

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE, AT PUNE
ORIGINAL APPLICATION NO. 148 OF 2016**

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.Applicants

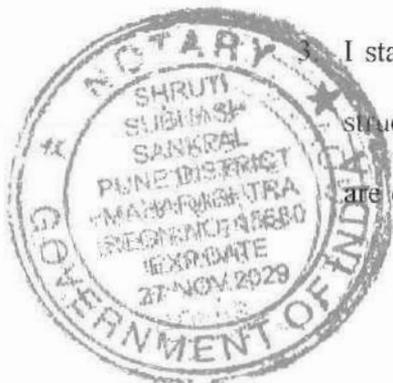
VERSUS

The Principal Secretary,

Environment Department and Ors.Respondents

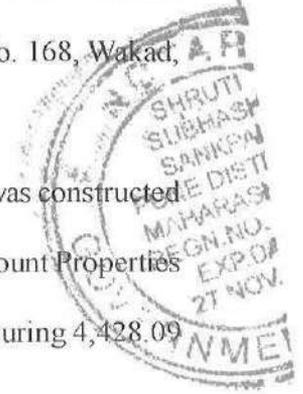
**COUNTER REPLY ON BEHALF OF RESPONDENT NO.12-MADHUPUSHPA
PHASE I COOPERATIVE HOUSING SOCIETY LTD.**

1. I state that the Applicant herein has filed the present Original Application No. 148 of 2016 before this Hon'ble Tribunal seeking demolition of the structures standing on Survey No. 168, Village Wakad, Tal. Mulshi Dist. Pune undertaken by the Respondent No. 10 & 11. The Applicant is seeking demolition of the structures on the ground that the said projects has been carried out without adhering to the environmental norms more specifically to the EIA Notification, 2006 and not obtaining consent under Water and Air Act.
2. At the outset it is submitted that all the allegations, averments, statements and contentions made by the Applicant in the present Original Application are false, frivolous, bogus, vexatious and are in any event denied. None of the contentions and facts raised in the present case should be deemed to have been admitted by the Answering Respondent unless specifically admitted herein for the reason of non-traverse.
3. I state that the Survey No. 168 consists of **Three Plots**, Plot No. 1, 2 and 3. The structures which are under the challenge consists of two different Projects which are developed on two different Plots by two different developers with a 12 meter



wide DP Road in between of the two Projects. Details of the two projects are as follows:-

- i. Madhupushpa Phase I Cooperative Housing Society Ltd. Respondent No. 12 which was constructed and developed by the Respondent No. 10 M/s Parmount Gaurav Shelters Pvt. Ltd. on **Plot No. 1**, Survey No. 168, Wakad, Pune admeasuring 10,097.95 Sq. Mtrs.
- ii. Altissimo Cooperative Housing Society Respondent No. 13 was constructed and developed by the Respondent No. 11 M/s Karan Tej Parmount Properties Pvt. Ltd. on **Plot No. 3**, Survey No. 168, Wakad, Pune admeasuring 4,428.09 Sq Mtrs.



4. I state that the Answering Respondent is the Co-operative Society consisting of 181 members. This project was constructed by Respondent No. 10-M/s Parmount Gaurav Shelters Pvt. Ltd. on Plot No. 1, Survey No. 168, Wakad, Pune admeasuring 10,097.95 Sq. Mtrs. within the limits of Pimpri Chinchwad Municipal Corporation Respondent No. 5. That on 31/03/2012 Respondent No. 5-PCMC has issued final Occupancy Certificate to this Project. Hereto marked and annexed as “**Annexure R12-A**” is the copy of the Occupancy Certificate. After completion of the project possession of the 181 Flats was handed over to the 181 members of the Answering Respondent.
5. I state that thereafter the members of the Answering Respondent formed a Cooperative Housing Society which was registered on 07/11/2013. Hereto marked and annexed as “**Annexure R12-B**” is the copy of the Society Registration Certificate. Thereafter, Respondent No. 10 registered a Conveyance Deed in favour of Answering Respondent on 09/10/2019 which is registered in the office of Sub Registrar Haveli 14 at Serial no. 18671/2019 conveying the ownership and rights

over Plot No. 1 in favour of Answering Respondent, accordingly as per the Deed all the Rights and Title over the Plot No. 1, Survey No. 168, Wakad, Pune.

6. I state that Plot No. 1 has separate 7/12 extract (mutation entry) in the land records reflecting the name of Answering Respondent. Hereto marked and annexed as the **"Annexure R12-C"** is the copy of 7/12 extract. I state that there is separate Demarcation Plan of the Plot No. 1 on Survey No. 168 issued by Land Records Department Government of Maharashtra reflecting that Plot No. 1 is a separate plot altogether. Hereto marked and annexed as **"Annexure R12-D"** is the copy of Demarcation Plan of Plot No. 1.
7. This Hon'ble Tribunal vide Judgment dated 26/09/2023 in the case of Original Application 20 of 2020 Tanaji Gambhire Vs UOI & Ors. (Maa Sankalp Buildcon LLP) case have framed a Issue *"Whether the Phase-I & II and Phase-III & IV are integral part of one single project undertaken by respondent No.12 – Project Proponent or they should be treated to be two different projects?"*. This Hon'ble Tribunal held that *".....two different projects which are adjacent to each other and hold different permissions, plinth checking certificates, completion certificates, side spaces and separate amenity spaces, which clearly prove that the said projects are two different projects and not one as is being tried to be asserted by the applicant. We decide the issue No.(i) accordingly, holding that the projects namely "Sai Dwarika" at Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 as Phase-III and IV and Survey Nos.40/1/3/2, 40/1/4 and 40/1/5 as Phase-I and II at village Yewalewadi, Taluka Haveli, District Pune, are two different projects."* Here to marked and annexed as **"Annexure R12-E"** is the copy of Judgment.
8. Therefore, I say and submit our society Plot being an independent Plot has separate Entry-Exit points, separate Amenity space, separate open spaces, separate side margins, separate garden, separate parking, separate solar hot water system,



separate rain harvesting system, separate firefighting system. Answering Respondent Society and Respondent No. 13 Altissimo Cooperative Housing Society is altogether different project on different Plot numbers and are separated by 12 metre DP Road. Answering Respondent society is situated on right side of the DP road and Respondent No. 13 society of the left side of the DP road. Hereto marked and annexed as the "Annexure R12-F" is the copy of google images showing the said Plot.

9. I state that Plot No. 1 and Plot No.3, S No. 168 are Two different plots divided by a Road which is clearly reflected in the Development Plan of Pimpri Chinchwad since 2009 which is uploaded on PCMC website as well. Hereto marked and annexed as the "Annexure R12-G" is the copy of 2009 Development Plan of Pimpri Chinchwad.
10. I state that apart from the above our Project Proponent has separate permissions, separate Plinth Checking Certificates, separate Completion Certificates, separate Occupancy Certificate, Open spaces, independent Amenities Spaces and Separate Entry-Exit Points, thus making it independent of all.

11. **Preliminary objection:**

The present Original Application filed by the Applicants is barred by limitation in terms of section 14(3) of the NGT Act, 2010.

- a. Section 14(3) of the NGT Act, 2010 reads as follows:

"14....

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:



Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days....”

- b. I state that this Original Application was filed on 14/09/2016 i.e. after the Occupancy / Completion Certificate was granted to Plot of Answering Respondent developed by Respondent No. 10-PP by Respondent No. 5-PCMC on 31/03/2012. It is most respectfully submitted that the construction of the said project was completed prior to filing this present Original Application.
- c. I state that as per Section 14 (3) of the NGT Act limitation commenced from the date of on which the cause of action first arose. In the present case the Original Application is filed after the Project was completed and Completion Certificate was issued. As per the Act limitation starts from the date of commencement of construction and not completion of project.
- d. I state that in terms of the facts relied upon by the Applicants itself is his Original Application, in para 23 of the present application while claiming that the present application is within limitation it is the case of the applicant that since the Applicants got sufficient information and knowledge about gross alleged violations of various environmental laws on 15/07/2016. Therefore, as per the applicants the present matter is within limitation.
- e. This Hon'ble Tribunal vide its order dated 01/12/2022 in the case of Original Application No. 63 of 2019 (WZ) Ajay Jayvatrao Bhosale Vs Union of India & Ors while considering the similar issue regarding the cause of action and has held that

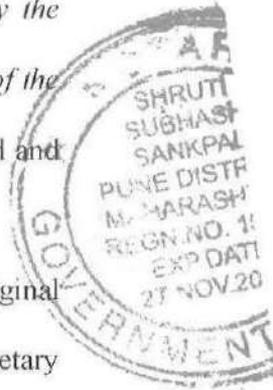


“the pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period we agree with the Learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considerate opinion that such kind of practice cannot be allowed....”

Therefore, mere receipt of the information cannot be construed as a cause of action and thus, the present application as filed by the Applicant fails to comply with the provisions of Section 14 (3) of the NGT Act, 2010 ought to be dismissed in limine. Hereto marked and annexed “Annexure R12-H” is the copy of Judgment.

- f. This Hon'ble Tribunal vide its order dated 03/09/2025 in the case of Original Application No. 147 of 2016 (WZ) Tanaji Gambhire Vs The Secretary Environment Department, Govt of Maharashtra & Ors, considered the issue on limitation of OA and has held that,

“.....Thus, in terms of the provisions of Section 14 (C) of the National Green Tribunal Act, 2010, the limitation to file Original Application is six months from the cause of action first arose. From the record, we find at page 94 of the paper-book, Occupancy Certificate, issued by respondent No.5 – PCMC, which has been filed by the applicants, which is with respect to the completion of construction on plot No.B, whereupon buildings D, E, F, G and commercial wing “C” are shown to have been completed by 30.03.2012. So with regard to the construction regarding these buildings on this plot, the cause of action could have been brought within six months, which obviously has



already expired and thereafter only, this matter has been filed by the applicants.

66. In view of above, if we consider these two plots B and C to be separate projects, then we will have to come to the conclusion that the issue with respect to illegal construction on plot No. B could not have been raised, being time-barred, but as regards the construction raised on plot No. C, it could have been raised because the present application has been filed within six months from the expiry of the date of limitation. However, in case we consider the project to be a joint one, which means the construction on both plot Nos. B and C is treated to be one single project, in that case, the cause of action would be reckoned from 30.04.2016 and in these circumstances, the whole project would be treated barred by limitation. This issue is decided accordingly.”

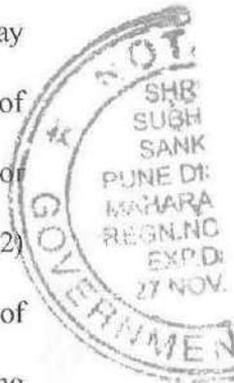
Hereto marked and annexed “**Annexure R12-I**” is the copy of Judgment dated 03/09/2025.

- g. Admittedly this Original Application was filed on 14/09/2016 i.e. after the completion of project i.e. Answering Respondent has received Occupancy Certificate from PCMC on 31/03/2012. Therefore, the present Original Application is severely barred by the limitation in terms of section 14 (3) of the NGT Act.
- h. I state that mere receiving information and knowledge about the violation of Environment Laws at any point of time cannot be considered to overcome the limitation period.



12. The Applicants has no locus standi to file the Original Application

- a. The present application as filed by the Applicant per se is devoid of merits and the present Applicant has no locus to file the present Application before this Hon'ble Tribunal. The Applicant while filing the present application has failed to mention as to under which provision of law the present Original Application is being filed by the Applicant. However, on perusing the contents of the application and the prayers sought in the present Original Application, it may be assumed that the Applicants are invoking the provisions of section 14 of the National Green Tribunal Act, 2010. Any application under section 14 of 15 needs to be made in consonance with the provisions of the section 18 (2) of the NGT Act, 2010. Section 18 (2) of the NGT Act, 2010 provides a list of persons who may seek remedies under the NGT Act. However, on perusing the contents of section 18(2) NGT Act, 2010 the present Applicants are not at all person aggrieved by the project in question. It is submitted that the present Applicants have no concern as such with the environmental impact of the project in question. On the contrary the Applicant has filed the present application without there being any element of public interest in the alleged concern for environmental damage or public welfare therefore, the Applicant is not covered under the provisions of the Section 18 (2) of the NGT Act, 2010.
- b. Under the provisions of section 14 and 15 of the National Green Tribunal Act, 2010, the Application filed before this Hon'ble Tribunal cannot be in a form of a Public Interest Litigation. The Applicant on the basis of the facts and circumstances of a case must demonstrate that he is directly or indirectly concerned with the adverse environmental impacts likely to be caused as a result of the alleged violation. In the present Original Application, the Applicant has completely failed to demonstrate as to how the Applicant is



affected under the provisions of section 14 of the National Green Tribunal Act, 2010. Thus, the present Applicant has no locus standi to prefer the present Application before this Hon'ble Tribunal as contemplated under the provisions of section 18(2) of the National Green Tribunal Act, 2010.

- c. I state that the issue of Locus and Limitation for the Environment Law violation is pending before Hon'ble Supreme Court in the case of Civil Appeal No. 1258 of 2018. This Civil Appeal is admitted by the Hon'ble Supreme Court on 29/02/2024 and is under consideration of the Hon'ble Supreme Court. Hereto marked and annexed as "Annexure R12-J" is the copy Order dated 29/02/2024. I state and submit that Respondent No. 11 the Developer of Respondent No. 13 society has also filed an Interlocutory Application No. 163170 of 2022 in aforesaid Civil Appeal which is also pending for the consideration before the Hon'ble Supreme Court. Vide order dated 05/09/2023 Hon'ble Supreme Court passed an order directing that IA No. 163170 of 2022 shall be heard along with Civil Appeal No. 1258 of 2018. Hereto marked and annexed as "Annexure R12-K" is the copy Order dated 05/09/2023.

- d. I say and submit that present Applicants has no Locus to file this Application.

13. **Plural remedies are not permissible under the NGT Act, 2010 and thus the present Original Application is not maintainable:**

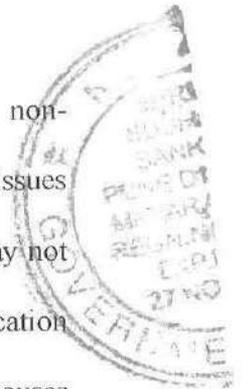
- a. The Applicant vide the present application has relied upon multiple causes of action which are distinct from each other. It is submitted that under Rule 14 of National Green Tribunal (Practice and Procedure) Rules, 2011, an application before this Hon'ble Tribunal ought to be based on single cause of action and multiple reliefs can be sought provided the same are consequential to one another. Therefore, the provisions of Rule 14, categorically bars plural



remedies in an application if the same are based on different cause of action. In the present Original Application the Applicant is relied on multiple cause of action and has sought reliefs in pursuance thereof.

- b. The Applicant in the present application under the guise of the non-compliance of the environmental clearance conditions has raised issues pertaining to MRTP Act and DC Rules and such other issues which may not be relevant to the environment. Thus, on a plain reading of the Application there is no ambiguity that the present application is based on multiple causes of action which are distinct from each other. The Hon'ble Tribunal in various judgements has categorically held that an application on multiple causes of action is not maintainable before this Hon'ble Tribunal as the same has to be based on a single cause of action as contemplated under Rule 14 of NGT Rules, 2011. In the present case as the application is based on multiple causes of action the same needs to be dismissed.
- c. I say and submit that applicant is with ill intention attempting to mix two different projects in present Original Application. Both the project are different situated on different plot numbers, therefore the present Application shall be dismissed.

14. It is further submitted that similar issues which are raised herein above were considered by this Hon'ble Tribunal vide an order dated 08/01/2018 in the Original Application No. 163 of 2016 whereby by this Hon'ble Tribunal rejected such preliminary issues. However, the said order is pending adjudication before the Hon'ble Supreme Court of India in Civil Appeal No. 1258 of 2018 filed under Section 22 of the NGT Act, 2010. In Civil Appeal No. 1258 of 2018 vide an Order dated 16/02/2018, the Hon'ble Supreme Court was pleased to issue notice and stayed further proceedings in the Original Application No. 163 of 2016. Thus, the



preliminary objections raised in the present the Original Application, by the Answering Respondents are the pending adjudication before the Hon'ble Supreme Court of India. Hereto marked and annexed as "Annexure R12-L" is copy of Order dated 16/02/2018.

15. This Hon'ble Tribunal vide its judgment dated 03/09/2025 in the case of Original Application No. 147 of 2016 (WZ) Tanaji Gambhire Vs The Secretary Environment Department, Govt of Maharashtra & Ors, has held that ,

"67. we have to decide as to whether two plots B and C and the construction thereon should be treated to be two different projects as stated by respondent No.5 – PCMC or should it be treated to be one combined project as is being claimed by the applicants. In this regard, we do not have an established yardstick or norms which we can apply and arrive on a conclusion, but in our opinion, it would be appropriate for us to see on the basis of documentary evidence produced by the parties on record, as to whether construction on these two plots was got sanctioned separately or was there combined sanction. Further, whether the amenities provided for the residents residing in the buildings constructed on these two plots would be enjoyed jointly, such as car parking, club-house and all other amenities, or were they to be enjoyed separately.

68. We find that the approval to the construction to be raised on plot No. B, of four buildings and the commercial buildings was obtained from respondent No. 5 – PCMC on 09.10.2009 initially, while the first sanction of approval for construction of the buildings on plot No.C was obtained on 09.03.2010 from PCMC. It has also come to light in the evidence that the construction on plot No.C could be started separately



because of some dispute being there while construction on plot No.B had started in March, 2010 prior to that. As regards amenities, the car parking and the club houses are provided for the buildings separately on plot Nos.B and C. Thus, this would lead us to believe that the construction on plot Nos.B and C should be treated to be separate scheme and not one scheme. Issue No.(II) is decided accordingly."

"69. In this regard, while observing with respect to Issue No.(II) above, we found that the construction which has been raised on plot Nos.B, against the same, the applicants cannot raise any objection with regard to the construction being in violation of EIA Notification, 2006, because the same is time-barred.

Admittedly Answering Respondent Society construction commenced in the year 2007 and was completed in March, 2012 i.e. Occupancy Certificate was received on 31/03/2012. Hereto marked and annexed as "Annexure R12-I" is copy of Judgment dated 03/09/2025.

16. In the vide its judgment dated 22/09/2025 in the case Original Application No. 105 of 2019 (WZ) Tanaji Gambhire Vs The Principal Secretary Environment Department, Govt of Maharashtra & Ors, it was held that,

"26. Another criteria on the basis of which we can decide as to whether this project should be treated as one single project, applied by us is that if a large residential complex shares common amenities like garden, club house, swimming pool, gymnasium and ancillary facilities on the open space, we will thereafter consider as to whether it is a single project or multiple projects. In this respect, we wish to refer to the sample sale-deed, which is at pages 21 to 303 of the paper-book, executed for Flat

No. B1 – 901 situated on 9th floor of building “CHESTER” of the complex known as “Nyati Eternity IV”.

Hereto marked and annexed as “**Annexure R12-M**” is copy of Judgment dated 03/09/2025.

Admittedly Answering Respondent has separate Entry-Exit points, separate Amenity space, separate open spaces, separate side margins, separate garden, separate parking, separate solar hot water system, separate rain harvesting system, separate firefighting system.

17. The members of the Answering Respondent have invested a huge amount for buying apartments. Some of the members have put their life investment in the said project to spend their rest of the life, hoping that their life savings would help them to have peaceful life in their old age. The members of Answering Respondent are residing at given address for last about 14 years and has now built their routine life around the said place. In terms thereof, if at all any adverse order is passed in present application against the Answering Respondent irreparable loss shall be caused to all members of Answering Respondent.

18. It is most respectfully submitted that this Hon’ble Tribunal is governed by principles of equity and good conscience. When huge amounts have been invested by members of Answering Respondent the balance of equity as on date is in favour of Answering Respondent. Since, equity and good conscience are guiding principles of this Hon’ble Tribunal, the Hon’ble Tribunal ought to consider equitable rights of all members of Answering Respondent by investing huge amounts, need to be considered by this Hon’ble Court.

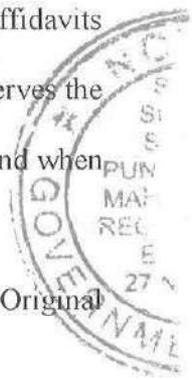
19. It is submitted that after receiving the notice of this Hon’ble Tribunal the Answering Respondent requested Respondent No. 10-PP to get an environment audit done of the subject Project by an accredited NABET Consultant.



20. I state and submit that accredited NABET coordinator from M/s Pollution and Ecology Control Services visited the site on 27/02/2024 and have submitted a Report dated 04/03/2024 which clearly mentions that our Answering Respondent is following all Environment Parameters which could have been directed to be followed even if in the event of claim or case of Environment Clearance to subject project. Hereto marked and annexed "Annexure R12-N" copy of Report dated 04/03/2024.

21. It is most respectfully seeks leave of this Hon'ble Tribunal to rely on such affidavits or documents as and when required. Also, the Answering Respondent reserves the liberty to file any further Additional Affidavit or any such documents as and when required.

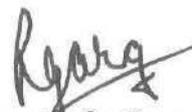
22. In the facts and circumstances mentioned herein above present Original Application ought to be dismissed with exemplary costs.



Pune

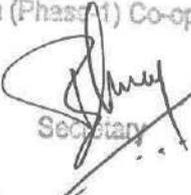
Date: 19/03/2026

Respondent No. 12


Advocate for Respondent

For Madhupushpa (Phase-1) Co-op. Hsg. Soc. Ltd


Chairman


Secretary

Treasure



VERIFICATION

I, *Mr. Narayan Bobde / Mr. Prasad Ghuse* Chairman / Secretary / Treasurer, Age Adult, of R12 Madhupushpa Phase I Cooperative Housing Society Ltd, do hereby verify that the contents of running paragraphs are true to my knowledge/based on records of the maintained in the ordinary course of business.

Solemnly Affirmed

Pune

Date: *19* day of March, 2026.

For Madhupushpa (Phase-1) Co-op. Heg. Soc. Ltd.

Narayan Bobde
Chairman

Prasad Ghuse
Secretary
Affiant



BEFORE ME

Shruti Subhash Sankpal

SHRUTI SUBHASH SANKPAL
ADVOCATE & NOTARY
GOVT. OF INDIA

Noted & Registered

at Series No *417/2026*

18 MAR 2026



Madhupushpa Phase I Cooperative Housing Society Ltd.

Sr. No. 168, (1A/1P, 1B/1P, 1C/1P, 1A/2, 1B/2, 1C/3, 1/2P)
Plot No. 1, Wakad Link Road, Wakad, Pune - 57
Reg. No. PNA / PNA / (3) HSG / TL / 15395 / 2013

Ref.

Date: 14/03/2026

RESOLUTION

RESOLVED THAT the Managing Committee hereby authorizes Adv. Mr. Rahul Garg, Advocate, to represent the Society in proceeding **bearing OA NO. 148/2016.**

RESOLVED FURTHER THAT the said Advocate is hereby authorized to draft, sign and file Vakalatnama, written statements, affidavits, applications, replies, written submissions, undertakings, and any other necessary documents for and on behalf of the Society.

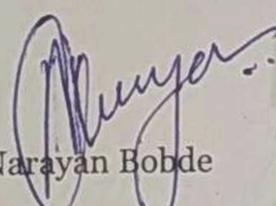
RESOLVED FURTHER THAT **Mr. Narayan Bobde (Chairman), Mr. Prasad Ghusey (Secretary) and Mr. Asoke Jana (Treasurer).** Are hereby authorized to sign the Vakalatnama, affidavits, verification, applications, documents and papers, to engage the Advocate, to give necessary instructions and to do all acts, deeds and things required for conducting the said proceedings.

RESOLVED FURTHER THAT this resolution shall remain in force until the conclusion of the said legal proceedings or until revoked by the Managing Committee by a subsequent resolution.

We, the undersigned office bearers of Madhupushpa phase 1 Co-operative Housing Society Ltd., hereby certify that the above resolution was passed in the duly convened meeting of the Managing Committee held on 17/11/2025, and the same is recorded in the Minutes Book of the society.

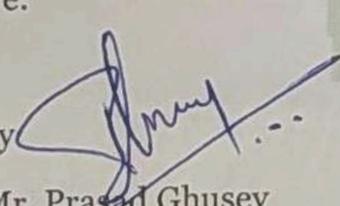
Chairman

Name: Mr. Narayan Bobde

Signature: 

Secretary

Name: Mr. Prasad Ghusey

Signature: 

Treasurer

Name: Mr. Asoke Jana

Signature: _____

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पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.



(मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ च्या २६३ (१) अन्वये)

भाग पूर्णत्वाचा बांधखला क्र.१०८/२०१२

मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २५३ व २५४ अन्वये मोजे वाकड येथील सर्व्ह.नं. १६८ प्र. मध्ये श्री. आनंदा गणपत वाघमारे व इतर करीता श्री.प्रमोद वाघमारे,श्री.अंध.पुणे. यांना इमारतीचे बांधकाम करण्यास कार्यालयीन आदेश क्र.बीपी/वाकड/२७/२००७. दि.२८/०३/२००७., क्र. बीपी/वाकड/२२/२००८. दि.०५/०३/२००८. क्र. बीपी/वाकड/११५/२००८. दि.१९/११/२००८, क्र. बीपी/वाकड/६७/२००९. दि.२९/११/२००९. बीपी/वाकड/१२५/२०१०. दि.२५/११/२०१०. बीपी/वाकड/१०५/२०११. दि.१९/०९/२०११. अन्वये परवानगी देण्यात आली होती, वरील परवानगी प्रमाणे अर्जदार यांना भाग इमारतीचे बांधकाम पूर्ण केलेमुळे ती श्री. आनंदा गणपत वाघमारे व इतर करीता श्री.प्रमोद वाघमारे,श्री.अंध.पुणे. यांना दिनांक.०१/०३/२०१२ पासून खालील नमुद केलेल्या इमारतीचा भोगवटा करणेस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम २६३ (१) अन्वये खालील अटीस आधीन राहून परवानगी देणेत येत आहे.

मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ च्या २६३ (१) अन्वये खालील अटीस आधीन राहून परवानगी देणेत येत आहे.
इमारतीचे वर्णन- (रेकॉर्ड प्लॅननुसार)

	इमारत सी		Twin Bungalow
मजले	नियामी गाळे क्रमांक	बांधकाम क्षेत्र चौ.मी.	तळ मजला २०५.८४ चौमी.
१ ला मजला	१०१,१०२,१०३,१०४,१०५.	३५२.२ चौ.मी.	१ ला मजला १९८.४६ चौमी
२ रा मजला	२०१,२०२,२०३,२०४,२०५,	३७५.९९ चौ.मी.	एकुण-४०४.३० चौमी.गाळे
३ रा मजला	३०१,३०२,३०३,३०४,३०५,	३७६.०२ चौ.मी.	क्र.१,२,३,४
४ था मजला	४०१,४०२,४०३,४०४,४०५,	३७५.९९ चौ.मी.	क्लब हाऊस
५ वा मजला	५०१,५०२,५०३,५०४,५०५,	३७६.०२ चौ.मी.	तळमजला ८०.२२ चौमी.
६ वा मजला	६०१,६०२,६०३,६०४,६०५.	३७५.९९ चौ.मी.	१ ला मजला ४०.१५ चौमी.
७ वा मजला	७०१,७०२,७०३,७०४,७०५	३७६.०२ चौ.मी.	एकुण-१२०.३७चौमी.
८ वा मजला	८०१,८०२,८०३,८०४,	२९१.२७ चौ.मी.	एकुण गाळे ५९+४=६३
९ वा मजला	९०१,९०२,९०३,९०४,९०५.	३७६.०२ चौ.मी.	एकुण क्षेत्र=४४+३.५२+४०४.३०
१० वा मजला	१००१,१००२,१००३,१००४,१००५,	३७५.९९ चौ.मी.	=४८०७.८२ चौ.मी.
११ वा मजला	११०१,११०२,११०३,११०४,११०५,	३७६.०२ चौ.मी.	
१२ वा मजला	१२०१,१२०२,१२०३,१२०४,१२०५,	३७५.९९ चौ.मी.	
	एकुण ५९ गाळे	४४+३.५२ चौ.मी.	

दाखला आज दिनांक. ३१-०३-२०१२ रोजी माझे सहिने व कार्यालयीन शिक्क्यानिशी दिना आहे.

पिंपरी-४११०१८.

स्थळ प्रतीवर भा. शहर अभियंता
यांची स्वाक्षरी असे.

शहर अभियंता, करीता.
पिंपरी चिंचवड महानगरपालिका,
पिंपरी, पुणे-१८

प्रत: १) सहा.मंडलाधिकारी
गांव-वाकड

२) श्री प्रकाश कुलकर्णी. ला. आर्कीटेक्ट, शनिवार पेठ, पुणे-३०



सत्यमेव जयते

नों. क्र. : पीएनए/पीएनए/(३)/स्वस्सजी/
टिसी/१५३६५/२०१३

महाराष्ट्र शासन
सहकार व वस्त्रोद्योग विभाग

नोंदणी प्रमाणपत्र

या प्रमाणपत्राद्वारे प्रमाणित करण्यात येत आहे की,

~~मधुपुष्प फेज I सहकारी वृहत्संस्था संस्था मर्यादित~~

~~स.नं. १६८ (१अ/१पै, १ब/१पै, १क/१पै, १/१पै; १आ/२, १ब/२,
१क/२, १ब/३, १क/३, १/२पै.) प्लॉट नं. १, वाकड, पुणे~~

ही संस्था महाराष्ट्र सहकारी संस्थांचे अधिनियम १९६० मधील (सन १९६१ चा महाराष्ट्र अधिनियम क्रमांक २४) कलम ९ (१) अन्वये नोंदण्यात आलेली आहे.

उपरिनिर्दिष्ट अधिनियमाच्या कलम १२ (१) अन्वये व महाराष्ट्र सहकारी संस्थांचे नियम, १९६१ मधील नियम क्रमांक १० (१) अन्वये संस्थेचे

वर्गीकरण " ~~वृहत्संस्था~~ " असून

उपवर्गीकरण " ~~मोडेकस सहकारीदारी वृहत्संस्था~~ " आहे.

स्थळ : पुणे

दिनांक ०७/११/२०१३



~~दिनेश चंदेल~~
उपनिबंधक, सहकारी संस्था
पुणे शहर (३) पुणे



महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- वाकड (९४४०८६)

तालुका :- मुळशी

जिल्हा :- पुणे



PU-ID : 17936732481

भुमापन क्रमांक व उपविभाग

१६८/१अ/६

17936732481

भुधारणा पद्धती भोगवटादार वर्ग -१

शेताचे स्थानीक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक आर.चौ.मी	४०८६	मधुकर बळवंत वाघमारे				(१६४३७)	कुळाचे नाव व खंड
		पुष्पलता मधुकर वाघमारे				(१६४३७)	
अकृषिक क्षेत्र		प्रशांत मधुकर वाघमारे				(१६४३७)	इतर अधिकार
बिन शेती १.००.९८		प्रमोद मधुकर वाघमारे				(१६४३७)	इतर
		-----सामाईक क्षेत्र-----	०.६६.४६	०.००			बिनशेती क्षेत्र १००९७.९५ चौ. मी. (१६४३७)
बिन शेती ०.००							
आकारणी	४३६३	माधव रघुनाथ वाघमारे	०.०२.४४			(१६४३७)	प्रलंबित फेरफार : नाही.
	१२५२९	मधुपुष्प सहकारी गृहवचना संस्था मर्यादित				(१६४३७)	शेवटचा फेरफार क्रमांक : १७०७० व दिनांक : ०८/०७/२०२१
		तर्फे चेअरमन					
		मधुकर बळवंत वाघमारे				(१६४३७)	
		सेक्रेटरी प्राची प्रमोद वाघमारे				(१६४३७)	
		-----सामाईक क्षेत्र-----	०.३२.०८	०.००			

जुने फेरफार क्र : (१६४३७) (१६९३३) (१७०७०)

सीमा आणि भुमापन चिन्हे :

हा गाव नमुना क्रमांक ७ दिनांक १२/०२/२०२२:०२:११:१७ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ चा डेटा स्वयंप्रमाणित असल्यामुळे ७/१२ अभिलेखावर वर कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : २६/०२/२०२४ : १७:२९:१५ PM. वैधता पडताळणीसाठी <https://digitalsatbara.mahabhumi.gov.in/dslr/> या संकेत स्थळावर जाऊन 2506100001221302 हा क्रमांक वापरावा.

पृष्ठ क्र. १/२

Digitally signed



गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- वाकड (९४४०८६)

तालुका :- मुळशी

जिल्हा :- पुणे

भूमापन क्रमांक व उपविभाग १६८/१अ/६

			पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
वर्षे	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					आर.चौ.मी	आर.चौ.मी			आर.चौ.मी	
२०२१-२२	संपूर्ण वर्ष	-१						गवत पड	१.००९८	

टीप : ** सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.20 OF 2020 (WZ)

Mr. Tanaji Balasaheb Gambhire,
Age : Adult, Occu. Self-employed,
R/o CTS-296, Shukrawar Peth,
Laxmi Apartment, White House Lane,
Near Shivaji Maratha High School,
Pune – 411 002

.... **Applicant**

Versus

1. Union of India,
Through Secretary,
Ministry of Environment and Forest,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110 001
2. Chief Secretary,
Government of Maharashtra,
Annex Building, Mantralaya, Mumbai – 400 032
3. The Principal Secretary,
Environment Department,
Government of Maharashtra,
Room No.217, 2nd Floor, Annex Building,
Mantralaya, Mumbai – 400 032
4. State Level Environment Impact Assessment
Authority – Maharashtra (SEIAA),
THROUGH Member Secretary,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
5. State Expert Appraisal Committee (III) –
Maharashtra (SEAC-III),
Through Member Secretary,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
6. Maharashtra Pollution Control Board,
Through Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema, Sion (E),
Mumbai – 400 022, Maharashtra
7. Maharashtra Pollution Control Board,
Through Regional Officer,
Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
Wakadewadi, Pune – 411 003, Maharashtra

8. Pune Municipal Corporation,
Through Municipal Commissioner,
Main Building, Shivaji Nagar,
Pune – 411 005
9. Building Permission Department-PMC,
Through City Engineer, Pune Municipal Corporation,
Shivaji Nagar, Pune – 411 005
10. Collector of Pune,
As Sanctioning Authority and President of
District Environment Protection Committee, Pune
Collector Office, Bund Garden, Pune – 411 001
11. Police Commissioner, Pune,
Police Commissioner Office,
Near Sadhu Waswani Chowk,
Pune – 411 001
12. M/s MAA Sankalp Buildcon LLP,
A limited liability partnership firm with
LLPIN-AAL-8904,
Having registered office at Shop No.25,
B-Wing KPCT Mall, Fatimanagar,
Near Mega Mart, Opp. Parmar Nagar,
Wanawadi, Pune – 411 013,
Through its Partners
12A. Vishal Suresh Pawar
12B. Hemat Pishorilal Malik

....**Respondents**

APPEARANCE :

- | | |
|-------------|--|
| Applicant | : Applicant-in-person along with Mr. Vijay Mhaske, Ms. Kajal Mandge and Ms. Pratiksha Kulkarni, Advocates |
| Respondents | : Mr. Rahul Garg, Advocate for R-1, R-8 and R-9
Mr. Aniruddha S. Kulkarni, Advocate for R-3, R-4 and R-5
Ms. Manasi Joshi, Advocate for R-6 and R-7
Mr. Saket Mone, Advocate along with
Mr. Abhishek Salian, Advocate for R-12 |

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

=====
Reserved on : 26.07.2023

Pronounced on : 26.09.2023
=====

JUDGMENT

1. This Original Application has been filed with the prayers that the respondents be directed to demolish illegal structures at the site in question and restore the area and respondent No.12/Project Proponent - M/s MAA Sankalp Buildcon LLP be directed to deposit heavy amount of environmental compensation on the principle of 'polluter pays'.

2. The facts of this case, in brief, are that respondent No.12/Project Proponent - M/s MAA Sankalp Buildcon LLP is constructing a project "Sai Dwarika" at Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 as Phase-III and IV and Survey Nos.40/1/3/2, 40/1/4 and 40/1/5 as Phase-I and II at village Yewalewadi, Taluka Haveli, District Pune, in gross violation of Environment (Protection) Act, 1986 read with EIA Notification, 2006, Water (Prevention and Control of Pollution) Act, 1974 ("Water Act", for short) and Air (Prevention and Control of Pollution) Act, 1981 ("Air Act", for short). The details of the project are as follows:

<i>Description</i>	<i>EC & CTE permission</i>	<i>Completed</i>	<i>Under Construction</i>	<i>Total Proposal</i>
<i>ABC-Bldg.</i>	<i>0</i>	<i>3</i>	<i>0</i>	<i>6</i>
<i>ABC-Bldg.</i>	<i>0</i>	<i>3</i>	<i>0</i>	
<i>ABC Flats</i>	<i>0</i>	<i>244</i>	<i>0</i>	<i>486</i>
<i>DEF Flats</i>	<i>0</i>	<i>242</i>	<i>0</i>	
<i>ABC-BUA</i>	<i>0</i>	<i>19429.71</i>	<i>3213.23</i>	<i>22642.94</i>
<i>DEF-BUA</i>	<i>0</i>	<i>19315.42</i>	<i>3052.64</i>	<i>22368.06</i>
<i>Total BUA</i>	<i>0</i>	<i>38745.13</i>	<i>6265.87</i>	<i>45011</i>
	<i>PP have procured the ex-post facto ECs dated 05.10.2021 after filing of this OA and ex-post facto CTE dated 17.03.2020.</i>			

3. The above project is a single project, but the developer/Project Proponent is misleading the authorities on account of PMC sanctions and

other permissions issued by the Authorities under Development Control Rules (DCR), Maharashtra Regional and Town Planning Act (MRTP Act), Maharashtra Land Revenue Code (MLRC), Tree Felling Act and Fire & Safety Rules, etc. to show the same as two different projects. Following documents of the Project Proponent itself show that the entire project is a single project comprising two Phases, which would attract mandatory prior Environmental Clearance (EC) as provided under EIA Notification, 2006 and Consent to Establish under Water Act and the Air Act from the very inception of the project.

Document Type	Para/IMP Fact
<i>Notification 07.07.2004</i>	<i>Para-(iii), "Entire Project-Phase/Modules"</i>
<i>MoEFCC Notification 14.09.2006</i>	<i>Para-6, "Conceptual Plan"</i>
<i>Project Boucher/booklet</i>	<i>Site Layout</i>
<i>Site Photographs captured through Drone 29.04.2023</i>	<i>Single Compound Wall, Single premises, Sharing common garden, Sharing Common transformer, Shows single project, which is patently integral</i>
<i>Search & Title Report: Charge over the Property, Mortgage Deed and Site Conditions</i>	<i>Loan obtained for entire property as Single Project with single deed vide No.5459/2016 dated 06.04.2016 at Sub-Registrar, Haveli-22</i>
<i>Re-conveyance Deed: Mortgage Released dated 06.12.2017 (Index-II)</i>	<i>Release of entire property from Mortgage with single Re-conveyance deed vide No.12809/2017 dated 06.12.2017 at Sub-Registrar, Haveli-22</i>
<i>Joint Committee Report dated 06.09.2021</i>	<i>Adjacent to each other</i>

4. Sub-clause (iii) of Explanation to sub-para (ii) of para I of the EIA Notification dated 07.07.2004 provides as under:

"Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification."

5. The EIA Notification dated 14.09.2006, in para 6, provides as follows:

“Application for Prior Environmental Clearance (EC) :

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

6. The conceptual plan, which has been annexed from pages 461 to 488, in the form of Project Brochure/Booklet would indicate that the entire project, which is being shown by the Project Proponent as split into two parts is actually one project, photographs of the buildings under construction are also shown in colour. At page 1587 of the paper-book, photographs of the project in question are captured through drone on 29.04.2023, which clearly indicate that single compound wall, single premises, sharing of common garden, sharing common transformer. All these things would indicate that the entire project was a single project.

7. It is further submitted by the applicant that the loan which has been obtained for the entire property shows it to be a single project with single deed No.5459/2016 dated 06.04.2016 at Sub-Registrar, Haveli-22 and in this regard, Search and Title Report is annexed at pages 271 and 272 of the paper-book. The release of entire property from mortgage with single re-conveyance deed vide No.12809/2017 dated 06.12.2017 at Sub-Registrar, Haveli-22, which is annexed at page 1596 of the paper-book, which also relates to the entire property and not in two parts.

8. According to the applicant, apart from these documents, the Joint Committee report dated 06.09.2021 shows two alleged projects adjacent to each other, which the applicant says that it is nothing but averments of this report are that two phases of the same project are adjacent to each other, which should be treated to be in fact one project instead of two. The Project Proponent has adopted these Rules to defeat the provisions of EIA Notification, 2006, which would necessitate obtaining prior EC, had two projects been shown as one project because in that case, the area would have exceeded 20000 sq.mtrs at quite an early stage.

9. It is further submitted by the applicant that respondent No.12 – Project Proponent has procured *ex post facto* EC vide order dated 05.10.2021 for both the phases during the pendency of this Original Application and after submission of the Joint Committee report dated 06.09.2021 which are granted subject to the final outcome of this Original Application as per the specific condition No.IV stipulated therein. The details of the said ECs are given in tabular form as follows:

Sr. No.	Phase	Phase I & II	Phase III & IV	Total
1.	EC date	05.10.2021	05.10.2021	
2.	Project Name	Sai Dwarika Phase I & II	Sai Dwarika – Phase III & IV	
3.	Survey No.	40/1/3/2, 40/1/4, 40/1/5	40/1/1, 40/1/2, 40/1/3/1	
4.	Land Area (M ²)	10000	10000	20000
5.	Note on initiated work (M ²)	19429.71	19315.42	38745.13
6.	FSI Area (M ²)	13400.62	13320.65	26721.27
7.	Non- FSI Area (M ²)	9242.32	9047.41	18289.73

8.	Total BUA Area (M ²)	22642.94	22368.06	45011
9.	Project cost (Rs.)	334970715	331027519	665998234
10.	Total Water Requirement (KLD)	177.7	169.35	347.05
11.	Rain Water Harvesting (Nos.)	4	4 Nos.	8
12.	Sewage Generation	142.42	147.33	289.75
13.	STP (KLD)	150	150	300
14.	Dry Waste (Kg/Day)	244	242	486
15.	Wet Waste (kg/Day)	379.46	376.53	755.99
16.	STP Sludge (Kg/Day)	13.46	13.53	26.99
17.	Power Required Operation (KW)	473	482	955
18.	DG Sets	125KVA x 1	125 KVA x 1	2
19.	% Energy Saving	15%	15%	
20.	Specific Condition : IV	EC granted subject to OA	EC granted subject to OA	

10. Citing the above table, it is submitted by the applicant that the configuration of the project as shown above would show huge un-assessed and unapprised burden inflicted upon the Mother Nature due to substantial illegal construction carried out to the tune of 38745.13 sq.mtrs, out of 45011 sq.mtrs without mandatory prior EC, Consent to Establish (CTE) and Consent to Operate (CTO). Despite this project being single one, undertaken by single Project Proponent as single financial beneficiary, in collusion with the Government authorities by the Project Proponent, it has resulted, in a way, in damage to the environment and ecology, which requires imposition of heavy environmental compensation on the Project Proponent. Past violation of the Project Proponent cannot be overlooked on account of subsequent grant of *ex post facto* EC.

11. Further it is submitted by the applicant that the Project Proponent – respondent No.12 has taken *ex post facto* CTE vide order dated 17.03.2020 after the complaint was made by the applicant to MPCB on 29.06.2019, the details of the said grant of CTE and EC are given below in tabular form:

Sr. No.	Date	Event
1	28.02.2014	MoEF issued notification granting power to the SEIAA to action against violation u/s 5 of EPA, 1986
2	29.06.2019	Complaint to Respondent Authorities
3	07.08.2019	MPCB Site visit
4	08.08.2019	PP application for ex-post facto EC
5	13.08.2019	MPCB Warning Notice
6	29.08.2019	Show Cause Notice (SCN) by SEIAA & PS-DoE
7	09.10.2019	Online Complaint to PS-DoE, SEIAA, SEAC-III
8	11.11.2019	Personal Hearing conducted in the chamber of PS-DoE
9	26.11.2019	Withdrawal of Show Cause notice by PS-DoE
10	16.03.2020	OA filed before this NGT
11	17.03.2020	Ex-post facto CTE
12	06.09.2021	Joint Committee Report
13	05.10.2021	Ex-post facto EC

12. Further it is mentioned that both the Consents to Establish dated 17.03.2020 are granted *ex post facto*. The applicant, vide complaint dated 29.06.2019, exposed the Project Proponent for his violations and thereafter, the Project Proponent had applied for Consent to Establish on 08.08.2019 to cover up his violations.

13. The Project Proponent has not obtained any Consent to Operate so far relying on the judgment of the Hon'ble High Court of Delhi in ***Splendor Landbase Ltd. Vs. Delhi Pollution Control Committee;***

2010 SCC OnLine Delhi 3466 stating that the residential projects do not require Consent to Operate. It is essential to mention here that the Project Proponent has handed over the possession of the complete units since January, 2018 and has also obtained Consent to Establish. Besides that, this Tribunal has expressed its opinion about mandatory requirement of the Consents in **Forward Foundation's** case in Original Application No.222/2014 by order dated 07.05.2015 and in **S.P. Muthuraman** in Original Application 37/2015 vide order dated 07.07.2015, which have attained finality as the appeals as against those judgments in the Hon'ble Supreme Court have been dismissed. In view of this, the Project Proponent cannot take contrary stand that he did not require Consent to Operate.

14. Further it is submitted by the applicant that complaint dated 29.06.2019 was filed by him before the respondent Authorities for taking action against the Project Proponent for violations and infringements by them in not obtaining mandatory prior EC, CTE and CTO. The SEIAA and the Member Secretary of Department of Environment had jointly issued show-cause notice dated 29.08.2019 to the Project Proponent, but the same was withdrawn on 26.11.2019 without giving any opportunity to the applicant. The said order of withdrawal has been passed in collusion with the Project Proponent.

15. Further it is mentioned by the applicant that the Project Proponent – respondent No.12 has obtained following sanctions along with conditional commencement certificate in phase-wise manner indicating therein total BUA, details of which are given in tabular form as below:

Sr. No.	Phase	Phase-CC Date	Phase-BUA M²	Total BUA (M²)	Condition for EC & CTE
1	III&IV	09.01.2014	14788.49	29642.41	Condi.No.10

	<i>I&II</i>	<i>01.04.2014</i>	<i>14853.92</i>		<i>Condi.No.10</i>
<i>2</i>	<i>III & IV</i>	<i>20.10.2015</i>	<i>16674.50</i>	<i>33350.22</i>	<i>Condi.No.19</i>
	<i>I & II</i>	<i>23.11.2015</i>	<i>16675.72</i>		<i>Condi.No.19</i>
<i>3</i>	<i>III & IV</i>	<i>15.12.2016</i>	<i>18675.69</i>	<i>37512.4</i>	<i>Condi.No.10</i>
	<i>I & II</i>	<i>15.12.2016</i>	<i>18836.69</i>		<i>Condi.No.10</i>
<i>4</i>	<i>III & IV</i>	<i>31.03.2017</i>	<i>21577.18</i>	<i>43274.55</i>	<i>Condi.No.10</i>
	<i>I & II</i>	<i>03.05.2017</i>	<i>21697.37</i>		<i>Condi.No.10</i>
<i>5</i>	<i>III & IV</i>	<i>09.03.2018</i>	<i>21793.62</i>	<i>43584.83</i>	<i>Condi.No.27</i>
	<i>I & II</i>	<i>09.03.2018</i>	<i>21791.21</i>		<i>Condi.No.27</i>
<i>6</i>	<i>III & IV</i>	<i>13.03.2020</i>	<i>21885.06</i>	<i>43731.76</i>	<i>Condi.No. 4</i>
	<i>I & II</i>	<i>13.03.2020</i>	<i>21846.70</i>		<i>Condi.No.4</i>
<i>7</i>	<i>III & IV</i>	<i>24.08.2020</i>	<i>23428.19</i>	<i>46126.44</i>	<i>Condi.NO.27</i>
	<i>I & II</i>	<i>24.08.2020</i>	<i>22698.25</i>		<i>Condi.No.27</i>

16. The above table would indicate that the BUA of the proposed project on site since 01.04.2014 was more than 20,000 sq.mtrs, which mandated prior EC & CTE as per EIA Notification, 2006, but the Project Proponent misled the authorities by showing the project in question as two different projects. The details of the revised sanctions have also been indicated by the applicant in tabular form from pages 1549 to 1553 of the paper-book, which would indicate that not once, many times, revision has been cited by the Project Proponent in the project in question. The applicant has indicated the Architect's Certificates, which show total BUA of the project in question and are shown in tabular form as follows:

<i>Sr. No.</i>	<i>Date</i>	<i>Phase</i>	<i>TBUA (M²)</i>
<i>1.</i>	<i>TBUA as per sanction dated 09.03.2018</i>	<i>I & II</i>	<i>19469.98</i>

2.	<i>TBUA of Proposed Construction</i>	<i>I & II</i>	<i>22531.46</i>
3.	<i>TBUA of Completed Construction</i>	<i>I & II</i>	<i>19429.71</i>
4.	<i>TBUA as per sanction dated 09.03.2018</i>	<i>III & IV</i>	<i>19357.20</i>
5.	<i>TBUA of Proposed Construction</i>	<i>III & IV</i>	<i>22368.06</i>
6.	<i>TBUA of Completed Construction</i>	<i>III & IV</i>	<i>19315.42</i>

17. According to the applicant, the above TBUA is also misleading because the same has been shown by splitting a project into two.

