

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

APPEAL NO. 21/2023

Santosh Daundkar

... Appellant

v.

Secretary, MoEF&CC & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 3,

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

INDEX

Sr. No.	Annexure	Particulars	Page No.
1.		Reply Affidavit by SEIAA	
2.	1	MoEF&CC Clarification dated 29 <sup>th</sup> March, 2022	
3.	2	193 <sup>rd</sup> SEAC Minutes of Meeting dated 17 <sup>th</sup> to 19 <sup>th</sup> January, 2023	
4.	3	257 <sup>th</sup> Minutes of Meeting dated 2 <sup>nd</sup> March, 2023	

Pune

01-03-2024

Adv .Aniruddha S Kulkarni

Standing Counsel,

Environment and Climate Change Department

Government of Maharashtra



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE  
APPEAL NO. 21/2023**

Santosh Daundkar

... Appellant

V/s.

Secretary, MoEF&CC & Ors.

... Respondents

**REPLY AFFIDAVIT BY RESPONDENT NO. 3,  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY**

I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

*(Signature)*

1. It is submitted that at the very outset this respondent denies each averment made in the present appeal which is contrary to and inconsistent with the averments made and facts states in the present reply. It is submitted that nothing stated in the appeal may deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.
2. The present case pertains to challenge to the Environment Clearance dated 11-04-2023 granted by SEIAA to Safal Developers Pvt. Ltd. for Proposed Redevelopment of Municipal Property known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated At Vishramwadi, Bhaudaji Rd. Sion Mumbai 400022. The said EC has been given for total plot area of 26,329.97 m<sup>2</sup>, FSI 79,490.98 m<sup>2</sup>, Non FSI 56,086.82 m<sup>2</sup>, TBUA 1,35,577.8 m<sup>2</sup>.
3. The present appeal is seeking reliefs which are plural and is contrary to the provisions of Rule 14 of NGT (Practice and Procedure) Rules, 2011. Rule 14 provides that an appeal filed before the Tribunal shall be based upon a single cause of action and may seek more than one relief only in the event that such reliefs are consequential to one another in relation to that single cause of action.



*[Handwritten Signature]*



4. There are multiple causes of action as the Appellant is challenging construction without Environment Clearance, construction in a plot reserved for garden, challenge to the Statutory powers of the Secretary, Environment Department. All these issues are giving rise to separate cause of action for which separate remedies have been clubbed together in this appeal which cannot be allowed.
5. The Appellant has made unsubstantiated and vilified allegations against the Principal Secretary, Environment and Climate Change Department who even functions as Member Secretary, SEIAA. Allegations pertain to the Principal Secretary colluding with the PP. The Appellant has not given any proof to support his claim. Moreover, the said issue cannot be agitated before this Hon'ble Tribunal.
6. Based on the complaint received from the Applicant, Environment Department forwarded the complaint to MPCB and MCGM. The Department informed the two authorities to take necessary action and submit a report, which is awaited.
7. Further, the Appellant has challenged the statutory powers of the Principal Secretary u/s. 5 of the Environment Protection Act, 1986 and wrongfully acting in dual capacity as the Principal Secretary, Environment Department and Member Secretary, SEIAA. It is

*Shan*

respectfully submitted, that this ground and consequential relief cannot be sought in the present appeal challenging the EC u/s. 16 of the NGT Act. Section. 16 and 18 of the NGT Act clearly prescribe the grounds on which an appeal can be filed. Challenge to statutory powers of authorities is outside the purview of this Hon'ble Tribunal, Appellant cannot seek this relief before this Hon'ble Tribunal, and on this ground alone, this Appeal should be held not to be maintainable and be dismissed with costs.

8. Regarding ground no. 1 of the Appeal, the appellant has contended that the entire plot of land of the project scheme is reserved as recreation ground i.e., garden in the Development Plan. It is further contended, that the reservation of garden was for purpose of creating a park for Dharavi. The Appellant has not attached any documentary evidence to substantiate his claim. Appellant has merely produced satellite images and without any proof has made references based on mere conjectures that the garden reservation was made for the purpose of a Park for Dharavi.
9. The judgment of *Sanjay Gupta & Ors. v. Ghaziabad Nagar Nigam*, OA No. 10/2022 of the Hon'ble NGT, Principal Bench relied on by the Appellant has no bearing on the present case as the facts of that case are with respect to the construction of a statue in a public park.



A handwritten signature in blue ink, appearing to be "S.M. Dhargave".

Whereas the present case is a challenge to the EC granted to PP for redevelopment of the existing municipal barracks.

10. In ground no. 2, the Appellant has contended that the work on the project, started without Environment Clearance – it was obligatory for the SEIAA to have invoked the stringent provisions stipulated in Office Memorandum of 7th July, 2021 and classified the case as a “Violation Case”. Further it is even alleged that large number of trees were cut at the site by the PP, Demolition of old barracks, alleged construction of a large sales office on the site, deployment of construction machinery at the site. It is alleged that all these activities were carried out without obtaining Environment Clearance.

