

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

APPEAL NO. 26/2020

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ... APPELLANT

VERSUS

UNION OF INDIA THROUGH

SECRETARY-MoEF & CC & OTHERS ... RESPONDENTS

FILE-A

[VOLUME-____]

AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPELLANT TO THE
REPLY AFFIDAVIT OF RESPONDENT NO. 11-M/S. BRHMA LEISURES
PVT. LTD. AFFIRM ON 24.09.2020, REPLY AFFIDAVIT OF MPCB
DATED 04.01.2022, REPLY AFFIDAVIT OF PCMC DATED 10.02.2022 &
ANNEXURES

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[ANNEXURE PAGE No. 976 To 1052]

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FILE-A, VOLUME-_____

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Date: 20.03.2023


APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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UNION OF INDIA THROUGH

SECRETARY-MoEF & CC & OTHERS ... RESPONDENTS

AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPELLANT TO
THE REPLY AFFIDAVIT OF SEIAA DATED 21.03.2023,
RESPONDENT NO. 11-M/S. BRHMA LEISURES PVT. LTD.
AFFIRM ON 24.09.2020, REPLY AFFIDAVIT OF MPCB DATED
04.01.2022 & REPLY AFFIDAVIT OF PCMC DATED 10.02.2022:

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

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Part-O	18	Case Laws by Appellant
Part-P	19	Request/Suggestions on behalf of Appellant for Reliefs/Directions/Orders

PART-A: BRIEF FACTS LEADING TO THE CASE

1. I state that, the Appeal No. 26/2020 is filed by Appellant challenging the legality of Environment Clearance dated 18.02.2020 granted for the building construction project of commercial establishment in the name & style of “**Bramha Uzuri**” under taken by Respondent No. 11-PP-M/s. Bramha Leisure’s Private Limited situated at Survey No. 209/A/2, CTS No. 4702, at Pimpri Chowk, Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation (in short “PCMC”)
2. I state that, the Appeal No. 26/2020 listed for admission on 13.07.2020 alongwith this OA No. 63/2020 and vide Order dated 03.09.2020, notices were issued by this Hon’ble NGT and same are served to the concern Respondents and this Appellant has filed an affidavit in support of proof of service vide dated 06.10.2021 (**P@464-476**) and duly complied the Order of this Hon’ble NGT.
3. I state that, the Appellant is filing this Affidavit in Rejoinder to the Reply of Respondent No. 11-PP vide dated 24.09.2020, Respondent No. 7-MPCB vide dated

04.01.2022 and Respondent No. 8 & 9-PCMC vide dated 10.02.2022.

4. I say that whatever is not specifically denied herein should not be taken to have been admitted by me and the reply filed by the Respondent No. 11-PP is vague, baseless, misleading, suppressing the actual facts.

PART-B: IMPORTANT DATES AND EVENTS

5. IMPORTANT DATES AND EVENTS

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

Sr.	Event	Date
1.	1 st Application for EC	07.09.2013
2.	1 st Show Cause Notice by SEIAA & PS-DoE	30.08.2014
3.	1 st Withdrawal letter for SCN	10.03.2015
4.	1 st Consent to Establish	10.03.2015
5.	2 nd Application for EC	30.06.2016
6.	2 nd Consent to Establish	12.10.2017
7.	3 rd Application for EC	06.10.2018
8.	Notice/Complaint of Appellant	19.05.2019
9.	MPCB 1 st Site Visit by Field Officer	10.06.2019
10.	2 nd Show Cause Notice by SEIAA & PS-DoE	15.06.2019
11.	MPCB 2 nd Site Visit by SRO-2	27.06.2019
12.	Filing of OA No. 63/2019	14.08.2019
13.	First Order of NGT in OA No. 63/2019	22.10.2019
14.	Service to Joint Committee of SEIAA & MPCB	02.11.2019
15.	Personal hearing given to PP by PS-DoE	11.11.2019
16.	2 nd Withdrawal Letter for SCN	16.11.2019
17.	Second Order of NGT in OA No. 63/2019	10.12.2019
18.	Joint Committee Visit to project site	15.12.2019
19.	Architect Certificates prepared on	20.12.2019
20.	Joint Committee Report filed to NGT	07.01.2020
21.	Third Order of NGT issuing Notice & Show cause to PP in OA No. 63/2019	05.02.2020
22.	Service to the Respondent No. 11-PP	15.02.2020

23.	Grant of ex-post facto EC	18.02.2020
24.	Appeal No. 26/2020 filed on	19.03.2020
25.	Fourth Order of NGT in OA & Appeal	13.07.2020

Therefore, it is clear from the above events, despite having knowledge of the ongoing proceedings of OA No. 63/2019, Respondent No. 6-Mr. Anil Diggikar have granted EC in illegal manner to help and facilitate the Respondent No. 11-PP to overcome the violation and to take benefits of ***fait accompli*** situation by carrying out the construction in full swing and also to Order/communications dated 16.11.2019 issued by Respondent No. 6-Mr. Anil Diggikar PS-DoE are passed during the pendency of OA No. 63/2019 to generate final decision in question. And this is the disdainful conduct of Respondent No. 6-Mr. Anil Diggikar-PS-DoE to defy the final outcome of case and only reason behind this is the illegal activities undertaken by misuse of powers for other gains.

PART-C: SETTLED POSITION OF LAW

6. SETTLE POSITION OF LAW, MANDATES OF PRIOR EC UNDER EIA NOTIFICATION, 2006 AND ILLEGAL NULL VOID CIRCULAR DATED 21.04.2015 ISSUED BY PS-DoE:

- a) I state that, the below table explains the settle position of law on account of mandates of prior EC, OM/Circulars cannot change the statutory provisions and definitions of built-up area, covered construction, FSI, Non-FSI, Area open to sky etc. Therefore, the lame attempt of the PP to rely on the Circular dated 21.04.2015 is illegal and this Hon'ble NGT have cleared the position in its two recent judgments dated 22.02.2023 passed in OA No. 28/2019 {Tanaji Gambhire Vs. UoI & Ors} and judgment dated 30.01.2023

in passed in OA No. 35/2022 { Sayyed M. Usman Sabir Vs. UoI & Ors}.

Sr.	Date	Particular	Para No.	Page No.
1.	14.06.2006	EIA Notification, 2006	{ ANNEXURE-A-1 } Word "Prior" EC P@9796-1017	
2.	19.08.2010	OM issued by MoEF	No construction without EC, only fencing & Security Cabin P@1018	
3.	04.04.2011	MoEF Notification, 2011	It has been decided to provide Clarification...	
4.	21.04.2015	Circular of DoE-GoM	Sunil Kumar Chugh Case	
5.	24.03.2014	WP No. 655/2014	NGT Appeal No. 66/2014 (PB) Para: 22, P@607-609	
6.	03.09.2015	Order of Hon'ble NGT in Sunil Kumar Chugh Case NGT Appeal No. 66/2014 (PB)	Para: 6-23 Para: 22 , Hon'ble BHC judgments cannot be made applicable	P@583-632
7.	07.05.2015	Forward Foundation Case	Para-72 (1) & (2) No construction without prior EC	P@671
8.	27.09.2016	Order of Hon'ble NGT in Goel Ganga Case NGT OA No. 184/2015(WZ)	Para: 25-39: SCN withdrawal letter quashed on own motion,	P@679-691
9.	02.08.2017	Common Cause Case	Para-125 , No ex-post facto EC	P@746
10.	10.08.2018	Common Order of Hon'ble SC in Goel Ganga Case CA No. 10854/2016 CA No. 10901/2016 CA No. 5157/2018	Para: 17, 22-24 No OM/Circular shall replace the statutory Provisions & Authority have no power to issue such OM/Circular	P@772-803
11.	05.03.2019	Mantri Techzone Case	Para-39 to 50 , Powers of NGT & final orders shall be passed on the basis of facts &	P@827-829

			circumstance of case	
12.	07.05.2021	Order Passed by Hon'ble SC in Review Petition (D) No. 20178/2020 in Goel Ganga Case	RP Dismissed, Final Order 10.08.2018 confirmed	
13.	07.10.2021	MCGM Vs. Ankita Sharma	Para-41: Powers of NGT to modify prayers as per facts & Circumstances of the case Para-42, 86 & 88-Locus	P@834-857
14.	04.05.2022	Orders passed by Appeal No. 32/2020 & Appeal No. 34/2020	Para-15 & 17 Ex-post facto EC quashed subject to the Environmental Compensation & Polluter pay Principles	P@858-880 P@881-908
15.	22.09.2022	Hon'ble SC judgment in Civil Appeal No. 3132/2018, "D. Swamy Vs, KSPCB"	Para-46 & 47, No ex-post facto EC can be granted as routine	P@909-931

- b) I state that, the EIA Notification, 2006 mandates prior Environment Clearance for the Building and Construction Project having total Built-up Area more than 20000 M² as stated in item No. 8 (a) of the schedule to the said EIA Notification, 2006 dated 14.09.2006 and the word "**Prior**" appears more than **40 times** in EIA Notification, 2006 and therefore, legislature intention to have mandatory prior Environment Clearance needs to be understand.
- c) I state that, the MoEF has issued clarification with Office Memorandum vide No. J-11013/41/2006-IA.II(I) dated 19.08.2010 {**ANNEXURE-A-2**} in respect to the EIA

Notification, 2006 to clarify which activities can be undertaken without prior Environment Clearance; “No activity relating to any project covered under this Notification including civil construction, can be undertaken at site without obtaining prior environmental clearance except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).”, Therefore, No construction is permissible under EIA Notification, 2006 without prior Environment Clearance.

