

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

IA NO. 221/2026 (WZ)

IN

APPEAL NO. 529 / 2025 (WZ)

Akshay Sunil Jagtap

.....

Appellant

V E R S U S

.....

Respondents

1. SEIAA - Maharashtra
2. MoEF&CC
3. Maharashtra Pollution Control Board
4. Pune Municipal Corporation
5. Irrigation Department, GoM
6. Strom Water Drainage Department
7. **Bajaj Finserv Ventures Limited**

**REJOINDER TO REPLY FILED
BY APPELLANT DATED 08-JUNE-2026
TO I.A. FILED BY RESPONDENT NO. 7
BAJAJ FINSERV VENTURES LIMITED**

Date : **06/07/2026**

Place : Pune

Filed by :



Adv. R. B. Mahabal

रघुनाथ भालचंद्र महाबळ

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INDEX

Sr.	Particulars	Page
1	Rejoinder to Reply	1296
3	ANNEXURE - A 2025/11/04 NGT Final Daily Order in Appeal No. 523/2025(WZ): Appeal filed to NGT on 02/09/2025 and withdrawn without any reason on 04/11/2025.	1312
4	ANNEXURE - B 2025/12/16 Complaint filed to Bar Council against the Advocate of the Respondent no. 7 in vengeance	1313
5	ANNEXURE - C 2025/10/29 Memorandum of Appeal filed to NGT and not pursued after settlement "OA ____/2025 (WZ) Akshay Jagtap Vs SEIAA"	1314
6	ANNEXURE - D 2025/09/06 The emails sent by the appellant to the Godrej Properties	1338
7	ANNEXURE - E 2025/09/02 RTI application to MPCB	1343
8	ANNEXURE - F 2025/08/28 MPCB Consent to Establish	1345
9	ANNEXURE - G 2025/07/04 MoM of SEIAA to Bajaj Finserv Limited	1353
10	ANNEXURE - H 2025/04/24 Executive engineer office to Deputy Engineer Opinion regarding obtaining a revised opinion from your department concerning the proposal to shift the <i>Nala</i>	1359
11	ANNEXURE - I 2025/04/15 SEAC-III 215 th Presentation	1369

Sr.	Particulars	Page
12	ANNEXURE - J 2025/03/21 Drawing of permission for Nala Shifting	1374
13	ANNEXURE - K 2025/February Hydrogeological Report submitted to SEAC-3, SEIAA and Municipal Corporation	1375
14	ANNEXURE - L 2024/04/12 & 13 The emails sent by the appellant to the R-7/PP for getting the work of excavation	1427
15	ANNEXURE - M 2020/03/16 EC Letter granted to BramhaCorp Ltd	1429
16	ANNEXURE - N 2020/01/18 Commencement Certificate granted to BramhaCorp Ltd	1437
17	ANNEXURE - O 2022/11/21 NGT Order in OA 138/2025 (WZ) "Ajinkya Dilip Barne vs. Pimpri-Chinchwad Municipal Corp. & Ors."	1450
18	ANNEXURE - P 2022/10/21 SC Judgement in CA "The State Of Uttar Pradesh Vs Uday Education and Welfare Trust"	1454
19	ANNEXURE - Q 2025/03/17 SC Judgment in CA 5781-5782/2022 "Auroville Foundation vs. Navroz Kersasp Mody & Ors."	1491
20	ANNEXURE - R 1991/01/09 SC Judgment in WP 381/1988 "Subhash Kumar vs. State of Bihar and Ors."	1512
21	ANNEXURE - S 2025/07/16 SEIAA to Bajaj Finserv EC Letter."	1520-1532

**REJOINDER TO REPLY BY AKSHAY
JAGTAP FILED
DATED 08-JUNE-2026**

1. I, Mahesh Kunkulol, age about 46 years, working as Group Head - Real Estate & Infrastructure for Bajaj Finserv Limited duly Authorised by the Resolution passed by the Board of Directors dated 24/04/2024 of Bajaj Finserv Ventures Limited (a Wholly Owned Subsidiary of Bajaj Limited) to represent Bajaj Finserv Ventures Ltd and submit as follows (**Respondent No.7**) hereafter referred to as "**R-7/PP¹**".

A. PRELIMINARY SUBMISSIONS

2. This **Rejoinder is filed by Respondent No. 7**, the Applicant in Interlocutory Application No. 221 of 2026, in answer to the Reply / Objections filed by the Appellant. The contents of Interlocutory Application No. 221 of 2026 are reiterated and reaffirmed and are not repeated herein for the sake of brevity. Save and except what is expressly admitted herein, every averment, allegation and contention contained in the Reply / Objections which is contrary to or inconsistent with the case of Respondent No. 7 is denied as false, misconceived and unsustainable in law and on fact.

3. At the outset, it is submitted that Interlocutory Application No. 221 of 2026 is a threshold objection to the admission of the Appeal resting on two independent and self-sufficient grounds:

- **first**, that the Appellant is not a bona fide litigant and has approached this Hon'ble Tribunal not for any environmental cause but to pursue a private commercial grievance arising

¹ PP: Respondent No. 7, M/s Bajaj Finserv Ventures Ltd. - Project Proponent

from his failure to secure excavation / works at the project site; and

- **second**, that the Appeal does not raise any “substantial question relating to environment” within the meaning of Section 2(m) of the National Green Tribunal Act, 2010,
- the subject matter falling for regulation under the MRTTP Act and the UDCPR and not under any enactment specified in Schedule-I to the Act.

4. The Reply / Objections does not meet either ground. Instead, the Appellant has, on the one hand, sought to characterise the contemporaneous documentary record of his own conduct as “collateral”, “irrelevant” and “defamatory”, while conspicuously failing to deny the determinative facts; and, on the other hand, has impermissibly imported into a reply to an admission-stage objection an elaborate set of merits contentions — concerning the adequacy of the hydrological appraisal, an alleged “suppression”, and the impleadment of group entities — which find no place in the Appeal as originally filed. The very fact that the Appellant has been driven to construct, for the first time in reply, a case of environmental “deficiency” out of Respondent No. 7’s own annexures is the clearest demonstration that the Appeal as filed disclosed no substantial question relating to environment, and that the Appellant is now endeavouring to manufacture one.

5. Without prejudice and by way of abundant caution, Respondent No. 7 expressly reserves its right to file a detailed reply on the merits of the Appeal, including upon all questions concerning the Environmental Clearance, the hydrological assessment and statutory compliance, as and when the Appeal is taken up for consideration. The present Rejoinder is confined to the limited question arising in Interlocutory Application No.

221 of 2026, namely the maintainability and admission of the Appeal, and nothing contained or omitted herein shall be construed as an admission on the merits.

**B. THE APPELLANT HAS NOT DENIED THE FACTS
DETERMINATIVE OF HIS BONA FIDES**

6. It is respectfully submitted that the bona fides of a litigant, once seriously and substantially put in issue, cannot be ignored, and the Hon'ble Supreme Court has in terms so held in ***State of Uttar Pradesh v. Uday Education and Welfare Trust***. The Appellant's Reply, stripped of its rhetoric, does not deny the facts upon which the objection of want of bona fides rests; it merely seeks to re-characterise them.

7. **Solicitation of works preceding any environmental process:** The Appellant does not deny that he addressed the communications dated 12 / 13 April 2024 (Annexure-L to the Interlocutory Application) to Respondent No. 7 / the Project Proponent. His explanation that these communications were a mere enquiry into the Project Proponent's "publicly proclaimed" sustainability commitments is belied by the documents themselves and, in any event, is wholly destroyed by his own chronology: on the Appellant's own showing (the List of Dates in the Reply), the Terms of Reference were applied for only on 26 July 2024 and granted on 12 November 2024. The Appellant's approach to the Project Proponent in April 2024 thus preceded the very commencement of the project's environmental appraisal process. There was, at that date, no Environmental Clearance, no public consultation and no environmental cause to espouse. **The inescapable inference is that the Appellant's interest in the project was, at its inception, commercial and not environmental**, and that the professed environmental grievance is an afterthought

conceived only after the works were not secured.

8. Withdrawal of Appeal No. 523 of 2025: The Appellant admits that Appeal No. 523 of 2025 was withdrawn on 4 November 2025 (Annexure-A). His contention that no document of “settlement” has been produced misses the point. Respondent No. 7 does not rely upon any written settlement; it relies upon the conduct itself — an appeal instituted in person, withdrawn through an Advocate engaged for that very purpose, with liberty to re-file sought and thereafter never exercised. Such conduct is consistent with a grievance that stood resolved or abandoned, and is **inconsistent with the genuine and continuing environmental concern the Appellant now professes.**

9. The Speciality Landmarks proceeding: The Appellant admits, in substance, that he instituted the Original Application of 29 October 2025 against M/s **Speciality Landmarks Pvt. Ltd.** (the “**Mantra Magnus**” project at Mundhwa) and did not pursue it. **What the episode does establish is the very pattern complained of — the institution of proceedings against developers, followed by their abandonment.**

10. The pattern of RTI enquiries followed by complaint: Respondent No. 7 does not, and has never sought to, curtail the Appellant’s statutory right to seek information under the ***Right to Information Act, 2005***, and the order of the High Court of Orissa relied upon by the Appellant (concerning restrictions imposed upon a frequent applicant) is therefore wholly inapposite. The objection of Respondent No. 7 is not that the Appellant has exercised the right, but that the **documentary record discloses a recurring sequence — the filing of wide-ranging RTI enquiries, followed, upon the**

contract not materialising, by a complaint devoid of any pleaded substantial question relating to environment. It is this pattern, and not the mere number of applications, that bears upon motive, and that this Hon'ble Tribunal is entitled to take into account under the test laid down in ***Uday Education*** (supra).

11. The following chronology, none of which the Appellant denies, illustrates the foregoing:

Date	Event	Relevance to bona fides
12 / 13.04.2024	Appellant's e-mails to R-7 / Project Proponent soliciting excavation work (Annexure-L).	Solicitation of works precedes any environmental process.
26.07.2024	ToR applied for by the Project Proponent (per the Appellant's own List of Dates).	Project's EIA process had not begun when the works were solicited.
16.07.2025	Impugned Environmental Clearance granted (EC25B3813MH5661182N).	Cause of action under challenge.
13.08.2025	Present Appeal No. 529 of 2025 (WZ) filed.	Filed after the works were not secured.
02.09.2025	RTI Application	—
29.10.2025	Original Application against M/s Speciality Landmarks Pvt. Ltd. filed and not pursued.	Pattern of file-and-abandon.
04.11.2025	Appeal No. 523 of 2025 withdrawn; liberty to re-file sought, never exercised (Annexure-A).	Withdrawal without adjudication; abandonment.

12. For the foregoing reasons, the Reply / Objections does not displace, and indeed confirms, the facts upon which the objection of want of bona fides is founded. The re-framing of these facts as "collateral" or "defamatory" is itself an attempt to deflect scrutiny from

conduct which the Appellant has been unable to deny.

C. THE APPEAL RAISES NO SUBSTANTIAL QUESTION RELATING TO ENVIRONMENT

13. It is settled that the jurisdiction of this Hon'ble Tribunal under Sections 14 and 16 of the Act is attracted only where the dispute raises a "***substantial question relating to environment***" ***as defined in Section 2(m)***, and where that question arises out of the implementation of an enactment specified in Schedule-I. The burden, at the threshold, lies upon the Appellant to plead and prima facie demonstrate

- (i) a direct violation of a specific statutory environmental obligation, and
- (ii) that the community at large is affected or likely to be affected, or that the gravity of damage to the environment or property is substantial, or that the damage to public health is broadly measurable. **The Appeal pleads none of these with the requisite particularity.**

14. The subject matter is the relocation / canalisation of a minor watercourse (a nala) lying within a privately owned plot. Such canalisation has been permitted by the ***Pune Municipal Corporation*** under **Regulation 3.1.1(ii) of the UDCPR**, upon a detailed study, subject to the conditions that the natural alignment, inlet and outlet of the nala shall not be altered and that no obstruction shall be caused to the natural flow — the canalised flow being led to the river, which lies barely 100 metres away, through an underpass already provided by the Corporation. The widening, straightening and smooth canalisation of a watercourse, with its inlet and outlet preserved, by its very nature maintains or improves the gradient and

conveyance of flow. ***This is a matter governed by the MRTPA Act, the Development Control Rules and the UDCPR***, and is precisely the kind of municipal town-planning permission with which this Hon'ble Tribunal, in ***Ajinkya Dilip Barne v. PCMC***, declined to interfere.

15. The **Appellant's invocation of Section 24(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 is misconceived in an Appeal**. That provision is attracted where a person knowingly causes or permits any matter to enter into a stream so as to impede the proper flow of the water in a manner leading to a substantial aggravation of pollution. A canalisation that preserves the inlet, outlet and alignment of the watercourse, and which is designed to convey storm water more efficiently to the river, neither "obstructs" the stream nor aggravates pollution; nor has the Appellant alleged, much less *prima facie* established, the entry of any pollutant, effluent or matter into the watercourse. The mere incantation of the Water Act, divorced from any pleaded act of pollution, does not convert a development-control matter into a cause arising under a Schedule-I enactment.

16. In the absence of any pleaded statutory violation, of any measurable damage to public health, and of any material demonstrating substantial damage to the environment or property, the Appeal does not satisfy Section 2(m); and the principle in The ***Auroville Foundation v. Navroz Kersasp Mody*** — that where no substantial question relating to environment arises and no violation of a Schedule-I enactment is alleged, the Tribunal cannot assume jurisdiction — applies with full force.

**D. THE APPELLANT'S RELIANCE ON THE
HYDROLOGICAL / HYDROGEOLOGICAL REPORT IS
MISCONCEIVED AND SELF-DEFEATING**

17. The Appellant has built the centrepiece of his Reply upon the Hydrological / Hydrogeological Report annexed by Respondent No. 7 itself (Annexure-K to the Interlocutory Application). With respect, the reliance is both misconceived and self-defeating.

18. The Report was placed on record by Respondent No. 7 to demonstrate the very opposite of what the Appellant contends — namely, that the drainage and storm-water regime of the site was the subject of a dedicated, detailed and competent technical study, that was placed before SEIAA also, before the grant of the Environmental Clearance. The Report assumes and identifies the contributing catchment (of the order of 37.74 hectares), examines the topography, soil characteristics and runoff behaviour of the site, computes peak storm-water discharges for various return periods, and, upon that analysis, designs adequate engineered conveyance — an open channel of the order of 2.5 m × 1.2 m, or alternatively a Hume pipe of adequate diameter — to carry the post-development flows safely to the river. Far from disclosing any failure of appraisal, the Report is itself the appraisal. **The issue that has been considered by the experts and is admittedly in the authority of PMC as per UDCPR, can't be raised in appeal before Hon'ble National Green Tribunal.**

19. The figures upon which the Appellant fastens — that the carrying capacity of the existing nala is of the order of 0.70 m³/s at entry and 2.48 m³/s at exit, as against an estimated peak discharge of the order of 3.0 m³/s — are design inputs. The very purpose of computing the carrying capacity of the

existing section is to determine the size of the conveyance required; and the recommendation of an adequately sized channel or conduit is the engineering answer to that computation, not an admission of environmental harm. To read a design calculation as a confession of illegality is to misunderstand the elementary purpose of a hydraulic study. The further recommendation of detention / retention storage, emergency overflow, energy-dissipation and other safeguards, and of periodic review against changing rainfall, reflects conservative and climate-resilient design — is again, mitigation, and not violation.

20. At its very highest, the Appellant's case on the Report amounts to a difference of expert opinion upon matters of hydraulic design — whether the assumed runoff coefficient ought to have reflected post-development conditions, whether the recommended conduit diameter is correctly sized, and the like. Such a difference, even if it existed, does not raise a "***substantial question relating to environment***"; and, in any event, this Hon'ble Tribunal cannot, consistently with **State of Uttar Pradesh v. Uday Education and Welfare Trust**, substitute its own assumptions for a technical assessment duly carried out and placed before the expert appraisal body, absent any demonstration of illegality, irrationality or procedural impropriety. Significantly, the **Appellant has not tendered a single contrary hydraulic study, hydrological model or expert opinion**; his bare assertions that the Report "fails to assess" various consequences cannot displace a study which was, on the Appellant's own showing, placed before SEAC-III at its 215th Meeting and before SEIAA.

21. The Appellant cannot be permitted to approbate and reprobate — to rely upon the Report to assert that a substantial environmental question arises, while ignoring that the self-same

Report records the very engineering safeguards designed to answer the apprehension he raises. The Report, read fairly and as a whole, demonstrates that drainage and storm-water management were comprehensively assessed and provided for, and thereby negatives, rather than establishes, the existence of any substantial question relating to environment. **The whole purpose of the sanctioned building plans from Corporation and EIA, EMP and conditions of EC is to ensure safeguards for the protection of environment.**

E. THE APPELLANT'S RELIANCE ON RESPONDENT NO. 7'S OTHER ANNEXURES INVERTS THE BURDEN OF PROOF

22. The Appellant's treatment of the Consent to Establish, the Minutes of Meeting of SEIAA / SEAC, the SEAC-III 215th Meeting presentation, and the communications of the Storm Water Drainage Department / Pune Municipal Corporation suffers from a single, fundamental error: it inverts the burden of proof. Respondent No. 7 placed these documents on record to demonstrate that the project was appraised and permitted at every successive stage — by the Pollution Control Board, by the Expert Appraisal Committee and by the State Authority. The Appellant's repeated refrain that none of these documents "conclusively" proves compliance, or does not "by itself" establish the absence of environmental consequences, reverses the settled position: at the admission stage it is for the Appellant to plead and *prima facie* establish a violation, not for Respondent No. 7 to re-prove the legality of an Environmental Clearance which carries a presumption of regularity. Taken together, **these documents evidence the application of mind by the statutory authorities**; they do not evidence its absence.

23. The communication of the Storm Water Drainage Department, and the reference therein to Regulation 3.1.1(ii) of the UDCPR, far from assisting the Appellant, confirm that the canalisation was considered and permitted upon the express conditions that the alignment, inlet and outlet of the nala be preserved and the natural flow not be obstructed — the very safeguards the Appellant invokes. That the existence of the nala and the proposal for its canalisation were squarely before the authorities is not a matter of concealment; it is a matter of record, and was appraised.

24. As regards the e-mail correspondence concerning M/s Godrej Properties (Annexure-D), Respondent No. 7 placed it on record not upon any environmental issue but upon the discrete question of the Appellant's credentials and commercial orientation. The Appellant's own explanation — that the correspondence pertained to "vendor evaluation" and "vendor qualification" — itself confirms that his dealings with developers were directed towards securing construction-related work, which is the precise matter going to his *bona fides*.

F. THE JUDICIAL PRECEDENTS RELIED UPON BY RESPONDENT NO. 7 APPLY SQUARELY

25. Ajinkya Dilip Barne v. PCMC (O.A. No. 138 of 2025, Order dated 21.11.2025): The Appellant's attempt to distinguish this decision in fact concedes its application. The **Original Application there was declined because** the applicant produced no material to show that the nala formed part of an official drainage system, **established no statutory prohibition against the permitted relocation of the nala within the plot**, and **did not challenge the municipal permission authorising such relocation**. Each of those features is present here: the Appellant pleads no specific

statutory prohibition, tenders no contrary technical material, and does not challenge the Pune Municipal Corporation's permission for the canalisation. The decision is on all fours.

26. State of Uttar Pradesh v. Uday Education and Welfare Trust: The decision assists Respondent No. 7 upon both limbs — first, that the bona fides of a litigant approaching the Tribunal, once seriously raised, cannot be ignored; and secondly, that the Tribunal may not lightly disregard, or substitute its own view for, an expert technical assessment. The Appellant's reliance upon the "judicial review" observations is of no avail, for he has demonstrated no illegality, irrationality or procedural impropriety in the appraisal — only a disagreement with it.

27. Subhash Kumar v. State of Bihar: The principle that a proceeding instituted not in the public interest, but to advance the litigant's own personal or commercial interest under the guise of an environmental cause, is liable to be dismissed with costs, applies directly. The Appellant's protestation that he "seeks no commercial benefit" is answered by his **own antecedent solicitation of works from the Project Proponent**; his denial is a re-characterisation of that solicitation, not a denial of it. **This crucial relevant fact was deliberately suppressed by the Appellant.**

28. The Auroville Foundation v. Navroz Kersasp Mody: For the reasons set out in Section C above, no substantial question relating to environment arises and no violation of a Schedule-I enactment is alleged; the assumption of jurisdiction in such circumstances would be untenable in law.

G. THE PLEA FOR IMPLEADMENT OF GROUP ENTITIES IS MISPLACED AND IRRELEVANT TO THE PRESENT APPLICATION

29. The Appellant's contention that the four other Bajaj group entities named in the Executive Summary of the EIA Report must be impleaded is misconceived and, in any event, irrelevant to Interlocutory Application No. 221 of 2026. Respondent No. 7, Bajaj Finserv Ventures Limited, is the Project Proponent and a proper and sufficient contesting respondent for the purpose of defending the Appeal; the description of the clearance issued to "Bajaj Finserv Ventures Limited & Others" reflects co-applicant group entities and creates no necessity for their addition in order to adjudicate the maintainability of the Appeal. The contention, raised in a reply to an admission-stage objection, is procedurally misplaced and does not cure the threshold defects fatal to the Appeal; it is, if at all, a matter for the consideration of this Hon'ble Tribunal at the appropriate stage and upon a proper application.

H. THE FRESH MERITS PLEAS ARE DENIED AND IMPERMISSIBLY RAISED

30. The averments in the Reply concerning an alleged "parallel proposal" and "suppression" of the pendency of the Terms of Reference, and the "List of Dates and Events" constructed in support thereof, are denied as false and misconceived. These are fresh pleas upon the merits, neither pleaded in the Appeal nor germane to the maintainability objection, and are sought to be introduced for the first time in a reply. Respondent No. 7 reserves its right to answer the same in detail in its reply to the main Appeal; their very introduction in the present proceedings only reinforces that the Appeal, as

filed, lacked any substantial question relating to environment and that the Appellant is endeavouring to construct one in reply.

I. FINAL SUBMISSION IN CONCLUSION

31. For the reasons aforesaid, the Reply / **Objections filed by the Appellant neither answers the want of *bona fides* nor establishes any substantial question relating to environment.** The Appellant has not denied the determinative facts; he has sought to re-characterise his own conduct, to invert the burden of proof, and to manufacture, out of Respondent No. 7's own documents, a merits case absent from the Appeal. The twin objections taken in Interlocutory Application No. 221 of 2026 remain unanswered, and the Appeal is liable to be dismissed at the stage of admission, with exemplary costs. **There is no tenable explanation given to deliberate suppression of relevant facts in Appeal.**

PRAYER

32. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- A.** Reject the Reply / Objections filed by the Appellant to Interlocutory Application No. 221 of 2026;
- B.** Allow Interlocutory Application No. 221 of 2026 and dismiss Appeal No. 529 of 2025 (WZ) at the stage of admission as not maintainable, the Appellant being a non-bona fide litigant and the Appeal raising no substantial question relating to environment within the meaning of Section 2(m) of the National Green Tribunal Act, 2010;
- C.** Hold that the subject matter of the Appeal falls for regulation under the MRTP Act and the UDCPR and not under any enactment specified in Schedule-I to the Act;

- D.** Impose exemplary costs and / or penalty upon the Appellant as prayed for in Interlocutory Application No. 221 of 2026; and
- E.** Pass such further or other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT NO. 7 SHALL, AS IN DUTY BOUND, EVER PRAY.

Date **06/07/2026**
Place **Pune**

DEPONENT – Respondent No. 7
Bajaj Finserv Ventures Ltd.

Retained

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VERIFICATION & AFFIDAVIT

I, Mahesh Kunkulol, aged about 46 years, working as Group Head – Real Estate & Infrastructure for Bajaj Finserv Limited duly Authorised on behalf of M/s Bajaj Finserv Ventures Limited (Respondent No. 7) by the Resolution of the Board of Directors dated 24 April 2024, having office at S. No. 20B/1B, Off Pune–Ahmednagar Road, Viman Nagar, Pune, do hereby solemnly affirm and state on oath as under:

1. I am the Deponent abovenamed, am well acquainted with the facts and circumstances of the case, and am competent and authorised to swear this Affidavit on behalf of Respondent No. 7.
2. I have read and understood the contents of the foregoing Rejoinder, and I state that the same are true and correct to my knowledge, based upon the records, the Environmental Impact Assessment Report and the statutory approvals obtained.
3. I state that the annexures relied upon and produced along with Interlocutory Application No. 221 of 2026 are true copies of their respective originals.
4. I state that the Rejoinder has been filed bona fide and in the interest of justice, and that no material fact has been concealed therefrom.

Verified at Pune on this **Monday, 06 July 2026**, and I sign hereunder.

Date **06/07/2026**
Place **Pune**



DEPONENT - Respondent No. 7
Bajaj Finserv Ventures Ltd.

BEFORE ME

A. RASHID D. SAYED
ADVOCATE & NOTARY
STATE OF MAHARASHTRA
PUNE

Noted & Registered
At Sr. No.: **A5742/2026**

6 JUL 2026

Item No.4

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

APPEAL NO.523 OF 2025 (WZ)

Akshay Sunil Jagtap

.....Appellant

Versus

SEIAA, Maharashtra & Ors.

....Respondents

Date of hearing: 04.11.2025**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Appellant	:	Mr. Viraj Pawar, Advocate along-with Appellant in-person
Respondents	:	Mr. Shubham Rathod, Advocate and Mr. Rahul Garg, Advocate for R-5/PMC

ORDER

1. Learned counsel for the appellant has made a request to withdraw this appeal.
2. The appeal stands dismissed as withdrawn.

Sheo Kumar Singh, JM**Dr. Sujit Kumar Bajpayee, EM**November 04, 2025
P.Kr

Bar Council of Maharashtra & Goa

2nd Floor, High Court Extension, Fort, Mumbai - 400 032. ☎ : 6938 1033 / 6938 1037

Sharad T. Bagul B.Com., LL.B.

SECRETARY

Ref No.: D:/ 3050 / 2025

Date: 18/12/25

To,

Adv. Raghunath Bhalchandra Mahabadi,
Mumbai.

Sub: P.E. No. 573 of 2025

AKSHAY SUMIL JAGDEP Complainant

Versus
Raghunath B. Mahabadi Adv... Respondent/s

Sir / Madam,

The Petitioner, Mr./Ms. A. S. Jagdep
has filed a complaint on affidavit against you with this Council for alleging professional
or other misconduct under the provision of section 35 of the Advocates Act, 1961.
I forward herewith a copy of the said complaint. You are requested to forward your
"Say on affidavit", with 2 extra copies (please put index with page Numbering) within
15 days from the date of receipt of this letter.

Note: Please Mention your Enrollment No. &
Enrollment Date in Your Affidavit

Yours faithfully,

Sharad T. Bagul
Sharad T. Bagul
SECRETARY

Encl : as above

COVERING LETTER

To,
The Registrar,
National Green Tribunal, Western Zone Bench,
New Administrative Building, Near Council Hall, Camp,
Pune - 411001. Mail: ngt-wz@gov.in

Subject: Filing of Original Application under Sections 14, 15, 18 and 20 of the NGT Act, 2010 against environmental violations by M/s Speciality Landmarks Pvt. Ltd. (Project: "Mantra Magnus", Mundhwa, Pune, Maharashtra)

Respected Sir / Madam,

I, Akshay Sunil Jagtap, the undersigned, am filing the enclosed Original Application under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010, in the capacity of Party-in-Person, against M/s Speciality Landmarks Pvt. Ltd. (developer of the "Mantra Magnus" project at S. Nos. 52, 53, 54, Mundhwa, Pune), and various statutory authorities, regarding:

- Misrepresentation and suppression of facts in Environmental Clearance (EC), MPCB Consent to Establish (CTE), and RERA filings.
- Illegal excavation and road construction on the odha buffer prior to obtaining statutory consents.
- Unauthorized development and public environmental hazard within the PMC limits.
- Suppression of project sanction records under RTI Act, 2005.

The present Application seeks urgent intervention of this Hon'ble Tribunal for environmental protection, enforcement of the *Polluter Pays Principle*, and accountability of public authorities for statutory lapses.

Enclosures:

1. Original Application (O.A.) with Affidavit in Support
2. Self-Representation Statement (Party-in-Person)
3. Index of Documents & Annexures
4. Copies of:
 - o Environmental Clearance (26.09.2023 & 16.07.2025)
 - o MPCB Consent to Establish (09.05.2024)
 - o Architect & Engineer Certificates (April 2024)
 - o Google Earth & On-site Photos (2022-2025)
 - o RERA Registration Details (Phases 1-5)
 - o PMC Layouts, RTI Applications & Replies
 - o Transfer Deed Index 2 (03.06.2024, Reg. No. 10340/2024)
 - o Cheque & UPI payment proofs, Booking documents

Thanking you,

Yours faithfully,

Akshay Sunil Jagtap

Date: 29 / 10 / 2025

Before the Hon'ble National Green Tribunal, Western Zone Bench, Pune

Index Of Documents And Annexures

In the matter of: Akshay Sunil Jagtap vs. SELAA Maharashtra & Ors.

Original Application No. ____ of 2025

Sr. No.	Particulars	Annexure No.	Page No. (From-To)
Main Documents			
1	Covering Letter addressed to The Registrar, NGT Western Zone Bench, Pune	—	1
2	Index Of Documents And Annexures	—	2-4
3	Self-Representation Statement (Party-in-Person Declaration)	—	5
4	Affidavit in Support of Original Application	—	6-8
5	Original Application under Sections 14, 15, 18, and 20 of the NGT Act, 2010	—	9-25
A	Environmental Clearance and Related Permissions		
6	Copy of Environmental Clearance (EC ID EC23B038MH151353) dated 26.09.2023 issued by SELAA Maharashtra	Annexure A-1	26-36
7	Copy of Amended Environmental Clearance dated 16.07.2025	Annexure A-2	37-50
8	MPCB Consent to Establish (CTE) dated 09.05.2024 (UAN No. MPCB-CONSENT-0000188105)	Annexure A-3	51-58
9	Evidence of pre-CTE construction — Architect's Certificate dated 01.04.2024 (Mitesh Sidhpura & Associates, Reg. No. CA/2010/48550)	Annexure A-4	59-70
10	Engineer's Certificate dated 12.04.2024 (Ravi Rawal, Civil Engineer) showing cost incurred ₹ 25+ crore And Promoter's Acceptance / Sign-off on above Certificates (Sandesh Gupta, Director, Speciality Landmarks Pvt. Ltd.)	Annexure A-5	71-86
B	Land, Layout, and Construction Evidence		
11	PMC Sanctioned CC and Layout Plan dated 26.09.2023	Annexure B-1	87-92
12	Transfer Deed Index II executed on 03.06.2024 (Registered No. 10340/2024, Haveli 11, Pune) transferring DP Road land to PMC	Annexure B-2	93-94

13	Google Earth Images (12.11.2022, 23.10.2023, 12.02.2024, 28.02.2025) showing illegal excavation and road construction near odha	Annexure B-3	95-98
14	On-site Photographs dated 13.08.2025 showing odha encroachment and murum filling	Annexure B-4	99-101
15	Master Layout	Annexure B-5	102
C	MPCB, PMC, Fire, and RTI Records		
16	RTI Application to PMC Building Permission Department & their reply order rejecting information under Sections 8(1)(d), (e), (j) of RTI Act, 2005	Annexure C-1	103-108
17	RTI Application to Fire Department & their reply order & sent circular dated 14.10.2019	Annexure C-2	109-120
18	MPCB reply documents & note imposing fine ₹ 94,678 for unauthorized work	Annexure C-3	121-127
19	Applicants reply to MPCB by mail	Annexure C-4	128-130
D	RERA and Consumer Evidence		
20	MahaRERA Registration Details: Phase 1 to 8	Annexure D-1	131-138
21	Extracts from RERA portal showing misrepresentation and fragmented phasing for same project	Annexure D-2	139-142
22	Applicant's Booking Documents (Flat B-901, Duplex)	Annexure D-3	143-152
23	Payment Proofs – Cheque copies (Nos. 059754, 059757, 079735, 079738 cleared) and UPI transfer ₹ 99,000 (14 Jan 2024)	Annexure D-4	153-154
24	Developer's Message / Email cancelling booking on false pretext	Annexure D-5	155
E	Correspondence and Miscellaneous		
25	Complaint Copies submitted to Collector, MPCB, and SEIAA (dated 18.08.2025 and others) by mail and by hand	Annexure E-1	156-182
26	Complaint Copies Submitted To Executive Engineer, MSSEDCL Regarding Unauthorised Electricity Use Dated 16.09.2025	Annexure E-2	183-184
27	Complaint Copies Submitted to Sub-Divisional Officer, Pune regarding illegal excavation and transport dated 17.09.2025	Annexure E-3	185-186

Self-Representation Statement As Party-In-Person

(Under Rule 13 of the National Green Tribunal (Practice and Procedure) Rules, 2011)

In the matter of:

Original Application No. _____ of 2025

Akshay Sunil Jagtap – Applicant (Party-in-Person)

Versus

State Level Environment Impact Assessment Authority & Ors. – Respondents

I, **Akshay Sunil Jagtap,**

Age 32 years, Occupation: self employed,

Resident of Mundiwa, Pune – 411036, Maharashtra.

E-mail: akshayingtap117@gmail.com; Mobile: 7776081234,

do hereby state as follows:

1. That I am the applicant in the above-titled Original Application and wish to appear, plead and act in person before this Hon'ble Tribunal.
2. That I am fully conversant with the facts, records, and documents of the case and am competent to conduct the proceedings personally.
3. That I undertake to abide by the directions of the Hon'ble Tribunal, maintain decorum, and comply with the rules governing party-in-person appearances.
4. That all pleadings and communications in this matter may be served at my address and email given below.

Signature of Applicant / Party-in-Person


Akshay-Sunil-Jagtap

Date: 29 / 10 / 2025

Place: Pune



महाराष्ट्र शासन, प्रशासक
अध्यापक, २२०/१७२
बी.टी. चव्हाट रोड, पुणे-३३

27 OCT 2025

प्रथम मुद्रांक लिपीय
कोषागार पुणे करिता.



Affidavit In Support Of Original Application

I, Akshay Sunil Jagtap, Age: 32 years, Occupation: Self Employed, Resident of Mundhwa, Pune - 411036, Email: akshayjagtap117@gmail.com, Mobile: 7776081234, the Applicant in the accompanying Original Application, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the accompanying Original Application filed before this Hon'ble Tribunal against *M/s Speciality Landmarks Pvt. Ltd. (Project: Mantra Magnus, Mundhwa, Pune)* and other statutory authorities, and am fully conversant with the facts and circumstances of the case. Hence, I am competent to swear this affidavit.

2. That the statements made in paragraphs of the accompanying Original Application are true to my personal knowledge and based on official documents, site inspection, RTI responses, and public records, which I believe to be true and correct.

3. That the facts stated in the Original Application show that:

- The project proponents have commenced excavation and construction prior to obtaining statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- The Environmental Clearance (EC) obtained on 26/09/2023 (EC ID EC23B038MH151353) and its amendment on 16/07/2025 were based on false, misleading, and suppressed information, particularly concerning the odha (natural drain).
- The MPCB Consent to Establish (CTE) dated 09/05/2024 was granted post-facto despite proof of illegal excavation (Architect & Engineer Certificates dated April 2024).
- The project has encroached upon the odha buffer, constructed an unauthorized road, and misused land designated for a DP Road.
- The promoter has also misrepresented facts in RERA filings, split EC-covered project into multiple RERA phases, and cancelled my booking (Flat B-901) arbitrarily after I questioned their statutory compliance.
- RTI applications to PMC, Fire Department were wrongly rejected, demonstrating suppression of public environmental records.

4. That the documents annexed to the accompanying Application are true copies of their respective originals, obtained from official sources, RTI replies, or downloaded from authenticated websites (PARIVESH portal, MahaRERA portal, and MPCB consent system).

5. That the present Application has been filed bona fide and in the interest of environmental protection, public health, and enforcement of statutory environmental norms.

BEFORE ME



Deponent

(Signature)
Akshay Sunil Jagtap



NOTED AND REGISTERED

AT SERIAL NUMBER 34151, 2 OCT 2025

29 OCT 2025

[illegible]

Before the Hon'ble National Green Tribunal,

Western Zone Bench, Pune

Original Application No. ____ of 2025

(Under Sections 14, 15, 18, and 20 of the NGT Act, 2010)

In the matter of:

Akshay Sunil Jagtap

Age: 32 years, Occupation: Self Employed,

Address: 211, Mundhwa, Pune - 411036

Email: akshayjagtap117@gmail.com | Mobile: 7776081234.....Applicant

Versus

1. **State Level Environment Impact Assessment Authority (SEIAA) Maharashtra,**
through principle secretary,
Room No. 217, 2nd Floor, Mantralaya Annex,
Madame Cama Road, Nariman Point,
Mumbai - 400032, Maharashtra.
Email : pscc.env@maharashtra.gov.in | Phone: 022-22026710
2. **Ministry Of Environment, Forest And Climate Change (Moef&CC)**
through The Secretary,
Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110003
Email: secy-moef@nic.in | Phone: 011-20819308/ 011-20819408
3. **Maharashtra Pollution Control Board (MPCB) through its member secretary,**
Kalpataru Point, 3rd & 4th Floor, Opp. Cine Planet,
Near Sion Circle, Sion (East), Mumbai - 400022.
Email : ms@mpcb.gov.in | Phone: 022-24020781 / 24010437
4. **Maharashtra Pollution Control Board (MPCB) through Regional officer,**
Jog Center, 3rd floor Mumbai Pune Road,
Wakdewadi, Pune - 411003,
Email: ropune@mpcb.gov.in | Phone: 020-25810222
5. **Pune Municipal Corporation (PMC)**
Through the Hon'ble Municipal Commissioner,
PMC Main Building, Near Mangala Theatre, Shivajinagar, Pune - 411005.
Email: mco@punecorporation.org | Phone: 020-25501103
6. **MoEFCC Regional Office through Regional Officer,**
Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001,
Email: apcc/central-ngp-mef@gov.in | Phone: 0712-2531318
7. **Pune Collector Office Through District Collector, Pune**
New Collector Office Building, 5th Floor, Pune Station Road,
Agarkar Nagar, Pune - 411001
Email: collector.pune@maharashtra.gov.in | Phone: 020-26123370

(Signature)

8. **Town Planning Department, Pune Division**
Through the Joint Director of Town Planning,
New Administrative Building, Camp, Pune – 411001.
Email : dirtpvd.pune@maharashtra.gov.in | **Phone:** 020-26122076
9. **Chief Engineer, Irrigation Department, Pune**
Sinchan Bhavan, B-Wing, 3rd Floor,
Opp. PMT Building, Shivajinagar, Pune – 411011.
Email : cespwrdd.punewrdd@maharashtra.gov.in | **Phone:** 020-25530001 / 25530002
10. **Executive Engineer, Khadakwasla Irrigation Division**
Sinchan Bhavan, Shivajinagar, Pune – 411011.
Email : eeekidpune@gmail.com | **Phone:** 020-26127309.
11. **Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) through Executive Engineer, Near Bishop's School, Saint Merry Stores Compound, Pune – 411001.**
Email : eebundgarden@gmail.com | **Phone:** 7875767016
12. **Tahsildar, Pune City**
Tahsildar Office, Shukrawar Peth,
Pune – 411002.
Email : tahsildarpunecity@gmail.com | **Phone:** 020-24473112;
13. **Central Fire Officer, Pune Municipal Corporation (Fire Department)**
Fire Brigade Headquarters, Mahatma Phule Peth,
Timber Market, Pune – 411042.
Email : pmeoffice@punecorporation.org | **Phone:** 020-26124633
14. **Executive Engineer, Zone 4, Pune Municipal Corporation**
Building Permission & Construction Dept.,
PMC Zone 4 Office, Shivajinagar, Pune – 411005.
Email : zone4executiveengineer@gmail.com | **Phone:** 020-25501313
15. **MahaRERA (Maharashtra Real Estate Regulatory Authority)**
House No. 1, Sector-6, Bandra-Kurla Complex (BKC),
Bandra (East), Mumbai – 400051.
Email : legaladv2@maharera.mahaonline.gov.in | **Phone:** 022-68111612
16. **Architect – Mitesh Sidhpura & Associates**
(Architect Reg. No. CA/2010/48530)
Pune – 411014.
Email : mitesh2020@gmail.com | **Phone:** 9371989838
17. **Speciality Landmarks Pvt. Ltd. (Project: Mantra Magnus)**
Through its Directors Mr. Sandesh Gupta and Mr. Rohit Gupta,
Corporate Office: Mantra Properties,
Office No. T4/T5, Metropole building, camp, Pune – 411001.
Email: specialitylandmark@gmail.com; sandesh@mantraproperties.com |
Phone: 9922008888

..... Respondents

Submission of Original Application under Sections 14, 15, and 18 of the NGT Act, 2010, concerning illegal excavation, odha encroachment, environmental misrepresentation, and pre-CTE construction carried out by M/s Speciality Landmarks Pvt. Ltd. for the project "Mantra Magnus", Mundhwa, Pune — seeking penalty to developer, restoration of environment, and refund of applicant's payment as buyer with interest.

MOST RESPECTFULLY SHOWETH:

1. Jurisdiction and Maintainability

1.1. That this Hon'ble Tribunal has jurisdiction to entertain and adjudicate the present Application under Sections 14, 15, and 18 of the National Green Tribunal Act, 2010, as the issues involved herein pertain to substantial questions relating to the environment and violation of statutory environmental laws, including but not limited to:

- The Environment (Protection) Act, 1986,
- The EIA Notification, 2006 (as amended),
- The Water (Prevention and Control of Pollution) Act, 1974,
- The Air (Prevention and Control of Pollution) Act, 1981, and
- Other connected environmental and planning regulations.

1.2. The present Application raises substantial environmental questions regarding:

- (a) **Illegal excavation and construction activities** carried out prior to obtaining statutory clearances and consents;
- (b) **Misrepresentation and suppression of material facts** in the process of grant of Environmental Clearance (EC) and MPCB Consent to Establish (CTE);
- (c) **Encroachment upon the natural odha (stream) buffer**, road formation within the flood-sensitive zone, and resultant environmental degradation;
- (d) **Suppression of public information and non-disclosure** by public authorities under the RTI Act, 2005; and
- (e) **Failure of statutory bodies** such as SEIAA, MPCB, Irrigation, Collector, Tahsildar, MSEDCL and PMC to enforce compliance with mandatory environmental and planning laws.

1.3. **The cause of action** for filing this Application has arisen entirely within the territorial jurisdiction of the Hon'ble Western Zone Bench, Pune, as the project "Mantra Magnus" by M/s Speciality Landmarks Pvt. Ltd. is situated at Survey Nos. 52, 53, and 54, Mundhwa, Taluka Haveli, District Pune, Maharashtra, and all impugned permissions, consents, and actions have been issued by authorities located within this jurisdiction.

The violations committed by the Project Proponent and inaction of statutory authorities are continuing in nature, as:

- The odha encroachment and murum filling continue to obstruct natural drainage;
- The illegal road and excavation works persist without restoration;
- The environmental damage has not been assessed or remedied; and
- Authorities' failure to act continues to violate statutory duties and public rights.

Hence, this cause of action remains **subsisting and recurring**, squarely falling within **Section 14(1) and 14(3)** of the National Green Tribunal Act, 2010.

1.4. Locus Standi and Aggrieved Person

The Applicant, **Alshay Sunil Jagtap**, has **directly suffered financial and environmental injury** as:

- A **resident and affected person** of Mundhwa locality exposed to dust, flood risk, and ecological damage;
- A **homebuyer** who booked **Flat B-901**, paid **₹ 3,60,454/-** to the developer, and was subsequently **defrauded and denied refund**; and
- A **citizen seeking enforcement** of environmental law and public accountability.

Thus, the Applicant qualifies as a "*person aggrieved*" under **Section 2(m)** read with **Section 18(1)** of the NGT Act, 2010, with a direct and substantial interest in the subject matter.

1.5. **This Application is maintainable** under Section 14(1) of the NGT Act, 2010, as it concerns a *civil dispute relating to the environment* and enforcement of legal rights arising from environmental statutes. The Applicant has complied with all procedural requirements, including submission of verified pleadings, affidavit, and requisite filing fee, and has served copies of the Application upon all concerned respondents.

1.6. The Application is filed bona fide in the interest of environmental protection, ecological balance, and enforcement of the *Polluter Pays* and *Precautionary Principles* recognized under Section 20 of the NGT Act, 2010 and Article 21 of the Constitution of India.

2. FACTS OF THE CASE

2.1. Background of the Project

The Respondent No. 17, **M/s Speciality Landmarks Pvt. Ltd.**, through its Directors **Mr. Sandesh Gupta** and **Mr. Rohit Gupta**, is developing a large real estate project titled "**Mantra Magnus**", situated at Survey Nos. 52, 53, and 54, Mundhwa, Taluka Haveli, District Pune, Maharashtra.

The project comprises multiple residential towers (A to G and G1), row houses, clubhouse, inclusive housing, and supporting infrastructure, with a proposed total Built-Up Area (BUA) exceeding 1.70 lakh sq. m.

2.2. Environmental Clearance (EC) and Misrepresentation

The project obtained **Environmental Clearance (EC)** from the **State Level Environment Impact Assessment Authority (SEIAA), Maharashtra** vide **EC ID EC23B038MH151353** dated 26.09.2023 for proposal number SIA/MH/INFRA2/424118/2023.

Later, an **amended / expansion EC** was granted on 16.07.2025 for proposal number SIA/MH/INFRA2/533954/2025, under which the developer:

- Reduced the **height of Buildings D, E, and F** from 115.40 m to 69.95 m,
- Reduced **Building G** from 115.40 m to 99.15 m,
- Added a new **Building G1** (height 99.15 m), and
- Reduced the **total BUA** from 1,96,728.95 m² to 1,70,308.45 m².

However, the ECs and applications contain material misrepresentation and suppression of facts, including:

1. Failure to disclose the presence of a natural odha (stormwater drain) and its flood buffer.
2. False declaration that no construction had commenced prior to EC grant.
3. Concealment of excavation and road formation activities shown in Google Earth images prior to EC approval.
4. Suppression of accurate site topography, odha alignment, and flood risk.

Further, the developer filed multiple EC applications for the same site on PARIVESH, including:

- SIA/MH/INFRA2/405778/2022 – TOR granted,
 - SIA/MH/INFRA2/422944/2023 – TOR granted,
 - SIA/MH/INFRA2/523553/2025 – Standard TOR granted,
- besides the two granted ECs noted above.

These parallel filings show an attempt to fragment and manipulate the environmental appraisal process, contrary to Para 8(vi) of the EIA Notification, 2006, rendering the ECs liable for cancellation.

2.3. Illegal Excavation and Pre-CTE Construction

The Maharashtra Pollution Control Board (MPCB) granted Consent to Establish (CTE) only on 09.05.2024 (UAN: MPCB-CONSENT-0000188105).

Despite this, the project had already undergone substantial work as per:

- Architect's Certificate by *Mitesh Sidhpura & Associates* (Reg. No. CA/2010/48550) dated 01.04.2024 showing:
 - Excavation completed: A – 100%, B – 30%, C – 90%, D – 20%
- Engineer's Certificate by *Ravi Rawal, Civil Engineer* dated 12.04.2024 confirming:
 - Work done: A+C – 36%, B – 41%, D – 3%
 - Cost incurred: ₹ 25 crore+ (A-D combined)
 - Signed and accepted by Director Sandesh Gupta of the developer company.

These documents clearly establish that construction commenced prior to obtaining MPCB's consent, violating Section 25 of the Water Act, 1974 and Section 21 of the Air Act, 1981.

The MPCB's subsequent imposition of a nominal fine (₹ 94,678) is a post-facto regularization of an illegal act.

2.4. Illegal Road and Odha Encroachment

Satellite images (Google Earth, dated November 2022 to February 2025) and site photos (August 2025) show that the developer illegally constructed a concrete road and filled murum within the odha buffer. The PMC-approved layout dated 26.09.2023 provided for only a 6-metre pathway, which is not vehicular and remains non-functional even today. However, the developer converted this into a road by encroaching upon the odha buffer and natural drainage. A Transfer Deed dated 03.06.2024 (Reg. No. 10340/2024) executed between Ashok Nivrutti Kodre & Others (through POA – Speciality Landmarks Pvt. Ltd.) and PMC shows transfer of DP Road land from Survey Nos. 52 and 54 only. Yet, the constructed road

extends into Survey No. 53, confirming **unauthorized encroachment and violation of the odha buffer zone.**

This violates:

- **Sections 44 & 45 of the MRTP Act, 1966** (unauthorized construction),
- **Section 3(2)(v) of the Environment (Protection) Act, 1986,** and
- **Regulation 3.3.1 of the PMC DCPR, 2017** (mandatory buffer zone protection).

2.5. Later Inclusion of Survey Numbers and Pre-EC Work

Survey Nos. 53/2 (CTS 1937/5), 53/5 (CTS 1937/7), and 53/7 were added only during the EC expansion dated 16.07.2025, but construction and concrete roadworks were already completed earlier as per satellite imagery. This constitutes **violation of the EIA Notification, 2006** as **no prior environmental clearance** existed for those lands. Furthermore, the Index-II of the 2024 transfer deed proves **land from Survey No. 53 was not transferred to PMC** even though the road was already built.

2.6. Multiple and Fragmented RERA Registrations

Despite a single composite EC, the developer obtained **separate RERA registrations for each phase**, namely:

Phase	RERA Registration No.	Remarks
Phase 1	P52100054558	Mantra Magnus Phase 1(Annexed certificate)
Phase 2	P52100054373	Mantra Magnus Phase 2(Annexed certificate)
Phase 3	P52100054483	Mantra Magnus Phase 3(Annexed certificate)
Phase 5	P52100054231	Mantra Magnus Phase 5(Annexed certificate)
Phase 6	P52100054742	Mantra Magnus Phase 6 (Annexed certificate)
Phase 7	P52100055623	Mantra Magnus Phase 7(Annexed certificate)
Phase 8	P52100055885	Mantra Magnus Phase 8(Annexed certificate)
Phase 9	P52100078851	Mantra Magnus Phase 9(Annexed certificate)

Each registration refers to the same EC, which is impermissible under **Sections 4, 7, and 11 of the RERA Act, 2016**, and constitutes **regulatory evasion and misrepresentation.**

All RERA certificates are annexed.

