

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

ORIGINAL APPLICATION NO. 63/2019

WITH

APPEAL NO. 26/2020

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ... APPLICANT

VERSUS

UNION OF INDIA THROUGH

SECRETARY-MoEF & CC & OTHERS ... RESPONDENTS

FILE-A

[VOLUME-____]

REJOINDER AFFIDAVIT & ANNEXURES

(FOR PAPERBOOK INDEX KINDLY SEE INSIDE)

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[ANNEXURE-A-01 to A-04]

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Date: 26.10.2021



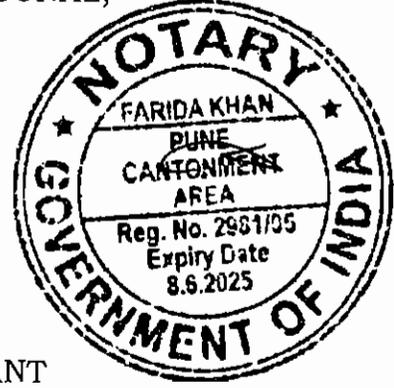
APPLICANT

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REJOINER AFFIDAVIT ON BEHALF OF THE ORIGINAL
APPLICANT TO THE REPLY AFFIDAVIT OF RESPONDENT
NO. 11-M/S. BRHMA LEISURES PVT. LTD. AFFIRM ON
24.07.2020 & SERVED ON 09.10.2021 OA AS WELL AS
APPEAL:

I, Ajay Bhosale S/o Jayvantrao Bhosale, Aged: Adult,
Occupation: Self-employed, R/o: Cycle Society, Nana Peth,
Near YMC Club, Pune-411011, do hereby solemnly affirm
and state on oath as follows:

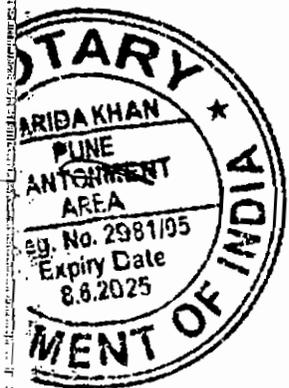
I have read the reply affidavit filed by Respondent
No.11-PP (M/s. Brahma Leisures Private Limited) dated
24.07.2020 in reply thereto, I state as under: -

PART A: FACTS LEADING TO THE CASE

- 1.** At the outset, I state that the contents of reply affidavit filed by Respondent No.11-PP (M/s. Brahma Leisures Pvt. Ltd.) dated 24.07.2020 are totally false, baseless, misleading, misconceived, frivolous, vexatious, neither bonafide nor true, not maintainable in the eyes of law and same are denied by this Applicant in totality.
- 2.** I state that, the reply affidavit filed by Respondent No.11-PP (M/s. Brahma Leisures Pvt. Ltd.) is affirmed on 24.07.2020 kept in objection till 06.10.2021 and served thereafter on 09.10.2021. It is important to note here that these delay tactics of not removing objections and delay filings are intentionally adopted by the Respondent No. 11-PP which are very worst in the legal proceedings.
- 3.** I state that, the principal contention of Original Applicant is, "PP have not obtained the prior environment clearance and violated terms and condition of the Consent to Establish dated 10.03.2015 issued by the MPCB and despite there being condition no. 27 imposed by PCMC in sanction no. B.P./Pimpri/76/2016 dated 24.11.2016 and

condition no. 25 in sanction B.P./Pimpri/36/2018 dated 31.03.2018, as the PP was going to exhaust the BUA limit of 20,000 Sq. Mtrs., however PP neglected to obtain mandatory permissions under environment enactments and advanced project construction in illegal manner. Further carried out the construction of total BUA of 18000 Sq. Mtrs. out of **54600** Sq. Mtrs.” Therefore the present application is filed under Section-14, 15, 18 & 20 of NGT Act, 2010 for restitution & restoration of public property and public health and environmental compensation on account of damage caused by PP due to his illegal construction.

4. I state that, apart from the above principal contentions applicant have ancillary violations of non-obtaining of “PP has not complied with environmental norms by non-obtaining of Environment Clearance and non-complying terms and conditions of Consent to Establish dated 10.03.2015, carried out illegal construction of 4 basements against no permission from SEIAA & GWA, residential & commercial development on industrial zone, no use of eco-friendly

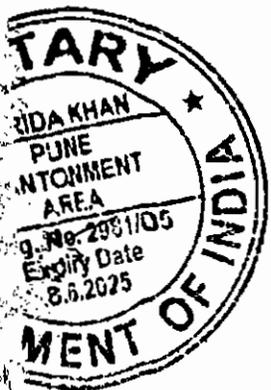


building material for construction etc. Therefore PP has committed following violations causing environmental damages”.

5. I state that, the Hon'ble Tribunal passed an Order dated 22.10.2019 appointing Joint Committee of SEIAA & MPCB when the Original Application was actually listed for admission.
6. I state that, the in compliance of the Order dated 22.10.2019 of this Hon'ble Tribunal, this Original Applicant served the copy of entire compilation of Original Application to SEIAA & MPCB on 02.11.2019.
7. I state that, the Joint Committee comprising Mr. Mukund Athavale a Member of SEIAA and Dr. Y. B. Sontakke a Joint Director of MPCB conducted project site visit on 15.12.2019 and with help of Respondent No. 11-PP's Architect Certificate vide dated 20.12.2019 filed casual, cursory, unscientific, tentative and misleading report on 07.01.2020 before the Hon'ble Tribunal.
8. Therefore, I state that, after service of OA copy, the SEIAA & MPCB were well within the knowledge of this ongoing proceedings of Original Application and after

site visit dated 15.12.2019, the Respondent No. 11-PP was well within the knowledge of this ongoing proceedings of Original Application. However, Respondent No. 2-Principal Secretary of DoE being Member Secretary of SEIAA gave clean chit to the Respondent No. 11-PP vide its communication dated 16.11.2019, behind back of this Original Applicant by without providing any Opportunity and violated principle of natural justice on two count, One is Bias conduct and second is *Audi Alteram Partem*, no notice & hearing was given to Original Applicant.

9. I state that, this Hon'ble Tribunal after considering the merit of OA and Joint Committee Report dated 07.01.2020, issued show cause notice and also issued notices to all Respondents vide its Order dated 05.02.2020.
10. I state that, the in compliance of the Order dated 05.02.2020 of this Hon'ble Tribunal, this Original Applicant served the copy of entire compilation of Original Application to all Respondents including Respondent No. 11-PP on 15.02.2020.



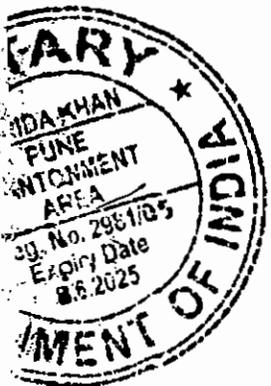
11. I state that, this entire illegal conduct of government officers from SEIAA, MPCB & Environment Department come into light after getting information under RTI from SEIAA office and to the utter shock and surprise, there was misconduct, corruption and manipulation on the face of records and therefore, this Original Applicant has also lodged the complaint dated 04.02.2020 before Anti-Corruption Department, same is under investigation and only thereafter, SEIAA granted ex-post facto Environment Clearance on 18.02.2020 to help and facilitate the Respondent No. 11-PP in view to overcome the present violation.

12. I state that, this is perfect case in which strict action is required and Also Hon'ble Supreme Court of India vide its Order dated 07.10.2021 made it clear in Para-16.4 of judgment that this Hon'ble Tribunal has powers to take action against the authorities for their inactions, when need be and this is the worst case of intentional wrong actions.

13. IMPORTANT DATES AND EVENTS:

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

Sr.	Event	Date
1.	1 st Application for EC	07.09.2013
2.	1 st Show Cause Notice by SEIAA & PS-DoE	30.08.2014
3.	1 st Withdrawal Communication for SCN	10.03.2015
4.	1 st Consent to Establish	10.03.2015
5.	2 nd Application for EC	30.06.2016
6.	2 nd Consent to Establish	12.10.2017
7.	3 rd Application for EC	06.10.2018
8.	Notice/Complaint of Original Applicant	19.05.2019
9.	MPCB 1 st Site Visit by Field Officer	10.06.2019
10.	2 nd Show Cause Notice by SEIAA & PS-DoE	15.06.2019
11.	MPCB 2 nd Site Visit by SRO-2	27.06.2019
12.	Filing of OA	14.08.2019
13.	First Order of NGT	22.10.2019
14.	Service to Joint Committee of SEIAA & MPCB	02.11.2019
15.	Personal hearing given to PP by PS-DoE	11.11.2019
16.	2 nd Withdrawal Communication for SCN	16.11.2019
17.	Second Order of NGT	10.12.2019
18.	Joint Committee Visit to project site	15.12.2019
19.	Architect Certificates prepared on	20.12.2019
20.	Joint Committee Report filed to NGT	07.01.2020



21.	Third Order of NGT issuing Notice & Show cause to PP	05.02.2020
22.	Service to the Respondent No. 11-PP	15.02.2020
23.	Grant of ex-post facto EC	18.02.2020
24.	Appeal No. 26/2020 filed on	19.03.2020
25.	Fourth Order of NGT	13.07.2020
26.	Respondent No. 11-PP Reply Affidavit Sworn on	24.09.2020
27.	Respondent No. 11-PP filed IA No. 86/2020 sworn on	24.09.2020
28.	Fifth Order of NGT	03.09.2021
29.	Respondent No. 11-PP filed IA No. 86/2020 filed on	06.10.2021
30.	Respondent No. 11-PP Corrected Reply Affidavit served on Original Applicant	09.10.2021

14. Therefore, it is clear from the above events, only time killing activities are under taken by the Authorities and Respondent No. 11-PP to overcome the violation and to take benefits of *fait accompli* situation by carrying out the construction in full swing and also to Order/communications dated 16.11.2019 issued by PS-DoE are passed during the period case is pending final decision generates questionable circumstances. And this is the disdainful conduct of PS-DoE to defy the final outcome of case and only reason behind this



is the illegal activities undertaken by misuse of powers for other gains.

15. ADMITTED FACTS BY RESPONDENTS INCLUDING PP:

- a.** I state that, the Respondent No. 11-PP has admitted that the entity is registered under the provisions of company law and it is mandatory to pass resolution for appointment of authorised person on their behalf for doing business related to court case and there is no appointment of authorised person, no resolution to that effect and no verification by authorised person and it is mandatory under law.
- b.** I state that, the status of construction on various stage is brought on records by PP and government authorities and same is admitted position as below;

Sr.	Reference	Status of Construction
1.	As per 1 st Show cause withdrawal Letter dated 10.03.2015	Started excavation in 2011 & Stopped excavation in 2012 Page-526, item No. 3 & 4
2.	MPCB 1 st site visit dated 22.05.2019	PP applied for EC in October, 2018

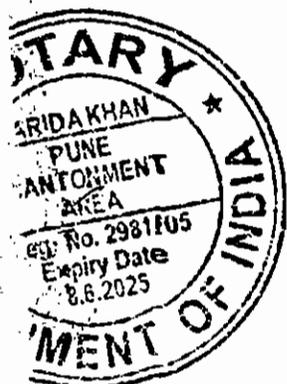


		<p>Page-604, Item No. 3</p> <p>Building Construction</p> <p>A: Basements + 1st floor</p> <p>B: Construction Stopped</p> <p>C: Construction Stopped</p> <p>Page-604, Item No. 4</p>
3.	MPCB 2 nd site visit dated 10.06.2019	<p>PP applied for EC</p> <p>Page-605, Item No. 2</p> <p>Building Construction</p> <p>A: 3 Basement + Lower + upper floor half</p> <p>B: 3 Basement + Lower floor</p> <p>C: Basement floor</p> <p>Page-605, Item No. 3</p>
4.	SEIAA Show Cause notice dated 15.06.2019	<p>Undertaken excavation in 2012 and construction activity in 2017</p> <p>Page-627, Item No. b</p>
5.	MPCB Show Cause Notice dated 27.06.2019	<p>Carry out construction activity without obtaining Environment Clearance</p> <p>Page-640, Item No. 2</p>
6.	OA filed on 14.08.2019	<p>Completed construction of 18000 M² out of 54600 M²</p>
7.	As per 2 nd Show cause withdrawal Letter dated 16.11.2019	<p>8467.69 M²</p>

8.	As per joint Committee site visit Report dated 15.12.2019	13806.52 M ²
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c. I state that, it is admitted position that the Respondent Authorities have observed the stage wise increase in the construction after 22.05.2019 i.e. after the complaint of this Original Applicant and nothing is placed no records to prove that except excavation in 2012 and after undertaking on stoppage of exaction vide dated 10.03.2015, any construction is carried out till March/April-2019. Therefore, Respondent No. 11-PP started full swing construction only after March/April-2019 as observed by MPCB in its first site visit dated 22.05.2019. Thus, the cause of action is first arose on 15.06.2019, when SEIAA issued show Cause notice to Respondent No. 11-PP and also, it is step by step increase in capacity of construction indicating recurring cause of action for which PP is prohibited by law.

d. I state that, it is admitted position that the Respondent No. 11-PP has filed three Applications for obtaining Environment Clearance vide First



Application vide dated 07.09.2013 for total BUA of 36611.2 M², Second Application vide dated 03.06.2016 for total BUA of 24555.67 M² and Third Application vide dated 06.10.2018 for total BUA of 54667.86 M². Therefore, two Applications dated 07.09.2013 & 03.06.2016 become meaningless and the present ex-post facto EC dated 18.02.2020 is granted on third application dated 06.10.2018.

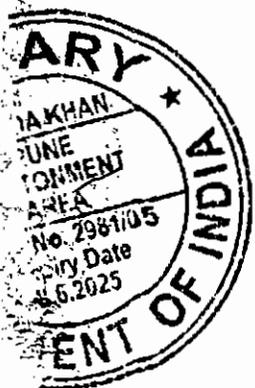
e. I state that, it is admitted position that the Respondent No.11-PP filed application dated 04.07.2015 for obtaining Consent to Establish for total BUA 36611.2 M² and MPCB granted Consent to Establish vide dated 10.03.2015 for total BUA 36611.2 M² and on same day of grant of letter for show cause withdrawal dated 10.03.2015 by PS-DoE. CTE dated 10.03.2015 was issued on mandatory compliance of condition no. 11 & 12 for obtaining prior EC and prohibiting any construction at site.

f. I state that, it is admitted position that the Respondent No.11-PP filed application dated 28.04.2017 for obtaining revised Consent to Establish for total BUA 51358.46 M² and MPCB granted

Consent to Establish vide dated 12.10.2017 for total BUA **51358.46** M2 and CTE dated 12.10.2017 was issued on mandatory compliance of condition no. 12 for obtaining prior EC and prohibiting any construction at site with no effective steps. Whereas ex-post facto EC dated 18.02.2020 granted in illegal manner is for total BUA of **54667.89** M².

- g. I state that, it is admitted position that the Respondent No.11-PP has obtained one original sanction plus more than 4 revisions for his building construction project with increasing and decreasing the total BUA of project against each sanction with respect to previous sanctions.

Sr.	Commencement Certificate Date	TBA (M ²)
1.	28.03.2008	17995.00
2.	09.04.2013	21368.30
3.	30.09.2015	22010.30
4.	24.11.2016	2121.390
5.	31.03.2018	19991.40
6.	04.10.2018	54667.89
7.	16.05.2019	19978.40



h. I state that, the Respondent No. 11-PP intention was not clear on the TBA of project to be proposed and full potential sanction was not obtained from PCMC till 04.10.2018. And after obtaining full potential TBA sanction on 04.10.2018, PP applied for the Environment Clearance before SEIAA vide application dated 06.10.2018 and made its intention clear to proceed with TBA more than 20000 M². On the other hand, due to Respondent No. 11-PP unclarity on TBA more than 20000 M² and inappropriate application for EC, Respondent No. 11-PP stopped his excavation and stopped construction activity at site till March/April-2019 as record shows. In this circumstances, stand of Respondent No. 11-PP connecting cause of action to the year 2012 and 30.09.2015 became toothless and will not survive.

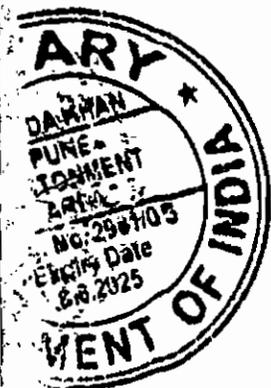
i. I state that, the Respondent No. 13-PP has obtained PCMC sanction Plan & commencement certificate vide dated 28.03.2008 & 31.03.2018 showing TBA of 17595 M² & 19991.40 M² respectively, which less than 20000 M². In this circumstances, Respondent No. 11-PP cannot connect the cause of action first

arose to the year 2012 & 30.09.2015, just to mislead this Hon'ble Tribunal to overcome his multiple wrongs and this is admitted position in totality.

j. I state that, the Respondent No. 13-PP in his reply affidavit dated 24.09.2020 at Para-6.3, 6.21 & 6.22, it is abundantly clear that the Respondent No. 11-PP himself is making contrary stand in this Interlocutory Application and Reply Affidavit on account of cause of action first arose by unclarity on TBA and admitted stoppage of excavation and no commencement construction till March/April-2019.

k. I state that, the Respondent No.11-PP has admitted that the installation of 45 KVA DG sets at project site for construction and also MPCB has pointed out that there is no installation of STP, Waste Disposal systems, then the waste water generated from labour and their waste where it is disposed.

l. I state that, it is admitted position that the Respondent No. 3-Member Secretary of SEIAA i.e. Also Respondent No. 2-PS-DoE has well advance knowledge of ongoing proceeding before this Hon'ble Tribunal by way of OA No. 63/2019, as the



Respondent No. 3-SEIAA & Respondent No. 5-MPCB were served on 02.11.2019 and therefore, show cause notice withdrawal letter of dated 16.11.2019 is done intentionally to dilute the proceedings.

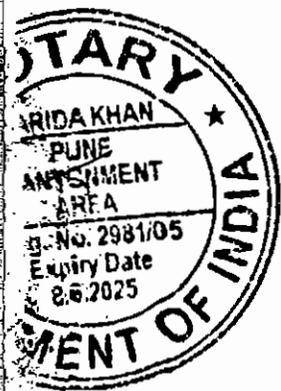
m. I state that, it is admitted position that the Respondent No. 11-PP has knowledge of ongoing proceeding before this Hon'ble Tribunal by way of OA No. 63/2019, as the Respondent No. 3-SEIAA & Respondent No. 5-MPCB were served on 02.11.2019 and visited the site on 15.12.2019 and also served notices to all respondent on 15.02.2020 as per order of this Hon'ble Tribunal dated 05.02.2020 and therefore, grant of ex-post fact EC dated 18.02.2020 is done intentionally to dilute the proceedings.

n. I state that, the Joint Committee vide its report submitted to this Tribunal on 07.01.2020 has admitted that there clearly observed that the construction of 13806.52 M² as per architect certificate is completed as on date of visit prior to the obtaining EC and also admitted that, the EC is not obtained till the date of site visit.

- o. I state that, it is admitted position that the EIA Notification, 2006 is not permitting any construction without prior EC and Also this Hon'ble Tribunal and Hon'ble Supreme Court has already held that grant of ex-post facto EC is also not permissible in the environmental jurisprudence.

16. VARIOUS ORDERS & UNDERTAKING PROHIBITING CONSTRUCTION:

- i) EIA Notification, 2006 dated 14.09.2009 prohibits any construction without prior EC.
- ii) Reply of PP dated 28.09.2014 submitted to PS-DoE undertakes no further excavation and construction.
- iii) Letter/ Communication dated 10.03.2015 issued by PS-DoE directs no further no further excavation and construction.
- iv) Consent to Establish dated 10.03.2015 vide condition no. 12 prohibits further construction.
- v) Revised sanction issued by PCMC dated 30.09.2015 vide Condition no. 26 prohibits further construction.
- vi) Revised sanction issued by PCMC dated 24.11.2016 vide Condition no. 27 prohibits further construction.



- vii) Consent to Establish dated 12.10.2017 vide condition no. 11 & 12 prohibits further construction.
- viii) Revised sanction issued by PCMC dated 31.03.2018 vide Condition no. 25 & 30 prohibits further construction.
- ix) Revised sanction issued by PCMC dated 04.10.2018 vide Condition no. 1 & 2 prohibits further construction.
- x) Revised sanction issued by PCMC dated 16.05.2019 vide Condition no. 27 prohibits further construction.
- xi) Revised sanction issued by PCMC dated 08.01.2020 vide Condition no. 27 prohibits further construction.
- xii) Therefore, despite above prohibitory orders, Respondent No. 11-PP has carried out illegal construction and obtained ex-post facto EC dated 18.02.2020 in illegal manner and with intention of dilution final outcome of OA No. 63/2020.

17. GROUNDS FOR REJECTION OF REPLY AFFIDAVIT OF PP AND TO ALLOW ORIGINAL APPLICATION:

- A) BECAUSE,** the EIA Notification, 2006 mandates prior Environment Clearance for the Building and

Construction Project having total Built-up Area more than 20000 M² as stated in item No. 8 (a) of the schedule to the said EIA Notification, 2006 dated 14.09.2006.

B) BECAUSE, the word "**Prior**" appears more than **40 times** in EIA Notification, 2006 and therefore, legislature intention to have mandatory prior Environment Clearance needs to be understand.

C) BECAUSE, the MoEF has issued clarification with Office Memorandum vide No. J-11013/41/2006-IA.II(I) dated 19.08.2010 in respect to the EIA Notification, 2006 to clarify which activities can be under taken without prior Environment Clearance; "No activity relating to any project covered under this Notification including civil construction, can be undertaken at site without obtaining prior environmental clearance except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).", Therefore, No construction is permissible under EIA Notification, 2006 without prior Environment Clearance.



- D) BECAUSE,** the Respondent No. 11-PP has undertaken the commercial building construction project in the name & style as "**Bramha Sky Uzuri**" having total BUA of 54667.87 M² on Survey No. 209/A/2 (CTS No. 4702), at Pimpri Chowk, Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation (PCMC).
- E) BECAUSE,** admittedly PCMC & Respondent No. 11-PP has suppressed the sanction Plans for all sanctions and only commencement certificates are attached with their reply affidavit to overcome the calculations of actual Total Built-up Area from each sanction.
- F) BECAUSE,** the Respondent No. 11-PP admitting Original sanction vide dated 28.03.2008 is obtained for construction of Mall from PCMC for total BUA of 17595.00 M², which is less than 20000 M² and below threshold limit of EIA Notification, 2006. Therefore, not obtained prior environment clearance and started the excavation in the year 2011.
- G) BECAUSE,** the Respondent No. 11-PP admitting first revised sanction vide dated 09.04.2013 is obtained for construction of 5 Star Hotel from PCMC for total BUA



of 21368.30 M², which is more than 20000 M² and above threshold limit of EIA Notification, 2006. Therefore, applied vide application dated 07.09.2013 for obtaining prior environment clearance and admittedly stopped in the 2012 and previous sanction dated 28.03.2008 gets ineffective due to this revised sanction as change in the project from construction of Mall to 5 Star Hotel.

