mumbai-Maharashtra)

Applicant(s)

Versus

Member Secretary State Level Environment
Impact Assessment Authority & Ors.

Respondent(s)

Date of hearing: 02.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Aditya Pratap, Advocate

Respondent(s): Mr. Aniruddha S. Kulkarni, Advocate for SEIAA & MPCB
Mr. Girish Utangale, Advocate for R-2
Mr. Mayur Khandeparkar, Advocate for R-4 & 5

ORDER

1. Prayer in this application is for compliance of Environmental Clearance (EC) conditions in the matter of providing parking facility by the project proponents (PP) - Respondent Nos. 4 and 5, M/s Skylark Buildcom Pvt. Ltd., Mumbai and M/s Oberoi Realty Limited, Mumbai who have jointly developed an Area Development Project under Slum Rehabilitation Scheme (SRS) at FP No. 1076, 1078 of TPS - (IV) of Mahim Division for Sai Sundar Nagar CHS and other amalgamated societies. The PP have taken EC dated 28.01.2016 issued by SEIAA, Maharashtra which has following condition:-



“Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.

Parking for Existing and Proposed Development (Sale Building): 1726 No's. Rehab: 500 No.s”

2. The matter was considered on 04.06.2021. The Tribunal constituted a joint Committee comprising CPCB, State PCB and SEIAA, Maharashtra to ascertain status of compliance of EC condition after visit to the site and interaction with the stakeholders. The matter was thereafter, considered on 07.09.2021, 09.11.2021 and 14.12.2021 and was deferred to today for further proceedings.

3. Report of the joint Committee dated 08.11.2021 has been filed after undertaking visit to the site of the project on 22.10.2021 and also giving opportunity to the Project Proponent to submit relevant documents. The Committee concluded that the EC condition of providing 500 parking for rehab buildings has not been complied with. Observations, findings and conclusions in the report are as follows:-

“2.0 Observations and findings

Based on the preliminary information received from various organisations, and followed by site inspection to assess the issue mentioned in the aforesaid Hon'ble NGT Order, the observations & findings of the Committee are given as below:

- i. *The project proponent has obtained environment clearance vide no. MoEF-21-72/2008-IA-III/TCE, dated 23/03/2009 for development of Skylark Heights (Amalgamated SRA scheme) at FP No. 1076, 1078 of TPS- (IV) of Mahim Division. The total plot area is 39,701 sq-m and the total proposed built-up area is 2,64,770.33 sq-m. Further, the project proponent has obtained modification in environment clearance for the said project vide no. SEIAA-2011/4868/CR-107/2011, dated 06/03/2012. The total plot area is 38,857.5 sq-m and the total proposed built-up area is 2,64,770.33 sq-m and the proposed building configuration is Rehab: 14 buildings with G + 10-22 floors; flats: 2,228 nos. shops: 140 nos. welfare center: 67 nos. sale: Tower A: 3 basement + LG+ UG + 4 podium + 1 — 57 floors and flats: 30 nos. and Tower B: 3 basement + LG+ UG + 4 podium + 1 —11 floors with commercial area, shopping and food court.*



Further, the project proponent has obtained environment clearance for mixed use (hotel & residential) project at FP No. 1076, 1078 of TPS- (IV) of Mahim Division vide no. SEAC-2013/CR-135 (I)/C-I, dated 28/01/2016. The total plot area is 83,853.83 sq-m (due to amalgamation of new plots) and the total proposed built-up area is 6,43,000 sq-m and the proposed building configuration is Rehab: 25 buildings with G + 30 floors; flats: 4,502 nos. shops: 141 nos. welfare center, balwadi & society center: 127 nos. sale: Tower A (hotel & residential): 3 basement + LG+ UG + 4 podium + 31 floors with **250rooms and 32 — 65 floors with 56 nos. flats and roof top helipad and Tower B (residential): 3 basement + LG+ UG + 4 podium + 89 floors with 260 nos. flats. The copies of the Environment Clearance of 2009, 2012 and 2016 are given at Annexure-II to IV respectively.**

