

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

ORIGINAL APPLICATION NO. 41 of 2023

BETWEEN:

Arun Gaikwad ... **APPLICANT**
VERSUS

Secretary, Environment Department of the Government of
Maharashtra, & others ... **RESPONDENTS**

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REJOINDER TO AFFIDAVIT-IN-REPLY OF RESPONDENT NO. 3

(MMRDA)

I, Arun Nathuram Gaikwad, the Applicant above-named, residing at Mumbai, do hereby solemnly affirm and state as under:

1. The Appellant has gone through the copy of the Affidavit-in-Reply of the abovementioned Respondent i.e. Respondent No. 5, namely, Mumbai Metropolitan Region Development Authority (MMRDA), and thus tenders his Rejoinder as under.
2. The Applicant submits that in order to keep focus on the issues at stake, the Applicant is not tendering a parawise reply. Instead, the Applicant is traversing through the critical elements linked to the primary issues and would address the same in this Rejoinder. Accordingly, whatever has not been denied be construed as any admission to any element which is contrary to the pith and substance of this Original Application.
3. The Applicant further submits that a perusal of this Affidavit-in-Reply, shows that there are, essentially, the following core issues, which emerge with

reference to the issues under consideration. These core issues are being dwelt upon hereunder:

3.0 THE CORE ISSUES:

3.1 ISSUE NO. 1:

This Respondent has indulged in an enormous Recreation Ground Usurpation in favour of a private Builder of the size of at least 12 football fields – The Respondent does not bear clean hands:

If the law mandates that the Project Proponent create a Garden of 6.76 hectare i.e. of 67,600 square metres, i.e. of the size of at least 12 football fields, and where 3380 evergreen tall tropical trees ought to have been planted, which would serve as factories of nature to cleanse pollution at the local level, and that this Garden is to be created in a densely populated high-pollution area, and then the Project Proponent defies this legal mandate, and gifts away such Garden land for making commercial skyscrapers and luxury housing to a private Builder, then can it be said that the hands of the Project Proponent are clean. Not at all!

For, had such legally mandated 3380 evergreen tall tropical trees were to have been there, then many people would not have suffered from serious ailments arising out of constant stream of toxic gases, and many would not have died.

The uninspiring story of this Respondent is somewhat alike. His hands are not clean. For this reason alone, the submissions of this Respondent ought to be rejected at the very outset. The entire defence of this Respondent has

been engineered so as to legitimise a gift of the Central Park of Wadala, admeasuring more than 12 football fields to a private Builder, so that he could construct luxury housing and swank commercial offices there and thus make big money, at a time when the general public living nearby gets choked in toxic gases and in their crammed shanties.

More specifically, the Applicant further submits that **this Respondent has indulged in violations of law which are extremely shocking and are beyond imagination.** In addition, he has spurned the sacrosanct rulings of the Hon'ble Supreme Court, which mandate that *once a Garden, then always a Garden (refer ruling in the case of Bangalore Medical Trust, Lal Bahadur v. State of U.P., MI Builders and many more)*. Pursuant to such violations, this Respondent has gifted away a legally designated Garden, of the size of 12 footballs fields, to a private Builder who is making enormous profits as a reason whereof.

In short, to this Respondent, **it seems that the 'Doctrine of Public Trust' does not exist at all.**

It is an accepted scientific phenomenon that trees not only produce oxygen, but far more than that, trees are factories of nature, which cleanse the atmosphere of toxic air right at the spot where toxic air is generated. Trees play a vital role in controlling air pollution through several mechanisms. The well-established and unquestioned scientific mechanisms of tree biology are being narrated in brief hereunder:

1. **Absorption of Pollutants:** Trees absorb pollutants like sulphur dioxide, ammonia, and nitrogen oxides through their leaves. The

leaves have tiny openings called stomata, which allow the gases to enter, where they can be stored, converted, or neutralized.

2. **Particulate Matter Trapping:** Trees help in trapping particulate matter (PM) such as dust, ash, pollen, and smoke. The surfaces of leaves and bark capture these particles, preventing them from staying airborne and reducing the overall concentration in the atmosphere.
3. **Carbon Sequestration:** Trees absorb carbon dioxide (CO₂) during photosynthesis and store carbon in their biomass (trunks, branches, leaves, and roots). This process helps in reducing the amount of CO₂, a major greenhouse gas contributing to air pollution and climate change.
4. **Oxygen Production:** Through photosynthesis, trees release oxygen as a byproduct, contributing to the overall air quality and supporting life.
5. **Cooling Effect:** Trees also help reduce the urban heat island effect by providing shade and cooling the air through transpiration (the process where water is absorbed by roots, moves through the plant, and evaporates from the leaves). Cooler temperatures can lead to lower levels of certain pollutants, like ground-level ozone.
6. **Windbreaks and Noise Reduction:** Trees can act as windbreaks, reducing the dispersion of airborne pollutants. Additionally, they reduce noise pollution, which indirectly contributes to a healthier environment.

The Applicant further submits, that when the deeds of this Respondent are profoundly comprehended, then one would tend to recall what the famous American President, Theodore Roosevelt, had said:

“A man who has never gone to school may steal from a freight car, but if he has a university education, he may steal the whole railroad.”

The case of this Respondent, headed by the best intellectual brains of our country, redeems this quote in full measure.

More specifically, the Applicant further submits that in this Affidavit-in-Reply, this Respondent has annexed at **ANNEXURE-‘A-J’ (Colly)**, which is a copy of Environment Clearances issued by State Level Environment Impact Assessment Authority, with reference to a huge plot of land within this Area Development Project at Block No. C.

Unfortunately, what this Respondent has done is a deftly-calibrated minimalistic revelation, and as a collateral, he has concealed mammoth facts of an incriminating nature. These would be formidable enough to demolish the entire façade of the defence of this Respondent.

The further facts of this matter is that in Block No. C the map of which has been placed as **ANNEXURE-‘A-7’** in the Main Original Application, **6.76 hectares of land, i.e. 67600 square metres of land, which is equivalent to at least 12 football fields (*one football field bears and area of 5350 square metres*) was reserved for a Garden i.e. **RG and was to be kept open.** On this condition, 25,000 square metres from the larger piece of land admeasuring 9.35 hectares the latter of which included 67,500 square metres of Recreation Ground, was put up for public tenders. Since a larger part of this land was to be developed as a public garden the bid prices were low. In this bidding process, Lodha Crown Ltd., won the bid and thereafter took possession of the said land of 9.35 hectares of which 6.76 hectare had to be a Public Recreation Ground, and which, as per the law contained in Regulation 23 of the Development Control Regulations for Greater Mumbai, 1991 (copy annexed as **ANNEXURE-‘A-5’** in the main Original Application), ought to have been planted with 1 tree per 20 square metres of land.**

In other words, on the Public Recreation Ground component of 6.76 hectares, i.e. 67,600 square metres, 3380 number of $(67,600 / 20)$ trees were required to have been planted and grown as per the mandatory norms of “Green Belt” issued by the Central Pollution Control Board.

These evergreen tall tropical trees numbering 3380, would by this time have grown to their full biological height of about 100 feet each. That would have resulted in the creation of a central park with an urban forest, thereby, cleansing the highly toxic environment every moment in the local highly-polluted area. As stated in the Original Application, this site is close to 3 giant chemical factories, namely, Fertilizer factory of RCF and two large petroleum refineries of BPCL and HPCL.

Unfortunately, the private Developer in this case was one of great connections. Thus, once the private Developer won the bid, he established a nexus with the Officers in the organisation this Respondent. These officers, then betrayed the ethical mandate of Nature for their prescribed assignment to work for public good.

