

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

[Under section 18(1) read with sections 14, 15, 16 & 17 of National Green
Tribunal Act, 2010]

ORIGINAL APPLICATION NO. 82 OF 2023

Abdul Samad Ismail Maknoja and 60 Ors

...Applicants

V/s

The State of Maharashtra, Through its Secretary,
Environment Department, Govt. Of Maharashtra and 9 Ors.

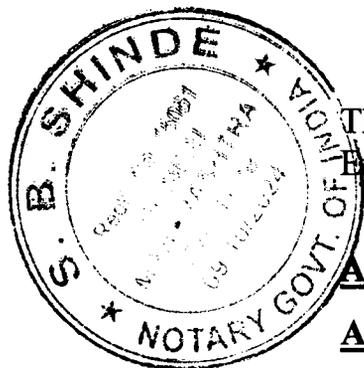
...Respondents

AFFIDAVIT-IN-REJOINER OF APPLICANTS

**ABOVENAMED TO REPLY DTD. 10.01.2024 FILED BY
RESPONDENT NO. 8 AND 9.**

I, Abdul Karim, age: adult, an Indian Inhabitant, the Applicant No. 11 abovenamed, do hereby and on behalf of co-Applicants state on solemn affirmation as under:-

1. That, I am well conversant with the facts of the present case and competent to depose before this Hon'ble Tribunal. I have been read over, explained and interpreted the contents of Reply dtd. 10.01.2024 filed by Respondent No. 8 and 9. I am filing this Rejoinder in a brief manner to reply the Reply dtd. 10.01.2024 and seek leave of this Hon'ble Tribunal to file additional Rejoinder if the need so arises. Nothing contained in the Reply dtd. 10.01.2024 be deemed as admission on my part, until and unless the same is emphatically traversed and expressly admitted by me hereinafter.
2. I submit that, the entire case of the Respondent Nos. 8 and 9 is based on fraud and falsehood with the sole intention to deny the lawful and statutory right to present Applicants. That the Respondent Nos. 8 and 9 have come before this Hon'ble

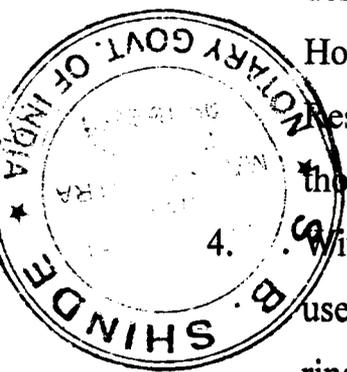


Tribunal with unclean hands and have also suppressed various vital facts.

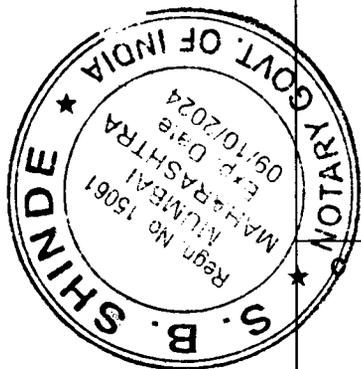
3. With reference to para No. 1 and 2, I deny the allegation of Respondent Nos. 8 and 9 in *toto*. Respondent Nos. 8 and 9 are portraying as if that they have not violated the conditions of Environmental Clearance. Applicants have prayed for stoppage of work to prohibit further environmental damage, on cogent and genuine grounds. Applicants have demonstrated the non-compliance and apparent violation on the part of Respondent Nos. 8 and 9. Respondent Nos. 8 and 9 have been a persisted defaulter of transit rent and there are many Orders of the Hon'ble Bombay High Court which envisages the conduct of Respondent Nos. 8 and 9. Applicants shall rely and refer to those Orders as and when produced.

4. With reference to para No. 3, Applicants object to the language used by Respondent Nos. 8 and 9 against Applicant No. 1 as ringleader. Respondent Nos. 8 and 9 are cautioned to use such language. Applicants state that it was due to inordinate delay and non-payment of transit rent by Respondent Nos. 8 and 9 litigations were filed. Respondent Nos. 8 and 9 is camouflaging its incapacity and illegality committed time and again.

5. With reference to para Nos. 3(i), (ii), (iii), (iv), (v) and (vi) Applicants state that the Respondent Nos. 8 and 9 have conveniently and selectively put up some events showcasing themselves as saint by suppressing vital facts. Following are the Writ Petitions, litigations and Orders passed by the Hon'ble Courts and other forums which reveal the true face of Respondent Nos. 8 and 9 –



Sr. No.	W.P. / I.A. / FIR's / etc.	Order / Direction	Remarks
a	WP [L] No. 1695 of 2017	27.09.2017	Termination Order of Project Proponent was set-aside by the Hon'ble Bombay High Court. With directions to Project Proponent for completing the Rehab Building with a period of <u>one year</u> .
b	WP [L] No. 5332 of 2020	24.08.2021	The Hon'ble Bombay High Court directed for appointment of Court Receiver in present S. R. Scheme, in case, the Project Proponent fails to deposit an amount of Rs. 2,00,00,000/- towards arrears of transit rent.
	SLP (C) No. 14400 of 2021	24.09.2021	Dismissed as withdrawn
d	WP [L] No. 21368 of 2021.	06.12.2021	The Hon'ble Bombay High Court directed the Project Proponent to deposit an amount of Rs. 2,84,03,341/- towards arrears of transit rent.
e	IA [L] No. 5005 of 2023	12.01.2024	Directed disbursal of Rs. 1.54 Crores towards arrears of 2018-2021 to Slum dwellers and further directed to deposit Rs. 60 Lakhs within 02 months or to



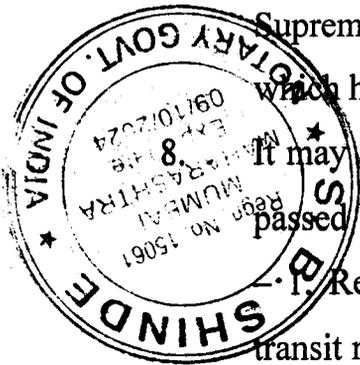
			face termination of LOI, on the failure to do so.
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Thus, it is clear that Respondent Nos. 8 and 9 are making absolutely incorrect submissions before this Hon'ble Court.

6. In so far as Application filed by Applicant No. 5, it was filed for change of Developer and it was filed because of genuine cause on the ground of incapacity and incompetency of Respondent No. 8. Though the Application was rejected it was taken for exception before High Power Committee [In short 'HPC'], and HPC allowed the Application for change of Developer. The Order of HPC was challenged by Respondent No. 8 in a Writ Petition [L] No. 1695 of 2017 before the Hon'ble Bombay High Court which set aside, however, it was clarified by Judgment dtd. 27.09.2017 at para No. 27 that the Developer is duty bound to complete the project within time limit prescribed i.e. one year, by CEO – SRA. The fact remains that the Respondent No. 8 did not complete the project within one year i.e. on or before 27.09.2018 (as per Order passed by CEO – SRA) r/w Order dtd. 27.09.2017 passed by the Hon'ble Bombay High Court.

7. It may be noted that though SLP was filed before the Hon'ble Supreme Court of India, however, there was no stay granted which has caused delay in present S. R. Project.

8. It may also be noted that in an eviction Order dtd. 18.06.2018 passed by Dy. Collector (E/R) & Competent Authority, Malad Respondent No. 8 [Developer] was directed to pay the transit rent to the Applicant No. 1, which was never paid to the Applicant No. 1, until the W.P. [L] No. 5332 of 2020 was filed



- before the Hon'ble High Court. Applicant No. 1 has been deprived of possession of his Commercial Rehab unit, because of vengeance nay fraud committed by Respondent No. 8.
9. Applicants submit that, Notice issued by the Hon'ble Supreme Court of India in the SLP shows that there were arguable issues involved in the matter. Be that as it may, Respondent No. 8 does not have license to perpetuate illegality and expect the occupants of Society to tolerate illegalities being committed by Respondents [Developer]. It is well settled proposition that when there is a wrong, there is a remedy.
10. Respondent Nos. 8 and 9 have made these baseless allegations against Applicant No. 1 in the past, however, Applicant No. 1 stood tall and uninfluenced against Respondent Nos. 8 and 9 and fought for the rights of the Members / occupants of the Society as Managing Committee member of Society in the past. Applicants state that it is incorrect to state that they have continued their campaign of harassment. In fact, Applicants approached this Hon'ble Court against Respondents for genuine cause and continuous violation of environmental conditions and norms. .
11. With regard to para No. 4, Applicants state that they have raised genuine case which they shall deal sub-para wise in this re-joinder:-

(a) Re-Parking:



Applicants put the Respondent Nos. 8 and 9 to strict proof as under which "law" there is no requirement for providing any 04 wheeler or 02 wheeler parking. It is not the letter of Intent provides for requirement of parking, it is Development Control Regulations which provides for parking area for Rehab Building. That the

nomenclature which mentions 'Parking Space Sale Building' cannot be the ground for discrimination with the Applicants who are residing in Rehab Building. Respondent Nos. 8 and 9's is reading of Plan is isolation, without reading the provisions in DCR and Constitution of India, is absolutely incorrect. At present there are about 04-05 four-wheelers, approx. 100 two-wheelers and approx. 10 three-wheeler, which are, due to insufficient parking space forced to park outside of building causing traffic and pollution.

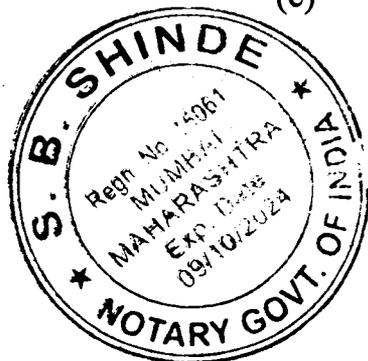
(b) Re-Recreation Garden (R.G.):-

Respondent Nos. 8 and 9 were required to provide R.G. on the North and South side has not been provided to the Society. It is incorrect to state that Applicants have converted the entire paved R. G. in to a parking. Applicants are infact compelled to park their 02 wheeler vehicles on the internal / access road, due to insufficient two wheeler parking despite contemplation in law.

Without prejudice to above contentions, Respondent Nos. 8 and 9 admitted to have not provided R. G. on the North side of Rehab Building, which falsify their own version and undertaking given in para No. 1.3 of Form – 1-A.

(c) Re-Diesel Generator Set:-

Applicants state that D.G. Set is not required to be provided as per sanctioned plan. It is an essential part of Energy Conservation compliance for power backup during operational phase. Undisputedly, Rehab Building is under Operational Phase, thus, 01 No. of D. G. Set was required to be provided for power backup in case of



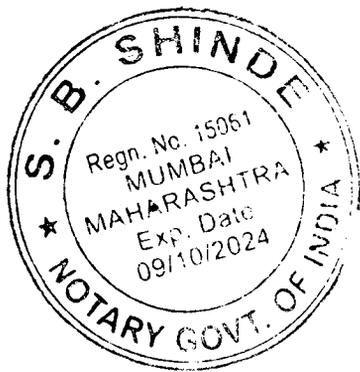
power failure. It also may be noted that though Form No. 1-A at Column No. 9 provides and records compliance of 01 No. of D. G. Set (Source: TATA / Adani) of 150 kVA capacity, however, it has not been provided to the Applicants.

(d) Re-Sewerage Treatment Plant (STP):

- (i) Applicants specific case is that the STP has not been provided and not functional at site in para No. 4.4 (a) (i). This fact was put into Notice dtd. 20.12.2022 through Applicant's Advocate and subsequently by filing O.A. before this Hon'ble Tribunal. Respondent Nos. 8 and 9 remained inert and did not take any steps.

It is important to note that in the Show Cause Notice dtd. 13.04.2023 [as annexed as Annexure – VII in Reply dtd. 11.01.2024 of the Respondent No. 4 (MPCB)] it was found that Respondent No. 8 have provided underground STP having capacity in 100 CMD, however, STP was found not in Operation. This negligence of Respondent No. 8 confirms the grievances raised by Applicants. More so, Respondent No. 8 have also not submitted the feasibility report of STP, area statement from Architect by project. Respondent No.8 has also not submitted details of Mobile STP during construction phase.

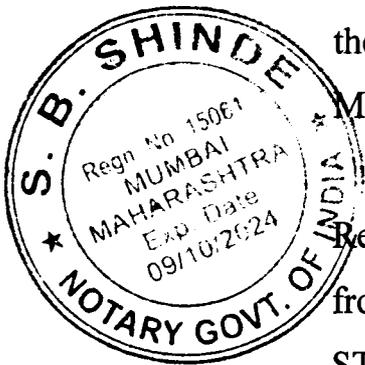
By the Show Cause Notice, through Regional Officer of MPCB drew conclusion that Respondent No. 8 is knowingly and willingly violating the provisions of Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Hazardous Waste (MHT&M) Rules, 2016.



These Show Cause Notice and violations are suppressed by Respondent Nos. 8 and 9 from this Hon'ble Tribunal. The STP is yet not been installed and brought into operation by Project Proponent and it is in a very pathetic condition. True and correct copies of Photographs of STP are marked as **EXHIBIT – A**.

- (ii) In so far as Organic Waster Converter (OWC) is concerned the Respondent Nos. 8 and 9 are making false claim that OWC has not been used by members. The Show Cause Notice dtd. 13.04.2023 clearly records at para No. 5 that Organic Water Converter is not provided.
- (iii) Respondent Nos. 8 and 9 has very cleverly and as an afterthought written letters dtd. 01.10.2023 and 04.12.2023 and made false allegations against Applicant No. 1 and Society to shift the responsibility on the occupants / members of the Society. Respondent Nos. 8 and 9 are *ex-facie* negligent and ignorant of their obligation to install and start the STP and OWC on site. They have never taken steps to start it thus, they cannot blame and shift the responsibility of non-compliance, negligence and incompetency on the occupants / Society. Respondent Nos. 8 and 9 have also suppressed the Reply letter dtd. 28.12.2023 addressed to them by Members of Society (including the Applicants).

Be that as it may, merely by writing letters, Respondent Nos. 8 and 9 cannot absolve themselves from their statutory duty to actually install and start the STP and OWC. It may be noted that, Respondent Nos. 8 and 9 wrote these letters after. –



- (A) legal Notice dtd. 20.12.2022 was sent by Applicant to them;
- (B) O.A. No. 82 of 2023 was filed and served upon them;
- (C) Notice dtd. 13.04.2023 issued by MPCB;
- (D) direction / Order dtd. 16.08.2023 passed by this Hon'ble Tribunal for filing reply.

Respondent No. 8 conduct speaks in volume. A true and correct copy of Reply letter dtd. 28.12.2023 sent to Respondent No. 8 by Applicants is marked as **EXHIBIT – B.**

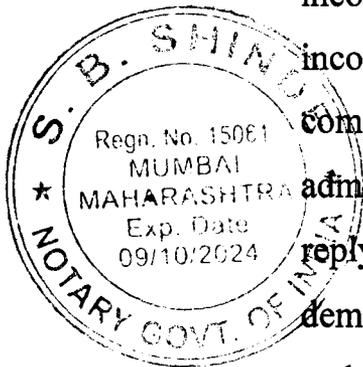
Applicants put Respondent Nos. 8 and 9 [Project Proponent] to strict proof to produce the Electricity Bills of the meter, generated for the STP installed, as claimed by the Developer.

(e) Re: Rainwater Harvesting (RWH):

Applicants state that the Respondent Nos. 8 and 9 has not made the facility for RWH. On site they are trying to cover-up all their negligence and ignorance.

(f) In so far as sanitation facility is concerned, it is in a very pathetic condition.

