

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
PUNE**

MEMORANDUM OF APPLICATION

(Under Sections 15 of read with section 18 National Green Tribunal Act,
2010)

APPLICATION NO. OF 2023

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**REJOINDER TO AFFIDAVIT-IN-REPLY OF
RESPONDENT**

NO. 13 [MIG (Bandra) Realtors and Builders Pvt. Ltd.]

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**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
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MEMORANDUM OF APPLICATION

(Under Sections 14 & 15 of read with section 18 National Green
Tribunal Act, 2010)

APPLICATION NO. 28 OF 2023

BETWEEN:

Santosh Daundkar ... **APPLICANT**

AND

Member-Secretary, State Level Environment Impact Assessment
Authority and Ors. ... **RESPONDENTS**

**REJOINDER TO AFFIDAVIT-IN-REPLY OF RESPONDENT
NO. 13 [MIG (Bandra) Realtors and Builders Pvt. Ltd.]**

I, Santosh Daundkar, the Applicant above-named, residing at
Mumbai, do hereby solemnly affirm and state as under:

- 1.** The Applicant has gone through the Affidavit-in-Reply of the abovementioned Respondent, and accordingly, tenders this Rejoinder.
- 2.** The Applicant submits that, in this Rejoinder, he shall traverse through the core points which are pertinent to the issues at stake. Accordingly, whatever has not been denied specifically, be construed as being an admission which shall be adverse to the underlying cause of this Original Application.

3. In this Affidavit-in-Reply, this Respondent has stated that the Applicant has made an application before the Hon'ble Tribunal, which is not maintainable, and that cost be imposed on him. This position taken by this Respondent is aimed at intimidating the Applicant and to dissipate his fervour to seek a redress to the serious violation of environment laws done by this Respondent. These violations are traversed through in the further parts of the Rejoinder.

4. In this reference, the Applicant states that the impleading of this Respondent to this Original Application was only for an academic purpose and that the Applicant has not been seeking any specific relief against this Respondent. All that the Applicant is seeking is that there ought to be a mechanism to identify all the violations which have happened, where Recreation Ground has not been placed on the Ground and action be taken in accordance with the law.

5. The Applicant submits that the assertion of this Respondent that in this project he has been honest and forthright, this assertion would get upturned when confronted with glaring facts and crushing violation of laws. This would show that this Respondent does not bear clean hands. Accordingly, on this solitary reason, the averments of this Respondent turns worthy of rejection.

6. ***Why this Respondent does not bear clean hands:***

The reasons why this Respondent has not filed this Affidavit-in-Reply with clean hands is apparent from the following facts and laws:

(A) The Project Proponent is seeking to mislead the Hon'ble Tribunal that the judgment in the case of Kohinoor CTNL is not applicable:

This Respondent has stated that since their project was approved before the date of judgment i.e. 17 December, 2013, therefore, the judgment of the Hon'ble Supreme Court in the case of Kohinoor CTNL would not be applicable to them.

In this reference, it is seen that this Respondent has suppressed the fact that the threshold date which the Hon'ble Supreme Court had fixed was the date of issuance of the Commencement Certificate. In this case, the Commencement Certificate was issued on 25th April, 2016. Hereto annexed and marked as **ANNEXURE-‘A-1’** is the copy of the letter of the Architect of this Respondent, which states the date on which the Commencement Certificate was issued.

Accordingly, it is clear that this Respondent has misrepresented before this Hon'ble Tribunal, and these his argument has to be rejected as it has concealed true facts.

(B) This Respondent has stated that his plot is a smaller part of the larger layout, i.e. Gandhi Nagar Layout, and that 25% of the Recreation Ground has been maintained in the entire layout:

This Respondent has stated that his project is only a smaller part of the larger Gandhi Nagar Layout. The larger layout is owned by Maharashtra Housing and Area Development Authority, and that they have kept aside 25% of the Recreation Ground. Therefore, this Respondent was not required to leave aside any such Recreation Ground.