H) BECAUSE, the Order passed by Hon'ble Bombay High Court vide dated 06.03.2013 in Writ Petition No. 470/2013 and Orders vide dated 24.03.2014 & 18.12.2014 in WP (L) No. 655 of 2014 applicable only to SRA/Dilapidated/CESS buildings/ Rehabilitation Project and present project under challenge is not any of the SRA/Dilapidated/CESS buildings/ Rehabilitation having total proposed BUA more than 20000 M² and Order passed by Bombay High Court above are not supporting the contention of Respondent No. 11-PP and on the contrary Hon'ble Bombay High Court has clearly stated that, the if project is going to cross the total BUA of more than 20000 M² and its proposed BUA is more than 20000



M² then it is mandatory on part of the Respondent No. 11-PP to obtain prior Environment Clearance and these Orders and judgments are per incuriam in view of the Judgments passed by the Hon'ble Supreme Court of India in (2017) 9 SCC 499 Common Cause Vs UoI, (2018) 18 SCC 257 in the case of Goel Ganga Developers India Pvt. Ltd. v UOI, 2020 SCC OnLine SC 347 in the case of Alembic Chemicals v Rohit Prajapati, (2020) 2 SCC 666 in the case of Keystone developers v. Anil Tharthare.

- I) BECAUSE,** the 1st Show cause notice dated 30.08.2013 issued U/s. 5 of Environment (Protection) Act, 1986, is withdrawn by Principal Secretary, Environment Department, Government of Maharashtra vide its letter/Communication dated 10.03.2015, on the basis of TBA in Original Sanction dated 28.03.2008 was less than 20000 M² and below threshold limit of EIA Notification, 2006 and not attracting prior EC, also observed that as soon as proposed TBA of project vide sanction dated 09.04.2013 crossed more than 20000 M² and above threshold limit of EIA Notification, 2006, Respondent

No. 11-PP has applied for prior EC dated 07.09.2013 and stopped excavation in the year 2012 as per his reply dated 28.09.2014 submitted in response of this show cause notice. Accordingly 1st Application dated 07.09.2013 for EC comes to end by getting nullify and not taken to the final conclusion Respondent No. 11-PP.

J) BECAUSE, the Consent to Establish dated 10.03.2015 obtained for construction of 5 Star Hotel for total proposed total Built-up area of 36611.49 M2, also imposes Condition No. 12 towards not taking further effective steps prior to obtaining EC and accordingly there was no construction at site, except the existing excavation done in 2012.

K) BECAUSE, the circular dated 21.04.2015 issued by Principal Secretary, Environment Department, Government of Maharashtra was issued based on the Order dated 06.03.2013 passed by Hon'ble Bombay High Court in Writ Petition No. 470/2013 allowing the construction upto 20000 M² only for SRA/Dilapidated/CESS buildings/ Rehabilitation Project and in continuation with the above Order



further, Hon'ble Bombay High Court passed an Orders dated 24.03.2014 & 18.12.2014 in WP (L) No. 655 of 2014 allowing construction of SRA/Dilapidated/CESS buildings/ Rehabilitation built-up including free sell built-up only for these SRA/Dilapidated/CESS buildings/ Rehabilitation and these Orders are not applicable for other regular new/fresh development projects having no bearing of SRA/Dilapidated/CESS buildings/ Rehabilitation components. Moreover, this Circular is not the statute enforced after due compliance of law or Hon'ble High Court has not modified EIA Notification, 2006 in respect of new/fresh building & construction project. And this Circular is not supporting the illegal construction upto 20000 M² for the project having total BUA of more than 20000 M².

- L) BECAUSE,** the Respondent No. 11-PP obtained second revision dated 30.09.2015 for total proposed BUA of 22010.30 M² Wherein PCMC imposed condition no. 26 for not carrying any construction without prior EC and thereafter, filed 2nd application vide dated 30.06.2016 with multiple suppression on

various counts and accordingly there was no construction at site, except the existing excavation done in 2012, and also obtained third revision dated 24.11.2016 for total proposed BUA of 21213.90 M2 Wherein PCMC imposed condition no. 27 for not carrying any construction without prior EC, both for construction of 5 Star Hotel from PCMC, and accordingly there was no construction at site, except the existing excavation done in 2012.

M) BECAUSE, the Respondent No. 11-PP obtained fifth revision dated 04.10.2018 for full potential total proposed BUA of 54667.89 M² Wherein PCMC imposed condition no. 1 & 2 in commencement Certificate & Layout Order for not carrying any construction without prior EC and thereafter, filed 3rd application vide dated 06.10.2018 before SEIAA and accordingly despite there being specific conditions restraining construction, Respondent No. 11-PP started preparation for further excavation & construction at site.

N) BECAUSE, the Respondent No. 11-PP obtained fourth revision dated 31.03.2018 for total proposed BUA of



19991.40 M² with specific condition no. 25 & 30, as this sanction has obtained with suppression of actual TBA and also obtained sixth revision dated 16.05.2019 for total proposed BUA of 19978.40 M² with specific condition no. 27, and also obtained seventh revision dated 08.01.2020 with specific condition no. 27, as these sanction has obtained with suppression of actual TBA, both for construction of 5 Star Hotel from PCMC, and for taking illegal benefits Circular Dated 21.04.2015 and Orders of Hon'ble Bombay High Court in Writ Petition (L) No. 470/2013 & Writ Petition No. 655/2014 with misconstruction & misinterpretation, accordingly there construction started in March/ April-2019 at site.

- O) BECAUSE,** the biggest apprehension of Respondent No. 11-PP is that the prior EC is not required for the project to carry out construction upto 20000 M², even its proposed TBA is more than 20000 M² mandating prior EC under EIA Notification, 2006 and EC needs to obtain at the time to cross the threshold limits of 20000 M². Which is totally in contradiction with prevailing law and then, the question before this

Original Applicant is that, why Respondent No. 11-PP has obtained the Consent to Establish dated 10.03.2015 & 12.10.2017?.

P) BECAUSE, this Hon'ble Tribunal is empowered with Powers under Rule-24 under NGT (Practice & Procedure) Rules, 2011 for end of justice and guided by principal of natural justice and this Tribunal is special institution formed from Orders of Hon'ble Supreme Court of India, Hon'ble High Courts and International conventions where India is party to them. Therefore, this Hon'ble Tribunal shall use their special powers and shall quash & set aside the Letter/communication dated 16.11.2019 issued by PS-DOE behind back of this Original Applicant by not providing any opportunity of hearing and setting in their own cause and in total violations of principle of natural justice, and by not communicating this Letter /Communication to this Original Applicant till date, even after filing of RTI dated 01.02.2020. And also, this Letter of giving clean chit to Respondent No. 11-PP is issued during the pendency of Original Application. Hon'ble Tribunal has already used this



powers in Original Application No. 184/2015 vide its Order dated 27.09.2016 for quashing of Letter dated 31.05.2016 withdrawing show cause notice during pendency of OA and same has been upheld by Hon'ble Supreme Court vide its Order dated 10.08.2018 in Civil Appeal No. 10854/2016.

- Q) BECAUSE,** this is admitted case of violation as natural resource exploited for construction of building and therefore, appraisal by SEAC-III and Impact assessment by SEIAA becomes meaning less.
- R) BECAUSE,** despite various letters, communications & Orders on prohibition of construction without prior EC, like PP undertaking & reply dated 28.08.2014, Letter of PS-DoE dated 10.03.2015, Conditions from CTE dated 10.03.2015 & 12.10.2017, Conditions from Commencement certificates dated 30.09.2015, 24.11.2016, 31.03.2018, 04.10.2018, 16.05.2019 & 08.01.2020, Respondent No. 11-PP has carried out construction without obtaining mandatory prior Environment Clearance.
- S) BECAUSE,** this Hon'ble Tribunal vide its Order dated 07.07.2015 in case of "S. P. Muthoraman Vs UoI &

Ors.” in OA No. 37/2015, has prohibited any construction without prior Environment Clearance.

T) BECAUSE, in the Case of Common cause Vs Union of India (2017) 9 SCC 499 to 578, Hon’ble Supreme Court has observed that,

*“124. We are not in agreement with learned counsel for the mining lease holders. There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long term impact. EIA 1994 is therefore very clear that if expansion or modernization of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in **M. C. Mehta** even for the renewal of a mining lease where there is no expansion or modernization of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an ex post facto environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”*



Therefore, no construction is permissible without prior EC.

U) BECAUSE, in the Case of Civil Appeal No. 10854/2016, Hon'ble Supreme Court has observed vide its Final Order & Judgment dated 10.08.2018 that,

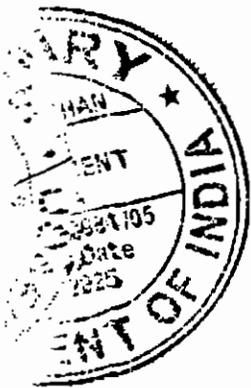
"23. In case the total construction raised by the project proponent is taken as 1,00,002.25 sq. mtrs. and if the area of the proposed construction is added then the project will fall in B1 category and, therefore, the SEIAA had no authority to grant EC by treating the project as falling under Category B2. Furthermore, the EC dated 20.11.2017 is also illegal as the same has been granted on the presumption of the order dated 31.05.2016 passed by the Principal Secretary, Environment Department, State of Maharashtra holding that the construction of 18 buildings instead of 12 buildings is permissible. The EC completely lost sight of the fact that the order dated 31.05.2016 was quashed and set aside by the NGT in its order dated 27.09.2016. We may note that the official who passed the order on 31.05.2016 was the same official, who held the office of Member Secretary of SEIAA, which granted environmental clearance on 20.11.2017. Therefore, the EC dated 20.11.2017 was beyond the authority of SEIAA



and was granted under a totally false assumption and the same is therefore quashed and set aside.”

Therefore, no construction is permissible without prior EC.

- V) **BECAUSE**, the water is natural resource and Respondent No. 11-PP is extracting ground water from two bore wells, either it is from tanker, which is nothing but exploitation of natural resources having adverse impact of environment and there is only 3% of water available for use of human habitant worldwide. Also, Joint Committee has not checked the site carefully for bore wells & also not commented on ground water test.
- W) **BECAUSE**, the Joint Committee has not commented on illegal construction of four basements damaging ground water table intentionally and construction of “Lower Ground Floor” in addition to the 3 (three) basements is nothing but fourth basement.
- X) **BECAUSE**, the Google Earth Images shows large number of fully grown trees at project site to the tune of 60 number and out of that 50 trees are cut down in illegal manner by the Respondent No. 11-PP without



any permission and not undertaken any compensatory plantation. Moreover, joint Committee visit is made on 15.12.2019 & tree cutting is well prior to that therefore, Joint Committee has made wrong findings on tree cutting.

Y) BECAUSE, admittedly, total excavation material is 78961 Cu. Mtrs. as shown in consolidated statement of PP on Page No. 222 of OA Compilation/Volume-III in illegal manner and no scientific approach is adopted for its disposal. As these quantity of the said material is disclosed in the Form-1 of EC Application dated 06.10.2018 and excavation of soil to the tune of 1926.27 Sq. Mtrs x 4 Mtrs = 7705.08 Cu. Mtrs. and that the soil excavated must be used for development of recreational space and for plantation of the trees. But the PP has not preserved the soil for development of recreational open space and PP has not made any soil test admittedly.

Z) BECAUSE, the Respondent No. 11-PP himself in Para-7.25 of Reply Affidavit has admitted that the excavated material of 4245 Cu. Mtrs., 8150 Cu. Mtrs., 5094 Cu. Mtrs. & 12226 Cu. Mtrs is transported to various

location in illegal manner without requisite permission and same fact is disclosed at Page No. 247 of OA Compilation/Volume-III.

AA) BECAUSE, the Respondent No. 11-PP himself has admitted that the total quantity of 5094 Cu. Mtrs have transported from project location at Pimpri Chowk within the jurisdiction of PCMC to Village: Undri, within the jurisdiction PMC location wherein this Original Applicant resides and this transportation is not supported by the Joint Committee and Let's assume the Respondent No. 11-PP can transported the excavated material to the PMC jurisdiction creating air pollution due to dust & vehicle emission creating damage to the environment without its appropriate remedial solutions, then the Respondent No. 11-PP has no right to challenge the ***Locus Standi*** of Original Applicant.

BB) BECAUSE, the as per the EIA notification 2006 dated 14.09.2006, it is mandatory on part of PP to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work. But the PP



has started and completed substantial part of the construction activity.

Table: Actual Construction carried out at site without Environmental Clearance and in violation of terms and conditions of Consent to Establish.

Description	EC Permission	Completed Construction as per Joint Committee Report prior to EC	Total Proposal BUA
Built-Up Area (M ²)	0	13806.52	54667.89
13.Note on the initiated work (If applicable)		Work initiated below 20000 sq. m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015	

CC) BECAUSE, the Construction of BUA more than 13806.52 M2 against total BUA of 54667.89 Sq. Mtrs. being carried out without any Environmental Clearance and in violation of terms and conditions of Consent to Establish dated 10.03.2015 in blatant violation of the Environmental Laws, Pollution Control Act and EIA Notification, 2006

- DD) BECAUSE,** the Concept of granting of ex-post facto Environment Clearance is not allowed in environmental jurisprudence in India.
- EE) BECAUSE,** the Environment Clearance under challenge is not prior EC and it is nothing but ex-post facto Environment clearance.
- FF) BECAUSE,** the application filed by PP for Environment Clearance under EIA Notification-2006 is not for prior EC as substantial excavation and part of basements have carried out by Project Proponent.
- GG) BECAUSE,** the Respondent No. 4-SEIAA having completed knowledge of the fact that the present proceedings were under consideration of this Hon'ble court and this Hon'ble Court have issued notice in the matter on 05.02.2020. Also, in the report it was specifically pointed out that construction of 13806.52 M² against total potential BUA of 54667.89 M², has been carried out without environmental clearance. The counsel of the Respondent No. 3 was present for the hearing on 10.12.2019 & 05.02.2020. Being well aware that ex-post facto EC cannot be granted under Environmental law. Despite knowing the fact that



matter is subjudice respondent No. 4-SEIAA proceeded to grant ex-post facto EC.

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

II) BECAUSE, the environment clearance granted by the SEIAA is illegal and has no legal sanctity.

JJ) BECAUSE, the the EIA Notification, 2006 no were provided the grant of post facto clearance after the completion of the project.

KK) BECAUSE, there is complete non-application of mind by the SEAC & SEIAA in granting environment clearance as the project have started construction

- LL) BECAUSE,** the SEIAA failed to take any action for the violation of the provision of EIA notification, 2006 and Environment (Protection) Act, 1986.
- MM) BECAUSE,** the SEIAA and SEAC-III is equally liable for allowing the illegal structures of expansion and also they are equally liable for granting environment clearance to the project in gross violation of EIA Notification, 2006 and other procedure established under law.
- NN) BECAUSE,** the PP has submitted false, baseless & misleading information to SEIAA while obtaining Environment Clearance and therefore PP is guilty of "*Suppressio Veri Suggestio Falsi*"
- OO) BECAUSE,** the EC under challenge is granted on the basis of Order of show cause withdrawal dated 10.03.2015 on account of application for EC dated 30.06.2016. When PP already withdrawn EC application dated 30.06.2016 with new application dated 06.10.2018.
- PP) BECAUSE,** the PP has submitted false, defective and misleading application for EC before SEIAA.



- QQ) BECAUSE,** the project is situated in pollution prevention area of Pimpri Chinchwad city and on old Mumbai Pune Highway.
- RR) BECAUSE,** the PCMC officers have neglected to perform their duties for protection of environment and acted against the law.
- SS) BECAUSE,** the PP has misled the SEAC-III on account of show cause notice dated 15.06.2019 and suppressed this information in its 91st Meeting.
- TT) BECAUSE,** serious violations and illegal acts of respondents are damaging the environment and giving counter blast to the sustainable development and caused irreparable damage to the Environment.
- UU) BECAUSE,** there is complete non-application of mind by the PCMC, SEAC-III, SEIAA, DoE & MPCB and failed to stop illegal excavation at site deliberately and while issuing building sanction.
- VV) BECAUSE,** the PP is carrying out construction of commercial structures on industrial zone reserved in Development Plan and this is causing social infrastructure.



WW) BECAUSE, the PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

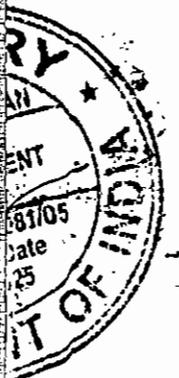
XX) BECAUSE, the PP has not obtained Environment Clearance and also has not obtained prior Consents to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015 & 12.10.2017) and there is Non-compliance to the terms & condition of C to E dated 10.03.2015 & 12.10.2017.

YY) BECAUSE, the construction activity is undertaken without Environment Impact Assessment and remedial measures.

ZZ) BECAUSE, the PP is unapologetic and have adopted careless & reckless attitude towards the environment protection.

AAA) BECAUSE, the Respondent No. 11-PP himself has admitted in Para-7.16 of his reply affidavit that the project in ongoing project, then question of limitation and cause of action does not arises.

BBB) BECAUSE, the Respondent No. 11-PP admittedly has exploited the natural resources for carrying out illegal



construction to prior to obtaining Environment Clearance and also after obtaining EC in illegal manner has not complied with the terms.

CCC) BECAUSE, the Interlocutory Application No. 86/2021 is afterthought with ill intention of get escape from the strict liability casted upon the PP under NGT Act, 2010 and not tenable in the eyes of law. Therefore, such Interlocutory Application needs to be thrown to the dust bin without wasting valuable time of this Hon'ble Tribunal.

DDD) BECAUSE, the Respondent No. 11-PP has filed this interlocutory application only with view to create nuisance in the proceeding and drag into jugglery and to prolong the proceeding till completion of construction.

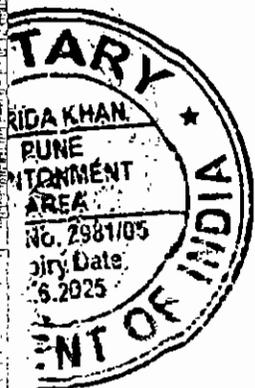
EEE) BECAUSE, the project under challenge is ongoing project without holding the Prior Environment Clearance and Original Application No. 63/2019 filed on 14.08.2019 under section-14, 15, 18 & 20 of NGT Act, 2010 and therefore the question of Limitation does not arise as project construction activity under taken in violation of EIA Notification, 2010 and

Schedule-I acts along with claiming the damage to the environment.

FFF) BECAUSE, there is no bar on filing of Original Application under both sections-14 & 15 of NGT Act, 2010 in the same application, as Original applicant has established the case for infringement of enactments from Schedule-I as well as damage cause due to the environment on account of illegal construction.

GGG) BECAUSE, the Respondent No. 11-PP has made self-contradictory statements in Para-6.1.6 and 3.1.8 by stating that the Section-14 and 15 have two separate regime, different and distinct limitation period under NGT Act, 2010 and different relief and directions can be sought and this Hon'ble Tribunal can issue. And at the instance of Para-15, Respondent No.11-PP states that to obtain directions/ Order under section-15, Application has to made under Seciton-14 and it is mandatory to prove the allegations under section-14.

HHH) BECAUSE, the Respondent No. 11-PP himself has admitted that the PCMC sanction obtained on 28.03.2012 was for total proposed BUA of 17595 M2



which was less than 20000 M2 and not attracting mandatory EC under EIA Notification, 2006 and carried out excavation in the year of 2011 and stopped in 2012. Therefore, Respondent No. 11-PP cannot connect/ rely the cause of action in the year 2012.

III) BECAUSE, the Respondent No. 11-PP himself has admitted that the excavation has been stopped in the year 2012 vide its undertaking at Sr. No. 3 & 4 of the letter dated 10.03.2015 issued by PS-DoE for withdrawal of show cause notice dated 30.08.2014 stated in the said letter.

JJJ) BECAUSE, the 1st proposal/ application dated 07.09.2013 seeking EC filed by Respondent No. 11-PP become null & void in view of the Letter dated 10.03.2015.

KKK) BECAUSE, the Respondent No. 11-PP was prohibited from going ahead with the excavation & construction vide Letter dated 10.03.2015, till obtaining of prior EC.

LLL) BECAUSE, the Respondent No. 11-PP himself has admitted that the prohibition on construction was in force under the condition No. 11 of Consent to

Establish dated 10.03.2015 and again under condition no. 11 & 12 of revalidated consent to establish dated 12.10.2017 and this CTE is place on record by PP himself.

MMM) BECAUSE, the Respondent No. 11-PP misleading on account of cause of action referring to year 2012, also date of 30.09.2015 and also making statement that the construction has started in the year 2016-2017, just to overcome the limitation making OA barred by Limitation. But the above prohibition show that there was no construction.

NNN) BECAUSE, the MPCB vide its site visit dated 22.05.2019 & 10.06.2019 has noticed the construction initiated by Respondent No. 11-PP and SEIAA & PS-DoE issued show cause notice dated 15.06.2019 to the Respondent No. 11-PP with directions. Therefore, this is the triggered cause of action first arose to file Original Application and same has been relied by the Original Applicant and accordingly Original Application is filed on 14.08.2019, which is within limitation of 6 month period of limitation under section 14 of NGT Act, 2010



and also automatically well within limitation of section 15 of the said Act.

OOO) BECAUSE, the project is ongoing project and construction undertaken without prior EC, therefore question of limitation does not arise.

PPP) BECAUSE, the NGT Act, 2010 is came into force to protect & development of environment by establishment of National Green Tribunal with special powers and with liberalization of concept of locus standi under Section-18 (2) (e) of the NGT Act, 2010. However, Respondent No. 11-PP is misleading on the issue of locus by putting this concept under section-18 (2) (a) & (b) of the NGT Act, 2010. Therefore, the concept of Locus standi is very liberal to approach this tribunal reporting the injustice to the environment and ecology.

QQQ) BECAUSE, the every vigilant citizen of this nation can approach this Hon'ble Tribunal for protection of environment & ecology being informer to the court of law and having access to information, access to public participation and access to justice, as key pillars of environmental governance. This Original Applicant

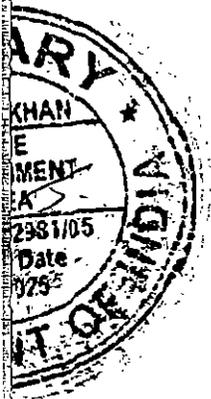


has approached this Hon'ble Tribunal with public cause satisfying the above ingredient. And this Original Applicant have clear cut locus to file present Original Application.

RRR) BECAUSE, the Original Application is based on the single cause of action dated 15.06.2019 with multiple consequential prayers. Therefore, Original Application is based on the plural remedies as mandated by the Rule No. 14 of NGT (Practice & Procedure Rules), 2011.

SSS) BECAUSE, the Original Applicant has not relied upon continues cause of action and it is not mentioned anywhere in entire Original Application and Respondent No. 11-PP is misleading on account of continuous cause of action.

TTT) BECAUSE, it is not the cause of Respondent No. 11-PP that the entire project is completed in all respect on vary same day of starting of its construction and putting to full load. On the contrary, Respondent No. 11-PP admits that the construction is undertaken in stage wise manner or step by step with help of multiple revised building & layout sanctions.



