

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 105/2019 (WZ)

(I.A. No. 154/2019)

Tanaji Gambhire

---- Applicant

Vs.

The Principal Secretary, DoE, GoM & Ors. --- Respondents

INSPECTION REPORT OF

M/s. Nyati Housing, S. No. 24(P) & 25(P) Village Undri, Taluka Haveli,
District Pune Maharashtra

1.0 BACKGROUND:

The Hon'ble National Green Tribunal (NGT), passed the following order dated 05/01/2021, in the matter O. A. No. 105/2019, Tanaji Balasheb Gambhire, Applicant versus M/s. Nyati Housing & Ors., Respondent (s)

1. *This application seeks demolition of Nyati Eternity, I, II, III & IV, residential and commercial building project situated at Survey No. 24(P) & 25(P) of village - Undri, Taluka - Haveli, District Pune, Maharashtra, set up by M/s. Nyati Housing Pune.*
2. *According to the applicant who claims to be an activist for protection of environment, the construction has been done illegally without the requisite statutory environmental clearance (EC), Consent to Establish and Consent to Operate. There is also extraction of groundwater without requisite permission from the concerned authority. The built-up area is 51658.91 sq.m. and there is a proposal of further expansion of 27115.58 sq.m., comprising of 17 buildings 734 flats. No application for EC has been made. No application has been made for permission to extract groundwater. No STP has been installed. The DG sets have been illegally installed. There is no solid waste treatment facility, no rain water harvesting system, no energy saving device. The statutory regulators ignored the irregularities even though carbon footprint impact of the project is to the tune of Rs. 450 Crores.*
3. *In the view of above allegation, it is necessary to require a joint Committee of concerned statutory authorities/experts to ascertain facts on the ground and furnish a factual and action taken report in the matter. Such report may be furnished within three months by email at judicial-ngt@gov.in preferably in*

the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If there are any illegality observed, the statutory authorities may take appropriate action in accordance with law, while furnishing the report to this Tribunal, a copy thereof be also furnished to the project proponent for its response, if any.

4. *The joint Committee will comprise of SEIAA, Maharashtra, State PCB, Pune Municipal Corporation and Collector Pune. The State PCB will be the nodal agency.*
5. *The applicant may serve set of papers on the SEIAA, Maharashtra, State PCB, Pune*
6. *Municipal Corporation and Collector Pune and file an affidavit of service within one week.*

The prayer for interim relief cannot be granted at this stage. But concerned authorities are at liberty to take appropriate action as per law in terms of findings, on ascertainment of facts. I.A. No. 154/2019 is accordingly disposed of.

List for further consideration on 11.05.2021

A copy of this order be forwarded to SEIAA, Maharashtra, State PCB, Pune Municipal Corporation and Collector Pune by e-mail for compliance.

In compliance with the aforesaid Order of the Hon'ble NGT, a Committee consisting of the following members was constituted for inspection of the aforesaid unit and the submission of a factual report.

- a. Representative of State Environment Impact Assessment Authority (Shri. Pannkaj Joshi, Member, SEIAA, Mumbai);
- b. Representative of Pune Municipal Corporation (Shri. Rahul Salunke, Executive Engineer, PMC, Pune)
- c. Representative of Maharashtra State Pollution Control Board (Dr. Y. B. Sontakke, Joint Director (Water), MPC Board, Mumbai, Shri. Nitin Shinde, I/c. Regional Officer, MPC Board, Pune, and Shri. Pratap Jagtap, Sub Regional Officer, MPC Board, Pune-1)

d. Representative of Collector Office, Pune (Mrs. Trupti Kolte Patil, Tahasildar, Haveli, Pune)

The Committee members visited **M/s. Nyati Housing, S. No. 24(P) & 25(P) Village Undri, Taluka Haveli, District Pune Maharashtra** on 09.08.2021. The project is a Residential and Commercial Project. Present status report is as below: -

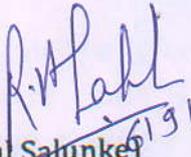
Sr. No.	Points Examined	Remarks
a	That the BUA of the project was more than 20,000 sqm but PP did not apply for the Environment Clearance and Consents	As submitted by PMC, vide letter dated 25.08.2021, Nyati Eternity-I is developed on land bearing Undri, S.No. 24/1/2/1 on TPA- 9,327.22 sqm (Plot Area 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>