The Applicant submits that here also this Respondent is seeking to misguide the Hon'ble Tribunal. If this is a larger layout owned by Maharashtra Housing and Area Development Authority (MHADA), then it becomes a larger Area Development Project, for which a separate Environment Clearance was required.

The Applicant further submits that he has seen the layout, and in this reference, it is submitted as under:

(A) This Respondent has not submitted any layout of MHADA, which shows that 25% of the Recreation Ground has been kept aside for tree plantation. There is no such Recreation Ground kept aside by MHADA. Had such 25% Recreation Ground been provided by MHADA, the at least the Project Proponent would have annexed the copy of the layout. Since, there is no such 25% demarcation separately done by MHADA, therefore, the contention of this Respondent becomes untenable.

(B) It seems that this Respondent is seeking to count Development Plan reservation public parks as the Recreation Ground which he has to provide within the layout. It is a settled position in law that the public parks which appear as Garden Reservations are completely different than a layout Recreation Ground, which has to be separately provided in the private layout.

(C) THAT in the various notings done by the Municipal Corporation, when the said plan was approved, there was no such mention that the MHADA had already left 25% Recreation Ground, so no Recreation Ground was required to be provided within the plot.

(D) THAT the Applicant has made enquiries and a startling fact has come to notice that the Maharashtra Housing and Area Development Authority has not taken any Environment Clearance for the Area Development Project, claimed by this Respondent. The Applicant is in the process of collecting details, and if sufficient evidence is forthcoming, then he would file a separate Original Application, calling upon MHADA to initiate the process of obtaining an Environment Clearance for this larger Area Development Project, which this Respondent claims, incorporates 25% of the Recreation Ground.

7. It is further seen that this Respondent has indulged in an unpardonable act of environmental devastation by openly violating that law, which he is supposed to meticulously abide by. The reasons in relation thereof are given hereunder:

REASON NO. 1:

This place was earlier a jungle as there were spaced out houses. This jungle can be appreciated from the Google Earth Satellite Photographs. The Applicant craves leave of this Hon'ble Tribunal to submit the same as and when it is required.

It is further seen that as per the Environment Clearance dated 20th November, 2012 (ANNEXURE-'A-2'), the Project Proponent was required to have maintained the following number of trees:

Trees to be retained: 177 nos.

Trees to be cut: 128 nos.

Trees to be retained: 49 nos.

Trees Proposed: 480 nos.

Unfortunately, the Project Proponent has concretised almost the entire layout and negligible space is available on the ground to plant the said 480 trees. In short, it is a complete environmental devastation.

REASON NO. 2:

It is seen that the Project Proponent has excavated 5 floors of basement from under the ground on the land which has been demarcated as a “Hazard Line” in the Coastal Regulation Zone Notification, 2019 as also in the Coastal Regulation Zone Notification, 2011.

It is further seen that each basement is of the 15851 square metres, which is of the size of 3 football fields. The depth of excavation is 14.80 metres with a basement foundation of about 1.2 metre. Thus the total excavation of the basement would be as under:

Area of basement: 15851.

Depth of excavation: 16 metres

Total Cu. Metres of excavation: 253616

Total weight of excavation (assuming weight to excavation as 2 tonnes per cumetres: 507132 or 5.07 lakh tonnes i.e. about Half a million Tonnes.

It is seen that this entire mining of half a million tons to create 5 floors of basement, with each basement being of the size of about 3 football fields, is nothing more than a blatant violation of the law for the following reasons:

(A) About half a million tons of mining could not have been done without a prior Environment Clearance in terms of the ruling of the Hon'ble Supreme Court in the case of Deepak Kumar.

(B) Since the construction was during the tenure of the Coastal Regulation Zone Notification, 2011, and since the project was within the "Hazard Line", therefore, no permission could have been given without the permission of the Maharashtra Coastal Zone Management Authority. More particularly, the Notification of 2011 stipulated as under:

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the

Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supersession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ-

... ..