2.7. Reduction of Heights and Possible Plan Manipulation

In the EC expansion, the drastic reduction of tower heights and addition of a new building G1 raises concerns that the **first sanctioned plans (dated 23.11.2023 by PMC)** were illegally approved. The 6 m pathway shown was never functional, making the layout **fire-safety non-compliant.** The Fire Department and PMC Building Permission Department's **refusal under RTI (Sec. 8(1)(d),(e),(j))** indicates **collusion and suppression of planning information,** suggesting manipulation of BUA and layout sanction.

2.8. Complaints and Non-action by Authorities

The Applicant submitted a **detailed complaint dated 18.08.2025** to all concerned authorities — SEIAA, MPCB, PMC (Zone 4 and Fire Dept.), Town Planning, Collector, Irrigation Department, MSEDCL, and Tahsildar — **both by hand and email.** Copies of the complaint and mail proofs are annexed. **No action has been taken to date.** Further complaints include:

- To SDO, Pune (17.09.2025): regarding illegal excavation and transport beyond permitted 10,000 brass; no response.
- To Executive Engineer, MSEDCL Bund Garden Division (16.09.2025): regarding unauthorized electricity use at site; no response.

Such deliberate inaction by authorities demonstrates systemic failure in environmental governance and dereliction of duty under environmental law.

2.9. Excess Excavation Beyond Permission

Developer has done excess excavation against permitted 10,000 Brass.

Hence, excess excavation was carried out and transported illegally, violating **Section 15 of the Environment (Protection) Act, 1986** and the **Polluter Pays Principle** under **Goa Foundation v. UOI (2014) 6 SCC 590**.

2.10. Booking and Consumer Deception

The Applicant booked **Duplex Flat B-901** in the said project and made payments through:

- **Cheque No. 12059754 for Rs. 1,00,000/-** dated 07/12/2023, issued to *Speciality Landmark Pvt. Ltd.* (cleared)
- Online UPI payment of ₹ 99,000 on **14 January 2024** at the time of project launch
- Further cheques 818869 of sbi bank dated 15/1/2024 for Rs. 57,363/- to speciality landmarks pvt ltd, 12059757 of union bank of india dated 23/2/2024 for Rs. 10,000/-, 079738 of sbi bank dated 23/2/2024 for Rs. 64,091/-, and 079735 of sbi bank dated 23/2/2024 for Rs.30,000/- (cleared successfully)
- Only cheques 079736 and 079737 dated both 28/2/2024 were not deposited by the developer and hence were not cleared.

When the Applicant requested copies of EC and statutory PMC documents, the **developer cancelled the booking** citing non-payment — a false pretext to harass and silence the complainant. This constitutes **unfair trade practice** under **Sections 7 and 60 of the RERA Act, 2016**.

2.11. Denial of Information under RTI

RTIs filed before **PMC Building Permission Department** and **PMC Fire Department** seeking sanctioned plans, EC, and NOC details were **wrongfully denied** under **Sections 8(1)(d),(e),(f) of the RTI Act, 2005**. Even the **First Appellate Officer upheld the denial**, violating the mandatory disclosure duty under **Section 4(1)(b) of the Act**. This deliberate suppression prevents public scrutiny and obstructs environmental transparency.

2.12. Non-Action and Administrative Failure

Despite multiple complaints, site evidence, and statutory violations, **no effective action** has been taken by:

- SEIAA Maharashtra,
- MPCB (Head Office & RO Pune),
- PMC (Commissioner, Zone 4, and Fire Officer),
- Collector & Tahsildar Pune City,

- Executive Engineer (MSEDCL), and

This ongoing inaction constitutes **gross dereliction of statutory duty**, resulting in continuing environmental damage and violation of the **Precautionary Principle** and **Polluter Pays Principle** recognized under **Section 20 of the NGT Act, 2010**.

3. SYNOPSIS

The present Original Application is being filed under **Sections 14, 15, 18, and 20 of the National Green Tribunal Act, 2010** raising substantial questions relating to the **environment, ecology, and statutory compliance** concerning the large-scale construction project "**Mantra Magnus**" situated at Survey Nos. 52, 53, and 54, **Mundhwa, Pune**, developed by **M/s Speciality Landmarks Pvt. Ltd.** through its directors **Mr. Sandesh Gupta** and **Mr. Rohit Gupta**.

The project, granted **Environmental Clearance (EC ID EC23B038MH151353)** on **26.09.2023** and an **amended EC** on **16.07.2025**, has been found to be **fraudulently obtained through material misrepresentation and suppression of facts**, and has caused **serious environmental violations** involving:

1. **Illegal excavation and pre-CTE construction** before obtaining statutory consent under the **Water and Air Acts**;
2. **Encroachment of the natural odha (stormwater drain)** and **illegal road formation** within the **buffer zone**;
3. **Multiple EC applications** for the same site on **PARIVESH**, misleading **SEIAA**;
4. **Fragmented RERA registrations** (Phases 1-9) for one composite EC project, amounting to **regulatory evasion**;
5. **Suppression of sanctioned layout and fire safety details** by **PMC** and **Fire Department** under **RTI**;
6. **Excess excavation** leading to **soil loss and dust pollution**;
7. **Inaction** by **SEIAA, MPCB, PMC, Collector, Irrigation, and MSEDCL** despite written complaints and evidence;
8. **Manipulation of building heights and BUA reduction** to regularize illegal works through **EC expansion**; and
9. **Consumer deception and harassment** of the Applicant (**Flat B-901 purchaser**) who raised compliance queries.

The Applicant has filed multiple **complaints** dated **18.08.2025, 17.09.2025, and 16.09.2025** to **SEIAA, MPCB, PMC, SDO, MSEDCL, and other statutory authorities** — **by hand and email**, but **no effective action has been taken till date**. The present matter therefore raises **questions of environmental governance and accountability**, as public authorities have failed to enforce compliance, despite visible violations supported by **Google Earth imagery, architect/engineer certificates, RTI denials, and registered deeds**.

The project proponent's acts constitute violations of:

- **Environment (Protection) Act, 1986**
- **EIA Notification, 2006**
- **Water (Prevention and Control of Pollution) Act, 1974**

- Air (Prevention and Control of Pollution) Act, 1981
- MRTP Act, 1966
- Real Estate (Regulation and Development) Act, 2016
- Right to Information Act, 2005

and breach fundamental environmental principles under **Article 21 of the Constitution** and **Section 20 of the NGT Act, 2010**, namely the *Precautionary Principle*, *Sustainable Development*, and *Polluter Pays Principle*. The Applicant seeks intervention of this Hon'ble Tribunal to **revoke the EC, stop ongoing illegal construction, order environmental restoration, direct action against responsible officials, and impose environmental compensation** upon the project proponent.

4. LIST OF DATES

Date	Event / Development
07.07.2021	MoEFCC issues O.M. clarifying <i>ex post facto</i> ECs are impermissible.
26.09.2023	SEIAA grants Environmental Clearance (EC23B038MH151353) for "Mantra Magnus".
23.11.2023	PMC issues first layout / plan sanction – suspected irregularities.
07.12.2023	Applicant pays booking amount via Cheque No. 059754 to Speciality Landmarks Pvt. Ltd.
Jan 2024	UPI payment of ₹ 98,000 made by Applicant at project launch event.
01.04.2024	Architect (Mitesh Sidhpura) certifies excavation 100% (A building) & 90% (C building).
12.04.2024	Engineer (Ravi Rawal) certifies ₹ 25+ crore work done pre-CTE.
09.05.2024	MPCB grants CTE (post-facto). Construction had already begun.
03.06.2024	Transfer Deed executed (Reg. No. 10340/2024) for DP Road (S.N. 52, 54 only).
16.07.2025	SEIAA grants EC expansion (SIA/MH/INFRA2/533954/2025) with altered building heights and new G1 tower.
18.08.2025	Applicant sends detailed complaint with evidence to SEIAA, MPCB, PMC, Irrigation, etc., by hand & email (no action taken).
16.09.2025	Complaint to Executive Engineer, MSEDCL Bund Garden Division for unauthorized electricity usage.
17.09.2025	Complaint to SDOP Pune for illegal excavation & transport beyond permitted 10,000 brass.
13.08.2025	On-site photographs taken showing odha buffer road encroachment.
Present O.A. Filed – 2025	Applicant approaches Hon'ble NGT for environmental justice.

QUESTIONS INVOLVED

1. Whether the ECs dated 26.09.2023 and 16.07.2025 were obtained by misrepresentation, rendering them void under Para 8(vi) of the EIA Notification, 2006?
2. Whether pre-CTE excavation and construction violate the **Water and Air Acts**?

3. Whether the illegal road formation within odha buffer and alteration of natural drainage constitute offences under the EPA, 1986?
4. Whether SEIAA, MPCB, and PMC failed to discharge their statutory duties under environmental laws?
5. Whether multiple RERA registrations and EC applications constitute deliberate regulatory evasion?
6. Whether environmental compensation and restoration must be ordered under **Polluter Pays Principle**?

5. LEGAL GROUNDS

5.1. Violation of the Environment (Protection) Act, 1986

- (a) The Project Proponent (Respondent No. 15) has violated **Sections 3, 5, and 15** of the Environment (Protection) Act, 1986 by commencing excavation and construction activities before obtaining statutory environmental and pollution control permissions.
- (b) The illegal road construction within the odha buffer and murum filling constitute direct contravention of **Section 3(2)(v)** and are punishable under **Section 15** of the Act.
- (c) Authorities such as SEIAA and MPCB, being “delegated agencies” under Section 3(3), have failed to exercise due diligence, amounting to *administrative negligence* in enforcement of the Act.

5.2. Violation of the EIA Notification, 2006 (as amended)

- (a) The Environmental Clearance (EC ID EC23B038MH151353 dated 26.09.2023 and amendment 16.07.2025) was obtained by **suppression and misrepresentation** of material facts in Form-1 and conceptual plan, violating **Para 8(vi)** of the Notification, which mandates cancellation of ECs obtained by false statements.
- (b) The Proponent filed **multiple EC/TOR proposals** for the same land (Nos. 405778/2022, 422944/2023, 424118/2023, 523553/2025, 533954/2025) to mislead SEIAA—this practice vitiates the appraisal process.
- (c) Construction prior to EC approval on extended survey numbers (S.N. 53/2, 53/5, 53/7) attracts liability for **ex-post-facto environmental clearance**, expressly held **impermissible** by the Hon’ble Supreme Court in *Vanashakti v. Union of India* (SLP 12865/2024, Order 07.05.2025).

5.3. Violation of the Water (Prevention and Control of Pollution) Act, 1974

- (a) Under **Section 25(1)**, no person shall establish or take steps to establish any industry or process likely to discharge effluent without prior consent of the Board.
- (b) The Architect and Engineer certificates dated 01.04.2024 and 12.04.2024 show that excavation and construction were completed before MPCB granted CTE on 09.05.2024.
- (c) Hence, the project violated **Section 25 & 26** and is liable for prosecution under **Section 41** of the Act.

5.4. Violation of the Air (Prevention and Control of Pollution) Act, 1981

Commencing heavy excavation and concreting without prior consent under **Section 21** caused dust, air, and particulate emissions affecting the local environment of Mundhwa. The act attracts penalties under Sections 37 and 39.

5.5. Violation of the Maharashtra Regional and Town Planning (MRTP) Act, 1966

- (a) Construction of a concrete road within the odha buffer and deviation from the approved layout dated 26.09.2023 constitute unauthorized development under **Sections 44, 45, and 52** of the Act.
- (b) The Transfer Deed (03.06.2024, Reg. No. 10340/2024) evidences that land from S.N. 53 was not part of sanctioned development, yet physical works exist thereon.
- (c) Such acts attract demolition and restoration orders under **Section 53(1)** of the MRTP Act.

5.6. Violation of the Real Estate (Regulation and Development) Act, 2016

- (a) Splitting a single EC project into nine separate RERA registrations (**P52100054558, 54373, 54483, 54231, 54742, 55623, 55885, 78851**) amounts to **misrepresentation of project scope** and defeats public transparency under **Sections 4(2)(i)(C) and 11(1)(a)**.
- (b) Such fragmentation hides the shared environmental infrastructure (STP, OWC, EV charging, clubhouse), misleading buyers and violating **Section 7(1)(b)**—grounds for revocation of registration.
- (c) Cancellation of the Applicant's booking after seeking project documents also violates **Section 60** (false statements by promoter).

5.7. Violation of the Right to Information Act, 2005

- (a) PMC and Fire Department rejected RTI queries under **Sections 8(1)(d),(e),(j)** without justification, although the information pertains to environmental and public-safety approvals.
- (b) Such denial violates **Section 4(1)(b)** (mandatory suo-motu disclosure) and obstructs environmental transparency guaranteed under **Article 21**.

5.8. Violation of the Precautionary, Polluter-Pays, and Sustainable-Development Principles

Under **Section 20 of the NGT Act, 2010**, this Hon'ble Tribunal must apply these principles. The Respondent's actions—excess excavation, odha encroachment, and illegal road formation—have caused irreversible environmental degradation and must attract compensation and restoration orders in line with *Forward Foundation v. State of Karnataka* (2019 5 SCC 373).

5.9. Judicial Precedents Supporting the Applicant

1. **Hanuman Laxman Aroskar v. Union of India** (2019 15 SCC 401) – EC obtained by concealment is void.
2. **Kumar residents CHS v. Kumar Urban Development Ltd**, O.A. 66/2019 (WZ) – Construction before CTE is illegal.
3. **Bombay HC W.P. Ambil odha** – Odha encroachments in Pune ordered to be removed; 15 m buffer mandatory.
4. **Goa Foundation v. Union of India** (2014 6 SCC 590) – Polluter-pays principle for illegal excavation.
5. **Vanashakti v. UOI** (SC 2025) – Ex-post-facto EC impermissible.

5.10. Liability of Statutory Authorities

(a) SEIAA, MPCB, PMC, Town Planning, and Irrigation Department failed to prevent or act against clear violations, attracting directions under Sections 14 & 15 of the NGT Act, 2010 for remedial and preventive measures.

(b) Such inaction amounts to dereliction of public duty.

5.11. Continuing Cause of Action:

The illegal construction, odha encroachment, and ongoing sale of flats constitute **continuing environmental injury**; therefore, this Application is within limitation under Section 14(3) of the NGT Act, 2010.

5.12. Relief Under Section 15 of the NGT Act

Given the magnitude of ecological and statutory violations, this Hon'ble Tribunal is empowered under Section 15(1)(a)-(d) to:

- Provide compensation to affected persons and environment,
- Order restitution of the area, and
- Issue prohibitory and remedial directions to the respondents.

5.13. Constitutional and Fundamental Rights Violation

The unchecked actions of the Project Proponent and administrative failure of regulatory bodies violate the Applicant's **fundamental right to a clean and healthy environment** under Article 21 of the Constitution of India, read with Articles 48A and 51A(g).

6. ENVIRONMENTAL AND PUBLIC IMPACT:

6.1. Impact on Natural Drainage (Odha) and Flood Risk

(a) The project site directly abuts a **natural odha (stormwater drain)** that forms a sub-catchment of the **Mula-Mutha River basin**, which is under the jurisdiction of the **Chief Engineer, Irrigation Department, Pune**.

(b) The **illegal construction of a concrete road and murum filling within the odha buffer zone** has **altered the natural flow and reduced the carrying capacity** of the stream.

(c) Google Earth imagery from **2022-2025** clearly shows that the odha alignment was narrowed and obstructed by earth filling, in violation of **Rule 3.3.1 of PMC DCPR 2017**, which mandates **minimum 15-30 metres of buffer** on either side of any natural watercourse.

(d) This obstruction poses an imminent **urban flood hazard** to downstream areas of **Mundhwa, Keshavnagar, and Kharadi**, especially during monsoon discharge events.

(e) The illegal road construction and culvert obstruction are contrary to the directions of the **Bombay High Court in W.P. No. 2345/2021 (Order dated 16.09.2023)**, which directed PMC to identify and remove all odha encroachments in Pune City.

6.2. Impact on Groundwater and Soil Integrity

(a) The project carried out **deep excavation exceeding permitted quantity** removing approx. **more than 20000 brass of soil** without proper disposal plan or reuse record.

(b) Such massive extraction has disturbed natural strata, exposed groundwater table, and increased risk of subsidence in adjoining lands.

(c) The unregulated transport of murum has contributed to **airborne dust, noise, and erosion of soil cover**, adversely affecting the **local micro-ecosystem**.

6.3. Air and Noise Pollution

(a) Construction activities undertaken without prior consent under the **Air (Prevention and Control of Pollution) Act, 1981** led to:

- Continuous emission of **PM₁₀ and PM_{2.5}** dust from excavation,
- **Vehicular emissions** from heavy equipment and trucks, and
- **Noise levels exceeding 75 dB** in residential areas.

(b) The **absence of MPCB-approved mitigation plan**, dust-suppression measures, or barricading has endangered the health of residents in **Mundhwa and Ghorpadi**, particularly children and the elderly.

(c) Such violations constitute direct breach of **CPCB Guidelines for Construction Emission Control (2017)**.

6.4. Impact on Urban Ecology and Vegetation

(a) The murum filling and road formation over the odha corridor resulted in **loss of natural riparian vegetation and destruction of green cover** along the drainage path.

(b) The **PMC-sanctioned layout (26.09.2023)** originally marked this area as **open green space and 6 m pathway**, but satellite and photographic evidence show complete concretization of the natural surface.

(c) This has eliminated percolation zones and reduced local **groundwater recharge**, exacerbating **urban heat island effect** and stormwater runoff.

6.5. Impact on Public Infrastructure and Fire Safety

(a) The original 6 m pathway shown in sanctioned plans is **non-operational for vehicular use**, obstructed by trees and grass, yet **falsely declared as a fire access road** in compliance submissions.

(b) This non-functional access poses severe **fire safety risks** to future residents and neighbouring plots.

(c) The Fire Department's refusal to disclose inspection reports under RTI conceals these deficiencies and violates **Section 36 of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006**.

6.6. Socio-Environmental Impact and Public Deception

(a) The project was heavily marketed to citizens, including the Applicant, without disclosing that **construction commenced before obtaining environmental permissions**.

(b) Homebuyers were made to sign "Expression of Interest" and part with substantial payments (several lakhs) under false pretence that all approvals were in place.

(c) Such deceit amounts to **consumer and environmental fraud**, undermining **public confidence in environmental regulation** and eroding the **right to informed consent** guaranteed under **Article 21 of the Constitution**.

(d) Repeated RTI denials and departmental silence further evidence **collusion between the**

[Handwritten signature]

developer and public officials, defeating the purpose of transparency envisaged by the Right to Information Act, 2005.

6.7. Cumulative Impact of Regulatory Failure

(a) The SEIAA, MPCB, PMC, Fire Department, and Irrigation Department have all failed to perform statutory duties despite formal complaints dated 18.08.2025, 16.09.2025, and

17.09.2025 (annexed).

(b) Their inaction has resulted in **continuing environmental degradation**, which is a **civil wrong of continuing nature** under **Section 14(1)** of the NGT Act, 2010.

(c) The cumulative failure to enforce laws has created a dangerous precedent allowing **post-facto regularisation** and **institutional complicity**, contrary to the rulings of:

- *Hamoman Laxman Aroskar v. Union of India* (2019 15 SCC 401),
- *Vanashakti v. Union of India* (SLP 12865/2024, SC), and
- *Forward Foundation v. State of Karnataka* (2019 5 SCC 373).

6.8. Risk to Life, Property, and Public Health

(a) The illegal narrowing of the odha and absence of flood buffer expose hundreds of families in Mundhwa to **potential flash flooding and property loss**, especially during monsoon.

(b) Air and dust pollution from unregulated excavation threaten **public health**—causing respiratory ailments, asthma, and chronic exposure risks.

(c) Fire-safety non-compliance in high-rise buildings endangers future occupants and violates **fundamental rights to life and safety**.

6.9. Cumulative Environmental Damage

Based on excavation data, site imagery, and activity reports, the cumulative environmental damage includes:

- **Soil loss:** ~6,850 Brass (approx. ₹ 3.4 crore environmental value),
- **Destruction of vegetation:** ~0.45 ha of green cover lost,
- **Flood-risk increase:** 40% reduction in odha width,
- **Ambient air pollution:** PM₁₀ rise estimated by 80–120 µg/m³ during active works.

These losses are **quantifiable and recoverable** under the *Polluter Pays Principle* and **Section 15(1)(c)** of the NGT Act, 2010.

6.10. Long-Term Urban Environmental Consequences

(a) The unchecked construction, odha encroachment, and excess excavation set a precedent for similar violations across Pune city.

(b) It undermines the **PMC's sustainable urban drainage plan**, causes long-term **groundwater depletion**, and contributes to **localized heat and pollution loads**.

(c) Unless remedial orders are passed, these impacts will permanently alter the ecological character of Mundhwa, contrary to **Article 48A** (State's duty to protect the environment) and **Article 51A(g)** (citizen's duty to safeguard nature).

6.11. Need for Immediate Judicial Intervention

Given the scale and continuing nature of violations, intervention by this Hon'ble Tribunal is essential to:

- Prevent further ecological harm;
- Restore odha and open green buffer zones;
- Ensure accountability of regulatory authorities; and
- Reinstate the principles of environmental justice and rule of law.

7. PRAYER & INTERIM RELIEFS

In view of the facts stated hereinabove, documents annexed, and grounds urged, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

A. Main Reliefs:

1. Declare that the construction activities undertaken by M/s Speciality Landmarks Pvt. Ltd. for the project "*Mantra Magnus*" at Survey Nos. 52, 53 & 54, Mundhwa, Taluka Pune city, District Pune, have been carried out in violation of:
 - o The Environment (Protection) Act, 1986,
 - o The EIA Notification, 2006,
 - o The Water (Prevention and Control of Pollution) Act, 1974,
 - o The Air (Prevention and Control of Pollution) Act, 1981,
 - o The MRTP Act, 1966, and
 - o The NGT Act, 2010.
2. Declare that the project proponent's multiple EC applications on PARIVESH (Nos. 405778/2022, 422944/2023, 424118/2023, 523553/2025, 533954/2025) constitute fraudulent splitting and concealment under environmental law and direct SEIAA to conduct a comprehensive reappraisal of the entire project.
3. Hold and declare that the construction, excavation, and concrete works undertaken prior to MPCB's CTE (09.05.2024) are illegal, and direct the Maharashtra Pollution Control Board to initiate prosecution and penalty proceedings under Sections 25, 26 & 41 of the Water Act, 1974 and Sections 21 & 37 of the Air Act, 1981.
4. Direct the Pune Municipal Corporation (PMC) and Chief Engineer, Irrigation Department, to:
 - o Conduct a joint demarcation survey of the odha (natural stream) adjoining the project site;
 - o Identify illegal construction, road, and murum filling within the odha buffer zone;
 - o Remove all encroachments and restore the natural drainage to its original condition within a time-bound schedule.
5. Direct SEIAA, MPCB, and PMC to conduct a joint environmental damage assessment for:
 - o Unauthorized excavation beyond permitted limit;
 - o Loss of topsoil and vegetation; and
 - o Degradation of drainage and floodplain area.

The damage report shall be based on **CPCB Environmental Compensation Formula** and submitted before this Hon'ble Tribunal.

6. **Impose environmental compensation and restoration cost** upon **M/s Speciality Landmarks Pvt. Ltd.**, in accordance with the *Polluter Pays Principle* under **Section 15(1)(c)** of the **NGT Act, 2010**, for restoration of the environment, odha buffer, and affected ecosystem.
7. **Direct the Pune Municipal Corporation (Building Permission and Fire Department)** to:
 - o Produce complete records of plan sanctions, fire NOCs, and layout approvals for *Mantra Magnus*;
 - o Conduct a **re-verification** of the sanctioned plans vis-à-vis EC conditions;
 - o **Revoke or modify building permissions** found to be based on false or incomplete information.
8. **Direct the SEIAA, MPCB, and MoEFCC** to evolve a **uniform protocol** for avoiding multiple or parallel EC applications for the same site and to treat such conduct as *fraudulent disclosure* punishable under the EPA, 1986.
9. **Direct the Maharashtra Real Estate Regulatory Authority (RERA)** to:
 - o Examine all **nine phase-wise registrations** (P52100054558, 54373, 54483, 54231, 54742, 55623, 55885, 78851) of *Mantra Magnus*;
 - o Verify their legality vis-à-vis the **single EC**;
 - o **Suspend or revoke registrations** obtained through misrepresentation until environmental compliance is confirmed.
10. **Direct disciplinary proceedings** against the concerned officials of **SEIAA, MPCB, PMC, and Fire Department** for negligence, suppression of public information, and non-action on citizen complaints, under the supervision of MoEFCC.
11. **Direct the Project Proponent (M/s Speciality Landmarks Pvt. Ltd.)** to **refund the total amount of ₹ 3,60,454/-** paid by the Applicant towards booking of Flat No. B-901, together with interest at **12% per annum from the date of payment until actual refund**, within 30 days, as compensation for **financial loss, mental harassment, and consumer deception**, invoking **Section 15(1)(b) and (c)** of the **NGT Act, 2010** read with **Sections 7 and 60 of the RERA Act, 2016**.
12. **Grant such further and other reliefs** as this Hon'ble Tribunal may deem fit, just, and proper in the facts and circumstances of the case and in the interest of environmental justice and public welfare.

B. Interim Reliefs

Pending final disposal of this Application, the Applicant respectfully prays that this Hon'ble Tribunal may be pleased to:

1. **Direct immediate stoppage of all construction and excavation activities** at the *Mantra Magnus* project site until the completion of joint inspection by **SEIAA, MPCB, PMC, and Irrigation Department**.
2. **Restrain the project proponent** from marketing, advertising, or executing any sale deeds or agreements with buyers until environmental legality is determined.
3. **Appoint a Joint Committee** comprising officials from:
 - o MoEFCC,

- o MPCB (RO Pune),
 - o PMC (Zone 4), and
 - o Irrigation Department, Pune,
- to inspect the site, assess environmental damage, and submit a **status report within 30 days** to this Hon'ble Tribunal.
4. **Direct the MPCB and PMC to seal and secure** any illegal borewells, power connections, or site offices functioning without consent.
 5. Direct SEIAA to withhold any modification, expansion, or renewal of EC or TORs for the said project until disposal of this Application.
 6. **Direct PMC Fire Department** to carry out an independent fire-safety audit and submit compliance report regarding the non-functional 6 m pathway, as claimed by the developer.
 7. Direct that no further DP Road or odha-related work shall be carried out without prior permission and environmental clearance.

7. Verification

I, Akshay Sunil Jagtap, the Applicant herein, verify that the contents of the above application are true to my personal knowledge and based on authentic documents, and nothing material has been concealed.

Date: 29/10/2025

Place: Pune


Akshay Sunil Jagtap

Applicant

1338

Ax. D



FW: Quality Documents to be submitted

From Jagannath Kadam <jkadam@godrejproperties.com>

Date Tue 23-09-2025 15:14

To SRO Pune 1 <sropune1@mpcb.gov.in>

Dear Sir,

As discussed, PFA the required details for your reference.

Regards,

Jagannath Kadam

9823313099

GPL-Public

From: Nikhil Bhalgat <nikhil.bhalgat@godrejproperties.com>

Sent: 23 September 2025 15:09

To: Jagannath Kadam <jkadam@godrejproperties.com>

Subject: FW: Quality Documents to be submitted

Fyi..

From: Akshay Jagtap <akshayjagtap117@gmail.com>

Sent: 06 September 2025 10:53

To: Manjunatha P S <manjunatha@godrejproperties.com>; subhasish pattanaik <subhasish.pattanaik@gmail.com>; Nagesh Pawar <npawar@godrejproperties.com>; Lokesh Jain <loketsh.jain@godrejproperties.com>; subhasish@godrejproperties.com; Naman Jani <naman.jani@godrejproperties.com>

Cc: Pankaj Dugar <pankaj.dugar@godrejproperties.com>; Wasim Shaikh01 <wasim.shaikh01@godrejproperties.com>; Basavaraj Shiranalli <basavaraj.s@godrejproperties.com>; Nikhil Bhalgat <nikhil.bhalgat@godrejproperties.com>; Asmita Padwal <asmita.padwal@godrejproperties.com>; Vaibhav Sabale <vaibhav.sabale@godrejproperties.com>; Aditya M <aditya.m@godrejproperties.com>

Subject: Re: Quality Documents to be submitted

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Subject: Request for fair, documented pre-qualification decision and engagement of local MSME vendor (A.S.J. InfraProjects)

Dear Sir/Madam,

I write with reference to my interest in participating in **construction work packages** for your Pune projects and the **vendor code** already allotted to my firm, **A.S.J. InfraProjects/Influx Technologies** (MSME). Despite multiple discussions, I have been informed **orally** that we are "not pre-qualified" due to **turnover** and **quality** concerns, and at other times that "vendor code is allotted but pre-

1339

qualification is pending." For transparency and fairness, I request a **reasoned, written decision** against the notified pre-qualification criteria.

1) Request for a written, reasoned decision (natural justice & transparency)

Kindly share, in writing:

- (a) the **published pre-qualification criteria** and documentary proof you relied upon,
- (b) the **specific gaps** you believe exist in our submission (turnover/quality), and
- (c) the **appeal / re-submission window** and any **trial-work** pathway (e.g., limited-scope package) to demonstrate performance.

Providing written reasons aligns with best-practice vendor governance and avoids arbitrary or discriminatory outcomes in private procurement.

2) Alignment with Maharashtra Government policy on local employment & local enterprise engagement

The **Government of Maharashtra** requires industry to ensure **minimum 80% local employment in non-supervisory roles and 50% in supervisory roles**. This flows from the Industries, Energy & Labour Department **Government Resolution dated 17-11-2008**, and is reiterated on the Directorate of Industries portal. Your engagement of **local MSME contractors** directly supports compliance with both the letter and spirit of this GR in construction projects that generate sizeable on-site employment.

Further, the State's **Startup, Entrepreneurship & Innovation Policy, 2025** encourages collaboration between large corporates and local startups/MSMEs, provides **Maha-Fund** facilitation and **departmental innovation budgets**, and even envisages **cash-flow support mechanisms against confirmed work orders**—precisely to help credible small vendors scale under big projects. Partnering local MSMEs on appropriate work packages is therefore squarely aligned with this policy's objectives.

3) Central policies that encourage (even if not binding on private firms) MSME inclusion

I appreciate that the **Public Procurement Policy for MSEs (2012, revised)** is **mandatory for Central Ministries/Departments/PSUs**, not private companies. However, its **principles**—MSME participation, relaxation of prior experience/turnover where capacity is demonstrable, and fair access—are widely adopted by responsible corporates in their ESG/supplier-diversity programs. We request you to apply similar **MSME-friendly** consideration in your private procurement to the extent feasible.

4) CSR & ESG expectations (voluntary but relevant)

Given your scale, **Companies Act, 2013—Section 135** CSR norms likely apply. Many leading developers use CSR/ESG and supplier-development initiatives to **mentor and onboard local MSMEs**, improve quality systems, and expand inclusive value chains. If work award is not possible immediately, we request:

- inclusion in any **supplier-development/mentoring** or **pilot-package** programs, or
- a **time-bound roadmap** to meet any remaining quality/turnover benchmarks.

5) My intent to promote local employment and economic growth

My primary objective in seeking work with your projects is to create **sustainable employment opportunities for the local workforce** in Mundhawa and surrounding areas for your mundhawa, keshavnagar projects. A.S.J. InfraProjects employs local skilled and semi-skilled labor, equipment

1340

operators, and site supervisors, thus directly contributing to livelihoods in the community. Awarding us work packages will ensure that your projects **generate inclusive growth**, and align with state and central government focus on **Atmanirbhar Bharat** and **local job creation**.

6) Our readiness and proposed next steps

- We have already submitted documents, done site/plant visit 3-4 times.
- If you nonetheless decide **not to engage us**, kindly confirm in writing the decision and reasons (including the internal policy relied upon), so we can address any specific gaps or close the file at our end.

We value Godrej Properties' reputation for ethical business and community orientation. A written, criteria-based decision—or a structured pathway (trial/mentoring) to qualification—will reflect that ethos while advancing the State's policy objectives on **local employment** and **local enterprise participation**.

I look forward to your **written response within 7 days** with either:

- (a) a **documented set of gaps** and a **remediation path/trial-package**, or
- (b) a **formal written refusal** citing the policy and criteria applied.

Sincerely,

Akshay S. Jagtap

Proprietor, **A.S.J. InfraProjects** (MSME)

Mundhawa, Pune, Maharashtra

On Fri, Aug 29, 2025 at 8:19 PM Akshay Jagtap <akshayjagtap117@gmail.com> wrote:

Subject: Submission of Quality Documentation – Clarification on GPL SOP Requirements

Dear Manjunath ji,

This is with reference to your communication dated 28.08.2025 regarding submission of additional quality-related documents for the Purva Aqua project. We respectfully place on record the following points for your kind consideration:

1. Repeated Demands for New Documentation

Till date, our team has submitted documents on 7–8 different occasions in line with Godrej Properties Limited (GPL) SOP requirements, including method statements, ITPs, test reports, and checklists. However, after each submission, fresh demands for additional documentation are being raised without prior intimation. This creates duplication of effort, delays in project progress, and deviation from established SOP timelines.

2. Requirement of Uniform Application of SOP

GPL's Standard Operating Procedure (SOP) is binding on all vendors/contractors working under GPL. Therefore, in the interest of transparency and uniformity, we kindly request you to also share quality-related documents (method statements, ITPs, reports, toolbox talks, etc.) being maintained and submitted by other vendors/contractors engaged on this project. This will help ensure uniform application of quality standards and avoid a selective compliance approach.

3. Action Taken Reports on Quality Violations

We further request you to kindly provide us with copies of Action Taken Reports (ATRs) / site inspection reports prepared by yourself or GPL Quality Department with respect to quality violations observed on site. This is important for ensuring accountability, for cross-learning, and for us to align our corrective measures with GPL's expectations.

1341**4. Legal and Contractual Obligation**

As per standard quality management principles and contractual obligations, once documents are submitted and approved, repeated demand for fresh documentation without specific observations may be construed as an arbitrary process. We therefore request you to kindly confirm in writing the final and comprehensive list of documents required under GPL SOP, so that there is clarity and closure, avoiding repetitive requests.

We trust you will appreciate our concern and provide the required clarifications/documents by 30.08.2025, in the same spirit of quality assurance and project progress.

Looking forward to your cooperation.

Warm regards,

Akshay Jagtap
Mob: 7776081234

On Fri, Aug 29, 2025, 15:19 Manjunatha P S <manjunatha@godrejproperties.com> wrote:

Hi Akshay ji,

As per site visit conducted dated 28.08.2025 at Purva Aqua project, we have discussed in detail regarding the GPL SOP and requirements with your team member, below documents need to be submitted by 30.08.2025 for further process:

1. Work method statement of all activities (Excavation, backfilling, Dewatering, Blasting etc.,)
2. Checklist to be followed at site.
3. ITP (inspection test plan)
4. Test Reports if any.
5. Toolbox talk sheets of workers
6. GFC Drawing Files
7. And any other documents related to quality maintained at site during executing the works.

Regards

Manjunath

GPL-Public

DISCLAIMER: The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. please immediately contact the sender if you have received this message in error.

GODREJ GROUP OF COMPANIES

1342

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GODREJ GROUP OF COMPANIES

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Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

Online RTI Application

Public Authority Details of RTI Applicant / पब्लिक अथॉरिटीचे RTI अर्जदाराचे तपशील

Select Department/Public Authority/ पब्लिक अथॉरिटी

RO-Pune

Personal Details of RTI Applicant / पब्लिक अथॉरिटीचे RTI अर्जदाराचे वैयक्तिक तपशील

Unique Id

MPCB-RTI-0000002748

*Name/ नाव

Raghunath Mahabal

*Gender/लिंग

Male

*Address/पत्ता

A 202 Chandravijay,
Tilak Road,
Mulund East

Pincode/पिन कोड

400081

Country/देश

India/भारत

State/राज्य

Maharashtra

Districts/जिल्हा

Mumbai North East

Tehsil/तेहसिल

Mumbai North East

Village/ग्राम

Mumbai North East

Location/स्थान

Urban/शहरी

Educational Status/शैक्षणिक स्थिति

Literate /लेखक

Phone Number/फोन नंबर

7400116222

Mobile Number/मोबाइल नंबर

7400116222

Email-ID/ईमेल आयडी

mahabal60@gmail.com

Request Details/अर्जाचे तपशील

Citizenship/नागरिकत्व

Indian

*Is the Applicant Below Poverty Line ? /अर्जदार गरिबी रेषेखाली आहे का ?

No

Note:-/नॉट:- Only alphabets A-Z a-z number 0-9 and special characters , . - _ () / @ : & \ % are allowed in Text for RTI Request application./फक्त अक्षरे A-Z a-z नंबर 0-9 आणि विशेष चरित्रे , . - _ () / @ : & \ % फक्त अक्षरे 0-9 नंबर , . - _ () / @ : & \ % फक्त अक्षरे 0-9 नंबर.

*Text for RTI Request application/अर्जाचे तपशील

1. How many RTI are filed by Akashay Sunil Jadhav to the Regional Office Pune and the offices under that? 2. I want the copy of these RTI applications and the information rpovded under it. It can be given in the form of soft copy also. Any fees payable shall be paid by me.

Payment Details

*Bank Name

*Amount

Rs. 10.00

*From Account Number

*Transaction Number

1344

6JJ0V154KW

Application Date

02-09-2025

Payment Received On

02-09-2025

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
 Fax: 24023516
 Website: <http://mpcb.gov.in>
 Email: cac-cell@mpcb.gov.in



Kalpataru Point, 2nd, 3rd
 and 4th floor, Opp. Cine
 Planet Cinema, Near Sion
 Circle, Sion (E),
 Mumbai-400022

Infrastructure/ORANGE/M.S.I

No:- Format1.0/CAC-CELL/UAN No.0000245069/CE/2508003652

Date: 28/08/2025

To,

M/s. Bajaj Finserv Ventures Limited &
 Others, S. No. 84 Hissa No. 3, 4A, 4B/1, 5,
 6, 34, 35/A, 35/B, 35/C, 35/D, 36/A, 37/A,
 38/G(p), CTS No. 1215, 1217, 1218, 1234,
 1257, 1258, 1268, 1271(p), Mundhwa, Tal
 Haveli, Dist Pune



Sub: Consent to Establish for IT/ITES/Commercial building Construction project under Orange Category

Ref: Minutes of 6th Consent Committee Meeting of 2025-2026 held on 14/08/2025

Your application NO. MPCB-CONSENT-0000245069

For: Grant of Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

- The Consent to Establish is is granted for period upto commissioning of the project or 5 Yrs whichever is earlier**
- The capital investment of the project is Rs.3112.5509 Cr. (As per undertaking submitted by pp).**
- The Consent to Establish is valid for building construction project named as M/s. Bajaj Finserv Ventures Limited & Others, S. No. 84 Hissa No. 3, 4A, 4B/1, 5, 6, 34, 35/A, 35/B, 35/C, 35/D, 36/A, 37/A, 38/G(p), CTS No. 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(p), Mundhwa, Haveli, Pune on Total Plot Area of 71616.78 SqMtrs for construction BUA of 614387.19 SqMtrs as per specific condition of EC dtd 16/07/2025 including utilities and services**

Sr.No	Permission Obtained	Plot Area (SqMtr)	BUA (SqMtr)
1	EC - dtd. 16/07/2025	71616.78	614387.19

- Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to Disposal
1.	Trade effluent	Nil	NA

Sr No	Description	Permitted	Standards to	Disposal
2.	Domestic effluent	1763	As per Schedule - I	The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be connected to the sewerage system provided by local body

5. **Conditions under Air (P& CP) Act, 1981 for air emissions:**

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S-1 to S-18	DG Sets-18 x 2000 kVA	18	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Non-Biodegradable Waste	6238 Kg/Day	Segregation	Through Authorised Vendor
2	Biodegradable Waste	2673 Kg/Day	OWC followed by Composting or Biodigester with Composting	As Manure
3	STP Sludge	1146.2 Kg/Day	Dewatering	As Manure

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for Collection, Segregation, Storage, Transportation, Treatment and Disposal of hazardous waste:**

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
1	5.1 Used or spent oil	6000	Ltr/A	Reprocessing	To Authorized Reprocessor

8. **Conditions under E-Waste Management:**

Sr No	Type of Waste	Quantity	UoM	Disposal Path
1	E Waste	10745.00	Kg/Annum	To Authorized Dismantler

- This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
- This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.
- PP shall provide STP so as to achieve the treated domestic effluent standard for the parameter BOD-10 mg/lit.
- The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening.
- PP shall install organic waste digester along with composting facility/biodigester (biogas) with composting facility for the treatment of wet garbage.

14. Project Proponent shall comply the Construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment, Forest and Climate Change dtd.29/03/2016.
 15. The project proponent shall make provision of charging electric vehicles in atleast 30 % of total available parking area.
 16. The project proponent shall take adequate measures to control dust emission and noise level during construction phase.
 17. The Project Proponent shall comply with the Environmental Clearance obtained vide No SIA/MH/INFRA2/523378/2025 dtd 16/07/2025 for construction project on Total Plot Area of 71616.78 SqMtrs for construction BUA of 614387.19 SqMtrs as per specific condition.
 18. PP shall submit an affidavit in Boards prescribed format within 15 days regarding compliance of C to E & Environmental Clearance.
- . The industry shall create an Environment Cell by appointing an Environmental Engineer / Expert for looking after day-to-day activities related to Environment / Pollution control.

This consent is issued on the basis of information/documents submitted by the Applicant/Project Proponent, if it has been observed that the information submitted by the Applicant/Project Proponent is false, misleading or fraudulent, the Board reserves its right to revoke the consent & further legal action will be initiated against the Applicant/Project Proponent.



Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	6225102.00	TXN2505004007	20/05/2025	Online Payment

Copy to:

1. Regional Officer, MPCB, Pune and Sub-Regional Officer, MPCB, Pune I
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Sion, Mumbai

SCHEDULE-I**Terms & conditions for compliance of Water Pollution Control:**

- 1) A] As per your application, you have proposed to provide MBBR based Sewage Treatment Plants (STPs) of combined capacity **1940 CMD for treatment of domestic effluent of 1763 CMD.**
- B] The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

- C] The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.
- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	1953.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00
5.	Grandening/Other consumption	HVAC - 890 m3/day

- 5) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.

SCHEDULE-II**Terms & conditions for compliance of Air Pollution Control:**

- 1) As per your application, you have proposed to provide the Air pollution control (APC) system and also proposed to erect following stack (s) and to observe the following fuel pattern-

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
S-1 to S-18	DG Sets-18 x 2000 kVADG Sets-18 x 2000 kVA	Acoustic Enclosure	33.00	HSD 334.9 Ltr/Hr	1	SO ₂	160.75 Kg/Day

- 2) The applicant shall operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Total Particular matter	Not to exceed	150 mg/Nm ³
-------------------------	---------------	------------------------

- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement/alteration well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**
- The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
 - The toilet shall be provided with exhaust system connected to chimney through ducting.
 - The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
 - The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

SCHEDULE-III**Details of Bank Guarantees:**

Sr. No.	Consent(C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Establish	Rs 25 Lakhs	15 Days	Compliance of Consent Conditions	Upto Commissioning of the Project	Upto Commissioning of the Project

** The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.
Existing BG obtained for above purpose if any may be extended for period of validity as above.

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
NA						

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				



SCHEDULE-IV**Conditions during construction phase**

A	During construction phase, applicant shall provide temporary sewage and MSW treatment and disposal facility for the staff and worker quarters.
B	During construction phase, the ambient air and noise quality shall be maintained and should be closely monitored through MoEF approved laboratory.
C	Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

General Conditions:

1. Consumers or bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that e-waste generated by them is channelised through collection centre or dealer of authorised producer or dismantler or recycler or through the designated take back service provider of the producer to authorised dismantler or recycler
2. Bulk consumers of electrical and electronic equipment listed in Schedule I shall maintain records of e-waste generated by them in Form-2 and make such records available for scrutiny by the concerned State Pollution Control Board
3. Consumers or bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that such end-of-life electrical and electronic equipment are not admixed with e-waste containing radioactive material as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under;
4. Bulk consumers of electrical and electronic equipment listed in Schedule I shall file annual returns in Form-3, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates. In case of the bulk consumer with multiple offices in a State, one annual return combining information from all the offices shall be filed to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.
5. The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
6. The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011.
7. Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
8. Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
9. Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

- b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
- 10 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
 - 11 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
 - 12 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
 - 13 The treated sewage shall be disinfected using suitable disinfection method.
 - 14 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
 - 15 The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.

This certificate is digitally & electronically signed.

