

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A No. _____/2023/EZ

[Under Section 18(1) read with Section 14 and 15 of the
National Green Tribunal Act, 2010]

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Date: 29th July 2023

Place: Guwahati

Filed by:

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Vikram Rajkhowa

Advocate for the Applicants

503, Amazing Grace Aptt.,

Dighalipukhuri (East)

Guwahati 781001, ASSAM

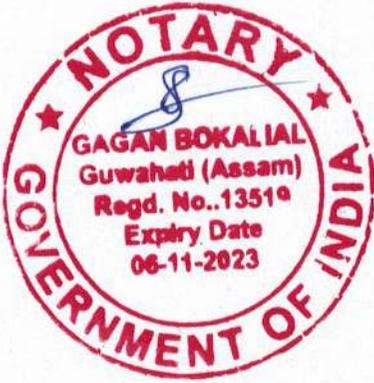
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LIST OF DATES & EVENTS

Date	Events
24/03/2023	Order passed by Hon'ble NGT in O.A No. 32/2023/EZ
09/05/2023	Speaking Order passed by
22/05/2023	Letter issued by SEIAA, Assam
30/01/2023	Order passed in W.P(C)/3654/2023



SYNOPSIS

Being aggrieved by the non-compliance and violations of the provisions of the Environmental Clearance dated 21.01.2014 issued to respondent No. 1 M/s Arya Erectors India Pvt. Ltd, for the construction of Arya Smart Living township project at North Guwahati in Assam, the applicant No. 1 to 4 preferred an original application before this Hon'ble Court, which was registered as O.A No. 32/2023/EZ.

The aforesaid O.A No. 32/2023/EZ was disposed of by this Hon'ble Court vide order dated 24.03.2023 with a direction to respondent No. 2 SEIAA, Assam, to consider the representations of the applicants dated 06.07.2022 and 20.10.2022 as well as grievance raised in para. 9 of the O.A and thereafter pass a reasoned and speaking order within a period of one month, after hearing respondent No. 1.

Thereafter SEIAA, Assam, passed 'speaking order' vide letter dated 09.05.2023, which clearly highlight number of violations of the conditions of Environmental Clearance dated 21.01.2014, including - (i) failure on the part of respondent No. 1 to submit the six-monthly compliance reports, (ii) the flood problem in the Arya Smart living is a genuine one, (iii) non-submission of report pertaining to Sewage Treatment Plant (STP) certified by an independent expert, (iv) non-maintenance of 3 meter width peripheral green belt all around the plot, (v) non-submission of report on the energy conservation measures, among other.

That even after number of violations and non-compliance of E.C conditions by the respondent No. 1 project proponent, neither SEIAA, Assam nor MoEF&CC and/or concerned authorities, have initiated any action against the respondent No. 1 for reasons best to known to them, in violations of EIA Notification, 2006; the Environment (Protection) Act, 1986, among other laws. The said non-compliance by the project proponent is affecting the environment and causing irreparable loss and injury to the applicants. Under such circumstances, the applicants herein are preferring the instant application before this Hon'ble Court praying for adequate relief.



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

MEMORANDUM OF APPLICATION
[Under Section 18(1) read with Section 14 and 15 of the
National Green Tribunal Act, 2010]

O.A No. _____/2023/EZ

IN THE MATTER OF:

1. Dr. Ganesh Das

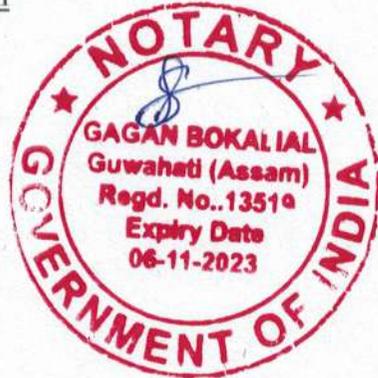
Son of Sri. Dijendra Ch. Das
Resident of Tribeni Apartment
Flat No. 5A, 5th Floor, Madhabdevpur
Rehabari, Guwahati 781008, Assam
Email: ganeshdas40244@yahoo.com

2. Dr. Mrinmoy Borkataki

Son of Dr. Munindra Borkataki
Resident of D-49, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: dr.mrinmoyborkataki@gmail.com

3. Sri. Brojen Dutta

Son of Late Jiban Ch. Dutta
Resident of D-22, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: brojendutta07@gmail.com



4. Sri. Sanjay Baruah

Son of Late Prutul Kumar Baruah
Resident of D-41, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: sanjaybar@gmail.com

5. Sri. Ravi Dey

Son of Sri. Mintu Dey
Resident of D-41, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: raviday75@yahoo.in

....Applicants

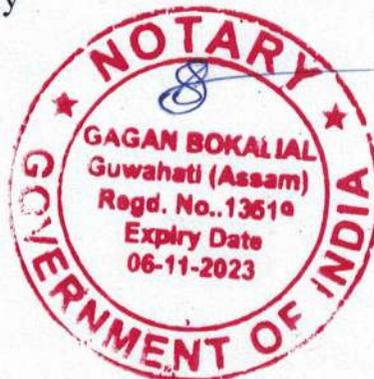
- Versus -

1. M/s Arya Erectors India Pvt. Ltd.

Represented by its Managing Director
503, K.P Enclave, Sohagpur, Rehabari
Guwahati 781008
Assam
Email: aryaerectorsindia@gmail.com

2. State Environmental Impact Assessment Authority, Assam

Represented by its Member Secretary
Bamunimaidam, Guwahati 781021
District – Kamrup (Metro),
Assam
Email: ikalita.acs@assam.gov.in



3. Ministry of Environment, Forest and Climate Change

Government of India

Represented by its Secretary

India Paryavaran Bhawan, Jorbagh

New Delhi 110003

Email: secy-moef@nic.in

4. Guwahati Metropolitan Development Authority

Represented by its Chief Executive Officer (CEO)

Statefed Building, Bhangagarh,

Guwahati 781005, Assam

Email: ceogmdaghy@gmail.com

5. North Guwahati Municipal Board

Represented by its Chairman

North Guwahati, Guwahati 781030, Assam

Email: northghyrevcircle2016@gmail.com

6. Rudreswar Gaon Panchayat

Represented by its President

Rudreswar, North Guwahati 781030, Assam

Email: rudreshwar.gp@gmail.com

7. Pollution Control Board, Assam

Represented by its Member Secretary

Bamunimaidam, Guwahati 781021,

Assam.

Email: membersecretary@pcbassam.org



....Respondents

- I. The address of the Applicants is given above for the service of notices of this application.
- II. The addresses of the Respondents are given above for the service of notices of this application.

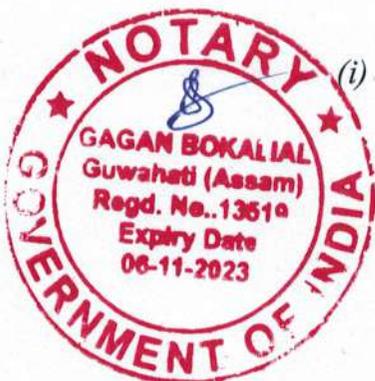
MOST RESPECTFULLY SHOWETH:

1. That the present applicants before your Lordships are all purchasers of House (villa/flat) at Arya Smart Living at Abhaypur, North Guwahati, Assam, constructed by respondent No. 1. The applicant No. 1 to 4 being aggrieved by the non-compliance and violations of the provisions of the Environmental Clearance dated 21.01.2014 by respondent No. 1, for construction of Arya Smart Living at Abhaypur in North Guwahati, Assam, preferred an original application before this Hon'ble Court, which was registered as O.A No. 32/2023/EZ.

A copy of O.A No. 32/2023/EZ is herewith annexed an ANNEXURE – A.

2. That the above-mentioned O.A No. 32/2023/EZ was disposed of by this Hon'ble Court vide order dated **24.03.2023** with the following directions:

“6. *In this view of the matter, we dispose of this Original Application with the following directions:-*



- (i) *The Respondent No. 2, SEIAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexure – N & O, to the Original Application as also the grievances raised in paragraph 9 and its sub-paragraphs of the Original Application.*

(ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam, shall also give opportunity of hearing and submissions, if any, to the Respondent No. 1.

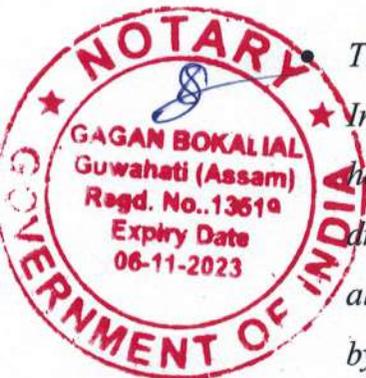
7. With the aforesaid directions, the Original Application No. 32/2023/EZ is disposed of."

A copy above-mentioned Order dated 24.03.2023 in O.A No. 32/2023/EZ is herewith annexed an **ANNEXURE – B.**

3. That accordingly respondent No. 2 SEIAA, Assam, vide letter No. SEIAA.3431/2023/14 dated **09/05/2023** passed the following speaking order:

"As both the representation 'N' and 'O' are identical except an additional clause at representation 'N' (5), therefore both are being disposed simultaneously.

Regarding allegation at Sl (1) of representation 'N' and 'O'



The flood problem in the ASL campus is a genuine one. The Arya Erectors India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road and drain was taken up. The submitted photographs by the respondent No. 1 also reveals that the natural drainage at front has also been encroached by neighbours. The nearby areas being developed only a common approach involving the development departments and neighbouring community can bring a fruitful one time solution to the problem. In the

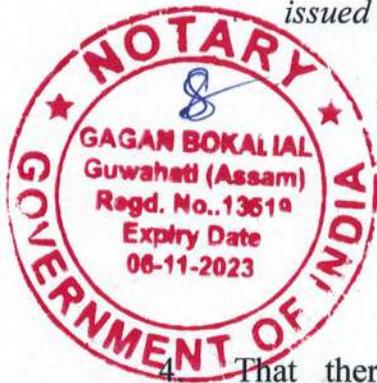
meantime, the Arya Erectors India Pvt. Ltd. shall create a pond in appropriate low lying area inside the campus with adequate capacity and with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be constructed so as to be filled by only the Storm water. Other activities can also be planned with coordinated effort of all concerned.

Allegation at Sl (3) of representation 'N' and 'O'

- The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore ASL society has to keep it functional.

Other matters

- The matter of non-submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately.”



A copy above-mentioned Speaking Order dated 09.05.2023 is herewith annexed an **ANNEXURE – C.**

4. That thereafter respondent No. 2 SEIAA vide letter No. SEIAA 3431/2023/23 dated **22/05/2023** wrote to respondent No. 1 Arya Erectors India Pvt. Ltd. as follows:-

“....it is to bring to your kind notice, that you have failed to submit mandatory Six monthly compliance report as regards the projects in due time. This has been viewed seriously by the State Environment Impact Assessment Authority, Assam (SEIAA).

You are therefore directed to submit the compliance report of the Direction as per the speaking order "Regarding allegation at S.1.1 of representation 'N' & 'O' by Applicants in Original Application No. 32/2023/EZ of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata", immediately after complete compliance of the order."

A copy above-mentioned letter No. SEIAA 3431/2023/23 dated 22.05.2023 is herewith annexed an **ANNEXURE – D.**

5. That from the aforesaid Speaking Order dated 09/05/2023 passed by SEIAA and subsequent letter dated 22/05/2023 issued by SEIAA, the following violations and non-compliance is apparent:

- (i) After receiving Environmental Clearance dated 21.01.2014, the project proponent has not submitted any compliance report before the concerned authorities (till date), in gross violation of General Conditions mentioned in the said E.C as follows:

"Part -B. General Conditions



1. *The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/Regional Office of MoEF.*
9. *The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of*

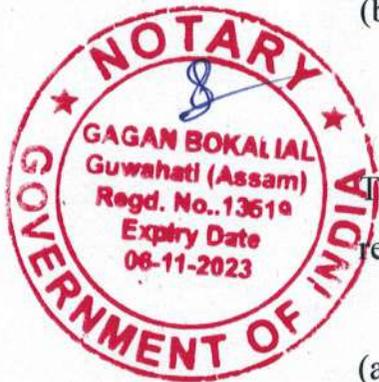
MoEF. The criteria pollutant levels namely PM_{10} , PM_{25} , SO_2 , NO_2 , etc. (ambient levels as well as stack emission) or critical sectoral parameters, indicated for the project shall be monitored and a record be maintained for the public domain.

10. The environmental statement for each financial year ending 31st March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall also be sent to the respective Regional Offices of MoEF by email.”

- (ii) SEIAA admitted in their speaking order that the flood problem in the Arya Smart Living campus is a genuine one.

The project proponent submitted that -

- (a) the contour survey was done prior to the starting of project and same was approved by GMDA, and
- (b) the project was completed in 2018 and handed over in 2019 to the society.



The applicants beg to state in regard to the aforesaid contentions of respondent No. 1 that -

- (a) Firstly, the project proponent had only submitted the contour survey of the internal site area and not that of the external surrounding areas as required under the Specific Conditions at Part - A (I) (i) of E.C, i.e.,

“The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage.”

The flood problem in the Arya Smart Living township probably would not have happened, if only the project proponent had complied with the aforesaid Environmental Condition and worked out the storm water drainage after proper contour survey of both internal as well as the external surrounding areas. The suggestion of SEIAA to create a pond inside the township to fill storm water is not a feasible one for a long-term solution as the same is neither approved in the drawings and nor permission is granted for the same.

- (b) Secondly, it is not correct that the project has been handed over by the project proponent to the society. In fact a case is pending before the Hon'ble Gauhati High Court being numbered as W.P(C)/3654/2020, which is preferred by applicant No. 1 against order of the Registrar of Cooperative Societies, Assam, for overlooking the fact that the Director/s of respondent No. 1 company has made their own family members and partners as office bearer of the Arya Smart Living society, which is in conflict of interest, i.e., the project proponent is also the builder/developer as well as the office bearer of the society.



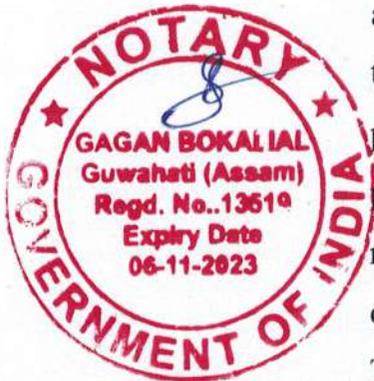
A copy order dated 30.01.2023 is herewith annexed an ANNEXURE – E.

- (c) Thirdly, Real Estate Regulatory Authority, Assam vide an order dated 13.06.2022 observed that the promoter (respondent No. 1) will submit application in prescribed form regarding

extension of project completion period. Furthermore, it is reflected in the said order that the representative of GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan.

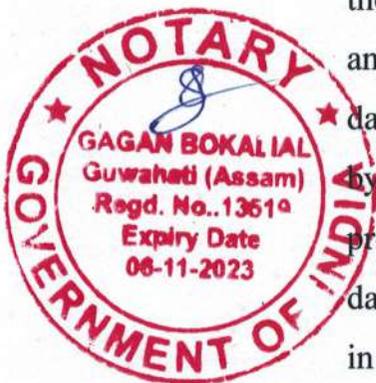
A copy of the REAT, Assam order dated 13.06.2022 is part of O.A No. 32/2023/EZ annexed as Annexure – A.

- (d) The applicants beg to state that the project proponent is yet to complete the project and construction is still continuing without a valid E.C in violation of EIA Notification, 2006.
- (iii) The Operation Phase Conditions at Part – A.II.(i) of the E.C requires that - *“The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation.”* But the SEIAA speaking order do not mention the submission of any report in this regard.
- (iv) The Operational Phase Conditions at A.II.(v) of the E.C requires that a peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise. Be it stated that the project proponent has not maintained 3 mtrs. green belt all around the plot and in fact have constructed drains, pathways, etc., in the supposed green belt area. The project proponent is trying to mislead by claiming that the green belt is 9000 sq.m. by including common garden areas within the township. The requirement is of a 3 mtr. green belt all across the plot covering an area of 7484.96 sq.m., and same shall not include the



other common areas like parks, lawns, etc. Unfortunately SEIAA speaking order is silent on the issue of green belt.

- (v) The Operation Phase Conditions at A.II.(x) of E.C requires that – “a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months.” But the SEIAA speaking order do not mention the submission of any report in this regard. That according to the RTI response received earlier from SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not available.
- (vi) Project proponent received E.C on 21.01.2014 with validity for a period of 5 years, i.e., till 21.01.2019. In the meantime MoEF&CC vide O.M dated 12.04.2016 extended the validity of E.C of the projects, which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly the E.C dated 21/01/2014 of project proponent also got automatically extended to 7 years, i.e., up to 21/01/2021. However the project construction of project proponent is yet to be completed and therefore they were required to apply for the extension of E.C dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted by RTI reply of SEIAA dated 28/12/2020 and 13/05/2022 the project proponent has not applied for extension of E.C dated 21.01.2014 till date, thereby operating without a valid E.C from 21/01/2021 onwards in violation of laws. In this regard the speaking order of SEIAA is silent and SEIAA seem to be accepting the contention of the project proponent on face value rather than on the basis of cogent materials.



6. That the Hon'ble Apex Court in *Hanuman Laxman Aroskar vs. Union of India and Others (2020) 12 SCC 1*, held, that -

“cumulative conditions to be complied with for lifting of said suspension of EC, would include conditions of original EC”.

That respondent No. 2 SEIAA instead of taking necessary action against the project proponent for non-compliance of EC conditions states in their Speaking Order dated 09/05/2023 as follows:

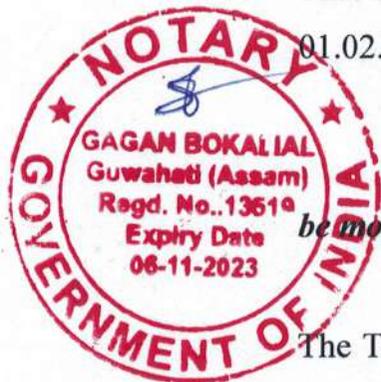
“The matter of non-submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately”.

Be it stated that applicants are not aware of any strictures being issued or any action being taken by respondent No. 2 SEIAA against respondent No. 1 the project proponent for the aforesaid violations. Under such circumstances this is a fit case for the interference of this Hon'ble Court.

7. That in *Sandeep Mittal vs. MoEF&CC* O.A No. 837/2018 vide order dated 01.02.2021 this Hon'ble Court observed that -

“...compliance of conditions of Environmental Clearance must be monitored on periodical basis, at least one in a quarter.”

The Tribunal also noted the observations in the Judgments of the Hon'ble Supreme Court in *T.N Godavarman Thirumulpad vs. Union of India & Ors, (2014) 4 SCC 61* and *Lafarge Umiam Mining Private Limited vs. Union of India, (2011) 7 SCC 338* that -



“power of the regulator under Section 3(3) of the Environmental (Protection) Act, 1986 is coupled with duty and there is need for effective monitoring mechanism.”

8. That it is under such circumstances, the Applicants are filing the instant application under the facts and circumstances as mentioned above and upon the grounds here under.
9. That although applicant No. 5 was not an applicant in the aforesaid O.A No. 32/2023/EZ, but having similar grievances as the other applicants, applicant No. 5 is hereby approaching this Hon’ble Court for adequate relief along with the other applicants, which maybe allowed by this Hon’ble Court.

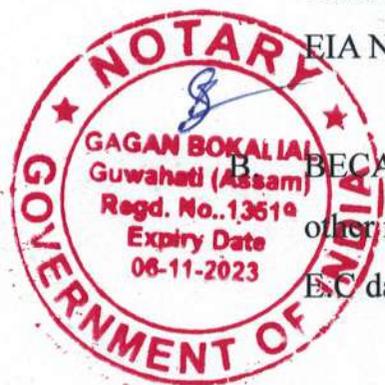
GROUND S

That the applicant is filing the present Application on the following, among other grounds which the applicants may take at the time of hearing of the matter:

A. BECAUSE Respondent No. 1 has violated and/or not complied with the terms and conditions of the E.C dated 21.01.2014 as per provisions of the EIA Notification, 2006;

B. BECAUSE Respondent No. 1 has not submitted Compliance Reports among other reports with SEIAA / Regional office, MoEF&CC as mandated by the E.C dated 21.01.2014 and EIA Notification, 2006;

C. BECAUSE Respondent No. 1 has violated and/or not complied with Specific Conditions at Part – A (I) (i) of E.C dated 21.01.2014 and have not properly analysed the contour levels of the site and the surrounding area and the capacity of storm water drainage leading to water logging and flooding;



- D. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 by failing to submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA /Regional Office, MoEF;
- E. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by failing to develop peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise;
- F. BECAUSE Respondent No. 1 has violated and not complied with Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by failing to submit a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months;
- G. BECAUSE Respondent No. 1 has violated and not complied with EIA Notification, 2006 by not extending the E.C dated 21/01/2014 which expired on 21/01/2021 by continuing construction of the project without a valid extension of EC from SEIAA and/or concerned authorities.

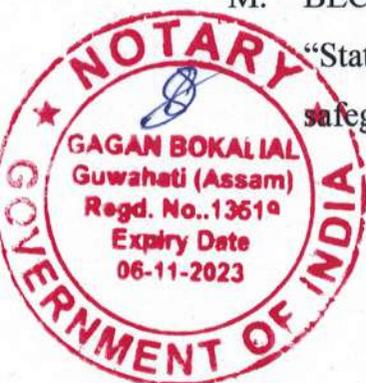


- H. BECAUSE Respondent No. 1 has violated and/or not complied with the directions of Respondent No. 4 GMDA by failing to submit periodic compliance report and without submitting the same Respondent No. 4 GMDA will not issue Occupancy Certificates, and have directed that the premises should be vacated for no fault of the Applicants and/or resident buyers;

- I. BECAUSE Respondent No. 2 SEIAA has not acted upon the complaints filed by the applicants as well as subsequent to the site visit and speaking order by SEIAA for the violations and non-compliance of E.C provisions by Respondent No. 1;
- J. BECAUSE in the Hon'ble Apex Court judgments in *T.N Godavarman Thirumulpad vs. Union of India & Ors.*, (2014) 4 SCC 61 and *Lafarge Umiam Mining Private Ltd. vs. Union of India*, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and there is a need for effective monitoring mechanism;
- K. BECAUSE the Hon'ble National Green Tribunal in O.A No. 884/2022 Sanjeev Kumar vs. Uttar Pradesh Pollution Control Board & Ors. observed that – *“The compensation has to be levied on the principle of ‘Restitution’ and has to be noted as cost of restoration involved.”*

It was further held that – *“Having regard to the magnitude of the project and violations – inadequacy of green belt, absence of sewage treatment, not preventing dust pollution, pending further considerations, we estimate cost of restoration to be not less than Rs.20 crores...”*

- L. BECAUSE the principle of Sustainable Development and the Precautionary principle, which have been held to be part of ‘Right to Life’ require that EC conditions are fulfilled;
- M. BECAUSE under Article 48-A of the Constitution of India it states that the “State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”



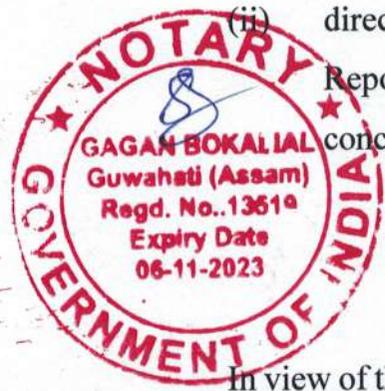
LIMITATION

That the present application is being filed within the limitation period as the cause of action has arisen after the Speaking Order dated 09.05.2023 passed by SEIAA in compliance of the Hon'ble National Green Tribunal order dated 24.03.2023 passed in O.A No. 32/2023/EZ and therefore the instant application is within the period of limitation under section 14 of the National Green Tribunal Act, 2010, i.e., within a period of 6 months.

INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the Applicants have a good *prima facie* case, and in consideration of said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to -

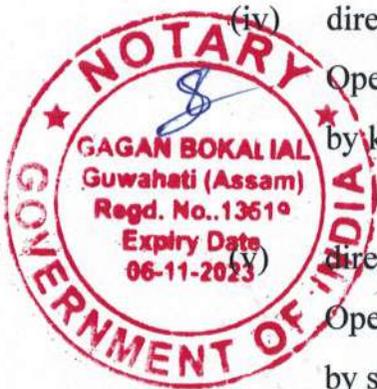
- (i) direct the submission of a factual report in the matter from a Joint Committee comprising of – (a) State Pollution Control Board, Assam; (b) Regional Office, MoEF&CC; (c) D.C Kamrup and any other authority or persons this Hon'ble Court deem fit and proper, and/or
- (ii) direct Respondent No. 1 project proponent to submit all Compliance Reports and Mandatory Reports before this Hon'ble Court and/or with the concerned authorities.



PRAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the Applicant that this Hon'ble Tribunal may be pleased to -

- (i) direct Respondent No. 1 to comply with the Specific Conditions at Part – A (I) (i) of E.C dated 21.01.2014 and take necessary steps to analyze the contour levels of the site and the surrounding area and the capacity of storm water drainage and take necessary steps to address the problem of water logging and flooding, and/or
- (ii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 and treat 100% of the grey water through decentralized treatment and submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA or concerned authorities, and/or
- (iii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by developing the peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise, and/or
- (iv) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (ix) of E.C dated 21.01.2014 by keeping the width of the internal road at 7 mtrs. and 9 mtrs., and/or
- (v) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by submitting a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA immediately, and/or



- (vi) direct Respondent No. 1 to comply with all the provisions of the Environmental Clearance dated 21/01/2014, and/or
- (vii) direct respondent No. 1 not to operate without a valid Environmental Clearance, and/or
- (viii) direct the respondent authorities to initiate action against Respondent No. 1 under section 15, 16 and 19 of The Environment (Protection) Act, 1986, among other laws, for violation and non-compliance of E.C dated 21/01/2014 among other violations, and/or
- (ix) levy compensation on the principle of 'Restitution' as cost of restoration involved, and/or
- (x) To pass any other such order(s)/direction(s) as this Hon'ble Tribunal seem fit and proper in the facts and circumstances of the present case.

Date: 29th July 2023

Place: Guwahati

Filed by:

Vikram Rajkhowa



Vikram Rajkhowa
Advocate for the Applicants
503, Amazing Grace Aptt.,
Dighalipukhuri (East)
Guwahati 781001, ASSAM
vikram.rajkhowa@gmail.com
(+91) 9954348258

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A No. _____/2023/EZ

Instrument Sl. No. 29/A-1
Date: 29/07/2023

IN THE MATTER OF:

Sri. Ganesh Das & Others : Applicants

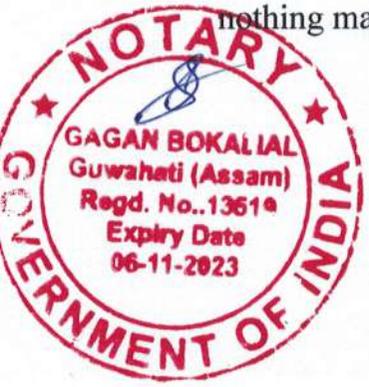
Vs.

M/s Arya Erectors India Pvt. Ltd., represented
by its Managing Director & Others : Respondents

AFFIDAVIT

I, Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, aged around 51 years, resident of Tribeni Apartment, Flat No. 5A, Madhabdevpur, Rehabari, Guwahati 781008, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and I am conversant with the facts and circumstances of the case, as such I am competent to swear this affidavit.
2. That I am authorized by the other applicants vide letter of authorization annexed herein, as such I am competent to swear this affidavit on their behalf.
3. That the accompanying application has been drafted by my counsel on my/our instructions and I/we have read and understood the contents of the same and nothing material has been concealed therefrom.



