

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH PUNE
ORIGINAL APPLICATION NO. 48/2020

IN THE MATTER OF

MR. TANAJI BALASAHEB GAMBHIRE ...APPLICANT

VERSUS

UNION OF INDIA THROUGH

SECRETARY-MoEF & CC & ORS. ...RESPONDENTS

FILE-A
[VOLUME-_____]

REJOINER ON BEHLF OF ORIGINAL APPLICANT-TANAJI B.
GAMBHIRE TO REPLY OF PP DATED 09.01.2023, MPCB REPLY
DATED 23.11.2022, MOEFCC REPLY DATED 01.12.2021 &
PMC REPLY DATED 25.02.2023 AND OBJECTION TO SITE
VISIT REPORT OF MOEFCC DATED 25.02.2023 AND JOINT
COMMITTEE REPORT

(FOR PAPERBOOK INDEX KINDLY SEE INSIDE)

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(TANAJI B. GAMBHIRE)
APPLICANT IN-PERSON

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FILE-A
(VOLUME-_____)

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Date: 28.02.2023

Bombhise
APPLICANT

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PART-A: Brief Facts

1. I state that, the OA is filed on 01.08.2020 for violations of terms & conditions of ex-post facto EC dated 10.04.2007 granted by MoEFCC and Consent to Establish Consent to Establish dated 29.04.2006 & Consent to Operates dated 21.01.2014, 03.06.2015, 14.08.2018 & 17.05.2019 by MPCB and other violations constituting damage to the environment by Respondent No. 14 & 15-PP.
2. I state that, this Hon'ble NGT vide its Order dated 01.09.2021 issued notice to the Respondent nos. 1, 3 to 5, 7 to 11 and 13 to 15 and also directed Registry to put the case Appeal No. 42 of 2020 with the present OA. This Applicant completed the Service on the Respondents and file its Service Affidavit vide dated 06.10.2021.
3. I state that, this Hon'ble NGT vide its Order dated 25.10.2021 granted time to the Respondents No. 7, 8, 10, 11, 14 and 15 to file their reply affidavits with the supporting documents till 06.12.2021.

4. I state that, this Hon'ble NGT vide its Order dated 06.10.2021, granted final opportunity to file the Joint Committee Report till 02.02.2022 and thereafter, this OA was listed for hearing on 23.09.2022 after lapse of Seven months, even though the Respondent No. 14 & 15-PP did not filed their reply affidavit and committed deliberate delay and sought four week time to file their reply. This Applicant served the notice on Respondent No. 2-Chief Secretary of GoM & Respondent No. 6-Anil Digikar and filed service affidavit vide dated 11.10.2022.
5. Further I state that, this Hon'ble NGT vide its Order dated 24.11.2022 again Respondent No. 10 to 12-PMC and Respondent No. 14 & 15-PP sought two week time for filing of their reply affidavit. I state that, this Hon'ble NGT vide its Order dated 11.01.2023 again Respondent No. 10 to 12-PMC and Respondent No. 3 to 5-PS-DoE, SEIAA & SEAC-III sought two week time for filing of their reply affidavit.
6. I state that, this Original Applicant is filing this Rejoinder to the Replies affidavit of R-14 & 15-PP dated 09.01.2023, R-1-MoEFCC dated 01.12.2021, R-6 & 7-MPCB dated 23.11.2023, R-10 to 12-PMC vide dated 25.02.2023, Site Inspection Report of R-1-MoEFCC vide dated 23.02.2022 and Joint Committee Report in Connected Appeal No. 42/2020(WZ) vide dated July-2022 as below;

PART-B:

7. IMPORTANT DATES AND EVENTS:

I state that, the following dates & events to understand the violations committed by PP and also to understand the maintainability of original Application and misleading statements of the Respondent No. 14 & 15-PP.

Sr.	Date	Event	Remark
1.	04.05.1994	MoEF issued EIA Notification-1994	
2.	07.07.2004	MoEF issued Amendment in EIA Notification-1994	
3.	13.02.2006	Public Hearing Conducted by MPCB	A-1, P@341-353
4.	29.04.2006	Consent to Establish granted by MPCB	A-1, P@60-64
5.	29.05.2006	Application for the prior EC	
6.	14.09.2006	MoEF issued Environment Impact Assessment (EIA) Notification-2006 vide S.O.1553(E) mandating prior EC for building Construction project having BUA more than 20,000 Sq. Mtrs.	
7.	15.12.2006	EAC Minutes of 8 th Meeting	P@681
8.	10.04.2007	Prior Environment Clearance issued under EIA Notification-1994 as amended in July-2007	A-2, P@65-69
9.	23.05.2007	EC compliance report	A-3, P@70-72
10.	21.01.2014	First Consent to Operate granted by MPCB	A-4, P@73-77
11.	20.05.2014	Minutes of 70 th SEIAA Meeting held on	A-5, P@78-79
12.	08.07.2014	Minutes of 12 th SEAC-III of Meeting	A-6, P@80
13.	10.03.2015	Minutes of 27 th SEAC-III of Meeting	A-7, P@81
14.	03.06.2015	Renewal Consent to Operate	A-8 P@82-87
15.	23.12.2016	Application for amendment in Environment Clearance of 10.04.2007 before SEIAA	A-9, P@88-119
16.	15.07.2017	Minutes of 58 th SEAC-III of Meeting	A-10, P@120-129
17.	12.05.2018	PP letter to the SEAC-III for reconsideration of the proposal	A-11, P@130
18.	10.08.2018	Final Order and Judgment passed by Hon'ble SC in CA No. 10854/2016, CA No. 10901/2016 and CA No. 5157-58/2018	A-12, P@131-187
19.	14.08.2018	Renewal Consent to Operate	A-13, P@188-193
20.	24.08.2018	Minutes of 68 th SEAC-III of Meeting	A-14, P@194-203
21.	24.08.2018	Consolidated statement submitted by PP	A-15, P@204-215
22.	04.10.2018	PP letter to the SEIAA for consideration of the proposal	A-16, P@216-222
23.	17.05.2019	Renewal Consent to Operate granted by MPCB	A-17, P@223-228
24.	07.07.2019	Complaint/Notice sent by applicant to various authority including PP	A-18, P@229-258

25.	29.08.2019	Show Cause Notice issued by SEIAA to PP	A-19, P@259-261
26.	11.09.2019	PP threatening reply to notice of applicant	A-20, P@262-263
27.	18.09.2019	Minutes of 175 th SEIAA Meeting	A-21, P@264-273
28.	11.12.2019	Minutes of 99 th SEAC-III Meeting	A-22, P@274-284
29.	10.06.2020	Minutes of 109 th SEAC-III Meeting	A-23, P@285-295
30.	23.06.2020	Minutes of 201 st SEIAA Meeting	A-24, P@296-307
31.	20.07.2020	SEIAA granted ex-post facto amendment in EC	
32.	01.08.2020	OA filed before NGT	P@01-59
33.	09.08.2021	Joint Committee Visit NGT Order in APL-42/2020	
34.	July-2022	Joint Committee Report in APL-42/2020	
35.	23.02.2022	Site Inspection Report of R-1-MoEFCC	P@360-411

I state that, the Respondent No. 14 & 15 have procured the first EC dated 10.04.2007, which was valid for the 5 years from its grant and said EC dated 10.04.2007 got expired on 09.04.2012 and even thereafter, PP have carried out construction till 03.11.2016 & 04.04.2019 with renewal of Building Construction plans from PMC vide dated 14.07.2014 & 04.04.2019 increasing the capacity of the project also increasing the pollution load from 34170.83 M2 to 94783.52 M2. Also without holding valid CTE as the CTE dated 24.09.2006 got expired on 24.09.2011. Therefore, cause of action first arose to file present Application is on 23.06.2020, when SEIAA decided to grant the amended EC for the project in violations of EIA Notification, 2006 r/w provisions of Environment (P) Act, 1986, Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Hazardous & Municipal Solid Waste Handling Rules and thus the OA is maintainable and well within the time limits under NGT Act, 2010.

PART-C:

8. TOTAL BUA AS PER EC APPLICATIONS, EC, CTE, CTO, PMC AND ILLEGAL EXCESS CONSTRUCTION:

I state that, the following permissions shows that the total BUA of the project allowed to construction as per the First EC dated 10.04.2007 was 34170.83 M², whereas, EC dated 20.07.2020 shows the drastic illegal increase in the total BUA of the construction to the tune of 94783.52 M². Therefore, R-14 & 15-PP have committed the violations of EIA Notification, 2006 r/w provisions of Environment (P) Act, 1986, Water (P@CP) Act, 1974, Air (P&CP) Act, 1981 and Hazardous & Municipal Solid Waste Handling Rules.

Permission	Application	Date	Validity	Plot Area (M2)	TBUA (M2)
CTE	05.09.2005	29.04.2006	Not Mentioned	42000	Not Mentioned
EC by MoEF	29.05.2006	10.04.2007	10.04.2012	41806.35	34170.83
EC by SEIAA	24.12.2016	20.07.2020		59399.43	94783.52
CTO		24.11.2009	31.03.2013	41806.35	34170.83
CTO	28.02.2013	21.01.2014	31.01.2015	41806.35	34170.83
CTO	26.12.2014	03.06.2015	31.01.2017	41806.35	34170.83
CTO	07.01.2016	14.08.2018	01.02.2017 to 31.01.2019	41806.35	34170.83
CTO	07.12.2018	17.05.2019	31.01.2020	41806.35	34170.83
CTO	02.12.2019	08.07.2020	01.02.2020 to 31.03.2022	41806.35	34170.83
CTE	31.08.2020			59399.43	95082.28
CTO	31.01.2022			59399.43	95082.28

PART-D:

9. APPLICATIONS FOR ENVIRONMENT CLEARANCE:

- a) I state that, the R-14 & 15-PP filed its application before MoEF vide dated 29.05.2006 for EC and whereas, PP filed Application before SEIAA vide dated 24.12.2016 for amendment in EC. Both these applications discloses the total BUA of the project is more than 20000 M2 and this

BUA is including of the all covered areas and it have no reference to the FSI in the application dated 29.05.2006. Therefore, even the Application for EC by PP was filed on 29.05.2006 before MoEF under EIA Notification, 1994 r/w Amendment dated 07.07.2004.

- b) However, during the pendency of the Application, MoEF issued EIA Notification, 2006 which came into force vide dated 14.09.2006 superseding EIA Notification, 1994 & 07.07.2004. Therefore, EAC has considered the proposal under EIA Notification, 2006 and same can be evident form the Para-1 of the EC dated 10.04.2007 itself and therefore, the stand taken by the Respondent No. 14 & 15-PP on account of grant of EC dated 10.04.2007 under EIA Notification, 1994 r/w. 07.07.2004, wherein BUA is not defined and its Application is dealing with only FSI area which is BUA as per DRC regulations is totally wrong and this idea is given by the officials from SEIAA & PS-DoE officials just to overcome their illegal activity of collusion with PP & misdeeds committed by the official by misusing the complaint dated 07.07.2019 of this Applicant for their prohibited business under the Prevention of Corruption Act, 1988.
- c) I state that, the consent of the Built-up area, covered area, FSI, Non-FSI Area, Area open to sky etc. have their separate interpretation under the common civil engineering parlance and the definitions of these terminologies have independent meaning and these terms are not synonyms of the each other. Therefore, EC dated 10.04.2007 is granted on the total Built-up area of 34170.83 M2 and this area is not the FSI Area but it is including both FSI & Non-FSI area.

PART-E:**10. EX-POST FACTO ENVIRONMENT CLEARANCES PROCURED BY PP**

- a) I state that, the MoEF has issued First EC dated 10.04.2007 on following terms and conditions;

*“I am directed to refer to your application seeking prior environment clearance for the above project under EIA Notification 1994 as amended on July 7, 2004. The above proposal has been appraised as per the prescribed procedure on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, EIA, EMP, Public Hearing proceedings and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee (EAC) constituted by the Competent Authority in its eighth meeting held on 15-16 December, 2006 **and provisions under EIA Notification 2006.***

*“2. The project proponent is proposing for the development of Shopping Mall “Ishsnya” at C. S. No. 190 & 192, Shastri Nagar, Yerwada, Pune, Maharashtra. The Project involves development of Shopping Mall comprising of Amphitheatre, Art Galleries and computer simulation area etc. in **total plot area of 41806.35 Sq. Mtrs.** The **total built-up area** as indicated in **34170.83 Sq. m.** Total **water requirement** will be **637 cu. m/day.** and total **wastewater generation** from complex will be **245 cu. m/day.** A **STP** having capacity of **300 cu. m/day** to treat wastewater generated from the mall will be installed at site.”*

“6. In the case of any change(s) in the project, the project would require a fresh appraisal by this Ministry.”

Therefore, PP has carried out the construction of 94568.64 M² against the total BUA of 34170.83 M² permitted in EC dated 10.04.2007.

Therefore illegal Excess Construction carried out by PP is 60397.81 M².

- b) I state that, the SEIAA Maharashtra have issued the ex-post facto EC dated 20.07.2020 i.e. amendment in EC dated 10.04.2020 for the following parameters;

13. Note on the initiated work (If applicable)	94568.64 m ² As per Previous EC dated 10th April 2007(No.21-243/2006-IA-III)
14. LOI /NOC /IOD from MHADA/ Other approvals (If applicable)	Not Applicable
15. Total Plot Area (sq. m.)	59399.43
16. Deductions	18743.77
17. Net Plot area	40655.66
18 (a). Proposed Built-up Area (FSI & Non-FSI)	FSI area (sq. m.): 33008.80 Non FSI area (sq. m.): 62073.48 Total BUA area (sq. m.): 95082.28
18 (b). Approved Built up area as per DCR	Approved FSI area (sq. m.): 38624.28 Approved Non FSI area (sq. m.): 33765.47 Date of Approval: 14-07-2014
19. Total ground coverage (m ²)	12505.94
20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	21.05 % of Total plot area and 30.76 % of Net plot area
21. Estimated cost of the project	2863500000

“Specific Conditions:

IV. SEIAA decided to grant EC for – FSI: 32710.04 m², Non-FSI: 62073.48 m² and **Total BUA: 94783.52 m²** (Plan Approval no-CC/0027/19, Dated-04.04.2019”

- c) Therefore, both the Environment Clearances were granted under the regime of EIA Notification, 2006 and therefore, PP cannot take undue advantage of his application made under EIA Notification, 1994 r/w amended notification,

07.07.2004 by agitating the issue of non-defining of term BUA & project in the notification of 1994 & 2004.

PART-F:

11. CONSENT TO ESTABLISH PROCURED BY PP

I state that, the PP have procured only one Consent to Establish dated 29.04.2006 and thereafter, PP have not obtained any CTE for change in scope of the project. However, PP was permitted to carried out the construction on total plot area of **42000** Sq. Mtrs., But in actual PP have carried out the construction on total plot area of **59399.43** Sq. Mtrs., having total BUA of the Project **94568.64** Sq. Mtrs. therefore PP have carried out the construction beyond permissible limit of the Consent to Establish and same is suppressed from MPCB.

PART-G:

12. CONSENT TO OPERATES PROCURED BY PP:

- a) I state that, the PP procured number of CTO from MPCB as per their validity period as below;

CTO	Granted on	Validity	No CTO for the period		CTO Not available	Plot Area (M ²)	Total BUA (M ²)
			From	to			
Ex-post facto CTO-1	24.11.2009	31.03.2013	01.04.2013	20.04.2014	385 days	41806.35	34170
Ex-post facto CTO-2	21.04.2014	31.01.2015	01.02.2015	02.06.2015	121 days	41806.35	34170
Ex-post facto CTO-3	03.06.2015	31.01.2017	01.02.2017	13.08.2018	558 days	41806.35	34170
Ex-post facto CTO-4	14.08.2018	31.01.2019	01.02.2019	16.05.2019	106 days	41806.35	34170
Ex-post facto CTO-5	17.05.2019	31.01.2020	01.02.2020	07.07.2020	157 days	41806.35	34170

Ex-post facto CTO-6	08.07.2020	31.03.2022	01.04.2022	28.02.2023	330 days	41806.35	34170
	Actual Total Area					59399.43	94568.64

- b) I state that, as per Joint Committee Report, PP have obtained various occupancy certificate vide dated 17.08.2007, 18.12.2007, 03.06.2008, 12.02.2013 & 30.09.2013 and started the occupancy of the said premises immediately and thereafter, procured the CTO on 24.11.2009 valid upto 31.03.2013 (There was no CTO from 17.08.2007 to 24.11.2013), then CTO on 21.01.2014 valid upto 31.01.2015 (There was no CTO From 01.02.2015 to 02.06.2015), then ex-post facto CTO on 03.06.2015 valid upto **31.01.2017** (There was no CTO From 01.02.2017 to 13.08.2018), then ex-post facto CTO on 14.08.18 valid upto **31.01.2019** (There was no CTO From 01.02.2019 to 16.05.2019), then ex-post facto CTO on 17.05.2019 valid upto **31.01.2020** (There was no CTO From 01.02.2020 to 07.07.2020), then ex-post facto CTO on 08.07.2020 valid 31.03.2022. Thereafter, it seems that there is no CTO issued to this project till date
- c) Therefore, there are gaps in obtaining CTO of total days to the tune of 1657 days due to grant of ex-post facto CTO by MPCB. Don't knot the reasons behind granting such ex-post facto CTO.