(iii) the land **area falling between the hazard line and 500mts** from HTL on the landward side, in case of seafront and between the hazard line and **100mts line in case of tidal influenced water**

body the word ‘hazard line’ denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

It has been further provided in the Notification as under:

“8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.

(C) Since the construction was within the CRZ area for the reason of its being within the “Hazard Line”, therefore, the basements could never have got constructed, as that involves massive mining exercise, which in this case was of half a million tonnes. More particularly the Notification imposes the following prohibition:

“Mining of sand, rocks and other sub-strata materials except,-

(a) those rare minerals not available outside the CRZ area,

(b) exploration and exploitation of Oil and Natural Gas.”

Unfortunately, the Project Proponent with full connivance of the statutory authorities did an enormous mining exercise within the “Hazard Line”, which was completely banned.

(D) Notwithstanding the fact that this project was within the “Hazard Line”, yet the Project Proponent has left negligible open spaces around the building even though he was required to leave an open space of at least 16 metres. It is for this reason that plantation of 480 trees in the prescribed manner has become an impossibility.

8. This Respondent has further stated in his Affidavit-in-Reply that 3rd party rights have been created in the project. This argument is untenable in view of the ruling of the Hon'ble Supreme Court in the case of Supertech Ltd., where compliance to law on open spaces was upheld and the buildings were demolished. If 3rd Party rights have been created in violation of the environmental norms, then ‘Precautionary Principle’ has to be independently applied so that the innocent public does not relinquish its "Right to Life", in favour of pecuniary expediencies. Needless to add that if the project gets undermined, then the 3rd parties can claim civil liabilities from the Developer.

9. Considering the foregoing it is apparent that the Project Proponent has done serious violations of law in the matter. However, since the purpose of this Original Application is not specific to such violations, accordingly, it would be in the fitness of things for the State Level Environment Impact Assessment Authority to take action in the matter..

10. Accordingly, the Applicant submits that he is moving the State Level Environment Impact Assessment Authority to take statutory action for the Environment Clearance conditions by the Project

Proponent. The Authority has been accorded statutory powers under section 5 of the Environment Protection Act, 1986, for violation of Environment Clearance conditions vide Notification dated 28th February, 2014. The Applicant is sanguine that the Authority would not dither from invoking its statutory obligations for protecting the "Right to Life" of the people as guaranteed under Article 21 of the Constitution of India.

11. Accordingly, it is humbly prayed that the prayers made in the Original Application be made absolute.

[Signature]
APPLICANT

VERIFICATION

I, Santosh Daundkar, resident of 10/37 BIT Chawl, KK Marg, Mumbai Central, Mumbai 400 008, do hereby verify that the contents of aforesaid paras 1 to 3 are true to my personal knowledge and the rest of the paragraphs are believed to be true on legal advice and that I have not suppressed any material fact.