- d) I state that, the circular dated 21.04.2015 issued by Principal Secretary, Environment Department, Government of Maharashtra was issued based on the Order dated 06.03.2013 passed by Hon’ble Bombay High Court in Writ Petition No. 470/2013 allowing the construction upto 20000 M² only for SRA/Dilapidated/CESS buildings/ Rehabilitation Project and in continuation with the above Order, further, Hon’ble Bombay High Court passed an Orders dated 24.03.2014 & 18.12.2014 in WP (L) No. 655 of 2014 allowing construction of SRA/Dilapidated/CESS buildings/ Rehabilitation built-up including free sell built-up only for these SRA/Dilapidated/CESS buildings/ Rehabilitation and these Orders are not applicable for other regular new/fresh development projects having no bearing of SRA/Dilapidated/CESS buildings/ Rehabilitation components. Moreover, this Circular is not the statute enforced after due compliance of law or Hon’ble High Court has not modified EIA Notification, 2006 in respect of new/fresh building & construction project. And this Circular is not supporting the illegal construction upto 20000 M² for the project having total BUA of more than 20000 M².

- e) I state that, the Order passed by Hon'ble Bombay High Court vide dated 06.03.2013 in Writ Petition No. 470/2013 and Orders vide dated 24.03.2014 & 18.12.2014 in WP (L) No. 655 of 2014 applicable only to SRA/Dilapidated/CESS buildings/ Rehabilitation Project and present project under challenge is not any of the SRA/Dilapidated/CESS buildings/ Rehabilitation having total proposed BUA more than 20000 M² and Order passed by Bombay High Court above are not supporting the contention of Respondent No. 11-PP and on the contrary Hon'ble Bombay High Court has clearly stated that, the if project is going to cross the total BUA of more than 20000 M² and its proposed BUA is more than 20000 M² then it is mandatory on part of the Respondent No. 11-PP to obtain prior Environment Clearance and these Orders & judgments of Hon'ble BHC and Circular dated 21.04.2015 issued by PS-DoE are per incuriam in view of the Judgments passed by the Hon'ble Supreme Court of India in (2017) 9 SCC 499-Common Cause Vs UoI, (2018) 18 SCC 257-Goel Ganga Developers India Pvt. Ltd. v UOI, 2020 SCC OnLine SC 347-Alembic Chemicals v Rohit Prajapati, (2020) 2 SCC 666-Keystone Developers v. Anil Tharthare, D. Swammy Vs. KSPCB & Ors. in Civil Appeal No. 3132/2018 vide judgment dated 22.09.2022.
- f) I state that, the biggest apprehension of Respondent No. 11-PP is that the prior EC is not required for the project to carry out construction upto 20000 M², even its proposed TBA is more than 20000 M² mandating prior EC under EIA Notification, 2006 and EC needs to obtain at the time to cross the threshold limits of 20000 M². Which is totally in contradiction with prevailing law and then, the question

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

- g) I state that, this Hon'ble NGT is empowered with Powers under Rule-24 under NGT (Practice & Procedure) Rules, 2011 for end of justice and guided by principal of natural justice and this Hon'ble NGT is special institution formed from Orders of Hon'ble Supreme Court of India, Hon'ble High Courts and International conventions where India is party to them. Therefore, this Hon'ble NGT shall use their special powers and shall quash & set aside the Letter/communication dated 16.11.2019 issued by PS-DOE behind back of this Appellant by not providing any opportunity of hearing and setting in their own cause and in total violations of principle of natural justice, and by not communicating this Letter/Communication to this Appellant till date, even after filing of RTI dated 01.02.2020. And also, this Letter of giving clean chit to Respondent No. 11-PP is issued during the pendency of OA No. 63/2019. Hon'ble NGT has already used this powers in Original Application No. 184/2015 vide its Order dated 27.09.2016 for quashing of Letter dated 31.05.2016 withdrawing show cause notice during pendency of OA and same has been upheld by Hon'ble Supreme Court vide its Order dated 10.08.2018 in Civil Appeal No. 10854/2016.
- h) I state that, this Hon'ble NGT vide its Order dated 07.05.2015 in the case of "Forward Foundation Vs. State of Karnataka & Ors" and also Order dated 07.07.2015 in case of "S. P. Muthoraman Vs UoI & Ors." in OA No. 37/2015, has prohibited construction activity listed from schedule to the notification, 2006 without prior EC.

- i) I state that, the Circular dated 21.04.2015 of PS-DoE, Government of Maharashtra is meaning less and cannot change the regime of Notification, 2006 issued by Central Government & Judgment of BHC in WP No. 654/2014 is not the law binding upon this Hon'ble NGT as it is not the Order of Hon'ble SC to follow as law under Article-141 as the Hon'ble High Court have issued Orders on case to case basis. And I state that, the issue in Appeal No. 66/2014(PB) is covered in Goel Ganga case and attained the finality by dismissal of the Review Petition in Goel Ganga Case.
- j) I state that, in the Case of Common cause Vs Union of India (2017) 9 SCC 499 to 578, Hon'ble Supreme Court has observed that,
- “124. We are not in agreement with learned counsel for the mining lease holders. There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long term impact. EIA 1994 is therefore very clear that if expansion or modernization of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in M. C. Mehta even for the renewal of a mining lease where there is no expansion or modernization of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an ex post facto environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”*
- Therefore, no construction is permissible without prior EC.
- k) I state that, as per **Para-22-24** of the Goel Ganga case Judgment dated 10.08.2018, Circular Dated 21.04.2015 is

illegal, null, void and have no legal force and also such Circulars or Office memorandum cannot replace the statutory provisions enforced by parliament after due process of law.

“22. Without going into this aspect of the matter, we are clearly of the view that such an office memorandum could not and should not have been issued. The notification dated 14.09.2006 is a statutory notification issued in terms of Rule 5(3) of the Environment (Protection) Rules, 1986 which provides that before such a notification is issued the Central Government has to give notice of its intention of issuing a notification and objections to the same are invited. No doubt the Central Government is empowered in public interest to dispense with the requirement of notice but this obviously has to be done in exceptional cases. The notification dated 14.09.2006 was issued by the Central Government and published in the gazette after inviting objections from the public. The first clarification with regard to this notification was issued on 04.04.2011 to which we have adverted above. These two decisions of the Central Government which were notified as per the provisions of law could not have been set at naught by the Joint Director even if it was issued with the approval of a higher authority. We are of the view that since such decision has not been notified in the gazette the statutory notification dated 14.09.2006 and its subsequent clarification dated 04.04.2011 could not have been virtually set aside by this office memorandum.

23. We are also of the view that the so called office memorandum is not at all clarificatory in nature. As held by us above the notification of 2006 with regard to ‘built up area’ was absolutely clear and needed no clarification. We fail to understand how the concept of built up area as understood in the building bye-laws or DCR could be introduced into the notification of 2006 by this office memorandum which virtually made the

notification of 2006 totally redundant. Therefore, we quash the office memorandum dated 07.07.2017.

*24. This is not the first time that we have noticed such clarificatory communications being issued by the officials of the Ministry of Environment, Forest and Climate Change, which virtually have the effect of nullifying the statutory provisions and notifications. We have adverted to some of these communications in our judgment in **Common Cause vs. Union of India**¹. We expect the officials of the Ministry of Environment, Forest and Climate Change to take a stand which prevents the environment and ecology from being damaged, rather than issuing clarifications which actually help the project proponents to flout the law and harm the environment.”*

- l) I state that, this Hon’ble NGT in in the case of “Tanaji B Gambhire Vs Union of India & Ors, In **OA No. 64/2020(WZ)** Order dated 23.03.2022 at **Para-10**: Joint Committee Report-BUA more than 20000 M²-If there are violations, the petition has to be held to be maintainable, **Para-13**: Even if ex post facto EC is granted, **PP has to be held accountable for past violations**.
- m) I state that, this Hon’ble NGT in in the case of “Tanaji B Gambhire Vs Union of India & Ors, In **Appeal No. 32/2020(WZ) & Appeal No. 34/2020(WZ)** Order dated 04.05.2022, this Hon’ble NGT has struck down the ex-post facto EC subject to payment of environmental compensation by PP.
- n) I state that, the Respondent No. 11-PP ought to file the Application for the EC under the MoEF notification issued on 14.03.2017 for ex-post facto EC for regularisation of illegal construction. However, Respondent No. 11-PP in collusion with PS-DoE Mr. Anil Diggikar have pushed his

Applications for EC in illegal manner and obtained the impugned EC against settled position of law.

- o) I state that, the Hon'ble Supreme Court in the matter of "D. Swamy Vs. KSPCB & Ors." Civil Appeal No. 3132 OF 2018 vide its judgment dated 22.09.2022 have observed that; In Para-46 & 47, clears that the requirement of obtaining of EC is non-negotiable and in Para-47 further observes that, ex-post facto EC should ordinarily not be granted routinely and if granted, the PP may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

"46. There can be no doubt that the need to comply with the requirement to obtain EC is non-negotiable. A unit can be set up or allowed to expand subject to compliance of the requisite environmental norms. EC is granted on condition of the suitability of the site to set up the unit, from the environmental angle, and also existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations and to ensure sustainable development, it is imperative that pollution laws be strictly enforced. Under no circumstances can industries, which pollute, be allowed to operate unchecked and degrade the environment.

*47. Ex post facto environmental clearance should ordinarily not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of denial of ex post facto approval outweigh the consequences of regularization of operations by grant of ex post facto approval, and the establishment concerned otherwise conforms to the requisite pollution norms, ex post facto approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. In a given case, **the deviant industry may be penalised by an imposition of heavy***

penalty on the principle of ‘polluter pays’ and the cost of restoration of environment may be recovered from it.”