Therefore, civil construction is the recurring activity attracting recurring cause of action. In this regard Hon'ble Supreme Court held that the environmental degradation as established from the documents would give rise to an independent cause of action.

UUU) BECAUSE, the judgment in case of Windsor Realty V Secy. MoEF, reported as 2016 SCC OnLine Bom 5613 relied upon by the Respondent No. 11-PP is dealing with the concept of continues cause of action and knowledge of applicant to file application under section 14 of NGT Act, 2010 and present Original Applicant has not relied upon continuous cause of action or knowledge of applicant or neither OA is filed after 10 or 20 years of completion of construction and it is ongoing construction project. Therefore, this judgment is not applicable to case in hand of this Original Applicant.

VVV) BECAUSE, the Joint Committee and Respondent No. 11-PP are toeing the lines of each other to overcome the illegalities on their parts and nothing has placed on record to show that the construction is started in the year 2016-2017, against the prohibition and own



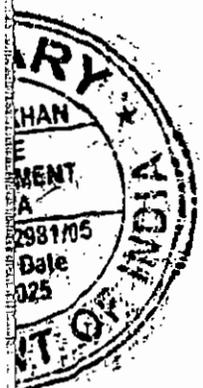
undertaking given to the PS-DoE in letter dated 10.03.2015.

WWW) BECAUSE, the practices adopted by Respondent No. 11-PP in collusion with Mr. Anil Diggikar former PS-DoE & MS-SEIAA and PCMC officer is the worst case of blatant illegality on part of state affairs and this conduct clearly shows the carelessness, recklessness, maneuvered towards environment protection and practices adopted by the bureaucracy.

XXX) BECAUSE, the Interlocutory Application is filed on behest of the erring officer to get them protected from their illegal practices adopted while regularisation of the present project under challenge with impunity.

YYY) BECAUSE, the Respondents PS-DoE, SEIAA, SEAC-III including PP are habitual offenders by promoting illegal practices of withdrawal of show cause notices for favoring polluters in ongoing proceedings.

ZZZ) BECAUSE, this Hon'ble Tribunal as well as Hon'ble Supreme Court in catena of judgment like Vellore Citizen Case, Forward Foundation Case, M. C. Mehta Cases, Goel Ganga case, S. P. Muthuraman, Sterlite Industries have interpreted the concepts of Limitation,



Cause of Action, Locus, Jurisdiction, Plural Remedies, quantum of environmental damage etc. in favoring the case of this Original Applicant. And Present Original Applicant has proved his case beyond doubt and Respondent No. 11-PP has failed to prove his case against the onus casted upon him. Therefore, this is clear cut case of admitted violation and the errant officers from Government authorities and Respondent No. 11-PP are the habitual offenders.

AAAA) BECAUSE, the Interlocutory Application is the Pandora illegalities and encouragement to the sub-standard practices adopted by polluters. Therefore, this Interlocutory Application shall be dismissed with heavy cost.

BBBB) BECAUSE, the delay tactics by Respondent No. 11-PP on account of not removing the defects from his reply affidavit on time and not providing English Translation of commencement Certificate.

CCCC) BECAUSE, the substantial damage to environment and ecology to the tune of Rs. 150 Crores. And same shall be recovered from Respondent No. 11-PP

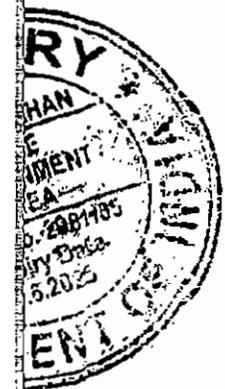


DDDD) Thus, it is mandatory to quash & set aside EC dated 18.02.2020 and to stop the construction project permanently.

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

a. I state that, as per the EIA notification 2006 dated 14.09.2006, it is mandatory to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work on part of PP. But the PP has started and completed most of the construction activity without prior EC & in violations of terms and conditions of CTE.

b. I state that, the Applications dated 07.09.2013, 30.06.2016 & 06.10.2018 for EC are filed by PP and



- c.** I state that, after filling of the Joint Committee Report vide dated 07.01.2020 based on their visit dated 15.12.2019, the following details of the project are classified for ready reference in brief;

Table No.1: Actual Construction carried out at site without Environmental Clearance and Consent to Establish.

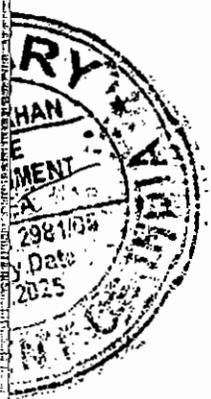
Description	BUA Completed	BUA under Construction	Total BUA of Project
As on 15.12.2019	13806.52 M ²	40861.34 M ²	54667.86 M ²

- d.** Therefore, it is clear cut that the PP has completed BUA of 13806.52 M² out of 54667.86 M² till visit of Joint Committee vide dated 15.12.2019 without mandatory prior EC and project is ongoing in full swing and yet to complete.
- e.** Therefore, it is mandatory to stop the project construction permanently and this illegal construction either be demolished or government to take over this structure for public purposes without providing any benefits to PP.



19. PRINCIPAL CONTENTIONS OF RESPONDENT NO. 11-PP UNDER HIS REPLY AFFIDAVIT DATED 24.07.2020 SEEKING DISMISSAL OF ORIGINAL APPLICATION:

- A) Original Application not maintained due to bar of limitation, locus standi of Original Applicant, Plural Remedies etc. and IA No. 86 of 2021 is filed challenging maintainability of OA and requested this Hon'ble Tribunal to decide this IA at the earliest prior to going into merit of case.
- B) Excavation is carried out as per the PCMC sanction plan vide dated 28.03.2008 having total proposed BUA of 17959 M² and construction carried out till filing of OA is below 20000 M², without EC is not in violation. Therefore, now EC dated 18.02.2020 is obtained.
- C) PS-DoE Circular dated 21.04.2015, Bombay High Court Judgments dated 06.03.2013 passed in Writ Petition (L) No. 470 of 2013 and dated 24.03.2014 & 18.12.2014 passed in Writ Petition No.655/2014 in



the matter of "Glomore Construction & Ors. Vs Union Of India", permits construction upto 20000 M².

- D) PP holds CTE dated 10.03.2015 & 12.10.2017 for the project and construction is not in violation.
- E) No felling of trees, No ground water extraction, no illegal operation of DG Sets, Fertile Soil preservation and soil test.
- F) Violations under DCR & MRTP are beyond Jurisdiction of NGT.
- G) Therefore, Original Applicant has made bald allegations, surmises and conjectures and has failed to make out a cogent and compelling case for grant of relief and Original Application be dismissed with cost.

**PART B: PARAWISE REJOINDER TO THE REPLY
AFFIDAVIT OF RESPONDENT NO. 11-PP DATED
24.09.2020 IN OA NO. 63/2019:**

- 20.** I state that, the contents of **Para-1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are part of record. Further I state that, this Original Applicant has filed the Original Application No. 63/2019 under Section-14, 15, 18 & 20 of the NGT Act. 2010 with

specific true & correct allegations & violations to the development of building construction project in the name & style "Brahma Sky Uzuri" situated at Survey Number 209/CTS No. 4702 at Pimpri Chowk, Taluka-Haveli, District-Pune with in the limit & jurisdiction of Pimpri-Chinchwad Municipal Corporation (PCMC) and Project Proponent M/s. Brahma Leisures Pvt. Ltd is arrayed as Respondent No. 11-PP in the said application. It is true that, this Hon'ble Tribunal has issued show cause notice vide its Order dated 05.02.2020 to Respondent No. 11-PP for why an order prohibiting further construction shall not be issued and Respondent No. 11-PP is failed to submit the specific reply to this show cause notice and despite Respondent No. 11-PP was served on 15.02.2020.

- 21.** I state that, the contents of **Para-2** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are false and baseless. Further I state that, the affiant on behalf of Respondent No. 11-PP seems not conversant and have no knowledge and also not competent to depose the affidavit and deponent has not produced any document in support of his authorization. Further I



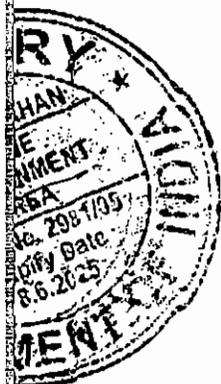
state that, the Respondent No. 11-PP is the private limited company incorporated under Companies Act-1956 and it is mandatory to appoint the authorised person to verify/sworn/affirm pleadings on behalf of the Respondent No. 11-PP. However, Respondent No.11-PP has failed to appoint the authorise person with support of resolution passed by boards of directors of company. Therefore, no one has allotted the duties for swearing, verification, affirmation and no one is appointed as authorised signatory and this reply affidavit is not legal, maintainable & tenable in the eyes of law. Therefore, Respondent No. 11-PP himself is failed to prove is statements and mandatory compliance on appointment of authorised signatory mandated by law and entertaining of Reply Affidavit and IA will be waste of valuable time of this Hon'ble Tribunal.

22. I state that, the contents of **Para-3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are false and misleading. Further I state that, it is admitted case of violation and Respondent No. 11-PP cannot consider himself above the law by filling this affidavit



with multiple admissions on hand and by making misleading statement on other hand. It is important to note that, no environmental law in force provide favour to undertake the earlier construction without necessary & mandatory prior permissions. Original Applicant in original Applicant have stated true and correct facts and nothing is inconsistent and contrary to the facts, actual site conditions and available records.

- 23.** I state that the contents of **Para-4** of Reply Affidavit of Respondent No.11-PP dated 24.07.2020 are totally false, baseless, misleading, misconceived, frivolous, vexatious, neither bonafide nor true, not maintainable in the eyes of law and same are denied by this Applicant in totality. Further I state that, the Interlocutory Application No. 86/2021 filed by Respondent No.11-PP (M/s. Brahma Leisures Pvt. Ltd.) dated 24.07.2020 on preliminary objections is replied in detailed with separate reply affidavit and prayed for dismissal with specific grounds. Further I state that, the reply to said Interlocutory Application shall be treated as part of this rejoinder and



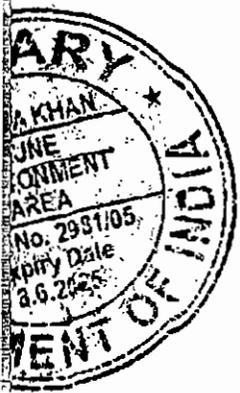
Interlocutory Application No. 100/2019 filed by this Original Applicant seeking stay on illegal construction and the Interlocutory Application No. 30/2020 filed by this Original Applicant for staying the operation of ex-post facto environment clearance procured by Respondent No. 11-PP during the pendency of Original Application shall be decided earlier of Interlocutory Application No. 86/2021 of Respondent No. 11-PP to avoid fait accompli situation and securing environmental and further to avoid irreparable degradation of environment in the area.

24. I state that the contents of **Para-5** of Reply Affidavit of Respondent No.11-PP dated 24.07.2020 are totally false, baseless, misleading, misconceived, frivolous, vexatious, neither bonafide nor true, not maintainable in the eyes of law and same are denied by this Applicant in totality. Further I state that, the allegations & violations leveled in Original Application No. 63/2019 filed by this Original Applicant get automatically proved and admitted without remorse including Respondent No. 11-PP and Respondent government authorities due to grant of illegal ex-post



facto EC vide dated 18.02.2020 during the pendency of Original Application and this grant of ex-post facto EC has exposed illegality of Respondent No. 11-PP and his deep unholy nexus with errant bureaucrats from Government Authorities. Basically, these bureaucrats from Government Authorities are appointed for protection, development and betterment of environment, ecology, wildlife, forest, aquatic life, etc. under various laws and however, fens itself is wrenching the farms and therefore, the Original Application No. 63/2019 as well as Appeal No. 26/2020 shall be allowed in totality with additional, but strict directions against these errant officers, so it shall send clear message in deep unholy nexus.

25. I state that the contents of **Para-6** of Reply Affidavit of Respondent No.11-PP dated 24.07.2020 are partly admitted and partly misleading. Further I state that, it is admitted case of violation, but misleading on account of preliminary objections. Respondent No. 11-PP has intentionally not represented the facts in chronology, as item no. 6.27 dated 19.05.2019 should be prior to item no. 6.26 dated 10.06.2019 and item



no. 6.29 dated 26.07.2019 should be after item no. 6.31 dated 29.06.2019 as per date of events to maintain the chronology of facts. Also, third Application dated 06.10.2018 for Environment Clearance shall be added between the item no. 6.22 dated 04.10.2018 and item no. 6.23 dated 05.12.2018. Also PCMC sanction dated 19.05.2019 shall be added between item No 6.24 dated 24.04.2019 & item No. 6.25 dated 22.05.2019.

- 26.** I state that, the contents of **Para-6.1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has under taken the residential & commercial building construction project in the name & style "Brahma Sky Uzuri" situated at Survey Number 209/CTS No. 4702 at Pimpri Chowk, Taluka-Haveli, District-Pune with in the limit & jurisdiction of Pimpri-Chinchwad Municipal Corporation (PCMC) on land admeasuring 10447.99 Sq. Mtrs. and Original Applicant has leveled true & correct allegations & violations in the Original Application in respect of said project. Further I state



that, the Respondent No. 11-PP is the private limited company incorporated under Companies Act-1956 and Respondent No. 11-PP have not placed any documents on record to prove that this Respondent No. 11-PP is the part of "Brahma Realty & Infrastructure Group, Pune" and to show his well reputation & well respect in Pune with successful footprint in number of completed & ongoing hospitality, infrastructure, healthcare projects for last four decades. Therefore, Respondent No. 11-PP himself is failed to prove is statements.

27. I state that, the contents of **Para-6.2 & 6.3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the commencement certificate vide dated 28.03.2008 obtained for TBA of 17595 M², which less than 20000 M² excluding from obtaining prior EC as mandated under EIA Notification, 2006 and further admits that the only excavation activity was commenced on the basis of this sanction. However, Respondent No. 11-PP made



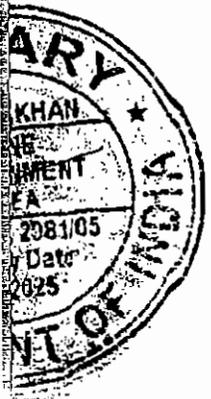
this statement with help of Commencement Certificate with suppression of PCMC sanction plan dated 28.03.2008 and also suppressed, whether the use of land for residential, commercial or hospitality. But I state that, the Respondent No. 11-PP has not obtained this sanction for full potential BUA as per prevailing Development Control Rules and therefore, this TBA was less than 20000 M².

- 28.** I state that, the Respondent No. 11-PP has made statement before quasi-judicial authority (PS-DOE) that the excavation work is stopped in the year 2012.
- 29.** I state that, the contents of **Para-6.4** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the commencement certificate vide dated 09.04.2013 obtained for TBA of 21368.30 M². However, Respondent No. 11-PP made this statement with help of Commencement Certificate with suppression of PCMC sanction plan dated 09.04.2013 and also suppressed, whether the use of land for residential, commercial or hospitality.



30. I state that, the contents of **Para-6.5** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the application dated 07.09.2013 for EC was filed for commencement of construction on the basis of commencement certificate vide dated 09.04.2013 having TBA of 21368.30 M². However, Respondent No. 11-PP made this statement with help of cover letter dated 07.09.2013 with suppression of Form-1, 1A, Consolidated Statement, various NOC issued by PCMC for Fresh water Supply, Waste Water management & Solid Waste management, water requirement, Power Consumption & Supply, natural resource consumption for Building Material preparation with its details and also suppressed, whether the use of land for residential, commercial or hospitality, by stating only 5 Star Hotel, "Le Meridien, Pimpri.

31. I state that, the contents of **Para-6.6 & 6.14** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020

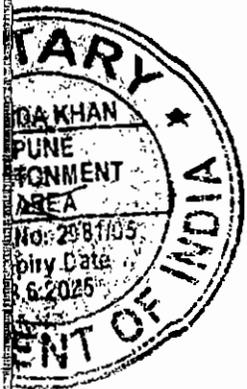


partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 1-PS-DoE vide circular dated 17.01.2014 of PS-DoE {this circular is suppressed by PP here} clearly permits building construction activity only for redevelopment projects wherein rehabilitation of tenants in SRA/Dilapidated/CESS buildings was involved and allowed to carry out construction upto 20000 Sq. Mtrs. considering that it would not be amount of violation of EIA Notification, 2006. Further PS-DoE issued circular dated 21.04.2015 with respect to the decision of Hon'ble Bombay High Court in W. P. No. 655 of 2014 vide Orders dated 24.03.2014 and in this Order Hon'ble High Court has mentioned that the "environment clearance for the purpose of construction of buildings below 20000 sq. mtrs. is not required" and it is including free sell component. However, actual fact is that the circular dated 21.04.2015 has issued for clarifying that the construction of project wherein project proponent has undertaken total construction below 20000 m2 may not be considered as violation of EIA Notification of



2006 and allowed the construction upto 20000m2 for sell component, even in residential and commercial projects. It is important to note here, that the project must be SRA/Dilapidated/CESS buildings having total construction below 20000 m2. In present case of subject matter project is general residential & commercial project and not concerned with SRA/Dilapidated/CESS buildings and total potential of the project is more than 20000 m2. Further it is important to note that, the Orders dated 24.03.2014 & 18.12.2014 passed by Hon'ble High Court in WP (L) No. 655 of 2014 are per incuriam in view of the Judgments passed by the Hon'ble Supreme Court of India in (2017) 9 SCC 499 Common Cause Vs UoI, (2018) 18 SCC 257 in the case of Goel Ganga Developers India Pvt. Ltd. v UOI, 2020 SCC OnLine SC 347 in the case of Alembic Chemicals v Rohit Prajapati, (2020) 2 SCC 666 in the case of Keystone developers v. Anil Tharthare.

32. I state that, the Respondent No. 11-PP has not obtained any specific order of Hon'ble Supreme Court, Hon'ble Bombay High Court, or this Hon'ble Tribunal



in respect of his project and therefore, the Orders passed by Hon'ble Bombay High Court in the WP No. 655/2015, WP (L) No. 470/2013 are not applicable to this Respondent No. 11-PP and Circular dated 21.04.2015 is not the statute to nullify the force of EIA Notification, 2006.

33. I state that, the judgments & Order dated 06.03.2013 in Writ Petition No. 470/2013, judgments & Order dated 24.03.2014 in Writ Petition No. 655/2014, passed by Hon'ble Bombay High Court are not supporting the contention of Respondent No. 11-PP and on the contrary Hon'ble Bombay High Court has clearly stated that, the if project is going to cross the total BUA of more than 20000 Sq. Mtrs. and its proposed BUA is more than 20000 Sq. Mtrs. then it is mandatory on part of the Respondent No. 11-PP to obtain prior Environment Clearance.

34. I state that, the contents of **Para-6.7** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the application dated



04.07.2014 for Consent to Establish was filed before MPCB. However, Respondent No. 11-PP made this statement with help of cover letter dated 04.07.2014 with suppression of Forms providing details for various NOC issued by PCMC for Fresh water Supply, Waste Water management & Solid Waste management, water requirement, Power Consumption & Supply, natural resource consumption for Building Material preparation with its details, STP details, DG Sets, Air Pollution Control System etc. and also suppressed, whether the use of land for residential, commercial or hospitality, by stating only 5 Star Hotel.

35. I state that, the contents of **Para-6.8** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that, the Respondent No. 11-PP has admitted that the SEAC-III has considered the proposal dated 07.09.2013 in its 13th meeting held on 15th to 18th July, 2014 and I state that the SEAC-III has rightly declared the proposal as violation.

36. I state that, the contents of **Para-6.9** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true



and partly admitted. Further I state that, the Respondent No. 11-PP has admitted that the SEIAA has issued show cause notice cum proposed direction vide dated 30.08.2014 under section 5 of the Environment (Protection) Act, 1986 r/w EIA Notification, 2006 on the ground that the Respondent No. 11-PP had undertaken construction without obtaining prior EC mandated under environmental norms and committed violation. I state that, this observation of the SEIAA was right as the Respondent No. 11-PP has obtained the revised sanction on 09.04.2013 for TBA of 21368.30 M² from PCMC and only thereafter, applied on 07.09.2013 for environment clearance and also not made statement that the construction was stopped after obtaining revised sanction dated 09.04.2013.

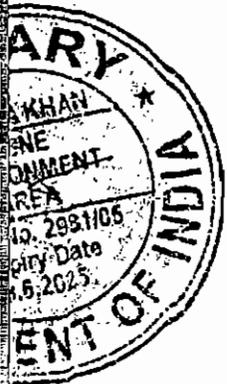
37. I state that, the contents of **Para-6.10** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that, the Respondent No. 11-PP has admitted that the reply dated 28.09.2014 in response to the show cause notice dated 30.08.2014 and admitted following facts;



- i) PCMC issued sanction dated 28.03.2008 for construction of "Mall".
- ii) Stopped excavation immediately.
- iii) Application dated 07.09.2013 for EC with TBA of 44695.94 M² {PCMC sanction dated 09.04.2013 only for 21368.30 M²}.
- iv) PCMC did not include any condition to obtain prior EC from competent authority.
- v) PCMC issued revised sanction dated 09.04.2013 for "5 Star Hotel" i.e. Commercial project.
- vi) Excavated Area does not entail Environment Clearance.

38. I state that, the contents of **Para-6.11** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that, the Respondent No. 11-PP has admitted that the on 13.02.2015 gave physical presentation of its case before authorities to provide explanation to the show cause notice dated 30.08.2014.

39. I state that, the contents of **Para-6.12** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020



partly true and partly admitted. Further I state that, the Respondent No. 11-PP has relied upon sanction dated 28.03.2008 having TBA of 17595.00 M2, which is less than 20000 M2 and above admission stated in his reply dated 28.09.2014 with undertaking of stoppage of excavation. On this basis, PS-DoE pleased to withdraw the show cause notice & proposed directions dated 30.08.2014 vide its letter dated 10.03.2015. However, this entire drama is in contradiction with their own statements, as the circular by PS-DOE dated 21.04.2015 is issued after the withdrawal letter dated 10.03.2015 and Respondent No. 11-PP cannot take the support of circular.

40. I state that, the contents of **Para-6.13** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that, the Respondent No. 11-PP has obtained the Consent to Establish dated 10.03.2015 for construction of Hotel on vary same day of withdrawal of show cause notice & proposed direction by PS-DOE. However, Respondent No. 11-PP has committed violation of



term and condition of said Consent to Establish, more specifically Condition No. 11, directing not to take effective step towards construction till obtaining Environment Clearance.

41. I state that, the contents of **Para-6.14** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly misleading. Further I state that, the Environment Department of Maharashtra issued circular dated 21.04.2015 and this circular does not provide favour to the project having total proposed built-up area more than 20000 M². Moreover, this circular is not the law enforced by the parliament having statutory force to nullify the EIA Notification, 2006. This circular is not notification passed after due process of law and such circulars, office orders or office memorandums cannot replace the stature passed by the parliament and it is not necessary to challenge this circular.