Minutes of 294th Day – 1 (Part A) meeting of SEIAA held on 28th May, 2025

Item no. 09

Proposal No.:- SIA/MH/INFRA2/523378/2025

Type of Project: EC

Subject- Environmental Clearance for Proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A, 84/37/A, & 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa, Tal. Haveli, Dist. Pune, Maharashtra by M/s. Bajaj Finserv Ventures Limited & Others

Project Details-

Name of Consultancy	Element Consultancy Services, Pune
Representative of Consultancy who presented before the Committee	Ms. Runa S. Patil
Name of the PP / Representative of the PP who attended the meeting	Mr. Anand Sanghavi & Mr. Mahesh Kunkulol
Application made for	Greenfield Project
Application made in	Form -1(a/b/c/) /2/3/4/6/7/8/9/10/11/12/13 etc

Brief information of the proposal is as below:

1.	Proposal Number	PARIVESH Proposal No. SIA/MH/INFRA2/523378/2025			
2.	Name of Project	Proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A, and 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa Tal. Haveli, Dist. Pune, Maharashtra by M/s. Bajaj Finserv Ventures Limited and Others			
3.	Project category	8 (b), B1			
4.	Type of Institution	Private			
5.	Project Proponent	Name	M/s. Bajaj Finserv Ventures Limited and Others		
		Regd. Office address	Bajaj Finserv Limited, S.No 208/1B, Off Pune-Ahmednagar Road, Lohegaon, Viman Nagar, 411014		
6.	Consultant	Element Consultancy Services, Pune (NABET Certificate No. NABET/EIA/2326/IA 0127, Valid up to 11/08/2026)			
7.	Applied for	New Greenfield Project			
8.	Details of previous EC	NA			
9.	Location of the project	S.No - 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A, 84/37/A, and 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa, Pune Maharashtra.			
10.	Latitude and Longitude	183226.63N 735501.92E			
11.	Total Plot Area (m ²)	70,631.81 m ²			
12.	Deductions (m ²)	16,604.06 m ²			
13.	Net Plot area (m ²)	54,027.75 m ²			
14.	Proposed FSI area (m ²)	3,47,700.51 m ²			
15.	Proposed Non-FSI area (m ²)	2,66,686.68 m ²			
16.	Proposed TBUA (m ²)	6,14,387.19 m ²			
17.	TBUA (m ²) approved by Planning Authority till date	PMC Plan approval in process			
18.	Ground coverage (m ²) and %	NA			
19.	Total Project Cost (Rs.)	Rs. 3306.63 Cr			
20.	Details of Building Configuration				
	Previous EC/Existing Building -	Proposed Configuration		Reason for Modification/ Change: n.a.	
		Building	Configuration		Height (m)
		Tower 1	B5+B4+B3 + B2 + B1 + GR +Mz+1 st Floor (Pk)+2 nd (Pk)+3 rd (Pk)+(4 th and 5 th Food Court and Training Room)+ 22 Floors		125.25

Member Secretary

Chairman

		Tower 2	B5+B4+B3 + B2 + B1 + GR +Mz+1 st Floor (Pk)+2 nd (Pk)+3 rd (Pk)+(4 th and 5 th Food Court and Training Room)+ 22 Floors	125.25	NA																																								
		Tower 3	B5+B4+B3 + B2 + B1 + GR +Mz+1 st Floor (Pk)+2 nd (Pk)+3 rd (Pk)+(4 th and 5 th Food Court and Training Room)+ 22 Floors	125.25																																									
		1 Visitor Centre	Ground Floor	8.40																																									
21.	Total number of tenements	22 office floors each Tower (Expected users: 43,945 Nos.) Visitors: : 3,070 Nos.																																											
22.	Water Budget	<table><tr><th colspan="2">Dry Season (CMD)</th><th colspan="2">Wet Season (CMD)</th></tr><tr><td>Fresh water</td><td>1113</td><td>Fresh water</td><td>1113</td></tr><tr><td>Flushing</td><td>840</td><td>Flushing</td><td>840</td></tr><tr><td>Gardening</td><td>90</td><td>Gardening</td><td>30</td></tr><tr><td>Swimming pool</td><td>0</td><td>Swimming pool</td><td>0</td></tr><tr><td>HVAC</td><td>890</td><td>HVAC</td><td>890</td></tr><tr><td>Total</td><td>2933</td><td>Total</td><td>2873</td></tr><tr><td>Waste Water Generation</td><td>1763</td><td>Waste Water Generation</td><td>1763</td></tr><tr><td>Treated Sewage</td><td>1675</td><td>Treated Sewage</td><td>1675</td></tr><tr><td>Total Utilized</td><td>1675</td><td>Total Utilized</td><td>1675</td></tr></table>				Dry Season (CMD)		Wet Season (CMD)		Fresh water	1113	Fresh water	1113	Flushing	840	Flushing	840	Gardening	90	Gardening	30	Swimming pool	0	Swimming pool	0	HVAC	890	HVAC	890	Total	2933	Total	2873	Waste Water Generation	1763	Waste Water Generation	1763	Treated Sewage	1675	Treated Sewage	1675	Total Utilized	1675	Total Utilized	1675
Dry Season (CMD)		Wet Season (CMD)																																											
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Total Utilized	1675	Total Utilized	1675																																										
23.	Water Storage Capacity for Firefighting / UGT (m ³)	Fire Fighting : 1400 m ³ , UGT for Domestic : 835 m ³ UGT for Raw : 835 m ³ , UGT for Flushing + Landscape : 1312 m ³																																											
24.	Source of water	Pune Municipal Corporation																																											
25.	Rainwater Harvesting (RWH)	<table><tr><td>Level of the Ground water table</td><td colspan="3">Pre-Monsoon: 20.0 Mtr. to 22.0 Mtr. BGL Post Monsoon: 18.0 Mtr. to 20.0 Mtr. BGL</td></tr><tr><td>Size and no of RWH tank(s) and Quantity:</td><td colspan="3">Total 32 no. Pits provided 176 m³ Each</td></tr><tr><td rowspan="2">Quantity and size of recharge pits</td><td>Surface</td><td>10</td><td rowspan="2"></td></tr><tr><td>Roof top</td><td>22</td></tr><tr><td colspan="3">9 m³ Each</td><td></td></tr><tr><td colspan="2">Details of UGT tanks if any</td><td colspan="2">As above</td></tr></table>				Level of the Ground water table	Pre-Monsoon: 20.0 Mtr. to 22.0 Mtr. BGL Post Monsoon: 18.0 Mtr. to 20.0 Mtr. BGL			Size and no of RWH tank(s) and Quantity:	Total 32 no. Pits provided 176 m ³ Each			Quantity and size of recharge pits	Surface	10		Roof top	22	9 m ³ Each				Details of UGT tanks if any		As above																			
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9 m ³ Each																																													
Details of UGT tanks if any		As above																																											
26.	Sewage and Wastewater	<table><tr><td>Sewage generation (CMD)</td><td>1763 CMD</td></tr><tr><td>STP technology</td><td>MBR</td></tr><tr><td>Capacity of STP (CMD)</td><td>1940 CMD</td></tr><tr><td>STP Area</td><td>1500 Sq.m.</td></tr></table>				Sewage generation (CMD)	1763 CMD	STP technology	MBR	Capacity of STP (CMD)	1940 CMD	STP Area	1500 Sq.m.																																
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27.	Solid Waste Management During Construction Phase	<table><tr><td>Type</td><td>Quantity</td><td>Treatment /disposal</td></tr><tr><td>Dry waste</td><td>53 Kg/day</td><td>Through Authorized vendor- Swach</td></tr><tr><td>Wet waste</td><td>23 Kg/day</td><td>Through Authorized vendor- Swach</td></tr><tr><td>Construction waste</td><td>427703 m³</td><td>Will be used in other construction sites.</td></tr></table>				Type	Quantity	Treatment /disposal	Dry waste	53 Kg/day	Through Authorized vendor- Swach	Wet waste	23 Kg/day	Through Authorized vendor- Swach	Construction waste	427703 m ³	Will be used in other construction sites.																												
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28.	Solid Waste Management During Operation Phase:																																												


Member Secretary


Chairman

Minutes of 294th Day – 1 (Part A) meeting of SEIAA held on 28th May, 2025

	Type	Quantity	Treatment /disposal
	Dry waste	6238 Kg/day	Through Authorized vendor - Swach
	Wet waste	2673 Kg/day	OWC 900 x 3 = 2700 Kg/day Proposed
	Hazardous waste	NA	NA
	Biomedical waste	NA	NA
	E-Waste	10745Kg/A	Through Authorised vendor
	STP Sludge (Dry)	1146.2 kg/day	Use as manure for Landscape
	Capital (Lacs Rs.)	24	
	O and M (Lacs /Y)	0.50	
29.	Total RG area (m ²)	Total RG area (m ²) 10%	5797.39 m ²
		Existing trees on plot	776
		Number of trees to be cut/ Transplant	326
		Retained	119
		Number of trees to be planted Required	675 Nos.
		Proposed	556 Nos
30.	Power requirement	Source of power supply	MSEDCL
		During Construction Phase (Demand Load)	500 KW (approx.)
		During Operation phase (Connected load)	45,442 KW
		During Operation phase (Demand load)	18,254 KW
		Transformer	2000 x 18 KVA
		DG set	2000 x 18 KVA
		Fuel used	HSD
		Capital (Lacs Rs.) for DG	36,15,92,100
		OandM (Lacs Rs./Y) for DG	40,00,000
		Capital (Lacs Rs.) for Transformer	12,15,00,000
		OandM (Lacs Rs./Y) for Transformer	12,50,000
31.	Details of Energy savings	Auto Timer control for external and Common lighting. Use of CFL / LED lamps in all public/ common areas. Electronic V3F Drives for Elevators. Solar PV Panel power for common area lighting. Total Energy Saving – 11.38 %	
32.	Environmental Management plan budget during Construction phase	Type	Details
		Capital	Site Barricading, Personal Protective Equipment, Site Sanitation- Mobile toilets and Debris Management
		O and M	1. Water for Dust Suppression
			2. Site Sanitation, Disinfection and Safety
			3. Environmental Monitoring
			4. Health Check up
			5. Environment Management Cell
			Total
			33.50
			4.20
			2.50
			2.00
			2.50
			12.40
			23.60


Member Secretary


Chairman

33.	Environmental Management plan budget during Operation phase			
	Component	Details	Capital(Lacs)	O and M (Lacs/Y)
	Storm Water	SWD	100.00	1.00
	Sewage treatment	STP (Total 1940 KLD)	1000.00	60
	Water treatment	NA	-	-
	RWH	Rainwater Harvesting (32 Pits)	64.00	3.50
	Swimming Pool	NA		
	Solid Waste	OWC (3 x 900 Kg/D)	24	0.50
	Hazardous waste	Minimal	-	-
	E-waste	Disposal	-	-
	Green belt development	Landscape and Trees	62.23	14.21
	Energy Savings	Saving measures	947	95
	Environmental Monitoring	NA	-	5.50
	Disaster Management	NA	343.81	30.27
	Total		2541.04	209.98
34.	Traffic Management			
		Type	Required as per DCR	Actual Provided
		4-Wheeler	3546	4951
		2-Wheeler	13004	14808
		Bicycles	NA	NA
				Area per parking (m ²)
				As per norms
35.	Details of Court cases / litigations w.r.t. the project and project location if any			
				Not any

SEAC Deliberation –

The application is made for the grant of Environmental Clearance for the proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A, and 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa Tal. Haveli, Dist. Pune, Maharashtra.

The Project site lies within the jurisdiction of Pune Municipal Corporation and IOD for the project is received. PP stated that the project site is vacant and no construction work has been started. PP further stated that RG area of 5797.39 m² is proposed on site.

Further, the proposed Total Built-Up Area of the Project is more than 150000 m² and hence the project is a category 8(b), B1 project as per the EIA notification, 2006 and EIA study report is submitted based on the ToR received. The details of the ToR is mentioned below-

Date	ToR no.	Plot area (m ²)	FSI (m ²)	Non-FSI (m ²)	TBUA (m ²)	Issuing Authority
12/11/2024	TO24B3813MH5698398N	70,631.81	3,47,700.51	2,66,686.68	6,14,387.19	MoEF and CC

Baseline monitoring period : From March 2024 to May 2024


Member Secretary


Chairman

Minutes of 294th Day – I (Part A) meeting of SEIAA held on 28th May, 2025

PP informed that following NoCs pertaining to the proposal are received till date: -

IOD	17.04.2025	PMC (Pune Municipal Corporation)
Water Supply	05.12.2024	PMC (Pune Municipal Corporation)
Fire	29.10.2024	PMC (Pune Municipal Corporation)
Site elevation	30.10.2023	PMC
Aviation / MoD	25.01.2024	IAF, Gandhinagar Gujrat
Solid Waste Mgt.	11.10.2024	SWACH
Garden	15.07.2024	Garden Department, PMC
Structural Stability Certificate	20.02.2025	RCC Consultant

PP informed that that the project site is not located in whole or in part within 5 km. of the protected area notified under the Wildlife (Protection) Act, 1972, critically polluted areas and severely polluted areas as identified by the CPCB, eco-sensitive areas notified under Section 3(2) of the Environment (Protection) Act, and the inter-state boundaries.

The case was discussed based on the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(b) B1.

During discussion following points emerged:

1. PP to submit report / remarks of Central Water and Power Research Station (CWPRS) in view of excavation for five number of basements on project site which is in the vicinity of Mula River.
2. PP to submit drainage NoC.
3. With reference to the directions given by Hon'ble National Green Tribunal, Central Zone Bench, Bhopal in Original Application No. 93/2024(CZ) vide order dt., 08.09.2024, PP and Consultant to jointly submit undertaking that the project site is not located in whole or in part within 5 km. of the protected area notified under the Wildlife (Protection) Act, 1972, critically polluted areas and severely polluted areas as identified by the CPCB, eco-sensitive areas notified under Section 3(2) of the Environment (Protection) Act, and the inter-state boundaries.
4. PP to obtain IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions indicating all required RG area as per prevailing Hon'ble Supreme Court Order. PP to obtain all mandatory NOCs from the concerned planning authority and the planning authority shall not issue occupation certificate unless PP obtains the same.
5. PP to prepare and implement plan to make proposed project a plastic free zone.
6. PP to ensure to achieve the standard parameters of the treated sewage as per order issued by the Hon'ble National Green tribunal on 30.04.2019. PP to ensure that, the water proposed to be used for construction phase should not be drinking water.


Member Secretary


Chairman

Minutes of 294th Day – 1 (Part A) meeting of SEIAA held on 28th May, 2025

7. PP and the planning authority shall ensure that, the construction and demolition waste (C and D waste) is collected and treated at designated places as per Construction and Demolition Waste Management Rules, 2016 amended from time to time.
8. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021.
9. PP to ensure to achieve minimum 5% energy saving by using non-conventional energy source.

Recommendations of SEAC-

After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA, subject to compliance of above points.

Deliberation in SEIAA-

Proposal a new construction project. Proposal is recommended by SEAC-III in its 215th meeting for grant of Environment Clearance for total plot area of 70,631.81 m², Net plot area of 54,027.75 m², FSI area of 3,47,700.51 m², Non FSI area of 2,66,686.68 m² and total BUA of 6,14,387.19 m².

During the meeting, SEIAA asked PP regarding the provision of RG. PP submitted that; they have provided mandatory RG having area of 5797.39 m² on mother earth without any construction. SEIAA asked PP to submit an undertaking to that effect. PP submitted the same dated 21.02.2025.

SEIAA further asked PP to submit red and blue line details, GWPRS certificate, hydrological study report and Geotechnical certificate. PP has submitted details of blue and red line, Geotechnical certificate and hydrological study report.

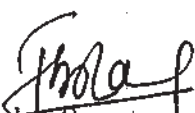
SEIAA also asked PP to submit undertaking regarding the complying the SEAC conditions. PP submitted the same dated 23.05.2025.

SEIAA after deliberation decided to grant Environment Clearance subject to compliance of following conditions-

1. PP has provided mandatory RG area of 5797.39 m² on mother earth without any construction. Local planning authority to ensure the compliance of the same.
2. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
3. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
4. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA III dt.04.01.2019.
5. SEIAA decided to grant EC for- FSI-3,47,700.51 m², Non FSI- 2,66,686.68 m², total BUA- 6,14,387.19 m². (Plan approval No PMC-1117 dated 17.04.2024)

SEIAA Decision-

SEIAA decided to grant Environment Clearance.


Member Secretary


Chairman

कार्यकारी अभियंता कार्यालय
मलनिःसारण देखभाल दुरुस्ती विभाग
पुणे महानगरपालिका
जावक क्र. 246
दिनांक 23/04/2025
24/4/2025

मा.उप अभियंता
आय.टी.सेल
शहर अभियंता कार्यालय
पुणे महानगरपालिका

यांजकडेस

विषय : पुणे पेठ मुंढवा स.नं.८४/३, ८४/४अ, ८४/४ब/१, ८४/५, ८४/६, ८४/३४, ८४/३५/अ, ८४/३५/ब, ८४/३५/क, ८४/३५/ड, ८४/३६/अ, ८४/३७/अ, ८४/३८/ग यासी सिटीएम नं. १२१५ पै, १२१७ पै, १२१८ पै, १२३४ पै, १२५७ पै, १२५८ पै. १२६८ पै. १२७१ पै, या मिळकतीतील डीपी नकाशामध्ये दर्शविलेला नाला स्थलांतरित करण्याच्या प्रस्तावाबाबत आपल्या विभागाचा फेर अभिप्राय मिळणेबाबत.

- संदर्भ :
- १) शहर अभियंता कार्यालय, पुणे महानगरपालिका, आय.टी.सेल विभागाकडील जा.क शअजा/ज/६४४६ दि.०५/०७/२०२४ रोजीचे पत्र.
 - २) मलनिःसारण देखभाल व दुरुस्ती विभागाकडील में प्रायमूव्ह यांचे जा.क्र.प्रा/१०३९ दि.०४/०९/२०२४ रोजीचे पत्र.
 - ३) प्रायमूव्हचा नाला सर्वे व हायड्रोलिक डिझाईन तक्ता.
 - ४) मा.अधीक्षक अभियंता, मलनिःसारण देखभाल दुरुस्ती विभाग जा.क्र.२१३० दि.२१/१०/२०२४ रोजीची शिफारस.
 - ५) मा.कार्यकारी अभियंता, मलनिःसारण देखभाल दुरुस्ती विभाग जा.क्र.२२३८ दि.३०/१०/२०२४ रोजीचा अभिप्राय.
 - ६) शहर अभियंता कार्यालय, पुणे महानगरपालिका, आय.टी.सेल विभागाकडील जा.क्र.शअजा/ज/२२४०५ दि.२४/०३/२०२५ रोजीचे पत्र.
 - ७) मा.अधीक्षक अभियंता, मलनिःसारण देखभाल दुरुस्ती विभाग ठ.क्र.मलनिः/१७ दि.२२/०४/२०२५

विषयांकित प्रकरणो संदर्भ क्र. १ अन्वये पुणे पेठ मुंढवा स.नं.८४/३, ८४/४अ, ८४/४ब/१, ८४/५, ८४/६, ८४/३४, ८४/३५/अ, ८४/३५/ब, ८४/३५/क, ८४/३५/ड, ८४/३६/अ, ८४/३७/अ, ८४/३८/ग यासी सिटीएम नं. १२१५ पै, १२१७ पै, १२१८ पै, १२३४ पै, १२५७ पै, १२५८ पै. १२६८ पै. १२७१ पै, या मिळकती मधील नाला मान्य नकाशात दर्शविल्याप्रमाणे मिळकती मध्ये स्थलांतरीत/नाल्याच्या प्रदाहामध्ये बदल करण्यासाठी मालक/विकसक बजाज फायनान्स लि. व

इतर यांनी ला.आर्कि, श्री. समीर वाळिंबे यांनी प्रस्ताव बांधकाम विकास विभाग यांचेकडे सादर केला असून विषयांकित प्रकरणी दाखल नकाशा मध्ये दर्शविल्याप्रमाणे नियोजित नाल्याच्या प्रवाहामध्ये बदल करण्यासाठी मलनिःसारण देखभाल दुरुस्ती विभागाचा अभिप्राय मिळणेस कळविले आहे.

विषयांकित जागेची प्रत्यक्ष पाहणी केली असता पुणे पेठ मुढवा स.नं.८४/३, ८४/४अ, ८४/४ब/१, ८४/५, ८४/६, ८४/३४, ८४/३५/अ, ८४/३५/ब, ८४/३५/क, ८४/३५/ड, ८४/३६/अ, ८४/३७/अ, ८४/३८/ग यासी सिटीएम नं. १२१५ पै, १२१७ पै, १२१८ पै, १२३४ पै, १२५७ पै, १२५८ पै. १२६८ पै. १२७१ पै, या मिळकतीमधून D.P च्या नकाशानुसार सदर मिळकतीमधून नाला दक्षिण-उत्तर जात असल्याचे निदर्शनास येत आहे. परंतु प्रत्यक्ष ठिकाणी व मे. प्रायमुव्ह इन्फ्रास्ट्रक्चर डेव्हलपमेंट कन्सलटंट प्रा.लि यांच्या नकाशानुसार सदर मिळकतीमधून नाला क्र.PN3 हा जात असल्याचे दिसून येत आहे. संदर्भ क्र.३ अन्वये मे.प्रायमुव्ह इन्फ्रास्ट्रक्चर डेव्हलपमेंट कन्सलटंट प्रा. लि. यांचे कडील प्राप्त प्रायमुव्हचा नाला सर्व व हायड्रोलिक डिझाईन तक्ताप्रमाणे "पुणे शहर स्ट्रॉम वॉटर मास्टर प्लॅननुसार सदर नाल्याचा नोड क्र. P 201, P202, P203 येथे 3.0 मी. रुंदी व खोली २.७५ मी. आहे. तरी पुणे मनपाच्या मान्य डी.पी नकाशात दर्शविण्यात आलेली रुंदी व पुणे स्ट्रॉम वॉटर मास्टर प्लॅननुसार दर्शविण्यात आलेली रुंदी यापैकी जास्त असणारी नाल्याची रुंदी ग्राह्य धरण्यात यावी.

सदर नाल्याची रुंदी ३.० मी व २.७५ मी खोली चा दर्शविलेला असून सदर मिळकती मधील सुमारे ५८४ र.मी चा नाला डि.पी नकाशानुसार सोबतच्या नकाशा मध्ये Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ ते AR अक्षराने दर्शविलेला असून सदर संदर्भ क्र.१ अन्वये बांधकाम विकास विभागाकडून विषयांकित मिळकती मधील नाला क्र.PN3 हा सोबतच्या नकाशा मध्ये त्याच मिळकतीत अस्तित्वातील व प्रस्तावित स्थलांतरीत करावयाचा नाला BJ, BK, BL, BM, BN, BO, BP, BQ अक्षराने दर्शविण्यात आलेला आहे. पुणे पेठ मुढवा स.नं.८४/३, ८४/४अ, ८४/४ब/१, ८४/५, ८४/६, ८४/३४, ८४/३५/अ, ८४/३५/ब, ८४/३५/क, ८४/३५/ड, ८४/३६/अ, ८४/३७/अ, ८४/३८/ग यासी सिटीएम नं. १२१५ पै, १२१७ पै, १२१८ पै, १२३४ पै, १२५७ पे, १२५८ पै. १२६८ पै. १२७१ पै, या मिळकतीमधून जाणारा नाला क्र.PN3 मे. प्रायमुव्ह इन्फ्रास्ट्रक्चर डेव्हलपमेंट कन्सलटंट प्रा.लि. यांचेनुसार सदर नाला (नाला क्र.PN3) खालील तक्त्या मध्ये नमुद केलेले नोड नुसारची खोली व रुंदी खालील प्रमाणे:-

Sr. No.	Node Start	Node end	Top width	Bottom width	Depth
1	P 201	P202	3 m	3 m	2.75 m
2	P202	P203	3 m	3 m	2.75 m
3	P203	P203	3 m	3 m	2.75 m

संदर्भ क्र.५ अन्वये वरीलप्रमाणे अभिप्राय देण्यात आला होता.

संदर्भ क्र.६ अन्वये उप अभियंता, शहर अभियंता कार्यालय आय टी सेल विभाग यांनी सदरच्या नाल्याचे आउटलेट मध्ये बदल सुचवले असून सदरच्या नाल्याचे आउटलेटची जागा बदल केल्याचे नकाशे खात्याकडे सादर केले आहे व सदरच्या नाल्याचे स्थलांतर हे यु डी सी पी आर २०२० मधील विनिमय क्र.३.१.१(ii) या नुसार असल्याबाबत खात्यास कळविले आहे.

तरी उपरोक्त नमुद संदर्भ क्र. ६ च्या पत्रान्वये बांधकाम विकास विभाग यांचेमार्फत सदर मिळकती मधील स्थलांतरीत करण्याचा प्रस्तावित नाला क्र.PN3 बाबत मलनिःसारण देखभाल दुरुस्ती विभागाचा अभिप्राय खालील प्रमाणे देत आहोत.

- 1) मे. हरित लवाद याचे आदेशानुसार स्थलांतरीत करण्याचा PN3 हा नाला open to sky ठेवणे आवश्यक व बंधनकारक राहिल.
- 2) सदर मिळकतीमधील नाला स्थलांतर करण्यास मा. महापालिका आयुक्त यांची आवश्यक ती परवानगी बांधकाम विकास विभागामार्फत घेण्यात यावी.
- 3) DP नकाशानुसार विषयांकित मिळकतीमधील नाला सोबतच्या प्रस्तावासोबत बजाज फायनान्स लि. व इतर यांनी ला.आर्कि, श्री. समीर वाळिंबे यांनी सादर केलेल्या नकाशानुसार अक्षरे Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ ते AR नुसार दर्शविण्यात आलेला आहे. व स्थलांतरीत करावयाचा नाला हा अक्षर क्र. BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ दर्शविण्यात आला आहे.
- 4) विषयांकित मिळकती मधील प्रस्तावित सोबतच्या नकाशामध्ये अक्षर क्र. BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ स्थलांतरीत करावयाचा नाला हा कोणत्याही परिस्थिती मध्ये ९० अंशामध्ये वळविणे तांत्रिक दृष्ट्या योग्य होणार नाही. तसेच प्रस्तावित PN3 नाला स्थलांतरीत करावयाचा प्रस्तावित नकाशामधील अक्षर BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ या ठिकाणी पाण्याचा प्रवाहास अडथळा निर्माण होणार नाही या दृष्टीने Smooth Curve ठेवणे आवश्यक व बंधनकारक राहिल.
- 3) नविन सिमाभितचे बांधकाम करण्यापूर्वी नाल्याची रुंदी मे. प्रायमुव्ह इन्फ्रास्ट्रक्चर डेव्हलपमेंट कन्सल्टंटस् प्रा.लि. यांचे सल्लेनुसार तसेच मान्य विकास आराखडा या मधील जास्तीत जास्त नाल्याची रुंदी व नाल्याची खोली अस्तित्वातील २.०० मी जमीन लेव्हलच्या खाली ठेवून त्यानुसार प्रत्यक्ष आखणी करून संरक्षक भिंतीचे प्रचलित पुणे मनपाच्या धोरणानुसार बांधकाम करणे आवश्यक व बंधनकारक राहिल.
- 4) युडिसिपीआर-२०२० मधील कलम ३.१.१ (ii) नुसार सदर मिळकतीमधील नाल्याची इनलेट व आऊटलेट मध्ये कुठल्याही प्रकारचा बदल करण्यात येवू नये.
- 5) विषयांकित मिळकतीमधील स्थलांतरीत करण्याचा नाला क्र. PN3 ची रुंदी ३.०० मी व साफसफाई करणेच्या दृष्टीने १.५ मी खोली ऐवजी २.७५ मी खोली ठेवणे आवश्यक राहिल.

- 6) तसेच उपरोक्त मिळकतीच्या स्थलांतरीत करावयाचा नाला नं. PN3 हा सदर मिळकतीच्या बाजूस रिटेनिंग वॉल बांधणे आवश्यक व बंधनकारक असून सदर आर.सी.सी संरक्षक भिंत ही विकसक यांचे स्वखर्चाने बांधणे व त्यासाठी मलनिःसारण देखभाल दुरुस्ती विभागाकडे त्याबाबत स्वतंत्र प्रस्ताव दाखल करून प्रचलित धोरणानुसार सदर संरक्षक भिंतीसाठी येणारा खर्चाच्या ११% सुपरव्हिजन चार्जेस भरून मलनिःसारण देखभाल दुरुस्ती विभागाच्या देखरेखे खाली सदरचे रिटेनिंग वॉल विकसनाचे काम करण्यात यावे.
- 7) सदर मिळकती मधील ३० मी. डी पी रोड व हरित पट्टा (ग्रीन बेल्ट) मधून वाहणारा नाला नं. PN3 विकासकाने दर्शविल्याप्रमाणे BA, BB, BC, BD, BE ८८.०२ मी. लांब नाल्याच्या विकसनाचा खर्च (Development Charges) विकासक बांधकाम विकास विभाग किंवा नदी सुधारणा प्रकल्प विभागास भरणे करणार.
- 8) विषयांकीत मिळकती मधील स्थलांतरीत करण्याचा PN3 हा नाला हा दोन्ही बाजूस आर.सी.सी संरक्षक भिंत बांधून नाला बेसिन विभाग, पुणे मनपा मार्फत विकसित केलेला असून पुणे मनपा प्रचलित धोरणानुसार संरक्षक भिंत बांधणेसाठीचा खर्च हा विकसक यांनी मान्य प्रचलित मनपा मान्य दर पत्रकानुसार भरणे आवश्यक आहे.

तरी वरील अटी व शर्ती नुसार ठ.क्र.मलनि:/१७ दि.२२/०४/२०२५ अन्वये मा.अधीक्षक अभियंता यांची शिफारस करण्यात आलेली आहे. त्यानुसार विषयांकीत नाल्याचा आमच्या विभागाचा अभिप्राय पुढील कार्यवाहीस्तव कळविण्यात येत आहे.

मा.स.कळावे,

कार्यकारी अभियंता

मलनिःसारण देखभाल दुरुस्ती

पुणे महानगरपालिका

सोबत : प्रायमुव्हचा नाला सर्वे व हायड्रोलिक डिझाईन तक्ता.

Translation of Official Correspondence:
Pune Municipal Corporation
Executive Engineer's Office Sewerage Maintenance
and Repair Department
Pune Municipal Corporation
Outward No.: 246
Date: 24/04/2025

To:
The Deputy Engineer,
I.T. Cell, City Engineer's Office, P
une Municipal Corporation.

Subject: Regarding obtaining a revised opinion from your department concerning the proposal to shift the *Nala* (natural water channel/stream) shown in the DP (Development Plan) map within the properties located at Pune Peth Mundhwa, S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A, 84/38/C and CTS Nos. 1216 (pt), 1217 (pt), 1218 (pt), 1234 (pt), 1257 (pt), 1258 (pt), 1268 (pt), 1271 (pt).

References:

1. Letter from the City Engineer's Office, PMC, I.T. Cell Department, Outward No. CE/IT/6446 dated 05/07/2024.
2. Letter from M/s. Prime Move at the Sewerage Maintenance and Repair Department, Outward No. PR/1039 dated 04/09/2024.
3. Nala Survey and Hydraulic Design Table by Prime Move. (Highlighted in red in the original image).
4. Recommendation from the Superintending Engineer, Sewerage Maintenance and Repair

Department, Outward No. 2130 dated 21/10/2024.

5. Opinion from the Executive Engineer, Sewerage Maintenance and Repair Department, Outward No. 2238 dated 30/10/2024.
6. Letter from the City Engineer's Office, PMC, I.T. Cell Department, Outward No. CE/IT/22405 dated 24/03/2025.
7. Decision from the Superintending Engineer, Sewerage Maintenance and Repair Department, Resolution No. S&M/17 dated 22/04/2025.

Upon physical inspection of the subject site at Pune Peth Mundhwa S.No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A, 84/38/G and CTM No. 1215 P, 1217 P, 1218 P, 1234 P, 1257 P, 1258 P, 1268 P, 1271 P, it is observed that as per the Development Plan (D.P.) map, a natural stream (nullah) flows South-North through said property.

However, at the actual site and as per the map provided by M/s Primemove Infrastructure Development Consultants Pvt. Ltd., it is observed that Nullah No. PN3 passes through the property. In accordance with Reference No. 3 and the survey and hydraulic design tables received from M/s Primemove, as per the "Pune City Storm Water Master Plan," the width of the said nullah at Node No. P 201, P 202, P 203 is 3.0 meters and the depth is 2.75 meters. Therefore, the greater width between the width shown in the sanctioned Pune Municipal Corporation (PMC) D.P. map and the width shown in the Pune Storm Water Master Plan shall be considered valid.

The width of the said nullah is shown as 3.0 m and the depth as 2.75 m. Approximately 584 running meters of the nullah within the property is marked with letters Z, AA, AB, AC, AD, AE, AF, AG, AH, AI,

AJ, AK, AL, AM, AN, AO, AP, AQ to AR in the attached map as per the D.P. map.

Regarding Reference No. 1, Nullah No. PN3 within the subject property, which is to be realigned/shifted, is marked with letters BJ, BK, BL, BM, BN, BO, BP, BQ in the attached map. The depth and width of Nullah No. PN3 passing through the Mundhwa property (survey numbers listed above) according to the nodes mentioned by M/s Primemove Infrastructure Development Consultants Pvt. Ltd. are as follows:

Nullah Dimension Table

Sr. No.	Node Start	Node End	Top Width	Bottom Width	Depth
1	P 201	P 202	3 m	3 m	2.75 m
2	P 202	P 203	3 m	3 m	2.75 m
3	P 203	P 203	3 m	3 m	2.75 m

Regarding Reference No. 6, the Deputy Engineer of the City Engineer's Office (IT Cell Department) has suggested changes to the outlet of the existing nala. They have submitted maps to the department showing the changed location of the outlet and informed that the relocation of the said nala is in accordance with Regulation No. 3.1.1 (ii) of the UDCPR 2020.

Therefore, in accordance with the letter under Reference No. 6, the Sewerage Maintenance and Repair Department is providing its opinion regarding the proposed shifting of Nala No. PN3 within the said property through the Construction Development Department as follows:

1. As per the orders of the Hon. National Green Tribunal (NGT), it is mandatory and binding to keep the relocated Nala (PN3) "open to sky."
2. The necessary permission from the Hon. Municipal Commissioner for shifting the nala within the said property should be obtained through the Construction Development Department.
3. According to the DP (Development Plan) map, the nala on the subject property is shown according to the points Z, AA, AB, AC... to AR in the map submitted by M/s. Bajaj Finance Ltd. and others through Architect Mr. Sameer Walimbe. The nala proposed to be relocated is shown by points BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ.
4. In the proposed map for the subject property, turning the relocated nala (points BH to BQ) at a 90-degree angle will not be technically sound under any circumstances. Furthermore, to ensure there is no obstruction to the water flow at these points, it is mandatory and binding to maintain a "Smooth Curve."
5. *(Note: numbering restarts in original)* Before commencing new boundary construction, the width of the nala must be determined as per the survey by M/s. Prime Mover Infrastructure Development Consultants Pvt. Ltd. Additionally, the maximum width and a depth of 2.00 meters below the existing ground level must be maintained as per the approved Development Plan. Actual demarcation and construction of protective walls must be done according to current Pune Municipal Corporation (PMC) policies.

6. As per Clause 3.1.1 (ii) of UDCPR-2020, no changes of any kind should be made to the inlet and outlet of the nala within the said property.
7. For the relocated Nala No. PN3 on the subject property, it is necessary to maintain a width of 3.00 meters and, for cleaning purposes, a depth of 2.75 meters instead of 1.5 meters.
8. Additionally, for the relocated Nala No. PN3 on the subject property, it is mandatory and binding to construct a retaining wall on its sides. This R.C.C. (Reinforced Cement Concrete) protective wall must be constructed by the developer at their own expense. A separate proposal for this must be submitted to the Sewerage Maintenance and Repair Department. The development of the retaining wall should be carried out under the supervision of the Sewerage Maintenance and Repair Department upon payment of 11% supervision charges on the total estimated cost of the protective wall, as per current policies.
9. For Nala No. PN3, which flows through the 30-meter DP (Development Plan) Road and Green Belt within the subject property, the developer shall pay the development charges for the 88.02-meter length (indicated by points BA, BB, BC, BD, BE) to the Construction Development Department or the River Improvement Project Department.
10. The relocated Nala No. PN3 on the subject property has been developed by the Nala Basin Department, PMC, with R.C.C. protective walls on both sides. As per current PMC policies, the developer is required to pay the costs for the construction of these protective walls as per the current approved PMC rate schedule.

Therefore, in accordance with the above terms and conditions and the recommendation made by the Hon. Superintending Engineer vide resolution no.

1368

Malani/17 dated 22/04/2025, the opinion of our department regarding the subject nala is being communicated for further action.

Respectfully submitted,

(Signed) Executive Engineer Sewerage Maintenance
and Repair Pune Municipal Corporation

Enclosure: Nala survey by Prime Mover and
Hydraulic Design Table.

PRESENTATION FOR SEEKING ENVIRONMENTAL CLEARANCE

SEAC-III 215th Presentation on 15th April 2025

AT

Parivesh Proposal No. SIA/MH/INFRA2/523378/2025

Item No A-8

IT/ITES/Commercial Building Project

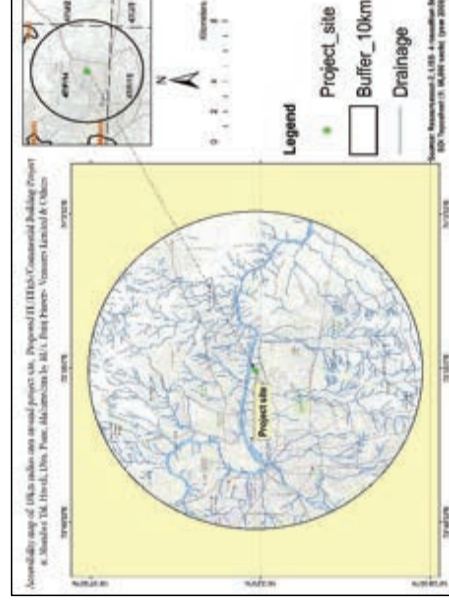
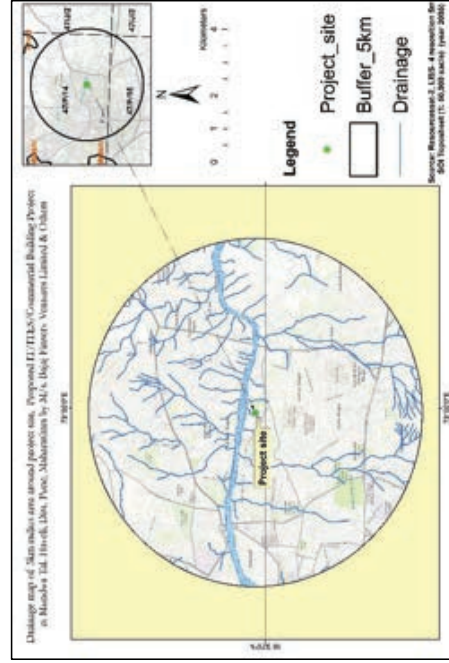
By

M/s. Bajaj Finserv Ventures Limited & Others

At Survey No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A, & 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa Tal. Haveli, Dist. Pune, Maharashtra.

Project Proponent	Environment Consultant
1] Name- Mr. Mahesh Kunkulol Designation – Authorized Signatory Contact details – +91 (20) 71505700 Email-id - mahesh.kunkulol@bajajfinserv.in	NABET Details Element Consultancy Services 101, Chidanand Heights, S. No. 43/76, Manaji Nagar, Narhe, Pune, Maharashtra- 411041 (NABET Certificate No. NABET/EIA/23226/IA 0127, Valid up to 11/08/2026)
2] Mr. Anand Sanghavi – To present	

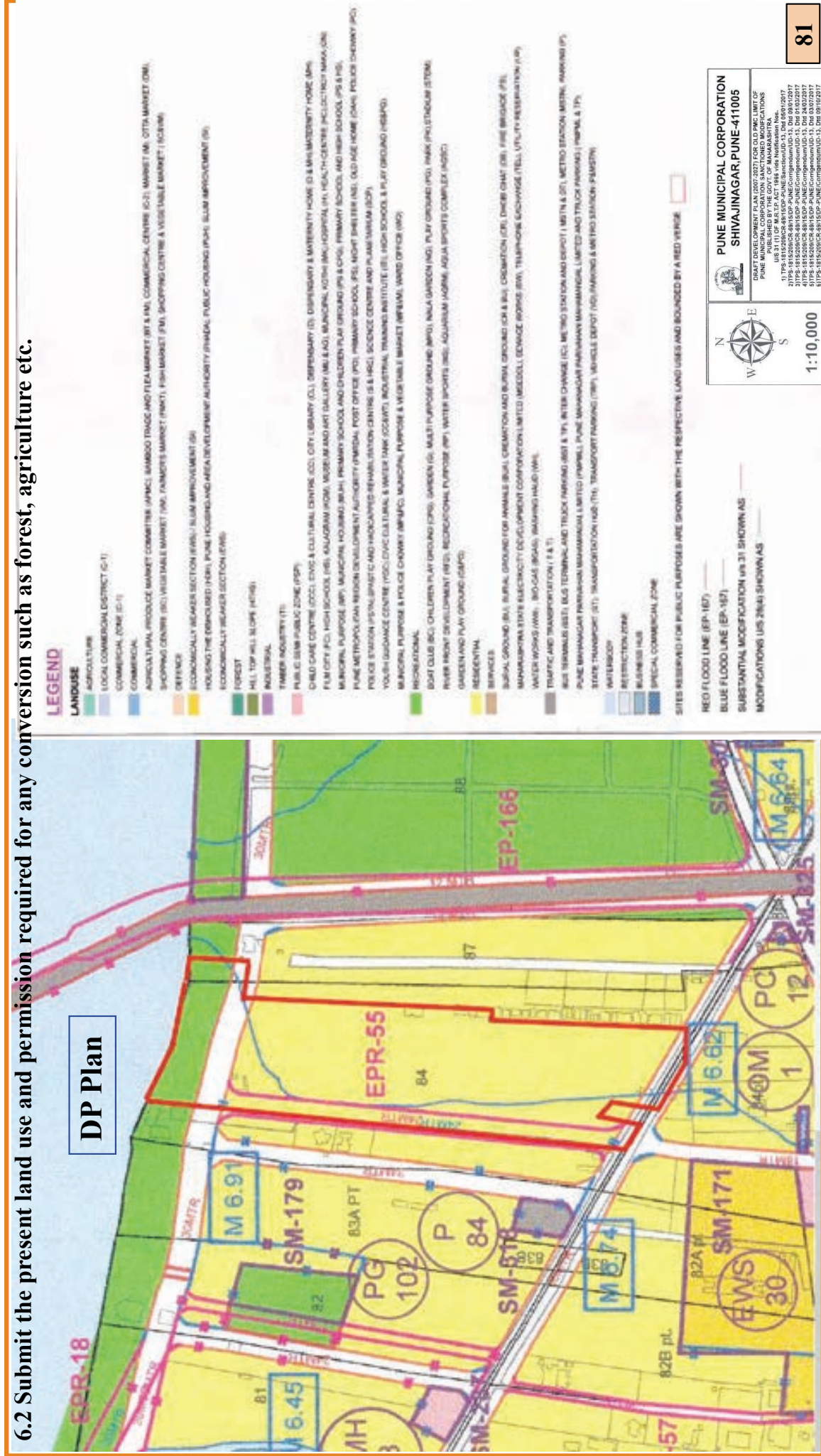
5.1 Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area. Any obstruction of the same by the project



- Drainage layer, which was generated after scanning the thematic manuscripts, was edited for line the errors. Two different layers were made separately for line drainage. Drainage order was given to all the drain lines in the layer's. Strahler method of ordering was used for giving order to drainage. Whenever two drains of any order joined the order of next drain was increase by one.
- The area does not show much undulating topography thus it shows the Dendritic drainage patterns. The project site is present in the catchment area of Mula-Mutha river. The first order drainage is present near the project site.

6.2 Submit the present land use and permission required for any conversion such as forest, agriculture etc.

DP Plan



Zone Certificate PMC

Pointers -

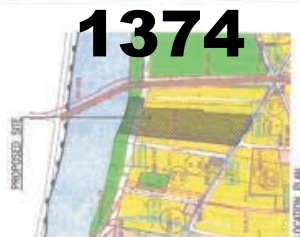
1. Residential Zone & Green Belt near to river bed
2. 24 M and 30 M Wide DP Road
3. EPR- 55 (24 Mt Road shifted)

	पुणे महानगरपालिका नगर अभियान कार्यालय वाचनालय विभाग आ.अ. (टी.टी.ओ.) दिनांक: 06/06/2023 कर्मचारी क्रमांक: 590
श्री. PRAMOD JADHAV पुणे	वर्ग: पुणे दिनांक: 06/06/2023 स.अ. क्र. ZC202166103211561
स.अ. क्र. 1	स.अ. क्र. 1
स.अ. क्र. 2	स.अ. क्र. 2
स.अ. क्र. 3	स.अ. क्र. 3
स.अ. क्र. 4	स.अ. क्र. 4
स.अ. क्र. 5	स.अ. क्र. 5
स.अ. क्र. 6	स.अ. क्र. 6
स.अ. क्र. 7	स.अ. क्र. 7
स.अ. क्र. 8	स.अ. क्र. 8
स.अ. क्र. 9	स.अ. क्र. 9
स.अ. क्र. 10	स.अ. क्र. 10
स.अ. क्र. 11	स.अ. क्र. 11
स.अ. क्र. 12	स.अ. क्र. 12
स.अ. क्र. 13	स.अ. क्र. 13
स.अ. क्र. 14	स.अ. क्र. 14
स.अ. क्र. 15	स.अ. क्र. 15
स.अ. क्र. 16	स.अ. क्र. 16
स.अ. क्र. 17	स.अ. क्र. 17
स.अ. क्र. 18	स.अ. क्र. 18
स.अ. क्र. 19	स.अ. क्र. 19
स.अ. क्र. 20	स.अ. क्र. 20

24/12
25/12

७३३

1374



PLAN SHOWING REALEASEMENT OF MILA.
S. No. 84/3, 84/4, 84/4B/1, 84/5, 84/6, 84/2A,
84/20/A, 84/25/B, 84/25/C, 84/25/D, 84/26/A,
84/27/A, 84/28/B, 84/28/C, CTS No.
1215, 1217, 1219, 1234, 1252, 1258, 1260, 1271 (Part),
ALLAH-NURDHYA TAL-PUNE DIST-PUNE

NAME AND SIGNATURE OF OWNER:

1) BANA TRIGERY LIMITED
2) BANA FINANCE LIMITED
3) BANA FREEDY VODRES LIMITED
4) BANA ALLIANCE LIFE ASSURANCE COMPANY LIMITED
5) BANA ALLIANCE GENERAL INSURANCE COMPANY LIMITED

SAUL LOPEZ
9/27/2018

VOUSSEY
ARCHITECT AND INTERIOR DESIGNER
10 JENNIFER AVE., BROOKLYN COLONY, ME 042
KARLISHE N. SC. DRACONARIA PAPER-4 TEL-41406389

NORTH	SCALE 1"=50'	SHEET NO. 01/01	

10.2.1.2023	TITLE NO : WMO/WMO/WMO/ SUBJECT TO APPROVAL FROM COMPETENT AUTHORITY
-------------	---



Ax. J

ANNEXURE – 9
Catchment Area Assessment

Hydrological Assessment of Catchment Area for Efficient runoff management

For PROPOSED IT+FINTECH DEVELOPMENT AT

S.No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B,
84/35/C, 84/35/D, 84/36/A, 84/37/A, & 84/38/G, CTS No.1215, 1217,
1218, 1234, 1257, 1258, 1268, 1271 (Part), VILLAGE-MUNDHWA, TAL-
PUNE, DIST-PUNE

By

M/s. BAJAJ FINSERV LIMITED

Prepared by

Dr Ajaykumar Kadam

Accredited expert for Land Use, Soil Conservation, Hydrology,
ground water and water conservation and Noise and vibration
- by NABET - QCI for MoEF

February 2025

Contents

1. INTRODUCTION	4
1.1 GENERAL	4
1.2 SCOPE OF WORK.....	5
1.3 METHODOLOGY	7
1.3.1 DATA COLLECTION	7
1.3.2 HYDROLOGY ANALYSIS.....	7
1.3.3 RAINFALL RUNOFF ASSESSMENT	8
1.3.3 CALCULATION OF PEAK DISCHARGE.....	8
2. ABOUT PROJECT SITE:.....	11
2.1 HISTORICAL WEATHER DATA OF CATCHMENT.....	18
3. MODELLING APPROACH	24
3.1 INPUTS TO THE MODEL	25
3.2 TIME OF TRAVEL:	26
3.3 RUNOFF COEFFICIENT	26
3.4 RATIONAL METHOD.....	28
4. HYDROLOGY STUDY OUTPUTS.....	29
4.1 CATCHMENT DELINEATION	29
4.2 LAND USE AND LAND COVER (LULC) DATA	31
4.3 SOIL DATA.....	32
4.4 CATCHMENT RUNOFF AT OUTLETS.....	34
4.5 TIME OF CONCENTRATION.....	35
4.6 CATCHMENT AREA CLASSIFICATION	36
4.7 STORM WATER RUNOFF CALCULATION.....	37
4.8 HYDRAULIC DESIGN.....	38

5. EXISTING NALA CARRYING CAPACITY FOR THE PEAK DISCHARGE..	41
6. OPTION FOR NALA DIVERSION	43
6.1 DESIGNING AN OPEN CHANNEL OR HUME PIPE FOR NALA DIVERSION	43
6.1.1 OPTION 1 - OPEN CHANNEL DESIGN ALONG BOUNDARY	43
6.1.2 OPTION 2 - HUME PIPE AT ENTRY & EXIT.....	43
6.2 HYDRAULIC CALCULATIONS FOR SIZES	44
7. CONCLUSION.....	46
8. RECOMMENDATION.....	48
8.1 RECOMMENDATIONS FOR STORMWATER MANAGEMENT, OPEN CHANNEL DESIGN, AND HUME PIPE DESIGN	48
8.2 GENERAL RECOMMENDATIONS	49

1. INTRODUCTION

The hydrological analysis of catchment areas is essential for effective runoff management, especially in regions prone to flooding or waterlogging. This report focuses on the catchment area encompassing at Village-Mundhwa, Tal-Pune, Dist-Pune, Maharashtra.

The study aims to evaluate the hydrological characteristics of the area, assess its runoff potential, and propose appropriate stormwater management strategies. The catchment's geographical features, land use patterns, and soil types significantly influence runoff behaviour, necessitating a comprehensive analysis to inform infrastructure planning and design.

This report will follow a structured methodology, including data collection on rainfall, land use, and existing drainage systems, followed by calculations to determine peak runoff and the sizing of Hume pipes/open Channels. By employing hydrological modelling techniques and GIS tools, this analysis will contribute to sustainable water management practices in the region, ensuring that runoff is efficiently managed to mitigate flood risks and enhance water resource conservation.

1.1 GENERAL

The Catchment Area Assessment commonly applied hydrological study of the techniques applied for arriving at estimates of peak discharge flows in streams, needed to identify water logging hazard areas and risk within those areas. The American Planning Association defines a hazard as "an event or physical condition that has the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, damage to the environment, interruption of business, or other types of harm or loss." Hazard identification is defined as "the process of defining and describing a hazard, including its physical characteristics, magnitude and severity, probability and frequency, causative factors, and locations or areas affected." Finally, a peak discharge is the potential for inundation that involves risk to life, health, property, and natural floodplain resources and functions. It is comprised of three elements: severity (magnitude, duration, and extent of flooding), probability of occurrence, and speed of onset of peak discharge.

There is a relationship between exposure to a peak discharge hazard, risk and vulnerability. Vulnerability is the measure of the capacity to weather, resist, or recover from the impacts of a hazard in the long term as well as the short term. Vulnerability depends upon many factors such as land use, extent and type of construction, contents and use, the nature of populations (mobility, age, health), and warning of an impending hazardous event and willingness and ability to take responsive actions. This means that within an identified peak discharge hazard area there may be the same exposure or risk of flooding, but a wide range of vulnerability to the hazard. This will be examined in more detail in subsequent course topics. Floodplain managers and programs need to recognize and account for ranges of vulnerability to flood hazards.

1.2 SCOPE OF WORK

The study aims to conduct a comprehensive hydrological analysis of the designated catchment area to assess runoff potential and develop efficient stormwater management strategies. This will ensure effective water resource management and minimize flood risks in the region.

Objectives

- Assess the hydrological characteristics of the catchment area.
- Evaluate the existing drainage infrastructure's capacity and effectiveness.
- Calculate peak runoff potential using historical rainfall data and catchment characteristics.
- Propose appropriate Hume pipe sizes and additional stormwater management solutions.
- Provide recommendations for sustainable land use practices to enhance water management.

The assessment methodology is designed to evaluate the potential of Runoff caused due to the nearby water bodies such as stream, lake and land parcels in the surrounding areas and covers the following elements:

- Collect historical rainfall data from local meteorological stations for the past 10-20 years.
- Gather information on existing land use, soil types, and catchment characteristics using GIS tools.
- Document the current state of drainage infrastructure, including hume pipes and culverts.
- Conduct field surveys to verify land use and topographical features.
- Collect soil samples for laboratory analysis to determine infiltration rates and other hydrological properties.
- Apply the Rational Method to calculate peak runoff based on the collected data.
- Use Manning's equation to evaluate the hydraulic capacity of existing drainage systems.
- Analyze the adequacy of existing drainage systems in managing peak runoff.
- Identify areas prone to flooding and recommend improvements to the drainage network.
- Determine appropriate hume pipe sizes based on peak runoff calculations and design standards.
- Consider future land use changes and their potential impact on runoff when proposing pipe sizes.
- Create detailed maps highlighting catchment boundaries, drainage networks, flood risk areas, and land use.
- Overlay rainfall data on maps to visualize areas most affected by runoff.
- Compile all findings, analyses, and recommendations into a structured report.
- Include visual aids (maps, graphs, tables) to enhance understanding and clarity.
- Provide actionable recommendations for improving stormwater management, including potential infrastructure enhancements and sustainable practices.

1.3 METHODOLOGY

Methodology adopted for the study can be briefly categorised as follows:

- Data collection
- Hydrology analysis
- Rainfall Runoff assessment
- Calculation of Peak discharge

1.3.1 DATA COLLECTION

The analysis of the hydrological aspects requires a wide range of base data. This process involves assembling and reviewing technical data, background information, previous studies and relevant documents including the following information:

- Topographic maps - identifying the existing features, drainage patterns and ground cover from elevation model.
- Soils maps - identifying soil types and hydrologic soil groups
- Land Use & Land Cover (LULC) maps - identifying the existing and expected land uses
- Weather data

1.3.2 HYDROLOGY ANALYSIS

The way that water flows depend on the form of the Earth's surface. By employing an elevation model to determine the flow direction and water accumulation, a hydrology study may be a valuable tool for modelling water flow. The findings and conclusions of this research may be used to determine the scope of a river's pollutant resource, locate it, and predict how changes there may effect flow. Numerous sectors, including regional mapping, agriculture, forestry, policy development, etc., can benefit from this data.

