

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

ORIGINAL APPLICATION NO. 104/2016

IN THE MATTER OF:

MR. PRAKASH AGRAWAL

... APPLICANT

VERSUS

NAHAR BUILDERS LTD. & ORS.

... RESPONDENTS

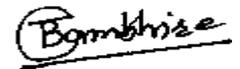
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Date: 02.08.2023



(TANAJI B. GAMBHIRE)
ADVOCATE FOR APPLICANT

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REJOINER ON BEHALF OF THE ORIGINAL APPLICANT TO THE
REPLIES OF RESPONDENTS AND REPLY TO THE I.A. No.
334/2016 ON PRELIMINARY OBJECTIONS

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I, Mr. Prakash Agrawal, Age: Adult, Occupation: Business, R/at: P04, Nahar's Amrit Shakti, Sector-12, Chandvali, Mumbai-400072, do hereby solemnly affirm and state on oath as follows:

PART-A: BRIEF BACKGROUND OF CASE

1. I respectfully states that, this Original Applicant filed this OA vide dated 29.07.2016 seeking restitution & restoration of the area by applying “**principles of sustainable development, the precautionary principle and the polluter pays principle**” at the hands of this Hon'ble NGT and OA is admitted and notices were issued vide Order dated 19.08.2016.
 - 1.1 That the OA is filed for the blatant violations of environmental norms and irreparable damage caused by the Respondent No. 1-Nahar Builder Ltd.-Project Proponent (in short “PP”) to the environment, ecology and area thereby carrying out substantial illegal construction of its entire project without prior EC, CTE and CTO for operation of the project.
 - 1.2 That the Respondent No. 1-PP filed its reply vide dated 19.01.2017, Respondent No. 2-MPCB filed its reply vide dated 26.10.2016, Respondent No. 4-MCGM filed its reply vide dated 29.11.2019, Respondent No. 3-DoE & R-5-SEIAA filed its reply vide dated 12.01.2017 and Respondent No. 6 to 18-Individual flat buyers filed their replies vide dated 20.12.2016, 23.12.2016, 04.01.2017.
 - 1.3 That the Respondent No. 1-PP filed M.A. No. 334/2016 vide dated 15.10.2017 raising preliminary objections to the maintainability of OA and this Original Applicant have filed its reply vide dated 22.10.2016.

- 1.4** That this Original Applicant is filing present rejoinder to the reply of Respondents and to assist this Hon'ble NGT on account of true facts as well as to bring on record the documents which PP have suppressed since 2017 to 2023.

PART-B: IMPORTANT DATES & EVENTS

- 2** That the following dates & events are important for deciding the OA on merit as well as on preliminary issues and also to know the settled position of law;
- 2.1** That the project is the large layout and R-1-PP have expanded the major part of the project after 07.07.2004 and also after 14.09.2006. Therefore, EIA Notifications, mandates prior Environment Clearance and Consents. That the following events will prove that the present OA is well within the limitations as well as ill practices adopted by the R-1-PP to overcome the violations;

Sr.	Date	Event	Para No. & Page No.
1.	27.01.1994	MoEF Notification mandating prior EC	¶2 (I) (a): New Projects, Expansion or Modernization P@2381
2.	07.07.2004	Amended Notification issued by MoEF	¶ (ii) (g), P@2396 ¶ (i) & (iii), P@2396
3.	29.06.2005	PP letter to MCGM	Entire Project, No EC Required P@28A-29A
4.	14.09.2006	MoEF Notification mandating prior EC New Projects, Expansion & Modernization, Change in product mix	¶2(ii): Expansion, P@2399 ¶7(ii): Expansion, P@2404
5.	02.07.2016	Complaints to SEIAA, MPCB	P@2440-2447
6.	29.07.2016	OA filed before this Hon'ble NGT	P@2448-2456
7.	14.03.2017	MoEF Notification	¶13(7), P@2463

8.	12.08.2017	R-1-PP Application for ex-post facto EC before MoEFCC	Layout, P@2529
9.	20.06.2018	R-1-PP Application for ex-post facto EC before SEIAA	P@2557-2581
10.	10.08.2018	Goel Ganga Judgment	¶26, P@2125
11.	10.07.2019	Undertaking of PP on TBUA, CC, PCC, OCC before SEIAA	P@2582-2606
12.	25.09.2019	SEIAA granted ex-post facto EC	P@2635-2649
13.	03.12.2019	Keystone Realtor Vs Anil Tharthare case judgment	¶13, P@2247 ¶19-20, P@2249
14.	19.09.2022	SEIAA granted ex-post facto CTE	P@2650-2657

2.2 That in OA No. 184/2015 (WZ) filed before this Hon'ble NGT was based on the complaint dated 25.06.2015 as cause of action to consider the limitation because the construction of the project was under expansion beyond the EC dated 04.04.2008 and as per the clause 2 (ii) & 7 (ii) of EIA Notification, 2006, it is mandatory to obtain the prior EC even for the expansion activity as held in "**Keystone Realtor Vs. Anil Tharthare**" and "**Tanaji B. Gambhire Vs. UoI & Ors. i.e. Goel Ganga Case**". Therefore, here also Original Applicant filed complaint vide dated 02.07.2016 before the SEIAA & MPCB informing the violations committed by R-1-PP in his expansion of the project even after 07.07.2004. However, MPCB & SEIAA neglected to perform on the complaint of Original Applicant and as the project under challenge is the expansion project mandating prior EC under both the regime of 2004 & 2006. Therefore, Complaint dated 02.07.2016 is constituting the cause of action and limitation is to file the OA is five years as the OA is not the simplicitor under section 14 of NGT Act, but also under Section-15 establishing the damage to the environment and ecology. Thus OA is filed within five years

from 02.07.2016 as per the undertaking dated 10.07.2019 of PP filed before SEIAA admitting the expansion of the project beyond 2018 and Therefore, it can be stated that the OA is well within the limitation and maintainable.

- 2.3** Further, R-1-PP have procured the ex-post facto EC vide dated 25.09.2019 & ex-post facto CTE vide dated 19.09.2022 which are procured after OA vide dated 29.07.2016 and therefore, this Original Application is the admitted case of violation and cannot be said to be infructuous and this Hon'ble NGT shall hear & decide this OA on its merit.

PART-C: ADMITTED FACTS & GROUNDS

3 ADMITTED FACTS & GROUNDS:

3.1 ITS ADMITTED CASE OF VIOLATION AND PROCUREMENT OF EX-POST FACTO EC, CTE AND NO CTO TILL DATE:

That the Original Application is the admitted case of violations in totality as the Respondent No. 1-PP have procured the EC, CTE in ex-post facto manner and till date there is no CTO procured by the R-1-PP.

Sr.	Date	Particular	Remark
1.	29.07.2016	OA filed before this Hon'ble NGT	For entire project
2.	25.09.2019	Ex-post facto EC procured by PP from SEIAA	For project completed after 2004 & 2006 and for TBUA 518523.31 M ²
3.	19.09.2022	Ex-post facto CTE procured by PP from MPCB	For project completed after 2004 & 2006 and for TBUA 518523.31 M ²

4.	27.09.202	Ex-post facto CTO procured by PP from SEIAA	Only For Building R12/13 on having TBUA of 11950 M ² out of 518523.31 M ²
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3.2 OA DEALS WITH ENTIRE PROJECT AND NOT LIMITED

TO SECTOR-12: Original Application is dealing with the entire project of township and it's not limited to the Sector R-12 of the said township. Following averments mentioned in the Original Application clearly shows that the filed Application is for determining the issues related to the entire project/ township;

OA Para No.	Particulars
PP Letter dated 29.06.2005 attached to OA P@28A-29A	Re: Proposed Development in Sector R-1 & R-12 and balance Sectors in "AMRIT SHAKTI" and CHANDIVALI. NAHAR AMRIT SHAKTI, comprises of various buildings and is one composite project.
Para-9	<ul style="list-style-type: none"> • Area-peaceful & surrounded with greenery • Heavy construction carried out by R-1 • R-1 Operates stone quarry & crusher in the area near the residential premises leading to lots of dust & pollution in the air and noise problem
Para-10	<ul style="list-style-type: none"> • Long term construction activity going on • Residents in the area are suffering from noise pollution. They are facing health hazardous. • The environment is adversely affected and due to this the flora and fauna has suffered. Human life is also being adversely affected.
Para-11	<ul style="list-style-type: none"> • R-1-PP, not taking any precaution to manage the environment during construction • Asked about 'Environment Clearance' and 'Consent To Establish' for project under construction and 'consent to operate' for project already. • R-1 has taken recourse to some letter obtained in 2005 purported to be exemption from obtaining

	<p>‘Environment Clearance’ and hence proceeding without Environment Clearance for projects which had been completed upto the Plinth Levels.</p>
Para-12	<ul style="list-style-type: none"> • Notification of 2004, Actually, as on date, only <u>plinth of two building</u> was completed. • <u>All rest of the buildings</u> have been started after that and ought to have obtained the ‘Environmental Clearance’ as per amendment of 7.7.2004 and then ‘Environmental Clearance’ Notification of 14.06.2006. None of them has been obtained. As such <u>entire huge project</u> which is being constructed has been executed by blatantly violating the need of the ‘Environmental Clearance’ and also requirements that would have consequently followed to safeguard the environment. The total area of separate <u>buildings constructed</u> subsequently after 2004 and 2006 including FSI and non-FSI is much more than 20,000m² and hence needs the ‘Environmental Clearance’.
Para-13	<ul style="list-style-type: none"> • However, the Respondent No. 1 proceeded <u>for all the towers</u> which were constructed even after 2005 without any environmental clearance. As a result, the residents are suffering adverse effect due to pollution and health hazards
Para-14	<ul style="list-style-type: none"> • there is only 1 STP for the <u>entire project</u> which consists of around 2500 tenements
Para-19	<ul style="list-style-type: none"> • Respondent no. 1 had promised a road width of 18.3m <u>throughout the project</u>.
Para-21	<ul style="list-style-type: none"> • in spite of cutting down so many trees for the <u>project</u>,
Para-22	<ul style="list-style-type: none"> • Respondent No. 1 has acquired various permissions from the BMC through malicious means, fraud and manipulation. He has even obtained the OC <u>for some projects</u> where the <u>buildings are under construction</u> and not even <u>completed</u>. In some cases, even the water connections are not in place.
Para-28	<ul style="list-style-type: none"> • That to the shock and surprise of the Applicant, he found that the Respondent No. 1 has proceeded

	<p>without obtaining an environment clearance for the plans/ <u>buildings constructed after 2005</u>, on the pretext that the <u>initial approval was in 2005</u>. However, the Applicant would again like to reiterate here that the Notification of 2004 and 2006 was applicable in this case also and only for those <u>buildings which had been already constructed till the plinth level</u>. By submitting false information, the Respondent No. 1 has acquired permission for the <u>projects</u> which commenced in 2005 and thereafter applied it across the <u>project even for buildings</u> which were constructed post 2006</p>
Para-32	<ul style="list-style-type: none"> • a test needs to be carried out to determine the level of noise and air pollution occurring <u>in the area</u> and the effect it is having on the environment, the flora, and the human life
Para-33	<ul style="list-style-type: none"> • present application is being filed under Section 14, 15 of the National Green Tribunal Act, 2010, in order to seek immediate relief, compensation and restitution for the <u>damage suffered</u> by the <u>Applicant</u> and <u>others in the vicinity</u> along with the damage to the environment and ecological system which remains to be studied in detail
Para-38	<ul style="list-style-type: none"> • Moreover the Respondent no. 1 is also <u>providing the project area</u> for shooting. Due to this there is a heavy <u>congestion of traffic in the area</u>. Also there is increase in noise pollution also due to heavy vehicular emission
Para-42	<ul style="list-style-type: none"> • That a great deal of harm has already been suffered and its effects are being seen on the health of the <u>Applicant as well as the people in the vicinity</u> like frequent headaches, lack of concentration, fatigue, respiratory problems, etc. If this construction work is not stopped till all the Environment Clearances are in place, and if no proper Sewage Treatment plan is considered then there will be further damage to the environment and in particular to the air and through it to the human life. Many times the <u>sewage has been let out in the Municipal Nalla</u> without even being treated. Thus it

	<p>is necessary that immediate compensation is offered to the victims of noise and air pollution and the purity of nature and the ecosystem <u>in the area</u> be restituted to its former glory. For this it is imperative that the interim/ preventive order be passed otherwise irreparable loss and prejudice shall be caused to the applicant, his staff, the people staying <u>in the vicinity and the overall environment</u></p>
Para-49	<ul style="list-style-type: none"> • Interim Relief: A.pass an order of injunction restraining / preventing the Respondent No. 1 from doing any <u>further construction work in the said area,</u> particularly in case of the <u>new tower which he is planning to construct</u> Final Relief: • E. Hon'ble Green Tribunal may be pleased to direct to obtain 'Environmental Clearance' and 'Consent to Operate' <u>for all the activities being done and to be done</u> in accordance with the provisions of Acts and Notifications issued under that specifically the EC Notification of 14.09.2006 • N. ...Hon'ble Green tribunal may be pleased to order the Respondent no. 1 to pay cost of damages to environment from 2005 to 2016 for contravening the above provisions and using the saving clause which was actually provided for sanction to only 4 buildings, and which he has in a malafide manner for the <u>entire project.</u>
Para-11 of Reply dated __ to MA No. 334/2016 filed by Applicant	<ul style="list-style-type: none"> • 11. Applicant wants to clarify here that this total project spread on about 125 Acres of land in various sectors was entitled for the total built-up construction of about 125 x 4000 m²/acres x (2+1) FSI and non-FSI construction area i.e. about 15,00,000 m². This entitlement was as per the then prevailing FSI area. (FSI or FAR is the area entitled to be constructed in relation to the land area in the corporation limits as per the D. C. Rules)

PP Reply affidavit 19.01.2017	<ul style="list-style-type: none"> • PP have taken stand of OA is dealing with only Sector R-12 and OA is limited to Sector R-12 and same is after thought.
PP affidavit dated 31.07.2023	<ul style="list-style-type: none"> • PP mischievously filing such affidavit to overcome the violations and final environmental compensation and PP cannot be dictator to this Hon'ble NGT. • Not allowing amendment applications does not construct that the OA is not dealing with the entire project and its limited to the Sector R-12.

Therefore, entire pleading has to be considered and it can clear that the OA is dealing with entire project and not limited to the Sector-12 of the project. That the even 2004 & 2006 regime recognizes project/activity and not the Sectors and project is combination of Sectors/Phases/Modules. Final prayer ought to be granted on facts and circumstances of the case as held in **MCGM Vs. Ankita Sinha case**. This crucial issue has to decide at final stage and opinion expressed by this Hon'ble NGT is limited to the Amendment Applications giving precise details and not deciding the scope of the OA dealing with entire project.

3.3 PRIOR EC & CTE WAS MANDATORY UNDER BOTH REGIME 07.07.2004 & 14.09.2006, PCC & OC:

A. PRIOR EC & CTE WAS MANDATORY UNDER BOTH REGIME 07.07.2004:

Sr.	Parameters	Admitted by PP in Ex-post facto EC dated 25.09.2019	Admitted by PP in Ex-post facto CTE dated 19.09.2022
1.	Population more than 1000 persons	19466 Nos.	--

2.	Sewage Discharge more than 50000 Liters/day	1812 KLD	1550 LKD
3.	Total Investment more than Rs. 50 Crores	Rs. 17495 Crores	Rs. 17495 Crores

That all the Parameters of projects are exceeding threshold limits under amended Notification, 2004 for population, Sewage discharge as well as total investment. Therefore, it was obligatory on part of R-1-PP to obtain the prior EC under regime of 2004.

B. PRIOR EC & CTE WAS MANDATORY UNDER BOTH REGIME 14.09.2006

Sr.	Parameters	Not under EIA Notification, 2006	Under EIA Notification, 2006
1.	Sectors	R2, R3, R4, R5, R6 & R14	R2, R3, R6, R14, R12, R18, R19, R20, R21
2.	FSI Area (M ²)	52036.13	270196.94
3.	Non-FSI Area (M ²)	15155.36	248326.37
4.	TBUA (M ²)	67191.49	518523.31

That the R-1-PP have expanded the scope of project from TBUA 67191.49 M² to TBUA 518523.31 M² from 14.09.2006 without prior EC and EIA notification, 2006 is mandating prior EC under clause 2(ii) & 7(ii) of the said notification for expansion project increasing the capacity of the project/activity.

C. PCC-Plinth Check Certificate & OC-Occupancy Certificates procured after 07.07.2004 & 14.09.2006:

That the following table show that the construction activity of expansion of project increasing capacity of the project was going even after filing of this OA and R-1-PP have

admitted the following fact from his undertaking dated 10.07.2019 filed before SEIAA as stated below;

Sr.	Sector/ Building	BUA (M ²)	PCC date	OC Date
1.	R2/6	12535.78	20.04.2005	09.05.2007
2.	R2/7	11193.94	21.09.2004	28.09.2006
3.	R2/8	4757.13	22.09.2004	30.09.2006
4.	R2/9	11193.94	21.09.2004	28.09.2006
5.	R2/10	13374.79	20.04.2005	09.05.2007
6.	R3/F	8022.00	02.02.2006	23.01.2015
7.	School	17660.00	09.01.2007	29.10.2015
8.	R6/5	295.18	02.07.2007	12.08.2009
9.	R12/1	52650.00	15.07.2005	03.02.2009
10.	R12/2	26753.12	15.07.2005	05.03.2011
11.	R12/3	28091.69	15.07.2005	05.03.2011
12.	R12/4	28091.69	15.07.2005	05.03.2011
13.	R12/5	27511.50	15.07.2005	05.03.2011
14.	R12/6	79911.00	15.07.2005	30.10.2009
15.	R12/7	13636.00	15.07.2005	12.08.2015
16.	R12/8	12255.75	15.07.2005	12.08.2015
17.	R12/9	40552.20	15.07.2005	28.02.2014
18.	R12/10	40552.20	19.08.2005	28.02.2014
19.	R12/11	25757.28	19.08.2005	12.08.2015
20.	R12/13	7514.43	03.12.2010	-
21.	Temple	2062.12	26.02.2007	11.06.2108
22.	R14/3	10350.00	03.07.2010	15.02.2018
23.	R18 (Res)	21200.00	28.04.2010	07.04.2016
24.	Municipal Market & Dispensary	980.64	24.11.2009	03.10.2013
25.	R19: D Mart	2335.00	26.02.2007	04.12.2010
26.	R20: offices	5930.00	07.01.2008	23.01.2015
27.	R21: Diagnostic Centre	1840.35	01.01.2008	02.12.2010
28.	Total	506007.73		

That it can be evident from the undertaking given by R-1-PP that the expansion activity of project construction was going on from 2005 to up till 2018 without prior EC, CTE and operation without CTO till date. As per Clause 2(ii) & 7(ii) of the EIA Notification, it is mandatory to obtain EC for the expansion of the project, which this PP failed to obtain EC & CTE. Therefore, stand of R-1-PP is totally false on account of not requiring EC to his project. OA is dealing with the entire project as well as OA is well within the limitation having single cause of action dated 02.07.2016.

3.4 SUPPRESSION/ MISLEADING FACTS BY R-1-PP:

- A. R-1-PP have suppressed the layout of entire project.
- B. R-1-PP have suppressed the actual tree plantation and relied on the MCGM NOC dated 30.11.2011 **{Exhibit-S}** stating plantation of 1421 trees and in actual No. of trees to be planted as mandated in EC is 2875 no. of trees **{SEIAA Minutes of 174 meeting, item#43}**. And therefore, there is not adequate plantation of tree.
- C. R-1-PP have suppressed the RMC plant installation, operation and captive use of Ready Mix Concrete from said RMC plant for the construction.
- D. R-1-PP have suppressed the plinth Check Certificates (PCC) received after 07.07.2004 and made statements that the building from Sector R-12 have received Plinth Check Certificates prior to 07.07.2004. In actual there are number of PCC procured after 07.07.2004 & 14.09.2006 for buildings from Sector R2, R12, R-14 etc. and construction was blatantly going on even after 2004 & 2006 without prior EC & CTE. Therefore, OA is well within limitation.

- E. R-1-PP have suppressed the Occupancy Certificates (OCC) received after 2016 and made statements that the building from Sector R-12 have received Occupancy Certificate prior to 2012. But in actual there was blatant construction carried out expanding the scope of the project without prior EC & CTE. Therefore, OA is well within limitation.
- F. R-1-PP have suppressed the Application for EC, Form-1, 1A and documents submitted before MoEFCC & SEIAA to procure the ex-post facto EC & CTE.
- G. R-1-PP have suppressed the Application for CTE, Forms and documents submitted before MPCB to procure ex-post facto CTE dated 19.07.2022 & part CTO dated 22.07.2022 for Building R12/13.
- H. R-1-PP is misleading this Hon'ble NGT on account of limiting the OA to the Sector R-12 and in actual OA is dealing with entire project which is carried out after 07.07.2004.

3.5 TOTAL ENVIRONMENTAL COMPENSATION OUGHT TO BE IMPOSED ON R-1-PP BY THIS HON'BLE NGT:

- A.** That the amount of Rs. 13.48 Crores kept in bank guarantee is the amount required for remediation plan and natural and Community augmentation plan and it's not the Environmental compensation that ought to be imposed on the basis of the principles laid down by the Hon'ble Supreme Court, this Hon'ble NGT as held in M.C. Mehta Case, Sterlite Industry Case, Goel Ganga Case and also not based on the scientific methods.
- B.** That this Rs. 13.48 Crores amount is just penny and it indicates the collusion of SEIAA official & PP. that the PP & SEIAA have misconstrued, misused the principles of

“Polluter Pays Principle” as “pay the penny amount & pollute the environment adversely and get escape”.

- C.** That the Total project cost shown by the PP to the tune of Rs. 1749.5 Crores is false, misleading, baseless and actual total project cost is more than Rs. 50000 Crores.

Sr.	Date	Document	Total Project Coast
1.	25.09.2019	EC	Rs. 1749.5 Crores
2.	19.09.2022	CTE	Rs. 1749.5 Crores

- D.** That the formula of 10% Environment Compensation is not applicable here and this Original Applicant have given detailed affidavit dated 21.05.2022 {Page No. 1726-1774} on the basis of Computation of Environmental Compensation based on carbon footprint of the project and there is huge consumption of causing substantial & irreparable damage to the environment & ecology as below;

E. TOTAL CO₂ EMISSION:

Sr.	Particulars	CO ₂ Emission In Tones
1	CO ₂ Emission from the Materials Processing	80339121.09
2	CO ₂ Emission from Transportation of Material	93079.3
3	CO ₂ Emission from Energy Consumption	2222406.92
4	CO ₂ Emission from (LCA-Life Cycle Assessment) of Building	60123731.89
	Total CO₂ in Tones	142778339.2

F. TOTAL DAMAGE TO ENVIRONMENT AND ECOLOGY FROM ILLEGAL PROJECT CONSTRUCTION AND OPERATIONS:

Sr.	Description of Damage Heads	Amount (Cr.)
1.	Carbon footprint only due to illegal construction	25700.10
2.	Restitution Cost of RG Area	89.91
3.	Cost of Damage on account of Water Pollution	131.61
4.	Cost of Damage on account of Solid Waste	15.14
	Total Damage due to this Illegal Project	25936.76 Cr.

G. That the reply dated 02.05.2023 {Page No. 1805-1825} filed by the R-1-PP to this affidavit dated 21.05.2022 of computation of Environmental Compensation is totally vague, baseless, meaningless, unscientific, causal and cursory. R-1-PP have not rebutted any of the scientific data. Therefore, this affidavit of R-1-PP shall not be considered at all and R-1-PP shall be directed to deposit the heavy amount of compensation as per the affidavit dated 21.05.2022 of this Original Applicant.

H. That this Hon'ble NGT has to consider the total fresh water consumption, total waste water generation, total solid waste generation, total energy consumption by the PP for the construction as well from the construction from 07.07.2004 to till 24.09.2019-obtaining EC and also, till 19.09.2022-obtaining CTE. Total consumption of natural resources as well as waste generation per day is as below;

Table: Actual Construction carried out at site without Environmental Clearance and Consent to Establish.

Sr.	Description	Details
1.	Project Type	Residential & Commercial
2.	Total Plot Area	4, 85,232.67 M ²
3.	Deductions	1,62,039.97 M ²
4.	Net Plot area	3, 23,192.70 M ²

		Plot area of 11 Sectors EC Application for: 2, 07,290.02 M ²	
5.	Proposed Built-up Area	FSI area	2,70,196.94 M ²
6.		Non FSI area	2,48,326.37 M ²
7.	Approved Built up area as per DCR	FSI area	330968.93 M ²
8.		Non FSI area	263910.52 M ²
9.	Total Approved BUA	594879.45 M ²	
10.	Total construction built-up area	Existing Buildings not under purview of EIA Notification: 67,191.49 M ²	
11.		Existing Buildings under purview of EIA Notification: 5,18,523.31 M ²	
12.	Buildings	Existing Buildings not under purview of EIA Notification: 19	
13.		Existing Buildings under purview of EIA Notification: 29	
14.	Number of tenants and shops	Tenants under purview of EIA Notification :Flats : 3250 Nos, Shops: 48 Nos., Classrooms: 73 Nos, Dispensary, Offices, Diagnostic Center and Demart	
15.		Tenants not under purview of EIA Notification: Flats : 740 Nos, Shops : 66 Nos.	
16.	Residents	under purview of EIA Notification : 19466 Nos.	
17.		not under purview of EIA Notification: 3898 Nos	
18.	Total ground coverage	75069.57 M ²	
19.	Estimated cost of the project	Rs. 17495000000/-	
20.	Fresh water	For Buildings under purview of EIA Notification: 1812 KLD	
21.		Buildings not under purview of EIA Notification: 512 KLD	
22.	Rain Water Harvesting (RWH)	27 nos. of recharge pits	
23.	Sewage and Waste water	Buildings under purview of EIA Notification: 1405 KLD	Existing Buildings not under purview of EIA Notification: 444 KLD
24.	STP technology:	Sector R12: Existing STP of 950 KL of SAFF	Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20 and R21: Disposal to sewer line

25.	Waste Generation during Construction	Not provided	
26.	Waste Generation	Dry	Wet
27.	during Operation	Buildings under purview of EIA Notification: 1340 kg/day + Sector R12: 3242 kg/day _____ 4582 kg/day	Buildings under purview of EIA Notification: 893 kg/day + Sector R12: 2161 kg/day _____ 3054 kg/day
28.		Existing Buildings not under purview of EIA Notification: 1011 kg/day	Existing Buildings not under purview of EIA Notification: 674 kg/day;
29.	Mode of Disposal of waste:	To Authorized recyclers	Existing Buildings not under purview of EIA Notification: Segregated waste to M.C.G.M.
30.			Sector R12: Treatment in Organic Waste Converter (OWC)
31.	Power requirement:	Connected Load	Demand Load
32.		32147 KW	20761 KW
33.	Green Belt Development	RG on the ground: 15,446.68 M ² RG on the podium: 35,962.35 M ²	
34.	Total Parking area:	1,19,477.00 M ²	

- I.** That there is no compliance till date by the R-1-PP to the installation of environment infrastructure i.e. requisite Rain Water harvesting, Solar Water Heaters, Solar Energy System, STP Installation to other sectors, tree plantation, RG Area on virgin Land, scientific operation of STP etc.
- J.** Therefore considering the above facts and circumstances, direct R-1-PP to deposit an amount of **Rs. 25936.76 Crores.**

**PART-D: JUDGMENTS/CASE LAWS RELIED BY
APPLICANT**

4 JUDGMENTS /CASE LAWS RELIED BY APPLICANT:

4.1 That the following judgment are relied upon by the Original Applicant to support his submissions on settled position on various point as well as to support his legal submission;

Sr.	Description	Para	Page No.
1.	M. C. Mehta Vs. Union of India 1987 (1) SCC 395	¶31-32: Damage, magnitude of PP	P@1885
2.	Indian Council for Enviro-Legal Action Vs Union of India & Ors, (1996) 5 SCC 281	¶47: Locus	P@1910
3.	Vellore Citizens Welfare Forum Vs. Union Of India & Ors, (1996) 5 SCC 647	¶11 (iii): Onus of proof on polluters	P@1924
4.	Sterlite Industries (I) Ltd. Vs. Union of India & Ors., 2013 (4) SCC 575	¶46-47: Exemplary Compensation & deterrent effect	P@1966
5.	The Forward Foundation Vs State of Karnataka & Ors. 2015 SCC OnLine NGT 5	¶24-33: Limitation ¶29: Singular remedy	P@1982
6.	Tanaji B Gambhire Vs Union of India & Ors. 2016 SCC OnLine NGT 4213	¶47: Polluter shall be at economical disadvantage	P@2025
7.	Common Cause Vs. UoI & Ors. (2017) 9 SCC 499	¶125: Prior EC, Ex-post facto EC alien to Enviro. jurisprudence	P@2082
8.	M/s. Goel Ganga Developers India Pvt. Ltd. Vs UoI-MoEFCC & Ors. (2018) 18 SCC 257	¶64: Exemplary Damages & conduct of PP	P@2137
9.	Mantri Techzone Pvt. Ltd. Vs. Forward Foundation & Ors. (2019) 18 SCC 494	¶39-50: Preliminary issues & Maintainability	P@2163
10.	Hanumant Laxman Aroskar Vs. UoI, (2019) 15 SCC 401	¶164: Bonafide in environmental cases	P@2238
11.	Keystone Realtor Pvt. Ltd. Vs. Anil V. Tharthare (2020) 2 SCC 66	¶13-15, 19-20: EC for expansion is mandatory	P@2247 P@2249

12.	MCGM Vs Ankita Sinha & Ors. 2021 SCC Online SC 897	¶38, 41, 42, 75, 76-80, 86	P@2260
13.	Tanaji B Gambhire Vs Union of India & Ors, In OA No. 34/2020(WZ)	¶8: Ignorance of law is no excuse	P@2280
14.	Tanaji B Gambhire Vs Union of India & Ors, In OA No. 33/2020(WZ)	¶5: Patently integral projects, Grant of subsequent EC does not exonerate the PP of consequences of violation in obtaining prior EC	P@2286
15.	Tanaji B Gambhire Vs Union of India & Ors, In OA No. 64/2020(WZ)	¶13: Even if ex post facto EC is granted, PP has to be held accountable for past violations	P@2294
16.	Tanaji B Gambhire Vs UoI- MoEFCC & Ors., In Appeal No. 32/2020(WZ)	¶12-13: 10% Damage	P@2317
17.	Tanaji B Gambhire Vs UoI- MoEFCC & Ors., In Appeal No. 34/2020(WZ)	¶14-15: 10% Damage	P@2345
18.	Union of India & Ors. Vs Narender Singh”, (2005) 6 SCC 106	¶5-7: Infructuous	P@_____

4.2 That the Applicant is the resident of the project under challenge and informed to the court of law by adopting due process of law and there is no single incident towards his integrity and therefore, bonafide of the Applicant cannot be questioned as the present matter is dealing with the blatant violations of environmental norms and environmental protection is the duty of every citizen and Environment has to be protected by the individuals from the area on priority.

4.3 That the environmental compensation must be imposed considering the magnitude of the polluter and we cannot

reach to the exactitude in calculating the environmental compensation as the environmental issues are complex and Therefore, in present case R-1-PP claims mighty, resourceful, well established profit making entity must be saddled with heavy environmental compensation. Also, polluter must be put to the economical disadvantage.

- 4.4** That the locus in environmental cases is the liberal and not acid test or straight jacket formula and its tailor made interpretation and this Hon'ble NGT having Suo Motu powers as well as held in MCGM Vs. Ankita Sinha & Ors. Therefore, this Original Applicant is the aggrieved person u/s. 18 of the NGT Act, 2010 and his locus cannot be challenged before NGT.
- 4.5** That the R-1-PP cannot claim the ignorance of law and also, PP cannot exonerate from its past violations as this is admitted case of violation.
- 4.6** That the OA is not the simplicitor u/s. 14 of the NGT Act, 2010 and also it is u/s. 15 r/w. s-20 of the NGT Act, 2010 and entire pleading has to be consider while adjudicating & deciding the OA. That the OA is well within limitations and filed on the basis of single cause of action i.e. 02.07.2016.
- 4.7** That this Hon'ble NGT shall consider the facts & circumstance of the case and accordingly modify the final relief.
- 4.8** That the project is formed from the phases or modules and Sector is the alien terminology to the environmental jurisprudence and entire project has to be consider while computing the adverse environmental impact on the area and also the application for the EC has to be filed for entire project and R-1-PP have also obtained single ex-post facto EC and single ex-post facto CTE for the entire project under

violation regime. Therefore, OA is dealing with entire project and not limited to the Sector R-12.

- 4.9** That the Original Applicant is entitle for the relief sought in OA.

PART-E: IMPORTANT DOCUMENTS

5 IMPORTANT DOCUMENTS:

- 5.1** That on 27.01.1994, MOEF issued EIA notification mandating prior Environment Clearance for 30 (Thirty) types Projects/Sectors/industries/activity {**ANNEXURE-R-1**}.
- 5.2** That on 07.07.2004, MOEF issued amendment to notification, 1994 mandating prior EC for newly added 2 (two) sectors/industries/activity, i.e. “31. New Building Construction projects, 32. New Industrial Estates” {**ANNEXURE-R-2**}.
- 5.3** That on 14.06.2006, MoEF issued EIA Notification superseding the notifications of 1994 & 2004 and mandating the prior Environment Clearance (EC) for the projects/activities listed in schedule to the notification {**ANNEXURE-R-3**}.
- 5.4** That on 02.07.2016, this Original Applicant filed complaint before Respondent No. 2-MPCB for illegal constructions carried out by R-1-PP in violations of the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 and without Consent to Establish (CTE) & Consent to Operate (CTO) along with non-installation & operation of the environmental infrastructure at the project site {**ANNEXURE-R-4**}.
- 5.5** That on 02.07.2016, this Original Applicant filed complaint before Respondent No. 5-SEIAA for illegal constructions carried out by R-1-PP in violations of the EIA Notification,

2004 & 2006 r/w Environment (Protection) Act, 1986 and without prior Environment Clearance (EC), without appraisal, without impact assessment along with non-installation & operation of the environmental infrastructure at the project site {**ANNEXURE-R-5**}.

- 5.6** That on 14.03.2014, MoEFCC issued notification for dealing with the violation cases reported under EIA Notification, 2006 and provided amnesty scheme for grant of ex-post facto EC with having six month window period with additional one month as per the Order of Hon'ble Madras High Court {**ANNEXURE-R-6**}.
- 5.7** That on 14.08.2017, R-1-PP filed application before MoEFCC seeking ex-post post facto EC and admitted the violation as alleged in OA {**ANNEXURE-R-7**}.
- 5.8** That on 20.06.2018, R-1-PP filed application before SEIAA seeking ex-post post facto EC and admitted the violation as alleged in OA {**ANNEXURE-R-8**}.
- 5.9** That on 10.07.2019, R-1-PP filed undertaking before SEIAA for clarifying position of total constructed built-up area with Commencement Certificate (CC), Plinth Check Certificate (PCC), and Occupancy Certificate (OC) for the construction falling under EIA Notification, 1994 as amended on 07.07.2004 along with EIA Notification, 2006 {**ANNEXURE-R-9**} and this undertaking is clear cut admission to the violation committed by R-1-PP.
- 5.10** That on 19.07.2019, SEAC-II considered the proposal of R-1-PP in its 106th meeting for appraisal and imposed the condition for utilization of damage assessment amount to the tune of Rs. 13.48/-Crores to be used for Environmental Restoration programme, also directed PP to install STP for Sector R-2 & R-18, also to develop forest/ Miyawaki

garden/ MCGM gardens in consultation with MCGM and recommended the proposal to SEIAA for grant of EC **{ANNEXURE-R-10}**

- 5.11** That on 29.08.2019, SEIAAC considered the proposal of R-1-PP in its 174th meeting for assessment and directed PP to submit the bank guarantee to the tune of Rs. 13.48/-Crores to be deposited with MPCB and adopting the recommendation of SEAC-II without application of mind decided to grant the ex-post facto EC **{ANNEXURE-R-11}**.
- 5.12** That on 25.09.2019, R-1-PP procured the ex-post facto EC under MoEF Notification, 2017 from SEIAA to the project already under violation and subject matter of the OA pending before this Hon'ble NGT and without seeking any permission of this Hon'ble NGT and there is no consideration to the pending hearing of this OA, which shows non-application of mind by SEIAA **{ANNEXURE-R-12}**.
- 5.13** That on 19.09.2022, R-1-PP procured the ex-post facto CTE from MPCB to the project already under violation and subject matter of the OA pending before this Hon'ble NGT and without seeking any permission of this Hon'ble NGT and there is no consideration to the pending hearing of this OA, which shows non-application of mind by MPCB **{ANNEXURE-R-13}**.
- 5.14** That on 27.09.2022, R-1-PP procured the ex-post facto CTO from MPCB for only building R12/13 for construction BUA of 11950 M² out of 518523.31 M² and this CTO is valid upto 31.01.2023 and there is no CTO coterminous to the EC dated 25.09.2019 as well as there is no CTO for the completed area of 518523.31 M² **{ANNEXURE-R-14}**

- 5.15** That the Google Earth Images from 2002 to 2018 shows that there substantial construction after 07.07.2004 & 14.09.2006 and same is without prior EC & CTE {**ANNEXURE-R-15**}.

PART-F: REJOINDER TO THE REPLY OF R-1-PP

6 REJOINDER TO THE REPLY OF R-1-PP:

That the Reply affidavits of R-1-PP vide dated 19.01.2017, 10.10.2022, 02.05.2023, 31.07.2023 are baseless, false, misleading and suppressing the actual facts from this Hon'ble NGT.

- A. That the Reply of R-1-PP vide dated 19.01.2017 is vague, false & misleading and just revolving around the issue of cause of action, bonafide of applicant, limiting the OA only to sector R-12 instead of entire project, Farce compliance of the environmental infrastructure (STP, RG Area/Open Spaces, parking, tree plantation, Rain Water Harvesting, Solar System, soil preservation) old layout sanction, project does not falls under regime of EIA Notifications, 2004 & 2006. However, actual fact is that the R-1-PP have procured the ex-post facto EC vide dated 25.09.2019 and ex-post facto CTE vide dated 19.09.2022 and himself have admitted the violations as the project is falling under the expansion category and PP himself have given undertaking in respect of the construction carried out after the regime of EIA Notification dated 07.07.2004 & 14.09.2006, wherein R-1-PP himself have categorically mentioned the TBUA of 518523.37 M² has been carried out in violation of said regime. Therefore, stands of R-1-PP in its all affidavit have become false and misleading and on the contrary admitting the violations on account of sub-sequent procurement of ex-

post facto EC & CTE and therefore, sub-sequent grant of ex-post facto EC & CTE will not exonerate PP from his past violations and PP is liable for past violation and resultantly to pay the exemplary damages to have deterrent effect.

- B. That the Reply of R-1-PP vide dated 10.10.2022 is misleading on account of the amount of Rs. 13.48 Crores plus Rs. 2 Crores additional amount as against the Environmental Compensation. However, true fact is that the said amount is the bank guarantee given under Notification, 14.03.2017 and it cannot be said to be Environmental Compensation. That the MoEF, MCGM, MPCB & SEIAA are not having power to distribute the certificate of innocence to the R-1-PP and the communication disclosed in this affidavit is the best example of their collusion having deep unholy nexus.
- C. That the Reply of R-1-PP vide dated 02.05.2023 is false, misleading, baseless, unscientific and said affidavit is the reply to the Affidavit dated 21.05.2022 of this Original Applicant on computation of damage to the environment based on scientific study. And R-1-PP have alleged that the amount of Rs. 13.48 Crores as environmental compensation as calculated by SEIAA. In fact, SEIAA have not calculated any compensation and also, not recovered the any environmental compensation. Therefore, the reply affidavit of the R-1-PP vide dated 02.05.2023 may kindly be ignored and affidavit dated 21.05.2022 of Original Applicant may kindly be upheld and environmental Compensation of Rs. 25936.76 Crores may kindly be imposed on R-1-PP.
- D. That the Reply of R-1-PP vide dated 31.07.2023 is false, misleading, baseless and by way of said affidavit, R-1-PP is trying to regale out the cause of violation to the limit of

Sector R-12 instead of entire project. Basically, the pleading of Original Applicant are dealing with the entire project. Therefore, this Hon'ble NGT may kindly allow the OA to the entire project by considering entire pleadings.

- E. That the present case is admitted case of violation and PP may kindly be put under huge financial disadvantages for his blatant & intentional violations.

PART-G: REJOINDER TO THE REPLY OF R-2-MPCB

7 REJOINDER TO THE REPLY OF R-2-MPCB:

That the R-2-MPCB have admitted the violation and issued proposed direction vide dated 24.10.2016. However, there is no action since 2016 till date and granted ex-post facto CTE vide dated 19.09.2022 to the project under violations without recovery of environmental damages as well as penalty under circular dated 12.07.2022.

PART-H: REJOINDER TO THE REPLY OF R-3 & 5-PS-DOE & SEIAA

8 REJOINDER TO THE REPLY OF R-3 & 5-PS-DOE & SEIAA:

That the SEIAA failed to take action on the complaint dated 02.07.2016 of this Applicant and it is the authority of paper tigers and pro-polluter shop, which grant the EC without application of mind. And SEIAA even not applied their mind to compute the environmental compensation and accepted the calculations given by PP in its standard forms. That the SEIAA even failed to issue show cause notice u/s. 5 of EPA, 1986. On the contrary SEIAA have facilitated & provided their best services to PP to violate the environmental norms broad daylight and neglected to perform their duties. There

is clear cut collusion between SEIAA officials & PP as the SEIAA failed to take action against PP as well as to impose & recover the environmental compensation and just asked PP to submit the bank guarantee of Rs. 13.48 Crores, which is not environmental compensation. Therefore, this Hon'ble NGT may kindly take serious actions against the former SEIAA officials and impose heavy cost upon them.

PART-I: REJOINDER TO THE REPLY OF R-4-MCGM

9 REJOINDER TO THE REPLY OF R-4-MCGM:

That reply affidavit of R-4-MCGM is clearly indicating that the said affidavit is prepared by the R-1-PP and just filed by the officials of MCGM without application of mind. That the MCGM itself defaulter of non-compliance towards the implementation of EIA Notifications, 1994, 2004 & 2006. That the MCGM have not disclosed true information and suppressed the layout of project, plinth Check Certificates, Occupancy Certificates, TBUA etc. moreover MCGM is challenging the limitations issue and this vary fact shows the honesty with PP. Therefore, reply of MCGM cannot be relied upon and on the contrary MCGM must be saddled with heavy cost and its officers indulged into the present violations must be put under inquiry and then to strict legal action to send clear legal message of equity before law.

PART-J: REJOINDER TO THE REPLY OF R-6 TO R-18

10 REJOINDER TO THE REPLY OF R-6 TO R-18-INDIVIDUAL FLAT PURCHASER:

That the replies of the R-6 to R-18 are filed on behest of the R-1-PP and it is blatant false on account of STP, RMC, Tree Plantation and these replies cannot be believed to filed

honestly, but from bare perusal of reply itself shows that these respondents are sponsored litigant and such reply are filed with malafide intention and same are abuse of process of law.

**PART-K: REPLY TO THE IA NO. 334/2016 ON
PRELIMINARY OBJECTIONS**

**11 REPLY TO THE IA NO. 334/2016 ON PRELIMINARY
OBJECTIONS:**

That in addition to the above submissions, this Original Applicant have filed detailed reply affidavit vide dated 22.10.2016 to the IA No. 334/2016 and would like to rely the same. That the cause of action alleged by the R-1-PP vide dated 15.07.2005 is wrong and actual cause of action is 02.07.2016 as stated by this Original Applicant.

PART-L: HON'BLE HIGH COURT ORDER

**12 HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY
ORDER IN SMPIL NO. 01/2019 ORDER DATED
09.07.2019:**

That this Hon'ble NGT has to consider the order dated 09.07.2019 passed by Hon'ble High Court in SMPIL No. 01/2019 (Old PIL No. 22/2018) and issues arising from therein shall be decided. That this Hon'ble NGT can consider the Order of Hon'ble High Court as direction/ request/ suggestions or otherwise, but this Hon'ble NGT cannot ignore the said order as this Hon'ble NGT being specialized institution established to deal with only environmental matter and adopting the pro-environment jurisprudence. That not giving any consideration to the said order will be seen as pro-polluter view and it will send wrong

message amongst the citizens and also, it will give high confidence to the lobby of polluters.

PART-M: SUGGESTIONS ON BEHALF OF ORIGINAL APPLICANT

13 SUGGESTIONS ON BEHALF OF ORIGINAL APPLICANT:

That the present case is totally covered Common Cause Case, Goel Ganga Case as the PP have carried out substantial illegal construction of more than BUA **518523.31 M²** without prior EC & CTE and thereafter procured ex-post facto EC dated 25.09.2019 & Consent to Establish dated 19.09.2022 with misdeeds, maneuvered & manipulated the Government Authorities as similarly happened in Goel Ganga Case as observed by the Hon'ble Supreme Court in **Para-64 of (2018) 18 SCC 257, Sterlite Industries Case (2013) 4 SCC 575**. Therefore, this Hon'ble NGT may kindly pass appropriate Orders/directions/reliefs for restitution & restoration of area considering the ratio laid down in **Para-41 of MCGM Vs. Ankita Sinha 2021 SCC Online SC 897**.

14 Hence this rejoinder

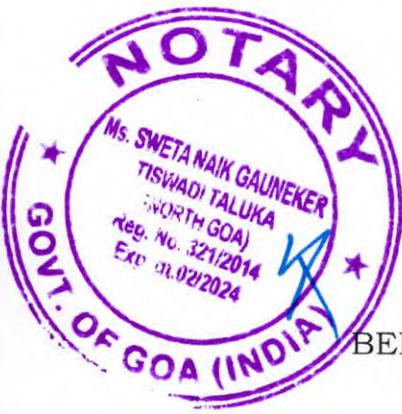
Date: 02.08.2023



PRAKASH AGRAWAL
(ORIGINAL APPLICANT)



TANAJI B. GAMBHIRE
(ADVOCATE FOR APPLICANT)



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

ORIGINAL APPLICATION NO. 104/2016

IN THE MATTER OF:

MR. PRAKASH AGRAWAL

... APPLICANT

VERSUS

NAHAR BUILDERS LTD. & ORS.

... RESPONDENTS

AFFIDAVIT IN SUPPORT OF REJOINER ON BEHALF OF THE ORIGINAL APPLICANT TO THE REPLIES OF RESPONDENTS AND REPLY TO THE I.A. No. 334/2016 FOR PRELIMINARY OBJECTIONS

I, Mr. Prakash Agrawal, Age: Adult, Occupation: Business, R/at: P04, Nahar's Amrit Shakti, Sector-12, Chandvali, Mumbai-400072, do hereby solemnly affirm and state on oath as follows:

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

SWETA NAIK GAUNEKER,
ADVOCATE & NOTARY
PANAJI GOA.

Amr

Amr

AFFIANT

(MR. PRAKASH AGRAWAL)

Solemnly affirmed before me by
Mr. Prakash Agrawal
who is identified to me by

whom I personally know,

SWETA NAIK GAUNEKER
NOTARY
TISWADI TALUKA NORTH GOA

Place Panaji Goa Date 2/8/2023
Reg. No. 5015

SWETA NAIK GAUNEKER,
ADVOCATE & NOTARY
PANAJI GOA.



MINISTRY OF ENVIRONMENT AND FORESTS

ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION S.O.60(E), dated
27/01/1994

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

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

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

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

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

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

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

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

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

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

II. In case of the following site specific projects:

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

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

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

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

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

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

3) Nothing contained in this Notification shall apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(FORM A)

APPLICATION FORM

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

(b) Location of the project:

Name of the Place:

District, Tehsil:

Latitude/Longitude:

Nearest Airport/Railway Station :

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

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

2. Objectives of the project:

3. (a) Land Requirement:

Agriculture Land:

Forest land and Density of vegetation.

Other (specify):

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

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

(iii) Erodibility classification of the proposed land:

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

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

(e) Rehabilitation plan for quarries/borrow areas:

(f) Green belt plan:

(g) Compensatory afforestation plan:

4. Climate and Air Quality:

(a) Windrose at site:

(b) Max/Min/Mean annual temperature:

(c) Frequency of inversion:

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

(e) Ambient air quality data:

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

5. Water balance:

(a) Water balance at site:

(b) Lean season water availability;

Water Requirement:

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

(d) Water quality:

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

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

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

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

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

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

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

- 13. Details of Environmental Management Cell:

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

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

Signature of the applicant
With name and full address

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

Date:

Place:

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

SCHEDULE-III

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

**COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL
IMPACT ASSESSMENT**

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

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

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

SCHEDULE IV

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

PROCEDURE FOR PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

5. Time period for completion of public hearing:

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

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

Explanation.–

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

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

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

III. in Schedule-II, -

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

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

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

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

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

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

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

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

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

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

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

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

4. Categorization of projects and activities:-

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

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

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

5. Screening, Scoping and Appraisal Committees:-

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

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

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

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

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

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

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

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

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

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

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

I. Stage (1) - Screening:

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

II. Stage (2) - Scoping:

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

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

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

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

III. Stage (3) - Public Consultation:

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

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

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

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

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

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

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

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

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

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

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

IV. Stage (4) - Appraisal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Validity of Environmental Clearance (EC):

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

10. Post Environmental Clearance Monitoring:

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

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

11. Transferability of Environmental Clearance (EC):

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

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

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

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

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

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

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

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

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

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

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

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

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

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

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

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

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

Specific Condition (SC):

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

APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

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

(II) Activity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Environmental Sensitivity

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

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

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II

(See paragraph 6)

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

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

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

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

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

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

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

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

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

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

2. WATER ENVIRONMENT

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

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

3. VEGETATION

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

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

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

4. FAUNA

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

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

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

5. AIR ENVIRONMENT

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

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

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

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

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

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

6. AESTHETICS

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

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

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

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

7. SOCIO-ECONOMIC ASPECTS

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

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

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

8. BUILDING MATERIALS

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

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

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

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

9. ENERGY CONSERVATION

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Environment Management Plan

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

APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

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

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

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

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

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

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

APPENDIX IV
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

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

2.0 The Process:

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

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

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

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

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

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

3.0 Notice of Public Hearing:

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

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

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

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

4.0 The Panel

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

5.0 Videography

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

6.0 Proceedings

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

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

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

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

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

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

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

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

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

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

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

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

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

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

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

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

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

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

APPENDIX VI

(See paragraph 5)

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

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

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

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

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

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

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

- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

ANNEXURE-R-4

From: Prakash Agrawal
P04 Mirabilis
Nahar Amrit Shakti
Sector R12
Chandivali
Mumbai 400072

To
The Member Secretary
Maharashtra Pollution Control Board
Kalpataru Point, 3rd & 4th Floor
Sion Matunga Scheme Road No. 8,
Sion East, Mumbai - 400022

Subject: Complaint against **Sukhraj Babulal Nahar and Nahar Builders Limited** for violating Environmental Norms and proceeding with the Construction Project without obtaining the Environment Clearance; and damaging the environment during the construction.

Sir,

This is to bring to your notice that the residents of Nahar Amrit Shakti are suffering due to stench and odour of the untreated sewage effluent and the air and noise pollution which is being created by the Builder above named, with utter disregard to environmental norms and safety of the tenants residing therein.

I would like to put the factual matrix of the same as given below.

1. I am a resident of the above township. I am living at the address mentioned above since the past four years.
2. Nahar Amrit Shakti is a Construction Company having its office at B-1 Mahalaxmi Chambers, 22, Bhulabhai Desai Road Mumbai 400 026.
3. He has constructed total 14 buildings in Sector R12 at Chandivali Farm Road, Sector R12, Mumbai 400072.
4. I have been living in the said area, at the above address, for the past four years. The area was peaceful and surrounded with greenery. However from the past two years, the residents have been disturbed by high level of noise and pollution in the area.

TRUE COPY

Bombhise

On inspection, I found that the same was due to heavy construction work being carried out by the Nahar Builders Limited. On inspection I also found out that there is a stone crushing query which is being operated by the builder in the area near the residential premises leading to lot of dust and pollution in the air and noise problem.

5. I would like to state that due to this long term construction activity going on, the residents in the area are suffering from noise pollution as well as air pollution. They are facing health hazards. The environment is adversely affected and due to this the flora and fauna has already suffered. Human life is also being adversely affected.
6. I would like to state that the builder has taken recourse to the permission granted in 2005 for proceeding without Environmental Clearance for projects which had been completed up to the Plinth level. However the said notification is of 2004 and is applicable only to those buildings which have been under construction and which had been constructed up to the plinth level till the notification came into effect. A copy of the same is annexed herewith and marked as Exhibit "A". **All rest of the buildings have been started after that and ought to have obtained the 'Environmental Clearance' as per amendment of 7.7.2004 and then 14.06.2006. None of them has been obtained. As such entire project which is being constructed during the operative period of both these notifications, has been executed by blatantly violating the need of the 'Environmental Clearance' and also requirements that would have consequently followed to safeguard the environment.**
7. I say that the builder has malafidely extended the said permission to other 14 towers which were not even in the planning / design stage by the time the permission was granted. However the builder proceeded for all the towers which were constructed even after 2005 without any environmental clearance. As a result the residents are suffering adverse effect due to pollution and health hazards. The letter of the Architect

in this regard to forego any requirement of Environment Clearance is annexed herewith and marked as Exhibit "B".

8. I say that there is only 1 STP for the entire project which consists of around 2500 tenements. This is in the 2nd level basement and the outlet is on the ground floor. The stench and odour spreads through the air into the atmosphere and the residents in that area find it difficult to stay there, especially in the evening as the direction of air flow causes the air to flow directly into their houses.
9. I would like to state that the stench of Hydrogen Sulphide has caused severe problems like headache, lack of concentration, irritation, watering of eyes, epilepsy, etc. to people living in the vicinity. The Applicant has tried to take up this issue with the builder but he fails to acknowledge any problem leave aside addressing the same.
10. I would like to state that there is a common car parking provided for all the towers. There are around 5000 cars parked in the 2nd level basement parking. However the ventilation provided is not adequate and no mechanical ventilation is in place. This causes much difficulty to the people who may have to spend a little longer than normal time in the basement for whatsoever reason. Moreover there is no arrangement for fire safety made in the basement and car parking area which can lead to great damage and risk to life and property.
11. I say that the builder has played with the fire safety norms also. The buildings are provided only with fire hydrants while there is no provision for sprinklers till almost the 15th floor in some buildings. This puts the rest of the tenants in the building at a great risk to safety and life. However he has agreed to all the requirements as per the fire department to obtain the NOC. The same is annexed herewith and marked as Exhibit "C".
12. I would like to state that the builder had sold dreams to the tenants in the form of club house and swimming pools, etc. However in reality they were not in place. The builder started the construction of the Club House in the year 2008, and a letter stating the same is attached herewith and marked as Exhibit "D" (Others.tiff). In fact it is still not completely

constructed. I say that my children are now grown up and there is no time available with them to enjoy these facilities. They should have been available to them during their childhood and growing days. Hence the applicant would like to seek a compensation for the lost childhood of their children which cannot be recovered at any cost.

13. I say that the builder had promised a road width of 18.3m throughout the project. However the same has not been maintained. Moreover the only road which leads to the project is a two way road, with cars parked on both the sides. This is due to the fact that the provision which was made for visitors parking has also been sold by the builder to others due to which there are at about 500 cars parked on both the sides of the road. This leads to traffic problems, congestion and honking. This not only creates noise pollution but also leads to risk to the children and senior citizens who may be venturing out without any support.
14. I say that the builder has not made any provisions for Rain Water Harvesting, Adequate Fire Safety, Sewage and Effluent Treatment, and Solar heating. Due to this he has been using ordinary lighting and halogen lamps thereby leading to a rise in temperature in the entire area. Repeated requests to switch over to LED lights have also fallen on deaf ears.
15. I would like to state that in spite of cutting down so many trees for the project, the builder has failed to and neglected to plant any trees as required under the Environment laws. Due to this there is not only loss of greenery but there is damage to the soil and rise in temperature also.
16. I say that the builder has acquired various permissions from the MCGM through malicious means. He has even obtained the OC for some projects where the buildings are under construction and not even completed. In some cases even the water connections are not in place.
17. I say that on inquiry the MCGM officers stated that they have granted permission to the builder on the oral submission of their Architect that all environment clearances are in place. There

has been no effort taken to verify the veracity of the statement made.

18. I would like to state that being aggrieved by all this, I decided to find the root cause, and so has filed many applications under the Right to Information Act, 2005, to various authorities. It was then that I got to know certain vital points of violation and gross breach committed by the builder.
19. I say that the builder had obtained a Commencement Certificate No. 3954/ 2005 on 15th July 2005 for commencement up to stilt slab level. The same was valid till 14th July 2006.
20. The builder further obtained Commencement Certificate 2223/2007 as of 26th February 2007 for commencing work up to the plinth level. The same was gradually extended up to top of ground floor as on 4/10/2012. The same is attached herewith and marked as Exhibit "E".
21. I say that the Draft IOD given for the R12A on plot bearing CTS No. 25 (Pt), 26 (Pt), 50 (A) (Pt) of village Chandivali, at Kurla (W) mentions that the builder is required to obtain an NOC from the Department of Environment and Forests (MoEF). The same is attached herewith and marked as Exhibit "F".
22. I would like to state that to my shock and surprise, I found that the builder has proceeded without obtaining an environment clearance for the plans/ buildings constructed after 2005, on the pretext that the initial approval was in 2005. However I would again like to reiterate here that the Notification of 2004 was applicable in this case also and only for those buildings which had been already constructed till the plinth level. By submitting false information the builder has acquired permission for the projects which commenced in 2005 and thereafter applied it across the project even for buildings which were constructed post 2006.
23. I say that the builder is trying to abuse the permissions granted to him and playing with the life and health of the people by subjecting them to noise and air pollution. I would like to state that the builder has taken permission for only 1 building, but

after that has gone ahead to construct a total of 14 buildings, without obtaining any environment clearance.

24. I have annexed herewith a Copy of the Information I have acquired from the RTI. The same is marked as Exhibit "G". The advertisement of the builder along with the details of the new buildings under construction is annexed herewith and marked as Exhibit "H".
25. I say that a test needs to be carried out to determine the level of noise and air pollution occurring in the area and the effect it is having on the environment, the flora, and the human life.
26. I say that a lot of damage is suffered by me and my family and others in the vicinity. Moreover there is substantial damage to the environment and ecological system which remains to be studied in detail.
27. I say that many new born babies are likely to suffer respiratory problems and future impairments in hearing due to selfish and heinous acts of the builder.
28. I had also written to the Regional Officer, Member Secretary of the Maharashtra Pollution Control Board. The copy of the Complaint is annexed herewith and marked as Exhibit "I". However there has been no concrete action taken, hence this Application. The concerned Authorities had inspected the project and taken samples of the inlet and outlet of the STP. However, the report is still pending. The note on Site visit is annexed herewith and marked as Exhibit "J". But they should have also checked for the necessary documents like whether the environment clearances are in place. Moreover, they should have also checked the ambient air quality during the inspection / site visit, which they have failed to check. Hence I am approaching your office to have a proper inspection carried out and to get redressed for my complaint.
29. I say that all of us have put in our retirement benefits and most of our life's earning in this project. However, we are suffering due to ill health, odour and other problems which the builder refuses to address amicably.
30. I say that the builder is looking only for commercial benefit and exploiting the tenants. I would like to state that although the

club house has been constructed the builder wishes to utilize it as a private club house to exploit commercial benefits instead of handing over the same to the tenants. Moreover, the builder is also providing the project area for shooting. Due to this there is a heavy congestion of traffic in the area. Also there is increase in noise pollution also due to heavy vehicular emission. The same is attached herewith and marked as Exhibit "K". The commercial benefits of these shootings are utilized by the builder exclusively for his personal benefit and does not share any profit with the tenants although they are the ones who are suffering due to noise pollution, traffic congestion and lack of personal space.

31. I say that the builder has not executed the deed of conveyance in the favour of the society on the pretext that the project is not yet complete and hence there is little I can do to change the circumstances by myself.
32. I would like to state that a great deal of harm has already been suffered and its effects are being seen on my health as well as the people in the vicinity like frequent headaches, lack of concentration, fatigue, respiratory problems, etc. If this construction work is not stopped till all the Environment Clearances are in place, and if no proper Sewage Treatment plan is considered then there will be further damage to the environment and in particular to the air and through it to the human life. Many times the sewage has been let out in the Municipal Nallas without even being treated. Thus it is necessary that immediate compensation is offered to the victims of noise and air pollution and the purity of nature and the ecosystem in the area needs to be restituted to its former glory. For this it is imperative that proper samples need to be taken and inspected and the damage to the environment and the people is stopped with immediate effect.

Hence it is humbly requested that a thorough inspection is done by obtaining appropriate samples and inspecting them for the extent of damage caused, and necessary action is taken against the builder.

2447

Date: 1/7/2016

Place: Mumbai

Anders
02/07/16

Maharashtra Pollution Control Board

Kalpatekar Point, 2/3/4th Floor,
Sion Matunga Scheme, Road No. 8,
Opp. Sion Circle, Sion (East),
MUMBAI - 400 022.
Phone : 24010437 / 24020781


COMPLAINANT

TRUE COPY

Bombri

ANNEXURE-R-5

From: Prakash Agrawal
P04 Mirabilis
Nahar Amrit Shakti
Sector R12
Chandivali
Mumbai 400072

To
The Chairman
SEIAA - Maharashtra
C/o. Environment Department
Government of Maharashtra
15th Floor, New Administrative Building,
Mantralaya, Mumbai - 400032.

Subject: Complaint against **Sukhraj Babulal Nahar and Nahar Builders Limited** for violating Environmental Norms and proceeding with the Construction Project without obtaining the Environment Clearance; and damaging the environment during the construction

Sir,

This is to bring to your notice that the residents of Nahar Amrit Shakti are suffering due to stench, odour of the untreated sewage effluent, the air and noise pollution which is being created by the Builder above named, with utter disregard to environmental norms and safety of the tenants residing therein.

I would like to put the factual matrix of the same as given below.

1. I am a resident of the above township. I reside at the address mentioned above since the past four years.
2. Nahar Amrit Shakti is a Construction Company having its office at B-1 Mahalaxmi Chambers, 22, Bhulabhai Desai Road Mumbai 400026.
3. He has constructed total 14 buildings in Sector R12 at Chandivali Farm Road, Sector R12, Mumbai 400072.
4. I have been living in the said area, at the above address, for the past four years. The area was peaceful and surrounded with greenery. However, from the past two years, the residents have been disturbed by high level of noise and pollution in the area.

On inspection, I found that the same was due to heavy construction work being carried out by the Nahar Builders Limited. On inspection I also found out that there is a stone crushing query which is being operated by the builder in the area near the residential premises leading to lot of dust and pollution in the air and noise problem.

5. I would like to state that due to this long term construction activity going on, the residents in the area are suffering from noise pollution as well as air pollution. They are facing health hazards. The environment is adversely affected and due to this the flora and fauna has already suffered. Human life is also being adversely affected.
6. I would like to state that the builder has taken recourse to the permission granted in 2005 for proceeding without Environmental Clearance for projects which had been completed up to the Plinth level. However, the said notification is of 2004 and is applicable only to those buildings which have been under construction and which had been constructed up to the plinth level till the notification came into effect. A copy of the same is annexed herewith and marked as Exhibit "A". Actually as on that date, only plinth of two buildings was completed. **All rest of the buildings have been started after that and ought to have obtained the 'Environmental Clearance' as per amendment of 7.7.2004 and then 14.06.2006. None of them has been obtained. As such entire project which is being constructed during the operative period of both these notifications, has been executed by blatantly violating the need of the 'Environmental Clearance' and also requirements that would have consequently followed to safeguard the environment.**
7. I say that the builder has malafidely extended the said permission to other 14 towers which were not even in the planning / design stage by the time the permission was granted. However the builder proceeded for all the towers which were constructed even after 2005 without any environmental clearance. As a result the residents are suffering adverse effect due to pollution and health hazards. The letter of the Architect

in this regard to forego any requirement of Environment Clearance is annexed herewith and marked as Exhibit "B".

8. I say that there is only 1 STP for the entire project which consists of around 2500 tenements. This is in the 2nd level basement and the outlet is on the ground floor. The stench and odour spreads through the air into the atmosphere and the residents in that area find it difficult to stay there, especially in the evening as the direction of air flow causes the air to flow directly into their houses.
9. I would like to state that the stench of Hydrogen Sulphide has caused severe problems like headache, lack of concentration, irritation, watering of eyes, epilepsy, etc. to people living in the vicinity. The Applicant has tried to take up this issue with the builder but he fails to acknowledge any problem leave aside addressing the same.
10. I would like to state that there is a common car parking provided for all the towers. There are around 5000 cars parked in the 2nd level basement parking. However, the ventilation provided is not adequate and no mechanical ventilation is in place. This causes much difficulty to the people who may have to spend a little longer than normal time in the basement for whatsoever reason. Moreover, there is no arrangement for fire safety made in the basement and car parking area which can lead to great damage and risk to life and property.
11. I say that the builder has played with the fire safety norms also. The buildings are provided only with fire hydrants while there is no provision for sprinklers till almost the 15th floor in some buildings. This puts the rest of the tenants in the building at a great risk to safety and life. However, he has agreed to all the requirements as per the fire department to obtain the NOC. The same is annexed herewith and marked as Exhibit "C".
12. I would like to state that the builder had sold dreams to the tenants in the form of club house and swimming pools, etc. However, in reality they were not in place. The builder started the construction of the Club House in the year 2008, and a letter stating the same is attached herewith and marked as Exhibit "D" (Others.tiff). In fact, it is still not completely

constructed. I say that my children are now grown up and there is no time available with them to enjoy these facilities. They should have been available to them during their childhood and growing days. Hence the applicant would like to seek a compensation for the lost childhood of their children which cannot be recovered at any cost.

13. I say that the builder had promised a road width of 18.3m throughout the project. However, the same has not been maintained. Moreover, the only road which leads to the project is a two-way road, with cars parked on both the sides. This is due to the fact that the provision which was made for visitors parking has also been sold by the builder to others due to which there are at least 500 cars parked on both the sides of the road. This leads to traffic problems, congestion and honking. This not only creates noise pollution but also leads to risk to the children and senior citizens who may be venturing out without any support.
14. I say that the builder has not made any provisions for Rain Water Harvesting, Adequate Fire Safety, Sewage and Effluent Treatment, and Solar heating. Due to this he has been using ordinary lighting and halogen lamps thereby leading to a rise in temperature in the entire area. Repeated requests to switch over to LED lights have also fallen on deaf ears.
15. I would like to state that in spite of cutting down so many trees for the project, the builder has failed to and neglected to plant any trees as required under the Environment laws. Due to this there is not only loss of greenery but there is damage to the soil and rise in temperature also.
16. I say that the builder has acquired various permissions from the BMC through malicious means. He has even obtained the OC for some projects where the buildings are under construction and not even completed. In some cases, even the water connections are not in place.
17. I say that on inquiry the BMC officers stated that they have granted permission to the builder on the oral submission of their Architect that all environment clearances are in place. There

has been no effort taken to verify the veracity of the statement made.

18. I would like to state that being aggrieved by all this, I decided to find the root cause, and so has filed many applications under the Right to Information Act, 2005, to various authorities. It was then that I got to know certain vital points of violation and gross breach committed by the builder.
19. I say that the builder had obtained a Commencement Certificate No. 3954/ 2005 on 15th July 2005 for commencement up to stilt slab level. The same was valid till 14th July 2006.
20. The builder further obtained Commencement Certificate 2223/2007 as of 26th February 2007 for commencing work up to the plinth level. The same was gradually extended up to top of ground floor as on 4/10/2012. The same is attached herewith and marked as Exhibit "E".
21. I say that the Draft IOD given for the R12A on plot bearing CTS No. 25 (Pt), 26 (Pt), 50 (A) (Pt) of village Chandivali, at Kurla (W) mentions that the builder is required to obtain an NOC from the Department of Environment and Forests (MoEF). The same is attached herewith and marked as Exhibit "F".
22. I would like to state that to my shock and surprise, the builder has proceeded without obtaining an environment clearance for the plans/ buildings constructed after 2005, on the pretext that the initial approval was in 2005. However I would again like to reiterate here that the Notification of 2004 was applicable in this case also and only for those buildings which had been already constructed till the plinth level. By submitting false information the builder has acquired permission for the projects which commenced in 2005 and thereafter applied it across the project even for buildings which were constructed post 2006.
23. I say that the builder is trying to abuse the permissions granted to him and playing with the life and health of the people by subjecting them to noise and air pollution. I would like to state that the builder has taken permission for only 1 building, but after that has gone ahead to construct a total of 14 buildings, without obtaining any environment clearance.

24. I have annexed herewith a Copy of the Information I have acquired from the RTI. The same is marked as Exhibit "G". The advertisement of the builder along with the details of the New buildings under construction is annexed herewith and marked as Exhibit "H".
25. I say that a test needs to be carried out to determine the level of noise and air pollution occurring in the area and the effect it is having on the environment, the flora, and the human life.
26. I say that a lot of damage is suffered by me and my family and others in the vicinity. Moreover there is substantial damage to the environment and ecological system which remains to be studied in detail.
27. I say that many new born babies are likely to suffer respiratory problems and future impairments in hearing due to selfish and heinous acts of the builder.
28. I had also written to the Regional Officer, Member Secretary of the Maharashtra Pollution Control Board. The copy of the Complaint is annexed herewith and marked as Exhibit "I". However there has been no concrete action taken. The concerned Authorities had inspected the project and taken samples of the inlet and outlet of the STP. However the report is still pending. The note on Site visit is annexed herewith and marked as Exhibit "J". But they should have also checked for the necessary documents like whether the environment clearances are in place. Moreover they should have also checked the ambient air quality during the inspection / site visit, which they have failed to check. Hence I am approaching your office to have a proper inspection carried out and to get redressed for my complaint.
29. I say that all of us have put in our retirement benefits and most of our life's earning in this project. However we are suffering due to ill health, odour and other problems which the builder refuses to address amicably.
30. I say that the builder is looking only for commercial benefit and exploiting the tenants. I would like to state that although the club house has been constructed the builder wishes to utilize it as a private club house to exploit commercial benefits instead

of handing over the same to the tenants. Moreover the builder is also providing the project area for shooting. Due to this there is a heavy congestion of traffic in the area. Also there is increase in noise pollution also due to heavy vehicular emission. The same is attached herewith and marked as Exhibit "K". The commercial benefits of these shootings are utilized by the builder exclusively for his personal benefit and does not share any profit with the tenants although they are the ones who are suffering due to noise pollution, traffic congestion and lack of personal space.

31. I say that the builder has not executed the deed of conveyance in the favour of the society on the pretext that the project is not yet complete and hence there is little I can do to change the circumstances by myself.
32. I would like to state that a great deal of harm has already been suffered and its effects are being seen on my health as well as the people in the vicinity like frequent headaches, lack of concentration, fatigue, respiratory problems, etc. If this construction work is not stopped till all the Environment Clearances are in place, and if no proper Sewage Treatment plan is considered then there will be further damage to the environment and in particular to the air and through it to the human life. Many times the sewage has been let out in the Municipal Nallas without even being treated. Thus it is necessary that immediate compensation is offered to the victims of noise and air pollution and the purity of nature and the ecosystem in the area needs to be restituted to its former glory. For this it is imperative that proper samples need to be taken and inspected and the damage to the environment and the people is stopped with immediate effect.

Hence it is humbly requested that a thorough check is done as to how the builder could proceed without obtaining any environmental clearance for this project and to what extent he has flouted the rules and regulations and damaged the environment, and appropriate action is taken against him.