- p) Therefore, I state that, the stand taken by Respondent No. 11-PP on account of construction upto 20000 M2 is permissible by virtue of Circular dated 21.04.2015 against the settle position of law & various pronouncement of Hon’ble Supreme Court is baseless, illegal, null, void and have no legal sanctity in the eyes of law and Accordingly Para-5.4 to 5.9 and 7.6 to 7.8 of Reply Affidavit of the Respondent No. 11-PP are answered.

PART-D:

7. ILLEGAL CONSTRUCTION CARRIED OUT BY PP AND GRANT OF EX-POST FACTO EC DATED 18.02.2020:

- A)** I state that, the as per the EIA notification 2006 dated 14.09.2006, it is mandatory on part of PP to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work. But the PP has started and completed substantial part of the construction activity.

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

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

- B)** I state that, the Construction of BUA more than 13806.52 M² against total BUA of 54667.89 Sq. Mtrs. being carried out without any Environmental Clearance and in violation of terms and conditions of Consent to Establish dated 10.03.2015 in blatant violation of the Environmental Laws, Pollution Control Act and EIA Notification, 2006 and the Concept of granting of ex-post facto Environment Clearance is not allowed in environmental jurisprudence in India as routine course.
- C)** I state that, the impugned EC is nothing but ex-post facto having no legal sanctity and as PP carried out substantial excavation as well as construction in illegal manner. Also, the Respondent No. 4-SEIAA having completed knowledge of the fact that the present proceedings were under consideration of this Hon'ble court and this Hon'ble Court have issued notice in the matter on 05.02.2020. Also, in the report it was specifically pointed out that construction of 13806.52 M² against total potential BUA of 54667.89 M², has been carried out without environmental clearance. The counsel of the Respondent No. 3 was present for the hearing on 10.12.2019 & 05.02.2020. Being well aware that ex-post facto EC cannot be granted under Environmental law. Despite knowing the fact that matter is subjudice respondent No. 4-SEIAA proceeded to grant ex-post facto EC.
- D)** I state that, the if the procedure of the post facto Environment Clearance is allowed to be followed, any project proponent would complete his project by causing irreversible damages to the environment and then seek post-facto environmental clearance making the provisions

of EIA notification infructuous. The grant of post facto clearance defeats the very purpose of environmental protection law and the mandate of obtaining environmental clearance as per the provisions of EIA Notifications 2006.

- E)** Therefore, impugned EC dated 18.02.2020 needs to be quashed.

PART-E:

8. THREE APPLICATIONS FOR EC AND INTENTIONAL NEGLIGENCE OF PP:

I state that, the R-11-PP have filed three applications for the obtaining EC as mentioned below, but neglected to proceed in application for obtaining prior EC. Therefore, the PP is failed to obtain the prior EC despite filing of three Applications dated 05.09.2013, 30.06.2016 & 06.10.2018 for obtaining EC and carried out substantial illegal construction to the tune of as stated in item No. 13 of impugned EC at **Page@31** and thereafter, procured ex-post facto EC vide dated 18.02.2020.

Application for EC	TBUA	Exhibit/Annex. & Page No.
05.09.2013	36611.2 M ²	Exhibit-C, P@291
30.06.2016	24555.67 M ²	A-3, P@45-78
06.10.2018	54667.86 M ²	A-6, P@103-155

PART-F:

9. SHOW CAUSE NOTICES (SCN) & WITHDRAWAL LETTERS AND MISDEEDS OF R-6-MR. ANIL DIGGIKAR FORMER PS-DoE & MS-SEIAA:

- a) I state that, the MS-SEIAA & PS-DoE have issued two show cause notices on various occasions and both are withdrawn in illegal manner without having powers;

Description	Date	Exhibit/Annex. & Page No.
MoEF Issued notification for delegation of powers	28.02.2014	ANNEXURE-A-3 P@1019-1020
1 st Show Cause Notice by SEIAA & PS-DoE	30.08.2014	Exhibit-G, P@296
1 st Withdrawal Letter for SCN	10.03.2015	Exhibit-I, P@299
Notice/Complaint of Appellant	19.05.2019	Annex-A-8, P@166-185
2 nd Show Cause Notice by SEIAA & PS-DoE	15.06.2019	Annex-A-9, P@186-187
Filing of OA No. 63/2019	14.08.2019	
Personal hearing given to PP by PS-DoE	11.11.2019	
2 nd Withdrawal Letter for SCN	16.11.2019	Exhibit-AA, P@423-424
Grant of ex-post facto EC	18.02.2020	
Appeal No. 26/2020 filed on	19.03.2020	

- b) I state that, the R-6-Mr. Anil Diggikar former Member Secretary and PS-DoE have not filed its Affidavit and his acts are contrary to the settle position of law due to its professional misconduct and also due to considering himself as IAS officers above the law and no one can do anything to him as he is holding higher executive powers having deep nexus with the lobby.
- c) Further I state that, the MoEFCC vide its notification dated 28.02.2014 (**ANNEXURE-A-3**) have delegated the powers to SEIAA to take actions under EIA Notification, 2006 as well as U/s. 5 of the Environment (Protection) Act, 1986. However, while issuing the Show cause notice vide dated 15.06.2019, R-6 used both the positions of MS-SEIAA as well as PS-DoE, and while withdrawing the show cause notice vide its communication/letter dated 16.11.2019 have issued only the position of PS-DOE and this act itself is contrary to the provisions of law. Therefore, R-6-Mr. Anil Diggikar-former MS-SEIAA & PS-DOE have violated the provisions of law by violating the principles of natural

justice and withdrawn the SCN behind back of this Appellant and this illegal act attracts the judicial note from this Hon'ble Court to send clear message in the lobby of defaulting officer irrespective of their position and power to give effect to the Article-14: equality before law and against the discrimination made by this Respondent No. 6-Mr. Anil Diggikar between Original Applicant and Respondent No. 14 & 15-PP.

PART-G:

10. PCMC SANCTIONS, TBUA, CONDITIONS FOR OBTAINING EC:

I state that, despite there being condition imposed by PCMC on PP in their PCMC Commencement Certificate (CC) after 24.11.2016 for obtaining prior EC due to total BUA potential of proposed construction was more than 20000 M² attracting prior EC under EIA Notification, 2006. However, PP intentionally avoided to obtain the prior EC and thereafter, procured ex-post facto EC on 18.02.2020 to counter blast OA filed on 14.08.2019.

Sr.	CC Date	TBA (M ²)	Condition for EC	Reference Exhibit
1.	28.03.2008	17995.00	No condition for EC	
2.	09.04.2013	21368.30	No condition for EC, Excavation stopped as per DoE Letter dated 10.03.2015 and PP applied for the EC on 09.05.2013	
3.	30.09.2015	22010.30	No. 26	Exhibit-L, P@311
4.	24.11.2016	21213.90	No. 27	Exhibit-N, P@319
5.	31.03.2018	19991.40	No. 25, 30	Exhibit-Q, P@343
6.	04.10.2018		No. 1	P@350, P@351
7.	16.05.2019	19978.40	No. 27	A/4, P@1022/1030
8.	08.01.2020		No. 27	A/5, P@1038/1046

PART-H:

11. MPCB CONSENTS & CONDITIONS FOR OBTAINING EC:

I state that, despite there being condition imposed on PP in two CTE by MPCB for obtaining prior EC, PP failed to obtain the prior EC till filing of OA on 14.08.2019.

Sr.	CTE	Land Area (M ²)	TBA (M ²)	Condition for EC	Reference Annexure
1.	10.03.2015	9337.66	36611.49	No. 12	Exhibit-J, P@301
2.	12.10.2017	9337.66	51358.46	No. 12	Exhibit-P, P@337

PART-I:**12. VARIOUS ORDERS & UNDERTAKING PROHIBITING CONSTRUCTION:**

I state that, the following provisions, directions, conditions, undertakings were prohibiting PP for carrying out construction without prior EC. However, PP have carried out construction in violation of EIA Notification, 2006. Therefore, impugned ex-post facto needs to be quashed.

- i) EIA Notification, 2006 dated 14.09.2009 prohibits any construction against item No. 8 of Schedule without prior EC.
- ii) Reply of PP dated 28.09.2014 submitted to PS-DoE undertakes no further excavation and construction.
- iii) Letter/Communication dated 10.03.2015 issued by PS-DoE directs no further no further excavation and construction.
- iv) Consent to Establish dated 10.03.2015 vide condition no. 12 prohibits further construction.
- v) Revised sanction issued by PCMC dated 30.09.2015 vide Condition no. 26 prohibits further construction.
- vi) Revised sanction issued by PCMC dated 24.11.2016 vide Condition no. 27 prohibits further construction.
- vii) Consent to Establish dated 12.10.2017 vide condition no. 11 & 12 prohibits further construction.

- viii) Revised sanction issued by PCMC dated 31.03.2018 vide Condition no. 25 & 30 prohibits further construction.
- ix) Revised sanction issued by PCMC dated 04.10.2018 vide Condition no. 1 & 2 prohibits further construction.
- x) Revised sanction issued by PCMC dated 16.05.2019 {**ANNEXURE-A-4**} vide Condition No. 27 prohibits further construction.
- xi) Revised sanction issued by PCMC dated 08.01.2020 {**ANNEXURE-A-5**} vide Condition no. 27 prohibits further construction.
- xii) Therefore, despite above prohibitory orders, Respondent No. 11-PP has carried out illegal construction and obtained ex-post facto EC dated 18.02.2020 in illegal manner.

PART-J:

13. CARELESS, RECKLESS, INTRANSIGENT, UNAPOLOGETIC & MANEUVERED CONDUCT OF THE PP:

I state that, despite various letters, communications & Orders on prohibition of construction without prior EC, like PP undertaking & reply dated 28.08.2014, Letter of PS-DoE dated 10.03.2015, Conditions from CTE dated 10.03.2015 & 12.10.2017, Conditions from Commencement certificates dated 30.09.2015, 24.11.2016, 31.03.2018, 04.10.2018, 16.05.2019 & 08.01.2020, Respondent No. 11-PP has carried out construction without obtaining mandatory prior Environment Clearance.