42. I state that, the contents of **Para-6.15** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No.



11-PP has admitted that the commencement certificate vide dated 30.09.2015 obtained for TBA of 22010.30 M². However, Respondent No. 11-PP made this statement with help of Commencement Certificate with suppression of PCMC sanction plan dated 30.09.2015 and also suppressed, whether the use of land for residential, commercial or hospitality and also not disclosed the status of construction is going on or stopped as Respondent No. 11-PP is relying on this commencement as cause of action, Moreover, Condition No. 26 is imposed in this sanction for not to start the construction without obtaining mandatory prior environment clearance.

- 43.** I state that, the contents of **Para-6.16** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the application dated 30.06.2016 for Environment Clearance. However, Respondent No. 11-PP made this statement with help of acknowledgment attached in email dated 30.06.2016 with suppression of Form-1, 1A,



Consolidated Statement, TBA under this proposal, various NOC issued by PCMC for Fresh water Supply, Waste Water management & Solid Waste management, water requirement, Power Consumption & Supply, natural resource consumption for Building Material preparation with its details and also suppressed, whether the use of land for residential, commercial or hospitality or 5 Star Hotel etc.

44. I state that, the contents of **Para-6.17** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the commencement certificate vide dated 24.11.2016 obtained for TBA of 21213.90 M². However, Respondent No. 11-PP made this statement with help of Commencement Certificate with suppression of PCMC sanction plan dated 24.11.2016 and also suppressed, whether the use of land for residential, commercial or hospitality and also not disclosed the status of construction is going on or stopped, Moreover, Condition No. 27 is imposed in this sanction for not to start the



construction without obtaining mandatory prior environment clearance, if the FSI + Non-FSI area is more than 20000 M² and in this sanction total proposed BUA was more than 20000 M² and Respondent No. 11-PP was prohibited for construction.

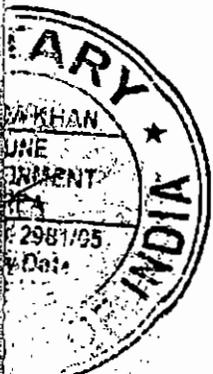
45. I state that, the contents of **Para-6.18** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly misleading. Further I state that, the Respondent No. 11-PP was prohibited from going ahead with construction as per conditions imposed in various commencement certificates. But, Respondent No. 11-PP is making this statement to take advantage on account of circular dated 21.04.2015 & judgments of Bombay High Court, which are not applicable to this project as this project had total proposed BUA of more than 20000 M² from the sanction dated 09.04.2013 and in this circumstances, the stand taken by the Respondent No. 11-PP is only to overcome the illegality and making lame attempt of showing the bar of limitation, nothing else. If, Respondent No. 11-PP has carried out the



construction in this period then this is because of habitual offender conduct.

46. I state that, the contents of **Para-6.19** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has filed the application dated 28.04.2017 for obtaining revised consent to Establish without obtaining prior EC. However, it is important note that, the Respondent No. 11-PP is taking stand of permissibility of construction below 20000 M2 without obtaining prior EC, then Consent to Establish is also not applicable, then why PP is obtaining Consent to Establish is the surprising question. But, the TBA shown in the Consent Application dated 28.04.2017 is 51358.46 M² at item No. 9 (b) of his reply affidavit. Therefore, it is clear that the Respondent No. 11-PP is lying and misleading this Hon'ble Tribunal.

47. I state that, the contents of **Para-6.13** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that,



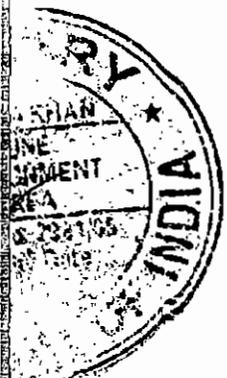
the Respondent No. 11-PP has obtained the Consent to Establish dated 12.10.2017 for construction of commercial project. However, Respondent No. 11-PP has committed violation of term and condition of said Consent to Establish, more specifically Condition No. 11 & 12, directing not to take effective step towards construction till obtaining Environment Clearance.

- 48.** I state that, the contents of **Para-6.21** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the commencement certificate vide dated 31.03.2018 obtained for TBA of 19991.40 M². However, Respondent No. 11-PP made this statement with help of Commencement Certificate with suppression of PCMC sanction plan dated 31.03.2018 and actual TBA permissible under this sanction as per prevailing DC Rules of PCMC and also suppressed, whether the use of land for residential, commercial or hospitality and also not disclosed the status of construction is going on or stopped, Moreover, misleading Condition No. 25 & 30



were imposed in this sanction for not to start the construction without obtaining mandatory prior environment clearance from environment department, if the FSI + Non-FSI area is more than 5000 M² and also to comply with conditions under Notification dated 09.12.2016 and in actual this sanction have total proposed BUA was more than 20000 M² and Respondent No. 11-PP was prohibited for construction.

49. I state that, the contents of **Para-6.22** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has admitted that the commencement certificate vide dated 04.10.2018 was issued only exclusive for obtaining Environment Clearance with suppression of actual TBA. However, Respondent No. 11-PP made this statement with help of Letter & Layout Order both dated 04.10.2018 with suppression of PCMC sanction plan dated 04.10.2018 and also suppression of actual TBA permissible under this sanction as per prevailing DC Rules of PCMC and



also suppressed, whether the use of land for residential, commercial or hospitality and also not disclosed the status of construction is going on or stopped, Moreover, misleading Condition No. 1 & 2 were imposed in this sanction for not to start the construction without obtaining mandatory prior environment clearance from SEAC & SEIAA and in actual this sanction have total proposed BUA was more than 20000 M² and Respondent No. 11-PP was prohibited for construction.

- 50.** I state that, the Respondent No. 11-PP has suppressed the third Application vide dated 06.10.2018 filed before SEIAA for obtaining Environment Clearance along with documents attached therewith.
- 51.** I state that, the contents of **Para-6.23** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that, the Respondent No. 11-PP was not diligent and punctual for obtaining the environment clearance and not attended the 77th meeting of SEAC-III held on 05.12.2018 and therefore, SEAC-III deferred the proposal.



52. I state that, the contents of **Para-6.24** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly admitted. Further I state that, the SEAC-III considered the proposal in its 86th meeting held on 24.04.2019 and after appraisal of proposal sought additional data from Respondent No. 11-PP due to lacuna in the proposal.

53. I state that, the Para-6.27 should be here as per the chronology and Original Applicant is replying this Para here. I state that, the contents of **Para-6.7** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted and partly misleading. Further I state that, this Original Applicant in fair manner has filed complaint vide dated 19.05.2019 with the Respondent Government Authorities for various serious violations of Respondent No. 11-PP in carrying out his building construction project of said project. This Original Applicant has informed all the respondent government authorities well in advance regarding the illegality of Respondent No. 11-PP with intention to move this Hon'ble Tribunal upon their failure. I state



that the allegations in OA No. 63/2019 are with more specific details and allegations in Appeal No. 26/2020 are based on the circumstances occurred after the grant of ex-post facto EC.

54. I state that, the Respondent No. 11-PP has suppressed the commencement certificate & sanction plan vide dated 16.05.2019 with suppression of actual TBA. However, Joint Committee has disclosed TBA under this sanction to the tune of 19978.40 M². But, it seems that this TBA is totally false & suppressed from actual TBA permissible under the prevailing DC Rules of PCMC.

55. I state that, the contents of **Para-6.25** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted and partly misleading. Further I state that, the Field Officer of MPCB has visited the project site vide dated 22.05.2019 on complaint of Original Applicant and has observed that the Respondent No. 11-PP has undertaken the construction without prior Environment Clearance and also noted that the Respondent No. 11 has applied for environment clearance in October-2018

and not yet obtained Environment Clearance. These observations are recorded in point no. 3 & 4 of the said site visit report.

56. I state that, the contents of **Para-6.26** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted and partly misleading. Further I state that, the Sub-Regional Officer of MPCB has visited the project site vide dated 10.06.2019 on complaint of Original Applicant and has observed that the Respondent No. 11 has applied for environment clearance and grant of EC is still pending before competent authority and further Respondent No. 11-PP has stopped the construction voluntarily and also noted the status of the construction in 'A' building is "3 Basements + Lower Floor + Upper Floor", 'B' building is "3 Basements + Lower Floor" and 'C' building "Basements" only. Also observed that the Respondent No. 11-PP has not installed STP, OWC, RWH and also installed DG Sets of 45 KVA. These observations are recorded in the said site visit report.

57. I state that, the contents of **Para-6.28** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020



partly true and partly admitted. Further I state that, the Member Secretary of SEIAA & Principal Secretary of DoE issued show cause notice & proposed direction dated 15.06.2019 on complaint of Original Applicant / Appellant to the Respondent no. 11-PP on account of stoppage of construction and further legal action that would be taken.

58. As per chronology of dates, I state that, the contents of **Para-6.30** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted and partly misleading. Further I state that, the MPCB has issued the show cause notice dated 27.06.2019 in respect of complaint dated 19.05.2019 of this Original Applicant. Said show cause notice clearly mentions,

“2. You have carry out construction activities without obtaining Environment Clearance as per EIA Notification, 2006.”

59. It is important to note that, the MPCB has imposed Condition No. 11 & 12 in their CTE dated 12.10.2017 mandating prior EC and also directed not to take effective steps without prior EC.

60. As per chronology of dates, I state that, the contents of **Para-6.31** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 totally false and misleading. Further I state that, the Respondent No. 11-PP has filed totally false and misleading replies vide dated 29.06.2019 to MPCB, 16.07.2019 to PS-DoE & 20.08.2019 to PCMC in respect of answer to the show cause notices issued by MPCB, PS-DOE & PCMC. Further I state that, the Respondent No. 11-PP has violated the environmental norms with impunity, PP himself has admitted in his own reply dated 28.09.2014 excavation is stopped in the year 2012 and no construction activity is undertaken as the threshold limit of project is going beyond 20000 Sq. Mtrs. due to revised sanction dated 09.04.2013 and as per this sanction previous sanction gets cancelled and circular dated 21.04.2015 is not in favour of Respondent No. 11-PP and not permitting construction below 20000 Sq. Mtrs. for the project having total BUA potential more than 20000 Sq. Mtrs. Moreover, even the project have not crossed the threshold limit of 20000 Sq. Mtrs. till filing of their



affidavit dated 24.09.2020, it is not permissible to undertake the construction without prior Environment Clearance.

- 61.** As per chronology of dates, I state that, the contents of **Para-6.29** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted and partly misleading. Further I state that, the SEAC-III has considered the proposal in its 91st meeting held on 26.07.2019 and noted the conduct of Respondent No. 11-PP as below;

“The hearing of the proposal before SEAC was on 26.07.2019. Though PP was in knowledge of this notice at the time of hearing, he did not disclose this information to the committee and misguided the committee.

As the act of PP is fraudulent, committee decided to keep the case in abeyance till the decision of the notice. After the decision of the SCN the case will be reappraised in the light of outcome of the SCN.

Committee also directs the Secretary of the committee to bring this fact to the notice of Hon Principal Secretary with a request to take stern action on account of concealing the material information at the time of appraisal.



*With this, the proposal is **deferred***"

62. I state that, the contents of **Para-6.32** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly misleading. Further I state that, the Government Authority more specifically Environment Department of Government of Maharashtra has adopted the practices of favoring polluters at the cost of Mother Nature and giving personal hearing on 11.11.2019 not physical presentation. There is no document & records placed before authority on 11.11.2019. I state that, the PS-DOE gave personal hearing to the Respondent No. 11-PP in his chamber, but no courtesy shown to call or send notice informing the Original Complainant for hearing, in actual this hearing was conducted to verify the allegations from the complaint dated 19.05.2019 of this Original Applicant and no opportunity was given to Original Applicant itself indicates that the illegal activities under taken by the former PS-DoE with help of his sub-ordinates specially appointed for organizing such illegal activity.



63. I state that, the contents of **Para-6.33** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly false and partly misleading. Further I state that, the Respondent No. 11-PP has alleged the withdrawal of show cause notice dated 15.06.2019 by Environment Department vide letter/ communication dated 16.11.2019 is not supported by Joint Committee in their Report communicated to this Hon'ble Tribunal on 07.01.2020 and this Respondent No. 11-PP is communicating with this letter attaching to their reply affidavit dated 24.09.2020, is really shocking. However, this letter is not placed in public domain on websites maintained by Environment Department or not communicated to this Original Applicant till date and in this circumstances, authenticity of this letter comes in doubtful. PS-DoE being the quasi-judicial authority is bound by principle of natural justice and then assuming that, this letter is issued by the PS-DoE, then the PS-DoE has violated the principle of natural justice, which is fundamental principle of constitution and basic foundation of administrative law. Further I state that,



the Environment Department is violating the principal of natural justice and committing illegality with punctuality and impunity to support the polluters lobby. For such illegal activity, this Hon'ble Tribunal has imposed cost of Rs. 1 lakh to SEIAA & PS-DoE in Original Application No. 184 of 2015 vide judgment dated 27.09.2016 and same is confirmed by the Hon'ble Supreme Court vide its judgment dated 10.08.2018 with direction to Chief Secretary to take action strict action against these officers. Further I state, the Respondent No. 11-PP is misleading on account of commencement of construction as per commencement 2008, but on the contrary PP admits that the only excavation was commenced on the basis of said 2008 sanction and same has been stopped in 2012, Further Respondent No. 11-PP admits that he applied twice for EC on 07.09.2013 and 30.06.2016 and same were not taken to logical end. PS-DoE circular dated 21.04.2015 is not favoring Respondent No. 11-PP for his construction carried out to the tune of 8467.69 M2 till this withdrawal letter and PP is admitting that he had carried out construction

without EC. Further I state that, EIA Notification, 2006 does not support the construction below 20000 M² without obtaining prior EC for the projects having total BUA more than 20000 M².

64. I state that, the contents of **Para-6.34** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly misleading. Further I state that, the SEAC-III considered the proposal in its 91st meeting held on 10.12.2019 and noted the withdrawal of show cause notice and proposed directions dated 15.06.2019 without knowing the business undertaken by the PS-DOE and seems that this minutes was recorded under the pressure of hierarchy in the Organisation. It is surprising to note that, the SEAC-III has noted the conduct of PP as fraudulent, misguiding and concealing information from the committee and then finally agrees to recommend the proposal for grant of environment clearance is shocking to this Applicant.

65. I state that, the Joint Committee visited the site on 15.12.2019 and observed that the Respondent No. 11-PP has carried out the construction to the tune of



13806.52 M² without obtaining prior Environment Clearance in support of the Architect certificates dated 20.12.2019.

- 66.** I state that, the Joint Committee has submitted their report to the Hon'ble Tribunal vide communication dated 07.01.2020.
- 67.** I state that, after the report of Joint Committee this Hon'ble Tribunal vide its Order dated 05.02.2020 issued show cause notice to the Respondent No. 11-PP for prohibition of construction and same is not replied till date.
- 68.** I state that, the contents of **Para-6.35** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly false and partly misleading. Further I state that, the SEIAA was served with notice of the Original Application on 02.11.2019, conducted site visit on 15.12.2019 and after issuance of show cause notice by this Hon'ble Tribunal vide its Order dated 05.02.2020, immediately on next day, considered the proposal in its 186th meeting held on 06.02.2020 for assessment of impact and declared everything is right

and complied and decided to grant the environment clearance in post facto manner.

69. I state that, the contents of **Para-6.36** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true, partly admitted and partly misleading. Further I state that, the Hon'ble Tribunal issued notices to all respondents including PP & SEIAA again vide its Order dated 05.02.2020 and this Original Applicant served the notice on 15.02.2020 to the Respondents and on 18.02.2020, SEIAA immediately granted the Environment Clearance in ex-post facto manner to dilute the proceedings & final outcome in Original Application. Further I state that, the SEIAA & PS-DoE has not applied their mind and in mechanical manner & in dispassionate manner has granted this EC. Moreover, this EC is totally illegal and in contradiction of EIA Notification, 2006. This conduct of SEIAA & PS-DoE is nothing but challenge to the Court of law, staring in the eyes of law and considering them above the law. However, this illegal EC dated 18.02.2020, has challenged by this Original Applicant

in Appeal No. 26 of 2020 and same is connected to the proceeding of Original Application.

70. I state that, the contents of **Para-7** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly false, partly baseless and partly misleading. Further I state that, the Original Application is with full of merit and Respondents have admitted the violation. This language of "harassment" by Respondent No. 11-PP is out of frustration due got exposed for his conduct of habitual offences and Original Applicant is the vigilant & genuine person in the society and he is performing his duty of being informer to the court of law.

71. I state that, the contents of **Para-7.1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 partly true and partly misleading. Further I state that, the Original Applicant has filed complaint dated 19.05.2019 before various respondent authorities and initially PS-DoE took action to make just show-off, but letter on avoided to take substantial action due to their collusion with Respondent No. 11-PP. MPCB has issued the show cause notice and proposed directions vide dated 27.06.2019 and same are in force till date.



Moreover, none of the respondent Authorities have filed affidavit in support of contentions raised by Respondent No. 11-PP.

72. I state that, the contents of **Para-7.2** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 misleading. Further I state that, the Complaint dated 19.05.2019 is deals with the illegal construction raised by Respondent No. 11-PP without obtaining prior mandatory EC, in violation of terms & conditions of Consent to Establish, illegal exaction of basement, no top soil is preserved, illegal extraction of ground water, illegal cutting of tree & non-transplantation, non-treatment of sewage water, non-treatment of construction waste, no scientific disposal of solid waste, operation of DG sets in illegal manner, traffic congestion in the arca, non-safety of construction worker, death of construction worker, suppression of facts, illegal construction of basements pollution from the construction vehicles, illegal installation of cranes at project site, demolition of the existing structure without any plans, non-compliance to the standard parameters of environmental norms and said



complaint is limited to the Para-7.2 as alleged by the Respondent No. 11-PP

73. I state that, the contents of **Para-7.3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are admitted facts by Respondent No. 11-PP, that the MS-SEIAA & PS-DoE has issued show cause notice and proposed direction dated 15.06.2019 in respect of the complaint dated 19.05.2019 of this Original Applicant and at the repetition of Para-6.27 & 6.28 of reply affidavit of Respondent No. 11-PP.

74. I state that, the contents of **Para-7.4** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are admitted facts by Respondent No. 11-PP, that the RO-MPCB has issued show cause notice and proposed direction dated 27.06.2019 in respect of the complaint dated 19.05.2019 of this Original Applicant and at the repetition of Para-6.30 of reply affidavit of Respondent No. 11-PP.

75. I state that, the contents of **Para-7.5** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are partly false, partly misleading and partly admitted facts by Respondent No. 11-PP and at the repetition of Para-

6.6, 6.14 & 6.31 of reply affidavit of Respondent No. 11-PP. Further I state that, the replies dated 29.06.2019, 17.07.2019 & 20.08.2019 filed by Respondent No. 11-PP before various government authorities are totally misleading and authorities have ignored the admission of violation to favour the PP. Moreover, no construction is permissible for the project having total BUA more than 20000 M² without prior EC mandated under EIA Notification, 2006 and said notification does not provide any favour for construction to be carried out below 20000 M² and to obtain ex-post facto EC for construction go above 20000 M². It is important to note that, the PP obtained PCMC original sanction on 28.03.2008 by suppressing actual TBA and admittedly, commenced excavation in 2011 and it is stopped in 2012. However, Respondent No. 11-PP has obtained the various revised sanction from PCMC with increase and decrease in TBA and not obtained full potential sanction and Application dated 07.09.2013 get nullify vide letter / communication dated 10.03.2015 issued by PS-DoE. Further I state that, the Circular dated



21.04.2015 is not the stature enforced by the appropriate law making authority with due compliance of procedures lay down under the law and said circular is totally illegal and issued to create the jugglery in implementation of EIA Notification, 2006 and provide the favour to the mighty and resourceful lobby of polluters. This circular does not support the illegal construction carried out by the Respondent No. 11-PP having total proposed BUA more than 20000 M² on filing of first application for the environment clearance and Respondent No. 11-PP cannot take benefits of the PCMC original sanction dated 28.03.2008 after obtaining number of revised sanctions having total BUA more than 20000 M² at this stage of proceedings to overcome the violations and to save the errant officers from environment department, those who have acted in illegal manner to protect this Respondent No. 11-PP.

76. I state that, the contents of **Para-7.6** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are partly false, partly misleading and partly admitted facts by Respondent No. 11-PP. Further I state that, the

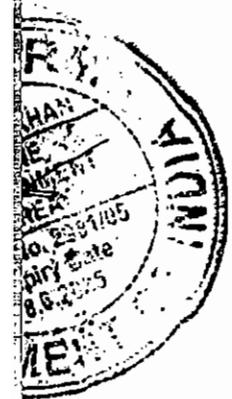
business undertaken by the former PS-DoE for issuance of show cause notice for the purpose of withdrawal is no more secrete and there is racket active in environment department issuing clean chit business by violating the principle of natural justice and behind back of this Original Applicant, without providing any notice or opportunity of hearing and disposing complaint filed by Original Applicant. Further I state that, the MS-SEIAA & PS-DoE have issued this impugned EC dated 18.02.2020 to overcome their own illegality and involvement and moreover, this original Applicant has already challenged this impugned EC by way of Appeal No. 26 of 2020 diligently and punctually as this EC is not legal & tenable in the eyes of law.

77. I state that, the contents of **Para-7.6** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false and misleading and it is admitted case of violations by Respondents on hand and misleading on other hands. Further I state that, the concern authorities have not applied their mind in investigating & adjudicating the present case to reach

the conclusion in consonance with prevailing law. These errant officers shall put to the hardest punishment. There is no advertence, examination of documents, deliberation and by avoiding the observations from MPCB site visit report dated 22.05.2019 & 10.06.2019 and by withdrawing the show cause notice & proposed directions dated 15.06.2019 of SEIAA behind back to this Applicant, however, Show cause notice & proposed directions dated 27.06.2019 issued by MPCB are still in force and not withdrawn till date. Therefore, considering entire conduct of the errant officials from SEIA & PS-DoE, this Original Application as well as Appeal shall be allowed in totality.

**REJOINDER TO THE ISSUE OF ALLEGATIONS
WITH REGARDS TO ENVIRONMENT CLEARANCE:**

- 78.** I state that, the contents of **Para-7.8** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading. Further I state that, such statements are made by Respondent No. 11-PP



only because of encouragement given by errant bureaucrats from SEIAA & PS-DoE.

79. I state that, the contents of **Para-7.8.1 to 7.13** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are partly false, partly baseless, partly misleading, repetition of facts from sub-para: 6 of reply affidavit and actual position of environmental law applicable & in force to the present building construction project and said EIA Notification, 2006 does not provide any favour to the Respondent No. 11-PP, as the total BUA of the project from its inception was more than 20000 M² mandating prior EC, However, Respondent No. 11-PP failed to obtain prior EC and come with ex-post facto EC after substantial progress in the proceedings of Original Application No. 63 of 2019. Further I state that, this Original Applicant has not agitated the issue of present construction having TBA more than 150000 M² and present construction required prior EC from SEIAA with their proper impact assessment for remedial measures and appraisal from expert appraisal committee.