- ii. **As per the environment clearance of 2012, the project proponent has declared that 1,432 nos. of parking shall be provided for the existing and proposed development (sale building). Whereas, as per environment clearance of 2016, the project proponent has declared that 1,726 nos. of parking shall be provided for the existing and proposed development (sale building) and 500 nos. of parking shall be provided for rehab building.**
- iii. The project proponent had been granted Consent to Establish by MPCB vide format no.1.0/BO/CAC-CELL/UAN No. 0000016518/E/7th CAC-1903000839, dated 15/03/2019, for the construction of residential and hotel building under SRA scheme in Red category with total plot area of 83,853.83 sq-m and total built-up area of 6,43,000 sq-m. Subsequently, the project proponent has obtained consent to operate, part of the rehab building no. 7, 8, 10, 11, 12 & 13 from MPCB vide dated 26/03/2019 and valid up to 31/10/2020. It is gathered that the project proponent has applied for renewal of consent to operate for the aforesaid 06 nos. of rehab buildings to MPCB vide dated 04/10/2021. The issuance of renewal of consent to operate is pending before the MPCB
- iv. Also, the project proponent has applied for consent to operate for the remaining rehab buildings no. 1, 2, 3, 4, 5, 6, 9 and 14 to MPCB vide dated 07/10/2021. The issuance of consent to operate is pending before the MPCB.
- v. It is gathered from the MPCB vide letter no. MPCB/ROM/ID/2007240001, dated 24/07/2020 that MPCB has issued interim directions under the Water (Prevention & Control of Pollution) Act, 1974; Air (Prevention & Control of Pollution) Act, 1981 and Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 based on the inspection of MPCB officials vide dated 31/12/2019 and personal hearing convened with project proponent on 04/07/2020 for the non-compliances observed w.r.t. not obtaining revalidation of consent to establish; not renewing the consent to operate for the part of rehab buildings; not recycling the treated sewage water @ 60% for secondary



purpose and not providing 500 nos. of parking for the rehab buildings. The copy of interim directions issued by MPCB to the project proponent is given at **Annexure-V**. The copy of reply submitted by the project proponent to MPCB vide dated 10/01/2021 is given at **Annexure-VI** for kind information.

- vi. It is gathered from the reply submitted vide dated 10/01/2021 by the project proponent that as per para 4 of the aforesaid reply "... The already completed buildings are approved and constructed as per old DCR where there was no provision of parking for such size of tenements. In the revised environment clearance the parking for such size tenement is proposed as per New DCPR, and we are bound to provide the proposed parking and we are planned the same in our future."
- vii. During joint committee inspection, it is observed that out of 25 rehab building sanctioned as per environment clearance of 2016, the project proponent has constructed only 14 no. of rehab buildings. As per the environment clearance condition, as per the reply submitted by the project proponent to MPCB vide dated 10/01/2021 and during the joint committee inspection vide dated 22/10/2021 that the project proponent has not yet provided 500 nos. of parking for the rehab buildings.
- viii. Further, the joint committee during its site inspection vide dated 22/10/2021 had requested the project proponent to submit the following documents/records;
- a. 1998 first IOA for Rehab Building no. 1 — Copy of plant and the IOA
 - b. Chronology of events w.r.t. sanctioned building plans
 - c. Reports of approval while granting IOA
 - d. Chronology of events w.r.t. date-wise sanction of commencement certificate plinth checking certificate
 - e. Before sanctioning of fresh environment clearance of 2016, no. of buildings constructed supported with all necessary documentary evidences.
 - f. Copy of traffic management plan along with all necessary documents submitted while grant of environment clearance of 2009, 2012 and 2016.
 - g. Information regarding whether the project proponent had been obtained amended environment clearance for reduction of height of the building.
 - h. Comparative statement of environment clearance granted vide 2009, 2012 and 2016 w.r.t. plot area, building plans, configuration and other mandatory services especially provision of parking facility as per DCR.

However, the project proponent has not submitted the above requisite information to the joint committee till date i.e. 08/11/2021.

3.0 Conclusions

The project proponent has obtained environment clearance vide 2009, 2012 and 2016 and observed that the total plot area and built-up area has been revised from time to time by obtaining



amendment of the environment clearance. As per the environment clearance condition, and as per the reply submitted by the project proponent to MPCB vide dated 10/01/2021 and during the joint committee inspection vide dated 22/10/2021 that the project proponent has not yet provided 500 nos. of parking for the rehab buildings. Therefore, the project proponent has non-complied w.r.t. environment clearance conditions especially provision of 500 nos. of parking facility for the rehab building.