Ganesh Das

DEPONENT

G
GAGAN BOKALIAL
NOTARY GOVT. OF INDIA
Guwahati (Assam)
Regd. No.- 1351A

29 JUL 2023

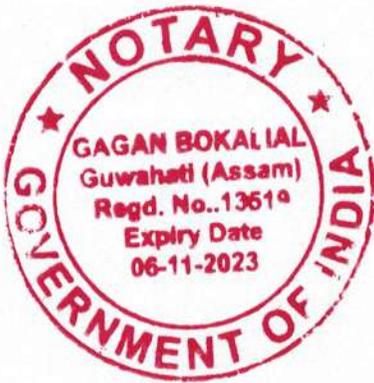
Verification

I, the above-named deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Solemnly affirmed on this 29th day of July 2023 at Guwahati, Assam.



DEPONENT



GAGAN BOKARIAL
NOTARY GOVT. OF INDIA
Guwahati (Assam)
Regd. No.- 13519

29 JUL 2023

VAKALATNAMA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA**

O.A No. OF 2023/EZ

IN THE MATTER OF:

Dr. Ganesh Das & Others : Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented : Respondents
by its Managing Director & Others

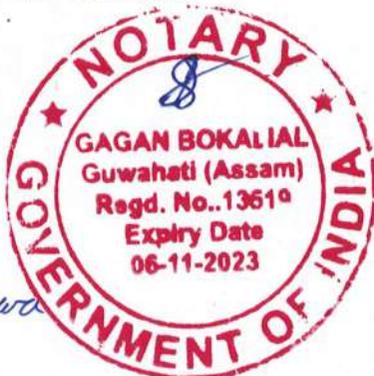
Know all men by these presents that the above, named
DR. GANESH DAS, DR. MRINHOY BORKATAKI, SRI. BROJEN DUTTA,
SRI. SANJAY BARUAH AND DR. RAVI DEY

do hereby nominate, constitute and appoint Sri. Vikram Rajkhowa, Smt. Ankur Jyoti
Sarma, Advocates, as shall accept this Vakalatnama to be his/their true and lawful
Advocates to appear and act for him/them in the matter noted above and in connection
therewith and for that purpose to do all acts whatsoever in that connection including
depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for
him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done
by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of
the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In
witness whereof I/we hereunto set my hand on this day of May 2023.

Received from the executants
Satisfied and accepted as I/We
Hold no brief for the other side.

1. Mrinmoy Borkataki
2. Anjurita (BROJEN DUTTA)
3. - [Signature] SANJAY BARUAH
4. Dr. Ravi Dey.
5. Ganesh Das

Signature of Executant/s



Vikram Rajkhowa
Advocate

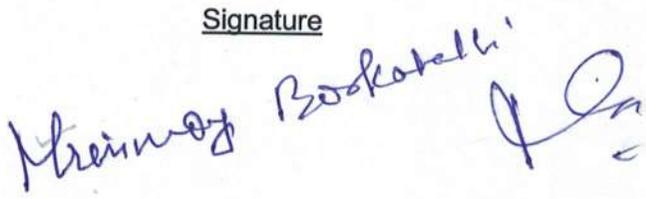
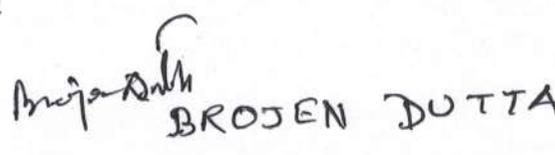
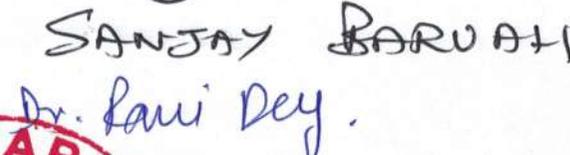
Ankur Jyoti Sarma
Advocate

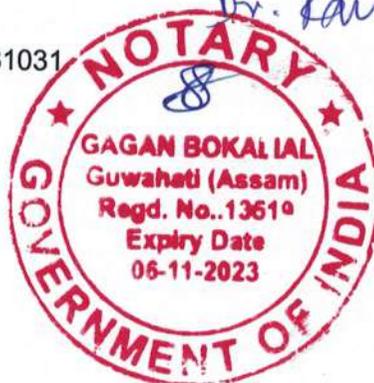
AUTHORIZATION LETTER

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5th Floor, Madhabdevpur, Rehabari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on ...20.07.2023. (date)

<u>Sl.No.</u>	<u>Particulars</u>	<u>Signature</u>
1.	Dr. Mrinmoy Borkataki S/o Dr. Munindra Borkataki R/o D-49, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: dr.mrinmoyborkataki@gmail.com	
2.	Sri. Brojen Dutta S/o Late Jiban Ch. Dutta R/o D-22, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: brojendutta07@gmail.com	 BROJEN DUTTA
3.	Sri. Sanjay Baruah S/o Late Prutul Kumar Baruah R/o D-49, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: sanjaybar@gmail.com	 SANJAY BARUAH
4.	Dr. Ravi Dey S/o Sri. Mintu Dey R/o D-39, Arya Smart Living Abhaypur, North Guwahati 781031 Assam Email: raviday75@yahoo.in	 Dr. Ravi Dey.



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. /2023/EZ
(Under Section 18(1) read with Section 14 and 15 of the
National Green Tribunal Act, 2010)

IN THE MATTER OF:

Dr. Ganesh Das & Others

: Applicants

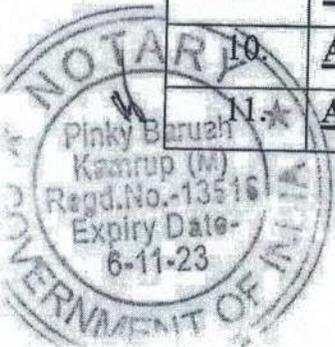
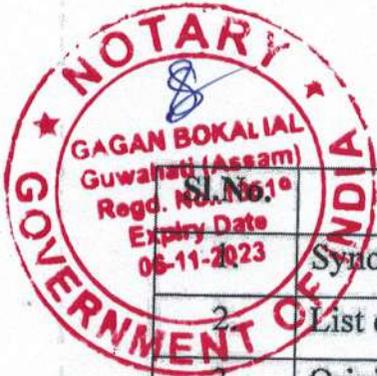
Vs.

M/s Arya Erectors India Pvt. Ltd., represented
by its Managing Director & Others

: Respondents

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DATE: 13 March 2023

PLACE: Guwahati

Vikram Rajkhowa

DRAWN & FILED BY:

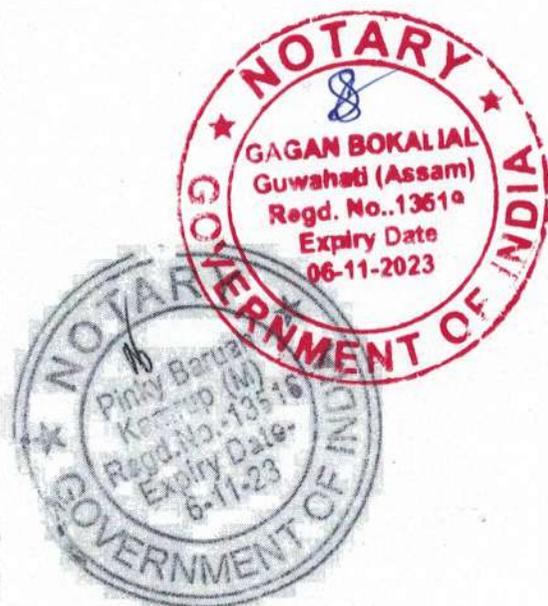
Vikram Rajkhowa

Advocate for the Original Applicants

H.No.13, Bhubon Road (Entry H.C Road),
Uzan Bazar, Guwahati – 7810001, ASSAM

vikram.rajkhowa@gmail.com

(+91) 9954348258



SYNOPSIS

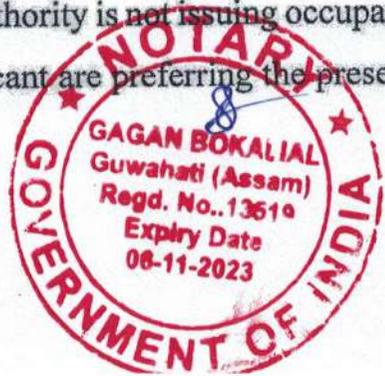
That the applicant is raising serious and substantial question of environment, more particularly violations and non-compliance of Environmental Clearance granted to M/s Arya Erectors India Pvt. Ltd. for the construction of Arya Smart Living at Abhaypur, North Guwahati, Assam on a plot of 38,106 sq.m. (around 4,10,169.57 square feet).

The Expert Appraisal Committee, Ministry of Environment & Forest, Govt. of India, recommended for the grant of Environmental Clearance for aforesaid project. Accordingly, State Environmental Impact Assessment Authority, Assam accorded necessary Environmental Clearance on 21/01/2014 as per provisions of the EIA, 2006, subject to strict compliance of the terms and conditions.

The Applicants came to learn about the Arya Smart Living project and based on the infrastructure, facilities, amenities, etc., which was to be provided by the project proponent, the Applicants purchased villa/flat in the said project. But subsequently various problems started to crop in the Arya Smart Living project as the project proponent violated and did not comply with the various conditions stipulated in the Environmental Clearance dated 21/01/2014 among other laws, including non-provision of 3 meters peripheral Green Belt around the project site, no proper storm water drainage, non-separation of grey and black water, no proper contour survey and work, etc., including non-submission of compliance reports and continuing construction without a valid Environmental Clearance after its expiry. The said violations and non-compliance have resulted in a situation whereby the concerned authorities, more particularly Guwahati

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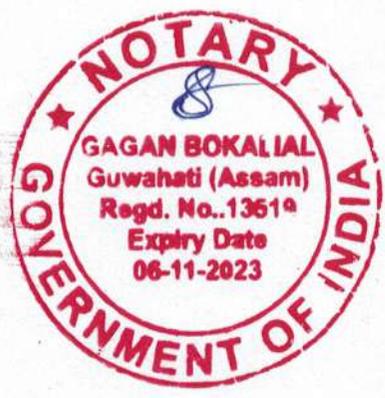
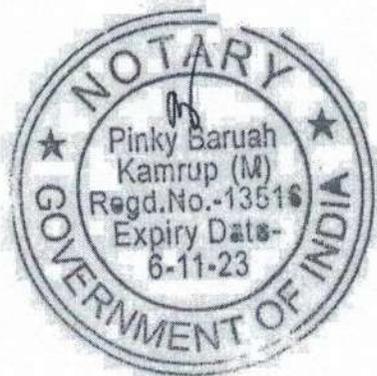
Metropolitan Development Authority is not issuing occupancy certificates. Under such circumstances, the Applicant are preferring the present application seeking adequate relief.



LIST OF DATE & EVENTS

DATE	EVENTS
12/10/2012	Approved Site Plan
- do -	Approved Landscape Plan
- do -	Approved Traffic Plan
25/06/2013	NOC of GMDA
21/01/2014	Environmental Clearance by SEIAA
12/04/2016	Office Memorandum of MoEF
31/03/2018	Planning Permit of GMDA
05/05/2018	NOC of Rudreswar Gaon Panchayat
13/05/2020	RTI reply of SEIAA
11/12/2020	RTI application
28/12/2020	RTI reply SEIAA
03/11/2021	GMDA Order
05/06/2022	Occupancy Certificate of North Guwahati Municipal Board
06/07/2022	Complaint to SEIAA
20/10/2022	Complaint to SEIAA
22/10/2022	Bed Level Survey

Signature



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH AT KOLKATA

MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Section 14 and 15 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. OF 2023/EZ

*Filed by the Applicant through
Sri. Rajkumar, Advocate*

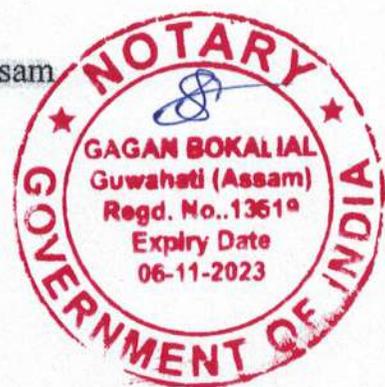
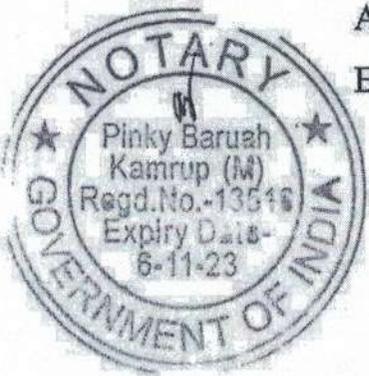
IN THE MATTER OF:

1. **Dr. Ganesh Das**
Son of Sri. Dijendra Ch. Das
Resident of Tribeni Apartment
Flat No. 5A, 5th Floor, Madhabdevpur
Rehabari, Guwahati 781008, Assam
Email: ganeshdas40244@yahoo.com

2. **Dr. Mrinmoy Borkataki**
Son of Dr. Munindra Borkataki
Resident of D-49, Arya Smart Living
Abhaypur, North Guwahati 781031, Assam
Email: dr.mrinmoyborkataki@gmail.com

3. **Sri. Brojen Dutta**
Son of Late Jiban Ch. Dutta
Resident of D-22, Arya Smart Living
Abhaypur, North Guwahati 781031, Assam
Email: brojendutta07@gmail.com

By Mr. Brojen



4. **Sri. Sanjay Baruah**
Son of Late Prutul Kumar Baruah
Resident of D-41, Arya Smart Living
Abhaypur, North Guwahati 781031, Assam
Email: sanjaybar@gmail.com

5. **Sri. Padum Deori**
Son of Sri. British Deori
Resident of Nijarapar, P.O Jagiroad
District – Morigaon, Assam
Email: padumd@gmail.com

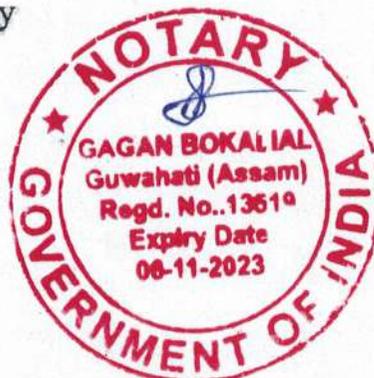
Applicants

Versus

1. **M/s Arya Erectors India Pvt. Ltd.**
Represented by its Managing Director
503, K.P Enclave, Sohagpur, Rehabari
Guwahati 781008, District – Kamrup (M)
Assam
Email: aryaerectorsindia@gmail.com

2. **State Environmental Impact Assessment Authority (SEIAA)**
Represented by its Member Secretary
Bamunimaidam, Guwahati 781021
District – Kamrup (Metro), Assam
Email: ikalita.acs@assam.gov.in

Gagan Bokalial



3. **Ministry of Environment, Forest and Climate Change**
Government of India
Represented by its Secretary
India Paryavaran Bhawan, Jorbagh, New Delhi 110003
Email: secy-moef@nic.in

4. **Guwahati Metropolitan Development Authority**
Represented by its Chief Executive Officer (CEO)
Statefed Building, Bhangagarh, Guwahati 781005
Assam
Email: ceogmdaghy@gmail.com

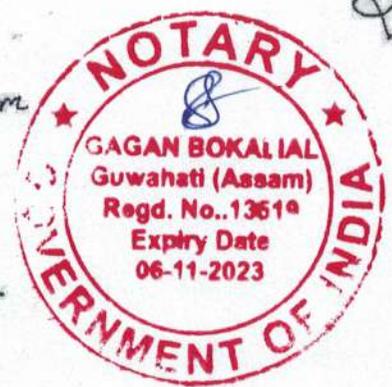
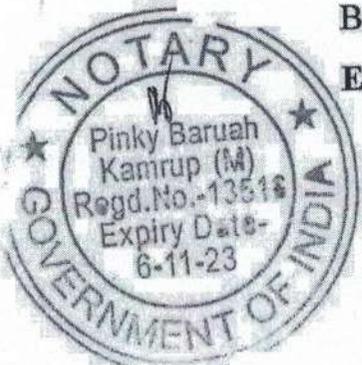
5. **North Guwahati Municipal Board**
Represented by its Chairman
North Guwahati, Guwahati 781030, Assam
Email: northguwahatimunicipalboard2016@gmail.com

6. **Rudreswar Gaon Panchayat**
Represented by its President
Rudreswar, North Guwahati 781030
Dist. - Kamrup, Assam

Email: rudreswar.gp@gmail.com

7. **Pollution Control Board, Assam**
Represented by its Member Secretary
Bamunimaidam, Guwahati 781021, Assam.
Email: membersecretary@pcbassam.org

gagan bokalial



Respondents

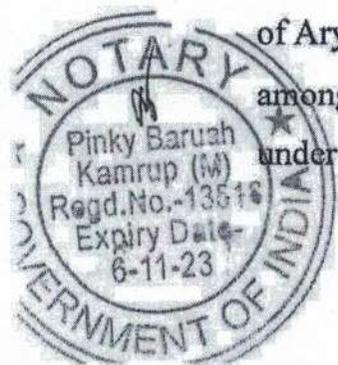
- I. The address of the Applicants is given above for the service of notices of this application.
- II. The addresses of the Respondents are given above for the service of notices of this application.

MOST RESPECTFULLY SHOWETH:

1. That the present applicants seek to raise serious and substantial question relating to the environment before the Hon'ble National Green Tribunal, more particularly in regard to violations and non-compliance of the provisions of the Environmental Clearance by Respondent No. 1 for the construction of Arya Smart Living at Abhaypur, North Guwahati, Assam, among other violations.
2. That the applicants before your Lordships are all purchasers/ owners of House (Villa/Flat) at the aforementioned Arya Smart Living at Abhaypur, North Guwahati, Assam, constructed by Respondent No. 1. It is further stated by the Applicants that Applicant No. 1 is a Doctor (Surgical Oncologist), Applicant No. 2 is a Doctor (Cardiologist), Applicant No. 3 is a Civil Engineer, Applicant No. 4 is a Civil Engineer and Applicant No. 5 is a Mechanical Engineer.

Shri...

That the Applicants are all aggrieved by the violations/ non-compliance of the provisions of the Environmental Clearance granted for the construction of Arya Smart Living at Abhaypur, North Guwahati, by Respondent No. 1, among other violations. Therefore the applicants are aggrieved persons under Section 18(2) of the National Green Tribunal Act, 2010.

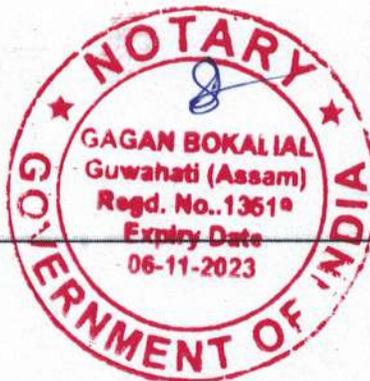
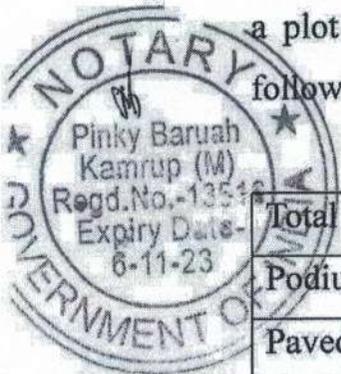


3. That it is also one of the fundamental duties of every citizen under Article 51-A(g) of the Constitution of India, to protect and improve the natural environment and it is the state's obligation under Article 48-A of the Constitution of India to protect the environment and therefore, the applicants are entitled to invoke the jurisdiction of this Hon'ble National Green Tribunal by way of the present application.

FACTS IN BRIEF:

4. That Respondent No. 1 vide application No. Nil dated 26/06/2012 and subsequent letters applied for prior Environmental Clearance (hereinafter referred to as "E.C") under the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as "EIA, 2006") a for the construction of Arya Smart Living at Abhaypur, North Guwahati, Assam on a plot of 38,106 sq.m. (i.e., 4,10,169.57 square feet approx.), with the following components:

Total construction built-up area for the project	62,133.036 sq.m.
Podium area	2886 sq.m.
Paved area	12,989.4 sq.m.
Building footprint area	12,709.6 sq.m.
Basement area	5,791.636 sq.m.
Green belt area	7,485.96 sq.m.
The complex will have <ul style="list-style-type: none"> • Villas – Type A • Villas – Type B • Villas – Type C • Apartment 	08 units 08 units 108 units 156 units 6

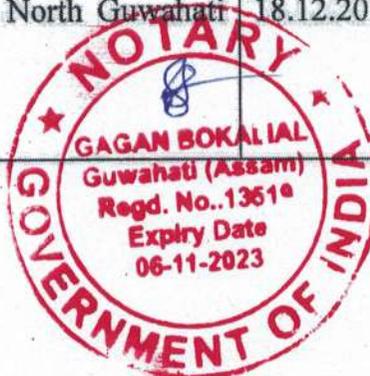
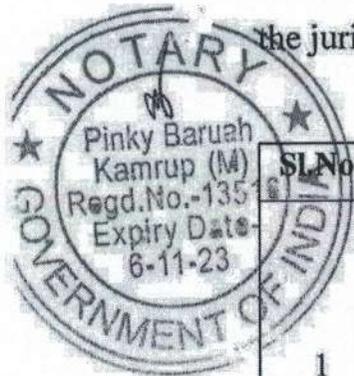


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• Shops	4
• Retail outlet	
Total water requirement of the project (estimate)	286.63 KLD
Capacity of STP	230 KLD
Treated water will be used	194 KLD
For flushing	91 KLD
Total solid waste generation for the project	1.13 TPD
Power requirement	2385.17 KW
Total car parking proposed	516 nos.
Total cost of the project	Rs.72.2 crores
There will be no discharge of waste water	

5. That Arya Smart Living real estate project of Respondent No. 1 falls under the jurisdiction of three different authorities as follows:

Sl.No.	Project under	Dag, Patta, Village	NOC	Area
1	Guwahati Metropolitan Development Authority	Dag No. 884, 885, 889, 890 & Patta No. 198 at Abhaypur	Issued on 25.06.2013	14 Bigha 0 Katha 4 Lecha
		Dag No. 884, 885, 889, 890 & Patta No. 198 at Abhaypur		5 Bigha 0 Katha 0 Lecha
2	Rudreswar Gaon Panchayat	Dag No. 885, 889, 890 & Patta No. 198 at Abhaypur	Issued on 05.05.2018	4 Bigha 4 Katha 11 Lecha
3	North Guwahati Municipal Board	Dag No. 764, Patta No. 271 at North Guwahati town	Issued on 18.12.2013	2 Bigha



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6. That the Expert Appraisal Committee, Ministry of Environment & Forest, Govt. of India, i.e., Respondent No. 3, recommended for the grant of E.C for the above mentioned project. Accordingly, Respondent No. 2 SEIAA, Assam accorded necessary E.C for the said project on 21/01/2014 bearing EC No. SEIAA.07/2013/10 as per provisions of the EIA, 2006, subject to strict compliance of the terms and conditions.

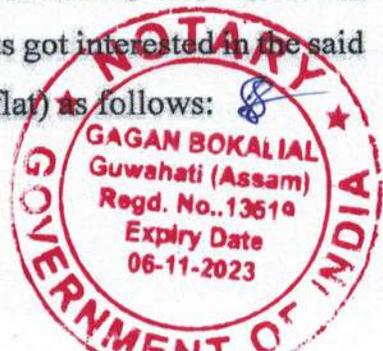
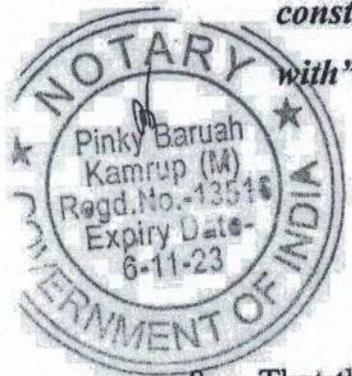
Copy of the aforesaid Environmental Clearance dated 21/01/2014 is annexed herewith as ANNEXURE - A

7. That Respondent No. 4 Guwahati Metropolitan Development Authority (hereinafter referred to as "GMDA") vide letter No. GMDA/BP/2214/261120122/156 dated 25th June, 2013 issued 'No-Objection Certificate' under Sec.25 of the GMDA Act, 1985 for construction of an RCC Building to Respondent No. 1. In the said letter the floor area as well as the setbacks was clearly mentioned and it was also stated that -

"(3) Clearance of MoEF has to be furnished before starting construction and conditions laid down therein are to be strictly complied with".

Copy of the aforesaid GMDA NOC letter dated 25/06/2013 is annexed as ANNEXURE - B

8. That thereafter the Applicants came to learn about the Arya Smart Living project and based on the infrastructure, facilities, amenities, etc., which was to be provided by Respondent No. 1, the Applicants got interested in the said project and accordingly purchased a house (villa/flat) as follows:



Guwahati

Applicant No.	Applicant Name	Villa/Flat No.	Agreement Date
1	Dr. Ganesh Das	A - 6	27/08/2018
2	Dr. Mrinmoy Borkataki	D - 49	17/03/2018
3	Sri. Brojen Dutta	D - 22	10/06/2016
4	Sri. Sanjay Baruah	D - 41	2018
5	Sri. Padum Deori	D - 84	09/02/2016

Applicants crave leave to submit Deed of Agreements between Applicants and Respondent No.1 as when the same is required by this Hon'ble Court

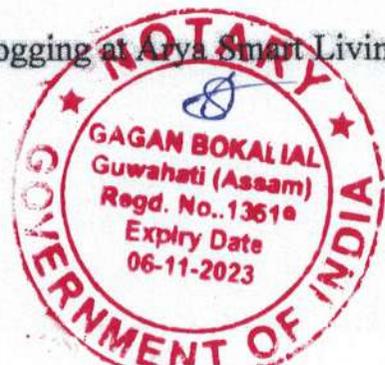
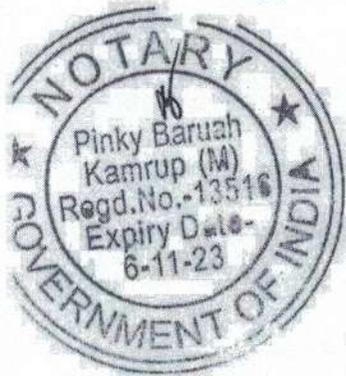
9. That the Applicants beg to state that the problems in the Arya Smart Living project started to crop up for the Buyers/ Residents as Respondent No. 1 violated and/or did not comply with various conditions stipulated in the E.C dated 21/01/2014 as given below among others:

(i) Specific Conditions at Part - A (I) (i) of E.C, i.e.,

"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage."

That Respondent No. 1 has constructed low-rise houses/apartment numbering around 123 units under Phase - 1 and around 30 units under Phase - 2 at Arya Smart Living project at North Guwahati. But whenever there is slight rain fall, the entire open area get submerged under water resulting in flood like situation and water remain stagnant for many days.

The primary reasons for water logging at Arya Smart Living project is due to -



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- (a) absence of any Storm Water Drainage, as mandated to be constructed after analysing the contour levels of the site and the surrounding area;
- (b) the capacity of Storm Water Drainage is not in compliance of E.C provisions;
- (c) bed level of road inside the project/campus is lower than the bed level of outside PWD road.

Copy of photographs showing water logging and flooding and bed level survey of Arya Smart Living is annexed as ANNEXURE – C and D respectively.