80. I state that, the contents of **Para-7.9** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.4 & 6.5 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.4 & 6.5 of reply affidavit of Respondent No. 11-PP.
81. I state that, the contents of **Para-7.9.1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.8 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.8 of reply affidavit of Respondent No. 11-PP.
82. I state that, the contents of **Para-7.9.2** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.10 & 6.11 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.10 & 6.11 of reply affidavit of Respondent No. 11-PP.

83. I state that, the contents of **Para-7.9.3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.12 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.12 of reply affidavit of Respondent No. 11-PP.

84. I state that, the contents of **Para-7.10** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.6 & 6.14 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.6 & 6.14 of reply affidavit of Respondent No. 11-PP.

85. I state that, the contents of **Para-7.11 & 7.11.1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.16 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.16 of reply affidavit of Respondent No. 11-PP.

86. I state that, the contents of **Para-7.11.2** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.23 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.23 of reply affidavit of Respondent No. 11-PP.

87. I state that, the contents of **Para-7.11.3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.24 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.24 of reply affidavit of Respondent No. 11-PP.

88. I state that, the contents of **Para-7.11.4** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.29 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.29 of reply affidavit of Respondent No. 11-PP.



89. I state that, the contents of **Para-7.11.5** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.34 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.34 of reply affidavit of Respondent No. 11-PP.
90. I state that, the contents of **Para-7.11.6** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.35 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.35 of reply affidavit of Respondent No. 11-PP.
91. I state that, the contents of **Para-7.11.7** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.36 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.36 of reply affidavit of Respondent No. 11-PP.

92. I state that, the contents of **Para-7.12** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading Further I state that, the SEIAA as well PS-DoE has not followed the procedural mandates under the EIA Notification, 2006 and this non-compliance has compelled this Original Applicant to approach this Hon'ble Tribunal. Also Joint Committee Report dated 07.01.2020 has observe that, the Respondent No. 11-PP have carried out the construction of TBA 13806.52 M² till 15.12.2019 and as per EIA Notification, 2006 no such construction or activity is permissible without prior EC. Moreover, it is important to note that the Original sanction dated 28.03.2008 granted by PCMC, for TBA 17595 M² got automatically nullify with issuance of revised sanction 09.04.2013 for TBA 21368.30 M². Also Respondent No. 11-PP has admitted that the excavation has been stopped in 2012 and as per conditions from commencement certificates dated 30.09.2015 & 24.11.2016 i.e. conditions imposed for obtaining prior environment clearance & prohibition on construction. Therefore, no construction was

permissible after 09.04.2013, till grant of EC. However, Respondent No. 11-PP started construction in March/ April-2019 and committed violation of Environmental Law. Therefore, grant of ex-post facto EC dated 18.02.2020 shall not support this illegal construction and stand taken by PP is completely abuse of process of law.

- 93.** I state that, the contents of **Para-7.13** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading Further I state that, the concept of ex-post facto EC is alien to the environmental jurisprudence and no construction / activity is permissible under EIA Notification, 2006. Moreover, grant of EC is not mechanical exercise and it requires meticulous examination and dispassionately conclusion and finding to reach the remedial measures, therefore, EC granted on 18.02.2020 shall not survive and same is not tenable 'in the eyes of law.



**REJOINDER TO THE ISSUE RELATING TO
OBTAINING EC PRIOR TO CONSTRUCTION BELOW
20000 M²:**

- 94.** I state that, the contents of **Para-7.13.1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading Further I state that, under EIA Notification, 2006, it is mandatory to obtain prior EC for the building construction projects having total proposed BUA potential more than 20000 M² and no construction is permissible without EC, even below 20000 M².
- 95.** I state that, the contents of **Para-7.13.2** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading Further I state that, the judgment dated 06.03.2013, passed by Hon'ble Bombay High Court in Writ Petition (L) No. 470 of 2013 is not applicable here, as the total potential of project is more than 20000 M² from inception of the project and this is the fresh & new development so it cannot be treated as redevelopment or SRA project. It is specifically held that, the;

"This court has held that when clearances required only for projects with built up area exceeding 20000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction upto 20000 sq. meters without first obtaining environment clearance."

Therefore, it is important to note here, that the present project under challenge is not the redevelopment project or SRA project and this order is not applicable to the present case in hand.

96. I state that, the contents of **Para-7.13.3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.6 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.6 of reply affidavit of Respondent No. 11-PP.

97. I state that, the contents of **Para-7.13.4** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.14 of reply affidavit of Respondent No. 11-PP and this



Original Applicant has already replied these contentions, while replying Sub-Para: 6.14 of reply affidavit of Respondent No. 11-PP.

- 98.** I state that, the contents of **Para-7.13.5** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.6, 6.14, 6.31 & 7.5 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.6, 6.14, 6.31 & 7.5 of reply affidavit of Respondent No. 11-PP.

REJOINDER TO THE ALLEGATIONS WITH REGARDS TO THE CONSENT TO OPERATE ("CTO") AND CONSENT TO ESTABLISH ('CTE"):

- 99.** I state that, the contents of **Para-7.14, 7.14.1,7.14.2, 7.15 to 7.16** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading. Further I state that, the Original Applicant have specific allegations of violations of terms & conditions of Consent to Establish and there is no allegation with regards to non-obtaining of Consent to Operate as admittedly this project is

ongoing construction and Respondent No. 11-PP has carried out illegal construction in violation of terms and conditions of consents. Further I state that, the Respondent No. 11-PP is admitting here that the excavation work is carried out as per sanction dated 28.03.2008, further admitted that the proposed TBA crossed 20000 M2 with amendment in the sanction plan and applied for EC and accordingly commenced construction in the year 2016 after obtaining valid consent. I state that, the contention of Respondent No. 11-PP is very surprising as the construction was commenced in 2016 on the basis of only consent to establish. Basically, Consent to Establish dated 10.03.2015 has General Condition No. 11 and Consent to Establish dated 12.10.2017 has General Condition No. 11 & 12 prohibiting any effective steps towards construction without prior EC, then How P can take this stand in contradiction of Consent terms and it seems that, such illegal & invalid stands are taken to overcome the limitation only on misleading & manipulation of facts, nothing else.

100. I state that, the contents of **Para-7.14.1** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.7 & 6.13 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.7 & 6.13 of reply affidavit of Respondent No. 11-PP.

101. I state that, the contents of **Para-7.14.2** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.19 & 6.20 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.19 & 6.20 of reply affidavit of Respondent No. 11-PP.

102. I state that, the contents of **Para-7.15 to 7.17** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are at the repetition of facts from Sub-Para: 6.7, 6.13, 6.19, 6.20 & 7.5 of reply affidavit of Respondent No. 11-PP and this Original Applicant has already replied these contentions, while replying Sub-Para: 6.7, 6.13, 6.19, 6.20 & 7.5 of reply affidavit of Respondent No. 11-PP.



**REJOINDER TO ALLEGATIONS WITH REGARDS
TO ILLEGAL FELLING OF TREES:**

103. I state that, the contents of **Para-7.18 & 7.19** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading. Further I state that, the project site had more than 60 fully grown trees of various types and it was duty of PP to protect those trees and PP has cut more than 50 trees in illegal manner without any permission from the concern authority and even not made any plan for replantation & compensatory plantation for these illegal cut trees. Air pollution of the PCMC is increasing day to day and these trees were playing very important role of CO consumer, providing shelter & shadow to the birds and for maintaining ground water level.

104. Further I state that, the Respondent No. 11-PP has started excavation in the year 2012 after illegal felling to trees and produced after thought the NOC dated 18.06.2018 obtained from PCMC and in ex-post facto EC dated 18.02.2020, undertakes to plant only 78 trees.



105. Further I state that, the Respondent No. 11-PP have admitted vide 2nd Application dated 30.06.2016 for EC that the number of trees to be planted is 155 number and then vide 3rd Application dated 06.10.2018 for EC that the number of trees to be planted is 78 numbers only. It is shocking this reduction in the number of trees to be newly planted on ground.

106. Further I state that, the Google Earth images attached as Annexure-A-14 to the Original Application at Page No. 425 clearly show the trees available at the project site. Therefore, PP has caused damage to the environment due to illegal cutting of trees without any replantation and without any permission from concern authority.

**REJOINDER TO THE ISSUE OF ALLEGATION WITH
REGARDS TO ILLEGAL GROUND WATER
EXTRACTION:**

107. I state that, the contents of **Para-7.20 & 7.21** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading. Further I state that, the PP has not obtained prior permission

to draw ground water and construction of basement from the Competent Authority. In fact there is no permission for ground water extraction and for construction of basements from competent authority. PP should use the PCMC water supply as per his disclosure in form-1, but PP is using water for construction from two bore wells drilled at the project site. That the quantity of ground extracted for the construction is more than 75000 litres per day and its damaging ground water table in the area.

- 108.** Further I state that, the PP has constructed four (4) basements, instead of none basement permitted by PCMC & SEIAA and PP has drilled 2 bore wells from which PP is extracting water for construction and this illegal extraction of ground water and illegal construction of four basement have depleted the ground water level in the area, as its damages the ground water level. But there is also no permission for basements without any ground water test. Also Joint Committee has not checked the site carefully for bore wells and also not commented on the illegal construction of basement and ground water test.



Further I state that, the CA Certificate dated 24.09.2020 for amount spent on water tankers is bogus and prepared afterthought and cannot be relied upon. Also PCMC has issued NoC dated 25.06.2018 for fresh water supply during operational phase only and it does not prove present ongoing ground water extraction. Therefore, there is illegal ground water extraction without ground water test and illegal construction of basements cause damage to the ground water table in the area without prior permission from CGWA.

**REJOINDER TO THE ALLEGATION WITH
REGARDS TO ILLEGAL OPERATIONS OF THE DG
SETS:**

- 109.** I state that, the contents of **Para-7.22** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading. Further I state that, the both CTE does not permits installation of DG Sets during the construction phase and only permission to install the DG set in operation phase. However, admittedly Respondent No. 11-PP has

installed DG Set of 45 KVA in the construction phase and used most frequently and for which Joint Committee failed to record the reading for operational hours and total electricity generation. However, there is illegal operation of DG Sets for construction phase causing damage to the air and said installation is done well prior to grant of ex-post facto EC.

REJOINDER TO THE ALLEGATION WITH REGARDS TO ILLEGAL EXCAVATION OF SOIL, NON-PRESERVATION OF SOIL AND NON-TESTING OF SOIL:

- 110.** I state that, the contents of **Para-7.23 & 7.25** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading. Further I state that, the Respondent No. 11-PP has not provided any soil test report as observed by Joint Committee and details of other projects, where the excavated material is shifted to with judiciously, for landscaping, gardening, landfilling leveling or ground etc. also no permission for such transportation to other site are not disclosed to the joint committee. However, the

documents submitted by Respondent No. 11-PP with the 3rd Application for EC vide dated 06.10.2018 shows that there is letter dated 27.05.2019 prepared by PP himself with the name of "B & K Buildcon" stating shifting of excavated material of total quantity of 5094 Cu. Mtrs from project location at Pimpri Chowk within the jurisdiction of PCMC to Village: Undri, within the jurisdiction PMC location wherein this Original Applicant resides and this transportation is not supported by the Joint Committee. Therefore, It is important to note that, Let's assume the Respondent No. 11-PP can transported the excavated material to the PMC jurisdiction creating air pollution due to dust & vehicle emission creating damage to the environment without its appropriate remedial solutions, then the Respondent No. 11-PP has no right to challenge the **Locus Standi** of Original Applicant.

111. Further I state that, the as per EIA Notification-2006, no activity related to construction is allowed without prior Environment Clearance, but the PP has started excavation on 06.04.2012 and after substantial excavation, said activity was stopped till end of 2016

and said activity again resumed in September-2017 and completed the excavation on December-2018 and the surface area of the excavation is 1926.27 Sq. Mtrs. (Ground Coverage) and depth of excavation is 18 Mtrs., therefore quantity of the exaction material is 34672.86 Cu. Mtrs. this quantity of huge excavation is due to four basements are constructed by the PP.

112. Further I state that, the PP has disposed the excavated waste of 34672.86 Cu. Mtrs. in illegal manner and no scientific approached is adopted. Also the quantity of the said material is disclosed in the Form-1 of EC Application and the earth structure at the project site is 4 Mtrs soil, 5 Mtrs Murum and 9 Mtrs. basalt and PP has carried out excavation of soil to the tune of 1926.27 Sq. Mtrs x 4 Mtrs = 7705.08 Cu. Mtrs. and that the soil excavated must be used for development of recreational space and for plantation of the trees. But the PP has not preserved the soil for development of recreational open space and PP has not made any soil test.

113. Further I state that, the PP has made the illegal excavation prior to the application of EC and not



preserved any soil and also not tested soil for contamination and also not disclosed the quantity of solid waste generated during the construction phase and also not disclosed the quantity of the building material to be used.

114. Therefore, I state that the Respondent No. 11-PP has disposed the excavated material including top fertile soil in unscientific manner and causing damage to the environment & ecology.

REJOINDER TO THE ALLEGATIONS WITH REGARDS TO VIOLATION OF MUNICIPAL LAW:

115. I state that, the contents of **Para-7.26 to 7.29** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading Further I state that, the illegalities under the DCR of PMC, MRTP-1963 have direct relation with the environmental parameters affecting the environment for calculation of total Population of project, total fresh water requirement, total waste Water generation, total solid waste generation, total energy requirement, to understand the file tender movement, to study

environment infrastructure installation, total BUA potential, firefighting equipment installation, to study basements and many more and Respondent No.11-PP has not pointed out specific pleadings under DCR, MRTP under his objection.

116. I state that, the illegal grant of additional FSI and TDR and construction by using these additional FSI & TDR exploits the natural resources i.e. building material required for construction. Applicant have not sought any prayers under the DCR and MRTP Act for cancellation of sanctions granted under MRTP Act & DCR. Therefore while considering the application Hon'ble Court should know interconnection of illegality related to the project and repercussions of these illegality.

117. I state that, the applicant have no any vested interest in the project and this application is inequitable of social importance litigation and this applicant being the informer to the court of law and have right to inform all the possible true facts related to the project to the Court in view to deliver the final verdict. This



applicant cannot suppress anything from the court of law like PP and PMC.

118. I state that, the construction carried out by the PP is not accordance with the DCR and MRTP as the commencement certificate granted to the project stipulates the mandates of obtaining environment clearance and consents. But PP has failed to obtain the same and therefore the interconnections of the illegalities related to the violations of project should be brought before the court. Therefore the application is filed seeking the prayers related to the Schedule-I acts and the illegalities committed under the DCR and MRTP Act are supporting the violations committed under Schedule-I acts. I state that the PP is misleading on account of pleadings related to MRTP and DCR and these pleadings have direct relation to the environmental parameters. However, application is divided into two parts, these two parts are "BRIEF FACTS LEADING TO THE PROJECT UNDER CHALLENGE AND FACTS LEADING TO THIS APPLICATION" (Para-10 to Para-41). Therefore the

application is dealing with the environmental violations.

- 119.** Further I state that, the Para-47 of the Judgment dated 10.08.2018 passed by the Hon'ble Supreme Court in the matter of "Goel Ganga Developers Pvt. Ltd. Vs. UoI & Ors" in Civil Appeal No. 10854/2016, in (2018) 18 SCC 257 has forfeited the benefits of DCR, TDR, FSI to avoid the further degradation of the environment that would occur due to additional construction;

"57. In addition thereto, if the project proponent has taken advantage of Transfer of Development Rights (for short 'TDR') with reference to this project or is entitled to any TDR, the benefit of the same shall be forfeited and if he has already taken the benefit then the same shall either be recovered from him or be adjusted against its future projects."

- 120.** Further I state that, the Para-47 of the Judgment dated 05.03.2019 passed by the Hon'ble Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494** has specifically held



that, under Section-33 of NGT Act, 2010 this gives the overriding powers over DCR & MRTP Act, to this Hon'ble Tribunal;

“47. Section 33 of the Act provides an overriding effect to the provisions of the Act over anything inconsistent contained in any other law or in any instrument having effect by virtue of law other than this Act. A Central legislation enacted under Entry 13 of List I Schedule VII of the Constitution of India will have the overriding effect over State legislations.”

121. Therefore, the pleadings related to the DCR and MRTP Acts cannot be ignored and suppressed from court of law. Thus, the Hon'ble NGT have clear cut jurisdiction to entertain the application with respect to grant of prayers made under the NGT Act and pointing out the violation of Schedule-I Acts.

122. I state that, the contention of the **Para-8** of the reply affidavit of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless, misleading. It is important to note that, the PP have rebutted the allegations raised in original application in his reply with false, baseless & misleading answers and deserve no liberty

to have an additional opportunity as violations committed by the PP are admitted by himself by obtaining ex-post facto EC from SEIAA. In para-9 of his reply affidavit, PP himself has admitted that, the Original Application is fully answered by him. Moreover, MPCB has taken cognizance of the same by issuing directions under Air (P&CP) Act-1971 and Water (P&CP) Act-1984. Therefore, there should not be favour to the PP at the cost of Mother Nature.

123. I state that, the contention of **Para-9** of the reply affidavit of Respondent No. 11-PP dated 24.09.2020 are related to issues and grievances raised in the original Application are has fully answered by PP, in fact PP has provided totally false, baseless, misleading replies. It is important to note that, the allegations made in the original application are admitted by PP by obtaining ex-post facto EC in his replies affidavit & with documents attached therewith received from PCMC, SEIAA and MPCB. Therefore, Original Applicant have made out a genuine, realistic and true case for grant of all prayers sought. In view of

statement of PP in this para, he is not entitle for opportunity to file additional affidavit.

124. I state that, the contention of the **Para-10** of the reply affidavit of Respondent No. 11-PP dated 24.09.2020 are related to IA No. 86/2021, objecting the preliminary issues. It is important to note that, the Interlocutory Application No. 86/2021 filed by PP is totally false, baseless, misleading and this interlocutory applications is filed to create nuisance & hurdles in the smooth proceedings of Original Application in view to prolong the litigation. This habitual Project Proponent being luxurious litigant is playing these illegal tactics to overcome the violations with help of Professionals. Therefore, this Hon'ble Tribunal may kindly throw such illegal & false interlocutory applications at the threshold.

125. I state that, the contention of the **Para-11** of the reply affidavit of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless, misleading and It is important to note that, the PP have carried out the construction of total BUA of 13806.52 M² out of 54667.89 M² without obtaining mandating prior

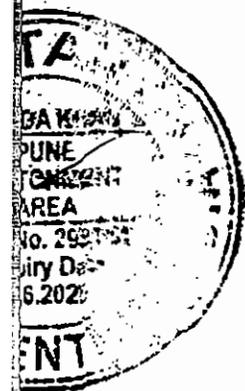
Environment Clearance as per the EIA Notification-2006 and in violation of terms and conditions of Consent to Establish and Further it is submitted that, the allegations in this Original Application are exhaustive, broad with support of documents and well known to PP with his own admitted facts. Moreover PP himself have admitted these allegation by obtaining ex-post facto EC during the pendency of this Original Application and same is under challenge in Appeal No. 26/2020. Therefore Applicant have made out the good case and also case have supported with evidences, annexures and facts admitted by Project Proponent, PCMC, SEIAA and MPCB etc. Thus, this is the best case for grant of all the prayers sought under this application and it is humble request to Hon'ble NGT for grant of prayers in larger interest of the Environmental Protection. Further I state that, the prayer of Respondent No. 11-PP for dismissal of Original Application is not tenable and illegal in the eyes of the law and this Hon'ble NGT may kindly reject the contention of the Project Proponent and payers in Original Application may kindly be granted by



demolition of structure or by handing over it to the government for public use along with imposition of exemplary environment compensation for restitution & restoration of environment, ecology, exploitation of natural resources & social infrastructure damaged by Project Proponent in view to have deterrent effect on Project Proponent to send clear & sound message in the society, that the environmental compliance is supreme and no one is above the law.

PART C: PARAWISE REJOINDER TO THE REPLY
AFFIDAVIT OF RESPONDENT NO. 11-PP DATED
24.09.2020 IN APPEAL NO. 26/2020:

- 126.** I state that, the Appeal No. 26/2020 is filed by Appellant (i.e. Original Applicant in OA No. 63/2020) on 18.03.2020 challenging the Environment Clearance dated 18.02.2020 for the project under challenge & subject matter from Original Application No. 63/2020 during the pendency of said Application.
- 127.** I state that, the Appeal No. 26/2020 listed for admission on 13.07.2020 alongwith this OA No. 63/2020 and vide Order dated 03.09.2020, notices



were issued by this Hon'ble Tribunal and same are served to the concern Respondents and this Appellant has filed an affidavit in support of proof of service and duly complied the Order of this Hon'ble Tribunal.

128. I state that, the Respondent No. 11-PP is the Project Proponent and have undertaken the development of the project under challenge. Respondent No. 11-PP has affirmed his reply affidavits dated 24.09.2020 in both cases and Interlocutory Application No. 86/2020 in OA No. 63/2020 on same date. However, these Reply Affidavits have not removed the defects and so not placed on record and only served to the parties.

129. I state that, the issued raised by Respondent No. 11-PP in Interlocutory Application No. 86/2020, reply affidavits in OA No. 63/2020 and Appeal No. 26/2020 are at the cost of repetitions of contentions raised by Respondent No. 11-PP therein. Therefore, this Appellant/ Original Applicant is filling this common rejoinder.

130. I state that, the contents of **Para-1 to 3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are part of record and in general. Further I state that,

this Appellant has replied these issues in detailed above.

131. I state that, the contents of **Para-4 (a) to (d)** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are misleading and condensed as per his narrow view. Further I state that, this Appellant has filed this Appeal with more precise grounds with well explanation, supported with annexures and documents and the contents of **Para-4 (a) to (d)** of Reply Affidavit of Respondent No. 11-PP have replied these issues of in detailed above.

132. I state that, the contents of **Para-5, 5.1 to 5.3** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and challenging locus to this Appellant. Further I state that, the Respondent No. 11-PP has raised this issue in Interlocutory Application No. 86/2021 at Para- 3.2, 3.2.1 to 3.2.14 to which this Appellant has field detailed reply and also this issue is replied in detailed above.

133. I state that, the contents of **Para-5.4 to 5.9** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020

are totally false, baseless and misleading and it is scrupulous compliance to the procedure as stipulated in the EIA Notification, 2006. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para- 7.8 to 7.13.5 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above.

134. I state that, the contents of **Para-5.10 to 5.11** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with the limited grounds of Appeal under Section 16 of NGT Act. Further I state that, the Respondent No. 11-PP has also raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para- 7.8 to 7.13.5 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above. Further I state that, the SEAC-III & SEIAA has granted EC in post facto & illegal manner by violating the principle of natural justice, impropriator way, beyond powers, ignoring procedures laid down in EIA Notification, 2006, with malafide intention and in



collusion with Respondent No. 11-PP and this EC is not tenable in the eyes of law being abnormal & without rhyme.

135. I state that, the contents of **Para-6, 6.1 to 6.36** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and it is scrupulous compliance to the procedure as stipulated in the EIA Notification, 2006. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para-6, 6.1 to 6.36 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above.

136. I state that, the contents of **Para-7, 7.1 to 7.5** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with commencement of Construction prior to grant of EC. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para- 7, 7.1 to 7.7 & 7.13.1 to 7.13.5 to which this Appellant has field

detailed rejoinder and also this issue is replied in detailed above.