Thereupon, these officers used their astute intellectual skills, not to enhance the lives of the people, but to destroy the lives of the people. Such skills were used to make the humanity sick and debilitated and many of them giving up their lives fighting serious diseases, such as Cancer, Stroke, Diabetes and Lung ailments. Numerous poor persons, many of them living in slums, would have had to consume their lives' earnings in medical treatments, just because few officers of the organisation of this Respondent, were making menacing moves to fill the coffers of a private Builder and thereby coming crimes against humanity.

Thus, despite the clear-cut mandate expressed by the Hon'ble Supreme Court in many cases, and more particularly in the State Of Rajasthan & Anr vs H.V. Hotels Pvt. Ltd. & Anr on 12 January, 2007 in Civil Appeal No. 176 of 2007, this Respondent gifted to the private Developer, 67,600 square metres of Garden Land, where more than 12 football fields would have got accommodated, so as to construct luxury towers and commercial skyscrapers, based on the death and despair of tens of thousands, poor slum-dwellers living in the vicinity. Their lives indeed would have been different had this Respondent were to abide by the statutory imperative and had planted and grown 3,380 trees of the indigenous variety, which by now would have been towering to the height of about 100 feet each.

More particularly, the Hon'ble Supreme Court in the case cited above had ruled as under:

“14. The High Court has failed to remember that the power of exemption is not to be exercised freely. The power to relax a Building Rule, Regulation or requirement is an exception to the rule and it is to be used with caution and to justify or condone minimum bona fide violations or deviations. The purchaser bid at the auction with eyes open and with the knowledge that the floor area ratio, as one of the parameters applicable, was 1.0 at the relevant time. **The purchaser in fact was able to get the land user changed, notwithstanding the original stipulation.** It is not necessary now to consider whether it was proper to permit such change of user. But, merely because subsequently the bye-laws have been amended, it does not mean that the parameters should be relaxed in favour of the purchaser. That would be clearly an erroneous approach to the question of relaxation and assumption of such a power would mean the nullification of Building rules themselves and the object sought to be achieved by the Building rules and the need to have planned development of cities and towns in the interests of posterity. Therefore, in our view, there is no merit in the plea based on the power to relax contained in the amended bye-laws.

15. We do not see anything inequitable in the purchaser being pinned down to his obligation under the sale by auction. Building Regulations are in public interest. Courts have a duty to protect public interest particularly when they do not interfere with any of the fundamental rights of the purchaser. The plea based on alleged equity cannot be accepted”

“The decisions do not enable the purchaser or the court to ignore a relevant and vital clause of the bye-laws. All that the decisions indicate is that the bye-laws on the date of sanction would apply.” (Emphasis supplied).

Information has also surfaced that certain honest officers of the Mumbai Metropolitan Region Development Authority i.e. the organisation of this Respondent, had flagged their concern over this massive usurpation of the Recreation Ground, in open violation of the fundamental terms of the tender conditions. However, the then Metropolitan Commissioner, silenced such conscientious officers. The Applicant prays before this Hon'ble Tribunal to direct this Respondent to submit all the land-tender files before this Hon'ble Tribunal in this respect so as to arrive at a better and precise appreciation.

It is in this way, that this Respondent has openly defied the law on providing Gardens and to do requisite tree plantation of 3380 trees.

It is also appalling to note that without meeting the threshold of 25% of the area for the layout to be kept aside for a Recreation Ground, this Respondent, in open violation of the conditions of the tender in relation to Block – C, deleted the Recreation Ground Statutory Reservation, after it was decided to gift away a Recreation Ground of the size of more than 12 football fields to the private Builder. In fact, a plain perusal of the **ANNEXURE-‘A-7’ (Page 44 of the Original Application, which shows the statutory Recreation Ground in the Map at Block-C)** and **ANNEXURE-‘A-2’ (Page 44 of the Original Application which shows the statutory Recreation Ground in the Map at Block-C has been deleted)** shall reveal such shocking facts.

Thus, this Respondent has openly defied the mandate of the Hon'ble Supreme Court – **Once a Garden Always a Garden.**

The Applicant submits that the aforesaid fact clearly shows that the contention that Environment Clearance is not required for the project be dismissed at the very outset. Had the Environment Clearance been taken, then this Respondent would never have been able to evade his obligations from securing the environmental elements, including providing the said Garden, which this Respondent has gifted to a private Builder to construct commercial buildings and for luxury housing.

3.2 ISSUE NO. 2:

THAT this Application is barred by limitation:

The Applicant submits that all the attributes of this project are akin to an Area Development Project, similar to the Master Plan of Auroville as traversed through in the case of Navroz Kersasp Mody S/O Kersasp ... vs The Auroville Foundation Rep By ... on 28 April, 2022, where, inter alia, the following Order was passed by the Hon'ble National Green Tribunal:

“(i) The 1st Respondent is directed to prepare a proper township plan either in respect of 778 Ha which is in their possession now or in respect of 1963 Ha which was visualized by the MOTHER by identifying the locations where each zone will have to be located, where the roads will have to be laid showing the location of the ring roads with their width and further road, if any, to be constructed, the nature of industries and other activities which they are expected to establish in the township and if it is not going to be implemented as one phase, how many phases in which they are going to complete the project and then apply for Environmental Clearance (EC) as it will fall under Item 8 (b) of the EIA Notification, 2006 as amended from time to time. Till then they are directed not to proceed with further construction in the project area.”

Similar is the case, where Wadala Truck Terminal has been notified, and which bears all the attributes of an Area Development Project, which has been elaborately traversed through in the Original Application.

Under the circumstances mentioned above, it is clear that this project is being executed without any requisite Environment Clearance at all.

The question of limitation would arise only if the project had an Environment Clearance. Since the project is without any Environment Clearance, therefore, bereft of the essential safeguards, which are determined through an “Environment Impact Assessment Report”, adverse consequences on environment are happening with each passing day. Thus, this is a case of a continuous cause of action.

Therefore, till the time an “Environment Impact Assessment Report” is prepared and the adverse effects on environment duly identified, and based thereupon, an Environment Clearance is issued, so that such adverse-effects are duly addressed, the limitation in this case would not commence. In other words, till the time the Project Proponent, after taking an Environment Clearance, embarks upon the project through the eminent principles of sustainable development, till that time, the cause of action would be continuous.

3.3 ISSUE NO. 3:

THAT DCR is not within the purview of the NGT:

The Applicant submits that this is not a case where violation of Development Control Regulations are at stake. What is at stake is the fact that for such a mammoth project there has not been any Environment Impact Assessment done at all. In fact, compliance to Development Control Regulation, since it is linked to environment, this Hon'ble Tribunal shall have full jurisdiction.

For example, if the Development Control Regulation mandates keeping 25% area for Garden and tree plantation, and if the Project Proponent does not comply with these requisites, then it would have a severe effect on environment. In fact, compliance to the local town planning laws are always a part and parcel of every Environment Clearance.

Accordingly, if the Environment Clearance conditions mandate compliance to the Development Control Regulations, then it becomes a part and parcel of the Environment Impact Assessment Notification of 2006, issued under the Environment Protection Act, 1986, and thus this Hon'ble Tribunal would have full and complete jurisdiction in the matter.

Hereto annexed and marked as **ANNEXURE-‘A-1’** is the copy of the standard Environment Clearance conditions for building construction, which the Project Proponent is required to follow in absolute terms. More particularly, inter alia, Condition No. I (i) mandates as under:

“The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.”

In other words, unfortunate the local building byelaws, i.e. the Development Control Regulations for Greater Mumbai, 1991, were violated then it would simultaneously entail violation of the Environment Impact Assessment Notification of 2006.

Thus, it is reiterated that compliance to town planning regulations, such as the Development Control Regulations, is built into the standard

Environment Clearance Conditions, and thus, if there is a breach, then this Hon'ble Tribunal would have full jurisdiction in the matter, as this Respondent would amount to violation of the Environment Clearance Conditions.