PART-K:

14. REJOINDER TO REPLY OF R-4-SEIAA DATED 21.03.2023:

- a) I state that, the contents of reply affidavit of R-4-SEIAA dated 21.03.2023 are partly true, partly false & partly

misleading and denied by this Appellant. Further I state that, the SEIAA failed to justify their illegal grant of ex-post facto EC dated 18.02.2020 and this paradox statement of SEIAA is very unfortunate against their duties. Therefore, this act of SEIAA for grant of grant of ex-post facto EC is totally illegal and SEIAA supposed to reject the EC on the ground that there is no exceptional circumstances established by PP for not obtaining prior EC.

- b) That the SEIAA have filed their reply affidavit vide dated 21.03.2023 and stated that, the SEIAA have granted EC dated 18.02.2020 by following due process under EIA Notification, 2006 and there are no procedural lapses in grant of said EC. In respect to this, I state that the SEIAA have granted ex-post facto EC against the settled provisions of EIA Notification, 2006 as well as the directions of Hon'ble Supreme Court given in **Common Cause Case-(2017) 9 SCC 499** at **Para-125**, **Goel Ganga Case (2018) 18 SCC 257** at **Para@17 & 26-28**, **Tanaji B Gambhire Vs Union of India & Ors** in **OA No. 34/2020(WZ)** Order dated **24.02.2022** at Para@8-10, **Tanaji B Gambhire Vs Union of India & Ors**, In **OA No. 64/2020(WZ)** **Order dated 23.03.2022** at Para-13, **Alembic Pharmaceuticals Ltd. vs. Rohit Prajapati and Ors.**, **2020 SCC Online SC 347** and **Keystone Realtors (P) Ltd. v. Anil v. Tharthare** reported in **(2020) 2 SCC 66**. Therefore, PP has carried out substantial construction well prior to obtain EC dated 20.07.2020 as admitted in **Joint Committee Report {P@204-223}** dated 07.01.2020 filed in OA No. 63/2019 as well as **PCMC Reply affidavit** dated 10.02.2022 (**P@771-775**). Therefore, SEIAA & PS-DoE have abused due process of law.

- c) I state that, the SEIAA have granted ex-post facto EC because the show cause notice dated 15.06.2019 has been withdrawn by Environment Department. It means, complete bind & corrupt practices are adopted by the officials from Govt. Authorities going beyond their delegated powers under MoEFCC notification dated 28.02.2014.
- d) Therefore, this Hon'ble NGT may kindly take judicial note of such illegal, irresponsible conduct of the SEIAA and impugned EC dated 18.02.2020 my kindly be quashed & set aside.

PART-L:

15. REJOINDER TO REPLY OF R-11-PP SWORN ON 24.09.2020:

- A)** I state that, the Reply Affidavit of R-11-PP is partly true on account of admission and partly false on account of misleading facts on settle position of law mandating prior EC under EIA Regime before starting any construction.
- B)** I state that, the Reply Affidavit of R-11-PP has raised following contentions;
- i) **Locus Standi of the Appellant {Para-5.1 to 5.3}**
 - ii) **Procedures as stipulated in the EIA Notification scrupulously followed {Para-5.4 to 5.9}**
 - iii) **Limited Grounds of Appeal u/s 16 of the NGT Act {Para-5.10 to 5.11}**
 - iv) **True and Correct Facts by Respondent No. 11-PP {Para-6, 6.1 to 6.36}**
 - v) **Commencement of Construction prior to grant of EC {Para-7, 7.11 to 7.5}**
 - vi) **Concept of ex-post facto EC being alien to environmental law {Para-7.6 to 7.8}**

vii) **Non-Application of mind by the Authorities {Para-7.9 to 7.11}**

viii) **Violation of various Municipal Laws {Para-7.12 to 7.13}**

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

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

E) Rejoinder to the issue of Locus standi of Appellant: {Para-5.1 to 5.3}

i) I state that, the contents of the **Para-5.1 to 5.3** of the reply affidavit of the R-11-PP are totally false, baseless and misleading and challenging locus to this Appellant and denied by this Appellant;

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

iii) I state that, the every vigilant citizen of this nation can approach this Hon'ble NGT for protection of

environment & ecology being informer to the court of law and having access to information, access to public participation and access to justice, as key pillars of environmental governance. This Appellant has approached this Hon'ble NGT with public cause satisfying the above ingredient. And this Appellant have clear cut locus to file present Appeal.

- iv) I state that, this Hon'ble NGT as well as Hon'ble Supreme Court in catena of judgment like M. C. Mehta Cases, Indian Council for Enviro-Legal Action, Vellore Citizen Case, Sterlite Industries, Forward Foundation Case, Goel Ganga case, S. P. Muthuraman, Matri Techzone, Ankita Sharma Case have interpreted the concepts of Limitation, Cause of Action, Locus, Jurisdiction, Plural Remedies, quantum of environmental damage etc. in favoring the case of this Appellant. And Present Appellant has proved his case beyond doubt and Respondent No. 11-PP has failed to prove his case against the onus casted upon him. Therefore, this is clear cut case of admitted violation and the errant officers from Government authorities and Respondent No. 11-PP are the habitual offenders.
- v) I state that, the Hon'ble NGT-PB in OA No. 12 of 2014 (PB) in the matter of **M. C. Mehta Vs UGC & Others** decided on 17.07.2014 {Para-12-27}, Hon'ble NGT-WZ Pune in **M.A. No. 108/2014 in Appeal No. 9/2014 (WZ)** in the matter of **Anil Tharthare Vs. Secretary DoE & Others** decided on 04.05.2016 {Para-29-30} on the issue of locus by liberalizing the locus to file proceedings before NGT.

F) Procedures as stipulated in the EIA Notification scrupulously followed {Para-5.4 to 5.9}

- i) I state that, the contents of **Para-5.4 to 5.9** of Reply Affidavit of Respondent No. 11-PP are totally false, baseless and misleading and there is no compliance to the procedure as stipulated in the EIA Notification, 2006. That PP ought to have obtained prior EC before commencement of construction as per the settled position of law as explained above under the head of “
6. SETTLE POSITION OF LAW, MANDATES OF PRIOR EC UNDER EIA NOTIFICATION, 2006 AND ILLEGAL NULL VOID CIRCULAR DATED 21.04.2015 ISSUED BY PS-DoE”
- ii) I state that, the Respondent No. 11-PP himself have admitted the violations and supported by the Joint Committee Report filed in OA No. 63/2019. Therefore, it is clear cut case of **blatant** violations of EIA Notification, 2006 and procurement of ex-post facto EC dated 18.02.2020.

G) Limited Grounds of Appeal u/s 16 of the NGT Act {Para-5.10 to 5.11}

I state that, the contents of **Para-5.10 to 5.11** of Reply Affidavit of Respondent No. 11-PP are totally false, baseless and misleading and dealing with the limited grounds of Appeal under Section 16 of NGT Act. Further I state that, the SEAC-III & SEIAA has granted EC in post facto & illegal manner by violating the principle of natural justice, impropriator way, beyond powers, ignoring procedures laid down in EIA Notification, 2006, with malafide intention and in collusion with Respondent No. 11-PP and this EC is not tenable in the eyes of law being abnormal & without rhyme.

H) True and Correct Facts by Respondent No. 11-PP {Para-6, 6.1 to 6.36}

I state that, the contents of the Para-6, 6.1 to 6.36 of reply affidavit of Respondent No. 11-PP are partly true and partly false and conveniently expressed and therefore, denied by this Appellant. Further I state that, despite various letters, communications & Orders on prohibition of construction without prior EC, like PP undertaking & reply dated 28.08.2014, Letter of PS-DoE dated 10.03.2015, Conditions from CTE dated 10.03.2015 & 12.10.2017, Conditions from Commencement certificates dated 30.09.2015, 24.11.2016, 31.03.2018, 04.10.2018, 16.05.2019 & 08.01.2020, Respondent No. 11-PP has carried out construction without obtaining mandatory prior Environment Clearance and violated the conditions of CTE. Therefore, despite the total proposed BUA of project was more than 20000 M2, PP have neglected to obtain the prior EC by not following its Application for EC in letter and spirit of environmental laws and carried out illegal construction and then procured the illegal, ex-post facto EC vide dated 18.02.2020 for regularisation of illegal construction.