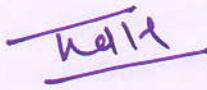
		<p>lies vacant, and TBA 10,449.85 Sq M. vide sanction No. BHA/CR/901/16-17 on 25/01/2016.</p> <p>Regarding Total BUA, the Architect's Certificate has been submitted by Project Proponent and the same is verified by PMC with respect to Sanction plans and found to be correct.</p> <p>By pursuing the report 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
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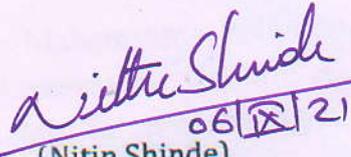
g	PP has not obtained any permission for installation of the DG Sets and there is illegal operation of five DG Sets causing huge air pollution	<p>PP has installed DG sets as below: -</p> <table border="1" data-bbox="772 253 1410 488"> <thead> <tr> <th>Bldg. Name</th> <th>DG set Capacity in KVA</th> </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
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Nyati Eternity-I	100, 160											
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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	<p>PP has carried out tree plantation as below: -</p> <table border="1" data-bbox="772 566 1410 763"> <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
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Nyati Eternity-I	199											
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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	<p>PP has provided rain water harvesting pit as below:-</p> <table border="1" data-bbox="788 1570 1426 1771"> <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.										

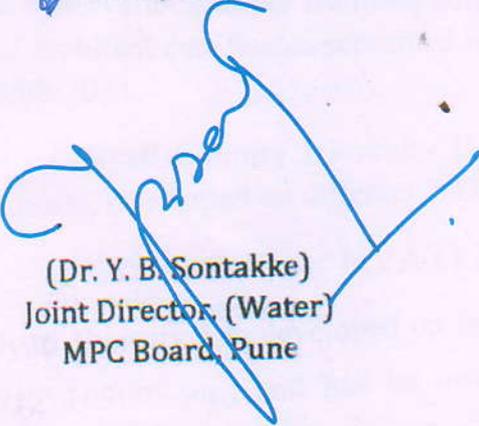
Remarks of committee: -

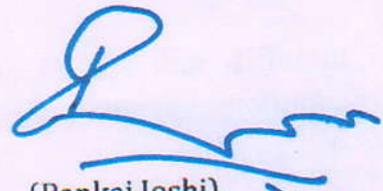
By pursuing the report submitted by the Executive Engineer of the Building Permission Department and Architect's Certificate, annexed as Annexure- I , it is concluded that Nyati Eternity I , Nyati Eternity II , Nyati Embrace and Nyati Eternity IV are four different projects. The constructed projects 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.


 (Rahul Salunke)
 Executive Engineer,
 PMC, Pune


 Mrs. Trupti Kolte
 Patil, Tahasildar,
 Haveli, Pune


 (Nitin Shinde)
 I/c. Regional Officer,
 MPC Board, Pune


 (Dr. Y. B. Sontakke)
 Joint Director, (Water)
 MPC Board, Pune


 (Pankaj Joshi),
 Member, SEIAA, Mumbai

Place: - Pune

Date: - 06/09/2021



Office of the City Engineer
Building Permission Department
Pune Municipal Corporation
Outward No. **ZONE 1/2046**
Date: **25/08/2021**.

Original Application No. 105/2019 (WZ)

Tanaji Balasaheb Gambhire

Vs.

Principal Secretary, DOE & Ors

Site visit was conducted on 10th August 2021 by Maharashtra Pollution Control Board (MPCB), State Environmental Impact Assessment Committee, Tahsildar and Building Permission Department, PMC officials for projects Nyati Eternity I, II, IV and Nyati Embrace. As discussed during the site visit, following are the observations as per Building Permissions given by various sanctioning authorities and architect certificates submitted by Architect vide inward number Zone-1/2545 Dt. 11/08/2021.

Nyati Eternity I Eternity II, Eternity III and Eternity IV are four different projects, developed on different 7/12 and hold different permissions and completion.

NYATI ETERNITY I

- Nyati Eternity I is developed on land bearing Undri S. No. 24/1/2 (Plot area as per 7/12 10900Sq.m.) and has its own amenity area, Open Space etc. Amenity area (1572.78Sq.m) is carved out and separate 7/12 is formed as S.No. 24/1/2/2 on which separate commercial building is proposed.
- Nyati Eternity I has been constructed vide order number PRH/NASR/524/2014 dated 12/02/2015 at plot 24/1/2/1 (9327.22 Sq.m.). The details of built up area as mentioned in approved layout are as follows-

Sr. No.	Building	Details	FSI (Sq.m)	Observation at site
1	E	P+12	2500.64	P+12completed
2	D1	P+12	2500.64	P+12completed
3	D2	P+12	2905.97	P+12completed
4	D3	P+12	2934.97	P+12completed
Total	4 Buildings		10842.22	