In fact, the disposition of this Respondent creates another issue. This is apparent from the following 2 situations:

SITUATION 1: This Respondent does not take Environment Clearance. Hence, he would claim that this Hon'ble Tribunal would have no jurisdiction and thus would escape, inter alia, of his liability to provide a Garden of the Size of 12 football fields adorned with 3380 trees..

SITUATION 2: This Respondent takes Environment Clearance and then he becomes liable in view of the standard Environment Clearance conditions and thus would have to provide a Garden of the Size of 12 football fields adorned with 3380 trees..

Naturally, in such a case mischief rule of interpretation would have to be applied and the eminent intent of the Environment Impact Assessment Notification of 2006, would have to be accorded its due consequence. In short, Situation 2 mentioned above, ought to prevail.

3.4 ISSUE NO. 4:

THAT the Applicant is not a person aggrieved:

The Applicant submits that he stays at Kurla whose aerial distance is just about 3 KMs from the project site. If the requisite number of 3380 trees as mandated by the law, are not planted, he would suffer immensely. The impact on the Applicant in this case would be more due to his advancing age

and health vulnerabilities. Conversely, if the said 3380 trees are planted in the designated Garden then his health would improve.

Even otherwise, the Hon'ble Supreme Court has enlarged the scope of aggrieved person in the case of **M K Ranjitsinh & Ors. in Writ Petition (Civil) No. 838 of 2019**, where violations of environmental law in the mainland can have consequences for a person staying in the distant Andamans and Lakshdweep Islands.

Accordingly, since the question of person aggrieved is no longer *res integra*, this contention of this Respondent would be untenable.

3.5 ISSUE NO. 5:

THAT the Applicant has taken recourse to plurality of remedies:

The contention of this Respondent that the Applicant has taken recourse to plurality of remedies is incorrect. He is only seeking relief against one project in relation to which there have been a series of environmental violations i.e. of Wadala Truck Terminal.

Needless to add that this project is proceeding without the mandatory Environment Clearance and all the issues which have been raised in the Original Application are ancillary or linked to this essential violation.

In short what this Respondent is seeking to state is that if in this project there are several violations, then there should be several Original Application. This position is thus untenable.

The question of plurality of remedies would have arisen only if the Applicant had challenged the violations of 2 separate projects in one Original Application. Here, it is just one project – The Wadala Truck Terminal Area Development Project, which is going on without Environment Clearance.

3.6 ISSUE NO. 6:

THAT the individual plot owners take Environment Clearance for their respective constructions therefore, for the larger Area Development Project Environment Clearance is not required:

The contention of the Applicant that individual Project Proponents shall take respective Environment Clearances for the project is unsustainable. This is because, this is an integrated project, for which it is this Respondent who has to take an Environment Clearance and the individual plot owners would have to abide by the terms and condition of the Environment Clearance obtained for the Area Development Project.

This is further apparent from the fact that for similar projects, the project authorities seek regularly Environment Clearances. Therefore, if any concessional is accorded to this project, in that eventuality a large number of projects would seek similar exemptions,

For example, in a sister organisation of this Respondent, which is CIDCO, it is developing a similar Area Development Project in Palghar and has been declared to be the Planning Authority for that area. This project, similar to that of Wadala Truck Terminal, has the following attributes

Subsequent to the formation of Palghar District w.e.f 01/08/2014, GoM declared CIDCO as New Town Development Authority for development of Palghar New Town. For this purpose GoM notified 440.57 Ha. Land for development of Palghar New town and handed over to CIDCO.:

A copy of the Pre-Feasibility Report, prepared by CIDCO for the purpose of obtained Environment Clearance is hereto annexed and is marked as **ANNEXURE-‘A-2’**.

Accordingly, the Applicant submits that if an exactly similar Planning Authority in the notified area, i.e. CIDCO is seeking an Environment Clearance, in that case, if this Respondent is allowed to proceed without Environment Clearance, then other similar applications for Environment Clearances would turn inconsequential and which in turn would defeat the purpose and intent of the Environment Impact Assessment Notification of 2006.

It is thus reiterated that if this contention of this Respondent is accepted, then it will lead to redundancy Environment Clearances granted or to be granted for several similar projects.

3.7 ISSUE NO. 7:

THAT the Recreation Ground is not the same as garden and would include all amenities:

The Applicant submits that this Respondent has created a completely specious argument that a Recreation Ground is not a garden but a place where amenities have to be provided. Therefore, he has further stated as to what would include in the term “amenity” as under:

"(2) "amenity" means roads, streets, open spaces, parks, recreational grounds, playgrounds, sports complex, parade grounds, gardens, markets, parking lots, primary and secondary schools and colleges and polytechnics clinics, dispensaries and hospitals, water supply, electricity supply, street lighting, sewerage, drainage, public works and includes other utilities, services and conveniences".

The Applicant submits that this contention of this Respondent is totally incorrect. If that would be the case, then all the Gardens, which have come up in Mumbai in the RG designations, would get diluted and would get consumed by roads, streets etc. Accordingly, if roads have to be reckoned as RG, and if that is applied on the requisite percentage of RG, then in Mumbai, there would be no distinct RGs i.e. Gardens left at all.

Naturally, this contention of this Respondent has to be rejected.

The legally correct position is that what is included in the RG has been specified in Regulation 23 of the Development Control Regulations for Greater Mumbai, 1991. Analogous provisions exist in currently in force, Development Control and Promotion Regulations for Greater Mumbai, 2034. In short, the attributes of an RG have been made very clear in the rules.

As to what ought to be the attributes of RG has been specified in Regulation 23, and the relevant part is stated hereunder:

27. Layout/Plot Recreational Ground/Open Spaces (LOS) in Layout/Plot

(1) LOS in residential and commercial layouts:

(a) Extent: In any layout or sub-division/amalgamation/ for the development of individual plots with single building in a residential and commercial zone, LOS shall be provided as under.

| | | |
|-------|--|-------------|
| (i) | Area from 1001 sq. m to 2500 sq. m. | 15 per cent |
| (ii) | Area from 2501 sq. m to 10,000 sq. m | 20 per cent |
| (iii) | Area above 10,000 sq. m | 25 per cent |

(b) Minimum area.- No such recreational space shall measure less than 125 sq.m.

(c) Minimum dimensions.-The minimum dimension of such recreational space shall not be less than 7.5m., and if the average width of such recreational space is less than 16.6 m, the length thereof shall not exceed 2 1/2 times the average width.

(d) Access.- Every plot meant for a recreational open space shall have an independent means of access, unless it is approachable directly from every building in the layout.

(e) Ownership.-The ownership of such recreational space shall vest, by provision in a deed of conveyance, in all the property owners on account of whose holdings the recreational space is assigned.

(f) Tree growth.-Excepting for the area covered by the structures permissible under

(g) below, **the recreational space shall be kept permanently**

open to the sky and accessible to all owners and occupants

as a garden or a playground etc. and trees shall be grown

as under:-

(a) at the rate of 5 tree per 100 sq.m. or part thereof of the said recreational space to be grown within the entire plot. (b) at the rate of 1 tree per 80 sq. m. or part thereof to be grown in a plot for which a sub- division or layout is not necessary.

(g) Structures/uses permitted in recreational open spaces -**(I)** In a recreational open spaces exceeding 400 sq.m. in area (in one piece), elevated/underground water reservoirs, electric sub-stations, pump houses may be built and shall not utilise more than 10 per cent of open space in which they are located.

(ii) In a recreational open space or playground of 1000 sq.m, or more in area (in one piece and in one place), structures for pavilions, gymnasias, club houses and other structures for the purpose of sports and recreation activities may be permitted with built-up area not exceeding 15 per cent the total recreational open spaces in one place. The area of the plinth of such a structure shall be restricted to 10 per cent of the area of the total recreational open space. The height of any such structure which maybe single storey shall not exceed 8 m. A swimming pool may also be permitted in such a recreational open space and shall be free of FSI. Structures for such sports and recreation activities shall conform to the following requirements: -

(a) The ownership of such structures and other appurtenant users shall vest, by provision in a deed of conveyance, in all the owners on account of whose cumulative holdings the recreational open space is required to be kept as recreational open space or ground viz 'R. G', in the layout or sub-division of the land.