12. With reference to para No. 5, Applicants state that it is incorrect to state that they have filed false complaint. It is also incorrect that Respondent No. 4 [MPCB] has found all the compliances on the part of Respondent Nos. 8 and 9. Without admitting the entire Exhibit – 3 of Respondent Nos. 8 and 9 reply, from the following comparison chart the Applicants can demonstrate the illegalities committed by Respondent Nos. 8 and 9:-

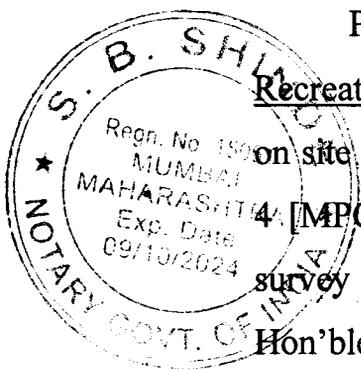


Sr. No.	Compliances of EC & Consent Condition	Remarks by Applicants	Violation of condition No.
a.	PP has to abide by the conditions stipulated by SEAC and SEIAA [No. 4 – pg No. 19]	Shown as Blank / NIL, however specification ought to be given by PP.	Violation of condition of SEAC and SEIAA.
b.	Sanitary and hygienic measures [No. 7 – pg No. 19]	Hygiene is very poor.	Violation of condition No. IV of construction phase.
c.	Adequate drinking water and sanitation facilities to construction worker [No. 8 – pg No. 19]	NIL / Blank	Violation of condition No. IV of construction phase.
d.	Solid waste generated should be properly collected and segregated [No. 9 – pg No. 19]	Shown as complied, however, OWC not installed as per Remark No. 4.	Violation of condition No. I of operation phase. Wet waste could not be treated due to not-installed OWC.
e.	Installation of STP. Certification of independent expert and its submission to MPCB and Environment Department before project is commission for operation and completion of STP, MSW and Green belt prior to occupation of building.	Shows STP of 100 CMD, however, it has not been completed prior to occupation of Building.	Violation of condition No. III and IV of operation phase. No independent expert certification done and it is not submitted to MPCB or Environment Department.
f.	Solar Panels [No. 32]	Provision of Solar	Violation of



	- pg No. 22.]	Power for Street light with LED Lamps	SEIAA condition No. 3. No arrangement of Solar Panel done on site.
g.	Submission of six monthly report to CPCB and SPCB [No. 52 – pg No. 25]	Not yet submitted.	Violation of condition No. XII and XIV as compliance / Report not submitted.

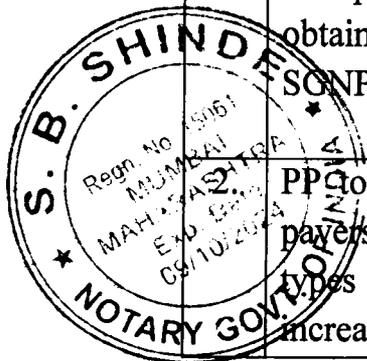
13. Applicant states that, Exhibit – 3 relied by Respondent Nos. 8 and 9 has many blank spaces of Compliances which indicates that Respondent Nos. 8 and 9 has not taken any step for compliance in violation / breach of E.C. condition.
14. Applicants further state that, the alleged survey also confirms that STP found not in operation and OWC also has not been installed. This is also violation of E.C. condition on the part of Respondent Nos. 8 and 9.
15. With regards to para No. 6, Applicants state that though it is claimed that Board Official of Respondent No. 4 [MPCB] have carried out the inspection, however, it does not preclude this Hon'ble Tribunal to appoint a Commissioner or any other appropriate person and/or Committee to give factual report of the project.



Pertinently, the factual aspects such as sufficient Recreational Ground, Fire Safety norms and Parking provision on site has not been inspected or surveyed by Respondent No. 4 [MPCB]. Therefore, there shall be no prejudice if overall survey by a Commissioner or Committee appointed by this Hon'ble Tribunal to file factual report about prevalent condition on site.

16. Applicants state that on 03.10.2023, Project Management Report [PMR] for the period of October, 2022 to March, 2023, was filed by Respondent Nos. 8 and 9 through M/s Enviro Analysts and Engineers Pvt. Ltd. to Environment Department and MPCB [Respondent No. 4]. After thorough perusal of said PMR it becomes crystal clear that despite O.C. dtd. 16.06.2021 and Environment Clearance dtd. 10.08.2022 the Respondent Nos. 8 and 9 – Project Proponent (Developer), was continuously violating the E. C. conditions and doing enormous damage to environment. Those violations can be demonstrated by tabulated chart which is as under:-

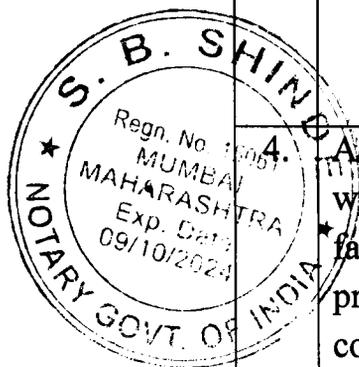
Sr. No.	Condition	Compliance	Important Remark / Comments by Applicants
SEAC Specific Conditions –			
6.	PP to provide 1.5 mt parapet wall around the tanks of STP which are open on ground.	PP has proposed the 1.5 mt parapet wall around the tanks of STP which are open on ground	Parapet wall proposed. Not constructed yet despite Rehab Building in operational phase.
SEIAA Specific Conditions –			
1.	Planning Authority to ensure that OC shall not be issued to the project till PP obtain necessary SONP NOC.	Condition is noted.	PP has suppressed the fact that O.C. is already granted to Rehab Building and occupied the slum dwellers.
	PP to provide grass payers of suitable types & strength to increase the waster	Condition is noted.	Not provided. Insufficient space for fire tender movement. At



	permeable mother earth area up to 1/3 rd of plot area as well as allow effective fire tender movement.		some points internal access less than 06 meters.
3.	PP to achieve at least 5% of total energy requirement from solar/other renewable sources.	Condition is noted.	Not provided, despite Rehab Building in Operation Phase.

General Conditions for Construction Phase –

1.	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.	The solid waste generated shall be properly collected and segregated and also being stored separately in two bin system. Biodegradable Waste of operation phase shall be processed in OWC and manure so obtained will be used for landscaping. Non-biodegradable Waste shall be managed through recyclers.	Not properly and segregated. Biodegradable Waste of operational phase not processed in OWC.
4.	Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision	Adequate drinking water facility is provided for the workers at the site during construction	Not provided on site.



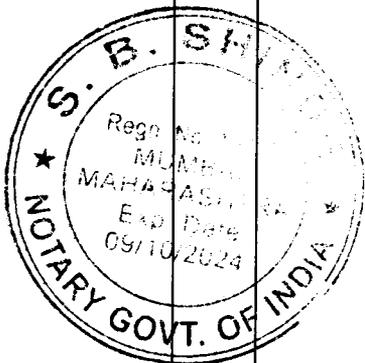
	<p>should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.</p>	<p>phase. Toilets are provided for construction workers. Bins have been provided to dispose the municipal solid waste generated from labour camps.</p>	
19.	<p>Diesel power generating sets proposed as sources of backup power for elevators and common area illumination during operation phase should be 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 GD sets.</p>	<p>D.G. sets of 1 x 150 KVA, will be provided as back up for Commercial buildings. D.G. sets will be provided with silencer & acoustic enclosures. The stacks shall be provided as per MPCB norms.</p>	<p>Not provided to commercial occupants in Rehab Building</p>
	<p>Use low sulphur diesel. The location of DG sets may be decided with in consultation with Maharashtra Pollution Control</p>		



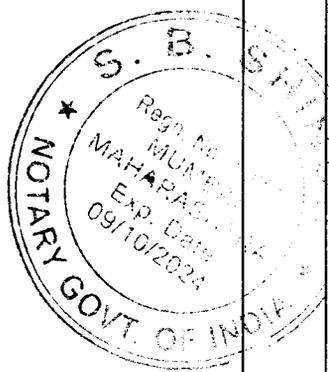
	Board.		
General Conditions operation phase:-			
3.	<p>The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Ministry before the project is commissioned for operation. Treated effluent emanation from STP shall be recycled / refused to the maximum extent possible. Treatment of 100% gray water by decentralized treatment should be done. Discharge of unused treated affluent shall conform to the norms and standards of the Maharashtra Pollution Control Board. Necessary measures should be made to mitigate the odour problem from STP.</p>	<p>3 STP with 100 KLD & 25 KLD capacities are proposed. Construction and installation of STP shall be carried out by expert consultant. Treated water shall be used for the flushing and Gardening. Landscaping and Green belt area development. After the satisfactory completion of the work, the installation will be get certified from independent expert agency and report in this regard will be submitted to the Ministry of Environment, Forest and Climate Change before the project is commissioned for operation.</p>	<p>PP states that installation shall be carried out by expert. They further state that, they will get it certified from expert agency. Therefore, it is an admission by PP that till 03.10.2023, STP was not installed and operational. Also suppressed that Rehab building is Operational, since June, 2021.</p>
5.	<p>The occupancy certificate shall be</p>	<p>Condition is Noted.</p>	<p>PP suppressed the fact that O.C. for</p>



	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 must be avoided. Parking should be fully internalized and no public space should be utilized.		Rehab Building is granted and it is consisting of 194 occupants.
6.	Traffic congestion near the entry and exit points from roads adjoining the project site must be avoided. Parking should be fully internalized and no public space should be utilized.	This effect would be prominent during construction as well as operation phase. The probability of inconvenience faced due to the frequency of truck movement during construction phase would be minimized by better control of traffic movement in the area. Noise levels expected from the planned operating conditions have been assessed and are likely to be within acceptable levels. The	Width of internal roads are not 09 mtrs. Sufficient parking not provided to Rehab Building.

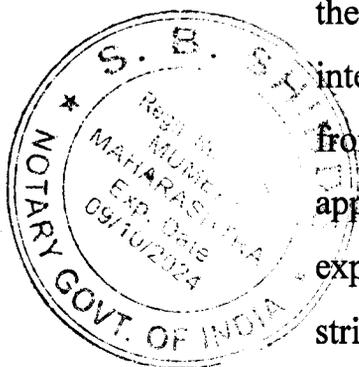


		<p>impacts have been mitigated by the suggested measures in the 'air control and management section'.</p> <p>Anti-hooking sign boards are placed in the parking areas and on entry and exit point. The project will be provided with sufficient road facilities within the project premises and there will be a large area provided for the parking vehicles.</p>	
7.	PP to provide adequate electric charging.	Condition is Noted.	Not provided, by Project Proponent.
8.	Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with local DFO / Agriculture Dept.	<p>The green area proposed is 443 m². Accordingly, same will be provided as per approved plan.</p> <p>A combination of native evergreen trees and ornamental flowering trees, shrubs and palms are planned in the complex.</p>	<p>R.G. not provided.</p> <p>More so, R. G. cannot be calculated on internal access Road. In sale Building independent R. G. is shown.</p>



	start of any construction work at the site.	Format 1.0/JD (WPC) / UAN No. 0000151329 / CO / 2303002386 dated 29.03.2023. Copy is enclosed as Annexure IV.	
4.	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 email) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and SPCB.	We are regularly submitting six monthly reports to Environment Department, Mantralaya & MPCB.	Six monthly reports not submitted regularly.

17. From the above compliance report it is equivocal that till 03.10.2023 the PP [Respondent Nos. 8 and 9] has not complied the conditions of EC. PP's own report elucidates about the intent of complying the EC condition in coming future. Thus, from the non-compliance by PP [Respondent Nos. 8 and 9] is apparent from the compliance report relied by PP. This exposes the conduct and negligent attitude of PP and therefore strict action is warranted against P.P. who is letting no stone unturned to shift the blame on Applicants and its Society. A copy of said Project Management Compliance Report dtd. 03.10.2023 relied by Project Proponent [Respondent Nos. 8



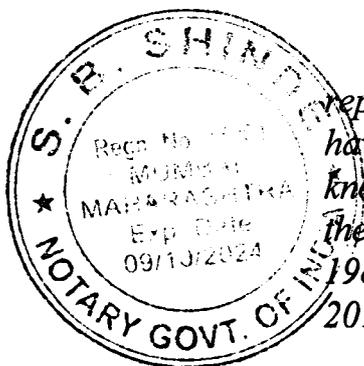
and 9] as submitted before Respondent No. 4 [MPCB] is already produced by Project Proponent in its Reply dtd. 10.01.2024 and marked as Exhibit – ‘4’ [see pg Nos. 445 to 518].

18. Applicant states that, from the show cause Notice dtd. 13.04.2023 issued by Respondent No. 4 [MPCB] it had pointed out following violations by PP [Respondent Nos. 8 and 9] –

“AND WHEREAS, complaint is received against your construction project & accordingly official of this office visited your construction site vide reference 3 above & reported following non-compliance;

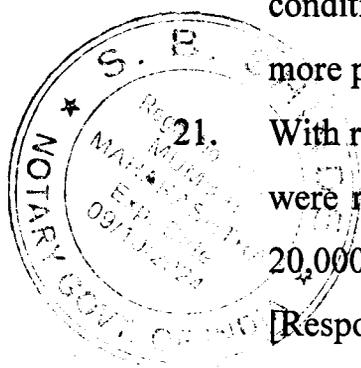
1. *You have given occupancy is observed in Rehab Building (Residential + Shop) without consent to operate.*
2. *You have provided underground STP having capacity is 1—CMD, comprises collection tank, Aeration tank, Filter press and Carbon and Sand filter, STP is found not in operation.*
3. *You have not submitted feasibility report of STP, Area statement from Architect by the project, not submitted details of mobile STP during construction phase, & details of Rainwater harvesting storage tank. Details of Energy conservation.*
4. *You couldn't produce documents like six monthly EC compliance report, post monitoring EC report.*
5. *You have not provided organic waster convertor and details Bank Guarantee.*

AND WHEREAS, after examining all the reports and records available with this office I have come to the conclusion that you are knowingly & wilfully violating the provisions of the Water (P & CP) Act, 1974, Air (P & CP) Act, 1981 and Hazardous Waste (M H T&M) Rules 2016.”



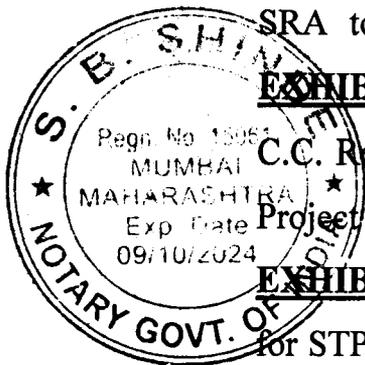
A true and correct copy of Show Cause Notice dtd. 13.04.2023 issued by Respondent No. 4 [MPCB] is **EXHIBIT – C**. Thus, this show cause notice shows clear violations committed by Project Proponent [Respondent Nos. 8 and 9] and it can be inferred that Project Proponent is making futile attempts to play innocent card, by blaming the Applicants. Project Proponent has been committing breach of Environment Laws, right from construction phase of Rehab Building and perpetuated the violation after receiving O.C. and granting occupation to the 194 Rehab occupants, nay, violated conditions of operation phase as well.

19. Applicants submit that, it is clear from the records that Project Proponent [Respondent Nos. 8 and 9] consent to establishment and consent to operate was granted on 20.01.2023 and 29.03.2023 respectively (i.e. after substantial construction was carried out and after O. C. dtd. 16.06.2021 as well as occupation to 194 occupants was granted). These facts itself are self explanatory about gross violations committed by Project Proponent [Respondent Nos. 8 and 9].
20. Applicants state that in furtherance of violation of EC conditions, the Project Proponent [Respondent Nos. 8 and 9] have violated and are continuously violating the terms and conditions of consent to establishment and consent to operate, more particularly condition Nos. 11, 12, 13 and 14.
21. With regard to para No. 7, Applicants state that, the Applicants were never informed about deposit of Rs. 39,60,000/- @ Rs. 20,000/- per slum dweller, either by Project Proponent [Respondent Nos. 8 and 9] or by Respondent – SRA. Applicants state that, this is an undervalued amount deposited @ Rs. 20,000/- per slum dweller in law they are entitled @ Rs.



40,000/- per slum dwellers as it may, the said deposited amount before SRA have no connection with the obligation, duty and responsibility of Project Proponent [Respondent Nos. 8 and 9] to provide install commission and operate the STP, OWC, fire fighting work.

22. Project Proponent [Respondent Nos. 8 and 9] has also malafidely suppressed the material fact that under the permissions i.e. (i) LOI dtd. 10.08.2009, (ii) IOA dtd. 16.12.2010 and (iii) further C.C. permission Report dtd. 21.10.2016 granted by Respondent – SRA, they were under obligation to enter into Registered Tripartite Agreement between Developer [Project Proponent], Society and Maintenance Firms for comprehensive maintenance of electro mechanical system and fire fighting system / equipment for a period of 10 years from the date of issue of Occupation Certificate and entire cost is mandated to be borne by Project Proponent [Respondent Nos. 8 and 9]. It further mandates that copy of such registered Agreement is required to be submitted before Respondent – SRA applying for C.C. A true and correct copy of LOI permission dtd. 10.08.2009 issued by Respondent – SRA to Project Proponent [Respondent Nos. 8 and 9] is **EXHIBIT – D**, whereas, a true and correct copy of Intimation of Approval [IOA] dtd. 16.02.2010 issued by Respondent – SRA to Project Proponent [Respondent Nos. 8 and 9] is **EXHIBIT – E**, whereas, a true and correct copy of further C.C. Report dtd. 21.10.2016 issued by Respondent – SRA to Project Proponent [Respondent Nos. 8 and 9] is marked as **EXHIBIT – F**. It may be noted that Electro Mechanic Work for STP involves the use of electrical power to operate various mechanical equipment used for treatment of sewage such as



pumps, mixers, blowers, filters, valves etc., it also includes installation and commissioning of other various electrical and mechanical work.