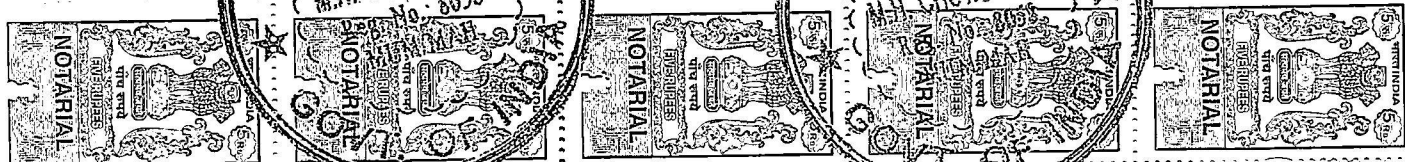
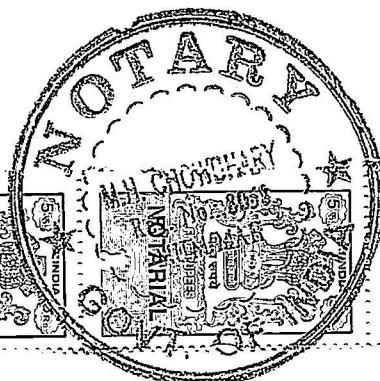
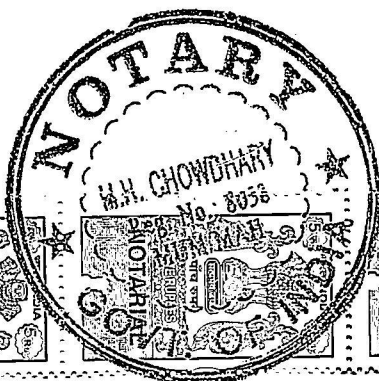
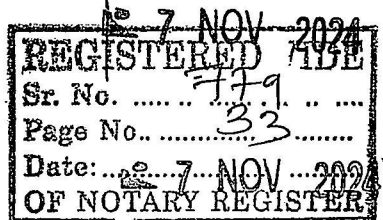
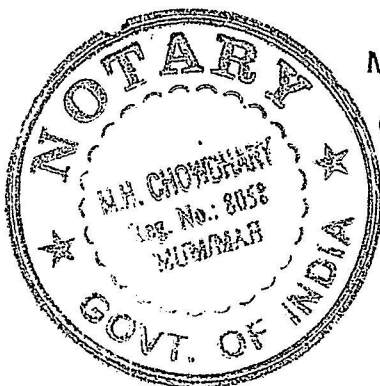
[Signature]
Signature of the Applicant

DATE: 7th November, 2024

PLACE: Mumbai

BEFORE ME

M. H. CHOWDHARY
PUBLIC NOTARY
(GOVT. OF INDIA)



ANNEXURE-'A-1'

To,
The Executive Engineer,
 BP/GM/MHADA
 Building Permission Cell
 MHADA, Griha Nirman Bhavan,
 Bandra (East), Mumbai-400051.

Date:-

	Name of the Owner/Developer	:-	MIG (Bandra) realtors and builders Pvt. Ltd.
1	File No.	:-	MH/EE/(B.P.)/GM/MHADA-94/128 / 2018
2	Details of proposal	:-	Proposed re-development of residential building plot bearing CTS No. 649, 649/1 to 48 of Village Bandra, MIG Colony, Gandhi Nagar, Bandra (East), Mumbai.
3	Date of IOD	:-	23.09.2013
4	Date of C.C.	:-	25.04.2016
5	Whether further revalidation required	:-	Yes
6	Last Revalidation fees paid on _____ i.e. for 1st of Year	:-	
7	Date of expiry of revalidation of C.C.	:-	23.09.2022
8	Revalidation fee details	:-	23.09.2022 to 22.09.2023
	A Paid before / after due on	:-	
	B Amount due	:-	
	i Revalidation fee	:-	10,370/-
	ii Penalty for late payment	:-	Nil
	iii Total amount paid	:-	10,370/-

The above details are verified by me and are correct. You are now requested to revalidate the C.C. up to 23.09.2023.

Thanking you,

Yours faithfully,

For M/s. Spaceage Consultants
 (Licensed Surveyor)

ANNEXURE-'A-2'Government of Maharashtra

SEAC 2011/CR- 31 /TC-2
 Environment department,
 Room No. 217, 2nd floor,
 Mantralaya Annexe,
 Mumbai 400 032
 Date: 30th November, 2012

To,

M/s. DB MIG Realtors Pvt. Ltd
 Plot. No. 649, Bandra (E),
 Mumbai.

Subject: Environment Clearance for Proposed " Residential project "Orchid Paradise" on plot bearing CTS No. 649 at Village Bandra (East), Mumbai by M/s. DB MIG Realtors & Builders Pvt. Ltd - Environmental clearance regarding.

Sir,


This has reference to your communication on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee, Maharashtra in its 57th meeting and SEAC-II in its 3rd meeting decided to recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 52nd & 53rd Meetings.