(b) The proposal for construction of such structure should come as a proposal from the owner/owners/society/societies or federation of societies without any profit motive and shall be meant for the beneficial use of the owner/owners/members of such society/societies/federation of societies.

(c) Such structures shall not be used for any other purpose, except for recreational activities, for which a security deposit as decided by the Commissioner will have to be paid to the Corporation.

(d) The remaining area of the recreational open space or playground shall be kept open to sky and properly accessible to all members as a place of recreation, garden or a playground.

(e) The owner/owners/or society or societies or federation of the societies shall submit to the Commissioner a registered undertaking agreeing to the conditions in (a) to (d) above.

In view of the above, it is submitted that the contention of this Respondent to state that, *inter alia*, roads and streets also constitute a RG is completely untenable, and would lead to such results which would completely undermine the intent of the RG as has been quoted above.

The said rule i.e. Regulation 23 related to providing 25% of the layout area as a RG, which also describes the attributes of Recreation Ground has been annexed as ANNEXURE-‘A-5’ in the Main Original Application.

3.8 ISSUE NO. 8:

THAT requisite Recreation Ground would be provided by individual allottees in future:

The Applicant submits that the statement made by this Respondent is vague and untenable. Where the Recreation Grounds would be, their dimensions and area have to be stated individually in the layout plan so that they together add up to 32.27 hectares.

If the Project Proponent were to take the Environment Clearance, the State Level Expert Appraisal Committee and the State Level Environment Impact Assessment Authority, would profoundly evaluate the parameters and then impose condition in relation thereof.

If this Respondent is sincere, then he should produce the map of the layout, where individual Recreation Grounds, where the requisite number of



trees are clearly demarcated, and that this RG ought to add up to 32.27 hectares, and ought to bear the attributes as specified in the said Regulation 23 annexed as ANNEXURE-'A-5' of the Main Original Application.

Since this Respondent has done a major violation in not providing the said legally mandatory RG of 32.27 hectare, accordingly, he is now creating legally untenable pretexts.

5. Considering the aforesaid, it is apparent that the contentions put forward by 'These Respondents' are simply preposterous and ought to be rejected. Accordingly, the Applicant humbly reiterates that such contentions raised by this Respondent, in his Affidavit-in-Reply be rejected and the prayers made in the Original Application be made absolute.

APPLICANT

VERIFICATION

I, Arun Nathuram Gaikwad, having his address as 523/7 Fernandes Chawl, New Mill Road, Kurla West, Mumbai – 400070, do hereby verifies that the contents of aforesaid paras in this Rejoinder to the Affidavit-in-Reply of Respondent No. 3 i.e. Mumbai Metropolitan Region Development Authority are true to my personal knowledge and belief and that I have not suppressed any material fact.

APPLICANT

BEFOR ME

DATE: 24th August, 2024

MR. BALAJI LAKHANE
Notary, Govt. Of India
Mumbai, Maharashtra
Mob: 7276164734

PLACE: Mumbai

REGISTER NOTARY
Reg. No. 11.....
Sr. No. 24.6.....
Date 26/08/2024



ANNEXURE-'A-1'

F. No. 22-34/2018-IA.III

Government of India

Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

E-mail: sharath.kr@gov.in
Tel: 011-24695319

Dated: 4th January, 2019

OFFICE MEMORANDUM

Sub.: Standardization of Environment Clearance conditions – reg.

The Ministry of Environment, Forest and Climate Change has notified the Environmental Impact Assessment (EIA) Notification, 2006 under the provisions of the Environment (Protection) Act, 1986, which regulates development and their expansion/modernization of 39 sectors/activities listed in the Schedule to the EIA Notification, 2006. There are two Category of projects viz. Category 'A' projects that are handled at the level of MoEF&CC and Category 'B' projects that are handled by the respective State Environment Impact Assessment Authority (SEIAA) following the procedure prescribed under the EIA Notification, 2006.

2. All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forest and Climate Change (MoEF&CC) on the recommendations of an Expert Appraisal Committee (EAC) constituted by the Central Government for the purposes of this notification.
3. The Standard Environmental Clearance conditions have been prepared for expediting the process of Environmental Clearance without compromising environmental norms and the rigor of environment impact assessment.
4. The standard Environment Clearance conditions shall be considered by the concerned EAC with due diligence while recommending the Environmental Clearance. The expert appraisal committee can modify, prescribe additional conditions based on the project specific requirements.
5. The recommended conditions by the EAC shall be brought in the minutes of the meeting of the EAC.

6. The standard Environment Clearance conditions are herewith issued for the following sectors:

| S.No. | Sector | Project / Activity |
|-------|---|---|
| I. | Infrastructure | 7(a) Airports 7(d) Common hazardous waste treatment, storage and disposal facilities (TSDFs) 7(da) Bio-medical waste treatment facility 7(e) Port, Harbour, Break water and Dredging 7(g) Aerial Ropeways 7(h) Common Effluent Treatment Plants 7(i) Common Municipal Solid Waste Management Facility |
| II. | Building/construction Projects, Area Development Projects | 8 (a) Building and construction projects 8(b) Township and Area Development Projects. |

7. This issues with the approval of competent authority.

Sharath Kumar Pallerla
(Sharath Kumar Pallerla)
Director (IA-III-Policy)

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. All the Officers of I.A. Division
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to AS(AKJ) / AS (AKM)
5. PS to JS (RSP)/ JS(JT)/JS(GM)
6. Website, MoEF&CC
7. Guard file.

Standard EC Conditions for Project/Activity 8(a/b): Building and Construction projects / Townships and Area Development projects

I. Statutory compliance:

- i. The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
- ii. The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc as per National Building Code including protection measures from lightening etc.
- iii. The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
- iv. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
- v. The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.
- vi. The project proponent shall obtain the necessary permission for drawl of ground water / surface water required for the project from the competent authority.
- vii. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
- viii. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.
- ix. The provisions of the Solid Waste (Management) Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste (Management) Rules, 2016 shall be followed.
- x. The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.

II. Air quality monitoring and preservation

- i. Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
- ii. A management plan shall be drawn up and implemented to contain the current exceedance in ambient air quality at the site.
- iii. The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM₁₀ and PM_{2.5}) covering upwind and downwind directions during the construction period.
- iv. Diesel power generating sets proposed as source of backup power 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 of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.
- v. Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.
- vi. Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.
- vii. Wet jet shall be provided for grinding and stone cutting.
- viii. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
- ix. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.
- x. The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to Environmental (Protection) prescribed for air and noise emission standards.

- xi. The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.
- xii. For indoor air quality the ventilation provisions as per National Building Code of India.

III. Water quality monitoring and preservation

- i. The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
- ii. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
- iii. Total fresh water use shall not exceed the proposed requirement as provided in the project details.
- iv. The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- v. A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
- vi. At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
- vii. Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
- viii. Use of water saving devices/ fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.

- ix. Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
- x. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- xi. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016. Rain water harvesting recharge pits/storage tanks shall be provided for ground water recharging as per the CGWB norms.
- xii. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
- xiii. All recharge should be limited to shallow aquifer.
- xiv. No ground water shall be used during construction phase of the project.
- xv. Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
- xvi. The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- xvii. Sewage shall be treated in the STP with tertiary treatment. The treated effluent from STP shall be recycled/re-used for flushing, AC make up water and gardening. As proposed, no treated water shall be disposed in to municipal drain.
- xviii. No sewage or untreated effluent water would be discharged through storm water drains.
- xix. Onsite sewage treatment of capacity of treating 100% waste water to be installed. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Treated waste water shall be reused on site for landscape,

flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per statutory norms notified by Ministry of Environment, Forest and Climate Change. Natural treatment systems shall be promoted.