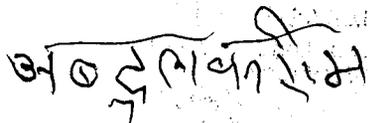
22. Applicants state that, Project Proponent [Respondent Nos. 8 and 9] have not registered such Registered Agreement with the maintenance firm and society, thus, no question arose for submitting it before Respondent – SRA. Thus the Project Proponent [Respondent Nos. 8 and 9] is mischievously and with ulterior motive diverting its obligation on the Applicants and its Society and such conduct of Project Proponent [Respondent Nos. 8 and 9] should not be countenanced and this Hon'ble Tribunal may impose exemplary cost on Project Proponent [Respondent Nos. 8 and 9].
23. Without prejudice to aforesaid conditions, Applicants state that, even otherwise the Project Proponent [Respondent Nos. 8 and 9] are under obligations to attend further repairs / maintenance of the Rehab building for 03 (three) years. Applicant shall rely and refer to the Circulars issued by CEO – SRA, as and when produced.

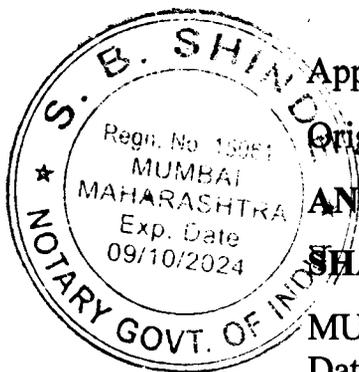
Applicants therefore submit that the Interim Applications and Original Application of the Applicants may be allowed.

AND FOR SUCH ACTS OF KINDNESS THE APPLICANTS SHALL DUTY BOUND EVER PRAY.

MUMBAI,
Date: 16.03.2024.


Advocate for Applicants,
[Altaf Khan – MAH/3990/2012].


Abdul Karim
[Applicant No. 11]



VERIFICATION

I, Abdul Karim, adult, an Indian Inhabitant, the Applicant No. 3 abovenamed, do hereby and on behalf of co-applicants, state on solemn affirmation that what is stated in forgone paragraphs are true and correct to the best of my knowledge and belief and no material facts are concealed therefrom. I have been read over and understood the facts and submission made hereinabove in Hindi language.

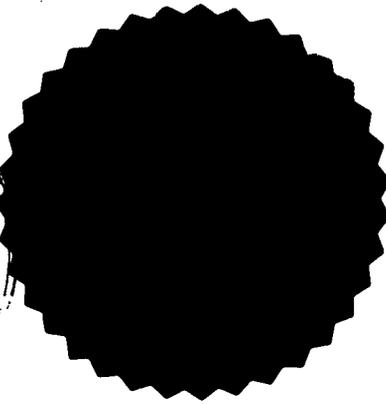
Solemnly affirmed at Mumbai,
Dated this 16th day of March, 2024.

Identified, explained and interpreted by me,

Advocate for the Applicants,
[Altaf Khan – MAH/3990/2012].

Abdul Karim
[DEPONENT]

BEFORE ME



BEFORE ME
Shri
16/03/2024
S. B. SHINDE
Regn No 15061 B A LL B
NOTARY GOVT OF INDIA
New Municipal Transit Camp, Chawl No. 1
Room No. 19, Jerbat Wadia Road
Bhotwada, Mumbai-400 017
Exp. Dt 09/10/2024

S. B. SHINDE
NOTED & REGISTERED
Sr. No. 478 Pg. No. 107
Date 16-03-2024





Mar 16, 2024, 11:00

B. SHINDE
Regn. No 15051
MUMBAI
EXPIRES
09/10/2024
GOVT OF INDIA



प्रति,
निर्माण रियल्टर अँड डेव्हलपर्स लि.,
न्याय सागर, ओल्ड नगरदास रोड,
चिनाय कॉलेज के पास, अंधेरी (पूर्व),
मुंबई - ४०० ०६९.

विकल्पित पता निम्नप्रकार से,
५०१/५०२, पेनिनसुला हाइट्स, सी.डी.बर्फीवाला (जुहू गली),
अंधेरी (पश्चिम), मुंबई - ४०० ०५८.

संदर्भ :- दिनांक ०४/१२/२०२३ को निर्माण रियाल्टर अँड डेव्हलपर्स लि. द्वारा भेजी गई नोटिस।

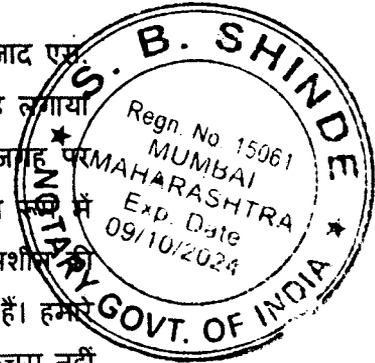
विषय :- दिनांक ०४/१२/२०२३ को आपके द्वारा भेजे गए नोटिस में किए गए निराधार आरोपो का जवाब।

महोदय,

हमें आप की दिनांक ०४/१२/२०२३ को सूचना प्राप्त हुई जो कि दिनांक ०१/१०/२०२३ को भेजी गई सूचना का अनुस्मारक है। हम आपके सूचना का उत्तर निम्नप्रकार देते हैं।

१. आपने यह पत्र सोसायटी के नाम पर दिया है। आप जानते हैं की सोसायटी का कार्यकाल खत्म हो चुका है और कमिटी का पुनर्गठन होना बाकी है।

२. आपने अपने पत्र / सूचना द्वारा हमारी सोसायटी [श्री आजाद एम्. आर. ए. गृहनिर्माण संस्था मर्यादित] पर पहला आरोप यह लगाया है की आपके द्वारा स्थापित सीवरेज ट्रीटमेंट प्लांट की जगह पर सोसायटी के लोग कचरा फेंकते हैं जिसके उपरांत मशीन में बहुत कचरा जमा हो चुका है और वहाँ पर चुहों ने उस मशीन की वायर काट दी हैं। यह सारे आरोप पूरी तरह से बेबुनियाद हैं। हमारे सोसायटी के लोग कभी भी कथित मशीन के आस पास कचरा नहीं फेंकते हैं। बल्कि हमारे सोसायटी में एक बड़ा कचरे का कुडादान है



RECEIVED

NIRMAN REALTORS AND DEVELOPERS LTD.

DATE:-

TIME:-

TEL:- 26836111

NO:-

28/12/23

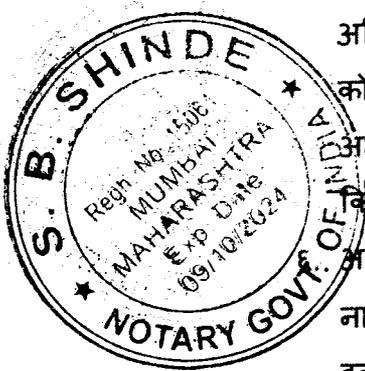
और सारे लोग जिम्मेदारी से उसी कुडेदान में कचरा फेंकते हैं। आपके द्वारा रखे गए के लोग और कर्मचारी जो कि सेल बिल्डिंग में कार्यरत हैं, वी अपनी मनमानी करते हैं, जिसका ढींकरा आप हमारे संदस्यों पर फोड रहे हो।

3. आपके दूसरे आरोप के अनुसार आप ने लगाए हुए चार्जिंग पॉइंट को सोसायटी के बच्चो ने तोड दिये हैं। यह सारे आरोप गलत और बेबुनियाद हैं।

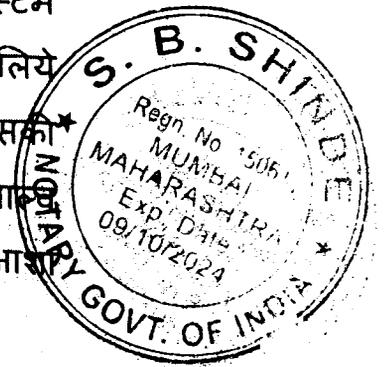
4. आपने पत्र / सूचना में ऑर्गनिक वेस्ट कन्वर्टर मशीन के लिये ऑपरेटर, लिफ्ट मैन, बिल्डिंग के लिये सिक्योरिटी गार्ड तथा ऑपरेटर आदि के नियुक्ती कि बात की हैं। किंतु योग्य व्यक्तियों कि नियुक्ती करना आपका काम है और हम वार्तालाप के लिये तैयार हैं लेकिन आश्चर्य की बात हैं कि आपने गए ०२-०३ सालों से इस पर कभी चर्चा नहीं की, हमें बिल्डिंग के घरों में जून, २०२१ को स्थलांतरित करने के बाद भी कभी कार्य नहीं किया। लेकिन राष्ट्रीय हरित अधिकरण में याचिका डालने पर आप इस पर चर्चा करने की बात कर रहे हो।

5. आपने आरोप लगाया हैं की सोसायटी में जो "पेव्ड आर. जी. (Paved R.G.)" की जगह हैं उसपर सोसायटी के संदस्यों की मोटरसाईकल खड़ी की जाती ही जिसके कारण "पेव्ड आर जी" बनाने के लिये आपको विलंब हो रहा हैं। आपने यह आरोप केवल आपके द्वारा जनबूझकर किये जाने वाले विलंब और राष्ट्रीय हरित अधिकरण (NGT) दायर याचिका के बचाव में और विफलताओं को छुपाने के लिये किया हैं। किंतु सच्चाई तो यह है की आपने अभी तक "पेव्ड आर. जी. (Paved R.G.)" का काम ही शुरू नहीं किया हैं।

आपने चार पाहिये गाडीयों की सुविधा DCR, 1991 के अनुसार नाही दी है, और सिर्फ प्लान में दिखाकर दो पाहियो की पार्किंग हकीकत मे कभी नाही दी, इसलिये कुछ लोग मार्जिनल स्पेस पर अपनी दो पाहिया मोटर साईकल मजबूरी में खड़ी करते है।



७. आपने इससे पहले कभी भी पेव्ड आर. जी. (Paved R.G.), सीवरेज ट्रीटमेंट प्लांट के उपर पतरा, सोलार पैनल बनाने या अन्य कोई संसाधन बनाने या संभालने के हेतु से या इस संदर्भ में सूचना नहीं दी। इससे स्पष्ट होता है की आपके खिलाफ राष्ट्रीय हरित अधिकरण के समक्ष चल रहे मुकदमे को कमजोर करने हेतु, यह सूचनाएँ भेज कर अपने आप को बेकसूर होने का ढोंग कर रहे हैं।
८. आपका यह आरोप ही कि सोसायटी के सदस्य आपको सहयोग और सहकार्य नहीं करते किंतु सोसायटी के सारे सदस्य तो सोसायटी का काम जल्द से जल्द हो इसी आशा में हर संभव प्रयास कर रहे हैं, किंतु वह आप हैं जो हर काम में अनावश्यक विलंब कर रहे हैं और सोसायटी एवं समद भाई पर अनावश्यक आरोप लगा रहे हो ताकि राष्ट्रीय हरित अधिकरण में आपके खिलाफ को आदेश ना पारित हो जाए।
९. आपने सोलार पैनल का काम ग्रीन एनर्जी डिपार्टमेंट में चालू होने की बात की है और साथ ही आपने सोसायटी पर फायर फाइटिंग सिस्टम का वाल तोडने का आरोप लगाया है । किंतु हकीकत तो यह है की आपने सोसायटी का निर्माण करते समय ही पैसे बचाने के हेतु से लापरवाही कर सस्ते और हलके समान का इस्तमाल किया है। अब सच्चाई सामने आने पर आप सोसायटी और समद भाई पर आरोपों की लडी लगा रहे हैं। अगर फायर फाइटिंग सिस्टम का वाल टुटने कि वजह से कोई भी हादसा होता है तो उसके लिये नाही सोसायटी और नाही समद भाई जिम्मेदार होंगे किंतु इसकी पूरी जिम्मेदारी आप की होगी। तो आप जल्द से जल्द नया वाल लगावा कर सारी सोसायटी की सुरक्षा सुनिश्चित करेंगे ऐसी आशा करते हैं।
१०. आपने दिनांक ०४/१२/२०२३ के पत्र / सूचना में बार बार समद भाई द्वारा आपके खिलाफ किये गए शिकायत का जिक्र किया है और साथ ही आपने लगभग सारे आरोपों के लिये सोसायटी के साथ साथ समद भाई को भी व्यक्तिगत रूप से जिम्मेदार ठहराया है।



इसी बात से आपका दिनांक ०४/१२/२०२३ का पत्र / सूचना भेजकर आपके खिलाफ समद भाई द्वारा राष्ट्रीय हरित अधिकरण में दायर किये गए मुदमे को कमजोर और अधिकरण की दिशाभूल करने का प्रयोजन स्पष्ट हो रहा है।

११. आपके इसी बेबूनियाद आरोपो का खुलासा करने हेतू हम राष्ट्रीय हरित अधिकरण में पुनर्वसन योजना के पुनर्वसीत इमारत (Rehab Building) का और दिए गए सुविधाओं और संसाधनों का स्थल निरीक्षण करने की माँग करने वाले हैं ताकि न्यायालय के समक्ष तथ्यों का खुलासा हो सके।

आप भविष्य में सत्य और साक्ष्य बात सदस्यों के समक्ष रखेंगे, ऐसी हम कामना करते हैं।

आपके कृपाभिलाशी,

अनु. क्र.	नाम	हस्ताक्षर
१.	अब्दुल करीम इस्माइल	अ. करीम इस्माइल
२.	अब्दुल करीम	अब्दुल करीम
३.	सुरेश कोरडे	सुरेश कोरडे
४.	वसंत शिंदे	वसंत शिंदे



MAHARASHTRA POLLUTION CONTROL BOARD		
Phone :	(022)- 25505928	
Fax :	(022)- 25505926	
Email :	romumbai@mpcb.gov.in	
Visit At :	http://mpcb.gov.in	
		Kalpataru Point, 1 st floor, Sion- Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022

"Your Service is our Duty"

No: MPCB/SCN/ 2304130004

Date: 13 /04/2023

To
 M/s Nirman Constructions (Alias M/s Nirman Realtors and Developers LTD)
 "Shree Azad Co.Op. HSG Society"
 C.T.S. No. 738/B/1/A at Rani Sati Marg, Azad Link Road,
 Sanjay Nagar, Pathan Wadi, Malad (E), Mumbai 400097

Sub: Show Cause notice for violation of section 26 of the Water (Prevention & Control of Pollution) Act, 1974, section 21 of the Air (Prevention & Control of Pollution) Act, 1971 & related amendments made therein.

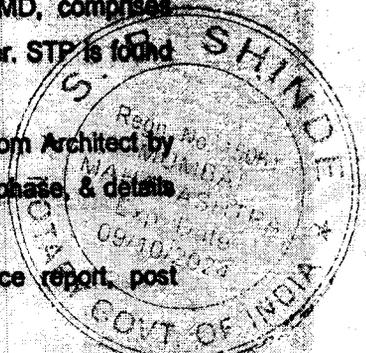
Ref: 1. Consent to establish was granted 20/01/2023
 2. Complaint received against your construction activity
 3. Board official visited on site 28/01/2023

WHEREAS, as you are aware that Water (P & CP) Act, 1974; Air (P & CP) Act, 1981 are applicable to the state of Maharashtra. It is mandatory on your part to obtain prior consent under section 25/26 of above mention Acts before taking any effective step for implementation of the project.

AND WHEREAS, it is obligatory on your part to provide adequate Water & Air pollution control arrangements so as achieve the prescribed standards under the Environment Act & Rules and not to cause nuisance of pollution in the surrounding area.

AND WHEREAS, complaint is received against your construction project & accordingly officials of this office visited your construction site vide reference 3 above & reported following non-compliance;

1. You have given occupancy is observed in Rehab. Building (Residential + Shop) without consent to operate.
2. You have provided underground STP having capacity is 100 CMD, comprises collection tank, Aeration tank, Filter press and Carbon and Sand filter. STP is found not in operation.
3. You have not submitted feasibility report of STP, Area statement from Architect by the project, not submitted details of mobile STP during construction phase, & details of Rainwater harvesting storage tank. Details of Energy conservation.
4. You couldn't produce documents like six monthly EC compliance report, post monitoring EC report
5. You have not provided organic waste convertor and details Bank Guarantee.