3. The Non FSI area is not mentioned in approved layout but the total area of construction (FSI + Non FSI) mentioned in Point No. 30 of the order of sanction vide PMH/FSI/SR/524/2014 dated 12/2/2015 is given as 17231.52 Sqm.
4. However, as per architect certificate stating completed construction of project, the total FSI is 10842.22 Sqm., Non FSI is 7854.58 Sqm. and total built-up area as per EIA notification 2006 is $10842.22 + 7854.58 = 18696.80$ Sqm.
5. This has been verified with respect to sanctioned plans and found to be correct.
6. Amenity area – Separate sanction for amenity space in Nyati Eternity I has been granted on S.No. 24/1/2/2 vide commencement No. 918/16-17 dt. 29.12.2016. The FSI area as per sanction is 1864.32 Sqm and development work is completed as per sanctioned plan.
7. However, as per architect certificate stating completed construction of commercial building, the total FSI is 1864.32 Sqm., Non FSI is 803.58 Sqm. and total built-up area as per EIA notification 2006 is $1864.32 + 803.58 = 2667.90$ Sqm.
8. This has been verified with respect to sanctioned plans and found to be correct.

2. NYATI ETERNITY II

1. Nyati Eternity II is developed on land bearing S. No. 25/1/1/2/4/5/6, Undri (Plot area as per 7/12 14200 Sqm.) and has its own amenity area, Open Space etc. Amenity area (2102.10 Sqm) is carved out and lies vacant.
2. Nyati Eternity II has been constructed vide order number BHA/CR 3445 dated 18/02/2016. The details of built up area as mentioned in approved layout are as follows-

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	C1	P+12	3496.40	P+12 completed
2	C2	P+8	2791.40	P+8 completed
3	D1	P+12	2869.94	P+12 completed
4	E1	P+12	2936.97	P+12 completed
Total	4 Buildings		12097.71	

3. The Non FSI area is not mentioned in approved layout but the total area of construction (FSI + Non FSI) mentioned in Point No. 28 of the order of sanction vide BHA/CR 3445 dated 18/02/2016 is given as 19170 Sqm.

4. However, as per architect certificate stating completed construction of project, the total FSI is 12097.71 Sqm., Non FSI is 7826.44 Sqm. and total built-up area as per EIA notification 2006 is $12097.71 + 7826.44 = 19924.15$ Sqm.
5. This has been verified with respect to sanctioned plans and found to be correct.

3. NYATI EMBRACE

1. Nyati Embrace is proposed on land bearing S. No. 25/1/3, Undri (Plot area as per 7/12 16000Sqm.) and has its own amenity area, Open Space etc. Amenity area (2364.97Sqm) is carved out and lies vacant.
2. Nyati Embrace has been constructed vide order number PRH/NASR/745/2014 dated 24/09/2014. The details of built up area as mentioned in approved layout are as follows-

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	B1	P+11	3007.36	Not completed & vacant
2	B2	P+2	475.58	Not completed & vacant
3	C3	P+12	3856.64	Not completed & vacant
4	D2	P+12	3056.80	Not completed & vacant
5	D3	P+11	2789.91	Not completed & vacant
6	E2	P+11	2686.04	Not completed & vacant
Total	6 Buildings		15882.33	

3. The Non FSI area is not mentioned in approved layout but the total area of construction (FSI + Non FSI) mentioned in Point No. 30 of the order of sanction vide PRH/NASR/745/2014 dated 24/09/2014 is given as 25264.96 Sqm. However, no construction is found at site and the plot lies vacant.

4. NYATI ETERNITY IV

1. Nyati Eternity IV is developed on land bearing S. No. 25/1/1, Undri (Plot area as per 7/12 6000qm.) and has its own amenity area, Open Space etc. Amenity area (900Sqm) is carved out, handed over to PMRDA (Govt.) and lies vacant.

Nyati Eternity IV has been constructed vide order number BHA/CR 901/16-17 dated 25/01/2016. The details of built up area as mentioned in approved layout are as follows-

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	A1	P+12	3265.25	P+13 completed
2	B1	P+13	3067.01	P+13 completed
Total	2 Buildings		6332.26	

- The Non FSI area is not mentioned in approved layout and no condition about obtaining Environmental clearance is mentioned in building permission as the total built-up area is below 20000Sqm.
- However, as per architect certificate stating completed construction of project, the total FSI is 6332.26 Sqm., Non FSI is 4117.59 Sqm. and total built-up area as per EIA notification 2006 is $6332.26 + 4117.59 = 10449.85$ Sqm.
- This has been verified with respect to sanctioned plans and found to be correct.

R. P. Jadhav
 Executive Engineer
 Pune Municipal Corporation
23/1/17