I) Commencement of Construction prior to grant of EC {Para-7, 7.11 to 7.5}

I state that, the contents of **Para-7, 7.1 to 7.5** of Reply Affidavit of Respondent No. 11-PP are totally false, baseless and misleading and dealing with commencement of Construction prior to grant of EC. Further I state that, the Respondent No. 11-PP have carried out the illegal construction without mandatory prior EC deliberately and knowingly. Therefore, stand taken by R-11-PP that, the construction up to 20000 M2 is permissible on the basis of

Circular dated 21.04.2015 issued by PS-DoE is baseless & illegal as the commencement of construction by PP is against the settled position of law as explained above under the head of “6. SETTLE POSITION OF LAW, MANDATES OF PRIOR EC UNDER EIA NOTIFICATION, 2006 AND ILLEGAL NULL VOID CIRCULAR DATED 21.04.2015 ISSUED BY PS-DoE”

J) Concept of ex-post facto EC being alien to environmental law {Para-7.6 to 7.8}

I state that, the contents of **Para-7.6 to 7.8** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with concept of ex-post facto EC being alien to Environment Law. Further I state that, the Respondent No. 11-PP has procured the ex-post facto EC in illegal manner and it is explained in the above Para “7. ILLEGAL CONSTRUCTION CARRIED OUT BY PP AND GRANT OF EX-POST FACTO EC DATED 18.02.2020”

K) Non-Application of mind by the Authorities {Para-7.9 to 7.11}

- i) I state that, the contents of Para-7.9 to 7.11 of Reply Affidavit of Respondent No. 11-PP are totally false, baseless and misleading and dealing with non-application of mind by the authorities. Further I state that, the Respondent No. 11-PP has collusion with the PCMC, MPCB, SEIAA, DoE officials and master mind behind this Collusion is the Respondent No.6-Mr. Anil Diggikar i.e. former Member Secretary of SEIAA and Principal Secretary of DoE-GoM.
- ii) I state that, after service of OA No. 63/2019 on 16.02.2020 to the Government Authorities and the

SEIAA & MPCB were well within the knowledge of this ongoing proceedings of OA and after site visit dated 15.12.2019, the Respondent No. 11-PP was well within the knowledge of this ongoing proceedings of OA. However, Respondent No. 2-PS-DoE being Member Secretary of SEIAA gave clean chit to the Respondent No. 11-PP vide its communication dated 16.11.2019 by conducting personal hearing on 11.11.2019 in his chamber on complaint of this Appellant, behind back of this Appellant by without providing any opportunity and violated principle of natural justice on two count, One is bias conduct and second is *Audi Alteram Partem*, no notice & hearing was given to Appellant.

- iii) Further I state that, the business undertaken by the former PS-DoE for issuance of show cause notice for the purpose of withdrawal is no more secrete and there is racket active in environment department issuing clean chit business by violating the principle of natural justice and behind back of this Appellant, without providing any notice or opportunity of hearing and disposing complaint filed by Appellant. Further I state that, the MS-SEIAA & PS-DoE have issued this impugned EC dated 18.02.2020 to overcome their own illegality and involvement.
- iv) Further I state that, the officials of MPCB as well as PCMC have not acted in legal manner despite the legal notice/complaint to them vide dated 19.05.2019 for violations of conditions of Consents & Commencement certificates for obtaining prior EC. However, none of the Government Authority & their officials acted diligently and promptly, on the contrary acted in illegal

manner and helped PP in procuring illegal ex-post facto EC, which is under challenge in this proceedings.

- v) Further I state that, the Respondent No. 11-PP has alleged the withdrawal of show cause notice dated 15.06.2019 by Environment Department vide letter/ communication dated 16.11.2019 is not supported by Joint Committee in their Report communicated to this Hon'ble NGT on 07.01.2020 and this Respondent No. 11-PP is communicating with this letter attaching to their reply affidavit dated 24.09.2020, is really shocking. However, this letter is not placed in public domain on websites maintained by Environment Department or not communicated to this Appellant till date and in this circumstances, authenticity of this letter comes in doubtful. PS-DoE being the quasi-judicial authority is bound by principle of natural justice and then assuming that, this letter is issued by the PS-DoE, then the PS-DoE has violated the principle of natural justice, which is fundamental principle of constitution and basic foundation of administrative law.
- vi) Further I state that, the Environment Department is violating the principal of natural justice and committing illegality with punctuality and impunity to support the polluters lobby. For such illegal activity, this Hon'ble NGT has imposed cost of Rs. 1 lakh to SEIAA & PS-DoE in OA No. 184 of 2015 vide judgment dated 27.09.2016 and same is confirmed by the Hon'ble Supreme Court vide its judgment dated 10.08.2018 with direction to Chief Secretary to take action strict action against these officers. Further I

state, the Respondent No. 11-PP is misleading on account of commencement of construction as per commencement 2008, but on the contrary PP admits that the only excavation was commenced on the basis of said 2008 sanction and same has been stopped in 2012, Further Respondent No. 11-PP admits that he applied twice for EC on 07.09.2013 and 30.06.2016 and same were not taken to logical end. PS-DoE circular dated 21.04.2015 is not favoring Respondent No. 11-PP for his construction carried out to the tune of 8467.69 M² till this withdrawal letter and PP is admitting that he had carried out construction without EC. Further I state that, EIA Notification, 2006 does not support the construction below 20000 M² without obtaining prior EC for the projects having total BUA more than 20000 M².

- vii) Further I state that, the replies dated 29.06.2019, 17.07.2019 & 20.08.2019 filed by Respondent No. 11-PP before various government authorities are totally misleading and authorities have ignored the admission of violation to favour the PP. Moreover, no construction is permissible for the project having total BUA more than 20000 M² without prior EC mandated under EIA Notification, 2006 and said notification does not provide any favour for construction to be carried out below 20000 M² and to obtain ex-post facto EC for construction go above 20000 M². It is important to note that, the PP obtained PCMC original sanction on 28.03.2008 by suppressing actual TBA and admittedly, commenced excavation in 2011 and it is stopped in 2012. However, Respondent No. 11-PP has

obtained the various revised sanction from PCMC with increase and decrease in TBA and not obtained full potential sanction and Application dated 07.09.2013 get nullify vide letter/communication dated 10.03.2015 issued by PS-DoE. Further I state that, the Circular dated 21.04.2015 is not the stature enforced by the appropriate law making authority with due compliance of procedures lay down under the law and said circular is totally illegal and issued to create the jugglery in implementation of EIA Notification, 2006 and provide the favour to the mighty and resourceful lobby of polluters. This circular does not support the illegal construction carried out by the Respondent No. 11-PP having total proposed BUA more than 20000 M2 on filing of first application for the environment clearance and Respondent No. 11-PP cannot take benefits of the PCMC original sanction dated 28.03.2008 after obtaining number of revised sanctions having total BUA more than 20000 M2 at this stage of proceedings to overcome the violations and to save the errant officers from environment department, those who have acted in illegal manner to protect this Respondent No. 11-PP.

viii) Therefore, I state that there is complete ignorance and non-application of mind by the officials from Government Authority and former PS-DOE Mr. Anil Diggikar has acted against the MoEF Notification dated 28.02.2014 beyond the delegated powers and committed the misdeeds to protect the Respondent No. 11-PP.

L) Violation of various Municipal Laws {Para-7.12 to 7.13}

- i) I state that, the contents of **Para-7.12 to 7.13** of Reply Affidavit of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless and misleading and dealing with violations of various Municipal Laws. Further I state that, the illegalities under the DCR of PMC, MRTP-1963 have direct relation with the environmental parameters affecting the environment for calculation of total Population of project, total fresh water requirement, total waste Water generation, total solid waste generation, total energy requirement, to understand the file tender movement, to study environment infrastructure installation, total BUA potential, firefighting equipment installation, to study basements and many more and Respondent No.11-PP has not pointed out specific pleadings under DCR, MRTP under his objection.
- ii) I state that, the illegal grant of additional FSI and TDR and construction by using these additional FSI & TDR exploits the natural resources i.e. building material required for construction. Appellant have not sought any prayers under the DCR and MRTP Act for cancellation of sanctions granted under MRTP Act & DCR. Therefore while considering the application Hon'ble Court should know interconnection of illegality related to the project and repercussions of these illegality.
- iii) I state that, the Appellant have no any vested interest in the project and this application is inequitable of social importance litigation and this Appellant being the informer to the court of law and have right to inform all the possible true facts related to the project

to the Court in view to deliver the final verdict. This Appellant cannot suppress anything from the court of law like PP and PMC.

- iv) I state that, the construction carried out by the PP is not accordance with the DCR and MRTP as the commencement certificate granted to the project stipulates the mandates of obtaining environment clearance and consents. But PP has failed to obtain the same and therefore the interconnections of the illegalities related to the violations of project should be brought before the court. Therefore the application is filed seeking the prayers related to the Schedule-I acts and the illegalities committed under the DCR and MRTP Act are supporting the violations committed under Schedule-I acts. I state that the PP is misleading on account of pleadings related to MRTP and DCR and these pleadings have direct relation to the environmental parameters. Therefore, the Appeal is dealing with the environmental violations.
- v) Further I state that, the Para-47 of the Judgment dated 10.08.2018 passed by the Hon'ble Supreme Court in the matter of "Goel Ganga Developers Pvt. Ltd. Vs. UoI & Ors" in Civil Appeal No. 10854/2016, in (2018) 18 SCC 257 has forfeited the benefits of DCR, TDR, FSI to avoid the further degradation of the environment that would occur due to additional construction;

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

recovered from him or be adjusted against its future projects.”

- vi) Further I state that, the Para-47 of the Judgment dated 05.03.2019 passed by the Hon’ble Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494** has specifically held that, under Section-33 of NGT Act, 2010 this gives the overriding powers over DCR & MRTP Act, to this Hon’ble NGT;

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

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

- M)** I state that, the contention of the **Para-8** of the reply affidavit of Respondent No. 11-PP are totally false, baseless, misleading. It is important to note that, the PP have replied the allegations raised in Appellant in his reply with false, baseless & misleading answers and deserve no liberty to have an additional opportunity as violations committed by the PP are admitted by himself by obtaining ex-post facto EC from SEIAA. In para-9 of his reply affidavit, PP himself has admitted that, the Appeal is fully answered by him. Moreover, MPCB has taken cognizance of the same by

issuing directions under Air (P&CP) Act-1971 and Water (P&CP) Act-1984. Therefore, there should not be favour to the PP at the cost of Mother Nature.