18. The applicant has further indicated that respondent No.12 – Project Proponent has procured occupancy check certificates (OCC), details of which are given in tabular form as follows:

<i>Sr. No.</i>	<i>OCC date</i>	<i>Building</i>	<i>Phase</i>	<i>Exhibit</i>
1.	<i>21.02.2019</i>	<i>E & F</i>	<i>III & IV</i>	<i>CC</i>
2.	<i>No OCC obtained,</i>	<i>D</i>	<i>III & IV</i>	<i>Illegal occupancy</i>
3.		<i>A, B, C</i>	<i>I & II</i>	

19. It is submitted that the Project Proponent completed the construction of all the buildings in the Project and obtained Occupancy Certificate only in respect of Building E and F. The Project Proponent failed to obtain the Occupancy Certificate as well as Consent to Operate and started using the premises by giving the possession to the respective purchasers, which is illegal.

20. Further it is submitted that the Project Proponent has not annexed any permission for felling of trees as well as NOC from the Garden Department for completing the tree plantation of requisite

number of trees. In fact, he has not done any plantation as per norms, nor has he taken care for survival of the plants.

21. This matter was considered by us on 27.08.2020 and a Joint Committee was constituted directing it to submit the factual as well as action taken report and notices were directed to be issued to the respondents. In pursuance of the said order, the Joint Committee submitted its report, the relevant portion of which is quoted hereinbelow:

Sr. No.	Point Examined	Remarks
a	<i>The PP has been misleading, on account of the two different projects</i>	<i>M/s Maa Sankalp Buildcon is the construction company and M/s Sail Dwarka is the project name.</i>
b	<i>BUA of the project was more than 20,000 sq.m but PP did not apply for EC and consent.</i>	<i>As submitted by PMC vide letter dated</i>
c	<i>PP has completed BUA of 38,745.13 sqm, proposed construction BUA is 6,2654.87sqm and total BUA is 45,011 sqm comprising 6 buildings and 486 flats, without obtaining any environment clearance from SEIAA, any prior consent to establish and any prior consent to operate from MPCB.</i>	<i>26.08.2021 M/s Maa Sankalp Buildcon (Project name is Sai Dwarka Part I and Part II) A1, A2,B, C1 & C2, S. No. 40, H. No. 1/3/2, + ¼ +1/5, Yewalewadi, Taluka Haveli District Pune are two different projects which are adjacent to each other, and hold different permissions, plinth checking certificates, completion certificates, side and front margins, separate recreational open spaces and separate amenity spaces which are adjacent to each other.</i>
d	<i>BUA of project was more than 45,011 sqm but PP did not apply for Environment Clearance from SEIAA or any consent from MPCB.</i>	
e	<i>PP has not obtained any prior Environment Clearance from SEIAA or MoEF.</i>	Project Sai Dwarka Part- I :
f	<i>PP has not obtained any prior Consent to Establish from MPCB</i>	<i>As per the PMC's report, M/s Maa Sankalp Buildcon (Project Name : Sai</i>

g	<p>The PP has achieved partial project completion in mid-2018 but has not applied for Consent to Operate and started using the project without the Consent to Operate.</p>	<p>Dwarka, Part I) has been constructed vide CC No. CC/003406/13 dated 09.01.2014, As per the layout sanctioned by PCM vide CC no. CC/3296/17 dated 09.03.2018, the total built-up area is 19,357.20 sq.m.</p> <p>As per the last revision vide CC no. CC/0403/20 dated 24.08.2020, the total built-up area is 22,770.6 sqm. However, PP has not yet started construction activity as per the CC, dated 24.08.2020 as it requires prior EC.</p> <p>Project Sai Dwarka Part II:</p> <p>As per report of PMC M/s Maa Sankalp Buildcon (project name- Sai Dwarka, Part-II has been constructed vide CC no. CC/0011/14 dated 01.04.2014. As per the layout sanctioned by PCM vide CC No. CC/3294/17 dated 09.03.2018, the total built-up area is 19,469.98 sq.m.</p> <p>As per the Architect's Certificate dated 10.08.2021, the total constructed built-up area is 19,429.71 sq.m.</p> <p>As per the last revision vide CC no. CC/0404/20 dated 24.08.2020, the total built-up area is 20,490.12 sq.m However, PP has not yet started construction activity as per CC dated 24.08.2020 as it requires prior EC.</p> <p>Copy of the PMC report, dated 26.08.2021 and the Architect's Certificate are attached in Annexure I & II.</p>
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		<p><i>Environment Department, Govt. of Maharashtra has issued Show Cause notice/ Proposed Direction under Section 5 of the Environment (p) Act 1986 r.w. EIA Notification dated 14.09.2006, issued top PP, vide letter dated 29.08.2019 for violation of EIA Notification. Subsequently, the Direction has been withdrawn as there was no violation of EIA Notification, 2006 vide letter no. COMP-2019/CR/24 SEIAA dated 26.11.2019.</i></p> <p><i>Copy of the Direction, dated 29.08.2019 and withdrawn direction dated 26.11.2019 are attached in Annexure III & IV.</i></p> <p><i>The PP has applied for Environment Clearance on 08.08.2019 for :</i></p> <p><i>M/s. Sai Dwarka- phase- I and II at S. NO. 40, H. NO. 1/3/2 ¼ + 1/5 Yewalewadi, Taluka Haveli District Pune for TPA-10,000 Sq.m and TBUA-22,642.94 Sq.m. and for</i></p> <p><i>M/s. Sai Dwarka- phase- III and IV at S. NO. H. No. 1/3/2, + ¼ + 1/5, Yewalewadi, Taluka Haveli Dstrict Pune for TPA- 10,000 Sq.m and TBUA-22,368.06 Sq.m</i></p> <p><i>The EC is under process</i></p> <p><i>Copy of the EC application dated 08.08.2019 is attached in Annexure V</i></p>
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		<p>The PP has obtained Consent to Establish from MPC Board, vide letter datd 17.03.2020, for M/s Maa Sankalp Buildcon, A1, A2, B, C1, & C2, S. No. 40, H. NO. 1/3/2 + ¼ + 1/5 Yewalewadi, Taluka Haveli District Pune for TPA-10,000 Sq.m and TBUA-22,642.94 Sq. m.</p> <p>The PP has obtained Consent to Establish from MPC Board, vide dated 17.03.2020 for M/s Maa Sankalp Buildcon, D1, D2, E, F1 & F2 S. No.40 H. NO. 1/3/2, + ¼ + 1/5, Yewalewadi, Taluka Haveli District Pune for TPA- 10,000 sq.m. and TBUA-22,368.06 Sq.m</p> <p>Copy of the Consent to Establish dated 17.03.2019 for both projects is attached in Annexure VI & VII.</p>
<i>h</i>	<i>PP carried out the construction activity without conducting an environment impact assessment.</i>	<i>An Environment Impact Assessment Report is required only when the proposed BUA exceeds the threshold limit of 1,50,000 sqm, as per EIA Notification 2006.</i>
<i>i</i>	<i>PP has extracted huge quantity of groundwater without any permission from two borewells for construction of the project.</i>	
<i>j</i>	<i>PP is illegally extracting groundwater without permission from competitive authority for operational purpose.</i>	
<i>k</i>	<i>PP has not provided any solid waste management system. The waste generated is dumped in the PMC waste yard, creating burden on public systems and this solid waste is generating various green house gases.</i>	
<i>l</i>	<i>PP has not provided any solid waste management system. The</i>	<i>PP has provided separate Organic Waste convertors of 250 KGD capacity</i>

	<i>waste generated is dumped in the PMC waste yard, creating burden on public systems and this solid waste is generating various greenhouse gases</i>	<i>each, for both projects, for the treatment of wet waste.</i>
<i>m</i>	<i>PP has not provided any energy conservation systems for energy saving like passive solar measures or solar panels system.</i>	<i>The PP has provided solar panels on the transformer room and club house for both projects.</i>
<i>n</i>	<i>PP has not provided any rain water harvesting system for groundwater recharge</i>	<i>A separate rainwater harvesting system has been provided by the PP for both projects.</i>
<i>o</i>	<i>PP has not preserved the top layer of fertile soil and there is no test for contamination.</i>	<i>The existing buildings have already been constructed and there was no ongoing construction activity during the visit. The committee is unable to comment on soil preservation.</i>
<i>p</i>	<i>PP has not grown tree plantation as per the norms</i>	<i>The Tree NOC from Tree Authority, PMC, dated 01.02.2020 for one project has been obtained, and for the other project, there is a provisional NOC obtained on 28.12.2018. Copy of NOC for both projects is enclosed herewith as Annexure VIII.</i>
<i>q</i>	<i>The PP has provided swimming tank which may create further pressure on water resources.</i>	<i>There is no swimming pool constructed on site.</i>
<i>r</i>	<i>PP has installed 2 DG sets at the project site and the operation of DG set is causing air pollution</i>	<i>PP has installed DG sets of 125 KVA capacity for both projects separately.</i>
<i>s</i>	<i>Huge quantity of sewage water is generated and there is no scientific treatment of sewage water by PP</i>	<i>PP has provided two STP of MBBR technology with filters of capacity 150 and 140 cmd respectively for each project separately.</i>
<i>t</i>	<i>PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage</i>	<i>Dry waste management is carried out by M/s SWACH pune Seva Sahakari Sanstha Ltd. Pune.</i>
<i>y</i>	<i>There is no approach road for fire engine</i>	<i>PP has obtained Fire NOC for both projects. Copy of both projects is</i>

		<i>enclosed herewith as Annexure IX</i>
<i>z</i>	<i>PP has not provided the slope in the ratio of 1:10</i>	<i>No ramps have been constructed in either project.</i>
<i>aa</i>	<i>PP has not provided site margin as per the DC Rules</i>	<i>Construction work is carried out as per the sanctioned plan approved by PMC</i>
<i>bb</i>	<i>PP has not provided fire and safety systems at site.</i>	<i>PP has provided fire and safety measures at site and obtained Fire NOC. Copy of both projects are enclosed herewith as Annexure IX.</i>

Remarks of committee:-

Upon perusal of the report submitted by the Executive Engineer of the Building Permission Department, Pune Municipal Corporation, Pune dated 26.08.2021 and Architect's Certificate, dated 10.08.2021, under Annexure- I & II, it is concluded that these are two different projects which are adjacent to each other and hold different permissions, plinth checking certificates, part completion certificates, side and front margins, separate recreational pen spaces and separate amenity spaces. The total constructed built up area of each developed individual project has not gone beyond 20,000 sq.m and hence does not require prior Environmental Clearance.”

22. Against the above Joint Committee report, the applicant has filed objections to the effect that the same has been prepared at the behest of the Project Proponent and former Principal Secretary, Department of Environment Mr. Anil Diggikar and his Secretary Mr. Kartikey Langote. The same has been prepared on the basis of PMC report as well as the information provided by the Project Proponent and that no actual fact finding has been done by the Committee members. The Joint Committee ignored the fact that the entire development, which has been carried out, is in single premises comprising of single boundary wall. There is no physical separation in the development of Phase-I & II and Phase-III & IV and mere obtaining separate permissions does not support the finding of

the Joint Committee. The Joint Committee also ignored that the project is a patently integral one situated at single location owned by single Project Proponent, having total BUA of both the phases to be more than 20,000 sq.mtrs, which mandated prior EC and CTE. The Committee failed to impose the Environmental Compensation for not obtaining prior EC as well as CTE & CTO. The Committee also failed to comment on the operation of OWC and stated that the OWC of 250 kg/day is provided in each project. Besides this, there are other grounds on which the Joint Committee report has been vehemently opposed by the applicant.

23. The stand taken by **respondent No.12 – Project Proponent** is that the answering respondent has undertaken two projects namely 'Sai Dwarka Phase-I and II' being developed on land Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 and 'Sai Dwarka Phase III and IV' being developed on land Survey No.40/1/3/2, 40/1/4 and 40/1/5, at the village which has been already cited by the applicant. On 01.04.2014, the answering respondent has obtained approval of layout plans as per the then prevailing laws with respect to Sai Dwarka Phase I & II, which is provided with its own amenity space, garden, parking, club house, open area, etc. as mandated by the applicable municipal laws. The answering respondent also obtained commencement certificates on the same date. It has also given the details of the commencement certificates which have been obtained by it yearly from time to time with respect to Phase I & II. The Phase I & II is an independent residential project comprising of buildings A, B and C having total BUA of 22.642.94 sq.mtrs. Though the proposed construction is over 20,000 sq.mtrs., the answering respondent had carried out construction in pursuance of sanction dated 09.03.2018, which permitted to build only 19,429.71 sq.mtrs., which was below 20,000 sq.mtrs. Therefore, it is apparent that the answering respondent

has not carried out the construction over 20,000 sq.mtrs with respect to Phase I & II. Hence, the same did not require any prior EC.

24. With respect to Phase-III & IV, similar facts have been given by the answering respondent and it is stated that the said project consisted of buildings D, E and F having the total BUA of 22, 368.06 sq.mtrs and in this also, it had not exceeded the construction above 20,000 sq.mtrs and hence, no prior EC was required. For that, it is clarified by the answering respondent that both the projects are two different, distinct and independent projects having independent amenities like space, parking area, open space, clubhouse, STPs amongst others.

25. In order to show that the answering respondent – Project Proponent has not committed any error in not going for prior EC for the construction which it has already done, as the same is till date only below the threshold limit of 20,000 sq.mtrs. The reliance is placed by the Project Proponent upon the judgment of the Hon'ble High Court of Bombay dated 06.03.2013 in **Writ Petition (L) No.470 of 2013**, relevant part of which is quoted hereinbelow:

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

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

26. It is clear from above that it provided that below threshold limit of 20,000 sq.mtrs., prior EC would not be required and it is only when the said threshold limit of 20,000 sq.mtrs. exceeds, the Project Proponent would be required to obtain prior EC.

27. Besides that, the answering respondent has also relied upon the judgment of the Hon'ble High Court of Bombay dated 09.05.2013 in **Writ Petition No.654 of 2014** (appears to be of **2013** and not 2014) in the case of **Tridhaatu Ventures LLP Vs. State of Maharashtra & Ors.**, wherein the above law is reiterated that the EC is not required for residential project, construction of which is below 20,000 sq.mtrs. The relevant portion of the said judgment is quoted hereunder:

“16. In judgment dated 6 March 2013 in Writ Petition (L) No.470 of 2013, this Court has dealt with a similar controversy and held as under:

“17. *We do, however, find some substance in the last submission made by the learned counsel for the petitioner that even if the petitioner is required to obtain CRZ clearance from MCZMA again on the basis that the built*

up area of the project will exceed 20,000 sq.meters, the petitioner is entitled to get the same reliefs which this court has been granting in case of many other parties where similar prayer was made. In Writ Petition NO. 1916 of 2012 (Varchman Developers Limited Vs. Union of India & Ors.) and Writ Petition NO. 2809 of 2012 (Nahur Vivekanad Cooperative Housing Society Ltd & Anr. Vs. Union of India & Ors.) We have rejected a similar contention urged on behalf of the respondent authorities that when the project proponent cannot undertake construction project for more than 20,000 sq. mtrs. of built up area without obtaining prior environmental clearance, the project proponent cannot be allowed to commence the construction within the limits of 20,000 sq. meters, without obtaining prior environmental clearance. This court has held that when clearances are required only for projects with built up area exceeding 20,000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction up to 20,000 sq. meters when the developer is ready to give undertaking not to exceed the construction beyond 20,000 sq. meters without first obtaining environmental clearance. This court has noted that the Authorities take considerable time for taking a decision on the application for environmental clearance or for CRZ clearance. In the meantime the redevelopment projects are being delayed. This court has been granting relief in such cases on the basis that even if ultimately the authorities were to reject the applications for clearance, there will be no illegality in so far as the developer has made construction upto 20,000 sq. meters,”

(emphasis supplied)

17. Having heard learned counsel for parties, and in the facts and circumstances of the case and particularly in view of the fact that the width of the road is sufficient as required by the DCR 1991 and as far as OM is concerned, the same is treated as advisory and not mandatory and in the facts of the present case where the petitioner does not propose to make any further digging in the earth or laying any further foundation structure for the purpose of putting up construction upto 19,000 sq. mtrs of built up area including 4935 sq. mtrs already put up by the petitioner, we are inclined to direct the respondent- Municipal Corporation to permit the petitioner to up construction upto to 19,000 sq. mtrs. including 4935 sq. mtrs. already put up, subject to following condition:

(i) that the petitioner as well as the Chairman of ‘Sri Swati Co operative Housing Society ‘ shall file undertakings stating that the petitioner and the society shall not put up any construction

exceeding 20,000 sq. mtrs including the existing construction on the site being land CTS NO. 275, 275/1 to 276/1 to 16 & 277 village of Borla, Govandi.

28. It is submitted by the answering respondent that in pursuance of the order of the Hon'ble High Court of Bombay dated 24.03.2014, passed in Writ Petition No.655 of 2014 (**Glomore Construction and others Vs. Union of India**), the Environment Department of the Govt. of Maharashtra issued Circular dated 21.04.2015, which is annexed at page 1069 of the paper-book, wherein it is clearly mentioned as follows:

“In view of the above orders of Hon'ble High Court, Mumbai, proposed construction projects wherein project proponent has undertaken total construction below 20,000 m² may not be considered as a violation of EIA Notification of 2006 (Amended time to time) and read with OM of MoEF dated 12/12/2012 and 27/06/2013. However, it is to be noted that by this way indemnity is not given to the construction undertaken by project proponent. If, at the time of appraisal of the project, it is found that the construction undertaken is not fulfilling the environmental considerations, project proponent will have to comply with the direction of concerned committee to accommodate environmental concerns. Therefore, it is desirable that in such cases all environmental concerns are addressed at the planning stage only. The State Environmental Appraisal Committees (SEACs) should ensure the compliance of above order of Hon'ble High Court to avoid contempt of its orders. This is subject to further orders of the Hon'ble High Court.”

29. It is further submitted by respondent No.12 – Project Proponent that on 17.03.2020, the MPCB has granted Consent to Establish for construction of above housing project of Phase-I & II, which is valid for five years or till the commissioning of the project, whichever is earlier and on the same date, it also gave Consent to Establish for construction of housing project of Phase-III & IV with the same terms and conditions

for the same period. Further it is mentioned that since construction is not completed/commissioned, the answering respondent is not required to obtain Consent to Operate at this point in time.

30. Further it is submitted that all the allegations with respect to non-installation of rain water harvesting system, not doing soil preservation and soil system, non-installation of Sewage Treatment Plant (STP), illegal installation and operation of DG Sets and non-installation of Solar system, are false allegations as these lacunae have been taken care of by the answering respondent, who is responsible builder and take special care for protection of environment.

31. We also find that additional affidavit dated 19.06.2023 has been submitted by respondent No.12 – Project Proponent wherein same averments have been reiterated which are stated by it in their affidavit-in-reply, narrated by us herein above, except that one map/plan has been attached at page 1348 of the paper-book.

32. The stand taken by **respondent Nos.8 and 9 – PMC** is that it has granted permissions to the Project Proponent as per the provisions of the Maharashtra Regional and Town Planning (MRTP) Act, 1966 and DC Rules. There is no violation done at their end while granting said permissions.

33. From the side of **respondent Nos.6 and 7 – MPCB**, the stand taken is that for both projects of the Project Proponent, Consent to Establish was granted on 17.03.2020. This reply does not indicate as to whether the Consent to Operate was taken by the Project Proponent, as no such evidence has been given from the side of the Project Proponent.

34. From the side of **respondent No.4 – SEIAA**, following stand is taken:

According to the answering respondent, there are two plots having separate demarcation, independent layout sanctions and building

permission from the PMC dated 09.03.2018. The total BUA as per sanction is 19,357.20 sq.mtrs, which is less than 20,000 sq.mtrs. Therefore, there was no violation of EIA Notification 2006. A show-cause notice was issued by them under Section 5 of the Environment (Protection) Act, but later on the same was withdrawn and the complaint made in this regard against the Project Proponent was dismissed. It appears from paragraph No.7 of the reply that the Project Proponent moved proposal for granting prior EC for both phases i.e. Phase I & II and Phase III & IV, which was considered by SEAC in its meeting held on 28.12.2019, in which Phase-I & II was shown to have total BUA of 22,642.94 sq.mtrs and Phase-III & IV was shown to have total BUA of 22,368.06 sq.mtrs. Both these proposals were recommended by SEAC-III for grant of EC and the answering respondent decided to grant EC in its meeting held on 01.10.2021. We find few discrepancies in the dates of the meetings when the said proposals were considered because in paragraph No.8 of the reply, it is mentioned that the answering respondent decided in the meeting dated 01.10.2021 to grant EC while in another paragraph No.8 on page no.1400 of the paper-book, the date of meeting is mentioned as 05.08.2021 when the proposals were considered. But the date of grant of EC was taken to be 05.10.2021 as the same has been mentioned in two ECs granted for these projects, which bear the date of 05.08.2021. We deprecate the practice of SEIAA in submitting the affidavits before us in such light manner without verifying the same.

35. On the basis of above pleadings and the arguments made by the respective learned counsel, following issues are being framed by us for determination of the dispute involved herein:

Issues :

- (i) Whether the Phase-I & II and Phase-III & IV are integral part of one single project undertaken by respondent No.12 – Project Proponent or they should be treated to be two different projects ?
- (ii) Whether respondent No.12 – Project Proponent was required to obtain prior Environmental Clearance for each project separately because the total Built-up Area (BUA) is shown to be more than 20,000 sq.mtrs in each of these projects ?
- (iii) Whether the Consent to Establish and Consent to Operate were required to be taken by respondent No.12 – Project Proponent for each project separately ? If yes, from which date ?
- (iv) What should be the Environmental Damage Compensation, if any ?

Findings :**Issue No.(i) :**

36. As per this issue, we have to decide as to whether the Phase-I & II and Phase-III & IV are integral part of one single project undertaken by respondent No.12 – Project Proponent or they should be treated to be two different projects. In this regard, the learned counsel for the applicant vehemently argued that the project in question is owned by a single Project Proponent i.e. respondent No.12 who had secured loan by mortgaging the property in question, which shows that the entire property which comprises of Phase-I to II and Phase-III to IV, were mortgaged in order to secure the loan amount. Had they not been a single project, it would not have mortgaged the said property and would have redeemed the same subsequently on the basis of common documents. We are not in agreement with the said argument because if the Project Proponent is the same person for both the projects, who tries

to secure loan by mortgaging the property, that cannot be taken to mean that since the properties used for obtaining the loan were the same, the conclusion should be drawn that the project was one and not two different projects.

37. Next the learned counsel for the applicant has urged that the project brochure shows that the entire project consists of six buildings, three on one side and three on the other, which were adjacent to each other, which shows that the entire project was one and was deliberately divided into two in order to defeat the provisions of EIA Notification, 2006, which mandates that if construction goes beyond 20,000 sq.mtrs., then prior Environmental Clearance would be required. We are not in agreement with this argument because in the case in hand, the Project Proponent has obtained separate sanction for Phase-I & II and a different sanction for Phase-III and IV, which are also separate plots although they belong to the same developer. Besides that, the report of the Joint Committee indicates that these are two different projects which are adjacent to each other and hold different permissions, plinth checking certificates, completion certificates, side spaces and separate amenity spaces, which clearly prove that the said projects are two different projects and not one as is being tried to be asserted by the applicant. We decide the issue No.(i) accordingly, holding that the projects namely "Sai Dwarika" at Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 as Phase-III and IV and Survey Nos.40/1/3/2, 40/1/4 and 40/1/5 as Phase-I and II at village Yewalewadi, Taluka Haveli, District Pune, are two different projects.

Issue No. (ii) :

37. As per this issue, we have to decide as to whether respondent No.12 – Project Proponent was required to obtain prior Environmental Clearance for each project separately because the total Built-up Area

(BUA) is shown to be more than 20,000 sq.mtrs in each of these projects. In respect of this, we have to consider the position of law in the light of the judgment of the Hon'ble High Court of Bombay in the case of **Glomore Construction and others** (supra), which clearly lays down that if the construction does not exceed 20,000 sq.mtrs, the prior Environmental Clearance (EC) would not be required and that prior EC would only be required when the said threshold limit of construction is going to be crossed by the Project Proponent. In the case in hand, we find from the evidence which has come on record that the record reveals that at page 1547 of the paper-book, the applicant has given the date of obtaining Commencement Certificate for Phase-I & II dated 03.05.2017 showing the total BUA to be 21,697.37 sq.mtrs and for Phase-III & IV, the date of obtaining Commencement Certificate is given as 31.03.2017 which shows total BUA as 21,577.18 sq.mtrs. Prior to that, the commencement certificates were issued for the area less than 20,000 sq.mtrs. It was in the year 2017 for the first time that the Project Proponent was granted Commencement Certificate for the area over 20,000 sq.mtrs. He applied for grant of EC on 08.08.2019 which is admitted by the parties and till that date i.e. 08.08.2019, he had raised construction as per the Architect Certificate dated 10.08.2021, the total BUA was below 20,000 sq.mtrs. in each project. In the Joint Committee report, it is mentioned that the Architect's Certificate dated 10.08.2021, indicated that total BUA by then was 19,315.42 sq.mtrs for Phase-I & II (Part-I) of the project. Similarly, the Architect's Certificate dated 10.08.2021 indicates that total BUA for Phase-III and IV (Part-II) of the project was 19,429.71 sq.mtrs. Therefore, it is evident from the above position given by the Joint Committee that in each project, the Project Proponent did not exceed the total BUA beyond 20,000 sq.mtrs and moved for prior EC to be granted before exceeding that threshold

construction limit by moving an application on 08.08.2019. We make it clear that in **Ajay Jayvantrao Bhosale Vs. Union of India and Ors. (Appeal No.26 of 2020, decided on 03.04.2023)**, we have already taken following view based on the judgment of the Hon'ble High Court of Bombay in the case of **Glomore Construction and others** (supra):

*"In respect of question No.1 and 2, we have gone through the judgment of Hon'ble Bombay High Court in **M/s Saumya Buildcon Pvt. Ltd. Vs. Union of India** case which in para-17 clearly says that if the Project Proponent does not exceed 20,000 sq.m. construction for residential buildings, without obtaining Environmental Clearance the same would not be treated to be violation of EIA Notification 2006, but as soon as it exceeds the said threshold level, it would require prior EC. This very position of law is reiterated by the Hon'ble Bombay High Court in the **Glomore Construction and Ors. Vs. the Union of India & Ors.** which is evident from the paragraph cited above. Against this judgment, there is a judgment of this Tribunal, in **Sunil Kumar Chugh & Anr. Vs. Secretary, Environment Department Government of Maharashtra & 5 others** case, which says that whether construction exceed 20,000 sq.m. or not, if the project is likely to exceed 20,000 sq.m. for which approval has been taken, prior EC must be obtained by the Project Proponent before starting any construction. In our view, EIA Notification 2006 is silent on this point as to whether before initiating any construction of building project, the prior EC would be required or not, if construction exceeds 20,000 sq.m at any future point of time but this grey area appears to have been covered by the above judgments cited by us. Since the Hon'ble Bombay High Court is the jurisdictional High Court under whose jurisdiction this Tribunal is functioning, the view taken by the Hon'ble Bombay High Court would have to be followed by us, though in our view the provision laid down in EIA Notification 2006 appears to be that if large building construction project is to be undertaken by any builder/Project Proponent who aims to certainly exceed 20,000 sq.mtrs. of Total Built Up Area, it should obtain prior EC in the interest of protection of environment because at the initial stage it would be feasible to put in place all such systems which would be*

conducive to protecting environment after thorough prior study. If at subsequent stage after crossing the Built Up Area of 20,000 sq.mtrs., further permission is granted to expand a project, that would certainly harm the environment. But because of the above view taken by the Hon'ble Bombay High Court, we are going by the same. In the present case, first Commencement Certificate was taken in the year 2008 for the BUA 17995.00 sq.m. which was below 20,000 sq.m. Threshold limit and hence prior EC was not required to be obtained before starting construction. The Project Proponent in this case has been granted commencement certificate on 09.04.2013 for Total Built up Area 21368.30 sq. m., exceeding 20,000 threshold limit. Therefore, it required prior EC to be obtained. On 07.09.2013, application for EC was moved before the SEIAA Maharashtra for which a long process started for considering the same which is apparent from the pleadings above and ultimately the impugned EC was granted on 18.02.2020. Prior to grant of impugned EC, the Project Proponent never exceeded the construction beyond the 20,000 sq. m. as stated by it in para 6.18 of their affidavit at Page No.261 of the paper book. Therefore, it is apparent that prior to applying for the prior EC and same having been granted, the Project Proponent did not exceed threshold limit of 20,000 sq. m and whatever construction below that was done by it would not be treated to be violation in terms of the judgments of the Hon'ble Bombay High Court cited above. Because of this reason, we also come to the conclusion that impugned EC would also not be treated to be ex- post facto. Therefore, question Nos.1 and 2 stand answered in favour of the Project Proponent against the appellant.”

38. Therefore, in our estimation, there is no violation of EIA Notification 2006 at the hand of the Project Proponent. We decide issue no. (ii) accordingly.

Issue No. (iii) and Issue No. (iv) :

39. As per these issues, we have to decide as to whether the Consent to Establish and Consent to Operate were required to be taken by respondent No.12 – Project Proponent for each project separately ? If yes,

from which date and what should be the Environmental Damage Compensation, if any.

40. First, we take up the issue as to Consent to Establish. As per directions issued by the Central Pollution Control Board (CPCB), vide letter dated 07.03.2016, for building and construction more than 20,000 sq.mtrs BUA, are categorized at serial No.21 and marked as Orange category project for obtaining Consent and under that category, the Project Proponent needs to obtain the Consent to Establish from the authorities concerned – MPCB. The Commencement Certificate for the project (Phase-I & II) is taken on 01.04.2014 and for Phase-III & IV, it is taken on 09.01.2014. Therefore, from these dates, we presume initiation of the construction of the project without any Consent to Establish as the same has been taken on 17.03.2020. Therefore, the period from 09.01.2014 to 17.03.2020 would be treated to be the period of violation, for which we direct the MPCB – respondent Nos.6 and 7 to calculate the Environmental Damage Compensation in accordance with the principles laid down in the case of ***Paryavaran Suraksha Samiti and another Vs. Union of India & Ors.*** We decide issue No.(iii) accordingly.

41. As far as the issue regarding Environmental Damage Compensation is concerned, it is admitted that the Project Proponent – respondent No.12 has procured the Occupancy Check Certificate (OCC) for Phase-III and IV of the project on 21.02.2019 and not for Phase-I & II. Therefore, we presume that Phase-III & IV was given Occupancy Check Certificate on 21.02.2019, but till date, it is apparent that no Consent to Operate has been taken. Therefore, from 21.02.2019 onwards, for the project i.e. Phase-III & IV, we direct MPCB – respondent Nos.6 and 7 to make calculation with respect to environmental compensation as per the principles laid down in the case of ***Paryavaran Suraksha Samiti***

(supra), after giving an opportunity of hearing to the Project Proponent – respondent No.12.

42. On the basis of analysis made by us, we are of the view that this Original Application needs to be disposed of with the direction to MPCB – respondent Nos.6 and 7 to make calculation of the environmental compensation as directed by us while deciding issue No.(iii) above, which exercise, we direct, shall be completed within two months from the date of uploading of this judgment and that the amount so calculated shall be deposited by respondent No.12 – Project Proponent with MPCB within one month thereafter. The said amount shall be utilized for improvement of the environment in the project affected area.

43. In view of disposal of Original Application, pending Interlocutory Applications stand disposed of.

Dinesh Kumar Singh, JM

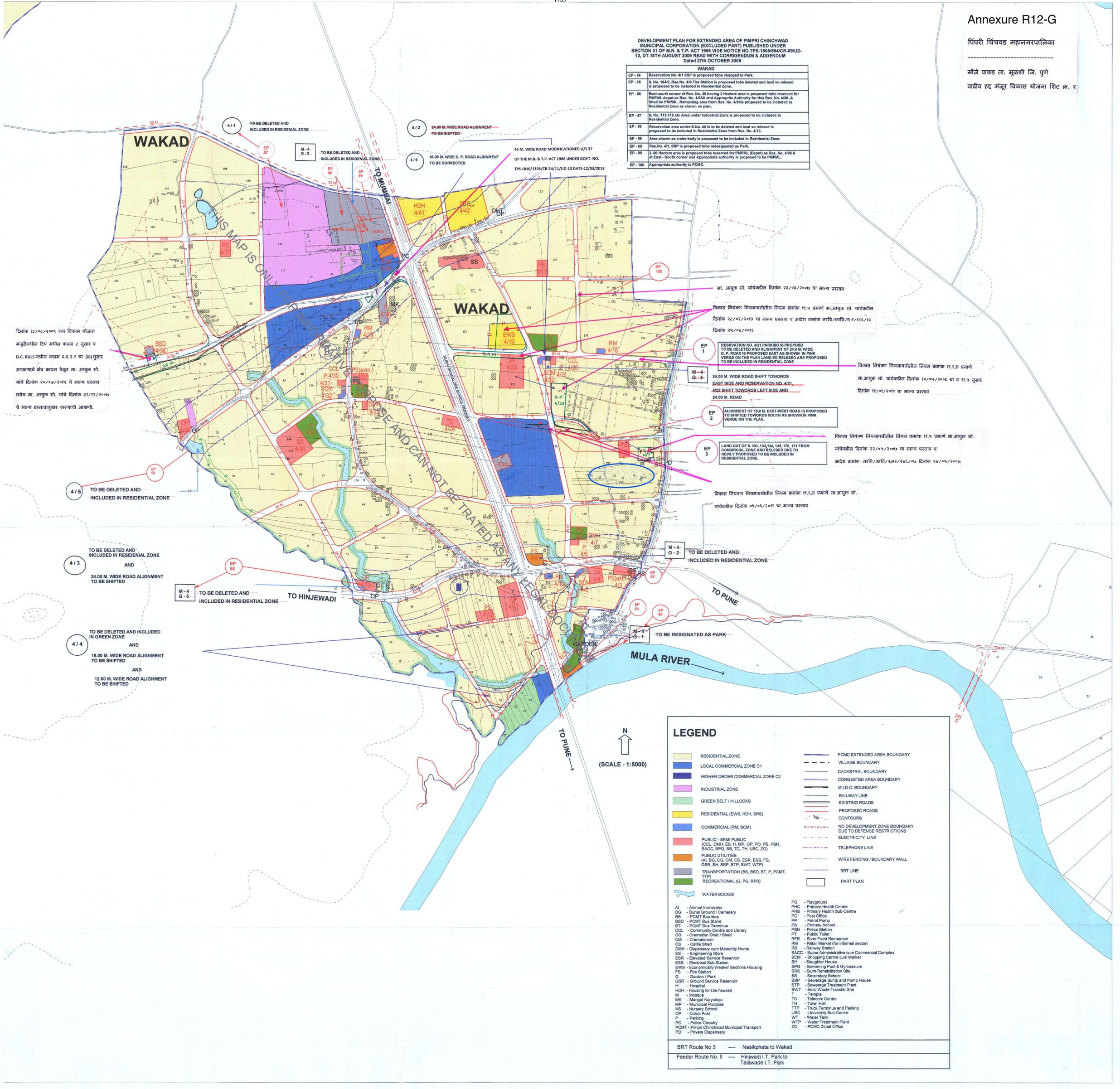
Dr. Vijay Kulkarni, EM

SEPTEMBER 26 , 2023
O.A. NO.20 OF 2020 (WZ)
npj



DEVELOPMENT PLAN FOR EXTENDED AREA OF PIMPRI CHINCHWAD MUNICIPAL CORPORATION (EXCLUDED PART) PUBLISHED UNDER SECTION 31 OF M.R. & T.P. ACT 1966 WIDE NOTICE NO.TPS-1808/894/CR-09/UD-13, DT.18TH AUGUST 2009 READ WITH CORRIGENDUM & ADDENDUM Dated 27th OCTOBER 2009

WAKAD	
EP - 64	Reservation No. 411 SSP is proposed to be changed to Park.
EP - 65	S. No. 164/2, Res.No. 49 Fire Station is proposed to be deleted and land so released is proposed to be included in Residential Zone.
EP - 66	East-south corner of Res. No. 38 having 2 Hectare area is proposed to be reserved for PMPML depot as Res. No. 432A and Appropriate Authority for this Res. No. 432A shall be PMPML. Remaining area from Res. No. 432B is proposed to be included in Residential Zone as shown on plan.
EP - 67	S. No. 113, 112 etc Area under Industrial Zone is proposed to be included in Residential Zone.
EP - 68	Reservation area under S.No. 45 is to be deleted and land so released is proposed to be included in Residential Zone from Res. No. 4/13.
EP - 69	Area shown as water body is proposed to be included in Residential Zone.
EP - 60	Res.No. 4/1, SSP is proposed to be redesignated as Park.
EP - 99	2.00 Hectare area is proposed to be reserved for PMPML (Depot) as Res. No. 4/38 A at East - South corner and Appropriate authority is proposed to be PMPML.
EP - 100	Appropriate authority is PCMC.



दिनांक १८/०८/२००९ च्या विकास योजना मंडळीमधील टिप मधील कलम ८ नुसार व D.C.RULS मधील कलम ६.६.२.१ चा (iii) नुसार आस्थापने क्षेत्र कायदा ठेवून मा. आयुक्त सो. यांचे दिनांक २०/०६/२०१२ चे मान्य प्रस्ताव तसेच मा. आयुक्त सो. यांचे दिनांक ३१/१२/२००९ चे मान्य प्रस्तावानुसार रस्त्याची आबणी.

मा. आयुक्त सो. यांचेकडील दिनांक २३/०३/२००९ चा मान्य प्रस्ताव
विकास नियंत्रण नियमावलीतील नियम क्रमांक ११.५ प्रमाणे मा.आयुक्त सो. यांचेकडील दिनांक २८/०२/२०१३ चा मान्य प्रस्ताव व आदेश क्रमांक नरवि/कावि/६-१/१८६/१३ दिनांक २५/०४/२०१३

विकास नियंत्रण नियमावलीतील नियम क्रमांक ११.३.३ प्रमाणे मा.आयुक्त सो. यांचेकडील दिनांक १०/०५/२००६ चा व ११.५ नुसार दिनांक ११/०१/२०११ चा मान्य प्रस्ताव

विकास नियंत्रण नियमावलीतील नियम क्रमांक ११.५ प्रमाणे मा.आयुक्त सो. यांचेकडील दिनांक २२/०५/२००९ चा मान्य प्रस्ताव व आदेश क्रमांक-नरवि/कावि/२३२/२४६/०९ दिनांक २४/०५/२००९

विकास नियंत्रण नियमावलीतील नियम क्रमांक ११.३.३ प्रमाणे मा.आयुक्त सो. यांचेकडील दिनांक ०९/०१/२०११ चा मान्य प्रस्ताव

LEGEND

RESIDENTIAL ZONE	PCMC EXTENDED AREA BOUNDARY
LOCAL COMMERCIAL ZONE C1	VILLAGE BOUNDARY
HIGHER ORDER COMMERCIAL ZONE C2	CADASTRAL BOUNDARY
INDUSTRIAL ZONE	CONGESTED AREA BOUNDARY
GREEN BELT / HILLOCKS	M.I.D.C. BOUNDARY
RESIDENTIAL (EWS, HDH, SRS)	RAILWAY LINE
COMMERCIAL (RM, SCM)	EXISTING ROADS
PUBLIC - SEMI PUBLIC (CCL, DMH, ES, H, MP, OP, PO, PS, PSN, SACC, SFG, SS, TC, TH, USC, ZO)	PROPOSED ROADS
PUBLIC UTILITIES (AI, BG, CG, CM, CS, ESR, ESS, FS, GSR, SH, SSP, STP, SVT, WTP)	CONTOURS
TRANSPORTATION (BS, BSD, BT, P, PCMT, TTP)	NO DEVELOPMENT ZONE BOUNDARY DUE TO DEFENCE RESTRICTIONS
RECREATIONAL (G, PG, RFR)	ELECTRICITY LINE
WATER BODIES	TELEPHONE LINE
AI - Animal Incinerator	WIRE FENCING / BOUNDARY WALL
BG - Burial Ground / Cemetery	BRT LINE
BS - PCMT Bus stop	PART PLAN
BSD - PCMT Bus Stand	
BT - PCMT Bus Terminus	
CCL - Community Centre and Library	
CG - Crematorium	
CM - Cattle Shed	
CS - Cattle Shed	
DMH - Dispensary cum Maternity Home	
ES - Engineering Store	
ESR - Elevated Service Reservoir	
ESS - Electrical Sub Station	
EWS - Economically Weaker Sections Housing	
FS - Fire Station	
G - Garden / Park	
GSR - Ground Service Reservoir	
H - Hospital	
HDH - Housing for Dis-housed	
M - Mosque	
MK - Mangal Karyalaya	
MP - Municipal Purpose	
NS - Nursery School	
OP - Odrol Post	
P - Parking	
PC - Police Chowky	
PCMT - Pimpri Chinchwad Municipal Transport	
PD - Private Dispensary	
PG - Playground	
PHC - Primary Health Centre	
PHS - Primary Health Sub-Centre	
PO - Post Office	
PP - Petrol Pump	
PS - Primary School	
PSN - Police Station	
PT - Public Toilet	
RFR - River Front Recreation	
RM - Retail Market (for informal sector)	
RS - Railway Station	
SACC - Super Administrative cum Commercial Complex	
SCM - Shopping Centre cum Market	
SH - Slaughter House	
SFC - Swimming Pool & Gymnasium	
SRS - Slum Rehabilitation Site	
SS - Secondary School	
SSP - Sewerage Sump and Pump House	
STP - Sewerage Treatment Plant	
SVT - Solid Waste Transfer Site	
T - Temple	
TC - Telecom Centre	
TH - Town Hall	
TTP - Truck Terminus and Parking	
USC - University Sub-Centre	
WT - Water Tank	
WTP - Water Treatment Plant	
ZO - PCMC Zonal Office	

BRT Route No. 3 --- Nasikphata to Wakad
Feeder Route No. II --- Hinjewadi I.T. Park to Talawade I.T. Park

Item No. 4

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)

Mr. Ajay Jayvantrao Bhosale

.....Applicant

Versus

Union of India through MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 01.12.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Nitin Lonkar, Advocate

Respondent(s) : Ms. Manasi Joshi, Advocate for R-1, 6 & 7
Mr. Aniruddha Kulkarni, Advocate for R-3 to 5
Mr. S. Swaminathan, Advocate for R-8 & 9/PCMC
Mr. Saket Mone along-with Mr. Abhishek Salian,
Advocates for R-11/PP

ORDER

1. Today this matter is listed on the issue of limitation against which objection has been filed by the learned Counsel for the Applicant.
2. Heard the arguments of learned Counsel for the Applicant Mr. Nitin Lonkar and learned Counsel for Respondent No. 11/Project Proponent-Mr. Saket Mone along-with learned Counsel Mr. Abhishek Salian.

I.A. No. 86/2021(WZ)

3. This I.A. has been filed by the Respondent No. 11/Project Proponent (PP), praying for dismissal of the Original Application No. 63/2019(WZ). The main ground which has been set up in this application is that Original Application is time barred, therefore, it requires to be dismissed at the threshold itself. The core issue raised by the Applicant is

that the Respondent No. 11 did not obtain prior Environmental Clearance (EC) with respect to the project in question.

4. As per the Project Proponent (PP), he commenced the construction and excavation in the year, 2012, therefore, the cause of action in respect of the alleged construction first arose in the year, 2012 which is well over 07 years from the date of the filing of the present Original Application.

5. The Sections 14 and 15 of the National Green Tribunal Act, 2010 provide for 06 months from the date when the cause of action first arose within which the Original Application ought to have filed. Therefore, if the 06 months period is calculated from the year 2012, it would expire in the year 2013 and as regards Section 15, it provides for 05 years period from the date of cause of action first arose, which too would expire in the year, 2017, while the Original Application has been filed on 14.08.2019.

6. The learned Counsel for the Respondent No. 11 has drawn our attention to para no. 40 of the main petition, where-in it is stated by the Applicant that the Project Proponent carried out illegal construction on 0 sq. mtrs. to 18500 sq. mtrs. vide sanction dated 24.11.2016.

7. As per the Applicant in O.A., the Project Proponent had intention to go on beyond 36,500 sq. mtrs. vide sanction dated 31.03.2018. The civil construction activity is recurring process. The Project Proponent/Respondent No. 11 has increased the project capacity from 0 sq. mtrs to 18500 sq. mtrs. from 2011 to 19.05.2018, therefore, it is nothing but a recurring cause of action for building construction activity.

8. The Applicant in Original Application had obtained information through online search and under RTI Act from 2017 to 18.05.2018 and thereafter had sent legal notice through Counsel to the Respondents inviting their attention towards the violations committed by the Project

Proponent. Therefore, the cause of action first arose on 15.06.2019 when SEIAA issued a Show Cause Notice to the Project Proponent.

9. Therefore, 06 months period from 15.06.2019 should be counted, which would end on 14.12.2019, while the present application has been filed on 14.08.2019, therefore, it is within time.

10. As per Respondent No. 11/Project Proponent (PP), the above contention of the Applicant in Original Application is absolutely false because the Applicant is trying to establish the date 19.05.2019 as the date, when the first cause of action arose on the basis of his having obtained information under RTI. It is further argued by the learned Counsel for the Respondent No. 11 that any person may move an RTI application on a particular date of his choice in order to create cause of action so as to bring it within the period of limitation in order to initiate legal proceedings, which cannot be allowed to happen because that is not the intent of law.

11. The learned Counsel for the Respondent No. 11 has placed reliance of the Judgment *Jai Javan Jai Kisan and ors. v. Vidarbha Cricket Association and Ors.* [MANU/GT/0006/2017], where-in relevant para no. 11 is as follows:-

“11. Conjoint reading of Section 14 and 15 of the National Green Tribunal Act reveals that essentially any application moved for claiming reliefs there-under must necessarily present a Civil case wherein substantial question relating to environment or environmental damage arising under the enactments specified in the Schedule-I of the Act (including accident occurring while handling any hazardous substance) is involved. We are, therefore, of the considered opinion that it is the substantial question relating to the environment or environmental damage as aforesaid which gives rise to the cause for an action under the provisions of National Green Tribunal Act, 2010. In the present case, the question raised is about restoration of the environmental damage on account of injury to it as a result of raising VCA Stadium without EC or consent to operate under the provisions of Schedule-I Acts viz Environment (Protection) Act, 1986, the Air (Prevention and

Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974. As stated herein above, the causes of injury are insufficiency of Effluent Treatment Plant (ETP), open spaces, parking spaces and tree cover. These facts were very much manifest when the VCA stadium became functional in the year 2008. In our opinion, therefore, the cause of action for the present Application arose first when the VCA stadium became functional. There is nothing in the Application to state that these injuries stood compounded further to actuate the Applicants to initiate the action in the present case as framed.”

12. Thereafter, the learned Counsel for the Respondent No. 11 has placed reliance on *Graminee Environment Development Foundation v. Balaji Infrastructure Ltd. & Ors.* [(2017) SCC Online NGT 1098], where-in relevant para nos. 11 to 13 are as follows:-

“11. Section 15 (3) of the NGT Act, 2010 in clear terms requires the Application for restitution of the property damaged to be made within the period of five (5) years from the date on which cause for such relief first arose, and provides for discretion to the Tribunal to condone delay for ‘sufficient cause’ if the application is filed within further period of sixty (60) days and no further. In the present case, the Applicant avers that the cause of action first arose on 24.2.2015, when the letter was addressed by the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) to the Collector, Raigad to take action in respect of the grievance made by the Applicant and yet no action was taken by the authorities. The Applicant has further revealed in her Application that she has been making several complaints to the Authorities about the said grievance, first such complaint being made on 15.9.2014 to the Divisional Commissioner, Konkan Division, Navi Mumbai. Reading of the letter dated 24.2.2015, Annexure ‘I to the Application (Pg.81) reveals the nature of grievance made by the Applicant. In short, the Applicant was aggrieved by the alleged illegal blasting work, storage of minerals and reclamation by Dighi Port Ltd. Similarly, the grievance made with complaint dated 15.9.2014 is regarding alleged illegal work of reclamation of seashore and filling rocks at village Nanavali and intertidal land encroachment without EC by Dighi Port Ltd, and Balaji Infrastructure Ltd.