2. It is noted that the proposal is for grant of Environmental Clearance for proposed " Residential project "Orchid Paradise" on plot bearing CTS No. 649 at Village Bandra (East), Mumbai. SEAC considered the project under screening category 8(a) B2 as per EIA Notification 2006.

Brief information of the project submitted during SEAC & SEIAA meeting is as below:

Name of Project	Redevelopment of Residential project "Orchid Paradise"		
Project Proponent	M/s. DB MIG Realtors & Builders Pvt. Ltd.		
Location of the project	At plot bearing CS No. 649 & 649/1 to 48 (pt), situated at Bandra, Mumbai.		
Whether in corporation / Municipal / Other area	Municipal Corporation of Greater Mumbai		
Total Plot Area	20,150 m²		
Proposed Built-up Area (FSI & Non-FSI)	Net plot area = 15,907 m ² FSI area = 39,768.30 m ² Proposed total construction = 1,07,991.31 m ²		
Ground Coverage area	32.5.00%		
Estimated cost of the project	Rs. 322.50 Crore		
No. of Buildings & its configuration	Bldg. Details	Floors	
	Wing No. 1	3B + St + 08 flrs	

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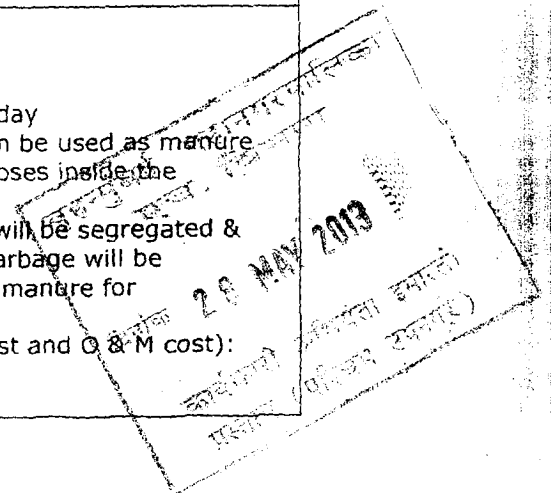

TRUE COPY

For Spaceage Consultants

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	Wing No. 2	3B + St+15 flrs	
	Wing No. 3	3B + St+15 flrs	
	Wing No. 4	3B + St+15 flrs	
	Wing No. 5	3B + St+15 flrs	
	Wing No. 6	3B + St+15 flrs	
	Wing No. 7	3B + St+15 flrs	
	Wing No. 8	3B + St+15 flrs	
	Wing No. 9	3B + St+09 flrs	
	Wing No. 10	3B + St+ 09 flrs	
	Wing No. 11	3B + St+ 08 flrs	
Height of the Building	56.27 mts		
Ground Coverage	32.5%		
Rain Water Harvesting (RWH)	2 tanks of total capacity 180 m ³ 9 Nos. of deep borewell recharge pits with 2m dia Budgetary allocation (Capital cost and O & M cost): Capital Cost: 7 Lakh O & M Cost: 1 Lakh		
Total water requirement	208 m ³ /day Fresh Water: 141 m ³ /day Source : MCGM Recycled Water: Flushing (MLD): 67 m ³ /day Gardening (MLD): 40 m ³ /day		
Sewage Generation	178.50 m ³ /day STP Technology: SAFF Technology Capacity of STP: 180 m ³ /day Budgetary allocation (Capital cost and O & M cost): Capital Cost: 36 Lakh O & M cost: 9 Lakh		
Solid waste Management	Operation Phase Dry quantity: 581 kg/day Wet quantity: 387 kg/day STP Sludge (Dry sludge): 2 m ³ /day Mode of disposal: Dry sludge can be used as manure for plantation & Gardening purposes inside the premises. Mode of Disposal: Dry garbage will be segregated & disposed off to recyclers. Wet garbage will be composted and used as organic manure for landscaping. Budgetary allocation (Capital cost and O & M cost): Capital Cost: 12 Lakh O & M Cost: 9 Lakh		