PART-H:

13. PMC LAYOUT & BUILDING SANCTIONS AND TOTAL BUA

- a) I state that the PP have procured various building & lay out sanctions from PMC as provided by Joint Committee in its report and all the sanctions are having TBUA more than

20000 M2 since inception of the project and moreover, their population load is said to be more than 5000 persons, defiantly total sewage water/effluent generation more than 50 KLD and also the total investment more than 50 Crores, therefore, PP applied for EC under EIA notification, 1994, but due to subsequent superseding EIA Notification, finally EC was granted under the provisions of the EIA Notification, 2006.

- b) I state that, the PMC have issued following sanctions with its details of total plot area, FSI, Non-FSI & Total BUA as below;

Sr.	CC date	Plot Area	FSI	Non-FSI	TBUA
1.	19.12.2003	88593.06	27561.02	28091.31	55652.33
2.	27.02.2006	88593.06	28719.25	38014.91	66734.16
3.	28.05.2007	60981.55	32853.24	38050.66	70903.90
4.	15.12.2007	60981.55	32423.65	38480.25	70903.90
5.	16.04.2008	60981.55	31121.99	39781.91	70903.90
6.	15.06.2010	59399.43	32113.18	41539.76	73652.94
7.	30.09.2010	59399.43	32838.88	41539.76	74378.64
8.	15.03.2011	59399.43	36847.09	41874.27	78721.36
9.	03.09.2012	59399.43	38624.28	42002.30	80626.58
10.	14.07.2014	59399.43	38624.28	42002.30	80626.58
11.	04.04.2019	59399.43	32710.04	40232.55	72949.59
12.	Actual Status as on date 16.05.2022 reported by PMC vide letter dated 20.05.2022		32710.04	61856.60	94568.64

- c) Therefore, it can be seen from the above table that the R-14 & 15-PP since PMC sanction dated 19.12.2003 to till 16.05.2022 have changed the scope of the project from 55652.33 M² to 94568.64 M² and as against the EC dated 10.04.2007, there is change in the scope of project with increase in TBUA from 34170.83 M² to 94568.64 M². Which is illegal and also the ex-post facto EC dated 20.07.2020 issued by SEIAA is issued in illegal manner of for TBUA 94568.64 M² as against the PMC sanction dated 04.04.2019

approving only TBUA of 72949.59 M². However, PP have carried out the illegal excess construction 21619.05 M² in respect of PMC sanction.

- d) Therefore, PP have committed Violations of EC as well as PMC sanction causing environmental damage on account of consumption of natural resources without remedial & mitigation measures.

PART-I:

14. PMC PLINTH CHECK CERTIFICATES:

I state that, the PP have procured following Plinth Check Certificates-PCC from the PMC;

Sr.	PCC date	Buildings
1.	09.11.2005	N, O
2.	04.03.2006	Bldg-4
3.	21.06.2006	Bldg-3
4.	19.10.2006	Bldg-0, Bldg-5, Bldg-6
5.	16.03.2011	Bldg-0, Bldg-6, Bldg-7
6.	18.04.2011	Bldg-5

PART-J:

15. PMC OCCUPANCY/COMPLETION CERTIFICATES (OC-OCC):

I state that, the PP have procured following occupancy certificate / completion certificate from PMC;

Sr.	OCC date	Buildings
1.	17.08.2007	Bldg-4, 21 Showroom
2.	18.12.2007	Bldg-1, 20 Showroom
3.	03.06.2008	Bldg-0, 7 Showrooms with entire, Bldg-2, 44 Showrooms, 2 Store Room Bldg-3&4, 74 Showrooms & 2 warehouse Bldg-5, 20 Showrooms, 1 Office, Kitchens, Communications Room, Storeroom, Mall Office, Cafeteria Bldg-6, 10 Showrooms, 7 Offices, Kitchen
4.	12.02.2013	Bldg-5, 14 Showrooms, 11 Showrooms with Store, Office Storeroom, Electrical Room & Communication Room, Parking
5.	30.09.2013	Bldg-0, Lobby, Panel room, 4 Shops, 4 Anchor Shops, A.H.U.'s Lift Lobbies,

		Electrical room, Gents& Ladies toilets, Corridors & Parking
6.	03.11.2016	Bldg-2, 1 Electrical room, 2 A.H.U., 13 Showrooms, Gents & Ladies Toilet , Lift Lobby, Passage & Parking

PART-K:**16. SHOW CAUSE NOTICE AND ITS WITHDRAWAL ORDER**

- a) I state that, the Applicant filed complaint vide dated 07.07.2019 before the Government Authorities and based on this Complaint, Respondent No. 3-PS-DoE & Respondent No. 4-MS-SEIAA issued the show cause notice (SCN) dated 29.08.2019 under Section-5 of the Environment (Protection) Act, 1986 r/w EIA Notification, 2006. However, for the reasons best known to the Respondent No. 3-PS-DoE have withdrawn the SCN behind back of this Applicant without giving any notice and in violation of principle of natural justice vide its communication/letter dated 18.02.2020.
- b) I state that, this conduct of the Respondent No. 3-PS-DoE in his personal capacity have misused his power & position for the ulterior motive and therefore, Respondent No. 6-Mr. Anil Diggikar have been added as party Respondent.
- c) I state that, as per the MoEF notification dated 28.02.2014, PS-DoE have no power to deal the violation cases under EIA Notification, 2006 and only SEIAA have the powers to deal with the violation case.
- d) Therefore, this Hon'ble NGT may kindly take the judicial note of the conduct of the Respondent No. 6-Mr. Anil Diggikar.

PART-L:**17. REJOINDER TO THE REPLIES AFFIDAVIT OF R-14 & 15-PP DATED 09.01.2023:**

- A) I state that, the Respondent No. 14 & 15-PP have filed their reply affidavit raising following issues:
- i) **Para-1:** OA is barred by Law of Limitation and Applicant is neither a Victim nor having locus to prefer this OA. Applicant being resident of the Shukrawar Peth have not claimed any damage to him any manner. EC dated 10.04.2007 is granted under EIA Notification, 1994 and Consent to Establish is granted vide dated 29.04.2006.
 - ii) **Para-3:** That the allegation from Para-7 (a to d) of OA are partly correct, The Commercial mall “Ishanya Mall” is now named as “Creativity” is constructed over C.T.S. No. 2185A corresponding Plot-B, Shastri Nagar, Yerwada, Pune land admeasuring 41806.35 M² not over land admeasuring 59399.43M². Therefore, PP have not caused any damage to the Environment & Ecology and no question of imposing any damage.
 - iii) **Para-4:** That the allegation from Para-8 (a to f) of OA, PP applied for EC under EIA Notification, 1994 MPCB granted CTE on 29.04.2006, Public Hearing Conducted on 26.02.2006, Additional EAC have considered the proposal in its 8th Meeting held on 15-16.12.2006 and accordingly EC is granted on 10.04.2007. R-14 & 15-PP have carried out the development as per the sanction plan of PMC and EC dated 10.04.2007 and not made any excess construction at all as the construction is carried out on land admeasuring 41806.35 M² with total FSI Construction is 34170.83 M² and construction carried out is also including Non-FSI and same was put for consideration while seeking EC in the year 2006.

- iv) **Para-5:** Grounds from Para-9 of OA are incorrect & denied and there is no damage to the environment & ecology as the project is completed within permissible limits and CTE.
 - v) **Para-6:** That the allegation from OA in respect of damage to ground water, Commercial complex on Residential Zone, No solid waste management system & waste is dumped to the PMC waste yard, no rain water harvesting system, not provided energy conservation system, not provided 10% open space, traffic congestion, air pollution, are false & denied and Applicant is not come with clean hand and has come with ulterior motive.
 - vi) **Para-7 to Para-30:** That the allegation from Para-10 to 24, 27-33, 39-43 of the OA are incorrect and denied.
 - vii) Therefore, OA may kindly be dismissed.
- B) I state that, contents of the reply affidavit of the Respondent No. 14 & 15-PP are totally false, baseless false, misleading, baseless, vexatious, misconceived, filed with malafide intention on one hand and on other hand, chronology of the events & annexures itself proves the, procurement of ex-post facto EC & ex-post facto CTE/CTO after carrying substantial illegal construction.
- C) **REPLY TO LIMITATION & CAUSE OF ACTION:** In respect of the cause of action, I state that the cause of action is bundle of facts. PP have not dealt with the specific date for cause of action to challenge the maintainability. Joint Committee report (P@224-227) filed in connected Appeal No. 42/2020(WZ) itself proves that the PP have expanded the scope of the project since 20006 to till 20.07.2020 in illegal manner. That the PP have procured the

Commencement certificates till 04.04.2019 and occupancy/completion certificate till 03.11.2016 and thereafter, obtained ex-post facto EC dated 20.07.2020 to get regularise the illegal construction and there is no valid CTE till date.

- D) Therefore, the cause of action first arose to file this Original Application is on 23.06.2020 **{Annex-A-24, P@296-307}**, when SEIAA in its 201st meeting decided to grant ex-post facto EC to the project and acted to regularise illegal expansion/ construction and its triggered cause of action, which is well within limitation of 5 years from filing of OA vide dated 01.08.2020 as held by this Hon'ble NGT in "**Para-20 to 33 of Forward Foundation Case-2015 SCC OnLine NGT 5**" and as uphold by Hon'ble SC in **Para-39 to 50 of Matri Techzone Vs. Forward Foundation-(2019) 18 SCC 494**, and **Para-125 of Common Cause Case-(2017) 9 SCC 499**".
- E) **REPLY TO LOCUS:** it is duty of every citizen to protect the environment under article 51A(g) of Constitution and therefore, the concept of the Locus is liberal in environmental cases as per "Para-10, 37, 42, 86, 88, of MCGM Vs Ankita Sharma, Para-47 of **(1996) 5 SCC 281 Indian Council for Enviro-Legal Action Vs Union of India & Ors.**, Para-29 & 30 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-164@469 of (2019) 15 SCC 401, (1998) 7 SCC 270 in *Dr. Duryodhan Sahu and Others v. Jitendra Kumar Mishra and Ors.*, AIR 1976 SC 578 in *Jasbhai Motibhai Desai Vs Roshan Kumar*, (1977) 1 SCC 155 in *Maharaj Singh Vs State of Uttar Pradesh*". That the Original Applicant is Vigilant Citizen,

whistle blower, informer of environmental cause to the court of law performing his fundamental duties casted by constitution as well as by this Hon'ble Court and acting punctually, diligently, promptly and Original Applicant have raised various environmental issues having three reported judgments of Hon'ble Supreme Court to his credentials for protection of Environment i.e. (2018) 18 SCC 257-Goel Ganga Case, (2019) 9 SCC 288-Goel Ganga Case and 2021 SCC OnLine SC 1133-Sai Baba Sales Case and number of judgment of this Hon'ble NGT i.e. OA No. 184/2015(WZ), OA No. 83/2019, OA No. 64/2019(WZ), OA No. 34/2020(WZ), Appeal No. 32/2020(WZ), Appeal No. 34/2020(WZ), OA No. 28/2019(WZ), OA No. 38/2020 (WZ).

- F) **REPLY TO NON-JOINDER OF PARTIES:** That Statutory provisions have casted the burden on the PP for obtaining requisite mandatory permissions and therefore, for any adverse Order, PP & Respondent-Government Authorities are responsible to bear the consequences as held in Maradu Municipality Case of Kerala by Hon'ble Supreme Court {**2019 SCC OnLine SC 2173**}.
- G) **REPLY TO THE PLURAL REMEDIES:** That the Hon'ble NGT have also resolved the issue of Plural Remedies i.e. single cause of action in "**Para-29 of Forward Foundation Case-2015 SCC OnLine NGT 5**". That, this Original Applicant has instituted present OA based on single cause of action with multiple consequential prayers based on the information under RTI and this relates to the single cause of action i.e. Commencement Certificate granted by the PMC to PP vide dated 22.11.2016 upon condition No. 19 therein for obtaining mandatory prior EC & Consents. Therefore, OA is based on the single cause of action and not hit by

plural remedies as mandated by the Rule No. 14 of NGT (Practice & Procedure Rules), 2011.

- H) **ACCESS TO THE INFORMATION:** That the **access to the information** for technical knowledge of the cause is also very important aspect for dealing with the environmental issues, as it is direct fight between common man having limited resources and mighty & powerful polluters having all means as observed by Hon'ble SC in "**MCGM Vs Ankita Shinha & Ors., 2021 SCC OnLine SC 897**" have held that;

*"75. While discussing the NGT's power and responsibility, it is essential to keep in mind the **Principle 10 of the Rio Declaration** which speaks of three fundamental rights i.e., **access to information, access to public participation and access to justice**, as key pillars of environmental governance. Access to justice, may however be curtailed by illiteracy, lack of mobility, poverty or even the lack of technical knowledge on the part of citizens. Another deterrence is the likelihood of polluters/violators being powerful entities with adequate wherewithal to skirt regulations. Thus, it may not always be feasible for individuals to knock on the doors of the Tribunal, and NGT in such exigencies must not be made dysfunctional."*

"86. The law must be interpreted in such a manner as to foster further development of existing legal concepts by incorporating this sense of equity. The issues which this Court has had the occasion to examine have highlighted the limitations of the mechanisms to reach to the heart of environmental concerns. This Court has previously moulded the jurisdictional jurisprudence in favour of larger societal interest, whether that be in the form of 'Public Interest Litigation' or widening the scope of locus standi."

"The identification of potential environmental justice issues is very important in determining how our enforcement efforts are working in minority and low-income communities, and whether they are comparable to the enforcement efforts in other communities."

- I) Therefore, the preliminary objections of the Respondent No. 14 & 15-PP are illegal and OA is well maintainable on all counts of Jurisdiction, locus, cause of action, limitations, Single cause of action etc.
- J) I stat that, the contents of **Para-7 to Para-30** of the reply affidavit of the Respondent No. 14 & 15-PP are false, misleading, baseless, vexatious, misconceived, filed with malafide intention on one hand and the allegation from Para-10 to 43 of the OA are true & correct and these allegations are supported by the Joint Committee Report July-2022 as well as site inspection report of the MoEFCC.
- K) I state that, the Respondent No. 14 & 15-PP in its EC Application dated 29.05.2006 have categorically mentioned the total BUA and total non-BUA at Page No. **572-574**, which is as below;

Details	Area (M ²)
2.4.2 Details of Area Distribution	34170.83
2.4.3 Distribution of Non-Built up Spaces	19575.73

- L) Therefore, I state that the EC dated 10.04.2007 granted by the MoEFCC is on total BUA which is including both FSI as well as Non-FSI area as there is clear cut exclusion of area open to sky, i.e. area which is not built up area.