12. In our considered opinion, making of grievance of the kind in the present case by writing a letter cannot be constituted as ‘cause of action’ but the actual act or its consequence constitutes ‘cause of action’ in any case. In the present case, cause of action has arisen as a result of blasting work as well as dumping of rocks etc. by Dighi Port Ltd and its holding Company Balaji Infrastructure Ltd in the said land.

13. *A perusal of the Application gives some clue as to when such acts of blasting of hills and dumping of material excavated started. The Applicant has pleaded in her Application that Respondent No.1 encroached upon 3km of seashore of village Nanavali and without permission of any Govt. Authority dumped soil and rocks there. It is further pleaded that Respondent No.1 has been doing illegal activities of levelling, blasting, excavation of land, filling of land space with soil, dumping huge rocks and artificial land spaces without any permission; and in spite of such illegalities going on, Respondent Nos. 2 to 7- Govt. Authorities did nothing. The Applicant in her pleadings referred to EC granted in the name of Dighi Port Ltd on 30th September, 2005 for construction of Port at village Dighi, Taluka Shrivardhan, District Raigad and states that she does not challenge or dispute anything about such EC or any work at Dighi Port and her only grievance is that Respondent No.1 has encroached upon the property and extended various kinds of constructions beyond consented area. These facts as pleaded if read in conjunction with the plaint in Regular Civil Suit No.4 of 2009 filed by the Applicant in the Court of Civil Judge, Junior Division, Shrivardhan, do make sense as to when alleged activity had started. At para-7 of the said plaint, the Applicant has categorically stated that on 26.12.2008 the defendant (therein) i.e. Dighi Port Ltd came at the land adjacent to the house of the Applicant in order to make encroachment and reclaimed the land, and this highhanded activity of Dighi Port Ltd was resisted by the Applicant with objection that they cannot reclaim land by blasting the hills and dumping rocks at the said land. A clear fact emerges that the act of blasting the hill sides, dumping materials illegally and reclamation of land, first started in or about December, 2008. Thus, cause of action for the present Application clearly arose in or about December, 2008.”*

13. Based on the above provisions of law, it is vehemently argued by the learned Counsel for the Respondent No. 11/Project Proponent that the present application is time barred and needs to be dismissed on that ground alone.

14. During argument, the learned Counsel for the Applicant in Original Application has pointed out that he is relying on para no. 18.25 & 18.26 of the reply affidavit dated 26.10.2021, mentioned at page nos. 981 to 986 of the paper book, which are as follows:-

“18.25. *I state that, this Hon-ble Tribunal in the matter of "Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgment dated*

7th May, 2015”, reported in 2015 SCC Online NGT 5 in dealing with the issue of limitation and cause of action has specifically held as follows-

“24. The expression 'cause of action' as normally understood in civil jurisprudence has to be examined with some distinction, while construing it in relation to the provisions of the NGT Act. Such 'cause of action' should essentially have nexus with the matters relating to environment. It should raise a substantial question of environment relating to the implementation of the statutes specified in Schedule I of the NGT Act. A 'cause of action' might arise during the chain of events, in establishment of a project but would not be construed as a 'cause of action' under the provisions of the Section 14 of the NGT Act, 2010 unless it has a direct nexus to environment or it gives rise to a substantial environmental dispute. For example, acquisition of land simplicitor or issuance of notification under the provisions of the land acquisition laws, would not be an event that would trigger the period of limitation under the provisions of the NGT Act, 'being cause of action first arose'. A dispute giving rise to a 'cause of action' must essentially be an environmental dispute and should relate to either one or more of the Acts stated in Schedule I to the NGT Act, 2010. If such dispute leading to 'cause of action' is alien to the question of environment or does not raise substantial question relating of environment, it would be incapable of triggering prescribed period of limitation under the NGT Act, 2010. [Ref Liverpool and London S.P. and I Asson. Ltd. v. M.V. Sea Success I and Anr., (2004) 9 SCC 512, J. Mehta v. Union of India, 2013 ALL (I) NGT REPORTER (2) Delhi, 106, Kehar Singh v. State of Haryana, 2013 ALL (I) NGT REPORTER (DELHI) 556, Goa Foundation v. Union of India, 2013 ALL (I) NGT REPORTER DELHI 234].

25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors., AIR 1959 SC 798.

18.26 Further I state that, the **Forward Foundation** Judgment was challenged before the Hon'ble Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494** has specifically held vide judgment dated 5th March, 2019 and has confirmed the said judgment

of Forward Foundation and even the Review petition of the same has been dismissed vide order dated 06/08/2019 and has thus become final and binding.

"In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principal of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be mere irregularity and would not vitiate the application or the judicial order of the Tribunal"

The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment"

"The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment."

"Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment."

15. The Applicant in Original Application has also placed reliance upon the important dates and events, which have been quoted by him in para

14 of the reply affidavit, mentioned at page nos. 926 to 928 of the paper book, which are as follows:-

“14. IMPORTANT DATES AND EVENTS:

I state that, the following events and dates are very important to understand the collusion between the Government Authorities and Respondent No. 11-PP and tactics, favouring practices adopted by the Joint Committee Members and Respondent No. 11-PP;

Sr. No.	Events	Date
1.	<u>1st Application for EC</u>	<u>07.09.2013</u>
2.	<u>1st Show Cause Notice by SEIAA & PS- DoE</u>	<u>30.08.2014</u>
3.	<u>1st Withdrawal Communication for SCN</u>	<u>10.03.2015</u>
4.	<u>1st Consent to Establish</u>	<u>10.03.2015</u>
5.	<u>2nd Application for EC</u>	<u>30.06.2016</u>
6.	<u>2nd Consent to Establish</u>	<u>12.10.2017</u>
7.	<u>3rd Application for EC</u>	<u>06.10.2018</u>
8.	<u>Notice/ Complaint of Original Applicant</u>	<u>19.05.2019</u>
9.	<u>MPCB 1st Site Visit by Field Officer</u>	<u>10.06.2019</u>
10.	<u>2nd Show Cause Notice by SEIAA & PS- DoE</u>	<u>15.06.2019</u>
11.	<u>MPCB 2nd Site Visit by SRO-2</u>	<u>27.06.2019</u>
12.	<u>Filing of OA</u>	<u>14.08.2019</u>
13.	<u>First Order of NGT</u>	<u>22.10.2019</u>
14.	<u>Service to Joint Committee of SEIAA & MPCB</u>	<u>02.11.2019</u>
15.	<u>Personal hearing given to PP by PS-DoE</u>	<u>11.11.2019</u>
16.	<u>2nd Withdrawal Communication for SCN</u>	<u>16.11.2019</u>
17.	<u>Second Order of NGT</u>	<u>10.12.2019</u>
18.	<u>Joint Committee Visit to project site</u>	<u>15.12.2019</u>
19.	<u>Architect Certificates prepared on</u>	<u>20.12.2019</u>
20.	<u>Joint Committee Report filed to NGT</u>	<u>07.01.2020</u>
21.	<u>Third Order of NGT issuing Notice 86 Show cause to PP</u>	<u>05.02.2020</u>
22.	<u>Service to the Respondent No. 11-PP</u>	<u>15.02.2020</u>
23.	<u>Grant of ex-post facto EC</u>	<u>18.02.2020</u>
24.	<u>Appeal No. 26/2020 filed on</u>	<u>19.03.2020</u>
25.	<u>Fourth Order of NGT</u>	<u>13.07.2020</u>
26.	<u>Respondent No. 11-PP Reply Affidavit Sworn on</u>	<u>24.09.2020</u>
27.	<u>Respondent No. 11-PP filed</u>	<u>24.09.2020</u>
28.	<u>Fifth Order of NGT</u>	<u>03.09.2021</u>
29.	<u>Respondent No. 11-PP filed 86/2020 filed on</u>	<u>06.10.2021</u>
30.	<u>Respondent No. 11-PP Corrected Reply Affidavit served on Original</u>	<u>09.10.2021</u>

	<u>Applicant</u>		"
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16. He has argued that in this case, there is recurring cause of action and therefore, the date which has stated in his application i.e. 15.06.2019, when the SEIAA issued a Show Cause Notice to the Project Proponent, should be treated to be the date of cause of action.

17. We have heard the arguments of the parties and perused the record and also have gone through the Judgments, which have been relied upon by both the parties, we find that as far as legal position is concerned, Sections 14 & 15 of the National Green Tribunal Act, 2010 provide as follows:-

“Section 14:- Tribunal to settle disputes.-

- (1)
- (2)
- (3) *No application for adjudication of dispute under this Section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”

Section 15:- Relief, compensation and restitution –

- (1)
- (2)
- (3) *No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*

Provided that the Tribunal, may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”

18. According to the Applicant in Original Application, as per his own pleadings which are stated in para no. 40, it is clear that construction of the project by the Project Proponent was started in the year 2011 and continued till 19.05.2018. He states that he had obtained information

through online search and under RTI from 2017 to 18.05.2018. Thereafter, he had sent legal notice through Counsel on 19.05.2019. According to him, the SEIAA had issued first Show Cause Notice on 15.06.2019. Therefore, that date should be taken to be the date of cause of action, which first arose.

19. We are not inclined to accept this argument because according to his pleading, he had full knowledge in the year 2011 itself when the construction had started. The pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period. We agree with the learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considered opinion that such kind of practice cannot be allowed. We are not inclined to accept the argument made by the learned Counsel for the Applicant in Original Application and are convinced with the argument raised by the learned Counsel for the Respondent No. 11/Project Proponent. We find that this Original Application is time barred, hence this Original Application stands dismissed as time barred.

20. All connected I.A.s also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 01, 2022
Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)
P.Kr

Annexure R12-I

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.147 OF 2016 (WZ)**IN THE MATTER OF :**

1. Tanaji Balasaheb Gambhire,
Age : Adult, Occupation : Service,
R/o Flat No.16, CTS-296, Laxmi Apartment,
Near Shivaji Maratha High School,
White House Lane, Shukrawar Peth,
Pune – 411 002
2. Tushar Namdev Kakade,
Age : Adult, Occupation : Self-Employed,
R/o 18, Sundar Heights, Survey No.29,
Chaitanyanagar, Dhankawadi,
Pune – 411 043

..Applicants***Versus***

1. The Secretary,
Environment Department,
Government of Maharashtra,
Room No.217, Annex Building,
Mantralaya, Mumbai – 400 032
2. The Member Secretary,
State Level Environment Impact Assessment
Authority (SEIAA),
Government of Maharashtra,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
3. The Chairman,
Maharashtra Pollution Control Board,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet, Cinema,
Sion €, Mumbai – 400 022
4. Regional Officer,
Pollution Control Board-Maharashtra State,
Jog Centre, 3rd Floor, Mumbai-Pune Road,
Wakadewadi, Pune – 411 003
5. Pimpri-Chinchwad Municipal Corporation,
Pimpri, Pune – 411 018
6. Municipal Commissioner,
Pimpri-Chinchwad Municipal Corporation,
Pimpri, Pune – 411 018

7. City Engineer,
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune – 411 018
8. Shri Makrand D. Nikam,
Executive Engineer,
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune – 411 018
9. District Collector, Pune,
President – District Environment Committee,
District Collector Office,
Pune – 411 001
10. Irrigation Department,
Executive Engineer,
Khadakwasla Irrigation Division,
Pune – 411 011
11. Shri Vikas Achalkar Architect,
1221, B/1, Wrangler Paranjape Road,
Behnd Bhawe X-Ray Clinic, Off F.C. Road,
Pune – 411 004
12. M/s Arun Developers,
Acting through :
 1. Atul Jaiprakash Goel,
 2. Amit Jaiprakash Goel,
 3. Ramsharan Banarashidas Gupta &
 4. Arun Ramsharan Gupta,
 Office at : Near Padamji Paper Mill,
Chinchwad, Pune AND
ALSO AT
3RD Floor, San Mahu Complex, Opp. Poona Club,
5, Bund Garden Road, Camp, Pune – 411 001
13. Ganga Ashiyana “D” Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/15081/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
14. Ganga Ashiyana “E” Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/15082/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
15. Ganga Ashiyana “F” Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/15147/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033

16. Ganga Ashiyana "G" Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/15148/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
 17. Ganga Ashiyana "H" Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/15402/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
 18. Ganga Ashiyana "I" Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/16401/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
 19. Ganga Ashiyana "J" Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/16403/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
 20. Ganga Ashiyana "K" Cooperative Housing Society,
Through Chairman/Secretary/Authorised Person
(Certificate No. PNA/PNA/(3)/HSG/TC/16974/2013),
Survey No.33, Hissa No.4 to 8, CTS No.6298/6299,
Village Thergaon, Pune – 411 033
- ... Respondents**

APPEARANCE :

Applicants : Applicant No.1 is present in person with
Mr. Vijay Mhaske, Advocate

Respondents : Mr. Raghunath B. Mahabal, Advocate for R-1 and R-2
Mr. Manasi Joshi, Advocate for R-3 and R-4
Mr. Shivshankar Swaminathan, Advocate holding for
Mr. Shashikant Jagtap, Advocate for R-5 to R-8
Mr. Saket Mone, Advocate for R-12
Mr. Sangram Singh Bhosale, Advocate for R-13 to R-16 and
R-18 to R-20
Mr. Aniruddha Kulkarni, Advocate for R-17

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

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Reserved on : 17.06.2025

Pronounced on : 03.09.2025
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JUDGMENT

1. This Original Application has been filed with the prayers that a direction be issued to the respondents – Government Authorities to demolish the illegal structures at Survey Nos.33/4, 33/5, 33/6, 33/7 and 33/8 and their respective C.T.S. Nos.6298 to 6299 at village Thergaon, Taluka Mulashi, District Pune, constructed by respondent No.12 – M/s Arun Developers, which comprises eight residential buildings, two commercial buildings, two parking complexes on 10% open space and three club houses above parking complexes, which are alleged to have been constructed in violation of environmental laws and that Environmental Damage Compensation (EDC) be ordered to be levied on the principle of “Polluter Pays” from respondent No.12.

2. The facts of this case, in brief, are that according to the applicants, respondent No.12 – M/s Arun Developers – Project Proponent has illegally raised construction at the above site, which is mostly completed. The actual construction at the site without prior Environmental Clearance (EC) and Consent to Establish (CTE) is done to the extent of 50,041.19 sq.mtrs, which comprises 497 flats, 25 shops/offices. None of the buildings received completion certificate/occupancy certificate till filing of complaint by the applicants on 02.04.2015 and until further enquiry with Pimpri-Chinchawad Municipal Corporation (PCMC). The entire development is under violation of Environment (Protection) Act, 1986. The buildings, D, E, F & G on Plot B have total number of 241 flats and 13 number of commercial units as per the PCMC sanctioned plan and the buildings H, I, J and K on Plot C have total number of 256 flats and 12 number of commercial units as per the PCMC sanctioned plan. The actual construction (Built-up Area) of the buildings, D, E, F, G, H, I, J and K, Commercial building and Club Houses is as per the following Table:

Sr. No.	Description	Plot-B & C (Sq.Mtrs.)
1	D & E – FSI	4594.58
2	F – FSI	3250.71
3	G – FSI	3058.49
4	PLOT-B COMM & RESI - FSI	352.07
5	H – FSI	3551.42
6	I-FSI	3478.62
7	J-FSI	4362.72
8	K-FSI	2726.07
9	PLOT-C COMM – FSI	228.32
10	BALCONY PROPOSED	3864.68
11	TERRACE	5023.46
12	PASSAGE	3460.43
13	STAIRCASE	1693.04
14	LIFT MC ROOM	209.81
15	LIFT AREA	56.86
16	PARKING	8995.05
17	REFUGEE AREA	447.12
18	CLUB HOUSE-1	131.42
19	CLUB HOUSE-2	44.75
20	SECURITY CABIN	20.00
21	OVERHEAD TANKS	400.00
22	UNDERGROUND TANKS	120.00
	TOTAL	50041.19

3. Further it is mentioned that respondent No.12 – Project Proponent has neither obtained prior EC for raising this construction, nor had moved any application for the same.

4. Further it is mentioned that respondent No.12 – Project Proponent applied for building permission from PCMC, which was granted on 30.03.2007 vide Commencement Certificate to develop plot `B'. There were six amendments/revisions in the building plans and layouts. From year 2007 to 2013, the construction is made under the name M/s Arun Developers through the PAH Mr. Ramsharan B. Gupta. The Project Proponent was granted amendment in first sanction plan by PCMC vide Commencement Certificate dated 09.10.2009, which was for plot `B' having residential buildings (D, E, F, E) and one commercial building.

5. It is further mentioned that the Project Proponent was allowed second revision/amendment in the sanction plan by PCMC vide Commencement Certificate dated 09.03.2010, which related to plot `B' having residential buildings D, E, F, E and one commercial building. The Project Proponent was allowed third amendment in sanction plan by PCMC vide Commencement Certificate dated 02.09.2011, which related to the same buildings as above. Further, the Project Proponent was allowed 4th amendment in the sanction plan by PCMC vide Commencement Certificate dated 03.03.2012.

6. With respect to plot `C', from the record it was revealed that there was no record available with PCMC with regard to the sanction of any construction on the said plot before 09.03.2010. The sanction given on 09.03.2010 was the original sanction for Plot `C' and the building permission on plot `C' was approved vide Commencement Certificate dated 09.03.2010, which related to four buildings, namely, H, I, J, K and one commercial building.

7. It is mentioned that thereafter, the Project Proponent was allowed to make first amendment in sanction plan by the PCMC vide Commencement Certificate dated 04.04.2012, which related to the above mentioned buildings. The Project Proponent was allowed second amendment to the sanction plan by the PCMC on 17.07.2013, relating to the said set of buildings as above. The said original sanction as well as revised ones are described in Table 4 as below:

Sr. No.	Plot	Sanction	Notice Date	Sanction Date	Sanction No.
1	B	Original		30.03.2007	BP/Thergaon/17/2007
2	B	Revised	01.07.2009	09.10.2009	BP/Thergaon/22/2009
3	B	Revised	17.12.2009	09.03.2010	BP/Thergaon/09/2010
4	B	Revised	29.05.2010	02.09.2011	BP/Thergaon/19/2011
5	B	Revised	22.12.2011	03.03.2012	BP/Layout/Thergaon/06/2012
6	C	Original	18.12.2009	09.03.2010	BP/Thergaon/08/2010
7	C	Revised	25.04.2011	04.04.2012	BP/Thergaon/16/2012
8	C	Revised	28.12.2012	17.07.2013	BP/Thergaon/22/2013

8. Respondent No. 5 – PCMC has issued Plinth Check Certificate for residential buildings D and E on plot `B` on 23.11.2009, Plinth Check Certificate for residential building `G` on 11.03.2010, Plinth Check Certificate for residential building `H` on plot `C` 07.10.2011, Plinth Check Certificate for residential building `F` on plot `B` on 12.10.2011, Plinth Check Certificate for residential building `K` on plot `C` on 10.10.2012. No data is available for the Plinth Check Certificate for commercial building on Plot B and also for residential building J and commercial building on Plot C. The part of the buildings I and J are coming under the blue line of Pawana river regarding which various notices were issued by respondent No.5 – PCMC to

the Project Proponent, but the respondents did not bother. A summary of plinth check certificate in tabular form is given, which is as below:

Sr.	Plot	Building	Request Date	Certificate Date	Plinth Check No.
1	B	D	14.10.2009	23.11.2009	BP/Thergaon/135/2009
2		E	14.10.2009	23.11.2009	BP/Thergaon/135/2009
3		F	29.04.2010	12.10.2011	BP/Thergaon/67/2011
4		G		11.03.2010	BP/Thergaon/181/2009
5		Commercial			No Plinth check
6	C	H	03.08.2011	07.10.2011	BP/Thergaon/125/2011
7		I			No Plinth check
8		J			No Plinth check
9		K	05.09.2012	10.10.2012	BP/Thergaon/147/2012
10		Commercial			No Plinth check

9. Respondent No.5 – PCMC, despite there being a complaint on record about various violations, particularly there being no EC, issued completion/occupancy certificate. The Project Proponent has not left 10% open space, which was to be kept for a Recreational Ground to develop the garden and greenery in the project site as per the provisions of the DC Rules.

10. It is stated that the PCMC approved the proposal for four residential buildings and one commercial building having total built-up area of 13,348.42 sq.mtrs on plot B only with total residential tenements 140 and in the said sanction, no details for passage, staircase, lift area, covered parking area, refuge area were provided by project proponent intentionally. The breakup of the total built-up area of the buildings D, E, F and G is indicated in Table-6 as follows:

Sr. No.	Description	Plot-B
1	D & E – FSI	3244.34
2	F- FSI	2500.24
3	G- FSI	2059.57
4	Plot-B COMM & RESI – FSI	70.97
5	BALCONY PROPOSED	1187.12
6	TERRACE	1271.71
7	LEFT MC ROOM	95.76
8	PARKING	2918.71
	TOTAL	13348.42

The above breakup is provided by the applicants as per the authentic record provided by the PCMC.

11. The above plan was revised on 09.03.2010. The project proponent proposed eight multi-story residential buildings and two commercial buildings having built-up area of 28,174.21 sq.mtrs on plots B and C with total residential tenements of 323 (plot B – 165 and plot C – 158), but in this sanction also, there are no details for passage, staircase, lift area mentioned. It was essential for respondent No.12 – Project Proponent to obtain prior Environmental Clearance (EC) from SEIAA and Consent to Establish (CTE) from the MPCB because the proposed built-up area exceeded 20,000 sq.mtrs as the proposed built-up area was 28,174.21 sq.mtrs. But respondent No.12 – Project Proponent intentionally did not obtain the EC as well as CTE. The breakup of the total built-up area of the buildings D, E, F, G, H, I and J is given in Table-7 as below:

	Sanction No	09/2010, 08/2010	
	Date	09.03.2010	
Sr.	Description	Plot-B	Plot-C
1	D & E - FSI	3831.45	
2	F- FSI	2128.27	
3	G- FSI	2020.01	
4	Plot-B COMM & RESI. - FSI	70.97	
5	H - FSI		911.55
6	I- FSI		3479.29
7	J- FSI		4356.81
8	K - FSI		
9	Plot-C COMM - FSI		88.56
10	BALCONY PROPOSED	1212.07	1332.76
11	TERRACE	1494.12	1604.58
12	PASSAGE		
13	STAIRCASE		
14	LEFT MC ROOM	97.06	74.50
15	LEFT AREA		
16	PARKING	2759.80	2484.57
17	REFUGEE AREA	97.9	129.94
18	CLUB HOUSE-1		
19	CLUB HOUSE-2		

	TOTAL	13711.65	14462.56
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11. The Project Proponent obtained the revised sanction on 02.09.2011 from respondent No. 5 – PCMC, which approved the proposal for four residential buildings and one commercial building, having total built-up area of 20,942.76 sq.mtrs. on plot B only with total residential tenements of 234. It was mandatory, looking to the total built-up area for respondent No.12 – Project Proponent to obtain prior EC and CTE, as per EIA Notification, 2006. In Table-8, the breakup of total built-up area of buildings D, E, F and G has been given as below:

	Sanction No	19/2011
	Date	02.09.2011
Sr.	Description	Plot-B
1	D & E - FSI	4613.53
2	F- FSI	3540.83
3	G- FSI	3058.49
4	Plot-B COMM & RESI. - FSI	70.97

5	BALCONY PROPOSED	1694.96
6	TERRACE	2123.50
7	PASSAGE	1405.51
8	STAIRCASE	536.03
9	LEFT MC ROOM	94.06
10	LEFT AREA	
11	PARKING	3601.31
12	REFUGEE AREA	202.57
13	CLUB HOUSE-1	
14	CLUB HOUSE-2	
	TOTAL	20941.76

It is alleged by the applicants that the above details have been provided from the authentic record provided by respondent No.5 – PCMC.

12. The sanction plan was got revised on 03.03.2012 and 04.04.2012, as per which the PCMC approved the proposal of eight residential buildings and two commercial buildings, having total built-up area of 49,452.46 sq.mtrs. on Plots B and C with total residential tenements 497 (Plot B -241 and Plot C -256). Hence, prior EC was mandatory, the area having been exceeded 20,000 sq.mtrs. But no such EC was intentionally obtained. The breakup of total built-up area of these buildings in tabular form in Table-9 is given as below, which is stated to have been prepared by the applicants from the authentic information provided by the PCMC.

	Sanction No	06/2012, 16/2012		
	Date	03.03.2012, 04.04.2012		
Sr.	Description	Plot-B	Plot-C	Total
1	D & E – FSI	4594.58		
2	F- FSI	3250.71		
3	G- FSI	3058.49		
4	Plot-B COMM & RESL – FSI	352.07		
5	H – FSI		3562.94	
6	I- FSI		3478.62	
7	J- FSI		4362.72	
8	K – FSI		2726.07	
9	Plot-C COMM – FSI		211.82	
10	BALCONY PROPOSED	1711.15	2142.01	
11	TERRACE	2080.40	2943.06	
12	PASSAGE	1358.87	2101.56	
13	STAIRCASE	820.57	851.76	
14	LEFT MC ROOM	97.06	112.75	
15	LEFT AREA	28.43		
16	PARKING	4215.69	4779.36	
17	REFUGEE AREA	202.57	233.03	
18	CLUB HOUSE-1	40.08	91.34	
19	CLUB HOUSE-2	44.75		
	TOTAL	21855.42	27597.04	

13. The plan was got revised on 17.07.2013 thereby PCMC approved proposal of four residential buildings sand one commercial building, having total built-up area of 27,645.77 sq. mtrs on Plot C only with total residential tenements 256. Hence, prior EC was necessary. The breakup of these four residential buildings and one commercial building i.e. buildings H, I, J, K and Commercial building is given in tabular form in Table-10, which was prepared by the applicants on the basis of authentic record provided by respondent No.5 – PCMC, as below:

	Sanction No	22/2013
	Date	17.07.2013
Sr.	Description	Plot-C
1	H - FSI	3551.42
2	I- FSI	3478.62
3	J- FSI	4362.72
4	K - FSI	2726.07
5	Plot-C COMM - FSI	228.32
6	BALCONY PROPOSED	2153.53
7	TERRACE	2943.06
8	PASSAGE	2101.56
9	STAIRCASE	872.47
10	LEFT MC ROOM	112.75
11	LEFT AREA	
12	PARKING	4779.36
13	REFUGEE AREA	244.55
14	CLUB HOUSE-1	91.34
15	CLUB HOUSE-2	
	TOTAL	37645.77

14. It is further alleged that respondent No.12 - Project Proponent has made illegal construction in Blue Line and Red Line of river Pawana, which appears from show-cause notice dated 21.02.2012 to have been issued. The PCMC received the flood line marking map from the Irrigation Department in February, 2009, which revealed that respondent No.5 - PCMC and respondent No.12 - Project Proponent were well aware that the part of plot C was coming under the river flow and blue line of Pawana river. Permission for the plot C is obtained for the first time on 09.03.2010. Therefore, it was within the knowledge of PCMC and Project Proponent that the part of building "I" is coming under the river flow and Red line, while buildings H, J and K are coming between Red Line and Blue Line, as stated in the site visit report of PCMC dated 12.01.2012. Even then the PCMC and Project Proponent have ignored this fact and the Project Proponent continued to raise construction in Blue Line of the river. The PCMC had issued a show-cause notice on 21.02.2012 under Section 51 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act) for revocation of building permission issued on 09.10.2009 to the Project

Proponent. A site visit was made by PCMC officer on 12.01.2012 and following observations were made :

“Plot-C, Building H (P+3) and Building 1 (P+12), J (P+12) are sanctioned and RCC work of all building is completed. Out of above buildings, Part of “I” Building is effecting and coming under River Flow & Blue line and remaining Part of Building I, H & J is coming between Blue Line and Red Line.”

It is stated that it is apparent that buildings on Plot B and Plot C are completely under Red line, but even then while granting revised permission, the PCMC overlooked this fact intentionally.

15. It is further stated that the Project Proponent has illegally used, for constructing parking, club house and swimming pool, the mandatory 10% open space for 3530 sq.mtrs. It is stated that as per 7/12 extract of land Survey No.33 Part 4 to 8, the area is 35,300 sq.mtrs, which is shown in tabular form in Table 13, as below:

Sr. No.	Survey Number	Area In Sq. Mtrs.
1	33/4	8600
2	33/5	7100
3	33/6	6000
4	33/7	9300
5	33/8	4300
Total Area In sq. Mtrs.		35300
24 Mtrs Road		2868.37
Bus Terminus Reservation		8000
Area of Plot		24431.27

It was clarified that the area remaining for development comes to only 24,431.27 sq.mtrs. This area is subdivided in three plots, namely, plot Nos. A, B and C. The sub-division of the plots is given in Table 14 as below:

Sr	Plot Number	Min Area	Area Under Road	Area In Sq. Mtrs.	Open Space	Net Area of Plot
1	PLOT-A	6400.32	789.32	5611	561.10	5049.90
2	PLOT-B	8960.00		8960	896.00	8064.00
3	PLOT-C	11939.68	2079.41	9860.27	986.07	8874.20

4	RESERVATION	8000				
	Gross Area In sq. Mtrs.	35300	2868.73	24431.27	2443.17	21988.10

16. The record would reveal that it was agreed between the parties that Plot "A" of 5611.00 sq.mtrs will be developed by M/s Khivansara Sawant Associates and Plot B and Plot C both will be developed by M/s Arun Developers. It is stated that it may also be observed from the consent agreements executed and registered between the Project Proponents and the original land owners for the compromise of the legal dispute and the agreements, which are registered at Serial Nos.3311/2009, 3312/2009 and 3313/2009 at Haveli-11 dated 29.04.2009. A jist of development rights of the Project Proponents is given in tabular form in Table 15 as below:

Sr.	Survey No.	3311/09	3312/09	3313/09	Total
1	33/4	8600	5292.30	1415.60	6707.90
2	33/5	7100	4369.30	1134.70	5504.00
3	33/6	6000	3692.30	987.60	4679.90
4	33/7	9300	5723.10	1530.90	7254.00
5	33/8	4300	2646.20	707.80	3354.00
Total		35300	21723.20	5776.6	27499.80

17. Having cited the above table pertaining to the project area, it is submitted that area of the project is more than 20,000 sq.mtrs despite sub-division and illegal reduction of reservation area.

18. The present Project Proponent has used the total Transfer of Development Rights (TDRs) of 6627 sq.mtrs in addition to the FSI of 16,938.20 sq.mtrs. Respondent No.5 – PCMC is allowing the Project Proponent to use TDR to make additional construction. The effect of TDR loading is that the Project Proponent has made excess construction, which has right to affect additional population or occupancy and additional load on the public services generating the waste water, solid waste, excess energy consumption, temperature increase of the surrounding areas, etc. It has resulted in drastic increase in CO2 generation, causing environmental damage. The details of the TDR loading are given in Table-16 as below:

Sr.	Date	DCR No.	Area Of DCR Utilized (Sq. Mtrs)	Remark
1	25/03/2011	552	344	Plot-B
2	25/03/2011	560	2323	Plot-B
2	25/03/2011	576	560	Plot-B
3	20/04/2011	787	3400	Plot-C
Total TDR			6627	

19. It is further stated that respondent No.12 – Project Proponent has started the illegal use without completion/occupancy certificate obtained from PCMC of 225 residential units out of 241 units from May, 2012 of buildings D, E, F & G and 210 residential units out of 256 units from March, 2014 of buildings H, I, J and K. This act of the Project Proponent has given rise to the overburden to the basic infrastructure of the PCMC for water supply, drainage line and solid waste disposal system affecting the quality of life of the people living in the same project as well as the

people living in the vicinity. The Project Proponent has utilized the ground-water for construction purposes without permission from the Ground Water Department and till the date of filing of this Original Application, is using the water for construction without permission.

20. The details of the consumption of water is also calculated and the same is given from May, 2012 per person per day, the same is stated to 145 liters and number of occupant per unit is considered to be five (5) as per the DC Rules and the same has been calculated and given in Table-17 as below :

Units	Total Occupancy	Daily Water Consumption	Total Water Consumed Per day	Total water Consumed till today
225	1125	145	163125	257737500
210	1050	145	152250	133980000

Thus, it is stated that the total consumption of water would come to 39,17,17,500 liters.

21. Similarly, regarding waste water generation, the calculation is made at the rate of per person, consumption of 45 liters per day, so it has been arrived at total waste water generated in the PCMC line, if the burden on PCMC drainage system, would be 12,15,67,500 liters.

22. It is further stated that the solid waste generated is also calculated at the rate of 0.6 kg per day and the same is arrived at 16,20,900 kgs.. Further it is mentioned that the DG sets are being used by the Project Proponent without any permission, which is creating air pollution.

23. Having made the above pleadings and having relied on several case-laws, which are mentioned in these pleadings, the above prayers have been made by the applicants in this Original Application.

24. The respondents were served and thereafter their responses have been submitted from their respective sides.

25. From the side of respondent No.12 – Project Proponent, vide their reply dated 23.11.2016, submissions have been made that the present application is time-barred because as per Section 14 sub-clause (3) of the National Green Tribunal Act, 2010 (NGT Act, 2010), limitation to file any application is six months from the date of cause of action first arose and in the present case, the first cause of action arose in October, 2009 because actual development work of plot B started in the month of October, 2009 and that of plot C started in March, 2010, when the commencement certificates were issued by the PCMC. The project is completed or is on the verge of completion on the date of filing of this application. Thereafter, the Plinth Checking Certificates of buildings D and E were issued on 23.11.2009 and for wing F, it was issued on 12.10.2011, for wing G, it was issued on 11.03.2010. Thus, in the present case, development of plot B firstly commenced in the month of October, 2009. Therefore, the first cause of action arose in the month of October, 2009 for the reliefs being sought while these reliefs ought to have been sought within six months from October, 2009, which are claimed in para 44 (A), (B), (C), (D) and (E). So far as the reliefs claimed in para 45 (B), (D), (E), (F), (G) and (H) of the application are concerned, the application ought to have been moved within five years from the date of first cause of action i.e. from October, 2009 as per Section 15 (3) of the NGT Act, 2010. Moreover, the applicants are not entitled to move this application for damages

because they are not the victims nor are they concerned with the development of Plots B and C.

26. It is stated that for building "H", the Plinth Check Certificate was issued on 07.10.2011, for buildings I and J, the same was issued on 07.10.2011, for building K, it was issued on 10.10.2012. In the case in hand, the development of plot "C" was first commenced in March, 2010 after receipt of the Commencement Certificate. Therefore, the first cause of action arose in March, 2010 in respect of the reliefs, claimed in para 44 (A), (B), (C), (D) and (E) and in para 45 (B), (D), (E), (F), (G) and (H) of the application.

27. It is further stated that this Original Application is not maintainable because the Sub-Regional Officer of Maharashtra Pollution Control Board (MPCB) had a surprise visit to the project on 15.11.2011 and asked for clarification from the answering respondent regarding development of Plots B and C, and it was responded to by the answering respondent by saying that four buildings are being developed on plot B, admeasuring about 8960 sq.mtrs as per the Commencement Certificate issued by PCMC on 02.09.2011 and further, it was informed that plot B was a separate plot admeasuring 9860.27 sq.mtrs. The development of plot B commenced as per Commencement Certificate dated 09.03.2010. It was further clarified by the answering respondent that both the plots were different with separate sanctioned plans and therefore, separate ECs and clearances from MPCB under EIA Notification, 2006 were not required. There was no query made by the MPCB, but they were satisfied with the explanation given by the answering respondent and hence, there was no necessity to take CTO from MPCB, nor there was any need to obtain prior EC.

28. It is further stated by the answering respondent that the applicants have malafidely interpreted that EIA Notification, 2006 is applicable to the projects developed by the answering respondent on Plot nos. B and C. The answering respondent has developed separate project on Plot B, admeasuring about 8960 sq.mtrs and plot C, admeasuring 11,939.68 sq.mtrs. Even Fire NOCs for buildings constructed on plots B and C have been obtained separately.

29. In para 4 of the affidavit, the circumstances and litigation between the parties have been indicated, which led to a decision on the part of the answering respondent to decide to divide the area into two separate plots i.e. Plot B and Plot C. The answering respondent had decided to develop half area for which title is clear which is shown as plot No.B and to postpone development of plot C. Dispute between the parties was got settled in the month of December, 2009 and thereafter, the process of finalizing the documents was initiated and several litigations took place in the meantime, which are referred to in this affidavit. Further it is stated that because of the disputes, which are cited in para 4, point Nos.4.1 to 4.4 of this affidavit. The answering respondent was required to submit sub-division plan to the original layouts dated 30.03.2007 of the land bearing Survey No.33 Hissa Nos.4, 5, 6 7 and 8 of Thergaon, admeasuring about 35,300 sq.mtrs. The answering respondent submitted sub-division plan for the said land and PCMC sanctioned the layout of sub-division on 09.10.2009, as per which plot A, admeasuring about 6400.32 sq.mtrs, plot B, admeasuring 8960.00 sq.mtrs, plot C, admeasuring about 11,939.68 sq.mtrs and reservation plot admeasuring about 8000 sq.mtrs. Therefore, it is clear that Plots A, B and C and reservation plot are separate and distinct plots. Plot A is with Khiwansara & Lunawat and the answering respondent has nothing to do with that plot. None of the above

plots in the said layouts are beyond 20,000 sq.mtrs. As per applicable law when the commencement of Plots B and C happened, the built-up area of both plots B and C was not more than 20,000 sq.mtrs. Therefore, no EC was required for the development, which is being carried out on the said plots B and C by the answering respondent. It has developed these two plots on the aforesaid layout. It is further stated that on plot No.B, there are four wings consisting of residential units and one commercial building. The answering respondent has formed separate society for each wing and for plot No.B, following four separate Cooperative Housing Societies have been registered:

Name of Society	Registration no.	Date of registration
Ganga Ashiyana "D" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG/TC/15081/2013	31/05/2013
Ganga Ashiyana "E" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG/TC/15082/2013	31/05/2013
Ganga Ashiyana "F" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG/TC/15147/2013	13/09/2013
Ganga Ashiyana "G" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG/TC/15148/2013	13/09/2013

30. It is further mentioned by the answering respondent that on plot C, there are four wings consisting of residential units and one commercial building. The answering respondent has formed separate society for each wing for plot C, following four separate Cooperative Housing Societies have been registered:

Name of Society	Registration no.	Date of registration
Ganga Ashiyana "H" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG /TC/16402/2014	27/11/2014
Ganga Ashiyana "I" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG /TC/16401/2014	27/11/2014
Ganga Ashiyana "J" Co-operative	PNA/PNA/(3)/HSG	27/11/2014

Housing Society Ltd.	/TC/16403/2014	
Ganga Ashiyana "K" Co-operative Housing Society Ltd.	PNA/PNA/(3)/HSG /TC/16974/2014	02/03/2016

31. The details of development of plot B, as are given by the answering respondent in their affidavit, are as follows:

- i. Development of the Plot B adm. about 8980 sq.mtrs was commenced as per revised sanctioned plan dt.9/10/2009 bearing commencement certificate no.B.P.Thergaon/22/2009. As per the said plan permission was granted for one commercial building, and 1 building consisting of 4 wings viz. D, E, F, & G. Total permissible available FSI was 1 and total Built-up area consumed is 7880.97 sq.mtrs including excess balcony area though permissible FSI was 8064.00 sq.mtrs.
- ii. The said building plan was revised on 9/3/2010 as per commencement certificate no.Thergaon/09/2010 and as per commencement certificate no.Thergaon/19/2011 dt. 2/9/2011. As per the said sanctioned plan total permissible FSI was 1 and permissible TDR was 3225.60 sq.mtrs, and proposed built-up area was 11289.60 sq.mtrs.
- iii. The said building plan was further revised on 3/3/2012 as per commencement certificate no.Thergaon/6/2012. As per the said sanctioned plan total permissible floor area including TDR was shown as 11289.50 sq.mtrs and total FSI consumed was shown as 11278.62 sq.mtrs. As per the said revised sanction plan dt.3/3/2012, Built-up area of Plot B is 11255.85 sq.mtrs + excess balcony 22.77 sq.mtrs = Total built-up area 11278.62 sq.mtrs and two Club houses adm about 84.83 sq.mtrs.
- iv. This respondent submits that as per the practise in PCMC the building plans were initially submitted for the net plot and area of road widening is to be added by revision plan only after the road widening area is handed over to PCMC. Therefore in initial plan of Plot B area of net plot is shown and in subsequent revision plan area under road widening is shown. In case of Plot B TDR is loaded, and no FSI area under road widening is taken. Similarly so far as Plot C is concerned both TDR and road FSI is used. This respondent submits, that no TDR has been loaded on I wing.

32. With respect to plot "C", it is submitted by the answering respondent as follows:

- i. Development of the Plot C adm. about 9860.27 Sq. Mtrs was commenced as per revised sanctioned plan dt.9/3/2010 bearing commencement certificate no. B.P.Thergaon/8/2010 on Plot C. As per the said sanctioned plan permission to construct 1 residential building with 4 wings i.e H, I, J, & K and one commercial building is given. Total FSI permissible was 8874.24 sq.mtrs and FSI consumed was 8843.54 sq.mtrs including excess balcony area of 7.33 sq.mtrs.
- ii. The said building plan was further revised on 4/4/2012 as per revised commencement certificate no. B.P.Thergaon/16/2012 including TDR total permissible area was shown as 14349.99 sq.mtrs and proposed balcony area shown as 2142.01 sq.mtrs and total built-up area was shown as 14342.17 sq.mtrs.
- iii. The said building plan was further revised on 17/7/2013 as per revised commencement certificate no. B.P.Thergaon/22/2013 and thereafter as per commencement certificate B.P. Thergaon/18/2016 dt.30/4/2016. As per the said plan total permissible area 14517.99 sq.mtrs including TDR and area under road widening.

33. Further it is submitted that the City Engineer of PCMC has issued show-cause notice dated 21.02.2012 to the answering respondent stating therein that as per the plans of Irrigation Department, part of plot No.C, fell within the Blue line area and as per the decision of the State of Maharashtra dated 21.01.1989, no construction was permitted in Blue line area and therefore, why the permission should not be cancelled. The response was submitted by the answering respondent to the said notice and after hearing the answering respondent, the City Engineer of PCMC has passed an order with directions that TDR should not be transferred on building affected by Blue flood line and parking level of the building should be kept above Blue line and accordingly, building permission may be taken. Further it is mentioned that the construction of the plinth was completed considering the Principle of Committed Development, the permission to construct I Wing was given because building plans for I wing were already sanctioned.

34. It is further submitted that plot "C" has separate identity and has already been completed. The Occupancy Certificate has already been issued by the PCMC on 30.04.2016, in which following details have been given:

- a) H wing having 12 floors and consisting of 71 residential units with total built up area of 3583.62 sq.mtrs.
- b) I wing having 12 floors and consisting of 69 residential units with total built up area of 3478.62 sq.mtrs.
- c) J wing having 12 floors and consisting of 69 residential units with total built up area of 4401.60 sq.mtrs.
- d) K wing having 12 floors and consisting of 47 residential units with total built up area of 2748.34 sq.mtrs.
- e) Commercial building having Talmajla and consisting of 1 commercial unit with total built up area of 228.32 sq.mtrs.
- f) Club house with total built up area of 91.34 sq.mtrs having only ground floor.

Thus built-up area of H, I, J, & K buildings having 256 residential flats is 1424.62 sq.mtrs and commercial area 228.32 sq.mtrs and club house area 91.34 sq.mtrs.

35. In rest of the paragraphs of this affidavit, parawise replies of the averments of the applicants are given, which contains nothing but denial of the allegations made against the answering respondents and defence of the answering respondent No.12 has been reiterated therein. So we do not find it essential to reproduce those paragraphs herein again.

36. The response of respondent Nos.5 to 8 – PCMC, through their affidavit dated 06.12.2016, is filed, wherein it is submitted that the applicants were shown entire record by the answering respondents on 21.01.2016 pursuant to the application of the applicants under RTI Act dated 08.01.2016 and that no information has been suppressed by it. The applicants had requested to stop the said construction of the project and demolish the construction, which had already been completed and occupied by the respective unit holders/purchasers since 2014. The

answering respondents have sanctioned the building plan of the property bearing Survey No.33/4 to 33/8 (Part) of village Mauje Thergaon, Taluka Haveli, District Pune, having total area of the plot of 35,300 sq.mtrs; the area covered under Road Widening of 2868.73 sq.mtrs; area of reservation of 8000 sq.mtrs and remaining area of plot as 24,431.27 sq.mtrs. Further, the area of Plot A is stated as 5611.00 sq.mtrs, open area of the plot as 561.10 sq.mtrs and balance area of the plot as 5049.90 sq.mtrs. As regards plot No.B, its plot area is shown as 8960.00 sq.mtr, open area of the plot as 896.00 sq.mtr and balance area of the plot is stated as 8064.00 sq.mtr. The area of Plot No.C is shown as 11,939.68 sq.mtrs, open area of the plot as 986.00 sq.mtrs and balance area of the plot as 8874.24 sq.mtrs.

37. In view of above sub-division of the plot, sub-divisions as plot Nos.A, B and C are in existence, sanctioned layout is annexed as Annexure-A. It is submitted by the answering respondents that the applicants are falsely representing and referring the entire construction on three plots and thereby pointing out the alleged violations of the environment. The applicants have raised objections on the construction on plots B and C; however, there are four buildings on each plot No.B and C, respectively. There are two independent plots. Therefore, it is neither legal nor proper to consider the entire construction jointly. The applicants are falsely representing the picture of the project with a view to point out the alleged environment violations. The construction of the project is not covered under EIA Notification, 2006. The construction on plot No.B and Plot No.C was already completed on 30.03.2012 and September, 2013 and October, 2015, respectively. It is falsely stated by the applicants that none of the buildings have received completion/occupancy till filing of the complaint dated 02.04.2015. The Occupancy Certificates were already issued to the

buildings on Plot No.B on 30.03.2012 and occupancy certificate on 30.04.2016 to buildings on Plot C, copies of which are annexed as Annexure-B and Annexure-C, respectively. The answering respondents have sanctioned building plans of buildings D, E, F & G on plot No.B, having total number of 241 flats and 12 nos. of commercial units. The answering respondents have sanctioned the building plans of buildings H, I, J and K on plot No.C, having total number of 256 flats and 12 nos. of commercial units. According to the answering respondents, the applicants have dishonestly calculated entire slab area of two independent plots with a view to raise alleged violation of environment. The definition of Built-Up Area as per Development Control Rules "*Ground area covered immediately above the plinth level by the building or external area of any upper floor, whichever is more, except (a) to (r) as listed below:*

- a) A basement or stilt floor space constructed under a building and used as parking space.
- b) A basement constructed under a building and used as a residential common interest of flat buyers with no dividing wall in building having tenements only.
- c) A basement structure under building and used as locker, safe deposit vault a strong room of the bank situated in the same building with

special permission in writing by the Municipal Commissioner.

- d) A basement constructed under a building and used for air-conditioning plant, meter room electric sub-station (use accessory to the principal use)
- e) Areas converted by stair case rooms for stair flights of width 0.75 m. And above in case of row housing, penthouses and duplexes 1.2 m and above in case of residential 1.5 m and above in case of commercial/industrial/educational/institutional and special building subject to premium to be decided by the Municipal Commissioner. However no Premium shall be charged for Government, Semi – Government Offices.
- f) Lift – rooms, lift – wells or Architectural Features, chimneys and elevated tanks of permissible area of fire escape stairways and lifts with cantilevered fire escape passages according to the Chief Fire Officer's requirements.
- g) In every residential building constructed or proposed to be constructed for the use of a co-operative housing society or an apartment owners association, an office room will be permitted on the ground floor or floor 1. In an already developed property, it may be on an upper floor. The area of the room shall be limited to 12 Sq.mtr.. If the number of tenements in the building does not exceed 20 and 20 Sq.mtr. otherwise.
- h) Area of sanitary blocks consisting of bathroom and water closet for each wing of each floor of a building of prescribed dimensions deriving access from a common passage as required for the use of domestics servants engaged in the premises.
- i) Area covered by – i) Lofts, ii) Meter Rooms, iii) Porches, iv) Canopies, v) Air-Conditioning Plant Rooms, vi) Electric Substations, vii) Service Floors of height non-exceeding 1.5 mtr. with the special permission of the Commissioner.
- j) Area of structures for an effluent treatment plan as required to provided by industries as per requirements of the Maharashtra

Pollution Control Board or other relevant authority.