Date: 1/7/2016

Place: Mumbai


COMPLAINANT

ANNEXURESINDEX

Sr. No.	Particulars	Page No.
	Copy of Notification	
	Copy of Letter from Architect	
	Copy of NOC from fire Department	
	Copy of Commencement Certificate for Club House	
	Copy of Commencement Certificate of the Project	
	Copy of IOD	
	Copy of Information received under RTI	
	Copy of the advertisement about new construction	
	Copy of Complaint to MPCB	
	Copy of Details of Site visit	
	Copy of photo of Traffic problem	
	Copy of Complaint	

Date:
Place:


COMPLAINANT

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2.7.16
સાચા કોપી
સર્વોચ્ચ વિભાગ
ભાગલાલ, મનક-૩૩

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Bombhise



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 723]

नई दिल्ली, मंगलवार, मार्च 14, 2017/फाल्गुन 23, 1938

No. 723]

NEW DELHI, TUESDAY, MARCH 14, 2017/PHALGUNA 23, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;
3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;
4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्याधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;
5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आबद्ध होगा ;

6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उल्लंघन के मामलों में पर्यावरणीय अनापत्ति अनुदत्त करने के लिए प्रक्रिया स्थापित करने के लिए तारीख 12.12.2012 और तारीख 27.06.2013 को एक कार्यालय ज्ञापन जारी किया है ;
7. हिन्दुस्तान कापर लिमिटेड बनाम भारत संघ के मामले में 2014 की रिट याचिका (सिविल) सं0 2364 में माननीय झारखंड उच्च न्यायालय के तारीख 28 नवंबर, 2014 के आदेश के अनुसरण में माननीय न्यायालय ने यह अभिनिर्धारित किया कि तारीख 12 दिसंबर, 2012 के कार्यालय ज्ञापन के अधीन पैरा सं0 5(i) और पैरा सं0 5(ii) की शर्तें अवैध और असंवैधानिक थीं और न्यायालय ने यह और अभिनिर्धारित किया कि अभिकथित अतिक्रमण की कार्रवाई स्वतंत्र कार्यवाही और पृथक् कार्यवाही होगी और इसलिए पर्यावरण अनापत्ति के लिए प्रस्ताव पर विचार करने के लिए परियोजना प्रस्तावक के विरुद्ध कार्रवाई आरंभ करने की प्रतीक्षा नहीं की जा सकती। माननीय न्यायालय ने यह व्यवस्था और दी कि पर्यावरण अनापत्ति के प्रस्ताव की परीक्षा इसके गुणागुण, पर्यावरण विधियों के अभिकथित अतिक्रमण के लिए किसी प्रस्तावित कार्रवाई से मुक्त आधार पर की जानी चाहिए ;
8. और राष्ट्रीय हरित अधिकरण की प्रधान न्यायपीठ ने 2015 के मूल आवेदन सं0 37 तथा 2015 के मूल आवेदन सं0 213 में तारीख 7 जुलाई, 2015 के अपने आदेश द्वारा यह अभिनिर्धारित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 या पर्यावरण समाघात निर्धारण अधिसूचना, 2006 तथा तटीय विनियमन जोन अधिसूचना, 2011 के अतिक्रमणों वाले निर्देश के निबंधनों या पर्यावरण अनापत्ति या तटीय विनियमन जोन अनापत्ति के प्रस्तावों पर विचार के विषय पर तारीख 12 दिसंबर, 2012 और 24 जून, 2013 के कार्यालय ज्ञापन पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों को परिवर्तित या संशोधित नहीं कर सकते थे और अधिकरण ने उसे अपास्त कर दिया था ;
9. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को कतिपय प्रस्ताव, निर्देशों के निबंधनों और पर्यावरणीय अनापत्ति के लिए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन ऐसी परियोजनाओं के लिए प्राप्त हो रहे हैं, जिन्होंने स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की सीमा से परे उत्पादन का विस्तार किया है या पूर्व पर्यावरणीय अनापत्ति को प्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन कर दिया है ;
10. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने पर्यावरण की क्वालिटी के संरक्षण और उसमें सुधार के प्रयोजन के लिए और पर्यावरणीय प्रदूषण का उपशमन करने के लिए यह आवश्यक समझा कि वह सभी निकाय, जो पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पर्यावरण विनियम का अनुपालन नहीं कर रहे हैं, को समीचीन रीति में पर्यावरणीय विधियों की अनुपालना के लिए उसके अंतर्गत लाया जाए ;
11. और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसी परियोजनाओं और क्रियाकलापों को शीघ्रतम पर्यावरणीय विधियों की अनुपालना के अधीन लाना आवश्यक समझता है न कि उन्हें अविनियमित और बिना किसी जांच के छोड़ना, जो पर्यावरण के लिए अधिक नुकसानदायक होगा तथा इस उद्देश्य को अग्रसर करने के लिए भारत सरकार ऐसी सत्ताओं को, जो अननुपालक थे, अनुपालक बनाने के लिए समुचित रक्षोपायों के साथ पर्यावरणीय अनापत्ति प्रदान करना आवश्यक समझती है, प्रक्रिया ऐसी होनी चाहिए, जो पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के उपबंधों के उल्लंघन पर रोक लगाए, जिससे अननुपालना और अननुपालना के धनीय लाभ भयोपरित हों तथा पर्यावरण के नुकसान के लिए समुचित रूप से प्रतिकर हो ;
12. और माननीय उच्चतम न्यायालय ने इंडियन काउंसिल फार एन्वायरो-लीगल एक्शन बनाम भारत संघ (बिछड़ी गांव औद्योगिक प्रदूषण का मामला) में 13 फरवरी, 1996 को निर्णय देते समय विधि के सभी सुसंगत उपबंधों का विश्लेषण किया और यह निष्कर्ष दिया कि पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन नुकसानी की वसूली की जा सकती है (1996(3) एससीसी 212)। माननीय न्यायालय ने यह संप्रेक्षित किया कि पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 केंद्रीय सरकार (या, यथास्थिति, उसके प्रतिनिधि) को "ऐसे सभी उपाय करने, जो वह पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन समझे....." अभिव्यक्त रूप से सशक्त करती है। धारा 5 केंद्रीय सरकार (या उसके प्रतिनिधि) को अधिनियम के उद्देश्यों को प्राप्त करने के लिए निदेश जारी करने की शक्ति प्रदान करती है। धारा 2(क), धारा 3 और धारा 5 में "पर्यावरण" की विस्तृत परिभाषा के अनुसार केंद्रीय सरकार को ऐसी सभी शक्तियां हैं, जो "पर्यावरण की क्वालिटी के संरक्षण और सुधार के प्रयोजन के लिए आवश्यक या समीचीन" हैं। केंद्रीय सरकार, ऐसे सभी उपाय करने और ऐसे सभी निदेश जारी करने के लिए सशक्त है, जो पूर्वोक्त प्रयोजन के लिए आवश्यक हो। इस मामले में उक्त शक्तियों के अंतर्गत गाढे कीचड़ को हटाने, उपचारिक उपाय करने और उपचारिक उपाय करने की लागत को उल्लंघन करने वाले उद्योग पर अधिरोपित करने की शक्ति भी है तथा इस प्रकार वसूल की गई रकम का, उपचारिक उपायों को कार्यान्वित करने के लिए उपयोग करना भी है। माननीय न्यायालय ने यह और संप्रेक्षित किया है कि उपचारिक उपायों को कार्यान्वित करने के लिए अपेक्षित लागत का उद्ग्रहण धारा 3 और धारा 5 में अंतर्निहित है, जिसे अत्यधिक विस्तृत और व्यापक भाषा में व्यक्त किया गया है। पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 जल और वायु अधिनियमों के अन्य उपबंधों के अतिरिक्त सरकार को ऐसे सभी निदेश करने के लिए और ऐसे सभी उपाय करने के लिए सशक्त करते हैं, जो "पर्यावरण" के संरक्षण और संवर्धन के लिए आवश्यक या समीचीन हों, जिस अभिव्यक्ति को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 2(क) में अत्यधिक विस्तृत और व्यापक शब्दों में परिभाषित किया गया है। इस शक्ति के अंतर्गत किसी उद्योग कि निकट किसी क्रियाकलाप को प्रतिषिद्ध करने, उपचारिक उपायों को कार्यान्वित करने का निदेश देने और जहां कहीं आवश्यक हो, उल्लंघन करने वाले उद्योग पर उपचारिक उपायों

की लागत अधिरोपित करने की शक्ति भी है। प्रत्यर्थियों के उपचारिक उपायों की लागत की अदायगी के दायित्व का प्रश्न दूसरे दृष्टिकोण से भी देखा जा सकता है, जिसे अब सार्वभौमिक रूप से ठोस सिद्धांत के रूप में स्वीकार किया गया है, जैसे “प्रदूषणकर्ता संदाय करता है” का सिद्धांत। “प्रदूषणकर्ता संदाय करता है, सिद्धांत की यह मांग है कि प्रदूषण द्वारा कारित नुकसान को रोकने या उसका उपचार करने की वित्तीय लागत इस वचनबंध, कि जो प्रदूषण कारित करता है या ऐसे माल का उत्पादन करता है, जो प्रदूषण कारित करता है, के साथ होती है।”

13. (1) इसलिए अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि परियोजना या क्रियाकलाप या विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या क्रियाकलाप, जिनके द्वारा पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अपेक्षित है भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन गठित केंद्रीय सरकार या राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति प्राप्त किए बिना, जिसमें प्रक्रिया या प्रौद्योगिकी में परिवर्तन के साथ क्षमता में वर्धन या दोनों को शामिल किया गया है, को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा और उससे निम्नलिखित रीति में विनिर्दिष्ट प्रक्रिया के अनुसार व्यौहार किया जाएगा ;

(2) उस दशा में, जब पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाएं या क्रियाकलाप संनिर्माण कार्य आरंभ करने के पश्चात् पर्यावरणीय अनापत्ति के लिए लायी जाती हैं या जिन्होंने पूर्व पर्यावरणीय अनापत्ति के बिना विस्तार, आधुनिकीकरण और उत्पाद मिश्रण में परिवर्तन किया है, उन परियोजनाओं को अतिक्रमण के मामले के रूप में समझा जाएगा और ऐसे मामलों में यहां तक कि प्रवर्ग ख की परियोजनाएं, जिन्हें पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित राज्य पर्यावरण संघात निर्धारण प्राधिकरण द्वारा पर्यावरणीय अनापत्ति अनुदत्त की गई है, का पर्यावरणीय अनापत्ति अनुदत्त करने के लिए विशेषज्ञ मूल्यांकन समिति द्वारा ही मूल्यांकन किया जाएगा और पर्यावरणीय अनापत्ति केंद्रीय स्तर पर अनुदत्त की जाएगी।

(3) उल्लंघन के मामलों में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के उपबंधों के अधीन संबंधित राज्य या राज्य प्रदूषण नियंत्रण बोर्ड द्वारा परियोजना प्रस्तावक के विरुद्ध कार्रवाई की जाएगी और इसके अतिरिक्त परियोजना को पर्यावरण अनापत्ति अनुदत्त किए जाने तक प्रचालन करने के लिए या अधिभोग प्रमाणपत्र जारी किए जाने के लिए अनुमति नहीं दी जाएगी।

(4) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित संबंधित क्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा उल्लंघन के मामलों का यह मूल्यांकन करने के लिए निर्धारण किया जाएगा कि परियोजना का ऐसे स्थल पर संनिर्माण किया गया है जो लागू विधियों के अधीन अनुज्ञेय है और विस्तार किया गया है, जिसको पर्याप्त पर्यावरणीय सुरक्षोपायों के साथ पर्यावरणीय मानकों की अनुपालना के अधीन भरणीय रूप से चलाया जा सकता है ; और उस दशा में जहां विशेषज्ञ मूल्यांकन समिति का निष्कर्ष नकारात्मक है, विधि के अधीन अन्य कार्रवाईयों के साथ परियोजना को बंद करने की सिफारिश की जाएगी।

(5) उस दशा में जहां पूर्वोक्त उप पैरा (4) के बिन्दु पर विशेषज्ञ मूल्यांकन समिति के निष्कर्ष सकारात्मक हैं, इस प्रवर्ग के अधीन परियोजनाओं को पर्यावरण संघात निर्धारण करने और पर्यावरणीय प्रबंधन योजना तैयार करने के लिए समुचित निदेश निबंधनों के साथ विहित किया जाएगा। इसके अतिरिक्त विशेषज्ञ मूल्यांकन समिति पारिस्थितिकीय नुकसान, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण पर परियोजना के विशिष्ट निदेश निबंधनों को विहित करेगी और उनको प्रत्यायित परामर्शदाताओं द्वारा पर्यावरण संघात निर्धारण रिपोर्ट में एक स्वतंत्र अध्याय के रूप में तैयार किया जाएगा। पारिस्थितिकीय नुकसान, सुधारकारी योजना तैयार करने और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के निर्धारण के लिए डाटा का संग्रहण और विश्लेषण, पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन सम्यक्ता अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।

(6) विशेषज्ञ मूल्यांकन समिति, पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।

(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने

से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION**

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10th May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10th May, 2016;

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

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as “Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon’ble High Court of Jharkhand had passed an order dated the 28th November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *Versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon’ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7th July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12th December, 2012 and 24th June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;

9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;

12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13th. February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

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APPENDIX I**(See Paragraph-6)****FORM 1**

Note : If space provided against any parameter is inadequate, Kindly upload supporting document under 'Additional Attachments if any' at the last part of the Form1. Please note that all such Annexures must be part of single pdf document.

(I) Basic Information

S.No.	Item	Details
	Whether it is a violation case and application is being submitted under Notification No. S.O.804(E) dated 14.03.2017 ?	Yes
	Type of Violation	Started the work onsite without prior EC under EIA notification,2006.
	Details of Violation	Details are given in Covering letter along with our application
1.	Name of the Project/s Brief summary of project Proposal Number Project Cost (in lacs)	Residential & Commercial Development Annexure-Brief summary of project IA/MH/NCP/67446/2017 174950.837
2.	S. No. in the schedule Project Sector	8(b) Townships and Area Development projects. New Construction Projects and Industrial Estates
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number or wells to be drilled	Total Plot Area: 4, 85,232.67 Sq. mt.(for total layout) Deductions: 1, 62,039.97 Sq. mt. (for total layout) Net Plot Area : 3, 23,192.70 Sq. mt. (for total layout) Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq.mt ha.
4.	New/Expansion/Modernization	New
5.	Existing Capacity/Area etc.	0 ha.
6.	Category of project i.e. 'A' or 'B'	A
7.	Does it attract the general condition? If yes, please specify	No
8.	Does it attract the specific condition? If yes, please specify	No
9.	Location of the project Shape of the project land Uploaded GPS file Uploaded copy of survey of India Toposheet Plot/Survey/Khasra No. Town / Village State of the project	CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra. (Comprising of 22 Sectors) Block (Polygon) Annexure-GPS file  Annexure-Survey of india toposheet CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C (these City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors wherein work is commenced/completed) Chandivali Maharashtra

Details of State of the project

S.no	State Name	District Name	Tehsil Name
(1.)	Maharashtra	Mumbai City	Andheri
10.	Nearest railway station along with distance in kms Nearest airport along with distance in kms		Ghatkopar Railway Station, 4.00 km Mumbai Chhatrapati Shivaji Terminals, 4.00 km
11.	Nearest Town/City/District Headquarters along with distance in kms		Mumbai , 5.00 km
12.	Village Panchayats, Zila Parishad, Municipal Corporation, Local body (Complete postal address with telephone nos. to be given)		Municipal Corporation of Greater Mumbai (M.C.G.M.)
13.	Name of the Applicant		Mahesh
14.	Registered Address		B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi. Mumbai
15.	Address for correspondance: Name of the Company Name of the Applicant Designation (Owner/ Partner/ CEO) Pin code E-mail Telephone No. Fax No. Copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency .		NAHAR BUILDERS LIMITED Mahesh Director 400026 est_legal_vp@nahargroup.co.in 022-23538425 022-23510470 Annexure-Uploaded Copy of documents in support of the competence/authority
16.	Details of Alternative Sites examined, if any. Location of these sites should be shown on a toposheet		No
17.	Whether part of Interlinked projects?		No
18.	Whether separate application of Interlinked project has been submitted?		N/A
19.	If Yes, MoEF file number Date of submission		N/A N/A
20.	If No, Reason		N/A
21.	Whether the proposal involves Approval/ Clearance under: if yes, details of the same and their status to be given (i) Whether the proposal involves approval/clearance under the Forest (Conservation) Act,1980? (ii) Whether the proposal involves approval/clearance under the wildlife (Protection) Act,1972? (iii) Whether the proposal involves approval/clearance under the C.R.Z notification, 2011?		No No No
22.	Whether there is any Government Order/Policy relevant/relating to the site?		No
23.	Whether any Forest Land Involved? Area of Forest land Involved (hectares)		No N/A
24.	Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up? (a) Name of the Court (b) Name of the Sub court (c) Case No. (d) Orders/directions of the court, if any and relevance with the proposed project		Yes NGT NGT Eastern Zone Application no. 104 of 2016 No stay order

(II) Activity

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

S.No	Information/Checklist confirmation	Yes/No	Details there of (with approximate quantities/rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	No	Project site is in residential zone, as per Master Plan of M.C.G.M.
1.2	Clearance of existing land, vegetation and buildings?	No	--
1.3	Creation of new land uses?	No	--
1.4	Pre-construction investigations e.g. bore holes, soil testing?	Yes	Geotechnical Investigation has been carried out
1.5	Construction works?	Yes	Residential & Commercial development
1.6	Demolition works?	No	--
1.7	Temporary sites used for construction works or housing of construction workers?	No	--
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations and fill or excavations	No	Excavation & basement work is already completed for all buildings Excavated material has been already disposed to the authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.
1.9	Underground works including mining or tunnelling?	No	As this is a construction project it only involves construction of basements in some of the sectors
1.10	Reclamation works?	No	--
1.11	Dredging?	No	--
1.12	Offshore structures?	No	--
1.13	Production and manufacturing processes?	No	--
1.14	Facilities for storage of goods or materials?	No	--
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	From all sectors which are under purview of EIA Notification Sector R2, R3, R6, R14, R18, R19, R20, R21: Disposal of Sewage: M.C.G.M. sewer line: Disposal of waste: Segregated waste to M.C.G.M. Sector R12: Disposal of excess treated sewage to M.C.G.M. Sewer line •Segregation of waste •Treatment of biodegradable waste in Organic Waste Converter (OWC) •Segregation of Non-biodegradable waste into recyclable & non-recyclable o Recyclable waste: To recyclers o Non-Recyclable waste: To M.C
1.16	Facilities for long term housing of operational workers?	No	Cabins for Watchmen/gardener etc.
1.17	New road, rail or sea traffic during construction or operation?	No	--
1.18	New road, rail, air water borne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	--
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	--
1.20	New or diverted transmission lines or pipelines?	No	--
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	No	--
1.22	Stream crossings?	No	--
1.23	Abstraction or transfers of water from ground or surface waters?	No	--
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	By considering the runoff prior to development and runoff after development there is some increment in runoff of storm water
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transport of construction materials Precautions taken to reduce the impact of the vehicular movement by trying to avoid the vehicular trips during peak hours
1.26	Long-term dismantling or decommissioning or restoration works?	No	--

1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	--
1.28	Influx of people to an area in either temporarily or permanently?	Yes	The total occupancy of the entire project is approx. 18221
1.29	Introduction of alien species?	No	--
1.30	Loss of native species or genetic diversity?	No	--
1.31	Any other actions?	No	--

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	No	Land is situated within limits of M.C.G.M. fully developed area with all basic infrastructure available
2.2	Water (expected source & competing users) unit: KLD	Yes	During Construction Phase – (For Building R12/13 and Temple only) For Workers : From M.C.G.M.: 5 KLD For Construction: From Treated sewage from STP of R12: 10 - 20 KLD (Depending upon the activity) During Operational Phase – From all sectors which are under purview of EIA Notification: Sectors: R2, R3, R6, R14, R18, R19, R20, R21: Total water requirement:738 KLD: Source: M.C.G.M./Bore well/ Water Tankers Sector R12: Total water requirement: 1610 KLD: Source: M.C.G.M./ Treated sewage from
2.3	Minerals (MT)	No	--
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)	Yes	Sources: The material required for construction activities procured from company's authorized / approved vendors only. The vendor's performance will be monitored periodically. In case of urgency or non-availability of materials from authorized/approved vendors, procured from the open market.
2.5	Forests and timber (source – MT)	Yes	Timber required for doors sourced from local suppliers.
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT),energy (MW)	Yes	Source of Electricity: TATA Power & Reliance Infrastructure Details shall be submitted in EIA report
2.7	Any other natural resources (use appropriate standard units)	No	--

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

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

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate
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			quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	No	--
4.2	Municipal waste (domestic and or commercial wastes)	Yes	During Operation phase: From all sectors which are under purview of EIA Notification: The total quantity of solid waste: 7073 Kg /day. (Biodegradable and Non-biodegradable)
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	Yes	Storage of waste oil generated from D.G. at separate location duly marked and sold to the authorized recyclers
4.4	Other industrial process wastes	No	--
4.5	Surplus product	No	--
4.6	Sewage sludge or other sludge from effluent treatment	Yes	Dried sludge from STP : Use as manure for plants within the premises
4.7	Construction or demolition wastes	No	Excavation & basement work is already completed for all buildings Excavated material has been already disposed to the authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.
4.8	Redundant machinery or equipment	No	--
4.9	Contaminated soils or other materials	No	--
4.10	Agricultural wastes	No	--
4.11	Other solid wastes	No	Office building is proposed in Sector R20 hence quantification of E-waste generation is done for this sector only (364 kg/annum) Storage of E - Waste in separate space within project site and subsequently handed over to authorized recyclers. There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste. Handling and disposal as per Bio-Medical Waste Management Rules, 2016 of bio-medical generated waste

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	CPCB approved D.G. Sets used during power failure.
5.2	Emissions from production processes	No	--
5.3	Emissions from materials handling including storage or transport	Yes	Fugitive dust emission due to handling and loading-unloading activities is envisaged during construction. Frequent water sprinkling will be done to minimise the fugitive emissions.
5.4	Emissions from construction activities including plant and equipment	Yes	The project may cause rise in dust levels during construction phase. Precautions would be taken to reduce dust generation by water sprinkling at regular intervals.
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	Yes	Proper ventilation around STP and solid waste management facilities for odour control
5.6	Emissions from incineration of waste	No	--
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	--
5.8	Emissions from any other sources	No	--

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
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6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	For control of noise following measures adopted: • Acoustic enclosure for DG sets • Acoustical enclosures for the blowers of the STP
6.2	From industrial or similar processes	No	--
6.3	From construction or demolition	Yes	Noise levels may increase due to operation of machinery as well as transportation vehicles. Measures to control noise pollution: • High noise generating construction activities carried out only during day time • Installation, use and maintenance of mufflers on equipment • Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs • Provision of barricades along the periphery of the site • Plantation of trees • Acoustic enclosure for DG sets
6.4	From blasting or piling	No	--
6.5	From construction or operational traffic	Yes	During Construction phase: (For Building R12/13 and Temple) •Proper traffic management for the construction vehicles •Regular maintenance of vehicles with suitable enclosures and intake silencers •Planning and ensuring effective implementation of the waste movement plan Operation Phase : Provision of adequate parking spaces tree plantation as per norms
6.6	From lighting or cooling systems	No	--
6.7	From any other sources	No	--

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	No	--
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	During Operation Phase: From all sectors which are under purview of EIA Notification: Sector R2, R3, R6, R14, R18, R19, R20, R21: Disposal of sewage :To M.C.G.M. sewer line Sector R12:Disposal of sewage: •Reuse of treated sewage for flushing and gardening •Disposal of excess treated sewage to M.C.G.M. Sewer line
7.3	By deposition of pollutants emitted to air into the land or into water	No	Dust may be generated during construction phase from earthworks and movement of vehicles. However appropriate fugitive dust control measures, including water sprinkling of exposed areas and dust covers for trucks, provided to minimize any impacts. Stack height of DG set shall be as per CPCB guidelines
7.4	From any other sources	No	--
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	--

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	No	--
8.2	From any other causes	No	--
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	No	Earthquake: The structure of the building is designed as per IS codes for zone III. Disaster Management Plan shall be submitted in EIA report

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

S.No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> o Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) o housing development o extractive industries o supply industries o Other 	Yes	Supporting infrastructure is already in existence. The project is residential & commercial development
9.2	Lead to after-use of the site, which could have an impact on the environment	No	--
9.3	Set a precedent for later developments	Yes	Has created job opportunities in operation phase with support staff like security, maintenance, household workers, shop keepers etc. Also the commercial development of the area have improved the economic growth at local and regional level
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	Yes	Impacts on water availability, storm water drainage, availability of electricity, traffic congestion etc.

(III) Environmental Sensitivity

S.No	Areas	Name/Identity	Aerial distance (within 15km.) Proposed project location boundary	
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	Yes	Sanjay Gandhi National Park: Approx. 2.00 Km Maharashtra Nature Park: Approx. 7.00 Km	
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	Yes	Arabian Sea- Approx. 8.00 Km Malad Creek - Approx. 10.00 Km Mahim Creek-Approx. 10.00 Km Thane Creek-Approx. 6.00 Km Mahul Sewri Creek-Approx. 11.00 Km Mithi River-Approx. 1.00 Km Poisar River-Approx. 12.00 Km	
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	Yes	Sanjay Gandhi National Park: Approx. 2.00 Km Maharashtra Nature Park: Approx. 7.00 Km	
4	Inland, coastal, marine or underground waters	Yes	Due to size limit of 500 characters, given in Form 1	
5	State, National boundaries	Yes	--	
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Yes	Western Express Highway-Approx. 4.00 Km Eastern Express Highway -Approx. 3.00 Km Eastern Freeway-Approx. 5.00 Km	
7	Defence installations	No	--	
8	Densely populated or built-up area	Yes	Mumbai Metropolitan City	
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	Yes	Mumbai Metropolitan City	
10	Areas containing important, high quality or scarce resources.(ground water resources,surface resources,forestry,agriculture,fisheries,tourism,minerals)	No	--	
11	Areas already subjected to pollution or environmental damage.(those where existing legal environmental standards are exceeded)	No	--	
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions) similar effects	No	--	

(IV) Proposed Terms of Reference for EIA studies

1	Uploaded Proposed TOR File	Annexure-TOR file
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2	Uploaded scanned copy of covering letter	Annexure-scanned copy of covering letter		
3	Uploaded Pre-Feasibility report(PFR)	Annexure-PFR		
4	Uploaded additional attachments(only single pdf file)	Annexure-Additional attachments		
<table border="1" style="margin: auto;"> <tr> <td style="width: 60%; text-align: center;">Additional Attachments, if any</td> </tr> <tr> <td style="text-align: center;">Attached File</td> </tr> </table>			Additional Attachments, if any	Attached File
Additional Attachments, if any				
Attached File				

(V) Undertaking

I hereby give undertaking that the data and information given in the application and enclosures are true to be best of my knowledge and belief and I am aware that if any part of the data and information found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.

V. (i)	Name of Applicant Designation Name of Company (Applicant Name should not be given here) Address	Mahesh Director NAHAR BUILDERS LIMITED B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi. Mumbai
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Ref. No.: L1-447-I

Date: 12th August 2017.

To,

The Expert Appraisal Committee,
Ministry of Environment and Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi 110003, India

Subject : Application for obtaining Environmental Clearance of Project consisting of Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20, R-21 situate lying and being at Village Chandivali, Taluka Kurla, Mumbai- 400072 known as the Nahar Amritshakti Project under the Ministry of Environment, Forest and Climate Change (MoEF) Notification dated 14th March, 2017, forming part of larger layout approved of 22 sectors (balance 11 Sectors being vacant not considered for appraisal at this stage)

Dear Sir,

1. M/s. Nahar Enterprises, the then partnership firm of the Applicants, acquired the rights to develop certain lands in Chandivali area in Mumbai from Jitendra Amritlal Sheth and others, the owners of land by agreement dated 18th January 1991 and the project described hereunder is part of said land.
2. By and under the Power of Attorney dated 21st January 1991 the Owners appointed Sukhraj Babulal Nahar, Sohinidevi Sukhraj Nahar and Jayantilal Mulchand Bafna, being partners of Messrs. Nahar Enterprises *the then Partnership firm which has now been converted into a Limited company in the name of Nahar Builders Limited* as their true and lawful attorneys to do all acts, deeds and things under the aforesaid agreement dated 18th January 1991.
3. The first building was launched by the Applicants in Sector R-3 under "Nahar Amrit Shakti" brand in the year 1991. The Applicants launched the next phase in R-2 sector also under the same brand "Nahar Amrit Shakti".
4. Subsequently, fresh Intimation of Disapproval's ("IOD") were issued on 22nd July 1993 for buildings in sector R-2. On 11th August, 1994 and 16th March, 1995 Commencement Certificate ('CC') *were* issued for *buildings* in Sector R-2 and two buildings in Sector R-1.

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Site and Sales Office :

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Tel : 2847 1153, 2847 0201, 2847 0203. Fax : 2847 0091.
E-mail : info@nahargroup.co.in Website : www.nahargroup.co.in



5. Construction work was accordingly started in the year 1994 for Sector R-2 and work was ongoing for Sector **R-3**.
6. Thereafter, as provided under Development Control Rules (“**DCR**”), in the year 1996 a master layout was prepared and submitted which was approved by the MCGM on 6th May, 1996. In terms of master layout, the sectors were finalized and area of each of the sectors was finalized. It is as per the layout of 1996 the Project was divided into 20 sectors which were divided due to natural subdivisions and Development Planning of roads and reservations. The said 20 sectors were divided from time to time into 22 sectors, as per amended layout approved on 31.08.2006.
7. The Project before this Hon’ble Authority today consists of 11 Sectors and aggregates area admeasuring 2,07,290.02 Sq.mt. (Net Land area excluding DP roads and reservations) and thereabouts of land bearing C.T.S. Nos. 28A/3, 28-B, 29/L, 30-A/1-15, 30-A/3 & 50-C (sector R-2), 53-A/1-D & 53-C (sector R-3), 53-A/1-B (school bldg.), 1-C & 44-C (sector R-4), 1-D, 44-A, 45, 45/1 to 45/29 (pt) & 50-A/4 (sector R-5), 51-A (pt) & 52-A (pt) (sector R-6), 25/B/1, 26 A, 27 , 28A/1, 29 N & 50 A/6 (Sector R-12), 50A/7 & 52A/9 (sector R-14), 51-A (pt) & 52-A (pt) (sector R-18), 36A/9, 50A(pt) & 52/A(pt), (sector R-19), 50A/9 , 52A/6 & 36 A(Pt) (sector R-20), 36A/10, 50A(pt) & 52/A(pt) (sector R-21), (hereinafter referred to as “**Project**”) which Project is carved out of the Larger Property aforesaid. The Applicants are describing only 11 sectors as of today before this Hon’ble authority, as the remaining sectors are yet to be developed and the Applicants will seek Environmental Clearance separately as and when the development is proposed thereat, as per the rules prevailing at that time.
8. As such, till the year 2004, the Applicants launched buildings in Sectors R-2, R-3, **R-4**, R-5, R-6 and R-14 as the “Nahar Amrit Shakti Project”.
9. Between the years of 1996 and 2004, the Applicants had completed the construction of 15 buildings over & above plinth level Total BUA admeasuring of 48970.40 Sq. Mtr in the Project in sectors R-2, R-3, **R-4**, R-5, R-6 and R-14.

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10. On 7th July, 2004, the MOEF issued Notification thereby amending certain provisions of the 1994 Notification (hereinafter referred to as "**2004 Amendment Notification**"). The 2004 Amendment Notification, for the first time, introduced the concept of 'new construction project' and provides *inter alia* that such projects would require prior environment clearance. The said notification, vide footnote also clarifies that the "**New construction projects** which were undertaken without obtaining the clearance required under this Notification, and where **construction work has not come up to the plinth level**, shall require clearance under this notification with effect from the 7th day of July, 2004." **Needless to say that Plinths of 15 buildings were completed in this project prior to 7th July 2004 and were advised the project as a whole did not require environmental clearance as per 2004 notification**
11. The Applicants by their Architect's letter dated 29th June 2005, made representations on the applicability of 2004 Notifications to the said project and in this regards the Director (E. S&P) of MCGM endorsed on the aforesaid letter that since the proposal was received prior to the 2004 Notification there was no need to obtain Environmental Clearance under 2004 Notification, being an ongoing project, where in sizable work is completed beyond plinth.
12. In between 2004 to 2006, the Applicants commenced 5 building in R2, one building in R/12. admeasuring total built up area of 68222.75 sq.mt.
13. For remaining 21 buildings, construction was started after 2006 admeasuring total built up area of 202363.76 sq.mt. Out of which 19 buildings are completed and 2 buildings are partly completed.
14. Thereafter, by another Notification dated 14th September, 2006 issued by the MOEF (hereinafter referred to as "**2006 Notification**"), it was provided that on and after the date of the 2006 Notifications, (i) all new projects or activities; or (ii) the expansion or modernization of existing projects or activities listed in the schedule thereto, exceeding the capacities stipulated therein shall be undertaken in any part of India only after obtaining the prior environment clearance from

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the Central Government or the State Level Impact Assessment Authority, as the case may be. As layout of the Applicants land was already approved for all the sectors, the FSI as per the then DCR was permissible since 1996 (Net plot + 100%TDR), and hence the project was never construed as "New Project" or "Expansion of existing project" and hence the Planning Authority MCGM did not *insist* for Environmental clearance, while allowing construction of these buildings, considering this as ongoing project.

15. At the relevant time, authorities had taken a view to the effect that, if the Plinth level work has been completed in a given project for certain number of buildings, the non-applicability of the Notifications was clear, without any extra riders. Accordingly, a number of development proposals were approved on the basis that where work had commenced on projects as in the present case, such projects were classified as all old projects as against 'new projects' and therefore did not require the Environmental Clearance under the Notifications. Applicants were not constructing a new project. The Applicants had not increased the plot area of the Project. All the buildings have been constructed by the Applicants as a part of the same Project layout. The additional construction was not regarded as an expansion activity by the municipal corporation.
16. In fact, the Environment Department (Government of Maharashtra), the State Level Environment Impact Assessment Authority (Maharashtra) and State Level Appraisal Committee-II (Maharashtra) vide a joint Affidavit filed in the matter between Amit Maru Vs Secretary, MoEFCC & Ors in Appeal No.71 of 2016 before the National Green Tribunal has taken a view on the said issue by categorically stating that *"if the Plinth level work has been complete, the non-applicability of the EIA Notification was clear, without any rider/s. It (EIA Notification) also doesn't say that if there are many buildings in it, then plinths of all buildings are to be completed OR a plinth/work completed has to be of certain % of the total project."*
17. In the above circumstances of the case, the Applicants submit that they were

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under the bonafide belief that the development of the said Project did neither fall in the ambit of the 2004 Amendment Notification nor in the ambit of 2006 Notification as numerous buildings in the said Project were already completed by then before 14th September 2006, as well as before 07/07/2004, the plinth of several buildings were already constructed after taking valid permissions and approvals from appropriate authorities. A similar view was taken in relation to all buildings being constructed in Mumbai and particularly in the vicinity of the Project.

18. In pursuance of the aforesaid, the Applicants have completed the construction of 25 buildings on Sector R-2, R-3, R-6, R12, R-14, R- 18, R-19, R-20, R-21 including School after 07.07.2004 . The remaining two building (Temple and building no. R12/13) are not completed.
19. In the course of construction, the Applicants have provided amenities and facilities such as a) Natural Drainage System and its measures; b) adequate layout recreational garden has been made in Sector R-12; c) Rain water harvesting has been implemented on site so that ground water aquifer is recharged d) Sewage Treatment Plant (STP) has been installed in sector R/12 and is functional, etc.
20. In the year 2016, for the first time certain objections and disputes to the construction already carried out were brought to be raised on the ground of not having an Environmental Clearance. The Applicants believe that said objections/disputes are of no merit and are unsustainable.
21. On 14th March 2017, the Government of India published a Notification titled as (“**the Regularization Notification**”).
22. The Applicants therefore have, as a matter of good order and independent of the interpretation of the aforesaid Notifications, now restricted the Project to the completed works till date and the two incomplete buildings in Sectors R-12.
23. As regards the remainder of the development, which is not started yet, each project would be regarded as a fresh project or projects and the Applicants will

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- seek fresh Environmental clearances under law as may be necessary.
24. The Applicants are under a bonafide belief that the Project has been constructed in accordance with relevant law. However, given the objections raised, as and by way of abundant caution and without prejudice to all their rights and contentions and with a view to put the controversy to rest, the Applicants are hereby submitting to this Hon'ble Authority the attached application for grant of Environment Clearance under MOEF notification dated 14th March 2017.
- a) Building constructed & completed & where plinth was completed prior 07.07.2004.
- b) Buildings completed and partly completed where plinth was completed after 07.07.2004.
25. As explained above, the remaining vacant sectors, where no work is commenced are not included now. The necessary environmental permissions for buildings in those sectors, will be sought, in future, before commencing construction thereto and as per the then rules in force, considering them as 'new project' since all the sectors are distinct & subdivided by roads etc.

Thanking You ,

Yours Faithfully

For Nahar Builders Limited


Authorised Signatory

Registered Office & Corporate Office :

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FORM – 1 & 1A

Residential & Commercial Development

At

Chandivali Farm Road, Chandivali, Andheri (E),
Mumbai - 400072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.
B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road,
Mahalaxmi, Mumbai-400026

FORM – 1

Residential & Commercial Development

At

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Mumbai - 400072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.
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Mahalaxmi, Mumbai-400026

APPENDIX - I
(See paragraph - 6)
FORM 1

(I) Basic Information

Sr.	Item	Details																		
1.	Name of the project/s	Residential & Commercial Development at Chandivali, Mumbai																		
2.	S. No. in the schedule	8 (b)																		
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	<p>• Plot area: Total Plot Area: 4, 85,232.67 Sq. mt.(for total layout) Deductions: 1, 62,039.97 Sq. mt. (for total layout) Net Plot Area : 3, 23,192.70 Sq. mt. (for total layout) Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq.mt.</p> <table border="1"> <thead> <tr> <th>Details</th> <th>Sectors</th> <th>Applicability of EIA Notification</th> <th>Total construction built-up area (Sq. mt.)</th> <th>Justification /Remarks</th> </tr> </thead> <tbody> <tr> <td>Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)</td> <td>Some of the buildings of Sector R2, R3, R4, R5, R6 & R14</td> <td>No</td> <td>67,191.49</td> <td> <ul style="list-style-type: none"> As these buildings have received plinth commencement certificates prior to 7th July,2004 those are not in purview of EIA Notification Approved Layout dated 06.05.1996 and amended approved layout dated 31.08.2006 and Copies of further Commencement Certificates (CCs) of above mentioned sectors are attached as an Enclosure 1. </td> </tr> <tr> <td>Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)</td> <td>Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21</td> <td>Yes</td> <td>5,18,523.31</td> <td> <ul style="list-style-type: none"> Received IOD & Commencement Certificate from Municipal Corporation of Greater Mumbai after EIA Notification. Received Occupation certificate Out of these 11 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed. </td> </tr> </tbody> </table>				Details	Sectors	Applicability of EIA Notification	Total construction built-up area (Sq. mt.)	Justification /Remarks	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	Some of the buildings of Sector R2, R3, R4, R5, R6 & R14	No	67,191.49	<ul style="list-style-type: none"> As these buildings have received plinth commencement certificates prior to 7th July,2004 those are not in purview of EIA Notification Approved Layout dated 06.05.1996 and amended approved layout dated 31.08.2006 and Copies of further Commencement Certificates (CCs) of above mentioned sectors are attached as an Enclosure 1. 	Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)	Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21	Yes	5,18,523.31	<ul style="list-style-type: none"> Received IOD & Commencement Certificate from Municipal Corporation of Greater Mumbai after EIA Notification. Received Occupation certificate Out of these 11 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed.
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		Future development	Some of the buildings in R-6 (pt), and Sectors R1, R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)	Yes	--	Plans for future development are not yet finalized. Hence not seeking EC by this application
4.	New/Expansion/Modernization	New application for EC for the buildings constructed on site which are in the purview of EIA Notification (Plinth completed after 7.7.2004)				
5.	Existing Capacity/ Area etc.	As mentioned above in Point no. 3				
6.	Category of project i.e. 'A' or 'B'	A				
7.	Does it attract the general condition? If yes, please specify.	Not Applicable				
8.	Does it attract the specific condition? If yes, please specify.	Not Applicable				
9.	Location	Chandivali				
	Plot/Survey/Khasra No.	CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52A(pt) and 26-C (these City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors wherein work is commenced/completed)				
	Village	Chandivali				
	Tehsil	Mumbai				
	District	Mumbai Suburban				
	State	Maharashtra				
10.	Nearest railway station Nearest airport	Ghatkopar Railway Station: Within 4.00 Km (Road Distance) Vikhroli Railway Station: Within 6.00 Km (Road Distance) Mumbai Chhatrapati Shivaji Terminals: Within 4.00 Km (Road Distance)				
11.	Nearest Town, city, District headquarters along with distance in kms.	Mumbai Metropolitan Region (MMR)				
12.	Village Panchayats, Zilla Parishad,	Municipal Corporation of Greater Mumbai (M.C.G.M.)				

Sr.	Item	Details						
	Municipal Corporation, Local body (complete postal address with telephone nos. to be given)							
13.	Name of the applicant	M/s. Nahar Builders Ltd.						
14.	Registered Address	B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi, Mumbai-400 026						
15.	Address for correspondence	B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi, Mumbai-400 026						
	Name	Mr. Mahesh Pradhan						
	Designation (Owner/Partner/CEO)	Director						
	Address	B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi, Mumbai-400 026						
	Pin Code	400 026						
	E - mail	est_legal_vp@nahargroup.co.in						
	Mobile number	9820768933						
	Telephone No.	+91 22 2352 2784 / 3390 / 3581						
	Fax No.	--						
16.	Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo-sheet	Not applicable						
17.	Interlinked Projects	Not applicable						
18.	Whether separate application of interlinked project has been submitted?	Not applicable						
19.	If yes, date of submission	Not applicable						
20.	If no, reason	Not applicable						
21.	Whether the proposal involves approval/clearance under: if yes, details of the same and their status to be given							
(a)	The Forest (Conservation) Act, 1980?	Not Applicable						
(b)	The Wildlife (Protection) Act, 1972?	NOC from Wild Life Board is Not Applicable as per final Notification reg. ESZ of SGNP published by MoEF & CC u/no. S.O.3645 (E) dated 05/12/2016 as our project site is not affected by the ESZ belt.						
(c)	The C.R.Z. Notification, 1991?	Not Applicable						
22.	Whether there is any Government Order/Policy relevant/ relating to the site?	Not Applicable						
23.	Forest land involved (hectares)	Not Applicable						
24.	Whether there is any litigation pending	Litigation details are as follows: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Party Name</th> <th style="width: 25%;">Name of the Court</th> <th style="width: 25%;">Case No.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Party Name	Name of the Court	Case No.			
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	against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No.	Nahar Builders Ltd.		
		Prakash Agarwal (Applicant) v/s Nahar Builder limited and others (respondents)	The Hon'ble National Green Tribunal (Western Zone Bench) at Pune	Application no. 104 of 2016 No stay order
		Prakash Agrawal (Applicant/Intervener) In the matter between Nahar Amrit Shakti R-2 Sector Residents Welfare Association & Ors. (Petitioners) V/s The State of Maharashtra & Ors. (Respondents)	High Court, O.O.C.J.	Chamber of Summons (L) No. 66 of 2017 In Notice of Motion No. 482 of 2016 In Public Interest Litigation No. 125 of 2014 In Public Interest Litigation No. 27 of 2017
	(c) Order /directions of the Court, if any and its relevance with the proposed project	<i>PIL No. 125 of 2014 disposed of by order dated 16th December 2014, directing Nahar Builders Ltd. to stabilize Hill and Develop RG within 2 years of. Application made for extension of time is pending.</i> --		

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	No	Project site is in residential zone, as per Master Plan of M.C.G.M. DP remark is attached as Enclosure 2
1.2	Clearance of existing land, vegetation and building?	No	--
1.3	Creation of new land uses?	No	--
1.4	Pre-construction investigation e.g. bore houses, soil testing?	Yes	Geotechnical Investigation has been carried out and report is attached herewith as Enclosure 3
1.5	Construction works?	Yes	Residential & Commercial development
1.6	Demolition works?	No	--
1.7	Temporary sites used for construction works or housing of construction workers?	No	--
1.8	Above ground building, structures or earthworks including linear structures, cut and fill or excavations	No	Excavation & basement work is already completed for all buildings Excavated material has been already disposed to the

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data									
			authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.									
1.9	Underground works including mining or Tunneling?	No	As this is a construction project it only involves construction of basements in some of the sectors									
1.10	Reclamation works?	No	--									
1.11	Dredging?	No	--									
1.12	Offshore structures?	No	--									
1.13	Production and manufacturing processes?	No	--									
1.14	Facilities for storage of goods or materials?	No	--									
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	From all sectors which are under purview of EIA Notification: <table border="1"> <thead> <tr> <th>Sectors</th> <th>Disposal of sewage</th> <th>Disposal of solid waste</th> </tr> </thead> <tbody> <tr> <td>R2, R3, R6, R14, R18, R19, R20, R21</td> <td>M.C.G.M. sewer line</td> <td>Segregated waste to M.C.G.M.</td> </tr> <tr> <td>R12</td> <td>Disposal of excess treated sewage to M.C.G.M. Sewer line</td> <td> <ul style="list-style-type: none"> • Segregation of waste • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Segregation of Non-biodegradable waste into recyclable & non-recyclable <ul style="list-style-type: none"> ○ Recyclable waste: To recyclers ○ Non-Recyclable waste: To M.C.G.M. </td> </tr> </tbody> </table>	Sectors	Disposal of sewage	Disposal of solid waste	R2, R3, R6, R14, R18, R19, R20, R21	M.C.G.M. sewer line	Segregated waste to M.C.G.M.	R12	Disposal of excess treated sewage to M.C.G.M. Sewer line	<ul style="list-style-type: none"> • Segregation of waste • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Segregation of Non-biodegradable waste into recyclable & non-recyclable <ul style="list-style-type: none"> ○ Recyclable waste: To recyclers ○ Non-Recyclable waste: To M.C.G.M.
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1.16	Facilities for long term housing of operational workers?	No	Cabins for Watchmen/gardener etc.									
1.17	New road, rail, or sea traffic during construction or operation?	No	--									
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	--									
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic Movements?	No	--									
1.20	New or diverted transmission lines or	No	--									

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
	pipelines?		
1.21	Impoundment, damming, culverting, realignment or other change to the hydrology of watercourses or aquifers?	No	--
1.22	Stream crossings?	No	--
1.23	Abstraction or transfers of water from ground or surface waters?	No	--
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	By considering the runoff prior to development and runoff after development there is some increment in runoff of storm water
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transport of construction materials Precautions taken to reduce the impact of the vehicular movement by trying to avoid the vehicular trips during peak hours
1.26	Long-term dismantling or decommissioning or restoration works?	No	--
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	--
1.28	Influx of people to an area in either temporarily or permanently?	Yes	The total occupancy of the entire project is approx. 18221
1.29	Introduction of alien species?	No	--
1.30	Loss of native species or genetic diversity?	No	--
1.31	Any other actions?	No	--

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

Sr. No.	Information/checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data									
2.1	Land especially undeveloped or agricultural land (ha)	No	Land is situated within limits of M.C.G.M. fully developed area with all basic infrastructure available									
2.2	Water (expected source & competing users) unit : KLD	Yes	<p>During Construction Phase – (For Building R12/13 and Temple only)</p> <p>For Workers : From M.C.G.M.: 5 KLD For Construction: From Treated sewage from STP of R12: 10 - 20 KLD (Depending upon the activity)</p> <p>During Operational Phase – From all sectors which are under purview of EIA Notification:</p> <table border="1"> <thead> <tr> <th>Sectors</th> <th>Total water requirement (KLD)</th> <th>Source</th> </tr> </thead> <tbody> <tr> <td>R2, R3, R6, R14, R18, R19, R20, R21</td> <td>738</td> <td>M.C.G.M./Bore well/ Water Tankers</td> </tr> <tr> <td>R12</td> <td>1610</td> <td>M.C.G.M./ Treated sewage from STP</td> </tr> </tbody> </table>	Sectors	Total water requirement (KLD)	Source	R2, R3, R6, R14, R18, R19, R20, R21	738	M.C.G.M./Bore well/ Water Tankers	R12	1610	M.C.G.M./ Treated sewage from STP
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R12	1610	M.C.G.M./ Treated sewage from STP										

Sr. No.	Information/checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.3	Minerals (MT)	No	--
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)	Yes	Sources: The material required for construction activities procured from company's authorized / approved vendors only. The vendor's performance will be monitored periodically. In case of urgency or non-availability of materials from authorized/approved vendors, procured from the open market.
2.5	Forests and timber (source – MT)	Yes	Timber required for doors sourced from local suppliers.
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	Source of Electricity: TATA Power & Reliance Infrastructure Details shall be submitted in EIA report
2.7	Any other natural resources (use appropriate standard units)	No	--

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

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

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	No	--
4.2	Municipal waste (domestic and or commercial wastes) :	Yes	During Operation phase: From all sectors which are under purview of EIA Notification: The total quantity of solid waste: 7073 Kg /day. (Biodegradable and Non-biodegradable)
4.3	Hazardous wastes (as per Hazardous waste Management Rules)	Yes	Storage of waste oil generated from D.G. at separate location duly marked and sold to the authorized recyclers
4.4	Other industrial process wastes	No	--
4.5	Surplus product	No	--
4.6	Sewage sludge or other sludge from effluent treatment.	Yes	Dried sludge from STP : Use as manure for plants within the premises
4.7	Construction or demolition wastes	No	Excavation & basement work is already completed for all buildings

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data				
			Excavated material has been already disposed to the authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.				
4.8	Redundant machinery or equipment	No	--				
4.9	Contaminated soils or other materials	No	--				
4.10	Agriculture wastes	No	--				
4.11	Other solid wastes	No	Office building is proposed in Sector R20 hence quantification of E-waste generation is done for this sector only. Details are as follows: <table border="1" data-bbox="867 688 1433 758"> <thead> <tr> <th>Sector</th> <th>Quantity (Kg /annum)</th> </tr> </thead> <tbody> <tr> <td>R 20</td> <td>364</td> </tr> </tbody> </table> Storage of E – Waste in separate space within project site and subsequently handed over to authorized recyclers. There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste. Handling and disposal as per Bio-Medical Waste Management Rules, 2016 of bio-medical generated waste	Sector	Quantity (Kg /annum)	R 20	364
Sector	Quantity (Kg /annum)						
R 20	364						

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	CPCB approved D.G. Sets used during power failure.
5.2	Emissions from production processes	No	--
5.3	Emissions from materials handling including storage or transport	Yes	Fugitive dust emission due to handling and loading-unloading activities is envisaged during construction. Frequent water sprinkling will be done to minimise the fugitive emissions.
5.4	Emissions from construction activities including plant and equipment	Yes / Marginal	The project may cause rise in dust levels during construction phase. Precautions would be taken to reduce dust generation by water sprinkling at regular intervals.
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	Yes	Proper ventilation around STP and solid waste management facilities for odour control
5.6	Emissions from incineration of waste	No	--
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	--
5.8	Emissions from any other sources	No	--

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers.	Yes but negligible	For control of noise following measures adopted: <ul style="list-style-type: none"> • Acoustic enclosure for DG sets • Acoustical enclosures for the blowers of the STP
6.2	From industrial or similar processes	No	--
6.3	From construction or demolition	Yes	Noise levels may increase due to operation of machinery as well as transportation vehicles. This may cause nuisance to the nearby area. Following precautions taken to control noise pollution: <ul style="list-style-type: none"> • High noise generating construction activities carried out only during day time • Installation, use and maintenance of mufflers on equipment • Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs • Provision of barricades along the periphery of the site • Plantation of trees • Acoustic enclosure for DG sets
6.4	From blasting or piling	No	--
6.5	From construction or operational traffic	Yes	During Construction phase: (For Building R12/13 and Temple) <ul style="list-style-type: none"> • Proper traffic management for the construction vehicles • Regular maintenance of vehicles with suitable enclosures and intake silencers • Planning and ensuring effective implementation of the waste movement plan for loading and offsite movement in non-traffic hours Operation Phase : <ul style="list-style-type: none"> • The vehicular parking restricted only in the adequate parking area provided, which helps in reducing noise pollution due to traffic congestion • Plantation of trees as per norms laid down by M.C.G.M. on site which will help to reduce the noise level and also enhance air quality
6.6	From lighting or cooling systems	No	--
6.7	From any other sources	No	--

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	No	--
7.2	From discharge of sewage or other effluents to water or	No	During Operation Phase: From all sectors which are under purview of EIA Notification:

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data								
	the land (expected mode and place of discharge)		<table border="1"> <thead> <tr> <th>Sectors</th> <th>Disposal of sewage</th> </tr> </thead> <tbody> <tr> <td>R2, R3, R6, R14, R18, R19, R20, R21</td> <td>To M.C.G.M. sewer line</td> </tr> <tr> <td>R12</td> <td> <ul style="list-style-type: none"> Reuse of treated sewage for flushing and gardening Disposal of excess treated sewage to M.C.G.M. Sewer line </td> </tr> <tr> <td></td> <td> <ul style="list-style-type: none"> </td> </tr> </tbody> </table>	Sectors	Disposal of sewage	R2, R3, R6, R14, R18, R19, R20, R21	To M.C.G.M. sewer line	R12	<ul style="list-style-type: none"> Reuse of treated sewage for flushing and gardening Disposal of excess treated sewage to M.C.G.M. Sewer line 		<ul style="list-style-type: none">
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	<ul style="list-style-type: none"> 										
7.3	By deposition of pollutants emitted to air into the land or into water	No	Dust may be generated during construction phase from earthworks and movement of vehicles. However appropriate fugitive dust control measures, including water sprinkling of exposed areas and dust covers for trucks, provided to minimize any impacts. Stack height of DG set shall be as per CPCB guidelines								
7.4	From any other sources	No	--								
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	--								

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc. from storage, handling, use or production of hazardous substances	No	--
8.2	From any other causes.	No	--
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, and cloudburst)?	--	Earthquake: The structure of the building is designed as per IS codes for zone III. Disaster Management Plan shall be submitted in EIA report

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) housing development extractive industries supply industries other 	No Yes	Supporting infrastructure is already in existence. The project is residential & commercial development

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.2	Lead to after-use of the site, which could have an impact on the environment	No	--
9.3	Set a precedent for later developments	Yes	Has created job opportunities in operation phase with support staff like security, maintenance, household workers, shop keepers etc. Also the commercial development of the area have improved the economic growth at local and regional level
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	Yes	Impacts on water availability, storm water drainage, availability of electricity, traffic congestion etc.

(III) Environmental Sensitivity

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) from Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, m, cultural or other related value	Sanjay Gandhi National Park Maharashtra Nature Park	Approx. 2.00 Km Approx. 7.00 Km
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	Arabian Sea Malad Creek Mahim Creek Thane Creek Mahul Sewri Creek Mithi River Poisar River	Approx. 8.00 Km Approx. 10.00 Km Approx. 10.00 Km Approx. 6.00 Km Approx. 11.00 Km Approx. 1.00 Km Approx. 12.00 Km
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	Sanjay Gandhi National Park Maharashtra Nature Park	Approx. 2.00 Km (As per final Notification reg. ESZ of SGNP published by MoEF & CC u/no. S.O.3645 (E) dated 05/12/2016 our project site is not affected by the ESZ belt.) Approx. 7.00 Km
4	Inland, coastal, marine or underground waters	Arabian Sea Malad Creek Mahim Creek Thane Creek Mahul Sewri Creek Chandivali Lake Powai Lake Vihar Lake Shivaji Talao Sion Talao Bandra Talao Tulsi Lake Raila Devi Talao Hariyali Lake Masunda Lake	Approx. 8.00 Km Approx. 10.00 Km Approx. 10.00 Km Approx. 6.00 Km Approx. 11.00 Km Abutting Approx. 0.25 Km Approx. 3.00 Km Approx. 5.00 Km Approx. 7.00 Km Approx. 8.00 Km Approx. 8.00 Km Approx. 10.00 Km Approx. 11.00 Km Approx. 11.00 Km

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) from Proposed project location boundary
		Kachrali Lake Makhamali Talao Siddheshwar Lake Brahmala Talao Jail Lake Digha Talao Ambe Ghosle Lake Upvan Lake Yoor Lake Charkop Village Lake Kharodi Lake Mogliche Talao Mithi River Poisar River	Approx. 11.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 13.00 Km Approx. 13.00 Km Approx. 13.00 Km Approx. 13.00 Km Approx. 13.00 Km Approx. 14.00 Km Approx. 1.00 Km Approx. 12.00 Km
5	State, National boundaries	None	--
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Western Express Highway Eastern Express Highway Eastern Freeway	Approx. 4.00 Km Approx. 3.00 Km Approx. 5.00 Km
7	Defence installations	No	--
8	Densely populated or built-up area	Mumbai Metropolitan City	--
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)	Mumbai Metropolitan City	--
10	Areas containing important, high quality or scarce resources (<i>Ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)	No	--
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)	No	--
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>Earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)	No	--

(IV) Proposed Terms of Reference for EIA studies:

Along with this Form 1 and 1 A we have applied for the project specific ToR from MoEF & CC.

Draft Terms of Reference (ToR) for conducting EIA Study are submitted separately and also attached as **Enclosure** in this Form 1. Please note that considering study area of 10 km radius from the project site we have already carried out the baseline data generation including ambient air quality, Noise level, soil, water quality etc. in the month of March 2017 to May 2017. This may please be accepted.

After receipt of project specific TOR from MoEF &CC, EIA Report shall be submitted which will be based on the project specific ToR as well as the model Terms of References (ToR) given in EIA Guidance Manual for building construction & Township/area development projects by MoEF & CC.

As mentioned in the Notification S.O. 804(E) dt. 14.03.2017, there will be separate chapter on Assessment of ecological damage, remediation plan, natural and community resource augmentation plan.

NAHAR BUILDER LIMITEDUNDERTAKING

I hereby give undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.

Date : 14.08.2017

Place : Mumbai

For Nahar Builders Limited




Mahesh Chintamani Pradhan
[Director/ Authorised Signatory]
[B-1, Mahalaxmi Chambers,
22, Bhulabhai Desai Road,
Mahalaxmi, Mumbai-400026]

Registered Office & Corporate Office :

B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mumbai - 400 026.

Tel : 2353 8425, 2352 2784. Fax : 2351 0470.

Site and Sales Office :

Nahar's Amrit Shakti, Powai, Turn From Killick Nixon, Off. Saki Vihar Road, Andheri (E), Mumbai - 400 072.

Tel : 2847 1153, 2847 0201, 2847 0203. Fax : 2847 0091.

E-mail : info@nahargroup.co.in Website : www.nahargroup.co.in



FORM – 1A

Residential & Commercial Development

At

Chandivali Farm Road, Chandivali, Andheri (E),
Mumbai - 400072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.

B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road,
Mahalaxmi, Mumbai-400026

APPENDIX II
(See paragraph 6)

FORM-1 A (only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS

[Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme]

1	LAND ENVIRONMENT [Attach panoramic view of the project site and the vicinity]
1.1	<p>Will the existing land use get significantly altered from the project that is not consistent with the surroundings? (Proposed land use must conform to the approved Master Plan / Development Plan of the area. Change of land use if any and the statutory approval from the competent authority to be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) The site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.</p> <p>Site Location:</p> <ul style="list-style-type: none"> ○ M/s. Nahar Builders Ltd. has a residential and commercial development project at CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra. (Comprising of 22 Sectors) ○ The land under reference falls in Mumbai Metropolitan Region (MMR) where Municipal Corporation of Greater Mumbai (M.C.G.M.) is Planning Authority <p>Land use pattern:</p> <p>Project site is in residential zone, as per Master Plan of M.C.G.M. DP remark is attached as Enclosure 2</p> <p>Site levels:</p> <p>The 11 Sectors for which present application is made is fairly flat land. The project site has undulating contours partly in Sector R1. Construction of buildings in flat portion of Sector R1 is not proposed at present and will be proposed in future.</p>

Site History:

Details	Sectors	Applicability of EIA Notification	Total construction built-up area (Sq. mt.)	Justification /Remarks
Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	Some of the buildings of Sector R2, R3, R4, R5, R6 & R14	No	67,191.49	<ul style="list-style-type: none"> As these buildings have received plinth commencement certificates prior to 7th July, 2004 those are not in purview of EIA Notification Approved Layout dated 06.05.1996 and amended approved layout dated 31.08.2006 and Copies of further Commencement Certificates (CCs) of above mentioned sectors are attached as an Enclosure 1.
Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)	Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21	Yes	5,18,523.31	<ul style="list-style-type: none"> Received IOD & Commencement Certificate from Municipal Corporation of Greater Mumbai after EIA Notification. Received Occupation certificate Out of these 11 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed.
Future development	Some of the buildings in R-6 (pt), and Sectors R1, R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)	Yes	--	<ul style="list-style-type: none"> Plans for future development are not yet finalized. Hence not seeking EC by this application

The following details are enclosed:

1.	Site Location Map	Enclosure 4
2.	Google image -Surrounding features of the proposed site (within 500 meters)	Enclosure 5
3.	Google image -Surrounding features of the proposed site (within 2 km)	Enclosure 6
4.	Layout Plan	Enclosure 7

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

A. Connectivity and community facilities

The site is located at Chandivali Farm Road, Chandivali, Mumbai. The sectors in site are interconnected via 13.40 mt. wide D.P. Roads and 18.30 mt. wide D. P. Roads which are further connected to 27.45 mt. wide D.P. Road which connects to 45.75 mt. wide Jogeshwari Vikhroli Link Road. Nearby railway station is Ghatkopar on Central Railway line of Mumbai and Andheri on Western Railway of Mumbai.

B. Building Details:

Table 1: Project Proposal

Sector	Building Configuration	Details	Status of construction on site
Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)			
R2	Building R-2/1: Stilt + 7 Floors	Flats: 79 nos.	Completed
	Building R-2/2: Stilt + 7 Floors	Flats: 78 nos.	Completed
	Building R-2/3: Stilt + 7 Floors	Flats: 79 nos.	Completed
	Building R-2/4: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/5: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
R3	Building R-3/1: 5 Wings Wing A,B,C,D & E: Stilt + 14 Floors	Flats: 216 nos.	Completed
R4	Building R-4/1: Plinth	Nil	Work at standstill up to plinth
R5	Building R-5/A1: Ground + 3 Floors	Flats: 40 nos.	Work at standstill at 3 floors
	Building R-5/A2: Ground + 3 Floors	Flats: 30 nos.	Work at standstill at 3 floors
R6	Building R-6/1: Ground	Shops: 12 nos.	Completed
	Building R-6/2: Ground	Shops: 12 nos.	Completed
	Building R-6/3: Ground	Shops: 12 nos.	Completed
	Building R-6/4: Ground	Shops: 12 nos.	Completed
R14	Building R-14/1: Ground + 1 Floor	Shops: 9 nos.	Completed
	Building R-14/2: Ground + 1 Floor	Shops: 9 nos.	Completed
Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)			
R2	Building R-2/6: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/7: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/8: Stilt + Podium + 14 Floors	Flats: 56 nos.	Completed
	Building R-2/9: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/10: Stilt + Podium + 14 Floors	Flats: 162 nos.	Completed
R3	Building R-3/F: Wing F: Stilt + 2 Podium + 14 Floors	Flats: 68 nos.	Completed
	School: 2 Basements + Ground + 8 Floors	Classrooms: 73 nos.	Completed
R6	Building R-6/5: Ground	Shops: 7 nos.	Completed
R12	Building R-12/1: Stilt + Podium + 22 Floors	Flats: 316 nos.	Completed
	Building R-12/2: Stilt + Podium + 21 Floors	Flats: 156 nos.	Completed
	Building R-12/3: Stilt + Podium + 22 Floors	Flats: 164 nos.	Completed
	Building R-12/4: Stilt + Podium + 22 Floors	Flats: 164 nos.	Completed

	Building R-12/5: Stilt + Podium + 21 Floors	Flats: 156 nos.	Completed
	Building R-12/6: Stilt + Podium + 22 Floors	Flats: 456 nos.	Completed
	Building R-12/7: Stilt + Podium + 20 Floors	Flats: 84 nos.	Completed
	Building R-12/8: Basement + Stilt + Podium + 18 Floors	Flats: 75 nos.	Completed
	Building R-12/9: Stilt + Podium + 20 Floors	Flats: 178 nos.	Completed
	Building R-12/10: Basement + Stilt + Podium + 20 Floors	Flats: 178 nos.	Completed
	Building R-12/11: Basement + Stilt + Podium + 14 Floors	Flats: 108 nos.	Completed
	Building R-12/13: Stilt + 2 podium + 20 floors	Flats: 116 nos.	Partly Completed
	Temple : Ground + 1 Floor	--	
R14	Building R-14/3: Part Basement + G + 3 Podium+ 4-17 Upper Floors	Flats: 93 nos. Shops: 6 nos.	Completed
R18	Residential: Basement + Podium + 18 Floors	Flats: 144 nos.	Completed
	Municipal Market & Dispensary: Ground + 2 Floors	Shops: 31 nos. Dispensary: 1 no.	Completed
R19	Demart: Basement + Ground + 4 Floors	--	Completed
R20	Offices: Ground + 10 Floors	Shops: 4 nos. Offices: 32 nos.	Completed
R21	Diagnostic Center: Basement + Ground + 5 Floors	--	Completed
Future Development			
(Plans for future development are not yet finalized. Hence not seeking EC by this application)			
Sector R1, R-6 (pt), R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)			

C. Area Statement:

- **Plot area:**

Total Plot Area: 4, 85,232.67 Sq. mt.(for total layout)

Deductions: 1, 62,039.97 Sq. mt. (for total layout)

Net Plot Area: 3, 23,192.70 Sq. mt. (for total layout)

Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq. mt.

- **Area details:**

Table 2: Area Statement

No.	Description	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	Seeking EC for Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)
1	Built – up Area as per FSI	48,970.40	2,70,586.51
2	Built – up Area as per NON FSI	18,221.09	2,47,937.00
3	Total Construction Built – up Area	67,191.49	5,18,523.31

D. Parking Statement:**Table 3: Parking Statement**

Parking Required as per DCR of Municipal Corporation of Greater Mumbai (M.C.G.M.) 4 Wheeler (Nos.)	Parking Spaces provision 4 Wheeler (Nos.)
3086	4306

E. Occupancy load of the project:**Table 4: Occupancy Load**

No.	Details	No. of Flats/ Shops/BUA (Sq. ft.)	Criteria for Occupancy	Occupancy (Nos.)	
1	Sector R2				
i	Residential	545 Flats	5 persons /flat	2725	
2	Sector R3				
i	Residential	68 Flats	5 persons /flat	340	
ii	School				
	Students	8352.79 Sq. mt.	25 students/100 Sq. mt.	2088	
	Staff	2088	10 % of students	209	
3	Sector R6				
i	Shops	7 Nos.	3 persons /shop	21	
4	Sector R12				
i	Residential	2151 Flats	5 persons /flat	10755	
5	Sector R14				
i	Residential	93 Flats	5 persons /flat	465	
ii	Shops	6 Nos.	3 persons /shop	18	
6	Sector R18				
i	Residential	144 Flats	5 persons /flat	720	
ii	Municipal Market	742.54 Sq. mt.	1 person/ 6 Sq. mt.	124	
iii	Dispensary	74.66 Sq. mt.	1 person/15 sq. mt.	5	
7	Sector R19				
i	Demart	Visitors	1522 Sq. mt.	1 persons/ 6 Sq. mt.	254
ii		Mall staff	1522 Sq. mt.	1 persons/ 50 Sq. mt.	30
8	Sector R20				
i	Shops	4 Nos.	3 persons /shop	12	
i	Offices	Staff	3372.06 Sq. mt.	1 person /10 Sq. mt.	337
ii		Visitors	337 Nos.	10 % of staff	34
9	Sector R21				
I	Diagnostic Centre	1267 Sq. mt.	1 persons/15 Sq. mt.	84	
Total				18221	

Reference: National Building Code (NBC) -2016 – Part 9, Page 11, Occupant Load

Which also approximately matches with the actual occupancy of the project site

F. Water requirement for the project:**1. During Construction Phase – (For Building R12/13 and Temple only)**

- For Workers : From M.C.G.M.: 5 KLD
- For Construction: From Treated sewage from STP of R12: 10 - 20 KLD (Depending upon the activity)

2. During Operational Phase:

Table 5: Water requirement (Domestic and flushing requirement)

No.	Component	Occupancy	Domestic & flushing Requirement (KLD)		
			Domestic	Flushing	Total
1	Sector R2	2725	245	123	368
2	Sector R3	2637	77	72	149
3	Sector R6	21	0.4	1	1
4	Sector R12	10755	968	484	1452
5	Sector R14	483	42	21	63
6	Sector R18	849	67	34	101
7	Sector R19	284	2	4	6
8	Sector R20	383	7	8	15
9	Sector R21	84	20	8	28
	Total	18221	1428	755	2183

Reference: Criteria for Water Requirement: National Building Code (NBC) -2016 – Part 9, Page 11, Water Requirement

Considerations for water requirement:

- For Residential: 90 LPCD for Domestic and 45 LPCD for Flushing
- For Students, Staff, Shops: 25 LPCD for Domestic and 20 LPCD for Flushing
- For Municipal market, Visitors : 5 LPCD for Domestic and 10 LPCD for Flushing
- For Dispensary & Diagnostic center: 230 LPCD for Domestic and 110 LPCD for Flushing

The amount of water demand is calculated based on the occupancy of the building and the per capita consumption as given in MOEF Manual on norms and standards for EC of large construction projects i.e. Total quantity of water used (LPCD) = Occupancy x Quantity (LPCD)

Then Total quantity of water used for Domestic and Flushing in KLD is calculated.

➤ Total water requirement for the project and source: Operation Phase

Table 6: Total water requirement for the project and source

From all sectors which are under purview of EIA Notification:

Sectors	Total water requirement (KLD)	Source
R2, R3, R6, R14, R18, R19, R20, R21	738	M.C.G.M./Bore well/ Tankers
R12	1610	M.C.G.M./ Treated sewage from STP

*Water requirement for gardening purpose is considered as 3 liters per square meter of gardening area on ground and 1 liter per square meter of gardening area on podium

Total quantity of water used (LPCD) = Gardening Area (Sq.mt.) x Quantity (Lit /Sq.mt.)

Then Total quantity of water for gardening in KLD is calculated.

G. Sewage Generation during Operation Phase**Table 7: Sewage Generation**

From all sectors which are under purview of EIA Notification:

Sectors	Quantity of Sewage (KLD)	Disposal of sewage
Construction Phase		
Building R12/13 & Temple Only	4	Disposal to existing municipal sewer line
Operation Phase		
R2, R3, R6, R14, R18, R19, R20, R21	637	M.C.G.M. sewer line
R12	1258	Disposal of excess treated sewage to M.C.G.M. Sewer line

Reference: Manual on norms and standards for EC of large construction projects MoEF

H. Solid Wastes Generation from the project:**1. During Construction Phase:****Table 8: Solid Wastes During Construction Phase**

No. of workers	Solid Waste Generation (Kg /day)		
	Biodegradable	Non-Biodegradable	Total
100	4	6	10

Considerations for solid waste generation:

- For workers: 40 % wet garbage and 60 % dry garbage out of total 0.1 Kg/person /day

The solid waste generation due to workers dwelling on the site will be segregated and will be handed over to authorized recyclers

Table 9: Solid Wastes During Operation Phase

From all sectors which are under purview of EIA Notification:

Sectors	Quantity of waste (kg/day)	Disposal of solid waste
R2, R3, R6, R14, R18, R19, R20, R21	Non- Biodegradable: 1340 Biodegradable:893 Total: 2233	Segregated waste to M.C.G.M.
R12	Non- Biodegradable: 2904 Biodegradable: 1936 Total: 4840	<ul style="list-style-type: none"> • Segregation of waste • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Segregation of Non-biodegradable waste into recyclable & non-recyclable <ul style="list-style-type: none"> ○ Recyclable waste: To recyclers ○ Non-Recyclable waste: To M.C.G.M.

Considerations for solid waste generation as per NBC 2016 Norms:

- For Residential: 40 % biodegradable garbage and 60 % non-biodegradable garbage out of total 0.450 Kg/person /day
- For Students, Staff, Visitors, Shops, Offices, Mall (staff & visitors), Diagnostic center: 40 % biodegradable garbage and 60 % non-biodegradable garbage out of total 0.100 Kg/person /day

	<p>➤ E- Waste: Office building is proposed in Sector R20 hence quantification of E-waste generation is done for this sector only. Details are as follows:</p> <table border="1" data-bbox="207 258 842 327"> <thead> <tr> <th>Sector</th> <th>Quantity (Kg /annum)</th> </tr> </thead> <tbody> <tr> <td>R 20</td> <td>364</td> </tr> </tbody> </table> <p>Storage of E – Waste in separate space within project site and subsequently handed over to authorized recyclers.</p> <p>➤ Bio – Medical Waste: There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste. Handling and disposal of waste as per Bio-Medical Waste Management Rules, 2016.</p> <p>I. Power requirement:</p> <p>Source of Electricity: TATA Power & Reliance Infrastructure Details shall be submitted in EIA report</p>	Sector	Quantity (Kg /annum)	R 20	364
Sector	Quantity (Kg /annum)				
R 20	364				
1.3	<p>What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing land use, disturbance to the local ecology).</p>				
	<p>The project is residential and commercial development. The carefully designed Layout allows for smooth movement of pedestrian and vehicular traffic within the complex and surrounding areas. Fresh air, wide open spaces, beautifully designed Landscape gardens to encourage healthy living. Also green features such as STP, Rain water harvesting; OWC etc. are practiced for Sector R12.</p>				
1.4	<p>Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc. may be given).</p>				
	<p>As per the Seismic Zoning Map of India, region falls under Zone- III. Stability Certificate, as per prevalent IS Code obtained for these buildings from registered Consulting Structural Engineer considering the seismic forces and wind forces etc.</p>				
1.5	<p>Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)</p>				
	<p>No</p>				
1.6	<p>What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc)</p>				
	<p>Excavation & basement work is already completed for all buildings</p> <p>Excavated material has been already disposed to the authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.</p>				
1.7	<p>Give details regarding water supply, waste handling etc during the construction period. During Construction Phase – (For Building R12/13 and Temple only)</p> <p>For Workers : From M.C.G.M.: 5 KLD For Construction: From Treated sewage from STP of R12: 10 - 20 KLD (Depending upon the activity) The sewage generated approximately 4 KLD will be disposed existing sewer line</p>				
1.8	<p>Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)</p>				
	<p>No.</p>				

1.9	<p>Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)</p>									
	<p>Solid Waste Generation during Construction Phase: Excavation & basement work is already completed for all buildings Excavated material has been already disposed to the authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site</p> <p>From Construction labour: Biodegradable garbage = 4 kg/day Non-biodegradable garbage = 6 kg/day Total = 10 kg/day</p> <p>Proper segregation of the wastes and disposal to M.C.G.M.</p>									
2	<p>WATER ENVIRONMENT</p>									
2.1	<p>Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement be met? State the sources & quantities and furnish a water balance statement.</p> <p>Water Requirement & Source: <u>During Operational Phase</u></p> <p style="text-align: center;">Table 9: Total Water Requirement</p> <p>From all sectors which are under purview of EIA Notification:</p> <table border="1" data-bbox="207 1066 1502 1228"> <thead> <tr> <th data-bbox="214 1066 727 1129">Sectors</th> <th data-bbox="732 1066 1068 1129">Total water requirement (KLD)</th> <th data-bbox="1073 1066 1495 1129">Source</th> </tr> </thead> <tbody> <tr> <td data-bbox="214 1136 727 1165">R2, R3, R6, R14, R18, R19, R20, R21</td> <td data-bbox="732 1136 1068 1165">738</td> <td data-bbox="1073 1136 1495 1165">M.C.G.M./Bore well/ Tankers</td> </tr> <tr> <td data-bbox="214 1171 727 1201">R12</td> <td data-bbox="732 1171 1068 1201">1610</td> <td data-bbox="1073 1171 1495 1228">M.C.G.M./ Treated sewage from STP</td> </tr> </tbody> </table>	Sectors	Total water requirement (KLD)	Source	R2, R3, R6, R14, R18, R19, R20, R21	738	M.C.G.M./Bore well/ Tankers	R12	1610	M.C.G.M./ Treated sewage from STP
Sectors	Total water requirement (KLD)	Source								
R2, R3, R6, R14, R18, R19, R20, R21	738	M.C.G.M./Bore well/ Tankers								
R12	1610	M.C.G.M./ Treated sewage from STP								

2.2	What is the capacity (dependable flow or yield) of the proposed source of Water?			
	From all sectors which are under purview of EIA Notification:			
	Sectors	Total water requirement (KLD)	Source	
	R2, R3, R6, R14, R18, R19, R20, R21	738	M.C.G.M./Bore well/ Water Tankers	
	R12	1610	M.C.G.M./ Treated sewage from STP	
2.3	What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)			
	Domestic Water Supply from Municipal Corporation of Greater Mumbai (M.C.G.M.)			
2.4	How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)			
	From all sectors which are under purview of EIA Notification			
	Sectors	Total water requirement (KLD)	Source	
	R2, R3, R6, R14, R18, R19, R20, R21	738	M.C.G.M./Bore well/ Tanker	
	R12	1610	M.C.G.M./ Treated sewage from STP	
			<ul style="list-style-type: none"> • Reuse of treated sewage for flushing and gardening • Disposal of excess treated sewage to M.C.G.M. Sewer line 	
2.5	Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)			
	From all sectors which are under purview of EIA Notification			
	Sectors	Source		
	R2, R3, R6, R14, R18, R19, R20, R21	M.C.G.M./Bore well/ Water Tankers		
	R12	M.C.G.M./ Treated sewage from STP		
2.6	What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)			
	From all sectors which are under purview of EIA Notification:			
	Sectors	Quantity of Sewage (KLD)	Disposal of sewage	
	R2, R3, R6, R14, R18, R19, R20, R21	637	M.C.G.M. sewer line	
	R12	1258	Disposal of excess treated sewage to M.C.G.M. Sewer line	
UNTREATED AND TREATED SEWAGE QUALITY:				
Table 10: Untreated & Treated Sewage Quality- Sector R12				
No.	Details	Values		Units
		Untreated	Treated	
1.	pH	7.0 – 8.0	6.7	--
2.	Total Suspended solids	200 – 450	22	mg/lit
3.	Chemical Oxygen Demand	400 – 600	55	mg/lit
4.	BOD, 3 day, 27 °C	250 – 400	11	mg/lit
5.	Oil & Grease	50	BDL[DL=10]	mg/lit

2.7	Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
	Provision of Rain water harvesting system
2.8	What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
	Computation of the external catchment area contributing the project site and subsequently estimation of the contributing runoff & capacities of external drain study report shall be submitted in EIA report
	Precaution to avoid water logging on site:
	<ul style="list-style-type: none"> • Minimizing the incremental runoff from the site with the help of rain water harvesting system • Proper management of channelization of storm water from site by using proper SWD system and discharge points of adequate capacity • Use of screens and silt traps to SWD • Proper maintenance of storm water drainage to avoid choking of drains and flooding on site
2.9	What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
	Provision of RWH system
2.10	What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts).
	The following measures shall be taken which helps in conserving water and in turn for reducing runoff from the site during construction phase: <ul style="list-style-type: none"> • Use of wet jute cloth covering the walls and soaking the same with minimum quantity of water to avoid dripping. • Curing water sprayed on concrete structures, free flow of water will not be allowed for curing
2.11	How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels).
	Storm water drain is designed considering peak runoff after development and in accordance to the governing authority regulations
2.12	Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
	<ul style="list-style-type: none"> • Disposal of sewage to sewer line • Disposal of segregated waste to M.C.G.M. • First aid and medical facilities • Proper housekeeping • Regular pest control • Site sanitation
2.13	What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal).
	Design Basis of Treatment plant & safe disposal of sewage along with Untreated & Treated Sewage Quality details shall be submitted in EIA Report.
2.14	Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.
	Recycling of treated sewage for flushing requirement (Sector R12) and gardening. Color coding for dual plumbing system for Sector R12 as per standard practices.