11. It is submitted in this regard that MoEF&CC have issued a clarification dated 29<sup>th</sup> March, 2022 regarding activities which can be undertaken for securing the land prior to grant of EC. Following activities can be undertaken by the PP for securing the land –

- i. *Fencing of the project site by boundary wall using civil construction, barbed wire or precast / prefabricated components.*

*Shree*



- ii. *Construction of temporary sheds using pre-fabricated / modular structure, for site office / guards and storing material and machinery.*
- iii. *Provision of temporary electricity and water supply for site office / guards only.*

*The above activities shall be undertaken subject to the following :*

- i. *Land should be in legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.*
- ii. *In case of felling of tress if any, requisite permission from the Forest Department / Statutory Authorities of the concerned State Government shall be obtained.*

12. From the above clarification it is abundantly clear that for securing the land for project, fencing of the project site, for cutting trees, for demolition of old structures and for deployment of construction machinery at site, no EC is required. Copy of the MoEF&CC Clarification dated 29<sup>th</sup> March, 2022 is annexed as **Annexure 1**.

13. Ground no. 3 is related to MCGM and hence no comments on the same.



A handwritten signature in blue ink, appearing to be 'Shiva'.



14. Ground no. 4 has been already answered in the above paragraphs 5 – 7 and hence not repeated over here.
15. In ground no. 5, it is alleged that the Project Proponent has transferred the execution of the work to M/s. Macrotech Developers which is Respondent No. 10, which was done without transferring the EC as required under Para 11 of the EIA Notification of 2006. It is stated that Respondent no. 9 i.e., Safal Developers Pvt. Ltd. had made application to SEIAA for grant of the impugned EC and accordingly SEIAA has granted EC to them. Monitoring of a project after grant of EC is not within the purview of SEIAA. PP have to submit compliance of the EC conditions to the regional offices of MoEF&CC. Moreover, applicability and interpretation of EIA Notification and the amendments, OMs and clarifications issued thereunder is within the purview of MoEF&CC.
16. In ground no. 6, the Appellant is alleging that the permission to construct on a Recreation Ground was given in violation of a High Court Order that no redevelopment schemes can be executed on land reserved for a Recreation Ground. This Respondent has already stated above that the Appellant has not attached any documentary evidence to substantiate his claim. Appellant has merely produced satellite images and without any proof has made

references based on mere conjectures that the garden reservation was made for the purpose of a Park for Dharavi.

17. Moreover, the facts of that case are regarding slum rehabilitation and the present case is regarding redevelopment of municipal property. The said case challenged Government Notification dated 3<sup>rd</sup> June 1992 giving out guidelines of the Development Plan in Mumbai, whereas present case is a challenge to the EC.

18. Ground no. 7 is repetition of ground no. 4, which has already been replied by this Respondent in paragraph nos. 5 – 7 above and hence not repeated here again. Principal Secretary, Environment Department who is also Member Secretary, SEIAA is not liable to pay any environmental costs as alleged.

19. Ground no. 8 is not related to this Respondent and hence not commented upon.

20. Application of the PP for EC was considered by SEAC – II in 193<sup>rd</sup> meeting held between 17<sup>th</sup> to 19<sup>th</sup> January, 2023. SEAC asked the PP to comply with certain points which were discussed during the meeting. Subject to compliance of those points, the proposal was recommended to SEIAA for grant of EC. Copy of SEAC 193<sup>rd</sup> MoM is attached as **Annexure 2**.



*[Handwritten signature]*

21. SEIAA considered the proposal in their 257<sup>th</sup> Meeting dated 2<sup>nd</sup> March, 2023. SEIAA noted that on 28-02-2023, PP has submitted compliance to the points raised by SEAC. Taking on record the said compliance, SEIAA decided to grant EC to the PP. SEIAA 257<sup>th</sup> MoM is attached as **Annexure 3**.

22. Appellant has not alleged any procedural infirmities in grant of the impugned EC. SEIAA has followed the due procedure under EIA Notification, 2006 and the Office Memos and Circulars issued by MoEF&CC from time to time while granting of the impugned EC. There are no procedural lapses on part of the SEIAA while granting the EC. SEIAA grants the EC on the basis of the documents submitted by the PP.

23. In light of the above submissions, the present Appeal may kindly be rejected.

24. This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.



*[Handwritten signature]*

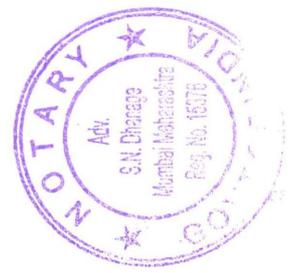
**555**



Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai  
Date-28/02/2024

**Dattatray Suryakant Bhalerao**  
Scientist II & Under Secretary,  
Environment & CC Department,  
Government of Maharashtra



VERIFICATION

I, Dattatray Surayakant Bhalerao, Age-40, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai – 400 032 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 28<sup>th</sup> day of February 2024 at Mumbai.