- k) Areas covered by services ducts, pump rooms, electric, sub-stations, niches up to 1 mtrs. depth below window sill passages and additional amenity of lift and or staircase beyond those required under the regulations.
- l) Area of one milk booth under the public distribution systems with the permission of the Commissioner.
- m) Rookery well and well structures plant nursery, water pool, swimming pool (if uncovered) platform round a tree trunk fountain bench, cohabiters with open top unclosed sides by wall, ramps, compound wall, gate, side swing overhead water tanks on the top of the building provided that the distance between terrace and soffit of tank is less than 1.50 meters.
- n) Area of one telephone booth and one telephone exchange (P B X) per building with the permission of the Commissioner.
- o) Area of one room for installation of telephone concentrators as per requirements of Manager Telephone Nigam Limited but not exceeding 20 Sq.mtrs. per building with the permissions of the Commissioner.
- p) Area of a separate letter box on the ground floor of residential and commercial building with 5 or more storeys to satisfaction of Commissioner.
- q) Area of a covered passages of clear width not more than 1.52 mtr leading from a lift exit at a terrace level to the existing stair case so as to enable descent to the lower floors in a building to reach tenements not having direct access to a new lift in building without an existing lift.
- r) Area of one fitness center for a Co-op. Housing Society or Apartment owners Association as provided in regulation on M.I.(17). Copy of the same is annexed herewith as ANNEXURE D.

38. It is further stated by the answering respondent that Proforma-I of Development Control Rules speaks how to measure various areas as described in the Schedule. As per serial nos.6 and 13 mentioned in the Schedule, it is stated that Built-Up Area = Floor Area (built up area and floor area is equal) and therefore, the then Competent Authority had sanctioned the building permission by taking into consideration the same area. The answering respondent has further stated that Built-Up Area of Plot B is admeasuring 11,289.60 sq.mtrs and built-up area of plot C is admeasuring 14,349.99 sq.mtrs and therefore, there was no need of prior EC.

39. It is further stated by the answering respondent that in the year 2011, an amendment has been made in Built-Up Area in the following manner:

“The Built-Up Area or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building/construction projects.”

A copy of the same is annexed as Annexure-F. It is further stated by the answering respondent that in the said definition, there is no clear explanation. However, in earlier definition, basement and other services were covered in Built-Up Area. There is neither clear explanation of service areas, nor defined in the Development Control Rules. There is no service floor in the said project. As per the Notification dated 30.01.2014, issued by the Environment Department, it specifically states that where the EC is applicable and as per the said Notification, the same is applicable to an area of 20,000 sq.mtr or more (including FSI and Non-FSI). A copy of the said Notification is annexed as Annexure-G. Further it is mentioned that the applicants have wrongly calculated construction jointly (FSI and Non-FSI) as per Notification of 2014 and wrongly claimed that prior EC is required. However, the permission of the construction and the construction on the building had already completed prior to 2014. Therefore the said Rule is not applicable.

40. Further it is stated that the answering respondents inspected the plinth of commercial building on Plot C of Conveyance Shoppe on 21.09.2013 and buildings I and J on plot C on 07.10.2011. A copy of the same is annexed as Annexure-H. It is stated that only small portion of building I is covered under blue flood line area. The answering respondents have already issued Completion Certificate to the buildings on plot B and plot C and the developer had kept open space as per the

Rule. An area admeasuring 152.58 sq.mtr out of total area admeasuring 843.54 sq.mtr of plot C is affected by blue flood line. A copy of the sheet showing drawing is annexed as Annexure-I. The answering respondent issued notice and after hearing, permission has been granted by imposing certain conditions, because, according to them, Red line is out of demarcation and therefore, not considered. Except the area under the Blue line, remaining plot is in Red and Blue lines is buildable area imposing some conditions and there is marking of Blue line on measurement map. The part of building "I" came within Blue line area and other buildings are within Blue and Red lines. The answering respondent have properly calculated the area of road widening. Regarding N.A. permissions, it is stated that there is no violation.

41. Further it is mentioned that the area of reservation as per DP is kept and there is no change in it. TDR is permissible as per Sanctioned Development Control Rules and Occupancy Certificates of the buildings were already issued. Thus, those who are using the premises prior to getting occupancy certificate, have been charged compounding fee as per the existing Rules. The developer has constructed grey water recycle plant and therefore, there is less quantity of waste water.

42. With above pleadings, it is prayed by the answering respondent Nos.5 to 8 that the Original Application be dismissed.

43. From the side of respondent No. 1 – Environment Department and respondent No.2 – SEIAA, Maharashtra, the stand taken from their side, through their affidavit-in-reply dated 04.01.2017, is that as per EIA Notification, 1994, expansion or modernization of any activity (if pollution load is to exceed the existing one) or a new project listed in Schedule-I requires Environmental Clearance (EC) by the Central Government in accordance with the procedure laid down in EIA Notification, 1994. As per

the amended EIA Notification, 2004, EC is required for project with population above 1000 persons, or sewage generated more than 50 m³/day, or project cost above Rs.50 crores. A copy of the EIA Notification, 2004 is annexed as Annexure-A. The Central Government superseding the previous EIA Notification, has notified EIA Notification dated 14.09.2006, as per which, EC is required for projects having built-up area above 20,000 sq.mtrs and projects above 1,50,000 sq.mtr built-up area would be requiring Environment Impact Assessment and EC both. In the case in hand, as per the record available with SEAC and SEIAA, there no application from respondent No.12 for obtaining prior EC for their project in question. The Member Secretary, MPCB, vide their letter dated 29.11.2016, submitted the site visit report done by officials of the MPCB of the site in question. Copy of the said letter dated 29.11.2016 is annexed as Annexure-C. As per the report, it is prima facie observed that Project Proponent carried out construction of total built-up area exceeding 20,000 sq.mtrs at site without obtaining the prior EC.

44. It is further stated that the Environment Department issued a show-cause notice dated 02.01.2017 to the Project Proponent under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rules, 1986 and EIA Notification , 2006, which is annexed as Annexure-D. Thereafter, it is submitted that if the allegations made against the Project Proponent are found to be correct, it would amount to violation under Environment (Protection) Act, 1986 read with EIA Notification, 2006. The answering respondents support the grant of interim relief as prayed for, to the extent of stopping the work on site, till the initial scrutiny, which has been initiated by the Environment Department, is over. The answering respondent have already issued the show-cause notice under Section 5 of the Environment (Protection) Act,

1986 and liberty may be granted to them to initiate action against respondent No.12 in accordance with law.

45. A perusal of this affidavit filed by respondent Nos.1 and 2 would indicate that the answering respondents have held respondent No.12 – Project Proponent to be guilty for not obtaining prior EC because during the site inspection, they had found that the total built-up area constructed by the Project Proponent at the site in question to be exceeding 20,000 sq.mtrs. although details of that construction over 20,000 sq.mtrs. have not been given as to whether this area has been said to be combined area of the construction raised at plot “B” and plot “C” or whether the construction made on plot “B” , which has exceeded 20,000 sq.mtrs.

46. While considering the matter, we have to decide the issue, in addition to other issues, as to whether construction on these two plots B and C should be treated to be two different projects as stated by respondent No.5 – PCMC or should it be taken to be one combined project as is being claimed by the applicants.

47. From the side of respondent Nos.3 and 4 – MPCB, they have filed affidavit dated 01.12.2015, wherein it is submitted that the Board had carried out visit of the site in question on 07.11.2016 and found that respondent No.12 had completed construction of Ganga Ashiyana Phase-I and Phase-II at survey number in question, total built-up area of which is more than 20,000 sq.mtrs and that respondent No.12 has not obtained EC therefor and yet, it has completed the construction.

48. This reply of MPCB does not reflect as to whether the MPCB is treating the construction at plot B and plot C to be single project or two separate projects and whether this area of more than 20,000 sq.mtrs is taken to be of construction made on both plots or the construction of each

plot was found to be exceeding 20,000 sq.mtrs. We have already stated that an issue in this regard will be decided while considering the matter.

49. According to us, in case they are treated to be two different projects, then we will have to see the total built-up area of construction of each plot separately and if on any of the plots, the area exceeds 20,000 sq.mtrs of construction, that would require prior EC and in case the same is not obtained by the Project Proponent – respondent No.12, the Project Proponent would be treated to have caused violation of environmental law and accordingly, the Environmental Damage Compensation (EDC) would have to be calculated and levied upon respondent No.12 – Project Proponent. In case, we come to the conclusion that the construction on both plots should be treated to be one project, we will have to see combined area of both plots and if we find that the total built-up area of construction exceeds 20,000 sq.mtrs, in that case also, it will be treated that prior EC was required and if the same was not obtained, the Project Proponent would be held to be in default of this provision.

50. From the side of respondent No.10 – Irrigation Department, reply dated 28.12.2016 has been filed, wherein we do not find anything of substance for arriving at a conclusion to be drawn in this case.

51. From the side of the applicants, rejoinder-affidavit dated 13.02.2017 has been filed to the affidavit-in-reply filed by respondent No.12 – Project Proponent dated 23.11.2016, reply respondent Nos.5 to 8 (PCMC) and that of respondent Nos.3 and 4, wherein we find the same facts have been reiterated, which we have considered above.

52. Further rejoinder dated 07.04.2017 has been filed by the applicants to the affidavit of respondent No.12, reply of respondent Nos.5 to 8 and that of respondent Nos.3 to 4. After having gone through the same, we find that the same facts, which we have already considered in this

judgment above, have been reiterated and nothing of any substance has been found therein.

53. Further affidavit dated 14.02.2017 has been filed on behalf of the applicants on computation of carbon footprint and expansion, explanation of prayers sought. We have gone through this affidavit and we do not find it appropriate to record the facts therefrom in this judgment for disposal of present dispute.

54. Additional affidavit-in-reply dated 07.07.2017 has been filed by respondent Nos.5 to 8 – PCMC, which we have gone through and nothing of any substance is found therein to decide the dispute involved in the present case.

55. Affidavit-in-reply dated 21.09.2017 has been filed by respondent No.12 to the additional affidavit dated 07.04.2017 filed by the applicants, wherein we find that submissions made by the applicants have been rebutted by the answering respondents.

56. Affidavit-in-reply dated 14.09.2018 has been filed by respondent No.10 to the additional affidavit dated 07.04.2017 filed by the applicants, Nothing of any substance is found therein by us.

57. Reply dated 20.02.2024 has been filed on behalf of respondent Nos.13 to 16 and respondent Nos.18 to 20, wherein it is recorded that the construction of the buildings of respondent Nos.13 to 20 was carried out in accordance with law and respondent No.12 – Project Proponent has take permission from time to time. The answering respondents have raised preliminary objection to the maintainability of the present application. Locus standi of the applicants has also been questioned in this reply.

58. Reply-affidavit has been filed by the applicants to I.A. No.221/2023 filed by respondent No.12 – Project Proponent and rejoinder to the reply of respondent Nos.13 to 16 and respondent Nos.18 to 20 – Cooperative Housing Societies, has also been filed, in which the same facts have been reiterated, which have been stated by the applicants in the Original Application. Hence, we need not reproduce the same here.

59. Respondent No.17 – Ganga Ashiyana “H” Cooperative Housing Society has filed reply-affidavit dated 21.05.2024, in which it is recorded that respondent No.12 has divided plots B and C with tin sheets giving access to Plot C – occupants, to the amenities in Plot B. Members of all the societies in Plot B and C were frustrated with a division between the two plots and by common understanding between them, they removed all the tin sheets. However, when the present case was initiated against respondent No.12, he put a common concrete wall between both the plots and now members of the answering respondents as well as Society Building Nos.I, J, K in plot C are deprived of direct unrestricted access to all the common amenities located in plot B as well as 55 parking slots. It is further stated by the answering respondents that the Societies I, J and K filed a complaint against respondent No.12 and Societies D, E, F and G with the Cooperative Societies Registrar. Similarly, they have filed a Civil Suit bearing Special Civil Suit No.1927 of 2022 in the Court of Civil Judge, Senior Division, Pune. They have even filed Writ Petition No.6224/2024 before the Hon’ble High Court of Bombay for modification of the deemed conveyance orders passed by the Registrar, Cooperative Societies. The said Societies have not done any construction activity, hence, they cannot be held responsible, nor should they suffer for whatever environmental non-compliances respondent No.12 has committed. If any demolition order is passed by this Tribunal, they will be rendered homeless and

respondent No.12 will be utterly responsible for such loss and that he should provide alternate accommodation with full ownership rights to the members of the answering respondents.

60. We have considered the pleadings of the applicants as well as that of respective parties, perused the record and after having heard the arguments of the learned counsel for the contesting parties, following issues have been framed by us for being decided in this Original Application:

- (I) Whether this Original Application is barred by limitation ?
- (II) Whether two plots B and C and the construction thereon should be treated to be two different projects as stated by respondent No.5 – PCMC or should it be treated to be one combined project as is being claimed by the applicants ?
- (III) Whether respondent No.12 – Project Proponent has violated the requirements of EIA Notification, 2006 ? and if Yes, what is the amount of Environmental Damage Compensation (EDC) to be calculated and levied from respondent No.12 – Project Proponent ?

FINDINGS :

Issue No. (I) :

61. According to this issue, we have to decide as to whether this Original Application is barred by limitation.

62. Record reveals that the present Original Application has been filed on 16.09.2016, alleging in paragraph No.42 of the application with regard to limitation that the applicants had sent first notice dated 02.04.2016 to the respondents with available information for stopping the said violations and strict action thereon, but the violations continued till the filing of the

application. Therefore cause of action to file the present application arose on 19.05.2019 when the applicants got sufficient information and knowledge of the gross violation of various environmental laws.

63. The application, by which the applicants had sought information from respondent No. 5 – PCMC, was moved on 08.01.2016, pursuant to which, they were provided information on 27.01.2016 regarding details of the construction area, illegality in the project and plans. Thereafter, the applicant No.1, by an application dated 19.01.2016, sought information from the MPCB, which was replied to vide letter dated 04.02.2016, clearly stating that there is no data available for prior EC and no Consent to Establish was granted to respondent No.12 for the said project. Thereafter, applicant No.1, through application dated 31.01.2016, sought information from the Environment Department and it was responded to by letter dated 15.04.2016, stating that there is no prior EC granted and even no application for grant of EC was moved for the said project. So, based on the available information, the applicants had moved a complaint on 02.04.2016 to the PCMC – respondent No.5, requesting to stop the construction and demolish the illegal construction. The PCMC had responded to the complaint of the applicants vide their reply dated 27.01.2016, the reply of MPCB dated 19.02.2016 and reply of Environment Department dated 15.04.2016 and thus, the applicants allege that the cause of action arose on 19.05.2016.

64. As against this, from the side of respondent No.12 – Project Proponent, it is submitted that the applicants have challenged the development of Plot Nos.B and C being done by respondent No.12 in violation of EIA Notification, 2006. The Project Proponent – respondent No.12 had commenced the development of Plot No.B as per Commencement Certificate dated 09.10.2009 in the month of October,

2009 itself. Therefore, the first cause of action so far as development of Plot No.B is concerned, arose in 2009 itself. Thereafter, on the basis of Commencement Certificate dated 09.03.2010 started construction in the month of March, 2011 itself. Therefore first cause of action so far as plot No.C is concerned, arose in March, 2011. Thus, in terms of the provisions of Section 14 (C) of the National Green Tribunal Act, 2010, the limitation to file Original Application is six months from the cause of action first arose. The present Original Application is highly time barred. From the record, we find at page 94 of the paper-book, Occupancy Certificate, issued by respondent No.5 – PCMC, which has been filed by the applicants, which is with respect to the completion of construction on plot No.B, whereupon buildings D, E, F, G and commercial wing “C” are shown to have been completed by 30.03.2012. So with regard to the construction regarding these buildings on this plot, the cause of action could have been brought within six months, which obviously has already expired and thereafter only, this matter has been filed by the applicants.

65. We find on record Completion Certificate with respect to the construction made on plot “C” pertaining to the buildings H, I, J and K and one commercial building to have been issued on 30.04.2016, which is also corroborated by PCMC, which is found to have been annexed at page 56 of Misc. Application No.410 of 2016 in O.A. No.147 of 2016, which also stands corroborated by the summary provided by the applicants across the bar to us, which is taken on record and marked “X” for the purpose of identification.

66. In view of above, if we consider these two plots B and C to be separate projects, then we will have to come to the conclusion that the issue with respect to illegal construction on plot No.B could not have been raised, being time-barred, but as regards the construction raised on plot

No.C, it could have been raised because the present application has been filed within six months from the expiry of the date of limitation. However, in case we consider the project to be a joint one, which means the construction on both plot Nos.B and C is treated to be one single project, in that case, the cause of action would be reckoned from 30.04.2016 and in these circumstances, the whole project would be treated barred by limitation. This issue is decided accordingly.

Issue No. (II) :

67. As per this issue, we have to decide as to whether two plots B and C and the construction thereon should be treated to be two different projects as stated by respondent No.5 – PCMC or should it be treated to be one combined project as is being claimed by the applicants. In this regard, we do not have an established yardstick or norms which we can apply and arrive on a conclusion, but in our opinion, it would be appropriate for us to see on the basis of documentary evidence produced by the parties on record, as to whether construction on these two plots was got sanctioned separately or was there combined sanction. Further, whether the amenities provided for the residents residing in the buildings constructed on these two plots would be enjoyed jointly, such as car parking, clubhouse and all other amenities, or were they to be enjoyed separately.

68. We find that the approval to the construction to be raised on plot No. B, of four buildings and the commercial buildings was obtained from respondent No. 5 – PCMC on 09.10.2009 initially, while the first sanction of approval for construction of the buildings on plot No.C was obtained on 09.03.2010 from PCMC. It has also come to light in the evidence that the construction on plot No.C could be started separately because of some dispute being there while construction on plot No.B had started in March, 2010 prior to that. As regards amenities, the car parking and the club

houses are provided for the buildings separately on plot Nos.B and C. Thus, this would lead us to believe that the construction on plot Nos.B and C should be treated to be separate scheme and not one scheme. Issue No.(II) is decided accordingly.

Issue No.(III) :

69. As per this issue, we have to decide as to whether respondent No.12 – Project Proponent has violated the requirements of EIA Notification, 2006 ? and if Yes, what is the amount of Environmental Damage Compensation (EDC) to be calculated and levied from respondent No.12 – Project Proponent. In this regard, while observing with respect to Issue No.(II) above, we found that the construction which has been raised on plot Nos.B, against the same, the applicants cannot raise any objection with regard to the construction being in violation of EIA Notification, 2006, because the same is time-barred. However, with respect to the construction on plot No.C, we find that the construction could have been questioned as the same is alleged to have been done in violation of EIA Notification, 2006 as no prior EC was obtained while the same was essential, the total built-up area being beyond 20,000 sq.mtrs., which is calculated by us as below.

70. As per the layout for Plot C, last approval is accorded on 17.07.2013 for built-up area of buildings H, I, J, K and commercial building, details of which are given in the following table.

	Sanction No	22/2013
	Date	17.07.2013
Sr.	Description	Plot-C
1	H - FSI	3551.42
2	I- FSI	3478.62
3	J- FSI	4362.72
4	K - FSI	2726.07
5	Plot-C COMM - FSI	228.32
6	BALCONY PROPOSED	2153.53
7	TERRACE	2943.06
8	PASSAGE	2101.56
9	STAIRCASE	872.47
10	LEFT MC ROOM	112.75
11	LEFT AREA	
12	PARKING	4779.36
13	REFUGEE AREA	244.55
14	CLUB HOUSE-1	91.34
15	CLUB HOUSE-2	
	TOTAL	27645.77

Hence, for Plot "C", Terrace area is 2943.06 sq.mtrs., balcony area is 2153.53 sq.mtrs. and open parking area is (1174.00 sq.mtrs. + 923.70 sq.mtrs), totaling 7193.59 sq.mtrs., which will have to be deducted from Total Built-Up Area of 27,645.77 sq.mtrs. Hence, Total Built-Up Area as per EIA Notification, 2006 will be 27,645.77 sq.mtrs - 7193.59 sq.mtrs = 20,452.18 sq.mtrs.

71. As per "Construction Cost Guide book India - 2024 Project & Development Services - India" (<https://www.jll.co.in/content/dam/jll-com/documents/pdf/research/apac/india/jll-construction-cost-guide-book>), India construction cost for residential buildings with floors less than 12 in 2024 in Pune is reported as Rs. 2250 to Rs. 2650/sq ft. This Cost/sq ft. represents the average of the competitive tender prices as on Q4 2023. The cost/sq ft. is based on construction floor areas measured to the outside face of the external walls / external perimeter including lift shafts, stair wells, water tanks, plant rooms and like and excludes cost of Demolition of existing buildings, tenant fit-out, FF&E (furniture,

fitting and equipment unless otherwise specified), Cost escalation, professional fees, land, finance, Approvals etc. where applicable. Hence, total construction cost in 2024 can be taken as Rs. 2500/sq. ft in Pune. With TBUA as 20,452.18 sq.mtrs. the construction cost of project works out as Rs. 51 Crores. We wish to mention that As per NGT order dated December 6, 2018 in O.A 125/2017 for delay in payment of Environmental Compensation, an interest @12% will be payable. Thus, escalation and interest rate balance each other. Hence, we have worked out project cost as per construction cost guidebook of the year 2024.

72. In the judgment of the Hon'ble Supreme Court in Civil Appeal No. 10854 Of 2016 dated 10.08.2018 in the case of ***M/s Goel Ganga Developers India Private Ltd. Vs. Union of India, through Secretary Ministry of Environment and Forests and others; (2018) 8 SCC 257***, , following is held:

“57. Having held so we are definitely of the view that the project proponent who has violated law with impunity cannot be allowed to go scot-free. This Court has in a number of cases awarded 5% of the project cost as damages. This is the general law....”

Hence, EDC to be levied and recovered from R-12-PP works out as 5% of Rs. 51 Crore at Rs. 2.55 Crore.

73. Since we find that there is clear violation of EIA Notification, 2006 as regards the construction made on plot No.C, we deem it appropriate to direct respondent No.12 – Project Proponent to deposit the EDC of Rs.2.55 Crores (Two Crores Fifty Five Lakhs only), calculated by us as above in terms of the law laid down in the judgment of the Hon'ble Supreme Court dated 10.08.2018 in the case of ***M/s Goel Ganga Developers India Private Ltd.*** Issue No.(III) is decided accordingly.

74. We dispose of this Original Application with directions that the amount of EDC of Rs.2.55 Crores (Rupees Two Crores Fifty Five Lakhs) shall be deposited by respondent No.12 – Project Proponent with respondent No.3 – MPCB within two months from the date of uploading of this judgment, which shall be utilized for improvement of the environment in the area concerned.

73. In view of disposal of Original Application, all pending I.As./M.As. stand disposed of.

74. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 03, 2025
ORIGINAL APPLICATION NO.147 OF 2016 (WZ)
npj

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE HOUSING SOCIETY LTD Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 138934/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 183861/2022 - CLARIFICATION/DIRECTION
IA No. 14921/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 14922/2018 - EXEMPTION FROM FILING O.T.
IA No. 163170/2022 - INTERVENTION APPLICATION
IA No. 183860/2022 - INTERVENTION/IMPLEADMENT
IA No. 138931/2023 - INTERVENTION/IMPLEADMENT
IA No. 164711/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 25861/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 165915/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 14920/2018 - STAY APPLICATION)

WITH C.A. No. 1492/2018

(IA No. 17366/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 17368/2018 - EXEMPTION FROM FILING O.T.
IA No. 17364/2018 - STAY APPLICATION)

Date : 29-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Vinay Navare, Sr. Adv.
Mr. Aman Varma, AOR
Ms. Riya Wasade, Adv.
Ms. Samridhi S. Jain, Adv.
Mr. Nrupal A. Dingankar, Adv.

Respondent(s)

Mr. Rajan Kumar Chourasia, Adv.
Ms. Sudhanshu Prakash, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, AOR

Ms. Aparna Jha, AOR

Mr. R. P. Gupta, AOR

Mr. Ajit Pravin Wagh, AOR
Ms. Shubhangi Pandey, Adv.
Ms. Astha Prasad, Adv.

Mr. Saket Mone, Adv.
Mr. Kush Chaturvedi, AOR
Mr. Abhishek Salian, Adv.
Mr. Syed Faraz Alam, Adv.
Mr. Devansh Shah, Adv.
Mr. Shrey Shah, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushman Aggarwal, Adv.

Mr. Nitin Lonkar, Adv.
Mr. Pulkit Agarwal, AOR
Ms. Pradnya Bheke, Adv.
Ms. Sonali Suryavanshi, Adv.

Mr. Shantanu Adkar, Adv.
Ms. Bharti Tyagi, AOR

UPON hearing the counsel the Court made the following
O R D E R

The notice has been issued. Therefore, the appeals
shall be treated as admitted for hearing.

List for hearing on 1st August, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE HOUSING SOCIETY LTD Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Only I.A. No. 163170 of 2022 is listed
IA No. 163170/2022 - INTERVENTION APPLICATION)

Date : 05-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s)

Mr. Vinay Navare, Sr. Adv.
Mr. Aman Varma, AOR

For Respondent(s)

Mr. Gurmeet Singh Makker, AOR
Mr. Rajan Kumar Chourasia, Adv.
Ms. Sudhanshu Prakash, Adv.
Mr. Nachiketa Joshi, Adv.

Mr. Shrirang B. Varma, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Uday P Warunjikar, Adv.
Mr. Makarand D. Adkar, Adv.
Mr. Shantanu M. Adkar, Adv.
Ms. Rekha Rani, Adv.
Ms. Aparna Jha, AOR

Mr. R. P. Gupta, AOR

Mr. Ajit Pravin Wagh, AOR
Ms. Astha Prasad, Adv.
Ms. Prachi Thakur, Adv.

Mr. Saket Mone, Adv.
Mr. Kush Chaturvedi, AOR
Mr. Syed Faraz Alam, Adv.
Mr. Devansh Shah, Adv.
Mr. Shrey Shah, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushmaan Aggarwal, Adv.

Mr. Pulkit Agarwal, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA No. 163170/2022 for intervention to be heard
along with the Civil Appeal.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

Section XVII

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

I.A NO. 163170 OF 2022

IN

CIVIL APPEAL NO. 1258 OF 2018

IN THE MATTER OF:

Ganga Skies Complex Cooperative Housing Society Ltd

....Appellant(S)

Versus

Union Of India And Ors.

....Respondents

AND IN THE MATTER OF APPLICATION.

Karan Tej Paramount Properties Pvt Limited,
Through its Director.

...Applicant

WITH

I.A No. of 2022:

APPLICATION FOR INTERVENTION ON BEHALF APPLICANT.

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE APPLICANT:

BHARTI TYAGI

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4.	<u>ANNEXURE A-3</u> A true copy of the Original Application No. 148 of 2016 filed by the Respondent No.13 against the Applicant before the National Green Tribunal.	33-83
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A NO. _____ OF 2022

IN

CIVIL APPEAL NO. 1258 OF 2018

IN THE MATTER OF:

Ganga Skies Complex Cooperative Housing Society Ltd

....Appellant(S)

Versus

Union Of India And Ors.

.... Respondents

AND IN THE MATTER OF APPLICATION :

Karan Tej Paramount Properties Pvt Limited

Through Its Director,

M-2/105, M.I.G Krishna HSG Society,

Gokhale Nagar Pune, Maharashtra, Pune – 411 016

...Applicant

TO,

THE HON'BLE CHIEF JUSTICE AND**HIS COMPANION JUDGES OF THE****HON'BLE SUPREME COURT OF INDIA****THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE NAMED.**

MOST RESPECTFULLY SHOWETH AS UNDER:

1. The present Civil Appeal No. 1258 of 2018 has been filed by the Ganga Skies Complex Cooperative Housing Society Ltd (Appellant) under section 22 of the National Green Tribunal Act, 2010 (NGT Act, 2010) assailing Judgment and Final Order dated 08.01.2018 passed by the Hon'ble National Green Tribunal (Western Zone) Bench, Pune in Miscellaneous Application No. 22 of 2018 in Original Application No. 163 of 2016 whereby the Hon'ble NGT had dismissed M.A No. 22 of 2018 in Original Application No. 163 of 2016 wherein the Appellant i.e. Ganga Skies Complex Cooperative Housing Society Ltd had raised preliminary objections pertaining to limitation, jurisdiction and plurality of reliefs under section 14 and 15 of the NGT Act, 2010. Annexed herewith and marked as Annexure A-1 (Pg. 9-30) is a true copy of the order dated 08.01.2018 passed by the Hon'ble National Green Tribunal Pune in M.A NO. 22 of 2017 in Original Application No. 163 of 2016.

2. Vide order dated 16.02.2018, this Hon'ble Court was pleased to issue notice and grant stay on further proceedings before Hon'ble NGT. Annexed herewith and marked as Annexure A-2 (Pg. 31-32) is a true copy of the order dated 16.08.2018 passed by this Hon'ble Court in Civil Appeal No. 1258 of 2018.

3. That the Respondent No. 13 herein i.e. Mr. Tanaji Balasaheb Gambhire is a habitual litigant and has filed frivolous petition being Original Application No. 148 of 2016 titled Tanaji Balasaheb Gambhire vs. Karan-Tej Paramount Properties Private Limited against the applicant herein. It is submitted that captioned Civil Appeal involves similar issues pertaining to maintainability of the Original Application No. 148 of 2022 filed against the applicant herein by the same Respondent No. 13 i.e. Tanaji Balasaheb Gambhire and as such it is pertinent that the Applicant herein be permitted to assist this Hon'ble Court in deciding the issues pertaining to the limitation, jurisdiction and maintainability involved in the present Civil Appeal.

4. It is submitted that Respondent No. 13 in the present Civil Appeal i.e. Mr. Tanaji Balasaheb Gambhire filed Original Application NO. 148 of 2016 with respect to two projects constructed on Survey No. 168, Village: Wakad, Taluka-Mulshi, District-Pune, within the Corporation limits of Pimpri Chinchwad Municipal Corporation by Karan Tej paramount Properties Private Ltd. i.e. the Applicant herein. Annexed herewith and marked as Annexure A-3 is a true copy of Original Application No. 148 of 2016 before (Pg. 33-83) NGT.

5. It is undisputed fact that both the projects have been completed in all aspects and accordingly a completion certificate was issued. It is submitted that, of the two projects, one of the projects is Madhupushpa situated on Plot

No. 1 wherein the development commenced sometime in 2007 and was completed in March 2012 and possession was handed over to the flat owners. The second project concerns Altissimo Project, wherein development commenced in 2013 and completed in 2016. Possession of the flats has also been handed over to the purchasers in the year 2016.

6. In 2016, Mr. Tanaji Balasaheb Gambhire filed Original Application No. 148 of 2016 against the Applicant herein on the ground that the projects have been developed without appropriate building permissions and Environment Clearance. The Applicant herein filed M.A No 444 of 2016 in O.A No. 148 of 2016, *inter alia*, raising the following preliminary issues:

- a) The Original Application No. 148 of 2016 is barred by limitation under section 14 and 15 of the NGT Act, 2010 as construction of the project Madhupushpa completed in 2012 and of Altissimo in 2016. The Original Application No. 148 of 2016 was filed on 08.09.2016.
- b) The NGT does not have jurisdiction to entertain Original Application No. 148 of 2016 as the same alleges violations of provisions of Maharashtra Regional Town Planning Act, Development Control Regulations, and Municipal Laws which are not covered under Schedule I of the NGT Act, 2010.

- c) Mr. Tanaji Balasaheb Gambhire i.e. the Petitioner before National Green Tribunal is a complete stranger to the project of the Applicant as he is not a person aggrieved within the provisions of NGT Act, 2010. The projects in question are situated in Pimpri Chinchwad Municipal Corporation whereas Mr. Tanaji Balasaheb Gambhire resides about 15 km away from the projects.
- d) The Projects in question are less than 20,000m² constructed area and hence, Environment Clearance under EIA Notification 2006 is not required.

Annexed herewith and marked as Annexure A-4 is a true copy of the M.A No 444 of 2016 in O.A No. 148 of 2016 by the Applicant. (Pg-84-87)

7. That the present Civil Appeal No. 1258 of 2018 involves similar and nearly identical issues pertaining to limitation, jurisdiction and maintainability. Since the determination of the issues will have a direct impact on the objections raised by the Applicant and adjudication of Original Application No 148 of 2016 filed by Tanaji Balasaheb Gambhire, it is prayed that the Applicant herein be permitted to intervene and assist this Hon'ble Court in determining the issues involved.

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8. In light of the above facts, and in the interest of justice it is imperative the Applicant is permitted to intervene in Civil Appeal No. 1258 of 2016 and assist this Hon'ble Court in just adjudication of the issues.

PRAYER

In the light of the above, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. allow the present application by the Applicant seeking intervention in Civil Appeal No. 1258 of 2018.
- b. pass such other order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT SHALL EVER PRAY AS DUTY BOUND

FILED BY:

FILED ON: 31-10-22

(BHARTI TYAGI)
ADVOCATE FOR THE APPLICANT

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A NO. _____ OF 2022

IN

CIVIL APPEAL NO. 1258 OF 2018

IN THE MATTER OF:

Ganga Skies Complex Cooperative Housing Society Ltd

....Appellant(S)

Versus

Union Of India And Ors.

....Respondents

AND IN THE MATTER OF APPLICATION.

Karan Tej Paramount Properties Pvt Limited.

Through its Director

...Applicant

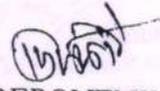
AFFIDAVIT

I, Mr. Vilas Laxman Londhe, Age: 52 years; Occupation: Business, residing at : Flat No.7, Shubham Park B2, PCNT Nigdi Pradhikaran, Pune- 411044, do hereby solemnly affirm and state on oath as under:

1. That I am Director of the Applicant Company and as such I am well aware with the facts of the present case and the records maintained in the office. I am also duly authorized to file the present the IA for Intervention.

8

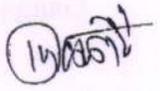
- 2. That I have gone through the Interlocutory Application, and I state that the contents thereof are true and correct to the best of my knowledge and belief.
- 3. That the annexures/documents are true copies of their respective originals.


 DEPONENT

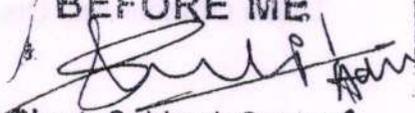
VERIFICATION

I, the above-named Deponent do hereby verify that the contents of the above paras are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

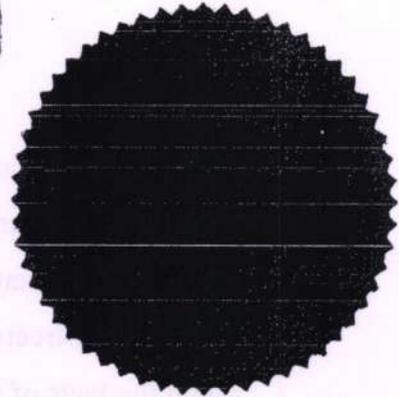
Verified at Pune on this ___ day of October 2022.


 DEPONENT



BEFORE ME

 Shuruti Subhash Sankpal
 ADVOCATE & NOTARY
 GOVERNMENT OF INDIA

Noted & Registered
 at Serial No. 1501/2022
 Date. 19 OCT 2022



403060/2021/U/o DyGA(GSM)

Annexure A-1

9

BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE

M.A.No.22/2017

In

ORIGINAL APPLICATION NO.163 OF 2016

CORAM:

HON'BLE MR. JUSTICE U.D.SALVI
(Judicial Member)

HON'BLE DR. NAGIN NANDA
(Expert Member)

M/s. Goel Ganga Construction
A Partnership Firm
Through Atul Jayprakash Goel
Amit Jayprakash Goel
3rd Floor, San Mahu Complex,
Opp. Poona Club, 5, Bund Garden,
Pune - 411 001

Applicant
Original Respondent No.10

In the Matter of

Mr. Tanajai Balasaheb Gambhire
Age: Adult, Occupation: Service
R/o Flat No.16-GTS-296, Laxmi Apartment
Near Shivaji Maratha High School,
White House Lane, Shukrawar Peth,
Pune-411 002

APPLICANT

VERSUS

1. THE UNION OF INDIA,
Through the Ministry of Environment & Forest,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110 001.
2. THE PRINCIPAL SECRETARY, ENVIRONMENT
DEPARTMENT,
Government of Maharashtra,
15th Floor, New Administrative Building,
Mantralaya, Mumbai - 400 032.

**3. STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY**

Through Member Secretary
15th Floor, New Administrative Building
Mantralaya, Mumbai - 400 032.

4. MAHARASHTRA POLLUTION CONTROL BOARD

Through its Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema,
Sion (E), Mumbai

5. MAHARASHTRA POLLUTION CONTROL BOARD

Through its Regional Officer, SRO
Jog Centre, 3rd Floor, Mumbai-Pune Road,
Wakadewadi,
Pune - 411 003.

6. PIMPRI CHINCHWAD MUNICIPAL COMMISSIONER

Pimpri Chinchwad Municipal Corporation,
Pimpri, Pune - 411 018.

**7. SHRI. MAHAVIR THALYAPPA KAMBE
CITY ENGINEER**

Pimpri Chinchwad Municipal Corporation,
Pimpri, Pune - 411 018.

8. DISTRICT COLLECTOR - PUNE

President - District Environment Committee,
Pune

9. SHRI. SHASHANK PHADAKE

Architect & Authorised person of sole space
1+2, Building No.7,
Shraddha Heritage, Pimpri,
Pune-411019.

10. M/S. GOEL GANGA CONSTRUCTION

A Partnership Firm
Through Atul Jayprakash Goel
Amit Jayprakash Goel
3rd Floor, San Mahu Complex,
Opp. Poona Club, 5, Bund Garden,
Pune - 411 001.

403060/2021/U/o DyGA(GSM)

11. **FEDERATION OF SWAR-GANGA
CO-OPERATIVE HOUSING SOCIETY LTD.**
Survey No.174/A, 176/A,177/A,
Sant Tukaram Nagar, Pimpri,
Pune-411 018.
12. **GANGA SKIES CO-OPERATIVE HOUSING
SOCIETY LTD.**
Survey No.174/A, 176/A,177/A,
Sant Tukaram Nagar, Pimpri,
Pune-411 018.
13. **MR YOGESH MANGLASEN BEHAL**
Vrundavan Bungalow,
Near virangula Centre,
Survey No.174/A, 176/A,177/A,
Sant Tukaram Nagar, Pimpri,
Pune-411 018.

..... RESPONDENTS

Counsel for Applicant(s):

Ms. Rashmi Shiriram Pingle, Mr. Nilesh Bhandari, Mr. Abhijit Ingle

Counsel for Respondent(s)

Mr. R.B. Mahabal, Ms. Supriya Dangare for Respondent No.1.

Mr. Aniruddha S. Kulkarni, Mr. Prashant More for Respondent
Nos.4 and 5.

Mr. Saket More for Respondent Nos.10,11

Mr. Bangram Singh Bhonsle, Aarti Bhonsle for Respondent Nos.12,
13.Date - 8th January, 2018ORDER

1. Respondent No.10- M/s Goel Ganga Construction has raised exceptions to maintainability of the Main Application

No.163 of 2016 on the grounds of limitation, jurisdiction and plurality of reliefs.

2. Mr. Tanaji Gambhire, R/o Shukravar Peth, Pune has moved the Main Application for demolition of structures constructed in the project developed at Survey No.174A (Part), 175A(Part), 176A(Part) and 177A(Part), corresponding to CTS No.4859(Part), 4862(Part), 4863(Part), and 4865(Part), at Pimpri Waghere, Taluka Haveli, District Pune, falling within limits of Pune Chinchwad Municipal Corporation (PCMC) and restoration of the said area having regard to environmental damage caused by the said development. In addition thereto, the Applicant Mr. Tanaji Gambhire is seeking compensation for damage incurred to environment as a result of the said construction and for directions to the Authorities for action against the delinquents indulging in the acts of malfeasance and misfeasance leading to development in question. At the outset, the Applicant made it clear that the relief sought at Prayer Clause 'A' for demolition of illegal structures at the site in question and for restoration of the area is the principal relief, other reliefs being ancillary or consequential thereto.

3. Learned Counsel appearing on behalf of Respondent No.10 submitted that every Application has to be based upon a single cause of action and for one or more reliefs provided they are consequential to one another as per Rule-14 of the National Green Tribunal (Practices & Procedure) Rules, 2011.

403060/2021/U/o DyGA(GSM)

B

He pointed out from the body of the Application that the Applicant had pleaded alleged violations of the Municipal Laws, the Maharashtra Regional and Town Planning (MRTP) Act, 1966, the Development Control Regulations (DCR) and the Maharashtra Land Revenue Code, 1966 (MLRC) at different stages of development giving rise to several causes of action and clubbed these causes of action to allege that illegal structures were raised during the development in question and sought several directions against the concerned Authorities for action against the Project Proponent (PP), the Architect of the project and City Engineer Mr. M.T. Kamble, and this approach to the case was in clear violation of Rule— 14 of the National Green Tribunal (Practices & Procedure) Rules, 2011.

4. Learned Counsel appearing on behalf of Respondents countered these submissions and contended that the Applicant sought restitution of the environment damaged due to several illegalities committed by the Applicant in development of the said project by principally seeking demolition of the said illegal structures and other reliefs were ancillary or consequential thereto.

5. Examination of the Application reveals that the Applicant besides pleading the infractions of Municipal Laws, the Maharashtra Regional and Town Planning Act, the Development Control Regulations (DCR) and the Maharashtra Land Revenue Code, had also pleaded violations

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of Environment Clearance Regulations (EC) and all the terms and conditions stipulated for 'Consent to Establish' or 'Consent to Operate' granted by the Maharashtra Pollution Control Board (MPCB) under the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 (for short, Air and Water Acts) as well as the Hazardous Wastes (Management, Handling and Trans boundary Movement) Rules, 2008 and the Acts specified in Schedule-I of the National Green Tribunal Act, 2010. The Applicant also made references to damage to environment caused as a result of violations of law pleaded in the present case. Obviously, therefore, the Applicant chose to refer to the said structures as illegal structures and sought its demolition for bringing about restoration of the area in question.

The nature of environmental damage, if any, caused due to such development would ultimately decide the fate of this application. 'Cause of action' is a bundle of facts which needs to be ascertained from the total pleadings. Environmental damage is what prompts the present action. The Applicant has specifically pleaded in the Limitation Clause that what prompted him to initiate the present Application are revelation made to him in response to the R.T.I query. No other cause for action except the facts is pleaded in the present case. In this view of the matter, we are of the considered opinion that there is no violation of Rule 14 of the NGT (Practices and Procedure) Rules, 2011. The Application

403060/2021/U/o DyGA(GSM)

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 being based on single cause of action and made for seeking principal relief of restitution of environment.

7. As observed hereinabove, the Applicant has raised issue of environmental damage suffered by environment due to several illegalities of laws, including enactments specified under Schedule-I of the NGT Act, 2010. How the environment suffered due to transgression of the Municipal Laws, MRTP Laws, Development Control Regulations and the Land Revenue Code is the question which needs to be answered upon hearing the Application on merits, both on the point of fact and law. At this stage, it will be imprudent to dismiss those contentions in relation to the Acts other than the Acts specified under Schedule-I of the NGT Act, 2010 i.e. Municipal Laws, MRTP Laws, Development Control Regulations and the Land Revenue Code of jurisdiction. It will be interesting to see what cumulative effect of violations of those laws, also of the Environmental Control Regulations, Air and Water Acts and the Solid Waste (Management & Handling) Rules, has/had on environment so as to raise a substantial question relating to environment, including enforcement of any legal right relating to environment and whether such violations warrant restitution of environment as claimed.

8. Referring to Section 14 and 15 of the National Green Tribunal Act, 2010, the learned Counsel appearing on behalf of Respondent No.10- M/s Goel Ganga Construction

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contended that the Applications under Section 14 and 15 were to be filed within the prescribed period given in the respective provisions and the period of limitation is to be computed from the date of accrual of 'first cause of action'. He submits that the offending construction was commenced on 28th March, 2006, when the Commencement Certificate was granted by the Planning Authority and the buildings were completed far back in 2009 and, therefore, the Application filed in September/October 2016, stood clearly barred by period of limitation, which has to be computed from the date of commencement of the said construction. He further submits that the legislative intent and the scheme governing period of limitation are expressed unambiguously in the said provisions by use of the phrase 'cause of action first arose' and, therefore, the premise of continuing cause of action is clearly ruled out. In order to reinforce his contentions, he relied upon the cases reported/delivered in (2011/9) SCC 126, *Khatri Hotels Pvt Ltd & Anr Vs Union of India and Anr* and the Judgment of Hon'ble High Court of Judicature at Bombay in the case of *Windsor Realty Pvt Ltd* (Judgment dated 1.3.2016 in *Writ Petition No.594 of 2015: Windsor Realty Pvt. Ltd Vs Secretary, MoEF & (8) Ors*). He further cited the Judgment delivered by this Bench in *Jai Javan Jai Kisan's* case (Judgment dated 13th June, 2017 in *Application No.33 of 2016: Jai Javan Jai Kisan and (2) Others Vs Vidarbha Cricket Association and (9) Ors*);

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Graminee Environment Development Corporation's case (Judgment dated 18th May, 2017 in O.A 179 of 2016: *Graminee Environment Foundation Vs Balaji Infrastructures Ltd and (6) Ors*). Mr. Suresh Waman Dhavale's case (Judgment dated 22nd September, 2017 in O.A No.95 of 2014: *Mr. Suresh Waman Dahvale and (2) Ors Vs MoEF and (17) Ors*).

9. . It is correct that use of phrase 'cause of action first arose' has decisive consequence as regards computation of period of limitation prescribed under Section 14 and 15 of the National Green Tribunal Act, 2010. It is, therefore, necessary to examine as to when exactly 'cause of action first arose' in the present case. For understanding this, we will also have to first examine and consider the plea of dismissal of the present Application on the ground of 'locus standi' of the Applicant. He contended that the Applicant being resident of Shukravan Reth, Pune - a faraway place from the project in question - cannot be permitted to agitate as 'aggrieved person' within meaning of Section 18(e) of the National Green Tribunal Act, 2010. He submits with reference to the Judgment of Hon'ble Apex Court in the case reported in (2013) 4 SCC 465: *Ayubkhan Noorkhan Pathan Vs State of Maharashtra And Ors*, that the expression 'person aggrieved' does not include a person who suffers from psychological or imaginary injury and 'person aggrieved' must therefore necessarily be whose right, interest has been

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totally affected or jeopardised. According to him, the Applicant is under obligation to show-how he suffered legal injury. This submission sets us on enquiry to find out whether the Applicant is a stranger being removed from geographical distance between his residence within the limits of PMC at Shukravar Peth, Pune and the project site situate within the limits of PCMC.

10. Perusal of the main application reveals that the Applicant is seeking demolition of the illegal structure and consequently restoration of the area substantially, therefore, the relief of restitution of the environment, allegedly damaged due to illegal construction, a relief under Section 15 of the National Green Tribunal Act, 2010. Besides, alleging breach of provisions of law other than those of the enactments specified in Schedule I of the National Green Tribunal Act, 2010, the Applicant specifically contends that undue burden is cast on the resources and ecosystem due to generation of waste water and solid waste beyond the limits stipulated in Consent to Establish at paragraph 18 of the Application. The Applicant has computed the total water requirement, total fresh water supply by the PCMC, total waste water generated and total solid waste generated with reference to residential, commercial and amenities provided in the project in question and presented in the application as follows:

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"It is noted that the following table shows that the Actual Water Requirement, Waste Water Generated & Hazardous Waste, DG Sets installed at the site.

Table No.-12: Total Water Requirement

Sr.	Description	Population	Water Required	Total Water Required
1	Residential	3,510	135	3,73,850 Ltrs.
2	Commercial	62	45	2,790 Ltrs.
3	Amenity	755	45	33,975 Ltrs.
Total Water Requirement Per Day				5,10,615 Ltrs/Day

It is noted that, as per Consent to Establish the daily water consumption is 473 CMD but actual water consumption in 510 CMD.

Table No.13:- Total Fresh Water Supply by PCMC

Sr.	Description	Population	Water Required	Total Water Required
1	Residential	3,510	90	3,15,900Ltrs.
2	Commercial	62	25	6,350 Ltrs.
3	Amenity	755	25	18,750 Ltrs.
Total Water Supply by PCMC Per Day				3,36,925/Ltrs/Day

Table No.-14: Total Waste Water Generated

Sr.	Description	Population	Waste Water	Total Water Required
1	Residential	3,510	45	1,57,950 Ltrs.
2	Commercial	62	20	1,240Ltrs.
3	Amenity	755	20	15,100Ltrs.
58% of PCMC Supply				2,28,701 Ltrs.
Total Waste Water Generated Per Day				2,02,991 Ltrs/Day

It is noted that, as per Cons. to Establish, the daily waste water generation is 379 CMD but actual waste water generation in 402 CMD.

Table No.-15: Total Solid Waste Generated

That the solid waste generated is including the Organic waste, paper, plastic, Metals, Glass Rubber, Inert, STP Sludge etc.

Sr.	Description	Population	Solid Waste	Total Solid Waste Generated
1	Residential	3,510	0.6	2,106 Kg/Day
2	Commercial	62	0.3	18.6 Kg/Day
3	Amenity	755	0.2	151 Kg/Day
Total Solid Waste Generated Per Day				2,275.6 Kg/Day

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It is noted that the, as per Consent to Establish, the daily solid waste generated is 2,000 Kg/day but actual solid waste generated in 2,275.6 Kg/day."