Using the SWAT model, the hydrological analysis for the Areas of Interest (AOI) is carried out. It is a continuous time model that runs at basin scale on a daily time step. The weather, runoff from the surface, return flow, percolation, evapotranspiration, transmission losses, storage in ponds and reservoirs, irrigation and crop growth, groundwater flow, reach routing, fertiliser and pesticide loading, and water transfer are its components.

1.3.3 RAINFALL RUNOFF ASSESSMENT

A rainfall runoff assessment calculates the likelihood of many types of destructive water logging conditions, such as the depth of the flood and the speed of the rushing water. The study attempts to stop losses and damage by stopping floods and/or stopping persons and property from being exposed to flooding.

1.3.3 CALCULATION OF PEAK DISCHARGE

The Rational Method establishes an empirical formula that is commonly used in urban areas for computing peak rates of runoff for designing drainage stormwater structures. It is useful in estimating runoff on relatively small areas such as roof tops and parking lots. Use of the rational equation should be limited to drainage areas less than 20 acres (Amer. Public Works Assn., 1974) with generally uniform cover type and grade. Required output = peak discharge only. Drainage area < 20 acres.

The Rational Method is used for determining peak discharges from small drainage areas. This method is traditionally used to size storm sewers, channels, and other stormwater structures which handle runoff from drainage areas less than 20 acres.

The Rational Formula is expressed as

$Q = C I A / 360$ where:

Q = Peak rate of runoff in cubic feet per second

C = Runoff coefficient, an empirical coefficient representing a relationship between rainfall and runoff.

I = Average intensity of rainfall in inches per hour for the time of concentration (T_c) for a selected frequency of occurrence or return period.

A = The watershed area in acres

T_c = The rainfall intensity averaging time in minutes, usually referred to as the time of concentration, equal to the time required for water to flow from the hydraulically most distant point in the watershed to the point of design.

Convert Rainfall Intensity:

- Convert historical rainfall data from mm/h to m/s for accurate calculations to determine the rainfall intensity impacting the catchment area.

Stormwater Management Analysis

- **Evaluate Existing Infrastructure:**
 - Analyze the capacity of existing drainage systems to handle the calculated peak runoff.
 - Identify areas within the catchment that may experience flooding during extreme rainfall events.
- **Hydraulic Design:**
 - Use Manning's equation to evaluate the flow capacity of existing drainage features:

$$Q = \frac{1}{n} \times A \times R^{2/3} \times S^{1/2}$$

Where:

- n = Manning's roughness coefficient (based on the type of surface).
- A = cross-sectional area of flow.
- R = hydraulic radius.
- S = slope of the energy grade line.

Determine Open Channel:

Based on peak runoff calculations, select appropriate Open Channel sizes that can accommodate the calculated peak flow rates.

Refer to standard design charts for Open Channel sizes to ensure adequate drainage capacity and minimize overflow risk.

Consider Future Development:

Evaluate potential future changes in land use and their impact on runoff to adjust Open Channel sizing and drainage design accordingly.

2. ABOUT PROJECT SITE:

PROPOSED IT+FINTECH DEVELOPMENT , AT, S.No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A,& 84/38/G, CTS No. 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271 (Part), Village-Mundhwa, TAL-PUNE, DIST-PUNE (Fig. 1).



Fig. 1: Google Image of project site

Geographical Location

- The project site is strategically located at **Latitude 18°32'9.34"N** and **Longitude 73°54'55.70"E**, within **Mundhwa Village**, which falls under **Taluka Pune, District Pune, Maharashtra, India**.
- This location places the site within the **urban expansion zone of Pune**, a rapidly developing metropolitan area, making it a prime location for infrastructure, residential, or industrial development.

Connectivity and Accessibility

- The site is **well-connected to major roadways**, providing seamless access to **Pune city center, Hadapsar, Magarpatta, and Kharadi IT hubs**.
- It is in close proximity to **key transportation networks**, including **state highways, arterial roads, and public transport facilities**, ensuring ease of movement for both residents and businesses.
- The presence of **nearby railway stations and Pune International Airport** further enhances the site's accessibility for regional and interstate connectivity.

Topography and Terrain Characteristics

- The terrain of the project site is **varied and undulating**, featuring subtle **elevation differences that play a crucial role in surface water drainage and runoff patterns**.
- The elevation levels range from approximately **540 meters to 560 meters above sea level**, influencing **natural hydrology, stormwater flow, and drainage pathways**.
- These variations in topography must be carefully considered during **site planning, construction, and flood risk assessment** to ensure effective water management.

Hydrological and Drainage Considerations

- Due to its elevation gradient, the site exhibits **natural runoff characteristics**, which can affect **stormwater drainage, soil erosion, and water retention capacity**.

- Understanding the **hydrogeological conditions** is essential for planning **rainwater harvesting, flood mitigation measures, and sustainable land use strategies.**
- The presence of **nearby water bodies, seasonal streams, or Nallas** should be assessed to evaluate **potential flooding risks or groundwater recharge opportunities.**

Elevation profile of site

The project site mainly having the flat terrain from south to north side with elevation difference of 13m between the approach road and project site (Fig. 2). The north to south side elevation difference is about 13m (Fig. 2). The north part of project site is showing lowest elevation.



Fig 2: Elevation profile between south to north side of project site

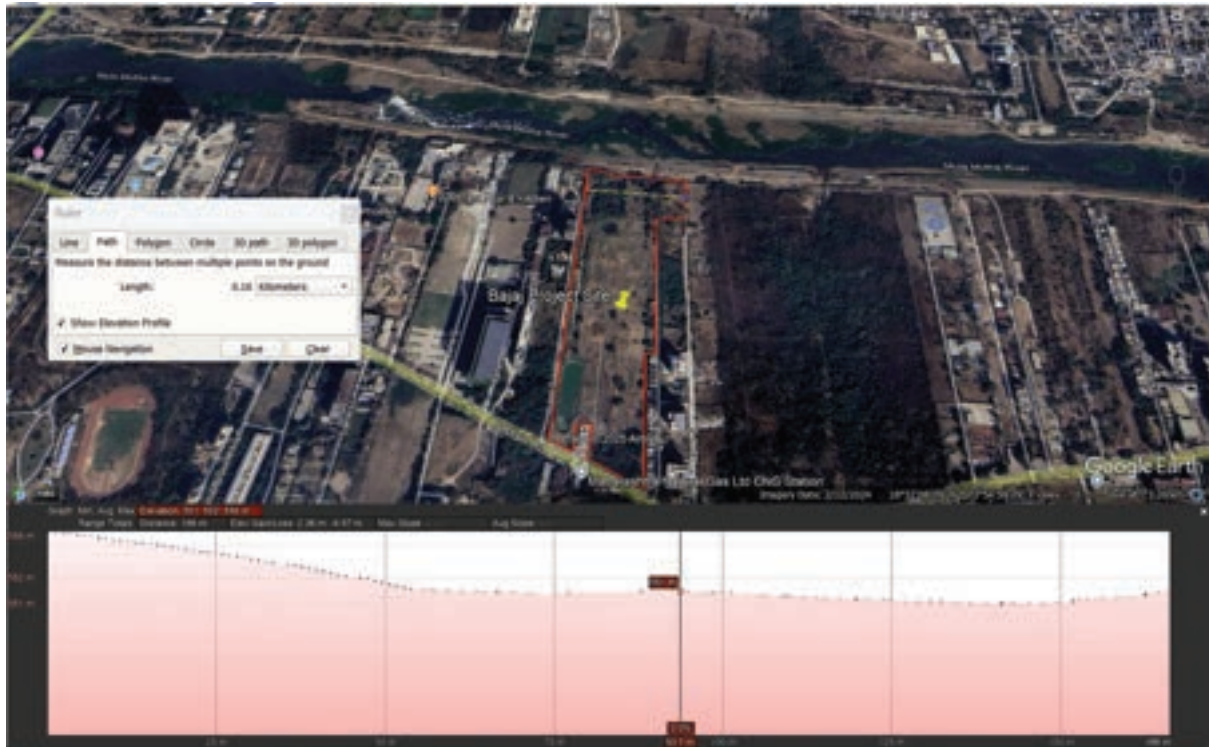


Fig 3: Elevation profile between west side to east side of project site

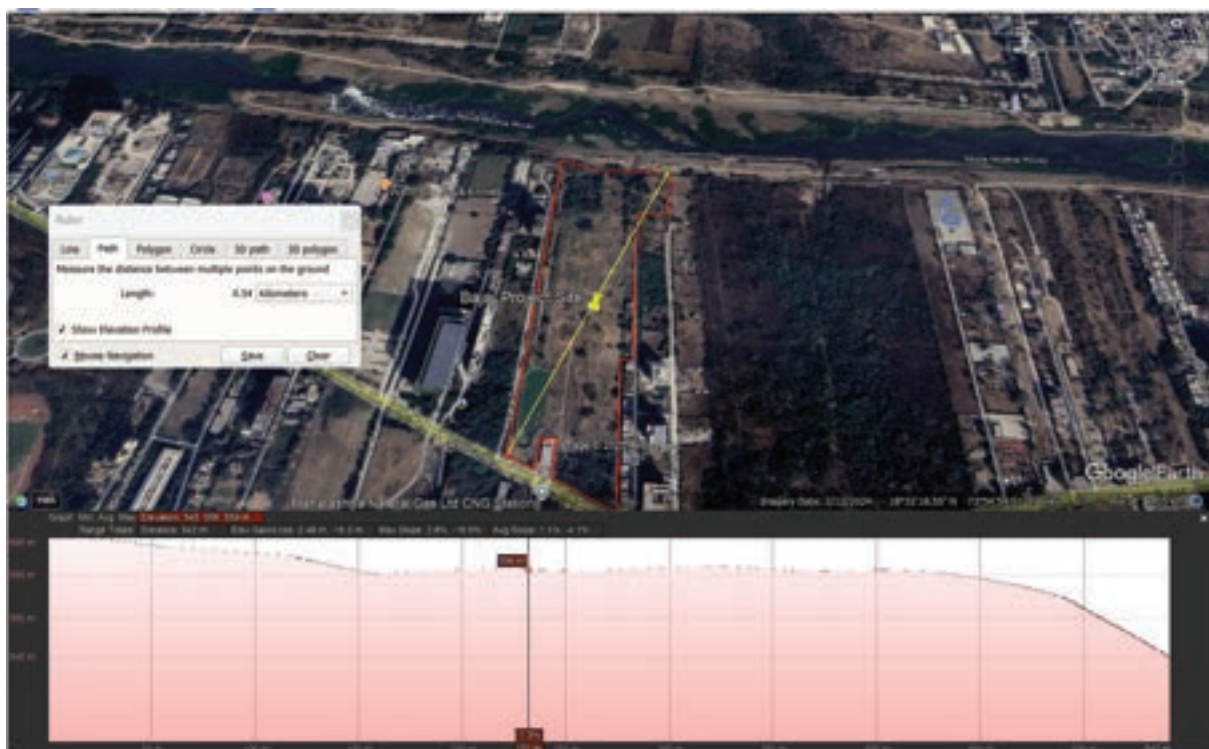


Fig 4: Elevation profile showing lowest point at south-east side of project site.

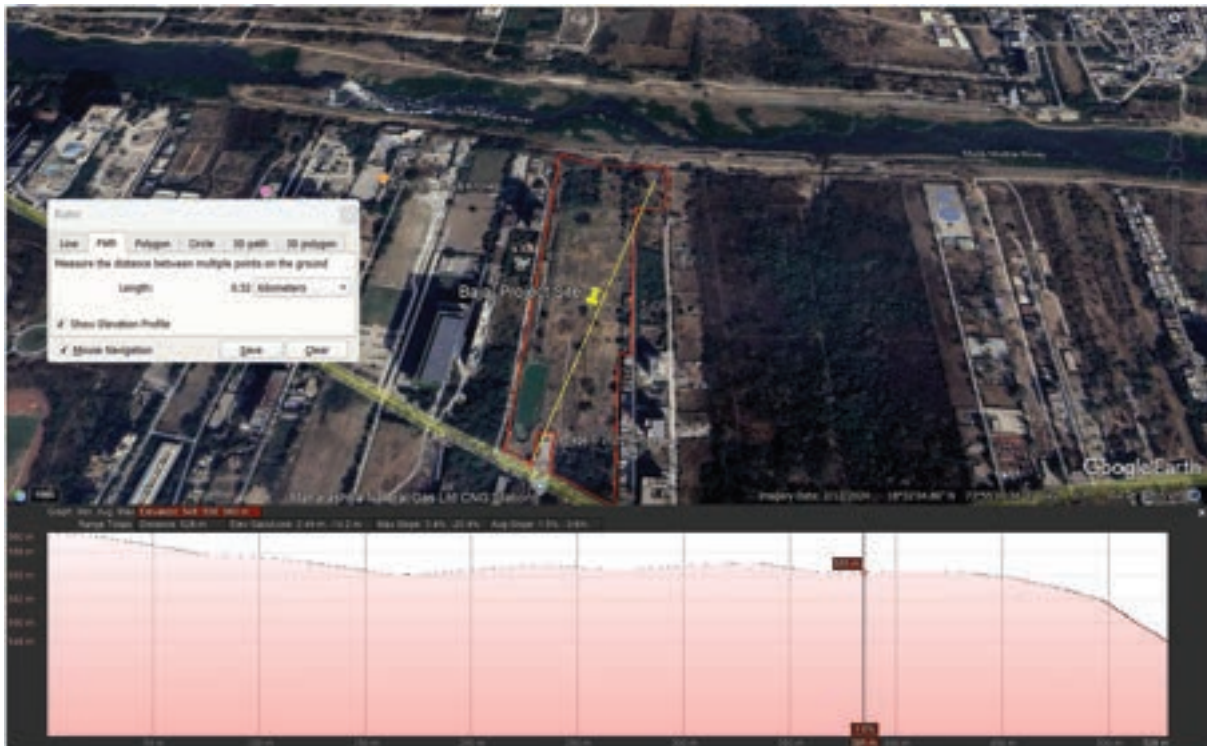


Fig 5: Elevation profile of project site from south-west to north-east direction.

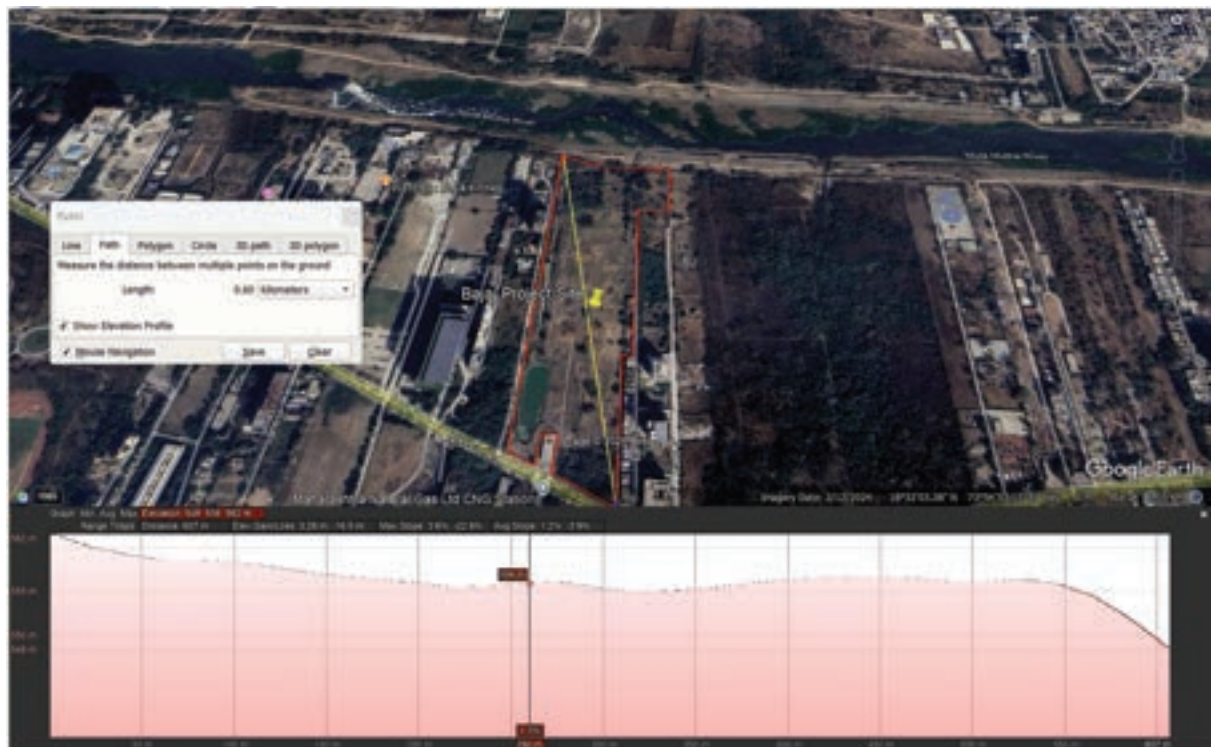


Fig 6: Elevation profile of catchment area with respect to project side

The project site, located at Latitude 18°32'9.34"N and Longitude 73°54'55.70"E, within Mundhwa Village under Taluka Pune, District Pune, Maharashtra, India, exhibits an elevation difference of approximately 5 meters from west to east. The eastern portion of the site stands at an elevation of 551 meters above mean sea level (MSL), while the western side reaches 556 meters MSL (Fig. 3). The northernmost section of the project site is characterized by the lowest elevation, measuring around 545 meters MSL (Fig. 4). The elevation profile indicates that the northeastern part of the project site has a significantly steeper slope compared to the general gradient of the area (Fig. 5). Additionally, the elevation profile of the broader catchment area reveals a predominant slope direction from the southeast to the northeast. Both the project site and the catchment area show an overall elevation difference of 13 meters (Fig. 6).

The immediate surroundings of the project site consist of a blend of residential, agricultural, and open spaces, with notable potential for future development. Existing land use primarily includes agricultural fields, open grasslands, and small settlements, all of which influence surface runoff characteristics and its subsequent management. The soil composition across the site is diverse, with a predominance of loamy and clayey soils. These soil types significantly affect infiltration rates and water retention, thereby playing a crucial role in determining the site's drainage and stormwater management suitability. A detailed soil analysis is necessary to assess these parameters and ensure effective water management solutions.



The presence of natural drainage features, such as streams and ditches, is a key factor in conveying surface water during rainfall events. Understanding these hydrological pathways is vital for evaluating runoff potential and implementing efficient management strategies. The site also supports diverse vegetation, including agricultural crops, grasslands, and scattered trees. Vegetative cover not only stabilizes the soil but also plays a critical role in reducing surface runoff through evapotranspiration, particularly during periods of heavy rainfall.

The region experiences a tropical monsoon climate, with distinct wet and dry seasons that significantly influence runoff dynamics. The average annual rainfall ranges between 600 and 800 mm, with the majority of precipitation occurring during the monsoon months from June to September. Despite the presence of some drainage infrastructure, such as roadside drains and culverts, these may be inadequate for handling peak runoff during intense rainfall events. A thorough assessment of the

existing drainage system is necessary to identify capacity limitations and recommend appropriate upgrades.

Certain areas within the site are prone to flooding, especially during extreme rainfall events, underscoring the necessity for robust stormwater management measures. Identifying flood-prone zones and analyzing their characteristics will be essential for developing mitigation strategies. Implementing proper stormwater drainage solutions, incorporating sustainable urban drainage systems, and enhancing vegetative cover will be critical to reducing flood risks and ensuring long-term environmental sustainability.

2.1 HISTORICAL WEATHER DATA OF CATCHMENT

Table 1: Peak rainfall data

Year	24-Hour Peak Rainfall (mm)	60-Minute Peak Rainfall (mm)
1997	120	30
1998	140	35
1999	110	28
2000	150	45
2001	130	32
2002	160	50
2003	170	55
2004	140	40
2005	180	60
2006	125	30
2007	135	35
2008	165	50
2009	200	70
2010	145	42

2011	155	48
2012	170	65
2013	180	60
2014	140	38
2015	150	45
2016	160	55
2017	175	68
2018	210	80
2019	190	72
2020	185	65
2021	160	55
2022	145	50
2023	150	55
2024	165	58

Step 2: Calculation of Mean and Standard Deviation

1. Calculate Mean

The mean (average) is calculated using the formula:

$$\text{Mean} = \frac{\sum \text{data points}}{n}$$

Where n is the total number of data points.

2. Calculate Standard Deviation

The standard deviation measures the dispersion of the dataset from the mean and is calculated using the formula:

$$\sigma = \sqrt{\frac{\sum (x_i - \mu)^2}{n}}$$

Where:

- σ sigma is the standard deviation,
- X_i is each individual data point,
- μ is the mean,
- n is the number of data points.

Calculating Mean and Standard Deviation

- **24-Hour Peak Rainfall (mm)**
- **60-Minute Peak Rainfall (mm)**

Summary of Historical Rainfall Data (1997 to 2023)

1. 24-Hour Peak Rainfall

- **Mean:** 157.32 mm
- **Standard Deviation:** 23.98 mm

2. 60-Minute Peak Rainfall

- **Mean:** 50.57 mm
- **Standard Deviation:** 14.05 mm

Interpretation

The mean values indicate that, on average, the 24-hour peak rainfall is about **157.32 mm**, while the 60-minute peak rainfall is **50.57 mm**. The standard deviation values suggest the level of variation in rainfall across the years. The **24-hour peak rainfall has a higher variability (23.98 mm)** compared to the **60-minute peak rainfall (14.05 mm)**, indicating that longer-duration rainfall events fluctuate more significantly over the years.

Importance for Hydrological Assessment

Understanding these statistics is essential for:

- **Stormwater Management:** Designing drainage systems and infrastructure to effectively manage runoff.

- **Flood Risk Assessment:** Evaluating potential flooding scenarios based on historical peak rainfall data.
- **Water Resource Planning:** Managing water resources efficiently during varying rainfall conditions.

The Return Period and Frequency Factor based on the historical peak rainfall data; we can use the following formulas:

1. Return Period (T)

The return period for a given rainfall event can be estimated using the formula:

$$T = \frac{N + 1}{m}$$

Where:

T = Return period (in years)

N = Total number of years of data (in this case, 26 years from 1997 to 2022)

m = Rank of the rainfall event (in mm) when arranged in descending order

2. Frequency Factor (K)

The frequency factor can be calculated using the following formula:

$$K = \frac{1}{T}$$

Where:

K = Frequency factor (in years)

T = Return period (in years)

Table 3: Return Period and Frequency Factor

Return Period (Years)	Kt (Frequency Factor)	60-Minute Rainfall (mm)
2	0.286	54.59
5	1.169	67.00
10	1.75	75.22
25	2.494	85.61
50	3.042	93.31
100	3.587	100.96

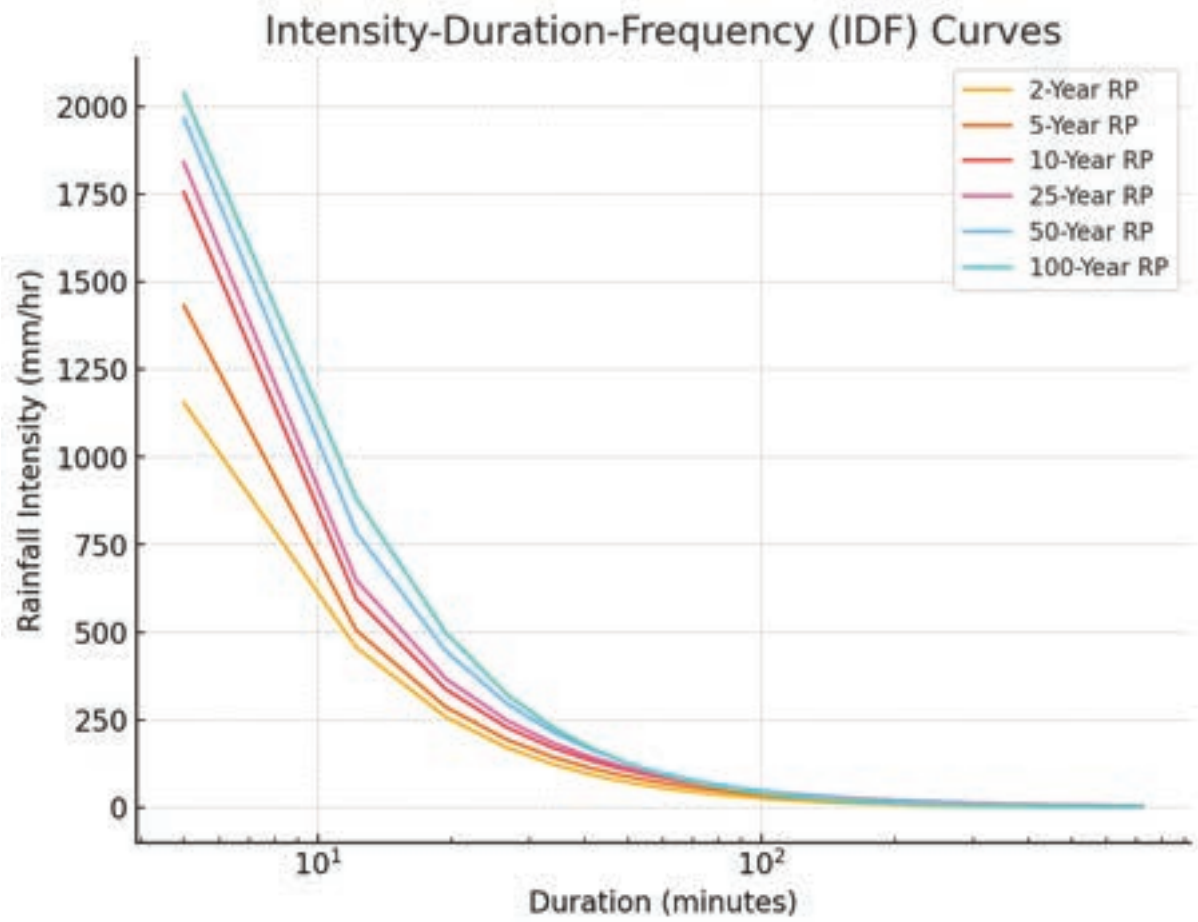
The **rainfall intensity** for different return periods and times, we use the following formula:

$$I = \frac{P}{t}$$

Where:

- I= Rainfall intensity (mm/hr)
- P = Total rainfall (mm) for a given return period
- t = Duration (time in minutes), converted to hours by dividing by 60

Time (min)	2 Years	5 Years	10 Years	25 Years	50 Years	100 Years
5	96.12	119.29	146.42	153.36	163.89	169.20
10	96.16	106.13	122.84	136.91	164.01	190.15
15	87.82	99.25	122.58	125.24	152.66	158.66
30	74.01	86.32	103.43	113.65	131.13	137.74
45	72.78	89.33	100.29	114.15	124.41	134.61
60	54.59	67.00	75.22	85.61	93.31	100.96
90	36.40	44.67	50.15	57.07	62.21	67.31
120	27.30	33.50	37.62	42.81	46.66	50.48
150	21.83	26.80	30.08	34.24	37.32	40.38
240	13.64	16.75	18.81	21.41	23.33	25.25
720	4.55	5.58	6.27	7.13	7.77	8.42



3. MODELLING APPROACH

Soil and Water Assessment Tool (SWAT) is a river basin scale model developed to quantify the impact of land management practices in large, complex watersheds.

For running a SWAT model, ArcMap (GIS) is used. ArcSWAT is an ArcGIS extension and the graphical user input interface for SWAT. The major steps on how a SWAT project is processed are introduced below.

1. Preparation of model inputs
2. Watershed delineation
3. HRU analysis
4. SWAT simulation

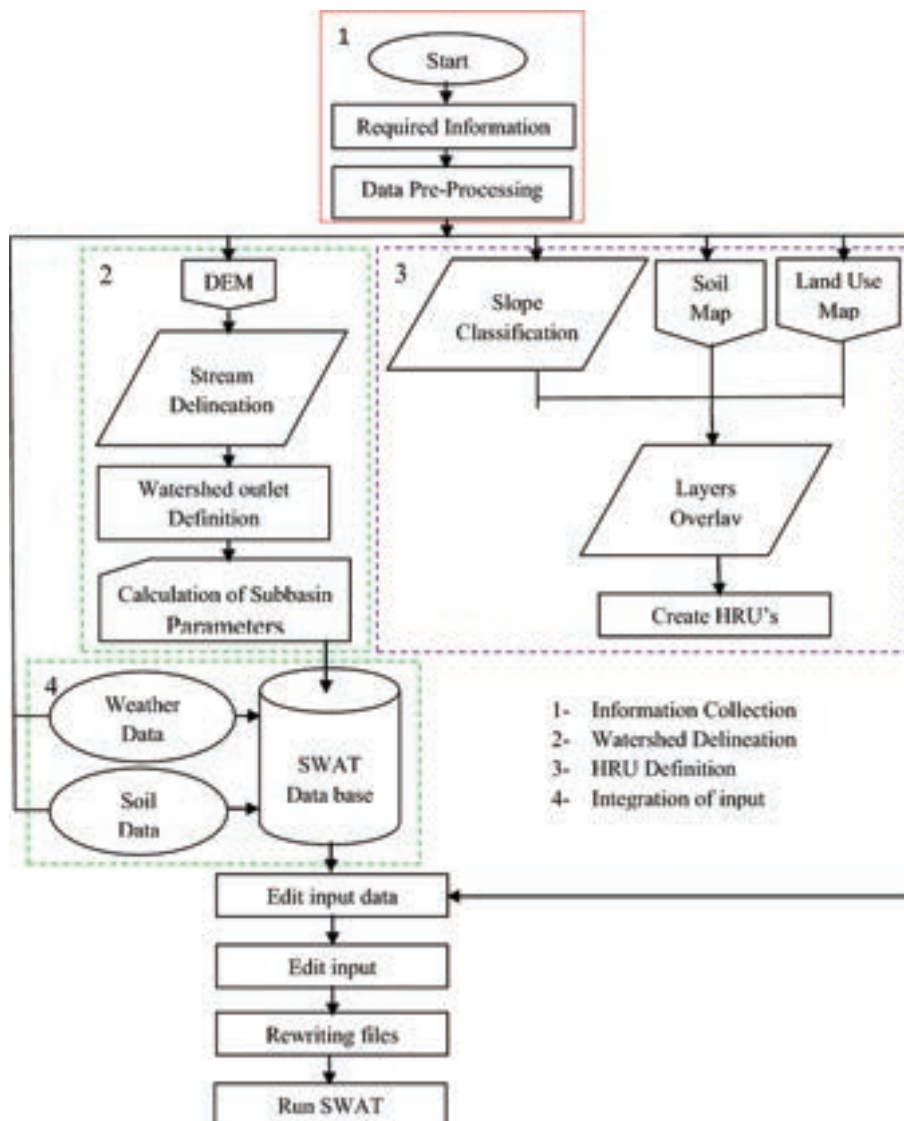


Figure 7: Steps involved in the hydrology study using SWAT model.

Methodology

- **Data Input:** Key input datasets for SWAT include Digital Elevation Models (DEMs), land use/land cover data, soil type data, and meteorological data (rainfall, temperature, etc.).
- **DEM Analysis:** The Digital Elevation Model (DEM) provides detailed topographic information. SWAT uses the DEM to delineate the watershed by identifying the natural flow paths, ridgelines, and catchment boundaries.
- **Stream Network Definition:** Based on the DEM, SWAT automatically generates stream networks within the catchment area, ensuring accurate flow direction.
- **Sub-basin Creation:** The catchment is divided into multiple sub-basins. These sub-basins help in defining different hydrological response units (HRUs) that represent areas of homogeneous land cover, soil, and slope.
- **Watershed Outlet Identification:** The lowest point in the delineated catchment is selected as the watershed outlet, which marks the point where the runoff exits the watershed.

3.1 INPUTS TO THE MODEL

This section describes the different types of information utilised for executing the SWAT model. **INLET TIME:**

The time required for the rain in falling on the most remote point of the tributary area to flow across the ground surface along the natural drains or gutters up to inlet of sewer is called inlet time. The inlet time 'Ti' can be estimated using relationships like following. These coefficients will have different values for different catchments.

$$T_i = [0.885 L^3 / H]^{0.385} \quad (1)$$

Where,

Ti = Time of inlet, minute

L = Length of overland flow in Kilometres from critical point to mouth of drain

H = Total fall of level from the critical point to mouth of drain, meter

3.2 TIME OF TRAVEL:

The time required by the water to flow in the drain channel from the mouth to the point under consideration or the point of concentration is called as time of travel.

Time of Travel (T_t) = Length of drain/ velocity in drain:

3.3 RUNOFF COEFFICIENT

The total precipitation falling on any area is dispersed as percolation, evaporation, storage in ponds or reservoir and surface runoff. The runoff coefficient can be defined as a fraction, which is multiplied with the quantity of total rainfall to determine the quantity of rainwater, which will reach the sewers. The runoff coefficient depends upon the porosity of soil cover, wetness and ground cover. The overall runoff coefficient for the catchment area can be worked out as follows:

Overall runoff coefficient, $C = [A_1.C_1 + A_2.C_2 + \dots + A_n.C_n] / [A_1 + A_2 + \dots + A_n]$
(3)

Where, $A_1, A_2, \dots, A_n$ are types of area with $C_1, C_2, \dots, C_n$ as their coefficient of runoff, respectively.

The typical runoff coefficient for the different ground cover is provided in the Table 1.

Table 1: Runoff coefficient for different type of cover in catchment

RUNOFF COEFFICIENTS FOR THE RATIONAL FORMULA			
Typical Composite Runoff Coefficients by Land Use		Normal Range of Runoff Coefficients	
Area Description	C-value	Surface Characteristic	C-value
Business		Lawns	
Downtown Areas	0.70-0.95	Sandy Soil, Flat (2%)	0.05-0.10
Neighborhood Areas	0.50-0.70	Sandy Soil, Ave. (2-7%)	0.10-0.15
		Sandy Soil, Steep (>7%)	0.15-0.20
Residential		Heavy Soil, Flat (2%)	0.13-0.17
Single Family Areas	0.30-0.50	Heavy Soil, Ave. (2-7%)	0.18-0.22
Multi-Units (detached)	0.40-0.60	Heavy Soil, Steep (>7%)	0.25-0.35
Multi-Units (attached)	0.60-0.75		
Suburban	0.25-0.40	Agricultural	
Apartments	0.50-0.70	Bare Packed Soil	
		Smooth	0.30-0.60
Industrial		Rough	0.20-0.50
Light Use	0.50-0.80	Cultivated Rows	
Heavy Use	0.60-0.90	Heavy Soil, no crop	0.30-0.60
Railroad Yards	0.20-0.35	Heavy Soil, with crop	0.20-0.50
Unimproved Areas	0.10-0.30	Sandy Soil, no crop	0.20-0.40
		Sandy Soil, with crop	0.10-0.25
Park		Pasture	
Park/Cemeteries	0.10-0.25	Heavy Soil	0.15-0.45
Playgrounds	0.20-0.35	Sandy Soil	0.05-0.25
Pavement		Woodland	0.05-0.25
Asphalt and Concrete	0.70-0.95		
Brick	0.70-0.85		
Roof	0.75-0.95		

RUNOFF COEFFICIENTS FOR THE RATIONAL FORMULA BY HYDROLOGIC SOIL GROUP AND SLOPE												
Land Use	A			B			C			D		
	0-2%	2-6%	6+%	0-2%	2-6%	6+%	0-2%	2-6%	6+%	0-2%	2-6%	6+%
First row of each entry provides runoff coefficients for storm recurrence intervals of 25 years or less. Second row provides runoff coefficients for storm recurrence intervals of 25 years or more.												
Cultivated Land	0.08	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.32	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.35	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.30	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.34	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential												
Lot Size (1/8 acre)	0.25	0.28	0.31	0.27	0.30	0.35	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Lot Size (1/4 acre)	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Lot Size (1/3 acre)	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Lot Size (1/2 acre)	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Lot Size (1 acre)	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.85	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial	0.71	0.71	0.71	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
Streets	0.70	0.71	0.71	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.80	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open Space	0.05	0.10	0.08	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.14	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.85	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.95	0.95	0.96	0.97	0.95	0.95	0.97	0.95	0.96	0.97

3.4 RATIONAL METHOD

Storm water quantity can be estimated by rational method as below:

Storm water quantity, $Q = C.I.A / 360$

Where,

Q = Quantity of storm water, m^3/sec

C = Coefficient of runoff

I = intensity of rainfall (mm/hour) for the duration equal to time of concentration, and

A = Drainage area in hectares

OR

$Q = 0.278 C.I.A$

Where, Q is m^3/sec ; I is mm/hour, and A is area in square kilometre

4. HYDROLOGY STUDY OUTPUTS

4.1 CATCHMENT DELINEATION

Catchment delineation is a critical step in hydrological modelling to understand how water flows across the landscape. This process involves dividing the area into smaller units (sub-watersheds) based on topography and drainage patterns. The delineation helps in calculating runoff, understanding water flow patterns, and designing effective water management strategies. For this study, **SWAT (Soil and Water Assessment Tool)** is used for the catchment delineation of the project site. The project site is in the catchment of Mula-Mutha river.



Fig 8: Drainage network map around the Project site



Fig. 9: Catchment area of Project site.

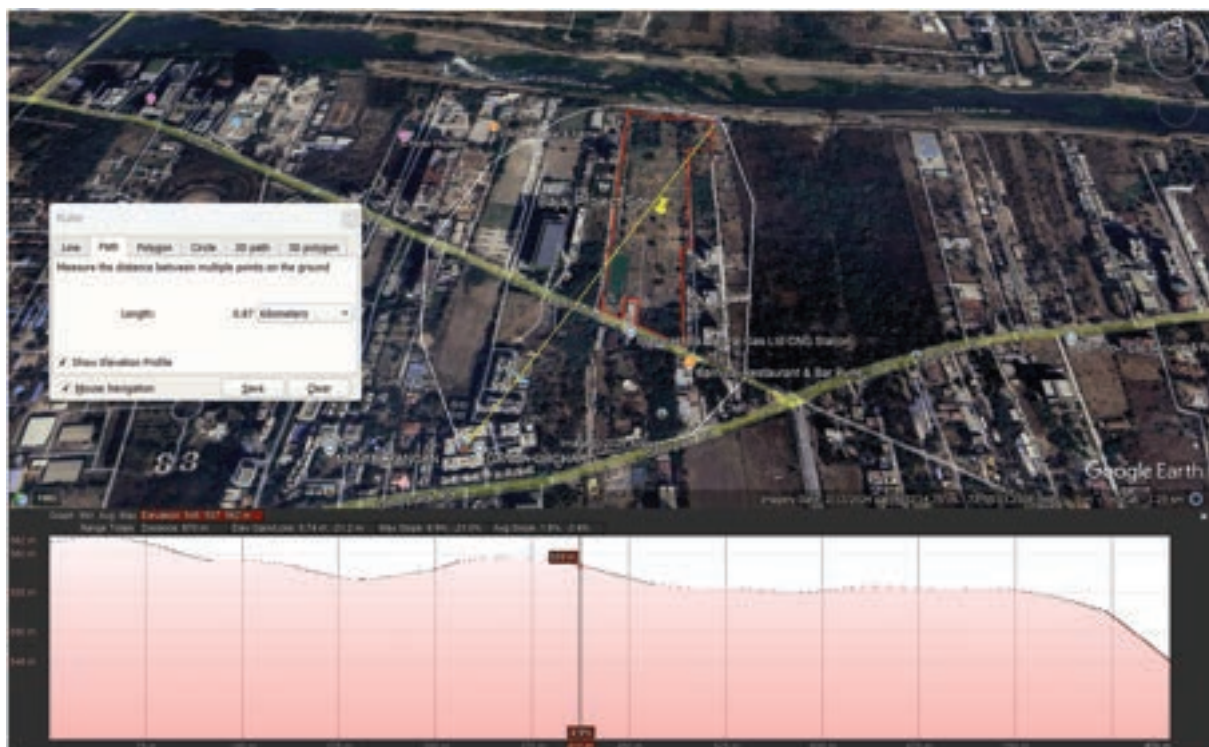


Fig. 10 : Catchment area is showing elevation profile

The catchment of project site is having **37.74 ha Catchment area**, which drains the water in and around the project site. There is one natural stream is passing from

the project (Fig. 8). The elevation profile of catchment area is mainly showing slope of project site from south to north. The project is showing elevation difference of 13m while catchment area is showing elevation profile with elevation difference is 16m. (Fig. 10).

The south side of the project site is at an elevation of 560 meters MSL. This is the starting point of the natural drains where water begins to flow downhill. As water moves from south to north, it follows the natural topography, creating a downward slope that supports efficient drainage. Approximately midway across the project site, the elevation drops to around 555 meters MSL, showing a consistent gradient that accelerates water flow. By the time the drains exit the south-western boundary of the site, the elevation has dropped to 550 meters MSL. This is the lowest point in the drainage path is 546m above MSL, where the water eventually leaves the site and connects with the broader drainage network.

4.2 LAND USE AND LAND COVER (LULC) DATA

LULC is an essential component of the ecosystem, influencing various fundamental characteristics and processes such as the hydrological cycle, geomorphological processes, and land productivity. The model uses this data to predict the flow of water based on land use types. Data for the sites is generated by categorizing the area based on the land use type and its spread like built-up, agriculture, etc.

The main land use in the project site is Built-up land which is the major contributor for the runoff of rainfall water. The slope is also playing the major role along with soil type for catchment runoff and soil degradation.

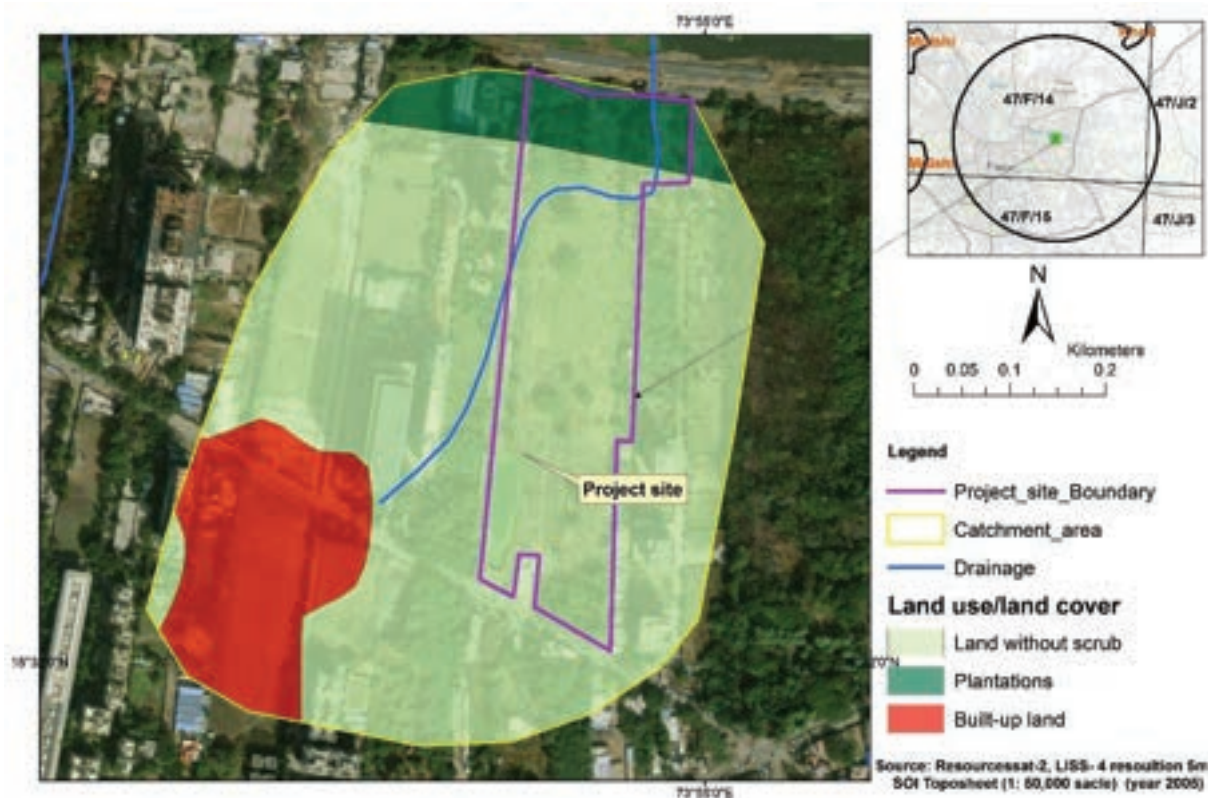


Figure 12: Land use types for the watershed

The majority of the project area consists of Land without scrub, covering approximately 74% of the site. Barren land activities affect runoff patterns due to irrigation practices and seasonal land cover changes. About 6% of the area is classified as Plantation land mostly located on sloping terrain or regions that are not currently cultivated. This land typically has sparse vegetation, contributing to increased surface runoff and soil erosion risks. 20% of the area is occupied by small-scale structures, including farmhouses, sheds, and rural settlements. Built-up areas tend to have higher impervious surfaces, leading to reduced infiltration and increased runoff during rainfall events.

4.3 SOIL DATA

Soil data is used to predict and estimate the movement of water in soil/groundwater/on surface of the watershed. The information about the various types of soil for the project is obtained from ArcSWAT soil database and a soil map (raster) is generated accordingly.

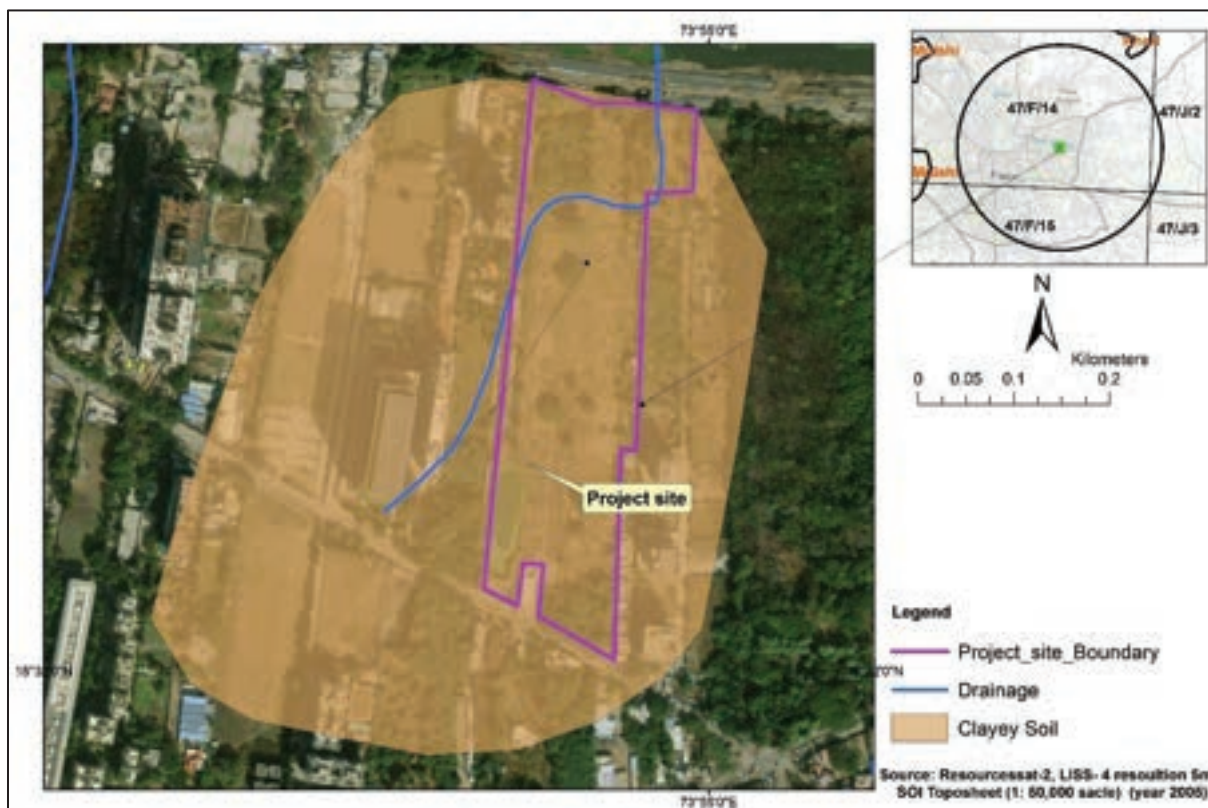


Figure 13: Soil map for the watershed.

<https://esdac.jrc.ec.europa.eu/content/Maharashtra-soils-sheet-1>

Clay Soil, also known as Vertisols, is a dominant soil type in these parts of including the project site in Maval Taluka, Pune. This soil is characterized by its high clay content, which gives it unique properties. The soil is dark in color, rich in minerals, and known for its ability to retain moisture. One of its defining features is its shrink-swell behavior, meaning it expands significantly when wet and contracts when dry. This property can lead to the formation of deep cracks during dry seasons, which can be problematic for construction and agriculture. Despite these challenges, Black Cotton Soil is highly fertile and supports the cultivation of crops like cotton, sugarcane, and cereals, making it valuable for agricultural activities.

From a hydrological perspective, Black Cotton Soil has low permeability, meaning water infiltration is slow. This results in a high potential for surface runoff, particularly during heavy rainfall events. As a result, areas with Black Cotton Soil are prone to waterlogging and flooding, especially in flat or low-lying regions. The soil's poor drainage capacity can also hinder groundwater recharge, as water tends to

accumulate on the surface rather than percolating into the ground. Effective stormwater management practices, such as the construction of drainage systems and rainwater harvesting structures, are crucial in regions with Black Cotton Soil to mitigate flood risks and manage water sustainably.

4.4 CATCHMENT RUNOFF AT OUTLETS

The catchment study area covers around **37.74 ha** area having mainly Built-up land, Barren Land, Land with scrub and vegetation, and its respective percentage area is given below.