PART-M:

18. REJOINDER TO THE R-1-MOEFCC DATED 01.12.2021, R-7 & 8-MPCB DATED 23.11.2023, R-10 TO 12-PMC DATED 25.02.2023, R-6-ANIL DIGGIKAR DATED 22.11.2022 AND SEIAA REPLY DATED 24.11.2022 in APL No. 42/2020(WZ):

- A) **REJOINDER TO THE R-1-MOEFCC DATED 01.12.2021:**

I state that, the Reply affidavit of R-1-MoEFCC dated 01.12.2021 is supporting the contentions of the Original Applicant and confirmed the violations of PP. Also, confirmed that the EC was issued on the total BUA. That the R-1-MoEFCC have filed its site inspection report dated 23.02.2022 (**P@360-411**) and clearly held that, the construction at site to the tune of 94568.64 M2 against the approved built up area of 34170.83 M2 in in violation of Environment Clearance and provisions of EIA Notification, 2006 (**Sr. No.1, Table, P@361-363**). Further, MoEFCC reply Para-10 specifically deals with the proposal was cleared by considering the provisions of the EIA Notification, 2006 at Para-12 of the said notification. That the reply affidavit & site inspection report of the R-1-MoEFCC is supporting the contentions of the Original Applicant, However, it will be important to see the Oral submissions of MOEFCC, because as usual, Government Authorities are not acting as per the letter & spirit of the statute.

B) REJOINDER TO THE R-6 & 7-MPCB DATED 23.11.2023:

a) I state that, the contents of the Reply affidavit of R-6 & 7-MPCB dated 23.11.2023 is supporting the contentions of the Original Applicant and confirmed the violations of PP at one hand. However, MPCB is suppressing the number of day for which there is no valid CTO and also grant of ex-post facto CTO. Also MPCB, has not taken any action against PP for not obtaining the valid CTE and carried out the entire illegal construction on the basis of CTE dated 29.04.2006.

b) I state that the MPCB have also granted ex-post facto consents against the provisions of Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981. Sec-25 of Water Act as well as Sec. 21 of Air Act, have used words “**no person shall, without the previous consent** of the Board”. Therefore, PP has carried out substantial illegal construction in violation of terms & condition of CTE dated 29.04.2006 and also started occupation of project well prior to obtain CTO-I dated 24.11.2009 as admitted in Joint Committee Report filed in Appeal No. 42/2020 (WZ) {Table-1, P@224-227 and Table02, P@232}. Therefore, MPCB has to calculate the penalty as well as damages on account of no obtaining of revised CTE and CTO non-availability.

C) **REJOINDER TO THE R-10 TO 12-PMC VIDE DATED 25.02.2023:**

- a) I state that, the contents of the Reply affidavit of R-10-12-PMC dated 25.02.2023 are partly false and partly true. It is surprising to note that, the PMC is challenging the issue of limitation is on behest of the PP and its Respondent No. 12-Mr. Prashant M. Waghmare to overcome their negligence while granting the building sanction and towards the compliance of terms and conditions of Commencement Certificate, EC, CTE, CTO and allowing PP to raise substantial illegal construction.
- b) I state that, the PMC have raised the issue of limitation by stating that, the Cause of action to file OA is arose on 19.12.2003 on grant of sanction, therefore, limitation of 6 months u/s. 14 of NGT Act, 2010

expired on 18.06.2007, whereas limitation of 5 years u/s. 15 of NGT Act, 2010 expired on 2008 and OA is filed on 01.08.2020, which is time barred.

- c) I state that, the said issue of limitation is raised on behest of the PP and the Respondent No. 10-12 are habitual erring officers who never wants to be right side of law and thinks them self above the law and this issue of maintainability of OA is already dealt above in detail.
- d) I state that, the R-10-12-PMC are misleading on account of grant of the EC and also mentioning only FSI area against each sanction granted by them as shown in Para-9 of the Affidavit and suppressing Non-FSI Area, However, Joint Committee have provided details of FSI, Non-FSI as well as total BUA against each sanction.
- e) I state that, the R-10-12-PMC are also misleading on account of Rules relying on DCR of 2017, in actual this project is sanctioned & completed on the basis of DCR of 1987. Therefore, DCR of 2017 is not applicable.
- f) I state that, the EIA Notification, 2006 is the part of Environment (Protection) Act, 1986 and it is central legislation and superior to the State Legislation, therefore, EIA Notification, 1994, its Amendment dated 07.07.2004 & EIA Notification, 2006 and Water (P&CP) 1974, Air (P&CP) Act, 1981 are independent mandatory statute have separate force and superior to the DCR provisions, therefore, there is no need to mention for obtaining of EC in the DCR and this contentions does not provide any benefits to the PMC as well as PP.

- g) I state that, the Respondent No. 12-Mr. Prashant Waghmare–City Engineer of PMC have issued the Circulars for strict implementation of EIA Notification-2006 dated 02.11.2006 {**ANNEXURE-A-4 herein**}. But these circulars are only paper work to show off, in actual this respondent has shown dustbin to the EIA Notification-2006 and this Respondent has spoiled entire Pune City by promoting non-sustainable development on account of Mother Nature and entire public infrastructure of the city is collapsed due to this Respondent and for his ill will goals as this Respondent is holding the Post of City Engineer since 2002 in illegal manner without transfer against Civil Service Rules.
- h) Therefore, I state that the contentions raised by the Respondent No 10-12-PMC itself shows their collusion with the Respondent No. 14 & 15-PP and their reply affidavit of PMC seems to be drafted by PP and just blindly signed by the PMC officers for undue advantage.

D) REJOINDER TO REPLY OF R-6-ANIL DIGGIKAR DATED 22.11.2022:

I state that, the contents of Reply Affidavit dated 22.11.2022 of the R-6-Mr. Anil Diggikar former Member Secretary and PS-DoE is false, misleading, baseless and his acts are contrary to the law due to its professional misconduct due to its attitude to be 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. Further I state that, the MoEFCC vide its notification dated 28.02.2014 (**ANNEXURE-A-5**) 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 29.08.2019, R-6 used both the positions of MS-SEIAA as well as PS-DoE, however, while withdrawing the show cause notice vide its communication/letter dated 18.02.2020 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 Original Applicant 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.

E) REJOINDER TO REPLY OF R-4-SEIAA DATED 24.11.2022 in APL No. 42/2020(WZ):

- a) I state that, the SEIAA advocate has made the statement recorded in the Order dated 24.11.2022 that, the SEIAA have filed the reply affidavit and no need to file affidavit on behalf of the R-3 & R-5.
- b) I state that, the contents of the reply affidavit dated 24.11.2022 filed by the SEIAA in Appeal No. 42/2020 (WZ) is supporting the contention raised by Original Applicant and Appellant in Appeal No. 42/2020 (WZ) on one hand by stating that there is illegal construction carried out by the PP against the EC dated 10.04.2007

committing the violations of the EIA Notification, 2006 and on other hand, SEIAA also justifying their illegal ex-post facto EC and this paradox statement of SEIAA is surprising to this Original Applicant. However, the Act of SEIAA is totally illegal for grant of ex-post facto EC and SEIAA supposed to reject the EC on the ground that there is no exceptional circumstances established by PP for not obtaining prior EC.

- c) That the SEIAA have filed their reply affidavit vide dated **24.11.2022** in Appeal No. 42/2020 and stated that, the SEIAA have granted EC dated 20.07.2020 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 also 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** dated July-2022 filed in Appeal No. 42/2020 **{P@220-233}** as well as **PMC Reply affidavit** dated 25.02.2023 **(P@771-775)**.

Therefore, SEIAA & PS-DoE have abused due process of law.

- d) Therefore, this Hon'ble NGT may kindly take judicial note of this conduct of the SEIAA.

PART-N:

19. COMMENTS TO THE SITE INSPECTION REPORT OF R-1-MOEFCC VIDE DATED 23.02.2022 AND JOINT COMMITTEE REPORT IN CONNECTED APPEAL NO. 42/2020(WZ) VIDE DATED JULY-2022:

- a) I state that, the Site Inspection Report (**P@360-411**) of the R-1-MoEFCC is clearly stating that there is violation committed by the Respondent No. 14-15-PP at one hand and on other hand filed paradox reply affidavit creating ambiguity in the settled position of the law for the reasons best known to the MoEFCC.
- b) I state that, the Joint Committee Report dated July-2022 filed in connected Appeal No. 42/2020(WZ), clearly opined that the PP have carried out construction of more than 34170.84 M², PP have committed violation of General condition No. 6 of EC dated 10.04.2007 by carrying out illegal construction of Building No. 7 and its change in scope of project and Also, PP have carried out illegal construction even after the expiry of EC dated 10.04.2007 on 09.04.2012 and violated the provision of Para-9 of the EIA Notification, 2006.
- c) I state that, the RO-MoEFCC as well as Joint Committee, MPCB, SEIAA failed to compute the compensation for Environmental Damage caused by PP and this act, clearly shows their involvement in protecting illegal activity of PP.

- d) Therefore, I state that, the officials of Respondent No. 1- MoEFCC, MPCB, SEIAA, PMC in their personal capacity as well as official capacity are setting in line with the PP for their ill motive. And for this reasons, Report of the Joint Committee & site inspection report of RO-MoEFCC may kindly be accepted to conclude the violations of PP.

PART-O:

20. CASE LAWS BY ORIGINAL APPLICANT:

- a) Forward Foundation Case-**2015 SCC OnLine NGT 5** at **Para-20-33:** Entire pleadings has to be considered, Cause of Action & Limitation & **Para-29:** Plural Remedies/Single Cause of action.
- b) Tanaji B Gambhire Vs Union of India & Ors.-**2016 SCC OnLine NGT 4213** at **Para-40-43:** set aside the illegal communication/order on own motion, **Para-46-47:** Illegal activity of PMC-City Engineer & Principle of sustainable development, **Para-52-53:** Damage to Environment, remedial & restorative steps, Careless & Reckless attitude of PP.
- c) 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.
- d) 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-26-28**: Ex-post facto EC granted without scientific appraisal & assessment is quashed, **Para-64**: Manipulation of Government Officials & Higher damage to be imposed on polluter,

- e) Mantri Techzone Pvt. Ltd. Vs. Forward Foundation & Ors. **(2019) 18 SCC 494** at **Para-39-50**: Maintainability, Cause of Action, Limitation, powers u/s. 14, 15, 20, 33 (Overriding Effect) etc. **Para-49**: Environmental Degradation gives rise to an independent cause of action, **Para-50**: 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.
- f) Cavelossim Villagers Forum Vs Village Panchayat of Cavelossim, **2019 SCC Online NGT 1662** at **Para-14**: Cause of Action & Limitation “*Forward foundation case Para-24 to 32*”, **Para-15**: Limitation commences not merely from first step in the matter but from continuing facts which show substantial question of environment on account of violation of relevant environmental laws. **Para-19**: Sec. 20 of the Act i.e. ‘Precautionary’ principle, ‘Sustainable Development’ principle and ‘Polluter Pays’ principle. It may be inevitable to pass orders in the nature of public interest. It may be said to be comparable or otherwise to PIL jurisdiction. Fact remains that jurisdiction under Section 15 read with Section 20 of the Act has to be exercised meaningfully to protect environment.

- g) MCGM Vs Ankita Sinha & Ors. **2021 SCC Online SC 897: Para-75: Principle 10 of the Rio Declaration** which speaks of three fundamental rights i.e., **access to information, access to public participation and access to justice**, **Para-86:** Larger societal interest, whether that be in the form of ‘Public Interest Litigation’ or widening the scope of locus standi.
- h) **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.

- i) Tanaji B Gambhire Vs Union of India & Ors in **OA No. 34/2020(WZ)** Order dated **24.02.2022** at **Para@7:** OA filed on 29.06.2020. Even according to the Project Proponent, the projects were continuing beyond 30.06.2015 and thus, threshold bar which applies to proceedings filed five years after the accrual of cause of action is not attracted, **Para-8:** Application for ex-post facto EC & PP not informed for requirement of EC while issuing commencement certificate cannot be accepted as ignorance of law is no excuse, **Open**

Space on Podium-as per DCR-ignoring the law laid down in MCGM Vs. Kohinoor CTNL Infrastructure Co (P) Ltd., (2014) 4 SCC 538.

- j) Tanaji B Gambhire Vs Union of India & Ors, In **OA No. 33/2020(WZ)** Order dated 02.03.2022: **Para-5:** Grant of subsequent EC does not exonerate the PP of consequences of violation in obtaining prior EC, as held inter-alia in *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.
- k) 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.**
- l) 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.

PART-P:

21. THEREFORE, IT IS HUMBLE SUGGESTIONS OF ORIGINAL APPLICANT THAT:

- a) That the present case is totally covered Common Cause Case, Goel Ganga Case as the PP have carried out substantial illegal construction of more than TBUA **of 60612.69 M² (94783.52M²-34170.83 M₂)** without prior EC & CTE and in violations of term and conditions of EC dated 10.04.2007 & CTE dated 29.04.2006 and thereafter

procured the ex-post facto dated 20.07.2020 with misdeeds by maneuvered & manipulated the Government Authorities as similarly happened in Goel Ganga Case as observed by the Hon'ble Supreme Court in **Para-64** of **(2018) 18 SCC 257**.

- b) That in Sterlite Industry case, Hon'ble Supreme Court have held that the environmental compensation must be exemplary to have deterrent effect on the polluters and also, we cannot reach the exactitude of the compensation in due to complexity in environmental matters and long term impact on environmental.
- c) That in MC Mehta case, Hon'ble Supreme Court have held strict liability as well as absolute liability of Polluters, further extending the principle having the mightiness & resourceful of PP, higher shall be the environmental compensation.
- d) That the this Hon'ble NGT have imposed the compensation to the tune of 5% & 10% of total project cost, However, these compensation component is the general law. However, the case in hand, R-14 & 15-PP are might, resourceful, having access to the power corridor and well established entity with legal & technical experts at door step service, therefore, the violations committed by the PP are intentional, careless & reckless manner being unapologetic.
- e) I state that, this Hon'ble NGT may kindly impose the exemplary damages on PP to have deterrent effect.
- f) I state that, this Hon'ble NGT may kindly take judicial note of the conduct of Respondent No. 6-Mr. Anil Diggikar and Respondent No. 12-Mr. Prashant M. Waghmare.
- g) That this Hon'ble NGT have powers under section 33 of NGT act, 2010 to have overriding effect to any other legislature

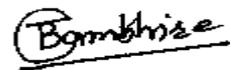
inconsistent with the provision of the act as held by Hon'ble Supreme Court in **Para-47 of Mantri Techzone Case (2019) 19 SCC 494.**

- h) That this Hon'ble NGT have powers to pass strict orders 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. Prashant Waghmare** & careless & reckless **PP** must be saddled with heavy cost that to be utilised for legal aid in the environmental matters.
- i) 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.
- j) Therefore, this Hon'ble NGT may kindly pass appropriate Orders/directions/reliefs for restitution & restoration of area.

22. Hence this Affidavit.

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.

Date: 28.02.2023



MR. TANAJI B. GAMBHIRE
ORIGINAL APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE
ORIGINAL APPLICATION NO. 48 OF 2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIREAPPLICANT
VERSUS

UNION OF INDIA & ORS.RESPONDENTS

AFFIDAVIT IN SUPPORT OF REJOINER TO THE RESPONDENTS
REPLY & OBJECTIONS TO THE JOINT COMMITTEE REPORT

I, Mr. Tanaji Gambhire S/o Shri. Balasaheb Gambhire Age: 39
Years, Profession: Advocate, R/at: CTS No. 296, Shukrawar Peth, Laxmi
Apartment, Near Shivaji Maratha High School, White House Lane, Pune-
411002, do hereby solemnly affirm and state on oath as follows:

1. I state that, I am Original Applicant 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 & Objections to the Joint Committee Report, the same has been drafted by my advocate under my instruction and that the Para-1 to 22 of the reply are true facts in my personal knowledge.
3. I state that, the annexures attached with the Rejoinder to the Respondents Reply & Objections to the Joint Committee Report 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.



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AFFIANT

(MR. TANAJI B. GAMBHIRE)

BEFORE ME

[Signature]

NARHAR V. KULKARNI
ADVOCATE & NOTARY
GOVT. OF INDIA

Noted and Registered
at Sr.No. 076/2023
Date: 28 FEB 2023

NARHAR V. KULKARNI
ADVOCATE & NOTARY
GOVT. OF INDIA
B-7, Atharva Complex,
S. No. 1/6+7/1, Suncity Road,
Vadgaon Bk., Pune-411 051.