The project proponent has applied for renewal of consent to operate for the 06 nos. of rehab buildings (building no. 7, 8, 10, 11, 12 & 13) to MPCB vide dated 04/10/2021. The issuance of renewal of consent to operate is pending before the MPCB. Also, the project proponent has applied for consent to operate for the remaining rehab buildings (building no. 1, 2, 3, 4, 5, 6, 9 and 14) to MPCB vide dated 07/10/2021. **The issuance of consent to operate is pending before the MPCB. Further, the project proponent has not yet provided the desired information to the joint committee."**

4. The Project Proponent has filed response to the report of the Committee. The defence of the PP is that requirement of providing 500 car parking need not be complied till entire project is completed on the larger area. Development of a portion of the project has not even commenced and thus, there is no non-compliance. Affidavit of the Project Proponent is extracted below:-

"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 phases. **The construction of additional rehab buildings as well as the balance car parking 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 car parking 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 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 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 10⁶ 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.**"

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 where under 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.

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."

5. We have heard learned Counsels for the parties. Learned Counsel for the applicant submitted that the project in question is a part of slum rehabilitation scheme under which old slums are to be demolished and slum dwellers provided flats. To cover the cost and provide profit to the PP, a part of the project is allowed as 'free sale' component. The present project is as follows:-

"A. About 2300 tenements constructed in 14 buildings mainly compromising Ground + 10 floors and Ground +22 floors.

Parking provided for these 2,300 flats = 0

B. About 260 super luxury flats. Many of these flats have been sold to renowned industrialists and Bollywood Celebs.

Parking provided for the 260 Super-Luxury Flats = 1726 cars"

6. EC conditions dated 28.01.2016 is as follows:-

"Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized." (Emphasis supplied).

"Parking for Existing and Proposed Development (Sale Building): 1726No's. Rehab: 500 No's."

7. Despite of above EC condition, not a single parking has been provided in the rehabilitation tenements resulting in extreme congestion. In free sale component, parking has been provided and the flats have been sold. The applicant has relied upon the report of the Committee and also stand of the PP. Plea of the PP that parking of the rehab component



will be provided after the entire scheme is completed, is against the EC condition.

8. Learned Counsel for the Project Proponent submitted that the scheme is ongoing project and parking will be provided in due course. EC condition has been brought only in 2016 and all proposed 25 SRA buildings have still not been completed.

9. We have duly considered the rival submissions and find that the stand taken by the PP cannot be accepted. Once it is undisputed that free sale component flats have been sold, condition for providing parking in rehab component cannot be deferred. The joint Committee has categorically found violation of the EC condition. Remedial action needs to be taken by a joint Committee of statutory regulators.

10. Accordingly, we direct the Slum Rehabilitation Authority in coordination with SEIAA and SPCB, Maharashtra to hold joint meeting within one month and take remedial action *inter-alia* by restraining the PP from any further alienation till EC condition is complied with or till the joint Committee finds compliance.

The application is disposed of.

A copy of this order be forwarded to Slum Rehabilitation Authority, SEIAA and PCB, Maharashtra by e-mail for compliance.



Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Vijay Kulkarni, EM

Dr. Afroz Ahmad, EM

February 2, 2022
Org. Application No. 05/2021(WZ)
SN



ANNEXURE-'A-2'

F. No. 22-21/2020-IA.III
 Government of India
 Ministry of Environment, Forest and Climate Change
 Impact Assessment Division

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj
 New Delhi - 110003
 sujit.baju@gov.in

Date: 7th July, 2021**Office Memorandum**

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. & Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority & Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SELAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

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Sujit

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014). The salient extracts of the judgements are as under:**

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

"(...) the proposal of the petitioner company for environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws."

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

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*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***"

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: "(...) an EC will come into force **not earlier than the date of its grant.**"*

Issue 3: 'Principles of Proportionality' – to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: "(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**"*

Issue 4: 'Polluter pays' principle &

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

a) *The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....*



b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:



i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/ permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/ permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/ production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.



Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

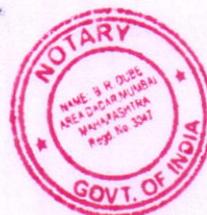
(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may be **permissible but not environmentally sustainable in its present**

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form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

- a. **For new projects:**
- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
 - ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. **For expansion projects:**

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

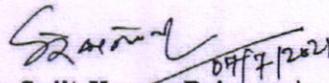
- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior



Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
- iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

14. This is issued with the approval of the Competent Authority.


 (Dr. Sujit Kumar Bajpayee)
 Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

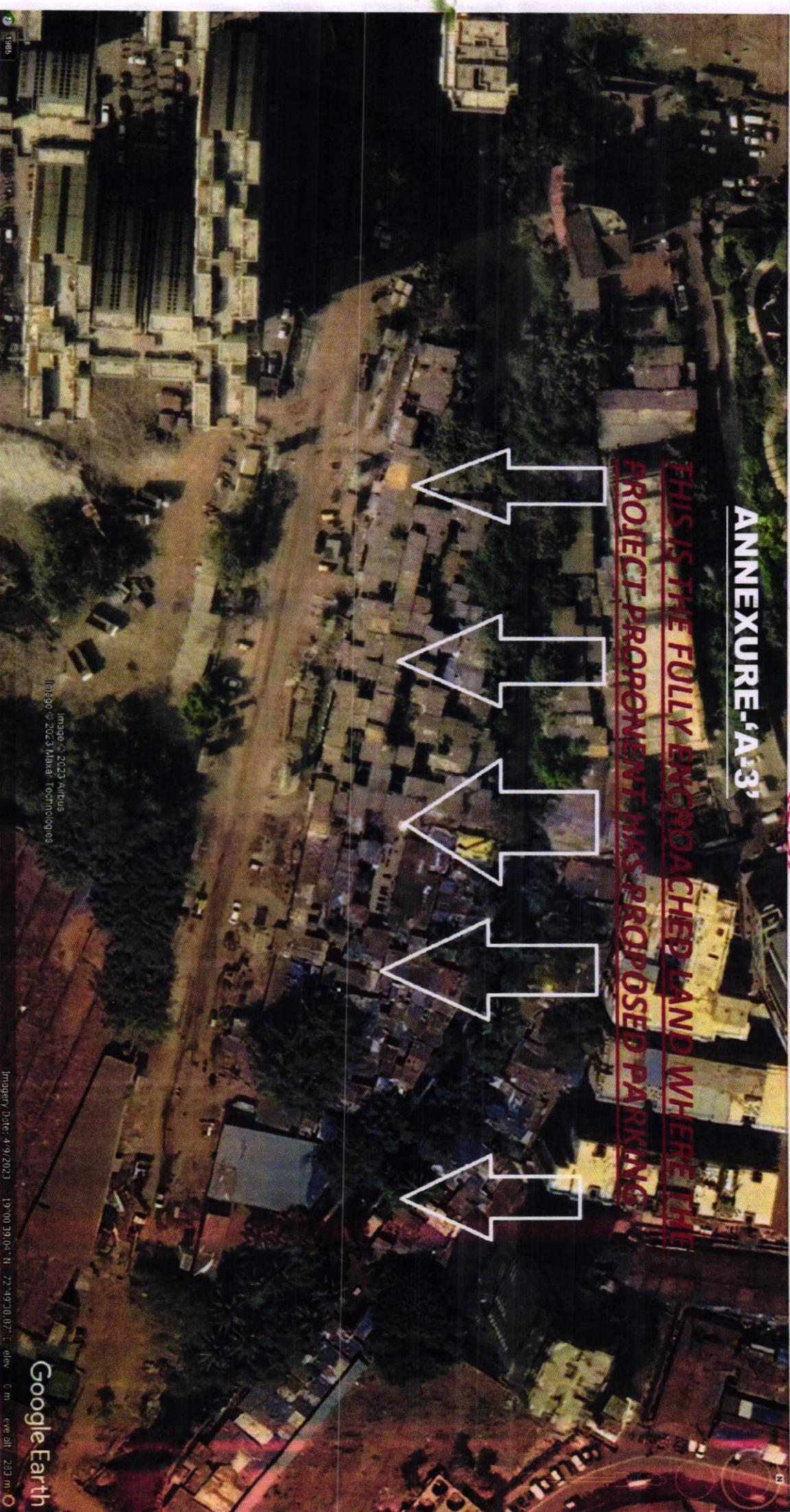
Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors. (order dated 24.05.2021).

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ANNEXURE-'A-3'

THIS IS THE FULLY ENCROACHED LAND WHERE THE PROJECT PROPONENT HAS PROPOSED PARKING

Image © 2023 Airbus
Imagery © 2023 Maxar Technologies

Imagery Date: 4/9/2023 19°00'39.04" N 72°49'30.07" E elev: 0 m eye alt: 283 m

Google Earth