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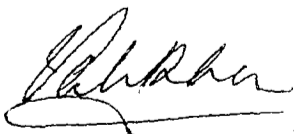
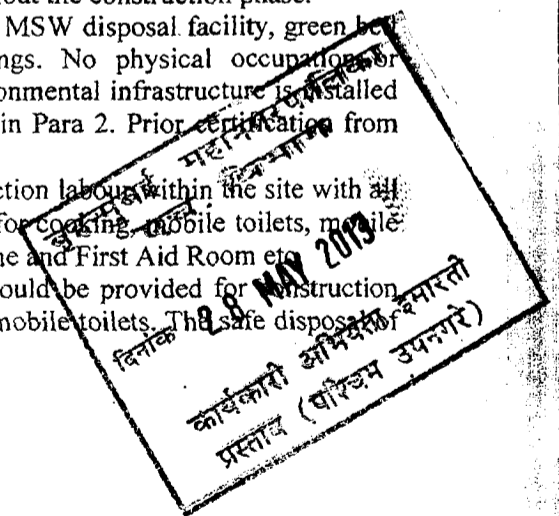
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Green Belt Development	: Total R.G. area : 4242.68 m ² • Existing trees: 177 Nos. • Trees to be cut: 128 Nos. • Trees to be retained: 49 Nos. • Trees proposed: 480 Nos. Budgetary allocation (Capital cost and O & M cost): Capital Cost: 35 Lakh O & M Cost: 4 Lakh
Energy	: Solar panels will be provided for hot water Sources of power & supply capacity: MSEDCL DG Set: Type of fuel used and capacity: Capacity of DG Set provided for residential buildings will be 1400 kVA Capital Cost: 40 Lakh O & M Cost: 4 Lakh
Traffic Management	: Gross Parking Area of building: 30692 m ² 4-Wheeler: 768 Nos. Width of all internal roads: 6m
Environment Management Plan Budgetary Allocation	: Operation Phase: Capital Cost: 134 Lakhs O & M Cost: 31 Lakhs per annum

3. The proposal has been considered by SEIAA in its 52nd & 53rd meetings & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions :-

- (i) This environmental clearance is issued subject to land use verification. Local authority / planning authority should ensure this with respect to Rules, Regulations, Notifications, Government Resolutions, Circulars, etc. issued if any. This environmental clearance issued with respect to the environmental consideration and it does not mean that State Level Impact Assessment Authority (SEIAA) approved the proposed land use.
- (ii) The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
- (iii) "Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
- (iv) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
- (v) Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
- (vi) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche and First Aid Room etc.
- (vii) Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of

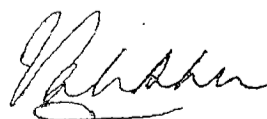
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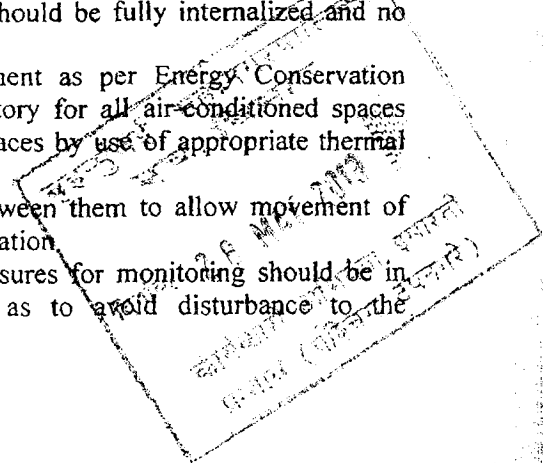
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wastewater and solid wastes generated during the construction phase should be ensured.