Table 2: Land use/land cover statistic

Sr No	LULC	% Area
1	Built-up land	20
2	Land without scrub	74
3	Plantation	6
	Total	100.00

So the overall runoff coefficient $C = [A1.C1 + A2.C2 + \dots + An.Cn] / [A1 + A2 + \dots + An]$

Land Use / Cover	Runoff Coefficient (C)
Urban / Built-up Areas	0.7 - 0.95
Paved Roads & Concrete	0.9 - 1.0
Industrial Areas	0.6 - 0.8
Residential Areas	0.4 - 0.6
Land without Scrub	0.2 - 0.3
Forests / Dense Vegetation	0.05 - 0.2
Plantations	0.1 - 0.2
Agricultural Land (Flat)	0.1 - 0.3
Agricultural Land (Steep)	0.3 - 0.6
Grassland / Pastures	0.1 - 0.25
Bare Soil / Rocky Areas	0.3 - 0.7
Sandy Soil	0.05 - 0.2
Clayey Soil	0.5 - 0.8

Built-up land: $C=0.7$

land without scrub: $C=0.3$

Plantation: $C=0.1$

Substituting the given values:

$$C = (20\% \times 0.7) + (74\% \times 0.3) + (6\% \times 0.1)$$

$$C = (0.20 \times 0.7) + (0.74 \times 0.3) + (0.06 \times 0.1)$$

$$C = 0.14 + 0.222 + 0.006$$

$$C = 0.368$$

Overall runoff coefficient $C = 0.368$

4.5 TIME OF CONCENTRATION

The time of concentration (T_c) is the time it takes for water to flow from the most distant point of the catchment area to the outlet point. It is a crucial parameter in hydrology for designing drainage systems and estimating peak discharge for stormwater management.

The time of concentration can be calculated using several empirical formulas, depending on the type of terrain, land use, and characteristics of the catchment area. A commonly used method is the Kirpich Formula, which is suitable for small to medium rural catchments with natural channels.

$$T_c = 0.01947 \times \left(\frac{L^{0.77}}{S^{0.385}} \right)$$

Where:

T_c = Time of concentration (in minutes)

L = Length of the longest flow path (in meters)

S = Slope of the catchment (unitless, calculated as the difference in elevation divided by the horizontal distance)

4.6 CATCHMENT AREA CLASSIFICATION

Based on the natural drainage the catchment area is showing only one catchment area.

Calculation of Time of Concentration (T_c) Using Kirpich Formula

The Kirpich formula is commonly used for small rural watersheds and is given as:

$$T_c = 0.0078 \times L^{0.77} \times S^{-0.385}$$

where:

- T_c = Time of Concentration (minutes)
- L = Flow path length = 861.79 m
- S = Slope = Elevation Difference / Flow Path Length
- Elevation Difference = 22 m
- $S = \frac{22}{861.79} = 0.0255$

Stepwise Calculation

Step 1: Compute the Slope

$$S = \frac{22}{861.79} = 0.0255$$

Step 2: Apply Values in Kirpich Formula

$$T_c = 0.0078 \times (861.79)^{0.77} \times (0.0255)^{-0.385}$$

Step 3: Compute Exponents

- $861.79^{0.77} \approx 174.64$
- $0.0255^{-0.385} \approx 3.78$

Step 4: Multiply the Values

$$T_c = 0.0078 \times 174.64 \times 3.78$$

$$T_c = 5.83 \text{ minutes}$$

Table 8: Rainfall intensity for 5,10, 25,50 Year return Period

Sr. No.	Catchment	Intensity 5-year return period	Intensity 10-year return period	Intensity 25-year return period	Intensity 50-year return period
1	Catchment Area	67	75.22	85.61	93.31

4.7 STORM WATER RUNOFF CALCULATION

The stormwater runoff for the project site, we will use the rational method formula:

$$Q = C \times I \times A$$

Where:

- Q = Peak discharge (m³/s)
- C = Runoff coefficient (dimensionless)
- II = Rainfall intensity (mm/h)
- A = Catchment area in hectares (ha)

For this calculation, the following parameters have been considered:

- **Runoff Coefficient C=0.368**
- **Catchment Areas:**
 - **Catchment Area: 37.74 ha hectares**
- **Rainfall Intensities** (mm/h) for different return periods are given for each catchment:

Stepwise Calculation

For each return period, we substitute I values from the previously calculated table:

$$Q = 0.368 \times I \times 0.3774 \times \frac{1}{3.6}$$

1. 5-Year Return Period ($I = 67.00$ mm/hr)

$$Q = 0.368 \times 67.00 \times 0.3774 \times \frac{1}{3.6} = 2.30 \text{ m}^3/\text{s}$$

2. 10-Year Return Period ($I = 75.22$ mm/hr)

$$Q = 0.368 \times 75.22 \times 0.3774 \times \frac{1}{3.6} = 2.58 \text{ m}^3/\text{s}$$

3. 25-Year Return Period ($I = 85.61$ mm/hr)

$$Q = 0.368 \times 85.61 \times 0.3774 \times \frac{1}{3.6} = 2.94 \text{ m}^3/\text{s}$$

4. 50-Year Return Period ($I = 93.31$ mm/hr)

$$Q = 0.368 \times 93.31 \times 0.3774 \times \frac{1}{3.6} = 3.21 \text{ m}^3/\text{s}$$

Summary of Storm Water Runoff (m³/s)

Return Period (Years)	Rainfall Intensity I (mm/hr)	Peak Discharge Q (m ³ /s)
5	67.00	2.30
10	75.22	2.58
25	85.61	2.94
50	93.31	3.21

4.8 HYDRAULIC DESIGN

To determine the appropriate Hume pipe size for both Catchment, we can use

Manning's equation for flow in a circular pipe, which is:

$$Q = \frac{1}{n} AR^{2/3} S^{1/2}$$

Where:

Q is the discharge

n is Manning's coefficient (0.013),

S is the slope ,

A is the cross-sectional area of the pipe (r^2 for a circular pipe),

Catchment Area

where:

- Q = Peak discharge (m^3/s) (from previous calculations)
- n = Manning's roughness coefficient (**0.013** for concrete pipe)
- A = Cross-sectional area of the pipe (m^2)
- R = Hydraulic radius = $\frac{A}{P}$ (m)
- P = Wetted perimeter (m)
- S = Slope of the pipe (assumed or given)

For a **full-flow circular pipe**:

- **Area:** $A = \frac{\pi D^2}{4}$
- **Hydraulic Radius:** $R = \frac{D}{4}$

Thus, Manning's equation simplifies to:

$$Q = \frac{1}{n} \times \frac{\pi D^2}{4} \times \left(\frac{D}{4}\right)^{2/3} \times S^{1/2}$$

Solving for Diameter D

Rearrange Manning's equation:

$$D = \left[\frac{4Qn}{\pi S^{1/2} (D/4)^{2/3}} \right]^{3/8}$$

Step 1: Rearrange to Solve for D

Substituting values of A and R into Manning's equation:

$$Q = \frac{1}{0.013} \times \frac{\pi D^2}{4} \times \left(\frac{D}{4}\right)^{2/3} \times (0.002)^{1/2}$$

Since $(0.002)^{1/2} = 0.04472$, we rewrite:

$$Q = \frac{1}{0.013} \times \frac{\pi D^2}{4} \times \left(\frac{D}{4}\right)^{2/3} \times 0.04472$$

$$Q = \frac{76.92}{4} \times \pi D^2 \times \left(\frac{D}{4}\right)^{2/3} \times 0.04472$$

$$Q = 19.23 \times \pi D^2 \times \left(\frac{D}{4}\right)^{2/3} \times 0.04472$$

$$Q = 19.23 \times 3.1416 \times D^2 \times \left(\frac{D}{4}\right)^{2/3} \times 0.04472$$

Using Manning's equation, the required Hume pipe diameter D for each return period is:

Return Period (Years)	Peak Discharge Q (m ³ /s)	Required Pipe Diameter D (m)
5-Year	2.30	1.58 m
10-Year	2.58	1.65 m
25-Year	2.94	1.74 m
50-Year	3.21	1.79 m

Selecting Practical Pipe Size

- For a 5-Year Return Period: 1.8 m diameter pipe
- For a 10-Year Return Period: 1.8 m diameter pipe
- For a 25-Year Return Period: 2.0 m diameter pipe
- For a 50-Year Return Period: 2.0 m diameter pipe

5. EXISTING NALA CARRYING CAPACITY FOR THE PEAK DISCHARGE

We need to determine whether the existing nala can handle the peak discharge (Q) using the Manning's equation:

$$Q = \frac{1}{n} A R^{2/3} S^{1/2}$$

where:

- Q = Flow rate (m^3/s)
- n = Manning's roughness coefficient (assumed 0.025 for a natural earthen channel)
- A = Cross-sectional area of flow (m^2)
- R = Hydraulic radius (m) = A/P
- P = Wetted perimeter (m)
- S = Slope of the nala (assumed 0.002)

Step 1: Compute Cross-Sectional Area A and Wetted Perimeter P

At Nala Entry (Width = 1.70 m, Depth = 0.50 m)

$$A_{\text{entry}} = \text{Width} \times \text{Depth} = 1.70 \times 0.50 = 0.85 \text{ m}^2$$

Wetted Perimeter:

$$P_{\text{entry}} = \text{Width} + 2 \times \text{Depth} = 1.70 + 2(0.50) = 2.70 \text{ m}$$

Hydraulic Radius:

$$R_{\text{entry}} = \frac{A_{\text{entry}}}{P_{\text{entry}}} = \frac{0.85}{2.70} = 0.315 \text{ m}$$

At Nala Exit (Width = 1.80 m, Depth = 1.20 m)

$$A_{\text{exit}} = 1.80 \times 1.20 = 2.16 \text{ m}^2$$

Wetted Perimeter:

$$P_{\text{exit}} = 1.80 + 2(1.20) = 4.20 \text{ m}$$

Hydraulic Radius:

$$R_{\text{exit}} = \frac{A_{\text{exit}}}{P_{\text{exit}}} = \frac{2.16}{4.20} = 0.514 \text{ m}$$

The Nala Carry the Peak Discharge?

- Discharge Capacity at Entry: $0.70 \text{ m}^3/\text{s}$
- Discharge Capacity at Exit: $2.48 \text{ m}^3/\text{s}$

Existing Nala is NOT sufficient to handle peak discharge ($Q_{\text{peak}} = 3.0 \text{ m}^3/\text{s}$), especially at the **entry section**.

6. OPTION FOR NALA DIVERSION

6.1 DESIGNING AN OPEN CHANNEL OR HUME PIPE FOR NALA DIVERSION

Step 1: Understanding Existing Conditions

- **Entry Section (Before Diversion):**
 - Width = 1.70 m
 - Depth = 0.50 m
 - Calculated Discharge Capacity = 0.70 m³/s
- **Exit Section (After Diversion):**
 - Width = 1.80 m
 - Depth = 1.20 m
 - Calculated Discharge Capacity = 2.48 m³/s

Peak Discharge Q_{peak} = the peak discharge **exceeds** 2.48 m³/s, the nala cannot accommodate the flow and needs modifications.

6.1.1 OPTION 1 – OPEN CHANNEL DESIGN ALONG BOUNDARY

For proper conveyance, an open channel should be designed using **Manning's equation**:

$$Q = \frac{1}{n} AR^{2/3} S^{1/2}$$

Proposed Open Channel Dimensions

To handle Q_{peak} up to 3.0 m³/s safely:

- Width (B) = 2.5 m
- Depth (D) = 1.2 m
- Side Slope (1:1)

This will ensure smooth flow with a **self-cleaning velocity**.

6.1.2 OPTION 2 – HUME PIPE AT ENTRY & EXIT

For a **closed conduit system**, we use **Manning's formula** for pipe flow:

$$Q = \frac{1}{n} AR^{2/3} S^{1/2}$$

Recommended Pipe Size

- Pipe Diameter at Entry = 2.0 m (2000 mm Hume pipe)
- Pipe Diameter at Exit = 2.4 m (2400 mm Hume pipe)

Conclusion

- If space is available, an open channel (2.5m width, 1.2m depth) is preferred for maintenance and long-term sustainability.
- If space constraints exist, install 2000 mm & 2400 mm Hume pipes at entry and exit points respectively.

6.2 HYDRAULIC CALCULATIONS FOR SIZES

1. Open Channel Design Alternative

Proposed Channel Dimensions:

- Width $B = 2.5$ m
- Depth $D = 1.2$ m
- Side Slopes = 1:1 (45-degree slope)

Step 1: Cross-Sectional Area A

$$A = (B + D) \times D$$

$$A = (2.5 + 1.2) \times 1.2 = 4.44 \text{ m}^2$$

Step 2: Wetted Perimeter P

$$P = B + 2 \times D \times \sqrt{1^2 + 1^2}$$

$$P = 2.5 + 2 \times 1.2 \times 1.414$$

$$P = 6.89 \text{ m}$$

Step 3: Hydraulic Radius R

$$R = \frac{A}{P} = \frac{4.44}{6.89} = 0.645 \text{ m}$$

Step 4: Discharge Calculation Q

$$Q = \frac{1}{0.025} \times 4.44 \times (0.645)^{2/3} \times (0.002)^{1/2}$$

$$Q = 3.08 \text{ m}^3/\text{s}$$

✅ This open channel can carry 3.08 m³/s, making it sufficient for peak discharge!

2. 2400 mm (2.4m) Diameter Pipe

- Pipe Radius $r = \frac{2.4}{2} = 1.2$ m
- Cross-sectional area

$$A = \pi r^2 = 3.1416 \times (1.2)^2 = 4.52 \text{ m}^2$$

- Wetted Perimeter

$$P = \pi D = 3.1416 \times 2.4 = 7.54 \text{ m}$$

- Hydraulic Radius

$$R = \frac{A}{P} = \frac{4.52}{7.54} = 0.6 \text{ m}$$

- Discharge Calculation

$$Q = \frac{1}{0.013} \times 4.52 \times (0.6)^{2/3} \times (0.002)^{1/2}$$

$$Q = 3.98 \text{ m}^3/\text{s} \quad \checkmark \text{ (Sufficient!)}$$

- ✓ 2.4m dia pipe can handle the required peak discharge (3.0 m³/s).

7. CONCLUSION

The project site experiences an elevation difference of 22 meters over a length of 861.79 meters, which influences the flow velocity and hydraulic design considerations. The calculated Time of Concentration (T_c) and Rainfall Intensity for different return periods were used to estimate the peak discharge ($Q = 3.0 \text{ m}^3/\text{s}$). The runoff coefficient ($C = 0.368$) and the contributing catchment area of 37.74 hectares played a significant role in determining stormwater flow rates. The site contains a natural nala with an entry width of 1.70 m and depth of 0.5 m, while at the exit, it expands to 1.80 m width and 1.20 m depth. However, hydraulic calculations indicate that these existing dimensions are insufficient to accommodate peak stormwater discharge, necessitating an improved drainage system.

To effectively manage the stormwater flow along the project boundary, two alternatives were analyzed: an open channel and an underground Hume pipe system. The open channel with a width of 2.5 m and depth of 1.2 m was found to be adequate, with a discharge capacity of $3.08 \text{ m}^3/\text{s}$, which sufficiently handles the design flow. Alternatively, a 2400 mm (2.4 m) diameter Hume pipe was determined to be the most suitable pipe size, as it provides a discharge capacity of $3.98 \text{ m}^3/\text{s}$, safely exceeding the required peak flow. The Manning's equation was applied to compare different pipe sizes, with 1.2m and 1.8m diameters proving insufficient for the required discharge.

Considering practical feasibility, the open channel option is preferred where space permits, as it provides cost-effective and easy maintenance. However, if underground conveyance is necessary, a 2.4m diameter Hume pipe should be installed. The total pipe length and required slopes must be determined based on site constraints to

ensure proper alignment and functionality. These hydraulic calculations ensure that the designed drainage system will prevent flooding, efficiently direct stormwater away from the site, and maintain sustainable water flow conditions throughout the project area.



8. RECOMMENDATION

8.1 RECOMMENDATIONS FOR STORMWATER MANAGEMENT, OPEN CHANNEL DESIGN, AND HUME PIPE DESIGN

1. Stormwater Management Recommendations:

- Implement a **proper drainage system** along the project boundary to effectively convey stormwater and prevent flooding.
- Ensure **sufficient capacity** in the designed system to handle peak discharge ($Q = 3.0 \text{ m}^3/\text{s}$) based on the calculated return period intensities.
- Incorporate **rainwater harvesting** or detention basins to reduce peak runoff and improve groundwater recharge.
- Maintain a **minimum slope (0.002)** for efficient flow and to prevent stagnation.
- Conduct **regular maintenance of channels** and pipes to prevent blockages and ensure smooth drainage operation.

2. Open Channel Design Recommendations:

- Construct an **open rectangular channel** with a minimum width of **2.5 m** and depth of **1.2 m**, ensuring it can accommodate peak flow.
- Use **reinforced concrete lining** or stone pitching to prevent erosion and ensure channel durability.
- Maintain a **slope of at least 0.002** to ensure proper gravity flow without excessive velocity causing erosion.
- Provide **check dams or energy dissipators** at critical points to control high-velocity flow and prevent scouring.
- Keep the **channel free from obstructions** such as vegetation and debris through regular inspections and cleaning.

3. Hume Pipe Design Recommendations:

- Use a **Hume pipe with a minimum diameter of 2.4 meters** to safely convey peak discharge.
- Install **proper inlet and outlet structures with grates** to prevent debris entry and clogging.
- Ensure a **minimum slope of 0.002** for self-cleansing velocity in the pipe to prevent sediment deposition.
- Utilize **concrete bedding and encasement** for pipe stability and longevity, especially in areas with high load or soft soil conditions.
- Provide **manholes or inspection chambers** at regular intervals to facilitate maintenance and inspection.

8.2 GENERAL RECOMMENDATIONS

1. **Ensure Adequate Freeboard:** Include an additional freeboard (e.g., 0.3–0.5 meters) above the calculated flow depth to account for extreme events, sedimentation, or unexpected increases in runoff.
2. **Improve Channel Material:** Use lined channels (e.g., concrete or reinforced masonry) to reduce Manning's roughness coefficient and minimize erosion, ensuring better flow efficiency and longevity.
3. **Install Energy Dissipation Structures:** Add stilling basins or energy dissipators at high-gradient sections or channel outlets to prevent scouring and erosion.
4. **Regular Maintenance:** Schedule routine inspections and cleaning of the channels to remove sediment, vegetation, or debris that could obstruct flow.

5. **Implement Vegetative Buffers:** Surround the channels with vegetative buffers to filter runoff, reduce pollutant loads, and prevent bank erosion.
6. **Include Emergency Overflow Systems:** Design emergency overflow channels or spillways to manage excess flow during extreme rainfall events, safeguarding infrastructure.
7. **Adjust Slopes for Durability:** Verify that the channel slope is sufficient to prevent sediment deposition while avoiding excessive flow velocities that could lead to erosion.
8. **Incorporate Check Dams:** Install small check dams along long flow paths to reduce flow velocity and control sediment transport, especially in unlined sections.
9. **Monitor Climate Variability:** Consider updating design parameters periodically to reflect changing rainfall intensities due to climate change, ensuring resilience over the long term.
10. **Use Retention Ponds:** Incorporate upstream retention or detention basins to reduce peak runoff rates and manage flow entering the channels more effectively.
11. **Apply Protective Linings:** Use geotextiles or riprap along channel sides in high-velocity sections to provide additional stability and prevent erosion.
12. **Community Awareness and Involvement:** Educate local communities about the importance of keeping drainage systems free from waste and pollutants to maintain their effectiveness and reduce maintenance costs.

These recommendations aim to enhance the effectiveness, durability, and sustainability of the open channel system, ensuring reliable stormwater management for both catchments.

Akshay Jagtap <akshayjagtap117@gmail.com>

Saturday, April 13, 2024 2:47 PM

Mahesh Kunkulol <mahesh.kunkulol@bajajfinserv.in>

Sanjiv R Bajaj <sanjiv@bajajfinserv.in>

Re: Regarding valuable appointment for Respected SANJIV BAJAJ sir

CAUTION: This email is originated from outside of the organization. Watch the URL link very carefully before opening. Do not open attachments and links unless you recognize the sender Email ID and know the content is safe.

Respected Mahesh Sir,

I trust this email finds you well.

As we prepare for the commencement of excavation work, it is imperative for us to establish direct communication with Panchshil to ensure seamless coordination and alignment with project timelines and requirements.

I kindly request your assistance in scheduling an appointment to discuss the specifics of the excavation work and to obtain the contact details of the relevant person at Panchshil responsible for overseeing this aspect of the project.

Could you please suggest a suitable time for us to meet? Additionally, if feasible, could you provide me with the name and contact information of the individual we should liaise with at Panchshil for the excavation work?

Your support in facilitating this communication process is invaluable to us, and we are grateful for your prompt attention to this matter.

Thank you for your cooperation, and I eagerly await your response.

Regards,

Akshay Sunil Jagtap (B.E. Mechanical, MBA Operation Management, LLB)

+91-7776081234

On Sat, Apr 13, 2024, 13:39 Mahesh Kunkulol <mahesh.kunkulol@bajajfinserv.in> wrote:

Dear Akshay,

Thank you for your email.

You should reach out to Panchshil for the works that you are interested in.

Thank you.

Mahesh

From: Akshay Jagtap <akshayjagtap117@gmail.com>

Sent: Friday, April 12, 2024 11:43:50 pm

To: Sanjiv R Bajaj <sanjiv@bajajfinserv.in>; Office of the MD, Bajaj Finserv <mdoffice@bajajfinserv.in>

Subject: Regarding valuable appointment for Respected SANJIV BAJAJ sir

Some people who received this message don't often get email from akshayjagtap117@gmail.com. [Learn why this is important](#)

CAUTION: This email is originated from outside of the organization. Watch the URL link very carefully before opening. Do not open attachments and links unless you recognize the sender Email ID and know the content is safe.

Hello sir,

My name is Akshay Jagtap from Influx Technologies, Mundhawa. I am Excavation contractor. Being a mechanical engineer, I have proper knowledge of machinery and equipment and also worked for various projects of Excavation.

I request you to have appointment with you for your valuable guidance and insights from you and regarding Excavation work at upcoming Mundhawa commercial project.

Thank you,

Regards,

Akshay Sunil Jagtap (B.E. Mechanical, MBA Operation management, LLB)

Influx Technologies & Infra , Mundhawa, Pune

www.influxtech.co

+91-7776081234

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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No. SIA/MH/MIS/132049/2019
 Environment Department
 Room No. 217, 2nd Floor,
 Mantralaya,
 Mumbai- 400032.
 Date: 16.03.2020.

To
 M/s.BramhaCorp Limited and others
 C.T.S No.1271, 1268, Mundhwa,
 Pune.

Subject : Environment Clearance for Proposed Commercial project at Sy. No. 84/3+ 84/6 and 84/4B/1, corresponding to C.T.S No.1271, 1268, Mundhwa, Taluka Haveli, Pune, by BramhaCorp Limited and others

Reference : Application no. SIA/MH/MIS/132049/2019

This has reference to your communication on the above mentioned subject. The proposal was considered by the SEAC-3 in its 103rd meeting under screening category 8 (b) as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 191st meeting of State Level Environment Impact Assessment Authority (SEIAA).

2. Brief Information of the project submitted by you is as below:-

Name of project	Proposed Commercial project at Sy. No. 84/3+ 84/6 and 84/4B/1, corresponding to C.T.S No.1271, 1268, Mundhwa, Pune, Maharashtra			
Project Category	8a (B2)			
Type Of Institution	Private			
Project Proponent	Name: Ms. Anjali Bendarkar Office address: BramhaCorp, Residency Club, 3 Queens Garden, Camp, Pune. Contact No: 8698839905 e-mail: ec@bramhacorp.in			
Consultant	Enviro Analyst and Engineers			
Applied for	EC			
Details of Previous EC	Not any			
Location of Project	Mundhwa			
Latitude and Longitude	18°32'9.76"N , 73°54'53.35"E			
Total Plot area (m ²)	13867.00			
Deductions (m ²)	4725.22			
Net Plot area (m ²)	9141.78			
Proposed FSI area (m ²)	27423.61			
Proposed Non FSI area (m ²)	38351.43			
Proposed TBUA (m ²)	65775.04			
TBUA (m ²) approved by Planning authority till date	FSI : 27423.61 Non FSI : 38351.43 Total Built Up area : 65775.04			
Ground Coverage (m ²)	2821.95			
Total Project Cost (Rs)	159.50 Cr.			
CER as per MoEF and CC circular dated 1.5.2018	Activity	Location	Cost (Rs. In	Duration

			Lakhs)		
	Solar PV System	Solar System for Hospital - Rajiv Gandhi Hospital, Yerwada (around 55 KW unit)	35.75	5 years	
	Avenue Plantation	Proposed plantation with tree guard along 6.6 Km Road along Old Mundhwa road About 1100 Nos. of Trees.	66.00	5 years	
	Provision of Drinking water	Provision of Drinking water cooler system 28 No.to near by Govt school	8.96	5 years	
	Provision of Computers	Provision of Computer system 43 No.to near by Govt school	19.35	5 years	
	Solar Pole Lights	Solar Light poles - 110 nos.	110		
	Total		240.06		
Details of Building Configuration					
Existing Building			Proposed Configuration		
Building Name	Configuration	Height	Building Name	Configuration	Height
NA			WING A+WING B	4B+LG+G+1st+2P+13	56.00
			WING C+WING D	LG+G+1st+2P+1	20.10
			Club House 1	G+1	8.00
			Club House 2	G	5.00
Total No. of Tenements		98 Shops, 406 Offices, 7 Restaurants			
Water Budget					
DRY SEASON			WET SEASON		
Fresh	168		Fresh	168	
Recycled	103		Recycled	103	
Swimming Pool	0		Swimming Pool	0	
Flushing	90		Flushing	90	
Gardening	13		Gardening	0	
Total	271		Total	258	
Wastewater Generation	232		Wastewater Generation	232	
Water Storage Capacity for Fire fighting UGT		Fire Fighting UGT: A+B – 200 KLD C+D - 50 KLD			
Source of water		PMC			

Rainwater Harvesting (RWH)	Level of GW table Post monsoon- 4 to 5 Mt. below ground level. Pre monsoon- 10 to 12 Mt. below ground level.		
	Size and No. of RWH tank - NA		
	Qty and size of recharge pit – 5 Filter Pits of size 2 Mt. X 1 Mt. X 2 Mt.		
	Details of UGT : Domestic: A+B - 200 KLD C+D - 70 KLD		
Sewage and wastewater	Sewage Generation in CMD : 232		
	STP technology : MBBR		
	Capacity of STP (CMD) : 180 and 60		
Solid waste Management during construction	Type	Quantity(kg/d)	Treatment/Disposal
	Dry	27	PMC
	Wet	18	PMC
	Construction waste	45	Authorized vendor
Solid waste Management during Operation phase	Type	Quantity(kg/d)	Treatment/Disposal
	Dry	585	Authorized vendor
	Wet	390	OWC
	Hazardous	0	--
	Biomedical	0	--
	E-Waste	4	Authorized vendor
	STP-Sludge (dry)	34	Use as manure
Green belt development	Type		
	Total RG area	1094.66	
	Existing tree on plot	113	
	No. of trees to be planted	146	
	No. of trees to be cut	0	
	No. of trees to be transplanted	0	
Power Requirement	Source of Power supply	MSEDCL	
	During Construction phase (Demand Load)	120-150 kW	
	During Operation Phase (Connected Load)	3792 kW	
	During Operation Phase (Demand Load)	2723 KW	
	Transformer	1 No. of -630 kVA 2 No. of - 1250 kva	
	DG Set	2 Nos. Of 1010 KVA 1 Nos. Of 250 KVA	
	Fuel Used	HSD	
Details of Energy Saving	1. Auto Timer control for external & Common lighting 2. Use of CFL /LED Lamps in all public/common		

	areas 3. Solar powered water heating . 4. Electronic V3F Drives for Elevators 5. Solar PV Panel power for common area lighting.]			
Environment Management Plan during Construction Phase	Type	Details	Cost	
	Capital	Air Environment, water Environment, Land Environment, Socio economic etc.	21.69	
	O&M	Air Environment, water Environment, Land Environment, Socio economic etc.	3.62	
Environment Management Plan during Operation Phase	Component	Details	Capital (Rs.)	O&M (Rs./Yr)
	Storm water		40.00	3.5
	Sewage treatment plant	STP	83.15	16.5
	RWH	Recharge pits	5.00	2.50
	Solid Waste	OWC	13.44	0.50
	Green Development	Development & maintenance	8.96	2.44
	Energy Saving	Energy saving measures	39.60	3.14
	Environmental Monitoring		MoEF & CC approved lab	1.19
	Disaster Management	-	440.84	18.87
Traffic Management	Type	Required as per DCR	Actual Provided	Area per parking (m ²)
	4-wheeler	535	592	30.65
	2-wheeler	1353	1565	
	Bicycles	462	532	
Details of court cases/litigations wrt project and project location if any	NA			

3. The proposal has been considered by SEIAA in its 191st meeting and decided to accord Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implantation of following terms and conditions-

Specific Conditions:

- i. PP to relocate inlet duct for basement ventilation.
- ii. PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.
- iii. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.

General Conditions:

- iv. E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
- v. The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
- vi. This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
- vii. PP has to abide by the conditions stipulated by SEAC& SEIAA.
- viii. The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
- ix. If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
- x. All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
- xi. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- xii. The solid waste generated should be properly collected and segregated. Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- xiii. Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- xiv. Arrangement shall be made that waste water and storm water do not get mixed.
- xv. All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- xvi. Additional soil for levelling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- xvii. Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- xviii. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- xix. Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
- xx. Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.

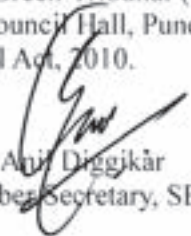
- xxi. The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- xxii. The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
- xxiii. Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- xxiv. Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- xxv. Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
- xxvi. Ready mixed concrete must be used in building construction.
- xxvii. Storm water control and its re-use as per CGWB and BIS standards for various applications.
- xxviii. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- xxix. The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.³
- xxx. The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treated effluent emanating from STP shall be recycled/ refused to the maximum extent possible. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treatment of 100% grey water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
- xxxi. Permission to draw ground water and construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
- xxxii. Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.
- xxxiii. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- xxxiv. Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
- xxxv. Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfil requirement.
- xxxvi. Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed of /sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non-conventional energy source as source of energy.
- xxxvii. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- xxxviii. Noise should be controlled to ensure that it does not exceed the prescribed standards. During night-time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- xxxix. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site

must be avoided. Parking should be fully internalized and no public space should be utilized.

- xl. Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfil requirement.
- xli. The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
- xl.ii. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
- xl.iii. Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
- xl. iv. Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.
- xl. v. Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line. No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
- xl. vi. Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
- xl. vii. Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
- xl. viii. A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
- xl. ix. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
 - i. A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
 - ii. Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
 - iii. The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at <http://parivesh.nic.in>
 - xl. iii. Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
 - xl. iv. A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
 - xl. v. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
 - xl. vi. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the

SPCB.

- lvii. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.
7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, amended time to time.
8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.
9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
10. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D- Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


Anil Diggikar
(Member Secretary, SEIAA)

Copy to:

1. Shri Johnny Joseph, Chairman, SEIAA.
2. Secretary, MoEF & CC
3. IA- Division MOEF & CC
4. Member Secretary, Maharashtra Pollution Control Board, Mumbai.
5. Regional Office MoEF & CC, Nagpur
6. District Collector, Pune.
7. Municipal Commissioner, Pune.
8. Regional Officer, Maharashtra Pollution Control Board, Pune.



पुणे महानगरपालिका

(यापुढील पत्रव्यवहार खालील क्रमांक व दिनांक यांच्या उल्लेखासह करावा)
(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्कांचे संदर्भ लक्षात न घेता अर्जदारास हे
संमतीपत्र देण्यात येत आहे.)

बांधकाम विकास विभाग
पुणे महानगरपालिका
शिवाजीनगर,
पुणे-४११ ००५

बांधकाम चालू करण्याकरिता दाखला (संमती नकाशासह) कमेन्समेन्ट सर्टिफिकेट

सदरचा बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र नगररचना अधिनियम, १९६६ चे कलम ४४/४५/५८/६९ यांतील आणि महाराष्ट्र मुनिसिपल कॉर्पोरेशन ॲक्ट चे कलम २५३ व २५४ यांतील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे

प्रकरण दिनांक : MDW/0022/19

Proposal Type : Commercial

Case Type : New

Project Type : Amalgamation+ Lay out
of Building + Proposed
Building



क्रमांक : CC/2511/19

दिनांक : 18/01/2020

श्री / श्रीमती BRAMHACORP LTD & OTHERS THROUGH KARAN AGARWAL व्दारा आर्किटेक्ट / ला. स. श्री NITIN M. WAGHMARE यांस राहणार पुणे, पेठ महाराष्ट्र नगररचना अधिनियम, १९६६ चे कलम ४४/४५/५८/६९ व मुंबई प्रांतिक महानगरपालिका, अधिनियम सन १९४९ चे कलम २५३ व २५४ प्रमाणे पुणे महानगरपालिकेच्या सीमेतील पेठ Mundhwa घरांक सर्वे नं 84/3+84/6+84/4B/1 सी. सं. नं. 1268+1271 हिस्सा नं. _____ फायनल प्लॉट क्र. _____ प्लॉट क्र. _____ सोसायटी येथे विकास करण्यासाठी आपण महानगरपालिकेकडे दिनांक 10/01/2020 रोजी प्रस्ताव दाखल केला आहे.

-: अटी :-

- सदर प्रस्तावातील दर्शविण्यात आलेली दर्शनी अंतरे / रस्ता प्रमाणरेषा पर्यंतचे क्षेत्र पुणे म.न.पा. च्या सुचनेनुसार भविष्यात सार्वजनिक रस्त्याचा भाग राहणार आहे.
- कोणत्याही नवीन इमारतीचा अथवा बाढीव/दुरुस्त इमारतीचा वापर अथवा वापरासाठी परवानगी वा ताबा हा कोणत्याही व्यक्तीद्वारे पुणे म.न.पा.च्या भोगवटापत्र प्राप्त झाल्याशिवाय करण्यात येऊ नये.
- सदर संमतीपत्राची/विकास परवानगीची मुदत (काम सुरु झालेले नसल्यास) संमतीपत्राचे दिनांकापासून १ वर्षाची राहिल. (सोबतचा संमती नकाशा ह्या संमतीपत्राचा अविभाज्य भाग समजणेत येईल.)
- सदर संमतीपत्र हे मुदत संपल्यानंतर प्रत्येक वर्षी नूतनीकरण करणे आवश्यक आहे असे नूतनीकरण सलग तीन वेळा करता येईल. तसे न झाल्यास महाराष्ट्र प्रादेशिक आणि नगररचना अधिनियम, १९६६ चे कलम ४४ अन्वये नवीन अर्ज करून संमती घ्यावी लागेल. एम.आर.टी.पी. कलम ४८ अन्वये संमतीपत्राची वैधता राहिल.
- सदरचे संमतीपत्र हे पुढील अटीचा भंग झाल्यास रद्द करण्यास पात्र राहिल.
 - (अ) जागेवरील विकसन बांधकाम हे मान्य नकाशाप्रमाणे दर्शविलेल्या/संमत केलेल्या वापरानुसार होत नसल्यास अथवा सदर ठिकाणी अनधिकृत बांधकाम/अनधिकृत वापर चालू असल्यास अटीचा भंग समजण्यात येईल.
 - (आ) सदर बांधकाम प्रस्तावातील संदर्भातील नमूद केलेल्या अटीचे उल्लंघन होत असल्यास/झाले असल्यास, पुणे म.न.पा.ने पातळलेल्या निर्बंधाचे उल्लंघन झाले असल्यास, अटीचा भंग झाला आहे असे समजण्यात येईल.
 - (इ) अर्जदाराने सदरची परवानगी ही गैरकृत्य करून पुणे म.न.पा.चे दिशाभूल करून प्राप्त केलेली आहे, असे निदर्शनास आल्यास अटीचा भंग झाला आहे असे समजण्यात येईल. विकास नियंत्रण नियमावली नियम क्र. ६.१० महाराष्ट्र मुनिसिपल कॉर्पोरेशन ॲक्ट कलम २५८ अन्वये सदरची परवानगी दिशाभूल करून घेण्यात आली आहे असे समजण्यात येईल.
 - (ई) अर्जदार आणि जो इसम हा स्वतः किंवा त्याच्याद्वारे मालकी हक्काचा दावा करून महाराष्ट्र प्रादेशिक आणि नगररचना अधिनियम, १९६६ चे कलम ४२ व ४५ अन्वये असलेल्या तरतुदीचे उल्लंघन करून जमिन विकसन अथवा बांधकाम करत असल्याचे निदर्शनास आल्यास सदरची परवानगी दिशाभूल करून घेण्यात आली आहे असे समजण्यात येईल.
- सदर संमतीपत्रावरील/लगत असलेल्या अटी व सूचना या केवळ अर्जदारास नव्हे तर भविष्यातील अर्जदाराचे सर्व बालीवारस, मुखत्यारधारक, व्यवस्थापक, प्रशासक, वारसदार आणि प्रत्येक इसम जो अर्जदाराच्या द्वारा मालकी हक्क सिध्द करेल त्या सर्वांस कायमस्वरूपी बंधनकारक राहिल.
- काम सुरु करणेपूर्वी एन. ए. ऑर्डर दाखल करणार.

८. अकृषिक दाखला (एन. ए. ऑर्डर), यु.एल.सी. आदेश, महाराष्ट्र प्रदूषण नियामक मंडळ, औद्योगिक संचानलाय, कामगार विमा आयुक्त यांचे आदेशातील अटी व शर्ती बंधनकारक राहतील.

वरील संमतीप्रमाणे काम करताना म्युनिसिपल कॉर्पोरेशन अॅक्ट, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ अगर त्यास अनुसरून केलेले नियम व शर्ती यांचा भंग होत आहे, असे पुणे म.न.पा. चे निदर्शनास आल्यास सदरचे संमतीपत्र रद्द करण्याचा अधिकार पुणे म.न.पा.स राहिल. वरील संमतीपत्राविषयी काही शंका येत असेल तर कामास आरंभ करण्यापूर्वी महानगरपालिकेकडे तसे कळवून स्पष्टीकरण करून घ्यावे.

विशेष अटी:-

१. हायराईज इमारती संदर्भातील वि.नि.नि.नियम क्र. २१.६.६ मधील तरतुदी बंधनकारक राहतील.
२. मा. शासनाकडील शासन निर्णय क्र. टीपीएस-१८०७/२५२/सी.आर.६३०/०७/युडी-१३ मधील अतिरिक्त अग्निशमन व्यवस्था, विशेष वर्गवारीमधील स्ट्रक्चरल इंजिनियर यांची नेमणूक, सर्व्हिस व फायर लिफ्ट याबाबत नमुद केलेल्या अटी बंधनकारक राहतील.
३. हायराईज इमारतीचे सर्व्हिस/फायर ऑडिटिंग हे प्रत्येक वर्षी सक्षम प्राधिकृत अधिकाऱ्याकडून करून घेणे बंधनकारक राहिल. व म.न.पा. मागणीनुसार उपलब्ध करून देणे बंधनकारक राहिल.
४. इमारतीतील उद्वाहनाचे (लिफ्टचे) दरवाजे लिफ्ट मधील स्थिती दिसण्याच्या दृष्टिने पारदर्शक असावेत.
५. जलसंवर्धनाकरिता नियोजित इमारतीमध्ये पर्जन्यजलाचे पुर्नभरण, दुहेरी फ्लश यंत्रणा, नियंत्रित दाब यंत्रणा
६. सोलर सिस्टिमची यंत्रणा बसविणार.

काही महत्वाच्या विशेष सूचना :-

१. यु.एल.सी.ऑर्डरमधील सर्व अटी संबंधित मालक /विकासकावर बंधनकारक राहतील त्यास पुणे म.न.पा. जबाबदार राहणार नाही.
२. विकास योजना खात्याकडील मान्य एक्झिक्युशन/सब डिव्हिजन/लेआऊट ऑफ बिल्डींग मधील सर्व अटी बंधनकारक राहतील.
३. कमेन्समेंट सर्टिफिकेटचे दिनांकापासून १ (एक) वर्षाच्या आत अथवा कोणतेही भोगवटापत्र मागणीपूर्वी (जे अगोदर) एकत्रित / स्वतंत्र असा ७/१२ उतारा व मोडणीचा सिटी सर्व्हे कडील नकाशा दाखल करणार.
४. ओला व सुक्या कचऱ्याकरिता मिळकतीमध्ये कंटेनरची सोय करणार.
५. काम सुरु करण्यापूर्वी मान्यताप्राप्त दर्जाच्या परवानाधारक स्ट्रक्चरल इंजिनियर/इंजिनियर यांची नेमणूक करणारे पत्र व जोते तपासणी दाखला तसेच कोणतेही भोगवटापत्र मागणेपूर्वी त्यांचे स्ट्रक्चरल स्टॅबिलिटी सर्टिफिकेट/रिपोर्ट दाखल करणार. वाढीव बांधकाम स्ट्रक्चरल इंजिनियरसंचे नियमित मार्गदर्शन व देखरेखीखाली पूर्ण करणार.
६. बांधकामाचे नकाशांना परवानगी मिळाल्यावर विकासकर्ता/मालक यांनी जागेवर फलक लावून खालील प्रमाणे माहिती दर्शवावी. अ) मालकाचे, विकासकाचे, ला. आर्कि. व कॉन्ट्रक्टर यांची नावे व पत्ता व संपर्क दुरध्वनी / भ्रमण दुरध्वनी क्रमांक.
७. कुठलेही वाढीव/दुरुस्त प्रस्ताव मान्यता मागणेपूर्वी सुधारित डी.पी.लेआऊट मान्य करून घेणार. (आवश्यकतेनुसार)
८. रस्त्यांवर अतिरिक्त चर्टई क्षेत्र वापरण्यापूर्वी सदर रस्त्याची जागा म.न.पा. च्या ताब्यात देणार.
९. जागेवर अस्तित्वातील म.न.पा. मीटर कनेक्शन असल्यास काम सुरु करण्यापूर्वी पाणी पुरवठा विभागाचे ना हरकत पत्र दाखल करणार.
१०. भाडेकरू पुनर्वसन योजनेकरिताच्या अटी :- १) नविन इमारतीमध्ये जागा देण्याचेण्याबाबत एकमत झाले असल्याबाबत व त्याबाबत तक्रार नसल्याबाबत रजिस्टर करार जोते तपासणीपूर्वी दाखल करणार. २) कुलमखत्यारपत्रधारक अगर मालक यांच्याकडून त्यांनी कबूल केल्याप्रमाणे जागेचा ताबा मिळाला/मिळणार आहे व त्याबाबत कोणतीही तक्रार नसल्याचे सर्वभाडेकरूंचे नोटलाईन्ड ना हरकत पत्र, भोगवटापत्र मागणेपूर्वी दाखल करणार. ३) भाडेकरू व विकासक यांचे दरम्यान वाद निर्माण झाल्यास त्यास म.न.पा. जबाबदार राहणार नाही. ४) सुधारीत नकाशे दाखल करण्यापूर्वी पुणे म.न.पा.ने निर्धारित केलेले नोटलाईन्ड हमीपत्र करणार.
११. सार्वजनिक वहिवाटीचे व समाईक वापराचे रस्ता/बोळ/प्रवेशमार्गाचे वहिवाटीबाबत वाद निर्माण झाल्यास अर्जदार जबाबदार राहतील.
१२. अस्तित्वातील जुनी बांधकाम पाडताना येजारील मिळकत/मिळकतीतील इमारतीस धोका/नुकसान होणार नाही याची खबरदारी घेणार.
१३. सदर प्रस्तावातील इमारतीचा वापर हा कायमस्वरूपी मान्य नकाशामध्ये दर्शविलेल्या वापरासाठीच करणार. सदरचे वापरात म.न.पा.च्या पूर्वपरवानगीशिवाय व
१४. संरक्षक भिंतीचे प्रस्ताव मान्य करून घेऊनच बांधकाम पूर्ण करणार.
१५. व्यापारी वापराच्या इमारतीचे दर्शनी भागातील ६.०० मी. सामासिक अंतरापैकी ३.० मी. रुंदीचे व्हिबीटर्स पार्किंगची रस्ता / फुटपाथ वरून अॅक्सेस व्यवस्था करणार.
१६. जुन्या अस्तित्वातील बांधकामाच्या कोपऱ्यावरील भिंतीचा भाग, कॉर्नर पार्ट रस्तारुंदी/सेटबॅक पडताळणीसाठी जोते तपासणी होणे पर्यंत राखणे ठेवा व नंतर

१७. भोगवटा मान्य नकाशा व्यतिरिक्त कोणतेही बांधकाम (उदा. सर्व मारिजिनल अंतरात व ट्रेसवरील रोड, पार्टीशन वॉल करून अगर ग्रील लावून प्रकल्पामधील सिमाभितीबाबत रिटेनिंग वॉल बाबत कार्यालयीन परिपत्रक क्र. अन अ/ जा/ म आ/ ४८३ दि. ५/८/२०१३ च्या अटी बंधनकारक राहिल.

१९. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये युरिनल व डब्ल्यूसी करिता ३ लि.(हाफ फ्लश) आणि २. प्रकल्पामधील सर्व वापराच्या इमारती पाण्याचे नळ विविध कोक, बेसिन टॅप इ. नळ) ६ लि.(फुल फ्लश) असे प्रकारचे फ्लश असे प्रकारचे फ्लश टँक यंत्रणा प्रत्येक ठिकाणी बसविणे व त्याप्रमाणे प्रति मिनिट इतक्या कमी दाबाचे पाण्याचे उपकरणे बसविणे. ३. प्रकल्पामधील जमिन पातळीपासून एकूण २४ मी. पेक्षा उंच इमारतीमध्ये पाण्याचा दाब व वहनाचा वेग नियंत्रित राहण्यासाठी दाब नियंत्रित व्हॉल्व्हस बसविणे. ४. प्रकल्पामधील सर्व वापराच्या इमारतीमध्ये प्रवासी उद्वाहना पारदर्शक अशा अगरोधक काचेच्या पट्या वापरलेला पारदर्शक दरवाजा व लिफ्टमध्ये सी.सी. टी.व्ही. कॅमेरा बसविणे.

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१. विरळ वस्ती भागामध्ये भोगवटापत्र मागणीपूर्वी प्लॉट आवारात गांडूळ खत निर्मितीसाठी व्यवस्था करणार.
 २. बांधकाम जागेचा वापर सुरू करण्यापूर्वी भोगवटापत्र मागणेपूर्वी अग्निशामक विभागाकडील ना-हरकत पत्र / दाखला त्यानुसार आवश्यक ती सर्व यंत्रणा जागेवर कार्यान्वित ठेवणार. सदर यंत्रणेची कायमस्वरूपी देखभाल/दुरुस्ती करून यंत्रणा नियमित ठेवणार.
 ३. आवश्यकतेप्रमाणे लिफ्ट (उदवाहन)परवाना संबंधित प्राधिकारीकडून प्राप्त करून घेतले नंतरच वापर करणे बंधनकारक राहिल.
 ४. मा.पर्यावरण विभागाकडील दि. १२ डिसेंबर २०१२ रोजीचे आदेशानुसार नमूद केल्याप्रमाणे २०००० चौ.मी.पेक्षा जास्त एकूण बांधकाम क्षेत्र नियोजन प्रस्तावास मा. केंद्र शासन यांचेकडील पर्यावरण विभागाकडील ना-हरकत पत्र घेणे बंधनकारक राहिल. आवश्यक तेथे महाराष्ट्र प्रदुषण नियंत्रण बोर्डचे ना-हरकत पत्र बांधकाम परवानगीचे वेळी दाखल करणे बंधनकारक राहिल.
 ५. इतर महत्वाचे अटी :
-
६. भोगवटापत्रासाठी स्ट्रक्चरल इंजिनिअरचा दाखला (स्ट्रिबिलीटी सर्टीफिकेट) दाखल करणार.
 ७. अंशतः भोगवटापत्रासाठी रु. २२०/- चे स्टॅम्प पेपरवर इंडेन्टिटी बॉन्ड दाखल करणे आवश्यक आहे.
 ८. भोगवटापत्र मागण्यापूर्वी पुणे महानगरपालिकेकडील कर आकारणी व करसंकलन पाणी पुरवठा, जलोत्सारण, पथ विभाग, अतिक्रमण इ. विभागाचे रकम व थकबाकी रकम पूर्णपणे भरणार.
 ९. कामगारांच्या सोयीसाठी जागेवर किमान एक संडास व एक मुतारी तात्पुरत्या स्वरूपाची बांधली पाहिजे. जुने संडास व मोरी असल्यास याप्रमाणे संडास, मुतारी बांधण्याची गरज नाही.
 १०. मालकी हक्काबाबत व इतर कोणत्याही हक्काबाबत व हद्दीबाबत वाद निर्माण झाल्यास त्यास अर्बदार पूर्णपणे जबाबदार राहणार.
 ११. जे बांधकाम नकाशात पाडणार म्हणून दर्शविले आहे ते वैध मागणी पाडून त्यानंतरच नवीन कामास सुरुवात करणार.
 १२. बांधकाम विकास विभाग, खात्याने जरी सेप्टिक टँकसाठी परवानगी दिली असली तरी कार्यकारी अभियंता(जलोत्सारण विभाग) यांच्याकडे नकाशे दाखल करून त्याची मंजूरी घेतल्याखेरीज सेप्टिक टँक अगर ड्रेनेजसंबंधी बांधकाम सुरू करू नये व भोगवटा पत्र मागण्यापूर्वी ड्रेनेज कामाचे, ड्रेनेज जोडासह नकाशे व दाखला हजर करण्यात यावा.
 १३. भोगवटापत्र मागणीचे अर्जापूर्वी मा. कार्यकारी अभियंता (ड्रेनेज) यांचेकडील ड्रेनेज कनेक्शनचे मान्य नकाशे दाखल करणार.
 १४. इमारतीचे भोगवटापत्र देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचे अविशिष्ट सामान व राडारोडा उचलून जाणा साफकेल्याशिवाय अर्जाचा विचार केला जाणार नाही. राडारोडा कोठे टाकावा याबाबत बांधकाम विकास विभागामार्फत मार्गदर्शन केले जाईल.
 १५. नवीन बांधकाम सुरू करताना संबंधित जागेमध्ये झाडे असल्यास ती वृक्ष प्राधिकरण समितीची पुर्वपरवानगी घेतल्याशिवाय तोडू नयेत, अन्यथा कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी.
 १६. ज्या भूखंडावर नवीन इमारत बांधण्यात आली आहे त्या इमारतीचे भोगवटापत्र मागण्यापूर्वी प्रत्येक मालकाने इमारतीसमोर सिमा भितीच्या आत व बाहेर उद्यान विभागाचे तरतुदीनुसार झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था व खबरदारी घ्यावी. त्याशिवाय (ऑक्सुपन्सी सर्टिफिकेट) भोगवटापत्र मिळणार नाही.
 १७. सोबतच्या नकाशावर मागे लिहिलेल्या/चिटकवलेल्या अटीवर संमतीपत्र देण्यात येत आहे.
 १८. भूमीप्रापण कार्यालयामार्फत व बांधकाम विकास विभागाकडून रस्ताकंदी प्रमाणप्रेषा जागेवर आखून घेणार व मगच बांधकाम सुरू करणार या अटीवरच हे संमतीपत्र देण्यात येत आहे. (आवश्यक असल्यास)
 १९. जोत्यापर्यंत काम आल्यावर सेट-बॅक, मारिजिनल ओपन स्पेस इ. बाबी बांधकाम नियंत्रण कार्यालयाकडून तपासून घ्याव्यात, जोते तपासणी दाखला प्राप्त

झाल्याशिवाय जोत्यावरील काम सुरू करू नये.