11. Learned Counsel appearing on behalf of the Applicant submitted that there is a Nalla along the site of the said project which meets River Pawna and flows downstream to meet River Mutha in Pune. This fact is not disputed by any of the parties to the present application. Thus, it can be seen that the location where the project is situated and the city of Pune are part of the common riverine system and as such the individuals in the project area and those living in the city of Pune share a common environment.

12. The record further reveals a copy of letter dated 17th November, 2014 at Annexure-IV Colly to the Rejoinder Affidavit dated 22nd March, 2017. Reading of this document on record points out that the POMC had issued Notice to the Managing Director of the Respondent No.10 - M/s. Gori Ganga Construction to operate the STP in the project regularly. A grievance is found made in the said communication that the health of the local citizens was endangered due to overflow of sewage and its percolation in the land abutting the Nalla flowing along the said project. Obviously, the facts disclosed from the record signify damage to the environment which adversely influence the riverine system commonly shared by the locals as well as those who are part of such adversely impacted environment in the entire riverine system.

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13. Environment is defined alike both in the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010. In Section 2(a) and 2(c) of the said Acts respectively as under:

- "2(a) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants and micro-organism and property;
- (c) "environment pollution" means the presence in the environment of any environmental pollutant;"

There are no boundaries to the environment, and the inter-relationship which exists among and between water, air, and human beings, other living creatures, plants, micro-organism and properties matters when we have to interpret any legal right relating to the environment.

14. In the instant case as observed hereinabove, the Applicant shares environment with the locals in the project area, he being resident of city of Pune situated in the said riverine system. The Hon'ble Supreme Court in *Aya Anbhan Noorkhan Pathan case (supra)* has held that only a person who has suffered or suffers from legal injury can challenge the act/action/order, etc. in a court of law. Legal injury is contemplated when there is infraction of a legal right. In this context, the Hon'ble Apex Court observed in the said case as follows:

"10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a

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psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised. (Vide *Shanti Kumar R. Carji v. Home Insurance Co. of New York and State of Rajasthan v. Union of India*)"

15/ The Applicant has prima facie shown that his legal right relating to environment i.e., ~~to clean environment~~ is affected by unlawful acts of Respondent No.10 - M/s ~~Goel Ganga Construction~~ in the manner as pleaded in the application and it calls for its restitution. The injury alleged by the Applicant, as aforesaid, therefore, cannot be ~~dismissed as imaginary injury~~. The Applicant, therefore, needs to be regarded as person aggrieved having locus standi in the present proceedings.

16. In *Khatri Hotels Private Limited and Another Vs. Union of India and Another*, (2011) 9 Supreme Court Cases 126 the Honble Apex Court delineated the effect of the word "First" used by law makers in stipulating the period of limitation in following words:

30. While enacting Article 58 of the 1963 Act, the legislature has designedly made a departure from the language of Article 120 of the 1908 Act. The word "first" has been used between the words "sue" and "accrued". This would mean that if a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. To put it differently, successive violation of the right will not give rise to fresh cause and the suit will be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrued."

17. There can be no two opinions regarding the use of the word "first" with the same rigour in Section 14 and 15

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of the National Green Tribunal Act, 2010 for prescribing the period of limitation. The material provision in Section 15 of the National Green Tribunal Act, 2010 is reproduced herein below:

"15(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose.

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."

(emphasis supplied)

18. In *Windsor Realty Pvt. Ltd. case (supra)* the Hon'ble High Court was of the prima facie view from the Section 14(G) of the National Green Tribunal Act, 2010 that by no stretch of imagination the cause of action would arise from the date of knowledge of the applicant about the alleged violation of law taking place or from the date on which environmental authorities were informed about violation and inaction on their part vide Paragraph Nos.33 and 35 of the Judgment. On similar lines and considering the facts in *Graminee Environment Development Foundation case (supra)* we had dismissed the application for restitution of the environment. Pertinent observations made by us in the Judgment delivered in *Graminee Environment Development Foundation case* are quoted herein below:

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"12. In our considered opinion, making of grievance of the kind in the present case by writing a letter cannot be constituted as 'cause of action' but the actual act or its consequence constitutes 'cause of action' in any case. In the present case, cause of action has arisen as a result of blasting work as well as dumping of rocks etc. by Dighi Port Ltd and its holding Company Balaji Infrastructure Ltd in the said land.

13. A perusal of the Application gives some clue as to when such acts of blasting of hills and dumping of material excavated started. The Applicant has pleaded in her Application that Respondent No.1 encroached upon 3km of seashore of village Nanavali and without permission of any Govt. Authority dumped soil and rocks there. It is further pleaded that Respondent No.1 has been doing illegal activities of levelling, blasting, excavation of land, filling of land space with soil, dumping huge rocks and artificial land spaces without any permission; and in spite of such illegalities going on, Respondent Nos. 2 to 7- Govt. Authorities did nothing. The Applicant in her pleadings referred to EC granted in the name of Dighi Port Ltd on 26th September, 2005 for construction of Port at village Dighi Taluka Shrivardhan, District Raigad and states that she does not challenge or dispute anything about such EC or any work at Dighi Port and her only grievance is that Respondent No. 1 has encroached upon the property and extended various kinds of constructions beyond consented area. These facts as pleaded if read in conjunction with the plaint in Regular Civil Suit No. 4 of 2009 filed by the Applicant in the Court of Civil Judge, Junior Division, Shrivardhan, do make sense as to when alleged activity had started. At para 7 of the said plaint the Applicant has categorically stated that on 26/12/2008 the defendant (therein) i.e. Dighi Port Ltd came at the land adjacent to the house of the Applicant in order to make encroachment and reclaimed the land, and this highhanded activity of Dighi Port Ltd was resisted by the Applicant with objection that they cannot reclaim land by blasting the hills and dumping rocks at the said land. A clear fact emerges that the act of blasting the hill sides, dumping materials illegally and reclamation of land, first started in or about December, 2008. Thus, cause of action for the present Application clearly arose in or about December, 2008."

For recognising the reason or cause necessary to actuate an action for restitution of the environment damaged, it is

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not only the actual act of violation of law alone but it is the act and its perceptible adverse impacts on the environment necessitating its restitution that constitutes the cause of action in such cases.

19. In *Jai Javan Jai Kisan & Ors Vs. Vidarbha Cricket Association* (Application No.33/2016 disposed on 13th January, 2017) the application was filed by residents of Nagpur for restitution of the environment on demolition of VCA Stadium at Nagpur on 11th April, 2016. We noticed that the cause of action first arose in the year

2008 upon the observations made by us as under:

"11. Conjoint reading of Section 14 and 15 of the National Green Tribunal Act reveals that essentially any application moved for claiming reliefs thereunder must necessarily present a civil case wherein substantial question relating to environment or environmental damages arising under the enactments specified in the Schedule to the Act (including accident occurring while handling any hazardous substance) is involved. We are therefore, of the considered opinion that it is the substantial question relating to the environment or environmental damage as aforesaid which gives rise to the cause of action under the provisions of National Green Tribunal Act, 2010. In the present case the question raised is about restoration of the environmental damage on account of injury to it as a result of raising VCA Stadium without EC or consent to operate under the provisions of Schedule-I Acts viz Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974. As stated herein above, the causes of injury are insufficiency of Effluent Treatment Plant (ETP), open spaces, parking spaces and tree cover. These facts were very much manifest when the VCA stadium began a functional in the year 2008. In our opinion, therefore, the cause of action for the present Application arose first when the VCA stadium became functional. There is nothing in the Application to state that

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these injuries stood compounded further to actuate the Applicants to initiate the action in the present case as framed."

(emphasis supplied)

20. In *Surendra Waman Dhavale case (supra)* we dismissed the application for restitution of environment with following pertinent observations:

"12. Here we are dealing with the case of patent event of massive construction perceptible to the public at large. Nothing was concealed as regards the construction in question. In such circumstance, the Ratio Decidendi arrived at in the case of Dr. V.N. Shrikhande is not applicable in the present case, more particularly for the reason that there was pre-existing jetty and nowhere the applicants have described or given the details of latent effects of harm/injury caused to the environment due to the construction in question which became patent in or about September 2013, the time when the notice dated 25th September 2013 was issued. In the case of the Applicants that there has been massive cutting of mangroves in the year 2003 by Google imagery Communication No. 8 for the purpose of construction of jetties. The first cause of action therefore, in any case arose long back in the year 2003. Even by liberal estimation, the work of construction could be said to have been evident on its completion in the year 2006 vide Inspection Report dated 1st February 2006. In such situation, the application which is filed on 6th September, 2014, is inordinately grossly time barred."

(emphasis supplied)

21. In this background we are obliged to consider the fact situation in the present case as found pleaded in the application and as revealed from the record. In the instant case it is not violations of law alone which have given rise to the present *lis* but the fallout of those acts as stated in the application in terms of damage to the environment that constitutes the cause of action. Needless to state that the cause of action is a bundle of facts and not a single fact

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alone. For a person to be aggrieved in real sense, it is necessary that there exist circumstances manifesting the adverse impacts of the acts detrimental to the environment i.e. damage to the environment.

22. Furthermore, the "cause of action" has to be complete in case of an application for restitution of the environment under Section 15 of the National Green Tribunal Act, 2010.

The composite set of facts necessary to culminate into the cause of action must so combine as to present all the ingredients necessary for invoking the said provision. The restitution of environment presupposes environmental damage and as observed hereinbefore environmental damage is what prompts the present action.

23. There can be cases wherein the environmental damage may not be perceptible due to assimilative and regenerative character of the nature but when it comes to light due to either increase in anthropogenic pressure of development exceeding the nature's potential or exhaustion of nature's potential to assimilate and regenerate herself any person aggrieved thereby is furnished with the cause of

action for taking action against such wrong or injury to his legal right to clean environment. It is in this context the "Discovery Rule" evolved by the Courts in United States in case of *Morgan Vs Grace Hospital Inc.* 149 W.VA. 783, 144 S.E. 2d 156 and adopted by Hon'ble Apex Court in Dr. V.N. Shrikhande case [AIR 2011 SC 212; Dr. V.N.

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Shrikhande Vs. Mrs. Anita Sena Fernandes become relevant. The Hon'ble Apex Court while dealing with the issue of limitation in a case of medical negligence held:

"In case of Medical Negligence "Cause of action" does not accrue until the patient learns of injury/harm or in the exercise of reasonable care and diligence could have discovered the act constituting negligence."

24. A person/patient may suffer legal injury due to the medical negligence when actually the negligence occurs. However, the cause of action, the Hon'ble Apex Court held does not accrue until the patient learns of harm/injury caused by such negligence in order to discover the act constituting negligence. Occurrence of harm caused to the environment is analogous to the harm caused on account of a medical negligence in a sense that it is a species for Tort like medical negligence and it could become perceptible only upon unfolding of future events. In the instant case, the cumulative effect of various illegalities or infractions of law including those of the enactments specified in Schedule-I of the National Green Tribunal Act, 2010 became evident when the incidence of overflowing of the sewage and its percolation in the land and Nalla flowing along the said project could be noticed - vide Notice/Letter dated 17th November, 2014 addressed to the Managing Director of Respondent No.10 - M/s Goel Ganga Construction at Annexure-IV Colly to the Rejoinder Affidavit dated 22nd March, 2017. The Applicant with the facts and figures collated by him has also specifically pleaded the

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case of undue burden on the resources and eco-system due to generation of waste water and solid waste beyond the limit stipulated in Consent to Establish at paragraph No.18 of the application and as quoted herein above.

25. Such was not in the case in *Application No.95/2014 [Mr. Surendra Waman Dhavale V/s 17 Ors.]*. We had, therefore, declined to apply the Ratio *Decidendi* arrived at in the case of Dr. V.N. Shrikhande in that case and more particularly observed that nowhere the applicants had described or given the details of latent effects of harm and injury caused to the environment due to the construction which became patent in or about September 2013 the time when the Notice dated 25th September, 2013 was issued. However, in the present case the facts are different and the Applicant has specifically pleaded the facts leading to the first accrual of the cause of the action as unfolded with the subsequent events.

26. The first cause of action - composite set of facts complete and distinct - arose in the present case when the environment, more particularly, its water dimension was found adversely impacted with the overflowing of sewage as pleaded in the application. The application for restitution of environment thus adversely impacted was filed on 20th September, 2016 well within the period of five (05) years prescribed under Section 16 of the National Green Tribunal Act, 2010 therefrom.

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27. In view of the aforesaid discussion, the exceptions taken to the maintainability of the present application deserve to be rejected.

M.A. No.22/2017 is, therefore, rejected.

Matter be listed for hearing on 12th February, 2018.

..... JM
(Justice U.D. Salvi)

..... EM
(Dr.Nagin Nanda)

Date: 8th January, 2018



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Annexure A-2

EXHIBIT B

SECTION XVII

ITEM NO.14

COURT NO.6

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE
HOUSING SOCIETY LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

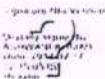
(IANo.14921/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.14920/2018-STAY APPLICATION and IA
No.14922/2018-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 1492/2018 (XVII)

(IA No.17366/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.17364/2018-STAY APPLICATION and IA
No.17368/2018-EXEMPTION FROM FILING O.T.)

Date : 16-02-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Ninad, Adv.
Mr. Aman Varma, AOR
Ms. Anshula Grover, Adv.
Mr. Sangram Bhonsale, Adv.
Ms. Samridhi Jain, Adv.
Mr. Anjuman Tripathy, Adv.For Respondent(s) Mr. Shriram P. Pingle, AOR
Mr. Nitin Lonkar, Adv.
Ms. Sonali Suryawanshi, Adv.UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable in six weeks.

Dasti, in addition, is permitted.

Mr. Shriram P. Pingle, Advocate accepts notice on behalf of

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Ashwani Thakur

respondent no. 13. Therefore, service on respondent no. 13 is waived.

Other respondents shall be served.

In the meantime, there shall be stay of further proceedings.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page]



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Annexure-A-3

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

**MEMORANDUM OF APPLICATION
 UNDER SECTIONS 14 & 15 OF NGT ACT, 2010**

APPLICATION NO. 148/2016

IN THE MATTER OF

1. Mr. Tanaji Balasaheb Gambhire

Age: Adult, Occupation: Service,
 R/o- Flat No-16, CTS-296, Laxmi Apartment,
 Near Shivaji Maratha High School,
 White House Lane, Shukrawar Peth,
 Pune-411002.

2. Mr. Tushar Namdev Kakade

Age: Adult, Occupation: Self-Employed,
 R/o- 18, Sundar Heights, Survey, No. 29,
 Chaltanyanagar, Dhankawadi,
 Pune-411043.

... APPLICANTS

VERSUS

1. THE SECRETARY

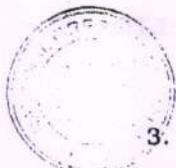
Environment Department 6
 Government of Maharashtra,
 Room No. 217, Annex Building,
 Mantralaya, Mumbai-400 032.

2. THE MEMBER SECRETARY-SELAA

State Level Environment Impact Assessment Authority
 Government of Maharashtra,
 15th Floor, New Administrative Building,
 Mantralaya, Mumbai-400 032. 6

3. THE CHAIRMAN

Maharashtra Pollution Control Board

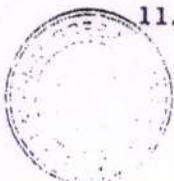


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Kalptaru Point, 3rd Floor, Near Slon Circle,
Opp. Cine Planet, Cinema, Slon (E), Mumbai-.400022

4. **REGIONAL OFFICER**
Pollution Control Board-Maharashtra State,
Jog Centre, 3rd Floor, Mumbai-Pune Road,
Wakadewadi, Pune-411003
5. **PIMPRI-CHINCHAWAD MUNICIPAL CORPORATION.**
Pimpri, Pune-411 018
6. **MUNICIPAL COMMISSIONER,**
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune-411 018
7. **CITY ENGINEER,**
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune-411 018
8. **SHRI. MAKRAND D. NIKAM**
Executive Engineer
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune-411 018
9. **DISTRICT COLLECTOR - PUNE**
President-District Environment Committee, Pune
10. **M/S. PARAMOUNT-GAURAV SHELTERS PRIVATE LTD.**
Survey No. 168, Altissimo, Wakad Link Road,
Next to Eden, Wakad, Pune-411057.
11. **M/S. KARAN-TEJ PARAMOUNT PROPERTIES PRIVATE LTD**
Survey No. 168, Altissimo, Wakad Link Road,
Next to Eden, Wakad, Pune-411057.



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....RESPONDENTS

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AND IN THE MATTER OF

AN APPLICATION SEEKING RELIEF AND RESTITUTION AGAINST GROSS INTENTIONAL VIOLATION OF RULES AND REGULATIONS IN VARIOUS ENVIRONMENTAL AND POLLUTION CONTROL LAWS READ WITH ALL AMENDMENTS, BY RESPONDENT NO. 10 & 11 WITH THE HELP OF OTHER RESPONDENTS.

1. The addresses of the applicants are as given above for the service of notices of this application.
2. The addresses of the respondents are as given above for service of notices of this application.
3. The applicants above named begs to submit this memorandum of application against the violation of provisions of EIA notification, 2006, rules and regulations in various environmental laws and pollution control laws and all the amendments for the time being in force in regard to said project as per information received under right to information act, inter-alia on the grounds setout hereunder.
4. Violation to its brim with the active aid of the counterparts, subordinates and seniors of the sister corporation, of the various environmental laws by an officer turned developer under the guise of his kin's, need to be dealt with sternly so that a clear and unambiguous message is passed on to the entire community and the issue of one such gross violation by the developer and turning deaf ears to such violations despite



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bringing it to the notice of authorities responsible for upholding the law is the reason and basis of this application.

5. The applicants vide an application dated. 27.04.2016 had sought information from the PCMC, which was replied on 16/05/2016 vide letter no. BP/Wakad/Ward B/P-53/122/2016 dated. 11/05/2016 which clearly stated that there is no prior environmental clearance granted to the said project and Applicant No.1 vide an application dated. 12/05/2016 had sought information from the MPCB, which was replied on 13/07/2016 vide letter no. 2060/2016, which clearly stated that there is no prior environmental clearance & Consent to Establish granted to the said project . The applicants on the basis of information available filed a complaint dated 25/07/2016 with Environment Department and Aggrieved by the reply dated 11/05/2016 & 13/07/2016. the applicants again filed a complaint dated 27/07/2016 to the PCMC, requesting to stop and demolish the illegal construction activity. Copies of the Reply to RTI application 27/04/2016, 12/05/2016 and Complaints dated 25/07/2016 & 27/07/2016 are annexed herewith and marked as ANNEXURE-I.

FACTS IN BRIEF

6. INFORMATION OF PROJECT PROPONENT BUILDER / DEVELOPER RESPONDENT NO. 10 & 11: -

That the present project has been constructed by M/s. Paramount-Gaurav Shelters Private Ltd. And M/s. Karan-

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proponents (PP) are companies registered under Indian Company Act, 1956 having their Registered Office at M-1/105, M.I.G. Krishna HSG Society, Gokhale Nagar Pune, Maharashtra Pune-411016 and Business Offices at- I-704, Rohan Niley-1, Aundh, Pune-411007 & Survey, No. 168, Altissimo, Wakad Link Road, Next to Eden, Wakad, Pune-411057 and the responsible directors are 1. Pramod Madhukar Waghmare & 2. Pradnya Prashant Waghmare having the addresses at "I-704, Rohan Niley-1, Aundh, Pune-411007" & "F-1103, Rohan Niley-1, Aundh, Pune-411007" respectively and who are developing the alleged project, which is under violation of various environmental and Pollution Control laws and all are jointly and severally liable for damage to environment.

Table No.1-Paramount-Gaurav Shelters Private Limited.

Sr	Item	Description
1.	Company Name	Paramount-Gaurav Shelters Private Limited.
2.	CIN	U00500PN2006PTC022349
3.	Pan Card No	AADCP9280B
4.	Incorp. Date	17.04.2006
5.	Director-1	Pramod Madhukar Waghmare
6.	DIN	00953689
7.	Director-2	Pradnya Prashant Waghmare
8.	DIN	00953725
9.	Registered Office Address	M-1/105, M.I.G. Krishna HSG Society, Gokhale Nagar Pune, Maharashtra Pune-411016
10.	Business Office Address	I-704, Rohan Niley-1, Aundh, Pune-411007.

Table No.2-Karan-Tej Paramount Properties Private Limited.

Sr	Item	Description
1.	Company Name	Karan-Tej Paramount Properties Private Limited.
2.	CIN	U00500PN2006PTC022349
3.	Pan Card No.	AACCK8310L
4.	Incorp. Date	17.04.2016

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5.	Director-1	Pramod Madhukar Waghmare
6.	DIN	00953689
7.	Director-2	Pradnya Prashant Waghmare
8.	DIN	00953725
9.	Registered Office Address	M-1/105, M.I.G. Krishna HSG Society, Gokgale Nagar Pune, Maharashtra Pune-411016
10.	Business Office Address	I-704, Rohan Niley-1, Aundh, Pune-411007.

7. PARTICULARS OF PROJECT UNDER CHALLENGE:-

The present project is building construction project situated at Sr. No. 167(Pt) to 168(Pt). At- Wakad, Taluka- Mulshi, District- Pune. That the project consists of Two residential Societies namely Madhupushpa-I & Madhupushpa-II now changed to Altissimo, Four Residential Building (A, B, C, D), Twin Bungalow and One Commercial Building. The project is more than twenty thousand square meters and the exact figures are given herein below.

FACTS LEADING TO THIS APPLICATION

8. That during visit to the said project site and later on by scrutiny of documents received under the Right to Information Act, the applicant found many irregularities, illegal activities, intentional violations & breaches of environmental law and many more violations which causes environmental degradation and huge financial loss to the government machinery in various ways as well as **very serious violations of Environment Protection Act and Pollution Control Laws, EIA notification 2006.**
9. That the applicants brought the entire environmental violations to the notice of various Respondents amongst nos. 1 to 9 for investigation and further strongest action against project

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proponent Respondent No.10 & 11 with a hope that the further illegalities would be prevented by the said authorities. However to the utter shock and surprise to the applicants, the applicants realized that the government machinery in various offices is trying its best to help and facilitate developer to violate laws left right and center for reasons best known to such authorities.

10. Being aggrieved by and dissatisfied with the inaction on the part of various environment protection authorities, this applicant prefers this application Inter-alia on the following grounds.

11. CONSTRUCTION BEING CARRIED OUT WITHOUT ANY ENVIRONMENTAL CLEARANCE AND CONSENT TO ESTABLISH IN BLATANT VIOLATION OF THE ENVIRONMENTAL LAWS, POLLUTION CONTROL ACT AND EIA NOTIFICATION, 2006.

The applicant states that, as per the EIA notification 2006 dated 14.09.2006, it is mandatory to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work on part of Project proponent. But the project proponent has started and completed most of the construction activity.

Table No.3: - Actual Construction carried out at site without Environmental Clearance.

Description	EC Permission	Actual Construction	Work In Progress	Total
No of Flats	00	180	118	298
Bungalow	00	4		4
Shops/ Offices	00	00	9	9
Built-Up Area (Sq. Mtrs)	00	48095.75		48095.75

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11.1 It is to be noted that, the buildings A, B, C, Twin-Bungalow, Club-house received the part completion in year 2012-13 having the built-up area **31739.05 Sq. Mtrs.** and then building construction of "D" building & Shopping was proposed in Feb-2013, but the full potential of built-up area for building D is stated in the revision plan dated 29.01.2016. Further it is to be noted that the entire development under the violation of Environment Act and Pollution Control Act is the part of the same layout.

11.2 Further it is to be noted that, the building D has total no. of 118 flats i.e. 112 as per the sanctioned plan, 2 for refugee area, and 4 flats for the club house, gym, etc., so it is important to consider the built-up area of 4 flats those are used for club house & gym.

11.3 It is to be noted that to calculate the total built-up area of the said project, that is completed till today and proposed built-up as on today for future expansion is given in below table.

Table No. 4 (Built-up Area of Building "A, B, C, Bungalow, D & Shopping")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	B+P+12	34.80	59
2	Bldg-B FSI	4627.04	B+P+12	34.80	59
3	Bldg-C FSI	4403.52	B+P+12	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	834.22			
6	Passage	1453.14			
7	Lift				
8	Fire Lift	103.92			
9	Balcony	2083.18			
10	Terrace	3582.28			
11	Refuge Area	293.76			3

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12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G-1	5.80	
16	Bldg-D FSI	7103.29	B+P+12	34.80	112
17	Staircase	390.78			
18	Fire Staircase	308.88			
19	Passage	926.44			
20	Lift	6.70			
21	Fire Lift	10.22			
22	Balcony	1065.48			
23	Terrace	1677.47			
24	Refuge Area	203.55			2
25	Parking	3636.81			
26	U.G. Tank	80			
27	O.H. Tank	80			
28	Prop. Shopping	142.58			
29	Club House & Gym	293.24			4
30	Terrace	348.9			
31	Passage	9.67			
32	Balcony	69.72			
	Total	48095.78			302

Table No. 5 (Actual Built-up Area of the Entire Development")

Sr.	Description	Built-up Area	Tenements
1	Total Built-up area of the project	48095.78	302
	Total	48095.78	302

"Total built-up area of the project is 48095.78 sq. mtrs. and total no. of units 302, total no. of residential building 4".

11.4 VIOLATION OF PCMC NOTING, OBSERVATIONS, CONDITION ON BUILDING PLAN AND DIRECTIONS TO PP.

Project proponent proposed the D building in the revision plan

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BP/Layout/Wakad/21/2013 dated 21.02.2013 and again the

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PP applied for the amendment in the sanction dated 21.02.2013 on 13.06.2014, while sanctioning the said building plans the Hon'ble Commissioner, PCMC made observation and recorded the noting that, "The said plot have construction area more than 20000 sq. mtrs, and as per the Government notification dated 20.01.2014 & in reference to that, Hon'ble Commissioner on dated 18/09/2014 noting, the following condition is imposed."

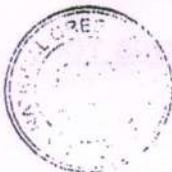
The condition no. 25 is imposed on the commencement certificate and on the building plan vide sanctioned no. BP/Layout/Wakad/123/2014 on 09.10.2014, and the condition no. 25 reads as **"25. Said construction plans are sanctioned under condition of obtaining the "Environment Clearance" from the Environment department, without such clearance actual construction/ development of said land is not allowed or permitted."**

Even such mandatory condition was imposed on the Plan and binding upon PP, the Project Proponent neither made application to obtain Environment Clearance nor he made compliance of the condition stipulated in the commencement certificate of not making the construction.

"The applicants states that, Project Proponents have neglected to perform their duties to obtain the Environment Clearance, even after they were made aware of mandatory provisions & requirements for their development"

Copy of PCMC Commissioner Observation letter dated 18.09.2014 is marked and annexed as an **ANNEXURE-II** and copy of the plan dated 09.10.2014 is marked and annexed as an

ANNEXURE-III.



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**11.5 BUILDING PERMISSION & REVISION OF PLANS,
PLINTH CHECK, COMPLITION CERTIFICATE BEYOND
20000 Sq. Mtrs.**

11.5.1 BUILDING PERMISSION

That the present PP applied for the building permission on 15.03.2007 through his notice to local Authority and PCMC who is playing role of local authority granted the building sanction to PP vide Commencement Certificate no. BP/Wakad/Layout/26/2007 & BP/Wakad/Layout/27/2007. dated 28.03.2007 through M/s. **Paramount-Gaurav Shelters Private Ltd.** (PAH Pramod Madhukar Waghmare) so called Original sanctions.

11.5.2 REVISION OF LAYOUT & BUILDING PLANS

That there are ten (10) amendments or revisions in the building plans and Layouts. It is to be also noted that, from year 2007 to 2013 the construction is made under the trade name M/s. Paramount-Gaurav Shelters Private Ltd, through the PAH director Mr. Pramod Waghmare and also on 21.02.2013 the plans were revised for additional construction of Building "D" on adjoining plot. But on 18.05.2013 M/s. Paramount-Gaurav Shelters Pvt. Ltd. assigned the development rights with couple of correction to M/s. Karan-Tej Paramount Properties Pvt. Ltd. for land admeasuring about 2389 Sq. Mtrs with the TDR potential of the entire plot (Original Plot-14635 Sq. Mtrs) about 4750 Sq. Mtrs. Both the companies have same directors. It is very surprising to assign the development rights to the companies having same directors. The reasons best known to them, but

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the project proponent cannot escape from the responsibility of mandatory provisions of law by making such change by assigning of development rights. Therefore both the companies are liable for violations.

TABLE NO.6

Sr.	Revision of Plan	Date	Project Owner(PAH)
1	B.P./Layout/WAKAD /22/2008	05.03.2008	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
2	B.P./Layout/WAKAD/115/2008	19.11.2008	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
3	B.P./Layout/WAKAD/67/2009	21.11.2009	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
4	B.P./Layout/WAKAD/125/2010	25.11.2010	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
5	B.P./Layout/WAKAD/105/2011	19.09.2011	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
6	B.P./Layout/WAKAD/41/2012	31.03.2012	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
7	B.P./Layout/WAKAD/21/2013	21.02.2013	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
8	B.P./Layout/WAKAD/123/2014	09.10.2014	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
9	B.P./Layout/WAKAD/195/2015	23.11.2015	Pramod Waghmare M/s. Karan-Tej Paramount Properties Pvt. Ltd.
10	B.P./Layout/WAKAD/20/2016	29.01.2016	Pramod Waghmare M/s. Karan-Tej Paramount Properties Pvt. Ltd.

11.5.3 PLINTH CHECK CERTIFICATES

It is to be noted that it is not clear when the plinth check certificate for the residential buildings C & Twin-Bungalow Building is obtained. While the residential buildings A, B & D is obtained the plinth check certificate vide no.



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BP/Wakad/67/2009 dtd. 21.11.2009, BP/Wakad/1121/2010 dated 15.02.2010 and BP/Wakad/1022/2013 dated 18.10.2013 received the plinth check respectively. Copies of plinth check certificates are marked and annexed as an ANNEXURE-IV (Colly.)

11.5.4 COMPLETION / OCCUPANCY CERTIFICATE

It is to be noted that, the Project proponent has obtained the part occupancy certificate for the building A, B, C, Twin Bungalow, Club-house, while the building D and Conventional shopping is under construction. Details are given in below table.

TABLE NO.7

Sr.	Building	Completion Certificate	Date	Remark
1.	Bldg-A	175/2011	09.12.2011	
2.	Bldg-B	08/2012	18.01.2012	
3.	Bldg-C	108/2012	31.03.2012	
4.	Twin-Bungalow	108/2012	31.03.2012	
5.	Club-House	108/2012	31.03.2012	
6.	Bldg-D	-	-	Under Construction
7.	Con. Shopping	-	-	Under Construction

Copies of occupancy certificates are marked and annexed as ANNEXURE-V

12. PP IGNORED MANDATORY PROVISIONS TO BE FOLLOWED IN BUILDING CONFIGURATION (AREA STATEMENT, BUILT-UP AREA STATEMENT, NO. OF BUILDINGS, TWIN-BUNGALOW AND CLUB HOUSE) AND THEREBY VIOLATED ENVIRONMENTAL LAWS.

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**12.1 Revised Sanction No. B.P./Layout/WAKAD/26/2007 Dated
28/03/2007.**

It is very surprising to note that the PP submitted two separate proposals on 28.03.2007 with different configurations vide no. 26/2007 and 27/2007 reasons best known to them. The proposal 26/2007 proposed four multi-storied residential buildings with total no. of tenements were 100 and proposed built-up was 12527.95 sq. mtrs.

Table No. 8 (Built-up Area of Building "A, B, C & D")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4007.62	P + 11	34.20	43
2	Bldg-B FSI	3901.86	P + 11	34.20	43
3	Bldg-C FSI	697.05	P + 2	9.60	8
4	Bldg-D FSI	376.90	P + 1	5.70	4
5	Staircase	410.28			
6	Lift				
7	Fire Lift	132.92			
8	Balcony	1298.92			
9	Parking	1462.40			
10	U.G. Tank	80			
11	O.H. Tank	160			
12	Refuge Area				2
	Total	12527.95			100

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as **ANNEXURE-VI**.

**12.2 Revised Sanction No. B.P./Layout/WAKAD/27/2007 Dated,
28/03/2007**

It is to be noted that the PP proposed five multi-story residential buildings having built-up area **22923.51 sq. mtrs.**

It was important and mandatory to obtain the prior environment clearance and consent to establish from the board

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as the proposed built-up area was 22923.51 sq. mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 9 (Built-up Area of Building "A, B1, B2, B3 & D")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	675.00	P + 3	11.40	12
2	Bldg-B1,B2, B3- FSI	12076.00	P + 11	34.20	129
3	Bldg-D FSI	760.76	P + 1	6.55	8
4	Staircase	611.66			
5	Lift	134.39			
6	Fire Lift				
7	Balcony	2066.69			
8	Terrace	1539.39			
9	Parking	4629.62			
10	U.G. Tank	80			
11	O.H. Tank	350			
12	Refuge Area				3
	Total	22923.51			152

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-VII.

12.3 Revised Sanction No. B.P./Layout/WAKAD/22/2008 Dated.

05/03/2008

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area 29691.37 Sq. Mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 29691.37sq.

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mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 10 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4424.79	P + 11	34.80	53
2	Bldg-B FSI	4435.00	P + 11	34.80	53
3	Bldg-C FSI	4424.79	P + 11	34.80	53
4	Twin Bungalow	355.84	G+1	6.55	4
5	Staircase	615.28			
6	Balcony	1861.92			
7	Terrace	3434.57			
8	Parking	9789.18			3
9	U.G. Tank	80			
10	O.H. Tank	270			
	Total	29691.37			166

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-VIII.

12.4 Revised Sanction No. B.P. / Layout / WAKAD/115/2008

Dated. 19/11/2008

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area **27072.79 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **27072.79 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not

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obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 11 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1.	Bldg-A FSI	4472.72	2 LVL.P + 12 FL	34.80	59
2.	Bldg-B FSI	4628.84	2 LVL.P + 12 FL	34.80	59
3.	Bldg-C FSI	1115.87	2 LVL.P + 03 FL	8.70	15
4.	Twin Bungalow	404.30	G+1	6.55	4
5.	Staircase	633.05			
6.	Passage	1054.35			
7.	Balcony	1511.47			
8.	Terrace	2740.32			
9.	Refuge Area	203.00			2
10.	Parking	9848.87			
11.	U.G. Tank	80			
12.	O.H. Tank	180			
13.	Club House	200	G	2.90	
	Total	27072.79			139

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as **ANNEXURE-IX**.

12.5 Revised Sanction No. B.P./Layout/WAKAD/67/2009 Dated. 21/11/2009.

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area **26043.29 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **26043.29 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not

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obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 12 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	924.97	2 LVL.P + 03 FL	8.70	12
4	Twin Bungalow	404.30	G+1	6.55	04
5	Staircase	670.69			
6	Passage	1083.60			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	1468.22			
10	Terrace	2639.26			
11	Refuge Area	203.00			2
12	Parking	8987.79			
13	U.G. Tank	80			
14	O.H. Tank	180			
15	Club House	200	G+1	5.80	
	Total	26043.29			136

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-X.

12.6 Revised Sanction No. B.P./Layout/WAKAD/125/2010

Dated. 25/11/2010

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area 30241.55 sq. mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 30241.55 sq.

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mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 13 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2.	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	3435.02	2 LVL.P + 10 FL	29.00	46
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	761.74			
6	Passage	1380.60			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	1898.86			
10	Terrace	3382.62			
11	Refuge Area	293.76			3
12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G+1	5.80	
	Total	30241.55			171

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as **ANNEXURE-XI.**

12.7 Revised Sanction No. B.P. /Layout /WAKAD /105 /2011

Dated 19/09/2011.

It is to be noted that the PP proposed three multi-storey residential buildings and two twin bungalows having built-up

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area **31739.05 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **31739.05 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 14 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	834.22			
6	Passage	1453.14			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	2083.18			
10	Terrace	3582.28			
11	Refuge Area	293.76			3
12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G+1	5.80	
	Total	31739.05			184

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XII.

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12.8 Revised Sanction No. B.P./Layout/WAKAD/41/2012 Dated,

31/03/2012

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It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area 31739.05 sq. mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 31739.05 sq. mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential buildings & twin bungalows having built-up area 31739.05 sq. mtrs.

Table No. 15 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	834.22			
6	Passage	1453.14			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	2083.18			
10	Terrace	3582.28			
11	Refuge Area	293.76			3
12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G+1	5.80	
	Total	31739.05			184

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Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XIII.

12.9 Revised Sanction No. B.P./Layout/WAKAD/21/2013 Dated, 21/02/2013

It is to be noted that the PP had proposed expansion for one multi-storey residential building having built-up area 12089.23 Sq. mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 12089.23 Sq. mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential building & twin bungalows having built-up area 31739.05 Sq. mtrs.

Table No. 16 (Built-up Area of Building "A, B, C, D & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Bldg-D FSI *	4703.22	2 LVL.P + 08 FL	23.20	72
6	Staircase	1058.44			
7	Fire Staircase	224.22			
8	Passage	2075.70			
9	Lift	135.75			

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10	Fire Lift				
11	Balcony	2789.22			
12	Terrace	4848.25			
13	Refuge Area	401.10			5
14	Parking	12977.02			
15	U.G. Tank	160			
16	O.H. Tank	350			
17	Club House	200			
	Total	43828.28			258

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XIV.

12.10 Revised Sanction No. B.P./Layout/WAKAD/123/2014

Dated. 09/10/2014

It is to be noted that the PP had proposed expansion for one multi-stories residential building having built-up area **17128.37 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **17128.37 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential buildings & twin bungalows having built-up area **31739.05 sq. mtrs.**

Table No. 17 (Built-up Area of Building "A, B, C, D & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59

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2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Bldg-D FSI *	6671.09	2 LVL.P + 12 FL	34.80	103
6	Staircase	1161.40			
7	Fire Staircase	372.48			
8	Passage	2371.18			
9	Lift	135.75			
10	Fire Lift	41.51			
11	Balcony	3082.48			
12	Terrace	5259.75			
13	Refuge Area	497.31			5
14	Parking	14659.11			
15	U.G. Tank	160			
16	O.H. Tank	350			
17	Club House	200			
18	Prop. Shopping				
	Total	48867.42			289

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-III.

12.11 Revised Layout Sanction No. B.P./Layout/WAKAD/195/

2015 Dated. 23/11/2015

TABLE NO-18 (AREA BEFORE AMALGAMATION)

Sr. No.	Survey No.	Area As per Δ Method	As Per 7/12	POH & Development Agri.	Min. Area
1	168/1A/1(P)	1739.15	2250.00	1750.00	1750.00
2	168/1B/1(P)	1450.75	1950.00	1450.00	1450.00
3	168/1C/1(P)	1501.11	2000.00	1500.00	1500.00
4	168/1/1(P)	4000.23	4000.00	4000.00	4000.00
5	168/1/2(P)	3280.53	3285.00	3285.00	3285.00
6	168/1A/2	1000.13	1000.00	1000.00	1000.00

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7	168/1B/2	1000.33	1000.00	1000.00	1000.00
8	168/1C/2	1000.06	1000.00	1000.00	1000.00
9	168/1B/3	300.35	300.00	300.00	300.00
10	168/1C/3	300.24	300.00	300.00	300.00
11	168/1/3(P)	1602.96	1587.00	1587.00	1587.00
12	168/1/3(P)	928.24	928.00	928.00	928.00
	TOTAL	18104.08	19600.00	18100.00	18100.00

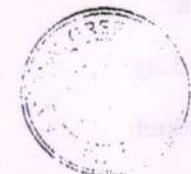
"It is to be noted that the land admeasuring 3285 Sq. Mtrs. from survey no. 168/1/2, the Project proponents have only development rights for 2335 Sq. Mtrs. and for 950 Sq. Mtrs do not have title."

TABLE NO-19 (AREA AFTER SUBDIVISION)

Survey Number	Area As per Δ Method	As Per 7/12	Min. Area	Net Area
168/1A/1(P)+ 168/1B/1(P)+ 168/1C/1(P)+ 168/1/1(P)+ 168/1/2(P)+ 168/1A/2+ 168/1B/2+168/1B/3+168 /1C/3+ 168/1/3(P)-PLOT-1	10100.38	10097. 95	10097. 95	10097. 95
168/1A/1(P)+ 168/1B/1(P)+ 168/1C/1(P)+ 168/1/3(P)- PLOT-3	4428.12	4428.0 9	4428.0 9	4428.0 9
168/1/3(P)+168/1/2(P)- PLOT-2	951.62	950.0	950.0	950.0
AREA UNDER DP ROAD	605.27	605.27	605.27	605.27
AREA UNDER INTERNAL ROAD	299.13	299.13	299.13	299.13
OPEN SPACE AREA-1	868.0	868.0	868.0	868.0
OPEN SPACE AREA-2	377.34	377.34	377.34	377.34
OPEN SPACE AREA-3	274.22	274.22	274.22	274.22
OPEN SPACE AREA-4	200.0	200.0	200.0	200.0
TOTAL	18104.08	18100. 00	18100. 00	18100. 00

TABLE NO-20 (AREA STATEMENT AFTER SUBDIVISION)

AREA STATEMENT		Sq. M
1	AREA OF PLOT	18100.00



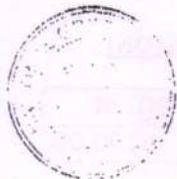
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2	DEDUCTION FOR				
A	AREA UNDER D.P. ROAD				605.27
B	AREA UNDER INTERNAL ROAD				299.13
C	TOTAL				904.40
3	NET AREA (1-2c)				17195.60
4	DEDUCTION FOR				
A	10% OPEN SPACE AREA				1719.56
B	15% AMENITY SPACE AREA				----
C	TOTAL				1719.56
5	NET AREA OF PLOT(3-4C)				15476.04
6	SUBDIVISION OF PLOT	PLOT-1	PLOT-3	PLOT-2	TOTAL
		10097.95	4428.09	950.00	15476.04
7	DEDUCTION FOR				
A	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
8	NET AREA OF PLOT(6-7a)				15195.09
9	ADDITION FOR				
A	AREA UNDER DP ROAD	----	353.37	----	353.37
		----	252.38	----	252.38
	TOTAL	----	605.75	----	605.75
B	AREA OF SHIFTED ROAD BOUNDARY	----	299.13	----	299.13
C	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
D	ADD T.D.R. AREA (40%)	3808.0	1771.24	----	5579.24
E	TOTAL	4088.95	2676.12	950.0	6765.07
10	PERMISSIBLE F.S.I. (8+9e)				21960.16

"It is to be noted that the Project proponents do not have any development agreement or Power of Attorney for the plot no-2 for an area 950 sq. mtrs. and hence plot-2 shall not be part of this layout or development until and unless the PP holds any authentic PAH or Development Agreement for the same area."

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XV.



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12.12 Revised Sanction No. B.P./WAKAD/20/2016 Dated.

29/01/2016 (Plot-3).

It is to be noted that the PP had proposed expansion for one multi-storey residential building having built-up area 15632.20 sq. mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the combined proposed built-up area was more than 20000 sq. mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential building & twin bungalows having built-up area 31739.05 sq. mtrs.

Table No. 21 (Built-up Area of Building "D & Shopping")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-D FSI	7103.29	P+P+12	34.80	112
2	Staircase	390.78			
3	Fire Staircase	308.88			
4	Passage	926.44			
5	Lift	6.70			
6	Fire Lift	10.22			
7	Balcony	1065.48			
8	Terrace	1677.47			
9	Refuge Area	203.55			2
10	Parking	3636.81			
11	U.G. Tank	80			
12	O.H. Tank	80			
13	Club House				
14	Prop. Shopping	142.58			
	Total	15632.20			114



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TABLE NO.22 (AREA STATEMENT)

AREA STATEMENT					sq. M
1	AREA OF PLOT				18100.00
2	DEDUCTION FOR				
A	AREA UNDER D.P. ROAD				605.27
B	AREA UNDER INTERNAL ROAD				299.13
C	TOTAL				904.40
3	NET AREA (1-2c)				17195.60
4	DEDUCTION FOR				
A	10% OPEN SPACE AREA				1719.56
B	15% AMENITY SPACE AREA				----
C	TOTAL				1719.56
5	NET AREA OF PLOT(3-4C)				15476.04
6	SUBDIVISION OF PLOT	PLOT-1	PLOT-2	PLOT-3	TOTAL
		10097.95	950.00	4428.09	15476.04
7	DEDUCTION FOR				
A	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
8	NET AREA OF PLOT(6-7a)	9817.0	950.0	4428.09	15195.09
9	ADDITION FOR				
A	AREA UNDER DP ROAD	----	----	353.37	353.37
		----	----	252.38	252.38
	TOTAL	----	----	605.75	605.75
B	AREA OF SHIFTED ROAD BOUNDARY	----	----	299.13	299.13
C	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
D	ADD T.D.R. AREA (40%)	3808.0	----	1771.24	5579.24
E	TOTAL	4088.95	950.0	2676.12	6765.07
10	PERMISSIBLE F.S.I. (8+9e)	13905.95	950.0	7104.21	21960.16

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XVI.


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13. SUBDIVISION OF PLOT

It is to be noted that the project proponent has developed the entire project as per the layout sanctioned in the year 2007. but in 2013 after the proposal of the building D, PP has revised the layout in the year 2015 vide sanction B.P./Layout/WAKAD/195/2015 Dated. 23.11.2015 and made subdivision of the plot viz. Plot-1 having building A, B & C. and Plot-2 with an area 950 sq. mtrs does not belong to this PP and Plot-3 for the building D & commercial proposal of shopping. i.e. under construction.

14. FRAUDULENT ASSIGNMENT OF DEVELOPMENT RIGHTS

It is to be noted that the, M/s. Paramount-Gaurav Shelters Pvt. Ltd. has proposed to develop the entire layout sanctioned by the PCMC and started their development in the year 2007. After the substantial development of the plot-1 i.e. 31739.05 sq. mtrs. (i.e. more than 20000 sq. mtrs.) of built-up area, the said developer proposed the development of plot-3 for building D on 03.07.2012 and submitted the said proposal to PCMC & PCMC issued the sanction for development of additional building on 21.02.2013 with sanction no. 21/2013.

It is to be noted that the M/s. Paramount-Gaurav Shelters Pvt. Ltd. holds the development rights in respect of area admeasuring 14635 Sq. mtrs. out of the said area the M/s. Paramount-Gaurav Shelters Pvt. Ltd has developed the 11341 sq. mtrs. for project Madhupushpa-I (i.e. Buildings A, B, C, Twin-Bungalow, Club-house etc).

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It is to be noted that, after the approval of the proposal by PCMC on 21.02.2013 for building D in the original layout, that the M/s. Paramount-Gaurav Shelters Pvt. Ltd has assigned the development rights on 18.05.2013 with an agreement no. 3937/2013 registered in the office of Haveli-2 in favour of M/s. Karan-Tej Paramount Properties Pvt. Ltd. The said agreement reads as below;

- "a) Land admeasuring about 2389 Sq. Mtrs.
 b) Area under DP Road admeasuring 605.27 Sq. Mtrs.
 c) ½ of the area under internal road (Sakhali Road) admeasuring 299.13 Sq. Mtrs. i.e. 149.56 Sq. Mtrs.
 d) TDR potential of the entire plot admeasuring about 4750 sq. Mtrs."

It is to be noted that the M/s. Paramount-Gaurav Shelter Pvt. Ltd. has used the land of 11341 sq. mtrs. Out of 14635 sq. mtrs. along with TDR of 3808.04 sq. mtrs. for construction of building A, B, C & bungalow. So the rights assigned here on account of the TDR are illegal in the eyes of law since there was no area for TDR to that tune available with the PP for.

Table No. 23 (DA & PAH of M/s. Paramount-Gaurav Shelters Pvt. Ltd.)

Original Owner	Survey no.	Area	Total Land	DA /PAH	DA/ PAH Holder
Vishnu B. Waghmare	168/1/2	2335	2663 Not considered	8445/2006 Haveli-20 10.11.2006	PGSPL
	167/2/2	328			
Madhukar B. Waghmare	168/1A/2	1000	3600	2448/2007 2449/2007 Haveli-19 20.03.2007	PGSPL
	168/1B/2	1000			
	168/1B/3	300			
	168/1C/2	1000			
	168/1C/3	300			
Madhukar B. Waghmare	168/1/1	4000	4000	2450/2007 2451/2007	PGSPL

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				Haveli-19 20.03.2007	
Devi Sneh Park Society & Sneh Construction	168/1A/1	660	1980	5645/2007 5646/2007 Haveli-19 08.08.2006	PGSPL
	168/1B/1	660			
	168/1C/1	660			
Devi Sneh Park Society	168/1A/1	1090	2720	62/2007 63/2007 Haveli-19 04.01.2007	PGSPL
	168/1B/1	790			
	168/1C/1	840			
Vishnu B. Waghmare	168/1/2	2335	2335	8445/2006 8446/2006 Haveli-20	PGSPL
Total			14635		PGSPL

**Table No. 24 (DA & PAH of M/s. Karan-Tej Paramount
Properties Pvt. Ltd.)**

Original Owner	Survey no.	Area	Total Land	DA /PAH	DA/ PAH Holder
Sushila A. Waghmare	167/2/4	436	2023	2929/2008 Haveli-15 25.04.2008 1306/2009 Haveli-19 24.04.2009	KTPPPL
	168/1/3	1200			
	168/1/3	387			
Madhukar B. Waghmare	168/1/3	928	928	3939/2013 Haveli-2 18.05.2013	KTPPPL
PGSPL	Land	2389	2389	3937/2013 Haveli-2 18.05.2013 6544/2013 Haveli-2 16.08.2013	KTPPPL
	DP Road	605.27			
	½ Sakali Road	149.56			
	TDR Of 14635	4750			

Copy of agreement no. 3937/2013 Haveli-2 is marked and annexed as ANNEXURE-XVII.