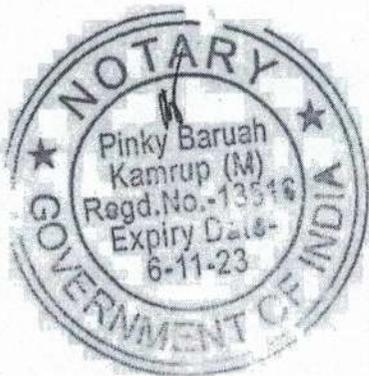
(ii) Specific Conditions at Part – A (I) (xviii) of E.C, i.e.,

“Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water”

That at present the grey water is directly connected to the open drains which in turn is causing unhygienic environment inside the premises. Moreover, the grey water mixed with rainwater spreads over the entire open areas whenever there is rain and waterlogging

referred

Copy of photographs showing grey water mixed with rain water at Arya Smart Living is annexed as ANNEXURE – E



(iii) Operation Phase Conditions at Part – A (II) (i) of E.C, i.e.,

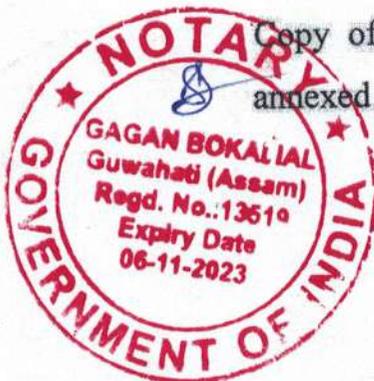
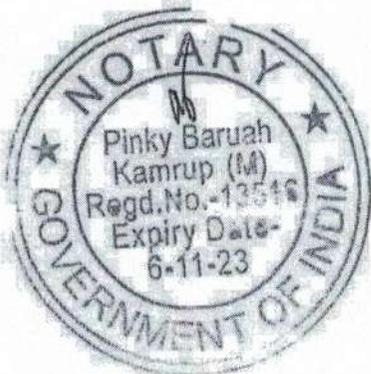
“The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralised treatment should be done. Zero discharge criteria should be met as agreed.”

That the Applicants submitted RTI application with Respondent No. 2 SEIAA dated 11/12/2020, including others, wherein various information was sought pertaining to the project, like:

- (a) validity of EC dated 21/01/2014
- (b) report regarding installation of Sewage Treatment Plant (STP) certified by an independent expert;
- (c) report regarding Rain Water Harvesting;
- (d) report confirming internal road width of 7 m and 9 m inside the project area;
- (e) six monthly compliance report of EC conditions, among others

Annexure

Copy of aforesaid RTI applications are annexed as ANNEXURE – F



Thereafter the Applicants received RTI reply dated 28/12/2020 and 13/05/2022 from Respondent No. 2 SEIAA informing the Applicants that the Respondent No. 1 has not applied for extension of the E.C dated 21/01/2014 which was valid up to 21/01/2019 and in regard, to other information sought the same is not available in the office records.

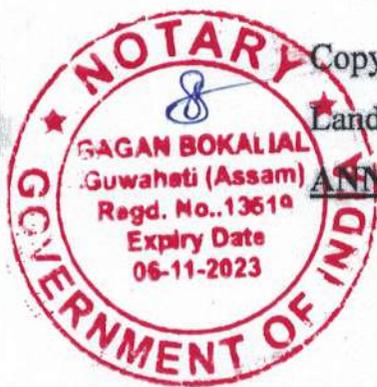
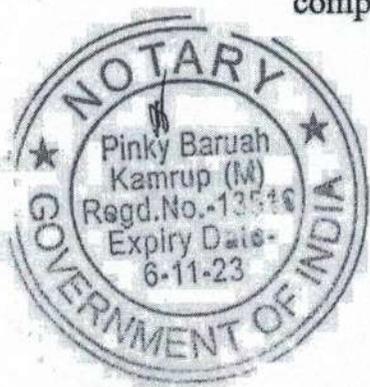
Copy of aforesaid RTI reply dated 28/12/2020 and 13/05/2022 are annexed as ANNEXURE – G (colly.)

(iv) Operation Phase Conditions at Part – A (II) (v) of E.C, i.e.,

“The peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.”

The Applicants beg to state that 3 mtrs. peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintaining the peripheral green belt as structures like, drains, sheds, pathways, etc., are being constructed instead of the green belt. Be it stated that the total green belt area is to be around 7,485.96 sq.m. according to the E.C but Respondent No. 1 has completely violated the said requirement.

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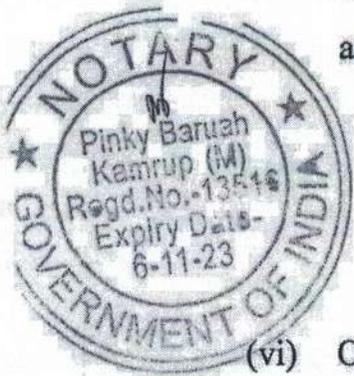


Copy of approved Site Plan and Landscape Plan is annexed as ANNEXURE – H and I respectively.

(v) Operation Phase Conditions at Part – A (II) (ix) of E.C, i.e.,

“Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mtrs. and 9 mtrs. in the project area.”

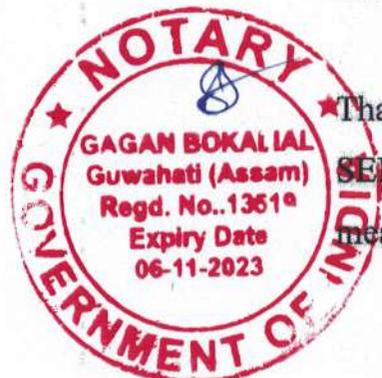
It is observed from the sanctioned plan and present construction, there are some internal roads with width of 6 mtrs. only, which is causing traffic congestions and water logging as the roads are not constructed as mandated by Respondent No. 2 SEIAA.



Copy of approved Traffic Layout Plan is annexed as ANNEXURE – J

(vi) Operation Phase Conditions at Part – A (II) (x) of E.C, i.e.,

“A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months.”



That according to the RTI response received from Respondent No. 2 SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not

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available.

10. That Respondent No. 1 received Environmental Clearance on 21/01/2014 with validity for a period of 5 years, i.e., till 21/01/2019. Thereafter Respondent No. 3 MoEF&CC vide O.M dated 12/04/2016 extended the validity of E.C of the projects which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly the E.C dated 21/01/2014 of Respondent No. 1 got automatically extended to 7 years, i.e., up to 21/01/2021.

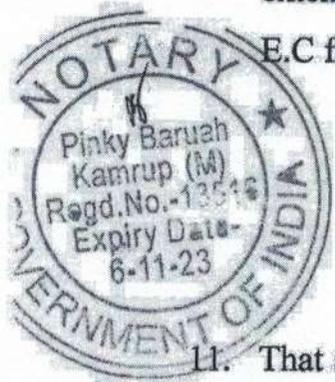
However the project construction of Respondent No. 1 is yet to be completed and therefore they were required to apply for the extension of E.C dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted by RTI reply of Respondent No. 2 SEIAA dated 28/12/2020 and 13/05/2022 annexed as *Annexure – G (colly.)* the Respondent No. 1 has not applied for extension of EC dated 21/01/2014 till date, thereby operating without a valid E.C from 21/01/2021 onwards in violation of laws.

A copy of O.M dated 12/04/2016 is herewith annexed as ANNEXURE – K.

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11. That according to EIA Notification, 2006 it is stated at para. 9 in regard to the Validity of Environmental Clearance as follows –

“...period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority concerned by a maximum period of five years provided any application is made to the regulatory authority by the applicant within the validity period, together with an



updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule).”

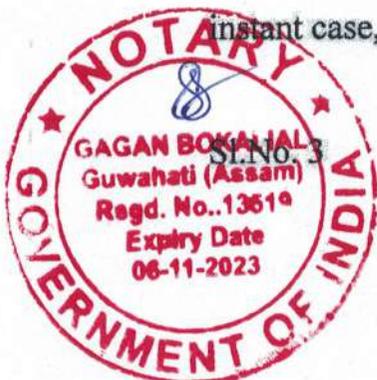
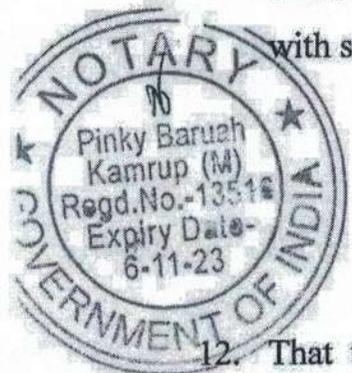
Be it stated that an order dated 13.06.2022 passed by the Real Estate Regulatory Authority, Assam (hereinafter referred to as “REAT, Assam”) wherein Respondent No. 1 is a party, has observed that the promoter (Respondent No. 1) will submit application in prescribed form regarding extension of project completion period. Furthermore, it is reflected in the aforesaid order dated 13/06/2022 that the representative of Respondent No. 4 GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan. It is clear from the aforesaid observations that the project proponent have not yet completed the project and construction is still continuing without a valid E.C after its expiry on 21/01/2021 in violation of EIA Notification, 2006 among other laws. Therefore this is a fit case for the interference of this Hon’ble Court and to direct the initiation of action against Respondent No. 1 under section 15 read with section 19 of The Environment (Protection) Act, 1986.

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A copy of REAT, Assam dated 13.06.2022 is herewith annexed as ANNEXURE - L

12. That the applicant begs to state that it is reflected in an Order dated 03/11/2021 passed by Respondent No. 4 GMDA that certain directions were issued to Respondent No. 1 for further consideration of O.C, i.e., Occupancy Certificate, out of which two directions are particularly important to the instant case, which is as follows:

The flat owners who have occupied the building without obtaining Occupancy Certificate from this Authority are



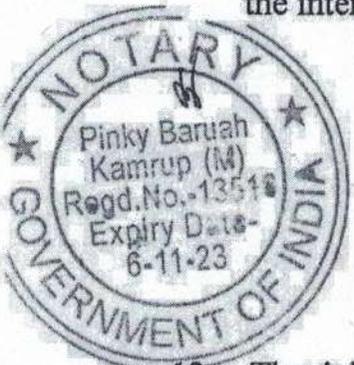
directed to vacate the premise, until all the deviations are regularized and Occupancy Certificate is issued.

- Sl.No. 5 Registration particulars of RERA and periodic compliance report submitted to MoEF against Environmental Clearance are to be furnished.

That the Applicants beg to state that two aspects are especially clear from the aforementioned directions that Respondent No. 1 has not submitted periodic compliance report and without submitting the same the concerned authorities, more particularly Respondent No. 4 GMDA are not issuing Occupancy Certificates. Be it stated that the non-compliance and violations by the Respondent No. 1 has put the Applicants among other residents in a precarious situation wherein their hard earned money and dream to own a home is on the doldrums for no fault of theirs. Therefore this is a fit case for the interference of this Hon'ble Court.

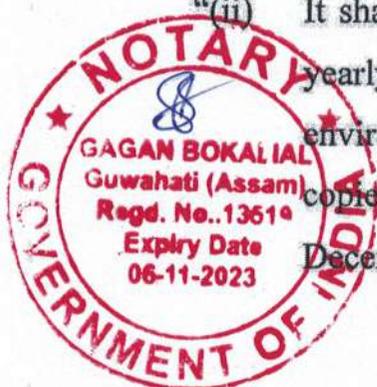
A copy of Respondent No. 4 GMDA Order dated 03.11.2021 is herewith annexed as ANNEXURE - M

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- 13. That it is stated in Clause 10 of the EIA Notification, 2006 at Sub-clause (ii) and (iii) as follows:

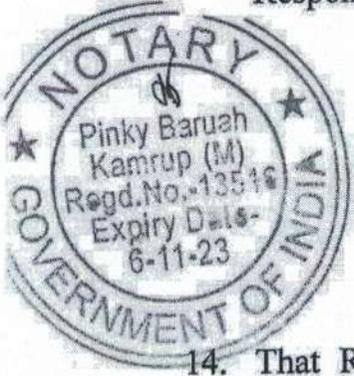
“(ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.



(iii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall be displayed on the web site of the concerned regulatory authority.”

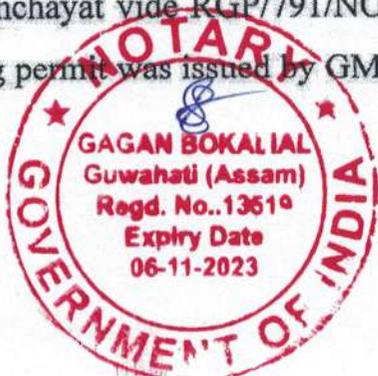
Be it stated that the Applicants have submitted RTI applications seeking copies of various Compliance Reports as mandated by EIA Notification, 2006 from Respondent No. 2 SEIAA but as highlighted earlier at abovementioned paragraph 8(iii), Respondent No. 2 could not provide any Compliance Reports pertaining to the instant project and stated that no such records are available with them. Thereafter the Applicants filed complaints with Respondent No. 2 SEIAA highlighting the said aspect as well as number of violations and non-compliance of EC provisions but Respondent No. 2 did not take any action against the erring project proponent, i.e., Respondent No. 1 till date.

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Copies of complaints to Respondent No. 2 SEIAA dated 06.07.2022 and 20.10.2022 is annexed as ANNEXURE – N & O respectively.

14. That Respondent No. 5 North Guwahati Municipal Board has issued occupancy certificate for around 33 units constructed within the plot area of 38,106 square meter vide NGMB/BP(OC)/2022-2023/2513 dated 06/05/2022 for which construction permission NOC was issued by Respondent No. 6 Rudreswar Gaon Panchayat vide RGP/791/NOC/2004-05/17/81 dated 05/05/2018 and planning permit was issued by GMDA vide 931/0771/17-18/83 dated 31/03/2018.

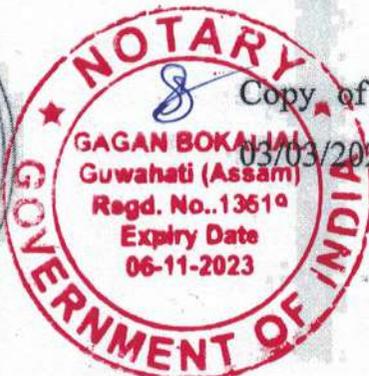
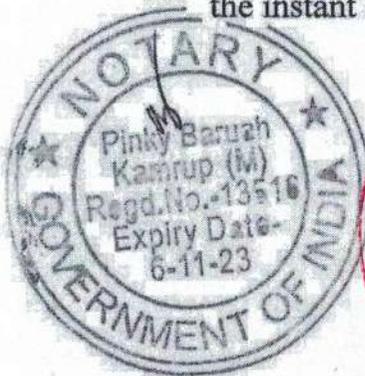


It is clearly mentioned in the NOC issued by Respondent No. 6 Rudreswar Gaon Panchayat that -

1. This NOC is subject to strict adherence to plan, approved drawing, estimate and permissible/required limit of GMDA, following all rules, regulations, clauses and bye-laws made by the Government of Assam and other concerned authorities from time to time in this regards.
2. Any alteration/addition/subtraction of the approved drawing and non-compliance of permissible/required limit of GMDA mentioned in planning permit No. 931/0771/17-18/83 dated 31/03/2018 will construe this NOC as cancelled. However, the Respondent No 6 has issued the occupancy certificate for around 33 units without conforming to the conditions as mentioned in E.C dated 21/01/2014 issued earlier by Respondent No. 2 for construction in total land area of 38,106 square meter, more particularly without providing 3 mtr. Green Belt around the project site, Rain Water Harvesting, etc.

Copy of Occupancy Certificate dated 06/05/2022, NOC dated 05/05/2018 and Planning Permit dated 31/03/2018 is annexed as ANNEXURE - P, O & R

15. Therefore the Applicants are filing the instant application under the facts and circumstances as mentioned above and upon the grounds here under. Furthermore the applicants No. 2 to 5 has authorized applicant No. 1 to file the instant application and do all such acts and deeds in this regard.



Copy of authorization dated 28/02/2023 and 03/03/2023 is annexed as ANNEXURE - S & T

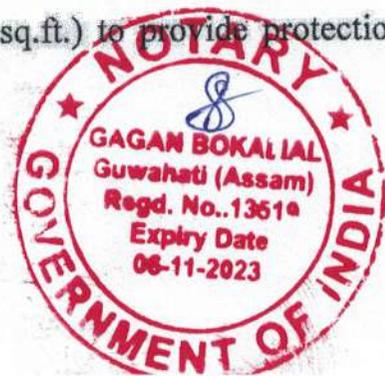
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GROUND

That the applicant is filing the present Application on the following, among other grounds which the applicants may take at the time of hearing of the matter:

- A. BECAUSE Respondent No. 1 has violated and/or not complied with the terms and conditions of the E.C dated 21.01.2014 as per provisions of the EIA Notification, 2006.
- B. BECAUSE Respondent No. 1 has violated and/or not complied with Specific Conditions at Part – A (I) (i) of E.C dated 21.01.2014 and have not properly analysed the contour levels of the site and the surrounding area and the capacity of storm water drainage leading to water logging and flooding.
- C. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 by failing to 100% treat the grey water through decentralized treatment and failing to submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA and/or concerned authorities.
- D. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by failing to develop peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise.

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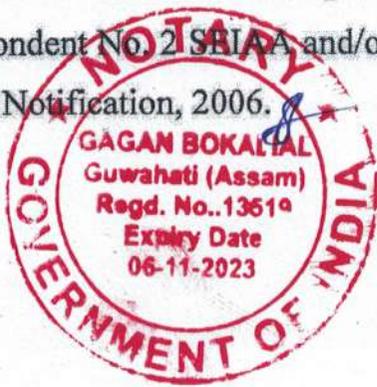
- E. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (ix) of E.C dated 21.01.2014 by failing to keep the width of the internal road at 7 mtrs. and 9 mtrs. in many places of the project area, leading to traffic congestion and water logging.
- F. BECAUSE Respondent No. 1 has violated and/or not complied with Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by failing to submit a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months.
- G. BECAUSE Respondent No. 1 has violated and/or not complied with EIA Notification, 2006 by not extending the E.C dated 21/01/2014 which expired on 21/01/2021 by continuing construction of the project without a valid extension of EC from SEIAA and/or concerned authorities.

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H. BECAUSE Respondent No. 1 has violated and/or not complied with the directions of Respondent No. 4 GMDA by failing to submit periodic compliance report and without submitting the same Respondent No. 4 GMDA will not issue Occupancy Certificates, and have directed that the premises should be vacated for no fault of the Applicants and/or resident buyers.

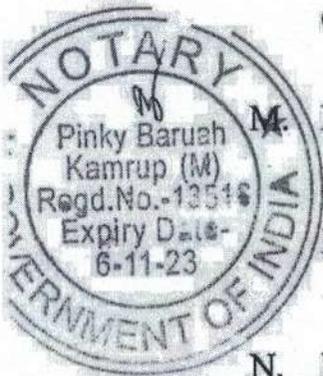
- I. BECAUSE Respondent No. 1 has not submitted Compliance Reports among other reports with Respondent No. 2 SEIAA and/or concerned authorities as mandated by EIA Notification, 2006.



J. BECAUSE Respondent No. 2 SEIAA has not acted upon the complaints filed by the Applicants with the said authority highlighting the number of violations and non-compliance of EC provisions by Respondent No. 1 but Respondent No. 2 have not taken any step/action against the erring project proponent till date.

K. BECAUSE Respondent No. 4 could not have granted Occupancy Certificate to Respondent No. 1 without the compliance of E.C conditions as required by law.

L. BECAUSE in the Hon'ble Apex Court judgments in *T.N Godavarman Thirumulpad vs. Union of India & Ors.*, (2014) 4 SCC 61 and *Lafarge Umiam Mining Private Ltd. vs. Union of India*, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and there is a need for effective monitoring mechanism.



M. BECAUSE the principle of Sustainable Development and the Precautionary principle, which have been held to be part of 'Right to Life' require that EC conditions are fulfilled.

N. BECAUSE under Article 48-A of the Constitution of India it states that the "State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

LIMITATION

That the present application is being filed within the limitation period as it is a continuing cause of action and hence within the period of limitation under section 14 of the National Green Tribunal Act, 2010



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INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the Applicants have a good *prima facie* case, and in consideration of said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to -

- (i) direct Respondent No. 1 to stop all construction activities in the Arya Smart Living project site wherein construction is going on without a valid Environmental Clearance, and/or
- (ii) direct Respondent No. 1 to submit all Compliance Reports (till date) with the concerned authorities, with a copy of the same provided to the Applicants, and/or
- (iii) direct the formation of a fact finding Committee and conduct inspection of the project site for violations and non-compliance of Environmental Clearance dated 21/01/2014 and submit a report before this Hon'ble Court, and/or

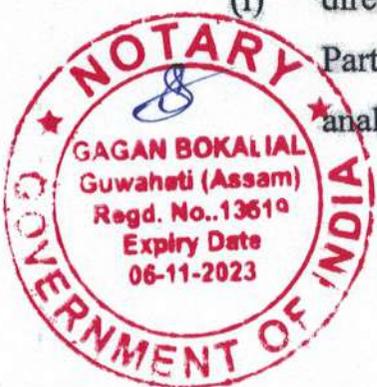
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PRAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the Applicant that this Hon'ble Tribunal may be pleased to -

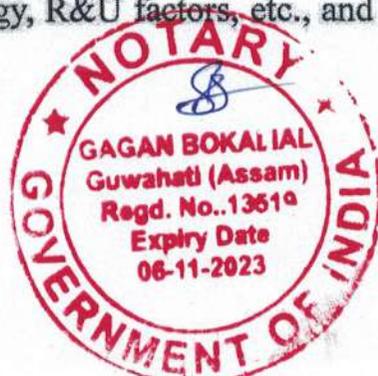
- (i) direct Respondent No. 1 to comply with the Specific Conditions at Part - A (I) (i) of E.C dated 21.01.2014 and take necessary steps to analyze the contour levels of the site and the surrounding area and



the capacity of storm water drainage and take necessary steps to address the problem of water logging and flooding, and/or

- (ii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (i) of E.C dated 21.01.2014 and treat 100% of the grey water through decentralized treatment and submit a report in regard to the installation of Sewage Treatment Plant (STP) certified by an independent expert to SEIAA or to concerned authorities, and/or
- (iii) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (v) of E.C dated 21.01.2014 by developing the peripheral green belt of 3 mtrs. width all around the plot area with local species totalling to around 7,485.96 sq.m. (around 80,578.203 sq.ft.) to provide protection against particulates and noise, and/or
- (iv) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (ix) of E.C dated 21.01.2014 by keeping the width of the internal road at 7 mtrs. and 9 mtrs., and/or
- (v) direct Respondent No. 1 to take necessary steps to comply with the Operation Phase Conditions at Part – A (II) (x) of E.C dated 21.01.2014 by submitting a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA immediately, and/or

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- (vi) direct Respondent No. 1 to comply with all the provisions of the Environmental Clearance dated 21/01/2014, and/or
- (vii) direct respondent No. 1 not to operate without a valid Environmental Clearance, and/or
- (viii) direct the respondent authorities to initiate action against Respondent No. 1 under section 15, 16 and 19 of The Environment (Protection) Act, 1986, among other laws, for violation and non-compliance of E.C dated 21/01/2014 among other violations, and/or
- (ix) To pass any other such order(s)/direction(s) as this Hon'ble Tribunal seem fit and proper in the facts and circumstances of the present case.

DATE: 13 March 2023

PLACE: Guwahati

DRAWN & FILED BY:

Vikram Rajkhowa

Vikram Rajkhowa

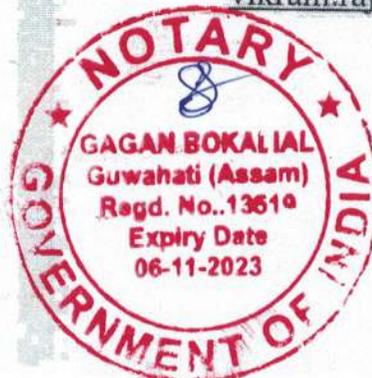
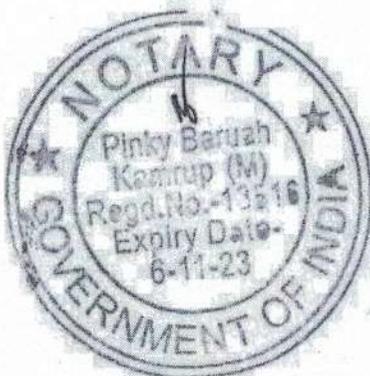
Advocate for the Original Applicants

H.No.13, Bhubon Road, Uzan Bazar

Guwahati – 7810001, ASSAM

vikram.rajkhowa@gmail.com

(+91) 9954348258



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA**

O.A No. OF 2023/EZ

IN THE MATTER OF:

Sri. Ganesh Das & Others : Applicants

Vs.

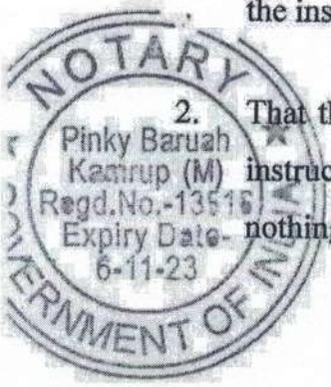
M/s Arya Erectors India Pvt. Ltd., represented
by its Managing Director & Others : Respondents

AFFIDAVIT

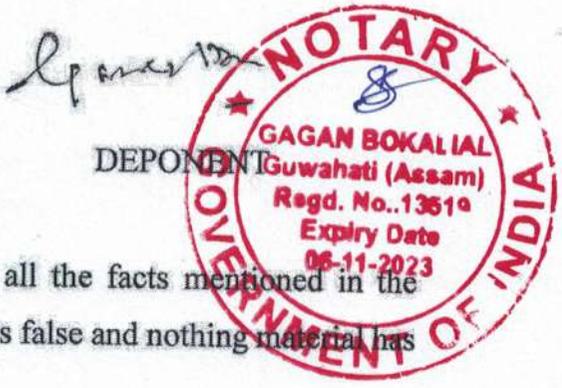
I, Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, aged around 51 years, resident of Tribeni Apartment, Flat No. 5A, Madhabdevpur, Rehabari, Guwahati 781008, in the district of Kamrup (Metro), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and as such I am fully conversant with the facts and circumstances of the case, and I am also authorized by the other applicants vide letter dated 28.02.2023 and 03.03.2023 annexed with the instant petition, hence I am competent to swear this affidavit on their behalf.

2. That the accompanying application has been drafted by my counsel on my/our instructions and I/We have read and understood the contents of the same and nothing material has been concealed therefrom.



No. 61
Date 13.03.23



Ganesh Das

DEPONENT

VERIFICATION:

I, the above named, deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

Identified by
Debayit Gogoi
Advocate
Enrl. No. 1054/14-15

Pinky Baruah
NOTARY
Guwahati, Kamrup (M)
Regd. No. 13516
Expiry Date: 06-11-2023

Ganesh Das

DEPONENT

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

VAKALATNAMA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA**

O.A No. OF 2023/EZ

IN THE MATTER OF:

Sri. Ganesha Das & Others

: Applicants

Vs.

M/s Asya Erectors India Pvt. Ltd.
represented by its Managing Directors & Others

: Respondents

Know all men by these presents that the above, named Dr. Ganesha Das, Dr. Himmay Borakati, Sanjay Baruah and Sri. Brajen Dutta do hereby nominate, constitute and appoint Sri. Vikram Rajkhowa and Sri. Debojit Gogoi, Advocates, as shall accept this Vakalatnama to be his/their true and lawful Advocates to appear and act for him/them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In witness whereof I/we hereunto set my hand on this 28 day of January 2023.

Handwritten signature/initials on the right margin.