3	VEGETATION
3.1	Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with its unique features, if any) No. Details shall be submitted in EIA report
3.2	Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project). Detailed account of the trees & vegetation affected by the project shall be submitted
3.3	What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale) Tree plantation as per norms laid down by M.C.G.M.
4	FAUNA
4.1	Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details. No
4.2	Any direct or indirect impacts on the avifauna of the area? Provide details. No
4.3	Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna. Not applicable.
5	AIR ENVIRONMENT
5.1	Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions) One season baseline data for ambient air parameters namely RSPM, Oxides of Sulphur, Oxides of Nitrogen and CO at project site and within study area alongwith Air Quality Modelling study report shall be detailed out in EIA report. Considering study area of 10 km radius from the project site we have already carried out the baseline data generation including ambient air quality, Noise level, soil, water quality etc. in the month of March 2017 to May 2017.
5.2	What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters. Sources of Air pollution During Operational phase : <ul style="list-style-type: none"> • The gaseous emissions from vehicles • Emissions from DG sets Mitigation Measures: <ul style="list-style-type: none"> • Adequate parking provision and proper traffic management for smooth traffic flow • Stack height of DG sets as per norms of Central Pollution Control Board (CPCB) to allow effective dispersion of pollutants • Proper maintenance of DG sets shall be done • Plantation of trees of various varieties which will act as noise and dust buffers <p>Generally for EIA studies of construction projects we use secondary data from nearest base station of Indian Metrological Department (IMD), Regional Metrological Centre, Mumbai (Being nearest base station). The parameters for which data have been collected are Wind speed, Wind direction, Temperature, Relative humidity and same shall be reported in EIA.</p>

5.3	Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.
	The project proponents have planned well organized parking arrangement & traffic management plan. Present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site shall be submitted.
5.4	Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.
	Traffic movement plan shall be submitted in EIA report
5.5	Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.
	Sources of Noise pollution During Operational phase : <ul style="list-style-type: none"> • Impact of noise due to vehicular traffic • Noise generated due to DG sets Mitigation Measures: <ul style="list-style-type: none"> • Provision of proper parking arrangement, traffic management plan for smooth flow of a vehicle helps to abate noise pollution due to vehicular traffic • Plantation of trees of various varieties on ground that shall act as natural noise buffer • Maintain acoustic enclosure for DG sets • Provision of vegetative noise buffer
5.6	What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.
	D.G. Set operated only in case of power failures during operational phase. The Pollutants like RSPM, SO ₂ that may arise from emissions from D.G. Sets will be discharged through vent of proper height. D.G. sets are with inbuilt acoustic enclosures to reduce the noise of D.G. sets while in operation. Plantation of trees would act as noise barrier and will reduce the noise level.
6	AESTHETICS
6.1	Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?
	No.
6.2	Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?
	All precautions will be taken to mitigate the impact due to water, air and noise pollution if any during construction and operation phase. Environmental Management plan is prepared and shall be implemented along with Environmental Monitoring Programme.
6.3	Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.
	No
6.4	Are there any anthropological or archaeological sites or artifacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.
	No
7	SOCIO-ECONOMIC ASPECTS:
7.1	Will the proposal result in any changes to the demographic structure of local population? Provide the details.
	The total occupancy of the entire project is 18221 approx. people

7.2	Give details of the existing social infrastructure around the proposed project.						
	It is a well-developed Mega City of India, having all modern amenities. Civil structures, School, Colleges, Hospitals, Recreation facilities, Markets, etc. are available in the area to a reasonable degree.						
7.3	Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?						
	No						
8	BUILDING MATERIALS						
8.1	May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)						
	Cement containing fly ash shall be used. Construction materials from nearest source shall be chose to minimize fuel consumption for transportation.						
8.2	Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?						
	<ul style="list-style-type: none"> • The construction material shall be carried in properly covered vehicles • All the contractors / Vendors shall be instructed to use vehicles having PUC certificates • Loading and unloading of material at site shall be done under supervision of Security staff • Construction material shall be stored at identified site/ temporary godowns at site 						
8.3	Are recycled materials used in roads and structures? State the extent of savings achieved?						
	Cement containing fly ash shall be used. Construction materials from nearest source shall be chose to minimize fuel consumption for transportation.						
8.4	Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.						
	From all sectors which are under purview of EIA Notification:						
	<table border="1"> <thead> <tr> <th>Sectors</th> <th>Disposal of solid waste</th> </tr> </thead> <tbody> <tr> <td>R2, R3, R6, R14, R18, R19, R20, R21</td> <td>Segregated waste to M.C.G.M.</td> </tr> <tr> <td>R12</td> <td> <ul style="list-style-type: none"> • Segregation of waste. • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Segregation of Non-biodegradable waste into recyclable & non-recyclable <ul style="list-style-type: none"> ○ Recyclable waste: To recyclers ○ Non-Recyclable waste: To M.C.G.M. </td> </tr> </tbody> </table>	Sectors	Disposal of solid waste	R2, R3, R6, R14, R18, R19, R20, R21	Segregated waste to M.C.G.M.	R12	<ul style="list-style-type: none"> • Segregation of waste. • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Segregation of Non-biodegradable waste into recyclable & non-recyclable <ul style="list-style-type: none"> ○ Recyclable waste: To recyclers ○ Non-Recyclable waste: To M.C.G.M.
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R12	<ul style="list-style-type: none"> • Segregation of waste. • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Segregation of Non-biodegradable waste into recyclable & non-recyclable <ul style="list-style-type: none"> ○ Recyclable waste: To recyclers ○ Non-Recyclable waste: To M.C.G.M. 						
	E- Waste:						
	Office building is proposed in Sector R20 hence quantification of E-waste generation is done for this sector only. Details are as follows:						
	<table border="1"> <thead> <tr> <th>Sector</th> <th>Quantity (Kg /annum)</th> </tr> </thead> <tbody> <tr> <td>R 20</td> <td>364</td> </tr> </tbody> </table>	Sector	Quantity (Kg /annum)	R 20	364		
Sector	Quantity (Kg /annum)						
R 20	364						
	Storage of E – Waste in separate space within project site and subsequently handed over to authorized recyclers.						
	Bio – Medical Waste:						
	There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste. Handling and disposal as per Bio-Medical Waste Management Rules, 2016 of bio-medical generated waste						

9	ENERGY CONSERVATION
9.1	Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption? Details shall be submitted in EIA report
9.2	What type of, and capacity of, power back-up to you plan to provide? Provision of D.G. Set for emergency back up during power failure.
9.3	What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation? Glass shall be used only for windows. Details shall be submitted in EIA report
9.4	What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project. <ul style="list-style-type: none"> • Maximize the use of natural lighting though design • Insulation of roof to avoid direct heat gain due to sunlight
9.5	Does the layout of streets & buildings maximize the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details. Details shall be submitted.
9.6	Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected? Insulation of the roofs of these buildings to minimize the heat gain and in turn saving the electricity.
9.7	Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications. These are not centrally air conditioned buildings, hence not applicable.
9.8	What are the likely effects of the building activity in altering the micro-climates? Provide a self-assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects? The proposed project will not have space conditioners or glass wall. Alteration of microclimate is not notable in this case. Systematic design of buildings in order to assure light ventilation, open spaces , green areas , tree plantation as per requirement are considered which will help to reduce the effect of creation of heat island.
9.9	What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components. It is proposed to insulate the roofs of these buildings to minimize the heat gain and intern save the electricity. Details shall be submitted in EIA report
9.10	What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans. Firefighting system has been designed as per No Objection Certificate from Chief Fire Officer.
9.11	If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics. Glass shall be used only for windows. Details shall be submitted in EIA report
9.12	What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration. These are not centrally air conditioned buildings, hence not applicable.

9.13	To what extent the non-conventional energy technologies are utilized in the overall energy consumption? Provide details of the renewable energy technologies used.
	Details shall be submitted.
10	Environment Management Plan
	<p>ENVIRONMENTAL MANAGEMENT PLAN</p> <p>Adequate environmental management measures will be incorporated during the entire planning and operating stages of the project to minimize any adverse environmental impact and assure sustainable development of the area. Project specific EMP shall include the following elements for operation phase</p> <ul style="list-style-type: none"> • Air Pollution Control and Management • Noise Control and Management • Water Conservation • Sewage Treatment and Operation and Maintenance • Storm water management • Solid, Hazardous and E Waste Management • Energy Conservation and use of Non-conventional energy • Traffic Management • Plantation, Landscaping and Land Management • Management of Social Issues Occupational, Safety and Health issues • Environmental Monitoring • Emergency Response Plans for emergency scenarios • Environmental Management System <p>For the effective and consistent functioning, an Environmental Management System (EMS) will be established at the site. The following components will be part of the EMS:</p> <ul style="list-style-type: none"> • Environmental Policy • Objectives & Targets • Structure and Responsibility • Emergency Planning • Environmental Monitoring Program • Operation and Maintenance of Environmental Management Facilities like STP, Rain Water Harvesting, Solar Systems, Landscape development, Solid Waste Management system • Non-conformance & Corrective and Preventive Action • Short term and long term budgetary provisions for the EMP <p>Detailed environment management plan including design specific, location specific, & operation phase attributes shall be submitted in EIA report.</p>

LIST OF ENCLOSURE

No.	Enclosures
1.	Approved Layout dated 06.05.1996 and amended approved layout dated 31.08.2006 and Copies of further Commencement Certificate (CC)
2.	DP Remarks
3.	Geotechnical Investigation Report
4.	Site Location Map
5.	Google image -Surrounding features of the proposed site (within 500 meters)
6.	Google image -Surrounding features of the proposed site (within 2 km)
7.	Layout Plan
8.	Draft Terms of Reference (ToR) for conducting EIA Study



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**GEOTECHNICAL INVESTIGATION REPORT
PROPOSED DEVELOPMENT (SECTOR R-2)
AT SECTOR-R2, VILLAGE CHANDIVALI, MUMBAI**

**Submitted to,
NAHAR BUILDERS LTD.**

**By,
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GEOTECHNICAL INVESTIGATION REPORT
PROPOSED DEVELOPMENT (SECTOR R-2)
AT SECTOR-R2, VILLAGE CHANDIVALI, MUMBAI
FOR NAHAR BUILDERS LTD.

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GEOTECHNICAL INVESTIGATION REPORT
PROPOSED DEVELOPMENT (SECTOR R-2)
AT SECTOR-R2, VILLAGE CHANDIVALI, MUMBAI
FOR NAHAR BUILDERS LTD.

1.0 INTRODUCTION

Nahar Builders Ltd. plans a residential development in Sector R-2, Chandivali, Mumbai. The proposed building will consist of Podium + up to 22 upper floors. The work of geotechnical investigation was awarded to Geotek Consortium. The field work and laboratory tests for the geotechnical investigation were completed by Geotek in April 2000. This report prepared by Geotek Consortium presents results of the geotechnical investigation along with foundation recommendations for the proposed buildings.

2.0 EXPLORATION PROGRAM

2.1 Exploration Scope

Seven Boreholes (BH-1 to BH-7) were completed for the project as illustrated on the Borehole Location Plan in the Annexure.



2.2 Subsurface Conditions

Subsurface profile at this site generally consists of fill overlying residual soils underlain by Basalt bedrock. Encountered soil/rock layers are described below;

LAYER I: FILL

Fill soils, consisting mostly of clay and boulders, were encountered at the ground surface in the boreholes. Thickness of this layer varied between 1.0m to 3.0m.

LAYER II: RESIDUAL SOILS

Residual soils, consisting mostly of yellowish clay, were encountered below the fill layer in the boreholes. Based on SPT tests, consistencies of the cohesive soils ranged between stiff and very stiff. The lower boundary of this layer was encountered at depths between 3.0m and 7.5m.



LAYER III: BASALT BEDROCK

Basalt bedrock is encountered below depths of 3.0m to 7.5m. The bedrock is highly weathered to sound. Core Recoveries in the bedrock layer varied between nil and 94 percent, and Rock Quality Designations (RQDs) varied between nil and 90 percent. Compressive strength of rock core samples ranged between 129 kg/cm² to 283 kg/cm². The boreholes were terminated in this layer between depths of 8.0m and 15.0m below ground surface.

2.3 Ground water Levels

Groundwater accumulation in boreholes was monitored during and after completion of drilling activities. Groundwater was encountered in the boreholes between depths of 5.8m and 6.0m. Seasonal and annual fluctuations in ground water levels can be expected.



3.0 FOUNDATION RECOMMENDATIONS

Weathered basalt bedrock is encountered at depths of 3.0m to 5.0m below ground surface. Spread foundations for proposed building installed on weathered rock can be designed for a maximum net allowable bearing capacity of up to 50 t/m². For higher bearing capacities, foundations can be extended to hard rock encountered at depths of 5.0m to 7.5m. Spread foundations installed on hard rock can be designed for a maximum net allowable bearing capacity of up to 80 t/m². Depths to weathered rock and hard rock are shown in table A below.

**TABLE A
DEPTHS TO BEDROCK**

BOREHOLE NUMBERS	DEPTHS TO WEATHERED ROCK	DEPTHS TO HARD ROCK
BH-01	5.0m	7.5m
BH-02	3.0m	6.0m
BH-03	5.0m	7.5m
BH-04	3.5m	5.0m
BH-05	5.0m	7.5m
BH-06	3.0m	7.5m
BH-07	5.0m	7.5m

Maximum settlement of foundations will be less than 12mm. Modulus of subgrade reactions of 4100 t/m³ and 6600 t/m³ can be utilized for design of foundations on weathered rock and hard rock, respectively.



3.1 Foundation Protection

Groundwater samples were collected for chemical analysis from the site. Results of Chemical analysis are enclosed in the Annexure. Based on chemical results, the site falls under Class I for sulphates and chlorides (As per IS456-2000 and as per CIRIA Special Publication No. 31). A 'moderate' exposure condition was assigned to this site. Hence, following precautions shall be taken to protect concrete and reinforcement in foundations;

Type of Cement:	OPC or PPC
Minimum Grade of Reinforced Concrete:	M25
Minimum Cement Content for spread footings:	300 kg/m ³
Maximum Water Cement Ratio:	0.50
Minimum Cover to Reinforcement:	50mm



4.0 FIELD EXPLORATION PROCEDURES

The sub-surface investigation was completed generally as per IS: 1892-1979. The field investigation was carried out using a rotary machine. Casing was used to support sides of borehole until sufficiently stiff strata was encountered. Standard Penetration Tests (i.e. SPT) were carried out in soil in accordance with IS 2131-1981. Using this procedure, a 2" outside diameter split-barrel sampler is driven into the soil by 63.5 kg. weight falling through 75 cm height. After an initial set of 15cm, the number of blows required to drive the sampler an additional 30 cm, is known as the "penetration resistance" or "N value".

When SPT refusal was obtained in hard strata, rock coring was done using diamond bit and double tube core barrel to obtain rock samples. Percent Rock Core Recovery and Rock Quality Designation (%RQD) were determined. $\% RQD = 100 \times \text{Sum of length of rock pieces in cms, each having lengths greater than 10cms} / \text{Total length of core run.}$

Sincerely,

GEOTEK CONSORTIUM.

Shreya Bhat
B.E., M.S. (Geotechnical)



REFERENCES

- 1) Foundation Analysis and Design, J.E. Bowles, McGraw Hill Publication, 5th Edition, 1996.
- 2) IS 12070: Shallow foundations on rock
- 3) Soil Mechanics in Engineering Practice, 2nd Edition, Terzaghi K. and Peck R. B., John Wiley and Sons, 1967.
- 4) Foundation Design Manual, N. V. Nayak, 5th Edition, 1996.
- 5) IS:6403-1981, Code of Practice for Design and Construction of Shallow Foundations on Soils.

**SAMPLE CALCULATION OF ALLOWABLE BEARING CAPACITY
FOR FOUNDATIONS INSTALLED ON WEATHERED BEDROCK**

_____	GL +0.0m
Layer I, Fill	
_____	-1.0m to -3.0m
Layer II, Residual soils	
_____	-3.0m to -5.0m
Layer III, Weathered Basalt Bedrock	
_____	-5.0m to -7.5m
Layer IV, Hard Basalt Rock	

(Assuming weathered rock to be a very dense granular soil.)

Net Ultimate Bearing Capacity = $q_u = cN_c + q(N_q - 1) + 0.5 B \gamma N_\gamma s_\gamma$ (Refn. 5, Table 4-1)

Where,

q = Overburden Pressure (i.e. submerged unit weight x depth of foundation)

c = Cohesion

B = Minimum Width of foundation = 1m

γ' = submerged unit weight of soil = 0.80

N_c, N_q, N_γ = Terzaghi's Bearing capacity factors

S_c, s_q, s_γ = Shape factors = Conservatively assumed as 1, 1, and 0.6

D = Minimum Depth of Footing = 3.0m

Minimum SPT N value obtained in boreholes = 50

Corresponding friction angle = 42° (Reference No. 5)

Corresponding $N_c=75, N_q=64, N_\gamma=109$ (Reference 5, IS:6403-1981);

Substituting these values in the above equation;

$$q_{\text{ultimate}} = q_u = [0 \times 75 \times 1] + [3.0 \times 0.8 \times (64 - 1) \times 1] + [0.5 \times 1 \times 0.8 \times 109 \times 0.6] = 0 + 151 + 26 = 177 \text{ t/m}^2$$

$$q_{\text{safe}} = q_u / \text{F.S.} = 177 / 3 = 59 \text{ t/m}^2$$

Restricted to 50 t/m^2

CALCULATION OF SETTLEMENTS OF FOUNDATIONS (3M X 3M) EXERTING PRESSURE OF 50 T/M²:

From Reference No. 1:

$$\text{Settlement} = S = q_0 B' \frac{1 - \mu^2}{E_s} m I_s I_f$$

Where,

q_0 = Footing Pressure = 50 t/m²

B' = B/2 (Where B is the width of pressure distribution)

μ = Poisson's ratio = 0.3

E = Modulus of Elasticity

I_s = Influence Factor (Obtained from Table 5-2, Reference No. 1)

I_f = Depth Factor (Obtained from Figure 5-7, Reference No. 1)

m = 4 for center of footing

Very conservatively assuming weathered bedrock within the full influence zone of footings:

E value for over-consolidated sand = 105(N)+4000 (Reference No. 1)

Therefore, for a SPT N value of 50, $E=9250$ t/m²

$L' = 3/2 = 1.50$, $B' = 3/2 = 1.5$, $H=6$ m, and $D=8.0$ m

Therefore, $M=L/B=1$; and $N=H/B'=4$ and $D/B=2.67$

Corresponding, $I_s = 0.43$, Conservative $I_f = 1.0$ (From Table 5-2, Reference 1)

$$\text{Settlement of Layer} = S_1 = 50 \times 1.5 \times \frac{1 - 0.3^2}{9250} \times 4 \times 0.43 \times 1.0 \approx 0.012 \text{m} \approx 12 \text{mm}$$



**SAMPLE CALCULATION OF ALLOWABLE BEARING CAPACITY
FOR FOUNDATIONS INSTALLED ON HARD BEDROCK**

	GL +0.0m
Layer I, Fill	
	-1.0m to -3.0m
Layer II, Residual soils	
	-3.0m to -5.0m
Layer III, Weathered Basalt Bedrock	
	-5.0m to -7.5m
Layer IV, Hard Basalt Rock	

Allowable bearing capacity = $(N_j) \times Q_u$ (Ref. 2, Clause 6.2, pg. 7)

Where,

N_j = Joint condition factor = 0.1 to 0.4 (Ref. 2, Table 4, clause 6.2, pg. 9)
Assumed as 0.1 for hard slightly weathered rock

Q_u = Rock Compressive strength = minimum of 1290 t/m^2 (Annexure, Laboratory Test Result)

Therefore, Allowable Bearing Capacity = $(0.1) \times 1290 = 129 \text{ t/m}^2$

Restricted to 80 t/m^2 to limit settlement as shown below



CALCULATION OF SETTLEMENTS OF FOUNDATIONS (3M X 3M) EXERTING PRESSURE OF 80 T/M²:

From Reference No. 1:

$$\text{Settlement} = S = q_0 B' \frac{1 - \mu^2}{E_s} m I_s I_f$$

Where,

q_0 = Footing Pressure = 80 t/m²

B' = B/2 (Where B is the width of pressure distribution)

μ = Poisson's ratio = 0.3

E = Modulus of Elasticity

I_s = Influence Factor (Obtained from Table 5-2, Reference No. 1)

I_f = Depth Factor (Obtained from Figure 5-7, Reference No. 1)

m = 4 for center of footing

E value for Basalt bedrock = 17,00,000 t/m² (Reference No. 1)

Using 1/100th of this value for moderately weathered rock E=17000 t/m²

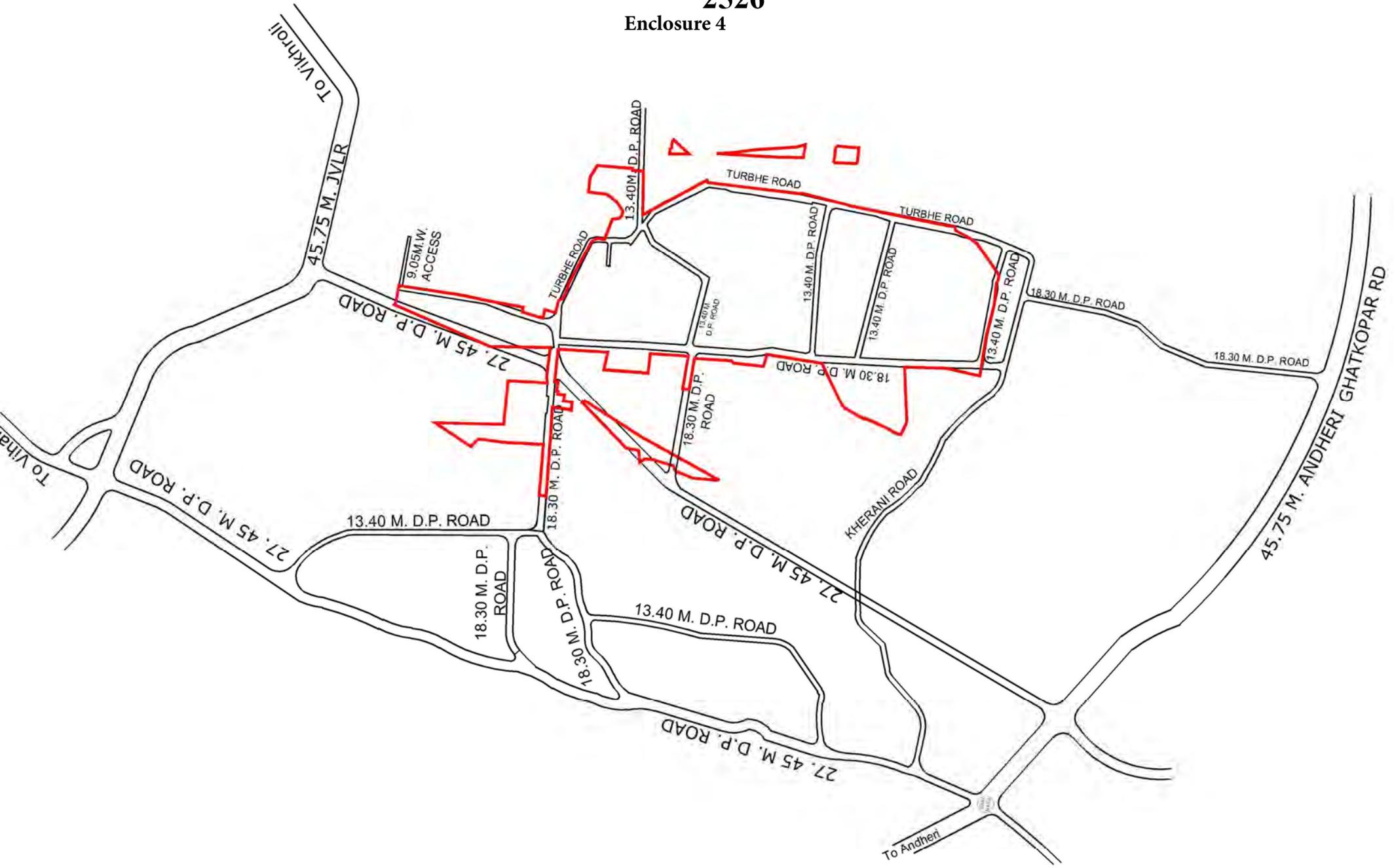
$L' = 3/2 = 1.50$, $B' = 3/2 = 1.5$, $H=6\text{m}$, and $D=8.0\text{m}$

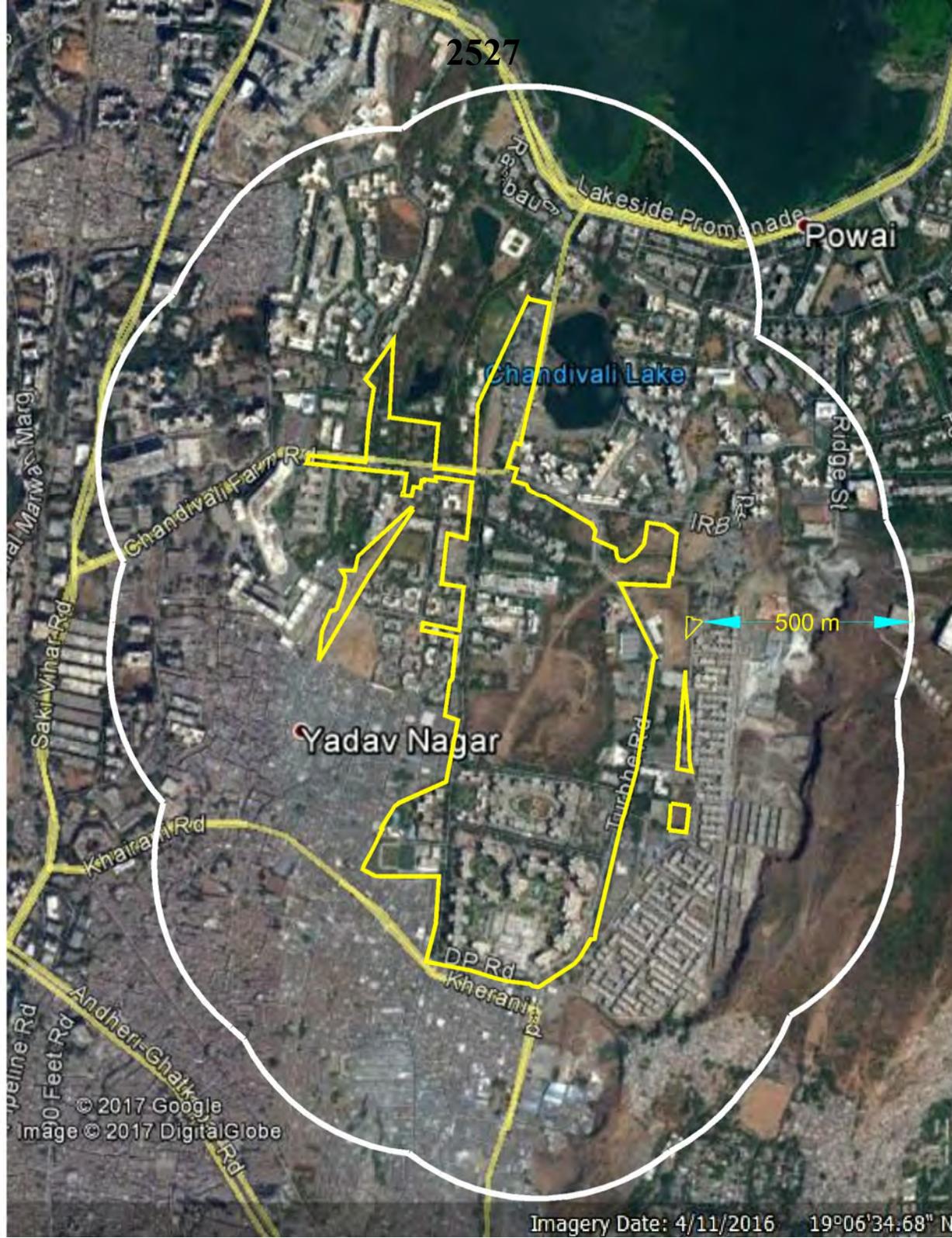
Therefore, $M=L/B=1$; and $N=H/B'=4$ and $D/B=2.67$

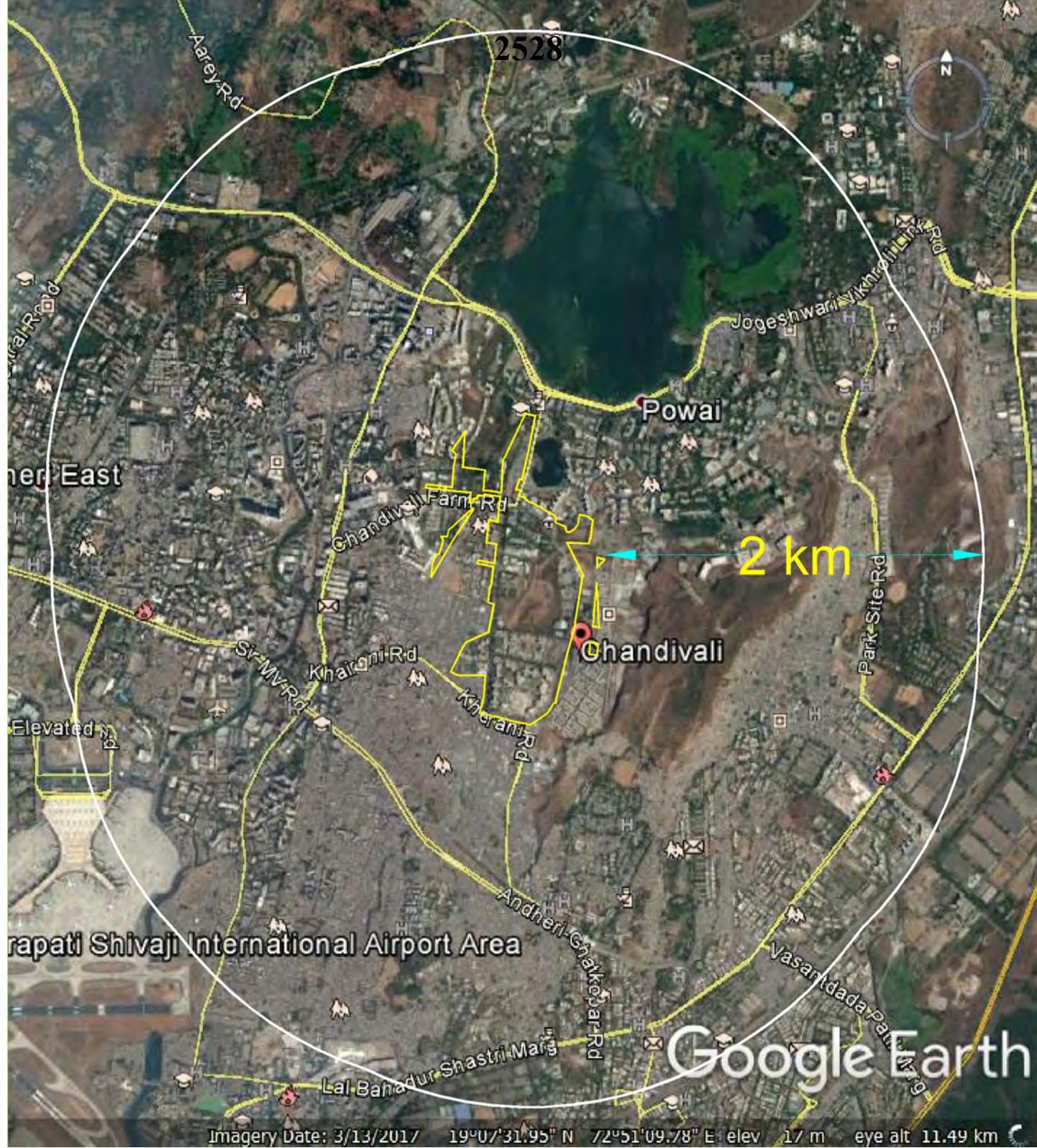
Corresponding, $I_s = 0.43$, Conservative $I_f = 1.0$ (From Table 5-2, Reference 1)

$$\text{Settlement of Layer} = S_1 = 80 \times 1.5 \times \frac{1 - 0.3^2}{17000} \times 4 \times 0.43 \times 1.0 = 0.011\text{m} = 11\text{mm}$$

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Enclosure 4







Enclosure 7



- EXISTING BUILDING PRIOR TO EIA NOTIFICATION 2004
- EXISTING BUILDING AFTER EIA NOTIFICATION
- PROPOSED BUILDINGS
- ROAD
- P.G.
- DP R.G.
- LAYOUT R.G. (AT PODIUM)
- LAYOUT R.G. (AT GROUND)
- FUTURE DEVELOPMENT
- RESERVATIONS
- PLOT BOUNDRY FOR SECTORS



LAYOUT PLAN SHOWING IOD CC NUMBERS, SECTORS, ROADS, R.G. RESERVATIONS.

Draft Terms of References (ToR)

(Based on the standard ToR notified by MoEF & CC on dt. 10.04.2015 and as per the guidelines given in Environmental Impact Assessment Guidance Manual for building construction & Township/area development projects by MoEF & CC)

For

RESIDENTIAL & COMMERCIAL DEVELOPMENT

AT

At Chandivali Farm Road, Chandivali, Andheri (E),
Mumbai – 400 072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.

Submitted to

**MINISTRY OF ENVIRONMENT AND FORESTS & CLIMATE
CHANGE, DELHI**

Prepared by

M/s. ULTRA-TECH

(An ISO 9001-2015 Company, Accredited by NABET, Lab: Gazetted by MoEF & CC, GoI)

224, Jai Commercial Complex, Eastern Express Highway,

Opp. Cadbury Factory, Thane (W) – 400 601

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1.0 INTRODUCTION & PROJECT DESCRIPTION:

M/s. Nahar Builders Ltd. has a residential and commercial development project at CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra. (Comprising of 22 Sectors)

Out of these 22 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed. Therefore, the "Project" is presently defined of 11 sectors only. Remaining 11 sectors, where building construction work is not commenced, will be treated as separate project, as they are distinctly discernable and separated by roads etc. The EC will be applied in future, as and when construction is intended in those sectors.

The land under reference falls in Mumbai Metropolitan Region (MMR) where Municipal Corporation of Greater Mumbai (M.C.G.M.) (fully developed area with all basic infra available) is Planning Authority. Project site is in residential zone, as per master plan of M.C.G.M.

As per the Environment Impact Assessment (EIA) Notification dated 14th September 2006 as amended, the proposed project falls under '**Category A**' with activity number '**8 (b)**', which require preparation of EIA Report. Most of the buildings are developed prior to EIA Notification, 1994 as amended in 2004; few buildings are developed after EIA Notification, 1994, 2006 as amended. **Breakup of the project details are given in project description Section.** As the completed construction on site is exceeding 20000 Sq. mt. **project attracts provisions of the Notification S.O. 804(E) dt. 14.03.2017**

The EIA Report shall address the environmental impacts of the project and proposes the mitigation measures for the same. The EIA Report shall be prepared based on standard ToR notified by MoEF & CC on dt. 10.04.2015 and as per the guidelines given in Environmental Impact Assessment Guidance Manual for building construction & Township/area development projects by Ministry of Environment, Forests and Climate Change (MoEF & CC). As mentioned in the Notification S.O. 804 (E) dt. 14.03.2017, there will be separate chapter on Assessment of ecological damage, remediation plan, natural and community resource augmentation plan.

2.0 PROJECT DETAILS:

2.1 Area statement is given as follows:

- **Plot area:**

Total Plot Area: 4, 85,232.67 Sq. mt. (for total layout)

Deductions: 1, 62,039.97 Sq. mt. (for total layout)

Net Plot Area: 3, 23,192.70 Sq. mt. (for total layout)

Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq.mt.

- Area details:

No.	Description	Area (Sq. mt.)	
		Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	Seeking EC for Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)
1	Built – up Area as per FSI	48,970.40	2,70,586.51
2	Built – up Area as per NON FSI	18,221.09	2,47,937.00
3	Total Construction Built – up Area	67,191.49	5,18,523.31

2.2 Project Proposal: The project proposal alongwith status of construction on site is given as follows:

Sector	Building Configuration	Details	Status of construction on site
Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)			
R2	Building R-2/1: Stilt + 7 Floors	Flats: 79 nos.	Completed
	Building R-2/2: Stilt + 7 Floors	Flats: 78 nos.	Completed
	Building R-2/3: Stilt + 7 Floors	Flats: 79 nos.	Completed
	Building R-2/4: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/5: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
R3	Building R-3/1: 5 Wings Wing A,B,C,D & E: Stilt + 14 Floors	Flats: 216 nos.	Completed
R4	Building R-4/1: Plinth	Nil	Work at standstill up to plinth
R5	Building R-5/A1: Ground + 3 Floors	Flats: 40 nos.	Work at standstill at 3 floors
	Building R-5/A2: Ground + 3 Floors	Flats: 30 nos.	Work at standstill at 3 floors
R6	Building R-6/1: Ground	Shops: 12 nos.	Completed
	Building R-6/2: Ground	Shops: 12 nos.	Completed
	Building R-6/3: Ground	Shops: 12 nos.	Completed
	Building R-6/4: Ground	Shops: 12 nos.	Completed
R14	Building R-14/1: Ground + 1 Floor	Shops: 9 nos.	Completed
	Building R-14/2: Ground + 1 Floor	Shops: 9 nos.	Completed
Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)			
R2	Building R-2/6: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/7: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/8: Stilt + Podium + 14 Floors	Flats: 56 nos.	Completed
	Building R-2/9: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/10: Stilt + Podium + 14 Floors	Flats: 162 nos.	Completed
R3	Building R-3/F: Wing F: Stilt + 2 Podium + 14 Floors	Flats: 68 nos.	Completed
	School: 2 Basements + Ground + 8 Floors	Classrooms: 73 nos.	Completed
R6	Building R-6/5: Ground	Shops: 7 nos.	Completed
R12	Building R-12/1: Stilt + Podium + 22 Floors	Flats: 316 nos.	Completed
	Building R-12/2: Stilt + Podium + 21 Floors	Flats: 156 nos.	Completed
	Building R-12/3: Stilt + Podium + 22 Floors	Flats: 164 nos.	Completed

	Building R-12/4: Stilt + Podium + 22 Floors	Flats: 164 nos.	Completed
	Building R-12/5: Stilt + Podium + 21 Floors	Flats: 156 nos.	Completed
	Building R-12/6: Stilt + Podium + 22 Floors	Flats: 456 nos.	Completed
	Building R-12/7: Stilt + Podium + 20 Floors	Flats: 84 nos.	Completed
	Building R-12/8: Basement + Stilt + Podium + 18 Floors	Flats: 75 nos.	Completed
	Building R-12/9: Stilt + Podium + 20 Floors	Flats: 178 nos.	Completed
	Building R-12/10: Basement + Stilt + Podium + 20 Floors	Flats: 178 nos.	Completed
	Building R-12/11: Basement + Stilt + Podium + 14 Floors	Flats: 108 nos.	Completed
	Building R-12/13: Stilt + 2 podium + 20 floors	Flats: 116 nos.	Partly Completed
	Temple : Ground + 1 Floor	--	
R14	Building R-14/3: Part Basement + G + 3 Podium+ 4-17 Upper Floors	Flats: 93 nos. Shops: 6 nos.	Completed
R18	Residential: Basement + Podium + 18 Floors	Flats: 144 nos.	Completed
	Municipal Market & Dispensary: Ground + 2 Floors	Shops: 31 nos. Dispensary: 1 no.	Completed
R19	Demart: Basement + Ground + 4 Floors	--	Completed
R20	Offices: Ground + 10 Floors	Shops: 4 nos. Offices: 32 nos.	Completed
R21	Diagnostic Center: Basement + Ground + 5 Floors	--	Completed
Future Development			
(Plans for future development are not yet finalized. Hence not seeking EC by this application)			
Sector R1, R-6 (pt), R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)			

3.0 STUDY AREA:

The report shall include detailed characterization of existing status of environment in an area of 10 Km radius around the project site.

As per the Standard Terms of Reference (ToR) notified on dt. 10/04/2015 for building construction & Township/area development projects by MoEF & CC study area considered for this report is 10 km radius around the project site.

Map of the study area clearly delineating the location of various monitoring stations (air/ water/ soil and noise) superimposed with location of habitats shall be shown. Primary data is collected for one season except rainy season.

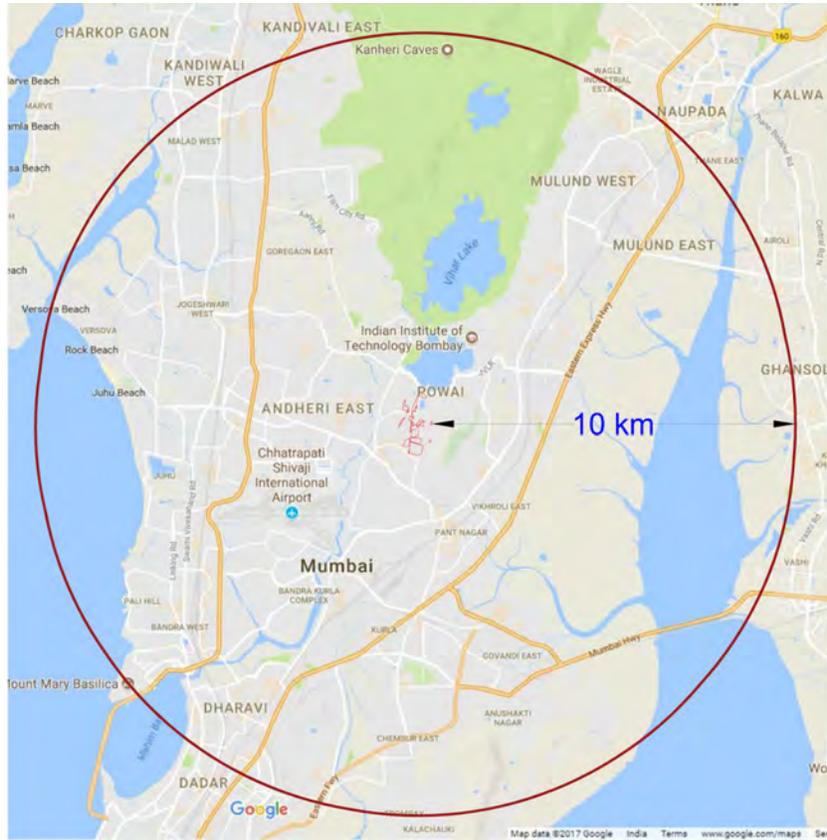


Fig. 1: Study area of Proposed Project 10 Km radius around the plot boundary

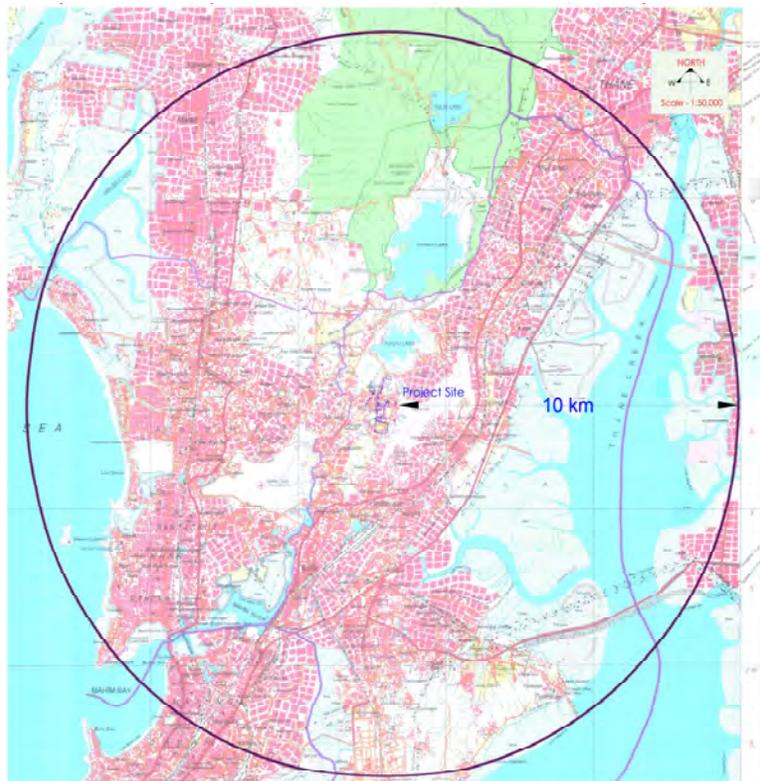


Fig. 2: Toposheet map of 10 Km radius around the plot boundary

Classification of the study area and generation of the baseline data is as per Guidance Manual for Building, Construction projects approved by MoEF & CC for preparation of EIA report and as per the Standard Terms of Reference (ToR) notified on dt. 10/04/2015 for building construction & Township/area development projects by MoEF & CC

Proposed Terms of References (TOR) for conducting EIA Study are as follows:

Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks												
A	Site Analysis and Project Details													
1.	Examine details of land use as per Master Plan and land use around 10 km radius of the project site. Analysis should be made based on latest satellite imagery for land use with raw images. Check on flood plain of any river.	Landuse map & details submitted in the EIA report 1. Land is situated within limits of M.C.G.M. fully developed area with all basic infra available 2. There is no river in the vicinity. Rather land is located at approximately 18 m. AMSL & hence no history of flooding or likelihood of flooding or sea water rise effects												
2.	Submit details of:													
2.1	Environmentally sensitive places	Already Identified and shall be submitted in the EIA report												
2.2	Land acquisition status, rehabilitation of communities villages	Land acquisition already done.												
2.3	Present status of such activities													
3.	Examine baseline environmental quality along with projected incremental load due to the project	Baseline environmental quality is examined during March 2017 to May 2017. All details shall be submitted in the EIA report.												
4.	Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio economic and health	Shall be submitted in the EIA report.												
5.	Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given	<table border="1"> <thead> <tr> <th data-bbox="878 1436 1125 1493">Party Name</th> <th data-bbox="1125 1436 1263 1493">Name of the Court</th> <th data-bbox="1263 1436 1419 1493">Case No.</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="878 1493 1419 1524">Nahar Builders Ltd.</td> </tr> <tr> <td data-bbox="878 1524 1125 1787">Prakash Agarwal (Applicant) v/s Nahar Builder limited and others (respondents)</td> <td data-bbox="1125 1524 1263 1787">The Hon'ble National Green Tribunal (Western Zone Bench) at Pune</td> <td data-bbox="1263 1524 1419 1787">Application no. 104 of 2016 No stay order</td> </tr> <tr> <td data-bbox="878 1787 1125 1896">Prakash Agrawal (Applicant/Intervener) In the matter between</td> <td data-bbox="1125 1787 1263 1896">High Court, O.O.C.J.</td> <td data-bbox="1263 1787 1419 1896">Chamber of Summons (L) No. 66 of 2017</td> </tr> </tbody> </table>	Party Name	Name of the Court	Case No.	Nahar Builders Ltd.			Prakash Agarwal (Applicant) v/s Nahar Builder limited and others (respondents)	The Hon'ble National Green Tribunal (Western Zone Bench) at Pune	Application no. 104 of 2016 No stay order	Prakash Agrawal (Applicant/Intervener) In the matter between	High Court, O.O.C.J.	Chamber of Summons (L) No. 66 of 2017
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Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks															
		<table border="1" data-bbox="878 302 1419 646"> <tr> <td data-bbox="878 302 1127 436">Nahar Amrit Shakti R-2 Sector Residents Welfare Association & Ors. (Petitioners)</td> <td data-bbox="1127 302 1263 436"></td> <td data-bbox="1263 302 1419 436">In Notice of Motion No. 482 of 2016</td> </tr> <tr> <td data-bbox="878 436 1127 499">V/s</td> <td data-bbox="1127 436 1263 499"></td> <td data-bbox="1263 436 1419 499">In</td> </tr> <tr> <td data-bbox="878 499 1127 562">The State of Maharashtra & Ors. (Respondents)</td> <td data-bbox="1127 499 1263 562"></td> <td data-bbox="1263 499 1419 562">Public Interest Litigation No. 125 of 2014</td> </tr> <tr> <td data-bbox="878 562 1127 625"></td> <td data-bbox="1127 562 1263 625"></td> <td data-bbox="1263 562 1419 625">In</td> </tr> <tr> <td data-bbox="878 625 1127 646"></td> <td data-bbox="1127 625 1263 646"></td> <td data-bbox="1263 625 1419 646">Public Interest Litigation No. 27 of 2017</td> </tr> </table> <p data-bbox="878 653 1419 806"><i>PIL No. 125 of 2014 disposed of by order dated 16th December 2014, directing Nahar Builders Ltd. to stabilize Hill and Develop RG within 2 years of. Application made for extension of time is pending.</i></p>	Nahar Amrit Shakti R-2 Sector Residents Welfare Association & Ors. (Petitioners)		In Notice of Motion No. 482 of 2016	V/s		In	The State of Maharashtra & Ors. (Respondents)		Public Interest Litigation No. 125 of 2014			In			Public Interest Litigation No. 27 of 2017
Nahar Amrit Shakti R-2 Sector Residents Welfare Association & Ors. (Petitioners)		In Notice of Motion No. 482 of 2016															
V/s		In															
The State of Maharashtra & Ors. (Respondents)		Public Interest Litigation No. 125 of 2014															
		In															
		Public Interest Litigation No. 27 of 2017															
B	Land																
6.	Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area. Any obstruction of the same by the project	Shall be submitted in the EIA report.															
7.	Submit the present land use and permission required for any conversion such as forest, agriculture etc.	Project site is in residential zone, as per master plan of M.C.G.M.															
C	Water																
8.	Ground water classification as per the Central Ground Water Authority	Shall be submitted in the EIA report.															
9.	Examine the details of Source of water, water requirement, use of treated waste water and prepare a water balance chart	Shall be submitted in the EIA report.															
10.	Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details	Shall be submitted in the EIA report.															
11.	Examine soil characteristics and depth of ground water table for rainwater harvesting	Details shall be submitted in the EIA Report															
D	Solid Waste Management																
12.	Examine details of solid waste generation treatment and its disposal	Shall be submitted in the EIA report.															
E	Flora and Fauna																
13.	Submit the details of the trees to be felled for the project	Shall be submitted in the EIA report															
F	Energy																
14.	Examine and submit details of use of solar energy and	Shall be submitted in the EIA report															

Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks
	alternative source of energy to reduce the fossil energy consumption. Energy conservation and energy efficiency	
15.	DG sets are likely to be used during construction and operational phase of the project. Emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details	Shall be submitted in the EIA report
G	Traffic and Transportation	
16.	Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analyzed with measures for preventing traffic congestion and providing faster trouble free system to reach different destinations in the city	Shall be studied and submitted in the EIA report
17.	A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic	
18.	Examine the details of transport of materials for construction which should include source and availability	
H	Disaster Management Plan	
19.	Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster	Shall be studied and submitted in the EIA report
I	Environmental Management and Monitoring Plan	
20.	Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters	Shall be examined and submitted in the EIA report
21.	Submit Roles and responsibility of the developer etc for compliance of environmental regulations under the provisions of EP Act.	Shall be submitted in the EIA report
22.	The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out	Shall be examined and submitted in the EIA report
J.	Separate chapter on : Assessment of Ecological Damage, Remediation Plan and Natural and Community Resource Augmentation Plan (NCRAP)	

Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks
23.	Assessment of ecological damage, remediation plan, natural and community resource augmentation plan	<p>These studies shall be incorporated as a separate chapter as per the Notification S.O. 804(E) dt. 14.03.2017</p> <p>In this first damage caused due to the project shall be identified and assessed. Then Damage Control Plan shall be elaborated.</p> <p>After deciding the damage control plan the cost towards its Remediation or Natural and Community Resource Augmentation shall be studied and reported .</p>

4.0 METHODOLOGY

Classification of the study area and generation of the baseline data is as per Guidance Manual for Building, Construction projects approved by MoEF & CC for preparation of EIA report and as per the Standard Terms of Reference (ToR) notified on dt. 10/04/2015 for building construction & Township/area development projects by MoEF & CC

Generation of Baseline Data:

Baseline information with respect to air quality, noise level and soil quality in the study area is collected by conducting primary sampling / field studies during March 2017 to May 2017 (Pre-monsoon season). Baseline status of Land, Biological and Socio-economic environment shall be studied by an accredited expert.

Please Note: Considering study area of 10 km radius from the project site we have already carried out the baseline data generation including ambient air quality, Noise level, soil, water quality, etc. in the month of March 2017 to May 2017. This may please be accepted.

5.0 ANTICIPATED ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES:

The anticipated negative and positive impacts on the land, water, air, ecological and socioeconomic environment during the construction and operation phase shall be predicted. Impact identification for this project shall be done by using modified Delphi Technique. Mitigation measures shall be suggested to reduce adverse impacts due to the development.

Best environmental practices for conservation of natural resources, environmental management plan, environmental monitoring programme including budgeting for the expenditure proposed, corpus funding for long term maintenance of environmental management facilities in future shall be suggested.

6.0 ENVIRONMENTAL MONITORING PROGRAM:

Environmental Monitoring Program shall include:

- Frequency, location, parameters of monitoring
- Summary matrix of environmental monitoring, during construction and operation stage
- Requirement of monitoring facilities
- Compilation and analysis of data and reporting system

7.0 ADDITIONAL STUDIES:

Additional studies which are carried out are as follows and same shall be incorporated in EIA report

- Disaster Management Plan
- Natural Resource Conservation
- Air Emission and Dispersion Modeling
- Traffic study
- Computation of the external catchment area contributing the project site and subsequently estimation of the contributing runoff & capacities of external drain
- Ecological Damage, Remediation Plan And Natural And Community Resource Augmentation Plan

8.0 PROJECT BENEFITS:

Details about the improvements in physical infrastructure, social infrastructure, employment potential and other benefits that are accrued shall be incorporated. Employment potential of this project during construction and operation phases shall be evaluated.

9.0 ENVIRONMENTAL MANAGEMENT PLAN:

Adequate environmental management measures will be incorporated during the entire planning, construction and operating stages of the project to minimize any adverse environmental impact and assure sustainable development of the area. Project specific EMP with location and design specific details shall include the following elements for construction phase and operation phase

- Air Pollution Control and Management
- Noise Control and Management
- Water Conservation
- Sewage Treatment and Operation and Maintenance
- Storm water management
- Solid, Hazardous and E Waste Management
- Energy Conservation and use of Non conventional energy
- Traffic Management
- Plantation, Landscaping and Land Management
- Management of Social Issues Occupational, Safety and Health issues
- Environmental Monitoring
- Emergency Response Plans for emergency scenarios
- Environmental Management System

For the effective and consistent functioning, an Environmental Management System (EMS) will be established at the site. The following components will be part of the EMS:

- Environmental Policy
- Objectives & Targets
- Structure and Responsibility
- Emergency Planning
- Environmental Monitoring Program
- Operation and Maintenance of Environmental Management Facilities like STP, rain water Harvesting, solar systems, landscape development, solid waste management system
- Non-conformance & Corrective and Preventive Action
- Short term and long term budgetary provisions for the EMP

10.0 DISCLOSURE OF CONSULTANT ENGAGED:

The consultants engaged and nature of consultancy rendered shall be listed in EIA.

Enclosures:

1. Location Plan
2. Google Image
3. Layout Plan

Draft Terms of References (ToR)

(Based on the standard ToR notified by MoEF & CC on dt. 10.04.2015 and as per the guidelines given in Environmental Impact Assessment Guidance Manual for building construction & Township/area development projects by MoEF & CC)

For

RESIDENTIAL & COMMERCIAL DEVELOPMENT

AT

At Chandivali Farm Road, Chandivali, Andheri (E),
Mumbai – 400 072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.

Submitted to

**MINISTRY OF ENVIRONMENT AND FORESTS & CLIMATE
CHANGE, DELHI**

Prepared by

M/s. ULTRA-TECH

(An ISO 9001-2015 Company, Accredited by NABET, Lab: Gazetted by MoEF & CC, GoI)

224, Jai Commercial Complex, Eastern Express Highway,

Opp. Cadbury Factory, Thane (W) – 400 601

Email: deepa@ultratech.in, shekhartamhane@ultratech.in

Website: www.ultratech.in

Phone: (022) 25342776 / 25380198

Fax: (022) 25429650

1.0 INTRODUCTION & PROJECT DESCRIPTION:

M/s. Nahar Builders Ltd. has a residential and commercial development project at CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra. (Comprising of 22 Sectors)

Out of these 22 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed. Therefore, the "Project" is presently defined of 11 sectors only. Remaining 11 sectors, where building construction work is not commenced, will be treated as separate project, as they are distinctly discernable and separated by roads etc. The EC will be applied in future, as and when construction is intended in those sectors.

The land under reference falls in Mumbai Metropolitan Region (MMR) where Municipal Corporation of Greater Mumbai (M.C.G.M.) (fully developed area with all basic infra available) is Planning Authority. Project site is in residential zone, as per master plan of M.C.G.M.

As per the Environment Impact Assessment (EIA) Notification dated 14th September 2006 as amended, the proposed project falls under '**Category A**' with activity number '**8 (b)**', which require preparation of EIA Report. Most of the buildings are developed prior to EIA Notification, 1994 as amended in 2004; few buildings are developed after EIA Notification, 1994, 2006 as amended. **Breakup of the project details are given in project description Section.** As the completed construction on site is exceeding 20000 Sq. mt. **project attracts provisions of the Notification S.O. 804(E) dt. 14.03.2017**

The EIA Report shall address the environmental impacts of the project and proposes the mitigation measures for the same. The EIA Report shall be prepared based on standard ToR notified by MoEF & CC on dt. 10.04.2015 and as per the guidelines given in Environmental Impact Assessment Guidance Manual for building construction & Township/area development projects by Ministry of Environment, Forests and Climate Change (MoEF & CC). As mentioned in the Notification S.O. 804 (E) dt. 14.03.2017, there will be separate chapter on Assessment of ecological damage, remediation plan, natural and community resource augmentation plan.

2.0 PROJECT DETAILS:

2.1 Area statement is given as follows:

- **Plot area:**

Total Plot Area: 4, 85,232.67 Sq. mt. (for total layout)

Deductions: 1, 62,039.97 Sq. mt. (for total layout)

Net Plot Area: 3, 23,192.70 Sq. mt. (for total layout)

Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq.mt.

- Area details:

No.	Description	Area (Sq. mt.)	
		Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	Seeking EC for Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)
1	Built – up Area as per FSI	48,970.40	2,70,586.51
2	Built – up Area as per NON FSI	18,221.09	2,47,937.00
3	Total Construction Built – up Area	67,191.49	5,18,523.31

2.2 Project Proposal: The project proposal alongwith status of construction on site is given as follows:

Sector	Building Configuration	Details	Status of construction on site
Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)			
R2	Building R-2/1: Stilt + 7 Floors	Flats: 79 nos.	Completed
	Building R-2/2: Stilt + 7 Floors	Flats: 78 nos.	Completed
	Building R-2/3: Stilt + 7 Floors	Flats: 79 nos.	Completed
	Building R-2/4: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/5: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
R3	Building R-3/1: 5 Wings Wing A,B,C,D & E: Stilt + 14 Floors	Flats: 216 nos.	Completed
R4	Building R-4/1: Plinth	Nil	Work at standstill up to plinth
R5	Building R-5/A1: Ground + 3 Floors	Flats: 40 nos.	Work at standstill at 3 floors
	Building R-5/A2: Ground + 3 Floors	Flats: 30 nos.	Work at standstill at 3 floors
R6	Building R-6/1: Ground	Shops: 12 nos.	Completed
	Building R-6/2: Ground	Shops: 12 nos.	Completed
	Building R-6/3: Ground	Shops: 12 nos.	Completed
	Building R-6/4: Ground	Shops: 12 nos.	Completed
R14	Building R-14/1: Ground + 1 Floor	Shops: 9 nos.	Completed
	Building R-14/2: Ground + 1 Floor	Shops: 9 nos.	Completed
Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)			
R2	Building R-2/6: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/7: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/8: Stilt + Podium + 14 Floors	Flats: 56 nos.	Completed
	Building R-2/9: Stilt + Podium + 14 Floors	Flats: 109 nos.	Completed
	Building R-2/10: Stilt + Podium + 14 Floors	Flats: 162 nos.	Completed
R3	Building R-3/F: Wing F: Stilt + 2 Podium + 14 Floors	Flats: 68 nos.	Completed
	School: 2 Basements + Ground + 8 Floors	Classrooms: 73 nos.	Completed
R6	Building R-6/5: Ground	Shops: 7 nos.	Completed
R12	Building R-12/1: Stilt + Podium + 22 Floors	Flats: 316 nos.	Completed
	Building R-12/2: Stilt + Podium + 21 Floors	Flats: 156 nos.	Completed
	Building R-12/3: Stilt + Podium + 22 Floors	Flats: 164 nos.	Completed

	Building R-12/4: Stilt + Podium + 22 Floors	Flats: 164 nos.	Completed
	Building R-12/5: Stilt + Podium + 21 Floors	Flats: 156 nos.	Completed
	Building R-12/6: Stilt + Podium + 22 Floors	Flats: 456 nos.	Completed
	Building R-12/7: Stilt + Podium + 20 Floors	Flats: 84 nos.	Completed
	Building R-12/8: Basement + Stilt + Podium + 18 Floors	Flats: 75 nos.	Completed
	Building R-12/9: Stilt + Podium + 20 Floors	Flats: 178 nos.	Completed
	Building R-12/10: Basement + Stilt + Podium + 20 Floors	Flats: 178 nos.	Completed
	Building R-12/11: Basement + Stilt + Podium + 14 Floors	Flats: 108 nos.	Completed
	Building R-12/13: Stilt + 2 podium + 20 floors	Flats: 116 nos.	Partly Completed
	Temple : Ground + 1 Floor	--	
R14	Building R-14/3: Part Basement + G + 3 Podium+ 4-17 Upper Floors	Flats: 93 nos. Shops: 6 nos.	Completed
R18	Residential: Basement + Podium + 18 Floors	Flats: 144 nos.	Completed
	Municipal Market & Dispensary: Ground + 2 Floors	Shops: 31 nos. Dispensary: 1 no.	Completed
R19	Demart: Basement + Ground + 4 Floors	--	Completed
R20	Offices: Ground + 10 Floors	Shops: 4 nos. Offices: 32 nos.	Completed
R21	Diagnostic Center: Basement + Ground + 5 Floors	--	Completed
Future Development			
(Plans for future development are not yet finalized. Hence not seeking EC by this application)			
Sector R1, R-6 (pt), R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)			

3.0 STUDY AREA:

The report shall include detailed characterization of existing status of environment in an area of 10 Km radius around the project site.

As per the Standard Terms of Reference (ToR) notified on dt. 10/04/2015 for building construction & Township/area development projects by MoEF & CC study area considered for this report is 10 km radius around the project site.

Map of the study area clearly delineating the location of various monitoring stations (air/ water/ soil and noise) superimposed with location of habitats shall be shown. Primary data is collected for one season except rainy season.



Fig. 1: Study area of Proposed Project 10 Km radius around the plot boundary

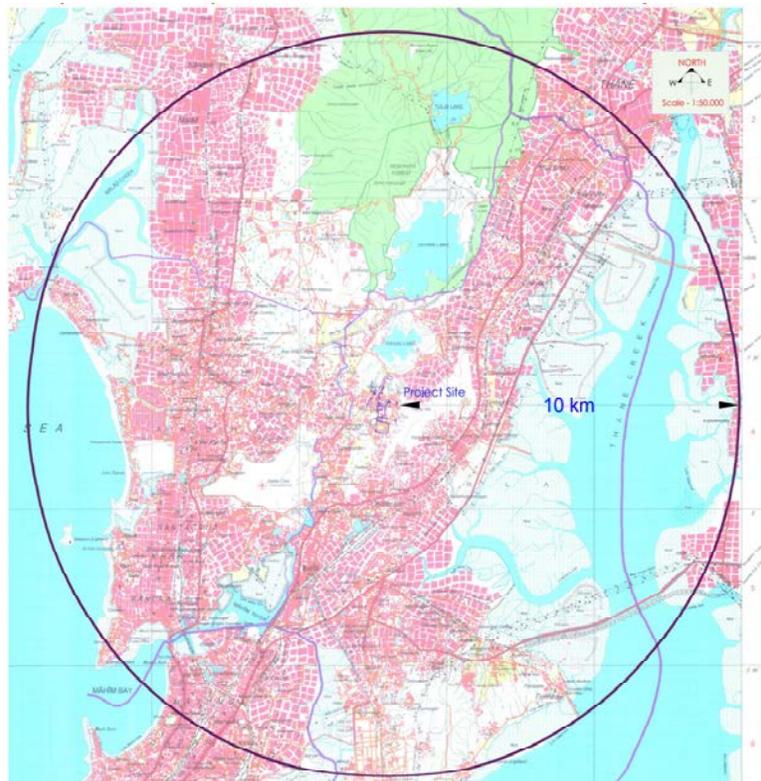


Fig. 2: Toposheet map of 10 Km radius around the plot boundary

Classification of the study area and generation of the baseline data is as per Guidance Manual for Building, Construction projects approved by MoEF & CC for preparation of EIA report and as per the Standard Terms of Reference (ToR) notified on dt. 10/04/2015 for building construction & Township/area development projects by MoEF & CC

Proposed Terms of References (TOR) for conducting EIA Study are as follows:

Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks												
A	Site Analysis and Project Details													
1.	Examine details of land use as per Master Plan and land use around 10 km radius of the project site. Analysis should be made based on latest satellite imagery for land use with raw images. Check on flood plain of any river.	Landuse map & details submitted in the EIA report 1. Land is situated within limits of M.C.G.M. fully developed area with all basic infra available 2. There is no river in the vicinity. Rather land is located at approximately 18 m. AMSL & hence no history of flooding or likelihood of flooding or sea water rise effects												
2.	Submit details of:													
2.1	Environmentally sensitive places	Already Identified and shall be submitted in the EIA report												
2.2	Land acquisition status, rehabilitation of communities villages	Land acquisition already done.												
2.3	Present status of such activities													
3.	Examine baseline environmental quality along with projected incremental load due to the project	Baseline environmental quality is examined during March 2017 to May 2017. All details shall be submitted in the EIA report.												
4.	Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio economic and health	Shall be submitted in the EIA report.												
5.	Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given	<table border="1"> <thead> <tr> <th data-bbox="878 1436 1127 1497">Party Name</th> <th data-bbox="1127 1436 1263 1497">Name of the Court</th> <th data-bbox="1263 1436 1421 1497">Case No.</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="878 1497 1421 1528">Nahar Builders Ltd.</td> </tr> <tr> <td data-bbox="878 1528 1127 1787">Prakash Agarwal (Applicant) v/s Nahar Builder limited and others (respondents)</td> <td data-bbox="1127 1528 1263 1787">The Hon'ble National Green Tribunal (Western Zone Bench) at Pune</td> <td data-bbox="1263 1528 1421 1787">Application no. 104 of 2016 No stay order</td> </tr> <tr> <td data-bbox="878 1787 1127 1898">Prakash Agrawal (Applicant/Intervener) In the matter between</td> <td data-bbox="1127 1787 1263 1898">High Court, O.O.C.J.</td> <td data-bbox="1263 1787 1421 1898">Chamber of Summons (L) No. 66 of 2017</td> </tr> </tbody> </table>	Party Name	Name of the Court	Case No.	Nahar Builders Ltd.			Prakash Agarwal (Applicant) v/s Nahar Builder limited and others (respondents)	The Hon'ble National Green Tribunal (Western Zone Bench) at Pune	Application no. 104 of 2016 No stay order	Prakash Agrawal (Applicant/Intervener) In the matter between	High Court, O.O.C.J.	Chamber of Summons (L) No. 66 of 2017
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		In															
		Public Interest Litigation No. 27 of 2017															
B	Land																
6.	Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area. Any obstruction of the same by the project	Shall be submitted in the EIA report.															
7.	Submit the present land use and permission required for any conversion such as forest, agriculture etc.	Project site is in residential zone, as per master plan of M.C.G.M.															
C	Water																
8.	Ground water classification as per the Central Ground Water Authority	Shall be submitted in the EIA report.															
9.	Examine the details of Source of water, water requirement, use of treated waste water and prepare a water balance chart	Shall be submitted in the EIA report.															
10.	Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details	Shall be submitted in the EIA report.															
11.	Examine soil characteristics and depth of ground water table for rainwater harvesting	Details shall be submitted in the EIA Report															
D	Solid Waste Management																
12.	Examine details of solid waste generation treatment and its disposal	Shall be submitted in the EIA report.															
E	Flora and Fauna																
13.	Submit the details of the trees to be felled for the project	Shall be submitted in the EIA report															
F	Energy																
14.	Examine and submit details of use of solar energy and	Shall be submitted in the EIA report															

Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks
	alternative source of energy to reduce the fossil energy consumption. Energy conservation and energy efficiency	
15.	DG sets are likely to be used during construction and operational phase of the project. Emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details	Shall be submitted in the EIA report
G	Traffic and Transportation	
16.	Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analyzed with measures for preventing traffic congestion and providing faster trouble free system to reach different destinations in the city	Shall be studied and submitted in the EIA report
17.	A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic	
18.	Examine the details of transport of materials for construction which should include source and availability	
H	Disaster Management Plan	
19.	Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster	Shall be studied and submitted in the EIA report
I	Environmental Management and Monitoring Plan	
20.	Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters	Shall be examined and submitted in the EIA report
21.	Submit Roles and responsibility of the developer etc for compliance of environmental regulations under the provisions of EP Act.	Shall be submitted in the EIA report
22.	The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out	Shall be examined and submitted in the EIA report
J.	Separate chapter on : Assessment of Ecological Damage, Remediation Plan and Natural and Community Resource Augmentation Plan (NCRAP)	

Sr.	Proposed Terms of References (TOR) for conducting EIA Study as per the standard TOR notified by MoEF on dt. 10.04.2015	Remarks
23.	Assessment of ecological damage, remediation plan, natural and community resource augmentation plan	<p>These studies shall be incorporated as a separate chapter as per the Notification S.O. 804(E) dt. 14.03.2017</p> <p>In this first damage caused due to the project shall be identified and assessed. Then Damage Control Plan shall be elaborated.</p> <p>After deciding the damage control plan the cost towards its Remediation or Natural and Community Resource Augmentation shall be studied and reported .</p>

4.0 METHODOLOGY

Classification of the study area and generation of the baseline data is as per Guidance Manual for Building, Construction projects approved by MoEF & CC for preparation of EIA report and as per the Standard Terms of Reference (ToR) notified on dt. 10/04/2015 for building construction & Township/area development projects by MoEF & CC

Generation of Baseline Data:

Baseline information with respect to air quality, noise level and soil quality in the study area is collected by conducting primary sampling / field studies during March 2017 to May 2017 (Pre-monsoon season). Baseline status of Land, Biological and Socio-economic environment shall be studied by an accredited expert.

Please Note: Considering study area of 10 km radius from the project site we have already carried out the baseline data generation including ambient air quality, Noise level, soil, water quality, etc. in the month of March 2017 to May 2017. This may please be accepted.

5.0 ANTICIPATED ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES:

The anticipated negative and positive impacts on the land, water, air, ecological and socioeconomic environment during the construction and operation phase shall be predicted. Impact identification for this project shall be done by using modified Delphi Technique. Mitigation measures shall be suggested to reduce adverse impacts due to the development.

Best environmental practices for conservation of natural resources, environmental management plan, environmental monitoring programme including budgeting for the expenditure proposed, corpus funding for long term maintenance of environmental management facilities in future shall be suggested.

6.0 ENVIRONMENTAL MONITORING PROGRAM:

Environmental Monitoring Program shall include:

- Frequency, location, parameters of monitoring
- Summary matrix of environmental monitoring, during construction and operation stage
- Requirement of monitoring facilities
- Compilation and analysis of data and reporting system

7.0 ADDITIONAL STUDIES:

Additional studies which are carried out are as follows and same shall be incorporated in EIA report

- Disaster Management Plan
- Natural Resource Conservation
- Air Emission and Dispersion Modeling
- Traffic study
- Computation of the external catchment area contributing the project site and subsequently estimation of the contributing runoff & capacities of external drain
- Ecological Damage, Remediation Plan And Natural And Community Resource Augmentation Plan

8.0 PROJECT BENEFITS:

Details about the improvements in physical infrastructure, social infrastructure, employment potential and other benefits that are accrued shall be incorporated. Employment potential of this project during construction and operation phases shall be evaluated.

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Adequate environmental management measures will be incorporated during the entire planning, construction and operating stages of the project to minimize any adverse environmental impact and assure sustainable development of the area. Project specific EMP with location and design specific details shall include the following elements for construction phase and operation phase

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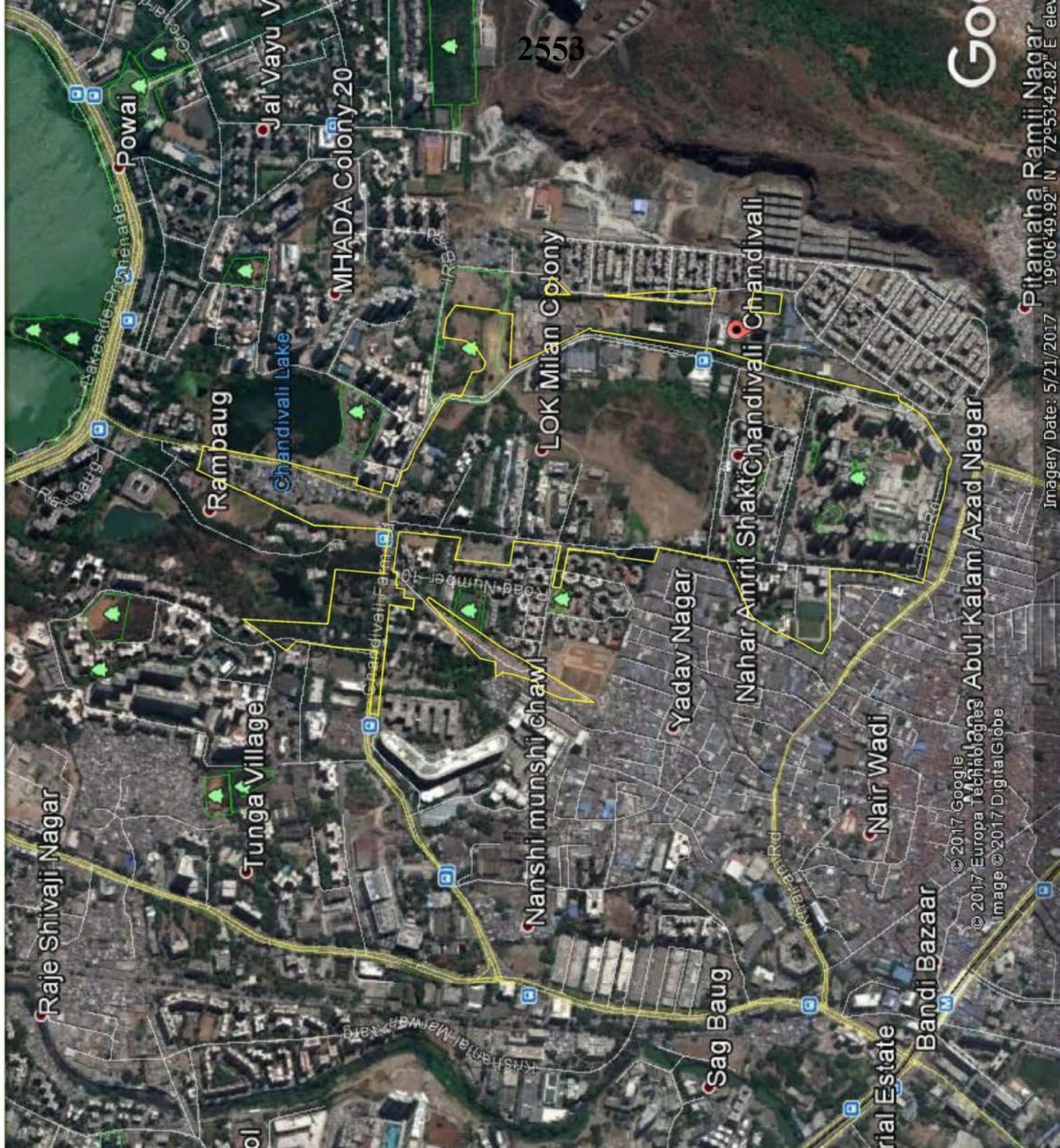
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- Short term and long term budgetary provisions for the EMP

10.0 DISCLOSURE OF CONSULTANT ENGAGED:

The consultants engaged and nature of consultancy rendered shall be listed in EIA.

Enclosures:

1. Location Plan
2. Google Image
3. Layout Plan



2553

© 2017 Google
© 2017 Europa Technologies
Image © 2017 DigitalGlobe

Pitamaha Ramiji Nagar
19°06'49.92" N 72°53'42.82" E elev

Imagery Date: 5/21/2017

N.D.Z.



- EXISTING BUILDING PRIOR TO EIA NOTIFICATION 2004
- EXISTING BUILDING AFTER EIA NOTIFICATION
- PROPOSED BUILDINGS
- ROAD
- P.G.
- DP R.G.
- LAYOUT R.G. (AT PODIUM)
- LAYOUT R.G. (AT GROUND)
- FUTURE DEVELOPMENT
- RESERVATIONS
- PLOT BOUNDRY FOR SECTORS



LAYOUT PLAN SHOWING IOD CC NUMBERS, SECTORS, ROADS, R.G. RESERVATIONS.

NAHAR BUILDERS LIMITEDAUTHORITY LETTER

We hereby authorize Shri. Mahesh Pradhan, a Director of Company since 19th July, 2016 to fill up MOEF and CC online application form that is including any official / formal communication and correspondence with MOEF and CC. His personal details area as below :-

Date of birth 25th September, 1961, Gender - Male, Mobile No. 9820768933 and Email ID est_legal_vp@nahargroup.co.in.

We hereby confirm that above information is correct and valid as per Company's record and hereby agree that false information submission will attract legal action.

Mumbai dated this ___ day of July, 2017

For Nahar Builders Limited



[Sukhraj B. Nahar]
Chairman and Managing Director

Signature verified



[Mahesh Pradhan]
Director



Registered Office & Corporate Office :

B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mumbai - 400 026.

Tel : 2353 8425, 2352 2784. Fax : 2351 0470.

Site and Sales Office :

Nahar's Amrit Shakti, Powai, Turn From Killick Nixon, Off. Saki Vihar Road, Andheri (E), Mumbai - 400 072.

Tel : 2847 1153, 2847 0201, 2847 0203. Fax : 2847 0091.