**Dattatray Suryakant Bhalerao**  
Scientist II & Under Secretary,  
Environment & CC Department  
Government of Maharashtra



**BEFORE ME**  
Dhanage  
Adv. Shivaji N. Dhanage  
Notary Govt Of India  
Regd. No. 16376 MUMBAI (MS)  
404-405, 4th Floor, Dayer House,  
197/199, Near Central Camera Bldg  
D.N. Road, Fort, Mumbai - 400001.  
Mob.: 8591897834

**NOTED & REGISTERED**  
Page No. 188 Sr. No. 2267  
Dated 28 FEB 2024





**F. No. IA3-22/10/2022-IA.III [E 177258]**

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

\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated: 29<sup>th</sup> March, 2022

## **OFFICE MEMORANDUM**

**Subject: Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding.**

As per the provisions of Environment Impact Assessment (EIA) Notification 2006, the project or activities [New/Expansion/ Modernization/ change of product-mix or raw material mix] listed in the Schedule to the said Notification would require prior Environment Clearance (EC) from the concerned Competent Authority before undertaking any construction work or preparation of land by the project proponent, except for securing the land.

2. In this regard, Office Memorandum No. J-11011/41/2006-IA.II(I) dated 19/08/2010 clarified that while securing the land, no activity relating to any project covered under EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

3. Over a period of time, various options other than conventional barbed wire and wall fencing, have come into existence, viz., use of pre-fabricated structures, pre-cast compound wall etc. Further, in order to secure the land, the project proponent may need to have water and electricity connection. In view of the same, it has been decided by the Competent Authority in the Ministry to explicitly clarify that following activities can be undertaken by the project proponent for securing the land.

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.
  - ii. Construction of temporary sheds using pre-fabricated / modular structure, for site office/guards and storing material and machinery.
  - iii. Provision of temporary electricity and water supply for site office/guards only.
4. The above activities shall be undertaken subject to the following:

- i. The land should be in the legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.
  - ii. In case of involvement of any forest land, no activity shall be initiated at the site till the Stage II Forest Clearance is obtained under the relevant provisions of Forest (Conservation) Act, 1980. In case of applicability of Wildlife Clearance, necessary permission from Standing Committee for National Board for Wildlife (SCNBWL) shall be obtained under the provisions of Wildlife Protection Act, 1972.
  - iii. In case of felling of trees if any, requisite permission from the Forest Department/Statutory Authorities of the concerned State Government shall be obtained.
  - iv. The investment made by the Project Proponent on the above, in anticipation of the applicable clearances under the relevant provisions of the Acts/Rules, shall be entirely at the cost and risk of the proponent.
5. However, the above dispensation would not entitle the project proponent to claim ***fait accompli*** with regard to grant of EC or any other applicable permission from any concerned statutory authority and further, the works of the aforesaid nature shall have no bearing on appraisal of the project for grant of EC which shall follow the due process and procedure as laid down in EIA Notification 2006, as amended.
6. This O.M. is being issued in supersession of the earlier O.M. dated 19/08/2010 and with the approval of the Competent Authority.

(A.K. Agrawal)  
Director

To

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

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG (FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

**Item No.24: M/s. Safal Developers Pvt. Ltd. (SIA/MH/INFRA2/408565/2022)**

Environment Clearance for proposed Redevelopment of Municipal Property known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated at Vishramwadi, Bhaudaji Rd. Sion Mumbai by M/s. Safal Developers Pvt. Ltd.

**Introduction: -**

PP submitted the application for environmental clearance to their proposed Redevelopment of Municipal Property project having total plot area of 26329.97 Sq. Mtrs., Total construction area of 135577.8 Sq. Mtrs. and FSI area of 79490.98 Sq. Mtrs. PP proposes to construct 5 Nos. of buildings having maximum height of 172.95 Mtrs. & a Parking Tower as mentioned at Sr.no. 20 of the project details.

Representative of PP was present during the meeting along with Environmental Consultant Enviro Analysts & Engineers Pvt. Ltd. The details of project are as mentioned below:

Sr No	Description	Details	
1	Proposal Number	SIA/MH/INFRA2/408565/2022	
2	Name of Project	Proposed Redevelopment of Municipal Property known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated at Vishramwadi, Bhaudaji Rd. Sion Mumbai by M/s. Safal Developers Pvt. Ltd.	
3	Project category	8(a), B2	
4	Type of Institution	Private	
5	Project Proponent	Name	Mr. Vijay More
		Regd. Office address	54B, 402, Sagar Avenue, Junction of SV Road, Lallubhai Park, Andheri West, Mumbai - 4000058
		Contact number	9969033491
		e-mail	Compliance@Sahanagroup.com
6	Consultant	Name: Enviro Analysts & Engineers Pvt. Ltd. NABET Accreditation No: NABET/EIA/2023/RA0206 Validity: 13.05.2023	
7	Applied for	Greenfield Project /Fresh	