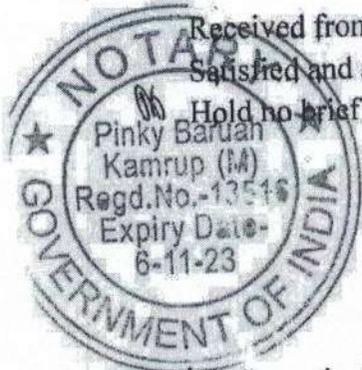
Himmay Borakati

[Signature]

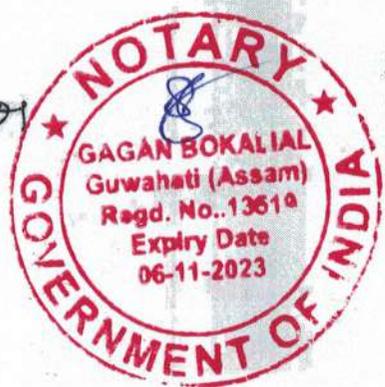
SANJAY BARUAH

Dr. Ganesha Das [Signature]

Received from the executants
Satisfied and accepted as I/We
Hold no brief for the other side.



Debojit Gogoi
Advocate



Signature of Executant/s

Vikram Rajkhowa
Advocate

VAKALATNAMA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA**

O.A No. OF 2023/EZ

IN THE MATTER OF:

Dr. Ganesh Das & Others

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented
by its Managing Director & Others

: Respondents

Know all men by these presents that the above, named

Padum Deori

do hereby nominate, constitute and appoint **Sri. Vikram Rajkhowa and Sri. Debojit Gogoi, Advocates**, as shall accept this Vakalatnama to be his/their true and lawful Advocates to appear and act for him/them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In witness whereof I/we hereunto set my hand on this 3rd day of March, 2023.

Signature

Received from the executants
Satisfied and accepted as I/We
Hold no brief for the other side.

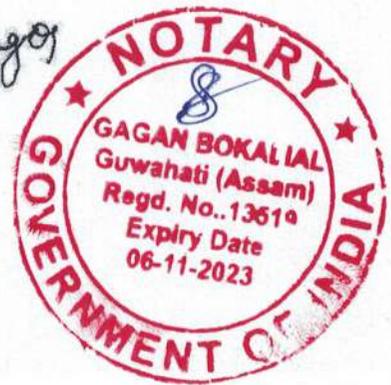


Vikram Rajkhowa
Advocate

Padum Deori

Signature of Executant/s

Debojit Gogoi
Advocate





F. No. SEIAA.07/2013/10

Government of Assam

State Environment Impact Assessment Authority (SEIAA)

Bamunimaidam, Guwahati - 781021

Dated 21st January, 2014

To,

M/s Arya Erectors India Pvt. Ltd.
503, K.P. Enclave, Sohagpur,
Rehabari, Guwahati - 781008.

Subject: Environmental Clearance for construction of Arya Smart Living at Abhaypur, North Guwahati, Assam by M/s Arya Erectors India Pvt. Ltd. - Reg.

Sir,

This has reference to your application No. Nil dtd 26/6/2012 and subsequent letters seeking prior Environmental Clearance for the procedure in the lights of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form I, Form IA and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meeting held on 19th September, 2012 and subsequently, recommend the proposal by SEAC on 17/7/ 2013 for issue of Environmental Clearance for the project.

2. It is interalia, noted that the project involves the construction of Arya Smart Living at Abhaypur, North Guwahati on a plot area of 38,106 sq. m. The total construction built up area proposed for the project is 62,133.036 sq. m. The Podium area 2886 sq.m. The paved area is 12989.4 sq.m. The building foot print area is 12709.6 sq.m. The basement area 5791.636 sq.m. The Green belt area is 7484.96 sq.m. The complex will have Villas- Type A 08 units, Type B 08 units, Type C 108 units, Apartment units 156, Shops 6 and Retail outlet 4. The total water requirement of the project is estimated to be about 286.63 KLD. The capacity of STP is 230 KLD. The treated water will be used 194 KLD and for Flushing 91 KLD. There will be no discharged of waste water. Total solid waste generation for the project will be 1.13 Tones per day. The power requirement is 2385.17 KW. Total car parking proposed 516 nos. The total cost of the project is Rs. 72.2 Cores.

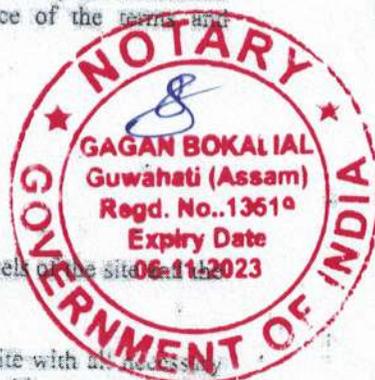
3. The Expert Appraisal Committee, Ministry of Environment & Forest, Govt. of India after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project mentioned above. Accordingly, SEIAA, Assam hereby accord necessary Environmental Clearance for the above project as per the provisions of Environmental Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:-

PART - A. SPECIFIC CONDITIONS

I. Construction Phase

- (i) The storm water drainage shall be worked out after analyzing the contour levels of the site and surrounding area and the capacity of storm water drainage.
- (ii) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, toilets, mobile STP, safe drinking water, medical health care, crèche, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (iii) A First Aid Room shall be provided in the project both during construction and operation of the project.

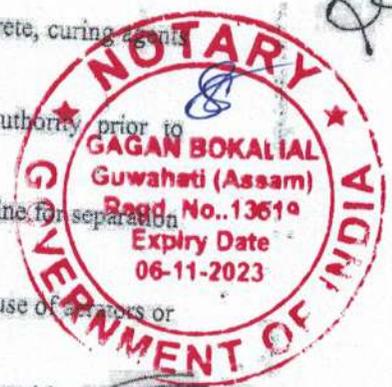
Member Secretary



Handwritten signature

- (iv) All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
- (v) Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (vi) Soil and ground water samples shall be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- (vii) Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.
- (viii) Any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms.
- (ix) The diesel generator sets and concrete mixture to be used during construction phase should be low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
- (x) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- (xi) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 subject to availability of the same.
- (xii) Ready mixed concrete must be use in building construction.
- (xiii) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- (xiv) Ambient noise level should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB.
- (xv) Storm water control and its re-use as per CGWB and BIS standards for various applications be maintained.
- (xvi) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xvii) Permission for ground water use shall be obtained from the competent Authority prior to construction/operation of the project.
- (xviii) Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.
- (xix) Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- (xx) Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality low E value glass.
- (xxi) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- (xxii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.

g mason



Member Secretary
SEIAA, Assam

(xxiii) The approval of the competent authority shall be obtained for structural safety of the building due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightning etc.

(xxiv) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.

(xxv) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it is found that construction of the project has been started without obtaining environmental clearance.

II. Operation Phase

(i) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed.

(ii) The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry/ inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.

(iii) Diesel power generating sets proposed as source of power during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel is obligatory. The location of the DG sets may be decided suitably without disturbance to the public.

(iv) Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

(v) The peripheral green belt of 3 mtrs. Width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.

(vi) Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon period.

(vii) Rain water harvesting for roof run-off and surface run-off should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging should be kept at least 5 mts. above the highest of ground water table.

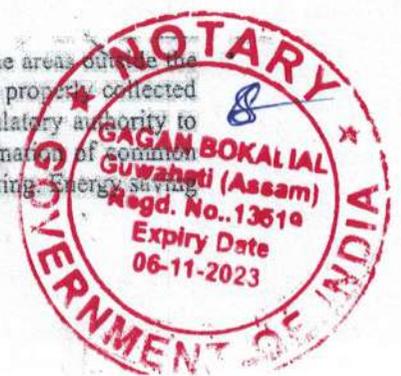
(viii) The ground water level and its quality should be monitored regularly.

(ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mt. and 9 mts. in the project area.

(x) A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors, etc. and submit to the SEIAA in three months time.

(xi) Energy conservation measures like installation of CFLs/TFLs for the lighting the areas outside the building should be integral part of the project design. Use CFLs and TFLs should be properly collected and disposed off/ sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar energy should be incorporated for illumination of common areas, lighting for garden and street lighting in addition to provision for solar water heating. Energy saving should be achieved up to 20% as committed.

Signature



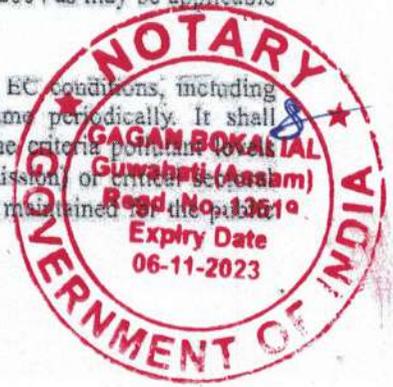
- (xii) Central air-conditioning energy efficient system having at least 3 stars rating of BEE may be provided for the proposed project.
- (xiii) Efforts may be made to use solar energy to the maximum extent possible.
- (xiv) Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.
- (xv) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air, and ventilation.
- (xvi) The emergency evacuation plan should be implemented as stated.

PART - B. GENERAL CONDITIONS

1. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/ Regional Office of MoEF.
2. The SEIAA while monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/ data during inspection by the project proponent.
3. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA.
4. The SEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
5. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972, etc. shall be obtained, as applicable by project proponents from the respective competent authorities.
6. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environmental (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.
7. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the SEIAA, Assam. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the SEIAA, Assam.
8. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 460 of 2004 as may be applicable to this project.
9. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of MoEF. The criteria pollutants to be monitored, namely PM₁₀, PM_{2.5}, SO₂, NO_x, etc. (ambient levels as well as stack emission) of critical sectors/parameters, indicated for the project shall be monitored and a record be maintained in the public domain.

Amish D

[Signature]
Member Secretary
SEIAA Assam



- 10. The environmental statement for each financial year ending 31st March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall also be sent to the respective Regional Offices of MoEF by e-mail.
- 11. This Environmental Clearance is valid for a period of Five Years from the date of issue.

Yours faithfully,

[Signature]
 Member Secretary
 Member Secretary SEIAA Assam
 SEIAA, Assam
 Bamunimaidam, Guwahati-21

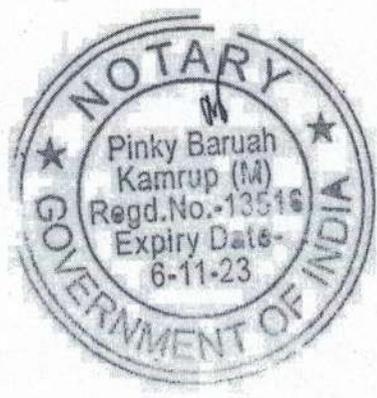
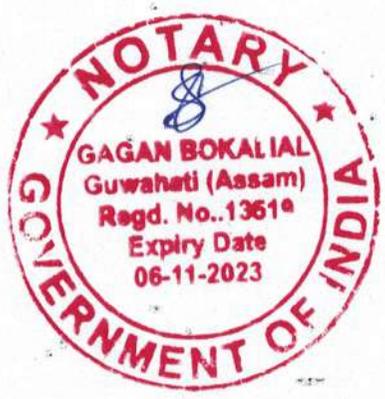
Memo No. SEIAA/07/2013/10

Dated 21st January, 2014.

Copy to the :-

- 1) Principal Secretary / Secretary to Govt. of Assam, Environmental & Forest Department, Dispur, Guwahati-6 for favour of information.
- 2) PCCF, Forest Department, Govt. of Assam, Rebari, Guwahati-8 for kind information.
- 3) Regional Office, MoEF, Govt. of India, Low-u-sib, Lumbatngen, Near MTC Workshop, Shillong-793021 for favour of information.

[Signature]
 Member Secretary
 Member Secretary SEIAA Assam
 SEIAA, Assam
 Bamunimaidam, Guwahati-21



[Handwritten signature]

Sl.No.

OFFICE OF THE ANNEXURE
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
GUWAHATI

No. - GMDA/BP/2214/Z6112012/156

Dated : Tuesday, June 25, 2013

To : Shri ANIL KUMAR SARMA, MANAGING DIRECTOR OF ARYA ERECTORS INDIA (P) LTD.
503, K. P. ENCLAVE
SUHAGPUR, REHABARI
GUWAHATI - 781008

Sub : Issue of No-Objection Certificate under Sec.25 of the GMDA Act, 1985 for construction of an Assam-Type / R.C.C. Building / Boundary Wall .

Ref. : Your application dated Monday, November 26, 2012

Sir / Madam,

With reference to your application for permission to erect / re-erect / add-to / alter / a building / Boundary Wall at village ABHAYPUR of SILA SINDURI GHOPA mouza, Dag No. 884,885,889,890 PattaNo. 198 on EXISTING=10M AND PROPOSED=25M GOPINATH BORDOLOI road for RESIDENTIAL purpose in accordance with the plans submitted with it, with area of each floor and setbacks as shown below

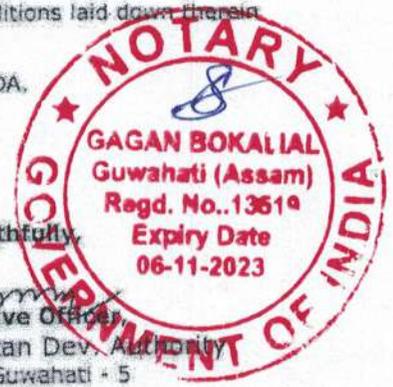
Floor Area :	Ground	10924.96 Sq.M	/ 1st	10520.32 Sq.M	/
	2nd	5289.92 Sq.M	/ 3rd	xxxx	/
	4th	xxxx	/ 5th	xxxx	/
	6th	xxxx	/ 7th	xxxx	/
	8th	xxxx	/ 9th	xxxx	/
	Mezzanine	288 Sq.M	/ Basement	xxxx	/

Boundary wall at ABHAYPUR Guwahati.

Setbacks :	North	6.35 M,15.59 M	South	3.0 M,3.08 M,3.74 M,4.46 M,6.11 M
	East	3.17 M,8.39 M,9.42 M,9.59 M,10.40 M	West	3.0 M,3.24 M,4.80 M

Your application is hereby -

- (1) Sanctioned for the aforesaid construction under Bye-law 14 of the Guwahati Metropolitan Development Authority .
- (2) Sanctioned for construction with the following modification shown by red in the drawings.
- (3) Clearance of MOEF has to be furnished before starting construction and conditions laid down therein are to be strictly complied with.
- (4) The NDC is not to be honoured without the affixed security hologram of GMDA.



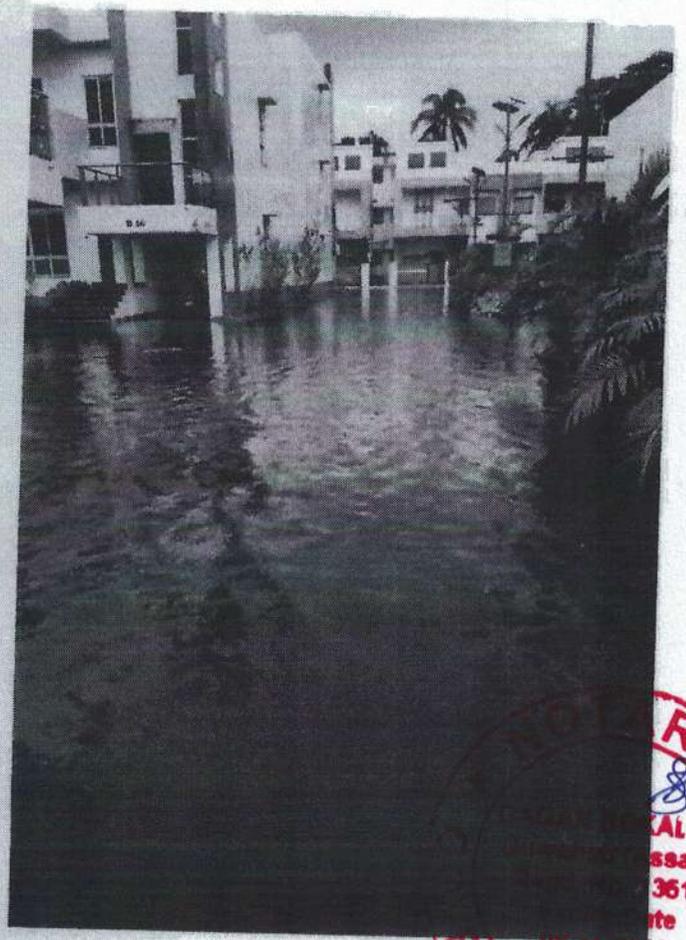
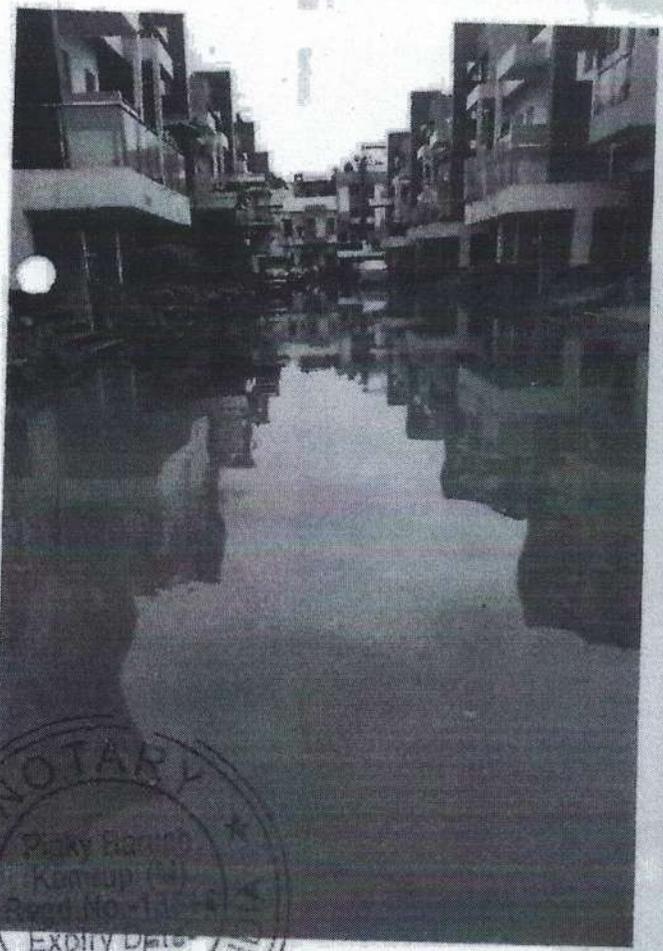
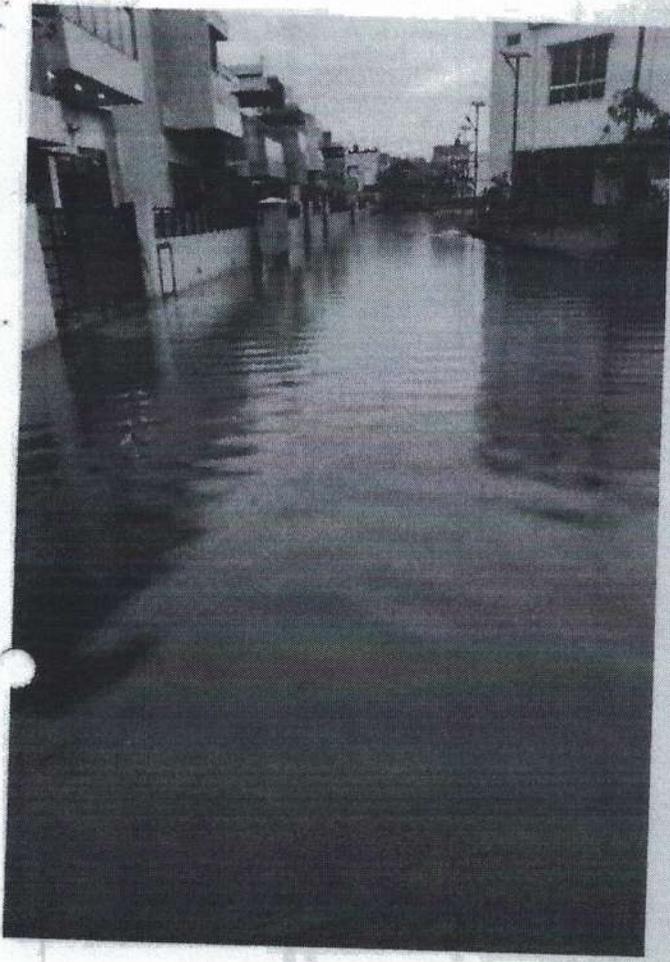
Yours faithfully,

For Chief Executive Officer
Guwahati Metropolitan Dev. Authority
Bhangagarh, Guwahati - 5
Chief Executive Officer

Encl : One copy of approved plan.

N.B. :- See Notice overleaf

Handwritten signature/initials



Secretary

NOTARY
P. Jayaram
Kannur (Kerala)
Notary No. 100
EXPIRY DATE
6-11-2023
GOVERNMENT OF INDIA

NOTARY
SPECIAL
(Kannur)
3610
GOVERNMENT OF INDIA
06-11-2023



ARYA SMART LIVING – SURVEY REPORT
Abhaypur, North Guwahati, Dist-Kamrup, Assam

AREA STATEMENT as per Document received from client.

Total Plot Area = 30 Bigha 4 Lessa as bellow.

Phase I = 23 Bigha 13 Lessa, with Dag No- 884,885,889,890 and patta no 198

Phase II = 4 Bigha 4 katha 11 lessa Dag No= 884,885,889,890 and patta no 198

Club House (Phase III) = 2 Bigha with dag 764 patta 271

Data recorded as per Topographical Survey

Comprehensive Topographical Survey done on 06/10/2022. All data are available in the topographical site plan in meter with respect temporary benchmark 100 meter at middle of the ASL campus of phase I.

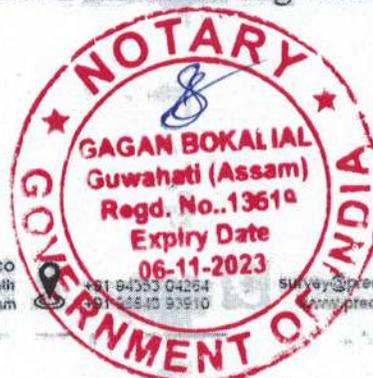
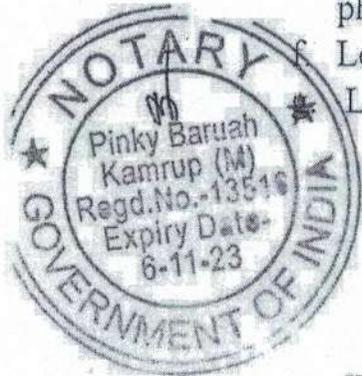
A. AVERAGE GROUND LEVEL

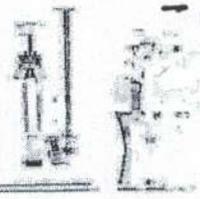
- a. Inside Phase 1 campus– 99.88
- b. Inside phase 2 campus– 100.277
- c. PWD Road – 100.160
- d. Western side (outside of wall) – 100.160
- e. Southern side (outside of wall) – 100.495
- f. Eastern side (outside of wall) – 100.140
- g. North east side (outside of wall) – 99.92
- h. Northern side (outside of wall) – 100.277

B. DRAIN

- a. Right drain starting point – 98.940
- b. Right drain end point – 99.110
- c. Left drain starting point- 99.779
- d. Left drain end point- 99.110
- e. **Tri junction point** (junction between drains (right , left drain of phase I) and drain from phase 2) – 99.110
- f. Left main outlet drain starting point – 99.110
- g. Left main outlet drain connecting with PWD drain – 99.269

Survey

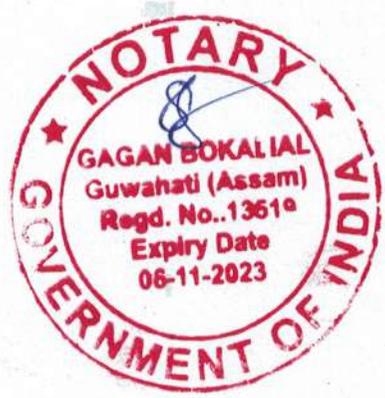
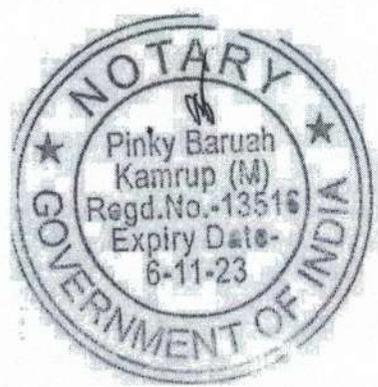


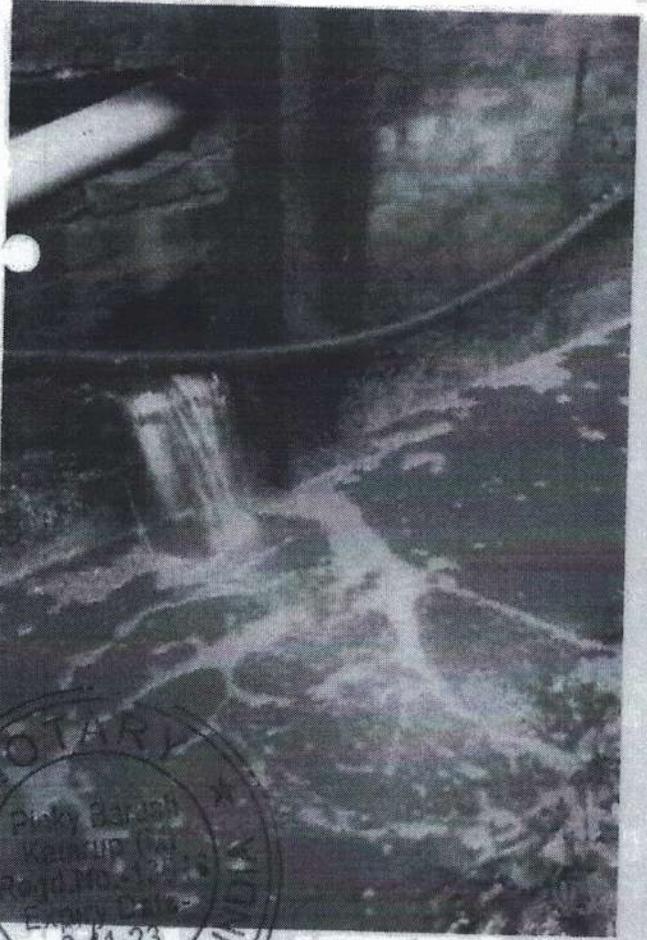
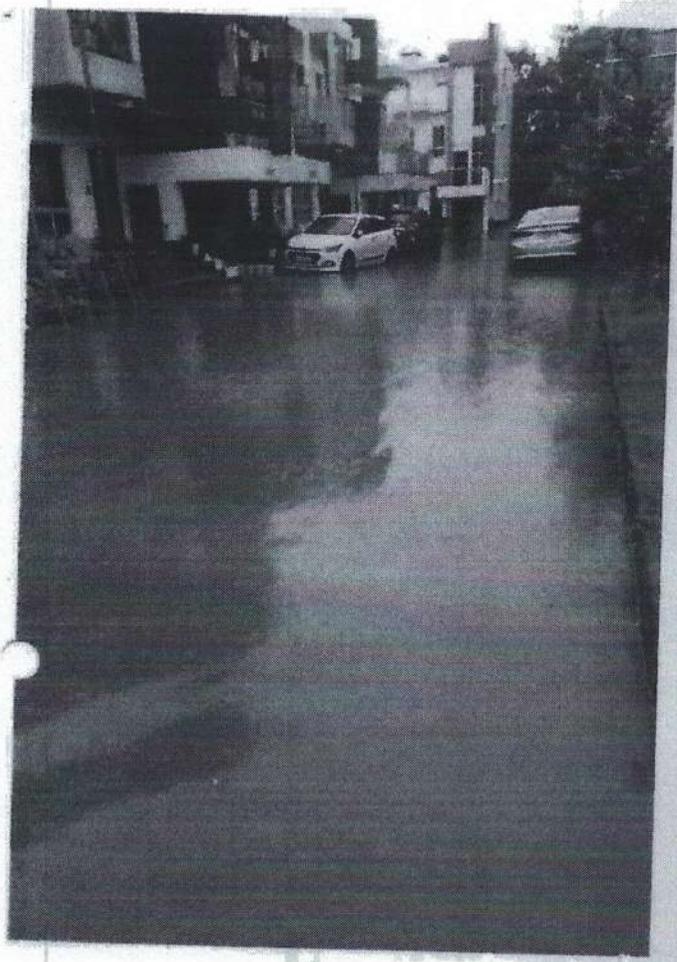


C. COMMENTS

- a. The average ground level outside the boundary wall at western side is 20 cm higher than average ground level of the phase 1 in ASL campus
- b. The average ground level outside the boundary wall southern side is 61 cm higher than average ground level of the phase 1 in ASL campus.
- c. The average ground level outside the boundary wall at Eastern side is 26 cm higher than average ground level of the phase 1 in ASL campus.
- d. The average ground level outside the boundary wall at northeast side is 26 cm higher than average ground level of the phase 1 in ASL campus.
- e. The average ground level outside the boundary wall at Northern side is 40 cm higher than average ground level of the phase 1 in ASL campus.
- f. The average ground level of phase 1 of ASL campus is 40 cm lower than average ground level of phase 2 in ASL campus.
- g. The average ground level of PWD road is 20 cm higher than average ground level of the phase 1 of ASL campus.
- h. The average ground level of PWD road is 11 cm lower than average ground level of the phase 2 of ASL campus.
- i. **DRAIN** -Bed level of PWD drain at near to ASL is 16 cm higher than bed level of tri junction area of the drain of ASL campus.