ANNEXURE-A-1**MINISTRY OF ENVIRONMENT AND FORESTS****ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION S.O.60(E), dated
27/01/1994**

(incorporating amendments vide S.O. 356(E) dated 4/5/1994, S.O. 318(E) dated 10/4/1997, S.O. 319 dated 10/4/1997, S.O. 73(E) dated 27/1/2000, S.O. 1119(E) dated 13/12/2000, S.O. 737(E) dated 1/8/2001, S.O. 1148(E) dated 21/11/2001, S.O. 632(E) dated 13/06/2002)

- 1) **S.O. 60 (E)**- Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

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 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

- 2) Requirements and procedure for seeking environmental clearance of projects:

I.(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter

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alia, include an Environmental Impact Assessment Report, Environment Management Plan and details of public hearing as specified in Schedule-IV prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time. However, Public Hearing is not required in respect of (i) small scale industrial undertakings located in (a) notified/designated industrial areas/industrial estates or (b) areas earmarked for industries under the jurisdiction of industrial development authorities; (ii) widening and strengthening of highways; (iii) mining projects (major minerals) with lease area up to twenty five hectares, (iv) units located in Export Processing Zones, Special Economic Zones and (v) modernisation of existing irrigation projects.

Provided that for pipeline projects, Environmental Impact Assessment report will not be required:

Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through.

(b) Cases rejected due to submission of insufficient or inadequate data and Plan may be reviewed as and when submitted with complete data and Plan. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

- a. mining;
- b. pit-head thermal power stations;
- c. hydro-power, major irrigation projects and/or their combination including flood control;
- d. ports and harbours (excluding minor ports);
- e. prospecting and exploration of major minerals in areas above 500 hectares;

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

- III. (a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such other body under the Central Government authorised by the Impact Assessment Agency in this regard.
- (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.
- (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories, if undertaken and details of the public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project.

- IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency shall make compliance reports publicly available.
- V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3) Nothing contained in this Notification shall apply to:

- a. any item falling under entry Nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No.102 (E) dated 1st February, 1989, S.O. 114 (E)

dated 20th February, 1991; S.O. No. 416 (E) dated 20th June, 1991 and S.O. No.319 (E) dated 7th May, 1992.

- b. any item falling under entry no.1,2,3,4,5,7,9,10,13,14,16,17,19,21,25,27 of Schedule-I if the investment is less than Rs.100 crores for new projects and less than Rs. 50 crores for expansion / modernization projects.
- c. any item reserved for Small Scale Industrial Sector with investment less than Rs. 1 crore.
- d. defence related road construction projects in border areas.
- e. any item falling under entry no. 8 of Schedule-I, if that product is covered by the notification G.S.R. 1037(E) dated 5th December 1989.
- f. Modernization projects in irrigation sector if additional command area is less than 10,000 hectares or project cost is less than Rs. 100 crores.

4) Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

- False information
- False data
- Engineered reports
- Concealing of factual data
- False recommendations or decisions

SCHEDULE-I**(See paras 1 and 2)****LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM
THE CENTRAL GOVERNMENT**

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, Rare Earths.
2. River Valley projects including hydel power, major Irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petrochemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LLDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13 (a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).
(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.
18. All tourism projects between 200m—500 metres of High Water Line and at locations with an elevation of more than 1000 metres with investment of more than Rs.5 crores.
19. Thermal Power Plants.
20. Mining projects (major minerals) with leases more than 5 hectares.
21. Highway Projects except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger Reserves, Reserve Forests
22. Tarred Roads in the Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (individual)
29. Electroplating
30. Meta amino phenol

SCHEDULE-II**[See Sub-para I (a) of para 2]****Procedure for seeking environment clearance of projects.**

1. (1) Any persons who desires to establish a thermal power plant of any category mentioned in Schedule-I, shall submit an application to the Department of the State Government dealing with the subject of environment.

(2) The application shall be made in the Form 'A' specified in Schedule-II annexed to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management plan prepared in accordance with the guidelines issued by the State Department of Environment from time to time.

(3) Cases rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the State Government to reject the case summarily.

5) In case of the pit-head thermal power plants, the applicant shall intimate the location of the project site to the State Government while initiating any investigation and surveys. The State Government will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance will be granted for a sanctioned capacity and it will be valid for a period of five years for commencing the construction or operation of the project.

3. (1) The applicant shall obtained No Objection Certificate from the concerned Pollution Control Board. The State Pollution Control Board shall issue No Objection Certificate to establish only after completing public hearing as specified in Schedule-IV annexed to this notification.

(2) The reports submitted with the application and No Objection Certificate from the State Pollution Control Board shall be evaluated and assessed by the State Government, in consultation with a Committee of experts which shall be constituted by the State Government as specified in Schedule-III appended to this notification.

(3) The said Committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the preparations relating to the plant.

(4) The State Government Department dealing with the subject of Environment shall prepare a set of recommendations based on technical assessment of documents and data furnished by the applicant supplemented by data collected during visits to sites, if undertaken and interaction with affected population and environment groups, if necessary.

(5) The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the applicant and decision conveyed within thirty days thereafter.

(6) the environmental clearance granted shall be valid for a period of five years from commencement of the construction or operation of the project.

4. Concealing factual data or submission of false, misleading data reports, decisions of recommendations would lead to the project being rejected. Approval, if granted, earlier on the basis of false data, can also be revoked.

(FORM A)

APPLICATION FORM

1. (a) Name and Address of the project proposed :

(b) Location of the project:

Name of the Place:

District, Tehsil:

Latitude/Longitude:

Nearest Airport/Railway Station :

(c) Alternate sites examined and the reasons for selecting the proposed site:

(d) Does the site conform to stipulated land use as per local land use plan:

2. Objectives of the project:

3. (a) Land Requirement:

Agriculture Land:

Forest land and Density of vegetation.

Other (specify):

(b) (i) Land use in the Catchment within 10 kms radius of the proposed site:

(ii) Topography of the area indicating gradient, aspects and altitude:

(iii) Erodibility classification of the proposed land:

(c) Pollution sources existing in 10 km radius and their impact on quality of air, water and land:

(d) Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest:

(e) Rehabilitation plan for quarries/borrow areas:

(f) Green belt plan:

(g) Compensatory afforestation plan:

4. Climate and Air Quality:

(a) Windrose at site:

(b) Max/Min/Mean annual temperature:

(c) Frequency of inversion:

(d) Frequency of cyclones/tornadoes/cloud burst:

(e) Ambient air quality data:

(f) Nature & concentration of emission of SPM, Gas (CO, CO₂, NO_x, CH_n etc.) from the project:

5. Water balance:

(a) Water balance at site:

(b) Lean season water availability;

Water Requirement:

(c) Source to be tapped with competing users (River, Lake, Ground, Public supply):

(d) Water quality:

(e) Changes observed in quality and quantity of groundwater in the last years and present charging and extraction details:

- (f) (i) Quantum of waste water to be released with treatment details:
- (ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:
- (iii) Quantum of waste water to be released on land and type of land:

- (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan:
- (ii) Command Area Development Plan:

- 6. Solid wastes:
 - (a) Nature and quantity of solid wastes generated
 - (b) Solid waste disposal method:

- 7. Noise and Vibrations:
 - a. Sources of Noise and Vibrations:
 - b. Ambient noise level:
 - c. Noise and Vibration control measures proposed:
 - d. Subsidence problem, if any, with control measures:

- 8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:
- 9. Peak labour force to be deployed giving details of:
 - o Endemic health problems in the area due to waste water/air/soil borne diseases:
 - o Health care system existing and proposed:
- 10. (a) Number of villages and population to be displaced:
- (b) Rehabilitation Master Plan:
- 11. Risk Assessment Report and Disaster Management Plan:
- 12. (a) Environmental Impact Assessment
- (b) Environment Management Plan:
- (c) Detailed Feasibility Report:
- (d) Duly filled in questionnaire

Report prepared as per guidelines issued by the Central Government in the MOEF from time to time:

- 13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are due to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the

project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant
With name and full address

Given under the seal of
Organisation
on behalf of Whom the applicant is
signing.

Date:

Place:

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE-III

[See Sub. Para(2), Para 3 of Schedule- II]

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The Committees will consist of experts in the following disciplines:

- i. Eco-system Management
- ii. Air/Water Pollution Control
- iii. Water Resource Management
- iv. Flora/Fauna conservation and management
- v. Land Use Planning
- vi. Social Sciences/Rehabilitation
- vii. Project Appraisal
- viii. Ecology

- ix. Environmental Health
 - x. Subject Area Specialists
 - xi. Representatives of NGOs/persons concerned with environmental issues.
2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide managerial experience in the relevant development sector.
 3. The representative of Impact Assessment Agency will act as a Member-Secretary.
 4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.
 5. The Membership of a Committee shall not exceed 15.

SCHEDULE IV

(See para 3, subparagraph (2) of Schedule- II)

PROCEDURE FOR PUBLIC HEARING

(1) **Process of Public Hearing:** - Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely: -

- i. An executive summary containing the salient features of the project both in English as well as the local language along with Environmental Impact Assessment (EIA). However, for pipeline project, Environmental Impact Assessment report will not be required. But Environmental Management Plan including risk mitigation measures is required.
- ii. Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.
- iii. Form I prescribed under Air (Prevention and Control of Pollution) Union Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.

- iv. Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

(2) **Notice of Publics Hearing:** -(i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments and objections of the public shall be invited within thirty days from the date of publication of the notification.

- (ii) All persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

Explanation: - For the purpose of the paragraph person means: -

- a. any person who is likely to be affected by the grant of environmental clearance;
- b. any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;
- c. any association of persons whether incorporated or not like to be affected by the project and/or functioning in the filed of environment;
- d. any local authority within any part of whose local limits is within the neighbourhood wherein the project is proposed to be located.

(3) **Composition of public hearing panel:** - The composition of Public Hearing Panel may consist of the following, namely: -

- (i) Representative of State Pollution Control Board;
- (ii) District Collector or his nominee;
- (iii) Representative of State Government dealing with the subject;
- (iv) Representative of Department of the State Government dealing with Environment;
- (v) Not more than three representatives of the local bodies such as Municipalities or panchayats;
- (vi) Not more than three senior citizens of the area nominated by the District Collector.

(4) **Access to the Executive Summary and Environmental Impact Assessment report:-** The concerned persons shall be provided access to the

Executive Summary and Environmental Impact Assessment report of the project at the following places, namely:-

- (i) District Collector Office;
- (ii) District Industry Centre;
- (iii) In the Office of the Chief Executive Officers of Zila Praishad or Commissioner of the Municipal Corporation/Local body as the case may be;
- (iv) In the head office of the concerned State Pollution Control Board and its concerned Regional Office;
- (v) In the concerned Department of the State Government dealing with the subject of environment.

5. Time period for completion of public hearing:

The public hearing shall be completed within a period of 60 days from the date of receipt of complete documents as required under paragraph 1.

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THE GAZETTE OF INDIA

ANNEXURE-A-2

EXTRAORDINARY

PART II – Section 3 – Sub-section (ii)

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 7th July, 2004

S.O.801(E), dated 7th July, 2004 - Whereas a draft of certain amendments to the notification of the Government of India in the Ministry of Environment and Forests number S.O.60 (E), dated the 27th January 1994 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O.1236 (E), dated the 27th October, 2003 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 the 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 27th October, 2003;

And whereas, the Orders of the Hon'ble Supreme Court in the Writ Petition (C) No.725 of 1994 with I.A. No.20, 21, 1207, 1183, 1216 and 1251 in Writ Petition (C) No.4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" vs. Central Pollution Control Board and Others have been duly considered;

And whereas, the Orders of Hon'ble High Court of Madras in W.P. (C) No.33493 of 2003 and W.P. Nos.35205, 35517, 35691, 35692 and 35825 of 2003 and W.P. M.P. Nos.40556, 42562, 43720, 45348 to 45350, 42791, 42792, 43882, 43181, 43366 to 43369, 43544 and 43545 of 2003 between C.S. Kuppuraj and others Vs. the State of Tamil Nadu and others have also been duly considered;

And whereas, all objections and suggestions received 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 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification number S.O. 60 (E), dated the 27th January 1994, namely:-

In the said notification, -

- I. in paragraph 3-
 - (i) in item (a), for the letters, word and figures "Nos.3,18 and 20", the letters, word and figures "Nos.3,18,20,31 and 32" shall be substituted;

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- (ii) after sub-para (f), the following shall be inserted, namely:-
- “(g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.
- (h) any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

Explanation.–

- (i) New construction projects which were undertaken without obtaining the clearance required under this notification, and where construction work has not come up to the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004.
- (ii) In the case of new Industrial Estates which were undertaken without obtaining the clearance required under this notification and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall require clearance under this notification with effect from the 7th day of July, 2004.
- (iii) Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification”;

II. in Schedule-I, after item 30 and the entry relating thereto, the following shall be inserted, namely:-

- “31. New construction projects
32. New industrial estates.”;

III. in Schedule-II, -

(i) in para 5, for sub-para (f), the following shall be substituted, namely:-

- “(f)(i) The quantum of existing industrial effluents and domestic sewage with incremental load to be released in the receiving water body due to the proposed activities along with treatment details;
- (ii) The quantum and quality of water in the receiving water body before and after disposal of solid wastes including municipal solid wastes, industrial effluents and domestic sewage;

(iii) The quantum of industrial effluents and domestic sewage to be released on land and type of land;”;

(ii) in para 6, for sub-para (a), the following shall be substituted, namely:-

“(a) Nature and quantity of solid wastes generated including municipal solid wastes, biomedical wastes, hazardous wastes and industrial wastes.”.

[No. Z-11011/1/2002-IA-I]
R. Chandramohan, Jt. Secy.

Note: The principal notification was published in the Gazette of India vide number S.O.60 (E) dated 27-1-1994 and subsequently amended *vide*:

- 1) S.O. 356 (E) dated 4th May, 1994,
- 2) S.O 318 (E), dated 10th April, 1997,
- 3) S.O. 73 (E) dated 27th January, 2000,
- 4) S.O. 1119 (E) dated 13th December, 2000,
- 5) S.O. 737(E) dated 1st August, 2001,
- 6) S.O.1148 (E) dated 21st November, 2001,
- 7) S.O. 632 (E) dated the 13th June, 2002,
- 8) S.O. 248 (E) dated the 28th February, 2003,
- 9) S.O. 506 (E) dated the 7th May, 2003,
- 10) S.O. 891(E) dated the 4th August, 2003,
- 11) S.O. 1087(E) dated the 22nd September, 2003.

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

ANNEXURE-A-3

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

Bombhise

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)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum -	Sponge iron manufacturing < 200 TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units $< 20,000$ tonnes /annum ii.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum	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, 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 sent 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



मा. महापालिका आयुक्त

पुणे महानगरपालिका

ANNEXURE-A-4 {Colly.}

यांजकडेस

विषय : बांधकामास पर्यावरण दाखला बंधनकारक असल्याचा केंद्रशासन निर्णयाची
अंमलबजावणी करणेबाबत .

संदर्भ : १) परिपत्रक , नगर अभियंता कार्यालय , पुणे म.न.पा. जा.क्र.

DPO/५२८२ , दि. १६/९/२००५ .

२) Regional Officer , Maharashtra Pollution

Control Board , Regional Office Pune यांचे पत्र क्र.

Ref. No. ROP/7476/05 date 19/10/05.

३) Ministry of Environment & Forests Notification ,
date 14/9/2006.

बांधकामास पर्यावरण दाखला बंधनकारक असल्याचा केंद्रशासन निर्णयाची
अंमलबजावणी करणेसाठी वरील संदर्भ क्र.१ अन्वये परिपत्रक प्रस्तुत करण्यात आलेले अमून
त्याप्रमाणे कार्यवाही चालू आहे . महाराष्ट्र पोल्युशन कंट्रोल बोर्डची , रिजनल ऑफीसर यांनी
वरील संदर्भ क्र.२ चे पत्र पाठविले आहे . त्यामध्ये बांधकामाचे संमतीपत्र देणेपुर्वी पर्यावरणाचा
दाखला तयार करणे आवश्यक असल्याचे नमूद केलेले आहे . आता वरील संदर्भ क्र.३ चे
नोटीफिकेशन दाखल झालेले अमून त्याप्रमाणे कार्यवाही करणे करिता सदरचे निवेदन सादर
केलेले आहे .