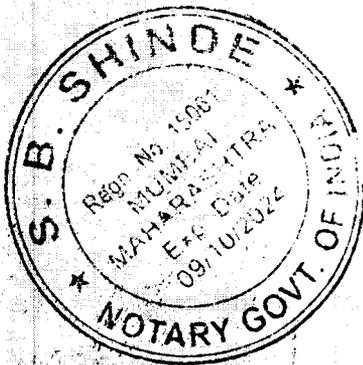
AND WHEREAS, after examining all the reports and records available with this office I have come to the conclusion that you are knowingly & willfully violating the provisions of the Water (P & CP) Act, 1974, Air (P & CP) Act, 1981 and Hazardous Waste (M H T&M) Rules 2016.

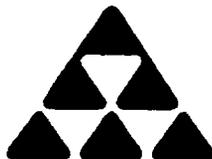
NOW THEREFORE, in view of aforesaid facts, you are hereby directed to show cause as to why legal action shall not be initiated you under the provisions of section 26 of the Water (Prevention & Control of Pollution) Act, 1974, section 21 of the Air (Prevention & Control of Pollution) Act, 1981 And Hazardous Wastes (Management and Handling) Amendment Rules, 2016. Your reply/objections, if any, shall reach this office within period of 7 days from date of receipt of this letter, failing which, appropriate action, as may deem fit in your case, will be initiated against you, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board.


(S. R. Bhosale)
Regional Officer, Mumbai

Copy to: SRO Mumbai-IV- MPCB, He is requested to submit the present status of Industry within 7 day period & ensure that SCN to be served to the industry.





Slum Rehabilitation Authority

5th Floor, Griha Nirman Bhavan,
Bandra (East), Mumbai 400 051. Fax: 022-26590457
Tel: 022-26590519 / 0405 / 1879 / 0993
E-mail: info@sra.gov.in

No.:SRA/ENG/1263/PN/PL/LOI

Date: 10 AUG 2009

झोपडपट्टी पुनर्वसन प्राधिकरण
मुंबई

दिनांक 16 NOV 2009

To,
✓ Architect

: Shri Shantanoo Rane
of M/s Shantanoo Rane & Associates
16, Koteswar Palace, Andheri (E),
Mumbai - 69.

2. Developers

: M/s Nirman Constructions.
14, Nyay Sagar CHS Limited,
Old Nagardas Road, Near Chinai College,
Andheri (East), Mumbai- 400 069.

3. Society

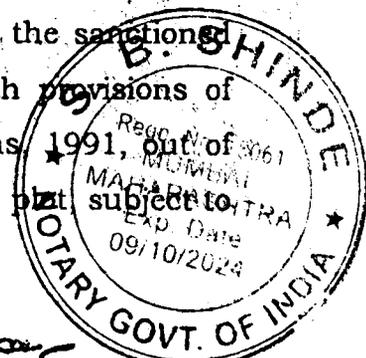
: "Shree Azad CHS (Prop)"
At Azad Link Road, Sanjay Nagar,
Pathanwadi, Malad (East), Mumbai.

Sub: Proposed S.R Scheme on plot bearing part of C.T.S No
738/B/1/A of Village Malad, Azad Link Road, Sanjay
Nagar, Pathanwadi, Malad (East), Mumbai for "Shree Azad
CHS (Prop)".

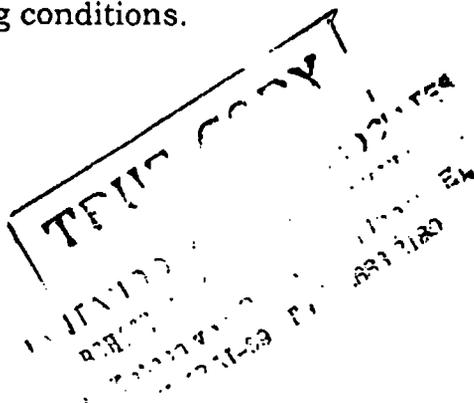
Ref.: SRA/ENG/1263/PN/PL/LOI

Sir,

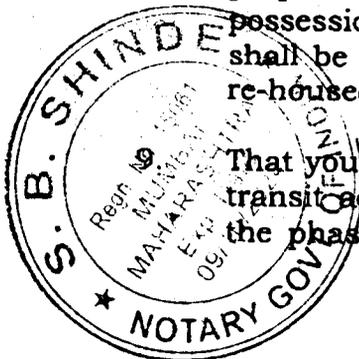
With reference to the above mentioned Slum Rehabilitation Scheme on plot bearing CTS No. 738/B/1/A Of Village Malad, Azad Link Road, Sanjay Nagar, Pathanwadi, Malad (East) this office is pleased to inform you that this **Letter of Intent** is considered and principally approved for the sanctioned FSI of 3.21 (THREE POINT TWO ONE) in accordance with provisions of Appendix - IV of Reg. 33 (10) of amended D. C. Regulations, 1991, out of maximum FSI of 3.00 shall be allowed to be consumed on the plot subject to the following conditions.



10/8/2009
Dy. Ch. Engineer
Slum Rehabilitation Authority



1. That you shall hand over 49 number of tenements to the Slum Rehabilitation Authority/M.C.G.M. for Project Affected Persons, each of carpet area 25.00 sq.m. free of cost.
The PAP tenements shall be marked as a PAP tenement on doors prominently. After completion of the building, PAP tenements shall be protected by the developer till handing over to the concerned authority by providing security guards etc.
 2. That the carpet area of rehabilitation tenements and PAP tenements shall be certified by the Licensed Surveyor/ Architect.
 3. That the Amenity Tenements i.e. 02 Balwadi, 02 Welfare Centre, 02 Society Office shall be handed over to the slum dwellers society to use for specific purpose only.
 4. That you shall rehouse the eligible slum dwellers as per the list certified by the Addl. Collector (Encroachment & Removal) Western Suburb by allotting them residential tenements of carpet area of 25 sq.mt. and / or residential-cum-commercial of carpet area of 25 sq.mt. and /or commercial tenements as per the area mentioned in certified Annexure-II issued by Competent Authority or the carpet area of 20.90 sq.mt., whichever is less, free of cost and constructing the same as per building specifications/ norms/building bye-laws.
 5. That you shall register society of all slum dwellers to be rehoused under Slum Rehabilitation Scheme and Project Affected Persons (PAP) nominated for allotment of tenements by the Slum Rehabilitation Authority or any other Competent Authority.
 6. That if required along with the other societies, you shall form a federation of societies so as to maintain common amenities such as internal road, recreation ground, street lights etc.
 7. That you shall incorporate the clause in the registered agreement with slum dwellers and project affected persons that they shall not sell or transfer tenements allotted under Slum Rehabilitation to anyone else except the legal heirs for a period of 10 (ten) years from the date of taking over possession, without prior permission of the CEO (SRA).
 8. That you shall provide transit accommodation to the slum dwellers with requisite amenities, if required to be shifted for construction of proposed building, till the permanent tenements are allotted and possession is given complying all formalities and existing amenities shall be maintained in sound working condition till slum dwellers are re-housed in the proposed rehabilitation tenements.
- That you shall obtain the permission for construction of the temporary transit accommodation from Slum Rehabilitation Authority along with the phased development programme and the list of the eligible slum

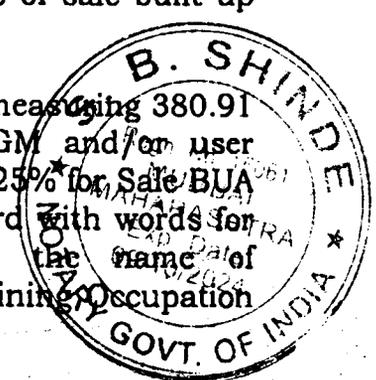
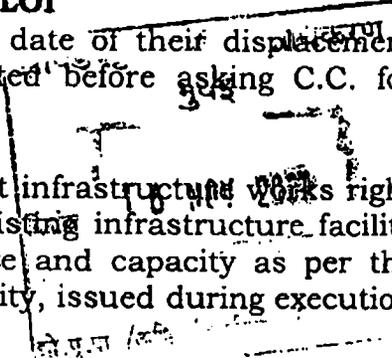


10 AUG 2009

SRA/ENG/1263/PN/PL/LOI

dwellers shifted in the transit camp, with date of their displacement from their existing huts shall be submitted before asking C.C. for Rehab bldg.

- 10. That you shall bear the cost of carrying out infrastructure works right upto the plot, and shall strengthen the existing infrastructure facility and / or provide services of adequate size and capacity as per the directives of the Slum Rehabilitation Authority, issued during execution period.
- 11. That you shall submit layout and get the same approved before obtaining Commencement Certificate of 2nd Building in the layout.
- 12. That you shall submit phasewise programme for development of infrastructural works, reservation, amenities etc. in the layout while approving the layout and same shall be developed accordingly. A registered undertaking to that effect shall be submitted. This shall be submitted alongwith layout plan or before issue of C.C. for 1st Rehab Bldg.
- 13. That you shall not block existing access leading to adjoining structures/users and shall make provision of adequate access to the adjoining land locked plot, if any, free of cost and the same shall be shown on layout plan to be submitted for approval on terms and conditions as may be decided by Slum Rehabilitation Authority.
- 14. That you shall submit the P.R. Card with area mentioned in words duly certified by Superintendent of Land Records for amalgamated/sub-divided plots before obtaining C.C. for last 25% of built up area.
- 15. That you shall get set back land admeasuring 93.09 sq mtr demarcated from A. E. (Survey)/D.P./ T & C department of M.C.G.M. and handed over to M.C.G.M. free of cost and free of encumbrances by transferring the ownership in the name of M.C.G.M. duly developed as per Municipal specification and certificate to that effect shall be obtained and submitted before obtaining C.C. for the last 25% of sale built up area approved in the scheme.
- 16. That you shall handover the buildable reservation admeasuring 380.91 sq.mts. and/or built-up amenity structure to MCGM and/or user department free of cost before granting CC to the last 25% for Sale BUA of sale building in the scheme and separate P.R. Card with words for the buildable and non-buildable reservation in the name of M.C.G.M./user Deptt. shall be submitted before obtaining Occupation Certificate for Sale Bldg.



TRUE COPY
 SH...
 18, K...
 MUMBAI...

[Signature]
 10/8/2009
 D. Ch Engineer
 Slum Rehabilitation Authority

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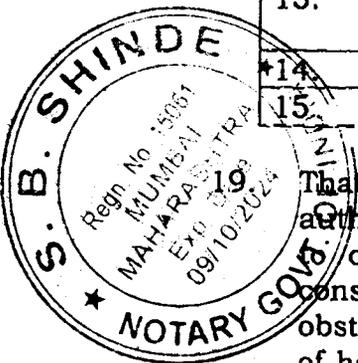
17. That necessary concurrence from concerned department of MCGM and/or other user department shall be obtained for planning of buildable reservation and/or amenity open space before asking for approval of IOA of the respective building.
18. That you shall restrict the built up area meant for sale in the open market and built up area of rehabilitation as per the scheme parameters Annexed herewith.

The salient features of the scheme are as under:

Sr no.	Description	Area in sq mtr
1.	Area of plot	4219.80
2.	Deduction: a) Set Back b) Secondary School (1142.75/3)	93.09 380.91
3.	Balance area of plot (1 -2)	3745.80
4.	Addition for FSI purposes a) Set back b) Secondary School (1142.75/3)	93.09 380.91
5.	Area of plot for computation of FSI (3 + 4)	4219.80
6.	Permissible FSI on plot	3.00
7.	Built up area permitted on the plot (4219.80 x 3.0)	12659.40
8.	Rehab Built up area for FSI purpose	5542.71
9.	Amenity Structure Area (Balwadi + Welfare Centre +Society Office)	146.40
10.	Common passage area	2310.70
11.	Rehabilitation component as per D.C.R 33 (10). (8 + 9 + 10)	7999.81
12.	Sale Component as per DCR 33(10)	7999.81
13.	Total built up area approved for scheme (8 +12)	13542.52
14.	FSI Sanctioned (13/5)	3.21
15.	Sale built up area permissible in situ (6-7).	7116.69

That you shall get the plot boundaries demarcated from concerned authority before starting the work as per D.C. Regulation No. 38 (27), prior to commencing the building work and the compound wall shall be constructed on all sides of the plot clear of the road side drain without obstructing flow of rain water from adjoining holding, to prove possession of holding in phase programme as per removal/cleaning of structures on plot before requesting C.C of sale building.

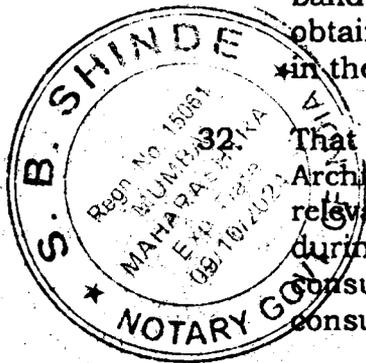
20. That you shall accommodate the huts getting cut along the boundary of the plot demarcated by the staff of the City Survey office.



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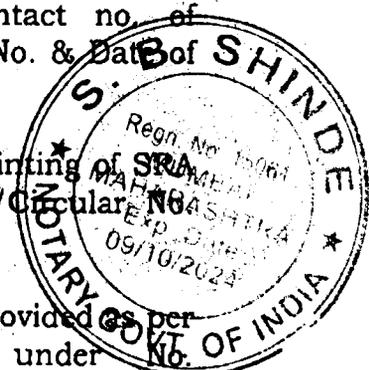
10 AUG 2009

27. That the possession of the residential tenements and shops shall not be handed over to the eligible hutment dwellers before the society is registered and transit accommodation given is surrendered and all the dues to the M.C.G.M./MHADA/Govt. have been cleared.
Demolition of the Transit Camp shall be carried out before obtaining the Occupation Certificate to the Sale Bldg.
28. That the rehabilitation component of scheme shall include.
- | | | |
|----|-----|----------------------------------|
| a) | 115 | Numbers of Residential tenements |
| b) | 27 | Numbers of Commercial tenements |
| c) | 05 | Numbers of R/c. |
| d) | 02 | Numbers of Balwadi |
| e) | 02 | Numbers of Welfare Centre |
| f) | 02 | Numbers of Society office |
| g) | 49 | Numbers of PAP |
- Amenity tenements to be handed over to Society and Society to use for specific purpose only.
29. That the layout Recreation Ground shall be duly developed before obtaining occupation of sale building.
30. That the quality and workmanship of construction work of each building in the layout shall be strictly monitored by concerned Architect/Site supervisor/Structural Engineer and report on quality of work carried out shall be submitted by Architect with test results as and when required by Executive Engineer (SRA) and at the stages of obtaining plinth C.C., further C.C., occupation to the buildings in the scheme.
31. That separate P.R. Cards in words duly certified by Superintendent of Land Records for D.P. road/set back/D.P. reservation/net plot shall be obtained and submitted before obtaining C.C. to last 25% of Built-up Area in the scheme.
32. That this Letter of Intent is issued on the basis of plot area certified by the Architect and the Annexure - II issued by Competent Authority and other relevant documents. In the event of any deviation in the area of the plot during plot demarcation by D.D.L.R. / City Survey Office, then sale area consumed on the plot will be adjusted accordingly so as to keep total consumption of F.S.I. on the plot within 3.00.
33. This Letter of Intent gives no right to avail of extra FSI granted under D.C.Regulation 33 (10) upon land, which is not your property.
34. That the Arithmetical error if any revealed at any time shall be corrected on either side.



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35. That this letter of intent shall be deemed to be cancelled in case any of the document submitted by the Architect / Developer or Owner are found to be fraudulent / misappropriated.
36. That you shall pay proportionate amount towards deposit to be kept with Slum Rehabilitation Authority at the rate of 20,000/- per tenement as decided by the authority and proportionate amount towards Infrastructural Development charges at the rate of 560/- (Suburb), per sq.mt.}
37. That you shall pay development charges as per 124 E of M.R. & T.P. Act separately for sale built up area as per provisions of M.R.& T.P. Act.
38. That this LOI is valid for the period of 3 (three) months from the date hereof. However, if IOA / CC is obtained for any one bldg. of the project then this LOI will remain valid till completion of estimated project period.
39. That you shall re-house all the additional hutment dwellers if declared eligible in future by the competent Authority, by amending plans wherever necessary.
40. That the allotment of rehabilitation tenements to the eligible slum dwellers in the scheme, shall be made by drawing lots in presence of the representative of the Assistant Registrar of Societies (SRA) and statement of rehab tenements allotted to the eligible slum families in the rehabilitation building with corresponding tenements no. in rehab / composite building and Sr. No. in Annexure - II etc. duly certified by the concerned society of slum dwellers and Assistant Registrar (SRA) shall be submitted before requesting for occupation permission of respective rehab tenements.
41. That you shall bear the cost towards displaying the details such as Annexure - II, date of issue of important document like LOI, Layout, C.C., O.C.C. on SRA website.
42. The owner/Developer shall display the name at site before starting of the work giving the details such name, address and contact no. of owner/Developer, Architect, Structural Engineer, Approval No. & Date of LOI, Layout & IOA.
43. That you shall display bilingual sign boards on site and painting of SRA Logo on rehab buildings as per Circular No. SRA/Admn/Circular No. 64/569/2004 dtd. 14/10/2004.
44. That the rain water harvesting system should be installed/provided as per the direction of U.D.D., Govt. of Maharashtra under TPB/432001/2133/CR-230/01/UD-11 DTD.10/03/2005 and the same shall be maintained in good working conditions all the time, failing which



SHINDE
18. 11. 2009

539000 J To/8/2009

By S. Shinde
Assistant Registrar of Societies

10 AUG 2009

SRA/ENG/1263/PN/PL/LOI

penalty of Rs.1000/- per annum for every 100 sq.mt. of built-up area shall be levied.