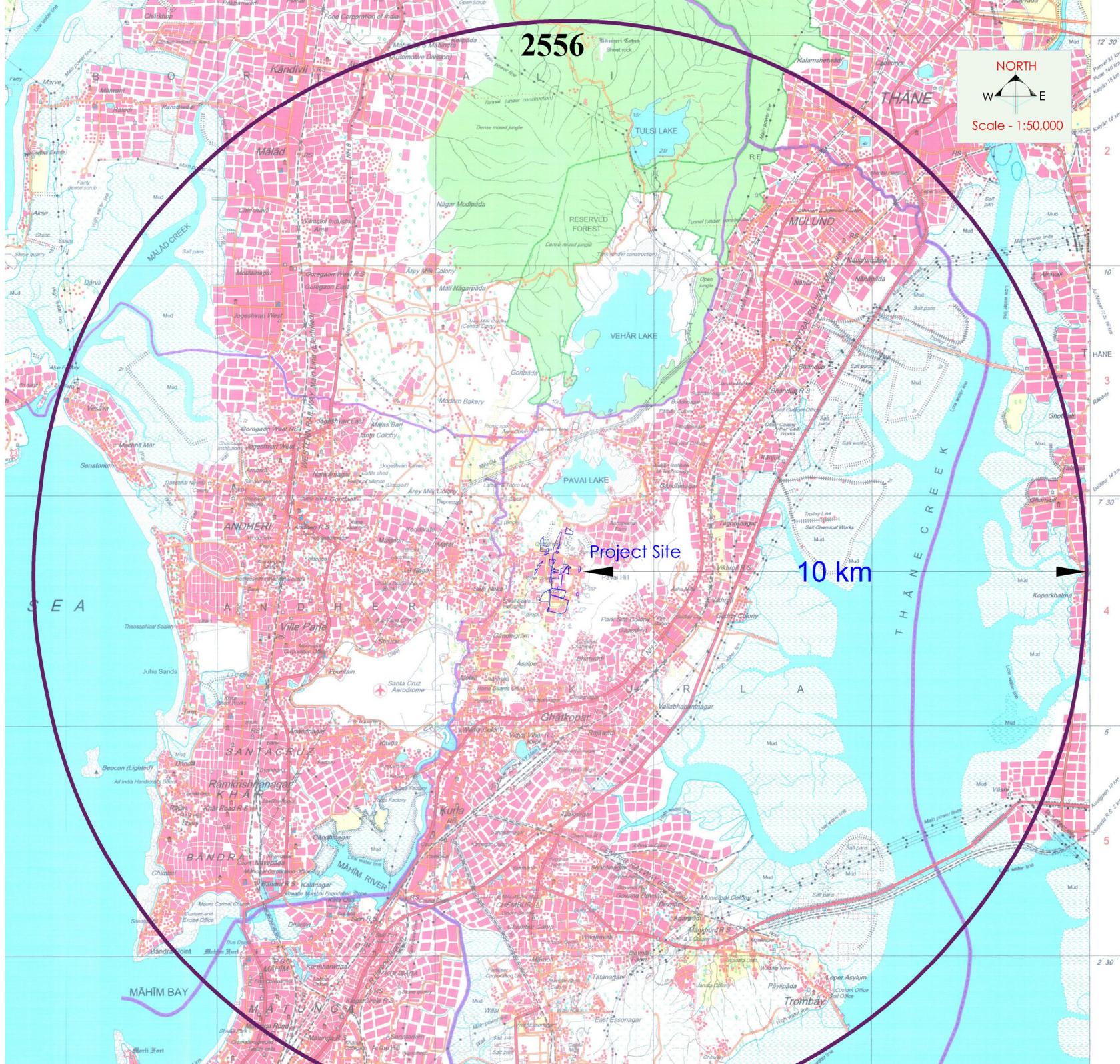
E-mail : info@nahargroup.co.in Website : www.nahargroup.co.in



2556

NORTH

Scale - 1:50,000



Project Site

10 km

TRUE COPY

Bombhise

To,

The Member Secretary
State Environmental Impact Assessment Authority,
Environment Department,
Mantralaya, Mumbai, Maharashtra

Subject : Application for finalization of ToR & Environmental Clearance on ecmpcb portal for our Project consisting of Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20, R-21 situate lying and being at Village Chandivali, Taluka Kurla, Mumbai- 400072 known as the Nahar Amritshakti Project under the Ministry of Environment, Forest and Climate Change (MoEF) Notification dated 14th March, 2017, forming part of larger layout approved of 22 sectors (balance 11 Sectors being vacant not considered for appraisal at this stage)

Reference : 1. Our Application dt. 16.08.2017 to Expert Appraisal Committee (EAC), MoEF & CC (Proposal No. IA/MH/NCP/67446/2017) as per Notification S.O. 804 (E) dt. 14.03.2017 prevailing then
2. Transfer of project by MoEF & CC to State Portal of Maharashtra as per Notification dt. 8th March, 2018 & O.M. dt. 15th March 2018

Respected Sir,

With reference to the above mentioned subject we would like to mention here that as per Notification S.O. 804 (E) dt. 14.03.2017 prevailing then, we had already submitted our application on 16.08.2017 to EAC, MoEF & CC for finalization of draft ToR. Copy of Letter is attached as **Enclosure-1**.

Our project has been already transferred by MoEF & CC to State portal of Maharashtra as per Notification dt. 8th March, 2018 & OM dt. 15th March, 2018

As per the mandatory guidelines by SEIAA, Maharashtra we are again submitting herewith the application on ecmpcb portal for Finalization of ToR & Environmental Clearance to SEIAA, Maharashtra with all necessary documents on the requisite portal.

As the date of our application to MoEF & CC is 16.08.2017, we earnestly request you to please consider this date for our application, as mentioned the O.M. dt. 15th March, 2018 and give us priority in the meeting with SEAC-2, Maharashtra for presentation of our project.

Please do the needful and oblige.

Thanking you,

Yours faithfully,

For NAHAR BUILDERS LIMITED

(MAHESH C. PRADHAN)

AUTHORIZED SIGNATORY

Enclosure: As above

Registered Office & Corporate Office :

B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mumbai - 400 026.

Tel : 2353 8425, 2352 2784. Fax : 2351 0470.

Site and Sales Office :

Nahar's Amrit Shakti, Powai, Turn From Killick Nixon, Off. Saki Vihar Road, Andheri (E), Mumbai - 400 072.

Tel : 2847 1153, 2847 0201, 2847 0203. Fax : 2847 0091.

E-mail : info@nahargroup.co.in Website : www.nahargroup.co.in

TRUE COPY



Ref. No.: L1-447-I

Date: 12th August 2017.

To,

The Expert Appraisal Committee,
Ministry of Environment and Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi 110003, India

Subject : Application for obtaining Environmental Clearance of Project consisting of Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20, R-21 situate lying and being at Village Chandivali, Taluka Kurla, Mumbai- 400072 known as the Nahar Amritshakti Project under the Ministry of Environment, Forest and Climate Change (MoEF) Notification dated 14th March, 2017, forming part of larger layout approved of 22 sectors (balance 11 Sectors being vacant not considered for appraisal at this stage)

Dear Sir,

1. M/s. Nahar Enterprises, the then partnership firm of the Applicants, acquired the rights to develop certain lands in Chandivali area in Mumbai from Jitendra Amritlal Sheth and others, the owners of land by agreement dated 18th January 1991 and the project described hereunder is part of said land.
2. By and under the Power of Attorney dated 21st January 1991 the Owners appointed Sukhraj Babulal Nahar, Sohinidevi Sukhraj Nahar and Jayantilal Mulchand Bafna, being partners of Messrs. Nahar Enterprises *the then Partnership firm which has now been converted into a Limited company in the name of Nahar Builders Limited* as their true and lawful attorneys to do all acts, deeds and things under the aforesaid agreement dated 18th January 1991.
3. The first building was launched by the Applicants in Sector R-3 under "Nahar Amrit Shakti" brand in the year 1991. The Applicants launched the next phase in R-2 sector also under the same brand "Nahar Amrit Shakti".
4. Subsequently, fresh Intimation of Disapproval's ("IOD") were issued on 22nd July 1993 for buildings in sector R-2. On 11th August, 1994 and 16th March, 1995 Commencement Certificate ('CC') *were* issued for *buildings* in Sector R-2 and two buildings in Sector R-1.

Contd....2



5. Construction work was accordingly started in the year 1994 for Sector R-2 and work was ongoing for Sector **R-3**.
6. Thereafter, as provided under Development Control Rules (“**DCR**”), in the year 1996 a master layout was prepared and submitted which was approved by the MCGM on 6th May, 1996. In terms of master layout, the sectors were finalized and area of each of the sectors was finalized. It is as per the layout of 1996 the Project was divided into 20 sectors which were divided due to natural subdivisions and Development Planning of roads and reservations. The said 20 sectors were divided from time to time into 22 sectors, as per amended layout approved on 31.08.2006.
7. The Project before this Hon’ble Authority today consists of 11 Sectors and aggregates area admeasuring 2,07,290.02 Sq.mt. (Net Land area excluding DP roads and reservations) and thereabouts of land bearing C.T.S. Nos. 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3 & 50-C (sector R-2), 53-A/1-D & 53-C (sector R-3), 53-A/1-B (school bldg.), 1-C & 44-C (sector R-4), 1-D, 44-A, 45, 45/1 to 45/29 (pt) & 50-A/4 (sector R-5), 51-A (pt) & 52-A (pt) (sector R-6), 25/B/1, 26 A, 27 , 28A/1, 29 N & 50 A/6 (Sector R-12), 50A/7 & 52A/9 (sector R-14), 51-A (pt) & 52-A (pt) (sector R-18), 36A/9, 50A(pt) & 52/A(pt), (sector R-19), 50A/9 , 52A/6 & 36 A(Pt) (sector R-20), 36A/10, 50A(pt) & 52/A(pt) (sector R-21), (hereinafter referred to as “**Project**”) which Project is carved out of the Larger Property aforesaid. The Applicants are describing only 11 sectors as of today before this Hon’ble authority, as the remaining sectors are yet to be developed and the Applicants will seek Environmental Clearance separately as and when the development is proposed thereat, as per the rules prevailing at that time.
8. As such, till the year 2004, the Applicants launched buildings in Sectors R-2, R-3, **R-4**, R-5, R-6 and R-14 as the “Nahar Amrit Shakti Project”.
9. Between the years of 1996 and 2004, the Applicants had completed the construction of 15 buildings over & above plinth level Total BUA admeasuring of 48970.40 Sq. Mtr in the Project in sectors R-2, R-3, **R-4**, R-5, R-6 and R-14.

Contd....3

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10. On 7th July, 2004, the MOEF issued Notification thereby amending certain provisions of the 1994 Notification (hereinafter referred to as “**2004 Amendment Notification**”). The 2004 Amendment Notification, for the first time, introduced the concept of ‘new construction project’ and provides *inter alia* that such projects would require prior environment clearance. The said notification, vide footnote also clarifies that the “**New construction projects** which were undertaken without obtaining the clearance required under this Notification, and where **construction work has not come up to the plinth level**, shall require clearance under this notification with effect from the 7th day of July, 2004.” **Needless to say that Plinths of 15 buildings were completed in this project prior to 7th July 2004 and were advised the project as a whole did not require environmental clearance as per 2004 notification**
11. The Applicants by their Architect’s letter dated 29th June 2005, made representations on the applicability of 2004 Notifications to the said project and in this regards the Director (E. S&P) of MCGM endorsed on the aforesaid letter that since the proposal was received prior to the 2004 Notification there was no need to obtain Environmental Clearance under 2004 Notification, being an ongoing project, where in sizable work is completed beyond plinth.
12. In between 2004 to 2006, the Applicants commenced 5 building in R2, one building in R/12. admeasuring total built up area of 68222.75 sq.mt.
13. For remaining 21 buildings, construction was started after 2006 admeasuring total built up area of 202363.76 sq.mt. Out of which 19 buildings are completed and 2 buildings are partly completed.
14. Thereafter, by another Notification dated 14th September, 2006 issued by the MOEF (hereinafter referred to as “**2006 Notification**”), it was provided that on and after the date of the 2006 Notifications, (i) all new projects or activities; or (ii) the expansion or modernization of existing projects or activities listed in the schedule thereto, exceeding the capacities stipulated therein shall be undertaken in any part of India only after obtaining the prior environment clearance from

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the Central Government or the State Level Impact Assessment Authority, as the case may be. As layout of the Applicants land was already approved for all the sectors, the FSI as per the then DCR was permissible since 1996 (Net plot + 100%TDR), and hence the project was never construed as "New Project" or "Expansion of existing project" and hence the Planning Authority MCGM did not *insist* for Environmental clearance, while allowing construction of these buildings, considering this as ongoing project.

15. At the relevant time, authorities had taken a view to the effect that, if the Plinth level work has been completed in a given project for certain number of buildings, the non-applicability of the Notifications was clear, without any extra riders. Accordingly, a number of development proposals were approved on the basis that where work had commenced on projects as in the present case, such projects were classified as all old projects as against 'new projects' and therefore did not require the Environmental Clearance under the Notifications. Applicants were not constructing a new project. The Applicants had not increased the plot area of the Project. All the buildings have been constructed by the Applicants as a part of the same Project layout. The additional construction was not regarded as an expansion activity by the municipal corporation.
16. In fact, the Environment Department (Government of Maharashtra), the State Level Environment Impact Assessment Authority (Maharashtra) and State Level Appraisal Committee-II (Maharashtra) vide a joint Affidavit filed in the matter between Amit Maru Vs Secretary, MoEFCC & Ors in Appeal No.71 of 2016 before the National Green Tribunal has taken a view on the said issue by categorically stating that *"if the Plinth level work has been complete, the non-applicability of the EIA Notification was clear, without any rider/s. It (EIA Notification) also doesn't say that if there are many buildings in it, then plinths of all buildings are to be completed OR a plinth/work completed has to be of certain % of the total project."*
17. In the above circumstances of the case, the Applicants submit that they were

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under the bonafide belief that the development of the said Project did neither fall in the ambit of the 2004 Amendment Notification nor in the ambit of 2006 Notification as numerous buildings in the said Project were already completed by then before 14th September 2006, as well as before 07/07/2004, the plinth of several buildings were already constructed after taking valid permissions and approvals from appropriate authorities. A similar view was taken in relation to all buildings being constructed in Mumbai and particularly in the vicinity of the Project.

18. In pursuance of the aforesaid, the Applicants have completed the construction of 25 buildings on Sector R-2, R-3, R-6, R12, R-14, R- 18, R-19, R-20, R-21 including School after 07.07.2004 . The remaining two building (Temple and building no. R12/13) are not completed.
19. In the course of construction, the Applicants have provided amenities and facilities such as a) Natural Drainage System and its measures; b) adequate layout recreational garden has been made in Sector R-12; c) Rain water harvesting has been implemented on site so that ground water aquifer is recharged d) Sewage Treatment Plant (STP) has been installed in sector R/12 and is functional, etc.
20. In the year 2016, for the first time certain objections and disputes to the construction already carried out were brought to be raised on the ground of not having an Environmental Clearance. The Applicants believe that said objections/disputes are of no merit and are unsustainable.
21. On 14th March 2017, the Government of India published a Notification titled as (“**the Regularization Notification**”).
22. The Applicants therefore have, as a matter of good order and independent of the interpretation of the aforesaid Notifications, now restricted the Project to the completed works till date and the two incomplete buildings in Sectors R-12.
23. As regards the remainder of the development, which is not started yet, each project would be regarded as a fresh project or projects and the Applicants will

Contd....6

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- seek fresh Environmental clearances under law as may be necessary.
24. The Applicants are under a bonafide belief that the Project has been constructed in accordance with relevant law. However, given the objections raised, as and by way of abundant caution and without prejudice to all their rights and contentions and with a view to put the controversy to rest, the Applicants are hereby submitting to this Hon'ble Authority the attached application for grant of Environment Clearance under MOEF notification dated 14th March 2017.
- a) Building constructed & completed & where plinth was completed prior 07.07.2004.
- b) Buildings completed and partly completed where plinth was completed after 07.07.2004.
25. As explained above, the remaining vacant sectors, where no work is commenced are not included now. The necessary environmental permissions for buildings in those sectors, will be sought, in future, before commencing construction thereto and as per the then rules in force, considering them as 'new project' since all the sectors are distinct & subdivided by roads etc.

Thanking You ,

Yours Faithfully

For Nahar Builders Limited


Authorised Signatory

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FORM – 1 & 1A

Residential & Commercial Development

At

Chandivali Farm Road, Chandivali, Andheri (E),
Mumbai - 400072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.
B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road,
Mahalaxmi, Mumbai-400026

FORM – 1

Residential & Commercial Development

At

Chandivali Farm Road, Chandivali, Andheri (E),
Mumbai - 400072, Maharashtra

By

M/s. NAHAR BUILDERS LTD.
B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road,
Mahalaxmi, Mumbai-400026

APPENDIX - I
(See paragraph - 6)
FORM 1

(I) Basic Information

Sr.	Item	Details															
1.	Name of the project/s	Residential & Commercial Development at Chandivali, Andheri (E) Mumbai															
2.	S. No. in the schedule	8 (b)															
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	<p>• Plot area: Total Plot Area: 4, 85,232.67 Sq. mt.(for total layout) Deductions: 1, 62,039.97 Sq. mt. (for total layout) Net Plot Area : 3, 23,192.70 Sq. mt. (for total layout) Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq. mt.</p> <table border="1"> <thead> <tr> <th>Details</th> <th>Sectors</th> <th>Applicability of EIA Notification</th> <th>Total construction built-up area (Sq. mt.)</th> <th>Justification /Remarks</th> </tr> </thead> <tbody> <tr> <td>Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)</td> <td>Some of the buildings of Sector R2, R3, R4, R5, R6 & R14</td> <td>No</td> <td>67,191.49</td> <td> <ul style="list-style-type: none"> As these buildings have received plinth commencement certificates prior to 7th July,2004 those are not in purview of EIA Notification Approved Layout dated 06.05.1996 and amended approved layout dated 31.08.2006 and Copies of further Commencement Certificates (CCs) of above mentioned sectors are attached as an Enclosure 1. </td> </tr> <tr> <td>Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)</td> <td>Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21</td> <td>Yes</td> <td>5,18,523.31</td> <td> <ul style="list-style-type: none"> Received IOD & Commencement Certificate from Municipal Corporation of Greater Mumbai after EIA Notification. Received Occupation certificate Out of these 11 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed. </td> </tr> </tbody> </table>	Details	Sectors	Applicability of EIA Notification	Total construction built-up area (Sq. mt.)	Justification /Remarks	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	Some of the buildings of Sector R2, R3, R4, R5, R6 & R14	No	67,191.49	<ul style="list-style-type: none"> As these buildings have received plinth commencement certificates prior to 7th July,2004 those are not in purview of EIA Notification Approved Layout dated 06.05.1996 and amended approved layout dated 31.08.2006 and Copies of further Commencement Certificates (CCs) of above mentioned sectors are attached as an Enclosure 1. 	Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)	Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21	Yes	5,18,523.31	<ul style="list-style-type: none"> Received IOD & Commencement Certificate from Municipal Corporation of Greater Mumbai after EIA Notification. Received Occupation certificate Out of these 11 sectors, the constructions of buildings are completed in 10 Sectors and partly completed in 1 sector (i.e. R-12). In R-12 total 11 buildings are completed; only one building and Temple is partly completed.
Details	Sectors	Applicability of EIA Notification	Total construction built-up area (Sq. mt.)	Justification /Remarks													
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Sr.	Item	Details								
					<ul style="list-style-type: none"> • Total Constructed built-up area on site till date: 506007.74 Sq. mt. * 					
		Future development	Some of the buildings in R-6 (pt), and Sectors R1, R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)	Yes	--	Plans for future development are not yet finalized. Hence not seeking EC by this application				
Project Proposal:										
<table border="1"> <thead> <tr> <th data-bbox="500 915 618 1010">Sector</th> <th data-bbox="618 915 1052 1010">Building Configuration</th> <th data-bbox="1052 915 1268 1010">Status of construction on site</th> <th data-bbox="1268 915 1442 1010">Details</th> </tr> </thead> </table>							Sector	Building Configuration	Status of construction on site	Details
Sector	Building Configuration	Status of construction on site	Details							
Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)										
R2	Building R-2/1: Stilt + 7 Floors	Completed	Flats: 79 nos.							
	Building R-2/2: Stilt + 7 Floors	Completed	Flats: 78 nos.							
	Building R-2/3: Stilt + 7 Floors	Completed	Flats: 79 nos.							
	Building R-2/4: Stilt + Podium + 14 Floors	Completed	Flats: 109 nos.							
	Building R-2/5: Stilt + Podium + 14 Floors	Completed	Flats: 109 nos.							
R3	Building R-3/1: Wing A to E Stilt + + 14 Floors	Completed	Flats: 216 nos.							
R4	Building R-4/1: Plinth	Work at standstill up to plinth	--							
R5	Building R-5/A1: Ground + 3 Floors	Work at standstill at 3 floors	Flats: 40 nos.							
	Building R-5/A2: Ground + 3 Floors	Work at standstill at 3 floors	Flats: 30 nos.							
R6	Building R-6/1: Ground	Completed	Shops: 12 nos.							
	Building R-6/2: Ground	Completed	Shops: 12 nos.							
	Building R-6/3: Ground	Completed	Shops: 12 nos							

Sr.	Item	Details	
		Building R-6/4: Ground	Completed Shops: 12 nos
	R14	Building R-14/1: Ground + 1 Floor	Completed Shops: 9 nos
		Building R-14/2: Ground + 1 Floor	Completed Shops: 9 nos
Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)			
	R2	Building R-2/6: Stilt + Podium + 14 Floors	Completed Flats: 109 nos.
		Building R-2/7: Stilt + Podium + 14 Floors	Completed Flats: 109 nos.
		Building R-2/8: Stilt + Podium + 14 Floors	Completed Flats: 56 nos.
		Building R-2/9: Stilt + Podium + 14 Floors	Completed Flats: 109 nos.
		Building R-2/10: Stilt + Podium + 14 Floors	Completed Flats: 162 nos.
	R3	Building R-3/F: Wing F: Stilt + 2 Podium + 14 Floors	Completed Flats: 68 nos.
		School: 2 Basements + Ground + 8 Floors	Completed Classrooms : 73 nos.
	R6	Building R-6/5: Ground	Completed Shops: 7 nos.
	R12	Building R-12/1: Stilt + Podium + 22 Floors	Completed Flats: 316 nos.
		Building R-12/2: Stilt + Podium + 21 Floors	Completed Flats: 156 nos.
		Building R-12/3: Stilt + Podium + 22 Floors	Completed Flats: 164 nos.
		Building R-12/4: Stilt + Podium + 22 Floors	Completed Flats: 164 nos.
		Building R-12/5: Stilt + Podium + 21 Floors	Completed Flats: 156 nos.
		Building R-12/6: Stilt + Podium + 22 Floors	Completed Flats: 456 nos.
		Building R-12/7: Stilt + Podium + 20 Floors	Completed Flats: 84 nos.
		Building R-12/8: Basement + Stilt + Podium + 18 Floors	Completed Flats: 75 nos.
		Building R-12/9: Stilt + Podium + 20 Floors	Completed Flats: 178 nos.
		Building R-12/10: Basement + Stilt + Podium + 20 Floors	Completed Flats: 178 nos.
		Building R-12/11: Basement + Stilt + Podium + 14 Floors	Completed Flats: 108 nos.
		Building R-12/13: Stilt + 2 podium + 20 floors	Partly Completed Flats: 116 nos.
		Temple : Ground + 1 Floor	

Sr.	Item	Details																															
		<table border="1"> <tr> <td>R14</td> <td>Building R-14/3: Part Basement + G + 3 Podium+ 4-17 Upper Floors</td> <td>Completed</td> <td>Flats: 93 nos. Shops: 6 nos.</td> </tr> <tr> <td rowspan="2">R18</td> <td>Residential: Basement + Podium + 18 Floors</td> <td>Completed</td> <td>Flats: 144 nos.</td> </tr> <tr> <td>Municipal Market & Dispensary: Ground + 2 Floors</td> <td>Completed</td> <td>Shops: 31 nos. Dispensary : 1 no.</td> </tr> <tr> <td>R19</td> <td>Demart: Basement + Ground + 4 Floors</td> <td>Completed</td> <td>--</td> </tr> <tr> <td>R20</td> <td>Offices: Ground + 10 Floors</td> <td>Completed</td> <td>Shops: 4 nos. Offices: 32 nos.</td> </tr> <tr> <td>R21</td> <td>Diagnostic Center: Basement + Ground + 5 Floors</td> <td>Completed</td> <td>--</td> </tr> <tr> <td colspan="4" style="text-align: center;">Future Development (Plans for future development are not yet finalized. Hence not seeking EC by this application)</td> </tr> <tr> <td colspan="4" style="text-align: center;">Sector R1, R-6 (pt), R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)</td> </tr> </table>	R14	Building R-14/3: Part Basement + G + 3 Podium+ 4-17 Upper Floors	Completed	Flats: 93 nos. Shops: 6 nos.	R18	Residential: Basement + Podium + 18 Floors	Completed	Flats: 144 nos.	Municipal Market & Dispensary: Ground + 2 Floors	Completed	Shops: 31 nos. Dispensary : 1 no.	R19	Demart: Basement + Ground + 4 Floors	Completed	--	R20	Offices: Ground + 10 Floors	Completed	Shops: 4 nos. Offices: 32 nos.	R21	Diagnostic Center: Basement + Ground + 5 Floors	Completed	--	Future Development (Plans for future development are not yet finalized. Hence not seeking EC by this application)				Sector R1, R-6 (pt), R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)			
R14	Building R-14/3: Part Basement + G + 3 Podium+ 4-17 Upper Floors	Completed	Flats: 93 nos. Shops: 6 nos.																														
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	Municipal Market & Dispensary: Ground + 2 Floors	Completed	Shops: 31 nos. Dispensary : 1 no.																														
R19	Demart: Basement + Ground + 4 Floors	Completed	--																														
R20	Offices: Ground + 10 Floors	Completed	Shops: 4 nos. Offices: 32 nos.																														
R21	Diagnostic Center: Basement + Ground + 5 Floors	Completed	--																														
Future Development (Plans for future development are not yet finalized. Hence not seeking EC by this application)																																	
Sector R1, R-6 (pt), R-7, R-8, R-9, R-11, R-13, R-15, R-16, R-17, R-22 (11 Sectors)																																	
4.	New/Expansion/Modernization	New application for EC for the buildings constructed on site which are in the purview of EIA Notification (Plinth completed after 7.7.2004)																															
5.	Existing Capacity/Area etc.	As mentioned above in Point no. 3																															
6.	Category of project i.e. 'A' or 'B'	B																															
7.	Does it attract the general condition? If yes, please specify.	Not Applicable																															
8.	Does it attract the specific condition? If yes, please specify.	Not Applicable																															
9.	Location	Chandivali																															
	Plot/Survey/Khasra No.	CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C (these City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors wherein work is commenced/completed)																															
	Village	Chandivali																															
	Tehsil	Andheri																															
	District	Mumbai Suburban																															
	State	Maharashtra																															
10.	Nearest railway station Nearest airport	Ghatkopar Railway Station: Within 4.00 Km (Road Distance) Vikhroli Railway Station: Within 6.00 Km (Road Distance) Mumbai Chhatrapati Shivaji Terminals: Within 4.00 Km (Road Distance)																															

Sr.	Item	Details
11.	Nearest Town, city, District headquarters along with distance in kms.	Mumbai Metropolitan Region (MMR)
12.	Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal address with telephone nos. to be given)	Municipal Corporation of Greater Mumbai (M.C.G.M.)
13.	Name of the applicant	M/s. Nahar Builders Ltd.
14.	Registered Address	B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi, Mumbai-400 026
15.	Address for correspondence	B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi, Mumbai-400 026
	Name	Mr. Mahesh Pradhan
	Designation (Owner/Partner/CEO)	Director
	Address	B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mahalaxmi, Mumbai-400 026
	Pin Code	400 026
	E - mail	est_legal_vp@nahargroup.co.in
	Mobile number	9820768933
	Telephone No.	+91 22 2352 2784 / 3390 / 3581
	Fax No.	--
16.	Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo-sheet	Not applicable
17.	Interlinked Projects	Not applicable
18.	Whether separate application of interlinked project has been submitted?	Not applicable
19.	If yes, date of submission	Not applicable
20.	If no, reason	Not applicable
21.	Whether the proposal involves approval/clearance under: if yes, details of the same and their status to be given	
(a)	The Forest (Conservation) Act, 1980?	Not Applicable
(b)	The Wildlife (Protection) Act, 1972?	NOC from Wild Life Board is Not Applicable as per final Notification reg. ESZ of SGNP published by MoEF & CC u/no. S.O.3645 (E) dated 05/12/2016 as our project site is not affected by the ESZ belt.
(c)	The C.R.Z. Notification, 1991?	Not Applicable
22.	Whether there is any Government Order/Policy	Not Applicable

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data																		
	houses, soil testing?		report is attached herewith as Enclosure 3																		
1.5	Construction works?	Yes	Residential & Commercial development																		
1.6	Demolition works?	No	--																		
1.7	Temporary sites used for construction works or housing of construction workers?	No	--																		
1.8	Above ground building, structures or earthworks including linear structures, cut and fill or excavations	No	Excavation & basement work is already completed for all buildings Excavated material has been already disposed to the authorized sites with permission from M.C.G.M. Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.																		
1.9	Underground works including mining or Tunneling?	No	As this is a construction project it only involves construction of basements in some of the sectors																		
1.10	Reclamation works?	No	--																		
1.11	Dredging?	No	--																		
1.12	Offshore structures?	No	--																		
1.13	Production and manufacturing processes?	No	--																		
1.14	Facilities for storage of goods or materials?	No	--																		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	<table border="1"> <thead> <tr> <th>Details/Sectors</th> <th>Disposal of sewage</th> <th>Disposal of solid waste</th> </tr> </thead> <tbody> <tr> <td colspan="3">Buildings not under purview of EIA Notification</td> </tr> <tr> <td>Some of the buildings of Sector R2, R3, R4, R5, R6 & R14</td> <td>M.C.G.M. sewer line</td> <td>Segregated waste to M.C.G.M.</td> </tr> <tr> <td colspan="3">Buildings under purview of EIA Notification</td> </tr> <tr> <td>Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21</td> <td>M.C.G.M. sewer line</td> <td>Segregated waste to M.C.G.M.</td> </tr> <tr> <td>R12</td> <td>Disposal of excess treated sewage to M.C.G.M. Sewer line</td> <td> <ul style="list-style-type: none"> • Segregation of waste • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Non-biodegradable waste: To authorized recyclers </td> </tr> </tbody> </table>	Details/Sectors	Disposal of sewage	Disposal of solid waste	Buildings not under purview of EIA Notification			Some of the buildings of Sector R2, R3, R4, R5, R6 & R14	M.C.G.M. sewer line	Segregated waste to M.C.G.M.	Buildings under purview of EIA Notification			Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21	M.C.G.M. sewer line	Segregated waste to M.C.G.M.	R12	Disposal of excess treated sewage to M.C.G.M. Sewer line	<ul style="list-style-type: none"> • Segregation of waste • Treatment of biodegradable waste in Organic Waste Converter (OWC) • Non-biodegradable waste: To authorized recyclers
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1.16	Facilities for long term housing of	No	Cabins for Watchmen/gardener etc.																		

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
	operational workers?		
1.17	New road, rail, or sea traffic during construction or operation?	No	--
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	--
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic Movements?	No	--
1.20	New or diverted transmission lines or pipelines?	No	--
1.21	Impoundment, damming, culverting, realignment or other change to the hydrology of watercourses or aquifers?	No	--
1.22	Stream crossings?	No	--
1.23	Abstraction or transfers of water from ground or surface waters?	No	--
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	By considering the runoff prior to development and runoff after development there is some increment in runoff of storm water
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transport of construction materials Precautions taken to reduce the impact of the vehicular movement by trying to avoid the vehicular trips during peak hours
1.26	Long-term dismantling or decommissioning or restoration works?	No	--
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	--
1.28	Influx of people to an area in either temporarily or permanently?	No	--
1.29	Introduction of alien species?	No	--
1.30	Loss of native species or genetic diversity?	No	--
1.31	Any other actions?	No	--

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

Sr. No.	Information/checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	No	Land is situated within limits of M.C.G.M. fully developed area with all basic infrastructure available
2.2	Water (expected source & competing users) unit : KLD	Yes	During Construction Phase – (For Building R12/13 and Temple only) For Workers : From M.C.G.M.: 5 KLD For Construction: From Treated sewage from STP of R12: 10 - 20 KLD (Depending upon the activity) During Operational Phase –

Sr. No.	Information/checklist confirmation	Yes / No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data		
			Details	Total Water Requirement (KLD)	Source
			Buildings not under purview of EIA Notification	512	M.C.G.M./Bore well/ Water Tankers
			Buildings under purview of EIA Notification	2349	M.C.G.M./ Treated sewage from STP/Bore well/ Water Tankers
2.3	Minerals (MT)	No	--		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)	Yes	Quantity : As per requirement Sources: The material required for construction activities shall be procured from company's authorized / approved vendors/ open market.		
2.5	Forests and timber (source – MT)	Yes	Timber required for doors sourced from local suppliers.		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	Source of Electricity: TATA Power & Reliance Infrastructure Details shall be submitted in EIA report		
2.7	Any other natural resources (use appropriate standard units)	No	--		

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

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

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data		
4.1	Spoil, overburden or mine wastes	No	--		
4.2	Municipal waste (domestic and or commercial wastes) :	Yes	During Operation phase:		
			Type	Buildings not under purview of EIA Notification	Buildings under purview of EIA Notification
			Non-	1011	4244

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data						
			<table border="1"> <tr> <td>Biodegradable (Kg/day)</td> <td></td> <td></td> </tr> <tr> <td>Biodegradable (Kg/day)</td> <td>674</td> <td>2829</td> </tr> </table>	Biodegradable (Kg/day)			Biodegradable (Kg/day)	674	2829
Biodegradable (Kg/day)									
Biodegradable (Kg/day)	674	2829							
4.3	Hazardous wastes (as per Hazardous waste Management Rules)	Yes	Storage of waste oil generated from D.G. at separate location duly marked and sold to the authorized recyclers						
4.4	Other industrial process wastes	No	--						
4.5	Surplus product	No	--						
4.6	Sewage sludge or other sludge from effluent treatment.	Yes	Dried sludge from STP : Use as manure for plants within the premises						
4.7	Construction or demolition wastes	No	<p>Excavation & basement work is already completed for all buildings</p> <p>Excavated material has been already disposed to the authorized sites with permission from M.C.G.M.</p> <p>Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.</p>						
4.8	Redundant machinery or equipment	No	--						
4.9	Contaminated soils or other materials	No	--						
4.10	Agriculture wastes	No	--						
4.11	Other solid wastes	No	<p>Office building is proposed in Sector R20 hence quantification of E-waste generation is done for this sector only. Details are as follows:</p> <table border="1"> <thead> <tr> <th>Sector</th> <th>Quantity (Kg /annum)</th> </tr> </thead> <tbody> <tr> <td>R 20</td> <td>364</td> </tr> </tbody> </table> <p>Storage of E – Waste in separate space within project site and subsequently handed over to authorized recyclers.</p> <p>There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste. Handling and disposal as per Bio-Medical Waste Management Rules, 2016 of bio-medical generated waste</p>	Sector	Quantity (Kg /annum)	R 20	364		
Sector	Quantity (Kg /annum)								
R 20	364								

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	CPCB approved D.G. Sets used during power failure.
5.2	Emissions from production processes	No	--
5.3	Emissions from materials handling including storage or transport	Yes	Fugitive dust emission due to handling and loading-unloading activities is envisaged during construction. Frequent water sprinkling will be done to minimise the fugitive emissions.

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.4	Emissions from construction activities including plant and equipment	Yes / Marginal	The project may cause rise in dust levels during construction phase. Precautions would be taken to reduce dust generation by water sprinkling at regular intervals.
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	Yes	Proper ventilation around STP and solid waste management facilities for odour control
5.6	Emissions from incineration of waste	No	--
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	--
5.8	Emissions from any other sources	No	--

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers.	Yes but negligible	For control of noise following measures adopted: <ul style="list-style-type: none"> • Acoustic enclosure for DG sets • Acoustical enclosures for the blowers of the STP
6.2	From industrial or similar processes	No	--
6.3	From construction or demolition	Yes	Noise levels may increase due to operation of machinery as well as transportation vehicles. This may cause nuisance to the nearby area. Following precautions taken to control noise pollution: <ul style="list-style-type: none"> • High noise generating construction activities carried out only during day time • Installation, use and maintenance of mufflers on equipment • Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs • Provision of barricades along the periphery of the site • Plantation of trees • Acoustic enclosure for DG sets
6.4	From blasting or piling	No	--
6.5	From construction or operational traffic	Yes	During Construction phase: (For Building R12/13 and Temple) <ul style="list-style-type: none"> • Proper traffic management for the construction vehicles • Regular maintenance of vehicles with suitable enclosures and intake silencers • Planning and ensuring effective implementation of the waste movement plan for loading and offsite movement in non-traffic hours

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
			Operation Phase : <ul style="list-style-type: none"> The vehicular parking restricted only in the adequate parking area provided, which helps in reducing noise pollution due to traffic congestion Plantation of trees as per norms laid down by M.C.G.M. on site which will help to reduce the noise level and also enhance air quality
6.6	From lighting or cooling systems	No	--
6.7	From any other sources	No	--

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data												
7.1	From handling, storage, use or spillage of hazardous materials	No	--												
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	During Operation Phase: <table border="1"> <thead> <tr> <th>Details/Sectors</th> <th>Disposal of sewage</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">Buildings not under purview of EIA Notification</td> </tr> <tr> <td>Some of the buildings of Sector R2, R3, R4, R5, R6 & R14</td> <td>M.C.G.M. sewer line</td> </tr> <tr> <td colspan="2" style="text-align: center;">Buildings under purview of EIA Notification</td> </tr> <tr> <td>Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21</td> <td>M.C.G.M. sewer line</td> </tr> <tr> <td>R12</td> <td>Disposal of excess treated sewage to M.C.G.M. Sewer line</td> </tr> </tbody> </table>	Details/Sectors	Disposal of sewage	Buildings not under purview of EIA Notification		Some of the buildings of Sector R2, R3, R4, R5, R6 & R14	M.C.G.M. sewer line	Buildings under purview of EIA Notification		Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21	M.C.G.M. sewer line	R12	Disposal of excess treated sewage to M.C.G.M. Sewer line
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Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21	M.C.G.M. sewer line														
R12	Disposal of excess treated sewage to M.C.G.M. Sewer line														
7.3	By deposition of pollutants emitted to air into the land or into water	No	Dust may be generated during construction phase from earthworks and movement of vehicles. However appropriate fugitive dust control measures, including water sprinkling of exposed areas and dust covers for trucks, provided to minimize any impacts. Stack height of DG set shall be as per CPCB guidelines												
7.4	From any other sources	No	--												
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	--												

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc. from storage, handling, use or production of hazardous substances	No	--
8.2	From any other causes.	No	--

8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, and cloudburst)?	--	Earthquake: The structure of the building is designed as per IS codes for zone III. Disaster Management Plan shall be submitted in EIA report
-----	---	----	--

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

Sr. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: •Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other	No Yes	Supporting infrastructure is already in existence. The project is residential & commercial development
9.2	Lead to after-use of the site, which could have an impact on the environment	No	--
9.3	Set a precedent for later developments	Yes	Has created job opportunities in operation phase with support staff like security, maintenance, household workers, shop keepers etc. Also the commercial development of the area have improved the economic growth at local and regional level
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	Yes	Impacts on water availability, storm water drainage, availability of electricity, traffic congestion etc.

(III) Environmental Sensitivity

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) from Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, m, cultural or other related value	Sanjay Gandhi National Park Maharashtra Nature Park	Approx. 2.00 Km Approx. 7.00 Km
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	Arabian Sea Malad Creek Mahim Creek Thane Creek Mahul Sewri Creek Mithi River Poisar River	Approx. 8.00 Km Approx. 10.00 Km Approx. 10.00 Km Approx. 6.00 Km Approx. 11.00 Km Approx. 1.00 Km Approx. 12.00 Km
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	Sanjay Gandhi National Park	Approx. 2.00 Km (As per final Notification reg. ESZ of SGNP published by MoEF & CC u/no. S.O.3645 (E) dated 05/12/2016 our project site is not

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) from Proposed project location boundary
		Maharashtra Nature Park	affected by the ESZ belt.) Approx. 7.00 Km
4	Inland, coastal, marine or underground waters	Arabian Sea Malad Creek Mahim Creek Thane Creek Mahul Sewri Creek Chandivali Lake Powai Lake Vihar Lake Shivaji Talao Sion Talao Bandra Talao Tulsi Lake Raila Devi Talao Hariyali Lake Masunda Lake Kachrali Lake Makhamali Talao Siddheshwar Lake Brahmala Talao Jail Lake Digha Talao Ambe Ghosle Lake Upvan Lake Yeoor Lake Charkop Village Lake Kharodi Lake Mogliche Talao Mithi River Poisar River	Approx. 8.00 Km Approx. 10.00 Km Approx. 10.00 Km Approx. 6.00 Km Approx. 11.00 Km Abutting Approx. 0.25 Km Approx. 3.00 Km Approx. 5.00 Km Approx. 7.00 Km Approx. 8.00 Km Approx. 8.00 Km Approx. 10.00 Km Approx. 11.00 Km Approx. 11.00 Km Approx. 11.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 12.00 Km Approx. 13.00 Km Approx. 14.00 Km Approx. 1.00 Km Approx. 12.00 Km
5	State, National boundaries	None	--
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Western Express Highway Eastern Express Highway Eastern Freeway	Approx. 4.00 Km Approx. 3.00 Km Approx. 5.00 Km
7	Defence installations	No	--
8	Densely populated or built-up area	Mumbai Metropolitan City	--
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)	Mumbai Metropolitan City	--
10	Areas containing important, high quality or scarce resources (<i>Ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)	No	--
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)	No	--

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) from Proposed project location boundary
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>Earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)	No	--

(IV) Proposed Terms of Reference for EIA studies:

Along with this Form 1 and 1 A we have applied for the project specific ToR from MoEF & CC.

Draft Terms of Reference (ToR) for conducting EIA Study are submitted separately and also attached as **Enclosure** in this Form 1. Please note that considering study area of 10 km radius from the project site we have already carried out the baseline data generation including ambient air quality, Noise level, soil, water quality etc. in the month of March 2017 to May 2017. This may please be accepted.

After receipt of project specific ToR from SEAC 2, Maharashtra EIA Report shall be submitted which will be based on the project specific ToR as well as the model Terms of References (ToR) given in EIA Guidance Manual for building construction & Township/area development projects by MoEF & CC.

As mentioned in the Notification S.O. 804(E) dt. 14.03.2017, there will be separate chapter on Assessment of ecological damage, remediation plan, natural and community resource augmentation plan.

NAHAR BUILDER LIMITEDUNDERTAKING

I hereby give undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.

Date :

Place : Mumbai

For Nahar Builders Limited




Mahesh Chintamani Pradhan
[Director/ Authorised Signatory]
[B-1, Mahalaxmi Chambers,
22, Bhulabhai Desai Road,
Mahalaxmi, Mumbai-400026]

Registered Office & Corporate Office :

B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mumbai - 400 026.

Tel : 2353 8425, 2352 2784. Fax : 2351 0470.

Site and Sales Office :

Nahar's Amrit Shakti, Powai, Turn From Killick Nixon, Off. Saki Vihar Road, Andheri (E), Mumbai - 400 072.

Tel : 2847 1153, 2847 0201, 2847 0203. Fax : 2847 0091.

E-mail : info@nahargroup.co.in Website : www.nahargroup.co.in

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ANNEXURE-R-9



architecture | interior design

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Enclosure 1 -A

Ref.No. 6279/19/RG/S-92(EC)

Dt: Jul 10, 2019.

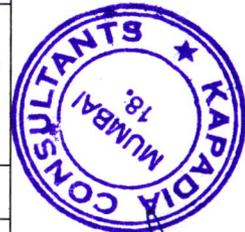
To,
State Expert Appraisal Committee -2 (SEAC 2),
Environment Department,
Mantralaya, Mumbai, Maharashtra

Dear Sir,

We hereby give undertaking for the total constructed built-up area with Plinth Commencement Certificate (CC) and Occupancy Certificate (OC) for **Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)** which are completed and occupied on site and for **Existing Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)** which are completed on site for Residential & Commercial Development at Chandivali Farm Road, Chandivali, Andheri (E), Mumbai.

**A. Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004
(Plinth completed before 07.07.2004)**

Sectors/Building	Building Configuration	Area Approved by M.C.G.M. (Sq. mt.)			Actual area constructed on site (Sq. mt.)			Date of Plinth CC	Date of OC	Remarks
		FSI	NON FSI	TBUA (FSI + NON FSI)	FSI	NON FSI	TBUA(F SI + NON FSI)			
Building R-2/1	Residential (Stilt + 7 floors)	4651.57	465.47	5117.04	4651.57	1395.47	6047.04	11/8/1994	3/3/2000	--
Building R-2/2	Residential (Stilt + 7 floors)	4513.73	1354.11	5867.84	4513.73	1354.11	5867.84	16/3/1995	3/3/2000	--
Building R-2/3	Residential (Stilt + 7 floors)	4766.88	1430.06	6196.94	4766.88	1430.06	6196.94	16/3/1995	3/3/2000	--
Building R-2/4	Residential (Stilt + Podium + 14 floors)	8610.72	2583.22	11193.94	8610.72	2583.22	11193.94	9/2/2004	25/4/2005	--
Building R-2/5	Residential (Stilt + Podium + 14 floors)	8610.72	2583.22	11193.94	8610.72	2583.22	11193.94	9/2/2004	25/4/2005	--
Building R-3/1	Residential (Wing A,B,C,D & E) Stilt + 14 floors	15262.28	4559.39	19821.67	15262.28	4559.39	19821.67	18/10/1989	2/6/2005	The built up area is inclusive of Club House area of sector R-3.
Building R-4/1	Residential + Commercial (Ground + 5 floors)	2664.05	394.89	3058.94	485.65	49.51	535.16	26/11/1994	-	O.C.C. Not obtained
Building R-5/A1	Residential (Ground + 4 floors)	7932.36	1477.17	9409.53	1374.9	374.98	1749.88	26/11/1994	-	O.C.C. Not obtained
Building R-5/A2	Residential (Ground + 4 floors)	1205.18	225.72	1430.90	1205.18	314.50	1519.68	12/12/1994	-	O.C.C. Not obtained



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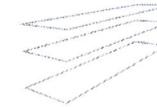
Bombria



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Building R-6/1	Ground floor (Shops)	330.53	66.11	396.64	330.53	66.11	396.64	20/3/1999	6/8/2005	--
Building R-6/2	Ground floor (Shops)	330.53	66.11	396.64	330.53	66.11	396.64	20/3/1999	6/8/2005	--
Building R-6/3	Ground floor (Shops)	330.53	66.11	396.64	330.53	66.11	396.64	20/3/1999	6/8/2005	--
Building R-6/4	Ground floor (Shops)	330.53	66.11	396.64	330.53	66.11	396.64	20/3/1999	6/8/2005	--
Building R-14/1	Ground + 1 upper floor (Commercial)	616.19	123.23	739.42	616.19	123.23	739.42	5/6/2004	17/12/2005	--
Building R-14/2	Ground + 1 upper floor (Commercial)	616.19	123.23	739.42	616.19	123.23	739.42	5/6/2004	17/12/2005	--
TOTAL		60771.99	15584.15	76356.14	52036.13	15155.36	67191.49			



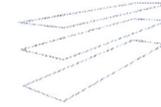


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B. Existing Buildings under purview of EIA Notification, 1994 as amended in 2004 and / EIA Notification 2006 as amended (Plinth completed after 7.7.2004)

Sectors/Building		Area Approved by M.C.G.M. (Sq. mt.)			Actual area constructed on site (Sq. mt.)			Date of Plinth CC	Date of OC	Remarks
		FSI	NON FSI	TBUA (FSI + NON FSI)	FSI	NON FSI	TBUA (FSI + NON FSI)			
Building R-2/6	Residential (Stilt + Podium + 14 floors)	9642.91	2892.87	12535.78	9642.91	2892.87	12535.78	20/04/2005	9/5/2007	--
Building R-2/7	Residential (Stilt + Podium + 14 floors)	8610.72	2583.22	11193.94	8610.72	2583.22	11193.94	21/09/2004	28/9/2006	--
Building R-2/8	Residential (Stilt + Podium + 14 floors)	3659.33	1097.8	4757.13	3659.33	1097.8	4757.13	22/09/2004	30/9/2006	--
Building R-2/9	Residential (Stilt + Podium + 14 floors)	8610.72	2583.22	11193.94	8610.72	2583.22	11193.94	22/09/2004	28/9/2006	--
Building R-2/10	Residential (Stilt + Podium + 14 floors)	10288.3	3086.49	13374.79	10288.3	3086.49	13374.79	20/04/2005	9/5/2007	--
Building R-3/F	Residential (Wing F) Stilt + 2 podium + 14 floors	5283.41	2738.59	8022.00	5283.41	2738.59	8022.00	02/02/2006	23/1/2015	--
School	2 Level Basement + Gr. + 8 floors	8352.79	9307.21	17660.00	8352.79	9307.21	17660.00	09/01/2007	29/10/2015	--
Building R-6/5	Ground floor (Shops)	245.99	49.19	295.18	245.99	49.19	295.18	02/07/2007	12/8/2009	--
Building R-12/1	Residential (Stilt + Podium + 22 floors)	27410.77	192626.70	374762.44	27410.77	25239.23	52650.00	15/07/2005	3/2/2009	The built up area includes area of all podiums, basement, club house of sector R-12, etc.
Building R-12/2	Residential (Stilt + Podium + 21 floors)	12619.44			12619.44	14133.68	26753.12	15/07/2005	5/3/2011	
Building R-12/3	Residential (Stilt + Podium + 22 floors)	13250.80			13250.80	14840.89	28091.69	15/07/2005	5/3/2011	
Building R-12/4	Residential (Stilt + Podium + 22 floors)	13250.80			13250.80	14840.89	28091.69	15/07/2005	5/3/2011	
Building R-12/5	Residential (Stilt + 2 level Podium + 21 floors)	12919.58			12919.58	14591.92	27511.50	15/07/2005	5/3/2011	
Building R-12/6	Residential (Stilt + Podium + 22 floors)	43171.12			43171.12	36739.88	79911.00	15/07/2005	30/10/2009	
Building R-12/7	Residential (Stilt + Podium + 20 floors)	5700.34			5700.34	6935.66	12636.00	15/07/2005	12/8/2015	
Building R-12/8	Residential (Basement + Lower Stilt + Upper Stilt + Podium + 18 floors)	5117.26			5117.26	7138.49	12255.75	15/07/2005	12/8/2015	
Building R-12/9	Residential (Basement Stilt + 2 level Podium + 20 floors)	19072.02			19072.02	21480.18	40552.20	15/07/2005	28/2/2014	
Building R-12/10	Residential (Basement Stilt + 2 level Podium + 20 floors)	19072.02			19072.02	21480.18	40552.20	19/08/2005	28/2/2014	
Building R-12/11	Residential (Basement + Stilt +	10551.29			10551.29	15205.99	25757.28	19/08/2005	12/8/2015	





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	Podium + 14 floors)									
Building R-12/13	Residential (Stilt + 2 level Podium + 20 floors)	8197.79	11832.21	20030.00	3829.46	3684.97	7514.43	03/12/2010	-	Construction of 9 floors completed and work of balance 11 floors is not yet started.
Temple	Ground + 1 upper floor	1251.22	810.9	2062.12	1251.22	810.9	2062.12	26/02/2007	11/06/2108	Part O.C.C. obtained
Building R-14/3	Wing 'A' Basement(pt)+Stilt(pt) + Ground (pt) (shop)+ 3 level podium +Service Floor+ 4th to 17th upper floor and Wing 'B' having Stilt(pt) + Ground (pt) (shop)+ 3 level podium +Service Floor+ 4th to 17th (part) upper floor	7211.59	3138.41	10350	7211.59	3138.41	10350.00	03/07/2010	15/2/2018	--
Building R-18 (Residential)	Residential (Basement + Podium + 18 floors)	9395.35	11804.65	21200	9395.35	11804.65	21200.00	28/04/2010	7/4/2016	--
Municipal Market & Dispensary	Commercial (Ground + 2 upper floor)	817.2	163.44	980.64	817.2	163.44	980.64	24/11/2009	3/10/2013	--
R19: 'D' Mart	Commercial (Basement + Ground + 4 upper floor)	1522.01	812.99	2335	1522.01	812.99	2335.00	26/02/2007	4/12/2010	--
R20: Offices	Office bldg. (Ground + 10 upper floor)	3704.97	2225.03	5930	3704.97	2225.03	5930.00	07/01/2008	23/1/2015	--
R21: Diagnostic Center	Commercial (Basement + Ground + 5 upper floor)	1266.9	573.45	1840.35	1266.9	573.45	1840.35	01/01/2008	2/12/2010	--
Total		270196.94	248326.37	518523.31	265828.31	240179.42	506007.73			

For Kapadia Consultants

(R.G. Kapadia)
Reg.No.CA/78/4792



DAMAGE CONTROL PLAN, REMEDIATION PLAN AND NATURAL AND COMMUNITY RESOURCE AUGMENTATION PLAN

This chapter outlines what ecological damage has been caused by this project due to violation of EIA Notification, 2006 as amended. It also discusses evaluation and implementation about the various liabilities to be imposed on a project for causing environmental damages.

Further, an attempt has also been made to provide an indicative cost for assessment of Damage Control Plan and Remediation Plan and Natural and Community Resource Augmentation Plan (NCRAP) and controlling further damage to environment. This chapter provides guidelines for evaluating and implementing financial penalty for violation in the form of bank guarantee as per provisions stipulated under the Notification vide S.O 804 (E) dated 14.03.2017 by MoEF & CC and as per the guidelines given by SEIAA dated 30.01.2019

A. Project details:

1.	Name and address of Project	Residential and Commercial Development at CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B, 50-B, 52-B, 53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15, 30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B, 25/B/1, 26 A, 27 , 28A/1, 29 N, 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6, 36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra (These City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors [Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20 & R-21] wherein work is commenced/completed and survey number for the same are marked in bold)
2.	Name of Directors	Mr. Mahesh Pradhan Project Proponents: M/s. Nahar Builders Limited.
3.	Total construction completed (built-up area as per EIA notification) : (FSI + NON FSI)	Constructed area for the buildings under purview of EIA Notification: 506007.74 Sq. mt. (Please note in the same layout there are some existing constructed buildings prior to EIA Notification constructed area 67,191.49 Sq.mt.)
4.	Total construction proposed, (built-up area as per EC notification) (FSI + NON FSI)	Total Construction area for the buildings under purview of EIA Notification: 5, 18,523.31 Sq.mt. out of which 506007.74 Sq.mt. has been already constructed and proposed area is 12515.57 Sq. mt.
5.	Whether the project has any EC; if yes, give details including	No

	approved built up area (FSI + NON FSI)	
6.	Total cost of the project and total cost of the project already executed? Also, give total cost of the project constructed without EC.	Total cost of project: Rs. 1749.50 Crore Total cost of the project constructed without EC: Rs. 1749.50 Crore
7.	Date of commencement of project	Buildings which are under purview of EIA Notification : First Building R-2/7 in Sector R2 received commencement certificate (CC) from MCGM on date 21.09.2004 (Please note in the same layout there are some existing constructed buildings prior to EIA Notification and the first Building R 3/1in Sector R3 received commencement certificate from MCGM on 18.10.1989)
8.	Date of violation of EC regulation (please justify with documentary evidence)	21.09.2004 Copy of CC is attached
9.	Date of first submission of information of such violation to the SEIAA or SEAC, if self-notified, along with stoppage of construction work	Applied to EAC, MoEF & CC on date 16.08.2017 for Environmental Clearance under Notification dated 14.03.2017 wherein submitted the information of violation. However as per mandatory guidelines of SEIAA, Maharashtra we have again submitted application on ec-mpcb portal on 23.06.2018 Snapshots of submission are attached as Enclosure
	1. No. of days of violation (9-8)	4745 Days (As the buildings area constructed in sequential manner from 21.09.2004, 4745 days are only for the first building and that much built-up area commenced on 21.09.2004. For rest of the buildings the no. of violation days will get reduced as per the date of CC. Based on the weighted average of built-up areas multiplied by violation days divided by total built-up area, the average violation days works out to = 4248 days and the damage assessment and costing has been works out accordingly)
10.	Name and address of Environmental consultant, with date of engagement of such consultant	ULTRA-TECH (Environmental Consultancy & Laboratory) (An ISO 9001-2015 Company, Accredited by NABET, Lab: Accredited by NABL & Gazetted by MoEF, GoI) Accreditation NO. : QCI/NABET/ENV/ACO/18/0627 Unit No. 206, 224, 225, Jai Commercial Complex, Eastern Express Highway, Opp. Cadbury Factory, Khopat, Thane (W) – 400601 Date of Appointment: 27.02.2017
11.	Any other case of EC violation is reported or pending or decided earlier for projects where any of the directors are involved? If yes, give details	No

12.	Any court case related to EC violation pending or decided against any of the directors including High Court, NGT and sessions court?	No.	Petitioner/Applicant	Court/Tribunal and case/application/WP/PIL/Appeal Number	Status	Any stay/injunction granted
		1	Mr. Prakash Agarwal	Application No. 104/2016 filed in National Green Tribunal, Pune	Pending	No
		2	Mr. Prakash Agarwal	Civil Appeal No. 14533/2017 filed in Hon'ble Supreme Court of India against order passed in matter at serial no. 1	Dismissed	No
		3	Mr. Prakash Agarwal	PIL (L) no. 22/2018 filed Hon'ble Bombay High Court converted to Suo Moto PIL No. 1/2019	Pending	No
		4	Nahar Amrit Shakti – R2 sector Residents Welfare Association and Ors.	PIL No. 125/2014 filed in Hon'ble Bombay High Court	Disposed	No

B. Qualitative and Quantitative Identification of Ecological/Environmental Damage:

This section identifies and describes the qualitative and quantitative ecological/environmental damage due to the violation done

Attributes		Phase	On site scenario	Damage Identification
Air Pollution	Construction dust	Construction	<ul style="list-style-type: none"> • Use of water for dust suppression • Use of covering sheets for trucks carrying construction material to prevent air borne dust • All material storages were adequately covered to avoid dust / particulate emissions • Open burning of solid waste was prohibited • Use of the standard personal protective equipments like masks, goggles, dust mask etc. • Provided barricades of 4.5 mt. height along the periphery of the each sector 	No
	Noise	Construction	<ul style="list-style-type: none"> • Provided barricades of 4.5 mt. height along the periphery of the each sector • Provision of ear plugs for construction labour and staff during high noise • Use of well maintained & relatively newer equipments to mitigate noise generation • Use of DG sets with acoustic enclosures as per CPCB guidelines • No noise polluting work in night shifts • Acoustic enclosure for DG set 	No
		Operation	<ul style="list-style-type: none"> • Around 4275 parking spaces are already provided on site • Use of CPCB approved DG sets • RG area of 15658.70 Sq. mt. on ground and 35962.40 Sq. mt. on podium is already developed on site • Plantation of 2785 nos. of trees of various varieties is already done on site 	No
	Demolition dust	Prior to Construction	Small temporary patra shed (550 Sq. ft.) was demolished prior to start of construction in sector 12 and reused in fencing of the plot	No
Water	Incremental sewage increase	Construction	Disposal of sewage into Municipal sewer line only	No

Attributes		Phase	On site scenario	Damage Identification
		Operation	<p>Untreated sewage from buildings in all sectors except R12 is directly being disposed to sewer line. No provision of STPs for other sector except R12</p> <p>Treatment of sewage (935 KLD) generated from Sector R12 into existing Sewage Treatment Plant of capacity 950 KL which will be augmented by 600 KL in future to cater the entire load of sewage</p> <p>Reuse of treated sewage for flushing (360 KLD) and gardening (151 KLD). Disposal of excess treated sewage into sewer line</p>	Yes but disposal of sewage generated from other sectors to sewer line, which is further connected to Terminal Treatment Facility of M.C.G.M.
	Extra water pumped from foundations	Construction	<ul style="list-style-type: none"> • The general safety precautions followed: <ul style="list-style-type: none"> ○ Stable channels used for dewatering ○ Dewatering avoided during heavy rains • Provision of dewatering pumps of adequate capacity as per site conditions • Suction points of the pumps equipped with silt screens and appropriate filters to minimize stilt discharge • Collection of Subsoil water/ excess water during excavation • Disposal of supernatant to the drain 	No
Soil	Excess foundation excavation	Construction	<p>The excavated soil (1, 20,000 Cum) from large basements in sector R12 has been spread on reservation of Municipal park as per condition of letter of Intent issued by M.C.G.M. After filling and leveling the said park has been handed over to M.C.G.M.</p> <p>The small quantity of excess soil (29214 Cum) from footing for buildings in other sectors, the same has been spread and used as a base for development of layout RG</p>	No
	Excess ground foot print	Construction	Provision of open spaces as per DCR	No

Attributes		Phase	On site scenario	Damage Identification
Loss of vegetation	Additional trees cut (type, age and number of trees with its significance)	Construction	No trees have been cut. Tree plantation (2785 nos.) is already done as per NOC received from Tree Authority	No

C. Description of activities contributing to the environmental damage and degradation:

A.	Demolition, site preparation	Details						
1.	Whether any demolition work was carried out prior to EC? If yes what is date of commencement of demolition and also date of completion of demolition?	Small temporary patra shed (550 Sq. ft.) was demolished prior to start of construction in sector 12 and reused in fencing of the plot.						
2.	Whether such demolition or site had some asbestos, industrial waste or contaminated soil or hazardous waste etc. and if yes, how these types of waste have been segregated and disposed?	No						
3.	If the project is located on any industrial site, whether any due diligence or environmental status of site was assessed? If yes, give details	Sector R16, 20, 21 were situated in industrial zone as per DP plan of MCGM. However same were converted into residential/commercial user as per the provisions of DCR 1991. More so no industry existed on these plots. Other sectors are in residential zone.						
4.	State the quantity of demolition waste disposed from the site, including quantity and disposal location along with location map and photographs	Not applicable as Small temporary patra shed (550 Sq. ft.) was demolished prior to start of construction in sector 12 and reused in fencing of the plot.						
5.	Any air quality (including noise) monitoring done during demolition work? If yes, results	Not monitored as only Small temporary patra shed (550 Sq. ft.) was demolished and reused on site only.						
6.	Whether building plan and layout approved and permission from local authorities is taken to commence the work prior to demolition work	No as only small demolition activity was involved as stated above.						
B.	Construction Stage	Details						
1.	Date of commencement of	<table border="1"> <thead> <tr> <th>Buildings</th> <th>Date of CC</th> <th>Date of completion of</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Buildings	Date of CC	Date of completion of			
Buildings	Date of CC	Date of completion of						

	construction and completion of construction, if any	construction/Occupation Certificate		
		Building R-2/6	20.04.2005	09.05.2007
		Building R-2/7	21.09.2004	28.09.2006
		Building R-2/8	22.09.2004	30.09.2006
		Building R-2/9	22.09.2004	28.09.2006
		Building R-2/10	20.04.2005	09.05.2007
		Building R-3/F	02.02.2006	23.01.2015
		School	09.01.2007	29.10.2015
		Building R-6/5	02.07.2007	12.08.2009
		Building R-12/1	15.07.2005	03.02.2009
		Building R-12/2	15.07.2005	05.03.2011
		Building R-12/3	15.07.2005	05.03.2011
		Building R-12/4	15.07.2005	05.03.2011
		Building R-12/5	16.07.2005	05.03.2011
		Building R-12/6	15.07.2005	30.10.2009
		Building R-12/7	15.07.2005	12.08.2015
		Building R-12/8	15.07.2005	12.08.2015
		Building R-12/9	15.07.2005	28.02.2014
		Building R-12/10	19.08.2005	28.02.2014
		Building R-12/11	19.08.2005	12.08.2015
		Building R-12/13	03.12.2010	Not yet completed
		Temple	26.02.2007	11.06.2018
		Building R-14/3	03.07.2010	15.02.2018
		Building R-18 (Residential)	28.04.2010	07.04.2016
		Municipal Market & Dispensary	24.11.2009	03.10.2013
		R19: Demart	26.02.2007	04.12.2010
		R20: Offices	07.01.2008	23.01.2015
		R21: Diagnostic Center	01.01.2008	02.12.2010
		Please note in the same layout there are some existing constructed buildings prior to EIA Notification and the first Building R 3/1in Sector R3 received commencement certificate from MCGM in 18.10.1989		
2.	Whether the construction carried out is strictly as per the sanction plan given by concerned local authority? If yes, please provide such	Yes o Approved Layout dated 06.05.1996 o Amended approved layout dated 31.08.2006 o Individual buildings plans approved since 1989 to 2016		

	certification																									
3.	In the additional construction, how much construction material including, sand, bricks, cement etc was required to be transported? No. of trucks and its average haulage?	<p>The constructed area on site is 506007.74Sq.mt. The approximate quantities of construction material are as follows</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Units</th> <th>Quantity</th> <th>Approx. Total Weight of each item in tons</th> </tr> </thead> <tbody> <tr> <td>Cement</td> <td>bags</td> <td>2213784</td> <td>110689</td> </tr> <tr> <td>Steel Metal bars</td> <td>tonnes</td> <td>50727</td> <td>50727</td> </tr> <tr> <td>Metal(Khadi)</td> <td>cuft</td> <td>8537884</td> <td>6622645</td> </tr> <tr> <td>Sand</td> <td>cuft</td> <td>6026742</td> <td>4675</td> </tr> <tr> <td>Bricks</td> <td>no.</td> <td>126821352</td> <td>104696</td> </tr> </tbody> </table>	Item	Units	Quantity	Approx. Total Weight of each item in tons	Cement	bags	2213784	110689	Steel Metal bars	tonnes	50727	50727	Metal(Khadi)	cuft	8537884	6622645	Sand	cuft	6026742	4675	Bricks	no.	126821352	104696
Item	Units	Quantity	Approx. Total Weight of each item in tons																							
Cement	bags	2213784	110689																							
Steel Metal bars	tonnes	50727	50727																							
Metal(Khadi)	cuft	8537884	6622645																							
Sand	cuft	6026742	4675																							
Bricks	no.	126821352	104696																							
4.	How many labours were engaged in construction, average per day?	App. 200 workers/day																								
5.	Whether, the additional construction work, over and above valid EC, if so available, has any additional ground foot print? If yes please state, ground foot print in sqm as per EC approved layout and current proposed layout?	<p>Ground Coverage of the buildings which are under purview of EIA Notification: 65998.88 Sq. mt.</p> <p>(Please note in the same layout there are some existing constructed buildings prior to EIA Notification and Ground Coverage of those buildings is 9070.69 Sq.mt.)</p>																								
6.	Whether the expansion was carried out simultaneously with EC approved work? If not give details of time frame? • If yes, please give incremental additional time required for construction of additional area	Days required for completed construction : 4248 days																								
7.	<ul style="list-style-type: none"> • Is there any change in foundation design, i.e. depth of foundation, basement etc. that were done due to additional area? • If yes, what is the additional soil quantity excavated for such incremental foundation depth? Where it is disposed? 	<p>The excavated soil (1, 20,000 Cum) from large basements in sector R12 has been spread on reservation of Municipal park as per condition of letter of Intent issued by M.C.G.M. After filling and leveling the said park has been handed over to M.C.G.M.</p> <p>The small quantity of excess soil (29214 Cum) from footing for buildings in other sectors, the same has been spread and used as a base for development of layout RG</p>																								
8.	What is the quantity of top soil removed and how it is managed?	<p>The excavated soil (1, 20,000 Cum) from large basements in sector R12 has been spread on reservation of Municipal park as per condition of letter of Intent issued by M.C.G.M. After filling and leveling the said park has been handed over to M.C.G.M.</p> <p>The small quantity of excess soil (29214 Cum) from footing for buildings in other sectors, the same has been spread and used as a base for development of layout RG</p>																								

		No top soil was reused. Also as per physic-chemical analysis of soil indicates that productivity of the soil is poor.
9.	Also, if water is encountered at such foundation depth, what is the volume of water pumped for such additional depth of excavation?	Average ground water level was encountered below 6.0 mt. and hence no water required to be pumped for foundation or single basement. Only in case of school building the double basement reached below 6.0 mt. wherein pumping was resorted to. The area of the basement was 3000 sq.mt. App. Quantity of the water pumped out is 5760 cum (2 pumps having capacity of 6 cum/hr*8hr*60days)
10.	How much additional water was required for curing and construction purpose? Source of water?	Water required for curing: App. 150-170 KLD Water required for construction : 10-20 KLD Source: Water tanker (30%)/Bore well (70%)
11.	Rain Water harvesting details	Provision of 27 nos. of recharge pits
12.	Solar light, water heating details	Not provided
13.	Use of fly ash bricks ensured? Details thereof	Fly ash bricks were not used for completed construction
14.	Whether any noise or air pollution control measures taken, if so what are they?	<p>Mitigation Measures For Noise:</p> <ul style="list-style-type: none"> • Noise monitoring to ascertain the noise levels are within limit • Use of well maintained & relatively newer equipments to mitigate noise generation • Provision of ear plugs for construction labor and staff during high noise construction activity • No noise polluting work in night shifts • Provided barricades of 4.5 mt. height along the periphery of sector wherein construction completed. • Acoustic enclosure for DG set • Plantation of 2785 nos. of trees is already done on site <p>Mitigation Measures for Air Pollution:</p> <ul style="list-style-type: none"> • Use of water for dust suppression • Use of covering sheets for trucks carrying construction material to prevent air borne dust • All material storages are being adequately covered to avoid dust / particulate emissions • Use of DG sets with acoustic enclosures as per CPCB guidelines • Adequate parking provision and proper traffic management for smooth traffic flow • Open burning of solid waste is prohibited • Regular health checkup of the workers • Use of the standard personal protective equipments like masks, goggles, dust mask etc.
15.	Whether any air quality and noise level monitoring done during construction stage, if yes attach results	No

16.	Whether any third-party rights are created on the construction without EC?	Yes																											
17.	Whether any of the construction without EC has already been occupied? If yes, number of families gave such occupation. Also give total commercial area being used presently. Also state type of commercial activity i.e. offices, shops, hotels, restaurants etc.	Yes Commercial area presently being used: <table border="1"> <thead> <tr> <th>Sector</th> <th>Building/Type</th> <th>No. & Total Construction Built-up area (In Sq. mt.)</th> </tr> </thead> <tbody> <tr> <td colspan="3" style="text-align: center;">Existing Buildings under purview of EIA Notification</td> </tr> <tr> <td>R3</td> <td>School</td> <td>73 Classrooms 17660.00 Sq.mt.</td> </tr> <tr> <td>R6</td> <td>Building R-6/5 Shops</td> <td>7 nos. 295.18 Sq. mt.</td> </tr> <tr> <td>R14</td> <td>Building R-14/3 Shops</td> <td>6 nos.</td> </tr> <tr> <td>R18</td> <td>Municipal Market & Dispensary</td> <td>980.64 Sq. mt.</td> </tr> <tr> <td>R19</td> <td>De -Mart</td> <td>2335.00 Sq. mt.</td> </tr> <tr> <td>R20</td> <td>Offices and shops</td> <td>Total area: 5930.00 Sq.mt.</td> </tr> <tr> <td>R21</td> <td>Diagnostic Center</td> <td>1840.35 Sq.mt.</td> </tr> </tbody> </table>	Sector	Building/Type	No. & Total Construction Built-up area (In Sq. mt.)	Existing Buildings under purview of EIA Notification			R3	School	73 Classrooms 17660.00 Sq.mt.	R6	Building R-6/5 Shops	7 nos. 295.18 Sq. mt.	R14	Building R-14/3 Shops	6 nos.	R18	Municipal Market & Dispensary	980.64 Sq. mt.	R19	De -Mart	2335.00 Sq. mt.	R20	Offices and shops	Total area: 5930.00 Sq.mt.	R21	Diagnostic Center	1840.35 Sq.mt.
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18.	How many flats sold which are in the area of EC violation and total sale value of such flats	Total cost of the project constructed without EC: Rs. 1749.50 Crore																											
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		Building R-12/11	12.08.2015						
		Building R-12/13	--						
		Temple	11.06.2018						
		Building R-14/3	15.02.2018						
		Building R-18 (Residential)	07.04.2016						
		Municipal Market & Dispensary	03.10.2013						
		R19: Demart	04.12.2010						
		R20: Offices	23.01.2015						
		R21: Diagnostic Center	02.12.2010						
2.	How many families are staying in project?	2194 Nos.							
3.	What is total water supply to project, source and quality	135 LPCD by M.C.G.M. for all sectors except sector R12 For Sector R12 : Domestic : 90 LPCD by MCGM+ 45 LPCD by STP treated sewage							
4.	Total sewage generation m ³ /day	1424 KLD							
5.	STP details	For Sector R12: Existing STP of capacity of 950 KL which will be augmented by 600 KL in future to cater the entire load of sewage							
6.	Treated wastewater disposal	<table border="1"> <thead> <tr> <th>Sector</th> <th>Disposal</th> </tr> </thead> <tbody> <tr> <td>Some of the buildings of Sector: R2, R3, R6, R14, R18, R19, R20, R21</td> <td>To sewer line which is further connected to terminal treatment facility of M.C.G.M.</td> </tr> <tr> <td>Sector R12</td> <td>Treatment in existing STP of capacity of 950 KL which will be augmented by 600 KL in future to cater the entire load of sewage</td> </tr> </tbody> </table>	Sector	Disposal	Some of the buildings of Sector: R2, R3, R6, R14, R18, R19, R20, R21	To sewer line which is further connected to terminal treatment facility of M.C.G.M.	Sector R12	Treatment in existing STP of capacity of 950 KL which will be augmented by 600 KL in future to cater the entire load of sewage	
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Sector R12	Treatment in existing STP of capacity of 950 KL which will be augmented by 600 KL in future to cater the entire load of sewage								
7.	Any DG sets, are they complying the norms	Use of DG sets with acoustic enclosures as per CPCB guidelines. Details are as follows: <ul style="list-style-type: none"> • 5 D.G. Sets of capacity 62.5 kVA each • 2 D.G. Sets of capacity 100 kVA each • 1 D.G. Set of capacity 160 kVA • 1 D.G. Set of capacity 200 kVA • 8 D.G. Sets of capacity 320 kVA each • 1 D.G. Set of capacity 380 kVA • 1 D.G. Set of capacity 400 kVA • 1 D.G. Set of capacity 625 kVA 							

D. Assessment of Environmental Damages

Attributes	Scope of saving on account of environmental protection measures	EMP cost	
		Recurring cost, per day (Rs.)	Non-recurring cost (Rs.)
Air Pollution	Water requirement for sprinkling (KL/day): 30 KL Cost of 1 KL water (Rs): Rs. 60	Nil as water sprinkling to suppress the dust were carried out	--
Water Pollution	A. Cost of water requirement:		
	a). Construction phase:	Nil as tanker water were used for construction	
	b). Operation phase:	Nil as adequate water supply from M.C.G.M.	
	B. Cost of sewage treatment, reuse & disposal:		
	a). Construction phase:	--	Nil as disposal of sewage to sewer line only.
	b). Operation phase:	Rs. 0.093 Lacs	Rs. 157.92 Lacs
	C. Quantity of water pumped out during excavation and a lumpsum cost of Rs. 50 per cum for such unauthorized water extraction and disposal	Nil	2.88 Lacs
D. cost of construction & maintenance of recharge well:	Nil as proper maintenance of recharge well is being carried out on site.	Nil as provision of 27 nos. of recharge pits/well is being done on site.	
Soil environment	In case of demolition has carried out, the cost of demolition waste management plan needs to be discussed and finalized as non-recurring cost.	Nil	Nil as only Small temporary patra shed (550 Sq. ft.) was demolished and reused on site
	In case there is some hazardous waste like asbestos or the site is located on industrial area where hazardous chemical or waste was handled, the cost based on due diligence of the project site, as given by consultants. (The report must include soil analysis, water analysis, MPCB consent copies, manifest of HW if any). This requires critical examination from SPCB.	Nil	Nil
	Cost of preservation of top soil & excavated earth to be considered. [Area (m ²) x depth (m) x sp. Gravity (kg/m ³) x cost per ton (Rs.)]	Nil	No top soil was reused. Also as per physic-chemical analysis of soil

Attributes	Scope of saving on account of environmental protection measures	EMP cost	
		Recurring cost, per day (Rs.)	Non-recurring cost (Rs.)
			indicates that productivity of the soil is poor.
Noise and Vibration	For damage due to noise pollution & vibration, the cost of barricades around the project site should be considered. [perimeter (m) x height of the barricade (m) x cost of the sheet)	Nil	Nil as Provision of barricades of 4.5 mt. height along the periphery of the each sector is made at the time of construction
Green Belt	In case of any tree cutting without EC cost of Rs. 10000/- per tree apart from any statutory action for such tree cutting if any,	Nil as no trees have been cut	--
	Cost of planting & maintaining trees (Number of trees as per the byelaws)	Nil as proper maintenance of RG and trees have been done.	Nil as we have already planted trees on site as per the byelaws
	Cost of compensatory tree plantation (5 trees for each tree cut)	Nil	--
RH/Occupational Health Safety	Cost of workers benefit to be considered in view of Building and Other Construction Workers' Welfare Cess Act, 1996	Nil as benefits in view of Laws have been provided.	--
	A. cost of health checkup of workers: B. cost of safety measures including PPEs:	Nil as proper safety measures and health check up of workers have been done on site.	--
Total		Rs. 0.093 Lacs	Rs. 160.80 Lacs

Detailed breakup of costing which is incurred till date for saving on account of environmental protection measures for attributes mentioned in above table is attached as Enclosure.