Member Secretary

Chairman

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

8	Location of the project		Municipal Property is known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated at Vishramwadi, Bhaudaji Rd. Sion.			
9	Latitude and Longitude		Latitude - 19°13'24.96"N, Longitude - 72°52'5.15"E			
10	Plot Area (Sq.m.)		26329.97 sq.m			
11	Deductions (Sq.m.)		16497.65 sq.m			
12	Net Plot area (Sq.m.)		9832.32 sq.m			
13	Ground coverage (m <sup>2</sup> ) & %		4322.79 sq.m (43.97%)			
14	FSI Area (Sq.m.)		79490.98 sq.m			
15	Non-FSI (Sq.m.)		56086.82 sq.m			
16	Proposed built-up area (FSI + Non-FSI) (Sq.m.)		135577.8 sq.m			
17	TBUA (m <sup>2</sup> ) approved by the Planning Authority till date.		IOD For Building no.1 – 06/03/2017 - Approved FSI area – 8371.33 sq.m IOD for building no.2 & 3 – 09/03/2017 - Approved FSI area – 60961.54 sq.m IOD for building no.4 – 06/03/2017 - Approved FSI area – 7644.7 sq.m IOD for building no.5 – 06/03/2017 - Approved FSI area – 2513.38 sq.m			
18	Earlier EC details with Total Construction area, if any.		NAs			
19	Construction completed as per earlier EC (FSI + Non FSI) (Sq.m.)		No. construction is taken up onsite			
20	<b>Previous EC / Existing Building</b>		<b>Proposed Configuration</b>			<b>Reason for Modification / Change</b>
	<b>Building Name</b>	<b>Configuration</b>	<b>Height (m)</b>	<b>Building Name</b>	<b>Configuration</b>	
	NA	NA	NA	Amenity Building no. 1	Ground + 19(pt.) Floors.	64.35 m

  
Member Secretary

  
Chairman

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

	NA	NA	NA	Sale Building 2 & 3	3 Basements + Ground + 5 Podium Levels + 6th to 18th floor + Service floor & fire check floor + 19th to 40th + Service floor & fire check floor + 41st to 50th Residential Floors + Terrace Floor.	172.9 5 m	NA
	NA	NA	NA	Municipal Tenant building no. 4	Ground floor + 20th floor + Service floor & fire check floor + 21st floor to 26th Floors.	88.60 m	NA
	NA	NA	NA	Slum Building no. 5	Ground + 8th (Pt).	27.60 m	NA
	NA	NA	NA	Parking Tower	Stilt + 21 level.	52.90 m	NA
21	No. of Tenements & Shops			Building no. 1 – 174 nos of Flats, BMC Chowky, Atithi gruha, Therapy center Building no. 2 & 3 - Flats - 512 nos. Building no. 4 - Flats - 100 nos. Building no. 5 - 21 nos. of Shops, temple, flats – 61 nos.			
22	Total Population			Residential: 4365 nos. Commercial: 84 nos. Others: 410 nos.			
23	Total Water Requirements CMD			630 KLD (Domestic - 412 KLD, Flushing - 205 KLD, Landscape - 13 KLD)			
24	Under Ground Tank (UGT) location			Service basement for Amenity Building no. 1 Basement level 1 for Sale building 2 & 3 Service Basement for Building no. 4 & 5			
25	Source of water			MCGM			
26	STP Capacity & Technology			3 STPs of a Total Capacity of 610 KLD, MBBR			

Member Secretary

11

Chairman

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

27	STP Location	110 KLD STP for Amenity Building in service basement & open to the sky at ground level 390 KLD STP for Sale building no. 2 & 3 in Basement level 1 & open to the sky at ground level 110 KLD STP for Buildings no. 4 & 5 below ground & open to the sky at ground level			
28	Sewage Generation CMD & % of sewage discharge in the sewer line	276 KLD &, 35% of excess treated water to sewer line			
29	Solid Waste Management during Construction Phase	<b>Type</b>	<b>Quantity (Kg/d)</b>	<b>Treatment/disposal</b>	
		Dry waste	10 kg/day	Will be handed over to a recycler	
		Wet waste	15 kg/day	Handed over to Municipal waste collector	
		Construction waste	Topsoil	3950 Cum	Being used for landscaping
			Demolition Waste	1929 Cum	Already disposed of as per SWM NOC
			Excavated / Demolition Debris quantity	41000 Cum	We will reuse the 3500 cum quantity in the internal plot & road development and for the remaining quantity as per the SWM NOC 13301 cum quantity will be transported & remaining debris NOC will be obtained subsequently.
			Empty cement bags	81347 nos.	To be handed over to local recyclers
		Steel	14 MT	To be handed over to local recyclers	
Aggregates	54 MT	To be used as a layer for internal roads and building boundary walls.			