२०. सोबतच्या नवीन/दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.

२१. यापूर्वी अदा करण्यात आलेले विकसनाचे दाखले/संमतीपत्रे रद्द समजण्यात यावीत.

२२. संबंधीत सुधारित विकास योजना आराखडा महाराष्ट्र सरकारने दि.०५/०१/१९८७, दि.०६/१२/२००७, दि.१८/०९/२००८, दि.०२/०३/२०१२, दि.०४/०४/२०१२ दिवशी मान्य केला आहे. त्यास अनुसरून नवीन काही उपसर्ग पोहोचत असल्यास अथवा हानी होत असल्यास त्याप्रित्यर्थ कोणत्याही प्रकारची भरपाई मागणार नाही व ती देण्याची जबाबदारी महानगरपालिकेवर नाही.

२३) नकाशासाठी चिळटविलेल्या अर्ग बेधनकारक आहेत



Sd/-

Sanjay S Mohite

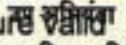
इमारत निरीक्षक

बांधकाम विकास विभाग

पुणे म न पा



Sanjay G Basangar

Signature 

Digital Signature of Sanjay G Basangar
Date: 18-01-2020 03:25:19
Reason: PUNE MUNICIPAL CORPORATION
Location: PUNE

English Translation

Pune Municipal Corporation

(Note: Correspondence regarding this should include the following number and date. This permission is granted to the applicant without considering the legal ownership rights of the land or building.)

Construction Development Department

Pune Municipal Corporation, Shivajinagar, Pune -
411005

Certificate for Commencement of Work (With Approved Map)

COMMENCEMENT CERTIFICATE

This Commencement Certificate and construction approval are granted under the provisions of Sections 44/45/58/69 of the Maharashtra Regional and Town Planning (MRTP) Act, 1966, and Sections 253 & 254 of the Maharashtra Municipal Corporation Act, subject to the following conditions:

Field	Details
Case Date	MDW/0022/19
Number	CC/2511/19
Proposal Type	Commercial
Date	18/01/2020
Case Type	New
Project Type	Amalgamation + Layout of Building + Proposed Building

To: Shri/Smt. **BRAMHACORP LTD & OTHERS**
THROUGH KARAN AGARWAL, Architect / License
Surveyor Shri NITIN M. WAGHMARE

Residing at Pune. Under the MRTP Act 1966 and the Maharashtra Municipal Corporation Act 1949, for the development proposal submitted on 10/01/2020 for Mundhwa, Survey No. 84/3+84/6+84/4B/1, CTS No. 1268+1271 Hissa No. ____.

-: CONDITIONS :-

1. The front margins/road line areas shown in the proposal shall become part of the public road in the future as per the instructions of the Pune Municipal Corporation (PMC).
2. No person shall use or occupy any new building or extended/repared building without obtaining an Occupancy Certificate (Completion Certificate) from the PMC.
3. The validity of this commencement certificate/development permission shall be 1 year from the date of issue (if work has not commenced). The approved map is an inseparable part of this certificate.
4. It is mandatory to renew this certificate every year after the expiry of the term. Renewal can be done three consecutive times. Otherwise, a new application must be made under Section 44 of the MRTP Act, 1966. The validity of the certificate will be as per Section 48 of the MRTP Act.
5. This certificate shall be liable for cancellation if the following conditions are violated:
 - (A) If the development/construction on-site is not as per the approved map/use, or if unauthorized construction/use is ongoing.
 - (AA) If the conditions mentioned in the context of this construction proposal are violated or if rules laid down by the PMC are breached.
 - (I) If it is found that the applicant obtained this permission through misconduct or by misleading the PMC. As per DCR Rule No. 6.10 and Section 258 of

the Maharashtra Municipal Corporation Act, the permission will be considered obtained by misrepresentation.

- o (EE) If it is observed that the applicant or any person claiming ownership is developing or constructing in violation of Sections 42 & 45 of the MRTP Act, 1966.

6. The conditions and instructions on this certificate are binding not only on the applicant but also on all future heirs, power of attorney holders, managers, administrators, and any person who proves ownership through the applicant.

7. An N.A. (Non-Agricultural) Order must be submitted before starting the work.

8. The conditions mentioned in the Non-Agricultural (N.A.) Order, U.L.C. Order, Maharashtra Pollution Control Board (MPCB), Directorate of Industries, and Labor Insurance Commissioner's orders shall be binding.

If it is brought to the notice of the PMC that while performing work according to the above approval, the Municipal Corporation Act, the MRTP Act 1966, or the rules and bylaws made thereunder are being violated, the PMC reserves the right to cancel this certificate.

If there is any doubt regarding this certificate, clarification should be obtained from the Municipal Corporation before starting the work.

Special Conditions:-

1. Provisions under D.C. Rule No. 21.6.6 regarding high-rise buildings shall be binding.
2. Conditions regarding additional fire fighting systems, appointment of structural engineers from special categories, and service/fire lifts as per Government Resolution No. TPS-1807/252/CR-630/07/UD-13 shall be binding.
3. Service/Fire Auditing of the high-rise building

must be conducted annually by a competent authorized officer and made available upon PMC's demand.

4. The doors of the elevators (lifts) in the building should be transparent so the status inside the lift is visible.
5. For water conservation, rainwater harvesting, dual flush systems, and controlled pressure systems must be planned in the building.
6. A Solar System mechanism must be installed.

Some Important Special Instructions:-

1. All conditions in the U.L.C. Order shall be binding on the concerned owner/developer; the PMC shall not be held responsible for them.
2. All conditions in the approved Amalgamation/Sub-division/Layout of Building from the Development Plan department shall be binding.
3. Within 1 (one) year of the Commencement Certificate date or before requesting any Occupancy Certificate (whichever is earlier), an integrated/independent 7/12 extract and a City Survey Map with measurements must be submitted.
4. Provision for containers for wet and dry waste must be made within the property.
5. Before starting work, a letter of appointment for a licensed Structural Designer/Engineer of recognized status and a Plinth Inspection Certificate must be submitted. A Structural Stability Certificate/Report must be filed before requesting an Occupancy Certificate. Extended construction must be done under the regular guidance and supervision of structural engineers.
6. After obtaining construction permission, the developer/owner must display a board on-site

with the following info: A) Names and addresses of the owner, developer, Architect, and Contractor, along with contact/mobile numbers.

7. Before seeking approval for any additional/repair proposals, an updated D.P. Layout must be sanctioned (as required).
8. Before using additional FSI for road widening, the land for said road must be handed over to the PMC.
9. If there is an existing PMC water meter connection on-site, a No Objection Certificate (NOC) from the Water Supply Department must be filed before starting work.
10. Conditions for Tenant Rehabilitation Scheme: 1) Registered agreements regarding consensus on providing space in the new building and absence of complaints must be filed before the plinth inspection. 2) Notarized NOCs from all tenants/occupants stating they have received/will receive possession as per the agreement must be filed before the Occupancy Certificate. 3) The PMC is not responsible for disputes between tenants and developers. 4) A notarized guarantee letter prescribed by PMC must be submitted before filing updated maps.
11. The applicant shall be responsible for any disputes regarding the usage rights of public or common roads/alleys/entrances.
12. While demolished old existing structures, care must be taken to ensure no danger or damage to neighboring properties/buildings.
13. The building in this proposal shall only be used for the purposes shown in the permanently approved maps. No change in use is allowed without prior PMC permission.
14. Construction must be completed only after getting the Compound Wall proposal sanctioned.

15. For commercial use buildings, a 3.0m wide visitor parking road/access from the footpath must be provided within the 6.0m frontal margin.
16. The corner wall sections and corner parts of the old existing construction must be kept as they are until the plinth inspection is completed to verify road widening/setbacks.
17. Any construction other than what is in the sanctioned map (e.g., sheds in marginal distances or on terraces, partition walls, or installing grills) is prohibited.
18. Regarding the boundary walls/retaining walls of the project, the conditions of the Office Circular No. An A/ Ja/ Ma Aa/ 483 dated 05/08/2013 shall be binding.
19. In buildings for all uses within the project, 3-liter (half flush) and 2) 6-liter (full flush) urinal and WC systems must be installed. Low-flow water fixtures (taps/faucets) must be installed. 3) In buildings higher than 24 meters from ground level, pressure control valves must be installed to regulate water pressure and flow. 4) In all buildings, passenger elevators must have transparent doors with fire-resistant glass strips and CCTV cameras must be installed inside the lifts.

-: CONDITIONS :-

1. In sparsely populated areas, a system for vermicomposting (manure production) must be set up within the plot premises before asking for an Occupancy Certificate.
2. Before starting use of the construction site, a No Objection Certificate (NOC)/Certificate from the Fire Department must be obtained, and all necessary systems must be kept operational on-site. Permanent maintenance/repair systems for the same must be maintained.

3. It is mandatory to obtain a Lift (Elevator) License from the concerned authority before use.
4. As per the order dated 12 December 2012 from the Ministry of Environment, if the total construction area in the planning proposal exceeds 20,000 sq.m., an NOC from the Central Government's Ministry of Environment is mandatory. An NOC from the Maharashtra Pollution Control Board (MPCB) must also be submitted where necessary during construction permission.
5. Other Important Conditions: [Dashed line indicating standard internal conditions apply].
6. A Structural Engineer's Certificate (Stability Certificate) must be filed for the Occupancy Certificate.
7. An Indemnity Bond on ₹220/- stamp paper is required for a partial Occupancy Certificate.
8. Before requesting an Occupancy Certificate, all dues and arrears related to Tax Assessment and Collection, Water Supply, Sewage (Drainage), Road Department, and Encroachment Department of the PMC must be paid in full.
9. At least one temporary toilet and one urinal must be constructed on-site for the convenience of workers. If old toilets/bathrooms exist, there is no need to build new ones.
10. The applicant shall be entirely responsible for any disputes regarding ownership rights or any other rights/claims.
11. Construction shown as "to be demolished" in the map must be removed by legal means before starting new work.
12. Even if the Building Development Department has given permission for a Septic Tank, work on the septic tank or drainage must not start without

submitting maps to and receiving approval from the Executive Engineer (Sewage/Drainage Department). Drainage maps and completion certificates must be produced before the Occupancy Certificate.

13. Approved maps for drainage connections from the Executive Engineer (Drainage) must be filed before applying for the Occupancy Certificate.
14. Before granting the Occupancy Certificate, the application will not be considered until all construction debris and waste inside and outside the building/road are cleared. Debris must be disposed of as per the guidance of the Building Development Department.
15. If there are trees on the concerned plot, they must not be cut without prior permission from the Tree Authority Committee; otherwise, legal action will be taken.
16. Before seeking the Occupancy Certificate, every owner must plant trees inside and outside the boundary walls as per the Garden Department's regulations and ensure they are well-maintained. The Occupancy Certificate will not be issued without this.
17. This certificate is granted subject to the conditions written/pasted on the back of the sanctioned map.
18. This certificate is granted on the condition that the road widening line will be marked on-site by the Land Records Office and Building Development Department before starting construction. (If necessary).
19. Once the work reaches the plinth level, aspects such as setbacks and marginal open spaces must be inspected by the Building Control Office. No work above the plinth level should commence without obtaining a Plinth Inspection Certificate.

20. Work must be carried out strictly as shown in the accompanying new/repaired sanctioned maps.
21. Any development certificates/permission letters issued previously for this site shall be considered cancelled.
22. The relevant updated Development Plan (DP) was approved by the Government of Maharashtra on 05/01/1987, 06/12/2007, 18/09/2008, 02/03/2012, and 04/04/2012. If any nuisance or harm arises as a result of following this plan, no compensation of any kind shall be demanded, and the Municipal Corporation shall bear no responsibility for the same.
23. The conditions pasted on the back of the map are binding.

Sd/-
Sanjay S Mohite
Building Inspector
Construction Development
Department
Pune Municipal Corporation (PMC)

Sd/- Sanjay G
Basangar Sub-
Engineer

Item No.

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.138 OF 2025 (WZ)

Ajinkya Dilip Barne

..... **Applicant****Versus**

Pimpri-Chinchwad Municipal Corporation & Ors.

... **Respondents**

Date of hearing : 21.11.2025

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

Applicant : Applicant in person present through VC

ORDER

1. This Original Application has been filed with the prayers that respondent No.3 – M/s Sukhwani Chawala Construction be directed to restore the alignment of natural nala at Survey No.27, Thergaon, Pimpri-Chinchwad, which has been shifted from its earlier location by the Project Proponent, an order of demolition of structures be passed regarding the construction made over the original nala and existing natural well and to restore the water-source to its natural state; the building permissions and consents granted by MPCB – respondent No.4 exceeding approved EC limits be quashed and direct forfeiture of developer/respondent No.3's bank guarantee.

2. The submission of the applicant is that he is an environmentalist. According to him, a severe and continuing environmental damage is being

caused in Survey No.27 of Thergaon, Pimpri-Chinchwad on account of diversion, covering and re-alignment of a natural storm water drain (nala) by respondent No.3 as it is constructing high-rise residential building over the natural water-source and existing open well. The said natural nala forms part of Thergaon-Kalewadi-Pimple Nilakh drainage system, which is evident from the official records of Pimpri-Chinchwad Municipal Corporation (PCMC).

3. At this stage, when we enquired from the applicant as to where is the said official document showing said natural nala to be a part of drainage system as mentioned above, he drew our attention to page 259 of the paper-book, which is site inspection report conducted by PCMC Drainage Department on 08.02.2022 (though we do not find the same to have been mentioned). A perusal of this document does not disclose that the natural nala is a part of above mentioned drainage system.

4. Further in the pleadings, it is mentioned that respondent No.3 diverted the said nala and constructed over the same, thereby obstructed natural flow,, which is likely to cause flooding, groundwater depletion and irreversible ecological imbalance in the surrounding urban area. Further it is mentioned that the respondent authorities have permitted unauthorized extraction of groundwater, establishment of Ready-Mix Concrete (RMC) plant and allowed construction activities without valid EC or adherence to the Unified Development Control and Promotion Regulations (UDCPR). These activities are causing grave harm to the environment and pose a continuing threat to public health and ecology in the region. Therefore, the above mentioned prayers are made.

5. We, at the very outset, enquired from the applicant as to where is the law to the effect that the Project Proponent cannot divert the location of the

nala within its own premises and where is the evidence that this kind of diversion is likely to result in flooding of the area, he could not show anything in that regard.

6. We have gone through the documents, which the applicant has attached with the memo of Original Application. In Form-I, annexed at page 84 of the paper-book, at point No.1.24, it is recorded in front of the information sought as "*Changes in water bodies or the land surface affecting drainage or run-off?*" that "*Nala will be retained on the plot and will be channelized properly.*" In Form-1A at page 83 of the paper-book, at point 1.5 to the question "Will the proposal involve alteration of natural drainage system ?", the answer given is "*Nala passing through site will be properly channelized*".

7. The Environmental Clearance (EC) dated 16.01.2016, which has been annexed by the applicant, granted to respondent No.3 for proposed construction of total built-up area (TBUA) of 63,837.41 sq.mtrs, shows that it was granted by the SEIAA.

8. We also find on record at page 47 of the paper-book that respondent No.1 – PCMC granted permission to respondent No.3 to re-locate the drain within the same plot, subject to certain terms and conditions. The above document distinctly shows that the alleged diversion of nala has been done by respondent No.3 in accordance with the permission granted for its re-location by the PCMC – respondent No.1 and this permission, which was granted on 15.03.2022, has not been assailed by the applicant, who is appearing in person through VC today. Therefore, it cannot be held, at the very outset that the permission, which is validly granted by respondent No.1 – PCMC, without being assailed how the restoration of that site could be ordered.

9. In view of above discussion, we do not find any force to admit this Original Application, which is liable to be dismissed at the stage of admission itself and it is accordingly dismissed.

10. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

November 21, 2025

ORIGINAL APPLICATION NO.138 2025 (WZ)

npj



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2022 Supreme(SC) 1086

**2022 INSC 465 ; 2022 KLT(Online) 1324 ; 2022 15 Scale 246 ; 2024 16
SCC 781**

SUPREME COURT OF INDIA

B.R. GAVAI, B.V. NAGARATHNA, JJ.

The State of Uttar Pradesh and Others – Appellants

Versus

Uday Education and Welfare Trust and Another – Respondents
Civil Appeal Nos. 3132-3134, 3135-3137, 3138, 3141, 3142-3143,
3144-3146, 3147-3149, 4061-4062 of 2022, 2407-2412 of 2021,
2547-2548 of 2020

Decided On : 21-10-2022

Subject: Environmental Law - Industrial Licensing

wood-based industries - licenses - timber availability - National
Green Tribunal - environmental law - provisional licenses - natural
justice - expert assessments - sustainable development - judicial
review

Act Referred :CIVIL PROCEDURE CODE: S.100

CONSTITUTION OF INDIA: Art.21

FOREST CONSERVATION ACT: S.2

NATIONAL GREENS TRIBUNAL ACT: S.19(1), S.22, S.20

**(A) National Green Tribunal Act, 2010 - Section 19(1) -
Environmental Law - A batch of appeals challenging the
2020 NGT order quashing provisional licenses for wood-
based industries (WBIs) issued by the State of Uttar
Pradesh. The NGT found that the issuance did not ensure
adequate timber availability and did not follow principles of
natural justice. (Paras 2, 3, 15, 63)**

**(B) Wood Based Industries (Establishment and Regulation)
Guidelines, 2016 - The guidelines emphasize that WBIs can
only operate with verified wood supply. The NGT ruled that
provisional licenses could not be granted based on mere**

assumptions of timber availability. (Paras 63, 88)

Facts of the case:

The State issued a notice granting provisional licenses to 1215 WBIs but faced legal challenges, stating insufficient timber supply for new establishments after an environmental application was filed against the notification for new WBIs. (Paras 5, 15)

Findings of Court:

The Supreme Court ruled that the NGT failed to properly consider expert assessments regarding timber availability and that the provisional licenses were granted in accordance with established guidelines. (Paras 96, 100)

Issues: The main questions related to the legitimacy of timber availability estimates and whether the NGT acted with procedural propriety. (Paras 15, 100)

Ratio Decidendi: The Court determined that the reliance on scientific assessments by the Forest Survey of India should not have been dismissed by the NGT, highlighting judicial review limits concerning expert opinions. Further, it emphasized that natural justice must be observed when individuals' rights are affected. (Paras 99, 100)

Result: The appeals are allowed; the NGT's orders are quashed, reinstating the provisional licenses. (Para 104)

Cases Referred:

T.N. Godavarman Thirumalpad vs. Union of India, Writ Petition (Civil) No. 202 of 1995, dated 5.10.2015 [Para 7, , 101] - Referred
Common Cause vs. Union of India and Others, , (2017) 9 SCC 499 [Para 36] - Referred

Mantri Techzone Private Limited vs. Forword Foundation and Others, , (2019) 18 SCC 494 [Para 36] - Referred

Municipal Corporation of Greater Mumbai vs. Ankita Sinha and Others, , 2021 SCC Online SC 897 [Para 36] - Referred

Pragnesh Shah vs. Dr. Arun Kumar Sharma and Others, , 2022 SCC Online SC 79 [Para 36] - Referred

Tata Cellular vs. Union of India, , (1994) 6 SCC 651 [Para 83] - Referred

Samatha vs. State of A.P. and Others, , AIR 1997 SC 3297 : (1997) 8

SCC 191 [Para 101] - Referred- [Para 101]

State of H.P. and Others vs. Ganesh Wood Products and Others, ,

(1995) 6 SCC 363 [Para 101] - Referred

Essar Oil Ltd. vs. Halar Utkarsh Samiti and Others, , (2004) 2 SCC

392 [Para 101] - Referred

Indian Council for Enviro-Legal Action vs. Union of India and Others, ,

(1996) 5 SCC 281 [Para 101]

Maharashtra Land Development Corporation and Others vs. State of

Maharashtra and Another, , (2011) 15 SCC 616 [Para 101] -

Referred

Glanrock Estate Private Limited vs. State of Tamil Nadu, , (2010) 10

SCC 96 [Para 101] - Referred

T.N. Godavarman Thirumulkpad vs. Union of India and Others, AIR

1997 SC 1228 [Para 101] - Referred

Advocates appeared:

For the parties : Mr. Vikas Singh, Sr. Adv. Mr. P.S. Patwalia, Sr. Adv. Mr. Rana Mukherjee, Sr. Adv. Mr. Kamendra Mishra, AOR Ms. Perna Singh, Adv. Mr. Guntur Pramod Kumar, AOR Mr. V. Giri, Sr. Adv. Mr. Rajeev Kumar Dubey, Adv. Mr. Saurabh Singh Chauhan, Adv. Ms. Saroj Tripathi, AOR Mr. Syed Waseem Qadri, Sr. Adv. Mr. Md. Rashid Saeed, AOR Mr. Saeed Quadri, Adv. Mr. V.K. Uniyal, Sr. Adv. Mr. Dinesh Kumar Garg, AOR Mr. Abhishek Garg, Adv. Mr. Dhananjay Garg, Adv. Mr. Ishaan Tiwari, Adv. Mr. Satyajeet Kumar, AOR Mr. Vinay Navare, Sr. Adv. Mr. Rajesh Srivastava, AOR Mr. Gaurav Verma, Adv. Mr. Neeraj Datt Gaur, Adv. Mr. Lokesh Kumar Choudhary, AOR Ms. Saroj Tripathi, AOR Mr. A. Lakshminarayanan, AOR Mr. Rudraksh Gupta, Adv. Mr. A. Velan, Adv. Mr. Akhil P. Philip, Adv. Mr. Vishwadeep Chauhan, Adv. Mr. Vikalp Sharma, Adv. Mr. Ankolekar Gurudatta, AOR Mr. V.K. Shukla, Sr. Adv. Mr. Ajay Singh, Adv. Mr. Ram Kumar, Adv. Mr. Debasis Mukherjee, Adv. Mr. Lokesh Kumar Choudhary, AOR Mr. Dhruv Mehta, Sr. Adv. Mr. Brijender Chahar, Sr. Adv. Mr. Vivek Gupta, AOR Mr. Mrinmay Bhattmewara, Adv. Mr. Rajvir Singh Bhati, Adv. Mr. Shyam R. Agarwal, Adv. Mr. Namit Saxena, AOR Ms. Aishwarya Bhati, Ld. ASG Ms. Suhashini Sen, Adv. Ms. Archana Pathak Dave, Adv. Ms. Chinmayee Chandra, Adv. Mr. Varun Chugh, Adv. Mr. Gurmeet Singh Makker, AOR Mr. Ansar Ahmad Chaudhary, AOR Mr. Rashid Hasan Adv. Ms. Shehla Chaudhary Adv. Mr. Md. Anas Chaudhary Adv. Dr. Vinod Kumar Tewari, AOR Mr. Alok Kumar, AOR Mr. Nihal Ahmad, Adv. Mr. Arvind Kumar Shukla, Adv. Mr. Amit Kumar, Adv. Ms. Prachi Goyal, Adv. Ms. Anu Singla, Adv. Mr. Tushar Swahi, Adv. Mr. Vasu, Adv. Mr. Arvind Kumar Shukla, Adv. Mr. Vasu Chaudhar, Adv. Ms. Prachi, Adv. Mr. S.

Table of Content

1. challenge to ngt's ruling on wbis. (Para 2 , 3 , 4)
2. overview of procedures leading to issuance of licenses. (Para 5 , 6 , 12 , 13 , 14 , 15)
3. arguments supporting the establishment of wbis. (Para 18 , 19 , 20 , 21 , 22 , 25 , 28)
4. response highlighting environmental principles. (Para 29 , 30 , 31 , 34 , 36)
5. explaining ngt's rationale. (Para 39 , 40 , 63 , 64 , 67)
6. conclusion setting aside ngt's orders. (Para 98 , 99 , 100 , 102 , 104)

JUDGMENT :

B.R. GAVAI, J.

1. For the reasons stated in the applications for impleadment/intervention, the same are allowed.

2. This bunch of appeals challenges the order dated 18th February 2020, passed by the learned National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as "the learned NGT") in Original Application Nos. 313, 335 and 396 of 2019, thereby quashing and setting aside the notice dated 1st March 2019 issued by the State of Uttar Pradesh for establishing new wood based industries (hereinafter referred to as "WBIs") and also setting aside all the provisional licenses given in pursuance thereof.

3. The appeals also challenge the orders dated 18th March 2020, 2nd December 2020, and 21st December 2020 vide which the review applications filed by the State of Uttar Pradesh and the provisional license holders have been rejected.

4. Civil Appeal Nos. 2407-2412 of 2021 are filed by the State of Uttar Pradesh. The rest of the Civil Appeals are filed by the provisional license holders, who were granted licenses in pursuance of the notice dated 1st March 2019, issued by the State of Uttar Pradesh.

FACTUAL BACKGROUND

5. For the sake of convenience, we will refer to the facts as found in Civil Appeal Nos. 2407-2412 of 2021 filed by the State of Uttar

6. There are series of orders passed by this Court and the Central Empowered Committee (hereinafter referred to as “CEC”) appointed by this Court, issuing various directions for prohibiting/regulating the felling of trees as well as the establishment of WBIs. We will refer to them extensively in the subsequent paragraphs.

7. In pursuance of the order passed by this Court dated 5th October 2015 in Writ Petition (Civil) No. 202 of 1995 (T.N. Godavarman Thirumalpad vs. Union of India), the Ministry of Environment and Forest and Climate Change (“MOEFCC” for short) issued Wood Based Industries (Establishment and Regulation) Guidelines 2016 (hereinafter referred to as “2016 Guidelines”) vide Notification No. S.O. 3456 (E) dated 11th November 2016.

8. Subsequent to the 2016 Guidelines, timber assessment for Trees Outside Forest (“TOF” for short) in the State of Uttar Pradesh for WBIs was done for the period between February 2017 and December 2017 by the Forest Survey of India (“FSI” for short). The FSI thereafter submitted its report, which contains district wise, species wise and diameter class wise number of stems (trees), volume and annual potential production of timber from TOF in rural areas of all the districts of the State.

9. In pursuance of the 2016 Guidelines, the matter was placed before the State Level Committee (“SLC” for short) for grant of licenses to various WBIs. The SLC in its meeting held on 4th May 2018, considered the matter about the grant of licenses to various WBIs after taking into consideration the availability of wood in the State of Uttar Pradesh for determining the amount of timber available for new WBIs. In the said meeting, it was also decided that, in order to determine the correct number of new licenses to be issued to WBIs under different categories against the timber available in the State, a reassessment may be done by the Indian Plywood Industries Research and Training Institute (“IPIRTI” for short).

10. In the meeting of the SLC, held on 7th September 2018, since it was found that the capacity of plywood units is taken as fixed by the 2016 Guidelines, which, in turn, was based on the assessment of IPIRTI, a decision was taken that there was no need for the fresh assessment of the capacity by IPIRTI.

11. In pursuance of the aforesaid decision, E-lottery was held on 12th December 2018 for grant of licenses to various WBIs for the establishment of WBIs in 8 categories. Between 12th December 2018 and 31st December 2018, online letters of offer were issued to 1348 successful applicants. Subsequently, in the months of February and March 2019, provisional licenses were issued to 1215 successful applicants in the 8 categories to set up their WBIs. Subsequent thereto, on 1st March 2019, a notice was issued by the Government of Uttar Pradesh communicating the grant of provisional licenses to the newly selected WBIs.

12. Being aggrieved thereby, Original Application No. 313 of 2019 came to be filed by Uday Education and Welfare Trust before the learned NGT in March 2019. Vide order dated 28th March 2019, the learned NGT directed the State Government to submit a report from the Joint Committee comprising of the representative of Principal Secretary (Forest), U.P. and the Principal Chief Conservator of Forest, U.P. to examine the issues.

13. Being aggrieved by the notice dated 1st March 2019 issued by the State Government, Original Application Nos. 335 and 396 of 2019 also came to be filed by Samvit Foundation and U.P. Timber Association respectively before the learned NGT.

14. In pursuance of the directions issued by the learned NGT, the Joint Committee Report came to be submitted on 3rd August 2019. Vide order dated 6th August 2019 passed in Original Application Nos. 313, 335 and 396 of 2019, the learned NGT directed the State Government to review the notice dated 1st March 2019 with regard to the establishment of new WBIs by 1350 units strictly in terms of the judgment of this Court in the case of T.N. Godavarman vs. Union of India. Vide order dated 1st October 2019, the learned NGT directed the status quo to be maintained.

15. The State of Uttar Pradesh filed an Interlocutory Application No. 732 of 2019 in O.A. Nos. 313, 335 and 396 of 2019, seeking modification of the order dated 6th August 2019 and the order dated 1st October 2019. Vide order dated 18th December 2019, the learned NGT issued directions to the State Government to provide certain data. Subsequently, vide the impugned order dated 18th February 2020, the learned NGT allowed the said Original Applications and quashed and set aside the notice dated 1st March 2019 issued by the State Government for establishing new WBIs and all the provisional licenses given.

16. Being aggrieved thereby, Civil Appeal (Diary) No. 12004 of 2020 was filed before this Court. Vide order dated 26th October 2020, this Court dismissed the said appeals as withdrawn with a liberty to file review application before the learned NGT. Vide orders dated 18th March 2020, 2nd December 2020, and 21st December 2020, the learned NGT rejected the Review Applications.

17. The appellants, therefore, approached this Court being aggrieved by the orders passed by the learned NGT in the Original Applications as well as in the Review Petitions.

SUBMISSIONS

18. We have heard Shri Vikas Singh, Shri P.S. Patwalia and Mr. Rana Mukherjee, learned Senior Counsel appearing on behalf of the State of Uttar Pradesh, Shri V. Giri, Shri Syed Waseem Qadri, Shri V.K. Uniyal, Shri Vinay Navare, Shri V.K. Shukla, learned Senior Counsels, Ms. Prerna Singh, and Mr. Rudraksh Gupta, learned counsels appearing on behalf of the appellants, who were granted provisional licenses. We have also heard Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsels appearing on behalf of the respondent No. 1.

19. Shri Vikas Singh, learned Senior Counsel, submitted that the decision of the State Government to establish WBIs is in accordance with the 2016 Guidelines issued by the MOEFCC. He submits that the timber requirement by 1215 new WBIs, which were issued provisional licenses is only 12.35 lakh cubic meters per year, whereas the total timber available in the State is 80.30 lakh cubic meters per year. It is, therefore, submitted that, as such, the requirement is not even 20% of the total availability of timber. Learned Senior Counsel submitted that the only authorized agency in the country to conduct a survey of the forest as well as TOF is FSI. It is submitted that the object of IPIRTI is not to conduct a survey of either forest or TOF. It is submitted that, as a matter of fact, the learned NGT itself has directed such a study to be conducted by FSI, who has already undertaken similar studies for many States like Punjab, Maharashtra and others. It is submitted that when the survey with regard to availability of timber in the State of Uttar Pradesh was done by the very same agency, the learned NGT fell in gross error in again directing the State Government to conduct such a survey through the FSI.

20. It is submitted that even the MOEFCC had supported the stand

taken by the State of Uttar Pradesh and, therefore, the learned NGT ought not to have interfered with the decision of the State Government.

21. Shri P.S. Patwalia, learned Senior Counsel also submitted that the decision of the State Government was in tune with the decision of this Court dated 18th May 2007 and 5th October 2015 passed in Writ Petition (Civil) No. 202 of 1995 (T.N. Godavarman Thirumulpad vs. Union of India). It is submitted that when an expert body like the FSI had done an elaborate study, there was no reason for the learned NGT to have sat in appeal over the same. He further submits that though a detailed affidavit has been filed on behalf of the State of Uttar Pradesh in compliance with the order of the learned NGT dated 18th December 2019, regarding the availability of timber, the learned NGT has totally ignored the same.

22. Shri V. Giri, learned Senior Counsel, submits that the learned NGT erred in passing orders which have vitally affected the rights of the citizens who were granted provisional licenses. He submits that the order impugned is totally in breach of the principles of natural justice. It is submitted that, from the perusal of the record, it is clear that the State of Haryana while calculating its requirement for wood also takes into consideration the import from the State of Uttar Pradesh. It is submitted that when there is excess wood available in the State of Uttar Pradesh, there is no reason why the same should be permitted to be exported to the State of Haryana at the cost of entrepreneurs in the State of Uttar Pradesh.

23. Shri Vinay Navare, learned Senior Counsel, submitted that the timber used in the WBIs is from the trees which are agro-based. He submits that though the State of Uttar Pradesh had adopted an elaborate procedure right from June 2018 till the grant of licenses, the applicants before the learned NGT had taken no steps. Shri Navare submits that only after the provisional licenses were issued and 632 out of 1215 WBIs provisional license holders had already been established and commenced operations, the applications were entertained and the orders were passed to the prejudice of the WBIs. It is submitted that Section 19(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as "the NGT Act") mandates following of the principles of natural justice. It is submitted that though the applications for impleadment were made by the WBIs, the applicants were not granted an opportunity of being heard.

24. Shri V.K. Uniyal, learned Senior Counsel submitted that the learned NGT had erred in using the word “allotted.” It is submitted that there is no question of allotment of timber to the WBIs and they are required to purchase the same from the open market.

25. Shri V.K. Shukla, learned Senior Counsel submitted that the State Government decided to grant provisional licenses for 8 different categories of WBIs. The requirement of raw material for different categories of WBIs is different. It is submitted that the learned NGT has grossly erred in considering all categories of WBIs together and setting aside the licenses granted to all of them. It is submitted that the said industries are established in pursuance of the National Agro Forestry Policy of 2014 and as such the learned NGT ought not to have interfered.

26. Ms. Prerna Singh, learned counsel appears for the appellants, who have been granted provisional licenses for plywood (press only) category. She submits that for plywood (press only) industries, there is no requirement of consumption of timber directly. It is submitted that initially veneer is manufactured out of round/fresh timber. Veneer then so manufactured is glued and pressed together to manufacture plywood. It is submitted that the learned NGT has considered the requirement of timber as twice the actual requirement. She submits that in the State of Uttar Pradesh, veneer is manufactured in surplus, which is exported to the State of Haryana.

27. Shri Rudraksh Gupta, learned counsel, submits that the learned NGT has failed to take into consideration the report of the National Poplar Commission of India.

28. All the learned counsel appearing on behalf of the appellants, in unison, submit that the original applicants before the Court were not bona-fide litigants. It is submitted that there are reasons to believe that the proceedings were initiated at the instance of either the existing WBIs in the State of Uttar Pradesh to prevent competition or they were filed at the instance of the WBIs in the State of Haryana who were importing timber from the State of Uttar Pradesh at cheaper rates.

29. Shri Dhruv Mehta, learned Senior Counsel appearing on behalf of the respondent No. 1, on the contrary, submits that this Court has repeatedly held that the principles of sustainable development, the precautionary principle and the polluter pays principle are to be

followed consistently. He raised a preliminary objection on the ground that in view of **Section 22** of the NGT Act, the scope of an appeal before this Court could be limited to that of **Section 100** of the Code of Civil Procedure, 1908. It is, therefore, submitted that unless a substantial question of law is raised, the appeal could not be tenable.

30. Shri Dhruv Mehta submits that this Court vide order dated 12th December 1996 has specifically prohibited the felling of trees in any forest, public or private. He further relies on the report of CEC dated 15th March 2005 to buttress his submission that WBIs can be permitted only if they exclusively use timber derived from poplar and eucalyptus species or agriculture waste products. It is submitted that the said guidelines also specifically provided that if the unit is found to have used any timber other than poplar and eucalyptus whether from a legal source or otherwise, the license granted to the unit shall be liable to be cancelled. He further relies on the report of CEC dated 12th October 2006. He submits that an assessment has to be done on the basis of the district-wise survey about timber availability from the TOF category. He submits that the said report of CEC itself would reveal that the assessment of the State is much less than what was initially projected by the State Government. He submits that unless the timber availability for the new WBIs is assessed and the SLC examines and recommends its approval, it is not permissible to establish new WBIs.

31. Shri Mehta further submits that the report of CEC dated 18th April 2007, accepted by this Court vide its order dated 18th May 2007, would show that the availability of timber for WBIs in the State of Uttar Pradesh is only 45.70 lakh cubic meters per year. Learned Senior Counsel submits that taking into consideration the fact that presently many imported machines from China are being used, the capacity of the existing units has gone much higher and, therefore, the timber which is available in the State of Uttar Pradesh would not be sufficient to meet the demand of the existing industries.

32. Shri Mehta submits that when SLC in its meeting dated 4th May 2018 had decided to get a report from IPIRTI, there was no occasion for it to review its decision in its subsequent meeting dated 7th September 2018. He submits that the Senior Officer of the Forest Department of the rank of Chief Conservator of Forest, Kanpur Division, Kanpur recommended that the report from IPIRTI should

be obtained before deciding to issue the new licenses. It is submitted that the letters of the said officer dated 11th September 2019 and 20th April 2018 have been ignored by the SLC.

33. Shri Dhruv Mehta further submits that Annexure-I to the 2016 Guidelines is in contravention of the recommendations of CEC, which takes the requirement of timber for plywood unit as "NIL."

34. The learned Senior Counsel submits that vide Notification dated 20th July 2012, the State of Uttar Pradesh had notified 7 species of trees in the prohibited category. However, vide another Notification dated 31st October 2017, the said trees were taken out of the prohibited category. The learned NGT had set aside the said Notification of 2017 by order dated 11th September 2018. It is submitted that the said order of the learned NGT has been accepted by the State of Uttar Pradesh and a fresh notification has been issued on 7th January 2020, again bringing the said trees in the prohibited category. The learned Senior Counsel submits that while assessing the availability of timber, the trees under the said prohibited category have also been taken into consideration. He submits that if 20.75 lakh cubic meters is deducted from the availability of the timber, then the timber available in the State would be much less.

35. The learned Senior Counsel further submits that the survey has not been conducted for all the districts and has been conducted only for 30 districts and, therefore, the survey itself is erroneous.

36. The learned Senior Counsel further submits that FSI, while conducting the survey, has not taken into consideration the rotation period and, therefore, the survey is erroneous on the said count also. Learned Senior Counsel, in support of his submissions, relies on the judgment of this Court in the cases of *Common Cause vs. Union of India and Others*, (2017) 9 SCC 499, *Mantri Techzone Private Limited vs. Forword Foundation and Others*, (2019) 18 SCC 494, *Municipal Corporation of Greater Mumbai vs. Ankita Sinha and Others*, 2021 SCC Online SC 897 and *Pragnesh Shah vs. Dr. Arun Kumar Sharma and Others*, 2022 SCC Online SC 79.

37. Shri Dhruv Mehta, relying on the judgment of this Court in the case of *Ankita Sinha and Others* (supra), submits that this Court itself has considered the learned NGT to be a special Tribunal and held that it will even have jurisdiction to take suo-motu cognizance of the environmental issues. He, therefore, submits that the

arguments made on behalf of the appellants with regard to locus are without substance.

38. Shri Vikas Singh, learned Senior Counsel, in rejoinder, submits that the only distinction between the prohibited trees and non-prohibited trees is that the non-prohibited trees can be felled without permission, whereas prohibited trees can be felled only in certain circumstances and only after the requisite permission is granted. He submits that the perusal of the FSI survey would reveal that even after the timber requirement for 1215 new units is taken into count, the State, still, will have 26.36 lakh cubic meters in reserve. He submits that if the new WBIs are permitted, it would result in more farmers going in for agro forestry in the State, which, in turn, will increase the forest cover. It is submitted that said 1215 units are likely to give employment to around 80000 people. Learned Senior Counsel, therefore, submits that the impugned orders deserve to be quashed and set aside.

EARLIER ORDERS OF THIS COURT

39. For appreciating the rival submissions, it will be apposite to refer to certain orders passed by this Court.

40. This Court in the case of T.N. Godavarman (supra) passed an order on 12th December 1996. The relevant part thereof is as under:

“6. Each State Government should within two months, file a report regarding:

(i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership.

(ii) the licenced and actual capacity of these mills for stock and sawing.

(iii) their proximity to the nearest forest.

(iv) their source of timber.

7. Each State Government should constitute within one month, an Expert Committee to assess:

(i) the sustainable capacity of the forests of the State qua saw mills and timber based industry.

(ii) The number of existing saw mills which can safely be sustained in the State.

(iii) The optimum distance from the forest, qua that State, at which the saw mill should be located.”

41. Vide subsequent order dated 4th March 1997¹ [1997 (3) SCC 312], this Court directed thus:

“6. All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose. The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks.”

42. Vide order dated 9th May 2002, this Court constituted CEC for monitoring of the implementation of the orders passed by this Court and for placing non-compliances of the cases before it.

43. Vide order dated 29th October 2002² [2008 (16) SCC 337], this Court further directed thus:

“44. No State or Union Territory shall permit any unlicensed sawmills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance with this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee.

45. It shall be open to apply to this Court for relaxation and or appropriate modification or orders qua plantations or grant of licences.”

44. Vide order dated 1st September 2006, this Court allowed licenses to be issued to the closed sawmills, Veneer and Plywood units as per availability of timber and eligibility and seniority as per CEC recommendation.

45. In pursuance of the orders passed by this Court, SLC was constituted by the State of Uttar Pradesh for verification and compilation of information about closed WBIs.

46. The FSI conducted its assessment and assessed the annual availability of wood from TOF in the State of Uttar Pradesh at 55.61 lakh cubic meters vide report dated 3rd April 2007.

47. On the basis of the report of the FSI, the SLC assessed the annual availability of timber for WBIs from TOF at 53.01 lakh cubic meters. CEC further reduced the same to 43.70 lakh cubic meters. However, it added 2.00 lakh cubic meters per year as timber available from government forests, and, therefore, assessed the annual availability of timber at 45.70 lakh cubic meters.

48. It is to be seen that in its report itself, the CEC included 17.77 lakh cubic meters of timber from the prohibited species. This Court considered the report of CEC and passed the following order on 18th May 2007:

“The matters relate to Saw Mills, Plywood and Veneer Units.

The CEC has considered the availability of wood for the industries, which was assessed as 43.70 lakh cu. mt from trees outside forests and 02.00 lakh cu. mt from Government Forests.

It has also assessed the units into four categories.

We accept the CEC's recommendations. The Saw Mills, Plywood and Veneer Units may be permitted, on the basis of the recommendations made by the CEC. Licences may be given by the State Level Committees.

If there are any objections regarding grant of licences, the parties would be at liberty to submit their applications before the CEC for consideration.”

49. It could thus be seen that in 2007 itself, this Court had accepted the recommendations of the CEC wherein the CEC had computed the total availability of timber and had also taken into consideration the availability of timber from the prohibited category.

50. Vide order dated 29th February 2008, this court considered the issue regarding the manufacturing of Medium Density Fiber board (MDF) and Particle board in the States of Punjab, Uttarakhand and Karnataka. While considering the same, this Court passed the

following order:

“The matter relates to the manufacturing of Medium Density Fiber board (MDF) and Particle Board in the States of Punjab, Uttarakhand and Karnataka. CEC has filed its report and stated that there is a growing trend to use more and more MDF/Particle Board in place of industrial timber. The MDF/Particle Board help in reducing the pressure on natural forests. The lops and tops and small wood available from the plantations of eucalyptus, poplar, etc. raised on the non-forest can be used by MDF/Particle Board plants.”

51. In view of the permissions granted by this Court, the licenses were granted to the unlicensed sawmills which were closed on account of the orders passed by this Court taking into consideration the availability of timber between 2007 and 2010. However, it is to be noted that the said licenses were granted only to the units which were closed and not to the new units.

52. The matter again came up for consideration before this Court on 30th April 2010, when this Court passed the following order:

“(II) after meeting the requirement of the licensed wood based industry, the units permitted by this Hon’ble Court and the units whose category is yet to be finalised, the plywood/veneer units falling in category IV may be considered for grant of license to the extent of timber availability and strictly in the order of seniority, subject to the one-time payment of Rs. 9 lakhs per press in respect of the veneer units and compliance of the other conditions that have been stipulated. The one-time payment of penalty will be in addition to the normal licence fee and the other charges, if any, payable to the U.P. Forest Department. As decided earlier, the above said amount should be kept in a designated interest bearing bank account and should be utilized only after the scheme in this regard is approved by this Hon’ble Court.”

53. It could thus be seen that this Court permitted granting of additional licenses if additional timber was found to be available.

54. The CEC in its meeting held on 26th May 2010 with the SLC and representatives of WBIs Associations in the State of Uttar Pradesh, after taking into consideration the capacity of timber for Vertical Band Saw (VBS) sawmill, modified/reduced the value of capacity of

timber for VBS sawmills upto 10 Horse Power from 540 to 270 cubic meters per year for the State of Uttar Pradesh in line with other States. As such, additional 9,58,230 cubic meters of timber became available for licenses from 3,549 such VBS units. In view of this position between 2010 and 2015, licenses came to be issued by the State of Uttar Pradesh to unlicensed WBIs, which were closed earlier by the order of this Court, as per the criteria recommended by the CEC and accepted by this Court.

55. The matter again came up for consideration before this Court on 5th October 2015 with regard to WBIs, when this Court passed the following order:

“CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:

We have heard Shri Harish Salve, learned amicus curiae, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior counsel/counsels. Accordingly, we pass the following orders:

(i) The State Level Committees for Wood-Based Industries (“SLCs”) are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license/permission to the wood-based industries.

(ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change (“MoEFCC”) and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/ equivalent rank will immediately be constituted.

(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters.

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate reliefs.

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicants/appellants."

56. It is thus seen that vide the said order, SLCs were authorized to take decisions regarding the grant of license/permission to the WBIs. Vide the said order, it was also directed to constitute SLC under the Chairmanship of the Principal Chief Conservator of Forest with a representative of MOEFCC and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/equivalent rank. This Court further directed the SLCs to be constituted in each State/Union Territory for which the SLC was not yet constituted. The MOEF was also authorized to issue appropriate guidelines in conformity with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to the assessment of timber availability for WBIs. Appeals could be filed before MOEFCC against the decision of the SLC.

MOEFCC GUIDELINES

57. In accordance with the directions issued by this Court vide order dated 5th October 2015, the MOEFCC issued 2016 Guidelines on 11th November 2016. The 2016 Guidelines provided for the constitution of the SLC as well as the powers and functions of SLC. Under clause 4 of the 2016 Guidelines, the SLC was authorised to assess the availability of timber for wood based industrial units in the State/UT every five years. The SLC was also authorised to approve appropriate locations for setting up of wood based industrial units. It was also authorized to approve the name of wood based industrial units which may be considered for grant of fresh license or enhancement of the existing licensed capacity.

58. Clause 5 of the 2016 Guidelines provides for the assessment of the availability of timber for wood based industrial units. It requires that the quantity of timber would be assessed by commissioning the study, preferably in collaboration with institutes/ universities of

repute, once in five years. Under clause 6 of the 2016 Guidelines, the timber requirement for various units as assessed by IPIRTI was given in Annexure I. The said Annexure I reads thus:

“The Indian Plywood Industry Research and Training Institute (IPIRTI), Bangalore an autonomous body under the Ministry of Environment, Forest and Climate Change has assessed the timber requirement per unit for peeling length of 4 feet and 8 feet size in the plywood/veneer units as 5 cu.mt. and 11 cu.mt. respectively per day on an average of 8 working hours per day. By assuming that the peeling units work for 8 hours per day on an average for 300 days in a year the normal timber requirement of the peeling length of 4 feet size in veneer units is 1500 cu.mt. The total timber requirement for the stand alone veneer units may be assessed by calculating the equivalent number of 4 feet length machines and by taking its normal installed capacity as 1500 cu.mt. per annum.

The timber requirement of a plywood unit may be taken as ‘nil’ on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as the raw material produced by the veneer units. The plywood units use presses of various sizes such as 8x4x6, 8x4x12, 8x4 x15, 4x4x7, 4x4x10 and 8x4x10 capacity press can produce upto 10 plywood pieces of 8’ x 4’ size per hour whereas a 8 x 4 x 15 capacity press can produce upto 15 plywood pieces of 8’ x 4’ size per hour and so on. The normative installed capacity of the plywood units will accordingly depend upon the number and the type of presses. This number and type of presses installed in each of the plywood unit may be assessed and thereafter equivalent number or presses of 8x4x10 capacity may be calculated. The normative annual timber requirement for a integrated plywood unit having a 8x4x10 capacity press may be taken as 2000 cu.mt. per annum and accordingly the total requirement of timber for the plywood units should be calculated.”

59. It could thus be seen that even as per the assessment of the IPIRTI, the timber requirement of a plywood unit is required to be taken as ‘NIL’ on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as raw material. It could thus be seen that the plywood units use presses of various sizes.

60. In pursuance of the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh under the Chairmanship of Principal Chief Conservator of Forest/Head of Forest Department on 17th May 2017. Vide Notification dated 11th September 2017, the MOEFCC amended the 2016 Guidelines.