137. I state that, the contents of **Para-7.6 to 7.8** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with concept of ex-post facto EC being alien to Environment Law. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para-7.8 to 7.13.5 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above.

138. I state that, the contents of **Para-7.9 to 7.11** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with non-application of mind by the authorities. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para- 7.8 to 7.13.5 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above.



139. I state that, the contents of **Para-7.12 to 7.13** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with violations of various Municipal Laws. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para- 7.26 to 7.29 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above.

140. I state that, the contents of **Para-8** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with violations of various Municipal Laws. Further I state that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para-8 to which this Appellant has filed detailed rejoinder and also this issue is replied in detailed above.

141. I state that, the contents of **Para-9** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with violations of various Municipal Laws. Further I state

that, the Respondent No. 11-PP has raised this issue in reply affidavit dated 24.09.2020 in OA No. 63/2020 at Para-9 to which this Appellant has field detailed rejoinder and also this issue is replied in detailed above.

142. Therefore, considering above circumstances and facts, this Hon'ble Tribunal may kindly allow the Original Application as well as Appeal in totality.

143. THEREFORE, IT IS PRAYED THAT:

- a) Hon'ble Tribunal may kindly allow the Original Application No. 63 of 2019 filed by Original Applicant.
- b) Hon'ble Tribunal may kindly allow the Interlocutory Application No. 100 of 2019 filed by Original Applicant and prohibit the Respondent No. 11-PP from going ahead in further construction till restitution and restoration of area in all respect under the supervision of expert member committee in the field of environment.
- c) Hon'ble Tribunal may kindly direct the respondents authorities to demolish the illegal structures at site and further direct to take necessary steps for

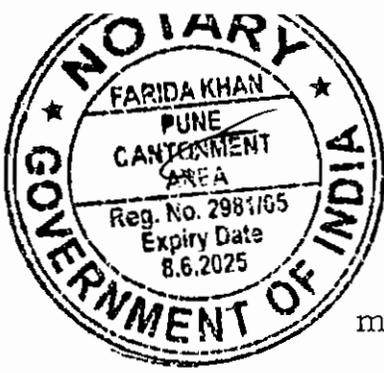


restitution and restoration of the project site and area damaged by the Respondent No. 11-PP.

- d) Hon'ble Tribunal may kindly with respect to; having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles and also direct the Respondent No. 11-PP to deposit a heavy amount of compensation to the environment relief fund.
- e) Hon'ble Tribunal may kindly direct Respondent No. 8-PCMC to forfeit all the benefits arising from present project including FSI, TDR, DCR etc., with permanent prohibition on construction.
- f) Hon'ble Tribunal may kindly direct Respondent No. 4-SEIAA and Respondent No. 6 & 7-MPCB to initiate appropriate legal action including prosecution against the PP for violation of the provisions of EIA Notification-2006 and other applicable pollution control laws.
- g) Hon'ble Tribunal may kindly dismiss the Interlocutory Application No. 86 of 2021 filed by PP with imposition of exemplary cost.

- h) As this Hon'ble Tribunal is guided by principle of natural justice, may kindly quash and set aside the letter / communication dated 16.11.2019 issued by PS-DoE giving clean chit to Respondent No.11-PP.
- i) Hon'ble Tribunal may kindly allow the Appeal No. 26/2020 filed by Appellant-Original Applicant.
- j) Quash and set aside the Environment Clearance granted to the Respondent No. 11-PP-M/s. Bramha Leisure's Private Limited for the project Survey No. 103/129B 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune vide No. SEIAA-EC-0000002109 dated 18.02.2020.
- k) Hon'ble Tribunal may kindly direct the Respondent No. 2, Chief Secretary GoM from Appeal No. 26/2020 to take action against Respondent No. 6-Mr. Anil U. Diggikar, Principal Secretary and Member Secretary-SEIAA for indulging into illegal grant of EC to the project.
- l) Any other relief as this Hon'ble Tribunal may deem fit in the facts and circumstances to protect the environment and ecology.





Whatever stated above is true and correct to the best of my knowledge, belief and information, hence, to verify the same I have signed hereunder at Pune.

AFFIANT

(AJAY JAYVANTRAO BHOSALE)

BEFORE ME

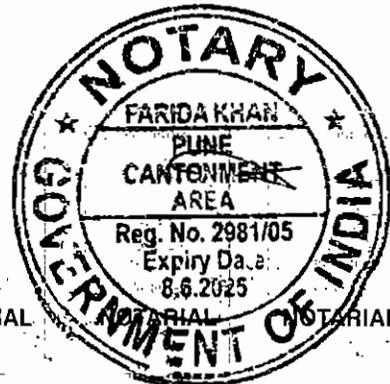
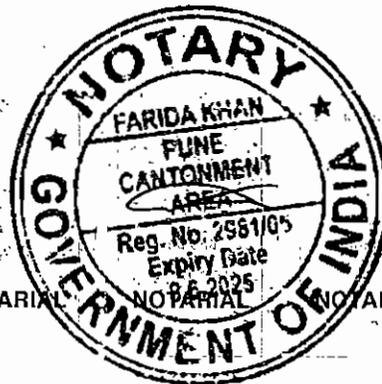
**FARIDA KHAN
NOTARY, GOVT. OF INDIA
PUNE.**

Noted And Registered
at Serial Number

307

2021

26 OCT 2021



ANNEXURE-A-01
No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.

Dated 19th August, 2010

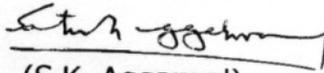
Office Memorandum

**Sub: Activities which can be undertaken without prior
Environmental Clearance - Clarification regarding.**

Instances have come to the notice of this Ministry where the project proponents have undertaken construction activities relating to the project at site without obtaining the requisite prior environmental clearance as is mandated under the EIA Notification, 2006. It is to reiterate that the EIA Notification, 2006 mandates prior environment clearance to be obtained in respect of all the activities listed therein following the prescribed procedure. No activity relating to any project covered under this Notification including civil construction, can be undertaken at site without obtaining prior environmental clearance except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

All the project proponent may note that any contravention of the provisions of the EIA Notification amounts to violation of the Environment (Protection) Act, 1986 and would attract penal action under the provisions thereof. The project proponent may also note that in case of any project where TORs have been prescribed for undertaking detailed EIA study and where construction activities relating to the project have been initiated by them, the TORs so prescribed may be suspended / withdrawn in addition to initiating penal action under the provisions of the EP Act, 1986.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs

Copy to:-

1. PS to AS(JMM)
2. Advisor (NB)
3. Website, MoEF
4. Guard File

TRUE COPY



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२२/५/१९

कीर्ति/पिंपरी/३६/१८ दि. ३१/३/१८

ANNEXURE-A-02

पिंपरी चिंचवड महानगरपालिका, पिंपरी ४११ ०१८.

(यापुढील व्यवहारात क्रमांक व दिनांक यांचा उल्लेख करावा.)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

(कमेन्समेंट सर्टिफिकेट)

सुधारित

बांधकाम चालू करणेकरिता दाखला

सदर बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ ची कलम ४५ यातील तरतुदीप्रमाणे आणि महाराष्ट्र महानगरपालिका अधिनियम २०१२ ची कलमे (सेक्शन) २५३ व २४५ यातील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे.

हा.क्र. १०३३९८१९००९८६६०.

पिंपरी चिंचवड महानगरपालिका, पिंपरी - १८.

क्रमांक - बी.पी. / पिंपरी / ३८ / २०१९

दिनांक: १६/०५ / २०१९

श्री./श्रीमती/मे. ब्रम्हा लिजसि प्रा. लि. लॉ संचालक - श्री. विरगल

सुरेंद्रकुमार सागरवाल

द्वारा : ला. आ. / ला. स. श्री.

संग्राम साबुंके

गायकवाड अहमदु बिल्लोई चौध पुणे-०७.

यांना

पिंपरी चिंचवड महानगरपालिका यांजकडून

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ चे कलम ४५ आणि महाराष्ट्र महानगरपालिका अधिनियम कलमे (सेक्शन) २५३ व २५४ अन्वये पिंपरी - चिंचवड महानगरपालिकेच्या सीमेतील मौजे पिंपरी येथील सव्हे नं. १०९/अ/२ सिटी सव्हे नं. ४७०२ प्लॉट नं. २३/ब ...मधील बांधकाम करण्यासाठी तुम्ही महानगरपालिकेला अर्ज दाखल केला तो दिनांक १६/०३/२०१९ रोजी प्राप्त झाला. यावरून बांधकाम करण्यास खाली नमूद अटीवर व जादा अट क्र. तेनुसार तुम्हास संमतीपत्र देण्यात येत आहे.

- १) सोबतच्या मंजूर नकाशात दाखविल्याप्रमाणे प्रत्यक्ष जागेवर बांधकाम करणे बंधनकारक आहे.
- २) जोत्यापर्यंत काम आल्यानंतर नगररचना व विकास विभागाकडून सेटबॅक तपासून घ्यावेत. त्याशिवाय जोत्यावरील काम सुरू करू नये.
- ३) सोबतच्या नकाशावर नमूद करण्यात आलेल्या अटीवर हे संमतीपत्र देण्यात येत आहे.
- ४) ज्या भूखंडावर नवीन इमारत बांधकाम करण्यात आले आहे त्या इमारतीच्या भोगवटा दाखला मागण्यापूर्वी विकसकाने इमारतीसमोर कंपाउंड बॉलच्या आत व बाहेर झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था करावी त्या शिवाय भोगवटा दाखला मिळणार नाही. रस्त्यावरील झाडांना जरूर ते संरक्षण कुंपण विकसकाने करावयाचे आहे तसेच महानगरपालिकेच्या प्रचलित नियमानुसार योग्य ती अनामत रक्कम कोषागारात भरणे बंधनकारक आहे.
- ५) इमारतीचा भोगवटा दाखला देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचा राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही.
- ६) नवीन बांधकाम सुरू करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री अॅंथॉरिटीची पूर्वपरवानगी घेतल्याशिवाय तोडू नयेत अन्यथा कायदेशीर कारवाई करण्यात येते, याची नोंद घ्यावी.
- ७) आपण संबंधित बांधकाम हे महाराष्ट्र महानगरपालिका अधिनियम २०१२ व महाराष्ट्र प्रादेशिक नगररचना अधिनियम १९६६ मधील तरतुदीचा भंग करून सक्षम अधिकाऱ्याची पूर्व परवानगी न घेता सुरू केल्याबद्दल/तसेच इकडील मंजूर नकाशाप्रमाणे बांधकाम न करता त्यात बदल व फेरफार करून या बांधकामाचे सुधारित नकाशास पूर्व परवानगी न घेता बांधकाम केल्याबद्दल इमारतीचे भोगवटा पत्रक न घेता भोगवटा केल्याबद्दल, आपणाविरुद्ध नियमानुसार दंडात्मक कार्यवाही करण्याचा म.न.पा. चा हक्क राखून ठेवला आहे.
- ८) बांधकाम साहित्य अथवा जुन्या बांधकामाचा निघालेला राडारोडा सार्वजनिक रस्त्यावर मनपा चे परवानगी शिवाय ठेवता येणार नाही. जर हे साहित्य सार्वजनिक जागेवर ठेवल्याचे आढळल्यास त्यासाठी सुधारित विकास नियंत्रण नियमावलीतील तरतुदीनुसार रु. ३०००/- प्रति दिन याप्रमाणे दंड आकारण्यात येईल.
- ९) पाणी पुरवठा, जलनिःसारण, उद्यान, अग्निशामक इत्यादि आवश्यक विभागाचे ना हरकत दाखले इकडे सादर करावेत.
- १०) इमारतीच्या तळमजल्यावर गाळेधारकाच्या नावे दर्शविलेली टपालपेटी सुयोग्य ठिकाणी बसविणे बंधनकारक राहिल.
- ११) विकास आराखड्यातील रस्ता रुंदीने बांधित क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १२) इमारतीच्या सलोह कॉंक्रीट (आर.सी.सी.) कामाच्या सर्व बाजूंकरिता आधार व आकारासाठी लाकडांचा वापर करू नये त्यासाठी लोखंडी आधारांचा वापर करणे बंधनकारक राहिल.

TRUE COPY

[Signature]

- १३) इंडियन सोसायटी ऑफ स्ट्रक्चरल इंजिनियर्स, पुणे-३० या संस्थेकडील मान्यताप्राप्त स्ट्रक्चरल इंजिनियर्सची इमारतीच्या कामासाठी नेमणूक करण्यात यावी तसेच सदरचे काम स्वीकारल्याबाबतचे स्ट्रक्चरल इंजिनियर्स यांचे पत्र या विभागाकडे सादर करणे आवश्यक आहे. सदरचे पत्र सादर केल्याशिवाय इमारतीच्या बांधकामास सुरुवात करू नये.
- १४) भुखंडाच्या संबंधित सहामाही अखेरचा कर भरल्याचा करसंकलन विभाग मनपा यांचे कडील दाखल / पावती सादर केल्याशिवाय बांधकाम चालू करू नये.
- १५) मंजूर रेखांकनातील खुली जागा विकास नियंत्रण नियमावलीप्रमाणे नियम क्रं. ११.३.१.५नुसार तरतुदीचे अधिन विकसित करणे बंधनकारक आहे. त्याशिवाय भाग अथवा संपूर्ण भोगवटा दाखला दिला जाणार नाही.
- १६) विकास आराखड्यातील रस्ता बाधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बाधित क्षेत्र म.न.पा चे नावे लावून ७/१२ चा उतारा/सुधारित मालमत्तापत्रक व मोजणी नकाशा सादर जागेचा FSI/DR अनुज्ञेय करणेपूर्वी या कार्यालयाकडे सादर करणे आवश्यक आहे. तसेच सदरहू रस्तारुंदीने बाधित क्षेत्राचा विकास मनपाच्या विनिर्देशाप्रमाणे विकसक यांनी स्वतः करणे आवश्यक आहे अथवा मनपाच्या त्यावेळेच्या प्रचलित दराने विकास खर्च भरणे आवश्यक आहे.
- १७) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा वहीवाटीनुसार असून हद्दीबाबत वाद निर्माण झालेस त्यास म.न.पा. जबाबदार राहणार नाही. नगरभूमापन कार्यालयाकडील सुधारित मोजणी नकाशा / मालमत्ता पत्रक सादर केल्याशिवाय बांधकामास भोगवटा दाखला देण्यात येणार नाही.
- १८) प्रस्तुत प्रकरणातील भुखंडाचे एकत्रिकरण नगर भूमापन कार्यालयाकडून घेऊन, त्याप्रमाणे सुधारित मालमत्तापत्रक व मोजणी नकाशा भोगवटापत्रक घेण्यापूर्वी या विभागाला सादर करणे आवश्यक आहे.
- १९) ३०० चौ.मी. वरील क्षेत्राचे भूखंडावरील इमारतीसाठी (दाटवस्ती क्षेत्र वगळून) रेन वॉटर हार्वेस्टिंग व्यवस्था करणे बंधनकारक आहे.
- २०) भूखंडालगतचे पोहोच रस्ता व आसपासचे क्षेत्रातील पाण्याचा निचरा होणे सार्वजनिक आरोग्याचे दृष्टीने आवश्यक आहे. त्यासाठी विकास नियंत्रण नियमावलीतील नियम क्रं. १.१ नुसार योग्य ती उपाययोजना करण्याची सर्वस्वी जबाबदारी विकसक / अर्जदार यांचेवर राहिल. याबाबत संबंधित गाळेधारक रहिवासी यांची कोणत्याही प्रकारे तक्रार / हरकत निर्माण झाल्यास त्यांचे संपूर्णतः निराकरण करण्याची जबाबदारी विकसक / अर्जदार यांचेवर राहिल. त्याची मनपास कोणत्याही प्रकारे तोषीस लागू देणार नाही. या अटीवर सदरहू बांधकाम चालू करण्याचे संमतीपत्र मंजूर करण्यात येत आहे..
- २१) इमारतीमध्ये पुरविण्यात आलेल्या पाकींगचे क्षेत्र गाळेधारकांसाठी विनामोबदला उपलब्ध करून देणे विकसकावर बंधनकारक राहिल. याबाबत कोणतीही तक्रार आल्यास त्याचे निराकरण करण्याची जबाबदारी विकसकाची राहिल.
- २२) मा. उपविभागीय अधिकारी / तहसिलदार यांचेकडून वर्ग १ साठी जमिनीची विनिश्चिती दाखला तसेच वर्ग २ साठी आवश्यक तो ना हरकत दाखला महानगरपालिकेस सादर केल्याशिवाय बांधकाम परवानगी देणेत येऊ नये.
- २३) म्हाडास द्यावयाच्या सदनिका, पुर्णत्वानंतर इमारतींना भाग / संपूर्ण भोगवटा दाखला देण्यात येईल.
- २४) यु.एल.सी. बाबत विकसक यांनी सादर केलेले हमीपत्रास अधिन राहून बांधकाम परवानगी देणेत येत आहे.
- २५) सर्व बांधकाम व्यवसायिक / विकसक / जागा मालक यांनी इमारत व इतर बांधकाम कामगार (रोजगार विनियमन व सेव शर्ती) अधिनियम १९९६ व कंत्राटी कामगार (नियम आणि निर्मूलन) अधिनियम १९७० अनुषंगाने सर्व कामगारांना आरोग्य सुरक्षितता व त्यांचे कल्याण (Welfare) विषयक कायद्यातील तरतुदीची पुरतता करून घेणे बंधनकारक आहे.
- २६) मा. जिल्हाधिकारी, पुणे यांची खनिकर्ण शाखा व्दारे निर्गमित्र केलेल्या परिपत्रक क्र. खनिकर्म/कावि/८७७/२०१६ दि. ३१/०३/२०१६ नुसार विकासकाने बांधकामासाठी लागणारे गौण खनिज हे अधिकृतरीत्या जाहिर केलेल्या व परवानगी दिलेल्या दगड, खडी, मुरुम, माती, वाळू, परवानाधारक यांचेकडून खरेदी करणे बंधनकारक राहिल.
- २७) भूखंडातील बांधकामाचे क्षेत्र (Construction area) ५००० चौ.मी. पेक्षा जास्त असल्यास (Ministry of Environment Forest and Climate Change) यांचे कडील दि. २८ जुन २०१७ च्या नोटीफिकेशननुसार व बांधकाम क्षेत्र २०००० चौ.मी. पेक्षा जास्त असल्यास दि. २९ जानेवारी २०१८ चे (Circular) नुसार अटी व शर्तीचे पालन करणे बंधनकारक राहिल. व अशा प्रकरणी पर्यावरण विभागाचा ना हरकत दाखला सादर केल्याशिवाय बांधकामास सुरुवात करू नये.
- २८) सदरची परवानगी ही संबंधित विकसकाने रियल इस्टेट रेग्युलेशन अॅन्ड डेव्हलपमेंट अॅक्ट २०१६ (RERA) व अंतर्गत विहित मुदतीत नोंदणी करणे बंधनकारक राहिल.
- २९) भुखंड क्षेत्र २००० चौमी पेक्षा जास्त किंवा ५० पेक्षा अधिक सदनिका असल्यास WATER RECYCLE UNIT उभाहून कार्यन्वित करणे विकसकावर बंधनकारक राहिल.

स्थळ प्रतीबर न. सह शहर
अभियंता यांची स्वाक्षरी जसे

उप अभियंता कार्यकारी अभियंता सह शहर अभियंता
पिंपरी चिंचवड महानगरपालिका पिंपरी चिंचवड महानगरपालिका पिंपरी चिंचवड महानगरपालिका

प्रत माहितीसाठी : १) सहा. मंडलधिकारी, पिंपरी-चिंचवड महानगरपालिका, मनपा / पिंपरी वाघेरे / पिंपरीनगर / चिंचवड/भोसरी / कासारवाडी / आकुडी / निगडी प्राधिकरण / सांगवी / पिंपळे गुरव / पिंपळे निलख / पिंपळे सौदागर / वाकड / रावेत / रहाटणी / थेरगाव.

२) करसंकलन विभाग, मुख्य कार्यालय, पिंपरी, पुणे - १८

३) मा. मुख्याधिकारी, पुणे गृहनिर्माण व क्षेत्रविकास महामंडळ, आगरकरनगर, पुणे ४११ ००१. (MAHADA)

काही महत्त्वाच्या सूचना

जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) महाराष्ट्र महानगरपालिका अधिनियममधील २६३ अन्वये विकसकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटा पत्रक मिळण्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वर्तन करणारा संबंधित विकसक, महानगरपालिकेच्या दंडात्मक धोरणानुसार दंडास पात्र होईल.
- २) प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः पावसाच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती ह्या या दाखल्याने दिलेली नाही.
- ३) शेजारच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास अगर पोहोचू नये. त्याविषयी जबाबदारी विकसकावर आहे, या संमतीपत्राने दुसऱ्या कोणत्या अधिकारास बाधा येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही काम केल्यास त्याची जबाबदारी विकसकावर राहिल.
- ४) हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे अन्यथा संमतीपत्राविना बांधकाम चालू आहे, असे समजण्यात येईल.
- ५) दाखला एक वर्षाकरिता अस्तित्वात राहिल. सदर संमतीपत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन अर्ज करून संमतीपत्राची मुदत वाढवून घेतली गेली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरू करावे.
- ६) विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती पुन्हा मान्य केली पाहिजे, त्यात या संमतीवरून बाधा येत नाही.
- ७) बांधकाम चालू करण्यापुर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.
- ८) उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी चढविण्यासाठी योग्य पंपाची हौदाची सोय आवश्यक आहे. पाण्याच्या दाबाविषयी महानगरपालिका जबाबदार नाही, महानगरपालिकेच्या नळास पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा कारण्यासाठी इमारती भोवतालच्या मोकळ्या जागेत विकसकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांगतील त्या मापाचा, डिझाईनचा व स्पेसिफिकेशन्सचा हौद बांधावा लागेल व त्या हौदात म्युनिसिपल मेन वाँटर लाईनपासून पाणी आणून हौदात सोडावे लागेल, तसेच सदर हौदाच्या वरील स्लॅब टॉप, जमिनीपासून किमान ०.३० मी व कमाल ०.४० मी उंच ठेवण्यात यावा. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रिक पंप बसवून व डाऊन टेक पाईपच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेसा पाणीपुरवठा होईल, अशी जरूर ती तजवीज विकसकास करावी लागेल. सदरच्या टाकीचा आकार मा. शहर अभियंता अथवा संबंधित अधिकारी ठरवतील याप्रमाणे असला पाहिजे. विजेचा पुरवठा विकसक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑईलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था विकसकास करावी लागेल. या शर्तीप्रमाणे पंप बसवून पाणी पुरवठ्याची तजवीज विकसकाने केल्याशिवाय बांधकामाचा भोगवटा दाखला दिला जाणार नाही.
- ९) महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहीर, तलाव किंवा डबके हौद अगर कारंजे खोदण्याचे अगर बांधण्याचे काम करू नये. गलीट्रॅप्स, उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हौदात केरकचरा न जाईल अशी झाकणे व्यवस्थितपणे बसवावीत. त्यात सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली तसेच ओव्हरफ्लो (वर्कींग) पाईपला चांगल्यापैकी वायरगेजचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या बाटल्यांचे तुकडे बसवू नयेत. फ्लॉरिंग संडासचे अगर इतर संडासाचे जोते नजिकच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून ०.५ मी उंचीचे असावे.
- १०) संबंधित भूखंडाबाबतचा रस्ता, वीज, ड्रेनेज इ. विकासकामे महानगरपालिकेच्या स्पेसिफिकेशनप्रमाणेच करणे बंधनकारक आहे.
- ११) नियोजित बांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या आत येत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १२) इमारतीचे बांधकाम परवानगी मान्यतेनंतर दोन महिन्यांमध्ये प्रशमन, विकास व इतर शुल्क मनपा कोषागारात बंधनकारक राहिल. तथापि दोन महिन्यांनंतर एकूण शुल्कावर द. सा. द. शे. १८% दराने मंजुरीच्या दिनांकापासून व्याज आकारण्यात येईल व १२ महिन्यांपर्यंत सदर शुल्क व्याजासह न भरल्यास सदर परवानगी रद्द समजण्यात येईल. तसेच सदर कालावधीत मनपा नियमात वा धोरणात बदल झाल्यास मनपाने सुचविल्यास विकसकावर नव्याने परवानगी / मान्यता घेणे बंधनकारक राहिल.
- १३) इमारतीच्या उदवाहकाबाबत सक्षम अधिकारी यांचे कडील चालविण्याची अनुज्ञाप्ती, संपूर्ण भोगवटापत्रक घेणेपुर्वी सादर करणे आवश्यक राहिल. त्याखेरीज लिफ्टचा वापर करू नये.