E. Calculation of Cost of remediation plan and natural & community resource augmentation plan:

No.	Description	Details	Amount
A. Assessment of Environment Damages			
1.	Total of recurring cost	Cost arrived from above table per day X number of days in violation*	Rs. 0.093 Lacs x 2011 days = Rs. 187.023 Lacs i.e. Rs. 1.87 Crore
2.	Non-recurring cost	Cost as arrived from above table	Rs. 160.80 Lacs Rs. 1.61 Crore
	Sub total (1 + 2 above)	(Subject to minimum Rs. 1 crore)	Rs. 3.48 Crore
B. Economic benefits accrued due to violation			
1.	Economic benefits	1% of total project cost including land, as declared by PP before SEAC, subject to maximum Rs. 10 Cr.	1 % of project cost i.e. 1 % of Rs. 1749.50 Lacs = Rs. 17.49 Crore Hence considered Rs. 10 Crore
2.	Track Record of Project Proponent	Incremental cost of Rs. 10 lakhs for each EC violation by PP observed at any other projects in last 3 years	Not Applicable
3.	Cost of remediation plan and natural & community resource augmentation plan	Sum of A and B above or amount equivalent to the CER amount as per the MOEF & CC's office Memorandum No: F NO 22- 65/2017-IA-III dated 01/05/2018, whichever is higher	1. Sum of A and B is Rs. 13.48 Crore 2. CER amount as per MoEF & CC's office memorandum dt. 1 st May 2018 is Rs. 4.37 Crore 3. Higher of 1 and 2 is Rs. 13.48 Crore

* Here we have considered recurring cost per day for sewage treatment, reuse & disposal. Please note as the buildings are occupied in sequential manner hence building wise violation days are calculated from the date of occupation of building. Based on weighted average of built-up areas multiplied by no. of violation days divided by total built-up area. The average violation days works out to = 2011. Accordingly total of recurring cost has been worked out.

As per MoEF & CC's office memorandum dt. 1st May 2018 the cost towards CER activities is coming to Rs. 4.37 Crores. But amount more than 5 Cr. has been spent in the year 2018-19 on municipal garden plot for development of garden by planting trees, stabilizing the slopes, providing access, construction of retaining wall, providing SWD network, providing compound wall, providing electricity connections and water connections for perpetual maintenance

This recurring and non-recurring cost is proposed to be recovered till submission of proposal to Environmental Clearance. At present these buildings are connected to Municipal sewer which in turn is connected to common sewage treatment plant leading to almost NIL Environmental impact. As few buildings where STP is not proposed are already handed over to the respective societies/Federation, it is not possible at this stage to provide a new STP therein. These buildings forms 23% of built-up area now proposed for regularization

F. Environmental restoration programme along with Resource allocation through EMP Cost:

No.	Description of Activity	% allocation and Cost (Rs. Lacs)	Implementing agency	Remarks
1.	Afforestation (can include plantation, garden development)	25 % Rs. 337.00 Lacs	M.C.G.M.	Preferable within 50 km from project site subject to final decision by SEIAA and Govt. of Maharashtra
2.	Water conservation program (Jalyuktshivar etc.)	25 % Rs. 337.00 Lacs	--	Preferable within 50 km from project site subject to final decision by SEIAA and Govt. of Maharashtra
3.	Urban environment and sanitation (Can include swatcha Bharat, playground development, urban ground-water recharge schemes etc.)	20 % Rs. 269.60 Lacs	M.C.G.M.	Subject to final decision by SEIAA and Govt. of Maharashtra
4.	Sewerage lines and STP, solid waste management	20 % Rs. 269.60 Lacs	M.C.G.M.	Subject to final decision by SEIAA and Govt. of Maharashtra
5.	Urban air/noise pollution control initiatives	10 % Rs. 134.80 Lacs	M.C.G.M.	Subject to final decision by SEIAA and Govt. of Maharashtra

Implementation strategy:

PP will deposit this cost to Municipal Commissioner (MC), M.C.G.M. who will spend such amount on identified projects and certify the work completion and /or utilization of amount.

Project Proponents will give a bank guarantee of equivalent amount and such bank guarantee will be returned on verification of implementation of such Environmental Management Plan by regional office of Ministry, and further recommended by State Expert Appraisal Committee (SEAC) or as per final decision of State Environment Impact Assessment Authority (SEIAA)

For ULTRA TECH
Rekha Margam

Accredited by Quality Council of India's- NABET - for
 EIA coordinator : Building Construction and Townships & Area Development projects
 Expert for Water Pollution Control & Solid Waste Management (Category : A)

Assessment Cost for back up

Attributes	Scope of saving on account of environmental protection measures	Basis of costing	EMP cost		
			Recurring cost, per day (Rs.)	Total Recurring cost Considering total violation days (4248) (Rs.in Lacs)	Non-recurring cost (Rs.)
Air Pollution	Water requirement for sprinkling (KL/day): 30 KL Cost of 1 KL water (Rs): Rs. 60	3 Nos. of tankers X 4248 Nos. of violation days X Cost of per tanker (Rs. 600)	1800/day	76.46	--
Water Pollution	A. Cost of water requirement: a). Construction phase:	1 No. of tankers X 4248 Nos. of violation days X Cost of per tanker (Rs.600)	600/day	25.49	--
	b). Operation phase:	--	--	--	Water supply by M.C.G.M.
	B. Cost of sewage treatment, reuse & disposal: a). Construction phase:	Lumpsum Rs. 10 Lacs of costing for site sanitation is considered	--	--	10.0 Lacs
	b). Operation phase:	Considered in damage	--	--	--
	C. Quantity of water pumped out during excavation and a lumpsum cost of Rs. 50 per cum for such unauthorized water extraction and disposal	Considered in damage	--	--	--
D. cost of construction & maintenance of recharge well:	Non - recurring: Rs. 300000/pit Recurring: 5 % /annum	1110/day	47.14	81.00 Lacs	

Attributes	Scope of saving on account of environmental protection measures	Basis of costing	EMP cost		
			Recurring cost, per day (Rs.)	Total Recurring cost Considering total violation days (4248) (Rs.in Lacs)	Non-recurring cost (Rs.)
Soil environment	In case of demolition has carried out, the cost of demolition waste management plan needs to be discussed and finalized as non-recurring cost.	Nil	--		Nil as only Small temporary patra shed (550 Sq. ft.) was demolished and reused on site
	In case there is some hazardous waste like asbestos or the site is located on industrial area where hazardous chemical or waste was handled, the cost based on due diligence of the project site, as given by consultants. (The report must include soil analysis, water analysis, MPCB consent copies, manifest of HW if any). This requires critical examination from SPCB.	Nil	--	--	Nil
	Cost of preservation of top soil & excavated earth to be considered. [Area (m ²) x depth (m) x sp. Gravity (kg/m ³) x cost per ton (Rs.)]	Nil	--	--	No top soil was reused. Also as per physico-chemical analysis of soil indicates that productivity of the soil is very poor.
Noise and Vibration	For damage due to noise pollution & vibration, the cost of barricades around the project site should be considered. [perimeter (m) x height of the barricade (m) x cost of the sheet]	Rs. 4000/ mt. of the barricade sheet	--	--	Rs. 239.06 Lacs
Green Belt	In case of any tree cutting without EC cost of Rs. 10000/- per tree apart	Nil as no trees have been cut	--	--	--

Attributes	Scope of saving on account of environmental protection measures	Basis of costing	EMP cost		
			Recurring cost, per day (Rs.)	Total Recurring cost Considering total violation days (4248) (Rs.in Lacs)	Non-recurring cost (Rs.)
	<p>from any statutory action for such tree cutting if any</p> <p>Cost of planting & maintaining trees (Number of trees as per the byelaws)</p> <p>Cost of compensatory tree plantation (5 trees for each tree cut)</p>		Rs. 13105.00	Rs.556.70 Lacs	Rs. 298.96 Lacs
			Not Applicable as no trees have been cut	--	--
RH/Occupational Health Safety	Cost of workers benefit to be considered in view of Building and Other Construction Workers' Welfare Cess Act, 1996	--	Nil as benefits in view of Laws have been provided.	--	--
	A. cost of health checkup of workers	Rs. 150/Worker X No. of Workers X Years of Violation	--	--	Rs. 43.20 Lacs
	B. cost of safety measures including PPEs	Rs. 3000/First aid facility X No. of workers	--	--	Rs. 6.00 Lacs



Online Submission & Monitoring of Environmental Clearances (Category-'B' Projects)

State Environment Impact Assessment Authority Maharashtra



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S.No	Proposal Details	Location	Important Dates	Category	Company/Proponent	Current status	* Attached Files	View TimeLine Details
1	Proposal No : SIA/MH/NCP/23372/2018 File No : To be assigned Proposal Name : Residential & Commercial Development	State : Maharashtra District : Mumbai City Tehsil : Andheri	Date of Submission : 16 Aug 2017	New Construction Projects and Industrial Estates	NAHAR BUILDERS LIMITED	Under examination of SEIAA		

Consolidated Statements

Sr No.	Unique Number	Submitted Date	Amount (In Rs)	Status	Actions
1	SEIAA-STATEMENT-0000001500	June 23, 2018	3000000	SEAC Minutes Generated	Documents Payments Download Consolidated Statement SEAC Minutes (Date : 18-10-2018) SEAC Minutes (Date : 01-03-2019)

Mass Tree Plantation

To participate MTP drive, Please click on below links:

To add details tree plantation details committed by **Nahar Builders Ltd** click on the links below

[Proposed Plantation](#)[Actual Plantation](#)

Agenda of 106th Meeting of State Expert Appraisal Committee-2 (SEAC-2)

SEAC Meeting number: 106 Meeting Date July 19, 2019

Subject: Environment Clearance for Residential & Commercial Development at Chandivali, Andheri (E) Mumbai

Is a Violation Case: Yes

1.Name of Project	Residential & Commercial Development at Chandivali, Andheri (E) Mumbai
2.Type of institution	Private
3.Name of Project Proponent	M/s. Nahar Builders Ltd.
4.Name of Consultant	M/s. Ultra-Tech
5.Type of project	Residential & Commercial Development
6.New project/expansion in existing project/modernization/diversification in existing project	New application for EC for the buildings constructed on site which are in the purview of EIA Notification (Plinth completed after 7.7.2004)
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	--
8.Location of the project	Plot bearing CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A , 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9 , 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra. (These City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors wherein work is commenced/completed)
9.Taluka	Andheri (E)
10.Village	Chandivali
Correspondence Name:	M/s. Nahar Builders Ltd.
Room Number:	B-1
Floor:	--
Building Name:	Mahalaxmi Chambers
Road/Street Name:	22, Bhulabhai Desai Road
Locality:	Mahalaxmi
City:	Mumbai-400 026
11.Whether in Corporation / Municipal / other area	Municipal Corporation of Greater Mumbai (M.C.G.M.)
12.IOD/IOA/Concession/Plan Approval Number	CE/360/BPES/LOL (layout approval number) IOD/IOA/Concession/Plan Approval Number: CE/360/BPES/LOL (layout approval number) Approved Built-up Area: 319556.91
13.Note on the initiated work (If applicable)	Detailed site history is given in Form 1.
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	--
15.Total Plot Area (sq. m.)	4, 85,232.67 Sq. mt. (for total layout).
16.Deductions	1,62,039.97 Sq. mt. (for total layout)
17.Net Plot area	3, 23,192.70 Sq. mt. (for total layout), Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq. mt.
18 (a).Proposed Built-up Area (FSI & Non-FSI)	a) FSI area (sq. m.): Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004): 48970.40 Sq. mt. And Buildings under purview of EIA Notification: 2,70,586.51 Sq. mt. b) Non FSI area (sq. m.): Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004): 18221.09 Sq. mt. And Buildings under purview of EIA Notification: 2,47,937.00 Sq. mt. c) Total BUA area (sq. m.): 518523.31


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18 (b). Approved Built up area as per DCR	Approved FSI area (sq. m.): 319556.91
	Approved Non FSI area (sq. m.): 266158.09
	Date of Approval: 31-08-2016
19. Total ground coverage (m2)	Existing Buildings not under purview of EIA Notification: 9070.69 Sq.mt. Buildings under purview of EIA Notification: 23833.52 Sq. mt. Total Ground coverage: 32904.21 Sq. mt. (10 %)
20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	10 %
21. Estimated cost of the project	17495000000

22. Number of buildings & its configuration

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	--	--
2	Sector R2: Building R-2/1, R-2/2 and R-2/3	Stilt + 7 Floors	23.77 mt.
3	Sector R2: Building R-2/4 and R-2/5	Stilt + Podium + 14 Floors	48.15 mt.
4	Sector R3: Building R-3/1: Wing A to E	Stilt + 14 Floors	44.00 mt.
5	Sector R4: Building R-4/1	Plinth	17.98 mt.
6	Sector R5: Building R-5/A1 and R-5/A2	Ground + 3 Floors	15.10 mt.
7	Sector R5: Building R-5/A1 and R-5/A2	Ground + 3 Floors	15.10 mt.
8	Sector R6: Building R-6/1, R-6/2, R-6/3 and R-6/4	Ground	5.33 mt.
9	Sector R14: Building R-14/1 and R-14/2	Ground + 1 Floor	9.50 mt.
10	Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)	--	--
11	Sector R2: Building R-2/6, R-2/7, R-2/8, R-2/9 and R-2/10	Stilt + Podium + 14 Floors	44.95 mt.
12	Sector R3: Building R-3/F: Wing F	Stilt + 2 Podium + 14 Floors	44.00 mt.
13	Sector R3: School	2 Basements + Ground + 8 Floors	39.50 mt.
14	Sector R6: Building R-6/5	Ground	5.33 mt.
15	Sector R12: Building R-12/1	Stilt + Podium + 22 Floors	69.75 mt.
16	Sector R12: Building R-12/3 And R-12/4	Stilt + Podium + 22 Floors	69.25 mt.
17	Sector R12: Building R-12/6	Stilt + Podium + 22 Floors	69.66 mt.
18	Sector R12: Building R-12/2, R-12/5	Stilt + Podium + 21 Floors	68.80 mt.
19	Sector R12: Building R-12/7	Stilt + podium + 20 floors	69.80 mt.
20	Sector R12: Building R-12/9	Stilt + podium + 20 floors	69.40 mt.
21	Sector R12: Building 12/13	Stilt + 2 podium + 20 floors	67.40 mt.
22	Sector R12: Building R-12/8	Basement + Stilt + Podium + 18 Floors	67.35 mt.


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23	Sector R12: Building R-12/10	Basement + Stilt + Podium + 20 Floors	69.40 mt.
24	Sector R12: Building R-12/11	Basement + Stilt + Podium + 14 Floors	52.25 mt.
25	Sector R12: Temple	Ground + 1 Floor	15.95 mt.
26	Sector R14: Building R-14/3	Part Basement + G + 3 Podium+ 4-17 Upper Floors	60.60 mt.
27	Sector R18: Residential	Basement + Podium + 18 Floors	61.00 mt.
28	Sector R19: Demart	Basement + Ground + 4 Floors	22.80 mt.
29	Sector R20: Offices	Ground + 10 Floors	39.00 mt.
30	Sector R21: Diagnostic Center	Basement + Ground + 5 Floors	22.20 mt.

23.Number of tenants and shops	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004): Flats : 740 Nos, Shops : 66 Nos. Buildings under purview of EIA Notification : Flats : 3001 Nos, Shops: 48 Nos., Classrooms: 73 Nos, Dispensary, Offices , Diagnostic Center and Demart
24.Number of expected residents / users	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004): 3898 Nos. Buildings under purview of EIA Notification: 18221 Nos.
25.Tenant density per hectare	116/hector(Considering all the buildings of the plot)
26.Height of the building(s)	
27.Right of way (Width of the road from the nearest fire station to the proposed building(s))	Sectors in site are interconnected via 13.40 mt. wide D.P. Roads and 18.30 mt. wide D. P. Roads which are further connected to 27.45 mt. wide D.P. Road which connects to 45.75 mt. wide Jogeshwari Vikhroli Link Road.
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	Minimum 9 mt.
29.Existing structure (s) if any	Details given in Form 1 and 1 A
30.Details of the demolition with disposal (If applicable)	Not Applicable

31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	--	--	--	--

32.Total Water Requirement

 Mr. Surykant Nikam (Secretary SEAC-II)	SEAC Meeting No: 106 Meeting Date: July 19, 2019	Page 60 of 108	 Shri M.M.Adtani (Chairman SEAC-II)
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Dry season:	Source of water	From M.C.G.M./ Bore well/ Tankers/Treated sewage from STP							
	Fresh water (CMD):	Buildings not under purview of EIA Notification: 512 (Domestic : 339+ Flushing : 173) and Buildings under purview of EIA Notification : 1700 (Domestic of all bldgs : 1441 + Flushing of Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21: 259)							
	Recycled water - Flushing (CMD):	For Sector R12 Only : 484							
	Recycled water - Gardening (CMD):	151							
	Swimming pool make up (Cum):	Buildings under purview of EIA Notification: 14							
	Total Water Requirement (CMD) :	Buildings not under purview of EIA Notification: 512 and Buildings under purview of EIA Notification: 2349							
	Fire fighting - Underground water tank(CMD):	Details shall be submitted							
	Fire fighting - Overhead water tank(CMD):	Details shall be submitted							
	Excess treated water	Details shall be submitted							
Wet season:	Source of water	From M.C.G.M./ Bore well/ Tankers/Treated sewage from STP							
	Fresh water (CMD):	Buildings not under purview of EIA Notification: 512 (Domestic : 339+ Flushing : 173) and Buildings under purview of EIA Notification : 1700 (Domestic of all bldgs : 1441 + Flushing of Some of the buildings of Sector R2, R3, R6, R14, R18, R19, R20, R21: 259)							
	Recycled water - Flushing (CMD):	For Sector R12 Only : 484							
	Recycled water - Gardening (CMD):	0							
	Swimming pool make up (Cum):	Buildings under purview of EIA Notification: 14							
	Total Water Requirement (CMD) :	Buildings not under purview of EIA Notification: 512 and Buildings under purview of EIA Notification: 2198							
	Fire fighting - Underground water tank(CMD):	Details shall be submitted							
	Fire fighting - Overhead water tank(CMD):	Details shall be submitted							
	Excess treated water	Details shall be submitted							
Details of Swimming pool (If any)	Details shall be submitted								
33.Details of Total water consumed									
Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
Water Requirement	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	--	--	--	--	--	--	--	--	--


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34.Rain Water Harvesting (RWH)	Level of the Ground water table:	1.5 mt. and 3.10 mt. below ground level	
	Size and no of RWH tank(s) and Quantity:	Details shall be submitted	
	Location of the RWH tank(s):	Details shall be submitted	
	Quantity of recharge pits:	Details shall be submitted	
	Size of recharge pits :	Details shall be submitted	
	Budgetary allocation (Capital cost) :	Details shall be submitted	
	Budgetary allocation (O & M cost) :	Details shall be submitted	
	Details of UGT tanks if any :	Details shall be submitted	
35.Storm water drainage	Natural water drainage pattern:	The storm water collected through the storm water drains of adequate capacity will be discharged into the external SWD	
	Quantity of storm water:	Details shall be submitted	
	Size of SWD:	Details shall be submitted	
Sewage and Waste water	Sewage generation in KLD:	Buildings not under purview of EIA Notification: 444 KLD And Buildings under purview of EIA Notification: Some of the buildings of Sector: R2, R3, R6, R14, R18, R19, R20, R21: 637 KLD; Sector R12: 1258 KLD	
	STP technology:	MBBR (Moving Bed Bio Reactor)	
	Capacity of STP (CMD):	Buildings not under purview of EIA Notification: To sewer line; Buildings under purview of EIA Notification: Some of the buildings of Sector: R2, R3, R6, R14, R18, R19, R20, R21: To sewer line; Sector R12: STP of capacity of 1766 KL	
	Location & area of the STP:	Basement	
	Budgetary allocation (Capital cost):	Details shall be submitted	
	Budgetary allocation (O & M cost):	Details shall be submitted	
36.Solid waste Management			
Waste generation in the Pre Construction and Construction phase:	Waste generation:	Excavated material has been already disposed to the authorized sites with permission from M.C.G.M.	
	Disposal of the construction waste debris:	Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining disposed to the authorized land fill site.	
Waste generation in the operation Phase:	Dry waste:	Buildings not under purview of EIA Notification: 1011 kg/day And Buildings under purview of EIA Notification: 4244 kg/day	
	Wet waste:	Buildings not under purview of EIA Notification: 674 kg/day And Buildings under purview of EIA Notification: 2829 kg/day	
	Hazardous waste:	--	
	Biomedical waste (If applicable):	There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste	
	STP Sludge (Dry sludge):	From STP of Sector R12 only: 189 kg/day	
	Others if any:	E - waste: 30 Kg/month (For Offices in Sector R20 Only)	
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Mode of Disposal of waste:	Dry waste:	To Authorized recyclers					
	Wet waste:	Buildings not under purview of EIA Notification: To MCGM, Buildings under purview of EIA Notification- Some of the buildings of Sector: R2, R3, R6, R14, R18, R19, R20, R21 : To MCGM , Bio Waste Converter (BWC) (For Sector R 12 Only)					
	Hazardous waste:	--					
	Biomedical waste (If applicable):	Handling and disposal of waste as per Bio-Medical Waste Management Rules, 2016.					
	STP Sludge (Dry sludge):	Use as manure					
	Others if any:	E - waste: Storage of E - Waste in separate space within project site and subsequently handed over to authorize recyclers					
Area requirement:	Location(s):	Details shall be submitted					
	Area for the storage of waste & other material:	Details shall be submitted					
	Area for machinery:	Details shall be submitted					
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Details shall be submitted					
	O & M cost:	Details shall be submitted					
37.Effluent Charecteristics							
Serial Number	Parameters	Unit	Inlet Effluent Charecteristics	Outlet Effluent Charecteristics	Effluent discharge standards (MPCB)		
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable		
Amount of effluent generation (CMD):		Not applicable					
Capacity of the ETP:		Not applicable					
Amount of treated effluent recycled :		Not applicable					
Amount of water send to the CETP:		Not applicable					
Membership of CETP (if require):		Not applicable					
Note on ETP technology to be used		Not applicable					
Disposal of the ETP sludge		Not applicable					
38.Hazardous Waste Details							
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
39.Stacks emission Details							
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases	
1	DG Sets	--	--	--	--	--	
40.Details of Fuel to be used							
Serial Number	Type of Fuel	Existing	Proposed	Total			
1	HSD	--	--	--			


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41.Source of Fuel		--		
42.Mode of Transportation of fuel to site		--		
43.Green Belt Development	Total RG area :	RG on the ground (sq. m.): 15,446.68; RG on the podium (sq. m.): 35,962.35		
	No of trees to be cut :	Details shall be submitted		
	Number of trees to be planted :	Details shall be submitted		
	List of proposed native trees :	Details shall be submitted		
	Timeline for completion of plantation :	--		
44.Number and list of trees species to be planted in the ground				
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance
1	Details shall be submitted	Details shall be submitted	Details shall be submitted	Details shall be submitted
45.Total quantity of plants on ground				
46.Number and list of shrubs and bushes species to be planted in the podium RG:				
Serial Number	Name	C/C Distance	Area m2	
1	--	--	--	
47.Energy				
Power requirement:	Source of power supply :	TATA Power & Reliance Infrastructure		
	During Construction Phase: (Demand Load)	Details shall be submitted		
	DG set as Power back-up during construction phase	Details shall be submitted		
	During Operation phase (Connected load):	Details shall be submitted		
	During Operation phase (Demand load):	Details shall be submitted		
	Transformer:	Details shall be submitted		
	DG set as Power back-up during operation phase:	Details shall be submitted		
	Fuel used:	Diesel		
Details of high tension line passing through the plot if any:	NA			
48.Energy saving by non-conventional method:				
Details shall be submitted				


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49.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Details shall be submitted	Details shall be submitted

50.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
--	--	--

Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Details shall be submitted
	O & M cost:	Details shall be submitted

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

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Dust suppression	2.88
2	Air Environment	Air and Noise quality: Sensors for Air quality & Noise level monitoring	11.00
3	Air Environment	Air and Noise quality: By outside MoEF & CC Approved Laboratory	0.44
4	Water Environment	Drinking water analysis	0.66
5	Land Environment	Site Sanitation	5.00
6	Health & Hygiene	Disinfection- Pest Control at site	2.40
7	Health & Hygiene	Health-check-up of workers	3.60

b) Operation Phase (with Break-up):

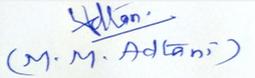
Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Details shall be submitted			

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

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

52.Any Other Information

No Information Available

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53.Traffic Management		
	Nos. of the junction to the main road & design of confluence:	Details shall be submitted
Parking details:	Number and area of basement:	Number of Basement : As mentioned in the proposal
	Number and area of podia:	Number of Podium : As mentioned in the proposal
	Total Parking area:	Details shall be submitted
	Area per car:	--
	Area per car:	--
	Number of 2-Wheelers as approved by competent authority:	--
	Number of 4-Wheelers as approved by competent authority:	Buildings not under purview of EIA Notification: 561 Nos. and Buildings under purview of EIA Notification: 4306 Nos.
	Public Transport:	Nil
	Width of all Internal roads (m):	Details shall be submitted
	CRZ/ RRZ clearance obtain, if any:	Not Applicable
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	Sanjay Gandhi National Park: Approx. 2.00 Km
	Category as per schedule of EIA Notification sheet	Category 8 (b)
	Court cases pending if any	Details are submitted in Form 1
	Other Relevant Informations	--
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	16-08-2017
SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS		
Summorised in brief information of Project as below.		
Brief information of the project by SEAC		


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SEAC-AGENDA-00000000298


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DECISION OF SEAC

After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA for further needful subject to conditions that

Specific Conditions by SEAC:

- 1) As per MoEF & CC notification dated 14/3/2017 & OM dated 15/3/2018 & 16/3/2018 regarding violation, the damage assessment value is arrived at Rs. 13,48,00,000. PP to comply with SEIAA decision regarding activities to be carried out for Environmental restoration programme. The PP in consultation with Municipal Corporation of Greater Mumbai authorities has towards EMP submitted proposal of development of Garden/ Miyawaki Forest and allied public civil works in Chandivali and nearby areas from remediation cost to which Municipal Corporation has also agreed to. Therefore taking overall view, the PP may be suggested that the remediation cost may be utilized by him in consultation with municipal corporation towards (a) social forestry/ miyawaki forest/ garden development in municipal lands/public spaces to the extent of about 60%; (b) laying of sewer line/mains along municipal roads to the extent of about 20%; (c) laying/ augmentation of storm water drainage network along municipal roads to the extent of about 20%.
- 2) PP to ensure that wet well of the proposed STP should be higher than inlet level of sewer network of local body.
- 3) As agreed, PP to provide STP for waste water treatment for R-2 & R-18 in addition to STP for sector R-12, PP to upload undertaking regarding this.
- 4) PP to submit CER as applicable as per MOEF & CC circular dated 1.5.2018 in consultation with Municipal Corporation.

FINAL RECOMMENDATION

SEAC-II have decided to recommend the proposal to SEIAA for Prior Environmental clearance subject to above conditions

TRUE COPY

Bombhise

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174 th Agenda of SEIAA (Day-2)

SEIAA Meeting number: 174 Meeting Date August 29, 2019

Subject: Environment Clearance for Residential & Commercial Development at Chandivali, Andheri (E) Mumbai**Is a Violation Case:** Yes

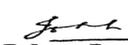
1.Name of Project	Residential & Commercial Development at Chandivali, Andheri (E) Mumbai
2.Type of institution	Private
3.Name of Project Proponent	M/s. Nahar Builders Ltd.
4.Name of Consultant	M/s. ULTRA TECH
5.Type of project	Residential & Commercial Development
6.New project/expansion in existing project/modernization/diversification in existing project	New application for EC for the buildings constructed on site which are in the purview of EIA Notification (Plinth completed after 7.7.2004)
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	--
8.Location of the project	Plot bearing CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B,29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C,53-A/1-B,1-C, 44-C,1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B ,25/B/1,26 A, 27 , 28A/1, 29 N, 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt),50A/9 , 52A/6,36 A(Pt),36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra (These City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors [Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20 & R-21] wherein work is commenced/completed and survey number for the same are marked in bold)
9.Taluka	Andheri (E)
10.Village	Chandivali
Correspondence Name:	M/s. Nahar Builders Ltd.
Room Number:	B-1
Floor:	--
Building Name:	Mahalaxmi Chambers
Road/Street Name:	22, Bhulabhai Desai Road
Locality:	Mahalaxmi
City:	Mumbai-400 026
11.Whether in Corporation / Municipal / other area	Municipal Corporation of Greater Mumbai (M.C.G.M.)
12.IOD/IOA/Concession/Plan Approval Number	CE/360/BPES/LOL (layout approval number) IOD/IOA/Concession/Plan Approval Number: CE/360/BPES/LOL (layout approval number) Approved Built-up Area: 319556.91
13.Note on the initiated work (If applicable)	Detailed site history is given in Form 1.
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	--
15.Total Plot Area (sq. m.)	4, 85,232.67 Sq. mt. (for total layout).
16.Deductions	1,62,039.97 Sq. mt. (for total layout)
17.Net Plot area	3, 23,192.70 Sq. mt. (for total layout), Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq. mt.
18 (a).Proposed Built-up Area (FSI & Non-FSI)	a) FSI area (sq. m.): Existing Buildings not under purview of EIA Notification: Some of the buildings of Sector R2, R3, R4, R5, R6 & R14: 52,036.13 Sq. mt. Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21: 2, 70,196.94 Sq. mt. b) Non FSI area (sq. m.): Existing Buildings not under purview of EIA Notification: Some of the buildings of Sector R2, R3, R4, R5, R6 & R14: 15,155.36 Sq. mt. Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21: 2, 48,326.37 Sq. mt. c) Total BUA area (sq. m.): 518523.31



Shri. Anil Diggikar (Member Secretary SEIAA)

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Shri. Johnny Joseph (Chairman SEIAA)

18 (b).Approved Built up area as per DCR	Approved FSI area (sq. m.): 330968.93
	Approved Non FSI area (sq. m.): 263910.52
	Date of Approval: 31-08-2016
19.Total ground coverage (m2)	Existing Buildings not under purview of EIA Notification: 9070.69 Sq. mt. Buildings under purview of EIA Notification: 65998.88 Sq. mt. Total Ground coverage: 75069.57 Sq. mt.
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	23 % of Net Plot area for total Layout 36 % of Net Plot area of 11 Sectors
21.Estimated cost of the project	17495000000

22.Number of buildings & its configuration

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004)	--	--
2	Sector R2: Building R-2/1, R-2/2 and R-2/3	Stilt + 7 Floors	23.77 mt.
3	Sector R2: Building R-2/4 and R-2/5	Stilt + Podium + 14 Floors	48.15 mt.
4	Sector R3: Building R-3/1: Wing A to E & CLUB HOUSE	Stilt + 14 Floors	44.00 mt.
5	Sector R4: Building R-4/1	Plinth	--
6	Sector R5: Building R-5/A1 and R-5/A2	Ground + 3 Floors	15.10 mt.
7	Sector R6: Building R-6/1, R-6/2, R-6/3 and R-6/4	Ground	5.33 mt.
8	Sector R14: Building R-14/1 and R-14/2	Ground + 1 Floor	9.50 mt.
9	Existing Buildings under purview of EIA Notification, 1994, 2006 as amended (Plinth completed after 7.7.2004)	--	--
10	Sector R2: Building R-2/6, R-2/7, R-2/8, R-2/9 and R-2/10	Stilt + Podium + 14 Floors	44.95 mt.
11	Sector R3: Building R-3/F: Wing F	Stilt + 2 Podium + 14 Floors	44.00 mt.
12	Sector R3: School	2 Basements + Ground + 8 Floors	39.50 mt.
13	Sector R6: Building R-6/5	Ground	5.33 mt.
14	Sector R12: Building R-12/1	Stilt + Podium + 22 Floors	69.75 mt.
15	Sector R12: Building R-12/3 And R-12/4	Stilt + Podium + 22 Floors	69.25 mt.
16	Sector R12: Building R-12/6	Stilt + Podium + 22 Floors	69.66 mt.
17	Sector R12: Building R-12/2, R-12/5	R-12/2: Stilt + Podium + 21 Floors, R-12/5: Stilt + 2 Podium + 21 Floors	68.80 mt.
18	Sector R12: Building R-12/7	Stilt + podium + 20 floors	69.80 mt.
19	Sector R12: Building R-12/9	Basement + Stilt + Podium + 20 Floors	69.40 mt.
20	Sector R12: Building 12/13	Stilt + 2 podium + 20 floors	67.40 mt.
21	Sector R12: Building R-12/8	Basement + Lower Stilt + Upper Stilt + Podium + 18 floors	67.35 mt.


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22	Sector R12: Building R-12/10	Basement + Stilt + 2 Podium + 20 Floors	69.40 mt.
23	Sector R12: Building R-12/11	Basement + Stilt + Podium + 14 Floors	52.25 mt.
24	Sector R12: Temple	Ground + 1 Floor	15.95 mt.
25	Sector R14: Building R-14/3	Wing A: Part Basement + Part Stilt + G (pt) + 3 Podium + Service floor + 4 to 17 Upper Floors Wing B: Part Stilt + G (pt) + 3 Podium + Service floor + 4 to 17 Upper Floors	60.60 mt.
26	Sector R18: Residential	Basement + Podium + 18 Floors	61.00 mt.
27	Sector R19: Demart	Basement + Ground + 4 Floors	22.80 mt.
28	Sector R20: Offices	Ground + 10 Floors	39.00 mt.
29	Sector R21: Diagnostic Center	Basement + Ground + 5 Floors	22.20 mt.
30	Sector R18: Municipal Market & Dispensary	Ground + 2 Floors	12.48 mt.
31	Sector R12: Club House	Part Basement + Ground + 1 Floor	--

23.Number of tenants and shops	Existing Buildings not under purview of EIA Notification, 1994 as amended in 2004 (Plinth completed before 07.07.2004): Flats : 740 Nos, Shops : 66 Nos. Buildings under purview of EIA Notification : Flats : 3250 Nos, Shops: 48 Nos., Classrooms: 73 Nos, Dispensary, Offices , Diagnostic Center and Demart
24.Number of expected residents / users	Existing Buildings not under purview of EIA Notification: 3898 Nos. ; Buildings under purview of EIA Notification: 19466 Nos.
25.Tenant density per hectare	123/hectar (Considering all the buildings of the plot)
26.Height of the building(s)	
27.Right of way (Width of the road from the nearest fire station to the proposed building(s))	Sectors in site are interconnected via 13.40 mt. wide D.P. Roads and 18.30 mt. wide D. P. Roads which are further connected to 27.45 mt. wide D.P. Road which connects to 45.75 mt. wide Jogeshwari Vikhroli Link Road.
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	Minimum 9 mt.
29.Existing structure (s) if any	Details given in Form 1 and 1 A
30.Details of the demolition with disposal (If applicable)	Not Applicable

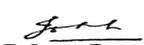
31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	--	--	--	--


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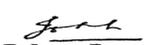

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32.Total Water Requirement

Dry season:	Source of water	From M.C.G.M./Tanker water of potable quality for swimming pool	
	Fresh water (CMD):	Buildings not under purview of EIA Notification: 512 KLD (For Domestic: 339 KLD + For Flushing:173 KLD) For Buildings under purview of EIA Notification: 1812 KLD (For Domestic:1553 KLD + For Flushing: 259 KLD)	
	Recycled water - Flushing (CMD):	For Sector R12: 541 KLD	
	Recycled water - Gardening (CMD):	151	
	Swimming pool make up (Cum):	14 KLD	
	Total Water Requirement (CMD) :	Buildings not under purview of EIA Notification: 512 KLD For Buildings under purview of EIA Notification: 2518 KLD	
	Fire fighting - Underground water tank(CMD):	3088 KLD	
	Fire fighting - Overhead water tank(CMD):	1021 KLD	
	Excess treated water	Buildings not under purview of EIA Notification: Untreated sewage 444 KLD For Buildings under purview of EIA Notification: Untreated : 638 Excess treated from Sector R12 : 572 KLD	
Wet season:	Source of water	From M.C.G.M./Tanker water of potable quality for swimming pool	
	Fresh water (CMD):	Buildings not under purview of EIA Notification: 512 KLD (For Domestic: 339 KLD + For Flushing:173 KLD) For Buildings under purview of EIA Notification: 1812 KLD (For Domestic:1553 KLD + For Flushing: 259 KLD)	
	Recycled water - Flushing (CMD):	For Sector R12: 541 KLD	
	Recycled water - Gardening (CMD):	0	
	Swimming pool make up (Cum):	14 KLD	
	Total Water Requirement (CMD) :	Buildings not under purview of EIA Notification: 512 KLD For Buildings under purview of EIA Notification: 2367 KLD	
	Fire fighting - Underground water tank(CMD):	3088 KLD	
	Fire fighting - Overhead water tank(CMD):	1021 KLD	
	Excess treated water	Buildings not under purview of EIA Notification: Untreated sewage 444 KLD For Buildings under purview of EIA Notification: Untreated : 638 Excess treated from Sector R12 : 723 KLD	
Details of Swimming pool (If any)	Swimming pool make up water requirement: 14 KL Source: Tanker water of potable quality		

33.Details of Total water consumed

Particulars	Consumption (CMD)	Loss (CMD)	Effluent (CMD)
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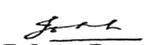
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Water Requirement	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	--	--	--	--	--	--	--	--	--
34. Rain Water Harvesting (RWH)									
	Level of the Ground water table:		1.5 mt. and 3.10 mt. below ground level						
	Size and no of RWH tank(s) and Quantity:		Nil						
	Location of the RWH tank(s):		NA						
	Quantity of recharge pits:		27 nos. of recharge pits						
	Size of recharge pits :		2.0 m X 1.5 m. X 2.0 m.						
	Budgetary allocation (Capital cost) :		Rs. 81.00 Lacs						
	Budgetary allocation (O & M cost) :		Rs. 4.05 Lacs/annum						
	Details of UGT tanks if any :		Location of UG tanks: Underground/Basement						
35. Storm water drainage									
	Natural water drainage pattern:		The storm water collected through the storm water drains of adequate capacity will be discharged into the external SWD.						
	Quantity of storm water:		8.50 m3/sec						
	Size of SWD:		28.30 m3/sec						
36. Solid waste Management									
Sewage and Waste water									
	Sewage generation in KLD:		Existing Buildings not under purview of EIA Notification: 444 KLD For Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: 638 KLD Sector R12: 1405 KLD						
	STP technology:		For Buildings under purview of EIA Notification : Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20 and R21: Disposal to sewer line which is further connected to Terminal Treatment Facility of M.C.G.M. Sector R12: Existing STP of 950 KL of SAFF technology (Submerged Aerobic Fixed Film) of which further Augmentation shall be done by 600 KL with the help of MBBR (Moving Bed Bio Reactor) technology						
	Capacity of STP (CMD):		Sector R12: Existing STP of 950 KL of SAFF technology (Submerged Aerobic Fixed Film) of which further Augmentation shall be done by 600 KL with the help of MBBR (Moving Bed Bio Reactor) technology						
	Location & area of the STP:		Location: Underground And Area: 1288 Sq. mt.						
	Budgetary allocation (Capital cost):		Rs. 245.15 Lacs						
	Budgetary allocation (O & M cost):		Rs. 33.44 Lacs/annum						

Waste generation in the Pre Construction and Construction phase:	Waste generation:	The excavated soil from large basements in sector R12 has been spread on reservation of Municipal park as per condition of letter of Intent issued by M.C.G.M. After filling and leveling the said park has been handed over to M.C.G.M. The small quantity of excess soil from footing for buildings in other sectors, the same has been spread and used as a base for development of layout RG
	Disposal of the construction waste debris:	Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining shall be disposed to the authorized land fill site.
Waste generation in the operation Phase:	Dry waste:	Existing Buildings not under purview of EIA Notification: 1011 kg/day ; For Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: 1340 kg/day Sector R12: 3242 kg/day
	Wet waste:	Existing Buildings not under purview of EIA Notification: 674 kg/day; For Buildings under purview of EIA Notification : Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: 893 kg/day Sector R12: 2161 kg/day
	Hazardous waste:	--
	Biomedical waste (If applicable):	There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste
	STP Sludge (Dry sludge):	211 kg/day
	Others if any:	E waste generated from Office building in Sector R20: 364 Kg/annum
Mode of Disposal of waste:	Dry waste:	To Authorized recyclers
	Wet waste:	Existing Buildings not under purview of EIA Notification: Segregated waste to M.C.G.M. For Buildings under purview of EIA Notification : • Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: Segregated waste to M.C.G.M. • Sector R12: Treatment in Organic Waste Converter (OWC)
	Hazardous waste:	Not Applicable
	Biomedical waste (If applicable):	Agreement with SMS Envoclean Pvt. Ltd. for disposal as per Bio-Medical Waste Management Rules, 2016.
	STP Sludge (Dry sludge):	Use as manure
	Others if any:	Storage of E - Waste in separate space within project site and subsequently handed over to authorized recyclers
Area requirement:	Location(s):	Ground floor
	Area for the storage of waste & other material:	211.00 Sq. mt. (For Sector R12)
	Area for machinery:	36.00 Sq. mt. (For Sector R12)
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs. 14.16 Lacs
	O & M cost:	Rs. 17.23 Lacs/annum

37.Effluent Charecteristics

Serial Number	Parameters	Unit	Inlet Effluent Charecteristics	Outlet Effluent Charecteristics	Effluent discharge standards (MPCB)
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Amount of effluent generation (CMD):		Not applicable			
Capacity of the ETP:		Not applicable			

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Amount of treated effluent recycled :	Not applicable
Amount of water send to the CETP:	Not applicable
Membership of CETP (if require):	Not applicable
Note on ETP technology to be used	Not applicable
Disposal of the ETP sludge	Not applicable

38.Hazardous Waste Details

Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable						

39.Stacks emission Details

Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases
1	DG Sets	--	--	--	--	--

40.Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	HSD	--	--	--

41.Source of Fuel

--

42.Mode of Transportation of fuel to site

--

43.Green Belt Development

Total RG area :	RG on the ground (sq. m.): 15,658.70; RG on the podium (sq. m.): 35,962.40; PG Area for the School (sq. m.): 2947.23
No of trees to be cut :	--
Number of trees to be planted :	2785 Nos.(Already planted)
List of proposed native trees :	2785 nos. of trees is already planted on site and details for the same are given in EIA report.
Timeline for completion of plantation :	Plantation completed at site

44.Number and list of trees species to be planted in the ground

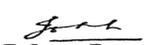
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance
1	--	--	--	--

45.Total quantity of plants on ground

46.Number and list of shrubs and bushes species to be planted in the podium RG:

Serial Number	Name	C/C Distance	Area m2
1	--	--	--

47.Energy

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Power requirement:	Source of power supply :	TATA Power & Reliance Infrastructure
	During Construction Phase: (Demand Load)	--
	DG set as Power back-up during construction phase	--
	During Operation phase (Connected load):	For Buildings under purview of EIA Notification: 32147 KW
	During Operation phase (Demand load):	For Buildings under purview of EIA Notification: 20761 KW
	Transformer:	--
	DG set as Power back-up during operation phase:	• 5 D.G. Sets of capacity 62.5 kVA each • 2 D.G. Sets of capacity 100 kVA each • 1 D.G. Set of capacity 160 kVA • 1 D.G. Set of capacity 200 kVA • 8 D.G. Sets of capacity 320 kVA each • 1 D.G. Set of capacity 380 kVA • 1 D.G. Set of capacity 400 kVA • 1 D.G. Set of capacity 625 kVA
	Fuel used:	Diesel
	Details of high tension line passing through the plot if any:	--

48. Energy saving by non-conventional method:

- Use of LED Lights
- Use of VFD Fans
- Energy efficient appliances

49. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Residential building	1.21 %
2	Commercial building	2.74 %
3	Hospital building	3.4 %
4	School building	8.78 %

50. Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Sewage	950 KL Sewage Treatment Plant (STP) for Sector R12 only	Augmentation of STP by 600 KL MBBR (Moving Bed Bio Reactor) for Sector R12 only
Solid waste	OWC for Sector R12 only	--

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

51. Environmental Management plan Budgetary Allocation

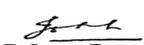
a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Dust suppression	1.08


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2	Air Environment	Air and Noise quality: Sensors for Air quality & Noise level monitoring	10.50 0.5 (for O & M of sensors), set up cost for Sensor : 10 lacs
3	Air Environment	Air and Noise quality: By outside MoEF & CC Approved Laboratory	0.22
4	Water Environment	Drinking water analysis	0.03
5	Land Environment	Site Sanitation	5.00
6	Health & Hygiene	Disinfection- Pest Control at site	1.20
7	Health & Hygiene	Health-check-up of workers	1.50
8	Cost towards disaster management	--	938.09

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	AIR & NOISE ENVIRONMENT - Cost for Ambient Air quality & Noise Monitoring:	On site sensors	No set up cost is involved as already considered Construction Phase	0.50
2	AIR & NOISE ENVIRONMENT - Cost for Ambient Air quality & Noise Monitoring:	By outside MoEF & CC Approved Laboratory	*No set up cost is involved	1.10
3	AIR & NOISE ENVIRONMENT - Cost for DG Stack Exhaust Monitoring	20 nos. of stacks	*No set up cost is involved	0.96
4	AIR & NOISE ENVIRONMENT - Cost for Plantation	Plantation on green cover area	298.96	47.83
5	WATER ENVIRONMENT - cost for waste water treatment	Cost for existing Sewage Treatment Plant of capacity 950 KL	200.15	30.27
6	WATER ENVIRONMENT - cost for waste water treatment	Cost for Augmentation of existing STP by 600 KL	27.00	2.14
7	WATER ENVIRONMENT - Cost for water & waste water Monitoring	On site sensor	18.00	1.00
8	WATER ENVIRONMENT - Cost for water & waste water Monitoring	By outside MoEF & CC Approved Laboratory	*No set up cost is involved	0.03

9	WATER ENVIRONMENT - Water Conservation (Rain Water Harvesting System)	Cost for 27 nos. of recharge pits	81.00	4.05
10	LAND ENVIRONMENT -Cost for Solid Waste Management	Cost for Treatment of biodegradable garbage in OWC	14.16	16.99
11	LAND ENVIRONMENT -Cost for Solid Waste Management	Cost for monitoring of OWC manure	*No set up cost is involved	0.24
12	DISASTER MANAGEMENT - Cost towards Disaster Management	--	** 2500.20	25.00
13	*No set up cost is involved as monitoring shall be carried out by Private MoEF Approved Laboratory ; ** Cost of Rs. 2375.19 Crore is already incurred towards Disaster Management. Please note capital cost of Rs. 594.27 Crores is already incurred	--	--	--

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

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

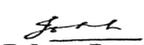
52.Any Other Information

No Information Available

53.Traffic Management

Nos. of the junction to the main road & design of confluence:	18 Nos. of entry and exists
---	-----------------------------

Parking details:	Number and area of basement:	Details as mentioned in Project proposal
	Number and area of podia:	Details as mentioned in Project proposal
	Total Parking area:	1,19,477.00 Sq. mt.
	Area per car:	--
	Area per car:	--
	Number of 2-Wheelers as approved by competent authority:	--
	Number of 4-Wheelers as approved by competent authority:	Buildings not under purview of EIA Notification: 4-Wheeler - 528 Nos. Buildings under purview of EIA Notification : 4 Wheelers - 4269 Nos. & Buses - 6 Nos.
	Public Transport:	--
	Width of all Internal roads (m):	Min 6.0 mt.
	CRZ/ RRZ clearance obtain, if any:	Not Applicable
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	Sanjay Gandhi National Park: Approx. 2.00 Km * NOC from Wild Life Board is Not Applicable as per final Notification reg. ESZ of SGNP published by MOEF & CC u/no. S.O.3645 (E) dated 05/12/2016 as our project site is not affected by the ESZ belt.
	Category as per schedule of EIA Notification sheet	8 b (B1)
	Court cases pending if any	Yes Details are given in Form 1 and 1A
	Other Relevant Informations	--
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	16-08-2017
SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS		
Summorisred in brief information of Project as below.		
Brief information of the project by SEAC		

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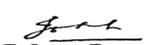
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DECISION OF SEAC

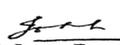
After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA for further needful subject to conditions that

Specific Conditions by SEAC:

- 1) PP to submit a bank guarantee of Rs. 13.48 Cr to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
- 2) PP to ensure that wet well of the proposed STP should be higher than inlet level of sewer network of local body.
- 3) As agreed, PP to provide STP for waste water treatment for R-2 & R-18 in addition to STP for sector R-12, PP to upload undertaking regarding this.
- 4) PP to submit CER as applicable as per MOEF & CC circular dated 1.5.2018 in consultation with Municipal Corporation.
- 5) PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA.III dt.04.01.2019.

SEIAA DECISION

SEIAA-AGENDA-0000000088

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Proposal was considered in 106th meeting of SEA2 and recommended to SEIAA.

SEAC-2 pointed out that, "as per MoEF & CC notification dated 14/3/2017 & OM dated 15/3/2018 & 16/3/2018 regarding violation, the damage assessment value is arrived at Rs. 13,48,00,000. PP to comply with SEIAA decision regarding activities to be carried out for Environmental restoration programme. The PP in consultation with Municipal Corporation of Greater Mumbai authorities has towards EMP submitted proposal of development of Garden/ Miyawaki Forest and allied public civil works in Chandivali and nearby areas from remediation cost to which Municipal Corporation has also agreed to. Therefore, taking overall view, the PP may be suggested that the remediation cost may be utilized by him in consultation with municipal corporation towards (a) social forestry/ miyawaki forest/ garden development in municipal lands/public spaces to the extent of about 60%; (b) laying of sewer line/mains along municipal roads to the extent of about 20%; (c) laying/augmentation of storm water drainage network along municipal roads to the extent of about 20%."

SEIAA noted that the project area comprises of FSI: 270196.94 m² Non-FSI: 248326.37 m² and Total BUA: 518523.31 m². No EC was ever taken. The authority noted the ecological damage assessed and the economic benefits accrued as a result as well as the Environment Management Plan, appraised by the SEAC.

The authority noted the ecological damage assessment and the economic benefits accruing as a result of the violation, as appraised by SEAC. The authority also noted the corresponding Environment Management Plan stipulated by the SEAC costing Rs. 13.48 cr. taking into consideration the remediation plan and Natural and Community Resource augmentation Plan. The Authority accepted the recommendations of the SEAC and **decided to grant EC for subject to following conditions.**

1. PP to submit a bank guarantee of Rs. 13.48 Cr to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
2. PP to ensure that wet well of the proposed STP should be higher than inlet level of sewer network of local body.
3. As agreed, PP to provide STP for waste water treatment for R-2 & R-18 in addition to STP for sector R-12, PP to upload undertaking regarding this.
4. PP to submit CER as applicable as per MOEF & CC circular dated 1.5.2018 in consultation with Municipal Corporation.
5. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA.III dt.04.01.2019.

Specific Conditions by SEIAA:

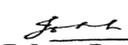
- 1) PP to submit a bank guarantee of Rs. 13.48 Cr to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
- 2) PP to ensure that wet well of the proposed STP should be higher than inlet level of sewer network of local body.
- 3) As agreed, PP to provide STP for waste water treatment for R-2 & R-18 in addition to STP for sector R-12, PP to upload undertaking regarding this.
- 4) PP to submit CER as applicable as per MOEF & CC circular dated 1.5.2018 in consultation with Municipal Corporation.
- 5) PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA.III dt.04.01.2019.

FINAL RECOMMENDATION


Shri. Anil Diggikar (Member
Secretary SEIAA)

SEIAA Meeting No: 174 Meeting Date: August
29, 2019

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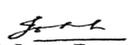

Shri. Johnny Joseph
(Chairman SEIAA)

SEIAA have decided to grant the proposal for Prior Environmental Clearance subject to above conditions

SEIAA-AGENDA-00000000088

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 Shri. Anil Diggikar (Member Secretary SEIAA)	SEIAA Meeting No: 174 Meeting Date: August 29, 2019	Page 158 of 484	 Shri. Johnny Joseph (Chairman SEIAA)
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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

Environment department,
Room No. 217, 2nd floor,
Mantralaya, Annexe,
Mumbai- 400 032.
Date: September 25, 2019

To,
M/s. Nahar Builders Ltd.

at Plot bearing CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B,29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C,53-A/1-B,1-C, 44-C,1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B ,25/B/1,26 A, 27 , 28A/1, 29 N, 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt),50A/9 , 52A/6,36 A(Pt),36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra (These City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors [Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20 & R-21] wherein work is commenced/completed and survey number for the same are marked in bold)

Subject: Environment Clearance for Residential & Commercial Development at Chandivali, Andheri (E) Mumbai

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-II, Maharashtra in its 106th meeting and recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 174th meetings.

2. It is noted that the proposal is considered by SEAC-II under screening category 8 b (B1) as per EIA Notification 2006.

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

1.Name of Project	Residential & Commercial Development at Chandivali, Andheri (E) Mumbai
2.Type of institution	Private
3.Name of Project Proponent	M/s. Nahar Builders Ltd.
4.Name of Consultant	M/s. ULTRA TECH
5.Type of project	Residential & Commercial Development
6.New project/expansion in existing project/modernization/diversification in existing project	New application for EC for the buildings constructed on site which are in the purview of EIA Notification (Plinth completed after 7.7.2004)
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	-
8.Location of the project	Plot bearing CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B,29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C,53-A/1-B,1-C, 44-C,1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B ,25/B/1,26 A, 27 , 28A/1, 29 N, 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt),50A/9 , 52A/6,36 A(Pt),36A/10, 50A(pt), 52/A(pt) and 26-C Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra (These City survey numbers are for all 22 sectors as per approved layout. The present project is only for 11 sectors [Sectors R-2, R-3, R-4, R-5, R-6, R-12, R-14, R-18, R-19, R-20 & R-21] wherein work is commenced/completed and survey number for the same are marked in bold)
9.Taluka	Andheri (E)
10.Village	Chandivali
Correspondence Name:	M/s. Nahar Builders Ltd.
Room Number:	B-1

SEIAA Meeting No: 174 Meeting Date: August 29, 2019 (SEIAA-STATEMENT-000001500)
SEIAA-MINUTES-000002470
SEIAA-EC-000002023

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Shri. Anil Diggikar (Member Secretary SEIAA)

Floor:	--
Building Name:	Mahalaxmi Chambers
Road/Street Name:	22, Bhulabhai Desai Road
Locality:	Mahalaxmi
City:	Mumbai-400 026
11. Whether in Corporation / Municipal / other area	Municipal Corporation of Greater Mumbai (M.C.G.M.)
12. IOD/IOA/Concession/Plan Approval Number	CE/360/BPES/LOL (layout approval number) IOD/IOA/Concession/Plan Approval Number: CE/360/BPES/LOL (layout approval number) Approved Built-up Area: 319556.91
13. Note on the initiated work (If applicable)	Detailed site history is given in Form 1.
14. LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	--
15. Total Plot Area (sq. m.)	4, 85,232.67 Sq. mt. (for total layout).
16. Deductions	1,62,039.97 Sq. mt. (for total layout)
17. Net Plot area	3, 23,192.70 Sq. mt. (for total layout), Plot area of 11 Sectors (The Project before this Hon'ble Authority): 2, 07,290.02 Sq. mt.
18 (a). Proposed Built-up Area (FSI & Non-FSI)	FSI area (sq. m.): Existing Buildings not under purview of EIA Notification: Some of the buildings of Sector R2, R3, R4, R5, R6 & R14: 52,036.13 Sq. mt. Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21: 2, 70,196.94 Sq. mt. Non FSI area (sq. m.): Existing Buildings not under purview of EIA Notification: Some of the buildings of Sector R2, R3, R4, R5, R6 & R14: 15,155.36 Sq. mt. Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R14 and Sectors R12, R18, R19, R20, R21: 2, 48,326.37 Sq. mt. Total BUA area (sq. m.): 518523.31
18 (b). Approved Built up area as per DCR	Approved FSI area (sq. m.): 330968.93 Approved Non FSI area (sq. m.): 263910.52 Date of Approval: 31-08-2016
19. Total ground coverage (m2)	Existing Buildings not under purview of EIA Notification: 9070.69 Sq. mt. Buildings under purview of EIA Notification: 65998.88 Sq. mt. Total Ground coverage: 75069.57 Sq. mt.
20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	23 % of Net Plot area for total Layout 36 % of Net Plot area of 11 Sectors
21. Estimated cost of the project	17495000000

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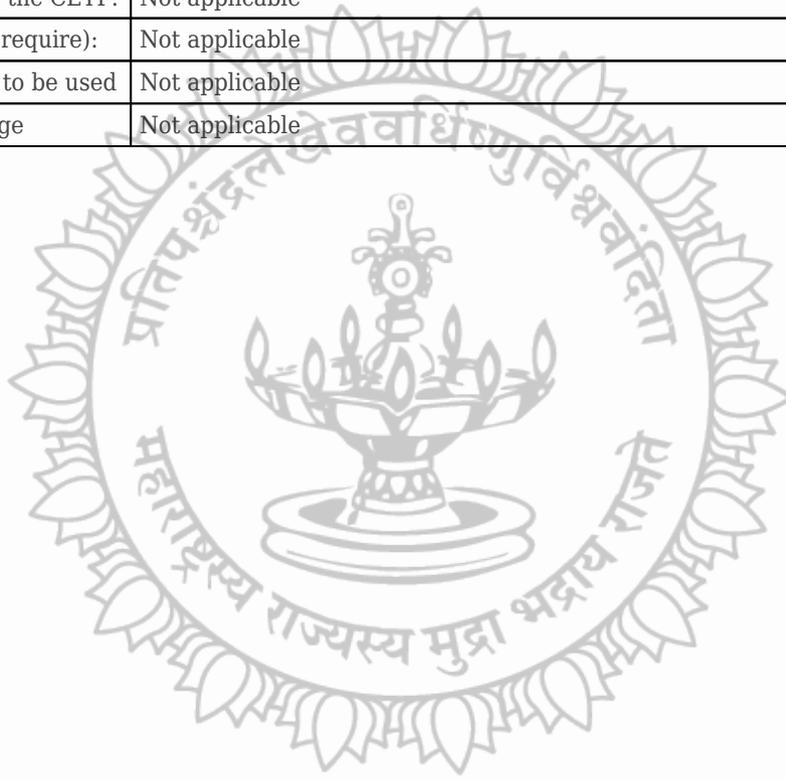
22. Production Details				
Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	--	--	--	--
23. Total Water Requirement				
Dry season:	Source of water	From M.C.G.M./Tanker water of potable quality for swimming pool		
	Fresh water (CMD):	Buildings not under purview of EIA Notification: 512 KLD (For Domestic: 339 KLD + For Flushing:173 KLD) For Buildings under purview of EIA Notification: 1812 KLD (For Domestic:1553 KLD + For Flushing: 259 KLD)		
	Recycled water - Flushing (CMD):	For Sector R12: 541 KLD		
	Recycled water - Gardening (CMD):	151		
	Swimming pool make up (Cum):	14 KLD		
	Total Water Requirement (CMD) :	Buildings not under purview of EIA Notification: 512 KLD For Buildings under purview of EIA Notification: 2518 KLD		
	Fire fighting - Underground water tank(CMD):	3088 KLD		
	Fire fighting - Overhead water tank(CMD):	1021 KLD		
	Excess treated water	Buildings not under purview of EIA Notification: Untreated sewage 444 KLD For Buildings under purview of EIA Notification: Untreated : 638 Excess treated from Sector R12 : 572 KLD		
Wet season:	Source of water	From M.C.G.M./Tanker water of potable quality for swimming pool		
	Fresh water (CMD):	Buildings not under purview of EIA Notification: 512 KLD (For Domestic: 339 KLD + For Flushing:173 KLD) For Buildings under purview of EIA Notification: 1812 KLD (For Domestic:1553 KLD + For Flushing: 259 KLD)		
	Recycled water - Flushing (CMD):	For Sector R12: 541 KLD		
	Recycled water - Gardening (CMD):	0		
	Swimming pool make up (Cum):	14 KLD		
	Total Water Requirement (CMD) :	Buildings not under purview of EIA Notification: 512 KLD For Buildings under purview of EIA Notification: 2367 KLD		
	Fire fighting - Underground water tank(CMD):	3088 KLD		
	Fire fighting - Overhead water tank(CMD):	1021 KLD		
	Excess treated water	Buildings not under purview of EIA Notification: Untreated sewage 444 KLD For Buildings under purview of EIA Notification: Untreated : 638 Excess treated from Sector R12 : 723 KLD		
Details of Swimming pool (If any)	Swimming pool make up water requirement: 14 KL Source: Tanker water of potable quality			

24.Details of Total water consumed									
Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	--	--	--	--	--	--	--	--	--
25.Rain Water Harvesting (RWH)	Level of the Ground water table:		1.5 mt. and 3.10 mt. below ground level						
	Size and no of RWH tank(s) and Quantity:		Nil						
	Location of the RWH tank(s):		NA						
	Quantity of recharge pits:		27 nos. of recharge pits						
	Size of recharge pits :		2.0 m X 1.5 m. X 2.0 m.						
	Budgetary allocation (Capital cost) :		Rs. 81.00 Lacs						
	Budgetary allocation (O & M cost) :		Rs. 4.05 Lacs/annum						
	Details of UGT tanks if any :		Location of UG tanks: Underground/Basement						
26.Storm water drainage	Natural water drainage pattern:		The storm water collected through the storm water drains of adequate capacity will be discharged into the external SWD.						
	Quantity of storm water:		8.50 m3/sec						
	Size of SWD:		28.30 m3/sec						
27.Sewage and Waste water	Sewage generation in KLD:		Existing Buildings not under purview of EIA Notification: 444 KLD For Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: 638 KLD Sector R12: 1405 KLD						
	STP technology:		For Buildings under purview of EIA Notification : Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20 and R21: Disposal to sewer line which is further connected to Terminal Treatment Facility of M.C.G.M. Sector R12: Existing STP of 950 KL of SAFF technology (Submerged Aerobic Fixed Film) of which further Augmentation shall be done by 600 KL with the help of MBBR (Moving Bed Bio Reactor) technology						
	Capacity of STP (CMD):		Sector R12: Existing STP of 950 KL of SAFF technology (Submerged Aerobic Fixed Film) of which further Augmentation shall be done by 600 KL with the help of MBBR (Moving Bed Bio Reactor) technology						
	Location & area of the STP:		Location: Underground And Area: 1288 Sq. mt.						
	Budgetary allocation (Capital cost):		Rs. 245.15 Lacs						
	Budgetary allocation (O & M cost):		Rs. 33.44 Lacs/annum						

28.Solid waste Management

Waste generation in the Pre Construction and Construction phase:	Waste generation:	The excavated soil from large basements in sector R12 has been spread on reservation of Municipal park as per condition of letter of Intent issued by M.C.G.M. After filling and leveling the said park has been handed over to M.C.G.M. The small quantity of excess soil from footing for buildings in other sectors, the same has been spread and used as a base for development of layout RG
	Disposal of the construction waste debris:	Construction waste material generated during construction of Building R12/13 and Temple shall be partly reused and remaining shall be disposed to the authorized land fill site.
Waste generation in the operation Phase:	Dry waste:	Existing Buildings not under purview of EIA Notification: 1011 kg/day ; For Buildings under purview of EIA Notification: Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: 1340 kg/day Sector R12: 3242 kg/day
	Wet waste:	Existing Buildings not under purview of EIA Notification: 674 kg/day; For Buildings under purview of EIA Notification : Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: 893 kg/day Sector R12: 2161 kg/day
	Hazardous waste:	--
	Biomedical waste (If applicable):	There is a dispensary & diagnostic center in Sector R18 & R21 respectively which generates small quantity of bio-medical waste
	STP Sludge (Dry sludge):	211 kg/day
	Others if any:	E waste generated from Office building in Sector R20: 364 Kg/annum
Mode of Disposal of waste:	Dry waste:	To Authorized recyclers
	Wet waste:	Existing Buildings not under purview of EIA Notification: Segregated waste to M.C.G.M. For Buildings under purview of EIA Notification : • Some of the buildings of Sector R2, R3, R6, R-14, R18, R19, R20, R21: Segregated waste to M.C.G.M. • Sector R12: Treatment in Organic Waste Converter (OWC)
	Hazardous waste:	Not Applicable
	Biomedical waste (If applicable):	Agreement with SMS Envoclean Pvt. Ltd. for disposal as per Bio-Medical Waste Management Rules, 2016.
	STP Sludge (Dry sludge):	Use as manure
	Others if any:	Storage of E - Waste in separate space within project site and subsequently handed over to authorized recyclers
Area requirement:	Location(s):	Ground floor
	Area for the storage of waste & other material:	211.00 Sq. mt. (For Sector R12)
	Area for machinery:	36.00 Sq. mt. (For Sector R12)
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs. 14.16 Lacs
	O & M cost:	Rs. 17.23 Lacs/annum

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



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Maharashtra**

30.Hazardous Waste Details							
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
31.Stacks emission Details							
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases	
1	DG Sets	--	--	--	--	--	
32.Details of Fuel to be used							
Serial Number	Type of Fuel	Existing	Proposed	Total			
1	HSD	--	--	--			
33.Source of Fuel		--					
34.Mode of Transportation of fuel to site		--					
35.Energy							
Power requirement:	Source of power supply :	TATA Power & Reliance Infrastructure					
	During Construction Phase: (Demand Load)	--					
	DG set as Power back-up during construction phase	--					
	During Operation phase (Connected load):	For Buildings under purview of EIA Notification: 32147 KW					
	During Operation phase (Demand load):	For Buildings under purview of EIA Notification: 20761 KW					
	Transformer:	--					
	DG set as Power back-up during operation phase:	• 5 D.G. Sets of capacity 62.5 kVA each • 2 D.G. Sets of capacity 100 kVA each • 1 D.G. Set of capacity 160 kVA • 1 D.G. Set of capacity 200 kVA • 8 D.G. Sets of capacity 320 kVA each • 1 D.G. Set of capacity 380 kVA • 1 D.G. Set of capacity 400 kVA • 1 D.G. Set of capacity 625 kVA					
	Fuel used:	Diesel					
Details of high tension line passing through the plot if any:	--						
Energy saving by non-conventional method:							
<ul style="list-style-type: none"> • Use of LED Lights • Use of VFD Fans • Energy efficient appliances 							
36.Detail calculations & % of saving:							
Serial Number	Energy Conservation Measures			Saving %			

1	Residential building	1.21 %
2	Commercial building	2.74 %
3	Hospital building	3.4 %
4	School building	8.78 %

37.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Sewage	950 KL Sewage Treatment Plant (STP) for Sector R12 only	Augmentation of STP by 600 KL MBBR (Moving Bed Bio Reactor) for Sector R12 only
Solid waste	OWC for Sector R12 only	--
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	--
	O & M cost:	--

38.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Dust suppression	1.08
2	Air Environment	Air and Noise quality: Sensors for Air quality & Noise level monitoring	10.50 0.5 (for O & M of sensors), set up cost for Sensor : 10 lacs
3	Air Environment	Air and Noise quality: By outside MoEF & CC Approved Laboratory	0.22
4	Water Environment	Drinking water analysis	0.03
5	Land Environment	Site Sanitation	5.00
6	Health & Hygiene	Disinfection- Pest Control at site	1.20
7	Health & Hygiene	Health-check-up of workers	1.50
8	Cost towards disaster management	--	938.09

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	AIR & NOISE ENVIRONMENT - Cost for Ambient Air quality & Noise Monitoring:	On site sensors	No set up cost is involved as already considered Construction Phase	0.50
2	AIR & NOISE ENVIRONMENT - Cost for Ambient Air quality & Noise Monitoring:	By outside MoEF & CC Approved Laboratory	*No set up cost is involved	1.10

3	AIR & NOISE ENVIRONMENT - Cost for DG Stack Exhaust Monitoring	20 nos. of stacks	*No set up cost is involved	0.96
4	AIR & NOISE ENVIRONMENT - Cost for Plantation	Plantation on green cover area	298.96	47.83
5	WATER ENVIRONMENT - cost for waste water treatment	Cost for existing Sewage Treatment Plant of capacity 950 KL	200.15	30.27
6	WATER ENVIRONMENT - cost for waste water treatment	Cost for Augmentation of existing STP by 600 KL	27.00	2.14
7	WATER ENVIRONMENT - Cost for water & waste water Monitoring	On site sensor	18.00	1.00
8	WATER ENVIRONMENT - Cost for water & waste water Monitoring	By outside MoEF & CC Approved Laboratory	*No set up cost is involved	0.03
9	WATER ENVIRONMENT - Water Conservation (Rain Water Harvesting System)	Cost for 27 nos. of recharge pits	81.00	4.05
10	LAND ENVIRONMENT -Cost for Solid Waste Management	Cost for Treatment of biodegradable garbage in OWC	14.16	16.99
11	LAND ENVIRONMENT -Cost for Solid Waste Management	Cost for monitoring of OWC manure	*No set up cost is involved	0.24
12	DISASTER MANAGEMENT - Cost towards Disaster Management	--	** 2500.20	25.00
13	*No set up cost is involved as monitoring shall be carried out by Private MoEF Approved Laboratory ; ** Cost of Rs. 2375.19 Crore is already incurred towards Disaster Management. Please note capital cost of Rs. 594.27 Crores is already incurred	--	--	--

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

Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month in MT	Source of Supply	Means of transportation
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
40.Any Other Information							
No Information Available							



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	CRZ/ RRZ clearance obtain, if any:	Not Applicable
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	Sanjay Gandhi National Park: Approx. 2.00 Km * NOC from Wild Life Board is Not Applicable as per final Notification reg. ESZ of SGNP published by MOEF & CC u/no. S.O.3645 (E) dated 05/12/2016 as our project site is not affected by the ESZ belt.
	Category as per schedule of EIA Notification sheet	8 b (B1)
	Court cases pending if any	Yes Details are given in Form 1 and 1A
	Other Relevant Informations	--
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	16-08-2017

3. The proposal has been considered by SEIAA in its 174th meeting & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions:

Specific Conditions:

I	As per MoEF & CC notification dated 14/3/2017 & OM dated 15/3/2018 & 16/3/2018 regarding violation, the damage assessment value is arrived at Rs. 13,48,00,000. PP to comply with SEIAA decision regarding activities to be carried out for Environmental restoration programme. The PP in consultation with Municipal Corporation of Greater Mumbai authorities has towards EMP submitted proposal of development of Garden/ Miyawaki Forest and allied public civil works in Chandivali and nearby areas from remediation cost to which Municipal Corporation has also agreed to. Therefore taking overall view, the PP may be suggested that the remediation cost may be utilized by him in consultation with municipal corporation towards (a) social forestry/ miyawaki forest/ garden development in municipal lands/public spaces to the extent of about 60%; (b) laying of sewer line/mains along municipal roads to the extent of about 20%; (c) laying/ augmentation of storm water drainage network along municipal roads to the extent of about 20%.
II	PP to ensure that wet well of the proposed STP should be higher than inlet level of sewer network of local body.
III	As agreed, PP to provide STP for waste water treatment for R-2 & R-18 in addition to STP for sector R-12, PP to upload undertaking regarding this.
IV	PP to submit CER as applicable as per MOEF & CC circular dated 1.5.2018 in consultation with Municipal Corporation.
V	PP to submit a bank guarantee of Rs. 13.48 Cr to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
VI	PP to ensure that wet well of the proposed STP should be higher than inlet level of sewer network of local body.
VII	As agreed, PP to provide STP for waste water treatment for R-2 & R-18 in addition to STP for sector R-12, PP to upload undertaking regarding this.
VIII	PP to submit CER as applicable as per MOEF & CC circular dated 1.5.2018 in consultation with Municipal Corporation.
IX	PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA.III dt.04.01.2019.

General Conditions:

I	E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
II	The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.

III	This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
IV	PP has to abide by the conditions stipulated by SEAC& SEIAA.
V	The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
VI	If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
VII	All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
VIII	Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
IX	The solid waste generated should be properly collected and segregated. dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
X	Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
XI	Arrangement shall be made that waste water and storm water do not get mixed.
XII	All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
XIII	Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
XIV	Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
XV	Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
XVI	Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
XVII	Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
XVIII	The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
XIX	The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
XX	Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
XXI	Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
XXII	Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
XXIII	Ready mixed concrete must be used in building construction.
XXIV	Storm water control and its re-use as per CGWB and BIS standards for various applications.
XXV	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
XXVI	The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.

XXVII	The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
XXVIII	Permission to draw ground water and construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
XXIX	Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
XXX	Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
XXXI	Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
XXXII	Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
XXXIII	Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non-conventional energy source as source of energy.
XXXIV	Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
XXXV	Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
XXXVI	Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
XXXVII	Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
XXXVIII	The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
XXXIX	Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
XL	Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
XLI	Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.
XLII	Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
XLIII	Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
XLIV	Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
XLV	A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
XLVI	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
XLVII	A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.

XLVIII	Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
XLIX	The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at http://ec.maharashtra.gov.in .
L	Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
LI	A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
LII	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
LIII	The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
LIV	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
LV	This EC is issued subject to the condition that the implementation of EMP, remediation plan and Natural and Community Resource Plan will be completed during the period for which the Bank Guarantee is given, otherwise the BG should be suitably extended up to implementation of EMP.

Government of Maharashtra

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

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

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

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

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

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

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


Shri. Anil Diggikar (Member Secretary SEIAA)

Copy to:

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

TRUE COPY



SEIAA Meeting No: 174 Meeting Date: August 29, 2019 (SEIAA-STATEMENT-000001500)
SEIAA-MINUTES-0000002470
SEIAA-EC-0000002023

Page 15 of
15


Shri. Anil Diggikar (Member Secretary SEIAA)

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
Fax: 24023516
Website: <http://mpcb.gov.in>
Email: cac-cell@mpcb.gov.in



Kalpataru Point, 2nd and
4th floor, Opp. Cine Planet
Cinema, Near Sion Circle,
Sion (E), Mumbai-400022

Infrastructure/RED/L.S.I

No:- Format1.0/CAC-CELL/UAN No.0000138927/CE/2209001203

Date: 19/09/2022

To,
Nahar Builders Ltd., Building No. R12/13 in
Sector R12 of Plot bearing CTS No. 25B/1,
26A, 27, 28A/1 29N & 50A/6, Chandivali
Farm Road, Chandivali, Andheri (E),
Mumbai-400 072.



Your Service is Our Duty

Sub: Consent to Establish for Residential & Commercial development project under Red/LSI category.

- Ref:**
1. Environment Clearance for Residential & Commercial development project accorded by Env. Dept, GoM vide letter SEIAA-EC-0000002023 dtd. 25/09/2019.
 2. Minutes of Consent Appraisal Committee meeting held on 24/05/2022.

Your application NO. MPCB-CONSENT-0000138927

For: Grant of Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. **The Consent to Establish is granted for a period upto commissioning of project or up to 5 year whichever is earlier.**
2. **The capital investment of the project is Rs.1749.50 Cr. (As per undertaking submitted by pp).**
3. **The Consent to Establish is valid for Residential & Commercial development project named as Nahar Builders Ltd., Building No. R12/13 in Sector R12 of Plot bearing CTS No. 25B/1, 26A, 27, 28A/1 29N & 50A/6, Chandivali Farm Road, Chandivali, Andheri (E), Mumbai-400 072 on Total Plot Area of 4,85,232.67 SqMtrs for Total Construction BUA of 5,18,523.31 SqMtrs as per EC granted dated 25/09/2019 including utilities and services**

Sr.No	Permission Obtained	Plot Area (SqMtr)	BUA (SqMtr)
1	EC- dtd. 25/09/2019	485232.67	518523.31

4. **Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to	Disposal
1.	Trade effluent	Nil	Nil	Nil

M/s. NAHAR BUILDERS LTD ,Residential & Commercial Development at CTS No. 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B,50-B, 52-B,53-B & 29V , 28A/3, 28-B,29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C,53-A/1-B,1-C, 44-C,1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B ,25/B/1,26 A, 27 , 28A/1, 29 N, 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9, 52A/6, 36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C/CE/UAN No.MPCB-CONSENT-0000138927 (19-09-2022 03:47:33 pm) /QMS.PO6_F01/00

Sr No	Description	Permitted	Standards to	Disposal
2.	Domestic effluent	1550	As per Schedule - I	The treated sewage shall be 60% recycled for secondary purposes and remaining shall be utilized on land for gardening and/ or connected to local body sewer line with water metering system.

5. **Conditions under Air (P& CP) Act, 1981 for air emissions:**

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S1-to S-5	DG Sets of 62.5 kVA x 5	05	As per Schedule -II
S-6 to S-7	DG Sets of 100 kVA x 2	02	As per Schedule -II
S-8	DG Set of 160 kVA	01	As per Schedule -II
S-9	DG Set of 200 kVA	01	As per Schedule -II
S-10 to S-17	DG Sets of 320 kVA x 8	08	As per Schedule -II
S-18	DG Set of 380 kVA	01	As per Schedule -II
S-19	DG Set of 400 kVA	01	As per Schedule -II
S-20	DG Set of 625 kVA	01	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Bio-degradable Waste	2161 Kg/Day	OWC followed by composting facility.	Used as Manure.
2	Non-biodegradable Waste	3242 Kg/Day	Segregation	Handed over to Auth. Vendor.
3	STP Sludge	211 Kg/Day	Drying	Used as Manure.

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
1	5.1 Used or spent oil	500	Ltr/A	Recycle	By Sale to Auth. reprocessor

8. This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.
10. PP shall provide STP of adequate capacity to achieve the treated domestic effluent standard for the parameter BOD-10 mg/lit including disinfection facility.
11. The treated sewage shall be 60% recycled for secondary purposes such as toilet flushing, air-conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and/ or connected to local body sewer line with water metering system.
12. PP shall provide organic waste digester along with composting facility/bio-digester (biogas) for the treatment of wet garbage.