45. a) That copy of Annexure – II shall be displayed by the society of slum dwellers on the notice board of society for the period of 30 days and shall be easily accessible to the staff of SRA for inspection. Intimation of the same shall be given to the office of Dy. Collector (SRA) three days before the date of display. In case of non-compliance of above condition the Society/Developer shall be held responsible and liable for suitable action as deemed fit. One hard copy and soft copy of Annexure – II shall be submitted to the office Dy. Collector (SRA) by the Co-operative Housing Society / developer before display of Annexure – II on site.
- b) That Developer shall ensure that any slum dwellers held not eligible by the Competent Authority or desire to make any changes shall apply within three months of issue of the Letter of Intent to the appellate authority with supporting documents.
- c) That you shall give wide publicity for the approval of S. R. scheme in atleast one local Marathi & English newspaper and proof thereof shall be submitted to this office.
- d) That the certificate from office of the Dy. Collector (SRA) for satisfactory compliance of above conditions shall be submitted before requesting for plinth C.C. to the first rehab building plans.

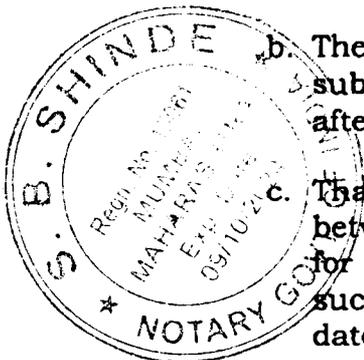
46. High Rise Rehab Building :

- a. That you shall appoint Project Management Consultant with prior approval of Dy.Ch.Eng. (S.R.A.)/E.E. (S.R.A.) for implementation / supervision / completion of S.R. Scheme.

b. The Project Management Consultant appointed for the scheme shall submit quarterly progress report to Slum Rehabilitation Authority after issue of LOI.

c. That the developer shall execute tri-partite Registered agreement between Developer, Society & Lift Supplying Co. or maintenance firm for comprehensive maintenance of the electro mechanical systems such as water pumps, lifts, etc. for a period of ten years from the date of issue of Occupation Certificate to the Rehabilitation / Composite building.

Entire cost shall be borne by the developer and copy of the registered agreement shall be submitted to S.R.A for record before applying for Occupation Certificate including part O.C.



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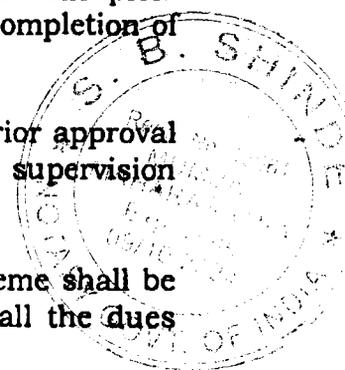
10 AUG 2009

- d. The third party quality auditor shall be appointed for the scheme with prior approval of Dy. Ch. Eng. (S.R.A.) / E.E. (S.R.A.) for quality audit of the building work at various stages of the S.R. Scheme.
- e. That the developer shall install fire fighting system as per requirements of C.F.O. and to the satisfaction of this department. The developer shall execute tri-partite Registered agreement between Developer, Society & Fire Fighting equipment supplying Co. and/or maintenance firms for comprehensive maintenance for a period of ten years from the date of issue of occupation certificate to the building.
Entire cost shall be borne by the developer and copy of the Registered Agreement shall be submitted to S.R.A for record before applying for Occupation Certificate including part O.C.
- f. That the structural design of buildings having height more than 24m shall be got peer reviewed from another registered structural engineer / educational institute.
47. The High Rise Committee's approval shall be obtained before requesting C.C. for the building having height more than 70 mtr. from average ground level.
48. That if the IOA/CC are not obtained within stipulated validity period then the developer/society is liable to pay compound interest in respect @ 10% on amount payable.
49. That the conditions mentioned in certified Annexure II issued under number अजि/अति/पथक-२/कार्या-७/३३[१०]/एसआर-७३/२००६ दिनांक ०६/०७/२००७ shall be complied and compliances thereof shall be submitted to this office.
50. That you shall submit clarification regarding discrepancies in classification of structure in Annexure-II from competent authority i.e. Addtl. Collector (Enc. & Rem.)
51. That you shall appoint Project Management Consultant with prior approval of Dy.Ch.Eng. (SRA)/CEO (SRA) for supervision/completion of rehab and sale bldg. in S.R. Scheme.
52. That you shall appoint Third Party Quality Auditor with prior approval of Dy.Ch.Eng. (S.R.A.) / E.E. (S.R.A.) for implementation / supervision of S.R. Scheme.
53. That the existing stand post water connections in the scheme shall be disconnected after demolition of respective hutment and all the dues shall be paid and cleared.

16 NOV 2009

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10 AUG 2009

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54. That you shall make payment in respect of the depreciated cost of any toilet block(s) existing in the slum plot to the Municipal Corporation of Greater Mumbai through Ch. Eng. (MSDP), if the same is required to be demolished for development under SRA.
55. That you shall submit the F.C. (SRA)'s NOC as per Circular No. 87 dtd. 19/06/2008 before issue of IOA of 1st building.
56. That IOA for first rehab building will be granted after compliance of Condition No. 45 A.
57. That the developer shall ensure that water connection to the rehab building is obtained within one month from date of occupation. Certificate of the water connection granted shall be submitted to this office before asking any further approvals in the scheme thereafter.
58. That you shall submit the P.R Card in the name of Society & demarcation of plot boundary with confirmation of area before approval of plans of first Sale building.
59. That you shall submit specific consents from the rehab commercial tenants before approval of plans.

If you are agreeable to all these above conditions, you may submit proposal for approval of plans, consuming full sanctioned F.S.I. separately for each building, in conformity with the D.C. Regulation No. 33 (10), in the office of the undersigned.

Yours faithfully,

S. B. Shinde
16/8/2009

Deputy Chief Engineer
Slum Rehabilitation Authority



EXHIBIT - E**SLUM REHABILITATION AUTHORITY**

5th floor, Griha Nirman Bhavan, Bandra (E) Mumbai - 400 051.

Intimation of Approval under Sub regulation 2.3 of Appendix - IV
of D.C.R. No. 33 (10) Dt. 15.10.97 for Brihanmumbai.

No. SRA / ENG / 2313/PN/PL/AP 16 FEB 2010

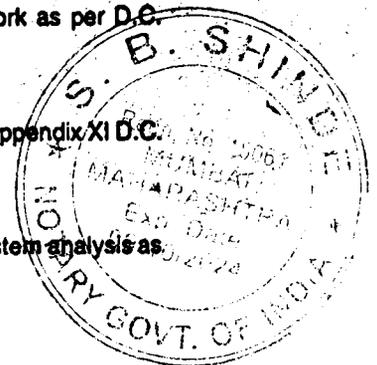
To,
M/s. Nirman Constructions,
14, Naya Sagar CHS Limited,
Next to BJP Office, Old Nagardas Road,
Andheri (E), Mumbai-400 069.

With reference to your Notice, letter No. 5347 dated 11/11/09 200 and delivered on 16/11/09 200 and the plans, Sections, Specifications and Description and further particulars and details of your building at CTS No.738/B/1A of villege Malad, Azad Link Road, Sanjay Nagar, Pathanwadi, Malad (E), Mumbai, for Shree Azad CHS (Prop.).

furnished to me under your letter, dated 11/11/2009 200 I have to inform you that the proposal of construction of the building or work proposed to be erected or executed is hereby approved under section 45 of the Maharashtra Regional & Town Planning Act, 1966 as amended up-to-date, subject to the following conditions :

A. THAT THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE COMMENCEMENT OF THE WORK UPTO PLINTH LEVEL

- A.1) That the Commencement Certificate us/ 44/69 (1) of the MR & TP Act, Shall be obtained before starting the proposed work.
- A.2) That the compound shall be constructed, after getting the plot demarcated from the concerned authority, on all sides of the plot clear of the road side drain without obstructing the flow of rain water from the adjoining holding, to prove possession of holding before starting the work as per D.C. Regulation No. 38 (27)
- A.3) That the structural Engineer shall be appointed, and the Supervision memo as per Appendix XI D.C. Regulation 5(3) (ix) shall be submitted by him.
- A.4) That the Structural design and calculations for the proposed work accounting for system analysis as per relevant I.S. code along with plan shall be submitted before C.C.



2nd

16 FEB 2010

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Subject to your so modifying your intention as to comply the aforesaid mentioned conditions and meet by requirements. You will be at liberty to proceed with the said building or work at anytime before the _____ day of **15 MAY 2010** 200 but not so as to contravene any of the provisions of the said Act as amended as aforesaid or any rule, regulations of bye-law made under that Act at the time in force.

Your attention is drawn to the special Instructions and Notes accompanying this Intimation of Approval

[Signature]
SE (S.R.A.)

[Signature]
SE (S.R.A.)

[Signature]
Executive Engineer, (S.R.A.)

SPECIAL INSTRUCTIONS

- (1) IN CASE OF PRIVATE PLOTS THIS INTIMATION OF APPROVAL GIVES NO RIGHT TO BUILD UPON LAND WHICH IS NOT YOUR PROPERTY.
- (2) Under Section 151 & 152 of M.R & T.P. Act 1986, as amended the Chief Executive Officer, Slum Rehabilitation Authority has empowered the Chief Engineer (S.R.A.)/ Executive Engineer (S.R.A.) to exercise, perform and discharge the powers, duties and functions conferred and imposed upon and vested in the C.E.O. (S.R.A.) by section of the said Act.
- (3) Proposed date of commencement of work should be communicated to this office.
- (4) One more copy of the block plan should be submitted to the Collector, Mumbai / Mumbai Suburbs District as the case may be.
- (5) Necessary permission for Non-agricultural use of the land shall be obtained from the Collector, Mumbai / Mumbai Suburban District before the work is started. The Non-agricultural assessment shall be paid at the rate that may be fixed by the Collector. under the Land Revenue Code and Rules thereunder.

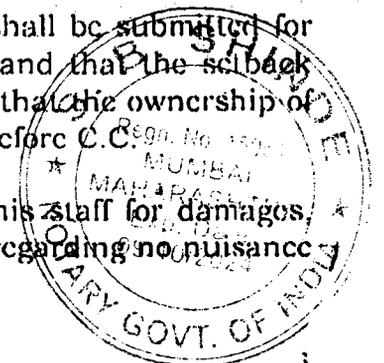
Attention is drawn to the notes Accompanying this Intimation of Approval.



No : SRA/ENG/2313/PN/PL/AP.

16 FEB 2010

- 5) That the low lying plot shall be filled up to a reduced level of at least 92 T.H.D. or 6" above adjoining road level whichever is higher with murum, earth, boulders etc. and shall be leveled, rolled, consolidated and sloped towards road.
- 6) That the minimum plinth height shall be 30.00 cm above the surrounding ground level or in areas subject to flooding the height of the plinth shall be at least 60.00 cm above the ground level.
- 7) That the regular/sanctioned/proposed lines and reservation shall be got demarcated at site through A.E. Survey/E.E. (T & C)/E.E. (D.P.) of M.C.G.M./ D.I.L.R., before applying for C.C.
- 8) That the drainage layout shall be submitted & got approved and the drainage work shall be executed in accordance with the requirements of the M.C.G.M.
- 9) That the existing structure proposed to be demolished shall be demolished with necessary phase program with agreement of affected slum dweller shall be submitted and got approved before C.C.
- 10) That the Registered site supervisor through Architects/Structural Engineer shall be appointed before applying for C.C. & quarterly report from the site supervisor shall be submitted through the Architect/Structural Engineer certifying the quality of the construction work carried out at various stages of the work or whenever demanded by the Executive Engineer (SRA).
- 11) That the requisite premiums/deposits as per Circular No.7 vide SRA/1372/dated 25 11-97 etc shall be paid before C.C.
- 12) That the true copy of the revised sanctioned layout/subdivision/ amalgamation along with the T & C there of shall be submitted before IOA of sale building and compliance thereof shall be done before submission of B.C.C.
- 13) That the conditions of Letter of Intent shall be complied with before C.C.
- 14) That no construction work shall be allowed to start on the site unless labour insurance is taken act for concerned labours to cover the compensation and compliance of same shall be intimated by Architect / Developer.
- 15) That the registered under taking and additional copy of plan shall be submitted for agreeing to hand over the setback land free of compensation and that the setback handing over certificate shall be obtained from M.C.G.M. and that the ownership of the setback land shall be transferred in the name of M.C.G.M. before C.C.
- 16) That the Indemnity bond indemnifying the CEO (S.R.A.) and his staff for damages, risks, accidents, etc. and to the occupiers and an undertaking regarding no nuisance shall be submitted before C.C. / starting the work.



16 FEB 2010

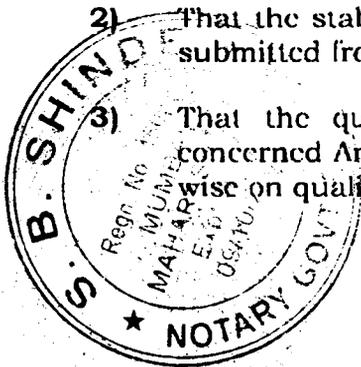
No : SRA/ENG/2313/PN/PL/AP

- 17) That the registered undertaking in prescribed Proforma agreeing to demolish the excess area if constructed beyond permissible F.S.I. shall be submitted before C.C.
- 18) That the Developer & Society shall submit registered under taking for not allowing the individual slum dweller to misuse the part/pocket terrace at 2nd & 3rd floor and part stilt at ground floor of composite building before asking C.C.
- 19) That NOC from PCO (P/N-ward) shall be submitted.
- 20) That the TPQA & PMC as approved by SRA shall be appointed before applying for C.C. & quarterly report from the TPQA & PMC shall be submitted through the Architect/Structural Engineer certifying the quality of the construction work carried out at various stages of the work or whenever demanded by the Executive Engineer (SRA).
- 21) That the society of slum dwellers shall be got registered before asking C.C.
- 22) That you shall submit the necessary concurrence from the Municipal Architect of M.C.G.M for the proposed Secondary School in the composite building before asking C.C.
- 23) That the structural design & drawing of high-rise Rehab/Composite building shall be Vetted or Peer Reviewed from another Licensed Structural Engineer/Reputed Institute viz; S.P.C.E/V.J.T.I/I.I.T before grant of C.C
- 24) That you shall submit the NOC from CFO for the proposed high rise Composite Building before asking C.C.

B) THAT THE FOLLOWING CONDITIONS WILL BE COMPLIED WITH BEFORE FURTHER C.C. OF SUPER STRUCTURE:

- 1) That a plan showing the dimensions of the plinth and the available open spaces certified by the Architect shall be submitted and the same shall be got checked from the sub. Engineer (S.R.A.).
- 2) That the stability certificate for work carried out upto plinth level/stilt level shall be submitted from the License Structural Engineer.

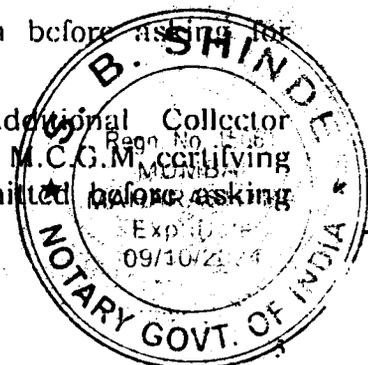
3) That the quality of construction work of bldg. shall be strictly monitored by concerned Architect, Site supervisor, Structural Engineer and periodical report, stage wise on quality of work carried out shall be submitted by Architect with test result.