 Member Secretary

 Chairman

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

			Broken Tiles	1987 sq.m	Waste tiles to be used as china mosaic for terraces.				
			Empty Paint Cans (20 litre/can)	2034 nos.	To be handed over to the recycler				
30	Total Solid Waste Quantities with type during Operation Phase & Capacity of OWC to be installed	<b>Type</b>	<b>Quantity (Kg/d)</b>		<b>Treatment/disposal</b>				
		Dry waste	959 kg/day		Will be handed over to a recycler				
		Wet waste	1347 kg/day		Composting by OWC - manure produced will be used at a site for landscaping, 3 OWC of total Capacity – 300, 300 & 900 Kg/day.				
		E-Waste	2577 kg/yr		Will be collected and sent to MPCB-authorized recyclers.				
		STP Sludge (dry)	28 kg/day		Dry sewage sludge will be used as manure for gardening.				
31	R.G. Area in sq.m.	<table border="1"> <tr> <td>RG required – 886.89 sq.m (8%)</td> </tr> <tr> <td>Non - paved RG on mother earth – 1788.34 sq. m. (18%)</td> </tr> <tr> <td>Paved RG on Mother earth – 246.72 sq. m. (2%)</td> </tr> <tr> <td>Total R.G. provided – 2035.059 sq.m (20%)</td> </tr> </table>				RG required – 886.89 sq.m (8%)	Non - paved RG on mother earth – 1788.34 sq. m. (18%)	Paved RG on Mother earth – 246.72 sq. m. (2%)	Total R.G. provided – 2035.059 sq.m (20%)
		RG required – 886.89 sq.m (8%)							
		Non - paved RG on mother earth – 1788.34 sq. m. (18%)							
		Paved RG on Mother earth – 246.72 sq. m. (2%)							
		Total R.G. provided – 2035.059 sq.m (20%)							
		Existing trees on the plot: 340 nos							
		The number of trees to be planted: 122 + 73 + (600 trees + 200 shrubs) = 995 nos of trees							
		a) In RG area: 195 nos.							
b) In Miyawaki Plantation (with the area); 800nos. (600 trees + 200 shrubs) of trees in the 200 sq.m									
Number of trees to cut: 61 nos as per Tree NOC									
Number of trees to transplant: 73 nos. as per Tree NOC									

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

		Number of trees to be retained: 206						
32	Power requirement	During the Operation Phase: <table border="1"> <tr> <td>Details</td> <td>BEST</td> </tr> <tr> <td>Connected load (kW)</td> <td>13519 KW</td> </tr> <tr> <td>Demand load (kW)</td> <td>4703 KW</td> </tr> </table>	Details	BEST	Connected load (kW)	13519 KW	Demand load (kW)	4703 KW
Details	BEST							
Connected load (kW)	13519 KW							
Demand load (kW)	4703 KW							
33	Energy Efficiency	a) Total Energy saving (%): 16 % b) Solar energy (%): 5%						
34	D.G. set capacity	2 x 700 KVA						
35	No. of 4-W & 2-W Parking with 25% EV	4 Wheelers – 943 Nos. 2 Wheeler – 149 nos.						
36	No. & capacity of Rainwater harvesting tanks /Pits	4 RWH tank is proposed which is having a total capacity of 162 cu.m/day.						
37	Project Cost in (Cr.)	Rs. 410 Cr						
38	EMP Cost	Capital Cost- Rs. 1182 Lakhs, O and M cost - Rs. 90 Lakhs						
39	CER Details with justification if any....as per MoEF&CC circular dated 01/05/2018	It will be as per the OM dated 30th September 2020.						
40	Details of Court Cases/litigations w.r.t the project and project location if any.	NA						

### Deliberation:

PP informed that the proposed project is the municipal property redevelopment under Regulation 33 (7) of DCPR,2034. PP also informed that the project site was occupied by Municipal barracks which housed Municipal tenants of Sion hospital & part plot was occupied by Slums. PP further informed that the project had earlier received LOI from MCGM on 15.08.2015 & existing structures are demolished at the site as per approval received.

PP submitted that no construction work is taken up at the site. PP also submitted that they have received Water, Sewer, SWD, and Tree NOC as well as CFO NOC for proposed height. PP further submitted that they have provided entire mandatory RG on the ground.

The project proposal was discussed on the basis of presentation made and documents submitted by the proponent along with environmental consultant Enviro Analysts & Engineers Pvt. Ltd. All issues related to environment, including air, water, land, soil, ecology and

Minutes of the 193<sup>rd</sup> meeting of the State Level Expert Appraisal Committee-II (MMR & Konkan Region) held on 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> January, 2023 through Video Conferencing.

biodiversity and social aspects were discussed. Committee noted that the project is under 8(a) B2 category of EIA Notification, 2006. Consolidated Statements, Form- 1/1A, presentation & plans submitted are taken on the record.

**During discussion following points emerged:**

1.PP to submit IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions as per the Circular dated 30.01.2014 issued by the Environment Department, Govt. of Maharashtra.

2.PP to obtain following NOCs:

a) Water Supply; b) Storm Water Drain remarks; c) CFO NOC for Parking Tower; d) Civil Aviation NOC.

3.PP to maintain 6 Mtr. distance between 390 KLD STP & domestic tanks.

4.PP to relocate flushing tank adjacent to 410 KLD STP proposed for building no.4 & 5.

5.PP to relocate domestic tanks of building no.2 & 3 in to the 1<sup>st</sup> basement such that top of the tanks is flush to the ground level.

6.PP to maintain adequate distance between Substation & STP.

7.PP to reduce discharge of treated water up to 35%. PP to submit undertaking from concerned authority/agency/third party regarding use of excess treated water.

**Decision: -**

In view of above discussion and subject to compliance of above points the proposal is recommended to SEIAA for grant of Environmental Clearance.

  
Member Secretary

  
Chairman

Minutes of 257<sup>th</sup> Day - 1 (Part C) meeting of SEIAA held on 02<sup>nd</sup> March, 2023.