13. PP shall make provision of charging ports for electric vehicles at least 40% of total

14. PP shall submit BG of Rs. 25 Lakh towards compliance of EC and Consent conditions.



Ashok Shingare

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Signed by: **Ashok Shingare**
Member Secretary
For and on behalf of,
Maharashtra Pollution Control Board
ms@mpcb.gov.in
2022-09-19 15:47:58 IST

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	10497000.00	MPCB-DR-12026	20/05/2022	RTGS

Copy to:

1. Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai II
 - They are directed to ensure the compliance of the consent conditions.
 - They are directed to forfeit the bank guarantee of Rs. 5,24,85,000, towards start & complete of construction work without obtaining Consent to Establish.
2. Chief Accounts Officer, MPCB, Sion, Mumbai



SCHEDULE-I**Terms & conditions for compliance of Water Pollution Control:**

- 1) A] As per your application, you have provided Sewage Treatment Plant of designed capacity 1550 CMD with MBBR technology for the treatment of 1550 CMD of sewage.
- B] The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

- C] The treated sewage shall be 60% recycled for secondary purposes such as toilet flushing, air-conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and/ or connected to local body sewer line with water metering system.
- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act,1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	2518.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

- 5) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.

SCHEDULE-II**Terms & conditions for compliance of Air Pollution Control:**

- 1) As per your application, you have proposed to provide the Air pollution control (APC) system and also proposed to erect following stack (s) and to observe the following fuel pattern-

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
S1-to S-5	DG Sets of 62.5 kVA x 5	Acoustic Enclosure	1.58	HSD /LDO 90 Ltr/Hr	1	SO2	43.20 Kg/Day
S-6 to S-7	DG Sets of 100 kVA x 2	Acoustic Enclosure	2.00	HSD /DIESEL 80 Ltr/Hr	1	SO2	38.40 Kg/Day
S-8	DG Set of 160 kVA	Acoustic Enclosure	2.53	DIESEL 45 Ltr/Hr	1	SO2	21.60 Kg/Day
S-9	DG Set of 200 kVA	Acoustic Enclosure	2.83	DIESEL 55 Ltr/Hr	1	SO2	26.40 Kg/Day
S-10 to S-17	DG Sets of 320 kVA x 8	Acoustic Enclosure	3.58	DIESEL 520 Ltr/Hr	1	SO2	249.60 Kg/Day
S-18	DG Set of 380 kVA	Acoustic Enclosure	3.90	DIESEL 70 Ltr/Hr	1	SO2	33.60 Select
S-19	DG Set of 400 kVA	Acoustic Enclosure	4.00	DIESEL 80 Ltr/Hr	1	SO2	38.40 Kg/Day
S-20	DG Set of 625 kVA	Acoustic Enclosure	5.00	DIESEL 90 Ltr/Hr	1	SO2	43.20 Kg/Day

- 2) The applicant shall operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Total Particular matter	Not to exceed	150 mg/Nm ³
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- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement/alteration well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**

- a) The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.

- b) The toilet shall be provided with exhaust system connected to chimney through ducting.
- c) The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
- d) The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

SCHEDULE-III

Details of Bank Guarantees:

Sr. No.	Consent(C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Establish	25 Lakh	15 days	Towards Compliance of EC & C to E conditions.	Commissioning of the project or 5 years whichever is earlier.	Commissioning of the project or 5 years whichever is earlier.

** The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.

Existing BG obtained for above purpose if any may be extended for period of validity as above.

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
1	Consent to Establish	5,24,85,000	15 days	Towards start & complete of construction work without obtaining Consent to Establish.	5,24,85,000	Towards start & complete of construction work without obtaining Consent to Establish.

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				

SCHEDULE-IV**Conditions during construction phase**

A	During construction phase, applicant shall provide temporary sewage and MSW treatment and disposal facility for the staff and worker quarters.
B	During construction phase, the ambient air and noise quality shall be maintained and should be closely monitored through MoEF approved laboratory.
C	Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

General Conditions:

- 1 The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2 The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011).
- 3 Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4 Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 5 Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
 - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.

- 6 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
- 7 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
- 9 The treated sewage shall be disinfected using suitable disinfection method.
- 10 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
- 11 The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.

This certificate is digitally & electronically signed.



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
 Fax: 24023516
 Website: <http://mpcb.gov.in>
 Email: cac-cell@mpcb.gov.in



Kalpataru Point, 2nd and
 4th floor, Opp. Cine Planet
 Cinema, Near Sion Circle,
 Sion (E), Mumbai-400022

Infrastructure/RED/L.S.I

No:- Format1.0/CAC-CELL/UAN No.0000113951/CO/2209001639

Date: 27/09/2022

To,
 Nahar Builders Ltd., Building No. R12/13 in
 Sector R12 of Plot bearing CTS No. 25B/1,
 26A, 27, 28A/1 29N & 50A/6, Chandivali
 Farm Road, Chandivali, Andheri (E),
 Mumbai-400 072.



Your Service is Our Duty

Sub: 1st Consent to Operate (Part-I) for Residential and Commercial Development Project under Red/LSI Category.

- Ref:**
1. Environment Clearance for Residential and Commercial Development project accorded by Env. Dept, GoM vide SEIAA-EC-0000002023 dtd. 25/09/2019.
 2. Minutes of Consent Appraisal Committee meeting held on 25/01/2022.

Your application NO. MPCB-CONSENT-0000113951

For: Grant of 1st Consent to Operate (Part-I) under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. **The 1st Consent to Operate is granted for a period up to 31.01.2023**
2. **The capital investment of the project is Rs.37.53 Cr. (As per undertaking submitted by pp).**
3. **The 1st Consent to Operate (Part-I) is valid for Residential and Commercial Development project named as Nahar Builders Ltd., Building No. R12/13 in Sector R12 of Plot bearing CTS No. 25B/1, 26A, 27, 28A/1 29N & 50A/6, Chandivali Farm Road, Chandivali, Andheri (E), Mumbai-400 072 on Total Plot Area of 1,02,423.70 SqMtrs for Construction BUA of 11,950 SqMtrs out of Total Construction BUA of 5,18,523.31 SqMtrs as per EC granted dated 25/09/2019 including utilities and services**

Sr.No	Permission Obtained	Plot Area (SqMtr)	BUA (SqMtr)
1	EC- dtd. 25/09/2019	102423.70	11950.00

4. **Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to	Disposal
1.	Trade effluent	Nil	Nil	Nil

<i>Sr No</i>	<i>Description</i>	<i>Permitted</i>	<i>Standards to</i>	<i>Disposal</i>
2.	Domestic effluent	44	As per Schedule - I	The treated sewage shall be 60% recycled for secondary purposes and remaining shall be utilized on land for gardening and/ or connected to local body sewer line with water metering system.

5. **Conditions under Air (P& CP) Act, 1981 for air emissions:**

<i>Stack No.</i>	<i>Description of stack / source</i>	<i>Number of Stack</i>	<i>Standards to be achieved</i>
S-1	DG Set of 200 kVA	01	As per Schedule -II
S-2	DG Set of 300 kVA	01	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

<i>Sr No</i>	<i>Type Of Waste</i>	<i>Quantity & UoM</i>	<i>Treatment</i>	<i>Disposal</i>
1	Bio-degradable Waste	59 Kg/Day	OWC followed by composting facility.	Used as Manure.
2	Non-biodegradable Waste	89 Kg/Day	Segregation	Handed over to Auth. Vendor.
3	STP Sludge	4 Kg/Day	Drying	Used as Manure.

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

<i>Sr No</i>	<i>Category No.</i>	<i>Quantity</i>	<i>UoM</i>	<i>Treatment</i>	<i>Disposal</i>
1	5.1 Used or spent oil	50	Ltr/A	Recycle	Handed over to Auth. reprocessor.

8. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
10. PP shall properly operate STP to achieve the treated domestic effluent standard for the parameter BOD-10 mg/lit including disinfection facility to the treated sewage.
11. The treated sewage shall be 60% recycled for secondary purposes such as toilet flushing, air-conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and/ or connected to local body sewer line with water metering system.
12. PP shall properly operate organic waste digester along with composting facility/bio-digester (biogas) for the treatment of wet garbage.
13. PP shall make provision of charging ports for electric vehicles at least 40% of total available parking slots.

14. PP shall submit BG of Rs. 25 Lakh towards O & M of Pollution Control Systems and compliance of Consent conditions.
15. PP shall submit BG of Rs. 5,24,85,000/- within One month period from the date of issuance of this Consent, as mentioned in Consent to Establish.



Ashok Shingare

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Signed by: **Ashok Shingare**
Member Secretary
For and on behalf of,
Maharashtra Pollution Control Board
ms@mpcb.gov.in
2022-09-27 12:07:53 IST

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	75000.00	TXN2105000843	12/05/2021	Online Payment
2	75000.00	TXN2106000704	08/06/2021	Online Payment

Copy to:

1. Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai II
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Sion, Mumbai



SCHEDULE-I**Terms & conditions for compliance of Water Pollution Control:**

- 1) A] As per your application, you have provided Sewage Treatment Plant of designed capacity 950 CMD with SAAF technology for the treatment of 44 CMD of sewage.
- B] The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

C] The treated sewage shall be 60% recycled for secondary purposes such as toilet flushing, air-conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and/ or connected to local body sewer line with water metering system.

- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act,1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	50.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

- 5) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.

SCHEDULE-II**Terms & conditions for compliance of Air Pollution Control:**

- 1) As per your application, you have provided the Air pollution control (APC) system and erected following stack (s) and to observe the following fuel pattern-

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
S-1	DG Set of 200 kVA	Acoustic Enclosure	6.00	HSD 32 Ltr/Hr	1	SO ₂	15.36 Kg/Day
S-2	DG Set of 300 kVA	Acoustic Enclosure	6.00	HSD 52 Ltr/Hr	1	SO ₂	24.96 Kg/Day

- 2) The applicant shall operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Total Particular matter	Not to exceed	150 mg/Nm ³
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- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement/alteration well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**
- The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
 - The toilet shall be provided with exhaust system connected to chimney through ducting.
 - The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
 - The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

SCHEDULE-III**Details of Bank Guarantees:**

Sr. No.	Consent(C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	1st Consent to Operate (Part-I)	Rs. 25 Lakh	15 days	Towards O & M of Pollution Control Systems and Compliance of Consent conditions.	Monthly	31/07/2023

** The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.
Existing BG obtained for above purpose if any may be extended for period of validity as above.

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
NA						

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				

SCHEDULE-IV**General Conditions:**

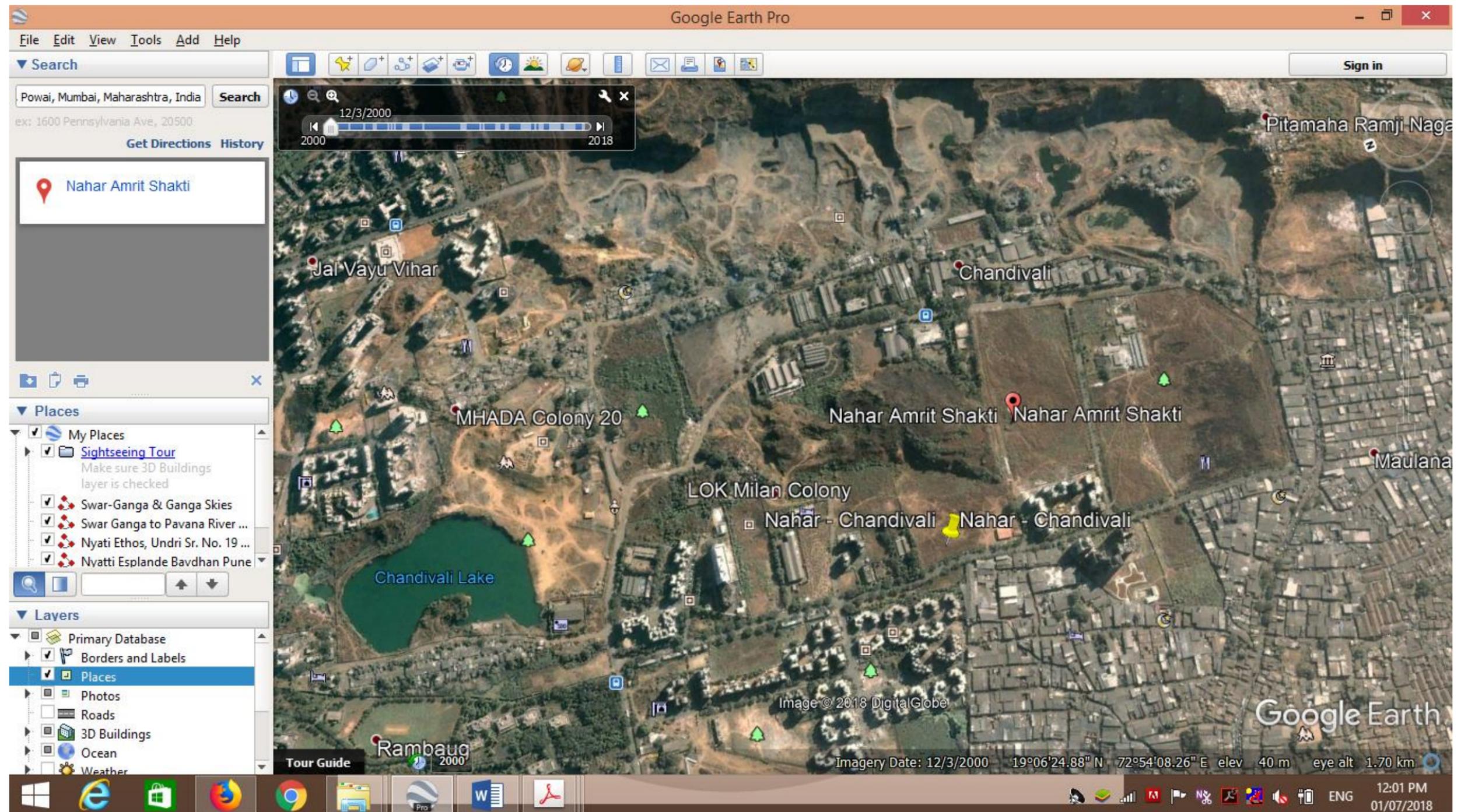
- The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011).
- Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- Conditions for D.G. Set
 - Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

- b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
- c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
- d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
- e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
- f) D.G. Set shall be operated only in case of power failure.
- g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
- h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
- 6 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
- 7 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
- 9 The treated sewage shall be disinfected using suitable disinfection method.
- 10 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
- 11 The applicant shall make an application for renewal of the consent at least 60 days before date of the expiry of the consent.

This certificate is digitally & electronically signed.

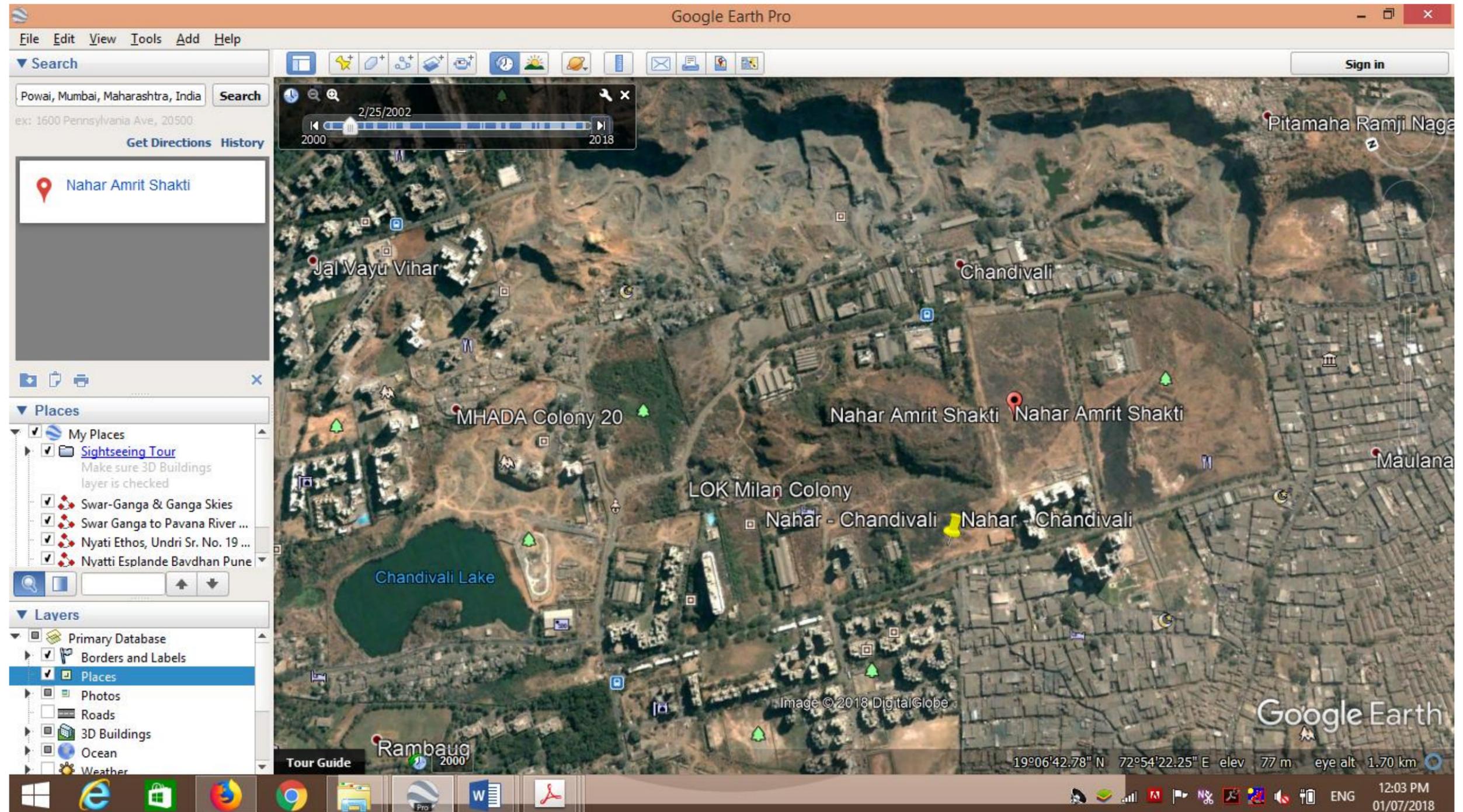
Project Proponent: M/s. Nahar Builders Limited, **Project:** Nahar Amrit Shakti,

Project Land Bearing CTS No.: 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B, 50-B, 52-B, 53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9, 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C, Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra



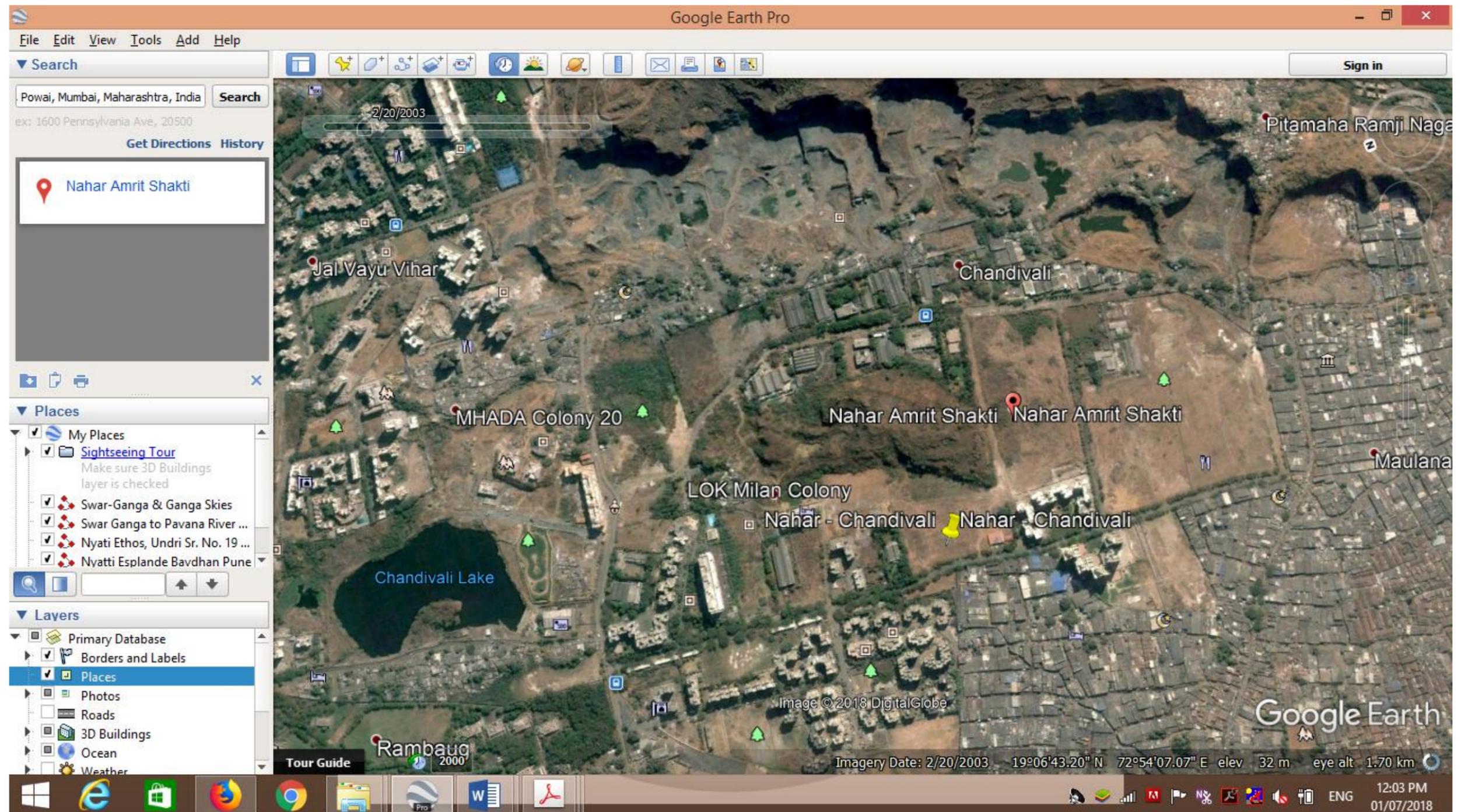
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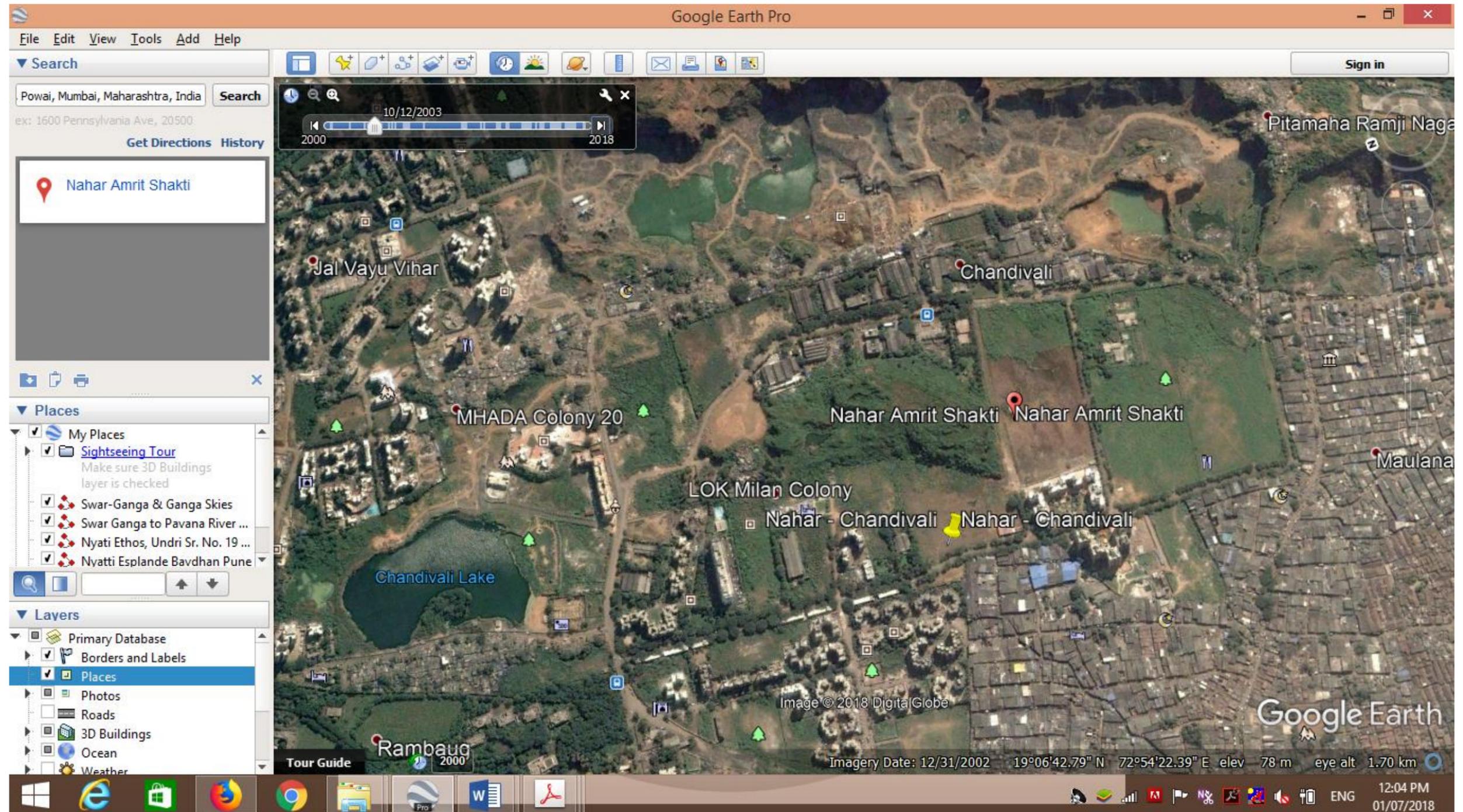
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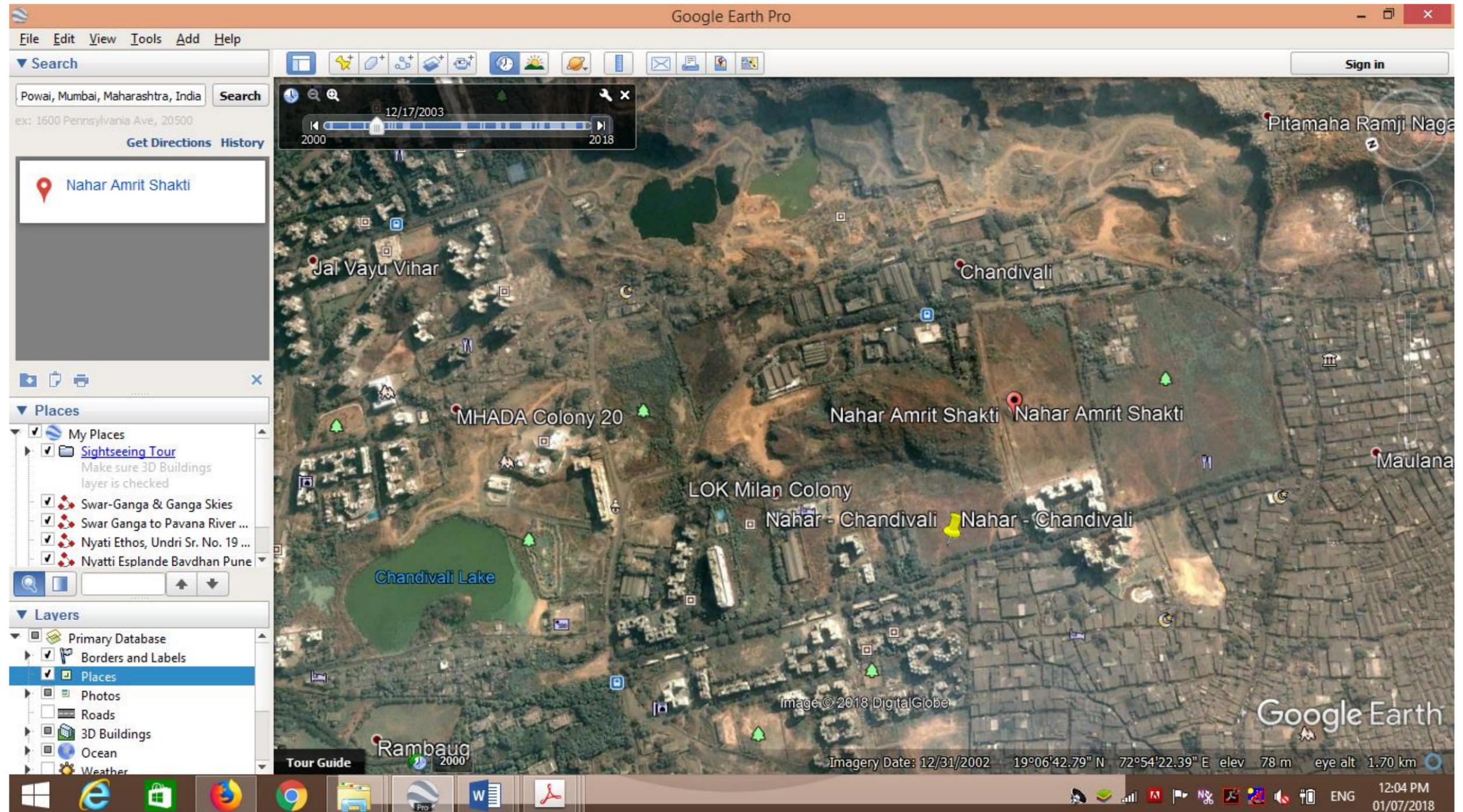
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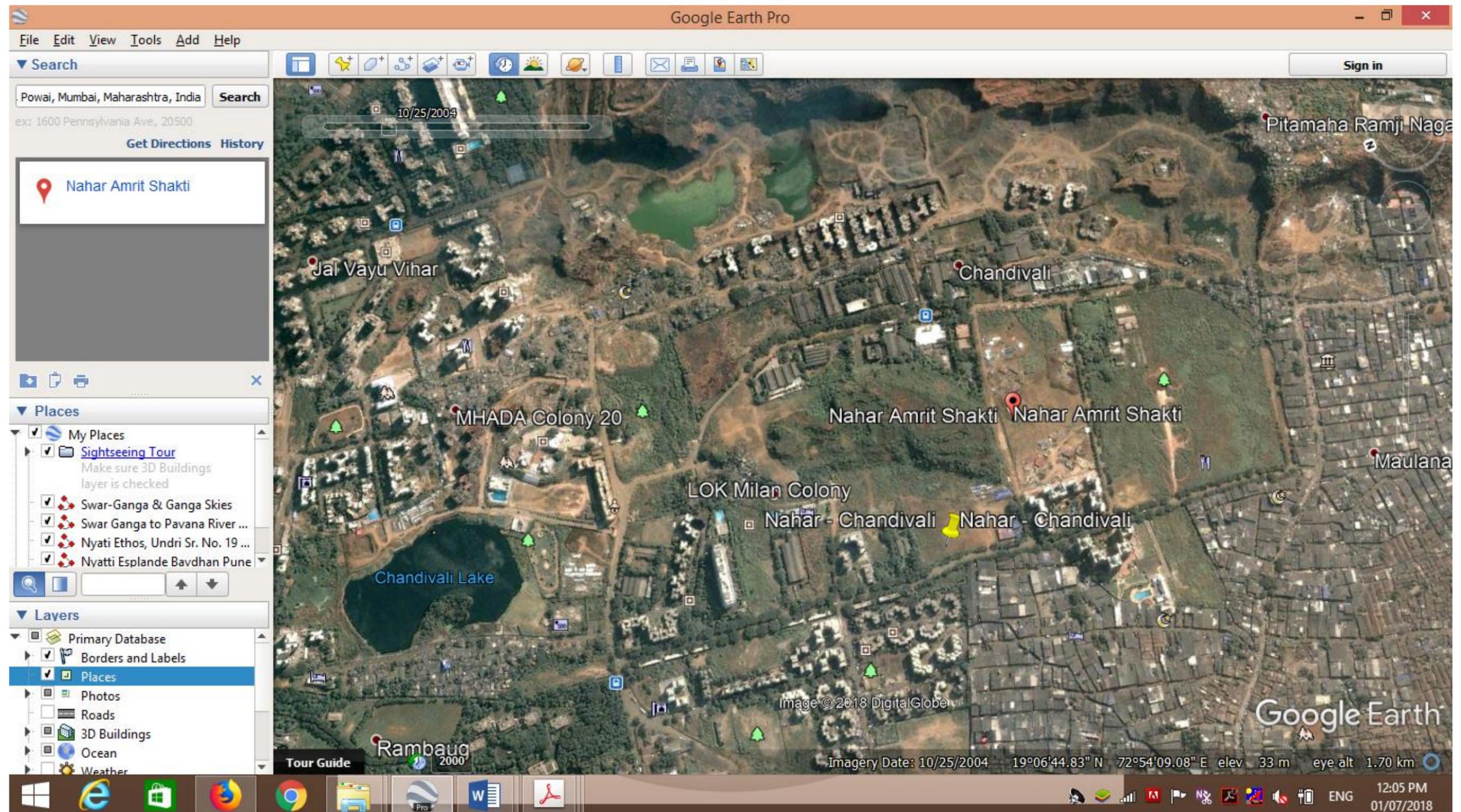
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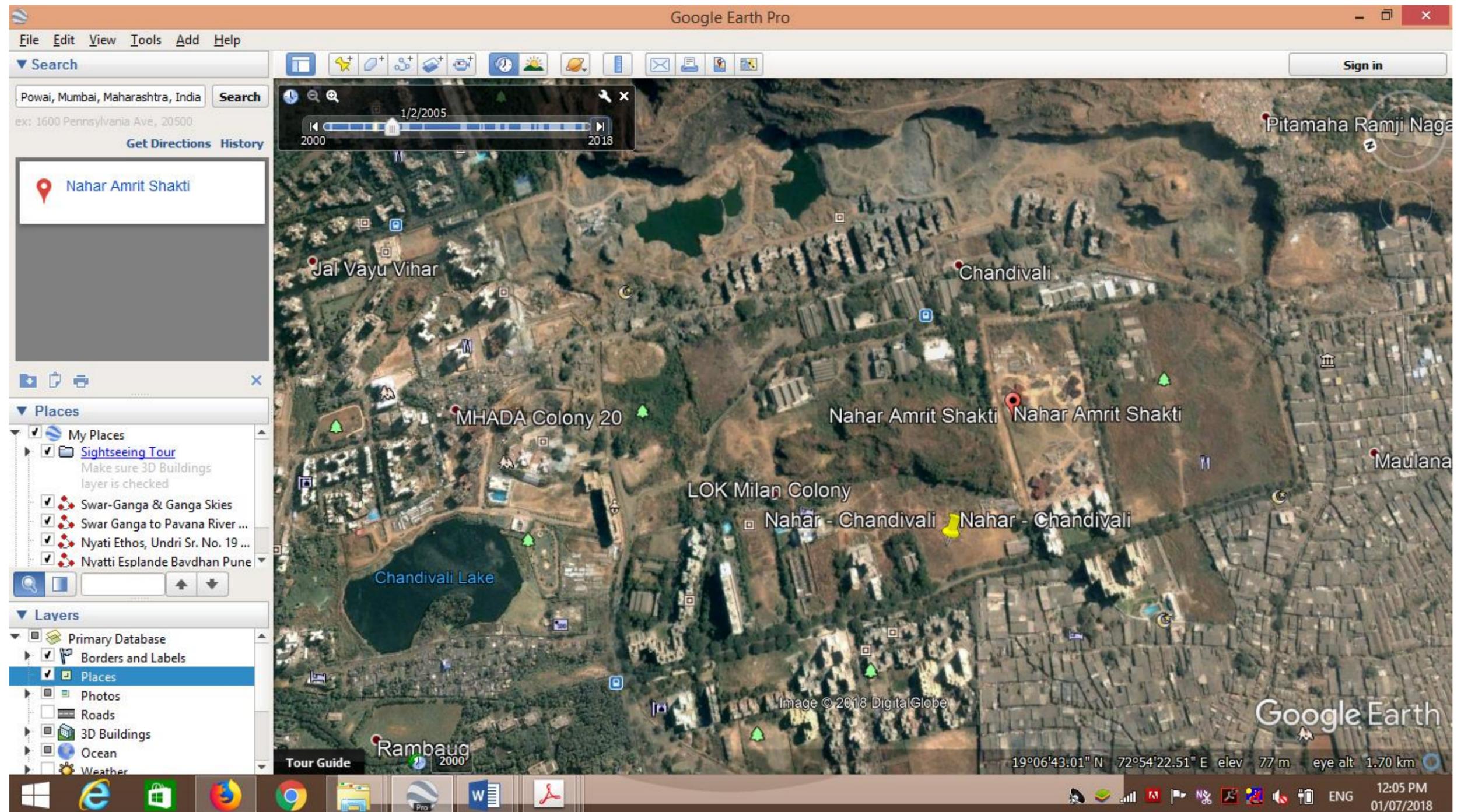
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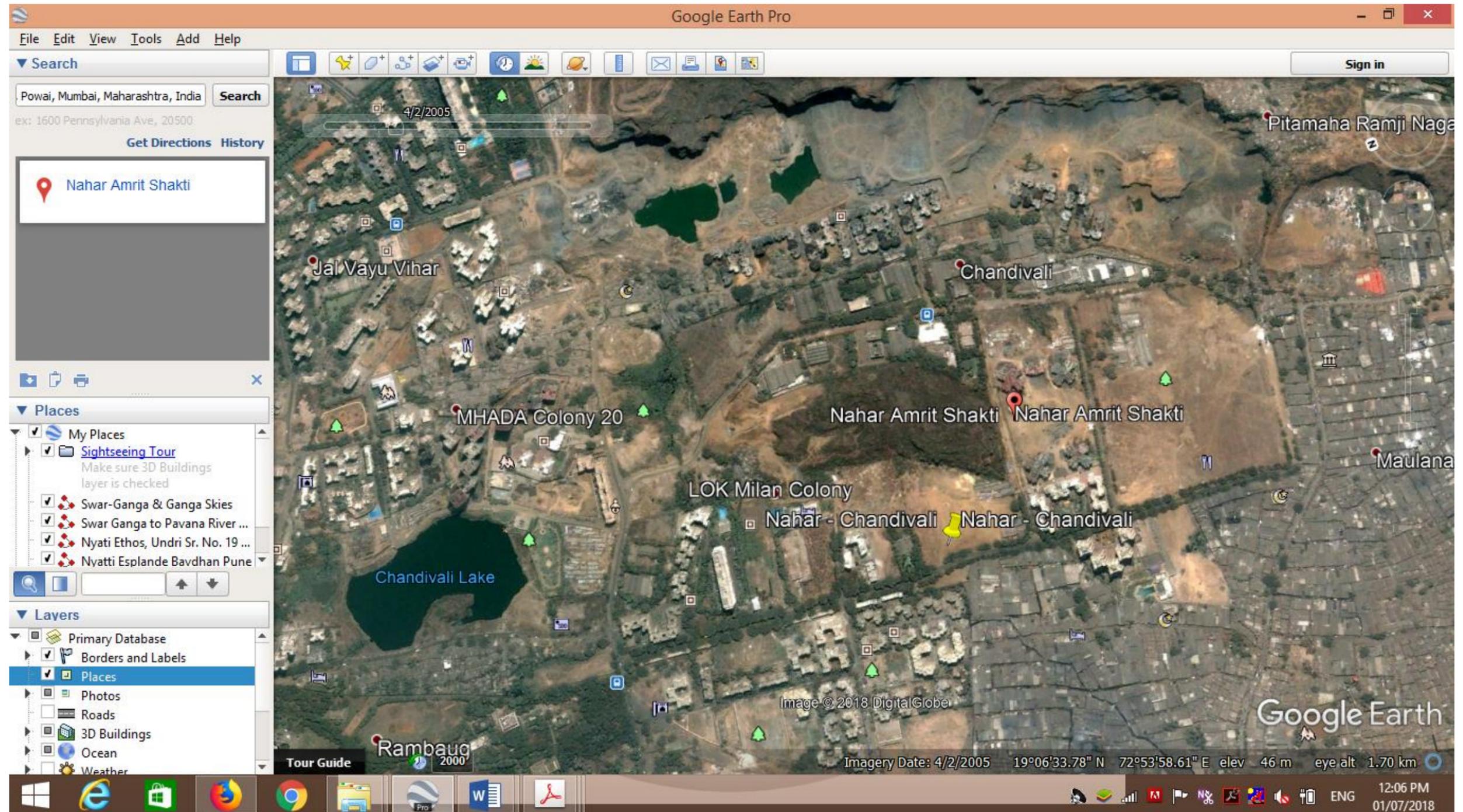
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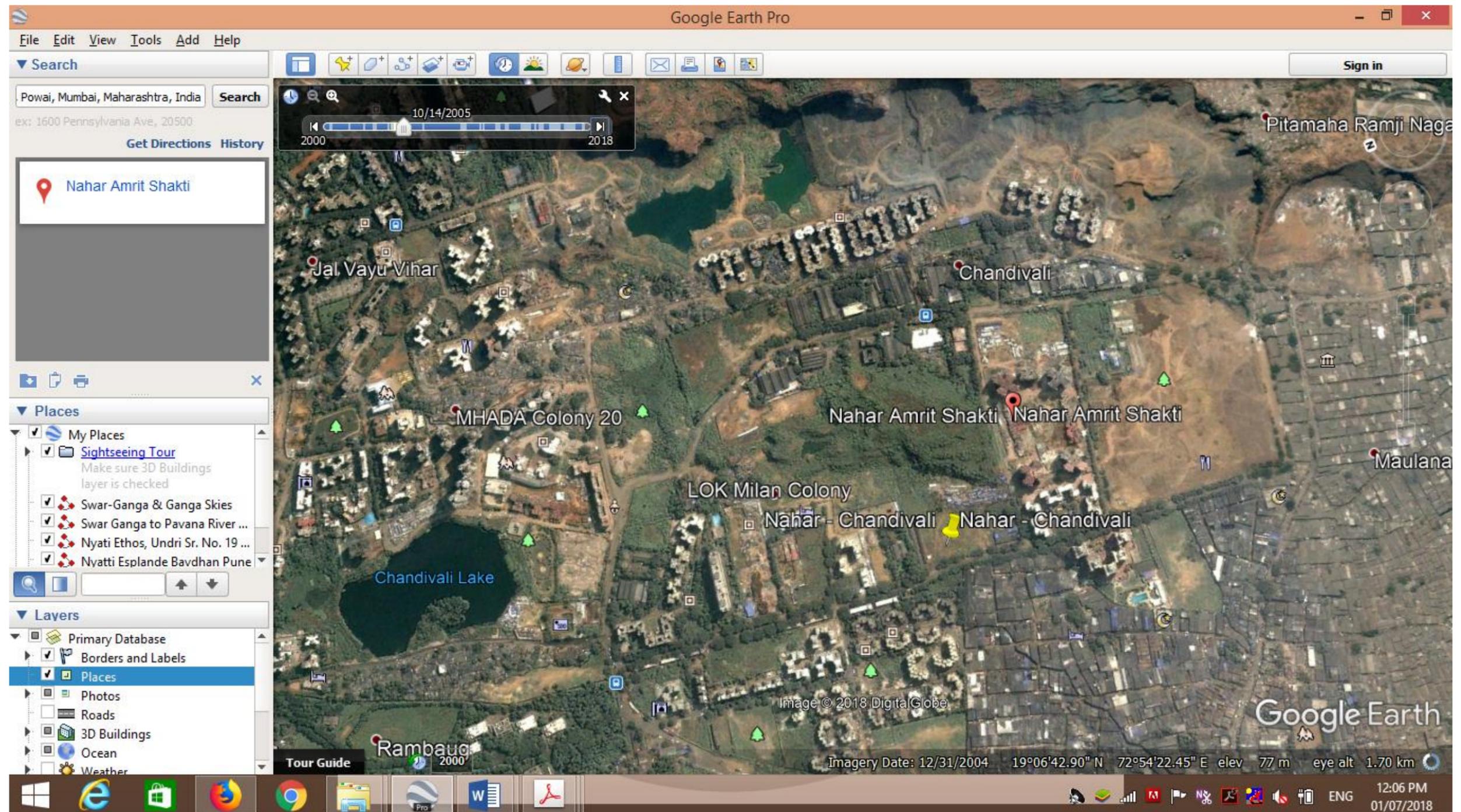
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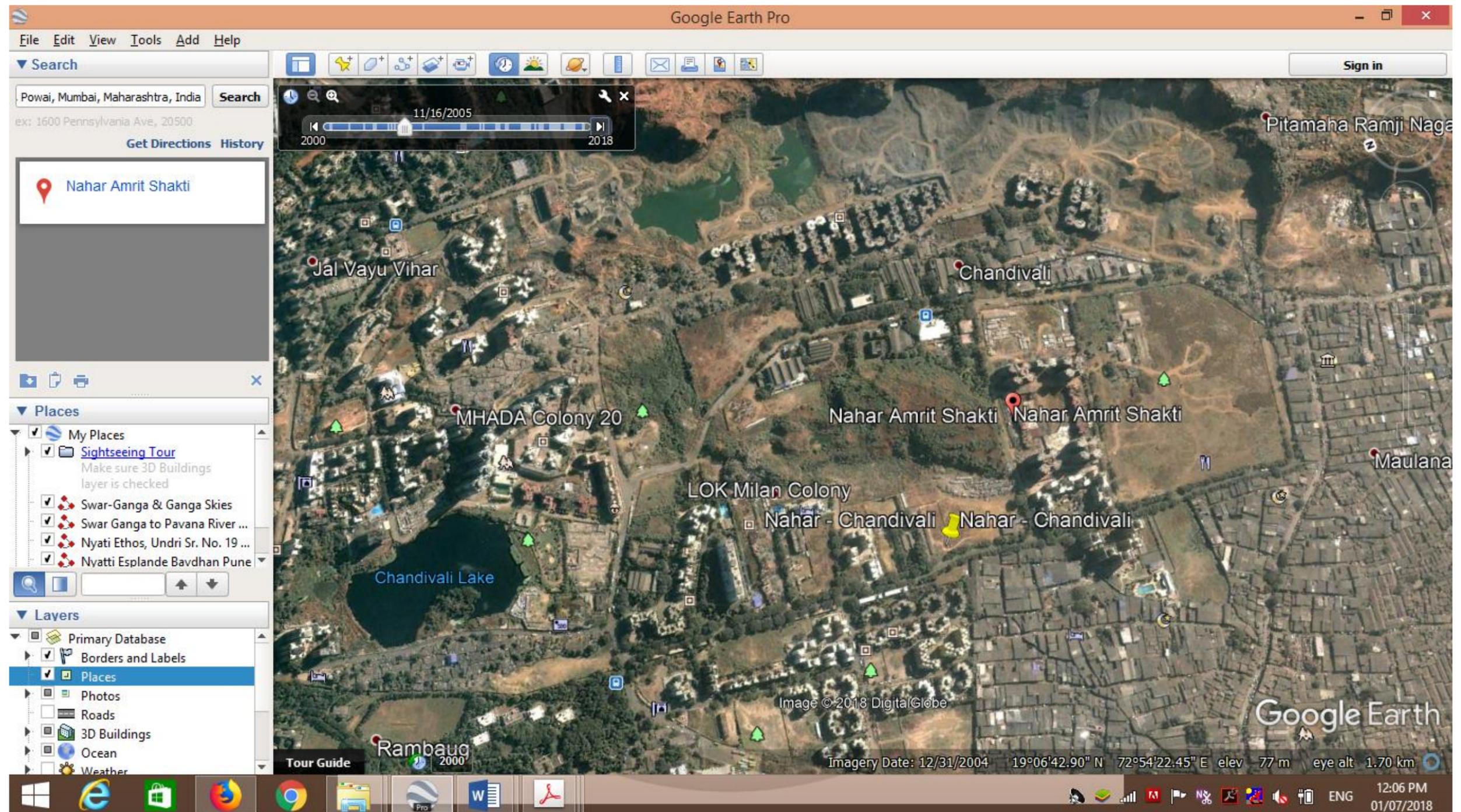
Project Proponent: M/s. Nahar Builders Limited, **Project:** Nahar Amrit Shakti,

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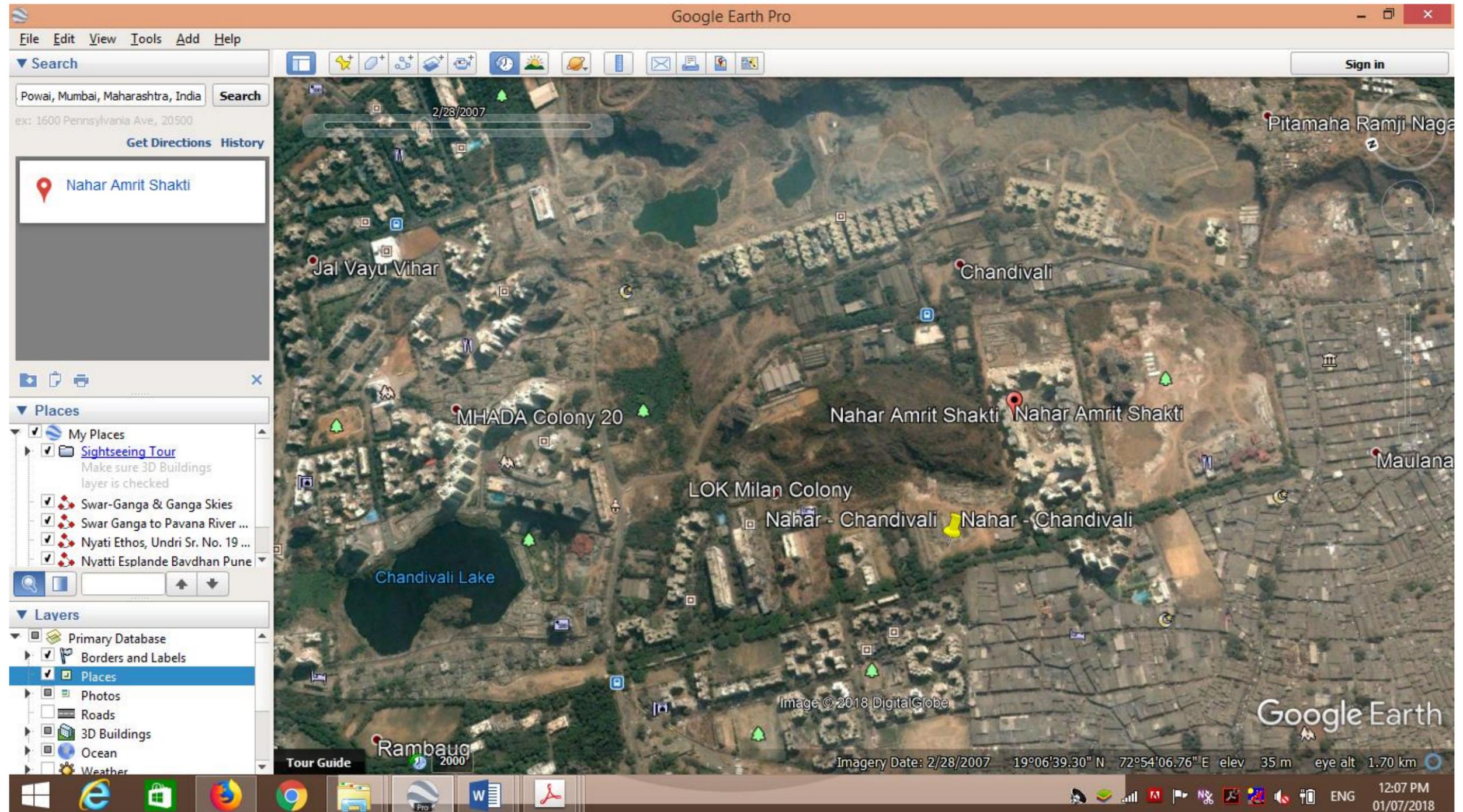
Project Proponent: M/s. Nahar Builders Limited, **Project:** Nahar Amrit Shakti,

Project Land Bearing CTS No.: 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B, 50-B, 52-B, 53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9, 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C, Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra



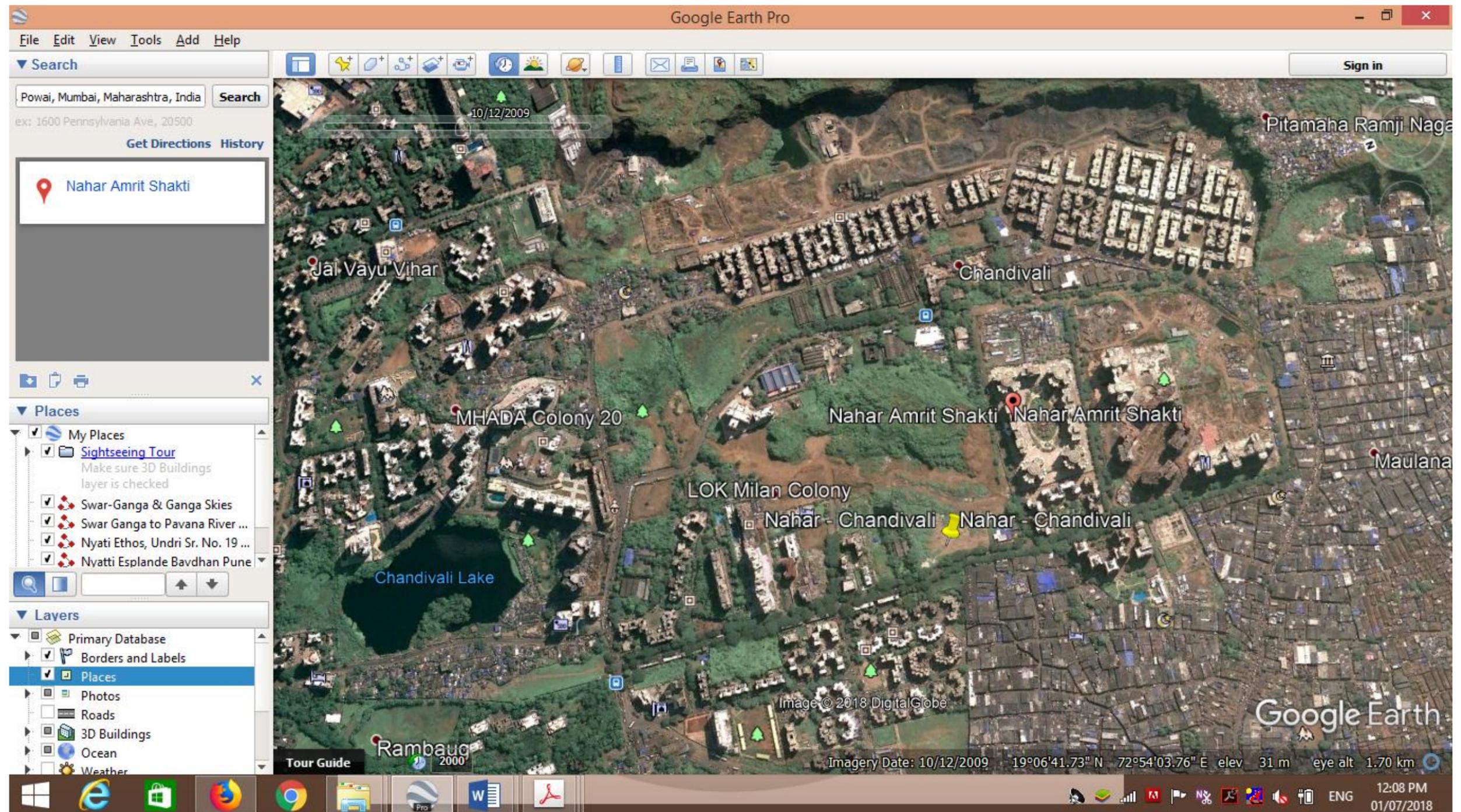
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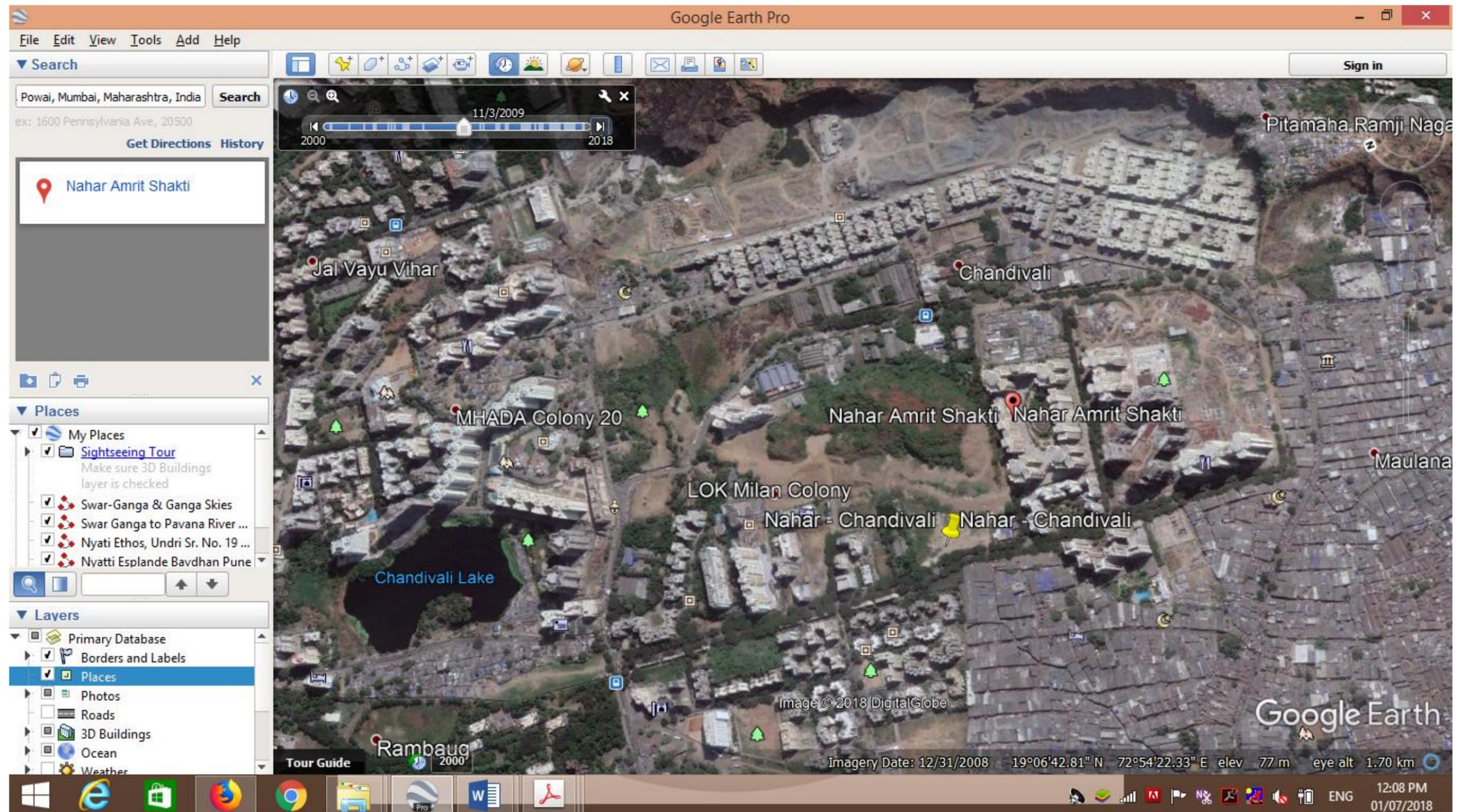
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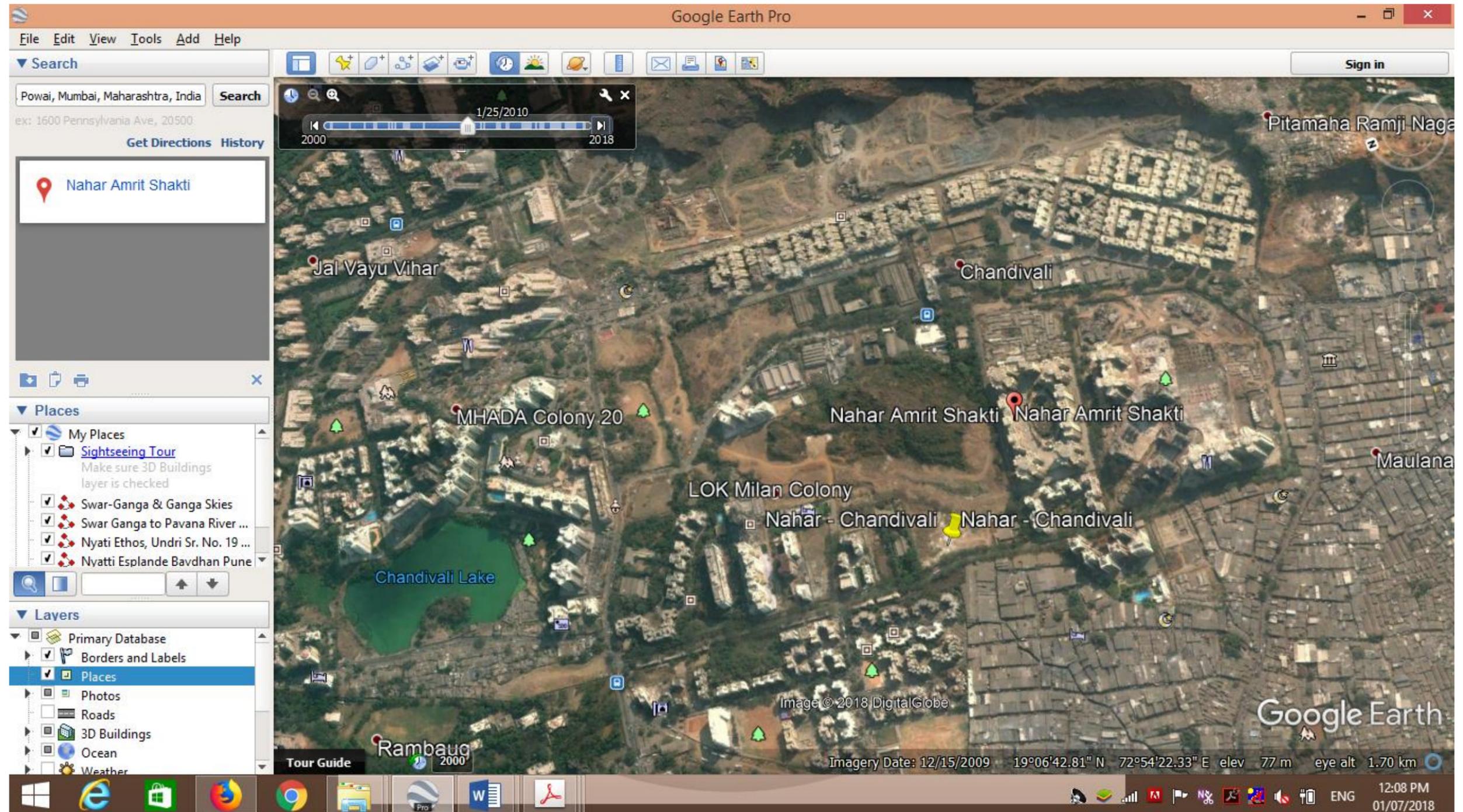
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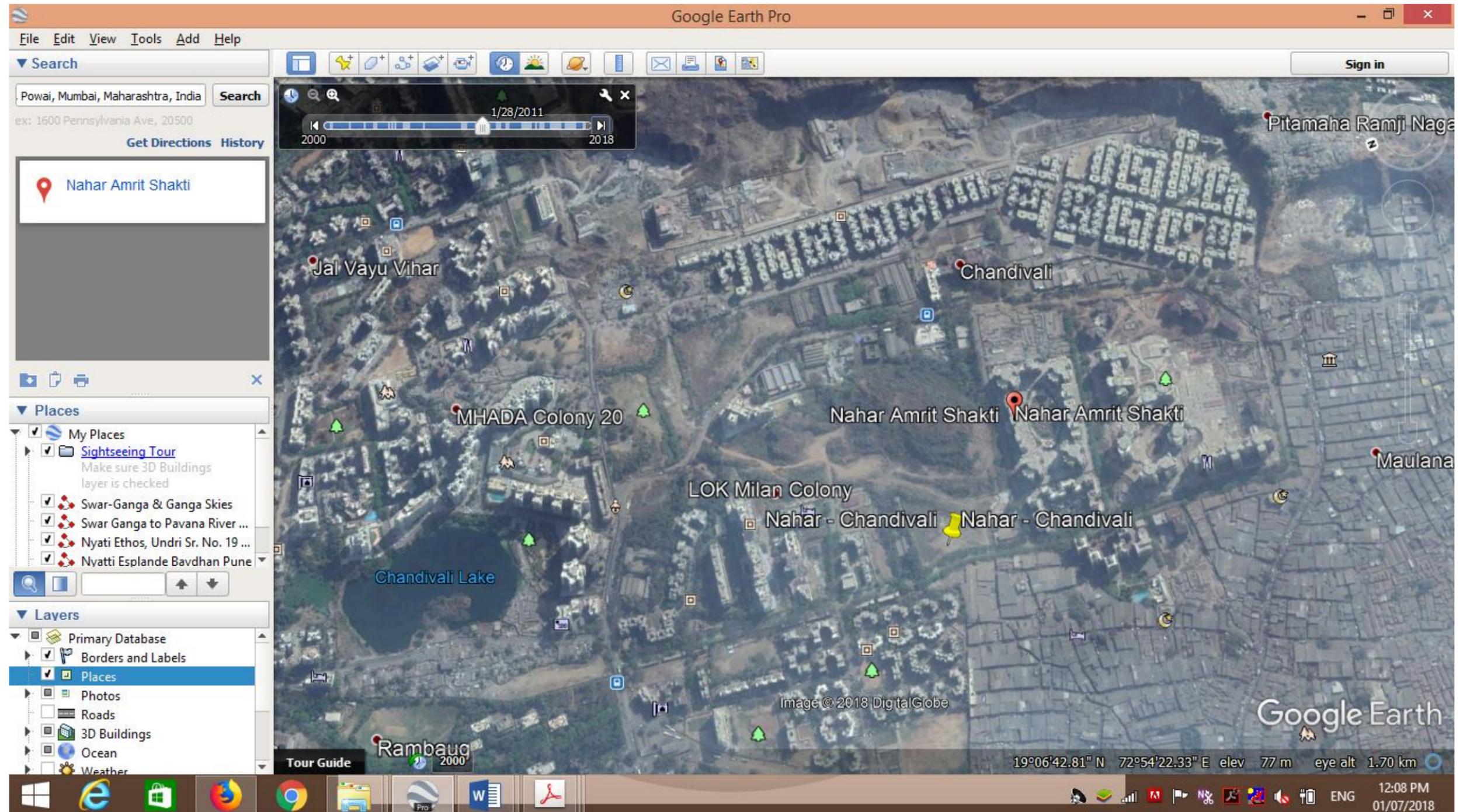
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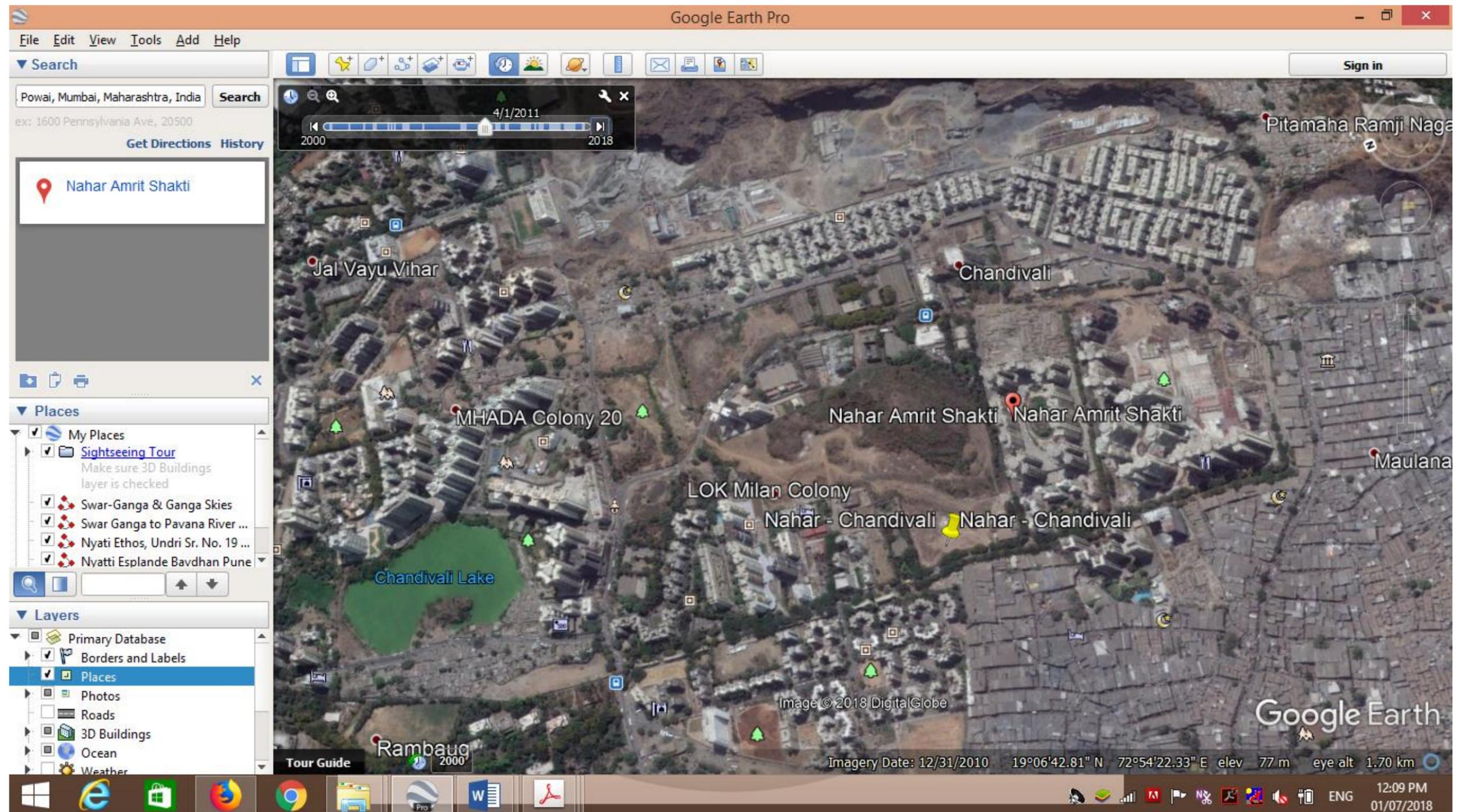
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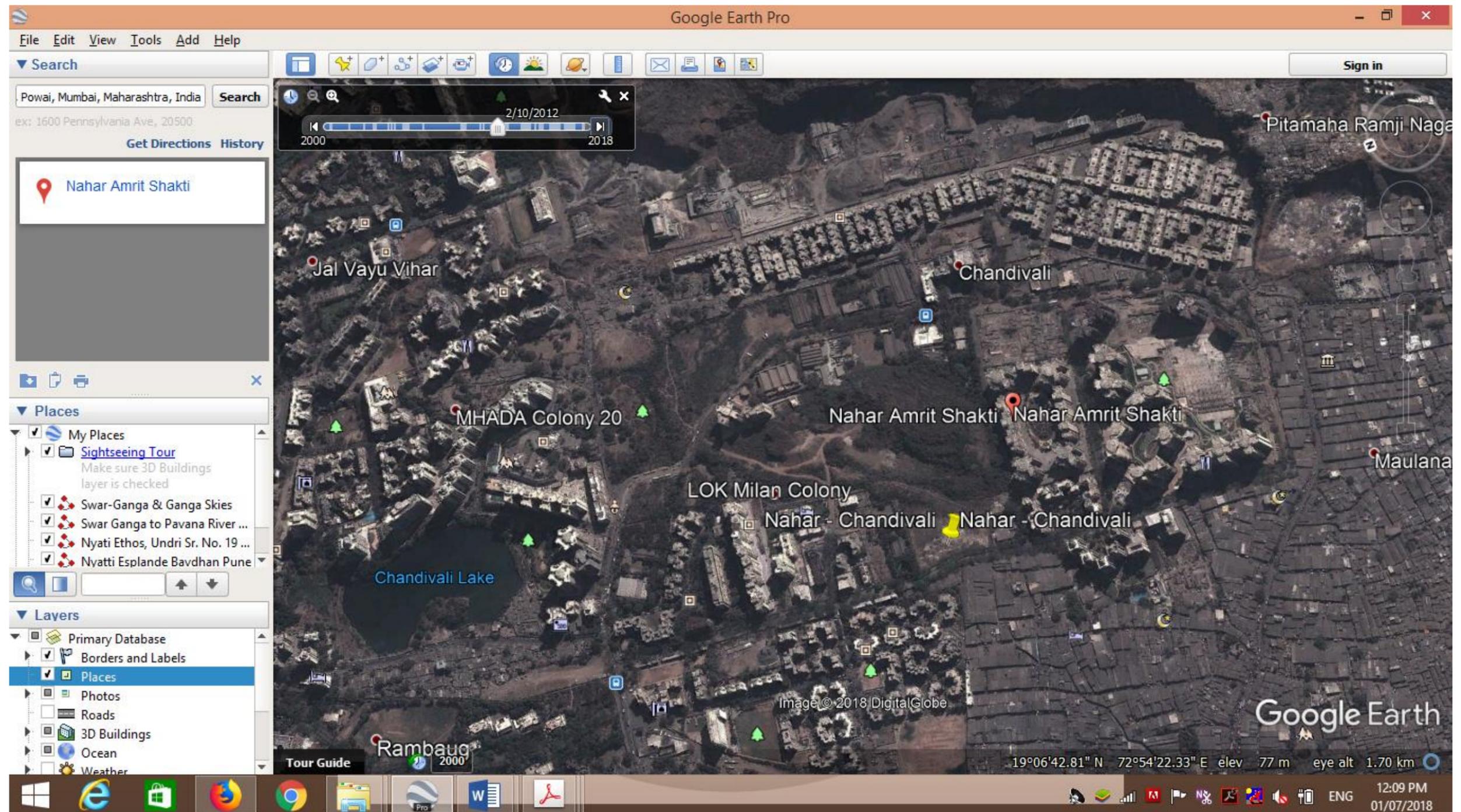
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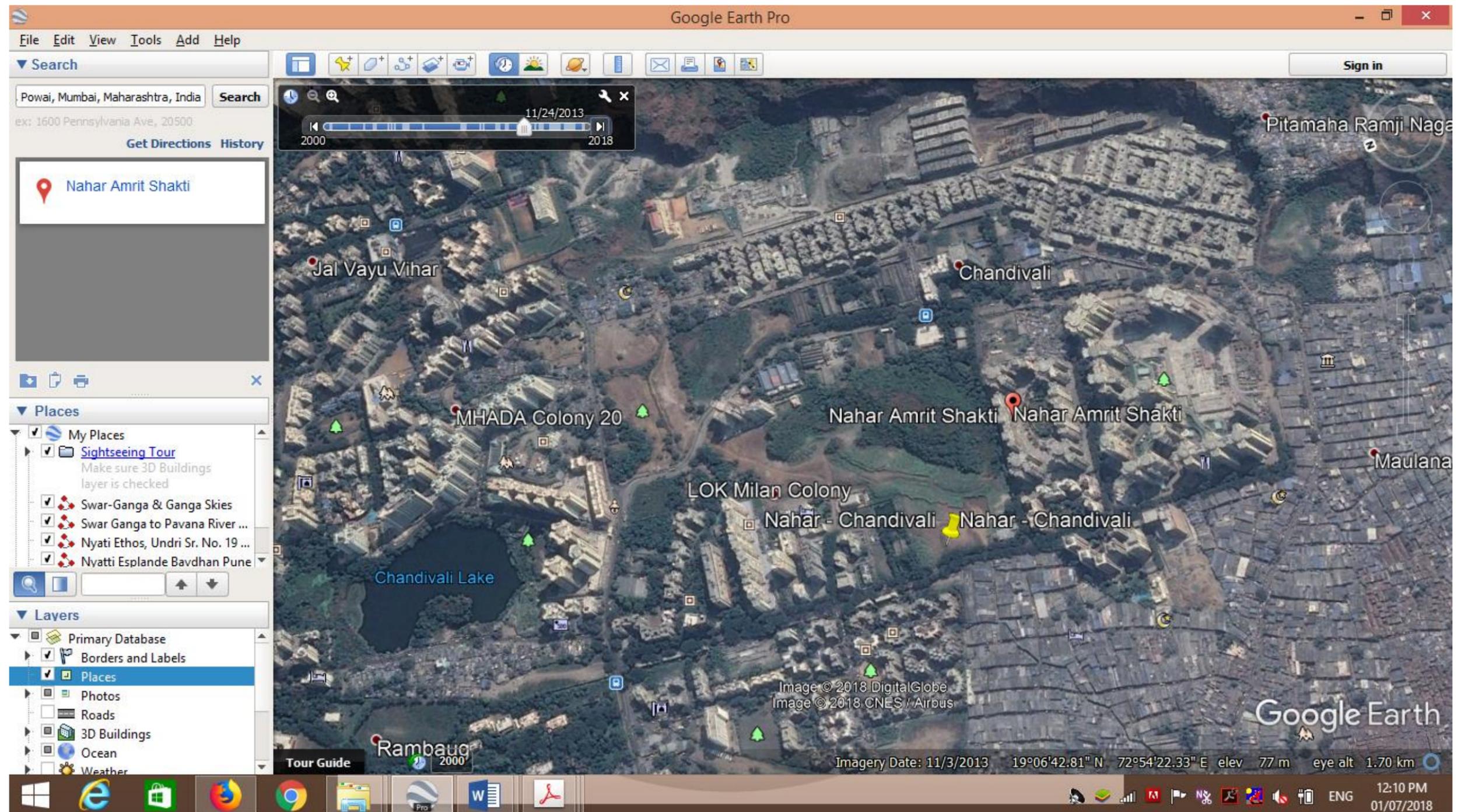
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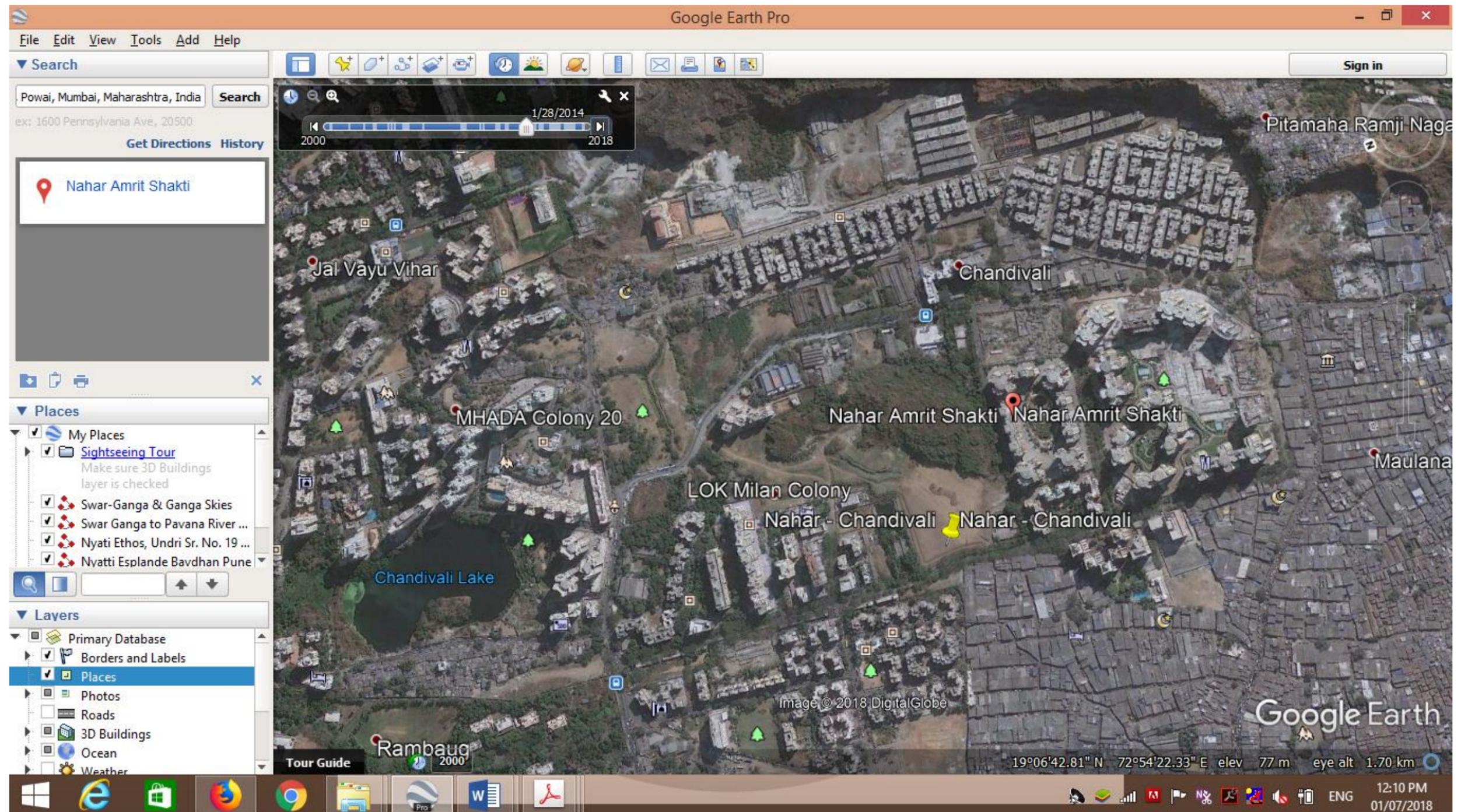
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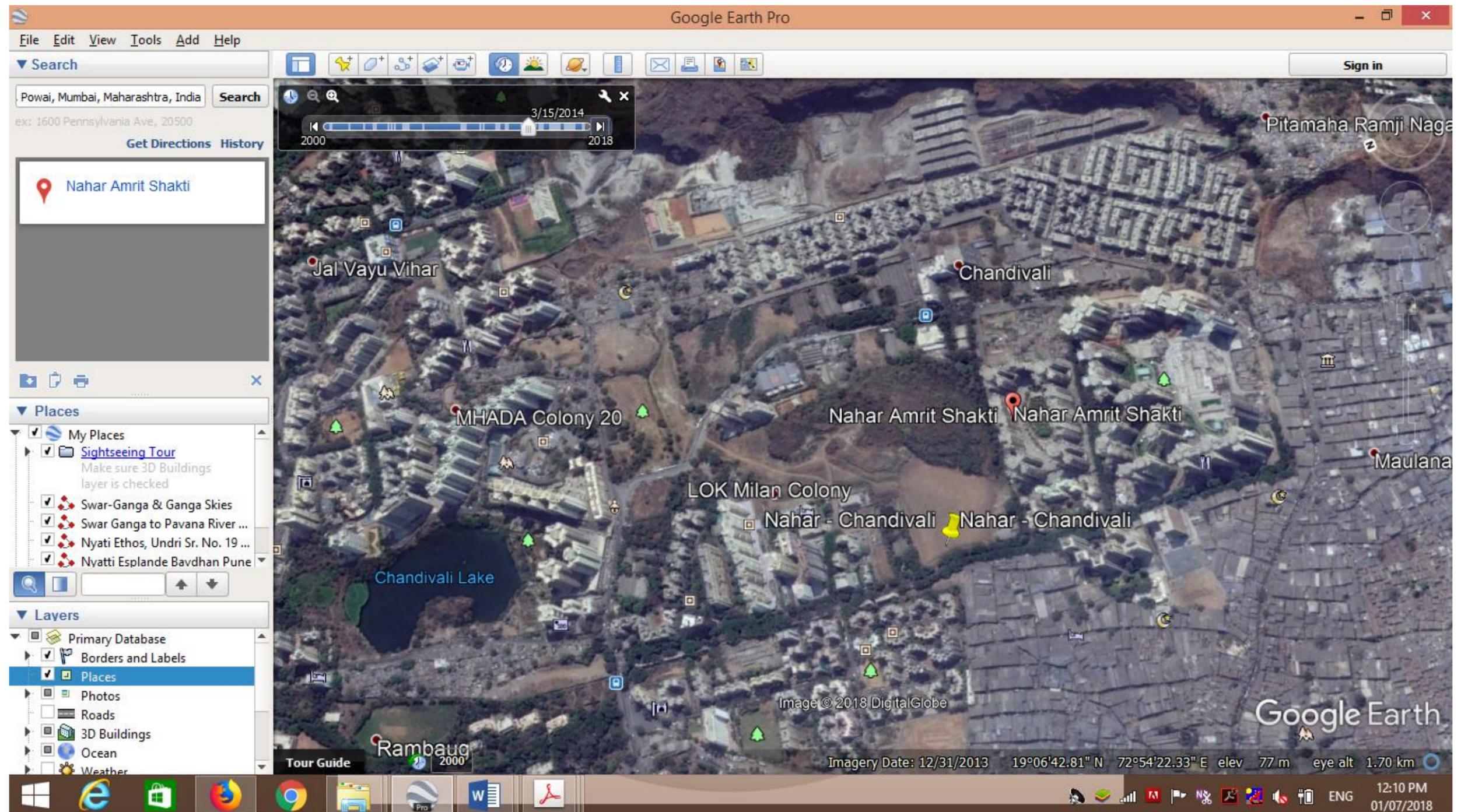
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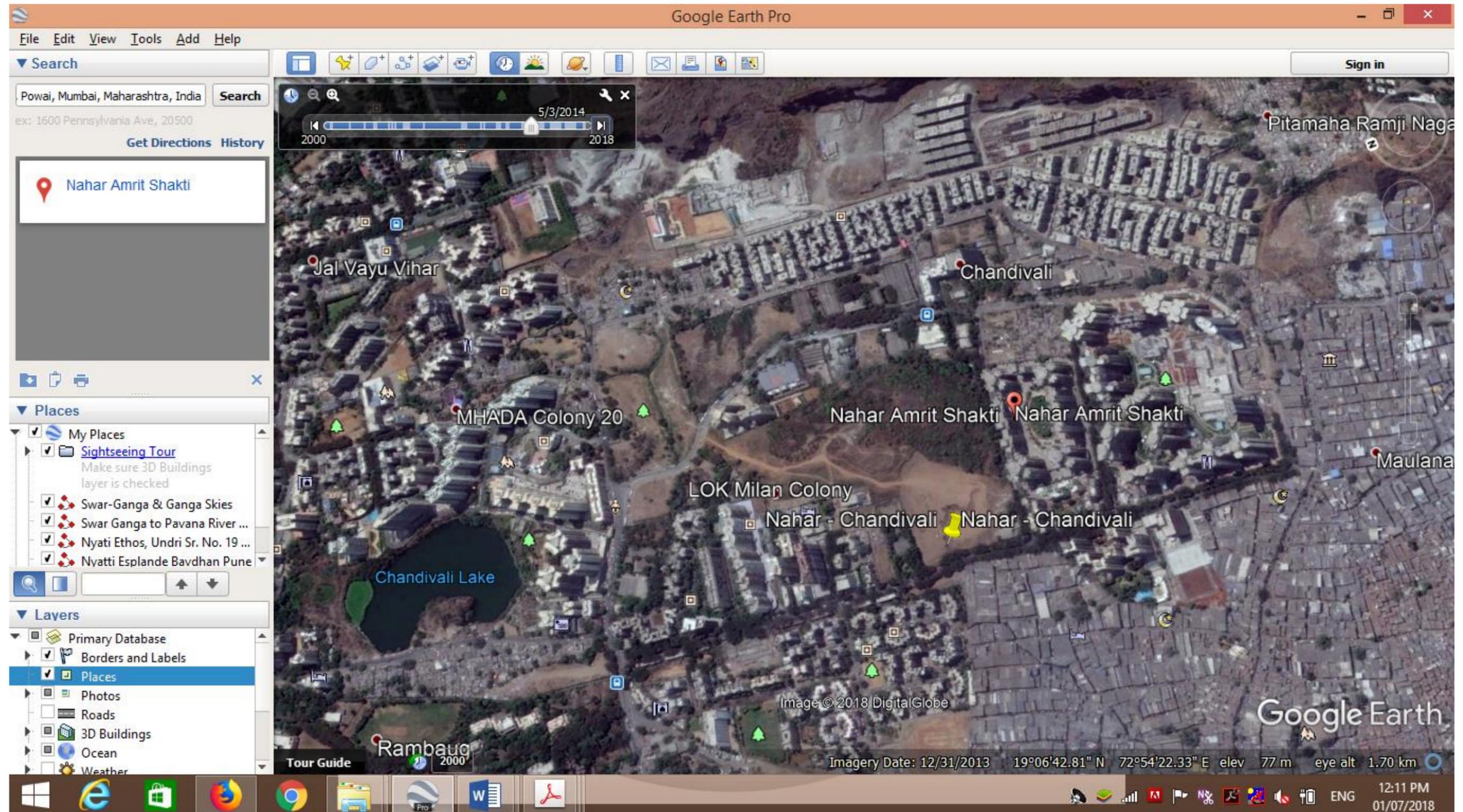
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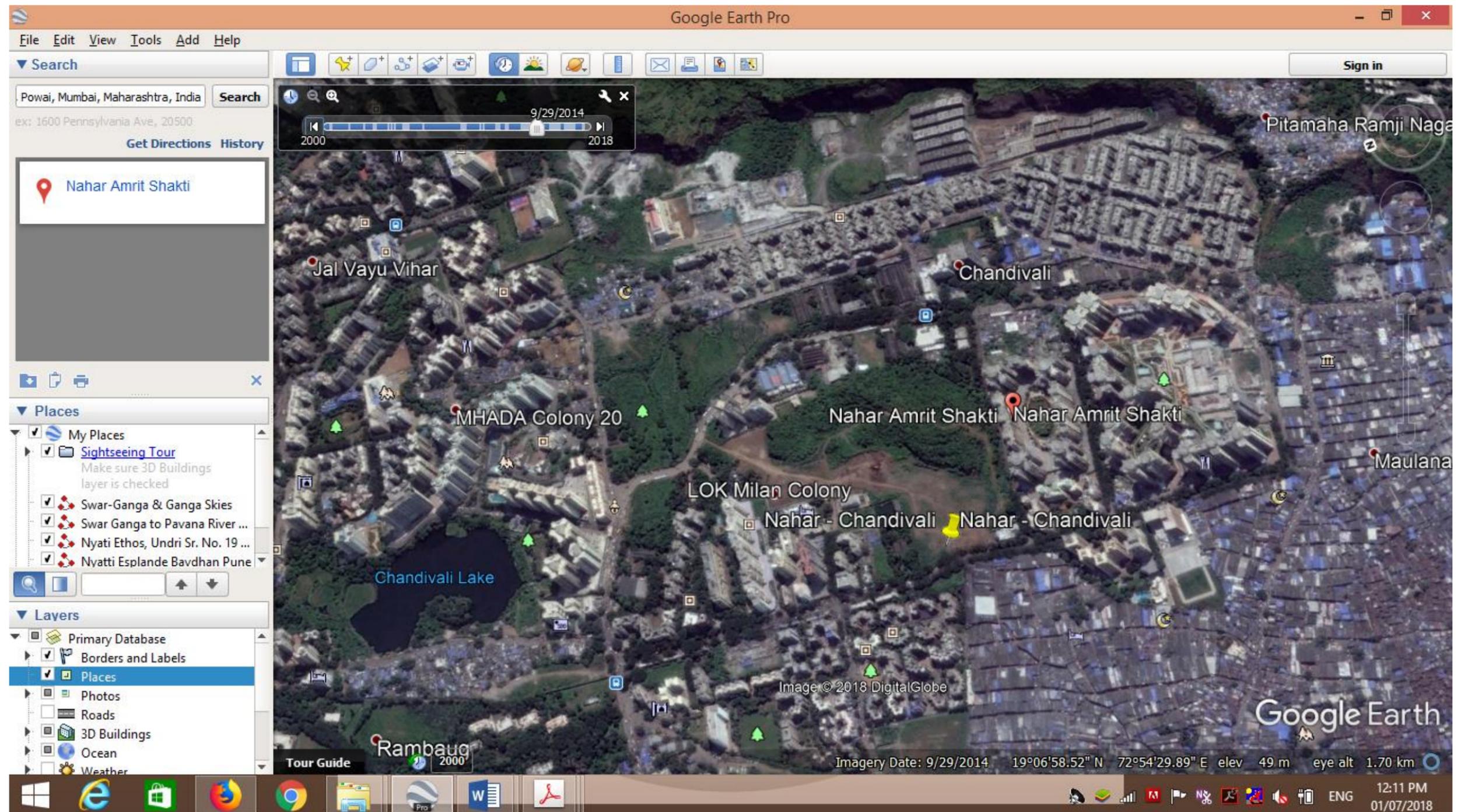
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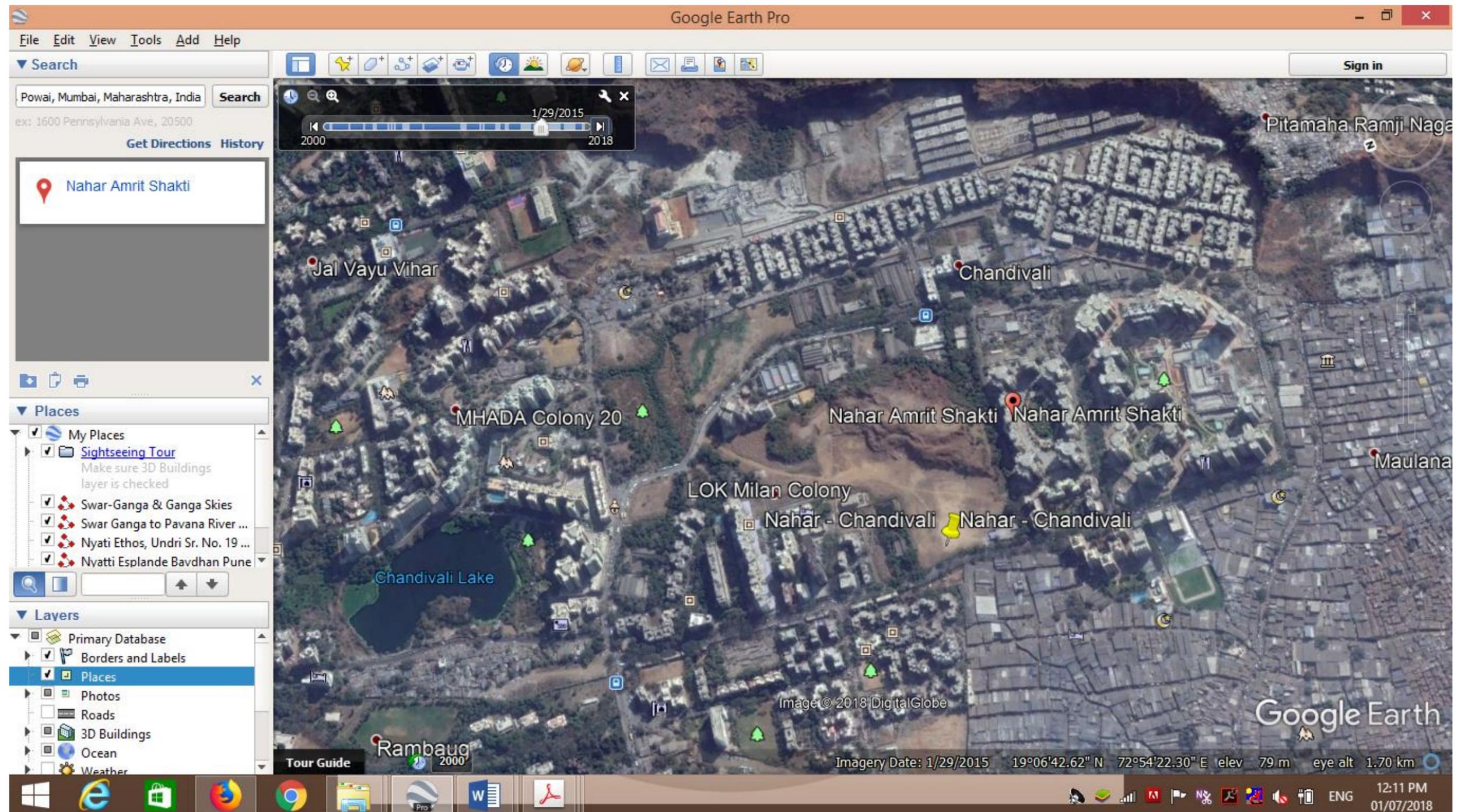
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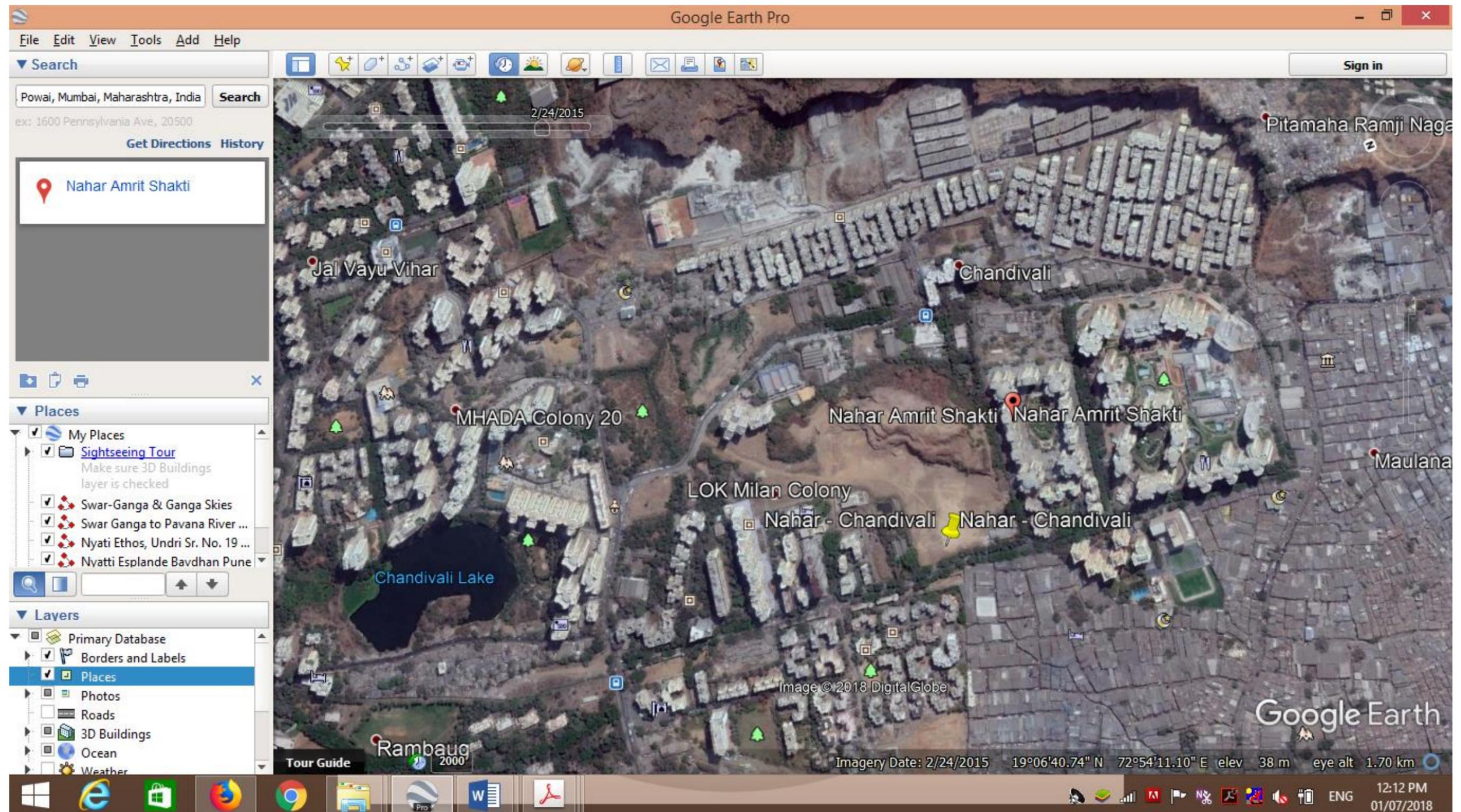
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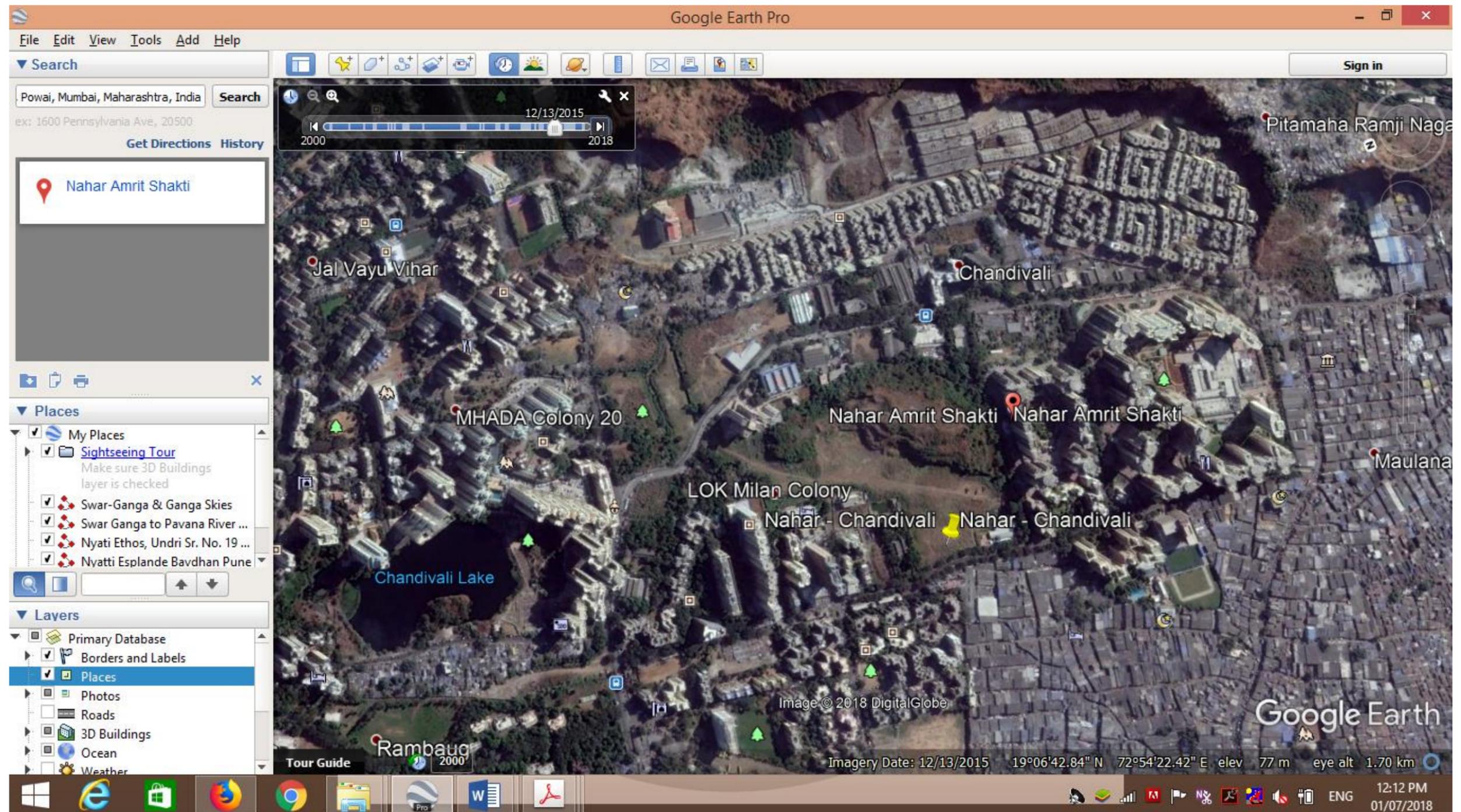
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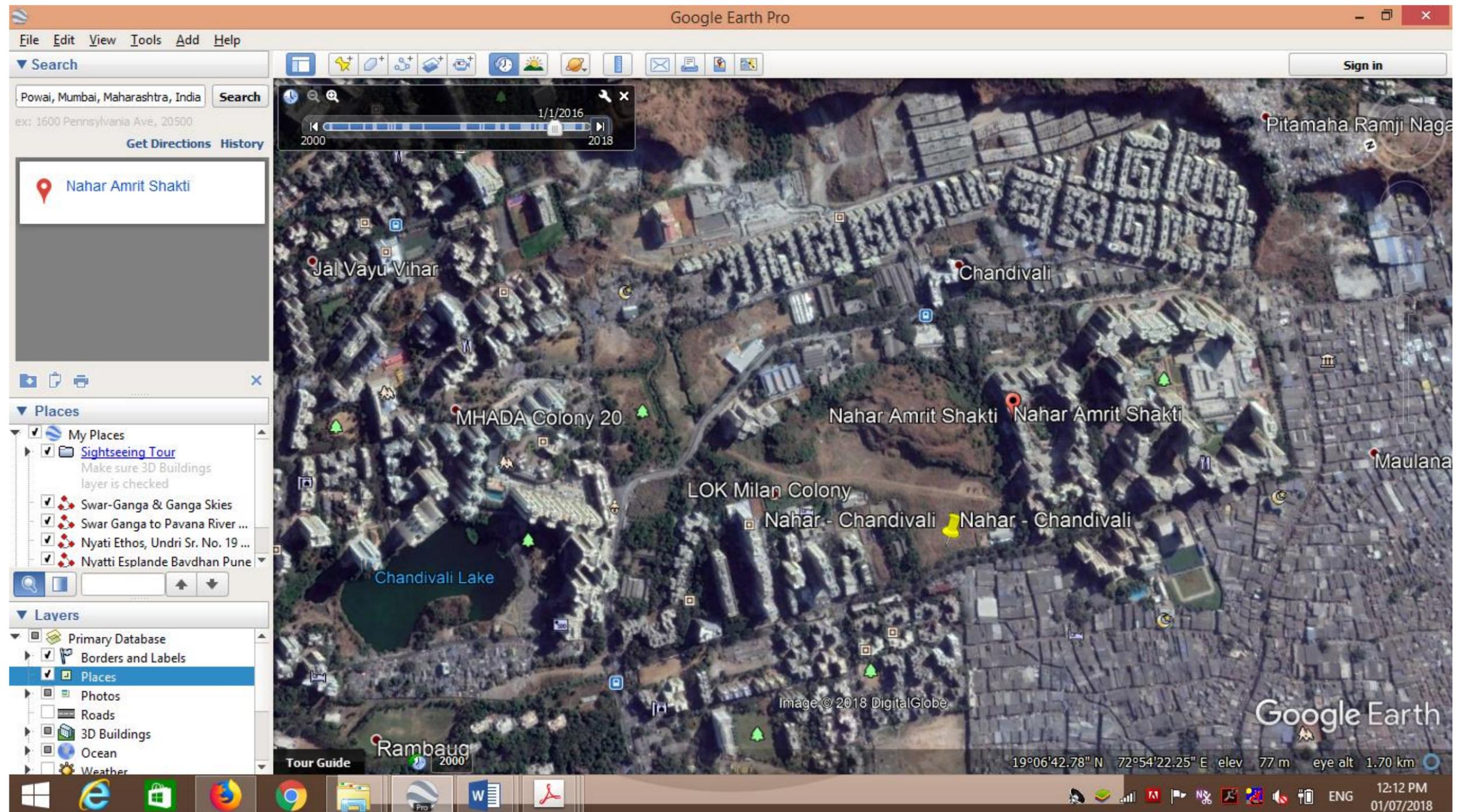
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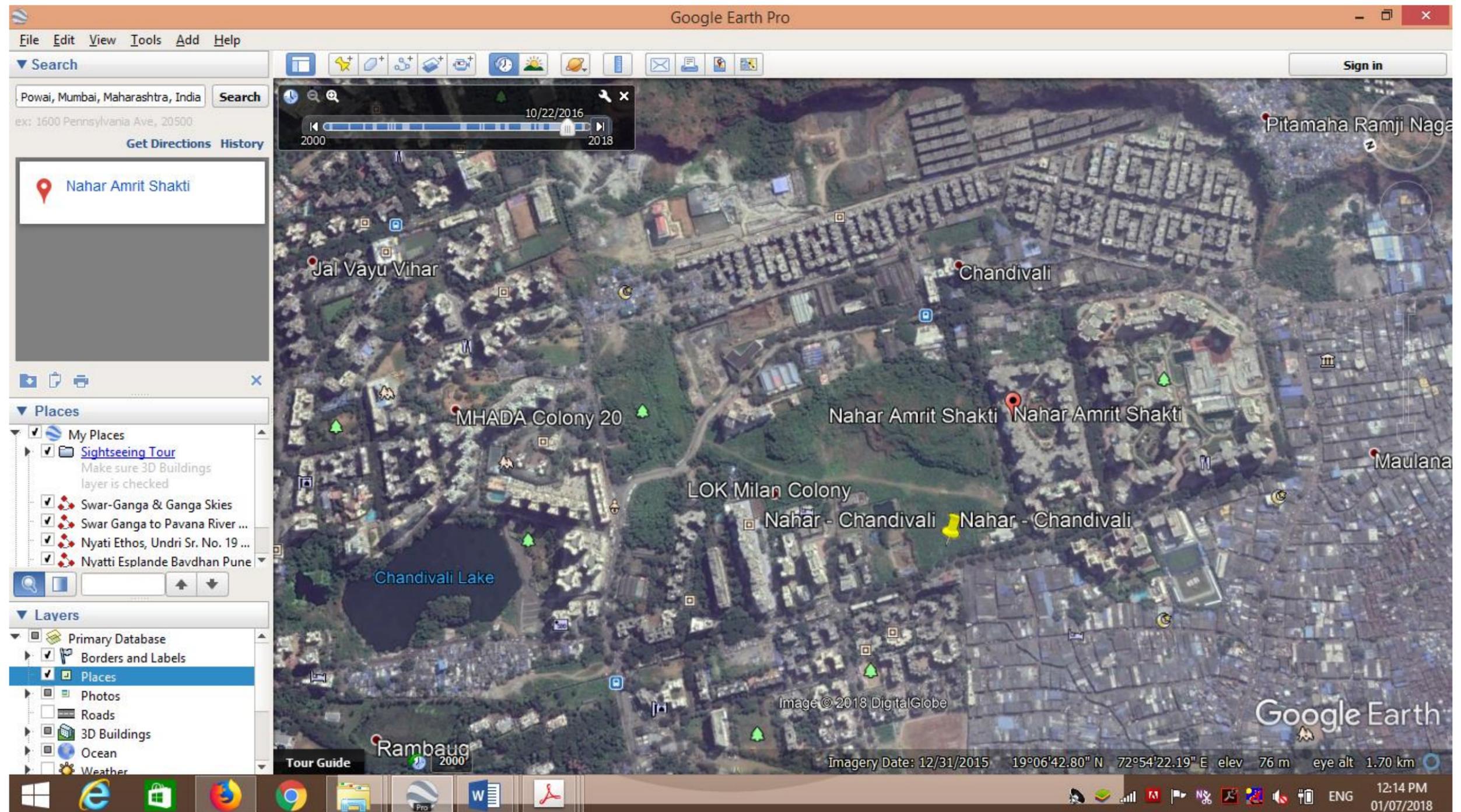
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Project Land Bearing CTS No.: 30A/1-14, 30A/1-16, 30A/2, 36A/8, 36-B, 50-B, 52-B, 53-B & 29V , 28A/3, 28-B, 29/L, 30-A/1-15,30-A/3, 50-C, 53-A/1-D, 53-C, 53-A/1-B, 1-C, 44-C, 1-D, 44-A, 45, 45/1 to 45/29 (pt), 50-A (pt), 51-A (pt), 52-A (pt), 48-F (pt), 48-F (pt), 49, 50-A (pt), 40 (pt), 4/2 to 4/59, 4/60, 4/61, 4-E, 20-B , 25/B/1, 26 A, 27 , 28A/1, 29 N , 50 A/6, 38 (pt), 50A/7, 52A/9, 42-D, 43 C/A(pt), 43 C/9 to 43 C/13, 43 C/32 to 43 C/37, 39-A, 14(pt), 36A/4, 50A/11, 52 A/3, 36A/9, 50A(pt), 52/A(pt), 50A/9, 52A/6,36 A(Pt), 36A/10, 50A(pt), 52/A(pt) and 26-C, Chandivali Farm Road, Chandivali, Andheri (E), Mumbai - 400072, Maharashtra



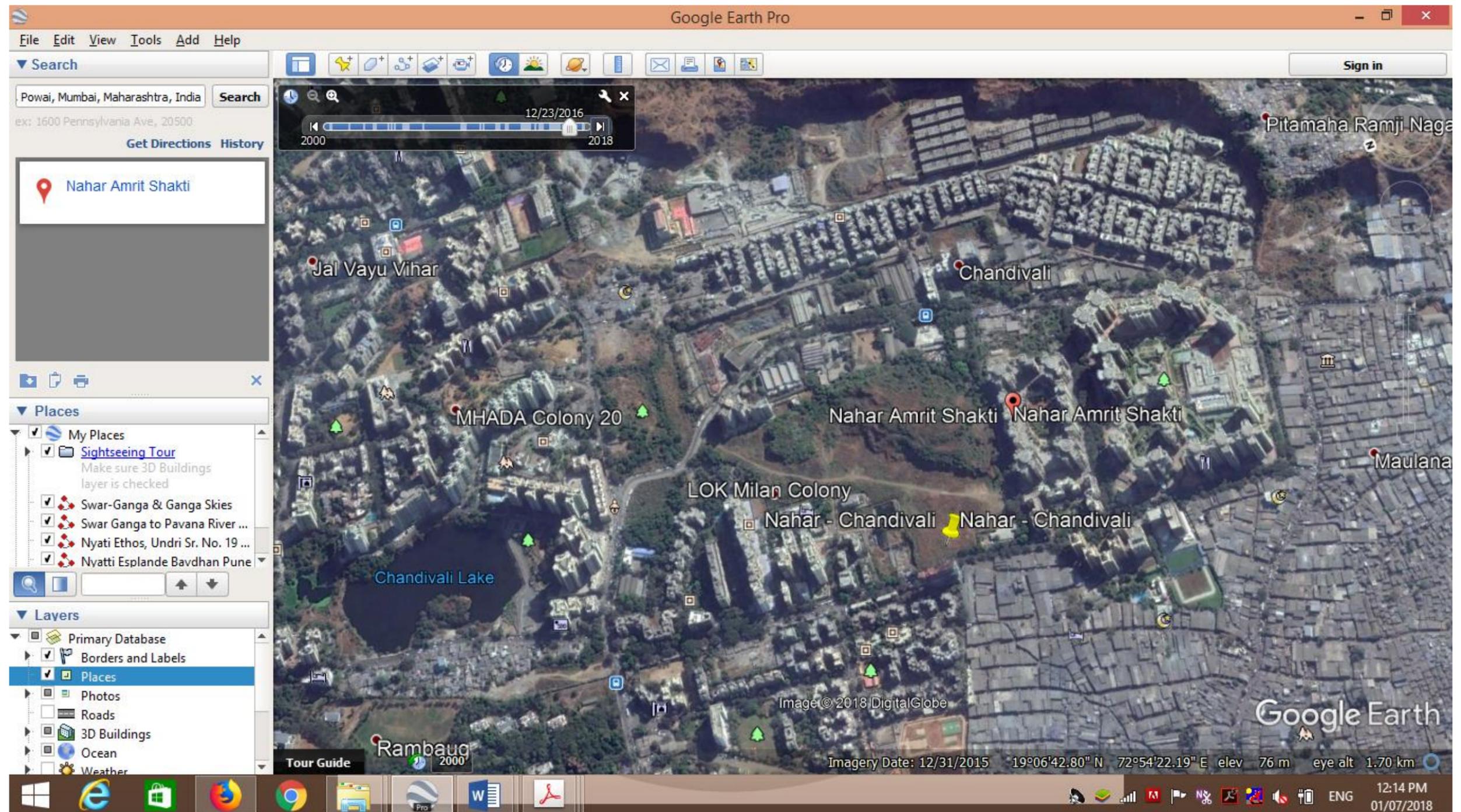
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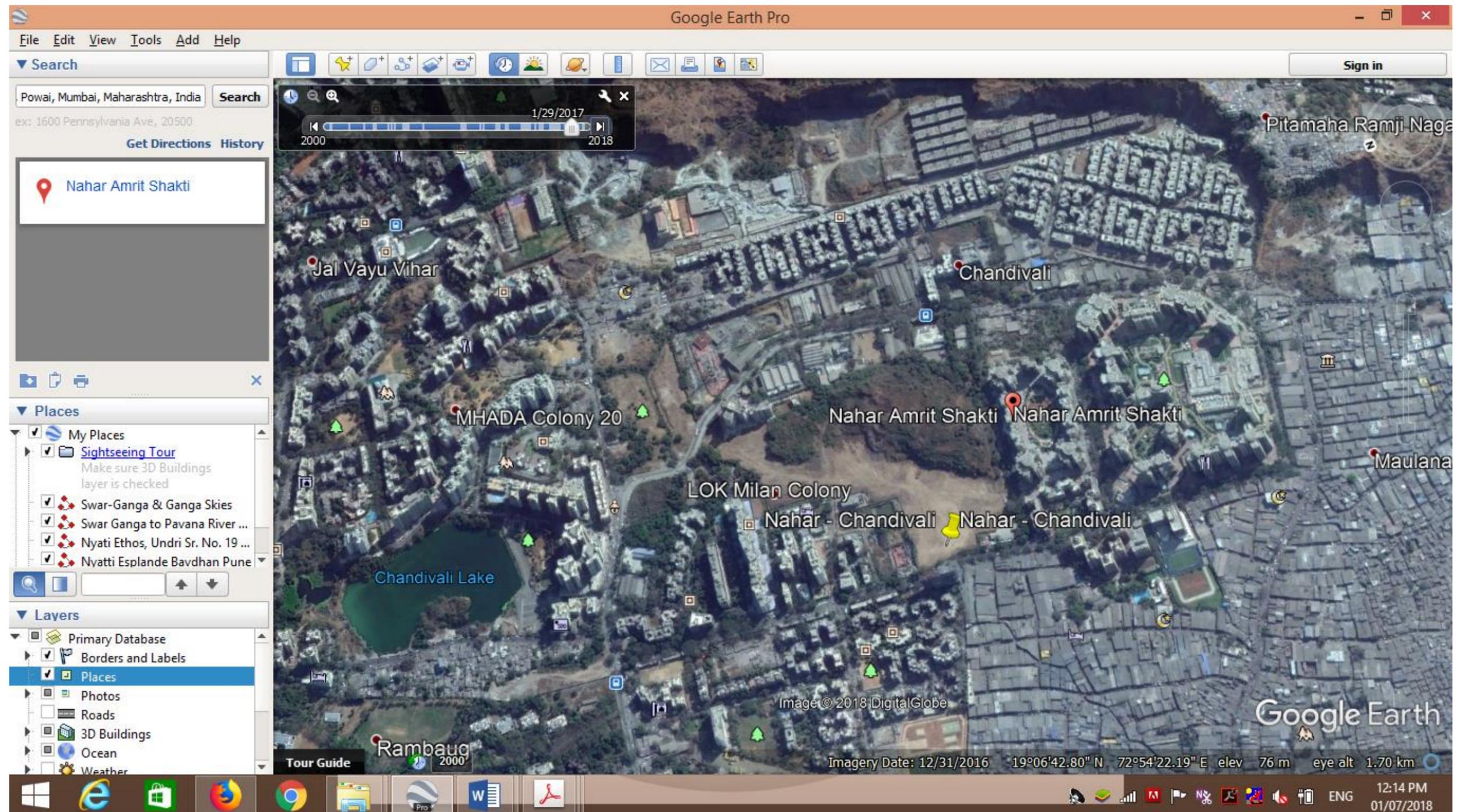
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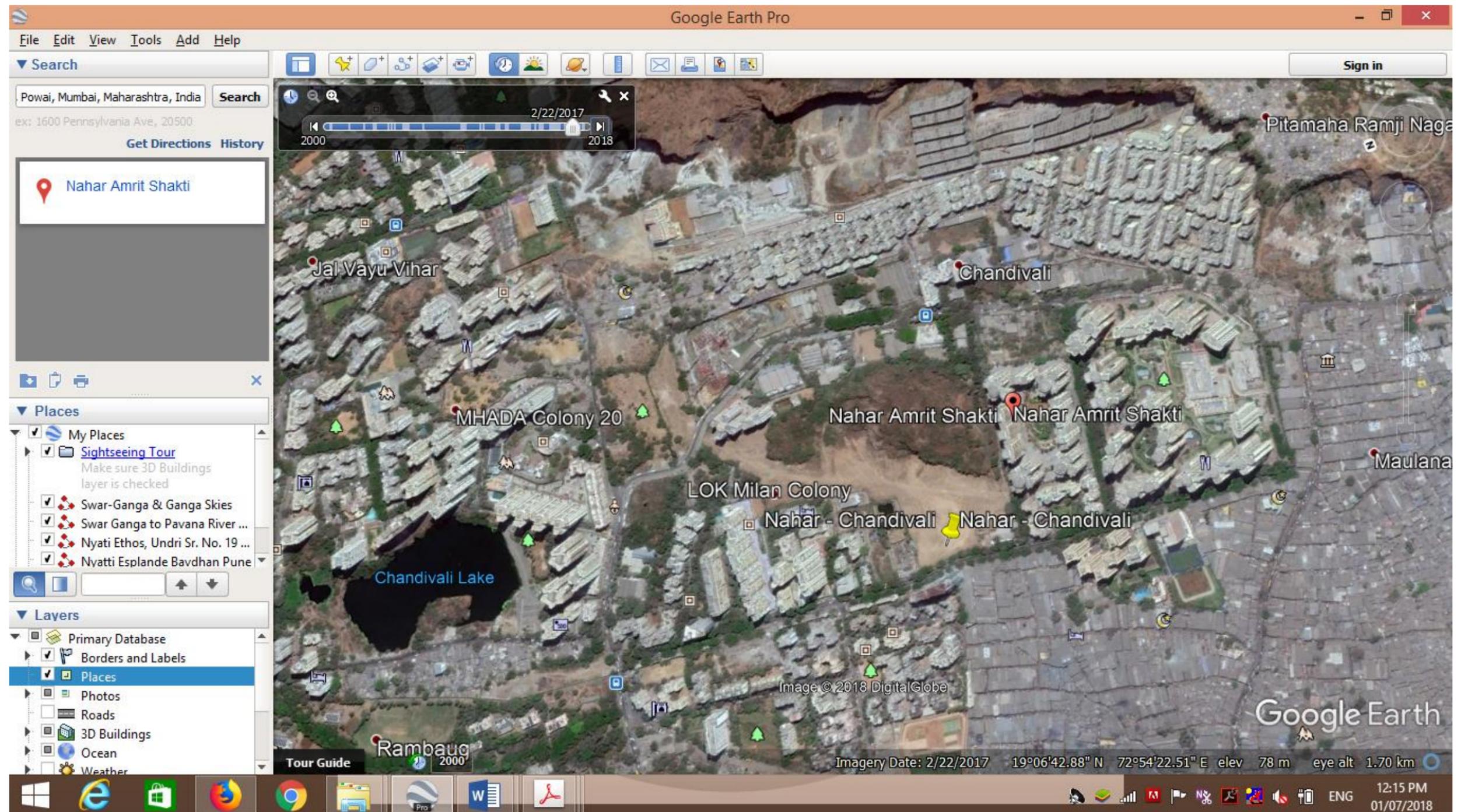
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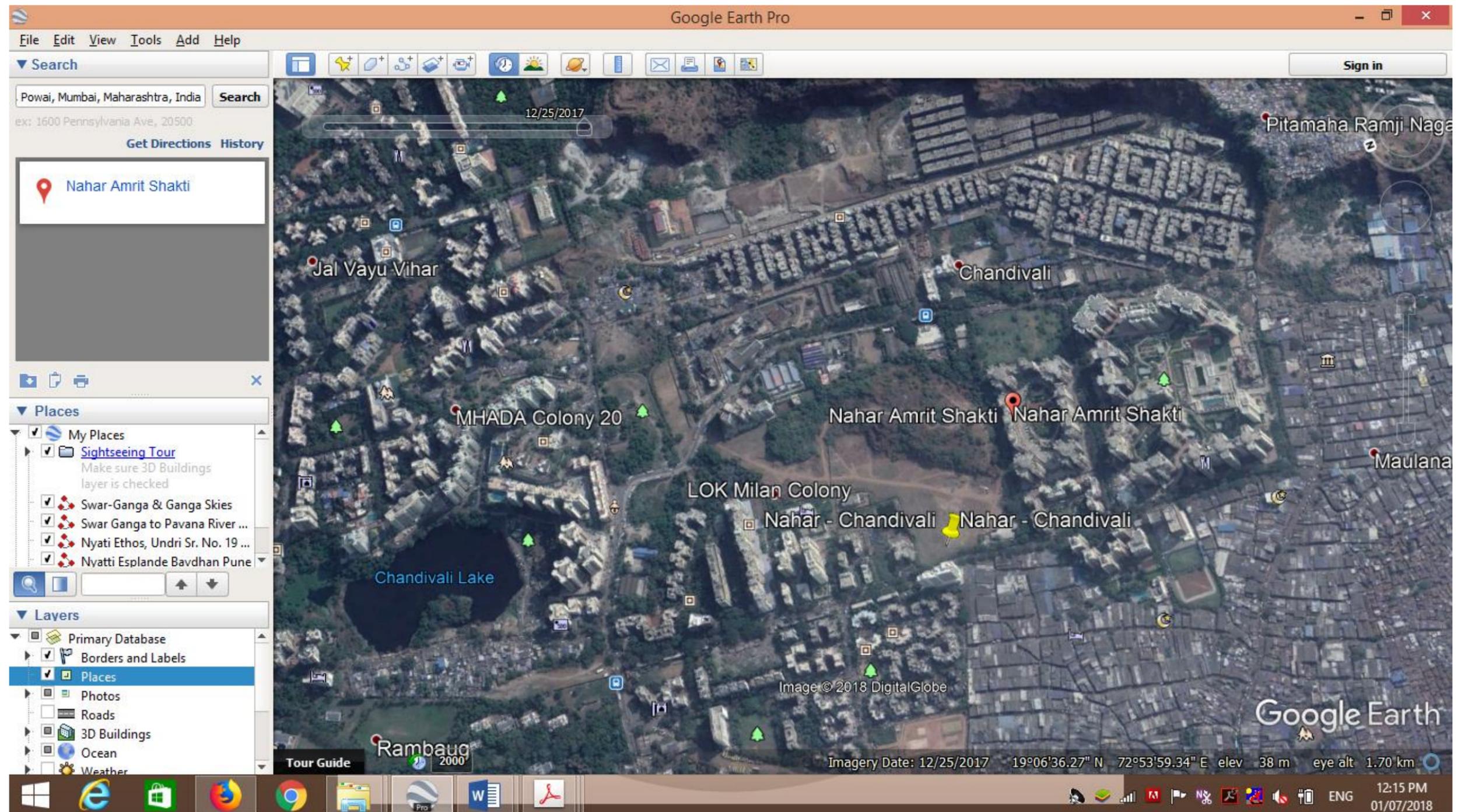
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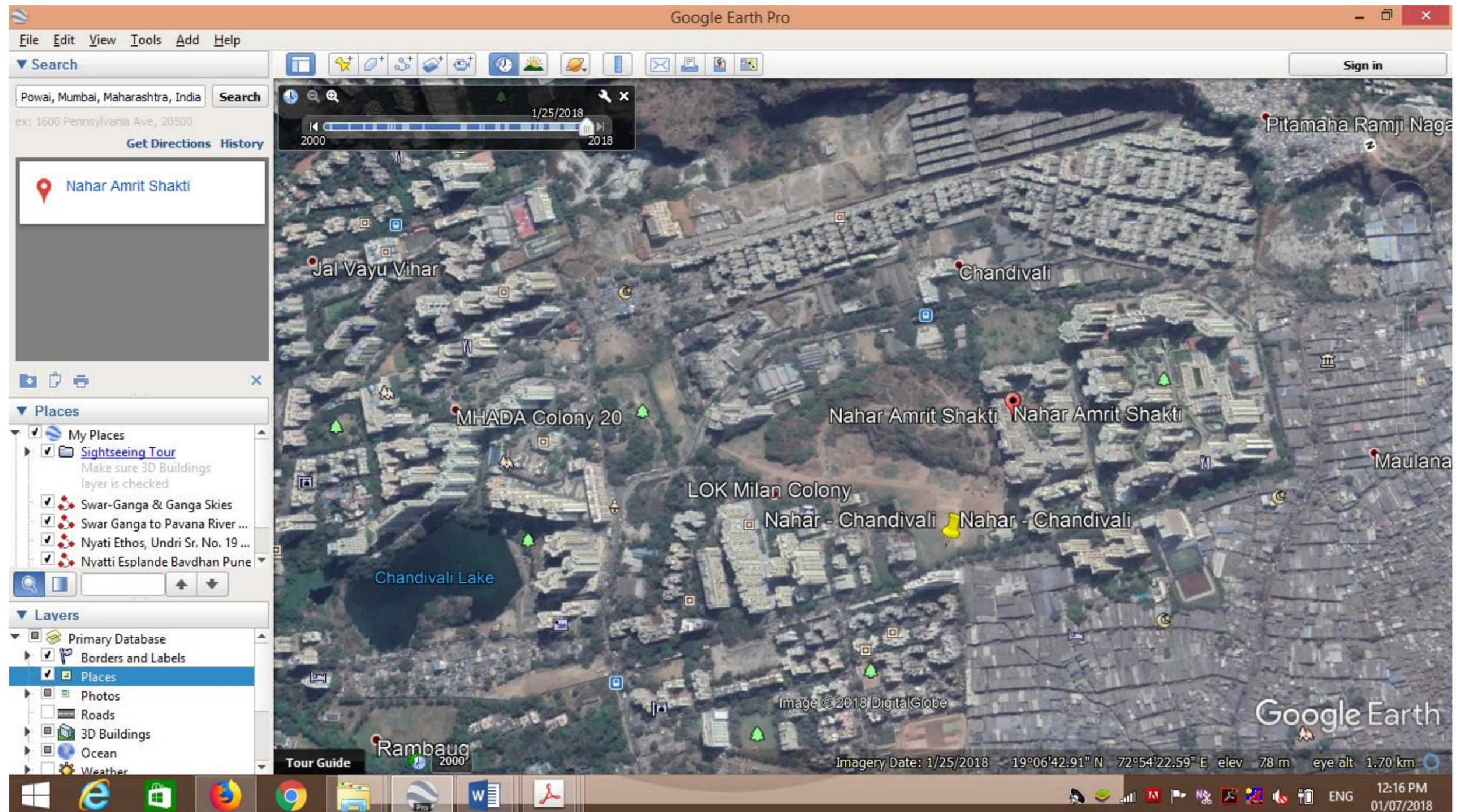
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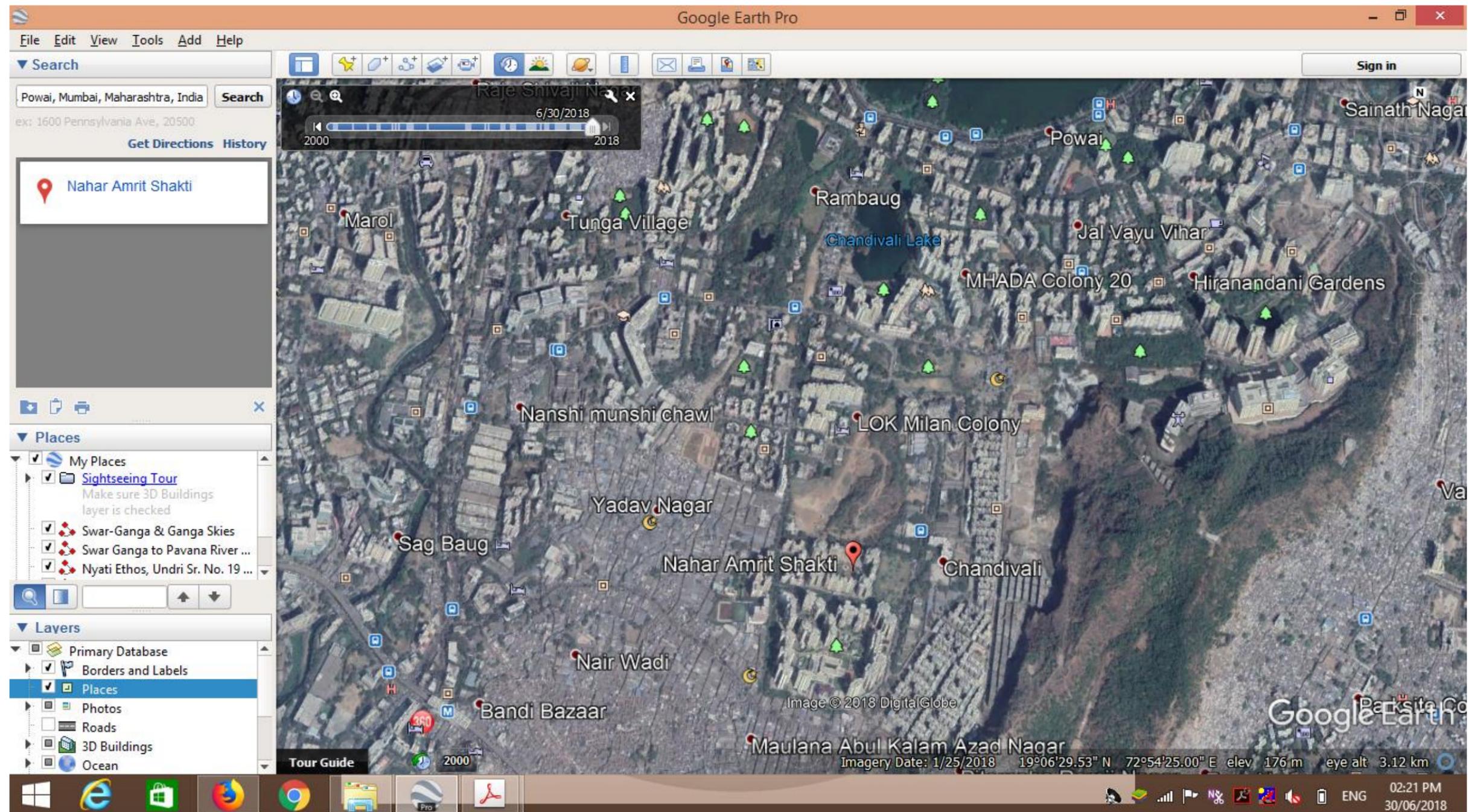
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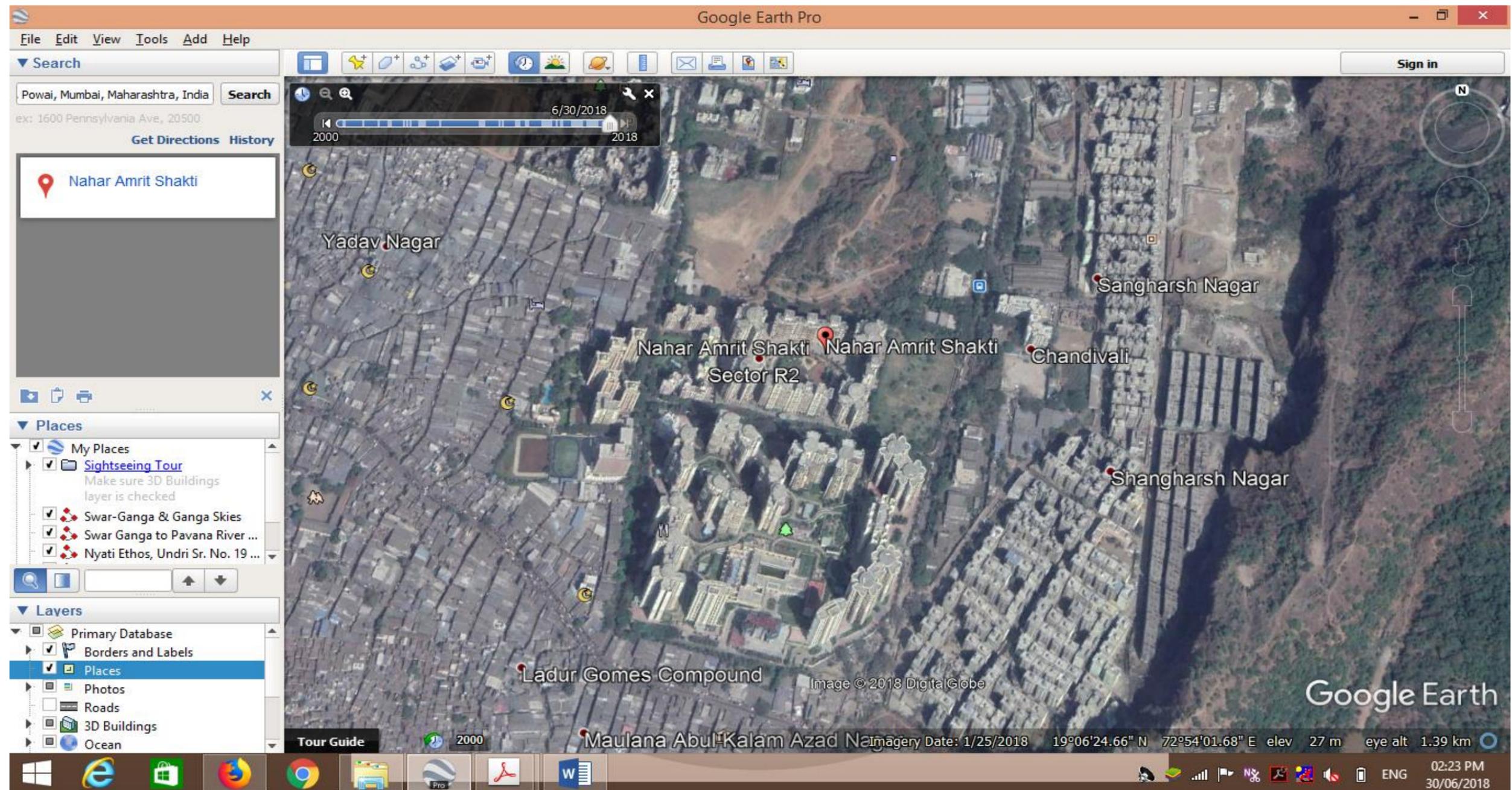
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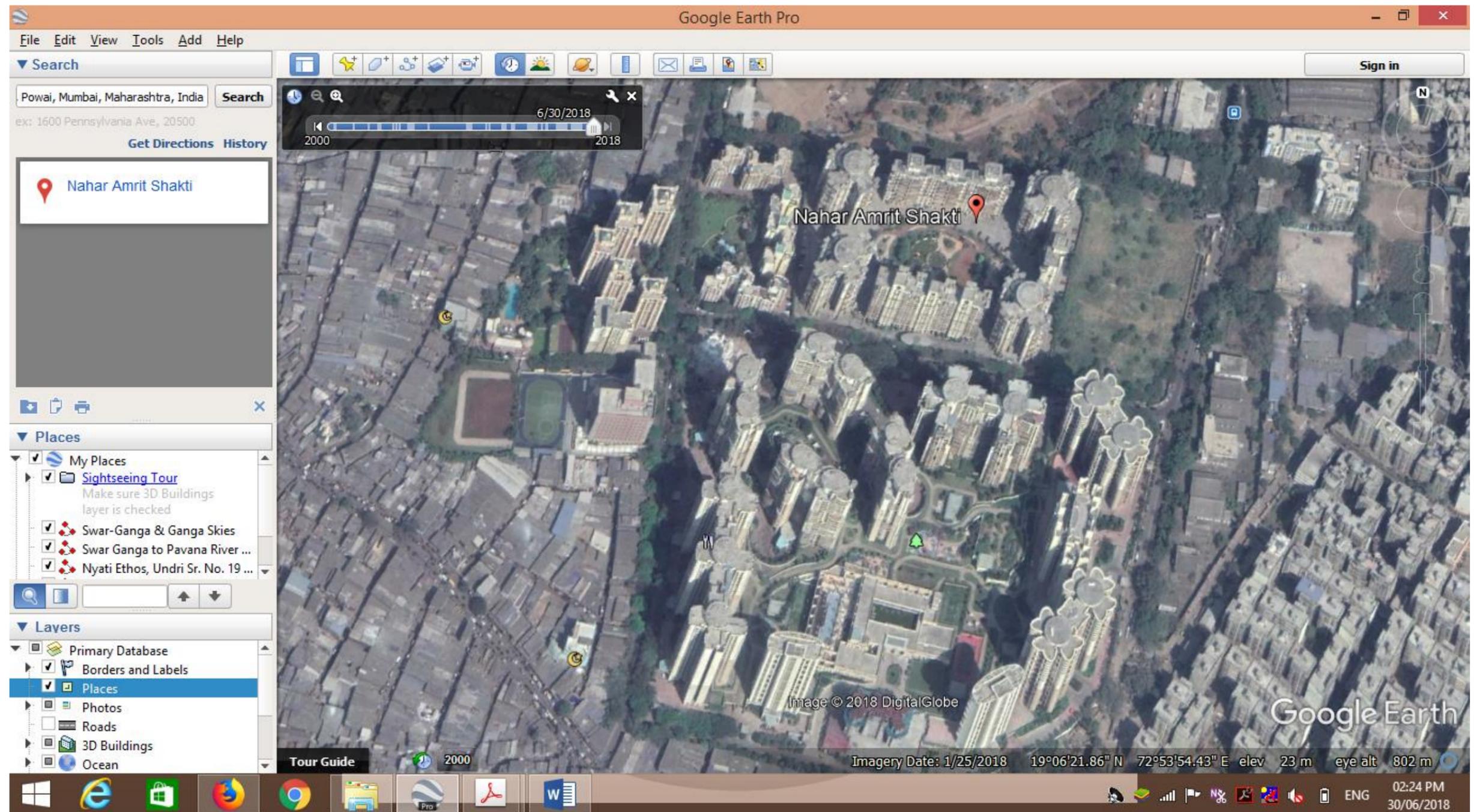
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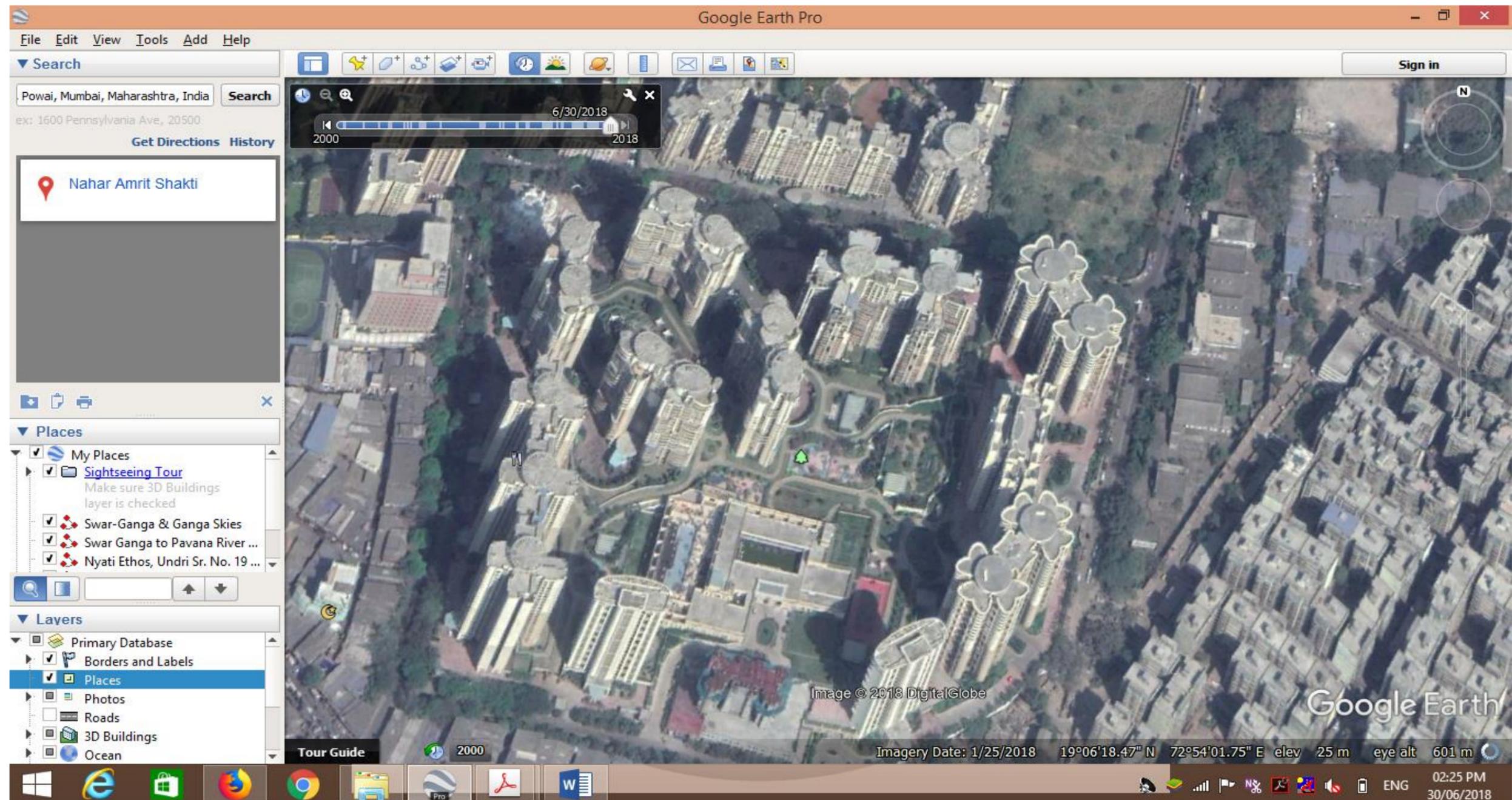
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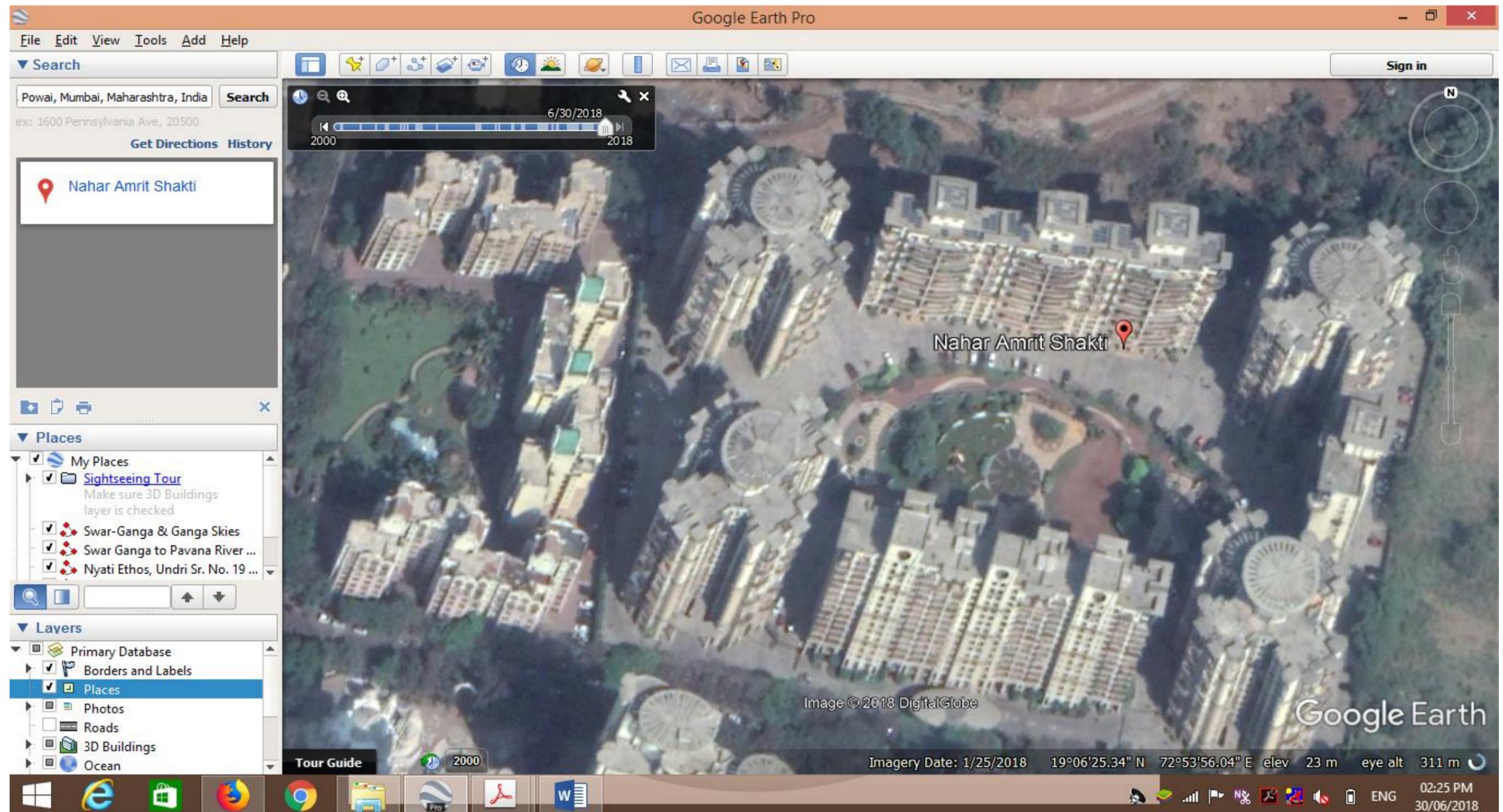
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The screenshot shows a web browser window displaying the Nahar Group website. The browser's address bar shows the URL: <https://www.nahargroup.co.in/cmd-and-vcp>. The website header includes the Nahar Group logo and navigation links: ABOUT, NAHAR'S AMRIT SHAKTI, PROJECTS, VERTICALS, MEDIA, NRI, CAREERS, CONTACT. The main banner features three individuals: a man on the left, Ms. Manju Yagnik (Vice Chairperson) in the center, and Mr. Sukhraj Nahar (Founder, Chairman & Managing Director) on the right. The banner text includes "WOMEN SUPER ACHIVER IN REAL ESTATE SECTOR AT NATIONAL AWARDS FOR EXCELLENCE IN REAL ESTATE AND INFRASTRUCTURE" and "REINVENTING LIFESTYLES". A quote from Mr. Nahar reads: "We are committed to the development of young minds into knowledgeable, confident, successful and responsible citizens". A vertical button on the right says "Enquire Now". Below the banner, a profile section for Mr. Sukhraj Nahar is visible, including a photo and a quote: "Actualization is the distinguishing factor between one who has a vision and a visionary." The Windows taskbar at the bottom shows the time as 02:33 PM on 30/06/2018.

ANNEXURE-R-16

BEFORE THE NATIONAL GREEN TRIBUNAL AT PUNE

MEMORANDUM OF APPLICATION

UNDER SECTIONS 14 & 15 OF NGT ACT, 2010

APPLICATION NO.184...../2015

IN THE MATTER OF**1. MR. TANAJI BALASAHEB GAMBHIRE**

AGE: ADULT OCCUPATION: SERVICE

R/O - FLAT NO-16, CTS-296, LAXMI APARTMENT,

NEAR SHIVAJI MARATHA HIGH SCHOOL, WHITE HOUSE LANE,

SHUKRAWAR PETH, PUNE-411002,

... APPLICANT

VERSUS**1. UNION OF INDIA**

THROUGH SECRETARY,

MINISTRY OF ENVIRONMENT AND FOREST

PARYAVARAN BHAWAN, CGO COMPLEX, LODHI ROAD,

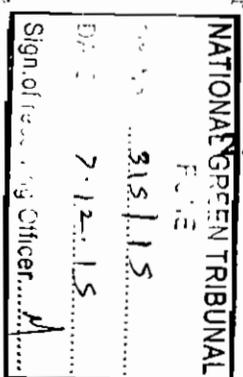
NEW DELHI - 110001.

THE PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT

GOVERNMENT OF MAHARASHTRA,

15TH FLOOR, NEW ADMINISTRATIVE BUILDING,

MANTRALAYA, MUMBAI-400 032.

**3. STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT****AUTHORITY**

THROUGH MEMBER SECRETARY

15TH FLOOR, NEW ADMINISTRATIVE BUILDING,

TRUE COPY

Bgmhise

MANTRALAYA, MUMBAI-400 032.

4. MAHARASHTRA POLLUTION CONTROL BOARD

THROUGH ITS MEMBER SECRETARY,
KALPTARU POINT, 3RD FLOOR, NEAR SION CIRCLE,
OPP. CINE PLANET, CINEMA, SION (E), MUMBAI.

5. MAHARASHTRA POLLUTION CONTROL BOARD

THROUGH ITS REGIONAL OFFICER, SRO-1
JOG CENTRE, 3RD FLOOR, MUMBAI-PUNE ROAD,
WAKADEWADI, PUNE-411003

6. PUNE MUNICIPAL COMMISSIONER

PMC BUILDING, SHIVAJINAGAR,
PUNE - 411 005

7. CITY ENGINEER

PUNE MUNICIPAL CORPORATION
PMC BUILDING, SHIVAJINAGAR,
PUNE - 411 005

8. DISTRICT COLLECTOR - PUNE

PRESIDENT-DISTRICT ENVIRONMENT COMMITTEE, PUNE

9. M/S GOEL GANGA DEVELOPERS INDIA PVT. LTD.

3RD FLOOR, SAN MAHU COMPLEX,
OPP. POONA CLUB, 5, BUND GARDEN,
PUNE-411 001

....RESPONDENTS

AND IN THE MATTER OF

GROSS INTENTIONAL VIOLATION OF RULES AND REGULATIONS IN VARIOUS ENVIRONMENTAL LAWS AND TERMS & CONDITIONS OF ENVIRONMENTAL CLEARANCE BY RESPONDENT NO.9 WITH THE HELP OF OTHER RESPONDENTS.