No : SRA/ENG/2313/PN/PL/AP. (16 FEB 2010)

C) THAT THE FOLLOWING CONDITIONS WILL BE COMPLIED WITH BEFORE GRANTING O.C. TO ANY PART OF THE PROPOSED BUILDING :

- 1) That the some of drains shall be laid internally with C.I. pipes.
- 2) That the specifications for layout access / D.P. Road / Setback land shall be obtained from E.E. (Road construction) & E.E. (SWD) & or access / setback road shall be constructed in W.B.M. / before starting the construction work. And the access and setback land shall be developing accordingly including providing streetlights and S.W.D. The completion certificate shall be obtained from E.E. (Roads)/ E.E. (SWD) before submitting building completion certificate.
- 3) That the dustbin shall be provided as per requirement of this office.
- 4) That carriage entrance shall be provided before starting the work.
- 5) That the surface drainage arrangement shall be provided in consultation with E.E. (SWD)P/N ward or as per his remarks and a completion certificate shall be obtained and submitted before applying for occupation certificate / B.C.C.
- 6) That the requirements from the M.T.N.L. and Reliance Energy/ M.S.E.B. shall be obtained and complied with before asking occupation permission.
- 7) That the Architect shall submit the debris removal certificate before requesting for occupation permission.
- 8) That 10'-0" wide paved pathway up to staircase shall be provided.
- 9) That the surrounding open spaces, parking spaces and terrace shall be kept open and un-built upon and shall be leveled and developed before requesting to grant permission to occupy the building or submitted the B.C.C. whichever is earlier.
- 10) That the name plate/board showing Plot No., Name of the Building etc. shall be displayed at a prominent place.
- 11) That the completion certificate of E.E.T.C. & E.E. (SWD) shall be obtained & submitted before applying for occupation/B.C.C.
- 12) That the N.O.C. from Inspector of Lifts, P.W.D. Maharashtra, shall be obtained and submitted to this office.
- 13) That the drainage completion Certificate from E.E. (S.P.) (P & D) for provision of septic tank / soak pit shall be submitted.
- 14) All the conditions of Letter of Intent shall be complied with before asking for occupation certificate of sale / composite building.
- 15) Specific clearance from Deputy Collector (SRA)/MHADA/Additional Collector (Encroachment)/concerned Assistant Municipal Commissioner of M.C.G.M. certifying that all eligible slum dwellers are rehabilitated shall be submitted before asking occupation certificate for sale / composite building.



No : SRA/ENG/2313/PN/PL/AP. FFP 70

- 16) That stability Certificate from Structural Engineer in prescribed Performa '13' along with the final plan mounted canvas should be submitted.
 - 17) The Building Completion Certificate in prescribed Performa certifying work carried out as per specification shall be submitted.
 - 18) That the single/separate P. R. Cards for the amalgamated/Sub-divided plot shall be submitted.
 - 19) That layout R.G. shall be developed as per D.C. Regulation, 1991.
 - 20) That the N.O.C. from the A.A. & C. P/N-ward shall be obtained and the requisitions, if any shall be complied with before O.C.C.
 - 21) That you shall display bi-lingual sign boards on site & painting of SRA logo on rehabilitation buildings as per circular no. 64.
 - 22) That you shall make necessary arrangement for provision of rain water harvesting in the existing building & also proposed buildings in the scheme.
 - 23) That you shall enter into Tri-party Agreement to undertake Electro-Mechanical maintenance of High rise Rehab/Composite buildings for a period of 10 years from the date of occupation thereof and copy thereof shall be submitted before asking OCC to composite building.
- D) THAT THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE B.C.C.:**
- 1) That certificate under Section 270A of B.M.C. Act. shall be obtained from H.E.'s department regarding adequacy of water supply.

NOTES :

- 1) That C.C. for sale building shall be controlled in a phase wise manner as decided by CEO (SRA) in proportion with the actual work of rehabilitation component.
- 2) That no occupation permission of any of the sale wing / sale building / sale area shall be considered until occupation Certificate for equivalent Rehabilitation area is granted.

That office of CEO (SRA) reserves right to add or amend or delete some of the above mentioned conditions if required, during execution of slum Redevelopment Scheme.



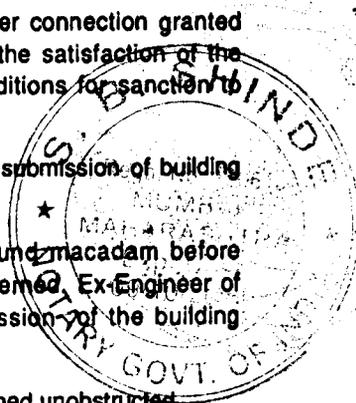
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15/2/10
A. E. (SRA) XI

[Signature]
Executive Engineer - II,
Slum Rehabilitation Authority.

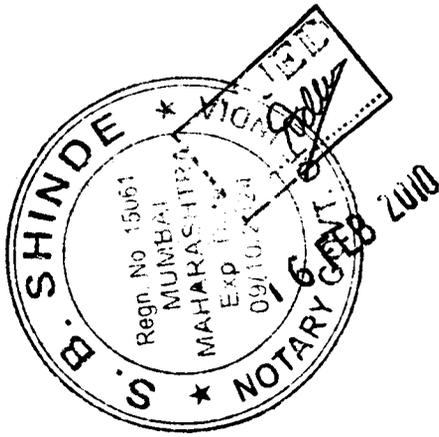
16 FEB 2010

NOTES

- (1) The work should not be started unless objections As per Act. are complied with.
- (2) A certified set of latest approved plans shall be displayed on site at the time of commencement of the work and during the progress of the construction work.
- (3) Temporary permission on payment of deposit should be obtained for any shed to house and store for constructional purposes, Residence of workmen shall not be allowed on site. The temporary structures for storing constructional materials shall be demolished before submission of building completion certificate and a certificate signed by Architect submitted alongwith the building completion certificate.
- (4) Temporary sanitary accommodation on full flushing system with necessary drainage arrangement should be provided on site for workers, before starting the work.
- (5) Water connection for constructional purposes will not be given until the hoarding is constructed and application is made to the Ward Officer of M.C.G.M. with the required deposit for the construction of carriage entrance, over the road side drain.
- (6) The owners shall intimate the Hydraulic Engineer of M.C.G.M. or his representative in wards of M.C.G.M. atleast 15 days prior to the date of which the proposed construction work is taken in hand that the water existing in the compound will be utilised for their construction works and they will not use any Municipal Water for construction purposes. Failing this, it will be presumed that Municipal tap water has been consumed on the construction works and bills preferred against them accordingly.
- (7) The hoarding or screen wall for supporting the depots of building materials shall be constructed before starting any work even though no materials may be expected to be stabled in front of the property. The scaffoldings, bricks, metal, sand, preps, debris etc. should not be deposited over footpaths or public street by the owner/architect/their contractors, etc. without obtaining prior permission from the Ward Officer of the area.
- (8) The work should not be started unless the compliance of abovesaid conditions is approved by this department.
- (9) No work should be started unless the structural design is submitted from LSE.
- (10) The work above plinth should not be started before the same is shown to this office Sub-Engineer (SRA) concerned and acknowledgement obtained from him regarding correctness of the open spaces dimension.
- (11) The application for sewer street connections, if necessary, should be made simultaneously with commencement of the work as the Municipal Corporation of Greater Mumbai will require time to consider alternative site to avoid the excavation of the road and footpath.
- (12) All the terms and conditions of the approved layout/sub-division/Amalgamation under No. _____ should be adhered to and complied with.
- (13) No building/Drainage Completion Certificate will be accepted and water connection granted (except for the construction purposes) unless road is constructed to the satisfaction of the concerned Ex. Engineer of M.C.G.M. and as per the terms and conditions for sanction to the layout.
- (14) Recreation ground or amenity open space should be developed before submission of building Completion Certificate.
- (15) The access road to the full width shall be constructed in water bound macadam before commencing work and should be complete to the satisfaction of concerned Ex-Engineer of M.C.G.M. including asphaltting, lighting and drainage before submission of the building Completion Certificate.
- (16) Flow of water through adjoining holding or culvert, if any should be maintained unobstructed.
- (17) The surrounding open spaces around the building should be consolidated in concrete having broken glass pieces at the rate of 0.125 cubic metres per 10 Sq.Mtrs below pavement.



- (18) The compound wall or fencing should be constructed clear of the road widening line with foundation below level of the bottom of road side drain without obstructing flow of rain water from adjoining holding before starting the work to prove the owner's holding.
- (19) No work should be started unless the existing structures or proposed to be demolished are demolished.
- (20) If it is proposed to demolish the existing structures by negotiations with the tenants, under the circumstances, the work as per approved plans should not be taken up in hand unless the Chief Engineer [SRA] is satisfied with the following :
 - (i) Specific plans in respect of evicting or rehousing the existing tenants on your plot stating their number and the area in occupation of each.
 - (ii) Specifically signed agreement between you and the existing tenants that they are willing to avail for the alternative accomodation in the proposed structure.
 - (iii) Plans showing the phase programme of construction has to be duly approved by this office before starting the work so as not to contravene at any stage of construction, the Development Control Rules regarding open spaces, light and ventilation of existing structure.
- (21) In case of additional floor no work should be started during monsoon which will give rise to water leakage and consequent nuisance to the tenants staying on the floor below.
- (22) The bottom of the over head storage work above the finished level of the terrace shall not be more than 1 metre.
- (23) The work should not be started above first floor level unless the No Objection Certificate from the Civil Aviation Authorities, where necessary, is obtained.
- (24) It is to be understood that the foundations must be excavated down to hard soil.
- (25) The positions of the nahanis and other appurtenances in the building should be so arranged as not to necessitate the laying of drains inside the building.
- (26) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing from the Chief Executive Officer of Slum Rehabilitation Authority.
- (27) All gully traps and open channel shall be provided with right fitting mosquito proof covers as per relevant I. S. specifications.
- (28) No broken bottle should be fixed over boundary walls. The prohibition refers only to broken bottles & not to the use of plains glass for coping over compound wall.
- (29) If the proposed addition is intended to be carried out on old foundations and structures, you will do so at your own risk.



[Signature]
SE (S.R.A.) A.E. (S.R.A.)

[Signature]
Executive Engineers, (S.R.A.) II

- Forwarded to
- 1) Lie Surveyor
 - 2) Officer
 - 3) Asst. Munc. Comm. (PH) Ward
 - 4) A.E. U.C. B.S. D/S.S. Divisional Officer
 - 5) Asst. Officer B.S.D/Dy. Coll. (SRA)
 - 6) Dy. Ch. E. (D.P.) L
 - 7) A.E.W.W. P/A... Ward
 - 8) A.A.C.C. P/A... Ward

[Signature]
SE (S.R.A.) A.E. (S.R.A.)

[Signature]
Executive Engineer II
Slum Rehabilitation Authority

Recd.
[Signature]

EXHIBIT - F

**SRA/ENG/2313/PN/PL/AP
SLUM REHABILITATION AUTHORITY**

Sub : Further C.C. for Proposed Composite Building No.1 of S.R. Scheme on land bearing C.T.S. No.738/B/1A of village Malad, Azad Link Road, Sanjay Nagar, Pathanwadi, Rani Sati Marg, Malad (East) Mumbai - 400097.

Architect: Sheetal Nikhare
of M/s S. S. Associates.

Developer: M/s. Nirman Construction.

Society: "Shree Azad SRA CHS (Prop)."

Ref: Architect's letter dated 06/09/2016 as at pg. 595 to 611

Brief History:

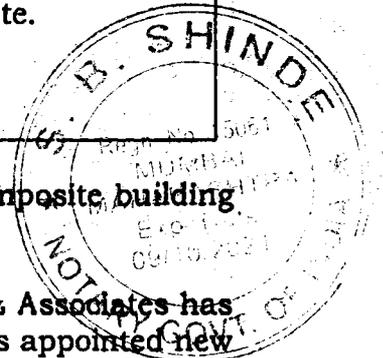
Architect Shri. Shantanoo Rane of M/s. Shantanoo Rane & Associate has submitted the proposal on plot bearing C.T.S. No.738/B/1A of village Malad, Azad Link Road, Sanjay Nagar, Pathanwadi, Rani Sati Marg, Malad (East) Mumbai - 400097. Accordingly a detailed report for LOI was submitted to Hon. CEO (SRA) as at page. 69 to 85 and LOI was issued on 10/08/2009 at pg. 59 to 67. Subsequently IOA for composite building no.1 was issued on 16/02/2010 and plinth C.C. for the building u/ref is issued on 09/12/2010 thereafter Plan was amended on 30/12/2011.

The approvals granted till date are tabulated as under:

Sr. no.	Building No.	SRA file No.	Approvals	Remarks/ status on site
1.	Composite building No.1	SRA/ENG/2313 /PN/PL /AP	The amended IOA issued on dt.30/12/2011 for composite building No. 1 having rehab wing comprising of Gr. +16 th (pt) upper floors. plinth C.C. for composite building No.1 was issued on 09/12/2010.	Applied for further C.C. of composite building No.1 and Architect vide her letter as at pg. 595 to 611 has stated that plinth work is completed on site.

Now Architect has requested to grant further C. C. for composite building as per approved amended plans dated 30/12/2011.

Architect Shri Shantanoo Rane of M/s Shantanoo Rane & Associates has submitted his resignation letter as at pg.693. Now Developer has appointed new Architect Sheetal Nikhare of M/s S. S. Associates.



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14/11/16

SRA/ENG/2313/PN/PL/AP

New Architect has submitted the following documents,

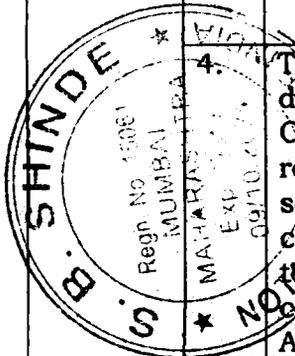
1.	NOC from previous Architect	As at pg.693
2.	Appointment letter from Developer	As at pg.613
3.	Appointment acceptance of new Architect	As at pg.615
4.	NOC u/sec 44/69	As at pg.681 to 691
5.	Appointment letter from Society	As at pg.695

In view of above, Ex. Eng. (SRA)- V's approval is requested to accept the appointment of new Architect Sheetal Nikhare of M/s S. S. Associates by accepting the resignation of earlier Architect Shri Shantanoo Rane of M/s Shantanoo Rane & Associates from the S. R. Scheme u/ref.

The Compliance report of LOI & IOA conditions are as under,

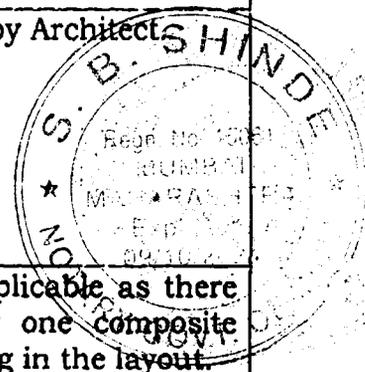
Conditions of LOI dated 10/08/2009

Sr. No.	Condition	Complied
1.	That you shall hand over 49 numbers of tenements to the Slum Rehabilitation Authority/M.C.G.M. for Project Affected Persons, each of carpet area 25.00 sq.m. free of cost. The PAP tenements shall be marked as a PAP tenement on doors prominently. After completion of the building, PAP tenements shall be protected by the developer till handing over to the concerned authority by providing security guards etc.	Noted by Architect
2.	That the carpet area of rehabilitation tenements and PAP tenements shall be certified by the Licensed Surveyor/Architect.	Noted by Architect
3.	That the Amenity Tenements i.e. 02 no. Balwadi, 02 no. Welfare Centre, 02 no Society Office shall be handed over to the slum dwellers society to use for specific purpose only.	Welfare center & Society office will be handed over to society and Balwadi will be handed over to Women & Child welfare Department.
4.	That you shall rehouse the eligible slum dwellers as per the list certified by the Addl. Collector (Enc./Rem.) by allotting them residential tenements of carpet area of 25.00 sq.mt. and / or residential-cum-commercial of carpet area of 25.00 sq.mt. and /or commercial tenements as per the area mentioned in certified Annexure-II issued by Competent Authority or the carpet area of 20.90 sq.mt.,	Noted by Architect



SRA/ENG/2313/PN/PL/AP

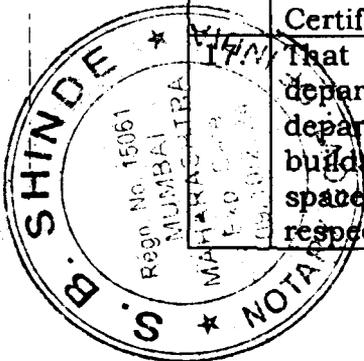
	whichever is less, free of cost and constructing the same as per building specifications/norms/building bye-laws.	
5.	That you shall register society of all slum dwellers to be re-housed under Slum Rehabilitation Scheme and project Affected Persons (PAP) nominated for allotment of tenements by the Slum Rehabilitation Authority or any other Competent Authority.	Complied with as at pg.333
6.	That if required along with the other societies, you shall form a federation of societies so as to maintain common amenities such as internal road, recreation ground, street lights etc.	Noted by Architect
7.	That you shall incorporate the clause in the registered agreement with slum dwellers that they shall not sell or transfer tenements allotted under Slum Rehabilitation to anyone else except the legal heirs for a period of 10 (ten) years from the date of taking over possession, without prior permission of the CEO (SRA).	Noted by Architect & Sample copy of Agreement incorporating said clause at pg. 351 to 357.
8.	That you shall provide transit accommodation to the slum dwellers with requisite amenities, if required to be shifted for construction of proposed building, till the permanent tenements are allotted and possession is given complying all formalities and existing amenities shall be maintained in sound working condition till slum dwellers are re-housed in the proposed rehabilitation tenements.	Noted by Architect. Wherein she has stated that the tenants are shifted on rent.
9.	That you shall obtain the permission for construction of the temporary transit accommodation from Slum Rehabilitation Authority along with the phased development programme and the list of the eligible slum dwellers shifted in the transit camp, with date of their displacement from their existing huts shall be submitted before asking C.C. for Rehab bldg.	Noted by Architect. Wherein she has stated that the tenants are shifted on rent.
10.	That you shall bear the cost of carrying out infrastructure works right up to the plot, and shall strengthen the existing infrastructure facility and / or provide services of adequate size and capacity as per the directives of the Slum Rehabilitation Authority, issued during execution period.	Noted by Architect.
11.	That you shall submit layout and get the same approved before obtaining Commencement Certificate of 2 nd Building in the layout.	Not applicable as there is only one composite building in the layout.