- xx. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
- xxi. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.

IV. Noise monitoring and prevention

- i. Ambient noise levels shall conform to residential area/commercial area/industrial area/silence zone both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
- ii. Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
- iii. Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.

V. Energy Conservation measures

- i. Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
- ii. Outdoor and common area lighting shall be LED.
- iii. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.

- iv. Energy conservation measures like installation of CFLs/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.
- v. Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
- vi. Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.

VI. Waste Management

- i. A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.
- ii. Disposal of muck during construction phase shall 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.
- iii. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.
- iv. Organic waste compost/ Vermiculture pit/ Organic Waste Converter within the premises with a minimum capacity of 0.3 kg /person/day must be installed.
- v. All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
- vi. Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
- vii. Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly

Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.

- viii. Fly ash should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction.
- ix. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016.
- x. Used 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.

VII. Green Cover

- i. No tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with prior permission from the concerned regulatory authority. Old trees should be retained based on girth and age regulations as may be prescribed by the Forest Department. Plantations to be ensured species (cut) to species (planted).
- ii. A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.
- iii. Where the trees need to be cut with prior permission from the concerned local Authority, compensatory plantation in the ratio of 1:10 (i.e. planting of 10 trees for every 1 tree that is cut) shall be done and maintained. Plantations to be ensured species (cut) to species (planted). Area for green belt development shall be provided as per the details provided in the project document.
- iv. Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.

VIII. Transport

- i. A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.

- a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.
 - b. Traffic calming measures.
 - c. Proper design of entry and exit points.
 - d. Parking norms as per local regulation.
- ii. 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 be operated only during non-peak hours.
 - iii. A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 05 kms radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 05 Kms radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.

IX. Human health issues

- i. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
- ii. For indoor air quality the ventilation provisions as per National Building Code of India.
- iii. Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
- iv. 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 etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- v. Occupational health surveillance of the workers shall be done on a regular basis.
- vi. A First Aid Room shall be provided in the project both during construction and operations of the project.

X. Corporate Environment Responsibility

- i. The project proponent shall comply with the provisions contained in this Ministry's OM vide F.No. 22-65/2017-IA.III dated 1st May 2018, as applicable, regarding Corporate Environment Responsibility.
- ii. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms / conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
- iii. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
- iv. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.

XI. Miscellaneous

- i. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed.
- ii. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- iii. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.

- iv. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
- v. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
- vi. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
- vii. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
- viii. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the Expert Appraisal Committee.
- ix. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
- x. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- xi. The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
- xii. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
- xiii. The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
- xiv. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed

by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.

- xv. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

ANNEXURE-‘A-2’

| | | |
|--------------------------------|---|------------------------|
| M/S CIDCO LIMITED, NAVI MUMBAI | EC FROM MOEF&CC FOR PROPOSED PALGHAR NEW TOWN PROJECT AT PALGHAR, MAHARASHTRA | PRE FEASIBILITY REPORT |
|--------------------------------|---|------------------------|

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1.0 EXECUTIVE SUMMARY

City and Industrial Development Corporation of Maharashtra Ltd. (CIDCO Ltd.) is a wholly owned company of Government of Maharashtra and is the Navi Mumbai Development Authority. CIDCO is the Planning and Development Authority for the new city of Navi Mumbai spread over an area of 344 Sq.km. which was conceived to decongest the city of Mumbai. Subsequent to the formation of Palghar District w.e.f 01/08/2014, GoM declared CIDCO as New Town Development Authority for development of Palghar New Town. For this purpose GoM notified 440.57 Ha. Land for development of Palghar New town and handed over to CIDCO.

The Palghar has been declared as the 36th District of Maharashtra on 01/08/2014 by the GoM. Palghar is situated on North side of Mumbai & Vasai. Government of Maharashtra, vide G.R. dated 29/06/2016 accorded approval for development, Government of Maharashtra, Vide Notified dated 01/10/2017 have notified land admeasuring 440.57 Ha. for New Palghar Town and appointed CIDCO Ltd as the New Town Development Authority for development of New Palghar Town. Total area of project is 440.57 hectares; out of which for 103.37 hectares area approval is obtained from local authority and balance area is 337.20 hectares for development of Palghar New Town.

The proposal is for a residential and commercial development on a plot area of 337.20 hect. (33, 72,000.0 sq.m) located at Palghar, Maharashtra. The total area of township is about 337.20 Hect and propose to be developed as self contain township with high standard of physical and social Infrastructures.

An area of about 337.20 Hect is proposed for area development, consisting of plots residential, residential + commercial, Physical & Social facilities such as education, playground, Health, Garden, Transport/ Circulation & Communication. The total estimated cost of the project is Rs.2065 crores. The land use statement proposed for the township as under:

| S.No. | Land use | Area in Hect | % |
|--------------|---------------------------------|--------------|------------|
| 1. | Residential | 151.74 | 45 |
| 2. | Commercial | 16.86 | 5 |
| 3. | R + C (Residential +Commercial) | 50.58 | 15 |
| 4. | Industry | -- | -- |
| 5. | Social Facility | 26.976 | 8 |
| 6. | Public Utility | 16.86 | 5 |
| 7. | Green + Open Space | 33.72 | 10 |
| 8. | Transportation/ Circulation | 40.464 | 12 |
| Total | | 337.2 | 100 |

M/S CIDCO LIMITED, NAVI MUMBAI

EC FROM MOEF&CC FOR PROPOSED PALGHAR NEW
TOWN PROJECT AT PALGHAR, MAHARASHTRAPRE
FEASIBILITY
REPORT

2.0 INTRODUCTION OF THE PROJECT / BACKGROUND INFORMATION

The proposed project is planned on at village Kalgaon, Palghar, Nandore, Morekuran, Tembhode, Dapoli and Shirgaon, District Palghar, Maharashtra. The land use of project site is residential cum commercial development as per DCR.

The objective of the study is to carry out Environmental Impact Assessment (EIA) for the proposed project to meet the environmental compliance laid down by the Ministry of Environment and Forest & Climate Change (MoEF&CC), Govt. of India. The scope of the study would be as per the EIA guidelines outlined by the MoEF for Area & township development project.

The aforesaid development falls in the Category "A" of Projects and Activity Number 8(b) – "Area and Township Development Project" as per the "List of Projects or Activities requiring Prior Environmental Clearance" given in the EIA Notification dated 14th September, 2006 & subsequent amendments.

The Environmental Impact Assessment (EIA) will be based on one season environmental monitoring data. The EIA will be carried out as per the EIA guidelines and requirements of Ministry of Environment and Forests. The impacts from the proposed project will be investigated by establishing baseline conditions, identification, prediction and evaluation of impacts of the component of the project.



3.0 PROJECT DESCRIPTION

The proposed project is coming up with residential & commercial Project is located at survey no 211- 217, 223- 225, 226 A & 239; 65, 67/1, 67/2, 68/1, 68/2, 72 to 74, 75/2/2, 77/1,120/1,120/2; 360,363,366; 123 to 130; 85/1/1; 66,68,69 and 992 at Village Kalgaon, Palghar, Nandore, Morekuran, Tembhode, Dapoli and Shirgaon, Dist- Palghar, Maharashtra. The project site comes under jurisdiction of CIDCO (City & Industrial Development Corporation Of Maharashtra Limited) which has been appointed as "Palghar New Town Development Authority" by Govt. of Maharashtra. The total estimated cost of the project is Rs. 2065 Crore.

CIDCO prepared a Master Plan for Development of Residential cum Commercial Township on total plot area of 337.20 Hect of land designed to accommodate 1,50,000 residential Nos. of population.