It is to be noted that the both the developers & builders in short are the entities run by the same directors, the transfer of the development rights for the ongoing development is nothing but the staged drama to escape. It is the natural principal of law if anyone gets benefits or gain on something then the

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beneficiary shall also be liable for the losses or consequences occurred under the law. But here both the PP have same directors then the reason is best known to them behind such transfer of rights of the project under development, the mandatory provisions of law that shall be followed for such development on account to obtain the environment clearance and consent to establish ought to have been followed.

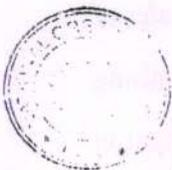
15. ILLEGAL PERMISSION TO TRANSFER OF DEVELOPMENT RIGHTS (TDR) BY PCMC.

It is to be noted that the present PP have used the Total Transfer of Development Rights (TDR) of 5698.04 sq. Mtrs in addition to the FSI of 14245.09 Sq. Mtrs.

It is to be noted that there is no environmental clearance obtained by the project proponent intentionally and more over the PCMC is allowing the PP to use the TDR to make additional construction. As the effect of the TDR loading is that PP has made excess construction, that affected additional population or occupancy and additional load on the public services generating the waste water, solid waste, excess energy consumption, Temperature increase of the surrounding etc. and that is resulted into increase in drastic increase in CO₂ generation causing environmental damage. Below are the details of TDR loading.

Table No.-25: TDR Statement

Sr.	Date	DCR No.	Area Of DCR Utilized (Sq. Mtrs)	Remark
1	30/07/2010	559	1000	
2	29/09/2010	581	1858.04	



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2	06/04/2011	644	950	
3	31/05/2014	1227	1890	
Total TDR			5698.04	

Copy of TDR details is marked and annexed as ANNEXURE-
XVIII.

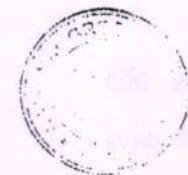
16. ONGOING CONSTRUCTION DESPITE NO EC.

It is to be noted that the project proponent has obtained the part completion for the residential building A, B, C for 177 flats and 4 bungalows and the activity for residential building D & Conv. Shopping is partly completed with 45 residential units and partly under construction despite there is no EC granted or even applied for the said project. The PP has very smartly started the development at one end of their land holding and has potential to expand the same upto national highway and needs to be restrained to do the same without obtaining prior environmental clearance. A copy of the demarcation plan no. 18/2011 dated 5/10/2011 showing the land holding of the PP is annexed herewith and marked as **ANNEXURE - XIX**

**17. WASTE WATER AND SOLID WASTE GENERATED BY
THE PROJECT PROPONENT IS HUGE.**

Applicant states that, the project proponent has started the use of 177 residential units & 4 bungalows from the January 2012 of Building A, B & C and 45 residential units from January 2016 of building D wing A.

This act of Project proponents have given rise to the over-burden to the basic infrastructure of the PCMC for water supply.



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drainage line and solid waste disposal system affecting the quality of life of the people living in the same project as well as the people living in the vicinity.

Water Consumption without prior EC.

- A. Project proponents have utilized the ground water for construction purpose without permission from the Ground Water Department and till today PP is using the water for construction without permission.
- B. Residents of the project are utilizing the water for their daily needs from January 2012. The water requirement per person per day is 145 liters and No. of occupant per units are five (5) as per DC Rule.

Units	Total Occupancy	Daily Water Consumption	Total Water Consumed Per day	Total water Consumed till today
181	905	145	131225	227019250
45	225	145	32625	8808750

-181 units are under use from January 2012, so total days till today 1730 days.

-45 units are under use from January 2016, so total days till today 270 days.

-So total water consumed till today is 235828000 liters.

Waste Water Generated without prior EC

As per the DC rule the standard rate of waste water generation per person is 45 liters per day.

-Waste water generated by 181 unit holder having 905 occupancy loads from January-2012 till today in 1730 days approx. is 7045250 liters.

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-Waste water generated by 45 unit holder having 225 occupancy loads from Janury-2016 till today in 270 days is 2733750 liters.

- So total waste water generated & drained in the PCMC line giving burden on PCMC Drainage systems is 9779000 liters.

Solid Waste Generated without prior EC.

-Solid Waste generated by 181 unit holder having 905 occupancy loads from Janury-2012 till today in 1730 days with rate of 0.6 kg per day is 939390 Kg.

-Solid Waste generated by 45 unit holder having 225 occupancy loads from Janury-2016 till today in 270 days with rate of 0.6 kg per day is 36450 Kg.

- So total Solid waste generated is 975840 Kg.

18. ENVIRONMENT CLEARANCE AND MPCB CONSENT IS NOT OBATAINED BY PROEJCT PROPONENTS INTENTIONALLY SINCE THE CLOSE BLOOD RELATIVE OF THE PP IS CITY ENGINEER IN THE PMC AND IS INFAC T A SLEEEPING PARTNER AND BENEFICIARY IN THE PROJECT AND IS GUIDING PP TO COMMIT FRAUD AFTER FRAUD TO AMASS WEALTH AT THE COST OF ENVIRONMENTAL DAMAGE.

It is to be noted that, the Ministry of Environment & Forest, Government of India issued a Notification dated, 14.09.2006 titled the Environment Clearance Regulations of 2006 in short EIA Notification 2006. As per the provisions of

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the EIA Notification of 2006, the project or activities falling under Category 'A' of the Schedule require prior permission from the Central Government while project and activities falling under Category 'B' require prior permission from the State Environment Impact Assessment Authority (SEIAA). These permissions are to be obtained before any construction work or preparation of the land by the project management except for fencing the land is started on project or activity.

In this case the constructor has already commenced and/or even completed partly, compliance to the provisions of Environment Protection Act, 1986 read with EIA Notification 2006 is violated. It is to be noted that the Notification of 2006 has been issued in furtherance to exercise of subordinate delegated legislation for satisfying and complying with the provisions of Section 3 of the Act of 1986 which mandates that Central Government shall have the power to take all such 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.

Here is the case that the project proponent has flouted the law in force on one hand and has caused the environmental damage and degradation on the other hand.

It is to be noted that environmental management or planning is the study of unintended consequences of a project. Its purpose is to identify, examine, assess and evaluate the likely and probable impacts of a proposed project on the environment and, thereby, to work out remedial action plans to minimize these adverse impacts on the environment. All this is



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required to be done at a stage before the commencement of the project. The law does not visualize such examination post-commencement and upon completion of the project, in relation to the covered projects and activities and here the project proponent has fails to do so and gave go by to the mandatory provision of the EIA Notification 2006.

It is to be noted that, the aim and purpose of Environmental Impact Assessment ('EIA-2006') is to inform the process of decision-making by identifying the potentially significant environmental effects and risks of development proposals and to promote sustainable development by ensuring that development proposals do not undermine critical resource and ecological functions or the well-being, lifestyle and livelihood of the communities and people who depend on them. The importance of conducting an exhaustive EIA before any project is granted Environmental Clearance has been acknowledged internationally.

The United Nations Environment Programme's (UNEP) Charter states that EIA should be ensured to minimize adverse effects on nature and nature assessments should be included in the fundamental elements of all planning and should be publicly disclosed and deliberated.

The very purpose of conducting an EIA before a project is granted clearance is to ensure that no development takes place without sufficient assessment of the risks and damages that would be caused to the environment due to the project's construction and development. The authorization should follow study and imposition of conditions rather than the

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converse. The application for seeking Environmental Clearance has to be made in Form 1 or the Supplementary Form 1A, as the case may be. The requisites required under Form 1 have to be supplied prior to the date of commencement of the project except to the extent of arranging land.

However the confidence of the PP in not complying with environmental laws is high due to their blood relative being the guiding or misguiding force, who happens to be a very senior officer i.e. City Engineer in Pune Municipal Corporation.

19. NON-AGRICULTURAL PERMISSION AND VATAN LAND

CONVERSION CHARGES NOT PAID.

That the Project proponent has applied for the Non-Agricultural permission with two separate applications both dated 21.01.2008 by holding the PAH of an area admeasuring 12000 Sq. Mtrs. & 21001 Sq. Mtrs. And permission is granted / obtained for 11621.45 Sq. Mtrs. i.e. excluding road acquisition area 378.55 Sq. Mtrs from 12000 Sq. Mtrs. and 18355.13 Sq. Mtrs i.e. excluding road acquisition area 1433.87 Sq. Mtrs from 19798 Sq. Mtrs. (as per the layout plan) vide no. PRH/NA/SR/36/08 & PRH/NA/SR/37/08 both Dated- 28/4/2008.

TABLE NO.5-PRH/NA/SR/36/08

Sr.	Survey No.	Area In Sq. Mtrs.
1	167/2/1 (P)	2387
2	167/2/3	3613
3	167/2/A (P)	2000
4	167/2/B (P)	2000
5	167/2/C (P)	2000

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TOTAL	12000
ROAD	378.55
N.A. PERMISSION	11621.45

TABLE NO.6-PRH/NA/SR/37/08

Sr.	Survey No.	Area In Sq. Mtrs.
1	168/1/2 (P)	2335
2	167/2/2	3280
3	168/1C/2	1000
4	168/1B/2	1000
5	168/1A/2	1000
6	168/1C/3	300
7	168/1B/3	300
8	168/1/1	4000
9	167/2/1(P)	1226
10	168/1A/1	1750
11	168/1C/1	1500
12	167/2A(P)	900
13	167/2B(P)	900
14	167/2C(P)	850
15	168/1B/1(P)	660
	TOTAL	21001
	LAYOUT	19789
	ROAD	1433.87
	N.A. PERMISSION	18355.13

It is important to note that the PP has received the NA permission for the above stated piece of land. But the above land is belong to the VATAN/ INAM land and as per the government orders & directions stipulated on the 7/12 extracts, the land under VATAN or INAM shall not be utilized for the any other purpose until and unless the 50% of NAZARANA is not paid to the government. But the project proponents have deliberately avoided paying the NAZARANA for entire land and proceeding for the construction to continue the damage of environment.

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Further it is submitted the, Respondent No.9 is also the responsible for this loss of government revenue as well as for environment damage.

Copies of NA-Permissions are marked and annexed as ANNEXURE-XX.

**20. GROSS NEGLIGENCE OF THE LOCAL AUTHORITY-
PIMPRI-CHINCHWAD MUNICIPAL CORPORATION**

It is to be noted that the said project which is under violation of Environment Protection Act 1986, Water & Air Act and other environmental laws time being in force is situated in the limit of "Pimpri-Chinchwad Municipal Corporation" (PCMC). The PCMC was & is the local authority legally responsible to permit & control the said building construction through the office of Municipal Commissioner and City Engineer, Building Permission & Control Department. It is to be noted that PCMC is the only fundamental authority to monitor, Control & prevent such type of illegal constructions which are intentionally committing the violation of Environment Protection Act 1986, Water & Air Act. It is the duty of PCMC to brought to notice and knowledge of Environment Department and Maharashtra Pollution Control Board that this type of illegal act of intentional violations damaging the environment infinitely. But in this case it seems that PCMC is playing the role of blind person even they have full knowledge of the violations committed by present PP and it is nothing but PCMC corrupt officials have hands in glove with the PP. Therefore the

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officers at PCMC are not taking any action against PP despite complaints being filed with them.

21. SYSTEMATIC AVOIDANCE OF EXISTENCE OF NALLA AT SITE

There exists a Nalla at site which is present even today. However the PP has systematically avoided to show the same in any plans or documents for obvious reasons. The PCMC has in its DP shown a wide nalla at a short distance ahead of S. no. 167 but did not show its actual origin for reasons best known to them. It is but obvious that there cannot be such a wide nalla unless there is origin of the same a distance prior. The width of the origin of nalla shown is inconsistent with common sense. The Nalla carries the untreated waste water and effluents to Mula river, which is additional environmental damage.

22. OTHER GROUNDS

- a. No application for prior Environment Clearance from Environment Department and construction carried out by the present Project Proponents.
- b. No application for prior Consent to Establish from MPCB and construction carried out by the present Project Proponents.
- c. No application for prior Consent to Operate from MPCB and enjoyment of premises stated by the present Project Proponents.



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- Σ F 74
- d. Intentional Non-action of all authorities even after the complaint or notices of present Applicants.
 - e. All authorities are allowing Project Proponents for further construction without action and prior Environment Clearance.
 - f. Project Proponent is causing continues damage to the Environment.
 - g. Because the EIA notification 2006, nowhere provides the grant of *post facto* clearance after the part completion of the project.
 - h. Because there is complete non-application of mind by the local authority while issuing building sanction.
 - i. Because the building sanction by local authority without prior EC is illegal and has no legal sanctity.
 - j. Because the Local Authority i.e. PCMC (Respondent No. 5 to 8) has imposed condition tardy for obtaining of Environment Clearance and further issued the building sanction by back door and the condition become immaterial in the light of fact that construction was already commenced and partly completed by the project Proponent.
 - k. Because the Environment Department and SELAA failed to take any action for violation of the provisions of EIA Notification, 2006 and Environment (Protection) Act, 1986.
 - l. Because there is carbon footprint impact to the tune of Rs. 100 Crore Rupees due to these illegal activities of construction.

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m. Because if the procedure of the post facto Environment Clearance is allowed to be followed, any project proponent would complete his project by causing irreversible damages to the environment and then seek post-facto environmental clearance making the provisions of EIA notification infructuous. The grant of post facto clearance defeats the very purpose of environmental protection law and the mandate of obtaining environmental clearance as per the provisions of EIA Notifications 2006.

n. Because In **Dipak Kumar Mukherjee Versus Kolkata Municipal Corporation and others, 2012 DGLS(Soft.) 509.**

the Hon'ble Supreme Court set aside the decision of the Kolkata High Court in directing the demolition of an illegal and unauthorised constructions of buildings and other structure in violation of the laws. The Hon'ble Court held:

Kolkata Municipal Corporation Act, 1980 -- Sections 396, 400 & 401(A) -- Rule 25 of the Kolkata Municipal Corporation Building Rules, 1990 -- Illegal construction -- Demolition -- Illegal and unauthorised constructions of buildings and other structure not only violate the municipal laws and the concept of planned development of the particular area but also affect various fundamental and constitutional rights of other persons -- The failure of the State apparatus to take prompt action to demolish such illegal constructions has convinced the citizens that planning laws are enforced only against poor and all compromises are made by the State machinery when it is required to deal with those who have money power or unholy



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nexus with the power corridors -- Since, respondent No. 7 has not disputed that the building was constructed in violation of the sanctioned plan and the Mayor-in-Council passed order dated 14.1.2010 for demolition of the disputed construction, the direction given by the Division Bench of the High Court to the competent authority of the Corporation to pass appropriate order after giving opportunity of hearing to respondent No. 7 cannot be sustained -- Respondent No. 7 had raised construction in violation of the plan sanctioned under Section 396 of the 1980 Act and continued with that activity despite the order of the Mayor-in-Council -- In the prevailing scenario, the representative of respondent No. 7 might have thought that he will be able to pull strings in the power corridors and get an order for regularisation of the illegal construction but he did not know that there are many mortals in the system who are prepared to take the bull by horn and crush it with iron hand -- Demolition of building justified -- Impugned judgment set aside - Appeal allowed -- Kolkata Municipal Corporation Building Rules, 1990 -- Rule 25 (2). Held, Before parting with the case, we consider it necessary to observe that respondent No. 7 is guilty not only of violating the sanctioned plan and the relevant provisions of the 1980 Act and the Rules framed thereunder but also of cheating those who purchased portions of unauthorized construction under a bona fide belief that respondent No. 7 had constructed the building as per the sanctioned plan. With the demolition of unauthorized construction some of such persons will become shelterless. It is, therefore, necessary that respondent No. 7 is directed to compensate them by refunding



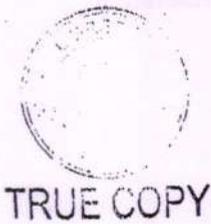
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the cost of the flat, etc., with interest. Respondent No. 7 must also pay for raising construction in violation of the sanctioned plan. It must be remembered that while preparing master plans/zonal plans, the Planning Authority takes into consideration the prospectus of future development and accordingly provides for basic amenities like water and electricity lines, drainage, sewerage, etc. Unauthorized construction of buildings not only destroys the concept of planned development which is beneficial to the public but also places unbearable burden on the basic amenities and facilities provided by the public authorities. At times, construction of such buildings becomes hazardous for the public and creates traffic congestion. Therefore, it is imperative for the concerned public authorities not only to demolish such construction but also impose adequate penalty on the wrongdoer.

28. In the result, the appeal is allowed and the impugned judgment is set aside. With a view to ensure that the illegal construction raised by respondent No. 7 is pulled down without delay, we issue the following directions:

1. Within three months from today, respondent No. 7 shall pay the price of the flats etc. to the purchasers with interest @ 18% per annum from the date of payment.
2. The occupiers of illegal/unauthorized construction shall vacate such portions of the building within next one month.
3. Within next one month, the Corporation shall demolish unauthorized construction after taking adequate precautionary measures.



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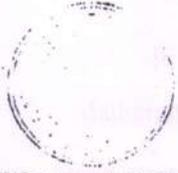
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4. Respondent No. 7 shall pay cost of Rs. 25,00,000/- for brazen violation of the sanctioned plan and continuance of illegal construction despite stop work notice.

The amount of cost shall be deposited with the Kolkata State Legal Service Authority within three months and the same be utilized for providing legal aid in deserving cases.

o. Because in **M.I Builders Vs Radhey Shyam Sahu, [1999 (6) SCC 464]**, the Hon'ble Supreme Court upheld the decision of the Allahabad High Court in directing the demolition of an underground shopping complex which has come up in a Public Park in violation of the laws. The Hon'ble Court held:

"This Court in numerous decisions has held that no consideration should be shown to the builder or any other person where construction is unauthorised. This dicta is now almost bordering rule of law. Stress was laid by the appellant and the prospective allottees of the shops to exercise judicial discretion in moulding the relief. Such discretion cannot be exercised which encourages illegality or perpetuates an illegality. Unauthorised construction, if it is illegal and cannot be compounded, has to be demolished. There is no way out. Judicial discretion cannot be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law."


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 p. Because in **Indian Council for Environ Legal Action versus Union of India and Ors**, (1996) 5 SCC 281 the Hon'ble Supreme Court has observed:

"Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in

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turn lead to a lawless society. Violation of antipollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations."

23. LIMITATION

The present application is filed within the prescribed period as provided under the National Green Tribunal Act, 2010. The cause of action to file this Application first arose on 15 July 2016 when the applicants got the entire information and knowledge about gross violation of various environmental laws and thereafter the applicants sent legal notice dated 25 July 2016 to the Respondents for stoppage of said violations and strict action thereon the violations continues till today.

24. JURISDICTION

The applicants resides, the respondents have their area of operations within and the project under challenge is located within the jurisdiction of this Hon'ble Tribunal and therefore this Hon'ble tribunal has jurisdiction to try and entertain present application.

25. PRAYERS FOR INTERIM RELIEF

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass


TRUE COPY interim orders to:

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- A. Direct the project proponents to stop all the activities at the site forthwith and restrain the project proponents from creating any third party interest in the construction raised and in project land comprised in Survey no. 167 and 168, during the pendency of this application.
- B. Appoint as court commissioner, a group of a surveyor, a regulatory architect, an independent advocate and a representative of applicant and the Respondents to submit a detailed actual site visit report with measurements in context of all the plans along with video shooting of the entire proceedings of the said commission.
- C. Direct the Principal Secretary, Environment Department Shri. Satish M. Gavai to file an affidavit in person as to why no action was taken by any of the offices under him despite having served with the notice by this applicant.
- D. Direct the PCMC to monitor the stay of construction.

26. PRAYERS

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass an order thereby:

- A. Direct the Respondents to demolish the illegal structures at the site in question and restore the area to its original position.
- B. Direct the State Level Impact Assessment Authority and the Maharashtra State Pollution Control Board to initiate appropriate action against the project proponent for violation of



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the provisions of EIA notification, 2006 and other applicable laws.

C. Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the Respondent No. 10 & 11 to deposit a heavy amount of compensation to the environment relief fund.

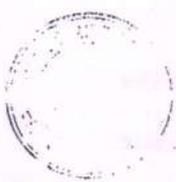
D. Direct the PCMC to conduct inquiry of officers responsible for not following the mandatory provisions of the EIA notification and take appropriate action.

E. Direct the commissioner, Pimpri Chinchwad Municipal Corporation to initiate departmental enquiry against Shri. Makrand D. Nikam, Executive Engineer for not having taken any action despite notice of environmental violations.

F. Direct the District Collector to take appropriate steps against the project proponent for not having paid the Nazrana amount towards land use change conversion charges.

G. Direct Principal Secretary, Environment Department to take action on complaints received against illegal constructions and give hearing to the complainants before issuing any environmental clearance.

H. Pass any other just and equitable orders in the interest of justice.



TRUE COPY Dated: 08/09/2016

Pune

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(Bombhise)
Applicant No.1

(Bombhise)
Applicant No.2

Drawn and filed by

Shriram P. Pingle

Shriram P. Pingle
Advocate on Record,
Supreme Court of India

I know the applicants

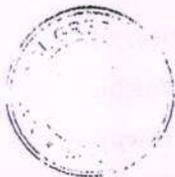
(Advocate for applicants)

VERIFICATION

Verified at Pune on this 08th day of September, 2016 that the contents of the aforesaid application are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

(Bombhise) *(Bombhise)*

DEPONENTS



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Annexure A-4^{ST/117} 84

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

AT PUNE
misc. Appl. No 1444 / 2016 (WZ)
In Application No 148 of 2016

Mr. Tanaji Balasaheb Gambhire and Others

.....Applicants

VS

State Of Maharashtra And Others

.....Respondent

APPLICATION FOR
FRAMING PRELIMINARY
ISSUES AS REGARDS
MAINTANIBILITY OF THE
ABOVE CAPTIONED
APPLICATION.

Application on behalf of Respondent No. 10 namely
Paramount Gaurav Shelters Private Limited is as
under:-

1. The above captioned application has been filed by the
following two applicants:-

1. Tanaji Balasaheb Gambhire
2. Mr. Tushar Namdev Kakade

Their addresses as mentioned in the application itself
are of Shukravar Peth and Dhankawdi, Pune
respectively and the said areas are in the jurisdiction of
PMC. Whereas the project in question is at Wakad
which is within the jurisdiction of Pimpri-Chinchawad
Municipal Corporation.



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Thus at the outset, the applicants are not even remotely concerned nor affected in any way by the project in question.

2. Respondent No. 10 submits that in the entire application there is no whisper as to how the Applicants have *locus standi* to maintain application within the meaning of Section 18 of National Green Tribunal, Act, 2010.
3. Further there is no whisper in the application as to how the project in question is prejudicial to the interest of environment.
4. Respondent No. 10 submits with great respect that unfortunately it has become business of certain individuals and professionals to file reverse applications by making wild allegations and these individuals/professionals have no concern for any social or environment interest, however, such application are filed for extraneous reasons.
5. It is reliably learnt that an extortion case has been filed against Applicant No. 1 by some builder alleging that Applicant No. 1 attempted to extract and actually extracted some amount.
6. The project in question commenced in the year 2007 and entire construction has been completed in all aspects in the year 2012 with a completion certificate issued on 31st March 2012 by Pimpri-Chinchawad Municipal Corporation.



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The total construction was well within the limit as per the development control regulations of Pimpri-Chinchawad Municipal Corporation.

7. As such the application filed by the Appellant has no substance, however, the tendency to file frivolous application for extraneous reasons needs to be strongly curbed and therefore in the interest of justice this Hon'ble Tribunal may kindly frame preliminary issues as regards the maintainability of the application with regard to the *locus standi* of the Appellants and the limitation.

8. This Hon'ble Tribunal may kindly consider the following preliminary issues:-

(a) Whether the Appellants have *locus standi* to file and maintain the above captioned application;

(b) Whether the above captioned application is barred by limitation in view of the limitation prescribed in section 14 of the National Green Tribunal Act, 2010.

9. This application is being filed on behalf of the Respondent No. 10 in the interest of justice and so as to save priceless judicial time of this Hon'ble Tribunal and therefore, it is prayed that in the facts and circumstances of the case may kindly.

(a) Frame the preliminary issues as regards the *locus standi* and the limitation;

(b) This Hon'ble tribunal may kindly decide the preliminary issues in accordance with the law before considering the application and its reply on merits;



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And

(c) Pass such and further order(s) as this Hon'ble tribunal deems fit and proper in the facts and circumstances of the present case.

Date-27th December, 2016

Place -Pune

Salunkhe

Advocate for Respondent No.10

Submitted through Adv Vijaysinh Salunkhe



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

AT PUNE M.A.No.444/2016 (WZ)
Application No 148 of 2016

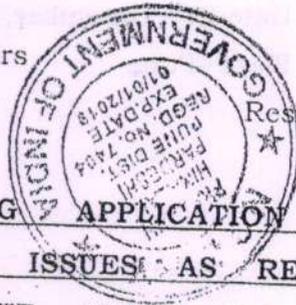
Mr. Tanaji Balasaheb Gambhire and others

Applicants

VS

State Of Maharashtra And Ors

Respondent



AFFIDAVIT SUPPORTING APPLICATION FOR
FRAMING PRELIMINARY ISSUES AS REGARDS
MAINTANIBILITY OF THE ABOVE CAPTIONED
APPLICATION.

I, Pramod Madhukar Waghmare, Age Years;
Occupation-Business; Resident of- Sr. No. 168, Next to
Wakad Link Road, Wakad, Pimpri-Chinchwad-411057
being authorised director of the M/S. Paramount Gaurav
Shelters Private Limited do hereby state on solemn
affirmation and verify is as under-

That whatever is stated in paragraphs 1 to 6 is based on
information and belief and I believe the same to be true
and further paras 7 to 9 are legal submissions as per our
Advocates and hence I am signing the same as on today
on 27th December, 2016 at Pune.



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BEFORE ME

Prakash H. P. Deshpande

PRAKASH H. P. DESHPANDE
NOTARY, GOVT. OF INDIA
DISTRICT

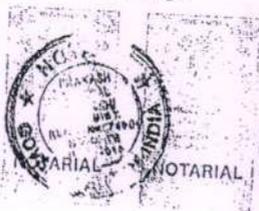
28 DEC 2016

I KNOW THE AFFIANT

NOTED AND REGISTERED AT
SERIAL NUMBER 213/2016

AFFIANT

Pramod Waghmare



ITEM NO.14

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE
HOUSING SOCIETY LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IANo.14921/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.14920/2018-STAY APPLICATION and IA
No.14922/2018-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 1492/2018 (XVII)

(IA No.17366/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.17364/2018-STAY APPLICATION and IA
No.17368/2018-EXEMPTION FROM FILING O.T.)

Date : 16-02-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Ninad, Adv.
Mr. Aman Varma, AOR
Ms. Anshula Grover, Adv.
Mr. Sangram Bhonsale, Adv.
Ms. Samridhi Jain, Adv.
Mr. Anjuman Tripathy, Adv.For Respondent(s) Mr. Shriram P. Pingle, AOR
Mr. Nitin Lonkar, Adv.
Ms. Sonali Suryawanshi, Adv.UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable in six weeks.

Dasti, in addition, is permitted.

Mr. Shriram P. Pingle, Advocate accepts notice on behalf of

respondent no. 13. Therefore, service on respondent no. 13 is waived.

Other respondents shall be served.

In the meantime, there shall be stay of further proceedings.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

Annexure R12-M

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.105 OF 2019 (WZ)**IN THE MATTER OF :**

Tanaji Balasaheb Gambhire,
Age : Adult, Occupation : Service,
R/o Flat No.16, CTS-296, Laxmi Apartment,
Near Shivaji Maratha High School,
White House Lane, Shukrawar Peth,
Pune – 411 002

..Applicant***Versus***

1. The Principal Secretary,
Environment Department,
Government of Maharashtra,
Room No.217, Annex Building,
Mantralaya, Mumbai – 400 032
2. State Level Environment Impact Assessment
Authority – Maharashtra (SEIAA),
Through Member Secretary,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
3. State Expert Appraisal Committee (III),
Maharashtra (SEAC-III),
through Member Secretary,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
4. Maharashtra Pollution Control Board,
through Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet, Cinema,
Sion (E), Mumbai – 400 022
5. Maharashtra Pollution Control Board
Through Regional Officer,
Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
Wakadewadi, Pune – 411 003
6. Town Planning Department,
Through Assistant Director of Town Planning,
First Floor, New Administrative Building,
Pune – 411 001
7. Collector of Pune,
As Collector as Sanctioning Authority and

President of District Environment Protection
Committee, Pune,
Collector Office, Bund Garden,
Pune – 411 001

8. Pune Metropolitan Regional Development
Authority – PMRDA,
Through Metropolitan Commissioner & CEO,
Maharaj Sayajirao Gaikwad Udyog Bhavan,
Survey No.152-153, Village Aundh,
Pune – 411 067
9. Pune Municipal Corporation,
Through Commissioner,
Shivaji Nagar, Pune – 411 005
10. Building Permission Dept. – PMC
Through City Engineer – Pune Municipal Corporation,
Shivaji Nagar, Pune – 411 005, Maharashtra
11. M/s Nyati Housing,
Through Proprietor Mr. Nitin Dwarkadas Nyati,
Having registered office at Survey No.130/129,
Plot B+C, CTS No.1995 (P) & 1996B,
Nyati Unitree, 7th Floor, East Wing,
Pune-Nagar Road, Yerwada,
Pune – 411 006

... Respondents

APPEARANCE :

Applicants : Applicant present in person with
Mr. Vijay Mhaske, Advocate

Respondents : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Environment
Department, R-2/SEIAA and R-3/SEAC-III
Ms. Manasi Joshi, Advocate along with Ms. Pooja Natu,
Advocate for R-4 and 5/MPCB
Mr. Dattatraya T. Devale, Advocate for R-8/PMRDA
Mr. Rahul Garg, Advocate along with Mr. Shubham
Rathod, Advocate for R-9 and R-10 – PMC
Mr. Saket Mone, Advocate along with Mr. Abhishek
Salian, Advocate for R-11 – M/s Nyati Housing

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

=====
Reserved on : 22.07.2025

Pronounced on : 22.09.2025
=====

JUDGMENT

1. The applicant, by filing this Original Application, has assailed construction of the project "Nyati Eternity", made by respondent No. 11 - M/s Nyati Housing, alleging that the said construction is done on Survey No.24/1/2, 25/1/1, 25/1/2, 25/1/3, 25/1/4, 25/1/5 and 25/1/6, situated in village Undri, Taluka Haveli, District Pune, in violation of the environmental laws, particularly EIA Notification, 2006. Further details are given by the applicant saying that the said developer is developing Eternity Phase-I at Survey No.24/1/2, admeasuring 10,900 sq. mtrs, which consisted of buildings D1, D2, D3, E and Commercial. Eternity Phase-II on Survey No.25/1/2, 25/1/4, 25/1/5, 25/1/6, admeasuring 14,200 sq.mtrs, which consisted of buildings C1, C2, D1 and E1, Eternity Phase-III on Survey No.25/1/1, admeasuring 16,000 sq.mtrs consisting of six residential buildings B1, B2, C3, D2, D3 and E2 and Eternity Phase-IV on Survey No.24/1/2, admeasuring 6000 sq.mtrs consisting of two residential buildings A1 and B1. In total there are 16 residential and one commercial buildings and in addition to this, one club house building, one amenity building. Thus, there are total 19 buildings. Further it is mentioned that Eternity Phase-I comprises 184 residential units, Eternity Phase-II comprises 192 residential units, Eternity Phase-IV comprises 104 residential units and all these phases I, II and IV are on the verge of completion, totally having 483 residential units. With respect to Eternity Phase-III, it is submitted that it was changed to Nyati Embrace, which was to consist of 251 residential units, which is under construction. The present development is named as "Nyati Eternity-I, II & IV", but the Project Proponent has not disclosed this name in any of the permissions obtained from the Government Authorities, except RERA and agreements executed for sale of the units. The said construction has been done without Environmental Clearance (EC), Consent

to Establish (CTE) in blatant violation of the environmental laws. The details of the status of construction, which existed and proposed, is described by the applicant in tabular form as below:

Sr.	Des.	EC	C to E	Existing	Proposed	Total
1.	Buildings	0	0	11	6	17
2.	Flats	0	0	483	251	734
3.	BUA Phase-I	0	0	20837.50	0	20837.50
4.	BUA Phase-II	0	0	19170	0	19170
5.	BUA Phase-III	0	0	2651.41	27115.58	29766.99
6.	BUA Phase-IV	0	0	9000	0	9000
7.	Total BUA	0	0	51658.91	27115.58	78774.49

2. The Project Proponent has completed Built-up Area (BUA) of 51,658.91 sq.mtrs as against proposed BUA of 27,115.58 sq.mtrs. Therefore, total BUA is 78,774.49 sq.mtrs comprising 17 buildings 734 flats without obtaining prior Environmental Clearance (EC), Consent to Establish (CTE) and Consent to Operate (CTO). The Project Proponent also did not obtain permission from the Ground Water Authority (GWA) for extracting ground water and has extracted the same from four bore-wells at the project site. The Project Proponent has not preserved top layer of the fertile soil excavated during the construction of the foundation. The Project Proponent has not installed STP and the sewage waste and waste water treatment system. The Project Proponent has not obtained any permission for installation of DG Sets, Project Proponent has not undertaken plantation required of the trees on periphery, but has made plantation of only 150 trees. The Project

Proponent has not developed Green Belt as per the CPCB norms and has also not developed 10% open space for recreational purposes. Project Proponent has not installed solid waste treatment unit (OWC) and composting pits. The Project Proponent has not installed rain water harvesting system, nor installed any solar system.

3. It is stated in the application that the Project Proponent has obtained phase-wise sanctions of the Layout and building plans from the Collector, Pune to overcome the illegality and to escape from the clutches of EIA Notification, 2006. Further it is mentioned that phases of the project are interconnected on common sharing of infrastructure. Hence, it is a single project, which required EC compulsorily as also CTE and CTO. Hence, in the above background, the prayers are made that a direction to Government Authorities be issued to demolish the illegal structures at the site in question and restore the area to its original position and in the alternative, the respondent No.11 be directed to handover the project site, including all structures to the Government Authorities and heavy amount of Environmental Damage Compensation (EDC) for damage be levied on the principles of sustainable development and polluters pay as well as legal action be taken against the defaulting officials.

4. This matter was first considered by this Tribunal on 05.01.2021 and a Joint Committee was constituted to ascertain facts and submit its factual and action taken report within three months, comprising one member each of State Environment Impact Assessment Authority (SEIAA), Maharashtra Pollution Control Board (MPCB), Pune Municipal Corporation (PMC) and Collector, Pune. Pursuant to the said order, the Joint Committee report was submitted, which is annexed at pages 526 to 531 of the paper-book, relevant part of which is quoted hereunder:

Sr. No.	Points Examined	Remarks
a	That the BUA of the project was more than 20,000 sqm but PP did not apply for the Environment Clearance and Consents	As submitted by PMC, vide letter dated 25.08.2021, Nyati Eternity-I is developed on land bearing Undri, S.No. 24/1/2/1 on TPA- 9,327.22 sqm (Plot Area as per 7/12 extract), and TBA 18,696.86 sqm, vide sanction No. PRH/NASR/524/2014, dated 12/02/2015.
b	PP has completed BUA of 51,658.91 sqm, proposed construction BUA is 27,115.58 sqm and total BUA is 78,774.49 sqm comprising 17 buildings and 734 flats, without obtaining any prior Environment Clearance from SEIAA, without obtaining any prior Consent to Establish and without obtaining any prior Consent to Operate from MPCB	<p>The amenity area of 1,572.78 Sq M is carved out. A separate 7/12 extract - S. No. 24/1/2/2 has been made separately for a commercial building, developed vide commencement no 918/16-17 on 29/12/2016 for total built up area 2,667.90 Sq M.</p> <p>Nyati Eternity-II is developed on land bearing Undri, S.No. 25/1/1/2/4/5/6. The TPA is 14,200 Sq M (Plot Area as per 7/12 extract), Out of which 2,102.10 sqm is carved out as amenity area and the same lies vacant, and TBA 19,924.15 Sq M. vide sanction No. BHA/Mouje Undri/S. No. 25/1(Part) on 18/02/2016.</p>
c	No application for prior Environment Clearance under EIA Notification - 2006 from SEIAA or MoEF, no application for prior Consent to Establish, no application for prior Consent to Operate from MPCB and construction carried out by the present PP without these mandatory conditions	<p>Nyati Embrace is a project proposed on land bearing Undri, S.No. 25/1/3 on TPA- 16,000 Sq M (Plot Area as per 7/12 extract), out of which 2,364.97 Sq M is carved out as amenity area and the same lies vacant, and TBA 25,264.96 Sq M. vide sanction No. PRH/NASR/745/2014 on 24/09/2014. At present, no construction activity has been started at site and the plot lies vacant.</p> <p>Nyati Eternity IV is developed on land bearing Undri, S.No. 25/1/1 on TPA- 6,000 Sq M (Plot Area as per 7/12 extract), out of which 900 Sq.M. is carved out as amenity area and same</p>

		<p>lies vacant, and TBA 10,449.85 Sq M. vide sanction No. BHA/CR/901/16-17 on 25/01/2016.</p> <p>Regarding Total BUA, the Architect's Certificate has been submitted by Project Proponent and the same is verified by PMC with respect to Sanction plans and found to be correct.</p> <p>By pursuing the report submitted by the Executive Engineer of the Building Permission Department and Architect's Certificate annexed as Annexure- I, it is concluded that Nyati Eternity I, Nyati Eternity II, Nyati Embrace and Nyati Eternity IV are four different projects. The constructed projects are developed on different 7/12 extracts and hold different permissions and completions. Also, the construction of each developed individual project has not gone beyond 20,000 Sq M.</p> <p>Nyati Embrace is a proposed project.</p>										
d	No permission from the groundwater authority is obtained and PP is extracting groundwater from four (4) borewells at project site. Also there is no groundwater test for its quality	No borewells were visible on site during the visit.										
e	PP has not preserved top layer of the fertile soil excavated during the construction of foundation and there is no soil testing carried out	The existing buildings have already been constructed and there was no ongoing construction activity during the visit. The committee is unable to comment on soil preservation.										
f	PP has not installed STP at project site and sewage waste and waste water is directly discharged to PMC sewer line causing huge water pollution and overburdened PMC utility services and infrastructure	<p>PP has installed STP of MBBR technology with tertiary treatment and ozonator below:</p> <table border="1"> <thead> <tr> <th>Bldg. Name</th> <th>STP capacity in KLD</th> </tr> </thead> <tbody> <tr> <td>Nyati Eternity-I</td> <td>100</td> </tr> <tr> <td>Commercial</td> <td>15</td> </tr> <tr> <td>Nyati Eternity-II</td> <td>125</td> </tr> <tr> <td>Nyati Eternity-III</td> <td>60</td> </tr> </tbody> </table> <p>Treated water is reused for flushing and gardening.</p>	Bldg. Name	STP capacity in KLD	Nyati Eternity-I	100	Commercial	15	Nyati Eternity-II	125	Nyati Eternity-III	60
Bldg. Name	STP capacity in KLD											
Nyati Eternity-I	100											
Commercial	15											
Nyati Eternity-II	125											
Nyati Eternity-III	60											

g	PP has not obtained any permission for installation of the DG Sets and there is illegal operation of five DG Sets causing huge air pollution	PP has installed DG sets as below: - <table border="1" data-bbox="797 338 1367 513"> <thead> <tr> <th>Bldg. Name</th> <th>DG set Capacity in KVA</th> </tr> </thead> <tbody> <tr> <td>Nyati Eternity-I</td> <td>100, 160</td> </tr> <tr> <td>Commercial</td> <td>125</td> </tr> <tr> <td>Nyati Eternity-II</td> <td>125, 200</td> </tr> <tr> <td>Nyati Eternity-III</td> <td>200</td> </tr> </tbody> </table>	Bldg. Name	DG set Capacity in KVA	Nyati Eternity-I	100, 160	Commercial	125	Nyati Eternity-II	125, 200	Nyati Eternity-III	200
Bldg. Name	DG set Capacity in KVA											
Nyati Eternity-I	100, 160											
Commercial	125											
Nyati Eternity-II	125, 200											
Nyati Eternity-III	200											
h	PP has not undertaken plantation of required trees on periphery, but PP has made plantation of only 150 trees which is contrary to the principal laid down by Hon'ble High Court of Bombay, and therefore this is not development of Green Belt as per the CPCB norms. PP has not developed 10% open space for recreational purpose as per norms	PP has carried out tree plantation as below: - <table border="1" data-bbox="797 567 1367 715"> <thead> <tr> <th>Bldg. Name</th> <th>Number of trees</th> </tr> </thead> <tbody> <tr> <td>Nyati Eternity-I</td> <td>199</td> </tr> <tr> <td>Commercial</td> <td>15</td> </tr> <tr> <td>Nyati Eternity-II</td> <td>196</td> </tr> <tr> <td>Nyati Eternity-III</td> <td>62</td> </tr> </tbody> </table>	Bldg. Name	Number of trees	Nyati Eternity-I	199	Commercial	15	Nyati Eternity-II	196	Nyati Eternity-III	62
Bldg. Name	Number of trees											
Nyati Eternity-I	199											
Commercial	15											
Nyati Eternity-II	196											
Nyati Eternity-III	62											
i	PP has not installed a solid waste treatment unit (OWC) and composting pits. There is no segregation of bio-degradable and non-bio-degradable waste. Solid waste is directly thrown/dumped to the opposite side of road on the open space reserved for garden and also dumped to PMC garbage spots	For the treatment of wet waste, there is a composting pit provided on site.										
j	PP has not installed of Rain water Harvesting systems from groundwater recharge and there is substantial depletion in groundwater level	PP has provided rain water harvesting pit as below:- <table border="1" data-bbox="797 1284 1367 1432"> <thead> <tr> <th>Bldg. Name</th> <th>No. of pits</th> </tr> </thead> <tbody> <tr> <td>Nyati Eternity-I</td> <td>3</td> </tr> <tr> <td>Commercial</td> <td>1</td> </tr> <tr> <td>Nyati Eternity-II</td> <td>3</td> </tr> <tr> <td>Nyati Eternity-III</td> <td>3</td> </tr> </tbody> </table>	Bldg. Name	No. of pits	Nyati Eternity-I	3	Commercial	1	Nyati Eternity-II	3	Nyati Eternity-III	3
Bldg. Name	No. of pits											
Nyati Eternity-I	3											
Commercial	1											
Nyati Eternity-II	3											
Nyati Eternity-III	3											
k	PP has not installed energy saving devices and any solar system for energy generation for common area and for water heating	PP has provided a solar water heater for every building.										

Remarks of committee: -

By pursuing the report submitted by the Executive Engineer of the Building Permission Department and Architect's Certificate, annexed as Annexure- I , it is concluded that Nyati Eternity I , Nyati Eternity II , Nyati Embrace and Nyati Eternity IV are four different projects. The constructed projects are developed on different 7/12 extracts and hold different permissions and completions. Also, construction of each developed individual project has not gone beyond 20,000 Sq M. Nyati Embrace is a proposed project which is still not commissioned.

5. Respondent No.11 – Project Proponent has filed its affidavit dated 11.08.2021, wherein it is stated that four projects i.e. Nyati Eternity-I (Residential) on Survey No.24/1/2/1, Nyati Eternity Commercial-1 on Survey No.25/1/1/2/4/5/6, Nyati Eternity-III/Nyati Embrace on Survey No.25/1/3 and Nyati Eternity-IV on Survey No.25/1/1 are being carried out at village Undri, Taluka Haveli, District Pune. Therefore, above four projects, which are separate, cannot be considered as one project by any stretch of imagination. The lands on which above were to be carried out, were purchased during different time-lines. All four projects have independent building layout, building plans, sanctions, amenity space, ingress and egress, recreational area, societies inter alia other aspects. Details of the four projects are given from para No.7.1 to 7.1.65 as below:

7.1. Nyati Eternity-I :

- 7.1.1. On 3rd December 2010 and 21st April 2011, the Respondent No.11 purchased an area admeasuring 1 H and 9 R from Survey No. 24/1/2, Village Undri, from M/s. SVRS Properties.
- 7.1.2. On 18th May 2011, in pursuance to the conveyance of the aforesaid land, mutation entry was carried out in respect of the Respondent No.11. Hereto marked and annexed as Exhibit "A" is a copy of the mutation entry No. 9446 dated 18th May 2011.
- 7.1.3. As per the then prevailing law, the Respondent No.11 was required to provide for a separate amenity space. In furtherance thereof, the Respondent No.11 sub-divided the said land admeasuring 1H 9 R of Survey No. 24/1/2 into 2 parts; (i) Survey No. 24/1/2/1 admeasuring 93.2722 R; and (ii) Survey No. 24/1/2/2 admeasuring 15.7278 R. In Survey No. 24/1/2/1, the Respondent No.11 envisaged constructing a residential property by the name and style of 'Nyati Eternity-I'. Whereas, in the other part i.e., Survey No. 24/1/2/2 which was the amenity space, the Respondent No.11 envisaged developing 'Nyati Eternity Commercial-I'.

Nyati Eternity-I (Residential):

- 7.1.4. The Respondent No.11 envisaged construction of Nyati Eternity-I on Survey No. 24/1/2/1 admeasuring 93.2722 R. In furtherance thereof, the Respondent No.11 took the following steps:
- 7.1.5. On 28th June 2013, the Respondent No.11 obtained a non-agricultural order as well as a commencement certificate for construction of 4 Buildings. The said certificate also provided for a separate amenity space admeasuring 1572.78 sq. mtrs. In the said sanction, the proposed FSI was 6684.09 sq. mtrs. Hereto annexed and marked as EXHIBIT "B" is a copy of the commencement certificate dated 28th June 2013 with respect to Nyati Eternity-I.
- 7.1.6. On 12th February 2015, the Respondent No.11 obtained a revised commencement certificate with respect to Nyati Eternity-I for 4 Buildings. In the said commencement certificate, the proposed FSI was 10842.22 sq. mtrs. Hereto annexed and marked as EXHIBIT

"C" is a copy of the commencement certificate dated 12th February 2015 with respect to Nyati Eternity-I.

- 7.1.7. On 18th November 2013, the Respondent No.11 obtained the plinth checking certificate bearing No. 7613 for 3 Buildings. Hereto annexed and marked as **EXHIBIT "D"** is a copy of the plinth checking certificate No. 7613 with respect to 3 Buildings, dated 18th November 2013.
- 7.1.8. On 25th April 2014, the Respondent No.11 obtained the plinth checking certificate bearing No. 2500 for the remaining one Building. Hereto annexed and marked as **EXHIBIT "E"** is a copy of the plinth checking certificate No. 2500 with respect to the remaining one Building dated 25th April 2015.
- 7.1.9. On 23rd October 2015, the Respondent No.11 obtained a completion certificate for Nyati Eternity-I. The said completion certificate was in respect of all the 4 Buildings. Hereto annexed and marked as **EXHIBIT "F"** is a copy of the completion certificate with Nyati Eternity-I dated 23rd October 2015.
- 7.1.10. On 9th March 2017, the Respondent No.11 formed a society, comprising of all the flat purchasers of Nyati Eternity-I. The society was formed by the name of Nyati Eternity-I Co-operative Housing Society Ltd. and has registration no. PNA/PNA(4)/HSG(TC)/17965/2016-17. In pursuance to the registration of the society, the Respondent No.11 has on or around 9th April 2017, handed over the control and management of Nyati Eternity-I to the society. Hereto marked and annexed as **Exhibit "G"** is a copy of the Registration Certificate of Nyati Eternity-I Co-operative Housing Society Ltd. Thus, there are around 184 flat purchasers residing in Nyati Eternity-I with their fellow occupants/ family members for the last over 5 years.
- 7.1.11. On 23rd December 2020, the Tahsildar, Haveli, Pune passed an order to sub-divide the Survey No. 24/1/2 into 2 parts: (i) 24/1/2/1 admeasuring 93.2722 R for Nyati Eternity-I; and (ii) 24/1/2/2 admeasuring 15.7278 R as amenity space. Hereto annexed and marked as **EXHIBIT "H"** is a copy of the mutation entry no. 11626 dated 29th December 2020 sub-dividing the Survey No. 24/1/2.