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Lower

NOTARY
 P. M. Bhandari
 Notary Public
 Government of India
 6-11-23

GOVERNMENT OF INDIA
 No. 136/0
 Expiry Date
 06-11-2023

TYPED COPY OF THE ORIGINAL

FORM - A

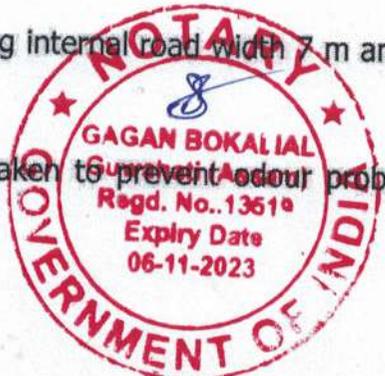
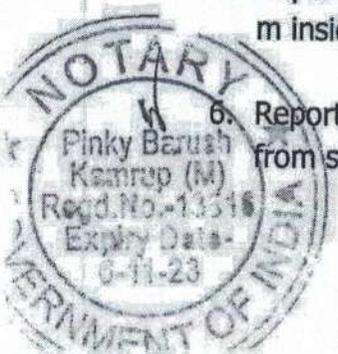
To

The Public Information officer

- 1. Name of the Applicant: Padum Deori & Ganesh Chandra Das
- 2. Address: C/o Gunakanta Baruah, Nirzapur, Jagiroad, Morigaon, Assam, 782410 & Tribeni Apartment, Flat no 5A, 5th floor, Mahadebpur, Rehabari, Guwahati, Assam, 781008.
- 3. Telephone No.: +919706569299/+96893200563/+919864040244
- 4. Email Address: padumd@gmail.com & ganeshdas40244@yahoo.com
- 5. (i) Particulars of Information: File No. SEIAA.07/2013/10
 (ii) Concerned Department: State Environment Impact Assessment Authority (SEIAA).
 (iii) Particulars of information required: Please provide the following information and copy of the documents mentioned in the below mentioned points 1 to 11.

- 1. Validity of Environmental Clearance issued on 21st Jan 2014 for construction of Arya Smart Living is already expired as per the reference letter. Kindly provide us a copy of the renewed environmental clearance issued from SEIAA in favor of M/s Arya Erectors India Pvt. Ltd. As the construction is still in progress.
- 2. As the builder have allowed to occupy the villas, please provide the report submitted by the project proponent for compliance to the clause no (i) of operation phase.
- 3. Rain water harvesting report submitted by the builder and its compliance.
- 4. Report submitted on energy conservation matters.
- 5. Report submitted by the builder for confirming internal road width 7 m and 9 m inside the project area.
- 6. Report submitted to confirm the measures taken to prevent odour problem from solid waste processing plant and STP.

Amal



- 7. Six monthly reports submitted by the builder in order to comply the stipulated EC conditions
- 8. SEIAA inspection reports as the builder have already allowed occupying the villas to the buyers.
- 9. As per the current construction permission obtained from the concerned authority, it seems that there is a change in construction scope as compared to the scope briefed in environmental clearance issued on 21st Jan 2014. As per the general condition clause no 3 of environmental clearance letter, project should have a fresh appraisal by the SEIAA. Please provide a copy.
- 10. Other compliance reports submitted as per the requirement of SEIAA.
- 11. We have requested the above mentioned information through an application dated 20/12/2020/ Please provide a response to our application.

(iv) Details of information required:

(v) Period for which information required: From 25.06.2011 to 31.10.2020

(vi) Other Details:

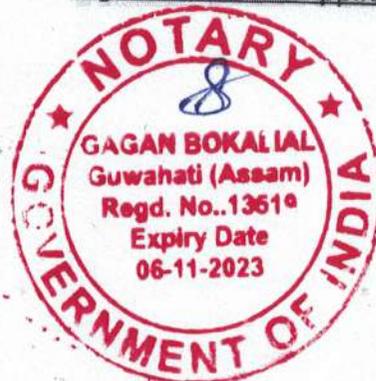
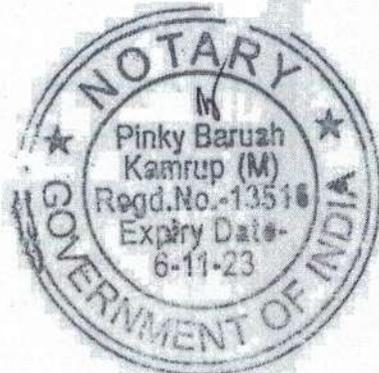
- 6. I state that the information sought does not fall within the restriction contained in Section 4 of the Act and to the best of my knowledge it pertains to our office.
- 7. A fee of Rs..... has been deposited in your office vide No..... dated

Handwritten signature

- 1. Sd- Padum Deori
- 2. Sd- Ganesh Das

Date: 11.12.20

Signature of the Applicant



FORM - A

To
The Public Information officer

- 1. Name of the Applicant : Padum Deori & Ganesh Chandra Das
- 2. Address : C/o Gunakanta Baruah, Nizarapar, Jagirozd, Marigaon, Assam, 782410 & Tribeni Apartment, Flat no 5A, 5th floor, Madhabdebpur, Rehazari, Guwahati, Assam, 781008.
- 3. Telephone No. : +919705569259/+95893200563/+919864040244.
- 4. Email Address : padumal@gmail.com & ganeshdas1984@gmail.com.

- 5. (i) Particulars of information: File No. SEIAA.07/2013/10
- (ii) Concerned Department: State Environment Impact Assessment Authority (SEIAA).
- (iii) Particulars of information required: Please provide the following information and copy of the documents mentioned in the below mentioned points 1 to 11.

- ✓ 1. Validity of Environmental Clearance issued on 21st Jan 2014 for construction of Arya Smart Living is already expired as per the reference letter. Kindly provide us a copy of the renewed environmental clearance issued from SEIAA in favor of M/s Arya Erectors India Pvt. Ltd. as the construction is still in progress.
- 2. As the builder have allowed to occupy the villas, please provide the report submitted by the project proponent for compliance to the clause no (i) of operation phase.
- 3. Rain water harvesting report submitted by the builder and its compliance.
- 4. Report submitted on energy conservation measures.
- 5. Report submitted by the builder for confirming internal road width 7 m and 9 m inside the project area.
- 6. Report submitted to confirm the measures taken to prevent odour problem from solid waste processing plant and STP.
- 7. Six monthly reports submitted by the builder in order to comply the stipulated EC conditions.

de moshin



11/11/23

Office of the SEIAA, Assam
Date: 11/11/23

RECEIVED
[Signature]

- 8. SEIAA inspection reports as the builder have already allowed occupying the villas to the buyers.
- 9. As per the current construction permission obtained from the concerned authority, it seems that there is a change in construction scope as compared to the scope briefed in environmental clearance issued on 21st Jan 2014. As per the general condition clause no 3 of environmental clearance letter, project should have a fresh appraisal by the SEIAA. Please provide a copy.
- 10. Other compliance reports submitted as per the requirement of SEIAA.
- 11. We have requested the above mentioned information through an application dated 20/10/2020. Pleas provide a response to our application.

(iv) Details of information required:

(v) Period for which information required: From 25.06.2011 to 31.10.2020

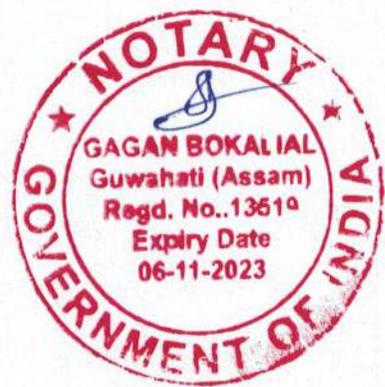
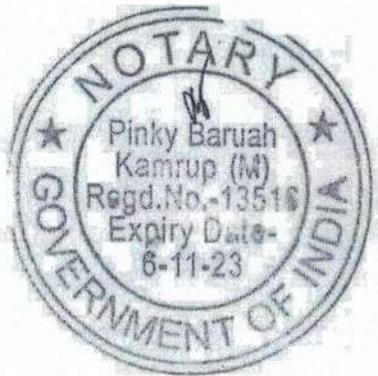
(vi) Other Details:

- 6. I state that the information sought does not fall within the restriction contained in Section 4 of the Act and to the best of my knowledge it pertains to your office.
- 7. A fee of Rs..... has been deposited in your office vide No..... dated.....

1. Padma
 2. Gagan Bokalial
 Signature of the Applicant

Signature

Date: 17.11.20





ANNEXURE-10 (contg.)

-67-

OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
Ministry of Environment, Forest and Climate Change, Government of India
BAMUNIM AidAM, GUWAHATI-21.

No. SEIAA.7/2013/11/1284

Dated: 28/12/2020

To

✓ Padum Deori & Ganesh Chandra Das
C/o: Gunakanta Baruah, nizarapar, Jagiroad, Morigaon, Assam, 782410 &
Tribeni Apartment, Flat no 5A, 5th Floor, Madhabdevpur,
Rehabari, Guwahati, Assam, 781008

Sub: - Information under RTI Act, 2005.

Ref: - Your application no. nil dated 20/10/2020.

With reference to your application no. nil dtd 20-10-2020 it is to inform you that the EC for construction of Arya Smart Living at Abhaypur, North Guwahati was issued vide No. SEIAA.07/2013/10 dt. 21st January, 2014 with a validity period of 5(Five) years from the date of issue.

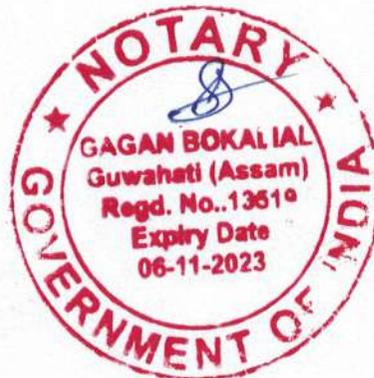
As per office record M/s Arya Erectors India Pvt. Ltd has not applied for extension of EC at SEIAA, Assam office till date.

Yours faithfully

Chairman,
SEIAA, Assam

Bamunimaidam, Guwahati-21

Lenston





OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
Ministry of Environment, Forest and Climate Change, Government of India
BAMUNIM Aidam, GUWAHATI-21.

No. SEIAA.7/2013/1579

Dated: 13 / 05 / 2022

To

Dr. Ganesh Chandra Das
Tribeni Apartment, Flat no 5A, 5th Floor, Madhabdevpur,
Rehabari, Guwahati, Assam, 781008

Sub: - Information under RTI Act, 2005.

Ref: - Your application No. Nil dated 08/03/2022.

With reference to your application no. nil dtd. 08-03-2020, the following informations are provided.

(1) M/s Arya Erectors India Pvt. Ltd has not applied in this office for extension of the EC No. SEIAA.07/2013/10 dtd. 21-01-2014 which was valid upto 21st January, 2019.

(2) & (3) The same is not available in our office record.

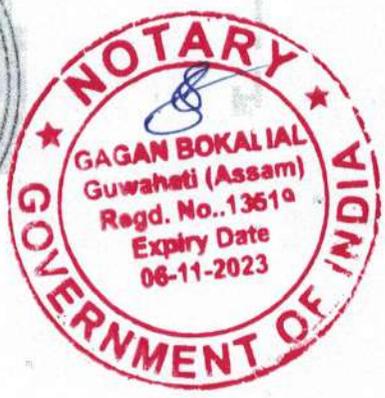
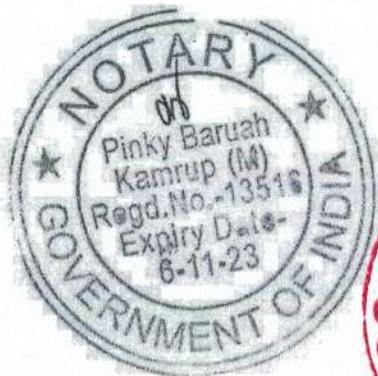
(4) The information available in our office were earlier intimated vide letter No. SEIAA.7/2013/11 dtd 28-12-2020.

Handwritten signature

Yours faithfully

Handwritten signature

Chairman,
SEIAA, Assam
Bamunimaidam, Guwahati-21



H

GENERAL NOTE:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ASSAM BUILDING REGULATIONS, 1960 AND THE ASSAM CONSTRUCTION REGULATIONS, 1960.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE CONCERNED DEPARTMENTS.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SERVICES UNDERGROUND AND ABOVEGROUND.
6. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL DIMENSIONS AND VOLUMES OF MATERIALS USED.
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DESIGN DEVELOPMENT DOCUMENTS

CLIENT:
 Arya Erectors India Pvt. Ltd.
 C/o Arya Housing
 SSG, P.P. Endura, Solapur
 (Rahatani, Guwahati 781004, Assam)

DESIGNER:
SATELLER
 11/11, BANGOR ROAD, GUWAHATI, ASSAM
 TEL: 9830221111, 9830221112, 9830221113
 FAX: 9830221114, 9830221115, 9830221116
 WWW.SATELLER.COM

DATE: 10/11/2023

SCALE: 1:500

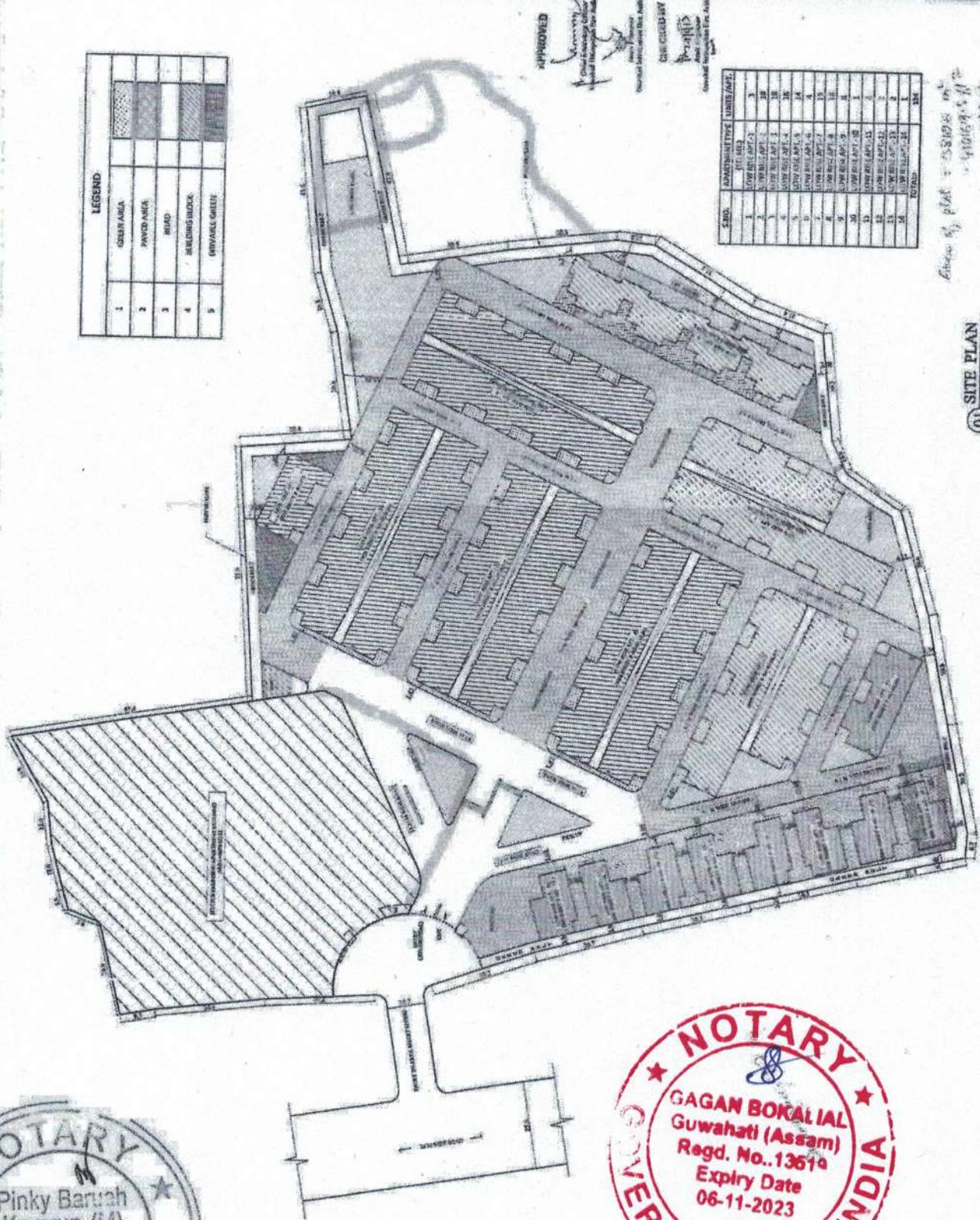
PROJECT:
 AHYA SHANT LIVING
 Abhaypur, North Guwahati

LEGEND:

1	CLEARANCE
2	PAVED AREA
3	ROAD
4	BUILDING BLOCK
5	DRY PAVEL GATE

S.NO.	APPROXIMATE UNIT/NO.	UNIT/NO.
1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
8	100	100
9	100	100
10	100	100
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91	100	100
92	100	100
93	100	100
94	100	100
95	100	100
96	100	100
97	100	100
98	100	100
99	100	100
100	100	100

Area of plot = 25800 sq. m.
 1/10/2023
 Prepared by: 10/11/2023



01 SITE PLAN
 1:500

Amshu

NOTARY
 Pinky Baruah
 Kamrup (M)
 Regd.No.-13519
 Expiry Date:
 6-11-23
GOVERNMENT OF INDIA

NOTARY
 GAGAN BOKALIAL
 Guwahati (Assam)
 Regd. No. 13610
 Expiry Date
 06-11-2023
GOVERNMENT OF INDIA

GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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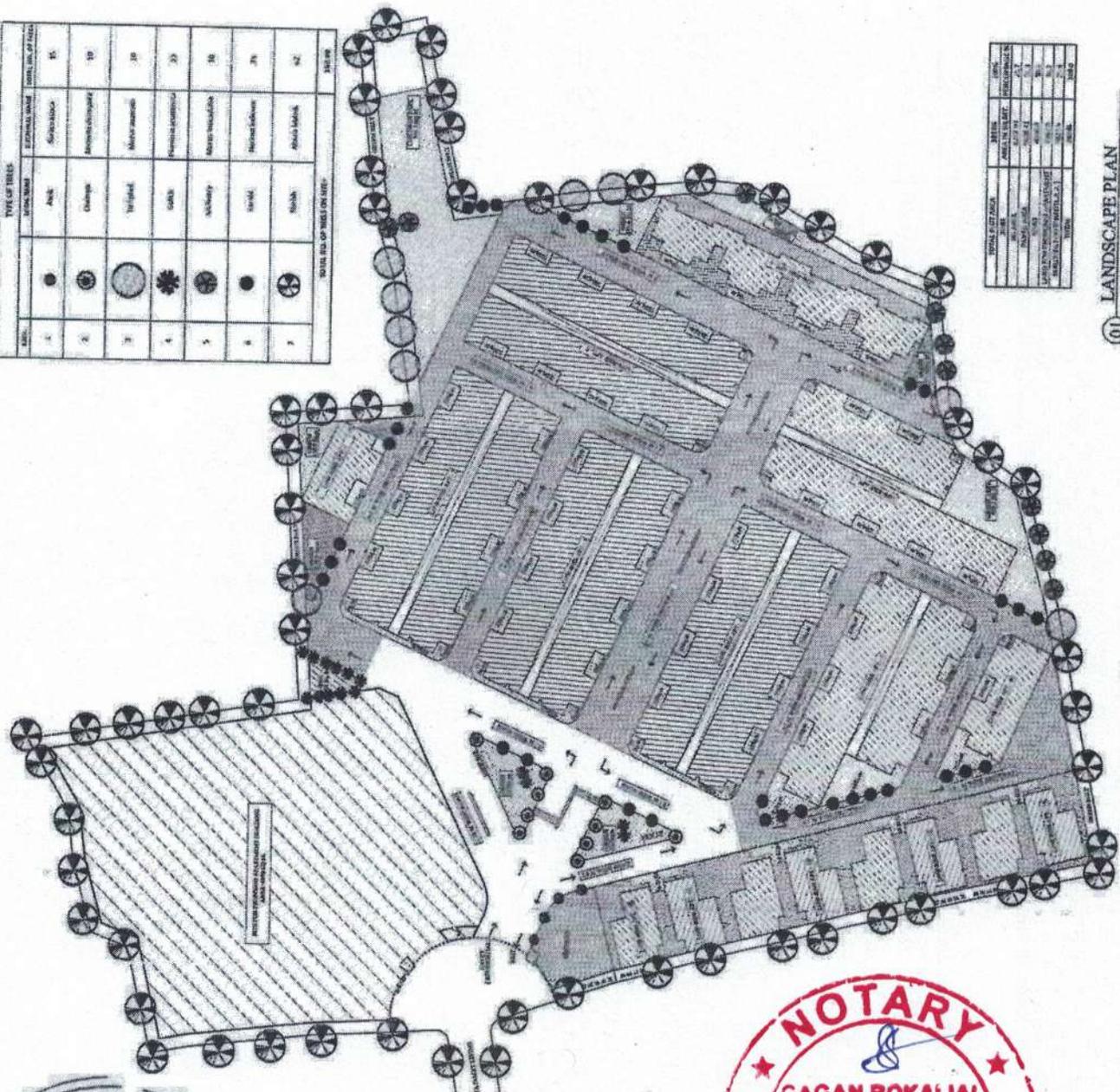
CLIENT: Arya Engineers India Pvt. Ltd.
 City Arya Bhawan,
 505, K.T. Reddy, Schinaga,
 Madhavani, Ganga Sagar 1008, Assam

DESIGNER: SATELLER
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PROJECT: ARYA SMART LIVING
 Abhayar, North Guwahati

TYPE OF TREES			TOTAL NO. OF TREES	
NO.	SYMBOL	COMMON NAME	NO.	PERCENT
1	●	ANNA	15	15%
2	●	CHAMP	10	10%
3	●	TEAK	30	30%
4	●	SHAM	20	20%
5	●	SHAM	25	25%
6	●	SHAM	20	20%
7	●	SHAM	22	22%
TOTAL NO. OF TREES ON SITE			102	102%

TOTAL NO. OF TREES		TOTAL NO. OF TREES	
NO.	PERCENT	NO.	PERCENT
1	15%	15	15%
2	10%	10	10%
3	30%	30	30%
4	20%	20	20%
5	25%	25	25%
6	20%	20	20%
7	22%	22	22%
TOTAL		102	102%



APPROVED
 [Signature]
 [Name]
 [Designation]

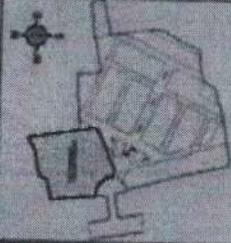
CHECKED BY
 [Signature]
 [Name]
 [Designation]

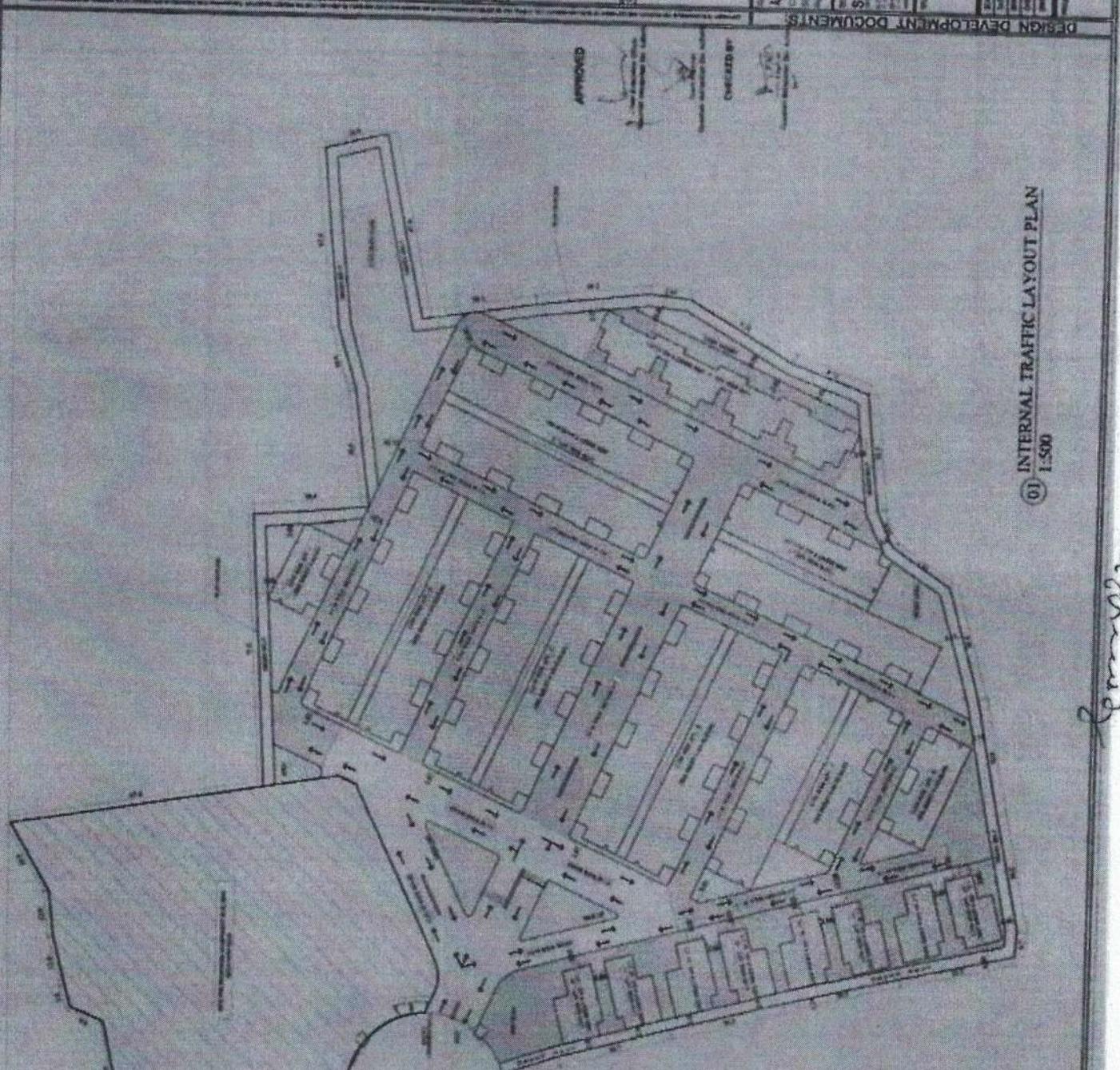
NOTARY
 Piny Baruah
 Kamrup (M)
 Regd. No. - 13516
 Expiry Date -
 6-11-23

NOTARY
 GAGAN BOKALIA
 Guwahati (Assam)
 Regd. No. 13618
 Expiry Date
 06-11-2023

LANDSCAPE PLAN
 1:500

Le man.