वरील नोटीफिकेशन मधील अ.क्र.८ खालीलप्रमाणे आहे .

S.r. No.	Project	Category -/B	Conditions if any
४ (ब)	Building & Constuction Project	$\geq 20,000$ sq.m & $< 1,50,000$ sq.m of Built up area #	# (Built up area for covered construction in the case of facilities open to the say , it will be the activity area)
५ (ब)	Townships & Area Development Projects	Covering an area ≥ 20 ha & or built up area $\geq 1,50,000$ sq.mts. ++	All projects under item ४(b) shall be appraised on category B1

TRUE COPY

Bambhise

नोटिफिकेशन मध्ये नमूद केलेल्या category B, मधील प्रस्तावांना State Environment Impact Assessment Authority (SEIAA) यांचे पर्यावरणाबाबत ना-हरकतपत्र दाखल करणे आवश्यक आहे. "सदरचे ना-हरकतपत्र जागेवरील काम चालू करणेपूर्वी सादर करावे".

तरी वरील संदर्भ क्र.३ मधील नोटिफिकेशन नुसार सोवत कार्यालयीन परिपत्रक प्रस्तुत करणेस मा.महापालिका आयुक्त यांची मान्यता/मिळणेची विनंती आहे.
मा.स.कळावे.


नगर अभियंता
पुणे महानगरपालिका

मा.विशेष कार्याधिकारी (दक्षता)

महापालिका आयुक्त कार्यालय

यांचेमार्फत

नगर अभियंता कार्यालय
पुणे महानगरपालिका
जा.क्र.
दि.

परिपत्रक

विषय :- बांधकामास पर्यावरण दाखला बंधनकारक असल्याचा केंद्रशासन निर्णयाची अंमलबजावणी करणे बाबत.

संदर्भ :- १) परिपत्रक नगर अभियंता कार्यालय, पुणे म.न.पा. जा.क्र. डी.पी.ओ./५२८२ दि. १६.९.०५
२) Ministry of Environment and Forests Notification date 14.9.2006

केंद्रशासनच्या पर्यावरण व वन विभाग यांचे अधिसूचने अन्वये नविन बांधकाम विकास प्रकल्पासाठी पर्यावरण दाखला घेणे बंधनकारक असून त्याबाबत अंमलबजावणी करण्याबाबत आदेश दिले आहेत. त्यानुसार वरील संदर्भ क्र. १ अन्वये कार्यालय परिपत्रक प्रस्तुत करण्यात आले आहे.

आता वरील संदर्भ क्र. २ अन्वये Ministry of Environment and forestry Notification date 14.9.2006 अन्वये category B मधील प्रस्तावांना State Environment Impact Assessment Authority (SEIAA) यांचे पर्यावरणाबाबत नाहरकत पत्र दाखल करणे आवश्यक आहे. सदरचे नाहरकत पत्र काम चालू करणेपूर्वी सादर करावे.

Sr. No.	Project	Category	Conditions if any
8(a)	Building and Construction Projects	≥ 20000 sq. mtrs. and < 150000 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 ≥ 150000 sq. mtrs. ++	++ All projects under Item 8 (b) shall be appraised as category B ₁

तरी सादर बाबत कार्यवाही केल्याची नोंद करावी.

नगर अभियंता
पुणे महानगरपालिका

परिपत्रक

विषय : बांधकामास पर्यावरण दाखला बंधनकारक असल्याचा केंद्रशासन निर्णयाची
अंमलबजावणी करणेबाबत .

संदर्भ : १) परिपत्रक नगर अभियंता कार्यालय , पुणे म.न.पा .

जा.क्र.डीपीओ/५२८२ दि.१६/९/०५ .

२) Ministry of Enviroment & Forest Notification date
14/9/2006 .

केंद्रशासनाच्या पर्यावरण व वनविभाग यांचे अधिसूचने अन्वये नविन बांधकाम विकास प्रकल्पासाठी पर्यावरण दाखला घेणे बंधनकारक अगून त्याबाबत अंमलबजावणी करण्याबाबत आदेश दिले आहेत . त्यानुसार वरील संदर्भ क्र.१ अन्वये कार्यालय परिपत्रक प्रस्तुत करण्यात आले आहे .

आता वरील संदर्भ क्र.२ अन्वये Ministry of Enviroment & Forest Notification date 14.9.2006 अन्वये Category A & B मधील प्रस्तावांना पर्यावरणाबाबत नाहरकतपत्र दाखल करणे आवश्यक आहे .सदरचे नाहरकतपत्र काम चालू करणेपूर्वी दाखल करणे आवश्यक आहे .

वरील नोटीफिकेशन मधील अ.क्र.७ व ८ खालीलप्रमाणे आहे .

7 Physical Infrastructure including Enviroment services

S.N	Project or Activity	Category with threshold limit		Condition if any
		A	B	
1	2	3	4	5
7(c)	Industrial estates /Parks /Complexes /areas , export processing zones (EPZs) special Economics Zones (SEZs) Biotech Parks , Leather Complexes.	It ay 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 & housing at least one category B industry	Industrial estates housing at least one category B industry & area < 500 HA Industrial estates of area > 500 HA & not housing any industry belonging to category A or B	Special condition shall apply Note : - Industrial Estates of area below 500 HA & not housing any industry of category A or B does not require clearance .
	waste treatment storage , & disposal Facilities (TSDFs)	facilities having incineration & land fill or incineration alone	having land fill only .	shall apply .
7 (h)	Common Effluent treatment plants (CETPs)		All Projects	General condition shall apply .

7(i)	Common Municipal solid Waste Management facility (CMSWMP)		All Projects	General condition shall apply.
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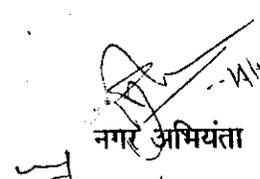
8 Building /Construction projects/Area Development Projects & Townships

S.N.	Project or Activity	Category with threshold limit		Condition if any
		A	B	
1	2	3	4	5
8 (a)	Building & Constuction Project		$\geq 20,000$ sq.m & $< 1,50,000$ sq.m 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 & Area Development Projects		Covering an area ≥ 50 ha & or built up area $\geq 1,50,000$ sq.mts. ++	+ + All Projects under item 8(b) shall be appraised on category B1

The above projects or activities shall require prior environmental clearance from concerned regulatory authority , which shall hereinafter referred to be as the Central Government in the Ministry of Enviroment & Forests for matters falling under caterory 'A' & at State level the State Impact Assessment Authority (SEIAA) for matters falling under Category 'B' before any Construction work , or preparation of Land by the project Management except for securing the land , is started on the project or activity .

- (iii) All new projects or activities listed in the schedule to this Notification .
- (iv) Expansion & Modernization of existing projects or activities listed in the schedule to this Notification with additions 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 .

तरी सदर बाबत कार्यवाही काटेकोरपणे करावी .


 नगर अभियंता
 पुणे महानगरपालिका

City Engineer Office
Pune Municipal Corporation
Outward No: C.E.O/J/2868
Date: 2/11/2006

To,
Honourable Municipal Commissioner,
Pune Municipal Corporation

Subject: Implementation of Decision of Central Gov. about making Environmental Clearance Certificate mandatory for Construction Work

Reference:

- 1) Circular, City Engineer Office, Pune Municipal Corporation, Outward No: DPO/5282; dated 16/09/2005
- 2) Letter Ref. No: ROP/7476/05 from Regional Officer, Maharashtra Pollution Control Board, Regional Office, Pune; dated 19/10/05
- 3) Ministry of Environment & Forests Notification, dated 14/9/2006

A Circular pursuant to Reference No. 1 has been submitted in order to implement Decision of Central Government i.e. making Environmental Clearance Certificate a mandatory document for starting Construction work & actions are taken accordingly. Reference Letter 2 is sent by Regional Officer of Maharashtra Pollution Control Board. Therein it is mentioned that it is necessary to obtain Environment Clearance Certificate before issuing Consent Letter for commencing Construction Work. Notification of Reference No. 3 is now submitted & a request is made for taking actions accordingly.

Serial No. 8 in the Notification is as follows:

Sr. No	Project	Category – B	Conditions if any
8 (a)	Building & Construction Project	≥ 20,000 Sq.m & < 1,50,000 Sq.m of Built up Area #	# (Built up area for covered construction in the case of facilities open to the say, it will be the activity area)
8 (b)	Townships & Area Development Projects	Covering an area ≥ 50 ha & or built up area ≥ 1,50,000 Sq.m ++	++ All projects under Item 8 (b) shall be appraised as Category B

In case of Proposals mentioned in Category B in the above Notification, it is necessary to submit Environment Clearance Certificate issued by State Environment Impact Assessment Authority (SEIAA). "Such Clearance Certificate should be submitted before commencing Construction Project on Site".

However, according to Notification in Reference No: 3; we hereby request honourable Municipal Commissioner to approve Official Circular enclosed herewith.

Yours Sincerely,
Sd/-
City Engineer,
Pune Municipal Corporation

From,
Honourable Special Officer (Efficiency)
Municipal Commissioner Office

City Engineer Office,
Pune Municipal Corporation,
Outward No:
Date:

Circular

Subject: Implementation of Decision of Central Government of making Environmental Clearance Certificate a mandatory document for Construction Work

Reference:

- 1) Circular from City Engineer Office, Pune Municipal Corporation, Outward No: D.P.O/5282, dated 16/9/05
- 2) Ministry of Environment & Forests Notification date 14.9.2006

According to the Notification of Environment & Forests Department of Central Government, it is obligatory to obtain Environmental Clearance Certificate for new Construction & Development Projects & an order has been issued to implement the same. Pursuant to this an official Circular is submitted as per Reference No: 1.

Now, according to Ministry of Environment & Forestry Notification date 14.9.2006 mentioned in Reference No: 2; Submission of Environmental Clearance Certificate issued by State Environment Impact Assessment Authority (SEIAA) is mandatory in case of Proposals in Category B.

Sr. No	Project	Category	Conditions if any
8 (a)	Building & Construction Projects	≥20,000 Sq.m & < 1,50,000 Sq.m 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 & Area Development Projects	Covering an area ≥ 50 ha & or built up area ≥ 1,50,000 Sq.m ++	++ All projects under Item 8 (b) shall be appraised as Category B

However strict actions should be taken accordingly.

Sd/-
City Engineer,
Pune Municipal Corporation

Pune Municipal Corporation

Outward No: _____

Date: _____

Circular

Subject: Implementation of Decision of Central Government of making Environmental Clearance Certificate a mandatory document for Construction Work.

Reference:

1) Circular from City Engineer Office, Pune Municipal Corporation, Outward No: DPO/5282 dated 16/9/05

2) Ministry of Environment & Forest Notification date 14/9/2006

According to the Notification of Environment & Forestry Department of Central Government, it is obligatory to obtain Environment Clearance Certificate for new Construction & Development Projects & an order has been issued to implement the same. Pursuant to this Official Circular as per Reference No: 1 has been submitted accordingly.

Now, according to Ministry of Environment & Forest Notification date 14.9.2006 as mentioned in Reference No: 2, Proposals in Category A, & B need to submit Environmental Clearance Certificate. The said NOC should be submitted before commencing Work.

Serial No. 7 & 8 in the above Notification is as follows:

7 Physical Infrastructure including Environment Services

S. N	Project / Activity	Category with threshold limit		Condition if any
		A	B	
1	2	3	4	5
7 (c)	Industrial estates/ Parks / Complexes / areas, export processing zones, (EPZs) Special Economic Zones (SEZs), Biotech Parks, Leather Complexes	It may at least one industry in the proposed industrial estate falls under category A, entire industrial area shall be treated as category A, irrespective of the area. Industrial estates with area greater than 500 HA & housing at least one category B industry	Industrial estates housing at least one category B industry & area < 500 HA. Industrial estates of area > 500 HA & not housing, any industry belonging to category A or B	Special condition shall apply Note: Industrial Estates of area below 500 HA & 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
7 (h)	Common Effluent treatment plants (CETPs)		All Projects	General condition shall apply
7 (i)	Common Municipal solid Waste Management Facility (CMSWMP)		All Projects	General condition shall apply

8 Building / Construction projects / Area Development Projects & Townships

S. N.	Project / Activity	Category with threshold limit		Condition if any
		A	B	
1	2	3	4	5
8 (a)	Building & Construction Project		≥ 20,000 Sq.m & ≤ 1,50,000 Sq.m 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 & Area Development Projects		Covering an area ≥ 50 ha & or built up area ≥ 1,50,000 Sq.m ++	++ All projects under item 8 (b) shall be appraised on category B 1

The above projects or activities shall require prior environmental clearance from concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment & Forests for matters falling under category A & at State level, the State Impact Assessment Authority (SEIAA) for matters falling under category B before any Construction Work, or preparation of Land by the project Management except for securing the land, is started on the project or activity.

- (iii) All new projects or activities listed in the schedule to this Notification.
- (iv) Expansion & Modernization of existing projects or activities listed in the schedule to this Notification with additions 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.

However, strict Action needs to be taken.

Sd/-
City Engineer,
Pune Municipal Corporation

// TRUE TRANSLATION//



**ANNEXURE-A-5**

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

No. 545]

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 कलापों 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 केन्द्रीय 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.

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Government of Maharashtra**ANNEXURE-A-6**

No. Comp-2020/CR-01 /SEIAA
 Environment Department
 217 (Annex), Mantralaya,
 Mumbai- 400 032.
 February 18th, 2020

To,

1) **M/s. YERROWDA INVESTMENTS LIMITED**

Opp. Golf Course, Ishanya Mall,
 Shatri Nagar, Yerrowda, Taluka-Haveli, District-Pune-411008.

2) **M/s. DEEPAK FERTILISERS AND PETROCHEMICALS CORPORATION LTD**

Opp. Golf course, Ishanya Mall,
 Shatri Nagar, Yerrowda, Taluka-Haveli, District-Pune-411008,

Subject: - Withdrawal of Proposed Directions dated 31.01.2020 issued under Section 5 of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.09.2006.

Ref.:- 1. Show cause Notice/Proposed Directions u/s 5 of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.09.2006 issued to you vide letter dated 31.01.2020.

2. Representation submitted by M/s.YERROWDA INVESTMENTS LIMITED dated 10/02/2020.

3. Personal hearing conducted in the chamber of the Principal Secretary, Environment Department on

We refer to the Show Cause notice/proposed directions at reference (1) dated issued to you under section 5 of the Environment (P) Act 1986 r.w. EIA Notification dtd. 14.09.2006 whereby and where under you were asked to show cause as to why your building construction project "*Ishanya Mall*" situated at Survey No. 190(P) & 192(P) of Village-Yerwada, Taluka-Haveli, District-Pune should not be stopped forth with for the violation of EIA Notification dated 14.09.2006, and why further legal action should not be initiated against you under the provisions of Environment (P) Act 1986 and Rules made thereunder.

The complainant has raised various issues in his complaint mainly consisting of –

- a) PP has mislead on account of three different projects comprising of 10 buildings and total BUA of 95082.28 Sq. Mtrs..
- b) That BUA of project was more than 95082.28 Sq. Mtrs. but PP did not applied for expansion of Environment clearance from SEIAA before starting expansion and also not applied for consents from MPCB
- c) PP has not obtained any prior Environment Clearance from SEIAA or MoEF for expansion of project and increased scope of the project from the earlier sanction limit.
- d) PP has not obtained any prior Consent to Establish from MPCB.