- (viii) 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
- (ix) Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
- (x) Arrangement shall be made that waste water and storm water do not get mixed.
- (xi) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- (xii) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- (xiii) Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- (xiv) Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (xv) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- (xvi) Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
- (xvii) Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- (xviii) The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- (xix) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
- (xx) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- (xxi) Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- (xxii) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
- (xxiii) Ready mixed concrete must be used in building construction.
- (xxiv) The approval of competent authority shall be obtained for structural safety of the buildings due to any possible earthquake, adequacy of fire fighting equipments etc. as per National Building Code including measures from lighting.
- (xxv) Storm water control and its re-use as per CGWB and BIS standards for various applications.

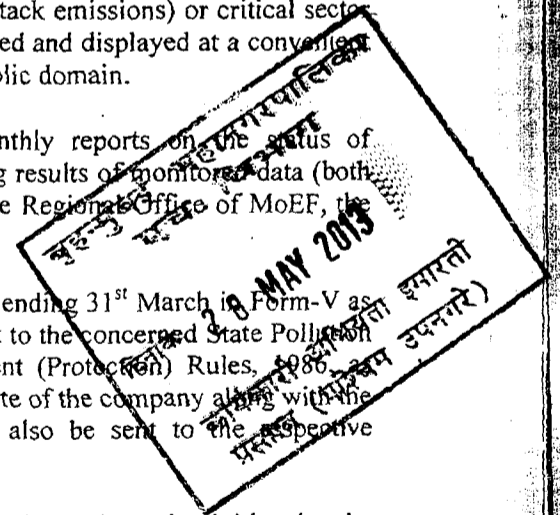


- (xxvi) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xxvii) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- (xxviii) The installation of the Sewage 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 emanating from STP shall be recycled/refused. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
- (xxix) Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
- (xxx) Permission to draw ground water shall be obtained from the competent Authority prior to construction/operation of the project.
- (xxxi) Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
- (xxxii) Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- (xxxiii) Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
- (xxxiv) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement
- (xxxv) Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non conventional energy source as source of energy.
- (xxxvi) Diesel power generating sets proposed as source of back up power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- (xxxvii) Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- (xxxviii) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- (xxxix) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement
- (xl) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation
- (xli) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.



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- (xliii) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
- (xliv) Six monthly monitoring reports should be submitted to the Department and MPCB.
- (xlv) A complete set of all the documents submitted to Department should be forwarded to the MPCB
- (xlv) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal
- (xlvi) A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- (xlvii) Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
- (xlviii) The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at <http://ec.maharashtra.gov.in>.
- (xlix) Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
- (I) A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
- (ii) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- (iii) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
- (liii) The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project



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proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.

5. In case of submission of false document and non compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter. for any other administrative reason.
7. **Validity of Environment Clearance:** The environmental clearance accorded shall be valid for a period of 5 years.
8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.
9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
10. Any appeal against this environmental clearance shall lie with the National Green Tribunal , Van Vigyan Bhawan, Sec- 5, R.K. Puram, New Dehli – 110 022, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.



(Valsa R Nair Singh)
Secretary, Environment
department & MS, SEIAA

Copy to:

1. Shri. P.M.A Hakeem, IAS (Retd.), Chairman, SEIAA, 'Jugnu' Kottaram Road, Calicut- 673 006 Kerla.
2. Dr. S. Devotta, Chairman, SEAC, T2/302 Sky City, Vanagaram –Ambattur Road, Chennai – 600 095

3. Additional Secretary, MOEF, 'Paryavaran Bhawan' CGO Complex, Lodhi Road, New Delhi – 110510
4. Member Secretary, Maharashtra Pollution Control Board, with request to display a copy of the clearance.
5. The CCF, Regional Office, Ministry of Environment and Forest (Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link Road No- 3, E-5, Ravi-Shankar Nagar, Bhopal- 462 016). (MP).
6. Regional Office, MPCB, Mumbai.
7. Collector, Mumbai.
8. Commissioner, Brihan Mumbai Municipal Corporation, Mumbai.
9. IA- Division, Monitoring Cell, MoEF, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
10. Director (TC-1), Dy. Secretary (TC-2), Scientist-1, Environment Department.
11. Select file (TC-3).

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For Spaceage Consultants