	<p>PROJECT TITLE: INTERNAL TRAFFIC LAYOUT PLAN</p> <p>PROJECT NO: 100</p> <p>DATE: 06-11-2023</p> <p>SCALE: 1:500</p>		<p>DESIGNED BY: [Signature]</p>	<p>CHECKED BY: [Signature]</p>	<p>APPROVED BY: [Signature]</p>	<p>DATE: 06-11-2023</p>	<p>PROJECT LOCATION: SIVA SATELLITE Alkaypur, North Guwahati</p>
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INTERNAL TRAFFIC LAYOUT PLAN
1:500

NOTARY
 GAGAN BOKALIA
 Guwahati (Assam)
 Regd. No. 13614
 Expiry Date
 06-11-2023
GOVERNMENT OF INDIA

NOTARY
 Pinky Baruah
 Kamrup (M)
 Regd. No. 12518
 Expiry Date
 6-11-23
GOVERNMENT OF INDIA

Handwritten signature or mark on the right margin.

F. No. 22-27/2015-IA-III

Government of India

Ministry of Environment, Forest and Climate Change
(IA Division)Indira Paryavaran Bhawan
All Ganj, Jor Bagh Road
New Delhi- 110003.Dated the 12th April, 2016

OFFICE MEMORANUDM

Subject: Notifications issued by the Ministry of Environment, Forest and Climate Change *vide* S.O. No. 1141 (E) dated 29.04.2015 and S.O. No. 2571 (E) dated 31.08.2015 under the provisions of the EIA Notification 2006 regarding extension of Validity of Environmental Clearance-Clarification regarding.

The undersigned is directed to inform that in respect of the subject mentioned above, the Ministry has decided to clarify the applicability of the Notifications as under:

- (i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, their validity will stand automatically extended to seven (7) years.
- (ii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such environmental clearances will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

This issues with the approval of the Competent Authority,

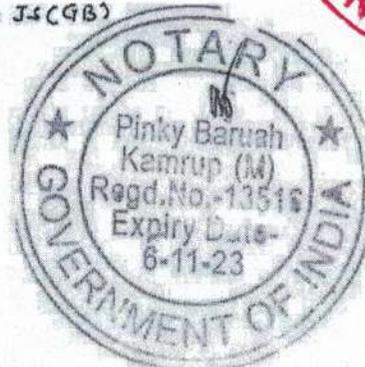
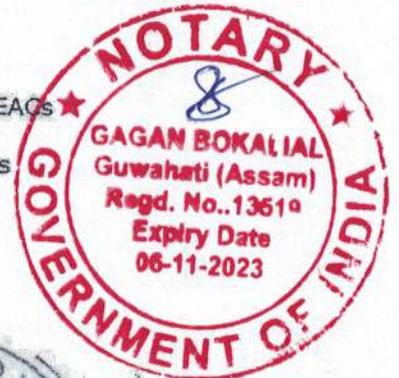

(Dr. Satish C. Garkoti)
Scientist 'F'

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs / SEAGs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to HMEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(SK)
4. PS to JS(MKS)/PS to JS(BS) / PPs to JS(CGB)
5. Website of MoEFCC
6. Guard File



**REAL ESTATE REGULATORY AUTHORITY, ASSAM
JAWAHAR NAGAR, N.H-37
GUWAHATI- 781022**

ORDER
13.06.2022

1. Complaint petition

Dr Ganesh Chandra Das, Buyer of villa no.A6 and Padum Deori, Buyer of villa no D84 of Arya Smart Living , North Guwahati jointly submitted a petition dated 27.12.2021 alleging the following:

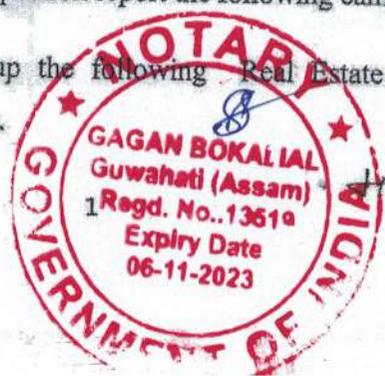
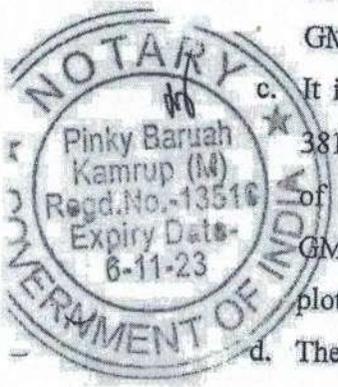
- a. The promoters have occupied the building without obtaining the occupancy certificate from the competent authority and he has allowed the buyer to occupy the building even after rejection of occupancy due to unauthorized construction.
- b. There is a misrepresentation in declaration of total land with respect to the total land with respect to the land shown for obtaining building construction permission from the competent authority (GMDA). As per information provided by GMDA, there are a total plot area of 28 Bighas 4 Lecha covered by Dag No. 884, 885,889, 890 and Patta no. 198 where the competent authority had granted the building construction vide NOC no. GMDA/BP/2214/26112012/56 dated 25.06.2013.
- c. It is clear from the sanctioned site plan and landscape plan that the total plot area is 38106 square meter(28 bigha-4 lecha. Out of which phase I of the project covers an area of 31744 square meter (approx 23 bigha 4 lecha under NOC no. GMDA/BP/2214/26112012/156 dated 25.06.2013. The phase II of the project covers a plot area of 6362 square meter(approx 5 Bigha).
- d. The promoter had declared only 19 bigha 4 lecha as project area for phase I.

2. Joint field inspection

After perusal of the petition, the Authority directed the Registrar and Town Planner, RERA to conduct a joint inspection along with the land records staff of North Guwahati Circle to ascertain the details of the project area.

The team conducted joint inspection on 20.05.2022 in presence of both the parties and submitted report on 26.05.2022. From the joint inspection report the following came to light:

Arya Erectors India Pvt. Ltd took up the following Real Estate Projects falling under jurisdiction of three different Authorities.



Remit

(a) Project area under GMDA

- I. Project area as stated in the Application Form-(a) Dag No:884, 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur= 14 Bigha 0 katha 4 Lecha
(b) Dag No.884, 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur= 5 Bigha 0 katha 0 Lecha
Total(a+b)= 19 bigha 4 lecha
- II. Registration fees paid- Rs2,54, 275/-
- III. NOC for building Construction- Issued vide No. GMDA/BP/2214/26112012/156 dated 25.06.2013 by CEO, GMDA.
- IV. No. and Date of Registration Certificate issued by RERA- No. ASSAM/RERA/2017/64/68 dated 17.07. 2021.

(b) Project area under Rudreswar Gaon Panchayat

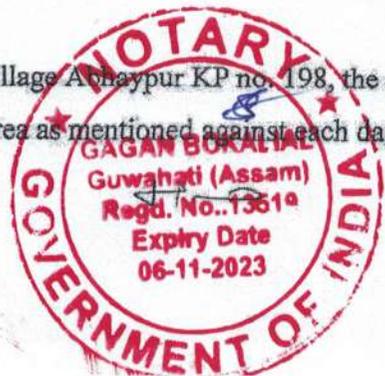
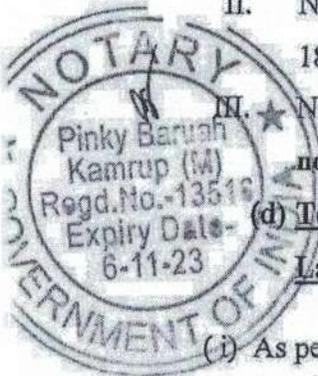
- I. Project area as stated in the Application Form-4Bigha 4 Katha 11 Lecha covered by Dag No. 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur
- II. Registration fees paid- Rs. 65,725/-
- III. NOC for building Construction- Issued vide No. RGP/791/NOC/2004-05/17/81 dated 05.05.2018 by President, Rudreswar Gaon Panchayat against 885, 889, 890 and Patta no. 198 situated at Revenue Village Abhaypur.
- IV. No. and Date of Registration Certificate issued by RERA- No. ASSAM/RERA/2017/261/191/30 dated 19.10. 2020.

(c) Project area under North Guwahati Municipal Board

- I. Project area- 2(two) Bighas under Dag No. 764, Patta No. 271 situated at revenue village North Guwahati town.
- II. NOC for building Construction- Issued vide No. NGTC/NOC/2013-14/1742 dated 18.12.2013 by Chairman, North Guwahati Town Committee.
- III. No. and Date of Registration Certificate issued by RERA – Application for registration not submitted.

(d) Total area of land standing in the name of Arya Erectors India Pvt. Ltd as per Land records

(i) As per Chitha copy and Jamabandi copy of revenue village Abhaypur KP no. 198, the Arya Erectors India Pvt. Ltd is the landholder of the following area as mentioned against each dag:-



Remains

Dag No 884- 19 Bigha 0 katha 9 Lecha

Dag No. 885- 0 Bigha 01 Katha 11 Lecha

Dag No. 889- 03 Bigha 02 Katha 0 Lecha

Dag No. 890- 05 bigha 01 Katha 4 Lecha

Total 28 Bigha 0 katha 4 Lecha

(ii) As per Chitha copy and Jamabandi copy of revenue village North Guwahati Town KP no. 271, the Arya Erectors India Pvt. Ltd is the landholder of the following area as mentioned against the dag no. 764.

Dag No 764- 02 Bigha 0 katha 0 Lecha.

Total area of land held by the Arya Erectors India Pvt. Ltd at Abhaypur and North Guwahati town under the project- 30 bigha 0 katha 04 Lecha(28B-0 K- 04 lecha + 2 B-0 K-0 L)

(e) Status in the Field – Observation

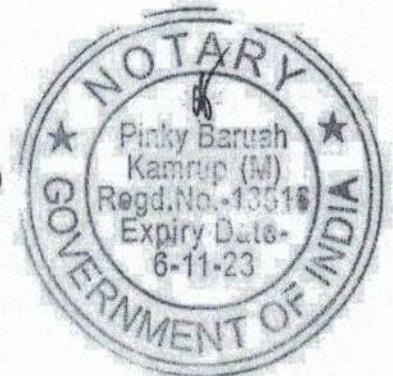
During joint visit , it is seen that the project is being implemented in the entire area of 30 Bigha 0 Katha 4 Lecha (28Bigha 0 katha 4 Lecha of Abhaypur village plus 2 Bigha 0 katha 0 Lecha of North Guwahati town). However, the promoter has not yet submitted application for registration of the project being implemented at revenue village North Guwahati town over an area of 2 bigha covered by Dag No. 764 and KP No. 271 and also balance part of the project under GMDA measuring 4 Bigha 13 Lecha.

Signature

(f) Status of payment of registration fees

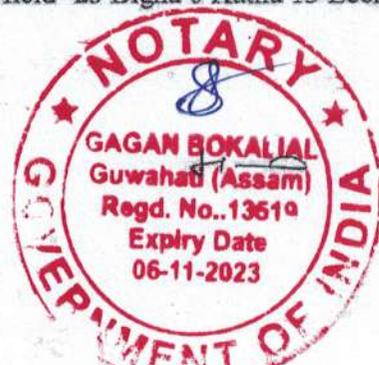
Project part under Rudreswar Gaon Panchayat

- Project area - 0 4 Bigha 04 katha 11 Lecha(6569.58 sqm)
- Registration fees due – Rs. 65,695.80
- Registration fees paid – Rs. 65, 725.00
- Excess payment- Rs. 29.20



Project part under GMDA

- Project area as per land records & Status in the field- 23 Bigha 0 Katha 13 Lecha(30947.94 sqm)
- Registration fees due-Rs. 3,09,479.40
- Registration fees paid- Rs. 2,54,275.00
- Less payment- Rs.55,204.40



The representatives of the promoter Sri Amarendra Mazumdar, Shri Ram Krishna Pradhan, Sri Amitabh Sarma and representative of the GMDA Shri D. Kalita, TP were also heard on 13.06.2022 on the following issues:

- i. Less payment of Registration fees showing less project area against NOC issued by GMDA.
- ii. Non-submission of application for registration against NOC issued by North Guwahati Town committee (Now North Guwahati M.B.)
- iii. Occupancy certificate.
- iv. Extension of project completion period of the Project under GMDA

The representatives of the promoter stated that they are ready to pay the balance amount of registration fees against the project under GMDA as it falls under the project area and to submit application for registration against NOC issued by North Guwahati town Committee along with prescribed fees as soon as possible.

Regarding extension of project completion period also the promoter will submit application in prescribed form.

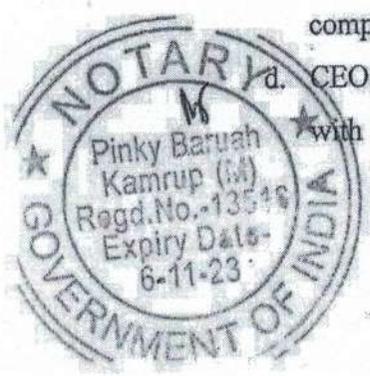
The representative of the GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan. He mentioned that the promoter had constructed some structures which were not approved by GMDA. A part of the structure which was approved by North Guwahati M.B. has been constructed on the site earmarked by GMDA as open area in the approved drawing/plan. It was also brought to the notice of the Authority that Occupancy certificate has already been issued by North Guwahati MB against the project approved by them.

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In view of above, and after careful consideration of the records at hand, the Authority hereby directs the promoter as follows:

- a. To deposit the balance amount of registration fees of Rs.55, 204.40 against the project under GMDA within 10(ten) days.
- b. To submit application for registration of project under North Guwahati Town within 10(ten) days.
- c. To apply for extension of registration certificate implemented against NOC issued by GMDA along with all requisite documents and fees within 15(fifteen) days. Non compliance will attract provisions of Section 61 of the Act.

d. CEO, GMDA and the Executive Officer of North Guwahati M.B. to take a joint meeting with the promoter for examining the deviations made in the approved plan by the



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promoter within a month & take action as per existing provisions of law with reference to this Authority.

- e. Show cause notice be issued against the promoter for not providing complete information while registering the project against NOC issued by GMDA.
- f. Show cause notice also be issued against the promoter for not registering the project against NOC issued by North Guwahati Town Committee (Now North Guwahati MB).

This disposes the petition dated 27.12.2021.

sd/-
(T.Y.Das)
Chairperson

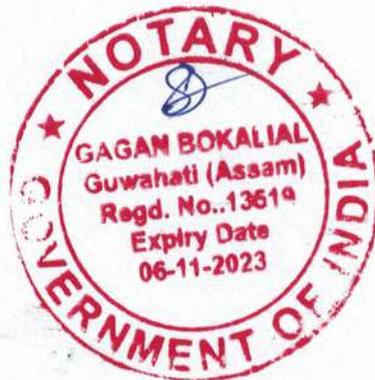
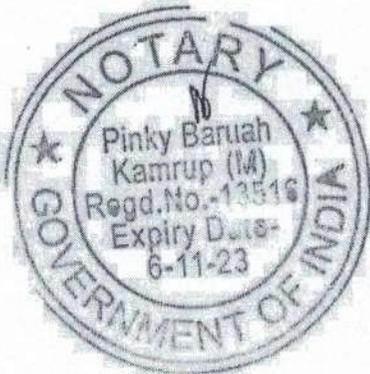
Memo No. ASSAM/RERA/2017/64

Dated. 13.06.2022

Copy for information and necessary action to:

- 1. M/S Arya Erectors India Private Ltd. 503, KP Enclave, Sohagpur, Rehabari, Guwahati-08.
- 2. The CEO, Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-05.
- 3. The E.O. North Guwahati MB.
- 4. The Registrar i/c, RERA, Assam.
- 5. Dr. Ganesh Chandra Das, Buyer of villa no A6, Arya Smart Living, North Guwahati GSM (Complainant) (M.No- 9864040244)
- 6. Shri Padum Deori, Buyer of Villa No. D84, Arya Smart Living, North Guwahati (Complainant) (M.No- 96893200563)

Registrar i/c
Real Estate Regulatory Authority
Assam





OFFICE OF THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
STATFED BUILDING, BHANGAGARH, GUWAHATI-781005

Website: www.gmda.assam.gov.in
 E-mail: ceogmdaghy@gmail.com

Tel: 0361-2529650/9824
 Fax: 0361-2529991

Dated : 3.11.2021.

No. GMDA/BP/2214/26112012/316

Order

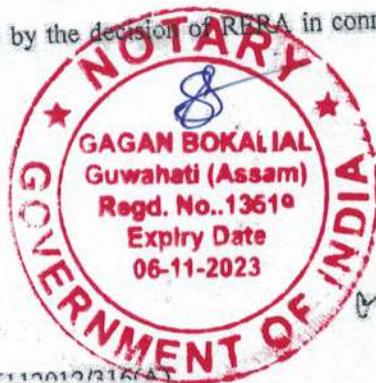
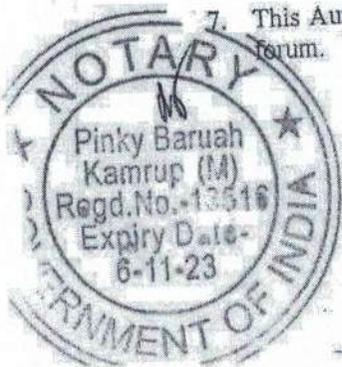
In pursuance to order Ref No GMDA/BP/2214/26112012/287 dated 06.10.2021 in connection to Occupancy Certificate proposal of M/S Arya Erectors Pvt Ltd., the undersigned heard Mr Ganesh Das & advocate Shri Divas Jyoti Nath representatives of Shri.Padum Deori on 22.10.2021 in presence of D. Kalita, Town Planner, GMDA, and N Deka, TPA, GMDA.

Whereas 14 nos of low rise Apartment building (upto G+2), having 124 residential units were permitted by GMDA vide BP NOC no GMDA/BP/2214/26112012/156 dated 25.06.2013 in Phase-I, at revenue village Abhaypur under Sila Sinduri Ghopa mouza covered by Dag no. 884,885,889,890 & Patta no. 198 in a plot area of 28 Bighas 4 Lecha land out of which 13 nos have been completed and a security Barrack (AT) has been constructed instead of 14th block which is not yet constructed. A Club house (Gr+1) with swimming pool at Gr Floor was permitted vide No. NGTC/NOC/2013-2014/1742 dated 15.12.2013 by North Guwahati Municipal Board at village North Guwahati Town under Mouza Sila Sinduri Ghopa covered by Dag no. 764 & Patta no. 271, on a plot area of 2 Bighas land area, adjoining the plot on which permission issued by GMDA on 25.06.2013 as mentioned earlier.

Whereas it appeared from documents and field visit that the construction of the Club house approved by North Guwahati Municipal Board mentioned above was actually undertaken on a plot combined with area of approved site of land as Phase I and part of 2 Bighas on which Club house was actually permitted. The 2 bigha of land is to be utilized for open tennis court, care taker room in addition to a part of Club house.

The undersigned examined the documents and facts placed before him and following directions are issued for further consideration of the OC proposal.

1. The triangular garden as earmarked in the approved plan at the main entrance which is obstructed by constructing a brick wall is to be removed first and kept open as per earlier approved plan.
2. A clearance report from North Guwahati Municipal Board is to be obtained in respect of the deviation vis-a-vis regularisation of the Club house, in issuing the Occupancy Certificate of the Club house, which is constructed over an area of approved site plan as per permission accorded by GMDA for Phase-I on 25.06.2013.
3. The flat owners who have occupied the building without obtaining Occupancy Certificate from this Authority are directed to vacate the premise, until all the deviations are regularised and Occupancy Certificate issued.
4. Children Park as per approved drawing is to be restored.
5. Registration particulars of RERA and periodic compliance report submitted to MoEF against Environment Clearance are to be furnished.
6. To submit rectified as built drawing with modification as per earlier approved drawing and directions issued after clearing the unauthorized constructions.
7. This Authority shall abide by the decision of RERA in connection to the issues of this project raised at the forum.



Yours faithfully,

(Kausar J. Hilaly, ACS)
 Chief Executive Officer
 Guwahati Metropolitan Development Authority
 Bhangagarh, Guwahati-2
 Guwahati Metropolitan Development Authority
 Bhangagarh, Guwahati-781005
 Dated : 3.11.2021.

Received copy

-79-

ANNEXURE: N

To
Chairman
State Environment Impact Assessment Authority
Bamunimaidam, Guwahati 781021

Date: 06/07/2022

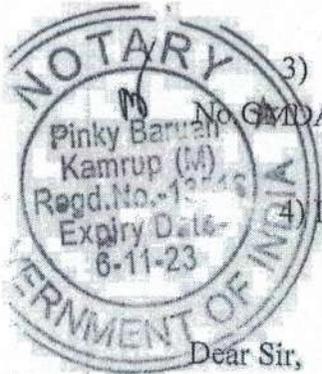
Subject: Non-compliance to the conditions stipulated in the environmental clearance reference No. SEIAA.07/2013/10 dated 21st January 2014.

Ref: 1) Environmental Clearance issued by SEIAA vide letter No. F.No SEIAA.07/2013/10 dated 21st January 2014.

2) RTI response letter No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022.

3) Guwahati Metropolitan Development Authority (GMDA) order No. GMDA/BP/2214/26112012/316 dated 03.11.2021.

4) Real Estate Regulatory Authority (RERA) order dated 13.06.2022

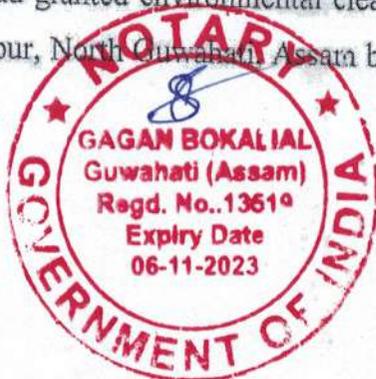


Dear Sir,

We would like to draw your kind attention to environmental clearance conditions granted to M/s Arya Erectors India Private Limited as per letter No. F.No SEIAA.07/2013/10 dated 21st January 2014 issued by State Environment Impact Assessment Authority, Govt of Assam (SEIAA).

OVERVIEW AND SUMMARY OF OBSERVATIONS

- SEIAA had granted environmental clearance for construction of Arya Smart Living at Abhoypur, North Guwahati, Assam by M/s Arya Erectors India Private Ltd on 21st Jan 2014.



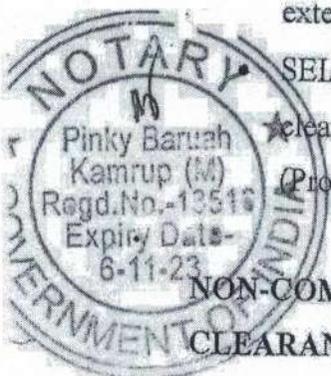
O/o the SEIAA, Assam
Date: 7/7/22

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- Environmental clearance issued for construction of Arya Smart Living have been expired on 20th Jan 2019.
- SEIAA had communicated vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not applied for renewal of environmental clearance which is expired on 20th Jan 2019 as well as the project proponent have not submitted the compliance report before SEIAA.
- Guwahati Metropolitan Development Authority (GMDA) had communicated vide order reference No.GMDA/BP/2214/26112012/316 dated 03.11.2021 that the occupancy certificate is not issued for Arya Smart Living and the project construction is not completed with respect to the sanctioned plan in order to process the occupancy certificate application.
- Real Estate Regulatory Authority (RERA) had communicated vide order dated 13.06.2022 that there are misrepresentations in declaring the total land of the project as well as M/s Arya Erectors India Private Ltd have to obtain the project construction extensions from the concerned authority within a stipulated time period.

Element

SEIAA has not initiated actions against the non-compliance of environmental clearance conditions for construction of Arya Smart Living as per Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986.



NON-COMPLIANCE TO THE CONDITIONS STIPULATED IN ENVIROMENTAL CLEARANCE

1. Specific Conditions Part A(I)(i) of environmental clearance states that

"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage"

M/s Arya Erectors India Private Limited has constructed approximately 123 + 30 units of low-rise apartment. Whenever there is slight rain fall, the entire open areas get submerged under water resulting in flood like situation and water remain stagnant for many days (some



photos are enclosed herein). The main reason for water logging situation is due to absence of proper Storm Water Drainage which was mandated to be constructed by M/s Arya Erectors India Private Limited after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage as per environmental clearance conditions. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

2. Specific Conditions Part A(I)(xviii) of environmental clearance states that

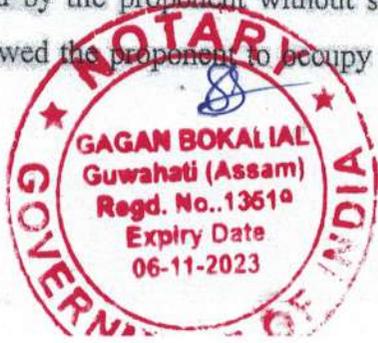
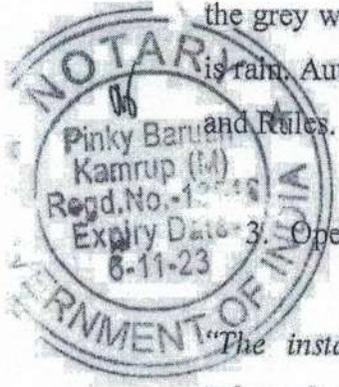
"Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water."

It is observed from the present construction that grey water is directly connected to the open drains which in turn creation of an unhygienic environment inside the premises. Moreover, the grey water mixed with rain water and spread over the entire open areas whenever there is rain. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

3. Operation Phase Conditions Part A(II)(i) of environmental clearance states that

"The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed."

It is observed from the SEIAA communication vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not submitted the report and compliance before SEIAA. However, the project is commissioned by the proponent without submitting the required reports although GMDA have not allowed the proponent to occupy the project. As per the



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order issued by RERA and GMDA, the project Arya Smart Living is still under construction phase. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

4. Operation Phase Conditions Part A(II)(v) of environmental clearance states that

"The peripheral green belt of 3 mtrs. Width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise."

It is seen from the present construction status that 3 mtrs peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintain the peripheral green belt as some structures like STP sheds etc. are already constructed. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

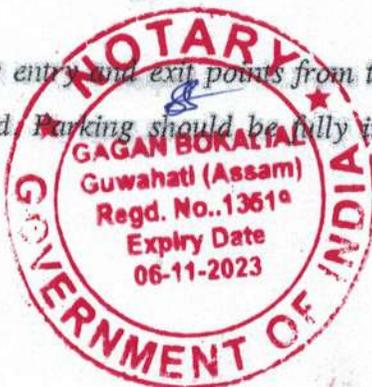
5. Operation Phase Conditions Part A(II)(vii) of environmental clearance states that

"Rain water harvesting for roof run-off and surface run-off should be implemented. Before recharging the surface run-off, pre-treatment must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging should be kept at least 5 mts above the highest of ground water level."