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- e) That the PP has completed part project in mid of 2009 and expansion in 2015, but did not applied for consent to operate and put the project under enjoyment without Consent to Operate.
- f) PP has carried out the illegal construction of basement for all buildings and caused damage to the ground water level.
- g) PP has carried out the construction of commercial complexes on residential reserved zone in development plan without any permission from competent authority.
- h) PP carried out construction activity without any Environment Impact Assessment.
- i) PP has extracted huge quantity of ground water from five bore wells for construction of project
- j) PP is illegally extracting Ground water without any permission from competitive authority for operational purpose.
- k) PP has not made any test for ground water contamination and quality of water and there is serious ground water contamination.
- l) PP has not provided any solid waste management system and waste generated is dumped to PMC waste yard creating burden on public systems and solid waste is generating various greenhouse gases and there is no scientific disposal of the solid waste generated from project.
- m) PP has not provided any energy conservation system for energy saving like solar system
- n) PP has not provided any rain water harvesting system for ground water recharge against required 21 number of recharge pit.
- o) PP has not preserved top layer of fertile soil and there is no soil test for contamination.
- p) PP has provided mandatory 10% open space for recreational purpose and not made tree plantation as per the norms and around the periphery of the project.
- q) Huge noise causing due to air conditioning equipment like AHU, exhaust fans, cooling towers etc.
- r) Huge traffic congestion in the air causing air pollution.
- s) PP has installed 8 DG sets at project site and operation of DG set is causing air pollution.
- t) Huge quantity of sewage water is generated and there is no scientific treatment of sewage water as PP has not installed.
- u) PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage.
- v) That the PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.
- w) PP has not complied the conditions of commencement certificate mandating prior environment clearance and consents from the MPCB.

- x) PP has not complied the conditions of commencement certificate related to the installation of environment infrastructure to avoid the degradation.
- y) PP has made illegal tree cutting.
- z) There is no approach road for fire engine.
- aa) PP has not provided the slope in the ratio of 1:10
- bb) PP has not provided site margin as per the DC Rules
- cc) PP has not provided fire and safety system at site.
- dd) PP in connivance with PMC officer has violated the provisions of Environment enactment and PMC officers are also equally responsible.
- ee) PP has violated the principle of sustainable development by not installing pollution control devices.
- ff) PP has caused traffic congestion in the area due to this project and cause to air pollution on account of emission from the vehicles.
- gg) PP has not made any environment management plan
- hh) PP has caused substantial damage to environment and ecology more than Rs. 600 Crores, which shall be recovered from PP.
- ii) PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.
- jj) Thus it is mandatory to stop the project construction permanently till the compliance / rectification of the above illegal act and removal of the defects from the construction.

We also refer to the representation made by M/s.YERROWDA INVESTMENTS LIMITED under reference (2) above and also the personal hearing conducted in the chamber of the Principal Secretary, Environment Department on in connection with our said show cause notice you have submitted following facts-

1. The entire plot is in the name of Yerrowda Investments Limited situated at S. No. 190, 192A, 192B, Yerwada, Pune. The total plot area as per 7/12 Extract is 88594.00 Sq.mtrs.
2. In 2010 PP obtained layout from P.M.C. & plot has been subdivided into Plot A, B & C. P.M.C. had sanctioned vide No. 0924/10/51 dated – 15/06/10.
3. Subsequently separate property cards of Plot A, Plot B & Plot C, mentioned C.T.S. No .2185 B for Plot A, C.T.S. No .2185 A for Plot B & C.T.S. No .2185 C for Plot C are maintained and have since then taken routine sanction from P.M.C.
4. Bifurcation of Plot A, B & C with information are as follows:

Sr. No.	Plot No.	C.T.S. No.	S. No.	Completion No. & Date	Environmental Clearance No. & Date	Total Construction area (F.S.I. + Non F.S.I.) in Sq.m.	Remarks
1.	A	2185 B	190B	BCO/14/113 Dated – 20.09.1996 BCO/14/113 Dated – 20.05.2004	-----	F.S.I. – 13775.02 Non-F.S.I. – 2,672.40 Total – 16,447.42	Environmental Clearance not required because 20,000.00 Sq.m.
2.	B	2185 A	190 & 192 A	BCO/03/45 Dated- 17.08.2007 BCO/03/92 Dated – 18.12.2007 BCO/YWO/02 Dated - 03/06/2008 OCC/1424/12 Dated - 12/02/2013 OCC/0936/13 Dated - 30/09/2013 OCC/1491/16 Dated - 03/11/2016	No. 21- 243/2006-1A- III Dated – 10.04.2007	F.S.I. – 33,008.80 Non-F.S.I. – 61,559.84 Total – 94,568.64	Environmental Clearance is taken. All work is completed as per EC norms.
3.	C	2185C	190 & 192 A	OCC/0343/11 Dated - 28/06/2011 OCC/0918/11 Dated - 23/11/2011 OCC/0845/12 Dated - 24/09/2012 OCC/0444/13 Dated - 18/06/2013	ESAC- 2010/CR237/ TC.2 Dated – 18.02.2012	F.S.I. – 23,581.79 Non-F.S.I. – 28,078.05 Total – 51,659.84	Environmental Clearance is taken. All work is completed as per EC norms

5. As mentioned earlier, PP intend to use the existing space for multiplex within existing structure. PP also has applied for Environmental Clearance.

6. PP has applied for Environmental Clearance for doing fitouts of a multiplex in Plot B within existing building considering that it is change of use. The same thereof states F.S.I. – 33,008.80 sq.m. + Non-F.S.I. – 61,559.84 sq.m. Total construction area is 95082.28 sq.m.

After examination of the documents submitted by you along with your representation dated 10/02/2020 and 13/02/2020 and the submissions made during the personal hearing conducted on 15/02/2020, it has been observed that the project proponent M/s.YERROWDA INVESTMENTS LIMITED has carried out construction activity in respect of building construction project “Ishanya Mall” situated at Survey No. 190(P) & 192(P) of Village-Yerwada, Taluka-Haveli, District-Pune.

It is clear from the record that project proponent has obtained Environmental Clearance. And also obtained necessary permissions from the concerned departments.

Therefore, there is no case of violation of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.9.2006. Therefore, the Show Cause Notice/Proposed Directions u/s 5 of the Environment Act needs to be withdrawn.

Hence, the Show cause Notice/Proposed Directions u/s 5 of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.09.2006 issued by this office under its communication dated 31.01.2020 as per ref. (1) is hereby withdrawn.



(Anil Diggikar)
Principal Secretary

Environment Department

Copy to-

Commissioner, PMC, Pune.

Withdrawal letter of Proposed Directions dated 31.01.2020 issued under Section 5 of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.09.2006.

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ANNEXURE-A-7

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

Environment department,
Room No. 217, 2nd floor,
Mantralaya, Annexe,
Mumbai- 400 032.
Date: July 20, 2020

To,
Mr Mahesh Meenakshisundaram
at S. No. 190(part), 192(part), CTS number 2185-A, Plot Number - B, Shastri Nagar, Yerawada, Pune 411 006.

Subject: Environment Clearance for Shopping mall project by M/s Deepak Fertilisers & petrochemicals Corporation Limited

Sir,

This has reference to your communication on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee-III, Maharashtra in its 109th meeting and recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 201st meetings.

2. It is noted that the proposal is considered by SEAC-III under screening category 8(a) as per EIA Notification 2006.

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

1.Name of Project	Ishanya Mall
2.Type of institution	Private
3.Name of Project Proponent	Mr Mahesh Meenakshisundaram
4.Name of Consultant	M/s JV Analytical Services
5.Type of project	Construction project of Shopping mall
6.New project/expansion in existing project/modernization/diversification in existing project	Expansion
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Yes
8.Location of the project	S. No. 190(part), 192(part), CTS number 2185-A, Plot Number - B, Shastri Nagar, Yerawada, Pune 411 006.
9.Taluka	Haveli
10.Village	Yerawada
Correspondence Name:	Mr Harsh Shah
Room Number:	-
Floor:	-
Building Name:	Ishanya Mall
Road/Street Name:	Shastri Nagar
Locality:	Yerawada
City:	Pune
11.Whether in Corporation / Municipal / other area	PMC
12.IOD/IOA/Concession/Plan Approval Number	Applied
	IOD/IOA/Concession/Plan Approval Number: -
	Approved Built-up Area: 95082.28

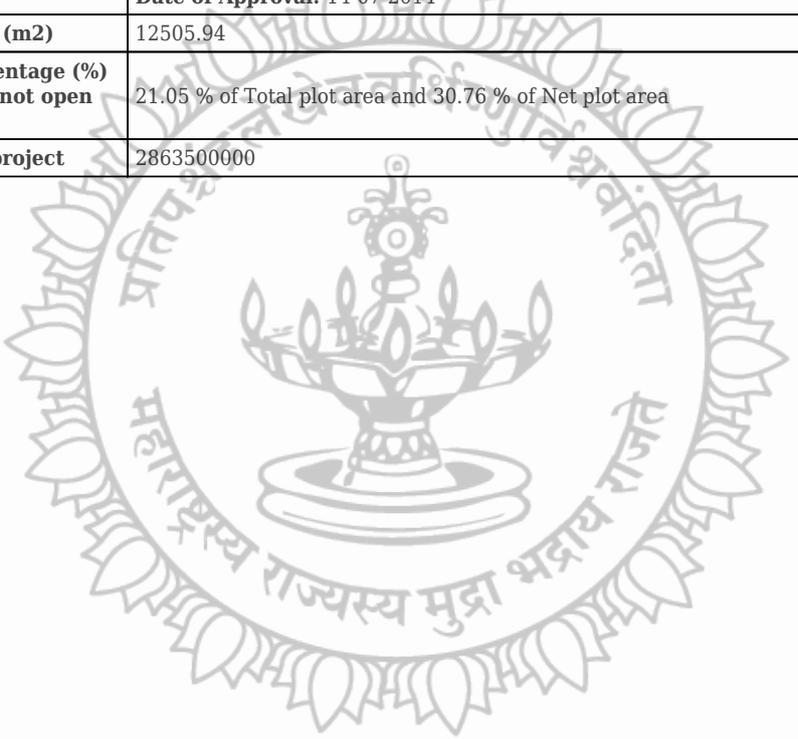
SEIAA Meeting No: 201 Meeting Date: June 23, 2020 (SEIAA-STATEMENT-000000293)
SEIAA-MINUTES-0000003262
SEIAA-EC-0000002310

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Shri. Anil Diggikar (Member Secretary SEIAA)

13.Note on the initiated work (If applicable)	94568.64 m2 As per Previous EC dated 10th April 2007(No.21-243/2006-IA-III)
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	Not Applicable
15.Total Plot Area (sq. m.)	59399.43
16.Deductions	18743.77
17.Net Plot area	40655.66
18 (a).Proposed Built-up Area (FSI & Non-FSI)	FSI area (sq. m.): 33008.80
	Non FSI area (sq. m.): 62073.48
	Total BUA area (sq. m.): 95082.28
18 (b).Approved Built up area as per DCR	Approved FSI area (sq. m.): 38624.28
	Approved Non FSI area (sq. m.): 33765.47
	Date of Approval: 14-07-2014
19.Total ground coverage (m2)	12505.94
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	21.05 % of Total plot area and 30.76 % of Net plot area
21.Estimated cost of the project	2863500000



Government of Maharashtra

22. Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

23. Total Water Requirement

Dry season:	Source of water	PMC
	Fresh water (CMD):	633.43(One Time)
	Recycled water - Flushing (CMD):	277.08
	Recycled water - Gardening (CMD):	23.00
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	333.35
	Fire fighting - Underground water tank(CMD):	300.00
	Fire fighting - Overhead water tank(CMD):	80.00
	Excess treated water	0.00
Wet season:	Source of water	PMC
	Fresh water (CMD):	610.43(One Time)
	Recycled water - Flushing (CMD):	277.08
	Recycled water - Gardening (CMD):	0.00
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	333.35
	Fire fighting - Underground water tank(CMD):	300.00
	Fire fighting - Overhead water tank(CMD):	80.00
	Excess treated water	23.00
Details of Swimming pool (If any)	NA	

24.Details of Total water consumed

Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

25.Rain Water Harvesting (RWH)	Level of the Ground water table:	Summer Season - 21.67 m. to 24.33 m. BGL.(23.00 m. Average), Rainy Season - 9.33 m. to 15.00 m. BGL.(12.17 m. Average), Winter Season - 15.50 m. to 19.67 m. BGL.(17.59 m. Average)
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	NA
	Quantity of recharge pits:	23Nos
	Size of recharge pits :	2.0 m. X 2.0 m. X 2.0 m. Depth with 60 m.Deep 6" Dia. Bore Wells via 2 No. of de-Siltation pits of 0.9 X 0.6 X 1.0 m. Depth.
	Budgetary allocation (Capital cost) :	Rs 23.00 Lakh.
	Budgetary allocation (O & M cost) :	Rs. 1.15 Lakh /Year
	Details of UGT tanks if any :	Domestic UG tank Capacity : 558 m3 Flushing UG tank Capacity : 450 m3 Fire UG tank Capacity : 300 m3

26.Storm water drainage	Natural water drainage pattern:	-
	Quantity of storm water:	26543.81 m3 /Year. i.e. 530.87 m3 / Day.
	Size of SWD:	450mm

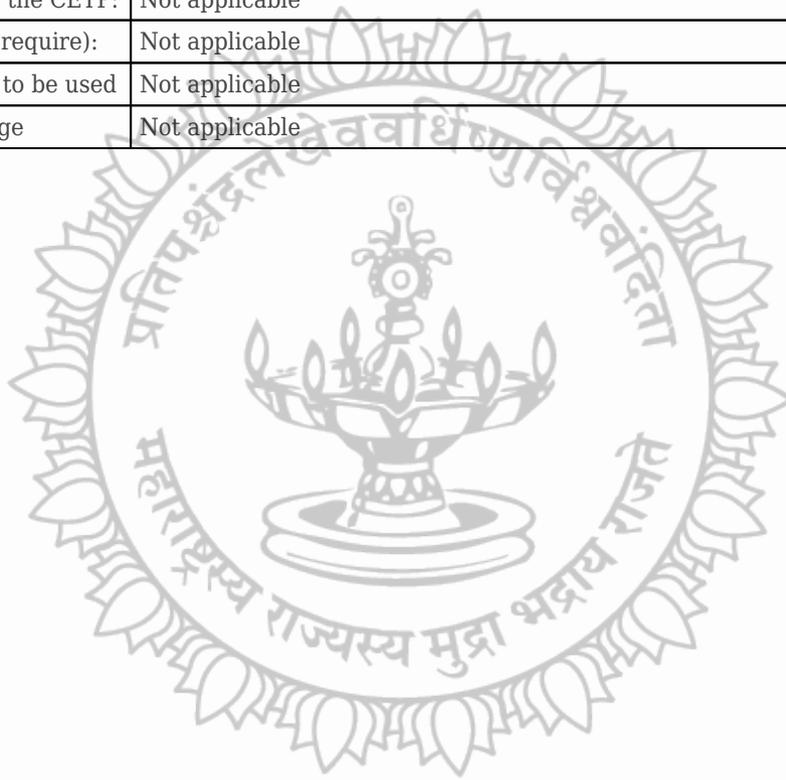
27.Sewage and Waste water	Sewage generation in KLD:	300.08
	STP technology:	MBBR
	Capacity of STP (CMD):	255 m3/day(Existing) + 55 m3/day(Proposed)
	Location & area of the STP:	Existing-305 m2 & Proposed-150 m2
	Budgetary allocation (Capital cost):	255 m3/day(Existing) : Rs 61.16 Lakh & 55 m3/day(Proposed): Rs.23.91 Lakh
	Budgetary allocation (O & M cost):	255 m3/day(Existing) : Rs 17.34 Lakh/Year & 325 m3/day(Proposed): Rs.4.98 Lakh/Year

28.Solid waste Management		
Waste generation in the Pre Construction and Construction phase:	Waste generation:	45 kg/day
	Disposal of the construction waste debris:	Use for Leveling.
Waste generation in the operation Phase:	Dry waste:	Commercial & Multiplex: 724.00 kg/day, Restaurant: 99.00 kg/day
	Wet waste:	ommercial & Multiplex:483.00 kg/day, Restaurant: 149.00 kg/day
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	65 kgs/day
	Others if any:	NA
Mode of Disposal of waste:	Dry waste:	SWACH
	Wet waste:	Organic waste converter
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as Manure after treatment in OWC
	Others if any:	NA
Area requirement:	Location(s):	-
	Area for the storage of waste & other material:	Existing - 12 m2 including Machinery area, Proposed- Storage area:15 m2 & other area:39m2
	Area for machinery:	Proposed-21 m2
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	100 kg/day(Existing):Rs.6.00 Lakh, 750 kg/day(Proposed):Rs.20.25 Lakh
	O & M cost:	100 kg/day(Existing):Rs 1.19 Lakh/year, 750 kg/day(Proposed):Rs.3.86 Lakh/year

**Government of
Maharashtra**



29.Effluent Charecterestics					
Serial Number	Parameters	Unit	Inlet Effluent Charecterestics	Outlet Effluent Charecterestics	Effluent discharge standards (MPCB)
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Amount of effluent generation (CMD):		Not applicable			
Capacity of the ETP:		Not applicable			
Amount of treated effluent recycled :		Not applicable			
Amount of water send to the CETP:		Not applicable			
Membership of CETP (if require):		Not applicable			
Note on ETP technology to be used		Not applicable			
Disposal of the ETP sludge		Not applicable			



Government of Maharashtra

30.Hazardous Waste Details							
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
31.Stacks emission Details							
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases	
1	DG Sets-500KVA-6 Nos	HSD-111 Lits/Hr	S-1 to S-6	15 m	-	-	
32.Details of Fuel to be used							
Serial Number	Type of Fuel	Existing	Proposed	Total			
1	HSD	111 Lits/Hr	Not applicable	111 Lits/Hr			
33.Source of Fuel		Bharat Petroleum Corporation Limited/Hindustan Petroleum					
34.Mode of Transportation of fuel to site		By Roadway					
35.Energy							
Power requirement:	Source of power supply :	MSEDCL					
	During Construction Phase: (Demand Load)	-					
	DG set as Power back-up during construction phase	-					
	During Operation phase (Connected load):	5507 KW					
	During Operation phase (Demand load):	2900 KVA					
	Transformer:	22 KVA/2000KVA -2 No					
	DG set as Power back-up during operation phase:	500 KVA - 6 Nos.					
	Fuel used:	111 Liters / Hr					
	Details of high tension line passing through the plot if any:	NA					
Energy saving by non-conventional method:							
<ul style="list-style-type: none"> Solar lights are provided for common amenities like Street lighting & Garden lighting. CFL & LED based lighting are done in the common areas, landscape areas, signage's, Entry gates and boundary compound walls etc. Auto Timer Switches will be provided for Street lights, Garden lights, Parking & staircase Lights & Other Common Area Lights, for saving electrical energy. Water Level Controllers with Timers will be used for Water Pumps. 							