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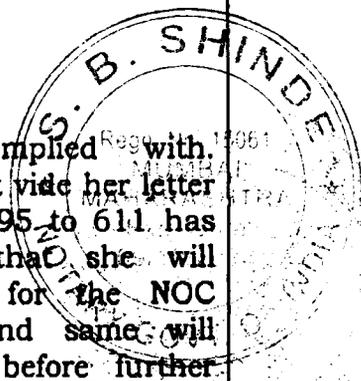
SRA/ENG/2313/PN/PL/AP

12.	That you shall submit phasewise programme for development of infrastructural works, reservation, amenities etc. in the layout while approving the layout and same shall be developed accordingly. A registered undertaking to that effect shall be submitted. This shall be submitted along with layout plan or before issue of C.C. for 1 st Rehab Bldg.	Noted by Architect.
13.	That you shall not block existing access leading to adjoining structures/users and shall make provision of adequate access to the adjoining land locked plot, if any, free of cost and the same shall be shown on layout plan to be submitted for approval on terms and conditions as may be decided by Slum Rehabilitation Authority.	Noted by Architect.
14.	That you shall submit the P.R. Card with area mentioned in words duly certified by Superintendent of Land Records for amalgamated/sub-divided plots before obtaining C.C. for last 25% of built up area.	Noted by Architect.
15.	That you shall get D. P. Road / set back land admeasuring 93.09 sq mtr demarcated from A.E. (Survey)/ D.P. T & C department of M.C.G.M. and handed over to M.C.G.M. free of cost and free of encumbrances by transferring the ownership in the name of M.C.G.M. duly developed as per Municipal specification and certificate to that effect shall be obtained and submitted before obtaining C.C. for the last 25% of sale built up area approved in the scheme.	Noted by Architect.
16.	That you shall handover the buildable reservation admeasuring 380.91 sq mtr and/or built-up amenity structure to MCGM and /or user department free of cost before granting CC to the last 25% for Sale BUA of Sale building in the scheme and separate P.R. Card with words for the buildable and non-buildable reservation in the name of M.C.G.M / User Deptt. Shall be submitted before obtaining Occupation Certificate for sale Bldg.	Noted by Architect.
	That necessary concurrence from concerned department of MCGM and / or other user department shall be obtained for planning of buildable reservation and / or amenity open space before asking for approval of IOA of the respective building.	M.A. (MCGM)'s Concurrence is at pg. 211 to 225.



SRA/ENG/2313/PN/PL/AP

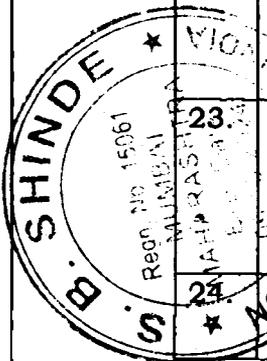
18.	That you shall restrict the built up area meant for sale in the open market and built up area of rehabilitation as per the scheme parameters Annexed herewith.	Noted by Architect.
19.	That you shall get the plot boundaries demarcated from Concerned Officer before starting the work as per D.C. Regulation No. 38 (27), prior to commencing the building work and the compound wall shall be constructed on all sides of the plot clear of the road side drain without obstructing flow of rain water from adjoining holding, to prove possession of holding in phase programme as per removal/cleaning of structures on plot before requesting C.C. of sale building.	Plot boundary demarcation as at pg. 341 to 343. As such the construction of compound wall will be insisted before granting further C.C. to sale building no.2 for which Dy.Che. Eng. (SRA) approval is already obtained vide para side line and mark as 'G' of plinth C.C. of composite building No.1 report at pg.369.
20.	That you shall accommodate the huts getting cut along the boundary of the plot demarcated by the staff of the City Survey office.	Noted by Architect
21.	That you shall get the plans approved for each building separately with due mention of the scheme of Rehabilitation of plot under D.C. Regulation No. 33(10) and with specific mention on plan of the rehabilitation building / tenements for slum dwellers and project affected persons that the same are for re-housing of slum dwellers and project affected persons. Tenements to be allotted to the PAP shall be hatched with due mention that they are for allotment of PAP nominated by the Concerned Authority i.e. MCGM.	Plan for the Composite building are approved u/no.SRA/ENG/2313/PN/PL /AP
22.	That you shall submit the NOCs as applicable from the following concerned authority in the office of Slum Rehabilitation Authority before requesting of approval of plans or at a stage at which it is insisted upon by the concerned Executive Engineer (SRA) (1) A.A. & C (P/N) ward	Not complied with. Architect vide her letter at pg. 595 to 611 has stated that she will applied for the NOC same and same will submit before further.




 13/4/19
 TV 110726

SRA/ENG/2313/PN/PL/AP

		C.C. of sale building u/ref. In view of above Ex. Eng. (SRA)-V's approval is requested to allow Architect to insist the same before granting further C.C. of sale building u/ref.
(2)	H.E.	Complied with as at pg.655
(3)	C.F.O.	Before issue.
(4)	Three Authority,	Complied with as at pg.347
(5)	Dy.Ch. Eng. (SWD) E.S./W.S./City	Complied with as at pg.711 to 713
(6)	Dy. Ch.E.(S.P.) (P & D)	Complied with as at pg. 197
(7)	P.C.O	Complied with as at pg.335
(8)	M.T.N.L. - Mumbai	Complied with as at pg.705
(9)	B.S.E.S./Reliance Energy/MSEB	Not complied with. Architect has requested to insist NOC from BSES & Civil Aviation Authority before granting further CC of sale wing for which E. E.-V's W.S. approval is requested.
23.	That you shall submit the Indemnity Bond indemnifying the Slum Rehabilitation Authority and its officers against any damage or claim arising out of any sort of litigation with the slum dwellers / property owners or otherwise.	Complied with as at pg. 277
24.	That you shall submit the Agreements of at least 70% of eligible slum dwellers with the	Complied with as at pg.381



SRA/ENG/2313/PN/PL/AP

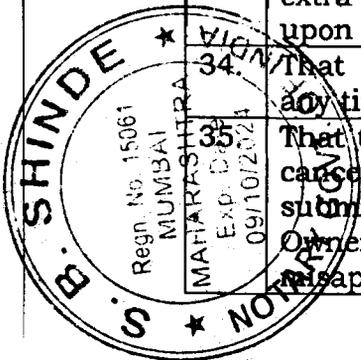
	photographs of wife and husband on each of the agreements before requesting for Commencement Certificate and the name of the wife of the eligible occupier of hut shall be incorporated with joint holder of the tenement to be allotted in the rehabilitation building.	
25.	That you as Architect / Developer / Society / PMC shall strictly observe that the work is carried out as per phased programme approved by the Slum Rehabilitation Authority and you shall submit regularly progress report to the Slum Rehabilitation Authority along with photographs and certificate showing the progress of the construction work on site achieved as per approved phased program me. Even if the progress is nil, report shall be submitted by the Architect stating reasons for delay.	Complied with. Work Completion certificate from Architect as at pg.643 Copy of license as at pg. 619 Work Completion certificate from Structural Engineer as at pg.637 Copy of license as at pg. 639 Work Completion certificate from Site Supervisor as at pg.621 Copy of license as at pg. 627 Work Completion certificate from PMC as at pg.719 to 721 Work Completion certificate from TPQA as at pg.715 to 717
26.	That the tenements proposed for rehabilitation and for PAP shall be shown distinctly on the plan to be submitted and should be forwarded to A.A. & C. of concerned ward to assess the property tax.	Noted by Architect
27.	That the possession of the residential tenements and shops shall not be handed over to the eligible hutment dwellers before the society is registered and transit accommodation given is surrendered and all the dues to the M.C.G.M./MHADA/Govt. has been cleared. Demolition of the Transit Camp shall be carried out before obtaining the Occupation Certificate to the Sale Bldg.	Noted by Architect

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14/11/12



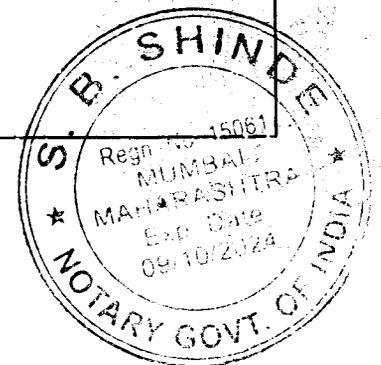
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28.	That the rehabilitation component of scheme shall include. a) 115 Numbers of Residential tenements b) 27 Numbers of Commercial tenements c) 05 Numbers of R/C d) 02 Numbers of Balwadi e) 02 Numbers of Welfare Center f) 02 Numbers of society office g) 49 Numbers of PAP	Noted by Architect
29.	That the layout Recreation Ground shall be duly developed before obtaining occupation of sale building.	Noted by Architect
30.	That the quality and workmanship of construction work of each building in the layout shall be strictly monitored by concerned Architect / Site supervisor / Structural Engineer and report on quality of work carried out shall be submitted by Architect with test results as and when required by Executive Engineer (SRA) and at the stages of obtaining plinth C.C., further C.C., occupation to the buildings in the scheme.	Same as LOI condition no.25
31.	That separate P.R. Cards in words duly certified by Superintendent of Land Records for D.P. road / set back / D.P. reservation/net plot shall be obtained and submitted before obtaining C.C. to last 25% of Built-up Area in the scheme.	Noted by Architect
32.	That this Letter of Intent is issued on the basis of plot area certified by the Architect and the Annexure - II issued by Competent Authority and other relevant documents. In the event of any of deviation in the area of the plot during plot demarcation by D.D.L.R. /City Survey Office then sale area consumed on the plot will be adjusted accordingly so as to keep total consumption of F.S.I. on the plot within 3.00.	Noted by Architect
33.	This Letter of Intent gives no right to avail of extra FSI granted under D.C. Regulation 33(10) upon land, which is not your property.	Noted by Architect
34.	That the Arithmetical error if any revealed at any time shall be corrected on either side.	Noted by Architect
35.	That this letter of intent shall be deemed to be cancelled in case any of the document submitted by the Architect / Developer or Owner are found to be fraudulent / misappropriated.	Noted by Architect



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36.	That you shall pay proportionate amount towards deposit to be kept with Slum Rehabilitation Authority at the rate of 20,000/- per tenement as decided by the authority and proportionate amount towards infrastructural Development charges at the rate of 560/- (Suburb) per sq.mt.	Partly Recovered. Payment due at this stage will be recovered at appropriate stage.
37.	That you shall pay development charges as per 124 E of M.R. & T.P. Act separately for sale built up area as per provisions of M.R. & T.P. Act.	Partly Recovered. Payment due at this stage will be recovered at appropriate stage.
38.	That this LOI is valid for the period of 3 (three) months from the date hereof. However, if IOA / CC is obtained for any one bldg. of the project then this LOI will remain valid till completion of estimated project period.	Noted by Architect and complied with.
39.	That you shall re-house all the additional hutment dwellers if declared eligible in future by the competent Authority, by amending plans wherever necessary.	Noted by Architect
40.	That the allotment of rehabilitation tenements to the eligible slum dwellers in the scheme, shall be made by drawing lots in presence of the representative of the Assistant Registrar of Societies (SRA) and statement of rehab tenements allotted to the eligible slum families in the rehabilitation building with corresponding tenements no. in rehab / composite building and Sr. No. in Annexure - II etc. duly certified by the concerned society of slum dwellers and Assistant Registrar (SRA) shall be submitted before requesting for occupation permission of respective rehab tenements.	Noted by Architect
41.	That you shall bear the cost towards displaying the details such as Annexure-II date of issue of important document like LOI, Layout, C.C, O.C.C. on SRA website.	Noted by Architect
42.	The owner/Developer shall display the name at site before starting of the work giving the details such name, address and contact no. of owner/Developer, Architect, Structural Engineer, Approval No. & Date of LOI, Layout & IOA.	Noted by Architect

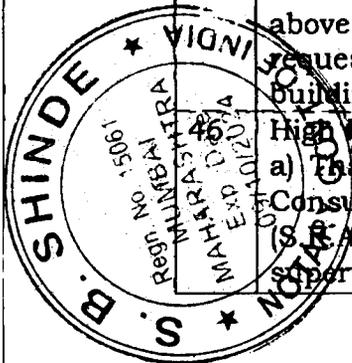




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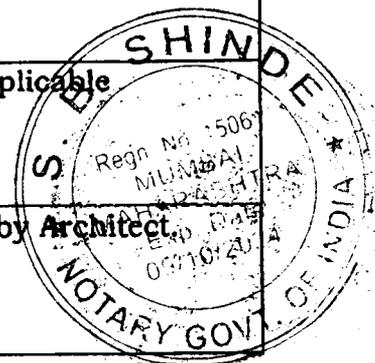
43.	That you shall display bilingual sign boards on site and painting of SRA Logo on rehab buildings as per Circular No. SRA/Admn/Circular No. 64/569/2004 dated. 14/10/2004.	Noted by Architect
44.	That the rain water harvesting system should be installed / provided as per the direction of U.D.D., Govt. of Maharashtra under No. TPB/432001/2133/CR-230/01/UD-11 dtd.10/03/2005 and the same be maintained in good working condition all the time, failing which penalty of Rs. 1000/- per annum for every 100 sq.mt. of built-up area shall be levied.	Noted by Architect and will be complied with at the time of OCC.
45.	<p>a) That copy of Annexure - II shall be displayed by society of slum dwellers on the notice board of society for the period of 30 days and shall be easily accessible to the staff of SRA for inspection. intimation of the same shall be given to the office of Dy. Collector (SRA) three days before the date of display. In case of non-compliance of above condition the Society /Developer shall be held responsible and liable for suitable action as deemed fit. One hard copy and soft copy of Annexure - II shall be submitted to the office Dy. Collector (SRA) by the Co-operative Housing Society / developer before display of Annexure -II on site.</p> <p>b) That Developer shall ensure that any slum dwellers held not eligible by the Competent Authority or desire to make any changes shall apply within three months of issue of the Letter of Intent to the appellate authority with supporting documents.</p> <p>c) That you shall give wide publicity for the approval of S. R. scheme in at least one local Marathi & English newspaper in English sc and proof thereof shall be submitted to this office.</p> <p>d) That the certificate from office of the Dy. Collector (SRA) for satisfactory compliance of above conditions shall be submitted before requesting for plinth C.C. to the fist rehab Building plans.</p>	<p>Complied with as at pg.51 to 53.</p> <p>Noted by Architect</p> <p>Complied with as at pg.45 to 47.</p> <p>Complied with as at pg.57</p>
46.	<p>High Rise Rehab Building :</p> <p>a) That you shall appoint Project Management Consultant with prior approval of Dy.Ch.Eng. (S.R.A.)/E.E. (S.R.A.) for implementation/ supervision / completion of S.R. Scheme.</p>	Complied with as at pg.267 to 269



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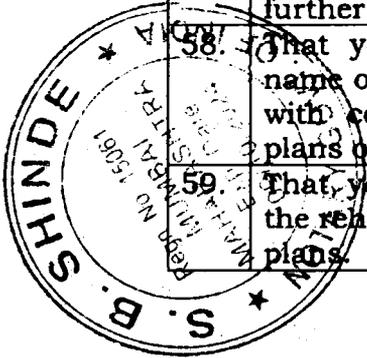
	<p>b) The Project Management Consultant appointed for the scheme shall submit quarterly progress report to Slum Rehabilitation Authority after issue of LOI.</p> <p>c) That the developer shall execute tri-partite Registered agreement between Developer, Society & Lift Supplying Co. or maintenance firm for comprehensive maintenance of the electro mechanical systems such as water pumps, lifts, etc. for a period of ten years from the date of issue of Occupation Certificate to the Rehabilitation / Composite building. Entire cost shall be borne by the developer and copy of the registered agreement shall be submitted to S.R.A for record before applying for Occupation Certificate including part O.C.</p> <p>d) The third party quality auditor shall be appointed for the scheme with prior approval of Dy. Ch. Eng. (S.R.A.) / E.E. (S.R.A.) for quality audit of the building work at various stages of the S.R. Scheme.</p> <p>e) That the developer shall install fire fighting system as per requirements of C.F.O. and to the satisfaction of this department. The developer shall execute tri-partite Registered agreement between Developers, Society & Fire Fighting equipment supplying Co. and/or maintenance firms for comprehensive maintenance for a period of ten years from the date of issue of occupation certificate to the building. Entire cost shall be borne by the developer and Copy of the Registered Agreement shall be submitted to S.R.A for record before applying for Occupation Certificate including part O.C. That the structural design of buildings having height more than 24m shall be got peer reviewed from another registered structural engineer / educational institute.</p>	<p>Complied with as at pg.57</p> <p>Noted by Architect.</p> <p>Compiled with as at pg.715 to 717</p> <p>Noted by Architect.</p> <p>Noted by Architect.</p>
47.	The High Rise Committee's approval shall be obtained before requesting C.C. for the building having height more than 70 mtr. From average ground level.	Not Applicable
48.	That if the IOA/CC are not obtained within stipulated validity period then the developer/society is liable to pay compound interest in respect @ 10% on amount payable.	Noted by Architect.