The scheme comprises of Plotted Colony and Group Housing plots for all sections of society. The Township also provides plots for Social Infrastructures like – Schools, Health Centre, Shopping, etc. CIDCO propose to develop Utilities, Services & Road Infrastructure only & sell the Residential Plots, Group Housing Plots & Social Infrastructure Plots to prospective eligible individuals/agencies. Allottees of Plots will construct buildings after obtaining Building Plan & other related approvals. Their details are as given below:

Table 1.0: Surrounding Features of the Project Site

| S.No. | Land use | Area in Hect | % |
|--------------|---------------------------------|--------------|------------|
| 1. | Residential | 151.74 | 45 |
| 2. | Commercial | 16.86 | 5 |
| 3. | R + C (Residential +Commercial) | 50.58 | 15 |
| 4. | Industry | -- | -- |
| 5. | Social Facility | 26.976 | 8 |
| 6. | Public Utility | 16.86 | 5 |
| 7. | Green + Open Space | 33.72 | 10 |
| 8. | Transportation/ Circulation | 40.464 | 12 |
| Total | | 337.2 | 100 |

3.1 LOCATION DETAILS

The proposed project site is located at village Kalgaon, Palghar, Nandore, Morekuran, Tembhode, Dapoli and Shirgaon, Dist- Palghar, Maharashtra. Palghar is situated on North side of Mumbai & Vasai. Palghar is a town and a Municipal Council, located at about 110 km north of Mumbai. It lies on the western suburban railways line. From the National Highway (NH8), the Palghar city is around 22 km towards the west and presently access is through a 2 lane link road. Another road on the northern side from Chilhar (4 laning proposed) provides much better connectivity. Palghar city and Boisar, an industrial hub and an upcoming residential hotspot on the northern side are well connected by means of a 4 lane State Highway. The project site falls in Survey of India Topo-

sheet No. 47A.

The project location on Google is shown below:-



Figure 1: Plot Boundary marked on Google Image

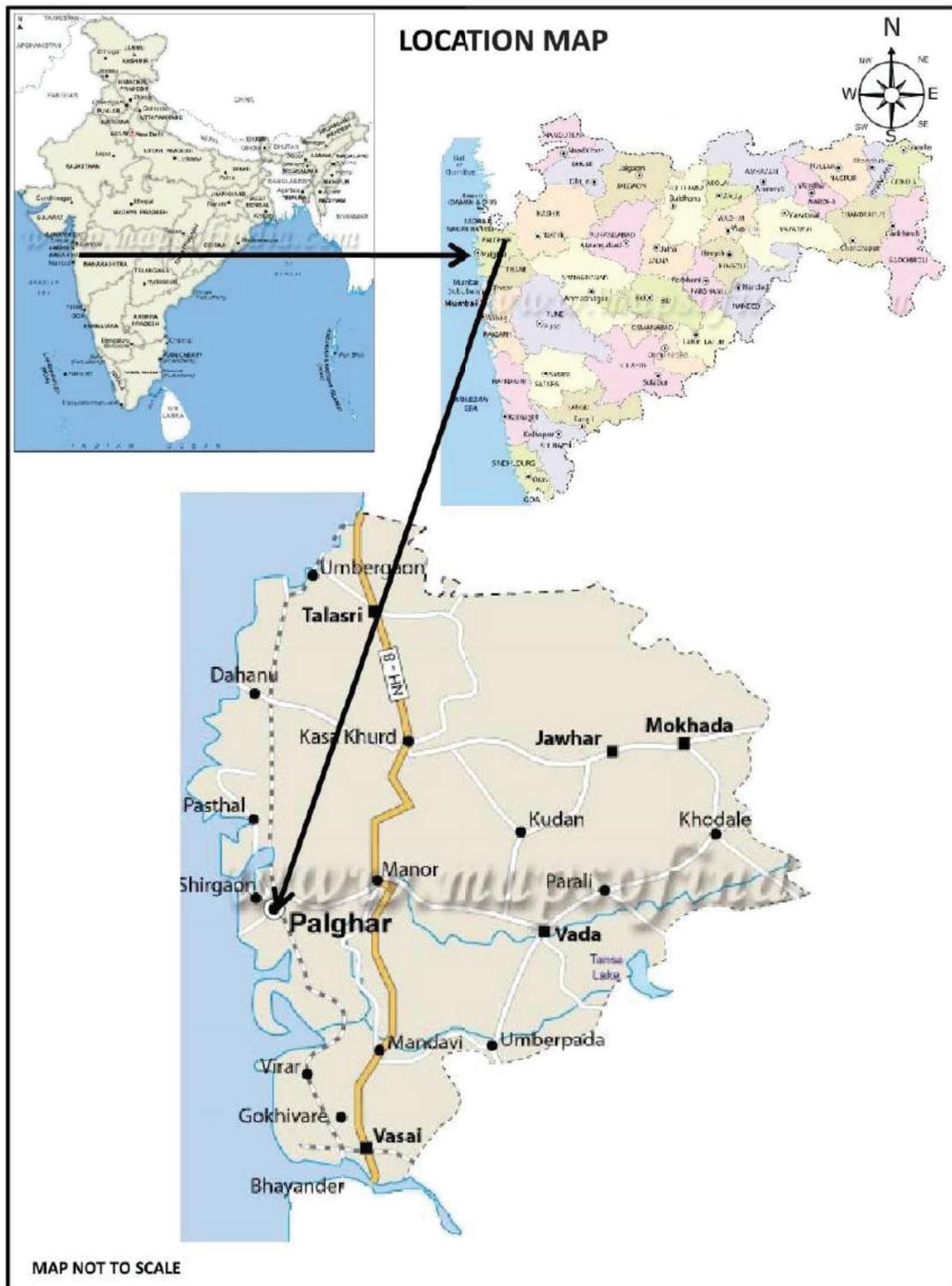


Figure 2: Location Map

Table 2.0: Site and Surrounding of the project Site

| Sr. No. | Facility | Distance (in Km.) | Direction |
|---------|----------------|-------------------|-----------|
| 1 | Mumbai Airport | 71.0 | SSE |
| 2 | Palghar R.S. | 3.25 | W |

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|--------------------------------|---|------------------------|

| | | | |
|----|----------------------------------|------|-----|
| 3 | N.H. -8 | 16.4 | E |
| 4 | Mumbai (Nearest City) | 72.0 | S |
| 5 | R.F. (Near Nandore) | 3.86 | ENE |
| 6 | R.F. (Near Boisar) | 7.94 | NNE |
| 7 | CEPI (Tarapur Industrial Area) | 7.7 | N |
| 8 | R.F. (Near Damatha) | 9.2 | NNE |
| 9 | Surya River | 9.5 | E |
| 10 | Anand Ashram English High School | 2.0 | SSE |
| 11 | Naniwadekar Hospital | 3.3 | SSE |
| 12 | Ayyappa Temple | 2.5 | SSE |

(These are aerial distances as measured on Google Earth)

3.2 DETAILS OF ALTERNATE SITES CONSIDERED

No alternate site is been considered for project development.

3.3 PROJECT AREA DETAILS

Please refer for the details which are already given in Chapter 3 "Project Description" Table – 1.

3.4 PROCESS DETAILS

Not Applicable

3.5 FLOW CHART SHOWING PROJECT LAYOUT

No Applicable

3.6 WATER REQUIREMENT AND ITS SOURCE

Construction Phase

Total water requirement estimated is 50 KLD. The water demand will be met by local authority and water tankers arranged by the contractor.

Operation Phase

The township is designed to have well plan water supply distribution and management system. The system will consist of Ground Storage Reservoir (GSR), Elevated Storage Reservoir (ESR), primary water distribution line and secondary water distribution line. Water distribution line will be ductile iron pipe type running underground either under the pavement or pathway. Based on projected population of 1, 50,000 Nos & land use mix of social infrastructure and using standard norm applicable for estimation water supply demand, the total water supply demand works out 23 MLD.