36.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	LED Lamp & Fitting For Common Areas i.e. Bldg. Parking, Staircase, Passage & Terrace Floor.	23917.36 KWH/Annum
2	Bollard Lighter - Light Fitting For Landscape Area.	1226.4 KWH/Annum
3	Recesses Wall Light. - Light Fitting For Landscape Area.	525.6 KWH/Annum
4	Planter Of Lighter - Light Fitting For Landscape Area.	1130.04 KWH/Annum
5	Solar Street Light Fitting - Pole Light On Road Side	1825.00 KWH/Annum
6	Street Light on the Bldg.	6132.00 KWH/Annum
7	-	-

37.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Air	120 no of trees planted	390 No of trees to be planted & Green belt will be provided.
Water	1 no of 225CMD STP is installed & excess treated water used for flushing & gardening	55 CMD STP will be installed
Noise	Noise monitoring done in once a fortnight,Acoustically enclosed DG set IS installed.	Traffic management plan to be prepared.
Solid Waste	Existing wet waste is treated in OWC & Dry waste has given to authorized vendor	Proposed Wet Waste will be treated in OWC & Dry Waste will be given to SWACH

Budgetary allocation (Capital cost and O&M cost):

Capital cost:

Rs 103.00 Lakh

O & M cost:

Rs 2.06 Lakh/year

38.Environmental Management plan Budgetary Allocation**a) Construction phase (with Break-up):**

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Water for Dust Suppression, Air & Noise Monitoring	0.50 Lakh/Year
2	Water Environment	Tanker Water for Construction, Water Monitoring	0.50 Lakh/Year
3	Land Environment	Site Sanitation -Mobile toilets	0.50 Lakh/Year
4	Socio-economic	Disinfection- Pest Control, First Aid Facilities, Health Check Up, Creches For Children, Food for children, Personal Protective Equipment	1.00Lakh/Year

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	STP(Existing)	Capacity-255 KLD	61.16	17.34
2	STP(Proposed)	Capacity-55 KLD	23.91	4.98

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3	RWH	-	23.00	1.15
4	MSW(Existing)	Capacity-100 kg/day	6.00	1.19
5	MSW(Proposed)	Capacity-750 Kg/day	20.25	3.86
6	Solar System	-	103.00	2.06
7	Landscaping	-	54.00	4.96
8	Post EC Monitoring	-	-	2.50
9	Dry Waste Management	-	-	9.67

39.Storage of chemicals (inflammable/explosive/hazardous/toxic substances)

Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month in MT	Source of Supply	Means of transportation
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

40.Any Other Information

No Information Available

Government of
Maharashtra

	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	8(a)
	Court cases pending if any	NA
	Other Relevant Informations	NA
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	24-12-2016

3. The proposal has been considered by SEIAA in its 201st meeting & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions:

Specific Conditions:

I	Nil.
II	PP to ensure that CER plan gets approved from Municipal Commissioner.
III	PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA,III dt.04.01.2019.
IV	SEIAA decided to grant EC for - FSI: 32710.04 m ² , Non-FSI: 62073.48 m ² and Total BUA: 94783.52 m ² (Plan Approval no-CC/0027/19, Dated-04.04.2019)

General Conditions:

I	E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
II	The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
III	This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
IV	PP has to abide by the conditions stipulated by SEAC& SEIAA.
V	The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
VI	If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
VII	All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
VIII	Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
IX	The solid waste generated should be properly collected and segregated. dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.

X	Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
XI	Arrangement shall be made that waste water and storm water do not get mixed.
XII	All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
XIII	Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
XIV	Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
XV	Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
XVI	Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
XVII	Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
XVIII	The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
XIX	The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
XX	Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
XXI	Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
XXII	Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
XXIII	Ready mixed concrete must be used in building construction.
XXIV	Storm water control and its re-use as per CGWB and BIS standards for various applications.
XXV	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
XXVI	The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
XXVII	The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
XXVIII	Permission to draw ground water and construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
XXIX	Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
XXX	Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
XXXI	Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
XXXII	Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
XXXIII	Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non-conventional energy source as source of energy.

XXXIV	Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
XXXV	Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
XXXVI	Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
XXXVII	Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
XXXVIII	The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
XXXIX	Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
XL	Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
XLI	Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.
XLII	Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
XLIII	Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
XLIV	Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
XLV	A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
XLVI	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
XLVII	A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
XLVIII	Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
XLIX	The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at http://ec.maharashtra.gov.in .
L	Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
LI	A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
LII	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
LIII	The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

LIV	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
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Government of Maharashtra

4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.

5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.

7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, and amendments by MoEF&CC Notification dated 29th April, 2015.

8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.

9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.

10. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D- Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


Shri. Anil Diggikar (Member Secretary SEIAA)

Copy to:

1. SHRI JOHNY JOSEPH, CHAIRMAN-SEIAA
2. SHRI UMAKANT DANGAT, CHAIRMAN-SEAC-I
3. SHRI M.M.ADTANI, CHAIRMAN-SEAC-II
4. SHRI ANIL .D. KALE. CHAIRMAN SEAC-III
5. SECRETARY MOEF & CC
6. IA- DIVISION MOEF & CC
7. MEMBER SECRETARY MAHARASHTRA POLLUTION CONTROL BOARD MUMBAI
8. REGIONAL OFFICE MOEF & CC NAGPUR
9. MUNICIPAL COMMISSIONER PUNE
10. MUNICIPAL COMMISSIONER SATARA
11. REGIONAL OFFICE MPCB PUNE
12. REGIONAL OFFICE MIDC PUNE
13. MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD
14. COLLECTOR OFFICE PUNE
15. COLLECTOR OFFICE SATARA
16. COLLECTOR OFFICE SOLAPUR

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SEIAA-EC-0000002310

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Shri. Anil Diggikar (Member Secretary SEIAA)

**REPORT OF COMMITTEE
IN COMPLIANCE WITH THE ORDER OF
HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
IN THE MATTER- APPEAL NO. 42/2020 (WZ)
(RAM BABAN BORKAR VS M/S. DEEPAK FERTILISERS & PETROCHEMICAL
CORPORATION LTD. & ORS.)**

For Submission To

**HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

JULY 2022

TRUE COPY

Bombhise

REPORT OF COMMITTEE IN COMPLIANCE WITH THE ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN THE MATTER APPEAL NO. 42/2020 (WZ) (RAM BABAN BORKAR VS M/S. DEEPAK FERTILISERS & PETROCHEMICAL CORPORATION LTD. & ORS.)

1.0 BACKGROUND

An Appeal filed vide Appeal No. 42 of 2020 titled Ram Baban Borkar Vs M/s. Deepak Fertilisers & Petrochemical Corporation Ltd. & Ors against the Environmental Clearance granted by State Environment Impact Assessment Authority (SEIAA), Maharashtra on 20.07.2020 for shopping mall project by M/s. Deepak Fertilizers & Petrochemical Corporation Limited at Pune.

Grievance in the appeal is that the Project Proponent earlier obtained Environmental Clearance (EC) on 10.04.2007 with total permissible area of 34170.83 m². It is alleged that further the construction to the extent of 60397.81 m² was raised without EC.

A complaint was filed against the same on which show cause notice was issued by the Maharashtra Government and the same was thereafter withdrawn on 18.02.2020 with following observations: -

“After examination of the documents submitted by you along with your representation dated 10.02.2020 and 13.02.2020 and the submission made during the personal hearing conducted on 15.02.2020, it has been observed that the project proponent M/s. Yerrowda Investments Limited has carried out construction activity in respect of building construction project “Ishanya Mall “situated at Survey No. 190(P) & 192(P) of Village –Yerwada, Taluka- Haveli, District- Pune.

It is clear from the record that project proponent has obtained Environmental Clearance and also obtained necessary permissions from the concerned departments.

Therefore, there is no case of violation of the Environmental (P) Act, 1986 r.w. EIA Notification dated 14.09.2006 Therefore, the show cause notice/proposed directions u/s of the Environmental Act needs to be withdrawn.”

The applicant alleges that if the Project Proponent had initially taken EC, constructions raised are in excess of the construction permitted under the original EC which is not permissible as held by the Hon’ble Supreme Court in (2020) 2 Supreme Court Cases 66, Keystone Realtors Private Limited V. Anil V. Tharthare and Ors. It is for this reason that subsequently EC has been sought and granted. Absence of EC prior to construction deprives the authorities’ opportunity of appraisal of impact of additional construction on the environment. Ex post facto EC is thus illegal. Either the construction need to be demolished or compensation needs to be assessed and recovered.

The Hon’ble NGT has directed vide para 4 of the order dated 10.12.2020 that,

“4. Before proceeding further, we find it necessary to require a joint Committee of SEIAA, Maharashtra, the CPCB and the Maharashtra State PCB to look into the matter and give a factual and action taken report. The SEIAA, Maharashtra will be the nodal agency for coordination and compliance. The joint Committee may give an opportunity of hearing to the Project Proponent and consider its view point.”

Copy of the order dated 10.12.2020 is provided as **Annexure-I**.

In compliance with the aforesaid order of the Hon’ble NGT, a Joint Committee consisting of the following officials visited M/s. Deepak Fertilizer & Petrochemical Corporation Ltd. “Ishanya Mall”, Survey No. 190 (p), 192(P), CTS no. 2185- A, P. No. A, B & C, Shastri Nagar, Yerwada, Tal. Haveli, Dist. Pune, on 09.08.2021-

- Shri. Pankaj Joshi, Member SEIAA, Maharashtra

- Shri. Pratik Bharne, Scientist 'E', Regional Directorate, CPCB, Pune
- Dr. Y. B. Sontakke, Joint Director (Water), MPCB, Mumbai
- Shri. Nitin Shinde, I/c. Regional Officer, MPCB, Pune
- Shri. Pratap Jagtap, Sub Regional Officer, MPCB, Pune-I

Shri. Rajesh Shinde, Deputy Engineer, Pune Municipal Corporation (PMC), Pune along with other officials accompanied the joint committee during the visit. Shri Shetty, Operation Manager and other representatives of Ishanya Mall (M/s Deepak Fertilizer & Petrochemical Corporation Ltd) were present during the visit.

2.0 OBSERVATIONS AND FINDINGS

2.1 ENVIRONMENTAL CLEARANCE (EC) AND VIOLATIONS THERETO, IF ANY

2.1.1 The project proponent M/s. Deepak Fertilizers & Petrochemical Corporation Limited submitted application under EIA Notification 1994 (as amended on July 7, 2004) to MoEF for Environmental Clearance (EC) for construction of shopping mall. Ministry appraised the application under EIA Notification 2006 and granted Environmental Clearance (EC) for the project vide letter No.21-243/2006-IA.III dated 10.04.2007. Copy of the EC dated 10.04.2007 is provided at **Annexure-II**.

2.1.2 The said EC dated 10.04.2007 was granted for total plot area of 41,806.35 sq.m for development of Shopping Mall "*Ishanya*" at C.S. No. 190 & 192, Shastri Nagar, Yerwada, Pune, Maharashtra with a total built up area of 34,170.83 sq.m.

2.1.3 Details of the Commencement Certificate, Plinth Check Certificate, EC granted and current construction status are given at **Table No. 1**.

Table No. 01: Details of the Commencement Certificate, Plinth Check Certificate, EC granted and Construction Status

Sl. No.	Particulars	Plot Area	Configuration	Total Built-up Area
1.	Commencement Certificate CC/1050/03 dated 19.12.2003	88593.06 sq.m	N-Showroom: G+2 O-Showroom: G+2 P-Showroom: G+3 Q-Showroom: G+2 S-Centre Entrance Lobby: G T-Multipurpose Hall: G Stalls (1-4): G+1	Total FSI-27561.02 sq.m Total Non-FSI#- 28091.31 sq.m TBUA- 55652.33 sq.m
2.	Plinth Check Certificate dated 09.11.2005	-	For Building No. 'N' & 'O' as per Commencement Certificate dated 19.12.2003	
3.	Commencement Certificate CC/4109/05 dated 27.02.2006	88593.06 sq.m	Building No. 0: 0 Building No. 1: G+4 Building No. 2: G+3 Building No. 3 & 4: G+4 Building No. 5: G+1 Building No. 6: G+2	Total FSI-28719.25 sq.m Total Non-FSI#-38014.91 sq.m TBUA- 66734.16 sq.m
4.	Plinth Check Certificate dated 04.03.2006	-	For Building No. '4', as per Commencement Certificate dated 27.02.2006	
5.	Plinth Check Certificate dated 21.06.2006	-	For Building No. '3', as per Commencement Certificate dated 27.02.2006	
6.	Plinth Check Certificate dated 19.10.2006	-	For Building No. '0' (Part), Building No. '5' (Part) and Building No. '6' (Part) as per Commencement Certificate dated 27.02.2006	
7.	EC dated 10.04.2007 granted by MoEF&CC, Gol	41806.35 sq.m	For development of Shopping Mall "Ishanya" with a Total Built Up Area of 34,170.83 sq.m.	
8.	Commencement Certificate CC/0712/07 dated 28.05.2007	60981.55 sq.m	Building No. 0: LG+S+2 Building No. 1: LG+S+3 Building No. 2: LG+S+3 Building No. 3 & 4: LG/P+S+3 Building No. 5: LG+S+1 Building No. 6: LG/P+S+2	Total FSI-32853.24 sq.m Total Non-FSI#-38050.66 sq.m TBUA- 70903.90 sq.m
9.	Completion Certificate Dated 17.08.2007	-	For 21 Showrooms of Building No. 4 as per Commencement Certificate dated 16.03.1990 & 28.05.2007	