1. The address of the applicant is as given above for the service of notices of this application.
2. The addresses of the respondents are as given above for service of notices of this application.
3. The applicant above named beg to submit this memorandum of application against violation of terms and condition comprised in environmental clearance data 04.04.2008 and the order dated 1stOctober 2015 passed by the respondent no. 4 along with other orders related to said project, interalia on the grounds setout hereunder.

Brief Facts:

4. Violation to its brim, of the terms and conditions of the environmental clearance by a developer need to be dealt with sternly so that a clear and unambiguous message is passed on to the entire community and the issue of one such gross violation by the developer and turning deaf ears to such violations, despite bringing it to the notice of authorities responsible for upholding the law is the reason and basis of this application.
5. That the applicant along with his wife has purchased a flat in residential project scheme " Amrut Ganga " of M/s Goel Ganga

Developer India Pvt. Ltd. at Survey No. 35 to 40 at village Vadagaon Budruk, Taluka- Haveli, District- Pune vide registered agreement dated 05/08/2010 bearing no.7145 Haveli-10 hereinafter referred to as the said project.

6. That during inspection of the construction of the said project and later on by scrutiny of documents received under the Right to Information Act, the applicant found many irregularities, illegal activities, cheating, fraud, forgery, unfair trade practices, intentional violations & breaches of law and many more violations which causes huge financial loss to the government machinery in various ways as well as the very serious violations of Environment Protection Act and Pollution Control Laws.

7. That the applicant brought the entire scam and environmental violations to the notice of various respondents amongst nos. 1 to 8 for investigation and further strongest action against developer with a hope that the further illegalities would be prevented by the said authorities. However to the utter shock and surprise to the applicant, the applicant realised that the government machinery in various offices is trying its best to help and facilitate developer to violate laws left right and center for reasons best known to such authorities.

**8. BRIEF INFORMATION OF PROJECT PROPONENT BUILDER
RESPONDENT NO. 9 :-**

M/s. Goel Ganga Developers India Pvt. Ltd. is a company registered under the Companies Act having its registered office at 3rd Floor, San Mahu Commercial Complex, 5 Bund Garden Road, Pune-411001, carrying the business of builder, promoter and developer through its directors 1. Atul Jaiprakash Goel and 2.

Amit Jaiprakash Goel 3. Jaiprakash Sitaram Goel as its responsible persons for every activity of M/s Goel Ganga Developers India Pvt. Ltd.

9. **PARTICULARS OF PROJECT UNDER CHALLENGE:-**

That M/s Goel Ganga Developers India Pvt. Ltd. is developing the property Survey No. 35 to 40 at village Vadagaon Budruk, Taluka-Haveli, District- Pune and present site falls within the extended limit of Pune Municipal corporation. **The project site being subject matter of this application is situated at Survey No. 35/1, 36, 37/2A, 38/1, 39/1B, 40/1B, Sinhgad Road, Taluka-Haveli, Dist-Pune and admeasuring total area of 79100 Sq. Mtrs.**

10. Being aggrieved by and dissatisfied with the inaction on the part of various environment protection authorities, this applicant prefers this application inter-alia on the following grounds.

a. **BLATANT VIOLATION OF THE ENVIRONMENTAL LAWS AND TERMS AND CONDITIONS OF ENVIRONMENTAL CLEARANCE.**

Table No.1 :- Comparison of EC Permission and Actual Construction at site.

Description	EC Permission	Actual Construction	Work In Progress
No of Flats	552	738	69
Shops/ Offices	84	115	0
Built-Up Area (Sq. Mtrs)	57657.42	95641.63	
Not applied for consent to establish for additional G +3 but during visit civil work found in progress.			

Made a false statement that size of flat reduced and hence no. of flat increased from 552 to 738 and shops from 84 to 111.
Made further false statement that their construction is below environmental clearance and undertake to submit architects certificate within 7 days.
Direction to stop construction activity voluntarily, failing which regional office to disconnect the electricity and water supply and PP to apply for revalidation and expansion and of consent to establish within 7 days.

The applicant humbly submits that it is a classic case of violation of environmental laws, rules, regulations, terms and conditions, undertakings right in the eyes of the unscrupulous authorities. It is evident from the above chart that the respondent no. 9 has not bothered to care while constructing almost 133 percent over and above its sanctioned limit. This fact is evident from the minutes of personal hearing dated 31.08.2015 extended to respondent no. 9 by the respondent no. 4 in this behalf. Annexed and marked herewith is the copy of the minutes of personal hearing dated 31.08.2015 extended to respondent no. 9 by the respondent no. 4 as **ANNEXURE -I.**

b. **NO HEED TO THE DIRECTIONS TO SUSPEND THE CONSTRUCTION ACTIVITY.**

The violations are further evident from the letter (Proposed Directions) dated 20.08.2015 issued by respondent no. 5 to the respondent no. 9.

Table No.2 :- Observations by the visiting officers, directions issued and action taken by Developer.

Observations	Directions	Developer Action
1. Construction activity without obtaining EC. 2. Discharging water in sewer line without permission from PMC. 3. Installed RMC without knowledge to Board. 4. Discharging Slurry and waste from RMC in nearby PMC sewer line.	1. Show cause issued. 2. Direction to remain present for personal hearing. 3. Direction to suspend the construction activity.	No Action (Did not bother to suspend the construction activities, instead speeds up the construction.)

A copy of the said letter (Proposed Directions) dated 20.08.2015 issued by respondent no. 5 to the respondent no. 9 is annexed and marked herewith as **Annexure -II**.

c. PROVIDED FALSE AND MISLEADING INFORMATION TO THE SEIAA.

It is clear from yet another conclusive document of minutes of 87th SEIAA meeting that the respondent no. 9 is taking environmental issues lightly like anything and is making false statements within, without and beyond. The committee admitted misleading information being submitted by the respondent no. 9 and referred the matter to the Environment Department for further necessary action under Environment Protection Act, 1986.

Without any approval being accorded, the respondent no. 9 is going ahead with construction even today and on disconnection of electricity, unauthorized DG sets have been installed at site and water from a well is being used but no work has stopped. The authorities are working as if they are the paper tigers and slaves of the projects proponent that any actual and stringent action against the developer has remained a myth so far. A copy of the minutes of

87th SEIAA meeting is annexed herewith and marked as **Annexure - III.**

d. **EXTRA CONSTRUCTION WITHOUT ANY APPROVAL AND SUPPRESSION OF FACTS ABOUT THE TOTAL BUILT UP AREA OF THE PROJECT WHILE OBTAINING ENVIRONMENTAL CLEARANCE :-**

It is to be noted that the Builder (Project Proponent) has obtained environment clearance by order no-EC-21-673/2007-IA.III dated 4 April 2008 after going through the Expert Appraisal Committee (EAC) meetings no 23rd held on 25-27 October 2007 and meeting no 26th held on 30-31 January 2008.

As per the above order the builder has permission for **plot no-1** for construction of only " **12 (Twelve) number of building with Basement, Stilt plus 11 floors for 552 flats, 50 shops and 34 offices. The total plot area is 79100 Sq. Mtrs, Total built-up area is 57658.42 Sq. Mtrs, Total water requirement was to be 745 KLD and 450 KLD water will be generation from waste water treatment plant and this waste water will be used for landscaping, DG set cooling, Horticulture purpose. The solid waste generated will be 1500 Kg/day. The parking space is proposed for parking of 1072 cars** ".

It is amply clear from actual site condition of plot no-1 that the total number of buildings constructed are **15 (fifteen)** with height more than 39 mtrs while EC permission is only for 12 buildings. Total flats constructed are **738 number** while EC permission is only for 552 flat. Total commercial units constructed are **115 number** while EC permission is only for 84 (Shops-50 & Offices-34).

Therefore it is very clear that there is purposeful violation of Environmental Clearance (EC). As per the conditions listed out in EC certificate dated 4/4/2008, "***In case of any change(s) in the scope of the project, the project would require a fresh appraisal by this ministry***". It was necessary to obtain the fresh permission for the changes, but there is no such prior permission has been obtained by this builder/ Promoter.

A copy of the environment clearance by order no-EC-21-673/2007-IA.III dated 4 April 2008 along with the minutes of the meeting of the Expert Appraisal Committee (EAC) meeting no. 26th held on 30-31 January 2008 is annexed herewith as collectively **ANNEXURE - IV.**

- e. **DEVELOPER AMASSED NEAR ABOUT 300 CRORES RUPEES BY VIOLATING THE ENVIRONMENTAL NORMS, PROVIDING FALSE/ MISLEADING INFORMATION.**

As per the SEAC-III 18th meeting dated 22nd-24th Sept. 2014 MOM, the builder has applied for expansion in earlier EC for development of remaining plot no-2. Builder was not ready with adequate information for this presentation EC moved for next hearing / meeting no 23rd dated 6-9th January 2015.

As per the SEAC-III 23rd meeting dated 6-9th January 2015 MOM, builder application says that total plot area is **92022.01 Sq. Mtrs, Built-up Area of 148356.91 Sq. Mtrs, FSI Area of 47557.95Sq, Mtrs, with 2 (TWO) number of residential building, one commercial building and one club house** having maximum height of **99.90 Mtrs.** Copies of the minutes of the 18th and the

23rd meetings are collectively annexed herewith and marked as **ANNEXURE - V (Colly.)**

It is to be noted that the throughout the project total plot area is supposed to be 79100 Sq. Mtrs and now builder says that he has total plot area of 92022.01 Sq. Mtrs. It is very surprising that there is not a single Sq. Mtr. area available for this builder at sr. no 35 to 40 over and above the fully exhausted 79100 Sq. Mtrs or any adjacent plot that he could have purchased.

At the time of obtaining previous EC the built-up area was 57658.42 Sq. Mtrs and in present proposal built-up is 148356.91 Sq. Mtrs. Proposed FSI for plot no-2 is 47557.95 Sq. Mtrs, but as per last revised plan for plot no-1 with CC/3603/13 dated 29/01/2014 builder already has used FSI of 45313.35 Sq. Mtrs. out of available FSI 45416.52 Sq. Mtrs for plot no-1, in fact builder has used more FSI by making malafied revisions of plans after sale of units from plot no-1. Total FSI that the builder is going to use is $47557.95 + 45313.35 = 92871.3$ Sq. Mtrs. It is very sure that the calculations of using 92871.3 Sq. Mtrs of FSI for plot having total area 79100 Sq. Mtrs does not match as per DC Rule provision at all in any circumstances. A copy of the said revised plan is annexed herewith and marked as **ANNEXURE - VI.**

Builder has proposed the building height of 99.90 mtrs, but in fact as per DC rule, in PMC area the building height limitation is up to 36 Mtrs only.

As per the plan revision for plot no-2, with CC 3993/13 dated 6/3/2014 **and revision made exclusively for environment clearance with CC/2296/14 dated 01/11/2014 have no such**

data disclosed with Environment Dept. for clearance of this plot no-2. The condition put on the last plan dated 01/11/2014 is that this plan is approved for only environmental clearance purpose and builder is **restricted for any construction activity and sale of units or any third party interest prior to obtain Environmental Clearance.** But builder has already started **construction and sale of units without Environmental Clearance.** Copies of the said revised plans are collectively annexed herewith and marked as **ANNEXURE - VII (Colly.)**

In meeting for EC held on 6-9th January 2015, builder was directed "**to reduce the basement and submit revised parking plan**". The poor environmental clearance committee was acting under the assumption that the developer has not started any activity at the site however the builder had finished the digging and excavation for basement deeper than what was directed to be reduced. A copy of the minutes of the meeting for EC held on 10-13th March 2015, is annexed and marked herewith as **ANNEXURE-VIII.**

DEVELOPER PROVIDED FALSE / MISLEADING INFORMATION.

Moreover it is to be noted that the plot no-2 buildings have commercial shops on ground floors and also there **is primary school reservation on adjacent plot separated by 18 Mtrs.** wide road towards south direction in the same survey number 35 on same layout of this PP. These commercial units have direct access to this 18 Mtrs road and it seems to be very complicated in the view of safety point of view of school.

But intentionally the PP has given wrong information of that there is no school in nearby vicinity but in fact there is Primary School reservation PS-47 from the PMC in the same layout and

this information is intentionally not-disclosed by PP(Project Proponent) in its proposal.

As well as there are water bodies at the back side of this project on the boundary of South-East side of the same lay-out and this information is intentionally non-disclosed by PP in proposal.

"Primary School reservation and presence of Water bodies in the same layout are environmental sensitive issues and both are intentionally not disclosed by PP".

It is important to note that the, As this issue of intentional violation of environment act and pollution act are very serious issues, the appellants informed the Urban development department of State Government of Maharashtra, PMC, Environment Dept., Maharashtra Pollution Control Board, and other IT, IGR, VAT, ST Dept.

That the intentional violation of environment act and pollution act was taken up by the assembly of the state for discussion and on dated 07 April 2015 the same was fixed for discussion in the Legislative Council at Serial no-4 of the schedule of council on the 07 April 2015. A copy of the daily cause list of the assembly for that day is annexed and marked herewith as **ANNEXURE-IX.**

The answer presented by the Minister of Urban development Dept.(UDD in short) in the session was shocking and surprising, that the UDD agrees that Project Proponent (PP) M/s Goel Ganga Developer Obtained the EC dated 04/04/2008 from SEAC-The

ministry of Environment and Forest and as per EC, PP having permission for construction of **12 (Twelve) number of building with Basement, Stilt plus 11 floors for 552 flats, 50 shops and 34 offices. The total plot area is 79100 Sq. Mtrs, Total built-up area is 57658.42 Sq. Mtrs, Total water requirement will be 745 KLD and 450 KLD water will be generation from waste water treatment plant and this waste water will be used for landscaping, DG set cooling, Horticulture purpose. The solid waste generated will be 1500 Kg/day. The parking space is proposed for parking of 1072 cars "**.

Further agrees for that the PP has obtained the permission for 17 Buildings, 738 flats and 111 shops with Carpet Area 45313.35 Sq. Mtrs. and obtained the Completion for 687 flats and 77 shops. Further stated that the there is no change in the Built-Up Area of 57657.42 Sq. Mtrs as approved by EC.

The condition of the monitoring agencies is so appalling that none of the authorities have gone into the details of the complaint against the project proponent and the tall false claims made by PP and there is no actual true and correct site inspection.

Applicant would like to bring it to the notice that the actual built-up area used in the plot no-1 is more the 57657.42 Sq. Mtrs as shown below ;

Total Built-Up Area :-

At the cost of repetition, going through the table below as prepared from authentic records of PMC and Environment Dept., it can be observed that the PP has violated the Environment Act as well as Pollution control act.

Table No-1 :- Comparison of EC Permission and Actual Construction On Plot No-1

Description	EC Permission	Actual Construction	Work In Progress
No of Flats	552	738	69
Shops/ Offices	84	115	0
Built-Up Area (Sq. Mtrs)	57657.42	95641.63	

It can be observed that the PP has constructed the buildings as per the table laid down below as per the Plan sanctioned by the PMC & actual construction at site and the data submitted by PP to the Environment Dept. SEAC for revised EC.

Table No-2 (Plot No-1 Details of FSI Consumed) :-

TYPE OF BLDG PLOT-1	Nos OF FLS	Nos OF BLDG	HT. OF BLDG	TOTAL TENT.	TOTAL (S. MT.)	Illegal FSI
A1B1C1	P+P+11	3	40	128	9332.04	422.33
S,S1	B+G+3	2	16		1948.71	264.94
G1H1I1J1K1	P+P+11	5	40	215	13118.45	268.42
L1	P+P+11	1	40	86	3546.10	55.06
M1	P+P+11	1	40	86	4164.90	161.58
N1	P+P+11	1	40	86	3466.09	57.66
O1	P+P+11	1	40	86	3546.10	55.06
D1	P+P+11	1	40	40	5197.95	96.61
E1*	P+P+11	1	40	40	2774.7	
F1*	P+P+11	1	40	40	4292.01	
TOTAL				*807	51389.05	1381.66

* Construction of Building No. E1 and F1 on plot no-1 is completed by 8 flats and 4 flats respectively and further construction is proceeded for remaining flats no 69 at high priority without obtaining Revised Environment Clearance and PMC Approval.

* Commercial Bldg S&S1 have 26 & 5 Shops, D1 to F1 have 28 Shops, G1 to K1 have 30 shops, L1 have Restaurants (7 shops Merged) and M1 to N1 have 19 shops.

Hence Plot no-1 have total no of Flats.....807 and Total no of Shops 115.

Table No-3 (Plot No-2 FSI Details) :- (Proposed for Revised EC)

Towers	Nos OF FLS	Nos OF BLDG	HT. OF BLDG	TOTAL TENT.	TOTAL (S. MT.)	Illegal FSI
A	2B+P+30	1	99.99	235	18503.34	
B	2B+P+30	2	99.99	235	18503.34	
Comm.	G	1		65	3539.38	Shops
TOTAL					40546.06	

It is to be noted that the construction on Plot No-2 for Ganga Bhagyoday Towers has already started before applying for EC forget prior Environmental Clearance. **Attached herewith are the Photographs as ANNEXURE-X.**

Table No-4 (Plot No-1 and Plot No-2 Non-FSI Details) :-

Non-FSI Built-Up	Plot-1 Non-FSI	Plot-2 Non-FSI
BALCONY	7713.99	5865.4
STAIRECASE	3143.07	1036.8
LOBBY	3356.6	1679.4
PASSAGE	835.78	4248

TERRACE	9515.01	3764.86
LEFT	186.68	42.84
LIFT M. ROOM.	382.25	100.96
PARKING CAR	8112.5	12754
PARKING SCOOTER	4128	
PARKING CYCLE	1381.5	
REFUGE AREA	1214.7	463.37
TRANSFORMER	342.5	257.5
CLUB HOUSE	400	187
BASEMENT	1258	
LOFT	900	
TOTAL	42870.58	30400.13

Table No-5 (Total Built-Up Area of the Project) :-

Plot Number	FSI	Non-FSI	Total	Remark
Plot-1	51389.05	42870.58	95641.63	Previous EC Violation
Plot-1 (Illegal FSI Reduction)	1382.00	0		
Plot-2	37006.68	30400.13	97558.05	Area 3539.28 not disclosed in revised EC Application by PP
Plot-2 Commercial	3539.28	2720.28		
Cultural & Civic Centre-3	10551.27	13340.41		
TOTAL	103868.4	89331.4	193199.7	

* Area in Sq. Mtrs.

So it can be seen that the total built-up area for plot no-1 is 95641.63 Sq. Mtrs. and the PP has crossed his limit of Built-up area 57657.42 Sq. Mtrs as approved in previous EC. Moreover PP is not willing to disclose this material fact as it leads to violation.

But it is very important to note that Built-up Area already consumed by PP for plot no-1 is 95641.63 Sq. Mtrs and Built-up

area proposed for the plot no-2 including the Cultural centre Plot is 97558.15 Sq. Mtrs. So the total Built-up area for this project is 1,93,199.78 Sq. Mtrs. which exceeds the area limitation of 150000 Sq. Mtrs for which the PP has given undertaking that "**They will not cross the limit of BUA of 150000 Sq. Mtrs at any point of time for the same project**" attending to Member Secretary SEAC-III dated 21/12/2014. This is the conduct of PP to submit the forged document to the EC Dept by suppressing the actual fact.

Hence non-disclosure of facts regarding the actual BUA proposed to be used 1,93,199.78 Sq. Mtrs which is more than 150000 Sq. Mtrs and this fraudulent conduct of the PP & his Consultant demands criminal action too however the authorities / respondent nos. 1 to 8 are inactive for reasons best known to them.

It is to be noted that, if the BUA is more than 150000 Sq. Mtrs then the proposal shall be appraised as category 8 (b) B1. That the proceeding for this 8(b)B1 category is too long and time consuming because this project requires EIA i.e. Environmental Impact Assessment, Determination of Terms of Reference Etc. Therefore the PP has used an easy way to mend the authorities to his benefit as if they all are pawns dancing to the tunes of the PP.

Instead of following mandatory provisions of law to obtain the EC, the present PP and his consultant used illegal shortcut.

It is amply clear that the builder / respondent no. 9 has intentionally violated the provisions of Environmental clearance.

- f. **VIOLATION OF RULES AND GUIDELINES BY PUNE MUNICIPAL CORPORATION :-**

The condition of the Municipal Corporation is like a blind woman grinds and dog eats. It is noteworthy that the Notification released by Ministry of Environment & Forest regarding the Building construction projects and township or Area Development has been circulated and received in PMC for the further actions. The condition in the notification is very clear that the **"For project under category 8 (a) or (b) shall obtain the EC before proceeding for any construction at site"**. It is also clear from the MOEF notification 2006 acknowledged by PMC that the project having BUA more than 150000 Sq. Mtrs. falls under category 8(b) B1 which requires Environment Impact Assessment (EIA).

Here PMC is collecting the premium and PP is paying for Non-FSI Built-up, but while disclosing the actual Non-FSI BUA with SEAC and SEIAA both the PMC and PP are quiet by suppressing the martial facts. Actual BUA is more than 150000 Sq. Mtrs for Plot-1 and Plot-2.

PMC has issued the Area statement to PP for expansion to earlier EC, but not talking about Plot-1 development that the PP has completed 738 + 69 flats instead of 552 flat, 115 shops instead of 50shops & 34 Offices, 15 buildings instead of 12 building and BUA 95641.63 Sq. Mtrs instead of 57658.42 Sq. Mtrs.

It is the duty of every local authority to insist the PP to obtain the revised EC if the PP is about to cross the previous EC limit, but the PMC neither insisted PP to obtain the Revised EC nor they Stopped PP for further construction of Plot no-1 even the PP violated the EC. Moreover it is surprising to note that, PMC did not find any importance to inform the Environment dept. about this violation of such serious issue.

Construction activities on plot no-2 have started before applying for EC and are already in progress without EC by PP, this was brought to notice to the PMC and Urban development Ministry of State Government. Even though the Construction activity is in progress for both plot no-1 and plot-2, nothing is being done.

So not only PP but also the City Engineer of PMC, Executive Engineer, Deputy Engineer, Building Inspector of Building Development Dept. of Zone-2 for Wadgaon Bk. are liable to be prosecuted for the above violations. The working of the local authorities from respondent nos. 1 to 8 is giving an impression to the common man that the PMC or Pollution department cannot stop illegal construction activities but the developer can stop the working of these departments at his whims.

g. **GROSS VIOLATIONS OF CONDITION TO SUBMIT SIX MONTHLY REPORTS STIPULATED IN EC:-**

As per Part B General Conditions of the previous EC, PP had to submit the monitoring report or compliance report to the ministry or Regional Office at every six month from April 2008.

The respondent no. 9 has not submitted the six monthly reports at the end of every six month till end of Jan-2015 and was not willing to do so for reasons best known to the said respondent, But during the hearing for revised EC for Plot -2 on 23rd meeting dated 6-9 Jan 2015 SEAC asked to submit the copies of Six monthly report to cross check the compliance of previous EC (i.e. Point no-2 of 23 meeting).

The misleading and false answer of PP i.e. respondent no. 9 was that it has already submitted the six monthly report to the

Regional Office of MOEF at Bhopal but in fact it reveals from the record that all the reports have been submitted in the month of Feb-2015 on later stage and also these reports are not accepted or certified by MOEF.

Hence the condition of six monthly monitoring report submissions is violated.

h. **VIOLATIONS OF CONDITIONS STIPULATED IN MINUTES OF MEETING FOR EXPANSION OF EC :-**

18th Meeting dated 22-24 Sept 2014 Item No.32 :-

It was proposed to inspect the project to verify the construction of the earlier phase to ensure compliance with the condition incorporated in the EC.

It seems that the three members namely Mr. P. G. Chavan, Mr. Sudhir Y. Ghate, Mr. Rajesh Biniwale of SEAC-3 supposedly visited the project site dated 29/09/2014.

However,

1. No site visit is made by any of the above member is found in the visitor record book kept at the present site.
2. There is no specific discussion in the sham report about, what are the conditions stipulated or imposed on PP in previous EC? And what is actual site condition is not specifically discussed in the site visit report. i.e. How many buildings are permitted in previous EC? &How many buildings are constructed on site? How many flats, shops & offices are permitted in previous EC? &How many flats, shops & offices are constructed on site? What is built-up area permitted in previous EC? and what is actual constructed built-up area?

3. What was the capacity of composting pit committed or undertaken by PP during the Previous EC? and what is the actual capacity of Constructed Pits on sited? Nothing is discussed in the said sham site visit report.

4. What was the committed percentage of renewable energy generation out of the total energy requirement while obtaining the previous EC? And What is the actual percentage of renewable energy generation from the present installation Not a single solar panel or anything is installed at site for generation of renewable energy.

5. What was the committed water requirement & waste water generated, committed STP Capacity? But Site visited committee intentionally did not brought anything on record about this water requirement and waste water generation. The committee is only talking about turbidity of treated water. It is to be note that if the STP treated water is turbid, then why the water sample are not sentfor examination in Pollution control board laboratory or did not inform the MPCB, regional office Pune to collect the sample of turbid water. As the water pollution and air pollution control issue comes under the Pollution control board.

It seems that from the entire episode of Site Visiting committee that they have not made actual site visit and have prepared a report sitting somewhere else.

23rd Meeting Dated 6-9 Jan 2015 Item No 12 :-

Point no-1 :- SEAC-III asked to submit the document approved by local authority on account of Area Statement and following data comes forward from document submitted by PP.

	As Per PP	As per PMC	Not Disclosed
Permissible FSI	96379.81	80037.73	

Plot -1 FSI	51389.05	Not Disclosed	
Plot-2 FSI	37006.68	37006.68	3539.28

Contradiction in the above point is that PP says that he has available FSI of 9637.81 Sq. Mtrs but Pune Municipal Corporation Says PP has only 80037.73 Sq. Mtrs of FSI. No undertaking or any document to prove that PP can avail the FSI of 96379.81 Sq. Mtrs.

PP says he has used FSI of 51389.05 Sq. Mtrs of FSI for plot-1 while PMC is silent by not disclosing anything what about the Non-FSI BUA used for Plot -1. It is very clear that PMC and PP are not disclosing the actual FSI and Non-FSI i.e. Total Built-up used by PP for Plot no-1 because the PP has already used excess Built-up area for plot no-1 than the permitted Built-up area of 57658.42 Sq. Mtrs. of previous EC which leads to the violation of EC.

PP and PMC are defending or protecting each other to escape from the legal action of violation of Environment Act.

FSI proposed for plot no-2 is 37006.68 Sq. Mtrs only for 470 residential unit of twin towers. But in fact at the ground floor of these proposed towers there are 65 no of shops having an FSI of 3539.28 Sq. Mtrs. and Non-FSI of 2720.28 Sq. Mtrs (Total 6259.56 Sq. Mtrs not considered by SEAC-III) which are shown on the plans approved by the PMC dated 01/11/2014 exclusively for EC purposes. It was very easy to point out that the area of 6259.56 Sq. Mtrs should be included in the total BUA of 148356.91 Sq. Mtrs proposed by PP for expansion of EC and total BUA comes to 154616.47 Sq. Mtrs and project falls under the category of 8(b) B1.

Point No-4 :- PP was directed to reduce the basements

PP replies that he has submitted the revised plan by reducing one basement but possibility of reduction of another basement is not possible for their expansion phase planning and take support of PMC approval for TWO basement.

The PP had started the excavation of the plot no-2 before applying for revised EC and PP had completed the excavation for three basements that they were planning and it is revealed from the photographs attached by PP in the file submitted for obtaining revised EC and at present the PP has constructed all three basements in blatant violation of the directions.

In fact there is no reduction in any basement at site, the reduction is only on paper / plan not at site and more over PP has completed the RCC structure for three basements.

27th Meeting Dated 10-13 Mar 2015 Item No 09 :-

Point no-10 :- There is no attachment for disclosure of BUA of 57658.42 Sq. Mtrs as per previous EC.

Point no-14 :- There is undervalued BUA of 148356.91 Sq. Mtrs. and actual total Built-up Area (FSI + Non-FSI) is 1,93,199.78 Sq. Mtrs and applies category of 8(b) B1.

Point no-16 :- Estimated cost of project is wrong because the actual built-up area is undervalued and 65 nos. of shops at ground floor of building A & B are not considered for costing.

Point no-17 :- There is no disclosure for 65 no of shops at ground floor of building A & B Twin Tower.

Point no-22 :- There is no Fire station directly connected having width of 30Mtrs. throughout and within the travelling distance of less than 15 minute and 3.5 Km.

Point no-24 :- Actual existing structure at site for plot no-1 is 738 flats completed + 69 flats under construction for Building E1 & F1, Shops 115 completed, 15 Building completed, and is excessive than the previous EC of 552 flats, 50 shops, 34 offices.

Sham Site Visit report has been prepared by the SEAC-III committee members Mr. P. G. Chavan, Mr. Sudhir Y. Ghate, Mr. Rajesh Biniwale reasons best known to them, but they have neglected to perform their duties by suppressing the actual material facts and all the members are liable for legal action.

i. **NO CONSENT TO OPERATE OBTAINED AND ACTUAL USE STARTED.**

PP haS obtained the Consent to Establish vide no. BO/RO (P&P)/EIC No. PN-3524-09/E/CC-177 dated 20/09/2009 as per the terms and condition stipulated in the EC, MoEF, GOI vide No. 21-673/2007-IA.III dated 04/04/2008 along with Terms and Condition Stipulated in Pollution NOC.

The Consent to Establish was valid up to commissioning of the project or five years which expired and the Local authority Pune Municipal Corporation has already disclosed that the Plot no-1 is

already commissioned except the construction of Building only E1 and F1 for 69 no. flats.

The PP has violated the conditions under Pollution Control Act that the PP has made excessive construction which leads to increase in occupancy load which increases the water requirement, Waste Water, Solid Waste, Sewage Effluent etc.

The PP ought to have obtained the Consent to Operate from MPCB before commissioning of project or handing over the possession, but PP has not obtained the Consent to Operate yet even when he has given the possession of almost all the flats discussed above. PP has started the construction of plot no-2 without obtaining the Consent to Establish.

j. **VIOLATION OF NA PERMISSION :-**

PP has obtained NA permission for only 22643.65 Sq. Mtrs, but Plot no-1 net area is 28233.23 Sq. Mtrs on which PP has already made excessive construction and PP has proposed the construction on plot no-2 having an area of 12621.98 Sq. mtrs. which exceeds the area 22643.65 Sq. Mtrs of NA permission Granted.

In such circumstances it will not be legal to grant any Clearance by Environment Dept. or Pollution Control Dept. for further expansion without NA order as the same is not permitted by LAW.

k. **NET PLOT AREA OF PLOT NO-2 :-**

As per Plan dated 21/04/2009 the plot no-2 has net plot area of 9916.83 Sq. Mtrs and it is illegally increased to 12621.98 Sq. Mtrs. for which the PP has applied for revised or expansion EC Permission.

There is D.P. Reservation for Cultural & Civic Centre (CC-3) for an area 15253 Sq. Mtrs that is to be handed over to PMC by present PP, But the Present PP has made an illegal change of reduction of area in CC-3 on account of alteration/ shifting/ deletion or modification as the case may be best known to him (PP) and case of this modification is under enquiry & hearing by Urban Development Department (UDD) and such type of changes in D. P. Reservation without obtaining State Government permission are strictly prohibited by Honorable Supreme Court and declared as illegal activity.

In these circumstances the PP cannot accommodate the sufficient net plot area for proposed construction of TWO Towers A & B on Plot no-2 and the present proposal of EC shall be rejected straight away by Environment Department.

So it is important and necessary to stop the development and construction activities on the above said property and not to issue the Environment Clearance to the PP to proceed further for any construction till the disposal of this matter in the interest of justice.

- l. Because the environment clearance granted by the State Level Impact Assessment Authority is illegal and has no legal sanctity.
- m. Because the EIA Notification, 2006 no were provided the grant of *post facto* clearance after the completion of the project.
- n. Because there is complete non-application of mind by the Expert Appraisal Committee of SEIAA in granting environment clearance after the completion of the project.

- o. Because the SEIAA and its Expert Appraisal Committee has imposed several conditions to be complied during the construction phase of the project which become immaterial in the light of fact that construction was already completed by the project proponent.
- p. Because the SEIAA failed to take any action for the violation of the provision of EIA notification, 2006 and Environment (Protection) Act, 1986.
- q. Because the SEIAA and its Expert Committee is equally liable for allowing the illegal structures of expansion and also they are equally liable for granting environment clearance to the project in gross violation of EIA Notification, 2006 and other procedure established under law.
- r. Because if the procedure of post facto Environment Clearance is allowed to be followed, any project proponent would complete his project by causing irreversible damage to the environment and then seek post-facto environmental clearance making the provisions of EIA Notification infructuous. The grant of post-facto clearance defeats the very purpose of environment protection law and the mandate of obtaining environmental clearance as per the provisions of EIA Notification 2006.
- s. Because the project proponent has been threatening this applicant of his life and also some false police complaint.
- t. Because the respondent no. 9 has been put to notice by concerned authorities about the violations and likely action.
- u. Because the applicant has suffered huge loss due to mental agony and loss of job in pursuit of this environmental protection.

- v. Because in **M.I Builders vs RadheyShyamSahu, [1999 (6) SCC 464]**, the Hon'ble Supreme Court upheld the decision of the Allahabad High Court in directing the demolition of an underground shopping complex which has come up in a Public Park in violation of the laws. The Hon'ble Court held:

"This Court in numerous decisions has held that no consideration should be shown to the builder or any other person where construction is unauthorised. This dicta is now almost bordering rule of law. Stress was laid by the appellant and the prospective allottees of the shops to exercise judicial discretion in moulding the relief. Such discretion cannot be exercised which encourages illegality or perpetuates an illegality. Unauthorised construction, if it is illegal and cannot be compounded, has to be demolished. There is no way out. Judicial discretion cannot be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law."

- w. Because in **Indian Council for Environ Legal Action versus Union of India and Ors, (1996) 5 SCC 281** the Hon'ble Supreme Court has observed:

"Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-

abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society. Violation of antipollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations."

11. **LIMITATION**

The present Application is filed within the prescribed period as provided under the National Green Tribunal Act, 2010. The cause of action to file this Application first arose on 19 June 2015 when the applicant got the entire information and knowledge about gross violation of various environmental laws and thereafter the applicant sent legal notice dated 25 June 2015 to the respondents for stoppage

of said violations and strict action thereon the violations continues till today.

12. **JURISDICTION**

The applicant resides, the respondents have their area of operations within and the project under challenge is located within the jurisdiction of this Hon'ble Tribunal and therefore this Hon'ble tribunal has jurisdiction to try and entertain present application.

13. **PRAYER FOR INTERIM RELIEF**

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass an interim order thereby:

- A. Appoint as court commissioner, a group of a surveyor, a regulatory architect, an independent advocate and a representative of applicant and the respondent nos. 2, 5, 6, 7 and 9 to submit a detailed actual site visit report in context of all the plans and EC along with video shooting of the entire proceedings of the said commission.
- B. Direct the project proponent to stop all the activities at the site forthwith, during the pendency of this application.
- C. Direct the local police authorities to provide protection to this applicant as there is eminent danger to the life of this applicant and his family members from the respondent no.9.

14. **PRAYER**

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass an order thereby:

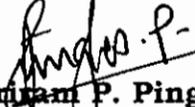
- A. Direct the Respondents to demolish the illegal structures at the site in question and restore the area to its original position.

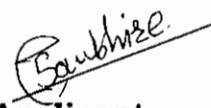
- B. Direct the State Level Impact Assessment Authority and the Maharashtra State Pollution Control Board to initiate appropriate action against the project proponent for violation of the provisions of EIA notification, 2006 and other applicable laws.
- C. Direct respondent no. 2 to take appropriate action against the State Level Impact Assessment Authority for granting environment clearance in violation of the provision of EIA notification, 2006.
- D. Direct the State Level Impact Assessment Authority and the Maharashtra State Pollution Control Board to disclose all such projects which have been granted post facto clearance or have been constructed without taking prior environment clearance.
- E. Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the respondent no. 9 to deposit a heavy amount of compensation to the environment relief fund.
- F. Award compensation to this applicant from the respondent no. 9.
- G. Pass any other just and equitable orders in the interest of justice.

Dt:

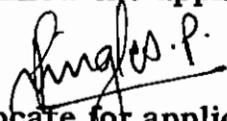
Pune

Drawn and filed by


Shriam P. Pingle
Advocate on Record,
Supreme Court of India

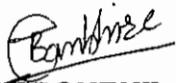

Applicant

I know the applicant


(Advocate for applicant)

VERIFICATION

Verified at Pune on this 01st day of December, 2015 that the contents of the aforesaid application are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.


DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL AT PUNE

APPLICATION NO. _____ /2015

IN THE MATTER OF

MR. TANAJI BALASAHEB GAMBHIRE

... APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

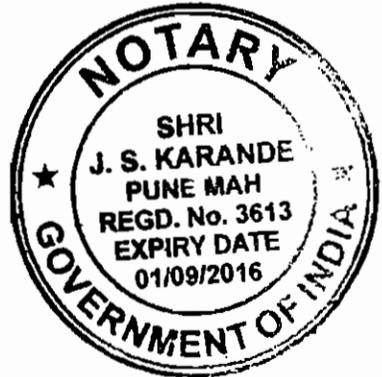
... RESPONDENTS

AFFIDAVIT

I, Tanaji s/o Balasaheb Gambhire Aged Adult, Occ: Service, Flat No-16, CTS-296, Laxmi Apartment, Near Shivaji Maratha High School, White House Lane, Shukrawar Peth, Pune-411002, do hereby solemnly affirm and state on oath as follows:

1. I state that I am Applicant in the aforesaid matter and I am well aware with the facts and circumstances of the case and in such capacity competent to depose by way of this affidavit.
2. I state that the accompanying Memo of application in para nos. 1 to 10 and the Interlocutory Applications have been drafted under my instructions and that the facts stated therein are true to the best of my knowledge and belief.
3. I say that the annexures to the said petition are true copies of their respective originals.

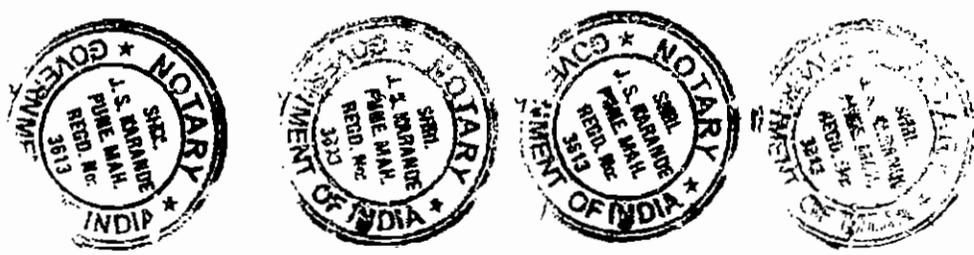
Singh P.
(Advocate for applicant)



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DEPONENT

BEFORE ME
Raul
J. S. KARANDE
B.A./Hons./LL.B
ADVOCATE & NOTARY
GOVT. OF INDIA, PUNE

7 DEC 2015



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NOTE, AND REGISTERED
AT ST No 1707/2015
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TRUE COPY

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Date: 25/6/15

Notice

(R.P.A.D.)

To,

1. The Secretary

Environment Department

Government of Maharashtra,

15th Floor, New Administrative Building,

Mantralaya, Mumbai-400 032.

2. The Secretary

Environment Department

Government of India,

Paryavaran Bhavan,

CGO Complex, Lodhi Road, New Delhi-110510.

3. Additional Director-IA.III

Environment Department

Government of India,

Paryavaran Bhavan,

CGO Complex, Lodhi Road, New Delhi-110510.

4. Director or Member Secretary -SEAC-3 (NoN-MMR)

Environment Department

Government of Maharashtra,

15th Floor, New Administrative Building,

Mantralaya, Mumbai-400 032.

5. Director or Member Secretary -SEIAA

Environment Department

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Government of Maharashtra,
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400 032.

6. Under Secretary

Environment Department

Government of Maharashtra,
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400 032.

7. The Member Secretary

Pollution Control Board-Maharashtra State,
Kalptaru Point, 3Rd Floor, Near Sion Circle,
Opp. Cine Planet, Cinema, Sion (E), Mumbai.

8. Regional Officer- S.R.O.-1,

Pollution Control Board-Maharashtra State,
Jog Centre, 3Rd Floor, Mumbai-Pune Road, Wakadewadi, Pune-411003

9. Municipal Commissioner,

Pune Municipal Corporation,

PMC Building,

Near Mangala Theatre, Shivajinagar, Pune-411005

10. City Engineer,

Pune Municipal Corporation,

PMC Main Building,

Near Mangala Theatre, Shivajinagar, Pune-411005

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11. District Collector - Pune
President-District Environment Committee, Pune

SUBJECT :- INTENTIONAL VIOLATION OF ENVIRONMENT PROTECTION ACT AND POLLUTION CONTROL ACT BY M/S GOEL GANGA DEVELOPER INDIA PVT. LTD. IN THE BUILDING CONSTRUCTION PROJECT SITUATED AT SR. NO. 35 TO 40, VILLAGE VADGAON (BUDRUK), TAL-HAVELI, DISTRICT-PUNE IN THE EXTENDED LIMIT OF PUNE MUNICIPAL CORPORATION.

Sir,

Under the instruction of my client Mr. Tanaji Balasaheb Gambhire presently R/O - Flat No-16, CTS-296, Laxmi Apartment, Near Shivaji Maratha High School, White House Lane, Shukrawar Peth, Pune-411002, Cell No.- 09420181896, I have to address you by this notice as under;

That the my client have purchased the flat in residential project scheme " Amrut Ganga " of M/s Goel Ganga Developer India Pvt. Ltd. at Survey No. 35 to

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40 at village Vadagaon Budruk, Taluka- Haveli, District- Pune vide registered agreement dated 05/08/2010 bearing no.7145 Haveli-10. That during inspection of the construction of this project my client found many irregularities, illegal activity, cheating, fraud, forgery, unfair trade practices, intentional violations & breaches of law and many more violations which causes huge financial loss to the government machinery by various way as well as the very serious violations like Environment Protection Act and Pollution Control Act And my client would like to bring entire scam to your notice for investigation and further strongest action against builder then such practices by other builder will be automatically getting stop.

Due to this act, every innocent unit purchaser and government as well as Pune Municipal Corporation is under the huge financial loss and it is done by the present builder to make huge illegal profit by illegal ways by evasion of various taxes and Government dues.

In Pune city day to day such kind of malpractices are increased and Promoters & Developers trying to violate the legal provisions with the help of some Municipal Corporation officers/ with hand-in-glove with corrupt Municipal Officers and very easily deceived the General Public/ innocent

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purchasers that because of this kind of mal-practices the life of innocent purchasers will be in danger if we had focus on history then there were various incidents shows that building collapse because of illegal excessive construction and because of inferiors quality/ sub-standard quality work and this is also one kind from them.

Now it is very important to take very serious action against such builder by law to stop this kind of activities and for the purpose of recovery of government loss recovery as well as against those government employees who involved directly and indirectly by neglecting their responsibilities and duties to promote this kind of malpractices.

1. BRIEF INFORMATION OF BUILDER :-

M/s. Goel Ganga Developer India Pvt. Ltd. is the builder having his registered office at 3rd Floor, San Mahu Commercial Complex, 5 Bund Garden Road, Pune-411001, carrying the business of builder, promoter and developer through its directors 1. Atul Jaiprakash Goel and 2. Amit Jaiprakash Goel as the responsible persons for every activity of M/s Goel Ganga Developer India Pvt. Ltd.

2. DETAIL ADDRESS OF PROPERTY UNDER SCAM :-

That the M/s Goel Ganga Developer India Pvt. Ltd. is developing the property Survey No. 35 to 40 at village Vadagaon Budruk , Taluka- Haveli, District- Pune and present site falls within the extended limit of Pune Municipal corporation.

The project site discussed in this complaint is situated at Survey No. 35/1, 36, 37/2A, 38/1, 39/1B, 40/1B, Sinhgad Road, Taluka-Haveli, Dist-Pune and having total area of 79100 Sq. Mtrs.

3. NON-AGRICULTURAL PERMISSION :-

Builder submitted the proposal for obtaining the Non-Agriculture permission to Collector of Pune with application No.940/2007 Dated. 26/09/2007 and after the hearing the Hon'ble collector has pleased to passed the order of NA bearing No. PRH/NA/SR/616/2007 on dated.18/2/2008.

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But while passing the NA order it is no where discussed in the order that various dues of agricultural taxes are paid by applicant or Which are necessary to discuss before passing order ? As per the order it is very clear that the NA permission is only for area 22643.65 Sq. Mtr. out of 79100 Sq. Mtr., while the remaining area of 6000 Sq. Mtr. for owners plot and remaining area of 50456.35 is under various reservation as per the New development plan of PMC i.e.

- a. Primary School Reservation(FS-47)..... 6670.00 Sq. Mtr.
- b. Civic & Cultural Centre (CC-3).....14489.20 Sq. Mtr.
- c. Industrial Zone Reservation16303.75 Sq. Mtr.
- d. DP Road Reservation12993.40 Sq. Mtr.
- Total Reservation Area.....50456.35 Sq. Mtr.

Plot no-1 net area is 28233.23 Sq. Mtrs and plot no-2 is 12621.98 Sq. mtrs which exceeds the area 22643.65 Sq. Mtrs of NA permission Granted.

" Hence it is very clear that the NA permission is only for 22643.65 Sq. Mtrs out of 79100 Sq. Mtrs "

4. VIOLATION OF SAFETY NORMS WHILE OBTAINING FIRE NOC AND IN PROVISIONS OF EXITS REQUIREMENTS :-

While issuing the fire NOC Chief Fire Officer, Pune, Fire Brigade have not followed the safety standard as per part IV of fire protection of National Building code of India. It seems that there is no audit report for fire safety have prepared while issuing the NOC or while issuing the occupancy certificate. As the height of building is deliberately mentioned as 35.86 Mtrs but actual height is more than 39 Mtrs. It should come to know that the building height is more than 39 Mtrs if the concern fire officer have visited the site before giving clearance to building enjoyment.

As per sec 6.2.6.1, if the building is multistoried having height more than 15 m should be provided with two staircase and refuge area at every 15 M height along with fire lift. There is only one staircase for buildings A1 B1 C1 G1 H1 I1 J1 K1 L1 M1 N1 and O1 with two left of non fire standards even every building have height more than 39 Mtrs in actual even though there is only one staircase. The refuge area of any building is not accessible to fire vehicles as there are parking Ramp at G1 to K1 along with parking spaces sold

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to unit holder at bottom, There is parking complex of height more than 6 Mtrs have been constructed between the buildings L1 to O1. Due to that refuge area of buildings M1 & N1 is not accessible to fire vehicle in any circumstances. There are covered parking podiums at the bottom of A1B1C1 building on the access of fire vehicles. Also there is parking complex have been constructed behind the D1E1F1 building and refuge area is not accessible by the fire vehicles.

"Hence there is only one staircase and no fire staircase has been provided".

It is to be note that the" Access to fire appliances / vehicles with details of vehicular turning circle and clear motorable access way around the building up to 6m width", shall be provided, but in fact the refuge areas of every buildings are at rare side of building. The all marginal spaces required to reach these refuge area are sold to the individual unit purchasers as parking space . The marginal parking space provided is 7.5 Mtrs and parking space sold is 2.5 Mtrs X 5 Mtrs = 12 Sq. Mtrs. Then the turning radius left at every corner of building is 7.5-2.5- 5 Mtrs.

"Hence in any circumstances the refuge Area is not accessible to Fire Fighter".

5. VIOLATION OF SAFETY NORMS WHILE PROVIDING REFUGE AREAS .--

Refuge Area for Building M1 & N1 is not accessible for firefighting ladder to evacuate people as the parking complex of height 6 Mtr have been constructed on the side of refuge area between the building L1 M1 N1 & O1 and there is no provision of ramp to reach fire fighter ladder at that point. And also the refuge area of buildings G1 to K1 cannot be accessed by fire fighter as there is ramp at the ground level for access to stilt and between the ramp and garden there is the parking everywhere. It seems to be impossible to reach the fire fighter vehicles and fire ladders to the refuge point in any manner. It seems that it is not due to the oversight of Architect or Builder but for the purpose of making illegal economical gain to increase the more number of parking by constructing the parking complex for illegal sale of parking's to the flat holder by putting the innocent unit purchasers' life in danger.

"Hence there is intentional violation of safety norms and DC Rule while providing Refuge Area"

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6. VIOLATION OF NORMS WHILE OBTAINING ENVIRONMENTAL CLEARANCE :-

It is to be note that the Builder (Project Proponent) have obtained environment clearance by order no-EC-21-673/2007-1A .III dated 4 April 2008 after going through the Expert Appraisal Committee (EAC) meetings no 23rd held on 25-27 October 2007 and meeting no 26th held on 30-31 January 2008.

As per the above order the builder have permission for plot no-1 for construction of only " 12 (Twelve) number of building with Basement, Stilt plus 11 floors for 552 flats, 50 shops and 34 offices. The total plot area is 79100 Sq. Mtrs, Total built-up area is 57658.42 Sq. Mtrs. Total water requirement will be 745 KLD and 450 KLD water will be generation from waste water treatment plant and this waste water will be used for landscaping, DG set cooling, Horticulture purpose. The solid waste generated will be 1500 Kg/day. The parking space is proposed for parking of 1072 cars".

It is observed from actual site condition for plot no-1 that the total number of building constructed are 15 (fifteen) with height more than 39 mtrs

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of residential building, one commercial building and one club house having maximum height of 99.90 Mtrs.

It is to be observed that the throughout the project total plot area is 79100 Sq. Mtrs and now builder says that he have total plot area of 92022.01 Sq. Mtrs. It makes very surprising that there is not a single sq. mtrs area available for this builder at sr. no 35 to 40 more than 79100 Sq. Mtrs or any adjacent plot that he can purchase. Now at previous EC that the built-up was 57658.42 Sq. Mtrs and in present proposal built-up is 148356.91 Sq. Mtrs. Proposed FSI for plot no-2 is 47557.95 Sq. Mtrs, but as per last revised plan for plot no-1 with CC/3603/13 dated 29/01/2014 builder already have used FSI of 45313.35 Sq. Mtrs. out of available FSI 45416.52 Sq. Mtrs for plot no-1, in fact builder have used more FSI by making malafied revisions of plans after sale of units from plot no-1. Total FSI that the builder is going to use is 47557.95 + 45313.35 = 92871.3 Sq. Mtrs. It is very sure that the calculations of using 92871.3 Sq. Mtrs of FSI for plot having total area 79100 Sq. Mtrs does not match as per DC Rule provision at all in any circumstances.

Builder have proposed the building of height 99.90 mtrs. but in fact as per DC rule, in PMC area the building height limitation is up to 36 Mtrs only.

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direct access to this 18 Mtrs road and it seems to be very complicated in the view of safety point of view of school.

But intentionally the PP have given wrong information of that there is no school in nearby vicinity but in fact there is Primary School reservation PS-47 from the PMC in the same layout and this information is intentionally non-disclosed by PP(Project Proponent) in his proposal.

As well as there are water bodies at the back side of this project on the boundary of South-East side of the same lay-out and this information is intentionally non-disclosed by PP in proposal.

***Presence of both the items Primary School reservation and Water bodies in the same layout is environmental sensitive issues and both are intentionally undisclosed by PP*.**

It is important to note that the, As this issue of intentional violation of environment act and pollution act are very serious issues, my client informed the Urban development department of State Government of Maharashtra, PMC, Environment Dept., Maharashtra Pollution Control Board, and other IT, IGR, VAT, ST Dept. through the Member of Legislative Council Mr. Vinayakraoji

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Mete on dated 02 March 2015 to discuss this issue in the Budget Session of State Assembly held in March-April-2015 and send this case to Principal secretary of Maharashtra State Assembly.

That the intentional violation of environment act and pollution act was the one of main issue for discussion and on dated 07 April 2015 the same case was fixed for discussion in the Legislative Council at Serial no-4 of the schedule of council on the 07 April 2015.

The answer presented by the Minister of Urban development Dept.(UDD in short) in the session was shocking and surprising, that the UDD agrees that Project Proponent (PP) M/s Goel Ganga Developer Obtained the EC dated 04/04/2008 from SEAC-The ministry of Environment and Forest and as per EC, PP having permission for construction of *12 (Twelve) number of building with Basement, Stilt plus 11 floors for 552 flats, 50 shops and 34 offices. The total plot area is 79100 Sq. Mtrs, Total built-up area is 57658.42 Sq. Mtrs, Total water requirement will be 745 KLD and 450 KLD water will be generation from waste water treatment plant and this waste water will be used for landscaping, DG set cooling, Horticulture purpose. The solid waste generated*

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will be 1500 Kg/day. The parking space is proposed for parking of 1072 cars".

Further agrees for that the PP have obtained the permission for 17 Buildings, 738 flats and 111 shops with Carpet Area 45313.35 Sq. Mtrs. and obtained the Completion for 687 flats and 77 shops. Further stated that there is no change in the Built-Up Area of 57657.42 Sq. Mtrs as approved by EC, So my client would like to bring your notice that the actual built-up area used you the plot no-1 is more the 57657.42 Sq. Mtrs as shown below ;

Total Built-Up Area :-

If we go through the below table as prepared from authentic records of PMC and Environment Dept., it can be observed that the PP have violated the Environment Act as well as Pollution control act.

Table No-1 :- Comparison of EC Permission and Actual Construction On Plot**No-1**

Description	EC Permission	Actual Construction	Work In Progress	Remark
No of Flats	552	738	69	
Shops/ Offices	84	115	0	
Built-Up Area (Sq. Mtrs)	57657.42	95641.63		(FSI + Non FSI)

It can be observed that the PP have constructed the buildings as per the table laid down below and the data is prepared from the authentic records of the Plan sanctioned by the PMC & actual construction at site and the data submitted by PP to the Environment Dept. SEAC for revised EC

Table No-2 (Plot No-1 Details of FSI Consumed) :-

TYPE OF BLDG PLOT-1	Nos OF FLS	Nos OF BLDG	HT. OF BLDG	TOTAL TENT.	TOTAL (S. MT.)	Illegal FSI
A1B1C1	P+P+11	3	40	128	9332.04	422.33
S,S1	B+G+3	2	16		1948.71	264.94
G1H1I1J1K1	P+P+11	5	40	215	13118.45	268.42
L1	P+P+11	1	40	86	3546.10	55.06
M1	P+P+11	1	40	86	4164.90	161.58
N1	P+P+11	1	40	86	3466.09	57.66
O1	P+P+11	1	40	86	3546.10	55.06
D1	P+P+11	1	40	40	5197.95	96.61
E1*	P+P+11	1	40	40	2774.7	
F1*	P+P+11	1	40	40	4292.01	
TOTAL				*1807	51389.05	1381.66

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• Construction of Building No. E1 and F1 on plot no-1 in completed by 8 flats and 4 flats respectively and further construction is proceed for remaining flats no 69 at high priority without obtaining Revised Environment Clearance and PMC Approval.

• Commercial Bldg S&S1 have 26 & 5 Shops, D1 to F1 have 28 Shops, G1 to K1 have 30 shops, L1 have Restaurants (7 shops Merged) and M1 to N1 have 19 shops.

"Hence Plot no-1 have total no of Flats.....807 and Total no of Shops.....115 " .

Table No-3 (Plot No-2 FSI Details) :- (Proposed for Revised EC)

Towers	Nos OF FLS	Nos OF BLDG	HT. OF BLDG	TOTAL TENT.	TOTAL (S. MT.)	Illegal FSI
A	2B+P+30	1	99.99	235	18503.34	
B	2B+P+30	2	99.99	235	18503.34	
Comm.	G	1		65	3539.38	Shops
TOTAL					40546.06	

It is to be note that the construction on Plot No-2 for Ganga Bhagyoday Towers is already started before applying for EC without prior Environmental Clearance. Refer Attached Photographs

Table No-4 (Plot No-1 and Plot No-2 Non-FSI Details) :-

Non-FSI Built-Up	Plot-1 Non-FSI	Plot-2 Non-FSI
BALCONY	7713.99	5865.4
STAIRECASE	3143.07	1036.8
LOBBY	3356.6	1679.4
PASSAGE	835.78	4248
TERRACE	9515.01	3764.86
LEFT	186.68	42.84
LIFT M. ROOM.	382.25	100.96
PARKING CAR	8112.5	12754
PARKING SCOOTER	4128	
PARKING CYCLE	1381.5	
REFUGE AREA	1214.7	463.37
TRANSFORMER	342.5	257.5
CLUB HOUSE	400	187
BASEMENT	1258	
LOFT	900	
TOTAL	42870.58	30400.13

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Table No-5 (Total Built-Up Area of the Project) :-

Plot Number	FSI	Non-FSI	Total	Remark
Plot-1	51389.05	42870.58	95641.63	Previous EC Violation
Plot-1 (Illegal FSI Reduction)	1382.00	0		
Plot-2	37006.68	30400.13	97558.05	Area 3539.28 not disclosed in revised EC Application by PP
Plot-2 Commercial	3539.28	2720.28		
Cultural & Civic Centre-3	10551.27	13340.41		
TOTAL	103868.4	89331.4	193199.7	

* Area in Sq. Mtrs.

So it can be observed that the total built-up area for plot no-1 is 95641.63 Sq. Mtrs. and the PP have crossed his limit of Built-up area 57657.42 Sq. Mtrs as approved in previous EC. Moreover PP is not willing to disclose this material fact as it leads to violation.

But it is very important to note that Built-up Area already consumed by PP for plot no-1 is 95641.63 Sq. Mtrs and Built-up area proposed for the plot no-2 including the Cultural centre Plot is 97558.15 Sq. Mtrs. So the total Built-up area for this project is 1,93,199.78 Sq. Mtrs. which exceeds the area

limitation of 150000 Sq. Mtrs for which the PP have given undertaking that "They will not cross the limit of BUA of 150000 Sq. Mtrs at any point of time for the same project" attending to Member Secretary SEAC-III dated 21/12/2014. This is the conduct of PP to submit the forge document to the EC Dept by suppressing the actual fact.

Hence non disclosure of correct fact regarding the actual BUA proposed to be use 1,93,199.78 Sq. Mtrs which is more than 150000 Sq. Mtrs and This is the fraudulent conduct of the PP & his Consultant and leads to criminal action too and shall prosecute accordingly immediately .

It is to be note that, if the BUA is more than 150000 Sq. Mtrs then the proposal shall appraised as category 8 (b) B1. That the proceeding for this 8(b)B1 category is too long and time consuming because this project requires EIA i.e. Environmental Impact Assessment, Determination of Terms of Reference Etc.

It is to be note that the, instead of following mandatory provisions of law to obtain the EC, the present PP and his consultant is used illegal shortcut and have followed weak try to get escape from facing criminal action.

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" Hence the total Built-up Area (FSI + Non-FSI) is 1,93,199.78 Sq. Mtrs and Its Violation of Environment Act "

"Hence the builder have intentionally violated the provisions of Environmental clearance "

7. VIOLATION OF RULE AND GUIDELINES BY PUNE MUNICIPAL CORPORATION :-

It is to be note that the Notification released by Ministry of Environment & Forest regarding the Building construction projects and township or Area Development have received and circulated in PMC for the further actions. The condition in the notification is very clear that the " For project under category 8 (a) or (b) shall obtain the EC before proceed for any construction at site" . It is also clear from the MOEF notification 2006 acknowledged by PMC that the project having BUA more than 150000 Sq. Mtrs. falls under category 8(b) B1 which requires Environment Impact Assessment (EIA).

Here PMC is collecting the premium and PP is paying for Non-FSI Built-up, but while disclosing the actual Non-FSI BUA with SEAC and SEIAA both the

PMC and PP are quite by suppressing the martial facts. Actual BUA is more than 150000 Sq. Mtrs for Plot-1 and Plot-2.

PMC have issued the Area statement to PP for expansion to earlier EC, but not talking about Plot-1 development that the PP have completed 738 + 69 flats instead of 552 flat, 115 shops instead of 50shops & 34 Offices, 15 buildings instead of 12 building and BUA 95641.63 Sq. Mtrs instead of 57658.42 Sq. Mtrs.

It is the duty of every local authority to insist the PP to obtain the revised EC if the PP is about to cross the previous EC limit, but the PMC neither insisted PP to obtain the Revised EC nor they Stopped PP for further construction of Plot no-1 even the PP violated the EC. Moreover it is surprise to note that, PMC did not find any importance to inform the Environment dept. about this violation of such serious issue.

Construction activity on plot no-2 have started before applying for EC and already in progress without EC by PP, this was brought to notice to the PMC and Urban development Ministry of State Government. Even though the Construction activity is in progress for both plot no-1 and plot-2. It is nothing but the violation again.



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So not only PP but also the City Engineer of PMC, Executive Engineer, Deputy Engineer, Building Inspector of Building Development Dept. of Zone-2 for Wadgaon Bk. are liable to prosecute the legal action for the above violation.

8. VIOLATIONS OF CONDITIONS STIPULATED IN PREVIOUS EC :-

As per Part B. General Condition of the previous EC, PP have to submit the monitoring report or compliance report to the ministry or Regional Office at every six month from April 2008.

It can be observed that the PP did not submit the six month report at the end of every six month till end of Jan-2015 and was not willing to do so reasons best known to him. But unfortunately or by bad luck of PP during the hearing for revised EC for Plot -2 on 23 rd meeting dated 6-9 Jan 2015 SEAC asked to submit the copies of Six monthly report for cross check the compliance of previous EC (i.e. Point no-2 of 23 meeting).

Answer of PP was he have already submitted the six monthly report to the Regional Office of MOEF at Bhopal but in fact it revels from the record that all the reports have submitted in the month of Feb-2015 on later stage and also these reports are not accepted or certified by MOEF

"Hence the condition of six monthly monitoring report submission is violated".

9. VIOLATIONS OF CONDITIONS STIPULATED IN MINUTES OF MEETING
FOR EXPANSION OF EC .-

18th Meeting dated 22-24 Sept 2014 Item No.32 .-

Point - It was proposed to inspect the project for verify the construction of the earlier phase to insure compliance with the condition incorporated in the EC.

It seems that from record of site visit report, that the three members namely Mr. P. G. Chavan, Mr. Sudhir Y. Ghate, Mr. Rajesh Biniwale of SEAC-3 visited the project site dated 29/09/2014 and following this comes forward ...

1. No site visit is made by any of the above member is found in the visitor record book kept at the present site.

2. There is no specific discussion in the report about, What are the conditions stipulated or imposed on PP in previous EC ? and what is actual site condition is not specifically discussed in the site visit report. i.e. How many buildings are permitted in previous EC ? & How many buildings are constructed on site ? How many flats, shops & offices are permitted in previous EC ? & How many flats, shops & offices are constructed on site ? What is built-

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up area permitted in previous EC ? and what is actual constructed built-up area ?

3. What was the capacity of composting pit committed or undertaken by PP during the Previous EC ? and what is the actual capacity of Constructed Pits on sited ? As we cannot tolerate the problem of disposal of solid waste as we have noticed that, now a day's PMC is facing the biggest problem of disposal of solid waste. Nothing is discussed in the site visit report.

4. What was the committed percentage of renewable energy generation out of the total energy requirement while obtaining the previous EC ? and What is the actual percentage of renewable energy generation from the present installation Not a single solar panel is installed at site for generation of renewable energy.

5. What was the committed water requirement & waste water generated, committed STP Capacity ? But Site visited committee intentionally did not brought anything on record about this water requirement and waste water generation. The committee is only talking about only turbidity of treated water. It is to be note that if the STP treated water is turbid, then why the water sample are not send to examine in Pollution control board laboratory or did not inform

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the MPCB, regional office Pune to collect the sample of turbid water. As the water pollution and air pollution control issue comes under the Pollution control board.

It seems that from the entire episode of Site Visiting committee that they have not made actual site visit because this conduct is not acceptable from the EXPERT of Environment field and it can be observed that the present report is prepared by sitting in office.

23rd Meeting Dated 6-9 Jan 2015 Item No 12 .-

Point no-1 .- SEAC-III asked to submit the document approved by local authority on account of Area Statement and following data comes forward from document submitted by PP.

	As Per PP	As per PMC	Not Disclosed
Permissible FSI	96379.81	80037.73	
Plot -I FSI	51389.05	Not	
Plot-2 FSI Proposed	37006.68	37006.68	3539.28

Contradiction in the above point is that PP says that he have available FSI of 9637.81 Sq. Mtrs but Pune Municipal Corporation Says PP have only

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80037.73 Sq. Mtrs of FSI. No undertaking or any document for prove that PP can avail the FSI of 96379.81 Sq. Mtrs.

PP says he have used FSI of 51389.05 Sq. Mtrs of FSI for plot-1 while PMC is silent by not disclosing anything what about the Non-FSI BUA used for Plot -1. It is very clear that PMC and PP are not disclosing the actual FSI and Non-FSI i.e. Total Built-up used by PP for Plot no-1 because the PP have already used excess Built-up area for plot no-1 than the permitted Built-up area of 57658.42 Sq. Mtrs of previous EC which leads to the violation of EC.

So it can be observed that the PP and PMC are defending or protecting to each other to get escape from the legal action of violation of Environment Act.

FSI proposed for plot no-2 is 37006.68 Sq. Mtrs only for 470 residential unit of twin towers. But in fact at the ground floor of these proposed towers there are 65 no of shops having an FSI of 3539.28 Sq. Mtrs. and Non-FSI of 2720.28 Sq. Mtrs (Total 6259.56 Sq. Mtrs not considered by SEAC-III) which are shown on the plans approved by the PMC dated 01/11/2014 exclusively for EC purposes. It was very easy to point out that the area of 6259.56 Sq. Mtrs should include in the total BUA of 148356.91 Sq. Mtrs proposed by PP for

expansion of EC and total BUA comes to 154616.47 Sq. Mtrs and project falls under the category of 8(b) B1.

Point No-4 :- PP was directed to reduce the basements

PP reply that he have submitted the revised plan by reducing one basement but possibility of reduction of another basement is not possible for their expansion phase planning and take support of PMC approval for TWO basement.

But it is to be note that PMC is not the authority to analyze environmental factors. Actual fact was that the PP was started the excavation of the plot no-2 before applying for revised EC and PP was completed the excavation for three basement that they were planning and it can be reveled from the photographs attached by PP in the file submitted for obtaining revised EC.

It is to be note that the important and mandatory condition of environment act is that no work shall started on site before obtaining EC and PP have committed intentional violation.

In fact there is no reduction in any basement at site, the reduction is only on paper / plan not at site and more over PP have about to complete the RCC structure for one basement.

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27th Meeting Dated 10-13 Mar 2015 Item No 09 .-

Point no-10 :- There is no attachment for disclosure of BUA of 57658.42 Sq. Mtrs as per previous EC.

Point no-14 :- There is undervalued BUA of 148356.91 Sq. Mtrs. and actual total Built-up Area (FSI + Non-FSI) is 1,93,199.78 Sq. Mtrs and applies category of 8(b) B1.

Point no-16 :- Estimated coast of project is wrong because the actual built-up area is undervalued and 65 no of shops at ground floor of building A & B are not considered.

Point no-17 :- There is no disclosure for 65 no of shops at ground floor of building A & B Twin Tower.

Point no-22 :- There is no Fire station directly connected by the way having width of 30Mtrs. throughout. and within the travelling distance of less than 15 minute and 3.5 Km.

Point no-24 :- Actual existing structure at site for plot no-1 is 738 flats completed + 69 flats under construction for Building E1 & F1. Shops 115

completed, 15 Building completed, and is excessive than the previous EC of 552 flats, 50 shops, 34 offices.

Fraud and forge Site Visit report have been prepared by the SEAC-III committee members Mr. P. G. Chavan, Mr. Sudhir Y. Ghate, Mr. Rajesh Biniwale reasons best known to them, but they have neglected to perform their duties that they are bound by suppressing the actual material facts and all of three members are liable to proceed for legal action.

" Hence PP have violated the environmental mandatory provisions by doing excessive construction & suppressing the material facts of actual construction and is liable to proceed for the action under Environment Protection Act. and also under IPC for producing fraud & forge documents and Also it conclude that the present project fallows under the category of 8(b) B1".

10. INTENTIONAL VIOLATION OF POLLUTION CONTROL ACT

It is to be note that the PP have obtained the Consent to Establish vide no. BO/RO (P&P)/EIC No. PN-3524-09/E/CC-177 dated 20/09/2009 as per the terms and condition stipulated in the EC, MoEF, GOI vide No. 21-

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673/2007-IA.III dated 04/04/2008 along with Terms and Condition Stipulated in Pollution NOC.

The Consent to Establish was valid up to commissioning of the project or five years which is expired and the Local authority Pune Municipal Corporation have already disclosed that the Plot no-1 is already commissioned except the construction of Building only E1 and F1 for flats no 69.

As discussed above that the PP have violated the provisions under EC then he have automatically violated the conditions under Pollution Control Act that the PP have made excessive construction which leads to increase in occupancy load and Occupancy load increases the water requirement, Waste Water, Solid Waste, Sewage Effluent etc.

It is to be note that the PP should obtain the Consent to Operate from MPCB before commissioning of project or handing over the possession, but PP have not obtained the single Consent to Operate yet even he have given the possession of all the flats discussed above.

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It is to be note that there is D.P. Reservation for Cultural & Civic Centre (CC-3) for an area 15253 Sq. Mtrs that is to be handover to PMC by present PP. But the Present PP have made an illegal changes of reduction of area in CC-3 on account of alteration/ shifting/ deletion or modification as the case may be best known to him (PP) and case of this modification is under enquiry & hearing by Urban Development Department (UDD) and such type of changes in D. P. Reservation without obtaining State Government permission are strictly prohibited by Honorable Supreme Court and declared as illegal activity.

In these circumstances the PP cannot accommodate the sufficient net plot area for proposed construction of TWO Towers A & B on Plot no-2 and the present proposal of EC shall be rejected straight away by Environment Department.

So it is important and necessary to stop the development and construction activities on the above said property and not to issue the

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391, Narayan Peth, Pune-411 030.
Ph.No. 020-24430647*Enclosure/Photographs & copy of Orders :-*

1. Site Scene View No.6 Dated - 18/May/2015
2. PMC Stop Work Order Dated -20/May/2015
3. Site Scene View No.6 Dated - 20/June/2015
4. Compact Disk for Site Scene Details Dated - 18/May/2015 (17 Nos. Photo, 1 No Video) & 20/June/2015 (34 Nos. Photo & 1 No Video).

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occurred it does not ipso facto vitiate the proceedings and prejudice occasioned by such defect must be established by the accused. In the event of evidentiary material not being put to the accused, the court must ordinarily eschew such material from consideration. It is also open to the appellate court to call upon the counsel for the accused to show what explanation the accused has as regards the circumstances established against him but not put to him and if the accused is unable to offer the appellate court any plausible or reasonable explanation of such circumstances, the court may assume that no acceptable answer exists and that even if the accused had been questioned at the proper time in the trial court he would not have been able to furnish any good ground to get out of the circumstances on which the trial court had relied for its conviction.”

15. In the instant case, the accused was not in any way prejudiced by not giving him an opportunity to answer specifically regarding the evidence of PW 1 and PW 4. If at all, the evidence of PW 1 and PW 4 was recorded in his presence, he had the opportunity to cross-examine the witnesses but he did not specifically cross-examine these two witnesses in respect of the facts deposed by them. The learned Single Judge seriously erred in holding that the evidence of PW 1 and PW 4 could not have been used against the accused. The acquittal of the accused was improper as the evidence in this case clearly established that the accused was in possession of 5 kg of opium and thereby committed the offence under Section 18 of the NDPS Act.

16. In the result, we set aside the judgment of the learned Single Judge of the High Court of Punjab and Haryana and restore the judgment of the Additional Sessions Judge, Amritsar in Sessions Case No. 28 of 1993. The Sessions Judge is directed to take appropriate action to apprehend the respondent to serve out the remaining period of sentence. Fine, if deposited, shall be refunded to the appellant.

(2005) 6 Supreme Court Cases 106

(BEFORE ARIJIT PASAYAT AND H.K. SEMA, JJ.)

UNION OF INDIA AND OTHERS . . . Appellants;

Versus

NARENDER SINGH . . . Respondent.

Civil Appeal No. 1813 of 2003[†], decided on July 29, 2005

A. Constitution of India — Art. 226 — Maintainability of writ petition — Infructuous/Futile writ petition — Held, a writ petition questioning the Tribunal’s order on merits does not become infructuous by giving effect to the Tribunal’s order — By implementing an order, the challenge to the

[†] From the Judgment and Order dated 5-12-2001 of the Delhi High Court in CWP No. 5869 of 2001

UNION OF INDIA v. NARENDER SINGH (*Pasayat, J.*)

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validity of the order is not wiped out and is not rendered redundant — Hence, merely because the Tribunal’s order of reinstatement, which had been challenged in writ petition before High Court, had been implemented, that did not render the writ petition infructuous — High Court’s order set aside — Matter remitted to it for fresh disposal on merits (Paras 5 to 7)

Union of India v. G.R. Prabhavalkar, (1973) 4 SCC 183 : 1973 SCC (L&S) 374, *followed*

B. Words and Phrases — Word “infructuous” — Meaning of — Held, said expression is derived from the Latin word “fructus” (fruit) — It means ineffective, unproductive and unfruitful (Para 6)

Appeal allowed

W-M/32659/CL

Advocates who appeared in this case :

A. Sharan, Additional Solicitor General (S. Wasim A. Qadri, Amit Anand Tiwari, Ms Anil Katiyar and D.S. Mahra, Advocates, with him) for the Appellants;
Rajiv Dutta, Senior Advocate (Dr. Kailash Chand, Advocate, with him) for the Respondent.

Chronological list of cases cited

on page(s)

1. (1973) 4 SCC 183 : 1973 SCC (L&S) 374, *Union of India v. G.R. Prabhavalkar*

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The Judgment of the Court was delivered by

ARIJIT PASAYAT, J.— The Union of India and the Additional Commissioner of Police (Operation), New Delhi have questioned correctness of the order passed by a Division Bench of the Delhi High Court dismissing writ petition filed by the present appellants as infructuous.

2. The controversy lies within a very narrow compass and is as under:

The respondent (herein referred to as “the employee”) was proceeded against departmentally on the charge that on 27-2-1996/28-2-1996 while posted in the vigilance cell at the Indira Gandhi International Airport he accepted illegal gratification for getting two Afghan nationals cleared through Customs without paying the customs duty payable. He was ultimately dismissed by the disciplinary authority by order dated 7-8-1997. The appeal preferred by him was also rejected by the Appellate Authority by order dated 20-11-1997. Challenging these orders the respondent employee filed original application before the Central Administrative Tribunal, Principal Bench, New Delhi (in short “the Tribunal”). By order dated 21-11-2000, the Tribunal quashed and set aside the order of dismissal dated 7-8-1997 passed by the disciplinary authority as also the order dated 20-11-1997 passed by the Appellate Authority. The respondent employee was directed to be reinstated forthwith. The order passed by the Tribunal was questioned by the present appellant by filing writ petition under Article 226 of the Constitution. The Division Bench of the Delhi High Court by its order dated 5-12-2001 dismissed the writ petition as infructuous by observing as follows:

“We are informed that the respondent stands already reinstated in service pursuant to the Tribunal’s order dated 21-11-2000 passed in OA No. 95 of 1998 rendering this petition as good as infructuous. But learned counsel for the petitioners still tried to justify the departmental

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action. We are not impressed as the petitioners had already implemented the Tribunal's order.

The writ petition is, accordingly, dismissed as infructuous." a

3. Stand of the appellants in the present appeal is that the view taken by the High Court is clearly untenable. Merely because the respondent employee had been reinstated in service pursuant to the impugned orders that did not render the petition infructuous.

4. In response, learned counsel for the respondent employee submitted that the Tribunal's order is without blemish and even on merits there is no scope for interference with the said order. Even otherwise as has been rightly held by the High Court after the order of reinstatement the writ petition had really become infructuous. b

5. The High Court's order is clearly indefensible. A writ petition questioning the Tribunal's order on merits does not become infructuous by giving effect to the Tribunal's order. Merely because the order of reinstatement had been implemented by the appellant, that did not render the writ petition infructuous as has been observed by the High Court. This position was clearly stated in *Union of India v. G.R. Prabhavalkar*¹. In para 23 of the decision it was observed as follows: (SCC p. 193) c

"23. Mr Singhvi, learned counsel, then referred us to the fact that after the judgment of the High Court the State Government has passed an order on 19-3-1971, the effect of which is to equate the Sales Tax Officers of the erstwhile Madhya Pradesh State with the Sales Tax Officers, Grade III, of Bombay. This order, in our opinion, has been passed by the State Government only to comply with the directions given by the High Court. It was made during a period when the appeal against the judgment was pending in this Court. The fact that the State Government took steps to comply with the directions of the High Court cannot lead to the inference that the appeal by the Union of India has become infructuous." d e

6. The expression infructuous means ineffective, unproductive and unfruitful. It is derived from the Latin word "fructus" (fruit). By implementing an order, the challenge to the validity of the order is not wiped out and is not rendered redundant. f

7. The inevitable result is that the appeal deserves to be allowed which we direct. The order of the High Court is set aside and the matter is remitted to it for fresh disposal on merits. We make it clear that we have not expressed any opinion on the merits of the case. g

8. Appeal is allowed with no order as to costs.

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1 (1973) 4 SCC 183 : 1973 SCC (L&S) 374