- १४) मॉल्स, थिएटर, मल्टीप्लेक्स, हॉटेल्स, करमणूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एक्स-रे-स्कॅनर, डोअर फ्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी.सी. टी. व्ही. कॅमेरा व प्रशिक्षित स्टाफ, सिन्फर डॉग व पुरेशी निकसकाव्दारे ठेवणे विकसक यांचेवर बंधनकारक राहिल.
- १५) १ हेक्टर व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवासी प्रकल्पाचे व मल्टीप्लेक्स, मॉल्स, इमारतींमध्ये दर्शनी ठिकाणी मनपाच्या KIOSK/ATM केंद्रासाठी २.४० मी X २.४० मी मोजमापाची खोली बांधून मनपाने ताब्यात विनामुल्य देणे विकसक यांचेवर बंधनकारक राहिल.
- १६) विकास नियंत्रण नियमावलीतील सुधारीत नियम क्र. २३.३ नुसार नियमात नमूद केलेल्या क्षमतेची सौर उर्जेवर चालणारी व उष्णजल संयंत्रे (Solara Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भोगवटा दाखला दिला जाणार नाही.
- १७) डॅम्बु, चिकन गुन्या, मलेरिया इ. डासांचे वाढीचर नियंत्रण ठेवणेसाठी बांधकामाचे साईटवर साठवलेले पाण्याचे टाक्यांवर झाकण असणे बंधनकारक आहे. तसेच साठवलेले पाण्याचे टाकीचे परिसरात साचलेल्या पाण्याचा निचरा करण्याची व्यवस्था नियमितपणे करणे विकसकावर बंधनकारक राहिल. तसेच सदर ठिकाणी नियमितपणे मलेरिया ऑईल, एंबेट फवारणी इ. डास प्रतिबंधक फवारणी नियमितपणे करणेची जबाबदारी विकसकावर राहिल.
- १८) बांधकास/व्यवसायिक/विकसक/जागा मालक यांनी बांधकामावर काम करणाऱ्या कामगार (Insurance) वर्गाचा विमा काढणे बंधनकारक असून त्या बाबतची कागदपत्रे सादर केल्याशिवाय जोते तपासणी दाखला देणेत येणार नाही.
- १९) साईटवरील सर्व बांधकाम मजुरांसाठी स्वच्छ पिण्याचे पाणी व स्वच्छतागृहांची सोय करणे विकसकावर बंधनकारक राहिल.

अ) विकसकाचा मालकाचा पत्ता

मोबाईल क्र.: ९०४९२१५०९९

पत्ता : स.नं. २०९/अ/२

पिंपरी पुणे - १६

ब) बांधकामाच्या साईटचा पत्ता

पिंपरी - पिंपरी

स.नं. २०९/अ/२

क) RERA रजिस्ट्रेशन क्रमांक

TRUE COPY

(Signature)

**PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-
411018**

(Following numbers and dates may be mentioned in the
correspondence hereinafter)

(This certificate is issued to the applicant without taking into
consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised to B.P./Pimpri/36/18, Dt. 31/3/18

Subject to the following printed terms, said commencement
certificate and consent letter for construction is being issued in
accordance with provisions in sections 45 and 29 of the
Maharashtra Regional and Town Planning Act, 1966 and
(Sections) 253 and 254 of the Bombay Municipal Corporation Act,
1949. *(Token No. 103318190014867)*

Pimpri Chinchwad Municipal
Corporation, Pimpri-411018
Number- B.P./Pimpri/38/2019
Date: 16/05/2019

To, **M/s. Brahma Leisures Private Limited** through director
Shri. Vishal Surendrakumar Agrawal through L. A. **Shri.
Sangram Salunkhe**, address: **Gaikwad Avenue Building,
Aundh, Pune-07.**

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in
accordance with Sec. 45 of the Maharashtra Regional and Town

TRUE TRANSLATION



Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing Survey No. **209/A/2**, CTS No. **4702**, Plot No. **2/3/B** Pimpri, which was received by us on **26.03.2019**. Accordingly, a consent letter for carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to ____ hereunder.

- 1) The construction is to be carried out as shown in the new / revised plan.
- 2) When the work of construction done upto the plinth, the setback may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
- 3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
- 4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate

could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.

- 5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
- 6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.
- 7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction

or for making construction without obtaining completion certificate.

- 8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate of Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.
- 9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.
- 10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.
- 11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.
- 12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

- 13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.
- 14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.
- 15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.
- 16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will

get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

- 17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.
- 18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.
- 19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.
- 20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there

would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

- 21) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.
- 22) Construction will not be carried out without submission of Class-1 land confirmation and “No Objection Certificate” for class-2 land to Municipal Corporation from Hon’ble Sub-divisional officer / Hon’ble Additional District Collector/ Hon’ble Collector.
- 23) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.
- 24) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.
- 25) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of

laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.

- 26) It is mandatory on part of developer that required minor minerals for the building construction will be purchased from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.
- 27) In case, if construction area of plot is more than 5000 Sq. Mtrs, then it is mandatory to obey the terms and conditions stipulated in notification dated 28 June 2017 issued by Ministry of Environment, Forest and Climate Change and if the construction area of plot more than 20000 Sq. Mtrs., then it is mandatory to obey the terms and conditions stipulated in circular dated 29 January 2018 and in said case construction will not be started without submission of NOC from Environment Department.
- 28) It is mandatory on part of developers to register under Real Estate Regulation and Development Act, 2016 (RERA) within stipulated time.

29) Developer has to install and operate the WATER RECYCLE UNIT in case the plot area more than 2000 Sq. Mtrs. or total flats more than 50.

Sd/- Dy. City Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Sd/- Executive Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Sd/- City Engineer Pimpri Chinchwad Municipal Corporation Pimpri-18
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Copy for information

- 1) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
- 2) Tax Collection Department, Head Office.
- 3) Hon'ble CEO, Pune Housing and Area Development Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-

-REGARDING COMMENCEMENT OF USE OF SPACE-

- 1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
- 2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing through the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
- 3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
- 4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities

(Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

- 5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. If the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.
- 6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.
- 7) The water meter may get set to the tap through the municipal corporation before commencement of construction.
- 8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested

by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

- 9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall

be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

- 10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.
- 11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.
- 12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

- 13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.
- 14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.
- 15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,
- 16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.
- 17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off

the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.

18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.

19) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

Developer/ Owner Address: -

Mobile No. 9049215729
Sr. No. 209/A/2, Pimpri Pune,

Construction Site Address:-

Mauje Pimpri Sr. No. 209/A/2,
CTS-4702.

//TRUE TRANSLATION//



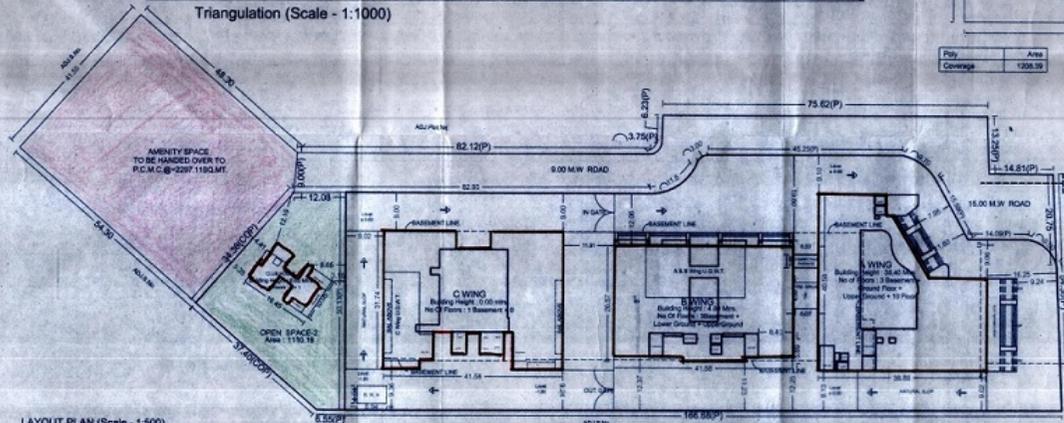
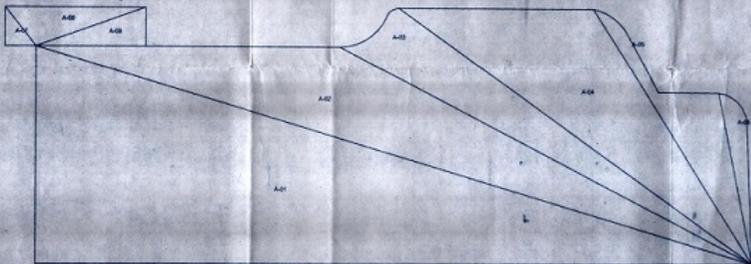
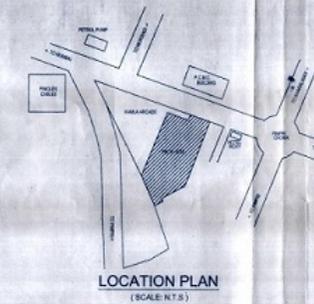
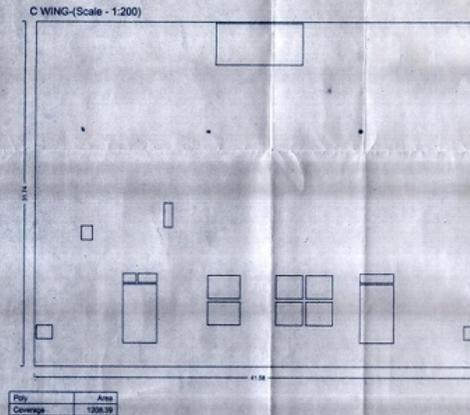
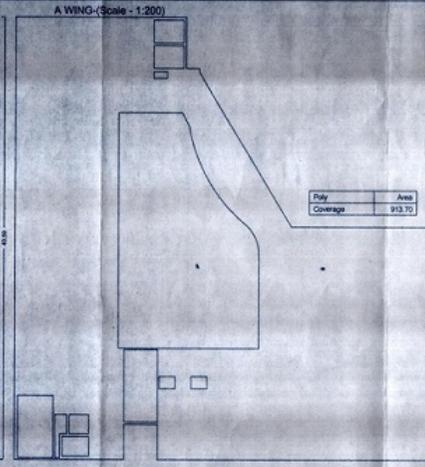
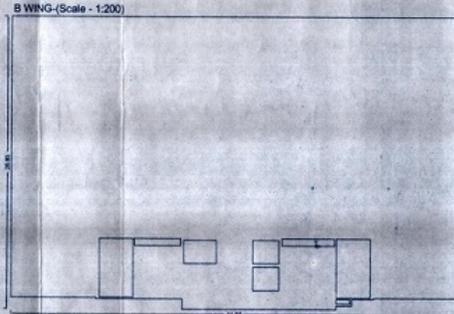
BUILDING WISE FSI STATEMENT															
BUILDING	FSI AREA				BALCONY		TERRACE		STAIR		PASSAGE		LIFT		TOTAL FSI AREA
	COMMERCIAL	RESIDENTIAL	INDUSTRIAL	SPCL	PERM	PROCP	EXCESS	OPEN	PAVD	PAVD	PAVD	PAVD	ROOM		
A WING	894.77	0.00	0.00	0.00	1199.22	0.00	1199.22	0.00	347.87	238.12	3061.59	19.43	0.00	0	1047.77
B WING	820.73	0.00	0.00	0.00	1.00	0.00	0.00	34.03	17.02	213.58	0.00	0.00	0.00	0	822.33
TOTAL	1715.50	0.00	0.00	0.00	1199.22	0.00	1199.22	0.00	381.90	255.14	3274.14	19.43	0.00	0	1870.10

PARKING CALCULATION									
TYPE	CARPET AREA (SQ.M)	TENEMENT (NO.)	CAR (NO.)	SCOOTER (NO.)	CYCLE (NO.)	REFUGES (NO.)	REQUIRED REFUGES	PROPOSED REFUGES	
Commercial	7414.96	100	70	2	150	8	450	2	150
TOTAL REQD (NO.)							450	450	150
TOTAL REQD AREA							1875.00	130.00	210.00
TOTAL PROP AREA								770.00	

WATER REQUIREMENT		
TANK	REQUIRED CAPACITY (LIT)	PROPOSED CAPACITY (LIT)
Shops and Offices	73365.00	
CHHT	73365.00	73365.00
TOTAL	73365.00	73365.00
UGWT	113000.00	
TOTAL	200000.00	200000.00

COVERAGE DETAILS			
PERM COVERAGE	PERM COVERAGE WITH PREMIUM	PROPOSED COVERAGE	EXCESS COVERAGE IN PREMIUM
1545.93	2708.28	2714.46	0.00

Slange	Area
A-05	4177.73
A-02	1798.04
A-03	748.58
A-04	1325.99
A-05	402.49
A-06	113.04
A-07	20.57
A-08	147.49
A-09	114.83
TOTAL (PLOT-4)	8828.67



1st-Sanction No. B.P./Pm/64/2015 Dated - 30/08/2015
2nd-Sanction No. B.P./Pm/76/2016 Dated - 24/11/2016

STAMP OF APPROVAL

Approved by: *[Signature]* / 16/05/2019
Subject to conditions mentioned in the Office Order No. *[Number]*
Date: 16/05/2019

Joint City Engineer
Building Permission Dept.
P.O. & P. No. *[Details]*

A) AREA STATEMENT	SQ. M.
1. AREA OF PLOT	7728.88
2. EXCESS FOR	
(a) ROAD SET BACK (W/O)	0.00
(b) PROPOSED ROAD (O/P)	0.00
(c) ANY RESERVATION	0.00
(d) N.C. AREA	0.00
(e) DETACHMENT AREA	0.00
(f) OTHER	0.00
TOTAL EXCESS	0.00
3. BALANCE AREA OF PLOT (1-2)	7728.88
4. DEDUCTIONS FOR	
(a) AMENITY SPACE	0.00
(b) OPEN SPACE	0.00
PHYSICAL OR PROVIDED	0.00
(c) INTERNAL ROAD AREA	0.00
5. NET AREA OF THE PLOT (3-4)	7728.88
6. ADDITION FOR	
(a) OPEN SPACE (FUNCTIONAL)	0.00
(b) INTERNAL ROAD	0.00
(c) ADDITIONAL NET ROAD BENEFIT	0.00
(d) OTHER	0.00
TOTAL ADDITION	0.00
7. TOTAL AREA PERMISSIBLE	7728.88
8. FLOOR SPACE INDEX PERMISSIBLE	1.0000
9. TOTAL FLOOR AREA (7 x 8)	7728.88
10. TOTAL AREA	0.00
11. ROAD SET BACK AREA	0.00
12. PROPOSED ROAD (O/P)	0.00
13. TOTAL FLOOR AREA (10+11+12)	7728.87
14. PROPOSED AREA	
(a) PROPOSED RESIDENTIAL AREA	0.00
(b) PROPOSED COMMERCIAL AREA	1414.89
(c) PROPOSED INDUSTRIAL AREA	0.00
(d) PROPOSED SP. USE AREA	0.00
TOTAL PROPOSED AREA (13+14)	1414.89
15. SUB STRUCTURE AREA (FOR FSI)	0.00
16. SUB STRUCTURE AREA (FOR FSI)	0.00
17. EXCESS BALCONY AREA (W/O IN F.S.I)	0.00
18. EXCESS BALCONY AREA (W/O IN F.S.I)	0.00
19. TOTAL BUILT UP AREA PROPOSED (14+15+16+17+18+19)	1414.89
20. TOTAL BUILT UP AREA PROPOSED WITH IN AREA	0.00
21. CONSUMED FSI WITH IN AREA	0.0000
22. CONSUMED FSI WITH IN AREA	0.0000
B) BALCONY STATEMENT	
(i) PERMISSIBLE BALCONY AREA	1192.25
(ii) PROPOSED BALCONY AREA	1392.22
(iii) EXCESS BALCONY AREA (TOTAL)	0.00
C) TENEMENT STATEMENT	
(i) PROPOSED AREA (12)	1414.89
(ii) LESS THAN RESIDENTIAL AREA	2414.89
(iii) AREA AVAILABLE FOR TENEMENTS (i-ii)	0.00
(iv) TENEMENTS PROPOSED	288
(v) TENEMENTS EXISTING	0
(vi) TOTAL TENEMENTS ON THE PLOT (4+5)	288
D) PARKING STATEMENT	
(i) PARKING REQUIRED BY RULE	450
(ii) REQUIRED PARKING AREA	1875.00
(iii) TOTAL PARKING PROVIDED	210.00
(iv) TOTAL PARKING PROPOSED	770.00
E) TRANSPORT VEHICLES PARKING	
(i) TOTAL NO. OF TRANSPORT VEHICLES PARKING PROVIDED	0
(ii) TOTAL NO. OF TRANSPORT VEHICLES PARKING PROPOSED	0
CONSTRUCTION AREA	1943.58
CONSTRUCTION AREA FOR USE	1943.58
SPECIFICATIONS	
CERTIFICATE OF AREA	
I HAVE CHECKED THE PLOT UNDER REFERENCE WAS SURVEYED BY ME OR THE CHIEF SURVEYOR ETC. OF PLOT PLATE ON AN AREA MARKED ON SITE AND THE AREA IS CORRECT AS SHOWN IN THE AREA STATEMENT COLUMN OF CONVEYANCE. I HAVE RECORDED AND RECORDED COPY SURVEYED RECORDS.	
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पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११ ०१६

(या पुढील व्यवहारात क्रमांक व दिनांक यांचा उल्लेख करावा)
(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे संदर्भ लक्षात न घेता अर्जवारास हे संगतीपत्र देण्यात येत आहे.)
(कमेन्समेंट सर्टिफिकेट)

सुधारित बांधकाम चालू करणेकरिता दाखला

सदर बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संगतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ ची कलम ४५ यातील तरतुदीप्रमाणे आणि महाराष्ट्र महानगरपालिका अधिनियम २०१२ ची कलमे (सेक्शनस) २५३ व २४५ यातील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे.

पिंपरी चिंचवड महानगरपालिका, पिंपरी - १८.

क्रमांक - बी.पी./ पिंपरी / ०४ / २०२०

दिनांक : ०८ / ०९ / २०२०

श्री./श्रीमती/मे. वमदा लिजस हा. लि. लॉफे संचालक श्री. विशाल सुबेदीकुमार

द्वारा : ला. आ. / ला. स. श्री. सुभाष सुबेदी

अपेक्षा इन्स्यु विल्डिंग सोध प्रोजेक्ट - ०० यांना
पिंपरी चिंचवड महानगरपालिका यांजकडून

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ आणि महाराष्ट्र महानगरपालिका अधिनियम कलम (सेक्शनस) २५३ व २५४ अन्वये पिंपरी-चिंचवड महानगरपालिकेच्या सीमेतील मोजे पिंपरी येथील सर्व्हे नं. ९०९/३/२ सिटी सर्व्हे नं. ६६०२ प्लॉट नं. ३/३ मधील बांधकाम करण्यासाठी तुम्ही महानगरपालिकेला अर्ज दाखल केला तो दिनांक २५/११/२०१९ रोजी प्राप्त झाला. यावरून बांधकाम करण्यास खाली नमूद अटीवर व जादा अट क्र. ते ... नुसार तुम्हास संगतीपत्र देण्यात येत आहे.

- १) सोबतच्या मंजूर नकाशात दाखविल्याप्रमाणे प्रत्यक्ष जागेवर बांधकाम करणे बंधनकारक आहे.
- २) जोत्यापर्यंत काम आल्यानंतर नगररचना व विकास विभागाकडून सेटबॅक तापसून घ्यावेत, त्याशिवाय जोत्यावरील काम सुरू करू नये.
- ३) सोबतच्या नकाशावर नमूद करण्यात आलेल्या अटीवर हे संगतीपत्र देण्यात येत आहे.
- ४) ज्या भूखंडावर नवीन इमारत बांधकाम करण्यात आले आहे त्या इमारतीच्या भोगवटा दाखला मागण्यापुर्वी विकसकाने इमारतीसमोर कंपाउंड वॉलच्या आत व बाहेर झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था करावी त्या शिवाय भोगवटा दाखला मिळणार नाही. रस्त्यावरील झांडाना जरूर ते संरक्षण कुंपण विकसकाने करावयाचे आहे. तसेच महानगरपालिकेच्या प्रचलित नियमानुसार योग्य ती अनामत रक्कम कोषागारात भरणे बंधनकारक आहे.
- ५) इमारतीचा भोगवटा दाखला देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेला इमारतीचा राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही.
- ६) नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे आल्यास ती ट्री अथॉरिटीची पूर्वपरवानगी घेतल्याशिवाय तोडू नयेत. अन्यथा कायदेशीर कारवाई करण्यात येते, यांची नोंद घ्यावी.
- ७) आपण संबंधित बांधकाम हे महाराष्ट्र महानगरपालिका अधिनियम २०१२ व महाराष्ट्र प्रादेशिक नगररचना अधिनियम १९६६ मधील तरतुदीचा भंग करून सक्षम अधिकऱ्याची पूर्व परवानगी न घेता सुरू केल्याबद्दल/तसेच इकडील मंजूर नकाशाप्रमाणे बांधकाम न करता त्यात बदल व फेरफार करून या बांधकामाचे सुधारित नकाशास पुर्व परवानगी न घेता बांधकाम केल्याबद्दल इमारतीचे भोगवटापत्रक केल्याबद्दल, आपणा विरुद्ध नियमानुसार दंडात्मक कार्यवाही करण्याचा म.न.पा. चा हक्क राखून ठेवला आहे.
- ८) बांधकाम साहित्य अथवा जुन्या बांधकामचा निघालेला राडारोडा सार्वजनिक रस्त्यावर मनपा चे परवानगी शिवाय ठेवता येणार नाही. जर हे साहित्य सार्वजनिक जागेवर ठेवल्याचे आढळल्यास त्यासाठी सुधारित विकास नियंत्रण नियमावलील तरतुदीनुसार रू ३०००/- प्रति दिन याप्रमाणे दंड आकारण्यात येईल.
- ९) पाणी पुरवठा, जलनिःसारण, उद्यान, अग्निशामक इत्यादी आवश्यक विभागाचे ना हरकत दाखले इकडे सादर करावेत.
- १०) इमारतीच्या तळमजल्यावर गाळेधारकाच्या नावे दर्शविलेली टपालपेटी सुयोग्य ठिकाणी बसविणे बंधनकारक राहिल.
- ११) विकास आराखड्यातील रस्ता रुंदीने बांधीत क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १२) इमारतीच्या सलोह कॉंक्रीट (आर.सी.सी.) कामाच्या सर्व बाजूंकरिता आधार व आकारासाठी लाकडांचा वापर करू नये. त्यासाठी लोखंडी आधारांचा वापर करणे बंधनकारक आहे.