It is observed from the present construction that the rain water harvesting for roof run-off and surface run-off are not implemented properly as mandated by SEIAA. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

6. Operation Phase Conditions Part A(II)(ix) of environmental clearance states that

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



gagan

should be utilized. Width of the internal road should be 7 mtr and 9 mtr in the project area."

It is seen from the sanctioned plan and present construction, there are some internal roads with a width of 6 mtr. Moreover, it is noticed from the joint measurement carried out for one of the C type unit that the covered parking area constructed by the proponent is less than the area shown in the sanctioned plan. Now it is very difficult for the house owner to park the vehicle in the designated parking space which resulting the owner to park the vehicles on the road. So, there is traffic congestions expected in internal roads as the roads are not constructed as mandated by SEIAA and on top of it the vehicles are also being parked on the road. We request your authority for a detail investigation and initiate necessary actions as per the prevailing Act and Rules.

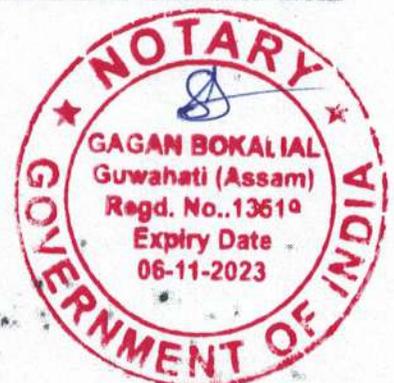
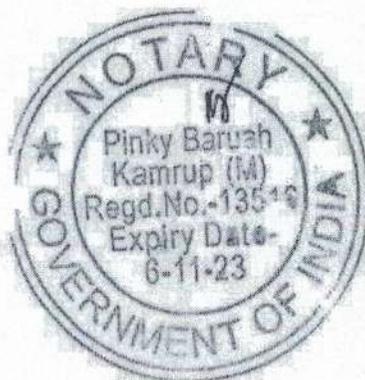
7. Operation Phase Conditions Part A(II)(x) of environmental clearance states that

"A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R&U factors, etc. and submit to the SEIAA in three months."

le m m m

It is observed from the RTI response received from SEIAA that the reports mentioned in operation phase conditions part A(II)(x) are not submitted before SEIAA till 8 years whereas it was to be submitted in three months.

8. It is observed that the project proponent did not submit the documents mandated in General Conditions Part B 1, 3, 9 & 10. As per the General Conditions 11, the project Arya Smart Living does not have a valid environmental clearance from SEIAA as of date.



This is for your necessary action at the earliest since it is clear instance of violation of environmental condition as mentioned above. It is prayed before your authority for an immediate investigation and initiate necessary action as per the Act and Rules in force.

We will be highly obliged before your authority for an immediate action.

Yours faithfully

Dr. Ganesh Chandra Das

Buyer of Villa No A-6, Arya Smart Living

P.O College Nagar, P.S Changsari, District Kamrup 781031,

Mobile No: 98640 40244

Email: ganeshdas40244@yahoo.com

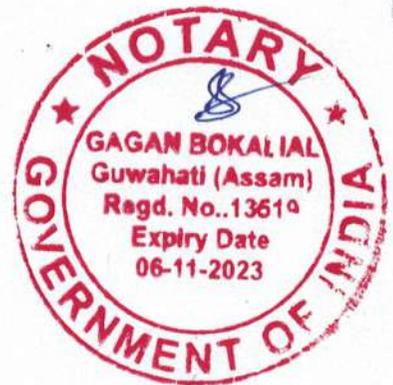
Padum Deori

Buyer of Villa No D-84, Arya Smart Living

P.O College Nagar, P.S Changsari, District Kamrup 781031,

Mobile No: +96892843267

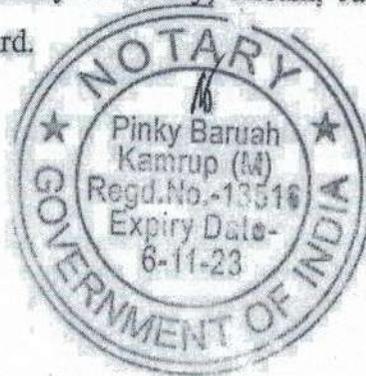
Email: padumd@gmail.com



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Copy to:

1. CEO, Guwahati Metropolitan Development Authority, Statfed Building, Bhangagarh, Ghy-05 for information and record.
2. Chairperson, Real Estate Regulatory Authority, Assam, Jawahar Nagar, N.H.-37, Ghy-22 for information and record.



(R)

ANNEXURE: C-85-

To

Date: 20/10/2022

Chairman

State Environment Impact Assessment Authority

Bamunimaidan, Guwahati 781021

Subject: Non compliance to the conditions stipulated in the environmental clearance reference No. SEIAA.07/2013/10 dated 21st January 2014 with written petition by Dr Ganesh Das dated on 07-07-2022

Dear Sir,

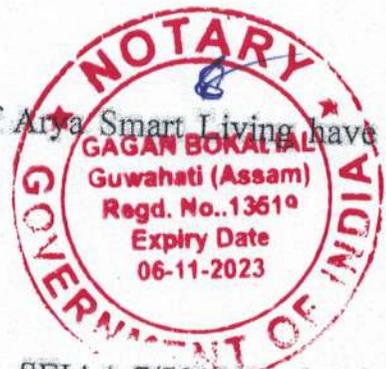
We would like to draw your kind attention to environmental clearance conditions granted to M/s Arya Erectors India Private Limited as per letter No. F.No SEIAA.07/2013/10 dated 21st January 2014 issued by State Environment Impact Assessment Authority, Govt of Assam (SEIAA).

OVERVIEW AND SUMMARY OF OBSERVATIONS

- SEIAA had granted environmental clearance for construction of Arya Smart Living at Abhoypur, North Guwahati, Assam by M/s Arya Erectors India Private Ltd on 21st Jan 2014.



- Environmental clearance issued for construction of Arya Smart Living have been expired on 20th Jan 2019.



- SEIAA had communicated vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not applied for renewal of environmental clearance which is expired on 20th Jan 2019 as well as the project proponent have not submitted the compliance report before SEIAA.

O/o the SEIAA, Assam

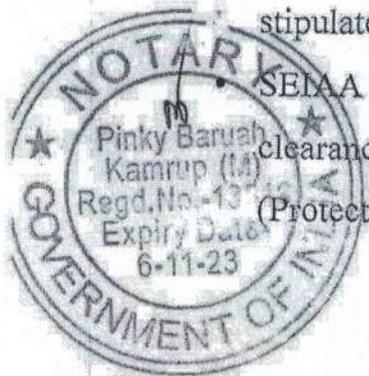
Date 20/10/22

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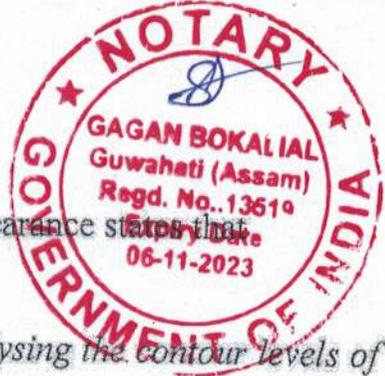
- Guwahati Metropolitan Development Authority (GMDA) had communicated vide order reference No.GMDA/BP/2214/26112012/316 dated 03.11.2021 that the occupancy certificate is not issued for Arya Smart Living and the project construction is not completed with respect to the sanctioned plan in order to process the occupancy certificate application.
- Real Estate Regulatory Authority (RERA) had communicated vide order dated 13.06.2022 that there are misrepresentations in declaring the total land of the project as well as M/s Arya Erectors India Private Ltd have to obtain the project construction extensions from the concerned authority within a stipulated time period.



SEIAA has not initiated actions against the non-compliance of environmental clearance conditions for construction of Arya Smart Living as per Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986.

NON-COMPLIANCE TO THE CONDITIONS STIPULATED IN ENVIRONMENTAL CLEARANCE

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1. Specific Conditions Part A(I)(i) of environmental clearance states that

"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage"

M/s Arya Erectors India Private Limited has constructed approximately 123 + 30 units of low-rise apartment. Whenever there is slight rain fall, the entire open areas get submerged under water resulting in flood like situation and water remain stagnant for many days (some photos are enclosed herein). The main reason for water logging situation is due to absence of any Storm Water Drainage which was mandated to be

constructed by M/s Arya Erectors India Private Limited after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage as per environmental clearance conditions. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

2. Specific Conditions Part A(I)(xviii) of environmental clearance states that

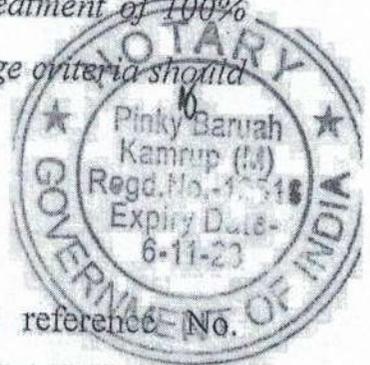
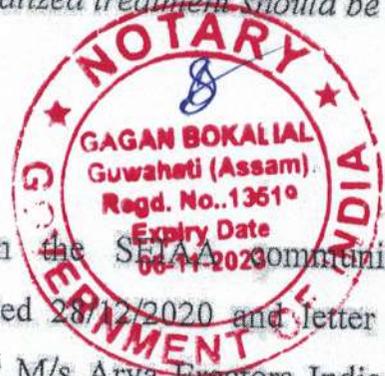
"Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water."

It is observed from the present construction that grey water is directly connected to the open drains which in turn creation of an unhygienic environment inside the premises. Moreover, the grey water mixed with rain water and spread over the entire open areas whenever there is rain. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

remedy

3. Operation Phase Conditions Part A(II)(i) of environmental clearance states that

"The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed."



It is observed from the SEIAA communication vide letter reference No. SEIAA.7/2013/11 dated 28/12/2020 and letter reference No. SEIAA.7/2013/1579 dated 13/05/2022 that M/s Arya Erectors India Private Ltd had not submitted the

report and compliance before SEIAA. However, the project is commissioned by the proponent without submitting the required reports although GMDA have not allowed the proponent to occupy the project. As per the order issued by RERA and GMDA, the project Arya Smart Living is still under construction phase. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

4. Operation Phase Conditions Part A(II)(v) of environmental clearance states that

"The peripheral green belt of 3 mtrs. Width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise."

Signature

It is seen from the present construction status that 3 mtrs peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintain the peripheral green belt as some structures like STP sheds etc. are already constructed. Authority shall investigate in details and initiate the actions as per the prevailing Act and Rules.

5. Operation Phase Conditions Part A(II)(ix) of environmental clearance states that

"Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mtr and 9 mtr in the project area."



It is seen from the sanctioned plan and present construction, there are some internal roads with a width of 6 mtr. Moreover, it is noticed from the joint measurement carried out for one of the C type unit that the covered parking area constructed by the proponent is less than the area shown in the sanctioned plan. Now it is very difficult for the house owner to park the vehicle in the designated parking space which resulting the owner to park the vehicles on the road. So, there is traffic congestions expected in internal roads as the roads are not constructed as mandated by SEIAA and on top of it the vehicles are also being parked on the road. We request your authority for a detail investigation and initiate necessary actions as per the prevailing Act and Rules.

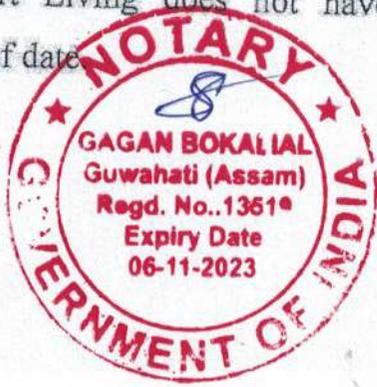
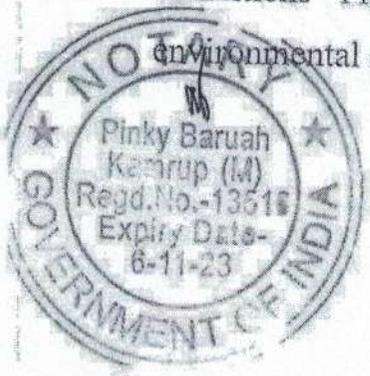
6. Operation Phase Conditions Part A(II)(x) of environmental clearance states that

g m m

"A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R&U factors, etc. and submit to the SEIAA in three months."

It is observed from the RTI response received from SEIAA that the reports mentioned in operation phase conditions part A(II)(x) are not submitted before SEIAA till 8 years whereas it was to be submitted in three months.

1. It is observed that the project proponent did not submit the documents mandated in General Conditions Part B 1, 3, 9 & 10. As per the General Conditions 11, the project Arya Smart Living does not have a valid environmental clearance from SEIAA as of date



This is for your necessary action at the earliest since it is clear instance of violation environmental condition as mentioned above. It is prayed before your authority for immediate investigation and initiate necessary action as per the Act and Rules in force.

We will be highly obliged before your authority for an immediate action.

Yours faithfully

- 1. Mrinmay Basumaty D-43, Anya Smart Lin
- 2. Sanjay Baruah Abhappur, Nalith Guwah
- 3. Brojen Ratha - D-22 D-41 Anya Smart Lin
N-GOWAHATI
Anya Smart Living

4. Dolly Gupte - D-30



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OFFICE OF THE CHAIRMAN
NORTH GUWAHATI MUNICIPAL BOARD
GUWAHATI-781030



No. NGMB/BP(OC)/2022-23/2513

Dated:- 06-08-2022

OCCUPANCY CERTIFICATE
[Under Rule 15 (a) of Building Byelaws, 2014]

To,

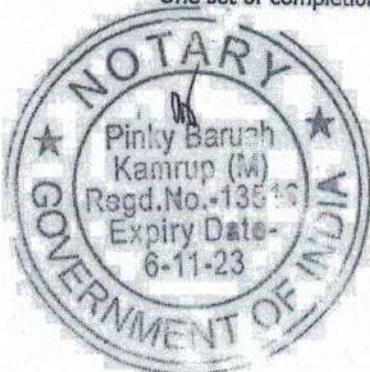
SRI ANIL KUMAR SARMA,
Managing Director
Arya Erectors India Pvt. Ltd.
Abhaypur, North Guwahati
Dist: Kamrup, Assam, PIN-781030

Sir

This is to certify that the construction of the R.C.C. Building- G.F.+2nd floor approved vide No Objection Certificate No. RGP/791/NOC /2004-05/17/81 dated 05/05/2018, situated at Revenue Villages - Abhaypur, Mouza: Sila-Sindurighopa, Dist: Kamrup, Assam covered by Dag Nos. 885, 889 and 890 of K. P. Patta No. 198 completed under the supervision of Technical Person- Akar Foundation, having registration No. CA/97/22284, is permitted to occupy the building based on the following-

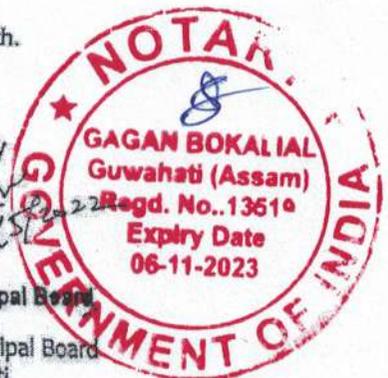
1. Completion Certificate submitted by RTP along with as built drawings showing plot and built-up areas.
2. Completion Report in Form No. 16.
3. Certificate by Architect on Record in Form No. 17.
4. Certificate by Construction Engineer on Record in Form No. 18.
5. Certificate by Structural Engineer on Record in Form No. 19.
6. Area statement on construction of buildings as per as built drawings in Form No. 22.
7. Detail report on construction of buildings as per as built drawing in Form No. 27.
8. Certificate from the Chief Electrical Inspector cum Adviser, APDCL, Assam issued vide No.CEIA/SES/2021/Pt-II/Amingaon/SS&OH/139 dated 14/02/2022
9. N.O.C. issued vide No. F&ES/FPW/3881/6899/21 dated 20/07/2021 from the Director of Fire and Emergency Services, Assam.
10. Rain Water Harvesting provisions are existing.
11. Parking provided at Ground 33 Nos. and Open 56 Nos. is as per approved site plan.
12. Segregate and store waste generated into two separate bins, i.e. biodegradable, non-biodegradable. Handover segregated waste to be processed, treated and disposed off through composting within the premises.

One set of completion plan / as built drawing duly certified is returned herewith.



Yours faithfully

[Signature]
CHAIRMAN
North Guwahati Municipal Board
Guwahati-30
North Guwahati Municipal Board
North Guwahati



Memo No. NGMB/BP(OC)/2022-23/2513

Dated:- 06-05-2022

Copy to:-

1. The Assessment Branch, N.G.M.B. for information.

[Signature]
Chairman
North Guwahati Municipal Board
North Guwahati



GOVERNMENT OF ASSAM
RUDRESWAR GAON PANCHAYAT

Rudreswar, North Guwahati, Kamrup, Assam, Pin-781030

Ref. RGP/791/NOC/2004-05/17/81

Date 5-5-2018

Building Permission/N.O.C.

The Office of the undersigned do hereby issue the following NOC for construction of building and approve the drawing submitted in the name of -M/S Arya Erectors India Pvt Ltd, of 2nd Floor, Happy Villa, Uzanbazar, Guwahati-3, Kamrup(M), Assam, under the below noted terms and conditions:-

- 1) Type of Construction :- R.C.C.
- 2) Total Plot Area :- 4 Bighas, 4 Kathas, 11 Lechas.
- 3) Total Area:- 6571.00 Sq.Mt.
- 4) Approved Floors :- G+2
- 5) Purpose of Construction :- Residential Flat
- 6) Location of the Building Premises :- Day No - 885, 889, 890
 Patta No - 198, Revenue village - Abhaypur, Mouza - Sila Sinduri Ghopa, Dist - Kamrup(Assam) under the jurisdiction of Rudreswar Gaon Panchayat.

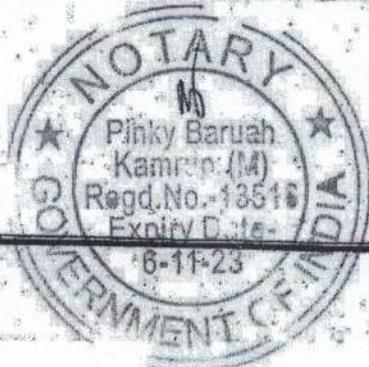
Chamuah

President PRESIDENT

Rudreswar Gaon Panchayat

N.B.: 1. This NOC is subject to strict adherence of plan, approved drawings, estimate and permissible/required limit of G.M.D.A, following all rules, regulations, clauses & by-laws made by the Government of Assam and other concerned authorities from time to time in this regard.

2. Any alteration/addition/subtraction of the approved drawing and non compliance of permissible/required limit of G.M.D.A mentioned in Planning Form No. 93/077/17-18/83, dated - 30/03/2018 will construe this NOC as cancelled.



Chamuah

TYPED COPY

ANNEXURE:- R

-93-

FORM - 2
OFFICE OF THE
GUWAHATI METROPLITAN DEVELOPMENT AUTHORITY
GUWAHATI
PLANNING PERMIT

No. 931/0771/47-18/38

Dated: 11/04/2018

To: The President

Rudreswar Gaon Panchayat

Sila Sinduri Ghopa, Guwahati

Kamrup, Assam

Sub: Modified Planning Permit

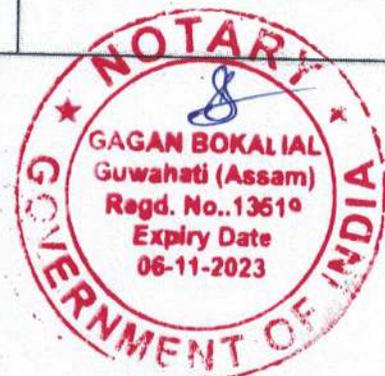
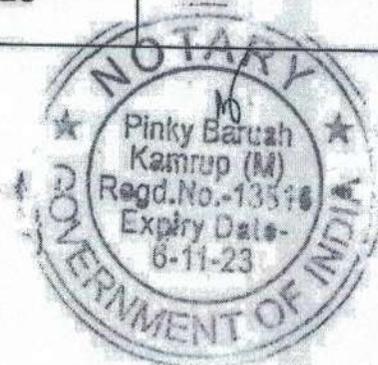
Ref: Application dated 18/07/2017 Submitted by *M/s Arya Erectors India Pvt. Ltd*

Sir/Madam,

With reference to the above application for development to erect/re-erect/add to/alter a building at *Abhoypur* of *Sila Sinduri Ghopa mouza*. Planning Permit is hereby accorded under **Section-5 (Guwahati Building Construction & Regulation Bye-law of 2014)** read with **Section-4 of Guwahati Building Construction (Regulation) Act, 2010**, in accordance with plan submitted with /without modification/ conditions. The proposed area of construction falls under **Residential Zone** per Master Plan and falls under **Moderate Intensity zone** as per Development Intensity Zones. The particulars of the construction for which permission accorded is given below. Modification in Building Plan if required shall be done within the permissible limit given below

Particulars :

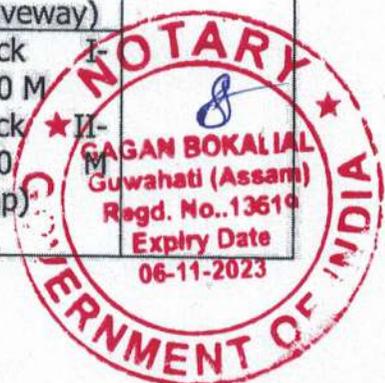
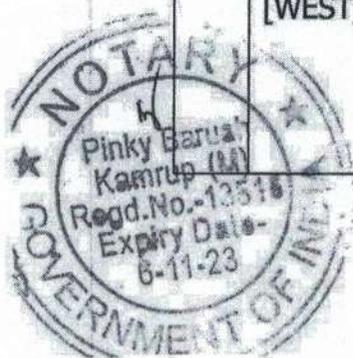
Dag No :885, 889 890	Patta No :198	Rev Village. :Abhoypur
Mouza :Sila Sinduri Ghopa	Ward No : -	Name of Road :10.60 M wide road
Plot Area :6620.16 Sq. m.		



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Sl No	Parameter	Permissible/Required	Proposed	Approved	Remarks
1	Height of Building	-	9.60 M	9.60 M	*Recreational and open spaces, driveway, floor height and stair should be as per provision of byelaws.
2	No. of Floors & Blocks	G+2	G+2	G+2	
3	Use	Residential Apartment	Residential Apartment	Residential Apartment	
	FAR	150.00	102.00	102.00	
4	Coverage	40.00 %	43.58 %	40.00 %	*Sewage treatment plant should be provided.
	Type of Construction	RCC	RCC	RCC	
5	Front set back [SOUTH]	Block I-5.20 M Block II-5.20 M Block III-5.20 M Block IV-5.20 M Block V-5.20 M	Block I-8.26 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	Block I-8.26 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	*Coverage should be 40% maximum. *2nd Floor height should be 3.00M.
6	Rear set back [NORTH]	Block I-1.80 M Block II-1.80 M Block III-1.80 M Block IV-1.80 M	Block I- 3.00 M Block II- 3.90 M Block III- 4.60 M Block IV- 5.20 M	Block I- 3.00 M Block II- 3.90 M Block III- 4.60 M Block IV- 5.20 M	
7	Side set back [EAST]	Block I- 3.60 M (Gap) Block II- 3.60 M (Gap) Block III- 3.60 M (Gap) Block IV- 3.60 M (driveway)	Block I- 7.20 M (Gap) Block II- 3.30 M (Gap) Block III- 7.20 M (Gap) Block IV- 1.20 M (driveway)	Block I- 7.20 M (Gap) Block II- 3.60 M (Gap) Block III- 7.20 M (Gap) Block IV- 1.20 M (driveway)	*The earlier PP issued
8	Side set back [WEST]	Block I- 1.80 M Block II- 3.60 M (Gap) Block III- 3.60 M (Gap)	Block I- 1.20 M Block II- 7.20 M (Gap) Block III- 3.30 M (Gap)	Block I- 4.20 M Block II- 7.20 M (Gap)	

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		Block IV- 3.60 M (Gap)	Block IV- 7.20 M (gap)	Block III- 3.60 M (Gap) Block IV- 7.20 M (Gap)	
9	Boundary Wall	Length = X	Height = X	Type = X	

**N.B.- 1) Provision of parking, stair, plantation, open space, no. of Dwelling Unit etc. are to be made as per byelaws.
2) Rain Water Harvesting system have to be provided**

Encl: As Annexure-I

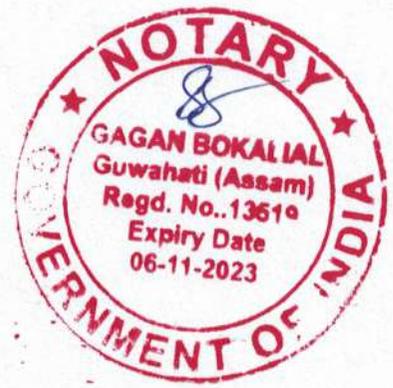
Yours faithfully,

Memo No: 931/077147-18/38-A

Copy to.

- 1) *M/s Arya Erectors India Pvt. Ltd.* 2nd floor. H. No.2. Happy Villa. Uzanbazar, Guwahati-3, you are requested to contact Rudreswar Gaon Panchayat for Building Permission.
- 2) Ar. Amitabh Sarma (RTP) 2nd floor, Woodland Complex. H.K. Kakoty Road. Ulubari. Guwahati-7. For information

Gagan



**OFFICE OF THE
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
GUWAHATI**

PLANNING PERMIT

No 9310771/17-18/38

18/11/2018

To : The President
Radneswar Goon Panchayat,
Sila Sinduri Glopna, Guwahati
Kamrup, Assam



Sub : Modified Planning Permit

Ref : Application dated 18/2/2017 Submitted by M/s Arya Erectors India Pvt. Ltd
Sir/Madam,

With reference to the above application for development to erect/construct/add to/alter a building at *Abhaypur* of *Sila Sinduri Glopna mouza*, Planning Permit is hereby accorded under Section-5 (*Guwahati Building Construction & Regulation Bye-law of 2014*) read with Section-4 of *Guwahati Building Construction (Regulation) Act, 2010*, in accordance with plan submitted with / without modification/ conditions. The proposed area of construction falls under *Residential Zone* per Master Plan and falls under *Medium Intensity* zone as per Development Intensity Zones. The particulars of the construction for which permission accorded is given below. Modification in Building Plan if required shall be done within the permissible limit given below.