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49.	That the conditions mentioned in certified Annexure-II issued under number अजि/अति/पथक-२/कार्या-७/३३ [१०] / एस आर -७३/२००६ दिनांक ०६/०७/२००७ Shall be complied and compliances there of shall be submitted to this office.	Noted by Architect.
50.	That you shall submit clarification regarding discrepancies in classification of structure in Annexure-II from competent authority i.e. Addtl. Collector (Enc. & Rem.)	Noted by Architect.
51.	That you shall appoint Project Management Consultant with prior approval of Dy. Ch. Eng. (SRA)/CEO (SRA) for supervision/completion of sale bldg. In S. R. Scheme.	Complied with as at pg. 267 to 269
52.	That you shall appoint Third Part Quality Auditor with prior approval of Dy.Ch. Eng. (S.R.A.)/E.E. (S.R.A.) for implementation/ supervision of S. R. Scheme.	Complied with as at pg. 263 to 265
53.	That existing stand post water connections in the scheme shall be disconnected after demolition of respective hutment and all the dues shall be paid and cleared.	Noted by Architect.
54.	That you shall make payment in respect of the depreciated cost of any toilet block (s) existing in the slum plot to the Municipal Corporation of Greater Mumbai through Ch. Eng (MSDP), if the same is required to be demolished for development under SRA.	Noted by Architect.
55.	That you shall submit the F.C. (SRA)'s NOC as per Circular No. 87 dtd. 19/06/2008 before issue of IOA of 1 st building.	Complied with at pg.569 of LOI file.
56.	That IOA for fist rehab building will be granted after compliance of Condition No. 45 A.	Complied with as at pg. 263 to 265
57.	That the developer shall ensure that water connection to the rehab building is obtained within one month from date of occupation. Certificate of the water connection granted shall be submitted to this office before asking any further approvals in the scheme thereafter.	Noted by Architect.
58.	That you shall submit the P.R. Card in the name of society & demarcation of plot boundary with confirmation of area before approval of plans of first sale building.	Noted by Architect.
59.	That you shall submit specific consents from the rehab commercial tenants before approval of plans.	Complied with in IOA issued plan.

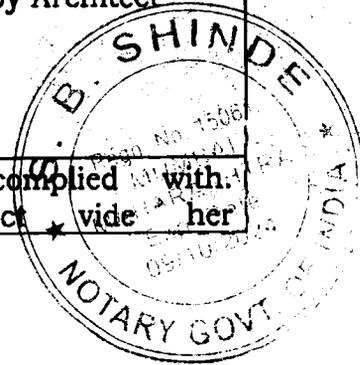


SRA/ENG/2313/PN/PL/AP

Compliance of IOA Date:-16/02/2010

A. THAT THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE COMMENCEMENT OF THE WORK UPTO PLINTH LEVEL.

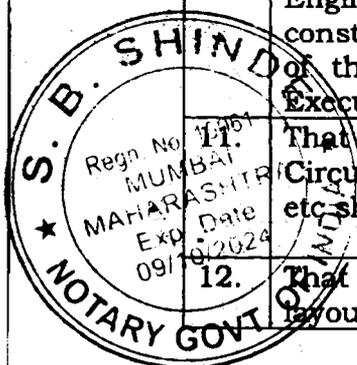
SR. NO.	CONDITION	COMPLIED
1.	That the Commencement Certificate us/. 44/69 (1) of the MR & TP Act, Shall be obtained before starting the proposed work.	Complied with as at pg. 681 to 691
2.	That the compound shall be constructed, after getting the plot demarcated from the concerned authority, on all sides of the plot clear of the road side drain without obstructing the flow of the rain water from the adjoining holding. To prove possession of holding before starting the work as per D.C. Regulation No. 38 (27)	Plot boundary demarcation as at pg. 341 to 343. As such the construction of compound wall will be insisted before granting further C.C. to sale building no.2 for which Dy.Che. Eng. (SRA) approval is already obtained vide para side line and mark as 'G' of plinth C.C. of composite building No.1 report at pg.369.
3.	That the structural Engineer shall be appointed, and the Supervision memo as per Appendix XI D.C. Regulation 5(3) (ix) shall be submitted by him.	Appointment letter as at pg.233 to 237 and acceptance letter as at pg.255 Copy of valid License as at pg.261
4.	That the Structural design and Calculation for the proposed work accounting for system analysis as per relevant I.S. code along with plan shall be submitted before C.C.	Complied with as at pg. 241 to 261
5.	That the low lying plot shall be filled up to a reduced level of at least 92 T.H.D. or 15 cm. above adjoining road level whichever is higher with murum, earth , boulders etc. and shall be leveled rolled , consolidate and sloped towards road.	Noted by Architect
6.	That the minimum plinth height shall be 30.00 cm. above the surrounding ground level or in areas subject to flooding the height of plinth shall be at least 60.00 cm. above the ground level.	Noted by Architect
7.	That the regular/sanctioned/proposed lines and reservation shall be got demarcated at site	Not complied with. Architect vide her



Signature
14/10/10

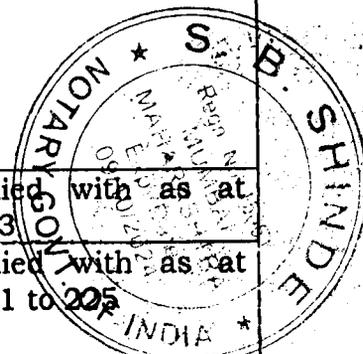
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	through A.E. Survey /E.E. (T & C)/ E.E. (D.P.) OF M.C.G.M./D.I.L.R., before applying for C.C.	letter at pg. 595 to 611 has stated that she will submit road demarcation before further C.C. of sale building u/ref. In view of above Ex. Eng. (SRA)-V's approval is requested to allow Architect to insist the same before granting further C.C. of sale building u/ref subject to registered undertaking from Developer stating therein that front open space is as per approved plan and if any variation found in that they will demolish the plinth at their own cost.
8.	That the drainage layout shall be submitted & got approved and the drainage work shall be executed in accordance with the requirements of the M.C.G.M.	Complied with as at pg. 197 B
9.	That the existing structure proposed to be demolished shall be demolished with necessary phase program with agreement of affected slum dwellers shall be submitted and got approved before CC.	Complied with on site
10.	That the Registered site supervisor through Architect /Structural Engineer shall be appointed before applying for C.C. & quarterly report from the site supervisor shall be submitted through the Architect / Structural Engineer certifying the quality of the construction work carried out at various stages of the work or whenever demanded by the Executive Engineer (SRA).	Same as LOI condition no.25
11.	That the requisite premiums/deposits as per Circular No.7 vide SRA/1372/dated 25-11-97 etc shall be paid before C.C.	Partly Recovered. Payment due at this stage will be recovered at appropriate stage.
12.	That the true copy of the revised sanctioned layout/subdivision/amalgamation along with	Noted by Architect



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	the T & C there of shall be submitted before IOA of sale building and compliance there of shall be done before submission of B.C.C.	
13.	That the conditions of Letter of Intent shall be complied with before C.C.	Noted by Architect
14.	That no construction work shall be allowed to start on the site unless labour insurance is taken act for concerned labours to cover the compensation and compliance of same shall be intimated by Architect/Developer.	Before issue
15.	That the Reg. u/t and additional copy of plan shall be submitted for agreeing to hand over the setback land free of compensation and that the setback handing over certificate shall be obtained from M.C.G.M. and that the ownership of the setback land shall be transferred in the name of M.C.G.M. before C.C.	Complied with as at pg. 281 to 331
16.	That the Indemnity bond indemnifying the CEO (S.R.A.) and his staff for damages, risks, accidents, etc. and to the occupiers and an undertaking regarding no nuisance shall be submitted before C.C./starting the work.	Complied with as at pg.277
17.	That the Reg. u/t. in prescribed Performa agreeing to demolish the excess area if constructed beyond permissible F.S.I. shall be submitted before C.C.	Complied with as at pg. 281 to 331
18.	That the Developer & Society shall submit under taking for not allowing the individual slum dweller to misuse the part/pocket terrace at 2 nd & 3 rd floor and part stilt at ground floor of composite building before asking C.C.	Complied with as at pg. 281 to 331
19.	That the N.O.C. from P.C.O.(P/N- Ward) shall be submitted.	Complied with as at pg. 335
20.	That the TPQA & PMC as approved by SRA shall be appointed before applying for C.C. & quarterly report from the TPQA & PMC shall be submitted through the Architect/Structural Engineer certifying the quality of the construction work carried out at various stages of the work or whenever demanded by the Executive Engineer (SRA).	Same as LOI condition No.25
21.	That the society of slum dwellers shall be got registered before asking C.C.	Complied with as at pg. 333
22.	That you shall submit the necessary concurrence from the Municipal Architect of M.C.G.M for the proposed Secondary School in the composite building before asking C.C.	Complied with as at pg. 211 to 222




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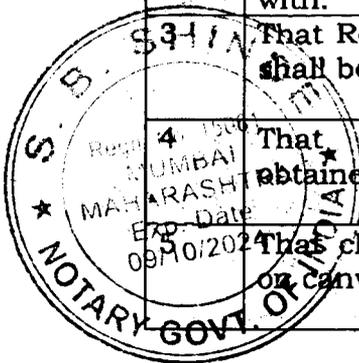
23.	That the structural design & drawing of high - rise Rehab/Composite building shall be Vetted or Peer Reviewed from another Licensed Structural Engineer/Reputed Institute viz; S.P.C.E/V.J.T.I/I.I.T before grant of C.C	Noted by Architect.
24.	That you shall submit the NOC from CFO for the proposed high-rise Composite Building before asking C.C.	Before issue.

B. THAT THE FOLLOWING CONDITIONS WILL BE COMPLIED WITH BEFORE FURTHER C.C. OF SUPER STRUCTURE:-

SR. NO.	CONDITION	COMPLIED
1.	That a plan showing the dimensions of the plinth and the available open spaces certified by the Architect shall be submitted and the same shall be got checked & certified by the concerned Sub Engineer (SRA).	Complied with as at pg.731
2.	That the stability certificate for work carried out upto plinth level/stilt level shall be submitted from the Lic. Structural Engineer.	Complied with as at pg.637
3.	That the quality of construction work of bldg. shall be strictly monitored by concerned Architect, Site supervisor, Structural Engineer, and periodical report, stage wise on quality of work carried out shall be submitted by Architect with test result.	Same as LOI condition No.25

Complied of Amended IOA Date:-30/12/2011.

SR. NO.	CONDITION	COMPLIED
1	That all conditions of letter of intent issued under SRA/ENG/1263/PN/LOI dated 10/08/2009 shall be complied with.	Partly Complied with
2	That conditions of IOA under No. SRA/ENG/2313/PN/PL/AP dtd. 16/02/2010 shall be applicable and should be complied with.	Partly Complied with
3	That Revised Structural design and calculation shall be Submitted.	Complied with.
4	That revised drainage approval shall be obtained for proposed amended plan.	Complied with as at pg. 197 B
5	That changes as per amended plans mounted on Canvas shall be submitted.	Noted by Architect



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6	That you shall submit the separate P.R.C. before issue of O.C.C. of Sale Building.	Noted by Architect
7	That you shall submit the registered undertaking from developer stating that the covered parking area/podium floors shall be kept open & shall not be misused & the NOC from E.E.(T&C) of MCGM for parking layout will be submitted before asking further C.C. to the respective wing.	Before issue.
8	That the Registered undertaking from developer will be insisted for not misusing the entrance lobby.	Before issue.
9	That the Registered Undertaking from developer will be insisted for not misusing the Refuge area any manner in future.	Before issue.
10	That you shall submit the NOC from Ch.eng (M&E) before grant of further C.C. to sale wing.	Noted by Architect
11	That you shall submit the registered undertaking from Developer stating that the swimming pool will be exclusively used by the members/occupants of the sale bldg. And it will not be used for any commercial exploitation for outsiders and to insist upon N.O.C. from Medical Officer of Health Pest Control Officer & N.O.C. from H.E. dept. Of M.C.G.M. before grant of C.C. beyond 3 rd level podium.	Before issue.
12	That you shall submit undertaking from the developer before granting CC to Sale wing stating that the Co-op Hsg. Society of the members of the building shall be formed & registered before asking the Occupation permission for the building and that the fitness centre shall be handed over to the society & not using the same for commercial exploitation to outsiders & against the misuse of the same.	Before issue.
13	That you shall submit Undertaking from the Developer against not to misuse service floor in future.	Before issue.
14	That you shall submit the NOC from Reliance Energy & CFO, before granting further CC to the sale wing.	CFO NOC will be insisted Before issue.



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14/11/12

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From the above, it may be seen that Architect has complied almost all the conditions required before granting further C.C. for rehab wing of composite building No.1.

In view of above Ex. Eng. (SRA)V's approval is requested,

- 1. To the para sidelined and marked as "A" to "D"
- 2. To re-endorse the C.C. as per amended plans,
- 3. To grant full C.C. for rehab wing i.e. for Gr. to 16th (pt) upper floor including LMR & OWHT as per approved plan dated 30/12/2011.

Submitted please.

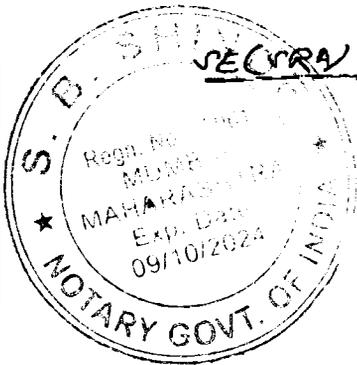
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 S. E. (SRA)
 14/10/16

A. E. (SRA)

Ex. Eng. (SRA) V

'X' above approved or proposed.

21/10/16
EE-V



SECYRA P/N

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

[Under section 18(1) read with sections 14, 15, 16 &
17 of National Green Tribunal Act, 2010]

O. A. NO. 82 OF 2023

Abdul Samad Ismail Maknojia and 60 Ors
...Applicants

V/s

The State of Maharashtra.
...Respondents



AFFIDAVIT-IN-REJOINDER OF
APPLICANTS ABOVENAMED TO REPLY
DTD. 10.01.2024 FILED BY RESPONDENT
NO. 8 AND 9

Mumbai dated this 16th day of March, 2024

ALTAF KHAN

Advocate for Applicants,
Adj. to PWD Office,
Opp. to Sewri Fast Track Court,
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MAH/3990/2012