- N)** I state that, the contention of **Para-9** of the reply affidavit of Respondent No. 11-PP are related to issues and grievances raised in the Appeal are has fully answered by PP, in fact PP has provided totally false, baseless, misleading replies. It is important to note that, the allegations made in the Appeal are admitted by PP by obtaining ex-post facto EC in his replies affidavit & with documents attached therewith received from PCMC, SEIAA and MPCB. Therefore, Appellant have made out a genuine, realistic and true case for grant of all prayers sought. In view of statement of PP in this para, he is not entitle for opportunity to file additional affidavit.
- O)** Therefore, I state that, the contention of the reply affidavit of Respondent No. 11-PP are totally false, baseless, misleading and It is important to note that, the PP have carried out the construction of total BUA of 13806.52 M² out of 54667.89 M² without obtaining mandating prior Environment Clearance as per the EIA Notification-2006 and in violation of terms and conditions of Consent to Establish and Further it is submitted that, the allegations in this Appeal are exhaustive, broad with support of documents and well known to PP with his own admitted facts. Moreover PP himself have admitted these allegation by obtaining ex-post facto EC during the pendency of this OA No. 63/2019 and same is under challenge in Appeal No. 26/2020. Therefore. Appellant have made out the good case and also case have supported with evidences, annexures and facts admitted by Project Proponent, PCMC, SEIAA and

MPCB etc. Thus, this is the best case for grant of all the prayers sought under this application and it is humble request to Hon'ble NGT for grant of prayers in larger interest of the Environmental Protection. Further I state that, the prayer of Respondent No. 11-PP for dismissal of Appeal is not tenable and illegal in the eyes of the law and this Hon'ble NGT may kindly reject the contention of the PP and payers in Appeal may kindly be granted quashing the EC by demolition of structure or by handing over it to the government for public use along with imposition of exemplary environment compensation for restitution & restoration of environment, ecology, exploitation of natural resources & social infrastructure damaged by Project Proponent in view to have deterrent effect on Project Proponent to send clear & sound message in the society, that the environmental compliance is supreme and no one is above the law.

- P)** Therefore, considering above circumstances and facts, this Hon'ble NGT may kindly allow the Appeal in totality.

PART-M:

16. REJOINDER TO REPLY OF R-7-MPCB VIDE DATED 04.01.2022:

- A) I state that, the reply affidavit of Respondent No. 7-MPCB vide dated 04.01.2022 is supporting the contentions of Appellant and confirming the grant of Consent to Establish on terms & conditions of obtaining mandatory prior Environment Clearance and further imposes the restriction on construction without prior EC.
- B) I state that, the MPCB imposed Condition No. 12 on PP for obtaining prior EC before proceeding in construction at site

in conformity of OM dated 19.08.2019 issued by MoEF for clarification of EIA Notification, 2006.

- C) I state that, the R-7-MPCB reply clears the following picture by relying on the Joint Committee Report filed vide dated 07.01.2020 in OA No. 63/2019(WZ);

CTE date	TPA (M ²)	BUA (M ²)	Condition	Page No.
10.03.2015	9337.66	36611.49	12	P@483
12.10.2017	9337.67	51358.46	12	P@489
13.10.2020	7729.66	54667.89	6 & 15	P@495

- D) I state that, the Respondent No. 11-PP have not obtained prior EC, despite there being condition in CTE dated 10.03.2015 & 12.10.2017 and also condition of complying with the condition of ex-post facto EC in CTE dated 13.10.2020, that PP have not complied.
- E) I state that, the officer Namely Mr. Y. B. Sontakke holding position of Joint Director (Water Dept) of MPCB have filed the report dated 07.01.2020 in OA No. 63/2019 confirming violations of EIA Notification, 2006 and terms & conditions of CTE dated 10.03.2015 & 12.10.2017 and on other hand, same officer issuing amended CTE vide dated 13.10.2020 {**P@494-499**} is against the principles of natural justice and therefore, this officer have committed professional misconduct.

PART-N:

17. REJOINDER TO REPLY OF R-8 & 9-PCMC VIDE DATED 10.02.2022:

- A)** I state that, the reply affidavit of Respondent No. 8 & 9-PCMC vide dated 10.02.2022 is supporting the contentions of Appellant and confirming the grant of Commencement Certificates on the basis of terms & conditions of obtaining

mandatory prior Environment Clearance and further imposes the restriction on construction without prior EC.

- B)** I state that, the Respondent No. 8 & 9-PCMC reply clears the following picture, thereby supporting on the Joint Committee Report filed vide dated 07.01.2020 in OA No. 63/2019(WZ) thereby filing Architect Certificate dated 20.12.2019;

Sr.	CC Date	TBA (M2)	Condition	Annex & Page No.
1.	28.03.2008	17995.00	No Condition	Annex-R-1, P@506-509
2.	09.04.2013	21368.30	No Condition	Annex-R-2, P@510-514
3.	30.09.2015	22010.30	Condi. No. 26	Annex-R-5, P@538
4.	24.11.2016	21213.90	Condi. No. 27	Annex-R-6, P@542
5.	31.03.2018	19991.40	25 & 30	Annex-R-8, P@558
6.	04.10.2018	54667.89	Condition No. 1 P@562 & Condition No. 1 P@564	Annex-R-9, P@562-566
7.	29.06.2021	21937.07		Annex-R-11, P@579-582

- C)** Therefore, I state that, Respondent No. 8 & 9-PCMC reply clears relies on the conditional grant of MPCB Consents & their Commencement Certificate on obtaining prior EC and PP will not proceed in construction without EC.

PART-O:

18. CASE LAWS BY APPELLANT:

- a)** Common Cause Case-(2017) 9 SCC 499 at **Para-125:**
Grant of EC is not mechanical exercise, Grant of EC after due diligence since damage to the environment can have long term impact, Grant of ex-post facto EC would be detrimental to the environment and could lead to irreparable degradation of the environment, concept of the ex-post facto or retrospective EC is completely alien to the environmental jurisprudence, EC will come into force not earlier than the date of its grant.

- b)** Goel Ganga Case-(**2018**) **18 SCC 257** at **Para-17**: Natural Resource-sand, gravel, steel, glass, marble-Building Material does not concern FSI & Non-FSI, entire covered area to be considered for Adverse impact on environment by use of natural resources, **Para-22-24**: OM/Circular cannot change regime, **Para-26-28**: Ex-post facto EC granted without scientific appraisal & assessment is quashed, **Para-64**: Manipulation of Government Officials & Higher environmental damages to be imposed on polluter,
- c)** Mantri Techzone Pvt. Ltd. Vs. Forward Foundation & Ors. (**2019**) **18 SCC 494** at **Para-47**: Sec. 33 of NGT Act, 2010, provides overriding effect to the provisions of the Act over anything inconsistent contained in any other law or in any instrument having effect by virtue of law other than this Act. This gives the Tribunal overriding powers over anything inconsistent contained in the KIAD Act, the Planning Act, the Karnataka Municipal Corporation Act, 1976 (the KMC Act); and the Revised Master Plan of Bengaluru, 2015 (RMP). A central legislation enacted under Entry 13 of Schedule VII List I of the Constitution of India will have the overriding effect over State Legislations. The Corollary is that the Tribunal while providing for restoration of environment in an area, can specify zones around specific lakes and water bodies in contradiction with zoning regulations under these statute or RMP. **Para-50 opines**: No mention of provisions, well settled principle of law, non-mention or erroneous mention of provisions would not be any relevance, if court had requisite jurisdiction to pass an order, it would be a mere irregularity and would not vitiate the application or the judicial order of the Tribunal.

d) MCGM Vs Ankita Sinha & Ors. **2021 SCC Online SC 897:**

Para-38. While on the statutory provisions, it is seen that the Central Government has framed the *National Green Tribunal (Practice & Procedure) Rules, 2011* (for short “the NGT Rules”). For our purpose, Rule 24 is important which reads thus:

“24. Order and directions in certain cases - The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice.”

Para-39. The said Rules make it clear that the NGT has been given wide discretionary powers to *secure the ends of justice*. This power is coupled with the duty to be exercised for achieving the objectives. The intention understandably being to preserve and protect the environment and the matters connected thereto.

Para-40. By choosing to employ a phrase of wide import, i.e. *secure the ends of justice*, the legislature has nudged towards a liberal interpretation. Securing justice is a term of wide amplitude and does not simply mean adjudicating disputes between two rival entities. It also encompasses *inter alia*, advancing causes of environmental rights, granting compensation to victims of calamities, creating schemes for giving effect to the environmental principles and even hauling up authorities for inaction, when need be.

Para-41. Moreover, unlike the civil courts which cannot travel beyond the relief sought by the parties, the NGT is conferred with power of moulding any relief. **The provisions show that the NGT is vested with the widest power to appropriate relief as may be justified in the**

facts and circumstances of the case, even though such relief may not be specifically prayed for by the parties.

Para-42. Another distinguishing feature of the environmental forum is on the aspect of *locus standi* which was made as wide as is available to the High Courts and the Supreme Court. Thus, any person or organization who may be interested in the subject matter is permitted to approach the NGT.

Para-43. The provisions of the NGT Act and the NGT Rules demonstrate that myriad roles are to be discharged by the NGT, as was encapsulated in the Law Commission Report, the Preamble and the Statement of Objects and Reasons. This is also forthcoming from the international obligation and commitment by India to implement the decision taken at the Stockholm and the Rio De Janeiro Conventions towards protection of the environmental rights under Article 21 of the Constitution.

PART-P:

19. HUMBLE SUGGESTIONS ON BEHALF OF THE APPELLANT

I state that, in view of the **Para-41** of **2021 SCC Online SC 897** the this Hon'ble NGT may kindly consider the above fact, circumstances and following suggestions on behalf of the Appellant, while passing final Order & judgment.

- a) That this Hon'ble NGT may kindly allow the Appeal No. 26/2020 filed by Appellant.
- b) That this Hon'ble NGT may kindly quash and set aside the Environment Clearance granted to the Respondent No. 11-PP-M/s. Bramha Leisure's Private Limited for the project Survey No. 103/129B 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune vide No. SEIAA-EC-0000002109 dated 18.02.2020.