7.1.12. On 6th August 2021, the Respondent No.11 obtained a certificate from the Architect to certify and verify the total built-up area of Nyati Eternity-I. The said certificate categorically states that the total FSI and non-FSI built-up area of Nyati Eternity-I totals upto **18696.80 sq. mtrs**. Hereto annexed and marked as EXHIBIT "I" is a copy of the Architect Certificate dated 6th August 2021, certifying the total built-up area of Nyati Eternity-I.

Nyati Eternity Commercial-I:

7.1.13. The Respondent No.11 envisaged developing a commercial building on the separate and independent land which was sanctioned and reserved for amenity space. The said amenity building is constructed on a separate, different and distinct land from that of Nyati Eternity-I. Nyati Eternity Commercial-I has its own ingress and egress and has no common amenity with Nyati Eternity-I. In furtherance of developing Nyati Eternity Commercial-I, the Respondent No.11 has taken the following steps:

7.1.14. On 29th December 2016 i.e. after obtaining completion certificate for Nyati Eternity-I, the Respondent No.11 obtained a sanction from the PMRDA for developing an Amenity Building known as Nyati Eternity Commercial-I on Survey No. 24/1/2/2. The said Amenity building comprises of ground + 3 upper floors. Hereto annexed and marked as EXHIBIT "J" is a copy of the commencement certificate date 29th December 2016 granted by the PMRDA with respect to Nyati Eternity Commercial-I.

7.1.15. On 27th April 2017, the Respondent No.11 obtained the plinth checking certificate for Nyati Eternity Commercial-I. Hereto annexed and marked as EXHIBIT "K" is a copy of the plinth checking certificate with respect to the said Amenity Building dated 27th April 2017.

7.1.16. On 20th February 2018, the Respondent No.11 obtained a completion certificate from PMRDA for the Ground Floor and First Floor of Nyati Eternity Commercial-I. Hereto annexed and marked as EXHIBIT "L" is a copy of the completion certificate with Nyati Eternity Commercial-I dated 20th February 2018.



7.1.17. On 6th December 2019, the Respondent No.11 obtained a completion certificate from PMC for the Second Floor and Third Floor of Nyati Eternity Commercial-I. Hereto annexed and marked as **EXHIBIT "M"** is a copy of the completion certificate with Nyati Eternity Commercial-I dated 6th December 2019.

7.1.18. On 13th August 2018, the Respondent No.11 formed a society, comprising of all the unit purchasers of Nyati Eternity Commercial-I. The society was formed by the name of Nyati Eternity Commercial-I Premises Co-operative Society Ltd. and has registration no. PNA/ PNA(4)/ GNL/ (O)/ 2075/ 2018-19. In pursuance to the registration of the society, the Respondent No.11 has on or around 20th October 2018, handed over the control and management of Nyati Eternity Commercial-I to the society. Thereafter, the Unit Purchasers of the Second and Third Floors were merged/ included as members in the said Nyati Eternity Commercial-I Premises Co-operative Society Ltd. Hereto marked and annexed as Exhibit "N" is a copy of the Registration Certificate of Nyati Eternity Commercial-I Premises Co-operative Society Ltd. Thus, there are around 41 Unit purchasers occupying the units in Nyati Eternity Commercial I for the last over couple of years.

7.1.19. On 6th August 2021, the Respondent No.11 obtained an Architect certificate with respect to Nyati Eternity Commercial-I. The said certificate, certifies and verifies that the total construction carried out with respect to Nyati Eternity Commercial-I is about **2667.90 sq. mtrs.** of built-up area including FSI and non-FSI area. Hereto annexed and marked as **EXHIBIT "O"** is a copy the Architect certificate dated 6th August 2021 certifying the total built-up area of Nyati Eternity Commercial-I.

Nyati Eternity-II:

7.1.20. The Respondent No.11 envisaged developing a residential project under the name and style of 'Nyati Eternity-II' on Survey No. 25/1/1/2/4/5/6 totally admeasuring about 1 H and 42 R at Village Undri, Pune.



- 7.1.21. On or around 3rd December 2010, 9th March 2011, 21st April 2011, 12th July 2011, 22nd November 2011, 19th June 2012, 19th November 2012, 31st October 2013, the Respondent No.11 purchased various lands forming part of Survey No. 25 of Village Undri, Pune.
- 7.1.22. On 26th June 2013, the Respondent No.11 obtained a N.A. Order and commencement certificate with the respect to Nyati Eternity-II. Hereto annexed and marked as **EXHIBIT "P"** is a copy of the said commencement certificate with respect to Nyati Eternity-II.
- 7.1.23. On 16th December 2013, the Revenue authorities were pleased to amalgamate various land parcels of the Respondent No.11 to form a single survey number for the purpose of constructing Nyati Eternity-II. In the said amalgamation order, Survey No. 25/1, 25/1/2, 25/1/4, 25/1/5 and 25/1/6 were amalgamated to form Survey No. 25/1/1/2/4/5/6. Hereto annexed and marked as **EXHIBIT "Q"** is a copy of the Mutation Entry No. 10160 dated 16th December 2012 with respect to Nyati Eternity-II.
- 7.1.24. On 23rd December 2013, the Respondent No.11 obtained a revised N.A. Order / commencement certificate from the Collector of Pune. In the said sanction, the proposed FSI was about 8870.50 sq. mtrs.
- 7.1.25. On 18th February 2016, the Respondent No.11 obtained a revised commencement certificate from the PMRDA. In the said commencement certificate, the proposed FSI was 12097.71 sq. mtrs. Hereto marked and annexed as **Exhibit "R"** is a copy of the commencement certificate dated 18th February 2016 with respect to Nyati Eternity-II.
- 7.1.26. On 7th February 2014, the Respondent No.11 obtained plinth checking certificate No. 844 for four Buildings C1, D1, D2 and E1. Hereto annexed and marked as **EXHIBIT "S"** is a copy of the plinth checking certificate No. 844 with respect to Building Nos. C1, D1, D2 and E1 in respect of Nyati Eternity-II.
- 7.1.27. On 6th November 2015, the Respondent No.11 obtained completion certificate for 2 Buildings with respect to Nyati Eternity-II. Hereto annexed and marked as **EXHIBIT "T"** is a copy of the

completion certificate dated 6th November 2015 with respect to two Buildings of Nyati Eternity-II.

- 7.1.28. On 11th March 2016, the Respondent No.11 obtained completion certificate for Building C-1 (P+10 floors) with respect to Nyati Eternity-II. Hereto annexed and marked as EXHIBIT "U" is a copy of the completion certificate dated 11th March 2016 with respect to Building No. C-1 of Nyati Eternity-II.
- 7.1.29. On 23rd January 2017, the Respondent No.11 obtained completion certificate for Building C-1 (11th and 12th Floor) with respect to Nyati Eternity-II. Hereto annexed and marked as EXHIBIT "V" is a copy of the completion certificate dated 23rd January 2017 with respect to Building No. C-1 (11th and 12th Floor) of Nyati Eternity-II.
- 7.1.30. On 23rd January 2017, the Respondent No.11 obtained completion certificate for Building C-2 with respect to Nyati Eternity-II. Hereto annexed and marked as EXHIBIT "W" is a copy of the completion certificate dated 23rd January 2017 with respect to Building No. C-2 of Nyati Eternity-II.
- 7.1.31. On 27th April 2017, the Respondent No.11 obtained a revised plan. The said plan permits revision of the layout of building and the clubhouse.
- 7.1.32. On 11th April 2019, the Respondent No.11 obtained a revised plan with respect to Nyati Eternity-II. In the said plan, it is categorically noted that all the buildings are completed. The said plan was obtained for amending the dimensions of the amenity space. It is pertinent to note at this juncture that the said amenity space is neither developed nor handed over till date. Furthermore, the said amenity space has its own ingress and egress and is independent from the land on which Nyati Eternity-II is built. Hereto marked and annexed as Exhibit "X" is a copy of the revised sanctioned plan dated 11th April 2019 with respect to Nyati Eternity-II.
- 7.1.33. On 9th March 2017, the Respondent No.11 formed a society comprising of all the members i.e. purchasers of Nyati Eternity-II. The said society was formed under the name of Nyati Eternity-II Co-operative Housing Society Ltd. having registration No.

PNA/PNA(4)/HSG(TC)/17968. In furtherance thereof, on 9th April 2017, the Respondent No.11 handed over the management and control of Nyati Eternity-II to the aforesaid society. Thus, there are around 195 flat purchasers residing in Nyati Eternity-II for the last over four years with their fellow occupants/ family members. Hereto marked and annexed as Exhibit "Y" is a copy of the Registration certificate of Nyati Eternity-II Co-operative Housing Society Ltd.

7.1.34. On 6th August 2021, the Respondent No.11 obtained an Architect certificate to certify and verify the total built-up area of Nyati Eternity-II. The said certificate categorically certifies that the total built-up area comprising of the FSI and non-FSI areas of all the buildings inclusive of the clubhouse totals upto 19924.15 sq. mtrs. Hereto marked and annexed as Exhibit "Z" is a copy of the architect certificate dated 6th August 2021 with respect to Nyati Eternity II.

Nyati Eternity-III (currently known as 'Nyati Embrace'):

7.1.35. The Respondent No.11 envisaged developing a residential project under the name and style of 'Nyati Eternity-III / Nyati Embrace' on Survey No. 25/1/3 at Village Undri, Taluka Haveli, Dist. Pune. In furtherance of developing such residential project, the Respondent No.11 has taken the following steps.

7.1.36. On 3rd May 2012, the Respondent No.11 applied for EC for developing projects on certain portion of land out of Survey No. 24 and 25, Undri, Taluka Haveli, Dist. Pune. The said application included Survey No.25/1/3 on which Nyati Eternity-III / Nyati Embrace was proposed to be developed. Hereto marked and annexed as Exhibit "AA" is a copy of the Application made for obtaining Environment Clearance.

7.1.37. On 26th June 2013, the Respondent No.11 obtained N.A. Order / commencement certificate for Nyati Eternity-III / Nyati Embrace. The total built-up area in the said commencement certificate was below 20,000 sq. ft. The Respondent No.1 commenced construction in furtherance of such commencement certificate and completed construction upto 2651.41 sq. mtrs. Hereto annexed and marked as EXHIBIT "BB" is a copy of the commencement

certificate dated 28th June 2013 in respect of Nyati Eternity-III / Nyati Embrace.

- 7.1.38. On 21st November 2013, the Urban Development Department of the Government of Maharashtra published new building bye-laws under the name of 'Standard Development Control & Promotion Regulations'. Under the new development regulations, the FSI for Survey No.25/1/3 increased from 1 to 1.10. Furthermore, the said plot was also eligible for benefit of additional paid FSI of 0.20.
- 7.1.39. On 21st May 2014, the Respondent No.11 submitted an application to the Environment Department for change in the name and correction of survey numbers as mentioned in the application made for EC dated 3rd May 2012. Hereto annexed and marked as **EXHIBIT "CC"** is a copy of the letter addressed by the Respondent No.11 to the Environment Department for changing the name and correcting the survey number in the application for grant of EC.
- 7.1.40. On 4th July 2014, the Environment Department issued a Show Cause Notice to the Respondent No.11. The said Show Cause Notice alleged that the Respondent No.11 had not obtained EC prior to constructing in Survey No. 25/1/3. Hereto annexed and marked as **EXHIBIT "DD"** is a copy of the Show Cause Notice dated 4th July 2014 with respect to Nyati Eternity-III / Nyati Embrace.
- 7.1.41. On 31st October 2014, the Respondent No.11 replied to the Show Cause Notice dated 4th July 2014. In the said reply, the Respondent No.11 categorically stated it had stopped work long time back and has completed only 2651.41 sq. mtrs. of construction (1175.02 FSI + 1476.39 sq. mtrs. non-FSI). In furtherance to the said reply, the Respondent No.11 also personally presented its case on 20th January 2015. Hereto annexed and marked as **EXHIBIT "EE"** is a copy of the reply dated 31st October 2014 addressed by the Respondent No.11 to the Environment Department in reply to the Show Cause Notice dated 4th July 2014.
- 7.1.42. On 13th February 2015, the Environment Department issued a Stop Work Notice to the Respondent No.11 with respect to Nyati Eternity-III / Nyati Embrace. The said notice stated that the construction carried upto 2651.41 sq. mtrs. on Survey No. 25/1/3 is



a violation case. Hereto marked and annexed as **Exhibit "FF"** is a copy of the show cause dated 13th February 2015 issued by the Environment department with respect to Nyati Eternity-III / Nyati Embrace.

7.1.43. In the meanwhile, on or around 24th March 2014, the Hon'ble Bombay High Court in Writ Petition No. 655 of 2014 cleared the law with respect to carrying out construction below 20,000 sq. mtrs., where the proposed construction may be over 20,000 sq. mtrs. Hereto annexed and marked as **EXHIBIT "GG"** is a copy of the order dated 24th March 2014 passed by the Hon'ble Bombay High Court in Writ Petition No. 655 of 2014.

7.1.44. On 21st April 2015, the Principal Secretary, Environment Department, in pursuance to the aforesaid order of the Hon'ble Bombay High Court, issued a circular. The said circular categorically states that where the project proponent has undertaken total construction below 20,000 sq. mtrs. albeit the proposed construction is over 20,000 sq. mtrs., the case ought not to be considered as a violation. Hereto marked and annexed as **Exhibit "HH"** is a copy of the circular dated 21st April 2015.

7.1.45. On 4th October 2017, village Undri was included within the Pune Municipal Corporation limits. Resultantly, the Respondent No.11 stayed development with respect to Nyati Eternity-III / Nyati Embrace as there would be changes in the law relating to the construction and accordingly the plans.

7.1.46. On 12th April 2018, the Respondent No.11, relying on the aforesaid order of the Hon'ble Bombay High Court and the aforesaid circular issued by the Environment Department, issued a letter to the Environment Department requesting the department to declare that there has been no violation with respect to the construction carried out on Survey No. 25/1/3, Undri, Taluka Haveli, Dist. Pune. Hereto marked and annexed as **Exhibit "II"** is a copy of the letter dated 12th April 2018 preferred by the Respondent No.11 to the stop work notice issued with respect to Nyati Eternity-III.

7.1.47. On 29th May 2018, the Additional Chief Secretary, Environment Department, considering the fact that the Respondent No.11 has carried out construction only upto 2651.41 sq. mtrs. and



considering the order of the Hon'ble Bombay High Court and the circular issued by the Environment Department, was pleased to withdraw the directions issued under Section 5 of the Environment Protection Act, 1986 read with the Notification dated 14th September 2006. It is pertinent to note that after issuance of the said notice, the Respondent No.11 has not carried out any construction activity with respect to Nyati Eternity III. Hereto marked and annexed as **Exhibit "JJ"** is a copy of the letter dated 29th May 2018 issued by the Additional Chief Secretary, Environment Department, withdrawing the show-cause notice issued with respect to Nyati Eternity III.

7.1.48. The Respondent No.11 placed the aforesaid letter of the Environment Department withdrawing the Show Cause Notice before the Hon'ble Court of JMFC, Pune in Criminal Case No. 4835 of 2015. Considering the fact that there was no violation committed by the Respondent No.11, the Hon'ble Court was pleased to discharge the Respondent No.11. Hereto marked and annexed as **Exhibit "KK"** is a copy of the order dated 16th October 2018, discharging the Respondent No.11 in Criminal Case No. 4835 of 2015.

7.1.49. On 5th August 2018, the Applicant in the captioned Application preferred a Complaint through Adv. Nilesh Bhandari with respect to alleged construction being carried out with respect to Nyati Eternity III in violation of Environment laws. Hereto marked and annexed as **Exhibit "LL"** is a copy of the complaint preferred by the Applicant in the captioned Application with respect to Nyati Eternity III.

7.1.50. On 4th December 2018, in furtherance of the complaint made by the Applicant, the field officer of the Maharashtra Pollution Control Board carried out site visit. In the said site visit, the MPCB confirmed that construction activity is not being carried out on site. Furthermore, in the said site visit it was confirmed that only 2651.41 sq mtrs construction has been completed on site. The said construction of 2651.41 sq mtrs was duly completed in the year 2013. Hereto marked and annexed as **Exhibit "MM"** is a copy of the site visit report dated 4th December 2018 with respect to Nyati Eternity III.

- 7.1.51. On 15th June 2019, in pursuance to the Complaint preferred by the Applicant in the captioned matter dated 5th August 2018, the Environment Department once again issued a Show Cause Notice under Section 5 of the Environment Protection Act, 1986. Hereto annexed and marked as **EXHIBIT "NN"** is a copy of the Show Cause Notice dated 15th June 2019 issued by the Environment Department with respect to Nyati Eternity-III.
- 7.1.52. On 7th August 2019, the Respondent No.11 replied to the Show Cause Notice issued by the Environment Department. In the said Show Cause Notice, the Respondent No.11 placed on record that a minuscule construction of about 2651.41 sq. mtrs. has been completed at Survey No. 25/1/3, Undri, Tal. Haveli, Dist. Pune. The Respondent No.11 has further placed the aforesaid order of the Hon'ble Bombay High Court and the aforesaid circular issued by the Environment Department. In furtherance of the reply, on 9th October 2019, the Respondent No.11 physically presented its case before the authorities. Hereto annexed and marked as **EXHIBIT "OO"** is a copy of the reply dated 7th August 2019 to the Show Cause Notice issued by the Environment department dated 15th June 2019.
- 7.1.53. On 4th November 2019, considering the reply on the facts with respect to Nyati Eternity-III / Nyati Embrace, the Environment Department was pleased to withdraw the Show Cause Notice dated 15th June 2019. Hereto annexed and marked as **EXHIBIT "PP"** is a copy of the letter dated 4th November 2019 addressed by the Environment Department withdrawing the Show Cause Notice dated 15th June 2019 with respect to Nyati Eternity-III / Nyati Embrace.
- 7.1.54. In or around the year 2020, the Respondent No.11 was planning a separate plotted layout on Survey No. 25/1/3, Undri, Tal. Haveli, Dist. Pune. In furtherance of such plotted layout, the Respondent No.11 demolished the incomplete structure which was admeasuring around 2651.41 sq. mtrs. Ever since the land on Survey No. 25/1/3 is completely vacant and there is no construction on the said land.

Nyati Eternity-IV:

- 7.1.55. The Respondent No.11 envisaged developing a residential project under the name and style of 'Nyati Eternity-IV' on Survey No. 25/1/1 at Village Undri, Taluka Haveli, Dist. Pune. The said land admeasures around 00 H 60 R. In furtherance of developing Nyati Eternity-IV, the Respondent No.11 has taken the following steps.
- 7.1.56. On 20th November 2014, the Respondent No.11 purchased 00 H 60 R bearing Survey No. 25 Hissa No. 1/1, Undri, Tal. Haveli, Dist. Pune. The erstwhile owners of the said land had obtained N.A. Order / commencement certificate dated 4th January 2010 from the PMRDA. Hereto annexed and marked as **EXHIBIT "QQ"** is a copy of the N.A. Order/commencement certificate dated 4th January 2010 obtained by the erstwhile owners of Survey No. 25/1/1.
- 7.1.57. On 7th November 2014, the Respondent No.11 obtained a revised commencement certificate for Building A-1 and B-1. In the said commencement certificate, the total proposed FSI area was 5505.87 sq. mtrs.
- 7.1.58. On 29th September, 2015 , plinth checking certificate no. 1599 was issued for Buildings A-1 and B-1. Hereto annexed and marked as **EXHIBIT "RR"** is a copy of the plinth checking certificate no. 1599 dated 29th September 2015 for Buildings A-1 and B-1.
- 7.1.59. On 24th February 2016, vide a Deed of Transfer, the Respondent No.11 handed over the amenity space admeasuring around 900 sq. mtrs. to PMRDA. In lieu of such handing over of amenity space, the Respondent No.11 became entitled to FSI with respect to Nyati Eternity-IV.
- 7.1.60. On 8th September 2016, the Respondent No.11 further obtained a revised sanctioned plan with respect to Nyati Eternity-IV for Buildings A-1 and B-1. In the said plan, the total proposed FSI was 6332.26 sq. mtrs.
- 7.1.61. On 23rd January 2017, the Respondent No.11 obtained the completion certificate with respect to Buildings A-1 and B-1 of Nyati Eternity-IV. Hereto annexed and marked as **EXHIBIT "SS"** is a



copy of the commencement certificate dated 23rd January 2017 with respect to Buildings A-1 and B-1 of Nyati Eternity-IV.

7.1.62. On 27th April 2017, the Respondent No.11 obtained revised sanction for clubhouse (ground + one with swimming pool) in the open area admeasuring 600 sq. mtrs. of Nyati Eternity-IV. Hereto annexed and marked as EXHIBIT "TT" is a copy of the revised sanction dated 27th April 2017 with respect Nyati Eternity-IV.

7.1.63. On 31st July 2017, the PMRDA was pleased to grant completion certificate with respect to the clubhouse. Hereto annexed and marked as EXHIBIT "UU" is a copy of the completion certificate dated 31st July 2017 with respect to clubhouse of Nyati Eternity-IV.

7.1.64. On 22nd June 2017, the Respondent No.11 formed a society comprising of all the flat purchasers of Nyati Eternity-IV. The said society was formed under the name of 'Nyati Eternity-IV Co-operative Housing Society Ltd.' having registration no. PMA/PMA(4)/HSG(TC)/18212/2017-18. In furtherance of forming of the society, the Respondent No. 11, on or around 22nd July 2017 handed over the management and control of Nyati Eternity-IV to the aforesaid society. Thus, there are around 104 flat purchasers residing in Nyati Eternity-IV for the last over four years with their fellow occupants/ family members. Hereto marked and annexed as Exhibit "VV" is a copy of the Registration certificate of Nyati Eternity-IV Co-operative Housing Society Ltd.

7.1.65. On 6th August 2021, the Respondent No.11 obtained Architect certificate with respect to Nyati Eternity-IV certifying and verifying the total built-up area. The said certificate categorically states that the total built-up area including FSI and non-FSI and clubhouse and other services, with respect to Nyati Eternity-IV is 10449.85 sq. mtrs. Hereto annexed and marked as EXHIBIT "WW" is a copy of the Architect Certificate dated 6th August 2021, certifying the total built-up area of Nyati Eternity-IV.

6. From the perusal of above pleadings, it becomes clear that project Nyati Eternity-I, which comprises Nyati Eternity-I (Residential) with total built-up area 18,696.80 sq.mtrs and the total built-up area of Nyati Eternity Commercial-I is 2667.90 sq.mtr. It is quite evident from this that respondent No.11 has split Nyati Eternity-I into two projects, one by the name Nyati Eternity-I (Residential) and the other Nyati Eternity Commercial-I and if we add together, total built-up area would exceed 20,000 sq.mtrs. The applicant, during argument, pointed out that these

were treated to be two different projects, so each of them was below 20,000 sq.mtrs. Hence, prior EC was required as per EIA Notification, 2006. Further it is evident from above pleadings that total built-up area of Nyati Eternity-II is shown as 19,924.15 sq.mtrs. and hence, is stated to be below 20,000 sq.mtrs, requiring no prior EC. In respect of Nyati Eternity-III (currently known as Nyati Embrace), it is recorded that respondent No.11 applied for EC for developing projects on certain portion of land out of Survey Nos.24 and 25 of village Undri, Taluka Haveli, District Pune and despite the fact that the total built-up area of the said survey number as per the Commencement Certificate issued on 28.06.2013 is stated to be below 20,000 sq.mtrs (appears to be mentioned by mistake as 20,000 sq.ft, which should be 20,000 sq.mtrs). No explanation has emanated from learned counsel for respondent No.11 as to why for area below 20,000 sq.mtrs has been applied for EC for this project Nyati Eternity-III (Nyati Embrace). The averment made by respondent No.11 regarding applying for EC, through their application dated 17.04.2012, annexed as Annexure-AA at page 645 of the paper-book, (not mentioned in the pleadings/argument made by learned counsel) would indicate that the application was moved by the Project Proponent for EC to be granted for all four proposed projects of Nyati Eternity at Survey Nos.24/1/2, 25/1/2, 25/1/3/25/1/4, 25/1/5, 25/1/6, which would clearly indicate that entire project at that time was being treated as one project, otherwise this kind of application would not have been moved by him. Hence, the pleading of the applicant that the answering respondent has obtained phase-wise sanctions of building plans for carrying out one single project stands belied.

7. Further it is mentioned that respondent No.11 carried out five different, independent and distinct projects, which is further strengthened

by the fact that all aforesaid five projects, save and except Nyati-Eternity-III/Nyati Embrace, which remained undeveloped, were developed on different survey numbers, different societies have been formed; have different amenity space/s, have different facilities and have their independent ingress, egress and identity. The answering respondent has carried out the construction of all aforesaid four projects after obtaining due sanction of plans as per the prevailing Development Control Regulations and the MRTP Act and therefore, it is not open to the applicant to approach this Tribunal with an averment that the answering respondent has developed four different projects with an intention to overcome the rigors of EIA Notification, 2006. It is stated that undisputedly, there are five different and independent projects being developed by the answering respondent as per the extant Development Control Regulations and MRTP Act. Hence, the applicant's case fails.

8. It is stated in the said affidavit that since respondent No.11 has constructed purely residential projects by the names Nyati Eternity-I, Nyati-Eternity-II and Nyati Eternity-III/Nyati Embrace and Nyati Eternity-IV, there is no need to obtain Consent to Establish or Consent to Operate with respect to those four residential projects as no commercial activity was being undertaken. Therefore, the provisions of the Water (Prevention and Control of Pollution) Act, 1975 and the Air (Prevention and Control of Pollution) Act, 1981 would not be applicable to these buildings in terms of the judgment of the Hon'ble Delhi High Court in the case of **Splendor Landbase Ltd Vs. Delhi Pollution Control Board**, reported in **LPA No.895 of 2010**.

9. With respect to allegation that no permission was taken for extraction of groundwater, it is submitted that there was no existing borewells at the site in question. Therefore, question of seeking permission

in that regard does not arise. Further, with respect to the allegation that there is no rain harvesting system installed at the site in question by the answering respondent, it is submitted that the said allegation is absolutely false as all the five projects have different numbers of rain-water harvesting pits. With respect to the allegation of not having carried out soil testing of soil preservation, it is submitted by the answering respondent that it has used all the soil excavated from the respective project to carry out various aesthetic work in the respective project. As far as allegation of the applicant that the answering respondent has not provided for water, sewage and solid waste treatment plant, it is submitted that the same is false allegation as the answering respondent has already provided the same. Further, as to the allegation in respect of the answering respondent carrying out illegal installation and operation of the D.G. Sets, the same is denied as the permission for installation thereof was taken from the concerned Authority.

10. From the side of respondent No.6 – Town Planning Department, an affidavit dated 27.09.2021 has been filed, wherein they have taken a stand that initially, the project was within the jurisdiction of the Collector, Pune before establishment of PMRDA on 11.07.2016. Thereafter, the project was monitored by PMRDA. Respondent No. 6 did not have any authority to take action against respondent No.11 for illegal construction. Further it is mentioned that respondent No.6 only issued Plinth Check Certificates dated 18.11.2013, 25.04.2014 and 07.08.2024 and till then, the built-up area was below 20,000 sq.mtrs.

11. The applicant has filed rejoinder dated 08.11.2021, stating therein that a large project made by respondent No.11 of more than 17 buildings is executed in phase-wise manner with single PP and beneficiary cannot have protection against the environmental violations. It is stated that

MPCB had filed a criminal case being RCC No.4835 of 2015 before the Court of Judicial Magistrate First Class, Pune on 17.12.2015 against the Project Proponent and office bearers. It is stated that the Project Proponent has mentioned in the project brochure that all four phases are known as "Nyati Eternity" and the same are part and parcel of one House complex (OA Page 444 – Annexure-A32). It is further mentioned that the Project Proponent has admitted that the EC application dated 12.04.2012 submitted to SEIAA on 03.05.2012, was filed for the project situated at Survey Nos.24/1/2, 25/1, 25/1/2, 25/1/3, 25/1/4, 25/1/5, 25/1/6 at Undri, Taluka Haveli, District Pune. Therefore, the said project is admitted by the Project Proponent to be a single project. Hence, the observation of the Joint Committee in this regard is totally false. Substantial construction has been done by the Project Proponent on the portion of land under proposal for EC application dated 12.04.2012. The Project Proponent, in registered agreements at clause/para 21, clearly admitted that the phases I to IV had common sharing out of the development of this housing complex. All four phases are internally connected being single project; they are not separate from each other. There is common sharing of infrastructures. However these are not recorded by the Joint Committee deliberately. The entire construction is done within single boundary, connected with internal roads and no separate compound wall and with sharing common amenities like club house, gym, swimming pool.

12. Respondent Nos.4 and 5 – MPCB have taken a stand, through their affidavit dated 04.11.2022, that the answering respondent Board had filed Regular Criminal Case (RCC) No.4835 of 2015 against respondent No.11 before the Court of Chief Judicial Magistrate on 17.12.2015 for carrying out the construction on the site in question i.e. Nyati Eternity in violation of EIA Notification, 2006 read with the Environment (Protection) Act,

1986, but the Government of Maharashtra, Environment Department, vide letter dated 29.05.2018, issued a letter of withdrawal of directions issued under Section 5 of the Environment (Protection) Act, 1986 read with the EIA Notification, 2006. Thereafter, the learned Chief Judicial Magistrate, Pune disposed of the RCC mentioned above on 16.10.2018 by passing an order to the effect of discharging the accused of offence punishable under Section 15 read with section 16 of the Environment (Protection) Act, 1986 and the EIA Notification, 2006. Reliance is also placed on the Joint Committee report.

13. Respondent No.8 – PMRDA, through its reply dated 25.04.2023, has taken a stand to the effect that the area in question is transferred to the Pune Municipal Corporation on 04.10.2017. The earlier Construction Permissions were given by the District Collector, Pune. The answering respondent – PMRDA has given only Part Completion Certificate dated 31.08.2015 to the building A1 (P+6), Nyati Ethos at S.No.21 Part, Village Undri, Taluka Haveli, District Pune. Now all the record regarding the project is transferred to PMC on account of transfer of the subject matter. We do not find any relevance of this affidavit because Survey No.21 (Part) does not appear to be involved in the case in hand.

14. From the side of respondent Nos.9 and 10 – PMC, an affidavit dated 31.08.2023 has been filed, wherein it is recorded that PMC is responsible for issuance of Commencement Certificate, Plinth Checking Certificate and Occupation Certificate. Nyati Eternity-I is the project developed on Survey No.24/1/2 of village Undri and no building permission in respect of the said project is granted by the PMC. Pursuant to the building permission dated 29.12.2016 issued by the District Collector, Commercial building is developed and Part Occupancy Certificate was already issued by the PMRDA. On 06.12.2019, PMC has granted Part Occupancy Certificate to

the Commercial Building. With respect to Nyati Eternity-II, the PMC sanctioned only layout in respect of the said project, for the reason that area is to be handed over to the PMC by the developer. With respect to Nyati Embrace, it is mentioned that the PMC granted revision to the project on 11.05.2022 for the Total Built-Up Area (TBUA) of 19,801 sq.mtrs over which the construction was going on.

15. With respect to Nyati Eternity-IV, the PMC sanctioned the plans. All N.A. permissions by the PMC have been granted in accordance with the DC Rules, Maharashtra Regional and Town Planning Act, 1966 and the Maharashtra Provincial Municipal Corporation Act, 1949 and that no violation has been committed by the answering respondent.

16. From the side of respondent No.2 – SEIAA, an affidavit dated 30.08.2023 has been submitted, wherein same facts have been reiterated, which have been mentioned in the Joint Committee report and it is expressed that there is no violation committed by the Project Proponent.

17. By way of filing additional affidavit dated 19.02.2023, respondent No. 11 has submitted therein that the answering respondent has created third party interest and handed over possession of the units to such third parties. The purchasers have formed a society and the management of the project has been handed over to the registered society. Rest of the averments made in the said affidavit are nothing but reiteration of the earlier pleadings.

18. We have heard the arguments of the learned counsel for the contesting parties and perused the record.

19. We have to mainly decide in the present case as to whether the project in question should be treated to be one single project or should they be treated to be four/five different projects, because in case we hold

that this project was a single project, the total built-up area would certainly exceed 20,000 sq.mtrs and in that case, prior Environmental Clearance (EC) would be held to be necessary to be obtained by the Project Proponent – respondent No.11, but in case these are held to be 5/6 different projects, certainly each project would have total built-up area of less than 20,000 sq.mtrs and would not be requiring any separate EC.

20. What would be the necessary ingredients/points to be considered to give our opinion as to whether the project in question should be treated as one project or multiple projects as mentioned above. In this regard, in our opinion, if the entire project, including all phases was considered and planned as single entity from the beginning, then it would be treated as single project for EC purposes, which means it should have single master plan, showing overall scope and layout of the project. If we evaluate the facts in the present case on this yardstick, we may mention that as per the affidavits of respondent No.11, respondent No.11 purchased an area, admeasuring 1 H and 9 R from Survey No.24/1/2 from village Undri from M/s SVRS Properties and thereafter, sub-divided it into two parts i.e. (i) Survey No.24/1/2/1, admeasuring 93.2722 R and (ii) Survey No.24/1/2/2, admeasuring 15.7278 R. In Survey No.24/1/2/1, respondent No.11 envisaged constructing a residential property by the name and style “Nyati Eternity-I”, whereas in other Survey No.24/1/2/2, which was the amenity space, respondent No.11 envisaged developing “Nyati Eternity Commercial-I., while planning “Nyati Eternity-I and “Nyati Eternity Commercial-I”. As per the Architect Certificate dated 06.08.2021, provided by respondent No.11, total built-up area of Nyati Eternity-I and Nyati Eternity Commercial-I is 18,696.80 sq. mtrs + 2667.90 sq.mtrs = 21,364.70 sq.mtrs., which shows that it exceeded 20,000 sq.mtrs total built-up area. and hence, respondent No. 11 should have obtained prior

EC before construction activity was started. Subsequent development plans executed by him could have been treated as expansion of the first EC. It is quite obvious that respondent No.11 has decided to obtain separate EC only to circumvent the EC requirement.

21. On 03.05.2012, respondent No.11 applied for EC for developing projects on certain portion of land out of Survey Nos.24 and 25 of Undri, Taluka Haveli, District Pune. The said application included Survey No.25/1/3 on which Nyati Eternity-III/Nyati Embrace was proposed to be developed. Covering letter of this application is annexed at page 645 of the paper-book. However, the application is not annexed. The subject of this letter states as “Application for Environmental Clearance for our proposed project Nyati Eternity at S.No.24/1/2, 25/1/25/1/2, 25/1/3, 25/1/4, 25/1/5, 25/1/6, Mouze Undri, Tal Haveli, Dist Pune – State of Maharashtra”

22. By its own submission of respondent No.11, it is quite clear that most of the land, even in Survey No.25, was in possession of the said respondent and it had applied for EC in May, 2012. We have no doubt in mind that respondent No.11 had planned developing of all buildings under the name Nyati Eternity-I when it applied for EC in May, 2012. Obtaining separate sanctions was afterthought. A show-cause notice was issued by the Environment Department to respondent No.11 on 04.07.2014 for carrying out the construction without obtaining EC.

23. We may also mention here that the Hon’ble High Court of Bombay had delivered a judgment in the case of ***M/s Glomore Constructions*** to the effect that till the construction of a project reaches 20,000 sq.mtrs built-up area, there is no need to seek prior EC and the circular of the Environment Department came into field in 2015, whereas the first Plinth Certificate for various buildings in Nyati Eternity-I was obtained by

respondent No.11 on 18.11.2013 and 25.04.2014, which means prior to the said judgment coming into force. That means, respondent No.11 should have gone for prior EC, even if construction had not reached 20,000 sq.mtrs built-up area. Respondent No.11 obtained Plinth Check Certificate for remaining one building in Nyati Eternity-I on 23.10.2015, it obtained Completion Certificate for Nyati Eternity-I. Hence it cannot take shelter of order of the Hon'ble High Court of Bombay in the case of **M/s Glomore Constructions**, referred to above.

24. Respondent No.11 claims to be an environmentally conscious and responsible developer and that it has been granted prestigious certificates for conforming to a high standard of management systems, quality standards and eco-friendly constructions models. Therefore, it is simply not possible to believe that the said developer would not have been aware of the EIA Notification, 2006. Hence, we are of the opinion that respondent No.11 is conveniently taking shelter of the judgment of the Hon'ble High Court of Bombay in the case of **M/s Glomore Constructions** to justify evading EIA Notification, 2006. We are also unable to accept the stand taken by respondent No.11 that the EC application submitted in May, 2012 was only for Nyati Eternity-III/Nyati Embrace. In our estimation, the EC application was for all the buildings proposed under the name Nyati Eternity i.e. Nyati Eternity-I and Nyati Eternity Commercial-I, Nyati Eternity-II, Nyati Eternity-III and Nyati Eternity-IV.

25. Further in our opinion, as per the criteria cited above, Nyati Eternity-I, Nyati Eternity Commercial-I, Nyati Eternity-II, Nyati Eternity-III and Nyati Eternity-IV are found by us to be a part of a single project.

26. Another criteria on the basis of which we can decide as to whether this project should be treated as one single project, applied by us is that if a large residential complex shares common amenities like garden, club

house, swimming pool, gymnasium and ancillary facilities on the open space, we will thereafter consider as to whether it is a single project or multiple projects. In this respect, we wish to refer to the sample sale-deed, which is at pages 21 to 303 of the paper-book, executed for Flat No.B1 – 901 situated on 9th floor of building “CHESTER” of the complex known as “Nyati Eternity IV”. It is stated in para 20 of page 234 of the paper-book as under:

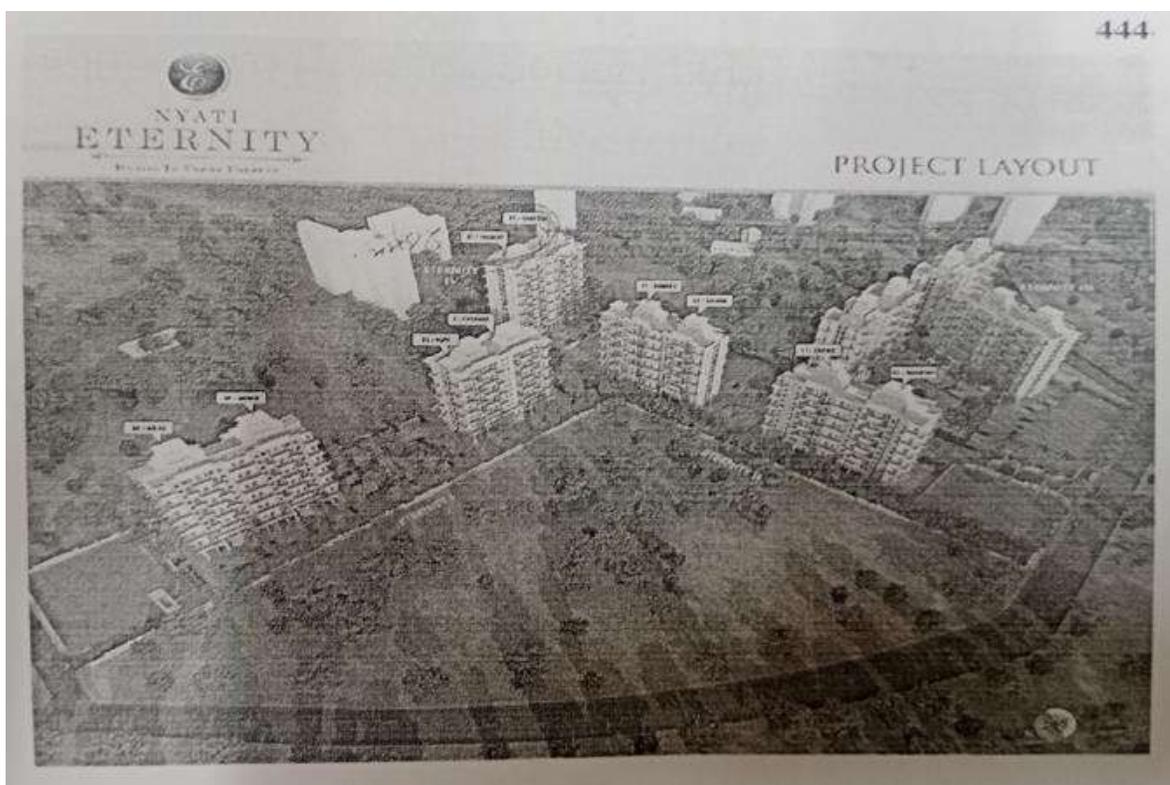
“20. The Promoter herein is implementing a Project known as “NYATI ETERNITY I” on land bearing Survey No.24 Hissa No.1/2 Village Undri, a Project known as “NYATI ETERNITY II” on a portion admeasuring 12,400 sq.mtrs out of the contiguous block admeasuring 14,200 sq.mtrs formed of portions admeasuring Hectares 00=40 Ares, Hectares 00=26 Ares and Hectares 00=16 Ares out of lands bearing Hissa Nos.I, $\frac{1}{4}$ and $\frac{1}{6}$ respectively of Survey No.25 and the lands admeasuring Hectares 00=40 Ares and Hectares --=20 Ares bearing Hissa Nos.1/2 and 1/5 respectively of Survey No.25, Village Undri and the Promoter is also implementing a Project known as “NYATI ETERNITY III” on land bearing Survey No.25 Hissa No.1/3, Village Undri. The Projects known as “NYATI ETERNITY I” and “NYATI ETERNITY II”, adjoining each other and so do the Projects known as “NYATI ETERNITY II” and “NYATI ETERNITY III”. The Promoter proposes to provide a Multipurpose Sports Facility in the Open Space of “NYATI ETERNITY I”, a Children’s Play Area in One of the Open Spaces of “NYATI ETERNITY II’, a Club House, Swimming Pool, Gymnasium and ancillary facilities on the Open Space of “NYATI ETERNITY III”, and to ETERNITY IV”. All such facilities proposed to be provided by the Promoter in the said Projects known as “NYATI ETERNITY I”, “NYATI ETERNITY II”, “NYATI ETERNITY III” and “NYATI ETERNITY IV” are hereinafter referred to as “the said Facilities. With a view to make available the benefit of said Facilities to all the holders/occupants of Residential Flats/Units in the said Four Projects, the Promoter shall grant access to the said Facilities to each holder/occupant in said four projects irrespective of in which complex/project such flat is situated. On completion of each such

projects and at the time of conveyance of the said comprised in each of the said Projects and of the buildings forming part thereof in favour of the respective Cooperative Housing Societies formed of the purchasers of flats in each of the said Projects, such rights/access given to the holders/occupants of Residential flats/Units in the said Projects in the said facilities on the said Open Spaces thereof shall be clearly set out to the intent that such transfer of the said Lands and Buildings in favour of the said Cooperative Housing Societies shall be made expressly subject to such rights/access. All costs, charges and expenses incurred for management, maintenance, upkeep and repair of all the said Facilities shall be jointly borne and paid by the Cooperative Housing Societies formed of the holders of Flats/Units in “NYATI ETERNITY I”, “NYATI ETERNITY II”, “NYATI ETERNITY III” and “NYATI ETERNITY IV” in proportion to the number of Residential Flats in their respective Projects.....”

27. The above stipulation made in the sale-deed makes it evident that the builder/Project Proponent has provided multipurpose sports facilities, such as Club House, Swimming Pool, Gymnasium, etc. common for all the residents of the four residential projects and that the cost and charges and expenses incurred for management, maintenance, upkeep and repair of all the said facilities shall be jointly borne and paid by the Cooperative Housing Societies formed of the holders of flats/units in Nyati Eternity-I, Nyati Eternity-II, Nyati Eternity-III and Nyati Eternity-IV in proportion to the number of residential flats in their respective projects. It clearly suggests that all four projects were not separate projects, but a single project. However, they have been shown as separate projects with a view to evade the provisions of EIA Notification, 2006.

28. Another yardstick, which we have applied here to assess whether the project in question is a single project or multiple projects, is a phased commercial/residential development with interconnected buildings, shared utilities, or a comprehensive landscaping plan will also be viewed

as a single project. In this regard, we find that the project layout, which is annexed at page 444 of the paper-book, would show that respondent No.11 has developed a comprehensive landscaping for entire complex, which comprises of five projects, namely, Nyati Eternity-I, Nyati Eternity-II, Nyati Eternity-III, Nyati Eternity-IV and Nyati Eternity Commercial-I. The said project layout (page 444 of the paper-book) is reproduced hereunder:



29. In our opinion, the landscaping itself shows the design of multiple buildings but a single project and hence, we deem it appropriate to observe here that respondent No.11 ought to have taken prior EC from SEIAA, which has not been done in this case.

30. Now question arises as to what order is required to be passed with respect to this violation having been committed by the Project Proponent - respondent No.11. We are of the opinion that for this default on the part of the Project Proponent, appropriate remedy lies in holding him accountable to pay the amount of Environmental Damage Compensation (EDC) calculated in terms of the judgment of the Hon'ble Supreme Court

in Civil Appeal No. 10854 of 2016 dated 10.08.2018 in the case of ***M/s Goel Ganga Developers India Private Ltd. Vs. Union of India, through Secretary Ministry of Environment and Forests and others; (2018) 8 SCC 257***, following is held:

“57. Having held so we are definitely of the view that the project proponent who has violated law with impunity cannot be allowed to go scot-free. This Court has in a number of cases awarded 5% of the project cost as damages. This is the general law...”

31. Since learned counsel for respondent No.11 – Project Proponent has not provided us the project cost, the same has to be calculated by us by applying appropriate mode. Therefore, we have made an effort from “Construction Cost Guide book India – 2024. As “Construction Cost Guide book India - 2024 Project & Development Services – India” (<https://www.jll.co.in/content/dam/jll-com/documents/pdf/research/apac/india/jll-construction-cost-guide-book>), India construction cost for residential buildings with floors less than 12 in 2024 in Pune is reported as Rs. 2250 to Rs. 2650/sq ft. This Cost/sq ft. represents the average of the competitive tender prices as on Q4 2023. The cost/sq ft. is based on construction floor areas measured to the outside face of the external walls / external perimeter including lift shafts, stair wells, water tanks, plant rooms and like and excludes cost of Demolition of existing buildings, tenant fit-out, FF&E (furniture, fitting and equipment unless otherwise specified), cost escalation, professional fees, land, finance, Approvals etc. where applicable.

32. Hence, based on above criteria, total construction cost in 2024 can be taken as Rs.2500/- per sq. feet in Pune. With TBUA as 51,658.91 sq.mtrs, the construction cost of the project in the present case works out to Rs.129 Crores (Rupees One Hundred Twenty Nine Crores). 5% (Five Per

Cent) of that construction cost of the project comes to Rs.6.45 Crores (Rupees Six Crores Forty Five Lakhs), to be levied and recovered towards EDC from respondent No.11 – Project Proponent.

33. In the result, we dispose of this Original Application with a direction that respondent No.11 – Project Proponent shall deposit the amount of EDC of Rs. 6.45 Crores (Rupees Six Crores Forty Five Lakhs), calculated by us, with the Maharashtra Pollution Control Board (MPCB) within a period of two months from the date of uploading of this judgment, which shall be utilized for environmental improvement in the area within five kms. of the project within six months thereafter and a report in that regard shall be submitted by the MPCB to the Registry of this Tribunal.

34. No order as to costs.

35. In view of disposal of Original Applications, pending I.As., if any, shall stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 22, 2025
ORIGINAL APPLICATION NO.105 OF 2019 (WZ)
npj

Date - 04/03/2024

To,

Paramount Gaurav Shelters Pvt. Ltd.

S No 168 (P), Shankar Kalat Nagar,

Wakad, Pune

Sub: - Submission of Environment Status Report (ESR)

Name of Project : Madhupushpa
Project Proponent- : Paramount Gaurav Shelters Pvt. Ltd.
Project Architect- : Ankur Associates
Study Aspects : Rainwater Harvesting, Solar Water, Plantation, Sewage Treatment plant (STP), Organic Waste Composter (OWC) and Environmental Monitoring of various parameters.
Date of Site Visit- : 27/02/2024

Dear Sir,

With reference to our discussion, and work order received for Environmental Status Report of Environmental Services provided in the above mentioned project.

We visited the site on 27/02/2024 along with your representative Mr. Swapnil Kamble. Following are the observations and recommendations.