10.	Commencement Certificate CC/2804/07 dated 15.12.2007	60981.55 sq.m	Building No. 0: LG+S+2 Building No. 1: LG+S+3 Building No. 2: LG+S+3 Building No. 3 & 4: LG/P+S+3 Building No. 5: LG+S+1 Building No. 6: LG/P+S+2	Total FSI-32423.65 sq.m Total Non-FSI#-38480.25 sq.m TBUA- 70903.90 sq.m
11.	Completion Certificate Dated 18.12.2007	-	For 20 Showrooms of Building No. 1 as per Commencement Certificate dated 15.12.2007	
12.	Commencement Certificate CC/0163/08 dated 16.04.2008	60981.55 sq.m	Building No. 0: LG+S+2 Building No. 1: LG+S+3 Building No. 2: LG+S+3 Building No. 3 & 4: LG/P+S+3 Building No. 5: LG+S+1 Building No. 6: LG/P+S+2	Total FSI-31121.99 sq.m Total Non-FSI#-39781.91 sq.m TBUA- 70903.90 sq.m
13.	Completion Certificate Dated 03.06.2008	-	For 7 Showrooms with entire Building No. 0, 44 Showrooms & 2 Store Room of Building No. 2 only, 74 Showrooms & 2 warehouse storage of Building No. 3&4only, 20 Showrooms, 1 Office, Kitchens, Communications Room, Storeroom, Mall Office, Cafeteria of Building No. 5 only, 10 Showrooms, 7 Offices, Kitchen of Building No. 6 only as per Commencement Certificate dated 16.04.2008	
14.	Commencement Certificate CC/0924/10/51 dated 15.06.2010	59399.43 sq.m	Building No. 0 (Entrance Hall): LG+S+2 Building No. 1 (Showroom): LG+S+3 Building No. 2 (Showroom): LG+S+3 Building No. 3 & 4 (Showroom): LG/P+S+3 Building No. 5 (Cafe): LG+S+1 Building No. 6 (Multipurpose Hall): LG/P+S+2 Building No. 7: (Arcade): G+3	Total FSI-32113.18 sq.m Total Non-FSI#-41539.76 sq.m TBUA- 73652.94 sq.m
15.	Commencement Certificate CC/2106/10 dated 30.09.2010	59399.43 sq.m	Building No. 0: LG+S+2 Building No. 1: LG+S+3 Building No. 2: LG+S+3 Building No. 3 & 4: LG/P+S+3 Building No. 5: LG+S+1 Building No. 6: LG/P+S+2 Building No. 7: LG/P+S+2	Total FSI-32838.88 sq.m Total Non-FSI#-41539.76 sq.m TBUA- 74378.64 sq.m

16.	Commencement Certificate CC/4177/10/V/60 dated 15.03.2011	59399.43 sq.m	Building No. 0: LG+S+2 Building No. 1: LG+S+3 Building No. 2: LG+S+3 Building No. 3 & 4: LG/P+S+3 Building No. 5: LG+S+1 Building No. 6: LG/P+S+2 Building No. 7: LG/P+S+2	Total FSI-36847.09 sq.m Total Non-FSI#41874.27 sq.m TBUA- 78721.36 sq.m
17.	Commencement Certificate CC/4177/10 dated 15.03.2011	59399.43 sq.m	Building No. 0: LG+S+2 Building No. 1: LG+S+3 Building No. 2: LG+S+3 Building No. 3 & 4: LG/P+S+3 Building No. 5: LG+S+1 Building No. 6: LG/P+S+2 Building No. 7: LG/P+S+2	Total FSI-36847.09 sq.m Total Non-FSI#-41874.27 sq.m TBUA-78721.36 sq.m
18.	Plinth Check Certificate dated 16.03.2011	-	For Building No. '0' (Part), Building No. '6' (Part) and Building No. '7' as per Commencement Certificate dated 30.09.2010	
19.	Plinth Check Certificate dated 18.04.2011	-	For Building No. '5' (Part) as per Commencement Certificate dated 15.03.2011	
20.	Commencement Certificate CC/1875/12 dated 03.09.2012	59399.43 sq.m	Building No. 0: LG+UG+2 Building No. 1: LG+UG+3 Building No. 2: LG+UG+3 Building No. 3 & 4: LG+UG+4 Building No. 5: LG+UG+1 Building No. 6: LG+UG+2 Building No. 7: LG+UG+2	Total FSI-38624.28 sq.m Total Non-FSI#-42002.30 sq.m TBUA-80626.58 sq.m
21.	Completion Certificate dated 12.02.2013	-	For 14 Showrooms, 11 Showrooms with Store, Office Storeroom, Electrical Room & Communication Room, Parking of Building No. 5 as per Commencement Certificate dated 03.09.2012	
22.	Completion Certificate dated 30.09.2013	-	For Lobby, Panel room, 4 Shops, 4 Anchor Shops, A.H.U.'s Lift Lobbies, Electrical room, Gents& Ladies toilets, Corridors & Parking of Building No.7 only as per Commencement Certificate dated 03.09.2012	
23.	Commencement Certificate CC/1148/14 dated 14.07.2014	59399.43 sq.m	Building No. 0: LG+UG+2 Building No. 1: LG+UG+3 Building No. 2: LG+UG+3 Building No. 3 & 4: LG+UG+4 Building No. 5: LG+UG+1	Total FSI-38624.28 sq.m Total Non-FSI#-42002.30 sq.m TBUA-80626.58 sq.m

			Building No. 6: LG+UG+2 Building No. 7: LG+UG+2	
24.	Completion Certificate dated 03.11.2016	-	For 1 Electrical room, 2 A.H.U., 13 Showrooms, Gents & Ladies Toilet , Lift Lobby, Passage & Parking of Building No. 2 only as per Commencement Certificate dated 14.07.2014	
25.	Commencement Certificate CC/0027/19 dated 04.04.2019	59399.43 sq.m	Building No. 0: LG+UG+2 Building No. 1: LG+UG+3 Building No. 2: LG+UG+3 Building No. 3 & 4: LG+UG+2+Mezzanine Building No. 5: LG+UG+1 Building No. 6: LG+UG+2 Building No. 7: LG+UG+2 Engineering Office: G	Total FSI-32710.04 sq.m Total Non-FSI#- 40239.55 sq.m TBUA-72949.59 sq.m
26.	EC dated 20.07.2020 granted by SEIAA, Maharashtra	59399.43 sq.m	SEIAA decided to grant EC for – FSI: 32710.04 m², Non-FSI: 62073.48 m² and Total BUA: 94783.52 (Plan Approval no-CC/0027/19, Dated-04.04.2019)	
27.	Current Status of Project as on date 16.05.2022 reported by PMC vide letter dated 20.05.2022	-	-	Total FSI-32710.04 sq.m Total Non-FSI#-61856.60 sq.m TBUA-94568.64 sq.m
Note- # Non-FSI areas include terrace slab, Podium, Parking. Building services area such as Overhead Water Tank, Engineering Services (Plant Room) Area, Sewage Treatment Plant Area, Cooling Tower, Organic Waster Composter, MSEB Sub- Station, Diesel Storage Tank, Diesel Generator Bank, Thermal Storage Tank, Transformer and Other Services Equipment, Sewage Collection Tank, Gas Bank, Entrance Wall, Partition Wall, Underground Water Tank.				

Copy of the PMC vide letter dated 20.05.2022 with Details of the Commencement Certificate, Plinth Check Certificate, EC granted and Construction Status is provided at **Annexure-III.**

2.1.4 As per the guidelines mentioned in EIA Notification 1994 amended on 07.07.2004; public hearing was conducted on 22.02.2006 (**Annexure-IV**) for the aforesaid project and PP approached MoEF for obtaining Environmental Clearance (EC).

2.1.5 PP obtained CTE dated 29.04.2006 (**Annexure-V**) from MPCB in which the Condition No.7 & Condition No. 10 were as follows;

“7. The proposed activity comes under Entry 31 (New Construction Project) listed in schedule-I of the EIA Notification dated January 27, 1994 (as amended till date) issued by Ministry of Environment & Forests, Govt. of India, New Delhi and therefore Environmental Clearance from Govt. of India (MoEF) shall be required as per conditions in amended EIA Notification dated July &, 2004.”

Xxxxxxxxxx

“10. The applicant shall obtain Environmental Clearance from MoEF, GOI before taking any steps to develop/start construction the site.”

2.1.6 PP vide letter dated 15.05.2006 (**Annexure-VI**) submitted a proposal/EIA Report to MoEF for the grant of EC. As per said proposal/EIA Report (page-88) PP mentioned built up area as 34170.83 sq.m and non-built up spaces as 19575.73 sq.m.

2.1.7 MoEF granted EC to the PP on 10/4/2007 referring application seeking prior environmental clearance under the EIA notification 1994 as amended on July 07, 2004. The proposal has been appraised as per prescribed procedures and provisions under the

EIA Notification 2006. The said EC was granted for Total Built up Area (TBUA) of 34170.83 sq. m.

Further, PMC has informed that Non-FSI area is not mentioned in the sanctioned plans as per then prevailing practice followed by Building Permission Department, PMC. It has been informed that Non-FSI areas include terrace slab, Podium, Parking and Building services area such as Overhead Water Tank, Engineering Services (Plant Room) Area, Sewage Treatment Plant Area, Cooling Tower, Organic Waster Composter, MSEB Sub-Station, Diesel Storage Tank, Diesel Generator Bank, Thermal Storage Tank, Transformer and Other Services Equipment, Sewage Collection Tank, Gas Bank, Entrance Wall, Partition Wall, Underground Water Tank.

Hon'ble Supreme Court in the matter Civil Appeal No. 10854 of 2016 M/s. Goel Ganga Developers India Pvt. Ltd. Versus Union of India through Secretary Ministry of Environment and Forests & Ors with Civil Appeal No. 10901 of 2016 and Civil Appeal no. 5157-5158 of 2018, has passed judgement about TBUA as per EIA Notification 2006. The relevant paras of the aforesaid Judgement are reproduced below-

“21. In view of the above, we are clearly of the view that the EC granted to the project proponent on 04.04.2008 was for constructing a total built up area of 57,658.42 sq.mtrs. and this would include all covered construction not open to the sky. No artificial division on the basis of FSI and non-FSI area can be made. Therefore, the NGT was fully justified in coming to the conclusion that the construction raised by the project proponent was in total violation of the EC granted to it.”

In view of the above, it may be considered that the EC dated 10/4/2007 granted of TBUA of 34170.83 sq. m. was for constructing a total built up area of 34170.83 sq. m. and this

would include all covered construction not open to the sky. No artificial division on the basis of FSI and non-FSI area can be made.

It is observed from the **Table-01**, that the PP has constructed the total built up area of 94,568.64 sq.m. more than the approved built up area of 34170.83 sq.m., is violation of Environmental Clearance and provisions of EIA Notification 2006.

- 2.1.8 General Condition, as mentioned at Part B; Para 6 of the said EC sated 10.4.2007 stipulates that *“In case of change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.”*

Construction of a new building structure (i.e. Building No. 7) was started which was not in the application/proposal dated 15.05.2006 (**Annexure-VI**) submitted while grant of EC dated 10.04.2007. The Commencement Certificate (Please, refer Table-01, Sr No.14) for Building No. 07 is issued on 15.06.2010 and obtained Competition Certificate (Please, refer Table-01, Sr No.22) on 30.09.2013.

Therefore, PP has violated the General Condition as at Part B; para 6 of the EC dated 10.04.2007.

- 2.1.9 As per Section 9 of the EIA notification 2006, validity of the said EC dated 10.04.2007 is 5 years i.e. 09.04.2012. However, obtaining Commencement Certificate dated 03/9/2012 and dated 14/7/2014 (as at Sr. No. 20 and 23 of **Table-01** above) followed by obtaining Completion certificate dated 03/9/2013 and dated 03/11/2016 respectively (as at Sl. 22 and 24 of **Table-01** above) reveal that construction continued beyond validity of the said EC dated 10/4/2007 and thus violated section -09 of the EIA Notification 2006.

- 2.1.10 Earlier, PP approached MoEF&CC for the revalidation of EC dated 10.04.2007 and MoEF&CC transferred the proposal to SEIAA. PP applied for Environmental Clearance

(EC) on 24.12.2016 to SEIAA for the expansion and change in use as referred in 175th SEIAA minutes dated 18.09.2019 (**Annexure-VII**). PP has mentioned in the EC application that initiated construction work is of 94,568.64 sqm and proposed total built-up area of 95,082.28 sqm (FSI-33008.80 sqm, Non-FSI-62073.48 sqm).

- 2.1.11 Further, SEIAA decided to grant EC dated 20.07.2020 for – FSI: 32710.04 m², Non-FSI: 62073.48 m² and Total BUA: 94783.52 m² (Plan Approval no-CC/0027/19, Dated-04.04.2019). The copy of EC dated 20.07.2020 is attached as **Annexure-VIII**.
- 2.1.12 Current status of project as on date 16.05.2022 as reported by PMC vide letter dated 20.05.2022 (**Annexure-III**), is as below;
- Total FSI area-32710.04 sq.m
 Total Non FSI area-61856.60 sq.m
 TBUA area- 94568.64 sq.m
- As per aforesaid PMC letter, EC granted on 20.07.2020 for change in use towards establishing of Multiplex within existing building. fit out work is not commenced in existing building and there is no new construction.
- 2.1.13 PP had obtained the first EC on 10.04.2007 for total plot area of 41,806.35 sq.m and the revised EC on 20.07.2020 for total plot area of 59,399.43 sq.m. PP had added adjoining plot of area 17,593.08 sq.m in the EC, dated 20.07.2020. Out of the total area of the plot of 59,399.43 sqm, construction has been carried out only on plot of 41,806.35 sq.m. However, no construction is carried out on additional adjoining plot with an area of 17,593.08 sq.m and is still vacant.
- 2.1.14 With regard to alleged construction exceeding 95082.28 sq.m and other allegations in the complaint dated 07.08.2019 and withdrawal of show cause notice/proposed direction dated 18.02.2022 (**Annexure-IX**) by Environment Department, Government of Maharashtra, it is observed that construction has still not found to be exceeding the

same i.e. 95082.28 Sqm as PMC vide letter dated 20.05.2022 (**Annexure-III**) has reported the construction of area - 94568.64 sq.m.

2.2 STATUS OF CONSENT TO ESTABLISH/OPERATE ISSUED BY MPCB AND VIOLATIONS THEREOF, IF ANY

2.2.1 The details of CTE & CTO issued by MPCB are provided in **Table 2** as given below-

Table 2- Details of CTE & CTO issued by MPCB

CTE / CTO	Date of consent application	Date of grant of consent	Validity	Plot Area (Sqm)	Total Built up Area (Sqm)
CTE	05.09.2005	29.04.2006	Not mentioned	42,000.00	Not mentioned
CTO	--	24.11.2009	31.03.2013	41,806.35	34,170.83
CTO	28.2.2013	21.01.2014	31.01.2015	41,806.35	34,170.83
CTO	26.12.2014	03.06.2015	31.01.2017	41,806.35	34,170.83
CTO	07.12.2016	14.08.2018	01.02.2017 to 31.01.2019	41,806.35	34,170.83
CTO	07.12.2018	17.05.2019	31.01.2020	41,806.35	34,170.83
CTO	02.12.2019	08.07.2020	01.02.2020 to 31.03.2022	41,806.35	34,170.83
Application of CTE	31.08.2020	---	---	59,399.43	95082.28
CTO	31.01.2022	---	---	59,399.43	95082.28

Copy of CTE dated 29.04.2006 (**Annexure-V**), copy of all CTO and application for CTE is provided at **Annexure-X**.

3.0 CONCLUSIONS

The above observations reveal the following violations -

- Initiating construction of more than TBUA of 34170.84 sq.m., (Please refer para 2.1.7)
- Construction of a new building i.e. Building No. 7 in violation of General Condition as at Part B; para 6 of the EC dated 10.04.2007, (Please refer para 2.1.8)
- Construction even after the expiry of EC dated 10.04.2007 (Please refer para 2.1.9)

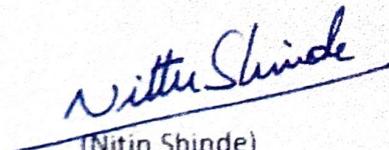
- b) Construction of a new building i.e. Building No. 7 in violation of General Condition as at Part B; para 6 of the EC dated 10.04.2007, (Please refer para 2.1.8)
- c) Construction even after the expiry of EC dated 10.04.2007 (Please refer para 2.1.9)

4.0 RECOMMENDATIONS

In view of the aforesaid violations as at para 3 above i.e. violations of EC dated 10/4/2007 and EIA notification 2006; Environment Department, Govt of Maharashtra, may take appropriate actions as per the Standard Operating Procedure (SoP) issued by the MoEF&CC vide Office Memorandum (OM) F. No. 22-21/2020-IA.III dated 07/07/2021 for dealing with EC violation cases.


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