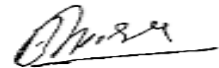
- c) That this Hon'ble NGT may kindly take judicial note of misdeeds of Respondent No. 6-Mr. Anil Diggikar and direct the Respondent No. 2-Chief Secretary GoM to take action against Respondent No. 6-Mr. Anil U. Diggikar, former Principal Secretary of DoE-GoM & Member Secretary-SEIAA for indulging into illegal grant of EC and illegal withdrawal of show cause notice to the project.
- d) That this Hon'ble NGT have powers to pass strict orders of Under Rule No. **24 of NGT (P&P) Rules, 2011** as per **Para-38-39 of MCGM Vs. Ankita Sharma (2021) SCC OnLine SC 897** to stop the abuse of its powers with end of justice against the erring officers of the PMC for granting sanctions against the settled position of law, that the construction cannot be carried out in the without prior EC. Therefore, the notorious officer **Mr. Anil Diggikar** and careless & reckless **PP** must be saddled with heavy cost that to be utilised for legal aid in the environmental matters.
- e) Therefore, as held by Hon'ble Supreme Court in **Para-41 of MCGM Vs. Ankita Sharma (2021) SCC OnLine SC 897** this Hon'ble NGT have widest powers to give appropriate relief as may be justified in the facts and circumstances of the case, even though such relief may not be specifically prayed for by the parties.
- f) That this Hon'ble NGT may kindly direct the R-11-PP to deposit the substantial damage to environment & ecology to the tune of Rs. 150 Crores and same shall be recovered from Respondent No. 11-PP.
- g) That this Hon'ble NGT have powers under section 33 of NGT act, 2010 to have overriding effect to any other legislature inconsistent with the provision of the act as held by Hon'ble

Supreme Court in **Para-47** of **Mantri Techzone Case (2019) 19 SCC 494**.

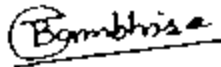
- h) That this Hon'ble NGT may kindly stop the construction of the project till restoration & restitution of powers by applying the principles of Sec-20 of the NGT Act, 2010 & Rule No. 24 of the NGT (P&P) Rules, 2011 for end of justice.
- i) Therefore, considering above facts, circumstances and suggestions, this Hon'ble NGT may kindly pass appropriate orders.

20. Hence this Rejoinder

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



AFFIANT
(Mr. AJAY JAYVANTRAO BHOSALE)



TANAJI B. GAMBHIRE
(ADVOCATE FOR APPELLANT)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE
APPEAL NO. 26/2020

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE

... APPELLANT

VERSUS

UNION OF INDIA THROUGH

SECRETARY-MoEF & CC & OTHERS

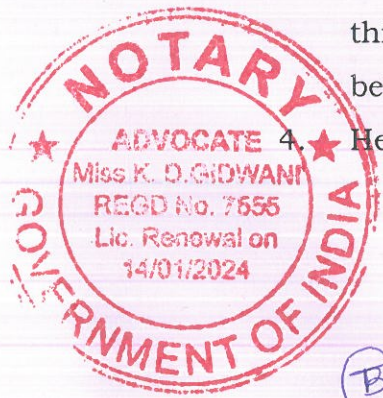
... RESPONDENTS

AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPELLANT TO THE
REPLY AFFIDAVIT OF RESPONDENT NO. 11-M/S. BRHMA LEISURES
PVT. LTD. AFFIRM ON 24.09.2020, REPLY AFFIDAVIT OF MPCB DATED
04.01.2022, REPLY AFFIDAVIT OF PCMC DATED 10.02.2022:

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

1. I state that, I am Appellant in the aforesaid matter and I am well aware with the facts and circumstances of the case and in such capacity competent to depose by way of this affidavit.
2. I have read the contents of the accompanying Rejoinder to the Respondents Reply, the same has been drafted by my advocate under my instruction and that the Para-1 to 20 of the reply are true facts in my personal knowledge.
3. I state that, the annexures attached with the Rejoinder to the Respondents Reply are true copies of their respective and content of this affidavit are true and correct to the best of my knowledge and belief.

4. Hence this Affidavit.



21 MAR 2023

[Signature]

AFFIANT
(MR. AJAY JAYVANTRAO BHOSALE)

[Signature]
ADV. TANAJI B. GAMBHIRE
(I KNOW AFFIANT)

BEFORE ME

[Signature]
Miss. K. D. Gidwani
Advocate & Notary
Govt. of India



NOTED & REGISTERED
AT.SR.NO. 265/2023

ANNEXURE-A-1

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

¹Includes the territorial waters

TRUE COPY

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2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

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

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category ‘B’ projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category ‘B’ projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category ‘B1’ and remaining projects shall be termed Category ‘B2’ and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) “Scoping”: refers to the process by which the Expert Appraisal Committee in the case of Category ‘A’ projects or activities, and State level Expert Appraisal Committee in the case of Category ‘B1’ projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category ‘B’ in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant

validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

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

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

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p><50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) < 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) < 10,000 ha. of culturable command area</p>	General Condition shall apply
1(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naphtha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naphtha & gas based);</p> <p><50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels)</p>	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	<p>a)Primary metallurgical industry All projects</p> <p>b) Sponge iron manufacturing $\geq 200\text{TPD}$</p> <p>c)Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum</p> <p>-</p>	<p>Sponge iron manufacturing $<200\text{TPD}$</p> <p>Secondary metallurgical processing industry</p> <p>i.)All toxic and heavy metal producing units $<20,000$ tonnes /annum</p> <p>ii.)All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum</p>	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

4	Materials Processing			
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum -	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5	Manufacturing/Fabrication			
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i)All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice/non-molasses based distilleries - <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	- -	All projects	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		-

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

Note:-**General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- *Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.,)*

(II) Activity

- 1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		

1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		

1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		

4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II**(See paragraph 6)****FORM-1 A (only for construction projects listed under item 8 of the Schedule)****CHECK LIST OF ENVIRONMENTAL IMPACTS****(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)****1. LAND ENVIRONMENT****(Attach panoramic view of the project site and the vicinity)**

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure

3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits

9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

**APPENDIX III A
(See paragraph 7)**

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

APPENDIX IV
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 **Time period for completion of public hearing**

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy)]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT`

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**

- **Environmental Economics Expert with experience in project appraisal**
3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.
 4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.
 5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.
 6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.
 7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.
 8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

TRUE COPY



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

Dated 19th August, 2010

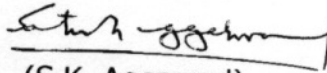
Office Memorandum

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

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

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

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

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

Copy to:-

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

TRUE COPY





भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, मंगलवार, मार्च 4, 2014/फाल्गुन 13, 1935

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NEW DELHI, TUESDAY, MARCH 4, 2014/PHALGUNA 13, 1935

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 637(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की धारा 5 के अधीन इसमें निहित शक्तियों को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन केंद्रीय सरकार द्वारा गठित किए गए सभी राज्य और संघराज्यक्षेत्र पर्यावरण समाघात प्राधिकरणों (जिन्हें इसमें इसके पश्चात् उक्त प्राधिकरण कहा गया है) को उक्त प्राधिकरणों द्वारा अपनी अधिकारिता के भीतर परियोजनाओं या क्रिया कलाओं को जारी पर्यावरण अनापत्तियों की शर्तों के अतिक्रमण की दशा में परियोजना प्रस्तावकों को कारण बताओ नोटिस जारी करने तथा इस शर्त के अधीन कि केंद्रीय सरकार शक्तियों के ऐसे प्रत्यायोजन का प्रतिसंहरण कर सकेगी या उक्त अधिनियम की धारा 5 के उपबंधों को स्वयं अवलंब ले सकेगी, यदि केंद्रीय सरकार की राय में लोक हित में ऐसी कार्यवाही आवश्यक है, यदि अपेक्षित हो तो अतिक्रमणों के लिए उक्त परियोजना प्रस्तावकों को ऐसी पर्यावरण अनापत्तियों को उन्हें प्रास्थगित रखने या वापस लिए जाने हेतु निदेश जारी करने की शक्तियों का प्रत्यायोजन करती है।

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 637(E).—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (Hereinafter referred to as the said Authorities) constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such environment clearances in abeyance or withdrawing them, if required, for violations, subject to the condition that the Central Government may revoke such delegations of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a Course of action is necessary in the public interest.

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 638(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त की धारा के प्रयोजन के लिए इससे उपाबद्ध उस सारणी के स्तंभ (3) में उनमें से प्रत्येक के सामने उल्लिखित अधिकारिता के साथ उस सारणी के स्तंभ (2) में उल्लिखित प्राधिकरण या अधिकारी को प्रातिकृत करती है:

सारणी

क्रम संख्यांक	प्राधिकरण/अधिकारी	अधिकारिता
(1)	(2)	(3)
1.	पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन केंद्रीय सरकार द्वारा गठित राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात प्राधिकरण (एस.ई.आई.ए.ए.)	संपूर्ण राज्य या संघ राज्यक्षेत्र
2.	पर्यावरण और वन मंत्रालय (एम.ओ.ई.एफ.) के किन्हीं प्रादेशिक कार्यालयों में तैनात कोई निदेशक, वन संरक्षक या अपर प्रधान मुख्य वन संरक्षक	पर्यावरण और वन मंत्रालय द्वारा यथा-विनिश्चित प्रादेशिक कार्यालय की अधिकारिता

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 638(E).—In exercise of the powers conferred by clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the Authority or officer mentioned in column (2) of the Table hereto for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

TABLE

S. No.	Authority/Officer	Jurisdiction
(1)	(2)	(3)
1.	State or Union Territory level Environment Impact Assessment Authority (SEIAA) constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.	Whole of State or Union Territory
2.	Any Director, Conservator of Forests or Additional Principal Chief Conservator of Forests Posted in any of the Regional Offices of the Ministry of Environment and Forests (MoEF).	Jurisdiction of the Regional Office as decided by the Ministry of Environment and Forests

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

११९९
२२/११/१९

कीर्ति/पिंपरी/३६/१८ दि. ३१/३/१८
1021

पिंपरी चिंचवड महानगरपालिका, पिंपरी ४११ ०१८. ANNEXURE-A-4

(यापुढील व्यवहारात क्रमांक व दिनांक यांचा उल्लेख करावा.)