Thanks & Regards



Pollution and Ecology Control Services (PECS)

Through Mr. Sanman Kulkarni

Accredited NABET EC Coordinator

Certificate No.: NABET/EIA/2023/SA0165

1921

ENVIRONMENTAL STATUS REPORT

For Project

"Madhupushpa"

by

"M/s. Paramount Gaurav Shelters Pvt. Ltd."

at

**"S No 168 (P), Shankar Kalat Nagar,
Wakad, Pune"**

Prepared By

QCI NABET EIA Accredited Consultant Organization

Pollution and Ecology Control Services

Certificate No.: NABET/EIA/2023/SA0165

Sr. No.	Parameter	Status Report
I.	Brief Description of the Project	<p>The Project is a residential project at Wakad under PCMC limits.</p> <p>The Project is completed, and occupancy is given. The Completion certificate is attached as Annexure II</p>
II.	Environmental Impacts on Project Land	<p>As informed by the project proponent the project land was an open plot which has now been developed as per Commencement Certificate and plan sanction issued by PCMC.</p> <p>The Commencement certificate is attached as Annexure I</p> <p>As informed by the developer topsoil generated from the debris excavation was stockpiled properly and then used for tree plantation.</p>
III.	Water Balance with respect to wastewater treatment, recycle, reuse and water conservation	<p>Domestic water – The domestic water requirement of the project is met by PCMC water supply department.</p> <p>Sewage water – STP of MBBR technology has been installed on the project site and was operational on the date of the site visit. The Process Flow Chart is attached as Annexure III.</p> <p>As informed by the site representative along with the security person the treated water from Sewage Water Treatment plant is being used for flushing, Car washing and Gardening.</p> <p>The Excess treated water is connected to the existing PCMC drainage line.</p>
IV.	Waste Water Treatment	<p>Sewage water – STP of MBBR technology has been installed on the project site and was operational on the date of the site visit. The Process Flow Chart is attached as Annexure III.</p> <p>As informed by the site representative along with the security person the treated water from Sewage Water Treatment plant is being used for flushing, Car washing and Gardening.</p> <p>The Excess treated water is connected to the existing PCMC drainage line. The Monitoring Report of treated grey water is attached as Annexure IV.</p>

V.	Drainage pattern and their environmental impacts on the surroundings	PP has obtained valid drainage connectivity NOC from PCMC, and all connections / treatment mechanisms are given as per Drainage NOC. The Drainage NOC is attached as Annexure V
VI.	Rainwater Harvesting	One rainwater harvesting pit with bore recharge was seen on the project site.
VII.	Solid Waste Management	The Garbage chute system is installed on site. The Dry and wet waste is being segregated at source and is disposed of through PCMC ghanta Gadi. The Segregated bins of the dry and wet waste were kept at a location where the smell won't bother the residents. The Photograph of dry and wet waste is attached as Annexure VI
VIII.	Ambient Air Quality and Noise Level Impacts	Being a residential project no pollutants are released into the Air. The Ambient Air Quality Reports are attached as Annexure VII
IX.	Energy Saving Measures	LED lights are used for energy saving. Solar Hot Water system is installed. The Photograph of solar hot water panels on terrace is attached as Annexure VIII
X.	Traffic Circulation System	PP has provided parking as per the applicable DC Rules and as sanctioned by PCMC. The Project is located in a infrastructurally well-developed area and thus public transport is readily available.
XI.	Greenbelt and Landscape Plan	PP has planted trees of native species along the compound of the project site and open space. Tree Survival Report is attached as Annexure IX
XII.	Disaster/Risk Assessment and Management Plan	The Fire fighting system has been installed. A refuge area has been provided as per the fire department. PP informed that Maharashtra DMP guidelines are being followed.
XIII.	EMP	PP informed that Environmental Conditions as prescribed in Commencement Certificate were followed at the time of Construction activity & currently society being look after operation and maintenance of the Environmental Infrastructure provided in the project. Fire Extinguishers and Stretcher lift has been provided by the developer.

XIV.	Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology	Not Applicable
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RECCOMENDATIONS

Based on the observations during the site visit for checking the environmental aspects/services provided on the project, we recommend as below-

1. Regular monitoring of treated water parameters from STP to ensure the proper functioning of the plant.
2. Ensure regular cleaning of the rainwater harvesting pit chamber.
3. Get the fire audit done & Maintain the Fire Fighting System from the authorized fire contractor as per the conditions of the Fire department.
4. Prepare the Environment Management Plan to ensure the proper functioning of Environmental Health and Safety services provided by the developer.

Enclosed

Annexure I - commencement certificate

Annexure II - Completion certificate

Annexure III - Grey water treatment plant, process flow chart and site photo

Annexure IV - Monitoring report of grey water treatment plant

Annexure V - Drainage noc

Annexure VI - Solid waste management

Annexure VII - Ambient air and noise monitoring reports

Annexure VIII - Solar hot water panels

Annexure IX - Tree survival report

1925

Annexure I
Commencement Certificate

ANNEXURE-XIII

Revision to GP/wakad/Layout/105/2011, Dt. 19-9-2011

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Office of the,
Pimpri Chinchwad Municipal Corporation,
Pimpri, pune-411018
No : BP/Layout/wakad/41/2012
Date : 31/03/2012



ORDER

Sub: Layout S. No. 16B CP C.T.S. No. -
village wakad. Tal: Haveli/Mulashi

sanctioning of the

Ref: 1) Application dated 1.9.2012 from L.A. Shri. Prakash kulkarni,
The applicant Mr./Mrs./Smt. M/s Paramount Gaapar shelters Pvt. Ltd. Promod naghmare
and others (Director)
Behalf of Shri Ananda Ganpat naghmare and others. has requested for sanctioning the
layout of the marginally notes land.

The City Engineer, Pimpri Chinchwad Municipal Corporation, is therefore pleased to sanction the plan subject to the conditions mentioned below and as amendment shown in red on the plan.

- 1) The layout should be demarcated on the site with boundary stones by the occupant and got measured through the L.R. Department / City Survey Office .
- 2) That the occupant shall complete the construction of roads and make the plots ready for development within a period of one year from the date if this order
- 3) That no sale or lease of plot in layout will be permitted and no building permission in any plot in the layout will be granted unless the construction work of internal roads , approach roads and open space is completed .
- 4) That the purchasers / occupant of the land shall not construct any building thereon unless N.A. permission under section 44 of Maharashtra Land Revenue Code 1986 is obtained and building plans are got approved .
- 5) All the plots in the layout shall be used for residential purpose only and the use shall be as per D.C.R. of P.C.M.C.
- 6) No Plots should admeasure less than the minimum are prescribed as per the Table No. 27 in D.C.R. of P.C.M.C. after actual measurement.
- 7) The open space in the layout shall admeasure not less than 10% of the total area after for any other purpose other than playground , garden etc. as per D.C. rule No. 11.3 and as per 11.3.1.5 shall be handed over to P.C.M.C.
- 8) All the roads in the layout shall be constructed on site before disposing any of the plots to the satisfaction of City Engineer and according to the specification attached herewith vide Appendix -I
- 9) That the colony roads along with Development plan roads if any passing



T. C.
Bhandari
Pranav

- 179
- 10) That the water lines are held as per specifications enclosed as Appendix II herewith and to the satisfaction of the City Engineer.
- 11) That the drainage is connected to the Municipal drainage system when same will be available in the vicinity of the colony (As per instructions Appendix III enclosed herewith).
- 12) That the dustbins are provided as per instructions and to the satisfaction of The Sanitary Inspector.
- 13) That electric poles with street light are provided as per instructions and to the satisfaction of the City Engineer.
- 14) That the open spaces mentioned in the layout will not be taken in possession by the Municipal Corporation unless the same are properly leveled, planted with trees and properly fenced and developed.
- 15) Infringements of any of the above condition shall render the holder liable to such penalties as may be fixed in this behalf by the Municipal Corporation under the provision of B.P.M.C. Act 1949 and M.R.T.P. Act 1966, or to there corresponding law as for the time being in force.
- 16) The existing approach road shown on layout plan shall be owned and constructed on site to the satisfaction of City Engineer and according to the satisfaction attached herewith vide Appendix -I before applying for the building permission.
- 17) Development Charges of land and building will be recovered at the time of sanctioning of building plans.

1/10/82
 Dy. City Engineer,
 Pimpri Chinchwad Municipal Corporation,
 Pimpri, PUNE - 411 018.

1/10/82
 City Engineer
 Pimpri Chinchwad Municipal Corporation,
 Pimpri 411018.

- C.C. 1) Ar. Shri Prakash kulkarni, Sharivera Petn, Pune-20 (with sanctioned Plan)
 2) The Deputy Director of the Town Planning P.C.M.C., Pimpri-18
 3) The District Instructor of Land Record, Poona-1
 4) The Tahsilidar, Haveli Poona
 5) Copy with a copy of sanctioned plan submitted to
 6) The Collector of Pune (R.B.) Pune to favor of information.

बांधकाम गणवानी व अनाधिकृत
 बांधकाम नियंत्रण विभाग

माहिती अधिकार २००५



माहितीचा अधिकार अधिनियम २००५ अंतर्गत
 देण्यात आलेली माहिती / नकाराचा
 अर्थ (२००५)



P. C. Bhandari

[Signature]

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Appendix-I
Detailed specifications for construction of WBM roads, WBM roads the width of actual WBM surfaces should be as under
(for width of road shown on layout plan)



S. No.	Width shown on layout Plan	Width of Actual WBM surface	width of side bearings in H.M.
1.	100'.0" (30mtr.)	62'.0" (20 mtr)	24'.0" (8.0 mtr.)
2.	80'.0" (25 mtr.)	52'.0" (17mtr)	24'.0" (8.5 mtr.)
3.	60'.0" (18mtr.)	42'.0" (14 mtr)	10'.0" (3.0 mtr.)
4.	50'.0" (16 mtr.)	32'.0" (11 mtr)	10'.0" (3.0mtr.)
5.	45'.0" (14 mtr.)	25'.0" (08 mtr)	06'.0" (2.0 mtr.)
6.	40'.0" (13 mtr.)	22'.0" (07 mtr)	06'.0" (2.0 mtr.)
7.	30'.0" (10 mtr.)	17'.0" (05mtr)	05'.0" (1.75 mtr.)
8.	25'.0" (08 mtr)	13'.0" (04mtr)	04'.0" (1.25 mtr.)
9.	20'.0" (07 mtr.)		04'.0" (1.25 mtr.)

Specification of each of sub-item stand above shall be as under, (vide standard specifications volume of Government of Maharashtra Public Works Department)

S. No.	Sub item of work	Specification and page no
1.	Hard Murum supplying and spreading	Rd-23/202 Rd-28/205
2.	Collection of 40 mm and 60 mm size metal And its spreading	Rd-22/197 Rd-29/205 Rd-20/202
3.	Collection of soft murum and its spreading and blind age	Rd-24/203 Rd-28/205
4.	Consolidation over soling hard murum normal Size metal and soft murum and over side Shoulders	Rd-35/209 Rd-38/210 Rd-40/211

General specification for constructing W.B.M. Road following loose layer should be provided.

- a) 60 mm trap blasted metal layer 150 mm thick
- b) Hard Murum 50 mm thick
- c) 60 mm trap blasted metal layer 150 mm thick
- d) hard murum 50 mm thick
- e) 40 mm trap blasted metal 100 mm thick
- f) soft murum 50 mm thick

Compacting with artificial watering is to be done for each three layer of trap metal necessary earth work in embankment and cutting should be provided as per site condition.

If the layer is in black cotton soil, hard murum blanketing of 6" thick below metal layer should be provided. Above this layer 60 mm trap metal, 150 mm thick loose hard murum, 50 mm thick soft murum with compaction with watering should be leveled.

For compaction of road N.O.C. of concern Deputy Engineer (Civil) should be got and submit along with other documents.

All this work should be carried out to be satisfaction of the Municipal Engineer or his authorized representative competent to certify the quality of work.

बॉधकाय परधानगी व अल्पभिक्षित
बोधकाय नियंत्रण विभाग



माहितीचा अधिकार अधिनियम २००५ अंतर्गत
देण्यात आलेली माहिती/ नकाशा
(छायांकित प्रत)



T. C. Baudhise
Baudhise

"Appendix - II"

Additional Specification for laying water supply.

Cast iron pipe line of 10 mm. dia. minimum should be laid for each read. If any major Development plan/Regional plan road is passing, through the sanctioned layout a pilot line of 150 mm. dia. should be laid and all branches of 100 mm dia. should be taken from such pilot line. sluice valve, Fire hydrants at suitable places as suggested by the Municipal Engineer should be provided. All pipes to be used for this purpose should be of minimum L.A./A class conforming Indian Standard specification No. IS./1536-1989 or IS-1537-1989. All fittings specials shall conform to IS-1538-1989.

The item including labour & material should be carried out as per standard specification No. BD-V-I. Page 541.

शांभकाम परवानगी व अनाधिकृत
शांभकाम नियंत्रण विभाग



माहितीचा अधिकार अधिनियम २००५ अंतर्गत
देण्यात येणारी माहिती/नकाशा
(अधिकृत प्रत)



T. C.
Bambhise

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Pimpri Chinchwad Municipal Corporation
11/10/82

"Appendix - III"

Specification for laying & joining drainage lines,
Connecting house hold drainage system to Municipal drainage

Wherever there are open surface gutters constructed by the Municipality, the house hold drainage should be joined to such gutters by providing half round or V-shaped channels of suitable size. Before joining there should be an inspection chamber suitably covered of 2' 0" x 1' 6" size to intercept ground but on the ground of plot holder. Such open gutters should be constructed as per standard specification No. BD-V-43/page 574. Page 571 and inspection chamber as per standard specification No. BD-V-43/page 574.

Wherever there is under ground drainage provided by the Municipality the house drainage should be properly connected to Municipal sewerage system. This item should be carried out as per standard specification of (B & D) Department of Government of Maharashtra Specification No. BD-V-43, page 574.

सामुदायिक स्वच्छता व अनाच्छिद्यता
संयोजन नियंत्रण विभाग



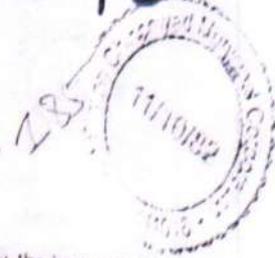
माहितीचा अधिकार अधिनियम २००५ अंतर्गत
दुरुवात आलेली माहिती/नकाशा
(छायांकित प्रत)



F. C.
B. C. W. S.

(Signature)

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Annexure II
Completion Certificate

Neelku purna

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.



(मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ च्या २६३ (१) अन्वये)

भाग - पूर्णत्वाचा - दाखला क्र. १५५/२०११

मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २५३ व २५४ अन्वये मोजे वाकड येथील सर्व्ह.नं. १६८ व सि.स.नं. ---- प्लॉट नं.०१ मध्ये श्री. आनंदा गणपत वाघमारे व इतरसाठी श्री.प्रमोद वाघमारे.रा.पुणे. यांना इमारतीचे बांधकाम करण्यास वार्यालयीन आदेश क्र. बीपी/वाकड/२७/२००७ दि.२८/०३/२००७, सुधारीत क्र. बीपी/वाकड/२२/२००८ दि.०५/०३/२००८, सुधारीत क्र. बीपी/वाकड/११५/२००८ दि.१९/१२/२००८, सुधारीत क्र. बीपी/वाकड/६७/२००९ दि.२९/११/२००९, सुधारीत क्र. बीपी/वाकड/१२५/२०१० दि.२५/११/२०१०, सुधारीत क्र. बीपी/वाकड/१०५/२०११ दि.१९/०९/२०११ अन्वये परवानगी देण्यात आली होती, यरील परवानगी प्रमाणे अर्जदार यांनी भाग इमारतीचे बांधकाम पूर्ण केलेमुळे ती श्री. आनंदा गणपत वाघमारे व इतरसाठी श्री.प्रमोद वाघमारे.रा.पुणे. यांना दिनांक १२/२/२०११ पासून खालील नमुद केलेल्या इमारतीचा भोगवटा करणेस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम २६३ (१) अन्वये खालील अटीस अधीन राहून परवानगी देणेत येत आहे.

इमारतीचे वर्णन-

(रेकॉर्ड प्लेननुसार)

इमारत ३ ए - विंग

मजले	निवासी गाळे क्रमांक	निवासी बांधकाम क्षेत्र (चौ.मी.)
१ ला मजला	१०१ ते १०५	३४४.४०
२ रा मजला	२०१ ते २०५	३८५.६८
३ रा मजला	३०१ ते ३०५	३८३.८३
४ था मजला	४०१ ते ४०५	३८५.६८
५ वा मजला	५०१ ते ५०५	३८३.८३
६ वा मजला	६०१ ते ६०५	३८५.६८
७ वा मजला	७०१ ते ७०५	३८३.८३
८ वा मजला	८०१ ते ८०५	२७८.८५
९ वा मजला	९०१ ते ९०५	३८३.८३
१० वा मजला	१००१ ते १००५	३८५.६८
११ वा मजला	११०१ ते ११०५	३८३.८३
१२ वा मजला	१२०१ ते १२०५	३८५.६८
	एकुण - ५९ गाळे	४४७०.८०

हा दाखला आज दिनांक ०९/१२/२०११ रोजी माझे सहीने व वार्यालयीन शिक्क्यानिरी दिला आहे.
पिंपरी-४११०१८.

महाळ प्रतीकर या महानगरपालिका
यांनी स्वाक्षरी

राजेश्वरी
राजेश्वरी अमिषंता करीता
पिंपरी चिंचवड महानगरपालिका
पिंपरी-१८

प्रत: १) सहा.मंडलाधिकारी
गांधी-वाकड

२) सहा. अॅकीटेक्ट श्री.प्रकाश कुलकर्णी.

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.



(मुंबई प्रांतिक महानगरपालिका अधिनियम १९५९ च्या २६३ (१) अन्वये)

भाग - पूर्णत्वाचा - दाखला क्र.०८/२०१२

मुंबई प्रांतिक महानगरपालिका अधिनियम १९५९ च्या कलम २५३ व २५४ अन्वये मीजे वाकड येथील सर्व्हे नं. १६८ वी. सि.नं. प्लॉट नं. ... मध्ये श्री. आनंदा गणपत वाघमारे व इतरकरीता श्री.प्रमोद वाघमारे.रा.पुणे. यांना इमारतीचे बांधकाम करण्यास कार्यालयीन आदेश क्र. बीपी/वाकड/२७/२००७, दि.२८/०३/२००७, सुधारित क्र. बीपी/वाकड/२२/२००८, दि.०५/०३/२००८, सुधारित क्र. बीपी/वाकड/११५/२००८, दि.१९/११/२००८, सुधारित, क्र. बीपी/वाकड/६७/२००९, दि.२९/११/२००९, सुधारित, क्र. बीपी/वाकड/१२५/२०१०, दि.२५/११/२०१०, सुधारित, क्र. बीपी/वाकड/१०५/२०११, दि.१९/०९/२०११, अन्वये परवानगी देण्यात आली होती. परीस परवानगी प्रमाणे अर्जेदार यांनी माग इमारतीचे बांधकाम पूर्ण केलेमुळे ती श्री. आनंदा गणपत वाघमारे व इतरकरीता श्री.प्रमोद वाघमारे.रा.पुणे. यांना दिनांक.१५/१०/२०११, पासून खासाले नमुद केलेल्या इमारतीचा भोगवटा करणेस मुंबई प्रांतिक महानगरपालिका अधिनियम १९५९ कलम २६३ (१) अन्वये घालील अटीस आधीन राहून परवानगी देणेत येत आहे.

इमारतीचे वर्णन-

(रेकॉर्ड प्लॅननुसार)

इमारत क्र. बी

मजले	निवासी गाळे क्रमांक	निवासी बांधकाम क्षेत्र (ची.मी.)
१ सा मजला	१०१ ते १०५,	३६०.६० ची.मी.
२ सा मजला	२०१ ते २०५,	३५७.१५ ची.मी.
३ सा मजला	३०१ ते ३०५,	३५७.१५ ची.मी.
४ या मजला	४०१ ते ४०५,	३५७.१५ ची.मी.
५ या मजला	५०१ ते ५०५,	३५७.१५ ची.मी.
६ या मजला	६०१ ते ६०५,	३५७.१५ ची.मी.
७ या मजला	७०१ ते ७०५,	३५७.१५ ची.मी.
८ या मजला	८०१,८०३ ते ८०५,	२९४.९५ ची.मी.
९ या मजला	९०१ ते ९०५,	३५७.१५ ची.मी.
१० या मजला	१००१ ते १००५,	३५७.१५ ची.मी.
११ या मजला	११०१ ते ११०५,	३५७.१५ ची.मी.
१२ या मजला	१२०१ ते १२०५,	३५७.१५ ची.मी.
एकूण बांधकाम क्षेत्र-४६२७.०५ चौमी.		एकूण निवासी गाळे - ५९

हा दाखला आज दिनांक ०८/०९/२०१२ रोजी माई सहीने व कार्यालयीन सिम्बोलिक्सो दिले आहे.
पिंपरी-४११०१८

स्वतः प्रारिण म. उद्धर अधिपति
यांची स्वाक्षरी असे.

स्वतः अभियंता करीत
पिंपरी चिंचवड महानगरपालिका.

(स. १६ पिंपरी-१८)

- पत्र - १) सहाय्यक महापिकाची
गाय-वाकड
२) सहाय्यक श्री.प्रकाश कुलकर्णी.

४३०, धवलगौरी, फ्लॅट नं. १०५ या मजला, शनिवार पेठ पुणे-३०

- ३) कर संकलन विभाग यांचेकडे माहितीसाठी
व सजविजीसाठी रवाना

टीप- आपल्या इमारतीचे सांडपाणी महानगरपालिकाच्या दुर्नेत्रता मासकने स्वखर्चाने लांडगायाचे आहे.

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.



(मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ च्या २६३ (१) अन्वये)

भाग पूर्णत्वाचा दाखला क्र.१०८/२०१२

मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २५३ व २५४ अन्वये माझे वाकड येथील सर्व्हे.नं. १६८ पै. मध्ये श्री. आनंदा गणपत वाघमारे व इतर करीता श्री.प्रमोद वाघमारे,रा औंध.पुणे. यांना इमारतीचे बांधकाम करण्यास कार्यालयीन आदेश क्र.बीपी/वाकड/२७/२००७. दि.२८/०३/२००७, क्र. बीपी/वाकड/२२/२००८. दि.०५/०३/२००८, क्र. बीपी/वाकड/१५/२००८. दि.१९/११/२००८, क्र. बीपी/वाकड/६७/२००९. दि.२९/११/२००९. बीपी/वाकड/१२५/२०१०. दि.२५/११/२०१०. बीपी/वाकड/१०५/२०११. दि.१९/०९/२०११. अन्वये परवानगी देण्यात आली होती. वरील परवानगी प्रमाणे अर्जदार यांनी भाग इमारतीचे बांधकाम पुर्ण केलेमुळे ती श्री. आनंदा गणपत वाघमारे व इतर करीता श्री.प्रमोद वाघमारे,रा औंध.पुणे. यांना दिनांक.०१/०३/२०१२ पासून खालील नमुद केलेल्या इमारतीचा भोगवटा करणेस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम २६३ (१) अन्वये खालील अटीस आधीन राहून परवानगी देणेत येत आहे.

मुहाराफे क्र. बीपी/क्र.भा/वाकड/४९/१२, दि. ३१-३-१२

-इमारतीचे वर्णन-

(रेकॉर्ड प्लेननुसार)

इमारत सी '		Twin Bunglow	
मजले	निवासी गाळे क्रम/क	बांधकाम क्षेत्र चौ.मी.	तळ मजला २०५.८४ चौमी.
१ ला मजला	१०१,१०२,१०३,१०४,१०५.	३५२.२ चौ.मी.	१ला मजला १९८.४६ चौमी
२ रा मजला	२०१,२०२,२०३,२०४,२०५.	३७५.९९ चौ.मी.	एकुण-४०४.३० चौमी.गाळे
३ रा मजला	३०१,३०२,३०३,३०४,३०५.	३७६.०२ चौ.मी.	क्र.१,२,३,४
४ था मजला	४०१,४०२,४०३,४०४,४०५.	३७५.९९ चौ.मी.	कलब हाऊस
५ वा मजला	५०१,५०२,५०३,५०४,५०५.	३७६.०२ चौ.मी.	तळमजला ८०.२२ चौमी.
६ वा मजला	६०१,६०२,६०३,६०४,६०५.	३७५.९९ चौ.मी.	१ ला मजला ४०.१५ चौमी.
७ वा मजला	७०१,७०२,७०३,७०४,७०५.	३७६.०२ चौ.मी.	एकुण-१२०.३७चौमी.
८ वा मजला	८०१,८०२,८०३,८०४.	२९१.२७ चौ.मी.	एकुण गाळे ५९+४=६३
९ वा मजला	९०१,९०२,९०३,९०४,९०५.	३७६.०२ चौ.मी.	एकुण क्षेत्र=४४०३.५२+४०४.३०
१० वा मजला	१००१,१००२,१००३,१००४,१००५.	३७५.९९ चौ.मी.	=४८०७.८२ चौ.मी.
११ वा मजला	११०१,११०२,११०३,११०४,११०५.	३७६.०२ चौ.मी.	
१२ वा मजला	१२०१,१२०२,१२०३,१२०४,१२०५.	३७५.९९ चौ.मी.	
	एकुण ५९ गाळे	४४०३.५२ चौ.मी.	

दाखला आज दिनांक. ३१-०३-२०१२ रोजी माझे सहिले व कार्यालयीन शिक्क्यानिशी दिला आहे.

पिंपरी-४११०१८.

मध्य प्रतीकर भा. शहर अभियंता
यांची म्हा.परी आहे.

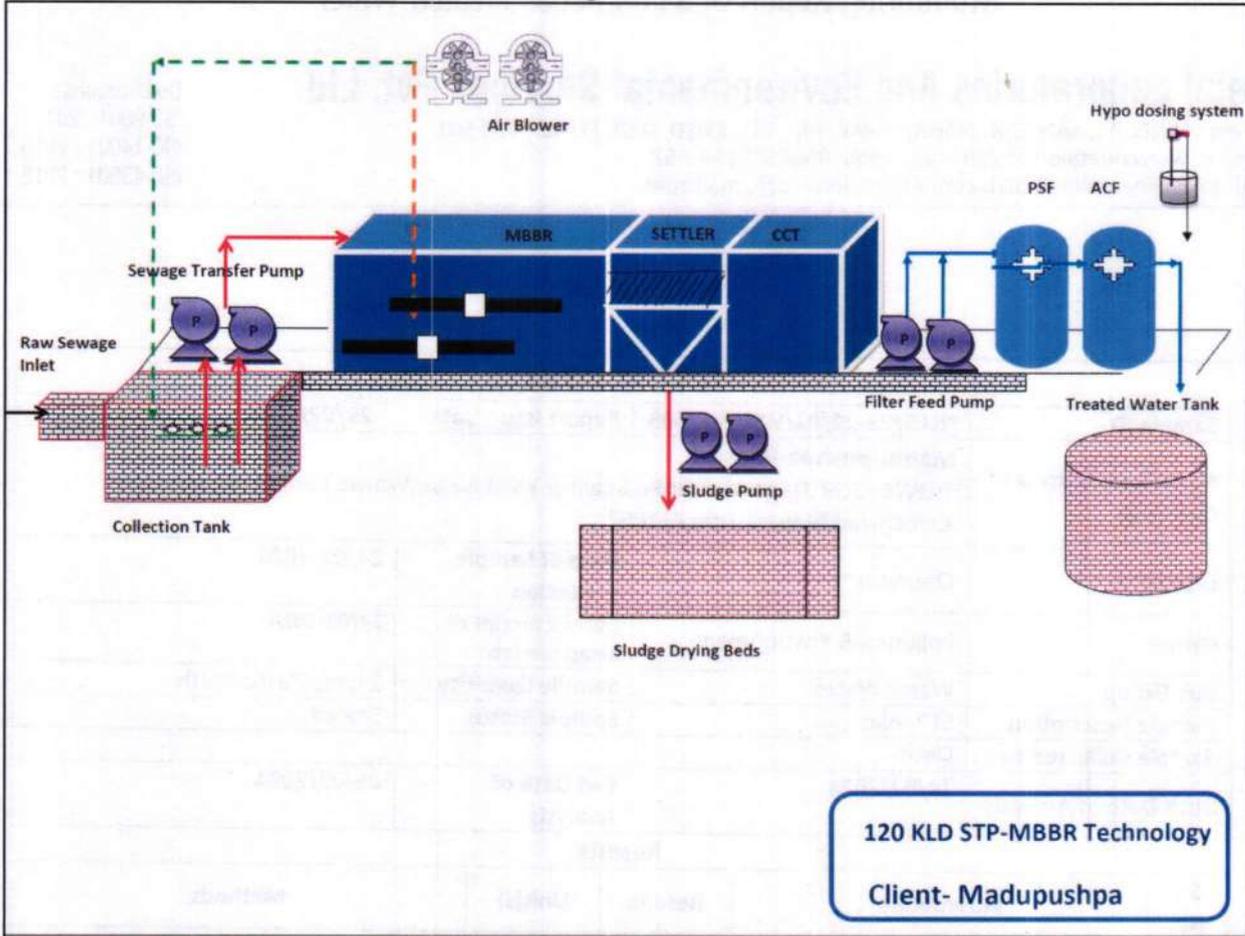
शहर अभियंता, करीता.
पिंपरी चिंचवड महानगरपालिका.

प्रत: १) महा मंडळाधिकारी

साव-वाकड

पिंपरी, पुणे-१८

Annexure III
Sewage Treatment Plant



Annexure IV
Monitoring Report of STP Inlet & Treated Water

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H.NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE - 410 501
Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
Email: sales@neetalenvirolab.com / neetalenviro@gmail.com

Certifications :
ISO 9001 : 2015
ISO 14001 : 2015
ISO 45001 : 2018

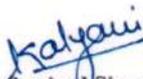
TEST REPORT				
Sample ID	NLES/23-24/02/WW/RE/603	Report Issue Date	29/02/2024	
Name and Address of Customer	Madhupushpa Phase 1 HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad,Pimpri Chinchwad,Maharashtra 411057.			
Discipline	Chemical	Date of Sample Collection	24/02/2024	
Group	Pollution & Environment	Date of receipt of sample in lab	24/02/2024	
Sub Group	Waste Water	Sample Quantity	1 Liter Plastic Bottle	
Sample Description	STP-Inlet	Sample Status	Sealed	
Sample Collected By	Client			
Start Date of Analysis	24/02/2024	End Date of Analysis	29/02/2024	
Results				
Sr. No.	Parameters	Results	Unit(s)	Methods
1	pH at 25°C	7.7	-	APHA 4500, H ⁺ , B: 23 rd Ed. 2017
2	Total Suspended Solids (TSS)	134.0	mg/l	APHA 2540 D, 23 rd Ed. 2017
3	Total Dissolved Solids (TDS)	860.0	mg/l	APHA 2540 C, 23 rd Ed.2017
4	Chemical Oxygen Demand	542.3	mg/l	IS 3025 (Part 58), 2006
5	Biochemical Oxygen Demand (BOD) 3 days at 27°C	149.0	mg/l	IS 3025 (Part 44), 2019
6	Chloride (as Cl)	315.6	mg/l	APHA 4500 Cl- B,23 rd Ed.2017
7	Sulphate (as SO ₄)	102.8	mg/l	APHA 4500 SO ₄ , E, 23 rd Ed. 2017
8	Oil & Grease (O &G)	<5.0	mg/l	IS 3025 (Part 39), Method (a), 2021

Terms and Conditions

- This Report is valid for tested sample only
- The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, NLES.


Reviewed By
(Ms. Sadhana Kanase)




Authorized Signatory
(Ms. Kalyani Gore)

*****End of Report*****

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H.NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE - 410 501
 Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
 Email: sales@neetalenvirolab.com / neetalenviro@gmail.com

Certifications :
 ISO 9001 : 2015
 ISO 14001 : 2015
 ISO 45001 : 2018

TEST REPORT					
Sample ID	NLES/23-24/02/WW/RE/604		Report Issue Date	29/02/2024	
Name and Address of Customer	Madhupushpa Phase 1 HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad,Pimpri Chinchwad,Maharashtra 411057.				
Discipline	Chemical	Date of Sample Collection	24/02/2024		
Group	Pollution & Environment	Date of receipt of sample in lab	24/02/2024		
Sub Group	Waste Water	Sample Quantity	1 Liter Plastic Bottle		
Sample Description	STP-Outlet	Sample Status	Sealed		
Sample Collected By	Client				
Start Date of Analysis	24/02/2024		End Date of Analysis	29/02/2024	
Results					
Sr. No.	Parameters	Results	Unit	MPCB Limits	Methods
1	pH at 25°C	7.0	-	5.5-9.0	APHA 4500, H*, B: 23 rd Ed. 2017
2	Total Suspended Solids (TSS)	13.0	mg/l	<100	APHA 2540 D, 23 rd Ed. 2017
3	Total Dissolved Solids (TDS)	642.0	mg/l	<2100	APHA 2540 C, 23 rd Ed.2017
4	Chemical Oxygen Demand	68.2	mg/l	<250	IS 3025 (Part 58), 2006
5	Biochemical Oxygen Demand (BOD) 3 days at 27°C	22.0	mg/l	<30	IS 3025 (Part 44), 2019
6	Chloride (as Cl)	156.78	mg/l	<600	APHA 4500 Cl- B,23 rd Ed.2017
7	Sulphate (as SO4)	68.9	mg/l	<1000	APHA 4500 SO4, E, 23 rd Ed. 2017
8	Oil & Grease (O &G)	<5.0	mg/l	<10	IS 3025 (Part 39), Method (a), 2021
Remark - All above parameters are within MPCB limits.					

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- The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, NLES.

SK
 Reviewed By
 (Ms. Sadhana Kanase)



Kalyani
 Authorized Signatory
 (Ms. Kalyani Gore)

*****End of Report*****

Annexure VI
Solid Waste Management



[Handwritten signature]
Name of the official
Designation



Date

Annexure VII
Ambient Air and Noise Monitoring Reports

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H.NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE - 410 501
Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
Email: sales@neetalenvirolab.com / neetalenviro@gmail.com

Certifications :
ISO 9001 : 2015
ISO 14001 : 2015
ISO 45001 : 2018

TEST REPORT (Ambient Air)

Report No.	NLES/23-24/02/AA/RE/608	Report Issue Date	29/02/2024
Name and Address of Customer	Madhupushpa Phase 1 HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad,Pimpri Chinchwad,Maharashtra 411057.		
Discipline	Chemical	Date & Time of Sampling	From 10:00AM of 24/02/2024 to 6:00 PM of 24/02/2024 (8 hrs)
Group	Atmospheric Pollution	Date of receipt of sample in lab	26/02/2024
Sub Group	Ambient Air	Sampling Procedure	IS 5182 Part 5
Sampling Location	Near Main Gate	Dry bulb temperature	28 ^o C
Wet bulb temperature	21 ^o C	Relative Humidity	34 %
Sampling done by	Neetal Laboratories and Environmental Services Private Limited		
Start Date of Analysis	26/02/2024	End Date of Analysis	29/02/2024

Results

Sr. No.	Parameters	Results	Unit(s)	Specifications (NAAQ Standards)	Methods
1	Sulphur Dioxide (SO ₂)	11.3	µg/m ³	≤ 80	IS 5182 (Part 2)
2	Oxides of Nitrogen (NO ₂)	15.4	µg/m ³	≤ 80	IS 5182 (Part 6)
3	Particulate Matter PM ₁₀	61.8	µg/m ³	≤ 100	IS 5182 (Part 4), 1999
4	Particulate Matter PM _{2.5}	34.6	µg/m ³	≤ 60	IS 5182 (Part 24), 2019
5	Ozone (O ₃)	10.7	µg/m ³	≤ 180	Method 411, Air Sampling and Analysis, 3rd Edition, 2020
6	Ammonia (NH ₃)	BDL	µg/m ³	≤ 400	Method 401, Air Sampling and Analysis 3rd Edition, 2020
7	Lead (Pb)	BDL	µg/m ³	≤ 01	Air Sampling and Analysis, 3rd Edition, 2020
8	Arsenic (As)	BDL	ng/m ³	≤ 06	
9	Nickel (Ni)	BDL	ng/m ³	≤ 20	
10	Carbon Monoxide (CO)	0.26	mg/m ³	≤ 04	GC FID Methanizer Method
11	Benzo(a)Pyrene (BaP)	BDL	ng/m ³	≤ 1.0	IS 5182 Part 12
12	Benzene(C ₆ H ₆)	BDL	µg/m ³	≤ 05	IS 5182 Part 11

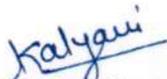
Remark- All above results are within National Ambient Air Quality standards.

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Reviewed By
(Ms. Sadhana Kanase)




Authorized Signatory
(Ms. Kalyani Gore)

*****End of Report*****

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H.NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE - 410 501
 Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
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Certifications :
 ISO 9001 : 2015
 ISO 14001 : 2015
 ISO 45001 : 2018

TEST REPORT (Ambient Air)

Report No.	NLES/23-24/02/AA/RE/609	Report Issue Date	29/02/2024
Name and Address of Customer	Madhupushpa Phase 1 HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad,Pimpri Chinchwad,Maharashtra 411057.		
Discipline	Chemical	Date & Time of Sampling	From 10:10AM of 24/02/2024 to 6:10 PM of 24/02/2024 (8 hrs)
Group	Atmospheric Pollution	Date of receipt of sample in lab	26/02/2024
Sub Group	Ambient Air	Sampling Procedure	IS 5182 Part 5
Sampling Location	Backside of Building	Dry bulb temperature	28°C
Wet bulb temperature	21°C	Relative Humidity	35 %
Sampling done by	Neetal Laboratories and Environmental Services Private Limited		
Start Date of Analysis	26/02/2024	End Date of Analysis	29/02/2024

Results

Sr. No.	Parameters	Results	Unit(s)	Specifications (NAAQ Standards)	Methods
1	Sulphur Dioxide (SO ₂)	9.52	µg/m ³	≤ 80	IS 5182 (Part 2)
2	Oxides of Nitrogen (NO ₂)	11.4	µg/m ³	≤ 80	IS 5182 (Part 6)
3	Particulate Matter PM ₁₀	57.8	µg/m ³	≤ 100	IS 5182 (Part 4), 1999
4	Particulate Matter PM _{2.5}	35.1	µg/m ³	≤ 60	IS 5182 (Part 24), 2019
5	Ozone (O ₃)	10.8	µg/m ³	≤ 180	Method 411, Air Sampling and Analysis, 3rd Edition, 2020
6	Ammonia (NH ₃)	BDL	µg/m ³	≤ 400	Method 401, Air Sampling and Analysis 3rd Edition, 2020
7	Lead (Pb)	BDL	µg/m ³	≤ 01	Air Sampling and Analysis, 3rd Edition, 2020
8	Arsenic (As)	BDL	ng/m ³	≤ 06	
9	Nickel (Ni)	BDL	ng/m ³	≤ 20	
10	Carbon Monoxide (CO)	0.26	mg/m ³	≤ 04	GC FID Methanizer Method
11	Benzo(a)Pyrene (BaP)	BDL	ng/m ³	≤ 1.0	IS 5182 Part 12
12	Benzene(C ₆ H ₆)	BDL	µg/m ³	≤ 05	IS 5182 Part 11

Remark- All above results are within National Ambient Air Quality standards.

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SK
 Reviewed By
 (Ms. Sadhana Kanase)



Kalyani
 Authorized Signatory
 (Ms. Kalyani Gore)

*****End of Report*****

Neetal Laboratories And Environmental Services Pvt. Ltd.

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Certifications :
 ISO 9001 : 2015
 ISO 14001 : 2015
 ISO 45001 : 2018

TEST REPORT (Stack Emission)

Report No.	NLES/23-24/02/ST/RE/607	Report Issue Date	29/02/2024		
Name and Address of Customer	Madhupushpa Phase 1 HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad,Pimpri Chinchwad,Maharashtra 411057.				
Discipline	Chemical	Sample Description	Stack Material: MS		
Group	Pollution & Environment.		Stack Height: 1.0 Mtr		
Sub Group	Stack Emission		Stack Type: Round		
Date of Sampling	24/02/2024	Sampling Location	DG Set No.01-160 KVA		
Sampling done by	Neetal Laboratories and Environmental Services Private Limited	Sampling duration	30 Min		
Sample Quantity	Thimble 1 Nos and 30 ml Solution	Sampling Procedure	CPCB Guideline on methodologies for source emission monitoring		
Start Date of Analysis	26/02/2024	End Date of Analysis	29/02/2024		
Instrument Details	Make/ Model No.	Shree Scientific and Calibration /SEM-150,220508			
	Lab ID	NLES/Lab/Inst/01			
	Calibration Date	Calibration on:10/05/2023, Due On:09/05/2024			
Results					
Sr. No.	Parameters	Results	Unit(s)	Specifications (MPCB Consent)	Methods
1	Flue Gas Temperature	381	°K	--	--
2	Differential Pressure	4.7	mm WG		
3	Velocity	8.06	M/s		
4	Dimensions of Stack	0.1016	Mtr.		
5	Stack Area	0.0081	M ²		
6	Gas Volume	183.97	Nm ³ /Hr		
7	Total Particulate Matter	29.5	mg/Nm ³	N.S.	IS 11255 (Part 1)
8	Sulphur Dioxide (SO ₂)	10.2	mg/Nm ³	N.S.	IS 11255 (Part 2)
9	Sulphur Dioxide (SO ₂)	0.068	Kg/day	N.S.	IS 11255 (Part 2)
10	Oxides of Nitrogen (Nox)	6.4	mg/Nm ³	N.S.	IS 11255 (Part 7)
➤ Remark- All above results are well within MPCB Limit. N.S-Not Specified,					

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Kalyani
 Authorized Signatory
 (Ms. Kalyani Gore)

*****End of Report*****

Annexure VIII
Solar Hot Water Panels



Annexure IX
Tree Survival Report

SR.NO.	BOTANICAL NAME	COMMON NAME	HEIGHT (M)	PHOTO
1	<i>Azadirachta indica</i>	Neem	8	
2,3	<i>Azadirachta indica</i>	Neem	8	
4,5	<i>Azadirachta indica</i>	Neem	8	
6	<i>Moringa oleifera</i>	Drumstick Tree	8	
7	<i>Mangifera indica</i>	Amba	8	
8	<i>Grevillea robusta</i>	Silver Oak	10	
9	<i>Swietenia macrophylla</i>	Mahogany	10	
10	<i>Delonix regia</i>	Gulmohar	7	

11	<i>Amoora rohitaka</i>	Rohitak	7	
12	<i>Mangifera indica</i>	Amba	10	
13	<i>Amoora rohitaka</i>	Rohitak	10	
14	<i>Amoora rohitaka</i>	Rohitak	10	
15	<i>Millingtonia hortensis</i>	Indian Cork Tree	12	
16	<i>Swietenia macrophylla</i>	Mahogany	12	
17	<i>Amoora rohitaka</i>	Rohitak	8	
18	<i>Mangifera indica</i>	Amba	8	
19	<i>Millingtonia hortensis</i>	Indian Cork Tree	12	

20	Spathodea	African Tulip Tree	10	
21	Grevillea robusta	Silver Oak	12	
22	Millingtonia hortensis	Indian Cork Tree	12	
23	Spathodea	African Tulip Tree	10	
24	Spathodea	African Tulip Tree	9	
25	Millingtonia hortensis	Indian Cork Tree	6	
26	Spathodea	African Tulip Tree	8	
27	Swietenia macrophylla	Mahogany	8	
28	Cordia sebestena	Scarlet Cordia	6	

29	<i>Psidium guajava</i>	Peru	6	
30	<i>Spathodea</i>	Indian Cork Tree	9	
31	<i>Grevillea robusta</i>	Silver Oak	9	
32	<i>Spathodea</i>	Indian Cork Tree	8	
33	<i>Mangifera indica</i>	Amba	9	
34	<i>Swietenia macrophylla</i>	Mahogany	8	
35	<i>Millingtonia hortensis</i>	Indian Cork Tree	9	
36	<i>Terminalia arjuna</i>	Arjun	9	
37	<i>Terminalia arjuna</i>	Arjun	9	

38	<i>Terminalia arjuna</i>	Arjun	9	
39	<i>Holoptelea integrifolia</i>	Vaval	10	
40	<i>Mangifera indica</i>	Amba	6	
41	<i>Mangifera indica</i>	Amba	10	
42	<i>Millettia pinnata</i>	Karanj	9	
43	<i>Millingtonia hortensis</i>	Indian Cork Tree	9	
44	<i>Carica papaya</i>	Papaya	6	
45	<i>Pithecellobium dulce</i> (Roxb.) Benth.	Vilayati Chinch	12	
46	<i>Pithecellobium dulce</i> (Roxb.) Benth.	Vilayati Chinch	12	

47	Moringa oleifera	Drumstick Tree	10	
48	Moringa oleifera	Drumstick Tree	10	
49	Aegle marmelos	Bel	10	
50,51	Aegle marmelos	Bel	12	
52	Pithecellobium dulce	Vilayati Chinch	12	
53	Terminalia arjuna	Arjun	12	
54	Terminalia arjuna	Arjun	12	
55	Terminalia arjuna	Arjun	10	
56	Terminalia arjuna	Arjun	10	

57	<i>Terminalia catappa</i>	Badam	12	
58	<i>Terminalia arjuna</i>	Arjun	9	
59	<i>Terminalia arjuna</i>	Arjun	9	
60	<i>Terminalia catappa</i>	Badam	12	
61	<i>Terminalia arjuna</i>	Arjun	9	
62	<i>Terminalia arjuna</i>	Arjun	9	
63	<i>Terminalia catappa</i>	Badam	10	
64	<i>Millingtonia hortensis</i>	Indian Cork tree	12	
65	<i>Nyctanthes arbor-tristis</i>	Parijatak	10	

66	Azadirachta indica	Neem	10	
67	Azadirachta indica	Neem	10	
68	Azadirachta indica	Neem	10	
69	Azadirachta indica	Neem	9	
70	Mangifera indica	Amba	9	
71	Mangifera indica	Amba	9	
72	Mangifera indica	Amba	8	
73	Mangifera indica	Amba	9	
74	Azadirachta indica	Neem	10	

75	<i>Azadirachta indica</i>	Neem	9	
76	<i>Moringa oleifera</i>	Drumstick Tree	12	
77	<i>Moringa oleifera</i>	Drumstick Tree	12	
78	<i>Moringa oleifera</i>	Drumstick Tree	12	
79	<i>Moringa oleifera</i>	Drumstick Tree	12	
80	<i>Azadirachta indica</i>	Neem	12	
81	<i>Azadirachta indica</i>	Neem	12	
82	<i>Nyctanthes arbor-tristis</i>	Parijatak	9	
83	<i>Mangifera indica</i>	Amba	10	

84	<i>Mangifera indica</i>	Amba	12	
85	<i>Mangifera indica</i>	Amba	10	
86	<i>Mangifera indica</i>	Amba	10	
87	<i>Azadirachta indica</i>	Neem	10	
88	<i>Pithecellobium dulce</i> (Roxb.) Benth.	Vilayati Chinch	10	
89	<i>Holoptelea integrifolia</i>	Vaval	8	
90	<i>Azadirachta indica</i>	Neem	8	
91	<i>Nyctanthes arbor-tristis</i>	Parijatak	10	
92	<i>Swietenia mahagoni</i>	Mahogany	10	

93	<i>Azadirachta indica</i>	Neem	10	
94	<i>Aegle marmelos</i>	Bel	12	
95-114	<i>Dypsis lutescens</i>	Areca Palm	5	
115 116	Plumeria	Chafa	5	
117	Plumeria	Chafa	5	
118	Plumeria	Chafa	5	
119	<i>Cocos nucifera</i>	Coconut	3	
120	<i>Araucaria columnaris</i>	Christmas tree	5	
121	<i>Araucaria columnaris</i>	Christmas tree	5	

122	Wodyetia bifurcata	Foxtail Palm	8	
123	Wodyetia bifurcata	Foxtail Palm	9	
124	Wodyetia bifurcata	Foxtail Palm	8	
125	Wodyetia bifurcata	Foxtail Palm	8	
126	Wodyetia bifurcata	Foxtail Palm	10	
127	Wodyetia bifurcata	Foxtail Palm	10	
128	Plumeria Alba	Chafa	6	
129	Ficus racemose	Umber	10	
130	Ficus racemose	Umber	10	

131	<i>Ceiba pentandra</i>	Kapok Tree	12	
132	<i>Annona squamosa</i>	Sitafal	6	
133 - 137	<i>Mangifera indica</i>	Amba	8	
138- 140	<i>Mangifera indica</i>	Amba	8	
141 142	<i>Swietenia mahagoni</i>	Big-Leaf Mahogany	8	
143	<i>Mangifera indica</i>	Amba	8	
144 145	<i>Cordia dichotoma</i>	Indian cherry	9	
146	<i>Cordia dichotoma</i>	Indian cherry	8	
147- 150	<i>Cocos nucifera</i>	Coconut	6	

151	Mangifera indica	Amba	6	
152	Azadirachta indica	Neem	6	
153	Sapodilla	Chiku	6	