61. Subsequently, in accordance with the 2016 Guidelines, the SLC assessed the availability of timber for WBIs in the State of Uttar Pradesh, through the FSI. For assessing the availability of timber, the FSI conducted a survey and arrived at the annual potential production of timber from TOF in rural areas of all the districts of the State. FSI assessed the annual potential production from TOF at 77.74 lakh cubic meters. Subsequent to the survey and assessment, the SLC in its meeting dated 4th May 2018 considered the matter for grant of license to various WBIs. The SLC decided to get the reassessment done by IPIRTI to determine the correct number of new licenses to be issued to WBIs under different categories against the available timber. However, subsequently, the SLC, in its meeting dated 7th September 2018, found that IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was also found that the State of Haryana had adopted the timber consumption figures based on the CEC figures of 2007. It was therefore unanimously resolved by the SLC that there was no need for any fresh study/assessment for the consumption of timber by WBIs to be conducted by IPIRTI and to adopt the figures for WBIs as were referred to in the 2016 Guidelines. It further found that the CEC in its meeting dated 26th May 2010 had reduced the annual consumption of timber of sawmills upto 10 Horse Power or less HP to 270 cubic meters from 540 cubic meters.

62. On the basis of the decision of the SLC, e-lottery was held. After following the procedure, provisional licenses were issued to 1215 successful applicants in 8 categories of WBIs in February and March 2019. After the issuance of provisional licenses, on 1st March 2019, the State Government issued a Notice with regard to grant of provisional licenses to the newly selected WBIs which came to be challenged before the learned NGT by way of filing the aforesaid Original Applications by the respondents. The learned NGT after passing various interlocutory directions finally passed the impugned order and quashed and set aside the notice dated 1st March 2019 issued by the State Government and provisional licenses given in pursuance thereof. As such we are required to examine the

CONSIDERATIONS

63. The learned NGT while passing the impugned order has set aside the notice of the State of Uttar Pradesh on the following grounds:

(1) that the WBIs can be allowed to operate only after ensuring timber and raw material availability to sustain such industries and this has to be determined in actual terms and not on mere assumptions.

(2) that it is difficult to accept the stand of the State of Uttar Pradesh that there was availability of timber/raw material to sustain the new WBIs.

(3) that it is the stand of the State of Uttar Pradesh that the total potential availability of timber per year in the State of Uttar Pradesh is 80.30 lakh cubic meters, which includes 2.56 lakh cubic meters from the Government forests and 77.74 lakh cubic meters from TOF. Out of 80.30 lakh cubic meters, 71.8 lakh cubic meters were stated to be available from 22 species and 8.50 lakh cubic meters from the other species. Out of 22 species, there are 10 species that are prohibited from felling and as such, 20.75 lakh cubic meters from these 10 species are liable to be excluded.

(4) that the major contribution is from Eucalyptus (28 lakh cubic meters) and Poplar species (15 lakh cubic meters), a total of which is 43 lakh cubic meters. Thus, the figure is not actual but presumptive.

(5) that the standard error percentage adopted by the FSI is not correct and is much higher.

(6) that the total availability of timber for consumption including that from the government forests would not be more than 40-45 lakh cubic meters per year.

(7) that the potential availability of 77.74 lakh cubic meters from TOF as given in the affidavit has been overestimated.

64. It is to be noted that after this Court allowed the licenses to be issued to the closed sawmills vide order dated 1st September 2006, the SLCs were constituted. The permissions were to be granted on

the recommendations of the CEC. Vide order dated 18th May 2007, this Court had also accepted the recommendation of the CEC. Vide another order dated 30th April 2010, this Court permitted additional licenses to be granted if additional timber was available. Accordingly, licenses were granted between 2010 and 2015. Vide subsequent order dated 5th October 2015, this Court allowed the grant of license/permission to unlicensed WBIs in the country. This Court had directed the reconstitution of the SLCs for WBIs. In pursuance of the directions issued by this Court, the 2016 Guidelines were issued by the MOEFCC. As per the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh on 17th May 2017.

65. One of the duties which was cast upon the SLC was to assess the availability of timber for wood based industrial units in the State. The SLC was to assess the availability of timber by commissioning studies, preferably in collaboration with institutes/universities of repute, once in five years. In accordance with the 2016 Guidelines, the FSI conducted the survey and submitted its report in March 2018. It will be relevant to refer to the relevant part of the Foreword of the said report of the FSI:

“In the recent past, a number of requests were received for establishment of wood based industries in the state for which the raw material would come from outside the forest areas. Since accurate assessment of TOF is needed for effective planning and management, Uttar Pradesh Forest Department requested FSI to make Agro-Climatic zone wise assessment on the basis of inventory already done during its regular course of inventory conducted in the State. As per the final report, the total stems as estimated from the study is 299.43 million with a volume of 79.40 m. cum. The total yield in the Uttar Pradesh is estimated 7.8 million cum.

The report gives an assessment of the growing stock existing outside state forest reserves. The report has also indicated district-wise, species-wise and girth class-wise number of stems and volume in each Agro-Climatic Zone wise of inventoried districts. I am confident that this report would provide useful data for arriving at informed policy and programme interventions to give a fillip to forestry sector in the state besides providing benchmark data for tree crop in non-forest area.”

66. After conducting the survey, the FSI has come to a finding that the State of Uttar Pradesh had an annual potential production of 77,74,521 cubic meters of timber. For conducting the survey, the FSI acquired satellite data for the inventoried districts of Uttar Pradesh State from National Remote Sensing Centre, Hyderabad. The entire gambit of scientific methodology was applied. The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. It will be relevant to refer to the following part of the report of the FSI:

“The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. Estimates of stems per ha and volume per ha were generated according to species and diameter class for block, linear and scattered stratum under each district. Estimated stems and their volumes were generated according to species and diameter class by aggregating stem per hectare and volume per hectare over the entire Rural CNF Area of each stratum for each district by combining the estimated stems and volumes under block, linear and scattered stratum. By aggregating the estimates of stems and volume of all the three strata, the estimates of stems and volumes according to species and diameter class has been prepared for Rural area separately.”

67. The FSI had also divided the State of Uttar Pradesh into 9 Agro-climatic zones to generate the estimate of growing stock and annual potential production. District-wise production was estimated before concluding that 77,74,521 cubic meters of timber was the annual potential production. The contention of the respondents that the rotation method was not applied is totally incorrect. It will be relevant to refer to paragraph 5.4 of the said report, which reads thus:

“5.4 Estimates of Annual Potential Production of Wood from TOF (Rural)”

Yield of a forest depends on several factors such as its structure, growth, density, productive capacity of site etc. The estimate of yield been generated for rural area using growing stock estimates. The Uttar Pradesh Forest Department was supplied the complete list of tree species which were found in the survey. The Uttar Pradesh Forest Department was asked to indicate tree species being used as ‘timber’ and ‘non timber’ and rotation period of specified timber species. **The Uttar**

Pradesh Forest Department informed that they do not have rotation period of all species and requested Forest Survey of India to use their rotation period used for estimation of annual potential production of wood.

The species are arranged into two groups; one containing the species having timber values and another containing rest by agro-climatic zone wise. The yield has been calculated using Von Mentel formula as given below:

$$\text{Yield} = 2GS/R$$

Where GS: Growing Stock

R: Rotation Period

Using the information of timber value, growing stock and rotation period in the above mentioned formulae species wise yield were calculated. The Agro-Climatic Zone wise yield has been given in Annexure-11."

(Emphasis supplied)

68. The standard error was also determined by applying the appropriate scientific method.

69. The FSI, hence, considered various aspects before concluding and submitting its 101 page report.

70. It could thus be seen that the estimation as arrived at by the FSI was by applying a proper and adequate scientific method.

71. However, it is surprising that the learned NGT has brushed aside such a scientific exercise by merely observing that the figures arrived at were by estimation and not realistic.

72. The FSI has published a paper on "Trees Outside Forest Resources in India." The contributors to the said paper are (1) Dr. Subhash Ashutosh, DG, FSI; (2) Prakash Lakhchaura, DDG, FI, (3) Kamal Pandey, DD, FI; (4) Dr. Sourav Ghose, Proj. Scientist D; (5) Sushila Tripathi and (6) H.K. Tripathi. The paper shows that the timber and panel products of TOF origin have emerged as the major alternative to timber from forests and thus TOF have significantly obviated pressure from forests. The report shows that, the extent of TOF in the country has been assessed at 29.38 m hectare, which is around 8.94% of the total geographical area of the country. The report further shows that based on the recommendations of the

National Commission on Agriculture (NCA, 1976), the Government of India launched a social forestry program in the late seventies on a large scale. The paper further shows that, these days satellite data in a wide range of spectral, spatial, radiometric and temporal resolutions are available from various Remote Sensing Agencies of several countries. It further shows that there has been a rapid advancement in the development of digital image processing software. It, therefore, observes that the desired mapping of natural resources with reasonable accuracy is possible. The report refers to the methodology of assessment of TOF in different countries of the world and refers to various authorities. It refers to different types of methodologies used for different periods; the first one being from 1991 to 2001; the second period being from 2001 to 2016; and the third period being from 2016 onwards. The report shows that the State of Maharashtra has the highest potential annual yield of timber in India followed by the States of Uttar Pradesh and Karnataka.

73. It will be relevant to refer to the conclusion of the said paper, which is as follows:

“5. Conclusion

TOF play a significant role in the socioeconomic lives of people both in rural and urban areas of the country by enriching the people and society at large economically as well as ecologically. The management of TOF assumes high significance in the country for realizing much higher potential which it offers in generating wood based economy and ecosystem services including carbon sequestration. Periodic assessment of TOF resources including its spatial distribution is prerequisite for its scientific management in the country. FSI is mandated with this task however there is need for continuous improvement in the methodology and inclusion of more number of variables in the assessment. The organization will have to be further strengthened particularly in terms of man power, to address the emerging information needs on TOF. There has been regular refinement in methodologies in the last three decades to quantify TOF resources using various statistical designs and estimates with better precision. The advancement of technologies in the field of remote sensing, satellite image processing and availability of high resolution satellite data made the methodology much precise and easier. The

progression of science may further refine the existing method of TOF assessment in near future.

TOF also act as an important source for timber and fuel wood to meet the demands of fast growing population of the country. There is a need to put focus on increasing the growing stock per hectare or yield of TOF by better management and planning. There is also a need for a separate policy on TOF to ensure its expansion and sustainable management for multiple ecological benefits, timber production, carbon sequestration and for obviating pressure from the natural forests.

Occupying nearly 9% of the geographical area of the country, TOF are significant natural, renewable resource which make vital contribution to the agro-ecology, socio-economy of the rural areas, environmental amelioration in the urban areas and feed wood based industries with the raw material and thus generate significant employment. TOF form a nearly 38% of the carbon sink in forest & tree cover of the country. TOF offers the path for achieving the national policy goal of 33% of forest & tree cover in the country. Through expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.”

74. It could thus be seen that the FSI has also emphasized the need of promoting TOF. It has been observed that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economy of the rural area, and environmental amelioration in the urban area and feed WBIs with raw material and thus generate significant employment.

75. It is our considered view that, when the estimation was done by the FSI by applying the scientific method and had arrived at the conclusion based on satellite data, such a report could not have been brushed aside by the learned NGT lightly.

76. Insofar as the finding of the learned NGT that the survey also takes into consideration the prohibited trees, the felling of which is not permissible, it will be relevant to note that the Notification dated 7th January 2020 issued by the Government of Uttar Pradesh provides that the prohibited trees shall not be felled till 31st December 2025 except under unavoidable circumstances, such as when a tree is dead or dying or it constitutes a danger to persons or

property, or its felling is necessary for executing development work approved by the Government, or if the fruit bearing capacity of such tree has declined substantially. Such trees cannot be felled unless permission to fell such tree has been obtained in writing from the competent authority. The tree owners are also required to maintain 10 trees in place of each tree felled. It is thus clear that there is no absolute prohibition for felling the trees which are in the prohibited category. However, the same can be done only in exceptional circumstances.

77. It is to be noted that the prohibited trees also include trees like Mango, Jamun, etc. which are fruit bearing trees. After a particular number of years, the fruit bearing capacity of such trees drastically reduces and as such, the farmers normally fell such trees and go in for re-plantation of the orchard. Apart from that, it is to be noted that the CEC itself approved the availability of timber for the State of Uttar Pradesh in its report dated 19th April 2007, which included 17.77 lakh cubic meters of prohibited trees. The said report of the CEC was approved by this Court vide its order dated 18th May 2007.

78. It is further to be noted that in pursuance of the order of the learned NGT dated 28th March 2019, a Committee of Experts [Joint Committee comprising of representative of Principal Secretary (Forest), U.P. and Principal Chief Conservator of Forest, U.P.] had submitted its report on 3rd August 2019. Not only this, but in pursuance of the directions issued by the learned NGT on 18th December 2019, another detailed affidavit was filed on behalf of the State Government on 21st January 2020, giving therein the details about the availability of timber. It was specifically stated in the said affidavit that eucalyptus and poplar are the main species of TOF and 80% of the wood is derived therefrom. It was further pointed out that the farmers in the State of Uttar Pradesh were not getting remunerative prices and are forced to sell their produce at a very cheap rate mainly to middlemen. It was also pointed out that there would be an expected investment of about Rs. 3000 crore in the State with the establishment of new WBIs. The same would employ more than 80000 people, mostly in the rural areas of the State. However, all these factors have been ignored by the learned NGT.

79. As such, the learned NGT has grossly erred in deducting the availability of timber from the prohibited trees. By now, it is more than settled that the Courts should not enter into an area that is the

domain of the experts. FSI, which is undisputedly an expert body, had arrived at its estimation based on the scientific method. The learned NGT could not have sat in appeal over the opinion of the expert.

80. It is relevant to note that MOEFCC, in pursuance of the directions issued by the learned NGT had filed its opinion on 18th December 2019. It will be relevant to refer to paragraph 8 of the said opinion:

“8. That based on the examination of available documents in light of the provisions of the Wood Based Industries (Establishment and Regulation) Rules, 2016, MoEFCC is of the opinion that the State of U.P. has followed the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 (as amended in 2017) issued by MoEFCC. The availability of wood in the State has also been assessed by the SLC through FSI. The Ministry is, therefore, of the view that the SLC may approve setting up of new industries in the State if it is satisfied that sufficient timber is available legally to run the new wood based industries.”

81. The learned NGT has failed to take into consideration the stand of the MOEFCC, which also supported the stand of the State that sufficient timber was available legally to run the new WBIs.

82. Insofar as the contention of the learned counsel for the respondents that, though in the meeting of the SLC dated 4th May 2018, it was decided to get the assessment done by IPIRTI, the SLC in its meeting dated 7th September 2018 did a volte-face and decided not to get the assessment done from IPIRTI, the perusal of the minutes of the meeting of the SLC dated 7th September 2018 would reveal that it was found that the IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was noticed that, as per the report of the FSI, the TOF available was 77,74,522 cubic meters. Adding the timber available in the forest area of 2,57,273 cubic meters, the total quantity of availability of timber was 80,31,795 cubic meters. It is to be noted that the SLC had taken note of the letter dated 29th August 2018 issued by the Director, IPIRTI, where he had communicated that no assessment pertaining to the annual consumption of timber by Veneer and Plywood Industries was undertaken by the IPIRTI during the last two years in any State of the country. It was found that the 2016 Guidelines itself provided

for annual consumption of timber based on the report of IPIRTI. In this premise, it was found that there was no need to conduct a fresh study/assessment for the consumption of timber by WBIs by IPIRTI. It was decided to accept the figures as provided in the 2016 Guidelines.

83. It can thus be seen that the decision of the SLC for not getting the assessment done by the IPIRTI is based on sound reasons. When the 2016 Guidelines itself provided for the consumption of timber by WBIs based on the report of the IPIRTI, there was no purpose to again get the assessment done by IPIRTI. The scope of judicial review has been succinctly explained by this court in the case of *Tata Cellular vs. Union of India*, (1994) 6 SCC 651 which has been consistently followed in a catena of cases. This Court, in the said case, observed thus:

“77. The duty of the court is to confine itself to the question of legality. Its concern should be:

1. Whether a decision-making authority exceeded its powers?
2. Committed an error of law.
3. Committed a breach of the rules of natural justice.
4. Reached a decision which no reasonable tribunal would have reached.
5. Abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

- (i) Illegality: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.
- (ii) Irrationality, namely, *Wednesbury* unreasonableness.
- (iii) Procedural impropriety.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in *R. v. Secretary of State for the Home Department, ex Brind* (1991) 1 AC 696, Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should “consider whether something has gone wrong of a nature and degree which requires its intervention.”

84. Applying the aforesaid principle to the present case, it cannot be said that the decision-making process has been vitiated either on account of illegality, irrationality or procedural impropriety.

85. With regard to the contention of Shri Dhruv Mehta, learned Senior Counsel, that Annexure I to the 2016 Guidelines providing the timber requirement of a plywood unit to be taken as “NIL” is contrary to the CEC recommendations is concerned, we do not find any substance in the said submission. Firstly, 2016 Guidelines have been issued by the MOEFCC in pursuance of the directions issued by this Court dated 5th October 2015. In any case, the raw material for plywood industries is ‘Veneer’ and the raw material for veneer is timber. We find substance in the contention of the appellants that, if timber is to be considered again as a raw material for plywood, then it will amount to showing the consumption of the same timber more than once, which is, in fact, not consumed. It is not in dispute that veneer is a raw material for plywood, which is derived from timber. The same timber is used for deriving veneer and such veneer, which is used for manufacturing plywood, cannot be counted twice. In any case, as long as the 2016 Guidelines which are issued in pursuance of the directions issued by this Court are not set aside, the contention in that regard is without substance.

86. That leads us to consider the contention of the respondents that this Court has repeatedly emphasized the principles of sustainable development, the precautionary principle and the polluter pays principle. No doubt that the protection of the environment is of utmost importance. It is the duty of this generation to protect the environment for future generations.

CONCLUSION

87. It cannot be disputed that **Section 20** of the NGT Act itself directs the learned Tribunal to apply the principles of sustainable development, the precautionary principle and the polluter pays

principle. Undisputedly, it is the duty of the State as well as its citizens to safeguard the forest of the country. The resources of the present are to be preserved for the future generations. However, one principle cannot be applied in isolation of the other.

88. It is necessary that, while protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck.

89. A body having expertise in the field, i.e. the FSI, upon a scientific study, has concluded that there is sufficient timber available in the State of Uttar Pradesh. Not only that, but the respondents themselves have placed on record a project report on "Study to know the percentage and value of the raw material sourced through U.P. Forests by Plywood and Khair (Kattha) Industries in U.P." The said report is prepared by RAK Management Consultants on the instructions of the Department of Planning, Economic and Statistics Division, Government of Uttar Pradesh. The said report itself shows that the consultants, during the field survey, observed resentment among the plywood manufacturers against the process of issuing new licenses to the WBIs by the State Government.

90. The report further goes on to show that on average 1500-1700 trucks/tractor trollies of the eucalyptus and popular wood from all over Haryana, Punjab, Himachal Pradesh and Uttar Pradesh go to Yamuna Nagar, Haryana daily. Out of the said trucks/trollies, approximately 300-350 tractor trollies and some other small vehicles per day come from Uttar Pradesh. The report shows that approximately 5 to 6 lakh metric tons of timber per year is exported to Yamuna Nagar. The said material belongs to the western districts of Uttar Pradesh, i.e. Muzaffarnagar, Saharanpur, Shamli, Baghpat and Meerut. It is stated that there is no sufficient market for this produce in the said area. The report further finds that the western districts of Uttar Pradesh, i.e. Meerut, Muzaffarnagar, Saharanpur, Baghpat and Shamli, etc. do not have sufficient number of plywood and veneer units and as such, they are not sufficient for the entire farmers' produce available in the said area. The report itself shows that the western districts need around 80-85 plywood and veneer units. The report goes on further to show that there is dissatisfaction among the already existing industrialists about the assessment made by the FSI.

91. It is further to be noted that the State has specifically pointed

out before the learned NGT that on the establishment of WBIs, an investment of about Rs. 3000 crore was likely to be attracted in the State; employment opportunities to over 80000 people will be available and the farmers of the State would get a more remunerative price. This would result in more impetus for large-scale plantation and agro-forestry. The State also emphasized that this will reduce dependence on traditional/cash crops and also reduce migration of people to urban areas. It is also emphasized that if the new WBIs are permitted, it will reduce the import of WBIs produce. However, all these aspects have not been taken into consideration by the learned NGT.

92. It will be relevant to note that the Forest Research Institute, Dehradun, Uttarakhand has published "Country Report of Poplars and Willows Period: 2012-2015." The report states that the timber from poplar and willow is the backbone of vibrant plywood, board, match, paper and sports goods industries. The report further states that in tune with Indian Agroforestry Policy 2014, the plantation of poplar has been promoted. It further states that the Planning Commission of India has given special grants to certain States for the diversification of agriculture where farmers are advised to move away from paddy cultivation to sustain agricultural production. Poplar and eucalyptus are among the few trees promoted under this diversification plan. The report states that Poplar plays a significant role in rural development by generating employment for many categories of skilled, semi-skilled and unskilled workers.

93. The paper on "Trees Outside Forest Resources in India" published by the FSI, cited supra, also emphasizes that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economic improvement of the rural areas, environmental amelioration in the urban areas and feed WBIs with raw material and thus generate significant employment. TOF form nearly 38% of the carbon sink in the forest and tree cover of the country. It states that TOF offers the path for achieving the national policy goal of 33% of forest and tree cover in the country. It states that through the expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.

94. As already discussed herein above, the majority of TOF is from two species, i.e. Poplar and Eucalyptus. These trees are fast

growing. If a market is available for the said trees, there will be impetus to the farmers for large scale plantations. The rotation in these species is quite fast. This will, in turn, increase the green coverage. We are of the considered view that the learned NGT has taken a lopsided view. It has failed to take into consideration the concerns expressed by the State. The learned NGT has committed patent error in ignoring the expert's report and sitting in appeal over the same. The learned NGT has also failed to take into consideration the stand taken by the MOEFCC, which supported the stand of the State. As already discussed herein above, the State had emphasized many advantages of granting new licenses to WBIs. It was also emphasized that the timber from the State of Uttar Pradesh was being exported to the State of Haryana. However, none of these aspects have been considered by the learned NGT. We are, therefore, of the considered view that the impugned orders of the learned NGT are not sustainable in law.

95. There is another reason, in our view, why the order of the learned NGT would not be sustainable. Though, on the date on which the review applications were rejected, 1215 provisional licenses were already granted and 633 units had already been established and commenced production, the learned NGT has passed the impugned order which adversely affects their interest. Either some of such industries ought to have been impleaded in their representative capacity or a public notice should have been given so that such license holders could have represented their case. However, the said contention is lightly brushed aside by the learned NGT by holding that, since the issue is related to the general decision of the State which is applicable uniformly to all the proposed provisional licensees, it is not necessary to consider the issue raised in the impleadment applications. It is more than a settled law that the principles of natural justice are required to be followed even in administrative actions when such actions adversely affect the rights of the citizens. When the learned NGT exercised its judicial powers, it could not have ignored the principles of natural justice, which, even under Section 19(1) of the NGT Act, it is bound to follow.

96. Another aspect that needs consideration is that a serious issue was raised before the learned NGT by the appellants herein with regard to the credentials and bona-fides of the original applicants.

97. When the matter was heard by us, we too made pertinent

queries to Shri Mehta and Shri Chahar with regard to the credentials of the applicants before the learned NGT. One applicant is Uday Education and Welfare Trust; the second applicant is Samvit Foundation and the third applicant is U.P. Timber Association. Undisputedly, the U.P. Timber Association was a litigant interested in the litigation. However, insofar as the other original applicants, i.e. Uday Education and Welfare Trust and Samvit Foundation, for whom Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsel are appearing, specific queries with regard to the activities undertaken by the said original applicants were made as to whether they were involved in any activity with regard to the protection of the environment; had they at least been engaged in promoting plantation; what were the aims and objectives of the said original applicants and what are the sources of funding, etc. Shri Mehta and Shri Chahar, learned Senior Counsel, fairly submitted that apart from the fact that they (original applicants) had previously filed some public interest litigations wherein orders were passed in their favour, they had no other information.

98. Shri Dhruv Mehta, learned Senior Counsel has rightly relied on the judgment of this Court in the case of Ankita Sinha and Others (supra) to submit that the learned NGT is empowered to take suo-motu cognizance. This Court has held that, taking into consideration the nature of functions of the learned NGT, it cannot be equated with other Tribunals and in environmental matters, it will also have a power to take suo-motu cognizance. However, when the credentials and bona-fides of a litigant approaching the learned NGT are seriously raised, the same cannot be ignored.

99. We find that before a litigant is permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and bona-fides of the applicants must be tested. In the present case, there is scope to infer that the litigation could be at the behest of the existing WBIs who wanted to avoid competition and continue to get raw material at a cheaper rate. There is also scope to infer that it could be at the behest of the WBIs in the adjoining Yamuna Nagar district of Haryana where lakhs of tons of timber is exported from the State of Uttar Pradesh. There is scope to infer that it could be in the interest of middlemen who are engaged in exporting timber from Uttar Pradesh to Haryana. We would, therefore, only request the learned NGT that, when credentials and bona-fides of

such litigants are seriously raised and when entertaining the grievance of such litigants, which is likely to adversely affect the rights of many, it should ensure the bona-fides and credentials of such litigants.

100. Though we are allowing the appeals, setting aside the orders of the learned NGT, and upholding the action of the State Government in granting licenses, we would like to remind the State and its authorities that it is their duty to protect the environment. The State and its authorities should ensure that necessary steps are taken for arresting the problem of declining forest and tree cover. The State and its authorities should make meaningful and concerted efforts to ensure that the green cover in the State of Uttar Pradesh is not reduced and to ensure that it increases.

101. The conservation of forest plays a vital role in maintaining the ecology. It acts as processors of the water cycle and soil and also as providers of livelihoods. As such, preservation and sustainable management of forests deserve to be given due importance in formulation of policies by the State. In this regard, it will be apposite to refer to certain earlier pronouncements of this Court:

(a) In the case of *Samatha vs. State of A.P. and Others*, AIR 1997 SC 3297 : (1997) 8 SCC 191, a three-Judge Bench of this Court after referring to the earlier judgment in the case of *State of H.P. and Others vs. Ganesh Wood Products and Others*, (1995) 6 SCC 363 observed that, even while considering the grant of renewal of mining leases, the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 would apply. This Court held that the MOEF and all the States have a duty to prevent mining operations affecting forests. It further observed that, whether mining operations are carried on within the reserved forest or other forest area, it is their duty to ensure that the industry or enterprise does not denude the forest to become a menace to human existence nor a source to destroy flora and fauna and biodiversity. It has further been held that if it becomes inevitable to disturb the existence of forests, there is a concomitant duty upon the State to reforest and restore the green cover and to ensure adequate measures to promote, protect and improve both man-made and natural environment, flora and fauna as well as biodiversity. It further held that there can be no distinction between government forests and private forests in the matter of forest

wealth of the nation and in the matter of environment and ecology.

(b) In the case of *Essar Oil Ltd. vs. Halar Utkarsh Samiti and Others* , (2004) 2 SCC 392 this Court discussed the need for a balance between the economic and social needs and development on the one hand and environment considerations on the other. It was observed that laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. In this regard, the observations of this Court in the case of *Indian Council for Enviro-Legal Action vs. Union of India and Others* , (1996) 5 SCC 281 were quoted as under:

“While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment.”

(c) In the case of *Maharashtra Land Development Corporation and Others vs. State of Maharashtra and Another* , (2011) 15 SCC 616 reference was made to *Glanrock Estate Private Limited vs. State of Tamil Nadu* , (2010) 10 SCC 96, wherein it was observed as under:

“27.....Forests in India are an important part of the environment. They constitute [a] national asset. In various judgments of this Court delivered by the Forest Bench of this Court in *T.N. Godavarman Thirumulpad vs. Union of India* (Writ Petition No. 202 of 1995), it has been held that ‘intergenerational equity’ is part of Article 21 of the Constitution.

28. What is intergenerational equity? The present generation is answerable to the next generation by giving to the next generation a good environment. We are answerable to the next generation and if deforestation takes place rampantly then intergenerational equity would stand violated.

29. The doctrine of sustainable development also forms part of Article 21 of the Constitution. The ‘precautionary principle’ and

the 'polluter pays principle' flow from the core value in Article 21.

30. The important point to be noted is that in this case we are concerned with vesting of forests in the State. When we talk about intergenerational equity and sustainable development, we are elevating an ordinary principle of equality to the level of overarching principle."

(d) Of course, one cannot ignore one of the several dicta of this Court in *T.N. Godavarman Thirumulkpad vs. Union of India and Others* , AIR 1997 SC 1228 wherein this Court enunciated the definition of "forest" in the following words:

"4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "forest land", occurring in Section 2 , will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof....."

102. Though we find that for the sustainable development of the State and on account of the availability of the timber, sanction of granting licenses can be permitted to continue, however, as a responsible State, it needs to ensure that environmental concerns are duly attended to. We, therefore, direct the State Government to ensure that while granting permission for felling trees of the prohibited species, it should strictly ensure that the permission is granted only when the conditions specified in the Notification dated 7th January 2020 are satisfied. The State Government shall also ensure that when such permissions are granted to the applicants,

the applicants scrupulously follow the mandate in the said notification of planting 10 trees against 1 and maintaining them for five years.

103. In the result, the appeals are allowed. The impugned orders passed by the learned National Green Tribunal, Principal Bench, New Delhi in Original Application Nos. 313, 335 and 396 of 2019 as well as in the Review Applications are quashed and set aside.

104. Pending applications, if any, shall stand disposed of. No costs.

2025 Supreme(SC) 482

**2025 AIR(SC) 1721 ; 2025 139 CLT 739 ; 2025 INSC 347 ; 2025
KLT(Online) 1517 ; 2025 4 SCC 150 ; 2025 3 SCR 516 ; 2025
KHC(Online) 6234**

SUPREME COURT OF INDIA

BELA M. TRIVEDI, PRASANNA B. VARALE, JJ.

The Auroville Foundation – Appellant

Versus

Navroz Kersasp Mody & Ors. – Respondents

Civil Appeal No(s). 5781-5782 of 2022

Decided on : 17-03-2025

The Tribunal exceeded its jurisdiction by issuing directions without a substantial environmental question being raised, misapplying the 'Precautionary Principle' and disregarding the statutory force of the approved Master Plan.

Subject: Environmental Law - National Green Tribunal

jurisdiction - environmental protection - Auroville - Master Plan -
Precautionary Principle - tree cutting - road construction - statutory
force - NGT Act - substantial question

**Act Referred :AUROVILLE FOUNDATION ACT : S.11(3),
S.17(e), S.19(2)(c)**

CONSTITUTION OF INDIA : Art.14, Art.19, Art.21

NATIONAL GREENS TRIBUNAL ACT : S.14, S.19, S.2(1)(m)

(A) National Green Tribunal Act, 2010 - Sections 2(1)(m), 14, 15 - Environmental protection - The Tribunal's directions regarding the construction of roads in Auroville were deemed outside its jurisdiction, as no substantial environmental question was raised. The Tribunal misapplied the 'Precautionary Principle' and failed to recognize the statutory force of the approved Master Plan. (Paras 11, 12, 14, 19)

(B) Jurisdiction of Tribunal - The Tribunal must ensure that a

substantial question relating to the environment is involved before exercising its jurisdiction. (Paras 6, 10)

Facts of the case:

The Respondents alleged unauthorized tree cutting by the Appellant-Foundation for road construction in Auroville, claiming it violated environmental laws. The Tribunal initially granted an interim order to halt tree cutting.

Findings of Court:

The Tribunal's directions were quashed as they exceeded jurisdiction and lacked legal basis.

Issues: Whether the Tribunal had jurisdiction to issue directions regarding the construction activities of the Appellant-Foundation.

Ratio Decidendi: The Tribunal's directions were invalid as they did not address a substantial question of environmental law, and the approved Master Plan had statutory force.

Result: Appeals allowed.

Cases Referred:

T.N. Godavarman Thirumulpad Vs. Union of India and Others, ,

(1997) 2 SCC 267 [Para 5] - Referred

State of Madhya Pradesh Vs. Centre for Environment Protection

Research and Development, , (2020) 9 SCC 781 [Para 8] - Referred

H.P. Bus-Stand Management and Development Authority Vs. Central

Empowered Committee, , (2021) 4 SCC 309 [Para 8]

Vellore Citizens Welfare Forum Vs. Union of India & Others, , (1996)

5 SCC 647 [Para 15] - Referred

Essar Oil Ltd. Vs. Halar Utkarsh Samiti & Ors., , (2004) 2 SCC 392

[Para 16] - Referred

N.D. Jayal & Anr. Vs. Union of India & Ors., , (2004) 9 SCC 362 [Para

17] - Referred

Advocates appeared:

For the Appellant(s) : Mr. Vaibhav Venkatesh, Adv. Mr. Balaji Srinivasan, AOR

For the Respondent(s): Mr. A Yogeswaran, Adv. Mr. T. V. S. Raghavendra Sreyas, AOR Mr. Gurmeet Singh Makker, AOR Mr. Ajay

JUDGMENT :

BELA M. TRIVEDI, J.

1. The present Appeals stem from the final judgment and order dated 28.04.2022 passed by the National Green Tribunal, Chennai (hereinafter referred to as the "Tribunal") in O.A. No. 239/2021, and from an interim order dated 27.07.2022 passed by the said Tribunal in the M.A. No.6/2022 in O.A No.239/2021. The directions given by the Tribunal in the impugned judgment dated 28.04.2022 read as under:-

I. "125. In the result, this Original Application is allowed in part and disposed of with the following directions: -

(i) The 1st Respondent is directed to prepare a proper township plan either in respect of 778 Ha which is in their possession now or in respect of 1963 Ha which was visualized by the MOTHER by identifying the locations where each zone will have to be located, where the roads will have to be laid showing the location of the ring roads with their width and further road, if any, to be constructed, the nature of industries and other activities which they are expected to establish in the township and if it is not going to be implemented as one phase, how many phases in which they are going to complete the project and then apply for Environmental Clearance (EC) as it will fall under Item 8 (b) of the EIA Notification, 2006 as amended from time to time. Till then they are directed not to proceed with further construction in the project area."

(ii) Considering it as an exceptional circumstances, even before obtaining Environmental Clearance (EC) for further activity, we are permitting the 1st Respondent to complete the crown road on the following conditions: -

a. The Joint Committee appointed by this Tribunal viz., (i) the District Collector who is the Chairman of the District Green Committee of the concerned district along with (ii) the Forest Officer not below the rank of Conservator of Forest, as deputed by the Principal Chief Conservator of Forests, (Head of Forests Force) and Chief Wildlife Warden, State of Tamil Nadu to inspect the area in question and ascertain whether by reducing the width of the road at suitable places or by slight realignment (if

any) required, so that the number of trees to be cut can be minimized so that the vision of the MOTHER of creating a green cover in that area can be protected.

b. The Joint Committee is also directed to ascertain as to whether there are any water bodies/streams exists in that area and if the road passes through the water body, then what is the manner in which the road will have to be constructed by elevation without affecting the water body/water flow or a bed level causeway with box type of vents will suffice. If such a recommendation is made, that also will have to be implemented, and the 1st Respondent is to undertake the construction as suggested by the committee.

c. The Joint Committee is directed to complete the process and submit the report to the 1st Respondent within a period of two months and on receipt of the same, the 1st Respondent is directed to carry out the crown road work, in the impugned area with tree cover, strictly in accordance with the recommendations made by the Joint Committee.

d. Till that exercise is completed, the 1st Respondent is directed not to cut any further trees from the property. The 1st Respondent is at liberty to undertake the crown road work in the remaining stretches where there are no trees. The 1st Respondent is also at liberty to take action against unauthorized occupations, if any, strictly in accordance with the law in force.

(iii) The 1st Respondent is also directed to plant trees in the ratio of 1: 10 for the number of trees to be cut, and the species to be recommended by the Joint Committee may be considered for planting either on the side of the road or other area identified by the Joint Committee, in order to protect environment and also to maintain the green cover in that area.

(iv) Considering the circumstances, parties are directed to bear their respective costs in the application.

(v) The Registry is directed to communicate this order to the members of the Joint Committee appointed by this Tribunal, the Principal Chief Conservator of Forests (Head of Forests Force) and Chief Wildlife Warden, State of Tamil Nadu, the Ministry of Environment, Forests & Climate Change (MoEF&CC) and the Additional Chief Secretary to Government, Department of

Environment, Forests & Climate Change for their information and compliance of directions.”

II. The following further directions were given by the Tribunal by passing the interim order dated 27.07.2022 in MA No. 6/2022:

“7. In the meantime, the Joint Committee appointed by this Tribunal vide Judgment dated 28.04.2022 is also directed to file the report regarding the nature of work done and observations made by them at the time of inspection.”

2. This Court on 13.12.2023 passed the following interim order pending these Appeals.

“5. Having regard to the said prayer which was sought by the Respondent No.1 (original applicant) and having regard to the final directions given by the Tribunal in the impugned order, we are of the prima facie opinion that the direction contained in Para 125(i) being outside the jurisdiction of the Tribunal, the same is required to be stayed till further orders, and is ordered accordingly.”

3. Prelude on the History of Auroville:-

I. Before appreciating the issues involved, it would be apt to peep into the history of Auroville. In 1965, the “Mother” (Mirra Alfassa, a French lady), a spiritual collaborator of Sri Aurobindo (a Spiritual reformer, Philosopher and Educationist), envisioned to launch the project of Auroville, with an aim to establish an international universal township, where men and women of all countries are able to live in peace and harmony, above all creeds, all politics and all nationalities and to realise human unity. The project of Auroville was formerly inaugurated by the “Mother” in 28.02.1968. The Charter of Auroville given by the “Mother” was the following:

“1. Auroville belongs to nobody in particular. Auroville belongs to humanity as a whole. But to live in Auroville one must be a willing servitor of the Divine Consciousness.

2. Auroville will be the place of an unending education, of constant progress and a youth that never ages.

3. Auroville wants to be the bridge between the past and the future. Taking advantage of all discoveries from without and from within, Auroville will boldly spring towards future realisations.

4. Auroville will be a site of material and spiritual researches for a living embodiment of an actual Human Unity."

II. The original Master Plan of the Auroville was conceptualized in Galaxy shape, and was planned to eventually accommodate 50,000 residents, a number which the "Mother" considered sufficient to allow the experiment in human unity to take on a meaningful and significant dimension. Picture of Galaxy Model Plan conceptualized in 1968 is shown below:



III. The project Auroville was legally started as the project of a charitable organization, "The Sri Aurobindo Society" in Pondicherry, which was created to diffuse Sri Aurobindo's thoughts. The development of Auroville in the initial few years showed good progress and it developed at a rapid pace. Number of Indians and foreigners settled down in Auroville and devoted themselves to various activities showing a remarkable harmony amongst the members of Auroville, which gave a promise to the Government of India of an early fulfilment of the ideals for which Auroville was established. It was also encouraged by UNESCO and other International Organizations of the world. However, after the "Mother" passed away in 1973, the situation changed, and number of complaints came to be received by the Government of India with regard to the mismanagement in the working of the Sri Aurobindo Society. Following the requests by majority of Auroville residents, the Government of India issued a Presidential Ordinance called the Auroville (Emergency Provisions) Ordinance, 1980, later replaced by the Auroville (Emergency Provisions) Act, 1980.

Finally, the Government of India created a unique status for Auroville by passing the Auroville Foundation Act, 1988 (hereinafter referred to as the "A.F.Act").

4 . Constitution of Auroville Foundation and its Standing Orders-

I. The Government of India notified the Constitution of Auroville Foundation as a statutory body on 29.01.1991 under the A.F. Act, and at present it is under the realm of Ministry of Human Resource Development (Department of Higher Education) as the Central Government undertaking.

II. As transpiring from the record, the original Galaxy Plan envisioned by the “Mother” in 1968 was the plan with four zones in Auroville, with the centripetal force, being the “Matrimandir”. The said Galaxy Plan was revised in 1972 as the First Master Plan called the “Town Plan”. As the A.F. Act required statutory Master Plan as contemplated in Section 17(e) read with Section 19(2)(c) of the said A.F. Act, the Master Plan was approved by the Governing Board and the Residents’ Assembly of the Appellant Foundation in 1999. The said 1999 Master Plan was further approved by the competent authority- the Town and Country Planning Organisation (TCPO), Ministry of Urban Development, on 15.02.2001 under the Model Town and Country Planning Act. The said Master Plan was notified on 16.08.2010 and published in the Official Gazette on 28.08.2010.

III. In view of Section 11(3) of the A.F. Act, the Governing Board decided, that “Standing Orders” not inconsistent with the provisions of the A.F. Act and the Rules made thereunder, on the matters that the Governing Board may consider appropriate and necessary, shall be notified from time to time, by the Auroville Foundation. The said Resolution was notified in the Gazette of India, Part III dated 05.03.2011 by the Ministry of Human Resource Development (Department of Higher Education).

IV. Since the said approved Master Plan prescribed the “Town Development Council” as the body for implementing the Master Plan with the organizational structure as in Appendix V of the Master Plan, the Governing Board in terms of the provisions of the Master Plan, constituted the Town Development Council for the purpose of implementation of the Master Plan, vide the Standing Order No. 6/2011 dated 01.05.2011, which was notified in the Government of India Gazette, Part III, dated 11.06.2011. The said Standing Order dated 01.05.2011 came to be replaced by the Standing Order No. 1/2019 dated 04.06.2019.

V. Again, the said Standing Order dated 04.06.2019 came to be replaced by the Standing Order No.1/2022 dated 01.06.2022, which was notified in the Gazette of India, Part III, on 15.07.2022. On 01.06.2022, the Auroville Foundation issued the Office Order for the

re-constitution of the Auroville Town Development Council (ATDC). The Appellant-Foundation thereafter also issued a Corrigendum dated 07.12.2022, to the Standing Order No. 1/2022 dated 01.06.2022, in order to clarify and add the source of statutory power in the Preamble to the said original Standing Order dated 01.06.2022. The said Corrigendum was also published in the Gazette of India, Part III, on 10.12.2022.

5. Prefatory Facts:-

I. The Respondent Nos. 1 and 2 (the original Applicants) had filed an Application being O.A. No.239/2021 before the Tribunal, raising a grievance with regard to cutting of large number of trees by the Appellant-Auroville Foundation, alleging inter alia that the Master Plan for Auroville as envisaged by the 'Mother' was approved by the Governing Board of the Auroville Foundation in consultation with the Residents' Assembly, and it further led to preparation of the Auroville Universal Township Master Plan- Perspective 2025, which was approved by the Ministry of Human Resources Development in 2001. However, now the Appellant-Foundation was focusing on the manifestation of the roads mentioned in the Master Plan, e.g. the Crown Road, a road encircling the centre of the Township, and the outer ring road, and was intending to distract Darkali Forest by using huge machineries causing deterioration to the environment. According to the Respondents- original Applicants, the said lands covered under the deemed Forest, were entitled to the protection as mandated in T.N. Godavarman Thirumulpad Vs. Union of India and Others, (1997) 2 SCC 267 case.

II. The Respondents Applicant therefore had sought the following reliefs in the said O.A. No.239/2021.

“INTERIM RELIEF:

A. Injunct the 1st respondent from felling any tree or clearing undergrowth in the Darkali forest or any area in Auroville for the proposed crown road project.

B. Issue such other orders as it deems fit in the interest of the case and render justice.

MAIN PRAYER:

A. Direct the 1st respondent to prepare a Detailed Development Plan including a mobility plan which is based on and respects

the present-day ground realities, to be approved as mandated in the Master Plan and implement projects based on such plan after necessary impact assessments and feasibility studies in an environmentally sustainable manner.

B. Direct the respondent to pay costs to the applicant.

C. Issue such other orders as it deems fit in the interest of the case and render justice.”

III. The Tribunal initially vide the order dated 10.12.2021 granted an interim order directing the Appellant-Foundation not to cut any further trees till the next date of hearing. The said interim order thereafter was extended till the final disposal of the case.

IV. The Appellant-Foundation (1st Respondent before the Tribunal) had filed a counter affidavit raising various contentions including the maintainability of the Application itself as also the jurisdiction of the Tribunal to entertain the Application. It was specifically contended that neither the word ‘Forest’ did appear in the Auroville Charter nor in the Act of 1988. Auroville or any part of it, was neither a Forest nor a deemed Forest requiring protection or clearance under the Forest (Conservation) Act, 1980.

V. The Respondent No.3-Union of India through the Ministry of Environment, Forest and Climate Change (MoEF&CC- the Respondent No.2 before the Tribunal) had also filed a counter-affidavit stating in detail the stand and role of the Ministry and contending inter alia that the requirement of prior Environmental Clearance for certain categories of construction and developmental activities (new construction projects and new industrial estates) in the country was inserted in Schedule-I, after Item 30, through an amendment in EIA Notification, 1994 (operative at that time) vide the Notification dated 07.07.2004. The Central Government under the Environment (Protection) Act, 1986 had issued Environment Impact Assessment Notification dated 14.09.2006 superseding Environment Impact Assessment Notification 1994, which required prior Environmental Clearance from the concerned Regulatory Authority. It was further contended that the Auroville Project was examined by the said regulatory authority for the applicability of environmental clearance as directed by the Tribunal and it was found that the Auroville Township Project was under construction much before the EIA Notification, 1994 and its amendment in 2004, and substantial building work of Auroville Project was completed at

various stages as far back as in 2001. Therefore, it could not have been considered as a new project under the provisions of the Notification dated 07.07.2004. It was specifically contented that there was no change in the scope of Township project from the original Master Plan, and as such the Township project would not affect the provisions of the EIA Notification, 2006 and its amendments for grant of Environmental Clearance.

VI. The Tribunal raised the following points for consideration.

“65. The points that arise for consideration are:

(i) Whether the application is maintainable?

(ii) Whether it was barred by limitation?

(iii) Whether the intended activity of the 1st respondent requires any prior Environmental Clearance or clearance under the Forest (Conservation) Act, 1980 as claimed by the applicant. Even if they are not required, is there any necessity to issue any directions applying the “Precautionary Principle” to protect environment and if so, what are the nature of directions to be issued?”

VII. The Tribunal assuming the jurisdiction observed that a substantial question of alleged violation of environmental laws in the implementation of the project having been involved, the Application was maintainable. Disagreeing with the stand taken by the MoEF&CC that the Project would fall within the exempted category of 2004 Notification and did not require the Environmental Clearance, the Tribunal held that any further activity to be done by the Appellant-Foundation can be permitted to be carried out only after obtaining the necessary prior Environmental Clearance. As regards the disputed Crown Road, the Tribunal held inter alia that the major portion of Crown Road has already been completed and only a small portion has remained, and that if it was not allowed to be completed, there would be hardship caused to the Appellant-Foundation. The Tribunal, on the question as to whether the area in question was a Forest as envisaged in T.N. Godavarman’s case, held that it could not be treated as a Forest, as in none of the Government documents produced, it was treated as Forest, and admittedly it was man-made plantation of some species. The Tribunal therefore held that it would not come under the definition of “Forest” for the purposes of obtaining clearance under the Forest (Conservation) Act, 1980.

VIII. The Tribunal after recording such findings applied the “Precautionary Principle” and issued the directions as stated earlier, vide the impugned judgment and order dated 28.04.2022 in O.A. No. 239/2021, and the impugned order dated 27.07.2022 in M.A. No. 6/2022, which are assailed by the Appellant-Foundation in these Appeals.

IX. It may be noted that one of the intervenors before the Tribunal, Ms. Natasha Storey had also filed a Writ Petition being No.25882/2022 challenging the Notification dated 01.06.2022 containing the Standing Order No. 1/2022 issued by the Appellant-Foundation, and the Civil Appeal No. 13651/2024 arising out of the order passed in the said Writ Petition was also heard simultaneously with the present set of Appeals. The said Appeal is also being decided simultaneously by a separate judgment.

6. Statutory Provisions of the NGT Act

I. As the long title of the Act states, the National Green Tribunal Act, 2010 (for short “NGT Act”) was enacted to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forest and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for the matters connected therewith and incidental thereto. Section 2(1)(m) defines “substantial question relating to environment” as under:

“2(1)(m) "substantial question relating to environment" shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;”

II. Chapter III of the said Act pertains to the jurisdiction, powers and proceedings of the Tribunal. Section 14 and Section 15 thereof being relevant in respect of the jurisdiction of the Tribunal, the same are reproduced hereunder:

“14. Tribunal to settle disputes.—

(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

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

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

15. Relief, compensation and restitution.—

(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

(3) No application for grant of any compensation or relief or

restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:

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

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

(5) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may be, compensation or relief received from, any other court or authority.”

III. Section 19 of the NGT Act pertains to the Procedure and Powers of the Tribunal, which inter alia states that the Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principle of natural justice. It also states that the Tribunal shall not be bound by the rules of evidence contained in the Indian Evidence Act, 1872. Section 20 provides that the Tribunal shall, while passing any order or decision or award, apply the Principles of Sustainable Development, the Precautionary Principle and the Polluter Pays Principle.

IV. The enactments in respect of which the Tribunal has the jurisdiction to grant relief under Section 14 and 15 are specified in Schedule-I appended to the NGT Act, which reads as under:

[See sections 14(1), 15(1), 17(1)(a), 17(2), 19(4)(j) and
34(1)]

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002."

ANALYSIS:

7. As transpiring from the Section 14, the Tribunal has the jurisdiction over all civil cases where the substantial question relating to environment including enforcement of any legal right relating to environment, is involved and such question arises out of the implementation of the enactments specified in Schedule I. Therefore, for the exercise of jurisdiction by the Tribunal under Section 14, it has to be shown that (1) a substantial question relating to environment including enforcement of any legal right relating to environment is involved; and (2) such questions arise out of the implementation of the enactments specified in Schedule I. The term "substantial question relating to environment" as defined in Section 2(1)(m) of the Act would include, inter alia, the question where there is a direct violation of a specific statutory environmental obligation by a person by which (a) the community at large other than the individual or group of individuals is affected or likely to be affected by the environmental consequences; or (b) the gravity of damage to the environment or property is substantial; or (c) the damage to public health is broadly measurable. The substantial question would also include the environmental consequences relating to a specific activity or a point source of pollution. In view of the said definition also the Tribunal before exercising the jurisdiction has to satisfy itself that a substantial question pertaining to the violation of or implementation of any specific statutory environmental obligations contained in any of the enactments specified in Schedule I, is involved.