Particulars:

Dag.No. 885, 889, 890 Patn.No. 198 Rev. Village *Abhaypur*
Mouza : *Sila Sinduri Glopna* Ward No. Name of Road *10.60M wide road*
Plot area : *6620.16 Sq.m.*

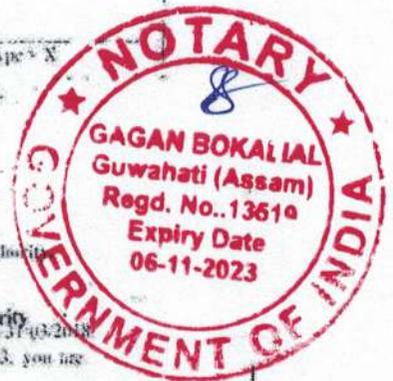
Sl. No	Parameter	Permissible/ Required	Proposed	Approved	Remarks
1	Height of Building		9.60 M	9.60 M	
2	No. of Floors & Blocks	G+2	G+2	G+2	
	Use	Residential Apartment	Residential Apartment	Residential Apartment	
3	FAR	150.00	102.00	102.00	
4	Coverage	40.00 %	43.58 %	40.00 %	
4	Type of construction	RCC	RCC	RCC	*Sanitary treatment plant should be provided.
5	Front set back [SOUTH]	Block I-5.20 M Block II-5.20 M Block III-5.20 M Block IV-5.20 M	Block I-8.20 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	Block I-8.20 M Block II-6.00 M Block III-6.00 M Block IV-6.00 M	*Coverage should be 40% maximum.
6	Rear set back [NORTH]	Block I-1.80 M Block II-1.80 M Block III-1.80 M Block IV-1.80 M	Block I-3.00 M Block II-3.00 M Block III-4.60 M Block IV-5.20 M	Block I-3.00 M Block II-3.90 M Block III-4.60 M Block IV-5.20 M	*2nd Floor height should be 3.00m.
7	Side set back [EAST]	Block I-3.60 M (Gap) Block II-3.60 M (Gap) Block III-3.60 M (Gap) Block IV-3.60 M (driveway)	Block I-7.20 M (Gap) Block II-3.30 M (Gap) Block III-7.20 M (Gap) Block IV-1.20 M (driveway)	Block I-7.20 M (Gap) Block II-3.60 M (Gap) Block III-7.20 M (Gap) Block IV-1.20 M (driveway)	*The earlier PP issued was the authority No 931 0771 / 17 / 18/31 dtd 22/2018 is hereby cancelled.
8	Side set back [WEST]	Block I-3.60 M (Gap) Block III-3.60 M (Gap) Block IV-3.60 M (Gap)	Block II-7.20 M (Gap) Block III-3.30 M (Gap) Block IV-7.20 M (Gap)	Block II-7.20 M (Gap) Block III-3.60 M (Gap) Block IV-7.20 M (Gap)	
9	Boundary wall	Length = X	Height = X	Height = X	Type = X

N.B.- 1) Provision of parking, slat, plantation, open space, no. of Dwelling Unit etc. are to be made as per byelaws.
2) Rain Water Harvesting system have to be provided.

Encl: As Annexure-I

Yours faithfully,

For Chief Executive Officer,
Guwahati Metropolitan Development Authority,
Bhangagarh, Guwahati-05
Chief Executive Officer,
Guwahati Metropolitan Development Authority



Memorandum No. 9310771/17-18/38-A
Copy to: 1)

M/s Arya Erectors India Pvt. Ltd, 2nd floor, H.No.2, Guppy villa, Uzbazar, Guwahati-3, you are requested to contact Radneswar Goon Panchayat for Building Permission.

2) Ar. Anilabh Sarma (RIP), 2nd floor, Woodland Complex, B.K. Kakoty Road, Uzbazar, Guwahati-7, for information.

sd/ Chief Executive Officer,
Guwahati Metropolitan Development Authority,
Bhangagarh, Guwahati-05

Signature

AUTHORIZATION LETTER

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5th Floor, Madhabdevpur, Rehabari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on 28-2-23

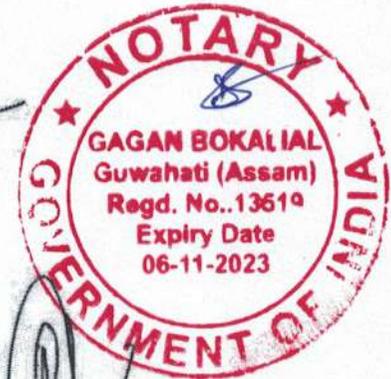
Sl.No. Particulars

Signature

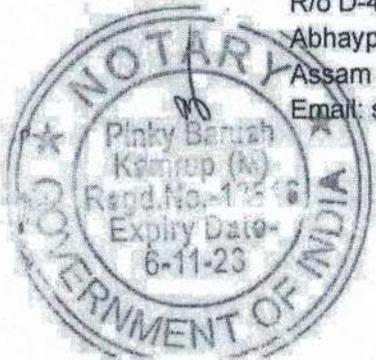
1. Dr. Mrinmoy Borkataki
S/o Dr. Munindra Borkataki
R/o D-49, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: dr.mrinmoyborkataki@gmail.com
2. Sri. Brojen Dutta
S/o Late Jiban Ch. Dutta
R/o D-22, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: brojendutta07@gmail.com
3. Sri. Sanjay Baruah
S/o Late Prutul Kumar Baruah
R/o D-49, Arya Smart Living
Abhaypur, North Guwahati 781031
Assam
Email: sanjaybar@gmail.com

Mrinmoy Borkataki

Brojen Dutta



Sanjay Baruah



AUTHORIZATION LETTER

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5th Floor, Madhabdevpur, Rehbari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/ lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

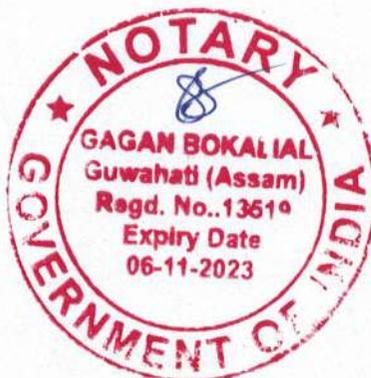
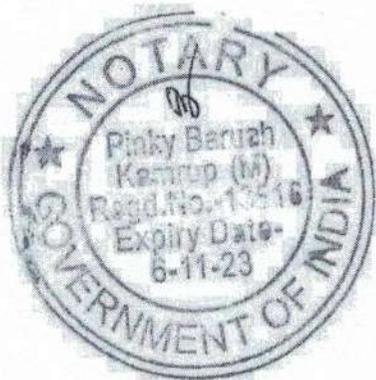
Signed and delivered by the within named on 03/03/2023. (date)

Padum Deori
Signature

Sl.No. Particulars

1. Sri. Padum Deori
S/o Sri. British Deori
R/o Nijarapar, P.O - Jagiroad
District - Morigaon
Assam
Email: padumd@gmail.com

Deori



Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.32/2023/EZ

In the matter of: -

- 1. Dr. Ganesh Das,**
Son of Sri. Dijendra Ch. Das,
Resident of Tribeni Apartment,
Flat No.5A, 5th Floor, Madhabdevpur,
Rehabari, Guwahati-781001,
Assam
- 2. Dr. Mrinmoy Borkataki,**
Son of Dr. Munindra Borkataki,
Resident of D-49, Arya Smart Living
Abhaypur, North Guwahati-781031,
Assam
- 3. Sri. Brojen Dutta,**
Son of Late Jiban Ch. Dutta,
Resident of D-22, Arya Smart Living
Abhaypur, North Guwahati-781031,
Assam
- 4. Sri. Sanjay Baruah,**
Son of Late Prutul Kumar Baruah,
Resident of D-41, Arya Smart Living
Abhaypur, North Guwahati-781031,
Assam
- 5. Sri. Padum Deori,**
Son of Sri. British Deori,
Resident of Nijarapar,
P.O. Jagiroad,
District-Morigaon,
Assam



.....Applicant(s)

Versus

- 1. M/S Arya Erectors India Pvt. Ltd.,**
Represented by its Managing Director,
503, K.P. Enclave, Sohagpur,
Rehabari, Guwahati-781008,
District-Kamrup (M)
- 2. State Environmental Impact Assessment Authority (SEIAA),**
Represented by its Member Secretary,
Bamunimaidam, Guwahati-781021,
District-Kamrup (Metro), Assam

3. Ministry of Environment, Forests and Climate Change,

Government of India,
Represented by its Secretary,
Indira Paryavaran Bhawan,
Jorbagh, New Delhi-110003

4. Guwahati Metropolitan Development Authority,

Represented by its Chief Executive Officer (CEO),
Statefed Building, Bhangagarh,
Guwahati-781005, Assam

5. North Guwahati Municipal Board,

Represented by its Chairman,
North Guwahati, Guwahati-781030,
Assam

6. Rudreswar Gaon Panchayat,

Represented by its President,
Rudreswar, North Guwahati-781030
District-Kamrup, Assam

7. Pollution Control Board, Assam

Represented by its Member Secretary,
Bamunimaidam, Guwahati-781021, Assam

.....Respondent(s)

Date of hearing: 24.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

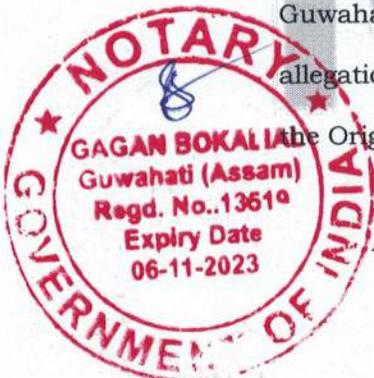
For Applicant(s) : Mr. Vikram Rajkhowa, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Vikram Rajkhowa, learned Counsel for the Applicants.
2. This Original Application has been filed by the Applicants alleging that the Applicants have purchased flats in the Arya Smart Living Housing Colony constructed by Respondent No.1, M/s Arya Erectors India Pvt. Ltd. It is stated that Environmental Clearance to the Project was granted by State Environment Impact Assessment Authority (SEIAA), Assam on 04.01.2014. NOC was granted by Guwahati Metropolitan Development Authority on 25.06.2013. The allegations of the Applicants *inter alia* as given in paragraph-9 of

the Original Application is as under: -

"9. That the Applicants beg to state that the problems in the Arya Smart Living project started to crop up for the



Buyers/Residents as Respondent No.1 violated and/or did not comply with various conditions stipulated in the E.C dated 21/01/2014 as given below among others:

(i) Specific Conditions at Part – A (I) (i) of E.C, i.e.,

“The storm water drainage shall be worked out after analyzing the contour levels of the site and the surrounding area and the capacity of storm water drainage.”

That Respondent No. 1 has constructed low-rise houses/apartment numbering around 123 units under Phase – 1 and around 30 units under Phase – 2 at Arya Smart Living project at North Guwahati. But whenever there is slight rain fall, the entire open area get submerged under water resulting in flood like situation and water remain stagnant for many days.

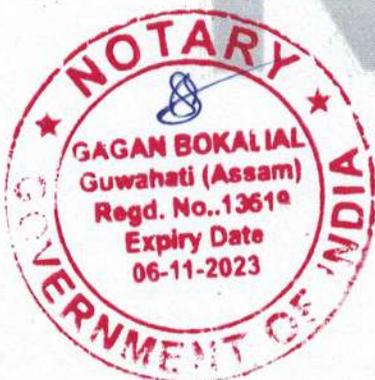
The primary reasons for water logging at Arya Smart Living project is due to –

- (a) absence of any Storm Water Drainage, as mandated to be constructed after analyzing the contour levels of the site and the surrounding area;
- (b) the capacity of Storm Water Drainage is not in compliance of E.C provisions;
- (c) bed level of road inside the project/campus is lower than the bed level of outside PWD road.

(ii) Specific Conditions at Part – A (I) (xviii) of E.C, i.e.,

“Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water”

That at present the grey water is directly connected to the open drains which in turn is causing unhygienic environment inside the premises. Moreover, the grey water mixed with rainwater spreads over the entire open areas whenever there is rain and waterlogging.



(iii) Operation Phase Conditions at Part – A (II) (i) of E.C, i.e.,

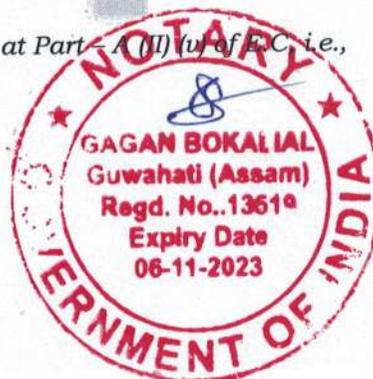
“The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed.”

That the Applicants submitted RTI application with Respondent No. 2 SEIAA dated 11/12/2020, including others, wherein various information was sought pertaining to the project, like:

- (a) validity of EC dated 21/01/2014
- (b) report regarding installation of Sewage Treatment Plant (STP) certified by an independent expert;
- (c) report regarding Rain water Harvesting;
- (d) report confirming internal road width of 7 m and 9 m inside the project area;
- (e) six monthly compliance report of EC conditions, among others

Thereafter the Applicants received RTI reply dated 28/12/2020 and 13/05/2022 from Respondent No. 2 SEIAA informing the Applicants that the Respondent No. 1 has not applied for extension of the E.C dated 21/01/2014 which was valid up to 21/01/2019 and in regard, to other information sought the same is not available in the office records.

(iv) Operation Phase Conditions at Part – A (II) (u) of E.C, i.e.,



"The peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise."

The Applicants beg to state that 3 mtrs. peripheral green belt is not maintained all around the plot area and even there is no visible provision for maintaining the peripheral green belt as structures like, drains, sheds, pathways, etc., are being constructed instead of the green belt. Be it stated that the total green belt area is to be around 7,485.96 sq.m according to the E.C but Respondent No. 1 has completely violated the said requirement.

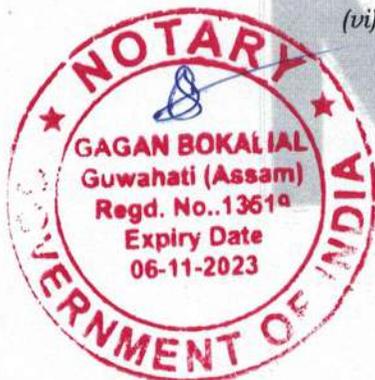
(v) Operation Phase Conditions at Part – A (II) (ix) of E.C, i.e.,

"Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mtrs. and 9 mtrs. in the project area."

It is observed from the sanctioned plan and present construction, there are some internal roads with width of 6 mtrs. only, which is causing traffic congestions and water logging as the roads are not constructed as mandated by Respondent No. 2 SEIAA.

(vi) Operation Phase Conditions at Part – A (II) (x) of E.C, i.e.,

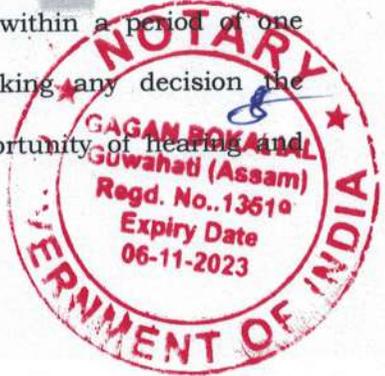
"A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R&U factors, etc., and submit to SEIAA in three months."



That according to the RTI response received from Respondent No.2 SEIAA the report pertaining to aforesaid energy conservation measures etc. which was to be submitted in three months is not available.”

3. It is stated that the Respondent No.1 has violated the Environmental Clearance (hereinafter referred to as 'EC') conditions. It is also stated that the EC was initially granted for five years which expired on 21.01.2019 but in the meantime it was extended for seven years upto 21.01.2021 but after 21.01.2021 the EC has not been extended nor has any application been filed by the Respondent No. 1 before SEIAA, Assam.
4. In respect of the grievances, the Applicants are stated to have preferred two representations dated 06.07.2022, Annexure-N and 20.10.2022, Annexure-O, to the Original Application.
5. In our opinion, no useful purpose will be served by keeping the matter pending since the representations of the Applicants is stated to have remained undisposed by SEIAA, Assam.
6. In this view of the matter, we dispose of this Original Application with the following directions: -
 - (i) The Respondent No.2, SEIAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexures-N & O, to the Original Application as also the grievances raised in paragraph-9 and its sub-paragraphs of the Original Application.
 - (ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam shall also given opportunity of hearing and

NGT



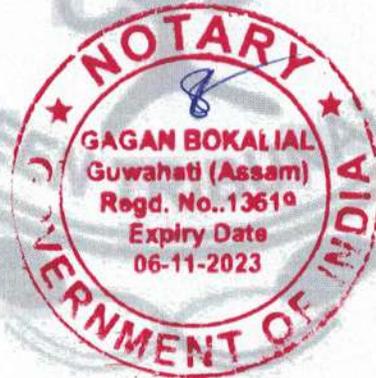
submission of written submissions, if any, to the Respondent No.1.

7. With the aforesaid directions, the Original Application No.32/2023/EZ is disposed of.
8. Interlocutory Applications, if any, stand disposed of accordingly.
9. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Prof. A. Senthil Vel, EM

March 24, 2023
Original Application No.32/2023/EZ
MN



NGT



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
Ministry of Environment, Forest and Climate Change, Government of India
BAMUNIMAIDAM, GUWAHATI 781021

SEIAA.3431/2023/14

Date: 09/05/2023

Speaking order as per NGT (EZ Branch, Kolkata) order in Original application No.32/2023/EZ

SYNOPSIS

The original application was filed by the purchasers of villas/ flats in the Arya Smart Living Housing Colony constructed by Arya Erectors India Pvt. Ltd. The Purchasers are-

1. Dr Ganesh Das.
2. Dr. Mrinmoy Borkataki.
3. Sri. Brojen Dutta.
4. Sri Sanjay Baruah.
5. Sri Padum Deori.

The applicants alleged that the Respondent No.1 did not comply with some of the conditions stipulated in the Environmental Clearance issued by State Environment Impact Assessment Authority (SEIAA), Assam vide No.SEIAA.07/2013/10 dtd.21/01/2014

Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata in original application No.32/2023/EZ disposed off the original application with the following directions-

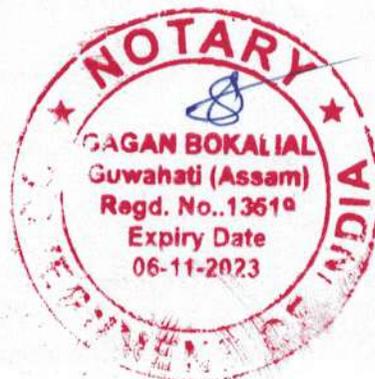
6. (i). The Respondent No.2, SEIAA, Assam shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexure-N & O, to the Original Application as also the grievances raised in paragraph-9 and its sub-paragraphs of the Original Application.

(ii). The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam shall also given opportunity of hearing and submission of written submissions, if any, to the Respondent No.1

Accordingly, Hearing on the matter taken from the representatives of Arya Erector India Pvt.ltd.and both verbal and written submissions taken on 26/03/2023 on the allegation made by the applicants.

On Specific condition at part A(I) (i) of the EC

- The respondents submitted that the contour survey was done prior to starting of the project. Submitted GMDA approved contour survey map.



- The project was handed over to the Arya Smart Living Society in 2019, being completed in all respect including the drainage system as per requirement.
- The water logging problem started after the improvement of road and construction of drain taken up by PWD during 2017 to 2020. A technical study of the Water logging problem in Arya Smart Living campus and its adjoining areas of Abhaypur, North Guwahati was taken up by IIT Guwahati on request from the ASL society. It revealed that the bed of the newly constructed drain along the road is at 15 cm higher than the internal drain. Supporting photographs were submitted.

On Specific Condition A (I) (xviii) of EC

- Dual Plumbing system was partially complied with e.g. at places i.e. Water fall at front, car washing etc.

Operational phase Condition A(II) (i) of EC

- The design and supply of STP was done by firms, expert in the relevant field of work.

Operational phase Condition A(II) (v) of EC

- The Green belt area is 9000 sq.m No of trees planted including hedges etc. shall be around 900. Green Belt also maintained all around the campus with exception of two corners.

Operational phase Condition A(II) (vii) of EC

- The ground water level being high and also as existing low lying area which acts as a natural water reservoir, only roof and surface rain water runoff is collected in the installed water tanks of 5000 lts capacity around the campus.

Operational phase Condition A (II) (ix) of EC

- There is no traffic congestion both inside and outside the campus. One parking area in each villa has been given as approved by GMDA.

Operational phase Condition A (II) (x) of EC

- Energy conservation measures have been taken in the villas and all common areas.

Heard and seen both verbal and written submissions of the representative of Arya Realtors India Pvt. Ltd.

Also perused the Final report of the Technical Study carried out by Indian Institute of Technology, Guwahati on request by Arya Smart Living Society.



The site visit was also done by team of experts which included-

Name-

1. Shri Praydut Kr. Choudhury, Chairman SEIA
2. Shri Swapan Kr Seal Sarma, Chairman SEAC
3. Prof. Bhagawat Pran Duarah, Member SEAC
4. Prof. Sarat Phukan, Member SEAC
5. Dr. Santanu Kr Dutta, Secretary SEAC

As Both the representation 'N' & 'O' are identical except an additional clause at representation 'N'-(5) Therefore both are being disposed simultaneously.

Regarding allegation at SL (1) of representation 'N' & 'O'

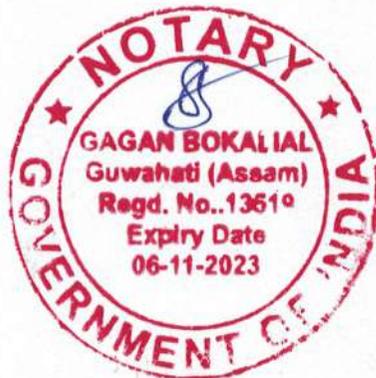
- The flood problem in the ASL campus is a genuine one The Arya Erectors, India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road & drain was taken up. The submitted photographs by the respondent no.1 also reveals that the natural drainage at front has also been encroached by neighbors. The nearby areas being developed only a common approach involving the development departments and neighboring community can bring in a fruitful one time solution to the problem. In the meantime, the Arya Erectors India Pvt. Ltd. Shall create a pond in appropriate low lying area inside the campus with adequate capacity & with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be so constructed so as to be filled by only the Storm water. Other activities can also be planned with the coordinated effort of all concerned.

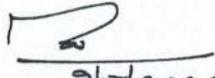
Allegation at Sl (3) of representation 'N' & 'O'

- The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore ASL society has to keep it functional.

Other matters,

- The matter of non submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately.




21/5/2023
Chairman
SEIAA, Assam
Bamunimaidam, Guwahati-21



OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA
BAMUNIMAIDAM, GUWAHATI-21.

No. SEIAA3431/2023/23

Date. 22/ 05/ 2023

To

Arya Erectors India Pvt. Ltd
Represented by its Managing Director
503, K.P Enclave, Sohagpur,
Rehabari, Guwahati-781008
Kamrup(M)

Sub :- Arya Smart Living at Abhayapur, North Guwahati, Assam by M/s Arya Erectors India Pvt. Ltd

Ref :- SEIAA Speaking Order No.SEIAA3431/2023/14 dtd.09/05/2023

Dear Sir,

In inviting reference to the above, it is to bring to your notice, that you have failed to submit the mandatory Six monthly compliance report as regards the projects in due time. This has been viewed seriously by the State Environment Impact Assessment Authority, Assam (SEIAA).

You are therefore directed to submit the compliance report of the Direction as per the speaking order "Regarding allegation at S.I.1 of representation 'N' & 'O' by Applicants in Original Application No.32/2023/EZ of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata", immediately after complete compliance of the order.

Yours faithfully,

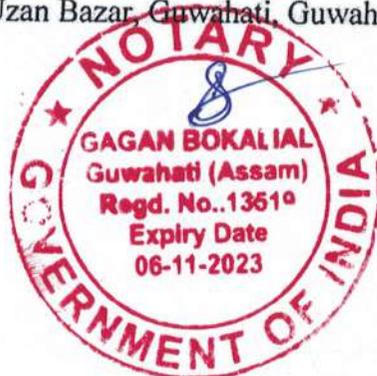
/

Chairman
SEIAA, Assam
Bamunimaidam, GHY- 21.
Date. 22/ 05/ 2023

No. SEIAA3431/2023/23

Copy to:-

✓ Shri Vikram Rajkhowa Advocate for Original Applicants H.No.13, Bhubon Road
(Entry H.C Road) Uzan Bazar, Guwahati, Guwahati-781001, Assam for his information.



Chairman
SEIAA, Assam
Bamunimaidam, GHY- 21.

GAHC010127252020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3654/2020

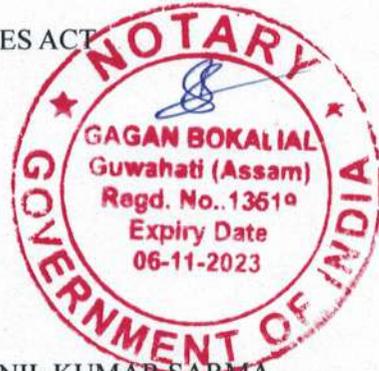
GANESH CH. DAS
S/O- LT. DIJENDRA CH. DAS, R/O- A 6, ARYA SMART LIVING, ELIGIBLE
MEMBER OF ARYA SMART LIVING GROUP COOPERATIVE SOCIETY, VILL-
ABHOYPUR, NORTH GUWAHATI, MOUZA- SILA SIHDERI GHUPA, DIST.-
KAMRUP (R), PIN- 781031

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES, ASSAM,
KHANAPARA, DIST.- KAMRUP (M), PIN- 781023, ASSAM

2:THE ASSTT. REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
BHANGAGARH
DIST.- KAMRUP (M)
PIN- 781008
ASSAM

3:M/S ARYA ERECTOR INDIA PVT. LTD.
A COMPANY REGD. UNDER THE COMPANIES ACT
1956
H.O.
H.NO. 123
ARYA SMART LIVING
VILL- ABHOYPUR
NORTH GUWAHATI
MOUZA- SILA SINDURI GHOPA
DIST.- KAMRUP (R)
PIN- 781031
REP. BY ITS MANAGING DIRECTOR- SHRI ANIL KUMAR SARMA
S/O- LT. PABINDRA NATH SARMA



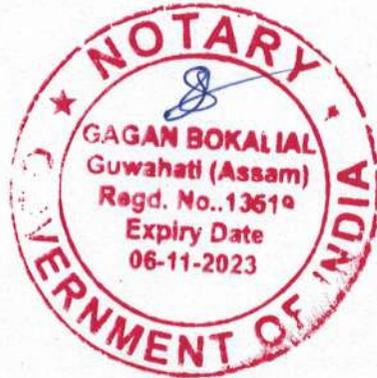
R/O- H.NO. 20
HAPPY VILLA
BALARAM BORA ROAD
BARUWARI
P.O. SHILPOKHURI
GHY-03

4:MRINMOY BARKOTOKI
PRESIDENT (NEWLY ELECTED) OF ARYA SMART LIVING GROUP
HOUSING COOPERATIVE SOCIETY LTD.
R/O- D 49 OF ARYA SMART LIVING
SITUATED AT ABHOYPUR
P/O- COLLAGE NAGAR
P.S. CHANSARI
DIST.- KAMRUP (R)
GHY- 781031

5:RAMA KRISHNA NEWAR
PAST PRESIDENT OF ARYA SMART LIVING
R/O- D 95 OF ARYA SMART LIVING GROUP CO-OPERATIVE SOCIETY LTD.
SITUATED AT ABHOYPUR
P/O- COLLAGE NAGAR
P.S. CHANSARI
DIST.- KAMRUP (R)
GHY- 781031

6:RITA PRADHAN
SECRETARY ARYA SMART LIVING GROUP COOPERATIVE SOCIETY LTD.
W/O- SHRI RAM KRISHNA PRADHAN
R/O- ARYA SMART LIVING
C-97 AT ABHOYPUR
P/O- COLLAGE NAGAR
P.S. CHANSARI
DIST.- KAMRUP (R)
GHY- 781031

7:SUBRATA CHATARJEE
THE THEN SECRETARY
ARYA SMART LIVING
D 23 OF AT ABHOYPUR
P/O- COLLAGE NAGAR
P.S. CHANSARI
DIST.- KAMRUP (R)
GHY- 78103



Advocate for the Petitioner : MR. B K SEN

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

30.01.2023

Heard Shri B.K. Sen, learned counsel for the petitioner whereas the Cooperation Department is represented by Ms. M.D. Bora. Shri Ghosh, the learned counsel appears for the respondent nos. 4 to 7.

Shri Sen, the learned counsel for the petitioner submits that fresh steps for the respondent no. 3 is to be taken.

Accordingly, 3 (three) days time is granted to enable taking of the steps upon the respondent no. 3 by registered post with A/D.

List this matter after a month along with fresh Service Report.

JUDGE

Comparing Assistant