**Item no. 33**

**Proposal No.:-** SIA/MH/INFRA2/408565/2022

**Type of Project:** EC

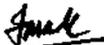
**Subject-** Environment Clearance for proposed Redevelopment of Municipal Property known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated at Vishramwadi, Bhaudaji Rd. Sion Mumbai by M/s. Safal Developers Pvt. Ltd.

**Project Details-**

PP submitted the application for environmental clearance to their proposed Redevelopment of Municipal Property project having total plot area of 26329.97 Sq. Mtrs., Total construction area of 135577.8 Sq. Mtrs. and FSI area of 79490.98 Sq. Mtrs. PP proposes to construct 5 Nos. of buildings having maximum height of 172.95 Mtrs. & a Parking Tower as mentioned at Sr.no. 20 of the project details.

Representative of PP was present during the meeting along with Environmental Consultant Enviro Analysts & Engineers Pvt. Ltd. The details of project are as mentioned below:

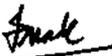
Sr. No.	Description	Details	
1	Proposal Number	SIA/MH/INFRA2/408565/2022	
2	Name of Project	Proposed Redevelopment of Municipal Property known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated at Vishramwadi, Bhaudaji Rd. Sion Mumbai by M/s. Safal Developers Pvt. Ltd.	
3	Project category	8(a), B2	
4	Type of Institution	Private	
5	Project Proponent	Name	Mr. Vijay More
		Regd. Office address	54B, 402, Sagar Avenue, Junction of SV Road, Lallubhai Park, Andheri West, Mumbai - 400058
		Contact number	9969033491
		e-mail	Compliance@Sahanagroup.com
6	Consultant	Name: Enviro Analysts & Engineers Pvt. Ltd. NABET Accreditation No: NABET/EIA/2023/RA0206 Validity: 13.05.2023	
7	Applied for	Greenfield Project /Fresh	
8	Location of the project	Municipal Property is known as Barracks No. T/57, T/58, T/59 On Plot Bearing S.C No.6 (Pt) Of F/North Ward, Sion Division, Situated at Vishramwadi, Bhaudaji Rd. Sion.	
9	Latitude and Longitude	Latitude - 19°13'24.96"N, Longitude - 72°52'5.15"E	
10	Plot Area (Sq.m.)	26329.97 sq.m	
11	Deductions (Sq.m.)	16497.65 sq.m	
12	Net Plot area (Sq.m.)	9832.32 sq.m	

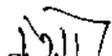
  
Member Secretary

  
Chairman

Minutes of 257<sup>th</sup> Day - 1 (Part C) meeting of SEIAA held on 02<sup>nd</sup> March, 2023.

13	Ground coverage (m <sup>2</sup> ) & %	4322.79 sq.m (43.97%)					
14	FSI Area (Sq.m.)	79490.98 sq.m					
15	Non-FSI (Sq.m.)	56086.82 sq.m					
16	Proposed built-up area (FSI + Non-FSI) (Sq.m.)	135577.8 sq.m					
17	TBUA (m <sup>2</sup> ) approved by the Planning Authority till date.	IOD For Building no.1 – 06/03/2017 - Approved FSI area – 8371.33 sq.m IOD for building no.2 & 3 – 09/03/2017 - Approved FSI area – 60961.54 sq.m IOD for building no.4 – 06/03/2017 - Approved FSI area – 7644.7 sq.m IOD for building no.5 – 06/03/2017 - Approved FSI area – 2513.38 sq.m					
18	Earlier EC details with Total Construction area, if any.	NAs					
19	Construction completed as per earlier EC (FSI + Non FSI) (Sq.m.)	No. construction is taken up onsite					
20	<b>Previous EC / Existing Building</b>			<b>Proposed Configuration</b>			<b>Reason for Modification / Change</b>
	<b>Building Name</b>	<b>Configuration</b>	<b>Height (m)</b>	<b>Building Name</b>	<b>Configuration</b>	<b>Height (m)</b>	
	NA	NA	NA	Amenity Building no. 1	Ground + 19(pt.) Floors.	64.35 m	NA
	NA	NA	NA	Sale Building 2 & 3	3 Basements + Ground + 5 Podium Levels + 6th to 18th floor + Service floor & fire check floor + 19th to 40th + Service floor & fire check floor + 41st to 50th Residential Floors + Terrace Floor.	172.95 m	NA
	NA	NA	NA	Municipal Tenant building no. 4	Ground floor + 20th floor + Service floor & fire check floor + 21st floor to 26th Floors.	88.60 m	NA
	NA	NA	NA	Slum Building no. 5	Ground + 8th (Pt).	27.60 m	NA
	NA	NA	NA	Parking Tower	Stilt + 21 level.	52.90 m	NA

  
Member Secretary

  
Chairman

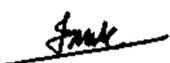
Minutes of 257<sup>th</sup> Day - 1 (Part C) meeting of SEIAA held on 02<sup>nd</sup> March, 2023.