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

(कमेन्समेंट सर्टिफिकेट)

सुधारित

बांधकाम चालू करणेकरिता दाखला

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

हो.क्र. १०३३९८१९००९८६६०.

पिंपरी चिंचवड महानगरपालिका, पिंपरी -१८.

क्रमांक -बी.पी./ पिंपरी १३८ / २०१९

दिनांक: १६/०५ / २०१९

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

सुरेंद्रकुमार सागरवाल

द्वारा : ला. आ. / ला. स. श्री.

संग्राम साबुके

गायकवाड अहमदु बिल्लोई चौध पुणे-०७.

यांना

पिंपरी चिंचवड महानगरपालिका यांजकडून

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

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

TRUE COPY

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

स्थळ प्रतीबर न. सह शहर
अभियंता यांची स्वाक्षरी जसे

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

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

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

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

काही महत्त्वाच्या सूचना

जागा वापरण्यास सुरुवात करण्यासंबंधी

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

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

अ) विकसकाचा मालकाचा पत्ता

मोबाईल क्र.: ९०४९२१५०९९

पत्ता : स.नं. २०९/अ/२

पिंपरी पुणे - १६

ब) बांधकामाच्या साईटचा पत्ता

पिंपरी - पिंपरी

स.नं. २०९/अ/२

क) RERA रजिस्ट्रेशन क्रमांक

TRUE COPY

[Signature]

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

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

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

(Commencement Certificate)

Certificate for commencement of Construction

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

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

Pimpri Chinchwad Municipal
Corporation, Pimpri-411018

Number- B.P./Pimpri/38/2019

Date: 16/05/2019

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

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in
accordance with Sec. 45 of the Maharashtra Regional and Town
Planning Act, 1966 and Section 253 and 254 of the Bombay
Provincial Municipal Corporation Act, 1949 seeking permission
for commencement of construction on the land within the limits
of Pimpri Chinchwad Municipal Corporation bearing Survey No.
209/A/2, CTS No. **4702**, Plot No. **2/3/B** Pimpri, which was
received by us on **26.03.2019**. Accordingly, a consent letter for

TRUE TRANSLATION



carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to ____ hereunder.

- 1) The construction is to be carried out as shown in the new / revised plan.
- 2) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
- 3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
- 4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
- 5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
- 6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.
- 7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the

aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

- 8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate of Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.
- 9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.
- 10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.
- 11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.
- 12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.
- 13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the

building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

- 14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.
- 15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.
- 16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.
- 17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

- 18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.
- 19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.
- 20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.
- 21) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.
- 22) Construction will not be carried out without submission of Class-1 land confirmation and "No Objection Certificate" for class-2 land to Municipal Corporation from Hon'ble Sub-divisional officer / Hon'ble Additional District Collector/ Hon'ble Collector.
- 23) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.

- 24) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.
- 25) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.
- 26) It is mandatory on part of developer that required minor minerals for the building construction will be purchased from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.
- 27) In case, if construction area of plot is more than 5000 Sq. Mtrs, then it is mandatory to obey the terms and conditions stipulated in notification dated 28 June 2017 issued by Ministry of Environment, Forest and Climate Change and if the construction area of plot more than 20000 Sq. Mtrs., then it is mandatory to obey the terms and conditions stipulated in circular dated 29 January 2018 and in said case construction will not be started without submission of NOC from Environment Department.
- 28) It is mandatory on part of developers to register under Real Estate Regulation and Development Act, 2016 (RERA) within stipulated time.
- 29) Developer has to install and operate the WATER RECYCLE UNIT in case the plot area more than 2000 Sq. Mtrs. or total flats more than 50.

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

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

-SOME IMPORTANT INSTRUCTIONS-**-REGARDING COMMENCEMENT OF USE OF SPACE-**

- 1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
- 2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing through the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
- 3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
- 4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.
- 5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and

construction may be commenced after obtaining such consent letter.

- 6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.
- 7) The water meter may get set to the tap through the municipal corporation before commencement of construction.
- 8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. If the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner

himself could not use the building for himself or could not allow other to the same.

- 9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.
- 10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.
- 11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.
- 12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.
- 13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

- 14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.
- 15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,
- 16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.
- 17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.
- 18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.
- 19) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

Developer/ Owner Address: -

Construction Site Address:-

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

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

//TRUE TRANSLATION//

A handwritten signature in black ink, appearing to be 'M. S. J.', written over a horizontal line.

132
15/11/2020

बीपी/पिंपरी/३८/२०१९ दि. १६/०९/२०१९

क्र. - १०३३९९२००००९३९८

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११ ०१६

(या पुढील व्यवहारात क्रमांक व दिनांक यांचा उल्लेख करावा)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे संदर्भ नसावा न घेता अर्जदारास हे समंतीपत्र देण्यात येत आहे.)
(कमेन्समेंट सर्टिफिकेट)



सुधारित

बांधकाम चालू करणेकरिता दाखला

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

पिंपरी चिंचवड महानगरपालिका, पिंपरी - १८.

क्रमांक - बी.पी./ पिंपरी / ०४ / २०२०

दिनांक : ०८ / ०९ / २०२०

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

आगव्याज

द्वारा : ला. आ. / ला. स. श्री.

सुभाष सुबेदी

अपेक्षा इन्स्यु विल्डिंग सोध प्रो-००

यांना

पिंपरी चिंचवड महानगरपालिका यांजकडून

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

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

TRUE COPY

M. S. S.

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

स्थळ प्रतीवर मा. सह शहर
अभियंता यांचे स्वाक्षरी असे

उप अभियंता
पिंपरी चिंचवड महानगरपालिका

कार्यकारी अभियंता
पिंपरी चिंचवड महानगरपालिका

सह शहर अभियंता
पिंपरी चिंचवड महानगरपालिका

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

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

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

काही महत्वाच्या सूचना

जागा वापरण्यास सुरूवात करण्यासंबंधी

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

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

अ) विकसकाचा मालकाचा पत्ता

ब) बांधकामाच्या साईटचा पत्ता

मोबाईल क्र. _____

मो.पिंपरी स.नं. २०६३३२

ई-मेल _____

पिंपरी पुणे-१८.

पत्ता : मो.पिंपरी स.नं.

२०६३३२ पिंपरी पुणे-१८.

क) RERA रजिस्ट्रेशन क्रमांक

TRUE COPY

[Handwritten Signature]

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

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

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

(Commencement Certificate)

Certificate for commencement of Construction

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

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

Pimpri Chinchwad Municipal
Corporation, Pimpri-411018

Number- B.P./Pimpri/04/2020

Date: 08/01/2020

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

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in
accordance with Sec. 45 of the Maharashtra Regional and Town
Planning Act, 1966 and Section 253 and 254 of the Bombay
Provincial Municipal Corporation Act, 1949 seeking permission
for commencement of construction on the land within the limits
of Pimpri Chinchwad Municipal Corporation bearing Survey No.
209/A/2, CTS No. **4702**, Plot No. **2/3/B** Pimpri, which was
received by us on **25.11.2019**. Accordingly, a consent letter for

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carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to ____ hereunder.

- 1) The construction is to be carried out as shown in the new / revised plan.
- 2) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
- 3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
- 4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
- 5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
- 6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.
- 7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the

aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

- 8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate of Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.
- 9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.
- 10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.
- 11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.
- 12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.
- 13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the

building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

- 14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.
- 15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.
- 16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.
- 17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

- 18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.
- 19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.
- 20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.
- 21) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.
- 22) Construction will not be carried out without submission of Class-1 land confirmation and "No Objection Certificate" for class-2 land to Municipal Corporation from Hon'ble Sub-divisional officer / Hon'ble Additional District Collector/ Hon'ble Collector.
- 23) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.

- 24) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.
- 25) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.
- 26) It is mandatory on part of developer that required minor minerals for the building construction will be purchased from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.
- 27) In case, if construction area plot more than 20000 Sq. Mtrs., then without submission of NOC from Environment Department, construction will not be started.
- 28) It is mandatory on part of developers to register under Real Estate Regulation and Development Act, 2016 (RERA) within stipulated time.
- 29) Developer has to install and operate the WATER RECYCLE UNIT in case the plot area more than 2000 Sq. Mtrs. or total flats more than 50.

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

- 1) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/

Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/
Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple
Saudagar/ Wakad/ Rahatani/ Thergaon for information and
further action.

- 2) Tax Collection Department, Head Office.
- 3) Hon'ble CEO, Pune Housing and Area Development
Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-**-REGARDING COMMENCEMENT OF USE OF SPACE-**

- 1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
- 2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing through the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
- 3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
- 4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.
- 5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and

construction may be commenced after obtaining such consent letter.

- 6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.
- 7) The water meter may get set to the tap through the municipal corporation before commencement of construction.
- 8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. If the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner

himself could not use the building for himself or could not allow other to the same.

- 9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.
- 10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.
- 11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.
- 12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.
- 13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

- 14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.
- 15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,
- 16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.
- 17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.
- 18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.
- 19) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

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

Mobile No. _____

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

Email: _____

CTS-4702.

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

Pimpri Pune-18, _____

//TRUE TRANSLATION//