The water supply for township will be sourced from Water Resource Department, Maswan Barrage during operational phase.



3.7 WASTE WATER TREATMENT & DISPOSAL

Construction Phase: During construction phase, a small amount of sewage will be generated which shall be treated and disposed through septic tank with soak pits. The sanitation facilities will be provided in terms of Mobile Toilet.

Operation Phase:

The waste water discharged from the various activities from town ship shall be treated in the STP proposed onsite. Treated waste water (BOD<5) so discharged from the sewerage plant would be utilized to the extent possible for gardening, flushing and washing purpose. It is estimated that 10% treated water would be made use for the above.

3.8 POWER REQUIREMENT AND SOURCE

The township is designed have well planed power supply distribution and management system. The power supply shall be supplied by **Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)**. The estimated demand for power supply is 145MW.

3.9 MANPOWER

Construction Phase

During the construction phase about 400 persons will be deployed on the site from nearby places. Influx of these people was temporary in nature.

Operation Phase

On completion of the project, residents will occupy their property. Total population is expected to be 1, 50,000 nos.

3.10 RAW MATERIAL REQUIREMENT

Not Applicable

3.11 SOLID WASTE MANAGEMENT/ DISPOSAL

Solid Waste in the form of bio-degradable waste and non bio-degradable waste generated from the various activities within the township. The total quantity of solid waste is expected to be 75 MT/day. Out of which 30MT/day will be non-biodegradable 45MT/day will be biodegradable garbage. The bio-degradable waste will be treated in the OWC within the premises, whereas the non-biodegradable waste disposal facility in the form of incinerators will be either installed or made use of existing municipal facility. Dried sludge from STP will be used as manure.

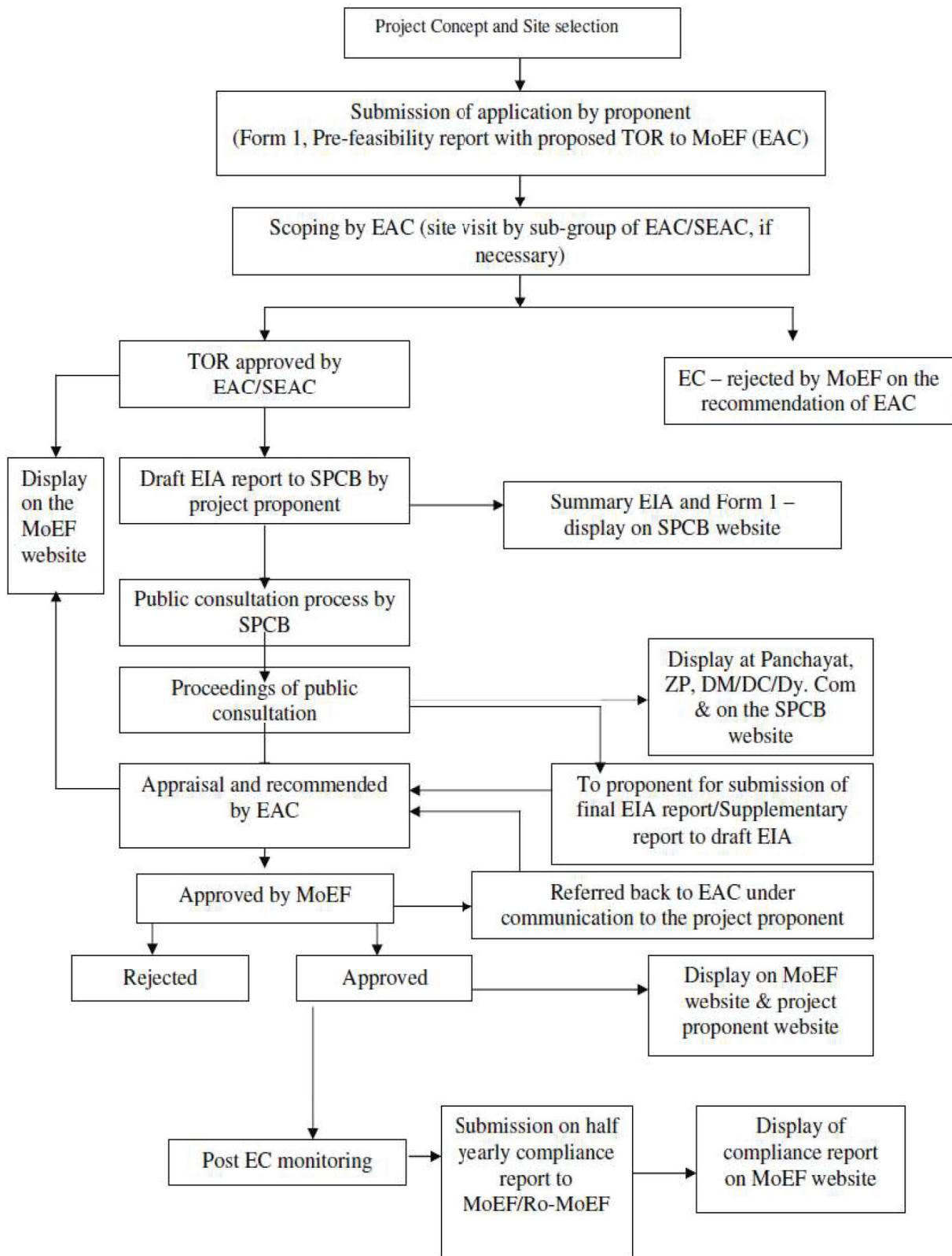
During the Construction phase, approximately 120 kg per day of solid waste will be generated. Out which 60kg /day will be biodegradable and 60 kg per day will be non biodegradable.

3.12 SCHEMATIC REPRESENTATIONS OF THE FEASIBILITY DRAWING WHICH GIVEN INFORMATION OF EIA PURPOSE

The purpose of this Environmental Impact Assessment (EIA) study is to provide information on the nature and extent of environmental impacts arising from the operation of the project and related activities taking place concurrently. The study also focuses on the sensitive issues. For the purpose of the EIA study, the impact zone for the implementation shall confine within a radius of about 10 km from the center of the project site.

In terms of the EIA Notification of the MoEF dated 14th September, 2006, the generic structure of EIA documents shall be as under:

- Introduction
- Project description
- Description of the Environment
- Anticipated Environmental Impact & Mitigation Measures
- Analysis of Alternatives (Technology & Site)
- Environmental Monitoring Program
- Additional Studies
- Project Benefits
- Environmental Cost Benefits Analysis
- EMP
- Summary & Conclusion
- Disclosure of Consultant Engaged



4.0 SITE ANALYSIS**4.1 CONNECTIVITY**

| Sr. No. | Facility | Distance (in Km.) | Direction |
|---------|-----------------------|-------------------|-----------|
| 1 | Mumbai Airport | 71.0 | SSE |
| 2 | Palghar R.S. | 3.25 | W |
| 3 | N.H. -8 | 16.4 | E |
| 4 | Mumbai (Nearest City) | 72.0 | S |

4.2 LAND FORM, LAND USE

As per the DP Plan the site is under commercial and residential zone. The proposed project will be residential & commercial in nature.

4.3 LAND OWNERSHIP

Land ownership is with CIDCO Ltd.

4.4 TOPOGRAPHY (ALONG WITH MAP)

The Topography of the Study Area (10 km radius) is almost flat having highest elevation of 26 MSL and lowest elevation of 0 MSL. In 10 kilometer buffer area there is no hilly area and there is slightly undulation. There is no major nallah or drainage system in the area. There is no perennial river within the study area. There is no Wild Life Sanctuary/National Park within the study area of 10 km radius. The site is located in Zone III (moderate damage risk zone) as per the seismic map and prone to moderate intensity earthquake with MSK VII zone.