21	No. of Tenements & Shops	Building no. 1 – 174 nos of Flats, BMC Chowky, Atithi gruha, Therapy center Building no. 2 & 3 - Flats - 512 nos. Building no. 4 - Flats - 100 nos. Building no. 5 - 21 nos. of Shops, temple, flats – 61 nos.			
22	Total Population	Residential: 4365 nos. Commercial: 84 nos. Others: 410 nos.			
23	Total Water Requirements CMD	630 KLD (Domestic - 412 KLD, Flushing - 205 KLD, Landscape - 13 KLD)			
24	Under Ground Tank (UGT) location	Service basement for Amenity Building no. 1 Basement level 1 for Sale building 2 & 3 Service Basement for Building no. 4 & 5			
25	Source of water	MCGM			
26	STP Capacity & Technology	3 STPs of a Total Capacity of 610 KLD, MBBR			
27	STP Location	110 KLD STP for Amenity Building in service basement & open to the sky at ground level 390 KLD STP for Sale building no. 2 & 3 in Basement level 1 & open to the sky at ground level 110 KLD STP for Buildings no. 4 & 5 below ground & open to the sky at ground level			
28	Sewage Generation CMD & % of sewage discharge in the sewer line	276 KLD &, 35% of excess treated water to sewer line			
29	Solid Waste Management during Construction Phase	<b>Type</b>	<b>Quantity (Kg/d)</b>	<b>Treatment/disposal</b>	
		Dry waste	10 kg/day	Will be handed over to a recycler	
		Wet waste	15 kg/day	Handed over to Municipal waste collector	
		Construction waste	Topsoil	3950 Cum	Being used for landscaping
			Demolition Waste	1929 Cum	Already disposed of as per SWM NOC
Excavated / Demolition Debris quantity	41000 Cum		We will reuse the 3500 cum quantity in the internal plot & road development and for the remaining quantity as per the SWM NOC 13301 cum quantity will be transported & remaining debris NOC will be obtained subsequently.		

  
Member Secretary

  
Chairman

			Empty cement bags	81347 nos.	To be handed over to local recyclers				
			Steel	14 MT	To be handed over to local recyclers				
			Aggregates	54 MT	To be used as a layer for internal roads and building boundary walls.				
			Broken Tiles	1987 sq.m	Waste tiles to be used as china mosaic for terraces.				
			Empty Paint Cans (20 litre/can)	2034 nos.	To be handed over to the recycler				
30	Total Solid Waste Quantities with type during Operation Phase & Capacity of OWC to be installed	<b>Type</b>	<b>Quantity (Kg/d)</b>		<b>Treatment/disposal</b>				
		Dry waste	959 kg/day		Will be handed over to a recycler				
		Wet waste	1347 kg/day		Composting by OWC - manure produced will be used at a site for landscaping, 3 OWC of total Capacity – 300, 300 & 900 Kg/day.				
		E-Waste	2577 kg/yr		Will be collected and sent to MPCB-authorized recyclers.				
		STP Sludge (dry)	28 kg/day		Dry sewage sludge will be used as manure for gardening.				
31	R.G. Area in sq.m.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td>RG required – 886.89 sq.m (8%)</td> </tr> <tr> <td>Non - paved RG on mother earth – 1788.34 sq. m. (18%)</td> </tr> <tr> <td>Paved RG on Mother earth – 246.72 sq. m. (2%)</td> </tr> <tr> <td>Total R.G. provided – 2035.059 sq.m (20%)</td> </tr> </tbody> </table>				RG required – 886.89 sq.m (8%)	Non - paved RG on mother earth – 1788.34 sq. m. (18%)	Paved RG on Mother earth – 246.72 sq. m. (2%)	Total R.G. provided – 2035.059 sq.m (20%)
		RG required – 886.89 sq.m (8%)							
		Non - paved RG on mother earth – 1788.34 sq. m. (18%)							
		Paved RG on Mother earth – 246.72 sq. m. (2%)							
		Total R.G. provided – 2035.059 sq.m (20%)							
		Existing trees on the plot: 340 nos							
		The number of trees to be planted: 122 + 73 + (600 trees + 200 shrubs) = 995 nos of trees							
		a) In RG area: 195 nos.							
		b) In Miyawaki Plantation (with the area); 800nos. (600 trees + 200 shrubs) of trees in the 200 sq.m							
		Number of trees to cut: 61 nos as per Tree NOC							
Number of trees to transplant: 73 nos. as per Tree NOC									
Number of trees to be retained: 206									

  
Member Secretary

  
Chairman

Minutes of 257<sup>th</sup> Day - 1 (Part C) meeting of SEIAA held on 02<sup>nd</sup> March, 2023.

32	Power requirement	During the Operation Phase:	
		Details	BEST
		Connected load (kW)	13519 KW
		Demand load (kW)	4703 KW
33	Energy Efficiency	a) Total Energy saving (%): 16 % b) Solar energy (%): 5%	
34	D.G. set capacity	2 x 700 KVA	
35	No. of 4-W & 2-W Parking with 25% EV	4 Wheelers – 943 Nos. 2 Wheeler – 149 nos.	
36	No. & capacity of Rainwater harvesting tanks /Pits	4 RWH tank is proposed which is having a total capacity of 162 cu.m/day.	
37	Project Cost in (Cr.)	Rs. 410 Cr	
38	EMP Cost	Capital Cost- Rs. 1182 Lakhs, O and M cost - Rs. 90 Lakhs	
39	CER Details with justification if any....as per MoEF&CC circular dated 01/05/2018	It will be as per the OM dated 30th September 2020.	
40	Details of Court Cases/litigations w.r.t the project and project location if any.	NA	

**SEAC Deliberation –**

PP informed that the proposed project is the municipal property redevelopment under Regulation 33 (7) of DCPR,2034. PP also informed that the project site was occupied by Municipal barracks which housed Municipal tenants of Sion hospital & part plot was occupied by Slums. PP further informed that the project had earlier received LOI from MCGM on 15.08.2015 & existing structures are demolished at the site as per approval received.