TRUE COPY

(Signature)

- १३) इंडियन सोसायटी ऑफ स्ट्रक्चरल इंजिनिअर्स, पुणे - ३० या संस्थेकडील मान्यताप्राप्त स्ट्रक्चरल इंजिनिअर्सची इमारतीच्या कामासाठी नेमणूक करण्यात यावी तसेच सदरचे काम स्वीकारल्याबाबतचे स्ट्रक्चरल इंजिनिअर्स यांचे पत्र विभागाकडे सादर करणे आवश्यक आहे. सदरचे पत्र सादर केल्याशिवाय इमारतीच्या बांधकामास सुरुवात करू नये.
- १४) भूखंडाच्या संबंधित मिळकत कर भरल्याचा करसंकलन विभाग मनपा यांचे कडील दाखला/पावती सादर केल्याशिवाय बांधकाम चालू करू नये.
- १५) मंजूर रेखांकनातील खुली जागा विकास नियंत्रण नियमावलीप्रमाणे नियम क्र. ११, ३, १, ५ नुसार तरतुदीचे अधिन विकसित करणे बंधनकारक आहे. त्याशिवाय भाग अथवा संपूर्ण भोगवटा दाखला दिला जाणार नाही.
- १६) विकास आराखडाव्यातील रस्ता बाधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीना बाधित क्षेत्र म.न.पा.चे नावे लावून ७/१२ चा उतारा/सुधारित मालमत्तापत्रक व मोजणी नकाशा सादर जागेचे FSI/DR अनुशेष करणेपूर्वी या कार्यालयाकडे सादर करणे आवश्यक आहे. तसेच सदरहू रस्तारुंदीने बाधित क्षेत्राचा विकास मनपाच्या विनिर्देशाप्रमाणे विकसक यांनी स्वतः करणे आवश्यक आहे. अथवा मनपाच्या त्यावेळच्या प्रचलित दराने विकास खर्च भरणे आवश्यक आहे.
- १७) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा व्हिवाटीनुसार असून व्हीबाबत वाद निर्माण झालेस त्यास म.न.पा. जबाबदार राहणार नाही. नगरभूमापन कार्यालयाकडील सुधारित मोजणी नकाशा/मालमत्ता पत्रक सादर केल्याशिवाय बांधकामास भोगवटा दाखल देण्यात येणार नाही.
- १८) प्रस्तुत प्रकरणातील भूखंडाचे एकत्रीकरण नगर भूमापन कार्यालयाकडून घेऊन, त्याप्रमाणे सुधारित मालमत्तापत्रक व मोजणी नकाशा भोगवटापत्रक घेण्यापूर्वी या विभागाला सादर करणे आवश्यक आहे.
- १९) ३०० चौ.मी. वरील क्षेत्राचे भूखंडावरोल इमारतीसाठी (दाटवस्ती क्षेत्र जगळून) रेन वॉटर हार्वेस्टिंग व्यवस्था करणे बंधनकारक आहे.
- २०) भूखंडालगतचे पोहोच रस्ता व आसपासचे क्षेत्रातील पाण्याच निचरा होणे सार्वजनिक आरोग्याच्या दृष्टीने आवश्यक आहे. त्यासाठी विकास नियंत्रण नियमावलीतील नियम क्र. १, १ नुसार योग्य ती उपाययोजना करण्याची सर्वस्वी जबाबदारी विकसक/अर्जदार यांचेवर राहिल. याबाबत संबंधित गाळेधारक रहिवासी यांची कोणत्याही प्रकारे तक्रार/हरकत निर्माण झाल्यास त्यांचे संपूर्णतः निराकरण करण्याची जबाबदारी विकसक/अर्जदार यांचेवर राहिल. त्याची मनपास कोणत्याही प्रकारे तोषीस लागू देणार नाही. या अटीवर सदरहू बांधकाम चालू करण्याचे संगतीपत्र मंजूर करण्यात येत आहे.
- २१) इमारतीमध्ये पुरविण्यात आलेल्या पाकींगचे क्षेत्र गाळेधारकांसाठी विनामोबदला उपलब्ध करून देणे विकसकावर बंधनकारक राहिल. याबाबत कोणतीही तक्रार आल्यास त्याचे निराकरण करण्याची जबाबदारी विकसकाची राहिल.
- २२) मा. उपविभागीय अधिकारी / तहसिलदार यांचेकडून वर्ग १ साठी जमीनीची विनिश्चीता दाखल आवश्यक राहिल तसेच वर्ग २ साठी आवश्यक तो ना हरकत दाखला महानगरपालिकेस सादर केल्याशिवाय बांधकाम परवानगी देणेत येणार नाही.
- २३) म्हाडास द्यावयाच्या सदनिका, पुर्णत्वानंतर इमारतीना भाग/संपूर्ण भोगवटा दाखला देण्यात येईल.
- २४) यु.एल.सी. बाबत विकसक यांनी सादर केलेले हमीपत्रास अधिन राहून बांधकाम परवानगी देणेत येत आहे.
- २५) सर्व बांधकाम व्यवसायिक / विकसक / जागा मालक यांनी इमारत व इतर बांधकाम कामगार (रोजगार विनियमन व सेव शर्ती) अधिनियम १९९६ व कंत्राटी कामगार (नियम आणि निर्मुलन) अधिनियम १९७० अनुषंगाने सर्व कामगारांना आरोग्य सुरक्षितता व त्यांचे कल्याण (Welfare) विषयक कायद्यातील तरतुदीची पूर्तता करून घेणे बंधनकारक आहे.
- २६) मा. जिल्हाधिकारी, पुणे यांची खनिकर्म शाखा द्वारे निर्गमित केलेल्या परिपत्रक क्र. खनिकर्म/कवि/८७७/२०१६ दि. ३१/०३/२०१६ नुसार विकसकाने बांधकामसाठी लागणारे गौण खनिज हे अधिकृतरीत्या जाहिर केलेल्या व परवानगी दिलेल्या दगड, खडी, मुरूम, माती, वाळू, परवानाधारक यांचेकडून खरेदी करणे बंधनकारक राहिल.
- २७) भूखंडातील बांधकामचे क्षेत्र (Construction area) FSI व Non FSI क्षेत्र मिळून २०००० चौ.मी.पेक्षा जास्त असल्यास पर्यावरण विभागाचा ना हरकत दाखला सादर केल्याशिवाय बांधकामास सुरुवात करू नये.
- २८) सदरची परवानगी ही संबंधित विकसकाने रियल इस्टेट रेग्युलेशन अॅन्ड डेव्हलपमेंट अॅक्ट २०१६ (RERA) अंतर्गत विहित मुदतीत नोंदणी करणे बंधनकारक राहिल.
- २९) भूखंड क्षेत्र २००० चौमी पेक्षा जास्त किंवा ५० पेक्षा अधिक सदनिका असल्यास WATER RECYCLE UNIT उभारून कार्यन्वित करणे विकसकावर बंधनकारक राहिल.

स्थळ प्रतीवर मा. सह शहर
अभियंता यांचे स्वाक्षरी असे

उप अभियंता
पिंपरी चिंचवड महानगरपालिका

कार्यकारी अभियंता
पिंपरी चिंचवड महानगरपालिका

सह शहर अभियंता
पिंपरी चिंचवड महानगरपालिका

प्रत महितीसाठी : १) सहा. मंडलअधिकारी, पिंपरी-चिंचवड महानगरपालिका, मनपा / पिंपरी बाधेरे / पिंपरीनगर / चिंचवड / भोसरी / कासारवाडी / आकुडी / निगडी प्राधिकरण / सांगवी / पिंपळे गुाव / पिंपळे निलख / पिंपळे सोदागर / बाकड / रावेत / रहाटणी / थेरगांव.

२) करसंकलन विभाग मुख्यकार्यालय, पिंपरी, पुणे - १८.

३) मा. मुख्याधिकारी, पुणे गृहनिर्माण व क्षेत्रविकास महामंडळ, आगरकरनगर, पुणे - ४११ ००१. (MAHADA)

काही महत्वाच्या सूचना

जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) महाराष्ट्र महानगरपालिका अधिनियमातील २६३ अन्वये विकसकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटा पत्रक मिळण्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वर्तन करणारा संबंधित विकसक, महानगरपालिकेच्या दंडात्मक धोरणानुसार दंडास पात्र होईल.
- २) प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः पावसाच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती ह्या या दाखल्याने दिलेली नाही.
- ३) शेजारच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास पोहचू नये. त्याविषयी जबाबदारी विकसकावर आहे, या संमतीपत्राने दुसऱ्या कोणत्याही अधिकारास बाधा येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही काम केल्यास त्याची जबाबदारी विकसकावर राहिल.
- ४) हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे अन्यथा संमतीपत्राविना बांधकाम चालू आहे, असे समजण्यात येईल.
- ५) दाखला एक वर्षाकरिता अस्तित्वात राहिल. सदर संमतीपत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन अर्ज करून संमतीपत्राची मुदत वाढवून घेतली गेली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरू करावे.
- ६) विशेष प्रसंगी महानगरपालिकेने लेखी अज्ञा दिली तर ती पुन्हा मान्य केली पाहिजे, त्यात या संमतीवरून बाधा येत नाही.
- ७) बांधकाम चालू करण्यापूर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.
- ८) उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी चढविण्यासाठी योग्य पंपाची हीदाची सोय आवश्यक आहे. पाण्याच्या दाबाविषयी महानगरपालिका जबाबदार नाही, महानगरपालिकेच्या नळास पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारती भोवतालच्या भोकळ्या जागेत विकसकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांगतील त्या मापाचा, डिझाईनचा व स्पेसिफिकेशन्सच्या हीद बांधावा लागेल व त्या हीदास म्युनिसिपल मेन बॉटर लाईनपासून पाणी आणून हीदात सोडावे लागेल, तसेच सदर हीदाच्या वरील स्लॅब टॉप, जमिनीपासून किमान ०.३० मी व कमाल ०.४० मी उंच टेवण्यात यावा. त्याचप्रमाणे सदर हीदातील पाणी इलेक्ट्रिक तजवीज विकसकास करावी लागेल. सदरच्या टाकीच्या आकार मा. शहर अभियंता अथवा संबंधित अधिकारी ठरवतील याप्रमाणे असला पाहिजे. बिजेचा पुरवठा विकसक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑईलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था विकसकानेच करावी लागेल. या शर्तीप्रमाणे पंप बसवून पाणी पुरवठ्याची तजवीज विकसकाने केल्याशिवाय बांधकामास भोगवटा दाखला दिला जाणार नाही.
- ९) महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहीर, तलाव किंवा डबके हीद अगर कांजे खोदण्याचा अगर बांधण्याचे काम करू नये, गलीट्रॅप्स, उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हीदात केरकचरा न जाईल अशी जाकणे व्यवस्थितपणे बसवावीत. त्यात सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली तसेच ओव्हरफ्लो (वर्कींग) पाईपला चांगल्यापैकी बाथरुमचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या बाटल्यांचे तुकडे बसवू नयेत. फ्लशिंग संडसाचे अगर इतर संडसाचे जोते नजिकच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून ०.५ मी उंचीचे असावे.
- १०) संबंधित भूखंडाबाबतचा रस्ता, वीज, ड्रेनेज इ. विकासकाने महानगरपालिकेच्या स्पेसिफिकेशनप्रमाणेच करणे बंधनकारक आहे.
- ११) नियोजित बांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या आत येत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १२) इमारतीचे बांधकाम परवानगी मान्यतेनंतर दोन महिन्यांमध्ये प्रशमन, विकास व इतर शुल्क मनपा कोषागारात बंधनकारक राहिल. तथापि दोन महिन्यांनंतर एकूण शुल्कावर द. सा. द. शे. १८% दराने मंजूरीच्या दिनांकापासून व्याज आकारण्यात येईल व १२ महिन्यांपर्यंत सदर शुल्क व्याजासह न भरल्यास सदर परवानगी रद्द समजण्यात येईल. तसेच सदर कालावधीत मनपा नियमात वा धोरणात बदल झाल्यास मनपाचे सुचविल्यास विकसकावर नव्याने परवानगी / मान्यता घेणे बंधनकारक राहिल.
- १३) इमारतीच्या उदवाहकाबाबत सक्षम अधिकारी यांचे कडील चालविण्यासाठी अनुज्ञापत्री, संपूर्ण भोगवटापत्रक घेणेपूर्वी सादर करणे आवश्यक राहिल. त्याखेरीज लिफ्टचा वापर करू नये.

- १४) मॉल्स, थिएटर, मल्टीप्लेक्स, हॉटेल, करमणूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एक्स-रे-स्कॅनर, डोअर क्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी.सी.टी.व्ही. कॅमेरा व प्रशिक्षित स्टाफ, सिन्कर डॉग व पुरेशी निकसकाव्दारे ठेवणे विकसक यांचेवर बंधनकारक राहिल.
- १५) १ हेक्टर व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवास प्रकल्पाचे व मल्टीप्लेक्स, मॉल्स, इमारतीमध्ये दर्शनी ठिकाणी मनशाच्या KIOSK/ATM केंद्रासाठी २.४० मी X २.४० मी पोजमापाची खोली बांधून घनपाने ताब्यात विनामुल्य देणे विकसक यांचेवर बंधनकारक राहिल.
- १६) विकास नियंत्रण नियमावलीतील सुधारीत नियम क्र. २३.३ नुसार नियमात नमूद केलेल्या क्षमतेची सौर उर्जेवर चालणारी व उष्णजल (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भेगवटा दाखला दिला जाणार नाही.
- १७) डॅंग्यु, चिकनगुन्या, मलोरिथा इ. डासांचे वाढीवर नियंत्रण ठेवणेसाठी बांधकामाचे साईटवर साठवलेले पाण्याचे टाक्यांवर झाकण असणे बंधनकारक आहे. तसेच साठविलेले पाण्याचे टाकीचे परिसरात साचलेल्या पाण्याचा मिथरा नियमितपणे करणे विकसकावर बंधनकारक राहिल. तसेच सदर ठिकाणी नियमितपणे मलोरिथा ऑईल, एंबेट फवारणी इ. डास प्रतिबंधक फवारणी नियमितपणे करणेची जबाबदारी विकसकावर राहिल.
- १८) बांधकास / व्यवसायिक / विकसक / जागा मालक यांनी बांधकामावर काम करणाऱ्या कामगार (Insurance) वर्गाचा विमा काढणे बंधनकारक असून त्या बाबतची कागदपत्रे सादर केल्याशिवाय जोते तपासणी दाखला देणेत येणार नाही.
- १९) साईटवरील सर्व बांधकाम मजुरांसाठी स्वच्छ पिण्याचे पाणी व स्वच्छतागृहाची सोय करणे विकसक यांचेवर बंधनकारक राहिल.

अ) विकसकाचा मालकाचा पत्ता

ब) बांधकामाच्या साईटचा पत्ता

मोबाईल क्र. _____

मो.पिंपरी स.नं. २०६/२२

ई-मेल _____

पिंपरी पुणे-१८.

पत्ता : मो.पिंपरी स.नं.

२०६/२२ पिंपरी पुणे-१८.

क) RERA रजिस्ट्रेशन क्रमांक

TRUE COPY

Amr

**PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-
411018**

(Following numbers and dates may be mentioned in the
correspondence hereinafter)

(This certificate is issued to the applicant without taking into
consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised to B.P./Pimpri/38/2019, Dt. 16/05/2019

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949. *(Token No. 103319200009318)*

Pimpri Chinchwad Municipal
Corporation, Pimpri-411018
Number- B.P./Pimpri/04/2020
Date: 08/01/2020

To, **M/s. Brahma Leisures Private Limited** through director
Shri. Vishal Surendrakumar Agrawal through L. A. **Shri.
Sangram Salunkhe**, address: **Gaikwad Avenue Building,
Aundh, Pune-07.**

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in
accordance with Sec. 45 of the Maharashtra Regional and Town

Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing Survey No. **209/A/2**, CTS No. **4702**, Plot No. **2/3/B** Pimpri, which was received by us on **25.11.2019**. Accordingly, a consent letter for carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to ____ hereunder.

- 1) The construction is to be carried out as shown in the new / revised plan.
- 2) When the work of construction done upto the plinth, the setback may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
- 3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
- 4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate

TRUE TRANSLATION



could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.

- 5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
- 6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.
- 7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction

or for making construction without obtaining completion certificate.

- 8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate of Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.
- 9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.
- 10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.
- 11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.
- 12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

- 13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.
- 14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.
- 15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.
- 16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will

get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

- 17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.
- 18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.
- 19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.
- 20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there

would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

- 21) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.
- 22) Construction will not be carried out without submission of Class-1 land confirmation and “No Objection Certificate” for class-2 land to Municipal Corporation from Hon’ble Sub-divisional officer / Hon’ble Additional District Collector/ Hon’ble Collector.
- 23) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.
- 24) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.
- 25) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of

laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.

- 26) It is mandatory on part of developer that required minor minerals for the building construction will be purchased from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.
- 27) In case, if construction area plot more than 20000 Sq. Mtrs., then without submission of NOC from Environment Department, construction will not be started.
- 28) It is mandatory on part of developers to register under Real Estate Regulation and Development Act, 2016 (RERA) within stipulated time.
- 29) Developer has to install and operate the WATER RECYCLE UNIT in case the plot area more than 2000 Sq. Mtrs. or total flats more than 50.

Sd/- Dy. City Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Sd/- Executive Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Sd/- City Engineer Pimpri Chinchwad Municipal Corporation Pimpri-18
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Copy for information

- 1) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
- 2) Tax Collection Department, Head Office.
- 3) Hon'ble CEO, Pune Housing and Area Development Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-

-REGARDING COMMENCEMENT OF USE OF SPACE-

- 1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
- 2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing through the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
- 3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
- 4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities

(Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

- 5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. If the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.
- 6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.
- 7) The water meter may get set to the tap through the municipal corporation before commencement of construction.
- 8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested

by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. If the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

- 9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall

be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

- 10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.
- 11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.
- 12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

- 13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.
- 14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.
- 15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,
- 16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.
- 17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off

the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.

18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.

19) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

A: Developer/ Owner Address: - B: Construction Site Address:-

Mobile No. _____

Mauje Pimpri Sr. No. 209/A/2,

Email: _____

CTS-4702.

Mauje-Pimpri, Sr. No. 209/A/2, _____

Pimpri Pune-18, _____

//TRUE TRANSLATION//



ANNEXURE-A-04

Your RTI Request filed successfully.

Registration Number	DOENV/R/2020/60022
Name	Ajay Jayvantrao Bhosale
Date of Filing	01-02-2020
RTI Fee Received	10
Payment Mode	
Payment Reference Number	IGAHzWoeQ2
Transaction Status	Success
Request filed with	Environment Department

Telephone Number	22873155
Email Id	manohar.bandapatte@gov.in

TRUE COPY



Online RTI Request Form Details

Public Authority Details :-

* Public Authority	Environment Department
---------------------------	------------------------

Personal Details of RTI Applicant:-

* Name	Ajay Jayvantrao Bhosale
Gender	Male
* Address	25B, Cycle Society, Nana Peth, , Pune-411011
Pincode	411011
Country	India
State	Maharashtra
Status	Urban
Educational Status	Literate
Phone Number	Details not provided
Mobile Number	+91-9420181896
Email-ID	tanaji_9june[at]yahoo[dot]com

Request Details :-

Citizenship	Indian
* Is the Requester Below Poverty Line ?	No

(Description of Information sought (upto 500 characters))

* Description of Information Sought	<p>Please provide the information in respect of the action initiated by SEIAA or PS DoE after issuing show cause notices in the following matters</p> <ol style="list-style-type: none"> 1. M/s. Bramhacorp Limited (Bramha Exuberance)-notice-24.05.2019, SEIAA SCN-15.06.2019 2. M/s. Bramha Leisures Private Limited (Bramha Uzuri)-notice-19.05.2019, SEIAA SCN-15.06.2019 3. M/s. Bramhacorp Limited (Boulevard)-notice-17.05.2019, SEIAA SCN-15.06.2019
* Concerned CPIO	Nodal Officer
Supporting document (only pdf upto 1 MB)	Supporting document not provided

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Government of
Maharashtra

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Your RTI Request filed successfully.

Please note down the following details for further references.

Registration Number	DOENV/R/2020/60022
Name	Ajay Jayvantrao Bhosale
Date of Filing	01-02-2020
RTI Fee Received	₹ 10
MAHA Online Reference number	IGAHZWQE2
Transaction Status	Success
Request filed with	Environment Department
Contact Details of Nodal Officer	
Telephone Number	22873155
Email Id	manohar.bandapatte@gov.in

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महाराष्ट्र शासन

ऑनलाईन माहितीचा अधिकार

सामान्य प्रशासन विभाग, मंत्रालय, मुंबई यांच्या पुढाकाराने

मुख्य पृष्ठ अर्ज सादर करा प्रथम अपील सादर करा सद्यस्थिती पाहा नेहमीचे प्रश्न संपर्क

Online RTI Status Form/ऑनलाईन आरटीआय सद्यस्थिती अर्ज

Note/सूचना: Fields marked with * are Mandatory/ * चिन्हांकित रकान्यात तपशिलाची नोंद अनिवार्य आहे

Registration Number / नोंदणी क्रमांक :	DOENV/R/2020/60022
Name / नाव	Ajay Jayvantrao Bhosale
Date of Filing / भरणे तारीख :	01/02/2020
Status / स्थिती :	REQUEST FORWARDED TO SPIO / एसपीआयओ कडे विनंती पाठवली as on 03/02/2020
Details of SPIO :- Telephone Number:- 22029388, Email Id:- dattatraya.bhalerao@nic.in	
Note :- You are advised to contact the above mentioned officer for further details.	
View Document / दस्तऐवज पहा :	Reply Document Not Attached
Nodal Officer Details	
Telephone Number / टेलिफोन क्रमांक :	22873155
Email Id / ई-मेल आयडी :	manohar.bandapatte@gov.in

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