8. Recently in case of State of Madhya Pradesh Vs. Centre for Environment Protection Research and Development, (2020) 9 SCC

781, this Court held as follows:

“42. In view of the definition of “substantial question relating to environment” in Section 2(1)(m) of the NGT Act, the learned Tribunal can examine and decide the question of violation of any specific statutory environmental obligation, which affects or is likely to affect a group of individuals, or the community at large.

43. For exercise of power under Section 14 of the NGT Act, a substantial question of law should be involved including any legal right to environment and such question should arise out of implementation of the specified enactments.

44. Violation of any specific statutory environmental obligation gives rise to a substantial question of law and not just statutory obligations under the enactments specified in Schedule I. However, the question must arise out of implementation of one or more of the enactments specified in Schedule I.”

Similar view is also taken in case of H.P. Bus-Stand Management and Development Authority Vs. Central Empowered Committee, (2021) 4 SCC 309.

9. From the above, it is explicitly clear that every question or dispute raised by an Applicant before the Tribunal pertaining to the environment cannot be treated as a substantial question. It has to be a substantial question relating to environment as contemplated in Section 2(1)(m), and such substantial question must arise out of the implementation of any of the enactment/enactments specified in Schedule I. Though strict law of evidence may not be applicable to the cases filed before the Tribunal, the Applicant has to raise the substantial question in his Application specifically alleging the violation of a particular enactment specified in Schedule I.

10. So far as the facts of the present Appeal are concerned, as stated hereinabove, the only grievance raised by the Respondents (original Applicants) in their O.A. was with regard to the Appellant-Foundation constructing the roads as mentioned in the Master Plan which was already approved by the Governing Board of the Foundation and by the Minister of Human Resource Development way back in 2001, and published in the official gazette in 2010. The allegation made in the Original Application was that while constructing the said roads particularly the Crown road, or road encircling the centre of township, and an Outer Ring Road, the

forest area known as Darkali forest was being destructed. According to the Respondents, the said area was required to be treated as a deemed forest and was required to be protected as mandated in the T.N. Godavarman's Case. Except the said bare allegations, there was no other allegation made with regard to any violation of any of the enactments specified in Schedule I.

11. Significantly, the Tribunal specifically negated the said allegations raised by the Respondents by observing inter alia in para 118 of the impugned judgment that the said area cannot be treated as a Forest, as in any of the Government documents produced, it was not treated as a Forest and not even shown as a Forest, and that admittedly, it was a man-made plantation of some species, and therefore, it will not come under the definition of Forest for the purpose of obtaining clearance under the Forest (Conservation) Act, 1980. Curiously, after having held that the area in question could not be treated as a Forest and that there was no clearance required under the Forest (Conservation) Act, the Tribunal proceeded further applying the "Precautionary Principle" and appointed a Joint committee to inspect the area in question and ascertain whether any modification could be made in the width of the road, and further directed the Appellant-Foundation to prepare a proper Township plan in respect of the area in their possession and in respect of the area visualized by the "Mother".

12. In our opinion, the Tribunal has completely misdirected itself by entering into the restricted domain of judicial review under the guise of applying "Precautionary Principle" in extraordinary circumstances, and in interfering with the implementation of Master Plan which was already approved by the competent Authority way back in the year 2001. As stated earlier, the original Galaxy Plan envisaged by the "Mother" in 1968 was the structure with 4 zones in Auroville with the centripetal force, being "Matrimandir". The said Galaxy Plan was revised in 1972 as the First Master Plan called the "Town Plan". Since the Auroville Foundation Act required Statutory Master Plan as contemplated in Section 17(e) read with Section 19(2)(c), the said Master Plan was approved by the Governing Board of the Appellant Foundation in 1999, and was further approved by the competent authority- Town and Country Planning Organisation, Ministry of Urban Development on 15.02.2001. The said Master Plan was also notified on 16.08.2010 and published in the Official Gazette on 28.08.2010.

13. Thus, the said Master Plan having been approved by the competent Authority as back as in 2001 had attained a statutory force and a finality. There are about more than 2000 substantial constructions/ developments, which have taken place in Auroville since then till this date. The construction of roads as mentioned in the said approved Master Plan including the Crown Road, a Road encircling the Centre of the Township and an outer Ring Road, being on the verge of completion, except few patches, which could not be completed because of the obstructions caused by the disgruntled Residents like the Respondents, the Tribunal thoroughly misdirected itself by directing the Appellant to prepare a proper Township Plan. It is also significant to note that the Auroville Foundation Act is a Special Act enacted to provide for the Acquisition and Transfer of the Undertakings of Auroville and to vest such undertakings in a Foundation established for the purpose with a view to making long term arrangements for the better management and further development of Auroville in accordance with its Original Charter and for the purpose connected therewith and incidental thereto. As per Section 27 of the said Act, the provisions of the said Act have the effect notwithstanding anything inconsistent therewith contained in any other law for time being in force or in any instrument having effect by virtue of any law other than the Act, or in any decree or order of any Court, Tribunal or other Authority. Thus, in view of the overriding effect of A.F. Act also the impugned direction issued by the Tribunal without any jurisdiction as circumscribed under Section 14 of the NGT Act, would not be tenable at law.

14. The Tribunal has also travelled beyond its jurisdiction in giving the impugned directions under the guise of exceptional circumstances applying the "Precautionary Principle." At this juncture, it is very pertinent to note that as stated earlier, the Ministry of Environment, Forest and Climate Change in its affidavit filed before the Tribunal had made its stand very clear that the Auroville Township Project was under construction much before the EIA Notification, 1994 and its amendment in 2004 and therefore could not be considered as a new Project under the said Notification of 2004. It was also made clear that there was no change in the scope of Township Project from the Original Master Plan and as such, the Township Project would not affect the provisions of EIA Notification, 2006 and its amendments for the grant of Environment Clearance. Again curiously, the Tribunal without any material on record, brushed aside the said stand taken by MoEF&CC in its

affidavit, by holding that any further activity to be done by the Appellant- Foundation, could be permitted to be carried out only after obtaining necessary prior Environmental Clearance, and then proceeded to appoint the Joint Committee to inspect the area in question and to ascertain whether the width of the Road at suitable places could be reduced so that the number of trees to be cut can be minimized. Such directions clearly fall outside the purview of the jurisdiction of the Tribunal particularly when there was no substantial question relating to the environment was shown to have arisen in implementation of any of the enactments specified in Schedule I appended to the NGT Act. There is no whisper in the impugned order as to which of the provision and which of the enactment specified in Schedule I was violated.

15. It would not be out of place to regurgitate the law developed so far on the protection of environment. In the landmark Judgment in case of Vellore Citizens Welfare Forum Vs. Union of India & Others, (1996) 5 SCC 647, it was stated that the traditional concept that Development and Ecology are opposed to each other is no longer acceptable. "Sustainable Development" has been accepted as a viable concept to eradicate poverty and improve the quality of human life, while living within the carrying capacity of supporting ecosystems. "Sustainable Development" as defined by Brundtland Report means "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs." The "Sustainable Development" therefore has been held to be a balancing concept between Ecology and Development as a part of the customary international law.

16. In Essar Oil Ltd. Vs. Halar Utkarsh Samiti & Ors., (2004) 2 SCC 392, this Court after referring to the principles enunciated in the Stockholm Declaration, made very apt observations in Para 26 and 27, which maybe quoted hereunder: -

"26. Certain principles were enunciated in the Stockholm Declaration giving broad parameters and guidelines for the purposes of sustaining humanity and its environment. Of these parameters, a few principles are extracted which are of relevance to the present debate. Principle 2 provides that the natural resources of the earth including air, water, land, flora and fauna especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations through careful planning and management

as appropriate. In the same vein, the fourth principle says:

“man has special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat which are now gravely imperilled by a combination of adverse factors. Nature conservation including wildlife must, therefore, receive importance in planning for economic developments.”

These two principles highlight the need to factor in considerations of the environment while providing for economic development. The need for economic development has been dealt with in Principle 8 where it is said that “economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for improvement of the quality of life”. The importance of maintaining a balance between economic development on the one hand and environment protection on the other is again emphasized in Principle 11 which says:

“The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries nor should they hamper the attainment of better living conditions for all;”

27. This, therefore, is the aim, namely, to balance economic and social needs on the one hand with environmental considerations on the other. But in a sense all development is an environmental threat. Indeed, the very existence of humanity and the rapid increase in the population together with consequential demands to sustain the population has resulted in the concreting of open lands, cutting down of forests, the filling up of lakes and pollution of water resources and the very air which we breathe. However, there need not necessarily be a deadlock between development on the one hand and the environment on the other. The objective of all laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. This view was also taken by this Court in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 5 SCC 281], where it was said: (SCC p. 296, para 31)

“While economic development should not be allowed to take place at the cost of ecology or by causing widespread

environment destruction and violation; at the same time the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment.”

17. Though it is true that the “Precautionary Principle” and the “Polluter Pays Principle” are part of the environmental law of the country, it is equally true that while the right to clean environment is a guaranteed fundamental right under Articles 14 and 21 of the Constitution of India, the right to development through industrialisation equally claims priority under fundamental rights particularly under Articles 14, 19 and 21 of the Constitution of India. There is therefore a need for “Sustainable Development” harmonising and striking a golden balance between the right to development and the right to clean environment. In *N.D. Jayal & Anr. Vs. Union of India & Ors.*, (2004) 9 SCC 362, it is observed as under: -

“25. Therefore, the adherence to sustainable development principle is a sine qua non for the maintenance of the symbiotic balance between the rights to environment and development. Right to environment is a fundamental right. On the other hand, right to development is also one. Here the right to “sustainable development” cannot be singled out. Therefore, the concept of “sustainable development” is to be treated as an integral part of “life” under Article 21. Weighty concepts like intergenerational equity (State of H.P. v. Ganesh Wood Products [(1995) 6 SCC 363]), public trust doctrine (M.C. Mehta v. Kamal Nath [(1997) 1 SCC 388]) and precautionary principle (Vellore Citizens [(1996) 5 SCC 647]), which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development.”

18. As demonstrated earlier, in the instant case, no substantial question relating to environment had arisen, nor violation of any of the enactments specified in Schedule-I was alleged. The Tribunal therefore had committed gross error in assuming the jurisdiction and giving directions untenable in law.

19. In that view of the matter, the impugned Orders passed by the Tribunal being without jurisdiction and legally untenable deserve to

be quashed and set aside, and are hereby set aside. The Appeals stand allowed accordingly.

1991 Supreme(SC) 12

1991 AIR(SC) 420 ; 1991 AIR(SCW) 121 ; 1991 1 AIIJ 424 ; 1991 1 BLJR 550 ; 1991 1 JT 77 ; 1991 1 KLT(SN) 22 ; 1991 1 PLJR(SC) 69 ; 1991 1 Scale 8 ; 1991 1 SCC 598 ; 1991 1 SCR 5 ; 1991 1 UJ 533 ; 1991 KHC 905

SUPREME COURT OF INDIA
K.N. SINGH AND N.D. OJHA, JJ.
Subhash Kumar, Petitioner

Versus

State of Bihar and others, Respondents.
Writ Petn. (C) No. 381 of 1988

Decided on 9-1-91.

Subject: Public Interest Litigation - Pollution Control

water pollution - slurry discharge - Bokaro river - Tata Iron & Steel Co. - State Pollution Control Board - public interest litigation - fundamental rights - personal grudge

Act Referred : CONSTITUTION OF INDIA : Art.21, Art.32

Constitution of India, 1950 - Article 32 - Water (Prevention and Control of Pollution) Act, 1978 - Pollution of Bokaro river water - Prevention and control of water pollution - Discharged from washeries - Seeks to issue of a writ or direction directing the Director of Collieries, West Bokaro Collieries at in the State of Bihar and the Tata Iron & Steel Co. Ltd. to stop forthwith discharge of slurry/sludge from its washeries at Ghatotand in the District of Hazaribagh into Bokaro river - This petition is by way of public interest litigation for preventing pollution of the Bokaro river water from the sludge/ slurry discharged from the washeries of the Tata Iron & Steel Co. Ltd. The petitioner has alleged that Parliament has enacted Act, 1978 providing for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for establishment of

Board for prevention and control of water pollution - Held, Article 32 is designed for the enforcement of Fundamental Rights of a citizen by Apex Court - It provides for an extraordinary procedure to safeguard Fundamental rights of a citizen. Right to live is a fundamental right under Art. 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Art. 32 of Constitution for removing the pollution of water or air which may be determined to quality of life - A person invoking jurisdiction of this Court under Art. 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity - Petition dismissed.

Cases Referred:

relied on : Bandhua Mukti Morcha v. Union of India, , 1984 3 SCC 161 - Relied

Sachindanand Pandey v. State of W.B., , 1987 2 SCC 295 - Referred

Rwnsharan Aulyanuprasi v. Union of India, , 1989 Supp1 SCC 251 - Referred

Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P., , 1990 4 SCC 449 - Referred

referred to : Kundori Labour Cooperative Society Ltd. v. State of Bihar, , - Referred

Bharat Coking Coal Ltd. v. State of Bihar, , 1990 4 SCC 557 - Relied

JUDGMENT

SINGH, J.:— We heard the arguments in detail on 13-12-1990 and dismissed the petition with costs amounting to Rs. 5,000/- with the direction that the reasons shall be delivered later on. We are, accordingly, delivering our reasons.

2. This petition is under Art. 32 of the Constitution by Subhash Kumar for the issue of a writ or direction directing the Director of Collieries, West Bokaro Collieries at Ghatotand, District Hazaribagh in the State of Bihar and the Tata Iron & Steel Co. Ltd. to stop forthwith discharge of slurry/sludge from its washeries at Ghatotand in the District of Hazaribagh into Bokaro river. This petition is by way of public interest litigation for preventing the pollution of the Bokaro river water from the sludge/ slurry discharged from the washeries of the Tata Iron & Steel Co. Ltd. The petitioner has alleged that the Parliament has enacted the

Water (Prevention and Control of Pollution) Act, 1978 (hereinafter referred to as the Act) providing for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment of Board for the prevention and control of water pollution. Under the provisions of the Act the State Pollution Control Board constituted to carry out functions prescribed under S. 17 of the Act which among other things provide that the Board shall inspect sewage or trade effluents and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data set up for the treatment of water and to lay down standards to be complied with by the persons while causing discharge of sewage or sullage. Section 24 of the Act provides that no person shall knowingly cause or permit any poisonous, noxious or polluting matter to enter into any stream or well which may lead to a substantial aggravation of pollution. The petitioner has asserted that Tata Iron and Steel Co., respondent No. 5 carries on mining operation in coal mines/ washeries in the town of Jamshedpur. These Coal Mines and Collieries are known as West Bokaro Collieries and the Collieries has two Coal Washeries where the coal after its extraction from the mines is brought and broken into graded pieces and thereafter it is processed for the purpose of reducing its ash contents. A chemical process is carried out. which is known as froth floatation process. Under this process the graded coal is mixed with diesel oil, pine oil and many other chemical ingredients and thereafter it is washed with the lacs of gallons of water. The end water is washed coal with reduced quantity of ash content fit for high graded metallurgical process for the purposes of manufacture of steel. In the process of washing large quantity of water is discharged through pipes which carry the discharged water to storage ponds constructed for the purpose of retaining the slurry. Along with the discharged water, small particles of coal are carried away to the pond where the coal particles settle down on the surface of the pond, and the same is collected after the pond is de-watered. The coal particles which are carried away by the water is called the slurry which is ash free, it contains fine quality of coal which is used as fuel.

3. The petitioner has alleged that the surplus waste in the form of sludge/ slurry is discharged as an effluent from the washeries into the Bokaro river which gets deposited in she bed of the river and it also gets settled on land including the petitioners land bearing Plot No. 170. He has further alleged that the sludge or slurry which gets deposited on the agricultural land is absorbed by the land leaving on the top a fine carboniferous product or film on the soil, which adversely affects the fertility of the land. The petitioner has further alleged that the effluent

in the shape of slurry is flown into the Bokaro river which is carried out by the river water to the distant places polluting the river water as a result of which the river water is not fit for drinking purposes nor it is fit for irrigation purposes. The continuous discharge of slurry in heavy quantity by the Tata Iron & Steel Co. from its washeries posing risks to the health of people living in the surrounding areas and as a result of such discharge the problem of pure drinking water has become acute. The petitioner has asserted that in spite of several representations, the State of Bihar and State Pollution Control Board have failed to take any action against the Company instead they have permitted the pollution of the river water. He has further averred that the State of Bihar instead of taking any action against the Company has been granting leases on payment of royalty to various persons for the collection of slurry. He has, accordingly, claimed relief for issue of direction directing the respondents which include the State of Bihar, the Bihar Pollution Control Board, Union of India and Tata Iron & Steel Co., to take immediate steps prohibiting the pollution of the Bokaro river water from the discharge of slurry into the Bokaro river and to take further action under provisions of the Act against the Tata Iron & Steel Co.

4. The respondents have contested the petition and counter-affidavits have been filed on behalf of the respondents Nos. 2, 4 and 5 - State of Bihar, State Pollution Board, Directors of Collieries and Tata Iron & Steel Co. Ltd. In the counter-affidavits filed on behalf of the respondents, the petitioners main allegation that the sludge/ slurry is being discharged into the river Bokaro causing pollution to the water and the land and that the Bihar State Pollution Board has not taken steps to prevent the same is denied. In the counter affidavit filed on behalf of the Bihar State Pollution Board it is asserted that the Tata Iron & Steel Co. operates open case and Underground mining. The Company in accordance to Ss. 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974 applied for sanction from the Board to discharge their effluent from their outlets. The Board before granting sanction analysed their effluent which was being watched constantly and monitored to see that the discharge does not affect the water quality of the Bokaro river adversely. In order to prevent the pollution the Board issued direction to the Director of the Collieries to take effective steps for improving the quality of the effluent going into the Bokaro river. The State Pollution Board imposed conditions requiring the Company to construct two settling tanks for settlement of solids and rewashing the same. The Board directed for the regular samples being taken and tested for suspended solids and for the communication of the results of the tests to the Board each month. The State Board has asserted that the

Company has constructed four ponds ensuring more storing capacity of effluent, The Pollution Board has been monitoring the effluent. It is further stated that on the receipt of the notice of the instant writ petition the Board carried out an inspection of the settling tanks regarding the treatment of the effluent from the washeries on 20th June, 1988. On inspection it was found that all the four settling tanks had already been completed and work for further strengthening of the embankment of the tanks was in progress, and there was no discharge of effluent from the washeries into the river Bokaro except that there was negligible seepage from the embankment. It is further stated that the Board considered all the aspects and for further improvement it directed the management of the collieries for removal of the settled slurry from the tanks. The Board has directed that the washeries shall perform dislodging of the settling tanks at regular intervals to achieve the proper required retention time for the separation of solids and to achieve discharge of effluents within the standards prescribed by the Board. It is further asserted that at present there is no discharge from any of the tanks to the Bokaro river and there is no question of pollution of the river water or affecting the fertility of land. In their affidavits filed on behalf of the respondents Nos. 4 and they have also denied the allegations made in the petition. They have asserted that the effective steps have been taken to prevent the flow of the water discharge from the washeries into the river Bokaro. It is stated that in fact river Bokaro remains dry during 9 months in a year and the question of pollution of water by discharge of slurry into the river does not arise. However, the management of the washeries have constructed four different ponds to store the slurry. The slurry which settles in the ponds is collected for sale. The slurry contains highly carboniferous materials and it is considered very valuable for the purpose of fuel as the ash contents are almost nil in the coal particles found in the slurry. Since, it has high market value, the Company would not like it to go in the river water. The Company has taken effective steps to ascertain that no slurry escapes from its ponds as the slurry is highly valuable. The Company has been following the directions issued by the State Pollution Control Board constituted under the 1974 Act.

5. On the facts as appearing from the pleadings and the specific averments contained in the counter-affidavit filed on behalf of the State Pollution Control Board of Bihar, prima facie we do not find any good reason to accept the petitioners allegation that the water of the river Bokaro is being polluted by the discharge of sludge or slurry into it from the washeries of the respondent company. On the other hand we find that the State Pollution Control Board has taken effective steps to check

the pollution. We do not consider it necessary to delve into greater detail as the present petition does not appear to have been filed in public interest instead the petition has been made by the petitioner in his own interest.

6. On a perusal of the counter-affidavit filed on behalf of the respondents Nos. 4 and 5 it appears that the petitioner has been purchasing slurry from the respondents Nos. 4 and 5 for the last several years. With the passage of time he wanted more and more slurry, but the respondent-company refused to accept his request. The petitioner is an influential businessman, he had obtained a licence for coal trading, he tried to put press through various sources on the respondent-company for supplying him more quantity of slurry but when the Company refused to succumb to the pressure, he started harassing the Company. He removed the Companys slurry in an unauthorised manner for which a Criminal Case No. 178 of 1987 under Sections 379 and 411 of the Indian Penal Code read with Section 7 of the Essential Commodities Act was registered against the petitioner and Pradip Kumar his brother at Police Station Mandu, which is pending before the Sub-Judge, Hazaribagh. One Shri Jugal Kishore Jayaswal also filed a criminal complaint under Sections 379 and 411 of the I.P.C. against the petitioner and his brother Pradip Kumar in the Court of Judicial Magistrate, First Class, Hazaribagh, which is also pending before the Court of Judicial Magistrate, 2nd Class Hazaribagh. The petitioner initiated several proceedings before the High Court of Patna under Article 226 of the Constitution for permitting him to collect slurry from the raiyati land. These petitions were dismissed on the ground of existence of dispute relating to the title of the land. The petitioner filed a Writ Petition C.W.J.C. No. 887 of 1990 in the High Court of Patna for taking action against the Deputy Commissioner, Hazaribagh for implementing the Full Bench judgment of the Patna High Court in Kundori Labours Co-operative Society Ltd. v. State of Bihar, AIR 1986 Pat 242, wherein it was held that the slurry was neither coal nor mineral instead it was an industrial waste of coal mine, not subject to the provisions of the Mines and Mineral (Regulation and Development) Act, 1957. Consequently the collection of slurry which escaped from the washeries could be settled by the State Government with any person without obtaining the sanction of the Central Government. The petitioner has been contending before the High Court that the slurry which was discharged from washeries did not belong to the Company and he was entitled to collect the same. Since the respondent-company prevented the petitioner from collecting slurry from its land and as it further refused to sell any additional quantity of slurry to him, he

entertained grudge against the respondent-company. In order to feed fat his personal grudge he has taken several proceedings against the respondent-company including the present proceedings. These facts are quite apparent from the pleadings of the parties and the documents placed before the Court. In fact, there is intrinsic evidence in the petition itself that the primary purpose of filing this petition is not to serve any public interest instead it is in self interest as would be clear from the prayer made by the petitioner in the interim stay application. The petitioner claimed interim stay application. The petitioner claimed interim relief from this Court permitting him to arrest/ collect sludge/ slurry flowing out of the washeries of the respondents Nos. 4 and 5 and with a direction to the State of Bihar, its officers and other authorities for not preventing him from collecting the sludge/ slurry and transporting the same. The prayer for the interim relief made by the petitioner clearly indicates that he is interested in collecting the slurry and transporting the same for the purposes of his business. As already stated a Full Bench of the Patna High Court held that the slurry was not coal and the provisions of the Mines and Mineral (Regulation and Development) Act, 1957 were not applicable, the State Government was free to settle the same and the Tata Steel & Iron Co. had no right to collect the slurry which escaped from its washeries. The respondent-company filed an appeal before this Court. During the pendency of the aforesaid appeal, the petitioner filed the present petition. The appeal preferred by the Tata Iron & Steel CO Ltd. and Bharat Coking Coal Ltd. was allowed by this Court and the judgment of Patna High Court was set aside. The judgment of this Court is reported in (1990) 3 JT (SC) 533, wherein it has been held that the slurry/coal deposited on any land continues to be coal and the State Government has no authority in law to deal with the same and the slurry deposited on the Companys land belongs to the Company and no other person had authority to collect the same.

7. Article 32 is designed for the enforcement of Fundamental Rights of a citizen by the Apex Court. It provides for an extraordinary procedure to safeguard the Fundamental rights of a citizen. Right to live is a fundamental right under Art. 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Art. 32 of the Constitution for removing the pollution of water or air which may be determined to the quality of life. A petition under Art. 32 for the prevention of pollution is maintainable at the instance of affected persons or even by a group of social workers or journalists. But recourse to proceeding

under Art. 32 of the Constitution should be taken by a person genuinely interested in the protection of society on behalf of the community. Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32, are entertained it would amount to abuse of process of the Court, preventing speedy remedy to other genuine petitioners from this Court. Personal interest cannot be enforced through the process of this Court under Art. 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Art. 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is duty of this Court to discourage such petitions and to ensure that the course of justice is not obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation, see *Bandeau Mukti Morcha v. Union of India*, (1984) 2 SCR 67; *Sachidanand Pandey v. State of West Bengal*, (1987) 2 SCC 295 at p 331; : *Ramsharan Autyanuprasi v. Union of India*, (1989) Supp 117 SCC 251 and *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*, (1990) 4 SCC 449.

8. In view of the above discussion, we are of the opinion that this petition has been filed not in any public interest but for the petitioners personal interest and for these reasons we dismiss the same and direct that the petitioner shall pay Rs. 5,000/- as costs. These costs are to be paid to the respondents Nos. 3, 4 and 5.

Petition dismissed.

For Citation : AIR 1991 SC 420 = (1991) 1 SCC 598 = (1991) 1 SCR 5.

Vikas Info Solutions Pvt. Ltd.



1520

File No: SIA/MH/INFRA2/523378/2025

Government of India

Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), MAHARASHTRA)

Ax. S



Date 16/07/2025



To,

Mahesh Kunkulol
BAJAJ FINSERV VENTURES LIMITED
S. No. 208/1B, Off Pune-Ahmednagar Road, Lohegaon, Viman Nagar, Viman Nagar, PUNE,
MAHARASHTRA, 411014
mahesh.kunkulol@bajajfinserv.in

Subject: Grant of prior Environmental Clearance (EC) to the proposed project under the provision of the EIA Notification 2006 -regarding.

Sir/Madam,

This is in reference to your application submitted to SEIAA vide proposal number SIA/MH/INFRA2/523378/2025 dated 13/02/2025 for grant of prior Environmental Clearance (EC) to the proposed project under the provision of the EIA Notification 2006 and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC25B3813MH5661182N
(ii) File No.	SIA/MH/INFRA2/523378/2025
(iii) Clearance Type	Fresh EC
(iv) Category	B1
(v) Project/Activity Included Schedule No.	8(b) Townships/ Area Development Projects / Rehabilitation Centres Proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A, 84/37/A, & 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa, Tal. Haveli, Dist. Pune, Maharashtra by M/s. Bajaj Finserv Ventures Limited & Others
(vii) Name of Project	BAJAJ FINSERV VENTURES LIMITED
(viii) Name of Company/Organization	PUNE, MAHARASHTRA
(ix) Location of Project (District, State)	SEIAA
(x) Issuing Authority	No
(xi) Applicability of General Conditions as per EIA Notification, 2006	

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-1(Part A, B and C)/ EIA & EMP Reports were submitted to the SEIAA for an appraisal by the SEIAA under the provision of EIA notification 2006 and its subsequent amendments.
4. The above-mentioned proposal has been considered by SEIAA in the meeting held on . The minutes of the meeting and all the project documents are available on PARIVESH portal which can be accessed from the PARIVESH portal by scanning the QR Code above or through the following web link [click here](#).
5. The brief about configuration of products and byproducts as submitted by the Project Proponent in orm-1 (Part A, B and C)/ EIA & EMP Reports / presented during SEIAA are annexed to this EC as Annexure (1).
6. The SEIAA, in its meeting held on , based on information submitted viz: Form 1 (Part A, B and C), EIA/EMP report etc & clarifications provided by the project proponent and after detailed deliberations on all technical aspects and public hearing issues and compliance thereto furnished by the Project Proponent, recommended the proposal for grant of Environment Clearance under the provision of EIA Notification, 2006 and as amended thereof subject to compliance of Specific and Standard EC conditions as given in this letter.
7. The SEIAA has examined the proposal in accordance with the provisions contained in the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and based on the recommendations of the State Environment Impact Assessment Authority(SEIAA) Appraisal Committee hereby accords Environment Clearance to the instant proposal of M/s. Mahesh Kunkulol under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of the Specific and Standard EC conditions as given in Annexure (1)
8. The Ministry reserves the right to stipulate additional conditions, if found necessary.
9. The Environmental Clearance to the aforementioned project is under provisions of EIA Notification, 2006. It does not tantamount to approvals/consent/permissions etc. required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances under any other Acts/ Regulations or Statutes, as applicable, to the project.
10. The Project Proponent is under obligation to implement commitments made in the Environment Management Plan, which forms part of this EC.
11. General Instructions:
 - (a) The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEF&CC/SEIAA website where it is displayed.
 - (b) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
 - (c) The project proponent shall have a well laid down environmental policy duly approved by the Board of Directors (in case of Company) or competent authority, duly prescribing standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms / conditions.
 - (d) Action plan for implementing EMP and environmental conditions along with responsibility matrix of the project proponent (during construction phase) and authorized entity mandated with compliance of conditions (during perational phase) shall be prepared. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Six monthly progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six-Monthly Compliance Report.
 - (e) Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
 - (f) The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
 - (g) Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
12. This issues with the approval of the Competent Authority

Specific EC Conditions for (Townships/ Area Development Projects / Rehabilitation Centres)

1. Specific

S. No	EC Conditions
1.1	1. PP to submit report / remarks of Central Water and Power Research Station (CWPRS) in view of excavation for five number of basements on project site which is in the vicinity of Mula River. 2. PP to submit drainage NoC. 3. With reference to the directions given by Hon'ble National Green Tribunal, Central Zone Bench, Bhopal in Original Application No. 93/2024(CZ) vide order dt., 08.09.2024, PP and Consultant to jointly submit undertaking that the project site is not located in whole or in part within 5 km. of the protected area notified under the Wildlife (Protection) Act, 1972, critically polluted areas and severely polluted areas as identified by the CPCB, eco-sensitive areas notified under Section 3(2) of the Environment (Protection) Act, and the inter-state boundaries. 4. PP to obtain IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions indicating all required RG area as per prevailing Hon'ble Supreme Court Order. PP to obtain all mandatory NOCs from the concerned planning authority and the planning authority shall not issue occupation certificate unless PP obtains the same. 5. PP to prepare and implement plan to make proposed project a plastic free zone. 6. PP to ensure to achieve the standard parameters of the treated sewage as per order issued by the Hon'ble National Green tribunal on 30.04.2019. PP to ensure that, the water proposed to be used for construction phase should not be drinking water. 7. PP and the planning authority shall ensure that, the construction and demolition waste (C and D waste) is collected and treated at designated places as per Construction and Demolition Waste Management Rules, 2016 amended from time to time. 8. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021. 9. PP to ensure to achieve minimum 5% energy saving by using non-conventional energy source.

Annexure 2

Details of the Project

S. No.	Particulars	Details
a.	Details of the Project	Proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A, 84/37/A, & 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa, Tal. Haveli, Dist. Pune, Maharashtra by M/s. Bajaj Finserv Ventures Limited & Others
b.	Latitude and Longitude of the project site	18.53331961261453,73.9145542294831 18.53877246654685,73.91655997982569

S. No.	Particulars	Details	
c.	Land Requirement (in Ha) of the project or activity	Nature of Land involved	Area in Ha
		Non-Forest Land (A)	7.0631
		Forest Land (B)	0
		Total Land (A+B)	7.0631
d.	Date of Public Consultation	Public consultation for the project was held on	
e.	Rehabilitation and Resettlement (R&R) involvement	NO	
f.	Project Cost (in lacs)	343800	
g.	EMP Cost (in lacs)	2541.04	
h.	Employment Details		

Details of Products & By-products

Name of the product /By-product	Product / By-product	Quantity	Unit	Mode of Transport / Transmission	Remarks (eg. CAS number)
Total Construction area	Product	614387.19	SqM-		This is a building construction projec

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No. SIA/MH/INFRA2/523378/2025
 Environment & Climate
 Change Department
 Room No. 217, 2nd Floor,
 Mantralaya, Mumbai- 400032.

To

M/s. Bajaj Finserv Ventures Limited & Others,
 S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34,
 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A,
 84/37/A, & 84/38/G(part), CTS No 1215, 1217,
 1218, 1234, 1257, 1258, 1268, 1271(part),
 Mundhwa, Tal. Haveli, Dist. Pune.

Subject : Environmental Clearance for Proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A, 84/37/A, & 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa, Tal. Haveli, Dist. Pune, Maharashtra by M/s. Bajaj Finserv Ventures Limited & Others

Reference : Application no. SIA/MH/INFRA2/523378/2025

This has reference to your communication on the above-mentioned subject. The proposal was considered by the SEAC-3 in its 215th meeting under screening category 8 (b) B1 as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 294th (Day-1) meeting of State Level Environment Impact Assessment Authority (SEIAA) held on 28th May, 2025.

2. Brief Information of the project submitted by you is as below:-

Proposal Number	PARIVESH Proposal No. SIA/MH/INFRA2/523378/2025	
Name of Project	Proposed IT/ITES/Commercial Building Project Located at S. No. 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C, 84/35/D, 84/36/A, 84/37/A, and 84/38/G(part), CTS No 1215, 1217, 1218, 1234, 1257, 1258, 1268, 1271(part), Mundhwa Tal. Haveli, Dist. Pune, Maharashtra by M/s. Bajaj Finserv Ventures Limited and Others	
Project category	8 (b), B1	
Type of Institution	Private	
Project Proponent	Name	M/s. Bajaj Finserv Ventures Limited and Others
	Regd. Office address	Bajaj Finserv Limited, S.No 208/1B, Off Pune-Ahmednagar Road, Lohegaon, Viman Nagar, 411014
Consultant	Element Consultancy Services, Pune (NABET Certificate No. NABET/EIA/2326/IA 0127, Valid up to 11/08/2026)	
Applied for	New Greenfield Project	
Details of previous EC	NA	
Location of the project	S.No - 84/3, 84/4A, 84/4B/1, 84/5, 84/6, 84/34, 84/35/A, 84/35/B, 84/35/C 84/35/D, 84/36/A, 84/37/A, and 84/38/G(part), CTS No 1215, 1217, 1218,	

	1234, 1257, 1258, 1268, 1271(part), Mundhwa, Pune Maharashtra.																																										
1	Latitude and Longitude	183226.63N 735501.92E																																									
1	Total Plot Area (m ²)	70,631.81 m ²																																									
1	Deductions (m ²)	16,604.06 m ²																																									
1	Net Plot area (m ²)	54,027.75 m ²																																									
1	Proposed FSI area (m ²)	3,47,700.51 m2																																									
1	Proposed Non-FSI area (m ²)	2,66,686.68 m2																																									
1	Proposed TBUA (m ²)	6,14,387.19 m2																																									
1	TBUA (m ²) approved by Planning Authority till date	PMC Plan approval in process																																									
1	Ground coverage (m ²) and %	NA																																									
1	Total Project Cost (Rs.)	Rs. 3306.63 Cr																																									
2	Details of Building Configuration																																										
Previous EC/Existing Building	Proposed Configuration		Reason for Modification/ Change: n.a. NA																																								
	Building	Configuration		Height (m)																																							
	Tower 1	B5+B4+B3 + B2 + B1 + GR +Mz+1 st Floor (Pk)+2 nd (Pk)+3 rd (Pk)+(4 th and 5 th Food Court and Training Room)+ 22 Floors		125.25																																							
	Tower 2	B5+B4+B3 + B2 + B1 + GR +Mz+1 st Floor (Pk)+2 nd (Pk)+3 rd (Pk)+(4 th and 5 th Food Court and Training Room)+ 22 Floors		125.25																																							
	Tower 3	B5+B4+B3 + B2 + B1 + GR +Mz+1 st Floor (Pk)+2 nd (Pk)+3 rd (Pk)+(4 th and 5 th Food Court and Training Room)+ 22 Floors		125.25																																							
	1 Visitor Centre	Ground Floor		8.40																																							
2	Total number of tenements	22 office floors each Tower (Expected users: 43,945 Nos.) Visitors: : 3,070 Nos.																																									
2	Water Budget	<table><tr><th colspan="2">Dry Season (CMD)</th><th colspan="2">Wet Season (CMD)</th></tr><tr><td>Fresh water</td><td>1113</td><td>Fresh water</td><td>1113</td></tr><tr><td>Flushing</td><td>840</td><td>Flushing</td><td>840</td></tr><tr><td>Gardening</td><td>90</td><td>Gardening</td><td>30</td></tr><tr><td>Swimming pool</td><td>0</td><td>Swimming pool</td><td>0</td></tr><tr><td>HVAC</td><td>890</td><td>HVAC</td><td>890</td></tr><tr><td>Total</td><td>2933</td><td>Total</td><td>2873</td></tr><tr><td>Waste Water Generation</td><td>1763</td><td>Waste Water Generation</td><td>1763</td></tr><tr><td>Treated Sewage</td><td>1675</td><td>Treated Sewage</td><td>1675</td></tr><tr><td>Total Utilized</td><td>1675</td><td>Total Utilized</td><td>1675</td></tr></table>		Dry Season (CMD)		Wet Season (CMD)		Fresh water	1113	Fresh water	1113	Flushing	840	Flushing	840	Gardening	90	Gardening	30	Swimming pool	0	Swimming pool	0	HVAC	890	HVAC	890	Total	2933	Total	2873	Waste Water Generation	1763	Waste Water Generation	1763	Treated Sewage	1675	Treated Sewage	1675	Total Utilized	1675	Total Utilized	1675
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Total Utilized	1675	Total Utilized	1675																																								
2	Water Storage Capacity for Firefighting / UGT (m ³)	Fire Fighting : 1400 m ³ , UGT for Domestic : 835 m ³ UGT for Raw : 835 m ³ , UGT for Flushing + Landscape : 1312 m ³																																									
2	Source of water	Pune Municipal Corporation																																									

2	Rainwater Harvesting (RWH)	Level of the Ground water table	Pre-Monsoon: 20.0 Mtr. to 22.0 Mtr. BGL Post Monsoon: 18.0 Mtr. to 20.0 Mtr. BGL	
		Size and no of RWH tank(s) and Quantity:	Total 32 no. Pits provided 176 m ³ Each	
		Quantity and size of recharge pits	Surface	10
			Roof top	22
			9 m ³ Each	
		Details of UGT tanks if any	As above	
2	Sewage and Wastewater	Sewage generation (CMD)	1763 CMD	
		STP technology	MBR	
		Capacity of STP (CMD)	1940 CMD	
		STP Area	1500 Sq.m.	
2	Solid Waste Management During Construction Phase	Type	Quantity	Treatment /disposal
		Dry waste	53 Kg/day	Through Authorized vendor-Swach
		Wet waste	23 Kg/day	Through Authorized vendor-Swach
		Construction waste	427703 m ³	Will be used in other construction sites.
2	Solid Waste Management During Operation Phase:	Type	Quantity	Treatment /disposal
		Dry waste	6238 Kg/day	Through Authorized vendor - Swach
		Wet waste	2673 Kg/day	OWC 900 x 3 = 2700 Kg/day Proposed
		Hazardous waste	NA	NA
		Biomedical waste	NA	NA
		E-Waste	10745Kg/A	Through Authorised vendor
		STP Sludge (Dry)	1146.2 kg/day	Use as manure for Landscape
		Capital (Lacs Rs.)	24	
		O and M (Lacs /Y)	0.50	
2	Total RG area (m ²)	Total RG area (m ²) 10%	5797.39 m ²	
		Existing trees on plot	776	
		Number of trees to be cut/ Transplant	326	
		Retained	119	
		Number of trees to be planted Required	675 Nos.	
		Proposed	556 Nos	
3	Power requirement	Source of power supply	MSEDCL	
		During Construction Phase (Demand Load)	500 KW (approx.)	
		During Operation phase (Connected load)	45,442 KW	
		During Operation phase (Demand load)	18,254 KW	
		Transformer	2000 x 18 KVA	
		DG set	2000 x 18 KVA	
		Fuel used	HSD	
		Capital (Lacs Rs.) for DG	36,15,92,100	
		OandM (Lacs Rs./Y) for DG	40,00,000	
		Capital (Lacs Rs.) for Transformer	12,15,00,000	
		OandM (Lacs Rs./Y) for Transformer	12,50,000	

3	Details of Energy savings	Auto Timer control for external and Common lighting. Use of CFL / LED lamps in all public/ common areas. Electronic V3F Drives for Elevators. Solar PV Panel power for common area lighting. Total Energy Saving – 11.38 %																						
3	Environmental Management plan budget during Construction phase	<table><tr><th>Type</th><th>Details</th><th>Cost</th></tr><tr><td>Capital</td><td>Site Barricading, Personal Protective Equipment, Site Sanitation- Mobile toilets and Debris Management</td><td>33.50</td></tr><tr><td rowspan="5">O and M</td><td>1. Water for Dust Suppression</td><td>4.20</td></tr><tr><td>2. Site Sanitation, Disinfection and Safety</td><td>2.50</td></tr><tr><td>3. Environmental Monitoring</td><td>2.00</td></tr><tr><td>4. Health Check up</td><td>2.50</td></tr><tr><td>5. Environment Management Cell</td><td>12.40</td></tr><tr><td></td><td>Total</td><td>23.60</td></tr></table>			Type	Details	Cost	Capital	Site Barricading, Personal Protective Equipment, Site Sanitation- Mobile toilets and Debris Management	33.50	O and M	1. Water for Dust Suppression	4.20	2. Site Sanitation, Disinfection and Safety	2.50	3. Environmental Monitoring	2.00	4. Health Check up	2.50	5. Environment Management Cell	12.40		Total	23.60
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	Total	23.60																						
3	Environmental Management plan budget during Operation phase																							
	Component	Details	Capital(Lacs)	O and M (Lacs/Y)																				
	Storm Water	SWD	100.00	1.00																				
	Sewage treatment	STP (Total 1940 KLD)	1000.00	60																				
	Water treatment	NA	-	-																				
	RWH	Rainwater Harvesting (32 Pits)	64.00	3.50																				
	Swimming Pool	NA																						
	Solid Waste	OWC (3 x 900 Kg/D)	24	0.50																				
	Hazardous waste	Minimal	-	-																				
	E-waste	Disposal	-	-																				
	Green belt development	Landscape and Trees	62.23	14.21																				
	Energy Savings	Saving measures	947	95																				
	Environmental Monitoring	NA	-	5.50																				
	Disaster Management	NA	343.81	30.27																				
	Total		2541.04	209.98																				
3	Traffic Management	<table><tr><th>Type</th><th>Required as per DCR</th><th>Actual Provided</th><th>Area per parking (m²)</th></tr><tr><td>4-Wheeler</td><td>3546</td><td>4951</td><td rowspan="2">As per norms</td></tr><tr><td>2-Wheeler</td><td>13004</td><td>14808</td></tr><tr><td>Bicycles</td><td>NA</td><td>NA</td><td>NA</td></tr></table>			Type	Required as per DCR	Actual Provided	Area per parking (m ²)	4-Wheeler	3546	4951	As per norms	2-Wheeler	13004	14808	Bicycles	NA	NA	NA					
Type	Required as per DCR	Actual Provided	Area per parking (m ²)																					
4-Wheeler	3546	4951	As per norms																					
2-Wheeler	13004	14808																						
Bicycles	NA	NA	NA																					
3	Details of Court cases / litigations w.r.t. the project and project location if any			Not any																				

3. Proposal was considered by SEIAA in its 294th (Day-1) meeting held on 28th May, 2025 and decided to accord Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implantation of following terms and conditions-

Specific Conditions:**A. SEAC Conditions-**

1. PP to submit report / remarks of Central Water and Power Research Station (CWPRS) in view of excavation for five number of basements on project site which is in the vicinity of Mula River.
2. PP to submit drainage NoC.
3. With reference to the directions given by Hon'ble National Green Tribunal, Central Zone Bench, Bhopal in Original Application No. 93/2024(CZ) vide order dt., 08.09.2024, PP and Consultant to jointly submit undertaking that the project site is **not** located in whole or in part within 5 km. of the protected area notified under the Wildlife (Protection) Act, 1972, critically polluted areas and severely polluted areas as identified by the CPCB, eco-sensitive areas notified under Section 3(2) of the Environment (Protection) Act, and the inter-state boundaries.
4. PP to obtain IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions indicating all required RG area as per prevailing Hon'ble Supreme Court Order. PP to obtain all mandatory NOCs from the concerned planning authority and the planning authority shall not issue occupation certificate unless PP obtains the same.
5. PP to prepare and implement plan to make proposed project a plastic free zone.
6. PP to ensure to achieve the standard parameters of the treated sewage as per order issued by the Hon'ble National Green Tribunal on 30.04.2019. PP to ensure that, the water proposed to be used for construction phase should not be drinking water.
7. PP and the planning authority shall ensure that, the construction and demolition waste (C and D waste) is collected and treated at designated places as per Construction and Demolition Waste Management Rules, 2016 amended from time to time.
8. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021.
9. PP to ensure to achieve minimum 5% energy saving by using non-conventional energy source.

B. SEIAA Conditions-

1. PP has provided mandatory RG area of 5797.39 m² on mother earth without any construction. Local planning authority to ensure the compliance of the same.
2. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
3. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
4. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA III dt.04.01.2019.
5. SEIAA decided to grant EC for- FSI-3,47,700.51 m², Non FSI- 2,66,686.68 m², total BUA-6,14,387.19 m². (Plan approval No PMC-1117 dated 17.04.2024)

General Conditions:**a) Construction Phase :-**

- I. The solid waste generated should be properly collected and segregated. Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- II. Disposal of muck, Construction spoils, including bituminous material during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in the approved sites with the approval of competent authority.
- III. Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- IV. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- V. Arrangement shall be made that waste water and storm water do not get mixed.
- VI. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices.
- VII. The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- VIII. Permission to draw ground water for construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
- IX. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- X. The Energy Conservation Building code shall be strictly adhered to.
- XI. All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- XII. Additional soil for levelling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- XIII. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- XIV. PP to strictly adhere to all the conditions mentioned in Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as amended during the validity of Environment Clearance.
- XV. The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- XVI. Vehicles hired for transportation of Raw material shall strictly comply the emission norms prescribed by Ministry of Road Transport & Highways Department. The vehicle shall be adequately covered to avoid spillage/leakages.
- XVII. Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be

closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.

- XVIII. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during construction phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel is preferred. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- XIX. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings by a separate environment cell /designated person.

B) Operation phase:-

- I. a) The solid waste generated should be properly collected and segregated. b) Wet waste should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. c) Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- II. E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
- III. a) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP. b) PP to give 100 % treatment to sewage /Liquid waste and explore the possibility to recycle at least 50 % of water, Local authority should ensure this.
- IV. Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement.
- V. The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
- VI. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- VII. PP to provide adequate electric charging points for electric vehicles (EVs).
- VIII. Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- IX. A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.

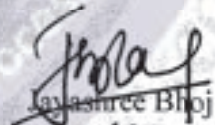
- X. Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes.
- XI. The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at parivesh.nic.in
- XII. A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
- XIII. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

C) General EC Conditions:-

- I. PP has to strictly abide by the conditions stipulated by SEAC & SEIAA.
- II. If applicable "Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
- III. Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
- IV. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
- V. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
- VI. No further Expansion or modifications, other than mentioned in the EIA Notification, 2006 and its amendments, shall be carried out without prior approval of the SEIAA. In case of deviations or alterations in the project proposal from those submitted to SEIAA for clearance, a fresh reference shall be made to the SEIAA as applicable to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- VII. This environmental clearance is issued subject to obtaining NOC from Forestry &

Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.

4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
5. This Environment Clearance is issued purely from an environment point of view without prejudice to any court cases and all other applicable permissions/ NOCs shall be obtained before starting proposed work at site.
6. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
7. — Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, amended from time to time.
8. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
9. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D-Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


 Jayashree Bhoj
 (Member Secretary, SEIAA)

Copy to:

1. Chairman, SEIAA, Mumbai.
2. Secretary, MoEF & CC, IA- Division MOEF & CC
3. Member Secretary, Maharashtra Pollution Control Board, Mumbai.
4. Regional Office MoEF & CC, Nagpur
5. District Collector, Pune.
6. Commissioner, Pune Municipal Corporation
7. Regional Officer, Maharashtra Pollution Control Board, Pune.



Proof of Service

Raghunath Mahabal <mahabal60@gmail.com>

NGT:Appeal 529/2025(WZ): Akshay Jagtap Vs SEIAA: Rejoinder Next Date:16-07-2026

1 message

Raghunath Mahabal <mahabal60@gmail.com>

7 July 2026 at 12:11

To: National Green Tribunal Pune <ngt-pune@gov.in>, Akshay Jagtap <akshayjagtap117@gmail.com>, "Principal Secretary Environment Dept. Govt. of Maharashtra" <psec.env@maharashtra.gov.in>, "secy-moef@nic.in" <secy-moef@nic.in>, "ms@mpcb.gov.in" <ms@mpcb.gov.in>, "Commissioner Office (PMC)" <mco@punecorporation.org>, apccfcentral-ngp-mef@gov.in, collector pune <collector.pune@maharashtra.gov.in>, "ropune@mpcb.gov.in" <ropune@mpcb.gov.in>, Aniruddha Kulkarni <aniruddha1488@gmail.com>, Rahul Garg <rahul.garg@mgklegal.com>, npsinghandassociates@gmail.com

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To: The Hon'ble Registrar, NGT WZ Pune**cc: All other Respondents as per the above email IDs**

We are pleased to circulate the enclosed documents.

These documents are also being uploaded to the NGT website, with payment of fees.

Regards

Office of: **R.B.Mahabal रघुनाथ भालचंद्र महाबळ 74.0011.6222**

mahabal60@gmail.com

Advocate BE (Mech.), ME (Ind.Management) VJTI Mumbai, LL.M., FIE, Chartered Engineer, Arbitrator IIE, NABET Accredited EC & FAE

B 202, Chandravijay, Phule Road, Mulund East, Mumbai-400081. [https://maps.](https://maps.app.goo.gl/2GS4bQgsD5TTgLoQ6)

[app.goo.gl/2GS4bQgsD5TTgLoQ6](https://maps.app.goo.gl/2GS4bQgsD5TTgLoQ6)



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