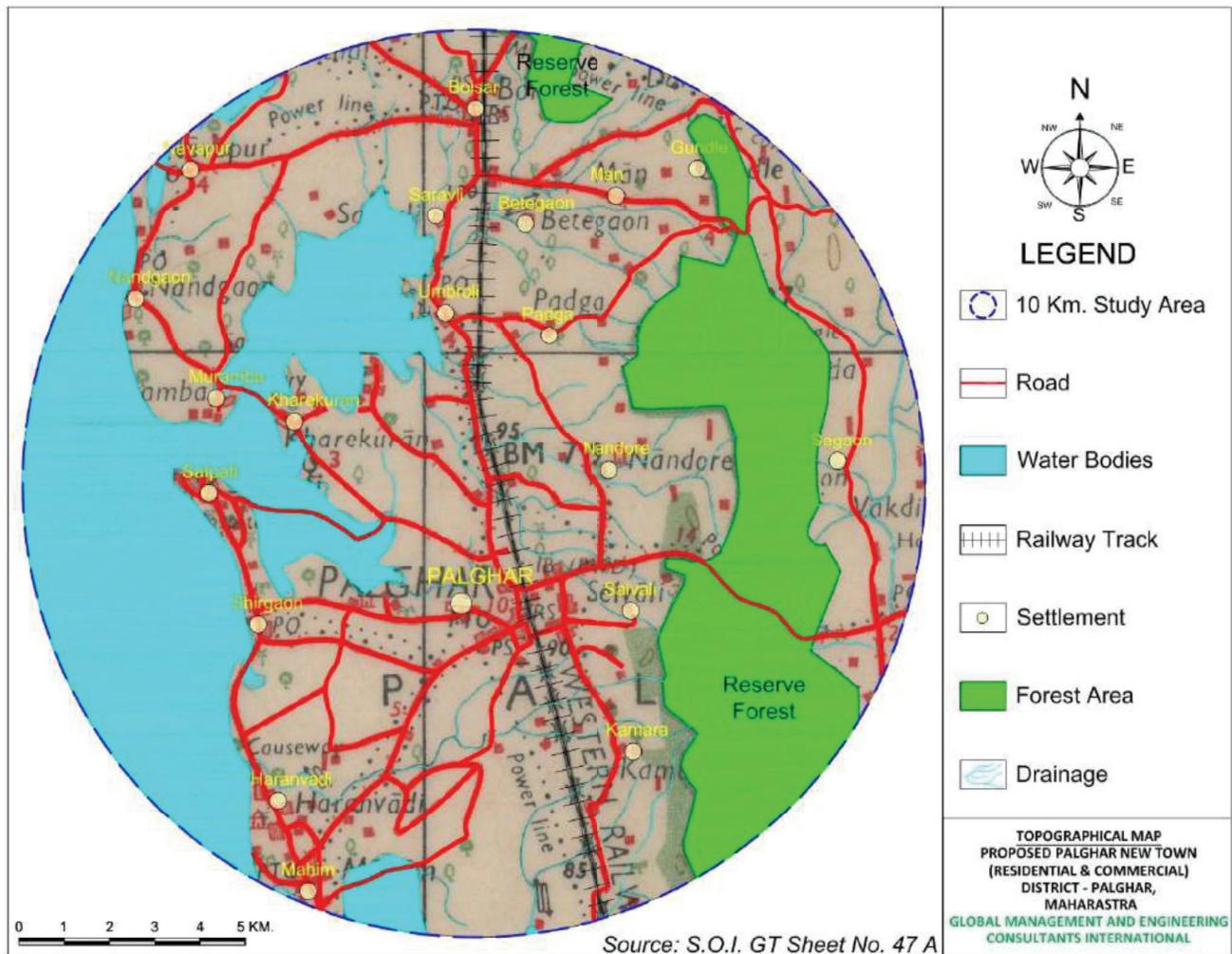


Figure 2: Toposheet of the Study Area

4.5 EXISTING LAND USE PATTERN

As per the DP Plan the site is under commercial and residential zone. The proposed an open land.

4.6 EXISTING INFRASTRUCTURE

The site surroundings are quite developed. The site has excellent connectivity in terms of Rail and Road transport.

4.7 SOIL CLASSIFICATION

Not Available

4.8 CLIMATIC DATA FROM SECONDARY SOURCES

The area is characterized by hot and humid with an average annual rainfall of about 2101mm, which is mainly received during monsoon season of June to September. Palghar has a tropical climate. When compared with winter, the summers have much more rainfall. The average annual temperature in Palghar is 26.5°C. The driest month is February, with 0 mm of rainfall. The warmest

month of the year is May, with an average temperature of 29.8°C. At 22.6°C on average, January is the coldest month of the year.

4.9 SOCIAL INFRASTRUCTURE AVAILABLE

The social infrastructure surrounding project site is quite developed.

5.0 PLANNING BRIEF

5.1 PLANNING CONCEPT

The proposed project is Township development including Residential & Commercial.

5.2 POPULATION PROJECTION

On completion of the project, the population is expected to be 1, 50,000 nos.

5.3 LAND USE PLANNING

As per the DP Plan the site is under commercial and residential zone.

5.4 AMENITIES/ FACILITIES

- Plotted Colony and Group Housing plots;
- Improved External & Internal Roads;
- Improved Hygienic & Sanitation conditions;
- Social Infrastructures like – Schools, Health Centre, Shopping etc;
- Onsite Solid waste and wastewater treatment facility;
- Installation of Rain Water Harvesting System.

6.0 PROPOSED INFRASTRUCTURE

The proposed project is new project. The scheme comprises of Plotted Colony and Group Housing plots for all sections of society. The Township also provides plots for Social Infrastructures like – Schools, Health Centre, Shopping, etc. CIDCO propose to develop Utilities, Services & Road Infrastructure only & sell the Residential Plots, Group Housing Plots & Social Infrastructure Plots to prospective eligible individuals/ agencies. Allottees of Plots will construct buildings after obtaining Building Plan & other related approvals. The project will also have better internal roads, provision of Rainwater Harvesting System and onsite STP and solid waste treatment facility.

6.1 INDUSTRIAL AREA

Not Applicable.

6.2 RESIDENTIAL AREA

Proposed area for Residential is 151.74 Hect.

6.3 GREEN BELT

Proposed area for green and open area is 33.72 Hect for green belt development.

6.4 SOCIAL INFRASTRUCTURE

The social infrastructure surrounding project site is quite developed.

6.5 CONNECTIVITY (TRAFFIC AND TRANSPORTATION ROAD / RAIL / METRO / WATER WAYS ETC)

Details as given in Form I Part I & Part III

6.6 DRINKING WATER MANAGEMENT (SOURCE AND SUPPLY OF WATER)

Please refer for the details which are already given in Chapter 3 "Project Description" Section – 3.6.

6.7 SEWERAGE SYSTEM

Sewage shall be send to the STP and treated sewage would be used for gardening and non-potable purposes. STPs with suitable capacity with appropriate technology will be installed depending on the site conditions and requirement.

6.8 INDUSTRIAL WASTE MANAGEMENT

Not applicable

6.9 SOLID WASTE MANAGEMENT

Please refer for the details which are already given in Chapter 3 "Project Description" Section – 3.11.

6.10 POWER REQUIREMENT AND SUPPLY / SOURCE

Please refer for the details which are already given in Chapter 3 "Project Description" Section – 3.8.

7.0 REHABILITATION AND RESETTLEMENT (R & R PLAN)

Not Applicable

8.0 PROJECT SCHEDULE AND COST ESTIMATES**8.1 TIME SCHEDULE**

The project will be built over a period of approx. 10 years.

8.2 ESTIMATED PROJECT COST

The estimated project cost is Rs. 2065 Crores.