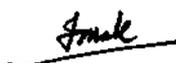
PP submitted that no construction work is taken up at the site. PP also submitted that they have received Water, Sewer, SWD, and Tree NOC as well as CFO NOC for proposed height. PP further submitted that they have provided entire mandatory RG on the ground.

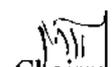
The project proposal was discussed on the basis of presentation made and documents submitted by the proponent along with environmental consultant Enviro Analysts & Engineers Pvt. Ltd. All issues related to environment, including air, water, land, soil, ecology and biodiversity and social aspects were discussed. Committee noted that the project is under 8(a) B2 category of EIA Notification, 2006. Consolidated Statements, Form- 1/1A, presentation & plans submitted are taken on the record.

**During discussion following points emerged:**

1.PP to submit IOD/IOA/Concession Document/Plan Approval or any other form of documents as applicable clarifying its conformity with local planning rules and provisions as per the Circular dated 30.01.2014 issued by the Environment Department, Govt. of Maharashtra.

2.PP to obtain following NOCs:

  
Member Secretary

  
Chairman

Minutes of 257<sup>th</sup> Day - 1 (Part C) meeting of SEIAA held on 02<sup>nd</sup> March, 2023.

a) Water Supply; b) Storm Water Drain remarks; c) CFO NOC for Parking Tower; d) Civil Aviation NOC.

3.PP to maintain 6 Mtr. distance between 390 KLD STP & domestic tanks.

4.PP to relocate flushing tank adjacent to 410 KLD STP proposed for building no.4 & 5.

5.PP to relocate domestic tanks of building no.2 & 3 in to the 1<sup>st</sup> basement such that top of the tanks is flush to the ground level.

6.PP to maintain adequate distance between Substation & STP.

7.PP to reduce discharge of treated water up to 35%. PP to submit undertaking from concerned authority/agency/third party regarding use of excess treated water.

**Recommendations of SEAC-**

In view of above discussion and subject to compliance of above points the proposal is recommended to SEIAA for grant of Environmental Clearance.

**Deliberation in SEIAA-**

Proposal is a new construction project. Proposal is recommended by SEAC-2 in its 193<sup>rd</sup> meeting for grant of Environment Clearance for total plot area of 26329.97 Sq. Mtrs., Total construction area of 135577.8 Sq. Mtrs. and FSI area of 79490.98 Sq. Mtrs.

SEIAA also asked PP to submit undertaking regarding the complying the SEAC conditions. PP submitted the same dated 28.02.2023.

During the meeting, SEIAA observed that, PP has obtained CFO NOC for building no 1 up to 62.75 m height and for building no 5 up to 27.45 m height only. SEIAA decided to restrict the EC as per CFO NOC.

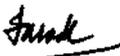
SEIAA further observed that, PP has not obtained HRC NOC. SEIAA decided to restrict the EC up to 120 m height.

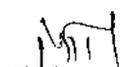
SEIAA also observed that, PP has obtained Civil Aviation NOC up to 122.787 m height only. SEIAA decided to restrict the EC as per Civil Aviation NOC.

SEIAA after deliberation decided to grant EC for – FSI – 79490.98 m<sup>2</sup>, Non FSI- 56086.82 m<sup>2</sup>, Total BUA- 135577.8 m<sup>2</sup>. (Plan approval No. CHE/CITY/1323/FN/337, dated-10.03.2017, CHE/CITY/1288/FN/337, dated-06.03.2017, CHE/CITY/1287/FN/337, dated-08.03.2017)

SEIAA after deliberation decided to grant Environment Clearance subject to compliance of following conditions-

1. This EC is restricted up to 120 m height as PP has not obtained HRC NOC. EC is further restricted up to 122.787 m height as per Civil Aviation NOC.
2. This EC is also restricted building no 1 up to 62.75 m height and for building no 5 up to 27.45 m height only as per CFO NOC.
3. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
4. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
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.

  
Member Secretary

  
Chairman

# 573

Minutes of 257<sup>th</sup> Day - 1 (Part C) meeting of SEIAA held on 02<sup>nd</sup> March, 2023.

6. SEIAA after deliberation decided to grant EC for – FSI – 79490.98 m2, Non FSI- 56086.82 m2, Total BUA- 135577.8 m2. (Plan approval No. CHE/CITY/1323/FN/337, dated- 10.03.2017, CHE/CITY/1288/FN/337, dated-06.03.2017, CHE/CITY/1287/FN/337, dated- 08.03.2017)

**SEIAA Decision-**

SEIAA after deliberation decided to grant Environment Clearance.

  
Member Secretary

  
Chairman